

1. Legal Ad

Documents: [PB LEGAL AD 5-12-15.PDF](#)

2. Agenda

Documents: [PB AGENDA 5-12-15.PDF](#)

3. 605 Stevens Avenue

3.I. Report

Documents: [STEVENS AVE. - 605 \(REPORT\).PDF](#)

3.II. Memo Attachments

Documents: [STEVENS AVE. - 605 \(MEMO ATTACHMENTS\).PDF](#)

3.III. Public Comment

Documents: [STEVENS AVE. - 605 \(PUBLIC COMMENT\).PDF](#)

3.IV. Additional Public Comment

Documents: [STEVENS AVE. - 605 \(ADDITIONAL PUBLIC COMMENT\).PDF](#)

3.V. Applicants Submittal

Documents: [STEVENS AVE. - 605 \(APPLICANTS SUBMITTAL\).PDF](#)

3.VI. Plans

Documents: [STEVENS AVE. - 605 \(PLANS\).PDF](#)

4. 667 Congress Street

4.I. Report

Documents: [CONGRESS STREET 667 - PLANNING BOARD REPORT.PDF](#)

4.II. Applicants Submittal

Documents: [CONGRESS STREET 667 - APPLICANTS SUBMITTAL.PDF](#)

4.III. Public Comment

Documents: [CONGRESS STREET 667 -PUBLIC COMMENT.PDF](#)

4.IV. Plans

Documents: [CONGRESS STREET 667 - PLANS.PDF](#)

**LEGAL ADVERTISEMENT
PORTLAND PLANNING BOARD MEETING**

The Portland Planning Board will hold a meeting on Tuesday, May 12, 2015, Room 209, 2nd Floor, City Hall, 389 Congress Street. **Public comments will be taken at this meeting.**

Public Hearing – 7:00 p.m.

- i. 605 Stevens Avenue; Zoning Map Amendment Application; Residential R-5 to Residential R-5A; Seacoast at Baxter Wood Associates, LLC., Applicant. (7-8:30 p.m. – estimated time) The Board will hold a public hearing to consider a proposed zoning map amendment from R-5 to R-5A for a 13.5 acre lot. The proposal includes R-5A zone text amendments to permit congregate care and establish dimensional requirements. The applicant is proposing zone changes in order to convert the convent into affordable housing units for senior citizens and to develop a senior living community known as McAuley Place.
- ii. 667 Congress Street; Zoning Map Amendment Application; Residential R-6 to Downtown Business B-3; Redfern Properties, Applicant. (8:30-9:30 p.m. – estimated time) The Board will hold a public hearing to consider a map amendment to rezone the rear portion of the lot from R-6 to B-3 and to extend the B-3 Height Overlay Map to include the rear portion of the lot for a maximum building height of 85 feet. The site is currently zoned Downtown Business B-3 along Congress Street and the Residential R-6 zone encompasses the rear portion of the lot. The applicant seeks the zone change in order to redevelop the site with a 7 to 8 story building with approximately 132 rental units, a retail store on the first level and two levels of parking under the building.

STUART O'BRIEN, CHAIR - PORTLAND PLANNING BOARD

Stuart G. O'Brien, Chair
Elizabeth Boepple, Vice Chair
Sean Dundon
Bill Hall
Carol Morrisette
Jack Soley
David Eaton

**AGENDA
PORTLAND PLANNING BOARD MEETING**

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PUBLIC HEARING ONLY – 7:00 p.m.

- 1. ROLL CALL AND DECLARATION OF QUORUM**
- 2. COMMUNICATIONS AND REPORTS**
- 3. REPORT OF ATTENDANCE AT THE MEETING HELD ON APRIL 28, 2015:**

Workshop: O'Brien, Boepple, Eaton, Hall (4:45), and Soley present. Dundon and Morrisette absent.

Public Hearing: O'Brien, Boepple, Eaton, Hall, and Soley present. Dundon and Morrisette absent.

Evening Workshop: O'Brien, Boepple, Eaton, Hall, and Soley present. Dundon and Morrisette absent.

4. REPORT OF DECISIONS AT THE MEETING HELD ON APRIL 28, 2015:

- i. 777 Stevens Avenue; Amended Level III Application; The Park Danforth, Applicant.
Boepple moved and Soley seconded the motion to approve the amended subdivision plat. The Board voted 4-0 (Eaton abstained; Dundon and Morrisette absent). Boepple moved and Soley seconded the motion to approve the amended Level III Site Plan. The Board voted 4-0 (Eaton abstained; Dundon and Morrisette absent).

5. NEW BUSINESS

- i. 605 Stevens Avenue; Zoning Map and Land Use Code Text Amendment Application; Residential R-5 to Residential R-5A; Seacoast at Baxter Wood Associates, LLC., Applicant. (7-8:30 p.m. – estimated time)
The Board will hold a public hearing to consider a proposed zoning map amendment from R-5 to R-5A for a 13.5 acre lot. The proposal includes R-5A zone text amendments to permit congregate care and establish dimensional requirements. The proposal includes an amendment to the site plan ordinance to allow a master plan for residential projects. The applicant is proposing zoning changes in order to convert the convent into affordable housing units for senior citizens and to develop a senior living community known as McAuley Place.
- ii. 667 Congress Street; Zoning Map Amendment Application; Residential R-6 to Downtown Business B-3; Redfern Properties, Applicant. (8:30 – 9:30 p.m. – estimated time)
The Board will hold a public hearing to consider a map amendment to rezone the rear portion of the lot from R-6 to B-3 and to extend the B-3 Height Overlay Map to include the rear portion of the lot for a maximum building height of 85 feet. The site is currently zoned Downtown Business B-3 along Congress Street and the Residential R-6 zone encompasses the rear portion of the lot. The applicant seeks the zone change in order to redevelop the site with a 7 to 8 story building with approximately 132 rental units, a retail store on the first level and two levels of parking under the building.

PLANNING BOARD REPORT

PORTLAND, MAINE



R5A Zoning Map and Text Amendments for McAuley Place,
605 Stevens Avenue

Seacoast At Baxter Woods Associates, LLC, Applicant
Project #: 2015-022
CBL: 136 E006001

Submitted to: Portland Planning Board
Public Hearing Date: May 12th, 2015

Prepared by: Jean Fraser, Planner
Date: May 8th, 2015

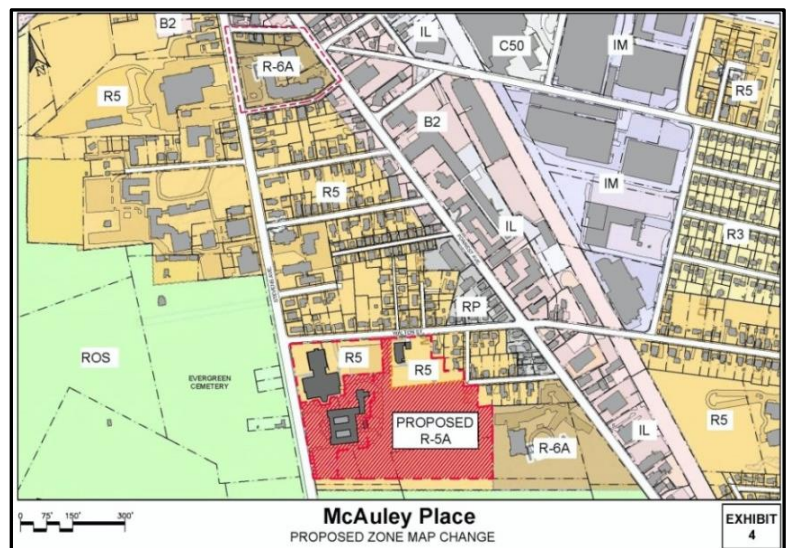
I. INTRODUCTION

Licht Environmental Design LLC (agent) representing the applicant Seacoast At Baxter Woods Associates, LLC, has requested a map change with associated text amendments from the existing R5 zone to the R5A zone. The request follows extensive public testimony and Planning Board discussion at two PB workshops, one in March and one in April 2015. The proposed zoning amendments would enable an integrated development of affordable housing (within the existing Mother House) and a senior retirement community on a large site owned by the Sisters of Mercy that has been on the market for some years.

Since the second PB workshop in April the applicant has revised the text amendment regarding height to 55 feet (previously 60 feet) and the final submittal includes a Height Study and Massing Study (Plans P4 and P5) along with additional traffic data and analysis (Attachments I-L).

The property proposed for rezoning totals approximately 13.53 acres and has approximately 400 feet of frontage on the east side of Stevens Avenue. It abuts the Deering Pavilion and Baxter Woods and is opposite Evergreen Cemetery across Stevens Avenue. It also has frontage along Walton, Pershing and Holly Streets.

The applicant has a Purchase and Sale Agreement for the wider area (including the High School and St Catherine's Residence on Walton Street) from the St Joseph's Convent & Hospital c/o Sisters of Mercy of the Americas (Attachment D). Catherine McAuley High School and the St Catherine's Residence Hall (approx. 1.9 acres on Walton Street) are excluded from the proposed rezoning and are conforming uses in the R5 zone.



II. PUBLIC COMMENT AND WORKSHOP SUMMARY

A notice of this Hearing was sent to 128 property owners within 500 feet and interested citizens, and appeared in the April 27th and May 4th, 2015 editions of the *Portland Press-Herald*. A Neighborhood Meeting is required for this project and was held in the Mother House on April 2, 2015; the notes are in Att. H. The Neighborhood meeting was attended by about 100 people and Planning Division staff also attended to answer any questions regarding the zoning interpretation or zone amendment process. A total of 18 written comments have been received at the time this report was prepared and all except the letters from the owner (Sisters of Mercy) and the Catherine McAuley High School Board raise objections. The ones numbered PC17 and PC18 are commenting on the recent submissions (particularly massing and traffic studies) that request the text amendments to allow a 55 foot height:

- PC1 and PC2, which are written versions of comments made at the March Workshop (regarding the proposed R6A);
- PC 3 which was received in April regarding the revised proposals (R5A instead of R6A);
- PC 4 to PC10, circulated prior to or at the April Workshop;
- PC 11 to PC 16 which are written versions of the comments made at the April Workshop; and
- PC17 –PC 18 received since the April Workshop and prior to the completion of this report (additional comments are anticipated and will be circulated at the hearing).

a. March PB Workshop re R6A

The Workshop meeting was attended by about 40 members of the public and 14 people spoke, all in opposition to the proposed zoning amendment to R6A and highlighting concerns regarding the impact on the High School and Playing Fields and regarding traffic congestion and pedestrian safety in the area. A list of these concerns is included in Attachment 2.

b. April PB Workshop re R5A

The applicant had revised the zoning amendment to be from R5 to R5A in response to the feedback at the first Planning Board Workshop, and had made the following revisions:

- Removed the Catherine McAuley High School from the area to be rezoned so it would remain a conforming use in the R5 zone as existing;
- Revised the conceptual and phasing plans to retain playing fields as far as possible;
- Proposed text amendments that retain the existing R5A density of 1600 sf per dwelling, but amend the basis to be net area instead of gross area; and
- Proposed text amendments that add permitted uses and some dimensional requirements not currently in the R5A zone.

The Workshop also considered additional information regarding the proposed density and associated traffic analysis for the retirement community as well as for the “maximum build-out” based on market rate housing for the three potential zones under consideration at that time: R3; R5A; and R6A. This Report includes this information along with additional traffic data and analysis (see Section VII (D) below).

The Board asked for further information on the following points:

- Why it was necessary for the land use ordinance to include various separate definitions for different levels of residential and institutional senior care;
- Why does the map change include a thin section out to Walton Street;
- How would the lot coverage translate to this site;
- How would the proposed height and massing relate to the Mother House and the neighborhood;
- Whether senior drivers were a safety concern as suggested by public comments;
- What was the basis for suggesting that trip generation will be relatively lower for a senior community;
- Would parking demand be met within the site.

The staff comments in Section VII address the first point, and the applicants submittal (Attachment I-L) has addressed the other points.

III. PROJECT DATA FOR AREA WITHIN PROPOSED MAP AMENDMENT

Parcel Size:	13.53 acres (area for which rezoning is requested)
Existing Zoning:	Residential R-5
Existing Uses:	Former convent; open land, part playing fields used by school
Proposed Use:	Affordable Age-restricted Housing in existing building; Residential Senior Independent Living Units (Congregate Care); Intermediate Care

Residential data as proposed (latest Conceptual Master Plan in Plan P3):

- Affordable housing units: 66 +/- along with 22 market rate housing units;
- Approximately 206 units (senior multifamily and congregate care independent units) in new buildings;
- Approximately 36 future units in the Smith House wing (a part of the Mother House not proposed for the first phase affordable housing), should it become available.

Parking, access and other aspects are conceptual at this stage (see Conceptual Master Plan below and in [Plan P4](#)) and the applicant intends to submit a [Master Development Plan](#) for the overall development and the phases. The first phase is the renovation of the Mother House for approximately 66 units of affordable housing and 22 market rate housing units for senior citizens.

IV. EXISTING CONDITIONS AND ZONING

a. Background

The original cover letter ([Attachment B](#)) includes a history of the site, which started as a convent in the late 19th century for the Sisters of Mercy in Portland and originally included a church. The area now proposed to be rezoned to R5A includes one building, the now-vacant convent, which is known as the Mother House (photo below; additional photos in [Attachment F](#)).

The developers are seeking historic tax credits for the renovation and reuse of the main part of the Mother House building (excluding the north “ell” known as the Smith House and currently used by the High School) in view of the costs associated with its age, interior layout and condition. The National Park Service has confirmed its eligibility for those tax credits. While it qualifies for historic tax credits, it has never been identified for designation as a local landmark and currently has no historic designation.

It is understood from the City’s Historic Preservation Program Manager that if historic tax credits are sought towards the rehabilitation of the Mother House, that any new construction in the vicinity would be subject to review for its scale/visual impact on and general compatibility with the Mother House itself ([Attachment 4](#)).



b. Existing Conditions

The site is within the R5 zone and abuts the Deering Pavilion (shown on [Plans P1 and P3](#)) which is zoned R6A. The north and north-east parts of the site abut an area of single and multifamily homes (all in R5) and the Forest Avenue RP zone is nearby. Baxter Woods abuts the south side of the site and the Evergreen Cemetery is opposite on Stevens Avenue.

The School is currently accessed by two one-way drives from Walton Street direct into the existing parking lot. There are two small drives with gates on Stevens Avenue that go directly to the front of the Mother House.

Walton Street is a residential street connecting Stevens Avenue and Forest Avenue, with signals at both intersections. Under the Federal Street Classification system Stevens Avenue is classified as a “Minor Arterial” (other “Minor Arterials” in Portland are Warren Avenue and Washington Avenue) and Forest Avenue is classified a “Principal Arterial” (other “principal Arterials” in Portland are Brighton Avenue and outer Congress Street).

V. PROPOSED DEVELOPMENT

The applicant’s final submission is attached at [Attachment I-L](#) and [Plans P2-P5](#). The cover letter in [Attachment I](#) updates the details of the proposals and addresses questions that were asked at the April workshop, particularly traffic implications and massing of the proposed buildings.

The project is a package of interdependent proposals that would be funded from a number of different sources to create a retirement community with two components totaling about 330 units once all phases are completed:

- Affordable multifamily housing (some at market rate) for seniors, in the existing Mother House (using historic and housing tax credits to address the high cost of rehabilitation);
- Independent units for seniors on land near and behind the Mother House, which could be considered as multifamily and possibly congregate care depending on the support services provided.

The concept presented in April (left below) excluded McAuley High School and it remains on a 3.18-3.50 acre lot. St Catherine's Residence Hall also is excluded from the proposed R5A zoning and remains on a 1.86 acre lot. It is understood that any redevelopment of St Catherine's Residence Hall and McAuley High School would be considered separately as appropriate in the future, and the applicant is in discussions regarding the arrangements to maintain these uses over the medium-term.



Submitted for April Workshop



Submitted for May Public Hearing

A similar but updated Conceptual Master Plan was received May 7th (Plan P4, and above right) which proposes a potential 4 building senior living campus of 4 and 5 story buildings. The concept design represents a build out of approx. 206 units plus 88 Motherhouse units and potential for 36 +/- future units in the Smith house wing, should it ever become available, for a total of approximately 330 units, consistent with prior projections for the overall project. The recent plan shows that there would be more smaller buildings on the open land behind the Mother House, but this would represent a lower number of total dwelling units in the new buildings (about 200, compared to 240 in the initial proposal).

The overall total remains about 330 dwelling units because the applicants may be able to rehabilitate the Smith House (north ell of the Mother House which is currently used by the School) for approximately 36 dwelling units.

For the purposes of the zoning amendments now under consideration, the precise proposal is not under review and the layout and design would be reviewed in detail at the Master Development Plan and site plan stage to ensure that the final proposals addressed all factors, including traffic, parking, stormwater management, open space provision and scale/massing.

VI. PROPOSED ZONING AMENDMENTS

In conjunction with the requested map amendments, the applicant has requested R-5A text amendments to accommodate the proposed development. Soon after McAuley Place requested zoning amendments, another senior housing project submitted proposed text amendments to the R5A Zone to facilitate a somewhat different form of senior housing (all congregate care) on a site on Ocean Avenue. The proposed text amendments to the R5A zone subject of the recommendation (see details in next section) are merged text amendments from 3 sources:

To facilitate the McAuley Place senior development:

- Adding “multifamily ” and “congregate care” to the permitted uses, with associated minimum lot sizes;
- Clarification of the minimum lot area per dwelling for both uses;
- Include a maximum structure height of 55 feet (there was no height limit in the R5A zone previously, as a contract zone was contemplated for implementation);
- Amend the Site Plan ordinance regarding Master Development Plans to include the proposed uses.

To facilitate the Ocean Avenue congregate care development:

- Amend definition of “congregate care”;
- Add “congregate care” to the permitted uses and clarify minimum lot sizes;
- Clarification of the minimum lot area per dwelling for this use;
- Confirm a maximum height (for their project 50 feet was suggested).

To address the staff and Planning Board suggestions:

- Remove the requirement that the R5A zone be applied through the contract zone provisions;
- Streamlining the definition of “net land area” to meet current development review practices;
- Removal of unnecessary text;
- Simplification of the text as far as possible while ensuring clarity.

Following is a summary of the text amendments as revised by the staff along with summary statements that highlight the source of the proposed, the purpose of the proposed text amendments, and specific points for the Board’s consideration. The full text of the existing ordinance and all amendments (including all strikeouts) is included in Attachment 1.

A. Definitions - Sec. 14-47. Definitions.

1. Congregate Care Definition

Congregate care facility: A ~~planned~~-residential ~~unit~~-development which provides individual living or dwelling units with support services which provide assistance to residents. Services to be provided shall include:

- (a) Transportation for essential support activities. This service shall be included in the base rent;
- (b) Provision of at least one (1) meal per day;
- (c) Programmed social activities which are facilitated by staff. This service shall be included in the base rent;
- (d) Provision of personal care services including, but not limited to, housekeeping, laundry, and minimal health monitoring; and
- (e) Installation of emergency call buttons or systems in each congregate care living unit.

The population of a congregate care facility shall consist of persons fifty-five (55) years of age or older and their spouses and/or disabled persons and their spouses.

Staff Summary: The proposed addition of “dwelling units” and removal of the PRUD requirement allows for greater flexibility of multi-unit development for senior living projects generally. The distinction between living units and dwelling unit is whether there are full kitchen facilities. As recommended by the Planning Board at the April 28, 2015 workshop on the Ocean Avenue proposal, a definition for Living Unit is proposed (see below).

2. New definition for Living Unit:

Living Unit: An independent self-contained dwelling unit that does not include full kitchen facilities.

Staff Summary: A living unit would not have cooking facilities and this is a characteristic of the ocean Avenue proposed congregate care project which envisions that all meals would be provided centrally.

3. Net Residential Density Definition

Net land area: Net land area, as set forth in sections 14-90, 14-120 and 14-130 of this article, shall be calculated by subtracting from gross area the square footage of the following:

- ~~(a) 1. Stormwater retention areas;~~
- ~~2. Stormwater detention areas, unless improved for passive or active recreational use;~~
- (b) Existing watercourses, as defined in this section, measured by the area between the top of the banks at the normal high water mark, as defined in this section.
- ~~-(c) Inaccessible areas, as defined in this section;~~
[Definition of “inaccessible areas” to be removed- see Att 1 for full text of this definition]
- (d) Wetlands, as defined in this section;
- ~~-(e) Areas encumbered by existing easements, dedications or similar restrictions, which limit or preclude the construction of permanent structures or which are for any reason unavailable for use in connection with the proposed development.~~
- (f) Slopes of twenty-five (25) percent or greater. Where a slope of twenty-five (25) percent or greater was altered to less than twenty-five (25) percent within the two (2) years immediately preceding the submission of the application for development, such slope shall also be subtracted from the gross area;
- ~~-(g) Twenty (20) percent of the area remaining after the deductions of factors (1) through (6) of this definition.~~

Staff Summary: This amendment was not requested by the applicant. The Planning staff recommended streamlining the definition and providing more clarity on the overall density during the discussions regarding McAuley Place. The proposed edits eliminate the following deductions contained in the Net Residential Density:

- 1) stormwater retention and detention areas, which are deductions for required site improvements and infrastructure that cannot be determined at the start of a project;
- 2) inaccessible areas, which is a defined term in the code with limited applicability;
- 3) areas encumbered by existing easements, dedications or similar restrictions; and
- 4) a general 20% deduction, which is assumed to be calculation to cover the road infrastructure.

These provisions are difficult to assess and become apparent or determined as a project moves forward. The provisions limit the build out potential for parcels and are not directly related to the site’s natural amenities or natural constraints. The planning staff is suggesting that these deductions from the overall land area be eliminated in order to encourage moderate density housing off the peninsula.

At the April workshop, the Board raised the question whether the 20% deduction should be retained or whether to include a percentage open space requirement. The R5A open space requirement for PRUD’S is stated in the dimensional standards and calls for 200 square feet per dwelling unit and the proposed amendments maintain that requirement and also apply it to multifamily development over 4 dwelling units

and congregate care. The Planning Staff recommends the 200 sq ft/dwelling unit calculation for recreation purposes rather than the 20% reduction under the net land area (see also C. Dimensional Requirements).

B. Permitted Used - Sec. 14-127. Permitted uses.

There are no changes proposed for the purpose statement. Below is an excerpt of the R-5A zone is below with the proposed revisions to the permitted uses. Please refer to Attachment 1 for the full text of R-5A.

(a) *Residential:*

1. Single, two-family and three-family dwellings.
2. Planned residential unit development (PRUD) consisting of horizontally or vertically attached dwelling units or a series of such dwelling units. No dimensional requirements contained in section 14-130 shall apply with respect to such developments except for those requirements specifically denoted for PRUD. There shall be no open outside stairways or fire escapes above the ground floor. ~~The planned residential unit development shall be implemented through conditional or contract zoning, as described in division 1.5, for specific sites and proposed development meeting the overall requirements specified herein.~~ All land shall be owned and used in common and shall be governed and maintained as set forth in section 14-498(i)(3) of article IV (subdivisions). Such development shall be subject to review and approval by the Planning Board with respect to the requirements of article V (site plan) and article IV (subdivisions) of this chapter, whether or not such development is a subdivision within the meaning of article IV of this chapter, as now enacted or as hereafter amended.

6. Multifamily dwellings;

7. Congregate Care.

Staff Summary: The R5A zone currently allows single, two, family and three-family structures. No changes are proposed for the one, two and three family dwellings as a permitted use but the dimensional requirements have been amended to clarify the distinction between a development that includes a 3- family dwellings and multi-family development, because the existing definition of multifamily dwelling is "...containing three or more dwelling units".

The applicant has requested adding multifamily dwellings as a permitted use, in order to build greater flexibility to address the continuum of senior housing. The R5 zone permits multiplex housing, but it does not list multifamily housing, as it is listed in R6 and R7. The multiplex housing is defined in R5 as follows:

Multiplex development with three (3) or more horizontally or vertically attached dwelling units or a series of such attached dwelling units and the construction of at least one (1) building on a parcel of less than two (2) acres, provided that:

- a. *The land area requirement for a multiplex shall be six thousand (6,000) square feet of land area per dwelling unit; except that a multiplex with two hundred fifty (250) feet or more of street frontage needs only forty-five hundred (4,500) square feet of land area per dwelling unit;*
- b. *No dwelling unit shall have less than six hundred (600) square feet of floor area, exclusive of common hallways and storage in basement and attic;*
- c. *No open outside stairways or fire escapes above the ground floor shall be constructed;*
- d. *No habitable space in a dwelling unit shall be below grade, except basements that are a part of and below aboveground units;*

- e. Such development shall be subject to article V (site plan) of this chapter for site plan review approval and shall conform to the R-5 Design Standards.

The R5A zone seeks to promote moderate density housing, so including multifamily housing as a permitted use, rather than a multiplex, is proposed for the Board's consideration. The staff has amended the dimensions for multifamily developments for the Board's consideration.

The applicant has requested adding "Congregate care" as a permitted residential use in the R5A zone. The city's definition fits the type of facility that the applicant is seeking to construct in the latter phases of the project. The R5A zone does permit intermediate, extended and long-term care facilities under the category of "other permitted uses", but as defined, all of these facilities must include a medical component. In all of the other residential zones, the intermediate, extended and long term care facilities are listed as institutional uses (see table in Section VII C below).

Planned residential unit developments (PRUD) are also permitted along with handicapped family unit, and manufactured housing (Attachment 2 for full text). The R5A zone was created as a floating zone and it is under the PRUD provisions, which stipulates the R5A zone for a PRUD is to be implemented through a conditional or contract zone. A conditional zoning agreement was used for the Graves Hill condominiums at 802 Ocean Avenue and for the Canco Woods assisted living and independent units on Canco Road. The staff is recommending that the conditional zoning requirement for PRUD'S be deleted, so that R5A map amendments may be designated for appropriate off-peninsula sites, such as the Ocean Avenue site and the proposed site at 605 Stevens Avenue.

C. Dimensional Standards for R5A

The proposed revisions to the R5A dimensional standards are listed below and the staff comments follow. These have been converted to a table similar to those recently included in the B-2 and R-6 zones.

<u>Minimum Lot Size</u>	Residential (Single-, two-and three-family dwellings): 6,000 SF and a maximum lot size up to 2 acres ¹
	Planned residential unit development (PRUD), multifamily development of 4 or more dwelling units, and Congregate Care: 2 acres gross area
	Intermediate, extended or long-term care facilities: 1 1/2 acres.
<u>Min. Lot Area per D.U.</u>	Single-, two-and three-family dwellings: 1,600 SF. Planned residential unit development (PRUD), Congregate Care and Multifamily development of 4 or more dwelling units: 1600 SF of net land area. ²
<u>Min. Lot Area per Resident</u>	Minimum land area per intermediate care facility resident: 8,000 SF gross land area for the first thirty-five (35) residents, plus three hundred fifty (350) square feet for each additional resident.
<u>Min. Street Frontage</u>	50 feet.
<u>Min. Yard Dimensions for Single-, two-and three-family dwellings²</u>	1. Front yard: Principal or accessory structures: 25 feet.

¹ A lot in an unsewered residential district shall meet the provisions of the state Minimum Lot Size Law, 12 M.R.S.A. Section 4807-A, or the applicable zoning lot size, whichever is the largest. Except as provided for lots of record in section 14-433 (lots of record and accessory structure setbacks for existing buildings) of this article.

² Yard dimensions include setbacks of structures from property lines and setbacks of structures from one another. No structure shall occupy the minimum yard of another structure.

	2. Rear yard: a. Principal or accessory structures with ground coverage greater than one hundred (100) square feet: 25 feet. b. Accessory detached structures with a ground coverage of one hundred and forty-four (144) square feet or less: 5 feet. Setbacks for swimming pools shall be as provided for in section 14-432 (swimming pools) of this article. 3. Side yard: a. Principal or accessory structures with ground coverage greater than one hundred (100) square feet: <table> <tr> <th>Height of Structure</th><th>Required Side Yard</th></tr> <tr> <td>1 story</td><td>10 feet</td></tr> <tr> <td>1 1/2 stories</td><td>10 feet</td></tr> <tr> <td>2 stories</td><td>14 feet</td></tr> <tr> <td>2 1/2 stories</td><td>16 feet</td></tr> </table> The width of one (1) side yard may be reduced one (1) foot for every foot that the other side yard is correspondingly increased, but no side yard shall be less than ten (10) feet. In the case of a lot of record existing as of June 5, 1957, and held under separate and distinct ownership from adjacent lots, the required side yard may be reduced in order to provide a buildable width of up to twenty-four (24) feet, but in no case shall the resulting side yards be less than ten (10) feet. b. Accessory detached structures with ground coverage of one hundred and forty-four (144) square feet or less: 5 feet. 4. Side setback on side streets: Principal or accessory structures: 20 feet.	Height of Structure	Required Side Yard	1 story	10 feet	1 1/2 stories	10 feet	2 stories	14 feet	2 1/2 stories	16 feet
Height of Structure	Required Side Yard										
1 story	10 feet										
1 1/2 stories	10 feet										
2 stories	14 feet										
2 1/2 stories	16 feet										
<u>Maximum Structure Height</u>	Principal residential (single, two and three-family) or attached accessory structure: 35 feet. Accessory detached structure: 18 feet. Principal or attached accessory structure for PRUD, Multifamily development of 4 or more dwelling units, Congregate Care and Intermediate, extended or long-term care facilities: 55 feet.										
<u>Max. Lot Coverage</u>	30%										
<u>Minimum Lot Width</u>	60 feet										
<u>Minimum building setback from external subdivision property lines</u>	PRUD, multifamily development of 4 or more dwelling units, Congregate Care, and Intermediate, extended or long-term care: a. Building length of one hundred (100) feet or less: 25 feet. b. Building length of greater than one hundred (100) feet: 35 feet.										
<u>Minimum recreation open space area</u>	PRUD, multifamily development of 4 or more dwelling units, and Congregate Care: 200 SF per dwelling unit or living unit of common area designated on the site for recreation purposes.										

Staff Summary:

- **Minimum lot size:** The current residential minimum lot size for a 1, 2 or 3 unit building is 6,000 square feet. The proposal presented at the workshop on April 12th, modified this section to just one and two-family buildings and then listed multi-family dwellings (defined in the ordinance as 3 or more dwelling units) as requiring a minimum of three acres.

The earlier draft inadvertently restricted the development potential in the R-5A. Allowing a 6,000 square foot lot to have a three unit building is consistent with the objective of encouraging moderate density housing. The staff is suggesting that the three unit buildings be retained for the minimum 6,000 square foot lot, which is calculated on the gross land area and not the net land area). Since the zone is to support moderate density and preserve natural amenities, the staff is proposing that these provisions reflect the current R-5 multiplex standards and cap the lot area at 2 acres to ensure that moderate densities are encouraged while simultaneously preserving natural amenities. Thus a lot with less than two acres could be developed based upon the gross land with 1, 2 or 3 unit buildings at the density of 1,600 per unit. Large multifamily developments would be developed under the net residential density provisions.

Currently, the R5A zone sets a minimum lot size for PRUD's at 3 acres, in order to encourage housing and protect the natural features of sites. At the April workshop, the draft amendments set a minimum lot area of 3 acres for multifamily developments, which in that draft would have applied to projects with three or more dwellings units. In this version, the staff have drafted the minimum lot area for multifamily housing and congregate care development to be a minimum of 2 acres of gross land area and that the overall density would be calculated using the net residential density regulations.

- **Minimum lot area per unit:** The current R5A requirement is 1,600 for dwelling units and PRUDs. Currently only one, two and three family units are allowed as residential units. The current draft proposes that the 1600 square foot per dwelling unit would apply to all residential and congregate care proposals. The residential development of one, two and three unit developments on lots between 6,000 sq ft and two acres, would be calculated on the gross land area. All other proposals would be calculated on the net residential area. The density provisions for intermediate care facilities are the requirements that had been in place for such uses in the R6 zone prior to its recent update, which allows for greater density in the R6 zone. The provisions are proposed to be consistent with the goal for moderate density.
- **Minimum Street Frontage:** The staff is suggesting simplifying this standard to state 50 feet, which would then apply to all uses.
- **Maximum Structure Height:** The R5A zone does not contain any height limits, which were to be determined during the conditional zone process. The proposed text amendments add in the height requirements of the R5 zone for all structures except the principle structure (and attached accessory structures) in PRUD, multifamily development, Congregate Care and the institutional uses of intermediate, extended or long-term care facilities. For these uses a 55 height limit is proposed as this is requested by the applicants for the McAuley Place project. This is a reduction from their initial proposal, which was 60 feet.
- **Minimum Building Setback from external property lines:** The minimum setbacks from external property lines for are proposed, which reflect the setbacks applied to PRUD's in the R5A zone.
- **Minimum Recreation Area:** The R5A currently specifies the minimum recreation space required for a PRUD as 200 sq ft per dwelling unit, and this requirement has been extended to multifamily and congregate care development. The Planning Staff is recommending deleting the text that defined what the recreation space would be in order to simplify the language and allow for more flexibility. This amendment is suggested as being more predictable and proportionate than relying

on the lot coverage percentage, which leaves the question of parking out of the equation as lot coverage has been interpreted in the past by the Zoning Administrator to include only structures.

D. Section 14-523 [Site Plan] Required approvals and applicability.

14-523 [Site Plan] Required approvals and applicability.

(g) *Master development plan:* A Master Development Plan meeting the criteria listed below will undergo a master development plan review as follows:

1. A Master Development Plan for a site with one acre or larger in a cumulative lot area that is designed as a cohesive and integral development program consisting of multiple buildings and associated site improvements proposed to be built in phases.
2. The Master Development Plan option shall not apply in residential zones, except for institutional uses, multifamily, congregate care, intermediate, extended and long term care facilities in the R5A and R6A zones.

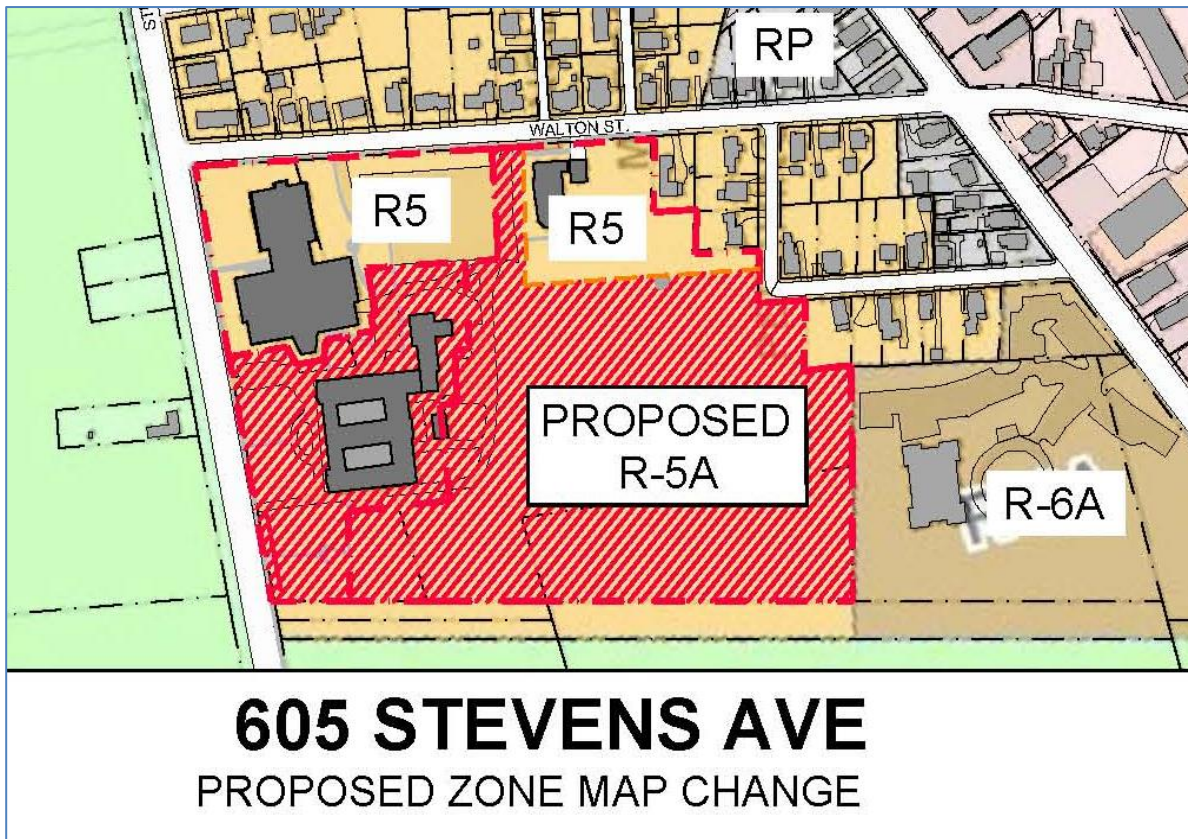
- **Staff Summary:** Both staff and the applicant would like a Master Development Plan for the overall site to ensure coordination of access, parking, traffic and pedestrian facilities, stormwater management etc. and to clarify phasing. The current ordinance does not allow this mechanism to be used for residential uses; it only permits the Master Development Plan for institutional uses. While the assisted living (or intermediate care under the City's definition) is an institutional use, the staff felt it was important to clarify and expand the applicability under the Site Plan Ordinance to include the residential uses.

VII. STAFF ANALYSIS

A. Map Amendment

The applicant has a Purchase and Sale Agreement for the entire site of 18.96 acres owned by the Sisters of Mercy at the corner of Stevens Avenue and Walton Street. The proposed Map Amendment from R5 to R5A applies to 13.53 acres within this wider area because the rezoning is not requested for Catherine McAuley High School nor for the St Catherine's residence on Walton Street. The area for the Map Amendment is shown on the plan below (extract from Plan P2).

These two existing buildings would have new lot boundaries so that they are separate from the single 13.53 acre lot that is proposed for a senior housing community (including some affordable senior housing). Both would remain conforming uses within the R5 zone.



B. Rezoning from R5 to R5A

The purpose statement for R5A is as follows:

To provide for moderate-density residential development in off-peninsula sections that can provide a unique residential living experience with a high degree of natural site amenities; and to provide areas of the city in the general proximity of the peninsula that have the ability for adequate municipal services, including traffic corridors with adequate traffic capacity, that can appropriately accommodate a more intensive use of land than other lower-density zoned land and be compatible with surrounding neighborhoods; and to increase affordable housing opportunities in off-peninsula locations by providing a moderate-density zone.

The proposed use includes affordable housing and addresses the growing housing needs of senior citizens with a multifamily and congregate care facility. This site addresses the applicable locations for the R5A zone and is surrounded on two sides by large areas of open space that balance the moderate density. The proposed density is 330 dwelling units over 12.26 acres (based on 1600 sq ft of land area per dwelling unit, based on net land area).

Several of the text amendments are based on existing text/dimensions currently in the R5 and R5A zones, as can be seen in the table on the next page. In addition it can be seen that the R5 zone would potentially allow colleges and hospitals on the site at 605 Stevens Avenue, whereas these are not allowed in the R5A zone.

	TABLE 1: COMPARING R5 TO R5A AND PROPOSED R5A (excluding setbacks)		
	R5 (14-116) (Existing Zoning Text)	R5A (14-126)(Existing Zoning Text)	R5A AS PROPOSED TO BE AMENDED (14-126)
Purpose Statement	To provide appropriate areas of the city for medium-density residential development characterized by single-family and low-intensity multifamily dwellings on individual lots; to ensure the stability of established medium-density neighborhoods by controlling residential conversions; and to provide for planned residential unit development on substantially sized parcels. Such PRUD development shall respond to the physical qualities of a site and complement the scale, character and style of the surrounding neighborhood.	To provide for moderate-density residential development in off-peninsula sections that can provide a unique residential living experience with a high degree of natural site amenities; and to provide areas of the city in the general proximity of the peninsula that have the capability for adequate municipal services, including traffic corridors with adequate traffic capacity, that can appropriately accommodate a more intensive use of land than other lower-density zoned land and be compatible with surrounding neighborhoods; and to increase affordable housing opportunities in off-peninsula locations by providing a moderate-density zone.	To provide for moderate-density residential development in off-peninsula sections that can provide a unique residential living experience with a high degree of natural site amenities; and to provide areas of the city in the general proximity of the peninsula that have the capability for adequate municipal services, including traffic corridors with adequate traffic capacity, that can appropriately accommodate a more intensive use of land than other lower-density zoned land and be compatible with surrounding neighborhoods; and to increase affordable housing opportunities in off-peninsula locations by providing a moderate-density zone.
Residential permitted uses	• Single and 2-family • Multiplex (= or > 3 attached dwelling units) • PRUD • Handicapped family unit • Single family manu. hsg (with conds)	• Single, 2 & 3 family • PRUD thru Contract Zone • Handicapped family unit • Single family manu. hsg (with conds)	• Single, 2 & 3 family • Multifamily dwellings • Congregate Care • Handicapped family unit • Single family manu. hsg (with conds)
Other permitted uses	• Parks and rec spaces • Accessory uses • Home occupation • Municipal uses • Special needed living units • Wind energy systems	• Parks and rec spaces • Accessory uses • Home occupation • Municipal uses • Intermediate, extended and long term care facilities • Wind energy systems	• Parks and rec spaces • Accessory uses • Home occupation • Municipal uses • Intermediate, extended & long term care facilities • Wind energy systems
Conditional Uses - Residential	• Sheltered care group homes (subject to conds) • Subdivision of existing structure not in res use as of 1.1.1984 to 3+ dwelling units, du >600 sf and 3000 sf land area/du • Conversion 2-family/multiplex to lodging houses • Alt s/f existing as of 9.3.2008 to have accessory du (subject to conds eg >10 acres)	• Sheltered care group homes (subject to conds)	• Sheltered care group homes (subject to conds)
Conditional Uses - Institutional	• School • Long term & extended care facilities • Intermediate care facility for 13 or more persons • Places of Assembly • Hospital • College, university or trade school (allowed up to 55 feet if meet conds)		

	R5 (14-116) (Existing Zoning Text)	R5A (14-126)(Existing Zoning Text)	R5A AS PROPOSED TO BE AMENDED (14-126)
Conditional Uses - Other	- Off street parking - Utility substations - Day care facilities (subject to conds) - Temp wind anemometers	- Utility substations - Nursery schools and kindergartens - Day care facilities (subject to conds) - Temp wind anemometers - Wind energy systems	- Utility substations - Nursery schools and kindergartens - Day care facilities (subject to conds) - Temp wind anemometers - Wind energy systems
Minimum Lot Size	- Res: 6000 sf - Long term care or Intermediate: 2 acres - Multiplex: 9000 sf - PRUD: 2 acres - School: 30,000 sf - Lodging houses: 9000 sf (no min lot area for uses listed other than res in existence 6.1.1983)	- Res: 6000 sf - PRUD: 3 acres gross - Intermediate, extended or long term care facilities: 1.5 acres	- Res: 6000 sf - PRUD, multifamily over 4 du & Congregate Care: 2 acres gross - Intermediate, extended or long term care facilities: 1.5 acres
Min. Lot Area/ Dwelling Unit	- Multiplex (attached units) with over 250 ft frontage, 4500 sf (otherwise 6000 sf) and no unit less than 600 sf and max of 6 units in a building - PRUD: 3000 sf of net land area and max of 12 units in a building - Special needs living units: 3600 sf with over 250 ft frontage (otherwise 4800 sf)Lodging House: 1000 sf - Other uses: 3000 sf (plus mins/maxs for floor areas)	- Res: 1600 sf - PRUD: 1600 sf of net land area	- Res: 1600 sf - PRUD, multifamily over 4 du & Congregate Care: 1600 sf of net land area - Intermediate Care Facility: 8000 sf gross land area for first 35 residents; 350 sf for each add'l resident
Maximum Lot Coverage	40%	30%	30%
Maximum Height	35 feet	Not listed	- Principal or attached structure for 1, 2 ad 3 family: 35 ft - Accessory detached structure: 18 ft - Principal or attached accessory structure for PRUD, multifamily over 4 du & Congregate Care, intermediate , extended or long-terms care facilities: 55 ft
Minimum recreation OS required	For PRUD: 300 sf per dwelling unit (min of 6000 sf)	For PRUD: 200 sf per dwelling unit (min of 6000 sf)	For PRUD, multifamily over 4 du & Congregate Care: 200 sf per dwelling unit

C. Other R5A Locations

The R5 Residential zone is the medium-density residential zone located off Portland's Peninsula. It encompasses portions of East Deering, Deering Center, North Deering, Rosemont, Outer Congress Street, and Riverton. The R5A zone was created as a floating zone and it is applied to a site through a conditional zoning agreement for PRUD development. The R5 and R3 zones are found along several of the city's collectors and arterials, such as Washington Avenue, Allen Avenue, outer Congress Street, and near the Forest Avenue corridor, which may offer opportunities for a moderate density infill project.

There are two R5A zones in Portland at present (a Zoning Map will be available at the hearing for reference):

- Graves Hill, 802 Ocean Avenue (Conditional Zone Agreement-C-34): This is the agreement that regulates the site of the proposed Portland Retirement Residence. It appears to be the first agreement to utilize the R5A map designation.
- Canco Woods (Conditional Zone Agreement- C-42): It appears as if Canco Woods was the second conditional rezoning agreement that zoned the land to R5A. This project was developed by Holiday Retirement Corporation, which includes some of the same members of the development team as the current Portland Retirement Residence proposal. That proposal included rezoning a portion of the property to ROS and to R5A to allow for a retirement residence and an assisted living facility. At that time there was a proposed text amendment to allow intermediate, extended and long-term facilities with a minimum of 1.5 acres in the R5A zone.

As noted above, the Board has a pending application before it for a request to rezone of 802 Ocean Avenue, which includes natural amenities features on-site.

D. Evolution of use definitions in the ordinance

The Board requested further background on how the current ordinance definitions and associated zone classifications and dimensions had evolved. As context, the two tables below show the current ordinance terms and the zones in which they have been included:

Terminology and Definitions

<i>Terms currently in use</i>		<i>Terms currently in the City's Land use ordinance</i>	
Age restricted housing	Residential; non-medical; not licensed	Congregate care	Residential; non-medical; not licensed; support services; 55+
Independent living/congregate Care	Residential; non-medical; not licensed	Congregate care	Residential; non-medical; not licensed; support services; 55+
		Lodging Houses	Building containing 2 or more rooming units (defined without full kitchens or bathrooms) with common kitchen unless meals provided (considered institutional or other)
		Special needs independent living unit	A dwelling unit for persons with special social, physical or mental needs beyond strictly economic needs & provided with required levels of supervision, care and/or counseling services appropriate to their special needs (institutional or other)
Assisted Living	Includes medical services; licensed	Intermediate Care Facility	Includes medical services; licensed (considered institutional)
		Long term or extended care facility	Full time health or convalescent care for 9+ persons; licensed (considered institutional)

Summary of Portland's Ordinance

Use/Zone	R-1		R-2		R-3		R-4		R-5		R-5A		R-6		R-6A	
	P	CU	P	CU	P	CU	P	CU	P	CU	P	CU	P	CU	P	CU
Residential																
Single family	X		X		X		X		X		X		X			
Two-family							X		X		X		X			
Three -family											X					
Multiplex (> 3 du)								X	X							
PRUD									X		X					
Multifamily													X			

Institutional or Other																
L, I & E Care Fac.		X (1 =13)		X (1 =13)		X (1 =13)				X (1 =13)	X				X	
Special Needs Living Unit							X		X							
Conversion to Lodging House										X						
Lodging House															X	

The Director of Planning has provided a note on the Policy of Institutional Uses in Residential Areas (Att. 3) and quoted below in full:

Policy Regarding Institutional Uses in Residence Zones

The issue of institutional uses in residential zones was of great concern in the early 1980's in Portland. At that time we had three hospitals undergoing or considering expansion plans, schools and colleges were taking over residential properties to expand, and the impacts of these and other institutions on their surrounding neighborhoods were the subject of planning and regulation. The scale of the buildings and campus of institutions is generally larger than that of surrounding neighborhood uses. The operating characteristics of institutions typically involve more traffic and at longer hours than typical residential uses, due to employee presence and the comings and goings of students, patients, visitors, trucks with supplies, and for medical facilities, ambulances. The outcome of that effort is embodied in the Comprehensive Plan in the form of the following goal statements (*Portland's Comprehensive Plan; Updated 2005; Page 48*):

Goals

- Institutional uses, where they are to be allowed in residential zones, should be designated conditional uses with review before the Planning Board.
- Any new institutional use should be required to have a lot size of sufficient area to accommodate all activities, including parking and to absorb impacts and growth needs of the institution.
- Reasonable expansion of existing institutions should be accommodated, but effective use of existing lot area should be required.
- For both new development and expansion of existing institutions, the displacement or conversion of existing dwellings should be avoided, and that an institutional development proposal that causes significant residential displacement should be cause for denial of conditional use approval.

In the R-5 zone, the institutional conditional uses include:

- Elementary, middle, and secondary schools
- Long-term and extended care facilities
- Intermediate care facility for thirteen or more persons
- Places of assembly (previously categorized as places of worship, private clubs and fraternal organizations, community halls, etc.)
- Hospitals
- College, university and trade schools

The Board has asked why intermediate, long term and extended care facilities are classified as institutional uses rather than as residential uses. Long term and extended care facilities are essentially the same thing as nursing homes. Intermediate care facilities are similar but do not provide the same level of health and medical services as nursing homes, but do provide a substantial level of care above the level of meals and housekeeping, and might for example include personal care such as bathing, dressing, and medication management. Our definitions are intended to be general enough that as the state licensing categories evolve, and the trends for care facilities evolve, such as the prevalence of "memory homes" for example,

our categories will still be relevant. The policy rationale for the zoning treatment as institutions remains the scale of the buildings, the characteristics of the operations which exceed typical residential patterns, and the propensity for expansion and potential displacement of residences. We have updated the regulations over time, such as the reclassification of several uses under the category of places of assembly, and the allowance for multiple scales of this use category, which was motivated in part by the recognition that these uses have highly variable scale and one minimum lot size was not an adequate solution, and in part to ensure that we are in compliance with federal regulations (RILUPA).

This question of policy has arisen in this context of R5A rezoning because the congregate care use appears to have some similarity to the intermediate care use. Congregate care is classified as a residential use and not subject to the institutional conditional use standards, while intermediate care facilities are regulated as institutions. This is where the line is currently drawn. It might be appropriate to shift the ICF use into the residential category, or to more broadly revisit the institutional growth management policies and regulations. We do not recommend that these considerations must necessarily be addressed prior to resolving the two R-5A proposals presently before the Board. Any further planning effort in this regard would need to be weighed against other priorities and scheduled accordingly.

E. Density considerations and traffic

In March the Board requested an analysis of the maximum build-out (market – rate housing) of the rezoned area based on the existing zone R5 and the two zones under consideration. The following table was included in the April Workshop Memo and is updated to reflect the recent Conceptual Master Plan (Plan P3) and submitted Traffic Memos:

Table 2: maximum allowable densities and associated trip generation

	Zone 5 (existing zone)	Zone R5A (existing ordinance)	Zone R5A (proposed amended ordinance)	Zone R6A (existing ordinance)	Proposed Senior Housing as in Plan P3
Maximum density	131 dwelling units	368 dwelling units	334 dwelling units	492 dwelling units	330 dwelling units
Maximum build-out trip generation (total trips per day)	872	2448	2221	3272	1136*
Maximum build-out peak hour (highest in day)	81-88 (see Att L)	228-247 (See Att L)	224	330	127* (revised to 91 if assisted living units were part of the mix see Att L

**See Tom Errico comments below.*

Since the April Workshop the applicants traffic consultant and Tom Errico have been in discussion and further traffic information is described in the letter in Attachment I, with specific Traffic memos submitted as follows:

- April 29th memo summarizing questions of older driver safety and accident data (Att J).
- May 4th memo including vehicle counts and key intersection capacity analysis (Att K)
- May 6th memo responding to Tom Errico's questions – summarizing trip generation figures for the maximum build out (Att L).

Mr Errico has commented as follows (Attachment 5) and will be present at the hearing to answer questions:

The following represents a status update of my April 9th comments and represent a review of additional information provided by the applicant as it relates to traffic generation and analysis.

- Maine Traffic Resources conducted a Trip Generation analysis that compared build-out scenarios under existing and proposed zoning. In general I find the methods to be acceptable with the following comments.
 - The general conclusion is that a Traffic Movement Permit will be required for the project given traffic generation projections.
Status: The project will be required to obtain a Traffic Movement Permit (TMP) given trip generation information.
 - It would be my expectation that the detailed traffic study would extend beyond the site driveways as noted in the Memo. During preliminary discussions the traffic study would likely include an evaluation of roadways and intersections including Steven Avenue/Walton Street, Walton Street/Forest Avenue, and Stevens Avenue/Pleasant Street. The final study area to be evaluated will be determined at the Traffic Movement Permit Scoping meeting.
Status: The applicant has conducted a preliminary traffic analysis of the above noted intersections during the commuter AM and PM peak hours. The analysis was based upon recent traffic counts and adding traffic from the proposed project. The results of the analysis indicates the above noted intersections are projected to operate at acceptable levels of service following project completion. I would note that the applicant has assumed all signals are optimized and functioning well from a vehicle detection perspective. Additionally, other un-built development traffic was not included in the analysis. My take away from the analysis is that the intersections have adequate capacity to accommodate the additional traffic from the project. With that said, the final analysis will need to look at multimodal conditions, adding traffic from other approved un-built developments, and specifically accounting for existing traffic signal equipment conditions.
 - The trip generation comparison between the current R5 zoning and the proposed R5A zoning seems reasonable. As noted the change in zoning under a worst-case build-out would add a maximum of 159 trip to and from the site during the PM peak hour. An R5A zone maximum build-out trip level would likely require a more extensive traffic impact study given that it would exceed 200 trips in a hour.
Status: The applicant has provided an updated trip level comparison. The data indicates that the project is estimated to generate 63 AM peak hour trips and 91 PM peak hour trips. Under the proposed R5A zoning, the applicant has estimated the site could generate 188 AM peak hour trips and 228 PM peak hour trips, assuming 368 general apartments are constructed. The preliminary traffic capacity analysis did not assess the implication of a general apartment construction scenario, but as noted above there appears to be sufficient capacity to handle the noted traffic levels from an intersection capacity perspective.
 - The estimate for the proposed Senior Housing Build-out is based upon ITE trip generation data that I do not find to be acceptable (the trip rates are based upon small sample sizes). One possible option would be for the applicant to conduct a trip generation survey at similar sites in the area to better predict traffic levels from the proposed project. With that said the general order of magnitude of the trips would not be expected to change significantly. The trip generation numbers will need to be modified during the preparation of the comprehensive traffic study.
Status: The applicant conducted a survey of traffic at a similar project in Topsham and concluded that the ITE trip generation data reasonably estimates traffic for the project. I concur with the applicants conclusion that the trip generation estimate seems reasonable, although the trip generation methods will need to be reviewed during Site Plan and TMP permitting.
- The development of the comprehensive traffic study will need to include traffic associated with un-built developments such as Park Danforth. During the traffic scoping meeting we will direct the applicant on traffic that needs to be included in their traffic analysis and what infrastructure plans that should be assumed (if any).

Status: This continues to be a valid issue that will need to be addressed during development of the formal traffic impact study.

- A safety analysis will be required as part of the comprehensive traffic study. The analysis will review locations in the area that either are classified as High Crash Locations (HCL) per MaineDOT criteria or have other noted concerns (e.g. pedestrian crashes, high frequency, etc.).

Status: The applicant has not reviewed safety data for the project area. During the traffic study process, we will request a detailed safety analysis at High Crash Locations and may request analysis at non-HCL locations due to other safety factors such as pedestrians crashes, types of collisions, or number of crashes.

- The project will be required to evaluate conditions (parking, access, sidewalks, ADA compliance, crosswalks, etc.) along Stevens Avenue and Walton Street. This review will be performed, at least, along their property frontage).

Status: This continues to be valid and will be required in conjunction with Site Plan permitting.

- A detailed pedestrian evaluation will be required as part of the project in terms of site provisions and conditions in the study area. This will include a review of METRO bus stops and how to integrate transit opportunities into the project.

Status: This continues to be valid and will be required in conjunction with Site Plan permitting.

- In conjunction with the development of a traffic study that complies with MaineDOT Traffic Movement Permit requirements, the applicant will be required to assess existing and post –development roadway and intersection capacity/congestion conditions and if unacceptable conditions are identified, the applicant would be required to identify mitigation strategies for implementation. In addition, a Safety Analysis will be required that will review existing crash data and if safety deficiencies are identified, a mitigation plan would be required for implementation.

Status: This continues to be valid and will be required in conjunction with Site Plan permitting.

The applicant has provided additional information on Senior Drivers, Transportation Programs at Senior Communities, and a proposed Parking Management Plan. My comments are noted below.

- The applicant, through their research, has concluded that at driveways of senior community developments in Maine the data suggests older drivers do not as a group, statistically pose a safety threat. I'm not sure the data is conclusive, and I need to further review, but what I believe to be very important is the implementation of an extensive site Transportation Demand Management Program that will allow occupants of the development to have alternative transportation options. Accordingly, in my professional opinion a very detailed Transportation Demand Management Program will be required for this project.
- The applicant summarized examples of Transportation Programs at other Senior Communities and similar programs will be programmed at the proposed site. As noted above, I believe a comprehensive TDM plan will be required that not only includes on-site transportation options, but also offers incentives for METRO use. The details of the TDM plan will be identified during Site Plan permitting.
- The applicant has noted that they are confident that they can reasonably predict the parking supply for the project such that it does not impact the abutting public streets. I concur with this conclusion and believe that during the Site Plan permitting process the parking lot can be designed to accommodate site specific parking requirements.

F. Height and Massing issues

The Planning Board and members of the public were concerned about the proposed height and associated massing in relationship to the Mother House and to the wider neighborhood.

The cover letter from Licht Environmental Design (Attachment I) explains that the submitted Height Study and Massing Studies (Plans P4 and P5) were based on the current proposal of approximately 206 dwellings within the new buildings and meet the proposed R5A dimensional standards. They represent an indicative layout of 4 and 5 story buildings set within open space and playing fields. The overall density (assuming rehabilitation of the entire Mother House building in the future) would be about the maximum allowed under the R5A zone as amended.



There are three other graphics in Plan P5 similar to the one above, each from a different perspective.

G. Stormwater and Ecology

A number of neighbors asked questions regarding the impacts of this scale of development, and associated underground parking, on the stormwater and groundwater regime and whether it would impact the ecology of the adjacent Baxter Woods. The applicant has addressed this question in the letter from Licht Environmental Design (Attachment L). Staff concur with the comments in the letter and consider these issues can be satisfactorily addressed during the review of the Master Development Plan and associated Site Plans.

VIII. COMPREHENSIVE PLAN ANALYSIS

Goals and policies which are relevant to the proposed map amendment have been included below:

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.
 - viii. Housing with a range of services and medical support for the elderly and special needs population, including assisted living, congregate care, group homes and nursing homes;
- 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.

Portland Housing Goal: Maintain and enhance the livability of Portland's neighborhoods as the City grows and evolves through careful land use regulations, design and public participation that respects neighborhood integrity.

Policies

- Encourage innovative new housing development, which is designed to be compatible with the scale, character, and traditional development patterns of each individual residential neighborhood.
- Encourage new housing development in proximity to neighborhood assets such as open space, schools, community services and public transportation.
- Ensure the integrity and economic value of Portland's neighborhoods.

IX. STAFF RECOMMENDATION

The staff recommends the proposed Zoning Map amendment from R5 to R5A for this site at 605 Stevens Avenue as shown on Plan P2, and the associated Text amendments to the R5A zone as presented in this report.

X. MOTIONS FOR THE BOARD TO CONSIDER

On the basis of plans and materials submitted by the applicant, the policies of the R5 and R5A Residential Zones, Portland's Comprehensive Plan, public comment, the information provided in public hearing on May 12, 2015 for the project #2015-022 (605 Stevens Avenue), and/or other findings as follows:

1. Text Amendments to Definitions, R5A Residential Zone and Site Plan

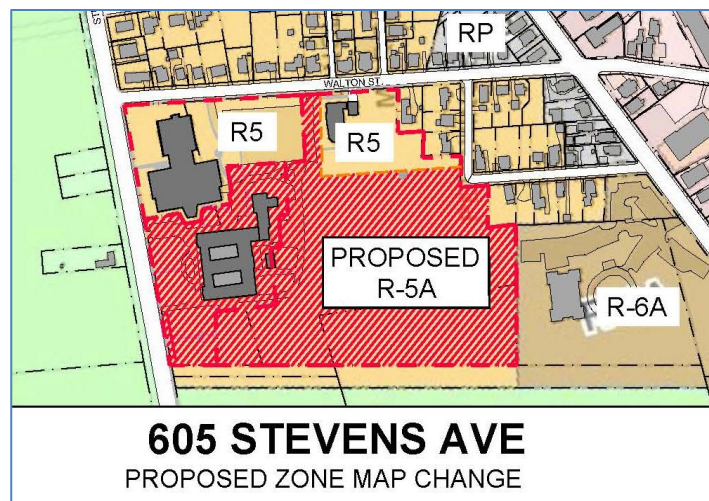
The Planning Board finds that the proposed text amendments to Section 14-47 Definitions, Division 6.5 R5A Residential Zone, and Section 14-523 (g) [Site Plan] Required approvals and applicability, as presented in Attachment 1 of this report, **[are or are not]** consistent with the Comprehensive Plan for the City of Portland; and

Therefore, the Planning Board **[recommends or does not recommend]** to the City Council approval of the zoning text amendments to Section 14-47 Definitions, Division 6.5 R5A Residential Zone, and Section 14-523 (g) [Site Plan] Required approvals and applicability.

2. Map Amendment from R5 Residential to R5A Residential:

The Planning Board finds that the proposed rezoning for the a property located at 605 Stevens Avenue **[is or is not]** consistent with the Comprehensive Plan for the City of Portland; and

Therefore, the Planning Board **[recommends or does not recommend]** to the City Council approval of the zoning map amendment for 605 Stevens Avenue from R5 Residential to R5A Residential Zone for the area shown below.



ATTACHMENTS:

Report Attachments

1. Proposed Ordinance Text Amendments R5A
2. Staff summary of public comments at first Workshop when proposal was R6A
3. Alex Jaegerman, Planning Director, Policy Background on Institutional Uses in Residential Zones
4. Deb Andrews Historic Preservation Program Manager, 5.4.15 re Mother House
5. Tom Errico, Traffic Engineering Reviewer final comments (zoning)5.7.2015

Public Comments

- PC 1 B Cope
- PC 2 Comments made at 3.10.12015 PB Workshop (T Church)
- PC 3 K Smith
- PC 4 C MilNeil
- PC 5 E Tarasevich
- PC 6 K Dion
- PC 7 ME Randall
- PC 8 M S Vankevich
- PC 9 Sisters of Mercy
- PC10Chair of Board, Catherine McAuley H S (H Osborn)
- PC 11- PC 16 Written copies of comments made at 4.14.2015 PB Workshop
- PC 17 J Girard
- PC18 K Mahoney

Applicant's Submittal

Brought forward from April workshop

- A. Application
- B. Original cover letter with history of the site
- C. Revised Cover Letter 4.6.2015 incl proposed R5A zone text amendments
- D. P & S Agreement
- E. Chart of Continuum of Care Community
- F. Photos of the Mother House
- G. Traffic Study
- H. Neighborhood Meeting (4.2.2015) Notes, Invitation & Certification

Submitted for hearing

- I. Cover letter 5.1.2015 incl 4.24.2015 height info
- J. Additional Traffic information 4.29.2015
- K. Additional traffic information 5.4.2015
- L. Additional Traffic Information 5.6.2015

Plans

- P1. Parcel and Zoning Plans
- P2. Proposed (revised) Zone Map Change
- P3. Conceptual Master Plan (revised 5.5.2015)
- P4. Building Height Study (section) 5.1.2015
- P5. Massing Studies 5.1.2015

**Proposed Text Amendments Defintions; R5A; Site plan
for May 12, 2015 PB Hearing
Prepared by Portland Planning Staff**

Sec. 14.47 Definitions.

Congregate care facility: A ~~planned~~-residential ~~unit~~-development which provides individual living or dwelling units with support services which provide assistance to residents. Services to be provided shall include:

- (a) Transportation for essential support activities. This service shall be included in the base rent;
- (b) Provision of at least one (1) meal per day;
- (c) Programmed social activities which are facilitated by staff. This service shall be included in the base rent;
- (d) Provision of personal care services including, but not limited to, housekeeping, laundry, and minimal health monitoring; and
- (e) Installation of emergency call buttons or systems in each congregate care living unit.

The population of a congregate care facility shall consist of persons fifty-five (55) years of age or older and their spouses and/or disabled persons and their spouses.

Living Unit: An independent self-contained dwelling unit that does not include full kitchen facilities.

Net land area: Net land area, as set forth in sections 14-90, 14-120 and 14-130 of this article, shall be calculated by subtracting from gross area the square footage of the following:

- ~~(a) 1. Stormwater retention areas;~~
- ~~2. Stormwater detention areas, unless improved for passive or active recreational use;~~
- (b) Existing watercourses, as defined in this section, measured by the area between the top of the banks at the normal high water mark, as defined in this section.
- ~~(c) Inaccessible areas, as defined in this section;~~
- (d) Wetlands, as defined in this section;
- ~~(e) Areas encumbered by existing easements, dedications or similar restrictions, which limit or preclude the construction of permanent structures or which are for any reason unavailable for use in connection with the proposed development.~~

- (f) Slopes of twenty-five (25) percent or greater. Where a slope of twenty-five (25) percent or greater was altered to less than twenty-five (25) percent within the two (2) years immediately preceding the submission of the application for development, such slope shall also be subtracted from the gross area;

~~(g) Twenty (20) percent of the area remaining after the deductions of factors (1) through (6) of this definition.~~

~~Inaccessible area:~~

~~(a) Land which is separated from the main portion of the development parcel by means of one (1) or more of the following:~~

- ~~1. Existing easements, rights-of-way or dedicated areas which preclude use in conjunction with the proposed development;~~
- ~~2. Cullies, drainage swales or watercourses, where the land which is separated thereby from the main development parcel is not to be used for the building of units or is not available for active or passive recreation areas; or~~
- ~~3. Areas which are located more than three hundred (300) feet from the nearest proposed dwelling unit.~~

~~(b) Areas which are not to be used for building purposes and are connected to the main portion of the development parcel only by a strip of land which is less than fifty (50) feet wide shall also be deducted as inaccessible areas.~~

DIVISION 6.5. R-5A RESIDENTIAL ZONE

Sec. 14-126. Purpose.

The purpose of the R-5A residential zone is:

- (a) To provide for moderate-density residential development in off-peninsula sections that can provide a unique residential living experience with a high degree of natural site amenities; and to provide areas of the city in the general proximity of the peninsula that have the capability for adequate municipal services, including traffic corridors with adequate traffic capacity, that can appropriately accommodate a more intensive use of land than other lower-density zoned land and be compatible with surrounding neighborhoods; and to increase affordable housing opportunities in off-peninsula locations by providing a moderate-density zone.

Sec. 14-127. Permitted uses.

The following uses are permitted in the R-5A residential zone:

(a) *Residential:*

1. Single-, two-and three-family dwellings.

2. Planned residential unit development (PRUD) consisting of horizontally or vertically attached dwelling units or a series of such dwelling units. No dimensional requirements contained in section 14-130 shall apply with respect to such developments except for those requirements specifically denoted for PRUD. There shall be no open outside stairways or fire escapes above the ground floor. ~~The planned residential unit development shall be implemented through conditional or contract zoning, as described in division 1.5, for specific sites and proposed development meeting the overall requirements specified herein.~~ All land shall be owned and used in common and shall be governed and maintained as set forth in section 14-498(i)(3) of article IV (subdivisions). Such development shall be subject to review and approval by the Planning Board with respect to the requirements of article V (site plan) and article IV (subdivisions) of this chapter, whether or not such development is a subdivision within the meaning of article IV of this chapter, as now enacted or as hereafter amended.
3. Handicapped family unit, as defined in section 14-47 (definitions) of this article, for handicapped persons plus staff.
4. Single-family, multiple-component manufactured housing, as defined in section 14-47 (definitions) of this article, except in a National Register Historic District.
5. Single-family, single-component manufactured housing, as defined in section 14-47 (definitions) of this article, on individual lots under separate and distinct ownership, except in a National Register Historic District, provided that each unit meets the performance standards listed below:
 - a. More than half of the roof area of each unit shall be a double pitched Class C rated shingled roof with a minimum pitch of 3/12.
 - b. Each unit shall be installed on a full foundation or a concrete frost wall in accordance with all applicable codes and regulations. Any hitch or tow bar shall be removed from the unit after it is placed on its foundation or frost wall. In the case of a frost wall, vermin proof skirting shall be installed on all sides of the unit. The skirting may consist of either (a) concrete or masonry block or (b) manufactured skirting. If concrete or masonry block skirting is installed, either the exterior siding of the unit shall extend within one (1) foot of grade or decorative masonry siding shall be applied. If

manufactured skirting material is installed, the color shall be identical to or compatible with the exterior siding of the unit.

- c. Each unit shall have exterior siding that is residential in appearance, including but not limited to natural materials such as wood clapboards or shakes, or exterior materials which simulate wood. Clapboards or simulated clapboards shall have less than eight (8) inches of exposure and sheet metal type siding shall not be permitted.
- d. Each unit shall have the long side of the unit parallel to the street line where the required street frontage is met.
- e. Each unit shall be provided with at least two (2) trees meeting the city's arboricultural specifications and which are clearly visible from the street line and are located so as to visually widen the narrow dimension or proportion of the unit.
- f. Each unit shall have all fuel oil supply systems constructed and installed within the foundation wall or underground in accordance with all applicable codes and regulations.
- g. No unit shall be horizontally or vertically attached to any other unit or other structure, provided however, that this provision shall not be deemed to prohibit building additions, such as porches, garages, room additions or solar greenhouses.

6. Multifamily dwellings.

7. Congregate care.

(b) *Other:*

- 1. Parks and other active and passive noncommercial recreation spaces;
- 2. Accessory uses customarily incidental and subordinate to the location, function, and operation of principal uses, subject to the provisions of section 14-404 (accessory use) of this article;
- 3. Home occupation, subject to the provisions of section 14-410 (home occupation) of this article;
- 4. Municipal use;
- 5. Intermediate, extended and long-term care facilities.

6. Wind energy systems, as defined and allowed in Article X, Alternative Energy.

Sec. 14-128. Conditional use.

The following uses shall be permitted only upon the issuance of a conditional use permit, subject to the provisions of section 14-474 (conditional uses) of this article and any special provisions, standards or requirements specified below:

(a) *Residential:*

1. Sheltered care group homes, as defined in section 14-47 of this article, for up to twelve (12) individuals, plus staff, and serving a primary population which is not handicapped persons, parolees, persons involved in correctional prerelease programs, or current illegal drug users, provided that:
 - a. A sheltered care group home shall not be located within five hundred (500) feet of another, as measured along street lines to the respective property lines.
 - b. There shall be no open outside stairways or fire escapes above the ground floor.
 - c. The facility shall make provision for adequate on-site staffing in accordance with applicable state licensing requirements. If a facility is not licensed by the state, there shall be a minimum of one (1) staff person for every ten (10) residents or fraction thereof.

The board of appeals may impose conditions upon a conditional use permit concerning the creation or operation of a sheltered care group home including but not limited to the following: site and building maintenance; lighting, fencing, and other appropriate security measures; screening and buffering of parking areas; compatibility of any additions or alterations with the existing residential structure; compatibility of new structures with the architectural character of the surrounding area; and limitation on the duration of the sheltered care group home permit.

(b) *Other:*

1. Utility substations, including water and sewage pumping stations and standpipes, electric power substations, transformer stations and telephone electronic equipment enclosures, and other similar structures, provided that

such uses are suitably screened and landscaped so as to ensure compatibility with the surrounding neighborhood.

2. Nursery schools and kindergartens.
3. Day care facilities or home babysitting services not permitted as a home occupation under section 14-410, subject to the following conditions:
 - a. The facility shall be located in a structure in which there is one (1) or more occupied residential units or in an existing accessory structure, unless the facility is located in a principal structure that has not been used as a residence in whole or in part within the five (5) years immediately preceding the application for a day care or home babysitting use or in a nonresidential structure accessory to the principal nonresidential use.
 - b. The maximum capacity shall be twelve (12) children for facilities located in residential or existing structures accessory thereto, unless the additional standards in subsection v. are met. There shall be no maximum limit on the number of children in a facility located in a principal structure that has not been used as a residence in whole or in part within the five (5) years immediately preceding the application for a day care or home babysitting use, or in a nonresidential structure accessory thereto, provided that any such structure that serves more than twelve (12) children shall be subject to review under article V of this chapter.
 - c. Outdoor play areas shall be screened and buffered from surrounding residences with landscaping and/or fencing to minimize visual and noise impacts.
 - d. Solid waste shall be stored in covered containers. Such containers shall be screened on all four (4) sides.
 - e. Day care facilities, nursery schools and kindergartens located either in structures that have been in residential use within the past five (5) years or in existing accessory structures and that serve between thirteen (13) and twenty-four (24) children shall meet the following additional standards:
 - i. The facility shall provide a minimum of seventy-five (75) square feet of outdoor play area per child;

- ii. The play area shall be located in the side and rear yards only and shall not be located in front yards;
- iii. Outside play areas shall be separated from abutting properties by a fence at least forty-eight (48) inches in height;
- iv. A ten-foot wide landscaped buffer shall be required outside of the fenced play area, and shall be established in accordance with the landscaping standards of the City's Technical Standards and Guidelines;
- v. The minimum lot size for a day care facility located in a residential or existing accessory structure and serving more than twelve (12) children shall be twenty thousand (20,000) square feet;
- vi. *Off-street parking:* Off-street parking is required as provided in division 20 (off-street parking) of this article.
- vii. The maximum number of children in a day care facility located in a residential or existing accessory structure shall be twenty-four (24); and
- viii. Any additions or exterior alterations such as facade materials, building form, roof pitch, and exterior doors shall be designed to be compatible with the architectural style of the building and preserve the residential appearance of the building.

4. Temporary wind anemometer towers, as defined in Sec 14-47, are permitted provided the following standards are met in addition to Sec 14-430:

- a. Towers may be installed for the purpose of wind data collection for no more than two (2) years after the issuance of a Certificate of Occupancy for the tower. At the conclusion of the aforementioned two (2) years, the tower must be dismantled and removed from the site within sixty (60) days; and
- b. Towers shall be constructed according to plans and specifications stamped by a licensed professional engineer, which shall be provided to the Board of Appeals with the application; and

- c. Towers shall be set back from habitable buildings by a distance equal to 1.1 times the tower height; and
- d. The applicant shall provide a safety report prepared and stamped by a licensed professional engineer to the Board of Appeals with their application for conditional use, which demonstrates how the proposed temporary wind anemometer tower is safe in terms of strength, stability, security, grounding, icing impacts and maintenance; and
- e. The applicant shall provide evidence of commercial general liability insurance, such insurance to be satisfactory to Corporation Counsel and cover damage or injury resulting from construction, operation or dismantling of any part of the temporary wind anemometer tower; and
- f. Towers and associated guy wires shall be sited to minimize their prominence from and impacts on public ways (including pedestrian ways); and
- g. Towers shall be used for installing anemometers and similar devices at a range of heights from the ground to measure wind characteristics (speed, direction, frequency) and related meteorological data, but shall not be used for any other purpose; and
- h. A performance guarantee shall be required for the cost of removal of the tower, guy wires and anchors. This requirement may be satisfied by surety bond, letter of credit, escrow account or by evidence, acceptable to the City, or the financial and technical ability and commitment of the applicant or its agents to remove the facility at the end of the use period.

- 5. Wind energy systems, as defined and allowed in Article X, Alternative Energy.

Sec. 14-129. Prohibited uses.

Uses that are not expressly enumerated herein as either permitted uses or conditional uses are prohibited.

Sec. 14-130. Dimensional requirements.

In addition to the provisions of division 25 (space and bulk regulations and exceptions) of this article, lots in the R-5A zone shall meet or exceed the following requirements:

<u>Minimum Lot Size</u>	Residential (Single-, two- and three-family dwellings): 6,000 SF and a maximum lot size up to 2 acres ¹
	Planned residential unit development (PRUD), multifamily development of 4 or more dwelling units, and Congregate Care: 2 acres gross area
	Intermediate, extended or long-term care facilities: 1 1/2 acres.
<u>Min. Lot Area per D.U.</u>	Single-, two- and three-family dwellings: 1,600 SF.
	Planned residential unit development (PRUD), Congregate Care and Multifamily development of 4 or more dwelling units: 1600 SF of net land area. ²
<u>Min. Lot Area per Resident</u>	Minimum land area per intermediate care facility resident: 8,000 SF gross land area for the first thirty-five (35) residents, plus three hundred fifty (350) square feet for each additional resident.
<u>Min. Street Frontage</u>	50 feet.
<u>Min. Yard Dimensions for Single-, two- and three-family dwellings²</u>	1. Front yard: Principal or accessory structures: 25 feet. 2. Rear yard: a. Principal or accessory structures with ground coverage greater than one hundred (100) square feet: 25 feet. b. Accessory detached structures with a ground coverage of one hundred and forty-four (144) square feet or less: 5 feet. Setbacks for swimming pools shall be as provided for in section 14-432 (swimming pools) of this article. (continued)

¹ A lot in an unsewered residential district shall meet the provisions of the state Minimum Lot Size Law, 12 M.R.S.A. Section 4807-A, or the applicable zoning lot size, whichever is the largest. Except as provided for lots of record in section 14-433 (lots of record and accessory structure setbacks for existing buildings) of this article.

² Yard dimensions include setbacks of structures from property lines and setbacks of structures from one another. No structure shall occupy the minimum yard of another structure.

	3. <i>Side yard:</i> a. Principal or accessory structures with ground coverage greater than one hundred (100) square feet: <table> <tr> <th><i>Height of Structure</i></th><th><i>Required Side Yard</i></th></tr> <tr> <td>1 story</td><td>10 feet</td></tr> <tr> <td>1 1/2 stories</td><td>10 feet</td></tr> <tr> <td>2 stories</td><td>14 feet</td></tr> <tr> <td>2 1/2 stories</td><td>16 feet</td></tr> </table> The width of one (1) side yard may be reduced one (1) foot for every foot that the other side yard is correspondingly increased, but no side yard shall be less than ten (10) feet. In the case of a lot of record existing as of June 5, 1957, and held under separate and distinct ownership from adjacent lots, the required side yard may be reduced in order to provide a buildable width of up to twenty-four (24) feet, but in no case shall the resulting side yards be less than ten (10) feet. b. Accessory detached structures with ground coverage of one hundred and forty-four(144) square feet or less: 5 feet. 4. <i>Side setback on side streets:</i> Principal or accessory structures: 20 feet.	<i>Height of Structure</i>	<i>Required Side Yard</i>	1 story	10 feet	1 1/2 stories	10 feet	2 stories	14 feet	2 1/2 stories	16 feet
<i>Height of Structure</i>	<i>Required Side Yard</i>										
1 story	10 feet										
1 1/2 stories	10 feet										
2 stories	14 feet										
2 1/2 stories	16 feet										
<u>Maximum Structure Height</u>	<u>Principal residential (single, two and three-family) or attached accessory structure: 35 feet.</u> <u>Accessory detached structure: 18 feet.</u> <u>Principal or attached accessory structure for PRUD, Multifamily development of 4 or more dwelling units, Congregate Care and Intermediate, extended or long-term care facilities: 55 feet.</u>										
<u>Max. Lot Coverage</u>	30%										
<u>Minimum Lot Width</u>	60 feet										
<u>Minimum building setback from external subdivision property lines</u>	PRUD, multifamily development of 4 or more dwelling units, Congregate Care, and Intermediate, extended or long-term care: a. Building length of one hundred (100) feet or less: 25 feet. b. Building length of greater than one hundred (100) feet: 35 feet.										
<u>Minimum recreation open space area</u>	PRUD, multifamily development of 4 or more dwelling units, and Congregate Care: 200 SF per dwelling unit or living unit of common area designated on the site for recreation purposes.										

~~(a) Minimum lot size:~~

~~Residential (Single-, two- and three-family dwellings): Six thousand (6,000) square feet, except as provided for lots of record in section 14-433 (lots of record and accessory structure setbacks for existing buildings) of this article, and a maximum lot size up to two (2) acres. A lot in an unsewered residential district shall meet the provisions of the state Minimum Lot Size Law, 12 M.R.S.A. Section 4807-A, or the applicable zoning lot size, whichever is the largest.~~

~~Planned residential unit development (PRUD): Three (3) acres gross area, as defined in section 14-47 (definitions) of this article, of contiguous land.~~

~~Intermediate, extended or long-term care facilities: One and one-half (1 1/2) acres.~~

~~Multifamily dwellings: Two (2) acres gross area, as defined in section 14-47 (definitions) of this article, of contiguous land.~~

~~Congregate Care: Three (3) acres gross area, as defined in Section 14-47 (definitions) of this article, of contiguous land.~~

~~(b) Minimum lot area per dwelling unit for Single-, two- and three-family dwellings: Sixteen hundred (1,600) square feet.~~

~~Planned residential unit development (PRUD): Sixteen hundred (1,600) square feet of net land area as defined in section 14-47 (definitions) of this article. As part of a site plan and subdivision application, the applicant shall provide a calculation of those factors deducted to determine net land area. In addition, such net area factors shall be delineated on a site plan.~~

~~Congregate Care: Sixteen hundred (1,600) square feet of net land area as defined in section 14-47 (definitions) of this article. As part of a site plan and subdivision application, the applicant shall provide a calculation of those factors deducted to determine net land area. In addition, such net area factors shall be delineated on a site plan.~~

~~Minimum land area per intermediate care facility resident: Eight thousand (8,000) square feet gross land area for the first thirty five (35) residents, plus three hundred fifty (350) square feet for each additional resident.~~

~~(c) Minimum street frontage: Fifty (50) feet. PRUD development: Fifty (50) feet.~~

~~(d) Minimum yard dimensions:~~

~~(Yard dimensions include setbacks of structures from property lines and setbacks of structures from one another. No structure shall occupy the minimum yard of another structure.)~~

~~1. Front yard:~~

~~Principal or accessory structures: Twenty-five (25) feet.~~

~~2. Rear yard:~~

~~a. Principal or accessory structures with ground coverage greater than one hundred (100) square feet: Twenty-five (25) feet.~~

~~b. Accessory detached structures with a ground coverage of one hundred and forty-four (144) square feet or less: Five (5) feet.~~

~~Setbacks for swimming pools shall be as provided for in section 14-432 (swimming pools) of this article.~~

~~3. Side yard:~~

~~a. Principal or accessory structures with ground coverage greater than one hundred (100) square feet:~~

~~Height of Structure Required Side Yard~~

~~1 story 10 feet~~

~~1 1/2 stories 10 feet~~

~~2 stories 14 feet~~

~~2 1/2 stories 16 feet~~

~~The width of one (1) side yard may be reduced one (1) foot for every foot that the other side yard is correspondingly increased, but no side yard shall be less than ten (10) feet. In the case of a lot of record existing as of June 5, 1957, and held under separate and distinct ownership from adjacent lots, the required side yard may be reduced in order to provide a buildable width of up to twenty-four (24) feet, but in no case shall the resulting side yards be less than ten (10) feet.~~

~~b. Accessory detached structures with ground coverage of one hundred and forty-four (144) square feet or less: Five (5) feet.~~

~~4. Side setback on side streets:~~

~~Principal or accessory structures: Twenty (20) feet.~~

~~e) Maximum structure height:~~

~~Principal residential (single, two and three-family) or attached accessory structure: Thirty-five (35) feet.~~

~~Accessory detached structure: Eighteen (18) feet.~~

~~Principal or attached accessory structure for PRUD, Multifamily, Congregate Care and Intermediate, extended or long-term care facilities: Sixty (60) feet~~

~~(ef) Maximum lot coverage: Thirty (30) percent of lot area.~~

~~(fg) Minimum lot width: Sixty (60) feet.~~

~~(h) Minimum building setback from external subdivision property lines (PRUD) for multifamily, PRUD, Congregate Care, and Intermediate, extended or long-term care:~~

~~a. Building length of one hundred (100) feet or less: Twenty-five (25) feet.~~

~~b. Building length of greater than one hundred (100) feet: Thirty-five (35) feet.~~

~~(gi) Minimum recreation open space area (PRUD multifamily, Congregate Care, and Intermediate, extended or long-term care facilities): Two hundred (200) square feet per dwelling unit of common area designated on the site for recreation purposes. Such recreation areas shall be level graded, dry, accessible and properly drained. At a minimum, a contiguous area of six thousand (6,000) square feet, with a minimum dimension of fifty (50) feet, shall be provided and shall include one (1) or more of the uses set forth in section 14-526 (d) 9. and the planned residential unit development standards in the City of Portland Design Manual, but shall at least be usable as a multipurpose game field. Such recreation areas shall be located at least twenty-five (25) feet from dwelling units.~~

Sec. 14-131. Other requirements.

[Other requirements are as follows:]

- (a) *Off-street parking:* Off-street parking is required as provided in division 20 (off-street parking) of this article.
- (b) *Shoreland and flood plain management regulations:* Any lot or portion of a lot located in a shoreland zone as identified on the city shoreland zoning map or in a flood hazard zone shall be subject to the requirements of division 26 and/or division 26.5.

- (c) *Storage of vehicles:* Only one (1) unregistered motor vehicle may be stored outside on the premises for a period not exceeding thirty (30) days.

14-523 [Site Plan] Required approvals and applicability.

(g) *Master development plan:* A Master Development Plan meeting the criteria listed below will undergo a master development plan review as follows:

1. A Master Development Plan for a site with one acre or larger in a cumulative lot area that is designed as a cohesive and integral development program consisting of multiple buildings and associated site improvements proposed to be built in phases.
2. The Master Development Plan option shall not apply in residential zones, except for institutional uses, multifamily, congregate care, intermediate , extended and long term care facilities in the R5A and R6A zones.

Table 3: Summary of First PB Workshop Public Comments**[as included in April Workshop Memo; comments relate to original proposal for rezoning to R6A]**

<u>Subject</u>	<u>Issues</u> <u>(Based on Public Comments PB Workshop 3.10.2015)</u>	<u>Comment</u> <u>(also see submitted letter in Att C)</u>
<u>Traffic Generation</u>	Impact on traffic congestion in area What is the cumulative impact of Park Danforth, Deering pavilion and this development (on top of the impacts of an expanding UNE) Holly and Pershing already used as cut-through so worse? Adequacy of Stevens and Walton Street, given width (?33ft), winter snow, speed bumps, parking and high traffic levels at times Need to account for visitors, employees, delivery/service vehicles, & emergency vehicles generated by the development Impact on pedestrian safety, given 7 schools in vicinity and related street activity Interaction with construction traffic for Park Danforth and as ongoing on this site Increase in noise eg emergency vehicles Will public transport be extended/increased? Park Danforth and Deering Pavilion recently zoned R6A but they have access to Forest (arterial); this project only has access via Stevens and Walton. What is DOT classification of Stevens and how does this relate to the purpose statements for rezone options?	The applicant will be expected (through the Traffic Movement Permit (TMP) process described above under VII D) to provide further data and analysis to address all of these points. The TMP would be conducted as part of the Master Development Plan review. Both vehicle and pedestrian safety issues are included in the TMP review process, and the applicant would need to provide mitigation where the proposed development resulted in deficiencies. Under the Federal Street Classification system Stevens Avenue is classified as a "Minor Arterial" and Forest Avenue is classified a "Principal Arterial". Arterials are key transport and transit corridors and appropriate for the proposed zone, but the impact of any project would need to be assessed in detail.
<u>Parking Requirements</u>	Parking is already an issue just with the existing school and UNE How meet requirements of new dev (at least 350 new dwellings) as well as providing 100 spaces (as existing and all used) for Catherine McAuley HS Access should allow for queuing of cars (waiting to park) on site and not in street Will there be a parking garage or shuttle to an off- site parking lot? Is underground really feasible? Surface parking detracts from ped/environment and from community feel of the area	Staff consider that there is enough land available to address these concerns at the Master Development Plan stage. The applicant has indicated that some parking will be under the buildings, but this issue can not be fully evaluated until more detailed proposals are submitted.
<u>Density</u>	An increase from the current medium density and low intensity character would be detrimental Ensure compatibility with scale, character of area Impact on value of surrounding homes Impact on integrity of historic building and surrounding environment	The revised Conceptual Phasing Plan (Plan P4) is now under consideration and the applicant will be presenting additional information at the PB workshop on April 14, 2015 to address some of these questions. The proposals are currently suggested to be at 60 feet in height, and the letter in Att C (page 3) indicates that this is below the roof line of the Mother House.
<u>Height</u>	Increase resulting from the development compared to existing? 65 feet is too high and has a visual impact and not in character with area Need to preserve the (wonderful) views of the dome landmark	
<u>Future Of McAuley HS</u>	What are the plans for the school ie the application appears to be inconsistent Changes have negative effects on HS Feasibility for school to remain and grow at that site	The revised area for rezoning excludes the High School.
<u>Future Of McAuley Fields</u>	What will be preserved? Displacement of users of these fields – impacts on other playing fields Other playing fields already at capacity and not enough in Portland now (already borrowing from each other)	The letter in Att. C (page 3) addresses this question: during the first 2 phases the field would not be altered, but in Phases 3 and 4 the fields are reduced and relocated.
<u>Ground water</u>	A house on Pershing was affected by constant groundwater flooding after playing fields were constructed, so concern about impact of the development on groundwater displacement	This point is noted and there is also an area of wetland at that corner of the site. Further information regarding the wetland and groundwater will be required as part of the next review, and the City's ordinance requires that the project avoid water-management impacts to neighbors.
<u>What If Lot Sold Off To Another Developer</u>	Whats to stop a new owner building 2 to 3 times as many dwellings as proposed? This developer sold Highland Green in Topsham	The analysis of the "maximum build-out" under the zone options was requested by the Planning Board in order to consider this possibility. See section VII B of this Memorandum.
<u>Affordable Housing Component</u>	Income level restrictions? Affordable housing ordinance requirements How affordable to local people? What does the applicant mean by "market rate"?	This information has not been submitted in a letter, but the Mother House developer has provided this information at the first Workshop and at the Neighborhood Meeting on April 2, 2015. This is not a zoning issue.

Policy Regarding Institutional Uses in Residence Zones

The issue of institutional uses in residential zones was of great concern in the early 1980's in Portland. At that time we had three hospitals undergoing or considering expansion plans, schools and colleges were taking over residential properties to expand, and the impacts of these and other institutions on their surrounding neighborhoods were the subject of planning and regulation. The scale of the buildings and campus of institutions is generally larger than that of surrounding neighborhood uses. The operating characteristics of institutions typically involve more traffic and at longer hours than typical residential uses, due to employee presence and he comings and goings of students, patients, visitors, trucks with supplies, and for medical facilities, ambulances. The outcome of that effort is embodied in the Comprehensive Plan in the form of the following goal statements (*Portland's Comprehensive Plan; Updated 2005; Page 48*):

Goals

- Institutional uses, where they are to be allowed in residential zones, should be designated conditional uses with review before the Planning Board.
- Any new institutional use should be required to have a lot size of sufficient area to accommodate all activities, including parking and to absorb impacts and growth needs of the institution.
- Reasonable expansion of existing institutions should be accommodated, but effective use of existing lot area should be required.
- For both new development and expansion of existing institutions, the displacement or conversion of existing dwellings should be avoided, and that an institutional development proposal that causes significant residential displacement should be cause for denial of conditional use approval.

In the R-5 zone, the institutional conditional uses include:

- Elementary, middle, and secondary schools
- Long-term and extended care facilities
- Intermediate care facility for thirteen or more persons
- Places of assembly (previously categorized as places of worship, private clubs and fraternal organizations, community halls, etc.)
- Hospitals
- College, university and trade schools

The Board has asked why intermediate, long term and extended care facilities are classified as institutional uses rather than as residential uses. Long term and extended care facilities are

essentially the same thing as nursing homes. Intermediate care facilities are similar but do not provide the same level of health and medical services as nursing homes, but do provide a substantial level of care above the level of meals and housekeeping, and might for example include personal care such as bathing, dressing, and medication management. Please see Attachment X for the zoning definitions of these institutional uses. Our definitions are intended to be general enough that as the state licensing categories evolve, and the trends for care facilities evolve, such as the prevalence of “memory homes” for example, our categories will still be relevant. The policy rationale for the zoning treatment as institutions remains the scale of the buildings, the characteristics of the operations which exceed typical residential patterns, and the propensity for expansion and potential displacement of residences. We have updated the regulations over time, such as the reclassification of several uses under the category of places of assembly, and the allowance for multiple scales of this use category, which was motivated in part by the recognition that these uses have highly variable scale and one minimum lot size was not an adequate solution, and in part to ensure that we are in compliance with federal regulations (RILUPA).

This question of policy has arisen in this context of R-5A rezoning because the congregate care use appears to have some similarity to the intermediate care use. Congregate care is classified as a residential use and not subject to the institutional conditional use standards, while intermediate care facilities are regulated as institutions. This is where the line is currently drawn. It might be appropriate to shift the ICF use into the residential category, or to more broadly revisit the institutional growth management policies and regulations. We do not recommend that these considerations must necessarily be addressed prior to resolving the two R-5A proposals presently before the Board. Any further planning effort in this regard would need to be weighed against other priorities and scheduled accordingly.

From: Deb Andrews
To: Barbara Barhydt; Jean Fraser
CC: Alex Jaegerman; Jeff Levine
Date: 5/4/2015 11:01 AM
Subject: 605 Stevens Avenue

At Jean's request, I called Mike Johnson at the Maine Historic Preservation Commission to inquire whether any proposed new construction on the Mother House property would be subject to review by MHPC and the National Park Service were the developer to seek tax credits for rehabilitation of the Mother House itself. (Mike reviews tax credit applications at the Commission.) Mike confirmed that any new construction would be subject to review for its visual impact on and general compatibility with the Mother House.

I don't think that compatibility with the surrounding residential development would be a consideration in the review. For example, if the scale of the new development is compatible with that of the Mother House, that would be sufficient. Whether or not it is out of scale with the surrounding residential development would probably not be a relevant consideration.

Deb

From: Tom Errico <thomas.errico@tylin.com>
To: Jean Fraser <JF@portlandmaine.gov>
CC: David Margolis-Pineo <DMP@portlandmaine.gov>, Jeremiah Bartlett <JBartle...>
Date: 5/7/2015 12:38 PM
Subject: Baxter Place - Updated Traffic Comments

Jean - The following represents a status update of my April 9th comments and represent a review of additional information provided by the applicant as it relates to traffic generation and analysis.

* Maine Traffic Resources conducted a Trip Generation analysis that compared build-out scenarios under existing and proposed zoning. In general I find the methods to be acceptable with the following comments.

- o The general conclusion is that a Traffic Movement Permit will be required for the project given traffic generation projections.

Status: The project will be required to obtain a Traffic Movement Permit (TMP) given trip generation information.

- o It would be my expectation that the detailed traffic study would extend beyond the site driveways as noted in the Memo. During preliminary discussions the traffic study would likely include an evaluation of roadways and intersections including Steven Avenue/Walton Street, Walton Street/Forest Avenue, and Stevens Avenue/Pleasant Street. The final study area to be evaluated will be determined at the Traffic Movement Permit Scoping meeting.

Status: The applicant has conducted a preliminary traffic analysis of the above noted intersections during the commuter AM and PM peak hours. The analysis was based upon recent traffic counts and adding traffic from the proposed project. The results of the analysis indicates the above noted intersections are projected to operate at acceptable levels of service following project completion. I would note that the applicant has assumed all signals are optimized and functioning well from a vehicle detection perspective. Additionally, other un-built development traffic was not included in the analysis. My take away from the analysis is that the intersections have adequate capacity to accommodate the additional traffic from the project. With that said, the final analysis will need to look at multimodal conditions, adding traffic from other approved un-built developments, and specifically accounting for existing traffic signal equipment conditions.

- o The trip generation comparison between the current R5 zoning and the proposed R5A zoning seems reasonable. As noted the change in zoning under a worst-case build-out would add a maximum of 159 trip to and from the site during the PM peak hour. An R5A zone maximum build-out trip level would likely require a more extensive traffic impact study given that it would exceed 200 trips in a hour.

Status: The applicant has provided an updated trip level comparison. The data indicates that the project is estimated to generate 63 AM peak hour trips and 91 PM peak hour trips. Under the proposed R5A zoning, the applicant has estimated the site could generate 188 AM peak hour trips and 228 PM peak hour trips, assuming 368 general apartments are constructed. The preliminary traffic capacity analysis did not assess the implication of a general apartment construction scenario, but as noted above there appears to be sufficient capacity to handle the noted traffic levels from an intersection capacity perspective.

- o The estimate for the proposed Senior Housing Build-out is based upon ITE trip generation data that I do not find to be acceptable (the trip rates are based upon small sample sizes). One possible option would be for the applicant to conduct a trip generation survey at similar sites in the area to better predict traffic levels from the proposed project. With that said the general order of magnitude of the trips would not be expected to change significantly. The trip generation numbers will need to be modified during the preparation of the comprehensive traffic study.

Status: The applicant conducted a survey of traffic at a similar project in Topsham and concluded that the ITE trip generation data reasonably estimates traffic for the project. I concur with the applicants conclusion that the trip generation estimate seems reasonable, although the trip generation methods will need to be reviewed during Site Plan and TMP permitting.

* The development of the comprehensive traffic study will need to include traffic associated with un-built developments such as Park Danforth. During the traffic scoping meeting we will direct the applicant on traffic that needs to be included in their traffic analysis and what infrastructure plans that should be assumed (if any).

Status: This continues to be a valid issue that will need to be addressed during development of the formal traffic impact study.

* A safety analysis will be required as part of the comprehensive traffic study. The analysis will review locations in the area that either are classified as High Crash Locations (HCL) per MaineDOT criteria or have other noted concerns (e.g. pedestrian crashes, high frequency, etc.).

Status: The applicant has not reviewed safety data for the project area. During the traffic study process, we will request a detailed safety analysis at High Crash Locations and may request analysis at non-HCL locations due to other safety factors such as pedestrians crashes, types of collisions, or number of crashes.

* The project will be required to evaluate conditions (parking, access, sidewalks, ADA compliance, crosswalks, etc.) along Stevens Avenue and Walton Street. This review will be performed, at least, along their property frontage).

Status: This continues to be valid and will be required in conjunction with Site Plan permitting.

* A detailed pedestrian evaluation will be required as part of the project in terms of site provisions and conditions in the study area. This will include a review of METRO bus stops and how to integrate transit opportunities into the project.

Status: This continues to be valid and will be required in conjunction with Site Plan permitting.

* In conjunction with the development of a traffic study that complies with MaineDOT Traffic Movement Permit requirements, the applicant will be required to assess existing and post -development roadway and intersection capacity/congestion conditions and if unacceptable conditions are identified, the applicant would be required to identify mitigation strategies for implementation. In addition, a Safety Analysis will be required that will review existing crash data and if safety deficiencies are identified, a mitigation plan would be required for implementation.

Status: This continues to be valid and will be required in conjunction with Site Plan permitting.

The applicant has provided additional information on Senior Drivers, Transportation Programs at Senior Communities, and a proposed Parking Management Plan. My comments are noted below.

* The applicant, through their research, has concluded that at driveways of senior community developments in Maine the data suggests older drivers do not as a group, statistically pose a safety threat. I'm not sure the data is conclusive, and I need to further review, but what I believe to be very important is the implementation of an extensive site Transportation Demand Management Program that will allow occupants of the development to have alternative transportation options. Accordingly, in my professional opinion a very detailed Transportation Demand Management Program will be required for this project.

* The applicant summarized examples of Transportation Programs at other Senior Communities and similar programs will be programmed at the proposed site. As noted above, I believe a comprehensive TDM plan will be required that not only includes on-site transportation options, but also offers incentives for METRO use. The details of the TDM plan will be identified during Site Plan permitting.

* The applicant has noted that they are confident that they can reasonably predict the parking supply for the project such that it does not impact the abutting public streets. I concur with this conclusion and believe that during the Site Plan permitting process the parking lot can be designed to accommodate site specific parking requirements.

If you have any questions, please contact me.

Best regards,

Thomas A. Errico, PE
Senior Associate
Traffic Engineering Director
[T.Y. Lin International]T.Y. Lin International
12 Northbrook Drive
Falmouth, ME 04105
207.781.4721 (main)
207.347.4354 (direct)
207.400.0719 (mobile)
207.781.4753 (fax)
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Visit us online at www.tylin.com<<http://www.tylin.com>>
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"One Vision, One Company"

Please consider the environment before printing.

Re: Convent 605 Stevens Avenue Application for Zone Change and Text Amendments
Submitted at the Planning Board Workshop on 3/10/2015
by Bobbi Cope, email: bcope@maine.rr.com, phone: 207.415.5833

My name is Bobbi Cope. I live on Concord Street in Portland.

I support keeping the R5 zone for the 6 0 5 Stevens Avenue property.

According to the proposed change from R5 to R6A, Walton Street, which is just thirty-three feet wide, would become *the major* access road for this project. Other streets in would also be impacted, such as Pershing, Holly, Elmwood, Waverly, Poland, Hartley, Clinton, New, Leland and Crosby, some of which are even narrower than thirty-three feet.

The increased density from R5 to R6A would generate further congestion on Walton Street, Stevens Avenue, Forest Avenue, the streets I just mentioned, as well as the entire neighborhood *area* extending from Woodford Street, near Deering High School, all the way past UNE to Morrill's Corner.

There are seven schools, with thousands of pedestrians: small children, their parents, college students, and many others at various and multiple times throughout the day, when the speed limit is down to 15 miles per hour. All traffic must stop, or pause, or wait, while people are crossing, getting in and

out of parked cars, or running between cars. There are families on bicycles to avoid. This creates heavy, slow congestion and is already dangerous, even with the speed bumps that were installed several years ago. Rush hours further compound the problem.

A zone change from R5 to R6A that would increase housing density would add traffic from not only additional residents, but also their visitors, employees, service vehicles, ambulances, fire trucks and delivery trucks. Safety for all, must always come first, including the many residents who live in this area now.

Those who currently live in this part of the city choose to live here because of its unique character, medium-density and low-intensity lifestyle as specified in the Land Use Ordinance definition of the R5 zone. This neighborhood area is valued for the serenity it provides as it has for over a century.

R5 currently allows a maximum building height of thirty-five feet. A zoning change to R6A allows a significant increase to a maximum of sixty-five feet. This would increase the permitted building height by **86%, nearly double!** From a visual perspective, this would overshadow the dome of the Mother

House, which has been an enduring landmark in the City for 106 years. It is so notable that during World War II, the dome had to be painted to conceal its visibility.

The existing density of the McAuley campus has been compatible with the scale, character and long-standing residential quality of the surrounding neighborhoods.

According to Staff Comments (VI.C.) the proposed zoning change could allow for more than a thousand housing units and **forever** change a part of Portland that has been treasured for over a hundred years.

If this zone change is allowed, or even considered, what purpose do zoning restrictions and standards serve? The proposal is an extreme deviation from the current R5 zone by a large margin.

I support keeping the R5 zone for the 6 0 5 Stevens Avenue property.

Thank you.

Compilation of Questions for City of Portland and McAuley Place Development
605 Stevens Avenue, Portland ME

Zone-type R6A was created for the Park Danforth in 2014 and has not been used by the City of Portland before. In light of the recently approved zone change and expansion plans for both the Park Danforth and Deering Pavillion, how does the City plan to account for increased traffic in the area on Forest Avenue? Many people use Forest Ave to get to work from neighboring towns, and the increase in staff alone will add a lot of traffic to the area. If McAuley Place were to also obtain Zone R-6A designation, would roads be widened or new parking lots added to account for the increase in cars? Would public transportation be extended to give the increased elderly population more access to the city? How can the City anticipate the effects of adding three newly designated zones in an already congested area?

The addition of McAuley Place would introduce a lot of older drivers to Stevens Ave and Walton Street. Especially during the rush hours in the morning and afternoon, this would add a lot of cars to the road while children are walking to school. I am concerned that adding elderly drivers with poorer eyesight and slower reaction time to Stevens Ave could be dangerous in an area with 7 schools and lots of residential housing. How would McAuley Place and the City of Portland reduce the danger to the neighborhood's children?

The Park Danforth and Deering Pavillion, the only other 2 R6-A zones in the City of Portland, both have access to Forest Avenue, a major road according to the City of Portland's designations. The new proposed development has no access point on a major road - it abuts Walton Street and Stevens Avenue, designated as a "Collector Street" and a "Minor Route" respectively according to the City of Portland Transportation Map. It also touches on Holly and Pershing Streets, which are even smaller than Walton Street. With no major road access and parking plans deemed as "conceptual" for the moment, how do the plans for McAuley Place qualify as R6-A eligible, given that the City of Portland's Code of Ordinances Section 14-135 lists the zone as "appropriate in areas that are along major public transportation routes"?

The area around McAuley on Stevens Ave and Walton Street is surrounded by other schools and is restricted to 15 mph at least twice a day. During rush hour, as people from around Portland enter the city for work and drop their children off at school, what measures will the City take to improve traffic congestion, especially with the construction slow-downs caused by the expansion of the Park Danforth and Deering Pavillion?

Where would the residents and staff of McAuley place park? On the Conceptual Master Plan, shown on page 3 of the Zoning Map and Text Amendments application for McAuley Place, there is no designated parking zone for any of the proposed living communities. Catherine McAuley High School has 100 parking spaces and uses all of them for its students and staff. In order to provide parking for the residents of 350 housing units plus staff and visitors, will the plan eventually include a parking garage or a shuttle service from an external parking location? There doesn't seem to be enough area for 350 housing units plus the required parking as outlined in the City Code of Ordinances Division 20, Section 14-332.

While the current plan seeks to build 350 housing units, an R6-A designation would allow for 2-3 times as many units. Although Wasileski does not intend to build that many, what prevents him from selling to someone who will? He recently sold The Highlands retirement community to an out-of-state investment firm, and I'm concerned that out-of-state developers who have never

lived in the Portland area would be unable to anticipate how expansion would affect the neighborhood.

Walton Street is very narrow and can't be widened due to houses on either side. The traffic is only one lane with parking on one side and some areas with sidewalks on only one side. Will the infrastructure of Walton Street and Stevens Avenue, which already has reduced speeds due to school zones and speed tables, support the addition of so many cars to the road?

How will emergency vehicles reach McAuley Place quickly for the resident seniors? Because of increased traffic and school zones, it would be very difficult for ambulances and firetrucks to reach seniors quickly in times of emergency using Stevens Avenue. Because McAuley Place has no direct route to Forest Ave, it would also take longer to reach the hospital. How can the plans be accommodated to keep so many elderly people safe while also keeping children safe as they cross roads and walk home from school?

How will the addition of McAuley Place and affordable housing affect the local economy? Seniors with little disposable income will not be able to stimulate local businesses and will increase traffic congestion along Stevens Avenue, making it more difficult to find parking near local restaurants and shops.

The gold dome of St. Joseph's Convent (the Mother House) is a landmark of the neighborhood and community, and an R6A designation would allow for construction of housing up to the height of the dome. The dome can currently be viewed from all around the City and is historically important, as it was blackened during World War II to prevent easy recognition of features in Portland. How can the project be changed so that the history and character of the neighborhood is preserved?

The City of Portland's Code of Ordinances lists appropriate areas for the R-6A zone in Division 7, Section 14-135 as "areas along major public transportation routes, near service areas, and in redevelopment (underutilized) zones or infill areas". I would like to know how the proposed plans for McAuley Place fit the R-6A designation, seeing as they would be built over current sports fields, which are needed for the children of Portland and are rented out for tournaments and games. The fields are also used for physical education classes at Catherine McAuley High School and are surrounded by a walking path for the Sisters of Mercy living in St. Catherine's. The fields are not underutilized, and aside from having access to a single city bus line, Steven's Avenue is not a major public transportation route. Would the definition of R-6A have to be changed to accommodate the plans the McAuley Place, or would additional public transportation be added to account for the increased population density?

Several years ago, the City of Portland refused to allow a Dunkin Donuts in Deering Center in part based on traffic concerns. Would similar concerns apply now, due to the massive increase of traffic on Steven's Ave and Forest Ave because of the Park Danforth, Deering Pavillion, and potential McAuley Place construction projects? Can the current infrastructure of Portland handle that much traffic, especially in the winter with snow removal and ice concerns?

How does the construction of McAuley Place plan to work with McAuley High School? In the Request for Zoning Amendment sent to the Planning and Urban Development Department Planning Division on March 4th of this year, the developer notes that "Catherine McAuley High School and the senior community will prosper together for decades to come." However, statements further in that document note that the high school will exist only "for the immediate

future” and the Conceptual Master Plan map designates the building of McAuley High School as “future commercial mixed use”. Could you please clarify how McAuley Place anticipates working with the well-established community of Catherine McAuley High School, whose students each volunteer in the community for a minimum of 20 hours per year, in the next 10 years?

In the developer’s application for a zone change and zone text amendments, it is written “While the r5 zone in purpose would satisfy the proposed repurposing and redevelopment of the current campus, the specific dimensional and land use provisions of zoning district r6a more specifically suit the proposed plan. For this reason, the applicant is requesting both a text and map amendment to change the current McAuley campus from r5 to r6a.” If the designation of R5 would satisfy the requirements of the current plan, why pursue a zone change allowing for more than double the current plan? This provision would leave room for expansion, as R-6A designation allows for more than double the housing density of R5, and if Wasileski were to sell McAuley Place as he sold The Highlands in Topsham, what would prevent a new developer from expanding? How could the City of Portland handle the added strain to the area’s traffic and emergency services?

[Based on questions drafted by Taylor Church]

From: Kenneth Smith <kensmithjr11@yahoo.com>
To: Jean Fraser <JF@portlandmaine.gov>
Date: 4/6/2015 9:56 PM
Subject: Re: Revised zoning amendment application: McAuley Place, 605 Stevens Ave.

Thank you for this information. I have a question and comment. Many of the concerns of a zoning change center around increased traffic and parking. Thus I hope that this project and zoning will be considered in context with already existing UNE parking and traffic problems. A significant traffic study should be conducted in advance of zoning changes rather than after, which I understand is the more typical process.

Drive down Stevens, particularly from 8-10 am before considering or allowing increased density and traffic.

Ken Smith

122 Mabel, Portland 04103

Sent from Yahoo Mail on Android

From:"Jean Fraser" <JF@portlandmaine.gov>
 Date:Mon, Apr 6, 2015 at 3:29 PM
 Subject:Revised zoning amendment application: McAuley Place, 605 Steven

Hello

This is the first "group" e-mail to neighbors and others who have requested to get updates from the Planning Division on this project.

I have just received a revised submission from the applicant and have attached it- it is quite a large file and you may not be able to download it. I am also arranging for it to be placed (later today) on the City's website at:

<http://www.portlandmaine.gov/AgendaCenter/ViewFile/Agenda/04142015-1088?html=true>

There will be a Planning Board Workshop on Tuesday, April 14th at 4:30pm (see Legal Ad attached) where the Board will consider this revised request for a text amendment (of a smaller area) to R5A (rather than R6A), with associated text amendments. The Board would not be taking a final decision at this meeting; the vote on a recommendation to the City Council (re just the zoning) would take place at a hearing that has not yet been scheduled.

Public comments will be taken at the PB Workshop, and written comments can be sent to me via e-mail (in addition to or instead of speaking at the meeting).

If I get written comments before the end of Thursday (4.9.2015) they will be included in the "packet" that goes to the Planning Board on Friday; otherwise I circulate public comments at the Workshop meeting on April 14th.

The entire "packet", that includes all submissions and the staff cover Memo, will be available on the City's website (same address as above) on Friday (4.10.2015) afternoon.

Please do not hesitate to contact me with any questions.

Thank you

Jean

Jean Fraser, Planner

City of Portland

874 8728

Notice: Under Maine law, documents - including e-mails - in the possession of public officials or city employees about government business may be classified as public records. There are very few exceptions. As a result, please be advised that what is written in an e-mail could be released to the public and/or the media if requested. --

From: Christian MilNeil <c.neal.milneil@gmail.com>
To: Jean Fraser <JF@portlandmaine.gov>
Date: 4/13/2015 12:04 PM
Subject: 605 Stevens Avenue

Hi Jean,

I'm supportive of the proposed R-5A changes and the developer's proposal for 605 Stevens Avenue, which would provide much-needed senior housing in a walkable, in-town neighborhood with good access to two transit lines.

I do have some questions, though, about the project's provisions for street connectivity, and whether the R-5A amendments ought to have more clarity about preserving and extending the street grid of surrounding neighborhoods.

In this case, the proposed project would benefit from a new east-to-west public street connection to Forest Avenue, as well as extensions of Pershing and/or Holly Streets to preserve the neighborhood's pattern of residential blocks. A new east-west street connection could provide some auto traffic relief to Walton and Stevens, and would also provide a more direct and more pleasant route for pedestrians to Forest Avenue's bus line and other destinations.

Such a connection would be dependent on permission from the Deering Pavilion property, but that shouldn't prevent the city from reserving a public right-of-way now (especially because any future redevelopment in the R6A zone will only increase the utility of a new connection).

In general, I worry that these recent projects (not just this one, but also the proposed senior housing on Ocean Avenue and pretty much any off-peninsula project of the past 20 years) are designed and built as – essentially – higher-density versions of suburban cul-de-sacs. They're mostly cut off from the well-connected streets of surrounding neighborhoods, they're not inviting to foot traffic, and as a result they dump out lots of traffic on arterial streets, which upsets everyone.

Besides that, if the R-5A zone (and the R-6A zone) are intended for moderate-density development consistent with the pattern of surrounding neighborhoods, then perhaps the new zones should require consistency of the street pattern by requiring a higher degree of street connectivity?

Some specific questions:

- Sec. 14-498(g) requires a "maximum block length of eight hundred (800) feet, measured from the nearest street lines of intersecting streets." The frontage of the developers' property along Stevens Avenue looks like it's slightly less than 800', so one reading might be that these developers won't be held to this standard. However, if they don't provide a public right-of-way, we'll end up with a block length along Stevens of 1500' (Walton to Percival), contrary to the intentions of the ordinance. Which interpretation does the city favor?
- Second, on the city's tax maps there seems to be a narrow strip of land south of the developers' property, adjacent to but not part of Baxter Woods park. Is this city-owned, or reserved for a future street?

- New developments off the peninsula have done a lousy job of preserving the city's well-loved pattern of residential blocks away from the arterials – contrary to the intents of the standards in 14-498 and to the detriment of walkability and traffic congestion surrounding these new projects. Are there any ideas in circulation at City Hall for improving the street connectivity standards? (zoning updates like R6A and R5A seem like ideal places to roll out new standards on a limited basis).

If you'd please share these questions and concerns with the planning board, I would appreciate it. Thanks!

From: Elizabeth Tarasevich <emtarasev@gmail.com>
To: Jean Fraser <JF@portlandmaine.gov>
Date: 4/13/2015 4:01 PM
Subject: Fwd: Catholic properties near Baxter woods and McAuley playing fields as well as the other buildings (nun's residence)etc.

Hello s. Fraser,

could you please add the following comment to the file before the planning board workshop tomorrow on the St. Joseph Convent at 605 Stevens Ave in Deering Center - Norm is planning on being there to read the statement, but has asked me to send it in advance.

Thank you very much,

Elizabeth Tarasevich

----- Forwarded message -----

From: Norm Buttrick <nbuttri1@maine.rr.com>

Date: Mon, Mar 23, 2015 at 3:35 PM

Subject: Catholic properties near Baxter woods and McAuley playing fields as well as the other buildings (nun's residence)etc.

To: Elizabeth Tarasevich <emtarasev@gmail.com>

Cc: jtarling@portlandmaine.gov

Elizabeth, I am unable to attend the DCNA meeting tonight at the Church about the plans near Baxter Woods, but you may read my comments below and use my name as against it for the following reasons.

First of all, the proposed plan to build high rise condo's or apartments (several of them to accomodate over 650 persons and probably more), will destroy Baxter's philosophy for the nature preserve and bird sanctuary. The new buildings and parking lots surrounding it will be distructive to the environment, as the woods have provided since it was donated to the people of Portland to enjoy as the last of the original woods in the City (some Hemlocks and white oaks are between 150 and 200 years old).

There are many historic sites in the 30 acres of Baxter Woods that could be threaten with the influx of so many people into the grounds, not to mention the natural habitat of animals and plant life as I noted above paragraph.

The srreets in this part of the Deering neighborhood and Woodfords area would become more jamed up with traffic than it already is now. Parking with New England College students parking on Stevens Ave. and the side streets would be more of a problem to contend with.

Finally, I would hate to see McAuley High School forced to move from its location along with its playing fields next to Baxter Woods. The woods are a wonderful educational benefit to the students as they have had an archaeological field school this past year, as well as science classess to the woods with Jeff Tarling (City Arborist) to prevent the destruction of trees from diseases.

Norm Buttrick, Deering Center concerned neighbor

From: Kathy Dion <katherine.dion@yahoo.com>
To: Jean Fraser <JF@portlandmaine.gov>
Date: 4/13/2015 5:48 PM
Subject: Re: 605 Steven Ave.

Jean,

Thank you for the response. Regarding storm water retention and ground water issues at what point might this be addressed. Is there an engineering proposal/meeting that the public will be able to attend?

Thank you,
 Kathy Dion

Sent from my iPad

> On Apr 13, 2015, at 1:05 PM, Jean Fraser <JF@portlandmaine.gov> wrote:

>

> Kathy

>

> The R5A currently says that the area per dwelling is based on "gross" land area, which would include all of the land in the lot. So staff thought it would be better to have the density based on "net area" but the current definition includes items that are not defined (see annotation in red below) and we wanted to have it clearer and limited to the area after areas that are not buildable (eg slopes and water areas) taken out.

>

> This is a staff recommendation and is for discussion with the Planning Board. It may be that one or two of these have a good basis for being retained or retained but revised.

>

> Thank you

> Jean

>

>

>

>

> Jean Fraser, Planner

> City of Portland

> 874 8728

> >>> Kathy Dion <katherine.dion@yahoo.com> 4/11/2015 9:54 PM >>>

> Jean,

>

> In this section multiple lines are crossed out. Why is this and what does this mean?

> 1. Stormwater retention areas; since this was written such areas have changed in nature and are often underground; also they are unknown until a detailed layout is developed and engineering details worked out so difficult to subtract.

>

> 2. Stormwater detention areas, unless improved for passive or active recreational use; same comment.

>

> (b) Existing watercourses, as defined in this section, measured by the area between the top of the banks at the normal high water mark, as defined in this section.

>

> (c) Inaccessible areas, as defined in this section; Again, this includes some items that are difficult to quantify.

>

> (d) Wetlands, as defined in this section;

> (e) Areas encumbered by existing easements, dedications or similar restrictions, which limit or preclude the construction of permanent structures or which are for any reason unavailable for use in connection

with the proposed development. Most easements would allow development over them; few don't. but maybe keep this in if better defined???

>

> (f) Slopes of twenty-five (25) percent or greater. Where a slope of twenty-five (25) percent or greater was altered to less than twenty-five (25) percent within the two (2) years immediately preceding the submission of the application for development, such slope shall also be subtracted from the gross area;

>

> (g) Twenty (20) percent of the area remaining after the deductions of factors (1) through (6) of this definition. this is an estimate of what might be needed for roads and access, but for some projects this would be very high compared to what they would include and for others it would be low. Since any project needs to have access it seemed odd to subtract out this rough number.

>

>

> Kathy Dion

>

>

> Sent from my iPad

>

> Notice: Under Maine law, documents - including e-mails - in the possession of public officials or city employees about government business may be classified as public records. There are very few exceptions. As a result, please be advised that what is written in an e-mail could be released to the public and/or the media if requested. --

From: mary ellen randall <mary.e.randall@gmail.com>
To: <JF@portlandmaine.gov>
Date: 4/13/2015 9:54 PM
Subject: Convent workshop

I would like to register my opposition to the proposed zone change to R6A. Not only is increased traffic, with its accompanying congestion, noise, and pollution a concern, but the high density nature of the zoning is not appropriate in this primarily residential neighborhood. Deering is a walkable neighborhood despite ongoing problems with traffic.

Property values will drop as the neighborhood is altered to a density greater than even much of the peninsula. Massive buildings of the proposed height and density will also have a negative impact on the abutting Baxter Woods, currently a sheltered, quiet wood that formerly was even more protected before trees were cut for the Macauley ballfields. Moreover, the plans are for very large, flat-roofed institutional buildings, not those shown in the developers' renderings of brick 3-story buildings.

I support maintaining the A5 zoning, converting the large convent building to housing, and preserving the character of the Deering neighborhood. In addition, I would like to see some requirement to add park-like green space to offset the additional CO2 and congestion caused by the development.

Thank you.
Mary Ellen Randall
Concord Street

4.14.2015

Dear Ms Frasier

could you please submit this tonight to the planners for 605 Stevens Ave

thank you Mary skerritt Vankevich

The citizens of Portland have long enjoyed the benefits of Portland's Parks. Baxter Blvd., the Eastern Promenade, and the Western Promenade. Deering Oaks was envisioned and built by park designer Olmstead and Mayor Baxter more than 100 years ago. Baxter Woods park was intended to link the city's ring of Parks to the outer regions of development .

Today I am deeply concerned by the dense proposed development of the convent property. The old growth trees, lawn, and playing fields protect and support the trees of Baxter Woods. In 1908 the convent was opened on 20 acres that was bought from Mayor Baxter and had been part of the original Baxter Woods .The Sisters of Mercy maintained these acres of forest for more than 100 years. Seven acres were sold to build Deering Pavilion and recently more forest was cut to build badly needed sports fields. The Pavilion property was recently rezoned to 6A and more trees will be eliminated from this historic stand. I believe the convent's 15-plus acres support and protect the green space that is important to the long-term survival of Baxter's Woods. Portland is known as the Forest City.

Seacoast Development's desire is to pave, excavate, and build on an overwhelming percentage of the property.

Currently the set-back for buildings is 25 feet .The root protective area for the trees extends into this area thus excavation and heavy equipment will directly harm root systems. Excavation nearby will

disrupt natural water flow. Forever, the trees will be subject to pavement runoff and the loss of the protective filtering of the supporting green space.

I am asking the set-back be at minimum increased to 50 feet with a requirement to leave the 50 foot protective path free of pavement and keep it planted with trees to support and protect the woodland reserve. Additionally, I would request that the remaining stand of wooded area be forever maintained and protected and that no road to join the Deering Pavilion property with the seacoast development .I know that access to the woods is great marketing for seacoast development but the scope of this complex is not fitting with the neighborhood or Park.

Thank you

May Skerritt Vankevich



Ms. Barbara Barhydt
Development Review Manager
Planning and Urban Development Department
Planning Division
389 Congress Street, 4th Floor
Portland, Maine 04101

Re: 605 Stevens Avenue

Dear Ms. Barhydt,

We are writing to confirm our support for John Wasileski and his team in the development of the Sisters of Mercy property on Stevens Avenue. As the City knows, the future of this property has been under discussion for over a decade and we have considered a number of alternatives. In deciding to proceed with John and his team, we have found a developer who respects the historical significance of our Motherhouse and has a plan to preserve it for future generations. That was, and remains very important to us. We also appreciate the commitment that John and his team have made to preserve the St. Catherine's Residence for our retired Sisters. Additionally, we appreciate his efforts to work with Catherine McAuley High School. We think that the proposed development is a creative and responsible reuse of the property. It is sensitive to the past and present uses, while at the same time addressing a need in the community for low-income housing and assisted living facilities. We urge the Board to approve the project.

Sincerely,

Jacqueline Marie Kieslich, RSM
President
Sisters of Mercy Northeast Community

CC: John Wasileski
Jean Fraser, Planner

from JW 4.14.2015
part of his pres.



CATHERINE MCAULEY High School

Where girls with dreams become women of vision.

Dear McAuley Community:

I want to update you on some very positive developments for the future of McAuley.

As you know, the school sits on real estate owned by the Sisters of Mercy, and they have agreed to sell the property to Sea Coast Management Company, with a likely sale closing date in 2016. The School administration and Board have been actively evaluating and planning for the school's future needs and options. As part of that effort, Sea Coast and McAuley have been meeting to discuss our shared plans and visions.

McAuley's objective has consistently been to provide the best physical environment for the young women of the school – to support their development into Women of Mercy, well-educated, self-disciplined, enriched by diversity, able to lead and willing to serve others. We want a location that serves the students and the Portland community, of which the school is a committed member.

We are happy to announce several important directional developments that will help us to achieve our goals.

First, we are very pleased to communicate that, with respect to the 5-year lease we currently have with the Sisters of Mercy, Sea Coast has confirmed that it "will be glad to extend the lease [with the School] to remain in effect as long as the School is in good standing with [its terms]", beginning with a 25-year term and renewable beyond that time. Sea Coast has promised the School that the terms will remain similarly favorable to what we currently have with the Sisters of Mercy. They have made this commitment to a long-term lease happily and "without reservation". This generous commitment allows McAuley to choose to stay in its current Stevens Avenue location, which has served us well for forty-five years. This site is the best choice for the School and continues our presence as an important part of the Portland Community. We can now plan and invest and build our future here, knowing that Sea Coast is committed to our long-term presence and success.

Second, we are also delighted that Sea Coast is willing to preserve permanent athletic field space for practices and possibly for games, depending on how their projects take shape. This provides us with the ability to support our young women's physical development and athletic team experience. Sea Coast's project timeline shows that there will be no impact on the current fields until at least the 2017-2018 school year and even then, the impact will be gradual as construction begins.

Finally, we are thrilled that the shared future of McAuley and Sea Coast offers many exciting and rewarding possibilities. Sea Coast wants to work with the school on everything from intergenerational programs to joint development for scholarships and capital needs. They are committed to having McAuley grow and thrive for decades alongside their new senior community, maximizing the benefits to both communities during our long-term future together.

We are excited about our new future and all the benefits this new direction can bring to our unique and irreplaceable McAuley. If you have any questions, please contact Kathryn Barr, our Head of School or me.

Heidi S. Osborn
Chair, Board of Trustees

Brenda Souns

PC 11

Have any studies been conducted on how building so close to Baxter Woods would affect the ecosystem?

I understand there are springs on the property and in the woods. How will the displaced ground water and storm water affect the trees?

What are the specific ecological and geological impacts?

Brenda Downs.

According to the City of Portland Fire Department records, in the past five years, between Park Danforth and Deering Pavilion, there was an average of 385 calls per year, more than 7 per week. Currently there are 359 units between those two properties. This project would double those calls and with all build outs could easily triple. Park Danforth's planned expansion is for 139 additional units. Ironically, following the meeting at the Motherhouse on Holy Thursday, there was a fire truck coming up Walton Street. Where did it come from? Which fire station typically responds to calls in this neighborhood? The closest fire station is on Stevens Avenue, 1 mile away. The next nearest is on Ocean Avenue, 1 ½ miles away. This highlights multiple risks. Is the elderly person in need of emergency services in jeopardy?

In the planner's Memorandum, under INTRODUCTION, 5th paragraph, it says:
 "The applicant has a Purchase and Sale Agreement for the wider area (including the High School and St. Catherine's Residence on Walton Street). The last sentence of the same paragraph says St. Catherine's is being retained by the owners. Which owners? Please clarify.

On the applicant's Density Computations Chart/Attachment B, St. Catherine's will stay in R5 what is the possible future density of that parcel?

If the school becomes available to the applicant for development, will that also stay in R5 or apply for R5A? What is the possible future density build out of that parcel?

If the remaining ball fields become available, what is the possible future build out of that acreage?

Ann Rodenick
 970 Washington Ave.
 Portland

I agree with Ketiz Mahoney, Mary
 Veroneau, Mrs. Freund, Bobbi Cape.

My understanding of a 55+ or senior living community is that one of the attractions is that they are not in the vicinity of a lot of kids. With a school on the same property, it seems inconsistent with the concept.

Ann Reidick
990 Washington Ave.
Portland

Bobbie Lope
Concord Street

The numerous and excessive text amendments raise many concerns. Among them:

The staff's recommendations of redefining the net area are extreme.

The staff suggests that the subtraction of 20% is arbitrary. Their suggestion that it be removed is in itself arbitrary.

The staff's suggestion to remove the open space requirement is arbitrary.

Stevens Avenue is not a major arterial. It has been defined for pedestrians, bicyclists, and has been subjected to traffic calming implementation.

The state storm water regulations need to be considered.

This zone change will impact other projects.

The volume (3 ½ pages) of revisions of the text to R5A is egregious and irresponsible. Many of these suggestions are in direct conflict with the Comprehensive Plan and the legality is questionable. Why is the City acquiescing to the developers? The Planning Board and Planning Staff owe it to the citizens of the City of Portland to thoroughly review and analyze these proposed text amendments and not allow such a carte blanche proposal to be approved.

Density Comparisons

Convent Property R5A	Convent Property R6A	Convent Property R5	Estimated Typical Density R5	802 Ocean Avenue Portland Proposal	The Highlands at Topsham
369 units (279+90)	492 units (372+120)	131 units (99+32)	128 units	150 units proposed	350 units
13.5 acres	13.5 acres	13.5 acres	13.5 acres	18 acres	75 acres
=27.34units Per acre	=36.45 units Per acre	=9.71 units Per acre	=9.49 units Per acre	=8.34 units Per acre	=4.67 units Per acre

Several
The traffic dangers cannot be overemphasized. There are at ~~least a dozen~~ people in this room who had personal relationships with two children who were killed by vehicles on Stevens Avenue. Joey St. Pierre, age 15, was killed in front of St. Joseph's School on December 15, 1965. Dolores Boutin, age 8, was killed at Stevens and Hartley on May 8, 1973.

This conversation is not just about a drawing on a piece of paper, density calculation charts, and numbers on balance sheets. It's also about the real lives of real people, some of whom have generations of history here. It's about an established, valued culture that may be intangible, but is highly valuable not just to these citizens, but to the social complexity and fabric of the City of Portland. It really isn't that difficult to grasp this concept. I ask the Planning Board to think about it.

*Mary Veroneau
36 Craig St
Portland Me*

Bretna Parker
30 Bayview Dr

PC15

In the R5A code, (DIVISION 6.5, Section 14-127, (a), 5, e.) it states:
Each unit shall be provided with at least two trees.
Where will the applicant be planting 668 trees?

Regarding text amendment proposals:

Section 14-127. Permitted uses.

Under (a) Residential:

The planner's proposal shows this sentence crossed out:

2. The planned residential unit development shall be implemented through conditional or contract zoning, as described in division 1.5, for specific sites and proposed development meeting the overall requirements specified herein.

This is inconsistent with the applicant's text amendment proposal which does not include this crossed out text.

Which version is the applicant seeking?

Sally Maloney

In the planner's memorandum the Motherhouse development is described as having 66 affordable and 22 market rate apartments. In all of the applicant's documentation, with one exception, it says all 88 are affordable. (The exception is in minutes of the Holy Thursday neighborhood meeting (April 2nd) in the Convent where the applicant states that it's 66 affordable and 22 market.) Please clarify?

Kathy Mahoney

In the planner's Memorandum under
IV. EXISTING CONDITIONS AND ZONING

a. Background

The 2nd paragraph ends with the word 'and'.

There is no mention of the applicant also seeking Low Income Housing Tax Credits. (FYI: At the neighborhood meeting on Holy Thursday, the applicant reported that in addition to the combined federal and state historic tax credits of \$6.2 million, they are seeking \$7.4 million in low income housing tax credits.)

Since the apartments in the Mother House will be subsidized, who pays for the subsidy?

Who is paying for the tax credits?

Who is subsidizing the rents?

Ultimately who is really paying for this project?

Dan Maloney

In the planner's Memorandum under
VI. PROPOSED ZONING AMENDMENTS

2nd paragraph states:

"605 Stevens Avenue and 802 Ocean Avenue proposals quote/unquote
'compatible at this stage' ". Please explain what makes these two projects
compatible?

Kathy Mahoney

In the applicant's letter under

3. PLANNING BOARD AND PUBLIC FOLLOW UP

c. Building Height and Site Sections:

The applicant states that the height of 60 feet will be below the Mother House roof level. Does this mean the lowest level of the roof where it meets the wall, the top of the peak, or somewhere in between?

Kahy Mahoney

What are the parking requirements of R5A?

The applicant proposes underground parking. Is there other underground parking in this neighborhood?

Is there much, if any, underground parking of this type in Portland at all?

Where will the parking be for the initial phase of 88 units in the Mother House?

Will parking be allowed in front of the Mother House?

Would underground parking cause more water problems for residents on Pershing and Holly Streets?

How would such extensive excavation disrupt the already compromised Baxter Woods?

Kathy Maloney

At the neighborhood meeting on Holy Thursday, one of the questions was "What utilities will the tenants be paying?"

The applicant answered: electricity.

What is the planned source of heat for the Mother House and the surrounding buildings?

Kathy Mahoney

In the applicant's minutes from the neighborhood meeting on Holy Thursday it states that the services will transition into more full service congregate facilities in later phases as residents age. However in the Attachment C./Maine Traffic Resources report it specifically states that the expected split for the maximum 335 units would be 24 assisted living units and 311 independent living units. Please clarify this inconsistency. How do these conflicting numbers fit into proposed zoning request.

Kathy Mahoney

The density the applicant is seeking is more than 3 times the density that exists in the surrounding R5 zone. This is significant and completely incompatible with the neighborhood.

From: o <jagwindham@aol.com>
To: <JF@portlandmaine.gov>, <jmy@portlandmaine.gov>
Date: 5/6/2015 1:26 PM
Subject: Fwd: letter to Stuart O'Brien and planning board staff and members

Judith A Girard
 165 Warren Ave
 Portland, Me 04103

Dear Mr. O'Brien,

I am a lifelong resident , and property owner in the city of Portland. I am writing this, the first letter in my 61 years to any official anywhere, because I am having some serious doubts about the direction this city, and its planners are heading. You and your board face some complex issues every day, the consequences of which will impact the complexion of the city of Portland and it's neighborhoods for generations to come.

I have recently become very interested in a project you are reviewing for a zone change. I have some specific concerns about this application, proposed in the neighborhood I grew up in, Walton St and Steven's Ave. The first is really the root of all of my other concerns about this application, and the reason I believe a zone change would be disastrous for this area, the project is WAY too big. Every time I look and new renderings for this development there are one or two buildings added to the plan. At your meetings there has rarely been a discussion about the aesthetics of such an aggressive build ,indeed there has been calculation upon calculation to try to figure out how to get more units on a postage stamp. That alone should send up a red flag. This is an historic property in an historic neighborhood and the city is actually being asked to allow the developer to saturate this estate with so many buildings, that in anyone's estimation, would be an insult to the grandeur of this irreplaceable treasure. The very thought shows no regard for the significance of this Historic building . If the zone change occurs I guarantee that the developer will be back in your office looking to put up two or three more buildings on the Catherine McAuley site because the school will surely be choked out by this aggressive construction. I will concede that many of us are nostalgic about the place we grew up, played with our friends and went to school, but I am lucky enough to share some unique memories about an area of Portland that I was always told as a child was special. One could go to school from sub primary and, in those days all the way through college , today I believe a doctorate at UNE, and all in walking distance on one street. That distinction is about to change forever as we close more and more of our neighborhood schools.

With an zone change at 605 Stevens Ave ,I firmly believe, that you will be ringing the death knell for Longfellow and McAuley and then Lincoln will follow soon. If the project you are considering at the Motherhouse passes the complexion and livability of this unique area will change forever. I can see the rehab developers ,eager to capitalize on tax credits and subsidies, ready to jump in and repurpose those

buildings into "affordable housing", and save the day. Indeed, that will take care of our immediate need to house the baby boomers, and find a use for our large, hard to heat, beautiful historic structures for today. But what about our future as a city. It seems to me what makes that particular area of Portland so attractive to families who have chosen to live there, are the very same issues we are dismissing about this project in favor of the developer's plan to build as many buildings as allowed

. Please please please - all of you of take a ride or better yet an evening stroll from the UNE campus through to Deering High School. Look around at how beautiful the area is. Take a walk on the Motherhouse property and envision those massive buildings on the grounds and then stop for a coffee at the Black Cat Coffee Shop, or an ice cream at Jet video, and see the families and their pets walking or riding bicycles enjoying being neighbors. Take away those schools, take away their sense of safety, make that community too difficult to navigate, and enjoy, and you can take away those families and those businesses.

Hand in hand with the size of this project, is the uncertainty of what we are going end up with on this site. This is what I have observed over a series of several meetings that I have attended about this project. The developer, by his own admission has had TEN YEARS to work on the plans for this property, while also carrying out similar projects in other areas throughout the State. At this point, his company should be fairly well versed in the particulars of this type of build and the issues they might face. Why then at every meeting, when they have been asked a direct question about very important aspects of this development the answers have been "we need to do more homework" or "that's something we are thinking about". Well, in my mind the answer then would be, go back, think about it, do your homework and get back to us. I am reminded of a famous quote that a teacher of mine used "poor planning on your part, does not constitute an emergency on mine". If they are not ready to answer the very important questions about the impact their proposal will have on the safety and quality of life for the citizens of Portland and the surrounding environment, then why are we rushing to a hearing. I know the easy answer is "so they can apply for their tax credits" but with all due respect they have had 10 years to think about this and I for one have more questions than answers about this proposal. Their poor planning is not the citizens of Portland's emergency.

And lastly, while I understand the need for zone review off the peninsula, and some projects require a denser use than R5 allows, I propose that there are several plots of land in areas that will have low impact on their surroundings and the city's neighborhoods that R5a might seem appropriate, this historic setting is just not one of them. I applaud the efforts you make on the citizens behalf, and trust that you will make a thoughtful decision to deny the zone change and insure the development on this site

will be kept in the respectful scale that such an irreplaceable part of our history deserves.

Thank you,
Judith A Girard

From: "Katie Mahoney" <krm35@maine.rr.com>
To: <jf@portlandmaine.gov>
Date: 5/7/2015 6:22 AM
Subject: R5A Zone - the McAuley Place Project at 605 Stevens Ave

Good morning,

Since the height in R5 is 35 feet, a reasonable height for R5A would be 45 feet. If the height for R5A is 55 feet in this particular project, it detracts from the visual significance of the Mother House and will create a wall next to Baxter Woods blocking sunlight from the trees and reduce the view from the inside Baxter Woods.

In light of recent news articles regarding the abuse of tax credits, I am concerned about rushing a zone change for this property without a full understanding of how these credits can be used. The need for tax credits is the reason for the rush. This is our money too. Please investigate whether the same abuse could happen before making a zone change recommendation.

I like the density the way it is. Please preserve our neighborhood.

Katie Mahoney

Deerin Ave

Portland

Jennifer Munson - Planning Board: 605 Stevens Ave zone change YES

From: Jesse Thompson <jesse@95mdl.com>
To: Jean Fraser <JF@portlandmaine.gov>
Date: 5/10/2015 11:06 PM
Subject: Planning Board: 605 Stevens Ave zone change YES
CC: Jeff Levine <jlevine@portlandmaine.gov>, "Tuck O'Brien" <stuartobrien@me...>

Please forward this to the Planning Board members as possible:

I hope my comments do not arrive too late for entry into the public record for next Tuesday's Planning Board Public Hearing. Unfortunately I am not in town Tuesday night, or I would gladly speak in public what I'm writing below.

I'm a resident of Deering Center and have been for many years. Our family currently lives on Madeline St, only a few blocks from the proposed zone change on Stevens Ave. My children attend Longfellow & Lincoln Schools, and they both walk to school every day through our neighborhood. They are currently walking past posters tacked to every pole in the neighborhood decrying the proposed design for 605 Stevens Ave as "Imperiling Our Neighborhood".

I could not disagree more. I hear that letters in favor of projects like this are much more rare than angry letters scared of what change might bring, but I also know that many members of my neighborhood would welcome this project whole heartedly, they've said as much to me even if they have not written in to say so.

I support both the renovation of the Mother House and the new homes proposed to be built behind it.

The proposed renovation of the Mother House is critical to ensure that this important community building does not languish unused for any more years. The team working on this project has done wonderful things at the Nathan Clifford School and numerous other historic renovations. They should be applauded for taking on such a difficult & risky project.

The other new residences proposed in the rear of the lot would also be a wonderful addition to our neighborhood. The fears being raised by opponents of this project are just that, fears. Where else in Portland would it be possible to create new homes like this for people within walking distance of great restaurants (Siano's & The Cafe at Pats), close by neighborhood businesses (The Quality Shop, Black Cat Coffee, Jet Video, etc), close enough to volunteer at neighborhood schools (Longfellow, Lincoln, Deering High) and have wonderful walking paths in historic Evergreen cemetery, all without requiring a car.

To claim building new homes for people within walking distance of so many great resources will harm our children walking to school with too many cars is fear mongering, plain and simple. The Planning Board will need to make sure that there is good connectivity to the neighborhood through walking paths, low speed roadways and the like, but if this is accomplished carefully, we will only see a better neighborhood in the end.

I sincerely believe that building new homes like this project proposes will only bring benefits to our city, including more customers for our neighborhood businesses, more tax dollars to help fund our schools and new neighbors to help make Deering Center an even better place.

I hope you approve the Zone Change before you this week, I believe this project will greatly improve our neighborhood.

Thank you,

Jesse Thompson
95 Madeline St
Portland

>>> Michael Mertaugh <michaelmertaugh@gmail.com> 5/8/2015 1:35 PM >>>

Dear Ms. Fraser,

I wish to offer the following comment on the proposed zoning change for the Sisters of Mercy Motherhouse site on Stevens Avenue:

The proposed zoning change would enable a large-scale senior housing development on Stevens Avenue that is fundamentally incompatible with the unique character of the Stevens Avenue neighborhood. This neighborhood along this stretch of Stevens Avenue is a unique educational "campus" for the city of Portland, with important historical educational institutions ranging from elementary schooling through middle school and high school, and the undergraduate and graduate programs at the University of New England. The proposed development site is also across the street from the historic Evergreen Cemetery, a National Register landmark and one of the most loved of Portland's open spaces, and immediately adjacent to Baxter Woods -- a much-used rural retreat within the city limits. The proposed development would significantly diminish the wilderness park experience for the users of Baxter woods, and would impose safety risks for the many students who walk and otherwise travel this corridor on their way to and from school. A plethora of studies document the much higher accident risk among elderly drivers, a large number of whom would be brought to the site by the proposed development. The project would generate a major increase in traffic flows along this critical stretch of Stevens Avenue, in contrast to the neighborhood's efforts to reduce traffic flows and lower vehicle speeds. The proposed massing of new buildings adjacent to the Motherhouse would also diminish the historical significance of this important city landmark. For these reasons, I urge the Planning Board to reject the applicant's proposal for a change to R6 zoning.

Best regards,

Michael Mertaugh
118 Beacon Street
Portland Maine

>>> o <jagwindham@aol.com> 5/8/2015 5:25 AM >>>

Judith A Girard
185 Warren Ave
Portland, Me 04103

To: Planning board and staff,

On the heels of my first letter to city officials, I am prompted to write another after looking at the results of the developers traffic study. While the amount of time I might have to sit at a traffic light might affect my ability to get to work or school on time, the issues in this area are much broader. There was no consideration given to the large number of bicycle and pedestrian travelers heading to and from those Schools. In the interest of safety, we must not ignore the facts, or some family will pay the price. This is not an IF it happens, it is WHEN it happens.

I found myself at the intersection of Pleasant and Steven's Avenues @5:40 PM last evening (actually before I had an opportunity to read the traffic study) and this is exactly what I observed. I was the first car in line with a red light, about to take a right hand turn on to Steven's. In the intersection on my side of the street trying to cross Steven's Ave, was a mother and son on bicycles with tennis rackets. On the opposite corner, two young (pre teen) girls crossing to the Jet Video (my) side of the Street. Looking towards Deering High a couple walking and a woman walking her dog were heading away from Pleasant and another group of children (@5 middle school age) walking towards me on my side of the street. The doors were open at Jet inviting the post dinner ice cream rush, and a "family" of bicycles (3) were propped up against their building next to a double jogging stroller. There were cars in all four directions and every parking space was full, except one handicapped spot to my right. After the light turned and the pedestrians crossed, I turned right and as I approached the Quality shop (again several cars, bicycles and pedestrians) there was a young woman starting to cross from the Pat's/ Siano's side to the Quality shop. Continuing a block Baxter Woods was, as usual busy with couples and owners waking their pets, and a mother sat at the picnic table while her young son played on the big log next to her. I pulled into McAuley for the heck of it to see what was going on there, and found their parking lot @ 1/3 full and a group of Lacrosse players coming off the field after a practice, and a Little League or some sort of baseball game going on at another field. Clearly the community uses those fields not just McAuley because these were very young children.

The area is bustling with families, children, pets and their parents, and drivers of any age need to use caution and keep their eyes open when they navigate through this neighborhood. The numbers in that traffic study do NOT even begin to show the whole picture. I urge the planning board members to visit the area and the site of the proposed project and then tell me that R5A is appropriate for this neighborhood.

Thank you,
Judith Girard

William K Kendrick
185 Warren Ave
Portland Maine 04103

Re; Zoning change for the contemplated development of the 605 Stevens Ave property at
Catherine McAuley High School and the Mother House

Dear Mr. O'Brien

I am a Portland resident who is quite concerned about several aspects of the contemplated development on the Sisters Of Mercy property on Stevens Avenue. My concerns arise largely from the scale of the project and the impact that further development of this magnitude will have on the neighborhood density and traffic. At the most recent workshop (April 14 2015) the applicant again informed those in attendance that the development team has not yet completed it's "homework" and that some important details of the project have not yet been completed. Consequently the acting chair of the meeting suggested that another workshop be scheduled to deal with those open issues. The applicant pointed out that another workshop might jeopardize their ability to apply for and obtain the tax credits needed to finance the project. Despite the open issues and gaps in the project details the city officials then decided to forego another workshop and proceed with the public hearing. That decision seems to be at odds with the planning and due diligence work that remains incomplete.

There were also comments made by a member of the Planning Board late in the workshop after the opportunity for public comment had closed. Mr. Bill Hall expressed his view that he was not at all concerned by increasing traffic loads in the area. Mr.

Hall offered no facts to support his views and he seemed to simply dismiss the concerns of so many in the neighborhood who are acutely aware of traffic and parking problems along both Stevens and Forest Avenues.

To the best of my knowledge, an adequate traffic study has still not been completed ,or even scheduled. Given the scale of the project, current traffic and parking issues, and the proximity of so many schools, it strikes me that a thorough traffic analysis is essential before the zone change is considered. As recommended by the city's planning staff, that study should include the impact of already approved expansions at Park Danforth and Deering Pavillion .

I have attended several of the public meetings regarding this project where the applicant has suggested that they are considering underground parking as a solution for the number of spaces needed for such dense building. They have also acknowledged the expense might be prohibitive depending on site geology. Also, statements at previous public meetings have expressed knowledge that the property has "water issues" making underground parking impractical. The fact that the applicant has not yet addressed these issues is, I think, a further indication that insufficient information has been provided to approve a zone change at this time.

Sincerely,
William K Kendrick

PC 23

Jennifer Munson - Fwd: Deering center redevelopment

From: Jean Fraser
To: Munson, Jennifer
Date: 5/11/2015 5:34 PM
Subject: Fwd: Deering center redevelopment

to add

>>> Kim Crabill <kcrabill93@gmail.com> 5/11/2015 5:18 PM >>>

I have been a Deering Center resident for over 13 years and I'm excited about this redevelopment project.

Kim Crabill
207.615.3181

PC 24

Jennifer Munson - Fwd: Zoning for Steven's Ave. development

From: Jean Fraser
To: Munson, Jennifer
Date: 5/11/2015 5:33 PM
Subject: Fwd: Zoning for Steven's Ave. development

to add

>>> Barbie Weed <infoandwork@gmail.com> 5/11/2015 5:06 PM >>>

Hello,

I am a homeowner/resident of Deering Center and am concerned about the proposed zoning application for the property behind McAuley High School. I recognize that this property will probably be developed in some fashion, but I would object to any zoning proposal that would allow any future developer to create housing units with a significant density or that would allow businesses along that stretch of Stevens Avenue. Deering Center is a residential neighborhood, but we are constantly having to fight for the quality of life that caused us to spend money for homes in this area. The traffic caused by a dense housing development along Stevens Avenue would make travel, which has already been compromised by UNE's student traffic on this overused artery, continuously hazardous. There are thousands of K-12 students on Stevens Avenue daily during the school year and there is no reason to increase their risk. This is especially true since high school students who are not attending Deering will, starting next year, be walking and trying to catch buses along Stevens Avenue in order to get to school.

I am also concerned about how a tall development would impact Baxter Woods and how a development covering significant land surface would impact the watershed that runs through the neighborhood. The environmental impact of both of those things could have serious detrimental effects. The city was entrusted with the maintenance of the Woods, which is a vital environment for a host of animals and plant life. Those plants and trees help manage the water that naturally flows through the neighborhood. If the woods are unhealthy or unable to grow because light conditions change, the water flow could affect homes, Forest Avenue, and even the new development.

I lived on the peninsula for many years, but, like most of my neighbors, I eventually bought a home in this neighborhood in order to stay in Portland while avoiding the congestion. Portland needs to create a plan for expansion and unbridled development does nothing for maintaining a healthy city. Open land should not be wantonly filled with compact apartments just because it can be. Deering Center is not a suitable location for a development that would completely subvert the residential, family quality of this neighborhood. I call upon the Planning Board to act in the interest of the taxpayers of this neighborhood, not the developers. Ensure that zoning allows for only development that will not cause harm to our community.

Barbara Weed
26 Brentwood Street

May 7, 2015

To: Jean Fraser & Planning Board, City of Portland

Re: 605 Stevens Avenue

From: Bobbi Cope, 172 Concord Street

I oppose allowing the R5A on this property on Stevens Avenue because:

- There are traffic safety risks that cannot be 'mitigated'. I think it is irresponsible and reckless of the Board to dismiss traffic concerns without further consideration. **The thousands of child pedestrians that walk along Stevens Avenue on a daily basis have not been counted in any of the traffic analyses.** Please remember that two children have been killed on this street. In my conversations with a traffic expert I've been made aware that the combination of young children and elderly drivers is the most dangerous and deadly. The traffic analysis that was provided by the applicant appears to be an analysis from an engineering perspective. It does not address any of the safety issues that we raised. These risks exist today even without considering the introduction of 368 additional dwelling units here, and Park Danforth's and UNE's ongoing expansions thrust into the middle of it. The applicant states "Compared with virtually every other type of use allowed on the property under zone 5 or 5A, a senior community will produce the lowest and safest amount of traffic by far." This is conjecture. What other uses have been considered?
- R5A would allow density that is disproportionate.
- If approved, the maximum height allowed for this project should be property specific and not lumped in with R5A development in other neighborhoods. The height limit that is being proposed of 55 feet is inconsistent with the surrounding buildings, landscape and suburban neighborhood which currently has a 35 foot maximum. This creates a visual scale that suits the area. You have relied on the applicant's approximations of the height of the Motherhouse. Throughout the application process they have submitted varying measurements. If the height of the Motherhouse is somehow going to dictate the height that is going to be allowed, there should be a measurement done by a third

party for the record. The applicant stated (April 24) "no building exceeds the roof height of the existing Motherhouse". **This language will not be in the R5A language and would allow the applicant or another developer to possibly exceed the height of the Motherhouse.**

- The R5A does not allow a school. Applying the R5A here is a square peg in a round hole. The project would be on a street that is essentially a 'school zone' from end to end. I find this remarkable and obviously inconsistent with the neighborhood that has been a street of schools for over one hundred years. This development would put a halt to any potential growth at McAuley High School (almost certainly be its death knell) and, in fact, would encourage a transformation into something completely inconsistent with the neighborhood's context, history and current zoning.
- I have heard the term "elder warehousing" to describe what's happening in such a concentrated area. With Park Danforth's planned expansion, Deering Pavilion's likely expansion since they are in R6A now, a possible repurposing of Longfellow if it closes, and this proposal within ½ mile of each other, the unpleasant term seems apropos.
- This project, as proposed, does not fit in this neighborhood. It's in high contrast with the current zoning and the majority of opinion in the neighborhood and by others who frequent the area is in opposition to the change to R5A. In contrast, the 802 Ocean Avenue project is being supported by neighbors.
- In the Motherhouse on Holy Thursday, April 2nd, at the neighborhood meeting hosted by the applicant, in a room of at least 80 people, John Wasileski said, "If we are not embraced, we'll drop it." He also said, "My word is my bond." I'D LIKE TO HOLD HIM TO HIS WORD.

Here are some suggestions for development that would be better suited to the neighborhood.

- Build several homes on the property which would be in scale with the property and the neighborhood.
- Allow the school to grow. Perhaps McAuley could become a world class boarding school.
- Park: Expansion of Baxter Woods. We need more green space, not less.

- B & B (This is a common conversion for obsolete monasteries and convents throughout the world.)
- Retreat Center
- Urban Farm
- Orchards

Bobbi Cope

To: Planning Board, City of Portland and City Planner
Re: 605 Stevens Avenue zone change application/Public Hearing May 12, 2015
From: Bobbi Cope, 172 Concord Street
Date: May 9, 2015

I oppose allowing the R5A zone change on this property. The potential negative impact on this neighborhood cannot be overstated. Here are some concerns:

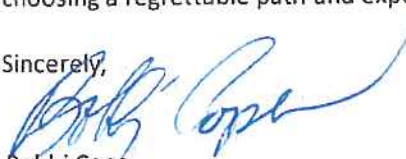
- incompatible density
- traffic safety and congestion
- the safety of thousands of children
- jeopardizing the future of McAuley (the state's only all girl school)
- sufficient new parking
- environmental impact
- negative effect on the experience and quality of Baxter Woods
- the loss of green space
- impact on storm water, ground water and springs
- historical significance
- the culture and tradition of Stevens Avenue
- incompatible building height, scale and massing
- the visual aesthetic
- manipulation of net/gross land area calculations
- trustworthiness of the developer
- unknown further development
- missing an opportunity to carefully plan a better alternative on this unique property (housing consistent with R5, development of educational institutions, expansion of Baxter Woods, conference and retreat center, urban farm, orchards, community gardens)

Public opposition to the proposed zoning ordinance changes has been overwhelmingly negative on virtually every proposed element. The proposed amendments to the R5A Zone would radically depart from decades of measured and sensible land use. I object to the Planning Board rushing through the process with all the unanswered questions and no consideration to any alternatives simply to accommodate the applicant's unsubstantiated warning that tax credits may be lost. Can you hear our plea?

Over the last few months you have been asked many questions, listened to many comments, heard and read compelling opposition, and considered challenging issues. You've looked at charts. You've read reports. You are charged with analyzing all of the data, from the planning staff, the applicant and the public. This is a long term issue. There is much more to consider and the citizens of the City, and in particular, the residents of Deering, are relying on you to be as thoughtful, deliberate and careful as you can be.

Lastly, you are legally bound to comply with the City of Portland's Comprehensive Plan. In light of my serious concerns, I have retained Perkins Thompson to review the text amendments for legal sufficiency and have been advised, per the firm's enclosed letter, that several of the proposed amendments are not legally viable. As a taxpayer of this City and lifelong resident of the neighborhood, I hope you will be cautious before choosing a regrettable path and exposing the City to the risk and expense of litigation.

Sincerely,



Bobbi Cope

May 11, 2015

Ms. Bobbi Cope
172 Concord Street
Portland, ME 04103

**Re: Legal Viability Review of Certain Proposed Amendments to the R5a Zone
in the Portland Land Use Ordinance**

Dear Ms. Cope:

You have retained this firm to review proposed amendments to Portland's Land Use Ordinance prepared by the Portland Planning Department, as set forth in **Attachment 1** (Proposed Amendments), to evaluate their consistency with the City's Comprehensive Plan.

The Proposed Amendments include revisions to the Ordinance's R5a zone, Division 6.5, §§ 14.126 *et seq.*, and to the definitions of "congregate care facility" and "net land area" §14.47 ("Definitions"). The City Planner's April 10, 2015 Memorandum to the Planning Board advises that the Proposed Amendments are a merger of proposals from three sources: an Ocean Avenue property developer, a developer/purchaser of the Sisters of Mercy's property at 605 Stevens Avenue, and the City's planning staff.

The Proposed Amendments involve significant and sweeping changes to the Ordinance's R5a zone, including its review process and standards for large, higher density projects. They would cancel the City's ability to negotiate with the developer through the R5a zone's current contract zoning mandate for large projects and to obtain public benefits through that process (such as greater open space, public access, and preservation of natural features) in exchange for such higher density allowances.

In effect, the Proposed Amendments would overhaul the R5a zoning provisions in the Land Use Ordinance to accommodate a developer's preferred sized project, before the developer even submits a permit application. This is the reverse of the normal process, where a developer designs and circumscribes its project, and then submits its permit application to meet the existing terms of the Land Use Ordinance.

PHILIP C. HUNT
JOHN S. UPTON
PEGGY L. McGEHEE
MELISSA HANLEY MURPHY
JOHN A. HOBSON
JAMES N. KATSIARCAS
TIMOTHY P. BENOIT
J. GORDON SCANNELL, JR.
FRED W. BOPP III
MARK P. SNOW
WILLIAM J. SHIELS
DAVID B. McCONNELL
PAUL D. PIETROPAOLI
RANDY J. CRESWELL
JULIANNE C. RAY
DAWN M. HARMON
CHRISTOPHER M. DARGIE
STEPHANIE A. WILLIAMS
PETER J. McDONELL
SARA N. MOFFIN
SHAWN K. DOIL
JOSEPH G. TALBOT
LAUREN B. WELIVER
JOSEPH C. SIVISKI
JOHN W. MASLAND

In the face of such an Ordinance overhaul to accommodate an individual developer in advance of its permit application, particular scrutiny should be given to the City's Comprehensive Plan to insure the Proposed Amendments are consistent with it, as required by both the City and the State. *See* 30-A M.R.S. § 4352(2) (a municipal ordinance must be "consistent with a comprehensive plan adopted by the municipal legislative body...").

Our review finds that at least three of the Proposed Amendments are inconsistent with the City's Comprehensive Plan, as they contradict the Comprehensive Plan's description of the core features that are to be included in the R5a zone.

The City's Comprehensive Plan includes, in its Volume II, summary descriptions of each of the City's land use zones, so as to "define" each zone's "purpose" and "parameters".¹ Its description of the R5a zone states in relevant part:

7. R-5a RESIDENTIAL... The permitted residential uses in the R-5a zone are very similar to those in the R-5 zone, except that multiplexes are not allowed. The other significant difference is that PRUDs may be developed at a higher density. PRUDs in an R-5a zone require a minimum of 3 acres and a minimum net land area of 1,600 square feet per unit compared to 3,000 square feet in the R-5 zone. The R-5a is applied through rezoning when a site and development proposal meets the intent of this zoning classification.

Comprehensive Plan, Volume II, Implementation Plan: Future Land Use Plan, p. 64 (emphasis supplied).

As explained below, the Comprehensive Plan's parameters for the R5a zone are that: 1) higher density projects in the R5a zone are available only as PRUDs; 2) the standard of a 1,600 square feet minimum net land area per unit means "net land area" as it was defined when this Plan parameter was adopted; and 3) landowner rezoning to an R5a PRUD must be done through conditional or contract zoning.

- 1) **The Comprehensive Plan requires that large, higher density projects (including congregate care facilities and multi-family dwellings) only be permitted in the R5a zone as PRUDs.**

The Plan states that "[t]he permitted residential uses in the R-5a zone are very similar to those in the R-5 zone, except that multiplexes are not allowed." As stated in the Plan's description of the R-5 zone as to all permitted uses (excepting out multiplexes):

¹ Comprehensive Plan, Volume II, Implementation Plan: Future Land Use Plan, p. 53, stating that it "lists each zone under the designated growth or rural areas and *defines the zone with its general location, purpose, parameters* and potential revisions." (emphasis supplied)

The residential uses permitted in the R-5 zone include single and two-family structures ... Planned Residential Developments (PRUD) with horizontally or vertically attached units, single family manufactured housing units, and handicapped family units. Parks, home occupations, and special needs independent living units are permitted. Some of the other conditional uses include sheltered group homes, alteration of a structure for 3 or more dwelling units, conversion of units to lodging houses, schools, churches, private clubs, hospitals, colleges, and day care facilities.

Comprehensive Plan, Volume II, Implementation Plan: Future Land Use Plan, p. 63.

The Plan's R5a zone parameters do not include as "permitted" uses, therefore (outside of PRUDs), either congregate care facilities or multi-family dwellings, which are not listed in the R-5 zone's list of permitted uses. (Note: The term congregate care facility is currently *defined* in the Ordinance, §14.47, as a "planned residential unit development.")

Thus, the provisions in the Proposed Amendments that would add congregate care facilities and multi-family dwellings as "permitted" uses in the R5a zone, instead of as versions of a PRUD, see **Attachment 1**, would be, on their face, inconsistent with the Comprehensive Plan. (Note: The Proposed Amendments would also change the definition of "congregate care facility" to delete the words "planned" and "unit," rendering it also inconsistent with the Plan's references to such facilities).

- 2) **The Comprehensive Plan requires that the 1,600 square feet minimum net land area as that term is used in the R5a zone must have the same meaning as it had when the Plan provision was adopted.**

The proposed overhaul of the Ordinance definition of "net land area," the effect of which will be to expand substantially the amount of a property's developable land (by deleting from the "net" calculation, easement areas, storm water detention areas, inaccessible areas, and the 20% open space requirement, see **Attachment 1**), would render the Ordinance's definition *per se* and inherently inconsistent with the Plan's meaning of the phrase in its description of the parameters for the minimum net land area in the R5a zone.

- 3) **The Comprehensive Plan requires that PRUDs in the R5a zone be applied through landowner contract or conditional rezoning.**

As to the Comprehensive Plan's statement that "[t]he R-5a is applied through rezoning," such rezoning application is provided, under the terms of the Plan, through conditional or contract zoning. The Plan states that "[c]onditional or contract zoning is authorized for rezoning ... [and it is] limited to where a rezoning is requested by the owner of the property to be rezoned." Comprehensive Plan, Volume II, Implementation Plan: Future Land Use Plan, p. 79.

The Ordinance's R5a zone provision, § 14.127(2), thus states, as consistent with the Plan, "[p]lanned residential unit development (PRUD) consisting of horizontally or vertically attached

dwelling units or a series of such dwelling units ... shall be implemented through conditional or contract zoning, as described in division 1.5, for specific sites and proposed development meeting the overall requirements specified herein.”² See 30-A M.R.S.A. § 4301(5) (“‘Contract zoning’ means the process by which the property owner, in consideration of the rezoning of that person’s property, agrees to the imposition of certain conditions or restrictions not imposed on other similarly zoned properties.”).

The Proposed Amendments’ deletion of conditional or contract zoning as the PRUD rezoning process is thus inconsistent with the Plan’s parameters for R5a rezoning by landowner application.

Should these Proposed Amendments be adopted, they will not only render the Ordinance’s R5a zone inconsistent with the Comprehensive Plan, their effect will be to enable the developer to avoid the material dimensional and density limits that are incorporated into the Ordinance’s PRUD standards and its net land area calculation, and to avoid trading public benefits for density bonuses. We understand that this is a particular concern for your Stevens Avenue neighborhood, as the proposed project on the Sisters of Mercy 13+ acre property would enable the construction of more than 350 units in large block buildings that would be 55 feet high.

Independent of the *per se* Plan inconsistencies that the Proposed Amendments would cause, there is the question whether the very size and scale of the proposed Sisters of Mercy property development would render any R5a rezoning of the property, without any contract zoning conditions and limits, to be inconsistent with the Comprehensive Plan’s goals and policies for the Stevens Avenue neighborhood, including its goals to preserve the neighborhood’s integrity, to control and limit its traffic, and to insure building height compatibility.³ See *Rommel, et al. v.*

² Division 1.5 of the Ordinance provides examples of the types of conditions and restrictions that can be imposed through contract zoning, including:

- (a) Limitations on the number and types of uses permitted;
- (b) Restrictions on the scale and density of development;
- (c) Specifications for the design and layout of buildings and other improvements;
- (d) Schedules for commencement and completion of construction;
- (e) Performance guarantees securing completion and maintenance improvements, and guarantees against defects;
- (f) Preservation of open space and buffers, and protection of natural areas and historic sites;
- (g) Contributions toward the provision of municipal services required by the development; and
- (h) Provisions for enforcement and remedies for any breach of condition or restriction.

City of Portland, Code of Ordinances, § 14-62.

³ For example, the Comprehensive Plan and its incorporated studies state as its goals that are relevant to the Stevens Avenue neighborhood, that:

- “To make drivers aware of foot traffic and demonstrate means of diverting through-traffic from streets that cut through neighborhoods. Pilot Area 1: Stevens Avenue from approximately

City of Portland, et al., 2014 ME 114, 102 A.3d 1168 (conditional rezoning upheld to permit the renovation of residential spaces in a parish house and office space in the first floor). In *Rommel*, the Law Court noted that the City “considered and balanced the goals of the comprehensive plan” and that “the City Council approved the rezoning only after attaching conditions [] to ensure the [contract zoning agreement was] consistent with the comprehensive plan.” *Id.* ¶ 16,

Evergreen Cemetery to Frost Street. Elements: Aggressive traffic ‘calming’ techniques, Pedestrian circulation/safety measures (as are being proposed in a Stevens Avenue pedestrian study now ongoing)”. Transportation Plan p. 68.

- Goals for R-5 zone: “...reinforce the context and existing character of the neighborhood; The buildings’ massing...shall be consistent with existing residential buildings in a two block radius.” Housing Study (Design Manual) p. 1 at (1) and (3).
- Neighborhood Stability and Integrity: Policy: “...protect the stability of Portland’s residential neighborhoods from excessive encroachment by inappropriately scaled and obtrusive commercial, institutional governmental and other non-residential uses.” Housing Study, Policy #3, p. 18.
- “Uphold Zoning: Enforce approved density regulations in the Zoning Ordinance.” Housing Study, Policy # 3, p. 18.
- “Adopt design guidelines for new housing...compatible with the character and patterns of development in each neighborhood.” Housing Study, Policy #3, p. 18.
- “Traffic and streetscape studies for Stevens Avenue, Congress Street and Brighton Avenue offer a range of improvements to increase the multiple uses of these roads. Raised crosswalks are located along Stevens Avenue to slow down traffic and create safer crossing points for students attending the five schools along this Avenue. Comprehensive Plan, Volume I, T-4.
- “...the problem of through-traffic dividing and disrupting neighborhoods is likely to persist and must be addressed directly. The proposed strategy has four parts, dealing with arterials in four different situations: 1. Where commuting traffic has an alternative to the arterial that is cutting through the transportation district and its neighborhoods, take steps that will discourage use of the arterial (including “calming” traffic through reduced roadway capacity, substituting on-street parking, bike lanes, etc.) and, concurrently, encourage the use of other arterials that are better located (upgrading the latter arterials if necessary). The use of raised crosswalks on Stevens Avenue and concrete center circles at selected intersections on Capisic Street are examples of traffic calming on arterials.” Comprehensive Plan, Volume I, T-13.
- “Baxter Woods – this Park has 32 acres of forest. It is the largest undisturbed forest in the city and contains valuable stands of White Oak and groves of Hemlock. An important section of this ‘old growth’ forest is on land owned by the Sisters of Mercy (Catherine McAuley High School) and the Deering pavilion. This part of the forest was likely cut at one point over 150 years ago. Governor Baxter planted a plantation of Red Pines in 1947.” Comprehensive Plan, Volume 1 (N-12).

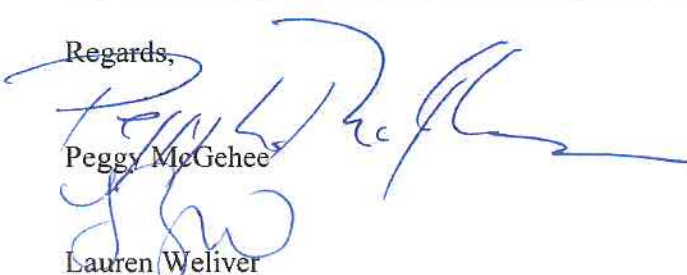
Ms. Bobbi Cope
May 11, 2015
Page 6

103 A.3d at 1172. Such conditions included obligating the property owner "to rehabilitate, renovate, and maintain the property at higher standards than required under the Historic Preservation Ordinance alone." *Id.* ¶ 18, 102 A.3d at 1173. The Proposed Amendments here would cancel these contract or conditional rezoning and other protections that had sustained the *Rommel* rezoning.

We do not see in the Planning staff memoranda that the Planning Department has considered the above cited Comprehensive Plan provisions in its consideration of the Proposed Amendments' consistency with the Plan. You may therefore wish to forward this analysis to the Planning Department for its consideration and comment.

We will, in the meantime, stand by for any further assistance we can provide.

Regards,



Peggy McGehee

Lauren Weliver

**Proposed Text Amendments Defintions; RSA; Site plan
for May 12, 2015 PB Hearing
Prepared by Portland Planning Staff**

Sec. 14.47 Definitions.

Congregate care facility: A ~~planned~~ residential ~~unit~~ development which provides individual living or dwelling units with support services which provide assistance to residents. Services to be provided shall include:

- (a) Transportation for essential support activities. This service shall be included in the base rent;
- (b) Provision of at least one (1) meal per day;
- (c) Programmed social activities which are facilitated by staff. This service shall be included in the base rent;
- (d) Provision of personal care services including, but not limited to, housekeeping, laundry, and minimal health monitoring; and
- (e) Installation of emergency call buttons or systems in each congregate care living unit.

The population of a congregate care facility shall consist of persons fifty-five (55) years of age or older and their spouses and/or disabled persons and their spouses.

Living Unit: An independent self-contained dwelling unit that does not include full kitchen facilities.

Net land area: Net land area, as set forth in sections 14-90, 14-120 and 14-130 of this article, shall be calculated by subtracting from gross area the square footage of the following:

- ~~(a) 1. Stormwater retention areas;~~
 - ~~2. Stormwater detention areas, unless improved for passive or active recreational use;~~
- (b) Existing watercourses, as defined in this section, measured by the area between the top of the banks at the normal high water mark, as defined in this section.
- ~~(c) Inaccessible areas, as defined in this section;~~
- (d) Wetlands, as defined in this section;
- ~~(e) Areas encumbered by existing easements, dedications or similar restrictions, which limit or preclude the construction of permanent structures or which are for any reason unavailable for use in connection with the proposed development.~~

(f) Slopes of twenty-five (25) percent or greater. Where a slope of twenty-five (25) percent or greater was altered to less than twenty-five (25) percent within the two (2) years immediately preceding the submission of the application for development, such slope shall also be subtracted from the gross area;

~~(g) Twenty (20) percent of the area remaining after the deductions of factors (1) through (6) of this definition.~~

~~Inaccessible area:~~

~~(a) Land which is separated from the main portion of the development parcel by means of one (1) or more of the following:~~

- ~~1. Existing easements, rights of way or dedicated areas which preclude use in conjunction with the proposed development;~~
- ~~2. Cullies, drainage swales or watercourses, where the land which is separated thereby from the main development parcel is not to be used for the building of units or is not available for active or passive recreation areas; or~~
- ~~3. Areas which are located more than three hundred (300) feet from the nearest proposed dwelling unit.~~

~~(b) Areas which are not to be used for building purposes and are connected to the main portion of the development parcel only by a strip of land which is less than fifty (50) feet wide shall also be deducted as inaccessible areas.~~

DIVISION 6.5. R-5A RESIDENTIAL ZONE

Sec. 14-126. Purpose.

The purpose of the R-5A residential zone is:

- (a) To provide for moderate-density residential development in off-peninsula sections that can provide a unique residential living experience with a high degree of natural site amenities; and to provide areas of the city in the general proximity of the peninsula that have the capability for adequate municipal services, including traffic corridors with adequate traffic capacity, that can appropriately accommodate a more intensive use of land than other lower-density zoned land and be compatible with surrounding neighborhoods; and to increase affordable housing opportunities in off-peninsula locations by providing a moderate-density zone.

Sec. 14-127. Permitted uses.

The following uses are permitted in the R-5A residential zone:

- (a) Residential:

1. Single-, two-and three-family dwellings.

2. Planned residential unit development (PRUD) consisting of horizontally or vertically attached dwelling units or a series of such dwelling units. No dimensional requirements contained in section 14-130 shall apply with respect to such developments except for those requirements specifically denoted for PRUD. There shall be no open outside stairways or fire escapes above the ground floor. ~~The planned residential unit development shall be implemented through conditional or contract zoning, as described in division 1.5, for specific sites and proposed development meeting the overall requirements specified herein.~~ All land shall be owned and used in common and shall be governed and maintained as set forth in section 14-498(i)(3) of article IV (subdivisions). Such development shall be subject to review and approval by the Planning Board with respect to the requirements of article V (site plan) and article IV (subdivisions) of this chapter, whether or not such development is a subdivision within the meaning of article IV of this chapter, as now enacted or as hereafter amended.
3. Handicapped family unit, as defined in section 14-47 (definitions) of this article, for handicapped persons plus staff.
4. Single-family, multiple-component manufactured housing, as defined in section 14-47 (definitions) of this article, except in a National Register Historic District.
5. Single-family, single-component manufactured housing, as defined in section 14-47 (definitions) of this article, on individual lots under separate and distinct ownership, except in a National Register Historic District, provided that each unit meets the performance standards listed below:
 - a. More than half of the roof area of each unit shall be a double pitched Class C rated shingled roof with a minimum pitch of 3/12.
 - b. Each unit shall be installed on a full foundation or a concrete frost wall in accordance with all applicable codes and regulations. Any hitch or tow bar shall be removed from the unit after it is placed on its foundation or frost wall. In the case of a frost wall, vermin proof skirting shall be installed on all sides of the unit. The skirting may consist of either (a) concrete or masonry block or (b) manufactured skirting. If concrete or masonry block skirting is installed, either the exterior siding of the unit shall extend within one (1) foot of grade or decorative masonry siding shall be applied. If

manufactured skirting material is installed, the color shall be identical to or compatible with the exterior siding of the unit.

- c. Each unit shall have exterior siding that is residential in appearance, including but not limited to natural materials such as wood clapboards or shakes, or exterior materials which simulate wood. Clapboards or simulated clapboards shall have less than eight (8) inches of exposure and sheet metal type siding shall not be permitted.
- d. Each unit shall have the long side of the unit parallel to the street line where the required street frontage is met.
- e. Each unit shall be provided with at least two (2) trees meeting the city's arboricultural specifications and which are clearly visible from the street line and are located so as to visually widen the narrow dimension or proportion of the unit.
- f. Each unit shall have all fuel oil supply systems constructed and installed within the foundation wall or underground in accordance with all applicable codes and regulations.
- g. No unit shall be horizontally or vertically attached to any other unit or other structure, provided however, that this provision shall not be deemed to prohibit building additions, such as porches, garages, room additions or solar greenhouses.

6. Multifamily dwellings.

7. Congregate care.

(b) *Other:*

- 1. Parks and other active and passive noncommercial recreation spaces;
- 2. Accessory uses customarily incidental and subordinate to the location, function, and operation of principal uses, subject to the provisions of section 14-404 (accessory use) of this article;
- 3. Home occupation, subject to the provisions of section 14-410 (home occupation) of this article;
- 4. Municipal use;
- 5. Intermediate, extended and long-term care facilities.

6. Wind energy systems, as defined and allowed in Article X, Alternative Energy.

Sec. 14-128. Conditional use.

The following uses shall be permitted only upon the issuance of a conditional use permit, subject to the provisions of section 14-474 (conditional uses) of this article and any special provisions, standards or requirements specified below:

(a) Residential:

1. Sheltered care group homes, as defined in section 14-47 of this article, for up to twelve (12) individuals, plus staff, and serving a primary population which is not handicapped persons, parolees, persons involved in correctional prerelease programs, or current illegal drug users, provided that:
 - a. A sheltered care group home shall not be located within five hundred (500) feet of another, as measured along street lines to the respective property lines.
 - b. There shall be no open outside stairways or fire escapes above the ground floor.
 - c. The facility shall make provision for adequate on-site staffing in accordance with applicable state licensing requirements. If a facility is not licensed by the state, there shall be a minimum of one (1) staff person for every ten (10) residents or fraction thereof.

The board of appeals may impose conditions upon a conditional use permit concerning the creation or operation of a sheltered care group home including but not limited to the following: site and building maintenance; lighting, fencing, and other appropriate security measures; screening and buffering of parking areas; compatibility of any additions or alterations with the existing residential structure; compatibility of new structures with the architectural character of the surrounding area; and limitation on the duration of the sheltered care group home permit.

(b) Other:

1. Utility substations, including water and sewage pumping stations and standpipes, electric power substations, transformer stations and telephone electronic equipment enclosures, and other similar structures, provided that

such uses are suitably screened and landscaped so as to ensure compatibility with the surrounding neighborhood.

2. Nursery schools and kindergartens.
3. Day care facilities or home babysitting services not permitted as a home occupation under section 14-410, subject to the following conditions:
 - a. The facility shall be located in a structure in which there is one (1) or more occupied residential units or in an existing accessory structure, unless the facility is located in a principal structure that has not been used as a residence in whole or in part within the five (5) years immediately preceding the application for a day care or home babysitting use or in a nonresidential structure accessory to the principal nonresidential use.
 - b. The maximum capacity shall be twelve (12) children for facilities located in residential or existing structures accessory thereto, unless the additional standards in subsection v. are met. There shall be no maximum limit on the number of children in a facility located in a principal structure that has not been used as a residence in whole or in part within the five (5) years immediately preceding the application for a day care or home babysitting use, or in a nonresidential structure accessory thereto, provided that any such structure that serves more than twelve (12) children shall be subject to review under article V of this chapter.
 - c. Outdoor play areas shall be screened and buffered from surrounding residences with landscaping and/or fencing to minimize visual and noise impacts.
 - d. Solid waste shall be stored in covered containers. Such containers shall be screened on all four (4) sides.
 - e. Day care facilities, nursery schools and kindergartens located either in structures that have been in residential use within the past five (5) years or in existing accessory structures and that serve between thirteen (13) and twenty-four (24) children shall meet the following additional standards:
 - i. The facility shall provide a minimum of seventy-five (75) square feet of outdoor play area per child;

- ii. The play area shall be located in the side and rear yards only and shall not be located in front yards;
 - iii. Outside play areas shall be separated from abutting properties by a fence at least forty-eight (48) inches in height;
 - iv. A ten-foot wide landscaped buffer shall be required outside of the fenced play area, and shall be established in accordance with the landscaping standards of the City's Technical Standards and Guidelines;
 - v. The minimum lot size for a day care facility located in a residential or existing accessory structure and serving more than twelve (12) children shall be twenty thousand (20,000) square feet;
 - vi. *Off-street parking:* Off-street parking is required as provided in division 20 (off-street parking) of this article.
 - vii. The maximum number of children in a day care facility located in a residential or existing accessory structure shall be twenty-four (24); and
 - viii. Any additions or exterior alterations such as facade materials, building form, roof pitch, and exterior doors shall be designed to be compatible with the architectural style of the building and preserve the residential appearance of the building.
4. Temporary wind anemometer towers, as defined in Sec 14-47, are permitted provided the following standards are met in addition to Sec 14-430:
- a. Towers may be installed for the purpose of wind data collection for no more than two (2) years after the issuance of a Certificate of Occupancy for the tower. At the conclusion of the aforementioned two (2) years, the tower must be dismantled and removed from the site within sixty (60) days; and
 - b. Towers shall be constructed according to plans and specifications stamped by a licensed professional engineer, which shall be provided to the Board of Appeals with the application; and

- c. Towers shall be set back from habitable buildings by a distance equal to 1.1 times the tower height; and
- d. The applicant shall provide a safety report prepared and stamped by a licensed professional engineer to the Board of Appeals with their application for conditional use, which demonstrates how the proposed temporary wind anemometer tower is safe in terms of strength, stability, security, grounding, icing impacts and maintenance; and
- e. The applicant shall provide evidence of commercial general liability insurance, such insurance to be satisfactory to Corporation Counsel and cover damage or injury resulting from construction, operation or dismantling of any part of the temporary wind anemometer tower; and
- f. Towers and associated guy wires shall be sited to minimize their prominence from and impacts on public ways (including pedestrian ways); and
- g. Towers shall be used for installing anemometers and similar devices at a range of heights from the ground to measure wind characteristics (speed, direction, frequency) and related meteorological data, but shall not be used for any other purpose; and
- h. A performance guarantee shall be required for the cost of removal of the tower, guy wires and anchors. This requirement may be satisfied by surety bond, letter of credit, escrow account or by evidence, acceptable to the City, or the financial and technical ability and commitment of the applicant or its agents to remove the facility at the end of the use period.

- 5. Wind energy systems, as defined and allowed in Article X, Alternative Energy.

Sec. 14-129. Prohibited uses.

Uses that are not expressly enumerated herein as either permitted uses or conditional uses are prohibited.

Sec. 14-130. Dimensional requirements.

In addition to the provisions of division 25 (space and bulk regulations and exceptions) of this article, lots in the R-5A zone shall meet or exceed the following requirements:

<u>Minimum Lot Size</u>	Residential (Single-, two- and three-family dwellings): 6,000 SF and a maximum lot size up to 2 acres ¹
	Planned residential unit development (PRUD), multifamily development of 4 or more dwelling units, and Congregate Care: 2 acres gross area
	Intermediate, extended or long-term care facilities: 1 1/2 acres.
<u>Min. Lot Area per D.U.</u>	Single-, two- and three-family dwellings: 1,600 SF. Planned residential unit development (PRUD), Congregate Care and Multifamily development of 4 or more dwelling units: 1600 SF of net land area. ²
<u>Min. Lot Area per Resident</u>	Minimum land area per intermediate care facility resident: 8,000 SF gross land area for the first thirty-five (35) residents, plus three hundred fifty (350) square feet for each additional resident.
<u>Min. Street Frontage</u>	50 feet.
<u>Min. Yard Dimensions for Single-, two- and three-family dwellings²</u>	1. Front yard: Principal or accessory structures: 25 feet. 2. Rear yard: a. Principal or accessory structures with ground coverage greater than one hundred (100) square feet: 25 feet. b. Accessory detached structures with a ground coverage of one hundred and forty-four (144) square feet or less: 5 feet. Setbacks for swimming pools shall be as provided for in section 14-432 (swimming pools) of this article. (continued)

¹ A lot in an unsewered residential district shall meet the provisions of the state Minimum Lot Size Law, 12 M.R.S.A. Section 4807-A, or the applicable zoning lot size, whichever is the largest. Except as provided for lots of record in section 14-433 (lots of record and accessory structure setbacks for existing buildings) of this article.

² Yard dimensions include setbacks of structures from property lines and setbacks of structures from one another. No structure shall occupy the minimum yard of another structure.

	3. Side yard: a. Principal or accessory structures with ground coverage greater than one hundred (100) square feet: <table> <tr> <th>Height of Structure</th><th>Required Side Yard</th></tr> <tr> <td>1 story</td><td>10 feet</td></tr> <tr> <td>1 1/2 stories</td><td>10 feet</td></tr> <tr> <td>2 stories</td><td>14 feet</td></tr> <tr> <td>2 1/2 stories</td><td>16 feet</td></tr> </table> The width of one (1) side yard may be reduced one (1) foot for every foot that the other side yard is correspondingly increased, but no side yard shall be less than ten (10) feet. In the case of a lot of record existing as of June 5, 1957, and held under separate and distinct ownership from adjacent lots, the required side yard may be reduced in order to provide a buildable width of up to twenty-four (24) feet, but in no case shall the resulting side yards be less than ten (10) feet. b. Accessory detached structures with ground coverage of one hundred and forty-four (144) square feet or less: 5 feet. 4. Side setback on side streets: Principal or accessory structures: 20 feet.	Height of Structure	Required Side Yard	1 story	10 feet	1 1/2 stories	10 feet	2 stories	14 feet	2 1/2 stories	16 feet
Height of Structure	Required Side Yard										
1 story	10 feet										
1 1/2 stories	10 feet										
2 stories	14 feet										
2 1/2 stories	16 feet										
Maximum Structure Height	Principal residential (single, two and three-family) or attached accessory structure: 35 feet. Accessory detached structure: 18 feet. Principal or attached accessory structure for PRUD, Multifamily development of 4 or more dwelling units, Congregate Care and Intermediate, extended or long-term care facilities: 55 feet.										
Max. Lot Coverage	30%										
Minimum Lot Width	60 feet										
Minimum building setback from external subdivision property lines	PRUD, multifamily development of 4 or more dwelling units, Congregate Care, and Intermediate, extended or long-term care: a. Building length of one hundred (100) feet or less: 25 feet. b. Building length of greater than one hundred (100) feet: 35 feet.										
Minimum recreation open space area	PRUD, multifamily development of 4 or more dwelling units, and Congregate Care: 200 SF per dwelling unit or living unit of common area designated on the site for recreation purposes.										

~~(a) Minimum lot size:~~

~~Residential (Single, two and three family dwellings): Six thousand (6,000) square feet, except as provided for lots of record in section 14-433 (lots of record and accessory structure setbacks for existing buildings) of this article, and a maximum lot size up to two (2) acres. A lot in an unsewered residential district shall meet the provisions of the state Minimum Lot Size Law, 12 M.R.S.A. Section 4807-A, or the applicable zoning lot size, whichever is the largest.~~

~~Planned residential unit development (PRUD): Three (3) acres gross area, as defined in section 14-47 (definitions) of this article, of contiguous land.~~

~~Intermediate, extended or long-term care facilities: One and one-half (1 1/2) acres.~~

~~Multifamily dwellings: Two (2) acres gross area, as defined in section 14-47 (definitions) of this article, of contiguous land.~~

~~Congregate Care: Three (3) acres gross area, as defined in Section 14-47 (definitions) of this article, of contiguous land.~~

~~(b) Minimum lot area per dwelling unit for Single, two and three-family dwellings: Sixteen hundred (1,600) square feet.~~

~~Planned residential unit development (PRUD): Sixteen hundred (1,600) square feet of net land area as defined in section 14-47 (definitions) of this article. As part of a site plan and subdivision application, the applicant shall provide a calculation of those factors deducted to determine net land area. In addition, such net area factors shall be delineated on a site plan.~~

~~Congregate Care: Sixteen hundred (1,600) square feet of net land area as defined in section 14-47 (definitions) of this article. As part of a site plan and subdivision application, the applicant shall provide a calculation of those factors deducted to determine net land area. In addition, such net area factors shall be delineated on a site plan.~~

~~Minimum land area per intermediate care facility resident: Eight thousand (8,000) square feet gross land area for the first thirty-five (35) residents, plus three hundred fifty (350) square feet for each additional resident.~~

~~(c) Minimum street frontage: Fifty (50) feet. PRUD development: Fifty (50) feet.~~

~~(d) Minimum yard dimensions:~~

~~(Yard dimensions include setbacks of structures from property lines and setbacks of structures from one another. No structure shall occupy the minimum yard of another structure.)~~

~~1. Front yard:~~

~~Principal or accessory structures: Twenty-five (25) feet.~~

~~2. Rear yard:~~

~~a. Principal or accessory structures with ground coverage greater than one hundred (100) square feet: Twenty-five (25) feet.~~

~~b. Accessory detached structures with a ground coverage of one hundred and forty-four (144) square feet or less: Five (5) feet.~~

~~Setbacks for swimming pools shall be as provided for in section 14-432 (swimming pools) of this article.~~

~~3. Side yard:~~

~~a. Principal or accessory structures with ground coverage greater than one hundred (100) square feet:~~

~~Height of Structure Required Side Yard~~

~~1-story 10 feet~~

~~1-1/2 stories 10 feet~~

~~2-stories 14 feet~~

~~2 1/2 stories 16 feet~~

~~The width of one (1) side yard may be reduced one (1) foot for every foot that the other side yard is correspondingly increased, but no side yard shall be less than ten (10) feet. In the case of a lot of record existing as of June 5, 1957, and held under separate and distinct ownership from adjacent lots, the required side yard may be reduced in order to provide a buildable width of up to twenty-four (24) feet, but in no case shall the resulting side yards be less than ten (10) feet.~~

~~b. Accessory detached structures with ground coverage of one hundred and forty-four (144) square feet or less: Five (5) feet.~~

~~4. Side setback on side streets:~~

~~Principal or accessory structures: Twenty (20) feet.~~

~~e) Maximum structure height:~~

~~Principal residential (single, two and three family) or attached accessory structure: Thirty five (35) feet.~~

~~Accessory detached structure: Eighteen (18) feet.~~

~~Principal or attached accessory structure for PRUD, Multifamily, Congregate Care and Intermediate, extended or long-term care facilities: Sixty (60) feet~~

~~(ef) Maximum lot coverage: Thirty (30) percent of lot area.~~

~~(fg) Minimum lot width: Sixty (60) feet.~~

~~(h) Minimum building setback from external subdivision property lines (PRUD) for multifamily, PRUD, Congregate Care, and Intermediate, extended or long-term care:~~

~~a. Building length of one hundred (100) feet or less: Twenty-five (25) feet.~~

~~b. Building length of greater than one hundred (100) feet: Thirty-five (35) feet.~~

~~(gi) Minimum recreation open space area (PRUD multifamily, Congregate Care, and Intermediate, extended or long-term care facilities)): Two hundred (200) square feet per dwelling unit of common area designated on the site for recreation purposes. Such recreation areas shall be level graded, dry, accessible and properly drained. At a minimum, a contiguous area of six thousand (6,000) square feet, with a minimum dimension of fifty (50) feet, shall be provided and shall include one (1) or more of the uses set forth in section 14-526 (d) 9. and the planned residential unit development standards in the City of Portland Design Manual, but shall at least be usable as a multipurpose game field. Such recreation areas shall be located at least twenty-five (25) feet from dwelling units.~~

Sec. 14-131. Other requirements.

[Other requirements are as follows:]

- (a) *Off-street parking:* Off-street parking is required as provided in division 20 (off-street parking) of this article.
- (b) *Shoreland and flood plain management regulations:* Any lot or portion of a lot located in a shoreland zone as identified on the city shoreland zoning map or in a flood hazard zone shall be subject to the requirements of division 26 and/or division 26.5.

- (c) *Storage of vehicles:* Only one (1) unregistered motor vehicle may be stored outside on the premises for a period not exceeding thirty (30) days.

14-523 [Site Plan] Required approvals and applicability.

(g) *Master development plan:* A Master Development Plan meeting the criteria listed below will undergo a master development plan review as follows:

1. A Master Development Plan for a site with one acre or larger in a cumulative lot area that is designed as a cohesive and integral development program consisting of multiple buildings and associated site improvements proposed to be built in phases.
2. The Master Development Plan option shall not apply in residential zones, except for institutional uses, multifamily, congregate care, intermediate , extended and long term care facilities in the R5A and R6A zones.



Zoning Map/Text Amendment/Contract or Conditional Rezoning Application Portland, Maine

Planning and Urban Development Department
Planning Division

Portland's Planning and Urban Development Department coordinates the review of requests for zoning map amendments, zoning text amendments and contract or conditional re-zoning. The Division also coordinates site plan, subdivision and other applications under the City's Land Use Code. Attached is the application form for a Zone Change.

Portland's development review process and requirements are outlined in the Land Use Code (Chapter 14) which is available on our website:

Land Use Code: <http://me-portland.civicplus.com/DocumentCenter/Home/View/1080>

Design Manual: <http://me-portland.civicplus.com/DocumentCenter/View/2355>

Technical Manual: <http://me-portland.civicplus.com/DocumentCenter/View/2356>

Planning Division

Fourth Floor, City Hall
389 Congress Street
(207) 874-8719

Office Hours

Monday thru Friday
8:00 a.m. – 4:30 p.m.

PROJECT NAME: McAuley Place

PROPOSED DEVELOPMENT ADDRESS:

605 Stevens Avenue and Walton Street

PROJECT DESCRIPTION:

Proposed full continuum of care Senior Retirement Community and Re-Purposing of the former convent "The Motherhouse" into affordable senior housing units.

CHART/BLOCK/LOT: 136 E006001 & (143 F004 144 B001)

CONTACT INFORMATION:

Applicant – must be owner, Lessee or Buyer Name: Seacoast At Baxter Woods Associates, LLC Business Name, if applicable: Address: C/O OceanView , 20 Blueberry Lane City/State : Falmouth, ME Zip Code: 04105	Applicant Contact Information Work # C/O Matthew Teare Home# Cell # 207.837.2418 Fax# e-mail: mteare@highlandgreenlifestyle.com
Owner – (if different from Applicant) St Joseph's Convent & Hospital Name: C/O Sisters of Mercy of the Americas Address: Northeast Community, Inc. 15 Highland View Road City/State : Cumberland, RI Zip Code: 02864	Owner Contact Information Work # Attn: Sister Lindora Cabral Home# Cell # Fax# 207-333-6450 e-mail: lcabral@mercyrne.org
Agent/ Representative Name: Frederic (Rick) Licht, PE, LSE, Licht Environmental Design, LLC Address: 35 Fran Circle City/State : Gray, Maine Zip Code: 04039	Agent/Representative Contact information Work # 207.749.4924 Cell # 207.749.4924 e-mail: rlicht@securespeed.net
Billing Information Name: Matthew Teare C/O The Highlands Address: 30 Governors Way City/State : Topsham, Maine Zip Code: 04086	Billing Information Work # 207.837.2418 Cell # 207.837.2418Fax# e-mail: mteare@highlandgreenlifestyle.com

Current Zoning Designation(s): R-5 Residential Zone

Proposed Use of Property: Please describe the proposed use of the subject property. If construction or development is proposed, please describe any changes to the physical condition of the property.

Proposed Retirement Community within the current campus and re-development of the former St. Joseph's Convent

"Motherhouse" into 86-88 units of affordable senior housing. The existing St. Catherines residence apartments will

remain and allow forexpansion . McAuley High School will remain for the immediate future. **See Cover Letter and Exhibit 6 for additional information.**

Site Plan: On a separate sheet, please provide a site plan of the property showing existing and proposed improvements, including such features as buildings, parking, driveways, walkways, landscape and property boundaries. This may be a professionally drawn plan, or a carefully drawn plan, to scale, by the applicant. (Scale to suit, range from 1" = 10' to 1' = 50'.) Contract and conditional rezoning applications may require additional site plans and written material that address physical development and operation of the property to ensure that the rezoning and subsequent development are consistent with the comprehensive plan, meet applicable land use regulations, and compatible with the surrounding neighborhood.

(Exhibit 6 Conceptual Masterplan)

APPLICATION FEES:

Check all reviews that apply. (Payment may be made by Credit Card, Cash or Check payable to the City of Portland.)

Zoning Map Amendment ___ \$2,000.00 (from ___ zone to ___ zone) Zoning Text Amendment ___ \$2,000.00 (to Section 14-___) Combination Zoning Text Amendment and Zoning Map Amendment X \$3,000.00 Conditional or Contract Zone ___ \$3,000.00 (A conditional or contract rezoning map be requested by an applicant in cases where limitations, conditions, or special assurances related to the physical development and operation of the property are needed to ensure that the rezoning and subsequent development are consistent with the comprehensive plan, meet applicable land use regulations, and compatible with the surrounding neighborhood. Please refer to Division 1.5, Sections 14-60 to 62.)	The City invoices separately for the following: • Notices (\$.75 each) • Legal Ad (% of total Ad) • Planning Review (\$40.00 hour) • Legal Review (\$75.00 hour) • Third party review fees are assessed separately. Any outside reviews or analysis requested from the Applicant as part of the development review, are the responsibility of the Applicant and are separate from any application or invoice fees.
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APPLICATION SUBMISSION:

1. All plans and written application materials must be submitted electronically on a CD or thumb drive with each plan submitted as separate files, with individual file names which can be found on the **Electronic Plan and Document Submittal** page of the City's website at <http://me-portland.civicplus.com/764/Electronic-Plan-and-Document-Submittal>
2. **The submission shall include the following materials:**
 - a. One (1) paper set of the zoning amendment application, concept plan and written narrative.
 - b. Contract and conditional rezoning applications must include site plans and written material that address physical development and operation of the property to ensure that the rezoning and subsequent development are consistent with the comprehensive plan, meet applicable land use regulations and compatible with the surrounding neighborhood.

APPLICANT SIGNATURE:

I hereby certify that I am the Owner of record of the named property, or that the owner of record authorizes the proposed work and that I have been authorized by the owner to make this application as his/her authorized agent. I agree to conform to all applicable laws of this jurisdiction. In addition, if a permit for work described in this application is issued, I certify that the Planning Authority and Code Enforcement's authorized representative shall have the authority to enter all areas covered by this permit at any reasonable hour to enforce the provisions of the codes applicable to this permit.

Signature of Applicant:	Date:
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March 04, 2015

J14.067

Barbara Barhydt
 Development Review Manager
 Planning and Urban Development Department
 Planning Division
 389 Congress Street, 4th Floor
 Portland, Maine 04101

**McAuley Place, 605 Stevens Avenue and Walton Street
 Request for Zoning Amendment
 (CBL 136 E006001, 143 F004000, 144 B001000)**

Dear Barbara:

On behalf of Sisters of Mercy of the Americas Northeast Community, Inc. (Sisters of Mercy) and Sea Coast at Baxter Woods Associates, LLC we are pleased to submit this request for a Zoning Text and Map Amendment for the Sisters of Mercy – Catherine McAuley High School Campus located off Stevens Avenue and Walton Streets in Portland.

Enclosed are one (1) hard copy of the following materials and PDF copies on an attached thumb drive:

- Cover Letter
- City of Portland Zoning Map/Text Amendment Application Form
- Map/Text Amendment Fee (\$3,000)
- Appendix A – Chart of a Continuum of Care Community
- Exhibit 1 – Right, Title & Interest (P&S Agreement)
- Exhibit 2 – Context Map
- Exhibit 3 - Site Photographs
- Exhibit 4 - Proposed Parcel Map
- Exhibit 5 - Proposed Zone Change Map
- Exhibit 6 - Conceptual Site Plan

1. INTRODUCTION

The Sisters of Mercy and John B. Wasileski representing Seacoast at Baxter Woods Associates, LLC are proposing to redevelop the historic St. Joseph's Convent and surrounding grounds into a continuum of care senior living community. The property, located off Stevens Avenue and Walton Streets contains 18.96 acres including the Catherine McAuley High School and fields, St. Joseph's Convent and St. Catherine's residence hall. The general concept is to offer seniors a choice of attractive, living arrangements and an array of support services so that they can remain healthy, active and independent. (*Appendix A* illustrates the components of a continuum of care community.) The highlight of the proposed plan is the re-purposing of the former St. Joseph's Convent "Motherhouse" into affordable dwelling units and common areas.

This type of development and community is uniquely suited for the challenges and opportunities offered by the Convent site. If properly designed and integrated, the existing Catherine McAuley

High School and the senior community will prosper together for decades to come. This success will result from the compatibility of the two communities and the creation of an attractive, unified campus.

The continuum of care senior community will include four main elements in addition to the McAuley High School. The heart of the community will be the renovated and expanded Convent or Motherhouse building into 88 affordable housing units and large common areas under the Maine Limited Liability Company - Motherhouse, LLC. A Low Income Housing Tax Credit (LIHTC) and Historic Tax Credit (HTC) are being pursued in support of this affordable housing initiative. The second element of the community will be the development of a Main Lodge for the McAuley Retirement Community proposed to include up to 60 independent living apartments with full congregate services and common areas. This phase also includes up to 32 connected semi-independent apartments connected to the Main Lodge with full access to all of the Main Lodge supporting congregate services and common areas.

The third component of the proposed development plan would provide for approximately 120 new senior independent living apartments located within attractive apartment buildings and clusters. Finally, to meet the transitional needs of a full continuum of care community, a 24-36 bed Assisted Living Facility is envisioned as either as a free standing structure or attached to the Motherhouse.

Two uses which will remain in use include the McAuley High School and St. Catherine's residence located off Walton Street. As noted above McAuley High School will remain for the immediate future. St. Catherine's will continue for a period of time to house retired Sisters and former priests with a long term plan for renovating and expanding the 18 unit apartment building into 38 market rate senior apartment units with full access to the campus amenities and activities.

In summary the project proposes a unified campus with:

- 88 affordable housing units within the Motherhouse.
- 232 apartment/congregate units
- 18 existing apartment units – St. Catherine's
- 24-36 assisted living units

The project will provide a wide variety of benefits. For the city and the community, it addresses several goals of Portland's comprehensive plan including the preservation of historic resources, redevelopment of buildings with currently unused residential potential, dense development and development that serves a diverse market including seniors. In general, senior communities are an excellent form of real estate development and a good neighbor. They are well-designed, attractive and quiet communities that generate little traffic. They also generate significant tax revenue for the city with little drain on city services.

Finally, it is important to note that the Sisters of Mercy have been searching for a new role of the Convent for well over a decade. For everyone involved in this difficult process, there is strong agreement that a senior living community is the best possible reuse plan for the Convent. The project will provide a financially stable reuse plan for the property and a compatible partner for the Catherine McAuley School.

2. PROJECT TIMELINE

The applicant is seeking approvals on a dual timeline – moving forward with the campus Zoning Amendments and Master Development Plan review simultaneous with the Motherhouse re-

development into 88 affordable apartments as a Level III Site Plan review. It will be critical for the LIHTC Application that the Motherhouse re-development secure Level III Site Plan Approvals by July 2015 in order to retain a strong position for the LIHTC application process. The applicant's team looks forward to working closely with staff to facilitate this process.

3. BACKGROUND AND HISTORY

The primary historic use of the buildings and site since the late nineteenth century was as a Convent. As such, it was the principal center of the educational, residential and spiritual life for the Sisters of Mercy in Portland. However, the property has served many other purposes and uses since first established in the early 1880s. This began with the establishment of a girl's school, known as St. Joseph's Academy, in 1881. St. Joseph's Academy was located in the current McAuley wing of the Motherhouse and is still part of the school today. The current Catherine McAuley High School building was completed in 1971 but the school, in one form or another, has been on the site since 1881.

Also in the early 1880's, the Sisters established St. Joseph's Home for Aged Women on the site. It was first housed in a temporary wooden structure on the site and then moved to the two-story brick structure known as St. Catherine's Hall in 1888. This building still stands along the north boundary of the property facing Walton Street. After the home for the aged was moved to downtown Portland in 1914, St. Catherine's Hall became the first St. Joseph's College in 1917. St. Catherine's was enlarged and remodeled in 1940 to accommodate additional classroom space, residential facilities and a chapel. In 1954, the college moved to Standish, Maine.

The site also housed the original St. Joseph's parish church around 1884. The church was eventually removed after a new church was constructed on a nearby site.

The central Motherhouse, the centerpiece of the site today, was constructed in two phases. The first phase, completed in 1909, included the central main block, north wing and chapel wing. In 1921, the south and rear wings were added. It was at this time that the Motherhouse was joined to the St. Joseph's Academy building by a two-story brick addition. Over the next 100 years, the Motherhouse was home to as many as 300 nuns. As the life-long home for many sisters, the building became a de facto senior living facility. This included a wing designed and devoted to nursing home level care for the sisters.

However, as has happened across the country and around the world, the number of sisters dropped dramatically over time. By the late 20th century, a Motherhouse and a campus that had served as a home, church, school and senior care facility needed a new purpose if it was going to continue its mission into the next century.

4. EXISTING USE AND ZONING

The 18.96 acre property is currently located within the R5 - Medium Density Residential District.

The Motherhouse continued to serve as a residence for the sisters until the summer of 2004. At that time, the few sisters remaining in the Motherhouse moved out to other facilities in the Portland area including the former Eunice Frye residential care center. Today, the first floor of the building is used as office space for the Sisters of Mercy. The Chapel is still used by the Sisters of Mercy and by the adjacent Catherine McAuley High School, but the upper floor residential rooms are vacant.

In the 1980s, St. Catherine's Hall was renovated from a residential dormitory type of use into 18 residential apartment units, several of which are occupied by Sisters of Mercy or other individuals with connections to the Sisters. The high school continues to function to this day and also uses space within the former St. Joseph's Academy building –the northern wing of the Motherhouse.

The Portland Land Use Code (LUC) Sec 14-116 for **R5 Zoning** – Purpose states: *"...for medium-density residential development characterized by single-family and low-intensity multifamily dwellings on individual lots to ensure the stability of established medium-density neighborhoods by controlling residential conversions; and to provide for planned residential unity development (PRUD) on substantially sized parcels. ...such PRUD development shall respond to the physical qualities of the site and complements the scale, character and style of the surrounding neighborhood."*

The current R5 zoning was adopted decades after the creation of the Sisters of Mercy campus and reflects the development pattern of the surrounding neighborhood that grew up around the campus. As a result, the Sisters of Mercy campus has never been consistent with or even envisioned by the current zoning.

5. PROPOSED ZONING TEXT AND MAP AMENDMENT

A. Proposed Zoning Map Amendment To R-6A –Residential Zone (See *Exhibit 6*):

The applicant is proposing to develop a comprehensive and coordinated institutional/residential based retirement community land use plan which mirrors the proposed zoning changes of neighbors to the south (Deering Pavilion) and those several blocks to the north (Park Danforth) to provide quality senior residential living opportunities which are in demand off-peninsula.

The applicant seeks a Zoning Text and Map Amendment Change from the current R5 Medium Residential Zone to an R-6A Residential Zone with supporting amendments to the R-6A District Ordinance Division 7 - Sections 14-135 to 14-140 as noted below and herein. *Excepted from the requested zone change is the proposed St. Catherine's lot which will remain as R-5.*

In order to consider the rationale and reasoning for the proposed Zoning Change it is important to understand both the history and current uses of the McAuley Campus and the future vision as it relates to the current and future neighborhoods.

1. The R5 Zone is intended to "... provide for moderate-density residential development in off-peninsula sections that can provide a unique residential living experience with a high degree of natural site amenities; and to provide areas of the city in the general proximity of the peninsula that have capability for adequate municipal services, including traffic corridors with adequate traffic capacity, that can appropriately accommodate a more intensive use of land than other lower-density zoned land and be compatible with surrounding neighborhoods; and to increase affordable housing opportunities in off-peninsula locations by providing a moderate-density."

While the R5 Zone in purpose would satisfy the proposed re-purposing and re-development of the current campus the specific dimensional and land use provisions of Zoning District **R6-A** more specifically suit the proposed development plan. For this reason, the applicant is requesting both a **Text and Map Amendment to change the current McAuley Campus from R5 to R6-A.**

The 18-unit St. Catherine's residence hall is not being considered for the zone change as this must remain as a separate lot retained by the Sisters of Mercy and there is insufficient area to meet the 4-acre minimum lot size. A separate 1.86 acre lot meeting current R-5 density requirements will be created for St. Catherine's as shown on the attached exhibits and left in the R-5 zoning district.

2. The **R-6A Zoning** purpose statement (Section 14-135) states: *"The purpose of the R-6A residential zone is: (c) to encourage neighborhood livability with higher density multi-family housing on large parcels locate off the peninsula. The zone is appropriate in areas that are along major transportation routes, near service areas, and in redevelopment (underutilized) or infill areas."*

The proposed McAuley Campus redevelopment plan will create needed housing for seniors in an urban influenced campus- infusing the neighborhood with higher density quality housing; responsible residents who tend to utilize public transportation and walking and providing for an inter-generational demographic mix of residents and students within the existing McAuley Campus. As an infill site the development meets smart growth initiatives to curb sprawl into the suburbs which would otherwise be required to provide the same level of housing needs. The site is located near service areas off Stevens Avenue near the UNE campus and Route 302 (Forest Avenue) yet allows for a major access from a side street, Walton Street.

Furthermore the site abuts the Deering Pavilion property and is within close proximity to the Park Danforth properties – both re-zoned to R-6A as medium to high density housing. The McAuley campus will provide similar uses consistent with these neighborhood developments.

3. Consistency with the Comprehensive Plan: As stated in the City of Portland Zoning Amendment Application, the proposed re-use plan for the property could be a model project for the City of Portland's comprehensive plan. Some of the key areas cited in the Comprehensive Plan and included the project are:
 - Preservation of historic and natural resources
 - Development of currently unused residential potential
 - Seek incentives and partnerships to increase affordable housing options
 - Encourage higher density housing and walk able neighborhoods
 - Identify vacant land and redevelopment opportunities throughout the City
 - Target vacant buildings for maintenance, rehabilitation and reuse
 - Neighborhood stability and integrity
 - Development that is close to city services, transportation and infrastructure
 - Development that serves the diverse market including seniors

In summary, the proposed project and requested zoning amendment is clearly consistent with the goals of the Comprehensive Plan.

3. The proposed use of the property is also consistent with the historic use of the property and therefore consistent with the surrounding neighborhood. The property has been used for a school, college, church, residential apartment building, convent and senior care facility at various times throughout its history. The proposed use as affordable

senior housing and a senior retirement community is entirely consistent with this historic use. Moreover, the long history of this campus in this location with these uses – for approximately 130 years - clearly demonstrates that the proposed use is compatible with both the property and the surrounding neighborhood. As the center-piece of this neighborhood for over a century, the preservation and reuse of this property is essential for maintaining the stability and integrity of the neighborhood.

B. Proposed R-6A Text Amendments:

The applicant proposes the following text amendments in support of the proposed project.

Land Use Code Section:

1. Sec. 14-47. Definitions.

Congregate care facility: A planned residential unit or multifamily development which provides individual living units with support services which provide assistance to residents. Services to be provided shall include:

- (a) Transportation for essential support activities. This service shall be included in the base rent;
- (b) Provision of at least one (1) meal per day;
- (c) Programmed social activities which are facilitated by staff. This service shall be included in the base rent;
- (d) Provision of personal care services including, but not limited to, housekeeping, laundry, and minimal health monitoring; and
- (e) Installation of emergency call buttons or systems in each congregate care living unit.

The population of a congregate care facility shall consist of persons fifty-five (55) years of age or older and their spouses and/or disabled persons and their spouses.

2. Sec. 14-136. Permitted uses.

The following uses are permitted in the R-6 and R-6A residential zones:

- (a) *Residential:*

6. Congregate care facilities in the R-6A residential zone.

3. Sec. 14-522. [Site Plan] Definitions

Master development plan: A Master Development Plan is a regulatory option for sites with one acre or more in cumulative lot area that's designed as a cohesive and integral development program consisting of multiple buildings and associated site improvements built in phases over an extended timeframe. This option shall not apply in residential zones except for institutional

uses and congregate care facilities in the R6A zone.

4. Sec. 14-523 [Site Plan] Required approvals and applicability.

(g) *Master development plan:* A Master Development Plan meeting the criteria listed below will undergo a master development plan review as follows:

1. A Master Development Plan for a site with one acre or larger in a cumulative lot area that is designed as a cohesive and integral development program consisting of multiple buildings and associated site improvements proposed to be built in phases.
2. The Master Development Plan option shall not apply in residential zones, except for institutional uses and congregate care facilities in the R6A zone.

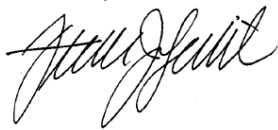
6. APPENDICES:

Appendix A provides an overview of the structure of a continuum of care community

In summary we believe that the proposed request for a Zoning Amendment to R-6A meets the goals and requirements of the Land Use Code Sections 14-135 to 14-140 both in letter and spirit with the changes and amendments as proposed and is appropriate for re-development of the site and for the neighborhood.

Our project team remains available to meet with staff to review the application in further detail or to provide any additional information and look forward to meeting the Planning Board and City Council in the coming weeks. It will be important for the project timeline and LIHTC process to work through the campus Master Development Plan and Level III Site Plan reviews for the Motherhouse in a cohesive process in the coming months.

Sincerely,



Frederic (Rick) Licht, PE, LSE
Principal

Encl: As Noted

Cc: (via email - PDF copy)

John Wasileski; Sea Coast at Baxter Woods Associates, LLC
Sister Lindora Cabral; Sisters of Mercy of the Americas Northeast Community, Inc.
Daniel Justynski; Sisters of Mercy of the Americas Northeast Community, Inc.
Dennis Keeler; Pierce Atwood, LP
Matt Teare; C/O Sea Coast at Baxter Woods Associates, LLC
Kevin Bunker; Motherhouse, LLC
Ron Epstein, Natalie Burns; Jensen, Baird, Gardner & Henry
Pat Carroll; Carroll Associates, Landscape Architects
Steve Bushey; Fay, Spofford & Thorndike



April 06, 2015

J14.067

Barbara Barhite
 Development Review Manager
 Planning and Urban Development Department
 Planning Division
 389 Congress Street, 4th Floor
 Portland, Maine 04101

**McAuley Place, 605 Stevens Avenue and Walton Street
 Request for Zoning Amendment to R-5A
 (CBL 136 E006001, 143 F004000, 144 B001000)**

Dear Barbara:

On behalf of Sisters of Mercy of the Americas Northeast Community, Inc. (Sisters of Mercy) and Sea Coast at Baxter Woods Associates, LLC we are pleased to submit this revised request for a Zoning Text and Map Amendment for the Sisters of Mercy – Catherine McAuley High School Campus located off Stevens Avenue and Walton Streets in Portland. This zoning request amends our prior proposal dated March 02, 2015 which had proposed a change to R-6A.

Enclosed are one (1) hard copy of the following materials and PDF copies on an attached thumb drive:

- Cover Letter
- Attachment A – Proposed R5A Zoning Amendments
- Attachment B– Site Density Comparisons
- Attachment C – Traffic Trip Generation Analysis
- Exhibit 1 – Site Photographs
- Exhibit 2 – Context Map
- Exhibit 3 - Proposed Parcel Map
- Exhibit 4 - Proposed Zone Change Map
- Exhibit 5 - Conceptual Masterplan
- Exhibit 6 - Conceptual Phasing Plan – Phases 1-4

1. INTRODUCTION

As presented in the prior submission, the Sisters of Mercy and John B. Wasileski representing Seacoast at Baxter Woods Associates, LLC are proposing to redevelop the historic St. Joseph's Convent and surrounding grounds into a continuum of care senior living community. The property, located off Stevens Avenue and Walton Streets contains 18.96 acres including the Catherine McAuley High School and fields, St. Joseph's Convent and St. Catherine's residence hall. The general concept is to offer aging baby boomers and seniors a choice of attractive, living arrangements and an array of support services so that they can remain healthy, active and independent. The highlight of the proposed plan is the re-purposing of the former St. Joseph's Convent "Motherhouse" into 88 affordable dwelling units and common areas.

The project requires a Map and a Text Amendment to the current R-5 Zoning District.

The project proposes the following uses:

- 88 Affordable Housing Units (Motherhouse)
- 230-240 Market Rate Senior/Congregate Apartments or Assisted Living Units.
- 16-18 Senior Apartments (Existing - St. Catherine's)
- McAuley High School – Existing Use

For the purposes of this Zoning Amendment Request, only the 88 Unit Motherhouse Lot and 240-247 Senior Living community are proposed to be zoned R-5A.

2. CHANGES FROM 03-02-15 PROPOSAL

The previous proposal sought to utilize the R-6A Zone with minor text amendments for the property while leaving the St. Catherine's apartments lot as a 2.86 acre lot within the current R-5 Zone as the R6A would have required a minimum of 4 acres which is not practical on the site. The proposal was presented at the March 10th Planning Board Workshop and to neighbors at a February 24th informal neighborhood meeting.

Following the Planning Board Workshop, the applicant's team has worked with staff to make suggested changes and to provide additional information on traffic, comparisons of build-out densities and prepare site elevations to help understand the visual context of the proposed 4 to 5-story buildings within the campus and neighborhood..

Meetings with staff recommended a slightly different course might be more appropriate than the R6A for the site – changing the zoning from R-5 to **R-5A – Residential Zone**. After meetings with staff and review of proposed changes being requested for another senior living property it was agreed to pursue the R-5A map amendment with several amendments to the text. (See *Attachment A*.)

3. PLANNING BOARD AND PUBLIC FOLLOW UP

In response to public comments from both the February 24th and the recent April 2nd Neighborhood Meetings and the Planning Board workshop, we have addressed several key concerns for the proposed 13.5 acres proposed for re-zoning.

- Zoning Density Comparisons:* The Planning Board requested a comparison of the proposed project build-out to what densities the current R-5 and R-6A zones could support. *Attachment B* provides a comparison of the proposed R-5A development as Congregate Housing based 1600sf/"net" land area per unit and the maximum build-out potential of the R-5 and R-6A based on 4500 sf/unit and 1000/1200 sf/unit, respectively.

The analysis demonstrates that moving from an R-5 to an R-5A would increase allowable theoretical build-out from 334 to 368 units or approximately 10% increase. In reality, the 368 units would have to be based on 1-3 unit buildings which when actually placed and designed into a cohesive community on the site, meeting all other standards such as actual market demand, parking, open space, stormwater, etc. would likely be reduced. (The R-6A Analysis generated a maximum build-out of 492 units for comparison only.)

- b. *Traffic Assessment:* The design team met with staff and the City Traffic Engineer, Tom Errico to review appropriate standards and scope for a preliminary traffic assessment. Diane Morabito of Maine Traffic Resources (MTR) has performed traffic trip generations based on the build-out scenarios of (a), above. Her report is included as *Attachment C*. A complete traffic assessment will be provided in the near future as the project progresses to the Master Development Plan phase in order to analyze intersection capacities and offsite conditions in further detail.
- c. *Building Height and Site Sections:* The Planning Board requested that graphic elevations or sections be prepared to demonstrate the context of the proposed 4-5 story buildings within the surrounding neighborhood and to the Motherhouse. The current R-5 Zone has a maximum building height of 35 feet which would not support the proposed level of development. The applicant is proposing a building height of 60 feet to allow for 5-story apartment buildings. This height will be below the Motherhouse roof level and is well below the adjacent Deering Pavillion.

The graphic sections are in progress and will be provided for the April 14th Planning Board workshop.

- d. *Masterplan Changes:* Exhibits 5 and 6 provide an updated conceptual masterplan vision for the property in response to the Board's and public comments. Preservation of athletic field use for McAuley High School was a central theme throughout the public comments. The masterplan exhibits provide a view of the project phasing. Phases 1 and 2 would not result in any change in the athletic fields. Phase 3 would result in the loss of a portion of the fields with some reconfiguration and preservation of the northerly fields. Phase 4 would result in the shifting and/or creation of a new field further to the north towards St. Catherine's. While the masterplan is still conceptual it reflects an approach that supports the more independent baby boomers in the early phases and transitions into increased levels of care as they age in place.

4. REQUESTED ZONING CHANGES

Proposed R5-A Zone Text Amendments are provided in *Attachment A*.

The purpose of the R-5A residential zone is provided in Section 14-126.(a) as:

"To provide for moderate-density residential development in off-peninsula sections that can provide a unique residential living experience with a high degree of natural site amenities; and to provide areas of the city in the general proximity of the peninsula that have the capability for adequate municipal services, including traffic corridors with adequate traffic capacity, that can appropriately accommodate a more intensive use of land than other lower-density zoned land and be compatible with surrounding neighborhoods; and to increase affordable housing opportunities in off-peninsula locations by providing a moderate-density zone."

The project and site are consistent with the R-5A zone with the foundation of the project being the re-purposing of the Motherhouse into 88 affordable senior housing units.

A change from the prior proposal is that due to a minimum lot size of 3 acres and because schools are not a permitted use, the proposed zone change to R-5A would affect only the

Motherhouse and surrounding properties and fields for a total of approximately 13.5 acres of the 18.96 acre site. (Refer to *Exhibit 4 – Proposed Zone Change Map.*) These two uses would be broken into separate lots totaling approximately 5.3 acres and remain as R-5.

5. PROJECT TIMELINE

The applicant wishes to reinforce that the Motherhouse LIHTC and Historic Tax Credit approvals would need to be in place this summer to meet application deadlines. The schedule for the zoning amendments and the commencement of the Master Development Plan process and Level III Site Plan process for the Motherhouse move forward together as efficiently as possible. We look forward to a successful zoning process and submission of the Master Development Plan for City review.

In summary we believe that the proposed request for a Zoning Amendment to R-5A meets the goals and requirements of the Land Use Code Sections 14-126 to 14-131 both in letter and spirit with the changes and amendments as proposed and is appropriate for re-development of the site and for the neighborhood.

Our project team remains available to meet with staff to review the application in further detail or to provide any additional information and look forward to meeting the Planning Board and City Council in the coming weeks. It will be important for the project timeline and LIHTC process to work through the campus Master Development Plan and Level III Site Plan reviews for the Motherhouse in a cohesive process in the coming months.

Sincerely,



Frederic (Rick) Licht, PE, LSE
Principal

Encl: As Noted

Cc: (via email - PDF copy)

John Wasileski; Sea Coast at Baxter Woods Associates, LLC
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Dennis Keeler; Pierce Atwood, LP
Matt Teare; C/O Sea Coast at Baxter Woods Associates, LLC
David Haynes, RLA; Seacoast Management Company
Kevin Bunker; Motherhouse, LLC
Ron Epstein, Natalie Burns; Jensen, Baird, Gardner & Henry
Pat Carroll; Carroll Associates, Landscape Architects
Andrew Johnston; Fay, Spofford & Thorndike

DRAFT TEXT AMENDMENTS TO R-5A ZONE 04-06-15

(Note: proposed changes are highlighted in Blue and underlined)

Sec. 14-47

Congregate care facility: A planned residential unit development or multiunit development which provides individual living or dwelling units with support services which provide assistance to residents. Services to be provided shall include:

- (a) Transportation for essential support activities. This service shall be included in the base rent;
- (b) Provision of at least one (1) meal per day;
- (c) Programmed social activities which are facilitated by staff. This service shall be included in the base rent;
- (d) Provision of personal care services including, but not limited to, housekeeping, laundry, and minimal health monitoring; and
- (e) Installation of emergency call buttons or systems in each congregate care living unit.

The population of a congregate care facility shall consist of persons fifty-five (55) years of age or older and their spouses and/or disabled persons and their spouses.

Net land area: Net land area, as set forth in sections 14-90, 14-120 and 14-130 of this article, shall be calculated by subtracting from gross area the square footage of the following:

- ~~(a) 1. Stormwater retention areas;~~
 - ~~2. Stormwater detention areas, unless improved for passive or active recreational use;~~
- (b) Existing watercourses, as defined in this section, measured by the area between the top of the banks at the normal high water mark, as defined in this section.
- ~~(c) Inaccessible areas, as defined in this section;~~
- (d) Wetlands, as defined in this section;
- ~~(e) Areas encumbered by existing easements, dedications or similar restrictions, which limit or preclude the construction of permanent structures or which are for any reason unavailable for use in connection with the proposed development.~~
- (f) Slopes of twenty-five (25) percent or greater. Where a slope of twenty-five (25) percent or greater was altered to less than twenty-five (25) percent within the two (2) years immediately preceding the submission of the application for development, such slope shall also be subtracted from the gross area;

~~(g) Twenty (20) percent of the area remaining after the deductions of factors (1) through (6) of this definition.~~

Purpose Statement for R-5A

The purpose of the R-5A residential zone is:

- (a) To provide for moderate-density residential development in off-peninsula sections that can provide a unique residential living experience with a high degree of natural site amenities; and to provide areas of the city in the general proximity of the peninsula that have the capability for adequate municipal services, including traffic corridors with adequate traffic capacity, that can appropriately accommodate a more intensive use of land than other lower-density zoned land and be compatible with surrounding neighborhoods; and to increase affordable housing opportunities in off-peninsula locations by providing a moderate-density zone.

Sec. 14-127. Permitted uses.

The following uses are permitted in the R-5A residential zone:

- (a) *Residential:*

6. Multi family dwellings, as defined in section 14-47;

7. Congregate Care, as defined in section 14-47.

[Note: (b) Other: includes as 5. Intermediate, extended and long-term care facilities]

Sec. 14-130. Dimensional requirements.

In addition to the provisions of division 25 (space and bulk regulations and exceptions) of this article, lots in the R-5A zone shall meet or exceed the following requirements:

- (a) *Minimum lot size:*

Residential (single-and two-family dwellings): Six thousand (6,000) square feet except as provided for lots of record in section 14-433 (lots of record and accessory structure setbacks for existing buildings) of this article. A lot in an unsewered residential district shall meet the provisions of the state Minimum Lot Size Law, 12 M.R.S.A. Section 4807-A, or the applicable zoning lot size, whichever is the largest.

Planned residential unit development (PRUD): Three (3) acres gross area, as defined in section 14-47 (definitions) of this article, of contiguous land.

Intermediate, extended or long-term care facilities: One and one-half (1 1/2) acres.

Multi-family dwellings: Three (3) acres gross area, as defined in section 14-47 (definitions) of this article, of contiguous land.

Congregate Care: Three (3) acres gross area, as defined in section 14-47 (definitions) of this article, of contiguous land.

- (b) *Minimum lot area per dwelling unit:* Sixteen hundred (1,600) square feet of net land area as defined in section 14-47 (definitions) of this article. As part of a site plan and subdivision application, the applicant shall provide a calculation of those factors deducted to determine net land area. In addition, such net area factors shall be delineated on a site plan.

Congregate Care: Sixteen hundred (1,600) square feet of net land area as defined in section 14-47 (definitions) of this article. As part of a site plan and subdivision application, the applicant shall provide a calculation of those factors deducted to determine net land area. In addition, such net area factors shall be delineated on a site plan.

Minimum land area per intermediate care facility resident: Eight thousand (8,000) square feet gross land area for the first thirty-five (35) residents, plus three hundred fifty (350) square feet for each additional resident.

- (c) *Minimum street frontage:* Fifty (50) feet. PRUD development: Fifty (50) feet.

- (d) *Minimum yard dimensions* (excluding structures in uses listed in (h) below):

- (e). Maximum structure height:

Principal or attached accessory structure: Sixty (60) feet

Accessory detached structure: Eighteen (18) feet.

- (f) *Maximum lot coverage:* Thirty (30) percent of lot area.

- (g) *Minimum lot width:* Sixty (60) feet.

- (h) Minimum building setback from external ~~subdivision~~ property lines for multifamily, PRUD, Congregate Care, and Intermediate, extended or long-term care facilities:

a. Building length of one hundred (100) feet or less: Twenty-five (25) feet.

b. Building length of greater than one hundred (100) feet: Thirty-five (35) feet.

- (i) Minimum recreation open space area (PRUD): Two hundred (200) square feet per dwelling unit of common area designated on the site for recreation purposes. ~~Such recreation areas shall be level graded, dry, accessible and properly drained. At a minimum, a contiguous area of six thousand (6,000) square feet, with a minimum dimension of fifty (50) feet, shall be provided and shall include one (1) or more of the uses set forth in section 14-526 (d) 9. and the planned residential unit development standards in the City of Portland Design Manual, but shall at least be usable as a multipurpose game field. Such recreation areas shall be located at least twenty five (25) feet from dwelling units.~~

Additionally we propose that the following text changes be made to Article 14-523(g) 2. Master Development Plan for the McAuley Place Master Development Plan:

14-523 [Site Plan] Required approvals and applicability.

- (g) *Master development plan:* A Master Development Plan meeting the criteria listed below will undergo a master development plan review as follows:
1. A Master Development Plan for a site with one acre or larger in a cumulative lot area that is designed as a cohesive and integral development program consisting of multiple buildings and associated site improvements proposed to be built in phases.
 2. The Master Development Plan option shall not apply in residential zones, except for institutional uses, multifamily, congregate care, intermediate, extended and long term care facilities in the R5A and R6A zones.

Sisters of Mercy "McAuley Place" Density Computations **V7** **04-06-15 LED**

Parcel ID (See Site Prelim Subdiv Plan.)	AREA (AC.) GROSS	AREA (AC.) NET PER PROPOSED R5A ZONING	Density Requirements	LOT 3	LOT 4	LOT 3+4	LOT 3+4
			Proposed R5A Type of Use	Congregate	Congregate	Congregate (use NET Area)	3-Family (use GROSS area)
TOTAL SITE							
Lot 1 McAuley HS	3.50	3.50	R5A Ordinance Unit Density (sf/unit) (1.)	1600	1600	1600	1600
Lot 2 St. Cath.	1.86	1.86	Acreage (Ac.)	3.30	10.23	12.26	13.53
Lot 3 Motherhouse	3.30	3.30					
Lot 4 Fields/Stevens Ave	10.23	8.96		90	279	334	368
Total Acreage	18.89	17.62	Maximum Allowable Density (Units)				
			Proposed (Units)/(Beds)	88	246	334	N/A
LOTS 3&4 PROPOSED ZONE CHANGE							
Lot 3 Motherhouse	3.30	3.30	Current R5 Type of Use	Multiplex	Multiplex	Multiplex	
Lot 4 Fields/Stevens Ave	10.23	8.96					
Total Acreage	13.53	12.26	Unit Density (sf/unit)	4500	4500	4500	
			Maximum Allowable Density (Units)	32	99	131	
Wetlands (Ac) Lot 4 (Approx.)							
(approx -scaled)							
#1	0.93						
#2	0.07						
#3	0.07						
Total	1.07						
			Proposed R6A Type of Use	Congregate/ Multiplex	Congregate/ Multiplex	Congregate/ Multiplex	
			Unit Density (sf/unit)	Note 5.	Note 5.	Note 5.	
			Maximum Allowable Density (Units)	120	372	492	
> 25% SLOPES Lot 4 (Approx.)							
field slope	0.2						
NOTES:							
1. R5A = 1 unit/1600 sf gross area.							
2. R5A requires min 1.5 acre lot for Assisted Living (Intermed. Care)							
Lot 4 becomes 10.23-1.5 ac = 8.73 ac. Congregate							
Lot 4A is 1.5 acres Assisted Living							
3. Assisted Living - no density requirement in R5A -use R6A: 18000 sf/35 beds + 350sf/ add. bed.							
1.5 acres would allow 197 Assisted Living Beds - no a realistic use. Use 36 beds.(no analysis performed)							
4. St. Catherine's Lot 2 - has 18 existing units. Assume as R5 for density.							
5. R6A Multifamily = 1000sf/unit Units 1-3 + 1200 sf/unit Units >3							

Memorandum of Purchase and Sale Agreement

Notice is hereby given of the existence of a Purchase and Sale Agreement, dated June 16, 2014 (the "Agreement") between St. Joseph's Convent and Hospital, a Maine non-profit corporation (hereinafter called "Seller") and Sea Coast Healthcare, Inc., a corporation existing under the laws of the State of Maine or its nominee (hereinafter called "SCH"), and of an Assignment, dated September 15, 2014 by SCH to Sea Coast at Baxter Woods Associates, LLC ("Purchaser") of all of its rights as Purchaser under said Agreement.

Under the Agreement, Purchaser has the right and obligation to purchase, on and subject to the terms and conditions of the Agreement, the following property at the First Closing, as hereafter defined: (i) a portion of that certain real property consisting of the real estate situated at 605 Stevens Avenue in Portland, Maine, which portion is to contain approximately 17.36 acres, and all buildings and improvements thereon, including the Motherhouse, the Catherine McAuley school, the land between the Motherhouse and Baxter Woods and the "ball fields" and being the premises described in Exhibit A hereto (but excluding the St. Catherine's Parcel, as hereafter described) and generally shown as Lots 1, 3, 4 and 5 on the Conditional Zone Concept Plan, McAuley Place at Baxter Woods, Stevens Avenue, Portland, Maine prepared by Belanger Engineering, March 21, 2014 attached hereto as Exhibit A (hereinafter the "Plan"), together with easements over the St. Catherine's Parcel for existing and proposed underground drainage and utilities, including sewer, water and other utilities, a parking easement for use of up to a 20 parking space expansion of the parking lot on the St. Catherine's Parcel, and an easement for secondary ingress and egress from Walton Street, all for the benefit of said Lots 1, 3, 4 and 5 (with Purchaser to have the right but not the obligation after the First Closing to construct the drainage and utility lines, parking lot expansion and secondary access permitted by such Easements) (collectively, the "Easements"), which Easements shall be located substantially as shown on the Plan attached hereto as Exhibit A-1 (hereinafter the "Property"), and (ii) an assignment by McAuley Place at Baxter Woods Retirement Community, Inc. of the Credit Enhancement Agreement, dated May 2009 between the City of Portland and McAuley Place at Baxter Woods Retirement Community, Inc. (which is an affiliate of Seller), to the extent assignable, relating to the existing tax increment financing district, with no representations or warranties other than the fact that Seller has not assigned or caused to be assigned such agreement to any third party. At the Second Closing, as hereinafter defined, Purchaser has the right and obligation to purchase, on and subject to the terms and conditions of the Agreement, the following property, for the price and upon the terms and conditions hereinafter set forth, the St. Catherine's Residence, being the land and 18 unit apartment building generally as depicted as Lot 2 on the Plan and referred to herein as the "St. Catherine's Parcel" and also as generally depicted on Exhibit A-1.

The First Closing shall occur on the earlier of the following dates: (a) the date of the construction loan closing with Maine State Housing Authority relating to an award of low income housing tax credits (such loan closing is anticipated to be in April 2015 if low income housing tax credits are awarded to Purchaser or its nominee in the fall of 2014, or in April 2016 if low income housing tax credits are awarded to Purchaser or its nominee in the fall of 2015); or (b) June 30, 2016. The First Closing shall also occur on any earlier date as specified by Purchaser by at least ten days prior written notice to Seller. The Second Closing shall occur on the earlier of: (i) the date that is ten years after the date of this Agreement, or (ii) the date that is 180 days after Seller certifies to Purchaser in writing that all Non-Market Rate Leases have expired or been terminated, and that the Second Closing Date has been scheduled for 180 days after the date of such certification.

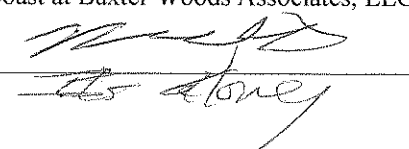
This Memorandum does not modify or alter the terms of the Purchase and Sale Agreement in any way.

Dated as of this ___ day of October 2014.

WITNESS:

Sea Coast at Baxter Woods Associates, LLC

By: _____

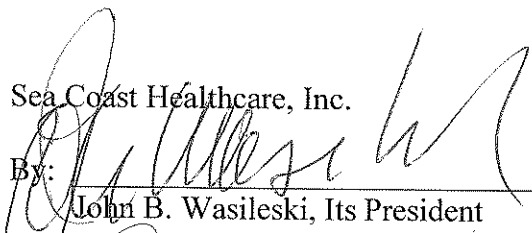


Assignment

For value received, Sea Coast Healthcare, Inc. hereby assigns the Purchase and Sale Agreement, dated June 16, 2014, between St. Joseph's Convent and Hospital, as Seller and Sea Coast Healthcare, Inc., as Purchaser, relating to property at 605 Steven's Avenue, Portland, Maine, to Sea Coast at Baxter Woods Associates, LLC, a Maine limited liability company. Baxter Woods Associates, LLC hereby assumes and agrees to perform all obligations as purchaser under said Agreement.

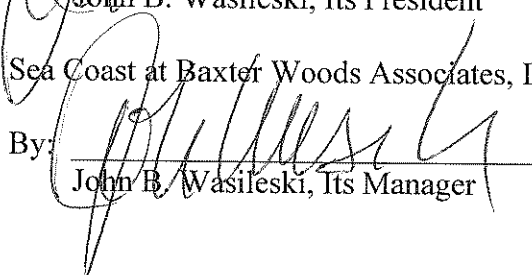
Dated: Sept 25, 2014.

Sea Coast Healthcare, Inc.

By: 

John B. Wasileski, Its President

Sea Coast at Baxter Woods Associates, LLC

By: 

John B. Wasileski, Its Manager

Chart of a Continuum of Care Community

Independent Resident Townhouses/Apartments

- ◆ Resident Profile. Healthy, active, independent seniors who still cook and drive. Up to 50% couples. Assume 1 car per apartment.
- ◆ Unit Summary. 140 cooperative housing units for sale at *market rates*
- ◆ Product Summary. Senior-friendly construction, maintenance / security services and social activities allows residents to remain healthy and independent
- ◆ Market Summary. Fastest growing segment of senior housing market. Largest potential market and greatest income potential.



Independent Resident Apartments

- ◆ Resident Profile. Seniors who require assistance with basic services such as cleaning, cooking and transportation in order to remain independent. Over 75% are single and approximately 50% to 60% of residents will have one car.
- ◆ Unit Summary. 60 + 32 = 92 +/- congregate apartments including a number of affordable apartments (20% to 40%) and the balance being market rate.
- ◆ Product Summary. Senior-friendly construction and an array of support services allow residents to remain independent in an apartment setting.
- ◆ Market Summary. Seniors choosing independent apartments today are increasingly frail and in need of support services.



Assisted Living Apartments in the Motherhouse

- ◆ Resident Profile. Seniors who can no longer live independently and require assistance with activities of daily living such as bathing, dressing, dining and medication management. Over 85% are single and none will drive a car.
- ◆ Unit Summary. 24-36 +/- assisted living apartments with rent based services required.
- ◆ Product Summary. Senior-friendly construction, support services and assistance with activities of daily living helps residents remain in an apartment setting.
- ◆ Market Summary. Important to keep occupancy near 100% due to high cost of services and staffing. Strong demand for affordable assisted living.

Sisters of Mercy -- St. Joseph's Convent

Att. F



Exterior Views of Motherhouse



Interior Views of Motherhouse



SUMMARY MEMORANDUM

TO: Mr. Matthew D. Teare
Director of Development
Sea Coast Management Company
30 Governors Way
Topsham, Maine 04086

DATE: April 3, 2015

RE: Trip Generation Analysis for Proposed Zoning Alternatives on the McAuley Site in
Portland, Maine

Introduction

The purpose of this memorandum is to summarize trip generation analysis prepared for the proposed re-zoning of the McAuley site on Stevens Avenue in Portland, Maine. The zoning is being requested to accommodate a proposed senior housing development. The requested rezoning of lots 3 and 4 would change the zone from the current R5 to the requested R5A. It is understood that the current R5 zone would allow for up to 131 dwelling units to be constructed on lots 3 & 4 (where Motherhouse and Proposed Senior Congregate Community would be located, as shown conceptually on Figure 1.) The proposed R5A zone would allow for up to 368 dwelling units on these lots or approximately 335 senior congregate apartments. It was assumed for this trip generation analysis that the dwelling units would consist of attached apartment units since they would generate more trips than condominium units. The density that could be obtained with single-family detached housing would be significantly less so this apartment basis is worst case in terms of potential trip generation.

Trip Generation Analysis

Maximum Build-Out

Trip generation for the maximum potential build out of the rezoned lots 3 & 4 was determined using the most recent Institute of Transportation Engineers (ITE) Trip Generation, 9th edition report, published in 2012. As previously discussed, Land Use Code (LUC) 220 - Apartment was used to represent worst case. The results for existing R5 zone with 131 units and the proposed R5A zone with a maximum of 368 units are summarized in the following table:

ITE Trip Generation for Potential Build-Out (one-way trip ends)				
Time Period	Apt. Trip Rate	Current R5 131 Units	Proposed R5A 368 Units	Change in Trips
Weekday	6.65	872	2,448	1,576

<u>Time Period</u>	<u>Apt. Trip Rate</u>	<u>Current R5 131 Units</u>	<u>Proposed R5A 368 Units</u>	<u>Change in Trips</u>
AM Peak Hour i Generator	0.55	72	202	130
Entering		21	59	38
Exiting		51	143	92
PM Peak Hour i Generator	0.67	88	247	159
Entering		54	151	97
Exiting		34	96	62
Saturday	6.39	838	2,352	1,514
Saturday Peak Hour	0.52	68	191	123
Entering		37	103	66
Exiting		31	88	57

As can be seen in the above table, the proposed zone change from R5 to R5A would result in approximately 130 new one-way trips during the weekday AM peak hour, 159 during the PM peak hour and 123 during the Saturday peak hour. This assumes that lots 3 & 4 are developed to the maximum density permitted, which is currently limited by a maximum of three-unit buildings. If the site were designed to accommodate three unit attached flats, with no garages, and to meet ordinance requirements for open space, parking, setbacks, etc., it is highly unlikely that the theoretical maximum density of 368 units could be achieved, further supporting that this is a highly conservative analysis.

Proposed Senior Housing Build-Out

Trip generation was also performed for the currently proposed senior housing development, also using the ITE "Trip Generation, 9th edition" report for comparison purposes. It was determined that under the R5A zone the maximum number of units that could be developed was 335. It is expected that the development will contain independent living apartment units as well as some assisted living. The expected split for the maximum 335 units would be 24 assisted living units and 311 independent living units. Land use codes 252 i Senior Adult Housing i Attached and 254 - Assisted Living were used on the basis of dwelling units for the senior housing option. The results are summarized below:

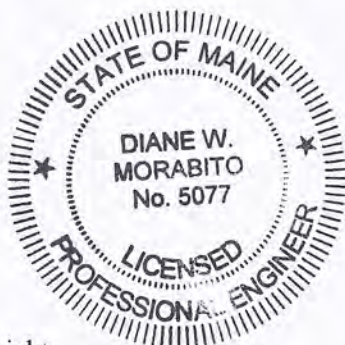
Projected ITE Trip Generation (one-way trip-ends)					
Proposed Senior Housing Development					
<u>Time Period</u>	311 Senior Living Attached Units		24 Assisted Living Units		Total Trips
	<u>Rate</u>	<u>Trips</u>	<u>Rate</u>	<u>Trips</u>	
Weekday	3.44	1,070	2.74	66	1,136

<u>Time Period</u>	311 Senior Living Attached Units		24 Assisted Living Units		Total Trips
	<u>Rate</u>	<u>Trips</u>	<u>Rate</u>	<u>Trips</u>	
AM Peak Hour – Generator	0.39	121	0.23	6	127
Entering		56		4	60
Exiting		65		2	67
PM Peak Hour – Generator	0.35	109	0.37	9	118
Entering		60		4	64
Exiting		49		5	54
Saturday	2.61	812	2.20	54	866
Saturday Peak Hour	0.31	96	0.36	9	105
Entering		55		5	60
Exiting		41		4	45

As can be seen above, the proposed senior housing development, assuming the highest build-out dwelling unit numbers, is expected to generate 127 one-way trips during the weekday AM peak hour, 118 during the PM peak hour and 105 during the Saturday peak hour. Given that trip generation would exceed the 100-trip threshold, a state Traffic Movement Permit (TMP) would be required prior to the completion of the project, unless there are any site credits available for reduced trips at the high school.

The study area for 100 -200 trip level TMPs is typically limited to the immediate vicinity of the site since this level of traffic does not generally have a major impact off-site beyond the site drives. The City of Portland has delegated review authority to review the TMP application and issue the permit on behalf of the State of Maine Department of Transportation (MaineDOT).

Please do not hesitate to contact me if you or the City of Portland have any questions regarding this preliminary traffic information for the proposed rezoning to accommodate the planned senior housing development.

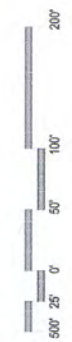


Sincerely,

Diane W. Morabito, P.E. PTOE
President

cc: Rick Licht
Tom Errico, TY Lin
Jean Fraser, Portland

03.30.15
REV 3 ZONING



PHASE 4

McAuley Place CONCEPTUAL PHASING PLAN

(TOTAL AVERAGE 18.89 ACRES)
RSA REZONING = LOT 3+4 = 13.50 ACRES

MEETING • PHONE • FIELD VISIT NOTES

Project:	McAuley Place (aka Seacoast at Baxter Woods) 605 Stevens Avenue Portland	Project No.:	14.067
Attendees:	See Attached Attendance List	Date:	April 02, 2015, 6:30 PM
Subject:	Rezoning Neighborhood Meeting	Location:	Sisters of Mercy Convent "Motherhouse" 605 Stevens Avenue

Meeting Purpose:

Official Neighborhood Meeting to review proposed rezoning of the McAuley Campus from R-5 to R-5A for proposed re-development of the Motherhouse as affordable senior housing and development of a congregate/senior community.

Presentation:

John Wasileski, Seacoast at Baxter Woods Associates, LLC
 Matt Teare, Seacoast at Baxter Woods Associates, LLC
 Kevin Bunker, Motherhouse LLC
 Rick Licht, PE, Licht Environmental Design, LLC

Project :
Motherhouse:

- 88 Affordable Senior Units.
- Low Income Housing tax Credits (LIHTC) and Historic Tax Credits (HTC) being pursued – critical to making project financially solvent due to complexities in re-developing Motherhouse.
- 68 One BR and 20 Studio Apartments. (66 Affordable@\$640-830/mo./22 Market Rate@\$1150-1200/mo.)

Congregate/Senior Community:

- Developer has 30+ years of experience developing and operating senior and congregate living communities in Maine.
- Proposal for up to 250+/- senior congregate housing apartment units with services.
- Current option includes McAuley High School lease – option to extend up to 25 years.
- Full build-out to preserve play field as practice field or full size field.

Zoning and Densities:

- Only 13.5+/- acres of the 18.98 acre campus proposed for rezoning. (Does not include McAuley HS and St. Catherine's lots)
- R5 density permits 131 residential multiplex units/R5A would allow 330-335 Units based on proposed Net area/R6A would permit 492+/- units based on gross area.
- Current R5 building height is 35 feet. R5A has no specific requirement – proposing 60 feet for 5 story buildings.

Public Comments:

1. Who receives tax credits? Developer receives and sells credits to investors.
2. Define Senior Housing? 55 plus age. This is not housing for young adults however, moving seniors into these facilities frees up housing stock in the City for young adults.

3. What is typical absorption rate of LIHTC projects? All of developer's LIHTC projects fully occupied/built out.
4. What utilities do Motherhouse rents include? All utilities but electric.
5. Traffic Concerns , Project will increase congestion and traffic? Cannot find spaces at Stevens Ave or even in the cemetery. Concerns over fire/ambulance visits as with Park Danforth. The project will undergo a traffic study and be peer reviewed by the City Traffic Engineer. Typical ITE figures provide for significantly less peak hour trips than single family dwellings and seniors by choice do not have to travel at "peak" hours. Campus will include van transportation, utilize public transportation and provide a walking campus to further reduce traffic. On average residents of Developer's other communities, only 1/3 residents own vehicles.
6. What is plan for Chapel – Under HTC must keep in existing condition. To be preserved for use by residents.
7. What services will be offered with Motherhouse units? Motherhouse will not have full services but will maintain full kitchen, etc. for use. Services include access to resident counselors on regular basis.
8. What is plan for development of Senior/Congregate campus? Development will respond to current market trends with more independent living units initially for baby-boomers and transition into more full service congregate facilities in later phases as residents age.
9. Project will be asset to community allowing for multi-generational partnership with the school, and with Deering Pavilion/UNE/ Park Danforth, etc. Good for the community. Shared options with School include potential pool use, meals and nutrition education, volunteerism with residents and students, etc.
10. How will Motherhouse be set up/ownership and will they pay taxes? Motherhouse will be set up as Co-Op or Condominium and is not tax exempt.
11. What is phasing schedule? Anticipated plan is 2016-17 Motherhouse development, 2017-18 – 50 units senior apartments; market driven phases expected to fully build out in phases by 2022 up to 335 +/- units. Developer builds based on pre-sales of units.
12. Will Stevens Ave be used for parking? No, project will meet all parking requirements on-site and proposes to use underground garage parking under buildings pending final geotechnical evaluations. Seniors have significantly less ownership of cars than general public.
13. Concerns that project is proposing loss of athletic fields. Project is proposing to phase in the development (Phases 1-4). Initial Motherhouse Phase and first Senior Apartment phase will have no or minimal effect on fields (2016-2018/19). Subsequent phases will encroach on fields requiring re-orienting and loss of some play fields. Final phase will result in practice or full sized field if possible based on engineering and design. Reminder that prior to the 2006+/- Field Expansion, the school existed with one playfield area. Games were played in off-campus locations in Portland.
14. School is in competition with Chevrus- How can we compete for students without full size fields?
15. School has had decreasing enrollment for 10 years –obviously the field expansion has not helped sustain enrollment.
16. Is there flexibility in planning of fields and site? Yes, design masterplan is very conceptual at this point and every effort will be made to incorporate a full size field into final phases of project.

17. Concerns voiced over long term viability/sustainability of McAuley HS with loss of fields. Developer option is with the Sisters of Mercy with option on School to allow school to continue on the site. Developer has been working with the Sisters for over 10 years to make this a viable project and to sustain the school. School will have lease with graduated rent and COLA over prescribed period of years.
18. Concern over building heights – New buildings proposed at 60 ft. maximum requested in new R5A zoning. Will not exceed Motherhouse height. Site drops off topographically from Stevens Ave. further reducing any height concerns. Developer will prepare site sections for Planning Board.
19. 55+ communities – allows “relatively young” working couples who will increase traffic and own more 2 autos? No, the economic reality is that retirement communities average age is 70-75+.
20. Concern by residents over sporting events and traffic generated on Walton Street under current McAuley school use.
21. Stormwater concerns - residences on Holly Street. Former springs under fields and groundwater. Area is always wet. Developer will be completing comprehensive stormwater study and mitigating increases in stormwater due to development to meet City/DEP standards. Engineers will meet with residents to view concerns.
22. Fields are useless for athletic game play – current fields are not safe and have poor quality/irregular surfaces. If school feels fields are needed onsite to sustain enrollment – should be considering turf fields on or offsite to be competitive.

These notes have been prepared by Frederic Licht, PE, and are the author’s interpretation and summary of the presentation and comments provided by the public and may not reflect each individual speaker’s comments.



Frederic (Rick) Licht, PE LSE
Principal



Dear Neighbor,

Please join us for a neighborhood meeting to discuss our plans for an active senior living community on the Sisters of Mercy / McAuley School Campus located at 605 Stevens Avenue.

The details of the meeting are as follows:

Meeting Location: St. Joseph's Convent // "The Motherhouse"
Meeting Date: Thursday, April 2nd, 2015
Meeting Time: 6:30 pm

Please arrive via the Walton Street entrance to the campus and park in the McAuley School parking lot. As you walk toward the Motherhouse from the parking area, the open entrance to the Motherhouse will be at the side of the Motherhouse just before you reach the front of the building. There will be a sign on the open doorway. Please proceed up the short flight of stairs and straight down the 1st floor corridor and up the main stairway to the chapel on the 2nd floor.

This is meant to be an informal, collaborative conversation regarding our preliminary proposal. After a brief presentation on our concept plans, we would like to hear your thoughts, concerns, comments and ideas.

In addition, if you would like to meet with our team individually or have other questions / comments, feel free to contact me via phone or email at 837-2418 or mteare@highlandgreenmaine.com.

Thank you for your time and consideration.

A handwritten signature in dark ink, appearing to read "Matt Teare", with a stylized flourish at the end.

Matt Teare
Director of Development
Sea Coast Management Company

EXAMPLE: Neighborhood Meeting Certification

I, (applicant/consultant) hereby certify that a neighborhood meeting was held on (date) at (location) at (time).

I also certify that on (date at least ten (10) days prior to the neighborhood meeting), invitations were mailed to the following:

1. All addresses on the mailing list provided by the Planning Division which includes property owners within 500 feet of the proposed development or within 1000 feet of a proposed industrial subdivision or industrial zone change.
2. Residents on the "interested parties" list.
3. A digital copy of the notice was also provided to the Planning Division (jmy@portlandmaine.gov and ldobson@portlandmaine.gov) and the assigned planner to be forwarded to those on the interested citizen list who receive e-mail notices.

Signed,



04-03-15 (date)

Attached to this certification are:

1. Copy of the invitation sent
2. Sign-in sheet
3. Meeting minutes



May 01, 2015

J14.067

Jean Fraser, Planner
 Planning and Urban Development Department
 Planning Division
 389 Congress Street, 4th Floor
 Portland, Maine 04101

605 Stevens Avenue and Walton Street, Portland
Request for Zoning Amendment to R-5A
(CBL 136 E006001, 143 F004000, 144 B001000)

Dear Jean:

On behalf of Sisters of Mercy of the Americas Northeast Community, Inc. (Sisters of Mercy), Sea Coast at Baxter Woods Associates, LLC and Motherhouse LLC we are pleased to submit the following additional information in support of our request for a Zoning Map and Text Amendment from the R-5 to an R-5A Zone. The following and attached materials supplement our submission of April 24th and respond to specific zoning related questions raised at the April 14th Planning Board workshop. We have included the April 24th letter as an attachment for ease of reference.

This submittal includes the following:

- Exhibit 1 – Proposed Zone Map Change -Revised
- Exhibit 2 – Building Height Study
- Exhibit 3 – Building Massing Models
- Exhibit 4 – Traffic Memo, Maine Traffic Resources, dated 04-29-15
- Exhibit 5 - April 24th Letter to Staff re: Zoning Criteria

1. Proposed Zoning Map Amendment

The Planning Board had suggested that the “finger” which is the proposed main access right of way to the main rear lot (Lot 4) off Walton Street be excluded from the proposed R-5A zone to avoid cutting into the R5 district (*Exhibit 1*). We feel it is better not to split parcels with different zoning designations but are open to continuing the discussion. We have also made a minor adjustment in the R-5A zone line at the rear of the St. Catherine’s lot provide a “cleaner” zone line.

2. Appropriate Building Height for the Campus (Refer to April 24th Letter, *Exhibit 5*)

The project team has analyzed the site and building program proposed for the campus and after further evaluation would support a building height of **55 feet rather than 60 feet**. We height will allow for 4 and 5 story buildings depending on construction type.

We have prepared *Exhibit -2 Building Height Study* to further the discussion of how this height is compatible with the Motherhouse, the rest of the McAuley campus and the general neighborhood. *Exhibit 2* compares key buildings in the general Stevens Avenue area from the Deering Pavillion at 11

stories and over 100 feet tall to Park Danforth at 64 ft. +/- and the Motherhouse at 56 feet to the roofline and 108 feet to the top of the dome. More importantly the proposed 4-5 story senior apartments would be set back over 180 ft. from Stevens Avenue and behind the face of the Motherhouse with the historic iron fence, mature evergreen and specimen trees providing a significant visual buffer from Stevens Avenue. All proposed buildings would be below the height of the Motherhouse.

Equally important to this site, the proposed 4 and 5 story senior apartments would drop topographically 8-10 feet from Stevens Avenue towards the rear of the site further reducing any visual impact. The 70-ft. trees at Baxter Woods would further mask the buildings from south of the property.

We believe the proposed 55 foot building height is both appropriate for the R-5A zone to promote smart growth ideals of providing medium density housing in designated zones off-peninsula within the City and consistent with surrounding uses.

3. Project Scale and Massing:

Exhibit 3 provides a study of proposed and existing building massing from various view points. The massing is not specific to a particular building design but rather serves to illustrate the compatibility of the scale and height with the existing campus and adjacent land uses. The study demonstrates how the proposed campus development is set towards the south and east (rear) of the site with open space – either athletic fields or mature tree growth in the foreground separating the development from adjacent streets and view corridors. Baxter Woods dominates the background with the forest canopy well above proposed senior apartments.

The massing study also clearly demonstrates the significance both physically and architecturally of the Motherhouse as the dominant structure on the campus and in the immediate Stevens Avenue neighborhood, as it should be. It is a proud building which will remain the prominent focus of the campus.

Another factor which the massing study helps to illustrate is the relationship between building height, scale, density and open space. The model suggests a combination of 4 and 5 story buildings to achieve the desired density of units. Reducing the senior apartment buildings to only 4 stories would add an additional structure with a direct reduction in open space and field area. Creating a well designed campus requires a balance of all of these factors in a complimentary fashion – not simply a discussion of building height.

We believe that the information presented supports both the scale of the buildings being proposed in a campus environment and the compatibility of the project within the surrounding neighborhood.

4. Lot Coverage and Open Space: (Refer to April 24th Letter, *Exhibit 5*)

As stated in the April 24th letter, we support staff's recommendation for the R-5A lot coverage of 30% and open space of 200 square feet per dwelling unit. The project masterplan at full build out with current refinements is under 21% lot coverage. The open space, including the practice field for the Senior Congregate Apartment Lot 4 would require approximately 10% of the site as open space based on the current concept masterplan whereas over 20% of usable, level land can be provided. On the

Motherhouse Lot (Lot 3) approximately 12% of the lot is required as open space and over 25% can be provided as common areas. The ability to provide increased open space is directly related to the concept of using underground parking to reduce impervious areas and provide for a “greener” campus. The proposed standards would allow for greater flexibility in site planning on other sites which do not utilize underground parking.

5. Traffic and Senior Drivers:

The Planning Board and City Traffic Engineer requested (1) that the applicant respond to public comments of safety and senior drivers and (2) provide a comparison of Institute of Transportation Engineers (ITE) trip data with actual facility data.

Our traffic engineer, Diane Morabito, PE, PTOE, has researched data from the Maine Department of Transportation (MDOT) which relates driver age groups to accident data and has conducted trip counts at The Highlands retirement community in Topsham. The results of her research are summarized in her memo dated April 29th, 2015 (*Exhibit 4*) and support the following conclusions:

- a. Trip Counts: The actual trip counts from The Highlands correlated to within 9% of the ITE data which is not considered a significant deviation. This data suggests that using ITE data is accurate. Additionally, the proposed senior campus at 605 Stevens Avenue is more urban than The Highlands and is located on the city metro bus route and is in a walk able neighborhood –all factors which will further reduce vehicle trips.
- b. Safety: A review of two factors in the determination of safety was conducted – intersection accident data at three retirement community driveways and analysis of accident rates by age. In the first assessment all study intersections had a critical rate factor (CRF) of less than 1.0 indicating a crash rate less than similar intersections in non-senior communities. The latter assessment found that without exception, the older the driver age group, up to and including “70 and older” – the lower the crash rate. The data suggests that older drivers do not as a group, statistically pose a safety threat.

Additionally the City Traffic Engineer has requested that traffic & pedestrian counts be conducted while schools are in session. Due to school vacation week, those counts are being performed this week and the additional assessments will be provided to staff in a separate submittal when completed.

6. Transportation Management Programs in other Seacoast Senior Communities:

- a. Overview: Compared with virtually every other type of use allowed on the property under zone 5 or 5A, a senior community will produce the lowest and safest amount of traffic by far. Additionally, a significant portion of the traffic it does generate (the senior residents) will intentionally avoid driving during the am and pm peak hours.
- b. Background based on Current Sea Coast Communities: (Senior Independent Living in Apartments). Approximately 60% of residents living in our lodge buildings (senior independent living in apartments) have and use cars on an everyday basis. As residents age, they increasingly turn to the community transportation program versus driving themselves. This is the whole concept of a senior living community with services. As residents age, the services are available

that allow them to continue to be independent, healthy and active as opposed to someone living alone who is very dependent on their car.

- c. OceanView Transportation Program: Our transportation program is robust and growing. We have two vans and three cars dedicated to providing transportation to our residents. The two vans provide regularly scheduled transportation to residents for all forms of shopping, restaurants visits, tourist trips and a variety of social and wellness activities. The three cars provide residents with individualized transportation by appointment for all their other transportation needs. In order to manage and deliver this program, OceanView employs a full-time transportation coordinator, two part-time drivers and several per diem drivers to manage and provide the transportation program. Finally, a public bus service from Portland to Falmouth does provide regular service through the OceanView campus with several stops a day.
- d. Prospect Resident Profile: Many residents for the proposed community will come from the greater Deering Center neighborhood. These seniors will become less car dependent through access to the community transportation programs and services. Moreover, the seniors attracted to a community on Stevens Avenue – located in a more urban location – are more likely to take advantage of the walkability and public transportation than our typical suburban resident.
- e. Overall Safety with Senior Drivers within a Planned Community: In a senior community, residents who may be having challenges with driving (and other health and wellness issues) are identified by staff and fellow residents and proactive steps can be taken to address any issues. Many senior communities also have resident services coordinators who can help identify the services a resident may require and coordinate the access of those services in a timely manner. Lastly, adult children are able to “encourage” their parents to take advantage of existing transportation programs available within a community. This can be a very difficult conversation and process when a senior is living alone in a car dependent situation.

7. Parking Management at the Proposed Campus:

- a. Overview. As a developer and operator of planned senior communities, we focus significant time and effort on the issue of parking on our campuses. We work hard to balance the day to day parking requirements with a comprehensive parking plan.
- b. Day to Day Parking Needs. The campus will be designed to meet the everyday parking needs of residents, staff and guests. Based on our experience managing communities, these numbers can be predicted and planned for with accuracy. Parking spaces are typically assigned to each of these groups to ensure that residents – first and foremost – have a convenient and safe place to park as close as possible to their home. For this specific project, we are working to provide the majority of resident parking spaces (outside of the Motherhouse project) via underground parking garages – thus freeing the new surface parking for staff and guests to the campus. The masterplan would not require any additional parking on Stevens Avenue.

- c. McAuley School Events. Applied to the current proposal, we are already working with the McAuley School to integrate their parking needs and challenges into our proposal. With the new project, the intent is to share parking on the campus via the appropriate easements. This will allow overflow parking from one aspect of the campus to utilize available parking in other areas of the campus. Additionally, we will coordinate a shared schedule. For example, large warm weather events at the senior community would be scheduled during the summer months when the school parking lot would be largely available.

8. Stormwater and Ecology:

Concerns from residents have been expressed over stormwater, groundwater and the impact of the project on the ecology of Baxter Woods. All of these issues will be addressed during the Master Development Plan and Level III Site Plan review processes as more detailed plans are developed. However we can offer the following qualified comments to address concerns at this time:

- a. Standards: The project will undergo a rigorous design and review process to meet and exceed the City of Portland Chapter 32 stormwater standards which invoke the DEP Chapter 500 Stormwater Management Rules. We anticipate the implementation of a combination of low impact development (LID) stormwater measures such as rain gardens, bio-filters, pervious pavements and possible wet pond to mitigate increases due to development to below existing conditions for both stormwater quality and quantity.
- b. Existing Conditions: We are aware of the wet conditions located to the east, down gradient of the campus and our design team has agreed to meet with several neighbors who have raised concerns over current conditions to more fully understand their stormwater or groundwater issues. The introduction of a positive stormwater management system for the campus, addition of underdrains coupled with stormwater retention/infiltration through the use of LID devices should cause improvements over current conditions.
- c. Ecology: Questions were raised over the impact to the ecology of Baxter Woods from the development of the proposed housing and in particular, underground parking. We would suggest that the hydrologic conditions necessary to support the robust tree and woods growth of Baxter Woods is derived from both surface and groundwater. Based on initial geotechnical investigations on-site to understand soil conditions and as noted above, the stormwater management system intends to implement infiltration measures wherever possible to recharge the soil strata and groundwater. Secondly the underground parking may be up to 12 ft. below grade and will contain underdrain systems would be below the root systems of typical hard and softwood trees and would be located to meet City setbacks from the woods/property line. Lastly the project will maintain the existing 30 foot wooded buffer between any building and the southern property line at Baxter Woods.

In summary we believe we have addressed all issues and concerns raised by the Planning Board and Staff and look forward to presenting information on the requested zoning Text and Map Amendments at the May 12th Public Hearing. In the meantime we welcome the opportunity to meet with staff to cover any questions or provide any additional information as needed.

Sincerely,



Frederic (Rick) Licht, PE, LSE
Principal

Cc: (via email - PDF copy)

John Wasileski; Sea Coast at Baxter Woods Associates, LLC
Sister Lindora Cabral; Sisters of Mercy of the Americas Northeast Community, Inc.
Daniel Justynski; Sisters of Mercy of the Americas Northeast Community, Inc.
Dennis Keeler; Pierce Atwood, LP
Matt Teare; C/O Sea Coast at Baxter Woods Associates, LLC
David Haynes, RLA; Seacoast Management Company
Kevin Bunker; Motherhouse, LLC
Ron Epstein, Natalie Burns; Jensen, Baird, Gardner & Henry
Pat Carroll; Carroll Associates, Landscape Architects
Andrew Johnston; Fay, Spofford & Thorndike

April 24, 2015

J14.067

Barbara Barhydt
Development Review Manager
Planning and Urban Development Department
Planning Division
389 Congress Street, 4th Floor
Portland, Maine 04101

605 Stevens Avenue and Walton Street, Portland
Request for Zoning Amendment to R-5A
(CBL 136 E006001, 143 F004000, 144 B001000)

Dear Barbara:

On behalf of Sisters of Mercy of the Americas Northeast Community, Inc. (Sisters of Mercy) and Sea Coast at Baxter Woods Associates, LLC we are pleased to submit the following supplemental information in support of our request for a Zoning Map and Text Amendment from the R-5 to an R-5A Zone. This information supplements our prior submission of April 6th and responds to specific zoning related questions raised at the April 14th Planning Board workshop.

We understand that this project will not be on the Planning Board workshop next Tuesday, April 28th but we wanted staff to have the three key zoning related to the 605 Stevens Avenue project as background in the discussion of proposed Amendments to the R-5A Zone – building height, open space and lot coverage. Further information and graphics related to neighborhood compatibility, building height, traffic, etc. will be provided in a more comprehensive submittal next week for the May 12th Planning Board meeting.

1. Appropriate Building Height for the Campus

- a. Overview. We are seeking the 60 feet height limit within the proposed R-5A zoning based on the proposed design for this community and our experience at our other communities. With regard to the proposed community, the key factors relating to height are (1) the size and scale of the Motherhouse (the focal point of the community); the size and scale of other buildings in the neighborhood; the goal of minimizing building footprints and maximizing green / open space; the goal of providing underground parking to reduce surface parking; and ensuring an appropriate density to meet the financial requirements of the project as well as the overall need for new and expanded housing options in this area of Portland.
- b. The Motherhouse and the View from Stevens Avenue. First and foremost, the buildings must complement and enhance the existing motherhouse. This can be addressed through building placement, materials, height and overall design. The Motherhouse is essentially 5 full floors of livable space including a daylight lower level, three main floors and a full size floor enclosed by a dormered roof. The average roof height of the Motherhouse is 56 ft., the top of the dome is 108 ft. and the top of the spire on the dome is 119 ft.. To ensure that this magnificent building and view from Stevens Avenue is not negatively impacted, any new building will be (1) set back

behind the front of the Motherhouse; (2) the building closest to Stevens Avenue will be stepped down a floor to ensure it is clearly secondary to the Motherhouse; (3) the large, mature trees at the front of the Motherhouse will be preserved to provide only a filtered view of the new buildings; and the grade – which drops from Stevens Avenue to the rear of the site will ensure that no new building exceeds the roof height of the existing Motherhouse.

- c. Designing with a 60 feet Maximum. The requested 60 ft. height limit is based on our experience designing recent senior living buildings with parking underground. We recently completed a very attractive 3 ½ story building with underground parking on our OceanView at Falmouth campus. This building stands at approximately 50 ft. measured from the first floor level. This height is impacted by underground parking, high ceilings, space requirements for mechanical equipment, a residential style roof and additional equipment on the roof. Based on this experience, we feel that 60 ft. is absolutely required to ensure we have the flexibility to design an attractive 4 ½ story building with a residential style roof on the campus.
- d. Building Height in Falmouth. We also have recent experience working on building height restrictions in the Town of Falmouth. The OceanView at Falmouth campus is located in a suburban residential neighborhood in Falmouth. There are no existing buildings anywhere in the vicinity the rival the size and scale of the Motherhouse. Despite this fact, the Town has worked with us twice over the last decade to raise the height limit from 39 feet to 45 feet to 60 feet. The town was comfortable with the height because it recognized our commitment to quality design and planning as well as the unparalleled economic and community development benefits of the community.

Following are comparisons of various building heights found in typical residential construction based on input from the project architects:

- a. Motherhouse Heights. (From rear lowest grade)
 - To average of roof pitch = 56 ft.
 - To top of dome = 108 ft.
 - To top of spire at dome = 119 ft.
- b. Typical four (4) story residential building:
 - Flat roof = 41.5 ft.
 - Pitched roof = 50 ft+/-
- c. Typical four (4) story residential building over parking first level:
 - Flat roof = 51.5 ft.
 - Pitched roof = 60 ft+/-
- d. Typical five (5) story residential building (required to meet non-combustible codes)
 - Flat roof = 50 – 52 ft.
 - Pitched roof = 55 - 60 ft.

EXHIBIT 5

e. Recently completed “Blueberry Commons” apartments at OceanView Retirement Community four (4) stories with underground parking

To top of roof = 50 ft

To ½ dormer roof = 46 ft.+/-

As noted above, we will follow up with a more comprehensive visual assessment of comparative building heights and scale of the proposed campus masterplan in context to the neighborhood next week. The following photographs help to illustrate 4 and 5 story building heights.



Blueberry Commons Senior Apartments,
OceanView Retirement Community
Falmouth

EXHIBIT 5



Motherhouse – Front Elevation

2. Lot Coverage:

Current R-5 zone allows a maximum lot coverage of 40%

Current R-5A zone allows a maximum lot coverage of 30%

The applicant supports the existing lot coverage standard of 30%.

The following demonstrates that the proposed masterplan can meet the current maximum lot coverage or 30%.

Lot 3 - (3.4 acres+/-) Motherhouse : 19.5%

Lot 4 – (10.4 acres +/-) Congregate/Senior Apartments:

Assuming 5 Story Buildings: 15.0 %

Assuming 4 story Buildings: 18.5%

3. Open Space:

Current R-5 zone Open Space requirements apply to PRUD only at 300 s.f. per dwelling unit of level, dry land with a minimum of one 6,000 s.f. area or one multipurpose game field.

Current R-5A zone Open Space requirements apply to PRUD only at 200 s.f. per dwelling unit with a minimum of one 6,000 s.f. area or multipurpose field.



Applying the current R-5A PRUD standards, the following Open Space would be required for Lots 3 and 4:

Lot 3 –Motherhouse (88 dwelling units):

17,600 s.f. (0.40 acres) required

75,700 s.f. (1.72 acres) provided

Lot 4 – Congregate/Senior Apartments (use 235 units):

47,000 s.f. (1.07 acres) required

226,000 s.f. (5.19 acres) provided @ 5-story buildings/underground parking

The applicant supports the use of the current PRUD standards towards the multiplex and congregate uses proposed with the current Draft R-5A zoning amendments of 200 s.f. per dwelling unit and 6,000 s.f. and usable recreation field area.

We believe that these standards as proposed are both consistent with the current use and zoning of the property and the greater neighborhood. We trust that the Planning Board and staff would support the proposed amendments.

Again, we will be forwarding a formal submittal next week to address other more site-specific questions raised by the Planning Board and the public at the last workshop and look forward to meeting with the Board on May 12th.

Sincerely,

A handwritten signature in black ink, appearing to read 'Rick Licht'.

Frederic (Rick) Licht, PE, LSE
Principal

Cc: (via email - PDF copy)
John Wasileski; Sea Coast at Baxter Woods Associates, LLC
Sister Lindora Cabral; Sisters of Mercy of the Americas Northeast Community, Inc.
Daniel Justynski; Sisters of Mercy of the Americas Northeast Community, Inc.
Dennis Keeler; Pierce Atwood, LP
Matt Teare; C/O Sea Coast at Baxter Woods Associates, LLC
David Haynes, RLA; Seacoast Management Company
Kevin Bunker; Motherhouse, LLC
Ron Epstein, Natalie Burns; Jensen, Baird, Gardner & Henry
Pat Carroll; Carroll Associates, Landscape Architects
Andrew Johnston; Fay, Spofford & Thorndike

EXHIBIT 5

SUMMARY MEMORANDUM

TO: Mr. Matthew D. Teare
Director of Development
Sea Coast Management Company
30 Governors Way
Topsham, Maine 04086

DATE: April 29, 2015

RE: Additional Traffic Data for Proposed Zoning Change for Baxter Place in Portland

Introduction

The purpose of this memorandum is to summarize additional traffic information gathered and analysis performed in regard to the proposed zoning request to accommodate Baxter Place on Stevens Avenue in Portland, Maine. It is understood that issues were raised at the last Planning Board workshop regarding older drivers and their safety. In addition, the City Traffic Engineer had requested some information regarding actual trip generation rates for Maine retirement communities since he believed the ITE rates to be low.

Trip Generation Data

It is understood that the City Traffic Engineer requested some information regarding actual trip generation rates for Maine senior housing developments since he believed the ITE rates to be low. It is important to note that Maine Traffic Resources used the newest 9th Edition rates in the analysis, which are higher than the previous 7th Edition rated being used by MaineDOT for traffic permitting purposes.

Maine Traffic Resources has actual PM peak hour trip generation data for The Highlands in Topsham, Maine. The most recent counts were conducted by Maine Traffic Resources on June 19, 2013 from 3:00 to 6:00 PM. The counts were conducted at the intersection of Route 196 and Community Way and at the intersection of Governor's Way and Elm Street to capture all vehicles entering and exiting The Highlands.

The peak hour occurred from 3:00 to 4:00 PM. A total of 119 vehicles were recorded during this peak hour. Trip generation for The Highlands development was based upon the Institute of Transportation Engineers (ITE) "Trip Generation, 9th edition" report. The Highlands development at the time of the 2013 counts included:

- 133 independent cottages
- 116 independent living apartments in the lodges
- 60 assisted living apartments in the lodges
- 7 independent living apartments in the historic Ben Porter House

Trip generation for the development was determined using ITE Land Use Codes (LUC) 251 i Senior Adult Housing i Detached for the 133 cottages, LUC 252 i Senior Adult Housing i Attached for the 123 independent living apartments and LUC 254 i Assisted Living for the 60 assisted living units. The results are summarized below:

<u>Time Period</u>	ITE Projected Trip Generation (Trip-ends)			
	<u>LUC 251 Cottages</u>	<u>LUC 252 Apts.</u>	<u>LUC 254 Assisted</u>	<u>Total Trips</u>
PM Peak Hour i Generator	45	43	21	109

As can be seen above, based upon the most recent 9th Edition ITE data, the overall Highlands development would be expected to generate 109 PM peak hour trips, compared to the 119 measured. These actual measured trip counts do not reflect a major deviation from the ITE data. Based upon the actual Topsham counts, the ITE rates are just 9 % low for the Topsham Maine community. It is also important to point out the Topsham site is more suburban in nature than the proposed Stevens Avenue site, facilitating the need for more vehicle trips as there were no walking trips. In addition, the Portland site is served by regular bus service. As a result, the rates in Portland, given the urban location, are expected to be reflective of the ITE data or even less. Assuming worst case and applying the 9 % factor to the proposed Baxter Woods project would increase the PM peak hour trips from 118 to 129 one-way trips.

It is also important to note that the PM peak hour occurred from 3:00 i 4:00 PM for the senior housing development, earlier than the 4:30 i 5:30 peak hour peak hour on Stevens Avenue/Walton Street. The number of trips generated by Baxter Place during this peak hour period will be less.

Safety and Older Drivers

There was concern voiced at the last workshop meeting that senior drivers posed a threat to safety. In order to address this concern, Maine Traffic Resources performed two separate evaluations using Maine Department of Transportation (MaineDOT) accident data. MaineDOT uses two criteria to determine high crash locations (HCLs). The first is the critical rate factor (CRF), which is a measure of the accident rate. A CRF greater than one indicates a location which has a higher than expected accident rate. The expected rate is calculated as a statewide average of similar facilities.

The second criterion, which must also be met, is based upon the number of accidents that occur at a particular location. Eight or more accidents must occur over the three-year study period for the location to be considered a high crash location. Accident data was obtained for all site drive intersections for similar senior housing facilities including Ocean View in Falmouth, Granite Hill in Augusta and Hallowell and The Highlands in Topsham. The CRF and number of accidents are summarized for the most recent three-year period, 2011 to 2013, as follows:

<u>Intersection/Location Description</u>	<u># of Acc.</u>	<u>CRF</u>
Elm Street and Governor's Way in Topsham	0	0
Route 196, Community Way and Village Drive in Topsham	12	0.55
Blueberry Lane and Middle Road in Falmouth	0	0
Blueberry Lane and Falmouth Road in Falmouth	3	0.69
Balsam Drive and Winthrop Street in Hallowell	1	0.48
Balsam Drive and Edison Drive in Augusta	1	0.50

As can be seen above, none of the intersections of the senior housing site drives have a higher than expected accident rate. The CRF at all are less than 1.00 indicating a lesser accident rate than would be expected for this intersection configuration with a similar traffic volume. Based upon this data, it would not appear that drivers to these sort of senior housing developments pose any greater safety risk.

The second analysis looked at statewide accident rates by age range. MaineDOT provided five-year accident records by age categories for the period 2009 to 2013. The Maine Bureau of Motor Vehicles was contacted to determine the number of licensed drivers in each age range to determine accident rates by age range. The results are summarized below:

<u>Age Range</u>	<u># of Crashes</u>	<u># of Drivers</u>	<u>Crash Rate</u>
19 and under	21,999	36,010	0.611
20 - 24	29,861	71,803	0.416
25 - 29	23,700	78,962	0.300
30 - 39	34,682	146,597	0.237
40 - 49	37,963	167,724	0.226
50 - 59	36,115	208,280	0.173
60 - 69	23,542	175,380	0.134
70 and over	<u>16,824</u>	<u>134,162</u>	0.125
	224,686	1,018,918	

As can be seen above, the number of crashes per driver in Maine is less for older senior drivers than middle aged drivers and certainly young drivers. While this analysis does not take into vehicle miles traveled it does not seem to indicate that older drivers in Maine are a particular threat to public safety.

Please do not hesitate to contact me if you or the City of Portland have any questions regarding this information.

Sincerely,



Diane W. Morabito, P.E. PTOE
President



cc: Rick Licht, Licht Environmental Design, LLC
Tom Errico, TY Lin International
Jean Fraser, City of Portland

SUMMARY MEMORANDUM

TO: Mr. Matthew D. Teare
Director of Development
Sea Coast Management Company
30 Governors Way
Topsham, Maine 04086

DATE: May 4, 2015

RE: Preliminary Traffic Analysis for Proposed Zoning Change for Baxter Place in Portland

Introduction

The purpose of this memorandum is to summarize preliminary traffic analysis performed in regard to the proposed zoning request to accommodate Baxter Place on Stevens Avenue in Portland, Maine. In a meeting held with City staff, the study area for the senior housing development was defined as including the following signalized intersections:

Stevens Avenue and Walton Street
Walton Street and Forest Avenue
Stevens Avenue and Pleasant Avenue

Existing Traffic Volumes

Turning movement/vehicle classification counts were conducted at the three study area intersections during the AM (7:00 ï 9:00) and PM (3:00 ï 6:00) peak hour periods. The count records are attached to this memorandum. These counts were conducted during the last week of April 2015, which was UNE's last full week of regular classes and when both McAuley High School and Portland City Schools were back from April break. These are expected to be peak volumes for the study area given all of the schools in the immediate area. As a result, no factoring of the late April counts was done to summer conditions for preliminary analysis purposes. The AM peak hour occurred from 7:15 to 8:15 AM at all three study intersections. The PM peak hour occurred in the period between 4:15 and 5:30. These existing 2015 volumes are shown in Figures 1 & 2, attached to this memorandum.

Trip Generation Analysis

Trip generation was performed build out of the currently proposed senior housing development, using the ITE "Trip Generation, 9th edition" for the commuter peak hour periods. It was previously determined that under the R5A zone the maximum number of units that could be developed was 335. It is expected that the development will contain

independent living apartment units as well as some assisted living. The expected split for the maximum 335 units would be 24 assisted living units and 311 independent living units. Land use codes 252 - Senior Adult Housing - Attached and 254 - Assisted Living were used on the basis of dwelling units for the senior housing option. The results for the peak hours are summarized below:

Projected ITE Trip Generation (one-way trip-ends) Build Out of Proposed Senior Housing Development					
<u>Time Period</u>	311 Senior Living Attached Units		24 Assisted Living Units		Total Trips
	<u>Rate</u>	<u>Trips</u>	<u>Rate</u>	<u>Trips</u>	
AM Peak Hour - Adjacent Street	0.19	59	0.18	4	63
Entering		21		3	24
Exiting		38		1	39
PM Peak Hour - Adjacent Street	0.27	84	0.29	7	91
Entering		51		3	54
Exiting		33		4	37

As can be seen above, the facility will generate fewer than 100 trips during the peak hours of the adjacent street system, the commuter hours. The Baxter Place trips were assigned to the study area intersections based upon the travel patterns recorded during the turning movement counts. The resulting trip assignments are shown in Figure 3. Generally in Maine, the study area extends to where one can trace 25 to 35 trips in a lane in an hour. The proposed senior housing development, at full build out, is projected to have a maximum of 27 lane hour trips. Given these trip assignment results, minimal impact is expected at the study area intersections. However, some preliminary capacity analysis was performed to determine existing conditions and to see if there are any existing deficiencies that would need to be addressed to accommodate Baxter Place.

Capacity Analysis

Traffic operations are evaluated in terms of level of service (LOS). Level of service is a qualitative measure that describes operations by letter designation. The levels range from A - very little delay to F - extreme delays. Level of service "D" is generally considered acceptable in urban locations while LOS "E" is generally considered the capacity of a facility and the minimum tolerable level. The level of service for signalized intersections is based upon average control delay per vehicle, as defined in the following table excerpted from the 2000 "Highway Capacity Manual":

Signalized Intersection Level of Service	
LOS	Control Delay per Vehicle
A	< = 10.0 seconds
B	> 10.0 and <= 20.0
C	> 20.0 and <= 35.0
D	> 35.0 and <= 55.0
E	> 55.0 and <= 80.0
F	> 80.0

Signalized Intersection Analysis

Synchro 7 was used to analyze the study area intersections under existing 2015 conditions to determine existing operations. The results are attached to this memorandum and are summarized in the following tables with the LOS followed by the associated delay in seconds:

Intersection of Stevens Avenue and Walton Street	
Approach Movement	Existing Peak Hour Levels of Service
Westbound Walton Street	B (17.0)
Northbound Stevens Avenue Rights	A (7.1)
Northbound Stevens Avenue Throughs	B (15.9)
Northbound Stevens Avenue Overall	B (10.8)
Southbound Stevens Avenue Lefts	A (4.6)
Southbound Stevens Avenue Throughs	A (5.2)
Southbound Stevens Avenue Overall	A (5.1)
Overall Intersection	B ()
Approach Movement	P
Westbound Walton Street	B (17.6)
Northbound Stevens Avenue Rights	A (7.2)
Northbound Stevens Avenue Throughs	B (12.1)
Northbound Stevens Avenue Overall	B (11.2)
Southbound Stevens Avenue Lefts	A (4.8)
Southbound Stevens Avenue Throughs	A (5.2)
Southbound Stevens Avenue Overall	A (5.1)
Overall Intersection	()

As can be seen above, the Walton and Stevens Avenue intersection operates at LOS B overall in the AM peak hour and at LOS A overall in the PM peak hour with all movements at LOS B or better. Based upon this level of service and the proposed trip assignments, there is currently plenty of capacity at this intersection to accommodate Baxter

Place. No capacity concerns or constraints were identified by the analysis or observed in the field during the counts.

Intersection of Walton Street and Forest Avenue	
Existing Peak Hour Levels of Service	
<u>Approach Movement</u>	
Eastbound Walton Street Lefts/Throughs	C (20.3)
Eastbound Walton Street Rights	B (18.3)
Eastbound Walton Street Overall	B (19.7)
Westbound Walton Street Lefts/Throughs	C (28.0)
Westbound Walton Street Rights	B (18.6)
Westbound Walton Street Overall	C (25.1)
Northbound Forest Avenue Lefts	B (13.4)
Northbound Forest Avenue Throughs/Rights	B (14.2)
Northbound Forest Avenue Overall	B (14.1)
Southbound Forest Avenue Lefts	A (8.2)
Southbound Forest Avenue Throughs/Rights	C (30.4)
Southbound Forest Avenue Overall	C (28.5)
Overall Intersection	()
<u>Approach Movement</u>	<u>P</u>
Eastbound Walton Street Lefts/Throughs	C (20.3)
Eastbound Walton Street Rights	B (18.2)
Eastbound Walton Street Overall	B (19.5)
Westbound Walton Street Lefts/Throughs	C (22.1)
Westbound Walton Street Rights	B (18.4)
Westbound Walton Street Overall	C (20.5)
Northbound Forest Avenue Lefts	A (7.5)
Northbound Forest Avenue Throughs/Rights	B (18.5)
Northbound Forest Avenue Overall	B (18.0)
Southbound Forest Avenue Lefts	B (10.2)
Southbound Forest Avenue Throughs/Rights	B (12.9)
Southbound Forest Avenue Overall	B (12.6)
Overall Intersection	B ()

As can be seen above, the intersection of Walton Street and Forest Avenue also operates at good levels of service during both the AM and PM peak hour periods, at LOS "C" and "B" respectively. All lane movements currently operate at LOS "C" or better. Again, given the limited trip assignments for Baxter Place and these current operations no capacity concerns are anticipated at this intersection.

Intersection of Stevens Avenue and Pleasant Avenue
Existing Peak Hour Levels of Service

<u>Approach</u>	<u>Level of Service</u>
Eastbound Pleasant Avenue	B (14.0)
Westbound Pleasant Avenue	B (12.9)
Northbound Stevens Avenue	A (7.8)
Southbound Stevens Avenue	B (16.7)
Overall Intersection	B ()

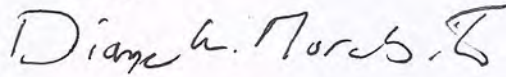
<u>Approach</u>	<u>Existing Peak Hour Levels of Service</u>
Eastbound Pleasant Avenue	B (15.9)
Westbound Pleasant Avenue	B (14.7)
Northbound Stevens Avenue	A (7.2)
Southbound Stevens Avenue	A (8.7)
Overall Intersection	()

Lastly, as seen above, the intersection of Stevens Avenue and Pleasant Avenue was also found to operate at good levels of service during both peak hours at ñAò and ñBò. Again, no capacity concerns were identified and Baxter Place is expected to have minimal impact on this intersection given the trip assignments.

To summarize, the existing conditions analysis found that all three signalized study area intersections function at good levels of service during both the AM and PM peak hour periods. Given the limited number of trips to be generated by Baxter Place (which generally would have minimal or insignificant impact) during these commuter peak hours and these good levels of service no capacity concerns are anticipated. More detailed traffic analysis and study will be performed at the site plan review level. However, given these existing conditions results and the trip generation of Baxter Place at full build out no significant traffic issues are expected in the final traffic permitting process.

As always, please do not hesitate to contact me if you or the City of Portland have any questions regarding this preliminary analysis.

Sincerely,



Diane W. Morabito, P.E. PTOE
President



cc: Rick Licht, Licht Environmental Design, LLC
Tom Errico, TY Lin International
Jean Fraser, City of Portland

Maine Traffic Resources

25 Vine Street

Gardiner, ME 04345

mainetrafficresources.com

Stevens Avenue and Walton Street

City: Portland

Counter: DWM

Weather: Sun/Clouds

File Name : PortlandStevensWaltonAM

Site Code : 00011334

Start Date : 4/28/2015

Page No : 1

Groups Printed- Passenger Vehicles - Light Trucks - Heavy Trucks

Start Time	Stevens Avenue From North					Walton Street From East					Stevens Avenue From South					From West					Int. Total
	Rig ht	Thr u	Left	Ped s	App. Total	Rig ht	Thr u	Left	Ped s	App. Total	Rig ht	Thr u	Left	Ped s	App. Total	Rig ht	Thr u	Left	Ped s	App. Total	
Factor	1.0	1.0	1.0	1.0		1.0	1.0	1.0	1.0		1.0	1.0	1.0	1.0		1.0	1.0	1.0	1.0		
07:00 AM	0	83	5	0	88	12	0	16	0	28	13	60	0	0	73	0	0	0	0	0	189
07:15 AM	0	96	22	0	118	26	0	23	1	50	31	87	0	0	118	0	0	0	0	0	286
07:30 AM	0	123	6	0	129	40	0	31	3	74	31	121	0	0	152	0	0	0	0	0	355
07:45 AM	0	123	11	0	134	39	0	39	8	86	12	111	0	3	126	0	0	0	0	0	346
Total	0	425	44	0	469	117	0	109	12	238	87	379	0	3	469	0	0	0	0	0	1176
08:00 AM	0	90	8	0	98	18	0	12	1	31	19	76	0	1	96	0	0	0	0	0	225
08:15 AM	0	85	9	0	94	8	0	14	2	24	15	73	0	0	88	0	0	0	0	0	206
08:30 AM	0	89	11	0	100	27	0	7	8	42	19	83	0	0	102	0	0	0	0	0	244
08:45 AM	0	106	8	1	115	19	0	14	5	38	16	83	0	0	99	0	0	0	0	0	252
Total	0	370	36	1	407	72	0	47	16	135	69	315	0	1	385	0	0	0	0	0	927
Grand Total	0	795	80	1	876	189	0	156	28	373	156	694	0	4	854	0	0	0	0	0	2103
Apprch %	0.0	90.8	9.1	0.1		50.7	0.0	41.8	7.5		18.3	81.3	0.0	0.5		0.0	0.0	0.0	0.0		
Total %	0.0	37.8	3.8	0.0	41.7	9.0	0.0	7.4	1.3	17.7	7.4	33.0	0.0	0.2	40.6	0.0	0.0	0.0	0.0	0.0	

	Start Time	Stevens Avenue From North				Walton Street From East				Stevens Avenue From South				From West					Int. Total		
		Rig ht	Thr u	Left	Ped s	App. Total	Rig ht	Thr u	Left	Ped s	App. Total	Rig ht	Thr u	Left	Ped s	App. Total	Rig ht	Thr u		Left	Ped s
Peak Hour From 07:00 AM to 08:45 AM - Peak 1 of 1																					
Intersection	07:15 AM																				
Volume	0	432	47	0	479	123	0	105	13	241	93	395	0	4	492	0	0	0	0	0	1212
Percent	0.0	90.2	9.8	0.0		51.0	0.0	43.6	5.4		18.9	80.3	0.0	0.8		0.0	0.0	0.0	0.0		
07:30 Volume	0	123	6	0	129	40	0	31	3	74	31	121	0	0	152	0	0	0	0	0	355
Peak Factor	0.854																				
High Int. Volume	07:45 AM					07:45 AM					07:30 AM					6:45:00 AM					
Peak Factor	0	123	11	0	134	39	0	39	8	86	31	121	0	0	152						
	0.894					0.701					0.809										

Maine Traffic Resources

25 Vine Street

Gardiner, ME 04345

mainetrafficresources.com

Forest Avenue and Walton Street

City: Portland

Counter: DWM

Weather: Clouds/Shower/Sun

File Name : PortlandForestWaltonAM

Site Code : 00007768

Start Date : 4/29/2015

Page No : 1

Groups Printed- Passenger Vehicles - Light Trucks - Heavy Trucks

	Forest Avenue From North					Walton Street From East					Forest Avenue From South					Walton Street From West						
Start Time Factor	Rig ht	Thr u	Left	Ped s	App. Total	Rig ht	Thr u	Left	Ped s	App. Total	Rig ht	Thr u	Left	Ped s	App. Total	Rig ht	Thr u	Left	Ped s	App. Total	Int. Total	
	1.0	1.0	1.0	1.0		1.0	1.0	1.0	1.0		1.0	1.0	1.0	1.0		1.0	1.0	1.0	1.0			
07:00 AM	5	163	10	0	178	11	18	5	2	36	3	101	8	1	113	5	17	3	1	26	353	
07:15 AM	9	193	12	4	218	22	40	6	1	69	0	139	18	0	157	9	19	6	1	35	479	
07:30 AM	11	177	22	0	210	34	52	11	1	98	4	136	38	0	178	14	21	10	1	46	532	
07:45 AM	4	206	23	0	233	24	41	18	1	84	3	151	26	0	180	17	17	7	2	43	540	
Total	29	739	67	4	839	91	151	40	5	287	10	527	90	1	628	45	74	26	5	150	1904	
08:00 AM	2	177	15	0	194	8	22	8	0	38	5	124	10	0	139	10	19	4	1	34	405	
08:15 AM	5	193	12	0	210	15	15	8	0	38	1	102	9	0	112	7	13	3	4	27	387	
08:30 AM	2	198	12	0	212	15	16	9	4	44	6	111	19	0	136	6	21	5	0	32	424	
08:45 AM	3	167	15	0	185	16	9	8	0	33	6	80	8	0	94	4	16	4	2	26	338	
Total	12	735	54	0	801	54	62	33	4	153	18	417	46	0	481	27	69	16	7	119	1554	
Grand Total	41	1474	121	4	1640	145	213	73	9	440	28	944	136	1	1109	72	143	42	12	269	3458	
Apprch %	2.5	89.9	7.4	0.2		33.0	48.4	16.6	2.0		2.5	85.1	12.3	0.1		26.8	53.2	15.6	4.5			
Total %	1.2	42.6	3.5	0.1	47.4	4.2	6.2	2.1	0.3	12.7	0.8	27.3	3.9	0.0	32.1	2.1	4.1	1.2	0.3	7.8		

	Forest Avenue From North					Walton Street From East					Forest Avenue From South					Walton Street From West					App. Total	Int. Total
	Start Time	Rig ht	Thr u	Left	Ped s	App. Total	Rig ht	Thr u	Left	Ped s	App. Total	Rig ht	Thr u	Left	Ped s	App. Total	Rig ht	Thr u	Left	Ped s		
Peak Hour From 07:00 AM to 08:45 AM - Peak 1 of 1																						
Intersecti on	07:15 AM																					
Volume	26	753	72	4	855	88	155	43	3	289	12	550	92	0	654	50	76	27	5	158	1956	
Percent	3.0	88.1	8.4	0.5		30.4	53.6	14.9	1.0		1.8	84.1	14.1	0.0		31.6	48.1	17.1	3.2			
07:45 Volume Peak Factor	4	206	23	0	233	24	41	18	1	84	3	151	26	0	180	17	17	7	2	43	540	
High Int.	07:45 AM					07:30 AM					07:45 AM					07:30 AM						
Volume Peak Factor	4	206	23	0	233	34	52	11	1	98	3	151	26	0	180	14	21	10	1	46		
					0.917					0.737					0.908					0.859		

Maine Traffic Resources

25 Vine Street

Gardiner, ME 04345

mainetrafficresources.com

Stevens Avenue and Pleasant Avenue

City: Portland

Counter: DMF

Weather: Sun/Clouds/Shower

File Name : PortlandStevensPleasantAM

Site Code : 00001112

Start Date : 4/29/2015

Page No : 1

Groups Printed- Passenger Vehicles - Light Trucks - Heavy Trucks

	Stevens Ave From North					Pleasant Ave From East					Stevens Ave From South					Pleasant Ave From West					Int. Total
Start Time	Rig ht	Thr u	Left	Ped s	App. Total	Rig ht	Thr u	Left	Ped s	App. Total	Rig ht	Thr u	Left	Ped s	App. Total	Rig ht	Thr u	Left	Ped s	App. Total	
Factor	1.0	1.0	1.0	1.0		1.0	1.0	1.0	1.0		1.0	1.0	1.0	1.0		1.0	1.0	1.0	1.0		
07:00 AM	4	71	4	5	84	4	2	6	4	16	2	44	1	1	48	3	7	11	5	26	174
07:15 AM	5	114	7	3	129	8	4	9	11	32	4	100	5	3	112	8	5	34	7	54	327
07:30 AM	8	130	8	1	147	11	14	8	5	38	5	95	1	3	104	8	13	33	4	58	347
07:45 AM	9	147	5	3	164	13	16	10	10	49	3	85	4	7	99	9	10	14	21	54	366
Total	26	462	24	12	524	36	36	33	30	135	14	324	11	14	363	28	35	92	37	192	1214
08:00 AM	8	97	9	1	115	7	7	9	2	25	3	72	5	2	82	3	9	11	17	40	262
08:15 AM	7	80	7	2	96	6	3	4	3	16	2	65	5	1	73	8	4	12	3	27	212
08:30 AM	9	77	5	8	99	7	5	12	11	35	2	66	3	2	73	9	7	8	12	36	243
08:45 AM	2	97	7	3	109	13	5	9	2	29	3	67	2	1	73	10	7	14	15	46	257
Total	26	351	28	14	419	33	20	34	18	105	10	270	15	6	301	30	27	45	47	149	974
Grand Total	52	813	52	26	943	69	56	67	48	240	24	594	26	20	664	58	62	137	84	341	2188
Apprch %	5.5	86. 2	5.5	2.8		28. 8	23. 3	27. 9	20. 0		3.6	89. 5	3.9	3.0		17. 0	18. 2	40. 2	24. 6		
Total %	2.4	37. 2	2.4	1.2	43.1	3.2	2.6	3.1	2.2	11.0	1.1	27. 1	1.2	0.9	30.3	2.7	2.8	6.3	3.8	15.6	

	Stevens Ave From North					Pleasant Ave From East					Stevens Ave From South					Pleasant Ave From West					Int. Total
Start Time	Rig ht	Thr u	Left	Ped s	App. Total	Rig ht	Thr u	Left	Ped s	App. Total	Rig ht	Thr u	Left	Ped s	App. Total	Rig ht	Thr u	Left	Ped s	App. Total	
Peak Hour From 07:00 AM to 08:45 AM - Peak 1 of 1																					
Intersecti on	07:15 AM																				
Volume	30	488	29	8	555	39	41	36	28	144	15	352	15	15	397	28	37	92	49	206	1302
Percent	5.4	87. 9	5.2	1.4		27. 1	28. 5	25. 0	19. 4		3.8	88. 7	3.8	3.8		13. 6	18. 0	44. 7	23. 8		
07:45 Volume	9	147	5	3	164	13	16	10	10	49	3	85	4	7	99	9	10	14	21	54	366
Factor																					0.889
High Int.	07:45 AM					07:45 AM					07:15 AM					07:30 AM					
Volume	9	147	5	3	164	13	16	10	10	49	4	100	5	3	112	8	13	33	4	58	
Peak																					
Factor	0.84 6										0.73 5					0.88 6					0.88 8

Maine Traffic Resources

25 Vine Street

Gardiner, ME 04345

mainetrafficresources.com

Stevens Avenue and Walton Street

City: Portland

Counter: DWM

Weather: Sun/Clouds

File Name : PortlandStevensWaltonPM

Site Code : 00022667

Start Date : 4/28/2015

Page No : 1

Groups Printed- Passenger Vehicles - Light Trucks - Heavy Trucks

Start Time	Stevens Avenue From North					Walton Street From East					Stevens Avenue From South					From West					Int. Total
	Rig ht	Thru	Left	Ped s	App. Total	Rig ht	Thru	Left	Ped s	App. Total	Rig ht	Thru	Left	Ped s	App. Total	Rig ht	Thru	Left	Ped s	App. Total	
Factor	1.0	1.0	1.0	1.0		1.0	1.0	1.0	1.0		1.0	1.0	1.0	1.0		1.0	1.0	1.0	1.0		
03:00 PM	0	88	11	1	100	10	0	24	6	40	21	94	0	0	115	0	0	0	0	0	255
03:15 PM	0	81	12	0	93	11	0	18	4	33	22	105	0	2	129	0	0	0	0	0	255
03:30 PM	0	114	22	0	136	10	0	19	3	32	15	97	0	0	112	0	0	0	0	0	280
03:45 PM	0	86	20	2	108	5	0	12	4	21	28	110	0	0	138	0	0	0	0	0	267
Total	0	369	65	3	437	36	0	73	17	126	86	406	0	2	494	0	0	0	0	0	1057
04:00 PM	0	97	24	0	121	18	0	24	2	44	30	112	0	0	142	0	0	0	0	0	307
04:15 PM	0	95	11	0	106	13	0	20	14	47	21	101	0	0	122	0	0	0	0	0	275
04:30 PM	0	131	28	3	162	13	0	30	4	47	29	109	0	0	138	0	0	0	0	0	347
04:45 PM	0	108	22	0	130	17	0	21	4	42	24	127	0	0	151	0	0	0	0	0	323
Total	0	431	85	3	519	61	0	95	24	180	104	449	0	0	553	0	0	0	0	0	1252
05:00 PM	0	134	33	3	170	15	0	33	6	54	15	112	0	0	127	0	0	0	0	0	351
05:15 PM	0	116	21	1	138	19	0	28	1	48	29	94	0	0	123	0	0	0	0	0	309
05:30 PM	0	87	14	1	102	14	0	40	2	56	23	115	0	0	138	0	0	0	0	0	296
05:45 PM	0	108	11	2	121	11	0	25	1	37	24	96	0	0	120	0	0	0	0	0	278
Total	0	445	79	7	531	59	0	126	10	195	91	417	0	0	508	0	0	0	0	0	1234
Grand Total	0	1245	229	13	1487	156	0	294	51	501	281	1272	0	2	1555	0	0	0	0	0	3543
Apprch %	0.0	83.7	15.4	0.9		31.1	0.0	58.7	10.2		18.1	81.8	0.0	0.1		0.0	0.0	0.0	0.0		
Total %	0.0	35.1	6.5	0.4	42.0	4.4	0.0	8.3	1.4	14.1	7.9	35.9	0.0	0.1	43.9	0.0	0.0	0.0	0.0	0.0	

	Stevens Avenue From North					Walton Street From East					Stevens Avenue From South					From West					Int. Total
	Start Time	Rig ht	Thr u	Left	Ped s	App. Total	Rig ht	Thr u	Left	Ped s	App. Total	Rig ht	Thr u	Left	Ped s	App. Total	Rig ht	Thr u	Left	Ped s	
Peak Hour	From 03:00 PM to 05:45 PM - Peak 1 of 1																				
Intersection	04:30 PM																				
Volume	0	489	104	7	600	64	0	112	15	191	97	442	0	0	539	0	0	0	0	0	1330
Percent	0.0	81.5	17.3	1.2		33.5	0.0	58.6	7.9		18.0	82.0	0.0	0.0		0.0	0.0	0.0	0.0		
05:00 Volume	0	134	33	3	170	15	0	33	6	54	15	112	0	0	127	0	0	0	0	0	351
Peak Factor	0.947																				
High Int. Volume	05:00 PM					05:00 PM					04:45 PM					2:45:00 PM					
Peak Factor	0	134	33	3	170	15	0	33	6	54	24	127	0	0	151						
					0.882					0.884					0.892						

Maine Traffic Resources

25 Vine Street

Gardiner, ME 04345

mainetrafficresources.com

Forest Avenue and Walton Street

City: Portland

Counter: DMF

Weather: Clouds/Sun

File Name : PortlandForestWaltonPM

Site Code : 00001111

Start Date : 4/28/2015

Page No : 1

Groups Printed- Passenger Vehicles - Light Trucks - Heavy Trucks

Start Time	Forest Avenue From North					Walton Street From East					Forest Avenue From South					Walton Street From West					Int. Total
	Rig ht	Thru	Left	Ped s	App. Total	Rig ht	Thru	Left	Ped s	App. Total	Rig ht	Thru	Left	Ped s	App. Total	Rig ht	Thru	Left	Ped s	App. Total	
Factor	1.0	1.0	1.0	1.0		1.0	1.0	1.0	1.0		1.0	1.0	1.0	1.0		1.0	1.0	1.0	1.0		
03:00 PM	0	150	6	0	156	31	21	11	2	65	7	200	8	1	216	15	20	6	0	41	478
03:15 PM	3	163	10	1	177	19	18	7	4	48	12	191	7	1	211	13	17	1	2	33	469
03:30 PM	6	197	7	1	211	20	13	11	7	51	4	194	6	2	206	12	9	2	5	28	496
03:45 PM	1	169	13	0	183	15	17	10	5	47	4	194	4	1	203	17	17	6	4	44	477
Total	10	679	36	2	727	85	69	39	18	211	27	779	25	5	836	57	63	15	11	146	1920
04:00 PM	6	143	21	1	171	26	23	11	4	64	5	191	10	0	206	13	22	8	2	45	486
04:15 PM	9	146	11	1	167	28	24	8	2	62	10	193	8	0	211	6	24	3	1	34	474
04:30 PM	9	165	19	0	193	25	18	16	1	60	6	178	13	0	197	20	21	13	1	55	505
04:45 PM	3	159	20	0	182	21	21	8	2	52	11	188	8	0	207	14	21	3	2	40	481
Total	27	613	71	2	713	100	86	43	9	238	32	750	39	0	821	53	88	27	6	174	1946
05:00 PM	11	154	25	3	193	32	30	13	3	78	7	175	9	0	191	21	22	3	4	50	512
05:15 PM	9	171	22	1	203	16	25	10	2	53	8	148	6	0	162	17	21	8	3	49	467
05:30 PM	7	152	10	0	169	19	17	6	2	44	8	176	8	2	194	18	21	4	3	46	453
05:45 PM	4	159	6	1	170	13	21	6	0	40	11	165	7	0	183	9	23	3	2	37	430
Total	31	636	63	5	735	80	93	35	7	215	34	664	30	2	730	65	87	18	12	182	1862
Grand Total	68	1928	170	9	2175	265	248	117	34	664	93	2193	94	7	2387	175	238	60	29	502	5728
Apprch %	3.1	88.6	7.8	0.4		39.9	37.3	17.6	5.1		3.9	91.9	3.9	0.3		34.9	47.4	12.0	5.8		
Total %	1.2	33.7	3.0	0.2	38.0	4.6	4.3	2.0	0.6	11.6	1.6	38.3	1.6	0.1	41.7	3.1	4.2	1.0	0.5	8.8	

	Forest Avenue From North					Walton Street From East					Forest Avenue From South					Walton Street From West					Int. Total
	Start Time	Rig ht	Thr u	Left	Ped s	App. Total	Rig ht	Thr u	Left	Ped s	App. Total	Rig ht	Thr u	Left	Ped s	App. Total	Rig ht	Thr u	Left	Ped s	
Peak Hour	From 03:00 PM to 05:45 PM - Peak 1 of 1																				
Intersection	04:15 PM																				
Volume	32	624	75	4	735	106	93	45	8	252	34	734	38	0	806	61	88	22	8	179	1972
Percent	4.4	84.9	10.2	0.5		42.1	36.9	17.9	3.2		4.2	91.1	4.7	0.0		34.1	49.2	12.3	4.5		
05:00 Volume	11	154	25	3	193	32	30	13	3	78	7	175	9	0	191	21	22	3	4	50	512
Peak Factor	0.963																				
High Int. Volume	04:30 PM					05:00 PM					04:15 PM					04:30 PM					
Peak Factor	9	165	19	0	193	32	30	13	3	78	10	193	8	0	211	20	21	13	1	55	
	0.95					0.80					0.95					0.81					
	2					8					5					4					

Maine Traffic Resources

25 Vine Street

Gardiner, ME 04345

mainetrafficresources.com

File Name : PortlandStevensPleasantPM

Site Code : 00001113

Start Date : 4/29/2015

Page No : 1

Pleasant and Stevens Avenues

City: Portland

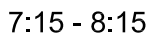
Counter: DMF

Weather: Cloudy

Groups Printed- Passenger Vehicles - Light Trucks - Heavy Trucks

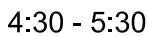
Start Time	Stevens Avenue From North					Pleasant Ave From East					Stevens Ave From South					Pleasant Ave From West					Int. Total
	Rig ht	Thru	Left	Ped s	App. Total	Rig ht	Thru	Left	Ped s	App. Total	Rig ht	Thru	Left	Ped s	App. Total	Rig ht	Thru	Left	Ped s	App. Total	
Factor	1.0	1.0	1.0	1.0		1.0	1.0	1.0	1.0		1.0	1.0	1.0	1.0		1.0	1.0	1.0	1.0		
03:00 PM	7	94	9	3	113	4	7	2	12	25	0	80	1	7	88	2	7	8	9	26	252
03:15 PM	5	92	5	3	105	10	6	3	4	23	1	92	3	1	97	5	11	8	7	31	256
03:30 PM	5	100	9	6	120	6	12	2	6	26	4	89	1	4	98	4	11	11	1	27	271
03:45 PM	3	103	3	5	114	8	6	6	5	25	7	87	3	0	97	5	3	9	3	20	256
Total	20	389	26	17	452	28	31	13	27	99	12	348	8	12	380	16	32	36	20	104	1035
04:00 PM	4	91	2	15	112	10	8	2	13	33	1	91	7	2	101	5	6	6	4	21	267
04:15 PM	5	113	8	3	129	15	6	5	8	34	3	102	4	1	110	7	9	12	2	30	303
04:30 PM	7	97	2	6	112	12	5	2	10	29	3	132	3	1	139	4	13	10	9	36	316
04:45 PM	4	104	5	1	114	11	7	2	6	26	6	123	5	1	135	2	2	9	6	19	294
Total	20	405	17	25	467	48	26	11	37	122	13	448	19	5	485	18	30	37	21	106	1180
05:00 PM	7	116	5	3	131	18	9	4	14	45	4	126	5	2	137	9	8	17	4	38	351
05:15 PM	14	120	7	8	149	16	16	3	5	40	2	144	7	1	154	5	7	13	1	26	369
05:30 PM	8	99	2	6	115	7	10	5	4	26	5	101	4	3	113	5	6	11	3	25	279
05:45 PM	4	83	6	3	96	10	12	5	7	34	4	90	3	3	100	4	9	8	10	31	261
Total	33	418	20	20	491	51	47	17	30	145	15	461	19	9	504	23	30	49	18	120	1260
Grand Total	73	1212	63	62	1410	127	104	41	94	366	40	1257	46	26	1369	57	92	122	59	330	3475
Apprch %	5.2	86.0	4.5	4.4		34.7	28.4	11.2	25.7		2.9	91.8	3.4	1.9		17.3	27.9	37.0	17.9		
Total %	2.1	34.9	1.8	1.8	40.6	3.7	3.0	1.2	2.7	10.5	1.2	36.2	1.3	0.7	39.4	1.6	2.6	3.5	1.7	9.5	

	Stevens Avenue From North					Pleasant Ave From East					Stevens Ave From South					Pleasant Ave From West					Int. Total
	Start Time	Rig ht	Thr u	Left	Ped s	App. Total	Rig ht	Thr u	Left	Ped s	App. Total	Rig ht	Thr u	Left	Ped s	App. Total	Rig ht	Thr u	Left	Ped s	
Peak Hour	From 03:00 PM to 05:45 PM - Peak 1 of 1																				
Intersection	04:30 PM																				
Volume	32	437	19	18	506	57	37	11	35	140	15	525	20	5	565	20	30	49	20	119	1330
Percent	6.3	86.4	3.8	3.6		40.7	26.4	7.9	25.0		2.7	92.9	3.5	0.9		16.8	25.2	41.2	16.8		
05:15 Volume	14	120	7	8	149	16	16	3	5	40	2	144	7	1	154	5	7	13	1	26	369
Peak Factor	0.901																				
High Int. Volume	05:15 PM					05:00 PM					05:15 PM					05:00 PM					
Volume	14	120	7	8	149	18	9	4	14	45	2	144	7	1	154	9	8	17	4	38	
Peak Factor	0.849					0.778					0.917					0.783					



Portland, Maine

25 Vine Street
Gardiner, ME
04345
tel: (207) 582-5252
fax: (207) 582-1677



2015 Existing PM Peak Hour Volumes

Portland, Maine

25 Vine Street
Gardiner, ME
04345
tel: (207) 582-5252
fax: (207) 582-1677



Not To Scale

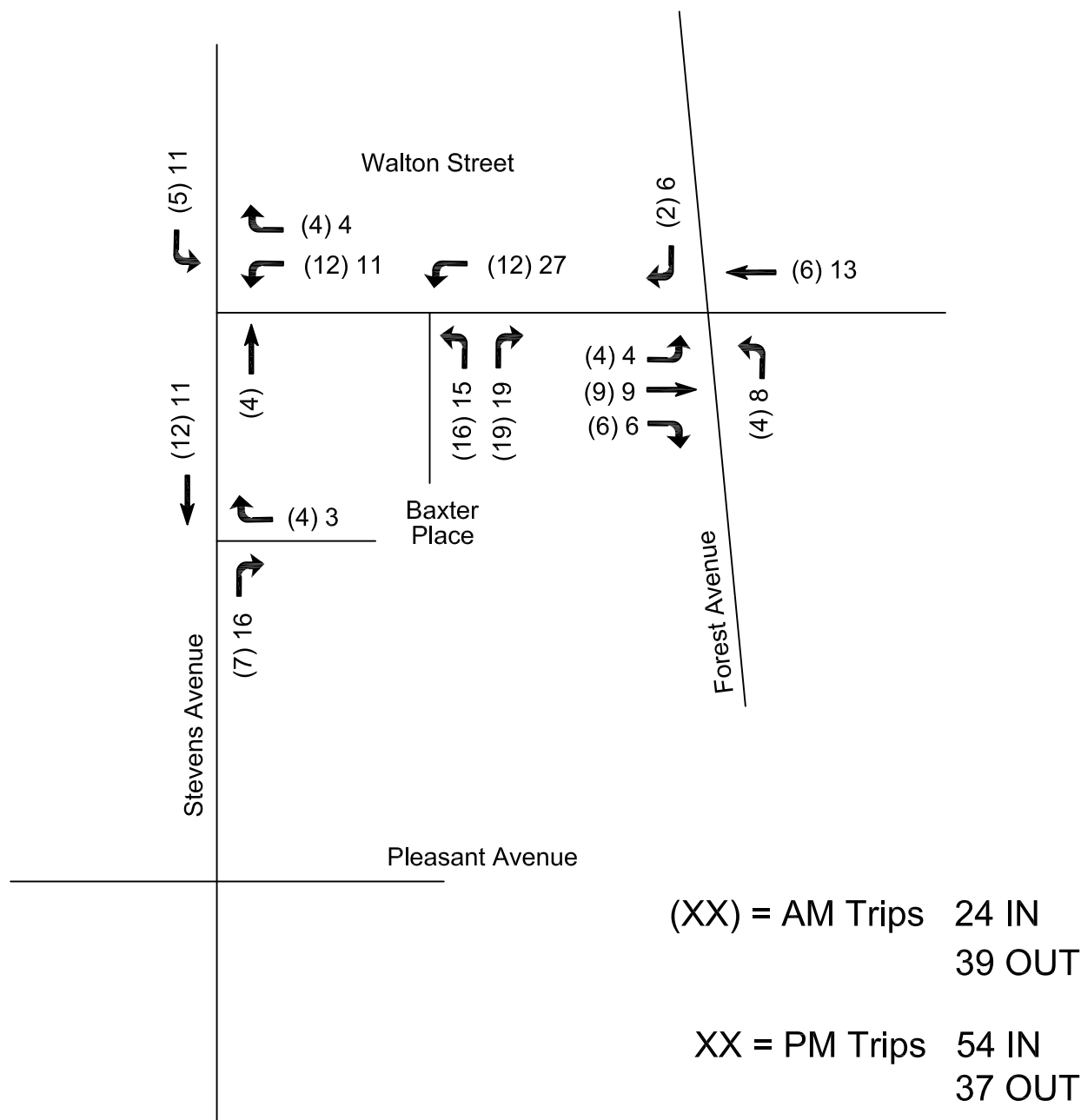


Figure 3

Peak Hour Trip Assignments

Baxter Place

Portland, Maine

**Maine
Traffic
Resources**

25 Vine Street
Gardiner, ME
04345
tel: (207) 582-5252
fax: (207) 582-1677

Lanes, Volumes, Timings
9: Pleasant Ave & Stevens Ave

5/1/2015

												
Lane Group	EBL	EBT	EBR	WBL	WBT	WBR	NBL	NBT	NBR	SBL	SBT	SBR
Lane Configurations												
Ideal Flow (vphpl)	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900
Lane Width (ft)	12	12	12	12	12	12	12	12	12	12	12	12
Grade (%)		0%			0%			0%			0%	
Storage Length (ft)	0		0	0		0	0		0	0		0
Storage Lanes	0		0	0		0	0		0	0		0
Taper Length (ft)	25		25	25		25	25		25	25		25
Right Turn on Red			Yes			Yes			Yes			Yes
Link Speed (mph)		30			30			30			30	
Link Distance (ft)		1219			1121			280			1491	
Travel Time (s)		27.7			25.5			6.4			33.9	

Intersection Summary

Area Type: Other

Timings

9: Pleasant Ave & Stevens Ave

5/1/2015

								
Lane Group	EBL	EBT	WBL	WBT	NBL	NBT	SBL	SBT
Lane Configurations								
Volume (vph)	92	37	36	41	15	352	29	488
Turn Type	Perm		Perm		Perm		Perm	
Protected Phases		4		8		2		6
Permitted Phases	4		8		2		6	
Detector Phase	4	4	8	8	2	2	6	6
Switch Phase								
Minimum Initial (s)	4.0	4.0	4.0	4.0	4.0	4.0	4.0	4.0
Minimum Split (s)	21.0	21.0	21.0	21.0	21.0	21.0	21.0	21.0
Total Split (s)	21.0	21.0	21.0	21.0	21.0	21.0	21.0	21.0
Total Split (%)	50.0%	50.0%	50.0%	50.0%	50.0%	50.0%	50.0%	50.0%
Yellow Time (s)	3.0	3.0	3.0	3.0	3.0	3.0	3.0	3.0
All-Red Time (s)	2.0	2.0	2.0	2.0	2.0	2.0	2.0	2.0
Lost Time Adjust (s)	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
Total Lost Time (s)	5.0	5.0	5.0	5.0	5.0	5.0	5.0	5.0
Lead/Lag								
Lead-Lag Optimize?								
Recall Mode	None	None	None	None	Max	Max	Max	Max
Act Effct Green (s)		9.3		9.3		20.1		20.1
Actuated g/C Ratio		0.26		0.26		0.55		0.55
v/c Ratio		0.46		0.36		0.45		0.76
Control Delay		13.0		9.8		9.5		21.5
Queue Delay		0.0		0.0		0.0		0.0
Total Delay		13.0		9.8		9.5		21.5
LOS		B		A		A		C
Approach Delay		13.0		9.8		9.5		21.5
Approach LOS		B		A		A		C

Intersection Summary

Cycle Length: 42

Actuated Cycle Length: 36.3

Natural Cycle: 60

Control Type: Actuated-Uncoordinated

Maximum v/c Ratio: 0.76

Intersection Signal Delay: 15.5

Intersection LOS: B

Intersection Capacity Utilization 62.8%

ICU Level of Service B

Analysis Period (min) 15

Splits and Phases: 9: Pleasant Ave & Stevens Ave

 21 s	 21 s
 21 s	 21 s

Queues

9: Pleasant Ave & Stevens Ave

5/1/2015

	→	←	↑	↓
Lane Group	EBT	WBT	NBT	SBT
Lane Group Flow (vph)	179	158	434	652
v/c Ratio	0.46	0.36	0.45	0.76
Control Delay	13.0	9.8	9.5	21.5
Queue Delay	0.0	0.0	0.0	0.0
Total Delay	13.0	9.8	9.5	21.5
Queue Length 50th (ft)	23	16	52	101
Queue Length 95th (ft)	55	33	135	#292
Internal Link Dist (ft)	1139	1041	200	1411
Turn Bay Length (ft)				
Base Capacity (vph)	652	714	969	862
Starvation Cap Reductn	0	0	0	0
Spillback Cap Reductn	0	0	0	0
Storage Cap Reductn	0	0	0	0
Reduced v/c Ratio	0.27	0.22	0.45	0.76

Intersection Summary

- # 95th percentile volume exceeds capacity, queue may be longer.
Queue shown is maximum after two cycles.

HCM Signalized Intersection Capacity Analysis

9: Pleasant Ave & Stevens Ave

5/1/2015

												
Movement	EBL	EBT	EBR	WBL	WBT	WBR	NBL	NBT	NBR	SBL	SBT	SBR
Lane Configurations												
Volume (vph)	92	37	28	36	41	39	15	352	15	29	488	30
Ideal Flow (vphpl)	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900
Total Lost time (s)		5.0			5.0			5.0			5.0	
Lane Util. Factor		1.00			1.00			1.00			1.00	
Frpb, ped/bikes		0.99			0.98			1.00			1.00	
Flpb, ped/bikes		0.99			1.00			1.00			1.00	
Frt		0.98			0.95			0.99			0.99	
Flt Protected		0.97			0.98			1.00			1.00	
Satd. Flow (prot)		1757			1752			1797			1605	
Flt Permitted		0.79			0.87			0.97			0.96	
Satd. Flow (perm)		1435			1545			1743			1551	
Peak-hour factor, PHF	0.88	0.88	0.88	0.73	0.73	0.73	0.88	0.88	0.88	0.84	0.84	0.84
Adj. Flow (vph)	105	42	32	49	56	53	17	400	17	35	581	36
RTOR Reduction (vph)	0	23	0	0	41	0	0	3	0	0	4	0
Lane Group Flow (vph)	0	156	0	0	117	0	0	431	0	0	648	0
Confl. Peds. (#/hr)	12		12	12		12	8		8	6		6
Confl. Bikes (#/hr)			8			8			8			8
Heavy Vehicles (%)	1%	1%	1%	0%	0%	0%	4%	4%	4%	3%	3%	1%
Bus Blockages (#/hr)	0	0	0	0	0	0	0	2	0	0	0	0
Parking (#/hr)												4
Turn Type	Perm			Perm			Perm			Perm		
Protected Phases		4			8			2			6	
Permitted Phases	4			8			2			6		
Actuated Green, G (s)		8.2			8.2			19.1			19.1	
Effective Green, g (s)		8.2			8.2			19.1			19.1	
Actuated g/C Ratio		0.22			0.22			0.51			0.51	
Clearance Time (s)		5.0			5.0			5.0			5.0	
Vehicle Extension (s)		3.0			3.0			3.0			3.0	
Lane Grp Cap (vph)		315			340			893			794	
v/s Ratio Prot												
v/s Ratio Perm		c0.11			0.08			0.25			c0.42	
v/c Ratio		0.49			0.34			0.48			0.82	
Uniform Delay, d1		12.7			12.3			5.9			7.6	
Progression Factor		1.00			1.00			1.00			1.00	
Incremental Delay, d2		1.2			0.6			1.9			9.1	
Delay (s)		14.0			12.9			7.8			16.7	
Level of Service		B			B			A			B	
Approach Delay (s)		14.0			12.9			7.8			16.7	
Approach LOS		B			B			A			B	
Intersection Summary												
HCM Average Control Delay			13.2			HCM Level of Service				B		
HCM Volume to Capacity ratio			0.72									
Actuated Cycle Length (s)			37.3			Sum of lost time (s)			10.0			
Intersection Capacity Utilization			62.8%			ICU Level of Service			B			
Analysis Period (min)			15									
c Critical Lane Group												

Lanes, Volumes, Timings
3: Walton St & Stevens Ave

5/1/2015

						
Lane Group	WBL	WBR	NBT	NBR	SBL	SBT
Lane Configurations						
Ideal Flow (vphpl)	1900	1900	1900	1900	1900	1900
Lane Width (ft)	12	12	12	12	12	12
Grade (%)	0%		0%			0%
Storage Length (ft)	0	40		35	90	
Storage Lanes	1	1		1	1	
Taper Length (ft)	25	25		25	25	
Right Turn on Red		Yes		Yes		
Link Speed (mph)	30		30			30
Link Distance (ft)	1000		1000			1000
Travel Time (s)	22.7		22.7			22.7
Intersection Summary						
Area Type:	Other					

Timings

3: Walton St & Stevens Ave

5/1/2015

						
Lane Group	WBL	WBR	NBT	NBR	SBL	SBT
Lane Configurations						
Volume (vph)	105	123	395	93	47	432
Turn Type		Perm		Perm	pm+pt	
Protected Phases	8		2		1	6
Permitted Phases		8		2	6	
Detector Phase	8	8	2	2	1	6
Switch Phase						
Minimum Initial (s)	4.0	4.0	4.0	4.0	4.0	4.0
Minimum Split (s)	21.0	21.0	21.0	21.0	9.0	21.0
Total Split (s)	21.0	21.0	30.0	30.0	9.0	39.0
Total Split (%)	35.0%	35.0%	50.0%	50.0%	15.0%	65.0%
Yellow Time (s)	3.0	3.0	3.0	3.0	3.0	3.0
All-Red Time (s)	2.0	2.0	2.0	2.0	2.0	2.0
Lost Time Adjust (s)	0.0	0.0	0.0	0.0	0.0	0.0
Total Lost Time (s)	5.0	5.0	5.0	5.0	5.0	5.0
Lead/Lag			Lag	Lag	Lead	
Lead-Lag Optimize?			Yes	Yes	Yes	
Recall Mode	None	None	None	None	None	None
Act Effect Green (s)	10.6	10.6	22.7	22.7	24.1	26.9
Actuated g/C Ratio	0.26	0.26	0.55	0.55	0.58	0.65
v/c Ratio	0.33	0.33	0.55	0.13	0.11	0.46
Control Delay	19.8	5.8	14.1	6.0	5.2	7.7
Queue Delay	0.0	0.0	0.0	0.0	0.0	0.0
Total Delay	19.8	5.8	14.1	6.0	5.2	7.7
LOS	B	A	B	A	A	A
Approach Delay	12.3		12.5			7.5
Approach LOS	B		B			A

Intersection Summary

Cycle Length: 60

Actuated Cycle Length: 41.5

Natural Cycle: 60

Control Type: Actuated-Uncoordinated

Maximum v/c Ratio: 0.55

Intersection Signal Delay: 10.6

Intersection LOS: B

Intersection Capacity Utilization 43.2%

ICU Level of Service A

Analysis Period (min) 15

Splits and Phases: 3: Walton St & Stevens Ave



Queues

3: Walton St & Stevens Ave

5/1/2015

						
Lane Group	WBL	WBR	NBT	NBR	SBL	SBT
Lane Group Flow (vph)	150	176	494	116	53	485
v/c Ratio	0.33	0.33	0.55	0.13	0.11	0.46
Control Delay	19.8	5.8	14.1	6.0	5.2	7.7
Queue Delay	0.0	0.0	0.0	0.0	0.0	0.0
Total Delay	19.8	5.8	14.1	6.0	5.2	7.7
Queue Length 50th (ft)	38	0	111	9	5	65
Queue Length 95th (ft)	65	19	188	30	18	147
Internal Link Dist (ft)	920		920			920
Turn Bay Length (ft)		40		35	90	
Base Capacity (vph)	862	842	1053	1013	481	1268
Starvation Cap Reductn	0	0	0	0	0	0
Spillback Cap Reductn	0	0	0	0	0	0
Storage Cap Reductn	0	0	0	0	0	0
Reduced v/c Ratio	0.17	0.21	0.47	0.11	0.11	0.38
Intersection Summary						

HCM Signalized Intersection Capacity Analysis

3: Walton St & Stevens Ave

5/1/2015

						
Movement	WBL	WBR	NBT	NBR	SBL	SBT
Lane Configurations						
Volume (vph)	105	123	395	93	47	432
Ideal Flow (vphpl)	1900	1900	1900	1900	1900	1900
Total Lost time (s)	5.0	5.0	5.0	5.0	5.0	5.0
Lane Util. Factor	1.00	1.00	1.00	1.00	1.00	1.00
Frpb, ped/bikes	1.00	0.97	1.00	0.97	1.00	1.00
Flpb, ped/bikes	1.00	1.00	1.00	1.00	1.00	1.00
Frt	1.00	0.85	1.00	0.85	1.00	1.00
Flt Protected	0.95	1.00	1.00	1.00	0.95	1.00
Satd. Flow (prot)	1787	1557	1642	1551	1769	1626
Flt Permitted	0.95	1.00	1.00	1.00	0.31	1.00
Satd. Flow (perm)	1787	1557	1642	1551	570	1626
Peak-hour factor, PHF	0.70	0.70	0.80	0.80	0.89	0.89
Adj. Flow (vph)	150	176	494	116	53	485
RTOR Reduction (vph)	0	147	0	32	0	0
Lane Group Flow (vph)	150	29	494	84	53	485
Confl. Peds. (#/hr)	3	3		4	2	
Confl. Bikes (#/hr)		1		6		
Heavy Vehicles (%)	1%	1%	1%	1%	2%	2%
Bus Blockages (#/hr)	0	0	2	0	0	2
Parking (#/hr)			4			4
Turn Type	Perm		Perm		pm+pt	
Protected Phases	8		2		1	6
Permitted Phases		8		2	6	
Actuated Green, G (s)	7.2	7.2	19.9	19.9	26.8	26.8
Effective Green, g (s)	7.2	7.2	19.9	19.9	26.8	26.8
Actuated g/C Ratio	0.16	0.16	0.45	0.45	0.61	0.61
Clearance Time (s)	5.0	5.0	5.0	5.0	5.0	5.0
Vehicle Extension (s)	3.0	3.0	3.0	3.0	3.0	3.0
Lane Grp Cap (vph)	292	255	743	701	399	990
v/s Ratio Prot	c0.08		c0.30		0.01	c0.30
v/s Ratio Perm		0.02		0.05	0.08	
v/c Ratio	0.51	0.11	0.66	0.12	0.13	0.49
Uniform Delay, d1	16.8	15.7	9.4	7.0	4.5	4.8
Progression Factor	1.00	1.00	1.00	1.00	1.00	1.00
Incremental Delay, d2	1.5	0.2	2.3	0.1	0.2	0.4
Delay (s)	18.3	15.9	11.7	7.1	4.6	5.2
Level of Service	B	B	B	A	A	A
Approach Delay (s)	17.0		10.8			5.1
Approach LOS	B		B			A
Intersection Summary						
HCM Average Control Delay			10.1		HCM Level of Service	B
HCM Volume to Capacity ratio			0.66			
Actuated Cycle Length (s)			44.0		Sum of lost time (s)	15.0
Intersection Capacity Utilization			43.2%		ICU Level of Service	A
Analysis Period (min)			15			
c Critical Lane Group						

Lanes, Volumes, Timings
11: Walton Street & Forest Ave

5/1/2015

												
Lane Group	EBL	EBT	EBR	WBL	WBT	WBR	NBL	NBT	NBR	SBL	SBT	SBR
Lane Configurations												
Ideal Flow (vphpl)	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900
Lane Width (ft)	12	12	12	12	12	12	12	12	12	12	12	12
Grade (%)		0%			0%			0%			0%	
Storage Length (ft)	0		40	0		100	140		0	140		0
Storage Lanes	0		1	0		1	1		0	1		0
Taper Length (ft)	25		25	25		25	25		25	25		25
Right Turn on Red			Yes			Yes			Yes			Yes
Link Speed (mph)		30			30			30			30	
Link Distance (ft)		950			686			1198			517	
Travel Time (s)		21.6			15.6			27.2			11.8	

Intersection Summary

Area Type: Other

Timings

11: Walton Street & Forest Ave

5/1/2015

										
Lane Group	EBL	EBT	EBR	WBL	WBT	WBR	NBL	NBT	SBL	SBT
Lane Configurations										
Volume (vph)	27	76	50	43	155	88	92	550	72	753
Turn Type	Perm		Perm	Perm		Perm	pm+pt		pm+pt	
Protected Phases		4			8		5	2	1	6
Permitted Phases	4		4	8		8	2		6	
Detector Phase	4	4	4	8	8	8	5	2	1	6
Switch Phase										
Minimum Initial (s)	4.0	4.0	4.0	4.0	4.0	4.0	4.0	4.0	4.0	4.0
Minimum Split (s)	21.0	21.0	21.0	21.0	21.0	21.0	8.0	21.0	8.0	21.0
Total Split (s)	21.0	21.0	21.0	21.0	21.0	21.0	8.0	36.0	8.0	36.0
Total Split (%)	32.3%	32.3%	32.3%	32.3%	32.3%	32.3%	12.3%	55.4%	12.3%	55.4%
Yellow Time (s)	3.0	3.0	3.0	3.0	3.0	3.0	3.5	3.0	3.5	3.0
All-Red Time (s)	2.0	2.0	2.0	2.0	2.0	2.0	0.5	2.0	0.5	2.0
Lost Time Adjust (s)	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
Total Lost Time (s)	5.0	5.0	5.0	5.0	5.0	5.0	4.0	5.0	4.0	5.0
Lead/Lag							Lead	Lag	Lead	Lag
Lead-Lag Optimize?										
Recall Mode	None	None	None	None	None	None	None	None	None	None
Act Effct Green (s)		13.7	13.7		13.7	13.7	33.9	29.9	33.9	29.9
Actuated g/C Ratio		0.23	0.23		0.23	0.23	0.57	0.50	0.57	0.50
v/c Ratio		0.34	0.15		0.71	0.27	0.42	0.68	0.21	0.92
Control Delay		23.6	7.2		33.7	6.4	10.9	17.4	6.5	33.7
Queue Delay		0.0	0.0		0.0	0.0	0.0	0.0	0.0	0.0
Total Delay		23.6	7.2		33.7	6.4	10.9	17.4	6.5	33.7
LOS		C	A		C	A	B	B	A	C
Approach Delay		18.2			25.3			16.5		31.4
Approach LOS		B			C			B		C

Intersection Summary

Cycle Length: 65

Actuated Cycle Length: 59.9

Natural Cycle: 70

Control Type: Actuated-Uncoordinated

Maximum v/c Ratio: 0.92

Intersection Signal Delay: 24.4

Intersection LOS: C

Intersection Capacity Utilization 78.9%

ICU Level of Service D

Analysis Period (min) 15

Splits and Phases: 11: Walton Street & Forest Ave

 ø1	 ø2	 ø4
18 s	36 s	21 s
 ø5	 ø6	 ø8
18 s	36 s	21 s

Queues

11: Walton Street & Forest Ave

5/1/2015

	→	↘	←	↖	↙	↑	↗	↓
Lane Group	EBT	EBR	WBT	WBR	NBL	NBT	SBL	SBT
Lane Group Flow (vph)	121	59	271	121	102	624	79	856
v/c Ratio	0.34	0.15	0.71	0.27	0.42	0.68	0.21	0.92
Control Delay	23.6	7.2	33.7	6.4	10.9	17.4	6.5	33.7
Queue Delay	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
Total Delay	23.6	7.2	33.7	6.4	10.9	17.4	6.5	33.7
Queue Length 50th (ft)	39	0	97	0	14	181	11	302
Queue Length 95th (ft)	76	22	130	21	30	301	25	#556
Internal Link Dist (ft)	870		606			1118		437
Turn Bay Length (ft)		40		100	140		140	
Base Capacity (vph)	421	469	458	510	241	968	372	987
Starvation Cap Reductn	0	0	0	0	0	0	0	0
Spillback Cap Reductn	0	0	0	0	0	0	0	0
Storage Cap Reductn	0	0	0	0	0	0	0	0
Reduced v/c Ratio	0.29	0.13	0.59	0.24	0.42	0.64	0.21	0.87

Intersection Summary

- # 95th percentile volume exceeds capacity, queue may be longer.
Queue shown is maximum after two cycles.

HCM Signalized Intersection Capacity Analysis

11: Walton Street & Forest Ave

5/1/2015

												
Movement	EBL	EBT	EBR	WBL	WBT	WBR	NBL	NBT	NBR	SBL	SBT	SBR
Lane Configurations												
Volume (vph)	27	76	50	43	155	88	92	550	12	72	753	26
Ideal Flow (vphpl)	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900
Total Lost time (s)		5.0	5.0		5.0	5.0	4.0	5.0		4.0	5.0	
Lane Util. Factor		1.00	1.00		1.00	1.00	1.00	1.00		1.00	1.00	
Frbp, ped/bikes		1.00	0.97		1.00	0.97	1.00	1.00		1.00	1.00	
Flpb, ped/bikes		1.00	1.00		1.00	1.00	1.00	1.00		1.00	1.00	
Frt		1.00	0.85		1.00	0.85	1.00	1.00		1.00	0.99	
Flt Protected		0.99	1.00		0.99	1.00	0.95	1.00		0.95	1.00	
Satd. Flow (prot)		1855	1556		1841	1541	1736	1820		1787	1855	
Flt Permitted		0.82	1.00		0.90	1.00	0.13	1.00		0.27	1.00	
Satd. Flow (perm)		1533	1556		1670	1541	244	1820		501	1855	
Peak-hour factor, PHF	0.85	0.85	0.85	0.73	0.73	0.73	0.90	0.90	0.90	0.91	0.91	0.91
Adj. Flow (vph)	32	89	59	59	212	121	102	611	13	79	827	29
RTOR Reduction (vph)	0	0	46	0	0	94	0	1	0	0	2	0
Lane Group Flow (vph)	0	121	13	0	271	27	102	623	0	79	854	0
Confl. Peds. (#/hr)	2		2	2		2				2		2
Confl. Bikes (#/hr)			2			2			2			2
Heavy Vehicles (%)	1%	1%	1%	2%	2%	2%	4%	4%	4%	1%	1%	1%
Bus Blockages (#/hr)	0	0	0	0	0	0	0	0	0	0	2	0
Turn Type	Perm		Perm	Perm		Perm	pm+pt			pm+pt		
Protected Phases		4			8		5	2		1	6	
Permitted Phases	4		4	8		8	2			6		
Actuated Green, G (s)		13.7	13.7		13.7	13.7	32.9	29.9		32.9	29.9	
Effective Green, g (s)		13.7	13.7		13.7	13.7	32.9	29.9		32.9	29.9	
Actuated g/C Ratio		0.23	0.23		0.23	0.23	0.54	0.49		0.54	0.49	
Clearance Time (s)		5.0	5.0		5.0	5.0	4.0	5.0		4.0	5.0	
Vehicle Extension (s)		3.0	3.0		3.0	3.0	3.0	3.0		3.0	3.0	
Lane Grp Cap (vph)		347	352		378	348	206	898		336	915	
v/s Ratio Prot							c0.02	0.34		0.01	c0.46	
v/s Ratio Perm		0.08	0.01		c0.16	0.02	0.24			0.12		
v/c Ratio		0.35	0.04		0.72	0.08	0.50	0.69		0.24	0.93	
Uniform Delay, d1		19.7	18.3		21.7	18.5	11.5	11.8		7.8	14.4	
Progression Factor		1.00	1.00		1.00	1.00	1.00	1.00		1.00	1.00	
Incremental Delay, d2		0.6	0.0		6.4	0.1	1.9	2.3		0.4	16.0	
Delay (s)		20.3	18.3		28.0	18.6	13.4	14.2		8.2	30.4	
Level of Service		C	B		C	B	B	B		A	C	
Approach Delay (s)		19.7			25.1			14.1			28.5	
Approach LOS		B			C			B			C	
Intersection Summary												
HCM Average Control Delay		22.5								C		
HCM Volume to Capacity ratio		0.84										
Actuated Cycle Length (s)		60.6								14.0		
Intersection Capacity Utilization		78.9%								D		
Analysis Period (min)		15										
c Critical Lane Group												

Lanes, Volumes, Timings
3: Walton St & Stevens Ave

5/4/2015

						
Lane Group	WBL	WBR	NBT	NBR	SBL	SBT
Lane Configurations						
Ideal Flow (vphpl)	1900	1900	1900	1900	1900	1900
Lane Width (ft)	12	12	12	12	12	12
Grade (%)	0%		0%			0%
Storage Length (ft)	0	40		35	90	
Storage Lanes	1	1		1	1	
Taper Length (ft)	25	25		25	25	
Right Turn on Red		Yes		Yes		
Link Speed (mph)	30		30			30
Link Distance (ft)	535		540			690
Travel Time (s)	12.2		12.3			15.7

Intersection Summary

Area Type: Other

Timings

3: Walton St & Stevens Ave

5/4/2015

						
Lane Group	WBL	WBR	NBT	NBR	SBL	SBT
Lane Configurations						
Volume (vph)	112	64	442	97	104	489
Turn Type		Perm		Perm	pm+pt	
Protected Phases	8		2		1	6
Permitted Phases		8		2	6	
Detector Phase	8	8	2	2	1	6
Switch Phase						
Minimum Initial (s)	4.0	4.0	4.0	4.0	4.0	4.0
Minimum Split (s)	21.0	21.0	21.0	21.0	9.0	21.0
Total Split (s)	21.0	21.0	30.0	30.0	9.0	39.0
Total Split (%)	35.0%	35.0%	50.0%	50.0%	15.0%	65.0%
Yellow Time (s)	3.0	3.0	3.0	3.0	3.0	3.0
All-Red Time (s)	2.0	2.0	2.0	2.0	2.0	2.0
Lost Time Adjust (s)	0.0	0.0	0.0	0.0	0.0	0.0
Total Lost Time (s)	5.0	5.0	5.0	5.0	5.0	5.0
Lead/Lag			Lag	Lag	Lead	
Lead-Lag Optimize?			Yes	Yes	Yes	
Recall Mode	None	None	None	None	None	None
Act Effct Green (s)	10.5	10.5	23.1	23.1	25.9	29.3
Actuated g/C Ratio	0.25	0.25	0.54	0.54	0.61	0.68
v/c Ratio	0.29	0.17	0.56	0.13	0.24	0.49
Control Delay	20.3	6.8	14.3	5.8	5.6	7.5
Queue Delay	0.0	0.0	0.0	0.0	0.0	0.0
Total Delay	20.3	6.8	14.3	5.8	5.6	7.5
LOS	C	A	B	A	A	A
Approach Delay	15.4		12.8			7.1
Approach LOS	B		B			A

Intersection Summary

Cycle Length: 60

Actuated Cycle Length: 42.8

Natural Cycle: 60

Control Type: Actuated-Uncoordinated

Maximum v/c Ratio: 0.56

Intersection Signal Delay: 10.6

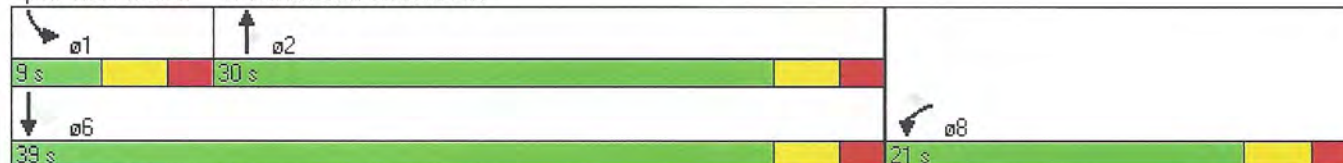
Intersection LOS: B

Intersection Capacity Utilization 49.2%

ICU Level of Service A

Analysis Period (min) 15

Splits and Phases: 3: Walton St & Stevens Ave



Queues

3: Walton St & Stevens Ave

5/4/2015

						
Lane Group	WBL	WBR	NBT	NBR	SBL	SBT
Lane Group Flow (vph)	127	73	497	109	118	556
v/c Ratio	0.29	0.17	0.56	0.13	0.24	0.49
Control Delay	20.3	6.8	14.3	5.8	5.6	7.5
Queue Delay	0.0	0.0	0.0	0.0	0.0	0.0
Total Delay	20.3	6.8	14.3	5.8	5.6	7.5
Queue Length 50th (ft)	31	0	109	9	11	75
Queue Length 95th (ft)	74	25	217	33	30	161
Internal Link Dist (ft)	455		460			610
Turn Bay Length (ft)		40		35	90	
Base Capacity (vph)	817	740	994	942	502	1245
Starvation Cap Reductn	0	0	0	0	0	0
Spillback Cap Reductn	0	0	0	0	0	0
Storage Cap Reductn	0	0	0	0	0	0
Reduced v/c Ratio	0.16	0.10	0.50	0.12	0.24	0.45
Intersection Summary						

HCM Signalized Intersection Capacity Analysis

3: Walton St & Stevens Ave

5/4/2015

						
Movement	WBL	WBR	NBT	NBR	SBL	SBT
Lane Configurations						
Volume (vph)	112	64	442	97	104	489
Ideal Flow (vphpl)	1900	1900	1900	1900	1900	1900
Total Lost time (s)	5.0	5.0	5.0	5.0	5.0	5.0
Lane Util. Factor	1.00	1.00	1.00	1.00	1.00	1.00
Frpb, ped/bikes	1.00	0.96	1.00	0.96	1.00	1.00
Flpb, ped/bikes	1.00	1.00	1.00	1.00	1.00	1.00
Frt	1.00	0.85	1.00	0.85	1.00	1.00
Flt Protected	0.95	1.00	1.00	1.00	0.95	1.00
Satd. Flow (prot)	1787	1528	1652	1536	1803	1668
Flt Permitted	0.95	1.00	1.00	1.00	0.30	1.00
Satd. Flow (perm)	1787	1528	1652	1536	570	1668
Peak-hour factor, PHF	0.88	0.88	0.89	0.89	0.88	0.88
Adj. Flow (vph)	127	73	497	109	118	556
RTOR Reduction (vph)	0	62	0	30	0	0
Lane Group Flow (vph)	127	11	497	79	118	556
Confl. Peds. (#/hr)	7	7		7	7	
Confl. Bikes (#/hr)		6		12		
Heavy Vehicles (%)	1%	1%	1%	1%	0%	0%
Bus Blockages (#/hr)	0	0	2	0	0	2
Parking (#/hr)			3			3
Turn Type	Perm		Perm		pm+pt	
Protected Phases	8		2		1	6
Permitted Phases		8		2	6	
Actuated Green, G (s)	6.6	6.6	19.7	19.7	27.5	27.5
Effective Green, g (s)	6.6	6.6	19.7	19.7	27.5	27.5
Actuated g/C Ratio	0.15	0.15	0.45	0.45	0.62	0.62
Clearance Time (s)	5.0	5.0	5.0	5.0	5.0	5.0
Vehicle Extension (s)	3.0	3.0	3.0	3.0	3.0	3.0
Lane Grp Cap (vph)	267	229	738	686	434	1040
v/s Ratio Prot	c0.07		c0.30		0.02	c0.33
v/s Ratio Perm		0.01		0.05	0.15	
v/c Ratio	0.48	0.05	0.67	0.12	0.27	0.53
Uniform Delay, d1	17.2	16.1	9.7	7.1	4.5	4.7
Progression Factor	1.00	1.00	1.00	1.00	1.00	1.00
Incremental Delay, d2	1.3	0.1	2.4	0.1	0.3	0.5
Delay (s)	18.5	16.1	12.1	7.2	4.8	5.2
Level of Service	B	B	B	A	A	A
Approach Delay (s)	17.6		11.2			5.1
Approach LOS	B		B			A
Intersection Summary						
HCM Average Control Delay			9.3		HCM Level of Service	A
HCM Volume to Capacity ratio			0.66			
Actuated Cycle Length (s)			44.1		Sum of lost time (s)	15.0
Intersection Capacity Utilization		49.2%			ICU Level of Service	A
Analysis Period (min)			15			
c Critical Lane Group						

Lanes, Volumes, Timings
9: Pleasant Ave & Stevens Avenue

5/4/2015

												
Lane Group	EBL	EBT	EBR	WBL	WBT	WBR	NBL	NBT	NBR	SBL	SBT	SBR
Lane Configurations												
Ideal Flow (vphpl)	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900
Lane Width (ft)	12	12	12	12	12	12	12	12	12	12	12	12
Grade (%)		0%			0%			0%			0%	
Storage Length (ft)	0		0	0		0	0		0	0		0
Storage Lanes	0		0	0		0	0		0	0		0
Taper Length (ft)	25		25	25		25	25		25	25		25
Right Turn on Red			Yes			Yes			Yes			Yes
Link Speed (mph)		30			30			30			30	
Link Distance (ft)		1219			1121			280			1491	
Travel Time (s)		27.7			25.5			6.4			33.9	

Intersection Summary

Area Type: Other

Timings

9: Pleasant Ave & Stevens Avenue

5/4/2015

								
Lane Group	EBL	EBT	WBL	WBT	NBL	NBT	SBL	SBT
Lane Configurations								
Volume (vph)	49	30	11	37	20	525	32	437
Turn Type	Perm		Perm		Perm		Perm	
Protected Phases		4		8		2		6
Permitted Phases	4		8		2		6	
Detector Phase	4	4	8	8	2	2	6	6
Switch Phase								
Minimum Initial (s)	4.0	4.0	4.0	4.0	4.0	4.0	4.0	4.0
Minimum Split (s)	21.0	21.0	21.0	21.0	21.0	21.0	21.0	21.0
Total Split (s)	21.0	21.0	21.0	21.0	21.0	21.0	21.0	21.0
Total Split (%)	50.0%	50.0%	50.0%	50.0%	50.0%	50.0%	50.0%	50.0%
Yellow Time (s)	3.0	3.0	3.0	3.0	3.0	3.0	3.0	3.0
All-Red Time (s)	2.0	2.0	2.0	2.0	2.0	2.0	2.0	2.0
Lost Time Adjust (s)	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
Total Lost Time (s)	5.0	5.0	5.0	5.0	5.0	5.0	5.0	5.0
Lead/Lag								
Lead-Lag Optimize?								
Recall Mode	None	None	None	None	Max	Max	Max	Max
Act Effct Green (s)		7.8		7.6		23.1		23.1
Actuated g/C Ratio		0.23		0.22		0.67		0.67
v/c Ratio		0.35		0.33		0.50		0.56
Control Delay		11.7		8.1		10.0		12.3
Queue Delay		0.0		0.0		0.0		0.0
Total Delay		11.7		8.1		10.0		12.3
LOS		B		A		B		B
Approach Delay		11.7		8.1		10.0		12.3
Approach LOS		B		A		B		B

Intersection Summary

Cycle Length: 42

Actuated Cycle Length: 34.3

Natural Cycle: 55

Control Type: Actuated-Uncoordinated

Maximum v/c Ratio: 0.56

Intersection Signal Delay: 10.9

Intersection LOS: B

Intersection Capacity Utilization 58.4%

ICU Level of Service B

Analysis Period (min) 15

Splits and Phases: 9: Pleasant Ave & Stevens Avenue

 ø2	 ø4
21 s	21 s
 ø6	 ø8
21 s	21 s

Queues

9: Pleasant Ave & Stevens Avenue

5/4/2015

	→	←	↑	↓
Lane Group	EBT	WBT	NBT	SBT
Lane Group Flow (vph)	127	136	615	581
v/c Ratio	0.35	0.33	0.50	0.56
Control Delay	11.7	8.1	10.0	12.3
Queue Delay	0.0	0.0	0.0	0.0
Total Delay	11.7	8.1	10.0	12.3
Queue Length 50th (ft)	15	9	74	74
Queue Length 95th (ft)	34	27	#235	#217
Internal Link Dist (ft)	1139	1041	200	1411
Turn Bay Length (ft)				
Base Capacity (vph)	714	787	1229	1046
Starvation Cap Reductn	0	0	0	0
Spillback Cap Reductn	0	0	0	0
Storage Cap Reductn	0	0	0	0
Reduced v/c Ratio	0.18	0.17	0.50	0.56

Intersection Summary

- # 95th percentile volume exceeds capacity, queue may be longer.
Queue shown is maximum after two cycles.

HCM Signalized Intersection Capacity Analysis

9: Pleasant Ave & Stevens Avenue

5/4/2015

												
Movement	EBL	EBT	EBR	WBL	WBT	WBR	NBL	NBT	NBR	SBL	SBT	SBR
Lane Configurations												
Volume (vph)	49	30	20	11	37	57	20	525	15	32	437	19
Ideal Flow (vphpl)	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900
Total Lost time (s)		5.0			5.0			5.0			5.0	
Lane Util. Factor		1.00			1.00			1.00			1.00	
Frpb, ped/bikes		0.98			0.94			1.00			1.00	
Flpb, ped/bikes		1.00			1.00			1.00			1.00	
Frt		0.97			0.93			1.00			0.99	
Flt Protected		0.98			0.99			1.00			1.00	
Satd. Flow (prot)		1748			1637			1870			1638	
Flt Permitted		0.83			0.95			0.97			0.94	
Satd. Flow (perm)		1487			1556			1824			1549	
Peak-hour factor, PHF	0.78	0.78	0.78	0.77	0.77	0.77	0.91	0.91	0.91	0.84	0.84	0.84
Adj. Flow (vph)	63	38	26	14	48	74	22	577	16	38	520	23
RTOR Reduction (vph)	0	22	0	0	63	0	0	2	0	0	3	0
Lane Group Flow (vph)	0	105	0	0	73	0	0	613	0	0	578	0
Confl. Peds. (#/hr)	10		10	20		20	4		4	10		10
Confl. Bikes (#/hr)			19			30			5			17
Heavy Vehicles (%)	1%	1%	1%	0%	0%	0%	1%	1%	1%	1%	1%	1%
Parking (#/hr)											4	
Turn Type	Perm			Perm			Perm			Perm		
Protected Phases		4			8			2			6	
Permitted Phases	4			8			2			6		
Actuated Green, G (s)		5.3			5.3			21.0			21.0	
Effective Green, g (s)		5.3			5.3			21.0			21.0	
Actuated g/C Ratio		0.15			0.15			0.58			0.58	
Clearance Time (s)		5.0			5.0			5.0			5.0	
Vehicle Extension (s)		3.0			3.0			3.0			3.0	
Lane Grp Cap (vph)		217			227			1055			896	
v/s Ratio Prot												
v/s Ratio Perm		c0.07			0.05			0.34			c0.37	
v/c Ratio		0.48			0.32			0.58			0.65	
Uniform Delay, d1		14.2			13.9			4.9			5.1	
Progression Factor		1.00			1.00			1.00			1.00	
Incremental Delay, d2		1.7			0.8			2.3			3.6	
Delay (s)		15.9			14.7			7.2			8.7	
Level of Service		B			B			A			A	
Approach Delay (s)		15.9			14.7			7.2			8.7	
Approach LOS		B			B			A			A	
Intersection Summary												
HCM Average Control Delay			9.3			HCM Level of Service			A			
HCM Volume to Capacity ratio			0.61									
Actuated Cycle Length (s)			36.3			Sum of lost time (s)			10.0			
Intersection Capacity Utilization			58.4%			ICU Level of Service			B			
Analysis Period (min)			15									
c Critical Lane Group												

Lanes, Volumes, Timings
11: Walton Street & Forest Ave

5/4/2015

												
Lane Group	EBL	EBT	EBR	WBL	WBT	WBR	NBL	NBT	NBR	SBL	SBT	SBR
Lane Configurations												
Ideal Flow (vphpl)	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900
Lane Width (ft)	12	12	12	12	12	12	12	12	12	12	12	12
Grade (%)		0%			0%			0%			0%	
Storage Length (ft)	0		40	0		100	140		0	140		0
Storage Lanes	0		1	0		1	1		0	1		0
Taper Length (ft)	25		25	25		25	25		25	25		25
Right Turn on Red			Yes			Yes			Yes			Yes
Link Speed (mph)		30			30			30			30	
Link Distance (ft)		950			686			1198			517	
Travel Time (s)		21.6			15.6			27.2			11.8	

Intersection Summary

Area Type: Other

Timings

11: Walton Street & Forest Ave

5/4/2015

										
Lane Group	EBL	EBT	EBR	WBL	WBT	WBR	NBL	NBT	SBL	SBT
Lane Configurations										
Volume (vph)	22	88	61	45	93	106	38	734	75	624
Turn Type	Perm		Perm	Perm		Perm	pm+pt		pm+pt	
Protected Phases		4			8		5	2	1	6
Permitted Phases	4		4	8		8	2		6	
Detector Phase	4	4	4	8	8	8	5	2	1	6
Switch Phase										
Minimum Initial (s)	4.0	4.0	4.0	4.0	4.0	4.0	4.0	4.0	4.0	4.0
Minimum Split (s)	21.0	21.0	21.0	21.0	21.0	21.0	8.0	21.0	8.0	21.0
Total Split (s)	21.0	21.0	21.0	21.0	21.0	21.0	8.0	36.0	8.0	36.0
Total Split (%)	32.3%	32.3%	32.3%	32.3%	32.3%	32.3%	12.3%	55.4%	12.3%	55.4%
Yellow Time (s)	3.0	3.0	3.0	3.0	3.0	3.0	3.5	3.0	3.5	3.0
All-Red Time (s)	2.0	2.0	2.0	2.0	2.0	2.0	0.5	2.0	0.5	2.0
Lost Time Adjust (s)	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
Total Lost Time (s)	5.0	5.0	5.0	5.0	5.0	5.0	4.0	5.0	4.0	5.0
Lead/Lag							Lead	Lag	Lead	Lag
Lead-Lag Optimize?										
Recall Mode	None	None	None	None	None	None	None	None	None	None
Act Effect Green (s)		11.4	11.4		11.4	11.4	31.3	28.2	32.1	29.6
Actuated g/C Ratio		0.21	0.21		0.21	0.21	0.58	0.52	0.59	0.55
v/c Ratio		0.38	0.19		0.52	0.31	0.11	0.83	0.29	0.70
Control Delay		23.9	7.2		27.3	6.8	5.2	22.8	7.5	15.8
Queue Delay		0.0	0.0		0.0	0.0	0.0	0.0	0.0	0.0
Total Delay		23.9	7.2		27.3	6.8	5.2	22.8	7.5	15.8
LOS		C	A		C	A	A	C	A	B
Approach Delay		17.9			18.4			22.0		15.0
Approach LOS		B			B			C		B

Intersection Summary

Cycle Length: 65

Actuated Cycle Length: 54.3

Natural Cycle: 65

Control Type: Actuated-Uncoordinated

Maximum v/c Ratio: 0.83

Intersection Signal Delay: 18.5

Intersection LOS: B

Intersection Capacity Utilization 70.6%

ICU Level of Service C

Analysis Period (min) 15

Splits and Phases: 11: Walton Street & Forest Ave

 ø1	 ø2	 ø4
8 s	36 s	21 s
 ø5	 ø6	 ø8
8 s	36 s	21 s

Queues

11: Walton Street & Forest Ave

5/4/2015

	→	↘	←	↖	↗	↑	↙	↓
Lane Group	EBT	EBR	WBT	WBR	NBL	NBT	SBL	SBT
Lane Group Flow (vph)	136	75	172	132	40	809	79	691
v/c Ratio	0.38	0.19	0.52	0.31	0.11	0.83	0.29	0.70
Control Delay	23.9	7.2	27.3	6.8	5.2	22.8	7.5	15.8
Queue Delay	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
Total Delay	23.9	7.2	27.3	6.8	5.2	22.8	7.5	15.8
Queue Length 50th (ft)	44	0	58	0	4	232	8	120
Queue Length 95th (ft)	78	23	96	27	15	#507	25	#405
Internal Link Dist (ft)	870		606			1118		437
Turn Bay Length (ft)		40		100	140		140	
Base Capacity (vph)	536	538	493	574	374	1131	269	1146
Starvation Cap Reductn	0	0	0	0	0	0	0	0
Spillback Cap Reductn	0	0	0	0	0	0	0	0
Storage Cap Reductn	0	0	0	0	0	0	0	0
Reduced v/c Ratio	0.25	0.14	0.35	0.23	0.11	0.72	0.29	0.60

Intersection Summary

- # 95th percentile volume exceeds capacity, queue may be longer.
Queue shown is maximum after two cycles.

HCM Signalized Intersection Capacity Analysis

11: Walton Street & Forest Ave

5/4/2015

												
Movement	EBL	EBT	EBR	WBL	WBT	WBR	NBL	NBT	NBR	SBL	SBT	SBR
Lane Configurations												
Volume (vph)	22	88	61	45	93	106	38	734	34	75	624	32
Ideal Flow (vphpl)	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900
Total Lost time (s)		5.0	5.0		5.0	5.0	4.0	5.0		4.0	5.0	
Lane Util. Factor		1.00	1.00		1.00	1.00	1.00	1.00		1.00	1.00	
Frpb, ped/bikes		1.00	0.96		1.00	0.97	1.00	1.00		1.00	1.00	
Flpb, ped/bikes		1.00	1.00		1.00	1.00	1.00	1.00		1.00	1.00	
Frt		1.00	0.85		1.00	0.85	1.00	0.99		1.00	0.99	
Flt Protected		0.99	1.00		0.98	1.00	0.95	1.00		0.95	1.00	
Satd. Flow (prot)		1879	1557		1848	1550	1787	1869		1752	1814	
Flt Permitted		0.90	1.00		0.84	1.00	0.25	1.00		0.14	1.00	
Satd. Flow (perm)		1717	1557		1579	1550	470	1869		259	1814	
Peak-hour factor, PHF	0.81	0.81	0.81	0.80	0.80	0.80	0.95	0.95	0.95	0.95	0.95	0.95
Adj. Flow (vph)	27	109	75	56	116	132	40	773	36	79	657	34
RTOR Reduction (vph)	0	0	60	0	0	106	0	2	0	0	2	0
Lane Group Flow (vph)	0	136	15	0	172	26	40	807	0	79	689	0
Confl. Peds. (#/hr)	4		4	4		4				4		4
Confl. Bikes (#/hr)			5			2						4
Heavy Vehicles (%)	0%	0%	0%	1%	1%	1%	1%	1%	1%	3%	3%	3%
Bus Blockages (#/hr)	0	0	0	0	0	0	0	0	0	0	2	0
Turn Type	Perm		Perm	Perm		Perm	pm+pt			pm+pt		
Protected Phases		4			8		5	2		1	6	
Permitted Phases	4		4	8		8	2			6		
Actuated Green, G (s)		11.3	11.3		11.3	11.3	30.3	28.9		31.7	29.6	
Effective Green, g (s)		11.3	11.3		11.3	11.3	30.3	28.9		31.7	29.6	
Actuated g/C Ratio		0.20	0.20		0.20	0.20	0.54	0.51		0.56	0.53	
Clearance Time (s)		5.0	5.0		5.0	5.0	4.0	5.0		4.0	5.0	
Vehicle Extension (s)		3.0	3.0		3.0	3.0	3.0	3.0		3.0	3.0	
Lane Grp Cap (vph)		345	313		317	311	286	959		202	954	
v/s Ratio Prot							0.00	c0.43		c0.01	0.38	
v/s Ratio Perm		0.08	0.01		c0.11	0.02	0.07			0.21		
v/c Ratio		0.39	0.05		0.54	0.09	0.14	0.84		0.39	0.72	
Uniform Delay, d1		19.5	18.2		20.2	18.3	7.3	11.7		8.9	10.2	
Progression Factor		1.00	1.00		1.00	1.00	1.00	1.00		1.00	1.00	
Incremental Delay, d2		0.7	0.1		1.9	0.1	0.2	6.8		1.3	2.7	
Delay (s)		20.3	18.2		22.1	18.4	7.5	18.5		10.2	12.9	
Level of Service		C	B		C	B	A	B		B	B	
Approach Delay (s)		19.5			20.5			18.0			12.6	
Approach LOS		B			C			B			B	
Intersection Summary												
HCM Average Control Delay		16.6										
HCM Volume to Capacity ratio		0.74										
Actuated Cycle Length (s)		56.3										
Intersection Capacity Utilization		70.6%										
Analysis Period (min)		15										
c Critical Lane Group												

SUMMARY MEMORANDUM

TO: Mr. Matthew D. Teare
Director of Development
Sea Coast Management Company
30 Governors Way
Topsham, Maine 04086

DATE: May 6, 2015

RE: Trip Generation Analysis for Proposed Zoning Alternatives for Baxter Place in Portland, Maine

The purpose of this memorandum is to summarize trip generation analysis requested by the City Traffic Engineer for the proposed re-zoning of a parcel off Stevens Avenue in Portland, Maine. The zoning is being requested to accommodate the proposed Baxter Place senior housing development. The requested rezoning of lots 3 and 4 would change the zone from the current R5 to the requested R5A. It is understood that the current R5 zone would allow for up to 131 dwelling units to be constructed on lots 3 & 4. The proposed R5A zone would allow for up to 368 dwelling units on these lots. It was assumed for this trip generation analysis that the dwelling units would consist of attached apartment units since they would generate more trips than condominium units.

Maximum Build-Out

Trip generation for the maximum potential build out of the rezoned lots 3 & 4 was determined using the most recent Institute of Transportation Engineers (ITE) "Trip Generation, 9th edition" report. As previously discussed, Land Use Code (LUC) 220 "Apartment" was used to represent "worst case". The results for existing R5 zone with 131 dwelling (D.U.s) and the proposed R5A zone with a maximum of 368 apartment units are summarized below:

ITE Trip Generation for Potential Build-Out (one-way trip ends)

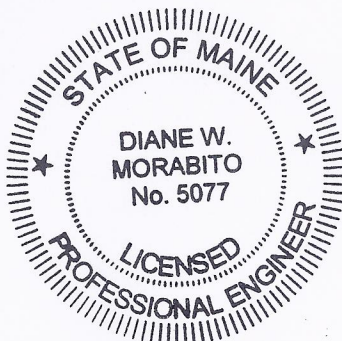
<u>Time Period</u>	<u>Current R5 131 Apts.</u>	<u>Proposed R5A 368 Apts.</u>	<u>Change In Trips</u>
Weekday	872	2,448	+ 1,576
AM Peak Hour " Adjacent Street	67	188	+ 121
Entering	13	38	+ 25
Exiting	54	150	+ 96
PM Peak Hour " Adjacent Street	81	228	+ 147
Entering	53	148	+ 95
Exiting	28	80	+ 52

Proposed Senior Housing Build-Out

Similarly, trip generation was also performed for the currently proposed senior housing development, also using the ITE "Trip Generation, 9th edition" report for comparison purposes. It was determined that under the R5A zone the maximum number of units that could be developed was 335. It is expected that the development will contain independent living apartment units as well as some assisted living. The expected split for the maximum 335 units would be 24 assisted living units and 311 independent living units. Land use codes 252 – Senior Adult Housing – Attached and 254 - Assisted Living were used on the basis of dwelling units for the senior housing option. The results are summarized below:

Projected ITE Trip Generation (one-way trip-ends)			
Proposed Senior Housing Development			
<u>Time Period</u>	<u>311 Senior Living Attached Units</u>	<u>24 Assisted Living Units</u>	<u>Total Trips</u>
Weekday	1,070	66	1,136
AM Peak Hour – Adjacent Street	59	4	63
Entering	21	3	24
Exiting	38	1	39
PM Peak Hour – Adjacent Street	84	7	91
Entering	51	3	54
Exiting	33	4	37

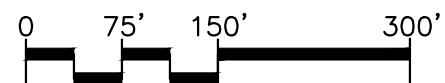
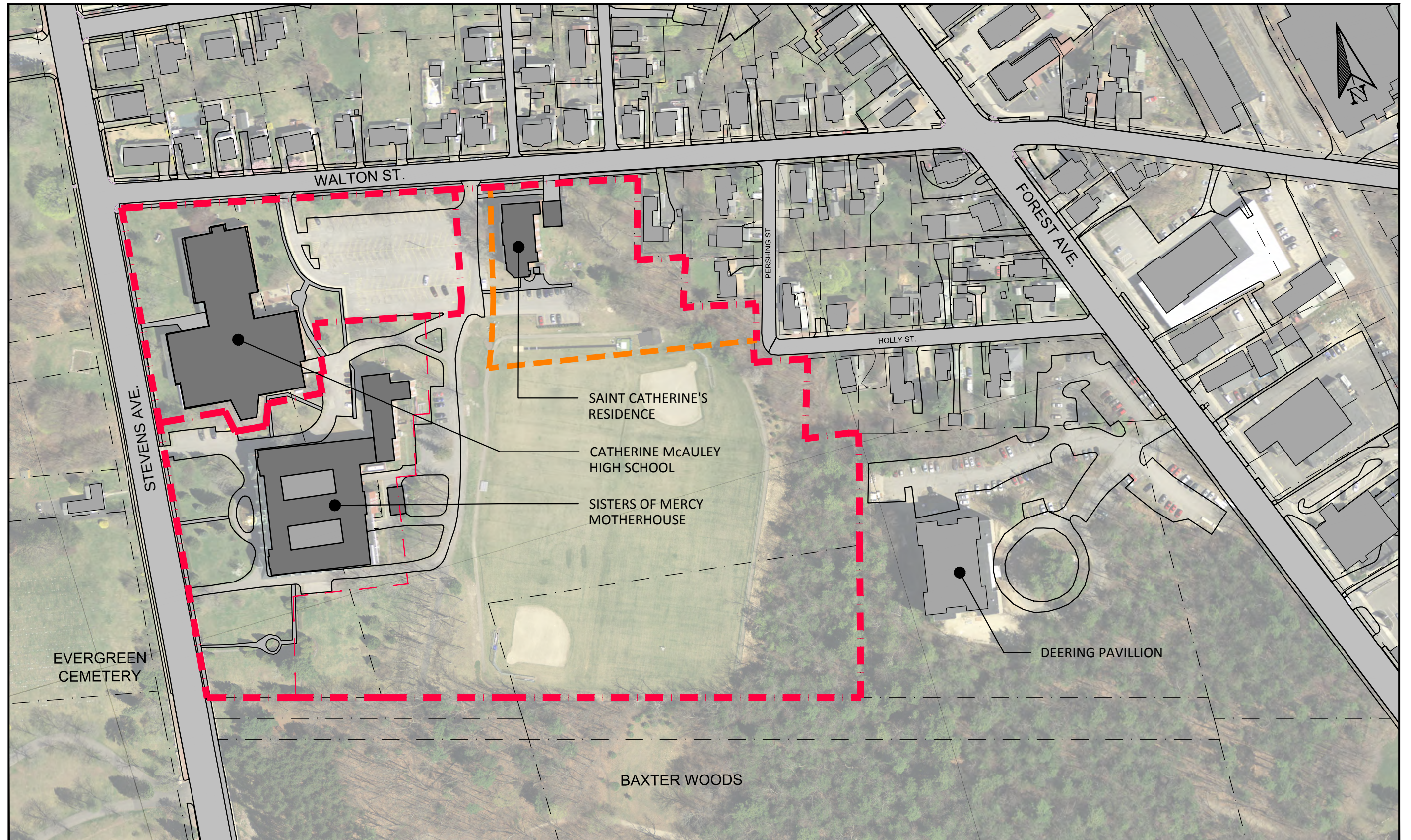
Please do not hesitate to contact me if you or the City of Portland have any questions regarding this trip generation analysis for the proposed rezoning to accommodate the planned senior housing development.



Sincerely,

Diane W. Morabito, P.E. PTOE
President

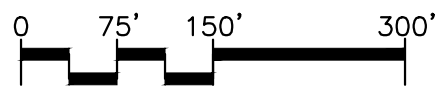
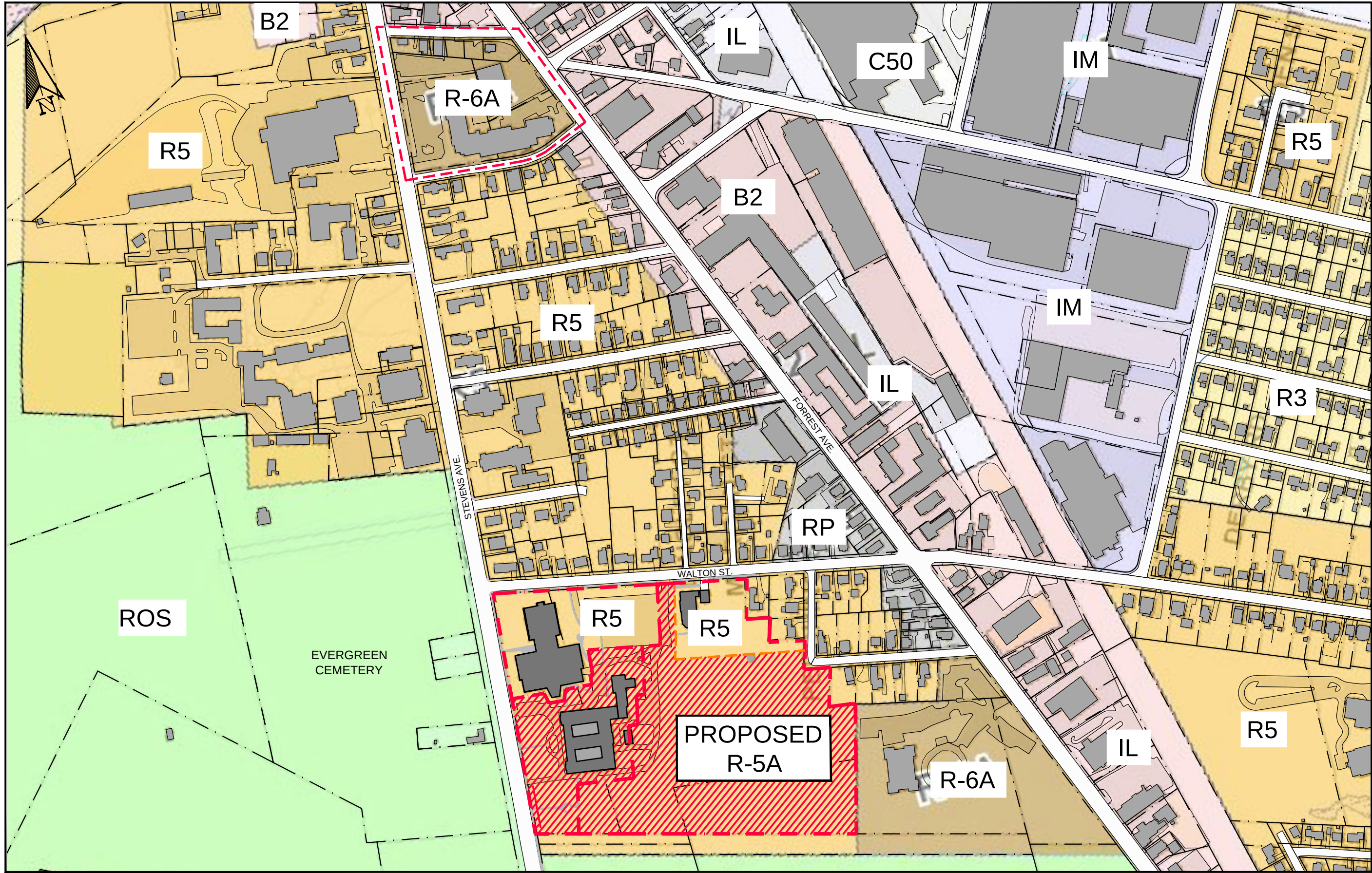
cc: Rick Licht
Tom Errico, TY Lin
Jean Fraser, Portland



M ☐ **A** ☐ ☐ ☐ ☐ ☐ ☒ ☐ ☐

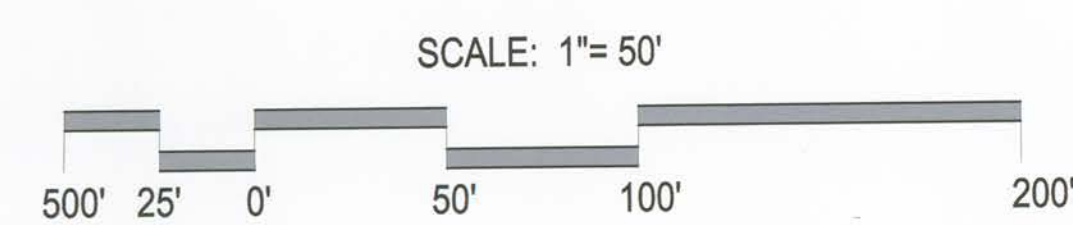
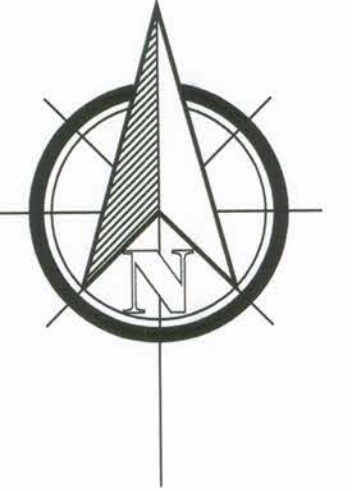
CONTEXT MAP

EXHIBIT 2



605 STEVENS AVE
PROPOSED ZONE MAP CHANGE

EXHIBIT
1
5.1.2015 SUBMITTAL



605 Stevens Avenue

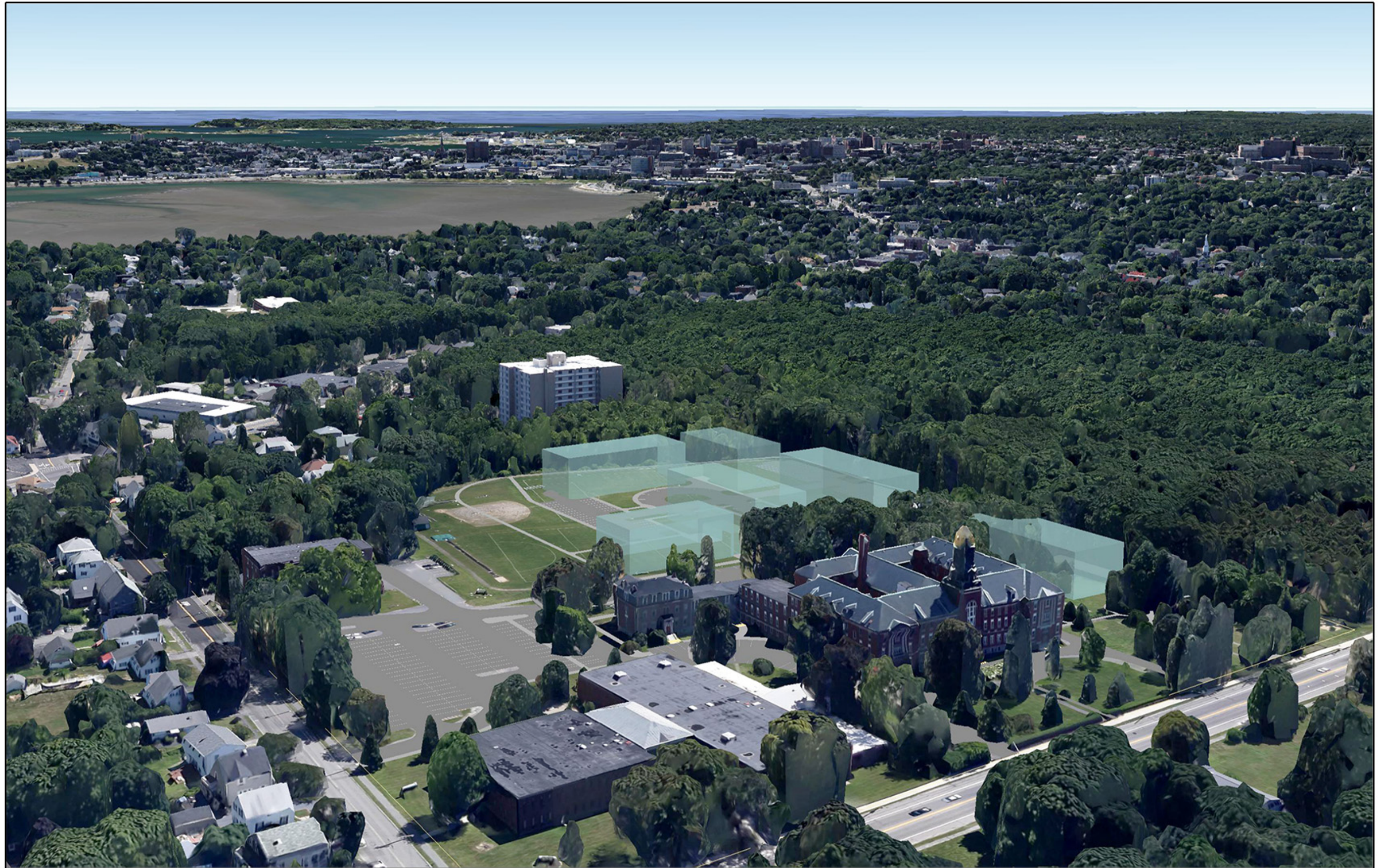
CONCEPTUAL MASTER PLAN



605 STEVENS AVE

BUILDING HEIGHT STUDY

EXHIBIT
2
5.1.2015 SUBMITTAL

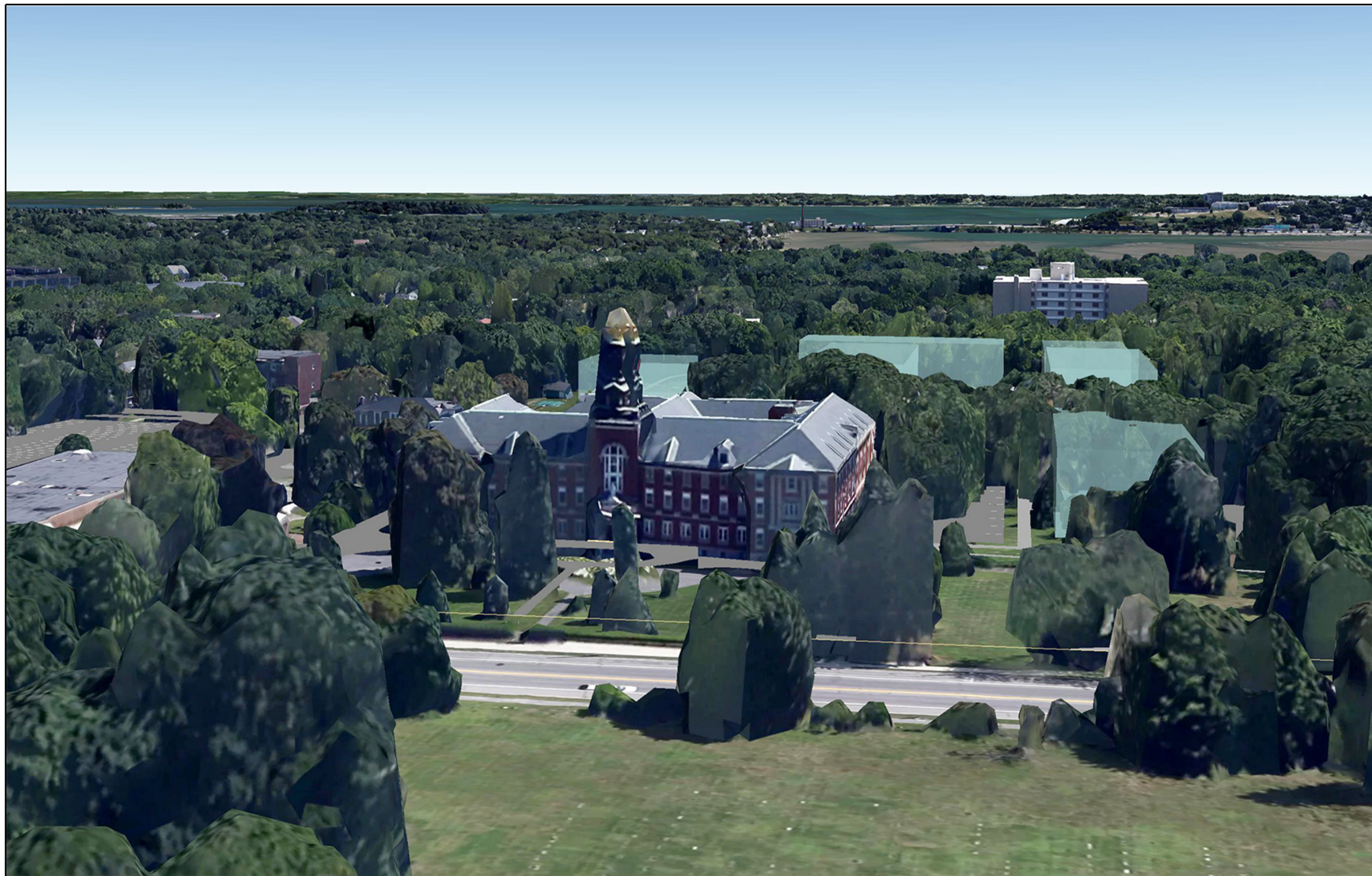


View Looking North East

605 STEVENS AVE

MASSING MODEL

EXHIBIT
3a
5.1.2015 SUBMITTAL



View Looking East
from Evergreen Cemetery

605 STEVENS AVE

MASSING MODEL

EXHIBIT
3b
5.1.2015 SUBMITTAL

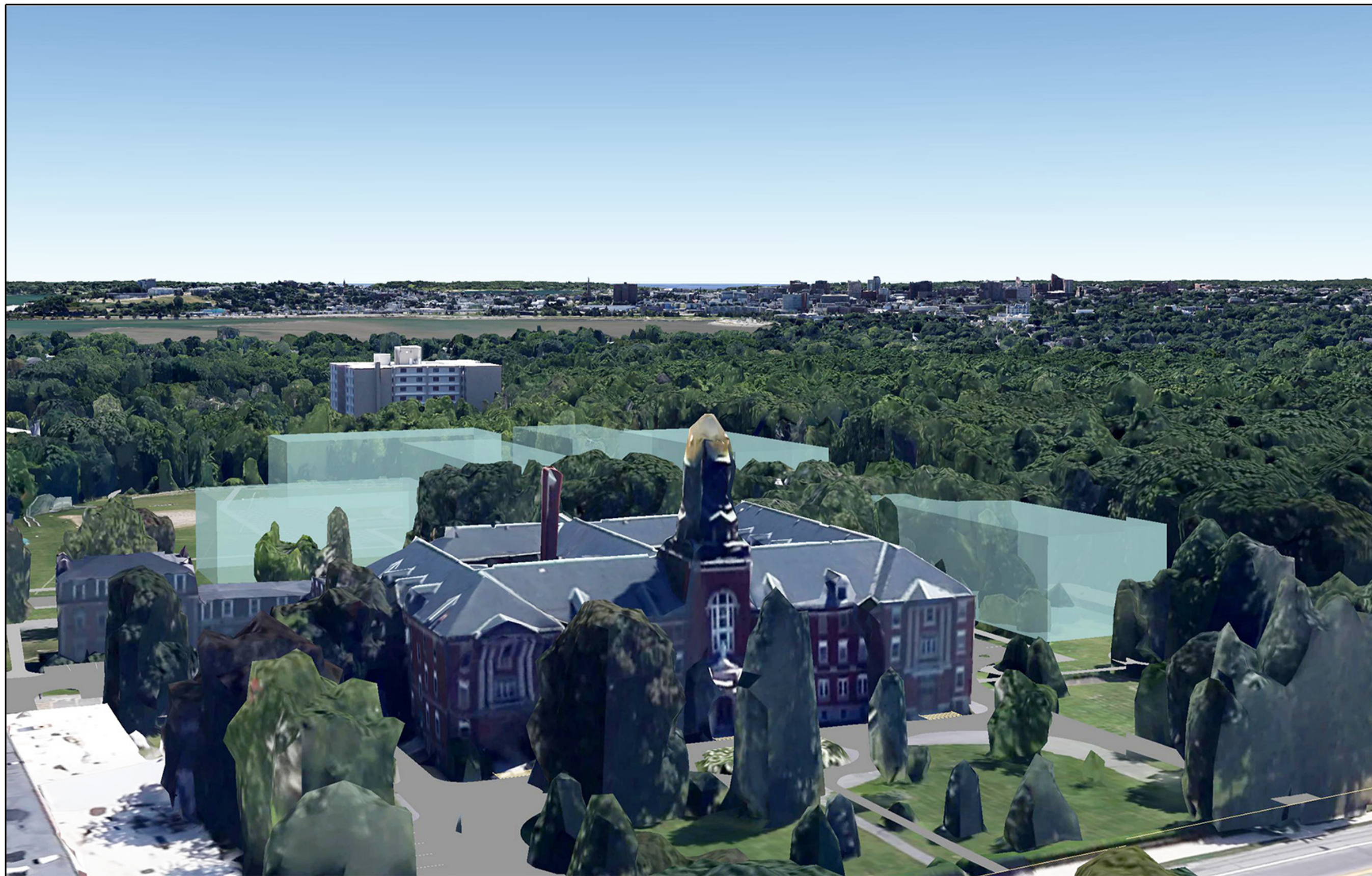


View Looking South

605 STEVENS AVE

MASSING MODEL

EXHIBIT
3c
5.1.2015 SUBMITTAL



View Looking South East

605 STEVENS AVE

MASSING MODEL

EXHIBIT
3d
5.1.2015 SUBMITTAL



PLANNING BOARD REPORT PORTLAND, MAINE

B3 Zoning Map Amendment for Rental Apartments
Level III Zoning Map Amendment
2015-041
Redfern Properties, Applicant

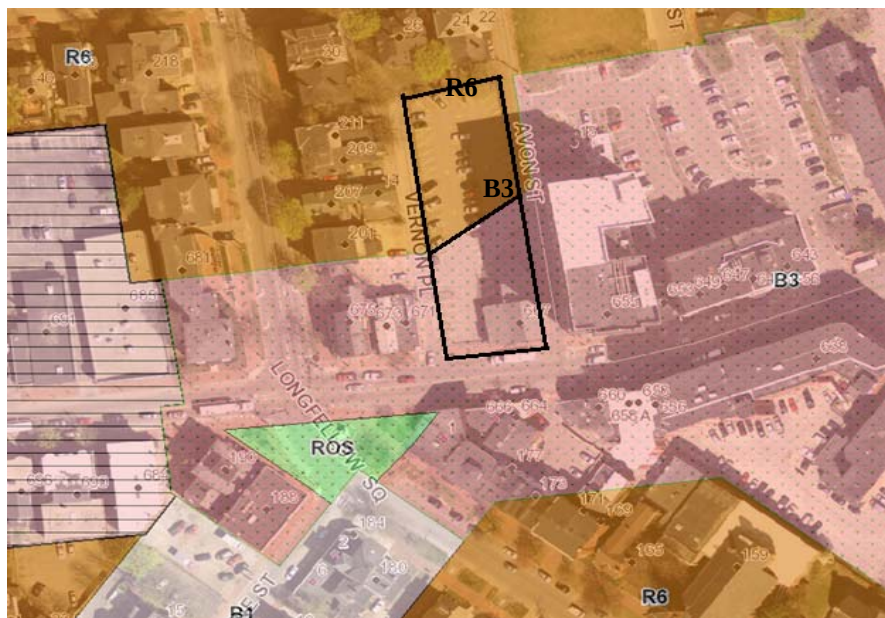
Submitted to: Portland Planning Board Public Hearing Date: May 12 th , 2015	Prepared by: Shukria Wiar, Planner Date: May 8 th , 2015
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I. INTRODUCTION

On behalf of MSD Properties, LLC, Jonathan Cully of Redfern Properties has submitted an application for a zoning map amendment for the property at 667 Congress Street. Redfern Properties is working in partnership with MSD Properties, LLC and Joe's Super Variety to redevelop the property. The site is divided by two different zones; the front portion along Congress Street is in the B3 zone and the rear portion is in the R6 zone. As part of the zone change, the applicant is proposing to extend the B3 to include the R-6 portion in the rear of the property, making the site consistent with the zoning on adjacent properties to the east and south. The applicant is seeking to amend the zoning to allow for an integrated development of multifamily apartment building with Joe's Super Variety occupying the first floor along Congress Street with parking behind the storefront.

The property proposed for rezoning totals approximately 25,740 square feet with 98 feet of frontage on Congress Street. It also has frontage along Avon Street and Vernon Place. The portion of the property proposed for rezoning to B3 is currently within the R6 zone.

It should be noted that the proposal includes the modification of the B-3 Downtown Height Overlay Zone to encompass the area of the proposed zone change, which would establish 85 feet as the maximum height limit. The zone change would also, in effect, extend the Downtown Entertainment Overlay Zone, which is defined by the boundaries of the B3, B3(c) and WCZ zones. The property is also in the Congress Street Historic District and abuts another historic district in the rear of the property, the Deering Street Historic District.



A notice of this Workshop was sent to 284 property owners within 500 feet and interested citizens, and appeared in the May 4th and 5th, 2015 editions of the *Portland Press-Herald*. A Neighborhood Meeting is required for this project and the applicant has confirmed that the neighborhood meeting was held last week on April 8th, 2015, see [Attachment D](#). At the time of preparing this report the Planning Division has received three written comments, please [Attachment PC1](#).

II. PROJECT DATA

Parcel Size:	25,740 sq ft: 12,221 sq ft in B3 zone and 13,519 sq ft in the R6 zone
Current Zoning:	Residential R6 and Downtown Business B3
Proposed Zoning:	Downtown Business B3
Existing Uses:	Retail; Surface parking
Proposed Use:	Multifamily Rental Units - Approximately 130 units, retail, and structured parking

III. EXISTING CONDITIONS AND ZONING

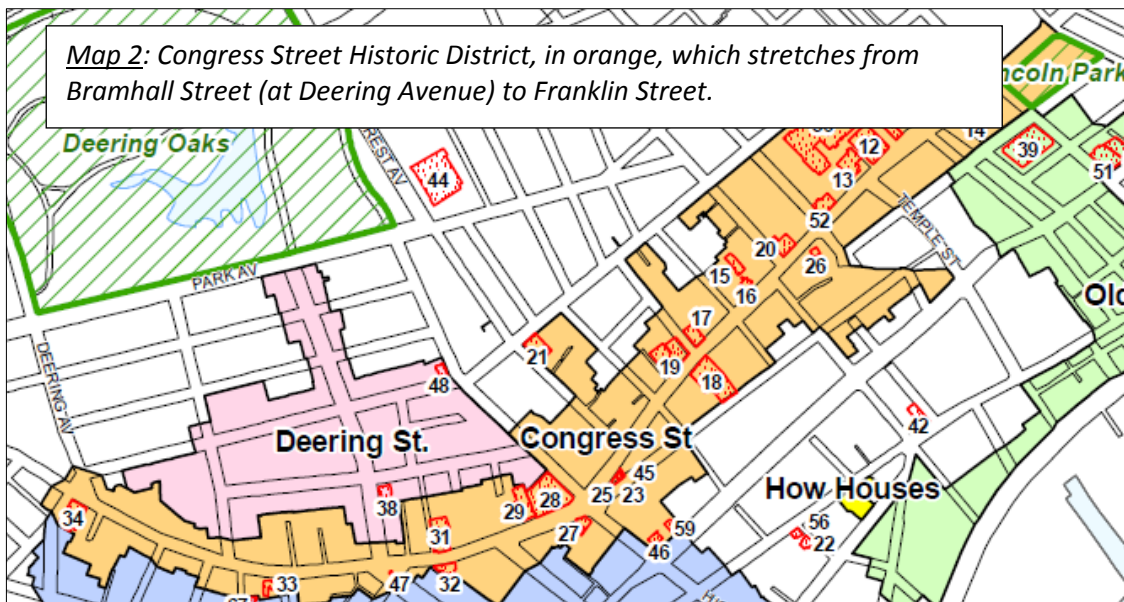
The site is split between the R6 and B3 zones. The north and north-west sides of the site abut the Deering Street neighborhood, which is composed of single and multifamily homes (all within R6 and the Deering Street Historic District). The property is located within the Congress Street Historic District. The rear of this site abuts the Deering Street Historic District.

Currently, the site contains a two and half story building that houses Joe's Smoke Shop and a surface parking lot with approximately 58 parking spaces that are rented out to

abutting properties. Avon Street is a one way street that goes through to Deering Street, whereas Vernon Place is a two-way, dead-end street. Both streets are p Street. There are three curb cuts on Avon S



Figure 1- Existing Site from Congress Street



The property is located within the Congress Street Historic District and abuts the Deering Street Historic District, and is generally characterized by medium- to large scale residential development of a historic nature. The properties directly across

Congress Street are marked by residential multi-family development and commercial businesses.

The Joe's Smoke Shop building is considered noncontributing to the Congress Street Historic District and can therefore be demolished to make way for the redevelopment project.

Historic photographs of the subject parcels generally show residential and business development of the type characteristic of Congress Street today. A church, a lunch room, and general store occupied the proposed site at the time of the 1924 tax records.



Figures 2 & 3: 1924 tax photos showing 665 Congress Street and 667 Congress Street both on the lot now zoned B-3 in the front portion.

The St. Stephen's Church was razed in 1965 and the property has been used as a surface parking since then. Map 4, below, is an aerial of the proposed site from November 22, 1969. The aerial is showing the site to be entirely surface parking lot with a building at front corner of the site (as it is currently).



Map 4: November 22, 1969 Aerial of the Proposed Site as a surface parking lot.

IV. PROPOSED DEVELOPMENT

The applicant is proposing to change the R6 portion of the property to the B3 zone that would designate the entire property into the one zone. The B3 zone runs the length of Congress Street from State Street to Franklin Arterial. The B-3 zone is approximately 100 feet deep on the Vernon Place side and is approximately 150 feet on the Avon Street side of proposed site. While the depth of the B-3 zone is 280 feet on the adjoining property to the east (see map amendment on page 1). The applicant is seeking to develop approximately 130 residential units on the site, thus the B-3 zone is requested in order to achieve the overall density for the project. The density limits and height limitation in the R6 zone constrain the redevelopment of this site.

The applicant is proposing to extend the B3 zone to include the rear portion of the property, making them consistent with the zoning on adjacent properties to the east and south (refer to map amendment on page 1). The applicant is seeking to amend the zoning to allow for an integrated development of a seven- to eight- story multifamily apartment building with Joe's Super Variety occupying the front portion (Congress Street) of the first floor. The basement and first level will house the parking spaces (59 on the basement level and 49 spaces on first level, 108 in total) for the building uses. The remaining floors would be the rental apartments. The site would be accessed via two entrances: one off of Avon Street and one off of Vernon Place. Parking, access and other aspects are conceptual at this stage.

The parcel currently contains a surface parking lot with spaces within 35' of adjacent streets. Surface parking, whether existing or proposed, may not be located within 35' of the street, which in this case includes Vernon and Avon. These spaces, as proposed, are considered structured parking, in which case they are allowed.



Figure 4: Aerial of the Proposed Site

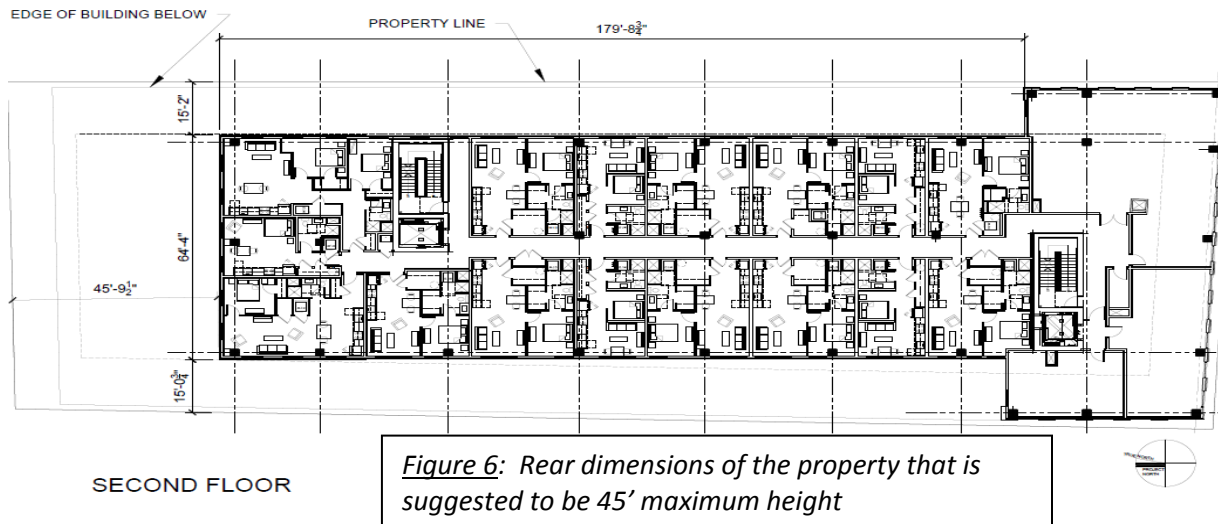


Figure 5: Rendering of the Proposed Building, Congress Street

The proposed amendment also includes modifications to the city's Downtown Height Overlay. The maximum building height in the B3 zone is regulated by the Downtown Height Overlay Map, which establishes height restrictions ranging from 45 feet to 210 feet across the B3 zone. The height overlay zone sets an 85 foot height limit for the area in the existing B3 zone bounded by Congress and Avon Streets, and Vernon Place.

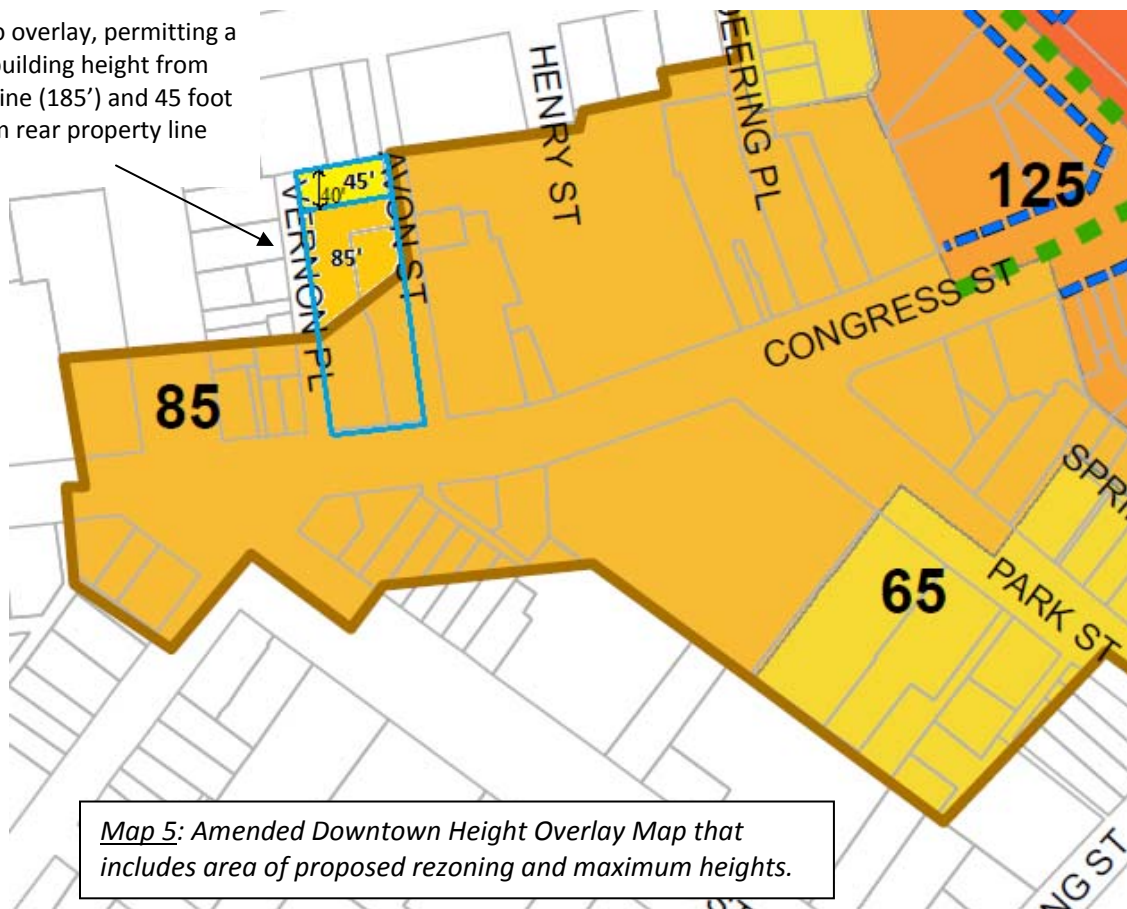
The applicant proposed a B3 height amendment to 85'. The Planning Staff is recommending the rear of the property height be limited to 45'; since the rear portion of the property is abutting residential uses and the R6 zone. The applicant agrees with this recommendation that the 45' height limit be applied to the rear 40 feet of the

property line (see Map 5). The actual setback from the rear property line to the building is approximately 45', but staff is suggesting having a 45 foot maximum building height for the rear lot depth of 40 feet.



Under the proposed zone change, the Downtown Height Overlay map would be amended to extend the 85 foot maximum building height to be contiguous with the proposed B3 map amendment and have the rear 40' of property be at 45' maximum building height (see Map 5).

Area to be added to overlay, permitting a maximum 85 foot building height from the front property line (185') and 45 foot building height from rear property line (40')



As noted above, the Downtown Entertainment Overlay Zone would also be extended to cover the rezoned area as part of the map amendment. The Downtown Entertainment Overlay Zone establishes a 100 foot dispersal

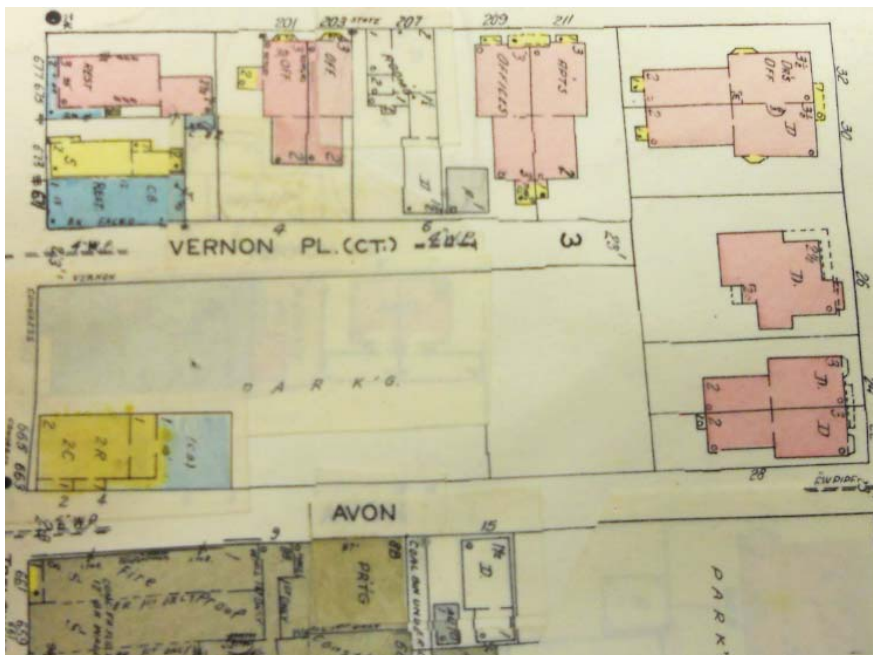
requirement for facilities with entertainment licenses. Since the Downtown Entertainment Overlay Zone refers explicitly to and is defined by the B3 zone by ordinance, any map amendment altering the limits of the B3 zone would incorporate the Downtown Entertainment Overlay Zone.

V. ZONING ANALYSIS

A. Zoning Background to the Site

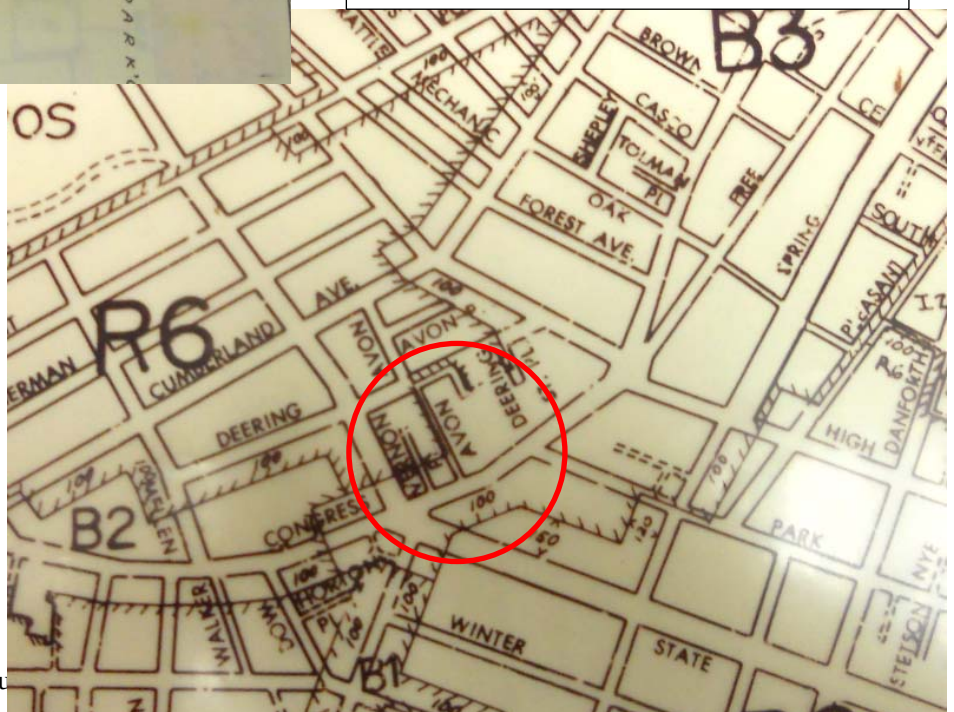
The City's zoning maps from different years were researched for a zoning history of the site. Below Map 6 is a zoning map that adopted on March 18, 1946 by the City Council. The proposed site is circled in red. The site is divided between two zone at that time, A and G zone. According to the legend on the map, the A zone is Apartment House and the G zone is General Business.

Sanborn Insurance Map was published in 1954 with the latest amendment in June, 1975. The site was amended at a certain time that changed from having buildings on the site (church and two residential buildings) to surface parking.



Map 6, 7 and 8: Zoning Map Adopted by Portland City Council in March 18, 1946 (above); Sanborn Insurance Map (left) and Zoning Map Adopted by Portland City Council in March 1958, revised February 1990 (below).

The Zoning Map of Portland Mainland was adopted by the Portland City Council in March, 1958. The map shows this proposed site, in red, to be divided into two zones, R6 and B3. The Downtown Height Overlay Map was overlaid on the B3 zone. The Downtown Height Overlay Map was adapted on March 11, 2001



B. Current Zoning

The property is located in the R6 and B3 zones. Section 14-51 Extension of zone lines allows a less restrictive zone to extend no more than thirty (30) feet into a restrictive zone, below is the specific language of the section:

Where a zone boundary line divides a lot in single or joint ownership of record at the time such line is established, the provisions of this article for the less restricted portion of such lot shall extend not more than thirty (30) feet into the more restricted portion, provided that the lot has at least twenty (20) feet of street frontage in the less restricted zone when taken together with adjacent premises which are under the same or equivalent ownership or control. If such boundary line divides a business or industrial zone from a residence zone, no frontage on a street other than the principal business street in the less restricted zone may be taken into consideration in connection with the right herein granted. This section shall not apply to differing dimensional requirements, including height, within a zoning district.

This section is not practical in this situation since the R-6 zone portion of the lot is more than thirty feet. Even if the zone boundary is extended into the more restrictive R-6 zone, a portion of the proposed building would extend into the R6 zone, and the zone line extension does not allow an increase in height. Therefore, this ordinance provision does not resolve the issue of divided zone lines for the proposed redevelopment.

Zoning Purposes

The current R6 zoning is designed to promote neighborhood-scale housing and compatible retail. The purpose of the R6 zone, which is found in the East and West Ends of the city, is to “set aside areas...for housing characterized primarily by multi-family dwellings at a high density” and to “conserve the existing housing stock and residential character of neighborhoods by controlling the scale and external impacts of professional offices and other nonresidential uses” (Section 14-135). It should be noted that the R6 zone does encourages high-density housing on the peninsula.

The stated purpose of the B3 zone, or the proposed zoning designation, is clearly intends to increase housing opportunities and encourage mixed-use activities. However, the B3 zone also has some purposes which are distinct from the R6 – to

“enhance and promote the orderly expansion of retail and service businesses downtown,” to “provide adequate parking and transportation facilities which promote accessibility, enhance and encourage development activity,” and “reinforce the role of the downtown as a meeting place for community residents and visitors alike...” (Section 14-203). Table 1 compares the purposes of the two zones as written in the zoning ordinance.

Table 1: Purposes of the R6 and B3 Zones

	R6 Residential	B3 Downtown Business
Purpose	To set aside areas on the peninsula for housing characterized primarily by multifamily dwellings at a high density providing a wide range of housing for differing types of households; and to conserve the existing housing stock and residential character of neighborhoods by controlling the scale and external impacts of professional offices and other nonresidential uses.	To: 1. Maintain and enhance the role of the downtown as the business and commercial center of the region; 2. Enhance and promote the orderly expansion of retail and service businesses downtown, satisfying the related needs of the city’s resident, working and visitor populations; 3. Encourage increased housing opportunity downtown for a diverse residential population; 4. Enhance the pedestrian environment through the encouragement of intensive mixed-use activities, through the enhancement and maintenance of public and private open space, and through the enlivenment and increased attractiveness of the street environment; 5. Encourage excellence in urban design; 6. Preserve and capitalize on the unique character and historic fabric of the downtown through the encouragement of reuse of significant existing structures;

In cases of qualifying small, vacant, underutilized lots located in the urban residential and business zone, to encourage new housing development consistent with the compact lot development pattern typically found on the peninsula.	7. Provide opportunity for an enhanced presence and integration of the arts and cultural activities downtown; 8. Reinforce the role of the downtown as a meeting place for community residents and visitors alike from all walks of life and all socio-economic groups; 9. Provide adequate parking and transportation facilities which promote accessibility, enhance and encourage development opportunity, and enhance and protect the pedestrian environment; and 10. Provide for the relocation of residents who are displaced by development.
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Permitted Uses

In accordance with their distinct purposes, the R6 generally permits less intensive uses than the B3 zone. The R6 limits development almost exclusively to residential uses, with an exception for low-intensity, compatible uses such as cemeteries, parks, bed and breakfasts, and lodging houses. Some slightly more intense uses, including schools, extended care facilities, places of assembly, hospitals, professional offices, and off-street parking for uses permitted in the R6 zone, are allowed under a conditional use permit. The zone does not permit businesses uses.

As the purposes indicate, the B3 zone permits the most intensive range of uses of the two zones being considered here. The B3 therefore allows residential development similar to that of the R6 zone, but also allows offices, retail establishments, restaurants, drinking establishments, repair services, theaters, hotels, and parking garages by right. Museums, schools, clinics, places of assembly, and county and municipal offices are also permitted. Under conditional uses, the B3 permits light industrial, drive-up banking, emergency shelters, and surface parking.

Table 2: Permitted Uses in the R6 and B3 Zones

	R6 Residential	B3 Downtown Business
Residential	Single- and two-family dwellings Multi-family dwellings Handicapped family units Single-family, single- and multiple-component manufactured housing	Attached single-family, two-family and multi-family dwellings Handicapped family units Lodging houses Combined living/working spaces
Business		General and business offices Professional offices Personal services Offices of building tradesmen Retail establishments, excluding gasoline sales, wholesale and bulk purchase construction supply sales Restaurants, excluding drive-through or drive-in restaurants Drinking establishments Billiard parlors Repair services, excluding motor vehicle repair services Communication studios or broadcast and receiving facilities Health clubs and gymnasiums Theaters and performance halls Convention facilities Hotels Business services Parking garages Galleries Registered medical marijuana dispensaries

Institutional		Public or private schools Clinics Places of assembly Nursery schools, kindergartens, and day care facilities Museums College, university, trade school Governmental offices
Other	Lodging houses Conversion of a structure into a bed and breakfast with four rooms Hostels with less than 10 guests Wind energy systems Accessory uses Cemeteries Parks, and recreation spaces Home occupation Municipal uses Special needs independent living units	Bed and breakfasts Hostels Wind energy systems County and municipal uses Studios for artists and craftspeople Printing, publishing and related manufacture of cardboard or paper boxes
	R6 Residential	B3 Downtown Business
Conditional	Residential Sheltered care group homes Conversion of a structure into a bed and breakfast with 5+ rooms Institutional Elementary, middle, and secondary schools Long-term and extended care facilities Intermediate care facilities Places of assembly Hospitals College, university, or trade school Other Utility substations Professional offices Chancellery Nursery school and kindergartens Off-street parking for uses permitted in the R6 zone Day care facilities Hostels with no more than 20 guests Wind energy systems ¹ Temporary wind anemometer towers	Utility substations Drive-up banking services Light industrial uses Emergency shelters Surface parking Temporary wind anemometer towers

Dimensional Requirements and Form

Lastly, the two zones differ extensively in terms of the form of building that is promoted through dimensional requirements, again with the B3 encouraging denser, more urban development than the R6 zone. Thus, the R6 provides certain density controls – minimum lot size, minimum area per dwelling unit, maximum lot coverages, and minimum open space ratios – that limit the build-out of any given parcel. The R6 zone also has setback requirements of 10-20 feet, which guarantees that buildings will be separated both from each other and the street.

The B3 comparatively does not include minimum lot sizes or minimum areas per dwelling unit, and does not require setbacks.

The R6 zone has a maximum building height of 45 feet. The proposed R-6 amendments recommended by the Planning Board were approved by the City Council on May 4th. The proposed revisions increase the density of the R-6 zone, but the maximum building height remains unchanged at 45 feet. As noted above, the maximum building height in the B3 zone is regulated by the Downtown Height Overlay Map. Under the proposed amendment, the Height Overlay would be extended to cover the rezoned area, with a maximum building height of 85 feet at most of the site and 45 feet for 40' at the rear of the property, see Map5 above.

In terms of design and building form, the site is located within the Congress Street Historic District and would be subject to review under the Historic Preservation Ordinance. If the site is rezoned to B3, the development would require a certificate of appropriateness from the Historic Preservation Board and would be exempt from the B-3 Design Guidelines except for the following provisions (Section 14-526 (d) 5):

Developments affecting designated landmarks or within designated historic districts or historic landscape districts: Any proposed development required to obtain a certificate of appropriateness under article IX (historic preservation) of the land use code shall be exempt from the following design standards, as described in the Design Manual:

- (i) *Section (b) of the Design Manual (development in B-3 zone), except for (b) (1) e.2. (increasing setback beyond street build-to line), (b) (1)f. (shadow impact on open space), (b)(1)h. (wind impacts), and (b)(1)g. (setbacks from existing structures);*

Table 3: Dimensional Requirements in the R6 and B3 Zones

		Proposed R6	B3
Minimum lot size		2000 SF	None
Minimum area per DU		725 SF	
Minimum street frontage		20 ft.	15 ft.
Minimum lot width		20 ft.	None
Min./Max. front yard	Principal	5 ft. or no more than average depths of adjacent front yards.	5 ft. max.
	Accessory		
Min. rear yard	Principal	10 ft.	None
	Accessory	If <144 SF footprint. 5ft	
Min. side yard	Principal	5 ft., except that a side yard in the R-6 zone may be reduced to zero, provided that the cumulative side yard setbacks are not less than 10 ft.	None
	Accessory	If > 100 SF footprint, 20 ft.	
	On side streets	None	

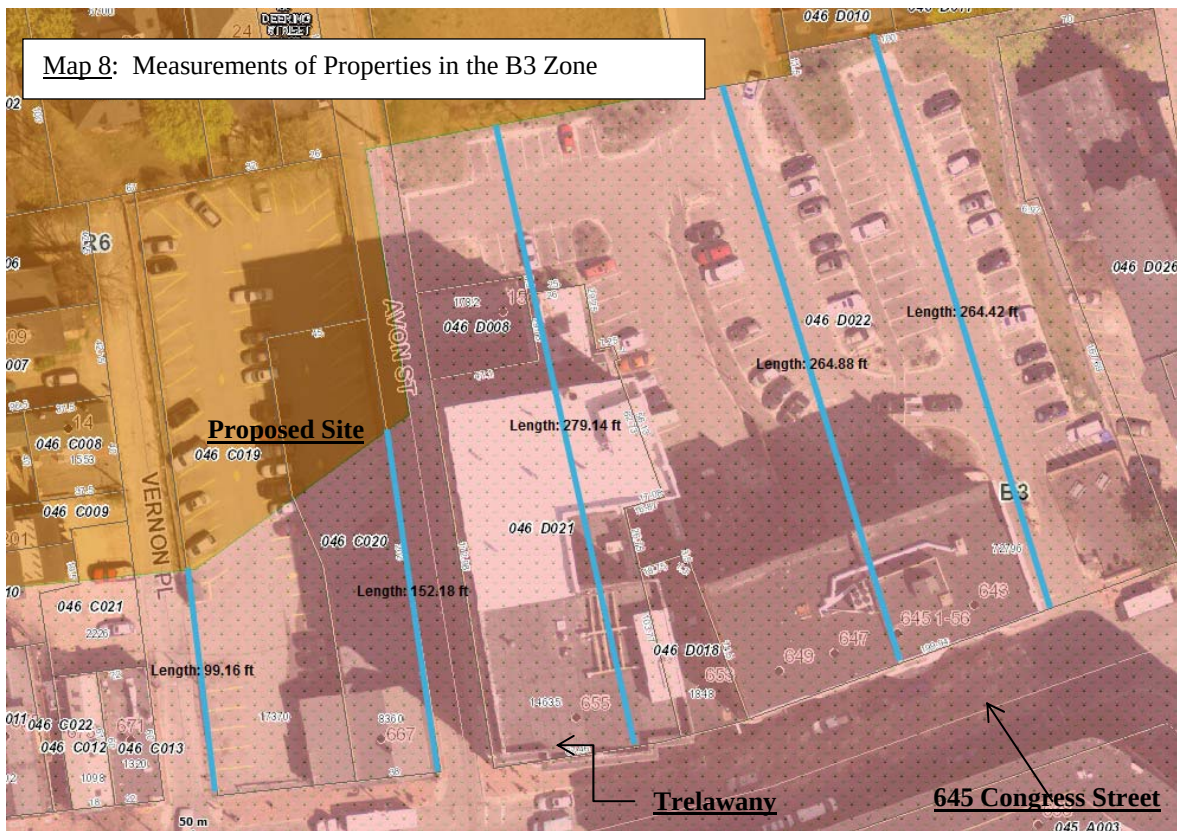
Max. lot coverage		60%	100%
Open space ratio		20%	
Max./Min. building height	Principal	45 ft. max	35 ft. min. if within 50 ft. of street; 85 ft. max.
	Accessory	18 ft. max	

VI. STAFF COMMENTS

A. Zoning Analysis

As stated previously, the applicant is proposing that the site will consist of approximately one hundred and thirty-two (132) rental units. The site area is approximately 25,740 sq. ft. Congress Street is one of central streets located on the peninsula and is within walking distance of downtown or other work places and shopping.

The Planning Division believes this site, currently a relatively large parcel in the R6 and B3 zones with a business use, is a good candidate for the B3 zone (refer to Comprehensive Plan review below). The B3 zone stretches along Congress Street from State Street to Franklin Arterial. The larger scale and density works reasonably well here, on a street that has significant variety of building types and scale. The buildings to the east of this property are the Trelawney Building at 655 Congress Street and an apartment building at 645 Congress Street. The Trelawney Building is entirely in the B3 zone, as well as a single family home in the back. As for the property at 645 Congress Street, the B-3 zone is approximately 265 feet deep into the site; the rear portion of the site is in the R6 zone. While the depth of the B-3 zone is 280 feet on the adjoining property to the east (see map amendment on page 1), it seems like the proposed site may have been the transition property in the two zones. A possible reason for this would have been to protect the R6 zone to the north and west. As part of the proposal for the rezone, staff has recommended the back portion of the lot for a depth of 40 feet from the property line be a maximum height of 45 feet. The properties across Vernon Place are all multifamily homes, except along Congress Street (portion that is in the B3 zone). Below is aerial map that shows the depth of the B3 zone line of the proposed site and the properties to the east.



Across the street from the proposed property is the George S. Hunt Block and Lafayette Building. The applicant has submitted a Neighborhood Birdseye View (below) that shows these buildings as well as the stories of each building.



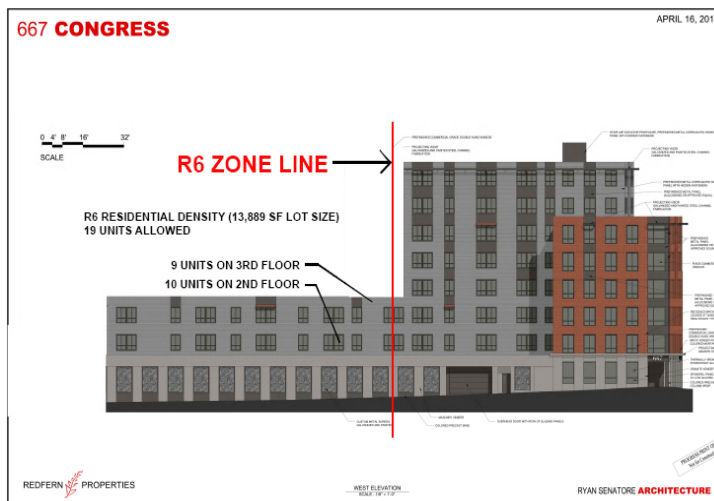
The proposed zone change will provide increased density in an area that is central to services such as businesses, institutions, employers and public transportation. It will also provide compact in-city living for renters that represent a variety of income levels.

Since there is a density cap and height limitation in the R6 zone, the B3 zone appears a better option for the development of this project. The Comprehensive Plan encourages development of infill projects on the peninsula, with less required parking spaces to promote walking to work and shopping or to utilize public transportation.

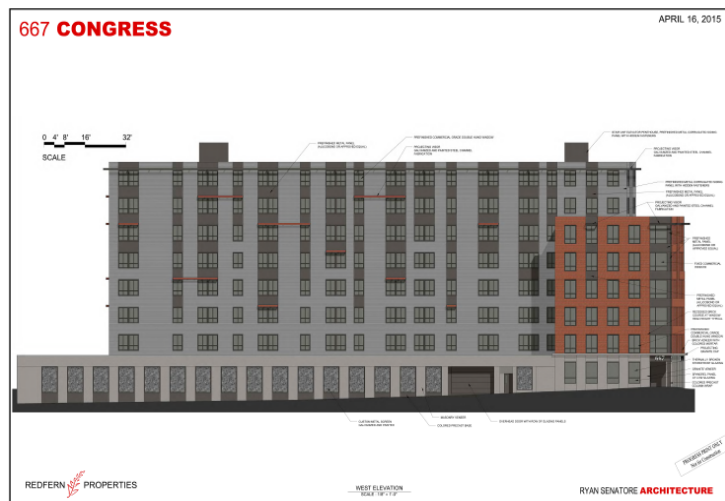
C. Density Considerations

The applicant has indicated that the number of dwelling units would be approximately 132 units. The proposed R-6 amendments recommended by the Planning Board were approved by the City Council on May 4th, therefore the density under the new R6 zone is 725 square feet of land area per unit. Under this new density requirement, the applicant had calculated nineteen (19) units that would be allowable. Below is a rendering of how that proposed building would look like if the site was built out in the two zones.

Since there is no density requirement in the B3 zone, it is difficult to analyze the maximum numbers of units that might be possible under the zone. The applicant has also submitted a rendering of the building with the proposed number of units in the B3 zone.



B3/R6 ZONING ELEVATION



B3 ZONING ELEVATION

VII. COMPREHENSIVE PLAN ANALYSIS

Goals and policies from the Comprehensive Plan which are relevant to the proposed map amendment have been included below:

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

- 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.
- Evaluate and update current zoning, as needed, to encourage higher density multi-family developments and mixed use projects that incorporate housing, particularly along major public transportation routes, near services areas, and in redevelopment or infill areas, where appropriate.

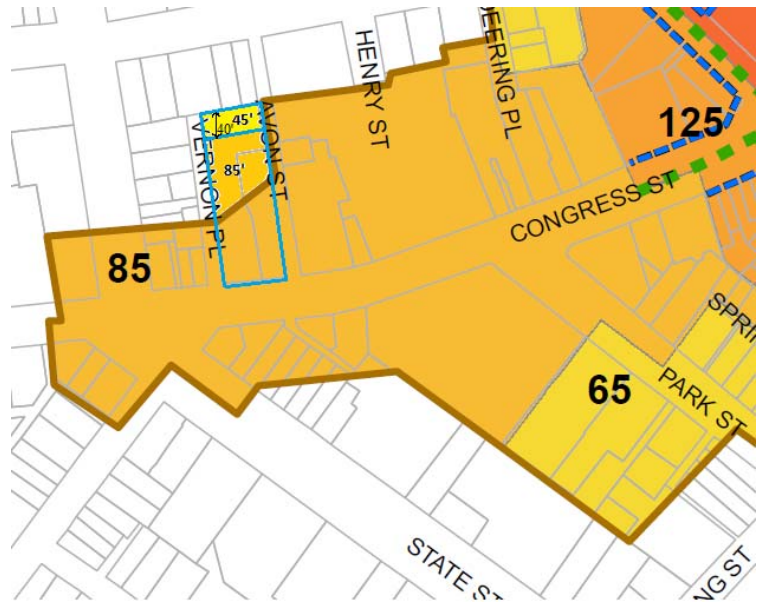
Portland Housing Goal: Maintain and enhance the livability of Portland's neighborhoods as the City grows and evolves through careful land use regulations, design and public participation that respects neighborhood integrity.

Policies

- Encourage innovative new housing development, which is designed to be compatible with the scale, character, and traditional development patterns of each individual residential neighborhood.
- Encourage new housing development in proximity to neighborhood assets such as open space, schools, community services and public transportation.
- Ensure the integrity and economic value of Portland's neighborhoods.

VIII. PROPOSED MOTION

Based on the material provided in this Planning Report, public testimony, a review of applicable policies, and other information, the Planning Board finds that the proposed map amendment for the property at 667 Congress Street to **change the zoning from Residential (R-6) to Downtown Business (B-3)** and the concurrent amendment to **modify the Downtown Height Overlay Map to extend the 85 foot height limit into the rezoned area with a 45 foot height limit for 40 feet at the rear of the property line**, as shown in the maps below, **[are or are not]** consistent with the Comprehensive Plan and **[does or does not]** recommend adoption of the proposed amendments to the City Council.



Downtown Height Overlay Map

ATTACHMENTS:

Memo Attachments

1. Downtown Height Overlay Map

Public Comments

- PC1. Dianna Rust's comments dated April 9, 2015
- PC2. Darrell Williams' comments dated April 30, 2015
- PC3. Mark Lockman's comments dated May 5, 2015

Applicant's Submittal

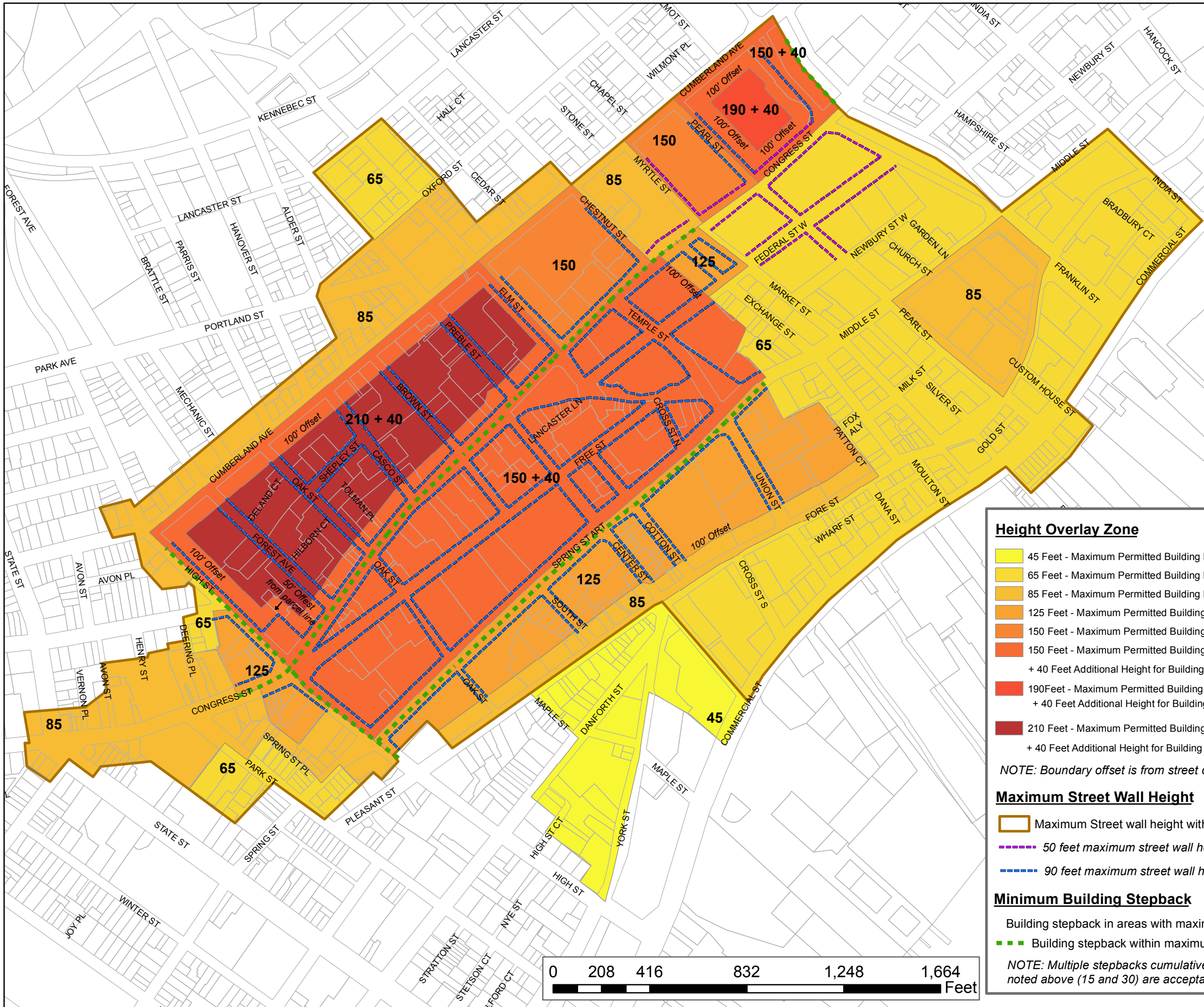
- A. Cover Letter dated March 10, 2015
- B. Application
- C. Deed
- D. Neighborhood Meeting Minutes

Plans

- P1. Neighborhood Birdseye View
- P2. First Floor of Proposed Development
- P3. Congress Street Rendering
- P4. Proposed Zone Map Change
- P5. Basement Level Floor Plan
- P6. First Floor Plan
- P7. Second Floor Plan
- P8. Third Floor Plan
- P9. Seventh Floor Plan
- P10. Roof Level
- P11. South Elevation Rendering (Congress Street)
- P12. West Elevation Rendering (Vernon Place)
- P13. North Elevation Rendering (from Deering Street)
- P14. East Elevation Rendering (Avon Street)
- P15. Garage Section-1
- P16. Garage Section-2
- P17. Garage Section-3
- P18. Floor Plans with the dimensions to the property line
- P19. Rendering of the Site under R6 Density
- P20. 667 Congress Street Model

Downtown Height Overlay Portland, Maine

Map prepared by the City of Portland's IT Department
October 2013



Height Overlay Zone

- 45 Feet - Maximum Permitted Building Height
- 65 Feet - Maximum Permitted Building Height
- 85 Feet - Maximum Permitted Building Height
- 125 Feet - Maximum Permitted Building Height
- 150 Feet - Maximum Permitted Building Height
- 150 Feet - Maximum Permitted Building Height
+ 40 Feet Additional Height for Building Cap
- 190 Feet - Maximum Permitted Building Height
+ 40 Feet Additional Height for Building Cap
- 210 Feet - Maximum Permitted Building Height
+ 40 Feet Additional Height for Building Cap

NOTE: Boundary offset is from street centerline unless otherwise noted

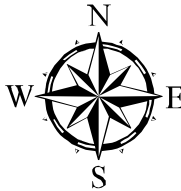
Maximum Street Wall Height

- Maximum Street wall height within the B3 zones is 65 feet unless otherwise indicated.
- 50 feet maximum street wall height
- 90 feet maximum street wall height

Minimum Building Stepback

- Building stepback in areas with maximum street wall height must be at least 15 feet
 - Building stepback within maximum street wall height must be at least 30 feet
- NOTE: Multiple stepbacks cumulatively reaching at least the minimum noted above (15 and 30) are acceptable.

LEGEND





P.O. Box 8816
Portland, ME 04104
Office: 207-776-9715
Fax: 207-221-2822
www.redfernproperties.com

March 10, 2015

Ms. Barbara Barhydt
City of Portland, Planning Division
389 Congress Street, 4th Floor
Portland, ME 04101

Dear Barbara:

On behalf of MSD Properties LLC, please find attached a Zoning Map Amendment Application related to 665-667 Congress Street. Redfern Properties is working in partnership with MSD Properties LLC and Joe's Super Variety to redevelop the property with a multi-family apartment building, consisting of 7-8 stories and roughly 130 apartments. Joe's Super Variety will occupy the ground floor retail space.

Per the attached, Zoning Map, the property currently is partially in the B-3 Zone and partially in the R-6 Zone. We are requesting a Map Amendment that would designate the entire property B-3. We believe that this is a very logical change that would result in a more sensible Zoning Map. The proposed project is very consistent with the City's Comprehensive Plan and would fill the current need for rental apartment housing.

Please find attached the following in support of this application:

1. **Zoning Map Amendment Application Form**
2. **Copy of Property Deed**
3. **Vicinity Map Showing Current Zoning**
4. **Aerial Photo of City Block showing current building types**
5. **Preliminary Proposed Site Plan**
6. **Preliminary Proposed Building Rendering**

We are committed to creating a progressive and noteworthy project that will enhance this important urban neighborhood. Please do not hesitate to contact me.

Sincerely,

A handwritten signature in blue ink, appearing to read "Jonathan Culley", is written over a light blue circular background.

Jonathan Culley
Redfern Properties LLC



Zoning Map/Text Amendment Application Portland, Maine

Planning and Urban Development Department
Planning Division and Planning Board

Portland's Planning and Urban Development Department coordinates the development review process for requests for zoning map amendments, zoning text amendments and contract or conditional rezoning. The Division also coordinates site plan, subdivision and other applications under the City's Land Use Code. The **Application Process for a Zone Change** is summarized below under Section I and the associated costs for reviews are found under Section II, **Development Review Fees, Public Notices and Guarantees**, and are listed on the fee structure sheet.

I. APPLICATION SUBMITTAL

Pre-application meeting

Prior to submitting a zoning amendment application, the Planning Division recommends that the applicant or the designated representative schedule a pre-application meeting to discuss the review process and applicable standards for a proposal. Please contact Barbara Barhydt, Development Review Services Manager at 874-8699 to schedule a meeting.

Zoning Amendment Application

All plans and written application materials must be uploaded to a website for review. At the time of application, instructions for uploading the plans will be provided to the applicant. One paper set of the plans, written materials and application fee must be submitted to the Planning Division Office to start the review process.

- Submit one (1) complete paper set of the zoning amendment application with a concept plan and a written narrative. Contract and conditional rezoning applications must include site plans and written material that address physical development and operation of the property to ensure that the rezoning and subsequent development are consistent with the comprehensive plan, meet applicable land use regulations, and compatible with the surrounding neighborhood. Applications may be submitted between 8 a.m. and 4:30 p.m. Monday through Friday at the Planning Division on the 4th floor of City Hall, 389 Congress Street, Portland.
- All applications are processed in the order in which they are received.
- In order for the Planning Division's Administrative Staff to accept and log-in an application, the application form must be complete, it shall be signed by the applicant's or the applicant's designated representative, and all applicable fees paid at the time of submittal.
- The Land Use Code is available on the City's website at www.portlandmaine.gov.
- If the application is found to be incomplete, the applicant will be informed in writing of the required plans and materials.

II. DEVELOPMENT REVIEW FEES, PUBLIC NOTICES AND GUARANTEES

Zoning Application Fees

- Each application must be submitted with the applicable fees as listed in the fee structure on page 4. The fees cover general administrative processing costs.
- Application fees may be paid in cash or by check (addressed to the City of Portland).
- An application will not be processed without the required application fees.

Fee for City Review Services

- The City of Portland charges fees for service to cover the cost of reviews by Planning and Legal staff members. The charges will be billed at an hourly rate and will be invoiced monthly for reimbursement.
- Current billing rates: Planning services, \$40.00/ hour and Legal services: \$75.00/hour.

Fee for Third Party Review

- Portland contracts with local engineering firms to conduct engineering reviews of development proposals. The direct cost of all engineering services or third-party consultant reviews, such as the civil engineering review of stormwater management plans, traffic impact reviews and such other reviews as required under the City's Ordinances, will be included in the monthly invoices for reimbursement.

Public Notices

- Public notices must be sent to property owners within 500 for all proposals at the time an application is received. Zoning map amendments for Industrial zones require notices to be sent to property owners within 1,000 feet.
- In advance of a Planning Board workshop or public hearing, public notices for projects must be sent to property owners and are posted in a legal ad in the Portland Press Herald and on the City's web site.
- In addition, zoning map amendments, text amendments and conditional rezoning agreements require individual notices to be posted in the Portland Press Herald.
- The Planning Division mails public notices and posts notices in the newspaper. The applicant will be billed for actual or apportioned costs for advertising and sending mailed notices.
- The applicant is required to hold a neighborhood meeting under the City's regulations for zone change requests. The mailing labels must be purchased from the Planning Division for the neighborhood meeting invitation. A request for labels requires a minimum of two business days to generate the mailing labels and a charge of \$1.00 per sheet will be payable upon receipt of the labels.

Third Party Review Fees

- Engineer and Third Party Review Fees - The fees are assessed by the Consulting Engineers and Third Party Reviewers.
- Inspection Fee - This fee is 2% of the Performance Guarantee or as assessed by Planning or Public Works Engineer with \$300.00 being the minimum.

Noticing/Advertisements Planning Board/City Council Review

- Legal Advertisement: Percent of total bill
- Notices: .75 cents each
(notices are sent to neighbors upon receipt of an application, workshop and public hearing meetings for Planning Board and public hearing meeting for City Council)

Planning Division
Fourth Floor, City Hall
389 Congress Street
(207) 874-8721 or 874-8719

Office Hours
Monday thru Friday
8:00 a.m. – 4:30 p.m.

PROJECT ADDRESS: 667 Congress St.

CHART/BLOCK/LOT: 46-C-19-20

DESCRIPTION OF PROPOSED ZONE CHANGE AND PROJECT:

We are seeking to change the the rear half of the parcel from R-6 to B-3. The front half of the parcel is already B-3. We are proposing to build

a 7-8 story multi-family apartment building with roughly 130 rental apartments and parking under and behind the building.

CONTACT INFORMATION:

Applicant's Contact for electronic plans

Name: Jonathan Culley
e-mail Address jonathan@redfernproperties.com
work # 207-221-5746

Applicant – must be owner, Lessee or Buyer

Name: Redfern Properties LLC on behalf of MSD Properties LLC
Business Name, if applicable: MSD Properties LLC
Address: P.O. Box 5055
City/State : Portland, ME Zip Code: 04101

Applicant Contact Information

Work # 207-221-5746
Home#
Cell # 207-776-9715 Fax# 207-221-2822
e-mail: jonathan@redfernproperties.com

Owner – (if different from Applicant)

Name: MSD Properties LLC
Address: P.O. Box 5055
City/State : Portland, ME Zip Code: 04101

Owner Contact Information

Work # Adam Taylor, Attorney 207-828-2005
Home#
Cell # Fax# 207-347-4523
e-mail: ataylor@tmfattorneys.com

Agent/ Representative

Name: Jonathan Culley/Redfern Properties LLC
Address: P.O. Box 8816
City/State : Portland, ME Zip Code: 04104

Agent/Representative Contact information

Work # 207-221-5746
Cell # 207-776-9715
e-mail: jonathan@redfernproperties.com

Billing Information

Name: Redfern Properties LLC
Address: P.O. Box 8816
City/State : Portland, ME Zip Code: 04104

Billing Information

Work # 207-221-5746
Cell # 207-776-9715 Fax# 207-221-2822
e-mail: jonathan@redfernproperties.com

Engineer

Name:
Address: TBD
City/State : Zip Code:

Engineer Contact Information

Work #
Cell # Fax#
e-mail:

Surveyor Name: Nadeau Land Surveys Address: 918 Brighton Ave. City/State : Portland, ME Zip Code: 04103	Surveyor Contact Information Work # 207-878-7870 Cell # Fax# 207-878-7871 e-mail: jim@nadeaulandsurveys.com
Architect Name: Ryan Senatore Architecture Address: 565 Congress St., Suite 304 City/State : Portland, ME Zip Code: 04101	Architect Contact Information Work # 207-650-6414 Cell # 207-650-6414 Fax# e-mail: ryan@senatorearchitecture.com
Attorney Name: Eben Adams/Pierce Atwood Address: Merrill's Wharf 254 Commercial St. City/State : Portland, ME Zip Code: 04101	Attorney Contact Information Work # 207-791-1175 Cell # Fax# 207-791-1350 e-mail: eadams@pierceatwood.com

Right, Title, or Interest: Please identify the status of the applicant's right, title, or interest in the subject property:

The applicant is MSD Properties LLC. A copy of the deed demonstrating fee ownership is attached. The applicant is working in partnership with Redfern Properties LLC to rezone and redevelop the property.
--

Provide documentary evidence, attached to this application, of applicant's right, title, or interest in the subject property. (For example, a deed, option or contract to purchase or lease the subject property.)

Vicinity Map: Attach a map showing the subject parcel and abutting parcels, labeled as to ownership and/or current use. (Applicant may utilize the City Zoning Map or Parcel Map as a source.)

Existing Use: Describe the existing use of the subject property:

The property is currently used for retail service and parking. It is the home of Joe's Super Variety with surface parking to the rear of the store.

Current Zoning Designation(s):

The front half of the property is currently zoned B-3, while the rear half is zoned R-6. We seek Zone Map Amendment for the rear half half of the property to match the front half, such that the entire property would be zoned B-3.

Proposed Use of Property: Please describe the proposed use of the subject property. If construction or development is proposed, please describe any changes to the physical condition of the property.

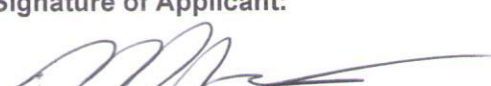
MSD Properties LLC and Redfern Properties are working in conjunction to develop a multi-family apartment building with ground floor retail. Joe's Super Variety would occupy the ground floor retail space. Preliminary renderings of the proposed building are attached.

Site Plan: On a separate sheet, please provide a site plan of the property showing existing and proposed improvements, including such features as buildings, parking, driveways, walkways, landscape and property boundaries. This may be a professionally drawn plan, or a carefully drawn plan, to scale, by the applicant. (Scale to suit, range from 1" = 10' to 1' = 50'.) Contract and conditional rezoning applications may require additional site plans and written material that address physical development and operation of the property to ensure that the rezoning and subsequent development are consistent with the comprehensive plan, meet applicable land use regulations, and compatible with the surrounding neighborhood.

APPLICATION FEE:

Check the type of zoning review that applies. Payment may be made in cash or check payable to the City of Portland.

Zoning Map Amendment <u> </u> x \$2,000.00 (from <u>R-6</u> zone to <u>B-3</u> zone) Zoning Text Amendment <u> </u> \$2,000.00 (to Section 14- <u> </u>) (For a zoning text amendment, attach on a separate sheet the exact language being proposed, including existing relevant text, in which language to be deleted is depicted as crossed out (<u>example</u>) and language to be added is depicted as underline (<u>example</u>)) Combination Zoning Text Amendment and Zoning Map Amendment <u> </u> \$3,000.00 Conditional or Contract Zone <u> </u> \$3,000.00 (A conditional or contract rezoning map be requested by an applicant in cases where limitations, conditions, or special assurances related to the physical development and operation of the property are needed to ensure that the rezoning and subsequent development are consistent with the comprehensive plan, meet applicable land use regulations, and compatible with the surrounding neighborhood. Please refer to Division 1.5, Sections 14-60 to 62.)	Fees Paid (office use) _____ _____ _____ _____	The City invoices separately for the following: • Notices (\$.75 each) (notices are sent to neighbors upon receipt of an application, workshop and public hearing meetings for Planning Board and public hearing meeting for City Council) • Legal Ad (% of total Ad) • Planning Review (\$40.00 hour) • Legal Review (\$75.00 hour) Third party review is assessed separately.
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Signature of Applicant: 	Date: 3/10/15
---	------------------------------------

MSD PROPERTIES LLC / MICHAEL J. DISCATO
 MANAGING MEMBER

Further Information

In the event of withdrawal of the zoning amendment application by the applicant, a refund of two-thirds of the amount of the zone change fee will be made to the applicant as long as the request is submitted to the Planning Division prior to the advertisement being submitted to the news paper.

DEED OF SALE BY PERSONAL REPRESENTATIVE

Maine Statutory Short Form

WE, **LOUIS A. DISCATIO**, of 18 Smith Farm Lane, Portland ME 04103, and **TERESA REO**, aka **THERESA DISCATIO**, of 99 Lowell Street, South Portland ME 04106, duly appointed and acting **PERSONAL REPRESENTATIVES of the ESTATE of JOSEPH L. DISCATIO, Cumberland Probate Docket #2012-1034**, by the power conferred by the Probate Code, and every other power, and with the right provided by decedent to convey property without notice to devisees or heirs, for consideration paid, **grant to MSD PROPERTIES, LLC**, a Maine Limited Liability Company with a principal place of business at 665 Congress Street, Portland ME 04101, certain lots or parcels of land and improvements in Portland, Cumberland County Maine on the northerly side of Congress Street bounded on the south by Congress Street, on the west by Vernon Place, and on the east by Avon Street, of approximately .6 acres, described on Exhibit A attached.

This property was conveyed to Joseph L. Discatio and Mary Discatio as joint tenants by warranty deed of Joseph L. Discatio dated September 16, 1990 and recorded on September 18, 1990 in Book 9322 Page 86 of the Cumberland County Registry of Deeds. Mary Discatio died on July 8, 1999; her estate was not probated.

WITNESS, my hand and seal this 10 day of June, 2013.

Witness

Louis A. Discatio
Grantor – Louis A. Discatio, Personal Representative
Estate of Joseph L. Discatio

Witness

Teresa A. Reo
Grantor – Teresa Reo, aka Theresa Discatio,
Personal Representative Estate of Joseph L. Discatio

State of Maine
Cumberland, SS

Personally appeared before me, the above named Louis A. Discatio and Teresa Reo, aka Theresa Discatio, in their capacity as Joint Personal Representatives of the Estate of Joseph L. Discatio, acknowledged the foregoing instrument to be their free act and deed, and subscribed the same.

Before me,
6-10-2013
Date

Andrew J. Doukas
Andrew J. Doukas, Attorney At Law
ME BAR #2932

MAINE REAL ESTATE TAX PAID

EXHIBIT A – LEGAL DESCRIPTION OF PROPERTY AT 665 CONGRESS STREET,
PORTLAND, CUMBERLAND COUNTY, MAINE

PARCEL I

A certain lot or parcel of land with the buildings thereon, situated on the northwesterly corner of Congress Street and Congress Place, in said City of Portland, County of Cumberland and State of Maine, and having a frontage of thirty-eight (38) feet on Congress Street, and a frontage of about two hundred two (202) feet on Congress Place, with a depth of forty-five (45) feet at the northerly end. Said premises being bounded on the south by Congress Street, on the east by Congress Place, on the north by land now or formerly of T.A. and W.H. Roberts, and on the west by land now or formerly of H.W. and A. Deering, and by land of St. Stephens Church.

Congress Place is now known as Avon Street.

PARCEL II

First: A certain lot or parcel of land situated in said Portland on the easterly side of Vernon Court and numbered 13 and 15 on said Court, and being the same property conveyed by Grenville H. Deering to Ernest J. Eddy by deed dated November 2, 1907 and recorded in Cumberland County Registry of Deeds in Book 816, Page 149, to which deed and the deeds therein referred to reference is hereby made for a more particular description.

Second: A certain lot or parcel of land, with any buildings thereon, situated on the easterly side of Vernon Court in said Portland and being the most northerly lot of land on the easterly side of said Court and being the premises numbered 19 and 21 as shown on the city valuation plan recorded in Cumberland County Registry of Deeds in Book 5, Page 46, and being the same premises conveyed by Elizabeth E. Deering to said Ernest J. Eddy by deed dated December 18, 1908 and recorded in said Registry of Deeds in Book 835, Page 6, to which deed and the deeds therein referred to reference is hereby made for more particular description of the premises.

Third: A certain lot or parcel of land, with any buildings thereon, situated on the northeasterly side of Vernon Court, otherwise known as Vernon Place, and being the same property conveyed by Robert C. Schmidt to said Ernest J. Eddy by deed dated December 14, 1908 and recorded in said Registry of Deeds in Book 835, Page 4, to which deed and the deeds therein referred to reference is hereby made for a more particular description of the premises.

Fourth: A certain lot or parcel of land at 18-22 Avon Street running in a southerly direction towards Congress Street from the southerly boundary line of the former Kelsey property at the southwest corner of Avon and Deering Streets, a distance of seventy-three and one-half (73 ½) feet, more or less to a junction with the property now or formerly of the Avon Corp. located at the west corner of Avon and Congress Streets, bounded on the southerly side by the said property now or formerly of the Trustees of the Dalton Memorial Chapel and Burnham Hall; bounded on the west by property now or formerly of the Trustees of the Dalton Memorial Chapel and Burnham Hall and

bounded on the north by said former Kelsey property and property now or formerly of said Avon Corp.

Fifth: A certain lot or parcel of land at number 11 (called 5) Vernon Place, together with the brick frame dwelling, or apartment house thereon, the said property being bounded as follows: On the northerly side by the land, brick and frame house of the said Dalton Memorial Chapel and Burnham Hall, a distance of forty-five (45) feet, more or less, on the easterly side by property now or formerly of the Avon corp. located at the northwesterly corner of Congress and Avon Streets a distance of approximately thirty-six (36) feet, more or less, to a junction with the land and Parish house of the Rector, Wardens and Vestrymen of St. Stephen's Parish, or Church; on the southerly side by the said land and Parish House of said Rector, Wardens and Vestrymen of St. Stephens's Parish or Church; on the westerly side by the line of Vernon Place.

Sixth: Also releasing and conveying all my right, title and interest in the following described real estate: A certain lot or parcel of land with (any) buildings thereon, situated on the northerly side of Congress Street and numbered 665 ½ Congress Street and now or formerly known as "Joe's Smoke Shop," said land beginning at a point one hundred and eighty-five (185) feet, more or less, from State Street at the easterly line of St. Stephen's Episcopal Church edifice and extending in an easterly direction eight and one-half (8 ½) or nine (9) feet thence in a northerly direction a distance of thirty-six (36) feet; thence approximately seven (7) feet in a westerly direction to the easterly wall of the said St. Stephen's Episcopal Church edifice, the said wall being the westerly boundary of the said property.

Seventh: Also a certain other lot or parcel of land, with any buildings thereon, known as St. Stephen's Church, and situated on the northerly side of Congress Street in said Portland, bounded and described as follows:

Said lot is on the corner of Congress Street and Vernon Court, so-called, and is sixty-three (63) feet on Congress Street running back on Vernon Court one hundred and thirty (130) feet, more or less, on the easterly side of said court as far northerly as the land formerly owned and occupied by Hiram W. and Alvin Deering, said lot is bounded on the easterly side thereof by a line described in a Decree of the Supreme Judicial Court held in and for the County of Cumberland, April Term 1838 in the case of Hannah Harding In Equity vs. Job Randall, as a "line drawn from the northerly corner of said lot to Main Street and intersecting said Street two (2) feet easterly of the easterly end of the dwelling house in said pleadings mentioned and excluding the well near said house," to which Decree, duly entered on the Docket of said Court, in said suit, reference for a particular description of said easterly side line of the lot hereby conveyed is always to be had.

Meaning and intending to convey, and hereby conveying, all right, title and interest in and to lots 19-23 as shown on City of Portland Assessors Chart Plan 46, Block C, as recorded in the City Assessors, Portland, Maine.

Meaning and intending to convey, and hereby conveying, all real estate of the grantor which is situated in the block in said Portland which is bounded southerly by Congress Street; westerly by Vernon Place and easterly by Avon Street.

Received
Recorded Register of Deeds
Jun 10, 2013 03:36:33P
Cumberland County
Pamela E. Lovley



P.O. Box 8816
Portland, ME 04104
Office: 207-221-5746
Fax: 207-221-2822
www.redfernproperties.com

March 25, 2015

Dear Neighbor:

Please join us for a neighborhood meeting to discuss our plans for a new development at 665-667 Congress St. in Portland, the site of Joe's Super Variety. The project consists of ground floor commercial space, which will be the new home of Joe's Super Variety and roughly 130 residential rental apartments on Floors 2-8. This meeting pertains to our Zoning Map Amendment Application. Currently the property is Zoned B-3 in the front and R-6 in the rear. We are requesting a Zone Map Amendment which would change the back of the property to the B-3 Zone to match the Zoning at the front of the property.

Meeting Location:	Reiche School Community Room, 166 Brackett St., Portland
Meeting Date:	Wednesday, April 8th
Meeting Time:	6:00pm

The City Code requires that property owners within 500 feet of the proposed development and residents on an "interested parties list", be invited to participate in a neighborhood meeting. A sign-in sheet will be circulated and minutes of the meeting will be taken. Both the sign-in sheet and minutes will be submitted to the Planning Board.

If you have any questions, please contact me at 207-221-5746 or jonathan@redfernproperties.com. I hope to see you at the meeting.

Sincerely,

A handwritten signature in blue ink, appearing to read "Jonathan Culley".

Jonathan Culley
Redfern Properties LLC

Dianna Rust
15 Avon Street
Portland, ME 04101
207 956 7633
diannajrust@gmail.com

Stuart O'Brien
Chairman, Planning Board
City of Portland
389 Congress Street
Portland, ME 04101

April 9, 2015

cc: David Marshall, City Councilor, District 2
by email
cc: Jonathan Culley, Redfern Bayside, Developer
by email

Zoning Map Amendment Application
665-667 Congress Street

Dear Mr O'Brien

As the owner of the one and only single family residence on upper Avon Street, directly opposite the above proposed development, I am setting out below the points I wish to raise in opposition to the granting of the variance to change the B6 half of the parking lot to B3.

1. My partner, Walter Ungerer, and I moved to Portland, to 15 Avon Street, at the end of August 2014. We are both artists. We have been told that the house was built in 1865, by the then City Weigher (for hay!)
2. When we moved we could only assume that the R6 section of the parking lot would stay that way, and that any development would be controlled by that zoning.
3. We have no objection to *some* development. The area could certainly use some improvement.

4. As we are both artists, this house, with a decently sized basement for a Victorian house, which we have just thoroughly (and at some considerable expense) waterproofed, provides the spaces we need as a home and for our work.

5. One of our biggest issues with this proposed development is loss of light:

a) We would be cast into deep shade, all day long, especially in the winter. There's not a lot of light, but the light we do get is attractive and pleasing, and it was another factor in choosing the house. Because the Trelawny Building is immediately to the south of us, the light from the west is our main light. In the winter the west light, which shines across the parking lot, is the only light. Apart from direct light on the house, at the moment we can see sunlight looking out to the front. Our little patio faces west, and with no sunlight it would become almost pointless to try and use it.

b) I think it goes without saying how important sunlight is. It can have a strong psychological effect, and a lack of it can contribute to depression. As well as uplifting to see, sunlight adds warmth to a room when it comes in.

c) The only mention I could find about light in the Portland building codes is to not create shade on certain open spaces. In the UK, where I am from, great importance has long been placed on a right to natural sunlight and there have been some interesting cases of homeowners holding up developments because of a threat to their light.

d) About our house people have said, "I love the light!" Lack of light can reduce the value of a house and its resale possibilities. This is of great concern to us.

e) Would you allow someone to come and paint grey on all your windows?

6. After the light issue, we are very apprehensive about the mass and density of the proposed building that would be directly opposite us. Obviously, we don't know the site plan details yet, but I believe the B3 would allow the building line to be relatively close to the street. It would seem there wouldn't even be space for some softening effect of any landscaping.

7. Obviously, we have a very personal view of this development. In fact, we are devastated by the idea. The very thought of this building looming up in front of us feels like robbery and a violation of our space. Avon Street is a small one-way street. Not only will we lose light, but from the proposed plan it looks as if we will have 2 parking entrances very close to our house,

opposite us, with the possibility of disturbance at any time of the day or night (right now parking ends when Boda closes, and it isn't available again until 6.00 am). And with 132 apartments how many cars will there be?

8. Where will trash be picked up, by whom, and at what time? Where will snow go?

9. It seems as if the developer and the city have already assumed this request for a variance will just sail through, without any problems. Jeff Levine (city's director of Planning and Urban Development) was quoted in the Portland Press Herald on March 9, 2015, as saying it's 'exciting' to have a large proposal on a transit corridor.... He said Culley's plan appears to comply with the city's zoning rules, and characterized his request for a zoning map amendment as "nothing drastic". Well, it is drastic to us. *This is our home.*

10. It is just this passing of a variance that would enable the developers to build so big. It will be a massive building between two small streets, one of which is a dead-end. Just because there is already an 8 story building one side of Avon Street, does it have to follow there will be another on the other side? And where will it end. If this variance is allowed, it will surely set a precedence to be used by other developers as an example to point to, to build more giant properties. This would become overwhelming to Longfellow Square, to the west of Congress Street, and on. At the West End Neighborhood meeting I attended Wednesday night, Jonathan Culley said he is working with the city on the street issue. Are there planned changes to the street that we don't know about?

11. We came to Portland because we saw it as a city with a high quality of life, interesting neighborhoods and well preserved architecture. I appreciate the city's wish and need for more housing. However, I have to wholeheartedly agree with an article written by Michael Mertaugh for Keep Portland Livable. He writes how he and his wife are "disappointed to see that Portland's current strategy for promoting growth and development appears to give priority to projects that emphasize size, quantum increases in density... ". And, further, "The city's enthusiasm for higher residential density appears to be partly motivated by an expectation that higher density would generate new tax revenues that could be used to reduce Portland's tax burden. The experience of many other cities suggests that this is likely to be a vain hope. The additional tax revenues from higher residential density are likely to be fully offset by additional costs for public services."

As I couldn't say it better, again, I quote (with his kind permission) Michael Mertaugh, "Capitalizing on Portland's strengths would require a different approach to Portland's development. Rather than a reactive approach that responds to specific proposals by developers – and often involves concessions

such as zoning variances and public subsidies – it would require a pro-active and deliberate approach designed to build on Portland’s strengths and attract the type of development that we want for our city.”

12 If the current zones are adhered to, or the current B3 section is slightly extended to make a suitable shape, couldn’t apartments still be built there? We’ve been told the proposed building will contain a combination of studios, and one-bedroom units, with a small number of two-bedroom units. However, even a two-bedroom unit is not really family oriented. I understood that the city wanted to see more middle-income *family* housing. Why couldn’t the R6 area contain a creative format for some family residences? Of course, this is what *we* would like to see! At the neighborhood meeting Wednesday night the question was raised why R6 was there at all. “To protect the neighborhood!” was one person’s apt response. This is exactly what we had assumed.

13. Since buying our house, which had already had a somewhat cosmetic renovation, we have been making many more improvements over and above those done by the sellers. Not only have we waterproofed the basement; we have also entered into a contract with a thorough repair of the roof with slate and copper. We are expected to comply with the Historic District guidelines and now I feel, why should we bother. All this work is expensive and then our house would be ‘smothered’. There are beautiful old houses on Deering Street, over which this proposed building, at 8 stories, would loom. The building couldn’t help but be very visible.

14. I fear that our 1865 house will be lost in this planned development and the impact on us will be totally ignored. On the issue of Historic Preservation, from the City’s Comprehensive Plan, some pertinent points on Goals and Policies stand out (the italics are mine):

Preserve and enhance the quality and vitality of neighborhoods within and *adjacent* to the Downtown

Protect and enhance the attractiveness of the city to its *homebuyers*, *homeowners*, residents, tourists, visitors, businesses, and shoppers

Increase home ownership opportunities for all type of households and all income levels

The *existing* housing stock will be enhanced and preserved

Maintain, rehabilitate, and restore the *existing* housing stock as a safe and important physical, economic and architectural resource for the community

Maintain and enhance the livability of Portland's neighborhoods as the City grows and evolves through *careful* land use regulation, design and public participation that respects neighborhood integrity.

Encourage *innovative* new housing development, which is designed to be *compatible* with the scale, character, and traditional development patterns of each individual residential neighborhood.

15. From A Community Vision for Portland, also from the Comprehensive Plan:

Listen to, embrace, empower and support our diverse citizenry

Portland retains a small town feel with a built environment that is scaled for people

Portland enjoys a personable and congenial atmosphere that makes it a welcoming place to work, live and visit

Portland is a city of neighborhoods

Maintains unifying features, such as brick buildings and sidewalks, and established and traditional neighborhoods with narrow and interconnected streets

16. Will the Planning Board observe these examples above, or will they now find justification to ignore them?

17. We were pleased to be able to find an interesting residence in the Downtown area. Now, it seems, we will be paying a price for that. We feel we will be out of place and even displaced.

18. If this proposal goes through who will compensate us for our loss of amenities and loss of value of our property?

We object to the allowing of this request for a variance and to the mass and density of the building that such a change would allow.

Sincerely

Dianna Rust

From: "Darrell Williams" <darrell@eightenventures.com>
To: <shukriaw@portlandmaine.gov>
Date: 4/30/2015 5:04 PM
Subject: Comments Regarding Proposed 667 Congress Street Development

Good Afternoon!Ms. Wiar,I am writing in support of the proposed apartment development/rezoning at 667 Congress Street.Allow me to briefly state that the proposed development will increase diversity and economic development.I am a long time resident of Portland and 4 1/2 year resident of 645 Congress Street. And, I strongly believe the proposed development will have a positive impact in our neighborhood. Moreover, the owners of Joe's Smoke Shop & Super Store are committed business owners who take pride in serving our community. I expect that they will continue to play this same role as development partners of this project.I truly hope you and your colleagues will look favorably on the proposed rezoning and grant the partnership the right to move forward.Sincerely,Darrell Keith Williams

Darrell Williams

Eighteen Ventures

(207)347-1214

PO Box 5035

Portland, ME 04101

www.Eightenventures.com

Shukria Wiar,

I am writing to you in support of the proposed project by the Discatio family on their property at 667 Congress Street.

As a resident of 655 Congress Street and regular patron of Joe's Super Variety Store since 2007 I can personally attest that Michael and David are fair, honest and hardworking business people with strong ties to the community who run a great business that is vital to the neighborhood.

This project will be of great benefit to the neighborhood and the city, creating an improved variety store as well as housing and off street parking that will attract young professionals to the already thriving Arts District.

Maine and the City of Portland cannot afford to turn down this economic boon. A project of this magnitude will have an immediate positive economic impact in terms of construction jobs, not to mention additional benefits to local businesses in the short run, namely hotels and eateries catering to construction workers.

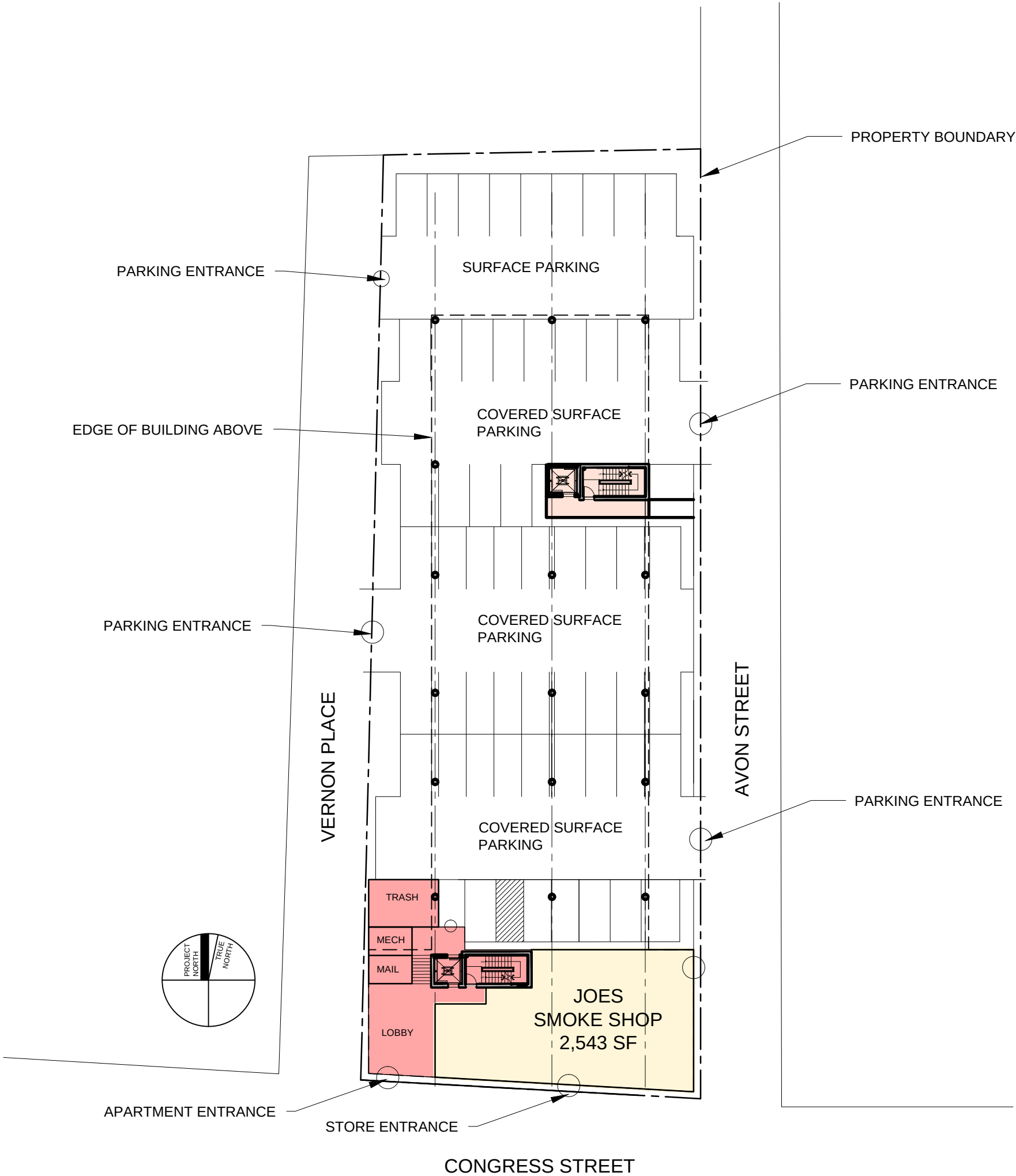
Furthermore, as Portland strives to transform into a vibrant metropolitan destination, what better way to aid this transformation than to create housing with built in off street parking that will bring successful, well educated people to live, work, and spend near downtown?

As a resident, student, teacher and coach in this great city for the better part of the last decade I implore you to swiftly move forward with this project. The economic and social benefits are too important to pass up.

Sincerely,

Mark Lockman

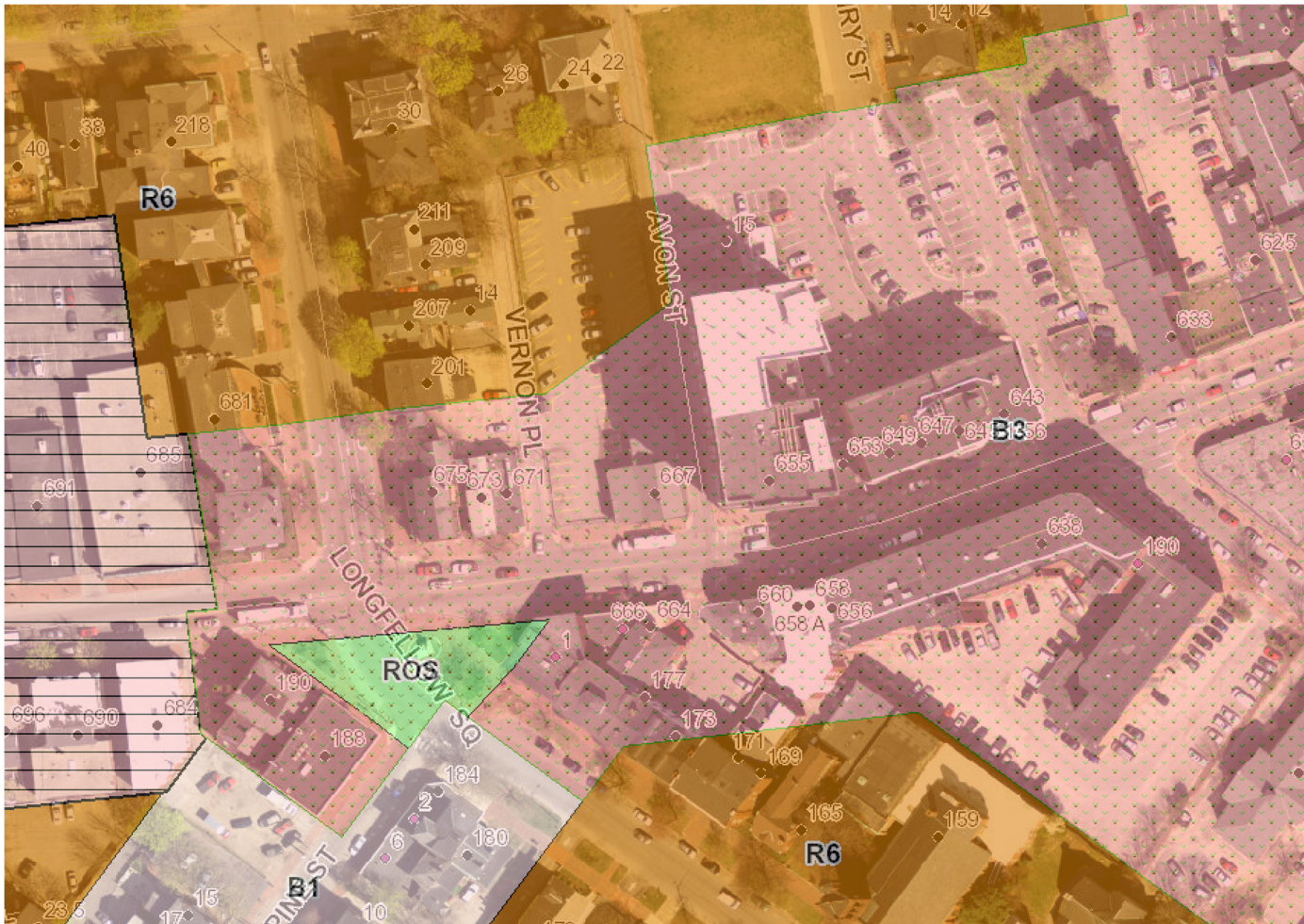




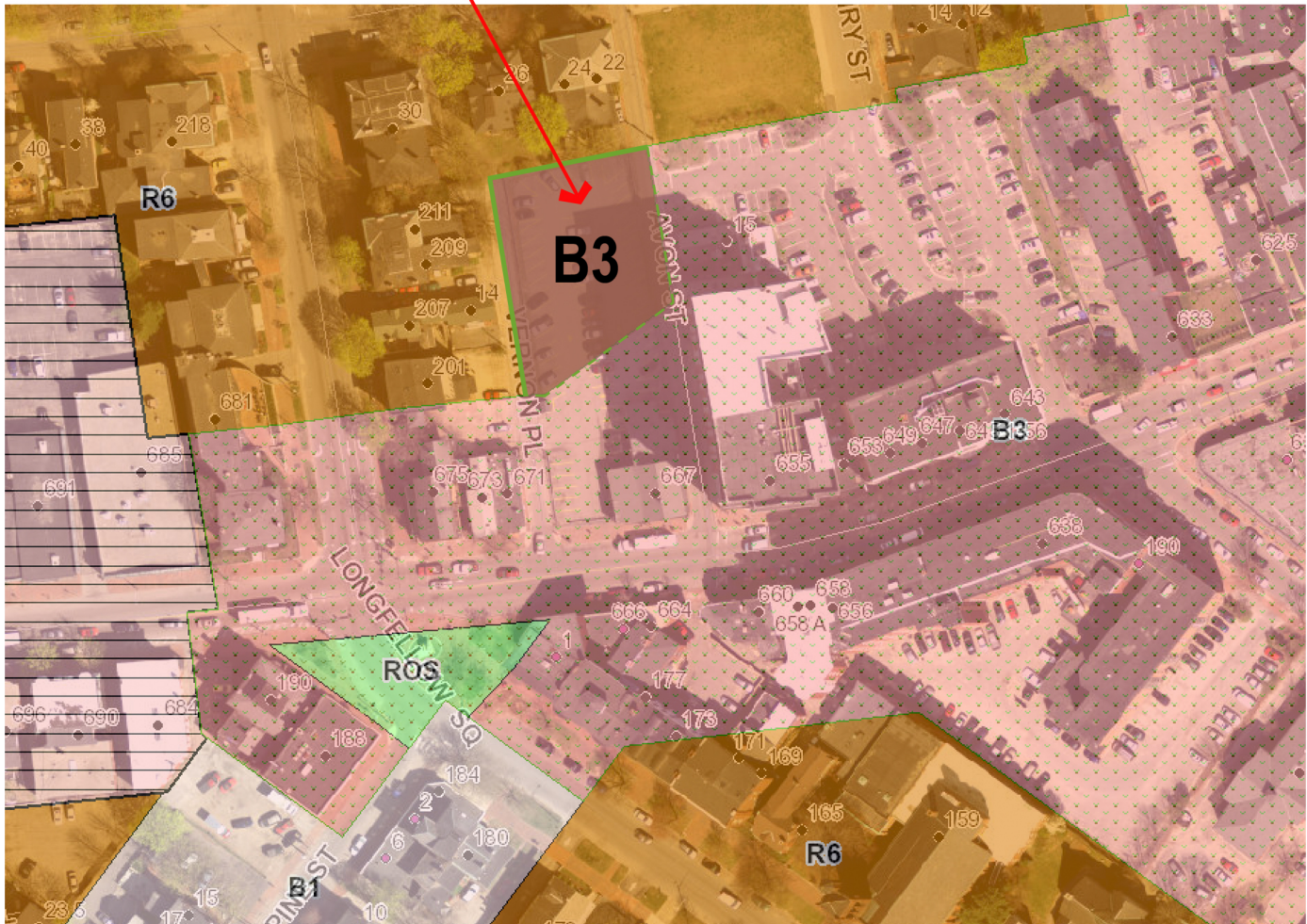
FIRST FLOOR PLAN

SCALE : 1/32" = 1'-0"

PROPOSED AREA TO BE REZONED TO B3



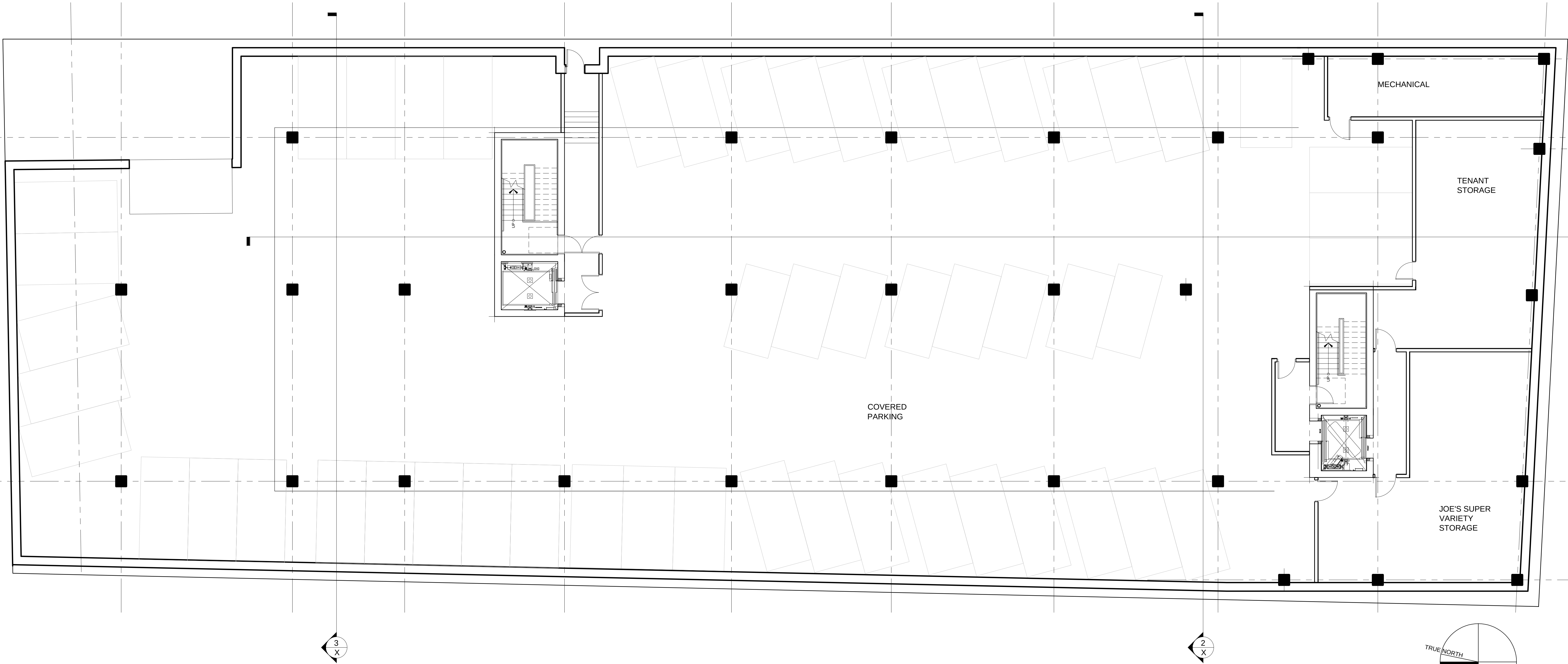
EXISTING ZONING MAP



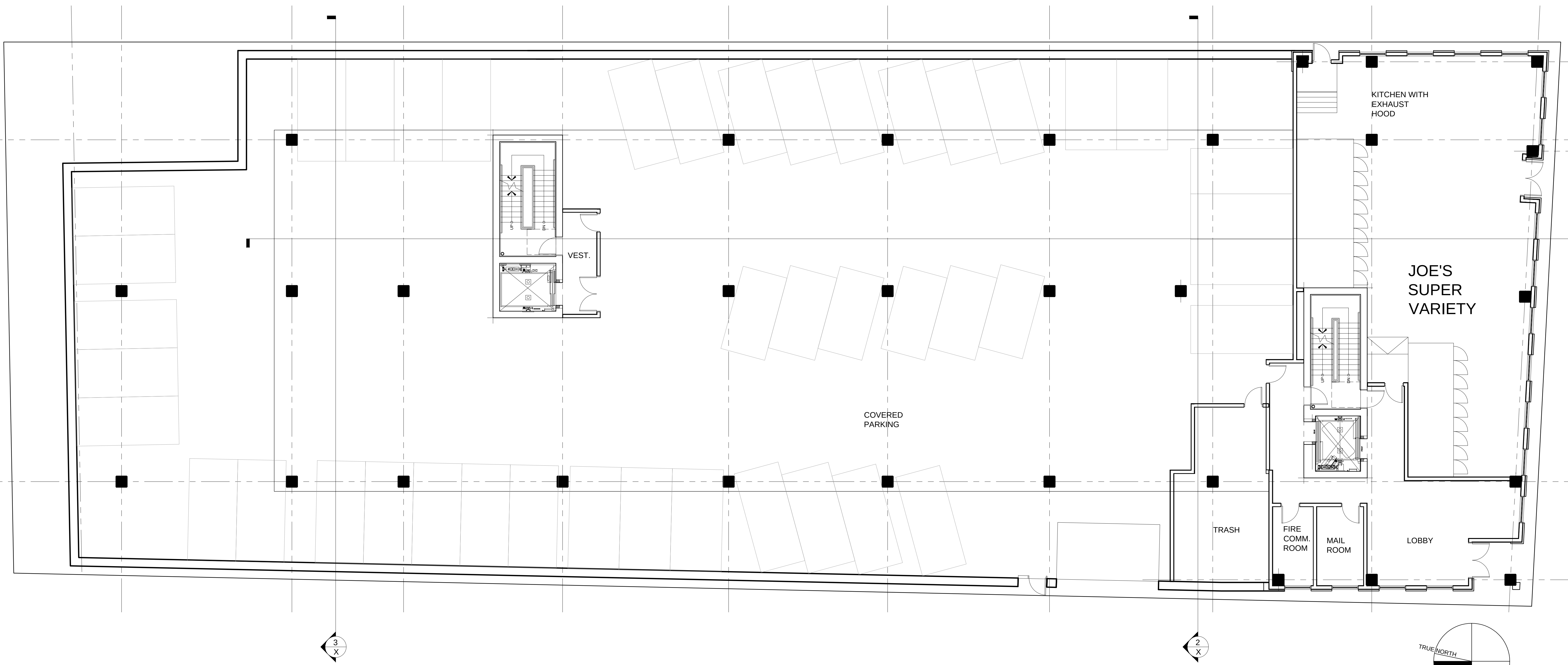
PROPOSED ZONING MAP



CONGRESS STREET RENDERING
SCALE : NTS



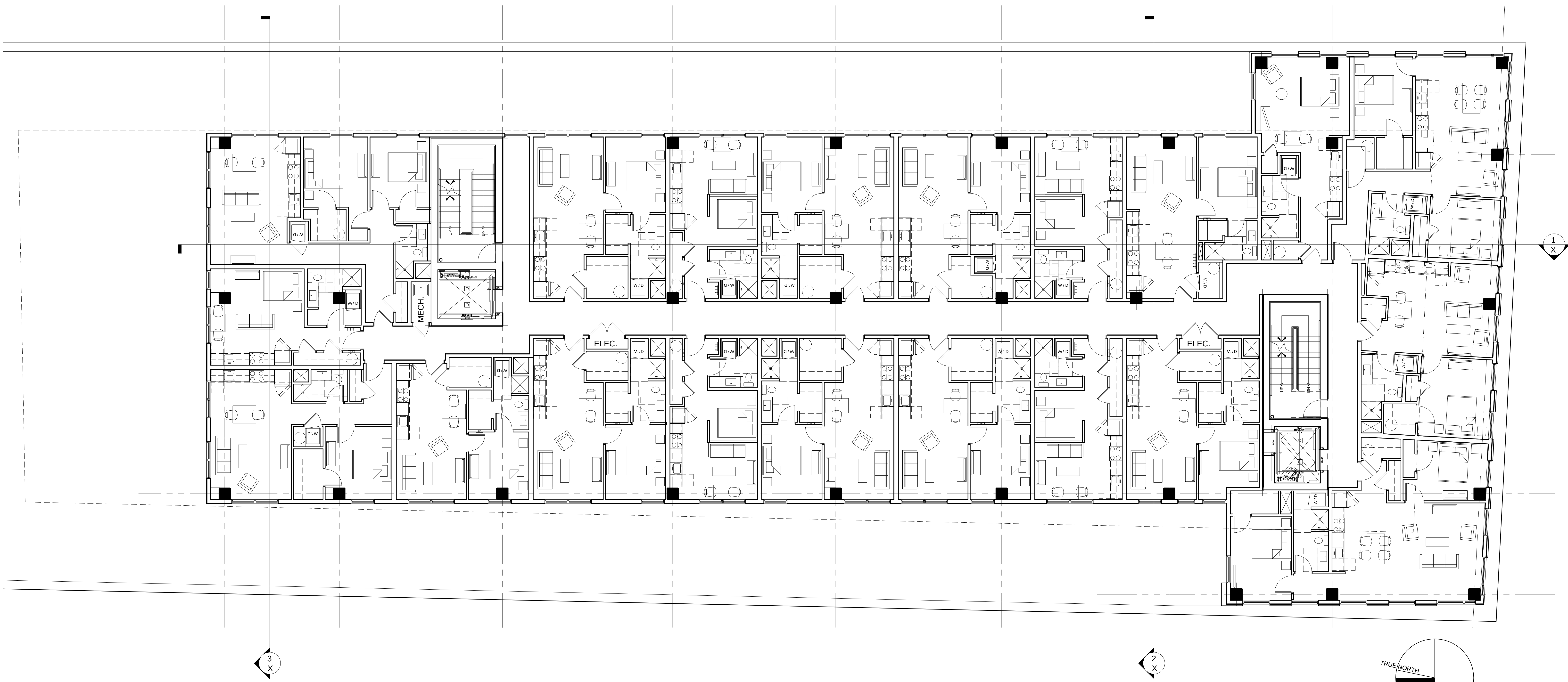
BASEMENT LEVEL



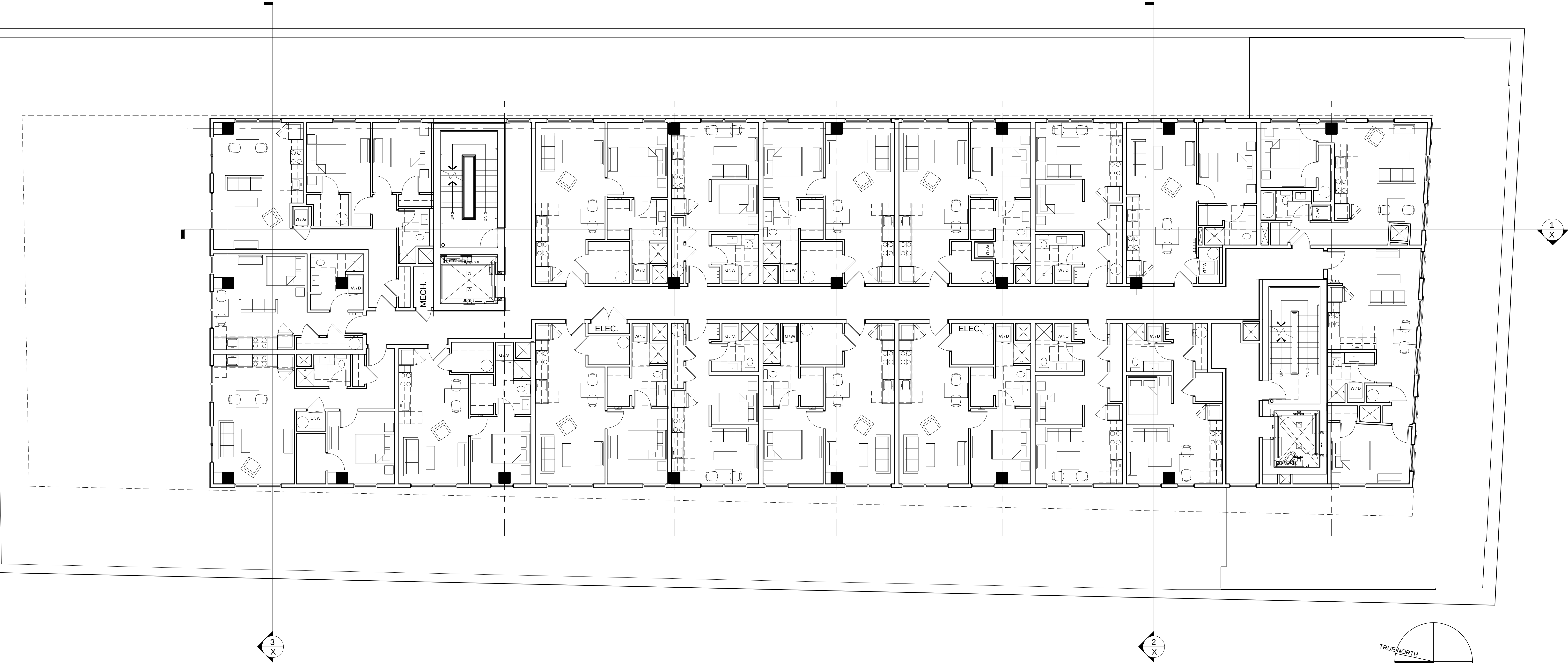
FIRST FLOOR



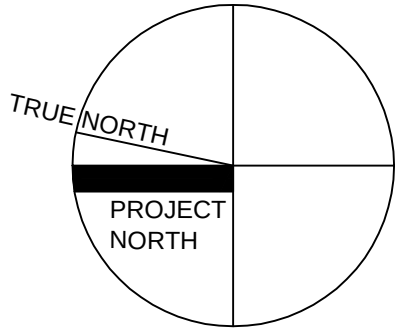
SECOND FLOOR

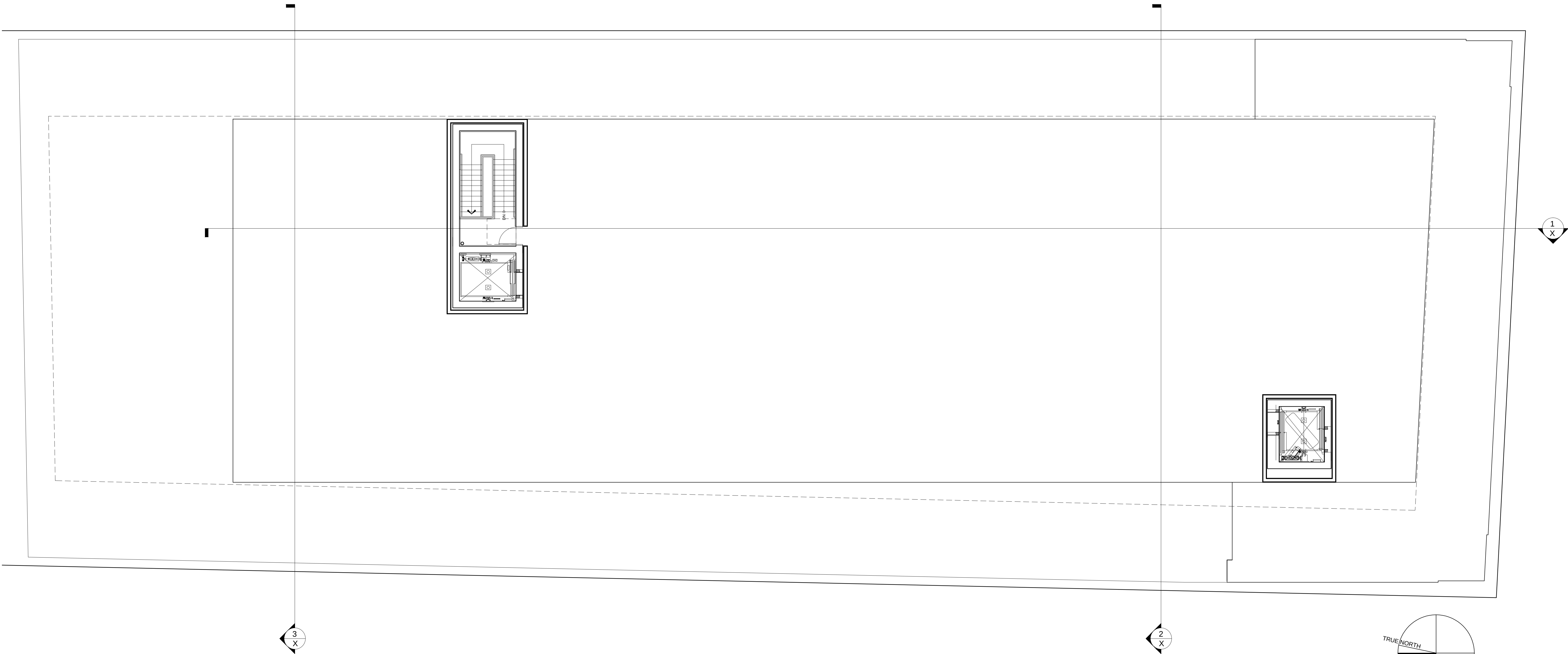


THIRD FLOOR



SEVENTH FLOOR



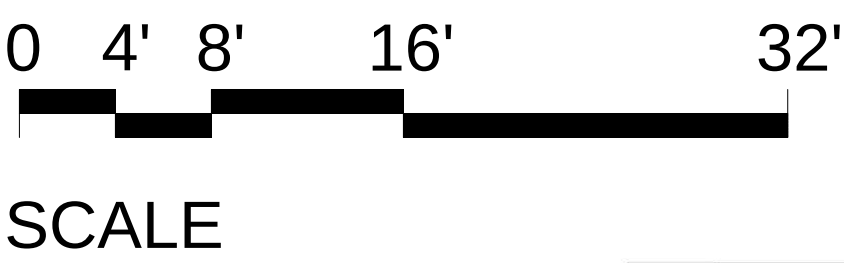


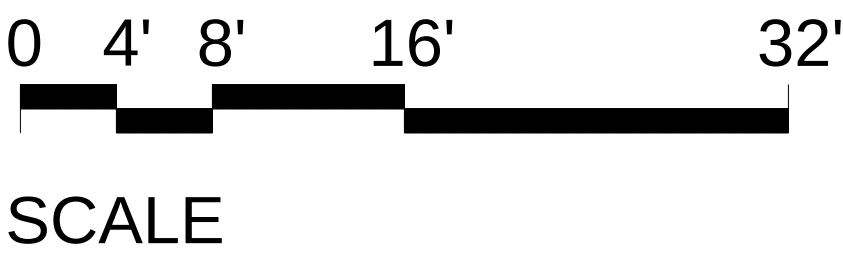
ROOF LEVEL



667 CONGRESS

APRIL 16, 2015





667 CONGRESS

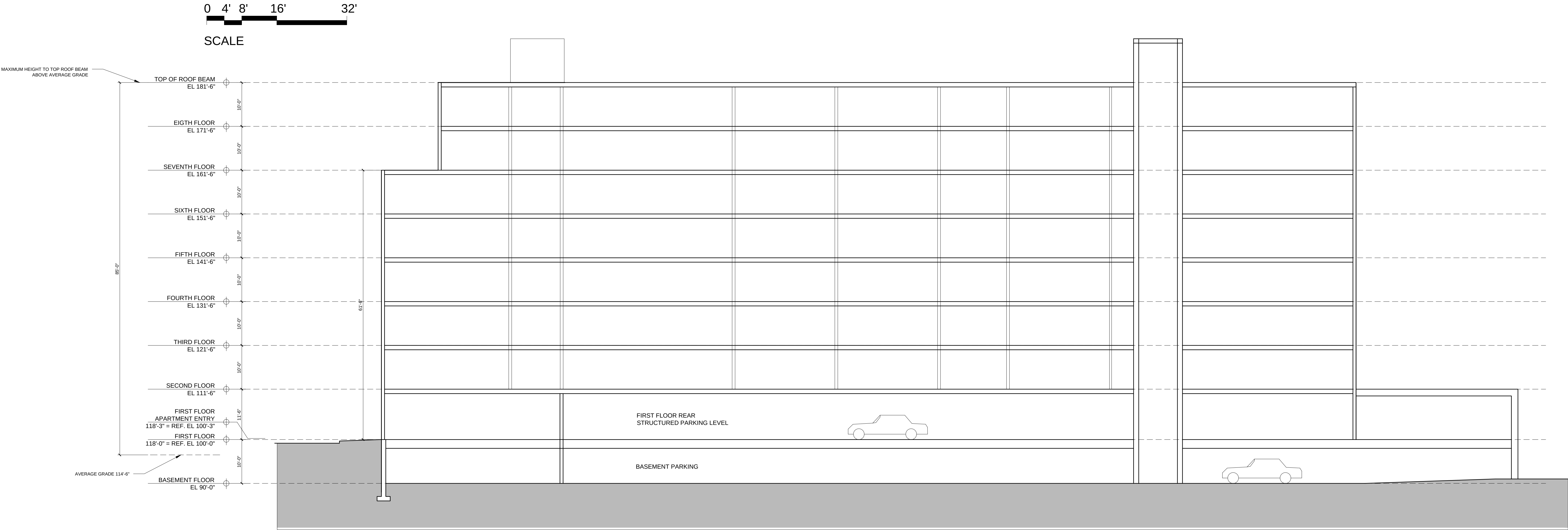
APRIL 16, 2015

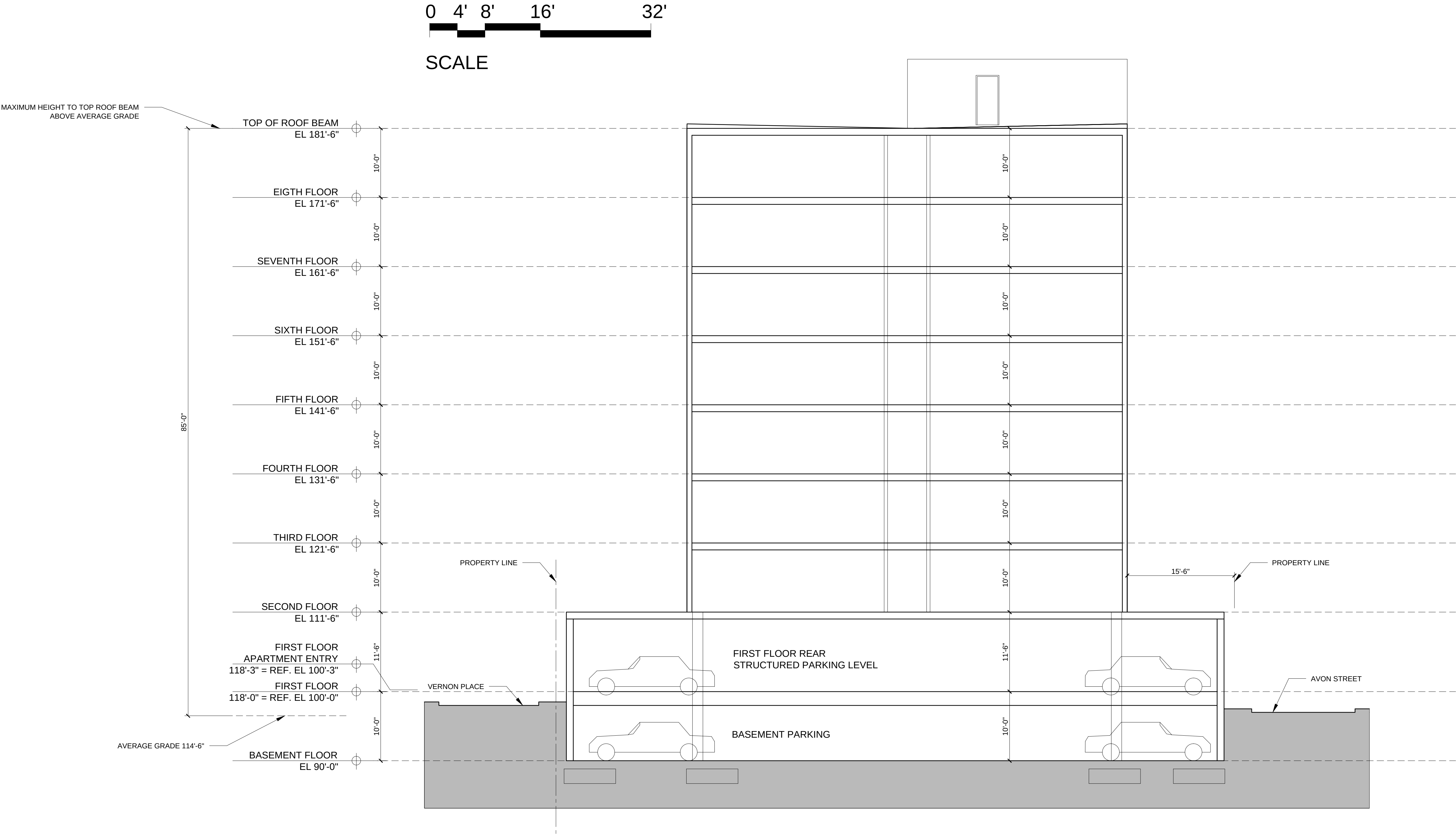
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SCALE

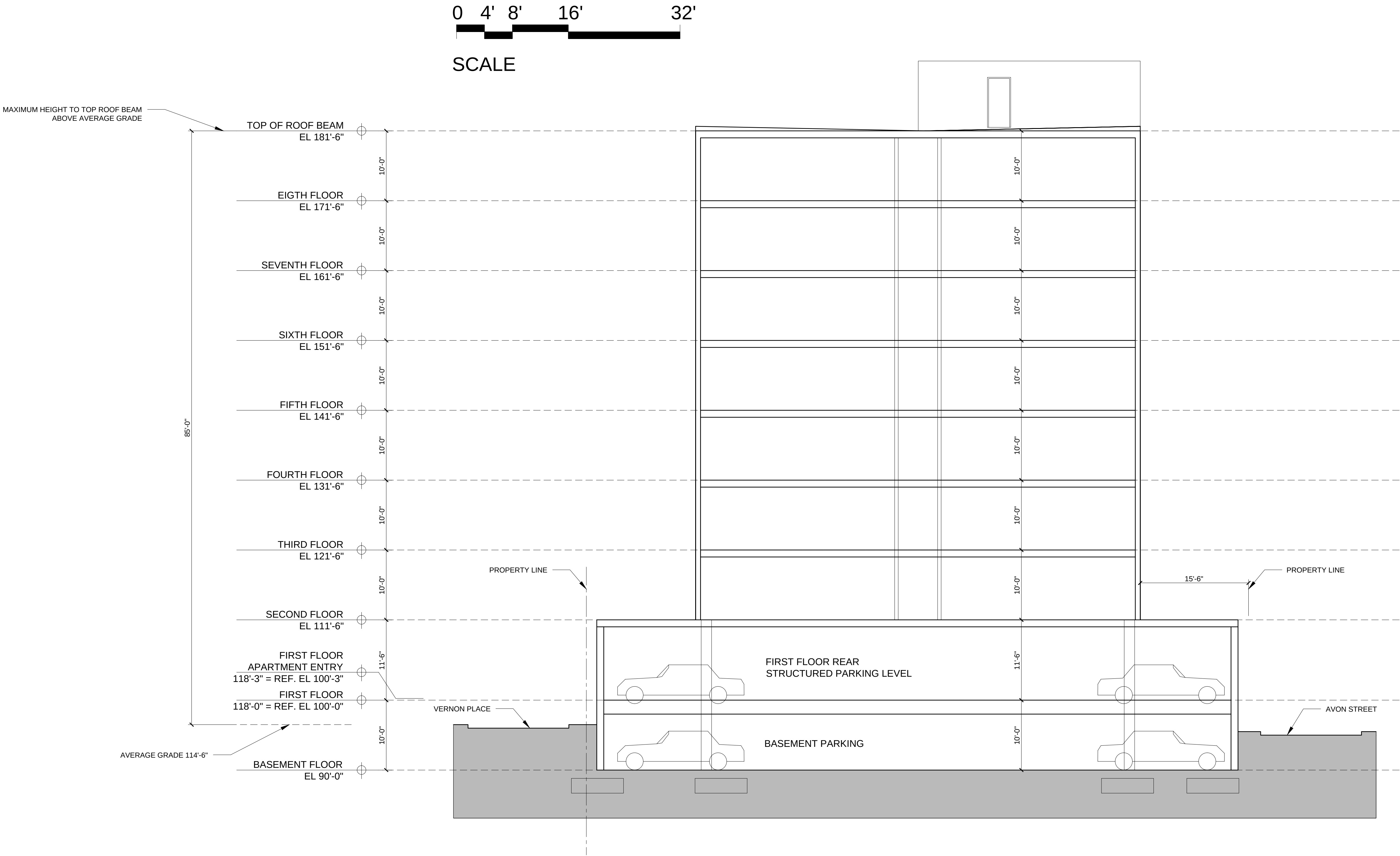


667 CONGRESS

APRIL 16, 2015









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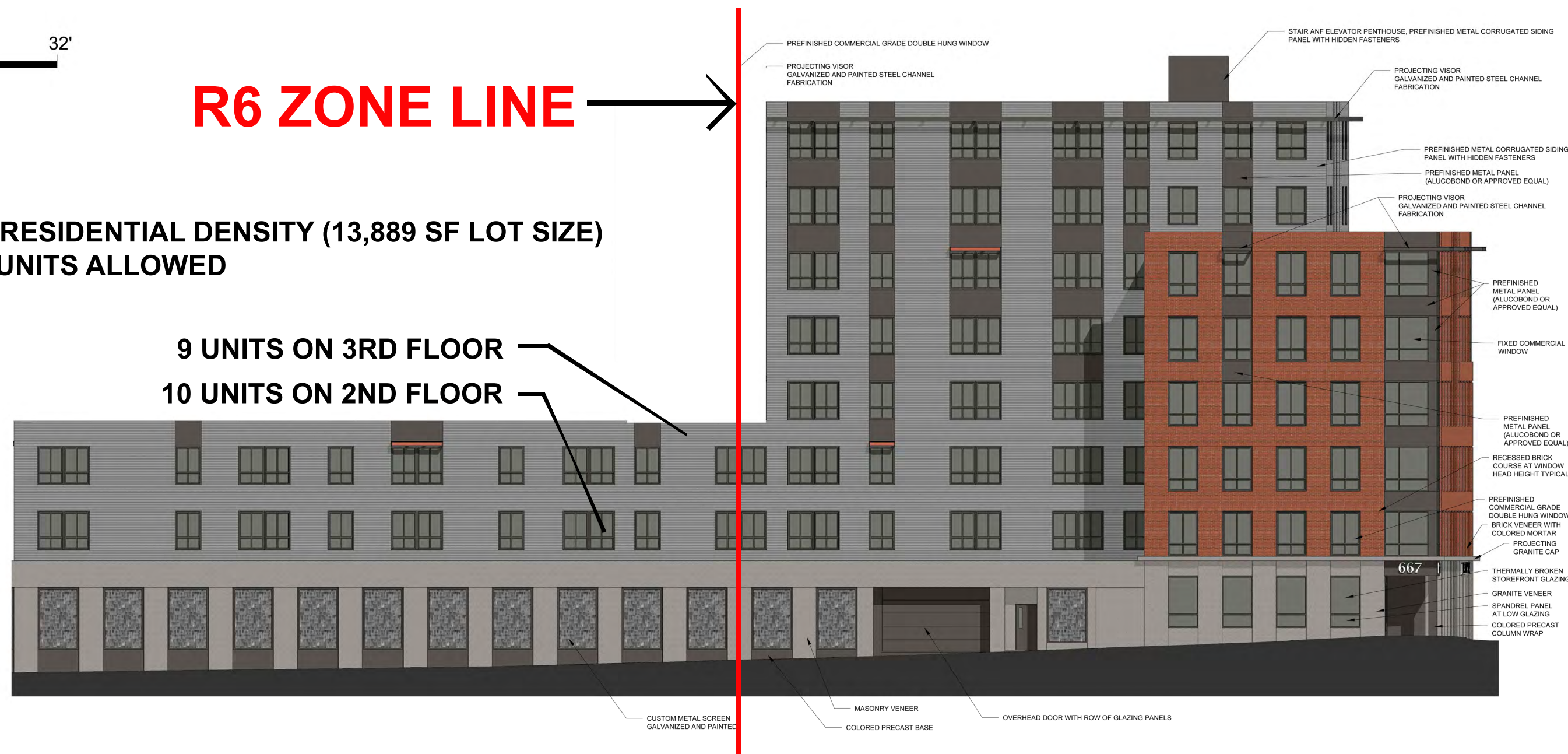
APRIL 16, 2015

0 4' 8' 16' 32'
SCALE

R6 ZONE LINE

R6 RESIDENTIAL DENSITY (13,889 SF LOT SIZE)
19 UNITS ALLOWED

9 UNITS ON 3RD FLOOR
10 UNITS ON 2ND FLOOR



REDFERN PROPERTIES

WEST ELEVATION
SCALE: 1/8" = 1'-0"

RYAN SENATORE ARCHITECTURE

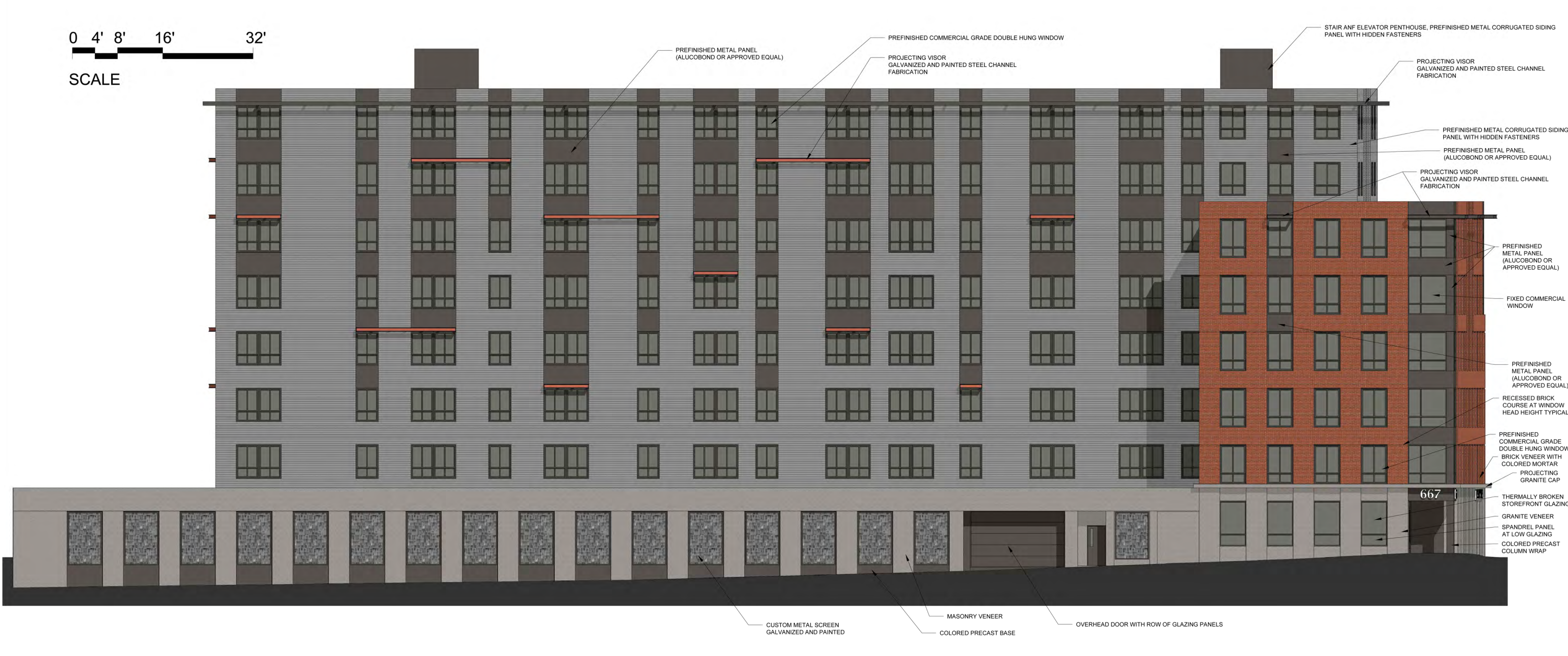
PROGRESS PRINT ONLY
Not for Construction

B3/R6 ZONING ELEVATION

667 CONGRESS

APRIL 16, 2015

0 4' 8' 16' 32'
SCALE



REDFERN PROPERTIES

WEST ELEVATION
SCALE: 1/8" = 1'-0"

RYAN SENATORE ARCHITECTURE

PROGRESS PRINT ONLY
Not for Construction

B3 ZONING ELEVATION

667 CONGRESS

APRIL 28, 2015

EDGE OF BUILDING BELOW

PROPERTY LINE

179'-8³/₄"

15'-2"

64'-4"

45'-9¹/₂"

15'-0³/₄"

SECOND FLOOR

