

CITY OF PORTLAND, MAINE

PLANNING BOARD

Elizabeth Boepple, Chair
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December 19, 2017

Deering Property Development LLC
2730 Transit Road
West Seneca, NY 14224
Fao Joe Dasco

Sebago Technics Inc
75 John Roberts Road
South Portland, ME 04106
Fao Will Conway

Project Name: Master Development Plan for 383 Commercial Street (former Rufus Deering site)
Project ID: #2017-005
Address: 383 Commercial Street CBL: 042 A001001
Applicant: Deering Property Development, LLC (Joe Dasco)
Planner: Jean Fraser

Dear Sirs:

On December 13, 2017, the Planning Board considered a Level III Master Development Plan (MDP) application for a phased mixed use development on the former Rufus Deering site at 383 Commercial Street. The MDP proposed full build-out program comprises 469,153 sq ft gross floor area, including a 139 BR hotel, 203 residential units, over 25,000 sq ft of retail, and 313 parking spaces. The Planning Board reviewed the proposal for conformance with the standards of the Master Development Plan and voted unanimously (7-0) to approve the application with the following conditions as presented below:

On the basis of the application, plans, reports and other information submitted by the applicant; findings and recommendations contained in the Planning Board Report for the public hearing on December 13, 2017 for application #2017-005 (383 Commercial Street) relevant to the Master Development Plan regulations; and the testimony presented at the Planning Board hearing, the Planning Board finds that the plan is in conformance with the Master Development Plan standards of the land use code, subject to the following conditions of approval:

- i. That the Planning Board approves the provision of up to 313 parking spaces as an acceptable maximum at full build out, noting that TDM measures will be part of the site plan review with a view to achieving a reduction in the trip generation and parking provision for future phases.
- ii. That the interim surface parking lot on the Phase 3 part of the site shall be revised to meet the following objectives when submitted for site plan review:
 - Provide support uses for the local marine economy; and
 - Identify a phased program of improvements that ensures the area presents a safe and attractive gateway, with improved green space available to the public, through all stages of the development.
- iii. That the site plan application that includes the public pedestrian walkway between Commercial Street and York Street shall include an associated pedestrian easement or similar legal mechanism to ensure ungated 24/7 public access and to clarify management arrangements, the design of such passageway to be revised as part of the site plan submission to ensure that it provides usable public space, visual connectivity of the pedestrian route between Commercial and York Streets, and meets CPTED principles.

- iv. That the applicant shall contribute, within 2 months of this MDP approval, \$10,000 towards the feasibility study and start up costs for a Portland Transportation Management Association (TMA) or comparable project that would help progress the introduction and coordination of Transportation Demand Management in Portland, and that a TDM plan will be submitted in conjunction with the site plan that includes a hotel.
- v. That the applicant shall apply for a TMP as part of the first phase site plan (hotel), and commit to a contribution of \$150,000 towards the costs of implementing a signal at the intersection of High and Commercial streets, the timing of which shall be determined at the time of the first phase site plan review. Such contribution does not affect the possible request for additional contributions to items that are found eligible as mitigation under the TMP.
- vi. That the applicant shall contribute \$50,000 to the implementation of future phases of the West Commercial Street Shared Use Path, or other bicycle/pedestrian amenities in the area of the project, in association with the last phase of the MDP development, prior to the issuance of a building permit for the western-most phase, along with the provision of a bicycle connection between any path and the other side of Commercial Street.
- vii. That the applicant shall commit to contribute or provide the following to help reduce congestion in Commercial Street and mitigate the impacts of the proposed MDP development:
 - o *Commitment in principle in MDP with details incorporated into first site plan and implemented as part of the first site plan*
 - Provision of a car share program as part of the first phase residential development, preferably available to the public but at least for the condominium association members;
 - Provision of an electrical charging station in the parking garage;
 - Provision of public parking (10-15 spaces), to address the needs of marine related businesses, within the area of the interim surface parking area and to be implemented when construction of first phase begins; and
 - Provision of a shuttle/transit stop on the immediate frontage (within ROW and /or site depending on discussions).
 - o *Contribution as part of first site plan, to be posted prior to the building permit for the first phase:*
 - \$40,000 contribution to the *Commercial Street Operations and Master Plan*.
- viii. The Design Standards outlined in the updated City's Urban Design Review Memo dated 12.13.2017 shall guide the site plan review of all the MDP phases and interim conditions; the approval of the MDP does not imply approval of individual building designs and the public realm details as presented, which shall be addressed in Site Plan application and review.
- ix. That the utility infrastructure and stormwater systems, on and in the vicinity of the full build-out site, shall comply with the Site Plan and Subdivision ordinance standards regarding design, capacity and installation, and may be eligible for waivers based on more detailed information submitted at the time of these reviews.
- x. That the MDP approval confirms that the project may rely on the interpretation of the zoning to determine the allowable height for the stepped roofs in a same manner as is applied to sloped roofs.
- xi. That the cobbles in Maple Street along the site frontage in the ROW shall not be removed until they have been documented to the satisfaction of the Historic Preservation Manager, and shall be replaced in the existing location and form as part of the sidewalk construction.
- xii. That the applicant shall immediately undertake action to clean up the site to make it as safe and attractive as possible, to include removal of debris, trimming of vegetation, securing of buildings, and repairs; also to carry out ongoing maintenance of the site including sidewalk snow removal.

STANDARD CONDITIONS OF APPROVAL

Please note the following standard conditions of approval and requirements for all approved Master Development Plans:

1. **Separate Level III Subdivision/Site Plan Approvals Required** This approval establishes the general parameters to be adhered to for the development, including the supporting documentation for floor area ratio and/or residential density, general types of uses, building coverage, generalized open space plans and infrastructure systems. This Master Development Plan approval shall not be construed as final authorization of the development. Approval shall confer pending proceeding status upon the development with the effect of maintaining the applicability of regulations in effect at the time of approval for as long as the Master Development Plan approval remains valid, including permissible extensions if granted. Separate Level III subdivision and site plan approvals are required. Level III subdivision and site plans for each phase shall be in general conformance with the Master Development Plan.
2. **Master Development Plan Amendments** A minor amendment to a Master Development Plan shall be defined as a change which is generally consistent with the approved Master Development Plan layout of buildings, circulation infrastructure, and open spaces, and:
 - i. Does not propose any new general type of use beyond those approved initially;
 - ii. Does not increase the building ground coverage, floor area ratio or residential density of the Master Development Plan;
 - iii. Does not decrease any specified area regulations or enumerated parking ratios; and
 - iv. Does not substantially change access, circulation, or infrastructure on or adjacent to the site.

The Planning Authority shall be authorized to approve such minor amendments to a Master Development Plan upon written application and explanation of the change(s) by the owner (or its agent) of the property. No further public hearings shall be required.

3. **Master Development Plan Expiration** An approved Master Development Plan shall expire six (6) years from the date of approval unless, prior to the expiration of the Master Development Plan, a written request for an extension is submitted to the Planning Authority. Only two (2) such extensions may be granted by the Planning Authority, and each such extension shall be limited to two (2) years from the date of expiration of the Master Development Plan. The Planning Authority may grant an extension provided there have not been substantial changes to the underlying zoning or site plan standards since the date of the Master Development Plan approval that would have a substantial impact on the approval. The Planning Authority may condition the extension on an amendment of the Master Development Plan to comply with such applicable ordinance or site plan standard changes per *Section 14-532(d)* of the city's land use ordinance. Approved major or minor amendments to a Master Development Plan do not alter the expiration date for the Master Development Plan.

If there are any questions, please contact Jean Fraser at 874-8728 or at jf@portlandmaine.gov.

Sincerely,



Elizabeth Boepple, Chair
Portland Planning Board

Attachments:

1. Design Review (as amended 12-13-2017)
2. Planning Board Report

Electronic Distribution:

cc: Jeff Levine, AICP, Director of Planning and Urban Development
Stuart G. O'Brien, City Planning Director, Planning and Urban Development
Barbara Barhydt, Development Review Services Manager, Planning and Urban Development
Jean Fraser, Planner, Planning and Urban Development
Philip DiPierro, DRC, Planning and Urban Development
Mike Russell, Director of Permitting and Inspections
Ann Machado, Zoning Administrator, Permitting and Inspections
Jonathan Rioux, Deputy Director, Permitting and Inspections
Jeanie Bourke, Plan Reviewer/CEO, Permitting and Inspections
Chris Branch, Director of Public Works
Keith Gray, Senior Engineer, Public Works
Doug Roncarati, Stormwater Coordinator, Public Works
Jane Ward, Engineering, Public Works
Rhonda Zazzara, Construction Engineering Coordinator, Public Works
Jeff Tarling, City Arborist, Public Works
Jeremiah Bartlett, Transportation Systems Engineer, Public Works
William Scott, Chief Surveyor, Public Works
Mike Thompson, Fire
Danielle West-Chuhta, Corporation Counsel
Jennifer Thompson, Corporation Counsel
Victoria Volent, Housing Program Manager, Housing and Community Development
Thomas Errico, P.E., TY Lin Associates
Lauren Swett, P.E., Woodard and Curran
Christopher Huff, Assessor

Planning and Urban Development Department

Planning Division



Subject: MDP and B-5 Design Review – 383 Commercial Street
Written by: Caitlin Cameron, Urban Designer
Date of Review: Thursday, December 7, 2017, [amended December 13, 2017](#)

The project at 383 Commercial Avenue is subject to the *Master Development Plan Standards of Review*. The project is also within 100' of a historic district and included an advisory design review by the Historic Preservation Board.

The proposed master plan for multi-family residential buildings is only reviewed according to the Master Plan criteria. In future Site Plan design reviews, the projects will be subject to the R-5 and Multi-family design guidelines. Staff recommend the MDP approval include design guidelines that will apply to all subsequent site plan applications.

Based on the revised submission from December 6, 2017 and Planning Board comments, staff have the following comments as well as recommended Design Standards to apply to future Site Plan applications.

Design Review Comments:

(iii) Standards of Review.

b. Developed in a comprehensive, design-integrated manner, according to an overall master development plan

- Staff continue to support the Master Plan layout. The physical forms and layout now reflect the different uses of the buildings, create mid-block breaks, and provide logical circulation and servicing locations. The project layout and general massing is comprehensive and design-integrated internally and also now in a more context-sensitive way.

d. Consistent with the City's Comprehensive Plan and consistent with City Council approved master plans . . .

- The project is not within a Pedestrian Activities District Overlay zone (PAD).
- The project is not located within a view corridor protection area.

f. When proposed adjacent to or within one hundred (100) feet of designated landmarks, historic districts or historic landscapes, the Master Plan shall be developed so as to be generally compatible with the major character-defining elements of the landmark or portion of the district in the immediate vicinity of the proposed development

- See memo from Historic Preservation staff regarding the Historic Preservation Board review comments for compatibility with the Old Port Historic District. Staff agree with many of the HP Board comments. Staff will have building-specific design review and comments during Site Plan application.

I. Designed as to create a cohesive identity through building scale, massing, and articulation; use of quality exterior material, architectural detailing at pedestrian scale; consistency of design and materials for streetscape and pedestrian amenities; framing of outdoor open space and linkages; a clear conveyance of the function and significance of various buildings, entrances, and features; and to generally comply with design and development standards of the zone in which it is located;

- Cohesive identity: The hotel, by choice and request, is designed to stand apart in character from the residential buildings.
On Commercial Street, the residential buildings have a cohesive identity and the designs are informed by the historic context. Staff support detail revisions made to incorporate the reference lines on Commercial Street. This includes pronounced bases on the buildings, horizontal proportioned facades, and regular rhythm of vertically proportioned windows. Staff recommends that the Commercial Street residential facades be one consistent material – brick- with glass curtain wall as an accent. **The York and High Street residential designs suffer from a lack of cohesiveness. There are too many elements - especially materials - applied to these facades in an attempt to provide visual interest. This point is addressed in the guidelines below.**
- Quality exterior material: The materials proposed meet this standard. In Site Plan review the details should be reviewed further to provide depth, articulation, visual interest, and quality transitions.
- Consistency of design and materials for streetscape and pedestrian amenities – See proposed design guidelines below for preferred streetscape treatments. Staff agree that the streetscape on Commercial Street should differ from that on York, High, and Maple. York Street includes private uses and therefore the landscape buffer between the sidewalk and residential building is appropriate. Commercial Street appears to be the only street wide enough to provide street trees.
- Framing of outdoor open space and linkages – the proposal creates several outdoor plazas and passages. These are framed literally by colonnades on Commercial Street. On York Street, the linkages are indicated by breaks in the buildings, landscaping, and steps. The passageway connecting the residential building to the hotel has been a point of debate. Urban design best practice typically avoids such passages which usually lead to inactivity at the street level. Given that this passage will only be available to residents of one building, the impact on the street is likely minimal compared with the overall activity generated by the large development with mixed uses. The passage is shown as highly transparent and set back from the street. Upon review of the renderings showing the visual impact of the passage, we noticed it does not appear to significantly impact wayfinding for pedestrians through the mid-block as long as other visual cues remain such as bollards, wide and visible steps, and pavement delineation. Staff do not object to the passage as it is currently designed and placed but would also support a design without a passage.
- Clear conveyance of the function and significance of the various buildings, entrances, and features – the hotel is differentiated from the residential/mixed-use buildings through material, window types and patterns, and detail. Staff support this design direction but suggest that the design be developed to include depth and relief on the facades, especially Commercial and York streets, and to visually knit the glass corner with the rest of the building which currently feels visually disconnected for Site Plan.

- Design standards of the zone: See memo from 10/19/17 for those comments. Additional design review for each specific building will be conducted with Site Plan applications.

Proposed MDP Design Standards (to be applied to subsequent Site Plan applications)

The following architectural characteristics are integral to the approved Master Development Plan:

- Mid-block breaks
- Stepped roof forms
- Hotel building distinct in character and form from the residential buildings
- Consistent and cohesive character among the residential buildings
- Street-facing, emphasized building entrances
- Commercial Street: Strong, articulated building bases that follow the proportion and character of the historic Commercial Street buildings
- Commercial Street: Active ground floor
- Commercial Street: Regular pattern of windows

Materials

- **Commercial Street** – Material placement, detail, and articulation should emphasize the established historic Commercial Street patterns of massing, proportions, and façade composition regulating lines and building base. Material selection on the residential buildings will predominantly use red brick and granite with glass curtain wall as an accent. The hotel, in order to stand apart in character and use, will have a more contemporary expression but will continue the base and regulating lines found in the Commercial streetscape.
- **York, High, and Maple Streets** – These streets are not part of the historic district and the context is varied. Residential building materials should be consistent and be rationally placed based on interior uses or massing variation. A consistent base line is recommended to be carried through the residential buildings.
- **Quality Exterior Materials** includes the detailing, articulation, transition, durability, and visual interest of the materials, not only their selection and placement. These aspects will be reviewed with special attention to the ground floors and areas most visible to pedestrians.

Façade Composition - In Site Plan review the design shall provide depth, articulation, visual interest, and quality transitions. Historic buildings in the surrounding context should be considered precedent examples, especially on Commercial Street.

- **Commercial Street** - Commercial Street has a strong, consistent pattern of a tall base story, overall horizontal proportion, and regular window patterns. Commercial Street facades will continue these characteristics with contemporary interpretation. The ground floors will consider pedestrian comfort and scale, especially in the placement of doors, windows, canopies, and details in the materials and articulation. The residential buildings should have a cohesive visual relationship with material palette, window type and pattern, roofline, and articulation elements. Simple and consistent material type and color will be used across the Commercial Street streetscape.
- **York Street** – Window and material placement should follow a rationale tied to the building uses or changes in massing. Visual interest should be provided through articulation, façade plane changes, and fenestration.

Streetscape Design

- **Commercial, High, and Maple Streets** – Character = Predominantly commercial, active uses fronting the street. The sidewalk should be as wide as possible. Where the sidewalk is at least 13' wide, street trees should be provided in raised granite planters in the furnishing zone. Planters or landscape areas should not be placed between the sidewalk and the building – this is not consistent with the established urban streetscape. Final design shall be coordinated with City staff, especially to ensure viability of street trees and ease of maintenance.
- **York Street** – Character = predominantly residential uses fronting the street. The private uses justify a landscape buffer between the street and the residential use. Landscape areas should be raised with either a curb or a seating wall. The sidewalk width should be consistent for the whole block.
- **Interior Passages, Plazas, Courtyards, or Entrances** – ~~Internal passages~~ Interactive building edges should employ CPTED principles as a best practice to make spaces that are safe, active, and inviting. Material selection and design should indicate private or public access. Design shall be legible and intuitive for pedestrians and cars, especially for wayfinding.



PLANNING BOARD REPORT PORTLAND, MAINE

383 Commercial Street (former Rufus Deering Site)
Level III Master Development Plan
Deering Property Development, LLC, Applicant
Project #: 2017-005
CBL: 042 A001001

Submitted to: Portland Planning Board Public Hearing Date: December 13, 2017	Prepared by: Jean Fraser Date: December 8, 2017
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I. INTRODUCTION

Deering Property Development, LLC (Joe Dasco) has requested final approval to the Level III Master Development Plan (MDP) for a phased mixed use development on the former Rufus Deering site at 383 Commercial Street. The project initially was proposed to contain 275 residential units, over 25,000 sq ft of retail, and 386 parking spaces, and the final proposal has been revised to include a 139 BR hotel, 203 residential units, over 25,000 sq ft of retail, and 313 parking spaces.

The Planning Board has held three Workshops on the project since the hotel was added in the summer*, plus an earlier Workshop on the original MDP proposals and one on the associated (superseded) Phase 1 Level III Site Plan. At the October, 2017 Workshop the applicant significantly revised the layout and phasing of the project. The Board is being requested to consider only the MDP at this time.

The site is just over 2.5 acres, with approximately 600 feet of frontage on Commercial Street and located within the B5b zone. The site abuts the Old Port Historic District (toned yellow on the aerial plan), and the Historic Preservation Board has completed a simultaneous advisory review of the proposals.

Applicant: Deering Property Development LLC
Engineer: Sebago Technics, Inc
Architect: Archetype PA



- ❖ Planning Board Workshops:
 - MDP: without hotel 4.6.17
 - MDP and Phase 1 Site Plan without hotel: 6.13.17
 - MDP with hotel: 8.8.17
 - MDP with hotel: 10.24.17
 - MDP with hotel focus on Transportation and Design: 11.14.17

This Hearing was noticed to 158 property owners within 500 feet of the site and interested parties, and a legal ad was published in the *Portland Press Herald* on December 4th and 5th, 2017. A Neighborhood meeting was held on March 28, 2017 on the original proposals for a residential/retail development; the Neighborhood meeting Certification is included in Attachment HH. A total of three written public objections were received (PC 1, PC2 & PC4); the first registered concern about the lack of affordable housing in Portland, and the latter two raised objections based on scale and massing, and lack of community benefits. A petition from lobstermen and fishermen working on the waterfront is included (PC3) as it raises concerns about the impact of additional development along Commercial Street.

Required Review:

<i>Applicant's Proposal</i>	<i>Applicable Standards</i>
Overall Master Development Plan	Master Development Plan Review - Land Use Code 14-524, 14-526 and 14-527

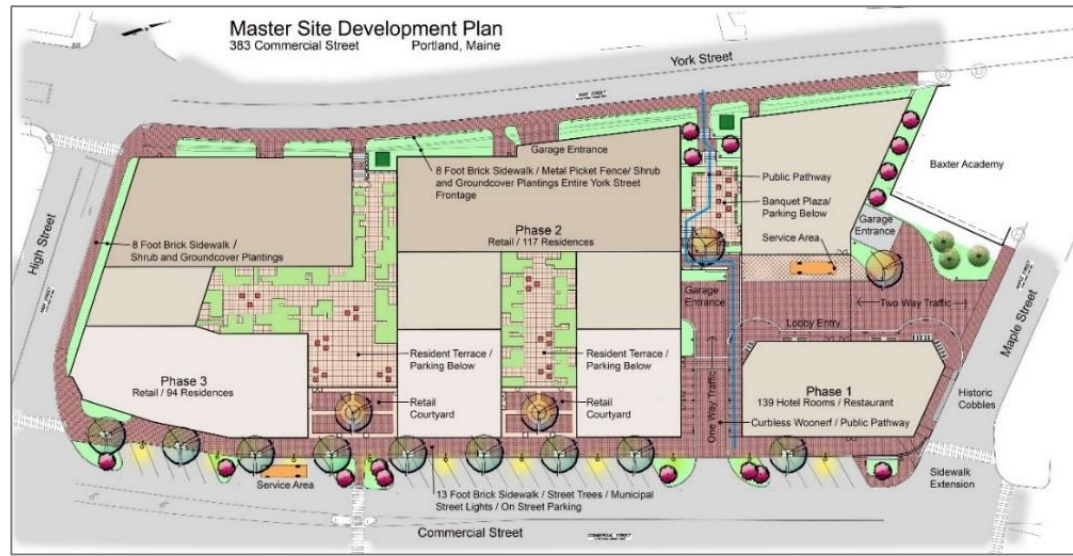
Master Development Plan framework:

The Site Plan ordinance outlines that an approved Master Development Plan (MDP) establishes the general parameters to be adhered to for the development, including the supporting documentation for floor area ratio and/or residential density, general types of uses, building coverage, generalized open space plans and infrastructure systems. It is not a final authorization for development, but it does confer pending proceeding status upon the development with the effect of maintaining the applicability of regulations in effect at the time of the approval for as long as the MDP approval remains valid (6 years initially), including permissible extensions up to 10 years. All Level III site plans for each phase shall be in general conformance with the approved MDP. The required review is under *Section 14-524(a)3c(iii) Master Development Plan Review including Standards for Review.*

II. BACKGROUND

The final MDP has been revised to address key concerns that have been raised over the series of Workshops:

- Need for an attractive “gateway” elevation and treatment of the interim phases;
- Need to address design and public realm issues as raised by both the HP Board and PB;
- Provision of public pedestrian linkages into/across the site and more “open space”;
- Need for service facilities with minimal impact on both vehicular and pedestrian activity;



Site Master Plan (Plan P1)

The overall build-out has evolved as follows:

June and August 2017:



October and November, 2017:



December
2017:



III. PROJECT DATA

Existing Zoning	B-5b	
Existing Use	Lumber company; retail.	
Proposed Use	Mixed use (including retail, residential and structured parking)	
Proposed Development Program	Three phases, starting with Maple Street hotel building (Phase 1) (Revised concept shows Phases I and II going forward at the same time with existing Rufus Deering offices remaining in interim)	
Property Size	2.58 acres	
	<i>Existing whole site</i>	<i>Proposed whole site</i>
Building Footprint	32,100 sq ft	87,663 sq ft
Building Floor Area	35,000 sq ft	469,153 sq ft (includes 21,355sq ft retail; hotel, residential)
Residential Units		203 units
Impervious Surface Area	2.43 acres	2.38 acres
Parking Spaces (on site)	?	313
Bicycle Parking Spaces	0	105
Estimated Cost of Project	Not identified	

IV. ISSUES RAISED DURING PLANNING BOARD WORKSHOPS

A. Pre-hotel MDP concept:

At the earlier PB Workshops the Planning Board consistently raised concerns about the safety and feasibility of the service and access proposals, the need for public pedestrian permeability, the scale of the parking, the appearance of the interim conditions (prior to completion of all phases), and questioned some elements of the architecture (eg corner to High Street and massing).

B. MDP with hotel added within the original envelope 8.8.2017

- Issue of pedestrian permeability/links had not been addressed
- Pedestrian realm along York Street questioned
- Hotel entrance location and design needs further consideration
- Servicing from Maple needs further consideration
- Scale of the building and roofline problematic
- Absence of integration into environment
- Note hotel raises more traffic issues

C. MDP with hotel located in a separate building 10.24.17

- Need more information regarding traffic and impact on the already congested Commercial Street
- Servicing does not appear to fully meet need as depends on public ROW areas
- Consider more green space should be incorporated
- Not convinced the surface parking is needed
- Seeking a public walkway without gates and 24/7 access, inviting

- Suggest better delineation of access within shared space and address safety issues
- Offered guidance on design questions raised by the HP Board and Design Review

D. MDP with hotel located in a separate building - detailed discussion transportation, servicing and parking plus design 11.14.17

- Need to ensure service facilities on Commercial are usable
- Not convinced the trip generation numbers take account of local circumstances
- Traffic levels may be absolutely low but incrementally create adverse impacts because of existing conditions
- Need to reconsider bridge over pedestrian passage and request additional views of this from both streets
- Scale and design of the surface parking area needs further discussion

V. THE SITE and CONTEXT

The development site is 2.58 acres currently occupied by Rufus Deering Lumber, bounded by Commercial, Maple, York and High Streets in the B5b zone. It is a prominent parcel on Commercial Street, with a frontage of approximately 600 feet. To the south is a gas station and to the north is the recently completed Marriott Courtyard Hotel. To the west across York Street is a new 5 story mixed use development currently under construction. To the west (across Commercial Street) is the Gulf of Maine Research Institute and the waterfront.



VI. PROPOSED MASTER DEVELOPMENT PLAN PROGRAM

The program was revised in August to include a hotel, and in October the overall layout and phasing was revised so that the hotel was a separate building and allowed for improved pedestrian and vehicular access. The program now includes, in summary:

- 139 room hotel and restaurant (excluding former Baxter Academy Building) at corner Maple Street
- Retail (approx. 20,000-25,000 sq ft) along Commercial Street
- Two phases of residential (approx 200 units at full build out) over parking and retail
- One way “in” access drive (at grade) from Commercial Street to the hotel lobby entry, with associated service area and garage access within the site and under hotel
- Cross-block public pedestrian walkway (ungated) link between Commercial Street and York Street
- Two way access (at grade) on Maple Street and a garage access from York Street
- Parking garage mostly beneath the condos (313 spaces at full build out)
- Comprising three phases, constructed in 2 sections



Ground level above; 2nd floor below (Plans P2 & 3)



VII RIGHT, TITLE & INTEREST AND FINANCIAL & TECHNICAL CAPACITY

The applicant has provided a P&S Agreement and letter from the Newmark Grubb Knight Frank regarding financial capability ([Attachment CC](#)). Very recently the applicant closed on the purchase of the property and the deed was not yet available for inclusion in this Report.

VIII. ZONING ANALYSIS

The hotel, retail and residential uses are allowed in the B5b zone as a permitted use and the proposals comply with the dimensional requirements of this zone, which do not require any setbacks. This zone encourages dense development, as noted in the Purpose statement:

Sec. 14-230. Purpose.

The purpose of the B-5 and B-5b zones is to provide zones in areas of the peninsula near the central business district where a mixture of uses, including marine, industrial, commercial, and residential, is encouraged. The B-5 and B-5b zones are characterized by larger underdeveloped lots with great potential for denser, clustered, urban mixed use development and more efficient reuse of existing land and buildings.

It is anticipated that such denser, mixed uses would rely on a shared infrastructure system, including service alleys, parking lots, public transportation facilities, stormwater management, and driveways.

The colonnades along Commercial Street have been included to address the B5b zone requirements.

In this zone, parking is allowed as a principle use with no requirement for parking to be set back from the street by a specified distance, although the Design Standards encourage parking lots to be located to the rear of the site.

In consultation with the Zoning Administrator, staff confirm that from a zoning viewpoint the principle of the "stepped flat roofs" meets the intent of the zoning based on a comparison to the sloped roof height calculations. It reduces the height along York to a level below what would be allowed under a sloped roof scenario (and at or below the maximum height under zoning), and also results in a lower built volume overall than would have been allowed in the sloped roof scenario ([Attachment F](#)).

IX. STAFF REVIEW OF MASTER DEVELOPMENT PLAN PROPOSALS

A. MASTER DEVELOPMENT PLAN SUBMISSION REQUIREMENTS (*Section 14-527(e)*)

Section 14-527 of the city's site plan ordinance outlines Master Development Plan submittal requirements. The Planning Authority or Planning Board may give direction regarding the form of the information required for the MDP review.

The Planning Board and Historic Preservation Board have provided direction regarding key design elements, and the Planning Board has sought additional information in respect of traffic impacts on Commercial Street (as the TMP will be part of the first Site Plan) and on the extent of public access and use of areas within the proposed development.

Staff note that the MDP submission requirements regarding stormwater and utilities have not been met in full as they require an assessment of whether the current infrastructure can adequately serve the proposed development. Further information was requested (particularly regarding the utility capacity for such a large project) and was recently provided ([Attachment M, along with Plan P30](#)). While the information is adequate to broadly support the MDP proposal, the Utility Plan is not "approved" as it is difficult to evaluate whether further off-site infrastructure will be required to integrate the proposals into the surrounding area and meet Site Plan and Subdivision ordinance requirements. A suggested condition of approval reflects this concern.

B. MASTER DEVELOPMENT PLAN STANDARDS (*Section 14-524(a)3.c(iii)*)

Section 14-524 of the city's land use code establishes standards under which Master Development Plan applications must be reviewed. Per this section, Master Development Plans shall adhere to the following general requirements and features:

a. A designated tract of land consisting of a parcel or parcels of contiguous land or land on both sides of a public street, totaling one (1) acre or more;

Staff comments: The 2.58 acre site meets this requirement.

b. Developed in a comprehensive, design-integrated manner, according to an overall master development plan;

Staff comments: The overall build out appears to meet this requirement.

c. Consistent with the objectives of this ordinance; and d. Consistent with the City’s Comprehensive Plan and consistent with City Council approved master plans and facility plans for off-premise infrastructure, including but not limited to, trails, pedestrian and bicycle network, view corridors, environmental management, sewer and stormwater, streets, or other facilities (see Section 15 of the Technical Manual);

Staff comments: The proposed MDP is generally consistent with the objectives of this ordinance and the City’s Comprehensive Plan and provides housing and retail development within the current zoning parameters. The project, if approved subject to the suggested conditions, would address other Comprehensive Plan goals including those related to waterfront and transportation.

The layout is generally consistent with the immediate infrastructure plans through the design of the sidewalk and crossings. It does not take account of the City’s West Commercial Street Multi-modal Corridor Study (Att 5) plans for the West Commercial Street Shared Use Path that reaches this site and connects to the other side of Commercial Street in the vicinity. Staff recommend that the applicant contribute \$50,000 to the implementation of the shared use path in association with the last phase of the MDP, with the timing suggested to be prior to the issuance of a building permit for the western phase), and as part of the MDP staff also recommend that the MDP plan incorporate a bicycle connection between the path to the other side of Commercial Street.

e. Developed so as to locate buildings and improvements in a manner that provides usable open space, preserves significant natural features, as defined by the site plan ordinance standards, and preserves existing trees to the maximum extent possible;

Staff comments: The existing site is 94 % impervious with no existing significant tree vegetation. The proposals envisage mostly “hard” landscape “plazas” over the parking to address this standard, though the introduction of the public pedestrian walkway link/woonerf offers an opportunity to introduce publicly usable space.

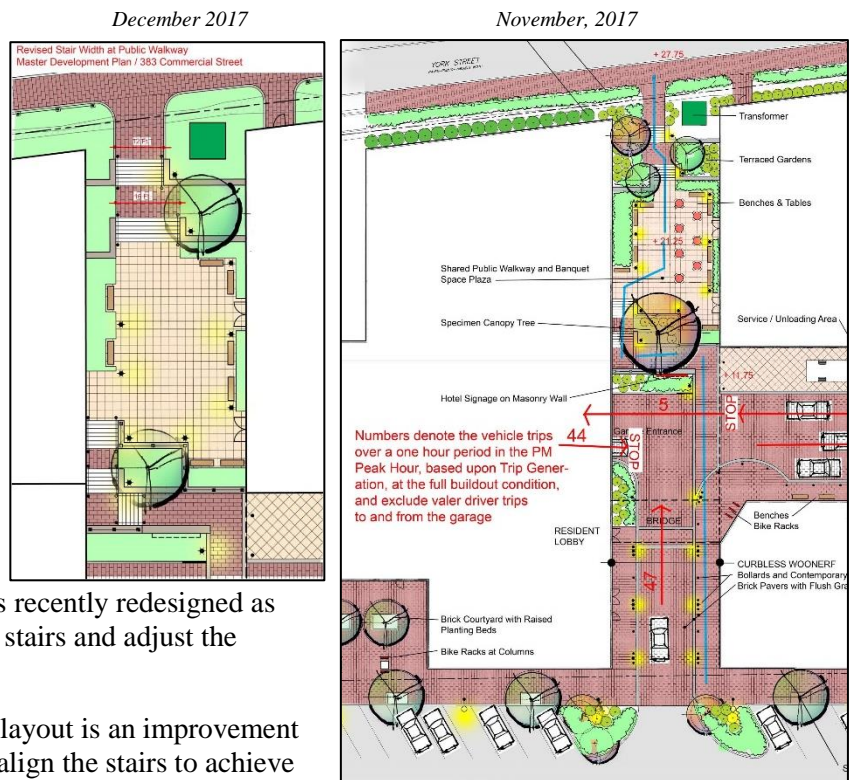
The design and layout of the public passageway area has been the subject of staff comments regarding the October layout (right) requesting that the path be more direct and wider so that people would be able to see the destination and that they can get through to the other street and to ensure it does not create “dark corners”.

Staff also consider that the Woonerf part of the passageway could include more to create a pedestrian-friendly plaza area and separate it from the service area.

The northern part of the passageway was recently redesigned as shown in the smaller plan to widen the stairs and adjust the planting (Plan P31).

Staff have commented that this revised layout is an improvement but that further revisions are needed to align the stairs to achieve visual connectivity (Attachments 1 and 5).

Staff recommend a condition that highlights the objectives of usable public space and visual continuity to provide a framework for revisions at the site plan stage.



f. *Ordinance standards for designated landmarks or for properties within designated historic districts or designated historic landscapes, if applicable. When proposed adjacent to or within one hundred (100) feet of designated landmarks, historic districts or historic landscapes, the Master Plan shall be developed so as to be generally compatible with the major character-defining elements of the landmark or portion of the district in the immediate vicinity of the proposed development;*

Staff comments: The applicant submitted an application to the Historic Preservation Board in November, 2016 requesting an advisory review in relation to this standard as the site abuts the Old Port Historic District. During the Planning Board review the Historic Preservation Program Manager has provided Memos outlining the Historic Preservation Boards concerns. The applicant has responded to these concerns and the Historic Preservation Program Manager has confirmed that the proposals are generally acceptable subject to a more detailed review at the Site Plan stage (Attachment 3); she has also contributed to the development of the proposed Design Standards.

g. *An efficient use of land which properly considers topography and protects significant natural features including, but not limited to, waterways, wetlands, floodplains and wildlife;*

Staff comments: The Existing Conditions Plan (Plan PP2) illustrates that there is a significant retaining wall (former wharf) along the boundary of the site with York Street, and within the site at the Maple Street end there is a grade change of 4-5 feet between York Street and Commercial Street. The proposals envisage a second retaining wall alongside this existing wall so that the full extent of the site can be developed (Plan P8). Further geotechnical information and structural engineering design information will be required at the Site Plan stage to demonstrate that the proposed new wall is adequately designed.

On Maple Street there are remnants of the historic cobbles along the gutterline abutting the sidewalk (see photo). Staff have requested that these cobbles be retained beside the 5 foot wide brick sidewalk. The applicant has confirmed that the cobbles need to be removed to allow for the construction and utility connections, but they will be reinstated exactly as existing. A condition of approval documents this commitment.



h. *An efficient use of land demonstrating full coordination of its own site development and surrounding context including, but not limited to, the land uses and functions contemplated, architecture, open space and pedestrian networks, vehicular access and circulation, and all other infrastructure;*

i. *Linked and coordinated with surrounding land uses, infrastructure and off-site public facilities, including but not limited to the public school system, where appropriate, in a manner that is safe, efficient, non-injurious to the public, and an improvement or benefit to the public where possible; and*

Staff comments: The proposed MDP program adds a significant number of pedestrians and vehicles into the congested corridor of Commercial Street, as referenced and documented in provision **j** below and discussed at the November PB workshop. Staff have recommended (see standard **c** above) that in the longer term (associated with the last phase of the MDP) a contribution to the proposed West Commercial shared use trail would be appropriate.

The congestion issue is considered a more immediate issue, with potential impacts identified by the lobstermen petition (PC3) and others. In discussion with the applicant and the Traffic Engineering Reviewer and Transportation Program Manager, a list of short term benefits that would cumulatively help reduce congestion and mitigate project impacts has been agreed as follows (all referenced in the suggested conditions of approval):

- ***Contribution as part of MDP within 2 months of MDP approval***
 - \$10,000 contribution to the feasibility study and start up costs for a Portland Transportation Management Association (TMA) that would help progress the introduction and coordination of Transportation Demand Management in Portland.

- *Commitment in principle in MDP with details incorporated into first site plan and implemented as part of the first site plan*
 - Provision of a car share program as part of the first phase residential development, preferably available to the public but at least for the condominium association members;
 - Provision of an electrical charging station in the parking garage;
 - Provision of parking to support the marine economy in the area of the interim surface parking area;
 - Provision of a shuttle/transit stop on the immediate frontage (within ROW and /or site depending on discussions).
- *Contribution as part of first site plan, to be posted prior to the building permit for the first phase:*
 - \$40,000 contribution to the *Commercial Street Operations and Master Plan* (Att 5) to complement other funding- for the study and implementation of first phase proposals that could include traffic signal optimization, redirection of through traffic, revised parking and transit systems.

These commitments are part of a longer list that includes \$150,000 for signals at Commercial/High Streets and \$50,000 towards the implementation of the West Commercial Multi Modal Trail (discussed in *c* and *j*) to address MDP standards.

- j. Designed with sizing of street and other infrastructure systems to accommodate the overall service demand of the Master Plan;*

Staff comments:

Traffic

As noted in the Workshop Memorandum, the staff and Board have noted that Commercial Street is perceived to be at or near “the limit” of congestion at many times, as recognized in:

- The information from the applicant (Attachment K and N) and Traffic Engineering Review comments (Att 2);
- The recent petition from lobstermen and fisherman (signed by over 85 lobstermen and fishermen) (Attachment PC3) who consider the waterfront economy is threatened by new developments along the water front and congestion in Commercial Street;
- As acknowledged in the *West Commercial Street Multi-modal Corridor Study* (2016 covering High Street to Veterans Bridge) (Attachment 5- Memo from Transportation Program Manager regarding the Transportation Planning Context) which proposed improvements to better accommodate the range of users along this section of Commercial Street, including a signal at High Street and Commercial Street at the corner of this site and a strategic trail;
- As recognized by the imminent *Commercial Street Operations and Master Plan* (Attachment 5) which aims to develop proposals that will help sustain the corridor for marine commerce, freight handling and businesses while also improving conditions for all modes of travel.

Therefore the impact of this project on an already problematic street system is a key review issue.

The MDP ordinance sets out the following submittal requirements:

(xii) A traffic analysis and recommendations prepared by a registered professional engineer qualified to conduct such studies, including current traffic counts for streets surrounding the project, analysis of the existing capacity of those streets, projections of the amount of traffic that will be generated by the proposed development, and the ability of the street system to absorb the increased traffic without decreasing the level of service below an acceptable level – said level to be determined by the Planning Authority in concert with the Department of Public Services. In cases where the Master Development Plan is subject to a Traffic Movement Permit (TMP) for all phases, the TMP submissions and review shall supersede these requirements.

The city’s consultant Traffic Engineering Reviewer, in consultation with other staff, has been working with the applicants Traffic Engineer to agree the basis for the traffic evaluation, given the mix of uses and the urban setting. Staff support the inclusion of the three driveways, given the scale of the project and the change of grade within the site.

The applicant has submitted a Traffic Evaluation (Attachment J) and indicated that the TMP application would be submitted in association with the Site Plan. The Evaluation includes the table below:

Table 4 –Net External Trip Generation

Time Period	Total Trips	Entering	Exiting
AM Peak Hour of Adjacent Street (7-9 AM)	128	56	72
PM Peak Hour of Adjacent Street (4-6 PM)	174	105	69

The previous Traffic Engineering Review of the Traffic Evaluation (Attachment 2) confirmed agreement to the methodology underpinning some of the conclusions, but requested field verification of certain intersections, and further studies and analysis including recommendations for mitigation of the project’s traffic impacts. These comments and further information from the applicant were discussed at the November Planning Board Workshop and the applicant has submitted further supplementary information (Attachment N – Supplementary Traffic Analysis).

The Traffic Engineer reviewer, Tom Errico, has reviewed the supplementary information and comments (Att. 2):

- *The following comments are based upon a review of the Traffic Impact Study Master Development Plan, Sebago Technics, November 3, 2017.*
 - *The applicant has conducted a trip generation estimate for the project based upon the recently released update of the Trip Generation Manual, ITE, 10th Edition. The project is estimated to generate 128 AM peak hour trips and 174 PM peak hour trips. I find the methods to be reasonable.*
Status: I have no further comment.
 - *Traffic counts were conducted at the Commercial Street/Park Street, Commercial Street/High Street, Commercial Street/Maple Street, High Street/York Street and York Street/Maple Street intersections in April of 2017. I find the existing traffic volume data to be acceptable.*
Status: I have no further comment.
 - *Future traffic volumes in the year 2024, without the project, were based upon increasing 2017 traffic volumes by an annual growth rate of 0.5%. Typical traffic impact studies also include traffic associated with approved but unbuilt developments. In my professional opinion the use of the background growth rates is reasonable for the MDP process, but during the Traffic Movement Permit process, Other Development traffic would need to be included.*
Status: I have no further comment.
 - *The study assigns site generated traffic to the roadway system according daily traffic volumes in the project vicinity. I continue to review this method and refinement can be expected.*
Status: I find the assignment estimate to be reasonable for the MDP process. During the Traffic Movement Permit process, refinement will be required.
 - *The applicant conducted a capacity analysis to assess roadway/intersection mobility conditions in the vicinity of the project. My comments for each of the study intersections is noted as follows:*
 - *Commercial Street/High Street – The analysis estimates long delays from the STOP controlled High Street approach, which seems to reflect field conditions. However, the analysis concludes that Commercial Street functions with little or no delay. During peak time periods, Commercial Street experiences significant congestion, with delays originating from the Beach Street traffic signal to the west and congestion to the east in the central waterfront area. It is recommended that the study traffic modeling expand to include streets/intersections so that actual congestion is accounted for in the analysis.*
Status: The traffic analysis has been revised to include the Beach Street intersection and I find the results to be reasonable for the MDP process. During the Traffic Movement Permit process, refinement will be required. As presented in their traffic analysis, traffic congestion from the Beach Street intersection does impact intersection traffic operations to the east. Strategies for improving conditions at the Beach Street intersection will be identified during the TMP process and also as part of other development projects, including IMT expansion.

- *York Street/High Street – The analysis concludes that the intersection operates at acceptable levels of service. Field observations should be performed to corroborate this conclusions. I have observed longer vehicle delays.*

Status: The traffic analysis is reasonable for the MDP process, but refinement will be required during the Traffic Movement Permit process.

- *Commercial Street/Maple Street – As noted, long delays are estimated from Maple Street, which is not unexpected given high volumes on Commercial Street.*

Status: Given relatively low traffic volumes on Maple Street, I do not anticipate traffic operational improvements at this location. I have no further comment.

- *York Street/Maple Street – The analysis indicates this intersection will operate will little or no delay.*

Status: I have no further comment.

- *Commercial Street/Park Street – The analysis concludes that long delays for Park Street movements will continue to be an issue. As noted previously, Commercial Street is congested and revised traffic modeling is suggested.*

Status: The traffic analysis has been revised to include the Beach Street intersection and I find the results to be reasonable for the MDP process. During the Traffic Movement Permit process, refinement will be required.

- *Commercial Street/Site Drive – Little delay is expected due to it being an entry drive only.*

Status: I have no further comment.

- *Maple Street/Site Drive – Little delay is expected due to low traffic volumes on Maple Street.*

Status: I have no further comment.

- *York Street/Site Drive – Little delay is expected.*

Status: I have no further comment.

- *The traffic study evaluated conditions at the Commercial Street/High Street intersection assuming existing STOP sign control. It has been requested that the intersection also be evaluated under the assumption that a traffic signal is installed. This analysis is pending. In conjunction with the traffic signal, left-turn movements from Park Street onto Commercial Street may be prohibited and diverted to the new traffic signal. The Park Street intersection should be evaluated assuming left-turns are prohibited.*

Status: The traffic analysis has been revised to include the noted traffic control changes and I find the results to be reasonable for the MDP process. During the Traffic Movement Permit process, refinement will be required.

- *The traffic study should include an evaluation/summary of crash history in the study area.*

Status: The applicant has provided the request information. The data notes that the Commercial Street/High Street and Commercial Street/Park Street intersections are High Crash locations. Additionally, the data notes Commercial Street between Park Street and Maple Street is also a High Crash location. The installation of a traffic signal at High Street would be expected to improve safety conditions.

- *Given actual traffic conditions on Commercial Street (long delays/queues), the conclusion in traffic study should be revised and include a list of suggested recommendations for mitigating project traffic impacts.*

Status: City staff has coordinated with the applicant on recommendations that would be expected to mitigate traffic impacts via MDP approval and during the future Traffic Movement Permit process. These include:

§ Contribution of \$150,000 toward the implementation of a traffic signal at the Commercial Street/High Street intersection. This improvement would be eligible as a condition of approval for the Traffic Movement Permit. I would note that other mitigation requirements may required.

§ Contribution of \$40,000 toward the conduct of a Commercial Street Operations and Master Plan.

§ Contribution of \$10,000 toward a Transportation Management Association

§ Contribution of \$50,000 toward implementation of the West Commercial Street Shared Use Path.

Servicing

Servicing facilities for this large multi-use site have been discussed at every Workshop. A number of options using only Maple Street were considered to present too many conflicts, particularly with pedestrians. The introduction of the hotel created the need for additional servicing and the one-way access from Commercial Street was proposed in part to address that need. The commercial loading zone along Commercial Street towards High Street was added to support servicing needs for both the retail and residential, and it should be noted that a service access to the rear of the retail units is provided from within the garage. Staff now consider the servicing proposals to be generally acceptable, subject to detailed design at the site plan stage (Attachment 2).

Parking

Off street: Further information was submitted to clarify the need for the hotel parking provision to be greater than required under the zoning (Attachments D and G). In summary, the proposed level of parking for the hotel (62 spaces) is about half way between the zoning requirement (35 spaces) and what would be recommended based on the ITE Parking Generation Tables for an Urban Hotel (89 spaces).

The Traffic Engineering Reviewer has commented that he finds this assessment to be reasonable (Att. 2).

Prior to the construction of Phase 3, the hotel parking supply is proposed to be partially met through the provision of 47 spaces in a surface lot at the west end of the site. The applicant has noted that surface parking is a permitted use, but the scale of parking is a Planning Board determination. The parking allocation note in Attachment G confirms that the parking for hotel guests will be mandatory valet-only and the potential layout is shown in Plan P29. It is understood that this area of surface parking is accessible both from the lower level of the garage and from Commercial Street via the existing access that will also serve the construction offices and staging area located in the original Rufus Deering building.

At the November Workshop the City's Waterfront Coordinator Bill Needelman noted (Attachment 4) that the waterfront (marine) employees currently use some of the on-street parking along the frontage of the Rufus Deering site and that the loss of local parking is a pressure on the marine business. The applicant has offered to provide some parking for the benefit of the marine/waterfront economy within this interim parking lot. Staff consider that parking in the interim condition appears to address some identified needs, and that the area could be subject to a phased combination of parking and landscaping/buffer treatment until the last phase of the MDP is implemented.

It is understood that the on-street parking along the frontage would likely be metered public parking.

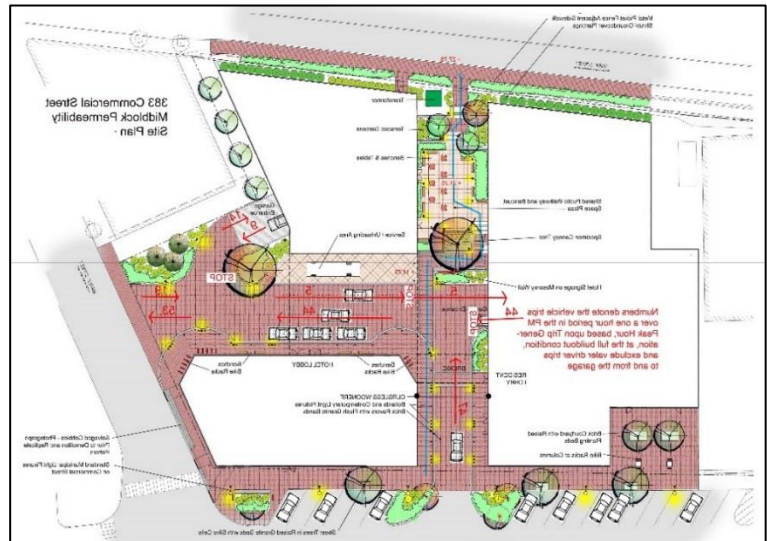
- k. Designed to create a street grid pattern that reflects average city block sizes of the neighborhood for street connectivity;*

Staff comments: In October the applicant introduced a pedestrian and one-way "street" between the hotel and the phase 2 condos/retail. This creates two shorter blocks that are more characteristic of this part of Portland.

This corridor has been designed as a public pedestrian link and open space that starts at grade in Commercial Street and rises (via several sets of stairs) over the one story parking level and then links into York Street at grade. See Plans P17, P18, P19, P25, P26 and P27.

The design aspects of this walkway are discussed above under *e* and below under *l*

- l. Designed as to create a cohesive identity through building scale, massing, and articulation; use of quality exterior materials, architectural detailing at pedestrian scale; consistency of design and materials for streetscape and pedestrian amenities; framing of outdoor open space and linkages; a clear conveyance of the function and significance of various buildings, entrances, and features; and to generally comply with design and development standards of the zone in which it is located;*



Staff comments: The City's Urban Designer has provided the final comments in Attachment 1, as extracted below with illustrations added:

The project at 383 Commercial Avenue is subject to the Master Development Plan Standards of Review. The project is also within 100' of a historic district and included an advisory design review by the Historic Preservation Board.

The proposed master plan for multi-family residential buildings is only reviewed according to the Master Plan criteria. In future Site Plan design reviews, the projects will be subject to the R-5 and Multi-family design guidelines. Staff recommend the MDP approval include design guidelines that will apply to all subsequent site plan applications.

Based on the revised submission from December 6, 2017 and Planning Board comments, staff have the following comments as well as recommended Design Standards to apply to future Site Plan applications.

(a) Design Review Comments:

(iii) Standards of Review.

b. Developed in a comprehensive, design-integrated manner, according to an overall master development plan

- *Staff continue to support the Master Plan layout. The physical forms and layout now reflect the different uses of the buildings, create mid-block breaks, and provide logical circulation and servicing locations. The project layout and general massing is comprehensive and design-integrated internally and also now in a more context-sensitive way.*

d. Consistent with the City's Comprehensive Plan and consistent with City Council approved master plans . . .

- *The project is not within a Pedestrian Activities District Overlay zone (PAD).*
- *The project is not located within a view corridor protection area.*

f. When proposed adjacent to or within one hundred (100) feet of designated landmarks, historic districts or historic landscapes, the Master Plan shall be developed so as to be generally compatible with the major character-defining elements of the landmark or portion of the district in the immediate vicinity of the proposed development

- *See memo from Historic Preservation staff regarding the Historic Preservation Board review comments for compatibility with the Old Port Historic District. Staff agree with many of the HP Board comments. Staff will have building-specific design review and comments during Site Plan application.*

l. Designed as to create a cohesive identity through building scale, massing, and articulation; use of quality exterior material, architectural detailing at pedestrian scale; consistency of design and materials for streetscape and pedestrian amenities; framing of outdoor open space and linkages; a clear conveyance of the function and significance of various buildings, entrances, and features; and to generally comply with design and development standards of the zone in which it is located;

- Cohesive identity: *The hotel, by choice and request, is designed to stand apart in character from the residential buildings.
On Commercial Street, the residential buildings have a cohesive identity and the designs are informed by the historic context. Staff support detail revisions made to incorporate the reference lines on Commercial Street. This includes pronounced bases on the buildings, horizontal proportioned facades, and regular rhythm of vertically proportioned windows. Staff recommends that the Commercial Street residential facades be one consistent material – brick- with glass curtain wall as an accent. **The York and High Street residential designs suffer from a lack of cohesiveness. There are too many elements - especially materials - applied to these facades in an attempt to provide visual interest. This point is addressed in the guidelines below.***
- Quality exterior material: *The materials proposed meet this standard. In Site Plan review the details should be reviewed further to provide depth, articulation, visual interest, and quality transitions.*
- Consistency of design and materials for streetscape and pedestrian amenities – *See proposed design guidelines below for preferred streetscape treatments. Staff agree that the streetscape on*

Commercial Street should differ from that on York, High, and Maple. York Street includes private uses and therefore the landscape buffer between the sidewalk and residential building is appropriate. Commercial Street appears to be the only street wide enough to provide street trees.

- Framing of outdoor open space and linkages – the proposal creates several outdoor plazas and passages. These are framed literally by colonnades on Commercial Street. On York Street, the linkages are indicated by breaks in the buildings, landscaping, and steps.

The passageway [**bridge**] connecting the residential building to the hotel has been a point of debate. Urban design best practice typically avoids such passages which usually lead to inactivity at the street level. Given that this passage will only be available to residents of one building, the impact on the street is likely minimal compared with the overall activity generated by the large development with mixed uses. The passage is shown as highly transparent and set back from the street. Upon review of the renderings showing the visual impact of the passage, we noticed it does not appear to significantly impact wayfinding for pedestrians through the mid-block as long as other visual cues remain such as bollards, wide and visible steps, and pavement delineation. Staff do not object to the passage as it is currently designed and placed but would also support a design without a passage.



As presented Nov 2017



December 2017 (narrower and further from Commercial Street) as viewed from Commercial Street (left - P19) and York Street (right - P27)



- Clear conveyance of the function and significance of the various buildings, entrances, and features – the hotel is differentiated from the residential/mixed-use buildings through material, window types and patterns, and detail. Staff support this design direction but suggest that the design be developed to include depth and relief on the facades, especially Commercial and York streets, and to visually knit the glass corner with the rest of the building which currently feels visually disconnected for Site Plan.

(b) B-5 and B-5b Zone Urban Commercial Business Zones Design Standards

Standard (1) a. Shared Infrastructure – Met – The project shares structured parking through the block to be used by all buildings. The project has been improved by providing an interior drive to access the garage, hotel entrance, and servicing.

Standard (1) b. Buildings and Uses shall be located close to the street . . . – Met – On Commercial Street, the project is located near the property line and creates strong street wall on street-facing façade consistent with other commercial or mixed use building placement. On York Street, the buildings are set back from the street to allow for a landscape buffer between the sidewalk and the private uses which are also raised from the street. Each Commercial Street corner is infilled with building to hold the corner. In the case of Commercial and High a chamfered corner with glass emphasizes the corner. On Commercial and Maple, the hotel marks the corner.

Standard (1) c. Buildings shall be oriented toward the street . . . – Met – Primary building entrances are oriented to the street. Commercial Street is considered the more active, commercial street while York is a smaller, less active street. In the case of the hotel, the main entrance was relocated to face Commercial

Street. Retail uses face Commercial Street in the residential blocks. On York Street, each residential block includes entrances directly onto the street and some entrances to the private plaza spaces.

Standard (1) d. Parking lots shall be located to the maximum extent practicable toward the rear . . . – Met – Parking is structured and is buried within the block. In most cases the parking is lined with active uses or is buried into the grade change.

Additional design review for each specific building will be conducted with Site Plan applications.

(c) Proposed MDP Design Standards (to be applied to subsequent Site Plan applications)

- Materials

- **Commercial Street – Material placement, detail, and articulation should emphasize the established historic Commercial Street patterns of massing, proportions, and façade composition regulating lines and building base. Material selection on the residential buildings will predominantly use red brick and granite with glass curtain wall as an accent. The hotel, in order to stand apart in character and use, will have a more contemporary expression but will continue the base and regulating lines found in the Commercial streetscape.**
- **York, High, and Maple Streets – These streets are not part of the historic district and the context is varied. Residential building materials should be consistent and be rationally placed based on interior uses or massing variation. A consistent base line is recommended to be carried through the residential buildings.**
- **Quality Exterior Materials includes the detailing, articulation, transition, durability, and visual interest of the materials, not only their selection and placement. These aspects will be reviewed with special attention to the ground floors and areas most visible to pedestrians.**

- Façade composition - In Site Plan review the design shall provide depth, articulation, visual interest, and quality transitions. Historic buildings in the surrounding context should be considered precedent examples, especially on Commercial Street.

- **Commercial Street - Commercial Street has a strong, consistent pattern of a tall base story, overall horizontal proportion, and regular window patterns. Commercial Street facades will continue these characteristics with contemporary interpretation. The ground floors will consider pedestrian comfort and scale, especially in the placement of doors, windows, canopies, and details in the materials and articulation. The residential buildings should have a cohesive visual relationship with material palette, window type and pattern, roofline, and articulation elements. Simple and consistent material type and color will be used across the Commercial Street streetscape.**
- **York Street – Window and material placement should follow a rationale tied to the building uses or changes in massing. Visual interest should be provided through articulation, façade plane changes, and fenestration.**

- Streetscape design

- **Commercial, High, and Maple Streets – Character = Predominantly commercial, active uses fronting the street. The sidewalk should be as wide as possible. Where the sidewalk is at least 13' wide, street trees should be provided in raised granite planters in the furnishing zone. Planters or landscape areas should not be placed between the sidewalk and the building – this is not consistent with the established urban streetscape. Final design shall be coordinated with City staff, especially to ensure viability of street trees and ease of maintenance.**
- **York Street – Character = predominantly residential uses fronting the street. The private uses justify a landscape buffer between the street and the residential use. Landscape areas should be raised with either a curb or a seating wall. The sidewalk width should be consistent for the whole block.**
- **Interior Passages – Internal passages should employ CPTED principles as a best practice to make spaces that are safe, active, and inviting. Material selection and design should indicate private or public access. Design shall be legible and intuitive for pedestrians and cars, especially for wayfinding.**

m. *Inclusive of provisions for the ownership and maintenance of usable open space as appropriate; and*

Staff comments: Legal options include the creation of a public access easement or similar mechanism, which would be developed as part of the Phase 1 Site plan review. The Board have indicated that these provisions would need to secure 24/7 access (the Architectural Description (Attachment C) confirms that the public walkway will not be gated).

Further clarification of this commitment has not been included in the final submissions and a suggested condition of approval is included to document this requirement.

n. *For areas proposed as future development phase(s), the proposed interim conditions shall be managed and maintained to ensure stable, safe and attractive site conditions.*

Staff comments: The applicant has proposed an area of interim parking within a landscaped area screened from Commercial Street (Plan P29) - which generally addresses this standard. As discussed in relation to parking, this area offers an opportunity to provide parking or other facilities to support the marine economy. During the review it was suggested that the improvements to this area could be phased, particularly to ensure that if the last phase of the MDP does not go forward that the area would be further screened or used to meet local needs. A suggested condition of approval is crafted to achieve this objective.

X. STAFF RECOMMENDATION

Subject to the proposed motions and conditions of approval listed below, Planning Division staff recommends that the Planning Board approve the master development plan for the phased hotel, retail and residential development proposed for the former Ruus Deering site at 183 Commercial Street.

XI. PROPOSED MOTIONS – MASTER DEVELOPMENT PLAN

On the basis of the application, plans, reports and other information submitted by the applicant; findings and recommendations contained in the Planning Board Report for the public hearing on December 13, 2017 for application #2017-005 (383 Commercial Street) relevant to the master development plan regulations; and the testimony presented at the Planning Board hearing, the Planning Board finds that the plan **is/is not** in conformance with the master development plan standards of the land use code, subject to the following conditions of approval:

- i. That the Planning Board approves the provision of up to 313 parking spaces as an acceptable maximum at full build out, noting that TDM measures will be part of the site plan review with a view to achieving a reduction in the parking provision when the site plan proposals are developed; and
- ii. That the interim surface parking lot on the Phase 3 part of the site shall be revised to meet the following objectives when submitted for site plan review:
 - Provide support uses for the local marine economy; and
 - Identify a phased program of improvements that ensures the area presents a safe and attractive gateway through all stages of the development.
- iii. That the site plan application that includes the public pedestrian walkway between Commercial Street and York Street shall include an associated pedestrian easement or similar legal mechanism to ensure ungated 24/7 public access and to clarify management arrangements, the design of such passageway to be revised as part of the site plan submission to ensure that it provides usable public space, visual connectivity between Commercial and York Streets, and meets CPTED principles; and
- iv. That the applicant shall contribute, within 2 months of this MDP approval, \$10,000 towards the feasibility study and start up costs for a Portland Transportation Management Association (TMA) that would help progress the introduction and coordination of Transportation Demand Management in Portland, and that a TDM plan will be submitted in conjunction with the site plan that includes a hotel; and
- v. That the applicant shall apply for a TMP as part of the first phase site plan (hotel) and commit to a contribution of \$150,000 towards the costs of implementing a signal at the intersection of High and Commercial streets prior to the issuance of a building permit for the first phase; such contribution does not affect the possible request for additional contributions to items that are found eligible as mitigation under the TMP; and

- vi. That the applicant shall contribute \$50,000 to the implementation of the third phase West Commercial Street Shared Use Path in association with the last phase of the MDP development, prior to the issuance of a building permit for the western-most phase, along with the provision of a bicycle connection between the path and the other side of Commercial Street; and
- vii. That the applicant shall commit to contribute or provide the following to help reduce congestion in Commercial Street and mitigate the impacts of the proposed MDP development:
 - *Commitment in principle in MDP with details incorporated into first site plan and implemented as part of the first site plan*
 - Provision of a car share program as part of the first phase residential development, preferably available to the public but at least for the condominium association members;
 - Provision of an electrical charging station in the parking garage
 - Provision of marine parking (12-15 spaces) in the area of the interim surface parking area, to be implemented when construction of first phase begins
 - Provision of a shuttle/transit stop on the immediate frontage (within ROW and /or site depending on discussions).
 - *Contribution as part of first site plan, to be posted prior to the building permit for the first phase:*
 - \$40,000 contribution to the *Commercial Street Operations and Master Plan*
- viii. The Design Standards outlined in the City's Urban Design Review Memo dated 12.7.2017 shall guide the site plan review of all the MDP phases; the approval of the MDP does not imply approval of individual building designs and the public realm details as presented, which shall be addressed in Site Plan application and review; and
- ix. That the utility infrastructure and stormwater systems, on and in the vicinity of the full build-out site, shall comply with the Site Plan and Subdivision ordinance standards regarding design, capacity and installation, and may be eligible for waivers based on more detailed information submitted at the time of these reviews; and
- x. That the MDP approval confirms that the project may rely on the interpretation of the zoning to determine the allowable height for the stepped roofs in a same manner as is applied to sloped roofs; and
- xi. That the cobbles in Maple Street along the site frontage in the ROW shall not be removed until they have been documented to the satisfaction of the Historic Preservation Manager, and shall be replaced in the existing location and form as part of the sidewalk construction.

ATTACHMENTS

STAFF REVIEW COMMENTS

1. Design Final Review Memo
2. Traffic Final Review comments
3. Historic Preservation Final comments
4. Waterfront Coordinator Memo re TIF and marine parking
5. Transportation Program Manager Memo information re *West Commercial Street Multi-modal Corridor Study and Commercial Street Operations and Master Plan*
6. Peer Engineer MDP comments June 2917 brought forward

PUBLIC COMMENTS

- PC1 Dittmer 4.4.17
- PC2 Kilbreth 6.14.17
- PC3 Portland Lobsterman & Fisherman Petition
- PC4 van Dussen 11.14.17

APPLICANTS SUBMITTAL

Documents and Plans as part of original submittal carried forward

- AA. Right, title and Interest
- BB. State and Federal Approvals
- CC. Financial and Technical Capability
- DD. Stormwater Management
- EE. Utilities
- FF. Solid Waste
- GG. School Capacity Impact
- HH. Neighborhood Meeting Certificate

Documents and Plans submitted October/November, 2017 re revised MDP program

- A. Revised MDP application and data sheet
- B. Project Phasing
- C. Architectural Description updated 10.31.17 incl previous
- D. Off Street parking summary with floor area details (updated 11.2.17)
- E. Zoning Assessment
- F. Zoning Calculations re height
- G. Service and Loading (updated 11.2.17)
- H. Treatment of Historic Cobble
- I. Woonerf Circulation narrative 11.2.17
- J. Traffic Evaluation 11.3.17
- K. Addendum to Traffic Evaluation re Commercial Street 11.9.17

Documents and Plans submitted since November Workshop

- L. Revised Public Walkway Description
- M. Utility & Stormwater updated Narrative
- N. Supplementary Traffic Analysis

ORIGINAL MDP PLANS

- PP1 Boundary Survey
- PP2 Existing conditions
- PP3 Neighborhood Context Map

REVISED MDP PLANS AND RENDERINGS

- P1 Revised Site Master Plan (updated)
- P2-4 Level 1 Plan, Level 2 Plan & Level 3-5 Plan (updated)
- P5 Elevation Commercial Street (updated)
- P6 Elevations
- P7 Section Condos in context
- P8 Section Retaining Wall York
- P9 Section at Drive Lane
- P8 Section Condo
- P10 Commercial Aerial (updated)
- P11 Commercial Aerial first phases (updated)
- P12 Perspective full build out from east on Commercial Street
- P13 Perspective full build out from west on Commercial Street
- P14 Rendering of colonnaded courtyard on Commercial (updated)
- P15 Rendering of hotel corner Maple (updated)
- P16 Rendering Maple St elevation (new)
- P17 to P19 Rendering of mid block passageway from Commercial (3 views including bridge)
- P20-24 Perspectives as viewed from York
- P25-27 Rendering mid block passageway from York (3 views including bridge)
- P28 Public Path and Woonerf Detail
- P29 Surface Parking Plan first phases
- P30 Utility Plan (updated)
- P31 Public Walkway Plan (updated re part)