



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 10th and 11th, 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:

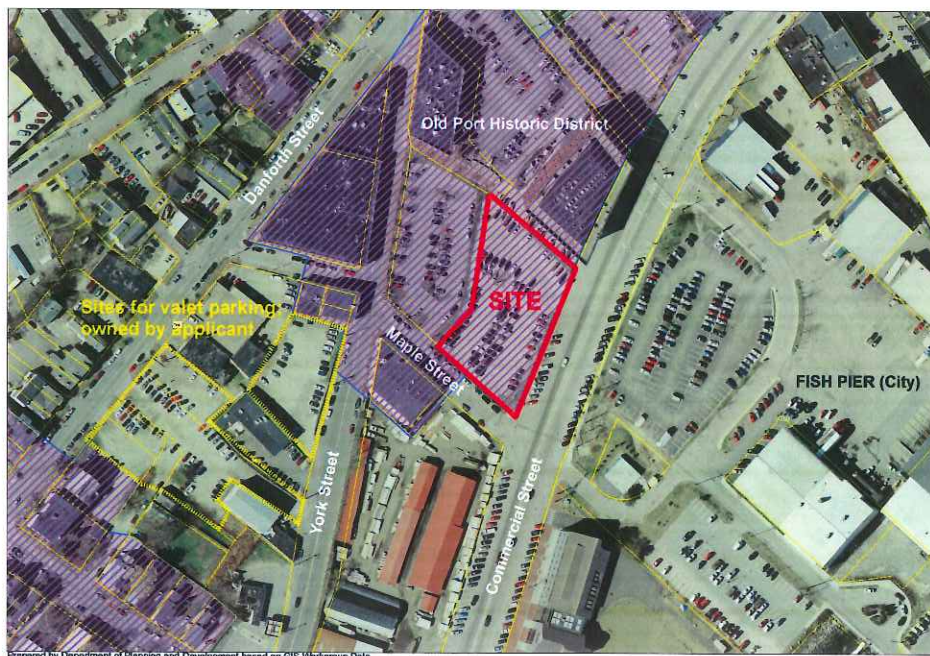
Requested Waiver	Standard and any waiver provisions
Location and spacing of driveways: Driveway separation, to allow driveways 80 feet apart on Maple Street (details in <u>Att.E</u>)	<i>Technical Manual 1.7.1.7.</i> Along arterial, collector and local streets, the minimum acceptable spacing between double 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.
Required number of bicycle parking spaces: To allow a reduction from the required 26 spaces (applicant's 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 12th 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>
Applicant:	J B Brown & Sons
Consultants:	Opechee Construction Corporation (engineers and architects)
Total Site Acreage	38,770 sq ft
Existing Zoning	B5b
Existing Use	Gravel parking lot
Proposed Uses	Hotel, Restaurant and Residential
Proposed number of residential units	14
Proposed residential unit size	Seven 1-bedroom; seven 2-bedroom
Proposed structure height	64 ft 10 in average
Total Disturbed Area	56,780 sq ft (including area within ROW)
Existing impervious areas	48,736 sq ft
Proposed impervious areas	51,249 sq ft
New Impervious surface	2,513 sq ft
Proposed building footprint	19,324 sq f
Proposed floorspace	
• Restaurant:	• 7,460 sq ft
• Hotel:	• 84,380 sq ft
• 14 Residential Units:	• 18,396 sq ft (plus 944 sq ft lobby)
• Total:	• 111,180 sq ft
Proposed parking spaces	24 on site (note: 11 additional shown for Baxter Place)
Proposed handicapped parking spaces	2 on site
Proposed total number of parking spaces	26 on site (84 off site)
Proposed number of new bicycle parking spaces	20 (14 on site; 6 within residential storage on 6 th floor)
Estimated Cost of Project:	\$17.5 million
Uses in Vicinity:	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 cobblesand 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.

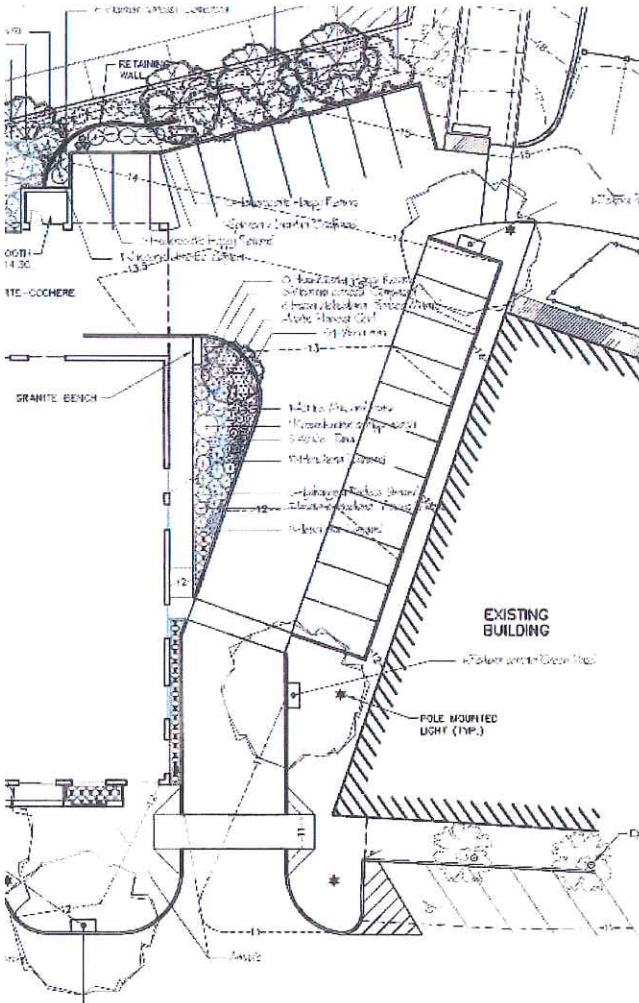
J B Brown installed the pedestrian improvements, as approved as part of the Cannery Project at 14 York Street, for their portion of Foundry Lane. The current Site Plan addresses the area owned by Baxter Place Associates.

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.

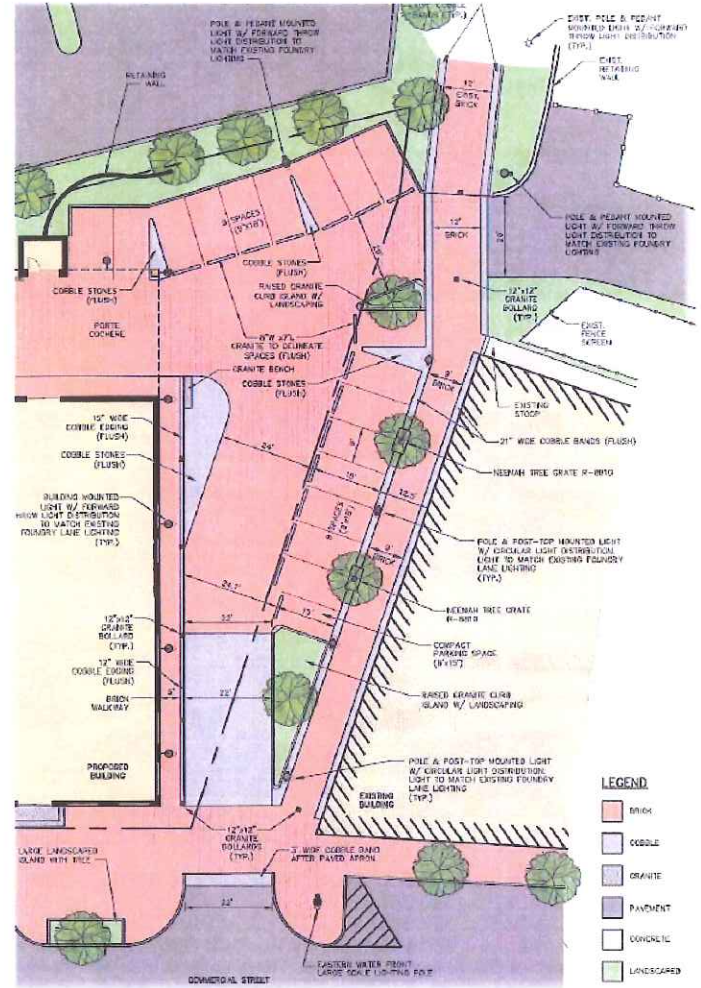
The existing pedestrian path near York Street comprises a brick paved 12 foot wide pedestrian path (edged with cobbles) that currently ends where the vehicle drive from Baxter Place enters the site (photo above).



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

[Set for 2nd PB Workshop]

From: Jeff Tarling
To: Jean Fraser
CC: David Margolis-Pineo
Date: 11/8/2012 1:47 PM (updated from 11.2.12)
Subject: 321 Commercial Street

Hi Jean -

I reviewed the landscape plan for the proposed 321 Commercial Street project and offer the following landscape comments:

- a) The landscape plan includes 'street-tree' planting along Commercial Street. The proposed trees, Zelkova and Honeylocust are planted in rectangular tree wells with tree grates. Tree grates are spaced in between the diagonal parking spaces which should reduce the vehicle impact. While we strive to plant all trees when possible in raised planters to protect them from compaction and deicing salts this location might be best treated with flush rectangular tree-wells with Neenah tree grates.
- 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.
- c) Additional planting spaces - there appears to be opportunity to use the two parking lot bump-outs along the right or easterly side of the building to create a larger planting space for tree(s) / landscape planting. Currently the plan shows a tree within a tree grate near the parking lot. A similar treatment proposed in item (a) for Commercial Street and the area near Foundry Lane that could be used to expand the landscape & tree space. Providing larger soil volume for the trees help ensure their survival along with protecting them from winter deicing salt provided by the raised granite planter.

Thus a Recommendation / condition would be to create 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.

Jeff Tarling
City Arborist

Re Stormwater Planters

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SW 12th Avenue Green Street - Printable Version

The SW 12th Avenue Green Street at SW 12th and Montgomery on the Portland State University campus utilizes a series of landscaped stormwater planters designed to capture and infiltrate approximately 8,000 square feet of street runoff.

This innovative streetscape project effectively manages street runoff while still maintaining strong pedestrian circulation and on-street parking.

Built in summer 2005, this street retrofit project demonstrates how both new and existing streets in downtown or highly urbanized areas can be designed to provide direct environmental benefits and be aesthetically integrated into the urban streetscape.

This green street project is effective and functional, and it also successfully integrates landscaped stormwater planters into the urban fabric.



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If you have any questions or comments, please contact our [site administrator](#).

How It Works

The 12th Avenue Green Street project disconnects street stormwater runoff from a storm sewer that drains directly into the Willamette River and manages it on-site using a landscape approach. Stormwater runoff from SW 12th flows downhill along the existing curb until it reaches the first of four stormwater planters.

A 12-inch curb cut channels the street runoff into the first stormwater planter. Once inside the planter, the water is allowed to collect until it reaches a depth of six inches. The landscape system within each planter allows the water to infiltrate in the soil at a rate of four inches per hour.

If a rain event is intense enough, water will exit through the planter's second curb cut, flow back out into the street and eventually enter the next downstream stormwater planter.



Depending on how intense a particular storm is, runoff will continue its downhill "dance" from planter to planter until all of the stormwater planters are at capacity. Once exceeding capacity, the water exits the last stormwater planter and enters the storm sewer.

With the new stormwater facilities now in place, nearly all of SW 12th Avenue's annual street runoff, estimated at 180,000 gallons, is managed by its landscape system.

Design Challenges

The main challenge for retrofitting SW 12th Avenue was finding enough space for pedestrians, on-street parking, street trees, landscaping, street lighting, signage, **and** stormwater planters within an eight-foot wide space.

A three-foot wide parking egress zone was dedicated for people to access their vehicles without competing with the stormwater planters. Perpendicular pathways were located between each stormwater planter so that a pedestrian would not have to walk very far to access their cars or the sidewalk.

A four-inch curb exposure at each planter indicates to the pedestrian that there is a drop in grade. Each curb cut that allows the street runoff to enter the stormwater planters has an ADA accessible grate to allow for unencumbered pedestrian flow along the parking egress zone.



An Award Winning Design

The SW 12th Avenue Green Street Project has received a [national award of honor from the American Society of Landscape Architects \(ASLA\)](#). Bureau of Environmental Services green street specialist Kevin Robert Perry designed the innovative street stormwater project. The city completed the construction of the \$30,000 demonstration project in June 2005 and has continually monitored its performance over the



Attachment 2.1

From: Chris Pirone
To: Fraser, Jean
Date: 11/1/2012 5:07 PM
Subject: 321 Commercial Fire Comments

Fire Comments:

All construction and installation shall comply with 2009 NFPA 1, 2009 NFPA 101.

All construction and installation shall comply with City Code Chapter 10.
<http://www.portlandmaine.gov/citycode/chapter010.pdf>

Street addresses shall be marked on the structure and shall be as approved by the City E-911 Addressing Officer. Contact Michelle Sweeney at 874-8682 for further information.

2009 NFPA 11.14 Plan Review

1.14.2 The applicant shall be responsible that the following conditions are met:
The construction documents include all of the fire protection requirements.
The shop drawings are correct and in compliance with applicable codes and standards.
The contractor maintains an approved set of construction documents on site.

2009 NFPA 1 Chapter 18 Fire Department Access and Water Supply

2009 NFPA 1 18.2.3 Fire Department Access Roads

18.2.3.1 Required Access
18.2.3.2 Access to Building
18.2.3.3 Multiple Access Roads
2009 NFPA 1 18.2.3.4 Specifications

2009 NFPA 1 18.2.3.4.1 Dimensions

18.2.3.4.1.1 Fire Department access roads shall have an unobstructed width of not less than 20 ft.
18.2.3.4.1.2 Fire department access roads shall have an unobstructed vertical clearance of not less than 13 ft 6 in.

18.2.4 Obstruction and Control of Fire Department Access Road.

18.2.4.2 Closure of Accessways.

2009 NFPA 1 18.2.3.4.1 Dimensions

18.2.3.4.1.1 Fire Department access roads shall have an unobstructed width of not less than 20 ft.
18.2.4 Obstruction and Control of Fire Department Access Road.
18.2.4.1.1 The required width of a fire department access road shall not be obstructed in any manner, including by the parking of vehicles.
18.2.4.2 Closure of Accessways.
18.2.4.2.2 Where required, gates and barricades shall be secured in an approved manner.
-Knox padlocks are required at gates (locks are to be ordered at Central Fire Station 380 Congress St.)

18.3 Water Supplies and Fire Hydrants

18.3.4.1 Clear Space Around Hydrants. A 3 ft clear space shall be maintained around the circumference

of fire hydrants except as otherwise required or approved.

-If the building has a sprinkler system; fire hydrants must be within 100' but no closer than 40'.

-Fire Department Connections shall not be located where large diameter hose may block egress.

-Private fire mains and fire hydrants shall be maintained, tested and painted in accordance with Fire Department Regulations.

<http://www.portlandmaine.gov/fireprevention/fdrulesandregulations.pdf>

18.4 Fire Flow Requirements for Buildings

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

<http://www.portlandmaine.gov/fireprevention/fdrulesandregulations.pdf>

Pay special attention to: Chapter 3 Fire Department Access Equipment

Pay special attention to: Chapter 4 Building, Stair, Suite and Room Designation

Pay special attention to: Chapter 5 Emergency Alarm Systems

Pay special attention to: Chapter 6 Suppression Systems

Captain Chris Pirone
Portland Fire Department
Fire Prevention Bureau
380 Congress Street
Portland, ME 04101
(t) 207.874.8405
(f) 207.874.8410

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F 207.774.6635**MEMORANDUM**

TO: Jean Fraser, Planner
FROM: David Senus, P.E. & Ashley Auger, E.I.T.
DATE: November 6, 2012
RE: 321 Commercial St. Mixed Use Development, Level III Final Site Plan/Subdivision Application



Woodard & Curran has reviewed the Level III Final Site Plan/Subdivision Application for the Mixed Use Development located at 321 Commercial Street in Portland, Maine. The project consists of development of a six story mixed use building with a 131 room hotel, 7,000 Square-Feet (SF) of restaurant space, and 14 residential units on the site of an existing gravel surface parking lot. The project proposes a net increase of 2,513 square feet of impervious area on the site.

Documents Provided By Applicant

- Level III Site Plan/Subdivision Application and attachments dated October 22, 2012, prepared by Opechee Construction Corporation, on behalf of J.B. Brown & Sons.
- Engineering Plans, Sheets C01-C13, CMT, S01 & CP01-CP04, dated October 22, 2012, prepared by Opechee Construction Corporation, on behalf of J.B. Brown & Sons.

Comments

- 1) In accordance with Section 5 of the City of Portland Technical Manual, a Level III development project is required to submit a stormwater management plan pursuant to the regulations of Maine DEP Chapter 500 Stormwater Management Rules, including conformance with the Basic, General, and Flooding Standards:
 - a) Basic Standards: Plans, notes, and details have been provided to address erosion and sediment control requirements, inspection and maintenance requirements, and good housekeeping practices in accordance with Appendix A, B, & C of MaineDEP Chapter 500.
 - b) General Standards: The project primarily includes re-development of existing impervious areas. However, the project does include 2,513 square feet of new impervious area. Redevelopment of the existing impervious areas of the site qualifies for an exemption from meeting the General Standards; however, the Applicant must provide stormwater treatment in accordance with the General Standards for an area equivalent to the proposed 2,513 square feet of new impervious area. Inspection and maintenance of any proposed stormwater quality treatment features will need to be included in the Inspection and Maintenance Plan in accordance with and in reference to MaineDEP Chapter 500 guidelines and Chapter 32 of the City of Portland Code of Ordinances
 - c) Flooding Standard: The project will result in approximately 2,513 SF of new impervious surface. The Applicant has submitted a detailed stormwater model indicating a minor increase in post-development runoff rates for the project relative to pre-development conditions during certain storm events. Stormwater from the project site will enter the City storm drain system which ultimately discharges to the tidal Fore River, a tributary to Casco Bay (the Atlantic Ocean). Projects that discharge to the Ocean are eligible for a waiver from the Flooding Standard. The project qualifies for a waiver from meeting the flooding standard so long as the City of Portland Department of Public Services confirms capacity to accept the minor increase in flow into the City storm drain system.
- 2) The following details should be provided for work within the City Right-of-Way, in accordance with the City of Portland Technical Manual:
 - a) A brick driveway apron with bituminous base, per Figure I-11
- 3) Please clarify the use of the "Catch Basin Inlet" detail versus the "Precast Catch Basin" detail (Sheet C11). Unless unique situations warrant, the City would require the "Precast Catch Basin" detail with 3' sump & outlet trap.

November 7, 2012

TO: Barbara Barhydt
Jean Fraser
FROM: David Margolis-Pineo
RE: Review Comments: 311 - 331 Commercial Street -

The Department of Public Services has the following preliminary comments concerning this proposed project. Final comments may be forthcoming.

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 provided 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.
2. It is noted that the stormwater drainage system will be removed from the site. How will drainage on to the site from the pipe to be plugged be affected? Please refer to the City of Portland Technical Manual Section 2.4.11. for the requirements to abandon sewer pipes in the City right of way. Please indicate on the plans how the contractor will meet this requirement.
3. It would be desirable to use portion(s) of the proposed bump outs for green area stormwater treatment.
4. The applicant is proposing to install a brick sidewalk the entire length of Maple St. Near York St there is a utility pole and fire hydrant. If possible it would be desirable to install an esplanade with this sidewalk.
5. 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?
6. Please refer to the City of Portland Technical Manual, Figure II-19 for sizing and design of the proposed an external grease trap.
7. Foundry Lane was discontinued by the City of Portland on March 20, 1995. The city retained 1.) A Public Access Easement and 2.) An easement for Public Utility Facilities. There is a "Pedestrian Easement" shown in Foundry Lane. The discontinuance does not call for a Pedestrian Easement. Is there a recorded document which defines it as a Pedestrian Easement?
8. MDOT took a non-tangent curve at the corner of Commercial Street and Foundry Lane in 1991. This is not shown.
9. Curve at Commercial Street and Maple Street needs a chord bearing and distance for mathematical closure. This was a MDOT 1991 taking.
10. Note 8. Elevations. The monument referred to is not an Official City of Portland Benchmark Monument. Michelle Sweeney of this office has called the surveyor and brought it to his attention.
11. "BM: Bolt in Top Ring of Hydrant" on northerly side of Commercial Street. Is that the top flange of the hydrant? Is it a top of a bolt over the main Fire Department connection spout or one of the side spouts?
12. Suggest adding another benchmark to allow for checking in to since we have experienced fire hydrants being repaired or altered between the plan preparation and the building construction phases.
13. No City of Portland Right of Way plans have been referenced. Please state which plans were used.
14. No City of Portland Sewer or Utility plans have been referenced. Plan reference will aid in evaluation of the infrastructure as shown. Please state which plans were used. It would be helpful to indicate flow direction on sewers.
15. Shading and hatching of areas obscures text in various locations.
16. North Arrow refers to Magnetic North and not Grid North.
17. Proposed three-foot offset survey monuments will be requested at four locations to be determined.

Attachment 5

Zoning comments re
of-site parking lots

From: Marge Schmuckal
To: Jean Fraser
CC: Alex Jaegerman; Barbara Barhydt
Date: 11/5/2012 10:45 AM
Subject: Re: Parking lots at 60-70 Danforth Street for Commercial Street Hotel

This parking lot is part of the entire lot with a principal structure already on it and is considered accessory to the existing building and its uses. If the Applicant wants to use this lot, we would need to see a zoning analysis of the uses in the building and the required number of spaces for the building. Any "left over" parking spaces could be used for the Hotel.

Marge

>>> Jean Fraser 11/2/2012 1:54 PM >>>

Marge

I have just received confirmation from the applicant as to which parking lots are proposed to be used for valet parking (see attached, which is from the applicant).

In addition to the one you researched, they are also proposing to use the nearer lot on York that is part of 50 Danforth Street (040 C009); its indicated as "manufacturing and construction" in the Assessors records. Could you please confirm that this parking area is a legal parking lot.

Thank you
Jean

>>> Marge Schmuckal 10/31/2012 12:03 PM >>>

I have found two allowances for parking lots on file for 60-70 Danforth Street.

The first is the two lots right on Danforth Street. That parking lot was approved by the Planning Board as evidenced by an approval letter from the Planning Director (would anyone like to tell me if they remember who the Planning Director was in 1959?). There is a certificate of occupancy for that parking lot on file also.

The parking lot in the rear was approved by a Board of Appeals decision on 12/3/1959. I didn't find a certificate of occupancy on file, but I consider it to be a legal parking lot.

Marge

Zoning comments re proposal

Jean Fraser - 311-221 Commercial Street

From: Marge Schmuckal
To: Jean Fraser
Date: 11/8/2012 12:38 PM
Subject: 311-221 Commercial Street

One Solution is not working, so here is an e-mail:

311-331 Commercial Street - 040-E-003
#2012-615 B-5b and Historic Overlay
11/8/2012

This project is proposing a structure with 131 Hotel units with restaurant/retail and 14 residential dwelling units. The entire project is located in the B-5b Zone. All the proposed uses are allowed in the B-5b zone.

The zoning analysis stated that an average building grade calculations were attached. I could not find that page. Please direct me to where that information is located or provide separately. The elevations indicate that the average grade is 13.5 elevation. Based on that unverified information, the height of the building is given as 64' 10". The maximum building height is 65'.

The application stated that there were 14 residential dwelling units. However the information on the floors breakdown stated that there was a 944 sq. ft. dwelling unit on the first floor. Where is that located? Is that still part of the project? The sixth floor is currently showing 14 residential dwelling units. Are there really 15 residential units? I want to confirm the type of residential units. Are these leased or condominium units?

14-332.1 (g) in the parking section of the Ordinance states that there are no zoning parking requirements.

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.

Marge Schmuckal
Zoning Administrator

From: Tom Errico <thomas.errico@tylin.com>
To: Jean Fraser <JF@portlandmaine.gov>
CC: "Margolis-Pineo, David" <DMP@portlandmaine.gov>, "jbartlett@portlandmaine.gov" <jbartlett@portlandmaine.gov>, Katherine Earley <KAS@portlandmaine.gov>, Jeff Tarling <JST@portlandmaine.gov>
Date: 11/9/2012 8:43 AM
Subject: 321 Commercial Street

Jean - I have reviewed the plans and my preliminary comments are noted below. I would note that a Traffic Movement Permit scoping meeting occurred today and therefore comments regarding the traffic impact study will be transmitted at a later date.

- * 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.
- * 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.
- * 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.
- * The painted areas at the driveway entry on Maple Street should be removed.
- * 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.
- * It appears that a pedestrian easement will be required for sidewalks areas abutting the project.
- * 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.
- * I need to review the design details on the diagonal parking on Commercial Street (e.g. dimensions, painted corner areas, etc.).
- * 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.
- * 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.
- * The applicant should provide details on how truck deliveries will be accommodated.
- * 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%.

If you have any questions, please contact me.

Best regards,

Thomas A. Errico, PE
Senior Associate
Traffic Engineering Director

Jean Fraser - Summary of Historic Preservation Board's Preliminary Workshop on Proposed Hotel at 321 Commercial

From: Deb Andrews
To: Jean Fraser
Date: 11/9/2012 11:21 AM
Subject: Summary of Historic Preservation Board's Preliminary Workshop on Proposed Hotel at 321 Commercial

The Historic Preservation Board held a preliminary review of the proposed hotel development at 321 Commercial Street on November 7th. Recognizing that the plans, elevations and perspective views were still quite preliminary, Historic Preservation 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. They also raised a number of questions and concerns about the building design. 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.

BK 11924 PG 010

FOUNDRYLANEDIS.CON.001
02.16.95

21428

AGREEMENT BETWEEN
CITY OF PORTLAND

AND

J.B. BROWN & SONS AND BAXTER PLACE ASSOCIATES

AGREEMENT made this 6 day of May, 1995 by and between the CITY OF PORTLAND, a body corporate and politic, located in Cumberland County and State of Maine (hereinafter the "CITY"), J.B. BROWN & SONS, a Maine , located in Portland, Maine (hereinafter "J.B. BROWN"), and BAXTER PLACE ASSOCIATES, a Maine , located in Falmouth, Maine (hereinafter "BAXTER PLACE").

W I T N E S S E T H :

WHEREAS, J.B. BROWN and BAXTER PLACE did request, pursuant to 23 M.R.S.A. §3026, a discontinuance of Foundry Lane, a street accepted and owned by the CITY, in order to facilitate development by J.B. BROWN of a site located on York Street in Portland which contains the Lewis Building, and rearrangement of the site owned by BAXTER PLACE in order to further assist in this development; and

WHEREAS, the Planning Board of the City of Portland, pursuant to §14-30(14) of the Portland City Code, and after notice and hearing and due deliberation thereon, recommended that the City Council discontinue the street, subject to certain limitations and restrictions; and

WHEREAS, the CITY by and through its City Council agreed to discontinue Foundry Lane pursuant to 23 M.R.S.A. §3026 in order to

FOUNDRYLANEDIS.CON.001
02.16.95

assist in the redevelopment of these properties and further authorized the execution of this Agreement on 11/16, 1995;

NOW, THEREFORE, in consideration of the mutual promises made by each party to the other, the parties covenant and agree as follows:

1. The CITY shall discontinue Foundry Lane pursuant to 23 M.R.S.A. §3026. Said discontinuance shall be subject to the easements retained in the discontinuance order, a copy of which is attached hereto as Exhibit A.
2. There shall be no structures located in the area of the discontinued street.
3. J.B. BROWN and BAXTER PLACE shall submit a site plan or site plans for any changes to the area of the discontinued streets. Such site plan or plans shall be reviewed by the Planning Board and may be submitted as part of the site plan for the Lewis Building change of use.
4. If J.B. BROWN does not utilize the cobblestones from the discontinued street in its site improvements, then any cobblestones not so used shall be returned to the CITY.
5. It is understood by each of the parties to this Agreement that the discontinuance of Foundry Lane has been approved by the CITY in order to facilitate the renovation and reuse of the Lewis Building. The CITY shall retain the right to reacquire the title to the street in the event that J.B. BROWN or a successor developer has not completed the renovation or begun the new use of the building within three (3) years of the date of this Agreement. The CITY shall have the right to reacquire Foundry Lane by simply demanding that J.B. BROWN and BAXTER PLACE, or their successors and assigns, reconvey Foundry Lane to the CITY in consideration of one dollar.
6. In the event that the CITY elects to have Foundry Lane reconveyed to it, it may also require J.B. BROWN, BAXTER PLACE, or their successors and assigns, to restore Foundry Lane to a passable condition.

FOUNDRYLANEDIS.CON.001
02.16.95

WITNESS:

Sonia S. Bean

Robert T. Patterson, Jr.

CITY OF PORTLAND

By Robert B. Ganley
Robert B. Ganley
Its City Manager

J.B. BROWN & SONS

By Charles E. Primm III
Charles E. Primm III
Its President

BAXTER PLACE ASSOCIATES

By R. H. A. S.
Its Partner

STATE OF MAINE
CUMBERLAND, ss. , 1995

Personally appeared the above-named Robert B. Ganley, in his capacity as City Manager, and acknowledged the foregoing instrument to be his free act and deed in his said capacity and the free act and deed of the City of Portland.

Before me,
Sonia S. Bean
Notary Public/Attorney at Law

STATE OF MAINE
CUMBERLAND, ss. May 16 , 1995

Personally appeared the above-named Charles E. Primm III, in his capacity as President, and acknowledged the foregoing instrument to be his free act and deed and the free act and deed of J.B. Brown, Inc.

Before me,
Robert T. Patterson, Jr.
Notary Public/Attorney at Law

FOUNDRYLANEDIS.CON.001
02.16.95

STATE OF MAINE
CUMBERLAND, ss.

April 13, 1995

Personally appeared the above-named *Kenneth A. Astor*, in his capacity as *Partner*, and acknowledged the foregoing instrument to be his free act and deed and the free act and deed of Baxter Place Associates.

Before me

C. M. Wren

Notary Public/Attorney at Law

My Commission expires

May 13, 2000

SEAL

9.5

0197

ORDER

DISCONTINUING FOUNDRY LANE

(The Planning Board, Kenneth Cole III, Chair)

IN THE CITY COUNCIL

March 20, 1995

Nathan M. Daniels
Attest: _____
City Clerk.

Yeas _____ Nays _____
Councilor Allen made a motion for passage of Order 197. Motion seconded by Councilor McDonough. Order 197 passed; 8 yeas. (Councilor Campbell out.)

A TRUE COPY. ATTEST:

Nathan M. Daniels

CITY OF _____
DATED APR 25 1995

BK11924PG014

9.5

BK11924PG015

Order 147
Tab 10 3-6-95

9.6

City of Portland, Maine
IN THE CITY COUNCIL.

ORDER DISCONTINUING FOUNDRY LANE

ORDERED, that Foundry Lane, as described in Exhibit A, be and hereby is discontinued, pursuant to 23 M.R.S.A. §3026. This discontinuance shall be subject to the retention of a public access easement and an easement for public utility facilities.

The names of the abutting property owners are:

J.B. Brown & Sons
482 Congress Street
Portland, Maine 04112-0207.

Baxter Place Associates
170 U.S. Route One
Falmouth, Maine 04105

The amount of damages awarded as a result of this discontinuance is : \$0.00.

FOUNDRYLANEDIS.ORD
02.24.95

EXHIBIT "A"

Beginning at the corner of a granite plinth on the Northwestern side line of Commercial Street, distant Northeasterly two hundred fifty-four and sixty-two one hundredths (254.62) feet from the intersection of the Northwestern side line of Commercial Street with the Easterly side line of Maple Street; thence Westerly with an included angle of one hundred eight degrees and twenty-three minutes ($108^{\circ}-23'$) from the Southwesterly direction of Commercial Street a distance of one hundred sixty-five and nine tenths (165.90) feet to a point; thence Westerly with a deflection angle to the left of eleven degrees and forty-seven minutes ($11^{\circ}-47'$) a distance of one hundred fifty-nine and eighty-five hundredths (159.85) feet to a point in the Southeasterly side line of York Street. Said street to be thirty (30) feet wide and to lie on the Easterly side of the above described line and to be called Foundry Lane; and all the land lying between the above described line and the Easterly side line of Foundry Lane so hereby taken for said street.

The above description was copied from City of Portland Records, Volume 36, page 90 and 91 and was accepted by the City Council on October 7, 1907.

RECEIVED
RECORDED REGISTRY OF DEEDS

95 MAY 19 PM 2:04

CUMBERLAND COUNTY

John B. O'Brien

Jean Fraser - Re: Hotel at Commercial and Maple

From: Margaret Broucek <margaret.broucek@gmail.com>
To: Jean Fraser <JF@portlandmaine.gov>
Date: 11/13/2012 11:59 AM
Subject: Re: Hotel at Commercial and Maple
CC: Barbara Barhydt <BAB@portlandmaine.gov>, Marge Schmuckal <MES@portlandma...>

Thanks for contacting me, Jean. And thank you, Marge for forwarding my message. I don't think I can make the meeting today. I would appreciate it very much if you would circulate the email I sent. A few other points: I just went out and counted the cars parked in both affected lots and came up with a total of 154. And the plan to valet up Maple and over on York has the hotel valet traffic going around what will be Baxter Academy (science and technology school), so the school traffic will mix in with the hotel cars on that corner and create a stressful situation.

Best regards,
Margaret Broucek

On Tue, Nov 13, 2012 at 11:24 AM, Jean Fraser <JF@portlandmaine.gov> wrote:

Margaret

I don't know if you were advised, at the neighborhood meeting, that this project is being considered at a Planning Board Workshop today (estimated time 4:30pm - see attached agenda). Members of the public are invited to comment on agenda items during a "public comments" section of the Workshop, and you may wish to attend and speak so that the Board is aware of your concerns.

If you are unable to attend, you could send me an e-mail now (which I would circulate to the Planning Board at today's meeting) or confirm that its OK for me to circulate (to the Planning Board) the e-mail you sent to Marge Schmuckal.

The PB Memorandum on this project is available on the City's Website- the link is:

http://www.portlandmaine.gov/planning.htm#Current_Backup_Material

... and look under the Workshop date and the project address (311-321 Commercial).

Please do no hesitate to call me if you would like further information.

Jean

Jean Fraser, Planner

City of Portland

874 8728

>>> Marge Schmuckal 11/13/2012 9:41 AM >>>

The hotel is located in a B-5 zone. The parking section of the Ordinance exempts the B-5 zone from parking requirements. I understand what you are saying. I am copying your e-mail to the person in Planning who is overseeing this project (Jean).

Marge

>>> Margaret Broucek <margaret.broucek@gmail.com> 11/9/2012 7:58 AM >>>

Hi Marge,

See over

10.9.2

2nd PB Wkshp

I hope you are doing well. We went to a neighborhood meeting last night about the proposed hotel at Commercial and Maple. It looks like a nice building, but they are planning no parking onsite for the guests. The lot they will valet park in will first be cleared of all current parking space renters. These cars, along with the cars that currently park where the hotel will sit, will put a lot of pressure on the street parking in the area. I am wondering if there really are no requirements from the city for onsite parking for new hotels. Seems odd. Brown didn't mention that they were asking for any variances, though. Thanks for any info you can provide.

Best,

Margaret Broucek

Notice: Under Maine law, documents - including e-mails - in the possession of public officials or city employees about government business may be classified as public records. There are very few exceptions. As a result, please be advised that what is written in an e-mail could be released to the public and/or the media if requested.

PUBLIC COMMENT

Attachment 10. b

2nd PB Workshop.

Greater Portland Landmarks

Questions for Planning Board consideration of the Proposed Development at 321 Commercial Street (11/13/12)

Greater Portland Landmarks Public Issues Committee will meet later this week with Vin Veroneau of J.B. Brown to discuss this proposed hotel project. After this meeting the Committee will discuss whether to take a position on the project. However, since the project is moving quickly through City review processes we would like to raise a few questions for Planning Board members to consider in this workshop.

The project site is located within the Old Port Historic District, making it subject to review by the Historic Preservation Board to obtain a certificate of appropriateness. The site is a prominent gateway location. The north side of Commercial Street presents an iconic view to passersby. We would like to ask about how the building footprint is set on the site: what is the underlying rationale behind the proposed site orientation? Have the developers considered having the building footprint conform to the property lines of this parallelogram site like the historic buildings do along the Commercial Street frontage?

Landmarks has often commented that buildings in Portland tend to be of human scale, reinforced by attention to the pedestrian realm and pedestrian experience. These are characteristics that have supported the national recognition Portland has achieved as a highly desirable livable city. We would like to ask how will the project address the pedestrian realm and experience along Commercial Street, Foundry Lane, and Maple Street. Specifically we are interested in the pedestrian crossings at Foundry Lane and Maple Street, as well as the three primary entrances onto the public ways for the hotel, restaurant and residences.

We appreciate the opportunity to raise these questions to the Planning Board as you consider this project and we look forward to learning more about how this project can complement the historic character of the west end gateway of the Old Port Historic District.

Read out during "Public Comment"
by Julie Larry at 11-13-12 PB Workshop.



93 High Street
 Portland, ME 04101
 207-774-5561
 207-774-2509 Fax
 www.portlandlandmarks.org

TRUSTEES

Robert E. Cleaves, IV
 Malcolm L. Collins
 Joseph Conforti
 James Cram
 Carol J. DeTine
 Thomas Dowd
 Thomas Elliman
 Marjorie Getz
 Richard Gilbane
 Claire Hammen
 Julie Larry
 Candice Thornton Lee
 Lynda Means
 Michael Mertaugh
 Sharon Miller
 Patrick Morin
 Norman Nelson
 Nicholas Noyes
 Sally G. Oldham
 Roxanne Quimby
 David Robinson
 Nan Sawyer
 Nate Stevens
 Ruth Townsend Story
 Thomas Stoughton
 Anna Marie Thron

Marjorie Getz
President

David Robinson
Executive Vice President

Thomas Dowd
Treasurer

Sharon Miller
Secretary

PUBLIC
COMMENT

Attachment 10.C.1

MEMORANDUM

Comments on the Preliminary Designs for 321 Commercial Street at Historic Preservation Board Workshop Dec. 12, 2012

+ sent to Planning Div
 for PB workshop.
 12.18.2012

First, we would like to thank Vin Veroneau for meeting with Landmarks' Public Issues Committee on Nov. 15 to discuss the project. The revitalization of Commercial Street has been a major success over the past 20 years, and recent projects for the Gulf of Maine Research Institute and Pierce Atwood have created new vitality on the western part of the street.

We have evaluated the materials prepared in advance of the Dec. 12 meeting in light of the comments we provided to J.B. Brown on November 19. The posted backup materials did not contain a site plan and included a preliminary sketch of the elevations instead of detailed renderings. This makes it more difficult for us and the board to address the project. Our recommendations are in bold.

1. Gateway to Historic District:

Make the most of this gateway site and the opportunity to create a strong presence and identity as one enters the Old Port Historic District. The design, as shown in the advance materials, does not capitalize on the important gateway to the historic district from the western side of Commercial Street. *Addressing the gateway is essential in our view.*

2. Site:

Build the structure to or parallel to the lot lines, which is a pattern that is consistent with the historic development along the street. The proposed design does not follow the lot lines, and does not respond to the corner of Commercial and Maple Streets, which is the western edge of the historic district. At the east side of the building, the new design does not reflect the angled nature of the lot line that parallels the Baxter Building next door. *We believe that the project should address the lot lines, and the form of the site.*

3. Foundry Lane:

Preserve and enhance Foundry Lane as a character-defining access point to the hotel. Retain use of the historic cobblestones as one means of reinforcing this historic character. The form of Foundry Lane appears to be subsumed to the needs of parking and traffic, and the siting of the building independent to the lot form. *Foundry Lane is an essential part of the historic character of the site.*

- 4. The hotel's volume, length, scale and form along Commercial Street are ideal to continue the street wall and complement the historic architecture in this unique location.** The design has as strong horizontal emphasis and simplified forms, and uses the material and color palette consistent with the historic buildings. However, the rendering lacks detail, and lacks design emphasis, making it less successful than it could be. The Commercial Street entrances especially lack the detailing and distinction that could make this a more dynamic design. *The design details need to be further developed.*
- 5. Design Details:**
Refine design details carefully, especially the windows, entrances, and exterior materials used to reflect a level of design detail and of high quality materials commensurate with that of adjacent buildings. *The sketches need more detail to show how the design elements will be realized and how they will integrate with the overall building design, and exhibit a similar quality to that of the adjacent historic buildings.*
- 6. Pedestrian Realm:**
Consider the quality of the pedestrian realm and the way the building integrates with the sidewalks as a high priority. *The sketches and site plan need greater detail, including a site plan, to understand fully how the plan addresses the pedestrian realm.*

Jean Fraser - Fwd: Follow up to PB Workshop: Commercial & Maple Street Mixed Use Development

From: Jean Fraser

Subject: Fwd: Follow up to PB Workshop: Commercial & Maple Street Mixed Use Development

>>> Jean Fraser 11/14/2012 2:48 PM >>>

Steve

Thank for the Neighborhood Meeting information; it will go into the next Planning Board document. The next scheduled Planning Board meetings are **December 11th** and **January 8th** and please let us know what timetable you would like to pursue.

In addition to the list of next steps outlined in the PB Memo (copied at end of this e-mail), these are the points I noted from the Planning Board discussion:

- Board looking for wider walkway through Foundry Lane (connecting existing to Commercial Street sidewalk);
- Board requested further info to support waiver request re bicycles (see DPS comments plus I would note that bike parking is also for users of the retail and visitors to the residential; also encouraging bicycle use is part of TDM);
- Board OK for patio to be replaced with building to corner as per HP issue, but some of the Board members liked outdoor space to "interact with city" (my comment: so ideally some outdoor area can be included somewhere eg smaller patio at Maple as Mark mentioned or maybe near Foundry Lane?);
- Board looking for more street trees: the required number is 14 (one per residential unit) under subdivision - there is an argument that in addition, the four existing ones on Commercial Street should be replaced. We would count those proposed along Foundry Lane as street trees.

Please also note that Tom Errico is awaiting further information as identified at the TMP Scoping meeting and may have further comments/recommendations after that; I know he is concerned about pedestrian safety/accommodations in the vicinity and also will have further detailed comments on the TDM Study.

Please note there is a subdivision "required improvement" (14-499h) that requires all utility lines to be placed underground.

I also attach the two sets of public comments (one from Greater Portland Landmarks that was read at the meeting) that were received by the Planning Board and urge you to address these in the next submission.

I would also like to ask for clarification: Mark Woglum indicated at the Workshop that the 11 spaces within Foundry Lane are "exclusively dedicated to Baxter Place" but the draft Access Easement between Baxter place LLC and J B Brown & Sons (copy attached, as submitted) states (1e page 2) "Notwithstanding Baxter's exclusive reservation to the Baxter Place Parking Spaces....J B Brown shall have the right to use said Baxter Place Parking Spaces during the following days and times....". So the parking appears to benefit the proposed hotel too.

Thank you

Jean

11.2

Jean Fraser, Planner
City of Portland
874 8728

FROM PLANNING BOARD MEMO: Suggested next steps include:

- Address zoning comments
- Clarify whether residential units are apartments or condos; if condos, submit Draft Condo docs
- Revise survey and subdivision plan
- Respond to Traffic Movement Scoping meeting and Transportation Review comments, including re parking requirements
- Address stormwater and landscaping comments, especially regarding the incorporation of stormwater planters
- Reconsider the layout and design of Foundry Lane
- Increase bicycle parking provision
- Address comments from the Fire and Public Services Departments
- Submit signage and wayfinding plan
- Submit further information including capacity letters, service vehicles, and snow storage
- Clarify lighting proposals and review re light trespass
- Address any Planning Board comments

Attachment 12.1

Jean Fraser - Re: Comments on 11.20.2012 draft Foundry lane improvements re JB Brown mixed use project

From: Jean Fraser
To: Stowe, Barry
Date: 11/26/2012 12:35 PM
Subject: Re: Comments on 11.20.2012 draft Foundry lane improvements re JB Brown mixed use project
CC: Long, Steve; Veroneau, Vincent; Woglom, Mark
Attachments: City Landscape & DA comments on 11.20.2012 version Foundry Lane.pdf; IMG_2249.JPG

Barry

I have consulted my colleagues (Alex Jaegerman; Tom Errico; Jeff Tarling (City Arborist); DPS) and we have the following comments from a Site Plan review point of view. Deb Andrews has also added a couple of preliminary comments - but her HP Board will be reviewing this comprehensively at the December 12th HP meeting and will provide the formal HP feedback:

- Overall layout appears to address the concerns we discussed, but there are some detailed comments;
- Traffic comments:
 - The general concept is acceptable; the 22-foot entry width is acceptable. A few comments:
 - The driveway at the location of the compact parking space is very tight. A vehicle parked in that space will extend out into the driveway and will reduce the effective width. A detail of this area illustrating how it will work is suggested.
 - The applicant should provide a turning template for the three parking spaces where the parking aisle is only 18 feet wide. In general I think it is workable, but I'm not sure if the bollard is going to be a problem.
- Landscape comments: see attached handwritten comments on attached- in summary:
 - Moving 2 of the trees along Foundry into the adjacent large triangular areas, with large planters to give them maximum room for soil and water; these areas suggested curbed with landscape rather than hard surface (Deb Andrews considers that the one nearest Commercial Street should be soft landscape edged with granite/cobbles for all of the triangular area, including the area of the bike racks, so that the 9 ft walkway section reads as a separate linear feature);
 - Two trees in between suggested to have "Neenah Tree Grate R.8801" as indicated in handwritten note (so that they will survive);
 - Suggest the street tree in sidewalk just south of Foundry should have a large granite planter so it will survive; and
 - Landscape details needed for some areas (but OK in principle).
- Cobbles:
 - Suggest a row of cobbles or granite stone at the back edge of each of the parking spaces (not continuous; one line of cobbles or linear stone for each space) would help delineate parking spaces and break up the expanse of brick (it is assumed there will be no striping);
 - Please specify the width of the cobble band along each side of the new section of pedestrian

12.2

- walkway and also along the existing section;
- Cobbles within Apron: I am waiting for confirmation from DPS that the cobbles are OK in the ROW - will get back to you but leave them in for now. Please specify width.
 - Other:
 - The original submitted plan for Foundry Lane (CO4, as submitted to Planning Board) showed 2 pole-mounted lights adjacent to the new walkway that gave light coverage to the new section of pedestrian walkway and continued the row of lights (see photo attached) that are along the existing walkway leading to York Street. I'm not sure the lights now proposed near the hotel will adequately light the central section of the new section of walkway and suggest some additional lighting should be incorporated to adequately illuminate the new section of the pedestrian walkway and address CPTED standards.
 - A rendering of the view from the Commercial Street entrance of the drive looking towards York (with Baxter Place on right and proposed hotel on left) would be helpful for HP to understand how this layout will "read";

Please call me if any of this is not clear. You are welcome to send another draft for us to look at (from site plan viewpoint) before finalizing it for HP; just let me know and I will run it by the Site Plan reviewers.

Jean

Jean Fraser, Planner
 City of Portland
 874 8728

>>> Barry Stowe <barrys@opechee.com> 11/20/2012 4:32 PM >>>
 Hi Jean,

Attached please find our conceptual plan for the City's review with regards to the Foundry Lane improvements. In our meeting we discussed keeping the same pedestrian "feel" through Foundry Lane to Commercial Street but with a little less width. I believe we have accomplished this in our attached concept. The proposed improvements will continue to provide pedestrians with a brick walkway banded with cobblestones, and trees along the south side the walkway. The proposed improvements utilize pavement textures, granite bollards, and trees to provide motorist with visual barriers for maneuvering and parking.

Please feel free to contact me with any questions.

Thanks,

Barry Stowe



Opechee Construction Corporation
 11 Corporate Drive
 Belmont, NH 03220
 P (603) 527-9090
 F (603) 527-9191

barrys@opechee.com

From: Marge Schmuckal
To: Jean Fraser
Date: 11/8/2012 12:38 PM
Subject: 311-221 Commercial Street

Update for 2nd PB workshop.

One Solution is not working, so here is an e-mail:

311-331 Commercial Street - 040-E-003
#2012-615 B-5b and Historic Overlay
11/8/2012

This project is proposing a structure with 131 Hotel units with restaurant/retail and 14 residential dwelling units. The entire project is located in the B-5b Zone. All the proposed uses are allowed in the B-5b zone.

The zoning analysis stated that an average building grade calculations were attached. I could not find that page. Please direct me to where that information is located or provide separately. The elevations indicate that the average grade is 13.5 elevation. Based on that unverified information, the height of the building is given as 64' 10". The maximum building height is 65'.

The application stated that there were 14 residential dwelling units. However the information on the floors breakdown stated that there was a 944 sq. ft. dwelling unit on the first floor. Where is that located? Is that still part of the project? The sixth floor is currently showing 14 residential dwelling units. Are there really 15 residential units? I want to confirm the type of residential units. Are these leased or condominium units?

14-332.1 (g) in the parking section of the Ordinance states that there are no zoning parking requirements.

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.

Marge Schmuckal
Zoning Administrator

COMMITMENT & INTEGRITY
DRIVE RESULTS

41 Hutchins Drive
Portland, Maine 04102
www.woodardcurran.com

T 800.426.4262
T 207.774.2112
F 207.774.6635

MEMORANDUM

update for 2nd PB workshop



TO: Jean Fraser, Planner
FROM: David Senus, P.E. & Ashley Auger, E.I.T.
DATE: December 12, 2012
RE: 321 Commercial St. Mixed Use Development, Level III Final Site Plan/Subdivision Application

Woodard & Curran has reviewed the Response to Comments letter for the Level III Final Site Plan/Subdivision Application for the Mixed Use Development located at 321 Commercial Street in Portland, Maine. The project consists of a six story mixed use building with a 131 room hotel, 7,000 sq ft of restaurant space, and 14 residential units on the site of an existing gravel surface parking lot. The project proposes a net increase of 2,513 sq ft of impervious area on the site.

Documents Reviewed by Woodard & Curran

- Response to Comments Memorandum and attachments dated December 4, 2012, prepared by Opechee Construction Corporation, on behalf of J.B. Brown & Sons.

Comments

1. The Applicant has identified a "green area stormwater treatment" system within a bump-out on Commercial Street to provide water quality treatment for approximately 6,810 sq ft of sidewalk, roadway, and on-street parking area. This system would provide treatment for an area in excess of the proposed new impervious area resulting from the project (2,513 sq ft). Pending review of the design details associated with this system, the proposal provides an acceptable means of meeting the City of Portland's water quality treatment requirements. We understand that additional information and plan revisions are forthcoming, and we anticipate reviewing engineering calculations for the treatment system, specifically the ability to provide water quality treatment for the 1", 24-hour storm event. In addition, we will review design details and modifications to the Inspection and Maintenance Plan. The system is proposed within the municipal Right-of-Way, so the Applicant will need to execute an agreement with the City of Portland specific to inspection and maintenance responsibilities.

From: Tom Errico <thomas.errico@tylin.com>
To: Jean Fraser <JF@portlandmaine.gov>
CC: David Margolis-Pineo <DMP@portlandmaine.gov>, Katherine Earley <KAS@portlandmaine.gov>, Jeremiah Bartlett <JBartlett@portlandmaine.gov>, Jeff Tarling <JST@portlandmaine.gov>

Date: 12/12/2012 4:16 PM
Subject: 321 Commercial Street - Updated Traffic Comments

Jean - I have reviewed the revised plans and traffic information and I have provided the following update on my November 9, 2012 comments.

- * 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.
- * 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.
- * The driveway on Maple Street will require a waiver from the City's technical standards for driveway separation. Given 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.
- * 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.
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.

- * 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.
- * 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.
- * 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.

New 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.
- * The proposed Baxter Charter School project will be upgrading pedestrian facilities at the York Street/Maple Street intersection and therefore no action is required by this applicant.

If you have any questions, please contact me.

Best regards,
Thomas A. Errico, PE
Senior Associate
Traffic Engineering Director
[T.Y. Lin International]T.Y. Lin International
12 Northbrook Drive, Falmouth, ME 04105