

MEMORANDUM



TO: Caitlin Cameron, Urban Designer
FROM: David Senus, PE
DATE: March 18, 2016
RE: 169 Newbury Street
Subdivision Standards Associated with Environmental Protection & Preservation

Woodard & Curran has reviewed the Subdivision application for the 26 unit condominium building proposed at 169 Newbury Street for compliance with the City's Subdivision standards associated with environmental protection and preservation, specifically *Land Use code Sec. 14-497. General requirements. Items 1, 4, 6 and 12*. A separate review is occurring for compliance with Level II Site Plan standards, review comments for which are being reviewed with and addressed by the Applicant.

Comments

Land Use code Sec. 14-497. General requirements.

1. *Will not result in undue water or air pollution. In making this determination it shall at least consider the elevation of land above sea level and its relation to the flood plains, the nature of soils and subsoils and their ability to adequately support waste disposal; the slope of the land and its effect on effluents; the availability of streams for disposal of effluents; the conformity to the applicable state and local health and water resources regulations;*

Applicant meets this standard.

4. *Will not cause unreasonable soil erosion or reduction in the capacity of the land to hold water so that a dangerous or unhealthy condition may result;*

Applicant meets this standard.

6. *Will provide for adequate sanitary waste and storm water disposal and will not cause an unreasonable burden on municipal services if they are utilized;*

Applicant meets this standard.

12. *Will not, alone or in conjunction with existing activities, adversely affect the quality or quantity of groundwater;*

Applicant meets this standard.

Final Review Comments for 169 Newbury St - Luminato

David Margolis-Pineo <dmp@portlandmaine.gov>

Fri, Mar 18, 2016 at 12:58 PM

To: David Senus <dsenus@woodardcurran.com>, Tom Errico <thomas.errico.@tylin.com>, Barbara Barhydt <bab@portlandmaine.gov>, Caitlin Cameron <ccameron@portlandmaine.gov>

February 17, 2016

March 18, 2016

Memo To: Caitlin Cameron

Barbara Barhydt

From: David Margolis-Pineo

Re: 169 Newbury St – Luminato Condominiums

The Department of Public Services has the following review comments on the above proposed project.

1. The Subdivision Recording Plat must be stamped and signed by Registered Professional Land Surveyor.

This item will be addressed with Planning Board approval.

2. All requested easements must be recorded before issuance of a building permit.

All easements and licenses will be in place prior to the issuance of the building permit.

3. A temporary construction easement will be required from the City to construct this project due to the encroachment of Franklin St.

See Three above.

4. It is understood that all roof and site drainage will be directed to proposed catchbasin #2 in Newbury St. or to the ground and not the sanitary sewer system. Please confirm that this is the case. Please note that N-12 is not permitted within the street right of way. Please consult Chapter Two of the City's Technical Manual for acceptable pipe material options.

All site drainage will be conveyed to Hampshire St and N-12 will not be used.

5. The applicant is showing a brick driveway apron within the street right of way on Newbury St.

This is a deviation of the City's material policy which calls for an asphalt apron. This department is supportive of a waiver request however the applicant will need Council approval and signoff on maintenance agreement of the drive apron within the road right of way.

Drive aprons have been changed to asphalt.

6. The applicant is requesting to install a hard canopy projecting approximately three feet into the street right of way over the sidewalk on Newbury St. This department is supportive of an easement to allow this permanent canopy with the understanding that the minimum clearance from the sidewalk to the underside of the canopy be raised from the proposed 8'-2" to 8'-6".

See Three above.

7. An oil/grit separator will be required within the parking garage on both levels. Modifying the proposed catchbasin to include a three foot sump and down turned 90 degree bend to allow for one foot of oil capture is acceptable. Please show detail and indicate oil/grit locations on plans. Please keep the sanitary lateral connections downstream of the oil/grit separators and change the designation of the line from SD leading to the City's sanitary sewer.

This issue has been addressed.

8. Since the sewer systems are separated, a backflow preventer on the sanitary lateral is not required by the city. If the applicant wishes to install one, please place the backflow preventer on the applicant's property.

Issued resolved. The backflow preventer has be eliminated.

9. License required for proposed stairs projecting into the Franklin St right of way. See item three above.

10. This Department is not supportive of the applicant's proposed driveway cut off Federal St encroaching into the Franklin St right of way.

11. This Department is supportive on waiving the 35' driveway to corner requirement since both Federal and Newbury Streets are dead-end.

We have no further comments at this time.

—
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Luminato, 169 Newbury Street - Final Traffic Comments

Tom Errico <thomas.errico@tylin.com>

Fri, Mar 18, 2016 at 10:31 AM

To: Caitlin Cameron <ccameron@portlandmaine.gov>

Cc: David Margolis-Pineo <DMP@portlandmaine.gov>, Katherine Earley <KAS@portlandmaine.gov>, Jeremiah Bartlett <JBartlett@portlandmaine.gov>, Jeff Tarling <JST@portlandmaine.gov>

Hi Caitlin – The following is a status update from my preliminary review and represents my final traffic comments.

- The applicant should provide vehicle turning templates for parking spaces to document accessibility.

Status: The applicant has provided turning templates for the parking spaces and the information notes that parking maneuvers can occur within the site. I have no further comment, but my assumption for approval is that backing maneuvers are not required onto Newbury Street and Federal Street.

- The parking area layout requires several waivers including aisle width, parking space dimensions, and the number of compact parking spaces. The applicant should provide detailed documentation on justification for waiving City standards. All parking spaces and aisle widths should be dimensioned.

Status: Supporting documentation on waivers from the City's Technical standards have not been provided.

- Driveway width dimensions shall be noted. Additionally, sight distance from the garage driveways shall be noted (see comment below regarding Franklin Street connections).

Status: Driveway dimensions have been provided and I find conditions to be acceptable. I support waivers for driveway width given low traffic generation and driveway locations. Sight distance measurements have not been provided.

- Turnaround requirements at both Newbury Street and Federal Street shall be coordinated with DPW.

Status: DPW finds conditions to be acceptable given that it is an existing condition and future Franklin Street changes will eliminate the dead-end conditions.

- The applicant should illustrate how the proposed project and the 18-foot driving easement will accommodate existing vehicle parking requirements for the property for which the easement is located. Additionally, the driveway width at the Federal Street curb should be noted.

Status: The plans note that the driveway width on Federal Street will be 23-feet wide and meets City standards. The plans also note that a portion of this driveway and parking lot is located in the public right-of-way. Further, the plans note that the parking lot is to be repaved. I would suggest that the parking lot have delineated parking stalls for the Federal Street apartment building and that the 18-foot travel lane be delineated so that vehicles do not encroach or block access. The applicant should also provide documentation that parking requirements for the apartment building are met.

- The Franklin Street Study recommendations note a full street connection of Federal Street with Franklin Street and a restricted right in/out connection at Newbury Street. I need to continue to review the implication of these future conditions as it relates to traffic/driveway operations.

Status: I find the driveway on Newbury Street to be acceptable and support a waiver for corner clearance distance given the proposed future right-in/out restriction at Franklin Street. The Federal Street shared driveway location does not meet City corner clearance requirements under a Federal Street connection to Franklin Street. Federal Street will likely have high traffic volumes when connected to Franklin Street, and therefore the driveway location concerns me. I would suggest that any changes to the driveway under this application not increase the non-compliant distance, and if possible increase corner clearance. Additionally, when the lot on Federal Street with the shared driveway is redeveloped, the driveway should be located to meet the corner clearance standard.

Additional Comments

- Based upon my review of site characteristics the proposed project is not expected to cause unreasonable highway or public road congestion or unsafe conditions with respect to impacts to the public street system.
- The driveway apron on Newbury Street shall be designed so that a maximum 2% cross-slope is constructed for pedestrians walking along Newbury Street.

If you have any questions, please contact me.

Best regards,

Thomas A. Errico, PE
Senior Associate
Traffic Engineering Director
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To: Caitlin Cameron, Urban Designer, Planning & Urban Development Department

From: Tyler Norod, Housing Planner, Housing & Community Development Division

Date: March 10, 2016

Subject: Luminato Condominium, LLC: 167 Newbury Street & 42 Hampshire Street – Inclusionary Zoning Conditional Use

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 167 Newbury Street proposes the creation of 26 condominium units. Based on the total number of units the project will be required to provide at least two (2) workforce units.

In addition, the ordinance requires that every 400 square feet in a market rate unit count as a bedroom if the actual number of bedrooms in the unit is lower. The project consists of the following bedroom count: sixteen (16) one-bedroom units each of which is under 800 square feet; seven (7) two-bedroom units, four (4) of which are less than 1200 square feet and three (3) of which are less than 1600 square feet counting as three-bedroom units; and three (3) three-bedroom units each of which is between 1600 and 2000 square feet counting as four-bedroom units. Thus, the total bedroom count of the project according to the ordinance is 45 (16+17+12 = 45) resulting in a minimum requirement of four (4) bedrooms provided by the project.

The project has proposed to provide off-site workforce rental units to meet the requirements of this ordinance. The proponent has entered into an agreement with Community Housing of Maine (CHOM) to provide two (2) two-bedroom workforce units for rent at 42 Hampshire Street. The units will be rented to households earning up to 100% of the area median income (AMI) as required for workforce rental units. The units will be restricted for a term of 99 years and will be managed by CHOM. The workforce housing units will be renovated according to the standards outlined in the recently adopted inclusionary zoning implementation regulations.

By providing two (2) two-bedroom units off-site with a management plan with CHOM acceptable to the City, 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 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 42 Hampshire Street 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

Portland, Maine



Yes. Life's good here.

Planning & Urban Development Department

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.

Sincerely,

Tyler Norod
Housing Planner