

**Department of Permitting and Inspections**

Ann Machado, Zoning Administrator

June 23, 2016

Brigit Axton
Zoning Analysis Group
6209 NW 8th Street
Oklahoma City, OK 73127

Re: 802 Ocean Avenue, Portland, ME - CBL 411-A-007 & CBL 416-A-006, 007, & 021- R-5A Residential Zone & ROS Recreation and Open Space Zone – Proposed Portland Retirement Residence

Dear Ms. Axton:

I am in receipt of your request for a zoning determination regarding the above-captioned property (the "Property"). This letter will answer each of your questions in turn:

- The front part of the Property is located in the City's R-5A Residential Zone and the rear of the Property is located in the ROS Recreation and Open Space Zone.
- Under section 14-127(a)(7) of the City of Portland Code of Ordinances, "congregate care" facilities are permitted uses within the R-5A zone. Section 14-47 defines "Congregate care facility" as:

A residential development which provides individual living or dwelling units with support services which provide assistance to residents. Services to be provided shall include:

- (a) Transportation for essential support activities. This service shall be included in the base rent;
- (b) Provision of at least one (1) meal per day;
- (c) Programmed social activities which are facilitated by staff. This service shall be included in the base rent;
- (d) Provision of personal care services including, but not limited to, housekeeping, laundry, and minimal health monitoring; and
- (e) Installation of emergency call buttons or systems in each congregate care living unit.

The population of a congregate care facility shall consist of persons fifty-five (55) years of age or older and their spouses and/or disabled persons and their spouses.



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- With respect to parking, Section 14-332 of the City's Code requires one off-street parking space for every three residential units in congregate care facilities. This Property underwent Site Plan review and approval as a 150 unit congregate care facility. The Site Plan was approved, with conditions, by the Portland Planning Board on December 15 2015. A copy of the Planning Board's approval is attached for your information. Pursuant to the Site Plan approved by the Board, this Property will have 79 open parking spaces, 18 covered spaces, and 5 handicapped accessible spaces for a total of 102 spaces.
- You have inquired whether the Property is being developed as a Planned Unit Development. As outlined above, it is not. It has been approved as a congregate care facility.
- Properties abutting this Property are zoned R-5 and R-3 with some of the R-3 properties also located in the Flexible Housing Overlay Zone. The dimensional standards for these zones have no impact on the dimensional requirements for the Property.
- The Property was formerly the subject of a conditional zoning agreement originally approved in 2004. That conditional zoning agreement was rescinded by the Portland City Council on July 20, 2015 in Order 15-15/16. A copy of that Order is attached. Also on July 20, 2015, the City Council approved the rezoning of the Property to R-5A and ROS, as noted above. A copy of that Order, number 14-15/16 is attached. There are no other variances, conditional use approvals or special use permits of record.
- As noted above, this Property received site plan approval on December 15, 2015. In addition to the Planning Board's approval, please find a copy of the approved site plan.
- A record search does not reveal any current or outstanding zoning, and/or building code violations or complaints on the Property.
- The proposed project presently meets the current zoning standards (such as height, use, setbacks, parking, etc.), therefore it is not considered legally nonconforming.
- Building Permit # 2016- 00320 was issued on June 22, 2016 to start construction on the project. When all the construction and site plan work has been completed and inspected a certificate of occupancy will be issued.

I trust this letter sufficiently answers your questions. If, however, you have any further questions, please do not hesitate to contact me at (207) 874-8709.

Portland, Maine



Yes. Life's good here.

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Very truly yours,

A handwritten signature in black ink, appearing to read "Ann B. Machado".

Ann B. Machado
Zoning Administrator
Permitting and Inspections Department
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