



PLANNING BOARD REPORT
PORTLAND, MAINE
208 Fore Street
New Construction
Level III Subdivision / Site Plan and Conditional Use
PL-000153-2018
Applicant: Flagg Partners, LLC.

Submitted to Portland Planning Board Public Hearing Date: August 14, 2018	Prepared by: Christian Roadman Date: August 10, 2018
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Proposed building at 208 Fore Street (rendering provided by applicant team)

I. Project Summary

Flagg Partners, LLC seeks to construct a seven story building with 37 residential units and two retail spaces. The building would occupy a lot, and part of a private way, which are currently the site of an office building and surface parking.

The proposed project is located on the south side of Fore Street between India and Franklin Streets. Residential and commercial uses are both present within the nearby area. The site is surrounded by surface parking, but located close to several commercial buildings along Commercial Street as well as a contemporary residential and hotel building across Fore Street. The site falls within the India Street Form Based Code zone, but it is not located within the India Street Historic District. It is, however, located within 100 feet of the Eastern Waterfront Historic District, which prompts advisory historic preservation design review.

The Planning Department sent 193 notices of this agenda item to property owners within 500 feet of the site. Notice of this item also appeared in legal advertisements on August 3 and August 6, 2018.

Applicant: Flagg Partners, LLC.

Consultants: Terradyn Consultants (Michael Tadema-Wielandt, PE), Archetype Architects (David Lloyd), Northeast Civil Solutions (Troy McDonald, PLS)

II. REQUIRED REVIEWS

Review	Relevant Code
Site Plan	Section 14-526
Subdivision	Section 14-497
Inclusionary Zoning Conditional Use	Section 14-487

III. PROJECT DATA

Existing Zoning	India Street form based code
Existing Use	Commercial / office
Proposed Use	residential and commercial
Proposed Development Program	37 residential condominiums, 2 retail spaces
Bedroom Mix	thirteen 3-bedroom, eleven 2-bedroom, thirteen 1-bedroom
Parcel Size	12,860 sf.

	Existing	Proposed	Net Change
Building Footprint (sq. ft.)	4,242	8,101	3,859
Building Floor Area (sq. ft.)	10,600	62,318	51,718
Impervious Surface Area (sq. ft.)	11,554	6,505	5,049
Parking Spaces	23	31	8
Bicycle Parking Spaces	0	15 (?)	15 (more detail needed)
Estimated Cost of Project	\$15,000,000		



Existing condition of the site (image provided by applicant team)

IV. PUBLIC COMMENT / NEIGHBORHOOD MEETING

The applicant held a neighborhood meeting on August 7, 2018. At the time of this writing, planning staff have not received a summary, sign-in sheet, or meeting certification. These must be provided by the applicant.

Planning staff received feedback over the phone from Paula Foley-Stelmack, who expressed concern about the building's proposed appearance. At the suggestion of staff, Ms. Foley-Stelmack also submitted an e-mail comment (attachment PC-1) identifying and expanding on a number of concerns (including the building's size, lack of street-facing landscaping, and minimal sidewalk width).

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

The applicant submitted a quitclaim deed evidencing ownership of the parcel in question, as well as title and rights to Bradbury Court. The applicant also submitted a quitclaim deed indicating that the owners of a neighboring property, "together with the right in common with others" may use Bradbury Court. It is not clear at this moment what the dimensions of Bradbury Court are. Further information regarding it, and the rights and imitations of the easement, is requested for assessing right, title, and interest.

The applicant cited project team experience to evidence technical capacity for project completion. They submitted a letter from Mark V. Stasium, Senior Vice President of Camden National Bank, expressing willingness to provide a loan of \$15,604,500. This represents 75% of the estimated total project cost of \$20,806,000 (which includes land acquisition, building construction, and soft costs)

VIII. ZONING ANALYSIS

UT Subdistrict Requirements; Parking

Per the City's Land Use Code, "the India Street Form-based Code is different than traditional zoning, placing the primary emphasis on a building's physical form and its relationship to the street, and de-emphasizing land use."

The proposed project falls under the zone's Urban Transitional (UT) subdistrict, and appears to meet its siting standards, frontage requirements, and building entry requirements. However, one set of balconies on the western side of the building appears to overhang the 10 foot side setback more than the two foot maximum.

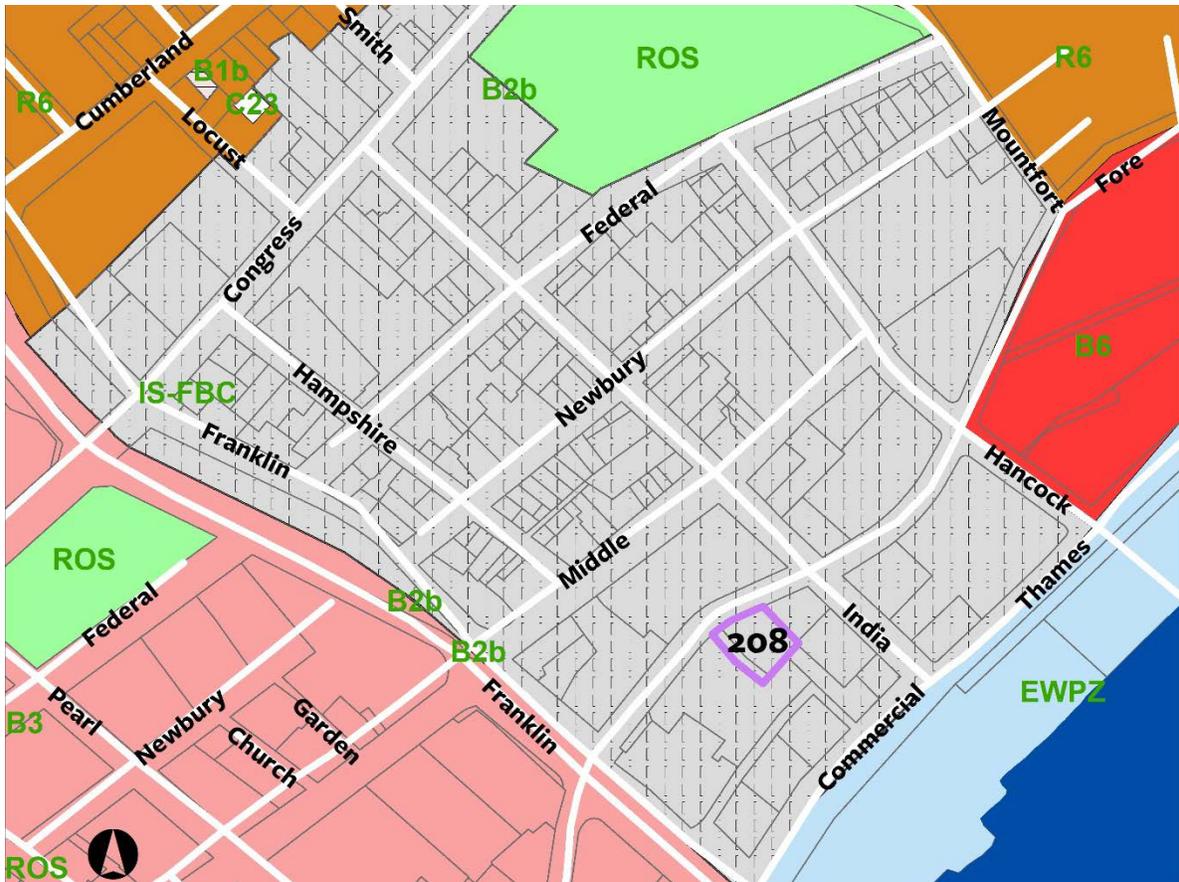
The proposed project takes advantage of a bonus story provision for a green roof and 50% site permeability, but may not adequately address the requirement that the bonus story maintain a 15 foot setback from the building face. Planning and zoning staff will conduct further review of this issue. In the interim, staff wish to communicate that the roof footprint will likely need to change. Because of the concern regarding the roof footprint, as well as other potential changes to the site and building design, staff await further information before determining if the green roof amount and site permeability are sufficient to qualify for the height bonus. If the project site successfully meets these requirements, it will be eligible for seven stories and a 77 foot height. Without the bonus, the project can only include six stories and a maximum 65 foot height.

Per Division 20 of the City's Land Use Code, the project must provide one off-street parking space per residential unit after the first three units, for a total of 34 parking spaces. The two proposed retail spaces do not trigger a parking requirement as both are under 2,000 square feet. The project as currently proposed only includes 31 parking spaces; the applicant intends to pay a fee-in-lieu for the remaining three required parking spaces. If the configuration / square footage of the retail spaces changes, or if a different commercial use (such as office) is proposed, these changes may trigger additional parking requirements.

Per the Site Plan Ordinance of the Land Use Code, two bicycle parking spaces are required for every five dwelling units in residential structures. With 37 units proposed, seven bicycle parking spaces are required. Approximately two bicycle parking spaces are also required as a result of the retail spaces, totaling nine spaces. The applicant indicated indoor bicycle storage will be available, but staff require more information about this approach. Additionally, the bicycle parking spaces serving the retail uses should be located in a publicly accessible area.

Inclusionary Zoning Conditional Use

All developments of 10 units or more are conditional uses subject to Planning Board review. The applicant intends to pay a fee-in-lieu into the City's housing trust fund for 3.7 workforce housing units they would otherwise be required to provide. Victoria Volent, the City's Housing Program Manager, recommends that the Planning Board approve this conditional use provided the applicant agrees to pay the required fee-in-lieu of \$387,386 (attachment 2).



Zoning context of the proposed 208 Fore Street Project. The project boundary is outlined in lavender.

IX. DEVELOPMENT REVIEW

A. SUBDIVISION (Section 14-497)

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

Will Not Result in Undue Water and Air Pollution, 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 5). The City’s civil engineering consultant, Lauren Swett, reviewed the applicant’s submission for compliance with applicable codes, standards, and practices (attachment 1). Her comments detail specific changes, as well as additional information and documentation needed for further review and compliance. She expressed particular concern about the steepness of the basement-level parking and noted that an ice / snow management plan should be developed for the driveway. Also of note are her directive to ensure the proposed basement drainage sump will not back up in the winter, as well as the need for an oil/water separator if parking drainage is discharging to the sewer.

Sufficient Water Available

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

Will Not Cause Unreasonable Traffic Congestion

Please see the Transportation Standards section below.

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;

Tom Errico, consulting traffic engineer to the City, reviewed the proposed project for conformance with this standard (attachment 3). At this time, he does not expect the project to have a significant impact on traffic mobility and safety. He also wrote, however, that “the applicant shall conduct a trip generation estimate during the weekday PM peak hour for use in determining a monetary contribution amount for future improvements to Franklin Street.”

Like Lauren Swett, Tom Errico raised concern regarding the driveway grade, which is proposed at 19.4%. He also noted the importance of preventing snow and ice on the driveway, and raised concern about “the interaction between vehicles exiting the site on a steep grade and pedestrians on the sidewalk.” Sight distance for motorists leaving the site, as well as from the proposed driveway, are required.

At the time of this writing, a discrepancy exists between the submitted site plan and the applicant’s current intention for parking level access. In the site plan, separate driveways lead into and out of the shared ramp down to parking. This design not maintain access to Bradbury Court. In a subsequently submitted concept sketch, the applicant proposed one shared lane for vehicles moving in and out of the parking level. Mr. Errico expressed dissatisfaction with the use of a median island (as is shown on the site plan) and stated that the 9-foot alternating flow concept is not acceptable. Regardless of the applicant’s desired approach, changes to the site design will be necessary.

Loading and access to the site for vehicles serving the retail spaces and trash room should also be clarified / improved.

Sidewalks

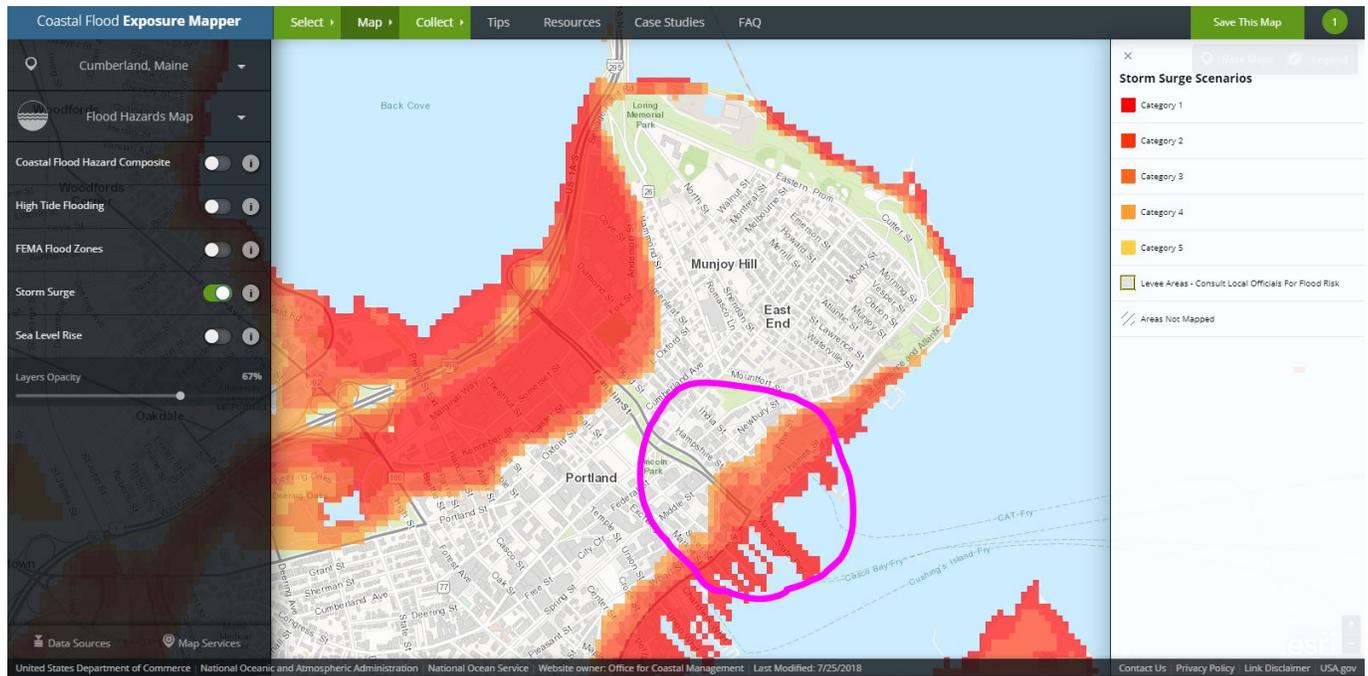
Bruce Hyman, the City’s Transportation Program Manager, expressed that the sidewalk should be widened along the proposed project to create a seven foot wide sidewalk (attachment 1). This will result in a curb-to-curb width of 31 feet on Fore Street, allowing for on-street parking on the opposite side. Please note the public comment regarding sidewalk width (attachment PL-1) mentioned above.

Parking

Please see the analysis of project parking requirements in the Zoning section above. Staff encourage the applicant to consider alternative parking approaches because of concerns regarding the proposed driveway and site access / design.

As a point of information, underground parking may also be vulnerable to storm surge within this area. [An online map by the National Oceanic and Atmospheric Association](#) (NOAA) indicates that the project may be subject to storm surge impacts during some major storm events (please see image below).

Given the prevalence of surface parking in the area, a long-term lease agreement could be used to meet the project’s parking requirements. Reduction in the number of units proposed would also allow for a reduced parking requirement and additional site design flexibility.



Information from NOAA indicates that the project site could be impacted by storm surges in some major storm events

Construction Management Plan

Per Lauren Swett’s comments (attachment 1) changes are required to the project’s construction management plan, particularly to facilitate temporary pedestrian access around the project site.

Public Transit Access

This project does not require construction of a transit shelter (it is not located directly on such a route) but it is located within walking distance of existing Metro service.

2. Environmental Quality Standards

Preservation of Significant Natural Features

The proposed project is not anticipated to significantly impact natural features or water quality. The project is located on a currently developed site.

Landscaping and Landscape Preservation

The applicant submitted a landscape plan for the proposed project. At the time of this writing, planning staff have not received formal comments from the City’s arborist regarding this item.

The project does not currently propose street trees along Fore Street due to space limitations. The applicant expressed their intention to pay into the City’s street tree fund instead of providing street trees. Given the 37 proposed units, and \$400 street tree fund, the applicant will be required to pay \$14,800 into the fund.

Water Quality, Stormwater Management and Erosion Control

Consulting civil engineer Lauren Swett’s comments regarding these topics are addressed above, and her corrections attached (attachment 1).

3. Public Infrastructure and Community Safety Standards

Public Safety and Fire Prevention

Division Chief Mike Thompson noted in submitted comments (attachment 1) that building access is sufficient for the Fire Department if, as indicated by the applicant in submitted documents, existing overhead utilities will be relocated to underground. There are adequate fire hydrants in the area.

Availability and Adequate Capacity of Public Utilities

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

4. Site Design Standards

Snow and Ice Loading

The applicant must address snow management on the site plan, as well as satisfactorily address the driveway snow and ice loading concerns raised by Lauren Swett and Tom Errico.

Historic Resources

As mentioned above, the proposed project is located within 100 feet of the Eastern Waterfront Historic District. The project therefore requires advisory historic preservation review.

Exterior Lighting

The photometric / lighting plan is under review, but staff request additional information confirming that proposed lighting is full cutoff.

Noise and Vibration

The applicant stated that noise levels are expected to meet the permitted levels.

Materials & Waste

The applicant indicated a trash room on the lowest (parking level) but it is not clear how this room will be serviced. Additional information regarding this issue is required.

Zoning Related Design Standards

Caitlin Cameron provided preliminary design review for this project (attachment 4). She requested that the design be further tethered to the project's context, particularly with the material palette. Additionally, she expressed that the double-height storefront glazing is inappropriate, the residential door should be more emphasized, and that more information regarding HVAC integration is necessary.



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XII. NEXT STEPS

Staff recommend a second workshop for this project. Revised submission should address:

- Rights and limitations of the Bradbury Court easement
- Roof footprint and green roof details
- 19.4% driveway slope , and related snow / ice / pedestrian concerns
- Site access problems
- Sight distance for motorists leaving the site, as well as from the proposed driveway
- Widened, seven foot sidewalk
- Design feedback
- Setback concern

Additional details and information required:

- Neighborhood meeting documentation: summary, sign-in sheet, and certification
- Retail space clarity
- Bicycle parking strategy, bicycle parking outside the retail spaces
- Oil/water separator for parking drainage, if necessary
- Weekday PM peak hour trip generation estimate
- Loading and access to the site for vehicles serving the retail spaces and trash room
- Revised construction management plan
- Confirm that all proposed lighting is full cutoff

PLANNING BOARD REPORT ATTACHMENTS

1. 208 FORE STREET CORRECTIONS REPORT 8-1018
2. V VOLUNTARY INCLUSIONARY ZONING MEMO

3. T ERRICO COMMENTS 8-9-18
4. C CAMERON BUILDING DESIGN STANDARDS CHECKLIST
5. WASTEWATER CAPACITY AUTHORIZATION

PUBLIC COMMENT

PC1. PAULA FOLEY-STELMACK 7-23-18

APPLICANT'S SUBMITTALS

- A. COVER LETTER
- B. DEVELOPMENT DESCRIPTION
- C. RIGHT, TITLE AND INTEREST
- D. STATE AND FEDERAL PERMITS
- E. LAND ORDINANCE REVIEW
- F. EASEMENTS OR OTHER BURDENS
- G. TECHNICAL AND FINANCIAL CAPACITY
- H. CONSTRUCTION MANAGEMENT PLAN
- I. NATURAL FEATURES
- J. STORMWATER MANAGEMENT
- K. CONSISTENCY WITH CITY MASTER PLANS
- L. UTILITIES
- M. SOLID WASTE
- N. FIRE SAFETY
- O. CONFORMITY WITH APPLICABLE DESIGN STANDARDS
- P. VERIFICATION OF PROPOSED HVAC EQUIPMENT
- Q. LEVEL III CHECKLIST
- R. LEVEL III APPLICATION FORM
- S. ZONING ANALYSIS TABLE
- T. IZ CONDITIONAL USE APPLICATION
- U. NEIGHBORHOOD MEETING INVITATION

PLANS

- P1. COVER
- P2. GENERAL NOTES
- P3. BOUNDARY SURVEY
- P4. EXISTING CONDITIONS & DEMOLITION
- P5. CONSTRUCTION MANAGEMENT PLAN
- P6. SITE
- P7. GRADING DRAINAGE & EROSION
- P8. EROSION & SEDIMENTATION CONTROL NOTES
- P9. UTILITY PLAN
- P10. SITE DETAILS
- P11. UTILITY & DRAINAGE DETAILS
- P12. LANDSCAPE PLAN
- P13. LIGHTING PHOTOMETRIC PLAN
- P14. FLOOR PLANS
- P15. ELEVATIONS
- P16. BUILDING SECTION
- P17. SECTION AT GARAGE ENTRANCE
- P18. PERVIOUS DIAGRAM
- P19. VIEWS & RENDERINGS
- P20. SINGLE ENTRY-WAY CONCEPT SKETCH