



**Memorandum  
 Planning and Urban Development Department  
 Planning Division**

**To:** Carol Morrissette, Chair and Members of the Portland Planning Board  
**From:** Jean Fraser, Planner  
**Date:** December 14, 2012  
**Re:** Mixed Use Development at 321 Commercial Street; Level III Site Plan/Subdivision, J B Brown & Sons, Applicant.  
**Project #:** 2012-615      **CBL:** 40-E-3  
**Meeting Date:** December 18, 2012

**I. INTRODUCTION**

This is a second workshop on the project proposed by Vincent Veroneau of J B Brown & Sons for a Level III Site Plan, Subdivision and Traffic Movement Permit review. The project is located on an existing gravel parking lot at the corner of Commercial and Maple Streets and comprises a new six story 111,180 sq ft mixed use building to include a restaurant, a 131 room hotel (Courtyard by Marriott) and 14 residential units. A total of 114 parking spaces are also proposed: 28 parking spaces on the site and a further 86 off-site spaces for valet parking on nearby parking lots owned by the applicant.

Notice has been sent to 130 property owners and interested citizens in the vicinity of the project and was printed in the December 10<sup>th</sup> and 11<sup>th</sup>, 2012 editions of the *Portland Press Herald*.

Required reviews: The proposal is being reviewed by the Planning Board under the Land Use Code provisions 14-497 (Subdivisions); 14-526 (Site Plan); and Traffic Movement Permit (delegated authority from the state). The proposal is also subject to Historic Preservation Board review (Certificate of appropriateness) as it is located within the Old Port Historic District, and therefore the proposal is exempt from some of the Site Plan B5b design standards.

The applicant has asked for waivers as listed below:

<i>Requested Waiver</i>	<i>Standard and any waiver provisions</i>
<b>Location and spacing of driveways:</b> Driveway separation, to allow driveways 80 feet apart on Maple Street (details in <u>Att.E</u> )	<i>Technical Manual 1.7.1.7.</i> Along arterial, collector and local streets, the minimum acceptable spacing between double or multiple driveways for driveways on adjacent lots or on the same parcel shall meet the criteria below: for 30mph speed limit, minimum separation of 125 feet.
<b>Required number of bicycle parking spaces:</b> To allow a reduction from the required 26 spaces (applicants calculation of 20 required for hotel/restaurant; 6 required for residential) to 14 bicycle parking spaces around the site and space for 6 residential bikes within a storage room on the sixth floor. Street (see <u>Att. E</u> for details)	<i>Parking:</i> b. Location and Required Number of Bicycle Parking Spaces: (i) The site plan shall provide secure bicycle parking in conformance with Section 1 of the Technical Manual and shall meet the following requirements: (b) <i>Non-residential structures.</i> Two (2) bicycle parking spaces for every ten (10) vehicle parking spaces for the first one hundred (100) required vehicle parking spaces, plus one (1) bicycle parking space for every twenty (20) required motor vehicle parking space over one hundred (100) required vehicle parking spaces.

This memorandum more fully addresses the TMP, traffic and pedestrian access, and parking aspects of the project as these were not fully developed at the time of the first workshop. The applicant has addressed most staff, Board and public comments (see summary of comments in Attachment 11). The applicant has not submitted a revised plan set to address detailed site plan review comments for this workshop, as the applicant wanted to revise the plans after the second Historic Preservation (HP) Board workshop held on December 12<sup>th</sup> 2012. The HP Board discussion included suggestions for further revisions, including changes to the building footprint and Foundry Lane. The applicant is considering how to best respond to these recent HP comments.

## II. PROJECT DATA

<i>DATA</i>	<i>Phase II Proposed new building</i>
<b>Applicant:</b>	J B Brown & Sons
<b>Consultants:</b>	Opechee Construction Corporation (engineers and architects)
<b>Total Site Acreage</b>	38,770 sq ft
<b>Existing Zoning</b>	B5b
<b>Existing Use</b>	Gravel parking lot
<b>Proposed Uses</b>	Hotel, Restaurant and Residential
<b>Proposed number of residential units</b>	14
<b>Proposed residential unit size</b>	Seven 1-bedroom; seven 2-bedroom
<b>Proposed structure height</b>	64 ft 10 in average
<b>Total Disturbed Area</b>	56,780 sq ft (including area within ROW)
<b>Existing impervious areas</b>	48, 736 sq ft
<b>Proposed impervious areas</b>	51, 249 sq ft
<b>New Impervious surface</b>	2,513 sq ft
<b>Proposed building footprint</b>	19, 324 sq f
<b>Proposed floorspace</b>	
• <b>Restaurant:</b>	• 7,460 sq ft
• <b>Hotel:</b>	• 84,380 sq ft
• <b>14 Residential Units:</b>	• 18,396 sq ft (plus 944 sq ft lobby)
• <b>Total:</b>	• 111,180 sq ft
<b>Proposed parking spaces</b>	24 on site (note: 11 additional shown for Baxter Place)
<b>Proposed handicapped parking spaces</b>	2 on site
<b>Proposed total number of parking spaces</b>	26 on site (84 off site)
<b>Proposed number of new bicycle parking spaces</b>	20 (14 on site; 6 within residential storage on 6 <sup>th</sup> floor)
<b>Estimated Cost of Project:</b>	\$17.5 million
<b>Uses in Vicinity:</b>	Commercial; Gulf of Maine research; Fish Pier; lumber yard; also pending applications for a high school, office, residential (adj Baxter Place).

## III. EXISTING CONDITIONS



The site is currently a gravel parking lot at an important gateway location on the west side of Commercial Street and within the Old Port Historic District. The Fish Pier, the Cumberland Cold Storage



*From Commercial Street*



Building (now Pierce Atwood) and the Gulf of Maine Research Institute are on the opposite side of Commercial Street. The Fassett designed Baxter Place commercial and residential building is immediately to the north, separated from the site by Foundry Lane (one-way towards Commercial Street, with cobblestone lined with four street trees).

Foundry Lane is a discontinued street (discontinued in 1995) where the City has reserved pedestrian and utility access rights. The discontinuance agreement requires that the Planning Board review the site plan for any changes in Foundry Lane (Attachment 9).

To the west of the site is an existing landscaped parking lot that serves the Cannery at 14 York Street; although adjacent to the site it will remain as serving the Cannery and will not be utilized for the proposed development.



*Foundry lane looking towards Commercial Street; Baxter Place building to left*



*Maple Street looking towards commercial Street; parking area on left not part of proposal except re sidewalk*



*Location for Baxter Academy on opposite side of Maple St*

Across Maple Street to the south is Rufus Deering and the building at the corner of York and Maple is currently under site plan review for the Baxter Academy (Charter) High School.

There is a concrete sidewalk, an unused curb cut, and four street trees along the property frontage on Commercial Street. There is a curb cut and no sidewalks on the Maple Street property frontage.



#### IV. PROPOSED DEVELOPMENT

The applicant has submitted new elevations (Plans 22 and 23) showing revised architectural detailing and materials, along with 5 new narratives regarding key elements of the development:

- *Traffic Analysis Memorandum* (John Adams) (Attachment G.4) addressing trip generation issues in the context of the TMP
- *Responses and Revisions to Foundry Lane* (Attachment P) including revised layout in Plan 21
- *Letter to HP Board 12.12.12* explaining responses to HP concerns re massing, building façade, and Foundry Lane (Attachment Q)
- *Memorandum from Opechee (Steve Long)* re Staff, Site Plan and Public comments (Attachment R)
- *Response to Traffic Comments* re staff and public comments on traffic issues (Attachment T)

The site layout, engineering, and building plans (Attachment Plans 1 to 18) have not changed since the first workshop except for the area in the vicinity of Foundry Lane. The applicant has confirmed that revisions to address detailed site plan review comments will be undertaken for the final submission (Attachment R). The overall proposal remains as presented to the first workshop: a six story (approximately 65 feet high) mixed use building totaling 111,180 sq ft, with a 7,460 sq ft restaurant located on the first floor, a hotel on the remainder of the first floor and the next four floors (18,635 sq ft each) and 14 residential units on the sixth floor totaling 18,396 sq ft. (Attachment A).

The main hotel entrance is adjacent to Foundry Lane on Commercial Street, highlighted by a canopy and large bumpout in Commercial Street. The restaurant is accessed farther west along Commercial Street and includes a patio facing west at the corner of Maple and Commercial Street. The residential units are accessed from a separate entrance and lobby on Maple Street.

Primary vehicle access to the site is proposed to be via Foundry Lane, converted to a 2-way access, which leads to a porte cochere on the rear of the building. Parking for 26 vehicles (14 for the residences; 12 for the hotel) is proposed on site to the rear of the building. The project requires a Traffic Movement Permit and the TMP Submission (Attachment G.1) details the assumed trip numbers and distribution, as updated by the *Traffic Analysis Memorandum* (Attachment G.4) that addresses issues raised at the TMP Scoping meeting.

There is no zoning requirement for parking in this zone so the applicant has submitted a parking analysis entitled *Parking Study* (Attachment G.2). It indicates a total of 86 parking spaces are required for the hotel operation. This will be met by 12 on-site, and 74 valet-only parking spaces on two nearby off- site parking lots on York Street (shown in yellow dotted line on the aerial above and in Attachment L). These are already owned by the applicant; they received site plan approval many years ago for parking. This off-site parking lot will also provide 10 spaces to serve the retail use.



*York St. access drives for off-site parking lots*

The applicant's calculation of the parking requirements for the hotel is based on an assumption that Transportation Demand Management (TDM) measures will result in a 10% reduction in parking demand. The TDM Study is attached at Attachment G.3.

The applicant proposes to construct new brick sidewalks along the site frontage on Commercial Street and along the entire eastern side of Maple Street, including new and replacement street trees. On-street parking is proposed to be reorganized, with a net increase of one space.

## V. Staff Review

### a. Zoning:

For the first workshop the Zoning Administrator, Marge Schmuckal, requested clarification regarding the number and legal status of the residential units, and the building height, and confirmed that under 14-332.1 (g) in the parking section of the Ordinance states that there are no zoning parking requirements (Attachment 6).

The applicant has confirmed that there will be three condominium units: a Hotel unit; a Retail unit and a Residential unit (14 individual apartments) that will be rental units (Attachments R. and S.).

The Zoning Administrator has reviewed the submitted information and confirmed that the proposal meets the B5b zoning requirements subject to conditions concerning signage and HVAC as below:

*Separate permits will be required for any signage. All HVAC systems must meet the maximum allowable noise requirements of the zone. At the time of permits, it will be necessary to submit data concerning the dBA out-put for individual units.*

### b. Submissions and Right, Title and Interest:

The submitted survey (Attachment Plan 2) has been reviewed by DPS and revisions were requested in Attachment 4; the applicant has confirmed revisions will be made to the final plan set (Attachment R.).

The draft subdivision plan has been submitted (Plan 3) and further detailed comments are anticipated concerning notes to clarify the floorspace areas and parking. The Draft Condominium Documents have been submitted (Attachment O.) which are still under review. These clarify that although the three units are the hotel, retail and residential units, the residential unit may be further subdivided and the proposal for 14 rental units triggers the subdivision review.

The applicant has confirmed that “we do not expect to create the plats and record the condo docs until the building is basically complete” (Attachment R.). It should be noted that while this may be acceptable in respect of the condo documents, subject to Corporation Counsel review and approval, the Subdivision Plat must be recorded prior to any sale or development of the site (Section 14-504 of the City’s Land Use Ordinance).

The applicant has provided evidence of right, title and interest in Attachment B. Foundry Lane is not owned by the applicant, and an access agreement (Attachment D, as revised from the one presented at the first workshop, allows the applicant access over Foundry Lane subject to parking and access for the abutter being maintained in this corridor.

### c. Subdivision Review: 14-497. Subdivision General Requirements (a) Review Criteria

#### *Water, Air Pollution and Soil Erosion*

The submitted Stormwater Pollution Prevention Plan (Attachment I.2) addresses erosion and water pollution and is considered satisfactory (Attachment 3). The applicant has submitted a capacity letter from the Portland Water District dated 10.15.2012 (Attachment J).

#### *Impacts on existing or proposed highways and public roads*

##### Traffic Movement Permit (TMP)

The proposed development requires a State of Maine Traffic Movement Permit (TMP) as it generates between 100 and 200 additional trips. The TMP would be issued by the City under delegated authority.

The TMP application and scoping documentation was submitted 10.11.2012 (Attachment G.1) and a Scoping meeting was held on 11.7.2012.

At the Scoping Meeting the Consulting Traffic Engineer Reviewer, Tom Errico, requested further information regarding traffic generation and characteristics at local intersections and the proposed access on Commercial Street, and additional accident analysis at the intersection of High Street and Commercial Street. In addition there was public comment at the first workshop (Attachment 10.a.) concerning the impact of traffic generated by this project on the proposed Baxter Academy high school on the opposite side of Maple Street. Of particular concern was the traffic which would be generated by cars being taken to and from the valet parking lots on York Street.

The applicant has responded with an 11.30.2012 *Traffic Analysis Memorandum* from John Adams, applicant's Transportation Engineer (Attachment G.4) and a *Response to Traffic Comments* memorandum (Attachment T.).

The Traffic Engineering Reviewer, Tom Errico, has reviewed the further information and comments:

*I have reviewed the traffic study and find the methods and conclusions to be acceptable. In summary the project is not expected to negatively impact traffic conditions in the vicinity of the project. There is one outstanding item that needs to be evaluated. The applicant should conduct an evaluation of queue spillback from the Commercial Street/Center Street intersection and whether blockage of the project driveway will be problematic and if improvements are recommended. (Attachment 15.)*

### ***Sanitary Sewer***

The application has been reviewed by the Department of Public Services (DPS) and is satisfactory subject to revisions regarding the design of the grease trap (Attachment 4); the applicant has confirmed this revision will be made (Attachment R). A capacity to serve letter was issued 12.4.2012 (Attachment N.).

### ***Storm water***

The site is currently gravel and impervious. The proposal results in a net increase of 2,513 sq ft. (including new impervious in the right of way), of which 272 sq ft is within the site boundaries (Attachments A and J). The Peer Engineering Reviewer comments are included in Attachment 3 and DPS comments are in Attachment 4 - both encourage the incorporation of stormwater quality treatment features such as a tree filter or stormwater planter.

The applicant has responded by adding one stormwater treatment area (bio retention cell) within the bump out at the Commercial Street site entrance (near Foundry Lane- as shown in Attachment R and in the Foundry Lane conceptual plan ( Plan 21). Reviewers have commented that this is acceptable subject to reviewing supporting calculations and design details (Attachment 14 and 16).

### ***Solid Waste***

The submissions (Attachments J and Plan 6) confirm that an enclosed refuse enclosure is proposed at the rear of the site near Maple Street and would be managed by a commercial waste removal firm.

### ***Scenic Beauty and Street Trees***

There are about 13 existing small street trees along Maple Street, Commercial Street and Foundry Lane that appear to be removed



by the proposals, although not all are shown on the Demolition Plan (Attachment Plan 5). The four trees along Maple Street (near York Street) are more substantial and are proposed to be removed to allow for a new brick sidewalk (see discussion re *Sidewalks* below).

Under the Subdivision standards a total of 14 street trees would be required. The current proposal, incorporating additional street trees along Foundry Lane, includes 15 street trees (Plan 21).

The City Arborist, Jeff Tarling, provided detailed comments for the first workshop in Attachment 1. Mr. Tarling acknowledged that flush tree grates may be acceptable (using Neenah grates), but he requested further consideration of ways to provide greater soil volume and winter protection, and recommended the creation of:

*“an ornamental planter(s) in the new Commercial Street bump-out, the bricked in space along Foundry Lane and perhaps a space in the parking lot near Maple Street that would serve also as a storm-water planter. These spaces could be planted with shade tree / ornamental trees, woody and herbaceous planting. These planter(s) could be created by using a second granite curb within the bump-out similar to one used at 494 Congress Street and or the detail sheets in the storm-water information attachment.”* (Attachment 1)

The proposal addresses the City Arborist initial comments by incorporating a large planter which also serves as a bioretention area within the bump out nearest to Foundry Lane (details at end of Attachment R). The applicant has confirmed that the remainder of the City Arborist comments would be addressed in the final plan submission (Attachment R. Steve long).

### ***Comprehensive Plan***

The applicant has referred to the Comprehensive Plan policies (Attachment J) and the project is compatible with Comprehensive Plan goals and policies.

### ***Financial and Technical Capacity***

The applicant has submitted a letter dated 10.17.2012 from Bangor Savings Bank and provided background information on the Opechee Construction Company (Attachment F).

### **d. Staff Review: Site Plan 14-526 Site Plan Level III Final Plan Requirements**

***Transportation impacts*** - as discussed above under *Subdivision Review*

### ***Access and circulation, loading and servicing***

The main access to the hotel is proposed to be via a 2-way Foundry Lane, with secondary access from Maple Street (also 2-way). The internal circulation is broadly acceptable and the applicant has addressed most of the detailed comments raised by Tom Errico for the first workshop as outlined below (Attachments 7 and 15). However, additional information is still required, particularly for on-site truck deliveries.

- *The driveway on Maple Street will require a waiver from the City’s technical standards for driveway separation. Give the volume and speed of traffic on Maple Street I support a waiver from the City’s technical standards. Status: I have no further comment.*
- *The painted areas at the driveway entry on Maple Street should be removed. Status: The plans have been revised to note that areas are not to be painted. I have no further comment.*
- *The applicant has illustrated a proposed crosswalk on Commercial Street at the easterly corner of Maple Street. I need to review this proposal. My general sense is additional features are needed for safe pedestrian crossing. I would also note that the alignment of the crosswalk on the site plan will need to be adjusted to meet the City’s perpendicular alignment design*

*preference. The crosswalk paint detail would also need to be "Block" style. Status: The provision of a crosswalk at this location needs to be reviewed by the City Crosswalk Committee. A request to add this to their January 3, 2013 agenda should be undertaken by Planning staff. I would note that I am in support of a crosswalk at the Commercial Street/Maple Street intersection location.*

- *It appears that a pedestrian easement will be required for sidewalks areas abutting the project. Status: The applicant understands the need for an easement and will be providing the necessary information.*
- *For development projects in the area, the City has been requesting monetary contributions towards the installation of a traffic signal at the Commercial Street/High Street intersection. I will provide and estimate of the contribution amount in the future. Status: The contribution calculation is based upon the number of trips being generated by the project at the subject intersection. The contribution amount is \$12,500.00.*
- *The applicant should provide details on how truck deliveries will be accommodated. Status: This comment is outstanding.*

### ***Sidewalks/Pedestrian Accommodations***

The applicant has proposed a brick sidewalk along the entire length of Maple Street on the development frontage, including the section in front of the existing parking lot (separate JB Brown parcel) that goes up to the York Street pedestrian crossing.

At the first PB workshop the Greater Portland Landmarks stressed the importance of the detailing within the pedestrian environment, specifically pedestrian crossings of the curb-cuts and the primary building entrances ([Attachment 10.b.](#)). Greater Portland Landmarks more recent comments ([Attachment 10.c](#)) reiterate the need to address the public realm.

### ***Foundry Lane***

The applicant does not own the portion of Foundry Lane that is being proposed for the main hotel site access, and for a pedestrian path to continue the existing pedestrian path from York Street towards Commercial Street.

Foundry Lane was discontinued as a public street in 1995 in association with earlier developments by the applicant. The discontinuance was subject to an order by the City of Portland that stated it was subject to "the retention of a public access easement and an easement for public utility facilities" ([Attachment 9](#)).

The discontinuance was also subject to an agreement between the City of Portland and J. B. Brown & Sons and Baxter Place Associates. The portion of Foundry Lane near York Street is now owned by J B Brown, and the section closest to Commercial Street is owned by Baxter Place Associates. The discontinuance agreement included the following requirements ([Attachment 9](#)):

- No structures located in the area of the discontinued street;
- That a site plan for any changes to the area of the discontinued streets be reviewed by the Planning Board ;
- That if J B Brown does not utilize the cobblestones from the discontinued street in its site improvements, then any unused cobblestones shall be returned to the City;
- That the City shall retain the right to reacquire the title to the street under certain conditions.

J B Brown installed the pedestrian improvements, as approved as part of the Cannery Project at 14 York Street, for their portion of Foundry Lane. The current Site Plan addresses the area owned by Baxter Place Associates.

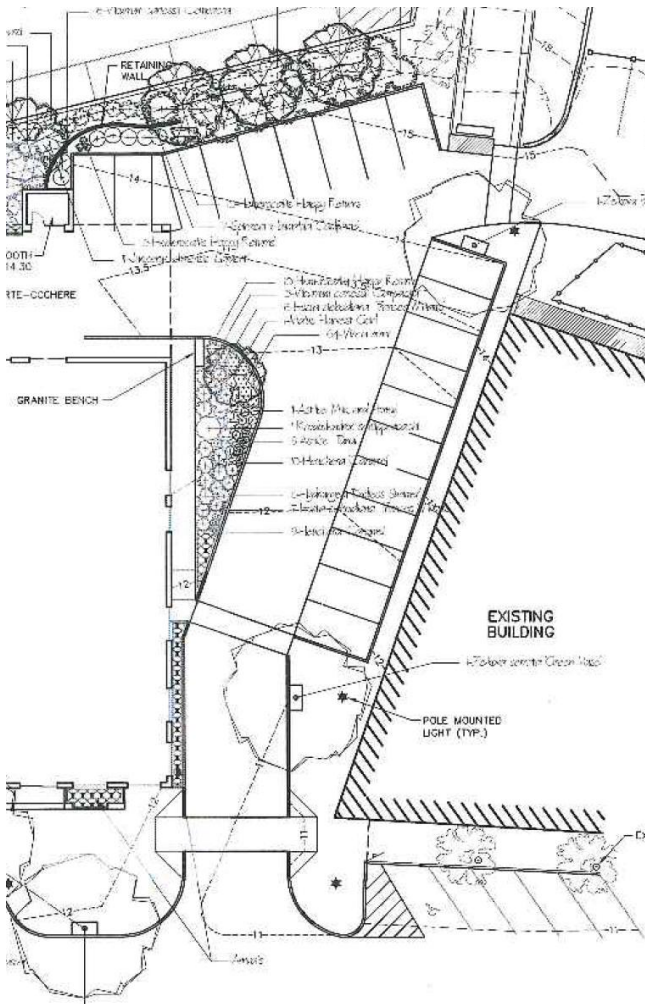


A proposed Access Easement Agreement with the owner of the abutting property (Baxter Place) has been submitted in Attachment D. The proposal allows for joint access over the area and provides 11 parking spaces that may be used by Baxter Place.

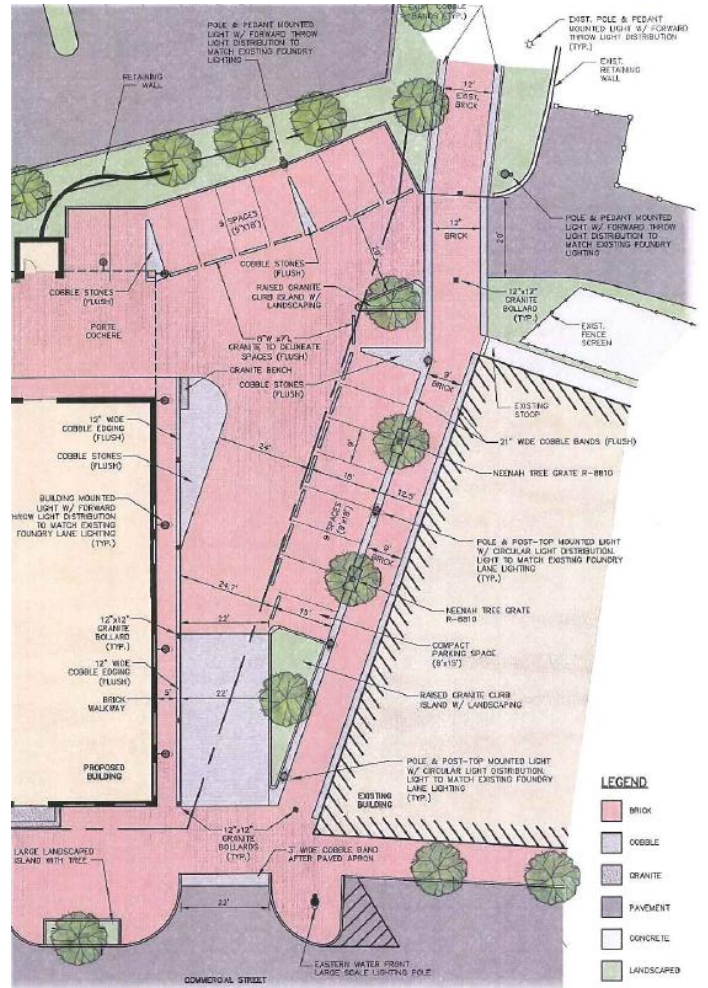
The existing pedestrian path near York Street comprises a brick paved 12 foot wide pedestrian path (edged with cobbles) that currently ends where the vehicle drive from Baxter Place enters the site (photo above).



Foundry Lane looking toward Commercial St



Above: As proposed at the First PB Workshop



Above: Current proposal to address comments

At the first workshop the proposal included bicycle parking and a bench where the existing path ended at the site boundary and added a 5 foot wide brick paved section extending to Commercial Street between the Baxter Building and the proposed parking spaces (Site Plan 6 and above left). At the workshop the Planning Board encouraged the applicant to more clearly continue the scale of the existing path to Commercial Street, based on the following concerns as outlined in the 11.13.2012 PB Memorandum:

- The Historic Preservation Board “Regarding Foundry Lane, Board members noted that its treatment at the top of the block, done as part of an earlier project, was very successful in that it preserved the memory of the historic alleyway and created an attractive pedestrian corridor. They felt it was important that this treatment continue on the lower portion of Foundry Lane to the extent possible.” (Attachment 8) (Note: updated comments are included under **Historic Resources**)

- The existing four street trees (shown on Plans 2 and 4) are replaced with two trees in small grates and this appears to be an opportunity for some larger scale landscape treatment that is consistent with the historic context and meets stormwater management and site landscaping objectives;
- DPS has commented: *A pedestrian easement is shown on the south side of the former Foundry Lane. A sidewalk is now proposed on the north side of the former Foundry Lane. Will a new easement be necessary? The discontinuance does not call for a Pedestrian Easement. Is there a recorded document which defines it as a Pedestrian Easement? (Attachment 4)*
- The Transportation reviewer comments: *The 11 parking spaces on the former Foundry Lane do not appear to meet City dimensional standards. A waiver will be required. I would also note that there is general concern about pedestrian accessibility in this area and modifications to the plan may be necessary (Attachment 7).*

At a follow-up meeting with the applicant to consider the above concerns/comments (also see Attachment P), the applicant proposed the layout shown on page 9, which incorporates a 9 foot wide brick path edged with cobbles and revised parking, planting and lighting. The consulting Traffic Engineer has confirmed (Attachment 15):

*Status: The applicant has submitted a revised plan and the design details indicate waivers will be required. I support waivers from the City's Technical Standards given the desire to provide a dedicated pedestrian facility leading to York Street. I have reviewed the responses from the applicant on comments as it relates to the access to the compact vehicle parking space and a narrow aisle width. I find their responses to be reasonable and as noted above support waivers from City standards.*

The revised plan for Foundry Lane addresses recent comments and the development review staff consider the proposal is broadly acceptable in terms of site plan requirements because it:

- Considerably widens the pedestrian path (to 9 feet wide) linking the existing path to Commercial Street;
- Introduces cobbles and granite bollards to delineate parking spaces and break up the extent of brick paving;
- Incorporates more street trees with reasonable soil area and protection;
- Incorporates lighting to integrate with existing lighting.

The revised Foundry Lane proposal was discussed as part of the Historic Preservation Board's second workshop on the project, held on December 12, 2012. The HP Board's comments are included in the *Historic Resources* section below.

Greater Portland Landmarks have also commented (Attachment 10.c) and these are also discussed under the *Historic Resources* section below.

### ***Public Transit Access***

The ordinance requirements do not apply to this project.

### ***Vehicle Parking***

There is no zoning requirement for parking in this B5b zone and under the Site Plan ordinance the Planning Board shall determine the parking requirement based on the applicant's parking study and the recommendation of the City Transportation Engineer because the total floor area is over 50,000 sq ft.

The applicant has submitted a *Parking Study Memorandum* dated 10.22.2012 (Attachment G.2) and updated comments in Attachment T which assess the parking requirements for each of the proposed

components of the project, as follows:

Hotel:	86 spaces
Restaurant:	10 spaces
Residences (14 units):	14 spaces

These calculations allow for a 10% reduction based on the assumption that the Transportation Demand Management Plan (see below) will meet its 10% target.

The applicant can opt for on-site provision, off-site provision, or payment in lieu of parking. The applicant has proposed to include 26 parking spaces on site (to rear, near Maple Street) to address the 14 residential units and 12 of the hotel space requirements, and a further 74 parking spaces are proposed off-site for the hotel and a further 10 spaces are proposed off-site for the retail use. The off-site spaces for the hotel will be provided as valet-only parking spaces on two nearby off-site parking lots (shown in yellow dotted line on the aerial above and in [Attachment L](#)) accessed from York Street that are already owned by the applicant.

The Zoning Administrator has reviewed the legal uses of these proposed off-site parking areas and confirmed that both lots are considered legal parking lots, but that one of them appears to serve uses in the building on the same lot ([Attachment 5](#)). Further information was requested to confirm there is adequate parking for both these uses and the proposed hotel. This information was submitted ([Attachment R, page 2](#)); it confirms there is sufficient parking available.

The Traffic Engineering Reviewer has provided updated comments on the *Parking Study* ([Attachment G.2](#)) and the “*Response to Traffic Comments*” ([Attachment T, second page](#) - which addresses the reviewer comments included in previous P B Memorandum):

- *The applicant has analyzed the parking demand and supply for the project based on a combination of ITE guidelines and observational data. TE: I have conducted a preliminary review of the parking demand analysis and generally find the methods to be acceptable. The applicant should provide additional supporting data for the use of the 0.65 parking rate for the hotel. Given the availability of good parking generation information at the existing Hampton Inn, I would like to gain an understanding on the rates computed locally, versus those established by Hilton Worldwide. I would note that I do not expect the parking demand numbers to change significantly. **Status: I have reviewed the response by the applicant and concur with the methods used for calculating parking demand for the project and therefore find the projects parking supply estimate to be acceptable.***
- *I need to review the design details on the diagonal parking on Commercial Street (e.g. dimensions, painted corner areas, etc.). **Status: The dimension of the diagonal parking spaces are not consistent with existing diagonal parking spaces located on Commercial Street. The spaces seem to be longer. I’ll need to coordinate with DPS staff.***
- *For on-street parking changes, a city council approval will be required. The applicant will be responsible for providing materials in support of the Parking Schedule change. **Status: I have no further comment.***

The Board should note that the on-site parking for the residential units is managed by the “hotel unit” (see Condo Docs, page 12, [Attachment O.](#)) and staff are likely to recommend a condition on any approval that confirms the number and location of the on-site and off-site parking spaces that are proposed to meet the parking requirements as determined by the Planning Board.

The applicant’s Transportation Engineer (John Adams) has also addressed the public comments

(Attachment 10.a.) that raised concerns regarding the displacement of existing parking on the site and the mix of the valet parking traffic on Maple and York with Baxter Academy School traffic (Attachment T).

### ***Bicycle parking***

The ordinance requires bicycle parking spaces on the site based on:

Non-residential:	2 bicycle parking spaces per 10 required car parking spaces up to 100 and 1 per 10 required parking spaces over 100.
Residential:	2 bicycle parking spaces for every 5 dwelling units

If the Planning Board accepts the parking requirement as calculated by the applicant there would be a total of 96 non-residential car parking spaces resulting in a requirement of 20 bicycle parking spaces; and an additional 6 spaces required for the residential component to total 26.

The applicant has requested a waiver to allow them to provide 14 bicycle parking spaces around the site and 6 within the residential storage room on the sixth floor (Attachment E). At the first workshop the Planning Board requested the applicant to provide further supporting information for the waiver request. This was provided in Attachment R, page 2 which concludes that the proposed number of bicycle parking spaces is adequate based on a suggested reasonable provision per each use.

DPS have verbally confirmed that their previous comments still stand, as below (Attachment 4):

*1. I disagree with the applicant's assessment that very few hotel occupants will bring bicycles and do not support the request for a waiver for less bike parking. I feel the full 26 required bike parking spaces should be provide since Portland already is and will continue to be more bike friendly. The applicant should try to find spaces for bike parking on Commercial Street side of the property.*

### ***Snow Storage***

Snow storage areas have not been shown on the submitted plans; the applicant has indicated these will be added to the final plans (Attachment R).

### ***Transportation Demand Management Plan***

The applicant has submitted a *Transportation Demand Management Plan* (TDM) dated 11.22.2012 (Attachment G.3) which has been reviewed by Tom Errico:

*I have reviewed the TDM and generally find the program to be acceptable. Some of the details of the program need to be clarified/expanded, but overall the approach is acceptable. I'll provide clarifying comments in the future. I would note that the traffic impact study will assume an evaluation of impacts assuming a 10% reduction in vehicle trips based upon the implementation of TDM strategies. Accordingly, the program should credibly reduce traffic by 10%.*

**Status: The TDM Plan offers many strategies for meeting the projects target traffic reduction goal, although many are noted to be the responsibility of the hotel in terms of implementation. I would suggest that the applicant identify the strategies that they are committed to be implemented when the project is completed, so that a fair assessment trip reductions strategies can take place. (Attachments 7 and 15)**

### ***Preservation of significant natural resources and Landscaping*** – see above under *Subdivision Review*

The applicants have submitted a detailed Landscaping Plan (Attachment Plan 10) which has been updated by the revised Foundry Lane proposals to increase the number of street trees by two. The City Arborist has commented (Attachment 1):



*b) In addition to the proposed street-trees the landscape plan also includes ornamental landscape planting in the parking area to the back of the building along with several crab-apple trees. Recommendation would be to use a larger species (taller) where possible to provide shade and screening to the building scale. The proposed crabapples would mature around 15' height by the same width. A recent site visit revealed nearby that narrow but tall, Ginkgo trees looked perfect in the nearby parking lot landscape. Other options could include: Upright Pin Oak or other Oak cultivars like 'Crimson Spire', 'Regal Prince' - similar types used on Fore Street in front of the Evie Cianchette building; Katsura tree, or Oxydendrum.*

**Water quality, Stormwater Management and Erosion Control** - as discussed under *Subdivision Review*

### **Public Safety (CPTED)**

The proposals are satisfactory.

### **Fire prevention**

Captain Chris Pirone of the Fire Department has provided general comments (Attachment 2) and may have more detailed comments once the Foundry Lane layout is finalized. The applicant has confirmed that hydrants are available in both Maple and Commercial Street but further information may be requested regarding flow rates etc.

### **Capacity of Public utilities**

The submissions (Attachment J) include confirmation from most utilities.

### **Massing, Ventilation and Wind Impact**

For the first workshop the applicant submitted elevations and renderings as in Plans 19 and 20. In response to the comments of the HP Board on 11.7.2012 (Attachment 8) the applicant has reworked the elevation design as illustrated in the elevations in Plans 22 and 23. The applicant has not altered the footprint, and the patio facing Maple Street remains part of the 12.4.2012 submission.

The massing of the proposal is one of the characteristics reviewed by the Historic Preservation Board. These most recent submissions were reviewed by the HP Board at a second workshop on December 12, 2012. An update on the HP Board workshop is included in **Historic Resources** below.

**View Corridors** - There are no view corridors that impact this site.

### **Historic Resources**

The entire site is within the Portland Waterfront Historic District and requires a Certificate of Appropriateness from the Historic Preservation Board. (The applicant has addressed the HP standards in Attachment K.)

Deb Andrews, the Historic Preservation Program Manager, has provided the following summary of the Historic Preservation Review:

*The Historic Preservation Board conducted a preliminary workshop on November 7, 2012. Recognizing that the plans, elevations, and perspective views were still quite preliminary at that time, Board members did express a threshold concern about the plan and massing of the proposed building as it relates to the geometry of the subject parcel and the abutting street and alleyway (Foundry Lane). They encouraged that the overall plan/footprint of the building be reconsidered to reflect the geometry of the site, as was the traditional development pattern in the area. Board*

*members also expressed reservations about the treatment of the building façade, which was broken up into a number of discrete components through the use of recesses in plane, alternating surface materials and discontinuous cornice treatment. Board members noted that most of the buildings that line Commercial Street are quite straightforward and consistent in their basic architectural expression. Board members encouraged the project designers to simplify the overall design expression of the building and to pay particular attention to the articulation of the building materials and architectural details that would provide visual interest. Regarding Foundry Lane, Board members expressed concern that the sense of Foundry Lane as a continuous passageway had been lost.*

*A second workshop was held on December 12, 2012. (Note that the enclosed plans for review by the Planning Board are the same as those reviewed by the HP Board on 12/12.) At the second workshop, Board members were generally very supportive of the revised architectural treatment of the building, recognizing that a number of architectural elements and features had not yet been fully detailed. Careful attention to these elements would be critical to the success of the project.*

*Regarding the building's relationship to Maple Street, although the HP Board had originally encouraged the applicant to consider aligning the footprint of the building to run parallel to Maple Street, they appeared satisfied with the proposed treatment, as the wall surrounding the proposed patio would align with Maple Street.*

*Regarding Foundry Lane, HP Board members responded favorably to the applicant's effort to widen Foundry Lane and to continue the paving treatment that characterizes the upper portion of the Lane. These revisions helped to preserve the sense of the original function of Foundry Lane. However, Board members noted that the overall area between the new hotel and the Baxter Building appeared unresolved. This was due to the fact that the footprint of the new hotel, as currently proposed, does not run parallel to the property line. If the building itself were to be parallel to the property line, the original spatial relationship between the two buildings and their historic relationship to Foundry Lane would be preserved.*

*Board members also noted that in the proposed site plan, Foundry Lane is immediately abutted by parking and two access drives. This, in the Board's view, compromised the original clarity of the Lane. Additionally, the pedestrian way (Foundry Lane) and the abutting parking and access drives were all at the same relative ground plane, which further compromised the spatial relationship. During its discussion, the HP Board sought a better understanding of what parking spaces were required to be on the site and why the vehicle access onto Commercial Street needed to be 2-way (one way operation might allow the drive area to be reduced). These questions were raised in order to determine whether an alternative treatment were possible for the eastern end of the site, which the Board found to be unresolved.*

Greater Portland Landmarks has commented ([Attachment 10.c](#)) that Foundry Lane:

*“should be preserved and enhanced as a character-defining access point to the hotel” and that “the form of Foundry Lane appears to be subsumed to the needs of parking and traffic, and the siting of the building independent of the lot form.”*

It should be noted that the traffic circulation and parking aspects of the current proposal were not site plan “requirements”; they were proposed by the applicant and considered acceptable, with some modifications, by site plan reviewers and the Planning Board at the first workshop.

In view of the overlapping site plan and historic preservation review criteria in respect of the Foundry Lane area, the staff has offered to schedule a joint Planning Board and Historic Preservation workshop. The applicant is considering how to incorporate the Historic Preservation Board's comments and may request a follow-up joint meeting.

### ***Exterior Lighting***

The applicant has submitted a plan (Attachment Plan 11) and lighting specification (Attachment J) for freestanding site lighting. The lighting levels technically do not meet the Technical Standards in respect of light trespass at the property boundaries (required to be at 0.1 footcandles or less at the property line) and the Board may need to waive these if warranted.

It is not clear whether building mounted lights are proposed (some sconces are illustrated in the renderings) and the applicants designers have mentioned ground level uplighting. Exterior light fixtures are also within the purview of the Historic Preservation Board.

The applicant has confirmed that revised photometric plans will be submitted once the lighting design has been finalized (Attachment R.).

### ***Signage and Wayfinding***

A signage and wayfinding plan is recommended to be submitted in view of the three uses in the building (and three entrances) and to ensure the vehicle circulation is managed efficiently. The applicant has confirmed that these plans will be submitted at a later time (Attachment R.).

### ***Construction Management Plan***

The Construction Management Plan has been submitted (Plan 14) and reviewed by Tom Errico:

- *I have reviewed the conceptual Construction Management Plan and generally find the concept to be acceptable (maintaining sidewalk and bicycle facilities on Commercial Street). I would note that specific details will need to be coordinated prior to construction. **Status: This comment remains valid.** (Attachments 7 and 15)*

### ***Zoning Related Design Standards: B5b Design Standards***

The proposal is subject to the following design standards:

#### **(c) B-5 AND B5-B URBAN COMMERCIAL BUSINESS ZONES:**

- (1) **STANDARDS.** Development located in the B-5 and B-5b zones shall meet the following additional standards:
  - a. **Shared infrastructure:** Shared circulation, parking, and transportation infrastructure shall be provided to the extent practicable, with utilization of joint curb cuts, walkways, service alleys, bus pull-out areas, and related infrastructure shared with abutting lots and roadways. Easements for access for abutting properties and shared internal access points at property lines shall be provided where possible to facilitate present or future sharing of access and infrastructure.
  - b. **Buildings and uses shall be located close to the street where practicable.** Corner lots shall fill into the corner and shall provide an architectural presence and focus to mark the corner.
  - c. **Buildings shall be oriented toward the street and shall include prominent facades with windows and entrances oriented toward the street.** Uses that include public access to a building or commercial/office uses in mixed-use developments shall be oriented toward major streets whenever possible.
  - d. **Parking lots shall be located to the maximum extent practicable toward the rear of the property and shall be located along property lines where joint use or combined parking areas with abutting properties are proposed or anticipated.**

The applicant has submitted a narrative addressing all of these standards (Attachment K) but only Standards **a.** and **d.** are subject to the Planning Board site plan review. Criteria **b.** and **c.** are exempt from Planning Board review as they are within the purview of the Historic Preservation Certificate of Appropriateness.

The revised plan for the Foundry Lane (Plan 21) better serves pedestrians and the overall proposals are considered to meet standards **a.** and **d.**

## **VI. PUBLIC COMMENT**

The Planning Division has received three public comments. One public comment (Broucek - Attachment 10.a.) was received just before the first Workshop and was circulated at that meeting. The second public comment (Greater Portland Landmarks Attachment 10.b.) was received at the first Planning Board workshop; the same organization has provided additional comments on the more recent submissions in Attachment 10.c.

## **VII. NEXT STEPS**

Suggested next steps include:

- Develop revised proposals for the Foundry Lane area
- Submit information as requested re TMP
- Increase bicycle parking provision
- Consider whether a joint workshop may be needed
- Prepare final plans for Public Hearing

## **ATTACHMENTS:**

### **PLANNING BOARD MEMO 11.13.2012 ATTACHMENTS**

1. City Arborist comments 11.8.2012 (updated from 11.2.2012)
2. Fire Department comments 11.1.2012
3. Peer Engineer comments 11.6.2012
4. DPS comments 11.7.2012
5. Zoning Administrator comments re off site parking areas 11.5.2012
6. Zoning Administrator comments re the proposal 11.8.2012
7. Traffic Reviewer comments 11.9.2012
8. Historic preservation summary of 11.7.2012 HP Workshop
9. Background Info Foundry Lane - Discontinuance Order and Agreement

### **PLANNING BOARD MEMO 12.18.2012 ATTACHMENTS**

10. Public comments
  - a. Margaret Broucek 11.13.2012 (circulated at first PB Workshop)
  - b. Greater Portland Landmarks 11.13.2012 as presented during first PB workshop
  - c. Greater Portland Landmarks as received 12.14.2012
11. Staff summary of first Workshop issues 11.14.2012
12. Further staff comments on Foundry Lane 11.26.2012
13. Zoning update comments 12.8.2012
14. Peer Engineering update comments 12.12.2012
15. Traffic Engineering update comments 12.12.2012



**APPLICANT'S SUBMITTAL**

- A. Cover letter and Site Plan Application
- B. Right, Title and Interest; State/Federal approvals required; Ref to Boundary survey
- C. Compliance with Zoning Requirements
- D. Proposed Access Easement for Foundry Lane area (**updated version**- not as in first PB Memo)
- E. Waiver Requests
- F. Financial and Technical Capacity
- G. Traffic and parking reports
  - 1. TMP submission
  - 2. Applicants Parking Study
  - 3. Transportation Demand Management Plan (TDM)
  - 4. (**since first PB workshop**) Traffic Analysis memo dated 11.30.2012 (Response to TMP Scoping meeting)
- H. Significant Natural Features and Project Narrative
- I. Stormwater Analysis
  - 1. Stormwater Management Plan
  - 2. Stormwater Pollution Prevention Plan
- J. Remainder of written materials, including lighting specs
- K. Consistency with Design standards
- L. Off Site Lots intended for valet parking

**SUBMITTED SINCE FIRST PB WORKSHOP**

- M. Neighborhood Meeting Certificate
- N. Stormwater Capacity letter
- O. Draft condo documents
- P. Opechee (Barry Stowe) Letter Responses and Revisions to Foundry Lane 12.29.2012
- Q. Vin Veroneau Letter to HP Board 12.30.2012
- R. Opechee (Steve Long) Memorandum 12.4.2012
- S. Opechee (Steve Long) Confirmation re residential units
- T. Response to Traffic Comments (John Adams) 12.3.2012
- U. Photographs from applicant

**PLANS**

- 1. Plan 1 Cover Sheet
- 2. Plan 2 Boundary survey
- 3. Draft Subdivision Plan
- 4. Existing conditions
- 5. Demolition Plan
- 6. Site plan
- 7. Utility Plan
- 8. Grading Plan
- 9. Temp Erosion and Control Plan
- 10. Landscaping Plan
- 11. Photometrics Plan
- 12. Construction Details
- 13. Sanitary Sewer and Drain Details
- 14. Construction Plan
- 15. Floor Plans
- 16. Floor Plans
- 17. Floor Plans
- 18. Plan of building
- 19. Superseded elevations (as shown at first workshop)
- 20. Superseded elevations (as shown at first workshop)

**SUBMITTED SINCE FIRST PB WORKSHOP**

- 21. Foundry Lane revised layout and materials (enlarged extract from Attachment P)
- 22. Elevations Commercial and Maple Streets as presented to HP Board 12.12.2012
- 23. Elevations York Street and Foundry Lane as presented to HP Board 12.12.2012