

CITY OF PORTLAND, MAINE

PLANNING BOARD

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March 29, 2018

Jack Soley
Horton, LLC
100 Commercial Street Box 411
Portland, ME 04101

Project Name:	Parris Terraces	Project ID:	2017-287 and 2017-297 (IZ)
Address:	60 Parris Street	CBLs:	33-A-13
Applicant:	City of Portland		
Planner:	Nell Donaldson		

Dear Mr. Soley:

On March 27, 2018, the Planning Board considered the proposed Parris Terraces at 60 Parris Street. The Planning Board reviewed the proposal for conformance with the standards of the subdivision ordinance, site plan ordinance, and affordable housing ordinances of the land use code. The Planning Board voted to approve the application with the following waivers and conditions:

Conditional Use

The Planning Board voted 6-0 (Stanley absent) that, on the basis of the application, plans, reports and other information submitted by the applicant; recommendations contained in the Planning Board report for the public hearing on March 27, 2018 for application 2017-297 relevant to Portland's affordable housing ordinance, conditional use standards, and other regulations; and the testimony presented at the Planning Board hearing, the Planning Board finds the proposed conditional use for workforce housing does meet the standards of Section 14-484 with the following conditions:

1. The Applicant and the city shall enter into an Affordable Housing Agreement (AHA) which outlines the details of the affordability restrictions placed on the workforce units prior to the issuance of a building permit; and
2. The applicant shall file the Affordable Housing Agreement as covenant to the property's deed with the Cumberland County Registry of Deeds prior to the issuance of a Certificate of Occupancy.

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 the public hearing on March 27, 2018 for application 2017-287 relevant to Portland's technical and design standards and other regulations; and the testimony presented at the Planning Board hearing:

1. The Planning Board voted 6-0 (Stanley absent) to find, based upon the consulting transportation engineer's review (*Planning Board Report Attachment 1*), that extraordinary conditions exist or undue hardship may result from strict compliance with the *Technical Manual* standard (*Section 1.7.2.7*) which requires that along arterial, collector and local streets, minimum acceptable spacing between double or multiple driveways for driveways on adjacent lots or on the same parcel shall meet the criteria of 100 feet for 25 mph. The Planning Board waives the *Technical Manual* standard (*Section 1.7.2.7*) to allow a separation of approximately 40 feet between the new driveway and the existing driveway on the southerly side of the parcel; and
2. The Planning Board voted 6-0 (Stanley absent) to find, based upon the consulting transportation engineer's review (*Planning Board Report Attachment 1*), that extraordinary conditions exist or undue hardship may result from strict compliance with the *Technical Manual* standard (*Section 1.7.2.3*) which establishes a minimum driveway width of 20 feet for sites with two-way access, that substantial justice and the public interest are secured with the variation in this standard, and that the variation is consistent with the intent of the ordinance. The Planning Board waives the *Technical Manual* standard (*Section 1.7.2.3*) to allow a 15.2 foot driveway on the site; and
3. The Planning Board voted 6-0 (Stanley absent) to find, based upon the consulting transportation engineer's review (*Planning Board Report Attachment 1*) that extraordinary conditions exist or undue hardship may result from strict compliance with the *Technical Manual* standard (*Section 1.14 and Figures I-27 to I-29*) limiting compact spaces to 20% of total parking supply, that substantial justice and the public interest are secured with the variation in this standard, and that the variation is consistent with the intent of the ordinance. The Planning Board waives the *Technical Manual* standard (*Section 1.14 and Figures I-27 to I-29*) to allow 100% compact spaces.

Subdivision Review

The Planning Board voted 6-0 (Stanley absent) that, 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 the public hearing on March 27, 2018 for application 2017-287 relevant to the subdivision regulations; and the testimony presented at the Planning Board hearing, the Planning Board finds that the plan is in conformance with the subdivision standards of the land use code, subject to the following conditions of approval, which must be met prior to the signing of the plat:

1. The applicant shall finalize the subdivision plat for review and approval by Corporation Counsel, the Department of Public Services, and the Planning Authority; and
2. Prior to Certificate of Occupancy, the applicant shall provide condominium association documents for review by Corporation Counsel and the Planning Authority.

Development Review

The Planning Board voted 6-0 (Stanley absent) that, 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 the public hearing on March 27, 2018 for application 2017-287 relevant to the site plan regulations; and the testimony presented at the Planning Board hearing, the Planning Board finds that the plan is in conformance with the site plan standards of the land use code, subject to the following conditions of approval that must be met prior to the issuance of a building permit, unless otherwise stated:

1. The applicant shall provide a final construction management plan for review and approval by the Department of Public Works;
2. Within 6 months of certificate of occupancy, the applicant shall provide a parking assessment that documents any safety or access/egress issues on the site for review and approval by the Planning Authority and the Department of Public Works. If such issues are identified, the applicant shall develop a Parking Management Plan for review and approval by the Planning Authority and the Department of Works;
3. The applicant shall revise the street tree species as shown in the landscape plan for review and approval by the City Arborist;
4. The applicant shall revise the stormwater submittal to:
 - a. Provide final plans, notes, and details that address erosion and sediment control requirements, inspection and maintenance requirements, and good housekeeping practices in accordance with the final review provided by the city's consulting civil engineer (*Attachment 3*), and
 - b. Include details for the Focal Point and R-Tank system to address the comments in accordance with the final review provided by the city's consulting civil engineer (*Attachment 3*)for review and approval by the Department of Public Works;
5. The applicant shall revise the site plan set to:
 - a. Eliminate 'bituminous sidewalk' labels in existing conditions layers;
 - b. Provide structural details for the proposed retaining wall; and
 - c. Revise the trench paving detail to show 12.5 mm HMA surface pavement for any paving in the right-of-wayfor review and approval by the Department of Public Works;
6. The applicant shall provide evidence of sewer capacity for review and approval by the Planning Authority;
7. Prior to installation of any street lights, the applicant shall provide lighting plan which includes street lights in conformance with the city's *Technical Manual* for review and approval by the Planning Authority;
8. The applicant, the Planning Authority, and the City Arborist shall review and determine the eligible reduction in street tree contribution to the greatest possible extent under the site plan street tree standards; and
9. The applicant shall provide final elevations, renderings, details related to buffering along the residential boundaries, and details as required per the B-2b and Multi-Family design reviews for review and approval by the Planning Authority.

The approval is based on the submitted plans and the findings related to subdivision, site plan, and affordable

housing review standards as contained in Planning Report for applications 2018-287 and 2018-297, which is attached.

Standard Conditions of Approval

Please Note: The following standard conditions of approval and requirements apply to all approved site plans:

1. Subdivision Recording Plat A revised recording plat, listing all conditions of subdivision approval, must be submitted to the Planning and Urban Development Department for review. Once approved, the plat shall be signed by the Planning Board prior to the issuance of a performance guarantee. The performance guarantee must be issued, prior to the release of the recording plat, for recording at the Cumberland County Registry of Deeds.
2. Subdivision Waivers Pursuant to 30-A MRSA section 4406(B)(1), any waiver must be specified on the subdivision plan or outlined in a notice. The plan or notice must be recorded in the Cumberland County Registry of Deeds within 90 days of the final subdivision approval.
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. 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.
5. 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 Permitting and Inspections Department.
6. 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.
7. Storm Water Management Condition of Approval The developer/contractor/subcontractor must comply with conditions of the construction storm water management plan and sediment and erosion control plan based on City standards and state guidelines.

The owner/operator of the approved stormwater management system, and all assigns. shall comply with the conditions of Chapter 32 Storm water including Article III, Post Construction Stormwater Management, which specifies the annual inspections and reporting requirements.

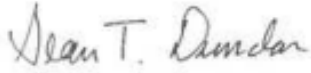
A maintenance agreement for the stormwater drainage system, as attached, or in substantially the same form, shall be submitted for review by Corporation Counsel. Once approved, the document shall be signed and recorded at the Cumberland County Registry of Deeds prior to the issuance of a building permit. Please submit final copies to both the Department of Planning and Urban Development and the Department of Public Works.

8. 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 and Urban Development Department and Public Works 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.
9. Defect Guarantee A defect guarantee, consisting of 10% of the performance guarantee, must be posted before the performance guarantee will be released.
10. 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 Works 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.
11. Construction Management Plans The applicant, contractor and subcontractors are required to conform to the approved Construction Management Plan, and all conditions contained within the project's approval, for the entire duration of the project. Any amendments to the approved Construction Management Plan shall be reviewed and approved by the Department of Public Works prior to the execution. The Planning Authority and the Department of Public Works have the right to seek revisions to an approved Construction Management Plan. The applicant shall coordinate the project's construction schedule with the timing of nearby construction activities to avoid cumulative impacts on a neighborhood and prevent unsafe vehicle and pedestrian movements. Accordingly, nearby construction activities could involve a delay in the commencement of construction.
12. Department of Public Works Permits If work or obstructions will occur within the public right-of-way, such as utilities, curb, sidewalk, driveway construction, site deliveries and equipment siting, a Street Opening and/or Occupancy Permit (s) is required for your site. Please contact the Department of Public Works Permit Clerk at 874-8300, ext. 8828. (Only excavators licensed by the City of Portland are eligible.)
13. As-Built Final Plans Final sets of as-built plans shall be submitted digitally to the Planning and Urban Development Department, on a CD or DVD, in AutoCAD format (*.dwg), release AutoCAD 2005 or greater.
14. Mylar Copies Mylar copies of the as-built drawings for the public streets and other public infrastructure in the subdivision must be submitted to Public Works prior to the issuance of a certificate of occupancy.

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 and Urban Development Department 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 Nell Donaldson at (207) 874-8723.

Sincerely,



Sean Dundon, Chair
Portland Planning Board

Attachments:

1. Planning Board Report
2. Chapter 32, Portland City Code
3. Stormwater Maintenance Agreement
4. Performance Guarantee Packet

Electronic Distribution:

cc: Jeff Levine, AICP, Director of Planning and Urban Development
Stuart G. O'Brien, City Planning Director, Planning and Urban Development
Barbara Barhydt, Development Review Services Manager, Planning and Urban Development
Nell Donaldson, Planner/Senior Planner, Planning and Urban Development
Philip DiPierro, DRC, Planning and Urban Development
Mike Russell, Director of Permitting and Inspections
Ann Machado, Zoning Administrator, Permitting and Inspections
Jonathan Rioux, Deputy Director, Permitting and Inspections
Jeanie Bourke, Plan Reviewer/CEO, Permitting and Inspections
Chris Branch, Director of Public Works
Keith Gray, Senior Engineer, Public Works
Doug Roncarati, Stormwater Coordinator, Public Works
Jane Ward, Engineering, Public Works
Rhonda Zazzara, Construction Engineering Coordinator, Public Works
Jeff Tarling, City Arborist, Public Works
Jeremiah Bartlett, Transportation Systems Engineer, Public Works
William Scott, Chief Surveyor, Public Works
Mike Thompson, Fire
Danielle West-Chuhta, Corporation Counsel
Jennifer Thompson, Corporation Counsel
Victoria Volent, Housing Program Manager, Housing and Community Development
Thomas Errico, P.E., TY Lin Associates
Lauren Swett, P.E., Woodard and Curran
Christopher Huff, Assessor



PLANNING BOARD REPORT PORTLAND, MAINE

Parris Terraces, 60 Parris Street
Level III Subdivision and Conditional Use Review
2017-287
Horton LLC

Submitted to: Portland Planning Board Date: March 23, 2018 Public Hearing Date: March 27, 2018	Prepared by: Nell Donaldson, Planner CBLs: 33-A-13 Project #: 2017-287
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I. INTRODUCTION

Horton LLC appears before the Planning Board for a public hearing associated with the site plan, subdivision, and inclusionary zoning conditional use review of a proposed 23-unit condominium project at 60 Parris Street in West Bayside. Notice of this hearing appeared in the *Portland Press Herald* on March 21 and 22, 2018. Notices were also sent to 106 property owners within 500 feet and to the interested citizens list.

It should be noted that the prior workshop materials to the Planning Board mistakenly labeled the address for the project as 56 Parris, the result of a GIS error. Planning staff have confirmed with the Assessor that 60 Parris is the correct address for the two parcels under consideration in this review.

Applicant: Jack Soley, Horton LLC

Consultants: Kaplan Thompson Architects, Ransom Consulting, Titcomb Associates

II. REQUIRED REVIEWS

<i>Waiver Requests</i>	<i>Applicable Standards</i>
<i>Driveway Separation</i> – to allow a curb cut approximately 40’ from the adjacent property’s	Technical Manual, <i>Section 1.7.2.7</i> . Along arterial, collector, and local streets, minimum acceptable spacing shall be 100-150 feet, depending on speed limit.
<i>Driveway Width</i> – to allow a driveway less than 20’ in width	Technical Manual, <i>Section 1.7.2.3</i> . Two-way driveways for multi-family developments with over 10 parking spaces shall be a minimum of 20 feet in width, with a preferred width of 24 feet.
<i>Compact Parking Spaces</i> – to allow compact parking spaces at a ratio of greater than 20%	Technical Manual, <i>Section 1.14</i> . In parking areas of over 10 parking spaces, no more than 20% of parking spaces shall be compact in size.

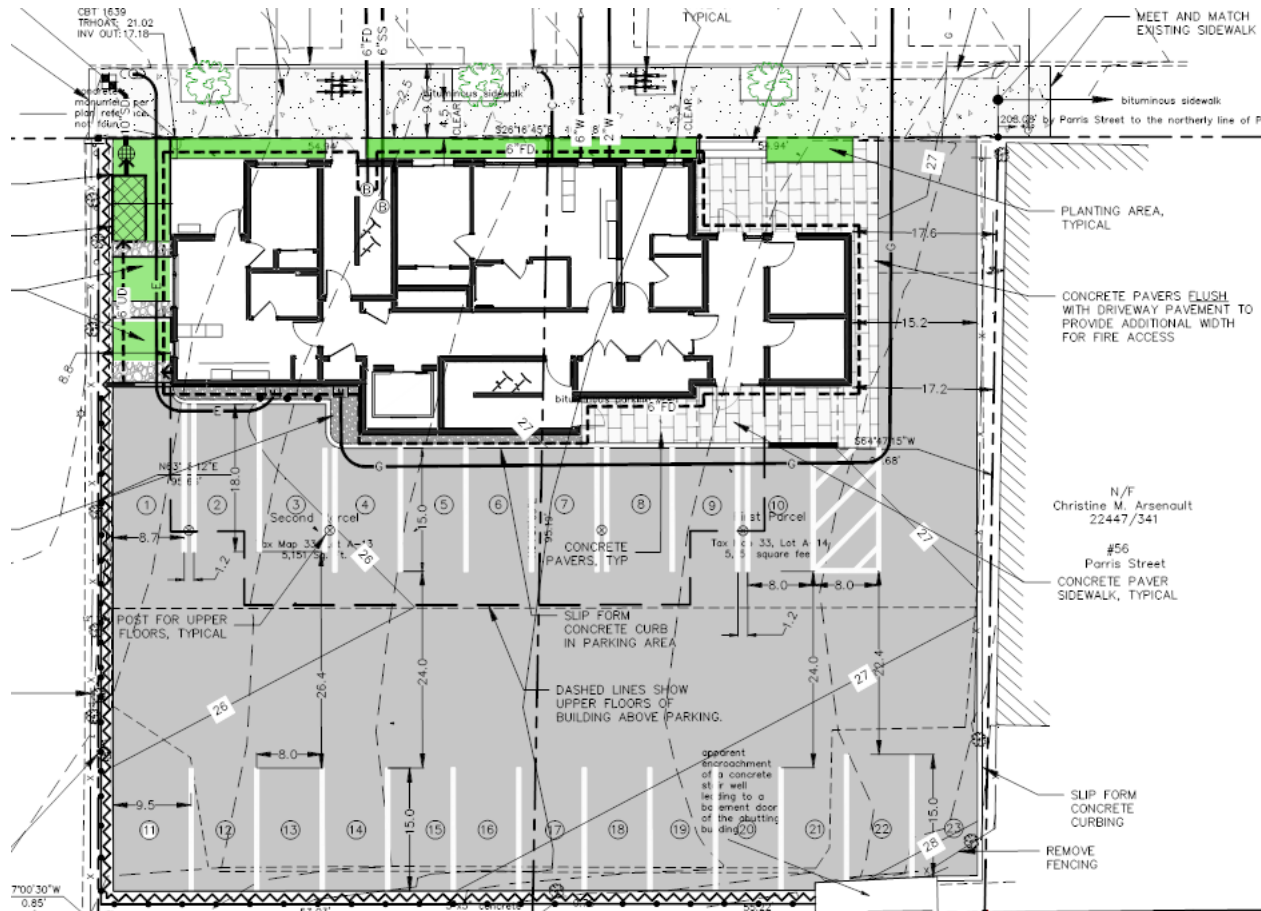
<i>Review</i>	<i>Applicable Statute</i>
Subdivision	<i>Article IV</i>
Site Plan	<i>Article V</i>
IZ Conditional Use	<i>Section 14-487</i>

III. PROJECT DATA

Existing Zoning	B-2b
Existing Use	Surface Parking
Proposed Use	Multi-Family Residential
Proposed Development Program	23-Unit Condominium
Parcel Size	10,302 SF

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	Existing	Proposed	Net Change
Building Footprint	0 SF	2,216 SF	2,216 SF
Building Floor Area	0 SF	14,132 SF	14,132 SF
Impervious Surface Area	9,103 SF	9,103 SF	0 SF
Parking Spaces	Approximately 32	23	-9
Bicycle Parking Spaces	0	4 exterior + 6 interior	10
Estimated Cost of Project	\$1.98 million		



Figures 1, 2, and 3 (from top left): 60 Parris zoning context; 60 Parris site; final site plan

IV. CONTEXT

60 Parris Street is located on the west side of Parris Street between Portland Street and Kennebec Street in West Bayside. The property is one of several the city is in the process of selling as a part of the plan to relocate the Department of Public Works from Bayside to Canco Road. The site is zoned B-2b within the Bayside Height Overlay, and is currently used as a surface parking lot. Residential properties surround the site to the west and south, Fork Food Lab lies to the immediate north. The city's DPW garage facilities lie to the east across Parris Street; these properties are slated for future redevelopment.

V. PROPOSED DEVELOPMENT

The proposed development at 60 Parris Street, to be called Parris Terraces, is a four-story residential condominium project on the top portion of Parris Street between Portland and Kennebec Streets. The project includes 23 one-bedroom units, 20 of which are slated to be sold to households below 120% of AMI and two of which will be deed restricted per the city's affordable housing ordinance. The project also includes 23 parking spaces, a rain garden and stormwater treatment, and a new concrete sidewalk and street trees on Parris Street.

VI. PUBLIC COMMENT

In the final submittal, the applicant has provided notes from a neighborhood meeting held on March 1 (*Attachment C*). The notes indicate that attendees raised questions regarding material choices, the width of the drive aisle, short term rentals and ownership, exterior lighting, snow removal, and security. The Planning Division also received one public comment on the Parris Terraces application (PC-1). This comment generally focused on two aspects of the project – the design and the long-term affordability of the units.

VII. RIGHT, TITLE, & INTEREST

The application includes a purchase and sales agreement as evidence of right, title, and interest (*Attachment D*).

VIII. FINANCIAL & TECHNICAL CAPACITY

The estimated cost of the project is approximately \$2 million. The applicant has provided a letter from Norway Savings Bank attesting to their financial capacity (*Attachment E*).

IX. ZONING ANALYSIS

Staff has conducted a zoning analysis and found that the project complies with the dimensional requirements of the B-2b zone. It should be noted that the project is subject to the Bayside Height Overlay, which permits a height of 55' on the lot. The proposed building height, at 49' 9", complies with this standard.

X. SITE PLAN SUBMISSION REQUIREMENTS (Section 14-527), SUBDIVISION PLAT AND RECORDING PLAT REQUIREMENTS (Section 14-496), TECHNICAL AND DESIGN STANDARDS (Section 14-498), & REQUIRED IMPROVEMENTS (Section 14-499)

Per the city's land use ordinance, the applicant has submitted a draft subdivision plat. Revisions to this plat, including those necessary to address the stormwater maintenance agreement, parking ownership arrangements, deed restrictions under the inclusionary zoning ordinance, and references to condominium documents, will be required. Review of the final subdivision plat and condominium documents has been suggested as a condition of approval, as has review of the condominium documents.

The applicant has submitted a draft construction management plan in the final submittal (*Attachment Q*). Lauren Swett, the city's consulting civil engineer, has reviewed the plan and writes,

A construction management plan should be provided in the format of the City of Portland's current template, available for download on the City's website. The plan should include specific details on pedestrian and traffic management during sidewalk construction and utility

installation when detours may be necessary and during building construction when work is in close proximity to the sidewalk

A final construction management plan has been suggested as a condition of approval.

Ms. Swett has also suggested a minor edit to the civil set, writing,

The existing conditions layers remain turned on for many of the plans, as is typical in many situations. We suggest that the “bituminous sidewalk” labels for the existing condition be turned off, in particular on sheets like the subdivision plat and the utility plan where the new concrete sidewalk is not specifically called out.

This edit has also been suggested within the conditions of approval. Other comments related to plans and required improvements are discussed under site plan review below.

XI. SUBDIVISION REVIEW (14-497(a). Review Criteria)

The proposed development has been reviewed by staff for conformance with the relevant review standards of the City of Portland’s subdivision ordinance. Staff comments are below.

1. Water, Air Pollution

The site is currently occupied by a surface parking lot and is almost entirely impervious. The applicant proposed to increase the impervious surface area by just under 300 SF. The majority of the post-development impervious surface would be comprised of roof, which is expected to improve the quality of the water leaving the site.

It should be noted that an environmental assessment has been performed at the site, and that assessment identified contaminants within the soil (*Attachments H & I*). No VRAP is required.

2 & 3. Adequacy of Water Supply

The applicant has provided evidence of capacity from the Portland Water District (*Attachment G*).

4. Soil Erosion

No unreasonable soil erosion or reduction in the capacity of the land to hold water is anticipated.

5. Impacts on Existing or Proposed Highways and Public Roads

The city’s consulting traffic engineer has reviewed the project and has noted that he does not anticipate significant traffic generation from the project, nor significant impacts to adjacent streets (*Attachment 1*).

6. Sanitary Sewer/Stormwater Disposal

All sewer connections are proposed to the combined system in Parris Street. The applicant has submitted a wastewater capacity application to the Department of Public Services (*Attachment F*). Verification of capacity has been suggested as a condition of approval.

As proposed, 94% of the site’s runoff would flow to a rain garden system at the site’s northeast corner, where a Focal Point biofiltration system is proposed, and from there to a storm drain connection to the combined system in Parris Street. Foundation drains would outlet directly to Parris Street. A small area of the site’s driveway would sheet flow to Parris Street. The city’s consulting civil engineer, Lauren Swett, has reviewed the stormwater management plan. Her comments are discussed under site plan review below.

7. Solid Waste

The applicant has proposed a trash and recycling room at the southern end of the building proximate to the driveway. In the final submittal, the applicant has provided a waste management plan that indicates that a private contractor will handle waste removal (*Attachment O*).

8. Scenic Beauty

This proposal is not deemed to have an adverse impact on the scenic beauty of the area.

9. Comprehensive Plan

The Parris Terraces project addresses several of Portland’s Plan’s housing goals, including increasing the overall housing supply available to residents of all financial capabilities and encouraging housing density proximate to nodes and services.

10. Financial and Technical Capacity

The applicant has submitted a letter from Norway Savings Bank indicating the intent to consider project financing (*Attachment E*).

11. Wetland/Water Body Impacts

There are no anticipated impacts to wetlands.

12. Groundwater Impacts

There are no anticipated impacts to groundwater supplies.

13. Flood-Prone Area

The site does not lie within a flood zone.

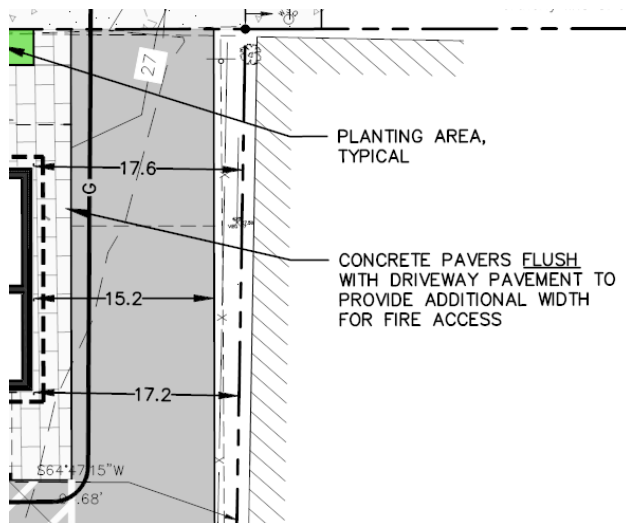
XII. SITE PLAN REVIEW (Section 14-526)

The proposed development has been reviewed by staff for conformance with the relevant review standards of the City of Portland’s site plan ordinance. Staff comments are below.

1. Transportation Standards

a. Impact on Surrounding Street Systems

Tom Errico, the city’s consulting engineer, has completed a preliminary review and has not identified any potential detrimental impact to surrounding street systems. He writes,



The project is not expected to generate a significant amount of traffic and thus is not expected to significantly impact traffic mobility and safety in the project area.

b. Access and Circulation

In response to staff comments, the applicant has increased the driveway width at the southern end of the site to 15.2'. The northerly edge of this driveway is proposed with flush concrete pavers as a means of differentiating a pedestrian way along the edge of the building.

As a driveway with two-way access of less than 20 feet in width, a waiver is required. Fire has reviewed the plan and indicated that they are satisfied with the driveway layout (*Attachment 4*).

Figure 4: Proposed driveway

Mr. Errico has also reviewed the vehicular access and writes,

The plans have been revised to provide a 15.2 foot wide driveway entrance that will function as a shared driveway (pedestrian facility will be flush). As noted previously, the project site would be expected to generate very low traffic volumes and during peak time periods traffic will primarily either be entering the site (returning home) or exiting the site (leaving home). During the morning peak hour, approximately 8 vehicles would be expected to exit the site and 2 vehicles will enter the site. This corresponds to one vehicle every 6 minutes. During the afternoon peak hour, about 8 vehicles would be expected to enter the site and 4 vehicles exit. This corresponds to one vehicle every 5 minutes. Given vehicle movement infrequency, the likelihood that trip levels will be less given the urban location, and low traffic volumes on Parris Street, I support a waiver from the minimum driveway width standard of 20 feet.

A driveway separation is also required, as the driveway is located within 100 feet of the nearest driveway to the south. Regarding this waiver, Mr. Errico writes,

The proposed driveway does not meet City standards as it relates to driveway separation. Given that the non-conformity is an existing condition, the abutting driveway is to a single vehicle driveway, and traffic volumes are relatively low on Parris Street, I support a waiver from the City's Technical standards.

A new 9 foot concrete sidewalk is proposed along Parris Street. In the final plans, the applicant has shown 4.5 feet of clearance around the street trees proposed in the sidewalk, and has added limits of sidewalk construction. The sidewalk material is shown on the site plan as reinforced concrete, which conforms to the city's material policy for Parris Street. Documentation regarding accessible routes to the main entrance and from the parking area has also been added to the plans.

c. *Public Transit Access*

There is no public transit line on Parris Street. As such, no provisions for public transit access are required.

d. *Parking*

The final plans show 23 parking spaces at the rear of the site to serve the building's 23 units. Per Division 20 of the city's land use code, parking is required on the site at a ratio of 1/unit, although the code includes provisions to allow lesser parking supply, including the option to substitute shared use vehicles and to submit a parking analysis documenting that unique conditions exist that might result in lesser parking demand.

The final plans show that 19 of these spaces are designed at 8'x15', three are designed at 8'x18', and one is designed at 9.5'x15'. Thus, none of the parking spaces technically comply with standard space dimensions as outlined in the *Technical Manual*. The applicant has provided turning templates in the final submittal as evidence of the functionality of the parking design (*Attachment K*). On the parking layout, Mr. Errico writes,

The parking supply for the site includes all compact sized parking spaces and thus exceeds the City standard for percent of compact parking spaces. I support a waiver for exceeding the number of compact parking spaces given constrained site conditions and the results of the vehicle circulation analysis using a full size passenger car. It would also be my expectation that vehicles may be smaller in size given the target tenant type.

The applicant has provided detailed vehicle turning templates for the parking spaces that will be the most challenging from an access/egress perspective. The analysis was based on use of a full-size passenger car. While the maneuvering will not be easy given parking lot layout and building column constraints, the analysis indicates vehicles can enter and exit parking spaces (with multiple turns in some cases). It is my understanding that the parking spaces will be sold separately and thus some spaces may be leased to nearby off-site land uses. It is my recommendation that parking conditions be monitored 6 months after occupancy to assess parking conditions and if safety or access/egress problems are identified, the Applicant would be responsible for developing a Parking Management Plan for review and approval by the Planning Authority.

Staff has suggested condition of approval requiring post-construction monitoring.

Four exterior bicycle parking spaces are shown in the sidewalk in front of the building. An interior bike room with room for six additional spaces is also shown on the architectural plans.

e. Transportation Demand Management

The project is not required to submit a Transportation Demand Management Plan.

2. Environmental Quality Standards

a. Preservation of Significant Natural Features

There are no known significant natural features on the site.

b. Landscaping and Landscape Preservation

The applicant has submitted a landscape plan with the final submittal (*Plan 10*). The plan includes ornamental grasses at the sidewalk, three ginkgo trees with ferns in tree wells along the street, a rain garden with a mix of red twig dogwood, witch hazel trees, perennials, and grasses; and a living fence with chocolate vines around the northern and western property lines. Jeff Tarling, the City Arborist, has reviewed the plan and writes,

The proposed building footprint takes up a large percentage of the project site leaving minimal space for landscape treatment. Proposed tree & landscape features include three Sentry (upright) Ginkgo trees with Hay Scented Fern planted in the tree sidewalk, ornamental grasses planted near the building foundation along with Red-twig Dogwood. These are durable plants and should fare well in the landscape. Review comments, conditions might include: switching the proposed Ginkgo tree type to an ornamental scale tree type that can survive under the overhead utility lines to reduce future topping. Recommendations include: Adirondack Crabapple, Honeylocust, Accolade Cherry.

A condition of approval has been suggested to address Mr. Tarling's comment regarding street tree species.

Per the site plan standards, 23 street trees are technically required. However, due to site constraints, only three have been proposed. A contribution to the tree fund for the remainder of the required street trees has been suggested as a condition of approval.

c. Water Quality/Storm Water Management/Erosion Control

The site is currently mostly impervious. The impervious area is proposed to increase by 257 SF as a product of the redevelopment plans. As noted above, the applicant has proposed to install a rain garden with a

storage and Focal Point biofiltration system as a means of controlling and treating stormwater leaving the site. This system is proposed to outlet to the combined system in Parris Street. The applicant has provided a stormwater management plan in the final submittal. Lauren Swett, the city's consulting civil engineer, has reviewed the plans and writes,

Basic Standard: Plans, notes, and details should be provided to address erosion and sediment control requirements, inspection and maintenance requirements, and good housekeeping practices in accordance with Appendix A, B, & C of MaineDEP Chapter 500.

- *In the Stormwater Management Narrative, the Applicant indicates erosion control measures are described on Sheet C-1 with details on C-4. However, no erosion control measures are specifically identified on the plan.*
- *A construction erosion and sedimentation control plan that addresses erosion and sediment control requirements, inspection and maintenance requirements, and good housekeeping practices should be included in the plan set.*

General Standard: The project will result in a de minimis increase in impervious area of approximately 300 square feet. As such, the project is not required to include any specific stormwater management features for stormwater quality control.

- *The Applicant is proposing to provide treatment using a FocalPoint system. Sizing calculations should be provided for this system and sediment loading calculations should be provided for the sediment forebays.*
- *The Focal Point and R-Tank stormwater system detail includes some elevations (R-Tank top and bottom), but it appears that these are not consistent with on-site grades.*
- *The peak elevation of the 24-hr 1-inch storm is 21.51 feet, as indicated in the HydroCAD model. This elevation is approximately 1 foot above the surface of the FocalPoint system and 0.5 feet above the beehive grate inlet. The grading in this area is unclear, but it appears that this may be at or above the sidewalk and road grade as well. The Applicant should evaluate the stormwater overflow flow path and it's potential impact on abutters.*

Flooding Standard: The project will result in a de minimis increase in impervious area of approximately 300 square feet. As such, the project is not required to include any specific stormwater management features to control the rate or quantity of stormwater runoff from the site.

A retaining wall is proposed around a portion of the site and a geotechnical evaluation has been conducted. A note on the Grading, Drainage and Stormwater Plan (Sheet C-2) references structural and landscaping details for the proposed retaining wall, but it appears that no structural details have been submitted. Please provide structural details for the proposed retaining wall.

These comments have been suggested within the conditions of approval.

3. Public Infrastructure and Community Safety Standards

a. Consistency with Related Master Plans

The project is generally deemed consistent with related master plans.

b. *Public Safety and Fire Prevention*

Robert Thompson, of the city's Fire Prevention Bureau, has reviewed the plans. He has indicated that he is satisfied with the site plan from a Fire Prevention perspective (*Attachment 4*).

c. *Availability and Capacity of Public Utilities*

The applicant has proposed all utilities from Parris Street, including underground electric from a pole on the west side of Parris Street just north of the site, fire and domestic water, and gas. As noted above, evidence of sewer capacity has been suggested as a condition of approval.

In her review of the utility plan, Ms. Swett notes,

Note that the City of Portland does not allow 9.5 mm HMA as surface pavement within the ROW. The Typical Trench Paving Detail should be updated to provide 12.5 mm HMA surface pavement for any paving in the ROW.

This has also been suggested within the conditions of approval.

4. *Site Design Standards*

a. *Massing, Ventilation, and Wind Impact*

The bulk, location, or height of the proposed buildings are not likely to result in health or safety problems from a reduction in ventilation to abutting structures.

b. *Shadows*

The project is not anticipated to result in shadows on publicly accessible open space.

c. *Snow and Ice Loading*

The project is not anticipated to result in snow or ice accumulation on public ways or adjacent properties.

d. *View Corridors*

The project does not abut a protected view corridor.

e. *Historic Resources*

The site does not lie adjacent to or within 100 feet of a historic landmark, district, or landscape.

f. *Exterior Lighting*

In the final submittal, the applicant has provided a photometric plan that shows under canopy and wall pack exterior light fixtures at the building's rear. This plan conforms with the *Technical Manual* standards for exterior lighting.

Parris Street is identified as part of the West Bayside lighting district in the city's *Technical Manual*, which specifies the Bayside small scale light fixture. The final plans, however, show the retention of one cobrahead street light near the center of the site frontage and no decorative fixtures. Though revisions to the street lighting specifications in the *Technical Manual* are currently being considered, Planning staff who are involved the revisions have indicated that the geography of the West Bayside lighting district will likely stay the same. However, there may be provisions for streets with existing LED cobraheads. Given the uncertainty of the future standard for Parris Street, final street lighting design has been suggested as a condition of approval.

g. *Noise and Vibration*

In the final submittal, the applicant has identified the location of mechanicals at the center of the roof.

h. Signage and Wayfinding

No new signage or wayfinding is proposed.

i. Zoning-Related Design Standards

The final elevations continue to show a contemporary four-story building, located at the street with a clear building entry and use of balconies and windows to provide visual interest and relief. The final architectural drawings show fiber cement clapboard with a vertical cedar siding at the ground floor and balconies. Per the Planning Board's request, the applicant has provided a rendering (*Figure 5*) and material swatch showing how the cedar is likely to age over time.

The project is subject to the B-2b and multi-family standards of the city's *Design Manual*. It should be noted that, due to the timing of the submission, Caitlin Cameron, the city's Urban Designer, has not reviewed the final drawings. In her most recent design review comments, she highlighted the following concerns,

B-2b Commercial Business Zone Design Standards

*Standard (1) c. Building Entrances – Main building entrance faces and is directly accessible from the street. **For legibility of primary entrance, staff prefer the trash room door be relocated to the side of the building to not compete with residential entrance.** To respond to the concerns about emphasis of the main entry, the design now includes a material and color change – staff support this direction. **However, how will the material transition from the vertical siding? Is more than one color really needed to achieve the effect? Could any more be done to add emphasis to this entry – canopy or similar gesture?***

*Standard (1) g. Building Materials – Primary material was revised to fiber cement clapboard with vertical cedar board. Staff support the scale, orientation, and type of materials as proposed, however, **we question whether natural cedar finish on the ground floor is contextually appropriate. Though natural cedar has been approved for accent materials like fences and railings, as a prominent siding material, it is more rural in character. Planning Board also asked to better understand how that material will age/patina.***

(i) Two-Family, . . . Multiple-Family . . . :

Standard (1) . Exterior Design – Context currently does not include multi-family buildings of this scale. The project successfully incorporates industrial and residential references. This context is appropriate for more contemporary design and more flexibility of forms, scale, and patterns. The project includes interesting forms and massing as well as articulation elements such as balconies to provide a visually interesting, contemporary design. Staff observe that though building type, scale, and placement vary throughout the neighborhood, there is a consistent use of material, trim, roof overhangs, and other articulation elements to add texture, fine-grain



Figures 5 & 6: Rendering from the northeast; east elevation



Figure 7: Material swatches

scale, and visual interest to the buildings, even if in a vernacular way. This design was revised to use clapboard with a varying reveal on the upper floors, cedar balconies, and vertical board with natural cedar. Staff finds these changes to be responsive to review comment and gives some articulation and texture to the building in a way that is contextual. **There remains some question as to whether natural cedar is a contextually appropriate siding material, especially on the ground floor.**

The applicant’s final plans attempt to address these comments, and the applicant has submitted a design response narrative in an effort to explain the design choices expressed in the final drawings (*Attachment M*). In this narrative, the applicant notes that they have

attempted to de-emphasize the trash room door by coordinating its color with the surrounding siding; emphasize the entrance with lighting, decorative signage, and color panels; provide an accurate depiction of the cedar siding as it ages; and identify other projects in which cedar has been used, including 75 York Street. A final design review based on the most current elevations and rendering has been suggested as a condition of approval.

XIII. WORKFORCE HOUSING CONDITIONAL USE (Section 14-487)

The Parris Terraces project is subject to the city’s inclusionary zoning ordinance, which requires that residential developments of ten or more units be reviewed as conditional uses subject to 14-487, and that these projects provide on-site workforce housing units or make an in-lieu payment to the City’s Housing Trust Fund. As proposed, 20 of the project’s 23 one-bedroom units would be affordable at 120% of AMI. Per the inclusionary zoning ordinance, two of these will be required to include deed restrictions. Victoria Volent, the city’s Housing Program Manager, has reviewed the conditional use application and writes,

The development located at 60 Parris Street proposes the creation of 23 dwelling units of owner occupied housing consisting of twenty-three (23) one-bedroom units. As dwelling units for sale, the designated Workforce Units will be restricted to households earning up to 120% of Area Median Income (AMI). Based on the requirements outlined in Section 14-487, the development is required to provide a minimum of two (2) workforce units consisting of one (1) bedroom in each unit. The Applicant has elected to provide two (2) workforce units, on-site, consisting of two (2) one-bedroom units to satisfy the ordinance’s minimum requirements. As such, 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 60 Parris Street property’s deed with the Cumberland County Registry of Deeds before a Certificate of Occupancy may be issued.

XIV. STAFF RECOMMENDATION

Subject to the proposed motions and conditions of approval listed below, Planning Division staff recommends that the Planning Board approve the proposed Parris Terraces at 60 Parris Street.

XV. PROPOSED MOTIONS**1. Conditional Use**

On the basis of the application, plans, reports and other information submitted by the applicant; recommendations contained in the Planning Board report for the public hearing on March 27, 2018 for application 2017-287 relevant to Portland's affordable housing ordinance, conditional use standards, and other regulations; and the testimony presented at the Planning Board hearing, the Planning Board finds the proposed conditional use for workforce housing [**does/does not**] meet the standards of Section 14-484 with the following conditions:

1. The Applicant and the city shall enter into an Affordable Housing Agreement (AHA) which outlines the details of the affordability restrictions placed on the workforce units prior to the issuance of a building permit; and
2. The applicant shall file the Affordable Housing Agreement as covenant to the property's deed with the Cumberland County Registry of Deeds prior to the issuance of a Certificate of Occupancy.

3. 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 the public hearing on March 27, 2018 for application 2017-287 relevant to Portland's technical and design standards and other regulations; and the testimony presented at the Planning Board hearing:

1. The Planning Board [**finds/does not find**], based upon the consulting transportation engineer's review (*Attachment 1*), that extraordinary conditions exist or undue hardship may result from strict compliance with the *Technical Manual* standard (*Section 1.7.2.7*) which requires that along arterial, collector and local streets, minimum acceptable spacing between double or multiple driveways for driveways on adjacent lots or on the same parcel shall meet the criteria of 100 feet for 25 mph. The Planning Board [**waives/does not waive**] the *Technical Manual* standard (*Section 1.7.2.7*) to allow a separation of approximately 40 feet between the new driveway and the existing driveway on the southerly side of the parcel; and
2. The Planning Board [**finds/does not find**], based upon the consulting transportation engineer's review (*Attachment 1*), that extraordinary conditions exist or undue hardship may result from strict compliance with the *Technical Manual* standard (*Section 1.7.2.3*) which establishes a minimum driveway width of 20 feet for sites with two-way access, that substantial justice and the public interest are secured with the variation in this standard, and that the variation is consistent with the intent of the ordinance. The Planning Board [**waives/does not waive**] the *Technical Manual* standard (*Section 1.7.2.3*) to allow a 15.2 foot driveway on the site; and
3. The Planning Board [**finds/does not find**], based upon the consulting transportation engineer's review (*Attachment 1*), that extraordinary conditions exist or undue hardship may result from strict compliance with the *Technical Manual* standard (*Section 1.14 and Figures I-27 to I-29*) limiting compact spaces to 20% of total parking supply, that substantial justice and the public interest are secured with the variation in this standard, and that the variation is consistent with

the intent of the ordinance. The planning board [**waives/does not waive**] the Technical Manual standard (*Section 1.14 and Figures 1-27 to 1-29*) to allow 100% compact spaces.

4. *Subdivision*

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 the public hearing on March 27, 2018 for application 2017-287 relevant to the subdivision regulations; and the testimony presented at the Planning Board hearing, the Planning Board finds that the plan [**is/is not**] in conformance with the subdivision standards of the land use code, subject to the following conditions of approval, which must be met prior to the signing of the plat:

1. The applicant shall finalize the subdivision plat for review and approval by Corporation Counsel, the Department of Public Services, and the Planning Authority; and
2. Prior to Certificate of Occupancy, the applicant shall provide condominium association documents for review by Corporation Counsel and the Planning Authority.

5. *Development Review*

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 the public hearing on March 27, 2018 for application 2017-287 relevant to the site plan regulations; and the testimony presented at the Planning Board hearing, the Planning Board finds that the plan [**is/is not**] in conformance with the site plan standards of the land use code, subject to the following conditions of approval that must be met prior to the issuance of a building permit, unless otherwise stated:

1. The applicant shall provide a final construction management plan for review and approval by the Department of Public Works; and
2. Within 6 months of certificate of occupancy, the applicant shall provide a parking assessment that documents any safety or access/egress issues on the site for review and approval by the Planning Authority and the Department of Public Works. If such issues are identified, the applicant shall develop a Parking Management Plan for review and approval by the Planning Authority and the Department of Works;
3. The applicant shall revise the street tree species as shown in the landscape plan for review and approval by the City Arborist;
4. The applicant shall revise the stormwater submittal to:
 - a. Provide final plans, notes, and details that address erosion and sediment control requirements, inspection and maintenance requirements, and good housekeeping practices in accordance with the final review provided by the city's consulting civil engineer (*Attachment 3*), and
 - b. Include details for the Focal Point and R-Tank system to address the comments in accordance with the final review provided by the city's consulting civil engineer (*Attachment 3*) for review and approval by the Department of Public Works; and
5. The applicant shall revise the site plan set to:
 - a. Eliminate 'bituminous sidewalk' labels in existing conditions layers;
 - b. Provide structural details for the proposed retaining wall; and

- c. Revise the trench paving detail to show 12.5 mm HMA surface pavement for any paving in the right-of-way for review and approval by the Department of Public Works; and
- 6. The applicant shall provide evidence of sewer capacity for review and approval by the Planning Authority; and
- 7. Prior to installation of any street lights, the applicant shall provide lighting plan which includes street lights in conformance with the city’s *Technical Manual* for review and approval by the Planning Authority; and
- 8. The applicant shall make a contribution for 20 street trees to the city’s Tree Fund for review and approval by the Planning Authority; and
- 9. The applicant shall provide final elevations, renderings, and details as required per the B-2b and Multi-Family design reviews for review and approval by the Planning Authority.

XV. ATTACHMENTS

PLANNING BOARD REPORT ATTACHMENTS

- 1. Traffic Engineer review (memo from Thomas Errico, 3/23/18)
- 2. City Arborist review (memo from Jeff Tarling, 3/22/18)
- 3. Civil Engineer review (memo from Lauren Swett, 3/23/18)
- 4. Fire Prevention Bureau review (memo from Mike Thompson, 3/14/18)
- 5. Urban Designer review (memo from Caitlin Cameron, 3/16/18)
- 6. Housing Program Manager review (memo from Victoria Volent, 3/21/18)

APPLICANT’S SUBMITTALS

- A. Level III Site Plan Application
- B. Project Summary
- C. Neighborhood Meeting Minutes
- D. Evidence of Right, Title, and Interest
- E. Financial Capacity Letter
- F. Wastewater Capacity Application
- G. Water Capacity Letter
- H. Geotechnical Report
- I. Phase II ESA Report
- J. Site Lighting
- K. Parking Memo
- L. Stormwater Management Narrative
- M. Design Review Memo
- N. Sheet Pile Retaining Wall Profile
- O. Solid Waste Removal Plan
- P. Snow Removal Plan
- Q. Construction Management Plan

PLANS

- Plan 1 Cover Sheet
- Plan 2 Boundary Survey
- Plan 3 Subdivision Plat
- Plan 4 C-1 Site Plan

- Plan 5 C-2 Grading, Stormwater, & Drainage Plan
- Plan 6 C-3 Utility Plan
- Plan 7 C-4 Civil Details
- Plan 8 C-5 Civil Details
- Plan 9 E-1 Site Lighting Layout
- Plan 10 L-1 Landscape Plan
- Plan 11 L-2 Landscape Details
- Plan 12 A-o.1 Code Summary
- Plan 13 A-1.0 Basement Plan
- Plan 14 A-1.1 Ground Floor Plan
- Plan 15 A-1.2 Second Floor Plan
- Plan 16 A-1.3 Third Floor Plan
- Plan 17 A-1.4 Fourth Floor Plan
- Plan 18 A-1.5 Roof Plan
- Plan 19 A-2.1 East Elevation
- Plan 20 A-2.2 North & South Elevations
- Plan 21 A-2.3 West Elevation
- Plan 22 A-9.0 Perspective Rendering