

MEMORANDUM
City Council Agenda Item

TO: Mayor Brennan and City Council

FROM: Alexander Jaegerman, Planning Division Director

DATE: July 24, 2014

DISTRIBUTION: (Mark Rees, City Manager, Mayor Brennan, Sonia Bean, Danielle West-Chuhta ,
Nancy English, Jennifer Thompson)

SUBJECT: First Amendment to Conditional Rezoning Agreement for 802 Ocean Avenue

SPONSOR: Portland Planning Board, Stuart O'Brien, Chair

COUNCIL MEETING DATE ACTION IS REQUESTED:

1st reading August 4, 2014 Final Action September 3, 2014

Can action be taken at a later date: Yes X No (If no why not?) Applicant seeks Council in hopes of bringing the project forward for development review. Public Notices will be sent for the public hearing

PRESENTATION: (List the presenter(s), type and length of presentation)

- Stuart O'Brien, Planning Board Chair, oral presentation on Planning Board recommendation, 5 minutes.
- Diane Doyle, Property Owner and Representative for Applicant, oral presentation regarding the proposal, 5 minutes.

I. SUMMARY OF ISSUE (Agenda Description)

The Ridge Development LLC is requesting the City Council's consideration and adoption of proposed amendments to a conditional zoning agreement for the property at 802-828 Ocean Avenue (formerly known as Graves Hill). The proposed amendments seek to adjust the boundary line between the R-5A and ROS zone while retaining the same amount of area in each zone, reduce the number of units from 98 to 96 in two mid-rise buildings, reduce the maximum building height from 100 feet to 75 feet, revise the parking numbers for a total of 204 spaces, and eliminate certain building amenities. Casco Heights is proposed with a mix of one, two and three-bedroom market rate units with top floor penthouses. Trail easements and other amenities are proposed as part of the project.

The Planning Board held a public hearing on the application on June 10th and tabled the item for further deliberation on July 8, 2014. The Planning Board did not find the proposed amendments to be consistent with the Comprehensive Plan nor the underlying R-5A zone. The Board does not recommend adoption of the proposed First Amendment to the Conditional Rezoning Agreement for 802 Ocean Avenue, as revised by the staff and Planning Board, to the City Council.

Diane Doyle, property owner and representative for Ridge Development, has requested that the proposed First Amendment to the agreement be forwarded to the City Council for consideration, as is the right of the applicant. She respectfully requests the opportunity to present the design concept and articulate the consistency of the proposal with the comprehensive plan at the public hearing.

II. REASON FOR SUBMISSION (Summary of Issue/Background)

The 2004 Conditional Zone Agreement allowed for a planned residential development of 98 residential condominium units in two mid-rise buildings with a maximum height of 100 feet. The agreement includes a condition that the site would be developed in general accordance with the site plan and architectural renderings prepared by the specific design professionals. The new owners have a revised concept for the site and a new design team. The revised plans modify the line between R-5A and ROS, while retaining the same quantity of land in each designation. The residential buildings are shorter in height with expanded building footprints and fewer amenities than in the initial proposal. Thus amendments to the conditional rezoning agreement are needed to accommodate the revised plans.

III. INTENDED RESULT

The applicant is seeking to build a project with 96 units of market rate housing on 10 acres of the site and conserve 8 acres of open space with easements for 3, 207 feet of public trails. The design intent is to minimize the impacts on the environmentally sensitive area, preserve natural site amenities, provide trail access to the public, minimize blasting, and provide buffers from existing residential areas. In general the proposed amendments substitute the developer name to Ridge Development LLC, reduce the number of units to 96 from 98, adjust the zone line between R-5a and ROS while retaining essentially the same quantity of land area in each zone, revise the parking ratio for a total of 204 space, and eliminate amenities, such as a cross-country ski locker room, a community room and a management office. The landscaped buffer between the development and the adjoining Ocean Ridge Condominiums is included in the agreement.

A significant amount of public comment was submitted with concerns regarding the proposed amendments and impacts. Based upon those comments, the Planning Board proposed additional conditions to the amended agreement to address the following: 1) requirement for a blasting plan to be part of the Planning Board review with an independent third-party seismologist conducting an evaluation for review and monitoring during construction, and an increase in the liability insurance binder from \$2m to \$4m; 2) establishes an expiration term for the agreement and a reversion clause to the original conditional agreement; and 3) seeks the greatest separation of access drive from Ridge Road as practicable. While the Planning Board is recommending against adoption of this proposed amendment to the conditional zone agreement, if the City Council were to approve it despite their negative recommendation, the Board's revised conditional zone agreement is the version that should be considered. Their version addresses the concerns noted above for all three issues, and the applicant is generally agreeable to them, except the additional insurance amount.

IV. COUNCIL GOAL ADDRESSED

Promote Housing Availability: Provide increased availability in all segments of the housing market while insuring that there is a suitable balance of housing opportunities among those sectors.

Advance Environmental Program: Advance an environmental program that safeguards our natural resources, promotes a healthy lifestyle and supports a sustainable economy.

V. FINANCIAL IMPACT

The project is a market rate development, which will support the City's tax base and provide public trails. There are not direct costs to the city.

VI. STAFF ANALYSIS

The applicant has provided two narratives in their submission that addresses compliance with the Comprehensive Plan and an analysis of compliance with the R-5a zone, refer to the Applicant's Submissions, Attachments F and G. The applicant has cited goals and policies in regarding housing and economic development, trail connections, appreciation of coastal heritage, need for higher residential density, housing options for all income levels, open space and recreation, environmental protection and

urban design. The R-5a zoning analysis provides the history, purpose, zoning comparison, and provisions of the conditional agreement. The future Land Use Plan in the Comprehensive Plan shows the the R-5A as a growth area and the ROS area is designated as rural or conservation zone.

In addition to the applicant's submission, the Planning Board cited the policies contained in Housing: Sustaining Portland's Future which address neighborhood compatibility. Policy #3 states, "Maintain and enhance the livability of Portland's neighborhoods as the City grows and evolves through careful land use regulations, design and public participation that respects neighborhood integrity." The accompanying objectives seek to maintain and enhance the livability of the neighborhoods; encourage innovative housing designed to be compatible with the scale, character and traditional development patterns; encourage new housing in proximity to neighborhood assets, such as open space, schools, community services, and public transportation; and maintain the integrity and economic value of Portland's neighborhoods.

VII. PLANNING BOARD RECOMMENDATION

At the June 10th public hearing, neighboring residents raised a number of concerns regarding the scale and compatibility of the project with the existing neighborhood. The Planning Board's discussion noted that the layout had improved since the workshop, but questions were raised pertaining to the scale and massing of the buildings given that the neighborhood had further developed since the original agreement was adopted in 2004. The Planning Board expressed concern regarding the mass of the buildings in both height and width and questioned the project's consistency with the comprehensive plan in terms of compatibility with the neighborhood. The item was tabled for further discussion to July 8, 2014.

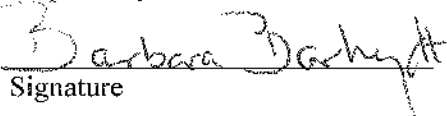
The Planning Board considered three motions regarding the proposed recommendation. The first motion was a finding that the proposed amendments are consistent with the Comprehensive Plan, which was supported by Chair O'Brien and Mr. Dundon and not supported by the four Board members (Boepple, Dean, Hall and Soley, with Morrisette, recused). The second motion was a finding that the proposed amendments are consistent with the underlying R-5A zone and again, the Chair voted affirmatively and the other five members voted against the motion with Morrisette recused. The third motion was to recommend the proposed First Amendment of the Conditional Rezoning Agreement for 802 Ocean Avenue, which was unanimously opposed by all six members with Morrisette recused.

Diane Doyle, as the representative for the applicant, has requested that the proposed amendments be brought forward to the City Council for consideration as is the right of the applicant. Ms. Doyle argues that the objectives for the development as stated in the 2004 agreement and contained in the current agreement, remain valid under the revised proposal and seeks to pursue this development.

VIII. LIST ATTACHMENTS

1. Planning Board report to City Council, dated July 23, 2014
2. Applicant's Submission and Plans
3. Public Comment Packet

Prepared by:


Signature


Date