



Tuck O'Brien  
City Planning Director, Planning Division

May 13, 2016

Angel Robinson, Pre-Development Director  
Guggenheim Retail Real Estate Partners, Inc.  
3000 Internet Blvd, Suite #570  
Frisco, TX 75034

David Fenstermacher, PE  
*VHB*  
2 Bedford Farms Drive, Suite #200  
Bedford, NH 03110

Project Name: **Conversion of Sala Thai to Taco Bell with drive-through**  
Project ID: #2016-007  
Address: 1363 Washington Avenue, Portland CBL: 401 A002001  
Applicant: Guggenheim Retail Real Estate Partners, Inc.  
Planner: Jean Fraser

Dear Ms Robinson and Mr Fenstermacher:

On May 13, 2016, the Planning Authority approved with conditions a Level II site plan for the conversion of the existing Sala Thai restaurant (with no drive through) to a Taco Bell restaurant with a drive through at 1363 Washington Avenue.

The decision is based upon the application and documents as submitted by the applicant, and plans prepared by *VHB* (engineers) dated 5.4.2017. The Planning Authority found the proposals are in conformance with the Site Plan Standards of the Land Use Code subject to the following waiver and conditions of approval and the standard conditions of approval:

#### **WAIVER**

##### *Parking lot layout*

The Planning Authority waives the Technical Standard, Section 1.14 and associated figures, which specify aisle widths and parking space dimensions, to allow the parking lot layout to be based on 50 degree angled parking as shown on the approved Layout Plan.

#### **SITE PLAN CONDITIONS OF APPROVAL**

- i. That applicant shall conduct a detailed *Crash Monitoring Study* at the drive access with Washington Avenue (to be conducted in accordance with a methodology agreed with the City's Traffic Engineering Reviewer and particularly focusing on crashes caused by Taco Bell vehicles entering or exiting the site) for the 12 months following the opening of the drive through to the public, such date to be informed to the City Planning Authority. A report summarizing the outcomes of the *Crash Monitoring Study*, including the identification of all crashes and any other problems observed in the 12 month period, shall be submitted to the City Planning Authority immediately upon completion and no later than one month after the *Study* is conducted. The applicant will obtain the crash data from local sources including the Portland Police Department. If the *Study* indicates that the full turn access has contributed to a significant increase in crashes along Washington Avenue involving site vehicles (as determined by the City based on the cause of the crashes and on the City Traffic Engineer's recommendations), the applicant shall modify the access to be right-out and right-in only; and

- ii. That the applicant shall pursue the creation of a 2-way road connection to the "Rite Aid" driveway to the north in order to encourage Taco Bell customers to use the access from Allen Avenue and reduce potential conflicts in Washington Avenue. The applicant shall preserve space for this connection in the current site plan and agree to construct it in the future if the Rite Aid site is redeveloped or at a time period when the site is being reviewed by the City. If this connection is achieved and permanent (ie open to Taco Bell vehicles) within the first 12 months following the opening of the drive through to the public (ie during the monitoring period), the applicant shall not be responsible for submitting the final report associated with the *Crash Monitoring Study* nor the associated potential restrictions as outlined in Condition 1 above; and
- iii. The drive-through is approved as part of the Taco Bell use only. If the occupant changes and the drive-through remains in operation, the new occupant shall submit a traffic analyses relating to the new occupant's drive through traffic generation to the Planning Authority for review and approval. If the new occupant's drive through use results in "peak hour" traffic volumes that are greater than those associated with Taco Bell (as documented in the Taco Bell site plan application subject of this letter), the new occupant may be required to revise the access from Washington Avenue to incorporate restrictions (for safety) and may be required to obtain a Traffic Movement Permit; and
- iv. The project was reviewed to confirm conformance with the B2 Design Standards and the attached (undated) elevation has been approved, based on the understanding that any new windows will be specified to be Solarban 60 Starphire Ultra-Clear Glass (or equivalent) of a tint to match the tint of the existing windows; and
- v. That the plans shall be revised to include additional erosion and sedimentation control notes as listed below, with all these revised plans to be included in the Final Plan set and submitted prior to the issuance of a building permit:
  - a. The project shall comply with the MaineDEP Basic Standards for erosion and sediment control, inspection and maintenance, and good housekeeping practices, as outlined in Appendix A, B, & C of the Maine DEP Chapter 500 Regulations. The contractor shall utilize Maine Department of Environmental Protection Erosion and Sedimentation Control Best Management Practices.
  - b. Siltsack sediment traps shall be installed in all existing catch basin structures located within the site and immediately downstream of the construction site.
  - c. A stabilized construction exit will be utilized as required, and the site shall be swept on an as-needed basis, and as directed by the City of Portland, to prevent the tracking of sediment from the site onto the street.
- vi. That the final detailed construction management plan shall be submitted for review and approval by the Department of Public Works prior to the start of any work on site, to ensure pedestrian and traffic safety arrangements are satisfactory; and
- vii. All signage, whether included/shown in the approved plan set or not (both free standing and wall mounted) shall be subject to separate sign permits and approvals under the City's Sign Ordinance (Land Use Ordinance Chapter 14, Article III, Division 22) and separate applications are necessary via Inspections.

The approval is based on the submitted site plan. If you need to make any modifications to the approved site plan, you must submit a revised site plan for staff review and approval.

## STANDARD CONDITIONS OF APPROVAL

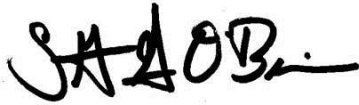
Please note the following standard conditions of approval and requirements for all approved site plans:

1. **Develop Site According to Plan** The site shall be developed and maintained as depicted on the site plan and in the written submission of the applicant. Modification of any approved site plan or alteration of a parcel which was the subject of site plan approval after May 20, 1974, shall require the prior approval of a revised site plan by the Planning Board or Planning Authority pursuant to the terms of Chapter 14, Land Use, of the Portland City Code.
2. **Separate Building Permits Are Required** This approval does not constitute approval of building plans, which must be reviewed and approved by the City of Portland's Inspection Division.
3. **Site Plan Expiration** The site plan approval will be deemed to have expired unless work has commenced within one (1) year of the approval or within a time period up to three (3) years from the approval date as agreed upon in writing by the City and the applicant. Requests to extend approvals must be received before the one (1) year expiration date.
4. **Performance Guarantee and Inspection Fees** A performance guarantee covering the site improvements, inspection fee payment of 2.0% of the guarantee amount and six (6) final sets of plans must be submitted to and approved by the Planning Division and Public Works Department prior to the release of a building permit, street opening permit or certificate of occupancy for site plans. If you need to make any modifications to the approved plans, you must submit a revised site plan application for staff review and approval.
5. **Defect Guarantee** A defect guarantee, consisting of 10% of the performance guarantee, must be posted before the performance guarantee will be released.
6. **Preconstruction Meeting** Prior to the release of a building permit or site construction, a pre-construction meeting shall be held at the project site. This meeting will be held with the contractor, Development Review Coordinator, Public Work's representative and owner to review the construction schedule and critical aspects of the site work. At that time, the Development Review Coordinator will confirm that the contractor is working from the approved site plan. The site/building contractor shall provide three (3) copies of a detailed construction schedule to the attending City representatives. It shall be the contractor's responsibility to arrange a mutually agreeable time for the pre-construction meeting.
7. **Department of Public Works Permits** If work will occur within the public right-of-way such as utilities, curb, sidewalk and driveway construction, a street opening permit(s) is required for your site. Please contact Carol Merritt at 874-8300, ext. 8828. (Only excavators licensed by the City of Portland are eligible.)
8. **As-Built Final Plans** Final sets of as-built plans shall be submitted digitally to the Planning Division, on a CD or DVD, in AutoCAD format (\*.dwg), release AutoCAD 2005 or greater.

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

If there are any questions, please contact Jean Fraser at (207) 874-8728.

Sincerely,



Stuart G. O'Brien  
City Planning Director

Attachment:

- i. Submitted Proposed Elevation
- ii. Performance Guarantee Packet

**Electronic Distribution:**

cc: Jeff Levine, AICP, Director of Planning and Urban Development  
Stuart G. O'Brien, City Planning Director  
Barbara Barhydt, Development Review Works Manager  
Jean Fraser, Planner  
Philip DiPierro, Development Review Coordinator, Planning  
Ann Machado, Zoning Administrator, Inspections Division  
Tammy Munson, Inspections Division Director  
Jonathan Rioux, Inspections Division Deputy Director  
Jeanie Bourke, Plan Reviewer/CEO, Inspections Division  
Brad Saucier, Administration, Inspections Division  
Katherine Earley, Engineering Works Manager, Public Works  
Bill Clark, Project Engineer, Public Works  
David Margolis-Pineo, Deputy City Engineer, Public Works  
Doug Roncarati, Stormwater Coordinator, Public Works  
Greg Vining, Associate Engineer, Public Works  
Michelle Sweeney, Associate Engineer  
John Low, Associate Engineer, Public Works  
Rhonda Zazzara, Field Inspection Coordinator, Public Works  
Mike Farmer, Project Engineer, Public Works  
Jane Ward, Administration, Public Works  
Jeff Tarling, City Arborist, Public Works  
Jeremiah Bartlett, Public Works  
Keith Gautreau, Fire Department  
Jennifer Thompson, Corporation Counsel  
Thomas Errico, P.E., TY Lin Associates  
David Senus, P.E., Woodard and Curran  
Rick Blackburn, Assessor's Department  
Approval Letter File