

CITY OF PORTLAND, MAINE

PLANNING BOARD

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May 25, 2016

Ara Aftandilian
Portland Norwich Group
2330 Palm Ridge Road
Sanibel, FL 33957

Patrick Carroll
Carroll Associates
217 Commercial Street, Suite 200
Portland, ME 04101

Project Name: AC Hotel
Address: 158 Fore Street
Applicant: Portland Norwich Group

Project ID: 2015-169
CBL: 19-B-2
Planner: Nell Donaldson

Dear Mr. Aftandilian:

On May 24, 2016, the Planning Board considered your proposed AC Hotel project at 158 Fore Street. The Planning Board reviewed the proposal for conformance with the standards of the site plan ordinance of the Land Use Code. The Planning Board voted (6-0, Boepple absent) to approve the application with the waiver, traffic movement permit, and conditions as presented below.

WAIVERS

The Planning Board voted 6-0 (Boepple absent), based upon the consulting transportation engineer's review, that extraordinary conditions exist or undue hardship may result from strict compliance with the *Technical Manual* standard (*Section 1.7.2.7*) which requires that along arterials and collectors, minimum acceptable driveway corner clearance shall be 150 feet, that substantial justice and the public interest are secured with the proposed variation in this standard, and that the variation is consistent with the intent of the ordinance. The Planning Board waived the *Technical Manual* standard (*Section 1.7.2.7*) to allow the driveway cut on Fore Street approximately 120 feet from the corner of Fore and Hancock Streets as shown on the final plans (*Attachment 1*).

TRAFFIC MOVEMENT PERMIT

The Planning Board voted 6-0 (Boepple absent), based upon 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 May 24, 2016 for application 2015-169 relevant to Portland's technical and design standards and other regulations; and the testimony presented at the Planning Board hearing, that the proposed plan is in conformance with 23 MRSA 704-A and Chapter 305 Rules and Regulations pertaining to Traffic Movement Permits.

SITE PLAN REVIEW

The Planning Board voted 6-0 (Boepple absent), based on 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 May 24, 2016 for application 2015-169 relevant to the site plan regulations; and the testimony presented at the Planning Board hearing, that the plan is in conformance with the site plan standards of the land use code and approved the application subject to the following conditions of approval that must be met prior to the issuance of a building permit, unless otherwise stated:

1. The applicant shall provide documentation of any easements, covenants, or other burdens on the site for review and approval by the Planning Authority;
2. The applicant shall provide a revised boundary survey meeting the standards of the city's *Technical Manual* for review and approval by the Department of Public Works;
3. The applicant shall:
 - a. Provide a public pedestrian access easement for areas of sidewalk on private property and
 - b. Obtain a license agreement for awnings proposed to encroach into the city's right-of-way for review and approval by the city's Planning Authority and Corporation Counsel;
4. The applicant shall provide a construction management plan for review and approval by the Department of Public Works and the Planning Authority;
5. The applicant shall provide a pavement marking plan, including details and specifications for implementation, for review and approval by the Department of Public Works;
6. Prior to the issuance of a certificate of occupancy, the applicant shall provide documentation for changes to the city's on-street parking schedule for review and approval by the Department of Public Works and the City Council;
7. The applicant shall obtain a change in sidewalk material policy from the City Council for the brick driveway apron for review and approval by the Department of Public Works;
8. The applicant shall revise plans to depict ADA-compliant perpendicular crosswalks and provide sign and ramp details at Fore and Hancock Streets and Fore and Thames Streets for review and approval by the Department of Public Works;
9. The applicant shall provide an NFPA analysis for review and approval by the Fire Prevention Bureau;
10. Prior to the issuance of a certificate of occupancy, the applicant shall provide verification that HVAC systems meet zoning and applicable state and federal emissions requirements for review by the Planning Authority;
11. The applicant shall provide a final lighting plan meeting the standards of the city's *Technical Manual* for review and approval by the Planning Authority; and
12. The applicant shall revise the roofline of the building based on the feedback given by the Planning Board related to the consistency and intent of the project with the Design Guidelines for the Eastern Waterfront for review and approval by the Planning Authority. The revised building design shall specifically address:
 - a. The rooflines with respect to the guidelines' massing standard, and
 - b. The use of scaling elements, such as varied parapet heights.

The approval is based on the submitted plans and the findings related to site plan review standards as contained in the Planning Report for application 2015-169 which is attached.

STANDARD CONDITIONS OF APPROVAL

Please note the following standard conditions of approval and requirements for all approved site plans:

1. **Stormwater Management** The developer/contractor/subcontractor must comply with conditions of the construction stormwater management plan and sediment and erosion control plan based on City standards and state guidelines. The owner/operator of the approved stormwater management system and all assigns shall also comply with the conditions of Chapter 32 Stormwater including Article III, Post Construction Stormwater Management, which specifies the annual inspections and reporting requirements.
2. **Develop Site According to Plan** The site shall be developed and maintained as depicted on the site plan and in the written submission of the applicant. Modification of any approved site plan or alteration of a parcel which was

the subject of site plan approval after May 20, 1974, shall require the prior approval of a revised site plan by the Planning Board or Planning Authority pursuant to the terms of Chapter 14, Land Use, of the Portland City Code.

3. **Separate Building Permits Are Required** This approval does not constitute approval of building plans, which must be reviewed and approved by the City of Portland's Inspection Division.
4. **Site Plan Expiration** The site plan approval will be deemed to have expired unless work has commenced within one (1) year of the approval or within a time period up to three (3) years from the approval date as agreed upon in writing by the City and the applicant. Requests to extend approvals must be received before the one (1) year expiration date.
5. **Performance Guarantee and Inspection Fees** A performance guarantee covering the site improvements, inspection fee payment of 2.0% of the guarantee amount and seven (7) final sets of plans must be submitted to and approved by the Planning Division and Public Services Department prior to the release of a building permit, street opening permit or certificate of occupancy for site plans. If you need to make any modifications to the approved plans, you must submit a revised site plan application for staff review and approval.
6. **Defect Guarantee** A defect guarantee, consisting of 10% of the performance guarantee, must be posted before the performance guarantee will be released.
7. **Preconstruction Meeting** Prior to the release of a building permit or site construction, a pre-construction meeting shall be held at the project site. This meeting will be held with the contractor, Development Review Coordinator, Public Service's representative and owner to review the construction schedule and critical aspects of the site work. At that time, the Development Review Coordinator will confirm that the contractor is working from the approved site plan. The site/building contractor shall provide three (3) copies of a detailed construction schedule to the attending City representatives. It shall be the contractor's responsibility to arrange a mutually agreeable time for the pre-construction meeting.
8. **Department of Public Services Permits** If work will occur within the public right-of-way such as utilities, curb, sidewalk and driveway construction, a street opening permit(s) is required for your site. Please contact Carol Merritt at 874-8300, ext. 8828. (Only excavators licensed by the City of Portland are eligible.)
9. **As-Built Final Plans** Final sets of as-built plans shall be submitted digitally to the Planning Division, on a CD or DVD, in AutoCAD format (*.dwg), release AutoCAD 2005 or greater.

The Development Review Coordinator must be notified five (5) working days prior to the date required for final site inspection. The Development Review Coordinator can be reached at the Planning Division at 874-8632. All site plan requirements must be completed and approved by the Development Review Coordinator prior to issuance of a Certificate of Occupancy. Please schedule any property closing with these requirements in mind.

If there are any questions, please contact Nell Donaldson at (207) 874-8723.

Sincerely,



Elizabeth Boepple, Chair
Portland Planning Board

Attachments:

1. Planning Board Report
2. Portland City Code: Chapter 32
3. Performance Guarantee Packet

Electronic Distribution:

cc: Jeff Levine, AICP, Director of Planning and Urban Development
Stuart G. O'Brien, City Planning Director
Barbara Barhydt, Development Review Services Manager
Nell Donaldson, Planner
Philip DiPierro, Development Review Coordinator, Planning
Ann Machado, Zoning Administrator, Inspections Division
Tammy Munson, Inspections Division Director
Jonathan Rioux, Inspections Division Deputy Director
Jeanie Bourke, Plan Reviewer/CEO, Inspections Division
Brad Saucier, Administration, Inspections Division
Katherine Earley, Engineering Services Manager, Public Services
Bill Clark, Project Engineer, Public Services
David Margolis-Pineo, Deputy City Engineer, Public Services
Doug Roncarati, Stormwater Coordinator, Public Services
Greg Vining, Associate Engineer, Public Services
Michelle Sweeney, Associate Engineer
John Low, Associate Engineer, Public Services
Rhonda Zazzara, Field Inspection Coordinator, Public Services
Mike Farmer, Project Engineer, Public Services
Jane Ward, Administration, Public Services
Jeff Tarling, City Arborist, Public Services
Jeremiah Bartlett, Public Services
Keith Gautreau, Fire Department
Jennifer Thompson, Corporation Counsel
Thomas Errico, P.E., TY Lin Associates
David Sensus, P.E., Woodard and Curran
Rick Blackburn, Assessor's Department
Approval Letter File



PLANNING BOARD REPORT PORTLAND, MAINE

AC Hotel
158 Fore Street
Level III Site Plan and Subdivision Review
2015-169
Portland Norwich Group

Submitted to: Portland Planning Board Date: May 20, 2016 Public Hearing Date: May 24, 2016	Prepared by: Nell Donaldson, Planner CBL: 19-B-2 Project #: 2015-169
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I. INTRODUCTION

Portland Norwich Group has requested a final Level III site plan review for the development of a 6-story, 180-room hotel at 158 Fore Street in the Eastern Waterfront. The project includes enhancements to the Fore Street, Hancock Street, and Thames Street streetscapes, new vehicular and pedestrian circulation via a private alley, landscaping, and stormwater treatment.

The applicant previously appeared before the board in November 2015, with plans that also included residential and retail elements. At the workshop, the board raised questions about the development of adjacent sites under common ownership, rights of public access, and the proposed building design. In the time since, the applicant has finalized civil plans, modified the building program to eliminate residential and retail components, refined the building architecture, and resubmitted their application for staff and Board review.

This development is being referred to the Planning Board for compliance with the site plan standards of the land use code. Subdivision review is no longer applicable, since the applicant has removed the residential component of the preliminary application. The Planning Division sent a total of 159 notices to property owners within 500 feet of the site and a legal ad ran on May 16 and 17, 2016.

Applicant: Ara Aftandilian, Portland Norwich Group, LLC

Consultants: Pat Carroll, Carroll Associates; Stephen Bradstreet, Ransom Consulting; John Swan, Owen Haskell, Rob Festa, Group One Partners (architect)

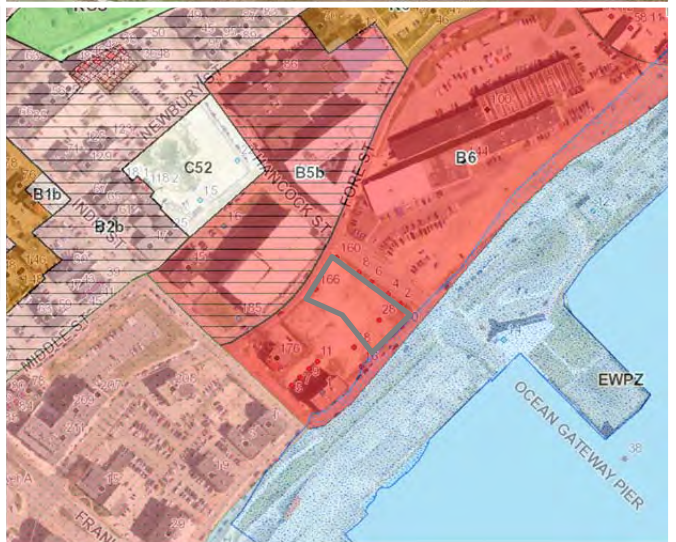
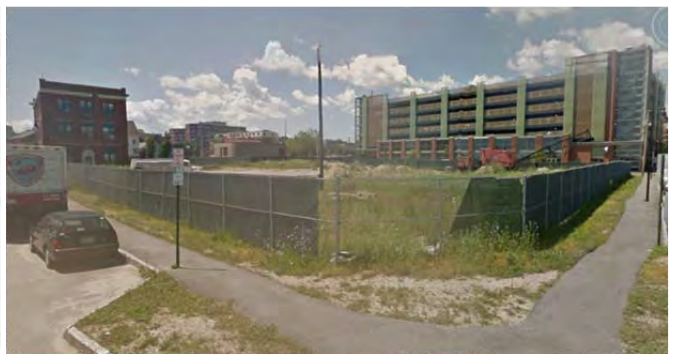
II. REQUIRED REVIEWS

<i>Waiver Requests</i>	<i>Applicable Standards</i>
Driveway corner clearance To allow 120 feet of clearance from the driveway to the intersection of Fore Street and Hancock Street <i>Supported by traffic engineer</i>	<i>Technical Manual 1.7.2.7. Location and Spacing of Driveways</i> Along collector streets, access driveways to corner lots must be located a minimum of 150 feet as measured from the intersection of the right-of-way lines to the centerline of the driveway.
<i>Review</i> Site Plan	<i>Applicable Standards</i> <i>Section 14-526</i>

III. PROJECT DATA

Existing Zoning	B-6 (at time of application) and IS-FBC (at present time), with portion of site in Shoreland Zone
Existing Use	Vacant lot
Proposed Use	Commercial
Proposed Development Program	180 room hotel
Parcel Size	28,540 SF

	<i>Existing</i>	<i>Proposed</i>	<i>Net Change</i>
Building Footprint	0 SF	19,403 SF	19,403SF
Building Floor Area	0 SF	106,223 SF	106,223 SF
Impervious Surface Area	28,540 SF	27,707 SF	-774 SF
Parking Spaces	0	Up to 400 in Ocean Gateway (lease for approximately 100 under development)	0 on site
Bicycle Parking Spaces	0	10	10
Estimated Cost of Project	\$20,000,000		



Figures 1, 2, and 3: 158 Fore Street site showing site on Lot 1 (above); site from Thames/Hancock Streets (above right); zoning context at time of submittal (below right). Note that site has since been rezoned to the India Street Form-Based Code zone.

IV. BACKGROUND & EXISTING CONDITIONS

The AC Hotel is proposed on a 28,000 SF site on the eastern half of the block bounded by India Street, Fore Street, Hancock Street, and Thames Street in the eastern waterfront (*Figure 1*). The site, which is currently vacant, is a portion of a larger lot currently owned by Portland Norwich Group (*Figure 2*). The site shares the block with the historic Grand Trunk building as well as the Portland Water District's downtown pump station. The Ocean Gateway garage sits to the north, the Portland Company complex lies to the east, the Ocean Gateway Terminal lies to the south, and the retail and restaurants of Commercial Street lie to the west. The site was zoned B-6, the Eastern Waterfront zone, at the time of application. It has since been rezoned to the India Street Form-Based Code zone. A small area of the site along Thames Street also falls into the Shoreland zone (*Figure 3*).

V. PROPOSED DEVELOPMENT

Under the applicant's plans, a 28,000 SF lot would be created from the applicant's existing real estate holdings on the lot bounded by Fore Street, Hancock Street, and Thames Street. This lot would be developed with a 180-room hotel on six floors (*Figures 4 and 5*). The applicant proposes to create a landscaped courtyard interior to the block on the western side of the hotel building. This courtyard would be accessible via a driveway cut from Fore Street and serve as the vehicular drop off and major point of entry to the hotel. The hotel would have an additional major entrance from Thames Street and a secondary entrance from Hancock Street. New sidewalks, curb extensions, street lights, and street trees are proposed. All parking would be accommodated in the Ocean Gateway Garage. Utility connections are proposed to and from Thames, Hancock, and Fore Streets. A filtered subsurface storage system would manage stormwater. As discussed at the Planning Board workshop, the adjacent parcels owned by the applicant would be built out under future phases of development.

VI. PUBLIC COMMENT

The applicant hosted a neighborhood meeting on Wednesday, November 4, 2015 and fielded questions on the project composition, parking impacts, construction impacts, landscaping, and traffic on surrounding streets (*Attachment X*). Staff received no comments on the plans.

VII. RIGHT, TITLE, & INTEREST

The applicant's submittal includes a deed as evidence of right, title, and interest (*Attachment E*). The deed references a number of easements and licenses which are not depicted on the current survey. A condition of approval requiring the applicant to provide additional documentation on these easements has been proposed. Bill Clark, the city's surveyor, has reviewed the boundary survey and requested some minor modifications (*Attachment I*). These have also been included as a condition of approval.

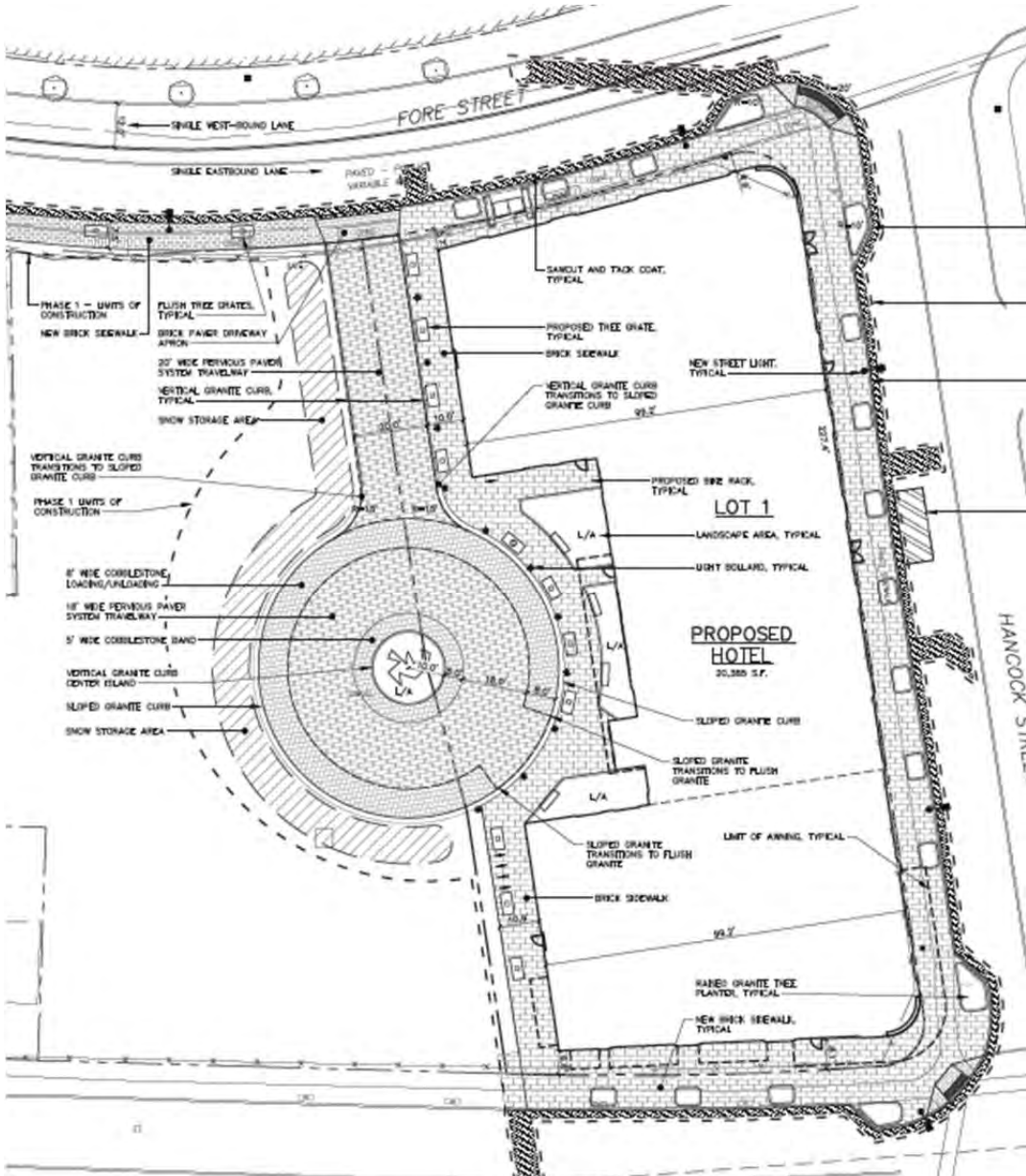
As proposed, the development would involve several easements or license agreements. These include license agreements from the city for an awning which is proposed in the right-of-way on Hancock Street, and a public access easement to the city for areas of sidewalk which would fall on private property on Thames and Fore Streets. The execution of these agreements is included as conditions of approval.

VIII. FINANCIAL & TECHNICAL CAPACITY

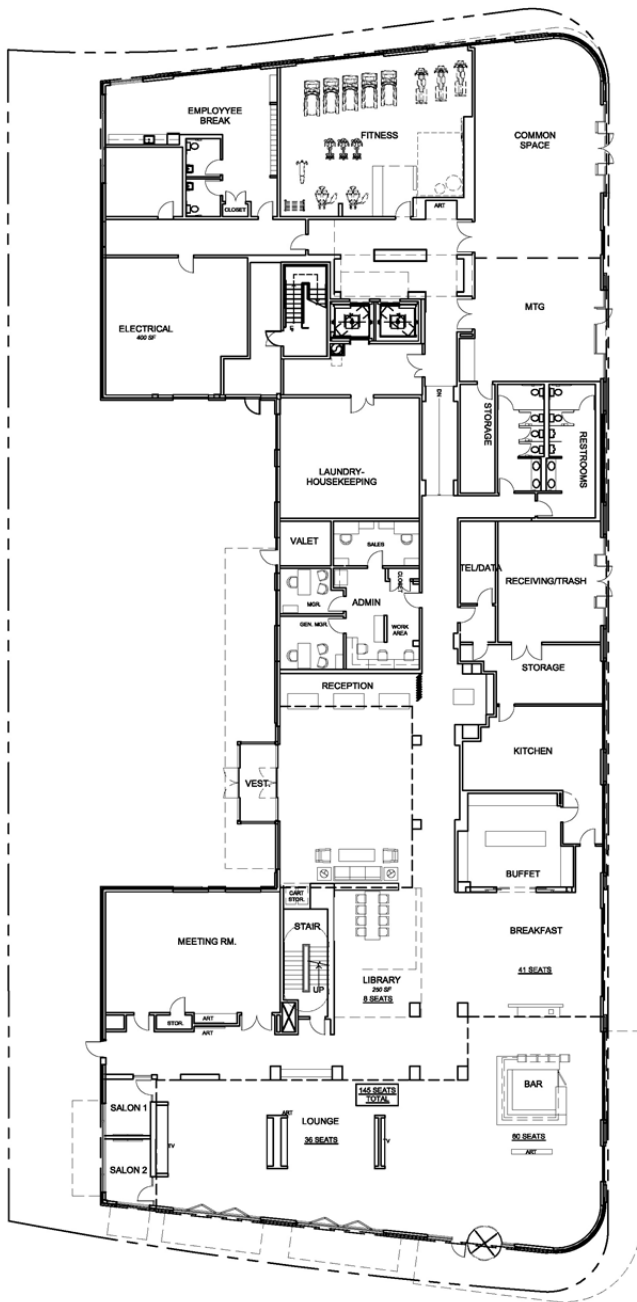
The estimated cost of the development is \$20 million. The applicant has submitted a letter from Citizens Bank indicating their intent to consider financing for the project (*Attachment J*). The applicant has also provided a list of consultants as evidence of technical capacity (*Attachment K*).

IX. ZONING ANALYSIS

In their final submittal, the applicant has provided an analysis of the project's compliance with the B-6 zone (*Attachment G*). This analysis demonstrates that the project meets the dimensional requirements of the zone, including maximum setbacks and building height. It should be noted that, per the dimensional standards of the B-6 zone, buildings on the 158 Fore Street lot are required to build to key building envelopes depicted in the B-6 Building Height Overlay & Building Envelopes map, which is included in the city's *Design Manual*. Staff has confirmed that the proposed building complies with the map.



Figures 4 and 5: Hancock Street elevation (top); final site plan (left).



As noted above, in the time since the preliminary application, the site has been rezoned to the India Street Form Based Code (IS-FBC) zone, which, obviously, results in a new set of regulations around the site’s buildout and use. The applicant’s proposal does not comply with the IS-FBC’s dimensional requirements, a permissible condition since the application was submitted prior to the adoption of the IS-FBC and because, per Corporation Counsel, the City Council “expressly authorized a ‘grandfathering’ of projects that had previously submitted applications” when the form-based code was adopted (*Attachment 6*). When built, the structure will be considered lawfully non-conforming with respect to the new zoning’s dimensional requirements. However, in their final submittal, the applicant has argued that they should be permitted to take advantage of the IS-FBC designation with respect to the use of their property, and has thus proposed a 180 room hotel, over the 150 rooms allowed under the permitted uses of the B-6 (*Attachment G*). Following discussions with the applicant’s attorney, Corporation Counsel has concurred, “because one of the objectives of zoning is to phase out non-conformity, the preference (though not always the requirement) is that properties conform to new zoning provisions. Here, because the IS-FBC now permits an unlimited number of hotel rooms, this applicant is entitled to utilize its property consistent with that newly permitted use.”

A portion of the project also falls within the shoreland zone. None of the proposed structures would lie within 75 feet of the normal high water line. Per review with Ann Machado, the city’s zoning administrator, the project complies with the city’s shoreland zoning ordinance.

X. SITE PLAN SUBMISSION REQUIREMENTS (*Section 14-527*)

The final application does not include a construction management plan or an NFPA analysis. These items have been included as conditions of approval.

Related to construction, it should be noted that Fore Street from Atlantic Street to Franklin Street is on the city’s street opening moratorium list through October of 2016. This will have implications for the construction sequencing on the site. Staff has discussed staging the work to address the moratorium issue with the applicant.

XII. SITE PLAN REVIEW

The proposed development has been reviewed by staff for conformance with the relevant review standards of the City of Portland’s site plan ordinance. Staff comments are below.

1. *Transportation Standards*

a. *Impact on Surrounding Street Systems*

In their preliminary application, the applicant submitted a traffic impact study which projected significant trip generation but high levels of service at area intersections post-development. The study identified two high crash locations in the immediate vicinity, one at India Street and Fore Street and one on Fore Street between India Street and Mountfort Street. Following the preliminary review, the applicant submitted a Traffic Movement Permit (TMP) application, which further analyzed trip generation, crash patterns, and sight lines in the project area (*Attachment M*). Tom Errico, the city's consulting traffic engineer, advised the applicant that, given existing plans to modify the geometry of the Fore Street/India Street intersection to address safety concerns, no further work to that intersection should be included in the plans. On the request of Mr. Errico, however, the TMP application did include an all-way stop evaluation at Fore Street/Hancock Street, which is currently stop controlled on the north and southbound approaches only, as a means of further examining safety concerns at that intersection. This analysis showed that the intersection of Fore Street/Hancock Street does not currently meet criteria for an all-way stop control. The proposed curb extensions in this location may improve safety conditions. At the request of Mr. Errico, the TMP application also included a capacity analysis at the proposed site driveway, which showed that the driveway should operate at an acceptable level of service in the post-development condition. (*Attachment M*). Mr. Errico writes,

A Traffic Scoping Meeting was held on April 5 2016. In conjunction with that meeting, the City requested the evaluation of the feasibility of providing a four-way STOP controlled intersection at the Fore Street/Hancock Street intersection to address safety and traffic issues. The applicant conducted a warrant analysis according to standards contained in the Manual on Uniform Traffic Control Devices, Federal Highway Administration. The results of that analysis indicates four-way STOP control is not warranted. No further action is required by the applicant and I find the project meets Traffic Movement Permit requirements.

The applicant's plans do include a number of modifications to the surrounding street network, including the addition of on-street parking on the south side of Fore Street, with curb extensions at the intersection of Fore Street and Hancock Street. These curb extensions mirror existing bumpouts on the southern end of the site's Hancock Street frontage. These proposed changes in geometry will affect the location of the Fore Street centerline, although these changes have not been formalized in the plans. Mr. Errico notes,

A condition of approval shall be included that notes the applicant is required to prepare, for review and approval to the satisfaction of DPW, a pavement marking plan. The applicant shall be responsible for implementation of the plan. All details and specifications for implementation shall be approved by the City including but not limited to paint specifications and existing paint removal methods.

The City will coordinate with the applicant on proposed on-street parking regulations for Fore Street...The City is requesting that one-hour time limit parking regulations be implemented. The applicant shall be responsible for the installation of signs for the noted parking regulation that meet City standards.

The applicant has also proposed a small loading zone on the west side of Hancock Street. Mr. Errico writes,

The applicant is proposing conversion of a vehicle parking space to a loading space on Hancock Street...The applicant shall be responsible for all signage requirements associated with the proposed loading zone. The final location shall be determined during construction.

It should be noted that the City Council will need to approve changes to the parking schedule on Fore and Hancock Streets. Mr. Errico writes,

The above parking regulation changes will need City Council approval and the applicant shall be responsible for assisting City staff in seeking the approval.

A pavement marking plan, on-street parking and loading plans, and changes to the parking schedule have been reflected in the conditions of approval.

b. Access and Circulation

Pedestrian access is proposed around the building via new brick sidewalks on the Fore Street, Hancock Street, and Thames Street frontages, and a brick sidewalk along the driveway/alley at the building's rear. As noted above, public pedestrian easements will be required on the Fore and Thames Street frontages where areas of sidewalk encroach on private property.

Two primary entrances are proposed, one on the Thames Street frontage and one at the alley. Secondary hotel doors are proposed at the common space/meeting room on the northeast corner of the block, the trash/receiving area mid-block on Hancock Street, and peripheral to the main entry in the courtyard/alley area. The final plans show new apex ramps at Fore Street and Hancock Street and at Thames Street and Hancock Streets. Both David Margolis-Pineo of the Department of Public Works and Mr. Errico have requested that these ramps be redesigned to allow for perpendicular street crossings. Mr. Errico writes,

It is my recommendation that a crosswalk be implemented on the west side of Fore Street at Hancock Street (particularly given use of the Gateway Parking Garage by the project). The crosswalk may include warning signs and shall be fully ADA compliant on both sides of Fore Street...A condition of approval shall be included that requires the applicant to provide final ADA crosswalk, signage, and ramp details for review and approval. The applicant shall be responsible for implementation of the recommended design details. I would note the design shall be the preferred perpendicular crosswalk alignment and include ramps on both sides of Fore Street.

City staff continues to review the curb extension at the southwest corner of the Fore Street/Hancock Street intersection. Alterations to the ramp configuration and depth of the extension will be required...I would also note that the applicant will be reconstructing the Hancock Street/Thames Street corner and the current curb extension as depicted on the site plan will need to be modified from geometric and ramp configuration perspectives. The City will provide direction on the configuration.

Revised plans addressing these comments have been included as a condition of approval.

In terms of vehicular circulation on the site, the final plans show a 20' drive at the rear of the proposed hotel, which will function as a sort of alley, particularly with the buildout of the remainder of the block. The applicant has designed this alley to terminate in a one-way circle with a landscaped island at center. Vehicular access to the hotel would occur from this circle. Vehicles would access parking at the western end of the Ocean Gateway garage opposite Fore Street. A valet would be employed.

The driveway/alley is proposed approximately 120 feet to the west of the Fore Street/Hancock Street intersection, short of the city's 150 foot technical standard for corner clearance. The applicant has requested a waiver for this condition (*Attachment I*). Mr. Errico writes,

Fore Street is classified as a Collector Street and City standards require 150 feet of corner clearance to Hancock Street. I support a waiver from City standards given that the location of the driveway is approximately midblock between Hancock Street and

India Street. The applicant has maximized corner clearance and the separation standard is almost met (120 feet of corner clearance will be provided). As noted above I support a waiver from City standards.

The applicant has also proposed the driveway with a brick apron, which requires a change in the city's sidewalk material policy. Mr. Margolis-Pineo writes,

The applicant is showing a brick driveway apron and has asked where the code states an asphalt drive is required. It is my understanding that the City Council in 2000 passed such a material policy and that any change from this policy requires Council authorization.

A condition of approval requiring the applicant to obtain council approval for this condition has been proposed.

c. Public Transit Access

The site is not located along a public transit route. As such, no transit facilities are required.

d. Parking

Division 20 of the land use ordinance allows the Planning Board to establish the parking requirement for projects over 50,000 SF in size. The applicant has provided a parking analysis which relies on parking standards from the city's land use code to arrive at an estimated parking demand of 45 spaces (*Attachment N*). All of these spaces are proposed in the 720-space Ocean Gateway Garage, to which the applicant has provided evidence of a lease. Off-site parking of this kind is permitted for uses in non-residential zones per *Section 14-334* of the ordinance. The final plans also include bicycle racks for 10 bicycles on the alley at rear, meeting the requirement of the site plan ordinance. Mr. Errico has reviewed the parking calculations and plan and has indicated that he has no further comments (*Attachment 2*).

e. Transportation Demand Management (TDM)

As a commercial development over 50,000 SF in total floor area, a TDM plan is required. In the final submittal, the applicant has provided a TDM plan which identifies a hotel employee as a TDM coordinator to oversee a series of measures that will be taken to promote alternative modes of transportation and reduce parking and travel demand.

2. Environmental Quality Standards

a. Preservation of Significant Natural Features

There are no known significant natural features on the site.

b. Landscaping and Landscape Preservation

The applicant has provided a final landscaping plan. The plan shows street trees, including red maples and zelkovas in raised tree wells along the Fore Street, Hancock Street, and Thames Street frontages, as well as ginkgos and cherries on the alley. The trees planned for the right-of-way meet the city's street tree spacing standards. The plans also include Korean fir, rhododendron, and carpet cypress in the alley at the hotel entrance, little bluestem in the driveway circle, and daylilies filling out the raised tree wells. Jeff Tarling, the city's arborist, has reviewed the landscaping plan and indicated his approval.

c. Water Quality/Storm Water Management/Erosion Control

The site generally slopes from west to east, with stormwater draining to existing catch basins in Hancock and Thames Streets. The applicant has argued that the entire site is impervious in its existing condition, and that, under the proposed plans, the impervious surface on site would decrease by over 700 SF. The city's consulting civil engineers have agreed with this assessment. Given the proposed change in impervious surface, the applicant is not required to treat stormwater runoff from the site.

However, the applicant has proposed to install a pervious paver filter system with subsurface storage that would treat runoff from the driveway and circle areas and drain to the separated storm system in Thames Street. Roof drains would also outlet to the subsurface detention system. Lauren Swett, the city's consulting civil engineer, has reviewed the plans and has no further comments on the proposed treatment system (*Attachment 3*).

3. *Public Infrastructure and Community Safety Standards*

a. *Consistency with Related Master Plans*

The project is generally deemed consistent with related master plans.

b. *Public Safety and Fire Prevention*

The applicant has provided a fire department checklist for review by the city's Fire Prevention Bureau (*Attachment S*). Assistant Fire Chief Keith Gautreau, of the Fire Prevention Bureau, has reviewed the project and writes,

The Fire Dept. has reviewed the final drawings and documents. The applicant has addressed my questions /concerns. I remember discussion in the pre-application phase that there might be connectivity between Thames and Fore by extending the drive-up to Thames. The Fire Dept. would very much be in favor of such a proposal.

The applicant has requested that a full NFPA code summary be submitted when building plans are developed. As such, it has been included as a condition of approval.

The project has generally been designed to promote natural surveillance and territorial reinforcement in accordance with CPTED standards.

c. *Availability and Capacity of Public Utilities*

The final plans show water service, including 6" fire service and 4" domestic service, from an existing 12" main in Fore Street. The applicant has provided evidence of water capacity (*Attachment Q*).

Underground electric is proposed from an existing encased concrete duct bank in Fore Street to an electrical transformer vault below the sidewalk on the project's Fore Street frontage, and from there up the alley to the rear of the building. The applicant has proposed to remove an existing overhead pole at the corner of Fore Street and Hancock Street which would no longer be necessary. Gas service is also proposed from Fore Street.

Sanitary sewer service is proposed to run to the separated sewer in Hancock Street. An internal grease trap is proposed. The applicant has provided evidence of sewer capacity (*Attachment Q*).

4. *Site Design Standards*

a. *Massing, Ventilation, and Wind Impact*

No adverse impacts to ventilation or wind impacts are anticipated.

b. *Shadows*

Not applicable.

c. *Snow and Ice Loading*

Snow storage is shown around the circle area in the final plans. The development has been designed to prevent significant amounts of accumulated snow and ice from loading or falling onto adjacent properties or rights-of-way.

d. *View Corridors*

Not applicable.



Figures 7 and 8: Renderings from corner of Thames and Hancock (top) and Fore and Hancock (bottom)

e. *Historic Resources*

The site falls just within 100 feet of the Old Port Historic District, which encompasses and extends to the east of the Grand Trunk building. Deb Andrews, the city’s Historic Preservation Manager, has reviewed plans as part of the city’s design review. She has noted that future phases of development along Thames Street and India Street will be subject to additional review as they relate directly to the Grand Trunk building and associated historic districts.

f. *Exterior Lighting*

The applicant has proposed Eastern Waterfront lights on Fore and Hancock Streets and the Commercial Street fixture on Thames Street. The courtyard would be lit with bollards. The applicant has provided a preliminary lighting plan which meets the city's technical standards (*Plan 14*). The applicant has indicated that some additional modifications to exterior lighting may be made. As such, this has been included as a condition of approval.

g. *Noise and Vibration*

HVAC is proposed on top of the building and would be fully screened. Noise and emissions information related to HVAC and mechanical has been included as a condition of approval.

h. *Signage and Wayfinding*

The applicant shows signs on the final elevations. Separate sign permits will be required.

i. *Zoning-Related Design Standards*

The applicant has provided final elevations, renderings, and material samples responding to the staff design review (*Attachment T and Plans 16-23*). In particular, the applicant has modified the window detailing in the brick portion of the building to reflect a more contemporary punched style, eliminating the traditional lintels and sills of the previous iteration. The applicant has also modified the color of the Fore Street/Hancock Street corner to a dark gray to provide more cohesion across the building design. Caitlin Cameron, the city's urban designer, has provided a final design review narrative indicating that the applicant has met the relevant design standards and guidelines (*Attachment 5*).

XIII. STAFF RECOMMENDATION

Subject to the proposed motions and conditions of approval listed below, Planning Division staff recommends that the Planning Board approve the proposed AC Hotel at 158 Fore Street.

XIV. 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 on May 24, 2016 for application 2015-169 relevant to Portland's technical and design standards and other regulations; and the testimony presented at the Planning Board hearing:

1. The planning board **finds/does not find**, based upon the consulting transportation engineer's review, that extraordinary conditions exist or undue hardship may result from strict compliance with the *Technical Manual* standard (*Section 1.7.2.7*) which requires that along arterials and collectors, minimum acceptable driveway corner clearance shall be 150 feet, that substantial justice and the public interest are secured with the proposed variation in this standard, and that the variation is consistent with the intent of the ordinance. The Planning Board **waives/does not waive** the *Technical Manual* standard (*Section 1.7.2.7*) to allow the driveway cut on Fore Street approximately 120 feet from the corner of Fore and Hancock Streets as shown on the final plans.

B. TRAFFIC MOVEMENT PERMIT

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 May 24, 2016 for application 2015-169 relevant to Portland's technical and design standards and other regulations; and the testimony presented at the Planning Board hearing, the Planning Board finds that the proposed plan **[is/is not]** in conformance with 23 MRSA 704-A and Chapter 305 Rules and Regulations pertaining to Traffic Movement Permits.

C. DEVELOPMENT 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 May 24, 2016 for application 2015-169 relevant to the site plan regulations; and the testimony presented at the Planning Board hearing, the Planning Board finds that the plan **is/is not** in conformance with the site plan standards of the land use code and **approves/does not approve** the application, subject to the following conditions of approval that must be met prior to the issuance of a building permit, unless otherwise stated:

1. The applicant shall provide documentation of any easements, covenants, or other burdens on the site for review and approval by the Planning Authority;
2. The applicant shall provide a revised boundary survey meeting the standards of the city's *Technical Manual* for review and approval by the Department of Public Works;
3. The applicant shall:
 - a. Provide a public pedestrian access easement for areas of sidewalk on private property and
 - b. Obtain a license agreement for awnings proposed to encroach into the city's right-of-wayfor review and approval by the city's Planning Authority and Corporation Counsel;
4. The applicant shall provide a construction management plan for review and approval by the Department of Public Works and the Planning Authority;
5. The applicant shall provide a pavement marking plan, including details and specifications for implementation, for review and approval by the Department of Public Works;
6. Prior to the issuance of a certificate of occupancy, the applicant shall provide documentation for changes to the city's on-street parking schedule for review and approval by the Department of Public Works and the City Council;
7. The applicant shall obtain a change in sidewalk material policy from the City Council for the brick driveway apron for review and approval by the Department of Public Works;
8. The applicant shall revise plans to depict ADA-compliant perpendicular crosswalks and provide sign and ramp details at Fore and Hancock Streets and Fore and Thames Streets for review and approval by the Department of Public Works;
9. The applicant shall provide an NFPA analysis for review and approval by the Fire Prevention Bureau;
10. Prior to the issuance of a certificate of occupancy, the applicant shall provide verification that HVAC systems meet zoning and applicable state and federal emissions requirements for review by the Planning Authority; and
11. The applicant shall provide a final lighting plan meeting the standards of the city's *Technical Manual* for review and approval by the Planning Authority.

XV. ATTACHMENTS**PLANNING BOARD REPORT ATTACHMENTS**

1. Department of Public Services review (memo from David Margolis-Pineo, 5/13/16)
2. Traffic Engineer review (memo from Thomas Errico, 5/19/16)
3. Civil Engineer review (memo from Lauren Swett, 5/18/16)
4. Fire Prevention Bureau review (memo from Keith Gautreau, 4/28/16)
5. Design review (memo from Caitlin Cameron, 5/19/16)
6. Corporation Counsel zoning memo (memo from Jennifer Thompson, 4/14/16)

APPLICANT’S SUBMITTALS

- A. Cover Letter
- B. Level III Site Plan Application
- C. Location Maps
- D. Description of Project
- E. Evidence of Right, Title, and Interest
- F. Evidence of State or Federal Permits
- G. Summary of Compliance with Zoning Requirements
- H. Summary of Existing and Proposed Easements
- I. Written Request for Waivers
- J. Evidence of Financial Capacity
- K. Evidence of Technical Capacity
- L. Construction Management Plan
- M. Traffic Impacts Study, TMP Application, and TDM Plan
- N. Parking Narrative
- O. Stormwater Management Plan
- P. Summary of Consistency with City Master Plans
- Q. Utility Capacity to Serve
- R. Summary of Solid Waste Generation and Management
- S. Fire Safety Plan and Code Summary
- T. Summary of Conformity with Design Standards
- U. Manufacturer’s Verification of Emissions
- V. Geotechnical Report
- W. Site Lighting
- X. Neighborhood Meeting Minutes

PLANS

- Plan 1. Cover Sheet
- Plan 2. Boundary Survey
- Plan 3. Existing Condition Plan
- Plan 4. Site Plan
- Plan 5. Utility Plan
- Plan 6. Grading, Drainage, and Erosion Control Plan
- Plan 7. Construction Details
- Plan 8. Construction Details
- Plan 9. Construction Details
- Plan 10. Construction Details
- Plan 11. Construction Details
- Plan 12. Landscape Plan
- Plan 13. Landscape Details
- Plan 14. Photometric Plan
- Plan 15. Floor Plans
- Plan 16. Hancock Street Elevation
- Plan 17. Fore Street Elevation
- Plan 18. Courtyard/Alley Elevation
- Plan 19. Thames Street Elevation
- Plan 20. Rendering from Thames/Hancock
- Plan 21. Rendering from Fore/Hancock
- Plan 22. Rendering from Entry at Fore Street
- Plan 23. Rendering of Hotel Vehicular Entry