# Portland, Maine



# Yes. Life's good here.

Planning & Urban Development Department

Planning & Urban Development Department Jeff Levine, Director

Planning Division

Alexander Jaegerman, Director

March 24, 2015

**Brad Fries** 

Northland Enterprises, LLC

17 South Street, 3rd Floor

Portland, ME 04104

Project Name: Century Tire Plaza

Address:

195 Kennebec Street

Applicant:

Northland Enterprises, LLC

RE: Staff Review Comments for Preliminary Level II Site Plan

Planner:

Nell Donaldson

Dear Mr. Fries:

Andrew Johnston

FST, Inc.

778 Main Street, Suite 8 South Portland, ME 04106

Project ID: 2015-027

CBLs:

34-C-9

1

Thank you for submitting an application for the redevelopment of the Century Tire site at 195 Kennebec Street. This proposal is being reviewed as a preliminary plan subject to the standards of the Site Plan Ordinance, Article V of the Land Use Code. This letter outlines preliminary staff comments.

#### Zoning

Per Section 14-298 of the city's land use ordinance, the B-7 zone has a maximum "street setback" of 10 feet, which Building B appears to exceed. (Note that dimensions from all buildings to the property lines should be shown on the revised plans.) Per Section 14-298(c).2(f), there is an exception in this instance, as the maximum setback does not apply in the following case:

Additions to buildings existing as of March 9, 2005 that are nonconforming as to the maximum setback need not conform to the maximum street setback provided the cumulative building footprint since March 9, 2005 does not exceed fifty percent (50%) of the existing building footprint. Such restriction shall not apply to those portions of the building addition that are constructed closer to the street line than the building footprint existing as of March 9, 2005 and to vertical expansions as provided for in Sec. 14-298(c)(2)(e).

Similarly, neither Building A nor Building B is designed to conform to the B-7 dimensional requirement related to building height. This requirement, in Section 14-298(h), states that newly constructed buildings must comply with the Bayside Height Overlay Map. The minimum height, however, does not apply to "[a]dditions to buildings existing as of March 9,2005 provided that the cumulative additions since March 9, 2005 does not exceed fifty percent (50%) of the ground floor building footprint on March 9, 2005, except that such restriction shall not apply to those portions of the building addition(s) that are constructed closer to the street line than the building footprint existing as of March 9, 2005." As such, the minimum height restriction does not apply.

Under Section 14-299(o), the B-7 zone requires that "[a]ll buildings shall have a minimum of one (1) public pedestrian entrance facing the street frontage of the lot." Given this standard, plans should be revised to show Building A with an entrance on Kennebec Street.

## Preliminary Staff Comments on Level II Site Plan (Section 14-526)

# A. Transportation Standards

#### 1. Impact on Surrounding Street Systems

Thomas Errico, the city's consulting traffic engineer, has reviewed the traffic assessment prepared by Bill Bray of Traffic Solutions. He finds the following,

I have reviewed the traffic study and trip generation estimate and generally find the conclusions to be reasonable. I would note that while the methods seem reasonable, I am currently not in agreement with the conclusions that the project will basically not increase traffic when taking credit from historic traffic activity at Century Tire.

It is expected that further discussion of this issue will occur during our meeting planned for Wednesday, March 24.

#### Mr. Errico further notes,

Projects in the Bayside area of the City have been required to make monetary contributions towards implementation of the Marginal Way Master Plan and Extension of Somerset Street. Given that this project will be implementing components of each of the projects along their frontages and that the net change in traffic is not estimated to be significant, I would not expect a requirement for a monetary contribution.

#### 2. Access and Circulation

Mr. Errico has reviewed the proposed site access and circulation for all site users and offers the following comments related to the Marginal Way frontage,

The project frontage on Marginal Way shall be adjusted to meet the design principles of the Marginal Way Master Plan (the nearby Gorham Savings Bank Building is a good example). The plans should account for the following:

- On-street parking
- The curb line should extend into Marginal Way and generally match the curb line at the Gorham Savings Bank site. The applicant should be cognizant of the transition from Forest Avenue and how vehicles will be aligned.
- 10-foot brick sidewalk
- 6-foot bicycle lane

The number of driveways provided for the site exceeds those allowed under the City's Technical Standards. From an access management perspective, I'm most concerned about conditions on Marginal Way. Please note the following:

- The project incorporates a shared driveway with Enterprise Rental which is a positive
  access management strategy, particularly when only entry movements into Enterprise will
  be permitted.
- Marginal Way traffic conditions, particularly with the influence of Forest Avenue, does
  concern me as it relates to the westerly driveway. My preference would be to eliminate this
  driveway, but recognize its importance for Enterprise access needs. A right-turn entry and
  exit driveway scenario would help to ease my concern regarding traffic impacts, but this
  configuration would eliminate Enterprise left entry movements, which I suspect would be
  problematic.
- The easterly driveway is acceptable to me as the primary driveway although it is suggested

that a formal direct pedestrian connection between Marginal Way and Kennebec Street be incorporated.

Note that this direct pedestrian connection, as recommended by Mr. Errico, will help to formalize existing pedestrian travel patterns between Marginal Way and Brattle Street along the site's eastern boundary, and thus ensure that the plan meets standards related to safe internal circulation for all site users.

Regarding the project's interface with Kennebec Street, Mr. Errico continues,

The frontage on Kennebec Street shall be adjusted to meet the design principles of the Somerset Street Extension project. The plans should account for the following:

- A 10-foot shared use bituminous path to be located next to the granite curb.
- A 7-foot brick sidewalk along the property boundary.
- On-street parking will not be permitted.
- Transition of the shared use path to an on-road cycle track on both ends of the project will be required.

The applicant should investigate the possibility of aligning the driveway on Kennebec Street with Brattle Street.

The plans should incorporate a full ADA compliant crosswalk on Kennebec Street between the site and Brattle Street (this crosswalk currently exists).

David Margolis-Pineo, of the city's Department of Public Services, notes the following regarding curbing on Kennebec Street,

The curbing material standard within the road right of way for the City of Portland is granite. Concrete is indicated on Kennebec St.

Finally, Mr. Errico comments on the plan for the internal circulation system,

Stop bar locations shall be placed prior to sidewalk at the driveways.

Detectable warning panels are not required at driveways.

#### 3. Public Transit Access

Not applicable.

#### 4. Parking

Mr. Errico has reviewed the vehicular parking plans and comments as follows,

I have reviewed the project parking supply calculation and it appears to be reasonable, although the actual parking generation needs will be a function of actual retail tenants. There will be opportunities for shared use reduction assumptions and thus in my professional opinion the site could absorb some reduction in parking given suggested site plan changes. I would also note that while the on-street parking supply is not permitted for use in parking demand calculations the benefit of providing Marginal Way on-street parking will provide project benefits.

The configuration of the six parking spaces located along the Enterprise property boundary are non-standardized and dimensional standards are unclear and I would prefer a more traditional layout.

In addition, Bruce Hyman, the city's Transportation Program Manager, has reviewed the proposed bicycle parking and notes,

The bike parking concrete pads should be a minimum of 8' in length and 6' in width (9'x6' better) to ensure their functionality.

#### 6. Transportation Demand Management

Not applicable.

#### **B.** Environmental Quality Standards

## 1. Preservation of Significant Natural Features

Not applicable.

## 2. Landscaping and Landscape Preservation

Per Section 14-526(2)b(i), dumpsters and storage areas are required to be screened from view from public sidewalks, streets, and adjacent properties. This standard should be addressed in the revised submittal.

Per Section 14-526(2)b(iii), all development shall include street trees as specified in Section 4 of the city's Technical Manual. Section 4.6.3 of the Technical Manual requires that commercial developments provide street trees 30-45 feet on center in the city right-of-way along all street frontages unless otherwise approved. A waiver has been requested, citing site constraints. Given the comments of the city's traffic engineer stating that curb lines should be modified on both frontages, as well as long-range plans for the streetscape in East Bayside, this request is denied. Please revise plans to show street trees on both Marginal Way and Kennebec Street as required. Note that street trees may be placed on private property within 10 feet of the property line in order to meet the requirement.

In the final plans, some landscaping treatment is suggested for the "lawn area" currently depicted in the "L" of Building A on Kennebec Street.

Comments from Jeff Tarling, city arborist, are forthcoming.

## 3. Water Quality, Storm Water Management and Erosion Control

David Senus, the city's consulting civil engineer, has reviewed proposed stormwater management and erosion control measures for the site and has provided the following comments,

In accordance with Section 5 of the City of Portland Technical Manual, a Level II 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, Flooding and Urban Impaired Stream (UIS) Standards. We offer the following comments:

- a) Basic Standards: A site plan and details have been provided to address erosion and sediment control requirements, inspection and maintenance requirements, and good housekeeping practices in general accordance with Appendix A, B, & C of MaineDEP Chapter 500.
- b) General Standards: The project will result in a net decrease in impervious area of approximately 6,232 square feet. As such, the project is not required to include any specific stormwater management features for stormwater quality control. As with all redevelopment projects, the City of Portland encourages the integration of stormwater quality treatment systems and low impact development design concepts into the design. Also, it should be noted that the City of Portland is considering adopting a stormwater user fee which is likely to be assessed based on square footage of impervious area on a commercial site. It is anticipated that annual credits may be offered to reduce the fee for properties that incorporate certain acceptable forms of stormwater quality treatment and/or quantity detention. Please consult the Portland Department of Public Services for more information regarding this potential future stormwater fee.

- c) Flooding Standard: The project will result in a net decrease in impervious area of approximately 6,232 square feet. Based on the reduction of impervious area, and the Pre- and Post-Development stormwater analysis provided in the Applicant's submittal, the project is not required to include any specific stormwater management features to control the rate of stormwater runoff from the site.
- d) UIS Standard: The project is not located within the watershed of a listed urban impaired stream, therefore the project is not required to mitigate or compensate to meet the UIS standard.

## C. Public Infrastructure and Community Safety Standards

## I. Consistency with Master Plans

No comments at this time.

## 2. Public Safety and Fire Prevention

Captain Keith Gautreau of the city's Fire Prevention Bureau has provided the following comments, All construction and installation shall comply with 2009 NFPA 1, 2009 NFPA 101.

All construction and installation shall comply with City of Portland Fire Department Building Regulations.

All construction and installation shall comply with City Code Chapter 10.

## 3. Availability and Capacity of Public Utilities

Capacity letters should be forwarded upon receipt.

Regarding the design of stormwater infrastructure, Mr. Senus notes the following,

The Applicant proposes to install a new storm drain collection system for the majority the site that will discharge to a catch basin connected to the combined sewer in Marginal Way. The Applicant proposes to preserve an existing Catch Basin "A" on the south side of the site, which connects to the Kennebec Street combined sewer system. The City anticipates installing a new, separated storm drain system in Marginal Way in the coming years; as such, the City requests that existing Catch Basin "A" be connected into the proposed system discharging to Marginal Way.

## Mr. Margolis-Pineo echoes this comment,

Since Marginal Way will have a new separated stormwater system in the near future, is it possible to convey drainage from existing CB A to proposed CB 1 and abandon lateral from existing CB A to CB with a rim of 10.30 in Kennebec St?

## D. Site Design Standards

## 1. Massing, Ventilation, and Wind Impact

No comments at this time.

#### 2. Shadows

Not applicable.

## 3. Snow and Ice Loading

Snow storage areas should be depicted on final plans.

#### 4. View Corridors

Not applicable.

## 5. Historic Resources

Not applicable.

#### 6. Exterior Lighting

According to the preliminary photometric plans, the site will exceed the average and maximum illumination standards as well as the light trespass standards of *Section 12.2* of the city's Technical Manual. Lighting plans should be revised to meet exterior site lighting standards.

Final plans should include street lights as required in *Section 10* of the city's Technical Manual. These should include the Bayside District large scale light on Marginal Way and the Bayside District medium scale light on Kennebec Street. See the Technical Manual for spacing standards.

#### 7. Noise and Vibration

No comments at this time.

# 8. Signage and Wayfinding

Separate sign permits will be required.

## 9. Zoning Related Design Standards

Planning staff has conducted a preliminary design review, evaluating the elevations provided in the original submittal against the *B-7 Design Principles & Standards*. Caitlin Cameron, the city's urban designer, summarized the findings of the design review as follows,

The proposed design <u>does not pass</u> all of the criteria of the B7 Design Guidelines – please refer to comments below regarding Standards not currently being met. The applicant may revise the design according to the review comments and resubmit.

## Principle A: Urban Design

- A-5: Pedestrian Environment Development on public streets or public spaces shall . . . enhance the pedestrian environment through the use of elements at the first floor such as fully functioning entries oriented to the street; active windows and storefronts; awnings and weather protection; appropriately scaled streetlights; trees and landscaping; . . .
  - Building A does not incorporate any elements to enhance the pedestrian environment on Kennebec Street.
  - Street lights and street trees are not currently shown in proposal.
- A-7: Building Orientation The primary facades and entrances of buildings shall be oriented to streets, major pedestrian routes, or open spaces in order enhance the pedestrian-oriented environment. The primary facades and entrances of buildings shall not be oriented toward parking lots.
  - Building A should be revised to orient the primary façade and entrance(s) to the street.

#### Principle B: Access and Circulation

- B-2: Street Connectivity New development shall coordinate with, intersect, and extend existing streets and sidewalks at multiple access points.
  - Direct pedestrian access through the eastern side of the site connecting Kennebec Street and Marginal Way will formalize existing desire lines and coordinate with existing crosswalk locations.
- B-6: Multi-modality New development shall create a functional and safe environment that provides a continuous travel corridor for pedestrians and bicycles which serves the same major destinations as automobiles.
  - Direct pedestrian access through the eastern side of the site connecting Kennebec Street and Marginal Way will formalize existing desire lines and coordinate with existing crosswalk locations providing a continuous travel corridor to modes in addition to automobiles.

- B-9: Streetscape Design New development in the public realm shall utilize the City's streetscape standards for Bayside which include specifications for sidewalks, streetlights, street furniture, fencing and walls, landscaping and signage in order to create a unified image of the neighborhood.
  - Please provide details and locations for street lights and street trees according to Site Plan and Technical Manual standards.
- B-11: Lighting Street lights along public streets shall be scaled to the size, traffic volume and use that is typical for that street, as defined in the street hierarchy in Standard B-1 Streets and Alleys.
  - Please provide details and locations for street lights according to Site Plan and Technical Manual standards.

## Principle E: Architectural Design

- E-6: Entrances Buildings along public streets shall have the <u>primary entrances oriented to the street.</u> Primary entrances shall not be oriented to a parking lot or structure. . . . Commercial and mixed use buildings shall be permeable and accessible on all sides from the public way, unless the building program precludes such design.
  - Building A should be revised to provide a primary entrance on Kennebec Street.
- E-7: Windows Windows shall be located on all facades visible from public rights of way. . . . The first floor transparency (minimum visible transmittance (VT) of .7 or greater) along public streets and the trail shall be equal to at least 50% of the wall area between the height of 2 and 9 feet.
  - Building A South Elevation, which faces Kennebec Street, should be revised to provide windows.
- E-12: Materials Fiber cement panels shall only be used on portions of the building not visible from public rights of way.
  - Applicant may either revise the material palette of the project or submit a waiver request from this Standard.
- E-13: Transparency Windows that have daylighting application on all levels of the façade shall use glass with a visible transmittance (VT) value of .7 or greater, which looks clear. . . . Opaque, heavily tinted or reflective glass shall not be used at the pedestrian level unless it can be demonstrated that the building program precludes the use of transparent glass.
  - Please provide more information about the transparency of the storefront.
- E-16: Signage Each building may have one sign per storefront tenant at the pedestrian level, one sign board at each entrance with a tenant roster, and a street number sign at entrances as necessary.
  - Building A may have up to two signs
  - Building B may have up to four signs

## Additional Submittals Required

The following additional materials should be provided in a revised submittal:

- Final plans meeting the submission requirements of 14-527, including distances to property lines,
- Revised survey responding to the comments of Bill Clark, the city's surveyor.
  - 1. Please have State Plane Coordinates added for property corners, and the City monument along Marginal Way.
  - 2. Property corners need to be set.

- 3. The City of Portland owns the parcels shown as owned by the State of Maine. I added the deed reference.
- 4. The plan show the sideline of Forest Avenue as "assumed". I have been doing research this week in the Archives and will provide info for them when I get good info and get it all tied into Portland Street, Brattle Street, and Kennebec Street.

A survey markup is attached.

Note that the Planning Authority may request additional information during the continued review of the proposal according to applicable laws, ordinances and regulations.

## **Planning Staff Recommendation**

Based upon the staff review of the preliminary Level II site plan, I recommend that the applicant proceed with submission of a final plan for staff review. Please submit one (1) complete paper set and one (1) digital set of plans and documents to address staff comments. Upon receipt of the revised material, the City of Portland will review the additional plans and information for conformance with applicable ordinances. Please be aware that an application expires within 120 days of the date upon which this written request for additional information was made.

If you have any questions, feel free to contact me at 874-8723 or by email at hcd@portlandmaine.gov.

Sincerely,

**Nell Donaldson** 

Planner

## Attachments

1. Markup, Bill Clark, Department of Public Services

#### **Electronic Distribution**

Alexander Jaegerman, Planning Division Director
Barbara Barhydt, Development Review Services Manager
Jennifer Thompson, Associate Corporation Counsel
Ann Machado, Zoning Administrator
Katherine Earley, City Engineer, Public Services
David Margolis-Pineo, Deputy City Engineer
Captain Keith Gautreau, Fire
Jeff Tarling, City Arborist
Tom Errico, P.E., TY Lin Associates
David Senus, P.E., Woodard & Curran

