

PLANNING BOARD REPORT PORTLAND, MAINE



82 Hanover Street Redevelopment
Level III Site Plan Review
2018-042
Tom Watson & Co, LLC

Submitted to: Portland Planning Board Date: May 11, 2018 Public Hearing Date: May 17, 2018	Prepared by: Nell Donaldson, Senior Planner CBLs: 34-G-1, 2, 3, 4, & 5 Project #: 2018-042
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I. INTRODUCTION

Tom Watson & Co., LLC appears before the Planning Board for a public hearing associated with a Level III site plan review for a redevelopment project at 82 Hanover Street. Notice of this hearing appeared in the *Portland Press Herald* on May 7 and 8, 2018. Notices were sent to 83 property owners within 500 feet and to the interested citizens list.

Applicant: Tom Watson & Co., LLC

Consultants: Will Savage, Acorn Engineering; Ryan Senatore, Ryan Senatore Architecture; Bill Bray, Traffic Solutions; Sarah Cushman, Cushman Transportation Consulting

II. REQUIRED REVIEWS

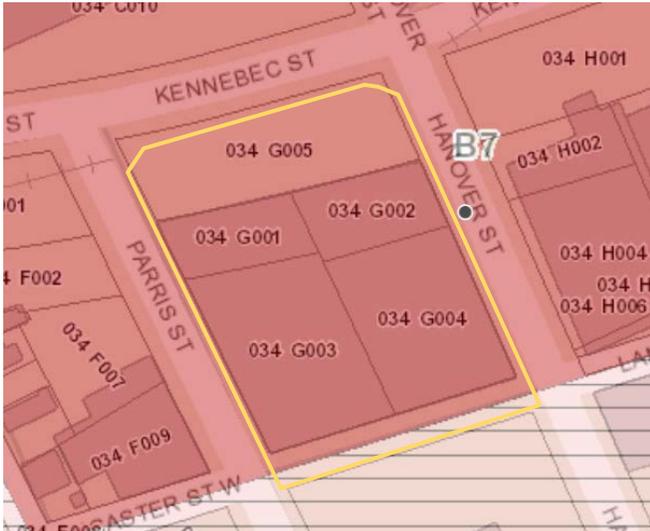
<i>Waiver Requests</i>	<i>Applicable Standards</i>
<i>Driveway Separation</i> – to allow a curb cut approximately 30’ from the Hanover/Kennebec Street intersection and Parris/Hanover Street intersection	<i>Technical Manual</i> , Section 1.7.2.7. Along local streets, access driveways to corner lots shall be located a minimum of 35’ from the intersection of the projection of the right-of-way lines to the centerline of the driveway.
<i>Number of Driveways</i> – to allow four curb cuts on the site	<i>Technical Manual</i> , Section 1.7.2.8. No more than two driveways shall be permitted for ingress and egress purposes to any commercial...site.
<i>Compact Parking Spaces</i> – to allow 49% of the 29 parking spaces on site to be designed as compact	<i>Technical Manual</i> , Section 1.14. In parking areas of over 10 parking spaces, no more than 20% of parking spaces shall be compact in size.
<i>Parking Lot Layout</i> – to allow parking as designed in the final site plan	<i>Technical Manual</i> , Section 1.14. Parking lot layout shall conform to Figures I-28 to I-32.

<i>Review</i>	<i>Applicable Statute</i>
Site Plan	<i>Section 14-526</i>

III. PROJECT DATA

Existing Zoning	B-7, with small area of B-2b at rear of site
Existing Use	Auto Service/Office
Proposed Use	Commercial
Proposed Development Program	Mixed Use - Restaurant, Retail, Brewery, Bar/Eatery, Fitness Center, Office
Parcel Size	58,059 SF

	<i>Existing</i>	<i>Proposed</i>	<i>Net Change</i>
Building Footprint	38,696 SF	38,696 SF	o SF
Building Floor Area	43,572 SF	43,572 SF	o SF
Impervious Surface Area	58,059 SF	57,456 SF	-600 SF
Parking Spaces	46	39	-7
Bicycle Parking Spaces	o	18	18
Estimated Cost of Project	\$1.25 million		



Figures 1 & 2: 82 Hanover Street zoning context (left) and site from above (right)

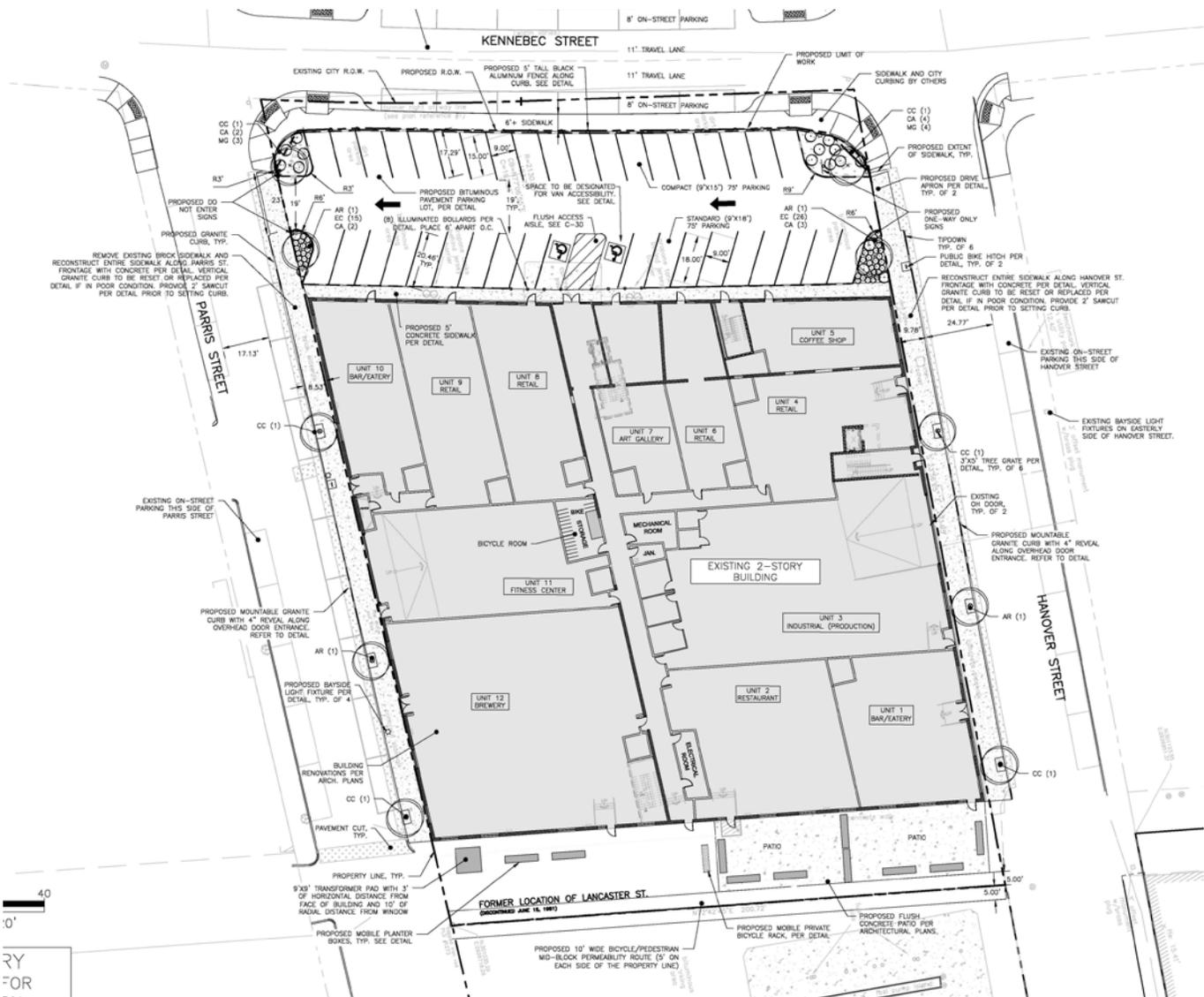
IV. CONTEXT

82 Hanover Street is located at the corner of Kennebec and Hanover Streets in West Bayside. The property is currently owned by the City of Portland and used as a maintenance facility for the Department of Public Works, but is one of several properties that the city is in the process of selling as a part of the plan to relocate DPW from Bayside to Canco Road. The property and two others directly to the south were recently the subject of a three-lot subdivision review by the Planning Board. The site technically consists of five existing lots, as well as a former right-of-way in Lancaster Street, which was discontinued in 1981.

The site is bounded by Parris Street, Kennebec Street, and Hanover Street. During the recent subdivision review related to this site, the Kennebec Street property line was adjusted to enable the realignment of Kennebec Street to the north of the site, a project which has long been planned by the Department of Public Works. DPW plans to construct the Kennebec Street realignment, including an extension of the Bayside Trail on the north side of the street, in the summer of 2019.

As noted above, the 82 Hanover site was recently the subject of a subdivision review. Under that review, the subdivision plat was required to note that future developers on all of the subdivided lots are required to build to subdivision and *Technical Manual* standards with respect to sidewalks, curbing, street trees, and street lights. The underground utility requirement of the subdivision ordinance was waived. The Planning Board approved the subdivision on March 22, 2018. The plat has not yet been recorded.

The majority of the 82 Hanover site is zoned B-7, with a small portion in the rear zoned B-2b (Figure 1). Fork Food Labs lies directly to the west, two other DPW properties lie to the south, Bayside Bowl lies to the east, and a United States Postal Service building lies to the north across Kennebec Street.



Figures 3 & 4: 82 Hanover Street from the corner of Hanover and Kennebec Streets (top); and final site plan (bottom)

V. PROPOSED DEVELOPMENT

The site is currently occupied with a 1940s brick building which serves the city's Department of Public Works (*Figure 3*). The applicant has proposed to adaptively reuse this building for retail, restaurant, bar/eatery, brewery, fitness center, and office space and develop the surrounding site to accommodate these uses. The proposal includes 39 newly paved, angled parking spaces at the north end of the site, new concrete sidewalks along Parris and Hanover Streets, street trees along Parris and Hanover Streets, street lights on Parris and Kennebec Streets, and parking lot landscaping. In addition, the applicant has proposed to create an outdoor seating area with moveable planters within the discontinued Lancaster Street right-of-way portion of the site (*Figure 4*).

It should be noted that, because the Department of Public Works is currently engineering the redesign of the Kennebec Street right-of-way at the north end of the site, and construction is slated for 2019, the applicant's plans do not show any improvements within the Kennebec Street right-of-way. DPW will be responsible for building out the Kennebec Street sidewalks and curbing along the site frontage at such time as the remainder of the realigned street is constructed.

VI. PUBLIC COMMENT

The applicant held the required neighborhood meeting on April 9 at Fork Food Lab and has provided written notes as documentation (*Attachment T*). At that meeting, attendees raised questions regarding project timeline, tenant mix, landscaping, parking, and use of pervious surfaces. The Planning Division has received no written comments on this application.

VII. RIGHT, TITLE, & INTEREST

As noted above, the City of Portland is the current owner of the property. The applicant submitted a development proposal in response to a city RFP process, and currently holds a purchase and sales agreement as evidence of right, title, and interest (*Attachment D*).

VIII. FINANCIAL & TECHNICAL CAPACITY

The estimated cost of the project is approximately \$1.25 million. The applicant has provided a letter from TD Bank attesting to their financial capacity (*Attachment E*).

IX. ZONING ANALYSIS

As noted above, the majority of the site lies within the B-7 zone, with a small portion in the rear in the B-2b. Per *Section 14-51*, where lots are split by zone lines, the zoning provisions of the less restricted portion of the lot, in this case the B-7, shall extend up to 30 feet into the more restricted portion. As such, no B-2b analysis was completed.

The project involves the adaptive reuse of an existing building. The building is non-conforming with respect to front yard setback. Under the applicant's plans, no modifications to the building footprint or height are proposed. As such, this non-conformity will not be exacerbated, nor will any new non-conformities be created.

X. SITE PLAN SUBMISSION REQUIREMENTS (Section 14-527)

The applicant has provided all submittal requirements, with the exception of capacity to serve letters. These have been suggested as a condition of approval.

The applicant has provided a construction management plan in the final submittal (*Attachment F*). This construction management plan is not entirely resolved with respect to the treatment of the Kennebec Street frontage, which will not be built out as a product of this application. The applicant has noted that the area of future sidewalks on the south side of Kennebec Street will be loamed and seeded; however, this does not address transitions between sidewalks to be completed along Hanover and Parris Streets or transitions with the parking area. A condition of approval has been suggested to address this concern.

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*

Given the proposed uses on the site, including restaurant, bar/eatery, brewery, retail, a coffee shop, fitness center, and office uses, there will be significant trip generation associated with the redevelopment project. The applicant has submitted a Traffic Movement Permit (TMP) application which provides estimated vehicular trip generation figures of 113 during the AM peak hour, 149 during the PM peak hour, and 197 during the Saturday peak hour (*Attachment 5*). These figures have been adjusted to account for shared trips and for non-vehicular trips.

The operational analysis is qualitative in nature and projects that there will be increases in traffic through the Kennebec/Hanover intersection and the Hanover/Marginal Way intersection, which currently experiences some operational challenges, given its close proximity to the intersection of Marginal Way/Preble Street. No high crash locations were identified in the vicinity.

Tom Errico, the city's consulting Traffic Engineer, has reviewed the TMP application and writes,

A Traffic Movement Permit Scoping meeting was held on April 23, 2018. A Traffic Assessment was prepared by Bill Bray, PE that summarized traffic and safety impacts from the project in the vicinity of the site. The Assessment documents Existing Traffic Volumes; Safety; Site Trip Generation; Future Traffic Volumes; and Intersection Operations. The following summarizes the outcome of the Traffic Movement Permit review:

- Following adjustments for shared land-use trips within the site and multi-modal trips, the project is expected to generate 149 Weekday PM peak hour trips and 197 Saturday peak hour trips.*
- The intersections in the immediate vicinity of the site (Hanover Street/Kennebec Street, Parris Street/Kennebec Street, Hanover Street/Portland Street, Parris Street/Portland) will have sufficient capacity to accommodate the new project traffic.*
- Outside the immediate project area, Marginal Way intersections experience capacity, multi-modal and safety challenges. Pursuant Chapter 305 of the MaineDOT Rules and Regulations Pertaining to the Traffic Movement Permit, the Applicant shall make a \$23,000 contribution towards implementation of the Marginal Way Master Plan. This requirement is to address traffic and pedestrian issues at the Marginal Way intersections with Preble Street/Elm Street, Hanover Street and Forest Avenue.*

b. *Access and Circulation*

The final site plan shows new concrete sidewalks on both the Parris and Hanover frontages of the site, 8.5' in width along Parris Street and almost 10' in width along Hanover Street. As noted above, the Kennebec Street frontage is not proposed to be completed as a product of this project, as it is slated for reconstruction by the city in 2019. An internal sidewalk is proposed to lead from both the Parris and Hanover frontages to the main entrance of the building, as well as to all tenant entrances on the north side of the building.

The final plans show additional points of pedestrian access across the site within the discontinued Lancaster Street right-of-way at the rear of the building. It should be noted that at the time of this review, the city maintains a public easement in the discontinued Lancaster Street right-of-way. This public easement confers rights of pedestrian and vehicular access over the entire 30' width of the discontinued right-

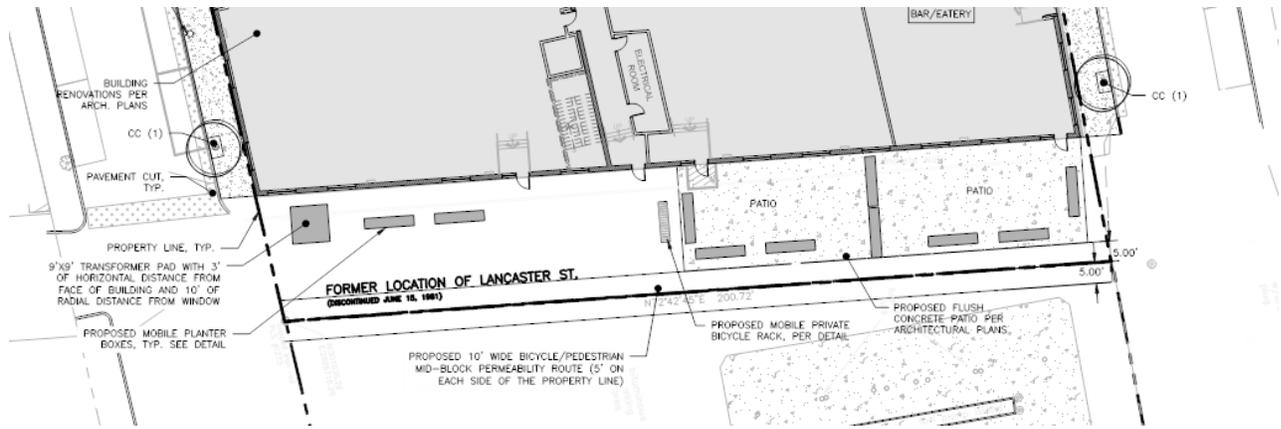


Figure 5: Discontinued Lancaster Street right-of-way, with proposed 10' pedestrian easement.

of-way. Given the findings of the traffic analysis, which shows that the majority of the site’s vehicular traffic impact will be directed to the north, the applicant has requested that this easement be extinguished in favor of a 10’ wide public pedestrian easement, which would continue to allow members of the public to access uses along the building’s southern frontage. No vehicular access in the Lancaster Street right-of-way is proposed. The discontinuance of the public easement requires action by the City Council.

Assuming that the Council takes action to discontinue the public easement, the applicant has drafted the final plans to show the proposed 10’ wide public pedestrian easement, 5’ of which is proposed to lie on the 82 Hanover site, and 5’ of which is proposed to lie on the adjacent 44 Hanover Street property, which is the subject of a separate purchase and sale agreement between the applicant and the City of Portland (Figure 5). This easement would allow mid-block permeability for pedestrians and provide access to the program proposed for the rear of the building, including the brewery and bar/restaurant. Staff has suggested a condition of approval which conditions all planned Lancaster right-of-way improvements on the discontinuance of the public easement and, assuming that the Council supports the discontinuance of the public easement, requires the provision of this public pedestrian easement.

The final site plan shows vehicular access from Hanover Street to a parking area north of the building on the Kennebec Street frontage. This access is designed as one-way and would outlet to Parris Street. Angled parking flanks a 20’ aisle in the parking area. Because the access to the parking area from Hanover and to Parris are proximate to the nearest intersections, offset by approximately 30’, waivers are required. Mr. Errico writes,

Technical Manual, Section 1.7.2.7. notes that along local streets, access driveways to corner lots shall be located a minimum of 35 feet from the intersection of the projection of the right-of-way lines to the centerline of the driveway. The proposed project will provide curb cuts that are approximately 30 feet from the Hanover Street/Kennebec Street and Parris Street/Hanover Street intersections. Given that the driveway are restricted to one-way circulation, the driveways are locate on low volume and speed roadways, and it nearly meets City standards, I support a waiver from the City’s corner clearance standard.

The applicant proposes to close two curb cuts along the Hanover and Parris Street frontages adjacent to the location of overhead doors with beveled curb, as requested by the Department of Public Works. Even with the closure of these two curb cuts, a waiver is required for the four remaining curb cuts on the site. Mr. Errico writes,

Technical Manual, Section 1.7.2.8. No more than two driveways shall be permitted for ingress and egress purposes to any commercial site. The project is providing two one-way driveways servicing the parking lot along Kennebec Street. The project will be modifying the driveways to the overhead doors for limited vehicle use and will have little to no vehicle traffic within Lancaster Street. Given that the Lancaster Street area and the overhead door driveways will have little vehicle traffic, I support a waiver for the number of driveways proposed.

c. *Public Transit Access*

There is no public transit line adjacent to the site. As such, no provisions for public transit access are required.

d. *Parking*

The applicant has provided a parking analysis documenting a peak parking demand for 85 parking spaces (*Attachment Q*). This peak demand is anticipated to occur on weekdays at 7 pm, when the brewery, restaurant, and fitness center uses are at their most intensive. The applicant has taken several allowances in their parking demand analysis to account for use of alternative modes and differences in time of demand.

With respect to supply, the final plans include 39 parking spaces on site, well under the peak demand projection. The applicant’s parking analysis includes a plan to lease 16 off-site parking spaces at the Schlotterbeck and Foss building, which lies within 1,500 linear feet and thus satisfies the requirements for off-site parking under *Section 14-334*. Staff has requested that the applicant provide evidence that the provision of spaces at the Schlotterbeck & Foss building will not cause a parking supply and demand imbalance at that site. This has been included as a condition of approval. Provision of a parking lease prior to certificate of occupancy has also been suggested as a condition of approval.

Even with the 16 additional parking spaces, the applicant will not have sufficient supply to technically meet peak parking demand. Instead, the applicant has requested that the parking plan for the first phase of tenant fit-ups be approved at this time, with review of supply and demand associated with future tenant fit-ups at such time as those fit-ups occur. As this analysis would be conducted on an incremental basis, it would allow the applicant to provide a more accurate assessment of both parking demand and supply based on real-time data. At such time as parking supply falls short, additional parking supply would be required to meet the standards of the ordinance. A condition of approval has been drafted to describe this incremental approach to parking demand and supply analysis. Mr. Errico writes,

The Applicant will be required to provide sufficient parking for the initial phase of the project and conduct a parking monitoring study to quantify parking supply requirements for future phases. The Applicant has estimated a parking supply of 51 parking spaces for the initial phase. I find this estimate to be reasonable given the parking analysis conducted by the Applicant. The Applicant has proposed accommodating parking requirements from the 39 parking spaces on-site and accommodating at least 12 parking spaces at the Schlotterbeck & Foss site. I find this approach to be reasonable with the following conditions:

- *The Applicant shall conduct a Parking Demand Study following the occupancy of Phase 1 with the methods of the Study to be reviewed and approved by Planning Staff.*
- *The Applicant shall provide information on parking management and adequacy of conditions at the Schlotterbeck & Foss site for the additional vehicles prior to a Certificate of Occupancy.*

The design of the parking spaces does not conform to an approved layout in the city's *Technical Manual*. However, Mr. Errico has reviewed autoturn analysis of the proposed parking layout and writes,

The Applicant has conducted vehicle turn analyses and I find the parking layout to be acceptable. I would note that I support reducing the parking aisle width to 19 feet to address sidewalk encroachment issues. I have no further comment.

In addition, 19 of the 39 parking spaces proposed on site, or 49%, are designed as compact. This exceeds the maximum allowance for compact parking spaces per the *Technical Manual* and thus requires a waiver. Mr. Errico writes,

Technical Manual, Section 1.14 notes that in parking areas of over 10 parking spaces, no more than 20% of parking spaces shall be compact in size. The proposed project is providing 49% of the 39 parking spaces on site to be designed as compact spaces. Given site constraints (the existing building and the Kennebec Street Improvement project limit design space), the width of the parking spaces comply with standard parking space dimensions and the need to accommodate on-site parking, I support a waiver.

The 19 compact parking spaces on the north side of the parking area are designed to abut the Kennebec Street sidewalk. In order to address concerns about encroachment, the applicant has proposed a low fence along the property line in this area. Mr. Errico writes,

I continue to recommend implementation of a design treatment or redesign of the parking area such that encroachment onto sidewalk is prevented. I would note that I do not support the Applicant's suggestion that the curb will prevent compact size vehicles from encroaching onto the sidewalk. It seems unlikely that the parking area can be managed 24 hours a day to ensure that only low clearance vehicles are using the spaces.

A condition of approval has been drafted to address both this comment and related design comments regarding the buffering of surface parking in the B-7 zone.

18 bicycle parking spaces are shown on the plan, including 14 at the rear of the site and 4 on Hanover and Parris Streets. The applicant's floor plans also show an interior bike room with space for 18 additional bicycles. Together, these two facilities far exceed the bicycle parking requirement.

e. Transportation Demand Management

The applicant has submitted a Transportation Demand Management (TDM) Plan which sets trip and parking reduction targets of 5% over the first 3-5 years of operation (*Attachment R*). The plan also establishes an active mode split target of an additional 3% over this same time frame. In order to achieve these goals, the plan includes the designation of a TDM coordinator as well as a number of direct investments in TDM. The floor plans include ground floor storage for bicycles and on-site showers within each tenant space. The applicant proposes to unbundle parking and charge tenants for parking, subsidize transit or rideshare, subsidize bicycle maintenance, subsidize bike share membership, encourage flexible work schedules, provide TDM education, and run targeted promotions to support mode shifts. Staff has reviewed the plan and found that it meets *Technical Manual* requirements.

2. Environmental Quality Standards

a. Preservation of Significant Natural Features

There are no known significant natural features on the site.

b. Landscaping and Landscape Preservation

The applicant's final landscape plan includes American hornbeam and red maples as street trees along the Parris and Hanover frontages and understory plantings including clethra, sweetgale, echinacea, and reed grass in four islands at the corners of the parking area on the north side of the site. In the final submittal, the applicant has acknowledged that they have not technically provided sufficient landscaping to meet the street tree standards of the land use code and *Technical Manual*, which require street trees for commercial sites to be spaced 30'-45' on center along all street frontages. In response, staff has suggested a condition of approval that the applicant contribute to the tree fund for five additional street trees to be placed on the north side of Kennebec Street adjacent to the site.

In addition, the applicant has not provided screening for a transformer proposed at the rear of the site. This fixture may be relocated in the future; in any future location, this transformer will require screening. A condition of approval has been suggested to address this comment.

c. Water Quality/Storm Water Management/Erosion Control

The site is currently entirely impervious, with both building and surface parking area. The impervious area is proposed to decrease by 600 SF as a product of the site plan application. The applicant has provided a plan showing the areas of the site where the flow of stormwater will be altered, which qualify as 'redevelopment' under DEP definitions, and the area of the site that will be 'maintained.' Because the area to be redeveloped is less than 5,000 SF, no treatment is required. The applicant has noted that the addition of landscaping, new catch basins with hoods, and 3' sumps in the parking area will improve the quality of stormwater leaving the site.

The plans show a 12" underdrain within the parking area which outlets to an existing separated storm drain in Parris Street. Roof drains are proposed to outlet to the combined system in Hanover Street. At the rear of the site, stormwater is proposed to sheet flow to existing drainage structures within the adjacent streets, as it currently does. Lauren Swett, the city's consulting civil engineer, has reviewed the plans and has no further comments.

3. Public Infrastructure and Community Safety Standards

a. Consistency with Related Master Plans

The project is generally deemed consistent with related master plans.

b. Public Safety and Fire Prevention

In the final plan submittal, the applicant has proposed on-street parking on both sides of Parris Street, bringing the effective width of Parris to 17.13'. On-street parking is proposed only on the east side of Hanover, leaving more than 24' of clear width where the building is addressed. Robert Thompson, of the city's Fire Prevention Bureau, has reviewed the plans and has no further comments.

c. Availability and Capacity of Public Utilities

The building is currently served by utilities, including sewer service to Parris Street and domestic and fire water from Parris Street as well. The applicant has proposed new gas service and new underground electrical service from Parris Street. Existing overhead electrical service from both Parris and Hanover are slated for removal.

The new electrical service is proposed to run through a transformer in the discontinued Lancaster right-of-way, where a 30' city sewer easement, coterminous with the right-of-way, currently exists. While the transformer and the associated underground electrical lines are offset from the 44" brick sewer line that lies in the center of this easement, it could present challenges in terms of future sewer maintenance. Staff has requested that the transformer be relocated. In response to this concern, the applicant has proposed the

Lancaster right-of-way location as a temporary solution, writing that, “should Tom Watson acquire 44 Hanover, the transformer could be relocated to this parcel...” (*Attachment V*). The relocation of the transformer to 44 Hanover would not only avoid conflict with the sewer easement, but allow better opportunity for screening as required by the site plan ordinance. A condition of approval has been drafted to address the location of the transformer.

In the final submittal, the applicant has indicated that solid waste will be handled within the building and hauled off by a private contractor.

4. *Site Design Standards*

a. *Massing, Ventilation, and Wind Impact*

The bulk, location, or height of the proposed buildings will not change under the proposal. No health or safety problems from a reduction in ventilation to abutting structures are anticipated.

b. *Shadows*

The project is not anticipated to result in shadows on publicly accessible open space.

c. *Snow and Ice Loading*

The project is not anticipated to result in snow or ice accumulation on public ways or adjacent properties.

d. *View Corridors*

The project does not abut a protected view corridor.

e. *Historic Resources*

The site does not lie adjacent to or within 100 feet of a historic landmark, district, or landscape.

f. *Exterior Lighting*

In the final submittal, the applicant has proposed new Bayside street light fixtures on Parris and Kennebec Street. In addition, sconces are proposed on the Hanover and Lancaster right-of-way frontages. All proposed fixtures are full cutoff, and the photometric plan meets the *Technical Manual* standards for illumination levels.

g. *Noise and Vibration*

In the final submittal, the applicant has noted that HVAC will be placed on the roof at least 25' from the edge of the building.

h. *Signage and Wayfinding*

No new wayfinding is proposed. Future signs permits will be subject to the B-7 design standards.

i. *Zoning-Related Design Standards*

The applicant has proposed minor changes to the building, including new windows and doors, projecting canopies, and recessed storefronts, with a new primary entry on the Kennebec Street elevation. Caitlin Cameron, the city's Urban Designer, has reviewed the elevations against the B-7 standards of the city's *Design Manual*, and identified a concern with respect to screening requirements for surface parking. The applicant has proposed to provide a green screen or fence to screen the parking area. The final design of this screen/fence remains unresolved. Ms. Cameron writes,

The Applicant added a guardrail and green screen to better meet th[e streetscape design] standard, however, staff question the viability of plantings in such small volume of soil with impervious surface surrounding it. If there is not room for landscape/plantings, a screen

wall is a better option.

A condition of approval has been drafted to require resolution of this issue.

XIV. RECOMMENDATION

Subject to the proposed motions and conditions of approval listed below, Planning Division staff recommends that the Planning Board approve the proposed redevelopment at 82 Hanover Street.

XIV. 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 May 17, 2018 for application 2018-042 relevant to Portland's site plan ordinance, technical and design standards, and other regulations; and the testimony presented at the Planning Board hearing:

1. The Planning Board [**finds/does not find**], based upon the consulting transportation engineer's review, that extraordinary conditions exist or undue hardship may result from strict compliance with the *Technical Manual* standard (*Section 1.7.2.7*) which requires that along local streets, access driveways to corner lots shall be located a minimum of 35' from the intersection of the projection of the right-of-way lines to the centerline of the driveway, that substantial justice and the public interest are secured with the proposed variation in this standard, and that the variation is consistent with the intent of the ordinance. The Planning Board [**waives/does not waive**] the *Technical Manual* standard (*Section 1.7.2.7*) to allow the driveway cut on Fore Street approximately 30' from the corners of Parris and Kennebec and Hanover and Kennebec as shown on the final plans.
2. The Planning Board [**finds/does not find**], based upon the consulting transportation engineer's review, that extraordinary conditions exist or undue hardship may result from strict compliance with the *Technical Manual* standard (*Section 1.7.2.8*) which states that no more than two driveways shall be permitted for ingress and egress purposes to any commercial site, that substantial justice and the public interest are secured with the proposed variation in this standard, and that the variation is consistent with the intent of the ordinance. The Planning Board [**waives/does not waive**] the *Technical Manual* standard (*Section 1.7.2.8*) to allow four curb cuts as shown on the final plans.
3. The Planning Board [**finds/does not find**], based upon the consulting transportation engineer's review (*Attachment 1*), that extraordinary conditions exist or undue hardship may result from strict compliance with the *Technical Manual* standard (*Section 1.14*) limiting compact spaces to 20% of total parking supply, that substantial justice and the public interest are secured with the variation in this standard, and that the variation is consistent with the intent of the ordinance. The Planning Board [**waives/does not waive**] the *Technical Manual* standard (*Section 1.14*) to allow 49% compact spaces.
4. The Planning Board [**finds/does not find**], based upon the consulting transportation engineer's review (*Attachment 1*), that extraordinary conditions exist or undue hardship may result from strict compliance with the *Technical Manual* standard (*Section 1.14*) that requires that parking lot layout conform to Figures I-28 to I-32, that substantial justice and the public interest are secured with the variation in this standard, and that the variation is consistent with the intent of the ordinance. The Planning Board [**waives/does not waive**] the *Technical Manual* standard (*Section 1.14*) to allow the parking lot layout as shown on the final site plan.

B. TRAFFIC MOVEMENT PERMIT

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 May 24, 2016 for application 2015-169 relevant to Portland’s technical and design standards and other regulations; and the testimony presented at the Planning Board hearing, the Planning Board finds that the proposed plan [is/is not] in conformance with 23 MRS 704-A and Chapter 305 Rules and Regulations pertaining to Traffic Movement Permits.

1. Outside the immediate project area, Marginal Way intersections experience capacity, multi-modal and safety challenges. Pursuant Chapter 305 of the MaineDOT Rules and Regulations Pertaining to the Traffic Movement Permit, the Applicant shall make a \$23,000 contribution towards implementation of the Marginal Way Master Plan. This requirement is to address traffic and pedestrian issues at the Marginal Way intersections with Preble Street/Elm Street, Hanover Street and Forest Avenue.

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 May 17, 2018 for application 2018-042 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. The applicant shall provide evidence of sewer capacity from the Department of Public Works and water capacity from the Portland Water District for review and approval by the Planning Authority;
2. The applicant shall provide a revised construction management plan including details on the treatment of sidewalk transitions and the Kennebec Street frontage in the interim condition, prior to the realignment of Kennebec Street, for review and approval by the Department of Public Works;
3. Approval of all site plan improvements shown in the Lancaster Street right-of-way are conditioned upon the City Council formally discontinuing the existing public easement in this right-of-way and the applicant providing a 10’ wide public pedestrian easement as shown on the site plan between Parris Street and Hanover Street in the vicinity of the Lancaster Street right-of-way for review and approval by Corporation Counsel, the Department of Public Works, and the Planning Authority;
4. Prior to certificate of occupancy, the applicant shall provide:
 - a. Documentation on the adequacy of parking supply at the location of the proposed off-site parking, and
 - b. A lease for off-site parking complying with the requirements of Division 20 of the land use code
 for review and approval by Corporation Counsel and the Planning Authority. At such time as the first phase fit-up as proposed in the site plan application is complete, the applicant shall provide an updated analysis of parking demand and supply for review and approval by the Planning Authority. Any additional supply required for the second phase of tenant fit-ups shall be provided per the provisions of Division 20 for review and approval by the Planning Authority;
5. The applicant shall provide a contribution for five street trees for review and approval by the City Arborist;

6. Within one year of the issuance of a certificate of occupancy, the applicant shall provide revised plans showing a final location of the proposed transformer outside of the existing Lancaster utility easement, including screening in accordance with the site plan standards of the land use code, for review and approval by the Department of Public Works and the Planning Authority. This approval by the Planning Board of the temporary location of the transformer does not constitute a waiver by the City of Portland to any objections it may have to interference with its sewer easement. At all times during which the proposed transformer is located within the sewer easement area, the City reserves its right to access the sewer as needed, including its right to insist that the applicant, its successors, and assigns move the transformer at applicant's sole expense. The applicant shall be solely responsible for any impacts to the transformer associated with the City's use of the Lancaster utility easement area, including, without limitation, maintenance, repair, or replacement of the existing 44-inch diameter brick sewer; and
7. The applicant shall provide a final detail for the proposed Kennebec Street parking screen that prevents encroachment of parked cars into the right-of-way and meets the design standards of the B-7 zone for review and approval by the Planning Authority.

XV. ATTACHMENTS

PLANNING BOARD REPORT ATTACHMENTS

1. Traffic Engineer review (memo from Thomas Errico, 5/10/18)
2. Civil Engineer review (memos from Lauren Swett, 5/10/18 and 5/11/18)
3. Fire Prevention Bureau review (memo from Mike Thompson, 5/11/18)
4. Urban Designer review (memo from Caitlin Cameron, 5/8/18)

APPLICANT'S SUBMITTALS

- A. Cover Letter
- B. Level III Site Plan Application
- C. Wastewater Capacity Letter
- D. Right, Title, & Interest
- E. Financial Capacity
- F. Construction Management plan
- G. Stormwater Management Plan
- H. Erosion & Sedimentation Control
- I. Utilities
- J. Solid Waste Disposal
- K. Fire Department Letter
- L. Conformity with Land Use Ordinance
- M. Waivers
- N. Easements
- O. Architectural Design Narrative
- P. Lighting
- Q. Parking Analysis
- R. TDM Plan
- S. TMP Application & Traffic Assessment
- T. Neighborhood Meeting Minutes
- U. Comment Response Letter
- V. Comment Response Letter

PLANS

- Plan 1. Cover Sheet
- Plan 2. General Notes
- Plan 3. Existing Conditions
- Plan 4. Construction Management Plan
- Plan 5. Site & Landscape Plan
- Plan 6. Utility Plan
- Plan 7. Grading & Drainage Plan
- Plan 8. Site Details 1
- Plan 9. Site Details 2
- Plan 10. Landscaping Details
- Plan 11. Utility Details 1
- Plan 12. Utility Details 2
- Plan 13. Drainage Details
- Plan 14. Erosion Control Details
- Plan 15. 1st Floor Plan
- Plan 16. 2nd Floor Plan
- Plan 17. North Elevation
- Plan 18. North Corner Elevations
- Plan 19. Southeast & East Elevations
- Plan 20. Southeast & West Elevations
- Plan 21. East & West Elevations
- Plan 22. North & South Elevations
- Plan 23. East & West Perspectives
- Plan 24. South Perspectives
- Plan 25. Main Canopy Details
- Plan 26. Tenant Canopy Details
- Plan 27. Turning Template