



PLANNING BOARD REPORT PORTLAND, MAINE

Fifty-One Unit Residential Building
178 Kennebec Street
Level III and Subdivision
PL-000029-2018
Maine Workforce Housing, LLC, Applicant

Submitted to: Portland Planning Board Public Hearing Date: July 24, 2018	Prepared by: Shukria Wiar, Planner Date: July 20, 2018
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I. INTRODUCTION

Maine Workforce Housing, LLC has requested a review of a seven-story mixed use building that includes fifty-one (51) apartments for age-restricted residents consisting of five (5) studio, and forty-six (46) one-bedroom units at 178 Kennebec Street in West Bayside. Forty (40) of these units will be affordable and the remaining eleven (11) units will be market rate rentals. The proposal also includes eighteen surface parking spaces, sidewalks, and landscaping improvements. The site is currently occupied by a surface parking lot. The proposed building is within the B-7 zone.



A Planning Board workshop was held on May 17, 2018. Some of the changes since the workshop include the following:

- The applicant is now proposing fifty-one (51) units instead of forty-six (46) of which 40 will be affordable units.
- The wood-look Nichiha panel has been eliminated.
- The color of the banding and window surrounds has been changed for a consistent appearance around the building.
- An electrical transformer has been added near the parking lot along Parris Street.

The Planning Board will review the application for compliance with the site plan and subdivision standards. A total of 56 notices were sent to property owners within 500 feet of the site and a legal ad ran on July 16th and 17th, 2018. No public comments have been received since the workshop.

Applicant: Nathan Szanton and Amy Cullen, Maine Workforce Housing, LLC and The Szanton Company
Consultants: Michael Tadema-Wielandt, PE, Terradyn Consultants, LLC; David Lloyd, Archetype Architects; Randy Loubier, Owen Haskell Inc.

II. REQUIRED REVIEWS

Waiver Requests	Applicable Standards
Aisle width – To allow a 22-foot aisle in the parking area	Technical Manual, <i>Section 1.14</i> , requiring that aisle width for right-angle parking be 24 feet per Figure I-27
Compact parking spaces and parking dimensions – To allow seven compact spaces at 8.5 X 17’ to be acceptable alternatives to the standard 9’ X 18’ space; the eight remaining parking space will be a standard size; therefore, it is 38% is compact spaces. <i>Supported by consulting traffic engineer</i>	Technical Manual, <i>Section 1.14 and Figures I-27 to I-29</i> . Parking lots with greater than 10 spaces may be comprised of up to 20% compact spaces.

Location of Driveway – To allow a driveway separation of 19 feet between the proposed driveway and the existing one on Parris Street	Technical Manual, <i>Section 1.7.1 Location of driveway</i> : A driveway shall be located on the lot in a manner to provide a minimum distance of twenty (20) ft spacing between it and adjacent driveways.
Building Material- to allow fiber cement panels as building material on portions of the building visible from the right-of way.	Design Manual, <i>Section F (B7 Mixed Use Urban District Zone) and Standard E-12 (Building Material)</i> ... Fiber cement panels shall only be used on portions of the building not visible from public rights of way.
Review	Applicable Standards
Site Plan	<i>Section 14-526</i>
Subdivision	<i>Section 14-497</i>
Workforce Housing Inclusionary Zoning	<i>14-484 (Applicant is required to have 4.6 units, which is being proposed)</i>

III. PROJECT DATA

Existing Zoning	Urban Commercial Business B-7
Existing Use	Surface Parking Lot
Proposed Use	Mixed Use- Residential and Retail
Proposed Development Program	46 one-bedroom apartments and five studios
Parcel Size	16,553 SF

	<i>Existing</i>	<i>Proposed</i>	<i>Net Change</i>
Building Footprint	0	6,667 SF	6,667 SF
Building Floor Area	0	46,669 SF	46,669 SF
Impervious Surface Area	14,842 SF	14,757 SF	85 SF
Parking Spaces (on site)	0	18	18
Bicycle Parking Spaces	0	18	18
Estimated Cost of Project			

IV. BACKGROUND & EXISTING CONDITIONS

The site of the proposed project abuts three streets, Kennebec, Brattle and Parris Streets in the Bayside neighborhood. The site is currently occupied by a gravel surface parking lot that has been used for the City’s freight vehicles. Nearly the entire site is currently covered with impervious surface including two bituminous driveways from Brattle and Parris Streets. Underground utilities in Kennebec, Brattle and Parris Streets include water, gas, stormdrain and sewer. Overhead power and communication services are on poles located on Kennebec, Brattle and Parris Streets. Along the Brattle Street frontage, there is a flush bituminous sidewalk with no curb. There is also no sidewalk along the site’s Parris Street frontage. The existing gravel parking lot connects directly to both Brattle and Parris Streets. No on-street parking exists along the site’s frontage on Kennebec and Brattle Streets, but there is limited on-street parking available on the western side of Parris Street.



Figure 1: 178 Kennebec Street Site

The uses surrounding the site are mostly residential uses, including some large three-story multi-family housing. Most of the adjacent housing is of a smaller scale, with a mix of single and two-family buildings.

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V. PROPOSED DEVELOPMENT

The development is proposed as a mixed use residential and retail project with frontages on Kennebec, Brattle, and Parris Streets. The proposal is for a seven-story building with a footprint of 6,667 square feet. The first floor will feature a lobby for the residential units, a utility room and trash room, and 5,429 sf of artist studio/retail space. The second through seventh floors will feature 46 one-bedroom apartments ranging from 600 sf to 670 sf and five studio units. The residential units will be elderly (55+) housing, 40 of the units will be affordable housing and 11 will be market rate, and at least 11 of the units will be ADA accessible. The first-floor retail and artists spaces will be accessed from the Kennebec Street frontage and the parking lot located south of the building. The total building floor area is 46,669 square feet. Elevation views and perspective renderings of the proposed building are provided in Attachment 14-17. Tenant and customers parking is to be provided on-site at the rear of the proposed with driveway accesses from Parris and Brattle Streets.

There will be nineteen surface parking spaces as part of the project of which six will be for the retail use. New brick sidewalks are proposed on all the streets. The development includes street trees: three on Kennebec Street and one on Brattle Street.

Bicycle parking will be provided on bike racks along the site's frontage on Kennebec, Brattle, and Parris Streets. The mail slots for the apartments will be located in the lobby. The trash room will be accessed from the lobby and from the parking lot for trash removal, and a mechanical room is located adjacent to the lobby on the first floor.



Figure 4: 178 Kennebec Street Rendering Looking West



Figure 5: 178 Kennebec St Rendering Looking East on Kennebec St

VI. PUBLIC COMMENT

As of the writing of this report, one public comment has been received.



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

a. The applicant is Maine Workforce Housing, LLC and has a Joint Development Agreement with Ross Furman. Maine Workforce Housing, LLC is developing the site and building and will retain ownership of the residential units, whereas, Ross Furman will own the first-floor artist studio/retail space. An executed copy of the Joint Development Agreement will need to be provided as soon as it becomes available. Ross Furman has a Purchase and Sale agreement with the City for Lot 1. The deeds and Purchase & Sale are Attachment D. The site plan shows parking spaces across property boundary lines, which needs to be addressed with easements or lot line adjustments in the final recording plat. The project site is comprised of the following parcels and record owners:

Map/Block/Lot	CCRD Book/Page	Record Owner
34/F/ Lot 1	16707/206	City of Portland
34/F/ Lot 2	31408/102	Ross Furman

b. The estimated cost of the development is \$6.6 Million. The applicant has submitted a letter stating the financing sources for the project, as demonstration of their financial and technical capacity to complete the proposed development.

VIII. ZONING ANALYSIS

A. Proposed Parking

The proposed uses of the mixed-use building are permitted in the Urban Commercial Business B-7 zone. The B7 zone includes a specific requirement (14-332.2.c) for the submission of a parking analysis and for the Planning Board to establish the parking requirement for the project; the “*parking requirement shall be determined based upon a parking analysis submitted by the applicant and upon the recommendation of the city transportation engineer*”. For off street parking, Division 20 requires one parking space per unit for residential uses on the peninsula, except in the B-7 zone. The B-7 zone includes a specific requirement (14-332.2.c) for the submission of a parking analysis and for the Planning Board to establish the parking requirement for the project. The applicant has submitted a parking demand study (Attachment S) which states that the proposed project parking demand for the project is twenty-seven (27) parking spaces. The applicant is proposing eighteen (18) parking spaces, of which six are for the commercial/retail use, one for the carshare space (which account for 8 spaces), and one for pickup/drop-off space, therefore ten are for the residential use. Four spaces will be handicapped parking spaces. Refer to further discussion of parking in the site plan standard.

B. B-7 Performance Standards

Under external effects, Section 14-299 Performance Standards (b), (f), (n) and (o) apply to this project. Below is how the project is meeting the standards:

Sec. 14-299. Performance standards: All uses in the B-7 mixed development district zone shall comply with the following standards. Standards 14-299(a),(f),(j),(m),(n) and (o) below shall be reviewed by the Planning Authority.

(b) *Noise:* (A List of standards is itemized)

Staff Comments: The maximum noise requirement of 60 decibels at lot boundaries shall be maintained during the “day time” hours. The applicant is now proposing an electrical transformer on the site along Parris Street. The noise information will have to be submitted for review and approval for the transformer and all mechanical equipment being proposed.

(f) *Off-street parking and loading:* Off-street parking is required as provided in division 20 (off-street parking) of this article. Division 21 (off-street loading) of this article shall not apply. Surface parking shall meet the following standards:

1. None of the spaces shall occupy all or a portion of a sidewalk within a street right-of-way.

Staff Comments: The surface parking lots do not occupy any portions of the sidewalks. The lots are setback from the property lines.

2. Driveway entrances shall meet the City of Portland Technical Manual standards.

Staff Comments: The proposed entrance to the site meets City standards.

3. The parking area shall meet the landscape and buffer standards of the City of Portland Technical and Design Manuals.

Staff Comments: The parking lot is not well landscaped and will need to be buffered from the street right-of-way or from the abutting neighbor along the rear. Staff recommends a landscaped buffer along Parris Street and the property line, which is a condition of approval.

(n) *Lighting:* All lighting shall be designed and installed with cut-off fixtures to direct illumination onto the site and to prevent illumination from such fixtures on neighboring properties and as otherwise governed by the site lighting standards of the City of Portland Technical Manual.

Staff Comments: The photometric plans show no light pollution onto neighboring properties. The majority of the proposed lighting fixtures meet the cut-off standards except for the 'Aspen Wedge' proposed for the entrances. This fixture is proposed at both entrances but is not full-cut. Staff will consider them if placed directly under the canopies at the entrances. The revised site plan now shows bollards around electrical transformer. The staff is recommending approval of the fixtures as proposed.

(o) *Building entrances:* All buildings shall have a minimum of one (1) public pedestrian entrance facing the street frontage of the lot. Such building entrances shall also be reviewed under the B-7 bayside design standards.

Staff Comments: The building has two main entrances for the public. One of the entrances is on the corner of Kennebec and Brattle Streets, which will be used by the commercial entities. The second entrance is on the side of the building off of Parris Street, which will be used by the residential tenants. The entrances are highly visible from the street right-of-way.

IX. CONDITIONAL USE REVIEW OF ENSURE WORKFORCE HOUSING (Victoria Volent, Housing Program Manager)

All developments of ten (10) units or more are conditional uses subject to Planning Board review on the condition that they comply with the requirements set forth in Division 30, Section 14-487 of the Zoning Ordinance.

Division 30, Section 14-487, Ensuring Workforce Housing, requires at least ten percent (10%) of the dwelling units in the development shall meet the definition of Workforce Housing units for sale or for rent. The ordinance under Section 14-487 e 3 also requires the number of bedrooms in the Workforce units shall be at least 10% of the total number of bedrooms made available as part of the development.

The development located at 178 Kennebec Street proposes the creation of 51 dwelling units of rental housing consisting of five (5) studio, and forty-six (46) one-bedroom units. As dwelling units for rent, the designated Workforce Units will be restricted to households earning up to 100% of Area Median Income (AMI). Based on the requirements outlined in Section 14-487, the development is required to provide a minimum of five (5) workforce units consisting of one (1) bedroom in each unit. The Applicant has elected to provide forty (40) units of low-income housing. Of these units, sixteen (16) units are targeted towards households earning 50% AMI, and twenty-four (24) units are targeted towards households earning 60% AMI. The remaining eleven (11) units will be market rate rentals. As such, the project has met the minimum requirements set forth in Section 14-487.

The Developer requested the City of Portland to enter into an Affordable Housing Tax Increment Financing agreement to help finance this project. Disbursement of funds require the completion of a Credit Enhancement Agreement that will guarantee future rentals to qualified households for a period of thirty (30) years.

Staff has determined this project exceeds the affordability requirements of Division 30, Section 14-487 and recommends final approval be conditioned on the completion of all standard commitment requirements between the City of Portland and the Developer.

X. DEVELOPMENT REVIEW

A. SUBDIVISION PLAT AND RECORDING PLAT REQUIREMENTS (Section 14-496)

The applicant submitted a subdivision plat on Thursday afternoon, July 19, 2018; staff has not reviewed it for the public hearing. As a condition of approval, the final subdivision plat shall meet all plat requirements as noted in 14-496; and noted in 14-527(f) and (g). The final site plan shall include:

- o State plane coordinates to the four property corners to be set; and
- o The stamp of a professional engineer; and
- o All existing and proposed easements and licenses.

B. SUBDIVISION (Section 14-497)

The proposed development has been reviewed by staff for conformance with the relevant review standards of Portland's Subdivision Ordinance and applicable regulations. Staff comments are listed below.

1. Will Not Result in Undue Water and Air Pollution (Section 14-497 (a) 1), and Will Not Result in Undue Soil Erosion (Section 14-497 (a) 4)

Lauren Swett, P.E. with Woodard and Curran Engineering, has reviewed the erosion and sediment control plan and finds the plan acceptable. The staff finds the proposal in conformance with this standard.

2. Sufficient Water Available (Section 14-497 (a) 2 and 3)

The project will be served by new water service located in Kennebec Street. Confirmation of ability to serve water from PWD have been submitted to the Planning Authority. The staff finds the proposal in conformance with this standard.

3. Will Not Cause Unreasonable Traffic Congestion (Section 14-497 (a) 5)

The City is currently finalizing the Bayside Transportation Master Plan, a document that seeks to improve transportation accessibility and connectivity with one of the recommendations consisting of Kennebec Street. The project site is aligning up with the master plan. The site will be accessed by existing curb cuts on Brattle and Parris Streets; the circulation for the site will consist of two entrances. Tom Errico, P.E. Ty Lin reviewed the driveway and separation and states the following:

The proposed driveway on Parris Street does not comply with City standards for driveway separation. The applicant shall request a formal waiver with supporting documentation.

Status Update: Given existing driveway conditions, low traffic volumes and speeds in the area, and low traffic generation from the site, I support a waiver from the City's Technical Standards.

The driveway for 53 Brattle Street is being eliminated. It is unclear how parking for this lot is being addressed.

Status Update: The applicant has noted that parking will be provided on an abutting property owned by the same owner. I have no further comment.

Mr. Errico reviewed the plan against and the access, parking, and vehicle circulation standards and states the following:

The applicant has conducted a trip generation estimate for the project and back-up calculations for all project uses shall be provided. The project will not generate traffic levels that will require a Traffic Movement Permit.

Status Update: The applicant provided trip generation calculations and the project is estimated to generate 29 trips during the PM peak hour. The project is not expected to have a significant impact on traffic safety and mobility and no action is required from a traffic impact perspective.

4. Will Provide for Adequate Sanitary Sewer and Stormwater Disposal (Section 14-497 (a) 6), and Will Not Cause an Unreasonable Burden on Municipal Solid Waste and Sewage (Section 14-497 (a) 7)

The project will be served by a new sewer line located in Kennebec Street. Ms. Swett has reviewed the plans and finds it acceptable. Confirmation of ability to serve sewer from DPS have been submitted to the Planning Authority. The staff finds the proposal in conformance with this standard.

5. *Scenic Beauty, Natural, Historic, Habitat and other Resources (Section 14-497 (a) 8)*

The proposal site is not within an historic district. It is in an urban neighborhood surrounded by a variety of residential building types, as well as commercial uses. The proposed building does not impact the natural beauty of the area or adversely affect any significant wildlife habitat, rare or irreplaceable natural areas, or any public access to the shoreline. The staff finds the proposal in conformance with this standard.

6. *Comprehensive Plan (Section 14-497 (a) 9)*

The staff has identified the following goals and policies which are relevant to the proposed housing development and finds the proposal in conformance with the Comprehensive Plan:

Portland Housing Goal: Ensure that an adequate supply of housing is available to meet the needs, preferences, and financial capabilities of all Portland households, now and in the future.

Policies

- Ensure the construction of a diverse mix of housing types that offers a continuum of options across all income levels, which are both renter and owner-occupied, including but not limited to the following:
 - ii. Housing units for decreasing household size, such as young professionals, empty nesters, single-parent households, and senior citizens.
- Encourage higher density housing for both rental and home ownership opportunities, particularly located near services, such as schools, businesses, institutions, employers, and public transportation.
- Increase Portland's rental housing stock to maintain a reasonable balance between supply and demand yielding consumer choice, affordable rents, and reasonable return to landlords.
- Identify vacant land and redevelopment opportunities throughout the City to facilitate the construction of new housing.

C. **SITE PLAN STANDARDS** (Section 14-526)

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

1. **Transportation Standards**

a. Impact on Surrounding Street Systems and Access and Circulation- see Subdivision, Paragraph VIII (B) (3), above.

b. Construction Management Plan

A construction management plan has been submitted by the applicant for review. Mr. Errico has reviewed the plan and finds it acceptable with a couple of additional information on the plan:

I have reviewed the construction management plan and I generally find it to be acceptable. Refinement on how pedestrians will be managed at the corner of Kennebec Street and Brattle Street is required. Additionally, specific details on lane closures should be provided. Accordingly, I would suggest a condition of approval that the applicant is to provide a revised construction management plan for review and approval prior to issuance of a building permit.

c. Sidewalks

The applicant is proposing to install sidewalk along their frontage on all three streets with street trees and bicycle racks. The project is located in a concrete sidewalk district and plans reflect concrete sidewalks. A utility pole will be relocated in the sidewalk on Brattle Street; the new location will have to maintain a four-foot sidewalk. Portions of the sidewalk (along the frontage of Furman property) are less than five feet, therefore, the City would require a pedestrian easement at this location, which is a condition of approval. Mr. Errico has reviewed this and states:

A utility pole is being relocated to directly in front of 53 Brattle Street. Details on pedestrian accessibility for the relocated pole should be documented.

Status Update: The plans indicate a 4-foot pedestrian walking space will be provided from the face of proposed pole to the back of sidewalk. The applicant shall ensure that this width is provided during the installation of the new pole.

d. Parking

The applicant is proposing eighteen (18) surface parking spaces that are located at the rear of the property. One of the 18 spaces is reserved for a shared vehicle so the accounts for eight spaces. The B-7 zone includes a particular requirement (14-332.1.i) that all projects regardless of size shall abide to Section 14-332.2.c for the submission of a parking analysis and for the Planning Board to establish the parking requirement for the project.

Sec. 14-332.1. Zone specific off-street parking exceptions and modifications. The off-street parking requirements established for uses, established above in section 14-332 of this division, are hereby modified for the following zones according to the provisions described below.

(i) B-7, Mixed Development District Zone: Off-street parking for all projects regardless of size, shall be governed by 14-332.2(c) of this article.

Sec. 14-332.2. Categorical exceptions and modifications to off-street parking requirements. Regardless of which zone a project of use is located, the following exceptions to the off-street parking requirements listed above in section 14-332 are additionally hereby established.

(c) Site plans over 50,000 square feet and projects in the B-6, B-7, and USM Overlay Zones: Where construction is proposed of new structures having a total floor area in excess of fifty thousand (50,000) square feet, the planning board shall establish the parking requirement for such structures. The parking requirement shall be determined based upon a parking analysis submitted by the applicant and upon the recommendation of the city transportation engineer.

The applicant has submitted a parking study that states that the proposed project parking demand of 27 spaces for the project. The applicant is proposing eighteen (18) parking spaces, of which six are for the commercial/retail use, one for care share space, and one for pickup/drop off space, therefore only ten are for the residential use. Four spaces will be handicapped parking spaces and seven will be compact spaces. The applicant is requesting that the Board make a finding that the reduced number of spaces for the site is acceptable.

Following is the breakdown of the parking that is required by zoning versus the reduced ratio that the applicant is requesting:

	1:1 Ratio	As requested by Applicant
Parking spaces as required per zoning	Commercial Space - 6 Residential Units - 51	Commercial Space - 6 Residential Units - 10 Car Share Space (credit of 8 spaces) - 1 Pickup/Dropoff - 1
Total of Spaces Required	57	18 onsite with one car share

Mr. Errico has reviewed the parking demand analysis and concludes the following:

Status: The Applicant has estimated a parking demand of 27 parking spaces for the project (21 spaces for the residential units and 6 spaces for the retail/artist space). As allowed by City Ordinance, a credit of eight parking spaces is permitted with the provision of a car share vehicle. Accordingly, the applicant is suggesting a need for 19 parked vehicles. The Applicant has proposed accommodating parking requirements by providing 18 parking spaces on-site. I would note that one of the spaces will be designated for the car share vehicle and the site plan notes a space that is to be used for pick up/drop off activities. Accordingly, 16 parking spaces will be available for general use. Given that the Avesta Housing surveys supporting the parking demand analysis were conducted during the week of the July 4th holiday, and the retail/artist parking demand estimate is an approximation, I would suggest the following condition of approval:

- o The Applicant shall conduct a Parking Demand Study following the occupancy of the project with the methods of the Study to be reviewed and approved by Planning Staff. If the study identifies a parking supply deficit, the applicant shall either secure off-site parking spaces or make a contribution to the City's Parking In-Lieu Fee program.

The surface parking lot will have a twenty-two-foot (22') parking aisle width that does not meet standard of twenty-four feet (24'); therefore, the applicant has requested a waiver. Mr. Errico addresses this in his memo, Attachment 1:

Status Update: The applicant has provided supporting documentation for the aisle width and given site constraints and that vehicle turnover should be limited, I support a waiver from the City's Technical standards. I would note that seven parking spaces also need a waiver for not meeting 9'X18' size requirements. I support a waiver given similar reasons noted previously and that the proposed spaces nearly meet the standard (8.5'x17').

This parking lot is encroaching on the neighboring property; therefore, an easement is required for the construction and encroachment of the parking onto the abutter's property.

e. Transportation Demand Management

The applicant has submitted a transportation demand management plan. According to the applicant, the:

- The site is located within what has traditionally been a light industrial zone with some missing sidewalk links and crossings that aren't always ADA accessible, it is still relatively pedestrian and bicycle-friendly. This is in part because of continued sidewalk, crossing and bike lane improvements being made in the area and the generally strong sidewalk network and lower-speed street grid of the Portland Peninsula.
- Site is in close proximity to the Back Cove Trail and the Marginal Way, Forest Avenue and Portland Street bike lanes. In addition, the site is immediately adjacent to the proposed Bayside Trail extension and is near the proposed separated bike lanes on Park Avenue - as well as the eventual Deering Oaks Park section of the Neighborhood Byway network. Moreover, the building is on the same block as Port City Bikes, which prioritizes service to bicycle commuters.
- With increasing retail development such as the Leavitt Deli and the Chipotle complex across the street, Bayside Bowl down the block, and further proposed housing and retail for the other former Public Works. The parcel is three blocks from the METRO Routes 2, 4 and 5. These serve the significant transportation corridors and residential neighborhoods off of Forest Avenue, Brighton Avenue and Outer Congress. The building is also four blocks from Congress Street with access to South Portland, Lakes Region, Shuttlebus/ZOOM and other METRO bus routes - and a seven-minute walk to the METRO Pulse transit hub on Elm Street. In addition, Portland and METRO have long eyed improving the Route 8 service of the Portland Peninsula.
- A Uhaul Carshare vehicle located within four blocks of the site, at 409 Cumberland Avenue/ Mechanic Street. Maine Workforce Housing is exploring the addition of a Uhaul Carshare or other private carshare vehicle at or immediately adjacent to 178 Kennebec Street.

Bruce Hyman, Transportation Program Manager, conducted his review of the TDM and states the following:

- Overall, I find that the TDM Plan provides a solid framework for assessing the transportation context, site uses' transportation and parking demand, menu of applicable TDM strategies and monitoring/evaluation
- The provided vehicle trip and parking reduction targets, currently expressed in percentage reductions, are to be translated into actual trip and parking reduction numbers to more easily account for and track-monitor their effectiveness and follow-up actions, including the need to secure off-site parking or pay into the Fee *in lieu* of parking/Sustainable Transportation Fund if parking demand exceeds that estimated by the parking study (0.41 spaces/unit).

f. Bicycle Parking

The proposals include eighteen (18) bicycle parking spaces frontages located at building entrances and along the street of Kennebec, Brattle and Parris Streets, which meets the ordinance standard of two

bicycle spaces per five vehicle spaces. All bicycle racks should be located on the property and not in the right of way. The previously proposed “wave rack” has been replaced with three inverted racks, as recommended by staff. The Site Plan now includes six bike hitches (12 bike spaces) and three inverted racks (6 bike spaces).

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 is proposing four street trees in front of the buildings, three on Kennebec Street and one on Brattle Street. The street tree requirement would be one tree per unit, in or near the ROW. The Section 4.6 Street Trees of the Technical Manual does state:

If it is determined by the City Arborist that there is not adequate space or conditions for street trees in the public right of way or if there is a conflict between the location of proposed street trees and the location of existing or proposed underground utilities, the required number of street trees shall be provided on private property within 10 feet of the property line along the street frontage.

The applicant will need to contribute to the City’s Tree Fund for the remaining 47 trees.

c. Water Quality, Storm Water Management and Erosion Control

Under Section 5 of the City of Portland Technical Manual, a Level III development project is required to submit a stormwater management plan pursuant to the regulations of MaineDEP Chapter 500 Stormwater Management Rules, including conformance with the Basic, General, and Flooding Standards. Lauren Swett, P.E. with Woodard and Curran Engineering, has reviewed the drainage plan and stormwater report and meeting standards.

3. *Public Infrastructure and Community Safety Standards*

a. Consistency with Master Plans

See Subdivision, Paragraph VIII (B)6 above.

b. Public Safety and Fire Prevention

The Crime Prevention through Environmental Design (CPTED) standards in the site plan ordinance address the principles of natural surveillance, access control and territorial reinforcement so that the design of developments enhance the security of public and private spaces and reduce the potential for crime. The applicant has submitted a lighting and photometric plan. Street lights, lighting at the entrances and rear of the building is proposed on site. The staff finds the proposal in conformance with this standard.

c. Availability and Adequate Capacity of Public Utilities

The project will be served by the Portland Water District, City Department of Public Works, and underground/ power /cable/communications. The Applicant will need to contact the Portland Water District and the City Department of Public Services requesting ability to serve water and sewer demand. Confirmation of ability to serve water and sewer from PWD and DPS should be forwarded to the Planning Authority upon receipt and prior to applying for a building permit.

4. *Site Design Standards*

a. Snow and Ice Loading

In accordance with the City of Portland Technical Manual, the Applicant is required to provide appropriate snow storage or description of a snow management plan. The snow storage locations shall be sited outside of existing and proposed drainage courses. The applicant will need to show how snow removal is being handled on site. If the applicant will be storing snow on site, the plans will need to show the proposed on-site snow storage areas and provide additional information on snow management.

b. View Corridors

This site is not within a Protected View Corridor as per the “View Corridor Protection Plan” approved by the Portland City Council in 2001.

- c. Historic Resources
The site is not in any historic district; therefore, the project is not subject to by Historic Preservation review.
- d. Exterior Lighting
The applicant has submitted a lighting and photometric plan. The photometric plans show no light pollution onto neighboring properties. The majority of the proposed lighting fixtures meet the cut-off standards except for the 'Aspen Wedge' proposed for the entrances but staff recommends approval if placed under canopies. The applicant is proposing two street lighting on Kennebec Street. There is an existing cobra heads on the utility poles on Parris and Brattle Street. The street lighting should be the Bayside medium light in black with LED 3000 K, following the spacing as specified in the Tech Manual and with 2" to 4" reveal of the concrete footing.
- e. Noise and Vibration
All heating, ventilation and air conditioning equipment (HVAC), air handling units (AHU), emergency generators, and similar equipment will have to be shown on the plans and meet state and federal emissions requirements. These mechanical equipment should be located to the interior of the site, away from abutting residential properties and be screened from view from any public street and from adjacent sites by structure walls, evergreen landscaping, fencing, masonry wall or a combination thereof. This information will have to be submitted for review.
- f. Signage and Wayfinding
This standard does not apply to the proposal.
- g. Zoning Related Design Standards
Revisions to the mixed-use/residential proposal at 178 Kennebec Street was reviewed by Caitlin Cameron, Urban Designer, Shukria Wiar, Planner, and Matt Grooms, Planner of the Department of Planning & Urban Development against the B-7 *Mixed Use Urban District Zone Design Principles & Standards* (Appendix 4 of the Design Manual).

Design Review Comments:

- Generally, design comments have been addressed – *see outstanding items below.*
- **B-9 Streetscape Design:** *Will street trees conflict with building canopies?*
- **C-6 Surface Lots:** *Limited changes made in response to this standard for screening.*
- **E-7 Windows:** *New windows should maintain a VT of .7 or greater.*
- **E-12 Materials:** Use of fiber cement panels requires a waiver from Design Standard E-12 Materials. *Provide samples of the panel material to the Planning Board in support of waiver request.*
- E-16 Signage: *Provide a sign master plan.*
- **E-18: Sustainable Design** – Property that is controlled or conveyed by the City shall be developed at a minimum in a manner that is certifiable within the standards for building and neighborhood design in accordance with the U.S. Green Building Council's Leadership in Energy and Environmental Design (LEED). The property was sold to the applicant by the City of Portland. *No information is provided on how the proposal meets this requirement.*

XI. STAFF RECOMMENDATION

Subject to the proposed motions and conditions of approval listed below, Planning Division staff recommends that the Planning Board approve the proposed development.

XII. PLANNING BOARD MOTIONS

A. CONDITIONAL USE

On the basis of the application, plans, reports and other information submitted by the applicant, findings to the Ensure Workforce Housing and recommendations contained in the Planning Board Report, relevant to Portland's Conditional Use Standards and other regulations, and the testimony presented at the Planning Board hearing:

The Planning Board finds the proposed conditional use for workforce housing [does or does not] meet the standards of Section 14-484 with the following conditions:

1. That the Applicant and the City shall enter into an agreed upon Affordable Housing Agreement (AHA) prior to the issuance of a building permit. The Affordable Housing Agreement shall outline the details of the affordability restrictions placed on the Workforce Units; and
2. That the Affordable Housing Agreement shall be filed as covenant to the property's deed with the Cumberland County Registry of Deeds prior to the issuance of a Certificate of Occupancy.

B. 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 24, 2018 for application 029-2018 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**], 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*) which requires that aisle width for right-angle parking be 24 feet per *Figure 1-27*. The Planning Board [**waives/does not waive**] the *Technical Manual* standard (*Section 1.14*) to allow a 22-foot-wide aisle in the parking lot;
2. 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 and Figures 1-27 to 1-29*) limiting compact spaces to 20% of total parking supply. The Planning Board [**waives/does not waive**] the *Technical Manual* standard (*Section 1.14 and Figures 1-27 to 1-29*) to allow 38% compact spaces (10 spaces);
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 1.7.1*) to provide a minimum distance of twenty (20) ft spacing between it and adjacent. The Planning Board [**waives/does not waive**] the *Technical Manual* standard (*Section 1.7.1*) to allow a driveway separation of 19 feet between the proposed driveway and the existing one on Parris Street;
4. Based upon the urban designer's review (*Attachment 5*), the Planning Board [**waives/does not waive**] the *Design Manual* standard (*Section F and Standard E-12*) to allow fiber cement panels as building material on portions of the building visible from the right-of way.

C. SUBDIVISION PLAT

On the basis of the application, plans, reports, and other information submitted by the applicant, findings and recommendations contained in Planning Board Report for application #09-2018 relevant to the Subdivision Ordinance, and other regulations, as well as the Planning Board deliberations and the testimony presented at the Planning Board hearings, the Planning Board finds the plan (**is/is not**) in conformance with the subdivision standards of the land use code, subject to the following conditions to be met as noted:

TO BE MET PRIOR TO APPLYING FOR A BUILDING PERMIT:

1. A subdivision plat meeting all plat requirements as noted in 14-496 shall be finalized to the satisfaction of the Planning Authority, Department of Public Services and Corporation Counsel;
2. The recording plat shall be revised noting all waivers and conditions for review and approval by the Planning Authority prior to recording.
3. That the following shall be finalized to the satisfaction of the Corporation Counsel and shown on the final subdivision plat:
 - a. Easement of the parking lot encroachment
 - b. Pedestrian easement
 - c. License for the canopies
 - d. Stormwater management agreement

TO BE MET PRIOR TO THE ISSUANCE OF A CERTIFICATE OF OCCUPANCY:

4. Requiring that the draft Condominium Association documents address staff comments and be finalized to the satisfaction of the Corporation Counsel; and
5. The four property corners shall have property pins set by a registered land surveyor prior to issuance to the certificate of occupancy.

D. SITE PLAN

On the basis of the application, plans, reports, and other information submitted by the applicant, findings and recommendations contained in Planning Board Report for application #029-2018 relevant to the Site Plan Ordinance, and other regulations, as well as the Planning Board deliberations and the testimony presented at the Planning Board hearings, the Planning Board finds the plan (**is/is not**) in conformance with the site plan standards and all other applicable provisions of the land use code, subject to the following conditions to be met as noted:

TO BE MET PRIOR TO APPLYING FOR A BUILDING PERMIT:

1. The landscaping plan shall be revised to buffer the parking lot from the street right-of-way and shall show landscaping buffer at the rear property line, along the parking lot.
2. The street lighting shall be the Bayside medium light in black with LED 3000 K, following the spacing as specified in the Tech Manual and with 2" to 4" reveal of the concrete footing.
3. Confirmation of ability to serve water and sewer from PWD and DPS should be forwarded to the Planning Authority

TO BE MET PRIOR TO THE ISSUANCE OF A BUILDING PERMIT:

4. Due to site constraints preventing the planting of required street trees in the right of way, the requirements of Section 14-526(2)(b)(iii) of the Site Plan Ordinance cannot be met; the applicant shall contribute to the tree fund of \$400 per tree for forty-seven (47) trees for a total of \$18,800.
5. A revised construction management plan shall be submitted that address how pedestrians will be managed at the corner of Kennebec Street and Brattle Street and specific details on lane closures for review and approval by the Planning Authority and Department of Public Works.
6. All heating, ventilation and air conditioning equipment (HVAC), air handling units (AHU), emergency generators, and similar equipment will have to be shown on the plans and meet state and federal emissions requirements. Documentation shall be submitted that shows the maximum noise requirement of 60 decibels at lot boundaries shall be maintained during the "day time" hours.
7. The developer/contractor/subcontractor must comply with conditions of the construction stormwater management plan and sediment and erosion control plan based on City standards and state guidelines. The owner/operator of the approved stormwater management system, and all assigns. shall comply with the conditions of Chapter 32 Stormwater including Article III, Post Construction Stormwater Management, which specifies the annual inspections and reporting requirements. A maintenance agreement for the stormwater drainage system, as attached, or in substantially the same form, shall be submitted for review by Corporation Counsel. Once approved, the document shall be signed and recorded at the Cumberland County Registry of Deeds prior to the issuance of a building permit. Please submit final copies to both the Department of Planning and Urban Development and the Department of Public Works; and

TO BE MET PRIOR TO THE ISSUANCE OF A CERTIFICATE OF OCCUPANCY:

8. The applicant shall document as to how they are meeting the LEED equivalent as required by the B7 design standards prior to the certificate of occupancy.
9. A sign master plan as required by the B-7 design standards shall be submitted and reviewed by the Planning Authority.

10. The applicant shall ensure that the sidewalk width of four feet be provided during the installation of the new utility pole on Brattle Street.

PROJECT MONITORING:

11. The Applicant shall conduct a Parking Demand Study following the occupancy of the project with the methods of the Study to be reviewed and approved by Planning Staff. If the study identifies a parking supply deficit, the applicant shall either secure off-site parking spaces or make a contribution to the City's Parking In-Lieu Fee program.

XII. ATTACHMENTS

PLANNING BOARD REPORT ATTACHMENTS

1. Traffic Engineer review (memo from Thomas Errico)
2. Civil Engineer and Department of Public Services review (memo from Lauren Swett)
3. Transportation Division review (memo from Bruce Hyman)
4. Housing Program Manager review (memo from Victoria Volent)
5. Design review (memo from Caitlin Cameron)
6. Public Comment - PC 1_Michniewicz

APPLICANT'S SUBMITTALS

- A. 178 Kennebec Street - Level III Application-signed
- B. 178 Kennebec Street - Checklist- Level 3
- C. Development Description
- D. Evidence of Right, Title, and Interest
- E. State and Federal Permits
- F. Land Ordinance Review
- G. Easements or Other Burdens
- H. Technical and Financial Capacity
- I. Construction Management Plan
- J. Natural Features
- K. Stormwater Management
- L. Consistency with City Master Plans
- M. Utilities
- N. Solid Waste
- O. Fire Safety
- P. Conformity with Applicable Design Standards
- Q. Verification of Proposed HVAC Equipment
- R. 2018-7-3-Wiar-Comment Response
- S. Parking Analysis
- T. Transportation Demand Management
- U. Neighborhood Meeting
- V. Wastewater Capacity Letter
- W. 2018-07-19-LOR-Traffic
- X. 2018-07-19-Waiver-Request
- Y. B-7 Performance Standards

PLANS

- Plan 1. Survey
- Plan 2. Cover Sheet & Legend
- Plan 3. General Notes
- Plan 4. Construction Management Plan
- Plan 5. Site Plan
- Plan 6. Utility Plan
- Plan 7. Site Details
- Plan 8. Site Details
- Plan 9. Utility and Drainage Details
- Plan 10. Erosion Control Details & Notes
- Plan 11. Landscaping Plan

- Plan 12. Photometric Plan
- Plan 13. Kennebec Street-A2.01-Building Elevations
- Plan 14. Kennebec Street Rendering 1
- Plan 15. Kennebec Street Rendering 2
- Plan 16. Kennebec Street Rendering 3
- Plan 17. Kennebec Street Rendering 4
- Plan 18. Kennebec Street - A1.01 - First Floor Plan
- Plan 19. Kennebec Street - A1-02 - Second & Typical Floor Plans
- Plan 20. Recording Plat