

February 20, 2015



Mr. Rick Knowland, Senior Planner  
Department of Planning & Urban Development  
Portland City Hall  
389 Congress Street  
Portland, ME 04101

**RE:** *Itemization of Changes to Architectural Plans and Other Relevant Information for Staff Review Pertaining to 'midtown' Project (Somerset, Elm, Chestnut, and Pearl Streets)*

Rick:

The intent of this correspondence is to respond to your request stemming from our conference call on February 17<sup>th</sup> that changes in architectural drawings submitted for your review on February 20, 2015 be itemized. Hopefully, this brief description of the changes, coupled with the resubmitted combined set of architectural plans, will enable you to isolate the new components of our submission from those you have already had an opportunity to review. It is our hope that this guidance will avoid any and all confusion and assist in efficient review of materials; however, if further clarity is desired at any time, please feel free to call me directly to discuss.

As a preliminary matter please note that, as discussed during our conference call, our architectural team has changed and now includes Tom House, principal of THA Architects in Stratham, NH. Accordingly, we are enclosing an updated Level III Site Plan Application which indicates the change and we are also enclosing an updated FST Cover Sheet C-1.0 which indicates architectural, structural, and MEP changes.

That being said, the following changes have been made to the previously submitted plans, most of which stem from an attempt to address staff concerns in advance of, rather than at or after, the public hearing.

**Aside from the noted changes, the architectural plans remain as previously submitted.**

Building 1 – (midtownOne)

Sheet 1-A101: Windows have been added to the West Elevation to match what was already shown in the pre-existing floor plans.

Sheet 1-A201: Addition of Elevation 2A.

## Building 2 – (midtownTwo)

Sheet 2-A101: The queuing area where cars entering the facility's garage gate has been extended by one additional car length (inbound side is to the north), approximately a distance of 18 FT. This change was made at staff's suggestion and has reduced parking by two spaces (resulting in garage capacity of 799 spaces). We examined provision of parallel parking along the wall but this would require the loss of 6 spaces as each parallel spot must be 22'-0" long.

Contrary to our discussions, upon further research we are not proposing use of a trench drain or textured material for the 6% slope at the entrance to the facility (street level), for the following reasons:

As a preliminary point, traffic will already be traveling very slowly upon exiting due to the turn preceding the exit. Also, standard signage will reinforce the already cautious nature of drivers at this point.

*Texture* – it is believed if textured material is used at this location it would only serve a purpose for a very short period of time, until the crevices of the material were filled with water or snow, froze, and became flush with the surrounding material in a manner which would negate their benefit.

*Trench Drain* – while we explored the idea of a trench drain, we also conducted further research and found that installation of one is not likely to be necessary for the simple reason that this slope cannot possibly pose any sort of a safety hazard. We looked at the entry ramp to the garage behind the Time & Temperature Building (on Cumberland Avenue) and upon measuring its slope found it to be 10%. Cars used that space regularly and easily, without traction problems, despite the fact that it is covered in snow and slush. Moreover, streets with much steeper slopes than 6% abound throughout the City, without any perceptible safety problems—and they are needless to say exposed to the elements directly whereas this short stretch is covered and away from any opening that would blow precipitation inward.

*General Thoughts* – the slope of 6% is allowed by code and standard and is so minor that it almost appears flat to the naked eye. It is also used successfully in an urban context, like Portland, in the same climate, where it interfaces with a sidewalk. I am referring to the below pictures of a parking garage in downtown Portsmouth, NH. As you can see from the pictures, even a slope which is 1% steeper than that we have proposed, and more importantly is used in a denser pedestrian centered urban context, where it is exposed perpetually to the elements, is both nearly flat in appearance and is presumed safe due to its long use and existence.

**7% ENTRY SLOPE OF HIGH AND HANOVER STREET PARKING GARAGE –  
PORTSMOUTH, NH**



Building 3 – (midtownThree)

Sheet 3-A101: Midblock permeability note has been changed to reflect removal of the berm on City property by others.

A note has been added to reflect fire separation of trash holding area from rest of building, per previous condition and per applicable code.

Sheet 3-A201: Revised siding to reduce use of EIFS visible from public realm, above first floor and excluding windows to a total of 39%. The previous submission approximated 60%. Exact calculation is as follows:

Windows	11,256 sf (18%)
Metal siding	27,456 sf (43%)
<u>EIFS</u>	<u>25,096 sf (39%)</u>
Total	63,808 sf (100%)

Sheet 3-A201 & 202: The renderings have not been revised to reflect the reduction in EIFS. The elevations and not the renderings represent our present submission.

Building 4 – (midtownFour)

Sheet 4-A201: An architectural hood element has been emphasized over the entrance through use of LED lighting components, in an effort to respond to staff and Board member comments related to gateway features of this prominent corner.

A direct view of the entrance has been provided where previously it was an angled view. This is in response to staff's request for a more direct view of the elevation.

Thank you all, again, for your dedication to reviewing this project and for your constructive feedback along the way. We look forward to the public hearing.

On behalf of FEDEQ DV001, LLC,



Patrick Venne

Enc: Revised Level III Site Plan Application Form  
Revised C-1.0 – Cover Sheet  
Revised Architectural Drawings

c: Project Team



Jeff Levine, AICP, Director  
Planning & Urban Development Department

## **Electronic Signature and Fee Payment Confirmation**

Notice: Your electronic signature is considered a legal signature per state law.

By digitally signing the attached document(s), you are signifying your understanding this is a legal document and your electronic signature is considered a **legal signature** per Maine state law. You are also signifying your intent on paying your fees by the opportunities below.

I, the undersigned, intend and acknowledge that no Site Plan or Historic Preservation Applications can be reviewed until payment of appropriate application fees are **paid in full** to the Inspections Office, City of Portland Maine by method noted below:

- Within 24-48 hours, once my complete application and corresponding paperwork has been electronically delivered, I intend to **call the Inspections Office** at 207-874-8703 and speak to an administrative representative and provide a credit/debit card over the phone.
- Within 24-48 hours, once my application and corresponding paperwork has been electronically delivered, I intend to **call the Inspections Office** at 207-874-8703 and speak to an administrative representative and provide a credit/debit card over the phone.
- I intend to deliver a payment method through the U.S. Postal Service mail once my application paperwork has been electronically delivered.

Applicant Signature: \_\_\_\_\_

Stephen R. Bushey, P.E. - Sr. Principal Engineer

I have provided digital copies and sent them on: \_\_\_\_\_

February 20, 2015

Date: \_\_\_\_\_

February 20, 2015

Date: \_\_\_\_\_

NOTE: All electronic paperwork must be delivered to [buildinginspections@portlandmaine.gov](mailto:buildinginspections@portlandmaine.gov) or by physical means i.e. a thumb drive or CD to the Inspections Office, City Hall, 3<sup>rd</sup> Floor, Room 315.



## Level III – Preliminary and Final Site Plans Development Review Application Portland, Maine

Planning and Urban Development Department  
Planning Division

Portland's Planning and Urban Development Department coordinates the development review process for site plan, subdivision and other applications under the City's Land Use Code. Attached is the application form for a Level III: Preliminary or Final Site Plan. Please note that Portland has delegated review from the State of Maine for reviews under the Site Location of Development Act, Chapter 500 Stormwater Permits, and Traffic Movement Permits.

### Level III: Site Plan Development includes:

- New structures with a total floor area of 10,000 sq. ft. or more except in Industrial Zones.
- New structures with a total floor area of 20,000 sq. ft. or more in Industrial Zones.
- New temporary or permanent parking area(s) or paving of existing unpaved parking areas for more than 75 vehicles.
- Building addition(s) with a total floor area of 10,000 sq. ft. or more (cumulatively within a 3 year period) except in Industrial Zones.
- Building addition(s) with a total floor area of 20,000 sq. ft. or more in Industrial Zones.
- A change in the use of a total floor area of 20,000 sq. ft. or more in any existing building (cumulatively within a 3 year period).
- Multiple family development (3 or more dwelling units) or the addition of any additional dwelling unit if subject to subdivision review.
- Any new major or minor auto business in the B-2 or B-5 Zone, or the construction of any new major or minor auto business greater than 10,000 sq. ft. of building area in any other permitted zone.
- Correctional prerelease facilities.
- Park improvements: New structures greater than 10,000 sq. ft. and/or facilities encompassing 20,000 sq. ft. or more (excludes rehabilitation or replacement of existing facilities); new nighttime outdoor lighting of sports, athletic or recreation facilities not previously illuminated.
- Land disturbance of 3 acres or more (includes stripping, grading, grubbing, filling or excavation).

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:** "midtown" Project

**PROPOSED DEVELOPMENT ADDRESS:**

Somerset Street between Elm and Pearl Street (northwesterly side) and Elm Street between Portland Trail and lot with Trader Joe's - mixed use.

**PROJECT DESCRIPTION:**

A 3.50 a.c. mixed-use development with a 828 space parking garage and up to 445 residential units and 91,500 s.f. of retail space.

**CHART/BLOCK/LOT:** 034/D009001; 025/A022001  
034/D010001; 034/D003; 025/A022;  
025/B002; 025/B003; 025/B004;  
025/B005

**PRELIMINARY PLAN** 10/17/2014 (date)  
**FINAL PLAN** 11/14/2014 (date)

**CONTACT INFORMATION:**

<b>Applicant – must be owner, Lessee or Buyer</b> Name: Jonathan Cox Business Name, if applicable: FEDEQ DV001, LLC Address: P.O. Box 370008 City/State : Miami, FL Zip Code: 33137	<b>Applicant Contact Information</b> Work # (305) 974-1454 Home# Cell # (978) 375-1414 Fax# e-mail: j_cox@federatedcompanies.com
<b>Owner – (if different from Applicant)</b> Name: City of Portland, Maine Address: 389 Congress Street City/State : Portland, ME Zip Code: 04101	<b>Owner Contact Information</b> Work # Home# Cell # Fax# e-mail:
<b>Agent/ Representative</b> Name: Stephen R. Bushey, P.E. Address: 778 Main Street, Suite 8 City/State : South Portland, ME Zip Code: 04106	<b>Agent/Representative Contact information</b> Work # 207-775-1121 Cell # 207-756-9359 207-879-0896 e-mail: sbushey@fstinc.com
<b>Billing Information</b> Name: SAME AS APPLICANT Address: City/State : Zip Code:	<b>Billing Information</b> Work # Cell # Fax# e-mail:

<b>Engineer</b> Name: Bo E. Kennedy, P.E. - Engineer Stephen R. Bushey, P.E. - Sr. Principal Engineer Address: 778 Main Street, Suite 8 City/State : South Portland, ME Zip Code: 04106	<b>Engineer Contact Information</b> Work # 207-775-1121 Cell # 207-318-8364 Fax# 207-879-0896 e-mail: bkennedy@fstinc.com; sbushey@fstinc.com
<b>Surveyor</b> Name: Owen Haskell, Inc. - Ellen Brewer Address: 390 U.S. Route 1 City/State : Falmouth, ME Zip Code: 04105	<b>Surveyor Contact Information</b> Work # 207-774-0424 Cell # Fax# e-mail: ebrewer@owenhaskell.com
<b>Architect</b> Name: Thomas A. House, AIA THA Architects, LLC Address: 105 Willow Brook Avenue City/State : Stratham, NH Zip Code: 03885	<b>Architect Contact Information</b> Work # 603-770-2491 Cell # Fax# e-mail: thouse@thaaarc.com
<b>Attorney</b> Name: Address: TO BE DETERMINED City/State : Zip Code:	<b>Attorney Contact Information</b> Work # Cell # Fax# e-mail:

**APPLICATION FEES:**

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

<b>Level III Development (check applicable reviews)</b> ___ Less than 50,000 sq. ft. (\$500.00) ___ 50,000 - 100,000 sq. ft. (\$1,000) <b>x</b> 100,000 – 200,000 sq. ft. (\$2,000) ___ 200,000 – 300,000 sq. ft. (\$3,000) ___ over \$300,00 sq. ft. (\$5,000) ___ Parking lots over 11 spaces (\$1,000) ___ After-the-fact Review (\$1,000.00 plus applicable application fee)  <b>Plan Amendments (check applicable reviews)</b> ___ Planning Staff Review (\$250) ___ Planning Board Review (\$500)  The City invoices separately for the following: <ul style="list-style-type: none"> <li>• Notices (\$.75 each)</li> <li>• Legal Ad (% of total Ad)</li> <li>• Planning Review (\$40.00 hour)</li> <li>• Legal Review (\$75.00 hour)</li> </ul> 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.	<b>Other Reviews (check applicable reviews)</b> <b>X</b> ___ Traffic Movement (\$1,000) ___ Stormwater Quality (\$250) <b>X</b> ___ Subdivisions (\$500 + \$25/lot) # of Lots <u>445</u> x \$25/lot = \$11,125 <b>x</b> ___ Site Location (\$3,000, except for residential projects which shall be \$200/lot) # of Lots ___ x \$200/lot = * ___ Other _____ ___ Change of Use ___ Flood Plain ___ Shoreland ___ Design Review ___ Housing Replacement ___ Historic Preservation  *As indicated in previous conversations with City Staff and the Applicant, the Fees will be determined by City Staff corresponded directly to the applicant.
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**APPLICATION SUBMISSION:**

1. All site 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 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. In addition, one (1) paper set of the plans (full size), one (1) paper set of plans (11 x 17), paper copy of written materials, and the application fee must be submitted to the Building Inspections Office to start the review process.

The application must be complete, including but not limited to the contact information, project data, application checklists, wastewater capacity, plan for fire department review, and applicant signature. The submissions shall include one (1) paper packet with folded plans containing the following materials:

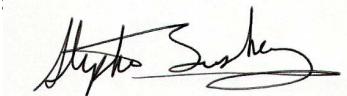
1. One (1) full size site plans that must be folded.
2. One (1) copy of all written materials or as follows, unless otherwise noted:
  - a. Application form that is completed and signed.
  - b. Cover letter stating the nature of the project.
  - c. All Written Submittals (Sec. 14-525 2. (c), including evidence of right, title and interest.
3. A stamped standard boundary survey prepared by a registered land surveyor at a scale not less than one inch to 50 feet.
4. Plans and maps based upon the boundary survey and containing the information found in the attached sample plan checklist.
5. One (1) set of plans reduced to 11 x 17.

Please refer to the application checklist (attached) for a detailed list of submission requirements.

**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.

This application is for a Level II Site Plan review. It is not a permit to begin construction. An approved site plan, a Performance Guarantee, Inspection Fee, Building Permit, and associated fees will be required prior to construction. Other Federal, State or local permits may be required prior to construction, which are the responsibility of the applicant to obtain.

Signature of Applicant: 	Date: January 9, 2015
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## PROJECT DATA

**The following information is required where applicable, in order to complete the application.**

<b>Total Area of Site</b>	152,296 sq. ft.	
<b>Proposed Total Disturbed Area of the Site</b>	152,296 sq. ft.	
If the proposed disturbance is greater than one acre, then the applicant shall apply for a Maine Construction General Permit (MCGP) with DEP and a Stormwater Management Permit, Chapter 500, with the City of Portland.		
<b>Impervious Surface Area</b>		
Impervious Area (Total Existing)	Disturbed Site - >95% sq. ft.	
Impervious Area (Total Proposed)	>150,000 sq. ft.	
<b>Building Ground Floor Area and Total Floor Area</b>		
Building Footprint (Total Existing)	1,127 sq. ft.	
Building Footprint (Total Proposed)	113,900 sq. ft.	
Building Floor Area (Total Existing)	1,127 sq. ft.	
Building Floor Area (Total Proposed)	715,100 sq. ft.	
<b>Zoning</b>		
Existing	B-7	
Proposed, if applicable	B-7	
<b>Land Use</b>		
Existing	Unimproved Former Rail Yard and Metal Recycling	
Proposed	Mixed Use	
<b>Residential, If applicable</b>		
# of Residential Units (Total Existing)	0	
# of Residential Units (Total Proposed)	445	
# of Lots (Total Proposed)	6 (2 of which are retained by the City)	
# of Affordable Housing Units (Total Proposed)	0	
<b>Proposed Bedroom Mix</b>		
# of Efficiency Units (Total Proposed)	120	
# of One-Bedroom Units (Total Proposed)	130	
# of Two-Bedroom Units (Total Proposed)	195	
# of Three-Bedroom Units (Total Proposed)		
<b>Parking Spaces</b>		
	On Street	Garage
# of Parking Spaces (Total Existing)	65	0
# of Parking Spaces (Total Proposed)	49	828
# of Handicapped Spaces (Total Proposed)	0	17
<b>Bicycle Parking Spaces</b>		
# of Bicycle Spaces (Total Existing)	0	
# of Bicycle Spaces (Total Proposed)	176	
<b>Estimated Cost of Project</b>	\$85 Million	

<b>PRELIMINARY PLAN (Optional) - Level III Site Plan</b>			
<b>Applicant Checklist</b>	<b>Planner Checklist</b>	<b># of Copies</b>	<b>GENERAL WRITTEN SUBMISSIONS CHECKLIST</b>
X		1	Completed Application form
X		1	Application fees
X		1	Written description of project
X		1	Evidence of right, title and interest
X		1	Evidence of state and/or federal approvals, if applicable
X		1	Written assessment of proposed project's compliance with applicable zoning requirements
X		1	Summary of existing and/or proposed easement, covenants, public or private rights-of-way, or other burdens on the site
X		1	Written requests for waivers from site plan or technical standards, if applicable.
X		1	Evidence of financial and technical capacity
X		1	Traffic Analysis (may be preliminary, in nature, during the preliminary plan phase)
<b>Applicant Checklist</b>	<b>Planner Checklist</b>	<b># of Copies</b>	<b>SITE PLAN SUBMISSIONS CHECKLIST</b>
X		1	Boundary Survey meeting the requirements of Section 13 of the City of Portland's Technical Manual
X		1	<b>Preliminary Site Plan including the following: (information provided may be preliminary in nature during preliminary plan phase)</b>
X			Proposed grading and contours;
X			Existing structures with distances from property line;
X			Proposed site layout and dimensions for all proposed structures (including piers, docks or wharves in Shoreland Zone), paved areas, and pedestrian and vehicle access ways;
X			Preliminary design of proposed stormwater management system in accordance with Section 5 of the Technical Manual (note that Portland has a separate applicability section);
X			Preliminary infrastructure improvements;
X			Preliminary Landscape Plan in accordance with Section 4 of the Technical Manual;
X			Location of significant natural features (including wetlands, ponds, watercourses, floodplains, significant wildlife habitats and fisheries or other important natural features) located on the site as defined in Section 14-526 (b) (1);
X			Proposed buffers and preservation measures for significant natural features, as defined in Section 14-526 (b) (1);
X			Location , dimensions and ownership of easements, public or private rights of way, both existing and proposed;
X			Exterior building elevations.

<b>FINAL PLAN - Level III Site Plan</b>			
<b>Applicant Checklist</b>	<b>Planner Checklist</b>	<b># of Copies</b>	<b>GENERAL WRITTEN SUBMISSIONS CHECKLIST (* If applicant chooses to submit a Preliminary Plan, then the * items were submitted for that phase and only updates are required)</b>
X		1	* Completed Application form
X		1	* Application fees
X		1	* Written description of project
X		1	* Evidence of right, title and interest
X		1	* Evidence of state and/or federal permits
X		1	* Written assessment of proposed project's specific compliance with applicable Zoning requirements
X		1	* Summary of existing and/or proposed easements, covenants, public or private rights-of-way, or other burdens on the site
X		1	* Evidence of financial and technical capacity
X		1	Construction Management Plan
X		1	A traffic study and other applicable transportation plans in accordance with Section 1 of the technical Manual, where applicable.
X		1	Written summary of significant natural features located on the site (Section 14-526 (b) (a))
X		1	Stormwater management plan and stormwater calculations
X		1	Written summary of project's consistency with related city master plans
X		1	Evidence of utility capacity to serve
X		1	Written summary of solid waste generation and proposed management of solid waste
X		1	A code summary referencing NFPA 1 and all Fire Department technical standards
X		1	Where applicable, an assessment of the development's consistency with any applicable design standards contained in Section 14-526 and in City of Portland Design Manual
X		1	Manufacturer's verification that all proposed HVAC and manufacturing equipment meets applicable state and federal emissions requirements.

Applicant Checklist	Planner Checklist	# of Copies	<b>SITE PLAN SUBMISSIONS CHECKLIST</b> <b>(* If applicant chooses to submit a Preliminary Plan, then the * items were submitted for that phase and only updates are required)</b>
X		1	* Boundary Survey meeting the requirements of Section 13 of the City of Portland's Technical Manual
X		1	<b>Final Site Plans including the following:</b>
X			Existing and proposed structures, as applicable, and distance from property line (including location of proposed piers, docks or wharves if in Shoreland Zone);
X			Existing and proposed structures on parcels abutting site;
X			All streets and intersections adjacent to the site and any proposed geometric modifications to those streets or intersections;
X			Location, dimensions and materials of all existing and proposed driveways, vehicle and pedestrian access ways, and bicycle access ways, with corresponding curb lines;
X			Engineered construction specifications and cross-sectional drawings for all proposed driveways, paved areas, sidewalks;
X			Location and dimensions of all proposed loading areas including turning templates for applicable design delivery vehicles;
X			Existing and proposed public transit infrastructure with applicable dimensions and engineering specifications;
X			Location of existing and proposed vehicle and bicycle parking spaces with applicable dimensional and engineering information;
X			Location of all snow storage areas and/or a snow removal plan;
X			A traffic control plan as detailed in Section 1 of the Technical Manual;
N/A			Proposed buffers and preservation measures for significant natural features, where applicable, as defined in Section 14-526(b)(1);
N/A			Location and proposed alteration to any watercourse;
N/A			A delineation of wetlands boundaries prepared by a qualified professional as detailed in Section 8 of the Technical Manual;
N/A			Proposed buffers and preservation measures for wetlands;
X			Existing soil conditions and location of test pits and test borings;
X			Existing vegetation to be preserved, proposed site landscaping, screening and proposed street trees, as applicable;
X			A stormwater management and drainage plan, in accordance with Section 5 of the Technical Manual;
X			Grading plan;
N/A			Ground water protection measures;
X			Existing and proposed sewer mains and connections;

- Continued on next page -

X		Location of all existing and proposed fire hydrants and a life safety plan in accordance with Section 3 of the Technical Manual;
X		Location, sizing, and directional flows of all existing and proposed utilities within the project site and on all abutting streets;
X		Location and dimensions of off-premises public or publicly accessible infrastructure immediately adjacent to the site;
X		Location and size of all on site solid waste receptacles, including on site storage containers for recyclable materials for any commercial or industrial property;
X		Plans showing the location, ground floor area, floor plans and grade elevations for all buildings;
X		A shadow analysis as described in Section 11 of the Technical Manual, if applicable;
X		A note on the plan identifying the Historic Preservation designation and a copy of the Application for Certificate of Appropriateness, if applicable, as specified in Section Article IX, the Historic Preservation Ordinance;
X		Location and dimensions of all existing and proposed HVAC and mechanical equipment and all proposed screening, where applicable;
X		An exterior lighting plan in accordance with Section 12 of the Technical Manual;
N/A		A signage plan showing the location, dimensions, height and setback of all existing and proposed signs;
X		Location, dimensions and ownership of easements, public or private rights of way, both existing and proposed.