

Bayside Master Development Plan
 89 Elm Street, 196 Lancaster Street, 60 Elm Street, 315 Cumberland Avenue, 149 Lancaster Street, 195
 Lancaster Street, 163 Lancaster Street, 235 Oxford Street, 117 Preble Street, 81 Preble Street, 62 Elm Street,
 165-185 Lancaster Street
 Master Development Plan
 PL-002315-2022
 West Bayside Partners, LLC & Port Property Management, Applicants

| | | | |
|-----------------------------|-------------------------|---------------------|-----------------------------|
| Submitted to: | Portland Planning Board | Prepared By: | Zach Powell, Senior Planner |
| Public Hearing Date: | June 13, 2023 | Date: | June 9, 2023 |

I. INTRODUCTION

West Bayside Partners, LLC and Port Property Management have submitted an application for a Master Development Plan (MDP) to facilitate a phased development spanning multiple blocks in the Bayside Neighborhood that includes the demolition of four buildings, partial demolition of the northern portion of 185 Lancaster Street, ±1,200 square foot addition of ground-floor retail at 315 Cumberland Avenue, and construction of seven new mixed-use buildings totaling ±663,500 square feet with 804 total dwelling units and ± 28,200 square feet of commercial space.



Figure 1: Rendering of 195 and 196 Lancaster Street with proposed linear park and woonerf.

The Planning and Urban Development Department mailed 107 notices advertising this meeting to property owners within 500 feet of the site. A legal advertisement ran in the June 3rd and June 6th, 2023 editions of the *Portland Press Herald*.

Applicants: West Bayside Partners, LLC & Port Property Management
Applicant Will Savage, Acorn Engineering
Representatives:

II. REQUIRED REVIEWS

| <i>Review</i> | <i>Applicable Standards</i> |
|-------------------------|---|
| Master Development Plan | Section 14.7 |
| Design Review | B-3, B-7, R-6, and Multiple-Family Guidelines |

| | |
|--|---|
| Increased Maximum Front Setback Request | Applicable Standard |
| §7.3 – Table 7-E: Mixed-Use Zone Dimensional Standards – to vary the front setback on Lancaster Street for the proposed building at 196 Lancaster Street | §7.3 – The maximum permitted front setback from all street frontages in the B-3 zone is 5 feet. §7.5.5.F.4 of the Land Use Code allows the Planning Board to set a different setback to comply with design standards. |
| Waiver Request | Applicable Standard |
| Technical Manual § 1 – Figure I-12 – Flush curbing along Lancaster Street between Preble & Elm Street to facilitate the construction of a woonerf. | Technical Manual §1 – Figure I-12 – 7” reveal required |

III. PROJECT DATA

| | | |
|-----------------|--|------------------------|
| Existing Zoning | B-3 (Downtown Business) B-7 (Mixed Development) R-6 (Residential) Downtown Entertainment Overlay | |
| Property Size | ±308,042 SF* (7.07 acres) (*Please note total includes a 30-foot extension into the R-6 district of the proposed 89 Elm Street) | |
| Existing Uses | Artist studio | 14,850 SF |
| | Clinic | 52,700 SF |
| | Dwelling units | 55 units (35,595 SF) |
| | Office | 64,924 SF |
| | Retail (Bakery) | 6,016 SF |
| | School | 43,454 SF |
| | Structured Parking | 595 spaces |
| | Surface Parking | 411 spaces |
| Proposed Uses | Dwelling units | 651,500 SF (859 units) |
| | Retail space (Art Gallery and General Retail) | 9,000 SF |
| | Low-Impact, Industrial (Brewery) | 6,200 SF |
| | Restaurant | 9,000 SF (2 units) |
| | Place of Assembly (Fitness Center) | 4,000 SF |
| | Office | 64,924 SF |
| | School | 43,454 SF |
| | Structured Parking | 595 spaces |
| Surface Parking | 60 Spaces | |

| | <i>Existing</i> | <i>Proposed</i> | <i>Net Change</i> |
|---------------------|-----------------|-----------------|-------------------|
| Building Footprint | 139,541 SF | 194,235 SF | +54,694 SF |
| Building Floor Area | 475,939 SF | 1,104,133 SF | +628,194 SF |
| Parking Spaces | 1,006 spaces | 655 spaces | -351 spaces |
| Curb Cuts | 22 | 9 | -13 |

IV. EXISTING CONDITIONS AND SURROUNDING AREA

The project site spans six blocks and is approximately seven acres in area. The MDP is bounded to the north by Chestnut Street, to the South by Preble Street, to the East by Cumberland Avenue, and the West by Kennebec Street. Located in Bayside, several residential, commercial, and industrial uses were historically located in this neighborhood, as its location was convenient to downtown and the former freight yard west of Somerset Street as shown in Figure 2. While Figure 2 shows a significant number of residential dwellings in the project area in 1914, the neighborhood experienced a reduction in its residential population in the mid-to-late 20th century and has seen a significant change in uses and physical form. As a result, the majority of the area formerly occupied by residential development has been converted into off-street parking, while a number of residential structures remain along Cedar Street. Along with these changes, the rail-oriented industrial uses in the area led to soil contamination, which prompted brownfield remediation efforts by the City in the late 1990s and early 2000s.

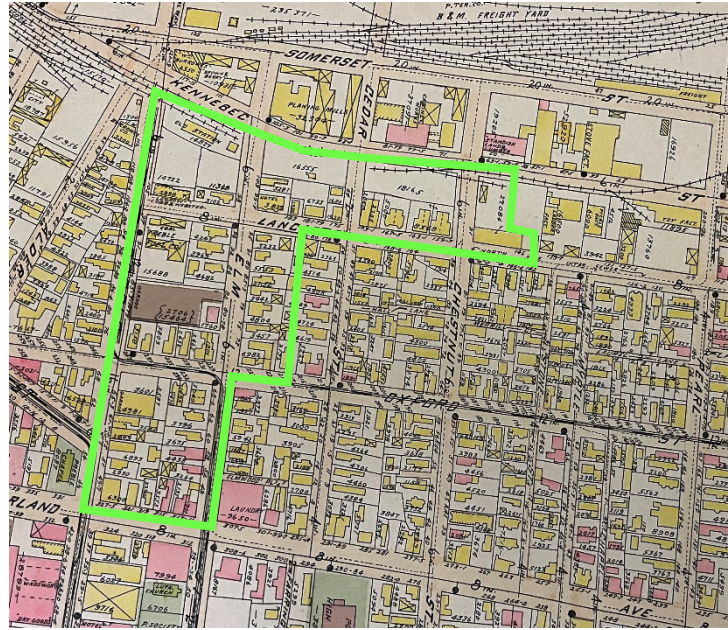


Figure 2: 1914 City Atlas with MDP boundary shown in green.



Figure 3: Existing conditions looking south along Lancaster Street

Today, the surrounding area includes a mix of commercial and social services of varying scales located on the edges of the MDP boundary, with newer residential uses and commercial buildings located west of the MDP boundary, including a 171-unit mixed-use building under construction at 52 Hanover Street, and 82 Hanover Street, a former DPW plow garage that was converted into restaurants, retail, and office space. 75 Chestnut Street, a 52-unit residential building is located north of the MDP boundary. Commercial & social service uses are primarily located to the east and south. Within the MDP boundary lies:

- Existing office buildings at 62 Elm Street, 235 Oxford Street, 81 Preble Street, and 196 Lancaster Street
- A clinic (MaineHealth Behavioral Healthcare) and school (Baxter Academy) at 185 Lancaster Street
- Retail (Bakery) at 195 Lancaster Street
- Surface parking lots at 60 & 89 Elm Street and 149,195,196 Lancaster Street
- The Public Market Parking Garage at 315 Cumberland Avenue
- 55 multi-family dwelling units in the renovated Schlotterbeck & Foss building at 117 Preble Street

As part of the proposed development, the majority of existing historic structures are to remain, with four structures at 235 Oxford Street, 195, and 196 Lancaster Street proposed to be demolished. A portion of the building at 185 Lancaster Street will also be demolished, though the remaining portion of this building will continue to house the Baxter Academy. All of the remaining historic structures in the MDP boundary are owned by the Applicant.

The MDP area is proximate to public transit, with METRO PULSE at Elm Street (Downtown Transportation Center) located half a block from the MDP’s northern boundary. METRO PULSE serves as a hub for Routes #2, #4, #5, #7, and the Husky Line begins and ends their routes. METRO bus route #8 currently runs through the MDP boundary on Cumberland Avenue, Elm Street, Lancaster Street, and Preble Street, with recommendations from [Transit Together](#) to re-route service outside the MDP boundary in the future.

While there are no existing publicly accessible open spaces within the MDP boundaries, a number of City-owned open spaces can be found nearby that provide active (Kennedy Park) and passive (Deering Oaks Park, Monument Square, and Stone Street Playground) recreational spaces, as well as walking/biking trails (Bayside & Back Cove Trails).

V. PROPOSED DEVELOPMENT

The applicant’s MDP includes five proposed phases, with a total of eight sub-phases shown in Figure 4, Table 1, and described below.

Phase 1a (89 Elm Street): As part of a competitive public process, the applicant secured affordable housing funding from the MaineHousing Authority to construct an 8-story ±162,00 square foot mixed-use building containing 201 affordable dwelling units for residents earning 60% AMI or less and ±6,000 square feet



Figure 4: Phasing Plan.

of retail space. The existing 132-space surface parking lot is proposed to be reduced to 33 surface parking spaces, with 12 of those spaces located within the MDP boundary. A major site plan application has been submitted for this phase and is currently under review by City staff.

Phase 1b (196 Lancaster Street): Demolition of a ±4,544 square foot commercial structure and construction of an 8-story, ±72,000 mixed-use building with 140 residential dwelling units and 4 commercial units totaling ±5,000 square feet. A ±4,000 square foot public plaza is proposed to occupy the front setback area of the site along Lancaster Street. An existing 85-space surface parking lot is proposed to be reduced to 34 surface parking spaces.

Phase 2 (60 Elm Street): Removal of 32 surface parking spaces and construction of a 10-story, ±70,000 square foot mixed-use building with 90 dwelling units and one commercial unit totaling ±1,500 square feet.

Phase 3 (315 Cumberland Avenue): Infill construction of a 1-story, ±1,200 square feet retail unit along the subject property’s southeastern frontage (Preble Street).

Phase 4 (149 Lancaster Street): Removal of 57 surface parking spaces and construction of a 10-story, ±105,000 square foot mixed-use building with 125 dwelling units and two commercial units totaling ±1,500 square feet.

Phase 5a (195 Lancaster Street): Demolition of a ±6,016 square foot commercial building, removal of 18 surface parking spaces, and construction of a 5-story, ±42,500 square foot mixed-use structure with 50 dwelling units and three commercial units totaling ±6,500 square feet.

Phase 5b (163 Lancaster Street): Partial demolition of ±14,044 square feet of an existing commercial building, removal of an existing surface parking lot with 27 spaces, and construction of a 10-story, ±140,000 square foot mixed-use structure with 120 dwelling units and commercial unit totaling ±2,500 square feet. ±16,515 square feet of passive recreation open space is proposed along the northeastern portion of the site.

Phase 5c (235 Oxford Street): Demolition of two commercial buildings totaling ±11,902 square feet, removal of 23 surface parking spaces, and construction of a 6-story, ±72,000 square foot mixed-use building with 78 dwelling units and four commercial units totaling ±4,000 square feet.

| Table 1: Proposed Master Development Plan Program | | | | | | | | |
|---|--|-----------|-----------------|----------------|----------------|-------------------|--------------------|-----------------|
| Phase | Building Program | Height | Floor area (SF) | Footprint (SF) | Dwelling Units | Commercial Units | Structured parking | Surface parking |
| 1a | • Multi-family dwelling units | B-3: <80' | 162,000 | 24,000 | 201 | 3 (6,000 SF) | 0 | 12 |
| 1b | | R-6: 55' | | | | | | |
| 2 | • Ground floor commercial | 85' | 72,000 | 9,000 | 140 | 4 (5,000 SF) | 0 | 34 |
| 3 | Ground-floor retail addition | 105' | 70,000 | 12,000 | 90 | 1 (1,500 SF) | 0 | 0 |
| 4 | • Multi-family dwelling units • Ground floor commercial | 15' | 1,200 | 1,200 | 0 | 1 (1,200 SF) | 595 | 0 |
| 5a | | 105' | 105,000* | 10,500 | 125 | 2 (1,500 SF) | 0 | 0 |
| 5b | | 55' | 42,500* | 8,500 | 50 | 3 (6,500 SF) | 0 | 14 |
| 5c | | 105' | 140,000* | 14,000 | 120 | 1 (2,500 SF) | 0 | 0 |
| TOTAL | | 65' | 72,000 | 12,000 | 78 | 4 (4,000 SF) | 0 | 0 |
| | | | 664,700 | 91,200 | 804 | 19 (28,200 SF) | 595 | 60 |

*Sub-phase subject to 15-foot building stepbacks from the street wall to be calculated during site plan review and may alter final total floor area. See Standard E-2 of the B-7 Design Standards.

VI. PREVIOUS WORKSHOPS

The Planning Board held a workshop on March 14, 2023, which served as an introduction to the project. Overall, the Planning Board was generally supportive of the conceptual MDP layout, the proposed program of uses, the redevelopment of large existing surface parking lots, and the focus on Lancaster Street as a prominent new focal point within the Bayside Neighborhood. While much of the feedback was positive, the Board did express some concerns and encouraged the applicant to consider the following suggestions as part of subsequent submissions:

- Provide additional green space designed with solar exposure in mind
- Enhance the pedestrian network, and provide mid-block permeability, particularly at 89 Elm Street.
- Building and site design for 89 Elm Street in relationship to the built context along Cedar Street
- Provide additional information on the proposed woonerf such as phasing, programming, and possible extension further along Lancaster Street.
- Distribute IZ units across proposed buildings as opposed to concentrating all IZ units at 89 Elm Street

On April 25, 2023, the Applicant led a site walk through the MDP site, which was followed by a second Planning Board workshop for the project. The Applicant submitted updated materials that reoriented 163 Lancaster Street to remove proposed surface parking and add new green space that would be open to the public, provided additional information around the design and function of the proposed woonerf, and submitted an updated visioning document to further articulate the implementation of the MDP vision. The Board supported the updates made to the application and recommended the following items for the following meeting:

- Providing additional information in the phasing plan to clarify the implementation of anticipated infrastructure, interim conditions, and open space,
- Undergrounding of overhead utilities, particularly along the woonerf on Lancaster Street, as part of the streetscape design,
- Submitting additional information on the applicant's approach to inclusionary zoning, particularly a framework to track the compliance of future phases of development with the City's IZ requirements., and
- Further consideration of traffic impacts to Cedar Street from the 89 Elm Street project.

Outstanding staff comments were sent after the meeting (Attachments 1 and 2) to address the remaining compliance issues connected to the MDP review standards. From these comment letters, the Applicant submitted:

- Phasing plan sheets and narrative (Attachments O & P.11-14) that clarify the implementation of enhanced infrastructure, document interim conditions, and identify open space relative to each sub-phase
- Design documents that further clarify the design intent of the MDP (Attachment DD2), along with a shadow study for 89 Elm Street (Attachment R)
- Information on the continuity of unit design for market-rate and IZ units (Attachment G1 & DD2)
- A parking memorandum on the number of automobile parking spaces in the MDP that are obligated to existing leases and the timeframe for the expiration of those leases (Attachment T)
- Management and design information on the proposed Lancaster Street woonerf (Attachment I, DD2 & EE2)

- A communications and outreach program that identifies the digital and in-person engagement strategies used to keep neighbors apprised of projects within the MDP (Attachment II)

An assessment of how all application documents meet the MDP review standards can be found in Section X of this report.

VII. RIGHT, TITLE, & INTEREST

The Applicant has submitted deeds verifying that all properties in the MDP boundary are under common ownership (Attachments C & C1). Utility and access easements have been identified in these deeds, with easements either functioning as access for utility providers/infrastructure or access/lot line clarification for properties under site control by the applicant.

VIII. FINANCIAL & TECHNICAL CAPACITY

The applicant has submitted a letter of financial capacity from Gorham Savings Bank (Attachment L) and supplied supporting information related to the technical capacity of the applicant team in Attachment M.

IX. ZONING ANALYSIS

The site is encompassed by the B-3 (Downtown Business), B-7 (Mixed-Development), R-6 (Residential), and the Downtown Entertainment Overlay Zone.

Relevant sections of the B-3, B-7, and R-6 purpose statements are included below:

- ***B-3: ... to encourage increased housing opportunity downtown for a diverse residential population; to enhance the pedestrian environment through the encouragement of intensive mixed-use activities, through the enhancement and maintenance of public and private open space, and through the enlivenment and increased attractiveness of the street environment; to encourage excellence in urban design; to preserve and capitalize on the unique character and historic fabric of the downtown through the encouragement of reuse of significant existing structures; to provide opportunity for an enhanced presence and integration of the arts and cultural activities; to reinforce the role of the downtown as a meeting place for community residents and visitors alike from all walks of life and all socio-economic groups; to provide adequate parking and transportation facilities which promote accessibility, enhance and encourage development opportunity, and enhance and protect the pedestrian environment; ...***
- ***B-7: ... The B-7 zone encourages these districts to acquire a distinctly urban form through dense development featuring a mix of uses such as housing, retail, offices, research and development, and artisan studios and that emphasizes a quality pedestrian experience, promotes public transit, and demonstrates exemplary urban design. Use of multi-modal transportation is strongly encouraged and is advanced by the installation of bicycle amenities, such as bicycle racks and storage areas. The zone promotes a wide range of uses in high quality structures and public open spaces to achieve 24-hour urban vitality and shared parking infrastructure. The B-7 zone promotes a mixed-use development pattern envisioned on Portland's peninsula.***
- ***R-6: To set aside areas on the peninsula for housing characterized primarily by multi-family dwellings at a high density providing a wide range of housing for differing types of households; to conserve the existing housing stock and residential character of neighborhoods***

by controlling the scale and external impacts of professional offices and other nonresidential uses, and to encourage new housing development consistent with the compact lot development pattern typically found on the peninsula.

The zoning dimensional requirements for all three zones are intentionally permissive in this urban area, with a prioritization of creating denser, taller buildings that reinforce a street wall. Prioritization of the first 35 feet of building height, ground-floor building elements/features, and stepbacks in the B-7 and R-6 zones emphasize the prioritization of the pedestrian realm. Each future site plan application will be evaluated for conformance with zoning and site plan requirements as well as undergoing design review for the multiple-family design standards and B-3, B-7, R-6, and 100-foot Historic Preservation Advisory Reviews (as applicable).

As submitted, the Master Development Plan is consistent with zoning, including the B-3, B-7, and R-6 zone purpose statements, uses, and dimensional standards, and the Bayside Height Overlay Map, which has a range of permitted building heights between 55’ and 105’ in the MDP Boundary. The Applicant is proposing that 100% of the units in Phase 1a will be low-income units at 60% of the Area Median Income (AMI). §18.2.4.A. of the Land Use Code permits buildings with 75% or more of units having low-income units (Units with rents affordable to households making ≤80% AMI) that the proposed building can have an additional 25’ of height in the B-3 portion of the site.

Expanded Front Setback Request

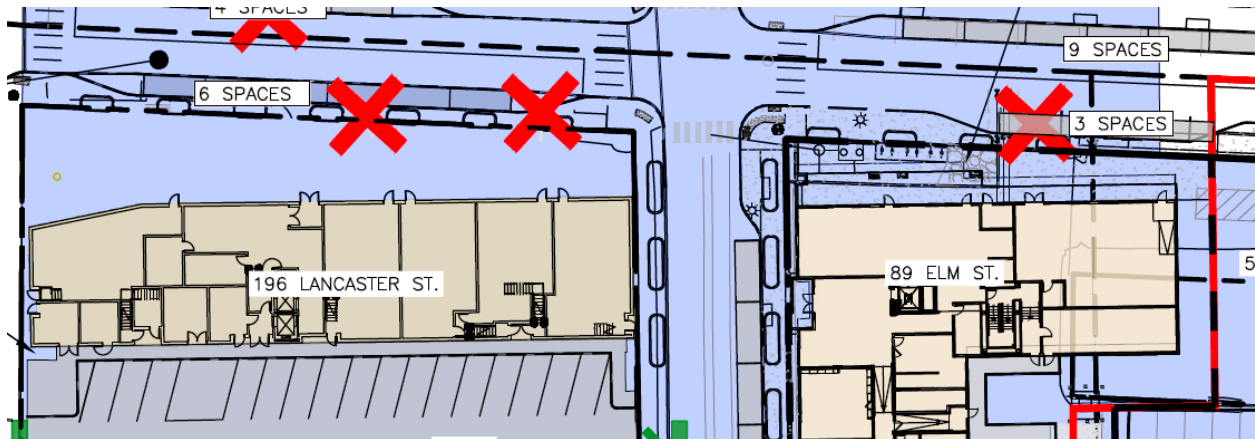


Figure 5: MDP Master Site Plan on Lancaster Street showing the proposed expanded sidewalks and plaza.

The Applicant is requesting, pursuant to §7.5.5.F.4, that the Planning Board allow the proposed buildings at 196 Lancaster Street and 89 Elm Street to have front setbacks greater than the B-3 zone maximum permitted front setback of 5 feet. The proposed buildings contemplate a front setback ranging between 13 – 40 feet along Lancaster Street. This expanded setback would allow the two proposed buildings to be developed in a manner that facilitates the creation of a linear publicly accessible open space along Lancaster Street.

Proposed Front Setbacks

§(b)(1)(e)(2) of the Design Manual identifies the review standards for the Planning Board to permit an increased setback beyond street build-to lines. The following list includes the standards of §(b)(1)(e)(2) along with staff review of the compliance with these standards:

- i. Provides substantial and viable publicly accessible open space or other amenity at the street level that supports and reinforces pedestrian activity and interest. Such amenities may include

without limitation plazas, outdoor eating spaces and cafes, or wider sidewalk circulation areas in locations of substantial pedestrian congestion.

Complies. The requested increased setbacks facilitate expanded sidewalk areas, outdoor eating spaces, and plaza space.

- ii. **Does not substantially detract from the prevailing street wall character by introducing such additional setback at critical building locations such as prominent form-defining corners, or create a sense of discontinuity in particularly consistent or continuous settings.**

Complies. Redevelopment of these parcels would define the street wall along the eastern side of Lancaster Street that currently lacks definition given that the majority of the frontage is occupied by surface parking areas. The proposed design for 196 Lancaster Street will provide a plaza that serves as a nexus for the MDP design with the woonerf, and 89 Elm Street will include an arcade that will enhance pedestrian facilities and meet the required setbacks on upper stories. Both of these setbacks help to support the goal of the project to establish Lancaster Street as a main thoroughfare for the project and enhance pedestrian activity.

- iii. **Does not detract from existing publicly accessible open space by creating an excessive amount of open space in one (1) area or by diminishing the viability or liveliness of that existing open space.**

Complies. The proposed setback for 196 Lancaster Street enables the development of one of the two open spaces for the project area, while the arcaded setback at 89 Elm Street will serve a complementary function to the proposed passive recreation space proposed at 163 Lancaster Street. These enhancements to Lancaster Street introduce open space in an area of the Bayside neighborhood with limited open space options and enhance connections to proximate open spaces such as the Bayside Trail, Deering Oaks Park, and Monument Square.

- iv. **The area of setback is of high quality and character of design and of acceptable orientation to solar access and wind impacts as to be attractive to pedestrian activity.**

Complies. The expanded sidewalks and open space will function as an attractive improvement for pedestrian activity along Lancaster Street and will enable positive building and site features.

Based on the compliance with these review standards, Staff recommends approval of the proposed expanded setback.

Inclusionary Zoning

The City's Inclusionary Zoning ordinance is required for development projects creating 10 dwelling units or more for rent or sale. Projects that trigger the ordinance are required to include at least 25% affordable housing units, affordable to households making 80% of the Area Median Income (AMI) or less. Applicants have the option to either construct the units (on-site or off-site) or make a fee-in-lieu contribution to the City's Jill C. Duson Housing Trust Fund (originally \$150,000/per unit, adjusted annually) rather than construct the units. A Master Development Plan does not require Inclusionary Zoning compliance; however, at the time of site plan review, future projects associated with an approved MDP that create 10 or more dwelling units will be evaluated for compliance with the City's Inclusionary Zoning requirements outlined in Article 18.2.

It should be noted that the applicant envisions constructing eight new buildings and has secured funding from the Maine Housing Authority to construct a 201-unit building at 89 Elm Street intended for residents earning less than 60% AMI. The applicant is proposing to construct this building first, as part of Phase 1a, and it is their intent to utilize the Inclusionary Zoning off-site provisions and provide all required affordable units

for the remaining seven development projects associated with the MDP within the building proposed at 89 Elm Street.

Per the ordinance, off-site workforce units must conform to the ordinance's size and location provisions and include comparable attributes to market rate units. Therefore, by constructing the affordable housing project first, the subsequent market rate projects would need to be reviewed for compliance with the Inclusionary Zoning off-site regulations based upon the project at 89 Elm Street.

X. MASTER DEVELOPMENT PLAN STANDARDS (Section 14.7)

Section 14.7 of the City's Land Use Code establishes standards under which Master Development Plan applications must be reviewed. Per this section, Master Development Plans shall adhere to the following requirements:

Section 14.7.1. In general

- a. *Designed to integrate with the surrounding context with respect to land use, architecture, open space and pedestrian networks, vehicular access and circulation, off-site public facilities and all other infrastructure.*

Staff Comment: The proposed MDP reflects the surrounding context by:

- Providing a similar mix of land uses,
- Using architecture that ranges from mid-to higher-level density in bulk and massing,
- Providing urban open spaces similar to surrounding downtown open spaces,
- Incorporating enhanced pedestrian networks and mid-block permeability to break up larger blocks,
- Minimizing automobile usage given the urban context and access to public transportation through reduced curb cuts, centralization of parking facilities, and utilization of TDM strategies, and
- Supporting off-site public infrastructure through stormwater improvements that go above base City standards for redevelopment.

Updated phasing plan materials (P11-P14) document how and where construction will occur during each sub-phase. In particular, the materials provide more definition to the proposed implementation of the woonerf on Lancaster Street. As proposed and shown in Figure 6, the eastern side of the woonerf would be constructed in Phase 1b up to the gutter line on the western side of the street, with an interim curbed condition for approximately six years until the review of Phase 5a. As part of Phase 5a, the woonerf would be completed on the western side of the street.

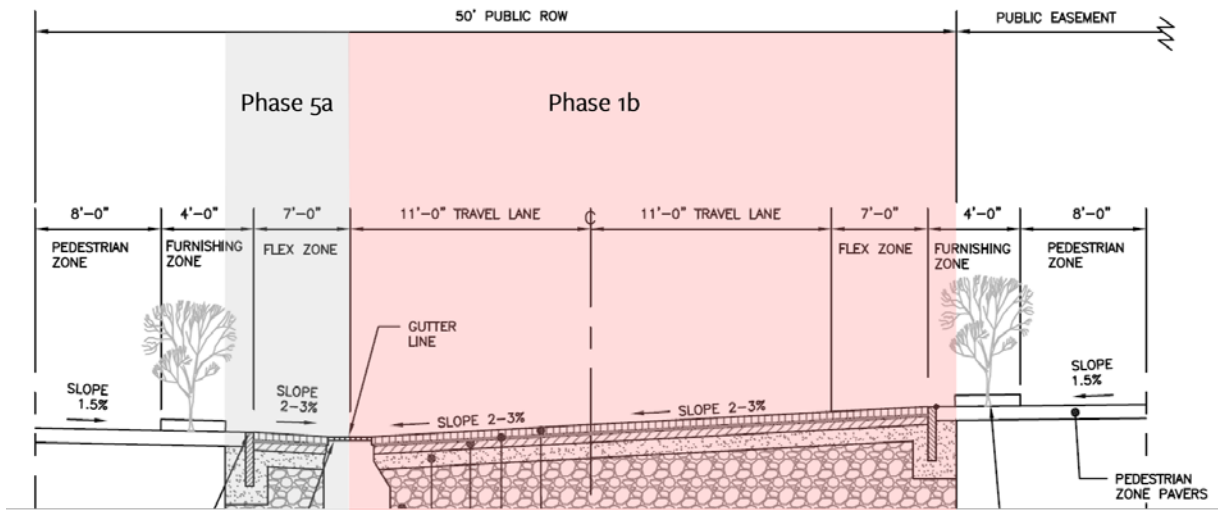


Figure 6: Shared Street Cross-Section Shaded to Indicate portions of woonerf proposed to be completed in Phase 1b (Shown in Red) and Phase 5a (Shown in Gray).

The submitted parking memorandum (Attachment T) explains how existing parking agreements will be phased out over the course of the MDP, which will help to provide a smoother transition for new and existing uses. Consulting Traffic Engineer Tom Errico has requested additional information to confirm if any of the parking agreements are tied to previous site plan approvals, which has been included as a recommended condition of approval.

Updates to the architecture and site design relative to the contextuality of the surrounding area can be found under the Design section of this report. As part of the Design Memorandum comments, the Applicant updated the Street Typology Map to include the Kennebec Street frontage as part of the Neighborhood Connector Typology to ensure all frontages of the MDP are included and provide a unified streetscape design for Kennebec Street that more fully integrates with the surrounding context.

Based on the submitted application materials the proposed MDP is designed to integrate with the surrounding context and conforms to the existing zoning dimensional and use standards.

b. Consistent with the objectives of this ordinance, consistent with the City’s Comprehensive Plan, and consistent with City Council-approved master plans and facility plans for off-premise infrastructure.

Staff Comment: The submitted MDP is consistent with City Council-approved master plans by:

- Increasing on-site stormwater detention and extending separated storm drains throughout the MDP boundary to minimize flow rates to the Back Cove South Sewershed (CSO Abatement Study, 1993).
- Proposing the construction of dense housing proximate to Downtown and upgraded pedestrian facilities to promote walkability and connections to open space (Peninsula Transit Plan, 2009).
- Providing infill development within a transit-oriented location with pedestrian-oriented streets to make walking more inviting, and connection to bus routes, bike networks, and other mobility options easier to access to other parts of the city. Providing residential density as well as employment and

job density that can support and drive transit ridership as well as walk-to-work opportunities (**One Climate Future, 2021**).

A New Vision for Bayside is a vision for the Bayside neighborhood to contain housing, workplaces, services, transportation, recreation, dining, and shopping, all within comfortable walking distance of each other and the downtown. *A New Vision for Bayside* places considerable emphasis on supporting and creating a mix of residences that will fill in, extend, and enhance the existing residential fabric with a substantial amount of new housing, which the proposed MDP advances.

More recently, the City completed the 2018 [Bayside Transportation Master Plan](#), which examines existing conditions in Bayside and identifies broad and corridor-specific improvements. Some of the recommendations from this Plan include the recently implemented road diets on Preble and Elm Street, corridor improvements on Lancaster and Kennebec Streets, and the conversion of Oxford Street into a two-way street, also being proposed by the Applicant as part of this MDP, with final review to be handled as part of the review of the associated Traffic Movement Permit.

The MDP site is also located within the area encompassed by the Portland [Tree Canopy Project](#), funded through the American Rescue Plan Act (ARPA), which will plant 80 street trees in the Bayside neighborhood in 2023 and serves as a pilot study for guiding future City planting locations and sustainable planting guidelines. The City's Forestry division has facilitated the coordination of the MDP development with the Tree Canopy Project, which will help align the MDP with future City standards.

The MDP aligns with the City's Comprehensive Plan, and Portland's Plan 2030 by infilling underdeveloped sites primarily used for automobile parking with residential units, commercial uses, and publicly accessible open spaces and pedestrian connections that better reflect the location and are in proximity to public transit. Portland's Plan 2030 supports walkable, connected, mixed-use, complete neighborhoods widely, and specifically in this neighborhood in the Vision, Housing, Transportation Sustainability, and Future Land Use sections. Excerpts are included below.

Environment

- Adopt sustainable land use and transportation policies that support connectivity, walkable neighborhoods, and multi-modal transportation.
- Continue to develop land use policies that support complete neighborhoods.

A Livable City: Housing

- Increase, preserve, and modify the overall supply of housing city-wide to meet the needs, preferences and financial capabilities of all Portland residents
- Encourage additional contextually appropriate housing density in and proximate to neighborhood centers, concentrations of services, and transit nodes and corridors as a means of supporting complete neighborhoods.
- Pursue policies to enable people who work in Portland to have the option to live in Portland.
- Encourage quality, sustainable design in new housing development.
- Coordinate linkages between accessible transportation and housing affordability.

An Active City – Recreation & Open Space

- Pursue opportunities, in collaboration with partners, to create new open spaces in areas that are currently underserved.
- Strengthen connections between open spaces

An Accessible City – Transportation

- Promote multi-modal accessibility, enabling residents and visitors of all ages and abilities to participate fully in the social and economic life of the community.

Future Land Use

- **Reinforce the Center:** Though Portland’s commercial and entrepreneurial activity takes place throughout the city, downtown Portland remains at the center of the region’s arts and cultural, economic, and civic health, and Portland’s Plan embraces the principle that downtown should continue to be a predominant locus of activity for the broader region.
- **Complete Neighborhoods:** Portland’s Plan recognizes that strong, complete neighborhoods are fundamental to the city’s overall health... The strength and diversity of these neighborhoods is fundamental to the growth of a diverse city where residents can choose housing types, businesses, schools, and recreational opportunities.



Figure 7: Graphic of six interlocking principles of Portland’s Plan 2030.

Natural features and open space

- Developed so as to locate buildings and improvements in a manner that considers existing topography, provides usable open space, preserves significant natural features as defined in Subsection 14.6.2, and preserves existing trees to the maximum extent possible.*

Staff Comment: The MDP is located in an already developed area of the City that does not currently include any open space and has limited natural features. The MDP does include an existing change in grade from Lancaster to Oxford Streets, which has been considered in the placement of entrances for the building at 89 Elm Street. Larger open spaces are provided through a public plaza and passive recreation area at 163 Lancaster Street.

The majority of existing on-site and street trees are proposed to be removed as part of the streetscape improvements for the MDP. Staff requested additional information on when new trees would be planted and how open space would be provided through each development phase to meet the multiple-family design standards of the Design Manual.

The Applicant submitted an updated phasing plan and landscaping plan (Attachments P8b & P11-14) that identifies across each sub-phase where existing trees are proposed to be removed or preserved and where new trees are anticipated to be planted, which will be further reviewed through future site plan applications as required by the Land Use Code and Technical Manual, aligning with comments from the City Forestry Division (Attachment #6). This phasing document also identifies where, when, and how

open space would be provided through each anticipated sub-phase. Through the submission of updated application materials, the Applicant complies with the standard.

b. Include provisions for the ownership and maintenance of usable open space as appropriate.

Staff Comment: Open space is provided in two locations along Lancaster Street through a public plaza and passive recreation space. Previous application documents included other public realm functions (e.g., buffer landscaping, sidewalks, driveways) in open space calculations, which blurred the lines between each of these functions. The resubmitted public realm design exhibits (Attachment DD2) have better defined each of these functions and the phasing plan documents (Attachments P11-14) state the implementation of open space in each sub-phase.

While the entirety of the MDP area is under common ownership, the Applicant has confirmed that Port Properties will provide maintenance for all open spaces within the MDP boundaries. Maintenance of the proposed woonerf is further discussed under the Infrastructure Section of this report.

Historic Preservation

a. Developed as so to conform with standards for designated landmarks or for properties within designated historic districts or historic landscape districts as found in Article 17.

Staff Comment: Not applicable. A designated landmark, historic district, or historic landscape district is not located in the MDP boundary.

b. When proposed adjacent to or within one hundred (100) feet of a designated landmark, historic district, or historic landscape, the master development plan shall be developed so as to be generally compatible with the major character-defining elements of the landmark or portion of the district in the immediate vicinity of the proposed development.

Staff Comment: The sole portion of the MDP that is located within 100 feet of a local historic district is the proposed addition to the Public Market Garage. The proximity to the Congress Street Historic District has been reviewed by the City's Historic Preservation Manager as part of the design review (Attachment 4) and has provided general comments on updating the design to better engage with Preble Street and incorporate elements that reflect the pedestrian-oriented nature of the neighborhood and nearby Congress Street Historic District.

As part of larger design comments, the Applicant updated the public realm design exhibits (Attachment DD2) to show a new entrance directly from Preble Street. Review of the Phase 3 site plan will require conformance with the guidance from the June 9, 2023 Design Memorandum (Attachment 5), as well as an additional design review involving Historic Preservation Staff.

Infrastructure

a. Designed with sizing of street and other infrastructure systems to accommodate the overall service demand of the plan.

Staff Comment: The project's proposed redevelopment has presented capacity considerations related to on-site stormwater detention and new connections to the combined sewer system in an area of the City that is prone to frequent flooding and is located in the sewershed with the highest combined sewer overflow volumes annually in the City. Consultation with the Department of Public Works has resulted

in a methodology for the MDP that improves system capacity with upgrades to existing main lines, exploration of alternate separated connections at Somerset Street, and for new connections requiring on-site stormwater detention volumes equal or greater than:

- 1” of rainfall over the entire redeveloped area on the parcel, or
- The project average 24-hour daily sanitary sewer flow each parcel is proposing to add to the system. increased on-site detention above minimum DEP requirements.

Through these requirements and ongoing efforts, the proposed MDP will be designed to accommodate the overall water & sewer demand of the plan, as well as minimize negative stormwater impacts.

Continuing dialogue between the Applicant and DPW raised several questions related to the purpose, design, maintenance, phasing, and extent of the woonerf. The Applicant has submitted updated application materials (Attachments I, O, DD2, EE2) that clarify the intent and operations of the woonerf. Upon review of the updated application materials, the Department of Public Works has stated that they support the concept of a woonerf along Lancaster Street, with final design details and coordination to be made under site plan review. As part of the review for the MDP, a proposed waiver request has been submitted to allow a flush curb, when a 7” curb reveal is required in §1, Figure I-12 of the City’s Technical Manual.

The proposed application is corresponding with a submitted Traffic Movement Permit (TMP) application for Phases 1-2 of the MDP. Traffic Movement Permits are required for developments that are projected to create 100 or more passenger car trips per hour. While the approval of the TMP is not required as part of the Master Development Application, the TMP will be approved prior to or concurrent with the site plan application for Phase 1a (89 Elm Street) of the MDP, given that based on preliminary traffic calculations, the project would generate more than 100 passenger car trips.

Overall for the MDP, the unadjusted number of trips throughout the MDP is 535 in the AM peak hour and 569 in the PM peak hour. As part of the TMP and future site plan applications, the Applicant will be utilizing traffic counts and traffic demand management (TDM) strategies to reduce the number of overall automobile trips.

As mentioned earlier in this report, the Applicant is exploring the conversion of Oxford Street into a two-way road as part of the Traffic Movement Permit, which aligns with the goals of the Bayside Transportation Master Plan.

b. Designed to create a street grid pattern that reflects average city block sizes of the surrounding neighborhood.

Staff Comment: Unlike other MDPs approved throughout the City that have been constructed on large undeveloped parcels, this MDP is located in an area of the City with existing streets and platted lots that primarily retain the existing street grid. Per staff feedback, the Applicant has taken the step to provide a mid-block connection from Lancaster Street to Kennebec Street that emulates a connection previously provided by Cedar Street, as demonstrated in the 1914 City Atlas. Through these steps, the Applicant complies with this requirement.

Design

- a. *Designed to create a cohesive identity through building scale, massing, and articulation; use of quality exterior materials and architectural detailing at pedestrian scale; consistency of design and materials for streetscape and pedestrian amenities; framing of outdoor open space and linkages; a clear conveyance of the function and significance of various buildings, entrances, and features; and to generally comply with design and development standards of the zone in which it is located.*

Staff Comment: Design Review memorandums were prepared by Urban Designer Sean King on March 10th, April 19th, and June 8th detailing the compliance of the submitted application with the MDP design standards (Attachments 3-5).

Updated application materials (Attachment DD2) have provided:

- Additional information on the design intent,
- Revised renderings, and other visuals,
- A demonstration of cohesive shared materials through development phases, and
- Revised open space and street typologies to address previous staff comments.

The updated materials were reviewed by the Urban Designer as part of the June 8th Design Memorandum. Overall, the updated application materials satisfied the majority of comments previously noted in previous design memorandums, with key comments included below:

- Rooftop appurtenances, mechanical equipment, and façade mounted utilities shall be integrated within the building design and/or screened to minimize views from adjacent properties.
- The proposed buildings within the MDP shall be designed for pedestrian scale with active uses fronting the street that support the neighborhood and shall select exterior materials that are cohesive throughout each building in future Site Plan applications and reviews. Quality exterior materials shall include appropriate scale, articulation, transition, durability, visual interest, and placement.
- Buildings shall articulate architectural elements at the street and mid-block pedestrian connections to provide architectural detailing that demonstrates the perceived use of the building. These aspects will be reviewed with special attention to the ground floors and areas most visible to pedestrians. In the Site Plan review, the details should be reviewed to provide depth, articulation, visual interest, and quality transitions.
- Staff required the Applicant to update the Street Typologies diagram from the *Public Realm Design – L Series Exhibits* to include the eastern side of Kennebec Street in the MDP boundaries as a Neighborhood Connector.
- The Applicant shall submit a wayfinding and signage program specific to each site plan review submission.
- Primary entrances shall front the major streets and significant corner intersections shall demonstrate a clear architectural character.
- Staff has identified key design standards from each applicable zone design standard that shall relate to the Master Development Plan to be applied during future Site Plan applications and reviews:
 - B-3 Downtown Urban Design Guidelines – Relationship to Pedestrian Environment

- Elm Street and Chestnut Street as neighborhood connector streets shall engage gateway intersections to provide pedestrian-oriented ground floors with articulated building entries, canopies, and special features.
- B-7 Mixed-Use Urban District Zone Design Principles and Standards- Standard E-2 Height
 - Lancaster Street shall include building stepbacks of fifteen feet above five stories when located at the street build-to-line or to provide a front setback of fifteen feet to include activation at the ground floor such as a linear plaza, retail and building entries.

Through ongoing conformance with the June 9, 2023 Design Memorandum, the proposed design of the MDP complies with the MDP design standards.

XI. NEIGHBORHOOD MEETING & PUBLIC COMMENT

The applicant held a Neighborhood Meeting on February 21, 2023, and 43 members of the public attended (Attachments X-BB). Questions raised at the Neighborhood Meeting addressed the following topics:

- Location and number of proposed units/affordability of units
- Provision of open space and green space and utility of these spaces for existing uses within and surrounding the MDP
- Street design and streetscape improvements
- The proposed number and location of parking spaces

As of the writing of this report, 48 written public comments have been received. 10 comments have been received since the April 25, 2023 workshop and have focused on the traffic and visual impacts to existing properties on Cedar Street, the historic character of the neighborhood, the design of building tops and streetscape, and the location of all affordable units in 89 Elm Street. These and public comments made over the course of the workshops have touched on additional items such as scale and massing of development, the lack of capacity for Cedar Street to handle garbage trucks and other project-generated traffic, the impact of future retail businesses and noise on residential properties, and the desire to retain existing buildings facades within new construction.

In addition, other items have been raised for consideration such as the formation of a community advisory group. Many of these items, including design details will be addressed in much greater detail in the course of Major Site Plan reviews. Some, such as the desire to condition the applicant to form a community advisory group is beyond the scope of Planning Board review to mandate for an MDP or Site Plan application. Examples of instances where community advisory groups or neighborhood advisory panels were established were associated with either specific conditional use standards or for projects utilizing the Institutional Overlay Zone (IOZ) zoning mechanism. Another category of questions raised during public comment has had to do with the concentration of affordable units within one building at 89 Elm Street. Inclusionary zoning compliance is not reviewed during an MDP and is beyond the scope of the Planning Board's MDP review standards. Additionally, the applicant's intent to utilize the Inclusionary Zoning off-site provisions is not associated with the MDP. IZ compliance will be reviewed in the course of each Major Site Plan review.

XII. STAFF RECOMMENDATION

Subject to the proposed motions and conditions of approval listed below, Planning Department staff recommends that the Planning Board Application PL-002315-2022 for a Master Development Plan meets the applicable standards of Portland's Land Use Code with the following waivers and conditions of approval.

XIII. PROPOSED MOTIONS

A. WAIVERS

On the basis of the application, plans, reports, and other information submitted by the applicant, findings and recommendations contained in the Planning Board Report for the public hearing held on June 13, 2023 for application # PL-002315-2022 relevant to the Master Development Plan Standards of the Land Use Code and Portland's Technical and Design Standards, and other regulations, and testimony presented at the Planning Board public hearing:

1. Flush Curbing for Woonerf

The Planning Board [**finds/does not find**] based upon the Planning Staff's review that extraordinary conditions exist or undue hardship may result from strict compliance with Section 1, Figure I-12 of the Technical Manual which requires a 7" curb reveal, that substantial justice, and the public interest are secured with the proposed variation in this standard, and that variation is consistent with the intent of the ordinance. The Planning Board [**waives/does not waive**] Technical Manual §1, Figure I-12 to allow a flush curb along Lancaster Street between Preble & Elm Streets.

B. MASTER DEVELOPMENT PLAN REVIEW

On the basis of the application, plans, reports, and other information submitted by the applicant; findings and recommendations contained in the Planning Board Report for the public hearing on June 13, 2023 for application # PL-002315-2022 relevant to the Master Development Plan regulations; and the testimony presented at the Planning Board hearing, the Planning Board [**finds/does not find**] that the plan is in conformance with the Master Development Plan standards of the Land Use Code subject to the following conditions of approval:

1. The Design Standards outlined in the City's Urban Design Review Memo dated June 9, 2023, in addition to the B-3, B-7, and R-6 Design standards shall guide the site plan review of all the applicable MDP phases. The approval of the MDP does not imply approval of individual building designs and the public realm details as presented, which shall be addressed in future Site Plan applications and reviews.
2. **Prior to the approval of the first site plan of the MDP**, the Applicant shall update the submitted Parking Memorandum to identify if any spaces are fulfilling the parking requirements of a previous site plan approval.
3. **Prior to the approval of the first site plan of the MDP**, the Applicant shall submit a site plan sheet that notes removals, upgrades, and additions of curb cuts, along with a corresponding narrative that details how the changes in curb cuts comply with the City's Technical Manual.

XIV. ATTACHMENTS

Staff Attachments

1. May 5, 2023 City Comment Letter
2. May 19, 2023 City Comment Letter

3. March 10, 2023 City Staff Design Memorandum
4. April 19, 2023 City Staff Design Memorandum
5. June 8, 2023 City Staff Design Memorandum
6. June 9, 2023 City Forestry Comments

Applicant's Documents

- A. Cover Letter and Description
 - A1. Resubmission Cover Letter
 - A2. April 10, 2023 Applicant Response Letter
 - A3. June 2, 2023 Applicant Response Letter
- B. Master Development Plan Checklist
- C. Right Title and Interest
 - C1. Right Title and Interest 2023-04-10
- D. Evidence of State/Federal Approvals
- E. Zoning Analysis Table
 - E1. Zoning Analysis Table 2023-04-11
- F. Assessment of Compliance
- G. Inclusionary Zoning Memorandum 2023-05-01
 - G1. Inclusionary Zoning Memorandum 2023-05-30
- H. Developer's Draft Workforce Housing Agreement
- I. Winter Management Memorandum 2023-06-02
- J. Easements & Covenants
- K. Waiver Table
 - K1. Waiver Table 2023-04-10
- L. Financial Capacity
- M. Technical Capacity
- N. Master Development Context and Building Design
 - N1. Master Development Context and Building Design Supplemental
- O. Phasing Narrative
- P. Natural Features
- Q. Views and Historic Features
- R. Shadow Study – 89 Elm Street
- S. Traffic Analysis
- T. Parking Memorandum 2023-05-26
- U. Utilities
- V. TMP Application
- W. TMP – Scoping Meeting Technical Memo
- X. February 21, 2023 MDP Neighborhood Meeting Notice
- Y. February 21, 2023 MDP Neighborhood Meeting Certification Letter
- Z. February 21, 2023 MDP Neighborhood Meeting Sign-In Sheet
- AA. February 21, 2023 MDP Neighborhood Meeting Presentation
- BB. February 21, 2023 MDP Neighborhood Meeting Minutes
- CC. MDP Context
 - CC1. MDP Context – Updated Visioning Documents 2023-04-10
 - DD. Public Realm Design – L Series Exhibits 2023-04-10
 - DD1. Public Realm Design – L Series Exhibits 2023-06-02
 - DD2. Public Realm Design – L Series Exhibits 2023-06-09

- EE. Shared Street Cross Section 2023-04-10
- EE1. Shared Street Cross Section 2023-05-02
- EE2. Shared Street Cross Section 2023-06-02
- FF. Exhibit P1 – Cumberland View Corridor
- GG. Impacts to Public School System
- HH. Renderings 2023-04-14
- II. Communications & Outreach Program
- JJ. Auto-Turn Templates for 89 Elm Street

Plans

- P1. Cover Sheet
- P1a. Cover Sheet (2023-04-10)
- P2. Existing Conditions Survey - 1
- P2a. Existing Conditions Survey – 1 (2023-04-10)
- P3. Existing Conditions Survey – 2
- P3a. Existing Conditions Survey – 2 (2023-04-10)
- P4. Existing Conditions Survey – 3
- P5. Existing Conditions Survey - 4
- P6. Master Site Plan
- P6a. Master Site Plan (2023-04-10)
- P6b. Master Site Plan (2023-06-02)
- P7. Property Line Modifications Plan
- P8. Landscape Plan
- P8a. Landscape Plan (2023-04-10)
- P8b. Landscape Plan (2023-06-02)
- P9. Utility Plan
- P9a. Utility Plan (2023-04-10)
- P9b. Utility Plan (2023-06-02)
- P10. Grading & Drainage Plan
- P10a. Grading & Drainage Plan (2023-04-10)
- P10b. Grading & Drainage Plan (2023-06-02)
- P11. Master Phasing Plan
- P11a. Master Phasing Plan (2023-06-07)
- P12. Phasing Plan – Phase 1
- P13. Phasing Plan – Phases 2 & 3
- P14. Phasing Plan – Phases 4 & 5

Public Comment

- a. PC1: Compiled Comments from March 14, 2023 Workshop
- b. PC2: Compiled Comments from April 25, 2023 Workshop
- c. PC3: Jim Hall
- d. PC4: Christian Milneil
- e. PC5: Robert Hyde
- f. PC6: George Rheault
- g. PC7: Andrew Rosenstein
- h. PC8: George Rheault
- i. PC9: George Rheault

- j. PC10: Bayside Neighborhood Association
- k. PC11: George Rheault
- l. PC12: George Rheault