

# CHESTER & VESTAL

A PROFESSIONAL ASSOCIATION

ATTORNEYS AT LAW

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January 31, 2015

Nell Donaldson, Planner  
Planning Division  
City of Portland  
389 Congress Street  
Portland, Maine 04101

RE: Amended Conditional Rezoning/St. Lawrence Arts

Dear Nell:

Attached for the Planning Division records is a photocopy of the Amended Conditional Zone Agreement Re: St. Lawrence Church, with attached Exhibits A and B. As indicated on the copy, the document was recorded in the Cumberland County Registry of Deeds on January 15, 2015 in Book 32031, Pages 180 – 210.

It was a pleasure working with you on this matter.

Very truly yours,



Barbara A. Vestal

Enclosure  
BAV/om  
cc: Deirdre Nice

A TRUE COPY  
ATTEST: Katharine L. Jones  
Katharine L. Jones, City Clerk  
Portland, Maine

Order 101-14/15  
Tab 7 12-1-14

DATE 1-12-2015

MICHAEL F. BRENNAN (MAYOR)  
KEVIN J. DONOGHUE (1)  
DAVID A. MARSHALL (2)  
EDWARD J. SUSLOVIC (3)  
JUSTIN COSTA (4)

**CITY OF PORTLAND  
IN THE CITY COUNCIL**

DAVID H. BRENERMAN (5)  
HILL C. DUSON (A/L)  
JON HINCK (A/L)  
NICHOLAS M. MAVODONES, JR (A/L)

**AMENDMENT TO CITY CODE  
SEC. 14-49 (ZONING TEXT AND MAP AMENDMENT)  
RE: FIRST AMENDMENT TO THE  
CONDITIONAL REZONING AGREEMENT  
FOR PROPERTY IN THE VICINITY OF  
ST. LAWRENCE ARTS/CONGRESS STREET**

SEAL

**ORDERED,** that the zoning map and text of the City of Portland, dated December 2000, as amended and on file in the Department of Planning & Development, and incorporated by reference into the Zoning Ordinance by Sec. 14-49 of the Portland City Code, is hereby amended to reflect a conditional rezoning as detailed below.

**AMENDMENT TO CITY CODE  
SEC. 14-49 (ZONING MAP AMENDMENT)  
RE: FIRST AMENDMENT TO THE CONDITIONAL REZONING FOR  
PROPERTY  
IN VICINITY OF ST. LAWRENCE ARTS CENTER/CONGRESS STREET**

**ORDERED,** that the Zoning Map of the City of Portland, dated December 2000 as amended and on file in the Department of Planning & Development, and incorporated by reference into the Zoning Ordinance by Sec. 14-49 of the Portland City Code, which was amended by a Conditional Zone Agreement dated November 4, 2010 and recorded in the Cumberland County Registry of Deeds in Book 28250, Page 201. is hereby further amended to reflect an amended conditional rezoning as detailed below:

**AMENDED CONDITIONAL ZONE AGREEMENT  
RE:  
ST. LAWRENCE CHURCH**

AGREEMENT made this 12 day of January, <sup>2015</sup> 20149 by Friends of the St. Lawrence Church, 76 Congress Street, Portland, Maine ("Developer"), and its successors and assigns.

**WITNESSETH**

WHEREAS, the Developer owns land located at 76 Congress Street, and more particularly described in a deed from Deirdre E. Nice dated September 12, 1997 and recorded in the Cumberland County Registry of Deeds in Book 13333, Page 9 (the "Property"); and

WHEREAS, the existing building and a previously dismantled portion of the building located on the Property wereas formerly used as the St. Lawrence Congregational Church until 1986; and

WHEREAS, in 1996, the St. Lawrence Arts Center was founded; and

WHEREAS, in 2001, the building located on the Property hads two principal portions, the sanctuary and the parish hall; and

WHEREAS, in 2001, the parish hall portion of the building was renovated to house a one hundred and ten (110) seat theater, green room, art studio workshops and staff offices; and

WHEREAS, in 2008, the sanctuary portion of the building was dismantled due to structural failure; and

WHEREAS, a conditional rezoning was approved in 2010 which was based upon a reconstruction of the dismantled sanctuary, but that reconstruction proved to be economically infeasible, so the Developer is seeking an amendment to the 2010 conditional rezoning which retains the same programmatic functions as proposed and approved in 2010 but contains them in a new rather than a reconstructed structure; and

WHEREAS, the Developer, as in 2010, proposes and intends to renovate the parish hall theater in order to increase its seating capacity to one hundred and twenty (120) seats substantially in accordance with the plans submitted as Exhibit A attached hereto; and

WHEREAS, the Developer proposes and intends to -reconstruct a performance arts hall on the site of the former sanctuary to provide a full basement for "back of house" green rooms, ADA toilets and storage; a lobby that serves both the auditorium and theater space, a top floor "promenade room"/additional lobby, and a new four hundred and one(401) seat auditorium substantially in accordance with the plans submitted as Exhibit A attached hereto; and

WHEREAS, the Developer proposes and intends to develop the building on the Property as an energy efficient and ~~LEED-certified~~ facility; and

WHEREAS, the Developer intends to maintain the character of the original parish house, and construct a new structure which will respect the character-defining features of the historic and Property and complement the adjacent residential neighborhood; and

WHEREAS, the ~~existing underlying~~ zoning is R-6 which has dimensional requirements that the existing structure on the site does not meet; and

WHEREAS, the Developer has requested an amended rezoning of the Property in order to permit the proposed development of the Property; and

WHEREAS, the proposed community hall use of the Property is consistent with the Comprehensive Plan and existing and permitted uses in the underlying zone and neighborhood, which include a mix of residential, commercial and institutional uses including churches places of assembly, schools, the Portland Observatory Museum and the Portland Company Marine Complex; and

WHEREAS, the City's Comprehensive Plan calls for strengthening neighborhood identity through cultural programming and creating connections between neighborhoods and the Arts District; and

WHEREAS, the City's Comprehensive Plan calls for the preservation of the Downtown's Portland's unique identity and historic fabric through the re-use of existing structures and the development of new construction that is respectful of the built and natural surroundings; and

WHEREAS, the City's Comprehensive Plan promotes the enhancement of Portland's cultural community and creative economy through retaining and encouraging arts and cultural organizations and retaining and expanding performance and exhibition space, studio space and office/support space for artists, institutions and organizations; and

WHEREAS, the Planning Board, after notice and hearing and due deliberation thereon, recommended the rezoning of the Property as aforesaid, subject, however, to certain conditions contained in this Agreement; and

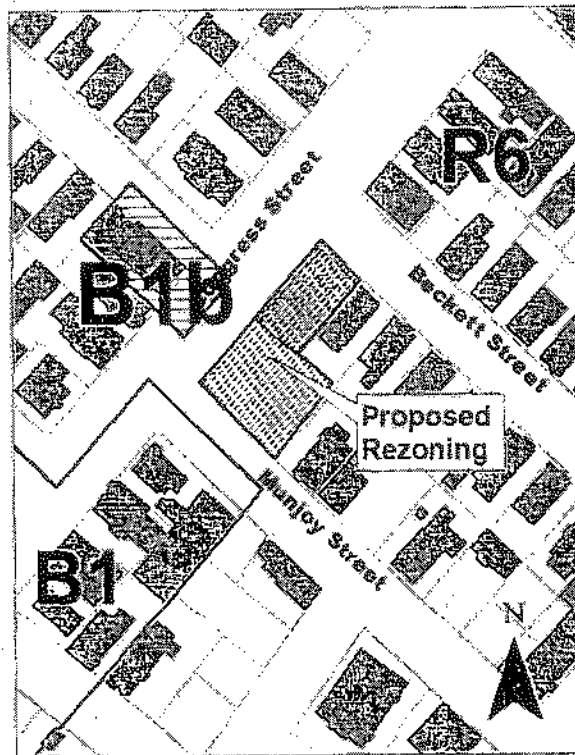
WHEREAS, the Portland City Council, pursuant to 30-A M.R.S.A. § 4352(8) and Portland City Land Use Code (the "Code") §§ 14-60 to 14-62, after notice, hearing and due deliberation thereon, has determined that because of the unusual nature and unique location of the proposed development, and its minimal impact on and compatibility with the surrounding community, it is necessary and appropriate to recommend the amended rezoning of the Property as aforesaid, with the following conditions and restrictions set forth in this Agreement; and

WHEREAS, the Portland City Council has on December 15, 2014 approved this Agreement in its entirety, by City Council Order No. 101-14/15, a true copy of which is attached hereto as Attachment 1 (the "Order");

NOW, THEREFORE, in consideration of the rezoning, the Developer covenants and agrees as follows:

1. Pursuant to the Order, the City shall amend the Zoning Map of the City of Portland, dated September, 2000 (as amended from time to time and on file in the Department of Planning and Urban Development, and incorporated by reference into the Zoning Ordinance by § 14-49 of the Code) by adopting the map change amendment shown below to zone the property conditional R-6, subject to the conditions contained below.

Image 1: Proposed Rezoning



Prepared by Department of Planning and Development based on GIS 7/26/09 map data

If this Agreement is not recorded within sixty (60) days after the effective date of the City Council's approval of the Order, then the first amendment to the conditional rezoning shall become null and void and the zoning of the Property shall revert to the pre-existing R-6 zone or the equivalent zone in effect at the time of reversion.

2. Notwithstanding section 14-137(b)(6)(c)(i), the use of the Property shall be considered and be operated as a place of assembly/community hall.

3. The underlying dimensional requirements of the R-6 zone shall apply and are modified as follows:

- a. Minimum lot Size: 10,500 square feet.
- b. Minimum Yard Dimensions:
  1. Front yard: 0 feet.
  2. Rear Yard: 0 feet.
  3. Side Yard on Side Streets: 0 feet.
- c. Maximum Lot Coverage: 905%.
- d. Maximum Tower Height: 90 feet NA.
- e. Maximum Sanctuary Structure Height: 5465 feet.
- f. Open Space Ratio: 0%.
- g. Minimum Lot Width: 50 feet
- h. The following plans and documents are attached hereto and incorporated into this agreement by reference. The Property will be developed substantially in accordance with these plans and documents, provided, however, that the development of the Property shall be subject to site plan review by the Planning Board and to review by the Historic Preservation Board. Any site plan or historic preservation review applications shall fully comply with the application requirements in the City's Land Use Code. The Planning Board and Historic Preservation Board may require modifications to these documents during their review: subject to such subsequent modifications as may be required by the Planning Board during site plan review and by the Historic Preservation Board during its review and approval: Site Plan A0.01 dated October 15, 2014, Floor Plans A1.00 through A1.04 dated January 16, 2014, and Elevations A2.00 through A2.03, dated September 10, 2014, St. Lawrence Arts Addition for Friends of the St. Lawrence Church by Archetype Architects.

4. The proposed theater in the parish hall shall have no more than one hundred and twenty (120) seats, and the proposed auditorium in the former sanctuary site shall have no more than four hundred and fiveone (4015) seats. The Developer and its successors and assigns shall not be permitted to hold separate audience events in the parish hall and the sanctuary auditorium at the same time. The Developer shall be permitted to hold a separate event in the Promenade Room when another concurrent event is being held in the parish hall or the sanctuary auditorium. This does not preclude the Developer from using the parish hall, the Promenade Room and/or the

sanctuary auditorium for one (1) single event with the total number of attendees of said event not to exceed four hundred and eighty five (485) people. Under no circumstances may more than 485 attendees of any single event or combination of events be present on the Property at the same time.

5. The owner of the Property shall be responsible for ongoing maintenance of the Property, including snowplowing, salting, sanding, sweeping, lighting, trash removal (at least weekly), mowing, etc.

6. Prior to the issuance of a Certificate of Occupancy, the Developer shall install, according to City specifications, new brick sidewalk along the Munjoy Street, Beckett Street and Congress Street property frontages and shall reset, as necessary, the existing pink granite curbing. If, at the time of site plan review, the Public Services Department determines that the curbing is in poor condition, the applicant shall replace it, as necessary.

7. Prior to the issuance of a Certificate of Occupancy, the Developer shall provide two (2) trees along each of the Munjoy Street, Beckett Street and Congress Street property frontages. If healthy street trees are already in place along any of these frontages, they may be counted towards this requirement. The size and type of trees to be planted shall be approved by the Portland City Arborist or their designee. If, due to site constraints, the Developer is unable to provide the two (2) required trees per street frontage, they shall contribute \$200.00 per tree or, if the required contribution is greater at the time of the application, that amount, to the City of Portland's Tree Fund. This contribution, if necessary, is independent of any conditions which the Planning Board may lawfully require under site plan review. The Planning Board shall not be authorized, however, to waive this requirement.

8. Prior to the issuance of a Certificate of Occupancy, the Developer shall, at its own expense, install a minimum of two (2) municipal street lights along the Congress Street frontage of the property that meet the specifications and color designated for the Downtown Lighting District, as detailed in the Municipal Street Lighting Standards of the City of Portland Technical Manual, or of a type as may be specified by the City Lighting Plan at the time of the application or by the Planning Division.

~~9. Prior to the issuance of a Certificate of Occupancy, the Developer shall construct any remaining sidewalk connections and sidewalk ramps meeting City technical standards at the intersection of Congress Street and Eastern Promenade on both sides of the street and at the intersection of Moody Street and Eastern Promenade on both sides of the street, unless these improvements are already in place at the time of the application. This may include walkway connections to the Cutter Street parking lots as described in the Eastern Promenade Master Plan (2004).~~

9. Prior to the issuance of a Certificate of Occupancy, the developer shall install any remaining crosswalks, ADA-compliant sidewalk ramps, and other pedestrian improvements meeting City technical standards at the intersections of Congress Street

and Beckett Street or Howard Street and Congress Street and Munjoy Street, unless these improvements are already in place at the time of application.

10 The Developer shall submit a transportation demand management ("TDM") plan during site plan and conditional use review for review and approval by the Planning Board in a form substantially in accordance with Exhibit B attached hereto as a starting point subject to Planning Board and applicant modification during Site Plan Review (the terms of the attached TDM are incorporated by reference herein). The requirement of TDM plan shall supersede any and all parking requirements under the Land Use Code for the Property. During the site plan review process, the Planning Board shall provide a communication to the City Council that may include recommendations, if the Board deems it necessary, for additional on-street parking regulations in the vicinity of the project site. These may include but shall not be limited to two (2) hour parking limits and/or a residential parking program.

The TDM plan shall include provisions for the contribution of \$70,000 annually to the city's Sustainable Transportation Fund, with the initial contribution due at the time of Certificate of Occupancy. This funding shall be designated at the city's sole discretion consistent with the provisions of Section 14-346.2 for improvements intended to enhance transportation choice, promote transit, and/or promote non-automotive transportation to and from Munjoy Hill, and shall initially be used for improvements to Greater Portland Transit District's #1 Line, which serves Congress Street and Munjoy Hill. If, following monitoring of the TDM plan, the Planning Board or Planning Authority deem other transportation demand management strategies to be more effective in meeting the benchmarks of the TDM plan, the Planning Board or Planning Authority may recommend redesignation of those funds toward such strategies.

The TDM plan shall include monitoring provisions to periodically review the efficacy of the plan over time. The efficacy of the TDM plan shall be reviewed by the TDM plan administrator within three (3) months from the issuance of the certificate of occupancy. The results shall be promptly provided to the City for evaluation upon completion of the review. From that time forward, the TDM plan administrator shall review the TDM plan and report results to the City for evaluation on, at a minimum, an annual basis or in accordance with the TDM monitoring schedule outlined in the TDM plan. Changes to the TDM plan as a product of monitoring shall be reviewed and approved by the Planning Authority.

If at the time of review (and/or at any time thereafter) the City and/or the Developer has received any five (5) or more complaints within a one (1) year period about traffic/parking generated by the use of the facility, the Developer shall report that information to will be required to institute a review process, working in concert with the Planning Authority as part of the annual review process, in accordance with sub-paragraph F of the attached TDM plan.

11. The Developer shall be responsible for ensuring that tour buses, vans and trucks affiliated with performances and events at the Property unload and then relocate to a remote, off street parking location away from the venue for the duration of the event.



12. The provisions of this Agreement are intended to replace and/or supersede the requirements of the underlying R-6 zone and the requirements of the 2010 conditional rezoning. As stated above, to the extent not otherwise altered herein, the zoning requirements for the R-6 zone shall otherwise apply to the Property.

13. In the event of a breach by the Developer or its successors or assigns of the zoning provisions and conditions contained herein (whether the Zoning Administrator, the Planning Authority, the Zoning Board of Appeals or a court determines such breach), the Planning Board, after notice and hearing, may recommend to the City Council that the conditional zone and this Agreement be amended, or be rescinded, such rescission to result in the termination of this Amended Agreement and a reversion of the Property to the underlying R-6 zone requirements in place before the execution of this Agreement or its equivalent in effect at the time of the reversion.

14. The above stated restrictions, provisions, and conditions are an essential part of the rezoning, shall run with the Property, shall bind and benefit the Developer, any entity affiliated with the Developer that takes title to the Property, its successors and assigns, and any party in possession or occupancy of said Property or any part thereof, and shall inure to the benefit of and be enforceable by the City of Portland, by and through its duly authorized representatives. The Developer shall file a counterpart original of this Agreement in the Cumberland County Registry of Deeds.

15. This amended conditional rezoning shall become null and void and the Property shall revert to the pre-existing R-6 zone or its equivalent in effect at the time of the reversion in the event that the Developer fails to commence construction within ten (10) years from the date of the Council approval of this amended rezoning agreement. This ten (10) year period shall be extended up to an additional one (1) year period if:

- a. The Developer has applied for all required approvals but has not received all required approvals within the aforementioned ten (10) year period; or
- b. Any other event beyond the control of the Developer has occurred which will delay the closing on some or all of the parcels and Developer has notified the City of such event.

If any required approval, including the Council's approval of this amended conditional rezoning, has been appealed, then this rezoning shall become null and void and shall revert to the underlying R-6 zoning or its equivalent in effect at the time of the reversion if the Developer fails to commence construction within one (1) year from the final disposition of such appeal or the above mentioned ten (10) year period, whichever occurs last.

16. This amended conditional rezoning agreement shall be enforced pursuant to the land use enforcement provisions of state law including, but not limited to, 30-A. MRSA § 4452 and the Portland City Code.

17. If any of the restrictions, provisions, conditions, or portions thereof set forth herein is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed as a separate, distinct, and independent provision and such determination shall not affect the validity of the remaining portions hereof.

18. Except as expressly modified herein, the development shall be governed by and comply with the provisions of the Portland City Code and any applicable amendments thereto or replacement thereof.

WITNESS: *Paul Shaw*

FRIENDS OF THE ST. LAWRENCE CHURCH

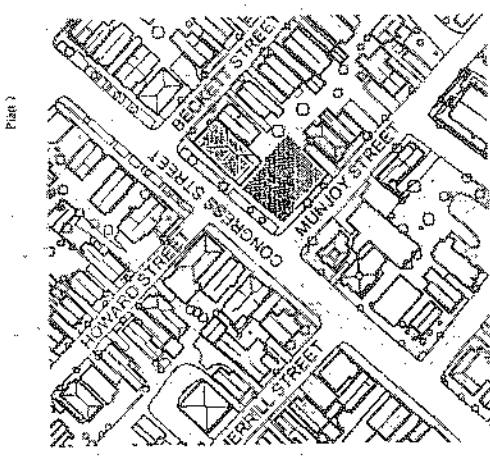
*Deirdre Nice*  
BY: Deirdre Nice  
Its Executive Director 1/12/2015

STATE OF MAINE  
CUMBERLAND, ss.  
20104 2015

Personally appeared before me the above-named Deirdre Nice, in his/her capacity as Executive Director of FRIENDS OF THE ST. LAWRENCE CHURCH, and acknowledged the foregoing instrument to be his/her free act and deed in his/her said capacity and the free act and deed of said corporation.

Before me,

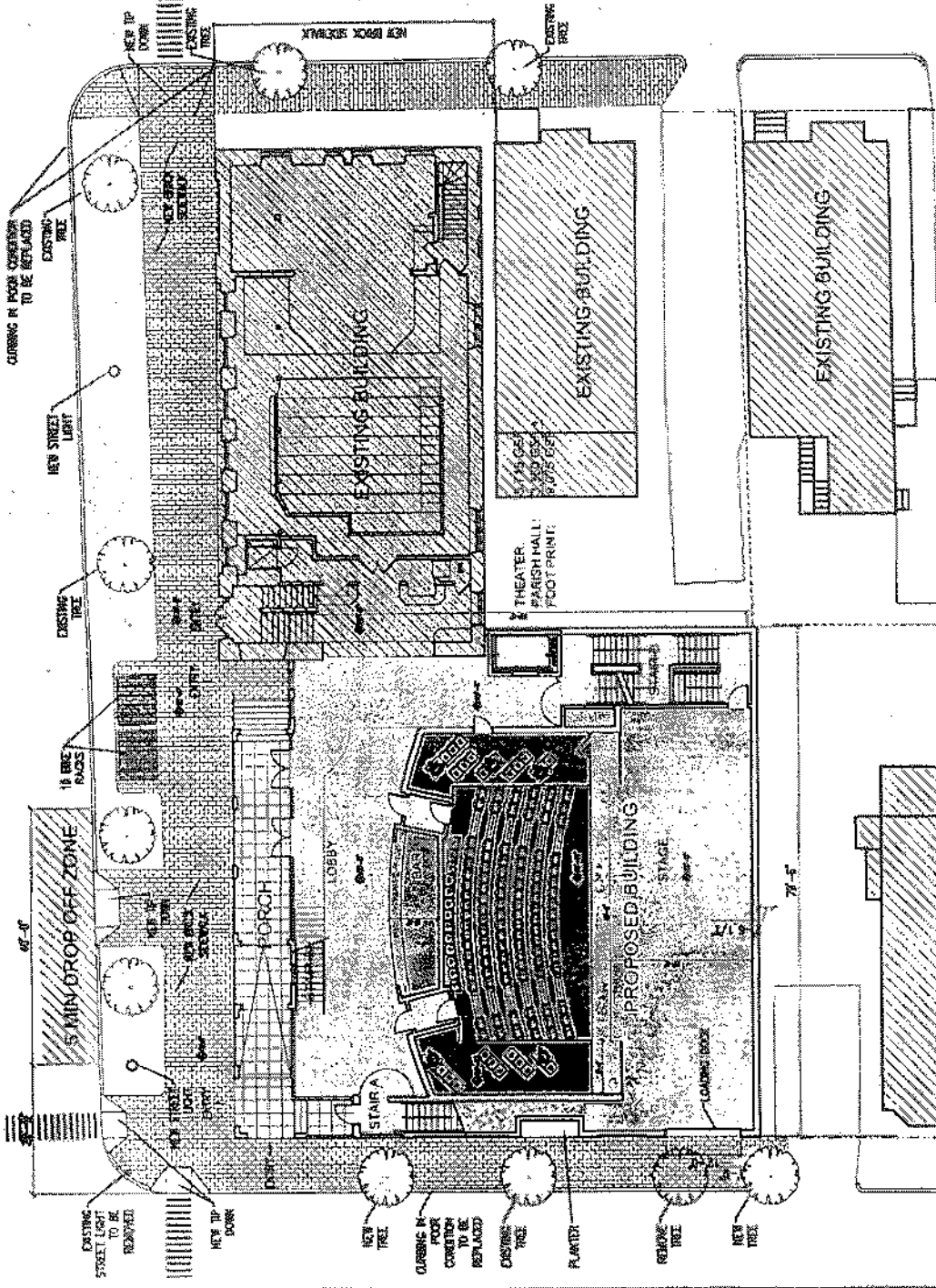
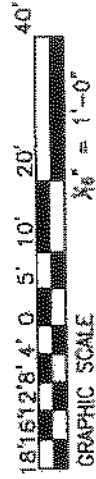
*Katherine L. Jones*  
Notary Public/Attorney at Law



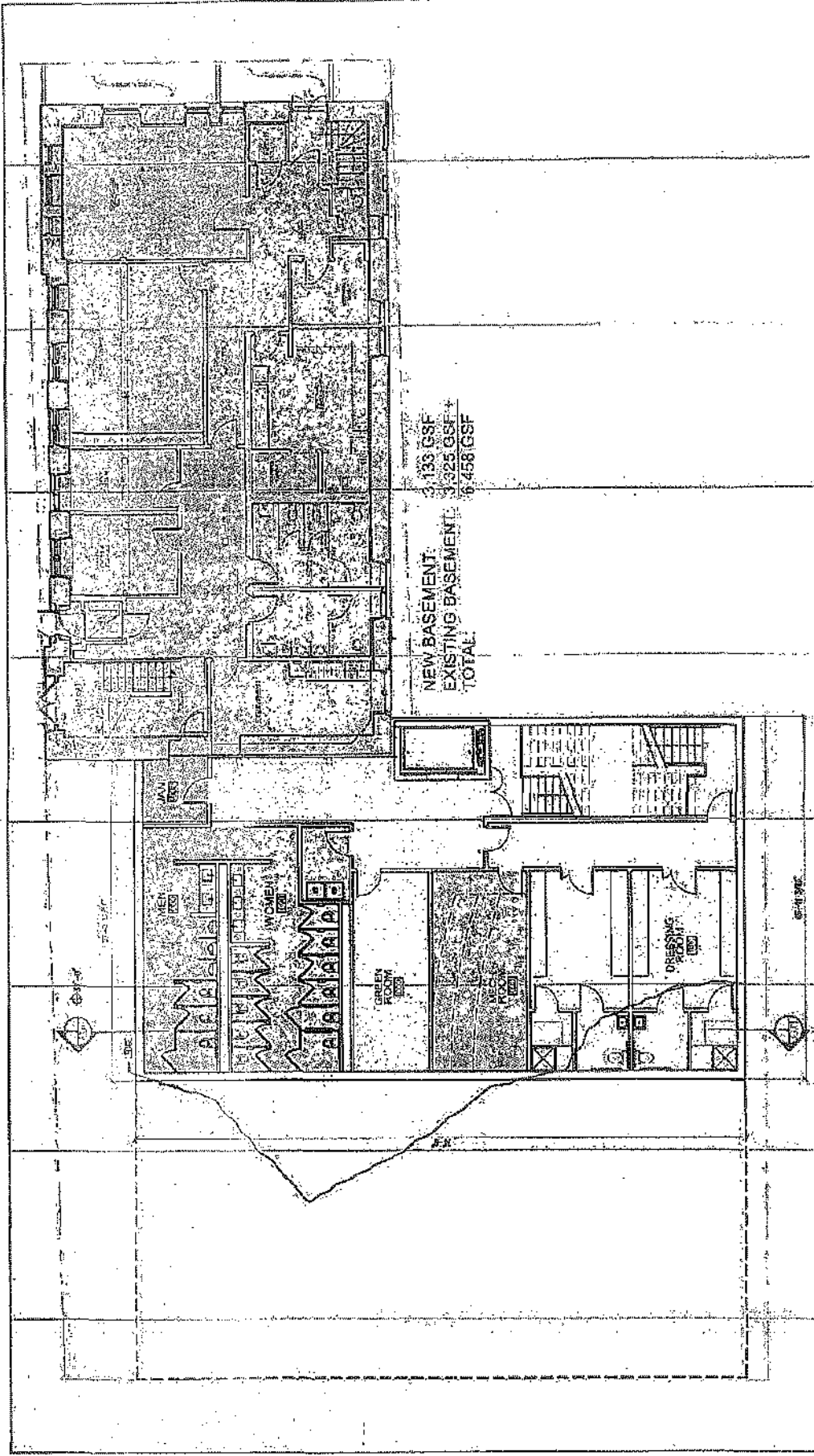
KEY PLAN

Lot Coverage Calculation:

Area of Partial: 10,565.45 SF  
 Exist & New Building (incl. 710 sf porch)  
 Footprint: 9,785 SF  
 Total lot coverage: 93 %

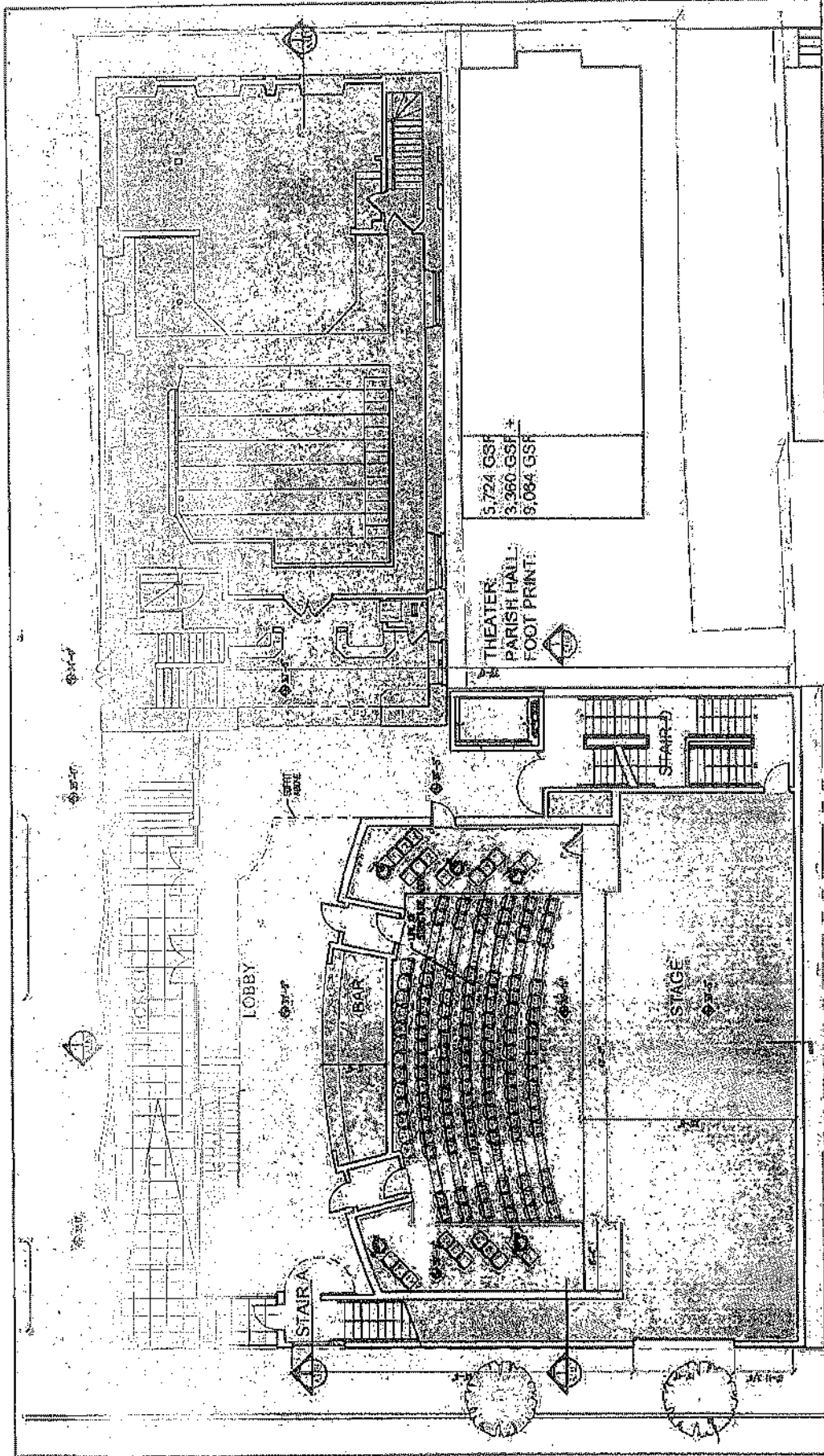


		ST. LAWRENCE ARTS ADDITION <small>78 CONGRESS STREET PORTLAND, MAINE 04101 TEL: 737-5037 FAX: 737-4816</small>	
FRIENDS OF THE ST. LAWRENCE CHURCH <small>155 CONGRESS STREET PORTLAND, MAINE 04101</small>		SITE PLAN DATE: 15 OCT 2014 SCALE: 1/8" = 1'-0"	
A0.01		18'15" 28' 4' 0' 5' 10' 20' 40'	



NEW BASEMENT 3,133 GSF  
 EXISTING BASEMENT 3,325 GSF  
 TOTAL 6,458 GSF

	FRIENDS OF THE ST. LAWRENCE CHURCH <small>21 LONDON STREET                  PORTLAND, VERMONT 05661</small>		 ARCHETYPE ARCHITECTS <small>85 VANDERBILT STREET, SUITE 04110                  PORTLAND, VERMONT 04101                  (207) 773-4032 Fax (207) 773-4063</small>	ST. LAWRENCE ARTS ADDITION <small>16 CONGRESS STREET                  PORTLAND, MAINE 04101</small>	16 January 2019 1:00	BASEMENT PLAN	A1.00
	PROJECT NO.						

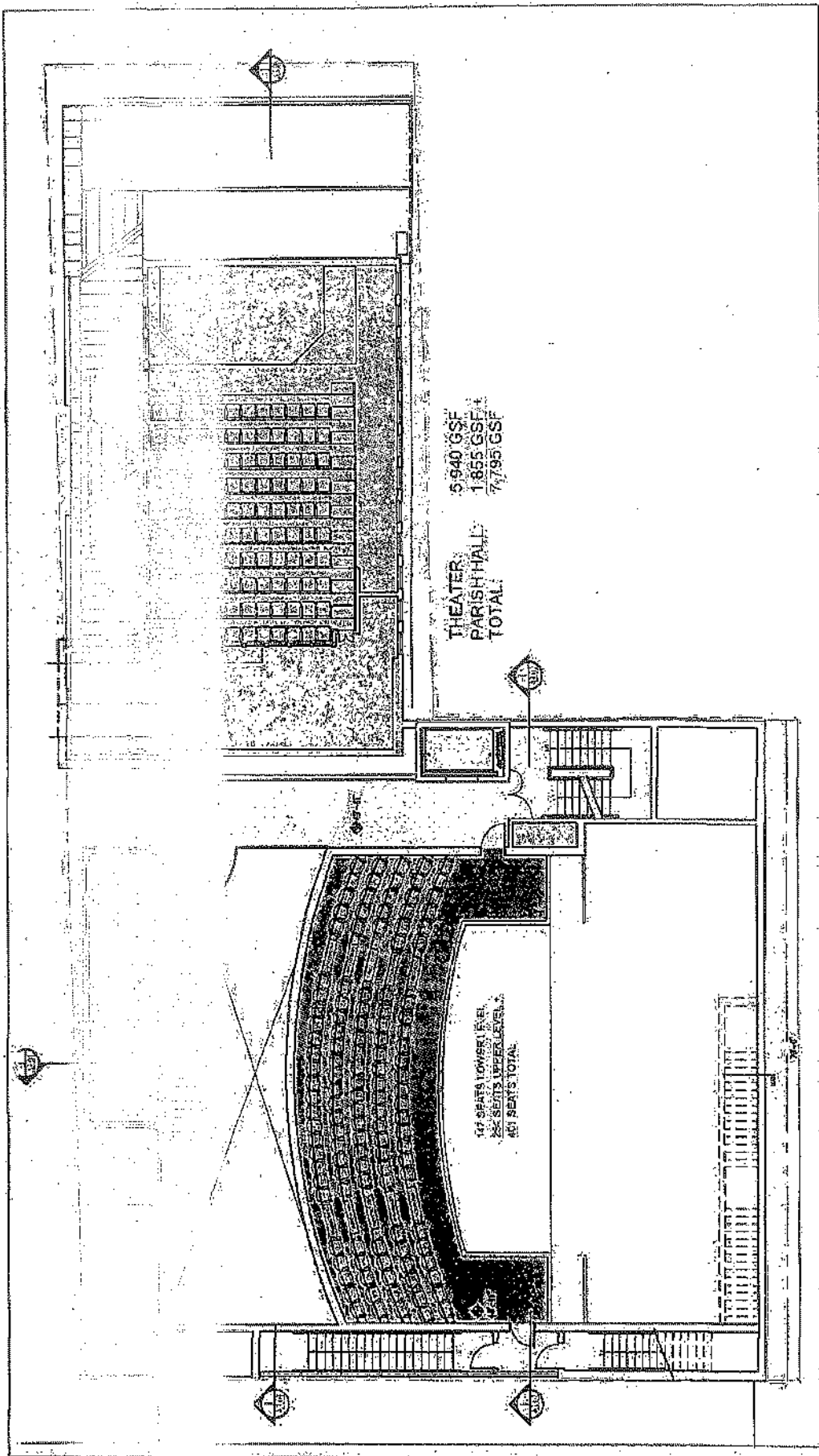


5,724 GSF  
3,260 GSF  
9,084 GSF

THEATER  
PARISH HALL  
FOOT PRINT:

<p><b>AL.01</b></p> <p>FIRST FLOOR PLAN</p> <p>16 January 2014</p>	
<p><b>ST. LAWRENCE ARTS ADDITION</b></p> <p>1200 GLEN STREET PUEBLO, CO, 81001</p>	
<p><b>ARCHITYPE</b> architects</p> <p>44 U.S. HIGHWAY 160, SUITE 201 PUEBLO, CO 81001</p>	
<p><b>FRIENDS OF THE ST. LAWRENCE CHURCH</b></p> <p>1200 GLEN STREET PUEBLO, CO, 81001</p>	

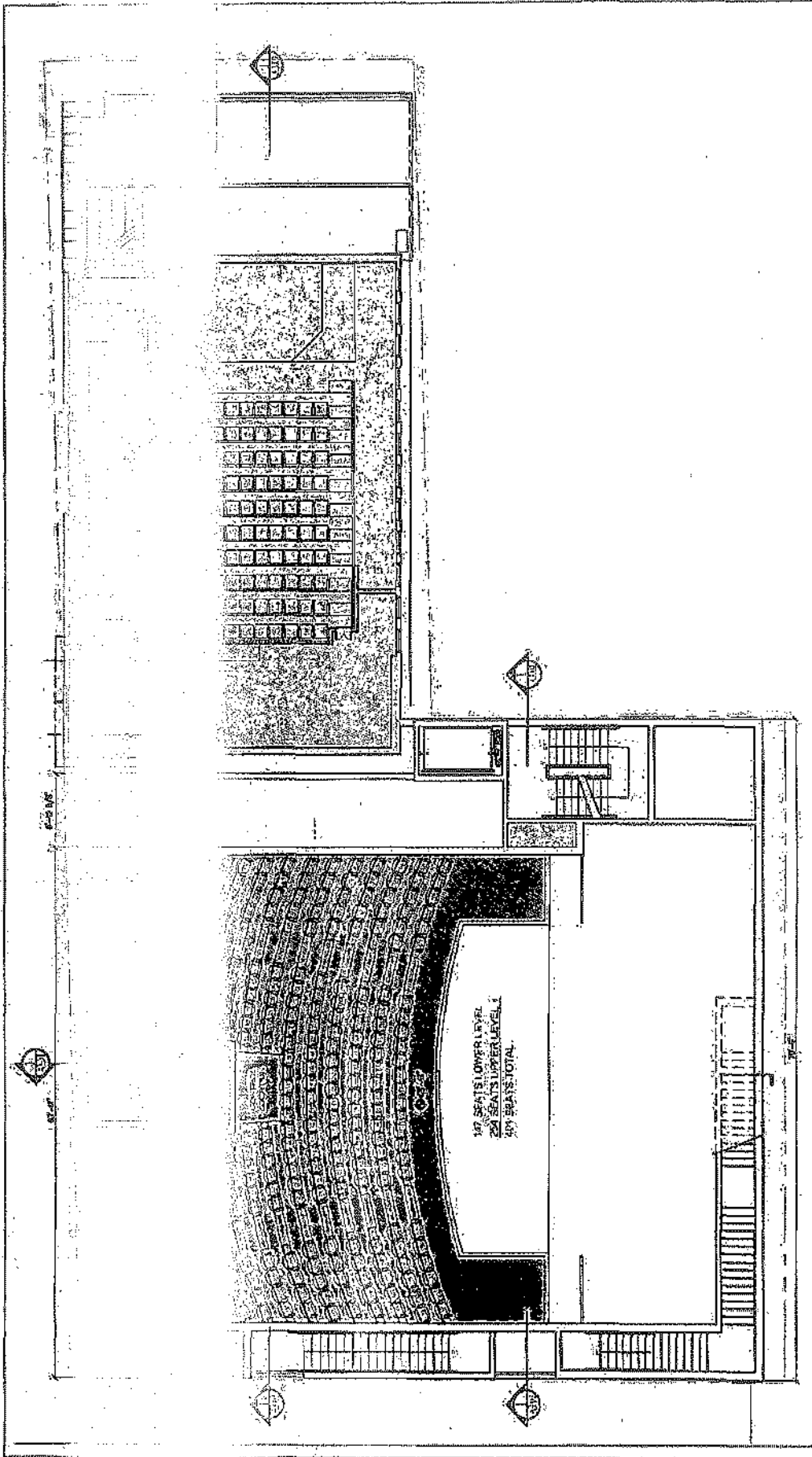




5,940 GSF  
 1,865 GSF  
 7,795 GSF  
**THEATER  
 PARISH HALL  
 TOTAL**

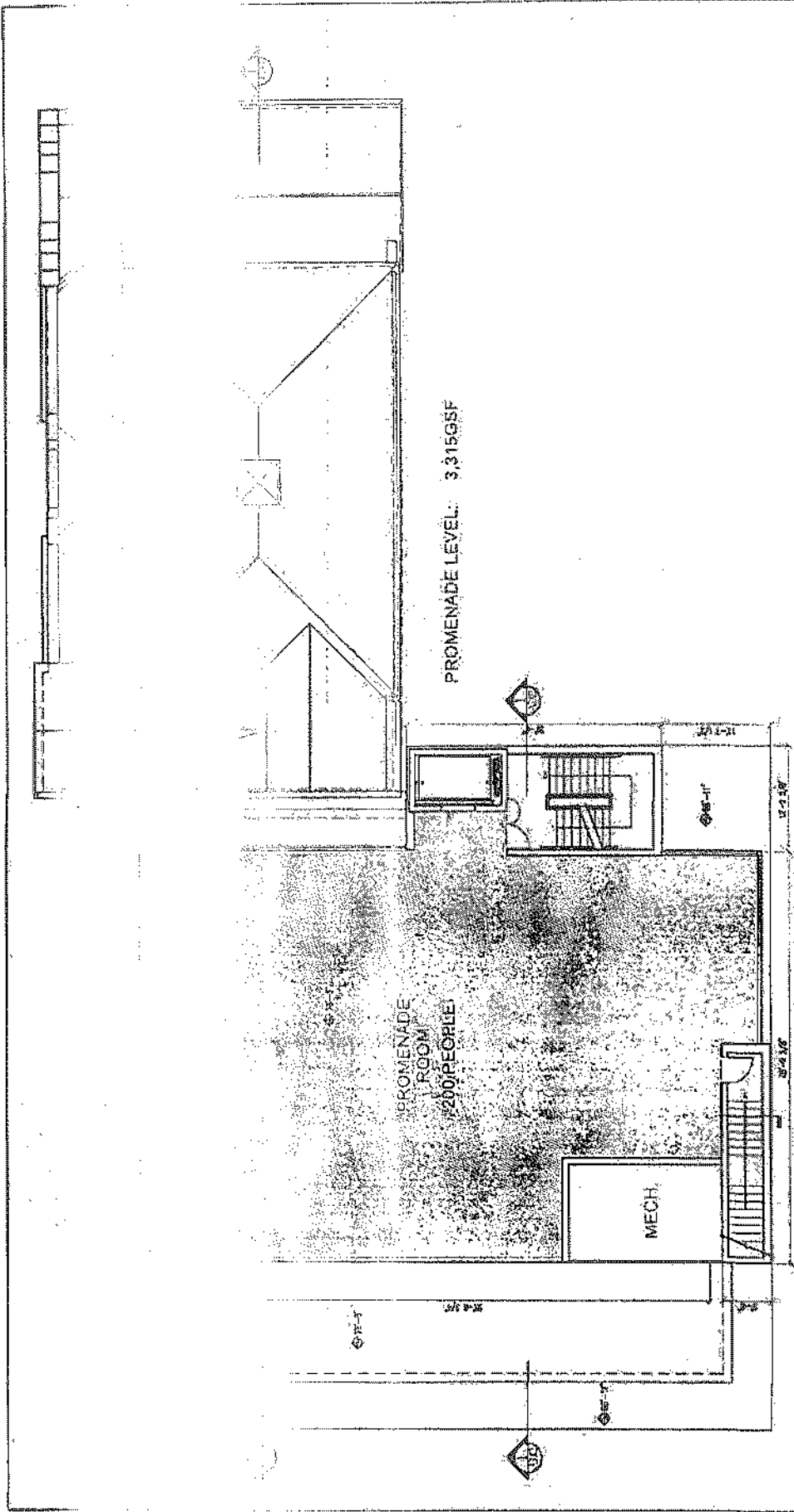
147 SEATS LOWER LEVEL  
 242 SEATS UPPER LEVEL  
**467 SEATS TOTAL**

	<b>FRIENDS OF THE                  ST. LAWRENCE CHURCH</b> 28 CONGRESS STREET FORT WORTH, TEXAS 76102	<b>ARCHITECTURE</b> Architecture 28 Usher Way, Fort Worth, TX 76102	ST. LAWRENCE ARTS ADDITION 1500-1515 4TH ST. FORT WORTH, TEXAS 76102	16 January 2019 2 <sup>nd</sup> of 12 <sup>th</sup> UPPER THEATER LEVEL	<b>A1.02</b>
	Project:	Drawing:	Date:	Scale:	Sheet:



	FRIENDS OF THE <b>ST. LAWRENCE CHURCH</b> 38 CONGRESS STREET PORTLAND, ME 04101	<b>ARCHITYPE</b> ARCHITECTS 23 Green Wall Street Portland, Maine 04101 Phone: 603-873-5433 Fax: 603-873-5436	ST. LAWRENCE ARTS ADDITION 38 CONGRESS STREET PORTLAND, MAINE 04101	16 CONGRESS ST PORTLAND, ME 04101 UPPER THEATER LEVEL CONTINUED	<b>A1.03</b>
	PROJECT NO. _____ DATE _____				



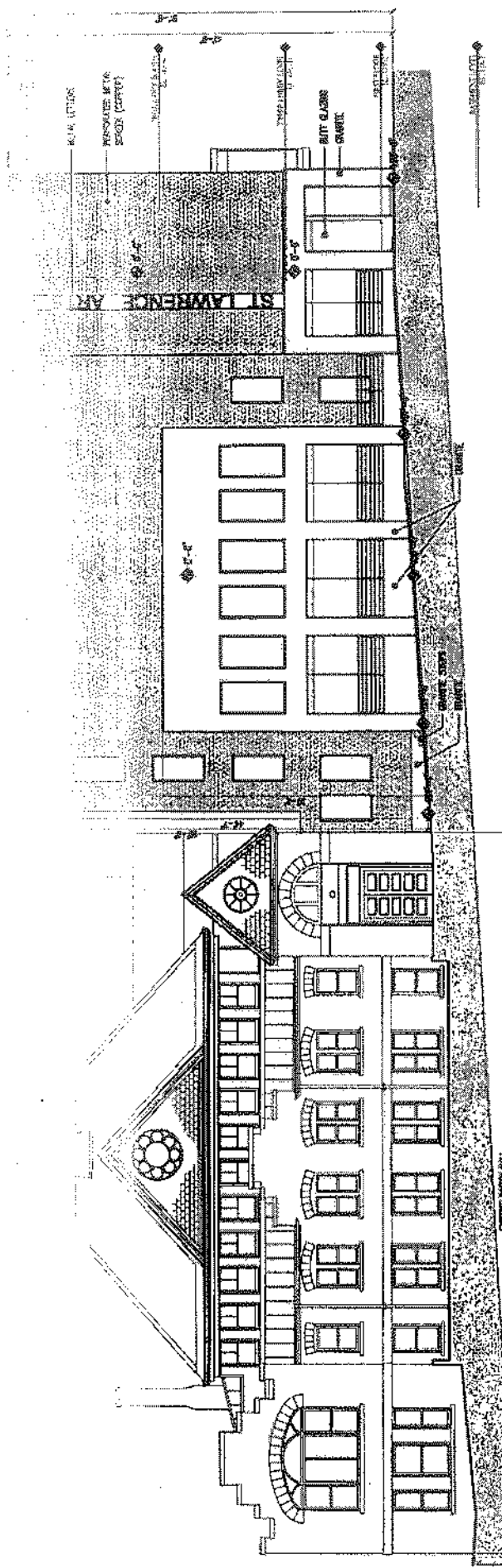


	FRIENDS OF THE ST. LAWRENCE CHURCH <small>141 LAWRENCE STREET                  PORTLAND, MAINE 04101</small>		ST. LAWRENCE ARTS ADDITION <small>WORKSHEET #1                  POST-APPLICATION</small>	DATE: 16 January 2014 SCALE: 1/8" = 1'-0"	PROJECT: PROMENADE FLOOR PLAN	A1.04
	SHEET NO.	SHEET TITLE	SHEET NO.	SHEET TITLE	SHEET NO.	SHEET TITLE



Plan 06

1. ALL DIMENSIONS ARE IN FEET AND INCHES.  
 2. ALL DIMENSIONS ARE TO FACE UNLESS NOTED OTHERWISE.  
 3. ALL DIMENSIONS ARE TO FACE UNLESS NOTED OTHERWISE.



10'-8" 6'-4" 2'-0" 5'-10" 20'-0"  
 GRAPHIC SCALE 1/32" = 1'-0"



Project for  
**FRIENDS OF THE  
 ST. LAWRENCE CHURCH**  
 36 CONGRESS STREET  
 PORTLAND, MAINE 04101

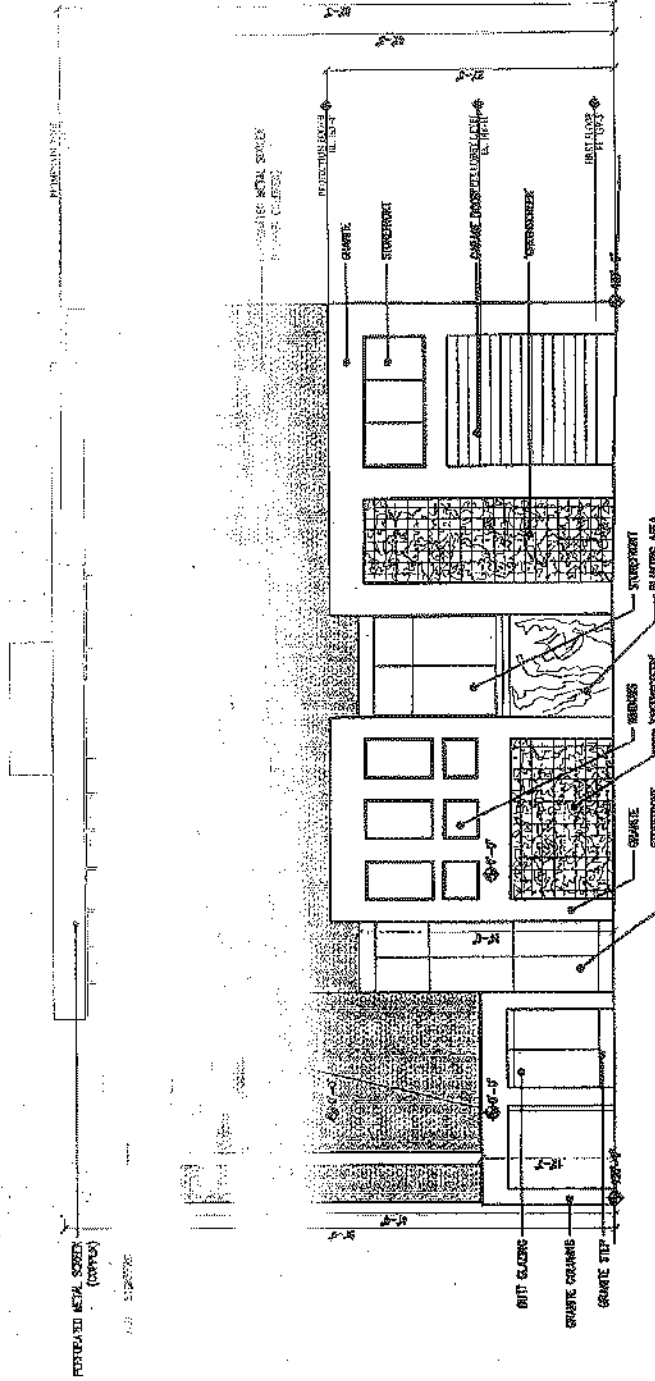
Architect  
**ARCHETYPE  
 ARCHITECTS**  
 48 Union Street Portland, Maine 04101  
 (207) 875-8822 Fax: (207) 373-4026

Client  
**ST. LAWRENCE ARTS  
 ADDITION**  
 36 CONGRESS STREET  
 PORTLAND, MAINE 04101

Scale  
 1/32" = 1'-0"

Date: 10 Sept. 2014  
 NORTH ELEVATION

**A2.00**

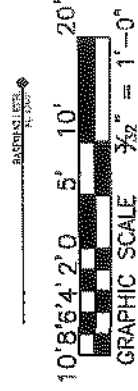
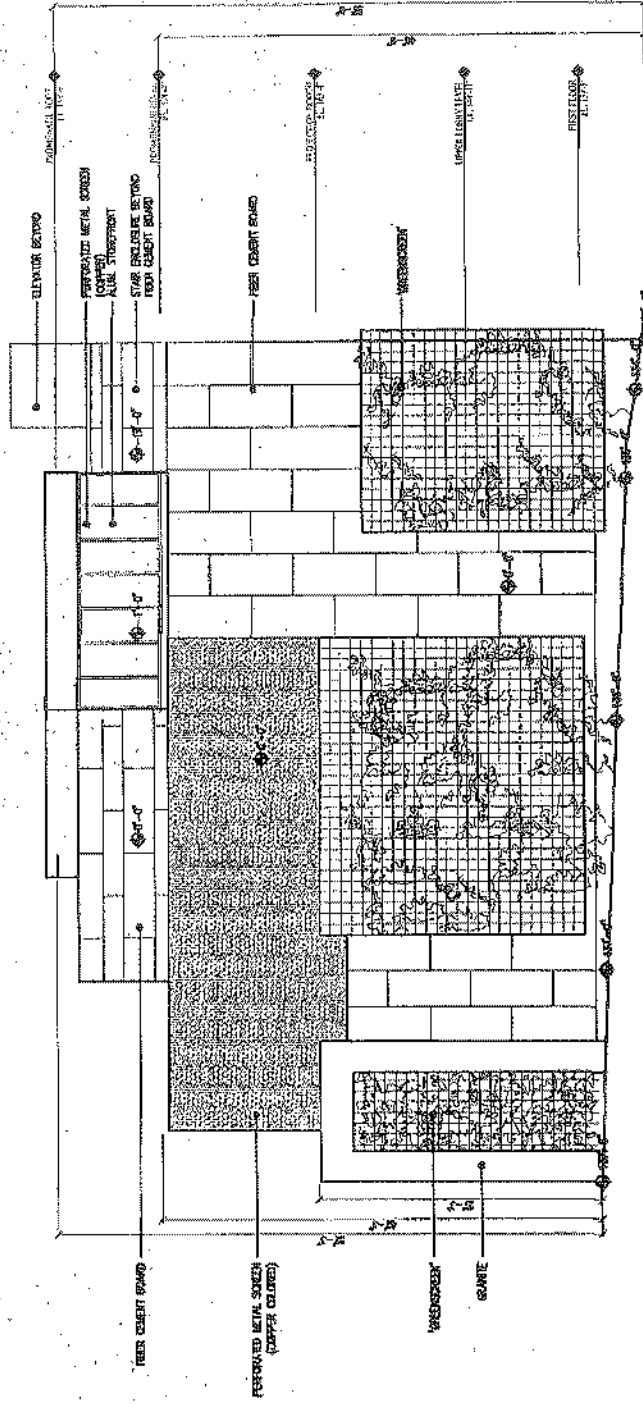


10' 8' 6" 2' 0" 5' 10' 20'

GRAPHIC SCALE  $\frac{3}{32}'' = 1'-0''$

	Friends of the <b>ST. LAWRENCE CHURCH</b> <small>36 CONGRESS STREET          PORTLAND, MAINE 04101</small>	ST. LAWRENCE ARTS ADDITION <small>36 CONGRESS STREET          PORTLAND, MAINE 04101</small>	<b>ARCHETYPE</b> <small>a r c h i t e c t s</small> 48 Union Wharf Portland, Maine 04101 (207) 772-8032 Fax (207) 722-4456	Date: 10 Sept. 2014 Scale: $\frac{3}{32}'' = 1'-0''$	<b>A2.01</b> WEST ELEVATION
	Preparer's Inc. Consulting Engineer	Project:	Drawing:	Revision:	Title:

Fig 9




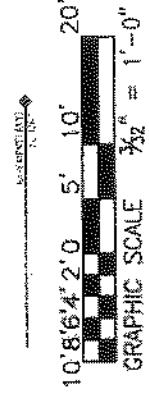
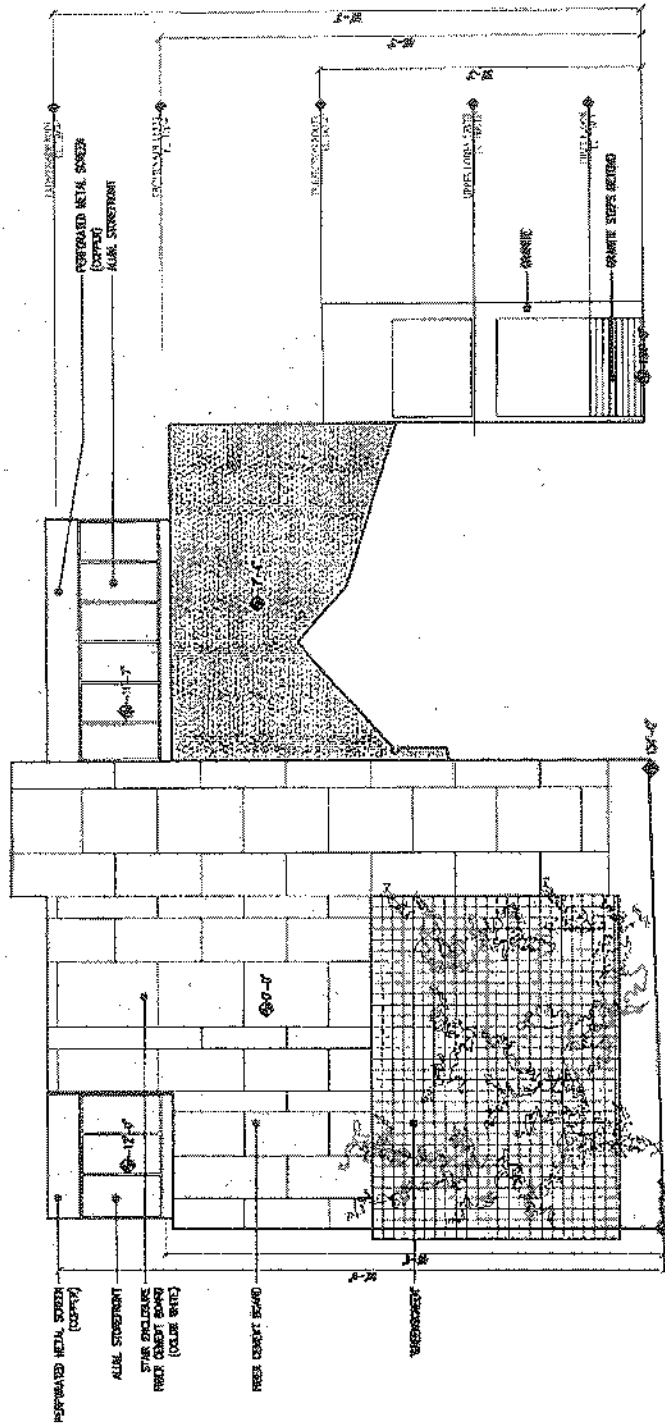
	Prepared for <b>FRIENDS OF THE ST. LAWRENCE CHURCH</b> 78 CONGRESS STREET PORTLAND, MAINE 04101	Consultant <b>ARCHETYPE architects</b> 48 Union Wharf Portland, Maine 04101 (207) 772-6022 Fax (207) 772-6026	Project <b>ST. LAWRENCE ARTS ADDITION</b> 78 CONGRESS STREET PORTLAND, MAINE 04101	Date: 10 Sept. 2014 Scale: 1/2" = 1'-0"	Sheet: <b>A2.02</b> SOUTH ELEVATION
	10'-8" 4'-2" 5' 10' 20' GRAPHIC SCALE 1/2" = 1'-0"				

FIG. 10



A2.03

10 Sept. 2014  
 EAST ELEVATION

ST. LAWRENCE ARTS  
 ADDITION  
 10 CONGRESS STREET  
 PORTLAND, MAINE 04101

**ARCHETYPE**  
 a r c h i t e c t s  
 48 Union Wharf, Portland, Maine 04101  
 (207) 773-8077 / (207) 881-2334 (fax)

PREPARED BY  
**FRIENDS OF THE  
 ST. LAWRENCE CHURCH**  
 10 CONGRESS STREET  
 PORTLAND, MAINE 04101





Gorrill-Palmer Consulting Engineers, Inc.

*Engineering Excellence Since 1998*PO Box 1237  
15 Shaker Rd.  
Gray, ME 04039207-657-6910  
FAX: 207-657-6912  
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October 1, 2014

Deirdre Nice, Executive and Artistic Director  
St Lawrence Art Center  
76 Congress Street  
Portland, ME 04101

Subject: Parking Demand Management Plan  
St. Lawrence Arts Center  
76 Congress Street Portland, Maine

Dear Ms Nice:

Gorrill-Palmer Consulting Engineers, Inc (GP) completed an evaluation of the parking demand anticipated when the capacity at St Lawrence Arts (SLA) on Congress Street in Portland is expanded from a capacity of 110 to 485 and worked with SLA to develop a Parking Demand Management Plan. The Performance Hall will be 401 seats; however, 485 is the limit set under the current Conditional Rezoning Agreement (2010) and is the number used to estimate parking demand. This report takes into consideration the comments and suggestions provided by an outside peer review (Nelson Nygaard Consulting) on the first TDM completed January, 2014, as well as input from City of Portland planning staff. GP and SLA appreciate that the peer review focused on tangible solutions to discourage patrons of SLA from seeking parking primarily on residential streets directly near the building. SLA plans to implement a combination of solutions to successfully mitigate a parking problem for Munjoy Hill residents, and businesses, as well as patrons of SLA.

#### Estimate of Parking Demand

There are three potential sources to estimate the parking demand for the facility. Each of these sources is discussed below:

#### *Institute of Transportation Engineers*

The Institute of Transportation Engineers (ITE) publication, "Parking Generation, 4th Edition" presents parking rates for various land uses based on studies across the country. Land Use 441, Live Theater projects an average parking ratio of 0.38 vehicles per attendee with a range of 0.37 to 0.40 vehicles per attendee based on rural sites with an average of 800 attendees. The information was based on four studies. Since SLA is only projected to have capacity for 485 and the trip rate increases with fewer attendees, the rate would likely be closer to 0.40 vehicles per attendee.

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*St Lawrence Arts Survey Data*

SLA has furnished our office with the results of surveys of attendees to two Friday night shows which started at 7:30 p.m. on October 25, 2013 and December 13, 2013. The results are summarized below:

DATE	ATTENDANCE	SURVEYS COMPLETED	PARKING RATIO	NO. OF VEHICLES
10-25-13	103	103	0.54	56
12-13-13	110	110	0.40	44

It is our understanding that the October show attracted an older crowd and therefore the number of people traveling by car may have been higher than other shows.

Staff Demand- Based on information provided by SLA, an attendance of 401 people (sold-out performance) will require 10 staff members. Assuming each staff member commutes in their own vehicle results in a need for 10 staff parking spaces.

*Parking Observations*

A parking study was conducted by Gorrill-Palmer Consulting Engineers, Inc. on October 25<sup>th</sup>, the same night as the first survey was distributed to attendees. Two counts were conducted, the first was done before the show (5:45 p.m. to 7:00 p.m.) and the second was completed during the show (7:40 p.m. to 9:10 p.m.). Parked vehicles were counted on all surrounding streets within a half-mile radius of SLA. However, vehicles parked in the vicinity of SLA were the main focus. A walking radius was measured from a one minute walk to the St Lawrence Arts Center up to a four minute walk, assuming the average person walks 3 feet per second (180 feet per minute).

The increase in parked vehicles during the show is provided below:

LENGTH OF WALK	WALKING RADIUS	# OF VEHICLES BEFORE SHOW	# OF VEHICLES DURING SHOW	DIFFERENCE (+/-)
1 minute	180 feet	36	45	+ 9
2 minutes	360 feet	129	147	+ 18
3 minutes	540 feet	293	336	+ 43
4 minutes	720 feet	415	490	+ 75
5 minutes	900 feet	544	664	+ 120

Although we might find these results informative and useful, we can't assume the entire difference of vehicles is representing SLA. The Front Room is a local restaurant and bar located across the street from

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SLA, a popular spot on a Friday evening. Venues, like The Front Room, located near SLA can also influence the demand. Based on these considerations, the 56 vehicles based on the survey appear reasonable.

### *Comparing Estimates*

The parking rate of 0.40 based on ITE coincides with the 0.40 ratio determined from the December show but is less than the 0.54 determined from the October show. However, as previously mentioned, the October show attracted an older crowd and therefore the number of people traveling by car may have been higher than other shows. In addition, as a general principal, parking ratio can be expected to decline as the number of seats increases.

### **Recommendation for Number of Spaces**

After consideration of these variations, our office estimates a demand of 228 spaces (0.45 vehicles per attendee) for the site. This number comprises 218 cars from patrons, and 10 cars for staff. It is our understanding that SLA will distribute a policy to staff and performers that staff park at a set distance from the Performance Hall. This policy will apply to any performers, cast and crew travelling by bus to the Performance Hall in their own vehicle. Performers, cast, and crew who arrive in a bus will be able to unload on Munjoy Street, and all buses will be contractually required to park in an accommodating lot (i.e. not on a residential street). The recommendation for 228 spaces exceeds that forecast by ITE for a live theater and observed during the December show but less than the 0.54 ratio derived from October show which attracted an older crowd. Nelson Nygaard's review of the parking demand for a 401-seat Performance Hall in the Munjoy Hill neighborhood estimates that SLA will need to provide 122 parking spaces. Our parking analysis cited a need for 228 parking spaces, which is based on occupancy of 485 among the three different spaces (Parish Hall Theater, Performance Hall, and the Promenade Room) for one event. It should be noted the typical maximum audience will not exceed 401 people, and many times much less. It is our opinion that 228 spaces is more realistic as it is based on statistically significant surveys conducted during sold-out performances of the current 110-seat Parish Hall Theater (10/25/2013 and 12/13/13) operated by SLA. Furthermore, an independent survey of needed parking spaces for the venue conducted by members of the Concerned Citizens of Munjoy Hill (CCMH) complemented the recommended 228 spaces and therefore, we have proceeded drafting the plan based on a need of 228 spaces.

During the first year of monitoring, SLA will determine the actual parking demand. Once the actual number has been established, SLA will base its monitoring and reduction of single occupancy vehicle (SOV) goal upon the correct and realistic parking demand.

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### Parking Supply

A count was also done of the total number of occupied parking spaces on each street within a 900 foot radius of the SLA on Tuesday evening, December 10th beginning at midnight. The purpose of the counts was to estimate the number of spaces used by the area residences and most of the parking that late at night should be associated with residences. The results of these parking observations are provided as follows.

<i>Length of Walk</i>	<i>Walking Radius</i>	<i># of Spaces</i>	<i># Occupied 12:00 midnight Tuesday</i>	<i>Available Spaces</i>
1 minute	180 feet	42	30	12
2 minutes	360 feet	144	107	37
3 minutes	540 feet	345	273	72
4 minutes	720 feet	551	436	115
5 minutes	900 feet	838	659	179

The Cutter Street parking lots located on the Eastern Promenade were vacant during our surveys and have a capacity of 95 vehicles. Results of the Cutter Street parking lots are provided on the following page.

<i>Parking Area</i>	<i># of Available Spaces</i>
Lower Parking Lot	24
Middle Parking Lot	35
Upper Parking Lot	15
On-Street Parking	21
<b>Total:</b>	<b>95</b>

Combining the results of the available on-street parking and Cutter Street lot parking, a total of 274 spaces are available to attendees.

### Parking Demand and Supply

As discussed in the "Recommendations for Number of Spaces" section, SLA will typically incur a parking demand of approximately 228 vehicles (including 10 cars for staff) during show events. Though these spaces have been identified, SLA plans to encourage patrons to park downtown and travel by public transportation to the facility.

The available parking in the vicinity of the site is as follows:

- 179 on-street automobile parking spaces
- 95 Cutter Street automobile parking spaces



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This will provide 274 automobile parking spaces for attendees of each show. The 179 on-street parking spaces are based on a 5 minute walk radius around SLA.

### **Transportation Demand Management (TDM)**

#### **Purpose of Plan**

The City of Portland requires the creation of a Transportation Demand Management Plan for all projects in excess of 50,000 square feet, or with 100 or more employees or students. SLA meets these requirements. However, in the case of this project, the TDM Plan serves a series of important needs:

- Make maximum use of nearby existing transit infrastructure
- Reduce peak hour trip impacts to adjacent roadway infrastructure
- Reduce the amount of needed parking on-site, especially as land is limited
- Encourage healthy activities

It is important to note that this Plan should not be viewed as a series of fixed, or unchanging recommendations. It is a living document intended to be reviewed and updated on a regular basis as SLA works with changes in local transportation patterns, preferences, and prices. Ultimately, the goal will be to make significant reductions in peak hour single-occupancy vehicle (SOV) activity on the local street networks as well as the need for on-site parking.

#### **TDM Coordinator**

SLA has designated its Executive Director as the TDM Coordinator, charged with coordinating the TDM plan. The TDM coordinator will be responsible for the following:

- Coordinating and promoting rideshare opportunities
- Coordinating with and promoting Metro
- Monitoring parking usage
- Overseeing event scheduling
- Encouraging the greater use of bicycling, walking, and bus-based transit
- Overseeing ongoing monitoring and updating of the plan
- Filing annual reports with the City

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The proposed TDM plan will be utilized during both public and private (i.e. corporate rental) events.

### Single Occupancy Reduction Strategies

#### *METRO Subsidies*

SLA is located on Munjoy Hill in Portland on Congress Street. Its location is nearby the following transit services:

- *Metro Route 1, Congress Street:* Portland METRO provides service to Munjoy Hill with other major stops including Monument Square and the State Theatre. It also allows access to the Greyhound Bus Station and the Elm Street METRO facility. A limited service combining Routes 1 and 5 is provided on Sundays.
- *Primary User:* Patrons of SLA and Community Members
- *Responsibility:* SLA, METRO

SLA is proposing that the core of its TDM be a partnership with Metro to both extend and enhance the service of the Route 1 that travels up and down Congress Street. At present the Route 1 runs on a thirty-minute frequency between 7:00 a.m. and 8:00 p.m. with less frequency between 8:00 p.m. and 10:00 p.m. It is our understanding that Metro is working independently of this project to reduce those intervals to 20 minutes. Based on our conversations with SLA, they are mindful of the discussion taking place at the City of Portland on changes to the downtown's Tax Increment Finance (TIF) policy and that peninsula transit improvements are a potential use of this revenue. SLA recognizes that its proposed partnership with Metro and the revenue SLA proposes to bring to the table could be joined with TIF revenue to support a broader and more consequential transit improvement, one that could eventually lead to 15 minute frequency on the Route 1 all day and evening. The implications of this plan would not only serve the patrons of SLA, but would also allow residents the opportunity to take advantage of more frequent evening transit service on the peninsula.

With enhanced Metro service, patrons of SLA would be encouraged to utilize downtown parking lots, garages and street parking and use the Route 1 to travel up to SLA. The Temple Street and Free Street garages are open until 10:00 p.m. Monday – Saturday and it is our understanding that both have plenty of available parking after 5:00 p.m. Both garages are within one block of stops along the Route 1. The number of parking spaces that these parking facilities provide should exceed the 228 spaces we recommend. Patrons of SLA would have their parking ticket validated for up to three-hours of free parking. It is our understanding that SLA will subsidize and encourage use of this remote parking.

SLA has met with representatives from Metro and it is our understanding that both organizations are highly enthusiastic about a partnership. The Nelson Nygaard review encourages SLA to create a "more

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specific and targeted PTDM" and part of doing so will be an understanding what motivates patrons of SLA to drive and park close to SLA. For this approach to work, SLA and Metro will need to effectively communicate and market the transit option as convenient, affordable, easy, and fun. In particular, the marketing effort should promote transit as a key piece of a fun night out that includes both dining and entertainment. In addition to the higher frequency service on the Route 1 proposed by this plan, Metro will be rolling out real-time bus arrival information in 2015. This technology will allow riders to get actual bus arrival information through smart phones, text, website and, in some places, message boards at bus shelters.

A financial investment by SLA to the Metro will enhance these kinds of conveniences to Portland's public transportation system. Another key of this partnership is making parking downtown and travelling to and from SLA easy by suggesting patrons park in a specific place (lot or garage) and wait for the Route 1 bus at a specific spot to ride up Munjoy Hill to SLA. At present, the Route 1 stops at the corner of North Street and Cumberland. Possible modifications to the Route 1 would include a stop at Congress and North Street as well as bringing the stop currently on Atlantic and Congress back to Munjoy and Congress (the corner of the new Performance Hall), where it originally was until poor street conditions forced it to be relocated. It is our understanding that SLA and Metro agree that a carefully laid out marketing plan is essential to the success of the TDM plan as well as making the parking and bus ride part of a ticket surcharge so that patrons do not incur extra charges along the way. SLA will commit to validating up to 3 hours of parking in a downtown garage. If patrons partake of other downtown entertainment, i.e. shopping or dinner, the "Park and Shop" system in place by Portland's Downtown District can be used by patrons to cover additional time in the parking garage. SLA patrons will be able to use their venue ticket as valid fare to board the bus. Based on discussions with SLA, they have included in their financial projections that each patron will pay a ticket surcharge.

SLA is proposing to commit \$70,000 in annual funding to the Greater Portland Metro, which would increase evening frequency on the Route 1 (Congress) from about every 45 minutes to every 30 minutes and extend service to 11:00 p.m. (Monday-Saturday). SLA will provide this funding through its ticket surcharge. Furthermore, the long-term plan of the Greater Portland Metro is to expand its local partnerships in an effort to effectively work with the city of Portland and the Federal Transit Administration to develop the funding programs needed to improve transit service on the peninsula that will include all day frequencies of 20 minutes or even 15 minutes, hours of service through midnight, and added weekend service. While this service improvement to 30 minute frequency will help the Route 1 be an effective transit option for patrons, the number of patrons that can reasonably use the Route 1 bus must be considered. Metro buses' seating and standing capacity can comfortably accommodate 30-40 people; hence, it is realistic that 2 trips will be required before *and* after an event to accommodate SLA patrons. This makes the Route 1 option possible for 60-80 patrons. Service improvements that lower frequency to 15 minutes would increase Metro's capacity to the point where we could accommodate 120-160 patrons in the hour before and after an event. By growing ridership and diversifying the transit system's revenue base, the partnership can make Metro more competitive in obtaining new federal grant funds that can support further transit expansion. In this manner, this partnership is truly strategic in that it can help

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achieve positive transportation outcomes for the broader community in addition to the specific goal of getting SLA patrons from point A to point B.

Patrons who use the Greater Portland Metro system will be able to wait in the lobby of the Performance Hall for the Route 1, which will negate needing a structure in inclement weather.

#### *Valet Parking*

##### > Primary User: Patrons

Gorrill-Palmer agrees with Nelson Nygaard's finding that a superior front-door valet service should be available to patrons who want to arrive at the Performance Hall with their car. SLA is proposing to work with Unified Parking Partners (UPP), a full service parking Management Company based in Portland, Maine, and servicing all of New England. UPP is an affiliate of Towne Park Ltd. from Annapolis, MD. Their focus is garage, flat lot, healthcare, hotel and restaurant, and event parking management. UPP is experienced with accommodating parking for large scale sporting and entertainment events. This service will be available to patrons who wish to pay for exceptionally convenient parking over and above the price of event tickets. Patrons can pay in advance for VIP valet parking as well as pay at the door. Patrons utilizing this service would be charged a fee to cover the cost above the (parking) ticket surcharge. Valet parking fees will fluctuate based on event sales as well as the performer(s). UPP will staff its valet parking service based on estimates of how many patrons will utilize the service. For example, if UPP expects to valet park 50 – 60 cars, a minimum of 5 valet parking attendants would be present. Estimates will be figured by how many patrons sign up in advance to use VIP valet parking as well as a "capture rate" that is based on how many cars are expected for a given event. The number of valet parking attendants is based on services levels, the primary one being the time the patron has to wait. Successful valet parking will have enough valet parking attendants to ensure patrons have a less than 4-minute wait time. For a per-staff, per-hour fee, UPP provides valet parking attendants, environmentally safe and friendly vehicle shuttle for the valet parking staff, and security of the lot where cars are parked during the event. Unified Parking Partners manages several parking lots in Portland and their owner would also utilize Cutter Street and its two parking lots (95 spaces).

Patrons who use Valet Parking will be able to wait in the lobby of the Performance Hall for their car, which will negate needing a structure in inclement weather.

#### *Bicycle Transportation*

Portland is an extremely friendly pedestrian and biking city. SLA will encourage patrons who live within a walking and biking distance to access these TDM friendly modes of transportation. SLA will provide 10, uncovered bike racks outside the facility (20 spaces) encouraging patrons and staff members to bike to the Performance Hall. SLA will become a participating business in Bicycle Benefits ([www.bicyclebenefits.org](http://www.bicyclebenefits.org)), a national program that offers incentives and rewards for patrons who show

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up to an establishment on a bicycle. Portland, Maine businesses already have strong membership in Bicycle Benefits.

- Primary User: Patrons
- Responsibility: SLA

SLA will also work with the City of Portland's Pedestrian-Bicycle Committee as well as The Bicycle Coalition of Maine, an organization that formed in 1992 to make Maine better for bicycling and promote bicycling in Maine.

*Pedestrian Accommodations*

Pedestrian connections currently surround the SLA building. Congress Street provides sidewalks on both sides of the street for pedestrians walking from in-town Portland. A majority of side streets provide sidewalks for guests who are walking from local neighborhoods. Crosswalks are also provided to nearby streets including Beckett Street, Munjoy Street, and Howard Street as well as on the Eastern Promenade at Moody and Wilson Streets.

- Primary User: Patrons
- Responsibility: City of Portland

*Education for Patrons*

As discussed, the SLA will provide route maps, schedules, and ticket information via the website with ticket reservations. Information about the METRO Route 1 and downtown parking will be provided. There will also be announcements before and after the show regarding the bus schedule, including real-time arrivals available in the lobby. It is important that this information also be provided on SLA's website along with a link to the METRO Route 1 webpage. A direct link to the parking information should be at the top of SLA's website, next to "Directions." This link should provide exact directions to parking and bus incentives encouraging attendees to carpool or use the transit system.

- Primary User: Patrons
- Responsibility: SLA

*Free Market Options*

Transportation by Cabs and Pedicabs (bicycle cabs), will also be a viable option to patrons of SLA who live in Portland, or patrons who have parked downtown and elect to not use public transportation.

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*Carpooling*

Some patrons will still travel by automobile up to Munjoy Hill and SLA will promote car sharing as an option to reduce the number of cars that travel to the facility for an event. SLA will provide information on its website for Go Maine, which is Maine's statewide commuter service providing access to low-cost, healthy, economical and eco-friendly options for commuting. SLA will promote ride share, a multi-modal, one-time ride share opportunity.

*Marketing*

A carefully thought-out marketing plan that provides easily accessible information is the key to implementing a successful TDM for SLA. SLA will create a marketing strategy that complements and works closely with the other area Portland organizations that promote walking, bicycling, and public transit as alternative modes of transportation. SLA will also implement "honor system" strategies such as a button at the end of the online ticket system to check if you are carpooling or travelling by bus/foot/bike with an associated discount. An outline of the marketing plan is presented below:

- SLA will have a "Where to Park" tab clearly posted on its website that outlines instructions on utilizing the Metro system, including what downtown garage to park in and where to wait for the Route 1 bus. Instructions on how to use public transportation, walk, and bike will be provided at the top of the page emphasizing it over travelling by automobile.
- SLA will have a travel information kiosk in its lobby
- All ticket holders will receive instructions on parking at the time of purchase.
- SLA's website will include a map of the neighborhood encouraging patrons NOT park within 300 feet of SLA citing the negative impact such congestion will have on residents and neighboring businesses.
- SLA's website will have easy to understand information (and links to Portland Trails and Metro) on how to bike or use transit to get to the Performance Hall. SLA will provide a link to Google Transit walk trip planner.
- SLA will try to establish its Performance Hall as a Green Certified event space, acknowledging that the biggest carbon element to an event is how people travel to and from the property (i.e. encourage people to leave cars behind).
- SLA will work with Metro to create a catchy and green marketing campaign to target its audience. The marketing campaign will need to be developed, but will generally focus on the following key messages: Using the Route 1 to get to SLA is easy, free, fast, green and connects dining and entertainment.

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## Monitoring

### *Parking Counts*

As part of its TDM Plan monitoring program, SLA will assess the use of its various operational components, starting one month after the opening of the expansion and twice annually thereafter for five years. After five years, once a year monitoring will take effect. As the most critical component of the TDM program will be to reduce parking demand, the first part of each monitoring effort will include a parking count of the surrounding streets before and during an event. This count will include the Cutter Street parking lots on the Eastern Promenade.

### *Greater Portland Metro*

The goal is to have the Metro reduce SOV traffic by 6% in the first year or eliminate 14 cars. In order for SLA patrons to gain ridership on the Route 1, they will have to show their ticket (paper or smart phone), allowing Metro to keep track of ridership as well. This will provide SLA with an exact count of how many Performance Hall patrons are using the bus system.

### *Surveys – Employees*

One month after the expansion of the facility, SLA employees will be surveyed regarding their transportation choices such as automobile/bicycle ownership, parking demand, and the frequency of trips using bicycle, walking carpool/vanpool, and the bus. The survey will be developed in consultation with the City's TDM manager and conform to overall City TDM modeling planning.

The surveys will be conducted to determine:

- Mode of travel to and from work (car/carpool/biking/walking/bus)
- Preferences or concerns with mode of travel
- An important component of the survey will be to determine the flexibility of employees to utilizing various travel modes to access the facility

### *Surveys – Attendees*

For attendees to SLA, surveys will be either conducted as patrons enter the site in the form of one or two questions from a volunteer, or patrons will be given a survey they can complete and return in exchange for a free gift.

The surveys will be conducted to determine:

- Mode of travel to and from the show (car/carpool/walking/bus)
- Preferences or concerns with model of travel

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➤ Specify as a driver or a passenger

*Submission of Monitoring Information/Updated TDM Plan*

Based upon the results of the monitoring, SLA will update the TDM Plan and submit a draft plan to the City's TDM Manager for review and comments. The primary goal of the initial year will be to ascertain the actual parking demand number (228 vs. 122) and reduce the parking demand six percent from the calculated demand.

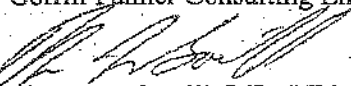
**Closure**

The TDM plan and SLA's investment in Greater Portland Metro will be a tremendous benefit to the community at large as well as SLA patrons, emphasizing less reliance on automobile traffic, utilization of downtown structures, and investment in an important public infrastructure.

Please contact us with any questions.

Sincerely,

Gorrill-Palmer Consulting Engineers, Inc.

  
Thomas L Gorrill, P.E., PTOE  
Principal

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Jan 15, 2015 02:41:04P  
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Nancy A. Lane