



PLANNING BOARD REPORT PORTLAND, MAINE

Bishop Street Apartments
72 Bishop Street
Level III Site Plan and Subdivision Review
2015-060
Avesta 72 Bishop Street, LP

Submitted to: Portland Planning Board
Date: July 10, 2015
Public Hearing Date: July 14, 2015

Prepared by: Nell Donaldson, Planner
CBL: 293 C002001
Project #: 2015-060



Figure 1: 72 Bishop Street, aerial view

I. INTRODUCTION

Avesta Housing has requested a Level III site plan and subdivision review for a 3-story, 30-unit housing project, the Bishop Street Apartments, at 72 Bishop Street near Morrill's Corner. The building is designed for chronically homeless individuals around the Housing First approach, and includes a large entry lobby, community kitchen, common seating areas, and a library. Landscaping, 12 spaces of surface parking, and stormwater treatment facilities are included in the proposal. The planning board previously considered the plans for the site at a workshop in May of 2015. At that workshop, the board asked the applicant to provide additional context drawings and a staffing plan, to work with the planning division to resolve

outstanding issues around a sidewalk proposed for the south side of Bishop Street to the east, and to communicate with neighbors around their remaining questions. In the intervening time, the applicant has provided additional submittals and met with both staff and neighbors in an effort to meet these requests.

Public notice of the planning board workshop appeared in the *Portland Press Herald* on July 3 and 6, 2015, was posted on the city's web site, and was sent by mail or e-mail to 60 property owners within 500 feet as well as the Planning Division's interested citizens list.

Applicant: Brooks More, Avesta 72 Bishop Street, LP

Consultants: Bob Metcalf, Mitchell & Associates; Stephen Bradstreet, Ransom Consulting; Ben Walter, CWS Architects; Owen Haskell

II. REQUIRED REVIEWS

<i>Waiver Requests</i>	<i>Applicable Standards</i>
Street trees – To plant 6 street trees (2 in proximity to the street line and 4 in or near the right-of-way adjacent to the site), with contribution for remainder (24) to street tree fund	Site Plan Standard, <i>Section 14-526(b)2.b(iii)</i> and Technical Manual, <i>Section 4.6.1</i> . All multi-family development shall provide one street tree per unit. Waiver permitted where site constraints prevent it, with applicant contributing proportionate amount to Tree Fund. <i>30 units = 30 street trees required</i>
<i>Review</i>	<i>Applicable Standards</i>
Site Plan	<i>Section 14-526</i>
Subdivision	<i>Section 14-497</i>

III. PROJECT DATA

Existing Zoning	B-2c
Existing Use	Single-family residential
Proposed Use	Multi-family residential
Proposed Development Program	30 efficiency units, including common spaces, totaling 21, 374 SF
Parcel Size	52,383 SF

	<i>Existing</i>	<i>Proposed</i>	<i>Net Change</i>
Building Footprint	826 SF	7,804 SF	6,978 SF
Building Floor Area	1,600 SF	21,347 SF	19,774 SF
Impervious Surface Area	1,206 SF	20,659 SF	19,453 SF
Parking Spaces (on site)	2	12	10
Bicycle Parking Spaces	0	12	12
Estimated Cost of Project	\$5,586,058		



Figure 2: 72 Bishop Street, existing conditions

IV. BACKGROUND & EXISTING CONDITIONS

72-78 Bishop Street lies on the south side of Bishop Street approximately 850 feet west of Morrill’s Corner. The site is presently occupied by a single-family home. Forested wetlands, housing the headwaters of the Capisic Brook, lie at the rear of the property. An office building and taxi dispatch facility sit to the east of the site, a Masonic Hall to the west, UNE property across the wetlands to the south, and Maine Moped Factory and Portland Collision lie across Bishop Street to the north.



Figure 3: Existing zoning, 72 Bishop Street

The site and its neighboring properties were recently rezoned, at the applicant’s request, from Moderate Impact Industrial (IM) to Business B-2c. An IM zone lies across Bishop Street and a Residential R-5 zone lies at the site’s rear. A single-family residential neighborhood is located approximately 400 feet to the east on Mayfield Street in an R-5 zone.

V. PROPOSED DEVELOPMENT

The proposal for the Bishop Street Apartments focuses around the development of a three-story, 30-unit building to house formerly homeless individuals, many with significant medical conditions, much in the same vein as Avesta Housing’s two other Housing First projects in the city, Florence House and Logan Place. The proposal is a direct response to a call from the City Council identifying the need for additional permanent housing for homeless individuals in locations beyond the city’s peninsula. The building’s 30 efficiency units would be constructed with shared library, kitchen, meeting, laundry, and interior and exterior social spaces. The building would also include a “private medical office and care room” (*Attachment V*). The main entrance is proposed via a vestibule off Bishop Street, and the plans include a sidewalk connection on the south side of Bishop Street to the east. 12 parking spaces are proposed, as is landscaping. Stormwater treatment would also be provided on site (*Figure 4*).

The applicant has provided an updated staffing plan in the revised submittal (*Attachment V*). This memo augments that submitted with the preliminary plans (*Attachment M*), and provides references to studies documenting the success of the Housing First model. As previously proposed, Avesta would develop the site, provide building maintenance, and serve as the landlord for the eventual tenants of the building, and Preble Street would provide on-site supportive services. In their original staffing memo, Preble Street describes a plan to staff 10 full-time employees at the site, including “one coordinator, one supervisor, and one team leader managing seven housing support workers” (*Attachment M*). The revised memo reinforces Preble Street’s plan to station three staff on site at all times, as “[t]his pattern allow monitoring of the entry, common space, and individual units to ensure safety and to respond to specific tenant concerns while enabling workers to intervene in individual crises as required” (*Attachment V*). Based on the Preble Street web site for Logan Place, it is assumed that these staff would not only monitor the building, but support tenants in “developing and enhancing life skills,” “help with...household management, shopping, use of transportation, and meal preparation,” and “facilitate access to community resources, such as health clinics, and mental health and substance abuse services.” The project narrative further states that “[m]edical staff will be available on site during specific hours and will coordinate daily with Preble Street...to coordinate referrals, follow up, and monitoring of individual tenants” (*Attachment A*).

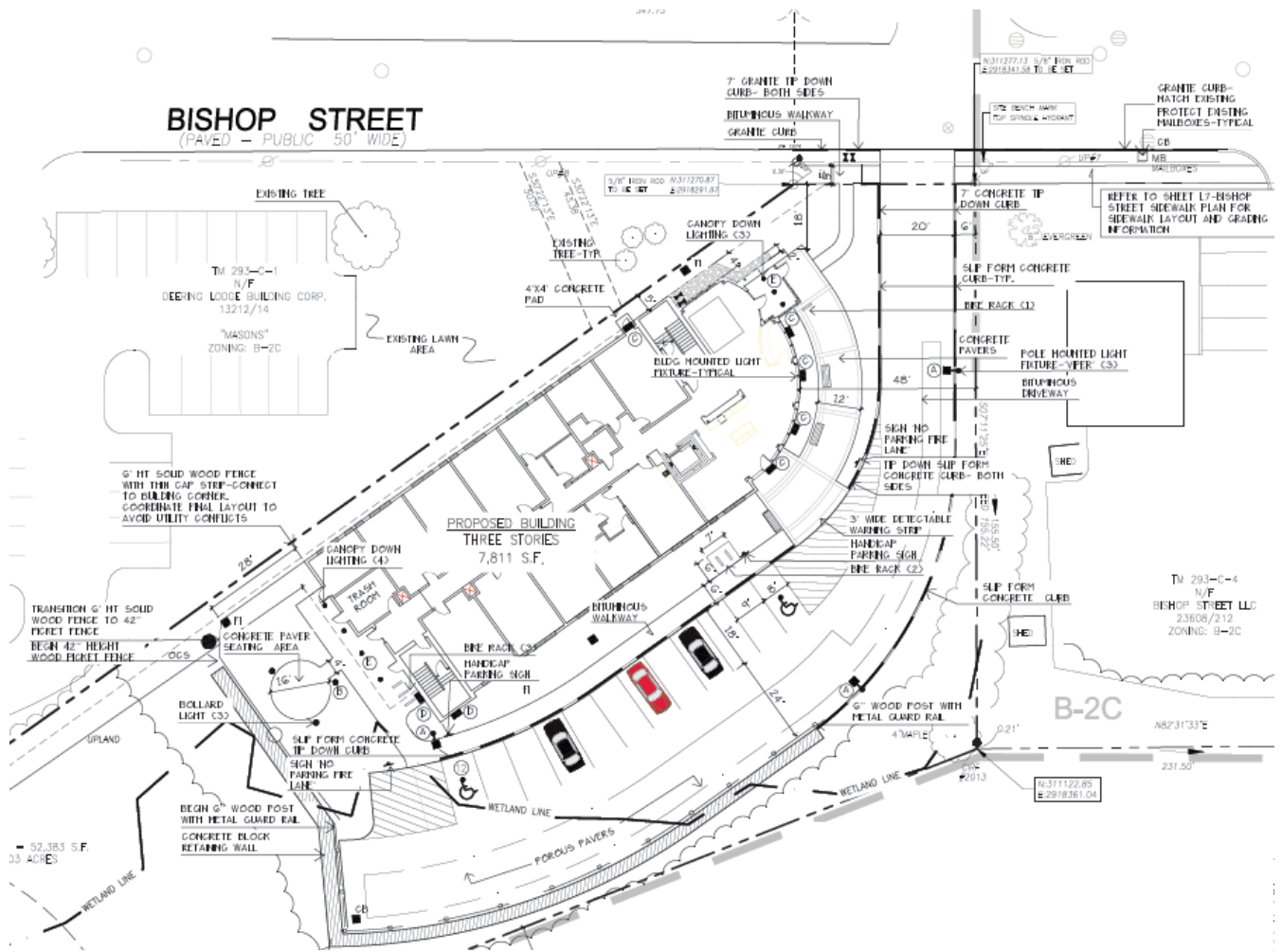


Figure 4: Final site plan, Bishop Street Apartments

VI. PUBLIC COMMENT

The Planning Division received correspondence from one neighbor following the workshop on this proposal. This email questioned the parking assumptions contained in staff’s review, specifically whether residents of the proposed development would be permitted to own cars (*Attachment PC-1*). This question is discussed in detail below.

The applicant has provided neighborhood meeting minutes which demonstrate that neighbors asked questions about the proposed sidewalk on the south side of Bishop Street, wetland impacts, the architecture, and the tenant population (*Attachment T*). At the planning board workshop, neighbors raised similar concerns, questioning the potential wetland and traffic safety impacts of the project, as well as the plans for the proposed Bishop Street sidewalk, building staffing, and tenant composition. It should also be noted that, during the associated zoning map amendment review, a number of neighbors expressed concerns with respect the project’s environmental, traffic, and security impacts, as well as the project’s scale. Light and noise trespass were also discussed.

The applicant has met on site with neighbors on several occasions following the workshop on this proposal.

VII. RIGHT, TITLE, & INTEREST

The applicant has provided a deed as evidence of right, title, and interest (*Attachment C*).

VIII. FINANCIAL & TECHNICAL CAPACITY

The applicant has provided two letters as evidence of Avesta’s technical capacity to develop affordable housing. The applicant has also provided a letter from Gorham Savings Bank expressing an interest in financing the project (*Attachment H*).

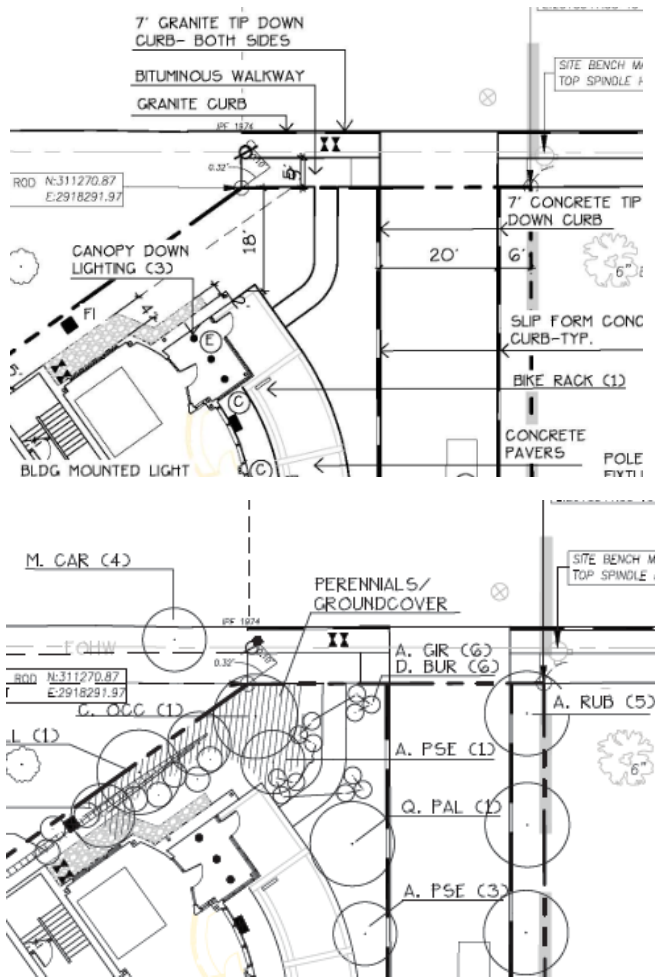


Figure 5: Bishop Street frontage and setback with revised landscaping

IX. ZONING ANALYSIS

The applicant has submitted a zoning analysis, which notes that the development, as proposed, does not meet two requirements of the B-2c zone (*Attachment I*). These include the following:

1. *Front Yard Maximum.* The B-2c zone establishes a front yard maximum of 10 feet, which the applicant continues to propose to exceed. At its closest point, the building is planned to sit 18 feet from the front property line (*Figure 5*). The ordinance does provide for an exception, stating that “the Planning Board or Planning Authority may approve a different amount for irregularly shaped lots or lots with frontage less than 40 feet provided this standard is met to the maximum extent practicable” (*Section 14-185*). The applicant has claimed in their site plan submittal that 72 Bishop is an irregularly shaped lot and that they have sited the building as close to the street as possible. The applicant writes,

“[t]he property is 50 feet wide at the property line and does not offer the ability to locate a 24 foot driveway and the primary building façade towards the street. Because of the low traffic volume entering the site and to allow the building to be as close to the road as possible, the driveway was designed as 20’ wide. The building is located as close as possible to the front property line (18’) to achieve the appearance of an active street front” (*Attachment I*).

The B-2 dimensional requirements also include a provision that, “[w]here setbacks exceed 10 feet, a continuous, attractive, and pedestrian-scaled edge treatment shall be constructed along the street, consisting of street trees spaced at no more than 15 feet on center, approved by city arborist, and a combination of landscaping no less than 4 feet deep, ornamental brick or stone walls or ornamental fencing” (*Section 14-185*). In the revised submittal, the applicant has added perennials/groundcover, hackberry and red maple trees, and azaleas and daphnes in the space between the building and the street line in an effort to provide sufficient edge treatment in this location (*Figure 5*). The arborist has reviewed the plans and generally found them satisfactory. The applicant is requesting that the board approve the project with the proposed deviation from the front yard maximum of the B-2c.

2. *Residential Parking Requirement.* Division 20 of the land use ordinance requires one parking space per dwelling unit for residential development in the B-2, B-2b, and B-2c zones. At this ratio, the project would be required to provide 30 parking spaces for the 30 residential units. However, *Section 14-332.2(b)* of the ordinance also provides an exception for affordable housing, whereby “the planning board

may establish a parking requirement for affordable housing units for rent or sale within an eligible project that is less than one parking space per affordable housing unit, regardless of the size of the structure.” The applicant has proposed 12 spaces, less than the 30 technically required by ordinance, explaining that the project is expected to generate limited demand based on comparables from Avesta’s experience at Logan Place. The applicant’s traffic engineer, Gorrill-Palmer, writes that the parking demand at Logan Place is generally a product of staff, outside medical providers, and social workers. Given anticipated staffing levels at the Bishop Street Apartments, they estimate a total demand for the Bishop Street site of 11 spaces (*Attachment M*).

In his original review comments, Tom Errico, the city’s traffic engineer, assumed that the applicant would restrict tenant parking. At the board’s workshop in May, Avesta corrected this assumption, stating that tenant car ownership would not, in fact, be limited. In response, Mr. Errico has reconsidered Gorrill-Palmer’s parking demand estimates and revised his comments on the proposed parking supply, writing,

The applicant has requested a waiver from the City's Technical Standards as it relates to off-street parking requirements. Gorrill-Palmer has provided a summary of parking needs based primarily on staffing requirements. According to the analysis, 12 parking spaces will be sufficient for demand needs...

It is suggested that an annual monitoring report be provided to the Planning Authority as it relates to parking and automobile ownership by tenants and if parking demand cannot be accommodated on-site, the applicant shall identify strategies to manage parking conditions.

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

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

In their final submittal, the applicant provided a revised survey in an attempt to address comments by Bill Clark, the city’s surveyor (*Attachment 2*). Mr. Clark’s comments on the revised survey were not available for publication in this report. In addition, the applicant has indicated that, due to the availability of the surveyor, a survey for the eastern end of Bishop Street could not be submitted prior to hearing. A final revised survey, addressing the comments of Mr. Clark, has been included as a condition of approval.

The applicant has noted that the grading plan will require revisions based on survey edits requested on the part of Mr. Clark. Thus, the review and approval of the revised grading plan has also been included as a condition of approval.

Mr. Clark, David Margolis-Pineo, of the city’s Department of Public Services, and Jen Thompson, Associate Corporation Counsel, have reviewed the draft subdivision plat and provided comments (*Attachments 2, 3, and 4*). The applicant has submitted a revised plat in an attempt to address these comments. Given additional changes which will be necessary following the planning board hearing, a final subdivision plat has been included as a condition of approval.

Lastly, the applicant has submitted a construction management plan in the final submittal (*Plan 25*). This plan depicts the location of construction fencing and a construction entrance, but contains no information about proposed work in the right-of-way to the east of the site. Mr. Errico has asked for revisions as a condition of approval. He writes,

The applicant has submitted a construction management plan for site work and I find it to be acceptable. A construction management plan for construction of the sidewalk will be required

and should be submitted for review and approval.

XI. SUBDIVISION REVIEW (Section 14-497(a))

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

1. Water, Air Pollution

Currently, the vast majority of the site is covered in grass or low scrub brush, and drains to the wetlands to the south, which serve as the headwaters of the Capisic Brook, an urban impaired stream. The proposed development would result in an increase of over 19,000 SF in impervious surface and change drainage patterns on the site. All runoff is proposed to flow through treatment systems which will mitigate for both quality and quantity. David Senus, consulting civil engineer, has reviewed the stormwater management plan (*Attachment N*). Given the findings of this review, the proposal is not expected to generate undue air or water quality impacts.

2 & 3. Adequacy of Water Supply

The applicant has provided evidence of capacity from the Portland Water District (*Attachment G*).

4. Soil Erosion

The applicant has provided a soil survey noting that “soils on the site are representative of the urban environment,” including “fill material, relic topsoil and glaciomarine deposits including silty clay.” The geotechnical report recommends excavation of fill material and backfilling with compacted granular borrow below the development site. The project is not expected to cause unreasonable soil erosion or reduction in the capacity of the land to hold water so that a dangerous or unhealthy condition results.

5. Impacts on Existing or Proposed Highways and Public Roads

The applicant has provided a traffic study, prepared by Gorrill-Palmer Consulting Engineers. Tom Errico, the city’s consulting traffic engineer, has reviewed this traffic study and provided comments, discussed in detail under site plan review below.

6. Sanitary Sewer/Stormwater Disposal

The applicant has provided a wastewater capacity letter from the Department of Public Services (*Attachment G*). A review of the proposed stormwater management system is discussed in detail below.

7. Solid Waste

The applicant has proposed an internal trash and recycling room for residential use and has stated that a private hauler will be contracted for the removal of solid waste. The application states that the “hauler will back into the driveway off of Bishop Street [and]...wheel container units to the truck.” Given this, the development is not anticipated to cause a burden on the city’s system.

8. Scenic Beauty

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

9. Comprehensive Plan

The applicant has provided a narrative regarding consistency with the city’s comprehensive plan (*Attachment K*). Consistency with the comprehensive plan is discussed in more detail under site plan review below.

10. Financial and Technical Capacity

As noted above, the applicant has submitted a letter from Gorham Savings Bank indicating the intent to consider project financing (*Attachment H*). Letters attesting to the proficiency of Avesta Housing have also been provided (*Attachment H*).

11. Wetland/Water Body Impacts

Altogether, the proposed development would impact just over 3,000 SF of wetlands. The applicant has made efforts to minimize this impact by siting the building as far from the wetland as possible, proposing limited parking and thus limited pavement, and designing retaining walls rather than grading at the project's rear. As noted above, the applicant proposes to treat all stormwater proposed to enter these wetlands. This system and wetland impacts are discussed in detail below.

12. Groundwater Impacts

There are no anticipated detrimental impacts to groundwater supplies.

13. Flood-Prone Area

Per the city's existing flood maps, the development is not proposed in a flood zone.

XII. SITE PLAN REVIEW (Section 14-526)

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

1. Transportation Standards

a. Impact on Surrounding Street Systems

The applicant has provided trip generation, access, and crash analyses prepared by Tom Gorrill of Gorrill-Palmer Consulting Engineers (*Attachment M*). The Gorrill-Palmer study estimates trip generation based on data collected at Logan Place, which is managed by Preble Street in much the same fashion as is anticipated at Bishop Street. Based on the Logan Place data, Gorrill-Palmer estimates a total of 13 AM peak hour and 11 PM peak hour vehicular trip ends to/from the site, mostly as a product of staff. Preble Street, who will provide services at the building, has written that all tenants will be afforded bus passes, that Preble Street has an account with Elite Taxi for emergency use, and that many clients will qualify for subsidized paratransit service. Given the low anticipated traffic volumes, no vehicular level of service analysis for area intersections was conducted.

Mr. Errico has reviewed the trip generation estimates and provided the following comments,

I have reviewed the traffic generation estimate prepared by Gorrill-Palmer and concur with the estimate that approximately 13 trips are projected to be generated during the AM peak hour and 11 trips during the PM peak hour. Based upon this level of traffic, I do not expect the project to have a significant impact to traffic safety and operations in the study area. It should be emphasized that while the tenants of the project are not expected to own cars, it is expected that they will be using the proposed sidewalk to gain access to METRO buses at Forest Avenue and general commercial land uses in the area.

It should be noted that, during the workshop, one neighbor expressed concerns regarding traffic safety on Bishop Street. With respect to vehicular traffic safety, the Gorrill-Palmer study pulled crash data from the area, including Morrill's Corner and the intersection of Bishop Street and Warren Avenue. Mr. Errico writes,

The crash data provided by the applicant notes that the Morrill's Corner intersection(s) had significant crashes over the report 2011 to 2013 three-year period. While the Forest Avenue/Stevens Avenue/Bishop Street intersection was not classified as a High Crash Location, it still had 30 reported crashes. The Forest Avenue/Allen Avenue intersection is a High Crash Location and had 53 reported collisions. Given that the project is not generating a significant amount of traffic, I do not expect safety conditions to be exacerbated.

b. *Access and Circulation*

As a corollary to the low vehicular trip generation noted above, the development poses the potential to generate significant pedestrian traffic. In fact, the relatively limited parking supply proposed by the applicant virtually guarantees a larger than average pedestrian mode share. Further, it should be noted that, during the associated zone change review, pedestrian access to goods, services, and transit connections at Morrill’s Corner formed a central component of the applicant’s argument for the selection of this site for the purposes of housing. During that review, the board questioned the applicant regarding the adequacy of pedestrian access from the site to both businesses and public transportation. In reports to the board, Mr. Errico noted the lack of sidewalk on Bishop Street and stated that, at the time of development, "a sidewalk system, without gaps, should be provided between uses on Bishop Street and Forest Avenue." It should also be reiterated that, during the board workshop on this matter, neighbors expressed concerns regarding pedestrian safety on Bishop Street.

In response to Mr. Errico’s comments, the applicant previously provided preliminary plans showing a proposed sidewalk extending for approximately 500’ east of the site on the south side of Bishop Street to the location of a short segment of existing sidewalk at 12 Bishop Street (*see proposed sidewalk as blue line in Figure 6*). This plan left what currently exists as a 125 foot open curb cut at the corner of Bishop Street and Stevens Avenue adjacent to the property at 2-10 Bishop Street (*see purple line in Figure 6*). Staff notified the applicant prior to the planning board workshop that they would be required to provide a sidewalk in this location and thus extend the sidewalk all the way to Forest Avenue/Stevens Avenue, as stated during the zone change review. At the workshop, the applicant argued that they shouldn't be required to complete this last sidewalk segment, citing the cost implications.

At the request of the board and in the time since the workshop, staff has engaged the applicant in an attempt to resolve this outstanding issue. In order to soften the financial impact of the sidewalk construction, DPS staff offered the applicant recycled granite curbing at the city's reduced price for both the outstanding sidewalk segment as well as the entire stretch of proposed sidewalk from the site to Forest Avenue/Stevens Avenue. Ultimately, in their July 9 response to comments, the applicant agreed “to construct the last section of sidewalk (continuous open curb cut section)” (*Attachment X*). They noted, “[w]e have had initial discussions with City staff concerning the potential of the City providing the used granite required for this added section of sidewalk and will continue to have discussion as the design of the sidewalk improvements are finalized.” Given the timing of this resolution, the design and construction of the entire sidewalk, from 72 Bishop Street to Stevens Avenue/Forest Avenue, has been drafted as a condition of approval.



Figure 6: Bishop Street sidewalk to Morrill’s Corner as proposed by applicant (blue) and requested by staff (blue and purple)

Regarding the sidewalk plans, it should also be noted that, as currently designed, the installation of the sidewalk will require both temporary construction and permanent grading easements. Mr. Margolis-Pineo writes,

It is recommended that as a condition of approval, the applicant be required to obtain all necessary construction easements to complete this project.

In their final submittal, the applicant states that they have “met with the abutters to review the design of the sidewalk and the need to obtain grading easements along their respective frontages” (*Attachment X*). DPS and planning staff have offered to facilitate the development of these easements.

With respect to on-site circulation, staff has reviewed the layout of pedestrian access and generally found it acceptable. Vehicular access is proposed via a 20’ curb cut from Bishop Street. Mr. Errico has reviewed the driveway layout and found it acceptable.

c. Public Transit Access

The proposed development is not located along a public transit route (*Figure 7*). As such, no provisions for transit access are required on the site. The proposed sidewalk to Morrill’s Corner, assuming it extends to Stevens Avenue, will serve as a pedestrian connection to existing transit service. At the board’s request, staff has approached Metro regarding current plans to rearrange existing bus stops at Morrill’s Corner. No response was received from Metro prior to the publication of this report. Bruce Hyman, the city’s Transportation Program Manager, is pursuing the potential for relocating bus stops with Metro.

d. Parking

As noted under the zoning review above, Division 20 of the land use ordinance requires one parking space/unit for residential development located in the B-2, B-2b, or B-2c zone, but the applicant has

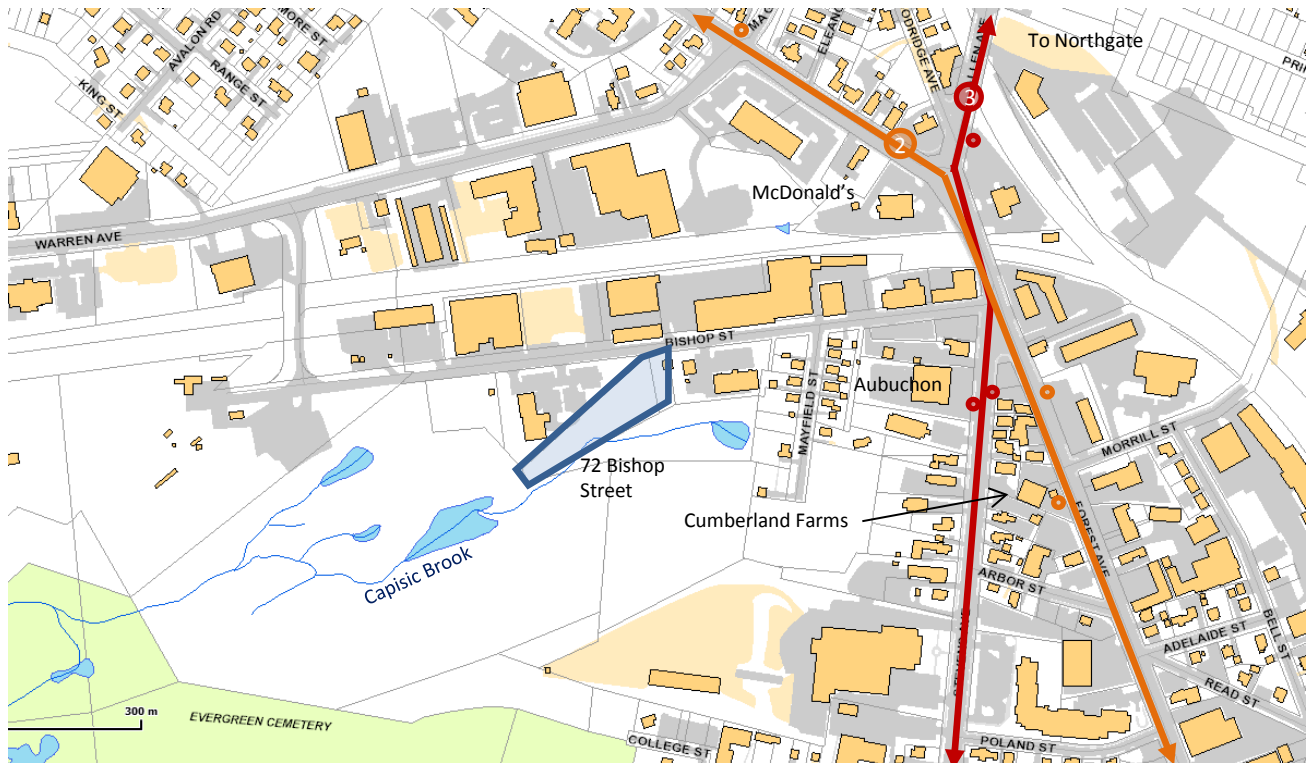


Figure 7: Existing transit service, Morrill’s Corner

requested an exception under the affordable housing provisions of the land use ordinance. Mr. Errico has generally expressed his support, suggesting a condition as noted above. Mr. Errico has also reviewed the parking lot layout and driveway condition and found them acceptable.

The final plans include 6 bicycle racks providing 12 bike parking spaces. All of these are located on private property, as the right-of-way in front of the site is constrained. One of these racks is proposed at the building's front; the other five are at the side or rear. The 12 spaces proposed meet the site plan standard of two spaces/five dwelling units for residential structures.

e. Transportation Demand Management

A transportation demand management plan is not required. However, as noted above, the project has been designed to incorporate some transportation demand management strategies, including paratransit services and transit subsidies.

2. Environmental Quality Standards

a. Preservation of Significant Natural Features

As noted previously, the Capisic Brook crosses onto the southwestern corner of the site. This segment of the Capisic is often cited by the Department of Public Services as one of the city's cleanest water resources; the *Capisic Brook Watershed Management Plan*, which was published in 2012, documents results of a 2003 monitoring program which determined that the east tributary of the Capisic, which roughly parallels Bishop Street here, met Class C water quality standards. Doug Roncarati, of the city's Department of Public Services, has reported that staff from the Maine Department of Environmental Protection have found that water quality in this segment of the brook has actually improved since the 2003 monitoring program and now meets Class A water quality standards (*Attachment 3*).

Given this, there are concerns about stream impacts and wetland disturbance on the site. The applicant has made efforts to site the building over 75 feet from the stream, minimize wetland disturbance to just over 3,000 SF, and develop adequate plans to treat stormwater prior to discharge. In their revised submittal, the applicant states that "the proposed infrastructure to treat stormwater quality exceeds DEP Chapter 500 standards for an urban impaired stream as well as the expectation for preserving the Capisic Brook Watershed" (*Attachment U*). In addition to reviewing the stormwater treatment system, discussed below, Mr. Sensus has reviewed wetland impacts and spoken to the Maine DEP's and Army Corps of Engineers' review of the wetland impacts of the proposal,

The Applicant has noted that an NRPA Tier 1 Permit Application and an ACOE Category 1 Permit Application will be submitted to the MaineDEP and ACOE, respectively, and that copies of the applications will be submitted under separate cover; copies of the permit approvals should be provided upon receipt.

A condition of approval has been drafted in this regard.

Similarly, it should be noted that a peer review conducted in 2007 by Call of the Wild Consulting and Environmental Services for the Gullivers Field area immediately south of Bishop Street found that that site provides "very significant migratory passerine (songbird) stopover habitat for both the spring and fall migrations. In fact, this area is a premier destination site for spring birding because of the large variety of bird species and numbers." The review concludes, "this area is a well-documented, important ecological area in Portland that Call of the Wild recommends permanent protection [sic]..." The applicant has made efforts to minimize the impact of the development on the forested area around the wetlands at the property's rear. At the request of Jeff Tarling, the city's arborist, the applicant has added a note on the site and landscaping plans stating that the contractor will demarcate tree saves and wetland protection areas prior to construction.



Figure 9: 72 Bishop Street, existing vegetation as seen from the north, with Gullivers Field at rear

b. Landscaping and Landscape Preservation

As noted above, the site is currently forested at rear around the Capisic Brook and associated wetlands (Figure 9). In the final plans, the applicant proposes to preserve a considerable amount of this forested area, including existing vegetation on the eastern and southwestern sides of the site. The applicant has revised the proposed landscaping on the UNE property

line to include native plantings, as requested by Mr. Tarling; added plantings at the street edge, as noted above; and added understory plantings along the building's east facade. The applicant also continues to propose understory plantings at the rear of the building.

In the workshop memo, staff commented on the location of the plantings, requesting that the applicant consider adding or relocating some of the understory landscaping to the western side of the building to buffer the development from the adjacent Masonic Lodge parking area. The revised plans continue to show the elimination of two existing trees and no new landscaping in this location, as this area is constrained in size and proposed with a vegetated soil filter. At the suggestion of the arborist, the revised plans do depict four trees in the right-of-way in front of the Masonic Lodge as a means of softening this perspective on the building. The applicant has stated that these trees could be relocated to the Mason's property adjacent to the site contingent on an agreement with the Mason's. Staff has drafted a condition of approval suggesting that the treatment of this western side of the building be resolved for review and approval by the arborist.

The applicant has requested a waiver from the street tree provisions of the ordinance, which require that a proposal include street trees at a ratio of one per unit planted in the right-of-way at 30 – 45 feet on center. The site plan ordinance includes language which allows the planting of street trees in the front yard within 10 feet of the property line in cases when site constraints prevent planting in the right-of-way. Two of the applicant's trees fall within this range, and, as previously discussed, the applicant has also proposed four additional trees in the right-of-way in front of the Masonic Lodge to the site's west. DPS staff has indicated that this location is acceptable and, assuming they remain, that they should be counted toward the street tree requirement. Contributions to the tree fund for the remaining 24 trees will be required.

c. Water Quality/Storm Water Management/Erosion Control

The applicant has submitted a revised stormwater management narrative by Ransom Consulting which describes the plan to treat the stormwater from 19,000 SF of additional impervious surface through the use of paver drain and filtered roof drain systems, both of which would lead to R-Tanks for storage and ultimately outlet near the wetlands at rear. Mr. Senus has reviewed the narrative and the associated stormwater plans and has no outstanding comments. It should be noted that, as the project lies within the

watershed of an urban impaired stream, the applicant will be required to make an in-lieu compensation fee payment of \$1,927. This has been included as a condition of approval.

3. Public Infrastructure and Community Safety Standards

a. Consistency with Related Master Plans

As noted above, the project is generally deemed consistent with related master plans, especially those plans addressing the need for affordable housing. *Housing: Sustaining Portland's Future* highlights the need for supportive housing with a goal particularly targeted towards this housing type. The housing plan recommends that the city should “[e]ncourage proposals from developers that will transition homeless families and individuals out of emergency shelters and transitional facilities into permanent housing, including single room occupancy (SRO) units.” In addition, the report of the city’s Homelessness Prevention Task Force, issued in November 2012, includes recommendations designed to address the city’s issues with homelessness, many of which apply here. Among these, the report recommends “a focus on providing appropriate permanent housing and support in the community for individuals, families, and youth as quickly as possible...Meeting this goal will...require constructing three new housing first units consisting of 35 units each and appropriate supports for people who are chronically homeless (4).”

b. Public Safety and Fire Prevention

At prior meetings related to the related zone change request, responding to neighborhood concerns, board members requested that the applicant provide information related to the potential security and safety impacts of the proposed development. Board members asked explicitly for police department data related to security around Avesta’s existing Housing First developments. The applicant provided a testimonial from Vernon Malloch of the Portland Police Department regarding Logan Place, stating that “Logan Place has successfully served as a tested model with no significant impact on the surrounding neighborhood” (*Attachment S*), but the board stressed the importance of additional information.

In response, the Portland Police Department provided an analysis of calls for service at Logan Place between 2005 and 2014 (*Attachment T*). The analysis includes explanations of the number of calls of various types, including, most prominently, refusing to leave/bothering and behavioral complaints. The memo also addresses drug-, assault-, and weapons-related calls, noting that many of these involved false alarms or repeat violators. The memo states that “few calls [at Logan Place] resulted in police reports or arrests. None of the [calls for service] were for serious crime types,” and concludes that “[w]e can anticipate an increase in police calls for service with development of any otherwise vacant parcel. Housing of the chronically homeless as takes place at Logan Place further increases the likelihood of an increase. Data review suggests there has been no negative impact on the neighborhood from a public safety standpoint. Other reports and studies have shown the population targeted for housing in this model draw significantly more police resources when they are homeless.” The applicant has provided references for these studies in their revised submittal (*Attachment V*).

Given the concerns about public safety and security on site, the applicant has generally made efforts to use site design to balance issues regarding natural surveillance and visual impacts to adjacent residential properties. In the final submittal, the applicant has indicated that there will be building-mounted surveillance cameras for monitoring the exterior seating area at the site’s rear. The applicant has also provided a photometric plan meeting the city’s technical standards (*Plan 24*).

With respect to fire prevention, the applicant proposes to provide 6” water service from Bishop Street for the building’s internal sprinkler system. An existing hydrant is located just to the east of the site entrance. At the request of Keith Gautreau, of the city’s Fire Prevention Bureau, the applicant has added ‘No Parking Fire Lane’ signs adjacent to the striped areas of the parking lot. Fire has indicated their general approval.

c. *Availability and Capacity of Public Utilities*

The applicant has proposed to bring water for both fire suppression and domestic service from a 12” water main in Bishop Street. Sewer will be serviced from an existing 8” line in Bishop Street and natural gas will be supplied from an existing 8” line in Bishop Street. The applicant has provided capacity letters for both water and sewer (*Attachment G*). Electrical, telephone, and cable service is proposed via a pole from Bishop Street to the west of the site. This arrangement requires an easement from the direct abutter, the Masonic Lodge. The applicant has contacted the abutter in an effort to reach an agreement regarding this easement. A condition of approval has been drafted in this regard.

4. Site Design Standards

a. *Massing, Ventilation, and Wind Impact*

No comments.

b. *Shadows*

No comments.

c. *Snow and Ice Loading*

The applicant has indicated in their preliminary submittal that they would contract with a private plow company to maintain the driveway and sidewalk in the event of snow. Snow storage is depicted at the southwest edge of the parking lot in the plans. The applicant has stated explicitly that snow will not be placed in the adjacent wetland, and has added a note to the plat to indicate this.

d. *View Corridors*

There are no comments.

e. *Historic Resources*

There are no comments.

f. *Exterior Lighting*

The applicant has provided a photometric plan and cut sheets for all exterior lighting (*Plan 24 and Attachment P*). The photometric plan shows no light trespass, and all fixtures meet the city’s *Technical Manual* standards.

g. *Noise and Vibration*

No comments.

h. *Signage and Wayfinding*

No signage or wayfinding is proposed at this time.

i. *Zoning-Related Design Standards*

In the final submittal, the applicant has provided context drawings as requested by the board (*Plans 20-23*). These drawings depict the proposed building within the context of both existing development as well as potential development as allowed by the recent rezoning. The images also show the design from front and rear.

Planning staff reviewed the plans and drawings for conformance with the multi-family design standards (*Design Manual, Section (i)*). Caitlin Cameron, the city’s urban designer, documented the findings of the review, writing,

Standard 1 – The surrounding context tends to be more commercial in use and character. Additionally, the neighboring residential context is most often single-family or other

small-scale buildings. Therefore, the multi-family, large-scale building proposed is not the same type of residential project and is therefore not able to have the same character. The project uses a mix of building materials that, in combination with the fenestration, projections, and the varying forms and roof lines, provide positive visual interest as stipulated in the Standard.

Standard 2 – A building in a B-2 zone should contribute to the street wall. However, this property has an unusual lot configuration and very little frontage. As such, it is understandably difficult to build to the street. The principal entry is relatively close to the street and provides good visibility. A direct pedestrian path is provided from the sidewalk to the main entry.



Figures 10 and 11: Bishop Street Apartments in context from front and rear.

Standard 3 – The project provides a garden space and screening and landscaping elements as required by the Standard. The outdoor seating area is screened from neighboring parking lots with a 6' solid wood fence. A 42" wood picket fence separates the wetland area from the seating area. Consider providing additional landscaping/screening to the Northwest property line to buffer dwelling units from the neighboring parking lots.

Standard 4 – Overall the project has a high level of fenestration to provide resident access to light and air. Storage is provided.

Standard 5 – Parking is well screened and positioned away from the street.

Standard 6 – Not Applicable

It should be noted that previous comments from staff related to the treatment of the building bays has been resolved with no change to the building elevations.

XIII. STAFF RECOMMENDATION

Subject to the proposed motions and conditions of approval listed below, Planning Division staff recommends that the planning board approve the proposed Bishop Street Apartments at 72 Bishop Street.

XIV. PROPOSED MOTIONS

A. WAIVERS

On the basis of the application, plans, reports and other information submitted by the applicant; findings and recommendations contained in the planning board report for the public hearing on July 14, 2015 for application 2015-060 relevant to Portland's technical and design standards and other regulations; and the testimony presented at the planning board hearing:

1. The Planning Board **finds/does not find** that the applicant has demonstrated that site constraints prevent the planting of all required street trees. The planning board **waives/does not waive** the site plan standard (*Section 14-526(b)(iii)*) requiring on street tree per unit for multi-family development and concludes that the applicant shall make a financial contribution of \$4,800 for 24 trees to Portland's tree fund.

B. SUBDIVISION

On the basis of the application, plans, reports and other information submitted by the applicant; findings and recommendations contained in the planning board report for the public hearing on July 14, 2015 for application 2015-060 relevant to the subdivision regulations; and the testimony presented at the planning board hearing, the planning board finds that the plan **is/is not** in conformance with the subdivision standards of the land use code, subject to the following condition of approval, which must be met prior to the signing of the plat:

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

C. DEVELOPMENT REVIEW

On the basis of the application, plans, reports and other information submitted by the applicant; findings and recommendations contained in the Planning Board Report for the public hearing on July 14, 2015 for application 2015-060 relevant to the site plan regulations; and the testimony presented at

the planning board hearing, the planning board finds that the plan **is/is not** in conformance with the site plan standards of the land use code, subject to the following conditions of approval that must be met prior to the issuance of a building permit, unless otherwise stated:

1. Beginning one year following certificate of occupancy, the applicant shall submit an annual report documenting tenant automobile ownership and parking demand, as well as measures to manage parking conditions as necessary, for review and approval by the Planning Authority;
2. The applicant shall submit a revised survey for review and approval by the city's Department of Public Services;
3. The applicant shall submit a revised grading plan for review and approval by the city's Department of Public Services;
4. The applicant shall submit a revised construction management plan which addresses the installation of the proposed sidewalk on the south side of Bishop Street to Stevens Avenue for review and approval by the Department of Public Services;
5. The applicant shall submit plans for, obtain all necessary easements related to, and construct a sidewalk on the south side of Bishop Street from 72 Bishop Street to Forest Avenue/Stevens Avenue, including the easternmost section abutting 2-10 Bishop Street, for review and approval by the Department of Public Services;
6. The applicant shall provide copies of associated permits from Maine DEP and the Army Corps of Engineers for review and approval by the Planning Authority;
7. The applicant shall submit a revised landscaping plan which addresses the treatment of the western side of the building for review and approval by the city arborist;
8. As this development falls within the watershed of an urban impaired stream, the Capisic Brook, the applicant shall make an in-lieu compensation fee payment of \$1,927 for review and approval by the Planning Authority; and
9. The applicant shall obtain a utility easement from the Masonic Lodge for review and approval by the Planning Authority.

XV. ATTACHMENTS

PLANNING BOARD REPORT ATTACHMENTS

1. Traffic Engineer review (memo from Thomas Errico, 6/25/15)
2. Survey review (memo from Bill Clark, 6/1/15)
3. Department of Public Services review (memo from David Margolis-Pineo, 5/12/15)
4. Corporation Counsel Review (memo from Jennifer Thompson, 6/5/15)
5. Civil Engineer review (memo from David Senus, 6/12/15)
6. Design review (memo from Caitlin Cameron, 6/29/15)

APPLICANT'S SUBMITTALS

- A. Cover Letter (from Bob Metcalf, Mitchell & Associates, 4/10/15)
- B. Development Review Application, Project Data, and Checklist
- C. Right, Title, or Interest
- D. Project Description, Project Data, and Maps
- E. Abutting Property Owners

- F. Existing Soils Condition
- G. Public Utilities
- H. Technical Capability, Financial Capability, and Letter of Authorization
- I. Compliance with Applicable Zoning
- J. Waiver Request
- K. Consistency with City's Master Plan and Conformity with Design Standards
- L. Fire Department Checklist and HVAC Emissions Requirements
- M. Traffic and Parking Study
- N. Stormwater Management Plan
- O. Solid Waste Disposal and Snow Removal
- P. Light Fixtures
- Q. Environmental Quality Standards
- R. Letter from PDD
- S. PDD Calls for Service Analysis
- T. Neighborhood Meeting Minutes
- U. Cover Letter (from Bob Metcalf, Mitchell & Associates, 5/22/15)
- V. Supplemental Staffing Memo/Description of Services
- W. Cover Letter (from Bob Metcalf, Mitchell & Associates, 6/23/15)
- X. Cover Letter (from Bob Metcalf, Mitchell & Associates, 6/9/15)

PLANS

- Plan 1. Boundary & Topographic Survey
- Plan 2. Existing Conditions Plan
- Plan 3. Layout and Lighting Plan
- Plan 4. Grading, Drainage, and Utilities Plan
- Plan 5. Planting Plan
- Plan 6. Site Details
- Plan 7. Site Details
- Plan 8. Site Details
- Plan 9. Bishop Street Sidewalk Plan
- Plan 10. Erosion & Sedimentation Control Plan
- Plan 11. Draft Plat Plan
- Plan 12. Pre-Development Stormwater Plan
- Plan 13. Post-Development Stormwater Plan
- Plan 14. First Floor Plan
- Plan 15. Second Floor Plan
- Plan 16. Third Floor Plan
- Plan 17. Roof Plan
- Plan 18. Roof Drain Downspout Locations
- Plan 19. Exterior Elevations
- Plan 20. Existing Context Aerials
- Plan 21. Proposed Context Aerials
- Plan 22. Proposed Context from Bishop Street
- Plan 23. Proposed Context from Rear
- Plan 24. Photometric Plan
- Plan 25. Construction Management Plan

PUBLIC COMMENT

- PC-1. Email from Michael Joyce (5/26/15)