Munjoy Hill Planning Board Workshop

April 10, 2018

http://www.tinyurl.com/MunjoyHill
Overview

• **Moratorium** on Demolitions and Development
• **R-6 Audit** Recap (recent construction activity, factors influencing new development, design trends)
• **IPOD** Overview – Need/Timing/Contents
• Timeline & Workplan
• Short interactive Workshop
• Listening to Attendees
Moratorium

- **Concerns:** immoderate number of demolitions on Munjoy Hill & compatibility of new construction
- **Components:** 180 day demo moratorium and 65 day application moratorium from 12/4/2017
- **Exemptions:** Applications submitted prior to 12/4, prior approvals, safety hazards
R-6 Audit

Quantitative Assessment
- New housing totals
- Housing by residential type
- Affordable housing
- Demolitions
- Off-street parking
- Density
- Height
- Lot Coverage

Factors Influencing New Design
- Building Code and Life Safety
- Car Ownership and Parking
- Materials and Technology
- Current Real Estate Market

Audit Findings Example

<table>
<thead>
<tr>
<th></th>
<th>Total Projects Munjov Hill</th>
<th>Total Projects All Other R-6</th>
<th>Total Projects</th>
<th>Total Units Proposed</th>
<th>Net Total Units</th>
</tr>
</thead>
<tbody>
<tr>
<td>Single-Family</td>
<td>5</td>
<td>0</td>
<td>5</td>
<td>5</td>
<td>-1</td>
</tr>
<tr>
<td>Two-Family</td>
<td>3</td>
<td>0</td>
<td>3</td>
<td>6</td>
<td>3</td>
</tr>
<tr>
<td>Multi-Family (3)</td>
<td>1</td>
<td>1</td>
<td>2</td>
<td>6</td>
<td>4</td>
</tr>
<tr>
<td>Multi-Family (4-10)</td>
<td>6</td>
<td>2</td>
<td>8</td>
<td>52</td>
<td>41</td>
</tr>
<tr>
<td>Multi-Family (10+)</td>
<td>0</td>
<td>2</td>
<td>2</td>
<td>48</td>
<td>46</td>
</tr>
<tr>
<td><strong>Totals</strong></td>
<td><strong>15</strong></td>
<td><strong>5</strong></td>
<td><strong>20</strong></td>
<td><strong>117</strong></td>
<td><strong>93</strong></td>
</tr>
</tbody>
</table>
R-6 Design Trends

104 North Street (2012)

29 Waterville Street (2010)

71 Quebec Street (2014)

88 Walnut Street (2014)
R-6 Design Trends

Adams School Development (2012)

33 and 35 Lafayette Street (2009/2013)

36 Clark Street (2005)

Monument Street (2014)
R-6 Design Trends

5 Merrill Street (2016)

40 Quebec Street (2015)

30 Merrill Street (2017)

34 Howard Street (2016)
IPOD Overview

The moratorium stated that in the first 65 days the Department of Planning and Urban Development had to develop an interim ordinance to govern development in the R-6 on Munjoy Hill for the remainder of the moratorium.

The substance of the IPOD is based on the findings of the R-6 audit and feedback, falling into the following categories:

1. Massing
2. Contextual Design
3. Parking Placement

Concern about the concentration and rate of demolitions is addressed by the moratorium.
IPOD Overview

- A common tool used where existing codes are being evaluated but final recommendations are not complete. Other examples include Pittsburgh, Brookline, and San Francisco.

- To be quickly implemented as a temporary regulatory framework to address sensitive issues. Allows for some development activity to proceed while final recommendations are being created.

- The substance of the IPOD falls into 2 categories: Dimensional Standards and Design Standards, and both are intended to produce new structures that show greater contextual sensitivity to the surrounding neighborhood in overall scale, mass, and character.

- The IPOD is in effect until June 4, 2018th. It provides additional standards for development - all other standards remain in effect.
## IPOD Dimensional Standards

<table>
<thead>
<tr>
<th></th>
<th>Existing</th>
<th>IPOD</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Height Maximum</strong></td>
<td>45’</td>
<td>35’; 45’for developments of 3 units or more on a lot over 2000 sf.</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Rooftop appurtenances other than chimneys shall not exceed permitted heights.</td>
</tr>
<tr>
<td><strong>Side Yard Setback Minimum</strong></td>
<td>5 ft, except that a side yard in the R-6 zone may be reduced to zero, provided that the cumulative side yard setbacks are not less than 10 ft.</td>
<td>Buildings of height up to 35’: As per the underlying zoning</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Buildings of 35’ or more: 10’ except that one side may be reduced to 5’ if the other sides in sum are increased by the same amount.</td>
</tr>
<tr>
<td><strong>Structure Stepbacks</strong></td>
<td>Portions of a structure above 35 ft shall be no closer than 10 ft from the side property line and no closer than 15 feet from the rear property line when such property line abuts a residential zone. Does not apply to side yards on side streets.</td>
<td>Stepback requirements in the underlying zoning shall not apply to side yards.</td>
</tr>
<tr>
<td><strong>Side Yard Setback on a Side Street Minimum</strong></td>
<td>None</td>
<td>5’; or the depth of the immediately abutting street-facing yard, whichever is greater.</td>
</tr>
<tr>
<td><strong>Rear Yard Setback Minimum</strong></td>
<td>10 feet, except that accessory structures with a ground coverage of one hundred and forty-four (144) square feet or less: Five (5) feet.</td>
<td>As measured from a building: 20% of the maximum depth of a lot but no less than 10’.</td>
</tr>
<tr>
<td></td>
<td></td>
<td>As measured from rear decks, porches, or similar unenclosed space: 7.5’</td>
</tr>
<tr>
<td></td>
<td></td>
<td>As measured from accessory structures with a ground coverage of 144 square feet or less: 5’</td>
</tr>
</tbody>
</table>
IPOD Incorporation of Graphics

Min. setback
x = 5’
or
x = y
whichever is less

14 - 140.5 b. Minimum Side Yard on a side street

NTS
IPOD Design Standards

- No Use of *Alternative Design Review*
- Traditional Roof Forms
- First floor active living space
- Parking placement requirements – to rear of building
- Rooftop appurtenances – integrated or screened
- Building materials – quality and scale
IPOD- What it Does Not Do

- It does not return to pre-2015 zoning
- It does not limit density below current levels
- It does not change parking requirements
- It is not an historic district
- It does not prohibit building materials or modern design
- It does not address affordability (nor do the existing zoning, historic districts, or downzoning)
### IPOD v. Current Zoning v. Pre-2015

<table>
<thead>
<tr>
<th></th>
<th>Previous</th>
<th>Current</th>
<th>IPOD</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Minimum Lot Size</strong></td>
<td>4,500 sf</td>
<td>2,000 sf.</td>
<td>2,000 sf.</td>
</tr>
<tr>
<td><strong>Min. Lot Area/Dwelling Unit</strong></td>
<td>1,000-1,200 sf.</td>
<td>725 s.f.</td>
<td>725 s.f.</td>
</tr>
<tr>
<td><strong>Street Frontage</strong></td>
<td>40 feet</td>
<td>20 feet</td>
<td>20 feet</td>
</tr>
<tr>
<td><strong>Minimum Front Yard Setback</strong></td>
<td>10 ft.*</td>
<td>5 ft.*</td>
<td>5 ft.*</td>
</tr>
<tr>
<td><strong>Minimum Rear Yard Setback</strong></td>
<td>20 feet</td>
<td>10 feet</td>
<td>10 feet</td>
</tr>
<tr>
<td><strong>Minimum Side Yard Setback</strong></td>
<td>10-15 ft.</td>
<td>5 ft.**</td>
<td>5-10 ft.**</td>
</tr>
<tr>
<td><strong>Side Yard on Side Street</strong></td>
<td>10 feet</td>
<td>None</td>
<td>5 feet</td>
</tr>
<tr>
<td><strong>Structure Stepbacks</strong></td>
<td>No</td>
<td>Yes</td>
<td>No</td>
</tr>
<tr>
<td><strong>Maximum Lot Coverage</strong></td>
<td>40-50%</td>
<td>60%</td>
<td>60%</td>
</tr>
<tr>
<td><strong>Minimum Lot Width</strong></td>
<td>50 feet</td>
<td>20 feet</td>
<td>20 feet</td>
</tr>
<tr>
<td><strong>Maximum Height</strong></td>
<td>45 feet</td>
<td>45 ft</td>
<td>45 ft if &gt;3 units; or 35 ft</td>
</tr>
</tbody>
</table>

*: Or the average depth of front yards on either side.

**: May reduce one side if you increase other side.
Local Historic Districts

• Protect a neighborhood’s historic buildings from demolition. “Noncontributing” buildings may be demolished as-of-right.

• Ensure that alterations and additions to historic properties do not destroy or diminish their historic character

• Ensure that new infill development is compatible with the visual characteristics of its context. Contemporary design is not discouraged in historic districts.

• Provide owners of income-producing properties access to federal and state historic preservation tax credits
Portland’s HP Review Process

• Activities requiring review: demolition of landmark and “contributing” structures, exterior alterations and additions that are visible from a public way, and new construction

• Minor or routine projects are reviewed at staff level. In 2017, 70% of all applications were reviewed and approved by staff.

• Major or precedent-setting projects are reviewed by Historic Preservation Board

• Portland’s HP ordinance has been in place since 1990. Currently, there are 11 historic districts in Portland.
Neighborhood Conservation Districts

- Generally located in residential neighborhoods with a distinct physical character.

- A conservation district’s regulations can be tailored to address specific development concerns in a neighborhood.

- Conservation district programs tend to focus more on preserving general community character than preserving historic fabric.

- Creation of a conservation district would require a new ordinance and creation of a new review process.
TIMELINE & WORK PLAN

DECEMBER  JANUARY  FEBRUARY  MARCH  APRIL  MAY  JUNE

MORATORIUM ON SITE PLANS
(65 DAYS FROM 12/4/17)

MORATORIUM ON DEMOLITIONS
(SIX MONTHS FROM 12/4/17)

CURRENT ZONING

INTERIM PLANNING
OVERLAY DISTRICT

Listening Session #1

Listening Session #2

ANY PERMANENT
CHANGES (JUNE 2018)
Staff Recommendations: Data Collected To Date

- Planning Intern Collected Data on Existing Building Stock on Munjoy Hill
- Review of Comprehensive Plan goals
- Reviewed of changes to design brought about by IPOD language
- Study of historic fabric on Munjoy Hill and assessed integrity and condition
- Evaluation of national best practices in similar environments
Staff Recommendations: Existing Building Stock

DRAFT Findings

- 719 distinct parcels
- Average front setback 5 feet
- Average rear setback 10 feet
- Average side setbacks 10 feet
- Median side setbacks 7 feet (L), 5 feet (R)
- Median total side setbacks 16 feet
- Average total side setbacks 20 feet
- Average parking 1.5 space
- Median parking 1 space (avg 1.5)
- Median tandem parking 3 spaces
- Average height 2.4 stories
- Average building width 30 feet
Staff Recommendations: Existing Building Stock DRAFT Findings
Staff Recommendations: Existing Building Stock DRAFT Findings
Staff Recommendations: Existing Building Stock
DRAFT Findings

MEDIAN FRONT SETBACK

AVERAGE BUILDING HEIGHT - STORIES
Staff Recommendations: Comprehensive Plan

• “Ensure an appropriate balance of continuity and change as Portland grows and evolves”

• “Stabilize and enhance historic areas of the city by ensuring quality investment in existing structures and compatible infill development.”

• “Increase, preserve, and modify the overall supply of housing city-wide to meet the needs, preferences and financial capabilities of all Portland residents.”

• “Encourage quality, sustainable design in new housing development.”

• “Encourage additional contextually appropriate housing density in and proximate to neighborhood centers, concentrations of services, and transit nodes and corridors as a means of supporting complete neighborhoods.”
Staff Recommendations: Comprehensive Plan “Density by Design”

DENSITY BY DESIGN

Density is a numerical measure of the number of people or buildings per acre of land. Because it is so often used to illustrate levels of crowding, density has often acquired a negative connotation. However, this connotation fails to take into account the positive contribution that well-designed, dense developments can make to quality of life. High density areas can provide numerous advantages over low density alternatives — they can be more environmentally friendly, they can promote transit use, and they can benefit the health of a community by providing customers for local businesses and opportunities for social interaction.

Portland has a number of neighborhoods that offer traditional urban densities — Munjoy Hill, the West End, Parkside, Deering Center, for example — and these neighborhoods are largely successful. Residents can access stores, schools, dining, and entertainment within walking distance of their homes. By foot or bike, they can easily reach transit, trails, and recreational opportunities. These characteristics are largely possible because of their density. Well-designed density is integral to healthy, walkable city neighborhoods.
Staff Recommendations: How is the IPOD influencing design?

- Staff is reviewing a few proposals
- Not showing specific plans for confidentiality
- Parking is recessed and more use of tandem spaces
- One project is considering reducing from 3 to 2 units, but because of an interest in providing 5 off street parking spaces
- Other projects retaining existing unit counts
Staff Recommendations: Historic Fabric

- Greater Portland Landmarks has updated a 2002 City commissioned survey of buildings on Munjoy Hill
- Staff is currently reviewing those findings
- Clearly areas of historic fabric remain
- A number of “non-contributing” buildings in the mix
- Some “landmark” quality buildings as well
Staff Recommendations: National Practices

- When in doubt, use a process or tool that has been successfully tested elsewhere.
- For example, we have used successful ordinance language in drafting changes to City affordable housing requirements and incentives.
- Similarly, we looked at other working waterfronts in developing changes to zoning on the Western Waterfront by the International Marine Terminal.
- In all cases, these examples need to be tailored to the specific situation in Portland.
Staff Recommendations: Three Elements

1. **Munjoy Hill Neighborhood Conservation Overlay District**: Based on IPOD and additional demolition controls

2. **Revised Design Standards**: Base standards to be rightsized to reduce need for “alternative design review.” Alternative Design Review to be potentially reintroduced with additional review and standards

3. **Consideration of Some Historic Designation**: Much of the Hill does not meet the requirements for designation in terms of maintaining integrity, but there are parts that do.
Staff Recommendations:
Munjoy Hill Neighborhood Conservation Overlay District

- Start with IPOD language
- Add flexibility for green design and affordable housing development
- Matching side setbacks to neighborhood when possible
- Add language regarding demolitions
- Address current language in zoning that discourages additions on existing nonconforming buildings
- Add some flexibility for smaller lots & preexisting nonconformities
<table>
<thead>
<tr>
<th></th>
<th>Base R-6</th>
<th>IPOD</th>
<th>Proposed</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Height Maximum</strong></td>
<td>45' for developments of 3 units or more on lots over 2000 sf.</td>
<td>35’; 45’ for developments of 3 units or more on lots over 2000 sf., or for developments that include at least one workforce housing unit</td>
<td>35’; 45’ for developments of 3 units or more on lots over 2000 sf., or for developments that include at least one workforce housing unit</td>
</tr>
<tr>
<td><strong>Side Yard Setback Minimum</strong></td>
<td>5’, except that a side yard in the R-6 zone may be reduced to zero, provided the cumulative side yard setbacks are not less than 10’.</td>
<td>Buildings of height up to 35’: As per the underlying zoning.</td>
<td>Buildings of height up to 35’: As per the underlying zoning.</td>
</tr>
<tr>
<td><strong>Structure Stepbacks</strong></td>
<td>Portions of a structure above 35’ shall be no closer than 10’ from the side property line and no closer than 15’ from the rear property line when such property line abuts a residential zone.</td>
<td>Stepback requirements in the underlying zoning shall not apply to side yards.</td>
<td>Stepback requirements in the underlying zoning shall not apply to side yards.</td>
</tr>
<tr>
<td><strong>Side Yard Setback on a Side Street Minimum</strong></td>
<td>None</td>
<td>5’; or the minimum depth of the immediately abutting street-facing yard, whichever is less.</td>
<td>5’; or the minimum depth of the immediately abutting street-facing yard, whichever is less. The total setback on both sides must be no less than 15’.</td>
</tr>
<tr>
<td><strong>Rear Yard Seback Minimum</strong></td>
<td>10’, except that accessory structures with a ground coverage of 144 sf or less: 5’.</td>
<td>As measured from a building: 20% of the maximum depth of a lot but no less than 10’.</td>
<td>As measured from a building: 20% of the maximum depth of a lot but no less than 10’.</td>
</tr>
<tr>
<td></td>
<td>As measured from rear decks, porches, or similar unenclosed space: 7.5’</td>
<td>As measured from rear decks, porches, or similar unenclosed space: 7.5’</td>
<td>As measured from rear decks, porches, or similar unenclosed space: 7.5’</td>
</tr>
<tr>
<td></td>
<td>As measured from accessory structures with a ground coverage of 144 square feet or less: 5’</td>
<td>As measured from accessory structures with a ground coverage of 144 square feet or less: 5’</td>
<td>As measured from accessory structures with a ground coverage of 144 square feet or less: 5’</td>
</tr>
</tbody>
</table>
Demolition Review: What is it?

- Local ordinance allowing City to “hit the pause button” on a building’s demolition if the building meets certain standards
- Usual delay is between 2 months and 18 months. However, recent research suggests that delays of too short a period do not accomplish their public policy goals, recommends 12-18 months
- Goal is to allow for time for alternatives to demolition to be explored and potentially advanced
- City can lift the delay if a mutually agreeable solution is developed
- While landmark designation is a possible outcome, most often that is not the result
- Good resources here:

Staff Recommendations: Revised Design Standards

• Existing design standards are solid but in some cases too prescriptive

• Combination of that specificity and the existence of “alternative design review” (ADR) as a right results in most projects choosing ADR

• ADR process allows projects to only meet a subset of the standards, without much discretion about whether that subset makes sense

• Staff proposes revising the design standards and reintroducing limited Alternative Design Review to produce desired results
Staff Recommendations: Alternative Design Review

• Return but clarified as a *privilege* that the City has ultimate authority not to grant

• Rather than the current “buffet” style, the applicant has more guidance about what standards could be waived and which could not; may have incentives based on affordability and/or alternative energy use

• Review of alternative design review requests is directed to the Historic Preservation Board
Staff Recommendations: Potential Local Historic Districts

Areas for further review as potential Local Historic Districts in blue: North Street and Eastern Promenade

Worthy buildings outside of these areas would be brought forward for individual designation

As always, significant support from property owners in potential districts would be important
Process & Next Steps

- Proposals for Zoning Changes—
  - Planning Board April 2018
  - City Council late May
  - Moratorium expires June 5, 2018

- Proposals for Design Standard Changes—
  - Planning Board July-September 2018

- Proposals for Local Historic Districts—
  - City Council for support of concept May 2018
  - District Report Preparation Summer 2018
  - Designation Process to HP Board & Planning Board Summer-Fall 2018
  - City Council vote late Fall 2018
  - Interim controls would govern until decision made