

PROPOSED DEVELOPMENT



YORK & HIGH STREET MIXED USE DEVELOPMENT 85 & 101 YORK STREET

SITE PLAN/SUBDIVISION APPLICATION

August 14th, 2015

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The following material has been prepared to address the written statement requirements of the City of Portland Site Plan Review Ordinance identified in Section 14-527(c) and (f) of the Land Use Ordinance and to provide additional information required by the City of Portland Development Review application requirements.

Owner:

J.B. Brown & Sons
c/o Vin Veroneau
36 Danforth Street
Portland, ME 04101
Phone: (207) 774-5908
Email: veroneau@jbbrown.com

Applicant:

101 York Street, LLC
c/o Vin Veroneau
36 Danforth Street
Portland, ME 04101
Phone: (207) 774-5908
Email: veroneau@jbbrown.com

Note: Evidence of the owner's and applicant's right, title, and interest in the property is included in Section 4 of the General Submissions

Design/Build Firm/Architect/Authorized Agent:

Opechee Construction Corporation
c/o Barry Stowe
11 Corporate Drive
Belmont, NH 03220
Phone: (603) 527-9090
Email: barrys@opechee.com

Civil Engineer:

Gorrill-Palmer
c/o Al Palmer
PO Box 1237, 15 Shaker Road
Gray, Maine 04039
(207) 657-6910
Email: APalmer@gorrillpalmer.com

Landscape Architect:

Elm Grove Property Solutions, LLC
c/o Kerry Schleyer
1910 Elm St.
Manchester, NH 03104
Phone: (603) 232-0428
Email: kerryschleyer@me.com

GENERAL SUBMISSIONS

1. Application forms

- Letter of authorization from J.B. Brown & Sons and 101 York Street, LLC
- The Site Plan Development Review Application has been completed and is attached.
- The City of Portland Wastewater Capacity Application is attached.
- Historic Preservation Application for Certificate of Appropriateness

2. Application fees

Once the application has been delivered to the Building Inspections Office, Opechee Construction Corporation intends to call the Inspections Office within 48 hours and confirm the total application fee amount. Then J.B. Brown & Sons will deliver the payment in the form of a check to the Inspections Office, City Hall, 3rd Floor, Room 315.

3. Project Description

101 York Street, LLC (a subsidiary company of J.B. Brown & Sons) is proposing a mixed-use development at the corner of York Street and High Street in the B-3 zone. The proposal is a 5-story building that will provide approximately 17,000 sq.ft. of flexible commercial on the first floor and 63 residential apartments on the upper 4 floors. Also, the development will include a 2-level parking structure with 211 total spaces in the back of the 5-story structure. All parking in the garage will be owned by the applicant and will be shared parking for tenants.

The project will redevelop several existing City parcels under the common ownership of J.B. Brown & Sons. The owner will consolidate the existing lots and provide a new division of lots for the redevelopment. The redevelopment will raze two existing buildings, paved & gravel parking, curb cuts, patio areas, and landscaping. As it relates to parking, 95 existing parking spaces will be redeveloped into 211 parking spaces for a net increase of 30 spaces in excess parking on the subject property.

The proposed development has frontage on York Street, High Street, Danforth Street and Maple Street. The lower level garage will have access through the mixed-use building to an existing curb cut off York Street. The upper level parking in the garage will have access from an existing curb cut and new driveway off Danforth Street. In addition, the new driveway off from Danforth Street will be shared with the existing multifamily residence at 78 Danforth Street. 78 Danforth will release their rights over the private way known as High Street Court. It should be noted that project will remove (2) existing curb cuts on York Street and (1) curb cut on High Street in the post-development condition.

The redevelopment proposal will provide significant streetscape improvements along York Street and at the intersection with High Street. Improvements will include, but not limited to, building exterior, brick sidewalks, granite curbing, curb ramps, street trees and landscaped planters. In addition, the project will provide improvements to the existing infrastructure such as a majority of stormwater runoff will now be separated from the sewer and discharged to the newly installed drainage in High Street. Also, several existing overhead electric services will be removed and the new project services will be underground.

Also, the project provides some site improvements on the 27 High Street parcel in the R-6 zone and within the Historic District. These improvements will be related to hardscape and landscape only as the existing multi-family residences will share a proposed patio space with the new condominiums.

Easements are being proposed with the abutters located 78 Danforth Street and 75 York Street. The project requires the temporary access rights for construction and permanent access rights for shared utilities and driveways.

4. Evidence of right, title and interest

The record owner of the subject property is J B Brown & Sons. Deeds granting the subject property to the applicant are the following:

- Book 4842 Page 336; 66-68 Danforth Street; Tax Lot 40-C-3 & 4
- Book 4156 Page 65; 60 Danforth Street; Tax Lot 40-C-5 & 9
- Book 34531 Page 339; 11 High Street Court; Tax Lot 40-C-18
- Book 27156 Page 179; 85 York Street; Tax Lot 40-C-25
- Book 24127 Page 341; 13 High Street Court; Tax Lot 40-C-33
- Book 24372 Page 292; 27 High Street; Tax Lot 40-C-21
- Book 26143 Page 287; 101 York Street; Tax Lot 40-C-22

A copies of all the deeds are attached.

5. Evidence of state and/or federal approvals

- The project site will be fully developed and less than two acres in size. The site will not require an MDEP Site Location of Development.
- With respect to the Stormwater Management Law, the project consists of redevelopment of impervious gravel parking lot. This results in an increase in impervious area of 1,236 sq.ft from the predevelopment condition. Thus, the project qualifies for a Stormwater Permit by Rule (PBR) and is required to comply with the Basic Standards as defined in Chapter 500 of the Stormwater Management Law.
- Based on the traffic assessment memo, this project will generate less than 100 trips and therefore not require a State of Maine Traffic Movement Permit (TMP) issued by the City under its delegated authority.
- We do not anticipate that the project is subject to any other State or Federal approvals, and we are unaware of any pending applications related the project site.

6. Compliance with applicable zoning requirements

Space and Bulk criteria for the B-3 Downtown Business Zone:

| Criteria | Required | Provided |
|--|----------------------------|--|
| Min. Lot Size: | None | 71,231 sq.ft. or 1.635 acres |
| Min. Street Frontage: | 15 ft. | York St. = 318.79' High St. = 105.30' Danforth St.= 60.02' |
| Max. Front Yard Setback: | 5 ft. | York = 21.32 ft. High = 5.32 ft. |
| Min. Yard Dimensions: | None | NA |
| Min. Lot Width: | None | NA |
| Max. Length of undifferentiated blank wall | 30' | 11'-4" |
| Max. Lot Coverage: | 100% | ±85% |
| Min. Building Height: | 35 ft within 50' of street | 44.4' |
| Max. Building Height: | 45 ft. | *44.4' |
| Max. Residential. Density: | 60 units/acre | 63 units/1.635 acres |

* Average Building Grade Calculations are attached.

7. Proposed Easements

- Permanent Electric & communications easement for benefit **New Lot A** with **Tax Lot 40-C-2**
(proposed electric & communications service along property line)
- Permanent Assembly/common Area easement for benefit **New Lot A** with **Tax Lot 40-C-21**
(common patio area for 27 High Street and the proposed condominiums)
- Temporary construction easement for benefit **New Lot A** with **Tax Lot 40-C-26**
(demo retaining wall, new landscaping, pavement repairs)
- Temporary construction easement for benefit **New Lot A** with **Tax Lot 40-C-2**
(driveway & landscaping improvements, electric & communications, grading)
- Permanent Access easement for benefit **Tax Lot 40-C-2** with **New Lot A**
(driveway for 78 Danforth Street)
- Electric & communications easement for benefit **Tax Lot 40 -C-2** with **New Lot A**
(electric & communications service along property line)

The applicant request the Planning Board to approve the application with the condition that drafts of the above easements are to be reviewed and finalized to the satisfaction of the Corporation Counsel prior to the issuance of a Certificate of Occupancy

8. Requested Waivers

1. Location and spacing of driveways:

Standard: Under the City's 'Technical Manual' Section 1.7.2.7 Location and spacing of driveways, requires that along arterial, collector and local streets, minimum acceptable spacing between double or multiple driveways for driveways on adjacent lots or on the same parcel shall meet the criteria below: for roads with a speed limit of 30 mph the minimum separation shall be 125' (including driveways on both sides of the street).

The project proposes to remove the (3) closest curb cuts to the intersection of York Street and High Street. The lower level of the proposed parking garage will utilize an existing curb cut on York Street that is the most distant from that public intersection. The existing curb cut is 50' in width and is approximately 25' from the driveway at 75 York Street and approximately 70' from next driveway northeast on York Street. The project proposes to reconstruct the existing curb cut to a standard driveway width and utilize a brick driveway apron/crosswalk. In the post-development condition, the proposed separation distances will be increased by 15' to approximately 40' and 85' from the two northeast driveways. In addition, the project proposes a dedicated right-turn only lane for these (3) driveways. The applicant request that Planning Board specifically grant relief from the above mentioned City standard as it relates to the proposed separation of the driveways.

2. Dimensional requirements: Street wall build-to line:

Ordinance: Under the City's Land Use Ordinance Section 14-220 (c) Street wall build-to line: All buildings or structures shall be located within five (5) feet of the property line along street frontages, unless the Planning Board requires or approves an additional distance to comply with the requirements of section 14-526 (d)9 and the City of Portland Design Manual.

The project proposes a 5-story mixed-use building along York Street and the above mentioned ordinance is applicable to the project. However, because of the unusual geometry of the right-of-way line along the frontage, the applicant request the Planning Board to grant relief from ordinance.

The proposed redevelopment will construct brick sidewalk from the building façade to the proposed street curb line and grant access easements to create a public pedestrian friendly environment. The project's street level first floor will be flexible commercial spaces and will provide a pedestrian friendly environment with floor to ceiling store front windows for visual interest and street front building access. Additional, improvements will include inviting building exterior, brick sidewalks, granite curbing, curb ramps, architectural lighting, granite sit walls, street trees and landscaped planters. The street-level flexible commercial space will be pedestrian friendly by providing floor to ceiling store front windows for create visual interest and by providing building access points from the street.

It is the applicants belief that all the above mentioned design elements will meet the intent of the ordinance will create an enhanced streetscape with an enjoyable pedestrian environment.

3. Required number of bicycle parking spaces:

Ordinance: Under the City's Land Use Ordinance Section 14-526 (a) 4. b. (ii) The reviewing authority may reduce the required number of bicycle parking spaces if it determined, based on evidence submitted by the applicant that the proposed development is expected to generate a reduced demand for bicycle parking.

The required number of bicycle parking spaces is calculated from the required parking spaces and quantity of residential units.

Bicycle Parking Required:

$$\text{Residential} = 2 \text{ bikes/5 dwelling units} = 63/5 \times 2 = 26 \text{ spaces}$$

$$\text{Non-residential} = 2 \text{ bike/10 parking spaces req.} = 65/10 \times 2 = \underline{7 \text{ spaces}}$$

$$\text{Total: } 33 \text{ spaces}$$

The required number of bicycle parking spaces is 33. The applicant requests that the bicycle parking be reduced to 20 spaces and made part of the Traffic Demand Management plan. The project proposes (5) locations with two bike hitches around the site for a total of 20 spaces. If TDM monitoring determines the quantity of bike spaces is inadequate in the post-development condition, the owner can install additional bike racks on the lower and upper garage levels.

9. Financial and Technical Capacity

Technical Capability

The project will be designed and built by Opechee Construction Corporation. Opechee has proved their technical ability with the design & construction of several mixed-used projects around the City:

- 209 Fore Street- redevelopment of Jordan's Meats factory into a mixed-use building consisting of a Hampton Inn, Sebago Brewing, and residential condominiums
- 321 Commercial Street – redevelopment of an existing parking lot into a mixed-use building consisting of a Marriott Courtyard, a restaurant and residential condominiums.
- 68 Marginal Way – The construction of a multi-tenant office building

Financial Capability

Attached is a letter indicating J.B. Brown's financial ability to complete the project.

10. Boundary Survey

- The boundaries of the subject property are shown on the plan entitled, “ALTA/ACSM Land Title Survey on High, Danforth, Maple & York Streets, Portland, Cumberland County, Maine made for J.B. Brown & Sons,” by Owen Haskell, Inc. 390 U.S. Route One, Unit #10, Falmouth, Maine 04105; dated December 3, 2013 and last revised June 9, 2015
(A copy of the plan is submitted with this application.)
- The new division of property lines for parcels under common ownership are shown on the plan entitled, “New Division of Lots on High, Danforth, Maple & York Streets, Portland, Cumberland County, Maine made for J.B. Brown & Sons,” by Owen Haskell, Inc. 390 U.S. Route One, Unit #10, Falmouth, Maine 04105; dated December 3, 2013 and last revised August 5, 2015
(A copy of the plan is submitted with this application.)

WRITTEN MATERIALS

1. Construction Management Plans

Construction Management Plans have been prepared that show temporary traffic control and the construction sequencing been prepared for the project and are sheets C10.01 through C10.04 of the plan set

2. Traffic Studies

Trip Study and trip generation

- A traffic assessment memo is attached and this project will generate between less than 100 trips. Therefore, the project will not require a State of Maine Traffic Movement Permit (TMP) issued by the City under its delegated authority.
- A traffic study is attached and is based on scoping questions asked at the pre-application.

Parking Study

A parking assessment memo has been prepared for this project and is attached.

3. Significant Natural Features

- Data check inquiry letters containing a USGS site location map and site concept have been sent to the state wildlife agencies. Copies of the response letters are attached and indicate there are no concerns with impact to significant natural features.
 - The Maine Department of Inland Fisheries
 - The Maine Department of Inland Wildlife
 - The Maine Natural Areas Program

- The project proposes site improvements on 27 High Street which is within the Historic District. Please see the attached Historic Preservation for Certificate of Appropriateness application.

4. Narrative describing the site.

101 York Street, LLC (a subsidiary company of J.B. Brown & Sons) is proposing a mixed-use development at the corner of York Street and High Street in the B-3 zone. The proposal is a 5-story building that will provide approximately 17,000 sq.ft. of flexible commercial on the first floor and 63 residential apartments on the upper 4 floors. Also, the development will include a 2-level parking structure with 211 total spaces in the back of the 5-story structure. All parking in the garage will be owned by the applicant and will be shared parking for tenants.

The following summarizes the proposed building floor space and quantity of parking spaces:

- 17,505 sf. - first floor flexible commercial tenant space
- 63 Residential Condominium Units
 - 20,015 sf - second floor with 15 units
 - 20,015 sf - third floor with 16 units
 - 20,015 sf - fourth floor with 16 units
 - 20,015 sf - fifth floor with 16 units
- Total gross building floor area = 97,565 sq.ft.
- Parking level 1 – 107 spaces (6 accessible)
Parking level 2 – 104 spaces (4 accessible)
Total Parking Spaces = 211

The project will redevelop several existing City parcels under the common ownership of J.B. Brown & Sons. The owner will consolidate the existing lots and provide a new division of lots for the redevelopment. The redevelopment will raze two existing buildings, paved & gravel parking, curb cuts, patio areas, and landscaping. As it relates to parking, 95 existing parking spaces will be redeveloped into 211 parking spaces for a net increase of 30 spaces in excess parking on the subject property.

The proposed development has frontage on York Street, High Street, Danforth Street and Maple Street. The lower level garage will have access through the mixed-use building to an existing curb cut off York Street. The upper level parking in the garage will have access from an existing curb cut and new driveway off Danforth Street. In addition, the new driveway off from Danforth Street will be shared with the existing multifamily residence at 78 Danforth Street. 78 Danforth will release their rights over the private way known as High Street Court. It should be noted that project will remove (2) existing curb cuts on York Street and (1) curb cut on High Street in the post-development condition.

The redevelopment proposal will provide significant streetscape improvements along York Street and at the intersection with High Street. Improvements will include, but not limited to, building exterior, brick sidewalks, granite curbing, curb ramps, street trees and landscaped planters. In addition, the project will provide improvements to the existing infrastructure such as a majority of stormwater runoff will now be separated from the sewer and discharged to the newly installed drainage in High Street. Also, several existing overhead electric services will be removed and the new project services will be underground.

Also, the project provides some site improvements on the 27 High Street parcel in the R-6 zone and within the Historic District. These improvements will be related to hardscape and landscape only as the existing multi-family residences will share a proposed patio space with the new condominiums.

Easements are being proposed with the abutters located 78 Danforth Street and 75 York Street. The project requires the temporary access rights for construction and permanent access rights for shared utilities and driveways.

5. Stormwater Runoff Calculations

- A Stormwater Management Report has been prepared and is attached
- An Erosion and Sedimentation Control Report to comply with the Basic Standards has been prepared and is attached

6. Consistency with City Master Plans

The project is located in the B-3 Downtown Business Zone, the Downtown Entertainment Overlay Zone, and a small portion of site improvements is located in the Historic District.

The project developers believe that the project is consistent with the goals of the City and promotes the following purpose of the B-3 zone as follows:

- Maintain and enhance the role of the downtown as the business and commercial center of the region;
The proposed project will construct 17,505 sf. of flexible commercial space at the ground level of York Street and will construct 211 parking spaces to support the region.
- Enhance and promote the orderly expansion of retail and service businesses downtown, satisfying the related needs of the city's resident, working and visitor populations;
The proposed project will construct 17,505 sf. of flexible commercial space at the ground level of York Street and will construct 211 parking spaces to support the region.
- Encourage increased housing opportunity downtown for a diverse residential population;
The proposed project will construct 63 residential condominiums on the upper four floors on the mixed-use building.
- Enhance the pedestrian environment through the encouragement of intensive mixed-use activities, through the enhancement and maintenance of public and private open space, and through the enlivenment and increased attractiveness of the street environment;
As previously mentioned, the proposed project is a mixed-use building. The proposal is for flexible commercial space at the street level ground floor and 63 residential condominiums on the upper four floors. Public and private improvements will significantly enhance the streetscape.
- Encourage excellence in urban design;
The architectural design is evocative of the historic look and scale of buildings in the area, while bringing the best elements of contemporary design. Brick, granite, glass, and high-quality metals are arranged to create visual interest and employs a variation in materials, window types & sizes, and architectural details.
- Preserve and capitalize on the unique character and historic fabric of the downtown through the encouragement of reuse of significant existing structures;
There are not significant existing structures to be preserve or reuse.
- Reinforce the role of the downtown as a meeting place for community residents and visitors alike from all walks of life and all socio-economic groups;
The proposed project will construct shared patio space for 63 residential condominiums and the adjacent two-unit residence at 27 High Street.

- Provide adequate parking and transportation facilities which promote accessibility, enhance and encourage development opportunity, and enhance and protect the pedestrian environment;
The proposed project will provide shared parking, shared driveways, reduce curb cuts, accessible parking and brick sidewalks.
- Provide for the relocation of residents who are displaced by development.
The proposed project will construct 63 residential condominiums.

Pedestrian-Oriented

The project's redevelopment along York Street and at the intersection with High Street will significantly enhance the streetscape and promote pedestrian-oriented travel along the street frontage. Enhancements include building exterior, brick sidewalks, granite curbing, curb ramps, architectural lighting, granite sit walls, street trees and landscaped planters. The street-level flexible commercial space will be pedestrian friendly by providing floor to ceiling store front windows for create visual interest and by providing the individual tenants the ability for separate entrances from the street. These design elements meet the intent of the design guidelines and will create an enhanced and enjoyable pedestrian environment.

Contextual Architecture

The land bordered by York Street, High Street, and Danforth Street in Portland, Maine sits between the Old Port District and the West End. In the great fire of July 4, 1866, much of the Old Port was burned and the fire stretched down to the corner of York and High Streets and was halted before reaching the West End. The rebuilding of the city after the fire resulted in the construction of many brick buildings in the Old Port area. The York Street Development is a "bridge" between these two areas of the city.

The York Street Development is an in-between condition and thus creates a "bridge" between the commercial brick buildings of the Old Port and the wood residential buildings of the West End. While the functions of the building are divided vertically, commercial space at street level and residential space on the upper levels, the architecture is divided by the Old Port and the West End.

The exterior facades of the building toward the Old Port are delineated in masonry; brick and granite. These facades are detailed in a simple fashion similar to the brick buildings that exist in the Old Port along the piers.

The exterior facades at the corner of York and High Streets are delineated with residentially scaled materials and colors similar to the buildings of the West End. These facades are details in a more ornate fashion with historically proportioned trim, storefront details and cornice.

7. Availability of Off-Site Facilities

The project is located within the city block of York Street, High Street, Danforth Street and Maple Street in a fully developed area of the City. There is significant utility infrastructure, including water, sewer, natural gas, electrical power, and telecommunications within close proximity to the project.

An Existing Conditions Plan is included in the site plan set of this application which depicts the location of the infrastructure around and within the site.

Water

The project will construct a new service off from an 8-inch existing water main in York Street. The Portland Water District has provided a letter indicating the ability to serve the project.

Natural Gas

Natural gas service will be provided by Unitil from an existing main in York Street. Unitil has provided a letter indicating the ability to serve the project.

Storm Drainage

The proposed project will redevelop existing impervious surfaces (including gravel areas). Thus, the project is only required to meet the “basic” requirements pursuant to Portland’s Stormwater Standards within the Technical Manual. Stormwater runoff will be collected onsite via drains and conveyed to the newly installed 48-inch municipal storm drain within High Street. The new municipal storm drain was recently installed as a stormwater and sanitary separation project and discharges to the ocean. Stormwater planters will be constructed to provide treatment for a portion of York Street to offset the small increase in impervious area.

The stormwater management report by Gorrill-Palmer is included in this application and addresses the design and analysis of the proposed storm drainage system in detail.

Sanitary Sewer

One 8-inch sewer connection will be made for the building’s sanitary discharge. In addition, a sewer connection will be made for drainage. This connection will support the drains for the lower level covered parking within the garage and the underdrains for the stormwater planters. Please note that oil and water separating catch basins will be utilized for the lower level to collect any runoff associated with car “drip” within the garage.

It should be noted that the first floor is flexible commercial space with the potential for a restaurant. Should it become certain that a restaurant will occupy tenant spaces, an internal in-kitchen grease trap will be installed to intercept flow from the kitchen drains.

A Wastewater Capacity Application has been completed and is included as part of the submission material.

Electrical Power

Relocation of Overhead Power Lines along York Street - Central Maine Power (CMP) has existing overhead 3-phase power along the north side of York Street, the south side of Danforth Street, and single-phase power along the east side of High Street. Given the close proximity of the proposed building to York Street, as required by Portland's zoning ordinance, the proposal is to relocate the overhead power along York Street to the south side of the street. Consequently, the relocation will resolve conflicts with CMP's clearance requirements to the power lines.

New Power Services - The existing over-head single-phase power down High Court Street will be removed. New underground electric services will be installed underground from an existing pole on Danforth Street. With the execution of an easement with 78 Danforth Street, the new services and transformer will be installed along the common property line. CMP has provided a letter indicating the ability to serve the project.

Telecommunications

Fairpoint and Time Warner Cable telecommunications are located overhead on the same poles as the power. The proposed services will be installed with the electric off from Danforth Street. Both Fairpoint and have provided letters indicating the ability to serve the project.

8. Solid Waste

Residence:

-A solid waste room will be provided within the building adjacent to entrance. Residents will bring their trash to the room individually. A commercial waste management company will be retained to facilitate the trash/recycling operations.

Commercial Space:

-Tenant's will remove their waste individually to offsite containers provided by J.B. Brown. A commercial waste management company will be retained to facilitate the trash/recycling operations for these offsite containers.

9. Code summary per NFPA 1 and Fire Dept. Standards

Fire/Building Codes:

-The building will be designed in accordance with the City Building Code, as well as all applicable local, state, and federal codes/laws. The building will be fully sprinklered in accordance with NFPA 13, and will have fire detection/alarm systems as dictated by NFPA 72 and the underlying codes.

Technical Standard 3.2 - Fire Hydrants:

-There are (7) municipal fire hydrants located within 500 feet radius of the building. Please see the attached GIS map from the Portland Water District

Technical Standard 3.3 - Single and Two Family Residential Development:

- Not applicable

Technical Standard 3.4 - Site Access Standards:

-Fire department access is provided via York Street and High Street for 2 sides of the building. Also, a portion of building will be accessible via an access driveway from Danforth Street.

- All site access provides no less than 9 feet in clearance height.

-All elevators will accommodate an 80 x 24 stretcher.

-The building will display the assigned street numbers

Technical Standard 3.5 - Standards for emergency access lanes and gates:

- Not applicable

Technical Standard 3.6 - Subdivision Standards:

- Not applicable

Technical Standards 3.7 through 3.11 - Standards for blasting and regulation of explosives:

- Geotechnical explorations were performed and the subsurface condition does contain bedrock. Based on the findings, large blast operations are anticipated. Accordingly, Opechee Construction Corporation will prepare an application in accordance with the technical standards for a blasting permit all the application information for a blasting permit for information. The standards for blasting and regulation of explosives for a large blast operation.

10. Consistency With Design Standards

As described in other sections of this application, the project is consistent with the general design standards contained in Section 14-526 of the Land Use Ordinance. In addition, there are specific design standards applicable to the B-3 Downtown Business Zone that are set forth in the City of Portland Design Manual. For convenience and to ensure completeness of this section of the application, the B-3 Zone Design Standards are reproduced below and the applicant's statements regarding consistency follow each section in italics.

(b) B-3 DOWNTOWN BUSINESS ZONE:

(1) STANDARDS.

- a. In addition to applicable standards of Section 14-526 of the Land Use Code, development located within the B-3 zone shall also meet the following standards. Adequacy in meeting these standards will be evaluated on the basis of descriptions and illustrations in the Downtown Urban Design Guidelines included as Appendix 1 of this manual. Nothing in this section is intended to discourage creative and responsive design or to mandate similarity or mimicry of design in order to achieve the standards herein:
 1. Relationship to the pedestrian environment:
 - i. General: The exterior design of portions of buildings within the first thirty-five (35) feet of height shall enhance the character, attractiveness, comfort, security, and usability of the street level pedestrian environment. Factors to be considered include the design, placement, character and quality of the following:
 - 1) Storefronts and building facades, including such factors as relationship to adjacent or nearby structures or open space, pedestrian character, materials and detailing, transparency (having a visible transmittance (VT) of .7 or higher) and contemporary design;
The proposed building will have floor to ceiling pedestrian friendly store front windows that will provide visual interest. The windows will meet the visible transmittance requirement.
 - 2) Building entrances, including such factors as compatibility with the building's façade, prominence along the street, access to the street, and accessibility for physically handicapped or for those with special needs;
The commercial space on the first floor will have access to the street. With the utilization of floor to ceiling store front windows, entrance locations will be flexible to the final layout of the tenant space.
 - 3) Blank facades; and
The maximum length of undifferentiated blank wall is only 11 feet 4 inches.

- 4) Special features, such as selective use of such features as building arcades and skywalks or elevated walkways.
The proposed public sidewalks building façade will include special features such as granite sit walls, planters, and stormwater planters to promote urban design elements. Some of these special features elevate a portion of the walkway above the street curb to maximize the length of building façade with at-grade street access.

- b. Pedestrian Activities District (PAD): In addition to subsection 1 of this section, proposed development located within the pedestrian activities district (PAD) overlay zone, as shown on the pedestrian activities district map, a copy of which is on file in the department of planning and urban development, shall be designed and constructed to accommodate pedestrian oriented uses at the street level. In determining such design, the following factors should be considered:

Not applicable. Project is not located in the PAD district.

1. The exterior design of the street level building facade, including the placement of entrances, potential entrances, and window openings;
2. The design and placement of impenetrable exterior building features such as columns, piers, bearing walls and retaining walls;
3. The orientation of proposed street level uses to the street and the accessibility of floor area to the street by virtue of grade elevations and access;
4. The adequacy of the interior layout of the first twenty (20) feet in depth of the building along specified streets to accommodate viable pedestrian-oriented uses;
5. The continuity of street level uses as impacted by service entrances to parking structures or lots, drive-through facilities or other interruptions.

- c. Pedestrian activities district (PAD) encouragement areas: In addition to subsection 1 of this section, proposed development located within the pedestrian activities district (PAD) encouragement areas, as shown on the pedestrian activities district map, a copy of which is on file in the Planning and Urban Development Department, shall be designed and constructed to be reasonably capable of being converted to accommodate uses permitted in the PAD overlay zone in accordance with the factors set forth in subsection b. of this section.

Not applicable. Project is not located in the PAD district encouragement area.

- d. Sidewalk areas and open space: The design of publicly accessible sidewalk areas and open space shall complement the general pattern of the downtown pedestrian environment, conform to special City of Portland streetscape programs described in the Technical Manual, and enhance the attractiveness, comfort, security, and usability of the pedestrian environment. Factors to be considered include the design, placement, character, durability, and quality of the following:

1. Sidewalk, crosswalk, and street paving materials;

All the proposed sidewalks and the driveway crosswalk will utilize brick pavers to promote the downtown pedestrian environment. Also, the streets improvements will utilize granite curbing and bituminous concrete.

2. Landscaping, planters, irrigation, and tree guards and grates;
The project proposes to enhance the streetscape with planters and street trees.
 3. Lighting;
The project proposes new public street lighting along York Street and High Street. The project utilizes the Bayside District Medium Scale Light.
 4. Pedestrian amenities such as benches and other seating, trash receptacles, kiosks, bus shelters, artwork, directional and informational signage, fountains, and other special features; and
The project proposes granite sit benches and stormwater planters as special features.
 5. Sidewalk vendors and sidewalk cafes.
The project proposes a “plaza” area adjacent to the building. Depending on the tenants, this area could be utilized for outdoor seating and vendors.
- e. Relationship to existing development:
General: Proposed development shall respect, enhance, and be integrated with the existing character of the general pattern of development in the downtown, surrounding building environment and streetscape, as described and illustrated in the Downtown Urban Design Guidelines (Appendix 1). Factors to be considered include the relationship to the following existing patterns:
The proposed project creates a bridge between the commercial brick buildings of the Old Port and the wood residential buildings of the West End. While the functions of the building are divided vertically; commercial space at level 1 and residential space on the upper levels, the architecture is divided by the Old Port and the West End.
- i. Street walls and building setbacks;
Please see the build-to setback waiver request above
 - ii. Open space;
The project proposes open space and a common patio area for the proposed residences and the multi family residence at 27 High street
 - iii. Building form, scale and massing;
The proposed project creates a bridge between the commercial brick buildings of the Old Port and the wood residential buildings of the West End.
 - iv. Facade proportion and composition;
The exterior facades of the building toward the Old Port are delineated in masonry; brick and granite. These facades are detailed in a simple fashion similar to the brick buildings that exist in the Old Port along the piers. At the corner of York Street and High Street, the building is utilizes residentially scaled materials and colors

similar to the buildings of the West End. These facades are details in a more ornate fashion with historically proportioned trim, storefront details and cornice.

v. Pedestrian circulation and building entrances;
Pedestrian circulation is provided throughout the proposed site. As it relates to the building entrances, commercial tenant space will have access from York Street and the residential condominiums will have access from High Street.

vi. Parking.
The project will construct a parking garage with 211 spaces. There will be a net increase of 30 spaces in the post-development condition.

2. Standards for increasing setback beyond street build-to line: A proposed development may exceed maximum setbacks as required in section 14-220(c) only where the applicant demonstrates to the Planning Board that the introduction of increased building setbacks at the street level:

The project is requesting relief from section 14-220(c). Please see the waiver request.

i. Provides substantial and viable publicly accessible open space or other amenity at the street level that supports and reinforces pedestrian activity and interest. Such amenities may include without limitation plazas, outdoor eating spaces and cafes, or wider sidewalk circulation areas in locations of substantial pedestrian congestion;

The project will support pedestrian activity by proposing wider sidewalks, planters, granite sit walls, and a small plaza area.

ii. Does not substantially detract from the prevailing street wall character by introducing such additional setback at critical building locations such as prominent form-defining corners, or create a sense of discontinuity in particularly consistent or continuous settings;

The proposal does include a building projection to define the York Street & High Street intersection corner.

iii. Does not detract from existing publicly accessible open space by creating an excessive amount of open space in one (1) area or by diminishing the viability or liveliness of that existing open space; and

The proposed building setbacks are not excessive and the building will have an “on-street” presence. Please see the waiver request.

iv. The area of setback is of high quality and character of design and of acceptable orientation to solar access and wind impacts as to be attractive to pedestrian activity.

The area of the setback is complementary of Portland’s downtown in utilizing materials such as brick and granite.

- v. Roof top appurtenances: All mechanical equipment, ventilating and air conditioning and other building systems, elevators, stairways, radio or television masts or equipment, or other rooftop elements not intended for human occupancy shall be fully enclosed in a manner consistent with the character, shape and materials of the principal building, as described and illustrated in the Downtown Urban Design Guidelines (Appendix 1);
The building proposes parapets above the roof level. The parapets will help screen any roof top mechanical. Please see the attached Building Section & Roof Top Plan.

- f. Shadow impact on open space: The location, massing and orientation of portions of buildings in excess of sixty-five (65) feet in height shall be such that substantial shadow impacts on public plazas, parks, and other publicly accessible open space are avoided. In determining the impact of shadows, the following factors shall be taken into account: the amount of area shadowed, the time and duration of the shadow, and the importance of sunlight to the utility of the type of open space being shadowed, as described and illustrated in the Downtown Urban Design Guidelines (Appendix 1);
Not applicable. The building is not in excess of 65 feet in height.

- g. Wind impacts: The location, massing, orientation and architectural design of a new building or a building addition shall be such that no significant adverse wind impacts are created. In determining the impact of winds, the following factors shall be taken into account: the pre-development and projected post-development wind speeds and their impact on pedestrian movement, comfort and safety; and the impact of projected wind speed the use of and comfort within existing and proposed pedestrian seating areas and other adverse impacts upon the surrounding area;
Although the project will be a 5-story structure from the predevelopment conditions, it's not anticipated to be significant and adverse

- h. Setbacks from existing structures: The location and design of proposed structures shall not create a detrimental impact on the structural integrity or the safety of adjacent structures or the occupants thereof;
The project has been design to not have a detrimental impact on adjacent properties.

- i. Building tops: Buildings or structures which exceed one hundred fifty (150) feet in height shall be designed so as to provide a distinctive top to the building which visually conveys a sense of interest and vertical termination to the building, as described and illustrated in the Downtown Urban Design Guidelines (Appendix 1);
Not applicable. The building is not in excess of 150 feet in height.

HISTORIC DISTRICT:

Section 14-651. Standards for review of new construction

(a) Scale and form:

1. Height. In addition to the applicable requirements of articles III, IV and V of this chapter, the proposed height shall be visibly compatible with surrounding structures when viewed from any street or open space and in compliance with any design guidelines.

Not applicable - site improvements only

2. Width. The width of a building shall be visually compatible with surrounding structures when viewed from any street or open space and in compliance with any design guidelines.

Not applicable - site improvements only

3. Proportion of principal facades. The relationship of the width to the height of the principal elevations shall be visually compatible with structures, public ways and open spaces to which it is visually related.

Not applicable - site improvements only

4. Roof shapes. The roof shape of a structure shall be visually compatible with the structures to which it is visually related.

Not applicable - site improvements only

5. Scale of a structure. The size and mass of structures in relation to open spaces, windows, door openings, porches and balconies shall be visually compatible with the structures, public ways and places to which they are visually related.

Not applicable - site improvements only

6. Applicability to Congress Street historic district. In the Congress Street historic district, for new construction within the B3 zone, the historic preservation board shall not impose conditions more restrictive than the dimensional requirements (Sec 14-220) of the B3 zone.

Not applicable - the project is not in the location on Congress Street historic district

(b) Composition of principal facades:

1. Proportion of openings. The relationship of the width to height of windows and doors shall be visually compatible with structures, public ways and places to which the building is visually related.

Not applicable - site improvements only

2. Rhythm of solids to voids in facades. The relationship of solids to voids in the facade of a structure shall be visually compatible with structures, public ways and places to which it is visually related.

Not applicable - site improvements only

3. Rhythm of entrance porch and other projections. The relationship of entrances and other projections to sidewalks shall be visually compatible with the structures, public ways and places

to which they are visually related.

Not applicable - site improvements only

4. Relationship of materials. The relationship of the color and texture of materials (other than paint color) of the facade shall be visually compatible with the predominant materials used in the structures to which they are visually related.

Not applicable - site improvements only

5. Signs. Any new sign, and any change in the appearance of an existing sign located on a landmark within an historic district or within an historic landscape district, which is readily visible from any street or open space shall not be incongruous to the historic character of the landmark or district and shall comply with the criteria and guidelines specified in the design manual.

Not applicable - site improvements only

(c) Relationship to street:

1. Walls of continuity. Facades and site structures, such as masonry walls, fences and landscape masses, shall, when it is a characteristic of the area, form cohesive walls of enclosure along a street to ensure visual compatibility with the structures, public ways and places to which such elements are visually related.

Not applicable - site improvements only

2. Rhythm of spacing and structures on streets. The relationship of a structure or object to the open space between it and adjoining structures or objects shall be visually compatible with the structures, objects, public ways and places to which it is visually related.

Not applicable - site improvements only

3. Directional expression of principal elevation. A structure shall be visually compatible with the structures, public ways and places to which it is visually related in its directional character, whether this be vertical character, horizontal character or nondirectional character.

Not applicable - site improvements only.

4. Streetscape, pedestrian improvements. Streetscape and pedestrian improvements and any change in the appearance thereof located adjacent to, or on a landmark, within an historic district or within an historic landscape district which is readily visible from any street or open space shall not be incongruous to the historic character of the landmark or district and shall comply with the criteria and guidelines specified in the design manual.

Not applicable - improvements are on-site only

(d) Other standards:

1. Compatible uses. Every reasonable effort shall be made to provide a compatible use for a property which requires minimal alteration to the character-defining features of the structure, object or site and its environment or to use a property for its originally intended purpose.

The property will continue to be used for its originally intended purpose. No alterations are being made to character-defining features.

2. Distinguishing original character. The distinguishing original qualities or character of a structure, object or site and its environment shall not be destroyed. The alteration of any historic material or distinctive architectural features should be avoided when possible.

The project proposes site improvements only in the historic district. None of the materials to be razed are historic

3. Archeological resources. Every reasonable effort shall be made to protect and preserve significant archeological resources affected by or adjacent to any project. If resources must be disturbed, mitigation measures shall be undertaken.

The proposed site improvements are in areas that have been previous disturbed in the 2000's.

4. Contemporary design. Contemporary design for additions to existing properties shall not be discouraged when such alterations and additions do not destroy significant cultural, historical, architectural or archeological materials that characterize the property. The new work shall be differentiated from the old and shall be compatible with the size, scale, material and character of the property, neighborhood and environment.

Not applicable

5. Additions. Wherever possible, new additions to structures and objects shall be undertaken in such a manner that, if such additions were to be removed in the future, the essential form and integrity of the structure would be unimpaired.

Not applicable - no additions proposed

11. Verification HVAC meets state and federal emissions requirements

HVAC equipment has not been specified and selected yet, but Opechee Construction Corporation, as an experienced design/build general contractor with on-staff licensed architects and engineers, will ensure that are specified and installed in full compliance with all codes and regulations, including but not limited to state and federal emissions requirements. The applicant request that the following requirement be made a condition of the planning board approvals:

“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, to the satisfaction of the Zoning Administrator prior to the issuance of a Building Permit for that unit. This requirement shall be included in the Condominium documents.”

APPENDIX

PROPOSED DEVELOPMENT



YORK & HIGH STREET MIXED USE DEVELOPMENT 85 & 101 YORK STREET

SITE PLAN/SUBDIVISION APPLICATION

August 14th, 2015

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Appendix

- One full size plan set (sheet C0.00 through C10.04)
- One reduced 11x17 plan set (sheets C0.00 through C10.04)

The following material has been prepared to address the written statement requirements of the City of Portland Site Plan Review Ordinance identified in Section 14-527(c) and (f) of the Land Use Ordinance and to provide additional information required by the City of Portland Development Review application requirements.

Owner:

J.B. Brown & Sons
c/o Vin Veroneau
36 Danforth Street
Portland, ME 04101
Phone: (207) 774-5908
Email: veroneau@jbbrown.com

Applicant:

101 York Street, LLC
c/o Vin Veroneau
36 Danforth Street
Portland, ME 04101
Phone: (207) 774-5908
Email: veroneau@jbbrown.com

Note: Evidence of the owner's and applicant's right, title, and interest in the property is included in Section 4 of the General Submissions

Design/Build Firm/Architect/Authorized Agent:

Opechee Construction Corporation
c/o Barry Stowe
11 Corporate Drive
Belmont, NH 03220
Phone: (603) 527-9090
Email: barrys@opechee.com

Civil Engineer:

Gorrill-Palmer
c/o Al Palmer
PO Box 1237, 15 Shaker Road
Gray, Maine 04039
(207) 657-6910
Email: APalmer@gorrillpalmer.com

Landscape Architect:

Elm Grove Property Solutions, LLC
c/o Kerry Schleyer
1910 Elm St.
Manchester, NH 03104
Phone: (603) 232-0428
Email: kerryschleyer@me.com

GENERAL SUBMISSIONS

1. Application forms

- Letter of authorization from J.B. Brown & Sons and 101 York Street, LLC
- The Site Plan Development Review Application has been completed and is attached.
- The City of Portland Wastewater Capacity Application is attached.
- Historic Preservation Application for Certificate of Appropriateness

2. Application fees

Once the application has been delivered to the Building Inspections Office, Opechee Construction Corporation intends to call the Inspections Office within 48 hours and confirm the total application fee amount. Then J.B. Brown & Sons will deliver the payment in the form of a check to the Inspections Office, City Hall, 3rd Floor, Room 315.

3. Project Description

101 York Street, LLC (a subsidiary company of J.B. Brown & Sons) is proposing a mixed-use development at the corner of York Street and High Street in the B-3 zone. The proposal is a 5-story building that will provide approximately 17,000 sq.ft. of flexible commercial on the first floor and 63 residential apartments on the upper 4 floors. Also, the development will include a 2-level parking structure with 211 total spaces in the back of the 5-story structure. All parking in the garage will be owned by the applicant and will be shared parking for tenants.

The project will redevelop several existing City parcels under the common ownership of J.B. Brown & Sons. The owner will consolidate the existing lots and provide a new division of lots for the redevelopment. The redevelopment will raze two existing buildings, paved & gravel parking, curb cuts, patio areas, and landscaping. As it relates to parking, 95 existing parking spaces will be redeveloped into 211 parking spaces for a net increase of 30 spaces in excess parking on the subject property.

The proposed development has frontage on York Street, High Street, Danforth Street and Maple Street. The lower level garage will have access through the mixed-use building to an existing curb cut off York Street. The upper level parking in the garage will have access from an existing curb cut and new driveway off Danforth Street. In addition, the new driveway off from Danforth Street will be shared with the existing multifamily residence at 78 Danforth Street. 78 Danforth will release their rights over the private way known as High Street Court. It should be noted that project will remove (2) existing curb cuts on York Street and (1) curb cut on High Street in the post-development condition.

The redevelopment proposal will provide significant streetscape improvements along York Street and at the intersection with High Street. Improvements will include, but not limited to, building exterior, brick sidewalks, granite curbing, curb ramps, street trees and landscaped planters. In addition, the project will provide improvements to the existing infrastructure such as a majority of stormwater runoff will now be separated from the sewer and discharged to the newly installed drainage in High Street. Also, several existing overhead electric services will be removed and the new project services will be underground.

Also, the project provides some site improvements on the 27 High Street parcel in the R-6 zone and within the Historic District. These improvements will be related to hardscape and landscape only as the existing multi-family residences will share a proposed patio space with the new condominiums.

Easements are being proposed with the abutters located 78 Danforth Street and 75 York Street. The project requires the temporary access rights for construction and permanent access rights for shared utilities and driveways.

4. Evidence of right, title and interest

The record owner of the subject property is J B Brown & Sons. Deeds granting the subject property to the applicant are the following:

- Book 4842 Page 336; 66-68 Danforth Street; Tax Lot 40-C-3 & 4
- Book 4156 Page 65; 60 Danforth Street; Tax Lot 40-C-5 & 9
- Book 34531 Page 339; 11 High Street Court; Tax Lot 40-C-18
- Book 27156 Page 179; 85 York Street; Tax Lot 40-C-25
- Book 24127 Page 341; 13 High Street Court; Tax Lot 40-C-33
- Book 24372 Page 292; 27 High Street; Tax Lot 40-C-21
- Book 26143 Page 287; 101 York Street; Tax Lot 40-C-22

A copies of all the deeds are attached.

5. Evidence of state and/or federal approvals

- The project site will be fully developed and less than two acres in size. The site will not require an MDEP Site Location of Development.
- With respect to the Stormwater Management Law, the project consists of redevelopment of impervious gravel parking lot. This results in an increase in impervious area of 1,236 sq.ft from the predevelopment condition. Thus, the project qualifies for a Stormwater Permit by Rule (PBR) and is required to comply with the Basic Standards as defined in Chapter 500 of the Stormwater Management Law.
- Based on the traffic assessment memo, this project will generate less than 100 trips and therefore not require a State of Maine Traffic Movement Permit (TMP) issued by the City under its delegated authority.
- We do not anticipate that the project is subject to any other State or Federal approvals, and we are unaware of any pending applications related the project site.

6. Compliance with applicable zoning requirements

Space and Bulk criteria for the B-3 Downtown Business Zone:

| Criteria | Required | Provided |
|--|----------------------------|--|
| Min. Lot Size: | None | 71,231 sq.ft. or 1.635 acres |
| Min. Street Frontage: | 15 ft. | York St. = 318.79' High St. = 105.30' Danforth St.= 60.02' |
| Max. Front Yard Setback: | 5 ft. | York = 21.32 ft. High = 5.32 ft. |
| Min. Yard Dimensions: | None | NA |
| Min. Lot Width: | None | NA |
| Max. Length of undifferentiated blank wall | 30' | 11'-4" |
| Max. Lot Coverage: | 100% | ±85% |
| Min. Building Height: | 35 ft within 50' of street | 44.4' |
| Max. Building Height: | 45 ft. | *44.4' |
| Max. Residential. Density: | 60 units/acre | 63 units/1.635 acres |

* Average Building Grade Calculations are attached.

7. Proposed Easements

- Permanent Electric & communications easement for benefit **New Lot A** with **Tax Lot 40-C-2**
(proposed electric & communications service along property line)
- Permanent Assembly/common Area easement for benefit **New Lot A** with **Tax Lot 40-C-21**
(common patio area for 27 High Street and the proposed condominiums)
- Temporary construction easement for benefit **New Lot A** with **Tax Lot 40-C-26**
(demo retaining wall, new landscaping, pavement repairs)
- Temporary construction easement for benefit **New Lot A** with **Tax Lot 40-C-2**
(driveway & landscaping improvements, electric & communications, grading)
- Permanent Access easement for benefit **Tax Lot 40-C-2** with **New Lot A**
(driveway for 78 Danforth Street)
- Electric & communications easement for benefit **Tax Lot 40 -C-2** with **New Lot A**
(electric & communications service along property line)

The applicant request the Planning Board to approve the application with the condition that drafts of the above easements are to be reviewed and finalized to the satisfaction of the Corporation Counsel prior to the issuance of a Certificate of Occupancy

8. Requested Waivers

1. Location and spacing of driveways:

Standard: Under the City's 'Technical Manual' Section 1.7.2.7 Location and spacing of driveways, requires that along arterial, collector and local streets, minimum acceptable spacing between double or multiple driveways for driveways on adjacent lots or on the same parcel shall meet the criteria below: for roads with a speed limit of 30 mph the minimum separation shall be 125' (including driveways on both sides of the street).

The project proposes to remove the (3) closest curb cuts to the intersection of York Street and High Street. The lower level of the proposed parking garage will utilize an existing curb cut on York Street that is the most distant from that public intersection. The existing curb cut is 50' in width and is approximately 25' from the driveway at 75 York Street and approximately 70' from next driveway northeast on York Street. The project proposes to reconstruct the existing curb cut to a standard driveway width and utilize a brick driveway apron/crosswalk. In the post-development condition, the proposed separation distances will be increased by 15' to approximately 40' and 85' from the two northeast driveways. In addition, the project proposes a dedicated right-turn only lane for these (3) driveways. The applicant request that Planning Board specifically grant relief from the above mentioned City standard as it relates to the proposed separation of the driveways.

2. Dimensional requirements: Street wall build-to line:

Ordinance: Under the City's Land Use Ordinance Section 14-220 (c) Street wall build-to line: All buildings or structures shall be located within five (5) feet of the property line along street frontages, unless the Planning Board requires or approves an additional distance to comply with the requirements of section 14-526 (d)9 and the City of Portland Design Manual.

The project proposes a 5-story mixed-use building along York Street and the above mentioned ordinance is applicable to the project. However, because of the unusual geometry of the right-of-way line along the frontage, the applicant request the Planning Board to grant relief from ordinance.

The proposed redevelopment will construct brick sidewalk from the building façade to the proposed street curb line and grant access easements to create a public pedestrian friendly environment. The project's street level first floor will be flexible commercial spaces and will provide a pedestrian friendly environment with floor to ceiling store front windows for visual interest and street front building access. Additional, improvements will include inviting building exterior, brick sidewalks, granite curbing, curb ramps, architectural lighting, granite sit walls, street trees and landscaped planters. The street-level flexible commercial space will be pedestrian friendly by providing floor to ceiling store front windows for create visual interest and by providing building access points from the street.

It is the applicants belief that all the above mentioned design elements will meet the intent of the ordinance will create an enhanced streetscape with an enjoyable pedestrian environment.

3. Required number of bicycle parking spaces:

Ordinance: Under the City's Land Use Ordinance Section 14-526 (a) 4. b. (ii) The reviewing authority may reduce the required number of bicycle parking spaces if it determined, based on evidence submitted by the applicant that the proposed development is expected to generate a reduced demand for bicycle parking.

The required number of bicycle parking spaces is calculated from the required parking spaces and quantity of residential units.

Bicycle Parking Required:

$$\text{Residential} = 2 \text{ bikes}/5 \text{ dwelling units} = 63/5 \times 2 = 26 \text{ spaces}$$

$$\text{Non-residential} = 2 \text{ bike}/10 \text{ parking spaces req.} = 65/10 \times 2 = \underline{7 \text{ spaces}}$$

$$\text{Total: } 33 \text{ spaces}$$

The required number of bicycle parking spaces is 33. The applicant requests that the bicycle parking be reduced to 20 spaces and made part of the Traffic Demand Management plan. The project proposes (5) locations with two bike hitches around the site for a total of 20 spaces. If TDM monitoring determines the quantity of bike spaces is inadequate in the post-development condition, the owner can install additional bike racks on the lower and upper garage levels.

9. Financial and Technical Capacity

Technical Capability

The project will be designed and built by Opechee Construction Corporation. Opechee has proved their technical ability with the design & construction of several mixed-used projects around the City:

- 209 Fore Street- redevelopment of Jordan's Meats factory into a mixed-use building consisting of a Hampton Inn, Sebago Brewing, and residential condominiums
- 321 Commercial Street – redevelopment of an existing parking lot into a mixed-use building consisting of a Marriott Courtyard, a restaurant and residential condominiums.
- 68 Marginal Way – The construction of a multi-tenant office building

Financial Capability

Attached is a letter indicating J.B. Brown's financial ability to complete the project.

10. Boundary Survey

- The boundaries of the subject property are shown on the plan entitled, “ALTA/ACSM Land Title Survey on High, Danforth, Maple & York Streets, Portland, Cumberland County, Maine made for J.B. Brown & Sons,” by Owen Haskell, Inc. 390 U.S. Route One, Unit #10, Falmouth, Maine 04105; dated December 3, 2013 and last revised June 9, 2015
(A copy of the plan is submitted with this application.)
- The new division of property lines for parcels under common ownership are shown on the plan entitled, “New Division of Lots on High, Danforth, Maple & York Streets, Portland, Cumberland County, Maine made for J.B. Brown & Sons,” by Owen Haskell, Inc. 390 U.S. Route One, Unit #10, Falmouth, Maine 04105; dated December 3, 2013 and last revised August 5, 2015
(A copy of the plan is submitted with this application.)

WRITTEN MATERIALS

1. Construction Management Plans

Construction Management Plans have been prepared that show temporary traffic control and the construction sequencing been prepared for the project and are sheets C10.01 through C10.04 of the plan set

2. Traffic Studies

Trip Study and trip generation

- A traffic assessment memo is attached and this project will generate between less than 100 trips. Therefore, the project will not require a State of Maine Traffic Movement Permit (TMP) issued by the City under its delegated authority.
- A traffic study is attached and is based on scoping questions asked at the pre-application.

Parking Study

A parking assessment memo has been prepared for this project and is attached.

3. Significant Natural Features

- Data check inquiry letters containing a USGS site location map and site concept have been sent to the state wildlife agencies. Copies of the response letters are attached and indicate there are no concerns with impact to significant natural features.
 - The Maine Department of Inland Fisheries
 - The Maine Department of Inland Wildlife
 - The Maine Natural Areas Program

- The project proposes site improvements on 27 High Street which is within the Historic District. Please see the attached Historic Preservation for Certificate of Appropriateness application.

4. Narrative describing the site.

101 York Street, LLC (a subsidiary company of J.B. Brown & Sons) is proposing a mixed-use development at the corner of York Street and High Street in the B-3 zone. The proposal is a 5-story building that will provide approximately 17,000 sq.ft. of flexible commercial on the first floor and 63 residential apartments on the upper 4 floors. Also, the development will include a 2-level parking structure with 211 total spaces in the back of the 5-story structure. All parking in the garage will be owned by the applicant and will be shared parking for tenants.

The following summarizes the proposed building floor space and quantity of parking spaces:

- 17,505 sf. - first floor flexible commercial tenant space
- 63 Residential Condominium Units
 - 20,015 sf - second floor with 15 units
 - 20,015 sf - third floor with 16 units
 - 20,015 sf - fourth floor with 16 units
 - 20,015 sf - fifth floor with 16 units
- Total gross building floor area = 97,565 sq.ft.
- Parking level 1 – 107 spaces (6 accessible)
Parking level 2 – 104 spaces (4 accessible)
Total Parking Spaces = 211

The project will redevelop several existing City parcels under the common ownership of J.B. Brown & Sons. The owner will consolidate the existing lots and provide a new division of lots for the redevelopment. The redevelopment will raze two existing buildings, paved & gravel parking, curb cuts, patio areas, and landscaping. As it relates to parking, 95 existing parking spaces will be redeveloped into 211 parking spaces for a net increase of 30 spaces in excess parking on the subject property.

The proposed development has frontage on York Street, High Street, Danforth Street and Maple Street. The lower level garage will have access through the mixed-use building to an existing curb cut off York Street. The upper level parking in the garage will have access from an existing curb cut and new driveway off Danforth Street. In addition, the new driveway off from Danforth Street will be shared with the existing multifamily residence at 78 Danforth Street. 78 Danforth will release their rights over the private way known as High Street Court. It should be noted that project will remove (2) existing curb cuts on York Street and (1) curb cut on High Street in the post-development condition.

The redevelopment proposal will provide significant streetscape improvements along York Street and at the intersection with High Street. Improvements will include, but not limited to, building exterior, brick sidewalks, granite curbing, curb ramps, street trees and landscaped planters. In addition, the project will provide improvements to the existing infrastructure such as a majority of stormwater runoff will now be separated from the sewer and discharged to the newly installed drainage in High Street. Also, several existing overhead electric services will be removed and the new project services will be underground.

Also, the project provides some site improvements on the 27 High Street parcel in the R-6 zone and within the Historic District. These improvements will be related to hardscape and landscape only as the existing multi-family residences will share a proposed patio space with the new condominiums.

Easements are being proposed with the abutters located 78 Danforth Street and 75 York Street. The project requires the temporary access rights for construction and permanent access rights for shared utilities and driveways.

5. Stormwater Runoff Calculations

- A Stormwater Management Report has been prepared and is attached
- An Erosion and Sedimentation Control Report to comply with the Basic Standards has been prepared and is attached

6. Consistency with City Master Plans

The project is located in the B-3 Downtown Business Zone, the Downtown Entertainment Overlay Zone, and a small portion of site improvements is located in the Historic District.

The project developers believe that the project is consistent with the goals of the City and promotes the following purpose of the B-3 zone as follows:

- Maintain and enhance the role of the downtown as the business and commercial center of the region;
The proposed project will construct 17,505 sf. of flexible commercial space at the ground level of York Street and will construct 211 parking spaces to support the region.
- Enhance and promote the orderly expansion of retail and service businesses downtown, satisfying the related needs of the city's resident, working and visitor populations;
The proposed project will construct 17,505 sf. of flexible commercial space at the ground level of York Street and will construct 211 parking spaces to support the region.
- Encourage increased housing opportunity downtown for a diverse residential population;
The proposed project will construct 63 residential condominiums on the upper four floors on the mixed-use building.
- Enhance the pedestrian environment through the encouragement of intensive mixed-use activities, through the enhancement and maintenance of public and private open space, and through the enlivenment and increased attractiveness of the street environment;
As previously mentioned, the proposed project is a mixed-use building. The proposal is for flexible commercial space at the street level ground floor and 63 residential condominiums on the upper four floors. Public and private improvements will significantly enhance the streetscape.
- Encourage excellence in urban design;
The architectural design is evocative of the historic look and scale of buildings in the area, while bringing the best elements of contemporary design. Brick, granite, glass, and high-quality metals are arranged to create visual interest and employs a variation in materials, window types & sizes, and architectural details.
- Preserve and capitalize on the unique character and historic fabric of the downtown through the encouragement of reuse of significant existing structures;
There are not significant existing structures to be preserve or reuse.
- Reinforce the role of the downtown as a meeting place for community residents and visitors alike from all walks of life and all socio-economic groups;
The proposed project will construct shared patio space for 63 residential condominiums and the adjacent two-unit residence at 27 High Street.

- Provide adequate parking and transportation facilities which promote accessibility, enhance and encourage development opportunity, and enhance and protect the pedestrian environment;
The proposed project will provide shared parking, shared driveways, reduce curb cuts, accessible parking and brick sidewalks.
- Provide for the relocation of residents who are displaced by development.
The proposed project will construct 63 residential condominiums.

Pedestrian-Oriented

The project's redevelopment along York Street and at the intersection with High Street will significantly enhance the streetscape and promote pedestrian-oriented travel along the street frontage. Enhancements include building exterior, brick sidewalks, granite curbing, curb ramps, architectural lighting, granite sit walls, street trees and landscaped planters. The street-level flexible commercial space will be pedestrian friendly by providing floor to ceiling store front windows for create visual interest and by providing the individual tenants the ability for separate entrances from the street. These design elements meet the intent of the design guidelines and will create an enhanced and enjoyable pedestrian environment.

Contextual Architecture

The land bordered by York Street, High Street, and Danforth Street in Portland, Maine sits between the Old Port District and the West End. In the great fire of July 4, 1866, much of the Old Port was burned and the fire stretched down to the corner of York and High Streets and was halted before reaching the West End. The rebuilding of the city after the fire resulted in the construction of many brick buildings in the Old Port area. The York Street Development is a "bridge" between these two areas of the city.

The York Street Development is an in-between condition and thus creates a "bridge" between the commercial brick buildings of the Old Port and the wood residential buildings of the West End. While the functions of the building are divided vertically, commercial space at street level and residential space on the upper levels, the architecture is divided by the Old Port and the West End.

The exterior facades of the building toward the Old Port are delineated in masonry; brick and granite. These facades are detailed in a simple fashion similar to the brick buildings that exist in the Old Port along the piers.

The exterior facades at the corner of York and High Streets are delineated with residentially scaled materials and colors similar to the buildings of the West End. These facades are details in a more ornate fashion with historically proportioned trim, storefront details and cornice.

7. Availability of Off-Site Facilities

The project is located within the city block of York Street, High Street, Danforth Street and Maple Street in a fully developed area of the City. There is significant utility infrastructure, including water, sewer, natural gas, electrical power, and telecommunications within close proximity to the project.

An Existing Conditions Plan is included in the site plan set of this application which depicts the location of the infrastructure around and within the site.

Water

The project will construct a new service off from an 8-inch existing water main in York Street. The Portland Water District has provided a letter indicating the ability to serve the project.

Natural Gas

Natural gas service will be provided by Unitil from an existing main in York Street. Unitil has provided a letter indicating the ability to serve the project.

Storm Drainage

The proposed project will redevelop existing impervious surfaces (including gravel areas). Thus, the project is only required to meet the “basic” requirements pursuant to Portland’s Stormwater Standards within the Technical Manual. Stormwater runoff will be collected onsite via drains and conveyed to the newly installed 48-inch municipal storm drain within High Street. The new municipal storm drain was recently installed as a stormwater and sanitary separation project and discharges to the ocean. Stormwater planters will be constructed to provide treatment for a portion of York Street to offset the small increase in impervious area.

The stormwater management report by Gorrill-Palmer is included in this application and addresses the design and analysis of the proposed storm drainage system in detail.

Sanitary Sewer

One 8-inch sewer connection will be made for the building’s sanitary discharge. In addition, a sewer connection will be made for drainage. This connection will support the drains for the lower level covered parking within the garage and the underdrains for the stormwater planters. Please note that oil and water separating catch basins will be utilized for the lower level to collect any runoff associated with car “drip” within the garage.

It should be noted that the first floor is flexible commercial space with the potential for a restaurant. Should it become certain that a restaurant will occupy tenant spaces, an internal in-kitchen grease trap will be installed to intercept flow from the kitchen drains.

A Wastewater Capacity Application has been completed and is included as part of the submission material.

Electrical Power

Relocation of Overhead Power Lines along York Street - Central Maine Power (CMP) has existing overhead 3-phase power along the north side of York Street, the south side of Danforth Street, and single-phase power along the east side of High Street. Given the close proximity of the proposed building to York Street, as required by Portland's zoning ordinance, the proposal is to relocate the overhead power along York Street to the south side of the street. Consequently, the relocation will resolve conflicts with CMP's clearance requirements to the power lines.

New Power Services - The existing over-head single-phase power down High Court Street will be removed. New underground electric services will be installed underground from an existing pole on Danforth Street. With the execution of an easement with 78 Danforth Street, the new services and transformer will be installed along the common property line. CMP has provided a letter indicating the ability to serve the project.

Telecommunications

Fairpoint and Time Warner Cable telecommunications are located overhead on the same poles as the power. The proposed services will be installed with the electric off from Danforth Street. Both Fairpoint and have provided letters indicating the ability to serve the project.

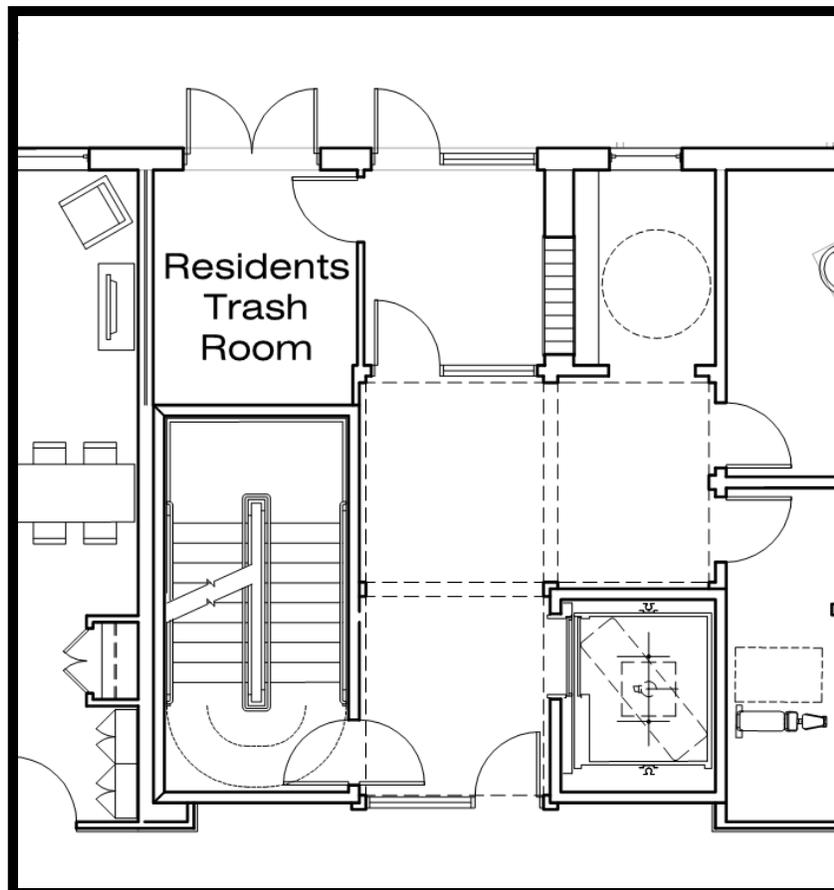
8. Solid Waste

Residence:

-A solid waste room will be provided within the building adjacent to entrance. Residents will bring their trash to the room individually. A commercial waste management company will be retained to facilitate the trash/recycling operations.

Commercial Space:

-Tenant's will remove their waste individually to offsite containers provided by J.B. Brown. A commercial waste management company will be retained to facilitate the trash/recycling operations for these offsite containers.



9. Code summary per NFPA 1 and Fire Dept. Standards

Fire/Building Codes:

-The building will be designed in accordance with the City Building Code, as well as all applicable local, state, and federal codes/laws. The building will be fully sprinklered in accordance with NFPA 13, and will have fire detection/alarm systems as dictated by NFPA 72 and the underlying codes.

Technical Standard 3.2 - Fire Hydrants:

-There are (7) municipal fire hydrants located within 500 feet radius of the building. Please see the attached GIS map from the Portland Water District

Technical Standard 3.3 - Single and Two Family Residential Development:

- Not applicable

Technical Standard 3.4 - Site Access Standards:

-Fire department access is provided via York Street and High Street for 2 sides of the building. Also, a portion of building will be accessible via an access driveway from Danforth Street.

- All site access provides no less than 9 feet in clearance height.

-All elevators will accommodate an 80 x 24 stretcher.

-The building will display the assigned street numbers

Technical Standard 3.5 - Standards for emergency access lanes and gates:

- Not applicable

Technical Standard 3.6 - Subdivision Standards:

- Not applicable

Technical Standards 3.7 through 3.11 - Standards for blasting and regulation of explosives:

- Geotechnical explorations were performed and the subsurface condition does contain bedrock. Based on the findings, large blast operations are anticipated. Accordingly, Opechee Construction Corporation will prepare an application in accordance with the technical standards for a blasting permit all the application information for a blasting permit for information. The standards for blasting and regulation of explosives for a large blast operation.

10. Consistency With Design Standards

As described in other sections of this application, the project is consistent with the general design standards contained in Section 14-526 of the Land Use Ordinance. In addition, there are specific design standards applicable to the B-3 Downtown Business Zone that are set forth in the City of Portland Design Manual. For convenience and to ensure completeness of this section of the application, the B-3 Zone Design Standards are reproduced below and the applicant's statements regarding consistency follow each section in italics.

(b) B-3 DOWNTOWN BUSINESS ZONE:

(1) STANDARDS.

- a. In addition to applicable standards of Section 14-526 of the Land Use Code, development located within the B-3 zone shall also meet the following standards. Adequacy in meeting these standards will be evaluated on the basis of descriptions and illustrations in the Downtown Urban Design Guidelines included as Appendix 1 of this manual. Nothing in this section is intended to discourage creative and responsive design or to mandate similarity or mimicry of design in order to achieve the standards herein:
 1. Relationship to the pedestrian environment:
 - i. General: The exterior design of portions of buildings within the first thirty-five (35) feet of height shall enhance the character, attractiveness, comfort, security, and usability of the street level pedestrian environment. Factors to be considered include the design, placement, character and quality of the following:
 - 1) Storefronts and building facades, including such factors as relationship to adjacent or nearby structures or open space, pedestrian character, materials and detailing, transparency (having a visible transmittance (VT) of .7 or higher) and contemporary design;
The proposed building will have floor to ceiling pedestrian friendly store front windows that will provide visual interest. The windows will meet the visible transmittance requirement.
 - 2) Building entrances, including such factors as compatibility with the building's façade, prominence along the street, access to the street, and accessibility for physically handicapped or for those with special needs;
The commercial space on the first floor will have access to the street. With the utilization of floor to ceiling store front windows, entrance locations will be flexible to the final layout of the tenant space.
 - 3) Blank facades; and
The maximum length of undifferentiated blank wall is only 11 feet 4 inches.

- 4) Special features, such as selective use of such features as building arcades and skywalks or elevated walkways.
The proposed public sidewalks building façade will include special features such as granite sit walls, planters, and stormwater planters to promote urban design elements. Some of these special features elevate a portion of the walkway above the street curb to maximize the length of building façade with at-grade street access.

- b. Pedestrian Activities District (PAD): In addition to subsection 1 of this section, proposed development located within the pedestrian activities district (PAD) overlay zone, as shown on the pedestrian activities district map, a copy of which is on file in the department of planning and urban development, shall be designed and constructed to accommodate pedestrian oriented uses at the street level. In determining such design, the following factors should be considered:

Not applicable. Project is not located in the PAD district.

1. The exterior design of the street level building facade, including the placement of entrances, potential entrances, and window openings;
2. The design and placement of impenetrable exterior building features such as columns, piers, bearing walls and retaining walls;
3. The orientation of proposed street level uses to the street and the accessibility of floor area to the street by virtue of grade elevations and access;
4. The adequacy of the interior layout of the first twenty (20) feet in depth of the building along specified streets to accommodate viable pedestrian-oriented uses;
5. The continuity of street level uses as impacted by service entrances to parking structures or lots, drive-through facilities or other interruptions.

- c. Pedestrian activities district (PAD) encouragement areas: In addition to subsection 1 of this section, proposed development located within the pedestrian activities district (PAD) encouragement areas, as shown on the pedestrian activities district map, a copy of which is on file in the Planning and Urban Development Department, shall be designed and constructed to be reasonably capable of being converted to accommodate uses permitted in the PAD overlay zone in accordance with the factors set forth in subsection b. of this section.

Not applicable. Project is not located in the PAD district encouragement area.

- d. Sidewalk areas and open space: The design of publicly accessible sidewalk areas and open space shall complement the general pattern of the downtown pedestrian environment, conform to special City of Portland streetscape programs described in the Technical Manual, and enhance the attractiveness, comfort, security, and usability of the pedestrian environment. Factors to be considered include the design, placement, character, durability, and quality of the following:

1. Sidewalk, crosswalk, and street paving materials;
All the proposed sidewalks and the driveway crosswalk will utilize brick pavers to promote the downtown pedestrian environment. Also, the streets improvements will utilize granite curbing and bituminous concrete.

2. Landscaping, planters, irrigation, and tree guards and grates;
The project proposes to enhance the streetscape with planters and street trees.
 3. Lighting;
The project proposes new public street lighting along York Street and High Street. The project utilizes the Bayside District Medium Scale Light.
 4. Pedestrian amenities such as benches and other seating, trash receptacles, kiosks, bus shelters, artwork, directional and informational signage, fountains, and other special features; and
The project proposes granite sit benches and stormwater planters as special features.
 5. Sidewalk vendors and sidewalk cafes.
The project proposes a “plaza” area adjacent to the building. Depending on the tenants, this area could be utilized for outdoor seating and vendors.
- e. Relationship to existing development:
General: Proposed development shall respect, enhance, and be integrated with the existing character of the general pattern of development in the downtown, surrounding building environment and streetscape, as described and illustrated in the Downtown Urban Design Guidelines (Appendix 1). Factors to be considered include the relationship to the following existing patterns:
The proposed project creates a bridge between the commercial brick buildings of the Old Port and the wood residential buildings of the West End. While the functions of the building are divided vertically; commercial space at level 1 and residential space on the upper levels, the architecture is divided by the Old Port and the West End.
- i. Street walls and building setbacks;
Please see the build-to setback waiver request above
 - ii. Open space;
The project proposes open space and a common patio area for the proposed residences and the multi family residence at 27 High street
 - iii. Building form, scale and massing;
The proposed project creates a bridge between the commercial brick buildings of the Old Port and the wood residential buildings of the West End.
 - iv. Facade proportion and composition;
The exterior facades of the building toward the Old Port are delineated in masonry; brick and granite. These facades are detailed in a simple fashion similar to the brick buildings that exist in the Old Port along the piers. At the corner of York Street and High Street, the building is utilizes residentially scaled materials and colors

similar to the buildings of the West End. These facades are details in a more ornate fashion with historically proportioned trim, storefront details and cornice.

v. Pedestrian circulation and building entrances;
Pedestrian circulation is provided throughout the proposed site. As it relates to the building entrances, commercial tenant space will have access from York Street and the residential condominiums will have access from High Street.

vi. Parking.
The project will construct a parking garage with 211 spaces. There will be a net increase of 30 spaces in the post-development condition.

2. Standards for increasing setback beyond street build-to line: A proposed development may exceed maximum setbacks as required in section 14-220(c) only where the applicant demonstrates to the Planning Board that the introduction of increased building setbacks at the street level:

The project is requesting relief from section 14-220(c). Please see the waiver request.

i. Provides substantial and viable publicly accessible open space or other amenity at the street level that supports and reinforces pedestrian activity and interest. Such amenities may include without limitation plazas, outdoor eating spaces and cafes, or wider sidewalk circulation areas in locations of substantial pedestrian congestion;

The project will support pedestrian activity by proposing wider sidewalks, planters, granite sit walls, and a small plaza area.

ii. Does not substantially detract from the prevailing street wall character by introducing such additional setback at critical building locations such as prominent form-defining corners, or create a sense of discontinuity in particularly consistent or continuous settings;

The proposal does include a building projection to define the York Street & High Street intersection corner.

iii. Does not detract from existing publicly accessible open space by creating an excessive amount of open space in one (1) area or by diminishing the viability or liveliness of that existing open space; and

The proposed building setbacks are not excessive and the building will have an “on-street” presence. Please see the waiver request.

iv. The area of setback is of high quality and character of design and of acceptable orientation to solar access and wind impacts as to be attractive to pedestrian activity.

The area of the setback is complementary of Portland’s downtown in utilizing materials such as brick and granite.

- v. Roof top appurtenances: All mechanical equipment, ventilating and air conditioning and other building systems, elevators, stairways, radio or television masts or equipment, or other rooftop elements not intended for human occupancy shall be fully enclosed in a manner consistent with the character, shape and materials of the principal building, as described and illustrated in the Downtown Urban Design Guidelines (Appendix 1);
The building proposes parapets above the roof level. The parapets will help screen any roof top mechanical. Please see the attached Building Section & Roof Top Plan.

- f. Shadow impact on open space: The location, massing and orientation of portions of buildings in excess of sixty-five (65) feet in height shall be such that substantial shadow impacts on public plazas, parks, and other publicly accessible open space are avoided. In determining the impact of shadows, the following factors shall be taken into account: the amount of area shadowed, the time and duration of the shadow, and the importance of sunlight to the utility of the type of open space being shadowed, as described and illustrated in the Downtown Urban Design Guidelines (Appendix 1);
Not applicable. The building is not in excess of 65 feet in height.

- g. Wind impacts: The location, massing, orientation and architectural design of a new building or a building addition shall be such that no significant adverse wind impacts are created. In determining the impact of winds, the following factors shall be taken into account: the pre-development and projected post-development wind speeds and their impact on pedestrian movement, comfort and safety; and the impact of projected wind speed the use of and comfort within existing and proposed pedestrian seating areas and other adverse impacts upon the surrounding area;
Although the project will be a 5-story structure from the predevelopment conditions, it's not anticipated to be significant and adverse

- h. Setbacks from existing structures: The location and design of proposed structures shall not create a detrimental impact on the structural integrity or the safety of adjacent structures or the occupants thereof;
The project has been design to not have a detrimental impact on adjacent properties.

- i. Building tops: Buildings or structures which exceed one hundred fifty (150) feet in height shall be designed so as to provide a distinctive top to the building which visually conveys a sense of interest and vertical termination to the building, as described and illustrated in the Downtown Urban Design Guidelines (Appendix 1);
Not applicable. The building is not in excess of 150 feet in height.

HISTORIC DISTRICT:

Section 14-651. Standards for review of new construction

(a) Scale and form:

1. Height. In addition to the applicable requirements of articles III, IV and V of this chapter, the proposed height shall be visibly compatible with surrounding structures when viewed from any street or open space and in compliance with any design guidelines.

Not applicable - site improvements only

2. Width. The width of a building shall be visually compatible with surrounding structures when viewed from any street or open space and in compliance with any design guidelines.

Not applicable - site improvements only

3. Proportion of principal facades. The relationship of the width to the height of the principal elevations shall be visually compatible with structures, public ways and open spaces to which it is visually related.

Not applicable - site improvements only

4. Roof shapes. The roof shape of a structure shall be visually compatible with the structures to which it is visually related.

Not applicable - site improvements only

5. Scale of a structure. The size and mass of structures in relation to open spaces, windows, door openings, porches and balconies shall be visually compatible with the structures, public ways and places to which they are visually related.

Not applicable - site improvements only

6. Applicability to Congress Street historic district. In the Congress Street historic district, for new construction within the B3 zone, the historic preservation board shall not impose conditions more restrictive than the dimensional requirements (Sec 14-220) of the B3 zone.

Not applicable - the project is not in the location on Congress Street historic district

(b) Composition of principal facades:

1. Proportion of openings. The relationship of the width to height of windows and doors shall be visually compatible with structures, public ways and places to which the building is visually related.

Not applicable - site improvements only

2. Rhythm of solids to voids in facades. The relationship of solids to voids in the facade of a structure shall be visually compatible with structures, public ways and places to which it is visually related.

Not applicable - site improvements only

3. Rhythm of entrance porch and other projections. The relationship of entrances and other projections to sidewalks shall be visually compatible with the structures, public ways and places

to which they are visually related.

Not applicable - site improvements only

4. Relationship of materials. The relationship of the color and texture of materials (other than paint color) of the facade shall be visually compatible with the predominant materials used in the structures to which they are visually related.

Not applicable - site improvements only

5. Signs. Any new sign, and any change in the appearance of an existing sign located on a landmark within an historic district or within an historic landscape district, which is readily visible from any street or open space shall not be incongruous to the historic character of the landmark or district and shall comply with the criteria and guidelines specified in the design manual.

Not applicable - site improvements only

(c) Relationship to street:

1. Walls of continuity. Facades and site structures, such as masonry walls, fences and landscape masses, shall, when it is a characteristic of the area, form cohesive walls of enclosure along a street to ensure visual compatibility with the structures, public ways and places to which such elements are visually related.

Not applicable - site improvements only

2. Rhythm of spacing and structures on streets. The relationship of a structure or object to the open space between it and adjoining structures or objects shall be visually compatible with the structures, objects, public ways and places to which it is visually related.

Not applicable - site improvements only

3. Directional expression of principal elevation. A structure shall be visually compatible with the structures, public ways and places to which it is visually related in its directional character, whether this be vertical character, horizontal character or nondirectional character.

Not applicable - site improvements only.

4. Streetscape, pedestrian improvements. Streetscape and pedestrian improvements and any change in the appearance thereof located adjacent to, or on a landmark, within an historic district or within an historic landscape district which is readily visible from any street or open space shall not be incongruous to the historic character of the landmark or district and shall comply with the criteria and guidelines specified in the design manual.

Not applicable - improvements are on-site only

(d) Other standards:

1. Compatible uses. Every reasonable effort shall be made to provide a compatible use for a property which requires minimal alteration to the character-defining features of the structure, object or site and its environment or to use a property for its originally intended purpose.

The property will continue to be used for its originally intended purpose. No alterations are being made to character-defining features.

2. Distinguishing original character. The distinguishing original qualities or character of a structure, object or site and its environment shall not be destroyed. The alteration of any historic material or distinctive architectural features should be avoided when possible.

The project proposes site improvements only in the historic district. None of the materials to be razed are historic

3. Archeological resources. Every reasonable effort shall be made to protect and preserve significant archeological resources affected by or adjacent to any project. If resources must be disturbed, mitigation measures shall be undertaken.

The proposed site improvements are in areas that have been previous disturbed in the 2000's.

4. Contemporary design. Contemporary design for additions to existing properties shall not be discouraged when such alterations and additions do not destroy significant cultural, historical, architectural or archeological materials that characterize the property. The new work shall be differentiated from the old and shall be compatible with the size, scale, material and character of the property, neighborhood and environment.

Not applicable

5. Additions. Wherever possible, new additions to structures and objects shall be undertaken in such a manner that, if such additions were to be removed in the future, the essential form and integrity of the structure would be unimpaired.

Not applicable - no additions proposed

11. Verification HVAC meets state and federal emissions requirements

HVAC equipment has not been specified and selected yet, but Opechee Construction Corporation, as an experienced design/build general contractor with on-staff licensed architects and engineers, will ensure that are specified and installed in full compliance with all codes and regulations, including but not limited to state and federal emissions requirements. The applicant request that the following requirement be made a condition of the planning board approvals:

“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, to the satisfaction of the Zoning Administrator prior to the issuance of a Building Permit for that unit. This requirement shall be included in the Condominium documents.”

APPENDIX