

3. COMPLIANCE WITH APPLICABLE ZONING AND LAND USE REQUIREMENTS

The following statement is made in accordance with the City of Portland Code of Ordinances, Chapter 14 Land Use, Article V Section 14-526.

3.1 OVERVIEW

This project conforms with all the applicable design standards of Section 14-526 as demonstrated in the following narrative.

(a) Transportation Standards

1. Impact on Surrounding Street Systems:

The development will fit in with the existing street system, as it will use improved access locations off Commercial Street. Based on the limited intensity of use, the project is expected to have an insignificant impact on traffic in the neighborhood.

2. Access and Circulation:

a. Site Access and Circulation.

(i) The development provides access via Commercial Street. Ample turning movement is provided at each street entrance. Internal circulation has been reviewed and designed to accommodate the typical use of semi-trailers and boat trailers.

(ii) Access and egress have been designed to avoid conflict with existing turning movements and traffic flows.

(iii) The site does not feature drive up services as mentioned in this requirement.

(iv) Site access has been designed so as not to impede potential future connection to adjacent streets.

b. Loading and Servicing.

(i) The site layout has been configured to accommodate the typical movements of large boat delivery vehicles and access to the boat ramps.

c. Sidewalks.

(i) The Applicant is requesting a waiver to provide a sidewalk along the full property frontage. Currently, the Site Plans contemplate a future curb and sidewalk in front of the proposed Phase III Buildings between the primary entrance at the middle of the site and the secondary entrance at the east end of the site.

In accordance with Sec 14-506 of the City Code, the Applicant is requesting a waiver of provisions pertaining to the construction of curb and sidewalk based on the following conditions which exist for the boatyard site.

Of the six waiver criteria pertaining to sidewalks, the following two exist:

1. There is no sidewalk in existence or expected within 1,000 feet and the construction of sidewalks does not contribute to the development of a pedestrian oriented infrastructure. This is further evidenced by the findings and recommendations of the West Commercial Street Multi-Modal Corridor Study which places emphasis on the future Shared Use Path and pedestrian facilities for placement on the north side of West Commercial Street.
2. A safe alternative walking route is reasonably and safely available, for example, by way of a sidewalk on the other side of the street that is lightly traveled.

With respect to the five criteria pertaining to curbing, the following exist:

1. The cost to construct the curbing, including any applicable street opening fees and repairs, is expected to be in excess of 5% of the overall Phase III project costs.
2. Runoff from the development site or within the street does not require curbing for stormwater management.

3. Public Transit Access:

- a. The development contains no residential uses therefore Public Transit Access is not applicable.
- b. A new Transit stop is not proposed.
- c. A new Transit stop is not proposed.
- d. Waiver: The Applicant requests a waiver of the transit facility requirement.

4. Parking:

a. Location and Required Number of Vehicle Parking Spaces:

- (i) The Applicant is providing parking for their employees within the boat parking area around the site. The Applicant is seeking flexibility to move vehicular parking around the site to meet variable vessel parking demand therefore no specific vehicular spaces are identified on the site plans. Paved parking for the Marine Retail is provided adjacent to the building.
- (ii) The Applicant has not prepared a TDM strategy, as it is not applicable to the intended uses.
- (iii) The Applicant proposes the amount of parking which is appropriate for the anticipated uses of this site.
- (iv) Parking spaces and aisles have been designed to meet the dimensional requirements of the Technical Manual.

- (v) Vehicle and vessel parking areas have been designed to withstand site conditions.
- b. Location and Required Number of Bicycle Parking Spaces:
 - (i) The Applicant is requesting a waiver of the bicycle parking requirements based on the site use.
- c. Motorcycles and Scooter Parking:
 - (i) The Applicant is requesting a waiver of the motorcycle/scooter parking requirements based on the site use.
- d. Snow Storage:
 - (i) Snow storage management will employ two strategies:
 - 1. On-site snow storage around the perimeter of the site.
 - 2. Snow removal and off-site storage. Generally speaking, the nature of the proposed site use precludes the need for significant snow removal.
- 5. Transportation Demand Management (TDM):
 - a. A TDM plan is not required for the project.

(b) Environmental Quality Standards

- 1. Preservation of Significant Natural Features:
 - a. The existing site retains no prominent significant natural features therefore no issue related to the preservation of these features applies.
 - b. The Applicant is not requesting a waiver from this standard.
- 2. Landscaping and Landscape Preservation:
 - a. Landscape Preservation.
 - (i) The site's existing tree population is limited and the City's Shoreland Zoning vegetation management provisions do not require tree protection in the Waterfront Development Zone.
 - (ii) Not applicable.
 - (iii) Not applicable.
 - (iv) The Applicant will request a waiver from this standard.
 - b. Site Landscaping.

(i) Landscaped Buffers:

- (a) There are no service or loading areas observable from nearby sidewalks or residential properties.
- (b) The development is not subject to zoning setbacks or buffering requirements.
- (c) Not applicable.
- (d) Not applicable.

(ii) Parking Lot Landscaping:

- a) thru d) The applicant is requesting a waiver of the landscape requirements based on the proposed boatyard use and the need for flexibility with respect to boat parking and heavy vehicle maneuvering.

(iii) Street Trees:

- (a) The applicant would like to work with City Staff on the placement of street trees along Commercial Street.

3. Water Quality, Stormwater Management and Erosion Control:

a. Stormwater:

- (i) The site's runoff conditions are primarily self-contained and runoff sheets to the Fore River; therefore, issues related to offsite or downstream flooding are not applicable.
 - (ii) All stormwater runoff is proposed to discharge to the Fore River. The project will not adversely impact adjacent lots or the City street system.
 - (iii) All stormwater runoff is proposed to discharge to the Fore River. The project will not adversely impact adjacent lots or the City street system.
 - (iv) All stormwater runoff is proposed to discharge to the Fore River. The project will not adversely impact adjacent lots or the City street system.
- b. The Stormwater Management Plan will meet the requirements and goals stated in Section 5 of the Technical Manual.
 - c. The project is not located in a watershed of an urban impaired stream as listed by the MeDEP.
 - d. Not applicable.
 - e. The project is serviced by both a public wastewater and public water supply systems. The project will not pose a risk of groundwater contamination.
 - f. The project will be connected to the public sanitary sewer system which is adequately sized for the project flows.

(c) Public Infrastructure and Community Safety Standards.

1. Consistency with City Master Plans:
 - a. The project has been designed to be consistent with the City's Zoning Ordinance and off-site infrastructure plans.
 - b. The Applicant will coordinate with utility representatives for the continuation of easements related to utility infrastructure crossing the site.
2. Public Safety and Fire Prevention:
 - a. The site has been designed to promote a safe and inviting customer access. The MaineDOT has previously constructed the two rail crossings as shown on the plans.
 - b. No changes to emergency access conditions within the surrounding streets is proposed.
 - c. Fire hydrants are located within the adjacent street system. Additional fire hydrants are proposed within the site.
3. Availability and Adequate Capacity of Public Utilities:
 - a. The Applicant will secure letters from all applicable utilities stating their ability to serve the site. The project will require new utility service infrastructure to serve the new buildings.
 - b. All on site electrical lines will be underground.
 - c. All new utility infrastructures will meet the provisions of the Technical Manual.
 - d. The project will require a new service connection to the sewer system that crosses the site.
 - e. The sanitary sewer collection system will be designed to meet all applicable sections of the Technical Manual.
 - f. Not applicable.

(d) Site Design Standards.

1. Massing, Ventilation and Wind Impact:
 - a. The bulk, location and height of the proposed building will have been designed to not result in adverse impacts to abutting properties.
 - b. The bulk location and height of the proposed building is consistent with the WPDZ requirements and there are no nearby developed lots that may be negatively impacted. The IMT expansion area is an industrial waterfront use. There is currently no development on the opposite side of Commercial Street. Land to the west includes more waterfront industrial land uses and buildings.
 - c. HVAC venting, if necessary, will be directed through rooftop units and will not impact any adjacent public spaces.

2. Shadows:
 - a. The development is located in the WPDZ Zone and this standard is not applicable.
3. Snow and Ice Loading:
 - a. The proposed buildings will be designed and located such that accumulated snow and ice will not fall onto adjacent properties or public ways.
4. View Corridors:
 - a. The project site is located outside the Downtown Vision View Corridor Protection Plan.
5. Historic Resources:
 - a. The development is not located in a historic district, historic landscape district or City designated landmark.
 - b. The development is not located adjacent to or within 100 ft. of a designated landmark, historic district, or historic landscape district.
 - c. There are no known archaeological resources on the site except for the location of the former Cumberland and Oxford Canal and the former Portland Glassworks. There are no known aspects of the Canal visible at the site. The Applicant has been cooperating with officials from MHPO as they conducted an archaeological investigation of the Glass Works site. Their findings can be provided under separate cover, if necessary.
6. Exterior Lighting:
 - a. Site Lighting
 - (i) Exterior lighting will be designed to meet the requirements of Section 12 of the Technical Manual.
 - b. Architectural and Specialty Lighting
 - (i) Not applicable to the project.
 - (ii) Not applicable to the project.
 - c. Street Lighting
 - (i) There are existing street lights along Commercial Street. No changes are currently contemplated to the existing street light conditions.

7. Noise and Vibration:

The project noise levels will be designed to meet the permitted levels as outlined in the WPDZ Zone. All HVAC and mechanical equipment is proposed to be mounted on the roof, or otherwise ground mounted and concealed from nearby properties.

8. Signage and Wayfinding:

a. All street and wayfinding signage shall meet the requirements of the Manual on Uniform Traffic Devices (MUTCD) and Division 22 of the City Code.

(i) The project is not located in a historic district or subject to Article IX.

(ii) Proposed commercial signage is still being designed and subject to a condition of approval.

(iii) All street and wayfinding signage shall meet the requirements of the Manual on Uniform Traffic Devices (MUTCD) and Division 22 of the City Code.

9. Zoning Related Design Standards:

a. The project is within the WPDZ and zoning related design standards are not applicable.

Sec. 14-320.3. Performance Standards

In accordance with Section 14-320.3, the following impact mitigation narrative is offered to address compliance with the following standards:

(a) Outdoor Storage of Materials: The proposed Phase III activity includes the construction of a retail/wholesale warehouse and office space associated with the Boat Repair and Maintenance operations. The facility does not involve large scale outdoor storage of materials although vessels, trailers and related goods associated with the boat repair and maintenance operations may be stored outside. In no case will these materials exceed a height of 45 feet, except for boat Mast which may be taller than 45 feet. The yard area will ultimately be stabilized with the boat yard surface material which helps contain and manage stormwater runoff.

(b) Noise:

1. The proposed Phase III facilities at Canal Landing involve retail/wholesale sales and trade within a new building. Typical working hours will be 8:00 am to 5:00 pm. The operations of the boat maintenance yard follow similar working hours, thus the noise generated by the development are considered minor in nature and will not exceed the fifty-five (55) decibels level during the hours from 7:00 pm to 7:00 am.

2. The applicant requests a waiver of any further noise measurements for the site, based on their operating history and absence of any complaints about noise generated from the Canal Landing site. Based on the prevalence of nearby land uses, including the IMT, Sprague Energy, Portland Jetport, rail operations and general commercial development, it is believed that the Canal Landing operations are an insignificant generator of noise in the region.

3. The proposed Phase III activity will employ HVAC equipment that will not exceed the City's noise standards at the property line.
- (c) **Vibration:** The proposed Phase III activities will not result in significant vibration as the activity is primarily associated with the development of a retail/wholesale store and marine related office space.
- (d) **Federal and State Environmental Regulations:** The Canal Landing site operations and Phase III development do not involve significant sources of air emissions. The boat repair and maintenance activities are performed in accordance with State and Federal regulations so actions such as sand blasting and related boat work are managed and controlled to minimize emissions.
- (e) **Discharges into Harbor Areas:** The Canal Landing site is served by public wastewater collection so there are no onsite wastewater disposal systems. The yard will ultimately contain one or more sources of collection for wastewater from vessels and this wastewater will ultimately be discharged to the municipal collection system. The site will require stormwater collection and ultimately discharge to the Fore River, either through the existing City drainage systems (CSO) or new drainage outfalls that will fall under Permit By Rule authorization from the MeDEP. The applicant does not foresee activities requiring a Waste Discharge License from the MeDEP.
- (f) **Storage of Vehicles:** The Canal Landing development does not involve the storage of automobiles. Any storage is typically related to vessels due for repairs and maintenance. Some Vessels do remain on the site for greater than 60 days simply due to the amount of work required on them.
- (g) **Landfill of Docking and Berthing Areas:** The proposed development does not involve landfill of docking or berthing areas. The phase III development involves only activity along the West Commercial Street frontage. Future shorefront activities will involve the travel lift basin construction, float installation and new boat ramp. The overall goal of the shorefront improvements contemplated by the applicant includes assisting the Harbor Commission on the removal of remnant piers and piles, and installation of new floats and revetment wall repairs.
- (h) **Off-street Parking:** The approximately 17 acre site area contains ample parking for boat yard as well as Phase III development activity. The retail store will have paved parking for at least 30 vehicles and graveled overflow parking available to accommodate at least an additional 30 spaces. Based on the proposed tenant's existing operations at their existing store in Portland, this parking capacity is more than adequate, thus the applicant is requesting a waiver of Section 14-332 (h) which indicates a parking requirement of 1 parking space for each two hundred (200) SF of space not used for bulk storage.
- (i) **Off-street Loading:** The proposed Phase III building will contain multiple overhead doors for loading/unloading.
- (j) **Shoreland and Flood Plain Management Regulations:** The proposed Phase III activities are located beyond the shore land zone. There are no clearing restrictions on the site and activity will be compliant with any Shoreland and Flood Plain regulations. The Phase III building floor elevation will be at elevation 16.0' which is 6 feet above the Fore River Flood elevation.

- (k) **Lighting:** All onsite lighting will be shielded and of low intensity. Building mounted lights on the Phase III buildings will be cutoff style and be installed for safety and security and will be placed on the water side of the building. The north side of the buildings facing West Commercial Street will rely on the existing street lighting along the street.
- (l) **Signs:** The proposed tenant will apply for building and free standing signage in accordance with Division 22 of the City code.
- (m) **Storage of Pollutants and Oily Wastes:** The Phase III activity does not involve the storage of pollutants or oily waste. They will store packaged products for sale and distribution, but no bulk storage. Canal Landing does collect oily waste and either recycles or disposes of this material. They generally burn collected oil waste in their two waste oil heaters. All other waste items are collected and disposed of by a qualified third party following DEP regulations and protocols. Manifests of shipped waste products can be provided upon request.
- (n) **Compatibility of non-marine uses with marine uses:** The proposed Phase III tenants are all uses that are considered marine related therefore, this design standard is not applicable.
- (o) **Design and Visual Character shall:**
1. The proposed Phase III building has been designed to be consistent with the previously constructed structures within the Canal Landing site and to also work with nearby buildings and uses. The building has been positioned to align along the street front, thus anchoring its presence to the street, as well as shielding parking and related boat yard activity from the street. The roof line includes a combination of flat and pitched roof to provide some break up and provide visual interest. Similarly Building D includes three stories which lends some vertical dimension to the otherwise two story level plain of Building C.
 2. The building massing has been organized for Building D as the taller end of the combined C & D massing. This will provide a visual queue to the primary West Commercial Street entry into Building D. Building C is primarily accessed from the parking area to the west side of the building and at a level lower than the street.
 3. The building elevations prepared by Archetype PA attempt to show consistency between the two proposed building spaces. The buildings will be connected thus the roof lines and facades are intended to be in harmony in character and materials.
 4. The accompanying building elevations again attempt to address this standard by the use of windows, colors and varying roof lines.
 5. The Building D façade facing West Commercial Street contains a ramp and overhead canopy roof over the building entrance, thus providing articulation within close proximity to the Street front.