

**Memorandum  
Department of Planning and Urban Development  
Planning Division**



**To:** Chair Morrisette and Members of the Portland Planning Board  
**From:** Jean Fraser, Planner  
**Date:** Prepared on: June 8, 2012  
 Prepared for: June 12, 2012 PB Workshop  
**Re:** **Fore India Middle, LLC, Opechee Construction Corporation  
 203 Fore Street (part of the redevelopment of 207-209 Fore Street)**

**1. Introduction**

The applicant, Fore India Middle, LLC (Opechee Construction Corporation), has submitted final plans and requested a Level III Site Plan, Subdivision and Traffic Movement Permit review for the proposed second phase of the redevelopment of the Jordans Meat site on Fore Street. The second phase comprises a 5 story mixed use condominium building of 181,040 sq ft of retail, residential and office floorspace as follows:

- Up to 9 units of retail floorspace totaling 22,463 sq ft facing Middle and Fore Streets on the lowest level;
- Offices (accessed and addressed to Fore Street) totaling 65,712 sq ft;
- 18 residential condominiums accessed from a lobby and elevator in India Street;
- Two levels of parking garage, one of 103 spaces accessed from Fore Street; one of 63 parking spaces and 24 bicycle spaces accessed from Middle Street.

This project is the second phase of the recently completed hotel, restaurant, and residential development located at 207-209 Fore Street on the former Jordan’s Meats production plant site. Currently the site comprises a 90 space at-grade parking lot for the existing hotel, with landscaping, on-site street lighting and benches.

Notice has been sent to 146 property owners in the vicinity of the project area and was printed in the June 6<sup>th</sup> and 7<sup>th</sup> 2012 editions of the *Portland Press Herald*.

Required reviews: The proposal is being reviewed under the Land Use Code provisions 14-497 (Subdivisions); 14-526 (Site Plan); and Traffic Movement Permit (delegated authority from the state). The applicant has asked for waivers as listed below:

<b><i>Requested Waiver</i></b>	<b><i>Standard and any waiver provisions</i></b>
<b>Build-to line</b> (setbacks from streets): to allow the building to be constructed further than 5 feet from the property line due to shape of the site (see explanation in <u>Attachment B</u> )	Section 14-220(c) B3 Zoning: <i>All buildings or structures shall be located within five (5) feet of the property lines along street frontages, unless the Planning Board requires or approves an additional distance to comply with the requirements of section 14-526 (a) (16)</i>
<b>Driveway width:</b> to allow a 42 foot driveway on Middle Street to accommodate a 24 foot wide entry into the parking garage, a 15 foot wide loading bay and a 3 foot wide support column between the two.	City’s Technical Manual Section 1.7.1.4 <u>Maximum Driveway Width (two way):</u> <i>the maximum width of a driveway will be based upon site conditions or vehicle characteristics that warrant a wider access (eg dedicated turn lanes at exits) and will require approval of the reviewing authority. Maximum widths shall not exceed the following, although confirmation of exact capacity requirements will be necessary: * Major commercial – 36 feet (Two 12 foot exit lanes and one 12 foot entry lane)</i>
<b>Driveway curb radii:</b> to allow a 10 foot wide radii at the Middle Street driveway to decrease the length of pedestrian travel across the driveway mouth (the width of the driveway will allow for larger turning movements).	City’s Technical Manual Section 1.7.1.5 <u>Curbing of driveways:</u> <i>...the radius size shall be based upon information in the following tables. The radii listed below are recommended standards. A vehicle template analysis may be submitted for review as an alternative to the use of the table below.</i>

## 2. Project Data

<i>DATA</i>	<i>Phase II Proposed new building</i>
<b>Total Site Acreage</b>	47,473 sq. ft. (1.09 acres)
<b>Existing Zoning</b>	B-3 Downtown Business
<b>No of Lots</b>	18 residential for subdivision purposes
<b>Existing Use</b>	Interim parking lot
<b>Proposed Uses</b>	Offices, retail and residential
<b>Proposed number of residential units</b>	18 (potential increase to 21)
<b>Proposed structure height</b>	61.8 ft as calculated re zoning
<b>Total Disturbed Area</b>	55,805 sq ft
<b>Existing impervious areas</b>	70,580 sq ft (Jordans Meat)
<b>Proposed impervious areas</b>	73,722 sq ft (Phase I and II – See analysis Att A)
<b>New Impervious surface</b>	3,142 sq ft
<b>Proposed building footprint</b>	36,194 sq ft
<b>Proposed floorspace</b>	181,042 sq ft
<b>Proposed parking spaces</b>	163
<b>Proposed handicapped parking spaces</b>	3
<b>Proposed total number of parking spaces</b>	166
<b>Proposed number of new bicycle parking spaces</b>	40 (30 under cover) in addition to 22 existing (relocated)

## 3. Existing conditions and background

The overall parcel includes two lots. Lot 1 is at the western end (Franklin Street end) and comprises the recently completed six story Hampton Inn (122 rooms), Sebago Brewing Company restaurant (7000 sq ft) and 12 residential condominium units known as Portside Residences.

Lot 2 is the subject of this application and is approximately 1.09 acres, bounded by the new subdivision property line with lot 1 to the west, Middle Street to the north, Fore Street to the south and India Street to the east. In 2010 lot 2 received approval for a 90 space surface parking lot dedicated to the hotel and residences on lot 1, surrounded by a 35 foot wide strip of green space/treeplanting along the street frontages, including street lighting and granite benches.

The surrounding area is a transitional district that links the Old Port district with the India Street neighborhood and Eastern Waterfront District. Existing development on the opposite side of abutting streets includes a mix of surface parking and multi-storied development including retail, office and restaurant with some upper story residential.



The existing sidewalks along Fore street and India Street are in brick and in good condition with some street trees; the sidewalk along Middle Street is bituminous.

Middle Street is an average of about 10 feet higher than Fore Street.

Easements: In addition to easements between the Phase I and Phase II owners regarding joint access and use of parking etc, there is a 30 foot easement along the boundary between the two phases (see [Attachment J.2](#)). This easement allows for maintenance of underground sewer and stormwater lines.

#### **4. Proposed Development**

The proposed site plan and floor plans (Attachments J.5 and J.15) show a single building of 181, 040 sq ft comprising ten separate uses areas interleaved within the building to take advantage of the change of the grade change between Fore and Middle and to enclose the parking garage:

- Ground level Fore Street: 4 units (9,880 sq ft) retail with pedestrian access at street level; plus internal parking garage of 103 parking spaces on the Middle street side (underground) but accessed by driveway from Fore Street;
- Ground level Middle Street: 5 units (12,583 sq ft) retail; all five likely to be occupied by one retail unit (urban grocery store) - pedestrian access at street level; plus internal parking garage of 63 spaces (on Fore Street side above retail and under residential condos) accessed from driveway on Middle Street
- Floors 3,4,5 facing Middle Street: Offices (lobby and elevators on Middle Street)
- Floors 3,4,5 facing Fore Street : 18 Residential Condominiums (access from lobby and elevator on India Street or from within garage)

The Parking Study (Attachment C.3) explains that the Fore Street garage (103 spaces) will replace the 90 existing parking spaces and fully serve the parking needs of the existing Hampton Inn and Portside Residences (Phase I) and because of low usage during the day will also provide shared parking for office and retail employees. It also clarifies that the Middle Street garage (63 spaces) will have 18 dedicated spaces for the new residential condominiums and provide for employees of the retail and office space. The overall parking provided on site does not meet the calculated demand of 198 spaces, and it is proposed that shared parking, off-site parking in the Ocean Gateway Garage and fee in lieu payments will address the overall parking demand.

The applicant has requested waivers in respect of the design of the parking garage access from Middle Street and for the increased setback at the corner of Fore Street and India Street (Attachment B).

The applicant proposes to complete the brick sidewalk along Middle Street so the new building will have wide brick sidewalks on all three street frontages. The existing street lights in the Fore Street sidewalk will remain, and new matching streetlights will be provided along India and Middle Streets. The proposals include landscaping at the corner of Fore Street and India Street where there is the increase in setback.

The proposal is for a single large 5 story building and the architectural design (Elevations and Renderings in Attachments J.18 to J.21 aims to break up the building so it reads as different buildings with a mixture of materials and features.

#### **5. Staff Review**

##### **a. Zoning:**

The following comments have been provided by Marge Schmuckal, Zoning Administrator:

This project consists of removing the Phase I surface parking lot and replaces it with a mixed use condominium building with 22,463 sq ft of retail space; 65,712 sq ft of office space; 18 residential condominiums with the potential to increase to 21 residential condos; and 166 proposed parking spaces.

The dimensional requirements of the B-3 zone are being met except for what is stated later. The maximum building height is 65 ' and their given calculations including averaging the grade show the building height to be 61.8'.

Section 14-220(c) states the street-build-to line is required to be not more than 5'. Because of the odd shaped lot, the applicant is not meeting this requirement. However, the section goes on to state that the PB may grant setbacks further than 5'. The applicant has already requested such a waiver.

It is reminded at this early date that HVAC system shall meet the maximum noise allowances. When the project gets further along, this office will need documentation concerning the noise emissions to determined compliance with the Ordinance.

Separate permits shall be required for any new signage.

**b. Submissions and Right, Title and Interest:**

The applicant should submit draft Condominium Association documents. The Subdivision Plat (Attachment J.17) should refer to the Condominium Documents (with recording details) and identify the residential units and clarify that only these units are subject to the subdivision criteria in the ordinance. The plat also needs to include topographic information.

The applicant has provided a copy of a Quitclaim Deed, recorded at the Cumberland County Registry of Deeds (Book 27850 Page 63) demonstrating right, title and interest in the property (Attachment A).

**c. Subdivision Review: 14-497. Subdivision General Requirements (a) Review Criteria**

***Water, Air Pollution and Soil Erosion***

The submitted Stormwater Pollution Prevention Plan (Attachment F.2) addresses erosion and water pollution and is considered satisfactory (Attachment 1). The applicant has requested a capacity letter from the Portland Water District.

***Impacts on existing or proposed highways and public roads***

**Traffic Movement Permit (TMP)**

The proposed development requires a State of Maine Traffic Movement Permit (TMP) as it generates between 100 and 200 trips. The TMP would be issued by the city under delegated authority. The TMP application and scoping documentation was submitted 5.1.2012 (Attachment C.1) and a Scoping meeting was held on 5.16.2012. The Consulting Transportation Engineer Reviewer, Tom Errico, requested further traffic information regarding the impacts on the India Street intersections and on how the driveway accesses to the parking garages would work (queuing etc). The applicant provided the additional traffic information in a Memo dated 5.30.2012 but received 6.5.2012.

Tom Errico has submitted the following review comments (Attachment 2):

- The traffic study indicates improved intersection operations are expected at the India Street/Middle Street intersection following implementation of an all-way STOP controlled intersection. My initial opinion is that I support this change.
- The traffic study concludes that a traffic signal is not warranted at the India Street/Fore Street intersection. I need to review the data in detail and assess intersection conditions as it relates to safe pedestrian provisions.

***Sanitary Sewer***

The application has been reviewed by the Department of Public Services. The proposal is satisfactory subject to revised details and notes at the final plan stage as outlined in (Attachment 5). A capacity to serve letter is awaited.

***Storm water***

The Phase II development is on the former Jordans Meat production site and was mostly impervious prior to the parking lot/greenspace development. The proposed Phase II results in a net increase in impervious area (taking Phase I and II together) of 3142 sq ft. (Attachment E).

The applicant has submitted a Stormwater Management Plan Addendum which updates the approved Stormwater Report associated with the original Phase I proposals, and a Stormwater Pollution Prevention Plan (both in Attachment C) which have been reviewed by the Consulting Engineer Reviewer, David Senus.

Mr Senus has confirmed that he supports a waiver from the flooding standard in respect of the minor amount of additional runoff and that the proposed tree box on Middle Street (shown in Attachment J.6) is acceptable for treatment of the additional impervious area, subject to calculations showing the treebox will treat an area of at least 3142 sq ft. (Attachment 1). The treebox is located in the ROW and the DPS have confirmed that this is acceptable with the understanding that the applicant is responsible for its annual inspection and maintenance program (Attachment 5).

### ***Solid Waste***

The applicant has confirmed that as a private condominium there will be an association to manage solid waste collection by private firms (Attachment H).

### ***Scenic Beauty and Street Trees***

The proposed building is on the site of a former factory. Landscaping and street trees are included in the proposals and are satisfactory subject to some reconsideration of the landscaped area at the corner of Fore Street and India Street (Attachment 6).

The subdivision requirement would be one tree per unit or 18 street trees. There are 8 existing street trees around the Phase II site on the Fore and India frontages and the applicant is proposing to add a further 10 (Attachment J.8).

### ***Comprehensive Plan***

The applicant has referred to the Comprehensive Plan policies (Attachment G) and the project is compatible with Comprehensive Plan goals and policies.

### ***Financial and Technical Capacity***

The applicant has submitted a letter dated 4.19.2012 from Bangor Savings Bank confirming interest in financing the project and noting the high public infrastructure costs (Attachment A).

### **Staff Review: Site Plan 14-526 Site Plan Level III Final Plan Requirements**

***Transportation impacts*** - as discussed above under *Subdivision Review*

### ***Access and circulation, loading and servicing***

The Middle Street driveway access into the parking garage is proposed to be 42 feet wide, which includes a 24 foot wide access to the parking garage, a 15 foot wide loading bay and a 3 foot support column between these two. The proposed width exceeds the technical standard of 36 feet and the applicant has submitted a waiver request (Attachment B) for the wider curb cut. Although the radii are designed to minimize the length of the curb cut that pedestrians must cross, staff remain concerned about pedestrian safety as confirmed by Tom Errico's comments (Attachment 2):

The driveway width exceeds City standards and accordingly will need a waiver from the City's Technical standards. I support a waiver, but would like the applicant to provide recommendations on how best to design the driveway for optimal pedestrian safety.

Pedestrian circulation through the site is already addressed by the existing stairs from Middle Street and cross walk under the Hampton Inn, along with the provision of sidewalks. However, the applicant has

confirmed that visitors and customers to the retail units and offices (and maybe some employees) would be utilizing the Ocean Gateway Parking Garage nearby but on the other side of India Street. Given the expectation of increased pedestrian crossings of India Street between the site and the off-site garage, Mr Errico suggests that a contribution to pedestrian crossing improvements should be required (Attachment 2):

Based upon the fact that the project will be utilizing the parking supply at the Gateway Parking Garage, the applicant should contribute money towards pedestrian improvements at the India Street/Middle Street intersection

### ***Public Transit Access***

Under the Site Plan ordinance requirements for public transit improvements, this project may be required to provide an improvement consisting of a bus shelter and pullout bay unless there is an existing transit shelter and/or pullout bay within 1350 feet of the closest primary proposed building. If required there are waiver criteria that may apply. In view of the public transit usage by commuters (who would most likely use the stop near Congress Street) and visitors/residents (who could use the Route 8 in India Street) a contribution to a nearby bus shelter may be appropriate. Staff have not discussed this with the applicant and an update will be provided at the Workshop.

### ***Vehicle Parking***

The applicant has analyzed the parking demand and supply for the Phase II development based on a combination of ITE guidelines and observational data. The analysis includes an assessment of the potential for shared parking that takes advantage of the low daytime parking demand of the hotel and the high daytime demand from offices/retail. It clarifies that the Middle Street garage (63 spaces) will have 18 dedicated spaces for the new residential condominiums and also provide for employees of the retail and office space. The overall parking provided on site does not meet the calculated demand of 198 spaces, and it is proposed that shared parking, off-site parking in the Ocean Gateway Garage and fee in lieu payments will address the overall parking demand.

The Traffic Engineering Reviewer, Tom Errico, has commented (Attachment 2):

- I have reviewed the parking demand analysis and in general the methods seem acceptable. I need to review this in more detail. I would suggest that the applicant conduct a second parking occupancy survey to assess parking demand characteristics during the busy summer time period.
- The applicant should provide details on plans that specify parking lot layout dimensions and note if any waivers are required in conjunction with not meeting City standards.
- On-street parking spaces should not be delineated with paint.
- The no-parking areas near the Middle Street driveway should not be delineated with paint.

### ***Bicycle parking***

The applicant has included a bicycle parking assessment (Attachment C.3, at end) which outlines the requirement for 53 spaces and confirms that 30 spaces will be provided in covered or secure locations (24 in Middle Street garage, 6 immediately outside the Fore Street parking garage, all marked for residents and employees).

An additional 10 spaces (uncovered) are located on India Street just behind the sidewalk where the building is set back. A further 22 (uncovered) spaces are existing spaces relocated within the lower level service area near the bottom of the steps from Middle Street (shown on Attachment J.5); this location does not appear to be ideal for members of the public going to the retail or office uses, in that they can only be accessed through the driveway access under the hotel to the parking garage. Bicycle parking nearer to the retail unit entrances would be preferable.

## ***Snow Storage***

The proposed site plan in Attachment J.5 does not address this issue in respect of the two areas open to snowfall and details should be submitted.

## ***Transportation Demand Management plan***

The applicant has submitted a TDM (Attachment C.4) which due to the speculative nature of the development is largely focused on identifying a process (via the Condominium Association) for ensuring individual owners adopt their own TDM plans for their particular businesses. Staff welcome the dedication of a TDM coordinator from the start and the suggested target of 10% reduction in trips. The proposed decoupling of parking from the residential condominium sale cost (ie they would be purchased separately) is helpful in giving condo owners a choice regarding car ownership. A Monitoring Report is proposed at 12 months from the CO and this would provide an opportunity to review progress, including a review of the target.

Staff suggest the TDM plan could be more robust by incorporating some TDM features in the initial proposals (ie several car or van pool spaces in the parking garage) and physical improvements (eg street crossings; bus shelters) that may encourage the use of public transit (see re *Public Transit Access* above). Tom Errico has commented (Attachment 2):

The TDM Plan needs to craft specific details for implementation (e.g. designating carpool spaces). I will make suggestions on specific requirements in the future.

***Preservation of significant natural resources and Landscaping*** – see above under *Subdivision Review* and below under B3 Design Review

***Water quality, Stormwater Management and Erosion Control*** - as discussed above under *Subdivision Review*

## ***Public Safety (CPTED)***

The proposals emphasize pedestrian convenience and include 11 pedestrian entrances to the building. Staff have not seen the associated details of access control/management and local site / wall mounted lighting. Further details are requested to determine whether the CPTED principles have been addressed.

There are two areas where further consideration of the design is suggested, particularly in terms of designing in natural surveillance that promotes visibility of publicly used spaces:

- The existing steps down from Middle Street (at right in photograph) are currently within an open space area and visible from the parking lot, hotel and Middle Street. After construction of the new building they would be less visible and the pedestrian link across to and under the hotel appears to be within a small sunken service area and next to the vehicular access to the Fore Street garage. Staff suggest that a more detailed plan of this area at both levels would help clarify whether further lighting or other detailing would improve this area in terms of CPTED principles. The integration of this part of Phase II into the existing development is also mentioned below under B3 Design Standards and in the associated Design Review memo (Attachment 7).



- The proposed building is set back some 35 feet from Fore Street near the corner with India Street (see photo right). The Landscaping Plan ([Attachment J.8](#)) and rendering ([Attachment J.20](#)) shows this as a sunken area reached by steps and hidden by shrubs- creating an area that may not be visible from the public areas around it. Staff have suggested in the Design Review Memo ([Attachment 7](#)) that this area may be more successful if designed as an attractive and more open mini-plaza with seating. The City Arborist has also suggested curbed planters could be incorporated ([Attachment 6](#)).



### ***Fire prevention***

Captain Chris Pirone of the Fire Department has provided comments in [Attachment 4](#) and notes that there will need to be carbon monoxide protection relating to the internal parking garages.

***Capacity of Public utilities*** - confirmation is awaited.

### ***Massing, Ventilation and Wind Impact***

The proposed building creates a solid building form along Fore Street as it is connected to the hotel and the access to the lower parking garage is under the hotel. The massing is broken up by the introduction of balconies and indentations and different material at the lower and/or highest floors. Further design review is included below under the B3 Downtown Design Standards.

The mechanical ventilation has not yet been designed for the building and the internal garage will require CO ventilation equipment. Given the scale of the building all roof features, elevator shafts and mechanical equipment should ideally be set back from the roof edges and/or integrated into the roof design rather than be an add-on that requires high screening enclosures.

***View Corridors and Historic Resources*** - not applicable to this site.

### ***Exterior Lighting***

The applicant has submitted a plan confirming the locations and type of existing, relocated and new street lighting around the site ([Attachment J.9](#)). Further information on the site lighting and wall mounted lighting (including photometrics where applicable) is requested.

### ***Signage and Wayfinding***

The elevations and renderings in [Attachment J18 to J21](#) give an indication of proposed building signage.

### ***Zoning Related Design Standards:***

#### **B3 Design Standards and the Downtown Urban Design Guidelines**

Planning Staff has conducted a preliminary review of the project for conformance with the B-3 Design Standards and the applicable Downtown Urban Design Guidelines. This preliminary review is based on the site plans and rendered elevation drawings included with the application ([Attachment J](#)). Overall the design meets the Design Standards, subject to the applicant providing additional information and/or reconsidering the design in several areas (see detailed comments in [Attachment 7](#)):

Materials: the elevations refer to brick veneer and staff have reservations regarding this material; samples of this and other materials and glass (where tinted) are requested;



- Integration of the new building (4 stories above Middle Street at this location- see elevation in Attachment J.19) where it meets the steps down to the hotel (just beyond the existing 2 story building as seen in the photo at right) appears unresolved;
- Reconsider landscape design of the space at corner of Fore and India, where the building is set back by about 35 feet, to address CPTED concerns (see discussion above) and consider opening out to create a mini plaza with seating. It should be noted that the setback of 35 feet does not meet the zoning requirement of 5 feet maximum setback and the Planning Board is requested (Attachment B) to grant a waiver for the larger setback.



## 6. Public comment

The Planning Division has not received any public comments as of the date of completing this memorandum. The applicant held a Neighborhood Meeting on May 16, 2012 which was attended by 10 people; the notes of the Neighborhood Meeting are include in Attachment I.

## 7. Next Steps

Next steps include:

- Address Design Review and CPTED comments
- Address comments of the Transportation Engineering Reviewer Tom Errico and any further comments regarding public transit access
- Address comments from the Fire and Public Services Departments
- Submit further information including site lighting, capacity letters, calculations regarding the treebox, and snow storage
- Submit Draft Condo docs, especially regarding the TDM and common areas/treebox maintenance
- Draft plat
- Address any Planning Board comments
- Planning Board to schedule Public Hearing.

## ATTACHMENTS:

### Attachments to Memorandum

1. Peer Engineering Review comments 5.24.2012 and 6.6.2012
2. Transportation Engineering comments 6.6.2012
3. Zoning Administrator comments 6.7.2012
4. Fire Department Comments 6.7.2012
5. Department of Public Services comments 6.8.2012
6. City Arborist comments 6.8.2012
7. Design Review comments 6.7.2012

### Applicant's Submittal

- A. Site Plan and Subdivision Application and relevant deeds/easements 5.1.2012
- B. Requested Waivers and Financial Capability 5.1.2012

## APPLICANT'S SUBMISSION WRITTEN MATERIALS

- C. Traffic and parking
  - 1. TMP submission 5.1.2012
  - 2. Traffic memo with further traffic analysis received 6.5.2012
  - 3. Applicants Parking Study 5.1.2012
  - 4. Transportation Demand Management Plan (TDM) 5.1.2012
  - 5. Further information addressing staff questions on parking 5.30.2012
- D. Significant Natural Features 5.1.2012
- E. Project narrative 5.1.2012
- F. Stormwater
  - 1. Stormwater Management Plan Addendum 5.1.2012
  - 2. Stormwater Pollution Prevention Plan 5.29.2012
- G. Applicant's Narrative addressing Site Plan and Subdivision Standards 5.1.2012
- H. Narrative addressing Design Standards 5.1.2012
- I. Neighborhood Meeting Certification 5.21.2012
- J. Plan Set (1 to 21, including elevations and renderings)