

## **RECODE OPEN HOUSE COMMENT SUMMARY BY MAJOR TOPIC AREA**

Following is a summary of comments received at a series of three ReCode open houses held over the course of two days on August 16 and 17, 2023. The open houses were held at the Downtown branch of the Portland Public Library, Lyseth Elementary School in North Deering, and the Peaks Island Community Center. Altogether, 95 attendees formally signed in (38 at the Downtown open house, 28 in North Deering, and 29 on Peaks Island).

Comments are organized based on the article of the land use code to which they most directly apply, the open house at which they were made, and their specific topic area. Major themes from each open house are identified at the outset of this summary, and comments on organization and process, along with miscellaneous comments, are grouped at the end.

### **MAJOR THEMES**

#### **Downtown**

Major themes from attendees at the Downtown open house included ways to expand neighborhood non-residential and middle density housing opportunities across the city. Attendees requested additional flexibility in dimensional standards, while also articulating their support for clear rules of measurement and regulations that are sensitive to the existing built context.

#### **North Deering**

Attendees at the North Deering open house expressed support for proposed Transit-Oriented Development zones and zone consolidation, and encouraged additional work around additional small business and housing opportunities, with dimensional flexibility to align. Attendees also expressed concern about the city's capacity to bear the impacts of proposed changes, particularly changes to the residential use permissions to promote additional housing.

#### **Peaks Island**

Themes that emerged from the Peaks Island open house included expanding opportunities for non-residential uses in IR zones, further changes to dimensional standards to allow flexibility on non-conforming and small lots, and support for the proposed cottage court housing type. Attendees also expressed some concern about Peaks Island's capacity for development.

Throughout all three open houses, attendees provided suggestions about the process surrounding the first wave of changes, with some practical recommendations about how to communicate proposed changes and some broader comments about the pace of the process and the extent of public engagement opportunities.

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**ZONES**

**New Transit-Oriented Development (TOD) Zones**

Downtown	North Deering	Peaks Island
<ul style="list-style-type: none"> <li>• The entire peninsula should be zoned TOD-2 ♡</li> <li>• Light rail down Congress or Cumberland.</li> </ul>	<ul style="list-style-type: none"> <li>• [Like most] added TODs.</li> <li>• I like TOD zones.</li> <li>• Love the ideas of TODs!</li> <li>• [Like most] TOD Zones.</li> <li>• No need for TOD.</li> <li>• [Like most] TOD at Allen’s Corner!</li> <li>• [Like most] height near transit!</li> </ul>	

**Zone Restructuring**

Downtown	North Deering	Peaks Island
	<ul style="list-style-type: none"> <li>• I like the changes for R1 and R2.</li> <li>• [Like most] R1 + R2. ♡</li> <li>• R-4 should be R-6. (It is mansions only.)</li> <li>• RN-3 talks about Western Promenade but it also covers a lot of residential Portland?</li> <li>• R-5 should be R-6.</li> <li>• Westminster Edgeworth plat - move R-3 to R-5.</li> <li>• [Concerned about] B-2 and B-2b consolidation.</li> </ul>	

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**USES**

**Non-Residential Reuse/Commercial Uses**

Downtown	North Deering	Peaks Island
<ul style="list-style-type: none"> <li>• Neighborhood non-residential reuse has the right idea for supporting neighborhood businesses. Would love to see it extended beyond “reuse” to apply to all structures.</li> <li>• Protect &amp; encourage neighborhood business in residential areas.</li> <li>• We need the “corner store” allowable in all zones and all buildings.</li> <li>• Allow all buildings constructed or modified for commercial use to be used for commercial.</li> <li>• Allow residential buildings to be used for retail as long as the building can be converted back.</li> <li>• If you want to control business in residential areas, how about limiting businesses that do not provide goods and services to the neighborhoods or are blank storefronts.</li> <li>• 118 Congress St. got height bonuses and 1<sup>st</sup> floor retail with community support.</li> <li>• These storefronts are dead – e banking and showroom for high-end condo interior design. Not food, not stuff the neighborhood needs.</li> <li>• Non-residential reuse seems too restrictive and hard/laborious to back up. I own a 3-unit on Cumberland Ave. First floor is a business and has been a business for 70+ years. This is R-6 so business use is grandfathered. The structure was originally built for residential use. There is wallpaper behind the storefront windows. One year of vacancy terminates this use. This is not</li> </ul>	<ul style="list-style-type: none"> <li>• Want small businesses in new construction. (+1)</li> <li>• “Reuse” is arbitrary and limiting. (+1)(+1)</li> <li>• Look at non-residential reuse in RN-2. Why can’t a non- residential be reused as a 3-family or 4-family?</li> <li>• No hotels in residential neighborhoods.</li> <li>• Reuse is conditional downgrade from B-1b. (+1)</li> </ul>	<ul style="list-style-type: none"> <li>• Consider low-impact industrial as a permitted use (support, landscapers, truck parking.</li> <li>• More information on “lodging or boarding” houses on Peaks Island please.</li> <li>• Clarify ways artists can have functional studios (with sales) in IR-1 and IR-2.</li> <li>• Small island provisions in IR-2 – open to non-residential?</li> <li>• What about a non-residential structure on a “small island lot”?</li> <li>• Need opportunities for neighborhood non-residential.</li> <li>• IR-2 small lot (5,000 sf) could be put on sewer. Could an alternate use be a historical society building? If so, what parking would be required, if any?</li> <li>• IR-2 small island lots – sewer not likely. What uses might be allowed. Note: They adjoin an unused – 50’ wide paper road. Could the paper road somehow influence how the lots (15 sf total) be used?</li> </ul>

## RECODE OPEN HOUSE COMMENT SUMMARY BY MAJOR TOPIC AREA

good. Need to better support and encourage neighborhood scale businesses.

- Can clinics be allowed in multi-family residential properties? Portland Housing Authority has a great partnership with Greater Portland Health at our projects, including Sagamore Village, Riverton Park, Franklin Towers and hopefully more. Health is housing (and vice versa). We need the ability to provide basic healthcare services to our residents on-site.
- In R-6, some businesses are grandfathered in current R zones. Long-standing business uses are threatened with tenant turnover. Should be B zones (ie. Cumberland, Franklin, and Washington).
- How do we get “complete neighborhoods” when neighborhood business is only allowed in places where the non-residential use structure already exists?

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**Residential Uses**

Downtown	North Deering	Peaks Island
<ul style="list-style-type: none"> <li>• Dwelling, townhouse requires each unit be on separate lot so no units can be above other units? Is this compliant with LD2003?</li> <li>• Multi-family – this should be broken into mid and large scale. 5-25 units is different than 100 units and should have more places in the city.</li> <li>• Should make it easier to build middle-density buildings (5-10 units or so). Shouldn't group 5+ units into only the highest density zones.</li> <li>• Need to catch mid-density housing types better. Small scale multi-family (5-20) is different than 100 units. Something of this scale needs to be called out.</li> <li>• Allow more multi-family, especially small ones.</li> <li>• Encourage the creation of more housing through renovation and new construction.</li> <li>• B-1 and B-2 should allow at least 4 units of density. No need to stop at 2! (+1)</li> <li>• RN-2 - concerned about converting single-family dwellings to multi-family.</li> <li>• Kill the PRUDS!</li> </ul>	<ul style="list-style-type: none"> <li>• Does not address affordable housing.</li> <li>• I would like to see discussion of affordable housing.</li> <li>• I am concerned that the deed restriction requirement will hinder the development of ADUs. Please strike out 6.6.2.A.7. See AARP's model ADU ordinances/best practices.</li> <li>• Yes to more housing! Yes to ability to build 2 or more units per lot! Yes to higher density!</li> <li>• Multi-family reuse in RN-2 shouldn't be limited to non-residential. What about massive old Victorians? (+1)</li> <li>• Don't limit number of units. Let dimensions control.</li> <li>• Still arbitrary density limits in R- zones. Why not higher?</li> <li>• Need to delete dimensional standards for 3- and 4-units in RN-1 and RN-2 in dimensional table.</li> </ul>	<ul style="list-style-type: none"> <li>• Want more flexibility for density for affordable housing – duplexes?</li> <li>• [Concerned about] flexibility for IR-2 uses -access units.</li> <li>• [Concerned about] flexibility for IR-2 zone - ADUs, increase density.</li> <li>• Would like even more flexibility to allow for greater density on island.</li> <li>• Revisit permitting 2-family conversion on the island.</li> </ul>

**Places of Assembly**

Downtown	North Deering	Peaks Island
<ul style="list-style-type: none"> <li>• Places of assembly should be permitted for multi-family properties especially in RN-4 through RN-7. Needed to provide resident services to low-income residents in affordable projects.</li> </ul>	<ul style="list-style-type: none"> <li>• Place of assembly at 8? Too restrictive. (+1)</li> <li>• Ban religious buildings.</li> </ul>	<ul style="list-style-type: none"> <li>• Nonconforming lots – open up to place of assembly.</li> </ul>

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**DIMENSIONAL STANDARDS**

**Minimum Lot Size**

Downtown	North Deering	Peaks Island
<ul style="list-style-type: none"> <li>• Lots should not have to be any bigger than 5,000 sf in any part of the city.</li> <li>• Max lot sizes are too small in some zones. ReCode seems to aim to permit density that would be bare minimum for walkable 10 min. neighborhoods where basic goods and services are available to neighborhoods.</li> </ul>	<ul style="list-style-type: none"> <li>• Lot minimums still too big.</li> <li>• Lot sizes too big.</li> <li>• RN-2 – 6,500 sf – what about lots that are below that minimum? Make nonconformity provisions refer to “legal when created.”</li> <li>• Lots of record to 1957? Go away with that date!</li> </ul>	<ul style="list-style-type: none"> <li>• Get rid of current clause that declares that no lot size variances can be granted in IR-1 or IR-2.</li> <li>• Minimum lot size for residential is still too big.</li> <li>• Nonconforming lots – minimum lot sizes in IR-1 and IR-2 are still too small.</li> <li>• Reduce minimum lot size in IR-2 for small island lots.</li> <li>• Reduce minimum lot size in IR-2 for small island lots to 3,000.</li> <li>• Is 4,000 small enough for small lot provision?</li> </ul>

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**Height**

Downtown	North Deering	Peaks Island
<ul style="list-style-type: none"> <li>• Concerned about change in height in B-2b.</li> <li>• Max. height limits seem too low. (City desperately needs to increase housing supply?)</li> <li>• Heights on mainland should be measured from pre-development topography.</li> <li>• For grade measurement it should be measured from the front façade on the street and not points around foundation.</li> <li>• Grade should be based on street experience.</li> <li>• Height measurements need to be refined to reflect new building methods and climate change and noise isolation.</li> <li>• Height – how will measurement work with punch outs?</li> </ul>	<ul style="list-style-type: none"> <li>• Excited for the new height maximums.</li> <li>• Additional height in B-2b is extremely useful in allowing modular to be an option since it has a 2x unusable premium space (1” – 10” typical vs. 12” for stick built).</li> <li>• [Concerned] about increasing height from 45 ft. to 65 ft. [in B-2/B-2b].</li> <li>• Need more height at the corner of Elm and Cumberland (105’).</li> <li>• Advocating for more height on corner of Elm and Cumberland. Increase from 85’ to 105’.</li> <li>• Prefer Temple Street to be consistent 325’.</li> <li>• Heights along Franklin should relate to width of new Franklin Street.</li> </ul>	

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**Building Lengths**

Downtown	North Deering	Peaks Island
<ul style="list-style-type: none"> <li>• Building length restrictions – the problem isn’t that buildings are too long, the problem is that they are too far apart.</li> <li>• Also, the draft standards would reduce developable area when sidewalks are extended to a lot. Leads to bad incentives for walkability.</li> <li>• Max. building lengths in TOD-1 zones are way too small. 75 ft. should be 200 ft. (+1)</li> <li>• RN-5 – consider lot merger controls instead of building length to deal with scale and mass.</li> <li>• We failed on Eastern Waterfront redevelopment. Smaller lots encourage human scale and architectural variety. No more block-sized buildings and no more stupid street names like Freedom Way and Thames.</li> <li>• Building lengths – will these make PHA properties non-conforming? Should there be a carveout for affordable housing? Lot coverage may also be an issue. Make affordable housing bonuses across all zones, match LD2003.</li> </ul>		

**Cottage Courts**

Downtown	North Deering	Peaks Island
<ul style="list-style-type: none"> <li>• [Like most] cottage courts.</li> <li>• Cottage courts only allow 25% two-family structures, [the] rest must be single. Remove this requirement! Does it comply with LD2003?</li> </ul>	<ul style="list-style-type: none"> <li>• [Like most] cottage courts!</li> </ul>	<ul style="list-style-type: none"> <li>• Allow cottage courts on Peaks.</li> <li>• Add IR-1 and IR-2 to permission for “cottage court” development.</li> <li>• Cottage courts should be allowable on islands also.</li> </ul>

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**Setbacks**

Downtown	North Deering	Peaks Island
<ul style="list-style-type: none"> <li>Update setback to allow addition to homes on smaller lots to keep families in the community that need a little more space.</li> </ul>	<ul style="list-style-type: none"> <li>Setbacks too high.</li> </ul>	<ul style="list-style-type: none"> <li>Consider reducing setbacks on land parcels that border “undevelopable land” like PILP land or wetlands.</li> <li>Side setbacks and rear setbacks on small lots – consider provisions to allow trading one side for other.</li> <li>Space/bulk exceptions (e.g., entry porch provision) – consider adding similar language for other types of spaces.</li> <li>Accessory structure setbacks are too large.</li> <li>10 ft. setbacks for accessory structure in IR-2 is too big.</li> <li>ADU setbacks are too large.</li> <li>Accessory building side setbacks under small lot – reduce like the mainland.</li> </ul>

**Lot Coverage/Floor Plate Requirements**

Downtown	North Deering	Peaks Island
<ul style="list-style-type: none"> <li>Do not like the 10,000 sf maximum floor plate for towers, current (small) towers barely fit.</li> <li>10,000 floor plate is too limiting.</li> <li>For sustainability and equity, all zones, but particularly the downtown zones, need more trees, greenery and open space. Instead of 100% lot coverage how about 99%? Or some other way to incorporate landscaping into all projects.</li> </ul>		<ul style="list-style-type: none"> <li>Increase lot coverage under small lot provisions.</li> </ul>

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**Dimensional Standards and Design**

Downtown	North Deering	Peaks Island
<ul style="list-style-type: none"> <li>• [Like most] integrity of built environment in R-6.</li> <li>• Do we define frontage and encourage or demand that buildings face the street and provide primary entrance to the street?</li> <li>• RN-5 needs standards for compatibility and context sensitivity.</li> <li>• What is the character of Bayside?</li> <li>• Separation of Munjoy Hill from Washington Avenue especially by East End School and park does not reflect residential/commercial use by residents.</li> <li>• B-2b zone from 295 to Congress along Washington Avenue does not reflect Munjoy Hill neighborhood – walking, green space. Should be rezoned</li> </ul>	<ul style="list-style-type: none"> <li>• Please clarify that “blank wall” doesn’t include side elevations.</li> </ul>	

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**OTHER**

**Impact of Changes**

Downtown	North Deering	Peaks Island
<ul style="list-style-type: none"> <li>• Not aggressive enough to address pressing challenges. Need for housing affordability and climate change.</li> <li>• RN-5 – will all of this just lead to more teardowns?</li> <li>• Bayside – need to plan with sensitivity to existing neighbors (single-family homes) in Bayside. Development (height, views, parking) can change the neighborhood and push out the little houses, trees.</li> </ul>	<ul style="list-style-type: none"> <li>• Need evaluation of potential impacts [of use changes]!</li> <li>• How many people can the city manage?</li> <li>• [Concerned about] impacts of urbanization (noise pollution, increased traffic, environmental, stress on city resources).</li> <li>• Too aggressive - urbanization of off-peninsula.</li> <li>• Infrastructure – our roads, sewer, water and all other systems are not keeping up with the growth.</li> <li>• The transition between zones – if homes abut commercial land, we need greater and larger buffer zones of green, trees and nature to protect the homes. Airport area is perfect example of noise, air pollution and more with little protection from further expansion.</li> <li>• More homes, town houses, condos on smaller lots means more traffic, pollution and depletion of natural resources. The continual state of global warming is devastating to our neighborhoods, our ocean, lakes, rivers, air. We will become like Florida or any other state. That is not why we live in Maine.</li> <li>• [Concerned about] unintended consequences.</li> </ul>	

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**Organization**

Downtown	North Deering	Peaks Island
<ul style="list-style-type: none"> <li>• [Like most] consolidated terms.</li> <li>• [Like most] streamlined presentation [of uses]. (+1)</li> <li>• Have the [dimensional standards] terms and language been vetted with legal counsel for clarity to avoid future lawsuits? Clarity for builders and property owners.</li> </ul>	<ul style="list-style-type: none"> <li>• [Like most] clarity [in definitions].</li> <li>• [Like most] easy to read.</li> <li>• Consolidated and clarity is good. Could go further.</li> <li>• Clickable links in PDF of code TOC [Table of Contents].</li> </ul>	

**Process**

Downtown	North Deering	Peaks Island
<ul style="list-style-type: none"> <li>• Process [is] rushed.</li> <li>• Geared to interests of developers over residents.</li> <li>• Additional ways to engage the public.</li> <li>• I think it would be useful to include old standards next to new standards.</li> <li>• Why was there no opportunity for public comment? After hearing ‘presentation’ hard to see how it relates to the needs and desires of current Portland workforce?</li> <li>• The staff did a very nice job!</li> </ul>	<ul style="list-style-type: none"> <li>• Zoning changes not equitable across the city.</li> <li>• Process – do neighborhood meetings everywhere.</li> <li>• Process!</li> <li>• What if non-english speaking members came tonight? A verbal presentation of each article presented on picture boards and opportunity for questions. Hard to understand the language on the boards.</li> <li>• I appreciate that the city is going to hold more meetings and opportunity for more information, clarification, and question and answer periods. It is crucial to us residents – especially since we do not get to vote on this.</li> <li>• It would be helpful to have comparison charts (What you can do now, what will change).</li> <li>• We need to have comparison tables and charts not just recode charts.</li> <li>• Tables do not match up with proposed changes.</li> </ul>	

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**Miscellaneous**

Downtown	North Deering	Peaks Island
<ul style="list-style-type: none"> <li>• Expand Metro for young and old.</li> <li>• Parkside cannot expand land.</li> <li>• Old Port retail is failing.</li> <li>• Marketing waterfront is important.</li> <li>• [Like most] added market gardens.</li> <li>• Support waterfront industrial uses (fishing, marine repair, etc.)</li> <li>• [Like most] temporary uses!</li> <li>• [Like most] more permissive dimensional standards.</li> <li>• [Like most] more permissive [dimensional standards].</li> <li>• [Dimensional standards] better support integrity of built environment.</li> <li>• [Like most] anti-sprawl.</li> <li>• Need to incorporate trees/landscaping when 100% lot coverage allowed.</li> <li>• Look at area behind Moran’s Market on Forest Avenue for more B-1, B-2 or RN.</li> </ul>	<ul style="list-style-type: none"> <li>• Love market gardens.</li> <li>• What type of structures are allowed in each zone?</li> <li>• [Concerned about] some of the language in the text.</li> <li>• [Concerned about] on-/off-peninsula??</li> <li>• Please look at parcels that awkwardly split zones and choose one (ex. Washington Ave. and Hammond St.</li> </ul>	<ul style="list-style-type: none"> <li>• Allow building on paper streets.</li> <li>• Integrate with the legal department a public forum on paper roads and development vs. conservation.</li> <li>• Values are changing.</li> </ul>