

Dear Nell:

Thank you for the opportunity to summarize some of the concerns I have been discussing with you over the past several months for presentation to the Planning Board.

My wife, Karen, grew up at 84 Hersey Street (after moving there at an early age from Forest Park) and we have kept ownership in the family and upgraded the house. Hersey Street and Portland are very dear to us, our children and grandchildren, and we are very familiar with its significant and costly environmental problems, and the neighborhood. As well, you are aware of my background in municipal government, representation of real estate developers, religious and educational institutions, creating public private partnerships, and teaching Real Estate Development and Local Government Law at Boston College Law School. Thus, my comments emanate from the heart and from my experiences over a 50 year period in the public and private sector, and from the perspective of a solid and ardent supporter of responsible and economic development, growth, and affordable housing.

It is very disappointing that the applicant has never offered to meet with the neighborhood to address and potentially alleviate and solve the issues and concerns of the neighborhood. My experience has taught me that successful and responsible developments result when there is interaction with neighbors, compromise, transparency and openness to ideas and change by neighborhoods and developers. When a developer engages in that kind of dialogue and he becomes a part of the neighborhood community, not apart from the neighborhood and community, everybody, including the City, benefits. Had the applicant engaged in that kind of process, I am confident many, if not most of the questions I raise below would have been answered and issues resolved. The developer's failure to do so sends a very strong message offensive to the affected stakeholders. And, it is also very disappointing that the various reports and analyses from the applicant are replete with "buzz words", unsubstantiated conclusions, and estimations. They are not at a level of competency and accuracy which this neighborhood and City deserves. I find many parts of the Reports to be somewhat deceptive, manipulative, as well as very unsubstantiated.

I am disappointed that I am not able to attend the October 25th hearing. Thus, I offer the following additional thoughts:

1. The "Shared Parking Analysis", dated August 30, 2016:

Shared Parking is a methodology for calculating the parking demands of a proposed project developed by the Urban Land Institute (ULI) in collaboration with the Institute of Transportation Engineers (ITE). This methodology is a departure from the standard zoning ordinance method of calculating required parking which is to apply a parking demand ratio (or parking requirement per local code or ordinance) to each component within a project, sum the total of all demands and build against this figure. In the case of Portland Zoning, the types of office uses are not delineated even though they produce different kinds of traffic generation and parking demand. This traditional methodology treats parking demand as a fixed, unwavering phenomenon and,

as result, often results in the provision of parking supply greater than the true need of the development.

Shared Parking methodology is a statistical modeling approach that incorporates real-world data on how land uses actually behave and simulates how parking demand for each land use in development waxes and wanes during the course of day and year. This methodology allows the planner to accurately determine the need for the development as an organic whole, rather than an assembly of disparate parts. The result is provision of parking supply to support the project which is adequate to meet the project's needs without building excess parking spaces, and without impacting neighborhoods.

Shared Parking models are comprised of industry standard base parking demand ratios, adjusted to reflect for variations in demand specific to each project's composition and locality, as well as fluctuations in demand according to time of day and year.

Base parking demand ratios are developed through the long-term study of stand-alone land uses (i.e. office buildings, retail stores, hotel, etc.) with their own dedicated parking facilities. Researchers perform occupancy counts at different times of day, different days of the week, and different times of the year, to isolate the busiest weekday ad/or weekend day annually. Once the peak hour is isolated, researchers divide the number of vehicles parked by the key driving element in each land use, such as the number of hotel rooms or total gross leasable square footage of the building. This division renders a parking demand ratio; the mathematic expression of the number of cars parked at the busiest hour of the busiest day related to the land use's key driver.

The Urban Land Institute (ULI), the Institute of Transportation Engineers (ITE), the International Parking Institute (IPI), the National Parking Association (NPA), the American Planning Association (APA) and other agencies gather and consolidate these individual studies into peer-reviewed, statistically reliable resources for application in planning studies.

The "shared parking analysis" letter dated August 30, 2016 presented by the Developer does not satisfy any of the above standards and criteria and offers no real analysis, but rather, it offers conclusions without data, recognized by the industry and the above cited professional associations, to substantiate the conclusions. For example:

- a. "The proposed uses (presumably, but with the ability to change, and intensify, albeit undefined by type, general office and four residential apartments) are ideal for consideration of shared parking". True, however, the consideration must involve discussion of supporting data as described above for a conclusion to be credible. There is no such analysis in this letter.
- b. On page 2: "to summarize the shared parking results". Results of and from what? "the overnight parking is expected to be.....7-8". From what analysis or manual did that come from? Same argument for what the daytime demand is "expected" to be.

Professional conclusions cannot be based on unsupported expectations, guesses and hopes..

- c. That same paragraph goes on to give a conclusion that is based on the “shared parking analysis”. Again, respectfully, there is no analysis presented in the letter; only expectations and unsubstantiated conclusions.
- d. “Possible means to address this projected shortage would be to restrict parking for the residential units to nighttime use through their leases (ie., no on-site residential parking allowed from 9:00 AM to 4:00 PM)”. A traffic person cannot/should not also try to be a leasing/marketing person. Would a tenant seriously sign a lease requiring him to move his car from the site during the day. What if he works from home, or is ill? Further, the letter indicates that during the AM peak, residential usage would be between 30-33%, presumably with no lease restrictions. There is no mention of from where this information was derived. However, it is significant to note that the Urban Land Institute has concluded that the usage would be 60% or more.
- e. “Another option would be to encourage transportation demand management (TDM) actions.” The applicant and Traffic Consultant have not presented a TDM Plan. It is disingenuous to state simply that the site is located on a Metro route (it is near one) and that bus use will be encouraged -- by whom and how? How will putting an interior bike “locker” in the building, “encourage” commuting by bike -- and how will that “encourage” walking and from where is a mystery.
- f. The offices are also expected to promote the use of carpooling and ridesharing amongst employees (HOW?). Then to conclude that all of this “should” reduce vehicular trips to the site, without any plan or data is simply an unacceptable statement.

2. Maine Traffic Resources also submitted a “Trip Generation and Accident Analyses”. I offer the following thoughts.

- a. The number of trips for the EXISTING offices was “estimated”. That is not standard and should not be accepted. Actual counts must be required. Using ITE estimates at this location, Ocean and Forest, is misplaced and insufficient because the location is unique and does not fit into a manual’s analysis.
- b. “This minimal number of new (ESTIMATED) traffic WOULD NOT BE EXPECTED TO HAVE ANY SIGNIFICANT IMPACT OFF-SITE ON TRAFFIC OPERATIONS.” Because of the unique location of the site, the applicant should be required to do ACTUAL traffic counts on Ocean Ave at peak hours to determine if even that “minimal” number of estimated additional trips will have an impact. There is also no analysis of the vehicle trips already on Hersey Street attempting to get on to Ocean Ave, which is already quite difficult.
- c. “Typically, a project will not have any measurable impact unless it generates in excess of 25 to 35 new lane hour trips”. What is the resultant additional delay time? What is the data base for this conclusion and how does that fit into the real, not estimated, situation at Hersey and Ocean Ave. Also, in the September 6, 2016 memo from Pat Carroll to Nell Donaldson its states: “I do believe documentation (presumably not estimates) of traffic volumes changes is necessary”.

3. **The current combined stormwater/sewerage pipe on Hersey Street** is under capacity (and illegal) and floods homes with sewerage, condoms, needles, and more, even with moderate rainfall and melting snow. It is greatly appreciated that after our making Planning aware of the problem, that most is being redirected to Ocean Ave. However, we submit that ANY additional runoff is a huge problem. Thus, the Waiver for flooding should be DENIED.
4. **OFFSITE PARKING as it relates to the "shared parking analysis"**. We urge the Planning Board to carefully assess the other uses for that offsite parking location (which we have just learned might be 28 Vannah Ave), its peak demand, etc. --- ie., a shared parking analysis to "insure" that spaces will be available when the new development needs the spaces? Is the location walkable to the project site. How will the applicant guarantee usage by employees. What happens after the 5 years (presumably) of the lease ends and it is not renewed? What happens if the applicant defaults on the lease? All of this vetting and a legally appropriate lease should be approved before a vote.
5. **TYPES OF OFFICE USES:** The Zoning Ordinance does not distinguish between types of office uses to project parking demand. A medical office use creates, for example, a much higher demand than a regular office use. However, I assume the Planning Board has no legal authority to restrict the types of office uses. Thus, the traffic consultant should have considered this issue and projected impacts in both the traffic generation and parking reports, but did not.
6. **CONSTRUCTION MANAGEMENT PLAN:** We are informed that the applicant does not want to supply one until the contractor is on board. While that is understandable, the Planning Board should impose conditions that preclude Truck Traffic and on street parking of workers ON Hersey Street. Also, a construction phasing plan should be made available, and approved by ISD or building, along with the actual plan, prior to the issuance of a building permit.
7. I understand that the **Portland Comprehensive Plan** encourages mixed use development (as do I). However, Comprehensive Plans are GUIDES, not laws, and its goals and policies must be assessed in light of location, long-term effects, and appropriateness AT THIS TIME. I fully understand and appreciate that there is ongoing planning to create a **plan for the future Woodford's Corner** area. However, until such a plan is a reality and economically feasible, this proposal is very premature and could produce inconsistent results. Portland's Comprehensive Plan seeks to find ways to build neighborhoods and commercial centers where they make the most sense in order to stimulate economic growth. This project, therefore, makes no such sense in 2016. Growth should be managed in a way that serves property rights, economic growth, environment, and equity. The current proposal is not consistent with those goals and is not yet ready for "prime time".

8. **SECTION 14-332 OF THE ZONING ORDINANCE.** My reading of that section and **Section 343** is that while the "Planning Board MAY be substituted for the Board of Appeal" because this application is before the Planning Board, that is not a requirement. It does not say "shall". Given the difficulty of this area, it would be prudent to require a broader public process, and the approval or denial of the off-site parking request **SHOULD BE HANDLED BY THE ZONING BOARD OF APPEALS AS A SPECIAL PERMIT REQUEST.** Who decides on the appropriateness of the substitution?
9. **I respectfully disagree with a Planning Department conclusion that "This proposal is not deemed to have an adverse impact on the scenic beauty of the area".** The proposed structure needs significant architectural improvement, and as a "transitional" structure, should look far more residential -- and more like the existing nonconforming structure, formerly a residence.
10. Given the constraints of the site, the **requested waiver for aisle width should NOT be granted.**
11. From **"Comment #3 of the memo, dated September 6, 2016 from Pat Carroll: "NOTE THAT THERE MAY BE NEIGHBORHOOD CONCERNS ABOUT SPILLOVER PARKING ON HERSEY STREET". THERE IS THAT CONCERN FOR SURE --GRAVE CONCERN. The applicant has not provided any analysis of the current ongoing on street parking problem on that end of Hersey Street. This analysis is critical and should be factored into a substantiated traffic and parking analysis (and on-street parking violations), with actual counts.**
12. Has the applicant submitted a **photometric plan** that demonstrates there will be no LIGHT SPILLAGE on to adjacent properties and that all lighting is shielded and shines downward?
13. Will there be any **blasting** required for construction?
14. **SNOW STORAGE.** Applicant should be required to haul snow off site. Any piled up snow will create loss of parking spaces and, thus, spillover parking on Hersey Street. Also, the stormwater features, rain gardens, etc., cannot be used for snow storage.

Respectfully,



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