

CITY OF PORTLAND, MAINE

PLANNING BOARD

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April 27, 2016

John Anton
Schlotterbeck Block, LLC
77 Spruce Street
Portland, ME 04101

Michael King
Mitchell and Associates
70 Center Street
Portland, ME 04101

Project Name:	The Schlotterbeck Block	Project ID:	2016-078
Address:	117 Preble Street	CBL:	033 E001 001 and 033 E005 005
Applicant:	Schlotterbeck Block, LLC		
Planner:	Shukria Wiar		

Dear Mr. Anton:

On April 26, 2016, the Planning Board considered an amended application for site plan and subdivision review for their property at 117 Preble Street. The purpose of amendment is to create an additional residential unit for a total of 56 residential units, as well as modify the site plan to meet the conditions of approval for the original application. The Planning Board reviewed the proposal for conformance with the standards of the Subdivision Ordinance and Site Plan Ordinance. The Planning Board voted unanimously 6-0 (Stanley recused) to approve the application with the following conditions as presented below.

SITE PLAN REVIEW

The Planning Board voted unanimously 6-0 (Stanley recused) that the plan, when taken together with the original plan and the conditions of approval, is in conformance with the site plan standards of the Land Use Code, subject to the following condition of approval:

1. The proposed new six-inch sanitary sewer connection to the sewer main in Elm Street shall be made with an INSERTA TEE connection (not a saddle Y attached with stainless steel bands). This detail shall be shown on the final plan.

SUBDIVISION REVIEW

The Planning Board voted unanimously 6-0 (Stanley recused) that the plan, when taken together with the original plan and the conditions of approval, is in conformance with the subdivision standards of the Land Use Code, subject to the following condition of approval:

1. The existing pedestrian easement for the ramp at the intersection of Kennebec and Preble Streets shall be reviewed by Corporation Counsel and approved by the City Council, prior to the certificate of occupancy.

The approval is based on the submitted plans and the findings related to site plan and subdivision review standards as contained in Planning Report for application 2016-078 which is attached.

STANDARD CONDITIONS OF APPROVAL

Please note the following standard conditions of approval and requirements for all approved site plans:

1. **Subdivision Recording Plat** A revised recording plat listing all conditions of subdivision approval must be submitted for review and signature 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. **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 the Planning Authority pursuant to the terms of Chapter 14, Land Use, of the Portland City Code.
3. **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 Inspection Division.
4. **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.
5. **Subdivision Plan Expiration** The subdivision approval is valid for up to three years from the date of Planning Board approval.
6. **Department of Public Services Permits** If work will occur within the public right-of-way such as utilities, curb, sidewalk and driveway construction, a street opening permit(s) is required for your site. Please contact Carol Merritt at 874-8300, ext. 8828. (Only excavators licensed by the City of Portland are eligible.)
7. **As-Built Final Plans** Final sets of as-built plans shall be submitted digitally to the Planning Division, on a CD or DVD, in AutoCAD format (*.dwg), release AutoCAD 2005 or greater.
8. **Mylar Copies** Mylar copies of the as-built drawings for the public streets and other public infrastructure in the subdivision must be submitted to the Public Services Dept. prior to the issuance of a certificate of occupancy.

The Development Review Coordinator must be notified five (5) working days prior to date required for final site inspection. The Development Review Coordinator can be reached at the Planning Division 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 you have any questions, please contact Shukria Wiar at 756-8083 or via shukriaw@portlandmaine.gov

Sincerely,



Elizabeth Boepple, Chair
Portland Planning Board

Attachments:

1. Planning Board Report
2. Approval Letter from Original Project 2015-174

Electronic Distribution:

cc:

Jeff Levine, AICP, Director of Planning and Urban Development
Stuart G. O'Brien, City Planning Director
Barbara Barhydt, Development Review Services Manager
Shukria Wiar, Planner
Philip DiPierro, Development Review Coordinator, Planning
Ann Machado, Zoning Administrator, Inspections Division
Tammy Munson, Inspections Division Director
Jonathan Rioux, Inspections Division Deputy Director
Jeanie Bourke, Plan Reviewer/CEO, Inspections Division
Brad Saucier, Administration, Inspections Division
Katherine Earley, Engineering Services Manager, Public Services
Bill Clark, Project Engineer, Public Services
David Margolis-Pineo, Deputy City Engineer, Public Services
Doug Roncarati, Stormwater Coordinator, Public Services

Greg Vining, Associate Engineer, Public Services
Michelle Sweeney, Associate Engineer
John Low, Associate Engineer, Public Services
Rhonda Zazzara, Field Inspection Coordinator, Public Services
Mike Farmer, Project Engineer, Public Services
Jane Ward, Administration, Public Services
Jeff Tarling, City Arborist, Public Services
Jeremiah Bartlett, Public Services
Keith Gautreau, Fire Department
Jennifer Thompson, Corporation Counsel
Thomas Errico, P.E., TY Lin Associates
David Senus, P.E., Woodard and Curran
Rick Blackburn, Assessor's Department
Approval Letter File



PLANNING BOARD REPORT PORTLAND, MAINE

Subdivision and Site Plan Amendments
117 Preble Street
Level III Amendment to Subdivision and Site Plan
Project ID #2016-078
The Schlotterbeck Building, Applicant

Submitted to: Portland Planning Board Public Hearing Date: April 26, 2016	Prepared by: Shukria Wiar, Planner Date: April 21, 2016
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I. INTRODUCTION

The Schlotterbeck Building has submitted a Level III Amendment application for site plan and subdivision review for their property at 117 Preble Street (refer to Applicant’s submission). The property is bounded by Elm, Kennebec, and Preble Street. The purpose of this amendment is to create an additional residential unit, as well as modify the site plan to meet the conditions of approval for the original application.

The Planning Board held a public hearing on December 15, 2015 and approved the project with conditions of approval, please see approval letter ([Attachment 1](#)). The original proposal converted the existing Schlotterbeck and Foss building into a fifty-five (55) unit market-rate apartment building with approximately 1,750 square feet of office space. The building is five and a half stories above ground with six floors of living area. As part of the original application, the project proposed forty-five (45) parking spaces as part of this development. The applicant is seeking to amend the application by increasing the units from fifty-five (55) to fifty-six (56) residential units.

The original subdivision approval with all the associated waivers and conditions still apply. The Planning Board will review the proposed amended plan against the Subdivision and Site Plan Ordinance of Land Use Code.

Applicant Name	John Anton of Schlotterbeck Block, LLC
Consultants	
Agent Representative	Michael King of Mitchell & Associates
Engineer	Steve Bradstreet of Random Consulting, Inc.
Surveyor	Owen Haskell, Inc.
Architect	Rick Goduti of Goduti Thomas Architects

Project Review

<i>Review</i>	<i>Applicable Standards</i>
Site Plan	14-526
Subdivision	14-491

II. PROJECT DATA

Existing Zoning	B-7
Tax Map	CBL: 33 E001001 and 33 E005001
Existing Use	Industrial
Proposed Use	Residential (Rental Units)
Parcel Size	40,720 SF
Number of Units to be Demolished	None
Bedroom Mix	16 efficiencies 40 one-bedroom

Number of Affordable Units	The proposed units will be market rate.
Residential Data	56 units
Building Footprint	6,800 SF
Building Floor Area	37,345 SF
Impervious Surface Area	27,300 SF
Parking Spaces	45 spaces of which 17 are compact spaces
Bicycle Parking Spaces	24 spaces
Estimated Cost of Project	\$ 5,000,000

III. EXISTING CONDITIONS

The Schlotterbeck & Foss building was designed by John Calvin Stevens and built in 1925. It was the home of the Schlotterbeck & Foss Company until 2015 for the manufacturing of Schlotterbeck and Foss condiment products. The site includes two lots (Tax Map 33, Block E, Lots 1 and 5) totaling 40,702 square feet. The site contains the 6,800 sq. ft. existing building, a gravel parking lot of about twenty (20) parking spaces and a paved parking lot that accommodates about thirty (30) spaces. The site is surrounded by Preble, Elm and Kennebec Streets. Currently the main entrance to the building is from Preble Street.

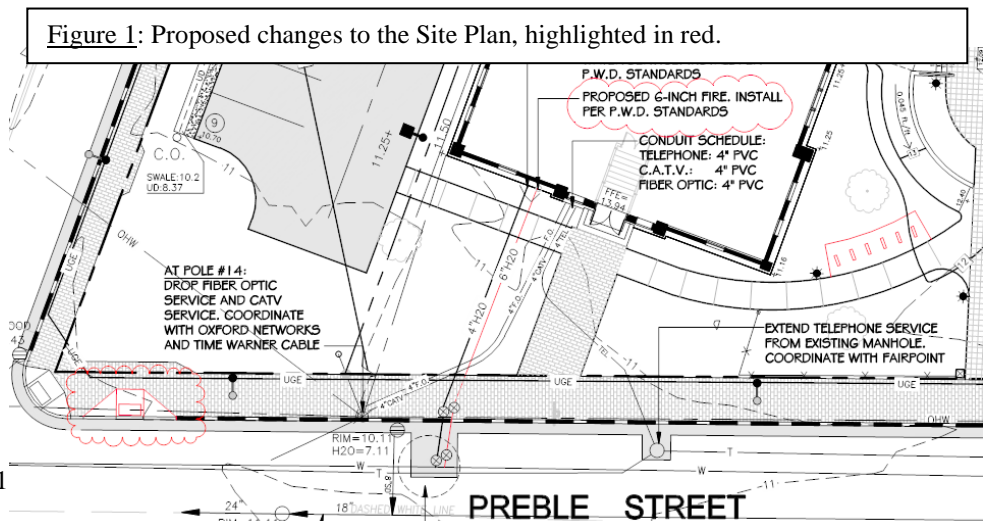
IV. PROPOSED DEVELOPMENT

As part of the amendment, the applicant now wants to create an additional studio apartment unit and will increase the units from fifty-five (55) units to fifty-six (56).

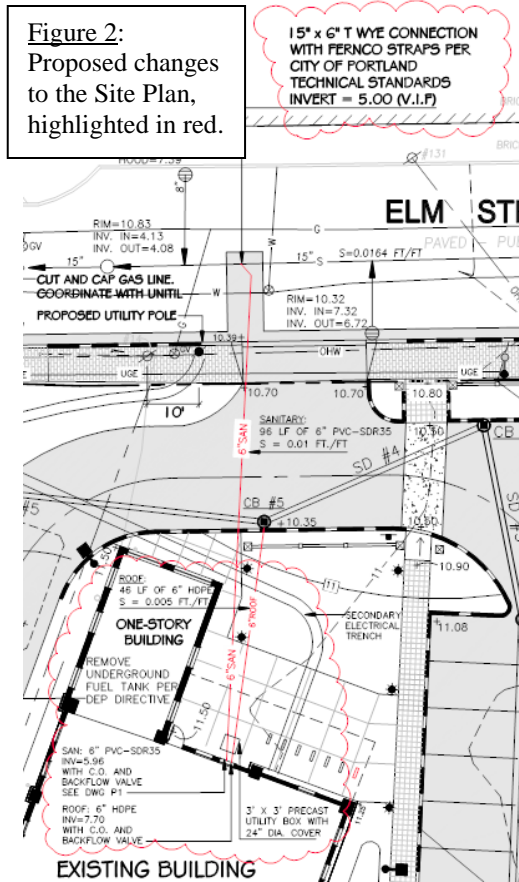
The applicant is also proposing to make changes to the site plan as well. The changes consist of the following:

1. **Additional Bicycle Racks:** The additional unit eliminates the bicycle storage room in the basement. As a result, fourteen (14) bicycle parking spaces need to be located on the site. The attached revised L2.0 show an additional bicycle hitch under the canopy and six (6) exterior bicycle racks on a concrete pad located near the building entrance. With these revisions, thirteen (13) bicycle loops are provided and 26 bicycle parking spaces will be provided.
2. **6-inch Fire Water Line:** Attached revised L3.0 adds a new six-inch fire suppression water line from Preble Street to the building's fire suppression system. The applicant had planned to continue using the existing 6-inch fire suppression line, but the existing 6-inch line is in poor condition.
3. **Roof Drain Connection:** Attached revised L3.0 shows a new 6" HDPE roof drain connecting to catch basin #5. The existing roof drain pipe is in poor condition and needs to be replaced.
4. **Sanitary Sewer Line:** Excavation exploration revealed the existing 6-inch cast iron sanitary sewer line is in poor condition. The applicant proposes to replace the existing sewer line with a new PVC sewer in approximately the same location and wye connect the 15-inch combined sewer on Elm Street.

5. **Additional Sidewalk Ramp and Pedestrian Easement:** The City's staff has requested an additional sidewalk ramp at the intersection of Preble and Kennebec Streets, as part of the December 2015 conditions of approval. The new ramp will require pedestrian easement on the



applicant's lot. The attached Amended Subdivision Plan and sheet L2.0 show the new sidewalk ramp and the pedestrian easement.



V. PUBLIC COMMENT

Upon receipt of the subject site plan application, staff noticed property owners within 500 feet of the site and placed a legal ad in the *Portland Press Herald* newspaper in accordance with requirements. Seventy-seven (77) notices were sent to area residents. A notice also appeared in the April 18th, 2015 and April 19th, 2016 editions of the *Portland Press Herald*.

The applicant is not required to hold a neighborhood meeting since the amendment is for an amendment to an approved subdivision. As of the date of writing this report, staff has not received any written public communication pertaining to this application.

VI. RIGHT, TITLE AND INTEREST AND FINANCIAL/TECHNICAL CAPACITY

The owner of the property is JB Brown. The applicant has provided a copy of a quitclaim deed, recorded at the Cumberland County Registry of Deeds (Book 26354 Page 314), and purchase and sale agreement, which demonstrates their right, title and interest in the property.

The estimated cost of the development is \$5,000,000.

VII. ZONING ASSESSMENT

The original plans had reviewed for the minimum requirements in the Urban Commercial Business (B7) zone and the project met the

zoning requirements. The purposed amendments also meet the zoning requirements. The additional unit is housed on the lower ground level of the building.

VIII. DEVELOPMENT REVIEW

A. SUBDIVISION PLAN AND RECORDING PLAT REQUIREMENTS (Section 14-496)

The applicant has submitted a recording plat. The final plat has been revised to reflect the new unit, the revised sidewalk easement, and any waivers and conditions of approval that relate to the subdivision plan.

B. SUBDIVISION (Section 14-497)

As an amendment to an approved subdivision, the subject application is subject to conformance with the applicable standards of the subdivision ordinance.

Section 14-496 (c) states:

Alterations to an approved plot. The planning authority may approve alterations to an approved recording plat when all of the following conditions are met; otherwise, a new subdivision plat must be submitted to the Planning Board:

- 1. The rearrangement of lot lines does not increase the number of lots within a block or other subdivision unit or area;*
- 2. The alteration will not affect any street, alley, utility easement or drainage easement;*
- 3. The alteration meets all of the minimum requirements of this article, article III of this chapter on zoning and other applicable state and local codes;*
- 4. The alteration is approved by the public works authority and the fire department.*

Such approved alterations shall be properly recorded in the registry within thirty (30) days thereof or they shall be null and void. Recording of approved alterations also shall be in accordance with the requirements of 30-A M.R.S.A. Section 4406.

Based on the application submitted, the project does not meet all of the above standards and therefore this application is before the Planning Board for review. The thirty (30) day recording applies to both Planning Authority and Planning Board review of amended subdivision plans.

As state before, the December 15, 2016 Planning Board approval of this project with all relevant waivers and conditions of approval remain in effect. The proposed amended plan has been reviewed by staff for conformance with the relevant review standards of Portland's Subdivision Ordinance and applicable regulations. Staff comments are listed below.

1. Will Not Result in Undue Water and Air Pollution (Section 14-497 (a) I), and Will Not Result in Undue Soil Erosion (Section 14-497 (a) 4)

As part of the amendment application, there is no proposed increase in site improvements or disturbance, so the Staff finds the proposed project in conformance with this standard.

2. Sufficient Water Available (Section 14-497 (a) 2 and 3)

The applicant has demonstrated in the original proposal that the project had sufficient water available, which can handle the additional unit. The project is currently served by the Portland Water District.

3. Will Not Cause Unreasonable Traffic Congestion (Section 14-497 (a) 5)

Tom Errico, P.E. Ty Lin has reviewed the original proposal. The proposed project is not anticipated to cause unreasonable traffic congestion. The staff finds the proposed project is in conformance with this standard.

4. Will Provide for Adequate Sanitary Sewer and Stormwater Disposal (Section 14-497 (a) 6), and Will Not Cause an Unreasonable Burden on Municipal Solid Waste and Sewage (Section 14-497 (a) 7)

As part of the amendment application, a new roof drain connection and replacement of an existing sewer line with a new PVC sewer is being proposed. Michael Farmer, Assistant Engineer, has reviewed the upgrades for the Department of Public Services and has the following recommendation:

The proposed new 6" sanitary sewer connection to the sewer main in Elm Street is OK. However, the connection should be made with an INSERTA TEE, (not a saddle Y attached with stainless steel bands), provided that the 15-inch sewer main is structurally sound. If the City inspector finds that the existing sewer main is not structurally sound, he or she may request that a new, replacement section of the existing main be installed with a factory manufactured T or Y fitting.

In the original application, the City of Portland has confirmed that the sewer system has sufficient capacity.

5. Scenic Beauty, Natural, Historic, Habitat and other Resources (Section 14-497 (a) 8)

The site is not within an historic district but the building is a historic building constructed in 1927, designed by John Calvin Stevens. The applicant is in the process of obtaining state and federal historic rehabilitation tax credits. According to the Applicant, Schlotterbeck Block LLC has received the first part of the approval for the building from the National Park Service (NPS). This approval means that the NPS has determined that the property appears to meet the National Register Criteria for Evaluation and will likely be listed in the National Register of Historic Places if nominated by the State Historic Preservation Officer. The second step is approval of the proposed renovations and the eligibility for state and federal historic rehabilitation tax credits. Ultimately, this building could be a designated historic local landmark.

6. Comprehensive Plan (Section 14-497 (a) 9)

The staff has identified the following goals and policies which are relevant to the proposed housing development and finds the proposal in conformance with the Comprehensive Plan:

Portland Housing Goal: Ensure that an adequate supply of housing is available to meet the needs, preferences, and financial capabilities of all Portland households, now and in the future.

Policies

- Ensure the construction of a diverse mix of housing types that offers a continuum of options across all income levels, which are both renter and owner-occupied, including but not limited to the following:
 - ii. Housing units for decreasing household size, such as young professionals, empty nesters, single-parent households, and senior citizens.
 - viii. Housing with a range of services and medical support for the elderly and special needs population, including assisted living, congregate care, group homes and nursing homes;
- Encourage higher density housing for both rental and home ownership opportunities, particularly located near services, such as schools, businesses, institutions, employers, and public transportation.
- Increase Portland's rental housing stock to maintain a reasonable balance between supply and demand yielding consumer choice, affordable rents, and reasonable return to landlords.
- Identify vacant land and redevelopment opportunities throughout the City to facilitate the construction of new housing.

C. SITE PLAN STANDARDS (Section 14-526)

The proposed amended plan has been reviewed by staff for conformance with the relevant review standards of Portland's site plan ordinance and applicable regulations. Staff review and comments are listed below.

1. Transportation Standards

Impact on surrounding street systems, access and circulation, public transit access, and parking were reviewed under the original application by Tom Errico, P.E. TY Lin. The amendments to the site plan for the additional unit do not affect the transportation standards. Tom Errico, Consultant Traffic Engineer, reviewed the parking demand study and states:

The applicant has provided an updated parking analysis with the one additional residential unit. I find the conclusions to be reasonable given the likelihood that the tenant may not have a vehicle based on the small size of the unit.

I find the changes to bicycle parking to be acceptable.

Sidewalks and Ramps

As part of the original approval, there was a condition in regard to the design of the handicapped ramp at the Kennebec Street intersection with Preble Street are needed. The ramp needs to be fully ADA complaint and upgrades of the ramp. The condition of approval is stated below:

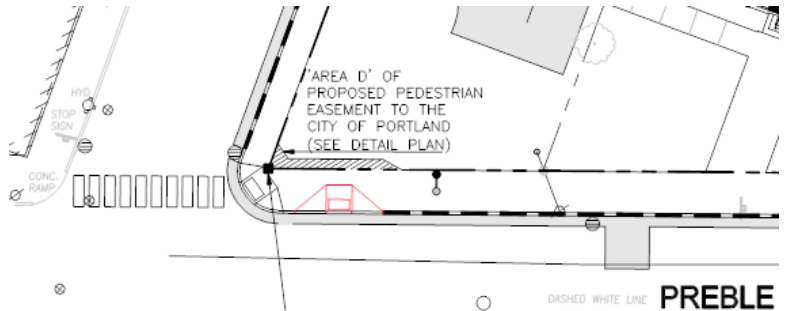
The details for the design engineering of the ramps shall be further reviewed by City staff and any possible adjustment shall be coordinated with Department of Public Works and the Planning Division. The applicant shall also provide a detail for Sidewalk Ramp Detectable Warning Panels in accordance with Figure I-7 of the City of Portland Technical Manual.

The applicant and staff has worked together to obtain a design that meets standards. As part of this amendment application, a revised design has been submitted for this ramp. Mr. Errico has reviewed proposal and states:

The applicant has provided a detail for the sidewalk ramps at the corner of Preble Street and Kennebec Street. The general configuration is acceptable. Some adjustments are suggested for consideration including 7-foot tip-down curbs at the Preble Street ramps. The City generally prefers a minimum 4-foot separation between ramps. I need to coordinate with DPW on this detail. The plan seems to indicate a low curb reveal between ramps that doesn't meet City standards. I would suggest that a condition of approval be required that notes final ramp details to be provided for review and approval prior to construction.

Therefore the original ramp design condition of approval will be retained as part of this amendment application.

Currently there is no sidewalk on the Kennebec Street side of the site. There are sidewalks on Elm and Preble Streets but the sidewalks are not in good condition and range in materials (from concrete to brick). Portions of the public sidewalk cross onto private property. The City Council has accepted public access easements where the sidewalks cross onto private property. The easement at the corner of Preble and Kennebec Streets will need to be revised to include a wider pedestrian way.



The amendments to the site plan for the additional unit do not affect the transportation standards.

2. Environmental Quality Standards

a. *Preservation of Significant Natural Features and Landscaping and Landscape Preservation*
Jeff Tarling, City Arborist, had reviewed the landscaping plan as part of the original application. The amendments to the site plan do not affect the approved landscaping plan.

b. *Water Quality, Storm Water Management and Erosion Control*
David Senus of Woodard and Curran, Consulting Engineer, had reviewed the stormwater management plan as part of the original application. The amendments to the site plan do not affect the stormwater standards.

3. Public Infrastructure and Community Safety Standards

a. *Public Safety and Fire Prevention*
Assistant Chief Keith Gautreau has reviewed the amendment to the plans and does not have any comments. The upgraded six-inch water line for the fire suppression is acceptable.

b. *Availability and Adequate Capacity of Public Utilities*
Please see Paragraph VIII (B) Subdivision, above.

4. Site Design Standards

a. *Zoning Related Design Standards*
The amendment application is not proposing any changes to the building façade; therefore the design was not reviewed.

IX. STAFF RECOMMENDATION

Subject to the proposed motions and conditions of approval listed below, Planning Division staff recommends that the Planning Board approve the proposed amendments to the approved Subdivision and Site Plan.

X. PROPOSED MOTIONS

Subdivision Plat

On the basis of the subdivision plat approved on December 15, 2016 with conditions, the application for an amendment, plans, reports, and other information submitted by the applicant, findings and recommendations contained in Planning Board Report for application 2015-078 relevant to the Subdivision Ordinance and other regulations, as well as the Planning Board deliberations and the testimony presented at the Planning Board hearings, the Planning Board finds that the amended plan, when taken together with the original plan and the conditions contained therein (**is** or **is not**) in conformance with the subdivision standards and all other applicable provisions of the land use code, with the following condition:

1. The existing pedestrian easement for the ramp at the intersection of Kennebec and Preble Streets shall be reviewed by Corporation Counsel and approved by the City Council, prior to the certificate of occupancy.

Level III Site Plan

On the basis of the site plan approved December 15, 2016 with conditions, the application for an amendment, plans, reports, and other information submitted by the applicant, findings and recommendations contained in Planning Board Report for application 2016-078 relevant to the Site Plan Ordinance and other regulations, as well as the Planning Board deliberations and the testimony presented at the Planning Board hearings, the Planning Board finds that the amended plan, when taken together with the original plan and the conditions contained therein (**is** or **is not**) in conformance with the site plan standards and all other applicable provisions of the land use code, with the following condition:

1. The final details for the design of the ramps at Kennebec and Preble Streets shall be reviewed by City staff and any possible adjustment shall be coordinated with Department of Public Works and the Planning Division, prior to the construction of the ramps.
2. The proposed new six-inch sanitary sewer connection to the sewer main in Elm Street shall be made with an INSERTA TEE connection, (not a saddle Y attached with stainless steel bands). This detail shall be shown on the final plan.

ATTACHMENTS:

Staff Review Comments and Background Information

1. February 10, 2015 Approval Letter
2. Traffic Review (Tom Errico) comments dated 04.21.2016
3. DPW Engineer (Michael Farmer) comments dated 04.14.2016

Public comments (none at the time PB Report completed)

Applicant's Submittal

- A. Cover Letter
- B. Application
- C. Exhibit A Parking Memo 3-23-16
- D. Exhibit B 4-5-2016

Plans

- Plan1 1 OF 1 Subdivision REV.4-5-2016
Plan2 L2.0 Layout REV. 4-5-2016
Plan3 L3.0 Grading REV. 4-5-2016
Plan4 A1.1 Floor Plan-Revised

CITY OF PORTLAND, MAINE

PLANNING BOARD

Elizabeth Boepple, Chair
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Dave Eaton

January 4, 2016

John Anton
Schlotterbeck Block, LLC
77 Spruce Street
Portland, ME 04101

Michael King
Mitchell and Associates
70 Center Street
Portland, ME 04101

Project Name: The Schlotterbeck Block
Address: 117 Preble Street
Applicant: Schlotterbeck Block, LLC
Planner: Shukria Wiar

Project ID: 2015-174
CBL: 033 E001 001 and 033 E005 005

Dear Mr. Anton:

On December 15, 2015, the Planning Board considered the proposed redevelopment of the Schlotterbeck and Foss Building at 117 Preble Street. The structure will be converted into a fifty-five (55) unit market-rate apartment building with approximately 1,750 square feet of office space. The Planning Board reviewed the proposal for conformance with the standards of the Subdivision. The Planning Board voted unanimously (6-0) to approve the application with the following waivers and conditions as presented below.

WAIVERS

The Planning Board voted unanimously (6-0) to grant the following waivers:

1. The Planning Board found, 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*) which requires that aisle width for right-angle parking be 24 feet per *Figure I-27* that the variation is consistent with the intent of the ordinance. The planning board waives the *Technical Manual* standard (*Section 1.14*) to allow a 20 foot wide aisle in the parking area;
2. The Planning Board found, 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 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 38% compact spaces; and
3. The Planning Board found that the applicant has demonstrated that site constraints prevent the planting of all required street trees in the right-of-way. The Planning Board waives the site plan standard (*Section*

14-526 (b) (iii) requiring one street tree per unit for multi-family development and concludes that the applicant shall contribute \$7,000 for 35 street trees to Portland's tree fund.

4. The Planning Board found that the applicant has demonstrated that due to site constraints, the dumpster location needs to be within 20 feet of a public street and the dumpster is screened from public view with landscaping and fencing. The Planning Board waives the Design Manual, B-7 Mixed Use Urban District Zone, Principle C, Standard C-8, requiring the areas for outdoor storage and trash collection or compaction shall not be visible from public rights of way, or located within 20 feet of any public street, sidewalk, or open space.

SUBDIVISION REVIEW

The Planning Board voted unanimously (6-0) 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. The applicant shall provide a pedestrian access easement for the portions of sidewalk that do not lie within the right-of-way for adoption by the City Council.

SITE PLAN REVIEW

The Planning Board voted unanimously (6-0) 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 locate the bicycle racks so that they are visible from the street or provide directional signage to the location of the racks.
2. A barrier or visual indicator (i.e. – curb stop or post) at the edge of pavement or reinforcing layer on the filter shall be included to avoid vehicle tires from sinking into the swale/filter if cars are driven beyond the edge of pavement.
3. The details for the design engineering of the ramps shall be further reviewed by City staff and any possible adjustment shall be coordinated with Department of Public Works and the Planning Division. The applicant shall also provide a detail for Sidewalk Ramp Detectable Warning Panels in accordance with Figure I-7 of the City of Portland Technical Manual.
4. The applicant shall provide supporting information and/or plans for inclusion in the City Council packet for the changes to the on-street parking regulations, prior to the issuance of a certificate of occupancy.
5. The developer/contractor/subcontractor must comply with conditions of the construction stormwater 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 Stormwater 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 with any changes to be approved by Corporation Counsel, shall be submitted, signed, and recorded prior to the

issuance of a building permit with a copy to the Department of Public Services.

6. That all HVAC systems and external mechanical equipment shall meet the maximum allowable noise requirements of the zone; each unit shall submit documentation of dBA output to confirm compliance of both the unit and the building in respect of rated noise levels and cumulative noise levels, to the satisfaction of the Zoning Administrator prior to the issuance of a Building Permit for that unit.

The approval is based on the submitted plans and the findings related to site plan and subdivision review standards as contained in Planning Report for application 2015-174 which is attached.

STANDARD CONDITIONS OF APPROVAL

Please note the following standard conditions of approval and requirements for all approved site plans:

1. **Subdivision Recording Plat** A revised recording plat listing all conditions of subdivision approval must be submitted for review and signature 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 and the plan or notice must be recorded in the Cumberland County Registry of Deeds within 90 days of the final subdivision approval).
3. **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 the Planning Authority pursuant to the terms of Chapter 14, Land Use, of the Portland City Code.
4. **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 Inspection Division.
5. **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.
6. **Subdivision Plan Expiration** The subdivision approval is valid for up to three years from the date of Planning Board approval.
7. **Performance Guarantee and Inspection Fees** A performance guarantee covering the site improvements as well as an 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 Division and Public Services Department prior to the release of a subdivision plat for recording at the Cumberland County of Deeds, and 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.
8. **Defect Guarantee** A defect guarantee, consisting of 10% of the performance guarantee, must be posted

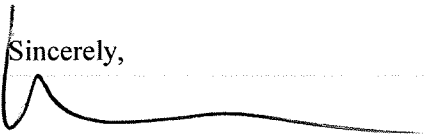
before the performance guarantee will be released.

9. **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 Service's 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.
10. **Department of Public Services Permits** If work will occur within the public right-of-way such as utilities, curb, sidewalk and driveway construction, a street opening permit(s) is required for your site. Please contact Carol Merritt at 874-8300, ext. 8828. (Only excavators licensed by the City of Portland are eligible.)
11. **As-Built Final Plans** Final sets of as-built plans shall be submitted digitally to the Planning Division, on a CD or DVD, in AutoCAD format (*.dwg), release AutoCAD 2005 or greater.
12. **Mylar Copies** Mylar copies of the as-built drawings for the public streets and other public infrastructure in the subdivision must be submitted to the Public Services Dept. prior to the issuance of a certificate of occupancy.

The Development Review Coordinator must be notified five (5) working days prior to date required for final site inspection. The Development Review Coordinator can be reached at the Planning Division 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 Shukria Wiar at 756-8083 or via shukriaw@portlandmaine.gov

Sincerely,



Elizabeth Boepple, Chair
Portland Planning Board

Attachments:

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

Electronic Distribution:

Jeff Levine, AICP, Director of Planning and Urban Development
Stuart G. O'Brien, City Planning Director
Barbara Barhydt, Development Review Services Manager
Shukria Wiar, Planner
Philip DiPierro, Development Review Coordinator, Planning
Ann Machado, Zoning Administrator, Inspections Division
Tammy Munson, Inspections Division Director

Jonathan Rioux, Inspections Division Deputy Director
Jeanie Bourke, Plan Reviewer/CEO, Inspections Division
Brad Saucier, Administration, Inspections Division
Katherine Earley, Engineering Services Manager, Public Services
Bill Clark, Project Engineer, Public Services
David Margolis-Pineo, Deputy City Engineer, Public Services
Doug Roncarati, Stormwater Coordinator, Public Services

Greg Vining, Associate Engineer, Public Services
Michelle Sweeney, Associate Engineer
John Low, Associate Engineer, Public Services
Rhonda Zazzara, Field Inspection Coordinator, Public Services
Mike Farmer, Project Engineer, Public Services
Jane Ward, Administration, Public Services
Jeff Tarling, City Arborist, Public Services

Jeremiah Bartlett, Public Services
Keith Gautreau, Fire Department
Jennifer Thompson, Corporation Counsel
Thomas Errico, P.E., TY Lin Associates
David Senus, P.E., Woodard and Curran
Rick Blackburn, Assessor's Department
Approval Letter File



PLANNING BOARD REPORT PORTLAND, MAINE

Schlotterbeck and Foss Building
117 Preble Street
Level III Subdivision and Site Plan Review
2015-174
Schlotterbeck Building, LLC, Applicant

Submitted to: Portland Planning Board:
Public Hearing Date: December 15, 2015

Prepared by: Shukria Wiar
Date: December 10, 2015

I. INTRODUCTION

John Anton of Schlotterbeck Block, LLC has submitted a Level III Site Plan and Subdivision application for the proposed redevelopment of the Schlotterbeck and Foss Building at 117 Preble Street. The structure will be converted into a fifty-five (55) unit market-rate apartment building with approximately 1,750 square feet of office space. The building is five and a half stories above ground with six floors of living area. The project is proposing forty-five (45) parking spaces as part of this development. The site is located in the B-7 zone and subject to the B-7 design standards.

The Planning Board held a workshop on this project on November 24, 2015. Overall the Board supported the project. The Board did have a few concerns with the layout of the site. They thought the project was too “suburban” in an urban location. They encouraged changes to make the site pedestrian friendly with more tenants’ amenities, specifically at the corner of Kennebec and Preble Streets. The Board also felt the amount of pavement on site could be decreased. The last issue was the landscaping and the Board felt that the planting could be improved.



The applicant has revised their site plan to meet these concerns. They have submitted a cover letter, dated December 10, 2015 that address the proposed changes. A summary of the changes are:

1. Pedestrian Accessibility:

- Connecting Preble Street and Elm Street with a 5’-wide walkway through the site. A section of the existing fence along Preble Street will be removed to accommodate the walkway.
- Concrete pavers will be used as the connecting walkway’s pavement material.
- Introduction of Granite pillars will function as pedestrian gateways to the walkway from Elm Street and Preble Street.
- Additional landscaping has been added along the walkway.
- Vertical granite curbing has been added at the Elm Street gateway.
- Curbing will provide separation between vehicular and pedestrian circulation.
- A concrete crosswalk has been added where the walkway crosses the drive aisle.

2. Scale of Parking:

- The revised site plan includes the addition of planting islands at both the center parking area and the parking lot along Kennebec Street.
 - Parking has been deleted from the front yard along Preble Street.
 - The revised site plan has 45 parking spaces of which 17 compact spaces.
3. Uplighting: This has been eliminated from the project.

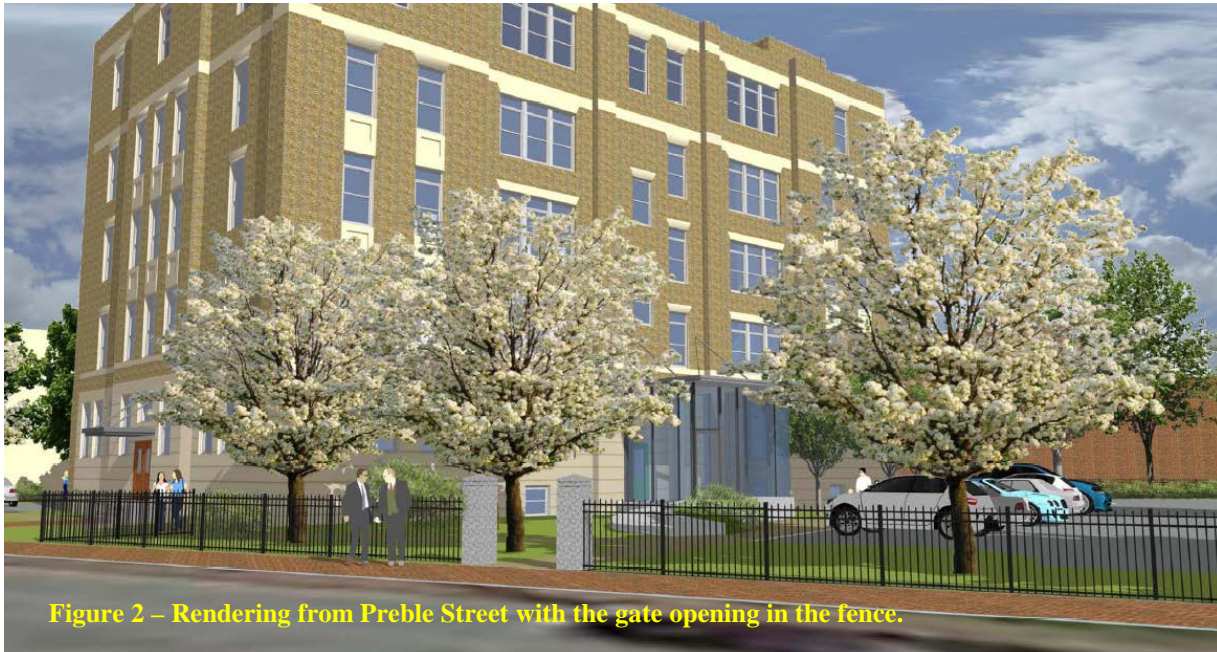


Figure 2 – Rendering from Preble Street with the gate opening in the fence.

This proposal is being reviewed as a final plan and subject to the Site Plan and Subdivision Ordinance of Land Use Code. The project will also be reviewed against the *B-7 Bayside Use Urban District zone* and the *Two-Family, Special Needs Independent Living Units, Multiple-Family, Lodging Houses, Bed and Breakfasts, and Emergency Shelters Standards* (Sections (d) and (I), and Appendix 2 of the Design Manual).

Seventy-four (74) notices were sent to area residents within 500 feet of the site and the interested party list. A notice also appeared in the December 7th and 8th editions of the *Portland Press Herald*.

Applicant Name	John Anton of Schlotterbeck Block, LLC
Consultants	
Agent Representative	Michael King of Mitchell & Associates
Engineer	Steve Bradstreet of Random Consulting, Inc.
Surveyor	Owen Haskell, Inc.
Architect	Rick Goduti of Goduti Thomas Architects

Project Review

<i>Review</i>	<i>Applicable Standards</i>
Site Plan	14-526
Subdivision	14-491

Design Manual	B-7 Bayside Use Urban District zone, and (i) Two-Family, Special Needs Independent Living Units, Multiple-Family, Lodging Houses, Bed And Breakfasts, And Emergency Shelters
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Requests for Waivers

Waiver Request	Applicable Standards
<p>Street Tree Requirement – Sec. 14-526 2.b.iii. a The street tree requirement is one tree per unit for a total of 55 trees. There are existing streets trees that the applicant will get credit for (5 trees on Preble Street). The applicant is proposing to plant 15 street trees. The remaining street trees that applicant is requesting a waiver for 35 trees of financial contribution of \$7,000 to the City’s Tree Fund. Jeff Tarling, City Arborist supports the waiver.</p>	<p>Sec. 14-526 2.b.iii (b) Waiver. Where the applicant can demonstrate that site constraints prevent the planting of required street trees in the City right of way, the Reviewing Authority may permit the planting of street trees in the front yard, within ten feet of the property line. Existing preserved healthy trees that are six (6) inches or more in caliper and are on the site within ten (10) feet of the property line may be counted towards this requirement.</p>
<p>Parking Lot and Parking Space Design (Technical Design Manual 1.14) - The applicant is requesting a waiver in order to increase the amount of compact parking spaces. The applicant proposes 17 compact (8' x 15') parking spaces, which would comprise 38% of the total parking spaces. Tom Errico, Consulting Engineer, supports the waiver.</p>	<p>Technical Design Standard Section 1.14. Parking Lot and Parking Space Design - Any parking lot with 10 or fewer spaces shall contain standard sized parking spaces. Parking lots with greater than 10 spaces may be comprised of up to 20% compact parking spaces.</p>
<p>Travel Aisle Width- The applicant is requesting to reduce the width of the parking lot travel aisles from 24 feet to 20 feet. Mr. Errico supports the waiver.</p>	<p>Technical Design Standard Section 1.14. Parking Lot and Parking Space Design- Vehicular access shall be provided by one or more aisles. Minimum widths of aisles are illustrated in Figures I-29 (for 90° parking, 24’ of aisle width is required).</p>

II. PROJECT DATA

Existing Zoning	B-7
Tax Map	CBL: 33 E001001 and 33 E005001
Existing Use	Industrial
Proposed Use	Residential (Rental Units)
Parcel Size	40,720 SF
Number of Units to be Demolished	None
Bedroom Mix	15 efficiencies 40 one-bedroom
Number of Affordable Units	The proposed units will be market rate.
Residential Data	55 units
Building Footprint	6,800 SF
Building Floor Area	37,345 SF
Impervious Surface Area	27,300 SF
Parking Spaces	45 spaces of which 17 are compact spaces
Bicycle Parking Spaces	24 spaces
Estimated Cost of Project	\$ 5,000,000

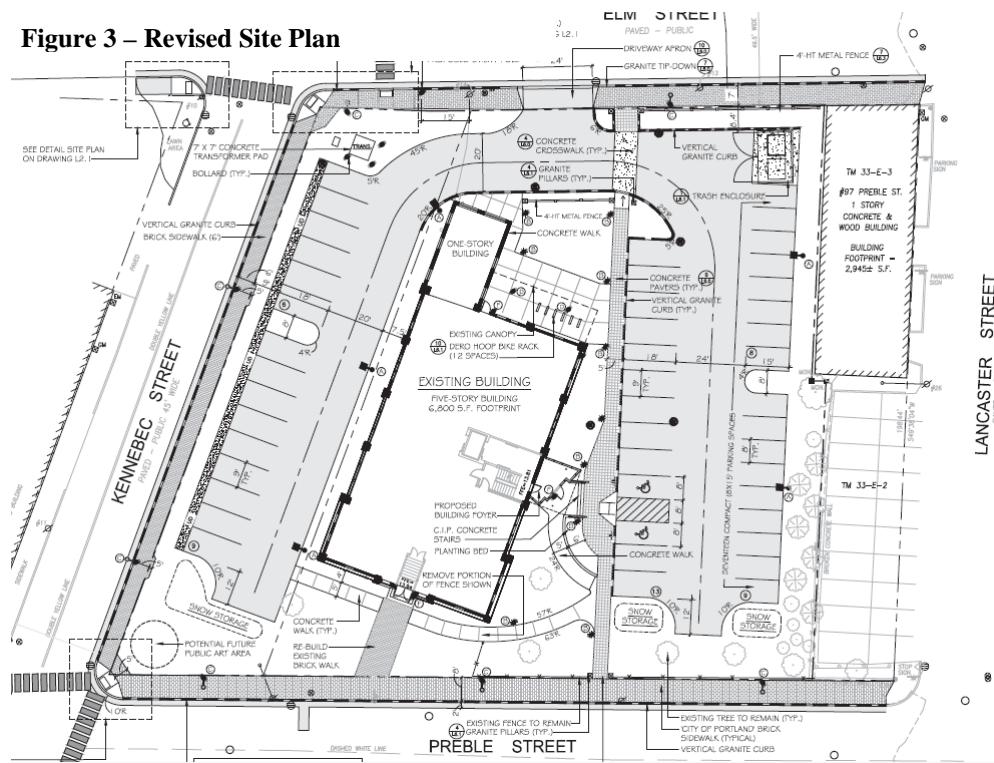
III. EXISTING CONDITIONS

The Schlotterbeck & Foss building was designed by John Calvin Stevens and built in 1925. It was the home of the Schlotterbeck & Foss Company until 2015 for the manufacturing of Schlotterbeck and Foss condiment products. The site includes two lots (Tax Map 33, Block E, Lots 1 and 5) totaling 40,702 square feet. The site contains the 6,800 sq. ft. existing building, a gravel parking lot of about twenty (20) parking spaces and a paved parking lot that accommodates about thirty (30) spaces. The site is surrounded by Preble, Elm and Kennebec Streets. Currently the main entrance to the building is from Preble Street.

IV. PROPOSED DEVELOPMENT

The proposal, including floor plans and elevations, are included in the plan set, Attachment Plans. The development project is proposed as the renovation of an industrial building with office space at the first level. The building is five and a half stories above ground with six floors of living area. The building will be fully renovated including masonry restoration, full window replacement and the installation of new systems.

Figure 3 – Revised Site Plan



The main vehicle access is proposed from Elm Street via a new 24 foot wide drive. Surface parking lots surround the existing building and are proposed along Kennebec Street and Elm Street. Originally the applicant was proposing fifty-five (55) parking spaces. Based upon a revised parking demand analysis, the number is of parking spaces is forty-five (45). Twenty-four bicycle parking spaces proposed on the site. The parking areas are visible from the public

streets. The revised parking plan has eliminated the proposed care share for tenants. Please note the U-haul car share vehicles are available on Elm Street at the Public Library. Designated areas for snow storage are located adjacent to parking spaces.

Figure 4 – Rendering of Corner of Kennebec and Preble Streets



The corner of Kennebec and Preble Streets was discussed at the Planning Board workshop. The applicant has identified the corner of this corner as potential location for public art (see Street View rendering on the left). The applicant states

that the public art at the proposed location has the potential to function serve as a gateway to Bayside.

V. PUBLIC COMMENT

The applicant held two neighborhood meetings; on October 29th and November 2nd. The first meeting was not well attended because the Bayside Transportation Master Plan meeting was held at the same time; the applicant held a second meeting and invited the Bayside Neighborhood Association on November 2nd. The certification of the meeting and minutes has submitted, see [Attachment Y](#).

No public comments have been submitted as of writing this memo.

VI. RIGHT, TITLE AND INTEREST AND FINANCIAL/TECHNICAL CAPACITY

a. The owner of the property is JB Brown. The applicant has provided a copy of a quitclaim deed, recorded at the Cumberland County Registry of Deeds (Book 26354 Page 314), and purchase and sale agreement, which demonstrates their right, title and interest in the property.

b. The estimated cost of the development is \$5,000,000. The applicant has submitted a letter from NBT Bank, dated September 22, 2015, as demonstration of their financial and technical capacity to complete the proposed development.

VII. ZONING ASSESSMENT

A. Surface Parking Lot

The applicant is proposing parking along the Kennebec and Elm Streets that is within the 35 foot parking setback requirement in the B7 zone. The City Council on November 16, 2015 approved a text amendment to the B-7 zone which stipulates that a gravel surface parking lot that does not meet the 35-foot parking setback may be permitted subject to meeting the items in the Section 14-295.a.26. The applicant and staff are working together to have the surface parking lots comply with this standard. Below is the summary of how the application is meeting the standards:

(26) Notwithstanding Sec. 14-295(a)(24) and (25) above, surface parking

that does not meet the 35- foot parking setback, provided that:

a. All or a portion of the 35 foot setback area had a gravel surface on September 29, 2015.

Staff Comments: According to the application, the gravel parking lot has existed as of March 9, 2005 and has been in continuous existence since then.

b. The total gravel surface area on the lot and any contiguous lots did not exceed 15,000 square feet on September 29, 2015.

Staff Comments: The surface parking lot proposed for this project does not exceed 15,000 sq. ft.

c. The parking spaces provide parking to a principle building on the same lot and or a principle building on a contiguous lot.

Staff Comments: The parking lot is to provide parking to a principle building existing on the same site.

d. One of the buildings described in paragraph c above meets the minimum height requirements of the Bayside Height Overlay Map and/or a building on the site has a floor area of 25,000 SF or greater.

Staff Comments: The building is an existing building that will be renovated with proposed floor area of 37,345 sq. ft.

e. The total number of spaces within 35 foot setback in combination with other spaces on the lot does not exceed the minimum parking spaces required in sec. 14-526 (a)(4)(a)(1).

Staff Comments: The applicant is proposing to have forty-five (45) parking spaces onsite. Sec. 14-526 (a)(4)(a)(1) gives the Planning Board the right to establish the parking requirement for the project.

f. The proposed parking spaces meets the landscape and buffer requirements of 14-299(F).

Staff Comments: The planting/landscaping plan shows that the parking lots are well landscaped with a landscaped island and is buffered from the street right-of-way.

g. Parking spaces within the 35 foot setback shall provide stormwater quality treatment if required by the City of Portland Stormwater Management Standards and the Maine DEP Chapter 500 Stormwater Management Standards. If not required, an alternative low impact development treatment system approved by the Planning Board shall be provided.

Staff Comments: David Senus, Consultant Engineer, has reviewed the stormwater and plans against this standards and states the following:

The spaces proposed within the 35' setback are located in an area that is currently gravel. Because the overall project will result in a net reduction of impervious area, treatment under the Maine DEP Chapter 500 Stormwater Management Standards is not required. We would consider the "Stone Infiltration Trench" as depicted in the detail on L6.2 to suffice as an acceptable low impact development treatment system, as this detail includes a loam and sand filter layer. As such we find the project to be in compliance with the General Standards and the City's B-7 zone requirements for water quality treatment.

B. Performance Standards

The B7 zone includes a specific requirement (14-332.2.c) for the submission of a parking analysis and for the Planning Board to establish the parking requirement for the project. The applicant has submitted a parking demand study (Attachment M) which states that the proposed project parking demand is at a ratio of .80 parking spaces per unit. The applicant is proposing forty-five (45) parking spaces for the residential units and the office spaces.

Under external effects, Section 14-299 Performance Standards (b), (f), (n) and (o) apply to this project. Below is how the project is meeting the standards:

Sec. 14-299. Performance standards: All uses in the B-7 mixed development district zone shall comply with the following standards. Standards 14-299(a), (f), (j), (m), (n) and (o) below shall be reviewed by the Planning Authority.

(b) **Noise:** (A List of standards is itemized)

Staff Comments: The maximum noise requirement of 60 decibels at lot boundaries shall be maintained during the "day time" hours. This information will have to be submitted for review and approval for all mechanical equipment being proposed.

(f) **Off-street parking and loading:** Off-street parking is required as provided in division 20 (off-street parking) of this article. Division 21 (off-street loading) of this article shall not apply. Surface parking shall meet the following standards:

1. None of the spaces shall occupy all or a portion of a sidewalk within a street right-of-way.

Staff Comments: The surface parking lots do not occupy any portions of the sidewalks. The lots are setback from the property lines.

2. Driveway entrances shall meet the City of Portland Technical Manual standards.

Staff Comments: The proposed entrance to the site meets City standards.

3. The parking area shall meet the landscape and buffer standards of the City of Portland Technical and Design Manuals.

Staff Comments: The planting/landscaping plan shows that the parking lots are well landscaped with a landscaped island and is buffered from the street right-of-way.

(n) *Lighting:* All lighting shall be designed and installed with cut-off fixtures to direct illumination onto the site and to prevent illumination from such fixtures on neighboring properties and as otherwise governed by the site lighting standards of the City of Portland Technical Manual.

Staff Comments: The photometric plans show no light pollution onto neighboring properties. The majority of the proposed lighting fixtures meet the cut-off standards except for the bollards. The applicant stated in the cover letter that these will be full cutoffs and has submitted a catalogue cut of the fixture. The revised detail to the bollard shows a cover that limits the light to a 90° angle. The staff is recommending approval of the fixtures as proposed.

(o) *Building entrances:* All buildings shall have a minimum of one (1) public pedestrian entrance facing the street frontage of the lot. Such building entrances shall also be reviewed under the B-7 bayside design standards.

Staff Comments: The building has two main entrances for the public. One of the entrances is on Preble Street and one is to the side of the building off of Preble Street. The entrances are highly visible from the street right-of-way.

VIII. DEVELOPMENT REVIEW

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

The applicant has submitted a recording plat. The plat will need to note the number of proposed units and associated parking on site. The final plat will need to be revised to reflect any waivers and conditions of approval that relate to the subdivision plan. Any waivers granted must be recorded at the Registry of Deeds within 90 days of a Planning Board decision. Accordingly, review and approval of the final plat has been included as a condition of approval.

It should be noted that the plat depicts sidewalk areas on private property that will be contiguous with the right-of-way. It is assumed that these will be subject to public pedestrian easements and this agreement has been included as a condition of approval.

B. SUBDIVISION (Section 14-497)

The proposed development has been reviewed by staff for conformance with the relevant review standards of Portland's Subdivision Ordinance and applicable regulations. Staff comments are listed below.

1. *Will Not Result in Undue Water and Air Pollution (Section 14-497 (a) 1), and Will Not Result in Undue Soil Erosion (Section 14-497 (a) 4)*

David Senus, P.E. with Woodard and Curran Engineering, has reviewed the erosion and sediment control plan and finds it acceptable; please see Attachment 3 for the complete analysis.

2. Sufficient Water Available (Section 14-497 (a) 2 and 3)

The project will be served by the existing utility services located in Preble Street. The applicant will be upgrading the 2-inch domestic water service to a 4-inch domestic water service as part of this project. The Applicant has received an ability to serve letter from the Portland Water District.

3. Will Not Cause Unreasonable Traffic Congestion (Section 14-497 (a) 5)

The site is surrounded by Preble, Elm and Kennebec Streets. The vehicle entrance to the site will be off of the existing curb cut on Elm Street. The applicant has submitted a Traffic Assessment for the project with the following three conclusions:

1. The proposed development is forecast to generate 4 trip ends and 9 trip ends during the weekday AM and PM peak hours respectively. This level of trip generation does not require a MaineDOT traffic movement permit. Since the proposed net trip generation is forecast to be low, and the Somerset Street Expansion project will change traffic patterns on the adjacent roadway network, capacity and queuing analysis were not necessary.
2. The sight distance exiting the site exceeds both MaineDOT and City requirements.
3. The MaineDOT crash data indicates that there are two high crash locations in the vicinity of the site; the intersection of Elm Street with Lancaster Street and the intersection of Kennebec Street with Preble Street. The Somerset Street Extension project will modify the intersection of Kennebec Street and Preble Street.

Tom Errico, Consultant Traffic Engineer, has reviewed the report and states that he concurs with the contents of the report.

4. Will Provide for Adequate Sanitary Sewer and Stormwater Disposal (Section 14-497 (a) 6), and Will Not Cause an Unreasonable Burden on Municipal Solid Waste and Sewage (Section 14-497 (a) 7)

An existing 6-inch sanitary sewer line connects the existing building to the 15-inch combined sewer in Elm Street. The applicant has received a wastewater capacity letter from David Margolis-Pineo, Deputy Engineer.

5. Scenic Beauty, Natural, Historic, Habitat and other Resources (Section 14-497 (a) 8)

The site is not within an historic district but the building is a historic building constructed in 1927, designed by John Calvin Stevens. The applicant is in the process of obtaining state and federal historic rehabilitation tax credits. According to the Applicant, Schlotterbeck Block LLC has received the first part of the approval for the building from the National Park Service (NPS). This approval means that the NPS has determined that the property appears to meet the National Register Criteria for Evaluation and will likely be listed in the National Register of Historic Places if nominated by the State Historic Preservation Officer. The second step is approval of the proposed renovations and the eligibility for state and federal historic rehabilitation tax credits. Ultimately, this building could be a designated historic local landmark.

It is in an urban neighborhood surrounded by a variety of residential building types and business. The proposed building does not impact the natural beauty of the area or adversely affect any significant wildlife habitat, rare or irreplaceable natural areas, or any public access to the shoreline. The staff finds the proposal in conformance with this standard.

6. Comprehensive Plan (Section 14-497 (a) 9)

The applicant has submitted their analysis of the projects conformance with the Comprehensive Plan (refer to Attachment K). The staff has identified the following goals and policies which are relevant to the proposed housing development and finds the proposal in conformance with the Comprehensive Plan:

Portland Housing Goal: Ensure that an adequate supply of housing is available to meet the needs, preferences, and financial capabilities of all Portland households, now and in the future.

Policies

- Ensure the construction of a diverse mix of housing types that offers a continuum of options across all income levels, which are both renter and owner-occupied, including but not limited to the following:
 - ii. Housing units for decreasing household size, such as young professionals, empty nesters, single-parent households, and senior citizens.
- Encourage higher density housing for both rental and home ownership opportunities, particularly located near services, such as schools, businesses, institutions, employers, and public transportation.
- Increase Portland's rental housing stock to maintain a reasonable balance between supply and demand yielding consumer choice, affordable rents, and reasonable return to landlords.
- Identify vacant land and redevelopment opportunities throughout the City to facilitate the construction of new housing.

Portland Housing Goal: Maintain and enhance the livability of Portland's neighborhoods as the City grows and evolves through careful land use regulations, design and public participation that respect neighborhood integrity.

Policies

- Encourage innovative new housing development, which is designed to be compatible with the scale, character, and traditional development patterns of each individual residential neighborhood.
- Encourage new housing development in proximity to neighborhood assets such as open space, schools, community services and public transportation.
- Ensure the integrity and economic value of Portland's neighborhoods.

7. Financial Capability (Section 14-497 (a) 10)

The estimated cost of the development is \$5,000,000. The applicant has submitted a letter from NBT Bank, dated September 22, 2015, as demonstration of their financial and technical capacity to complete the proposed development.

C. SITE PLAN STANDARDS (Section 14-526)

The proposed development has been reviewed by staff for conformance with the relevant review standards of Portland's site plan ordinance and applicable regulations. Staff comments are listed below.

1. *Transportation Standards*

a. Impact on Surrounding Street Systems and Access and Circulation- see Subdivision, Paragraph VIII (B) (3), above.

b. Construction Management Plan

A construction management plan has been submitted by the applicant for review. Department of Public Works has reviewed it and finds it acceptable.

c. Sidewalks and Ramps

Currently there is no sidewalk on the Kennebec Street side of the site. There are sidewalks on Elm and Preble Streets but the sidewalks are not in good condition and range in materials (from concrete to brick). The applicant is proposing to install new brick sidewalk along the frontages on all three streets. This site is in the brick district. Portions of the public sidewalk cross onto private property. The City will need to work with the applicant to obtain public access easement where the sidewalks cross onto private property, which will need to be accepted by the City Council.

The handicapped ramps need to be fully ADA complaint and upgrades of the ramps at the Kennebec Street intersections with Elm Street and Preble Street are needed. Mr. Errico has reviewed proposal and states:

I have coordinated with Bruce Hyman on the ramp design and we generally find the layout of the ramps to be acceptable. I would note that the details for design of the ramps needs further review and possible adjustment and the applicant shall coordinate with DPW and Planning on revising the engineering design of the ramps. The ramp at the Preble Street/Alder Street corner is a unique geometric condition and additional review of the ramp location is required (a separate ramp on Preble Street may be required).

d. Public Transit Access

The site is situated on the METRO Route 8, the Peninsula Loop, as well as being a short distance from Oxford Street where Routes 2, 4, and 5 operate.

e. Parking

Off-Street/ Onsite Parking

The project will have forty-five (45) parking spaces of which seventeen will be compact spaces. The parking is laid out surrounding the building along Kennebec and Elm Street. The main entrance to the site is from Elm Street. The B-7 zone includes a particular requirement (14-332.1.i) that all projects regardless of size shall abide to Section 14-332.2.c for the submission of a parking analysis and for the Planning Board to establish the parking requirement for each project.

Sec. 14-332.1. Zone specific off-street parking exceptions and modifications. The off-street parking requirements established for uses, established above in section 14-332 of this

division, are hereby modified for the following zones according to the provisions described below.

(i) B-7, Mixed Development District Zone: Off-street parking for all projects regardless of size, shall be governed by 14-332.2(c) of this article.

Sec. 14-332.2. Categorical exceptions and modifications to offstreet parking requirements. Regardless of which zone a project of use is located, the following exceptions to the off-street parking requirements listed above in section 14-332 are additionally hereby established.

(c) Site plans over 50,000 square feet and projects in the B-6, B-7, and USM Overlay Zones: Where construction is proposed of new structures having a total floor area in excess of fifty thousand (50,000) square feet, the planning board shall establish the parking requirement for such structures. The parking requirement shall be determined based upon a parking analysis submitted by the applicant and upon the recommendation of the city transportation engineer.

Section 14-332.1 (k) – For residential development on the peninsula the parking requirement is one space per dwelling unit. This same section also states that:

The planning board may establish a parking requirement that is less than the normally required number of spaces upon a finding of unique conditions that result in a lesser parking demand, such as housing for persons who cannot drive, housing that participates in a travel demand management program, availability of transit, or housing which includes permanent restrictions on automobile usage, and which is permanently restricted from utilizing resident on-street parking stickers.

The applicant has submitted a parking demand study and states the project will require approximately 45 parking spaces, 40 for the residential units and 5 for the offices, or a ratio of 0.73. The applicant is requesting that the Board make a finding that the reduced number of spaces for the site is acceptable. With the proposed reduction of the parking requirement, the site plan has been revised to have parking stalls that meet dimensional standards and the number of the compact spaces has been reduced. The site plan now also shows two landscaped islands in the parking areas.

Following is the breakdown of the parking that is required by zoning versus the reduced ratio that the applicant is requesting:

	1:1 Ratio	.73 :1 Ratio (As requested by Applicant)
Parking spaces as required per zoning	Office Space - 5	Office Space - 5
	Residential Units - 55	Residential Units - 40
Total of Spaces Required	60	45

Mr. Errico has reviewed the parking demand analysis and concludes the following:

The applicant has provided a parking demand analysis that concludes that the project will be providing 5 parking spaces for the office use and 40 parking spaces for 55 apartment units or a 0.73 parking ratio per unit. Given project characteristics, site location, and use of the office parking spaces during non-business hours (shared parking), I find the parking supply to be acceptable.

On-Street Parking

As part of the development, the on-street parking schedule will change. On-street parking regulations will need to be reviewed and changes will require City Council approval. The applicant will need to provide supporting information and/or plans for inclusion in the City Council packet for the changes to the on-street parking regulations.

Compact Parking Spaces

Originally the application was calling for thirty-eight (38) compact spaces on the site, or at 76% of the total number of spaces. Mr. Errico expressed concerns about this high ratio of compact spaces. With the revised parking demand analysis, the applicant proposes seventeen (17) of the parking spaces to be compact spaces (8' x 15'), which is 38% of the total. The site plan has been revised so the row of parking along Kennebec Street has been converted to standard parking spaces (9' x 18') with an aisle width of 20 feet (standard requirement is 24 feet). The Technical Manual Section 1.14 state "Any parking lot with 10 or fewer spaces shall contain standard sized parking spaces. Parking lots with greater than 10 spaces may be comprised of up to 20% compact parking spaces". The applicant states in their cover letter, "All the proposed residential rental units are either efficiency units or one-bedroom units. Renters of such units generally utilize smaller cars. We believe the proposed high percentage of compact parking spaces will be compatible with the user's of the building".

The applicant has requested waivers for aisle width and compact spaces. Mr. Errico has reviewed the revised site plan and he supports the waivers, [Attachment 1](#).

f. Bicycle Parking

The proposals include 24 bicycle parking spaces on the site, which meets the ordinance standard of 2 bicycle spaces per 5 vehicle spaces. The TDM coordinator will monitor the bicycle rack use to identify if additional bike racks are warranted.

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

There are existing street trees that the applicant will be saving along Preble and Kennebec Streets (six on Preble Street and six on Kennebec Street). As part of the landscaping plan, the applicant is proposing to add more street trees on the site. Landscaping is being proposed along the edges of the parking lots. The zoning standards and B-7 zone design standards specifically states that surface parking lots will need to be screened from public streets, which the project is meeting.

Street Trees Requirement

As part of the project, there will be 55 units being proposed. Based on this number, the applicant is required to have 55 street trees. Since there are five existing streets on site that will be kept as part of the landscaping plan, the applicant can get a credit for the amount. The applicant will be installing fifteen (15) street trees along all three streets. Therefore the applicant is seeking the waiver and will contribute to the City's Tree Fund for the thirty-five (35) trees.

c. Water Quality, Storm Water Management and Erosion Control

The site is about 75% impervious. Currently the existing gravel parking lot sheet flows to both Kennebec Street and Elm Street. The stormwater is captured using existing catch basins and channeled into the existing 15-inch combined sewer on Elm Street. The stormwater from the existing roof is channeled to the Elm Street combined sewer as well. The proposed site improvements will remove 2,770 sq. ft. of impervious area.

The eastern parking lot will utilize catch basins and storm pipes to collect stormwater, whereas the western parking lot is intended to sheet flow toward a filter strip that has an underdrain connected to a proposed catchbasin. This catchbasin will tie into an existing catch basin on Kennebec Street. The roof runoff from the existing building will collect internally and be directed toward the east parking lot system.

Under Section 5 of the City of Portland Technical Manual, a Level III development project is required to submit a stormwater management plan pursuant to the regulations of MaineDEP Chapter 500 Stormwater Management Rules, including conformance with the Basic, General, and Flooding Standards. David Senus, P.E. with Woodard and Curran Engineering, has reviewed the drainage plan and stormwater report. Since there will be reduction in impervious area on site, the project is not required to include any specific stormwater management features for stormwater quality control. However, per the recently passed amendment to *Chapter 14. Land Use, Article III. Zoning, Sections 14-182, 14-295 and 14-296 Re: Commercial Kitchens and Small Gravel Lots*, "*Parking spaces within the 35 foot setback shall provide stormwater quality treatment if required by the City of Portland Stormwater Management Standards and the Maine DEP Chapter 500 Stormwater Management Standards. If not required, an alternative low impact development treatment system approved by the Planning Board shall be provided*", the applicant is proposing "Stone Infiltration Trench" and the City accepts this as a low impact development treatment system. Mr. Senus recommends that "*a barrier or visual indicator (i.e. – curb stop or post) at the edge of pavement or reinforcing layer on the filter should be included to avoid vehicle tires from sinking into the swale/filter if cars are driven beyond the edge of pavement*".

3. Public Infrastructure and Community Safety Standards***a. Consistency with Master Plans***

See Subdivision, Paragraph VIII (B)6 above.

b. Public Safety and Fire Prevention

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 applicant has introduced bollard lights along the walkways of each unit. Overhead lighting is being provided for the area by the entrance and parking spaces. The applicant is also proposing street lighting on all three streets. The revised detail to the bollard shows a cover that limits the light to a 90° angle. The staff is recommending approval of the fixtures as proposed.

c. Availability and Adequate Capacity of Public Utilities

The project will be served by the existing utility services located in Preble Street. The Applicant has received capacity letters from both the Portland Water District and the City Department of Public Services.

4. *Site Design Standards*

a. Snow and Ice Loading

The applicant is proposing on-site snow storage. There are three areas for storage on either side of the parking areas, see Site Plan (Attachment Plan 6).

b. View Corridors

This site is not within a Protected View Corridor as per the “View Corridor Protection Plan” approved by the Portland City Council in 2001.

c. Historic Resources

The site is not in any historic district; therefore the project does not have to be reviewed by Historic Preservation. Please refer to Paragraph VIII (B) (5), above.

d. Exterior Lighting

A lighting and photometric plan has been submitted. The proposal has noted bollard lighting at the walkways to the building (Plan 14 and 15). Refer to Paragraph VIII (C)3(b), above.

e. Noise and Vibration

All heating, ventilation and air conditioning equipment (HVAC), air handling units (AHU), emergency generators, and similar equipment will have to be shown on the plans and meet state and federal emissions requirements. These mechanical equipment should be located to the interior of the site, away from abutting properties and be screened from view from any public street and from adjacent sites by structure walls, evergreen landscaping, fencing, masonry wall or a combination thereof. The B-7 Design Standards have very specific requirements in regard to the mechanical equipment. This information will have to be submitted for review.

f. Signage and Wayfinding

This standard does not apply to the proposal.

g. Zoning Related Design Standards

A design review according to the *City of Portland Design Manual* Standards was performed for the revised proposal for redevelopment at 117 Preble Street. The plans were reviewed by Caitlin

Cameron, Urban Designer, Shukria Wiar, Planner, and Deb Andrews, Historic Preservation Program Manager of the Department of Planning & Urban Development. The project was reviewed against the B-7 *Mixed Use Urban District Zone Design Principles & Standards* (Appendix 4 of the Design Manual). Many of the standards do not apply because the project is adaptive reuse of an existing building. In seeking historic tax credits, the project must also meet the Secretary of Interior Standards for Rehabilitation which will be the guiding standards for alterations to the existing building. Overall, the project is meeting design standards but some of the outstanding issues are:

- If the bike racks are not visible from the street the standard regarding directional signage must be met. Bike racks are not located within proximity of the office entry.
- Landscape screening should be of sufficient type and height to effectively screen surface parking year round. Trees are kept on Preble Street to screen parking and new trees are proposed on Kennebec.
- The trash storage location as shown does not meet the standard because of its proximity to the street – the site has three street frontages and so is challenged to find a location that can meet the letter of the standard. Some landscape screening and a fence are provided to mitigate this element.

Ms. Cameron's full comments are included as [Attachment 4](#).

IX. STAFF RECOMMENDATION

Subject to the proposed motions and conditions of approval listed below, Planning Division staff recommends that the Planning Board approve the proposed Schlotterbeck Building redevelopment project at 117 Preble Street.

X. PROPOSED MOTIONS

A. 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 December 15, 2015 for application 2015-174 relevant to Portland's technical and design standards and other regulations; and the testimony presented at the planning board hearing:

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*) which requires that aisle width for right-angle parking be 24 feet per *Figure I-27* 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*) to allow a 20 foot wide aisle in the parking area;

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 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 I-27 to I-29*) to allow 38% compact spaces; and

The Planning Board **finds/does not find** that the applicant has demonstrated that site constraints prevent the planting of all required street trees in the right-of-way. The Planning Board **waives/does not waive** the site plan standard (*Section 14-526 (b) (iii)*) requiring one street tree per unit for multi-family development and concludes that the applicant shall contribute \$7,000 for 35 street trees to Portland's tree fund.

B. 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 December 15, 2015 for application 2015-174 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. The applicant shall provide a pedestrian access easement for the portions of sidewalk that do not lie within the right-of-way for adoption by the City Council.

C. 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 December 10, 2015 for application 2015-174 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 address the Urban Designer memorandum, dated 12.10.2015, specifically the following recommendations:
 - a. If the bike racks are not visible from the street the standard regarding directional signage must be met. Bike racks are not located within proximity of the office entry.
 - b. Landscape screening should be of sufficient type and height to effectively screen surface parking year round. Trees are kept on Preble Street to screen parking and new trees are proposed on Kennebec.
 - c. The trash storage location as shown does not meet the standard because of its proximity to the street – the site has three street frontages and so is challenged to find a location that can meet the letter of the standard. Some landscape screening and a fence are provided to mitigate this element.
2. A barrier or visual indicator (i.e. – curb stop or post) at the edge of pavement or reinforcing layer on the filter shall be included to avoid vehicle tires from sinking into the swale/filter if cars are driven beyond the edge of pavement.
3. The details for the design engineering of the ramps shall be further reviewed by City staff and any possible adjustment shall be coordinated with Department of Public Works and the

Planning Division. The applicant shall also provide a detail for Sidewalk Ramp Detectable Warning Panels in accordance with Figure I-7 of the City of Portland Technical Manual.

4. The applicant shall provide supporting information and/or plans for inclusion in the City Council packet for the changes to the on-street parking regulations, prior to the issuance of a certificate of occupancy.
5. The developer/contractor/subcontractor must comply with conditions of the construction stormwater 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 Stormwater 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 with any changes to be approved by Corporation Counsel, shall be submitted, signed, and recorded prior to the issuance of a building permit with a copy to the Department of Public Services.
6. That all HVAC systems and external mechanical equipment shall meet the maximum allowable noise requirements of the zone; each unit shall submit documentation of dBA output to confirm compliance of both the unit and the building in respect of rated noise levels and cumulative noise levels, to the satisfaction of the Zoning Administrator prior to the issuance of a Building Permit for that unit.

ATTACHMENTS:

Staff Review Comments and Background Information

1. Traffic Engineering Review (Tom Errico, T Y Lin), dated 12.11.2015
2. Department of Public Works Review, David Margolis-Pineo, dated 12.09.2015
3. Civic Engineer Review, David Senus, dated 12.10.2015
4. Urban Designer Review, Caitlin Cameron, dated 12.10.2015
5. City Arborist Review, Jeff Tarling, dated 11.04.2015

Applicant's Submittal

- A. Cover Letter dated 10.05.2015
- B. Application
- C. Right, Title or Interest
- D. Project Description
- E. Tax Map
- F. Existing Soils Condition
- G. Public Utilities
- H. Technical Capability, Financial Capability and Letter of Authorization
- I. Compliance with Applicable Zoning
- J. Waiver Request
- K. Consistency with City's Master Plan and Conformity with Design Standards
- L. Fire Department Checklist and HVAC Emissions Requirements
- M. Traffic and Parking Study

- N. Stormwater Management Plan
- O. Solid Waste Disposal and Snow Removal
- P. Light Fixtures
- Q. Construction Management Plan
- R. Easements
- S. Cover Letter dated 10.26.2015
- T. PWD Capacity Letter dated 10.15.2015
- U. DPS Capacity Letter dated 10.23.2015
- V. Response Letter dated 11.16.2015

Submittal after Workshop

- W. Applicant Cover Letter 2015-10-12
- X. Cover Letter Response to Comments dated 12.01.2015
- Y. Meeting Certification 11-20-2015
- Z. B7 Review 2015-20-11 Ltrhd
- AA. Transportation Demand Management- Revised
- BB. Parking Memo 12-10-15

Plans

- Plan1 Cover Sheet
- Plan2 1 SBS survey 10-5-2015
- Plan3 1 of 1 Sub.
- Plan4 L1.0 Ex.Cond.
- Plan5 L1.1 Con.Man.
- Plan6 L2.0 Layout.re.12-10-2015
- Plan7 L2.1 Ramps
- Plan8 L3.0 Grading
- Plan9 L4.0 ESC
- Plan10 L5.0 Planting
- Plan11 L6.0 Details
- Plan12 L6.1 Details
- Plan13 L6.2 Details
- Plan14 L6.3 Details
- Plan15 L7.0.Photometrics 10-23-15
- Plan16 L7.1 Photometrics 10-23-15 STREET LTG OFF
- Plan17 A1.1
- Plan18 A1.2
- Plan19 A1.3
- Plan20 A1.4
- Plan21 A2.1
- Plan22 A2.2
- Plan23 A2.3
- Plan24 A2.4
- Plan25 Renderings