**DRAFT 1: 8.4.2014**

**122 Anderson Street**

**Proposed Intermodal Facility for truck staging to load Nova Star Ferry**

**Level II Site Plan Review**

**#2014-112**

 **DRAFT REPORT OF FINDINGS**

 **[date]**

1. **INTRODUCTION**

Douglas Cardente of Anderson Street Realty LLC has requested a Level II Site Plan review for the proposed change of use of this 2.7 acre open site to an intermodal facility for the staging of up to 30 trucks (tractor trailers) prior to loading onto the Nova Star Ferry at Ocean Gateway. The submitted proposal does not include any site improvements, as environmental improvements had already been carried out in association with another use that did not go forward. The site is zoned ILb where the proposed use is a permitted use. The proposed use would utilize an enclosed area of about 52,000 sq ft at the rear of the site, on the area that was subject to VRAP remediation in 2008 because the previous use was a scrap yard.

The proposed use is being reviewed under the Site Plan Standards of the Portland Land Use Code (Chapter 14), as a Level II Site Plan (Administrative Review by the Planning Authority). The applicant has not requested any waivers, but the Traffic Engineering reviewer has identified the need for waivers in respect of the driveway width and spacing of the driveways on the site (an existing condition) and supports the granting of both waivers subject to the conditions of approval.

**II PUBLIC NOTICING AND COMMENTS [to be completed]**

**III EXISTING CONDITIONS**

The site has three buildings along the frontage with Anderson Street (two on the applicant’s property and one on abutting land) and the rear part of the site was previously used for metal recycling (scrap yard). There are two existing curb cuts, both of which accommodate two way vehicle movements. The northernmost curb cut is angled to Anderson Street to facilitate large truck movements, and the site layout remains as it has been for many years.

Of the existing buildings, one is owned by the Muslim Community Center; the surrounding land and other two (tenanted) buildings are owned by the applicant who manages the entire site. They generally operate as follows (information from the applicant):

1. Tandem Coffee (manufacturing and retail tenant) is open from early morning to mid-afternoon. Their customers use the smaller two-way drive shared with the community center or walk in via a segregated path direct from Anderson Street.
2. The Muslim Community Center (corner of Fox) has varying operating times which mostly start in the mid-afternoon. It is located the furthest from the truck drive access and uses a different driveway; it is also separated by a “jersey barrier” to provide vehicle movement safety.
3. Bunker Brewery (manufacturing and public tours, tenant) is in the building set back on the site and brews beer during the day. It holds occasional late afternoon/early evening “tastings” which are accessed by a “bus” which uses the truck access. Daytime parking is in the shared area between it and Tandem Coffee.

**IV PROPOSALS**

The proposals are illustrated in the Site Plan, Document Submissions, and Truck Route to Ocean Gateway (Attachments XXX). The proposed change of use is to allow up to 30 tractor trailers (including refrigerator trucks) to enter the site during the late afternoon to wait for loading onto the Nova Star ferry docked at the Ocean Gateway facility on Commercial Street. All of the trucks would leave the site between about 7:30pm and 9pm to go to Commercial Street Ocean Gateway and load onto the Ferry. The “season” is between April and October. The trucks arrive throughout the day, and then depart one vehicle at a time, with no trucks arriving during that “loading” period and none remaining overnight.

The trucks enter via the northernmost drive and wait in an area that is surrounded by a security chain link fence and is lit by 5 existing large CMP pole lights which face away from the residential area toward the back of other commercial buildings. The access gate would be open at all times as currently is the case, so fire and security access would be available at all times.

**V. SITE PLAN REVIEW**

1. *Transportation Standards*

**1. Impact on Surrounding Street Systems:**

 **The provisions for vehicular loading and unloading and parking and for vehicular and pedestrian circulation on the site and onto adjacent public streets and ways; and the incremental volume of traffic will not create or aggravate any significant hazard to safety at or to and including intersections in any direction where traffic could be expected to be impacted; and will not cause traffic congestion on any street which reduces the level of service below Level "D" as described in the 1985 Highway Capacity Manual published by the Transportation Research Board of the National Research Council, a copy of which manual is on file with the public works authority, or substantially increase congestion on any street which is already at a level of service below Level "D";**

*Staff Findings:*

Both staff and neighbors have raised concerns regarding the proposed truck route and its associated impacts because it passes through the intersection of Fox and Anderson Streets, which is currently a four way stop intersection with no pedestrian accommodations.

A number of issues were investigated by staff with additional information from the applicant and based on over 50 visits to the site over the past 6 months by the Traffic Engineering Reviewer Tom Errico. The visits were initially related to the need for observation as input into design work on the Anderson Street Byway improvements that will include pedestrian improvements along these streets. More recently Mr Errico has visited the site multiple times to review the proposed truck staging use in the context of the surrounding street system and the existing users of the site. The following is a summary of the key issues investigated by staff regarding this standard:

* *Scope for an alternative route:*

There are two potential alternative routes but both are not considered to be workable at this time. One is for trucks to travel from Franklin along Marginal Way to Cove to Anderson and turn right into the site (and left out). The movements required for this route are problematic given the geometry of the drive with Anderson Street- ie the original access was designed to be 45 degrees to Anderson to facilitate access and egress, and the left turn is almost impossible and would block both lanes of the street in the vicinity of a residential development. The other option might be for the owners to arrange a license or easement with owners of property facing Cove Street so that a direct drive link could be made from the rear of the site. The owner has indicated that he has no rights nor prospect of rights to cross the abutter property.

Both of these options would need to overcome the fact that at Franklin the left turn from Marginal Way onto Franklin is prohibited and any change to the signals would need to be negotiated with MDOT who would be concerned about impacts to the I295 ramps.

Staff consider the proposed routing is reasonable given the constraints on other options, but recommend associated conditions of approval as set out in the attached e-mail from Tom Errico dated 8.4.2014.

* *Nature of the impact on the intersection, particularly pedestrian safety, and scope for mitigation:*

Staff share the concern of local residents that pedestrians crossing at the Anderson Street/Fox Street intersection currently face a challenge and this is one of the reasons for the proposed improvement project that will result in additional sidewalks and permanent crossings , for completion in late 2015. The proposed Intermodal Facility is presents additional potential safety concerns, and the Traffic Engineering reviewer has recommended that temporary crosswalks and stop bars be added to the intersection before the truck use commences, and be maintained through-out the Nova Star season until they are replaced with the permanent improvements; see details in attached comments from Tom Errico.

* *Control of the number and time of vehicles passing through the intersection:*

Staff note that the proposed 30 tractor trailer vehicles translate into 60 vehicles for the purpose of traffic assessment. The Traffic Engineering Reviewer did not consider that a traffic study was necessary as that study is usually requested to determine and verify the trip generation. In this case the numbers of vehicles proposed to use the site is known, as is the likely timing of arrivals and with a metered departure.

The focus for review is whether the proposed numbers and timings are overly intensive for the street system that is available. Staff consider that 60 vehicles moving in this area within an hour is problematic when combined with existing levels of traffic and the unsignaled nature of the Fox/Anderson intersection.

There is also a constraint on the capacity of these streets for the exiting trucks because of the timing of the left turn signal at Fox/Franklin, where it is anticipated that only one truck would be able to leave Fox Street per cycle. The timing at this signal is linked to the Marginal Way signal and is subject to MDOT control because of the potential impact on the I295 ramps and associated queuing.

In view of these factors, the Traffic Engineering Reviewer has recommended that the number of trucks be limited to 15 initially, with a possible increase to 30 depending on the outcome of a recommended monitoring study. An associated requirement is that the trucks departure rate be controlled so that no more than one truck per minute leaves the site within the identified times of the day, and that this would also be reviewed for next year in the context of the monitoring study findings; details are outlined in the attached e-mail from Tom Errico dated 8.4.2014.

* *Condition of Anderson Street:*

 There will be substantial utility and roadway work in Anderson Street associated with sewer, gas, and sidewalk improvements. The roadway will be repaired following these projects.

2. *Access and Circulation*:

a. Site Access and Circulation**.**

1. The development shall provide safe and reasonable access and internal circulation for the entire site for all users of the site and shall comply with the standards set forth in Sections 1 of the Technical Manual.

(ii) Points of access and egress shall be located to avoid conflicts with existing turning movements and traffic flows.

1. Where drive up features such as gasoline pumps, vacuum cleaners and menu/order boards are permitted, they shall not extend nearer than twenty five (25) feet to the street line. The site must have stacking capacity for vehicles waiting to use these service features without impeding on-site vehicular circulation or creating hazards to vehicular circulation on adjoining streets.

 *Staff Findings:* The trucks accessing the site to wait to load onto the Nova Star Ferry are proposed to use an identified access and egress point (the northerly drive), which staff consider is adequate subject to improvements in the surface, width added signage as outlined by Mr Errico (attached).

 Both the neighbors and staff have raised a concern about the internal circulation of the site as the drive proposed for the Nova Star trucks is also used by some of the vehicles serving Tandem Coffee and Bunker Brewing. A number of issues were investigated by staff :

* *Scale of existing internal traffic flows and pedestrian activity in the vicinity of the Nova Star Truck access/egress drive:*

Staff note that the bulk of the existing vehicle movements within the site are during the day when the proposed use would involve intermittent arrival of the trucks. Staff observed a relatively small number of vehicles and pedestrians associated with the existing uses in the vicinity of the drive access being used by the Nova Star trucks, and note that they would generally be the same users each day. At the time of departure the existing uses are generally not in operation. It is understood that some evening events/”tastings” are likely to take place on the site, but in the evening there will be a queue of trucks waiting to leave at one minute intervals, and this would be evident to other users.

* *Nature of management of vehicle/pedestrian circulation necessitated by Nova Star truck use of the site:*

Staff consider that the proposed truck use does not impact the other vehicle and pedestrian access facilities (other drive and path to Tandem Coffee). Given the condition restricting the number of trucks to 15 in this season, staff recommend that any specific internal vehicle/pedestrian control measures be determined by the outcome of the monitoring study.

b. Loading and Servicing**.**

1. All developments served by delivery or other service vehicles shall provide a clear route and travel way geometric design that permits safe turning and backing for the maximum vehicle length that would service the development and does not impede site access, vehicle circulation, pedestrian movements or parking.

 *Staff Findings:* Once onto the site there is an area over an acre of land available for the maneuvering of truck vehicles within the area identified for truck staging, which allows sufficient area for internal circulation and queuing movements.

c. Sidewalks.

(i) All proposed developments shall provide sidewalks along all frontages in accordance with Sections 14-498 and 14-499 of the City Code, installed to City specifications as described in Section 1 of the Technical Manual. An applicant may request a waiver from curb and sidewalk installation requirements if they meet applicable waiver criteria listed in Section14-506 (b) of the City Code.

(ii) Where sidewalks already exist but are in substandard condition, they shall be repaired or replaced in conformance with Chapter 25 of the City Code and Section 1 of the Technical Manual.

1. Continuous internal walkways shall beprovided between existing or planned public sidewalks adjacent to the site, transit stops and street crossings and primary building entrances on the site.

*Staff Findings:* A sidewalk along this frontage is part of the already designed and funded Anderson Street By Way Project and there have been detailed discussions with the applicant regarding the coordination of any drive improvements with the proposed sidewalk area.

The three other users of this site have pedestrian and vehicle access via the southernmost drive and there is a segregated pedestrian walkway to Tandem Coffee direct from Anderson Street. Staff consider that the proposed truck use does not impact the other pedestrian access facilities and that the pedestrian patterns be included in the monitoring study that would cover the off-site issues discussed above.

3. *Public Transit Access:*

 *Staff Findings:* A public transit facility is not required under the Site Plan Ordinance.

4. *Parking:*

*Staff Findings:* The proposed Intermodal Facility is not a parking lot and there is no building or use associated with the proposals that requires vehicle or bicycle parking.

### 5. *Transportation Demand Management (TDM):*

 *Staff Findings:* The proposed Intermodal Facility does not include any floor area and is not subject to TDM requirements.

1. *Environmental Quality Standards*

 *Staff Findings:* These standards relate to landscaping and stormwater management, which were previously addressed when the site was the subject of a site plan for Oakhurst Dairy trucks.

1. *Public Infrastructure and Community Safety Standards*

*Staff Findings:* These standards do not apply to the proposed change of use.

1. *Site Design Standards*

*Staff Findings:* These standards generally relate to proposals that involve buildings except for the following:

* *Exterior Lighting*

The applicant does not propose to modify the existing lighting, which is industrial in nature and directed away from the street towards the open area and other industrial users. Adequate lighting is accepted as necessary as the trucks will be maneuvering on site until 9:00pm in October.

* *Noise and Vibration*

The trucks that will be waiting at the site would include refrigerator trucks (“reefers”) and the applicant has indicated that these would be parked on the interior of the site away from Anderson Street (see Site Plan) and would be required to meet the sound standards of the ILb zone which limit the dBA levels at the property line to 60dBA during the day until 10pm. It is noted that the trucks should all be off the site before the zoning requirements of a maximum of 50 dBA apply, and that the conditions of approval require that no trucks occupy the site between the hours of 10pm and 7am.

* *Signage and Wayfinding*

No new signage or wayfinding is proposed except for pedestrian and vehicle safety.

* *Zoning-Related Design Standards*

There are no design standards for development in the ILB zone. However, the ILb Zone ordinance includes a set of Performance Standards that would apply to this site and be enforced by the Zoning Administrator.