



Memorandum Planning and Urban Development Department Planning Division

To: Chair Boepple and Members of the Portland Planning Board

From: Jean Fraser, Planner

Date: January 5th, 2018

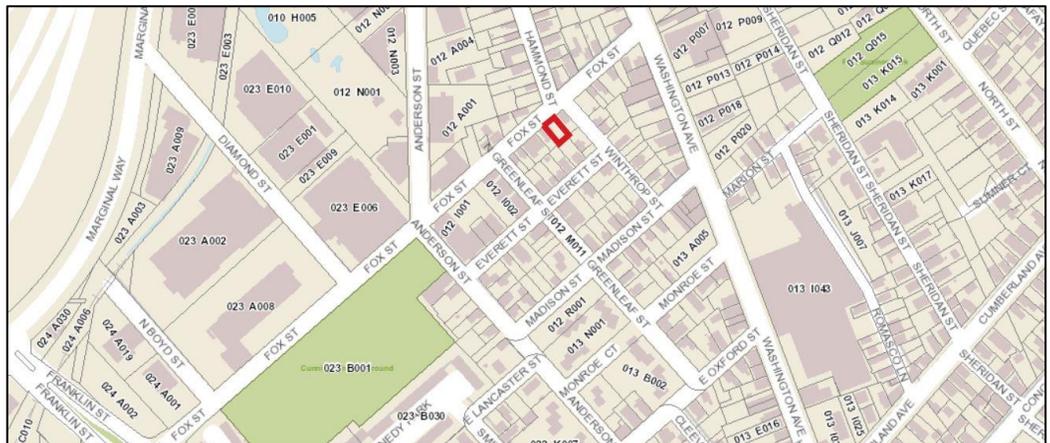
Re: Level III Subdivision and Site Plan:
New three-unit residential condominium (4-stories)
 30 Fox Street
 Dyer Neck Development, LLC, Applicant
 Project # 2017-227 CBL:

Meeting Date: January 9th, 2018

I. INTRODUCTION

Bild Architecture, on behalf of Dyer Neck Development, LLC, is requesting the Planning Board to consider a Level III Subdivision and Site Plan application for a new three-unit residential building on a vacant site at 30 Fox Street, near the corner of Fox and Winthrop Streets in the R-6 zone.

The proposed building is 4 stories in height with a footprint of 1,104 sq ft and total floor area of 4,297 sq ft. The building will comprise three 2-bed apartments, with decks, over a covered parking area for 3 cars.



A total of 167 notices were sent to property owners within 500 feet of

the site and interested parties, and a legal ad was published in the *Portland Press Herald* on January 1st and 2nd, 2018. The project is not required to hold a Neighborhood Meeting although the applicant was encouraged to hold a voluntary neighborhood meeting. Written comments from both of the side abutting property owners have been received raising questions and concerns about the proposals (PC1, PC2 and PC3).

Applicant: Dyer Neck Development, LLC (Simon Norwalk)

Consultants: Bild Architecture (Evan Carroll); Plymouth Engineering (Jon Whitten); Surveyor; Owen Haskell, Inc

Required Reviews and Waivers:

<i>Review</i>	<i>Applicable Standards</i>
Subdivision: Construction of new building with 3 residential dwelling units	<i>Section 14-497</i> for the creation of 3 units.
Site Plan: Multifamily development	<i>Section 14-526</i> for the proposed multifamily residential development.

<i>Waiver Requests to Planning Board</i>	<i>Applicable Standards</i>
<i>Parking Drive Aisle and parking space dimensions:</i> Waiver requested for all parking spaces be compact and for a parking drive aisle that is less than required under the Technical Standards.	Technical Standard 1.14 <i>Parking Lot and Parking Space Design</i> which does not allow any compact spaces where the parking provision is less than 10 spaces. This waiver is still under review as the ability of the vehicles to leave the site going forward has been an over-riding consideration.

II. PROJECT DATA

<i>SUBJECT</i>	<i>DATA</i>		
Existing Zoning	R-6		
Existing Use	Vacant		
Proposed Use	Residential (3 condominium units)		
Residential mix	3 two BR		
Parcel Size	2,394 sq ft		
	<i>Existing</i>	<i>Proposed</i>	<i>Net Change</i>
Impervious Surface Area	323 sq ft	1254 sq ft	931 sq ft
Building Footprint	0	1,104 sq ft	1,104 sq ft
Building Floor Area	0	4,297 sq ft	4,297 sq ft
Parking Spaces	0	3 compact (none required)	
Bicycle Parking Spaces	0	1 (2 are required)	
Estimated Cost of Project	\$750,000		

III. EXISTING CONDITIONS

The site totals 2394 sq ft with a 38 foot frontage onto Fox Street. This lot and the lot to the west (with a single family home on a legally non-conforming lot) were both owned by the applicant. The applicant created a curb cut for the vacant lot and sold the lot with the home. To the east is a recently constructed single family home and to the south are the rear yards of similar residential properties. There are sections of existing fence along the boundaries.



Looking west on Fox; site to right behind small house



The site

There is an existing street tree in the ROW frontage and street parking is allowed on that side of Fox Street.

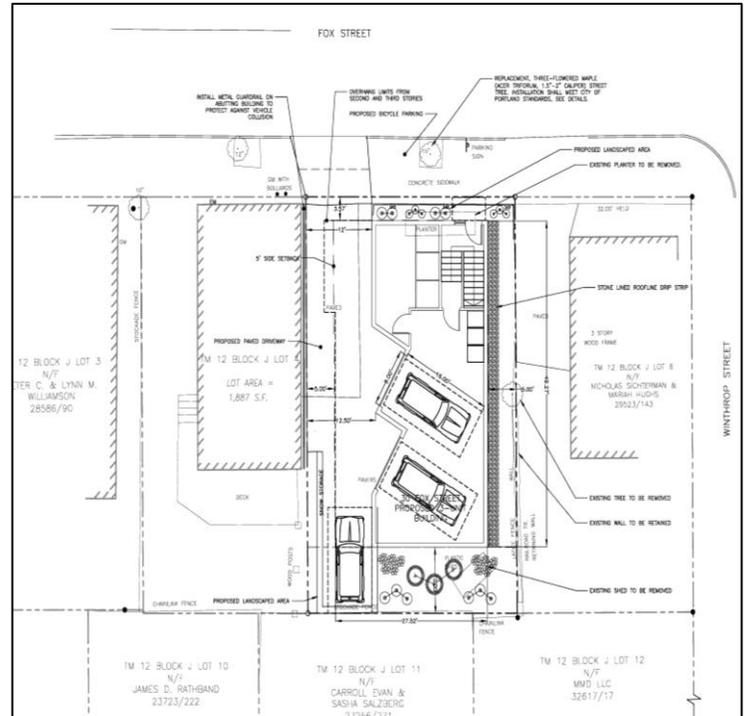
IV. PROPOSED DEVELOPMENT

The proposal is for a 4 story building located on the site with 5 feet setback on both sides. The building would accommodate three residential condo units, 1 on the second floor and then 2 two-story condos above with internal staircases. The upper units have decks on all sides of the top floor; the lower unit has a small deck.

The ground floor (see plan below) is accessed by a drive that is partly under the cantilevered building. The proposal would involve the removal of the callery pear street tree; the plans show some site landscaping and one new street tree.



The main entrance is from a front door onto Fox Street, which leads into a stair lobby that is also accessible from the parking spaces.



V. ZONING ASSESSMENT

The site is within the R-6 zone and the applicant has revised the original proposals so that it meets all of the dimensional standards of the R-6 zone. On the east side the building is cantilevered over the drive access so that the upper part of the building is 1.5 feet into the 5 foot setback area and it is very close to the abutting house. This is allowed under 14-525 which has been interpreted in this way in the past. A setback at 35 feet is required under the R-6 zoning where a building is located within 10 feet of the side boundary and 15 feet of the rear boundary, and the building has been stepped back to meet this requirement.

The inclusion of the internal staircases in the two upper units and the upper level “wrap” deck avoids the need for a stair tower.

Division 20 of the land use ordinance provides an exception for the off-street parking requirement for the first three units in the R-6 zone and a 1:1 requirement thereafter. The proposal for 3 units would not require parking spaces on site; the applicant has chosen to provide 3 compact parking spaces in the lower level which are dependent on waivers for the size of the spaces and width of the parking aisle.

The neighbor to the east (PC1) asked whether any zoning variances had been given to allow for this lot to be sold at a larger (conforming) lot size while the lot that previously was in the applicants ownership remains legally non-conforming. Staff consulted the Zoning Administrator who researched the deeds and determined that these lots had historically been separate lots and therefore under 14-430 the vacant lot could be developed as a lot of record.

VI. STAFF REIVEWS

A. SUBDIVISION REVIEW (14-497(a). Review Criteria)

The applicant will need to submit a draft Subdivision Plat and Condominium Documents as part of the final submissions.

Sanitary Sewer/Stormwater Disposal

The applicant has submitted a Stormwater Plan (Attachment H) and confirmed they would address the Peer

Engineer, Lauren Swett, comments in Attachment 2 as part of the final submissions (Attachment R). The applicant has not received the wastewater capacity letter.

B. SITE PLAN REVIEW

The proposed development generally meets the site plan standards except as noted below:

1. Transportation Standards

Access and Circulation

The layout of the proposed angled compact parking under the building was reviewed in detail by the City's Traffic Engineering reviewer, Tom Errico and Keith Gray, Senior Engineer at DPW. In addition to concerns regarding the provision of all-compact spaces and the limited maneuvering area for parking, the reviewers were concerned about the safety of vehicles backing out onto Fox Street (Attachments 4 and 5).

Mr Errico has confirmed that staff recommend that vehicles should not back out of this site due to a combination of circumstances that affect safety (Att. 5):

As noted in Keith Gray's project review comments, City staff does not support the backing of vehicles from the proposed site based upon conditions on Fox Street and the impact vehicle maneuvers may have on safety. The following information/data was considered in rendering this decision.

- *City of Portland Code of Ordinances Sec. 28-176 Traffic and Motor Vehicles Chapter 28 Rev.6-17-10*

- *Sec. 28-178. Backing limited.*

The driver of a vehicle shall not back the same into an intersection or over a crosswalk and shall not in any event or at any place back a vehicle unless such movement can be made in safety. (Ord. No. 183-97, 1-22-97)

- *Traffic Volumes – Fox Street in the vicinity of the project carries approximately 6,000 vehicles per day and is a busy street providing an important east-west roadway connection.*

- *Functional Classification - In simplistic terms, "functional classification" reflects a highway's balance between providing land access versus mobility. Functional classification is the process by which public streets and highways are grouped into classes according to the character of service they are intended to provide. Generally, highways fall into one of four broad categories: principal arterials, minor arterials, collector roads, and local roads. **Arterials** provide longer through travel between major trip generators (larger cities, recreational areas, etc.); **collector roads** collect traffic from the local roads and also connect smaller cities and towns with each other and to the arterials; and **local roads** provide access to private property or low volume public facilities.*

Fox Street is currently classified as a Local Street, but given recent and on-going changes to the area, the City anticipates Fox Street being re-classified as a Collector Street in the future. This is primarily related to limited east-west streets across the Peninsula and the future extension of Somerset Street to Forest Avenue. Additionally, Bayside area growth and general background growth is expected to increase traffic volumes on Fox Street. Given this likely higher classification, access management becomes an important consideration.

- *Sight Distance* – Sight distance is limited from the driveway due to adjacent buildings and on-street parking conditions. These sight limitations will complicate maneuvers and impact safety. At this time the City does not support the removal of on-street parking spaces given parking needs in the neighborhood.
- *Roadway Geometry* – The proposed driveway is on a steep grade and this condition complicates deceleration characteristics for motorists. This will likely contribute to safety problems. The downgrade likely creates higher vehicle speeds and winter conditions may impact stopping/slowing conditions.
- *Site Layout Constraints* – The proposed site is very constrained and vehicle maneuvering entering and exiting the site will be challenging, particularly for larger sized vehicles. Vehicles backing will need to maneuver in a tight space (snow storage may further limit maneuvering) and will need to consider the adjacent building, pedestrians on the sidewalk, parked vehicles, sight limitations, etc.

The owners of the abutting house (on the property line) have also raised concern about the location and layout of the parking area and potential impacts on their property (PC2).

Parking

- Vehicle: The ordinance requirement for vehicle parking is one off-street space per unit, and in the R-6 zone parking for the first 3 units is not required. Three compact spaces are being provided, which exceed the zoning requirements.
- Bicycle: The ordinance requirement is 2 spaces; the applicants have proposed one space.

Construction Management Plan

The applicant has submitted a Construction Management Plan narrative and plan (Plan P4). Staff reviewers have provided a number of comments (Attachments 4) and the final CMP should address these comments.

2. Environmental Quality Standards

Landscaping and Landscape Preservation

The proposals include landscaping in the rear yard area and along the front, but not on the sides. On the east side a guardrail is proposed to protect the existing house from the parking area. To the west there is the drip edge but no other proposed treatment. The proposals have been reviewed by the City Arborist Jeff Tarling, and he has raised concerns about the boundary treatment (Attachment 7).

Street Trees

The proposals would remove the existing street tree (20 year old pear tree) and replace it with a maple street tree. The City Arborist is supportive of this proposal (Attachment 6) although the uphill neighbor has indicated a concern about its loss (PC1). A total of three street trees are required for this project, and the applicant has indicated they would make a contribution in lieu for the other 2 required trees (Attachment R).

2. Public Infrastructure and Community Safety Standards

Consistency with Related Master Plans

The site fronts on an existing concrete sidewalk that will be largely taken up by utility connection work. The City's Sidewalk Policy requires a brick sidewalk at this location and the final plans should be revised to meet the City standard.

Public Safety and Fire Prevention

The Fire Department has reviewed the proposals in terms of the impact on life safety access to the upper floors of the abutting house that is on the property boundary and 5 feet away from the footprint. The existing house does not have any windows facing the site other than bathrooms and therefore there is no concern from this viewpoint (Attachment 1).

Availability and Capacity of Public Utilities

The capacity letter from DPW is awaited. The DPW and Peer Engineer reviewers have raised a number of detailed points regarding the utilities and these comments would need to be addressed as part of the final submissions (Attachments 4 and 5).

4. Site Design Standards

Exterior Lighting

The applicant has submitted the lighting specifications but not the photometrics to assess whether these would meet the Technical Standards; this should be included in the submissions for the final review.

Noise and Vibration

The applicant has shown compressors on the back wall and these should be enclosed.

Zoning-Related Design Standards

R-6 Infill Development Design Principles and Standards

The applicant has submitted a narrative outlining how the proposed design addresses the R-6 design standards (Attachment L). Staff have reviewed the proposed design and provided detailed comments in Attachment 3 and below.

Design Review Comments (*red text denotes principles or standards that are not met*):

Principle A Overall Context

- *A-1 Scale and Form:* The building type proposed is similar to a triple-decker with an additional mass on the 4th floor. Triple-deckers can be found in the surrounding context, however, the scale and form of those buildings are usually very simple with a single roof form and three stories. Additionally, this building shares a streetscape with mostly 1.5 and 2-story single-family homes. The project emphasizes the third story, vertical proportion massing, and recessed 4th floor

- there are a couple of aspects related to scale and form in this context that cause concern. First, the overall scale of the building, though meeting the zoning requirements, appears to dominate over the downhill, neighboring 1.5 story home. Suggestions to mitigate these scale impacts:
 - o shift the building all the way to the



- property line to create more space between the buildings;
 - flip the slope of the 4th floor roof so that it slopes downward towards the smaller building – the current roofline emphasizes and exaggerates the height.
 - Reduce the overall width of the building, especially reducing the amount of cantilever, to provide more space between the two buildings and make the façade more similar in proportion to those in the context.
 - The fourth floor material palette could be lighter in color – this would emphasize the third floor mass/roofline, and mitigate the visual impact of the 4th floor.
- - *A-2 Composition of Principal Facades:* The composition of the street-facing facades is consistent with context in terms of using symmetrical bays (two or three bays) that are oriented to the street. The rhythm, size, and proportion of windows is a contemporary exaggeration of the traditional design.
- *A-3 Relationship to the Street:* The building placement is consistent with the spacing of the residential fabric – slightly setback from sidewalk to allow for stoops and provide privacy. **The project would become more contextual if the building were shifted all the way to the property line, repeating the pattern of building/drive/building/drive and creating the necessary open space buffer between buildings as a reprieve from the scale.**

Principle B Massing – Partially Met – There are a limited number of buildings in the neighborhood with similar massing and proportion (triple deckers). Predominantly there are front-end gable, single family homes surrounding this site with 1.5, 2, and 2.5 stories in height. The primary mass is the three-story, vertical proportioned portion of the building with the fourth floor being slightly recessive in footprint and side setback. **There is concern about the perceived mass from the downhill view and in relationship to the smaller existing buildings.**

- *B-1 Massing:* The principal mass is reminiscent of a triple-decker found in the context. **There is some concern about the prominence of the fourth story, especially as viewed from downhill and in relationship with the 1.5 and 2-story houses in the same streetscape. The pitch of the roof contributes to the perceived height and scale of this top story mass. This mass should be made more recessive – see comments in Section A.**
- *B-2 Roof Forms:* Flat and front-end gable roofs are those found in the context. The three-story mass has a flat roof and is contextual. **The fourth floor has a non-contextual monopitch roof. Staff feel more could be done to make the 4th floor roof recessive.**
- *B-3 Main Roofs and Subsidiary Roofs:* Staff consider the flat roof of the third story to be the primary roof form from the street. However, the fourth floor roof is very prominent from the downhill approach and contributes to the perceived scale of the overall building. **Therefore, the distinction between primary and subsidiary roof forms is not clear as required by the standard - see comments in Section A.**
- *B-4 Roof Pitch:* The roofs are monopitch/ flat roofs.
- *B-5 Façade Articulation:* The project employs two of the required articulation elements – balcony, covered entry.
- *B-6 Garages:* The garage doors do not face the street and have living space above.

Principle C Orientation to the Street – Partially Met – The project is oriented to the street with a street-facing door. **Staff request that window(s) be added to the ground floor of the front façade to increase the building engagement with the street.**

- *C-1 Entrances:* There is a street-facing entry emphasized with a canopy.
- *C-2 Visual Privacy:* Visual privacy is adequately addressed – there is no living space on the ground floor.
- *C-3 Transition Spaces:* The project uses a canopy at the entrance, the building is set back with plantings.

Principle D Proportion and Scale – Partially Met – The three-story mass and façade elements are proportionate and scaled to the overall building **but the overall proportion is different from other buildings in the context because the cantilever is so wide. The fourth floor is very visible from the downhill vantage point and the direction of the roof slope increases the perceived scale of the building on the street despite the mass being setback.**

- *D-1 Windows:* The majority of windows are rectangular and have vertical proportion; window proportions are not all proportions found in the context, however.
- *D-2 Fenestration:* The project appears to meet the 12% fenestration requirement and appropriately scaled to the massing of the building. **Staff review found that the uphill side elevation does not have adequate level of fenestration or openings near the street, especially at the lower portion of the building.**
- *D-3 Porches:* The balcony included in this project is at least 48 sf.

Principle E Balance – Not Met – **The building façade has a cantilever that creates a façade width out of proportion to what is found in the context and that creates an unbalanced façade – this project will be visible straight onward from Hammond Street.**

- *E-1 Window and Door Height:* The majority of window and door head heights align along a common horizontal datum.
- *E-2 Window and Door Alignment:* The majority of windows shall stack so that centerlines of windows are in vertical alignment.
- *E-3 Symmetry:* Primary window compositions are arranged symmetrically around discernable vertical axes.

Principle F Articulation – Met – The project employs visually interesting and well-composed facades.

- *F-1 Articulation:* Trim, canopy, and balcony details will create shadow lines on front façade; some of the windows are punched through to provide some dimension and shadow line on the panelized portions of the building. Detailing is consistent.
- *F-2 Window Types:* **Three** window types at street façade; consistent detailing.
- *F-3 Visual Cohesion:* Two materials are used with an accent color at window trim.
- *F-4 Delineation between Floors:* The floors are delineated by balconies and fenestration patterns, some material change.
- *F-5 Porches, etc.:* The canopy is well integrated into the overall design and highlights the entrance. Balcony railings are used to provide articulation and shadow lines to the front façade.
- *F-6 Main Entries:* The street-facing entry is emphasized with prominent placement facing the street, glass and sidelight, and the use of a canopy.
- *F-7 Articulation Elements:* The subsidiary roof of the 4th floor has an overhang of at least 6”;
window trim is less than 4”; no building face offsets; 4th floor cornice includes exposed rafters, 3rd floor main roof form includes railing.

Principle G Materials – Met – This is a residential building surrounded by other residential buildings with traditional characteristics and materials – clapboard, brick, and shingle.

- *G-1 Materials:* The residential context is predominantly clapboards with occasional shingle or brick. The proposal uses clapboard as the primary material and fiber cement panel as a secondary material.
- *G-2 Material and Façade Design:* The materials are appropriately placed according to their nature.
- *G-3 Chimneys:* Not applicable.
- *G-4 Window Types:* **Three** window types on street façade.
- *G-5 Patios and Plazas:* Not applicable.

2. Multi-family and Other Housing Types Design Standards

In addition, there are design standards that apply to all multifamily development including this proposal. These are more general standards that include design standards as well as several other standards as listed below with staff comments.

(i) TWO-FAMILY, SPECIAL NEEDS INDEPENDENT LIVING UNITS, MULTIPLE-FAMILY, LODGING HOUSES, BED AND BREAKFASTS, AND EMERGENCY SHELTERS:

(1) STANDARDS. Two-family, special needs independent living units, multiple-family, lodging houses, bed and breakfasts, and emergency shelters shall meet the following standards:

a. Proposed structures and related site improvements shall meet the following standards:

- 1. The exterior design of the proposed structures, including architectural style, facade materials, roof pitch, building form and height, window pattern and spacing, porches and entryways, cornerboard and trim details, and facade variation in projecting or recessed building elements, shall be designed to complement and enhance the nearest residential neighborhood. The design of exterior facades shall provide positive visual interest by incorporating appropriate architectural elements;*
- 2. The proposed development shall respect the existing relationship of buildings to public streets. New development shall be integrated with the existing city fabric and streetscape including building placement, landscaping, lawn areas, porch and entrance areas, fencing, and other streetscape elements;*

Staff comment: The proposals have been evaluated in the context of the R-6 Design Standards (above) which cover the design elements mentioned in standards 1 and 2 in greater detail . Please refer to the Design Review comments in Attachment 3.

- 3. Open space on the site for all two-family, special needs independent living unit, bed and breakfast and multiple-family development shall be integrated into the development site. Such open space in a special needs independent living unit or a multiple-family development shall be designed to complement and enhance the building form and development proposed on the site. Open space functions may include but are not limited to buffers and screening from streets and neighboring properties, yard space for residents, play areas, and planting strips along the perimeter of proposed buildings;*

Staff comment: All of the new units will have balconies.

- 4. The design of proposed dwellings shall provide ample windows to enhance opportunities for sunlight and air in each dwelling in principal living areas and shall also provide sufficient storage areas;*

Staff comment: This standard appears to be met.

- 5. The scale and surface area of parking, driveways and paved areas are arranged and landscaped to properly screen vehicles from adjacent properties and streets;*

Staff comment: The parking is located underneath the units and therefore is partially screened from the street. The abutting house does not have windows on the side facing the parking area.

VII. NEXT STEPS

The final submissions should address the staff comments and issues outlined in this Memorandum, along with addressing further Board comments.

ATTACHMENTS:

Attachments to the Memorandum

1. Fire Department comments
2. Peer Engineer comments
3. Design Review comments
4. DPW final comments
5. Traffic Engineering comments
6. City Arborist comments re existing street tree
7. City Arborist comments landscaping

Public comments

- PC 1 Sichterman 12.1.17
- PC 2 Hrenko 12.27.18
- PC 3 Sichterman 1.5.18

Applicant's Submittal

- A. Cover letter and Final Application
- B. Right, Title and Interest and Easements
- C. Description
- D. Zoning
- E. Housekeeping
- F. Traffic
- G. Ability to Serve
- H. Stormwater
- I. Consistency with Master Plans
- J. Solid Waste
- K. Code
- L. Design Standards
- M. Crime
- N. Accessibility
- O. Lighting
- P. Parking Waiver
- Q. PWD Ability to Serve
- R. Response to review comments

Plans

- P1. Survey
- P2. Site Plan
- P3. Grading and Utility Plan
- P4. Construction management Plan
- P5. Autoturn Exhibit
- P6. Erosion and Sediment Details
- P7. Details
- P8. Floor Plans
- P9. Elevations
- P10. Building Section
- P11. Renderings