



**PLANNING BOARD REPORT**  
**PORTLAND, MAINE**  
765 Congress Street  
Building Conversion  
Level III Site Plan and Subdivision Plan  
PL-000064-2018  
Applicant: 765 Congress Street, LLC

Submitted to Portland Planning Board Public Hearing Date: July 17, 2018	Prepared by: Christian Roadman Date: July 13, 2018
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765 Congress Street (Image provided by applicant team)

**I. Project Summary**

765 Congress Street, LLC seeks to renovate an existing 6,350 sf. building into four apartments. The building as it exists today includes two commercial spaces and two apartments, though it appears the building is only permitted for commercial space. As part of the conversion project, the applicant intends to install a sprinkler system.

The proposed project is located on Peninsula, on a 4,544 sf. lot. The building sits on the north side of Congress Street between MacMillan Road and Neal Street. Residential and commercial uses are both present nearby on Congress Street. Abutting the site to the northeast and northwest are two separate parking lots. A lease agreement for four parking spaces in the lot to the northeast (757 Congress Street) is included in the application and intended to satisfy the proposed projects' parking requirements. Staff requested, and is waiting for, an updated document which specifies these spaces will be available for a minimum of five years.

The application also notes that the building owner hopes to locate the four required spaces on the property in the future. Space for potential parking exists on the property to the rear of the building, and the applicant expressed interest in obtaining an access easement to allow for its future use as parking.

The building at 765 Cumberland sits within the Congress Street Historic District, but the proposed work is primarily internal to the building. Exterior work called out on the site plan includes installation of a railing along existing concrete stairs, and replacement of an existing asphalt driveway apron with brick to match the surrounding sidewalk. Historic Preservation staff are amendable to the driveway apron replacement and specified that the handrail should be a dark pipe rail. Historic Preservation staff also specified that if the existing commercial signage on the façade of the building is removed, all related conduit / wiring must be removed as well.

The Planning Department sent 221 notices of this agenda item to property owners within 500 feet of the site. Notice of this item also appeared in legal advertisements on July 6 and July 9, 2018.

**Applicant:** 765 Congress Street, LLC (Sam Reiche)

**Consultants:** Terradyn Consultants (Michael Tadema-Wielandt, PE), Archetype Architects (David Lloyd), Boundary Points Professional Land Surveying (David Bouffard)

**II. REQUIRED REVIEWS**

Review	Relevant Code
Site Plan	Section 14-526
Subdivision	Section 14-497

**III. PROJECT DATA**

Existing Zoning	B-2b Community Business Zone
Existing Use	Commercial & Residential (residential is not currently the legal use)
Proposed Use	Multifamily Residential
Proposed Development Program	4 Apartments
Bedroom Mix	Three 2-bedroom, One 3-bedroom
Parcel Size	4,544 sf.

	Existing	Proposed	Net Change
Building Footprint (sq. ft.)	1,540	1,540	0
Building Floor Area (sq. ft.)	5,724	5,724	0
Impervious Surface Area (sq. ft.)	4,333	4,333	0
Parking Spaces	0 (no access)	4 (off-site)	0 (off-site spaces already exist)
Bicycle Parking Spaces	0	2	2
Estimated Cost of Project	\$400,000		

**IV. PUBLIC COMMENT / NEIGHBORHOOD MEETING**

The applicant held a voluntary neighborhood meeting (one was not required) on June 29, 2018. According to the applicant’s report, two people attended and no concerns were raised about the project.

By the deadline for inclusion in this report, the Planning Department received a comment over the phone from Richard Julio, who expressed concern about the proposed project’s parking impacts. He expressed that four parking spaces, whether leased or not, is likely insufficient to mitigate the parking demand the project will introduce. He noted that the proposed 9 bedrooms indicate additional cars may be associated with potential building tenants, and also that the existing parking situation in the area is strained. At the suggestion of staff, Mr. Julio also submitted an e-mail comment (attachment PC-1) identifying and expanding on these concerns.

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

The applicant submitted a warranty deed evidencing ownership of the property in question.

A document included in the applicant’s submittal cites the expertise of the consultant team and experience of the applicant to evidence technical capacity for project completion. The application also included a letter from Beth C. Ahmida, Vice President of Gorham Savings Bank, expressing the opinion that the applicant has sufficient experience and financial capacity to finance and complete the proposed property improvements.

**VIII. ZONING ANALYSIS**

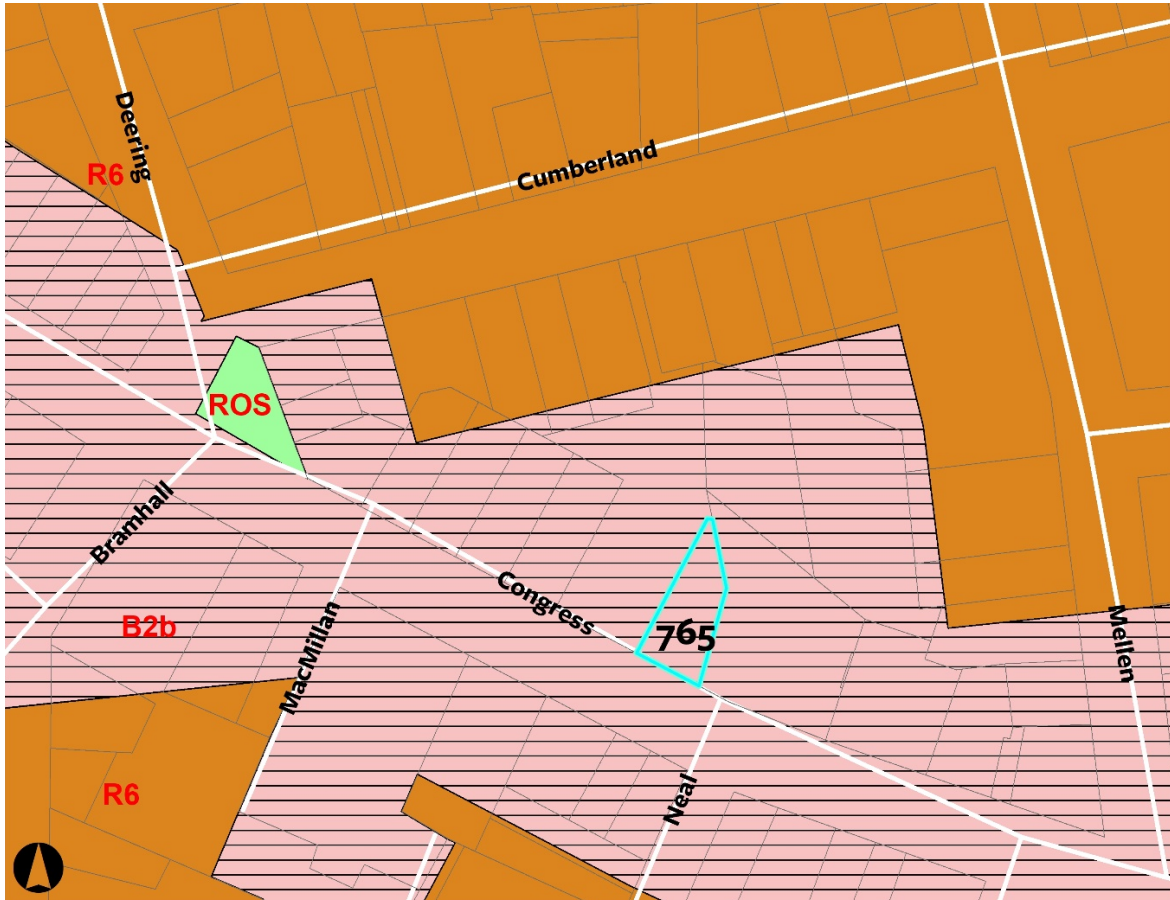
Multifamily housing is a use permitted under the B2-b zone in which the project is located. According to the Off-Street Parking section, Division 20, of the Land Use Code, one parking space is required per dwelling unit in this zone.

At present, the applicant does not have a legal easement allowing vehicular access to the four parking spaces at the rear of the building. Therefore, these spaces cannot be counted towards the parking requirement. The applicant

submitted a lease agreement for four parking spaces in the lot at 757 Congress Street. Staff requested a new lease agreement specifying that these spaces be available for lease for the next five years.

Per City standards, two bike parking spaces are proposed as part of this project.

*Review and acceptance of an easement allowing parking to the rear of 765 Congress Street, a satisfactory parking lease agreement, or other satisfactory evidence of sufficient parking for the property per the Land Use Code is suggested as a **condition of approval**.*



Zoning context of proposed 765 Congress Street Project. The project parcel is outlined in light blue.

**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.

1. Will Not Result in Undue Water and Air Pollution, and Will Not Result in Undue Soil Erosion; Will Provide for Adequate Sanitary Sewer and Stormwater Disposal, and Will Not Cause an Unreasonable Burden on Municipal Solid Waste and Sewage

The Department of Public Works confirmed wastewater capacity for the project (attachment 1). The City’s civil engineering consultant, Lauren Swett, reviewed the applicant’s submission for compliance with applicable codes, standards, and practices (Attachment 2). Her comments were addressed with subsequent edits and submissions.

2. Sufficient Water Available

The Portland Water District provided a capacity to serve letter for the project (attachment J).

3. Will Not Cause Unreasonable Traffic Congestion

Staff find the proposed project in conformance with this standard. The applicant cited the ITE Trip Generation Manual to estimate approximately 2 vehicle trips during the PM peak hour and approximately 23 over a weekday. They added that “the building proximity to places of work and entertainment is expected to encourage walking and alternative modes of transportation, and therefore the number of trips per day will likely be less than estimated.”

4. Comprehensive Plan

Staff find the proposed project compatible with the Comprehensive Plan, which includes the following applicable goal: “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.

**1. Transportation Standards**

Impact on Surrounding Street Systems, Access, and Circulation; Sidewalks; Parking; Construction Management Plan; Public Transit Access

Please see the Zoning Analysis and Subdivision Standards sections above regarding anticipated traffic impact on surrounding street systems and circulation. *Staff anticipates additional documentation that the project meets parking requirements. Such documentation is suggested as a **condition of approval.***

The applicant proposes to replace the property’s existing asphalt driveway apron with a brick driveway apron. This replacement, as well as the proposed installation of a fire suppression water service, will require work in the City right-of-way. Bruce Hyman reviewed the applicant’s Construction Management Plan (see attachment 3). The applicant team made Mr. Hyman’s requested corrections, which are reflected in the current submittal (see Plans P4 and P6).

The site is served by public transit on Congress Street, and no transit-related provisions are required of the applicant.

**2. Environmental Quality Standards**

a) Preservation of Significant Natural Features

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.

b) Landscaping and Landscape Preservation

The project site includes two planting beds at the front of the existing building, and the applicant indicated that the existing plantings within them will remain. *Staff notes these beds offer an opportunity for improved landscaping, and encourage the applicant to consider such improvements. A landscape plan may be submitted for review and approval by the City’s Arborist and Planning Authority if the applicant wishes to pursue this.*

The proposed project calls for retention of the one existing street tree on site. Because site space is limited, the applicant plans to pay into the City’s street tree fund to meet the required four street tree minimum (one per dwelling unit). *Payment of \$1,200 into the City’s street tree fund is suggested as a **condition of approval.***

c) Water Quality, Stormwater Management and Erosion Control

Consulting civil engineer Lauren Swett’s comments regarding these topics are addressed above, and her original corrections attached (attachment 2).

**3. Public Infrastructure and Community Safety Standards**

a) Public Safety and Fire Prevention

Division Chief Mike Thompson noted in submitted comments (attachment 2) that building access is excellent for Fire Department operations and that there are adequate fire hydrants in the area. He also confirmed that the entire building will need to be installed with a sprinkler system.

b) Availability and Adequate Capacity of Public Utilities

As noted above, adequate water capacity and wastewater capacity exists for this project.

**4. Site Design Standards**

a) Snow and Ice Loading

The applicant’s submittal notes that snow will be provided on a paved area adjacent to the future parking spaces on site. *This should be noted on the site plan.*

b) Historic Resources

As mentioned above, proposed work is primarily internal to the building. Exterior work called out on the site plan includes installation of a railing along existing concrete stairs, and replacement of an existing asphalt driveway apron with brick to match the surrounding sidewalk. *Historic Preservation staff are amendable to the driveway apron replacement and specified that the handrail should be a dark pipe rail. Historic Preservation staff also specified that if the existing commercial signage on the façade of the building is removed, all related conduit / wiring must be removed as well.*

c) Exterior Lighting

No changes to the lighting are proposed as part of this project. *Staff suggests confirmation that the existing building-mounted lighting fixtures are full-cutoff, and addressing this issue if they are not.*

d) Noise and Vibration

According to the applicant, neither central air conditioning nor an emergency generator are proposed as part of this project. Mechanicals are internal to the building.

e) Materials & Waste

It is staff’s understanding that curbside trash and recycling will serve this project. *The site plan should be updated to reflect the location and/or screening of recycling bins.*

f) Zoning Related Design Standards

The proposed project involves internal changes to an existing building, and did not prompt design review.

**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 July 17, 2018 for application PL-000064-2018 (765 Congress Street) 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.

**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 July 17, 2018 for application PL-000064-2018 (765 Congress Street) 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:

- A. Condition to be met prior to issuance of a building permit:
  - 1. The applicant shall pay \$1,200 into the City's street tree fund
- B. Conditions to be met prior to issuance of a certificate of occupancy:
  - 1. The applicant shall submit appropriate documentation, for review and approval by the Planning Authority, that the proposed project provides sufficient parking.
  - 2. Work in the right-of-way for the driveway apron and utility connection shall require applicable permits from the Department of Public Works.

## PLANNING BOARD REPORT ATTACHMENTS

- 1. WASTEWATER CAPACITY AUTHORIZATION
- 2. 765 CONGRESS STREET CORRECTIONS REPORT 6-28-18
- 3. BRUCE HYMAN, CITY TRANSPORTATION PROGRAM MANAGER COMMENTS 7-12-18 & 7-13-18

## PUBLIC COMMENT

PC1. RICHARD JULIO 7-13-18

## APPLICANT'S SUBMITTALS

- A. DEVELOPMENT DESCRIPTION
- B. RIGHT, TITLE AND INTEREST
- C. STATE AND FEDERAL PERMITS
- D. LAND ORDINANCE REVIEW
- E. EASEMENTS OR OTHER BURDENS
- F. TECHNICAL AND FINANCIAL CAPACITY
- G. NATURAL FEATURES
- H. STORMWATER MANAGEMENT
- I. CONSISTENCY WITH CITY MASTER PLANS
- J. UTILITIES
- K. SOLID WASTE
- L. FIRE SAFETY
- M. CONFORMITY WITH APPLICABLE DESIGN STANDARDS
- N. LEVEL III CHECKLIST
- O. LEVEL III PRELIMINARY SITE PLAN APPLICATION
- P. ZONING ANALYSIS TABLE
- Q. NEIGHBORHOOD MEETING DOCUMENTS
- R. SEWER - ABILITY TO SERVE APPLICATION
- S. COMMENT RESPONSE LETTER 2018-7-10

## PLANS

- P1. 765 CONGRESS STREET SURVEY SIGNED
- P2. SITE PLAN
- P3. RECORDING PLAT
- P4. CONSTRUCTION MANAGEMENT PLAN
- P5. CONSTRUCTION MANAGEMENT PLAN NARRATIVE
- P6. DETAILS & NOTES
- P7. FLOOR PLANS – EXISTING & NEW