

CITY OF PORTLAND, MAINE

PLANNING BOARD

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June 1, 2016

Valerie Levy
Tedlum Associates, LLC.
121 Center Street
Portland, ME 04101

John Kenney
WBRC
30 Danforth Street, Suite 306
Portland, ME 04101

Project Name:	Asylum Expansion and Renovation	Project ID:	2016-069
Address:	121 Center Street	CBL:	027-F-9
Applicant:	Valerie Levy		
Planner:	Richard Knowland		

Dear Ms Levy,

On May 24, 2016, the Planning Board considered the Asylum expansion and renovation project. The Planning Board reviewed the proposal for conformance with the standards of the Site Plan and Traffic Movement Permit. The Planning Board voted to approve the application with the following waiver and conditions as presented below:

WAIVERS

The Planning Board voted 6 to 0 (Boepple absent) to waive the Technical Standard, Section 4.6 (Landscaping and Landscape Preservation Standards, Street Trees) for the requirement of trees along Center Street with the substitution of the applicant installing one street tree on Free Street with a granite planter in an agreed upon location with the City Arborist.

TRAFFIC MOVEMENT PERMIT

Based upon the City of Portland's Delegated Review Authority, the Planning Board voted 6 to 0 (Boepple absent) to approve the Traffic Movement Permit application for the Asylum expansion and renovation project subject to the following condition(s):

1. Applicant shall conduct a monitoring study at the Free Street/Center Street intersection that shall capture pedestrian and vehicle activity at the time of a Civic Center event. The monitoring study shall include the collection of traffic data and assessment of multi-way STOP control according to the Manual on Uniform Traffic Control Devices, Federal Highway Administration. The time of the traffic survey shall be coordinated with City Staff. If the noted study concludes that multi-way STOP control conditions are warranted, the applicant shall be responsible for implementation of improvements to the satisfaction of the City.

SITE PLAN REVIEW

The Planning Board voted 6 to 0 (Boepple) that the plan is in conformance with the site plan standards of the Land Use Code, subject to the following condition(s) of approval prior to the issuance of a building permit unless otherwise stated:

1. That the site plan shall be revised and submitted for Tom Errico (Traffic Engineering Consultant) review and approval depicting parking spaces to the rear of the Asylum including information on their use and management; and that some of the bicycle spaces meeting the city's technical specifications be relocated from Lancaster Lane to public street frontage along Free Street prior to the issuance of a building permit.
2. That a revised construction management plan shall be submitted for City staff review and approval to address further coordination details, particularly the closure of sidewalks on Free and Center Streets, appropriate pedestrians sidewalk routes, and minimum travel width for Center Street and Free Street.
3. That a letter from Unitil confirming the ability to serve the proposed project and provision for a gas meter on Lancaster Lane side of the building shall be submitted for Planning Staff review and approval.
4. That the site plan shall be revised for Public Works review and approval reflecting the comments of David Margolis-Pineo to his satisfaction and approval.
5. The applicant shall submit documentation of control of off-site parking spaces either by ownership or lease with a term of not less than five (5) years with an option to renew for a minimum of 60 spaces. Evidence of such control shall be required by showing for review and approval by Corporation Counsel, at a minimum. A signed letter of intent, purchase and sale agreement, or option for sale or lease prior to the issuance of a building permit, and an executed deed or lease prior to issuance of any certificate of occupancy.
6. That the site plan shall be revised for City Arborist review and approval reflecting a street tree and granite planter on Free Street in an agreed upon area.
7. Applicant shall obtain all required City licenses for building canopies that extend over City street rights-of-way prior to the issuance of a performance guarantee.
8. That the site plan shall be revised shifting the proposed Center Street light closer to the street curb (to improve pedestrian circulation) for Planning Staff review and approval.
9. That the site plan shall be revised indicating details for the erosion control features specified on the site for review and approval by Lauren Swett, Development Review Engineer.
10. That a photometric plan shall be submitted for Planning Staff review and approval. The submission shall also include clarification on the placement and use of the Transformer Series (TF3c) light fixture.

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 #2016-069 which is attached.

STANDARD CONDITIONS OF APPROVAL

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

1. **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.
2. **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.
3. **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.
4. **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.
5. **Defect Guarantee** A defect guarantee, consisting of 10% of the performance guarantee, must be posted before the performance guarantee will be released.
6. **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.
7. **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.)
8. **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 Richard Knowland at (207) 874-8725

Sincerely,



Elizabeth Boepple, Chair
Portland Planning Board

Attachments:

1. Staff Memos: Tom Errico; David Margolis-Pineo (2); and Lauren Swett
2. Planning Board Report
3. Portland City Code: Chapter 32
4. 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
Richard Knowland, Senior Planner
Philip DiPierro, Development Review Coordinator, Planning
Ann Machado, Zoning Administrator, Inspections Division
Tammy Munson, Inspections Division Director
Jonathan Rioux, Inspections Division Deputy Director
Jenie 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

Asylum Expansion and Renovation
121 Center Street
Site Plan Review
2016-069
Tedlum Associates, LLC./Valerie Levy; Applicant

Submitted to: Portland Planning Board: Public Hearing Date: May 24, 2016	Prepared by: Richard Knowland, Senior Planner Date: May 20, 2016 Application #: 2016-069
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I. INTRODUCTION

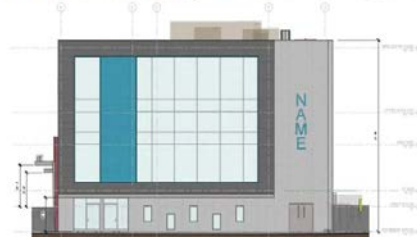
A public hearing has been scheduled to consider a proposal to expand and renovate the Asylum building located at the corner of Center and Free Street. The redevelopment of this property results in a larger and taller building which expands the building wall along the property frontage. The applicant is Tedlum Associates, LLC./Valerie Levy. The Asylum is described as a restaurant, sports bar and performance hall.

The proposal is subject to Planning Board Level III Site Plan and a Traffic Movement Permit review. As the site is located in the Congress Street Historic District, the Historic Preservation Board reviewed and approved the exterior design of the building at their May 4, 2016 meeting.

In addition to a newspaper agenda advertisement appearing in the May 16, 2016 and May 17, 2016 editions of the Portland Press Herald, 116 notices were sent to area property owners.

A Planning Board Workshop on this application was held on April 26, 2016.

WBRC is the lead consultant for the project.



Site Context

II. FINDINGS

Zoning: B-3; Congress Street Historic District

Lot Area: 14,235 SF

Use: Restaurant, drinking establishment, performance hall

Existing Occupancy: 769 people

Proposed Occupancy: 1,457 people (main venue room has 1,009 capacity)

Building Footprint (existing): 8,460 SF

Building Footprint (proposed): 11,310 SF

Building Floor Area (existing): 15,600 SF

Building Floor Area (proposed): 24,459 SF

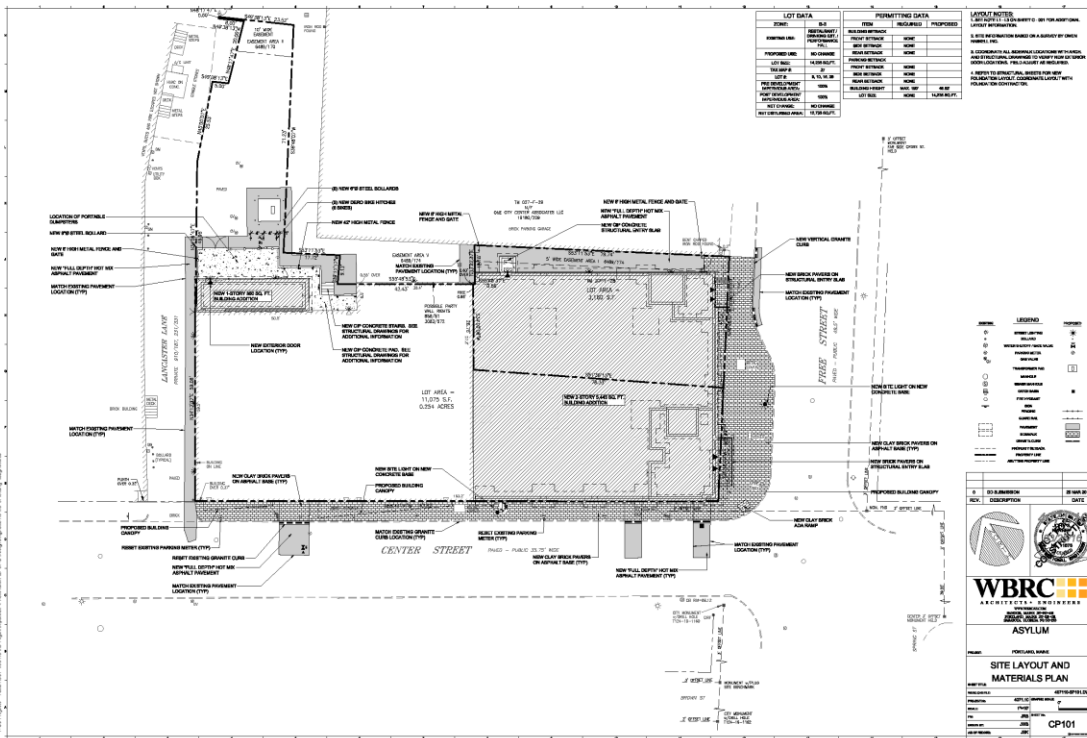
Building Height: 47' 9" (Free St side building addition)

Parking (existing): 8 on-site spaces

Parking (proposed): 60 off-site spaces

Project Cost: \$9.1 million

The site has frontage on Center Street and Free Street. The property also abuts Lancaster Lane a private alley.



Proposed Site Plan

III. Proposed Development

The proposed expansion addresses a number of internal needs for the Asylum which is described as a restaurant, sports bar and performance hall. The submission describes a variety of improvements including more venue space for events and upgrades to dining, bar, rest room and kitchen areas. The floor area of the facility will be increased from 15,600 SF to 24,457 SF while the overall building occupancy rises from 769 to 1,457 people.

The present site is underutilized. It features a one story building with one entrance on Center Street but none on Free Street and an 8 space parking lot which serves as a gap in the building wall along this section of Free Street. The existing building is a one story building with basement which originally consisted of 3 separate buildings, resulting in varying floor and ceiling heights through the 3 different spaces.

The proposed development significantly increases building mass and density as viewed from Free Street in supporting a more urban identity for this site. This expansion is accommodated by demolishing a portion of the existing one story building and constructing an addition of about 8,500 SF on the Free Street side of the property. On Free Street, the addition measures 47' 9" high and stretches the building wall most of the property frontage by removing the surface parking. There will be a narrow 4 to 10 foot alley left between the addition and the parking garage.

The one story section of the building closest to Congress Street remains. As measured along the Center Street frontage, 87 feet of the one story building will be retained while the remainder of the building (76 feet) frontage will be removed to accommodate the expansion.

Presently a portion of the existing building overlaps into Center Street public sidewalk by about 4 inches. Apparently brick was added to the existing wall at some point without benefit of a City Council license. To address this issue the building wall will be altered so the building will be constructed entirely on Asylum property.

A small one story addition (350 SF) is proposed on the Lancaster Lane side of the building adjacent to the

kitchen.

IV. BUILDING DESIGN AND HISTORIC PRESERVATION BOARD REVIEW

Historic Preservation Board Review (Architectural Design)

As the Asylum is located within a historic district, the Historic Preservation Board takes the City lead in reviewing the façade design. The existing building is classified as a “non-contributing structure”. At a public hearing held on May 4, 2016, the Historic Preservation Board voted to approve a certificate of appropriateness for the project. Attached is a copy of the approval letter (Attachment A) as well as a copy of the Staff Report prepared for the public hearing along with graphic depictions of the façade (Attachment B).



LIGHTING LOCATION

Façade View at Center and Free Street

The Center Street design retains the existing brick theme along the first floor of the building. Above the first level where the upper story addition begins a dark metal panel is introduced. As the building turns the corner to Free Street, the brick base is replaced by 24 inch wide by 48 inch tall limestone panels in a vertical running bond pattern. The upper story Free Street façade is composed of a curtain wall system featuring acoustical glazing. The curtain wall is divided into two portions, one for the event space and one for the tower, with a solid colored metal panel accent between. This glazing is complimented by the limestone panels and dark metal panel previously discussed.

Both Center Street and Free Street will have active public entrances. The present building has a public entrance on Center Street only.

Three canopies are proposed for the building which crosses the public sidewalk that will require a license from the City Council. Applicant indicates the canopy material will be a light grey colored metal panel on the fascia and soffit. The canopies are quite large ranging from 21 to 56 feet in length. The canopies are listed below:

Sports Bar Canopy: Canopy is designed at 8'-6" clear above the sidewalk, 21'-9" in length and protrudes 2'-6" the Lancaster Lane side and tapers to 1'-0" at the other end.

Main Entry Canopy: Canopy is designed at 12'-0" clear above the sidewalk, is 49'-6" in length and protrudes 5'-0" at the Lancaster Lane side and tapers to 4" at the other end.

Free Street Canopy: Canopy is designed at 8'-6" clear above the sidewalk, 56'-8" in length and protrudes 4'-0" at the Center Street side and tapers to 1" at the other end.

V. STAFF REVIEW

SITE PLAN REVIEW, Sec. 14-526

Site plan review standards language is summarized below in *italics*, with Planning Staff comment and analysis in regular font.

A. *Transportation*

Impact on Surrounding Street Systems

The development qualifies for a Traffic Movement Permit since the expansion is expected to generate 156 PM peak hour trip ends. A Traffic Permit application Request for Scoping Meeting was submitted and a meeting was held on May 2, 2016. Based on that meeting further traffic analysis was submitted (Attachment 9). Tom Errico, Traffic Review Consultant, has reviewed this material and is recommending the applicant conduct a pedestrian and vehicle traffic assessment at the Free Street/Center Street intersection. The concern is further measures may be needed to address pedestrian circulation and safety issues such as a stop sign on Free Street. If the study concludes that multi-way STOP control conditions are warranted, applicant shall be responsible for the implementation of improvements. See Attachment C.

Applicant has submitted a construction management plan (Attachment 10). Further details need to be provided, particularly the closure of sidewalk on Free Street and Center Streets and the width of Center and Free Street. It is recommended that sidewalk detours not be part of the plan given high pedestrian volumes. Applicant should continue to coordinate with the City on a finalized plan.

Site Access and Circulation

Vehicle circulation is limited primarily to the street. An existing 8 space parking lot on Center Street will be eliminated to accommodate the addition. Lancaster Lane a private right-of-way off Center Street is shared by abutting properties including the Asylum. It is 14 to 16 feet wide and provides Asylum access for service deliveries.

Mr. Errico indicates based upon field review of the project site, the Asylum provides parking to the rear of the site off Lancaster Lane apparently for employees. The site plan should be revised to depict the noted spaces and provide information on their use and management.

The submission indicates that for concerts requiring the use of large trucks, the applicant will coordinate with the City to utilize up to five parallel parking spaces on Free Street for loading and unloading equipment. The "bagging" of parking meters is a fairly common procedure for temporary use of parking spaces.

Loading and Servicing

See above paragraph

Sidewalks

The site plan indicates that new sidewalks will be installed along the entire property frontage. The existing curb will be re-set. A new pedestrian handicap ramp will be installed at the corner of Center Street and Free Street as part of the sidewalk project.

Public Transit Access

Not applicable. The site is not on a bus route and is within a ¼ mile of a bus stop.

Parking

The B-3 zone does not require parking for existing buildings undergoing a change of use (sec. 14-332.1) but new construction does. Applicant has submitted a parking calculation substantiating a zoning requirement of 60 spaces for this project. City staff has reviewed the parking calculation and has determined it meets zoning requirements. To address this parking requirement applicant is proposing to lease spaces at an existing parking lot at the corner of Center Street and Free Street and/or at the Midtown Parking Lot at 44 Free Street. Applicant has submitted a letter of intent with United Parking Partners but a formal lease will need to be provided. See Exhibit 3.

See comment in Site Access and Circulation section above concerning apparent parking spaces off Lancaster Lane.

Bicycle Parking

Bicycle parking is provided for 6 bikes to the rear of the site off Lancaster Lane. This number meets the standard of 1 space for every required 10 spaces but the bike racks are not visible to the general public. It is recommended that some of the bike spaces be moved to the Free Street side of the project for greater visibility.

Snow Storage

The site has no driveways or large parking areas to plow thus this provision is not applicable.

Transportation Demand Management

Not applicable.

B. Environmental Quality Standards

Preservation of Natural Features

There are no significant natural features on this property site since it is a previously disturbed urban area with existing building and blacktop occupying the entire property.

Landscaping

The site does not have any existing on-site landscaping. Given the positioning of the existing building and proposed addition to the street line, there is no room for on-site landscaping along the Center Street and Free Street side of the property. The applicant is replacing an existing parking lot with a building addition.

Applicant is requesting a waiver for planting street trees. Site constraints (underground electrical utilities) prevent planting of street trees in the City right-of-way or within the site according to the submission. Applicant proposes to contribute to the City of Portland Tree Fund an amount proportionate to the cost of 3 street trees, which is required for approximately 150 feet of street frontage on Center and Free Street. The Center Street sidewalk is tight but the Free Street sidewalk is wider. There are presently no street trees along the Asylum street frontage.

Jeff Tarling, City Arborist, has reviewed the plan and is recommending that a street tree be planted on Free Street (with a granite planter.) Mr. Tarling is recommending Princeton American Elm tree with a minimum caliper of 2 to 2 ½ inches. Mr. Tarling supports a waiver of 2 trees along Center Street given the site constraints along Center Street which is more than off-set by the cost of installing a granite planter on Free Street.

Dumpsters are located off Lancaster Lane are not visible from a public street. The plan indicates that a metal ornamental fence (not a solid fence) will enclose a service area where the dumpsters are located.

Water Quality, Stormwater Management and Erosion Control

The entire site is impervious. The proposed project will not increase the volume or rate of stormwater draining from the site therefore the project is not required to include any specific stormwater management features for stormwater quality control.

A new storm drain is proposed that would capture run-off from the new roof and connect into a sanitary sewer. Public Works has raised a concern with this since non-contaminated water would be directed into a sanitary sewer which is contrary to Section 2.1.1 of the City of Portland Technical Manual. David Pineo, Deputy City Engineer, states that “no sources of stormwater runoff, roof drainage from the addition, shall be introduced to the wastewater collection system from this development”. He also indicates that prior to the issuance of the building permit, Public Works shall review and approve proposed grease trap changes. Mr. Pineo has also identified a number of technical details that need to be addressed. See Attachment D.

Laureen Swett, Development Review Consultant, indicates that the erosion and sediment control notes are acceptable but that details should be provided for the erosion control features specified on the site. See Attachment E.

C. Public Infrastructure and Community Safety Standards

Consistency with City Master Plans

The development appears consistent with approved master plans and facilities plans.

Public Safety and Fire Prevention

Crime Prevention through Environmental Design

The new site design improves public safety for this site. More of the property frontage has building close to the street. An existing parking lot on Free Street will be replaced by the building addition. A small alley will be created between the addition and the parking garage but it will be secured with a fence.

The alley between the proposed building addition and the existing parking garage will be visible from Free Street and Lancaster Lane. A new fence and gate will be installed at either end of the alley, which will be locked on the exterior side of the gate and open for passage in the direction of the egress travel. The applicant will be installing building-mounted lighting along the existing building façade on Lancaster Lane to improve safety.

Hydrants are located at the Free/Center Street corner and on Center Street in front of the Asylum. Keith Gautreau, Deputy Fire Chief, indicates the site plan is acceptable provided a satisfactory street width is maintained for fire access during the construction process.

Public Utilities

A new water service line off Center Street is proposed. A letter from the Portland Water District indicates the ability to serve the project. See Exhibit 3.

Sanitary sewer service will be provided by a new line from Center Street. A service capacity letter from Public Works indicates that the downstream sewers from the site have the capacity to convey the projected wastewater generated by the Asylum. An additional comment indicates that prior to the issuance of the building permit, Public Works shall review and approve proposed grease trap changes. See Attachment D.

See Attachment D. The Portland Water District indicates there is adequate capacity at the East End Wastewater Treatment Plant to treat wastewater generated by this project. See Exhibit 3.

A new gas line is proposed from Center Street. Rather than crowding the sidewalk on Center Street Staff recommended the applicant explore shifting the meter to Lancaster Street. It is not clear whether this has been accomplished in the updated site plan. A service capacity letter from Unitil should be provided including whether the gas meter can be located off Lancaster Lane.

All power lines will be underground. A new exterior transformer off Lancaster Lane is proposed with an accompanying new line from Center Street. A service capacity letter from CMP indicates they will be able to serve the development (Attachment 14).

D. Site Design Standards

The bulk, location or height of proposed buildings and structures shall not result in health or safety problems from a reduction in ventilation to abutting structures or changes to existing wind climate that would result in unsafe wind conditions for users of the site and/or adjacent public spaces.

The nearest abutter to the site is a parking garage for which none of health, safety or wind impact standards would apply. The buildings across from Lancaster Lane that face on Congress Street are located a minimum of 100 feet from multi-story addition (width of lane plus building addition setback away from Lancaster Lane) such that health, safety or wind impacts are unlikely to have any significant impacts or problems.

The bulk, location or height of proposed buildings and structure shall minimize, to the extent feasible, any substantial diminution in the value or utility to neighboring structures under different ownership and not subject to a legal servitude in favor of the site being developed.

Given the physical bulk, location or height of the proposed building addition and its location, there is no apparent substantial diminution in the value or utility to neighboring structures. The nearest abutter is a parking garage which is not occupied by residents or office workers and is lower in height than the addition. The building addition setback (100 feet) of the building addition from the Lancaster Lane buildings would appear to address this standard.

Development locate all HVAC venting mechanisms to direct exhaust away from public spaces and residential properties directly adjacent to the site.

Shadows

Not applicable. Site is in the B-3 zone.

View Corridors

The proposal does not obstruct public view corridors identified in the Downtown Vision View Corridor Plan.
Historic Resources

The site is located in the Congress Street Historic District. The Historic Preservation Committee held a number of workshops and a public hearing on the Asylum proposal. On May 4, 2016 the Historic Preservation Board voted to approve the exterior renovation and expansion of the project for a Certificate of Appropriateness subject to the following condition of approval:

1. Although the Board expressed general support for the conceptual signage proposal, final details and specification for proposed signs to be reviewed and approved by staff.

A copy of approval letter and public hearing report are shown as Attachments A and B, respectively.

There are no known archaeological resources on the site.

Exterior Lighting

Proposed exterior lighting is listed below. The submission indicates all proposed building-mounted exterior lighting will be full cutoff fixtures. See Attachment 21 for catalog cuts of the fixtures.

- 2 internally lit building signs (one on Free Street and one on Center Street)
- 1 internally lit canopy sign
- LED recessed strip lights in the canopy and vertically on the building façade as shown
- LED wall packs (10) are proposed at service doors and alley areas. The fixture is Lumark Crosstour with an appropriate cut-off.

One of the submitted catalog cuts is a Transformer Series (TF3C). The cut sheet suggests it can be used for up lighting which is contrary to our understanding of the lighting plan intent. Clarification on the location and lighting orientation of the light fixture should be provided.

A photometric plan should also be submitted.

Two new Downtown light fixtures are proposed, one on Center Street and Free Street. The street lights are pedestrian scale (12.5 feet high) with two luminaires on each pole in accordance with the Downtown District lighting plan. The Center Street lighting pole is shown in the middle of the sidewalk. It should be moved closer to the street curb line to avoid conflicts with pedestrians.

Noise and Vibration

As discussed at the workshop, the B-3 zone standard (sec. 14-221.1) requires uses not to exceed 55 decibels between the hours of 9:00 p.m. and 7:00 a.m. and 60 decibels between the hours of 7:00 a.m. and 9:00 p.m. Since the April 26, 2016 workshop we have discovered there is a second regulatory standard for noise.

It has come to our attention that Chapter 4 of the Municipal Code also applies. Chapter 4 regulates music and entertainment establishments through licensing including provisions for noise. Sec. 4-57 "Conditions; sound and noise limitation" provides for a not to exceed standard of 92 decibels, "A-weighted, averaged over one (1) minute, when measured eight feet (8') from the means of egress located nearest to the noise source, or eight feet (8') from the noise source if it is generated outdoors". See Attachment F.

Corporation Counsel has advised Planning Staff the higher noise standards of Chapter 4 apply rather than the B-3 standards since the Asylum is a licensed establishment covered under Chapter 4. Such establishments require licenses from the City Council.

The immediate area of the Asylum comprises the Civic Center, retail, office and other uses including two Congress Street buildings with upper story residential units along Lancaster Lane adjacent to the site.

The earlier submission indicated "the owner has retained Cavanaugh Tocci Associates as an acoustical consultant on the project. A full list of techniques taken to meet the noise requirements will be provided when they have finished their work, but will include vibration isolation on all of the mechanic equipment, specialty acoustical wall, ceiling and floor treatment inside the event space, special acoustical glazing and additional mass/insulation in the walls."

The most recent submission states "the applicant's acoustical consultant, Cavanaugh Tocci Associates, is in the process of modeling and testing the proposed building's architectural components to demonstrate compliance with the 92 decibel limit. Although the project is governed by the 92 decibel sound limit, the applicant is designing the building addition so that future sound pressure levels will not exceed current sound pressure levels." It is the understanding of Staff that a representative from Cavanaugh Tocci Associates will be attending the Planning Board meeting.

New roof-top HVAC equipment and a new roof-top emergency generator are proposed. The new HVAC equipment is set back from the edge of the new roof while the generator will be located on the rear portion of the existing building roof off Lancaster Street. None of these will be visible from a public street. The application states that “the generator will be specified with a sound attenuated enclosure to reduce noise.” It further states “the emergency generator will not be activated for more than one hour per week for routine maintenance and testing. Noise levels will not exceed City standards except in designated emergencies or for emergency generator testing. Emergency generator testing will take place between the hours of 9:00 a.m. and 5:00 p.m., Monday thru Friday”. Information on the specific noise levels of the emergency generator and HVAC equipment should be provided.

Signage

Concept signage has been shown on the building elevations. Individual signs will be reviewed by the Historic Preservation staff. The Historic Preservation Board had expressed initial concerns about the size of the proposed signage.

Zoning Related Design Standards

Design supports the development of dense, mixed-use neighborhoods with attractive, safe and convenient street level pedestrian environments as demonstrated by compliance with applicable design standards.

The proposed development meets all applicable building and streetscape related design standards including the Downtown Urban Design Guidelines as shown below.

Downtown Urban Design Guidelines

As a development in the B-3 zone, the proposed development is subject to the Downtown Urban Design Guidelines. The guidelines include standards related to *relationship to pedestrian environment* and *relationship to existing development*.

(1) *Standards*

- a. *In addition to applicable standards of Section 14-526 of the Land Use Code, development located within the B-3 zone shall also meet the following standards. Adequacy in meeting these standards will be evaluated on the basis of descriptions and illustrations in the Downtown Urban Design Guidelines included as Appendix 1 of this manual. Nothing in this section is intended to discourage creative and responsive design or to mandate similarity or mimicry of design in order to achieve the standards herein:*

1. *Relationship to the pedestrian environment:*

- i. *General: The exterior design of portions of buildings within the first thirty-five (35) feet of height shall enhance the character, attractiveness, comfort, security, and usability of the street level pedestrian environment. Factors to be considered include the design, placement, character and quality of the following:*

- 1) *Storefronts and building facades, including such factors as relationship to adjacent or nearby structures or open space, pedestrian character, materials and detailing, transparency (having a visible transmittance (VT) of .7 or higher) and contemporary design;*
- 2) *Building entrances, including such factors as compatibility with the building's façade, prominence along the street, access to the street, and accessibility for physically handicapped or for those with special needs;*
- 3) *Blank facades; and*

4) *Special features, such as selective use of such features as building arcades and skywalks or elevated walkways.*

The development appears to meet these standards. Exterior elevations were reviewed and approved by the Historic Preservation Committee.

- b. *Pedestrian Activities District (PAD):* Not applicable. Asylum is located In Pedestrian Activities Encouragement Area.
- c. *Pedestrian activities district (PAD) encouragement areas:* In addition to subsection 1 of this section, proposed development located within the pedestrian activities district (PAD) encouragement areas, as shown on the pedestrian activities district map, a copy of which is on file in the Planning and Urban Development Department, shall be designed and constructed to be reasonably capable of being converted to accommodate uses permitted in the PAD overlay zone in accordance with the factors set forth in subsection b. of this section.

The Asylum with its first floor uses appear to meet this standard.

- d. *Sidewalk areas and open space:* The design of publicly accessible sidewalk areas and open space shall complement the general pattern of the downtown pedestrian environment, conform to special City of Portland streetscape programs described in the Technical Manual, and enhance the attractiveness, comfort, security, and usability of the pedestrian environment. Factors to be considered include the design, placement, character, durability, and quality of the following:

Sidewalk, crosswalk, and street paving materials;

Landscaping, planters, irrigation, and tree guards and grates; Lighting;

Pedestrian amenities such as benches and other seating, trash receptacles, kiosks, bus shelters, artwork, directional and informational signage, fountains, and other special features; and

Sidewalk vendors and sidewalk cafes.

New sidewalks and 2 street lights are proposed. The width of Center Street precludes street trees but the City Arborist is recommending a street tree on Free Street. With the inclusion of a street tree on Free Street, applicant appears to have planned appropriate improvements to the pedestrian environment.

- e. *Relationship to existing development:*

General: Proposed development shall respect, enhance, and be integrated with the existing character of the general pattern of development in the downtown, surrounding building environment and streetscape, as described and illustrated in the Downtown Urban Design Guidelines (Appendix 1). Factors to be considered include the relationship to the following existing patterns:

- i. *Street walls and building setbacks;*
- ii. *Open space;*
- iii. *Building form, scale and massing;*
- iv. *Facade proportion and composition;*
- v. *Pedestrian circulation and building entrances;*

vi. *Parking.*

The proposed building addition re-establishes the street wall of the site by eliminating a parking lot. The building form, scale and massing is appropriate to the traditional building pattern on Free Street in contrast to the existing one story building. The proposed façade proportion and composition is more appropriate to the downtown building environment than the existing blank Asylum façade. The proposal has public entrances on both streets to support the surrounding pedestrian environment. The proposed addition fills a hole in the existing built environment by replacing a surface parking area with a building.

Note the following standards do not apply to the Asylum project: f (standards for increasing setback beyond street build-to-line); g (shadow impact on open space); h (wind impacts); and l (setbacks from existing structures).

VI. MOTIONS FOR THE BOARD TO CONSIDER

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 application #2016-069 relevant to the technical and design standards and other regulations; and the testimony presented at the Planning Board public hearing, the Planning Board (**finds/does not find**) that the applicant has demonstrated that site constraints prevent the planting of required street trees in the right-of-way along Center Street. The Planning Board (**waives/does not waive**) the requirement of trees along Center Street with the substitution of the applicant installing one street tree on Free Street with a granite planter within the sidewalk bump out area.

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 application #2016-069 relevant to a Traffic Movement Permit, and other regulations and the testimony presented at the Planning Board public hearing, the Planning Board finds that the plan (is/is not) in conformance with 23 MRSA 704-A and Chapter 305 Rules and Regulations pertaining to Traffic Movement Permits, subject to the following conditions of approval:

1. Applicant shall conduct a monitoring study at the Free Street/Center Street intersection that shall capture pedestrian and vehicle activity at the time of a Civic Center event. The monitoring study shall include the collection of traffic data and assessment of multi-way STOP control according to the Manual on Uniform Traffic Control Devices, Federal Highway Administration. The time of the traffic survey shall be coordinated with City Staff. If the noted study concludes that multi-way STOP control conditions are warranted, the applicant shall be responsible for implementation of improvements to the satisfaction of the City.

C. Site Plan

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 #2016-069 relevant to the Site Plan Ordinance and other regulations, and testimony presented at the Planning Board hearing, the Planning Board finds the plan (is/is not) in conformance with site plan standards of the land use code, subject to the following

conditions of approvals:

1. That the site plan shall be revised and submitted for Tom Errico (Traffic Engineering Consultant) review and approval depicting parking spaces to the rear of the Asylum including information on their use and management; and that some of the bicycle spaces meeting the city's technical specifications be relocated from Lancaster Lane to public street frontage along Free Street.
2. That a revised construction management plan shall be submitted for City staff review and approval to address further coordination details, particularly the closure of sidewalks on Free and Center Streets, appropriate pedestrians sidewalk routes, and minimum travel width for Center Street and Free Street.
3. That a letter from Unitil confirming the ability to serve the proposed project and provision for a gas meter on Lancaster Lane side of the building shall be submitted for Planning Staff review and approval.
4. That the site plan shall be revised for Public Works review and approval reflecting the comments of David Margolis-Pineo (memos dated May 20 2016 and April 21, 2016)
5. The applicant shall submit documentation of control of off-site parking spaces either by ownership or lease with a term of not less than five (5) years with an option to renew for a minimum of 60 spaces. Evidence of such control shall be required by showing for review and approval by Corporation Counsel, at a minimum. A signed letter of intent, purchase and sale agreement, or option for sale or lease prior to the issuance of a building permit, and an executed deed or lease prior to issuance of any certificate of occupancy.
6. That the site plan shall be revised for City Arborist review and approval reflecting a street tree (Princeton American Elm, 2 to 2.5 inch caliper) and granite planter on Free Street in the sidewalk bump out area.
7. Applicant shall obtain all required City licenses for building canopies that extend over City street rights-of-way.
8. That the site plan shall be revised shifting the proposed Center Street light closer to the street curb (to improve pedestrian circulation) for Planning Staff review and approval.
9. That the site plan shall be revised indicating details for the erosion control features specified on the site for review and approval by Lauren Swett, Development Review Engineer.
10. That a photometric plan shall be submitted for Planning Staff review and approval. The submission shall also include clarification on the placement and use of the Transformer Series (TF3c) light fixture.

ATTACHMENTS

Staff Attachments

- A. Historic Preservation Board Approval Letter (5-3-2016)
- B. Historic Preservation Board Public Hearing Report (5-3-16) with Building Design Graphics
- C. Tom Errico, Traffic Engineer Consultant, Review Comment (5-19-2016)
- D. David Margolis Pineo, Deputy City Engineer Review Comment (4-21-16)
Regarding Wastewater Capacity
- E. Lauren Swett, Development Review Engineer Consultant Review Comment (5-18-2016)
- F. Chapter 4 of the Municipal Code Music, Dancing and Entertainment (including noise regulations)
- G. Written public Comment

Applicant Attachments

1. Level III Development Review Application

2. Description of the Project
3. Right, Title and Interest
4. State and/or Federal Permit Approvals
5. Compliance with Zoning Requirements
B-3 Downtown Business Zone Standards (14-203 to 14-215)
Site Plan Standards (14-526)
6. Existing & Proposed Easements
7. Request for Waivers
8. Financial and Technical Capacity
9. Traffic analysis
10. Construction Management Plan
11. Significant Natural Features
12. Stormwater Management Plan
13. Consistency with Master Plans
14. Utility Capacity to Serve
15. Solid Waste Generation and Management
16. Fire Safety
17. Conformity with Applicable Design Standards
18. Emissions Requirements
19. Response to Staff Comments (4-19-16)
20. Historic Preservation Board Submission with Building Exterior Plans (4-14-16)
21. Exterior Lighting
22. Project Update and Neighborhood Meeting Info (5-9-2016)

Exhibits

- | | |
|-----------|--------------------------------|
| Exhibit 1 | Deeds |
| Exhibit 2 | HVAC/Generator Information |
| Exhibit 3 | Capacity to Serve Letters |
| Exhibit 4 | Financial Capacity Information |
| Exhibit 5 | Technical Capacity Information |
| Exhibit 6 | Geotechnical Information |

Plans

- | | |
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| Plan 1 | Permitting Cover Sheet |
| Plan 2 | Site Grading and Utility Plan |
| Plan 3 | Boundary and Topographic Survey |
| Plan 4 | Site Layout Plan |
| Plan 5 | Site Utility Plan |
| Plan 6 | Site Removals Plan |
| Plan 7 | Site Construction Plan |
| Plan 8 | Site General Notes and Abbreviations |
| Plan 9 | Site Details |
| Plan 10 | Site Details |
| Plan 11 | Site Details |
| Plan 12 | Site Details |
| Plan 13 | Site Details |
| Plan 14 | Code Review Notes |
| Plan 15 | Code Review Basement and First Floor Plans |
| Plan 16 | Building Elevations |

Plan 17	Code Review Balcony Plan and Calculations
Plan 18	Building Elevations
Plan 19	Basement Floor Plan
Plan 20	Basement and First Floor Removals Plan
Plan 21	Roof Removals Plan
Plan 22	First Floor Plan
Plan 23	Upper Balcony
Plan 24	Building Perspectives