



Memorandum

Planning and Urban Development Department

Planning Division

To: Chair Boepple and Members of the Portland Planning Board

From: Caitlin Cameron, Urban Designer

Date: January 5, 2018

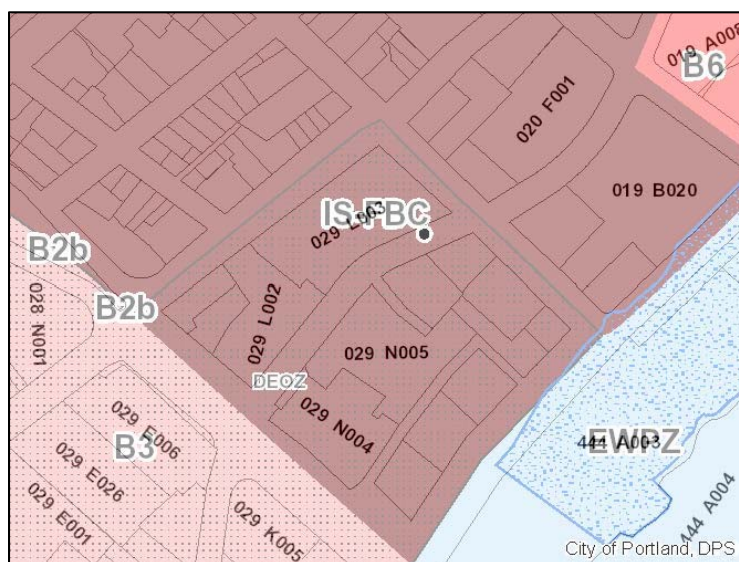
Re: **January 9th 2018 Planning Board Workshop**
Level III Site Plan
126 room extended-stay hotel/parking development, 203 Fore Street (#2017-245)
Chatham Portland DT LLC, Richard Mielbye, Applicant

I. INTRODUCTION

Chatham Portland DT LLC has submitted a Level III Site Plan application for a hotel project on India Street between Middle and Fore streets in the heart of the India Street neighborhood. The proposal is for a four to six story single building of 126 extended-stay hotel rooms, a rooftop bar, and guest amenities such as a dining room and coffee bar. A 120-space valet parking structure is proposed in the middle of the parcel – there are two decks, one structured and one surface parking level facing Middle Street. The project is located on a sloped site that overlooks the harbor; and is located in the IS-FBC zone (UA and UT subdistricts) and within 100 feet of the India Street Historic District but does not apply in this case.

The applicant is seeking the Board's input, in particular, on the zoning waiver requests before proceeding to a final plan submission.

This Workshop was noticed to 261 neighbors and interested parties, and the public notice appeared in the *Portland Press-Herald* on November 27th and 28th 2017. The applicant held a Neighborhood Meeting on November 15th 2017 and the notes are included in [Attachment I](#). The Planning Division has received five emails from residential neighbors (PC 1-5). Comments from neighbors are primarily concerned with parking, traffic, and maintaining green space and pedestrian amenities. There are some concerns about noise from the rooftop bar.



Applicant: Chatham Portland DT LLC (represented by Richard Mielbye, Miel's Development Group)
Agent and Legal Counsel: Bernstein Shur (Mary Costigan)
Architect: DLR Group (Dustin Kurle)

Required reviews and requested waivers:

Applicant's Proposal	Applicable Standards
New construction over 50,000 sf	Level III Site Plan Review and ISFBC UA/UT Design Review
New construction over 50,000 sf	Traffic Demand Management
More info needed – trip generation	Traffic Management Permit – 100 trips threshold
Waivers	Citation
Building Orientation – Request to orient to UT street rather than UA street	14-275.7 Subdistrict Dimensional Requirements: Corner cond.
Frequency of Entries (Middle Street) – Request to provide no (out of 1) entries	14-275.7 Subdistrict Dimensional Requirements: UA
Frequency of Entries (India Street) – Request to provide 2 (out of 3) entries	14-275.7 Subdistrict Dimensional Requirements: UA
Additional Building Length – Request to provide 2 (out of 3) active entries to modules	14-275.6(b)2. Frontage requirements: d.2. Ground Floor Partitions
Frontage Requirements: Request to provide 30% fenestration on Middle Street	14-275.7 Subdistrict Dimensional Requirements: UA

II. PROJECT DATA

SUBJECT	DATA
Total area of the site	47,473 sq ft
Total Disturbed Area	47,473 sq ft
Existing Zoning	ISFBC (UT, UA)
Existing Use	Surface parking for neighboring hotel
Proposed Use	Hotel, restaurant, coffee shop, parking
Impervious Surface Area	
--Existing	20,251 sq ft
--Proposed	37,952 sq ft
--Net Change	17,701 sq ft
Building Footprint	
--Existing	0 sq ft
--Proposed	13,576 sq ft (upper level)
--Net Change	13,576 sq ft
Building Floor Area	
--Existing	0 sq ft
--Proposed	98,746 sq ft (including garage)
-Net Change	98,746 sq ft
Proposed Room Mix	
-Queen Studio	92
-Queen Studio Connecting	18
-Queen Studio Accessible	16
Parking Spaces	120 (93 existing; 12 condo spaces)
Bicycle parking Spaces	22 (none existing)
Estimated Cost of the project:	Not provided

III. EXISTING CONDITIONS

This site is within the India Street neighborhood and has frontage on three streets – India, Middle, and Fore Street. The development site is Lot 2, one of two parcels in common ownership. Lot 1 is occupied by a six-story building occupied by the Hampton Inn, Sebago Brewing restaurant and bar, and 12 condominiums. Several new buildings have recently been completed or are under construction around this site – two new mixed-use projects on India Street a block away, and two recently completed

buildings across India Street next to the Ocean Gateway Garage. These new buildings are quickly defining the India Street character and streetscape.

The site is within the India Street Form-based Code zone and at a prominent corner. India and Middle streets are designated as Urban Active (UA) zoning subdistricts which emphasizes active frontage with the intent of strengthening these main streets with a strong street wall, active frontage and sidewalks, and mixed-uses. Fore Street has an Urban Transitional (UT) zoning designation that allows for up to six stories and longer buildings.

The parcel is across the street from the India Street Historic District. However, the so-called 100' rule does not apply in this case and new development on this site is not subject to historic review. Buildings on this site will be part of historic streetscapes of India and Middle streets and the zoning and design standards emphasize contextuality in order to create a congruent and cohesive streetscape.

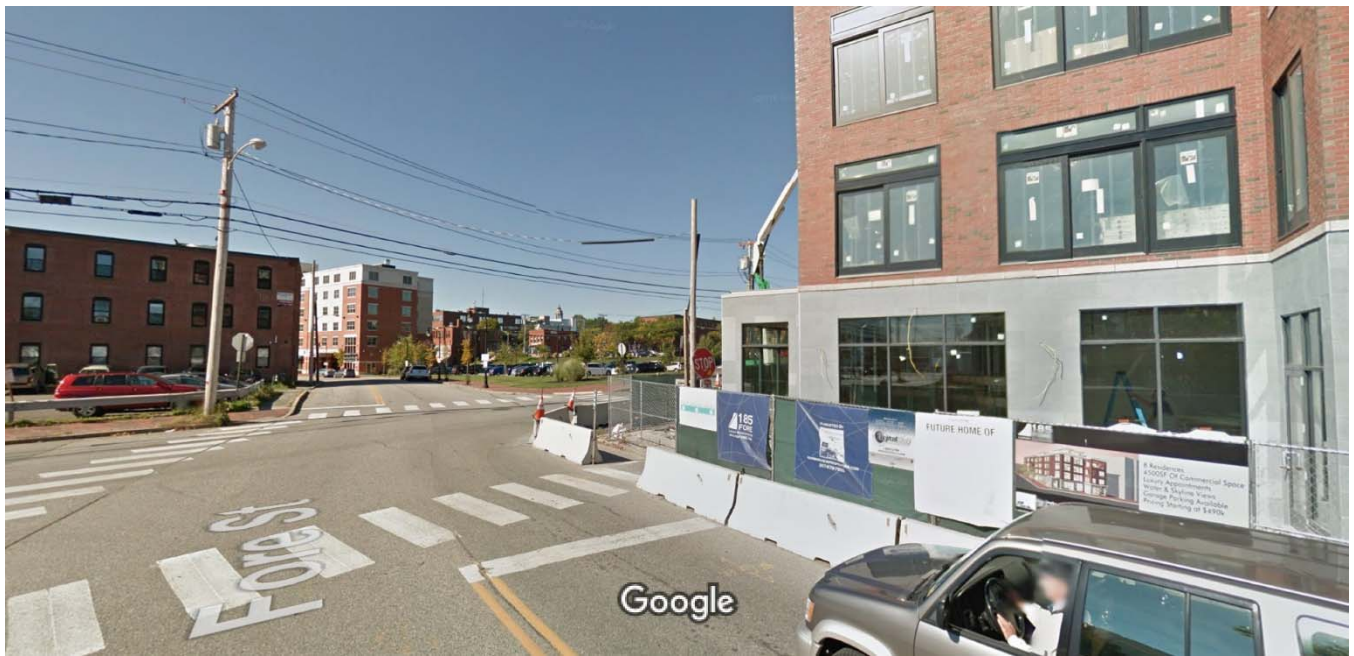
The site includes a significant grade change between Middle Street and Fore Street. This allows the proposed parking structure to be buried in the middle of the site but presents constraints on the ground floor activation on Middle and India Streets given the steep slope on India Street, which are discussed in greater detail as part of the review. The site benefits from long views to the harbor and the East End.

The development site is occupied by a surface parking lot for the adjacent lot and hotel located at 207-209 Fore Street. Both parcels are in common ownership and will share parking facilities. The existing conditions were approved under the previous zoning of B3 and a contract zone. A 35' setback was required for the surface parking and is currently occupied by landscaping, street lighting, and benches.





View of site from India and Middle streets



View of site from Fore and India streets

IV. PROPOSED DEVELOPMENT

The proposed hotel, including elevations and perspectives, is shown in the Plan set and described in the applicant's submittal. This image (Plan P23) shows the overall project view from India and Fore streets.



The proposal includes:

- 126 extended-stay hotel rooms;
- Valet parking for 120 vehicles (two levels, structured and surface) for both Lots 1 and 2
- Rooftop bar open to the public;
- Dining room and coffee bar for guests only;
- Extended planting areas/plazas along the Fore Street and Middle Street frontage;
- Required mid-block permeability

The elevation below faces India Street (Plan P18). India and Middle have a four-story height maximum; Fore Street allows up to six stories. The resulting proposal includes height and massing variation.



V. STAFF REVIEW

A. RIGHT, TITLE AND INTEREST

The applicant has submitted the deed (Attachment B). A parking agreement for the site from 2010 is also included (Attachment C). In addition, this property includes a 30' wide public utility easement through the site – staff are still resolving the implications of the easement in relation to the parking structure proposed. The deed also restricts additional restaurants on the site greater than 3,500 sf – all dining areas proposed are less than that threshold.

The Boundary Survey needs to be updated to reflect current conditions and show the property line between the two parcels.

B. ZONING ASSESSMENT

1. General Assessment: The proposed building and parking structure is located in the IS-FBC zone and includes two UA and one UT frontages. On UA streets there is a three-story minimum and a four-story, 50' maximum. On UT streets the height maximum is six stories and 65'. The project meets the height, setback, and mid-block permeability requirements. The proposal is taking advantage of the ability to increase the front yard setback on UA streets to 10' which will create wider sidewalks. The project seeks to use Additional Building Length provisions on Fore and India Streets. On Fore Street, the building may be up to 200' (194' proposed) in length given certain requirements which the project meets by using structured parking. However, on India Street, which can allow up to 150' (145' proposed), the project has not been able to meet the requirement for three active modules to achieve the extended building length. The project is not able to meet all the zoning requirements and there are several partial waivers sought. See the Zoning Checklist for a complete analysis (Attachment 1).
2. Waiver Requests: The proposal currently does not meet five of the zoning requirements. Waiver requests include:
 - Building Orientation – UA orientation required, UT orientation proposed
 - Frequency of Entries (Middle Street) – 1 required, none provided
 - Frequency of Entries (India Street) - 3 required, 2 provided
 - Additional Building Length – 3 modules required (145' building length proposed), active entry at each module (India Street) – 3 modules created, 3rd module does not have an active entry
 - % of Fenestration (Middle Street) – 60-90% required, 30% provided

The applicant explains the need for the waiver requests in Attachment F. In all cases, the applicant claims unique site factors make the zoning requirements impractical.

The Planning Board must evaluate the waiver requests using the recently revised IS-FBC zone partial waiver provision with the following criteria (14-275.2):

1. *The intent of the IS-FBC as stated in Sec. 14.275.1 Purpose and Sec. 14-275.7 Subdistrict dimensional requirements are met;*
2. *Be the least adjustment necessary to satisfy the practical, programmatic, or functional needs of the proposed development; and*
3. *At least one (1) of the following applies:*
 - i. *The proposed zoning alternative better achieves the zone and subdistrict intents;*
 - ii. *The zone or subdistrict intent will not be met by applying the requirement in this particular circumstance;*
 - iii. *There is a legal or practical necessity or unique conditions; or*

iv. *Unique site factors make the zoning requirement impractical or cost prohibitive.*

3. Staff Analysis: Staff agree that the site has constraints – the significant grade change does create some challenges when it comes to placing entrances and active frontage. However, the majority of the requested waivers stem from the applicant’s program decisions and building scale. The building length and orientation are being driven by the hotel program. The fact that the proposal includes one long building on India Street with a consistent finish floor grade exacerbates the grade change challenges. The hotel program creates less active uses on the ground floor such as pool which, again, is difficult to make comply with the zoning requirements. The intent of the zone is for India and Middle streets to be active main streets and for new buildings to be human-scaled and contextual – staff do not feel the intent of the zone and subdistrict purpose statements are being met by the project as currently proposed.

14-275.1 Purpose: *The India Street Form-based Code is different than traditional zoning, . . . The intent of the India Street Form-based Code Zone is to establish a zoning district that encourages a vibrant, walkable, mixed-use urban district, preserves and values the existing historic neighborhood fabric, and fosters and supports local businesses and residential areas.*

14-275.7 Urban Active (UA) Subdistrict: *The intent of this subdistrict is to maintain and promote a moderate-scale, diverse, mixed-use neighborhood with vibrant streets and active ground floor spaces. Buildings are more active and engage the street at the ground level. Building frontages are transparent and entries are at a sidewalk level with frontage types including storefronts and recessed doorways. The streetscape has steady street planting, and buildings set close to the street providing a consistent street wall.*

4. Staff Recommendations: Staff believe that the current proposal does not meet the intent for UA streets in the IS-FBC zone. The site is challenging because it is bounded by three streets and has a dramatic grade change. By proposing one large building that fills the block, the applicant has made it difficult, by choice, to meet important zoning requirements intended to activate the main streets of the neighborhood. The proposal is successful in its design on Fore Street from a zoning and design perspective. India and Middle streets become secondary facades where the zoning seeks the opposite. Staff recommends the applicant seek ways to better meet the zone intent rather than compromise the desired community and urban design outcome through five waivers – some examples include reducing the scale of the building to front on only two streets; propose two buildings – one facing Fore Street, one facing Middle Street; revise the ground floor to internally change to meet the street level at Middle/India Street; add or alter the program, especially on the ground floor to increase the ability to activate the frontage.

C. SITE PLAN STANDARDS

14-526 Site Plan Standards

Traffic - Access, Circulation, Loading and Servicing

The proposal introduces two curb cuts on Lot 2. The Traffic Engineering Reviewer has also noted the following (Attachment 2):

- *A traffic study will be required to evaluate traffic impacts in the vicinity of the project. If the Hampton Inn project is included due to the determination that it is part of a common scheme of development, a Traffic Movement Permit would likely be required. The traffic study would likely review conditions at the Middle Street and Fore Street intersections*

with India Street and Franklin Street. I would also note that the City will be requiring a fair-share monetary contribution to Franklin Street improvements.

- The project is proposing two driveways (one on Middle Street and one on Fore Street). The number of driveways complies with City Technical standards (assuming the project is NOT a common scheme development. If the Hampton Inn Driveway is considered, the number of driveways exceeds City standards). I would note that the driveways will reduce the number of on-street parking spaces along both streets and thus consideration of narrowing driveway widths may be beneficial.*
- I investigated the location of driveways as it relates to corner clearance standards (to India Street). Middle Street is classified as a Local Street and 35 feet of corner clearance is required. The proposed Middle Street driveway meets City standards. Fore Street is classified as a Collector Street and 150 of corner clearance is required. The proposed driveway appears to provide approximately 140 feet of separation and thus either the driveway will need to shift to the west or a waiver will need to be requested.*
- The proposed driveway on Fore Street meets City driveway separation standards to the existing Hampton Inn driveway.*
- The project will need to provide details on truck deliveries.*
- It will be important that the mid-block walkway be designed to optimize pedestrian safety and minimize vehicle conflict.*
- A construction management plan that complies with City requirements will be required.*

Sidewalks – The applicant will work with staff to design the sidewalks to meet this standard and the *City of Portland Technical Manual* standards. On India and Middle streets the applicant is receiving an extended front yard setback (10’) in exchange for extending the public sidewalk onto the private property – this will require an easement to the City.

Public Transit Access - The #8 bus route is northbound on India Street – no transit shelter is required.

Parking – The zoning requires 50 spaces provided for the proposed project (hotel and bar) in addition to the 93 parking spaces for the neighboring hotel/condos = 155 total. The proposal currently provides 120 valet spaces on-site. The proposal would require parking for the hotel and the rooftop bar. The applicant claims parking is not needed for the dining room and coffee shop because they will not be open to the public.

The neighboring Hampton Inn hotel at 207-209 Fore Street (Lot 1) was approved with 93 parking spaces (for 122 hotel rooms and 12 residential units) that are provided on the site of this proposal. The approval letter for that project, dated April 13, 2010, states the following parking condition related to this site:

That the condominium documents for the site contain a provision that allows surface parking to transition to structured parking or be relocated to allow future development of the easterly portion of the site.

The applicant intends to provide those 12 residential parking spaces on-site in the new parking structure.

The applicant is also requesting to amend the Lot 1 parking requirement wishing to reduce the required parking from the previously approved 93 spaces. 120 total parking spaces are currently proposed.

Staff need more information in order to fully evaluate the parking proposal. The Traffic Engineering Reviewer has also noted the following ([Attachment 2](#)):

- *The project will need to provide a parking demand/supply analysis and how parking will be managed between the proposed hotel and Hampton Inn. Also, details on valet parking management and vehicle circulation between two parking areas shall be provided.*
- *I will provide comments on parking lot dimensions upon receipt of that information.*

Snow Storage – Waiting for final submission.

Transportation Demand Management - The applicant is asked to submit a parking study for the whole site and a revised TDM. A TDM was part of the original, approved Hampton Inn site development and will need to be updated and revised since the applicant is also asking to reduce the number of required parking spaces for Lot 1 (Hampton Inn site).

Landscape Preservation / Site Landscaping and Screening – There are no significant landscape or natural features to preserve. The applicant will need to screen surface parking from Middle and Fore Street.

Landscape Plan - Waiting for final submission. Staff will provide guidance on the landscape locations and detailing (Plan P11).

Water quality, Stormwater Management and Erosion Control - Waiting for final submission/survey.

Public Safety - The Crime Prevention through Environmental Design (CPTED) standards in the site plan ordinance address the principles of natural surveillance, access control and territorial reinforcement so that the design of developments enhance the security of public and private spaces and reduce the potential for crime.

The proposals indicate a garage door at the entrance to the garage and do not appear to represent any particular concern. The final submissions should include a lighting plan that would help address this requirement.

Fire Prevention and Public Utilities - There are no concerns for Fire Prevention at this time. Applicant needs to verify Stormwater and Wastewater capacity. There is a 30' public utility easement over the site with stormwater and sewer lines. Staff are reviewing the easement to determine if the proposed building is in conflict. City Engineer Keith Gray had the following comment:

- *We have concerns with the proposed parking deck being located over the existing utility easement. In addition to maintenance clearance concerns, the deck corner support would be very close to the existing SD-2 stormdrain. Provide additional information on clearance, deck support footprint and/or stormdrain relocation.*

Massing, Ventilation and Wind Impact and Shadows: Generally addressed in the Design Review. No wind or shadow impact anticipated.

Historic Resources – The project is not within the historic district and not within 100' of a historic landmark.

Exterior Lighting incl Street Lighting – Waiting for final submission including photometric plan. The project will need to install new street lights along all frontages in the ROW (at the applicant's cost). The lights would need to meet the Technical Standards for street lighting and match the lights installed elsewhere in the India Street neighborhood (Eastern Waterfront medium). Staff will work with the applicant to develop the street light plan.

Noise and Vibration – Waiting for final submission. The final submissions should clarify where the HVAC will be located and how it will be screened even if the exact specifications are submitted later.

Construction Management Plan – Waiting for final submission.

D. DESIGN STANDARDS



VIEW FROM NW CORNER
AT INTERSECTION OF FORE AND INDIA STREETS

The site is located within the IS-FBC zone, Fore Street is the UT subdistrict, Middle and India Streets are in the UA subdistrict. Preliminary design review concluded that more contextual information is needed to fully evaluate the proposal (see [Attachment 1](#)).

Staff Analysis: The surrounding built context is a mix of low-rise historic, brick structures and new mixed-use construction. The design priorities for new construction in this neighborhood are buildings that maintain the urban street wall, engage the public realm, and respect and fit into the established context. The design successfully creates interesting forms and massing, and buries the parking interior to the site. However, it is difficult to determine how and whether this large-scale building fits into the streetscape. The proposal orients the building to Fore Street – staff feel this orientation and the proposed program and ground floor design compromise the intent for Middle or India street to be the active main streets of the neighborhood. More information is needed before staff can assess whether the project meets the intent of the zone and the design standards, especially how the project fits into the context. Full Design Review comments ([Attachment 1](#)). Concerns include:

- Material selection, placement, and too many materials
- Window proportion and detailing
- Scale, articulation, and detailing of ground floor design on India and Middle Streets – pedestrian comfort and scale, more information needed to assess
- Legibility and emphasis of building entrances



VI. BOARD CONSIDERATIONS

The following items are requested to be considered during this workshop (See section V.B. and D. for staff assessment):

- Zoning waiver requests
 - Building Orientation – UA orientation required, UT orientation proposed
 - Frequency of Entries (Middle Street) – 1 required, none provided
 - Frequency of Entries (India Street) – 3 required, 2 provided
 - Additional Building Length – active entry at each module (India Street) – 3rd module does not have an active entry
 - % of Fenestration (Middle Street) – 60-90% required, 30% provided
- Overall design concept, massing

VII. NEXT STEPS

The final submission will need to fully address the Site Plan review standards, including the following:

- Submit an updated, stamped Survey
- Zoning: Clarify whether the development proposal is a separate lot or lots in common (setback, curb cut, traffic analysis implications)
- Civil and Stormwater: Information/plans regarding grading, impervious surface, utilities, and stormwater system
- Transportation: Traffic Study; Parking Demand/Supply analysis; Revised TDM for one or both sites
- Transportation: Information to address the Traffic Engineer review questions regarding the parking layout and driveway (explain whether a driveway waiver is needed) and service/delivery
- Transportation: Determine whether this proposal constitutes a common scheme of development which would trigger a Traffic Movement Permit
- Site Design: Work with staff for sidewalks/ROW design and materials, street lights, and street tree layouts
- Site Design: Submit lighting plan, landscape plan, sidewalk and site plan, utility and grading plan that meet Site Plan requirements
- Landscape: Specify landscape design and plant selection; provide required screening for surface parking
- Design: Provide a context study and narrative of how the design meets the intent of the *IS-FBC Building Design Standards*; Depictions of the design in its context
- Design: Locations and screening details for HVAC
- Utilities: Submit capacity letter for Wastewater and Water; Coordinate overhead utilities and fire safety; Resolve utility easement
- Provide a Construction Management Plan
- Any other issues raised by the Planning Board

ATTACHMENTS:

Attachments to Memorandum

1. Zoning and Design Checklist – Preliminary
2. Traffic Engineering - Preliminary

Public Comments

PC1 Daniel DesPres 11.03.17
PC2 Daniel DesPres 11.15.17
PC3 Kathleen Shafer 11.24.17
PC4 Susan Murphy 11.25.17
PC5 Gordon Cary 11.28.17

Applicant's Submittal

- A. Application
- B. Right, title and Interest
- C. 2010 Parking Agreement
- D. Project Narrative
- E. Response Letter 12/20/17
- F. Waiver Requests
- G. Financial and Technical Capacity
- H. Trip Generation Letter
- I. Neighborhood Meeting Attendance and Minutes

Plans

- P1 Cover Sheet
- P2 Project Summary Sheet
- P3 Existing Conditions Plat
- P4 Existing Grading and Utility
- P5 Existing Landscape Plan
- P6 Site Plan Level 1
- P7 Site Plan Level 2
- P8 Utility Plan Level 1
- P9 Utility Plan Level 2
- P10 Grading Plan
- P11 Landscape Plan
- P12 Floor Plan Level 1
- P13 Floor Plan Level 2
- P14 Floor Plan Level 3 and 4
- P15 Floor Plan Level 5
- P16 Floor Plan Level 6
- P17 North Elevation
- P18 East Elevation
- P19 South Elevation
- P20 West Elevation
- P21 Perspective 1
- P22 Perspective 2
- P23 Perspective 3
- P24 Perspective 4