Memorandum

Planning and Urban Development Department

Planning Division

**To:** Sean Dundon, Chair, and Members of the Portland Planning Board

**From:** Nell Donaldson, Senior Planner

**Date:** September 11, 2018

**Re: MMC Employee Garage -** Revised Motions for the Board to Consider

**Project #:** 000207-2018

Below please find a set of revised motions for the Planning Board to consider with respect to Maine Medical Center’s Level III site plan review for a proposed employee parking garage at 190 St. John Street. Specifically, and based on conversations with both staff and the applicant, the Planning Authority is recommending modifications to the conditions of approval related to the parking layout on the Union Station Plaza lot and the implementation of trail improvements within the Western Promenade. Revised motions are as follows:

**XIII. PROPOSED MOTIONS FOR THE BOARD TO CONSIDER**

1. **Waivers**

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 September 11, 2018 for application 207-2018 relevant to Portland’s technical and design standards and other regulations; and the testimony presented at the Planning Board hearing:

1. The Planning Board **finds/does not find,** based upon staff review,that extraordinary conditions exist or undue hardship may result from strict compliance with the site plan standard *Section 14-526(a)4.b,* which establishes a bicycle parking standard for non-residential uses of 2 bicycle spaces per 10 vehicular spaces for the first 100 vehicular spaces and 1 per 20 spaces thereafter, that substantial justice and the public interest are secured with the variation in this standard, and that the variation is consistent with the intent of the ordinance. The Planning Board **waives/does not waive** the site plan standard *Section 14-526(a)4.b* to allow 40 bicycle parking spaces on site;
2. The Planning Board **finds/does not find**, based upon the consulting transportation engineer’s review *(Attachment 2),* that extraordinary conditions exist or undue hardship may result from strict compliance with the *Technical Manual* standard *(Section 1.7.2.4)* which establishes a maximum driveway width of 24 feet for commercial sites with two-way access, that substantial justice and the public interest are secured with the variation in this standard, and that the variation is consistent with the intent of the ordinance. The Planning Board **waives/does not waive** the *Technical Manual* standard *(Section 1.7.2.4)* to allow a driveway of 30 feet in width at D Street;

1. The Planning Board **finds/does not find**, based upon the consulting transportation engineer’s review *(Attachment 2),* that extraordinary conditions exist or undue hardship may result from strict compliance with the *Technical Manual* standard *(Section 1.14)* which requires that aisle width for right-angle parking be 24 feet per *Figure I-27*, that substantial justice and the public interest are secured with the variation in this standard, and that the variation is consistent with the intent of the ordinance. The Planning Board **waives/does not waive** the *Technical Manual* standard *(Section 1.14)* to allow a 23’ 9.5” wide aisle in the garage and a 27’ 4” wide aisle in the north parking area;
2. The Planning Board **finds/does not find**, based upon the consulting transportation engineer’s review *(Attachment 2),* that extraordinary conditions exist or undue hardship may result from strict compliance with the *Technical Manual* standard (*Section 1.14 and Figures I-27 to I-29)* which establishes standard parking space dimensions of 9’ x 18’, that substantial justice and the public interest are secured with the variation in this standard, and that the variation is consistent with the intent of the ordinance. The Planning Board **waives/does not waive** the *Technical Manual* standard (*Section 1.14 and Figures I-27 to I-29)* to allow spaces inside the proposed garage at 8.5’ in width*;* and
3. The Planning Board **finds/does not find,** based on staff review, that extraordinary conditions exist or undue hardship may result from strict compliance with the *Technical Manual* standard (*Section 12.2.3)* which establishes average and maximum illumination levels of 1.25 footcandles and 5 footcandles respectively, that substantial justice and the public interest are secured with the variation in this standard, and that the variation is consistent with the intent of the ordinance. The Planning Board **waives/does not waive** the *Technical Manual* standard *(Section 12.2.3)* to allow an average illumination level in the north parking area of 1.9 footcandles and average and maximum illumination levels on the top deck of the garage of 2.4 and 6.4 footcandles respectively.
4. **DEVELOPMENT REVIEW**

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 September 11, 2018 for application 207-2018 relevant to the site 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 site plan standards of the land use code and the MMC IOZ Regulatory Framework, subject to the following conditions of approval, which must be met as follows:

*Prior to the issuance of a building permit:*

1. The applicant shall provide evidence of rights to make improvements to adjacent lots where site work is proposed, including 184 St. John, 210 St. John, and the Union Station Plaza lot, for review and approval by the Planning Authority;
2. The applicant shall provide a final construction management plan including details related to the proposed roadway/signal work in St. John Street, D Street, and Valley Street for review and approval by the Department of Public Works;
3. The applicant shall submit a revised site plan including:
	* 1. Revised striping around the refuge island on Valley Street;
		2. Revised bike lane pavement markings on St. John Street;
		3. "Yield to Bikes" sign;
		4. Modified label for CB30 on D Street to not obscure the light fixture;
		5. revised design of the curb ramp on the SW corner of St. John at the garage driveway to eliminate the skewed area with the vertical curb next to the ramp flares between the curb ramps; and
		6. Revised utility pole placement consistent with C-104 Utility plan

for review and approval by the Planning Authority and Department of Public Works;

1. The applicant shall provide final details for the sidewalk installation on D Street for review and approval by the Planning Authority and Department of Public Works;
2. The applicant shall provide evidence of the adequacy of internal parking circulation capacity for review and approval by the Department of Public Works; and
3. The applicant shall provide:
4. Documentation of design approval from the manufacturer of the stormwater treatment system;
5. Revised plans addressing slope inconsistencies on Pipe 14;
6. Revised plans showing a drainage from the elevator pit into an oil/water separator prior to entering the storm drain system

for review and approval by the Department of Public Works.

*Prior to the issuance of a sign permit:*

1. The applicant shall provide a revised signage master plan for review and approval by the Planning Authority.

*Prior to the issuance of a certificate of occupancy:*

1. The applicant shall provide evidence of all utility and access easements necessitated by the development of the site for review and approval by the Planning Authority:
2. The applicant shall provide design plans and equipment specifications for the D Street signal for review and approval by the Department of Public Works. Within one week of certificate of occupancy and six months thereafter if necessary, the applicant shall provide an assessment of the operation of the D Street intersection for review by the Department of Public Works. Should such an assessment show that the signal at this intersection is warranted, the applicant shall submit a plan for activation of the signal for review and approval by the Department of Public Works. Following such approval, the applicant shall activate the D Street signal under the supervision of the Department of Public Works;
3. The applicant shall submit plans for Intelligent Transportation Systems (ITS) devices to enhance efficiency within the garage for review and approval by the Department of Public Works;
4. The applicant shall submit a plan for trail improvements associated with employee pedestrian access through the Western Promenade for review and approval by the Planning Authority, the Parks Department, and the Historic Preservation staff. Following approval, MMC will be responsible for funding such improvements at an amount not to exceed $50,000.
5. The applicant shall provide revised plans for the final Union Station Plaza parking layout that address safety and circulation standards for review and approval by the Department of Public Works; and
6. The applicant shall provide evidence that HVAC systems meet the standards of the land use code for review and approval by the Planning Authority.

*Other or ongoing conditions:*

1. The applicant shall complete pedestrian and roadway improvements on Valley Street prior to the end of the 2019 paving season for review and approval by the Department of Public Works;
2. Prior to issuance of a demolition permit for the Gilman Garage, the applicant shall:
	* 1. Submit a plan for traffic signal changes at Congress Street/St. John Street that would allow for concurrent pedestrian phasing for review and approval by the Department of Public Works. The applicant shall implement such a plan following approval;
		2. Submit a plan for the Congress Street/Valley Street intersection under a traffic signal removal scenario, including recommendations that provide for safe pedestrian movements, for review and approval by the Department of Public Works, and coordinate with MaineDOT on traffic signal removal. The applicant shall implement such a plan following approval. If MaineDOT does not approve of the removal, the applicant shall submit a plan for traffic signal equipment modifications at the Congress Street/Valley Street intersection to allow for concurrent pedestrian phasing at Congress Street/St. John Street for review and approval by the Department of Public Works. The applicant shall implement such a plan following approval; and
3. The connection between the Eagles lot (184 St. John) and the proposed garage shall be approved for such time as the Eagles Lodge remains in active use. At such time as the use is changed, the connection between the Eagles lot and the garage shall be reevaluated by the Department of Public Works and the Planning Authority. Should such evaluation find the connection unwarranted, it shall be discontinued by the property owner.