

9. Fire

The Fire Department has reviewed the submitted proposal and approves it without conditions. See Attachment #19.

10. City Infrastructure

The applicant is contributing \$22,700 toward public improvements along Brighton Avenue. The improvements include street lights, street trees and a traffic island. The proposal is consistent with of-premise infrastructure improvements planned for the area.

11. Neighborhood Meeting

The applicant held a neighborhood meeting on Tuesday, January 16th, 2007 at 6:00 pm. Meeting minutes and the attendance sheet is included as Attachment #22.

12. Signage

The applicant has submitted a signage plan that is included as Attachment #21. A description of the signs is also found in this report under the B-2 Conditional Use Review, section IV. The applicant has revised their signage plan significantly and has created a plan that is more compatible with the adjoining residential area and which meets the standards for signs in the Site Plan Ordinance, Sec. 14-526 (22). Marge Schmuckal reviewed the revised plan and her comments are as follows:

The new signage plan meets the requirements of the B-2 single tenant lot requirements. Please note that separate sign permits shall be required. The PB does not substitute for the actual permit process. But what is recently shown can be approved.

VII. FINANCIAL AND TECHNICAL CAPABILITY/RIGHT, TITLE AND INTEREST

Documentation has been submitted and included in Attachment #12.

VIII. MOTIONS FOR THE BOARD TO CONSIDER

Conditional Use:

On the basis of the application, plans, reports and other information submitted by the applicant, staff comments and recommendations contained in Planning Report #13-07 relevant to Portland's Conditional Use Standards, and the testimony presented at the Planning Board hearing:

1. The Planning Board finds the proposed conditional use for a drive-through at the University Credit Union site at 1071 Brighton Avenue (does/does not) meet the standards of Section 14-474 and the standards of Section 14-183.

Site Plan:

On the basis of plans submitted by the applicant, the information contained in Planning Report #05-07 relevant to standards for site plan regulations, and the testimony presented at the Planning Board hearing, the Planning Board finds:

2. That the plan (is/is not) in conformance with the Site Plan Standards of the Land Use Code , subject to the following conditions:
 - i. The infrastructure contribution of \$22,700 for the Brighton Avenue Street improvements shall be submitted prior to the issuance of a building permit.
 - ii. The proposed signs meet the B-2 zone and the site plan standard for signs, Sec. 14-525 (22); however, separate sign permits must be obtained from the Inspections Division prior to installation.
 - iii. The applicant shall submit sewer and water capacity letters prior to the issuance of a building permit.

Attachments:

1. Application Dated: 11.06.2006
 - a) Site Plan and Conditional Use Application
 - b) Copy of Deed
 - c) Vicinity Map
 - d) Traffic Analysis Dated 08.15.2006
 - e) Stormwater Management
 - f) Lighting Catalogue Cuts
2. Revised Site Plans Dated 08.15.2006
 - a) Cover Sheet
 - b) Existing Conditions Plan
 - c) Site Plan
 - d) Grading & Utilities Plan
 - e) Landscaping Plan
 - f) Lighting Plan
 - g) Details
 - h) Details
 - i) A1.1- Floor Plan
 - j) A2.1- South Elevation
 - k) A2.2- West and Drive Up Elevations
 - l) A2.3- East Elevation
 - m) A2.4- North and Monument Sign Elevations
3. Photographs of the Site & Surrounding Neighborhood
4. Letter from Planner, Shukria Wiar Dated 11.14.2006
5. Correspondence from Applicant Dated 12.12.2006
6. Pedestrian Traffic Information Requested Dated 01.30.2007
7. Narrative on Building Design Standards Dated 01.19.2007
8. Narrative on Drive-thru Conditional Use
9. Audio System Sound Specification
10. Catalog Cut of 'Vacuum Air Tube 23'
11. Removal of Construction Solid Water

- 12. Financial Capacity Letters
 - a) University Credit Union Dated 11.16.2006
 - b) Tricorp Federal Credit Union Dated 11.20.2006
- 13. B-2 Design Guidelines
 - a) Zoning Ordinance
 - b) Technical and Design Standards and Guidelines
- 14. Carrie Marsh
 - a) Memorandum Dated 02.23.2007
 - b) Memorandum Dated 12.27.2006
- 15. Dan Goyette Memo
 - a) Memorandum Dated 12.20.2006
 - b) Memorandum Dated 11.16.2006
- 16. Michael Farmer
 - a) Memorandum Dated 01.03.2007
 - b) Memorandum/Comments Dated 01.03.2007
- 17. Jeff Tarling
 - a) Memorandum Dated 01.05.2007
 - b) Memorandum Dated 11.17.2006
- 18. Marge Schmuckal Memo
 - a) Memorandum Dated 02.06.2007
 - b) Memorandum Dated 12.14.2006
 - c) Memorandum Dated 11.09.2006
- 19. Captain Greg Cass Memorandum Dated 12.27.2006
- 20. Jim Carmody memorandum Dated 02.09.2007
- 21. Revised Signage Plan and Elevations Dated 03.06.2007
- 22. Neighborhood Meeting Minutes Dated 01.06.2007

CITY OF PORTLAND, MAINE

PLANNING BOARD

Michael Patterson, Chair
Janice E. Tevanian, Vice Chair
Kevin Beal
Bill Hall
Lee Lowry III
Shalom Odokara
David Silk

April 24, 2007

Mr. Robert Metcalf
Mitchell and Associates
70 Center Street
Portland, ME 04101

RE: Bayside Medical Office Building; Capital, LLC. (Applicant); 84 Marginal Way
CBL#034A-B-001; #2007-0023

Dear Mr. Metcalf:

On March 27, 2007 the Portland Planning Board considered the conditional use and site plan application for an office building and parking garage, at 84 Marginal Way, proposed by Capital, LLC. The application is a revision to a site plan originally approved by the Planning Board on January 9, 2007. On the basis of the application, plans, reports and other information submitted by the applicant, staff comments and recommendations contained in Planning Report #14-07, the conditional use and site plan regulations and other applicable regulations, and the testimony presented at the Planning Board hearing the Planning Board found the following:

1. The Planning Board voted 5-0 (Lowry and Silk absent) that the plan was in conformance with the B-7 conditional use parking garage standards of the land use code.
2. The Planning Board voted 5-0 (Lowry and Silk absent) that the plan was in conformance with the B-7 conditional use height standards of the land use code for a proposed building height of 135 ft.
3. The Planning Board voted 5-0 (Lowry and Silk absent) that the plan was in conformance with the standards of a traffic movement permit, subject to the following condition of approval.
 - i. The issuance of the traffic movement permit is granted with all of the standard conditions of approval for the same dictated by MDOT. In addition, the applicant for three (3) years after 80% occupancy of the building, shall monitor the left hand turn off of Preble Street into the parking garage, to ensure ongoing pedestrian and vehicular safety. The applicant shall be responsible for addressing and making any changes through additional signage, signaling, lighting, or other improvements, etc. to address and mitigate any concerns as identified by the City Traffic Engineer.

4. The Planning Board voted 5-0 (Lowry and Silk absent) that the plan was in conformance with standards of the site plan standards of the land use code, subject to the following conditions of approval. Note that all of the conditions of approval (i to vii) shall be addressed prior to the issuance of a building permit except for the review of signage under condition ii.
 - i. That the Applicant shall meet the recommendations contained in Tom Errico's (Traffic Review Consultant) memo dated 3-23-07 including a contribution of \$14,000 towards implementation of identified improvements for the Franklin Street Arterial and Marginal Way intersection and an additional \$30,000 contribution to the proposed extension of Somerset Street extension between Preble/Elm Streets and Forest Avenue.
 - ii. That the Applicant shall submit for Planning Staff review and approval the design items summarized on page 4 of Carrie Marsh's (Urban Designer) memo dated 12-27-06 including review and approval of a signage master plan for the building. In addition the Applicant shall submit a glass sample with an appropriate level of transparency and tint for review and approval.
 - iii. That a complete site lighting plan including the parking garage shall be submitted for Planning Staff review and approval. The lighting plan for the Preble Street underpass shall also be submitted for review and approval.
 - iv. That the Applicant shall apply for and receive City approval for a license permitting portions of the planter, ramp and awning to be located within a public right-of-way.
 - v. That a revised site plan delineating the property line along Marginal Way and Preble Street and information confirming the building height, shall be reviewed and approved by the Zoning Administrator.
 - vi. That public easements including the pedestrian easement shall be submitted for City staff review and approval.
 - vii. That the parking management plan shall be revised for review and approval reflecting the comments of Tom Errico (Traffic Review Consultant) memo dated 3-23-07.

The approval is based on the submitted site plan and the findings related to site plan and conditional use review standard as contained in Planning Report #14-07. The approval adds a 10th floor to the office building resulting in a total floor area of 105,000 sq. ft., and an additional 47 spaces in the parking garage resulting in a total of 506 spaces. The parking garage will also include 4,600 sq. ft. of first floor retail space.

Please note the following provisions and requirements for all site plan approvals:

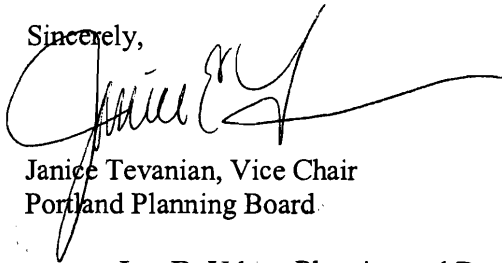
1. Where submission drawings are available in electronic form, the applicant shall submit any available electronic Autocad files (*.dwg), release 14 or greater, with seven (7) sets of the final plans.

2. A performance guarantee covering the site improvements as well as an inspection fee payment of 2.0% of the guarantee amount and 7 final sets of plans must be submitted to and approved by the Planning Division and Public Works prior to the release of the building permit. If you need to make any modifications to the approved site plan, you must submit a revised site plan for staff review and approval.
3. The site plan approval will be deemed to have expired unless work in the development has commenced within one (1) year of the approval or within a time period agreed upon in writing by the City and the applicant. Requests to extend approvals must be received before the expiration date.
4. A defect guarantee, consisting of 10% of the performance guarantee, must be posted before the performance guarantee will be released.
5. Prior to construction, a pre-construction meeting shall be held at the project site with the contractor, development review coordinator, Public Work's representative and owner to review the construction schedule and critical aspects of the site work. At that time, 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.
6. 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.)

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. Please make allowances for completion of site plan requirements determined to be incomplete or defective during the inspection. This is essential as 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 Richard Knowland at 874-8725.

Sincerely,



Janice Tevanian, Vice Chair
Portland Planning Board

cc: Lee D. Urban, Planning and Development Department Director
Alexander Jaegerman, Planning Division Director
Barbara Barhydt, Development Review Services Manager
Richard Knowland, Senior Planner
Development Review Coordinator
Marge Schmuckal, Zoning Administrator
Michael Bobinsky, Public Works Director
Jeanie Bourke, Inspections Division

Kathi Earley, Public Works
Bill Clark, Public Works
Jim Carmody, Transportation Manager
Jeff Tarling, City Arborist
Penny Littell, Associate Corporation Counsel
Captain Greg Cass, Fire Prevention
Assessor's Office
Approval Letter File
James Hanley, Capital LLC., 50 Portland Pier, Suite 300, Portland, ME 04101

Attachment

Tom Errico's Final Comments

Tom Errico's Final Comments

The following presents Final comments dated January 5, 2007 and the status as it relates to the revised development plan. Other new comments have also been added. The conclusions are based upon the revised Traffic Impact Study prepared by Gorrill-Palmer Consulting Engineers, Inc. dated February 2007.

I would note that I have reviewed the revised trip generation and distribution and do not recommend any changes to the traffic impact report study area. The City recognizes that the full implementation of the Marginal Way Master Plan will be conducted in phases and as such is supportive of the construction of a short-term or initial implementation program. In respect to the 84 Marginal Way project, a key element of the short-term implementation plan is the provision of two left-turn movements (one from a dedicated left-turn lane and one from a shared left/through lane) from Preble Street Extension onto eastbound Marginal Way. This short-term action allows for a roadway cross-section on Preble Street Extension that is consistent with the full-build Master Plan, but continues to require two Marginal Way eastbound through lanes, which is not consistent with the full-build Master Plan. The City wishes to systematically reduce the left-turn capacity from Preble Street Extension and will monitor conditions at the subject intersection during the implementation of area roadway improvements and the completion of development projects. The revised building plan does not impact the previously approved improvement plan. Accordingly, I have find it acceptable. As requested I have provided the following information as it relates to the projects compatibility with the conceptual plans developed for the Marginal Way Master Plan. Changes in pedestrian crossing distances at the Marginal Way/Preble Street intersection.

Crosswalk	Existing	Master Plan	84 Marginal Way	Marginal Way west of Preble	100 feet	65 feet	80 feet
			Marginal Way east of Preble	110 feet	75 feet	95 feet	Preble Street Extension
			110 feet	70 feet	80 feet	Preble Street	90 feet
					70 feet		90 feet

Marginal Way west of Preble – The crossing distance does not meet the Master Plan distance due to the requirement for no modification on southerly Marginal Way curb line (in front of Gorham Savings Bank) and a larger radius on the 'AAA' corner. The radius provided is appropriate for large vehicle movements.

Marginal Way east of Preble Street – The crossing distance does not meet the Master Plan distance due to the requirement for no modification on southerly Marginal Way curb line (in front of Wild Oats) and a larger radius on the applicant corner. The radius provided is appropriate for large vehicle movements.

Preble Street Extension – The crossing distance does not meet the Master Plan distance due to the provision of larger radii on the corners. The radius provided is appropriate for large vehicle movements.

Preble Street – No changes are proposed on the south side of Marginal Way. The revised building plan does not impact the previously approved improvement plan. Accordingly, I find it acceptable. The proposed Master Plan concept was developed such that it will be compatible with all possible future modes of transportation, including light rail. The applicant has indicated that the proposed building location is consistent with the master plan and therefore can accommodate future rail opportunities. The

applicant should clearly state that a future extension of the Narrow Gauge Railroad can be accommodated. Per discussions with the applicant, the Marginal Way curb line abutting the proposed project site will need to be relocated slightly to accommodate the future extension of the Narrow Gauge Railroad. The plans have been revised and accordingly I find them acceptable. As part of development of the interim plan for Marginal Way, the applicant will be providing two travel lanes on Marginal Way in the eastbound direction. The applicant suggests carrying the two lanes from Preble Street towards Chestnut Street to a maximum length of 500 feet. The City would like to minimize the length of the two lanes and I would suggest that we work with the applicant and include a condition of approval that further refinement of the transition length be considered. We continue to suggest that a condition of approval be included that requires the applicant to work with City staff in identifying the most appropriate length of the transition length, considering all transportation mode and streetscape factors. To improve access opportunities in the Bayside area, I would suggest that the applicant participate in the funding of connecting Somerset Street between Preble Street and Elm Street. This action will minimize impacts to Marginal Way and help to offset left-turn capacity reductions from Preble Street onto Marginal Way. I would suggest that the applicant contribute \$22,000.00 to the extension of Somerset Street extension between Preble/Elm Streets and Forest Avenue. Based upon the new traffic generation estimate the contribution should be \$30,000.00. The intersection of Franklin Arterial and Marginal Way is currently operating at poor levels of service and improvements have been identified for implementation. Developments in the area have contributed to this location and I would suggest that the applicant contribute \$10,000.00 towards implementation of the identified improvements. Based upon the new traffic generation estimate the contribution should be \$14,000.00. A Travel Demand Management (TDM) Program shall be implemented that may comprise of the elements (e.g. rideshare program) noted in the traffic impact study. It is suggested that the details of the program be identified by the applicant and the program will subject to an annual review by the City. We continue to suggest that a condition of approval include the applicant providing details of a TDM program that will be subject to an annual review by the City. The Applicant shall be responsible for the modification of the existing traffic signal (equipment, phasing, and timings) at the Marginal Way/Preble Street intersection such that it is compatible with the proposed roadway improvements. Preliminary and Final design plans shall be submitted to the City for review and approval. The applicant will be responsible for modification of signal equipment modifications as noted above. I have reviewed the parking analysis provided in the March 16, 2007 letter from Gorrill-Palmer Consulting Engineers, Inc. and find the parking supply provided on-site to be adequate based upon the proposed building land use components and the allocation of 40 parking spaces for 63 Marginal Way (Some documentation indicates 75 parking spaces are to be provided – The applicant should provide an explanation). I would note that the total expected demand is based upon an unknown tenant to occupy 16,300 square feet of space generating 3.0 spaces per 1,000 square feet. This level of parking generation would accommodate a general office type use, but would probably not be sufficient for a medical office use. Accordingly, I would suggest that a post-occupancy parking study be conducted, if the unknown tenant comprises of a business other than general office. I have reviewed the proposed parking management plan and have the following comments: The plan should be updated to reflect five floors of parking. The plan provides an allocation program for each parking level. The applicant should provide a floor by floor parking demand allocation estimate to ensure sufficient spaces will be provided on each level. For example, the first level is programmed to provide spaces for the retail use (the specific number was not identified) and patient parking. It is noted that a “Limited” number of

cars will be allowed for Bayside Village. The applicant should define what is meant by "Limited". The program confines Bayside Village parking to the fourth floor. When are patient appointments expected to begin and would less conflict occur if Bayside Village parked on the first and second floors resulting in less overlap between the 7:00am exit time of Bayside Village and the start of patient appointments around 8:00am. A wayfinding signage plan is recommending signs at three locations; the Franklin and Marginal Way intersection, Preble Street, and at the Preble Street and Marginal Way intersection. We have reviewed and approved the overhead sign concept for Preble Street, but we have not reviewed any material for the other two locations. A condition of approval should require the review and approval of all sign installation elements, including the necessity of such signs

**84 MARGINAL WAY OFFICE BUILDING
VICINITY OF 84 MARGINAL WAY
CAPITAL, LLC., APPLICANT.**

Submitted to:
Portland Planning Board
Portland, Maine
March 27, 2007

Submitted by:
Richard Knowland, Senior Planner

I. Introduction

On January 9, 2007 the Planning Board approved a proposal by Capital, LLC., (Ted West) for a proposed office building and parking garage in the vicinity of 84 Marginal Way on the corner of Marginal Way and Preble Street. Since that meeting the Applicant has decided to add a floor to the office building and a 1/2 floor to the parking garage.

A public hearing has been scheduled to consider the proposed building expansion. The proposed revisions are subject to Site Plan (including the Downtown Urban Design Guidelines), a Traffic Movement Permit and B-7 Conditional Use (parking garage) review. A second B-7 Conditional Use review is required since the building height exceeds 125 feet.

121 notices were sent to area property owners.

II. Findings

Zoning: B-7
Land Area: 1.37 acres (59,576 sq. ft.)
Uses: parking garage (floor 1 to 4); retail (floor 1); offices (floors 5 to 10)

	<u>Approved Plan</u>	<u>Proposed Plan</u>
Building Footprint:	44,773 sq. ft.	44,580 sq. ft.
Office Floor Area:	82,500 sq. ft.	105,000 sq. ft.
Retail Floor Area:	4,600 sq. ft.	4,600 sq. ft.
Building Floor Area:	261,200 sq. ft.	295,520 sq. ft.
Parking Garage Floor Area:	175,664 sq. ft.	190,520 sq. ft.
Parking Spaces:	459 spaces	506 spaces
Building Height:	115 feet (9 floors)	135 feet (10 floors)
Lot Coverage:	75%	75%

III. Proposed Revisions

The proposed revisions involve adding a floor to the office building and 1/2 floor to the parking garage. The first 4 floors of the building (plus a 1/2 floor) will remain a parking garage except that like the original plan, 4,600 sq. ft. of retail space is provided along Marginal Way. With an additional floor to the office building, office space now comprises floors 5 to 10.

The site plan remains virtually the same from the original plan except for a few minor changes.

- The tip down at the corner of Marginal Way and Preble Street has been widened. Condition ix of the original approval required that the sidewalk be extended at the corner of Marginal Way and Preble Street in order to provide more room for pedestrians and highlight this prominent corner. Unfortunately the grades proved too challenging and rather than revert back to an esplanade area, the Applicant is proposing to widen the pedestrian tip down at the corner.
- The curb line along Marginal Way was moved one foot to the south, the width of the right turn lane modified to 10 feet and the bike lane to 5 feet.
- A revised lighting plan has been submitted. The plan includes new pole mounted fixtures for the site and lighting fixtures for all levels of the parking garage. A photometric plan has also been submitted along with catalog cut information.

No other significant changes are proposed to the plan except for the building elevations which reflects the additional building height. Many but not all of the Planning Board conditions of approval have been addressed in this submission. The Applicant has made significant process in addressing the conditions of approval. Staff has not reviewed the plan for compliance with all of the the conditions of approval to date. Obviously the conditions will need to be addressed prior to the issuance of the building permit.

The previous site plan submission and related documentation provided by the Applicant referenced a 66,000 sq. ft. office building on floors 5 to 9. Unfortunately the 66,000 sq. ft. figure was a math error. The correct building size was 82,500 sq. ft.

The building footprint, height and number of floors were accurately depicted in the earlier submission. Please note that the revised traffic report and parking report accurately reflect the latest building size.

Building Design

The previous building elevations (Attachment 3) and the new building elevations reflecting the additional story (Attachment 6) are attached to this report. The basic form and proportions of the original design remain in tact despite the higher height.

A color version of the new building elevation has been provided. See Attachment B. Design issues have been addressed. Carrie Marsh, Urban Designer, will be attending Tuesday's public hearing.

Traffic

A revised traffic study from Gorrill-Palmer consulting Engineers has been submitted reflecting the new 105,000 sq. ft. office space figure. See Attachment 7. This information has been further supplemented by an additional memo dated March 16, 2007. See Attachment D. The total development is forecast to generate 264 trips during the AM peak hour and 344 trips during the PM peak hour, which represents an increase of 99 trips and 88 trips for each respective period from the original application. This project qualifies for a traffic movement permit so the original permit will need to be amended.

During the previous Planning Board review, traffic related issues were extensively discussed. Intersection capacity, driveway locations and compatibility with the Marginal Way Master Plan were critical issues for consideration. Tom Errico, Traffic Review Consultant, has reviewed the updated traffic report and his comments are shown on Attachment E. Mr. Errico's comments and conditions of approval remain unchanged from the original review except that the applicant's contributions for Bayside traffic related improvements need to be increased given additional traffic generated by the larger building. He is recommending that the Applicant contribute \$30,000 (up from \$22,000) to the extension of Somerset Street extension between Preble/Elm Streets and Forest Avenue. He also recommended that the Applicant contribute \$14,000 (up from \$10,000) toward identified improvements for the Franklin Arterial and Marginal Way intersection.

Mr. Errico will be attending Tuesday's meeting.

Parking

The size of the parking garage has been increased from 450 spaces to 506 spaces. As part of the traffic report a parking demand analysis was submitted. This has been supplemented by a more detailed memo dated February 23, 2007 from Gorrill-Palmer Consulting Engineers. This information was further supplemented by traffic/parking memo dated March 16, 2007. See Attachment 7. In the B zone does not require off-street parking, the Planning Board, under its plan review (for buildings 50,000 sq. ft. or greater) determines the appropriate number of parking spaces for such developments.

The 506 spaces includes 75 spaces for the 63 Marginal Way project. Some will use a temporary surface parking lot at the Bayside Rail Yard until they are relocated to the parking garage.

Please note that the parking management plan has been updated. This is included as Attachment 7 and starts on page 16.

Tom Errico, Traffic Engineer, comments on the parking demand analysis and the parking management plan which are shown on Attachment E.

Lighting

Lighting information for all of the parking garage levels have been submitted. This includes catalog cut information on the fixtures and a photometric plan. See Attachment G. The site lighting has been revised since the original approval. Updated catalog cuts of the light fixtures has been submitted along with a photometric plan.

The lighting plan arrived this week and we were not able to review the material. Lighting will remain a condition of approval.

IV. Staff Review

The submitted plan and related documents have been reviewed by City staff for conformance with the applicable review standards of the site plan and conditional use (B-7 structured parking and building height) ordinances. Please refer to the previous staff report for specific ordinance standards and review comments. Since the B-7 conditional use building height provision was not reviewed during the previous approval process, the standards and review comments are provided below.

Sec. 14-296(f) B-7 Building Height

The B-7 Bayside Height Overlay Map designates this site in the Bayside Gateway Urban Height District (A) which has a base height of up to 125 feet. Under the provisions of sec. 14-296(f) as a conditional use, building height may reach up to 165 feet. As the proposed building has a height of 135 feet, this section will be reviewed by the Planning Board. The conditional use standards of this section are shown below.

1. Such buildings do not obstruct view corridors to and from the downtown as identified in the B-7 design standards; and

The B-7 design standards have not been enacted so the review takes place under the downtown urban design guidelines. The project does not block any view corridor identified in the downtown urban design guidelines. See Attachment I. The nearest view corridor shown on the View Corridor Protection Map is Hanover Street that runs through the AAA and Preble Street site but not this site. Nor does it block any views identified in the previous B-7 zoning process.

2. Such buildings are set back, at upper levels, to provide light and air to adjacent streets, trails, and open spaces, with a ratio of not less than at least to the extent that the ratio of building height to width of adjacent streets, trails and open spaces is equivalent to 1.5 to 1; and

The proposed building height is 135 feet. The width of the Marginal Way right-of-way is 100 feet while the Preble Street right-of-way is a minimum 110 feet. The ratio of height to street width is well under the 1.5 to 1 ratio.

3. Such buildings provide publicly accessible and usable open space, meeting the B-7 urban design standards, of at least ten (10) percent of the building lot area; and

The site has a total land area of 1.37 acres or 59,576 sq. ft. Ten (10) percent of the 1.37 acre site (59,576 sq. ft.) equals 5,957.6 sq. ft. The Applicant has submitted a worksheet indicating open space on the site totals 6,476 sq. ft. exceeding the ten (10) percent requirement. This calculation includes the green space/walkway (4,666 sq. ft.) behind the building and the walkway along the Marginal Way side of the public on private property (1,810 sq. ft.) The Applicant indicates that total open space on the site is equivalent to 11 percent.

4. If located on lots including or adjacent to planned or proposed street or pedestrian way connections, land dedication to such street or connection shall be credited toward the ten (10) percent open space requirement; and

See #3 above.

5. Such development shall comply with all other zoning requirement and B-7 urban design standards as required by this article.

The development is in compliance with all other zoning requirements and will be reviewed under the B-7 urban design standards.

Sec. 14-474 (c)(2)

- a. There are unique or distinctive characteristics or effects associated with proposed conditional use.

There are no known unique or distinctive impacts associated with the proposed addition. See review comments in site plan review section of this report.

- b. There will be an adverse impact upon health, safety or welfare of the public or the surrounding area.

There are no known adverse impacts on health, safety or welfare associated with the proposed addition. See review comments in site plan review section of this report.

- c. Such impact differs substantially from the impact, which would normally occur from such a use in that zone.

The impacts of this use are similar impacts that one would expect from other office building in this zone. See review comments in site plan review section of this report.

V. MOTIONS FOR THE BOARD TO CONSIDER

On the basis of plans and materials submitted by the Applicant and on the basis of information contained in Planning Report #14-07, the Board finds:

- A. That the plan is in conformance with the B-7 Conditional Use Standards of the Land Use Code;
- B. That the plan is in conformance with the B-7 Conditional Use Height Standards (Bayside Gateway Urban Height District exceeding 125 feet) of the Land Use Code;
- C. That the plan is in conformance with the Traffic Movement Permit Standards.

Potential Condition of Approval:

- i. The issuance of the traffic movement permit is granted with all of the standard conditions of approval for the same dictated by MDOT. In addition, the applicant for three (3) years after 80% occupancy of the building, shall monitor the left hand turn off of Preble Street into the parking garage, to ensure ongoing pedestrian and vehicular safety. The applicant shall be responsible for addressing and making any changes through additional signage, signaling lighting, or other improvements, etc. to address and mitigate any concerns as identified by the City Traffic Engineer.

- D. That the plan is in conformance with the Site Plan Ordinance of the Land Use Code.

Potential Conditions of Approval: Note that all conditions of approval shall be addressed prior to the issuance of a building permit except for the review of signage.

- i. That the Applicant shall meet the recommendations contained in Tom Errico's (Traffic Review Consultant) memo dated 3-23-07 including a contribution of \$14,000 towards implementation of identified improvements for the Franklin Arterial and Marginal intersection and an additional \$30,000 contribution to the proposed extension of Somerset Street extension between Preble/Elm Streets and Forest Avenue.
- ii. That the Applicant shall submit for Planning Staff review and approval the design items summarized on page 4 of Carrie Marsh's (Urban Designer) memo dated 12-27-06 including review and approval of a signage master plan for the building.
- iii. That the site lighting plan including the parking garage shall be subject to Planning Staff review and approval. The lighting plan for the Preble Street underpass shall also be submitted for review and approval.
- iv. That the Applicant apply for and receive City approval for a license permitting portions of the planter, ramp and awning to be located within a public right-of-way.
- v. That a revised plan shall be submitted to the Zoning Administrator for review and approval clearly delineating the property line along Marginal Way and Preble Street and that additional information be provided to confirm the building height.
- vi. That public easements including the pedestrian easement shall be submitted for City staff review and approval.
- vii. That the parking management shall be revised for review and approval reflecting the comments of Tom Errico (Traffic Review Consultant) dated 3-23-07.

Attachments

- A. Revised Site Plan
- B. Building Elevations
- C. Background Information
- D. Updated Traffic and Parking Information
- E. Memo from Tom Errico, Traffic Review Engineer
- F. Utility Capacity
- G. Lighting Plan
- H. Neighborhood Meeting Information
- I. View Corridor Protection Plan

Previous Attachments....See index of February 27, 2007 Workshop Memo

1. Planning Board Approval Letter
2. Original Site Plan
3. Original Building Elevations
4. Original Planning Board Report (excerpt)
5. Revised Site Plan
6. Revised Building Elevations
7. Updated Traffic Report
8. Memo from Tom Errico, Traffic Review Consultant
9. Updated Parking Demand Information
10. Background Information
11. Memo from Carrie Marsh, Urban Designer



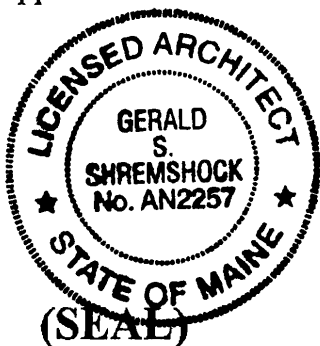
Accessibility Building Code Certificate

Designer: GERALD SHREMSHOCK

Address of Project: 1071 BRIGHTON AVE.

Nature of Project: UNIVERSITY CREDIT UNION
(COMMERCIAL BANK)

The technical submissions covering the proposed construction work as described above have been designed in compliance with applicable referenced standards found in the Maine Human Rights Law and Federal Americans with Disability Act. Residential Buildings with 4 units or more must conform to the Federal Fair Housing Accessibility Standards. Please provide proof of compliance if applicable.



Signature: *Gerald S. Shremshock*

Title: PRESIDENT

Firm: SHREMSHOCK ARCHITECTS, INC.

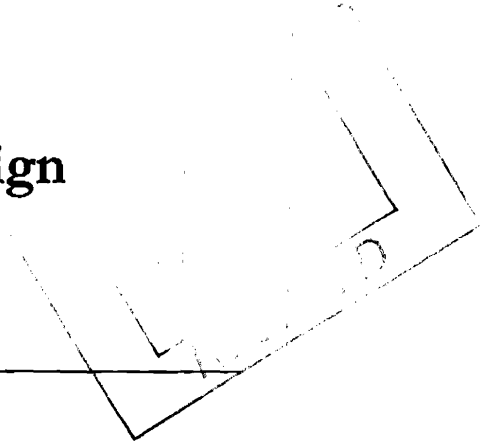
Address: 6130 SUNBURY ROAD
WESTERVILLE, OH 43081

Phone: (614) 545-4550

For more information or to download this form and other permit applications visit the Inspections Division on our website at www.portlandmaine.gov



Certificate of Design



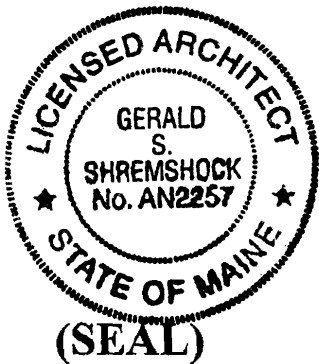
Date: MAY 2, 2007

From: GERALD SHREMSHOCK

These plans and / or specifications covering construction work on:

UNIVERSITY CREDIT UNION

Have been designed and drawn up by the undersigned, a Maine registered Architect / Engineer according to the *2003 International Building Code* and local amendments.



Signature: [Handwritten Signature]

Title: PRESIDENT

Firm: SHREMSHOCK ARCHITECTS, INC.

Address: 6130 SUNBURY ROAD
WESTERVILLE, OH 43081

Phone: (614) 545-4550

For more information or to download this form and other permit applications visit the Inspections Division on our website at www.portlandmaine.gov



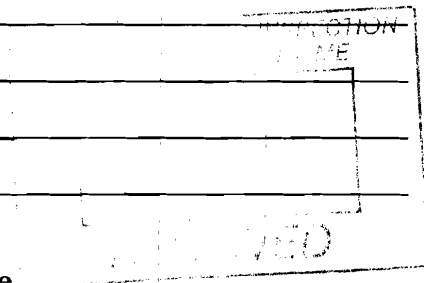
Certificate of Design Application

From Designer: GERALD SHREMSHOCK

Date: MAY 2, 2007

Job Name: UNIVERSITY CREDIT UNION

Address of Construction: 1071 BRIGATON AVE.



2003 International Building Code

Construction project was designed to the building code criteria listed below:

Building Code & Year 2003 IBC Use Group Classification (s) B2 - BUSINESS

Type of Construction V-B

Will the Structure have a Fire suppression system in Accordance with Section 903.3.1 of the 2003 IRC NO

Is the Structure mixed use? NO If yes, separated or non separated or non separated (section 302.3) N/A

Supervisory alarm System? NO Geotechnical/Soils report required? (See Section 1802.2) _____

Structural Design Calculations

_____ Submitted for all structural members (106.1 - 106.11)

Design Loads on Construction Documents (1603)

Uniformly distributed floor live loads (7603.11, 1807)

Floor Area Use	Loads Shown
CORRIDOR, FIRST FLOOR	100 PSF OR 1,000 [#] CONCENTRATED
OFFICE	50 PSF OR 2,000 [#] "
RESTROOMS	50 PSF
RETAIL	100 PSF OR 1,000 [#] CONCENTRATED

Wind loads (1603.1.4, 1609)

1609.6 Design option utilized (1609.1.1, 1609.6)
100 Basic wind speed (1809.3)
II, I=1.0 Building category and wind importance Factor, I_w , table 1604.5, 1609.5)
B Wind exposure category (1609.4)
+0.18 -0.18 Internal pressure coefficient (ASCE 7)
ROOF: +10, -36 Component and cladding pressures (1609.1.1, 1609.6.2.2)
WALL: +14, -16 Main force wind pressures (7603.1.1, 1609.6.2.1)
WALL: +12, -8 _____

Earth design data (1603.1.5, 1614-1623)

EQUIV. LAT. FORCE Design option utilized (1614.1)
I Seismic use group ("Category")
 $S_D = 0.371, S_M = 0.158$ Spectral response coefficients, S_D & S_M (1615.1)
D Site class (1615.1.5)

NO Live load reduction
35 Roof live loads (1603.1.2, 1607.11)
35 Roof snow loads (1603.7.3, 1608)
50 Ground snow load, P_g (1608.2)
35 If $P_g > 10$ psf, flat-roof snow load P_f
1.0 If $P_g > 10$ psf, snow exposure factor, C_e
1.0 If $P_g > 10$ psf, snow load importance factor, I_s
1.0 Roof thermal factor, C_t (1608.4)
_____ Sloped roof snowload, p_s (1608.4)
C Seismic design category (1616.3)
WOOD ST. PANELS Basic seismic force resisting system (1617.6.2)
6 1/2 Response modification coefficient, R , and deflection amplification factor C_{di} (1617.6.2)
EQUIV. LAT. Analysis procedure (1616.6, 1617.5)
8 kips Design base shear (1617.4, 1617.5.1)
Flood loads (1803.1.6, 1612)
_____ Flood Hazard area (1612.3)
_____ Elevation of structure
Other loads
_____ Concentrated loads (1607.4)
20 PSF Partition loads (1607.5)
_____ Misc. loads (Table 1607.8, 1607.6.1, 1607.7, 1607.12, 1607.13, 1610, 1611, 2404)



SHREMSHOCK ARCHITECTS, INC.

6130 S. Sunbury Rd
614.545.4550
Email: info@shremshock.com

Westerville, OH. 43081
fax: 614.545.4555
<http://www.shremshock.com>

Gerald S. Shremshock, AIA
Ohio Reg. No. 6968

May 2, 2007

University Credit Union
1071 Brighton Avenue
Portland, Maine 04102

SAI #07239

NFPA Code Synopsis

Scope of work: One-story, commercial bank building with three lane remote drive-up canopy. The building construction type is V-B which is non-protected. The building does not have a fire suppression system.

38.1.4 - Classification of Occupancy (Ref. 6.1.11)

Bank classifies as a business use.

38.1.7 – Occupant Load

This building has an interior enclosed area of 3,475 SF. Based upon Table 7.3.1.2, Business Use buildings require 100 GSF of area per person. The occupant load is 35 people.

38.2.2.2 – Doors

38.2.2.2.1 (Ref. 7.2.1) – All egress doors are a minimum 36” wide and thresholds 1/2” or less in height. All egress doors swing in the direction of exiting.

38.2.2.2.2 (Ref. 7.2.1.5.4) – The egress doors are being provided with panic hardware to allow for unhindered egress at all times.

38.2.3 – Capacity of Means of Egress (Ref. 7.3)

Since the building has an occupancy load of less than 50 people, the egress width is equal to the minimum width of the egress components, which are the doors at 36”.

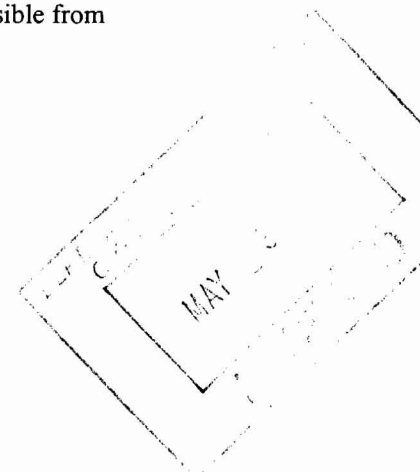
38.2.4 – Number of Exits (Ref. 7.4)

The minimum number of exits are provided, which is two. Both are accessible from every point in the building.

38.2.5 – Arrangement of Means of Egress (Ref. 7.5)

38.2.5.2.2 – Dead end corridors shall not exceed 11’-8” in length.

38.2.5.3.3 – Common path of travel shall not exceed 75’-0” in length.



38.2.6 – Travel Distance to Exits (Ref. 7.6)

38.2.6.2 – Travel distance shall not exceed 200'-0" in length.

38.2.7 – Discharge from Exits (Ref. 7.7)

The building occupants exit directly to the public way.

38.2.8 – Illumination of Means of Egress (Ref. 7.8)

Illumination of the egress path shall be continuous. The illumination is supplemented by the use of emergency lights that are automatic in their response in the event of a power outage.

38.2.9 – Emergency Lighting (Ref. 7.9)

Emergency lights are located at appropriate points to adequately illuminate the entire path of egress.

38.2.10 – Marking of Means of Egress (Ref. 7.10)

Exit signs are located at all egress doors and egress points of decision to assist the occupants in exiting the building.

38.3.3 – Interior Finish (Ref. 10.2)

All interior room finishes shall be minimum Class C.

38.3.4 – Detection, Alarm, and Communications Systems

A fire alarm system is not required per the exceptions listed in this section.

38.3.5 – Extinguishment Requirements

Two portable fire extinguishers not to be less than Class 2A or Class 2A:10BC are provided for at opposite ends of the building from each other.



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Gerald S. Shremshock, AIA

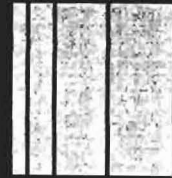
Ohio Reg. No. 6968

STATEMENT OF SPECIAL INSPECTIONS

Project: University Credit Union
1071 Brighton Avenue
Portland, ME 04102

The Owner shall employ one or more special inspectors to provide special inspections during construction. Special inspections, including the qualifications and responsibilities of the special inspectors, shall comply with chapter 17 of the 2003 International Building Code. The following types of work require special inspections:

1. Soils
2. Concrete construction
3. Structural steel fabrication and construction
4. Field welding
5. High strength bolt installation
6. Wood construction
7. Exterior Insulation and Finish System (EIFS) installation



December 12, 2006
05439

Shukria Wiar, Planner
Planning Department
City of Portland
389 Congress Street
Portland, Maine 04101

University Credit Union, 1071 Brighton Avenue
Minor Site Plan and Conditional Use Applications Review
Application # 2006-0221, CBL 274 D016001

12/13/06

Dear Shukria:

Sebago Technics, on behalf of University Credit Union, is pleased to submit review comments pertaining to a letter from you dated November 14, 2006. We are submitting our responses to be considered for the December 12th Planning Board Workshop.

Zoning:

- a) *Zoning analysis has to be submitted.*

Response: A table showing the required and provided space and bulk requirements under the B2 Zone has been added to the Site Plan. —

in previous
see next pg
↓
[Signature]

- b) *Show the other corner lot building on Taft Street. The proposed building cannot be no further back than the building on each side of the building.*

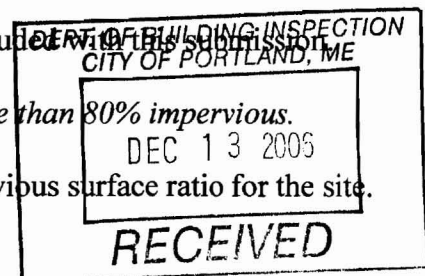
Response: The building on the opposite corner of Taft Avenue has been added to the plan. The setback from the right-of-way line to the front of the building has also been added to the Site Plan. The proposed setback of the UCU building has also been added to the plan and is less than the setback for the neighboring lot. The shopping center building to the east is setback well over 60 feet from the right-of-way.

- c) *Need a structural plan.*

Response: A structural plan for the building is included with the submission.

- d) *Show the impervious surface ratio. It cannot be more than 80% impervious.*

Response: The following table accounts the impervious surface ratio for the site.



Impervious Surface on Site		
Building	5541	s.f.
Drive-through roof	964	s.f.
Sidewalk	1056	s.f.
Parking	14967	s.f.
Retaining Wall	346	s.f.
Total	22874	s.f.
	0.53	acres
Total Site Area =		0.74 acres
Total Impervious Area =		0.53 acres
% Impervious of Total Site Area =		71.0%

- e) *There is a minimum setback of ten (10) feet for the B2 zone; the north side of the building (Taft side) is not meeting the minimum setback (5' instead of 10' shown).*

Response: The Site Plan has been revised and the building moved so that it conforms to the 10-foot setback from Taft Avenue. ✓

- f) *Need to show the averaging setback.*

Response: The average setback from Brighton Avenue has been added to the Site Plan. ✓

- g) *Please address Section 14-183 (a)(6)(c) of the Land Use Code.*

Response: Enclosed is a description of how the particular items asked in this section are addressed.

Architectural Design:

- a) *Need full set of the building elevations (including floor plans) instead of the reduced copies to due a complete review of the design.*

Response: Full-scale preliminary architectural elevations and floor plans for the building and the drive-thru have been prepared and are included with this submission.

- b) *What is being proposed for exterior materials, please submit a narrative addressing these and/or submit samples.*

Response: A description of the building materials is shown on the architectural elevations and a materials sample board has been included with this submission.

- c) *Show building height on the elevations plans.*

Response: The architectural elevations show the proposed height of the building.

Fire Department:

- a) *Show location of fire hydrants, existing and proposed within 500'.*

Response: There are two hydrants on Brighton Avenue that are within 500 feet of the site and are noted on the plans.

Landscaping:

- a) *More landscaping needs to be proposed on the bump outs and islands.*

Response: The Landscaping Plan has been revised to show additional plantings in the islands and bump-outs.

- b) *Please refer to the City of Portland's Technical and Design Standards and Guidelines, Section VI, 5.4 (Industrial and Commercial Development) and 7 (Buffering of Contrasting Land Use).*

Response: The Landscape Plan has been revised to conform to the Technical Design Standards and Guidelines as suggested.

Miscellaneous Items:

- a) *What is being proposed for solid waste collection?*

Response: An evaluation of the solid waste generated by the construction and operation is enclosed. The primary generation of solid waste will be the construction activities on the site. The operational solid waste will be handled by the cleaning contractor and removed daily from the premises.

- b) *Submit an estimate of the time period required for completion of the development.*

Response: The construction of the facility will commence after Site Plan approval is obtained and is expected to be completed within 5 months of the start of construction. The site work will be done concurrently with the building construction.

- c) *Need to submit evidence of financial and technical capability to undertake and complete the development including a letter from a responsible financial institution stating that it has reviewed the planned development and would seriously consider financing it when it approved.*

Response: A letter from both the University Credit Union and TriCorp Federal Credit Union describing the financing of the project has been included with this submission. In addition, University Credit Union has engaged Brand Partners, a national architectural and construction management firm, to design and build the proposed project. Sebago Technics has been hired to prepare the Site Plans, survey, and Geotechnical Study for the project. Jan Wiegman is the Senior

Engineer assigned to prepare the site design and has over 20 years experience. Wilbur Smith Associates is performing the Traffic Analysis for the site and Tom Errico has performed the assessment.

- d) *Turn off the 'existing conditions' layer on the site plan; the site plan is too busy and hard to read.*

Response: The existing parking lot striping layer has been turned off and the plans have been printed in a manner that the gray tones remain gray to enhance the clarity of the copies.

Additional comments made by Dan Goyette of Woodard and Curran and by Katherine Earley are shown below.

Dan Goyette's comment:

The frontage along the proposed project shall be reconstructed in accordance with the Warren Avenue (Brighton Avenue) master plan. In lieu of reconstructing the frontage, a contribution to reconstruct the frontage may be accepted by the City Engineer.

Response: The Brighton Avenue plans call for modification to the center island and moving the curb line along the northern side of the street into the existing street. The sidewalk width is reduced and a grass esplanade is created between the new curb line and the sidewalk. In the esplanade, two new lights are added. In order to construct the new esplanade and install the lights as planned, the center island in the roadway would need to be reconstructed to allow the traffic lanes to be shifted and the curbing along the project side of the road to move out into the existing road. The schedule for the roadway work is not yet known and we would suggest that a contribution be made toward the construction of the esplanade and the two light fixtures.

Katherine Earley's comment:

Should also note that style of crosswalk markings over Taft Ave. is not supported - instead applicant shall install 8" wide white parallel lines that meet the Transportation Engineer's approval.

Response: A note has been added that indicates that the crosswalk striping shall be 8-inch wide stripes, conforming to the City of Portland standards.

Lighting Comment e-mailed November 30, 2006:

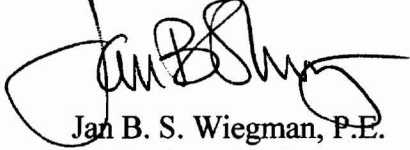
"In the City's standards, it states that for wattage: No fixture shall exceed 250 watts, except in industrial areas. On the catalogue cuts, the proposed lighting will have 350 watts. This needs to be changed to meet the standards."

Response: The site lighting has been redesigned to use lower wattage fixtures in compliance with the ordinance. A new Photometric Plan is enclosed.

If you have further questions or require additional information, please do not hesitate to contact me.

Sincerely,

SEBAGO TECHNICS, INC.



Jan B. S. Wiegman, P.E.
Sr. Engineer/Project Manager



JBSW:kn
Encl.

cc: Joe Gervais, University Credit Union
Eric Levesque, Brand Partners

DRIVE-THRU CONDITIONAL USE

University Credit Union

Drive-Thru Description

University Credit Union is proposing to construct a new credit union facility at 1071 Brighton Avenue, consisting of a 5,541 square foot building and a remote three lane drive-thru banking center. The property is located in the B2 Zone and the nearest residentially zoned parcel is approximately 52 feet from the boundary of the site. The Site Plan was developed to promote safe and efficient circulation and to feature the building along Brighton Avenue and locate the drive-thru as far from the residential area as possible while promoting acceptable vehicular and pedestrian circulation.

Location

The Site Plan was developed by first sighting the building close to Brighton Avenue as is dictated by the building setback requirements. The parking was located proximate to the building to promote safe pedestrian access while maintaining access to the site from Brighton Avenue (one way in) and from Taft Avenue. The drive-thru was sighted to provide adequate stacking and to orient the facility so that vehicle lights using the facility would be facing the street and not the residential properties and to maximize the distance between the drive-thru and the residential properties.

The three-lane drive-thru consists of two remote banking lanes serviced by two vacuum tubes and one ATM lane. The facility is covered by a canopy that is 25 feet from the street line (edge of the travel lane) and 29 feet from the property line to the north. The closest point on the drive-thru facility (the roof) to the nearest residentially zoned property is approximately 82 feet. The distance from the ATM unit and the remote banking vacuum tube to the nearest residentially zoned property is 90 feet (ATM) and 112 feet (remote banking vacuum tube), respectively.

Noise

Noise from the facility will be below the limit of 55dB required under Section 14-183. An attached Noise Study for the Diebold vacuum tube system indicates that at a distance of 70 feet from the vacuum tube system speaker the sound level is 53 dB for the condition with the volume control set at maximum. The nearest residential property line is 112 feet from the speaker. The ATM will not have a speaker system and will not generate noise.

Lighting

The lighting under the drive-thru canopy is modeled on the lighting plan which shows that the lighting levels at the northerly property line range from 0.2 to 0.5 foot candles. This property line is at least 52 feet from the nearest residential property line. A catalog sheet of the lights was

previously submitted and has been enclosed with submission as well. The lights are mounted under the canopy at a height of 12 feet and are full cut-off with flush-mounted lenses.

Screening

The drive-thru facility will be screened on the side of the residential properties by the use of a landscaped screen. The landscaping screening includes evergreen shrubs and deciduous trees, as recommended in the Portland Landscaping Guidelines. The property does not directly abut the residentially zoned property but is separated by a distance of greater than 50 feet containing an access drive to a commercial retail center and landscaped areas.

Pedestrian Access

The drive-thru facility has been designed so that the stacking will not block pedestrian access on Taft Avenue. The exiting traffic will stop prior to the cross walk along Taft Avenue before turning onto Taft Avenue to leave the site. Crosswalk striping will be installed at the curb opening in front of the drive-thru facility to provide for a safe pedestrian condition.

Hours of Operation

The hours of operation of the drive-thru remote banking will be 8:00 AM to 4:00 PM Monday through Thursday and 8:00 AM to 5:00 PM on Fridays. Hours on Saturday will be 9:00 am to 12:00 PM. The ATM is available 24 hours per day.

JBSW:jbsw/kn
November 29, 2006