Order 125-22/23
Motion to amend to add additional entities and people to the Citizen Advisory Board, in Chapter 14. Section 8.5.7.I.1.c.as follows: "...the group shall be comprised of representatives of interested groups such as the East Deering Neighborhood, East Deering Neighborhood Association, East Deering Neighborhood for Responsible Development, Front Street Area Neighborhood , a tenant representative from Portland Housing Authority's Washington Gardens and Front Street developments, recreation, parks and trails, including the Friends of Payson Park, from sustainability, rail, bicycle/pedestrian, public transit, Portland Harbor, Portland Public Schools, including a Presumpscot School parent, higher education, and the business community." : 9-0 on 2/6/2023

Passage as amended: 9-0 on 2/6/2023 Effective 3/8/2023

KATE SNYDER (MAYOR)
APRIL D. FOURNIER(A/L)
PIOUS ALI (A/L)
ROBERTO RODRÍGUEZ (A/L)

CITY OF PORTLAND
IN THE CITY COUNCIL

ANNA TREVORROW (1)
VICTORIA L. PELLETIER (2)
REGINA L. PHILLIPS (3)
ANDREW ZARRO (4)
MARK DION (5)

AMENDMENT TO PORTLAND CITY CODE CHAPTER 14
RE: ROUX INSTITUTE OVERLAY ZONE

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

That Chapter 14, Section 8 is hereby amended to read as follows, on the following pages:

8.5.7 The Roux Institute at Northeastern University Overlay Zone Regulatory Framework

A. Applicability: All development proposed by The Roux Institute at Northeastern University ("Roux Institute) within the boundary of the Roux Institutional Overlay Zone (IOZ) shall be consistent with the approved Institutional Development Plan (IDP), consistent with the Comprehensive Plan, and meet applicable standards of the Land Use Code, unless such standards are superseded by the following regulatory framework. This regulatory framework shall govern future development by the Roux Institute within the IOZ unless amended by the Portland City Council upon formal application of the Roux Institute. The Roux Institutional Overlay Zone shall have the boundaries depicted below and shall include the approximately thirteen-acre property located at 1 Bean Pot Circle and identified as parcels 447-A001 and A002 in the City's assessing records.

Figure 8-E: Roux Institutional Overlay Zone Boundary

B. Phasing and monitoring.

1. The Roux Institute Campus will be developed in phases, as set forth in the IDP. The IDP will be updated on a regular basis to ensure that the data is current and that the document remains accurate. Accordingly, monitoring reports will be filed every three years and shall include a summary of progress on IDP implementation and of acquisitions and divestment since the date of IDP approval. At the time of the submission of the monitoring report, any updates to the IDP shall be identified which may result from updated master planning, changes in baseline information, or changes in the adjacent neighborhood which affect the campus, to allow the IDP to remain current. Updates and minor amendments not described below shall be reviewed administratively by the Planning Authority.
2. At completion of each phase, the Roux Institute Campus shall have the appearance of a complete and comprehensive design. Permanent and meaningful public space shall be established in the first phase, to ensure public benefit. Interim conditions shall be designed for a pleasant pedestrian experience through planting, lighting, wayfinding, graphics, artwork, or ornamental fencing to provide screening, buffers, and enhancement. Interim areas of the site which are not actively used for parking or construction staging will be appropriately landscaped or accommodate gathering on lawns or other aesthetically hardened spaces.
3. Minor amendments that change the approach to parking, transportation, neighborhood engagement or design shall be reviewed by the Planning Board for consistency with the objectives of the IDP. This review may occur simultaneously with the site plan review of a proposed project.
4. Major amendments shall be reviewed by the Planning Board and are required under the following circumstances:
   a. A change to the regulatory framework is required.
   b. The IDP is no longer representative of the institutional mission or approach to community as a result of redevelopment in the area or City upgrades to neighborhood planning (such as roadway changes, infrastructure upgrades, community design, lighting).
   c. A change in approach to parking, transportation, neighborhood engagement or design is inconsistent with the objectives of the IDP, resulting in a modification to the applicable objectives.

   Review of major amendments may occur simultaneously with the site plan review of the proposed project.

C. Uses. The Roux Institute Campus will encompass a variety of uses to support the mission of the Roux Institute to spur innovation, build talent, and drive economic growth. Partnerships with industry, academia, and government are essential components of the Institute's success. Campus uses will include classrooms and laboratories, housing, faculty offices, dining areas, convening spaces, fitness centers, retail facilities, entrepreneurial spaces, light manufacturing, incubator space, research and design facilities, hotel, and office space. The uses on the campus will support collaboration with private industry, other institutions, and community organizations, which is essential to the Roux Institute's approach to learning through integrated research, student work opportunities, and entrepreneurial endeavors. Hotel rooms will cater to prospective students, faculty and staff, visiting lecturers, specialists, and business partner guests, providing multiple opportunities for informal and unplanned interactions and collaboration that would otherwise not be available if staying in a hotel miles away from campus. A range of rental housing options will foster community and provide on-site opportunities for students, faculty, staff, and their families. These units will ease some of the housing pressure and traffic that might otherwise result from new residents attracted to

Portland by the Institute. Housing units not occupied by residents affiliated with the Roux Institute may be made available to the public to further assist in easing the housing pressure.

Recognizing the community value of a larger waterfront parcel in close proximity to a primary bike and pedestrian trail system, the Roux Institute Campus will be designed to include those uses that will welcome the neighbors to the campus, including publicly available open space, waterfront access, recreational opportunities, restaurant, dining, small neighborhood grocery, and/or other limited retail options. These uses will provide a means for serving the residents and other users of the campus, as well as welcoming the neighborhood to foster connectivity and community engagement, activating the public realm, and reducing dependence on automobiles.

1. In addition to the uses permitted in the underlying zone, the uses in Table 8-E shall also be permitted as a matter of right in all buildings that are located within the IOZ and on land owned or leased by the Roux Institute. In recognition that the Roux Institute is a graduate-level educational and research institution with a number of corporate partners, and in recognition of its location outside of the downtown, the following uses and many that are permitted in the underlying zone, such as multi-family housing, hotels, offices and retail, are ancillary to and support the vision and mission of the Institution. In addition, ground floor retail, restaurant, or comparable community-oriented uses that provide services to local residents, students, faculty and staff shall be provided. Such uses are expressly permitted whether ancillary to or supporting the educational institution, and shall be open and welcoming to the general public in addition to students, faculty, staff, or visitors of the Roux Institute.

TABLE 8-E: PERMITTED USES

- Laboratory and Research Facilities
- Low-impact Industrial (>10,000 SF)
- High-tech Manufacturing

2. Within the boundary of the IOZ hotels shall be limited as follows:
   a. No more than one hotel shall be located in the IOZ.
   b. The hotel shall contain no more than 130 rooms.
   c. The hotel shall be no more than eight stories in height, not including structured parking. There shall be no more than two levels of above grade structured parking beneath the first floor of the hotel. Nothing herein is intended to preclude the co-location of hotel use and structured parking on one or more levels of the hotel.

D. Dimensional requirements.

1. Applicability

All principal buildings and structures located within the IOZ and located on land owned or leased by the Roux Institute shall be subject to the dimensional requirements of the underlying zone, except where modified by the provisions of this Section.

TABLE 8-F: DIMENSIONAL REQUIREMENTS

Building Height (max.)	Maximum building heights for new principal buildings in the IOZ shall be governed by the Roux IOZ Height Map (Figure 8-F)

2. Rules of Measurement

Publicly accessible corridor: A corridor accessible to the general public that is open to the sky or enclosed with a minimum width of 20 feet. Enclosed portions of publicly accessible corridors shall have a minimum height of 30 feet.

Street wall: Within the Roux IOZ the term "street wall" shall mean a wall or portion of a wall that includes the principal entry to a building facing a street, public right-of-way, major pedestrian access routes, or open spaces. Orientation of the principal entry to a building shall be determined by the applicant.

3. Minimum and maximum street wall heights

New principal buildings in the IOZ shall rise to a minimum street wall height of forty-five feet (45'), and may rise to a maximum street wall height of one hundred and five feet (105').

4. Stepback requirements

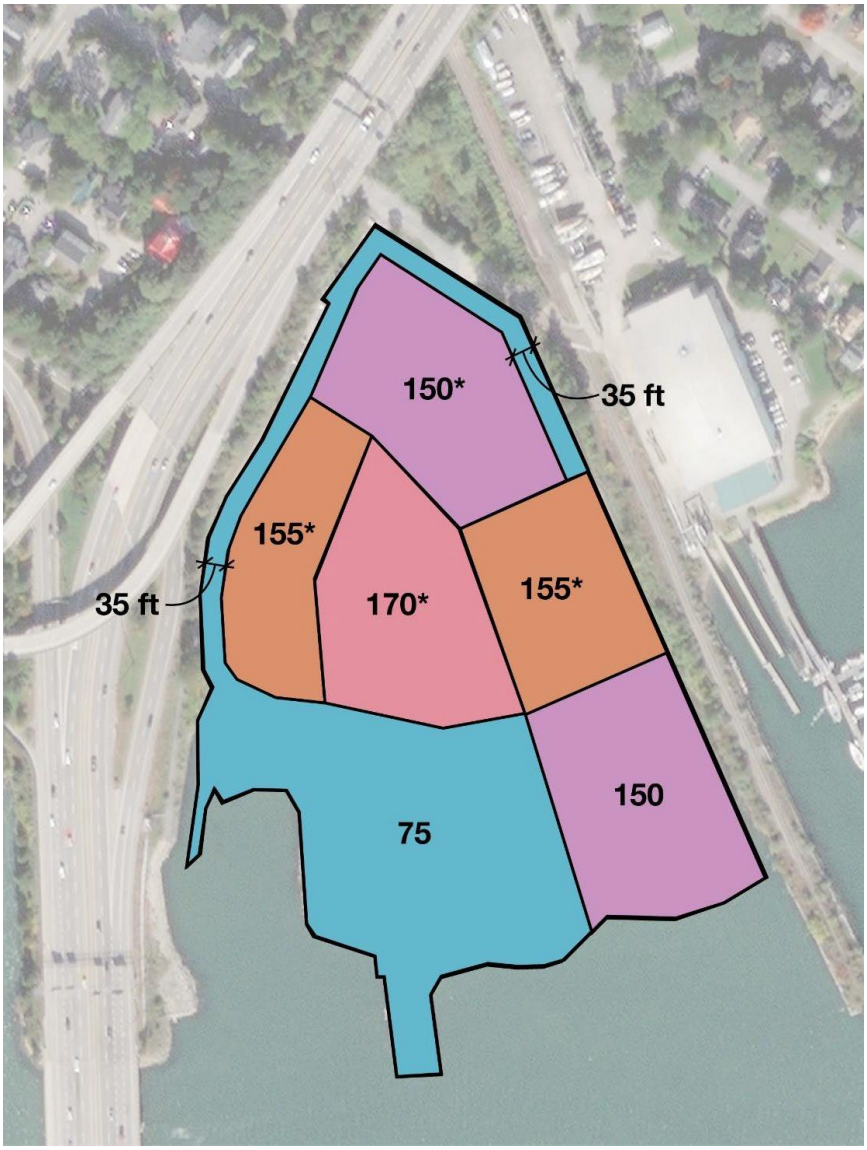
At a height not lower than the minimum street wall height or higher than the maximum street wall height, a stepback with a minimum depth of at least 10 feet shall be provided. Required stepbacks shall only apply to a building's street wall.

5. Building length requirements

a. For buildings with a length greater than 250 feet, a continuous, publicly accessible corridor that connects two street, public right-of-way, major pedestrian access routes, or open spaces shall be provided, with the precise location to be identified, defined, and reviewed under site plan review. Building length shall be measured at grade in a straight line between the outer corners of the designated street wall.
b. Publicly accessible corridors need not be linear and may have necessary grade changes.
c. Any building wall situated along a publicly accessible corridor shall be designed to provide sufficient architectural and graphic amenities to provide visual interest, transparency between interior activities and pedestrian activity, or active uses and relate the building, and its use to passersby.
d. Publicly accessible corridors shall:
    1. Include pedestrian amenities such as benches and other seating;
    2. Be illuminated to levels that are adequate but not excessive for the safety, comfort, and conveniences of occupants and users of the site, and
    3. Provide access to the public during regular operating hours of the Institute.
e. The Roux Institute may close off public access to a publicly accessible corridor during special events or when determined necessary by the Institute for security or public safety purposes.

6. Transitions and Buffers
    a. The campus is surrounded by existing buffers, with I-295 to the west, state-owned vacant parcels to the north, the rail corridor and marine business to the east, and Casco Bay to the south. In addition to the existing buffers, development shall further ease the transition to and from the campus through the following design methods in areas shown on Figure 8-G.
    b. Public open space will ease transition from the smaller scale of Sherwood Street. A transition onto the campus will also be accomplished through thoughtful façade design at the pedestrian level. Potential nuisance features like dumpsters, air handlers, and parking will be appropriately screened. Buildings will avoid blank walls to respect the adjacent neighborhood and facilitate a sense of permeability and welcome.
    c. The shoreline transition area between the buildings and the water will serve as meaningful public open space. Building facades facing the water will be considered public-facing, with views designed for interest from the water and Eastern Promenade Trail.
    d. The transition area between the campus and I-295 contains a height limitation of 75 feet along the edge and between the highway and the B&M Cannery Building, preserving the historic view of the building from the highway and easing the transition to the greater allowable building heights in the center of campus.
    e. The transition area along the edge of the campus adjacent to the rail corridor also contains a height limitation of 75 feet along the edge of the property closest to the residential neighborhood, further easing the transition to the greater allowable building heights at the center of campus, mitigating shadow impacts to adjacent properties.

Figure 8-F: Height Overlay Map



NOTES:

1. Applies to zones shown with an asterisk (*): above height of 75 feet, no building floorplate shall exceed 35,000 square feet.

2. Above height of 50 feet, no two buildings shall be closer than 40 feet apart.

3. Building heights for buildings that span two or more height zones shall be measured by calculating the highest point (as defined in the Land Use Code) of that portion of the building within a particular height zone. If the roof is sloped, height is measured at the midpoint of that portion of the slope located within the particular height zone.

Figure 8-G: Transition Areas and Buffers

E. Transportation.

1. Transportation Demand Management (TDM)

   a. At the time of the first site plan review following IDP approval, the developer shall submit a campus-wide TDM Plan substantially in accordance with those TDM objectives and strategies identified in the

approved IDP. The TDM Plan may be phased into short-, mid-, and long term actions to allow for progressive implementation over time.

b. The TDM Plan shall be designed to provide transportation choice with the goal of reducing parking demand and single-occupancy vehicle trips to and from the Roux Institute Campus by students, faculty, staff, institutional partners, and visitors.

c. The TDM Plan shall establish parking, mode share, and trip reduction targets associated with each phase of development, as well as a data collection plan.

d. Annual monitoring reports will be submitted for the TDM Plan. TDM monitoring reports shall include a summary of progress towards targets established in the TDM Plan. If deficiencies are identified, they will be resolved in accordance with the Site Plan approval.

2. Traffic Movement Permit (TMP)

a. Any development that will generate over 100 passenger car equivalents will trigger TMP review which will determine applicable mitigation for that development program. There are contributions anticipated to areawide elements to support trip reduction targets, such as contribution to the development of shared use path infrastructure and support for additional transit service to the campus. The TMP review may consider an individual site plan or may cover more than one site plan. Each of the TMP submissions and review will continue to contemplate capacity for multimodal connections to continue to reduce automobile trips.

b. Mode shares and trip reduction targets have been identified in the IDP and will be updated and modified with each TMP submission as necessary.

3. Bicycle and Pedestrian Access and Safety

a. A Transportation, Access, and Circulation Plan has been provided in the IDP. At the time of the first site plan review, the developer shall submit an updated Plan. Where possible, the bicycle and pedestrian access routes shall connect to established bicycle and/or pedestrian facilities. The developer shall look to establish new bicycle and pedestrian bicycle and/or pedestrian facilities where feasible.

b. The site and building design shall not prohibit the enhancement of transit service to and from the site.

c. Bicycle, pedestrian, transit, and motorized vehicular facilities proposed to and from the site shall provide sufficient capacity and allow for safe connections for modes of transportation.

d. Sherwood Street shall be improved to accommodate bicycles and pedestrians within the existing right-of-way. Separate sidewalks and bicycle lanes shall be provided where feasible.

4. Parking

Parking requirements in the IOZ, including but not limited to parking ratios, shall be established at the time of site plan review for each phase of development based on a parking study that includes a campus-wide analysis of demand and supply. Parking studies shall integrate parking and trip reduction achievements and data contained in the TDM Plan. Parking requirements shall be determined in accordance with the requirements in the Land Use Code in effect at the time of site plan review.

5. Circulation

a. The campus shall contain a bike and pedestrian circulation network which includes a perimeter access loop, an internal system of pathways and a major campus "promenade" which will link campus developments, the upland, and the waterfront.

b. The perimeter access path for bicycle and pedestrians will serve to connect the campus to primary site entry points from the community and provide a continuous recreational loop. Where appropriate, the perimeter access path will be enhanced by wayfinding, lighting, landscaping, and safe crossings at vehicular intersections. Where possible, building facades will respond to the perimeter access path for views into the building and periodic activation to building entrances.

c. Internal campus circulation pathways will connect major open spaces, buildings entrances, and outdoor plazas to create a network of multiple pathways including the perimeter access path. Pathways will be located along or oriented toward facades that have active programs, architectural articulation, appropriately scaled entrances, and windows. Pathways will avoid traveling along stretches of undifferentiated or blank facades back doors or service areas. Pathways will be generally lower-velocity systems than the access loop. Where appropriate, the internal campus circulation pathways will be enhanced by wayfinding, lighting, landscaping, and safe crossings at vehicular intersections.

d. The campus promenade will serve as a major organizing feature connecting the upland and the water and providing access to open spaces, allowing views of principal campus of buildings, and connecting to the internal campus circulation pathways and perimeter access path. The promenade will be enhanced by lighting, wayfinding, landscape buffers, and open spaces. Viewsheds and topography along the promenade will emphasize the Roux Institute and Burnham & Morrill (B&M) Cannery building, pier and other principal buildings and spaces.

F. Environment.

1. The IOZ shall contain a minimum of three acres of public open space designed to enhance waterfront access and provide bicycle/pedestrian network connectivity. This open space requirement shall be met at the completion of construction of the first site plan approval and shall be maintained at all phases of development. The three acres need not be contiguous and may be provided in new and/or different locations following completion of development phases. The public open space shall be meaningful space, functioning as recreation areas, social gathering spaces, or natural buffers. The method of assuring public access to the public open space shall be determined at site plan review.
2. A Sustainability and Resilience Charter will be created by the Roux Institute for the campus. The Charter shall contain sustainability goals related to development categories such as energy, water, transportation, equity, and resilience and may be revised over time in response to evolving technology and industry standards. The Charter will require all development on the campus to utilize critical components of industry standard benchmarking systems such as LEED, SITES, WELL, ILFI, and Passive House. The Charter will be submitted to the Planning Authority prior to submission of the first site plan application. Proposed site plans shall be consistent with the goals outlined in the Charter.
3. Development shall utilize lighting designs required for safety and comfort and that minimize impact to the night sky in accordance with light pollution reduction standards in ANSI/ASHRAE/IESNA 90.1-2007 or its most current edition.

4. Development shall be carried out in such a way as to minimize the impacts of sea level rise, protecting infrastructure and site features by designing to a minimum of 2-feet above the Base Flood Elevation (BFE) as shown on the most current FEMA Flood Insurance Rate Map.
5. The shoreline edge and immediate adjacent upland shall be protected through shoreline armoring and vegetation to prevent erosion and enhance natural resource protection. Work in coastal wetlands and significant wildlife habitats (as defined by the Maine Department of Environmental Protection) will be minimized to the maximum extent practicable and shall comply with all applicable local, state and federal permitting requirements in effect at the time.
6. Design of exterior building envelopes will be in developed in conjunction with the American Bird Conservancy and Cornell Ornithology Lab standards to mitigate bird strikes to the extent practicable.

G. Mitigation measures.

1. Site plan impacts to off-premise infrastructure shall be mitigated in a manner proportionate to those impacts. Mitigation may include financial or in-kind contributions to existing or planned City projects focused on mitigating the impacts of the development. Mitigation construction shall be determined based on the City's standard procedure in effect at the time of site plan review.
2. Impacts to natural resources shall be mitigated in accordance with local, state and federal permitting standards in effect at the time.

H. Design.

1. Introduction and intent.

New development in the IOZ shall adhere to the following design guidelines and the site plan standards of the City of Portland. All new development shall be designed to create a visual connection with the goal of achieving a cohesive campus appearance with a strong identity and sense of place. New development may be contemporary and forward looking in architectural style, but shall be informed by or responsive to the iconic B&M Cannery building as an example of Portland's unique legacy of innovation, adaptation and durability. Reference to the building specifically and in general to the early 20th century industrial factory building type may inform the architectural principles of highly functional yet articulated human-centered facades and details, a combination of local and innovative materials, use of natural daylighting, high degree of flexibility and scalability and capacity for long service life. New development shall be characterized by excellence in architectural design, craftsmanship, materials, streetscape, resilience, sustainability and landscape improvements, signage, and lighting appropriate for a campus development on a coastal site.

These principles and standards are intended to regulate the future build out of the Roux Institute Campus while ensuring that new development is sensitive to adjacent residential neighborhoods and commercial areas and successfully integrates the existing site into the public realm while establishing a global beacon for thought leadership in artificial intelligence, computer and data sciences, digital engineering, and advanced life sciences.

2. Standards
    a. Waterfront
        1. The waterfront will be publicly accessible to provide a variety of open spaces throughout all phases of development that foster social interaction.
        2. New principal buildings on the waterfront shall include a publicly accessible entrance to interior public space (if provided) from the waterfront side and upland side of the building along an anticipated desire line. Said interior public space, if provided, may be closed to the public during special events, outside normal operation hours, and when necessary for security or public safety purposes.
    b. Cohesive campus
        1. The overall composition and experience of the campus will be considered for cohesive identity from approaches along I-295 and views from the East Deering neighborhood.
    c. Historic preservation
        1. Buildings, site development, circulation, and open space will respect the B&M Cannery Building, a designated historic landmark.
    d. Connectivity
        1. Prioritize the bicycle and pedestrian circulation network on campus while providing connectivity for auto, public transit, service and emergency vehicles at each development phase.
        2. Surface parking lots shall be located to the maximum extent practicable toward the rear or side of a building not occupied by a principal entry to a building facing a street, public right-of-way, major pedestrian access routes, open space, and/or the waterfront.
    e. Open space
        1. Open space will be publicly accessible to provide multiple functions for recreation, social gathering and buffers that integrate within the overall composition and experience of the campus at each development phase.
    f. Sustainable practice
        1. Buildings and site development will incorporate sustainable technologies in building design, orientation, energy production and sensitivity to natural resources at each development phase.
    g. Resilience
        1. Buildings and site development will incorporate resilience strategies to account for flooding, severe weather events and integration of publicly accessible spaces at each development phase.
    h. Building design
        1. Building façade materials will be of high quality, durable to the marine climate and contribute to an attractive public realm. The first 35 feet of building height shall complement the pedestrian character in materiality, transparency, and detailing.
        2. Rooftop appurtenances will be incorporated, screened and set back from roof edges to reduce visual impact from the surrounding neighborhood.
    i. Building entrances
        1. Building entrances will include prominent facades and be oriented toward, located adjacent to, or accessible from rights-of-way, major pedestrian access routes, or open spaces.
    j. Mitigation of impacts
        1. Buildings and site development will endeavor to minimize potential negative impacts related to shadows, wind, noise, heat, glare, lighting, contaminants, and the environment.

I. Neighborhood Integration.

1. Neighborhood Engagement

   a. For the purpose of keeping surrounding residential areas appraised of its future development plans, and to address any neighborhood issues related to the operations of the Roux Institute Campus, the Roux Institute shall adhere to the ongoing neighborhood engagement principles identified in the IDP.

   b. Ongoing community engagement shall be conducted, including the continuation of neighborhood forums and maintenance of the Roux Institute Campus website.

   c. A Community Advisory Group shall be created for the purpose of sharing information on project development, planning, and seeking input. To the extent practicable, the group shall be comprised of representatives of interested groups such as the East Deering Neighborhood, East Deering Neighborhood Association, East Deering Neighborhood for Responsible Development, Front Street Area Neighborhood , a tenant representative from Portland Housing Authority's Washington Gardens and Front Street developments, recreation, parks and trails, including the Friends of Payson Park, from sustainability, rail, bicycle/pedestrian, public transit, Portland Harbor, Portland Public Schools, including a Presumpscot School parent, higher education, and the business community.

   d. A designated community contact shall be engaged to be the point of contact for providing information to the neighborhood and receiving feedback.

2. Construction Management

   At the time of site plan review, Northeastern University shall submit a Construction Management Plan substantially in accordance with the construction management principles identified in the Institutional Development Plan for review and approval by the Planning Authority.

J. Historic Preservation

1. Historic Preservation Review

   The B&M Cannery Building has been designated as a local historic landmark. The area of designation includes the B&M Cannery Building, as well as the area of the former cod fish building and pier. The Historic Preservation Board's review of activity within the site of the former codfish building and pier is limited to review of any activity that would require a Certificate of Appropriateness that is proposed on a newly constructed pier. A Certificate of Appropriateness will not be required for the demolition of the codfish building or construction of a new pier and related infrastructure, including future alterations to the pier structure.

2. Required Interpretive Elements

   Northeastern University shall include interpretive element(s) on top of or within the surface of the new pier that convey the history and significance of the codfish building. Prior to construction of said elements, the University shall submit the proposal to the Historic Preservation Board for its review and approval. The interpretive elements shall be designed in a manner that does not interfere with the use and functionality of the pier as a marine passenger facility and for water access by the Roux Institute and the public.

3. 100-foot Review Exemption

The B&M Cannery building is exempt from Section 14.6.4.E.2. for review of development within 100 feet of a landmark.

8.1 ISLAND TRANSFER STATION OVERLAY

8.6.1 Purpose

The purpose of the Island Transfer Station Overlay Zone is to establish a location for a transfer station for municipal solid waste and municipal public works activities. This zone shall be established through a conditional rezoning process in order to ensure the imposition of appropriate conditions for the protection of neighboring properties.