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July 6, 2011

City of Portland, Planning Board  
c/o Jean Fraser, Planning Division  
389 Congress Street, 4<sup>th</sup> Floor  
Portland, ME 04101

Re: 121-129 York Street, Harborview Townhouses  
Final Site Plan Application  
Request for Reconsideration

Dear Sir or Madam:

On June 26, 2011, the Planning Board approved a Final Site Plan for the aforementioned project by a vote of 4-0. However, at this meeting an important condition was placed upon the Site Plan Approval, despite a 3 to 1 majority voting in favor to waive that condition (The Planning Board's rules dictate that a minimum of four votes are required for a motion to pass, regardless of how many members are in attendance).

We have requested that our Site Plan, and its conditions, be reconsidered at the July 12<sup>th</sup> Planning Board Hearing. In particular, we request that the Planning Board reconsider its vote to waive condition ii as a condition of approval (referenced on page 15 of "Planning Board Report" dated June 24, 2001 and prepared by Jean Fraser).

Condition ii. stated that

*ii. "That the site plans shall be revised to extend the existing sidewalk along the eastern side of existing building to the proposed building and remove the pedestrian striping from the parking lot drive aisle, for review and approval by the Planning Authority prior to the issuance of a building permit"*

Additionally, we are seeking a waiver for one substandard parking space, above that which is allowed. Exhibit A to this letters shows that of 19 parking spaces, 15 are standard size (9' x 18'), while 4 are only slightly substandard. The substandard spaces are: 2 spaces at 9' x 17' (spaces #2 and #3), 1 space at 9' x 16'8" (space #5) and 1 space at 16'4" (space #4). A compact space is considered 8' x 15', so these substandard spaces are significantly larger than the minimum dimensions for compact parking. However,

because the standard allows for 20% sub-standard spaces, and we have 21% (4/19) sub-standard, we are requesting a waiver.

With respect to the aforementioned condition ii., the condition seems to have arisen out of a technical standard. The standard in question is: 14-526 (a)(2)(c)(iii):

*(iii) Continuous internal walkways shall be provided between existing or planned public sidewalks adjacent to the site, transit stops and street crossings and primary building entrances on the site.*

We believe that our current plan meets the standard. Exhibit A shows a continuous internal walkway. While it is not a dedicated sidewalk, 14-526 (a)(2)(c)(iii) does not require “dedicated” access, nor does it refer to a “sidewalk”.

The walkway in Exhibit A starts on the sidewalk of York Street and extends roughly 35 feet west toward the new building. Along this stretch, steel bollards will be installed to prevent cars from overhanging the walkway. Next, the walkway, protected by curbing turns right and heads toward the drive aisle. At the center of the drive aisle, the walkway is 6’ wide and turns west and continues all the way to the proposed building. While in the drive aisle, the pedestrian walkway is differentiated by permanent stamped paving.

We have thoroughly explored the potential implications of condition ii. Exhibit B to this letter depicts the scenario whereby we modify the plan to meet condition ii. This scenario represents a non-viable plan as it reduces the top 2 parking spaces to less than the minimum size for compact. The parking spaces are too small to be viable and would need to be eliminated. Captain Keith Gautreau of the Portland Fire Department has rejected the idea of sub-standard spaces at the top of the lot as a threat to Life Safety (under the supposition that inevitably larger cars would park in these small spaces and restrict emergency access to the building). And elimination of the spaces would cause the project to not meet the Zoning Ordinance and would create an untenable marketing challenge.

To summarize, we believe that Exhibit A represents the only viable plan. A dedicated sidewalk seems unnecessary or impractical for the following reasons:

1. The Portland Fire Department believes that the scenario depicted in Exhibit B with a dedicated sidewalk would pose material Life Safety concerns. The Fire Department would not support this plan.
2. Pedestrian access through the drive aisle appears to be most typical in Portland’s parking lots, in both residential and commercial developments. Even in newer developments such as Whole Foods, most pedestrian access is through the drive aisle.
3. Even if there was a dedicated pedestrian sidewalk, it is unlikely to be used. From both York Street and from the majority of the parking stalls in this parking lot, the most direct path to the new building will be through the drive aisle. Pedestrians are likely to take this more direct route, rather than take a more circuitous route on a dedicated sidewalk (even if one did exist).

4. Vehicle movements are likely to be very low in this parking lot. Its downtown location and residential use dictate minimal movements that would cause pedestrians and vehicles to be using the drive aisle at the same time.
5. There is little or no evidence that pedestrian use of parking lots has been a material cause of accidents or injuries.

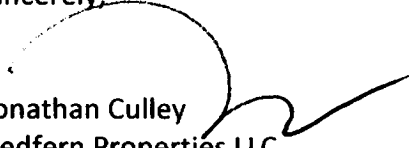
This project has come a long way since our Preliminary Plan. Since the April 26 workshop, we have been working with the Planning Division and other City departments to resolve issues and concerns. We believe that we have resolved the vast majority of concerns and certainly all of the major concerns. We have dealt with a number of material issues arising out of the Preliminary Plan. We have addressed material Zoning concerns and we are now 100% compliant with the Zoning Ordinance. In fact, we are one unit short of maximum allowed density. We have addressed some significant concerns from the Portland Fire Department and they are now comfortable. Similarly we have made a number of changes to address concerns from Public Works, the City Arborist, and the Traffic Engineer.

We continue to believe that this is an excellent project for the City of Portland. Infill housing development on Portland's peninsula, and around existing infrastructure is a stated goal of the Comprehensive Plan, as is the use of new technologies that increase efficiency in new housing units. This project accomplishes both. If approved, we hope that it will serve as an excellent model for innovative infill development.

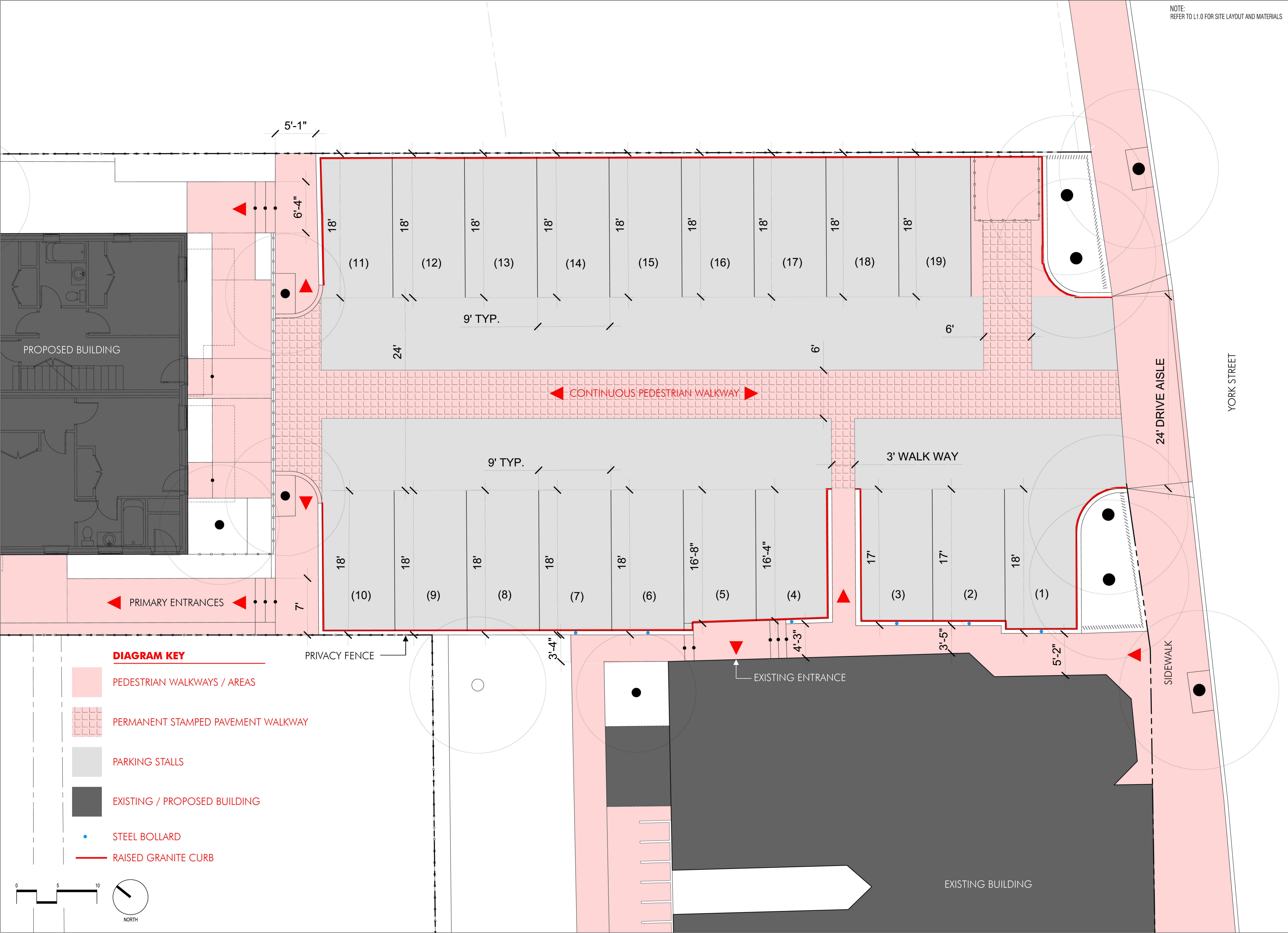
We request that you (1) affirm the previous approval of our Site Plan; (2) waive the aforementioned Condition ii., and (3) grant a waiver for allowing 21% of parking spaces to be substandard. Favorable rulings on these three items would allow the Harborview Townhomes project to go forward.

Thank you very much for your consideration.

Sincerely,

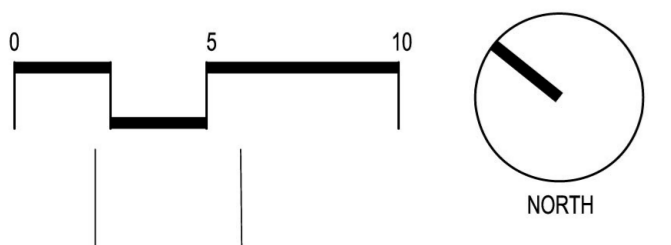
  
Jonathan Culley  
Redfern Properties LLC  
Harborview Development LLC

NOTE:  
REFER TO L1.0 FOR SITE LAYOUT AND MATERIALS



**DIAGRAM KEY**

- PEDESTRIAN WALKWAYS / AREAS
- PERMANENT STAMPED PAVEMENT WALKWAY
- PARKING STALLS
- EXISTING / PROPOSED BUILDING
- STEEL BOLLARD
- RAISED GRANITE CURB



PROJECT:  
**121 YORK ST.**  
PORTLAND, MAINE

CLIENT:  
HARBORVIEW DEVELOPMENT LLC.  
DBA, RED FERN PROPERTIES

date: JULY 5, 2011  
scale: As Noted  
drawn: sd  
checked:

TITLE:  
**EXHIBIT A.**  
DIMENSIONED PARKING PLAN  
(NOT FOR CONSTRUCTION)

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NOTE:  
REFER TO L1.0 FOR SITE LAYOUT AND MATERIALS



**DIAGRAM KEY**

- PEDESTRIAN WALKWAYS / AREAS
- PARKING AREA
- EXISTING / PROPOSED BUILDING
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CLIENT:  
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date: JULY 5, 2011  
scale: As Noted  
drawn: sd  
checked:

TITLE:  
**EXHIBIT B.**  
DIMENSIONED PARKING PLAN  
(NOT FOR CONSTRUCTION)

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