I. INTRODUCTION

On February 1, 2016, Councilor Ray moved to have the Planning Board consider a zoning map amendment from the current Community Business B-2 zone and the Residential R-5 zone to the Community Business B-2b zone. The City Council voted unanimously to refer this item to the Planning Board and for the Board to make a recommendation to the Council by April 1, 2016 (Council Order included as Attachment 1). The City Council is asking the Board to consider whether the B-2b, which promotes a more urban form and prohibits drive-throughs, is a more appropriate zone for this area.

There are no pending development review applications for the properties in this area; however, interest in potential redevelopment has been brought to the attention of the City. Concurrently, several of the buildings had been identified as potentially eligible for designation following a historic preservation analysis recently commissioned by Greater Portland Landmarks entitled Forest Avenue and Stevens Avenue: Historic Context. The Historic Preservation Board review and recommendations are included below in Section II.

In addition, the Transforming Forest Avenue report as discussed under the comprehensive plan analysis below, contemplates revisions to the zoning along the corridor to encourage possibilities for the future of land development around Forest Avenue to facilitate opportunities for transit supportive development.

Public notice of the public hearing appeared in the Portland Press Herald on March 7 and 14th and 105 notices were sent by mail and by e-mail to property owners and interested citizens. The neighborhood meeting was held on March 10, 2016 and the packet is included as Attachment 4. There is one piece of written comment that was submitted at the neighborhood meeting. Public comment has also been submitted by Mary Costigan and Sandra Guay.
II. EXISTING CONDITIONS & SITE SELECTION

A. Existing Conditions
The section of Forest Avenue between Baxter Boulevard and Preble Street extension contains a range of uses. The development in this block faces Forest Avenue with parking in the rear, which can be seen from Preble Street Extension. There is one curb cut that serves the parking areas off Preble with all other access points off Forest Avenue. The city’s zoning map lists the accessways as Bank and Fenwick Roads. The businesses along Forest Avenue include: office buildings, retail uses, a bar, personal service businesses, and 70 residential units above first floor commercial at 331-337 Forest Avenue.

Pedros Field is a public park and ballfield, which is located at the intersection of Preble Street extension and Baxter Boulevard. This portion of the block is not including within the proposed zone change.

The B-2 zone is located across Forest Avenue from the proposed area for rezoning. The uses include the Oakhurst Dairy and a multiple tenant retail building on the corner of Forest and Bedford (owned by Oakhurst Dairy). An aerial of the area obtained from Google is included as Figure 1. In general, office uses facing Baxter Boulevard are located across from this block, as is an entrance drive to the Hannaford plaza. A residential neighborhood is located on the opposite side of the Preble Street extension and the university credit union is located at the corner of Preble and Forest.

On City maps, the block being considered for rezoning shows Fenwick Road and Bank Road, which appear to be former public streets. Fenwick Road was discontinued in 1991 with a public easement retained for the city sewer line; however, a street sign still is located on the corner. A portion of Bank Road was discontinued in 1991 and a section leading to Preble Street was accepted in 1920. It appears that this portion remains a public street. The status of the streets, as shown below (Figure 2), is based upon the City’s records at the Department of Public Works. This is preliminary information that may be revised once a survey of the area is completed.
Historic Preservation Board’s Review of Potential Designation of Buildings

On February 3rd, the Historic Preservation Board held a public hearing on the question of eligibility of three Forest Avenue buildings for local landmark designation. The 3 buildings in question are 351-355, 369 and 371-371 Forest Avenue. The request for determination of eligibility was prompted by a letter from legal counsel for CVS indicating CVS' intent to demolish 5 contiguous structures near the intersection of Preble Street Extension. Consistent with the City's demolition permit review process, the letter of intent was reviewed by historic preservation staff to determine whether any or all of the subject structures were eligible for listing in the National Register of Historic Places and/or local historic designation. In this case, the buildings at 355 Forest and 369 Forest had been determined eligible for National Register listing by the Maine Historic Preservation Commission in 2011. As well, all three buildings had been included in a Forest Avenue Historic Resources survey conducted last summer. Accordingly, the question of eligibility was forwarded to the Historic Preservation Board for consideration. Following a lengthy public hearing, the Historic Preservation Board found that 355, 369 and 371-373 Forest meet the designation criteria for individual landmark designation under Portland's Historic Preservation ordinance. The determination of eligibility is expected to be followed by formal designation deliberations. As the buildings are proposed for designation as individual landmarks, the HP Board's recommendation would be forwarded directly to the City Council, as provided in the historic preservation ordinance. No date has yet been set for formal deliberations on the designation. The public hearing report to the Historic Preservation Board regarding the determination of eligibility and attachments A and B are included as Attachment 2 of this report.

BACKGROUND AND EXISTING ZONING

The current zoning in the block bounded by Baxter Boulevard, Preble Street Extension and Forest Avenue includes Community Business B-2, Residential R-5 and Recreation and Open Space (ROS) (refer to Figure 3). There is a mix of commercial and residential uses in this area including office buildings, retail uses, a bar, personal service businesses, and 70 residential units above first floor commercial at 331-337 Forest Avenue. Pedros Field is a public ballfield located within the block and is zoned Recreation and Open Space (ROS). This portion of the block is not part of the proposed zoning map amendment.
Figure 3: Existing Zoning

The Community Business Zone extends across Forest Avenue to incorporate the Oakhurst dairy and the retail building on the corner. The B-2 zone also extends up Bedford Street and includes a portion of the USM campus. Commercial uses were located in this area at one time, but the area is now owned and occupied by the University of Southern Maine. The USM overlay zone extends over these properties.

The B-2 zone is also located between Baxter Boulevard and I-295 where this is a mix of office and retail uses fronting on Baxter Boulevard. The Hannaford Shopping Center is situated to the rear of the Baxter Boulevard and Forest Avenue lots with frontage on the Preble Street extension. The Community Business B-2b zone runs along either side of Forest Avenue from the intersection of Preble and Forest Avenue through Woodford’s Corner.

A portion of the block being studied includes the Residential R-5 Zone, which run along the Preble Street extension. The residential neighborhoods that flank either side of Forest Avenue are generally zone Residential R-5, with the exception of the multifamily complexes at the intersection of Dartmouth Street and Baxter Boulevard, which are zoned the R-6 zone. Per the Planning Board’s suggestion, the commercial properties on the corner of Forest Avenue and Bedford Street and Baxter Boulevard as shown on the map insert were included in the notice.

The Forest Avenue Corridor between Preble Street Extension and through Woodford’s Corner was zoned as Community Business B-2b in 1999. At that time, there was a comprehensive review of the B-2 zone and the B-2b zone was created. Previously, the entire corridor had been zoned B-2. The B-2b zone was considered for section of the corridor from the Preble Street Extension to I-295. A conversion to B-2b would have made Oakhurst Dairy and the auto related uses in this area non-conforming. Thus, the area between I-295 and the Preble Street extension remained within the B-2 zone due to the type and scale of uses in this area at that time.

The B-2b zone was created in 1999 as a result of the Nason’s Corner/Outer Brighton Avenue Study, completed the previous year, which sought to increase the compatibility between commercial districts and residential neighborhoods. As described in Planning Board Report #50-99 dated October 18, 1999, the B-2b was instituted as a new zone “designed to preserve the more compact urban development of Portland”. At the same time amendments were made to the B-2 to allow residential uses and to make major and minor offices uses conditional, allow dairies and bakeries as permitted uses if in existence before 1999, and limit new bakeries in the B-2b to no more than 7,000 s.f.
The 1999 changes also resulted in the creation of a conditional use designation for all drive-throughs in the B2, as opposed to merely for restaurants uses. Drive-throughs in the newly created B-2b were only allowed if accessory to a permitted principal use. Additional conditional use standards were added for drive-throughs relating to location, noise, screening, pedestrian access and hours. Finally, it should be noted that at this time auto uses became conditional uses in the B-2 and these auto uses were prohibited in the B-2b except for pre-existing minor auto uses which were proposed to become conditional uses. These amendments to the code were adopted on November 15, 1999.

Additional changes were adopted in early 2000, the map amendment proposed intended to create a B-2b zone along a portion of Forest Avenue. In addition, mong other text changes as described in in the March 24, 2000 City Council Agenda Request the proposed B-2b text amendments for off peninsula locations would:

“allow new structures to be placed no further back than the average depth of the front yards of adjoining buildings. Currently, B-2b requires structures to meet a ten (10) foot build-to line and this would remain for on-peninsula locations. The proposed off-peninsula B-2b front yard setback is the same standard as found in the B-2 zone.”

These changes were adopted on April 24, 2000.

In 2005, the Council adopted the the B-2C zone which essentially mirrored the B-2 but excluded establishments that served liquor for a portion of Forest Avenue.

In 2010, changes were adopted increasing density of B-2 and B-2b zones on-peninsula to current levels, adding housing to the zones purpose statements and clarifying some language. As reflected in the Planning Report #02-10, dated January 22, 2010, the most significant change was establishing a lot area per dwelling unit of 435 s.f., which was equivalent to the R-7 density. At the time Avesta was proposing a project in the vicinity of 701 Congress St, which due to lot configuration could not meet the maximum front yard requirement, although the report states this was believed to not be a common occurrence, to encourage infill development on these “rear yards” the current footnote allowing relief for lots with less than 40 feet of frontage and depth of more than 100 feet and/or 20 feet of front yard and a remaining frontage of less than 40 feet was added.

Changes were made in 2011 to clarify language concerning the proximity of drive-thrus to residential zones and to add language about wind energy facilities in 2013.

In July of 2014, the council adopted changes to the B-2, B-2b and B-2c resulting greater allowance of multi-family housing in all B-2 derivative zones with the previously existing qualification that multi-family was only allowed when abutting higher density residential zones (R-4 and up). A stronger prohibition on front yard parking was included for the same reasons. A table was added to simplify the dimensional requirements which also made significant changes to the zones dimensional requirements. These changes included reducing the maximum front yard setback to 10 feet, reducing street frontage, reducing lot area for projects off peninsula with active street frontages to 435 s.f. Lastly, a new section, 14-188, was added under the premise that rather than mandating ground floor commercial uses active street frontage requirements would better accomplish the goals of vibrant street life and accordingly, a density bonus of 435 s.f. was added.

Finally, in November of 2014 drive-throughs were eliminated as an allowed use in the B-2b as incompatible with the purpose of the B-2b such as providing neighborhood and community retail built close to the street and written for area which a pedestrian scale and character and inconsistent with the Transforming Forest Avenue Study. A technical change to step backs was also made.
IV.    PROPOSED MAP AMENDMENT

The proposed zoning map amendment is to rezone the B-2 zone and the R-5 zone to B-2b, as shown in the insert. Per the Planning Board’s suggestion at the workshop, the area to be considered for rezoning was expanded to include the commercial building and parking at the corner of Bedford and Forest and the commercial building at the corner of Baxter Boulevard and Forest Avenue (to Hannaford Plaza lane). Please note that the property at the corner of Bedford and Forest is owned by Oakhurst Properties LLC (CBL 114A – F 3,7 and 8).

V.    ZONING COMPARISON

A. Purpose Statements
The R-5 zone is a medium density residential area that is characterized by single family and low-intensity multi-family development. The B-2 Zone is intended to provide areas for a mix of commercial and residential uses, which have a greater intensity than the business uses permitted in the neighborhood business zone. The types of uses articulated in the purpose statement of the B-2 zone include “grocery stores, shops and services located in major shopping centers and along arterial streets.” The vision is that these uses would be readily accessible by all means of transportation (automobile, pedestrians and bicyclists). Generally, the B-2 zone is found along Portland’s major transportation corridors with residential neighborhoods adjacent to the zone. Thus the intent of the zone states that development should relate to the surrounding neighborhoods by design, orientation, and circulation patterns. Both the B-2 and B-2b provide for moderate to high density housing development.

The B-2b is part of the B-2 zone and varies in some ways from the zone. The purpose statement highlights that the development should be close to the street and have a more compact urban development pattern. It is recommended for locations “on-peninsula or in areas off-peninsula where a neighborhood compatible commercial district is established which exhibits a pedestrian scale and character.” The purpose statements of the R-5 zone and the B-2, B-2b and B-2c are listed in Table 1 below.

<table>
<thead>
<tr>
<th>Zone</th>
<th>Purpose</th>
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<tbody>
<tr>
<td>Residential R-5</td>
<td>To provide appropriate areas of the city for medium-density residential development characterized by single-family and low-intensity multifamily dwellings on individual lots; to ensure the stability of established medium-density neighborhoods by controlling residential conversions; and to provide for planned residential unit development on substantially sized parcels. Such PRUD</td>
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</table>

O:\PLAN\3 CODE and POLICY\Rezone Applications\Forest Avenue - B-2b\PB Preport 3-22-16.docx
development shall respond to the physical qualities of a site and complement the scale, character and style of the surrounding neighborhood.

| Community Business B-2 | 1. To provide appropriate locations for the development and operation of community centers offering a mixture of commercial uses, housing and services serving the adjoining neighborhoods and the larger community.
| | 2. The variety, sites and intensity of the permitted commercial uses in the B-2 zone are intended to be greater than those permitted in the B-1 neighborhood business zone.
| | 3. The B-2 zone will provide a broad range of goods and services and general businesses with a mixture of large and small buildings such as grocery stores, shops and services located in major shopping centers and along arterial streets. Such establishments should be readily accessible by automobile, by pedestrians and by bicycle. Development in the B-2 zone should relate to the surrounding neighborhoods by design, orientation, and circulation patterns.
| | 4. The B-2 and B-2b will provide locations for moderate to high density housing in urban neighborhoods along arterials.

| Community Business B-2b | The B-2b zone is intended to provide neighborhood and community retail, business and service establishments that are oriented to and built close to the street. The B-2b zone is appropriate in areas where a more compact urban development pattern exists such as on-peninsula or in areas off-peninsula where a neighborhood compatible commercial district is established which exhibits a pedestrian scale and character. Such locations may include the peninsula and other arterials and intersections with an existing urban or neighborhood oriented building pattern.

**B. Permitted and Conditional Uses**

Following is a chart of the permitted uses for the R-5, B-2 and B-2b zones. Again, the R-5 zone is a moderate density residential zone, thus the permitted uses include single and two family homes, handicapped family units, planned residential unit developments and multiplexes. The permitted residential uses in the B-2 and B-2b zone allow for many of the same residential uses, but the zones also permits higher density housing, such as multifamily development, combined living/working spaces, and lodging houses.

In the R-5 zone most institutional uses, except for government or municipal uses, are listed as a conditional use. In the B-2 zones, institutional uses, including schools, universities, clinics, long-term or intermediate care facilities and others are listed as permitted uses.

The R-5 zone does not permit business uses. The B-2 and B-2b zones share most of the same permitted and conditional uses. A significant difference is that drive-throughs are not listed as permitted or conditional uses in the B-2b zone, which is a recent change that was adopted on November 17, 2014. Drive-throughs are listed as a permitted use in the B-2 and as a conditional use in the B-2 zone when the site is adjacent to a residential zone. Another differentiation between the two zones is that the B-2b establishes a size limit of 7,000 sf for commercial kitchens (must include a retail component or tasting room) and bakeries in order to encourage smaller scale establishments oriented to pedestrians. The proposed map amendment as suggested by the Planning Board includes the land at the corner of Bedford and Forest, which is owned by Oakhurst Properties. While the current use is a mixed use retail building, a map amendment to B-2b could limit the dairies ability to expand.
Table 2: Permitted and Conditional Uses

<table>
<thead>
<tr>
<th>Permitted Uses</th>
<th>R-5</th>
<th>B-2</th>
<th>B-2b</th>
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<tbody>
<tr>
<td>Residential</td>
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<tr>
<td>Single-family and two-family dwellings</td>
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<td>Multi-family dwellings</td>
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<tr>
<td>Handicapped family units</td>
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<tr>
<td>Single-family single- or multiple-component manufactured housing</td>
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<td>Combined living/working spaces</td>
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<td>Lodging houses</td>
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<td>PRUDs</td>
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<tr>
<td>Multiplex development</td>
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<tr>
<td>Institutional</td>
<td>R-5</td>
<td>B-2</td>
<td>B-2b</td>
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<tr>
<td>Schools</td>
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<td>Clinics</td>
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<td>Places of assembly</td>
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<td>Long term, extended and intermediate care facilities</td>
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<tr>
<td>Governmental buildings and uses/municipal uses</td>
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<tr>
<td>College, university or trade schools</td>
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<td>Nursery schools, kindergartens</td>
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<tr>
<td>Day care facilities</td>
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<tr>
<td>Business</td>
<td></td>
<td>B-2</td>
<td>B-2b</td>
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<tr>
<td>General, business, &amp; professional offices</td>
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<tr>
<td>Personal services</td>
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<tr>
<td>Business services</td>
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<tr>
<td>Offices of building tradespeople</td>
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<tr>
<td>Retail establishments</td>
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<td>Restaurants (close at 11)</td>
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<tr>
<td>Drinking establishments (not allowed in B-2c)</td>
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<tr>
<td>Billiard parlors</td>
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<td>Mortuaries or funeral homes</td>
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<td>Miscellaneous repair services, excluding motor vehicle repair</td>
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<tr>
<td>Communication studios or broadcast and receiving facilities</td>
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<td>Health clubs and gymnasiums</td>
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<td>Veterinary hospitals (excluding outside kennels)</td>
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<td>Theaters</td>
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<tr>
<td>Hotels of less than 150 rooms</td>
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<tr>
<td>Dairies and bakeries in existence as of Nov 15, 1999</td>
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<tr>
<td>Bakeries after 1999, must have a retail component and bakeries in the B-2b shall be no greater than 7,000 sf in size</td>
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<tr>
<td>Drive-throughs associated with a permitted use in the B-2 zone provided that such do not include drive-throughs on any lot adjacent to any residential use or zone. ...“adjacent to” shall include uses across a street if within 100 feet of the subject lot boundary;</td>
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<tr>
<td>Registered medical marijuana dispensaries</td>
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<tr>
<td>Commercial kitchens provided it includes retail sales or tasting room. Commercial kitchens shall be no greater than 7,000 sf in B-2b</td>
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<tr>
<td>Other</td>
<td>R-5</td>
<td>B-2</td>
<td>B-2b</td>
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<tr>
<td>Accessory uses</td>
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<tr>
<td>Municipal uses</td>
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</table>
Parks
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Home occupation
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Studios for artists and craftspeople – not to exceed 4000 sf studio space
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Special needs independent living units
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Bed and breakfasts
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Hostels
[ ] [ ]
Wind energy systems
[ ] [ ] [ ]
Utility substations
[ ] [ ]

Conditional Uses

<table>
<thead>
<tr>
<th>Residential</th>
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<th>B-2</th>
<th>B-2b</th>
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<tbody>
<tr>
<td>Sheltered care group homes</td>
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<tr>
<td>Additional accessory dwelling units</td>
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<td>Alteration of non-residential structure to 3+ dwelling units</td>
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<tr>
<td>Use space existing as of 9-3-08 to accommodate additional dwelling units</td>
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<tr>
<td>Conversion of multi-family structure to lodging house</td>
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<tr>
<td>Institutional</td>
<td>R-5</td>
<td>B-2</td>
<td>B-2b</td>
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<tr>
<td>Schools</td>
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<tr>
<td>Long-term and extended care facilities</td>
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<td>Intermediate care facility</td>
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<td>Places of assembly</td>
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<td>Hospitals</td>
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<td>Nursery schools and kindergartens</td>
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<td>Day care facilities</td>
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<td>College, university, trade schools</td>
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<td>Business</td>
<td>R-5</td>
<td>B-2</td>
<td>B-2b</td>
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<tr>
<td>Major and minor auto service stations</td>
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<tr>
<td>Major and minor auto service stations if in existence as of 1999</td>
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<tr>
<td>Car washes</td>
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<tr>
<td>Drive-throughs adjacent to residential uses or zones</td>
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<tr>
<td>Automobile dealerships</td>
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<tr>
<td>Other</td>
<td>R-5</td>
<td>B-2</td>
<td>B-2b</td>
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<tr>
<td>Utility substations</td>
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<td>Professional offices</td>
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<tr>
<td>Chancellery</td>
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<tr>
<td>Off-street parking</td>
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<td>Temporary wind anemometer towers</td>
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<td>Wind energy systems</td>
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<tr>
<td>Printing and publishing establishments</td>
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<tr>
<td>Wholesale distribution establishments</td>
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<tr>
<td>Research and development and related production establishments</td>
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C. Dimensional Standards

The dimensional standards for the R-5 zone focus on the residential form for a moderate density area. The B-2 and B-2b zone are similar in their lists of permitted and conditional uses, as well as their dimensional standards. A comparison of the dimensional standards is contained in Table 3. Dimensional Standards.
<table>
<thead>
<tr>
<th>Standard</th>
<th>R-5(^1)</th>
<th>B-2</th>
<th>B-2b</th>
</tr>
</thead>
<tbody>
<tr>
<td>Minimum Lot area per dwelling unit</td>
<td>3,000 sf, except 3,600-4,800 sf for special needs independent</td>
<td>none</td>
<td>none</td>
</tr>
<tr>
<td>Street Frontage</td>
<td>50 feet</td>
<td>20 ft</td>
<td>20 ft</td>
</tr>
<tr>
<td>Minimum Lot Width</td>
<td>60 feet, except 90 for multiplex</td>
<td>none</td>
<td>none</td>
</tr>
<tr>
<td>Minimum Front Yard</td>
<td>20, except average depth if less than 20</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Maximum Front Yard</td>
<td>N/A</td>
<td>10 ft, Bd may grant waiver for irregular lots with less than 40 ft of frontage (Building Additions do not have to meet this section)</td>
<td>10 ft, Bd may grant waiver for irregular lots with less than 40 ft of frontage (Building Additions do not have to meet this section)</td>
</tr>
<tr>
<td>Minimum Rear Yard</td>
<td>20 feet</td>
<td>10 ft, accessory structures, 5 ft</td>
<td>10 ft, accessory structures, 5 ft</td>
</tr>
<tr>
<td>Minimum Side Yard</td>
<td>8-15 feet, depending on building height and location</td>
<td>None, accessory structures, 5 ft</td>
<td>None, accessory structures, 5 ft</td>
</tr>
<tr>
<td>Minimum Side Yard on Side St</td>
<td>None</td>
<td>None</td>
<td>None</td>
</tr>
<tr>
<td>Structure Height</td>
<td>35 feet</td>
<td>45 ft, 50 ft if 1st floor commercial is whole or partially commercial use</td>
<td>45 ft, 50 ft if 1st floor commercial is whole or partially commercial use</td>
</tr>
<tr>
<td>Structure Stepbacks</td>
<td></td>
<td>Portions of a structure above 35 feet shall be no closer than 5 feet from the side property line and no closer than 15 feet from the rear property line when such property line abuts a residential zone.</td>
<td>Portions of a structure above 35 feet shall be no closer than 5 feet from the side property line and no closer than 15 feet from the rear property line when such property line abuts a residential zone.</td>
</tr>
<tr>
<td>Maximum Lot Coverage (building coverage)</td>
<td>40%</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Maximum Impervious Surface</td>
<td>N/A</td>
<td>Residential uses – none All permitted uses - 80%</td>
<td>Residential uses – none All permitted uses - 90%</td>
</tr>
<tr>
<td>Minimum Lot Area per Dwelling Unit</td>
<td></td>
<td>a. Off-peninsula locations, as defined in section 14-47: 1,500 SF, except as provided for in (b) below. b. On-peninsula locations (as per 14-47) and projects with active street frontages, as defined in section 14-188, below: 435 SF</td>
<td>a. Off-peninsula locations, as defined in section 14-47: 1,500 SF, except as provided for in (b) below. b. On-peninsula locations (as per 14-47) and projects with active street frontages, as defined in section 14-188, below: 435 SF.</td>
</tr>
</tbody>
</table>

\(^{1}\) Additional restrictions on the number of dwelling units apply to the PRUD standards and separate requirements for small residential lot development may apply
The history of the B-2 zone outlines the text amendments that have occurred over time, which have brought the B-2 zone in alignment with the more urban based parameters of the B-2b zone. Currently, both B-2 and B-2b have a maximum front yard setback of 10 feet (does not apply to building additions), which was not the case before the B-2 update in 2014. Prior to that update, only the B-2b zone had a maximum front yard setback requirement. In both the B-2 and B-2b zones, there is a provision that allows the Planning Board to grant waivers of the maximum front yard setback for irregular lots with less than 40 feet of frontage. In such cases, no maximum setback is required, but where setbacks exceed 10 feet than a continuous, attractive, and pedestrian-scaled edge treatment shall be constructed along the street.

There is no maximum impervious surface ratio for residential uses, but for all other permitted uses the maximum allowable residential density for both B-2 and B-2b, which is tied to whether a site is on-peninsula or off-peninsula. The density is 1,500 sf per unit off-peninsula, unless the project has active street frontage as defined. The density is 435 sf per unit on-peninsula or for those projects with active street frontage. The B-2 zone is predominantly located off-peninsula and the B-2b is on-peninsula and along a portion of the Forest Avenue corridor.

VI. SITE PLAN STANDARDS AND DESIGN STANDARDS

Under the site plan standards of the Site Plan Ordinance (Section 14-526) there are zoning related design standards under subsection (d). The general provision states:

a. Development of certain types and/or proposed in certain zones, as specified below, are subject to design standards in addition to the provisions of Section 14-526 (a) in order to ensure designs that contribute to and enhance the goals and policies for specific districts of the City. The City of Portland Design Standards is listed in the City of Portland Design Manual, which is included by reference. If the development is located in a historic district or associated with a historic landmark, City of Portland Historic Preservation standards shall supersede:

Subparagraph iii relates to the B-1 and B-2 zones as follows:

(iii) B1, B1-b, B2, B2-b Zones: Development in the B1, B1-b, B2 and B2-b business zones shall provide an established street wall with entrances and public portions of the building oriented to and directly accessible from the public sidewalk and shall be designed and scaled to be compatible with surrounding residential and commercial development as demonstrated by compliance with all applicable design standards listed in the Design Manual.

The standard does state that development in the B-2 zones shall provide a street wall with entrances and public portions of the building oriented to the street and other provisions, as demonstrated by compliance with all applicable design standards listed in the Design Manual.

The Design Manual contains the design standards, which are presented in the chart below. The design standards for the urban street wall and building entrances are not required for projects within B-2; however, the standards cross reference the design guidelines and encourages development in the B-2 zone to meet both of these standards. The B-1 and B-2 Design guidelines are contained in Appendix 2 of the Design Manual, which are intended to illustrate how development may meet the
the specific standards. The guidelines are shown below the design standards. The sections pertaining to urban street wall and entrances are highlighted.

<table>
<thead>
<tr>
<th>Portland Design Manual</th>
<th>Applicability of Design Standards –</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Design Standards</strong></td>
<td><strong>B-2</strong></td>
</tr>
<tr>
<td><strong>Urban Street Wall:</strong></td>
<td>...buildings shall be located to create and preserve an urban street wall.</td>
</tr>
<tr>
<td><strong>Mixed Uses:</strong></td>
<td>...buildings shall be multi-storied with mixed uses. (B-1-only)</td>
</tr>
<tr>
<td><strong>Building Entrances:</strong></td>
<td>...building entrances shall be oriented toward, located adjacent to, and directly accessible from a sidewalk in a public right-of-way.</td>
</tr>
<tr>
<td><strong>Windows:</strong></td>
<td>... windows shall be required along the street frontage of a building. Windows shall be transparent (with a visible transmittance (VT) of 0.7 or greater) and installed at a height to allow views into the building by passerby.</td>
</tr>
<tr>
<td><strong>Façade Character:</strong></td>
<td>...active and public portions of buildings (e.g. doors, windows, entries, retail displays) <strong>shall be oriented to and, where possible, be located adjacent to the public sidewalk</strong> to create an active presence along the sidewalk.</td>
</tr>
<tr>
<td></td>
<td>(1) Where building facades situated along a public way have no interactive use or function, such facades shall be designed to provide sufficient architectural and graphic amenities to provide visual interest along the street and relate the building, and its use to passerby.</td>
</tr>
<tr>
<td><strong>Building Design:</strong></td>
<td>... commercial buildings shall be designed to be compatible with their residential and commercial neighbors. In the B-1 and B-1b zones building scale, roof pitch, and fenestration shall be designed to complement surrounding residential structures.</td>
</tr>
<tr>
<td><strong>Building materials:</strong></td>
<td>Façade materials of buildings located in the B-1, B-1b B-2, and B-2b zones shall be compatible with those materials of surrounding residential and commercial uses.</td>
</tr>
<tr>
<td><strong>Building Scale:</strong></td>
<td>In the B-1 and B-1b zones building scale must relate and be compatible with surrounding residential structures.</td>
</tr>
<tr>
<td><strong>Landscaping and buffers:</strong></td>
<td>In the B-1, B-1b, B-2 and B-2b zones buildings and associated parking areas must be screened to buffer abutting properties. A densely planted landscape buffer and/or fencing will be required to protect neighboring properties from the impacts associated with the development, including lighting, parking, traffic, noise, odor, smoke, or other incompatible uses. Where buildings are setback from the street, a landscaped area must be planted along the front yard street line.</td>
</tr>
<tr>
<td><strong>Guidelines</strong></td>
<td>Please refer to Appendix 2 of this manual, the B-1, B-1b, B-2, B-2b</td>
</tr>
</tbody>
</table>

O:\PLAN\3 CODE and POLICY\Rezone Applications\Forest Avenue - B-2b\PB Preport 3-22-16.docx
Design Guidelines, for applicable design guidelines for the B-1 and B-2 zones. In addition, the following design guidelines shall also apply.

1. Buildings located in the B-2 zone are specifically **encouraged** to adhere to the design guidelines contained in the B-1, B-1b, B-2, B-2b Design Guidelines (Appendix 2) of this section concerning the creation and preservation of an **urban street wall**.

2. In the B-1b and B-2 zones, buildings are specifically **encouraged** to adhere to the guidelines contained in the B-1, B1b, B-2, B-2b Design Guidelines (Appendix 2) of this section concerning building entrances.

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**Appendix 2 Guidelines**

**Development in the B-1, B-1b, B-2, B-2b shall meet the following guidelines in order to meet the Site Plan Standards**

### 1. Building Location and Form

**Buildings shall be located near the street so as to create an urban street wall.**

An urban street wall is created by a pattern of buildings which line the street in a consistent manner, thereby establishing a desirable spatial relationship between the building in the commercial district and the major object. Location is one of several related factors defining the street environment.

**Building Form, including height, bulk, and massing, contribute to the development of a street wall.**

The desired condition is to have the building frame and enclose the street, which is achieved by providing building height that is proportionate to the width of the adjoining major street. A ratio of building height to street width of one-to-two creates a strong "room-like" street, while a one to three ratio provides good street definition and proportion. Shorter buildings of one story facing broad streets will not achieve the desired relationship.

In the B-2b zone, buildings adjacent to streets should approach 1:2 height to street width, with a minimum of 1:3.

For a fifty-foot street right-of-way, therefore, a minimum height of 15' is required, with 25' height preferred. An eighty-foot right-of-way requires about 27' to achieve the 1:3 proportion with 40'-height preferred. Obviously, buildings located as close as possible to the street right-of-way will provide better definition and proportion than buildings set further back.

### 2. Building Function

An urban street and business district requires a substantial intensity and variety of uses.

It is beneficial to have mixed uses within portions of buildings situated near the street. For example, a retail first floor might have office or residential on the second or third floors. This provides both the scale of building height desired, as well as the economic vitality of the business district.

### 3. Orientation of Buildings and their Entrances to the Street

Major building entries shall be designed and located to provide the primary building access oriented to the public street and sidewalk.

Doorways should be prominent and obvious in appearance, so as to attract the users toward the entry. Major entry features should primarily address the street, with entry courts, display windows, signage, lights, walkways, and vestibules, as appropriate. Major entries should be adjacent to, or very close to, the street and public sidewalk.

### 4. Windows

Windows shall be located in all building facades visible from the public way, especially on
5. **Building Character, Detail, Scale, and Graphic Qualities**

Building design will include various architectural and graphic amenities to provide a strong presence along a street and relate a building to its community. Awnings, canopies, and flags may be utilized to highlight entryways and to further identify the activity and identity of a use. **Facade lighting** may be used to highlight entryways or to provide visual interest along an otherwise blank facade. Building scale, roof pitch, architectural detail, and fenestration shall be designed to complement and be compatible with surrounding residential and commercial buildings.

6. **Signage and Building Entrances**

Building entrances and building signage in the B-1, B-1b, and B-2b zones will be designed and constructed at the pedestrian scale.

7. **Development Relationship to Street**

Building facades and site amenities shall form a cohesive wall of enclosure along a street. Where buildings are not located at the street line, site amenities, including masonry walls, fences, and landscaping, shall be placed along the street to provide a sense of enclosure or definition.

8. **Parking Lots**

Parking Lots shall be screened from view of the public way. Landscaping or fencing shall be used to screen parking lots from public ways and residential neighbors. Where parking is located within the front yard (or side yard of a corner lot), a landscaped buffer or fence shall be placed along the street line to distinguish the private space from the public space and to help define the street wall. Parking lots shall be screened from neighboring properties. A densely planted landscape buffer or fencing shall be installed to protect neighboring properties from the impacts associated with the parking lot and the use it serves.

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**VII. COMPREHENSIVE PLAN AND ZONING ANALYSIS**

The Planning Board will be asked to make a determination of whether the proposed map amendment is consistent with the Comprehensive Plan and make a recommendation to the City Council. A full analysis will be prepared for a public hearing. The Comprehensive Plan includes policies that support commercial nodes near residential areas and seeks to limit business expansion into residential zones. In addition, the housing element of the Comprehensive Plan includes many policies to support increasing the diversity and density of housing in the city and support a variety of neighborhood businesses and services to be located in proximity of residential areas. The B-2 and B-2b zone provides greater flexibility for housing development and a diverse mix of uses.

More recently, Portland conducted a corridor study of Forest Avenue from Park Avenue through Woodfords Corner. **Transforming Forest Avenue** was adopted by the City Council on June 4, 2012 and it included...
recommendations for land use, transportation, and streetscape alternatives based upon a community process and best practices for transit supportive development. The report Transforming Forest Avenue is available on the City’s web site: http://www.portlandmaine.gov/documentcenter/view/3388

Transforming Forest Avenue considered land use options for the corridor, including use based zoning, form based code and transit supportive development (TSD). Feedback from the community process indicated satisfaction with the current zoning with enhancements, adjustments and incentives considered to promote TSD principles. Encouraging vibrant and diverse land uses is an important principle of TSD development in order to provide multiple destinations in close proximity within an area. The report notes that while B-2 and B-2b currently support mixed uses, many of those uses have not located along the corridor. It is suggested that other incentives may be needed to encourage the type and density of uses envisioned, such as expedite reviews, financial incentives or other options. The report also points out that the transitions between the commercial and residential areas may require attention in order to achieve adequate buffers without limiting commercial activity. The development pattern should “provide for vibrant loci or activity at a pedestrian scale.” Architectural quality, high quality parking, and public spaces are other land use components that are identified as components for creating a high quality transit corridor.

Compact development that increases the concentration of uses and structures in the built environment is identified as a strategy to support TSD. While the B-2 and B-2b zones have similar uses and dimensional standards, the design guidelines between the two zones do differ. The design standards for the B-2b zone are more urban and pedestrian oriented. For example, in B-2b the building entrances shall be oriented toward or directly accessible from a public sidewalk, transparent windows are required along street frontages, and street frontages should create an active presence along the sidewalk. The standards and accompanying guidelines are included as Attachment 3.

The Board will want to advise the staff on the extent of the area to be considered for rezoning. The Board can choose to expand the area for advertising and then refine the boundaries at the public hearing. Once the boundaries of a proposed map amendment are advertised, the boundaries cannot be expanded beyond the advertised area.

VIII. STAFF RECOMMENDATION

The staff suggests a positive recommendation on the proposed map amendment with the possible exception of excluding the property held by Oakhurst Properties LLC at the corner of Bedford and Forest Avenue.

IX. PROPOSED MOTION

On the basis of plans and materials submitted by the City of Portland, the policies of the Residential R-5 Zone, the Community Business B-2 Zone and the Community Business B-2b zone, Portland’s Comprehensive Plan, public comment, the information provided in public hearing on March 22, 2-16 for the Council’s referral to the Planning Board to consider rezoning a portion of the Forest Avenue Corridor, and/or other findings as follows:

1. Map Amendment

The Planning Board finds that the proposed rezoning of the R-5 and B-2 zones to B-2 b as shown on the map below [is or is not] consistent with the Comprehensive Plan for the City of Portland; and
Therefore, the Planning Board [**recommends or does not recommend**] to the City Council approval of the zoning map amendment.

**X. ATTACHMENTS**

1. Council Order #157
2. Historic Preservation Memo and attachments
3. B-2 and B-2b Design Guidelines
5. Public Comment
Order 157-15/16
Motion to Waive the Second Reading: 9-0 on 2/1/2015
Motion (as amended by a vote of 9-0 on 2/1/2016) to refer Order 157 to the Planning Board and to report back to the City Council prior to the Planning Board reviewing a site plan application in the Forest Avenue corridor but in any event no later than April 1: 9-0 on 2/1/2016
Effective 2/11/2016

ETHAN K. STRIMLING (MAYOR)
BELINDA S. RAY (1)
SPENCER R. THIBODEAU (2)
EDWARD J. SUSLOVIC (3)
JUSTIN COSTA (4)

CITY OF PORTLAND
IN THE CITY COUNCIL

ETHAN K. STRIMLING (MAYOR)
BELINDA S. RAY (1)
SPENCER R. THIBODEAU (2)
EDWARD J. SUSLOVIC (3)
JUSTIN COSTA (4)

AMENDMENT TO ZONING MAP
RE: SOUTH OF PREBLE STREET EXTENSION, EAST OF FOREST AVENUE AND NORTH OF BAXTER BOULEVARD CHANGE TO B-2B ZONE

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF PORTLAND, MAINE IN CITY COUNCIL ASSEMBLED AS FOLLOWS:

That the Zoning Map of the City of Portland, dated December 2000, as amended and on file in the Department of Planning and Urban Development, and incorporated by reference into the Zoning Ordinance by §14-49, be and hereby is amended by adopting the following map change amendment and specifically rezoning the B2 Zone and the R5 Zone in the area shown in red in the figure attached hereto to B-2b.
Zone Changes from R5/B2 to B2b

Legend
- Open Space
- Proposed Zone Change
  - Current R5 or B2
  - Current Zoning
- B2b
- R5
- B2

Map showing zone changes from R5/B2 to B2b with a legend indicating the current zoning and proposed zone changes.
HISTORIC PRESERVATION BOARD
CITY OF PORTLAND, MAINE

PUBLIC HEARING
351-355, 369 and 371-373 FOREST AVENUE

TO: Chair Benson and Members of the Historic Preservation Board
FROM: Deborah Andrews, Historic Preservation Program Manager
DATE: January 27, 2016
RE: February 3, 2016 PUBLIC HEARING - Determination of Eligibility For Local Landmark Designation

Addresses: 351-355 Forest Avenue
369 Forest Avenue
371-373 Forest Avenue

Introduction

Following a preliminary workshop on January 13th, the Historic Preservation Board will hold a public hearing on the question of eligibility of three Forest Avenue buildings for local landmark designation. The three buildings in question are 351-355 Forest Avenue (which currently houses Palmer Springs), 369 Forest Avenue (Creative Trails) and 371-373 Forest Avenue (Forest Gardens and David Munster’s TV Repair and Service). The request for determination of eligibility for historic designation was prompted by a demolition proposal submitted by legal counsel for CVS. CVS proposes to demolish 5 contiguous buildings on the east side of Forest Avenue near the intersection of Preble Street extension in conjunction with its plans to build a new pharmacy on the site. Consistent with the City’s demolition permit review process, the demolition request was reviewed by historic preservation staff to determine whether or not the subject structures may be eligible for local and/or National Register historic designation. Staff elected to forward the matter to the Historic Preservation Board based on available documentation regarding the subject structures and previous findings from the Maine Historic Preservation Commission as to their eligibility for listing in the National Register of Historic Places.

On Wednesday, following a staff presentation and public hearing, the Board will vote on the eligibility of each structure based on the historic preservation ordinance’s designation criteria, which address both the question of significance and integrity (Sec. 14-610 and Sec. 14-611).
Included in this report is information on each of the subject structures, including current and historic photos, an architectural description, a brief history of use and a description of the building’s relationship to the history and evolution of Forest Avenue, particularly during the first decades of the twentieth century when each of the subject structures was built. The report also identifies the specific designation criteria under Sec. 14-610 (Minimum criteria for designation) that are applicable for each building. Finally, an assessment of each building’s level of integrity is provided, as required under Sec. 14-611 (Integrity of Landmarks and Historic Districts). See ATTACHMENT A.

Also attached to this report is a historic context statement that describes the history and evolution of Forest Avenue and the development history of structures built along the corridor. See ATTACHMENT B. The context statement is important in understanding the role and relative significance of the buildings in question.

This report will also clarify the requirements for designation as a local “landmark” and provide examples of other individually-designated historic structures throughout the city.

In preparation for the public hearing, Sandra Guay, counsel for CVS’s developer TMC New England, LLC, and Mary Costigan, counsel for the owners of 351-355 and 369 Forest Avenue submitted letters for the Board’s consideration—see ATTACHMENTS D and E. Ms. Guay has also forwarded with her letter structural evaluation reports for the structures located at 351-355 and 369 Forest. These reports are submitted pursuant to Sec. 14-611 of the ordinance which requires that a historic structure meeting one or more of the minimum criteria for designation “must also have sufficient integrity of location, design, condition, materials and workmanship to make it worthy of preservation or restoration.” Structural Engineer Bruce MacLeod, P.E. plans to attend the public hearing to present his findings as to the condition of the buildings.

**Background**

In a letter dated November 20, 2015, Sandra Guay, counsel for CVS and its developer TMC New England LLC., informed historic preservation staff of the company’s intent to demolish five structures on the east side of Forest Avenue, near the intersection of Preble Street Extension. Buildings proposed for removal include 351-355, 365, 369, 371-373 and 375 Forest Avenue—see ATTACHMENT G1, Figure 1 for aerial view of affected structures. Demolition is proposed in conjunction with CVS’ plan to construct a new CVS pharmacy on the five contiguous parcels occupied by the buildings. Ms. Guay’s formal letter of intent followed a preliminary meeting between the applicant’s representatives and Planning staff, during which the applicant team was informed of the City’s demolition approval requirements, which include sign-off by the Historic Preservation office. Consistent with historic preservation ordinance requirements, the demolition request was reviewed by historic preservation offices.
preservation staff to determine whether or not the subject structures may be eligible for local and/or National Register historic designation.

In this case, the subject buildings were evaluated for their historic and/or architectural significance, at least on a preliminary basis, in two recent architectural surveys focusing on Forest Avenue. Based on the results of these surveys and staff’s own preliminary assessment of the affected structures, staff elected to forward the question of local designation eligibility to the Historic Preservation Board.

Note that two of the five buildings identified in Ms. Guay’s letter were previously determined by staff to be clearly ineligible for historic designation. These are the buildings at 365 and 375 Forest Avenue. This finding was communicated to Ms. Guay in a 12/7/15 letter from Planning & Urban Development Department Director Jeff Levine. See ATTACHMENT G2.

Available Documentation and Assessments from Architectural Surveys

The buildings along Forest Avenue, specifically the section between the I-295 interchange and Woodford’s Corner, have been evaluated for their historic and/or architectural significance in two recent architectural surveys.

MDOT survey. In 2011, in conjunction with MDOT’s plans for public infrastructure improvements along Forest Avenue, MDOT commissioned an architectural survey of the project area. This survey was mandated by Section 106 of the National Historic Preservation Act, which requires that any project receiving federal funding or licensing should “take into account the effect of the undertaking on any district, site, building, structure or object listed in or eligible for the National Register of Historic Places.” MDOT retained architectural historian Martha Burke to conduct a reconnaissance-level survey of the project area and to produce a report on the findings. A copy of survey forms for properties within the applicable area of Forest are enclosed as ATTACHMENT G5. A copy of MDOT’s report to the Maine Historic Preservation Commission is enclosed as ATTACHMENT G4. Finally, a copy of the Maine Historic Preservation Commission’s response to MDOT is enclosed as ATTACHMENT G6.

The final step in the Sec. 106 review process is for staff of the Maine Historic Preservation Commission (MHPC) to review the findings of MDOT and its consultant and make its own final determination of National Register eligibility for the buildings within the project area. At the bottom of the second page of each survey form, the Commission adds its finding as to eligibility. In this instance, Deputy Historic Preservation Officer Kirk Mohney conducted the final review and his findings appear at the end of each form. Mr. Mohney summarizes MHPC’s position as to the status of historic resources within the survey area in an October 3, 2011 letter to MDOT—ATTACHMENT G6.
Note that the survey conducted by MDOT was a reconnaissance-level survey, meaning that the survey was based primarily on visual observation and the experience/expertise of the reviewer to identify buildings of potential historic and/or architectural merit. The reviewer also considers the degree of alteration that might affect the building’s eligibility for the National Register. No detailed research is conducted on the historic context of the buildings or area in question. Obviously, more detailed research and documentation would be required to pursue formal listing in the National Register.

MDOT concluded in its Architectural Survey Report that “there are no eligible individual or historic districts within the survey area”. Note that the Maine Historic Preservation Commission did not agree with the conclusion of MDOT’s report. MHPC identified nine (9) buildings as eligible for the National Register “based on the information in the survey, as well as staff knowledge about the historic function and architectural significance of the buildings in the survey – particularly those related to early twentieth century automobile dealerships.” MHPC identified another seven (7) buildings that warranted further research to make a final determination.

In his letter to MDOT, Mr. Mohney identifies the buildings at 355 Forest (built for the Gilson Auto Company; known today as the Palmer Spring Company Building) and 369 Forest (built for the State Motor Car Company) as being eligible for listing in the National Register.

Note that MHPC’s consideration was limited to the question of eligibility for the National Register of Historic Places, either individual listing or listing as part of a contiguous district. No consideration was given to potential designation at the local level, the criteria for which may differ.

**Greater Portland Landmarks Survey.** In June, Greater Portland Landmarks Executive Director Hilary Bassett contacted the Planning Department regarding GPL’s intention to conduct an architectural survey of Forest Avenue and Stevens Avenue and to conduct general research on the development of these two corridors. As Ms. Bassett noted, Landmarks had been encouraged by members of the Council to be proactive in identifying historic buildings and areas of the City that warrant further study and had secured a private donation to conduct the survey. It was hoped that the information resulting from the survey would inform future planning/revitalization efforts on these two key off-peninsula transportation corridors. For Forest Avenue in particular, the survey work could supplement the City-initiated “Transforming Forest Avenue” plan for public infrastructure improvements. The Planning Department expressed support for the initiative and Historic Preservation Staff consulted on the project.
Landmarks’ work included two components: preparation of a “historic context” report documenting the development history of Forest Avenue and Stevens Avenue, and an architectural survey of historic structures along the two corridors. Architectural historian and preservation consultant Scott Hanson was hired to prepare the historic context report and graduate student interns completed the survey. Following the more general survey, approximately 15 buildings from each street were selected for further documentation. As a Landmarks representative explained at the January 13th workshop, the 15 buildings selected for additional documentation were chosen because they represented the range of building types in the study area, not because they were determined to be the only or most significant buildings within the study area.

Note that Landmarks’ report does not include specific recommendations regarding which buildings should be considered for local and/or National Register designation, nor does it recommend an appropriate type of designation—for example, individual landmark designation, designation as part of a contiguous historic district, or designation as part of a theme-based multiple property designation.

At the January 13th workshop, Hilary Bassett and Julie Larry of Greater Portland Landmarks made a presentation on the survey, describing its purpose of the survey, the methodology used, survey results and the survey’s relationship to the previous MDOT survey.

**Assessing Eligibility for Historic Designation – Ordinance Criteria**

In considering the question of eligibility for designation, the Board is guided by the criteria outlined in Division 3 of the ordinance, specifically Sec. 14-610 “minimum criteria for designation” and Sec. 14-611 “integrity of landmarks and historic districts”. See ATTACHMENT G3 for applicable ordinance excerpts. Under these criteria, the Board must consider not only the historic and/or architectural significance of the structure or potential district, but also its integrity. Under the integrity criterion, the Board needs to consider whether the building exhibits “sufficient integrity of location, design, condition, materials and workmanship to make it worthy of preservation or restoration”. Under the requirements of the ordinance, both the designation criteria under Sec. 14-610 and the integrity criterion under Sec. 14-611 must be shown to be met.

**Landmark Designation**

At the preliminary workshop session, there was some discussion as to whether it was preferable to designate the structures in question, if any or all are determined to meet the designation criteria, as individual landmarks, as contributing structures within a historic district, or, as part of a “multiple property designation” in which individual structures that may or may not be contiguous are designated as representative examples of a significant cultural, historic, architectural or related theme. Although there has been some preliminary discussion
of the concept of a Multiple Properties Designation, and although the City may wish to pursue such a designation process vehicle in the future, Historic Preservation and Planning staff are confident that the classifications provided in the ordinance as currently written are adequate and appropriate to designate the buildings in question. Staff recommends that the buildings be considered for individual landmark designation in this instance.

The designation classification “landmark”, as it has been applied in Portland and many other communities with a historic preservation ordinance, refers to individual historic buildings that are found to meet the ordinance’s designation criteria. Not every designated landmark in Portland rises to the level of significance that the term “landmark” usually connotes—buildings such as Portland City Hall, Portland Observatory and First Parish Church. Local landmark designation has also been conferred to individual historic buildings, usually located outside of contiguous historic districts, that are significant within their specific context, be it a geographic, architectural, historic or thematic context. As an example, the Italianate residential building at 147 Congress Street was recently designated a local landmark by the City Council based on its significance within the context of Munjoy Hill’s development, as one of the few buildings to have survived the Great Fire of 1866. The Tracy-Causer Building at 505-507 Fore Street, a mid-19th century commercial block that was part of Portland’s Irish neighborhood known as Gorham’s Corner is another example. The Abraham Levey commercial block at 78-88 Middle Street, located at the Middle Street gateway to the India Street neighborhood, was also individually designated as a landmark structure. These buildings are not “landmarks” per se, but architecturally and/or historically significant nonetheless, especially in their given context. In short, although “landmark” is the legal term used within the preservation field for an individually designated historic structure, perhaps a more descriptive term would be just that: individually designated historic structure.

**Assessment of Integrity**

In applying the historic preservation ordinance’s integrity standard (Sec. 14-611), Board members are encouraged to consult the attached excerpt from a National Register Bulletin “How to Evaluate the Integrity of a Property” (ATTACHMENT C). As the bulletin explains, “integrity is the ability of a property to convey its significance” and describes seven specific aspects of integrity that need to be considered in evaluating whether a structure or site meets this test.

Note that the bulletin addresses all aspects of integrity except for condition, as building condition is not a consideration in National Register designations. Here, the Board should be guided by definitions included in Portland’s ordinance that address the question of condition. For example, the definition of a “noncontributing structure”, although applicable only for buildings within a historic district, provides the following guidance as regards consideration of condition: “A classification applied to a …structure…that 1)…2)… or 3) where the location, design, setting, materials workmanship and association have been so altered or have so
deteriorated that the overall integrity of the…structure…has been irretrievably lost”.

The Board should review the structural reports prepared for CVS’ developer (see ATTACHMENT D) in considering whether the buildings “have so deteriorated that the overall integrity of the structure has been irretrievably lost.” The Board should also consider whether the information provided is sufficient to answer this question.

Note that the Board may determine that only a portion of an existing building is eligible for landmark designation based on the question of integrity and limit its finding accordingly. For example, 351-355 Forest Avenue, now identified as a single property, is actually comprised of two original 1920’s-era buildings plus several subsequent building additions that have created one connected complex. In staff’s view, and in MHPC’s finding of NR eligibility, only the original Gilson Auto Co. building at 355 Forest is eligible for landmark designation.

Implications of a Determination of Eligibility

If one or more of the three structures identified for Board consideration are determined to meet the criteria for designation, demolition would be possible only if the applicant can meet the test of economic hardship—see Sec. 14-632: Properties eligible for listing on National Register or for local Designation”. Determinations of Economic Hardship are made by the Zoning Board of Appeals. Upon determination of eligibility, the structure shall also be subject to the ordinance’s minimum maintenance provisions until a final decision by the Council on designation becomes effective. If the Board elects to pursue designation, the designation process as prescribed in the historic preservation ordinance would commence.

Subject Structures – Building Descriptions, Staff Assessment of Eligibility for Landmark Designation

ATTACHMENT A provides information on each of the subject structures, including current and historic photos, an architectural description, a brief history of use/occupants and a description of the building’s relationship to the history and evolution of Forest Avenue. Following each description, staff identifies the specific designation criteria (see Sec. 14-610) that are applicable for the given building. Finally, staff provides an assessment of each building’s level of integrity, as required under Sec. 14-611 (Integrity of Landmarks and Historic Districts).

Note: In each of the building descriptions, reference is made to the structure’s place in the evolution of Forest Avenue as one of the city’s most significant off-peninsula transportation corridors. To appreciate the significance of each of the subject structures, it is necessary to understand the history and development of Forest Avenue. ATTACHMENT B is a summary of that history, largely excerpted from a report prepared by architectural historian Scott Hanson entitled Forest Avenue and Stevens Avenue, Portland Maine: Historic Context.
Motions for Consideration

On the basis of information and supporting documentation included in the staff report for the February 3, 2016 public hearing, the Board finds that:

1. a) 355 Forest Avenue, excluding the building additions shown in ATTACHMENT 1, Figures 1 and 2) meets/does not meet the minimum criteria for designation in Sec. 14-610 of the historic preservation ordinance, specifically Criteria 1, 4 and 6.;
b) 355 Forest Avenue, excluding the building additions shown in ATTACHMENT 1, Figures 1 and 2) meets/does not meet the integrity standard for designation in Sec. 14-611 of the historic preservation ordinance;

c) On the basis of the above findings, the Board finds that 355 Forest Avenue, excluding the building additions shown in ATTACHMENT 1, is eligible/ineligible for landmark designation under the provisions of Article IX (Historic Preservation) of the Land Use Code.

2. a) 369 Forest Avenue meets/does not meet the minimum criteria for designation in Sec. 14-610 of the historic preservation ordinance, specifically Criteria 1, 4 and 6.;

b) 369 Forest Avenue meets/does not meet the integrity standard for designation in Sec. 14-611 of the historic preservation ordinance;

c) On the basis of the above findings, the Board finds that 369 Forest Avenue is eligible/ineligible for landmark designation under the provisions of Article IX (Historic Preservation) of the Land Use Code.

3. a) 371-373 Forest Avenue meets/does not meet the minimum criteria for designation in Sec. 14-610 of the historic preservation ordinance, specifically Criteria 1 and 6;

b) 371-371 Forest Avenue meets/does not meet the integrity standard for designation in Sec. 14-611 of the historic preservation ordinance;

c) On the basis of the above findings, the Board finds that 369 Forest Avenue is eligible/ineligible for landmark designation under the provisions of Article IX (Historic Preservation) of the Land Use Code.
ATTACHMENTS

A. Descriptions and Analysis of Eligibility for Landmark Designation of 351-355 Forest, 369 Forest and 371-373 Forest

B. Historic Context Statement - *Forest Avenue: Its Early Development & Transportation History* (excerpted from *Forest Avenue and Stevens Avenue, Portland Maine by Scott Hanson*)

C. Excerpt from National Register Bulletin, “How to Evaluate the Integrity of a Property”

D. January 27, 2016 letter with attachments from Sandra Guay on behalf of TMC New England, LLC, including structural reports for 351, 355, and 369 Forest Avenue prepared by MacLeod Structural Engineers.

E. January 27, 2016 letter with attachments from Mary Costigan on behalf of Palmer Spring Co., owner of 351-355 Forest, and D & J Weeks Properties, owner of 369 Forest

F. Compilation of written public comment to date, in chronological order

G. ATTACHMENTS from 1/13/16 Workshop

1. 11/20/15 letter from Sandra Guay, representing CVS, with attachments
2. 12/7/15 letter to Ms. Guay from Jeff Levine, Director of Planning & Urban Development
3. Applicable ordinance provisions
4. MDOT survey report
5. MDOT survey forms with MHPC notation
6. 10/3/2011 memorandum from MHPC to MDOT
7. *Forest Avenue and Stevens Avenue: Portland Maine Historic Context, Report and Survey Findings*

H. January 28, 2016 Letter from Michael Kaplan, owner of 371-373 Forest Avenue

Received after preparation and scanning of report
351-355 FOREST AVENUE

351-355 Forest Avenue, now identified as a single property, is actually comprised of two 1920’s-era buildings plus several subsequent building additions that have created one connected building complex. The structure at 351 Forest, although built during the same period as 355 Forest, is not a noteworthy example of its type, is not an auto-related structure and most of its original character-defining architectural features have been removed or altered. Similarly, later building additions (see plan) have no historic or architectural significance. For purposes of designation, staff recommends that only the Gilson Auto Company Building at 355 Forest be considered for landmark designation.

See following page for description and analysis of 355 Forest Avenue.
355 FOREST AVENUE

Historic Name: Gilson Auto Company Building
Construction Dates: 1922, rear addition 1981
Style: Vernacular & Art Deco/Moderne

Originally occupied by the L. C. Gilson Automobile Company, the building at 355 Forest Avenue was built as an auto showroom in February 1922. Gilson had already established an automobile dealership at 881-891 Congress Street by 1906, selling cars from Ford, Reo and Stanley in what the Portland’s Board of Trade Journal called, “one of the largest, most modern [garages] in New England.” By 1924, the Congress Street block had been converted into apartments and the Gilson Automobile Company had relocated to 355 Forest Avenue.

Since its construction, the building has always been utilized for automobile sales or servicing purposes. It was occupied by Brewster Tire Stores Inc. in 1927. In 1929, Forest City Tire Company shared the building with Firestone Tire Stores Incorporated, which continued as the property’s sole occupant in 1930-31.

The building is best known as Palmer Spring Company building, given the company’s presence at this address since 1932. Palmer Spring Company was established in 1849 and is thought to be the oldest spring company in the United States. Joseph Benjamin Palmer founded the company in Boston after bringing his trade from England and served as its first blacksmith. The company’s Conestoga wagon logo is a reminder of the vehicles originally serviced by Palmer Spring Company.

Building Description
Typical of early auto showroom structures, the building is one story, has three wide bays and a flat roof. Ornamentation is provided through the use of contrasting brick on the façade piers and Art-Deco-inspired architectural details. In addition to the front showroom facing Forest Avenue, the building has included a connected multi-bay garage at the rear since its construction. Over time, in response to a growing business several additions have been added and a connector was built to adjoin the once-separate commercial structure at 351.
National Register Eligibility: 355 Forest was determined to be eligible for National Register by Maine Historic Preservation Commission in 2011.

Applicable Designation Criteria under Sec. 14-610:

Criterion 1: Its value as a significant example of the cultural, historic, architectural, archaeological or related aspect of the heritage of the City of Portland, State of Maine, New England region, or the United States.

The building is a significant example of the impact of the automobile on Portland’s suburban development along Forest Avenue in the early 20th century and on commercial architecture specifically designed for this new product type.

Criterion 4: Its exemplification of a significant architectural type, style or design distinguished by innovation, rarity, uniqueness or overall quality of design, detail, materials and craftsmanship.

The building is a noteworthy example of an early auto showroom/service structure, a building type introduced with advent of automobile sales.

Criterion 6: Its representation of a significant cultural, historic, architectural, archeological or related theme expressed through distinctive areas, sites, structures or objects that may or may not be contiguous.

The building is one in a cluster of auto-related structures constructed in the early 20th century that formed Portland’s “Auto Row”. Additionally, the building is part of a larger group of specific building types that were introduced with the advent of the automobile: auto showrooms, gas stations, commercial and residential garages, etc. Just as automobiles changed the landscape of the city, so too did the structures that were purpose-built to serve them.

Integrity Criterion under Sec. 14-610

Comparing historic and current views of the building, it is clear that the Gilson Auto Company (Palmer Springs) Building still retains its essential character-defining physical features. The building remains relatively unaltered and the alterations are readily reversible. As such, the building continues to convey its significance.

With respect to the question of condition, which is included as a relevant factor in determining integrity, the Board is encouraged to review the structural report prepared by MacLeod Structural Engineers, PA.
369 FOREST AVENUE

Historic Name: Franklin Service and Sales Company Building
Construction Date: 1922-1923
Style: Classical Revival

Originally occupied by Franklin Service and Sales Company of Portland, the one-story building at 369 Forest Avenue was built between 1922 and 1926 as the location of the Portland distributor of Franklin Motor Cars. It is one of several early automobile related businesses on the length of Forest Avenue that would become known as Portland’s Auto Row.

Franklin Motor Cars were designed by Herbert H. Franklin and manufactured in Syracuse, New York between 1902 and 1934 by the Franklin Automobile Company. Franklin Motor Cars were a luxury brand of cars and 150,000 autos were sold in the company’s thirty years of existence. Like many of its luxury brand competitors, the Franklin Automobile Company fell victim to the Great Depression. The Franklin Service and Sales Company of Portland was owned by Percy Frost of Fessenden Street. The Forest Avenue location closed in 1934 when manufacturing of the Franklin Motor Cars ceased.

After the closure of Franklin Service and Sales Company of Portland the building was occupied by State Motor Company, a used car dealership in the 1940s. In the 1950s and 1960s the building was occupied by Arthur F Briggs’ Commercial Refrigerator and Stove Equipment store. In the late 20th century it was occupied by Portland Tinware and is currently occupied by Creative Trails

Building Description

The brick structure is composed of a one-story front section, formerly the car showroom, and a one-story rear section, formerly the service area, that extends toward the rear of the lot bounded by Preble Street Extension. Both sections of the building share a contiguous...
flat roof.

Character defining details of its architectural style (Classical Revival) include the classical door surround, the keystone and brick arch above the transom window, the projecting cornice, and the recessed brickworks panels and concrete accents. Character defining details of its building type are the location of a sales area in the front portion of the building with large display windows and a pedestrian entrance along the primary street façade, as well as a rear service facility. The front section is three bays wide, with a central entrance at sidewalk level flanked by large tripartite display windows. The multi-pane transom windows above each display window have been covered over or removed. A brick pier with recessed panels and concrete accents separates each bay of the front elevation. The rear section of the building rests on a high foundation. Windows on the rear section are located on all three elevations, although some windows on the north and east elevations have been filled. The showroom windows on the east and west elevations of the front building have also been filled. A former garage door on the rear section of the building but visible from Forest Avenue has also been filled.

National Register Eligibility

369 Forest was determined to be eligible for National Register by Maine Historic Preservation Commission in 2011.

Applicable Designation Criteria under Sec. 14-610:

Criterion 1: Its value as a significant example of the cultural, historic, architectural, archaeological or related aspect of the heritage of the City of Portland, State of Maine, New England region, or the United States.

The building is a significant example of the impact of the automobile on Portland’s suburban development along Forest Avenue in the early 20th century and on commercial architecture specifically designed for this new product type.

Criterion 4: Its exemplification of a significant architectural type, style or design distinguished by innovation, rarity, uniqueness or overall quality of design, detail, materials and craftsmanship.

The building is a noteworthy example of an early auto showroom/service structure, a building type introduced with advent of automobile sales.

Criterion 6: Its representation of a significant cultural, historic, architectural, archaeological or related theme expressed through distinctive areas, sites, structures or objects that may or may not be contiguous.
The building is one in a cluster of auto-related structures built in the early 20th century that formed Portland’s “Auto Row”. Additionally, the building is part of a larger group of specific building types that were introduced with the advent of the automobile: auto showrooms, gas stations, commercial and residential garages, etc. Just as automobiles changed the landscape of the city, so too did the structures that were purpose-built to serve them.

**Integrity Criterion under Sec. 14-611**

Although the building has undergone exterior changes, it retains the key character-defining details of its style and building type. The pattern of the fenestration remains largely intact and although some replacement is evident the original openings are apparent, the changes are readily reversible and the modifications do not limit the ability of the building to convey its significance.

With respect to the question of condition, which is included as a relevant factor in determining integrity, the Board is encouraged to review the structural report prepared by MacLeod Structural Engineers, PA.
Building Name: The Boulevard Apartment Building
Construction Date: 1922-1923
Style: Classical Revival and Art Deco styles

Originally known as the Boulevard Apartments, the building at 371-373 Forest Avenue was built 1922-1923 as a mixed-use building with two commercial bays on the first floor and four residential units above. It is a unique example on this portion of Forest Avenue of the transition from single use buildings, either residential or commercial, to a more urban development style of a mixed use, multistory building with a commercial use at the street level and residences above. Upper floor occupants in the early and mid-20th century were generally single working men and women, employed in nearby businesses.

The commercial spaces below the apartments were initially vacant, as the building was likely built on speculation. Early tenants in the building reveal that both of the ground floor commercial spaces were tied directly to Forest Avenue's emerging role as Portland’s “Auto Row”. 373 Forest Avenue was first occupied by Mohawk Tire Sales of Portland. 371 Forest Avenue was first occupied by Forest City Auto Top Company. The company moved to 373 Forest Avenue in the late 1920s. That company was succeeded in the 1950s by Vigue’s Auto Top Company, which remained at 373 Forest Avenue into the mid-1970s.

Forest Gardens Restaurant opened at 371 Forest Avenue in 1936. Forest Gardens Restaurant, later Forest Garden Lunch and The Garden, had a succession of owners and eventually became the current Forest Gardens establishment. Since its establishment, Forest Gardens has played a significant role in the social history of the surrounding
Oakdale neighborhood and larger community, including a long association with local sports teams, faculty and students of USM, and alumni of Deering High and Portland High.

**Building Description**

The two-story brick structure has three bays, a flat roof with a projecting overhang and a deep cornice band, a pair of second story bay windows, and elaborate brick patterns on each pier. Typical of urban multi-use buildings, the commercial storefront has been altered from its original appearance, but the upper story retains its original window openings and bay patterns, although the 2/1 sash window units themselves have been replaced. The building reflects several building styles. The projecting bays with their recessed wood paneling and the deep cornice at the level of the apartments relates to the prevailing residential style of the period, Classical Revival. The lower commercial level’s simplified Art Deco style relates to the style and details of the nearby automobile showrooms and service stations. Although its large storefront windows are gone, the Art Deco character of the masonry detailing remains. Like many of the neighboring automobile showroom buildings, each bay of the building front is divided by wide brick piers that are articulated by flush geometric brickwork on the upper and lower level.

**National Register Eligibility**

371-373 Forest was not identified by the Maine Historic Preservation Commission as eligible for listing in the National Register during its assessment of the Forest Avenue corridor in 2011. According to MHPC staff, the Commission’s consideration of eligibility in 2011 was limited to architectural significance and readily apparent association with Forest Avenue’s history as Auto Row. The Commission did not have information about the building’s history of use in making its preliminary determination.

**Applicable Designation Criteria**

Criterion 1: **Its value as a significant example of the cultural, historic, architectural, archaeological or related aspect of the heritage of the City of Portland, State of Maine, New England region, or the United States.**

*In evaluating whether 371-373 Forest meets this criterion, it is appropriate that the Board consider the role the building has played in the social and cultural history of the Oakdale neighborhood and the larger Portland community since the opening of Forest Gardens 1936. Also, as a mixed use building, 371-373 illustrates the period of transition of this portion of Forest Avenue from a largely residential corridor to an increasingly commercial, specifically auto-related commercial corridor.*

Criterion 6: **Its representation of a significant cultural, historic, architectural, archaeological or related theme expressed through distinctive areas, sites, structures or objects that may or may not be contiguous.**
Along with the purpose-built auto showrooms in its immediate vicinity, this mixed-use building was part of the cluster of buildings occupied by commercial tenants that provided automobile-related goods and services during the early 20th century.

**Integrity Criterion under Sec. 14-611**

Although the ground floor commercial bays have been altered considerably, the upper floor remains largely intact from the building’s original construction. Storefront alterations on historic commercial structures are typical and do not preclude meeting the ordinance’s integrity standard if the building is still able to convey its significance. The original mixed use nature of the building is still clear and the alterations to the storefront bays are reversible.

No structural report has been provided for this building.
Forest Avenue: Its Early Development & Transportation History

January 2016

Woodford’s Corner in the 1940s

This document is largely excerpted from the historic context statement prepared for *Forest Avenue and Stevens Avenue, Portland, Maine* prepared by Scott T. Hanson of Sutherland Conservation and Consulting in August of 2015. Additional details can be found in that report. Copies of *Forest Avenue and Stevens Avenue, Portland, Maine* are available from the City of Portland and Greater Portland Landmarks.
**Introduction**

Forest Avenue is one of Portland’s oldest and most important transportation corridors. It serves as a vital connector between the peninsula and the suburban neighborhoods of Deering as well as adjacent communities to the west. A significant number of historic buildings remain along Forest Avenue that represents the social, cultural, economic, commercial and residential history of Portland’s suburban development. Forest Avenue retains a number of automobile showrooms and auto-related businesses built in the early 20th century in a concentrated area between Baxter Boulevard and Belmont Street that served as Portland’s Automobile Row.

**Early Development along Forest Avenue**

With the settlement of inland areas away from Portland’s coast in the mid-eighteenth century came early roads connecting the peninsula town to these sparsely settled towns. Among the earliest roads was Forest Avenue. The route of present day Forest Avenue was completed in 1805 when a new bridge was constructed over a portion of Back Cove connecting Deering to the Parkside neighborhood. Forest Avenue was the primary road to the lakes and mountains and on to northern New Hampshire and Vermont. Over time, homes, farms, and shops were constructed along the road, generally developing from the peninsula outward. As inland settlement increased, this became a major route for farmers bringing produce to market in Portland.

Dense development occurred in the late 18th century where early roads intersected, particularly at Woodford’s and Morrill’s corners. These intersections were natural locations for the development of commercial establishments as well as taverns to serve stage coach travelers.

**Railroad & Horse Car Suburban Development**

Following the stage coach, railroads established suburban railroad stations at these major road crossings. The first railroad traversed Woodford’s Corner in 1847 and a depot was built just to the north of the current intersection. Away from these commercial centers, residential development along Forest Avenue consisted of sizable estates for wealthy businessmen who commuted by private carriage from Deering to downtown Portland.

In 1864 a horse car line extended from the peninsula to Forest Avenue. The affordability of the new transportation method as well as demand for housing following the Great Fire of 1866 spurred suburban development for the middle class, especially near the growing business and neighborhood centers at Woodford’s and Morrill’s corners. The large estates nearest the corners were the first to be subdivided for this new residential development. “Separate from the city, these new subdivisions were designed as residential landscapes, combining open space, fresh air, and greenery of the country with an efficient arrangement of houses.”

One of the first subdivisions was Dr. Eliphet Clark’s plat in 1866 along Pleasant Avenue between Forest and Stevens Avenues. Other subdivisions were Warren Sparrow’s along Arlington Street, Arlington Place, and Clifton Street in the 1870s and the Oakdale subdivision in 1881.

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Street Car Suburban Development

The horse car lines were electrified in 1895, extending the transportation lines outward and expanding the availability of land for residential development. Following national trends, the suburban development in Deering attracted a wide range of people from the working to the upper middle class, with a large portion of the new residents being middle class. Suburban residential developments from this era include the Coyle Park development in 1899 and the Boulevard Park subdivision along Deerfield Road in the early 20th century. The houses built in all of these subdivisions reflected the architectural styles of the periods in which they were developed. While the earlier 19th century subdivisions featured primarily Italianate and Queen Ann style houses, the later ones were built in the Colonial Revival, Classical Revival, and Arts and Crafts styles.

At Woodford’s the village center at the corner was substantially altered by the construction of the Odd Fellows Hall in 1897. The four story building with its clock tower was urban in scale and character. For a few years before the annexation of Deering by Portland, the Deering city offices were located in the new block. Additional commercial, social, and civic development built near the corner includes the new fire station on Deering Avenue in 1907, the Woodford’s Club in 1913, and Albion Chapman’s three story brick “flat iron” building of 1916 in the angle between Deering and Forest Avenues. Woodford’s Corner continued to serve as an important neighborhood center for goods and services through the middle part of the twentieth century.

The Automobile and Its Impact on Development along Forest Avenue

In the first decade of the 20th century, the impact of the auto was minimal along Forest Avenue. Most residents of the area could work and shop in the area or they could quickly and affordably travel into the downtown via street cars. As the number of residents living along Forest Avenue increased due to the affordability of commuting into Portland, new residential forms appeared along the street to accommodate a diversity of housing needs. New residential buildings on Forest Avenue tended to be multi-family homes after 1900. Several two-family homes, a few triple decker apartment houses, and a couple of mixed use buildings constructed in the early part of the century remain. Mixed use buildings generally had a commercial use at the street level and residential apartments above.

The introduction of the personal automobile had an enormous impact on suburban development along Forest Avenue, reflecting a larger trend in the city, state and nation. In 1901 there were only 27 automobiles in Portland and they were primarily toys for the wealthy businessmen. Nationwide and in Portland automobile ownership increased exponentially between 1910 and 1930. In 1915 the national average was one car for every forty-three citizens. By 1923, fifty percent of American households owned an automobile. The rise in auto ownership negatively impacted the ridership on the area’s street cars, but it also created new businesses to fuel, service, and detail automobiles and generated new building types.

In the residential neighborhoods on either side of Forest Avenue, the impact of the automobile is represented by the small single car garage. Initially carriage barns were converted for use as garages, but in the 1920s one-story, single bay garages were often constructed to the side and rear of homes to accommodate vehicle storage. Several examples remain on streets like Deerfield Road, Belmont Street, Coyle Street, and Longfellow Street.

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**Portland's Auto Row**

Another new building type, the automobile showroom was generated by the success of the auto industry. Automobile companies built model showrooms that were emulated in small cities and towns across the country. In Portland, auto sales and services were initially incorporated into existing businesses and located in the downtown. As demand increased, Portland’s auto dealer’s emulated national developments and moved their showrooms outward along Forest Avenue, creating a concentrated area of dealerships known as an automobile row. Dealers congregated their dealerships along Forest Avenue between Baxter Boulevard and Bedford Street between 1915 and 1930 in an area occupied by large estates in the late 19th century.

These new car dealership buildings had a large footprint with significant enclosed interior space for displaying and servicing autos. Primarily one or two story buildings built of masonry construction with wood or steel truss roofs, these dealerships were among the first architectural building types developed in response to the automobile. The automobile showroom was located at the street where large plate glass windows gave ample view to passers-by of the autos for sale inside. The rear of the building was the service facilities, often with access from alleys or side streets. The buildings were designed in a variety of styles, with most of the architectural ornamentation concentrated on the showrooms.

In 1910 there were six automobile dealerships in Portland, all on the peninsula.3 The first auto showroom on Forest Avenue was built in 1915 with three more built in the following two years. By 1924 there were seventeen buildings devoted to auto sales and service on Forest Avenue. These include tire and battery stores as well as another new building type, the filling station. Portland’s auto row expanded west to Belmont Street several years later with the subdivision of the Ricker estate for four new auto dealerships and the Ricker Park apartments.

In 1910 there were three hundred companies producing automobiles in the United States. In Portland, many of the manufacturer names we recognize today, Ford, Chevrolet, Oldsmobile, and Chrysler were joined by lesser known manufacturers like Grant, Franklin, Peerless, and Hudson. Many of the smaller manufacturers succumbed to fierce competition or were consolidated into larger companies in the mid 1920s. Some manufacturers that survived until the late 1920s closed during the Great Depression.

The last great estate along Forest Avenue was redeveloped in the 1940s when the Forest Park development was built along Baxter Boulevard to house World War II shipyard workers. On the Forest Avenue portion of the development parcel a Howard Johnson’s and A& P Grocery store were constructed.

**Post World War II and the Impact of Interstate and Arterial Highways**

Following national trends, Portland’s suburban development after World War II was concentrated in bedroom communities further from the downtown than the earlier street car suburbs. The development of interstate and arterial highways, like I-295 and the Maine Turnpike following the Federal Aid Highway Act of 1956 fueled suburban development away from the historic core of the city. Many of the residents in these suburban communities still worked and shopped in Portland and Forest Avenue became a primary commuter arterial. The trolley system was abandoned before the war and although it was replaced by bus service, most of the suburbanites traveled by car. Automobile traffic through Morrill’s and Woodford’s Corners increased.

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dramatically in the 1950s and changes were made to accommodate the increased traffic. These changes decreased pedestrian access and safety and the resulting reduction in pedestrian activity made it challenging to sustain the scale and type of businesses that had historically been located in the neighborhood.

Eventually the increasing number of people living beyond the traditional urban and suburban core triggered commercial development of modern shopping centers further out. The Pine Tree Shopping Center was built off Brighton Avenue in 1959. Other modern shopping centers were built at Westgate in Libbytown, Northgate in North Deering, and near Riverside in Westbrook. Additional commercial development sprang up around the Exit 8 interchange of the Main Turnpike. This development impacted the auto dealerships along Forest Avenue as new larger car dealerships with large lots were built near the turnpike exit. Howard Johnson’s built a new hotel and restaurant on Riverside near Exit 8 and demolished their 1940s building on Forest Avenue. A new modern shopping plaza, Forest Avenue Plaza, with a large front parking lot was built on the site of the former Howard Johnson’s and the A&P grocery. Valle’s Steakhouse built a new restaurant on Brighton Avenue near Exit 8, demolished their 1940s building at Woodford’s Street and Forest Avenue, and built a new sandwich shop at that corner in 1964, in a building now occupied by the Woodford Food and Beverage.

Since the mid 20th century, Forest Avenue has increasingly become a street lined with commercial properties. Forest Avenue’s residential history has nearly disappeared in the section between I-295 and Woodford’s Corner. Only four homes and one mixed use building with apartments remain on Forest Avenue between I-295 and Coyle Street. All of the homes have been converted to commercial uses. Seven residential buildings remain between Coyle Street and Woodford’s Corner, and all are located on the east side of the street.

The historic buildings that remain to represent Forest Avenue’s social, cultural, residential, and commercial history are significant to an understanding of the development of Portland’s off-peninsula suburbs in the 19th and early 20th centuries. The remaining buildings represent a range of styles and building types that are representative of a broad period in the historical development of Forest Avenue. Forest Avenue is also significant as the location of Portland’s Automobile Row. The remaining automobile showrooms and auto-related businesses built in the early 20th century in a concentrated area between Baxter Boulevard and Belmont Street are representative of Forest Avenue’s significance as a transportation corridor. The automobile dealerships, filling stations, and automotive related commercial buildings are also significant as examples of the commercial impact of the automobile industry in early 20th century Portland.
of and comfort within existing and proposed pedestrian seating areas and other adverse impacts upon the surrounding area;

h. Setbacks from existing structures: The location and design of proposed structures shall not create a detrimental impact on the structural integrity or the safety of adjacent structures or the occupants thereof;

i. Building tops: Buildings or structures which exceed one hundred fifty (150) feet in height shall be designed so as to provide a distinctive top to the building which visually conveys a sense of interest and vertical termination to the building, as described and illustrated in the Downtown Urban Design Guidelines (Appendix 1);

GUIDELINES.

Please refer to Appendix 1 of this manual, the Downtown Urban Design Guidelines, for applicable guidelines relating to how development in the B3 Downtown Business Zone may adequately comply with the above listed standards.

(c) B-5 AND B5-B URBAN COMMERCIAL BUSINESS ZONES:

(1) STANDARDS. Development located in the B-5 and B-5b zones shall meet the following additional standards:

a. Shared infrastructure: Shared circulation, parking, and transportation infrastructure shall be provided to the extent practicable, with utilization of joint: curb cuts, walkways, service alleys, bus pull-out areas, and related infrastructure shared with abutting lots and roadways. Easements for access for abutting properties and shared internal access points at property lines shall be provided where possible to facilitate present or future sharing of access and infrastructure.

b. Buildings and uses shall be located close to the street where practicable. Corner lots shall fill into the corner and shall provide an architectural presence and focus to mark the corner.

c. Buildings shall be oriented toward the street and shall include prominent facades with windows and entrances oriented toward the street. Uses that include public access to a building or commercial/office uses in mixed-use developments shall be oriented toward major streets whenever possible.

d. Parking lots shall be located to the maximum extent practicable toward the rear of the property and shall be located along property lines where joint use or combined parking areas with abutting properties are proposed or anticipated.

(d) B-1 AND B-1B NEIGHBORHOOD BUSINESS AND B-2 AND B-2B COMMERCIAL BUSINESS ZONES:

(1) STANDARDS. Development located in the B-1, B-1b, B-2, and B-2b zones shall meet the
following additional standards.

a. Urban Street Wall: In the B-1, B-1b, and B-2b zone it shall be required that buildings shall be located to create and preserve an urban street wall.

b. Mixed Uses: In the B-1b zone buildings shall be multi-storied with mixed uses.

c. Building Entrances: In the B-1 and B-2b zone building entrances shall be oriented toward, located adjacent to, and directly accessible from, a sidewalk in a public right-of-way.

d. Windows: In the B-1, B-1b, B-2, and B-2b zones windows shall be required along the street frontage of a building. Windows shall be transparent (with a visible transmittance (VT) of .7 or greater) and installed at a height to allow views into the building by passersby.

e. Facade Character: In the B-1, B-1b, B-2, B-2b zones, active and public portions of buildings (e.g. doors, windows, entries, retail displays) shall be oriented to and, where possible, be located adjacent to the public sidewalk to create an active presence along the sidewalk.

   1. Where building facades situated along a public way have no interactive use or function, such facades shall be designed to provide sufficient architectural and graphic amenities to provide visual interest along the street and relate the building, and its use, to passersby.

f. Building Design: B-1, B-1b, B-2, and B-2b commercial buildings shall be designed to be compatible with their residential and commercial neighbors. In the B-1 and B-1b zones building scale, roof pitch, and fenestration shall be designed to complement surrounding residential structures.

g. Building Materials: Facade materials of buildings located in the B-1, B-1b, B-2, and B-2b zones shall be compatible with those materials of surrounding residential and commercial uses.

h. Building Scale: In the B-1 and B-1b zones building scale must relate and be compatible with surrounding residential structures.

i. Landscaping and buffers: In the B-1, B-1b, B-2 and B-2b zones buildings and associated parking areas must be screened to buffer abutting properties. A densely planted landscape buffer and/or fencing will be required to protect neighboring properties from the impacts associated with the development, including lighting, parking, traffic, noise, odor, smoke, or other incompatible uses. Where buildings are setback from the street, a landscaped area must be planted along the front yard street line.

GUIDELINES.

Please refer to Appendix 2 of this manual, The B-1, B-1b, B-2, B-2b Design Guidelines, for applicable design guidelines for the B-1 and B-2 zones. In addition, the following design guidelines shall also apply:

1) Buildings located in the B-2 zone are specifically encouraged to adhere to the design guidelines contained in the B-1, B-1b, B-2, B-2b Design Guidelines (Appendix 2) of this section concerning the creation and preservation of an urban street wall.

2) In the B-1b and B-2 zones, buildings are specifically encouraged to adhere to the guidelines contained in the B-1, B-1b, B-2, B-2b Design Guidelines (Appendix 2) of this section concerning building entrances.
Appendix 2

City of Portland
Technical Standards and Design Guidelines

Development in the B-1, B-1b, B-2, B-2b shall meet the following guidelines in order to meet the Site Plan Standards

1. Building Location and Form

Buildings shall be located near the street so as to create an urban street wall. An urban street wall is created by a pattern of buildings which line the street in a consistent manner, thereby establishing a desirable spatial relationship between the building in the commercial district and the major object. Location is one of several related factors defining the street environment.

Building Form, including height, bulk, and massing, contribute to the development of a street wall. The desired condition is to have the building frame and enclose the street, which is achieved by providing building height that is proportionate to the width of the adjoining major street. A ratio of building height to street width of one-to-two creates a strong "room-like" street, while a one-to-three ratio provides good street definition and proportion. Shorter buildings of one story facing broad streets will not achieve the desired relationship.

In the B-2b zone, buildings adjacent to streets should approach 1:2 height to street width, with a minimum of 1:3.
For a fifty-foot street right-of-way, therefore, a minimum height of 15' is required, with 25' height preferred. An eighty-foot right-of-way requires about 27' to achieve the 1:3 proportion, with 40'-height preferred. Obviously, buildings located as close as possible to the street right-of-way will provide better definition and proportion than buildings set further back.

2. Building Function

An urban street and business district requires a substantial intensity and variety of uses. It is beneficial to have mixed uses within portions of buildings situated near the street. For example, a retail first floor might have office or residential on the second or third floors. This provides both the scale of building height desired, as well as the economic vitality of the business district.

3. Orientation of Buildings and their Entrances to the Street

Major building entries shall be designed and located to provide the primary building access oriented to the public street and sidewalk. Doorways should be prominent and obvious in appearance, so as to attract the users toward the entry. Major entry features should primarily address the street, with entry courts, display windows, signage, lights, walkways, and vestibules, as appropriate. Major entries should be adjacent to, or very close to, the street and public sidewalk.
4. Windows

Windows shall be located in all building facades visible from the public way, especially on building facades along the major public street. Retail uses with store fronts are the most desirable feature for locations adjacent to the public sidewalk, and active, transparent (minimum visible transmittance (VT) of .7 or greater), and interesting windows contribute the maximum value. Limitations on transparency, such as dark or reflective glass, or interior coverings, should be avoided. Where uses (such as office) are not conducive to transparent viewing from the public way, windows can still convey a sense of activity and presence along the street. Even these more private windows can convey occupancy and habitation when lighted from within, as during evening hours, even if the interior is screened from view.

5. Building Character, Detail, Scale, and Graphic Qualities

Building design will include various architectural and graphic amenities to provide a strong presence along a street and relate a building to its community. Awnings, canopies, and flags may be utilized to highlight entryways and to further identify the activity and identity of a use. Facade lighting may be used to highlight entryways or to provide visual interest along an otherwise blank facade. Building scale, roof pitch, architectural detail, and fenestration shall be designed to complement and be compatible with surrounding residential and commercial buildings.

6. Signage and Building Entrances

Building entrances and building signage in the B-1, B-1b, and B-2b zones will be designed and constructed at the pedestrian scale.

*We may need to revise the Sign Ordinance for allowed height and dimension of signs.

7. Development Relationship to Street

Building facades and site amenities shall form a cohesive wall of enclosure along a street. Where buildings are not located at the street line, site amenities, including masonry walls, fences, and landscaping, shall be placed along the street to provide a sense of enclosure or definition.

8. Parking Lots

Parking lots shall be screened from view of the public way.

Landscaping or fencing shall be used to screen parking lots from public ways and residential neighbors. Where parking is located within the front yard (or side yard of a corner lot), a landscaped buffer or fence shall be placed along the street line to distinguish the private space from the public space and to help define the street wall.

Parking lots shall be screened from neighboring properties.

A densely planted landscape buffer or fencing shall be installed to protect neighboring properties from the impacts associated with the parking lot and the use it serves.
Crosswalks shall be provided within parking lots and across entrance driveways, directing pedestrians to building entrances.

Street trees shall be planted along property street frontage 25ft. on center.

9. Transit Connections

Development proposed along established transit corridors must design uninterrupted access from the proposed development to the transit stop. An easement to place a transit shelter may be requested for development located along a transit corridor.
Neighborhood Meeting Certification

I, Barbara Barhydt, Portland's Development Review Services Manager, hereby certify that a neighborhood meeting was held on March 10 at the Merrill Rehearsal Hall at 6:30 p.m. The location of the meeting was changed on the day of the meeting (Expo could not be used due to a Red Claws Game). On March 10, 2016, news flashes were posted on the City's web site, notices was resent to the interested citizen, and calls made to participants who attended the workshop. A staff person was stationed at the Expo to redirect interested parties to the Merrill Auditorium Rehearsal Hall from 6:00 p.m. to 6:45 p.m.

I also certify that on March 1, 2016, invitations were mailed to the following:

1. All addresses on the mailing list provided by the Planning Division which includes property owners within 500 feet of the proposed zone change.
2. Residents on the "interested parties" list.
3. A digital copy of the notice was also provided to the Planning Division (jmy@portlandmaine.gov and lobson@portlandmaine.gov) and the assigned planner to be forwarded to those on the interested citizen list who receive e-mail notices.

Signed,

[Signature]

March 17, 2016

Attached to this certification are:

1. Copy of the invitation sent
2. Sign-in sheet
3. Meeting minutes
4. Written comment submitted at the meeting
5. Copy of Power Point Presentation
March 1, 2016

Dear Neighbor,

Please join us for a neighborhood meeting to discuss the City of Portland’s proposal to rezone an area along Forest Avenue from Community Business B-2 and Residential R-5 to the Community Business B-2b zone. The proposed zone change is in the vicinity of the block bounded by Forest Avenue, Preble Street Extension and Baxter Boulevard and includes commercial parcels at the intersection of Forest Avenue, Baxter Boulevard and Bedford Street, as shown on the map.

**Meeting Location:** Portland Exposition Building, Rehearsal Hall
239 Park Avenue, Portland, ME 04102

**Meeting Date:** Thursday, March 10, 2016

**Meeting Time:** 6:30 p.m.

The City Code requires that property owners within 500 feet (1000 feet for proposed industrial subdivisions and industrial zone change) of the proposed development and residents on an “interested parties list”, be invited to participate in a neighborhood meeting. A sign-in sheet will be circulated and minutes of the meeting will be taken. Both the sign-in sheet and minutes will be submitted to the Planning Board.

If you have any questions, please feel free to contact Barbara Barhydt, Development Review Services Manager at the Portland Planning Division at 874-8699 or at bab@portlandmaine.gov

Note: Under Section 14-32(C) and 14-524(a) of the City Code of Ordinances, an applicant for Level III development subdivision of over five lots/units, or zone change is required to hold a neighborhood meeting within 30 days of submitting a preliminary application or 21 days of submitting a final site plan application, if a preliminary plan was not submitted. The neighborhood meeting must be held at least seven days prior to the Planning Board public hearing on the proposal. Should you wish to offer additional comments on this proposed development, you may contact the Planning Division at 874-8719 or send written correspondence to the Planning and Urban Development Department, Planning Division, 4th Floor, 389 Congress Street, Portland, ME 04101 or by e-mail to bab@portlandmaine.gov
<table>
<thead>
<tr>
<th>Name</th>
<th>Address</th>
<th>Email</th>
</tr>
</thead>
<tbody>
<tr>
<td>Julie Laird</td>
<td>93 High St.</td>
<td><a href="mailto:julie@portlanddevelopment.org">julie@portlanddevelopment.org</a></td>
</tr>
<tr>
<td>Mary Costigan</td>
<td>100 Middle Street</td>
<td><a href="mailto:mrcostigan@broadreach.com">mrcostigan@broadreach.com</a></td>
</tr>
<tr>
<td>David Weeks</td>
<td>355 Forest Ave.</td>
<td><a href="mailto:dweeksej1@maine.rr.com">dweeksej1@maine.rr.com</a></td>
</tr>
<tr>
<td>Sandra Guay</td>
<td>284 Main St., Biddeford</td>
<td><a href="mailto:s1g@wooldeelaw.com">s1g@wooldeelaw.com</a></td>
</tr>
<tr>
<td>Nick Korthmann</td>
<td>140 Clark St.</td>
<td><a href="mailto:nkoaltert@gmail.com">nkoaltert@gmail.com</a></td>
</tr>
<tr>
<td>Carrie Watson</td>
<td>30 Grosvenor</td>
<td><a href="mailto:carrie.watson@gmail.com">carrie.watson@gmail.com</a></td>
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<tr>
<td>Will Watman</td>
<td>11</td>
<td><a href="mailto:wwatman@ymail.com">wwatman@ymail.com</a></td>
</tr>
<tr>
<td>Michael Kaplan</td>
<td>49 Ocean Ave, Portland 04103</td>
<td><a href="mailto:kaplancompanyx@msn.com">kaplancompanyx@msn.com</a></td>
</tr>
<tr>
<td>Mike Casey</td>
<td>10 Oak Grove, Portland 04103</td>
<td><a href="mailto:mikecasey6@gmail.com">mikecasey6@gmail.com</a></td>
</tr>
</tbody>
</table>
March 10, 2016

Dear City of Portland,

The area on Forest Ave near the Palmer Spring Company has very old trees. Surrounding the parking lot is Red Maple, Beech. At the corner near the Forest Ave, Zoned R5, Residential, and a main street is ancient Red Maple that has so much water under it that it has sprawled 20 or more branches from the trunk of the tree. Would you please do an Environmental Review by your agency in charge or contact Ron Mongeon, Enforcement, Maine Department of Environmental Protection - (207) 287-7740, Or contact Environmental Assessment (water resources) Don Witherill (207) 215-9751. Ground water protection is also necessary so you should contact John Hackett (207) 215-4463.

I am objecting to a Zoning Change. No further development should take place to protect the water resources according to the Water Act of the Federal Government and the City of Portland Code of Ordinances. Sincerely,

Cheryl A. Joseph
Maine Environmental Boston College, B.A. Biology

Laws.
Neighborhood Meeting:
Proposed Zoning Map Change from B2 to B2b
between Preble St Extension and I-295 along Forest Avenue

City of Portland, Applicant

March 10, 2016
Agenda

1. Introduction Councilor Belinda Ray, District One
2. Description of Proposal
3. Public Comment and Questions
4. Next Steps
Background

- At the CC Meeting on Feb. 1, 2016, Councilor Ray moved to have the Planning Board consider a zoning map amendment from the current Community Business B-2 zone and the Residential R-5 zone to the Community Business B-2b zone (red properties to right).

- CC voted unanimously to refer this item to the PB and requested PB to report back by April 1, 2016.

- On Feb. 23rd PB held workshop on the item and decided to move forward with a hearing on the rezoning for a larger area (following slide).

- PB Hearing scheduled for Mar. 22, 2016
<table>
<thead>
<tr>
<th>Zone</th>
<th>Purpose</th>
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<tbody>
<tr>
<td>Residential R-5</td>
<td>To provide appropriate areas of the city for medium-density residential development characterized by single-family and low-intensity multifamily dwellings on individual lots; to ensure the stability of established medium-density neighborhoods by controlling residential conversions; and to provide for planned residential unit development on substantially sized parcels. Such PRUD development shall respond to the physical qualities of a site and complement the scale, character and style of the surrounding neighborhood.</td>
</tr>
<tr>
<td>Community Business B-2</td>
<td>1. To provide appropriate locations for the development and operation of community centers offering a mixture of commercial uses, housing and services serving the adjoining neighborhoods and the larger community.</td>
</tr>
<tr>
<td></td>
<td>2. The variety, sites and intensity of the permitted commercial uses in the B-2 zone are intended to be greater than those permitted in the B-1 neighborhood business zone.</td>
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<tr>
<td></td>
<td>3. The B-2 zone will provide a broad range of goods and services and general businesses with a mixture of large and small buildings such as grocery stores, shops and services located in major shopping centers and along arterial streets. Such establishments should be readily accessible by automobile, by pedestrians and by bicycle. Development in the B-2 zone should relate to the surrounding neighborhoods by design, orientation, and circulation patterns.</td>
</tr>
<tr>
<td></td>
<td>4. The B-2 and B-2b will provide locations for moderate to high density housing in urban neighborhoods along arterials.</td>
</tr>
<tr>
<td>Community Business B-2b</td>
<td>The B-2b zone is intended to provide neighborhood and community retail, business and service establishments that are oriented to and built close to the street. The B-2b zone is appropriate in areas where a more compact urban development pattern exists such as on-paninsula or in areas off-paninsula where a neighborhood compatible commercial district is established which exhibits a pedestrian scale and character. Such locations may include the peninsula and other arterials and intersections with an existing urban or neighborhood oriented building pattern.</td>
</tr>
<tr>
<td>Standard</td>
<td>R-5</td>
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<tr>
<td>----------------------------------------------</td>
<td>----------------------------------------------------------------------</td>
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<tr>
<td>Minimum Lot area per dwelling unit</td>
<td>3,000 sf, except 3,600-4,800 sf for special needs Independent</td>
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<tr>
<td>Street Frontage</td>
<td>50 feet</td>
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<td>Minimum Lot Width</td>
<td>60 feet, except 90 for multiplex</td>
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<tr>
<td>Minimum Front Yard</td>
<td>20, except average depth if less than 20</td>
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<td>Maximum Front Yard</td>
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<tr>
<td>Minimum Rear Yard</td>
<td>20 feet</td>
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<tr>
<td>Minimum Side Yard</td>
<td>8-15 feet, depending on building height and location</td>
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<td>Minimum Side Yard on Side St</td>
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<td>Structure Height</td>
<td>35 feet</td>
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<td>Structure Stepbacks</td>
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<td>Maximum Lot Coverage (building coverage)</td>
<td>40%</td>
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<td>Maximum Impervious Surface</td>
<td>N/A</td>
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<td>Minimum Lot Area per Dwelling Unit</td>
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<td></td>
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</table>
Transforming Forest Avenue Study
Approved June 4, 2012

- Transforming Forest Avenue considered land use options for the corridor, including use based zoning, form based code and transit supportive development (TSD).
- Encouraging vibrant and diverse land uses is an important principle of TSD development in order to provide multiple destinations in close proximity within an area.
- The development pattern should "provide for vibrant loci or activity at a pedestrian scale."
- Architectural quality, high quality parking, and public spaces are other land use components that are identified as components for creating a high quality transit corridor.
- While the B-2 and B-2b zones have similar uses and dimensional standards, the design guidelines between the two zones do differ. The design standards for the B-2b zone are more urban and pedestrian oriented.
March 17, 2016

Jeff Levine, Planning & Urban Development Director
City of Portland
389 Congress St, Fourth Floor
Portland, ME 04101

Re: Proposed Zoning Amendment/Forest Avenue

Dear Mr. Levine:

On February 1, 2016, the City Council asked the Planning Board to review and provide its recommendation on a possible zoning amendment. This amendment would reclassify the City blocks south of Preble Street Extension, east of Forest Avenue, and north of Baxter Boulevard from either B-2 or R-5 to B-2b. In addition, the Council asked the Planning Board to separately consider revisions to the language of the B-2 and/or B-2b zone ordinances and design manual. It of course is no coincidence that these proposed zoning changes came only after the City became aware of a proposed CVS Pharmacy development in this area that had been in the works for approximately five years, and of the desire by the current owners of the existing structures to sell their properties for this development.

On February 23, 2016, the Planning Board held a workshop on this issue, and on March 10, 2016, it held a neighborhood meeting. A public hearing has been scheduled for March 22, 2016.

The purpose of this letter is to provide an explanation of why a rezoning from B-2 to B-2b in this instance would be neither appropriate, nor in the best interests of the City.

I. **B2 versus B-2b/Uses**

While the “purpose statements” for the B-2 and B-2b appear to describe a more commercial zone for the B-2 and a less intensive commercial zone for the B-2b in reality,
the differences between the B-2 and B-2b zones are few. The B-2 allows for certain dairies and bakeries; the B-2b allows for only small bakeries. The B-2 allows for wind energy systems; the B-2b does not. Significantly, the B-2 allows for research and development and related production establishments, drive-throughs that are accessory to a principal use, and major and minor auto service stations in existence as of 1999; none of these last three uses are permitted in the B-2b.

With respect to drive-throughs, there are several drive-throughs in the vicinity of the area under consideration for rezoning, including the credit union located on the Forest Avenue side of the Hannaford shopping center. Drive-throughs are not an antithesis to urban design. In particular, pharmacy drive-throughs, with their low queuing and low volume speakers (HIPPA required), have little impact in an area that is already subject to high traffic volume. Permitting a drive-through in this section of Forest Avenue, which is closely connected to Route 295, a university commuter campus, and the Hannaford shopping center, will have no impact on the dynamics of automobile traffic. What a pharmacy drive-through does however provide is more convenient and easier access to medications by that section of the local population that is elderly, disabled, ill, contagious, or with small children in the car. It is fine to say that everyone should park and walk a couple of blocks – but, this is simply not the reality for many. The option of a pharmacy drive-through in this area would serve individuals who must now drive a distance in order to be able to obtain medications without having to exit their vehicles and enter a store to do so. The original decision to allow for drive-throughs in this limited commercial area, which is physically detached from the established residential neighborhoods, was not by accident or mistake. It is simply the right place for a drive-through to be located.

I. B2 versus B-2b/Design and Technical Standards

There appears to be only one differing dimensional standard between the B-2 and B-2b – maximum impervious lot coverage is 80 percent in the B-2 and 90 percent in the B-2b. As most all of the property within the proposed rezone area (with the exception of the City’s ballpark), is already greater than 90 percent impervious, this distinction is irrelevant.

Further, the distinctions, if any, between the City’s Design Manual (“Manual”) and its Technical Standards and Design Guidelines (“Guidelines”) for these two zones is less than clear. While the Manual calls for an “urban street wall” only in the B-2b; the Guidelines require an urban street wall in both the B-2 and the B-2b. The Manual requires building entrances in the B-2b zone to be oriented toward, and accessible from the sidewalk; again, the Guidelines require this in both the B-2 and the B-2b. As the Guidelines appear to
be the stricter of the two, presumably the Guidelines would control. If this is so, there is virtually no design difference between structures in either zone.

III. **Physical Location of Zoning Boundaries**

As is very well illustrated in a map attached to the staff memo prepared for the February 23, 2016 Planning Board workshop (attached again to this letter for reference), the B-2 section of Forest Avenue under consideration for rezoning is physically separated from the existing B-2b zone by Preble Street Extension and Falmouth Street. The decision to separate the two zones in this fashion was surely not by accident or oversight. The pink zone on the map (B-2) is comprised of existing commercial development that is denser and larger than commercial development on the northerly side of Preble Street; it is more connected to the University; and, it is more closely associated with the Route 295 connector. As noted, unlike the B-2b, the B-2 allows for research and development and related production establishments, such as can be found at the University or Oakhurst Dairy. This is the only area located near either the school or the dairy that allows for this use – again presenting a reason why the present zoning was well planned and not merely an oversight. The pink zone also allows for auto service stations in existence as of 1999, such as the existing Palmer Springs business. It is somewhat ironic that the City is considering saving structures that represent the auto industry, while at the same time moving toward eliminating that use.

In addition to its permitted uses, the parcels comprising the area under consideration for rezoning are accessed not only from Forest Avenue but also have access from, and in some cases abut, Preble Street and Bedford Street. This is unlike the B-2b zone north of Preble Street, where the parcels fronting on Forest Avenue abut densely developed largely single family residential lots. In this way, the subject area is once again distinctly different, and easily distinguishable, from the B-2b zone itself.

III. **The R-5 Zone**

The *Transforming Forrest Avenue* study, adopted by the City Council in 2012, designates the subject area as “Central Forrest Avenue.” The study calls for this section of Forest Avenue to be “the heart of commercial, civic, and other activity.” The R-5 zone here, appears to be a remnant of the residential zone that existed prior to the development of the Preble Street Extension. Today however, and particularly in light of the *Transforming Forrest Avenue* study, this property is not suited for low-density residential use, but rather should be zoned for denser commercial or mixed use development. Maintaining a low-intensity, single lot residential zone in an area that is separated from all other such zones,
and is in the heart of a potential commercial development area, makes little sense. This area should be rezoned to the abutting B-2 zone.

III. Language Amendments

As noted above, in addition to asking the Planning Board to consider a possible rezoning, the Council has asked the Board to think about amendments to the design standards for the B-2 and B-2b zones. As it appears that there is presently so little differentiation in design standards between these two zones, and as neither zone appears to require or show preference for the type of multi-use/multi-level development that the City seems to be envisioning, this ordinance language revision approach seems to make more sense than a zone change in this instance. Again, this zone change would eliminate any research and development facilities, make the existing Palmer Springs non-conforming, and disallow all drive-throughs, all without any apparent overriding benefit to the City.

Zoning is best when part of an overall plan, and is not simply reactionary. It is clear that in this instance, the request from Council that the Planning Board consider and provide its recommendation of a rezoning in the blocks south of Preble Street Extension, east of Forest Avenue, and north of Baxter Boulevard from B-2 to B-2b, is a reaction to one development proposal. While that proposal design has yet to see the light of day, it is clear that the rezoning of this single block to a B-2b zone will not prevent the possibility of a single-use, single level, development in this location.

Thank you for your attention to this matter. I am confident that the Planning Board will provide its usual level of scrutiny and deliberation to this zone amendment recommendation to the City Council.

Very Truly Yours,

SANDRA L. GUAY

SLG/Lb
Copies to:

Mark Bettenhausen, T.M. Crowley & Associates
Mary Costigan, Esquire, Bernstein, Shur, Sawyer & Nelson, P. A.
Michael Kaplan, Kaplan 447 LLC
Zone Changes from R5/B2 to B2b

Legend
- **Open Space**
- **Proposed Zone Change**
  - Current R5 or B2
- **Current Zoning**
  - B2b
  - R5
  - B2

Scale: 0 0.05 0.1 0.2 Miles

North (N)
March 18, 2016

Portland Planning Board
389 Congress Street
Portland, Maine 04101

RE: Proposed Rezoning on Forest Avenue

Dear Board Members:

I am writing on behalf of Palmer Spring Co., the owner of 351-355 Forest Avenue and D & J Weeks Properties, the owner of 365 and 369 Forest Avenue. Shortly after these properties were under contract for sale to an entity that plans to have a drive-through associated with the use of the property, a proposal to rezone the properties from B-2 to B-2b was forwarded to the Planning Board. For the reasons set forth below, we respectfully request that the Planning Board recommend to the City Council that these properties not be rezoned B-2b.

**B-2 v. B-2b Permitted Uses and Dimensional Standards**

The differences between the B-2 and B-2b zones are so limited they can easily be listed below:

1. Bakeries and commercial kitchens are permitted uses in both zones, however in the B-2b can be no greater than 7,000 sq. ft.

2. Drive-thru are not permitted in the B-2b zone, but are allowed in the B-2 zone as a permitted use if it is not located adjacent to a residential use or zone and as a conditional use if located adjacent to a residential use or zone.

3. All major and minor auto service stations are permitted in the B-2 zone, but only those major or minor auto service stations in existence as of November 15, 1999 are permitted in the B-2b zone.

4. In the B-2, structures can be up to 65 feet in height if located on lots greater than 5 acres provided that they meet certain setback requirements.
5. Maximum imperious coverage for all uses other than residential uses is 80% in the B-2 and 90% in the B-2b

All of the remaining standards set forth in the Land Use Code are identical for both the B-2 and B-2b zones, including front yard parking requirements.

**Design Standards**

Section 14-526(d)(9)(a)(iii) provides:

Development in the B1, B1-b, B2 and B2-b business zones shall provide an established street wall with entrances and public portions of the building oriented to and directly accessible from the public sidewalk and shall be designed and scaled to be compatible with surrounding residential and commercial development as demonstrated by compliance with all applicable design standards listed in the Design Manual.

Within the Design Manual, the following relevant standards and guidelines apply to the B-2 and B-2b:

1. Design Standards:
   - In the B-2b zone, buildings are required to be located to create and preserve an urban street wall.
   - In the B-2 zone, the building entrances shall be oriented toward, located adjacent to and directly accessible from, a sidewalk in a public right-of-way.
   - In both the B-2 and B-2b zones, transparent, pedestrian-level windows shall be required along the street frontage.
   - In both the B-2 and B-2b zones, active and public portions of buildings shall be oriented to and, where possible, located adjacent to the public sidewalk.

2. Design Guidelines:
   - The manual states that buildings in the B-2 are specifically encouraged to adhere to the guidelines contained in Appendix 2 concerning urban street walls and building entrances.
   - Appendix 2 states that “Development in the B-1, B-1b, B-2, B-2b shall meet the following guidelines in order to meet Site Plan Standards:”
     - “Buildings shall be located near the street so as to create an urban street wall.”
     - “Major building entries shall be designed and located to provide the primary building access oriented to the public street and sidewalk.”
It is unclear how the inconsistencies in the ordinance, manual and the appendix would be resolved, but it is apparent that changes over time have brought the two zones very close in line in terms of design. In any event, the mostly identical uses and dimensional standards, taken with the close to identical design standards, leave a very narrow area of distinction between the B-2 and B-2b zones. Although limited, those differences are very significant to Palmer Spring and D&J Weeks and would be detrimental to the sale of the property and Palmer Spring’s ability to relocate the business.

The most notable distinction between the two zones is the prohibition on drive-throughs in the B-2. A drive-through in this location, close to the 295 interchange simply makes sense and can be designed in a manner that would have little impact on traffic and the surrounding uses. The current demarcation between the B-2 and B-2b drawn at Preble Street is a natural division; one that leaves Palmer Spring, Hannaford, and Oakhurst on one side, serving as an area of service to those traveling on the highway and of transition to the more pedestrian-oriented B-2b further down Forest Avenue. The Planning Board and Council visited the issue of drive-throughs in the B-2b just over a year ago. It is notable that neither the Board nor the Council determined at that time that drive-throughs should be prohibited in the area now being reviewed for rezoning.

In addition to the drive-through prohibition, the limitation on auto service stations in the B-2b would be very problematic for Palmer Spring. The only service stations permitted in the B-2b zone are those that were in existence as of November 15, 1999, so essentially only Palmer Spring. A recent decision by the Historic Preservation Board that the Palmer Spring building is eligible to be listed as a local landmark, together with a rezone to B-2b, would likely make it impossible for Palmer Spring to ever sell the property.

For these reasons, we are hopeful that the Planning Board will recommend to the Council that the Palmer Spring and surrounding properties should not be rezoned from B-2 to B-2b. The current regulatory structure for the B-2, coupled with the Site Plan review process will ensure that any development on this site meets the City’s vision for the transitional area from the highway to the pedestrian-oriented B-2b zone.

Finally, we would like to suggest that the Planning Board take this opportunity to recommend to the Council that the boundary between the R-5 and the B-2 be moved to the other side of Preble Street. As you can see in the attached, the line between the two zones is currently in the middle of the properties that face Forest Avenue. Cleaning up the map will give additional flexibility for development of those Forest Avenue properties.
March 18, 2016
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Thank you for your time and consideration. Please let me know if we can provide further information.

Sincerely,

Mary E. Costigan

cc: David Weeks