

CITY OF PORTLAND, MAINE

PLANNING BOARD

Elizabeth Boepple, Chair
Sean Dundon, Vice Chair
Carol Morrisette
David Eaton
Kristien Nichols
Lisa Whited
Maggie Stanley

October 28, 2016

23 Ocean Avenue Associates, LLC
PO Box 1398
Portland, ME 04104

Carroll Associates
217 Commercial St #200
Portland, ME 04101

Project Name: 23 Ocean Avenue Mixed Use
Address: 23 Ocean Avenue
Applicant: 23 Ocean Avenue Associates, LLC
Planner: Nell Donaldson

Project ID: 2016-150
CBL: 129 G001001

Dear Mr. Cope:

On October 25, 2016, the Planning Board considered your proposed mixed use office and residential development at 23 Ocean Avenue. The Planning Board reviewed the proposal for conformance with the standards of the subdivision and site plan ordinances. The Planning Board voted to approve the application with the waivers and condition(s) as presented below.

WAIVERS

The Planning Board voted 6-0 (Boepple absent), 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 October 25, 2016 for application 2016-150 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, based upon the consulting transportation engineer's review, 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 proposed variation in this standard, and that the variation is consistent with the intent of the ordinance. The Planning Board waives the *Technical Manual* standard (*Section 1.14*) to allow a 21 foot wide aisle in the parking area.

SUBDIVISION REVIEW

The Planning Board voted 6-0 (Boepple absent), based on 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 October 25, 2016 for application 2016-150 relevant to the subdivision regulations; and the testimony presented at the Planning Board hearing, that the plan is in conformance with the subdivision standards of the land use code, subject to the following conditions of approval, which must be met prior to the signing of the plat:

1. The applicant shall finalize the subdivision plat for review and approval by Corporation Counsel, the Department of Public Works, and the Planning Authority; and
2. The applicant shall submit:
 - a. A license agreement for foundation footings and cornice proposed to encroach on the city's right-of-way and
 - b. A public pedestrian access easement for areas of sidewalk proposed to encroach on private propertyfor review and approval by the Department of Public Works and Corporation Counsel.

SITE PLAN REVIEW

The Planning Board voted 6-0 (Boepple absent), based on 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 October 25, 2016 for application 2016-150 relevant to the subdivision regulations; and the testimony presented at the Planning Board hearing, that the plan is in conformance with the site plan standards of the land use code, subject to the following conditions of approval that must be met prior to the issuance of a building permit, unless otherwise stated:

1. The applicant shall submit a final construction management plan for review and approval by the Department of Public Works and the Planning Authority, to include provisions for:
 - a) Pedestrian access,
 - b) Contractor parking on-site only or at an approved satellite location,
 - c) Recommended truck delivery routing from Ocean Avenue, and
 - d) Construction phasing;
2. The applicant shall submit final details for the reconstruction of the ramp on the south side of Hersey Street to meet ADA requirements for review and approval by the Department of Public Works;
3. Prior to the issuance of certificate of occupancy, the applicant shall provide a signed, notarized lease for the use of off-site parking spaces in compliance with *Section 14-334* of the city's land use code for review and approval by the Planning Authority and Corporation Counsel;
4. Prior to the issuance of certificate of occupancy, the applicant shall submit final details for the construction of the missing sidewalk link on the north side of Vannah Avenue between the proposed off-site parking and the site for review and approval by the Department of Public Works. Prior to certificate of occupancy, construction of this sidewalk segment shall be completed and approved by the Department of Public Works;
5. Within six months of the issuance of certificate of occupancy for the full use of the building, and on an annual basis thereafter for a period of five years, the applicant shall provide an analysis of parking demand, the efficacy of the parking management plan (including proposed transportation demand management measures), and neighborhood impacts for review and approval by the Department of Public Works and the Planning Authority. Should the analysis indicate that parking demand is not adequately met with the approved shared parking and off-site parking arrangement, the applicant shall submit and implement a revised parking plan, including transportation demand management measures, to address deficiencies for review and approval by the Department of Public Works and the Planning Authority;

6. Snow storage shall not impinge on the on-site parking. Snow shall be hauled off site as needed; and
7. The applicant shall provide revised plans to address the conflict between the proposed cherry tree and stormwater treatment unit at the corner of Ocean Avenue and Hersey Street for review and approval by the City Arborist and the Planning Authority.

The approval is based on the submitted plans and the findings related to site plan and subdivision review standards as contained in Planning Report for application 2016-150, which is attached.

STANDARD CONDITIONS OF APPROVAL

Please note the following standard conditions of approval and requirements for all approved site plans:

1. **Storm Water Management** The developer/contractor/subcontractor must comply with conditions of the construction stormwater management plan and sediment and erosion control plan based on City standards and state guidelines. The owner/operator of the approved stormwater management system and all assigns shall comply with the conditions of Chapter 32 Stormwater including Article III, Post Construction Stormwater Management, which specifies the annual inspections and reporting requirements. A maintenance agreement for the stormwater drainage system, as attached, or in substantially the same form with any changes to be approved by Corporation Counsel, shall be submitted and signed prior to the issuance of a building permit with a copy to the Department of Public Services.
2. **Subdivision Recording Plat** A revised recording plat listing all conditions of subdivision approval must be submitted for review and signature prior to the issuance of a performance guarantee. The performance guarantee must be issued prior to the release of the recording plat for recording at the Cumberland County Registry of Deeds.
3. **Subdivision Waivers** Pursuant to 30-A MRSA section 4406(B)(1), any waiver must be specified on the subdivision plan or outlined in a notice and the plan or notice must be recorded in the Cumberland County Registry of Deeds within 90 days of the final subdivision approval).
4. **Develop Site According to Plan** The site shall be developed and maintained as depicted on the site plan and in the written submission of the applicant. Modification of any approved site plan or alteration of a parcel which was the subject of site plan approval after May 20, 1974, shall require the prior approval of a revised site plan by the Planning Board or the Planning Authority pursuant to the terms of Chapter 14, Land Use, of the Portland City Code.
5. **Separate Building Permits Are Required** This approval does not constitute approval of building plans, which must be reviewed and approved by the City of Portland's Inspection Division.
6. **Site Plan Expiration** The site plan approval will be deemed to have expired unless work has commenced within one (1) year of the approval or within a time period up to three (3) years from the approval date as agreed upon in writing by the City and the applicant. Requests to extend approvals must be received before the one (1) year expiration date.
7. **Subdivision Plan Expiration** The subdivision approval is valid for up to three years from the date of Planning Board approval.

8. **Performance Guarantee and Inspection Fees** A performance guarantee covering the site improvements as well as an inspection fee payment of 2.0% of the guarantee amount and seven (7) final sets of plans must be submitted to and approved by the Planning Division and Public Services Department prior to the release of a subdivision plat for recording at the Cumberland County of Deeds, and prior to the release of a building permit, street opening permit or certificate of occupancy for site plans. If you need to make any modifications to the approved plans, you must submit a revised site plan application for staff review and approval.
9. **Defect Guarantee** A defect guarantee, consisting of 10% of the performance guarantee, must be posted before the performance guarantee will be released.
10. **Preconstruction Meeting** Prior to the release of a building permit or site construction, a pre-construction meeting shall be held at the project site. This meeting will be held with the contractor, Development Review Coordinator, Public Service's representative and owner to review the construction schedule and critical aspects of the site work. At that time, the Development Review Coordinator will confirm that the contractor is working from the approved site plan. The site/building contractor shall provide three (3) copies of a detailed construction schedule to the attending City representatives. It shall be the contractor's responsibility to arrange a mutually agreeable time for the pre-construction meeting.
11. **Department of Public Services Permits** If work will occur within the public right-of-way such as utilities, curb, sidewalk and driveway construction, a street opening permit(s) is required for your site. Please contact Carol Merritt at 874-8300, ext. 8828. (Only excavators licensed by the City of Portland are eligible.)
12. **As-Built Final Plans** Final sets of as-built plans shall be submitted digitally to the Planning Division, on a CD or DVD, in AutoCAD format (*.dwg), release AutoCAD 2005 or greater.
13. **Mylar Copies** Mylar copies of the as-built drawings for the public streets and other public infrastructure in the subdivision must be submitted to the Public Services Dept. prior to the issuance of a certificate of occupancy.

The Development Review Coordinator must be notified five (5) working days prior to date required for final site inspection. The Development Review Coordinator can be reached at the Planning Division at 874-8632. All site plan requirements must be completed and approved by the Development Review Coordinator prior to issuance of a Certificate of Occupancy. Please schedule any property closing with these requirements in mind.

If there are any questions, please contact Nell Donaldson at 874-8723.

Sincerely,



Elizabeth Boepple, Chair
Portland Planning Board

Attachments:

1. Planning Board Report
2. City Code, Chapter 32
3. Sample Stormwater Maintenance Agreement
4. Performance Guarantee Packet

Electronic Distribution:

cc: Jeff Levine, AICP, Director of Planning and Urban Development
Barbara Barhydt, Development Review Services Manager
Nell Donaldson , Planner/Senior Planner
Philip DiPierro, Development Review Coordinator, Planning
Mike Russell, Director of Permitting and Inspections
Ann Machado, Zoning Administrator, Inspections Division
Jonathan Rioux, Inspections Division Deputy Director
Jeanie Bourke, Plan Reviewer/CEO, Inspections Division
Chris Branch, Director of Public Works
Katherine Earley, Engineering Services Manager, Public Works
Bill Clark, Project Engineer, Public Works
Doug Roncarati, Stormwater Coordinator, Public Works
Greg Vining, Associate Engineer, Public Works
Michelle Sweeney, Associate Engineer, Public Works
John Low, Associate Engineer, Public Works
Rhonda Zazzara, Field Inspection Coordinator, Public Works
Jeff Tarling, City Arborist, Public Works
Jeremiah Bartlett, Public Works
Keith Gautreau, Fire Department
Danielle West-Chuhta, Corporation Counsel
Thomas Errico, P.E., TY Lin Associates
Lauren Swett, P.E., Woodard and Curran
Rick Blackburn, Assessor's Department
Approval Letter File



PLANNING BOARD REPORT PORTLAND, MAINE

Mixed-Use Development
23 Ocean Avenue
Level III Site Plan and Subdivision Review
23 Ocean Avenue Association, LLC

Submitted to: Portland Planning Board	Prepared by: Nell Donaldson, Planner
Date: October 21, 2016	CBL: 129-G-1
Public Hearing Date: October 25, 2016	Project #: 2016-120

I. INTRODUCTION

23 Ocean Avenue Association, LLC has requested a final Level III site plan and subdivision review for a mixed-use development at 23 Ocean Avenue, at the corner of Ocean Avenue and Hersey Street near Woodford’s Corner. The proposed 7,000 SF development includes approximately 2,400 SF of office space on the basement level and first floor, and four two-bedroom apartments on the second and third floors. The proposal also includes new sidewalks on Ocean Avenue and Hersey Street, nine off-street parking spaces with a lease for additional off-site parking, landscaping, and stormwater treatment. The site is currently occupied by a former residential building which has been converted to office use and a large lawn area. This open space would be developed under the proposal. The existing office building would remain.

This development is being referred to the Planning Board for compliance with the site plan and subdivision standards of the land use code. A total of 144 notices were sent to property owners within 500 feet of the site and a legal ad ran in the *Portland Press Herald* on July 18 and 19, 2016.

Applicant: Steve and Roberta Cope, 23 Ocean Avenue Association, LLC
Consultants: Kevin Moquin Architects, Ransom Consulting, Carroll Associates

II. REQUIRED REVIEWS

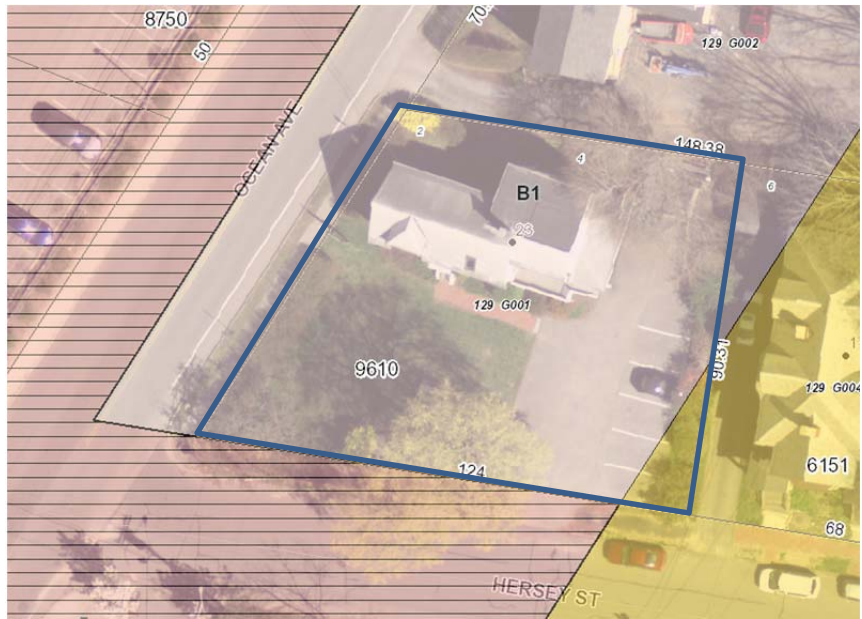
<i>Waiver Requests</i>	<i>Applicable Standards</i>
Aisle width – to allow 21 foot aisle in parking area	Technical Manual, <i>Section 1.14</i> . Aisle width for right-angle parking be 24 feet per <i>Figure 1-27</i> .
<i>Review</i>	<i>Applicable Standards</i>
Site Plan	<i>Section 14-526</i>
Subdivision	<i>Section 14-497</i>

III. PROJECT DATA

Existing Zoning	B-1/R-3
Existing Use	Office
Proposed Use	Mixed use (office and residential)
Proposed Development Program	App. 2,400 SF office ; App. 4,700 SF residential (4 2-br apartment units); App. 220 SF storage
Parcel Size	9,519 SF

	<i>Existing</i>	<i>Proposed</i>	<i>Net Change</i>
Building Footprint	1,030 SF	2,730 SF	1,700 SF
Building Floor Area	1,580 SF	10,220 SF	8,640 SF
Impervious Surface Area	4,036 SF	6,188 SF	2,152 SF
Parking Spaces	5	9 on-site and 4 off-site	13
Bicycle Parking Spaces	0	6	6
Estimated Cost of Project	\$1,000,000		

Figures 1, 2, and 3 (Clockwise from top right):
23 Ocean Avenue from above, showing existing building in office use;
Site from the corner of Ocean Ave./Hersey St.;
Zoning context



IV. BACKGROUND & EXISTING CONDITIONS

23 Ocean Avenue lies at the intersection of Ocean Avenue and Hersey Street, where Woodford’s Corner meets the residential neighborhood of Back Cove. The Woodford’s Corner Rite Aid sits directly across Ocean Avenue from the site and the former Thurston’s Burgers lies directly to the south across Hersey Street, yet residential uses abut the site to the east and north. The site was originally developed for residential use, but the former home has since been repurposed for office. The majority of the site is zoned B-1, with a small sliver in the southeast corner lying in the R-3 zone.

- The use of off-site parking to meet projected parking demand and the potential for spillover impacts to Hersey Street;
- The trip generation analysis, which neighbors have criticized for failing to include actual counts from the existing office use;
- Traffic safety around the project site;
- The design and its lack of relationship to the residential context; and
- The construction management plan and potential impacts of truck traffic and contractor parking on Hersey Street.

The applicant is not required to host a neighborhood meeting, since only four residential units are proposed. No neighborhood meeting was held.

VII. RIGHT, TITLE, & INTEREST

The applicant's submittal includes a deed as evidence of right, title, and interest (*Attachment E*). A license is proposed for encroachments into the right-of-way for the purposes of footings and cornices. A public access easement will also be necessary for areas of sidewalk which are depicted on the site. This license and easement are proposed as conditions of approval.

VIII. FINANCIAL & TECHNICAL CAPACITY

The estimated cost of the development is approximately \$1 million. The applicant has provided a letter from Biddeford Savings Bank attesting to the applicant's financial capacity (*Attachment H*).

IX. ZONING ANALYSIS

The applicant has provided a zoning analysis documenting that the plans meet the dimensional requirements of the B-1 zone, including the front yard maximum of 10 feet and the maximum height of 35 feet (*Attachment D*). It should be noted that the elevations show a stair tower extending above the roofline of the building, and above the permitted height limit. Stair towers are technically allowed to extend beyond the height limit per *Section 14-430* of the city code.

X. SITE PLAN SUBMISSION REQUIREMENTS (*Section 14-527*) and SUBDIVISION PLAT AND RECORDING PLAT REQUIREMENTS (*Section 14-496*)

The applicant has submitted a subdivision plat meeting the requirements of *Section 14-527* of the city's land use code. This plat has been reviewed by William Clark, the city's surveyor (*Attachment I*). A final recording plat, including all recording plat requirements, has been included as a condition of approval.

The applicant has submitted a draft construction management plan (*Attachment F*). Staff have forwarded several comments on this draft plan to the applicant, including a request that the applicant identify an off-street location for contractor parking, address concerns about truck traffic, and identify phasing. The applicant has requested that these comments be resolved as a condition of approval once a contractor has been selected for the project. A condition of approval has been suggested.

XI. SUBDIVISION REVIEW (*14-497(a). Review Criteria*)

The proposed development has been reviewed by staff for conformance with the relevant review standards of the City of Portland's subdivision ordinance. Staff comments are below.

1. Water, Air Pollution

Lauren Swett, consulting civil engineer, has reviewed the plans relating to stormwater runoff and water quality (*Attachment 3*). Her comments are discussed in detail under site plan review below. No detrimental water or air quality impacts are anticipated.

2 & 3. Adequacy of Water Supply

The plans show domestic and fire water service from an existing 8-inch main in Hersey Street. The applicant has provided evidence of water capacity (*Attachment J*).

4. Soil Erosion

No unreasonable soil erosion or reduction in the capacity of the land to hold water is anticipated.

5. Impacts on Existing or Proposed Highways and Public Roads

The applicant has provided traffic analysis in the final submittal. Tom Errico, the city's consulting traffic engineer, has provided comments on potential traffic impacts, which are discussed in detail under site plan review below. No detrimental impacts to existing roads are anticipated.

6. Sanitary Sewer/Stormwater Disposal

One 6-inch sewer line with backflow preventer is proposed to service the building; this line would outlet to the combined sewer in Hersey Street. The applicant has not provided evidence of wastewater capacity from the Department of Public Services at this time. As such, this letter has been included as a condition of approval. As noted above, a stormwater management plan has been provided. Ms. Swett's comments on the proposed plans for stormwater and sewer are discussed in detail under site plan review below.

7. Solid Waste

The applicant has proposed curbside trash and recycling. No dumpster is proposed. The applicant writes that "[t]enants will be informed of collection day and appropriate interim on-site storage of waste and recycling" (*Attachment D*). Storage of office waste is proposed in the basement.

8. Scenic Beauty

This proposal is not deemed to have an adverse impact on the scenic beauty of the area.

9. Comprehensive Plan

The applicant's narrative argues that the project would achieve a number of goals of the city's Comprehensive Plan, including goals related to housing and neighborhood stability and integrity. The applicant also cites the Woodford's Corner Public Improvement Plan and Transforming Forest Avenue, which called for improvements that "promote livability, economic vibrancy, and mobility in Woodford's Corner" (*Attachment D*).

10. Financial and Technical Capacity

As noted above, the applicant has provided evidence of financial capacity (*Attachment H*).

11. Wetland/Water Body Impacts

There are no wetlands or water bodies on or immediately proximate to the site.

12. Groundwater Impacts

There are no anticipated impacts to groundwater supplies.

13. Flood-Prone Area

Per the city's existing flood maps, the site is not located in a flood zone.

XII. SITE PLAN REVIEW

The proposed development has been reviewed by staff for conformance with the relevant review standards of the City of Portland's site plan ordinance. Staff comments are below.

1. Transportation Standards

a. Impact on Surrounding Street Systems

At the request of Tom Errico, the city's traffic engineer, the applicant has provided a trip generation analysis in the final submittal (*Attachment 2*). The trip generation analysis, which is based on ratios from the Institute of Traffic Engineers, estimates a total of six additional trips during the AM peak hour and seven additional trips during the PM peak hour, for a total of nine AM and PM peak hour trips from the site (including the existing office use on site, which the applicant's traffic engineer has estimated at three AM trips and two PM trips). The applicant writes, "this minimal level of new traffic would not be expected to have any significant impact off-site on traffic operations" (*Attachment L*). Mr. Errico has reviewed the

analysis and writes,

The applicant has provided an estimate of trip generation. As noted the project is expected to generate 6 new peak hour trips in the morning peak hour and 7 new peak hour trips during the afternoon peak hour. This level of trip generation is not expected to impact traffic operations and safety and therefore I have no further comment.

The applicant has also provided a safety analysis in the final submittal. This analysis finds, based on data from the Maine Department of Transportation, that although the segment of Ocean Avenue between Forest Avenue and Hersey Street has a “higher than expected accident rate,” this location fails to qualify as a high crash location since only two accidents occurred in this segment in the most recent three-year period. All other segments and intersections in the immediate vicinity of the project have lower than expected accident rates, and none qualify as high crash locations. Mr. Errico has also reviewed this analysis and writes,

A review of crash data was conducted by the applicant and that analysis indicated that there are no High Crash Locations in the vicinity of the project site. I have no further comment.

b. *Access and Circulation*

The plans include new concrete sidewalks on the length of the site’s frontage on both Hersey Street and Ocean Avenue. The applicant has proposed to provide a new detectable warning panel and a new crosswalk across Hersey Street at the Ocean Avenue intersection. Final details related to the design of this intersection are yet to be resolved, as there are right-of-way constraints on the property opposite the site. Mr. Errico writes,

The applicant shall upgrade the sidewalk ramp on the opposite side of Hersey Street to meet ADA requirements. The applicant shall submit plans to the City for review and approval. I would note that the City recognizes the right-of-way limitations at the subject corner and will assist the applicant in design development.

A condition of approval has been drafted to address this ramp.

The major building entrances are proposed via a patio at the interior of the site, with access from Ocean Avenue. This patio sits below the sidewalk elevation and thus is accessible via stair. ADA access to the major entrance of the proposed building would be provided from Hersey Street. In the final submittal, the applicant has noted that the proposed plan shows “accessible grades along the sidewalk connecting to the main office entrance and the accessible parking space” (*Attachment K*).

The final plans show continued use of an existing curb cut from Hersey Street for vehicular access. In the final plans, the applicant has reconfigured the parking area and reduced the number of proposed parking spaces by one as a means of eliminating the need for backing maneuvers to Hersey Street. The applicant has provided turning templates as documentation of the adequacy of the parking area design (*Plan 21*). The applicant has requested a waiver for parking lot aisle width. Mr. Errico writes,

The applicant has provided information that demonstrates onsite circulation can be accommodated.

Following a review of vehicle turning template information and revisions to the parking lot layout, I support a waiver from the City’s Technical Standards.

c. *Public Transit Access*

No accommodation for public transit is required.

d. *Parking*

Division 20 of the land use ordinance requires parking for residential uses at a ratio of two/unit off-peninsula and one/ 400 SF of usable area for office uses. At these ratios, eight parking spaces are required for the residential units and six spaces are required for the office space, for a total of 14 parking spaces for the proposed mixed-use building. Four additional parking spaces are required for the existing office building, bringing the total parking requirement for the site to 18 parking spaces. It should be noted that, in their final submittal, the applicant has provided a parking analysis that cites parking ratios from the Institute of Traffic Engineers, and estimates a total parking demand of six spaces for the residential uses and 13 spaces for the office uses, for a total of 19 parking spaces (*Attachment M*).

Recognizing the opportunity for shared parking in this context, where residential and office uses are apt to experience offset peak parking demand, the applicant's parking narrative includes some shared use analysis, based again on data from the Institute of Traffic Engineers (*Attachmnet M*). The city's code permits shared use parking under *Section 14-343*, stating,

the Board of Appeals may approve the joint use of a parking facility by two (2) or more principal buildings or uses where it is clearly demonstrated that the parking facility will substantially meet the intent of the requirements by reason of variation in the probable time of maximum use by patrons or employees among such establishments... The Planning Board may be substituted for the Board of Appeals only where an applicant is otherwise before the Planning Board for site plan approval.

The applicant has based their shared parking analysis on shared use factors developed by the Institute of Traffic Engineers. By applying these factors to both the residential and office uses in their off-peak hours, the applicant arrives at total estimated daytime and nighttime parking demand figures which allow for some overlap in use. The analysis estimates a peak daytime demand of 10-13 parking spaces for the office and two-three for purposes of the residential use, or a total of 12-15 spaces. (The range cited here is a function of differing sources, with the former number a product of applying the shared use factors to the parking supply numbers as required by code and the latter a product of applying the factors to the ITE-derived demand figures.) The applicant argues that, at night, while the residential use will generate its peak demand of six to eight spaces, the office use will not generate any demand at all.

With nine spaces proposed on site, then, the applicant argues that they meet their nighttime peak demand requirement of six to eight spaces. The proposed on-site parking is not sufficient, however, to accommodate the peak daytime demand, which again has been estimated at 12-15 parking spaces. For this reason, the applicant has submitted a letter of intent from the property owner at 28 Vannah Avenue indicating their agreement to lease six parking spaces to the applicant (*Attachment M*), which, when added to the nine on site, would bring the total parking supply to 15 (*Figure 5*). Technically, this is permissible per *Section 14-334* of the city's ordinance, which allows the Planning Board to approve off-street parking within 1,500 feet upon presentation of a lease agreement. 28 Vannah Street lies approximately 500 feet from the site by lines of public access and contains sufficient parking (15 spaces) to lease six parking spaces and remain conforming with respect to its own parking requirement under Division 20 of the land use code.

In their final submittal, the applicant has provided a parking management plan which speaks to how on-site and off-site parking would be managed so as to ensure the shared parking arrangement functions as designed (*Attachment M*). This plan identifies a number of tools, including signage, lease restrictions for office tenants, incentives for use of the off-site parking, and monitoring as means of managing the shared parking. Mr. Errico has reviewed the shared parking analysis and the parking management plan and writes,

I generally find the parking generation analysis to be reasonable and would expect a parking demand of 18 to 21 vehicles, without the consideration of shared parking.

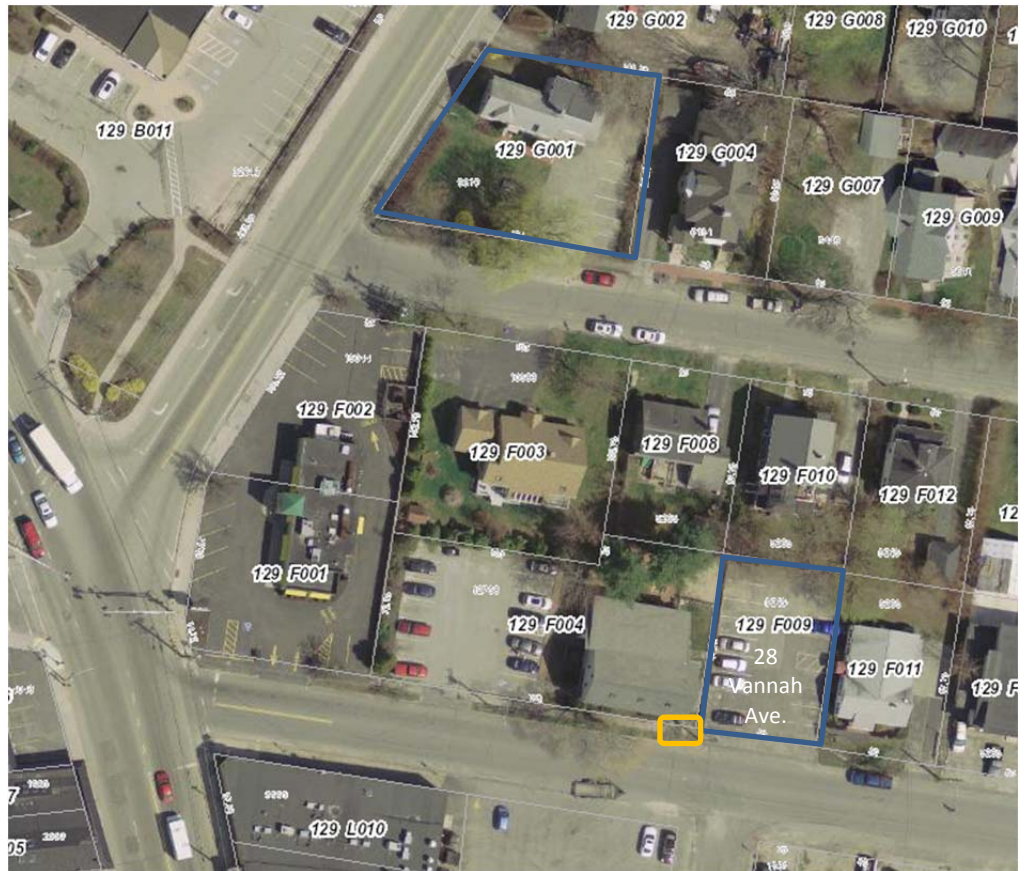


Figure 5:
Proposed
off-site
parking at
28 Vannah
Avenue, with
missing
sidewalk link
highlighted.

I support the concept of shared parking for this project and thereby a reduced parking supply given proposed land uses. Based upon the information provided by the applicant and information from the Urban Land Institute, I would estimate a peak parking demand of 16 to 18 parking spaces. The applicant is providing 9 parking spaces onsite and has an agreement in place for up to 6 parking spaces on Vannah Avenue, for a total of 15 parking spaces. I would suggest that the applicant conduct a monitoring study at the time of full occupancy and determine if 15 spaces is sufficient. If parking demand is greater than expected, the applicant shall provide additional offsite parking that meet actual demand. I would suggest that the Woodford Club site, as originally proposed, be formally agreed to as a backup site.

I support the location of the offsite parking lot on Vannah Avenue. For it to be fully accessible by pedestrians to and from the site, the applicant shall construct a missing sidewalk section on the north side of Vannah Avenue near the proposed parking lot. The applicant shall submit plans to the City for review and approval.

The applicant has provided a parking management plan for the site. I am concerned that implementation will not be easily enforced, particularly as it related to early morning and late afternoon time periods when the residential and office uses are likely to conflict. I would note that the applicant has noted that TDM will likely impact trip and parking generation (for which I agree), but it is also likely that the residential uses may leave their cars all day, while walking or biking to work destinations. I would therefore suggest that the monitoring study also include a review of the parking management plan and necessary adjustments. I would suggest that the monitoring study be closely coordinated with the Planning Authority.

A final copy of an off-site parking lease, written to including a five-year term as required by the land use code, has been included as a condition of approval. Improvements to the sidewalk on the north side ofannah Street to close the sidewalk gap between the off-site parking location and the site have also been included as a condition of approval. Last, a monitoring study has been suggested as a condition of approval.

It should be noted that the applicant stresses in their parking analysis that TDM will be employed at the site in an effort to reduce car-dependency on site. The applicant writes, “the building will provide interior bike lockers for both resident and office uses to encourage bicycle commuting” and notes that METRO provides service within a block of the site (*Attachment M*).

e. Transportation Demand Management

A transportation demand management plan is not required.

2. Environmental Quality Standards

a. Preservation of Significant Natural Features

There are no known significant natural features on the site.

b. Landscaping and Landscape Preservation

At the request of Jeff Tarling, the city’s arborist, the applicant has revised the landscape plans to show two zelkovas on the Ocean Avenue frontage, three Armstrong maples in the esplanade on Hersey Street, and a cherry tree at the corner of Ocean Avenue and Hersey Street. Collectively, these trees meet the city’s street tree requirement of one per unit. It should be noted that staff has recommended a condition of approval to address a potential conflict between the cherry tree and a stormwater treatment unit proposed for the Ocean Avenue/Hersey Street corner.

Elsewhere on the site, the applicant shows a mix of perennials and sumac in the rain garden, a combination of juniper and lilacs on the eastern property line to create a buffer where the site addresses residential neighbors, and a mix of day lilies at the corner of Ocean Avenue and Hersey Street. Ferns, climbing hydrangeas, bayberries, fountain grass, and rhododendrons are also proposed for the site. Mr. Tarling has reviewed the revised plans and verbally indicated that they meet the landscaping requirements of the land use code.

c. Water Quality/Storm Water Management/Erosion Control

The site is currently occupied by a residential structure which has been converted to office use, a surface parking lot, and a landscaped lawn area. The project will disturb approximately 7,170 SF of the parcel and result in a total impervious area of 6,188 SF, or an increase of 2,152 SF. As such, the applicant has provided a stormwater management plan outlining their approach for managing and treating stormwater on and from the site (*Attachment J*).

At the Department of Public Works’ request, the applicant has modified their final drainage plan to direct runoff from the proposed building’s roof to an existing catch basin in Ocean Avenue, which, as a product of future city plans, would ultimately be connected to a new separated stormwater system. This runoff would be treated with a roof drain cartridge filter. The remainder of the site, including the existing building roof and the parking area, would drain to a rain garden, which would outlet to the combined sewer in Hersey Street and overflow to a pervious paver system in the driveway apron. The applicant writes that, under the proposed plan, “the peak flow rates discharging to Hersey Street will decrease for all storm events. This is because both the total area and impervious area draining to Hersey Street are proposed to decrease [under the post-development condition]” (*Attachment J*).

Ms. Swett has reviewed the design of this system and provided the following comments,

The project is required to include stormwater management features to control the rate or quantity of stormwater runoff from the site. The Applicant will be discharging a portion

of the site's stormwater to the combined sewer in Ocean Avenue. The site does not discharge to this location in the existing condition; however, the Applicant has discussed this condition with Public Works, and the connection will be allowed. Stormwater from the site will be collected as part of a future City sewer separation project. As a result of this connection, the stormwater discharge to Hersey Street will be reduced, providing an improvement over the existing condition on Hersey Street.

It should be noted that Ms. Swett has determined that a waiver from the flooding standard is not required in this instance.

3. Public Infrastructure and Community Safety Standards

a. Consistency with Related Master Plans

As noted above, the project is generally deemed consistent with related master plans.

b. Public Safety and Fire Prevention

The applicant has provided a life safety summary for review by the city's Fire Prevention Bureau (*Plan 16*). Per this summary, the building would be fully sprinklered and accessible from two sides. Assistant Fire Chief Keith Gautreau has reviewed the plans and indicated that he has no comments (*Attachment 4*).

c. Availability and Capacity of Public Utilities

As noted above, the applicant has proposed to connect to existing water and sewer lines in Hersey Street, and has provided evidence of water capacity (*Attachment I*). Evidence of sewer capacity has been included as a condition of approval. Underground electrical service would be provided from an existing pole on the opposite side of Hersey Street. With respect to the capacity of the combined sewer on Hersey Street, as noted above, the city's consulting civil engineer has noted that stormwater runoff to Hersey Street will be reduced under the post-development condition, "providing an improvement over the existing condition." The development is not anticipated to overburden existing public infrastructure.

4. Site Design Standards

a. Massing, Ventilation, and Wind Impact

The bulk, location, or height of the building is not likely to result in health or safety problems from a reduction in ventilation to abutting structures. In the final submittal, the applicant has indicated that HVAC equipment will consist of six rooftop condensers.

b. Shadows

The project will not result in shadow impacts to publicly accessible open spaces.

c. Snow and Ice Loading

The project is not likely to result in snow or ice loading impacts.

d. View Corridors

The project does not lie on a protected view corridor.

e. Historic Resources

There are no historic resources within 100 feet.

f. Exterior Lighting

The applicant has provided a photometric plan and lighting cut sheets which meet the standards of the Technical Manual (*Plan 17 and Attachment K*).

g. Noise and Vibration

Mechanical equipment is proposed at the interior of the site and generally screened from view. HVAC cut sheets will be required as a product of the building permit review.

h. Signage and Wayfinding

One sign is depicted on the site plan near the patio entrance. This sign is intended to serve both buildings on the site. The sign will be subject to separate sign permits, and is not being reviewed at this time.

i. Zoning-Related Design Standards

Projects within the B-1 zone are subject to design review, as are all multi-family buildings. In response to comments on the preliminary plans, the applicant has revised the design to accentuate the building entrances; employ materials to distinguish the lower floor (which would be occupied by office uses) from the upper floor residential; align windows to provide more rhythm on the street-facing facades; and accentuate the Ocean Avenue/Hersey Street corner through a change in roofline and material (*Attachment K*). Caitlin Cameron, the city’s urban designer, has provided final comments from the B-1 design review, finding that the final design meets the design standards (*Attachment 5*).



Figures 6 and 7: Final architecture from the corner of Hersey Street and Ocean Avenue (top) and Ocean Avenue looking south



Figure 8: Hersey Street building entrance

XIII. STAFF RECOMMENDATION

Subject to the proposed motions and conditions of approval listed below, Planning Division staff recommends that the Planning Board approve the proposed mixed-use development at 23 Ocean Avenue.

XIV. PROPOSED MOTIONS

A. 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 October 25, 2016 for application 2016-120 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 the consulting transportation engineer’s review, 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 proposed 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 21 foot wide aisle in the parking area.

B. SUBDIVISION

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 October 25, 2016 for application 2016-120 relevant to the subdivision regulations; and the testimony presented at the Planning Board hearing, the Planning Board finds that the plan **is/is not** in conformance with the subdivision standards of the land use code, subject to the following conditions of approval, which must be met prior to the signing of the plat:

1. The applicant shall finalize the subdivision plat for review and approval by Corporation Counsel, the Department of Public Works, and the Planning Authority; and

2. The applicant shall submit:
 - a. A license agreement for foundation footings and cornice proposed to encroach on the city's right-of-way and
 - b. A public pedestrian access easement for areas of sidewalk proposed to encroach on private propertyfor review and approval by the Department of Public Works and Corporation Counsel.
3. The applicant shall submit a final sewer capacity letter for review by the Planning Authority;

C. 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 October 25, 2016 for application 2016-120 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, subject to the following conditions of approval that must be met prior to the issuance of a building permit, unless otherwise stated:

1. The applicant shall submit a final construction management plan, including provisions for pedestrian access, contractor parking, truck deliveries, and phasing, for review and approval by the Department of Public Works and the Planning Authority;
2. The applicant shall submit final details for the reconstruction of the ramp on the south side of Hersey Street to meet ADA requirements for review and approval by the Department of Public Works;
3. Prior to certificate of occupancy, the applicant shall provide evidence of a lease for use of off-site parking spaces under *Section 14-334* for review and approval by the Planning Authority and Corporation Counsel;
4. Prior to certificate of occupancy, the applicant shall submit final details for the reconstruction of the missing sidewalk link on the north side of Vannah Street between the proposed off-site parking and the site and construct this sidewalk segment for review and approval by the Department of Public Works;
5. Within six months of certificate of occupancy, and on an annual basis thereafter for a period of five years, the applicant shall provide an analysis of parking demand, the efficacy of the parking management plan, and neighborhood impacts for review and approval by the Department of Public Works and the Planning Authority. Should the analysis indicate that parking demand is not adequately met with the approved shared parking and off-site parking arrangement, the applicant shall submit and implement a revised parking plan to address deficiencies for review and approval by the Department of Public Works and the Planning Authority; and
6. The applicant shall provide revised plans to address the conflict between the proposed cherry tree and stormwater treatment unit at the corner of Ocean Avenue and Hersey Street for review and approval by the City Arborist and the Planning Authority.

XIV. ATTACHMENTS

PLANNING BOARD REPORT ATTACHMENTS

1. City Surveyor review (memo from Bill Clark, 10/13/16)
2. Traffic Engineer review (memo from Thomas Errico, 10/21/16)
3. Civil Engineer review (memo from Lauren Swett, 10/21/16)
4. Fire Prevention Bureau review (memo from Keith Gautreau, 7/11/16)
5. Design review (memo from Caitlin Cameron, 9/28/16)

APPLICANT'S SUBMITTALS

- A. Cover Letter
- B. Application
- C. Project Data
- D. Application Narrative
- E. Right, Title, and Interest
- F. Construction Management Plan
- G. Fire Department Checklist
- H. Evidence of Financial Capacity
- I. Evidence of Utility Capacity
- J. Stormwater Management Narrative
- K. Response to Staff Comments
- L. Trip Generation and Safety Analysis
- M. Parking Analysis
- N. Site Lighting Cut Sheets
- O. Siding Examples

PLANS

- Plan 1. Subdivision Plat
- Plan 2. Existing Conditions
- Plan 3. Site Preparation
- Plan 4. Site Plan
- Plan 5. Materials and Layout Plan
- Plan 6. Grading Plan
- Plan 7. Landscape Plan
- Plan 8. Landscape Details
- Plan 9. Stormwater/Utility Plan
- Plan 10. Details
- Plan 11. Details
- Plan 12. Stormwater Pre-Development Plan
- Plan 13. Stormwater Post-Development Plan
- Plan 14. Hersey Ocean View Rendering
- Plan 15. Ocean Courtyard View Rendering
- Plan 16. Ocean Hersey Gateway
- Plan 17. Streetscape Elevations
- Plan 18. Elevations and Sections
- Plan 19. Floor Plans
- Plan 20. Photometric Plan
- Plan 21. Turning Movement Plan

PUBLIC COMMENT

- PC-1. Levine letter (7/21/16)
- PC-2. Levine letter (7/25/16)
- PC-3. Haskell letter (7/25/16)
- PC-4. Dombek letter (8/1/16)
- PC-5. Levine letter (10/20/16)