

2. Prior to the issuance of certificates of occupancy, the applicant shall provide a revised Declaration of Easements, Covenants and Restrictions document for review and approval by Corporation Counsel;
3. Prior to the issuance of certificates of occupancy, the applicant shall provide evidence of easements for or rights to:
 - a. The turn-around to be used by Department of Public Services vehicles for access and snow removal when maintaining the Sewell Street extension, as conditioned in prior approvals
 - b. Portions of the access road north of the Brick North building which lie on the adjacent property;
4. The amended plans do not address stormwater management provisions of the Site Location of Development Law. In accordance with the city's temporary parking lot provision, following a period of one year after Phase IA certificate of occupancy, the applicant shall either provide stormwater quality treatment in accordance with the existing site law permit in conjunction with the development of the stand alone plans; proceed with plans for an approved alternative, modifying the existing SLOD permit as required; or request a removal of the project from site law; and
5. All conditions from prior approvals regarding the subdivision in its entirety continue to apply until superseded by an approved alternative.

SITE PLAN REVIEW

The Planning Board voted (4-0, Soley, Hall, and Dean absent) 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 provide evidence of coordination with regulatory authorities regarding compliance with other existing permits on the site for review and approval by the Planning Authority;
2. The applicant shall provide floor plans showing uses and floor areas for review and approval by the zoning administrator;
3. The applicant shall provide confirmation that the interim Phase IA plan meets ADA accessibility requirements for review and approval by the Department of Public Services;
4. The applicant shall revise the interim and stand alone plans to include:
 - a. A crosswalk in the specified location under the stand alone condition;
 - b. Bicycle parking in quantities as required by the site plan ordinance in both the interim and stand alone condition;

- c. Trash and recycling facilities including screening, as required, in both the interim and stand alone condition; and
 - d. Stamps by a licensed professional engineer for review and approval by the Department of Public Services and the Planning Authority;
5. The applicant shall provide evidence of fire safety compliance as required by the city's Fire Prevention Bureau for review and approval by that department;
 6. The applicant shall revise wastewater flow projections, coordinate with the Department of Public Services and Planning Authority to determine the necessity and status of the PWD pump station upgrades, and provide a contribution to facilitate improvements as required;
 7. Per the city's site plan standards, the temporary parking lot shown in the interim condition is permitted for a period of one year only, following which the applicant shall either proceed with the stand alone plans approved under this amendment, to be completed within three months of that time, or alternate plans as approved through the Master Development Plan and Level III development review;
 8. Prior to the issuance of a certificate of occupancy, the applicant shall provide a photometric plan in conformance with the city's Technical Manual for review and approval by the Planning Authority; and
 9. All relevant prior conditions relating to the approved site plan for the remainder of Phase I of the Forefront at Thompson's Point remain in effect until superseded by an approved alternative.

The approval is based on the submitted plans and findings related to subdivision and site plan review standards as contained in the Planning Board Report for application 2013-249, which is attached.

STANDARD CONDITIONS OF APPROVAL

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

1. **Sectional Subdivision Recording Plat** A revised sectional 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.
2. **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).

3. **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.
4. **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.
5. **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.
6. **Subdivision Plan Expiration** The subdivision approval is valid for up to three years from the date of Planning Board approval.
7. **Performance Guarantee and Inspection Fees** A performance guarantee covering the site improvements for Phase IA, an inspection fee payment of 2.0% of the guarantee amount, and seven (7) final sets of plans plus one final digital copy 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.
8. **Defect Guarantee** A defect guarantee, consisting of 10% of the performance guarantee, must be posted before the performance guarantee will be released.
9. **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.

10. **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.)
11. **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.
12. **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 the 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.

If there are any questions, please contact Nell Donaldson at (207) 874-8723.

Sincerely,



Carol Morissette, Chair
Portland Planning Board

Attachments:

1. Planning Board Report

Electronic Distribution:

cc: Jeff Levine, Director of Planning and Urban Development
Alexander Jaegerman, Planning Division Director
Barbara Barhydt, Development Review Services Manager
Philip DiPierro, Development Review Coordinator, Planning
Marge Schmuckal, Zoning Administrator, Inspections Division
Tammy Munson, Inspection Division Director
Jonathan Rioux, Inspections Division
Jeanie Bourke, Inspections Division
Lannie Dobson, Administration, Inspections Division
Brad Saucier, Administration, Inspections Division
Michael Bobinsky, Public Services Director
Katherine Earley, Engineering Services Manager, Public Services
Bill Clark, Project Engineer, Public Services

David Margolis-Pineo, Deputy City Engineer, Public Services
Doug Roncarati, Stormwater Coordinator, Public Services
Greg Vining, Associate Engineer, Public Services
Michelle Sweeney, Associate Engineer
John Low, Associate Engineer, Public Services
Matt Doughty, Field Inspection Coordinator, Public Services
Mike Farmer, Project Engineer, Public Services
Jane Ward, Administration, Public Services
Jeff Tarling, City Arborist, Public Services
Captain Chris Pirone, Fire Department
Thomas Errico, P.E., TY Lin Associates
David Senus, P.E., Woodard and Curran
Rick Blackburn, Assessor's Department
Approval Letter File



PLANNING BOARD REPORT

PORTLAND, MAINE

The Forefront at Thompson's Point, Portland, Maine
Thompson's Point, Portland, Maine
Level III Site Plan and Subdivision Amendments
2013-249

Thompson's Point Development Company, Inc., Applicant

Submitted to: Portland Planning Board Public Hearing Date: December 17, 2013 CBL: 201-A-5	Prepared by: Nell Donaldson, Planner Date: December 12, 2013 Planning Board Report Number: #59-13
---	---

1. Introduction

Thompson's Point Development Company, Inc. is requesting a public hearing to review amendments to the approved subdivision and Level III site plans for the Forefront at Thompson's Point. These amendments relate to Phase IA of the Thompson's Point project, consisting of the redevelopment of the existing Brick North building at the site's north end.

Thompson's Point consists of approximately 30 acres of land located adjacent to the Portland Transportation Center. The applicant's long-term plan for the Forefront at Thompson's Point involves a mixed-use development including an event center, hotel, sports medicine facility, parking structure, restaurant, two office buildings and accessory uses.

Notice was printed in the December 9 and 10, 2013 editions of the *Portland Press Herald*.

Applicant: Forefront Partners, I LP

Consultants: Stephen Bushey, FST, Inc; Owens McCullough, Sebago Technics, Survey; Bill Hopkins, Archetype

II. REQUIRED REVIEWS

<i>Review</i>	<i>Applicable Standards</i>
Subdivision, Sectional Recording	<i>Sections 14-497</i>
Site Plan	<i>Section 14-526</i>

III. PROJECT DATA

Existing Zoning	B-5 Urban Mixed-Use
Existing Use (Phase IA only)	Vacant
Proposed Use (Phase IA only)	Mixed-Use
Proposed Development Program	Office, shared studio, café, other
Parcel Size (Total)	27.56 ac.

	<i>Existing</i>	<i>Proposed</i>	<i>Net Change</i>
Building Footprint (Phase IA)	33,100 SF	33,100 SF	0 SF
Building Floor Area (Phase IA)	33,100 SF	33,100 SF	0 SF
Impervious Surface Area			320 SF (interim) -1.22 ac. (stand alone)
Parking Spaces (Phase IA)	Unmarked	>70 unmarked (Phase IA interim) 61 (Phase IA stand alone)	
Bicycle Parking Spaces	0	0	0
Estimated Cost of Project	\$2,600,000		

IV. BACKGROUND AND CURRENT REVIEW

The original subdivision and Level III site plan for Phase I of the Forefront at Thompson’s Point was approved on June 5, 2012. This plan included over 600,000 SF of non-garage building space dedicated to office, hotel, restaurant, mixed-use, and event center uses designed around a campus concept. In the spring of 2013, the proposed development program changed, and the applicant submitted reconfigured subdivision and site plans designed to, among other things, retain an existing rail-era brick building on the northeastern corner of the site, referred to as the “Brick North” building. The redevelopment of this building was proposed under Phase I of the amended plans. The amended subdivision and site plan, modified to include Brick North, were approved administratively on June 19, 2013 (*Plans 20 & 21*).

Today, with the negotiations to acquire the adjacent Suburban Propane and NNEPRA sites, the applicant’s long-term vision for the site has changed again. This necessitates a reassessment of the overall plan. Yet the demand to fill the “Brick North” building is pressing. Thus the applicant proposes to progress with Phase IA of the existing, approved subdivision and site plans, as amended under this application, while simultaneously advancing a new development program for the site in its entirety under a Master Development Plan application. The current amendments at issue here concern only the redevelopment of the “Brick North” building from the June 19, 2013 plans. It should be noted that no outside concert venue is being considered as part of these amendments.

It should be noted that while Forefront Partners works to obtain approvals for Phase IA and, subsequently, the Master Development Plan, off-site improvements associated with the EDA grant are being undertaken by the state. These improvements include work to enhance bicycle and pedestrian connections, vehicular access to the adjacent highway and street networks, and the surrounding streetscape.

The proposed amendment is subject to review both under the sectional recording provisions of the city’s subdivision ordinance (*Section 14-495(h)*) and under the site plan standards. Sectional recording will allow the applicant to proceed with development of Phase IA of the site and post a performance guarantee solely for the site improvements associated with this phase. Subsequent phases of the eventual subdivision, approved as part of the forthcoming Master Development Plan process, will involve further sectional recordings.

In addition to these reviews, it should be noted that the original subdivision was subject to review under the Site Location of Development Act, for which the city had delegated review. The project was also subject to the following state and federal permitting:

- U.S. Army Corps of Engineers General or Individual Permit (Wetland Impact)
- Natural Resources Protection Act (NRPA) Permit issued by MDEP
- MDOT Traffic Movement Permit (to be issued by MDOT)
- MDEP Air Emissions License

The applicant has indicated that coordination with respect to these permits is ongoing. This has been included as a condition of approval.

V. MASTER DEVELOPMENT PLAN

While this proposal concerns only the Brick North building, it is important to have an understanding of the project's direction as a whole. Forefront Partners I, LP has recently submitted an application for the new Master Development Plan, presented in an early form to the Planning with the recent B-5 zone amendments. This application encompasses the adjacent Suburban Propane and Northern New England Passenger Rail Authority (NNEPRA) sites, and as a product, re-envision the entire Thompson's Point development scheme. Many of the original programmatic elements remain the same. However, the physical design is markedly different.



The original Forefront at Thompson's Point plan included over 600,000 SF of non-garage square footage, comprised of institutional, office, restaurant, hotel, and garage uses, all as new development. All existing structures on site were to be demolished. The centerpiece of the scheme was a 70,000 SF event center and concert hall. The plans included significant open space, surface parking, a perimeter trail, and public access to a shoreline boat launch. The amended plans for the Forefront, approved in June of 2013, modified the plan to retain some of the existing buildings on site.

Figure 1: Master Development Plan, Forefront at Thompson's Point

In the Master Development Plan, much of this program remains. The applicant still envisions office, restaurant, educational/institutional, restaurant, hotel, and garage space. The Master Development Plan also includes live theater space in the renovated Barnstormers building, the Circus Conservatory of America in the renovated Brick South building, an 18,000 SF cultural center, and residential development. This development program, by incorporating a more diverse mix of uses, including residential, advances the concept of the site as a transit-oriented development, and proposes to renovate four of the existing rail structures.

With the negotiations to acquire the Suburban Propane and NNEPRA sites and the decision to retain several existing rail-era buildings on the site, the composition of the site has changed dramatically. The plans retain the trail surrounding the peninsula, but the plans shorten the ring road and now organize the development program around a stronger central core enclosed by the proposed event center and garage, a hotel and restaurant, the renovated Brick North building (to contain office, retail, and restaurant uses), the renovated Brick South building (to be occupied by the Circus Conservatory), the cultural center, and outdoor theater space/concert venue. Access from the Thompson's Point Connector road is retained, and additional pedestrian access is provided via a sky bridge from the Portland Transportation Center.

No action is being proposed on the Master Development Plan at this time.

VI. AMENDED PLANS

Forefront Partners proposes the adaptive reuse of the existing Brick North building as Phase IA of the Forefront at Thompson's Point. The applicant states that this "interim phasing" will allow them to move forward with renovation of the Brick North building as early as this winter. The plans include environmental remediation inside the existing building, renovation of the building to "enhance [the] existing external façade and provide finished mixed use commercial space such as office, café, studio, etc." (*Attachment A*). Under the interim plan for Phase IA, shown in Figure 3 and Plan 5, existing utilities, gravel, and pavement surrounding the building would remain as is. Some minor grading is proposed. Plans showing these minor site changes are included (*Attachment X*).

The applicant has stressed their intent to "develop the Brick North building as an integrated part of the overall Forefront at Thompson's Point Master Plan" (*Attachment B*) and thus to fully develop the site around the Brick North building in compliance with the city's subdivision and site plan standards following completion of the Master Development Plan and Level III review process. However, at staff's request, the applicant has also submitted a set of "stand alone" plans which show permanent site changes in accordance with city standards should the Master Development Plan and phased development not progress. The stand alone site plan is shown in Figure 5 and Plan 6.

With respect to the approved subdivision plan from June 2013, the amendments primarily affect three existing lots, Lot 1, Lot 12, and Lot 3, at the northeast corner of the Thompson's Point complex. Under the approved subdivision, Lot 1, housing the Brick North building, was to be redeveloped in much the same vein as is proposed in the amendments, as an office/mixed use building, with some minor modifications in the circulation pattern shown in the amended plans. Lot 12 was originally proposed to be developed as surface parking. Under the proposed amendments, the configuration of this parking has changed slightly. Lot 3 is shown as a developed parcel in the approved subdivision plan; in the amended plans, it is shown as a large grassed area under the stand alone condition. The approved plat is shown in Figure 2. The amended plans, showing the interim and stand alone conditions, are shown in Figures 3 and 5.

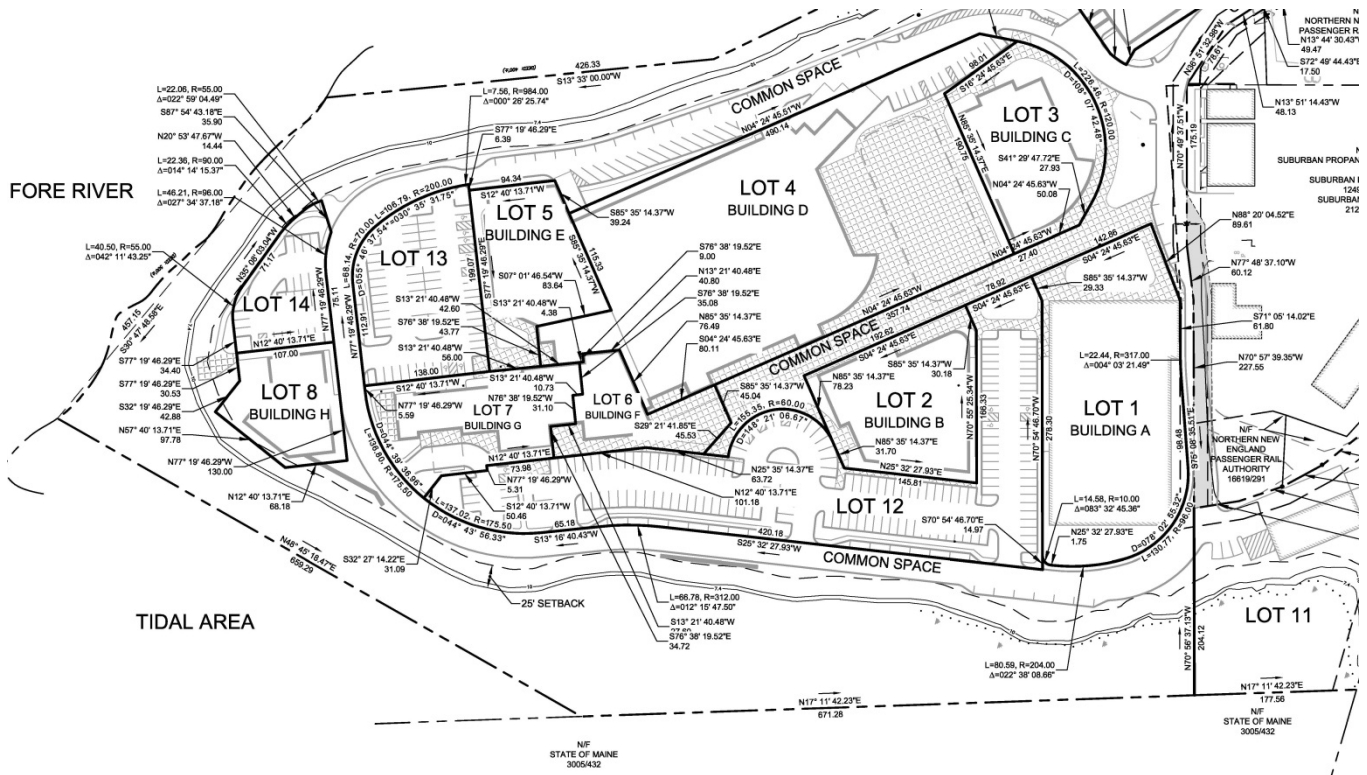
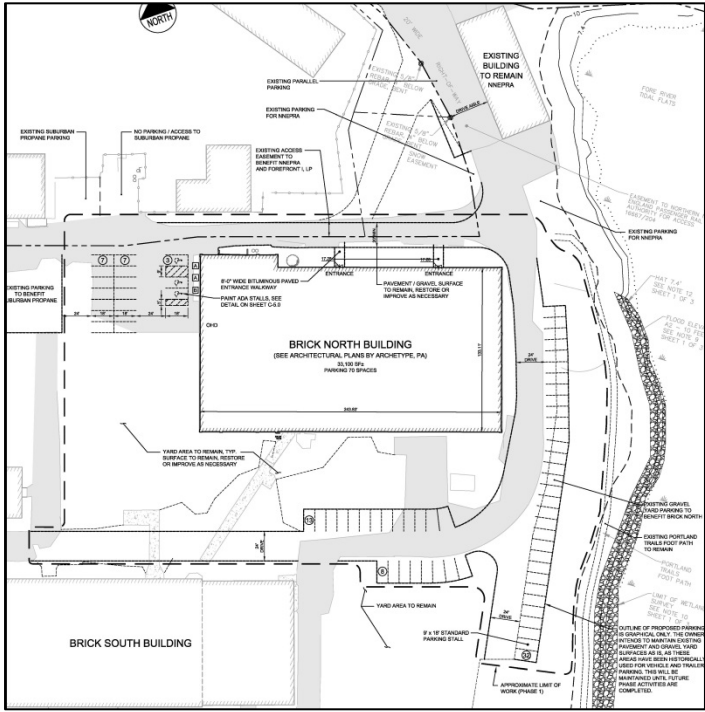
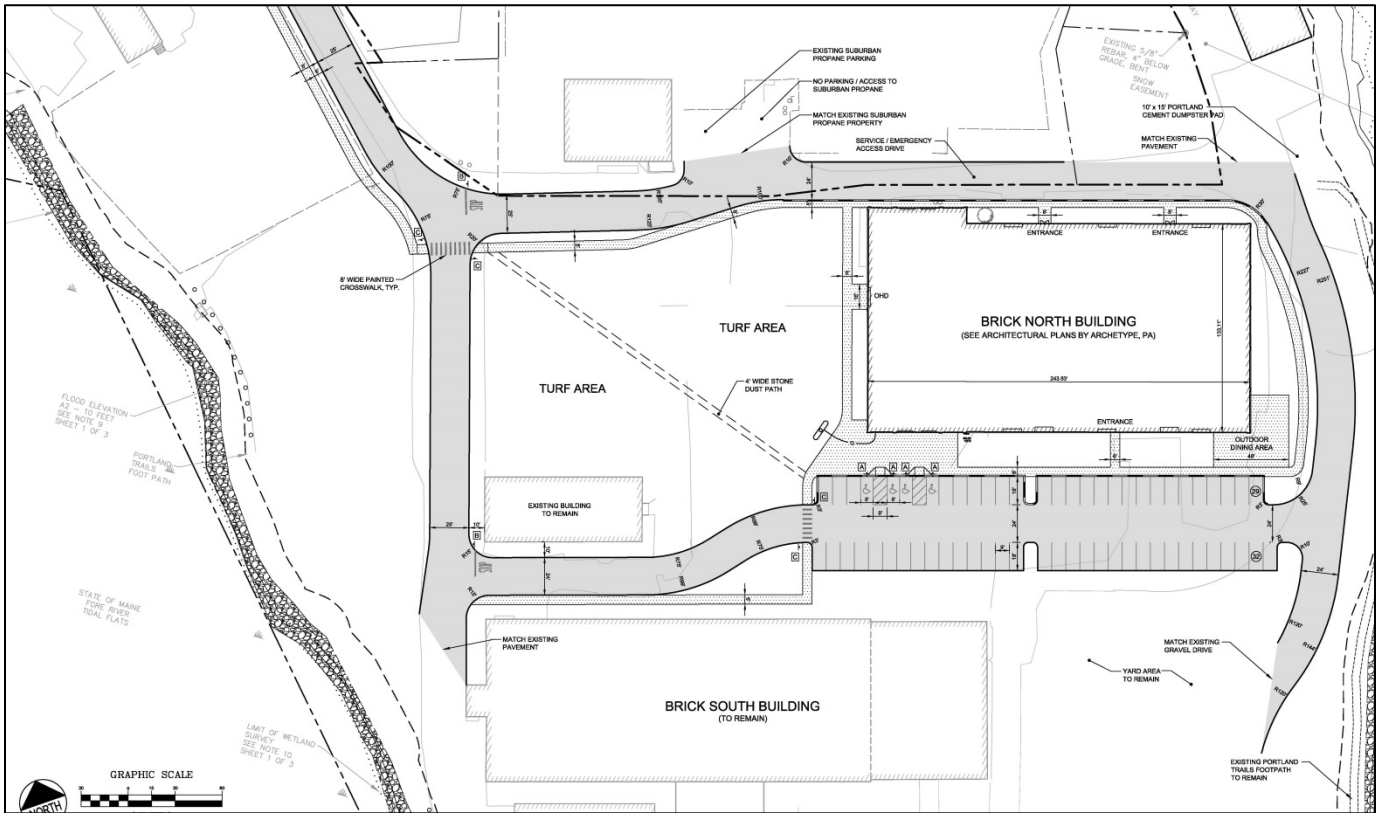
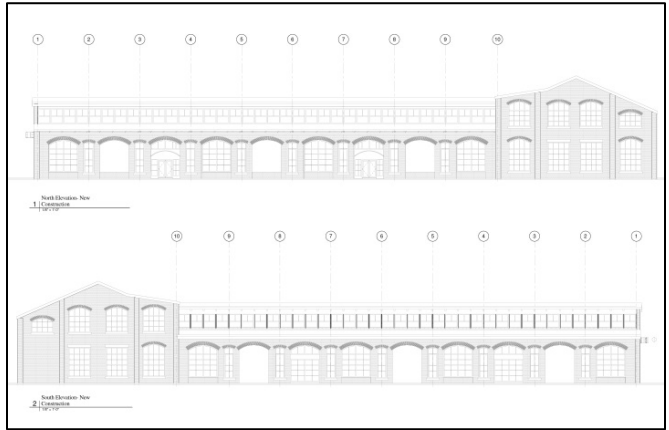


Figure 2: Subdivision plat, June 2013



Figures 3, 4, & 5 (from top left, clockwise): Phase IA interim site plan; proposed elevations of renovated Brick North building; Phase IA site plan under the “stand alone” condition



VII. PUBLIC COMMENT

As of the publication of this report, planning staff had not received public comment on the proposed amendments.

VIII. ZONING ANALYSIS

In her preliminary review, Marge Schmuckal, Zoning Administrator, requested floor plans and phasing timeframes (*Attachment 1*). She wrote,

I have looked at the most recent proposal and the Site layout & utility plan. Based upon the provided information, it appears that this first building to be rehabbed as part of phase I will meet the parking demand. It would be helpful to back up the submitted information with floor plans showing the uses and their floor area. I am not sure that detailed information was submitted concerning the proposed phases and their time frames. It would help to review that information.

All setbacks on the existing building are being met. I am expecting more information for further reviews.

Ann Machado, Zoning Specialist, has added the following (*Attachment 2*),

I have looked at the most recent submittals - revised 12/4/13 & uploaded to eplan on 12/9/13. The only thing that seems to have changed looking at the C-3.1 Site Layout Plan is the parking area. The plan is now showing 61 parking spaces provided which matches the 61 shown as required. Other than that I don't see anything else having changed from Marge's comments submitted on 11/27/13. She mentioned submitting floor plans showing the uses and their floor area to back up the submitted information. We have not received floor plans yet.

The submittal of more detailed floor plans has been suggested as a condition of approval.

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

The applicant has generally met submission requirements for an amended site plan application. However, a subdivision plat has yet to be submitted.

X. SUBDIVISION REVIEW (14-497(a). Review Criteria; 14-198. Technical and Design Standards; & 14-499. Required Improvements)

The proposed amendments have been reviewed by staff for conformance with the relevant review standards of the City of Portland's subdivision ordinance. Since a plat has not been provided, a condition of approval is suggested which requires that the applicant submit a sectional recording plat, to be signed by the Planning Board, for review and approval by Corporation Counsel, the Department of Public Services, and the Planning Authority. As part of this process, the applicant will be required to depict the location of the permanent Phase IA improvements; easement areas associated with the site access road east of the Brick North building on Suburban Propane property; an easement for city vehicle access and turning (as required per prior approvals); notes regarding conditions of public access to the roads, waterfront, and pathways on the site; and notes regarding site work to be completed under future phases of development. Note that all prior conditions of approval related to the subdivision review for the overall approved subdivision shall remain until superseded by the Master Development Plan and, subsequently, a new subdivision approval.

The applicant provided a draft Declaration of Easements, Covenants, and Restrictions as part of their original subdivision approval. As a condition of the sectional recording, any relevant portions of this document specific to Phase IA shall be provided for review and approval by Corporation Counsel. This has been included as a condition of approval.

Staff subdivision review comments are as follows.

1. Will not result in undue air & water pollution

The Phase IA amendments are not anticipated to cause any undue air or water pollution in and of themselves; nor are the amendments expected to change the air or water quality impacts of the approved subdivision.

2 & 3. Has sufficient water available for the reasonably foreseeable needs of the subdivision and will not cause unreasonable burden on an existing water supply

Utility capacity letters were provided under the original subdivision review in June of 2012. These still stand.

4. Will not cause unreasonable soil erosion or reduction in the capacity of the land to hold water so that a dangerous or unhealthy condition may result

The Phase IA amendments do not represent a major change from the approved subdivision plans in terms of anticipated soil erosion impacts.

5. Will not cause unreasonable highway or public road congestion or unsafe conditions with respect to use of the highway or public roads existing or proposed

It should be noted that the approved subdivision plans for the full buildout are subject to MDOT Traffic Movement Permit regulations, which were originally handled by the state. The amendments to Phase IA are well within the parameters of that approval are not anticipated to cause congestion or unsafe conditions in and of themselves, or to affect existing assessments related to trip generation or traffic conditions for the approved subdivision plan.

6. Will provide for adequate sanitary waste and storm water disposal and will not cause an unreasonable burden on municipal services if they are utilized

The approved subdivision plat from June 2013 includes new sanitary and stormwater systems encompassing the entire Thompson's Point site. Under the amendments to Phase IA, the applicant is proposing to rely largely on existing utility service, including existing sanitary services through a Portland Water District pump station located on site. Under both the interim and the permanent conditions, the applicant proposes to tie sanitary sewer service into an existing 10" sewer main adjacent to the "Brick South" building. As noted above, as part of the subdivision approval, verification of capacity from PWD was required. David Margolis-Pineo, of the city's Department of Public Services, has provided comments on sanitary sewer infrastructure (*Attachment 6*). These are discussed in detail under site plan review.

Similarly, the applicant has provided interim and stand alone grading plans which rely on existing stormwater infrastructure and thus represent a significant departure from the approved stormwater management plan for the subdivision as a whole. The Phase IA plans show roof and under drains connecting into the existing storm drain system south of the Brick North building. No treatment is proposed in the interim or permanent plan; however the permanent plan shows removal of impervious surface area for a grassed area. David Senus, consulting civil engineer, has provided comments on the stormwater plans and included a discussion of their relationship to the subdivision's existing Site Location of Development permit, which is contingent upon a full stormwater management system (*Attachment X*). He writes,

The existing approval issued by the City for the overall Thompsons Point project included approval for Site Location of Development (Site Law) under the City's delegated review authority. The interim plan and the "Stand Alone" plan do not address Stormwater Management Law under Site Law. Given the anticipated interim nature of the site plans, and given that a stormwater management approach to address Site Law would require comprehensive modeling, design, and interconnected infrastructure with areas of the site that will not be improved in this interim period, it is understandable that the applicant does not propose significant stormwater infrastructure modifications in this interim period. I understand that the City will add a

condition requiring future conformance with Stormwater Management Law as it relates to Site Law or require that the applicant request removing the project site from Site Law if no other work advances on the site within a defined period of time.

The applicant has provided a response to this comment requesting that stormwater treatment measures in accordance with the SLOD permit be included as a condition of subdivision approval. A note has been added to grading and drainage plan and a condition of approval has been suggested in this regard.

7. Will not cause an unreasonable burden on the ability of the city to dispose of solid waste and sewage if municipal services are to be utilized;

The amendments to Phase IA do not represent a significant change from the original subdivision plan regarding solid waste, which is proposed to be privately handled and disposed.

8. Will not have an undue adverse effect on the scenic or natural beauty of the area, aesthetics, historic sites, significant wildlife habitat identified by the department of inland fisheries and wildlife or by the city, or rare and irreplaceable natural areas or any public rights for physical or visual access to the shoreline

The Phase IA amendments are not anticipated to affect original assessments related to historic sites, significant wildlife habitat, or irreplaceable natural areas, as all identified resources of these types exist on other parts of the Thompson's Point site.

The Phase IA amendments include some modification to the approved subdivision plan regarding landscaping. The applicant has provided an interim plan for Phase IA which includes very little landscaping. The stand alone plan includes a variety of plantings. Jeff Tarling, the city's arborist, has indicated his general approval of the landscaping treatment proposed in the stand alone plans (*Attachment 4*). Detailed comments relating to the landscaping standards of the site plan ordinance are discussed below.

9. Is in conformance with the land development plan or its successor

The proposed amendments are not anticipated to affect the original assessment regarding the subdivision's conformance with the land development plan.

10. The subdivider has adequate financial and technical capacity to meet the standards of this section;

The applicant has provided evidence of financial and technical capacity as part of the June 2012 approval process. These still stand.

11. Will not adversely affect the quality of adjacent water bodies

The amended plans are not anticipated to affect original assessments regarding impacts to adjacent water bodies.

12. Will not, alone or in conjunction with existing activities, adversely affect the quality or quantity of groundwater

No adverse impacts to groundwater are anticipated as a result of the proposed amendments.

13. Is or is not in a flood-prone area, based on the Federal Emergency Management Agency's Flood Boundary and Floodway Maps and Flood Insurance Rate Maps

The perimeter of the overall site is located within a flood plain. The plans for Phase IA show a finished floor elevation of 16.78. A determination by the zoning administrator regarding this elevation will be required at the time of building permit.

14. All potential wetlands within the proposed subdivision shall be identified on any maps.

The amendments do not pose any changes with respect to the original wetland delineations.

15. Any river, stream or brook within or abutting the proposed subdivision shall be identified on any map.

The amendments do not pose any changes with respect to the delineation of water features.

14-498 Technical and Design Standards & 14-499 Required Improvements

The stand alone plans for Phase IA do not comply with several of the city's technical standards and required improvements for subdivisions, including requirements for underground electric. These required improvements are included on the approved subdivision plat and will be noted on the subdivision plat as a condition of future phases of development.

XI. 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 outlined below.

I. Transportation Standards

a. Impact on Surrounding Street Systems

The Phase IA site plan amendments, which include no major changes to the development program for the Brick North building, are not anticipated to negatively impact surrounding street systems under either the interim or the stand alone condition.

b. Access and Circulation

Under Phase IA, the applicant proposes to access the Brick North building via the existing Thompson's Point Connector Road, which, as noted previously, is currently being improved as a product of the EDA grant process associated with the approved subdivision plan. In the interim condition, cars and pedestrians would not have separated access to the Brick North building, and vehicular access would be via the existing yard, some of which is currently unpaved. No changes in the existing paving are proposed. Tom Errico, consulting traffic engineer, has commented on the amended plans (*Attachment 3*). He writes of circulation under this interim condition,

The interim plan should meet all ADA accessibility requirements for access to the building. The applicant shall confirm that the site is compliant.

It is my understanding that pavement markings will only be provided to delineate the handicapped parking spaces. Given site conditions and the interim nature of the project, I find conditions to be acceptable. I would note that adequate circulation space (as defined by the Fire Department) shall be provided for emergency vehicle access and the project should include conditions that ensure adequate space is provided.

A condition of approval has been suggested to address these comments.

Under the stand alone condition, a 6' wide sidewalk would be provided on the northerly side of the connector road to provide direct access to and around the building. As the road is proposed as private in this area, the proposed sidewalk arrangement, with sidewalks on one side only, has been deemed acceptable as shown. It should be noted that portions of the circulation road surrounding the Brick North building would be located on the adjacent Suburban Propane properties. The applicant has negotiated the transfer of the Suburban Propane properties. A condition of approval has been included requesting documentation supporting the use of this road prior to the issuance of a certificate of occupancy.

Regarding the connector road, Mr. Errico writes,

A crosswalk shall be added at the first intersection entering the site under the stand alone plan.

In addition, there has been some discussion of taxi queuing areas, which were discussed as part of the approved subdivision plat. These queuing areas are made necessary as a product of the EDA grant work being completed on

the Thompson's Point Connector Road; as a result of that work, the existing taxi queuing area near the bus station will be eliminated. John Peverada, the city's parking manager, has requested that the applicant consider a taxi queuing area. Chris Thompson has indicated that they are working with the City and EDA to address this need as the street improvements for the Thompson's Point Connector road get underway.

c. Public Transit Access

Phase IA alone does not meet the site plan threshold for requiring public transit access on site. However, public transit improvements from the approved site plan will be required under future phases of development.

d. Parking

Under the interim Phase IA plan, the applicant proposes to provide roughly 70 unmarked parking spaces on the existing gravel yard surrounding the building. Three new ADA stalls would be provided in an existing paved area at the northwest corner of the building. Access to the building entrances via a paved route, contiguous with the existing roadway, is proposed. Under the city's site plan ordinance, temporary gravel parking lots of this kind are permitted for a period of up to one year (*Section 14-526(a)4(v)*).

Under the stand alone condition, the gravel parking spaces become more concrete, with 61 spaces provided in a paved parking area on the building's west side. As noted above, the design of these spaces generally mirrors the approved subdivision plat, with minor modifications related to quantity and configuration.

Per *Section 14-332.1(g)*, no off-street parking is technically required in the B-5 zone. However, parking was required in the approved plans based on the development's overall floor area and estimates of parking demand. The applicant has provided a parking summary based on uses and floor area as a means of rationalizing the parking proposed under Phase IA. This parking has been deemed acceptable by the zoning administrator. Mr. Errico further writes,

I have reviewed the parking demand and supply analysis and I find conditions to be acceptable under both interim and stand alone plan conditions.

The applicant does not show bike parking under either the interim or permanent Phase IA condition. Of this, Mr. Errico notes,

Bicycle parking shall be provided for both interim and stand alone plan conditions.

Bike parking has been included as a condition of approval.

e. Transportation Demand Management (TDM)

A TDM plan is required as part of the approved overall site plan and will be required under future phases. However, Phase IA is not of sufficient size to trigger the TDM standard.

2. Environmental Quality Standards

a. Preservation of Significant Natural Features

The proposed Phase IA development is not anticipated to affect any of the identified habitat areas or significant natural features.

b. Landscaping and Landscape Preservation

As noted above, there is very little existing landscaping on the Phase IA site, and no landscaping is proposed under the interim Phase IA condition. Under the stand alone plan, significant landscaping is proposed. Jeff Tarling, the City Arborist, has indicated his approval of the plans.

The applicant has indicated that an exterior trash enclosure will be provided for the interim and stand alone Phase IA conditions. This enclosure will require landscaping and details. This has been included as a condition of approval.

c. Water Quality, Stormwater Management and Erosion Control

As noted above, the applicant's Phase IA plans do not reflect the stormwater management plan associated with the full buildout of the site. No significant treatment is proposed. David Senus, consulting civil engineer, has indicated his general approval of the stormwater plans for this interim period. However, he has noted that, should the applicant proceed with the stand alone plans, a stormwater management plan meeting the standards of the city's site plan ordinance and/or site law would be required. A condition of approval has been included under subdivision review.

3. Public Infrastructure and Community Safety Standards.

a. Consistency with City Master Plans:

The amended plans for Phase IA are deemed consistent with master plans.

b. Public Safety and Fire Prevention

The applicant has provided fire safety compliance plans for both the interim and the stand alone condition. A review by a certified Fire Protection Engineer is suggested as a condition of approval.

c. Availability and Adequate Capacity of Public Utilities

As noted above, the Phase IA development will rely on existing domestic water service and a short section of underground electric from an existing pole adjacent to the Brick South building. A new sanitary sewer connection to the existing sanitary system is proposed. Under the stand alone condition, a 1,000 gallon grease trap is also planned. David Margolis-Pineo, of the city's Department of Public Service, whose comments are included as *Attachment 6*, writes,

It has been determined that the existing pump station at Thompson's Point does have adequate pumping capacity to handle the proposed future wastewater needs as presented by the applicant. However, due to the small size of the existing pump station wet well, the District would like to evaluate the possible use of a variable frequency drives (VFD's) to eliminate frequent starts and stops. Since it is not expected that the District will make this evaluation before possible Planning Board approval, therefore it is requested that \$10,000 be placed in escrow to facilitate this change if required after full project build-out. If it is deemed unnecessary, the money will be returned to the applicant. The applicant is requested to revise the wastewater flow projection for this project.

The applicant has reviewed this comment and indicated that they are working with city officials to determine the status of these improvements. A condition of approval has been proposed.

4. Site Design Standards

a. Massing, Ventilation and Wind Impact

No adverse impacts associated with massing or ventilation or wind impact are anticipated under the Phase IA amendments.

b. Shadows

There are no anticipated shadow impacts to publicly accessible open spaces under the Phase IA amendments.

c. Snow and Ice Loading

No snow impacts to adjacent properties are anticipated.

d. View Corridors

The Phase IA site does not lie on a public view corridor.

e. Historic Resources

The Phase IA amendments will not have a detrimental impact on historic resources.

f. Exterior Lighting

No lighting is proposed under the interim Phase IA condition. Cut sheets and a lighting plan have been provided for the stand alone condition. Under these plans, access drive and parking lot lighting is proposed. Cut sheets show full cutoff fixtures, but no photometric plans have been provided. This has been included as a condition of approval.

g. Noise and Vibration

Mechanical equipment will be reviewed with building permits.

h. Signage and Wayfinding

Signage is depicted on the site plan for the stand alone condition. This signage is generally deemed acceptable.

i. Zoning Related Design Standards

As Phase IA is an adaptive reuse project in an existing building, the B-5 design standards do not apply.

XII. STAFF RECOMMENDATION

Subject to the proposed motions and conditions of approval listed below, Planning Division staff recommends that the Planning Board approve the proposed subdivision and site plan amendments for Phase IA of the Forefront at Thompson’s Point

XIII. PROPOSED MOTIONS

A. SUBDIVISION – SECTIONAL RECORDING

On the basis of the application, plans, reports and other information submitted by the applicant; findings and recommendations contained in Planning Board Report #59-13 for application 2013-249 relevant to the subdivision regulations; and the testimony presented at the Planning Board hearing, the Planning Board finds that the amended 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 release of recording plat, unless otherwise stated:

1. The sectional subdivision plat, for Planning Board signatures, shall be finalized for review and approval by the Planning Authority, Department of Public Services, and Corporation Counsel. The plat shall reflect the amended Phase IA site plan and work to be completed as part of the required off-site improvements, and shall include:
 - a. All relevant easements, including delineation of the turnaround for city use;
 - b. Proposed public rights-of-way;

- c. Notes pertaining to conditions of public access to the site; and
 - d. Notes regarding work to be completed under future phases as conditions of prior subdivision approval;
2. Prior to the issuance of certificates of occupancy, the applicant shall provide a revised Declaration of Easements, Covenants and Restrictions document for review and approval by Corporation Counsel; and
 3. Prior to the issuance of any certificates of occupancy, the applicant shall provide evidence of easements for or rights to use:
 - a. Portions of the access road north of the Brick North building which lie on the adjacent property
 - b. Turn-around to be used by Department of Public Services vehicles for access and snow removal when maintaining the Sewell Street extension, as conditioned in prior approvals.
 4. The amended plans do not address stormwater management provisions of the Site Location of Development Law. Following a period of one year after certificate of occupancy for the interim Phase IA, the applicant shall either proceed with the stand alone plans and provide stormwater quality treatment in accordance with the existing site law permit or proceed with plans for an approved alternative and modify the existing SLOD permit as required.
 5. All conditions from prior approvals regarding the subdivision in its entirety continue to apply until superseded by an approved alternative.

B. DEVELOPMENT REVIEW

On the basis of the application, plans, reports and other information submitted by the applicant; findings and recommendations contained in Planning Board Report #59-13 for application 2013-249 relevant to the site plan regulations; and the testimony presented at the Planning Board hearing, the Planning Board finds that the amended site 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 provide evidence that the amendments have been coordinated with other regulatory authorities for compliance with other existing permits on the site;
2. The applicant shall provide floor plans showing uses and floor areas for review and approval by the zoning administrator;
3. The applicant shall confirm that the interim Phase IA plan meets ADA accessibility requirements;
4. The applicant shall revise the site plan to include:
 - a. A crosswalk in the specified location under the stand alone condition;
 - b. Bicycle parking in quantities as required by the site plan ordinance;
 - c. Trash and recycling facilities including screening, as required
 for review and approval by the Department of Public Services and the Planning Authority;
5. The applicant shall provide evidence of fire safety compliance as required by the city's Fire Prevention Bureau for review and approval by that department;
6. The applicant shall revise wastewater flow projections and work with the Department of Public Services and Planning Authority to determine the need for PWD pump station upgrades in coordination with the off-site improvements funded through the EDA grant;

7. Final plans shall be stamped by a licensed professional engineer, for review and approval by the city’s Planning Authority;
8. Per the city’s site plan standards, the temporary parking lot shown in the interim condition is permitted for a period of one year only, following which the applicant shall either proceed with the stand alone plans approved under this amendment, to be completed within three months of that time, or alternate plans as approved through the Master Development Plan and Level III development review;
9. Prior to the issuance of a certificate of occupancy, the applicant shall provide a photometric plan in conformance with the city’s Technical Manual for review and approval by the Planning Authority; and
10. All relevant prior conditions relating to the approved site plan for the remainder of Phase I of the Forefront at Thompson’s Point remain in effect until superseded by an approved alternative.

XIV. ATTACHMENTS

PLANNING BOARD REPORT ATTACHMENTS

1. Zoning Administrator review (memo from Marge Schmuckal, 12/2/13)
2. Zoning Specialist review (memo from Ann Machado, 12/10/13)
3. Traffic Engineer review (memo from Thomas Errico, 12/11/13)
4. City Arborist review (memo from Jeff Tarling, 12/12/13)
5. Civil Engineer review (memos from David Senus, 12/12/13)
6. Department of Public Services review (memo from David Margolis-Pineo, 12/10/13)

APPLICANT’S SUBMITTALS

- A. Cover Letter (from Steve Bushey, FST, 11/5/13)
- B. Amended Site Plan and Subdivision Application
- C. Cover Letter (from Steve Bushey, FST, 12/5/13)
- D. Lighting cut sheets
- E. Cover Letter (from Steve Bushey, FST, 12/12/13)

C. PLANS

- Plan 1 Cover Sheet
- Plan 2 Existing Conditions, Demolition, and Removals Plan
- Plan 3 Stand Alone Brick North Existing Conditions
- Plan 4 Stand Alone Brick North Demolition and Removals Plan
- Plan 5 Site Layout and Utility Plan
- Plan 6 Stand Alone Brick North Site Layout Plan
- Plan 7 Stand Alone Brick North Utility Plan
- Plan 8 Grading, Drainage, and Erosion Control Plan
- Plan 9 Stand Alone Brick North Grading and Drainage Plan
- Plan 10 Stand Alone Brick North Erosion Control Plan
- Plan 11 Details
- Plan 12 Fire Safety Compliance Plan
- Plan 13 Stand Alone Brick North Landscape & Lighting Plan
- Plan 14 First Floor Plan
- Plan 15 Building Elevations
- Plan 16 Building Elevations
- Plan 17 Building Section & Window Types
- Plan 18 Interior Partitions
- Plan 19 Demolition Plan

- Plan 20 Amended Subdivision Plat, 5/10/13
- Plan 21 Amended Overall Site Plan, 5/6/13
- Plan 22 Site Layout Plan – East, 5/6/13
- Plan 23 Grading Plan – East, 5/10/13
- Plan 24 Stormwater Management Plan – East, 5/10/13
- Plan 25 Utility Plan – East, 5/14/13
- Plan 26 Landscape Plan – East, 5/6/13