**Level III Site Plan & Subdivision Review**

**Studios at 46 Market Street**

**46 Market Street**

**Market Milk Partners, LLC**

Market Milk Partners, LLC has submitted plans for the redevelopment of an existing building at 46 Market Street in the Old Port. The existing structure, a turn-of-the-century brick mixed-use building characteristic of the Old Port, currently contains first floor retail, second floor office, and third floor residential space. The proposal involves a change of use - the existing office space on the second floor would be converted to residential space, and the existing third floor unit would be split into two, effectively eliminating all office space and bringing the total number of residential units in the building to five. At this time, the proposal does not include any site work.

Doorways are found at the northeast and southwest corners of the building, on both the Market and the Milk Street frontages; however, these doors provide access solely to the first floor and basement of the building. Access to the second and third floors is provided via an enclosed, upper story walkway from the adjacent building at 31 Exchange Street. The exterior door leading to this walkway can be found on Exchange Street.

The Planning Board did not hold a workshop on this proposal. Instead, the applicant has elected to submit final plans and proceed directly to public hearing. The project is subject to subdivision and site plan review.

City staff have reviewed the project and have generally found that it meets subdivision and site plan standards. That said, staff recommends that the board approve the project with several conditions of approval.

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

Staff has recommended a condition of approval requesting a revised subdivision plat prior to signing, which is standard under subdivision review. It should be noted that the city’s Department of Public Services and Corporation Counsel have reviewed the plat and generally found them acceptable with minor edits. City staff has identified several details which will be required on the revised plat, including additional details regarding solid waste storage and disposal, notes regarding unit sizes, and notes regarding areas subject to joint agreements with the adjacent property owner at 31 Exchange Street.

**XI.SUBDIVISION REVIEW (14-497(a). Review Criteria; 14-198. Technical and Design Standards; & 14-499. Required Improvements)**

***Adequacy of Water Supply***

The applicant has not provided a letter from the Portland Water District confirming the district’s ability to serve the proposed project, nor has the applicant provided evidence of sewer capacity. These have been recommended as a condition of approval.

**XII. SITE PLAN REVIEW**

***Access and Circulation***

There is an existing ramp at the corner of Market and Milk Streets that fails to meet the city’s current technical standards. David Margolis-Pineo, of the city’s Department of Public Services, has requested that the applicant re-build this ramp, installing a detectable warning panel for the historic district per the City’s Technical Manual. The applicant is also request to install a short section of flush granite curb in conjunction with this ramp.

Likewise, there are portions of the existing brick sidewalk north of this ramp on Market Street which require small renovations. Mr. Margolis-Pineo has also asked the applicant to repair these areas. Both of these improvements have been included as conditions of approval.

***Landscaping and Landscape Preservation***

The site is currently unlandscaped and no landscaping is proposed. The city’s site plan standards include a requirement that multi-family residential developments provide one street tree/unit *(Section 14-526(b)2.b(iii))*. Per this requirement, five street trees are required on the site’s street frontages. The applicant has requested a waiver on the grounds that there are existing site constraints, namely relatively narrow sidewalks, and has asked to provide a contribution to the city’s tree fund instead. A waiver of this kind is generally supported in cases of narrow sidewalks by the city’s Department of Public Services.

***Public Infrastructure and Community Safety Standards***

The applicant has provided a brief NFPA code analysis for review by the Fire Prevention Bureau (*Attachment C).* The building will be fully sprinkled. However, as of now, internal fire code issues remain, given the complicated access to the second and third floors. Captain Chris Pirone of the city’s Fire Prevention Bureau has indicated that an independent review by a certified Fire Protection Engineer will be required for building permit purposes. In addition, Captain Pirone has indicated that addressing for 911 remains unresolved. These items have been included as conditions of approval to be met prior to the issuance of a building permit.

***Noise and Vibration***

The applicant has not provided information on the noise and vibration of HVAC and mechanical equipment, which are slated to be roof-mounted. Submission of this information for the Zoning Administrator’s review is proposed as a condition of approval.

**STAFF RECOMMENDATION**

Subject to the proposed motions and conditions of approval listed below, Planning Division staff recommends that the Planning Board approve the proposed subdivision and site plan for the Studios at 46 Market Street.