

# CITY OF PORTLAND, MAINE

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## PLANNING BOARD

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July 29, 2016

Andrew Kraus  
M & A Lowcountry Investments, LLC  
110 Marginal Way #154  
Portland, ME 04101

Project Name: "Station 415" Subdivision and Change of Use: Co-Working Office Unit  
and three (3) Apartments

Project ID: #2016-152  
Address: 415 Cumberland Avenue CBL: 036 G033001  
Applicant: Andrew Kraus, M & A Lowcountry Investments, LLC  
Planner: Jean Fraser

Dear Mr Kraus:

On July 26, 2016, the Planning Board considered a Level III application for "Station 415", the conversion of the existing 3-4 story building at 415 Cumberland Avenue into 3 residential units (rear part of building) and one "co-working" shared business office unit (front part of building). The project includes renovations comprising partial recladding, window replacements / re-openings and roof decks.

The Planning Board reviewed the proposal for conformance with the standards of the Subdivision Ordinance and Site Plan Ordinance and voted 7-0 to approve the application with the following conditions as presented below:

**A. SUBDIVISION 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 July 26, 2016 for application #2016-152 (415 Cumberland Avenue) relevant to the Subdivision regulations, and the testimony presented at the Planning Board hearing, the Planning Board voted 7-0 that the plan is in conformance with the Subdivision Standards of the Land Use Code, subject to the following conditions of approval:

- i.* That the Subdivision Plat shall be finalized to the satisfaction of the Planning Authority, Corporation Counsel, and Department of Public Works, and include clarification of easement and other information along with relevant notes and conditions prior to submission for Planning Board signature; and
- ii.* That in the event the property is converted to a condominium, that the recorded condominium documents shall be copied to the Planning Authority.

## **B. SITE PLAN 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 July 26, 2016 for application #2016-152 (415 Cumberland Avenue) relevant to the site plan regulations; and the testimony presented at the Planning Board hearing, the Planning Board voted 7-0 that the plan is in conformance with the Site Plan standards of the Land Use Code, subject to the following conditions of approval:

- i. That the applicant shall submit detailed plans/revised site plan to show the proposals for the following, all for review and approval by the Planning Authority (including the Transportation Division for item C) and Department of Public Works prior to the issuance of a building permit:
  - A) The locations of roof drains and their discharge locations, with surface erosion protection noted as necessary (roof drains shall not discharge into the sewer);
  - B) All work in the Right of Way, including but not limited to pavement for trench patching, utility installations, sidewalk repair and handicap ramp construction, to be in conformance with all City of Portland Technical Standards;
  - C) The repair/replacement of the ADA ramp panel in the ROW at the corner of Forest Avenue and Cumberland Avenue (to meet the City's Technical Standards for any work in the ROW);
  - D) The route to the outside bike racks located within the applicant's property; and
  - E) Improved screening of the trash storage area.
- ii. That the applicant address the comments of the Historic Preservation Manager dated 7.21.2016 in respect of the tone of proposed new cladding on the Forest Avenue elevation, prior to the issuance of a building permit; and
- iii. That the tandem parking spaces be designated for the residential units only (or for low turnover use) to ensure that backing maneuvers onto Forest Avenue are minimized given vehicle and pedestrian traffic levels; and
- iv. That the Construction Management Plan shall be revised to note that existing catch basins near any disturbed areas shall be protected, and cleaned following construction as necessary, and that if the site disturbance results in the tracking of any sediment onto the surrounding streets, they will be swept as required; and
- v. That the applicant shall submit the capacity letters in respect of water supply and wastewater capacity prior to the issuance of a building permit; and
- vi. That any exterior lighting shall meet the City's Site Lighting Standards in Section 12 of the Technical Manual; the trash storage area and HVAC sound levels shall meet the B3c *External Effects* standards; - documentation of these to be submitted for review and approval by the Planning Authority prior to the issuance of a building permit; and
- vii. That the applicant shall address the comments of the Fire Department dated 10.7.15 regarding the development of street addresses and their marking on the structure/signage prior to the issuance of a certificate of occupancy; and
- viii. That a separate "change of use" permit shall be obtained from the Permitting and Inspections Division, and that any signage would require separate permits from the Permitting and Inspections Division.

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 #2016-152 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 five (5) final sets of plans must be submitted to and approved by the Planning Division and Public Works 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 Works 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 Works 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 Jean Fraser at 874-8728.

Sincerely,



Elizabeth Boepple, Chair  
Portland Planning Board

**Attachments:**

1. Historic Preservation Program Manager comments 7.21.2016
2. Fire Department comments 10.7.2015
3. Planning Board Report
4. Performance Guarantee Packet

**Electronic Distribution:**

**cc. Project Architect: Mark Sengelmann, ALPHAarchitects, 17 Chestnut Street, Portland ME 04101**

**cc:**

Jeff Levine, AICP, Director of Planning and Urban Development  
 Barbara Barhydt, Development Review Works Manager  
 Jean Fraser, Planner  
 Philip DiPierro, Development Review Coordinator, Planning  
 Deb Andrews, Historic Preservation Program Manager  
 Mike Russell, Director of Permitting and Inspections  
 Ann Machado, Zoning Administrator, Inspections Division  
 Jonathan Rioux, Inspections Division Deputy Director  
 Jeanie Bourke, Plan Reviewer/CEO, Inspections Division  
 Chris Branch, Director of Public Works  
 Katherine Earley, Engineering Works Manager, Public Works  
 Bill Clark, Project Engineer, Public Works  
 Doug Roncarati, Stormwater Coordinator, Public Works

Greg Vining, Associate Engineer, Public Works  
 Michelle Sweeney, Associate Engineer, Public Works  
 John Low, Associate Engineer, Public Works  
 Rhonda Zazzara, Field Inspection Coordinator, Public Works  
 Jeff Tarling, City Arborist, Public Works  
 Jeremiah Bartlett, Public Works  
 Keith Gautreau, Fire Department  
 Danielle West-Chuhta, Corporation Counsel  
 Thomas Errico, P.E., TY Lin Associates  
 Lauren Swett, P.E., Woodard and Curran  
 Rick Blackburn, Assessor's Department  
 Approval Letter File



Jean Fraser &lt;jf@portlandmaine.gov&gt;

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## 415 Cumberland Avenue - Review of Final Design Proposal

1 message

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**Deb Andrews** <dga@portlandmaine.gov>

Thu, Jul 21, 2016 at 5:40 PM

To: Jean Fraser &lt;jf@portlandmaine.gov&gt;

Thank you for the opportunity to review ALPHA Architect's final design proposal (dated July 20) for the renovation of 415 Cumberland. The following comments are pursuant to Sec. 14-526 (b) of the site plan ordinance which requires historic preservation staff or Board to provide comments to the Planning Board regarding the relative compatibility of the project on the abutting historic resource or district. In this particular instance, the subject building itself, while located outside the designated historic district, is an architecturally notable structure, warranting careful rehabilitation and sympathetic additions.

The 7/20 design appears to be responsive to most of the previous review comments provided by this office, as well as comments of the Planning Board and staff. The one outstanding issue that might warrant further consideration is the replacement exterior cladding proposed for the rear addition facing Forest Avenue. Although the material itself is acceptable and its running bond pattern relates to the running bond brick of the abutting historic structure, staff suggests that the scale of the individual cement panels be reduced somewhat. A reduction in scale of individual modules would likely result in a more subtle and intentional relationship between the finer grain brick of the historic structure and the contemporary exterior of the addition. Also, staff suggests that the tone of the addition be darker than what is presented to provide a more recessive appearance.

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Deb Andrews  
Historic Preservation Program Manager  
City of Portland  
389 Congress Street  
Portland, Maine 04101  
(207) 874-8726

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**MEMORANDUM**

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**To:** FILE  
**From:** Jean Fraser  
**Subject:** Application ID: 2015-162  
**Date:** 10/22/2015

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**Comments Submitted by: Keith Gautreau/Fire on 10/7/2015**

Life Safety requirements for the change of use will be addressed in the Building Permit process.

**Comments Submitted by: Keith Gautreau/Fire on 10/7/2015**

Premises Identification

The main entrance of the building must be the address for the property. This should be consistent with 911, tax assessor, Inspections Division and future mailing address.

Street addresses shall be marked on the structure and shall be as approved by the City E-911 Addressing Officer.

If the building entry faces a different street, both the street name and number should be large enough to read from the street.

Address numbers must be a minimum of 4 inches high.

The number should be in Arabic numerals rather than spelled out (for example, "130" instead of "One Hundred and Thirty").

Color: Addresses should be in a color that contrasts with the background.

Whenever possible, should be illuminated.

**Comments Submitted by: Keith Gautreau/Fire on 10/7/2015**

There are two hydrants within 200' from the propose site which is more than adequate.

**Comments Submitted by: Keith Gautreau/Fire on 10/7/2015**

Access to the site is good at it sits on the corner of Forest Ave. & Cumberland Ave.



# PLANNING BOARD REPORT PORTLAND, MAINE

## SUBDIVISION AND CHANGE OF USE/ RENOVATION OF BUILDING

### TO CO-WORKING OFFICES AND THREE APARTMENTS

415 Cumberland Avenue (proposed residential addressed 62 Forest Avenue)

Level III Subdivision Plan and Site Plan

Project ID #2016-152 CBL 036 G033001

Andrew Kraus, M&A Lowcountry Investments, LLC, Applicant

Submitted to: Portland Planning Board Public Hearing Date: July 26, 2016	Prepared by: Jean Fraser, Planner Date: July 22, 2016
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## I. INTRODUCTION

The applicant is requesting approval to a Level III application for conversion of the existing 3-4 story building at 415 Cumberland Avenue into 3 residential units and one “co-working” shared business office unit, along with window replacements /reopenings and roof decks. A similar proposal for conversion of most of the property into 10 residential units was approved by the Planning Board in October 2015, although the previous proposal did not include any external alterations to the building.

The property is located at the corner of Cumberland and Forest Avenues in the B3c zone, and currently owned by the applicant who proposes to convert the front part of the building to shared mixed business office space, and the rear part of the building into 3 residential units with parking in the first level garage.

The building is of historic importance although not considered eligible for any specific historic designation. The Congress Street historic district is located diagonally across the Cumberland/Forest intersection.

A total of 197 notices of this Hearing were sent to residents within 500 feet and interested citizens. A notice also appeared in the July 18<sup>th</sup> and 19<sup>th</sup>, 2016 editions of the *Portland Press Herald*. A Neighborhood Meeting is not required for this project as it is being subdivided into fewer than 5 units.



## II. REQUIRED REVIEWS and REQUESTED WAIVERS

<i>Review</i>	<i>Applicable Standards</i>
<i>Site Plan</i>	<i>Section 14-526 for the proposed redevelopment</i>
<i>Subdivision of overall site</i>	<i>Section 14-497 for the division into 1 business office unit and 3 residential units.</i>

[No requested waivers]



### III. PROJECT SUMMARY

**Existing Zoning:** B3c Business Zone  
**Proposed Use:** Commercial Co-Working and three (3) Residential Units  
**Parcel Size:** 6098 sq ft  
**Total Disturbed Area:** None- all interior improvements

**Existing Building footprint:** 4,929 sq ft  
**Proposed Building footprint:** 4,929 sq ft  
**Existing Building floorspace:** 15,745 sq ft over 4 stories  
**Proposed Building floorspace:** 15,745 sq ft over 4 stories excluding decks which total 2,608 sq ft

**Existing use:** Commercial space (most recently Hurley Travel)  
**Proposed uses:** 5,549 sq ft residential including units, deck & parking  
12,804 sq ft “co-working” offices, incl. basement, common area and deck

#### Residential Data:

**Existing Res. Units:** None  
**Proposed Res. Units:** 3 units totaling 2970 sq ft  
**Bedroom Mix:** 1 No 1-bedroom unit  
1 No 2- bedroom unit  
1 No 3-bedroom unit

#### Parking Spaces:

**Existing:** 6 (within garage as part of building)  
**Proposed:** 6 (within garage as part of building shown for residential use) (includes one handicapped space)  
**Required:** In this zone no parking provision is required for a change of use

#### Bicycle Parking Spaces:

**Existing:** None  
**Proposed:** 14 (6 outside; 4 in garage for residential units; 4 in common area for business use)  
**Required:** Requirement is 2 spaces for residential; 2 for spaces for the business unit

**Estimated Cost of Project:** \$950,000

### III. PROJECT DESCRIPTION

The existing 3-4-story building is part of a group of 4-5 story buildings that include the YMCA at the corner of Forest and Cumberland Avenues. The part of the building fronting onto Forest Avenue dates from the 1860's and the rear section is recent.

There are three small areas of open site: the landscaped area at the front; a paved sliver along the west side which is currently the location of a fire escape; and an open but fenced area at the north side which has an access easement over it for the YMCA. (see photos submitted by the applicant in [Plan P6](#))



The proposals are described in [Attachment A](#) and illustrated in [Plans P2 to P7](#); the key aspects of the proposals are listed below (some shown on draft plat and not on site plan):

- Creation of a “co-working” business office unit that includes a number of common amenities such as fitness center; kitchen/lounge; conference room



- Creation of three residential units with dedicated parking
- Installation of 15 new windows on three facades (not on the Cumberland Avenue elevation), most being a replacement of existing or a re-opening of original;
- Retention of historic exterior and interior features (eg ballroom)
- Addition of two roof top decks;
- Elevator to serve the co-working office unit including the penthouse and roof deck;
- Planting of two street trees in front landscaped area;
- Provision of 6 bicycle parking spaces in the vicinity of the fire escape on the west elevation and 8 inside;
- Use of part of the rear (north) open easement area for trash storage in 7 separate bins;
- Repair or replacement of the ADA ramp in the ROW at the corner of Forest and Cumberland Avenues.

#### IV. RIGHT, TITLE AND INTEREST AND FINANCIAL CAPACITY

a. The owner of the property is M&A Lowcountry Investments, LLC and the deed in Attachment C, demonstrates their right, title and interest in the property. The YMCA has an access easement over a small area to the north of the property that provides ADA access to a side door.

b. The estimated cost of the development is \$950,000 (see Attachment B data sheet) and the applicant has confirmed that funds have been secured (Attachment D).

#### V. ZONING ASSESSMENT

The building is located primarily in the B3c zone, with the northern edge and abutting small yard located within the R6 zone. The previous use of the building was retail, workshop and offices (Hurley Travel; commercial under site plan definitions) and the proposed uses are a change of use to residential and general and business offices. The proposed uses are permitted in the B3c zone, and the residential part is within the R6 zone.

The site is not within the PAD Overlay Zone but the Downtown Urban Design Standards apply (see below). The project is exempt from providing any additional dedicated parking for the project under the zoning ordinance as a change of use in the B3c Downtown Business Zone. The proposal does not include any alterations to the existing footprint of the building nor its height. The staff finds the application to be in conformance with the B-3c zone, and notes that the trash storage is regulated in the *External effects* section 14-221.1.

#### VI. DEVELOPMENT REVIEW

##### A. SUBDIVISION and SITE PLAN SUBMISSION REQUIREMENTS (Section 14-497 & Section 14-527)

All requirements have been met. The subdivision plat (Plan P2.) clarifies the subdivision units and is comprehensive, though the YMCA easement needs to be shown more clearly and a few notes need to be clarified. The final version will need to be reviewed by the Legal Department and DPS Surveyor prior to signature by the Planning Board, as recommended in the condition of approval.

It is understood that the apartments are being created for market-rate rental so there are no Condominium Documents submitted. A suggested subdivision condition of approval requires the submission of such documents if the nature of the units is changed in the future.

##### B. SUBDIVISION REVIEW

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) I), and Will Not Result in Undue Soil Erosion (Section 14-497 (a) 4)  
Staff finds the proposed project is in conformance with this standard.
2. Sufficient Water Available (Section 14-497 (a) 2 and 3)  
The applicant is in discussions with the Portland Water District but has not yet received a letter confirming capacity, and a condition of approval requires its submission prior to the issuance of a building permit.
3. Will Not Cause Unreasonable Traffic Congestion (Section 14-497 (a) 5)  
Please see paragraph C1 below. The staff finds the proposal will not cause unreasonable traffic congestion.

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)

The wastewater capacity letter has not been issued at the time this report was completed and a suggested condition of approval requires its submission prior to the issuance of a building permit. The current roof drain discharges to the sewer which is not acceptable to DPW, and the applicant has shown (roof plan in Plan P4.) “roof drain to grade” in order to remove it from the sewer. Staff recommend a condition (Attachment 5) that requires further details of the discharge piping and erosion control at the discharge location, for review and approval.

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

The proposed project will not have an adverse effect on the scenic or natural beauty of the area, thus the proposed project is in conformance with this standard.

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

The following statement is housing policy that is relevant to this proposal and the staff finds the proposed project is in conformance with this standard.

The first policy of Housing: Sustaining Portland’s Future is to ensure an adequate and diverse supply of housing for all. Objectives under that policy include the following:

- 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. The list of potential housing options under this objective include:
  - ii. Housing units for decreasing household sizes, such as young professionals, empty nesters, single parent households and senior citizens.
  - v. Higher density housing, such as row houses, small lots, reuse of non-residential buildings, and mixed use buildings.
- Encourage higher density housing for both rental and home ownership opportunities, particularly located near services, such as schools, businesses, institutions, employers and public transportation.
- Evaluate and update current zoning, as needed, to encourage higher density multi-family developments and mixed use projects that incorporate housing, particularly along major public transportation routes, near services areas, and in redevelopment or infill areas, where appropriate.
- Encourage housing within and adjacent to the downtown. Evaluate and update current zoning and building codes, as needed, to facilitate new housing and redevelopment opportunities....

The proposals also address Comprehensive Plan policies regarding economic development that derive from the Portland Industry and Commerce Plan – 1994:

- Strengthen and Diversify the Economic Base
  - create a variety of job opportunities for the full spectrum of the labor pool which:
    - are appropriate to our current and potential skills
    - provide good pay and benefits - a living wage
    - are rewarding/satisfying
  - strengthen and diversify the tax base

7. Financial Capability (Section 14-497 (a) 10) Please see above under Section IV.

**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
- b. Access and Circulation
- c. Public Transit Access
- d. Parking
- e. Transportation Demand Management (TDM)

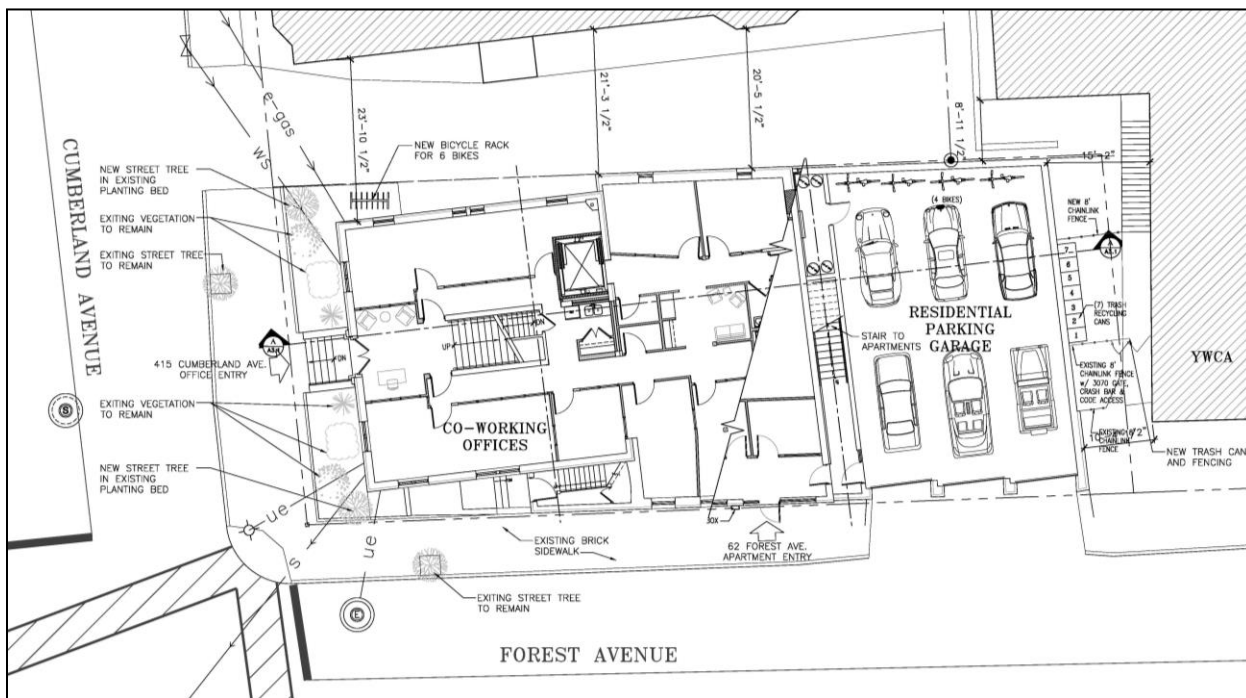
**STAFF COMMENT:** The proposed project is not anticipated to have any significant adverse effect on regional traffic, and the parking needs have been addressed by the retention of the 6 existing parking spaces (shown on Plan P3 as “Residential”) in the garage which have an existing curb cut that is satisfactory. The Traffic Engineering reviewer Tom Errico has commented (Attachment 3):

*I have reviewed the project application materials and I find conditions to be acceptable. I would suggest a condition of approval that notes the parking tandem parking spaces be designated for the residential units only (or for low turnover use). Backing maneuvers onto Forest Avenue should be minimized given vehicle and pedestrian traffic levels.*

A suggested condition of approval reflects these comments.

Bicycle parking totaling spaces for 14 bikes has been provided for both occupants and visitors (see Plan B3) and exceeds the ordinance requirement of 4 spaces. However, access to the 6 spaces outside is over property outside the site, so a suggested condition of approval requests that the bike parking be accessible over the applicant’s property.

A recent aspect of the review of pedestrian access relates to compliance with current ADA requirements and the applicant has submitted a letter confirming compliance where applicable (Attachment F). The Public Transit and TDM standards do not apply to this project.



**Proposed Site Plan**

**2. Environmental Quality Standards**

- a. Preservation of Significant Natural Features
- b. Landscaping and Landscape Preservation
- c. Water Quality, Storm Water Management and Erosion Control

**STAFF COMMENT:** The applicant has added two street trees to the front (existing) landscaped area and, together with the existing two street trees, meet the requirement of 4 street trees.

The trash storage is provided near the existing curb cut in Forest Avenue (see Attachment A and Plan 3 for details) although it appears that neither of the two sets of gates/fencing are proposed to be upgraded and do not fully screen the trash storage from the public sidewalk nor from the adjacent ADA access to the YMCA. The trash storage is near the YMCA building and the applicant will need to ensure that these meet the zoning requirement that no dust nor fumes are created. Suggested conditions are included to address these points.

The reuse of the building and surrounding impervious surfaces do not require any upgrading to meet current stormwater requirements as noted in Attachment 5. However, staff recommend erosion control during construction and in relation to the roof drains (see above in Section Vi B (4) and this is included in the suggested conditions of approval.

**3. Public Infrastructure and Community Safety Standards**

- a. Consistency with Master Plans
- b. Public Safety and Fire Prevention
- c. Availability and Adequate Capacity of Public Utilities

STAFF COMMENT: The sidewalks along the frontage are in good condition but the Department of Public Works has requested (Attachment 5) that the ramp panel within the tipdown at the corner crosswalk be replaced and the applicant has shown this improvement on the draft Plat in Plan P2. A suggested condition of approval requests that this be included on the site plan and requests detailed plans.

Captain Keith Gautreau of the Fire Department reviewed the previous conversion proposal for this property and his colleagues have confirmed this comment remains applicable to the current proposal. He identifies 911 and street addressing as a particular concern because the entrances to the building are on two streets, and this has been highlighted in a suggested condition of approval. The current proposal gives these two different addresses which will also require further review in the context of emergency service concerns.

The capacity letters for water and wastewater are outstanding, as described in Section Vi B 1 and 4.

**4. Site Design Standards**

- a. Massing, Ventilation and Wind Impact; Shadows; Snow and Ice Loading; View Corridors: The alterations to the existing building are minor and would not alter these impacts.
- b. Historic Resources: STAFF COMMENT: The proposal is 100ft +/- from the Congress Street Historic District and landmark NE Telephone building. The proposals include recladding and new windows in part of the Forest Avenue elevation that faces the historic district and staff considered that this elevation should be reviewed under the Site Plan standard that requires compatibility with the historic context. The proposal also adds an elevator overrun in the roof area facing west (away from Forest Avenue) and this small structure has been well integrated into the roof design.

The Historic Preservation Program Manager, Deb Andrews, welcomes the removal of the brown wood cladding and offered preliminary comments on the proposed elevation including encouragement of a more compatible cladding color (no specific color was recommended), better window and cornice alignment with that on the front part of the building, and a smaller and more permanent type of awning (Attachment 2).

The applicant revised the elevations on 7.20.2016 in response to the preliminary comments and explained the design intent in a narrative in Attachment F. The existing elevation, the proposed elevation (Plan P5) and the rendering of the current proposal (Plan P7) are shown on the next page.

Ms Andrews has reviewed the revised proposals and notes (Attachment 6):

*The 7/20 design appears to be responsive to most of the previous review comments provided by this office, as well as comments of the Planning Board and staff. The one outstanding issue that might warrant further consideration is the replacement exterior cladding proposed for the rear addition facing Forest Avenue. Although the material itself is acceptable and its running bond pattern relates to the running bond brick of the abutting historic structure, staff suggests that the scale of the individual cement panels be reduced somewhat. A reduction in scale of individual modules would likely result in a more subtle and intentional relationship between the finer grain brick of the historic structure and the contemporary exterior of the addition. Also, staff suggests that the tone of the addition be darker than what is presented to provide a more recessive appearance.*

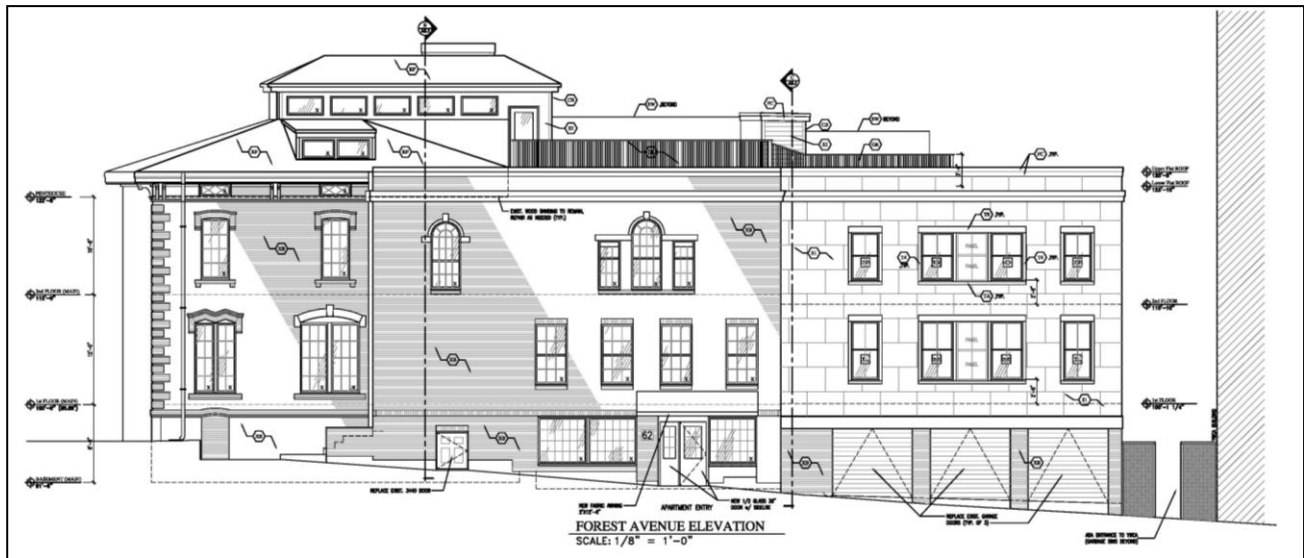
A suggested condition of approval that reflects these comments is included in the motion for the Board to consider.



Existing



Rendering of Proposed



Proposed Elevation facing Forest Avenue

- c. Exterior Lighting
- d. Noise and Vibration
- e. Signage and Wayfinding

**STAFF COMMENT:** The application does not clarify the proposed lighting, so the submission of details has been included in a suggested condition of approval. The application shows (Plan P4., top left) a number of screened HVAC units, and further information showing that they comply with the B3c sound level maximums is requested in a suggested condition of approval. As noted by the Fire Department in relation to addressing, the fact that the same building is proposed to have two different addresses needs to be considered further in light of the 911 requirements and the need for clear associated signage.

- f. Zoning Related Design Standards

**STAFF COMMENT:** The B3 Downtown Urban Design Standards technically apply to his property but generally focus on issues related to new build. These Standards require enclosure of rooftop appurtenances and compatible materials and entrance designs. The proposals address these standards as they include

screening of the rooftop HVAC and have placed them in the least visible location, and the Historic compatibility review (above) has addressed the material and entrance aspects.

The proposals include a multi-family development and therefore must meet the following standards:

***TWO-FAMILY, SPECIAL NEEDS INDEPENDENT LIVING UNITS, MULTIPLE-FAMILY, LODGING HOUSES, BED AND BREAKFASTS, AND EMERGENCY SHELTERS:***

*(1) STANDARDS. Two-family, special needs independent living units, multiple-family, lodging houses, bed and breakfasts, and emergency shelters shall meet the following standards:*

*a. Proposed structures and related site improvements shall meet the following standards:*

- 1. The exterior design of the proposed structures, including architectural style, facade materials, roof pitch, building form and height, window pattern and spacing, porches and entryways, cornerboard and trim details, and facade variation in projecting or recessed building elements, shall be designed to complement and enhance the nearest residential neighborhood. The design of exterior facades shall provide positive visual interest by incorporating appropriate architectural elements;*
- 2. The proposed development shall respect the existing relationship of buildings to public streets. New development shall be integrated with the existing city fabric and streetscape including building placement, landscaping, lawn areas, porch and entrance areas, fencing, and other streetscape elements;*

**Staff comment:** These standards do not apply as the development is within an existing building.

- 3. Open space on the site for all two-family, special needs independent living unit, bed and breakfast and multiple-family development shall be integrated into the development site. Such open space in a special needs independent living unit or a multiple-family development shall be designed to complement and enhance the building form and development proposed on the site. Open space functions may include but are not limited to buffers and screening from streets and neighboring properties, yard space for residents, play areas, and planting strips along the perimeter of proposed buildings;*

**Staff comment:** There is little opportunity for additional planting, and the proposal to upgrade the front planted area generally addresses this standard.

- 4. The design of proposed dwellings shall provide ample windows to enhance opportunities for sunlight and air in each dwelling in principal living areas and shall also provide sufficient storage areas;*

**Staff comment:** This standard appears to be met.

- 5. The scale and surface area of parking, driveways and paved areas are arranged and landscaped to properly screen vehicles from adjacent properties and streets;*

**Staff comment:** The parking is within an enclosed building and the vehicles are screened.

## **VII. STAFF RECOMMENDATION**

Subject to the proposed motions and conditions of approval listed below, Planning Division staff recommends that the Planning Board approve the proposed subdivision and site plan for three residential units and one co-working business offices unit within the existing building at 415 Cumberland Avenue.

## **VIII. PROPOSED MOTIONS FOR THE BOARD TO CONSIDER**

### **A. SUBDIVISION 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 July 26, 2016 for application #2016-152 (415 Cumberland Avenue) 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 condition of approval:



- i. That the Subdivision Plat shall be finalized to the satisfaction of the Planning Authority, Corporation Counsel, and Department of Public Works, and include clarification of easement and other information along with relevant notes and conditions prior to submission for Planning Board signature; and
- ii. That in the event the property is converted to a condominium, that the recorded condominium documents shall be copied to the Planning Authority.

### C. SITE PLAN 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 July 26, 2016 for application #2016-152 (415 Cumberland Avenue) 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:

- i. That the applicant shall submit detailed plans/revised site plan to show the proposals for the following, all for review and approval by the Planning Authority (including the Transportation Division for item C) and Department of Public Works prior to the issuance of a building permit:
  - A) The locations of roof drains and their discharge locations, with surface erosion protection noted as necessary (roof drains shall not discharge into the sewer);
  - B) All work in the Right of Way, including but not limited to pavement for trench patching, utility installations, sidewalk repair and handicap ramp construction, to be in conformance with all City of Portland Technical Standards;
  - C) The repair/replacement of the ADA ramp panel in the ROW at the corner of Forest Avenue and Cumberland Avenue (to meet the City's Technical Standards for any work in the ROW);
  - D) The route to the outside bike racks located within the applicant's property; and
  - E) Improved screening of the trash storage area.
- ii. That the applicant address the comments of the Historic Preservation Manager dated 7.21.2016 in respect of the scale and tone of proposed new cladding on the Forest Avenue elevation, prior to the issuance of a building permit; and
- iii. That the tandem parking spaces be designated for the residential units only (or for low turnover use) to ensure that backing maneuvers onto Forest Avenue are minimized given vehicle and pedestrian traffic levels; and
- iv. That the Construction Management Plan shall be revised to note that existing catch basins near any disturbed areas shall be protected, and cleaned following construction as necessary, and that if the site disturbance results in the tracking of any sediment onto the surrounding streets, they will be swept as required; and
- v. That the applicant shall submit the capacity letters in respect of water supply and wastewater capacity prior to the issuance of a building permit; and
- vi. That any exterior lighting shall meet the City's Site Lighting Standards in Section 12 of the Technical Manual; the trash storage area and HVAC sound levels shall meet the B3c *External Effects* standards; - documentation of these to be submitted for review and approval by the Planning Authority prior to the issuance of a building permit; and
- vii. That the applicant shall address the comments of the Fire Department dated 10.7.15 regarding the development of street addresses and their marking on the structure/signage prior to the issuance of a certificate of occupancy; and
- viii. That a separate "change of use" permit shall be obtained from the Permitting and Inspections Division, and that any signage would require separate permits from the Permitting and Inspections Division.

Attachments:

Planning Board Report Attachments

1. Fire Department comments 2015 (confirmed still apply)
2. Staff and HP Manager prelim comments 7.15.16
3. Traffic Engineering Review comments 7.22.2016
4. City Arborist comments [not received at time report finalized]
5. Peer Engineer/DPW comments 7.22.2016
6. Historic Preservation Manager final comments 7.21.2016

Public comments (none received)

Applicant's Submittal

- A. Cover letter
- B. Application
- C. Evidence of RTI (Deed)
- D. Financial Capacity Information
- E. Construction Management Plan
- F. HP & ADA Narrative
- G. Water and Sewer Capacity [not received at time report finalized]

Plans

- Plan P1 Boundary Survey
- Plan P2 Draft Subdivision Plat
- Plan P3 Site Plan
- Plan P4 Floor Plans
- Plan P5 Elevations
- Plan P6 Photos of existing building
- Plan P7 Rendering from corner Forest/Cumberland Ave