



PLANNING BOARD REPORT PORTLAND, MAINE

415 Cumberland Avenue
 Building Renovation: Commercial & Residential
 Level III Site Plan and Subdivision Plan
 2018-011
 Applicant: 415 CA, LLC.

Submitted to Portland Planning Board Public Hearing Date: April 24, 2018	Prepared by: Christian Roadman Date: April 20, 2018
---	--

I. INTRODUCTION

The owner of 415 Cumberland Avenue seeks to renovate the property's existing building to include two commercial and eight residential units. The Planning Board previously approved property renovations / building conversion for this site in 2016 and 2015, but neither previous project came to fruition.

The current proposed project includes some exterior work, such as window infill, installation, replacement, and refurbishment; installation of cement board siding; installation of a metal side entrance canopy; and creation of a small rooftop deck. However, most of the proposed work will impact the interior of the building.

The property is not within a historic district, nor the downtown pedestrian overlay district, but it is within 100 feet of the Congress Street historic district. As such, this project's review process includes historic preservation advisory review. The Planning Department sent 189 notices of this agenda item to property owners within 500 feet of the site. Notice of this item also appeared in legal advertisements on April 16 and April 17, 2018.

Applicant: Sam Reiche, 415 CA, LLC

Consultants: Walsh Engineering Associates (Thomas Greer, P.E.); Downeast Surveying & Development (Elwood Ellis); Archetype Architects (Barry Yudaken)

II. REQUIRED REVIEWS

Waiver Requests	Applicable Standards
None	n.a.
Review	Relevant Code
Site Plan	<i>Section 14-526</i>
Subdivision	<i>Section 14-497</i>

III. PROJECT DATA

Existing Zoning	B-3c Downtown Business, R-6 Residential		
Existing Use	Commercial		
Proposed Use	Commercial and Residential		
Proposed Development Program	2 Commercial Units, 8 Residential Units		
- Bedroom Mix	One Studio, Four 1-Bedroom, Three 2-Bedroom		
Parcel Size	6,098 sq. ft.		

	<i>Existing</i>	<i>Proposed</i>	<i>Net Change</i>
Building Footprint (sq. ft.)	4,929	4,929	○
Building Floor Area (sq. ft.)	15,820	15,820	○

Impervious Surface Area (sq. ft.)	5,762	5,786	24
Parking Spaces	6	6	0
Bicycle Parking Spaces	0	4	4
Estimated Cost of Project	\$800,000		

IV. EXISTING CONDITIONS

Located at the corner of Forest and Cumberland Avenues, the property includes one existing building. Property records list the building as constructed in 1900, but it includes a more recent, wooden clapboard addition. Within that addition, a garage holds sufficient space for six tandem-parked cars.

415 Cumberland is immediately surrounded by buildings of a variety of styles and uses, including two apartment buildings, a parking garage, and the YMCA. The YMCA shares access, as well as an easement to, a pedestrian way between that building and 415 Cumberland.

The existing building is located on a slope, providing the basement level with frontage on Forest Avenue and the first floor with frontage on Cumberland Avenue.

V. PROPOSED DEVELOPMENT

The applicant intends to establish two commercial spaces, one on the basement level (with Forest Avenue frontage) and one on the first floor (with Cumberland Avenue frontage). Plans include two residential units on the first floor, five on the second floor, and one unit at the penthouse level. The penthouse unit will include access to a new, fenced roof deck.

The proposed renovations include window infill, installation, and replacement, new cement-board siding, and installation of a metal canopy over the side entrance. No proposed changes impact the existing building’s footprint. A fence and code-entry gate will block public access to the space between the building at 415 Cumberland and the YMCA. The applicant proposes to provide this code to the YMCA in order to facilitate access by that organization.

Commercial tenants are not specified in the application, and the residential units are intended for rental. There is no elevator in the building, nor will one be installed. The six tandem parking spaces inside the garage will be retained, and four bicycle parking spaces will be provided via two bicycle racks.

VI. PUBLIC COMMENT / NEIGHBORHOOD MEETING

The applicant team held a neighborhood meeting for the project on March 14, 2018 at 415 Cumberland Street, which four people attended. Submitted notes represent feedback as positive, and reflect desire for the project to proceed (in contrast with the previous two development efforts).

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

The applicant submitted a quitclaim deed evidencing ownership of the property in question, as well as documentation of easements granted both to and from the YMCA next door. The proposed project maintains the YMCA’s emergency exit into and away from the space between the two buildings.

A letter signed by Roger C. Levesque, Executive Vice President at Gorham Savings Bank, attests to the applicant’s “experience and financial capacity to successfully finance and complete the proposed property improvements.” The estimated project cost is \$800,000.

VIII. ZONING ANALYSIS

The majority of the property at 415 Cumberland Avenue is located within the B-3c downtown business zone, while approximately 20 feet of the property’s northwest area is located in the R-6 residential zone (this area includes proposed apartments, but not the proposed commercial spaces). No additional parking is required for the project in either zone, and the six tandem-parked garage spaces will remain. Staff find the proposed project in conformance with zoning requirements.

IX. DEVELOPMENT REVIEW

A. SUBDIVISION (Section 14-497)

The proposed development prompts review for conformance with relevant standards of Portland’s subdivision ordinance and applicable regulations.

Will Not Result in Undue Water and Air Pollution; Will Not Result in Undue Soil Erosion

Staff find the proposed project in conformance with this standard.

Sufficient Water Available

The applicant provided a capacity to serve letter from the Portland Water District.

Will Not Cause Unreasonable Traffic Congestion

Staff find the proposed project in conformance with this standard.

Will Provide for Adequate Sanitary Sewer and Stormwater Disposal; Will Not Cause an Unreasonable Burden on Municipal Solid Waste and Sewage

The applicant provided a wastewater capacity application, but no response from the Department of Public Works. Staff recommends that confirmation of adequate capacity be included as a condition of approval.

Scenic Beauty, Natural, Historic, Habitat and other Resources

Staff find the proposed project will not have an adverse effect on the scenic or natural beauty of the area.

Comprehensive Plan

Staff find the proposed project compatible with the Comprehensive Plan, which includes the following applicable goals:

- “create economic prosperity by growing Portland’s tax and employment base”
- “encourage additional contextually appropriate housing density in and proximate to neighborhood centers, concentrations of services, and transit nodes and corridors as a means of supporting complete neighborhoods”

B. SITE PLAN (Section 14-526)

The proposed development prompts review for conformance with relevant standards of Portland’s site plan ordinance and applicable regulations.

Transportation Standards

Traffic Impacts; Parking; Construction Management Plan

As mentioned above, neither the B-3c zone nor the R-6 zone require one parking space per dwelling unit in this instance. The proposed project is not anticipated to significantly impact surrounding street systems, access, or circulation. Tom Errico, consulting traffic engineer, provided comments regarding parking and construction management intended to minimize any impact.

- Tandem parking spaces shall be designated for the residential units only (or low turnover use) to minimize backing maneuvers onto Forest Avenue.
- The applicant submitted a general construction management plan, but a condition of approval shall require greater detail, including:
 - Pedestrian detour plan minimizing sidewalk impact
 - Construction material delivery / truck plan minimizing sidewalk and vehicle lane impact
 - Information on contractor parking such that public on-street parking is not impacted.

ADA Access

Bruce Hyman, the City’s transportation program manager, expressed concern regarding the condition and grade of the sidewalk and driveway along Forest Avenue. As a condition of approval, existing and proposed grades shall be submitted for review and approval by the Planning Authority.

The applicant submitted an accessibility review finding that a range of accessibility measures were not required for this project. Staff shared this document with the Permitting and Inspections Department for review and input. Code Enforcement Officer Jeanie Bourke flagged the following statement for confirmation by the applicant: “complete change in occupancy does not apply as the entire building is not changing to Residential. Therefore an accessible entrance, and accessible route, and accessible parking is not required.” Additionally, the most recent set of plans were not yet available. Staff suggests review and acceptance of ADA compliance by the Permitting and Inspections Department as a condition of approval, and that any required modifications to the site plan shall be reviewed and approved by the Planning Authority.

Environmental Quality Standards

The proposed project is not anticipated to significantly impact natural features or water quality. As it is located on a fully developed site, the project was not subject to additional stormwater controls.

Two existing street trees are to be maintained, and two new street trees are proposed.

Because the project proposes eight residential units, four street trees required under the City’s Technical Standards are required. Applicant payment of the fee-in-lieu for four street trees is suggested as a condition of approval.

Public Infrastructure and Community Safety Standards

Division Chief Mike Thompson noted that the Fire Department has adequate capacity in the area for this project. During the application process, the applicant communicated with staff in the Permitting and Inspections Department to facilitate compliance with relevant standards.

Site Design Standards

The proposed project is not anticipated to create significant issues related to snow and ice loading, exterior lighting, noise and vibration. Waste/recycling materials are proposed to be screened by a new fence, and stored in the space between 415 Cumberland and the YMCA (while still allowing passage).

Proposed site changes are consistent with B-3c and multifamily design standards, subject to approval by Deb Andrews, the City’s historic preservation program manager. Due to its location within 100 feet of the Congress Street historic district, the project prompted advisory historic preservation design review.

Ms. Andrews commented that new windows should match the existing windows in material, muntin configuration and profile, color, and operation. This is of particular importance on elevations in which new and existing windows will be present.

Additionally, Ms. Andrews requested a detail of the metal canopy proposed over the Forest Avenue entrance. Proposed window details, as well as the proposed metal canopy detail, should be submitted for review and approval by Ms. Andrews as a condition of approval.

XII. PROPOSED MOTIONS

A. 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 April 24, 2018 for application 2017-011 (415 Cumberland Avenue) relevant to the subdivision regulations; and the testimony presented at the Planning Board hearing, the Planning Board finds that the plan **[is / is not]** in conformance with the subdivision standards of the land use code, subject to the following conditions of approval, which must be met prior to the signing of the plat:

1. Confirmation of adequate wastewater capacity shall be provided to and reviewed by City staff.

B. 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 April 24, 2018 for application 2017-011 (415 Cumberland Avenue) 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, which must be met prior to issuance of a building permit:

1. Proposed window specifications and the proposed metal canopy detail shall be submitted for review and approval by historic preservation staff.
2. The applicant shall submit additional information pertaining to construction management, including: Pedestrian detour plan minimizing sidewalk impact; construction material delivery and truck plan minimizing sidewalk and vehicle lane impact; and, information on contractor parking such that public on-street parking is not impacted.
3. Existing and proposed grades of the property's sidewalk and driveway along Forest Avenue shall be submitted for review and approval by the Planning Authority.
4. The applicant shall ensure ADA accessibility compliance, to be reviewed and accepted by staff in the building and permitting department. Any required modifications to the site plan shall be reviewed and approved by the Planning Authority.
5. The applicant shall pay into the City's street tree, at a cost of \$400 per tree, to account for each of the four trees not provided per the City's Technical Standards.

XIII. ATTACHMENTS

PLANNING BOARD REPORT ATTACHMENTS

- A. NEIGHBORHOOD MEETING MATERIALS
- B. CONSULTING TRAFFIC ENGINEER COMMENTS 4-19-18
- C. CONSULTING CIVIL ENGINEER EMAIL COMMENTS 3-1-18
- D. HISTORIC PRESERVATION REVIEW COMMENTS 3-20-18
- E. FIRE STAFF COMMENTS 3-7-18
- F. DPW COMMENT 4-20-18
- G. CODE ENFORCEMENT OFFICER COMMENT 4-2-18
- H. TRANSPORTATION PROGRAM MANAGER COMMENTS 3-30-18

APPLICANT'S SUBMITTALS

1. COVER LETTER
2. LEVEL III APPLICATION
3. WASTEWATER APPLICATION
4. LAND USE CONFORMANCE NARRATIVE
5. FINANCIAL CAPABILITY
6. DEED
7. EMAIL TO CITY WASTEWATER FOR ABILITY TO SERVE
8. EMAIL TO PWD – REQUEST FOR ABILITY TO SURVE
9. PWD ABILITY TO SERVE DETERMINATION
10. UPDATED COVER LETTER
11. ACCESSIBILITY EVALUATION
12. ADA RAMP PHOTO
13. EASEMENT INFORMATION
14. EXTERIOR LIGHT CUTSHEETS

PLANS

- A. FLOOR PLANS
- B. ELEVATIONS
- C. LANDSCAPE PLAN
- D. SITE PLAN
- E. DEMOLITION PLAN & DETAILS
- F. CONSTRUCTION MANAGEMENT PLAN NARRATIVE

- G. SUBDIVISION PLAN
- H. SURVEY PLAN