

CITY OF PORTLAND, MAINE

PLANNING BOARD

Elizabeth Boepple, Chair
Sean Dundon, Vice Chair
Bill Hall
Carol Morrissette
Jack Soley
Dave Eaton

March 10, 2016

Northland Enterprises LLC
Attention: Brad Fries
17 South Street, 3rd Floor
Portland, ME 04101

Winton Scott Architects
Attention: Pandika Pleqi
5 Milk Street
Portland, ME 04101

Project Name:	Conversion of Office Space into Apartments	Project ID:	2016-010
Address:	443 Congress Street	CBL:	027 B002001
Applicant:	Northland Enterprises, LLC		
Planner:	Shukria Wiar		

Dear Mr. Fries:

On March 8, 2016, the Planning Board considered a Level III Site Plan and Subdivision application and a Conditional Use application to Ensure Workforce Housing. The proposed development converts the fourth through seventh floors of the building to twenty-eight (28) residential apartments at 443 Congress Street. The Planning Board reviewed the proposal for conformance with the standards of the Ensure Workforce Housing Conditional Use Review, Subdivision Ordinance and Site Plan Ordinance. The Planning Board voted unanimously 4-0 (Dundon and Morrissette absent) to approve the application with the following waivers and conditions as presented below.

CONDITIONAL USE

The Planning Board voted unanimously 4-0 (Dundon and Morrissette absent) that the proposed plans are in conformance with the 14-484 of the Land Use Code, subject to the following conditions:

1. That the Applicant and the City shall enter into an agreed upon Affordable Housing Agreement (AHA) prior to the issuance of a building permit. The Affordable Housing Agreement shall outline the details of the affordability restrictions placed on the Workforce Units; and
2. That the Affordable Housing Agreement shall be filed as covenant to the property's deed with the Cumberland County Registry of Deeds prior to the issuance of a Certificate of Occupancy.

WAIVERS

Due to site constraints, The Planning Board voted unanimously 4-0 (Dundon and Morrissette absent) to waive Section 14-526 (b) (2) (b) (iii) Street Trees to allow the applicant to make a contribution of \$5,600 to the City's Street Tree Fund for trees in the vicinity of the site to be substituted for the provision of on-site street trees.

SUBDIVISION REVIEW

The Planning Board voted unanimously 4-0 (Dundon and Morrissette absent) that the plan is in conformance with the subdivision standards of the Land Use Code, subject to the following conditions of approval:

1. The Subdivision Plat shall be finalized to the satisfaction of the Planning Authority, Department of Public Works and Corporation Counsel; and
2. The recording plat shall be revised noting all waivers and conditions for review and approval by the Planning Authority prior to recording. All waivers shall be recorded within 90 days of the Planning Board approval.

LEVEL III SITE PLAN REVIEW

The Planning Board voted unanimously 4-0 (Dundon and Morrissette absent) that the plan is in conformance with the site plan standards of the Land Use Code, subject to the following conditions of approval:

1. The applicant shall contribute \$5,000 towards the ADA ramp improvements at the corner of Congress and Elm Streets.

The approval is based on the submitted plans and the findings related to site plan and subdivision review standards as contained in Planning Report for application 2016-010 which is attached.

STANDARD CONDITIONS OF APPROVAL

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

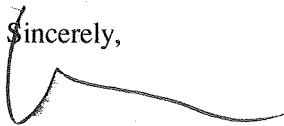
1. **Subdivision Recording Plat** A revised recording plat listing all conditions of subdivision approval must be submitted for review and signature prior to the issuance of a performance guarantee. The performance guarantee must be issued prior to the release of the recording plat for recording at the Cumberland County Registry of Deeds.
2. **Subdivision Waivers** Pursuant to 30-A MRSA section 4406(B)(1), any waiver must be specified on the subdivision plan or outlined in a notice and the plan or notice must be recorded in the Cumberland County Registry of Deeds within 90 days of the final subdivision approval).
3. **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 the Planning Authority pursuant to the terms of Chapter 14, Land Use, of the Portland City Code.
4. **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.
5. **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.
6. **Subdivision Plan Expiration** The subdivision approval is valid for up to three years from the date of Planning Board approval.

7. **Performance Guarantee and Inspection Fees** A performance guarantee covering the site improvements as well as an 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 subdivision plat for recording at the Cumberland County of Deeds, and 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.
8. **Defect Guarantee** A defect guarantee, consisting of 10% of the performance guarantee, must be posted before the performance guarantee will be released.
9. **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.
10. **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.)
11. **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.
12. **Mylar Copies** Mylar copies of the as-built drawings for the public streets and other public infrastructure in the subdivision must be submitted to the Public Services Dept. prior to the issuance of a certificate of occupancy.

The Development Review Coordinator must be notified five (5) working days prior to 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 Shukria Wiar at 756-8083 or via shukriaw@portlandmaine.gov.

Sincerely,



Elizabeth Boepple, Chair
Portland Planning Board

Attachments:

1. Planning Board Report
2. Performance Guarantee Packet

Electronic Distribution:

Jeff Levine, AICP, Director of Planning and Urban Development
Stuart G. O'Brien, City Planning Director
Barbara Barhydt, Development Review Services Manager
Shukria Wiar, 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 Senus, P.E., Woodard and Curran
Rick Blackburn, Assessor's Department
Approval Letter File



PLANNING BOARD REPORT PORTLAND, MAINE

CONVERSION OF OFFICE SPACE INTO APARTMENTS
443 Congress Street
Level III Subdivision and Site Plan, and
Ensure Workforce Housing Conditional Use
Project ID #2016-010
Northland Enterprises, LLC, Applicant

Submitted to: Portland Planning Board Public Hearing Date: March 8, 2016	Prepared by: Shukria Wiar, Planner Date: March 3, 2016
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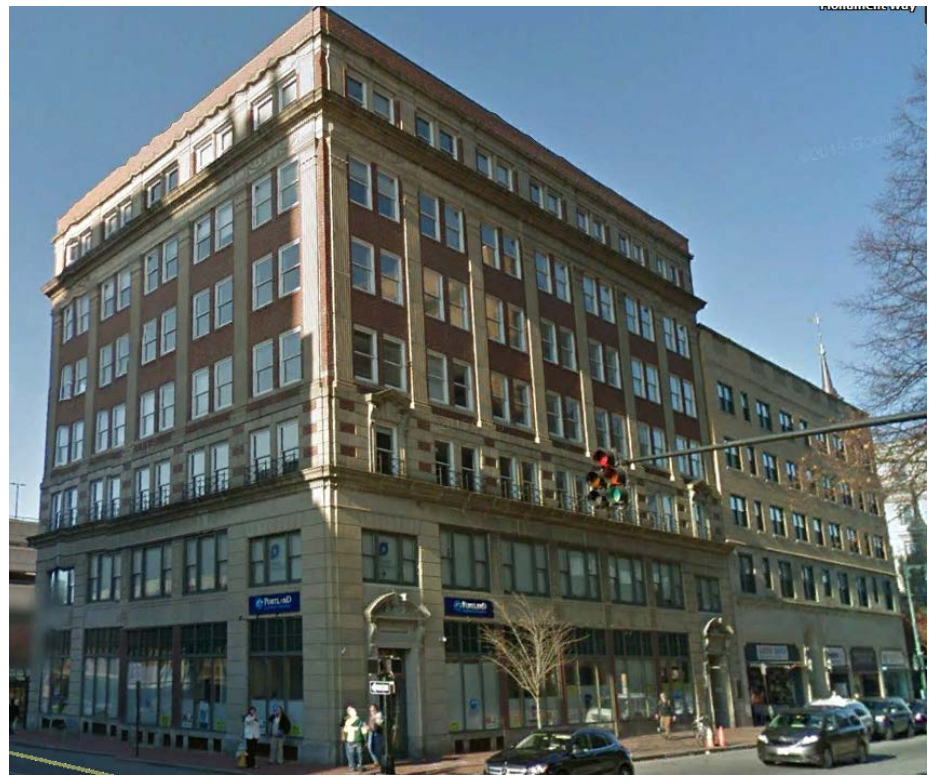
I. INTRODUCTION

Northland Enterprises, LLC is requesting a public hearing for approval of a Level III Site Plan and Subdivision application at 443 Congress Street (corner of Congress and Elm Streets). The applicant is proposing twenty-eight (28) residential apartments on the fourth to seventh floors of building.

They are proposing to convert office space into four efficiency units, sixteen (16) one-bedroom units and eight (8) two-bedroom units. The proposed reconfiguration of the units will occur within the existing historic structure. The parcel is located in the B-3 Downtown Business Zone and the Congress Street Historic District. The project has been reviewed and approved by the Historic Preservation Board on February 3, 2016.

Notices were sent upon receipt of the application and one hundred and ten (110)

notices were sent to area residents within 500 feet of the site and the interested party list for the public hearing. A notice also appeared in the February 29th and March 1st editions of the *Portland Press Herald*.



Applicant Name	Northland Enterprises, LLC
Consultants	
Agent Representative	Pandika Pleqi of Winton Scott Architects
Engineer	Will Bennett of Bennett Engineering
Surveyor	Kevin Clark of Site Lines, PA
Architect	Pandika Pleqi of Winton Scott Architects

Project Review

<i>Review</i>	<i>Applicable Standards</i>
Site Plan	14-526
Subdivision	14-491
Ensure Workforce Housing Conditional Use	14-484

Requests for Waivers

<i>Waiver Request</i>	<i>Applicable Standards</i>
<p><i>Street tree Requirement – Sec. 14-526 2.b.iii. a</i> The street tree requirement is one tree per unit for a total of twenty-eight (28) tree for a total contribution of \$5,600</p>	<p><i>Sec. 14-526 2.b.iii (b) Waiver.</i> Where the applicant can demonstrate that site constraints prevent the planting of required street trees in the City right of way, the Reviewing Authority may permit the planting of street trees in the front yard, within ten feet of the property line. Existing preserved healthy trees that are six (6) inches or more in caliper and are on the site within ten (10) feet of the property line may be counted towards this requirement. If planting street trees is neither feasible in the City right of way nor within the site, the applicant shall contribute to the City of Portland Tree Fund an amount proportionate to the cost of required street trees.</p>

II. PROJECT SUMMARY

Existing Zoning: B-3 Downtown Business Zone and Overlay of Congress Street Historic District

Proposed Use: Residential Condominiums

Parcel Size: 8,577 sq ft

Total Disturbed Area: 45 sq ft

Building Area: There are no plans to change the total building area

 Total Building Area: 49, 8485sq ft

 Total Footprint: 6, 275 sq ft

Residential Data:

 Existing Residential Units: Office Space

 Proposed Residential Units: Twenty eight (28) Apartments

 Number of Units to be Demolished: None

Parking Spaces:

 Existing: Five parking spaces on site plus 50-80 spaces in the Elm Street garage

 Proposed: None needed per zoning

Bicycle Parking Spaces:

 Existing: None

 Proposed: There are four bike storage rooms proposed on each residential floor

Estimated Cost of Project: \$2,000,000

Uses in Vicinity: The site will provide compact in-city living for renters, which is near services, such as businesses, institutions, employers and public transportation

III. PROJECT DESCRIPTION

The building at 443 Congress Street has seven floors with a total area of 49, 885 square feet. Currently office uses occupy the entire building. The applicant is proposing to convert the fourth to seventh floors into twenty eight (28) residential apartments and retain office uses on the lower three floors.

The proposed residential units range in size from 432 to 906 square feet in area. The apartments will consist of four studios, sixteen (16) one-bedroom and eight (8) two-bedroom units. The units are accessed by the building's existing elevators and stair wells. A common central corridor leads to unit entries. The business floors will continue to use the existing front entrances along Congress Street. There will be a new entrance proposed on the north side of the building on the current driveway, which is accessed off Elm Street. This will be the primary residential entrance; however the business space will have access to this as an additional exit.

There will be minor exterior modifications to the building. The exterior work consists on window replacement on the upper five floors and selective replacement on the second floor.

The property is located in the B-3 Downtown Business zone and within the Congress Street Historic Overlay district. The zone allows residential dwelling units. There are no residential density requirements in the B-3 zone and the project is exempt from parking requirements under the change of use provisions for an historic structure. Therefore, the applicant does not need to provide any dedicated parking for the project under the zoning ordinance as a change of use in the B3 Downtown Business Zone or in the Historic District. However, five existing parking spaces are being provided at the rear of the building adjacent to Elm Street, as well as spaces in the garage for the existing and proposed residential units.

IV. PUBLIC COMMENT

The applicant held a required neighborhood meeting on February 29, 2016 and has provided the required documentation ([Attachment N](#)). According to the minutes of the meeting, no one from the public attended the meeting. As of the writing of this report no written public comment has been received.

V. RIGHT, TITLE AND INTEREST AND FINANCIAL/TECHNICAL CAPACITY

a. The owner of the property is JJR 443 Congress, LLC. The applicant has provided a copy of deed of sale by trustees, which demonstrates their right, title and interest in the property.

b. The estimated cost of the development is \$200,000,000. The applicant has submitted letters from Saco and Biddeford Savings Institution, dated 12.08.2015 ([Attachment D](#)) as demonstration of their financial and technical capacity to complete the proposed development.

VI. ZONING ASSESSMENT

The project was reviewed for zoning and all requirements of the B-3 zone are being met at this time. The proposed residential building is a permitted use in the Residential R-6 zone. For off street parking, this project is exempt from the parking requirement since it is in the Congress Street Historic District. Even though parking is not required, the applicant will have five existing parking spaces as shown on the site plan as well as 50 to 80 parking spaces in the Elm Street Garage.

VII. ENSURE WORKFORCE HOUSING CONDITIONAL USE- Tyler Norod, Housing Planner

Conditional Use is authorized by Division 30, Section 14-487, Ensuring Workforce Housing, to secure the creation of Workforce Housing Units as part of new residential projects that propose 10 or more units. The ordinance requires a minimum of 10% of the project to be restricted for Workforce Households and that the number of bedrooms required under Section 14-487(e)3 be at least 10% of the total number of bedrooms made available as part of the project. The project located at 443 Congress Street proposes the creation of 28 units of rental housing consisting of four (4) studios, sixteen (16) one-bedroom units, and eight (8) two-bedroom units. As apartments for rent, the designated Workforce Units will be restricted to households earning up to 100% of Area Median Income (AMI). Based on the requirements outlined in Section 14-487, the project is required to

provide a minimum of two (2) workforce units and four (4) bedrooms. The Applicant has elected to provide four (4) Workforce Units on-site consisting of two (2) studios and two (2) one-bedroom units to satisfy the ordinance's minimum requirements. As such, the project has met the minimum requirements set forth in Section 14-487.

Staff recommends the Board Approve this Conditional Use provided the Applicant and the City enter into an agreed upon Affordable Housing Agreement (AHA) before a Building Permit may be issued. The Affordable Housing Agreement will outline the details of the affordability restrictions placed on the Workforce Units and will be filed as covenant to the property's deed with the Cumberland County Registry of Deeds before a Certificate of Occupancy may be issued. It should be noted that this project filed its application prior to the Board's recent approval of the Inclusionary Zoning Implementation Regulations on February 23, 2016. Staff has been working with the Applicant to establish clear expectations for what the AHA will entail. It is expected that the AHA will align closely with the draft regulations reviewed and approved by the Board.

VIII. DEVELOPMENT REVIEW

A. **SITE PLAN SUBMISSION REQUIREMENTS** (Section 14-527) and **SUBDIVISION PLAT AND RECORDING PLAT REQUIREMENTS** (Section 14-496)

The applicant has submitted a recording plat. The final plat will need to be revised to reflect any waivers and conditions of approval that relate to the subdivision plan. Any waivers granted must be recorded at the Registry of Deeds within 90 days of a Planning Board decision. As writing of this report, there is one waiver request.

B. **SUBDIVISION** (Section 14-497)

The proposed development has been reviewed by staff for conformance with the relevant review standards of Portland's Subdivision Ordinance and applicable regulations. Staff comments are listed below.

1. Will Not Result in Undue Water and Air Pollution (Section 14-497 (a) I), and Will Not Result in Undue Soil Erosion (Section 14-497 (a) 4)
There is no site work proposed for the conversion of this building into residential units. Staff finds the proposed project in conformance with this standard.
2. Sufficient Water Available (Section 14-497 (a) 2 and 3)
The applicant has not presented a capacity letter from the Portland Water District. The applicant will need to provide a letter from Portland Water District documenting that there is adequate capacity at the location for the proposed development. A condition of approval is recommended to meet this standard.
3. Will Not Cause Unreasonable Traffic Congestion (Section 14-497 (a) 5)
Please see paragraph VIII (C) 1 below.
4. Will Provide for Adequate Sanitary Sewer and Stormwater Disposal (Section 14-497 (a) 6), and Will Not Cause an Unreasonable Burden on Municipal Solid Waste and Sewage (Section 14-497 (a) 7)
Please see paragraph VIII (C) 3 below.
5. Scenic Beauty, Natural, Historic, Habitat and other Resources (Section 14-497 (a) 8)
The proposed project will not have an adverse effect on the scenic or natural beauty of the area, thus this standard is met.
6. Comprehensive Plan (Section 14-497 (a) 9)

The proposal for new residential units is consistent with the Comp Plan specifically the following statements are relevant to this proposal. The first policy of Housing: Sustaining Portland's Future is to ensure an adequate and diverse supply of housing for all. Objectives under that policy include the following:

- Ensure the construction of a diverse mix of housing types that offers a continuum of options across all income levels, which are both renter and owner-occupied. The list of potential housing options under this objective include:
 - ii. Housing units for decreasing household sizes, such as young professionals, empty nesters, single parent households and senior citizens.
 - v. Higher density housing, such as row houses, small lots, reuse of non-residential buildings, and mixed use buildings.
 - vii. Housing development that encourages community, such as co-op housing.
- Encourage higher density housing for both rental and home ownership opportunities, particularly located near services, such as schools, businesses, institutions, employers and public transportation.
- Evaluate and update current zoning, as needed, to encourage higher density multi-family developments and mixed use projects that incorporate housing, particularly along major public transportation routes, near services areas, and in redevelopment or infill areas, where appropriate.
- Encourage housing within and adjacent to the downtown. Evaluate and update current zoning and building codes, as needed, to facilitate new housing and redevelopment opportunities....

7. Financial Capability (Section 14-497 (a) 10)

The estimated cost of the development is \$200,000,000. The applicant has submitted letters from Saco and Biddeford Savings Institution, dated 12.08.2015 (Attachment D) as demonstration of their financial and technical capacity to complete the proposed development.

C. SITE PLAN STANDARDS (Section 14-526)

The proposed development has been reviewed by staff for conformance with the relevant review standards of Portland's site plan ordinance and applicable regulations. Staff comments are listed below.

1. Transportation Standards
 - a. Impact on Surrounding Street Systems
 - b. Access and Circulation
 - c. Public Transit Access
 - d. Parking
 - e. Transportation Demand Management (TDM)

The proposed project is not anticipated to have any significant adverse effect on regional traffic. The site offers space for vehicular loading and unloading at the rear of the building. Metered on-street parking is also available near the project's front entry. Residents of the proposed project will access the building from Congress Street as well as from the rear of the building. Five existing parking spaces are being provided for the proposed project to the rear of the building via Elm Street. The project is not required to provide any dedicated parking for the project under the zoning ordinance as a change of use in the B3 Downtown Business Zone and as an historic structure in the Congress Street Historic District. Even though parking is not required, the applicant states that the building has 50 to 80 parking spaces in the Elm Street garage that are available to them.

2. Environmental Quality Standards
 - a. Preservation of Significant Natural Features
 - b. Landscaping and Landscape Preservation
 - c. Water Quality, Storm Water Management and Erosion Control

Under the standards of the Land Use ordinance, all subdivisions are required to provide one (1) street tree per lot or unit. The subject application is for twenty-eight (28) units and must therefore provide twenty-eight (28) street trees. The applicant has requested a waiver of these street trees in order to contribute to the City's tree fund and this meet this standard. The applicant requests that "this contribution goes towards tree plantings and/or other landscaping improvement in the Monument Square, Monument Way or on Congress Street between Elm and Temple Streets, as best judged by the City Arborist". Where as the subject site is located in a fully developed urban environment, the City Arborist supports the waiver and that the developer shall contribute a fee of \$200 per tree required into a street tree fund for a total of \$5,600 for use by the City Arborist in the installation and maintenance of urban street trees in the vicinity of the site.

In its present condition, the site is fully impervious. Currently, the existing roof drains discharge stormwater to the City's sewer system. Department of Public Works (DPW) is recommending that these roof drains be removed from the sewer system and be redirected out of the sewer system. In David Margolis-Pineo, Deputy City Engineer, wastewater capacity letter, he states:

The Department of Public Works...determined that the downstream sewers from 443 Congress Street has the capacity to convey the estimated 3,840 gpd of proposed wastewater which will be generated from this facility....

As you may be aware, any addition of wastewater flows in this drainage area will have an impact on CSO discharge volumes into Back Cove. To help offset the increase in proposed wastewater addition to the sanitary sewer, we are asking that the roof drains from this building, if currently connected to the sewer, be redirected from the sewer to the ground and allow to drain to the street.

This is only a recommendation and not a requirement. The roof drains are internal to the building and currently there is a wye connecting should separation of the lines occur in Elm Street. No improvement to the existing infrastructure is being proposed.

3. Public Infrastructure and Community Safety Standards
 - a. Consistency with Master Plans
 - b. Public Safety and Fire Prevention
 - c. Availability and Adequate Capacity of Public Utilities

Captain Keith Gautreu of the Fire Department has reviewed the project and Fire has no issue with the proposal.

The Engineering Division of Public Works has submitted a letter verifying adequate sewer capacity to serve the project ([Attachment 3](#)). The applicant will need to provide a letter from Portland Water District that there is adequate capacity at the location for the proposed development.

The Department of Public Services did evaluate the site and found the sidewalks along the property boundaries to be in good condition, so no public improvements within the right-of-ways are required. The ramps at the corner of Congress and Elms Street are not ADA compliant and the City is implementing street improvements along Congress Street in accordance with the Bus Corridor Study. Tom Ericco, Consultant Traffic Engineer, has reviewed the proposed project and the following comment:

The sidewalk ramp at the northeast corner of the Congress Street/Elm Street intersection (at the corner of the proposed project) does not meet ADA standards and thus improvements are required. Given the urban location, the modification of the corner is complicated and requires utility changes, signal equipment changes and sidewalk and curbing modifications. Accordingly, a cost-sharing plan is suggested. The City is in the process of implementing corridor-wide transit improvements along Congress Street and it is suggested that the applicant contribute \$5,000 towards this required improvement. The City will be responsible for all costs to design and fully implement the improvements.

4. Site Design Standards
 - a. Massing, Ventilation and Wind Impact
 - b. Shadows
 - c. Snow and Ice Loading
 - d. View Corridors
 - e. Historic Resources
 - f. Exterior Lighting
 - g. Noise and Vibration
 - h. Signage and Wayfinding
 - i. Zoning Related Design Standards

The building is an existing structure and minor exterior modifications are proposed.

IX. STAFF RECOMMENDATION

Subject to the proposed motions and conditions of approval listed below, Planning Division staff recommends that the Planning Board approve the proposed development.

IX. PROPOSED MOTIONS

CONDITIONAL USE

On the basis of the application, plans, reports and other information submitted by the applicant, findings to the Ensure Workforce Housing and recommendations contained in the Planning Board Report, relevant to Portland's Conditional Use Standards and other regulations, and the testimony presented at the Planning Board hearing:

The Planning Board finds the proposed conditional use for workforce housing [**does** or **does not**] meet the standards of Section 14-484 with the following conditions:

1. That the Applicant and the City shall enter into an agreed upon Affordable Housing Agreement (AHA) prior to the issuance of a building permit. The Affordable Housing Agreement shall outline the details of the affordability restrictions placed on the Workforce Units; and
2. That the Affordable Housing Agreement shall be filed as covenant to the property's deed with the

Cumberland County Registry of Deeds prior to the issuance of a Certificate of Occupancy.

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 application 2016-010 relevant to Portland's Technical and Design Standards and other regulations, and the testimony presented at the Planning Board hearing:

1. Due to site constraints, The Planning Board [**waives** or **does not waive**] Section 14-526 (b) (2) (b) (iii) Street Trees to allow the applicant to make a contribution of \$5,600 to the City's Street Tree Fund for trees in the vicinity of the site to be substituted for the provision of on-site street trees.

SUBDIVISION PLAT

On the basis of the application, plans, reports, and other information submitted by the applicant, findings and recommendations contained in application 2016-010 relevant to the Subdivision Ordinance, and other regulations, as well as the Planning Board deliberations and the testimony presented at the Planning Board hearings, the Planning Board finds the following:

That the plan (**is** or **is not**) in conformance with the subdivision standards of the land use code, subject to the following conditions:

1. The Subdivision Plat shall be finalized to the satisfaction of the Planning Authority, Department of Public Works and Corporation Counsel; and
2. The recording plat shall be revised noting all waivers and conditions for review and approval by the Planning Authority prior to recording. All waivers shall be recorded within 90 days of the Planning Board approval.

LEVEL III SITE PLAN

On the basis of the application, plans, reports, and other information submitted by the applicant, findings and recommendations contained in application 2016-010 relevant to the Site Plan Ordinance, and other regulations, as well as the Planning Board deliberations and the testimony presented at the Planning Board hearings, the Planning Board finds the following:

That the plan (**is/is not**) in conformance with the site plan standards and all other applicable provisions of the land use code, subject to the following conditions:

1. The applicant shall contribute \$5,000 towards the ADA ramp improvements at the corner of Congress and Elm Streets.

Attachments:

Planning Board Report Attachments

1. Traffic Review, Tom Errico's Memorandum, dated 03.03.2016
2. Housing Planner Review, Tyler Norod's Memorandum, dated 03.02.2016
3. DPW Review, David Margolis-Pineo Memorandum, Wastewater Capacity Letter dated 02.23.2016
4. Historic Preservation Approval Letter

Applicant's Submittal- Subdivision and Level III Application

- A. Cover Letter, dated 01.11.2016
- B. Application
- C. Evidence of Right, Title, and Interest
- D. Financial Capacity Letters, dated 12.08.2015
- E. Proposed Construction Management Plan
- F. Wastewater Capacity Application
- G. Central Maine Power Capacity Letter
- H. Letter from Bennette Engineering- Natural Gas Load
- I. Proposed Waste Management Plan
- J. Proposed Snow Storage and Removal Plan
- K. Water Heater Typical
- L. 443 Congress Level III Site Review Letter
- M. Applicant's Response to Comments
- N. Neighborhood Meeting and Minute

Applicant's Submittal- Inclusionary Zoning Conditional Use Application

- A. Conditional Use Letter, dated 02.23.2016
- B. Conditional Use IZ Application

Site Plans

- Plan1 C1.0 Subdivision Plat
- Plan2 C1.1 Existing Conditions
- Plan3 C2.0 Site Plan
- Plan4 A1.0 plan basement
- Plan5 A1.1 plan floor1
- Plan6 A1.2 plan floor2
- Plan7 A1.3 plan floor3
- Plan8 A1.4 plan floor4
- Plan9 A1.5 plan floor5
- Plan10 A1.6 plan floor6
- Plan11 A1.7 plan floor7
- Plan12 A1.8 plan roof
- Plan13 A2.1 South Elevation
- Plan14 A2.2 West Elevation
- Plan15 A2.3 North Elevation
- Plan16 A3.1 Entrance Canopy
- Plan17 A3.2 Window details
- Plan18 D1.0 demo plan basement
- Plan19 D1.1 demo plan floor1
- Plan20 D1.2 demo plan floor2
- Plan21 D1.3 demo plan floor3
- Plan22 D1.4 demo plan floor4
- Plan23 D1.5 demo plan floor5
- Plan24 D1.6 demo plan floor6
- Plan25 D1.7 demo plan floor7
- Plan26 D1.8 demo plan roof
- Plan27 D2.1 South Demo Elevation

Plan28	D2.2 West Demo Elevation
Plan29	D2.3 North Demo Elevation
Plan30	E1.0 photometric plan Sheet 1
Plan31	E1.1 photometric plan Sheet 2
Plan32	LS3.0 Life Safety Basement
Plan33	LS3.1 Life Safety 1st floor
Plan34	LS3.2 Life Safety 2nd floor
Plan35	LS3.3 Life Safety 3rd floor
Plan36	LS3.4 Life Safety 4th floor
Plan37	LS3.5 Life safety 5th floor
Plan38	LS3.6 Life Safety 6th floor
Plan39	LS3.7 Life safety 7th floor