29-K-1

300 Fore St.

Custom Hse. Sq.

Olympia Equity

logged

III roadways, or recreational roadways are typically used for recreational purposes and experience dramatic seasonal fluctuation.

The roadways in the study area are considered Type I roadways by MaineDOT. Typically, volumes are adjusted to reflect the 30th highest hour (typically occurring in July or August) of traffic volumes in accordance with MaineDOT guidelines. The volumes were adjusted accordingly.

Annual Growth

The proposed development is anticipated to be fully operational by 2007. The raw turning movement volumes were increased by one percent per year to reflect traffic increases in the area based on historic MaineDOT traffic counts. A copy of the historical data is contained in Appendix C. The adjusted and balanced volumes are shown on Figures 4 and 5 for the AM and PM peak hours, respectively.

Other Development

Approved projects that are not yet opened as well as projects for which applications have been filed are required to be included in the predevelopment volumes for this project. Based on recent traffic impact studies completed by our office, and conversations with City staff, the following projects may have an effect on traffic in the study area:

- *Ocean Gateway:* Located near the intersection of Commercial and India Streets, this facility will provide a formalized berth for passenger ships.
- *Former Jordan's Site:* This project, along India Street, will consist of a 185-room hotel and 105 condominiums.
- *Village Café Site:* This site will be reused for a multiuse development, with 160 units of housing, a restaurant, and retail space.
- *Riverwalk:* Bound by Fore Street, India Street, and the proposed extensions of Commercial and Hancock Streets, this project will consist of condominiums, a hotel, retail, health club and restaurant space.
- *Federal Street Town Houses:* Seven units of housing are proposed on Federal Street.

Trip assignment for these uses is shown on Figures 6 and 7 in Appendix A. Traffic from the other development was combined with the adjusted volumes to result in the 2007 predevelopment volumes, as shown on Figures 8 and 9 of Appendix A for the AM and PM peak hours.

III. *Trip Generation*

Gorrill-Palmer Consulting Engineers, Inc. used the Institute of Transportation Engineers (ITE) publication *Trip Generation,* 7th Edition as the source for determining the potential trip generation for the site. The building is to be 64,554 s.f. in size. The size of the building to be considered for trip generation for the purposes of analysis is 47,000 s.f. of general office space and 11,500 s.f. of specialty retail center; the remaining space would be for storage and HVAC equipment.

AH. 18.5

Our office utilized Land Use Code 710, General Office Building and Land Use Code 814, Specialty Retail Center to determine the total trip generation for the site. The trip generation calculations are summarized in Attachment D and are summarized as follows:

Trip Generation for Proposed Commercial Building

Land Use Code	Weekday	AM Peak Hour	PM Peak Hour
710, General Office	746	103	131
814, Specialty Retail	510	9	31
Total	1,256	112	162

It should be noted that the trip generation assumes that the retail will be open during AM hours. If this is not the case, than the AM assumptions are conservative.

IV. *Trip Distribution*

Gorrill-Palmer Consulting Engineers, Inc. has obtained the ratio of entering and exiting traffic from the Institute of Transportation Engineers publication *Trip Generation,* 7th Edition. For purposes of this study, for the proposed uses, we have assumed that the distribution would be appropriate as follows:

AM Peak Hour: 88% entering, 12% exiting
PM Peak Hour: 21% entering, 79% exiting

V. *Trip Composition*

Gorrill-Palmer Consulting Engineers, Inc. has estimated the following trip composition based on information obtained from the ITE publication, *Trip Generation Handbook*. This composition is provided on the following table and is based on Land Use Code 710, General Office Building and Land Use Code 820, Shopping Center:

Trip Composition for Proposed Commercial Building

Trip Type	AM Peak Hour			PM Peak Hour		
	Enter	Exit	Total	Enter	Exit	Total
Primary	95	11	106	22	116	138
Pass-by	3	3	6	10	10	20
Diverted	0	0	0	2	2	4
Total	98	14	112	34	128	162

It should be noted that the compositional percentages from LUC 820 are based on surveyed facilities of less than 50,000 s.f.

VI. *Trip Assignment*

The trip assignment percentages are based on those established for the Jordan's redevelopment project, as well as those established for Longfellow at Ocean Gateway. As the assignment is based on all secondary trips coming to and from the retail component being vehicular in nature (which is unlikely given that parking is provided off-site), it is conservative. The resulting trip assignment is shown in Figures 11 and 12 of Appendix A for the AM and PM peak hours, respectively.

AH. 18.6

VII. *2007 Postdevelopment Traffic*

The anticipated year 2007 predevelopment traffic shown in Figures 8 and 9 has been combined with the traffic forecast for the development shown in Figures 11 and 12 to yield the 2007 postdevelopment traffic shown in Figures 13 and 14 of Appendix A for the AM and PM peak hours, respectively.

VIII. *Study Area*

The study area for the purposes of analysis in this report includes the following intersections:

- Franklin Street Arterial at Commercial Street
- Franklin Street Arterial at Fore Street
- Franklin Street Arterial at Middle Street
- Middle Street at India Street

The study area is based on analysis thresholds set forth by MaineDOT requirements. The volumes along Pearl Street were previously obtained and are included in this report for discussion purposes; trip assignment does not meet analysis thresholds at these locations. Franklin Street Arterial at Commercial Street was included as it is part of a coordinated system.

IX. *Capacity Analyses*

Gorrill-Palmer Consulting Engineers, Inc. completed capacity analyses for the intersections listed in Section VIII.

The analysis was completed utilizing the Synchro/SimTraffic analysis software package, the results based on five runs of SimTraffic analysis. Levels of service rankings are similar to the academic ranking system where an 'A' is very good with little control delay and an 'F' represents very poor conditions. A level of service 'D' and higher is desirable for a signalized intersection. At an unsignalized intersection, if the level of service falls below a 'D', an evaluation should be made to determine if a traffic signal is warranted.

The following table summarizes the relationship between control delay and level of service for a signalized intersection:

Level of Service Criteria for Signalized Intersections

Level of Service	Control Delay per Vehicle (sec)
A	Up to 10.0
B	10.1 to 20.0
C	20.1 to 35.0
D	35.1 to 55.0
E	55.1 to 80.0
F	Greater than 80.0

The following table summarizes the relationship between delay and level of service for an unsignalized intersection:

AH. 18.7

Level of Service Criteria for Unsignalized Intersections

Level of Service	Control Delay per Vehicle (sec)
A	Up to 10.0
B	10.1 to 15.0
C	15.1 to 25.0
D	25.1 to 35.0
E	35.1 to 50.0
F	Greater than 50.0

The results of the capacity analyses are based on the addition of a 200' right-turn lane on Franklin Street Arterial for southbound traffic destined for Middle Street, as proposed in conjunction with the redevelopment of the former Jordan's site. The detailed analyses for Synchro/SimTraffic are included in Appendix B.

Level of Service for at Middle Street at India Street*

Lane Group	AM Peak Hour				PM Peak Hour			
	Predevelopment		Postdevelopment		Predevelopment		Postdevelopment	
	Delay	LOS	Delay	LOS	Delay	LOS	Delay	LOS
Middle Street EB LTR	13	B	18	C	16	C	25	C
Middle Street WB LTR	12	B	10	B	11	B	16	C
India Street NB LTR	3	A	3	A	2	A	3	A
India Street SB LTR	2	A	2	A	1	A	2	A
Overall	**4**	**A**	**6**	**A**	**6**	**A**	**10**	**B**

Level of Service for Franklin Street Arterial at Middle Street*

Lane Group	AM Peak Hour				PM Peak Hour			
	Predevelopment		Postdevelopment		Predevelopment		Postdevelopment	
	Delay	LOS	Delay	LOS	Delay	LOS	Delay	LOS
Middle Street EB L	45	D	45	D	41	D	46	D
Middle Street EB TR	27	C	28	C	26	C	26	C
Middle Street WB LT	38	D	38	D	29	C	31	C
Middle Street WB RT	5	A	5	A	8	A	9	A
FS Arterial NB LTR	7	A	7	A	8	A	9	A
FS Arterial SB L	16	B	17	B	29	C	38	D
FS Arterial SB TR	9	A	10	B	11	B	14	B
Overall	**13**	**B**	**13**	**B**	**17**	**C**	**19**	**C**

Level of Service for Franklin Street Arterial at Fore Street*

Lane Group	AM Peak Hour				PM Peak Hour			
	Predevelopment		Postdevelopment		Predevelopment		Postdevelopment	
	Delay	LOS	Delay	LOS	Delay	LOS	Delay	LOS
Fore Street EB L	37	D	40	D	34	C	31	C
Fore Street EB TR	16	B	16	B	26	C	24	C
Fore Street WB LTR	29	C	27	C	28	C	28	C
FS Arterial NB LTR	6	A	6	A	7	A	7	A
FS Arterial SB LTR	8	A	8	A	12	B	13	B
Overall	**15**	**B**	**15**	**B**	**18**	**B**	**18**	**B**

Level of Service for Franklin Street Arterial at Commercial Street*

Lane Group	AM Peak Hour				PM Peak Hour			
	Predevelopment		Postdevelopment		Predevelopment		Postdevelopment	
	Delay	LOS	Delay	LOS	Delay	LOS	Delay	LOS
Commercial Street EB L	42	D	42	D	44	D	43	D
Commercial Street EB T	21	C	21	C	24	C	21	C
Commercial Street EB R	8	A	8	A	14	B	11	B
Commercial Street WB LT	39	D	39	D	44	D	42	D
Commercial Street WB R	12	B	11	B	10	B	10	B
State Pier NB LT	26	C	25	C	25	C	25	C
State Pier NB R	26	C	25	C	5	A	3	B
FS Arterial SB L	28	C	26	C	29	C	22	C
FS Arterial SB T	22	C	27	C	28	C	32	C
FS Arterial SB R	12	B	12	C	7	A	9	A
Overall	**25**	**C**	**25**	**C**	**27**	**C**	**26**	**C**

*Fluctuations in delay are a result in the variation inherent in SimTraffic analyses.

As can be seen in the above tables, all movements are forecast to operate at an acceptable level of service. With the exception of Middle Street at India Street, the addition of site-generated traffic is not anticipated to affect the overall level of service at the study area intersections.

X. *Crash Data*

In order to evaluate whether a location has a crash problem, MaineDOT uses two criteria to define High Crash Locations (HCL). Both criteria must be met in order to be classified as an HCL.

1. A critical rate factor of 1.00 or more for a three-year period. (A Critical Rate Factor {CRF} compares the actual accident rate to the rate for similar intersections in the State. A CRF of less than 1.00 indicates a rate less than average) and:
2. A minimum of 8 crashes over a three-year period.

The following tables summarize the crash data provided by MaineDOT for locations that satisfy either Criteria 1, 2 or both:

MaineDOT Crash Data for 2002-2004: Intersections

Node	Intersection	# of Collisions	CRF	HCL?
7207	Commercial Street at Union Street	8	1.30	No
7210	Commercial Street at Moulton Street	7	1.13	No
9233	Congress Street at Pearl Street	14	0.66	No
9212	Federal Street at Pearl Street	4	1.40	No
8938	**Franklin Street Arterial at Middle Street**	**27**	**1.29**	**Yes**

MaineDOT Crash Data for 2002-2004: Road Segments

Nodes	Street	From	To	# of Collisions	CRF	HCL?
7207-7208	Commercial	Union	e/o Union	7	1.77	No
7209-7210	Commercial	Dana	Moulton	4	1.06	No
5812-7213	Commercial	Custom House	Franklin Arterial	7	1.20	No
9194-9205	Fore	Exchange	Moulton	2	1.27	No
8937-9242	Fore	Franklin Arterial	India	5	1.11	No
9227-9234	Pearl	Newbury	Middle	2	1.33	No
9201-9235	Pearl	Milk	Fore	2	1.03	No
9193-9235	Pearl	Fore	Wharf	1	11.31	No

Based on the published history, the intersection of Franklin Street Arterial at Middle Street is considered a High Crash Location. This location was analyzed by Eaton Traffic Engineering as part of the traffic impact study for the redevelopment of the Jordan's site. Most incidents at this location were angle collisions attributable to left turning traffic not yielding to oncoming through traffic. Of the four approaches, this crash type most often occurred for southbound left turns from Franklin Street Arterial colliding with northbound through traffic. As part of the Jordan's project, a 200-foot southbound left-turn lane is being constructed to improve visibility on this movement and reduce the incidence of this crash type.

XI. *Conclusions*

Gorrill-Palmer Consulting Engineers, Inc. has examined the impact of the traffic associated with the proposed office building project and reached the following conclusions:

1. The proposed development is forecast to generate 112 and 162 trip ends for the weekday AM peak hour and PM peak hour, respectively. (Note: A trip end is either a trip in or out of the site. Therefore a round trip would equal two trip ends).

2. The level of service analyses shows the site traffic can be accommodated by the existing street system with the construction of an exclusive left turn lane for the southbound Franklin Street approach at Middle Street as proposed in conjunction with the redevelopment of the former Jordan's site.

3. Based on the published history by MaineDOT, the intersection of Franklin Street Arterial at Middle Street is considered a High Crash Location. This location was analyzed by Eaton Traffic Engineering as part of the traffic impact study for the redevelopment of the Jordan's site. Most incidents at this location were angle collisions attributable to left turning traffic not yielding to oncoming through traffic. Of the four approaches, this crash type most often occurred for southbound left turns from Franklin Street Arterial colliding with northbound through traffic. As part of the Jordan's project, a 200-foot southbound left-turn lane is being constructed to improve visibility on this movement and reduce the incidence of this crash type.

4. Gorrill-Palmer Consulting Engineers, Inc. recommends that all plantings, which will be located within the right-of-way, not exceed three feet in height and be maintained at or below that height. Signage should not interfere with sight lines. In addition, we recommend that during construction, when heavy equipment is entering and exiting into the site, that appropriate measures, such as signage and flag persons, be utilized in accordance with the Manual on Uniform Traffic Control Devices.

Based on these findings, it is the opinion of Gorrill-Palmer Consulting Engineers, Inc. that the local street system with the recommended improvements can accommodate the traffic generated by the site.

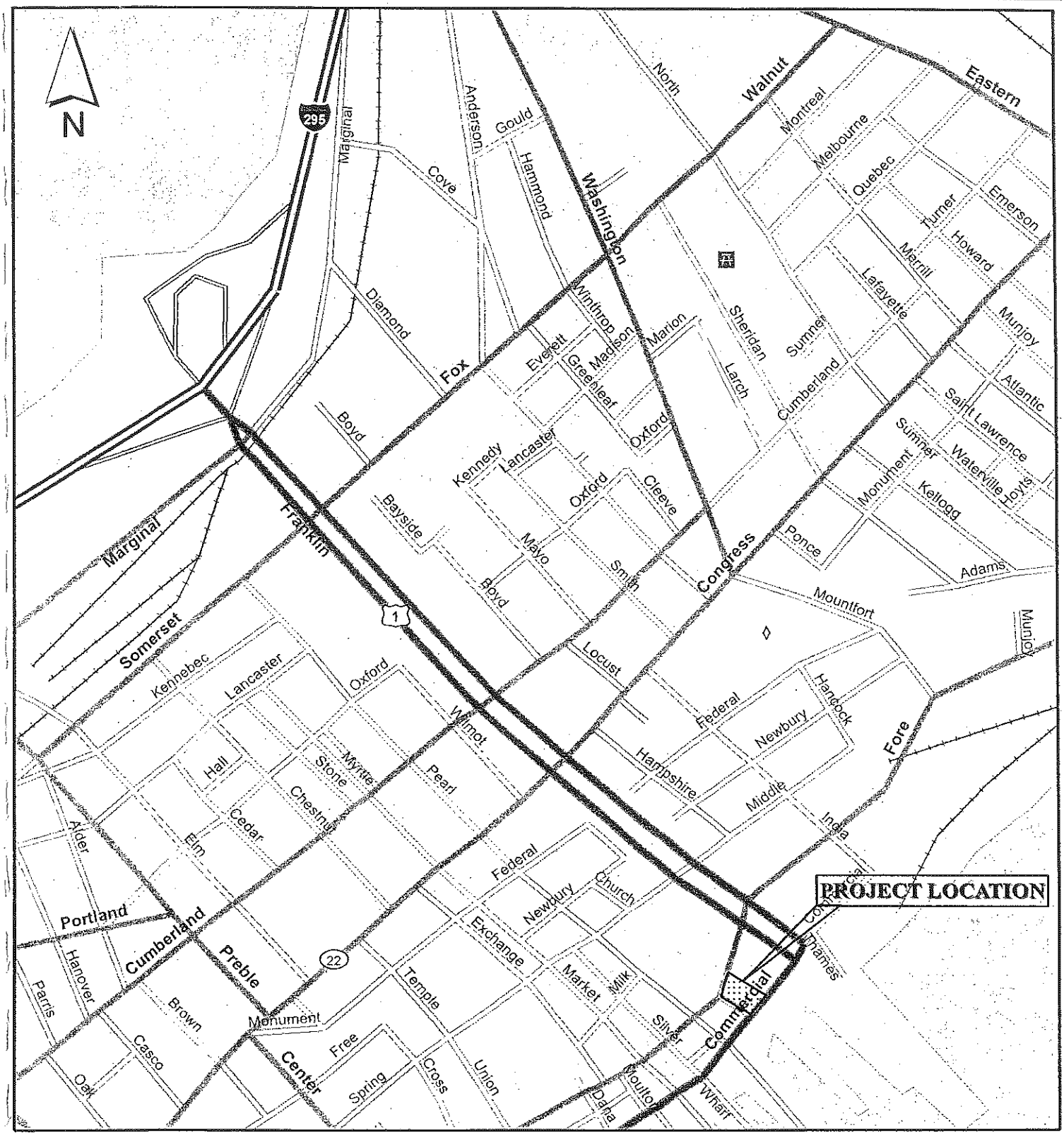
AH. 18.10

Appendix A

Site Location Map
Turning Movement Diagrams

Location Map

Figure No. 1



OFFICE BUILDING CORNER OF FORE STREET AND CUSTOM HOUSE STREET PORTLAND, MAINE

Feet

500 0 500 1,000

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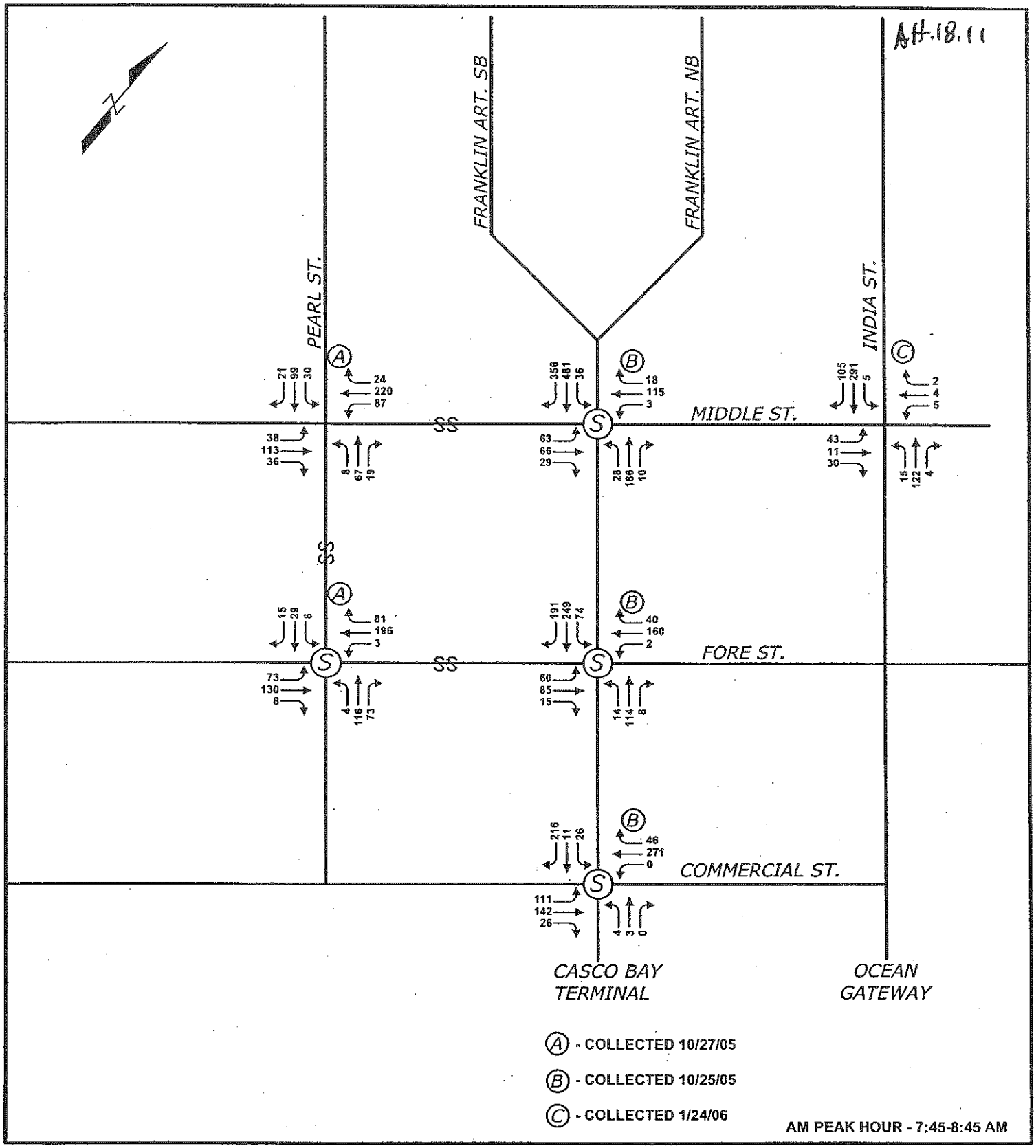
DATE:OCT 2005
SOURCE: MAINE GIS WEBSITE

AM Raw Volumes

Figure No. 2



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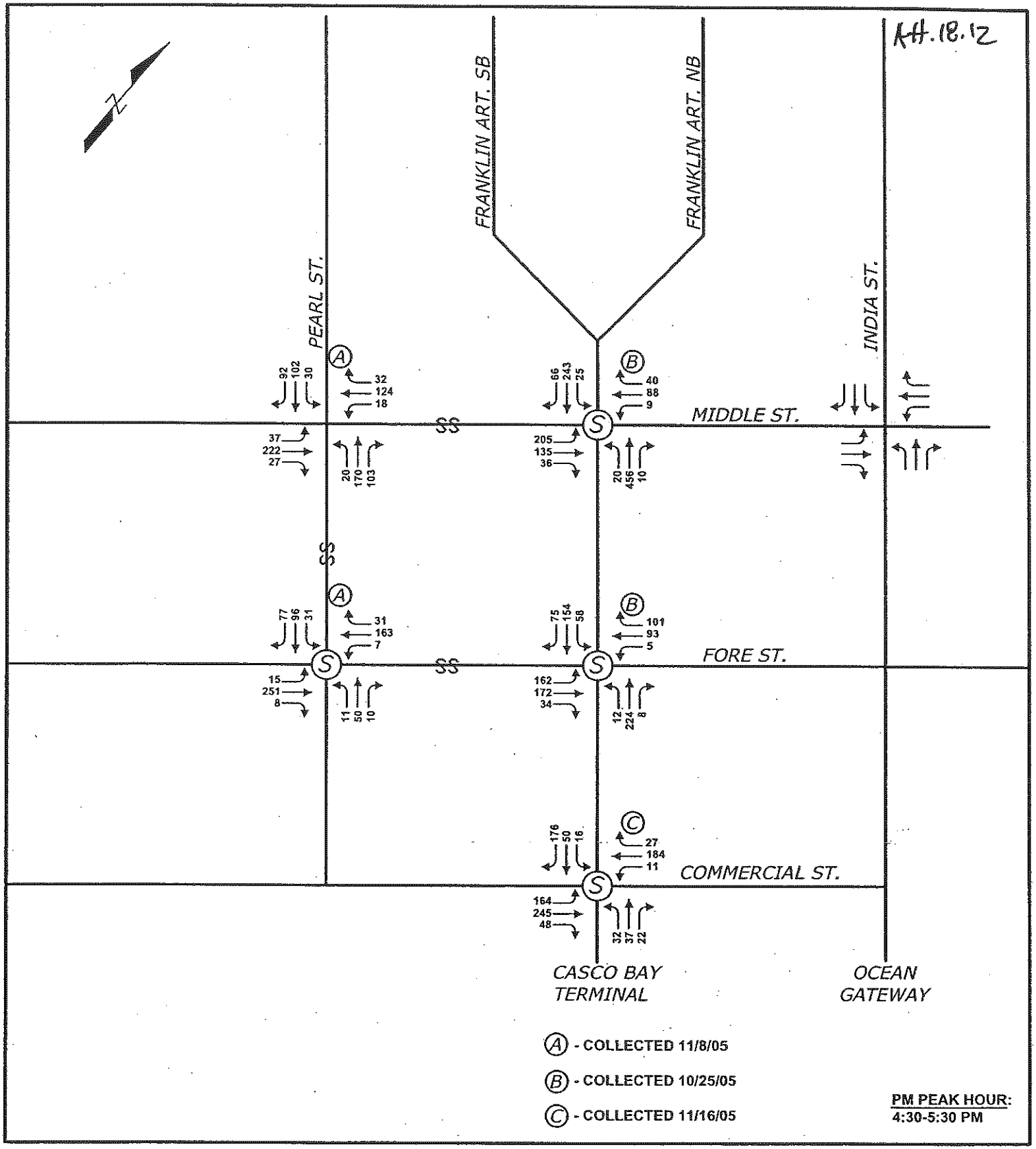
PM Raw Volumes

Figure No. 3



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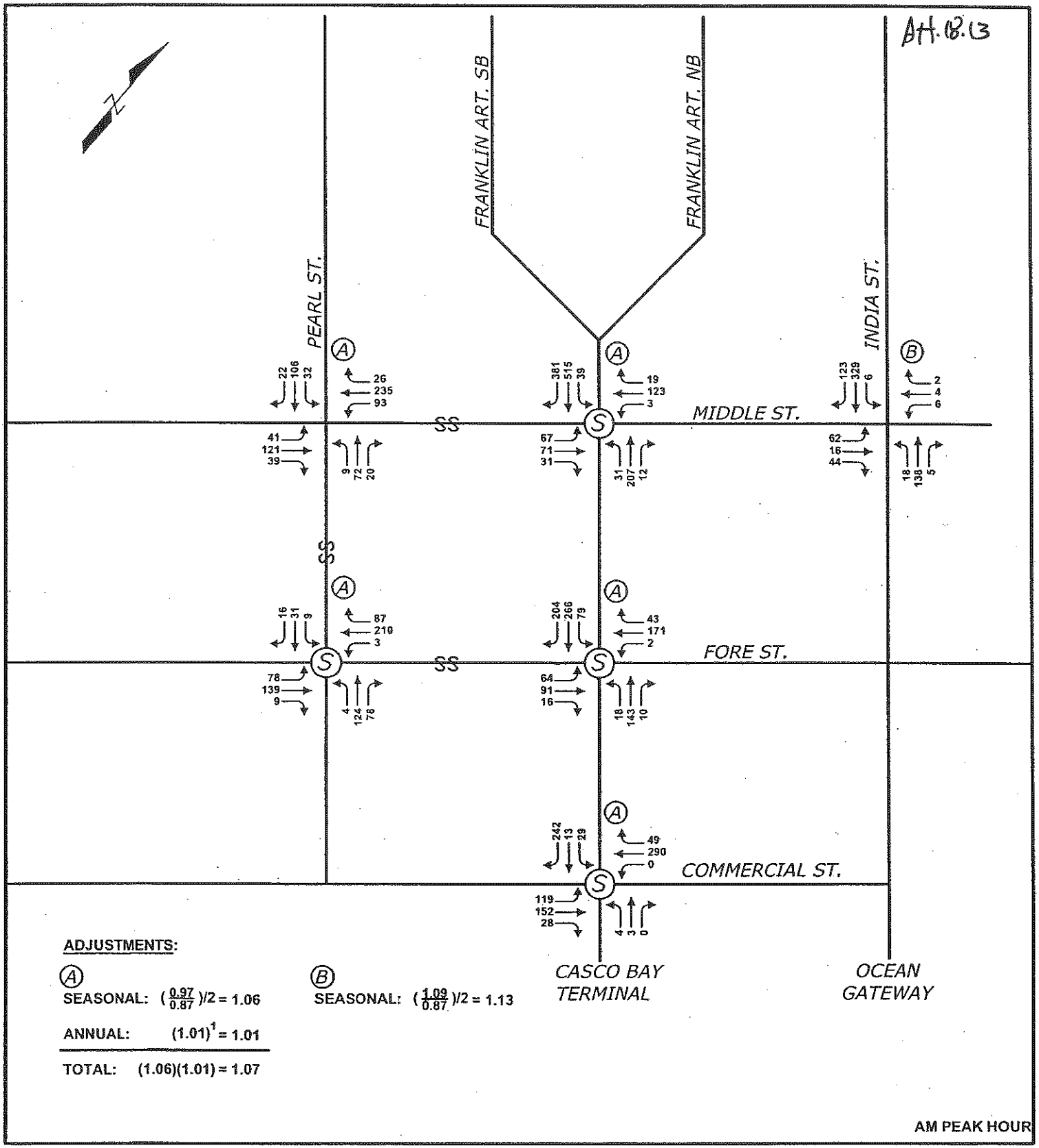
AM Balanced and Adjusted Volumes

Figure No. 4

Att. 18.13



ADJUSTMENTS:

(A)

SEASONAL: $(\frac{0.97}{0.87})/2 = 1.06$

ANNUAL: $(1.01)^1 = 1.01$

TOTAL: $(1.06)(1.01) = 1.07$

(B)

SEASONAL: $(\frac{1.09}{0.87})/2 = 1.13$

AM PEAK HOUR

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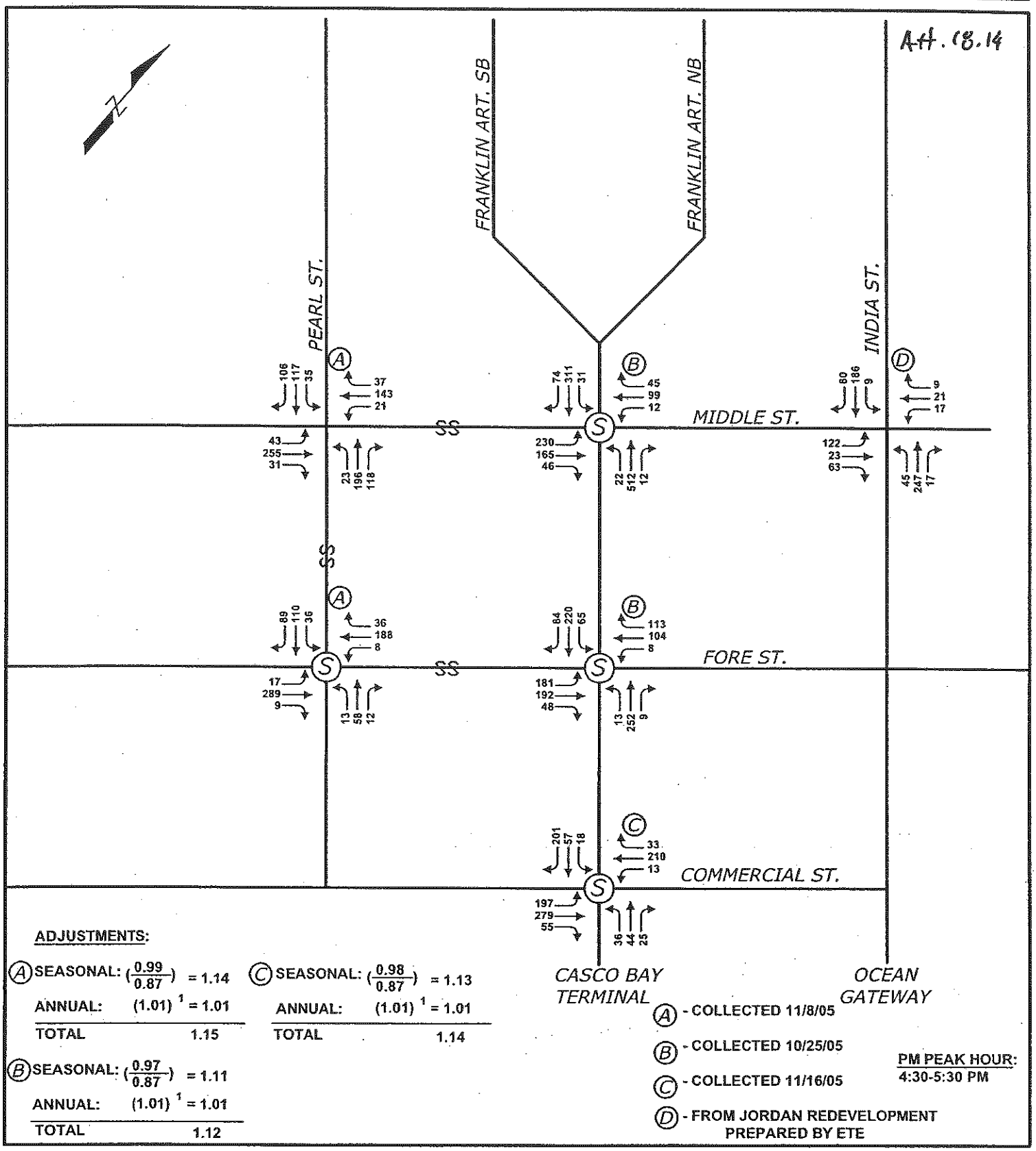
PM Balanced and Adjusted Volumes

Figure No. 5



ADJUSTMENTS:

(A) SEASONAL: $(\frac{0.99}{0.87})$ = 1.14
ANNUAL: $(1.01)^1$ = 1.01
TOTAL 1.15

(B) SEASONAL: $(\frac{0.97}{0.87})$ = 1.11
ANNUAL: $(1.01)^1$ = 1.01
TOTAL 1.12

(C) SEASONAL: $(\frac{0.98}{0.87})$ = 1.13
ANNUAL: $(1.01)^1$ = 1.01
TOTAL 1.14

(A) - COLLECTED 11/8/05
(B) - COLLECTED 10/25/05
(C) - COLLECTED 11/16/05
(D) - FROM JORDAN REDEVELOPMENT PREPARED BY ETE

PM PEAK HOUR: 4:30-5:30 PM

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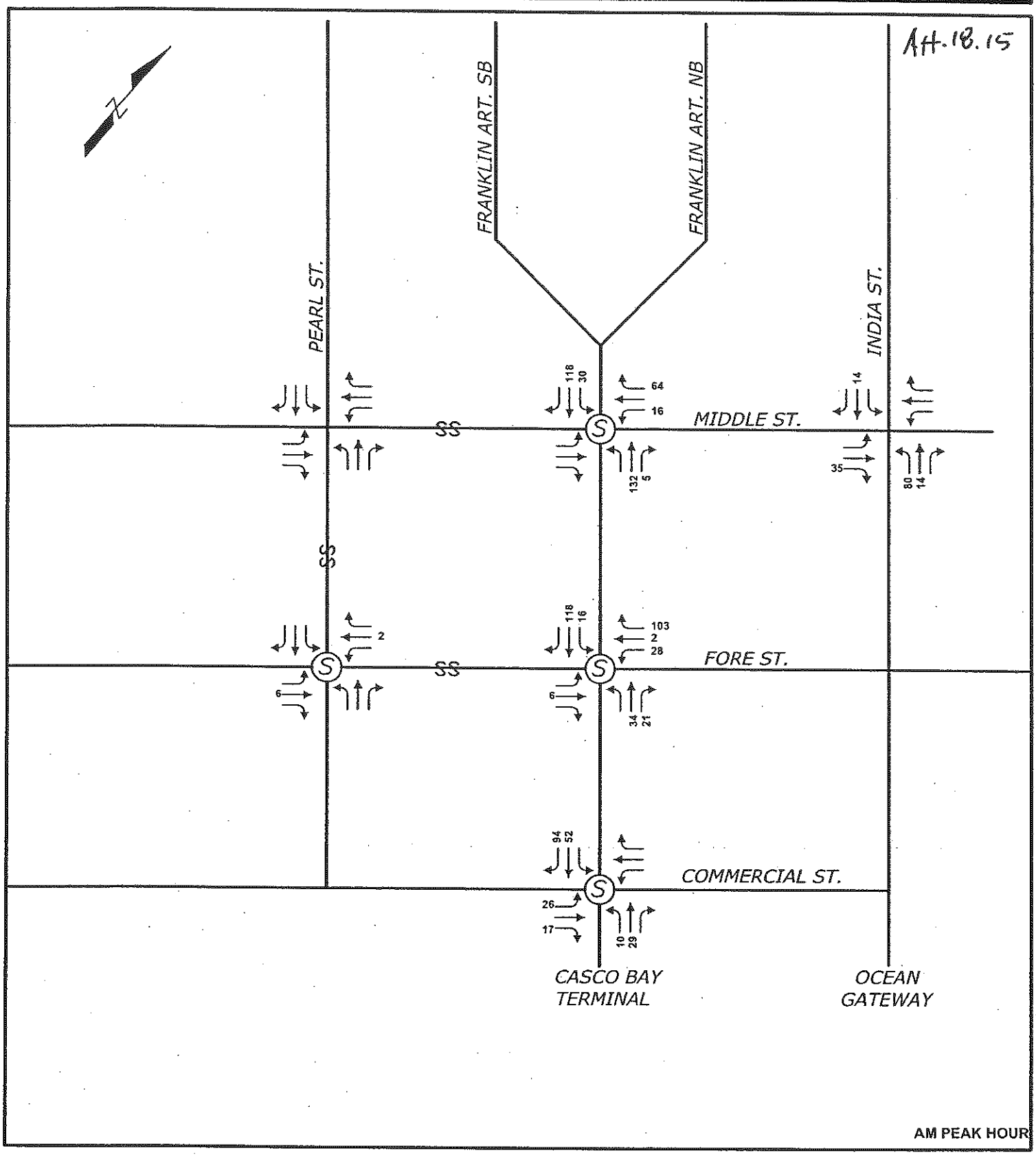
Other Development AM

Figure No. 6



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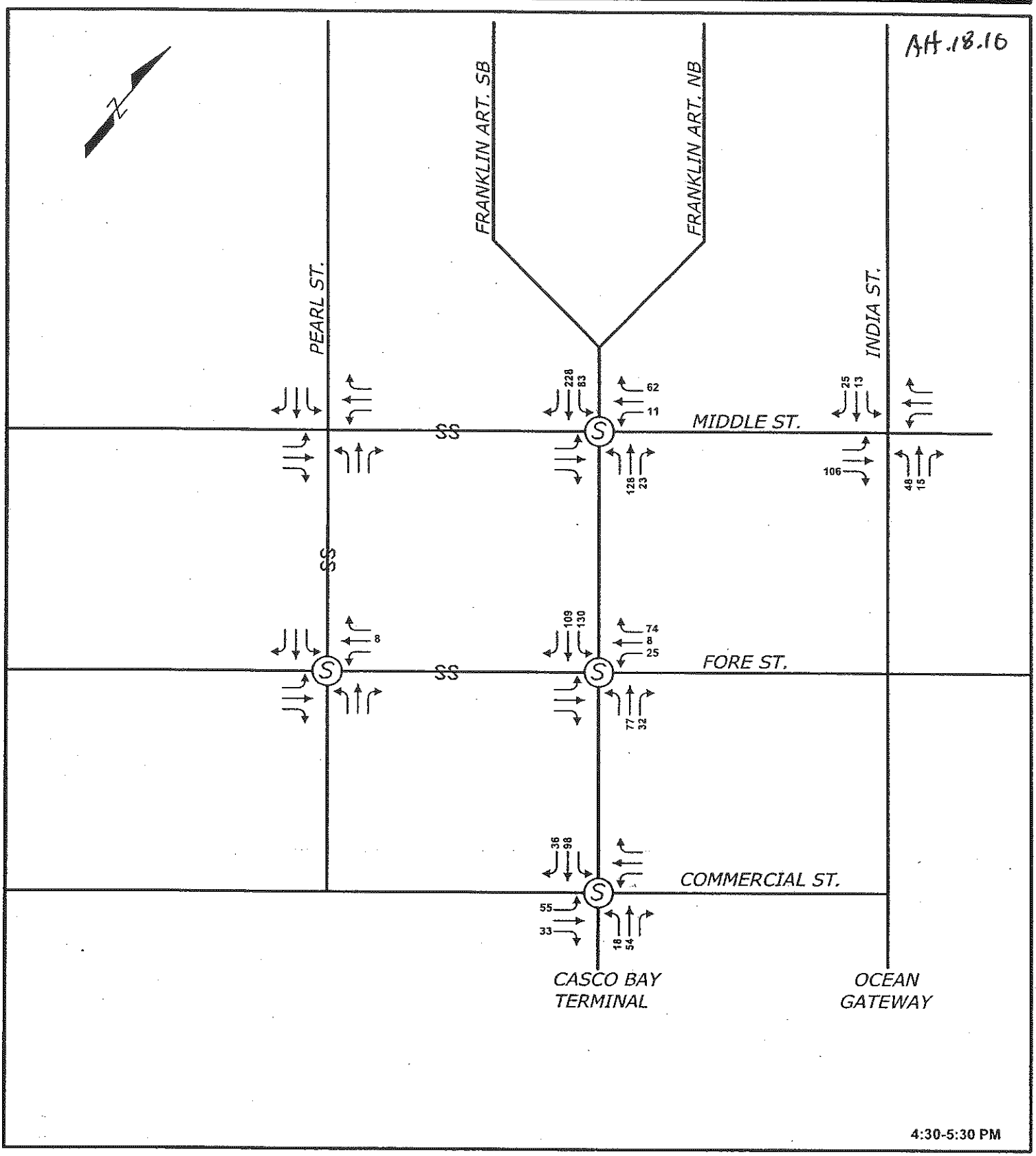
Other Development PM

Figure No. 7



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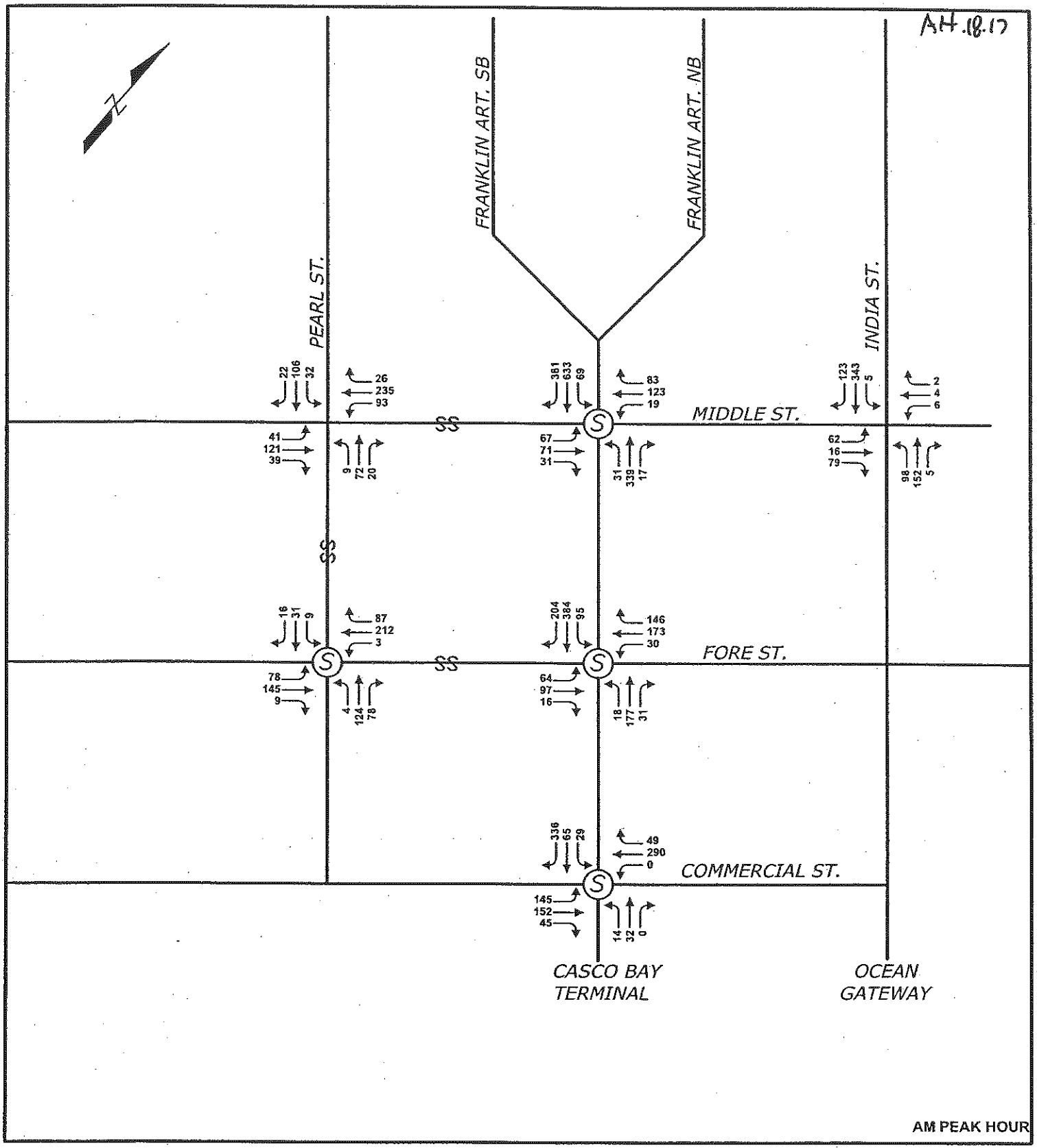
AM Predevelopment

Figure No. 8



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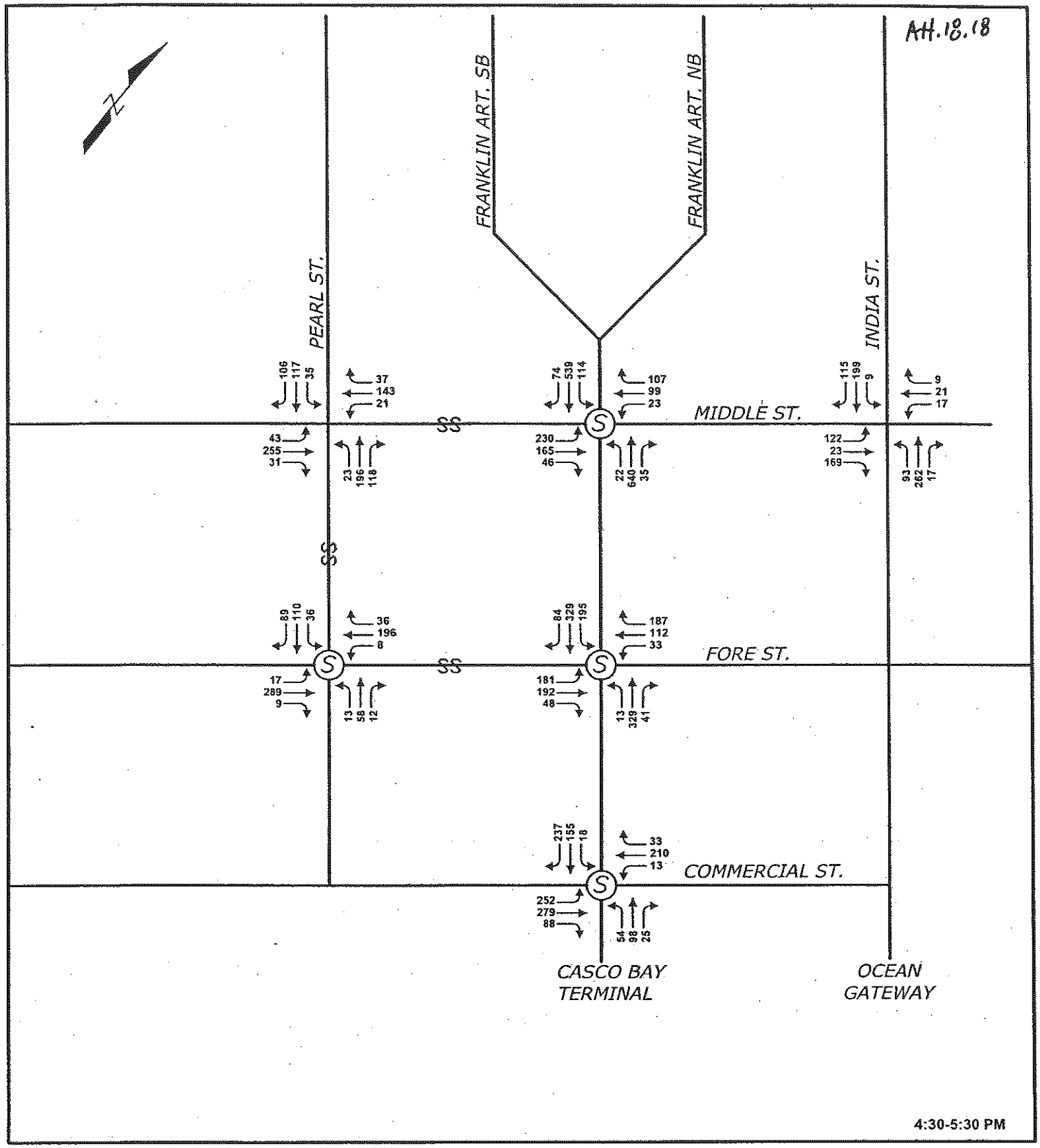
PM Predevelopment

Figure No. 9



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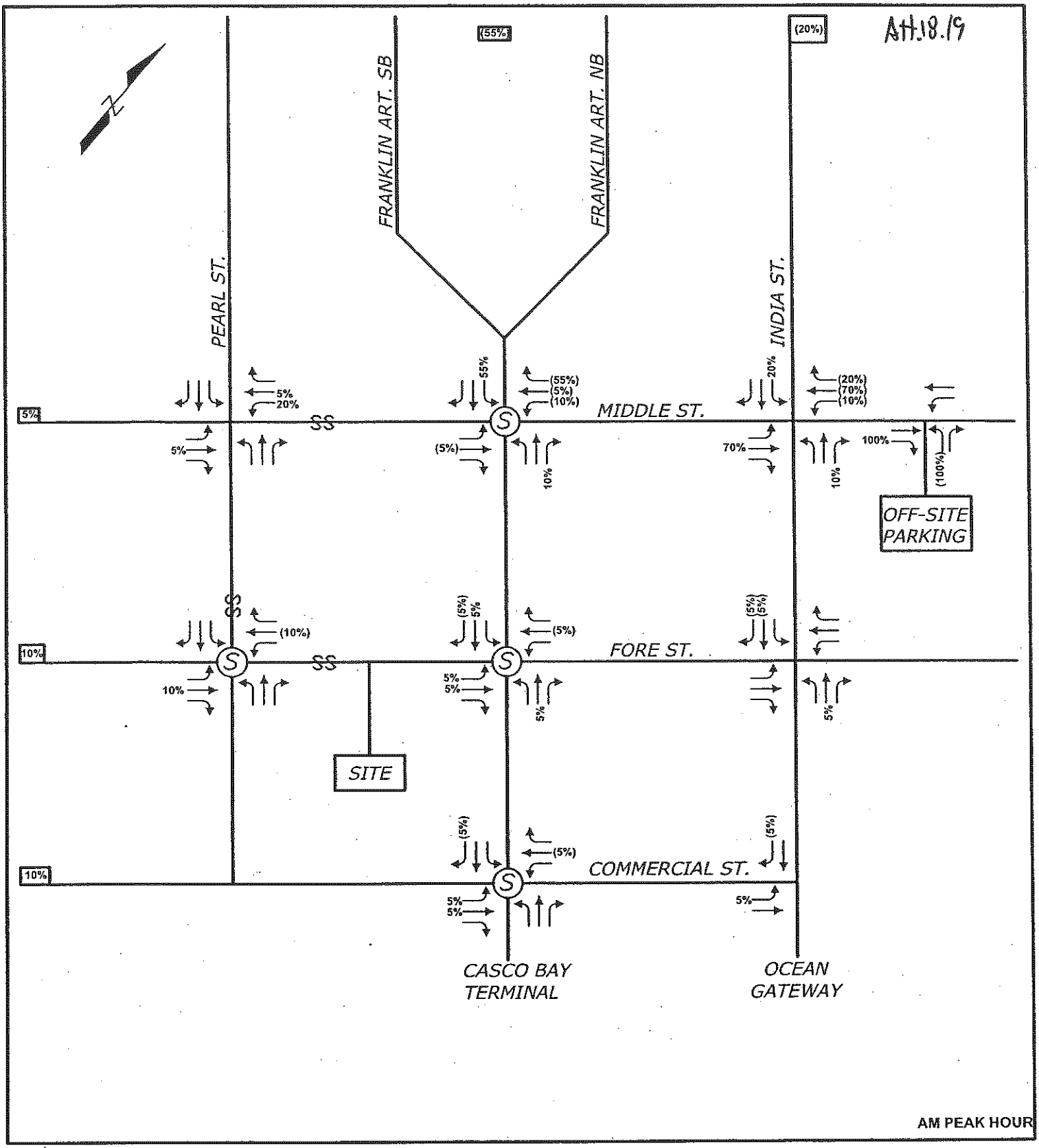
Primary Trip Distribution

Figure No. 10



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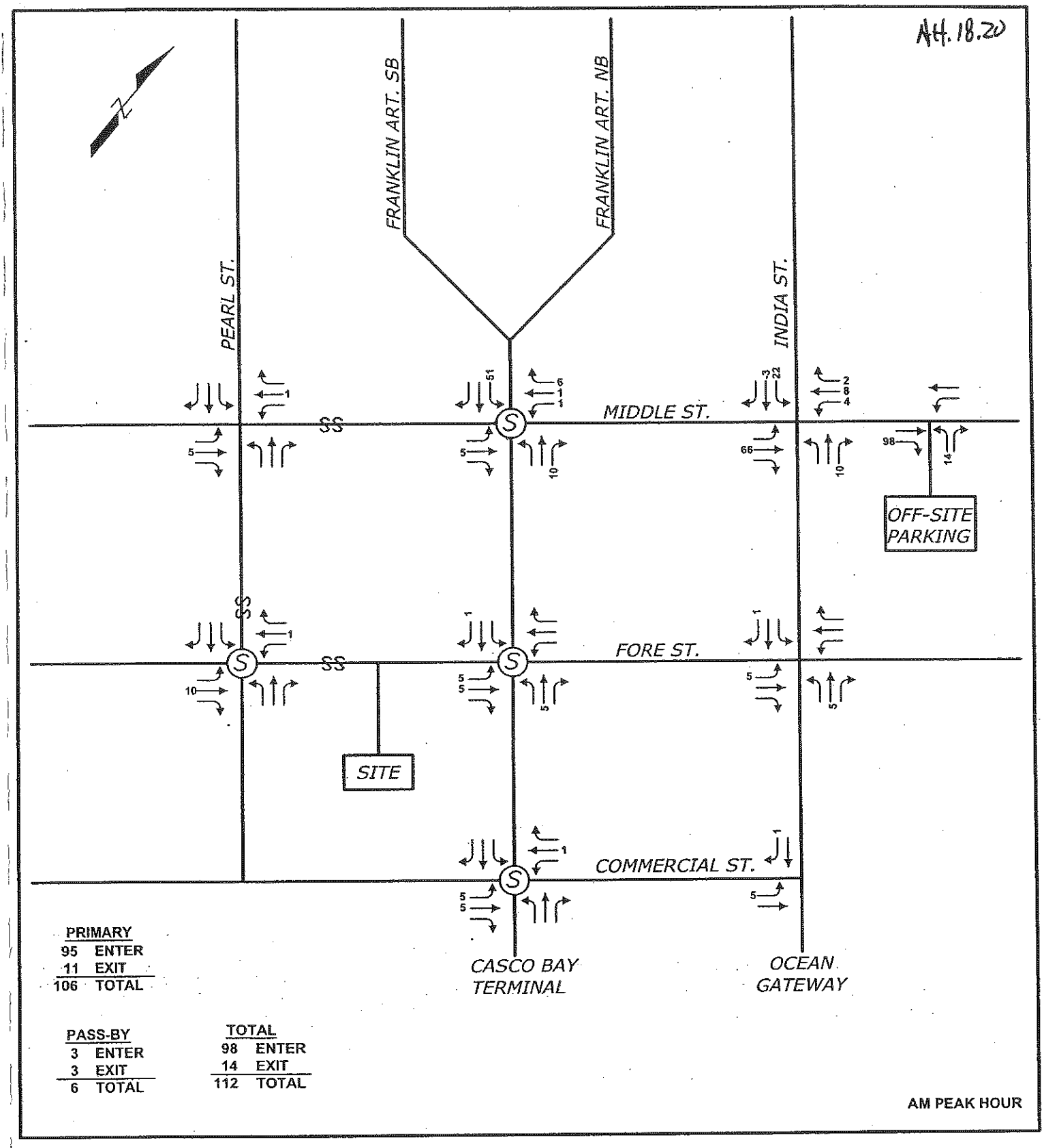
AM Trip Assignment

Figure No. 11



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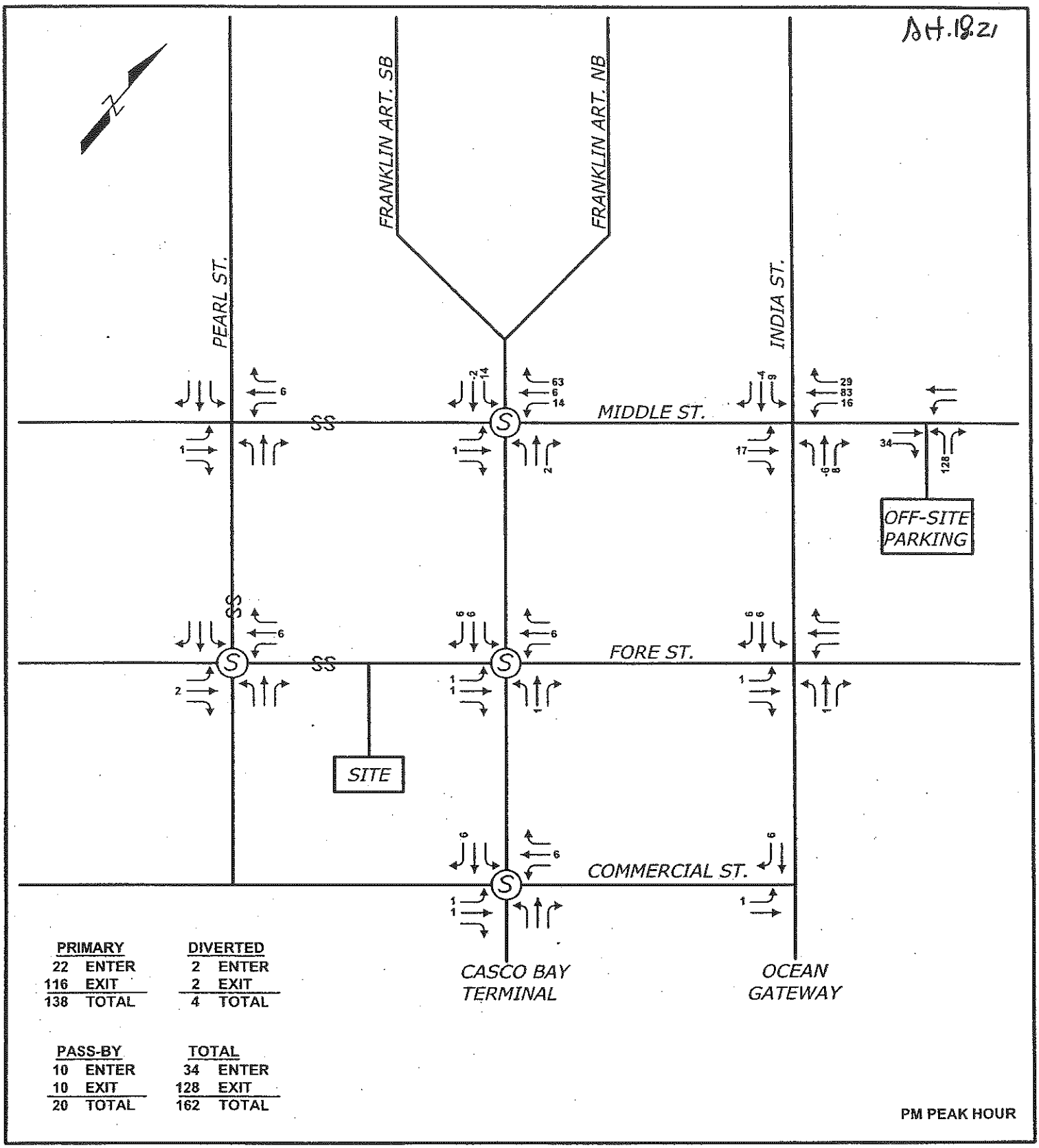
PM Trip Assignment

Figure No. 12



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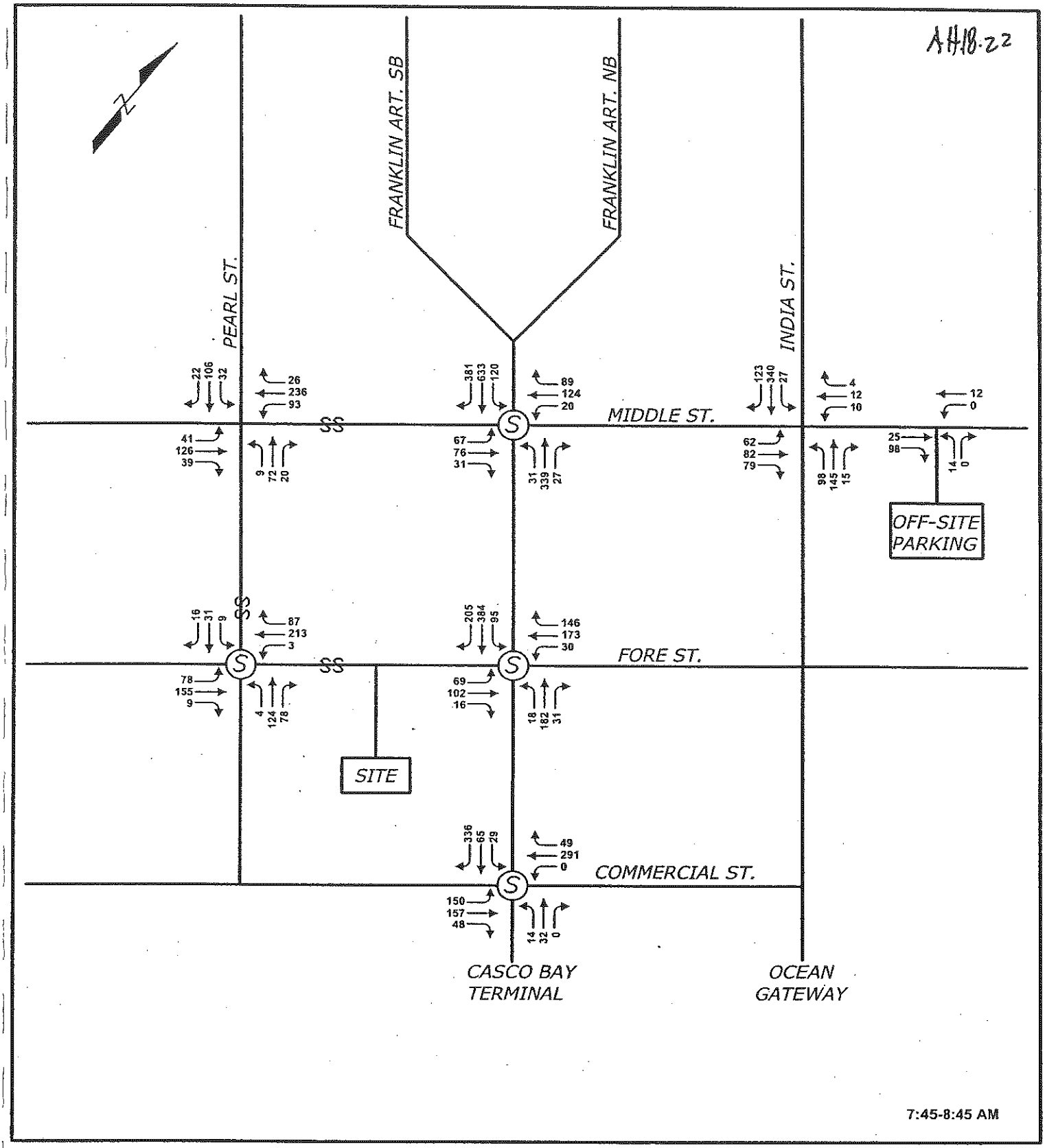
AM Postdevelopment

Figure No. 13



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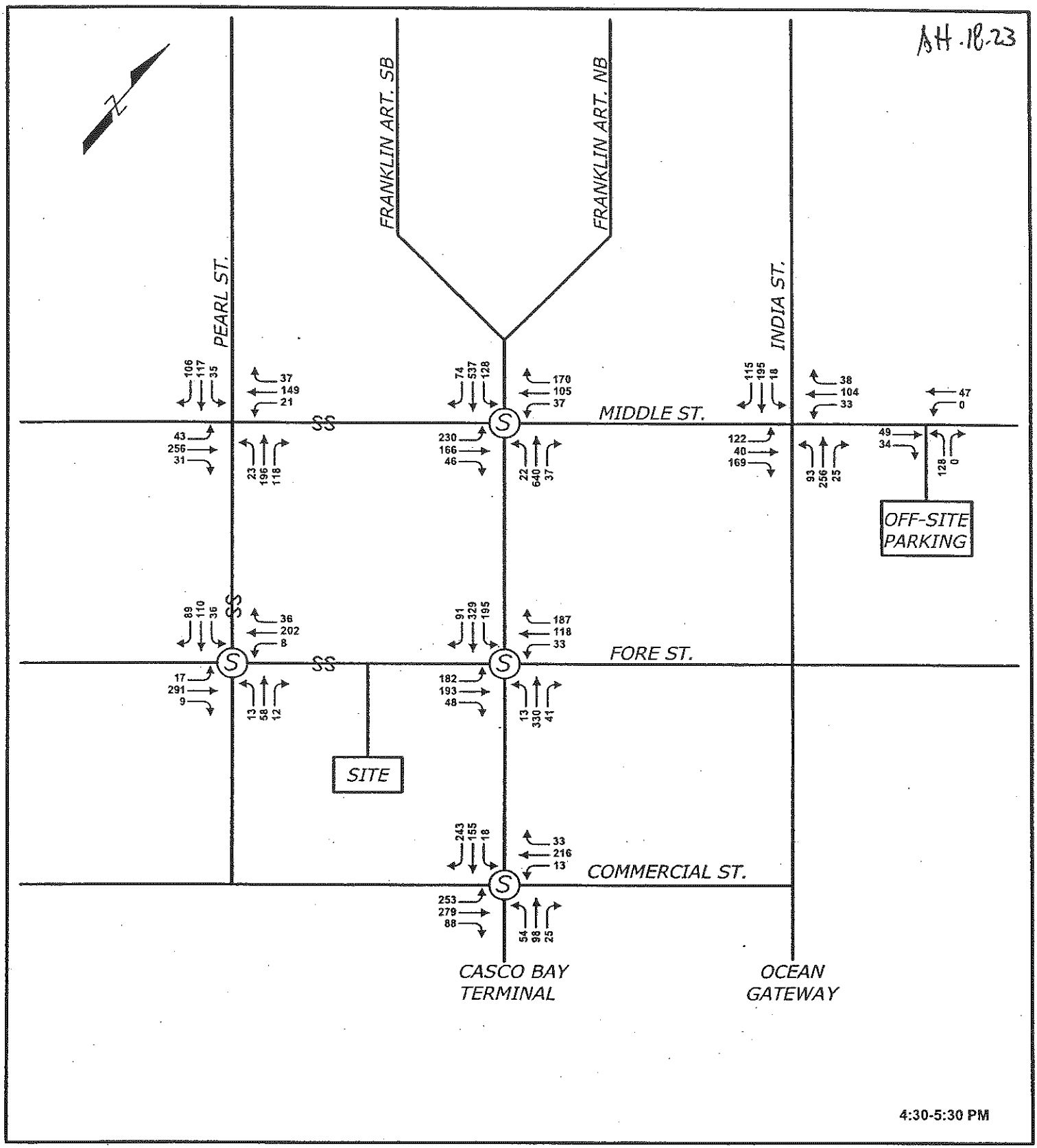
PM Postdevelopment

Figure No. 14



PROPOSED OFFICE BUILDING, PORTLAND, MAINE

Gorrill–Palmer Consulting Engineers, Inc.
Traffic and Civil Engineering Services
PO Box 1237
15 Shaker Road
Gray, ME 04039
207-657-6910
Fax: 207-657-6912
mailbox@gorrillpalmer.com
www.gorrillpalmer.com

Design: RJB
Draft: ZRJ
Checked: RJB

Date: NOVEMBER 2005
File Name:1317_TRAF2.dwg

Attachment 19.1

Sarah Hopkins - 300 Fore Street

From: "Thomas Errico" <terrico@wilbursmith.com>
To: <SH@portlandmaine.gov>
Date: 02/23/2006 11:30 AM
Subject: 300 Fore Street
CC: <JBP@portlandmaine.gov>, "'Katherine Earley'" <KAS@portlandmaine.gov>, <WBN@portlandmaine.gov>

Sarah—

My initial comments for the above project are noted below:

Parking

The parking study prepared by the applicant indicates the proposed project requires 145 parking spaces. This estimate is based upon a host of assumptions of which the primary one is the characteristics of the office tenant. These assumptions have led to a parking supply estimate that is lower than a typical office user. There have been some internal discussions about whether a parking requirement should be based upon a specific tenant. There is some concern that if the tenant changed, the replacement company/business could require additional parking demands. I have provided an independent parking analysis for a scenario with a typical office tenant as summarized below.

- 58,114 sf Office x 2.97 spaces/1,000 sf = 173 parking spaces
- 10,060 sf Restaurant x 2.75 spaces/1,000 sf = 28 parking spaces
- Total = 201 parking spaces
- Total w/Shared Usage = **198 parking spaces**

Assumptions for the above analysis include:

- The office parking rate is from the Parking Generation Manual, ITE 3rd Edition for an Office land use in an "Urban" setting.
- The restaurant parking rate is for employee parking needs "only" and is based upon data in the publication Shared Parking, Urban Land Institute. As suggested in an email from John Peverada, parking needs for the restaurant customers are not expected to be significant due to a "captive market" during the mid-day or lunchtime period.
- A reduction in the restaurant employee parking requirement was included to account for time-of-day demand.

I have not prepared an estimate of parking requirements incorporating assumptions (specific tenant data) used in the applicants parking analysis. If the Planning Board wishes, I can conduct such an analysis. If I am directed, I would ask that the applicant provide supporting documentation for assumptions used.

Traffic Study

- The size of the land uses in the traffic study does not match those assumed in the parking study. Additionally, the trip generation was based upon 10,500 square feet of Specialty Retail space and not Restaurant space. An explanation should be provided.

- The applicant should provide capacity analysis print-outs that are Highway Capacity Manual based for all study area intersections.
- The applicant should provide printouts of the turning movement count sheets.
- The applicant should conduct a pedestrian facility assessment between the proposed site and the proposed Longfellow Parking facility.
- An occupancy permit for the site should not be granted until the Longfellow Parking garage is completed or parking alternatives have been identified.
- The applicant shall make a monetary contribution to the implementation of improvements identified for Franklin Arterial and the India Street/Middle Street intersection from the Portland Peninsula Study. I'll need to work with staff in calculating the estimate.

Site Plan

- The proposed plan indicates a garage door will be provided on Custom House Street, but vertical curbing will be provided. An explanation should be provided.
- I generally concur with the layout of Fore Street with two 12-foot travel lanes, an 8-foot parking lane on the south side and a varying shoulder width on the north side.
- The City generally does not provide edge pavement markings and accordingly it should be deleted from the plan.
- In the vicinity of Custom House Street, the eastbound travel lane is illustrated as being 24 feet wide. It seems that there may be an opportunity to adjust the curb line adjacent to the proposed building to better align with the curb in front of the Custom House building. This adjustment may result in additional sidewalk area at the corner.

Please contact me if you have any questions or comments.

Best Regards,

Thomas A. Errico, P.E.
Senior Transportation Engineer
Wilbur Smith Associates
59 Middle Street
Portland, Maine 04101
(207) 871-1785 Phone
(207) 871-5825 Fax

Attachment 20.1

Memorandum
Department of Planning and Development
Planning Division

To: Chair Beal and Members of the Portland Planning Board

From: Carrie M. Marsh, AICP, Urban Designer, City of Portland, Planning Division

Date: 02/22/06

Re: Fore Street and Custom House Street Office Building
February 28, 2006 Planning Board Workshop

Introduction

The proposed building at Fore and Custom House Streets will be the subject of an upcoming Planning Board Workshop. This memo discusses the design elements relevant to that project.

Background

The Thomas Mayhew Block (know as the Blake Building) is an historic Greek Revival brick and granite warehouse located at 83 Commercial Street. Olympia Equity Investors recently constructed an addition at the corner of Custom House Street and Commercial Street. The new structure is 25,000 sf, with 5-stories of office and retail use. The addition is contemporary in design, with façade materials such as copper, glass, precast concrete and cement board veneer.

Description

Olympia Equity Partners are proposing an office building of approximately 68,836 square feet to be built at the corner of Fore and Custom House Streets. The structure will also face on the parking lot in front of the Standard Baking Building. The rear of the Blake Building is comprised of connected brick and block warehouse ells. The proposed structure is designed to replace the rear warehouse ells. The proposal shows a five-story façade along Fore Street, though the building would be six stories tall if measured from Commercial Street.

The new structure is designed to be compatible with the building which was recently constructed (described above). The proposed project will also be contemporary in design, with façade materials such as copper, glass, precast concrete and cement board veneer.

The proposed building sets askew from the property line along Fore Street to allow a view corridor looking west to the historic Custom House Building.

The South Elevation shows a blank wall along Custom House Street with a garage door and an additional service door. These loading entrances immediately abut the main entrance to the existing building at 7 Custom House Street. This creates an eclectic series of entrances.

There is an area of blank wall along Custom House Street at the pedestrian level. It is not clear what material is intended to be used on this blank wall. It appears to be concrete.

The South Elevation along Custom House Street is sheathed in cement board veneer at the point of the building where it abuts the existing building. The cement board is installed on a diagonal grid which is similar to that on the existing building, creating a distinctive design. However, the plans that were submitted (02/14/06) suggest that the new grid does not align with the existing grid. Also, the windows do not appear to align with those on the existing structure.

The West Elevation along Fore Street consists of bands of glass capped by copper spandrel panels. This elevation appears to be predominantly horizontal in its design which is in contrast to the vertical orientation of most buildings in this part of Portland.

The Fore Street frontage a main entrance which orients to the street. Retail space is shown at the street level. There are no doors shown in to the retail space.

The North Elevation along the Standard Baking Company parking lot, is largely clad in cement board panels. The pattern of application runs along a horizontal/vertical grid (as contrasted to the diagonal grid on the South Elevation). The panels appear to start at the ground level at the East end, with no foundation course.

The square windows on the North Elevation do not appear to align with the existing windows in the Blake Building. The rectangular windows on the North Elevation are vertical in orientation and present a new dimension and style to the façade. Further, the grid of windows on the proposed building do not align with the grid of the veneer cement panels.

The veneer grid on the North Elevation appears to be made up of several rows of full sized cement panels, interspersed at random intervals with cement panels that are shorter in height.

Recommendation

In general, the design complies largely with the underlying B-3 *Downtown Urban Design Guidelines*. Design elements which warrant further consideration are described below.

It would be helpful to see colored renderings of the project, as well as a massing model showing the relation to the existing buildings on the site, and in context to historic structures such as the Blake Building and the Custom House.

The cement board veneer on the existing building has been subject to failure. It would be useful to understand the particulars of that failure, and assurance that the use of the material on the new structure will be successful.

The design issues listed below are suggested for further consideration and discussion between the applicant and the Planning Board and Planning Staff.

- Consideration of consolidating the service entrances at the South Elevation along Custom House Street which are adjacent to the main building entrance.

- Remediation of the portion of blank wall at the South Elevation along Custom House Street with high quality materials, greater level of detailing, and fenestration along the pedestrian sidewalk.

- Clarification of the intended alignment of the cement panel veneer and the windows on the South Elevation, particularly in relation to the existing structure at Custom House Street.

- Provision of further design elements which enhance the verticality of the building along the West Elevation on Fore Street, in keeping with the rhythm and articulation of buildings in the area.

- Exploration of the opportunity to provide additional doors to the retail space on Fore Street.

- Potential for a foundation course at the North Elevation.

- Exploration of the intended alignment and styles of the windows and veneer grid along the North Elevation adjacent to the Blake Building, and the opportunity to create a more cohesive image.

- Clarification of the veneer grid at the North Elevation in order to understand the potential for a consistent size of panels, or a rational pattern of various sizes which might be utilized.

Attachment 21.1

WOODARD & CURRAN
Engineering · Science · Operations

CORPORATE OFFICES: Maine, Massachusetts, New Hampshire, Connecticut, Florida
Operational offices throughout the U.S.

MEMORANDUM

TO: Bill Needelman, City of Portland Planner

FROM: Dan Goyette, PE – Development Review Coordinator, Woodard & Curran, Inc.

DATE: February 21, 2006

RE: Custom House Square Office Building, 300 Fore Street

Woodard & Curran has reviewed the Major Site Plan submission for the proposed project at 300 Fore Street titled the Custom House Square Office Building. Currently the lot consists of a loading area, an ATM, and a single and two story concrete block structure. The project entails the construction of a 68,836 square foot office building.

Documents Reviewed

- City of Portland Updated Major Site Plan Application for Olympia Equity Investors IVB, LLC, dated February 14, 2006, prepared by Deluca-Hoffman Assoc., Inc.
- Engineering plan sheets prepared by Deluca-Hoffman Assoc., Inc., titled Custom House Square Office Building, sheets 1 thru 8, dated November 2005, revised February 13, 2006. Building elevation sheets A3.1 and A3.2 prepared by PCI Architecture, dated February 14, 2006.

1. Parking

A. Attachment A of Exhibit 6 within the Site Plan Application details the calculations used to determine the projects parking requirements. The last two lines of the second paragraph indicate the need for 120 spaces for CIEE reducing the total to 178 spaces. It should actually be 188 spaces for the total requirement as calculated within this paragraph (120+68).

2. General Civil Engineering

A. On Sheet 4, construction note "C" indicates that there are two (2) new street lights. There are six (6) new street lights. The note should be changed to reflect the correct number of lights.

B. On Sheet 7, Detail H, the bedding for the cobbles is incorrect. The bedding should consist of 1" of sand-cement base, 2" of type "B" bituminous paving, 3" of type "A" base gravel and 18" of type "D"subbase gravel.

C. An easement to maintain the portion of sidewalk outside of the street right-of-way should be provided.

D. A detail for the installation of the parking meters has not been provided.

E. A detail for the installation of the light poles has not been provided.

F. The plans indicate that the granite curb in between 280 – 300 Fore Street will match the existing curb reveal which is four inches. The sidewalk is being rebuilt, therefore the curb should be reset to have the proper seven inch reveal.

Please contact our office if you have any questions.

DRG
203848.02

Attachment 22.1

From: John Peverada
To: Carrie Marsh; Eric Labelle; Marge Schmuckal; Terrico@wilbursmith.com; William Needelman
Date: 2/17/2006 5:35:21 PM
Subject: Re: 300 Fore Street review, reminder

Bill, just a minor comment on the Bangor Savings Building, it is my understanding that the developer leased 163 spaces and provided an additional 32 spaces on site for a total of 195 spaces.

Concerning this building it is my opinion that the highest demand for the parking for the two newly proposed restraunts will be after 5:00PM, and most likely their lunch time clientele will be walking since it is assumed that they will be employees in the area or existing customers of neighboring businesses, therefore I do not see a reason for them to be required to provide parking for this use with the exception for their employee parking needs.

The existing City zoning ordinance would require 214 parking spaces for this project, however based on my reasons outlined above, and the fact that I believe the office component of this project should factor in at least three spaces per thousand, I recommend that the developer supply 175 parking spaces for this project. I think that we will be setting a bad precedent if we base the parking requirement on a proposed user of a space that currently has a unique employee mix that could change at any time in the future.

>>> William Needelman 2/17/2006 4:33:33 PM >>>
To all:

Thank you in advance for providing your review memos on 300 Fore Street while I am out.

Some of you may not have anything to say (Marge, if nothing has changed for you, I have already included your old memo. John P, at your discretion. Eric, please coordinate with T.Errico).

Others, Tom E, Carrie, and Dan, definitely need to weigh in.

Please email comment/memos to both Jennifer Dorr and Sarah Hopkins.

I have included the draft of my memo for your use (or disposal).

Again, Thanks.

Bill

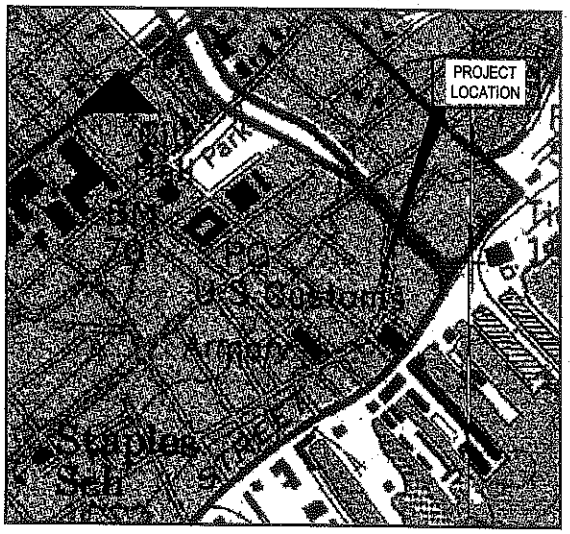
CC: Alex Jaegerman ; Jennifer Dorr; Sarah Hopkins

AH. A. 1

PROJECT PARCEL SITE

PORTLAND TAX ASSESSOR'S MAP & LOT NUMBERS

MAP	LOT	BLOCK
29	1	K



LOCATION MAP
N.T.S.

INDEX

ED BY

R:
offman Associates, Inc.
ET, SUITE 8
AND, MAINE 04106

SKELL, INC.
EET
INE 04101-2979

L ENVIRONMENTAL ENGINEER:
E ENGINEERING
ROAD
4039

ITECTURE

NH 03108

NOT FOR CONSTRUCTION

I HEREBY ACKNOWLEDGE THAT THESE PLANS AND SPECIFICATIONS WERE PREPARED UNDER MY DIRECT SUPERVISION, AND THAT I AM A DULY REGISTERED PROFESSIONAL ENGINEER UNDER THE LAWS OF THE STATE OF MAINE AND THAT I AM COMPETENT TO PREPARE THIS DOCUMENT.

PROJECT
CUSTOM HOUSE SQUARE OFFICE BUILDING

SHEET TITLE
COVER SHEET

CLIENT
OLYMPIA EQUITY INVESTORS IVB, LLC

DeLUCA-HOFFMAN ASSOCIATES, INC.
775 MAIN STREET, SUITE 8
SOUTH PORTLAND, ME 04106
207.775.1121
WWW.DELUCAHOFFMAN.COM

DRAWN:	LECJ	DATE:	NOV. 2005
DESIGNED:	CJO	SCALE:	N.T.S.
CHECKED:	CJO	JOB NO.	2581
FILE NAME: 2581-COV			
SHEET	1		

Memorandum
Department of Planning and Development
Planning Division

To: Chair Lowry and Members of the Portland Planning Board

From: Bill Needelman, Senior Planner

Date: April 22, 2005

Re: **April 26, 2005 Planning Board Workshop**
Fore Street and Custom House Street Office Building
Olympia Equity Investors IV-B, Applicant
David Lloyd, Archetype PA, Architect

Introduction

Olympia Equity Investors are requesting workshop review for a 64,000 sq ft office building to be located at the corner of Fore Street and Custom House Street. The new building is proposed to be visually and functionally contiguous with the recent addition to the "Blake Building" located at the corner of Commercial Street and Custom House Street.

This is the first workshop on this proposal and serves to introduce the Board to the project and provide opportunity to receive direction from the Board as to zoning options for the applicant. As designed, the project needs a revision to the B-3 zone text to accommodate the proposed footprint.

After the zoning issues have been resolved, the plan will be reviewed for compliance with the Site Plan section of the land use code. The exterior design of the project is being simultaneously reviewed by the Board of Historic Preservation for compliance with the Historic Preservation Ordinance.

Project Description

Existing Conditions:
In April of 2000, Olympia Equity Investors was approved to construct an addition to the historic Thomas Mayhew Block (a.k.a., Blake Building) at 83 Commercial Street. The addition was the +/-25,000 square foot, 5-story office and retail structure at the corner of Custom House Street and Commercial Street. Using copper, glass, precast concrete, and

concrete panel, the addition provided a contemporary counterpoint to the existing Greek revival brick and granite Blake warehouse.

The rear of the Blake Building is comprised of a connected series of brick and block warehouse ells that were not part of the year 2000 renovation. These utilitarian structures extend to the Fore Street right of way and are currently vacant.

Proposed New Structure:
The proposed 64,000 square foot structure would replace the rear warehouse ells with a five to six story office building. The new building would share the Custom House Street lobby of the year 2000 Blake Building addition and would extend the design approach of the addition all the way up Custom House Street and along the entire Fore Street property frontage.

Custom House Street rises approximately nine feet from Commercial Street to Fore Street and the new structure is proposed to rise with it. The proposal shows a five-story façade along Fore Street, though the building would be six stories tall if measured from Commercial Street. Please see the zoning discussion below to understand how this relates to building height requirements.

The primary entrance to both the year 2000 addition and the new structure is proposed through the existing lobby at Custom House Street. The Fore Street façade would have an additional primary entrance for the "second" floor (first from Fore Street). Please note that the finished floor at Fore Street is elevated 3.5 feet above the Fore Street sidewalk due to the need to achieve a full floor separation from Commercial Street. While the current proposal anticipates office use for this floor, this change in elevation may complicate future retail use of the Fore Street facing space. The Fore Street frontage is shown as a "pedestrian encouragement" area on the Pedestrian Activities District map and buildings with such designation should be designed to accommodate future retail use. The Board may ask the applicant to describe how pedestrian activities would be accommodated along Fore Street in the future.

Circulation

As stated above, the primary pedestrian entrance to the building is proposed from the Custom House Street lobby. This lobby accesses a service core that currently serves both the historic structure and the addition to the Blake Building.

Sidewalks currently exist along both street frontages, but in very different conditions. The year 2000 building addition included a major street circulation change making Custom House Street one way and allowing the construction of an improved and widened brick sidewalk for its entire length. Fore Street, on the other hand, has a narrow bituminous sidewalk that is interrupted by utility poles, parking meters and street signs that make the sidewalk uncomfortable in summer and impassible in winter. The applicants are working with City staff and their traffic engineer to determine how much of the Fore Street right of way could be redistributed from vehicle lanes to sidewalk. The

Board will be asked consider this change to the Fore Street right of way during later workshops when additional information is available.

Currently, there is a truck loading bay at the rear of the Blake Building that is proposed to be eliminated requiring that all deliveries, trash pick up, and service for the combined complex of buildings would occur across the sidewalks from adjacent streets.

No vehicle parking is proposed on site. The applicants anticipate utilizing existing or future garages in the area to satisfy the parking needs of the building.

Footprint

The building is shown directly adjacent to the Custom House Street right of way and at an angle to the Fore Street right of way. The Fore Street setback angle allows the building to align with the face of the nearby Custom House building, providing better visibility of the historic granite landmark structure. This alignment has been suggested by members of the Board of Historic Preservation as currently being reviewed. As shown, the building starts at the easterly corner within one foot of Fore Street, setting back from Fore Street as the building moves west toward Custom House Street. At its widest, the setback is less than 10 feet. The footprint setback at Fore Street requires a change to the B-3 text for approval. Please see below.

Zoning Issues:

As stated in the introduction, given the lack of parking and design specificity, this workshop is limited to the zone changes requested to construct the building. Pending a formal zoning determination on certain aspects of the building, the only zone change needed is an edit to the B-3 Maximum Building Setback requirement.

In the B-3 Zone, street wall development is encouraged by the requirement that buildings be placed close to the street right of way. As originally drafted, the zone states a maximum front yard setback of five feet. As a companion to the maximum setback, the site plan standards contained a provision that allowed the Planning Board to waive the setback maximum, subject to certain criteria. The Maine Supreme Judicial Court has since found that Planning Boards are not allowed to waive zoning requirements, therefore negating the B-3 waiver clause. The five-foot maximum street setback is now an inflexible requirement – contrary to the original intent of the zone language.

Staff and the applicants request that the Board consider edits to the B-3 to allow greater design flexibility in the B-3, as originally intended for the Downtown. If the Board is comfortable pursuing such an edit, Staff will provide specific language at the next workshop. Below are examples of how street wall development has been approached in other Portland zones.

When evaluating street wall development in other urban business zones, the Board and the City Council have recently reviewed the following examples from the B-6 and the B-5 revisions.

B-6 Zone Example

The following language is currently in place for the B-6 Zone.

> 2. Maximum building setback from street line except for parking garages, public transportation facilities and provided in 3. below *(not applicable to the B-3)*: 10 feet.
>
> a. For lots fronting on more than one street, the setback can be increased more than ten (10) feet if all of the following conditions are met:
>
> i. The increased setback occurs at the intersection of the streets;
>
> ii. The increased setback area is the primary pedestrian entrance to the building;
>
> iii. Seventy-five (75) percent of the total building wall length facing the abutting streets shall be setback no greater than ten (10) feet; and
>
> iv. All building wall segments, which make up the increased setback shall be included in the calculation of the total building wall length noted in subsection iii above.
>
> In addition, for any new construction on a lot abutting three or more streets, the maximum setback shall apply only to the two most major streets. (For purposes of this section, major street shall mean that street with the highest traffic volume or the greatest street width in comparison with the remaining streets).

B-5 Revisions

The following language is currently under consideration for portions of the B-5 zone:

> Maximum street setback: In the B-5 zoning district located between Forest Avenue and Franklin Street the following street setbacks shall apply:
>
> a. Ten (10) feet except for parking structures, public transportation facilities and secondary building components such as truck loading docks, mechanical equipment enclosures and refrigeration units. The setback can be increased more than ten (10) feet if all of the conditions are met below:
>
> i. Seventy-five (75) percent of the total building wall length facing the abutting streets shall be setback no greater than ten (10) feet.
>
> ii. The increased setback area includes a functional public pedestrian entrance into the building that faces the street.
>
> iii. The increased setback is not used for surface parking.
>
> For any new construction on a lot abutting three (3) or more streets, the maximum setback shall apply only to two (2) streets.
>
> Lots having frontage on streets in which the curve of the street frontage precludes a rectangular shaped building along the street line, for purposes of calculating the setback, the average setback of the building from the street line may be used, but in no event shall the average setback along the length of the building edge exceed an average setback of fifteen (15) feet nor shall the maximum setback exceed twenty (20) feet. The increased setback shall not be used for surface parking, vehicular loading or vehicular circulation.
>
> Additions to and relocations of designated historic structures or structures determined to

be eligible by the Historic Preservation Committee shall be exempt from this provision.

Staff and the applicant request that the Board consider the above language examples and provide direction for how staff should proceed for a potential revision to the B-3 setback maximum provision.

Sequence of Review:

Obviously, the formal site plan review of this project will need to wait until there is resolution of the parking issues. Likewise, the final design of the building will largely be determined through the Historic Preservation review, but the building footprint needed to achieve that design is dependent on a change to the B-3 zone minimum set back requirements.

The applicants and the Planning Staff request that the Board work through the zoning issues described above while (1) the applicants determine a parking approach for the development and (2) resolve final architectural design parameters with the Board of Historic Preservation. With determination of the zoning and of the above two items, the applicants would then be poised to finalize their site plan review with the Board.

Attachments:

1. Downtown Vision Excerpts
2. Site Plan Application
3. Plan Set

AH1.1

Introduction

For the Downtown to evolve and respond to economic and social forces, its physical environment must undergo change and the community must balance that change with preserving and enhancing the existing qualities that make Downtown unique.

Downtown Portland is a walkable City, reflecting its 19th and early 20th century development. Its dense and historic fabric of mixed uses, small scaled, highly-textured and ornamented buildings, and public open spaces all combine to keep the Downtown alive with people.

The following section offers a design framework for encouraging economic growth and development compatible with the rich urban fabric of the Downtown.

Physical Evolution of the Downtown

1. Natural Environment and Topography. The Downtown has a unique natural setting - a strong sense of place created by Casco Bay and its islands, the tidal Back Cove, the Fore River, and the peninsula with its promenades and views to the White Mountains. The origins of this deepwater port city are always before us.

   The topography of the Downtown peninsula is an important element of the natural setting. Munjoy Hill and the West End form the highest points on the peninsula, with Congress Street serving as their spine. The overall landform drops between these high points down from the high spine to the Harbor on one side and Back Cove on the other. The low point of the spine at Franklin Street Arterial, an area referred to as the "saddle area" because of its contours, is where development of the City began. Both the relatively steep topography and the Harbor's closeness have determined where development occurred. Today, these features - topography and water - play significant roles in the city's image, defining major gateways to the Downtown, creating views and providing a strong sense of place.

   Location and design decisions for prominent buildings and structures must respect this natural context.

2. Street Pattern. The existing street pattern throughout the Downtown has been pushed and pulled by topographic changes, by need for access to the waterfront, and by the shape of the peninsula. This pattern is influenced as well by building location and land use decisions made decades ago. Much travelled routes to the waterfront, which long ago were vital to commerce, continue to serve as both access and as view corridors and the diversity of block sizes and shapes has resulted in a variety of building massing and form. As a result, the pattern of streets and development Downtown today is characterized by an irregular grid, relatively small blocks, with various wedges and triangles formed by diagonal adjustments of fitting a rectangular grid onto an irregular land form. These triangles are or have potential to be prominent focal meeting points. Examples include Monument Square and One City Center, the intersections of Free and Congress Street, Portland and Preble Streets, and Gorham's Corner.

3. Urban Form. In addition to responding to the natural environment and historic street pattern, the urban form in the Downtown reflects the changing functional needs of the area's commerce, industry and institutions. Rising above the skyline and dominating many streetscape views are such structures as City Hall, the County and Federal Courthouses, Custom House, and several churches. In neighborhoods near Downtown,

Photo #100

Figure ___:

Photo #101

Figure ___:

AH 1.2

civic structures such as the Observatory, public schools, and other churches are visible and prominent from the Downtown. The design and placement of these structures convey the importance of civic and spiritual values to the community.

Portland shares with many other cities a relatively new urban landmark, the corporate office building. The development of the Fidelity Trust Company and the Chapman/Monument Square buildings in the 1910's and 1920's introduced over 10-story building construction. Additional new corporate office buildings of similar height did not appear in Portland again until the construction of the Casco Bank Building in the early 1970's. Through the 1970's and 1980's at least eight other large office buildings reshaped the City skyline and Downtown environment.

4. Building Character. Portland's Downtown building character is richly diverse in architectural style, reflecting an awareness of pedestrian scale and interest at the lower levels of every building. Traditional building composition incorporated a strong "tripartite" pattern of identifiable base, middle and top elements. The base portion of buildings traditionally were comprised of storefronts with frequent building entrances and large window areas revealing the activities and merchandise held within. The upper stories of buildings have traditionally been more extensively ornamented, framing the repetitive form of the mid-section and providing a distinctive terminus to the vertical facade. Buildings of less than six or eight stories were generally conceived of as background buildings in the context of Downtown while taller buildings such as the Fidelity Building and key elements of buildings such as the church spires were developed with very distinctive form and/or with particularly strong architectural character serving as landmarks on the skyline.

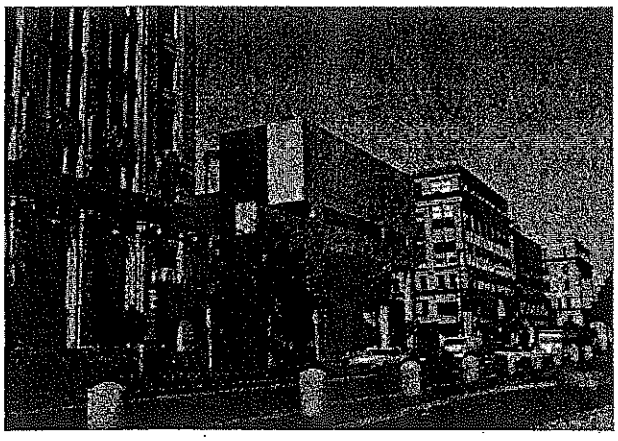
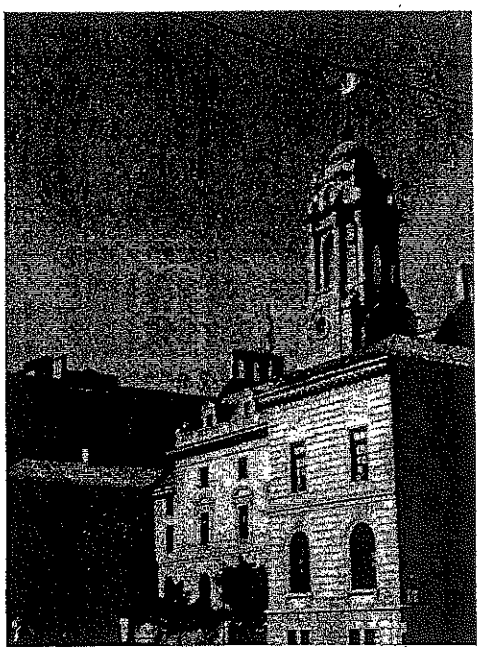


Figure ___:

Vertical scale of a building is expressed through the placement of cornices, special articulation of the base (particularly in the storefronts and at building entrances) and tops of buildings, by the rhythm of window openings from floor to floor, overall building height, and ornamentation visible from pedestrian levels. Buildings have traditionally demonstrated a horizontal rhythm marching along the street, with frequent building entrances, regular window and bay spacing, and facade proportions reflecting the incremental development of the Downtown's commercial streets. Prior to the



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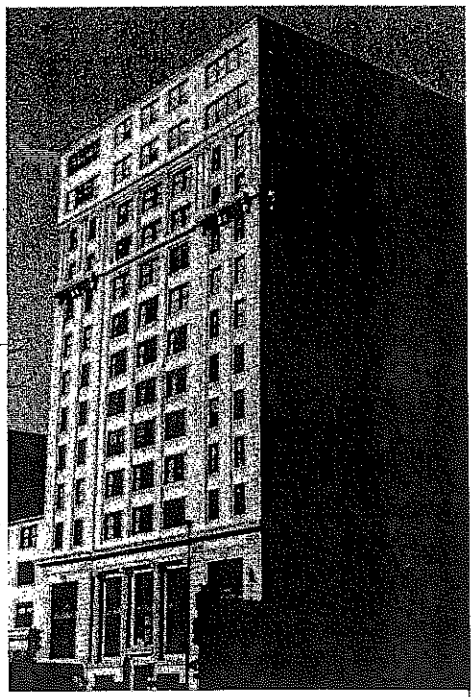


Photo #105

Figure ___:

AH 1.3

1960's office development, this pattern applied to both large buildings and small.

During the 1960's and 1970's, trends of contemporary architecture often neglected these patterns. More recently, architects have been rediscovering the value of tripartite building composition and pedestrian oriented features at the base of buildings as a technique to blend new with old, encourage greater pedestrian activity at street levels, and to distinguish between background buildings and landmarks on the City skyline. Articulating the building form helps to provide scale and proportion both from the pedestrian perspective and from distant views.

A Design Framework for Future Growth

1. Designing in the Public Realm: Creating a Rich Urban Fabric. Portland's built environment is so livable, for one, because of its fine grained development pattern - the small block structure created by a grid street network and the joining by party walls of a collection of separate buildings on individual lots. This building collage is bound by period architecture and common building scale. Rehabilitation and redevelopment must respect the existing built environment Downtown as well as recognize the differences between such areas as Congress Street, the Old Port and Commercial Street to preserve Portland's sense of place and its livability.

   Modern building technology and market conditions suggest land assembly to accommodate large scale buildings. Where buildings are proposed to cover entire blocks or combined blocks, special care and attention is needed to ensure that Portland's unique urban character as a fine grained City is preserved.

   Design in the public realm amounts to what can be seen and experienced at pedestrian levels from public sidewalks and open spaces. New development must enrich the urban fabric, providing a positive character and texture at pedestrian levels. This focus includes the design of public streets and sidewalks, of amenities such as benches, lighting and other street furniture, and landscaping. (See Open Space, page). It also includes the design of those aspects of private development including building facades, building massing, and open space which impact the use and character of public space.

   a. Building character: The tripartite form is generally recommended, with special attention to the design and detailing of the base as experienced at close quarters by pedestrians. The relationship of base, middle and top give form and balance to the scale and proportion of buildings. It is the architect's art to ensure that the building makes a positive and comprehensible visual statement, balancing contrast with context to become an integral part of the urban fabric.

   b. Contextual relationship: Each element of the city, whether building or landscape, is seen beside its immediate neighbors and against the backdrop of the city as a whole. Compatibility is judged through comparisons which include scale, color, height, massing, use and materials. Any new development should reflect and reinforce in its design the recurring characteristics of its immediate context. When the immediate area has no particular character with which to relate, the new design should look to the larger context of the city. Portland is known for its buildings of red brick and light colored masonry, with individual windows punctuating their facades. Structures maintain consistent street faces and commonly have expressive roof lines.

   Development which has occurred incrementally over time throughout the Downtown has generally been responsive to the character and use of existing

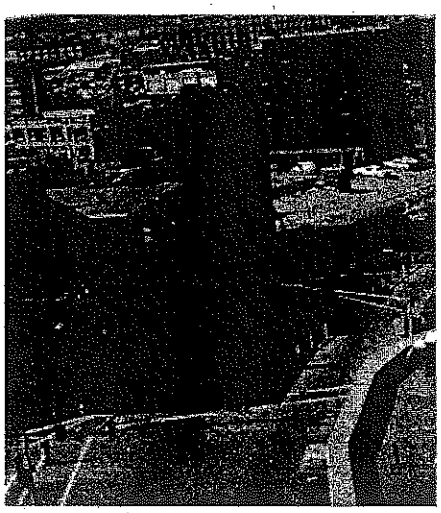


Figure ___:

Photo #107

Figure ___:

AH 1.4

buildings and open spaces. Innumerable buildings, while not remarkable as individual structures, combine to create a distinctive scale and character. Contrasting buildings, such as the Custom House, City Hall, and the Fidelity Building each were sited and designed with both the surrounding building environment and their individual place within this setting in mind. All new development and redevelopment Downtown should respond to the built environment in its relationship to the natural topography, to visual landmarks and important view corridors, to existing historic and non-historic buildings, and to existing and proposed open spaces.

c. Orientation to the street: One of the failures of modern architecture mirrored in some contemporary buildings is the repudiation of the street. Design in defense against the city with fortress-like walls, little ornamentation and few openings except for vehicular or loading dock entries, do not communicate with surrounding streets.

Yet, the street is the public's link to a building. Every new building must be designed with recognition of its relationship to the public street. The building should face and greet the street, not turn its back. More than one front face may be required if several streets bound the property. The building should be punctuated by frequent inviting entry points, with one or more formal main entrances. A traditional pattern of bay spacing, ample windows and, where appropriate, storefronts are positive features. Careful detailing, ornamentation, and choice of materials at the base of the building (at least the first two floors) are critical to creating a positive pedestrian relationship to the building.

d. Sidewalks, open spaces, and pedestrian amenities: New development and City investment should contribute to the quality of the urban streetscape. Brick sidewalks, or a combination of brick with granite or concrete sections are the standard for Downtown. Ornamental pedestrian lighting should be introduced throughout the downtown, with a thematic pedestrian lighting fixture to provide a sense of security, elegance, and vitality into the evening hours. A limited number of lighting standards should be established to provide continuity and identity for gradual distribution throughout the Downtown. Attractive street

Figure ___:

Photo #109

Figure ___:

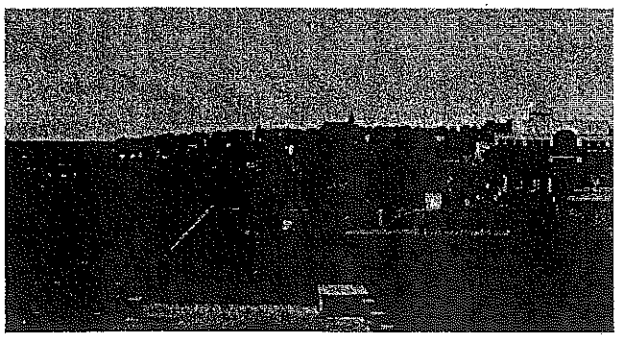


Figure ___:

Photo #111

Figure ___:

furniture including benches, bollards, planters and trash receptacles should be installed and maintained. The cylindrical trash receptacle has proved to be an acceptable standard, with the recently introduced "Ironsites" fixture a desirable option where resources permit. Street trees with guards and grates are a valuable contribution to the sidewalk environment. Plazas and pocket parks should be integrated within larger scale development. The location and design of such spaces should promote public use and tie into the Downtown open space network. Care should be taken not to disrupt significant streetwalls with plazas, where continuity of sidewalk, possibly widened, is more appropriate.

2. Urban form and the Skyline. Portland is the State's largest City and should be home to many of its largest corporations. As the City evolves, a bold urban statement can be made with larger-scaled buildings representing a strong business climate. While large buildings can stand out prominently, designs must respect the context of the surrounding built environment. Historic districts must be protected and civic landmarks not dwarfed or trivialized by an overwhelming scale of new development. Height, volume, form, massing, placement and quality of design are factors that will collectively establish urban form and shape the City's skyline and streetscape.

The Downtown Height Study prepared by consultants Carr, Lynch, Hack and Sandell provides a foundation for this discussion and presents key findings that are incorporated within this Downtown Vision.

a. Height policy: The views of Portland's skyline are one of the unique characteristics of this City. The skyline has a great deal of importance to local residents as it is seen by most residents each day commuting from the surrounding neighborhoods and communities along the main approaches. Especially important are the views of the skyline from Portland Harbor, South Portland, Munjoy Hill, the Back Cove area, along Interstate 295 and from the International Jetport. The desire is to maintain a varied skyline, which reinforces the profile of the peninsula, with buildings stepping down in height as they move closer to the Harbor and Back Cove. The variation of building forms and heights that currently exists should continue to be encouraged. This includes slender elements which pierce the skyline as well as blockier background elements, providing a rhythm of light and building.

The dominance of the Congress Street spine should be reflected on the skyline, with concentration of the tallest buildings midblock between Congress and Cumberland to reinforce the historic form of the City and provide a sense of orientation for Downtown.

The pattern of building heights in Downtown Portland is complex and requires a distribution of height regulations to graduate height limits from the spine to the waterfront. The height policy directs and encourages the most intensive growth in the core of the Downtown where it can be best accommodated. Building height should be moderated in the historic area and near the waterfront where the impacts of large scale new development would be detrimental.

b. Street walls: The street is public domain and serves more than simply a transportation function. The street is the counterpoint to the built environment, and can be perceived as rooms and corridors in the fabric of the City. Buildings give spatial definition to the street, and the street provides relief in the form of light, air, and a viewing vantage for the buildings.

Street faces which are relatively uniform in height, such as Exchange Street, provide the sense of a coherent district. While variety in overall building height is acceptable, abrupt changes - such as more than 50 percent differences in height - tend to make a district seem less cohesive. The variation of heights along upper Congress Street is within the acceptable variation.

While buildings in Downtown Portland vary considerably in height, the most cohesive areas tend to have one of three typical maximum street wall heights: 45-foot heights in the waterfront area; 65-foot heights in the Old Port area; and 85 to 90-foot heights along Congress Street. Exceptions, relatively infrequent, of course exist.

A continuous street wall gives emphasis and meaning to open plazas and squares. Street walls assist in reinforcing the unique and irregular street pattern, maintaining the density of the urban fabric, and through contrast, enhancing the significance of open spaces. The most obvious examples are Congress and Exchange Streets.

The height and proportions of buildings, together with their setbacks and step-backs, determine how massive they seem in relation to their surroundings. The critical dimension is the relationship to pedestrians on the street - whether they can relate to a structure or feel overwhelmed, and whether the street seems comfortable or canyon-like.

AH 1.6

The most comfortable pedestrian street wall to street width ratio, as a rule of thumb, is between 1:1 and 1.5:1. Streets with such proportions tend to feel enclosed, but not canyon-like.

c. Tower massing: Buildings taller than the current 125-foot height limit are more easily accommodated in the form of slender towers, stepped back from the street face, so as to cast fewer shadows on the street and be less visible to pedestrians passing by on major routes. Such a massing scheme also minimizes pedestrian winds by creating a shelf to deflect down-draft.

The interest of the skyline is enhanced when the massing of structures is not completely uniform and when the buildings have distinct profiles. Prominent and distinctive structures serve as landmarks in themselves and do not require logos or identification signs that can be read from a distance.

d. Civic area: The area surrounding Lincoln Park is of special significance, housing many important public buildings. It is also a visually cohesive area, the result of limestone, marble, and other light-colored masonry structures, all of similar height and scale. Requiring a base street wall height of 50 feet will reflect the scale of the existing civic structures such as City Hall, the Federal Building, Fire Station, and Courthouse. In addition, lower portions of buildings should be light in color, preferably of materials similar to those which now exist in the area.

e. Visual landmarks: Landmark buildings in Downtown Portland help give areas their identity and are important for orientation. They are important symbols of the City and its institutions. The most recognizable landmarks are:

- Portland City Hall
- Munjoy Hill Observatory
- Custom House
- First Parish Church
- Cathedral of the Immaculate Conception

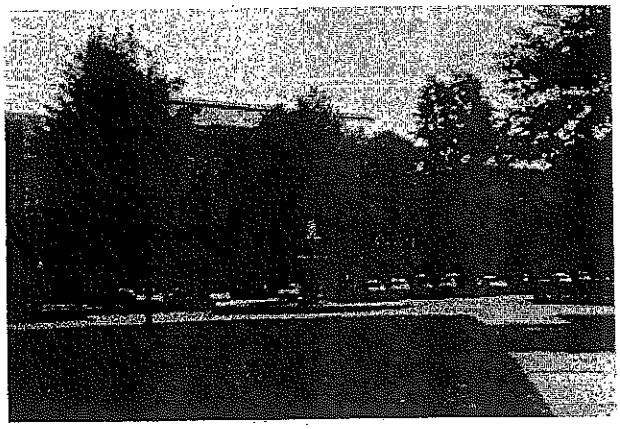
Presently the distinctive profile of each of these landmarks can be seen against the sky from important streets and squares. This quality contributes to their visual prominence. Typically, they are surrounded by structures of similar or lower height, so they seem an integral part of the areas in which they are located. When landmark buildings are dwarfed by structures of considerably larger scale, they appear as remnants of some bygone era. Thus, two policies are important for landmarks: that they be read against the sky from important streets, and that they be surrounded by structures of similar scale.

The heights of neighboring buildings also should be limited to avoid blocking the view of landmarks against the sky. While a restrictive policy, it should be carefully applied to selected views. As an example, the views of City Hall tower when approaching along Park Avenue/Portland Street, Congress Street and Exchange Street should be preserved where possible for orientation. Frequent (though not continuous) views of City Hall from I-295 and Baxter Boulevard, too, give people a sense of orientation to the Downtown and of the central importance of this public building. These views have special meaning in the City, and it may be necessary on individual sites to limit building heights, set development back, or step back street walls an adequate distance to ensure that landmark structures can be seen.

The spirit of this policy could be extended to a variety of other important buildings in the peninsula area. Elements such as church spires, towers on schools and fire stations, and unique architectural roof features should be respected and viewed against

Photo #113

Figure ___:



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the sky. In most situations, the area height limits will provide for this. However, views towards landmarks need to be evaluated on a case-by-case basis.

f. View corridors: View corridors play a large part in determining the City's visual character by revealing destinations and assisting pedestrians and motorists to orient themselves to the layout of streets and to the Downtown. Distant views provide visual and psychological connections to the world surrounding the City. Views may also make connections to the past by juxtaposing the old and the new.

Establishing view corridors preserves significant vistas within the downtown area. Figure ___ illustrates the critical long distance view corridors in the Downtown area of Portland. Many shorter views, especially from Commercial Street to the Harbor, have been documented in the Portland Waterfront: Public Access Design Project and should, where possible, be maintained.

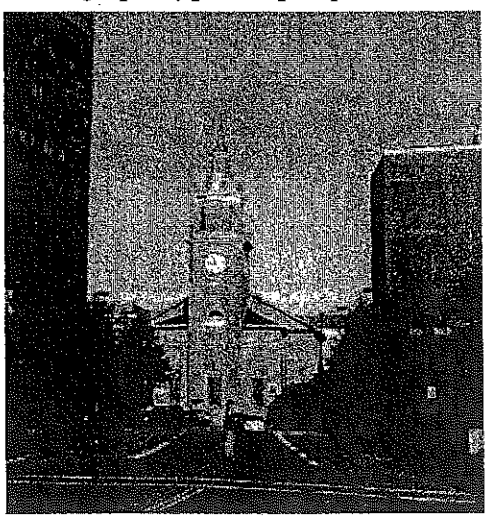
Portland has important links to the water. It was founded as a port city and maintains an active harbor. View corridors to the harbor help recall the City's history, and re-assert the contemporary presence of the harbor. Views can be to the opposite shoreline, middle of the water basin, or to the near shore, but in each case they offer a glimpse of the water and occasionally of passing boats. Views to the water in the Back Cove area are equally important to the visual structure of Downtown. When looking at the Cove one realizes the geography of the peninsula. View corridors frequently extend across private property and, in these areas, the heights of structures should be limited where possible so as to avoid blocking the object of attention.

g. Key Open Spaces: Portland is fortunate to have a number of high quality public open spaces, located throughout the peninsula. These spaces provide relief from the congestion of buildings, and create places to gather, stroll, rest, eat and be entertained. The most important public and private open spaces on the peninsula are indicated on Figure ___.

The success of these spaces depends greatly on the amount of direct sunlight that reaches them, since Portland outdoors during certain seasons can be uncomfortably cold in the shade. The heights of adjacent development should be regulated so that key open spaces receive sunlight during the critical hours when each is actively used. By assuring sunlight, the period of use of the spaces can be extended several weeks in Spring and Fall, even during warm days in the Winter.

For most spaces in the Downtown, the critical period of use is usually the lunch hour and several hours before and after (approximately 10 a.m. to 2 p.m.). They are often active at other times, but during early mornings and late afternoons in Winter, virtually the entire Downtown is in shadow. Hence, there is little merit in attempting to regulate shadows for these hours.

h. Gateways: The 1983 Gateways to Portland report outlined the importance and opportunities presented by many entrances to Downtown in creating first impressions, providing a clear orientation, and giving identity to frequently-traveled routes by which residents and commuters observe and relate to the City. While each entry is unique, opportunities exist to enhance them by preserving view corridors and skyline vista, improving the scale and character of buildings along those routes, and encouraging public and private development and infrastructure work which reinforce the qualities of each Gateway. See Figure ___ for a map depicting Downtown Gateways.



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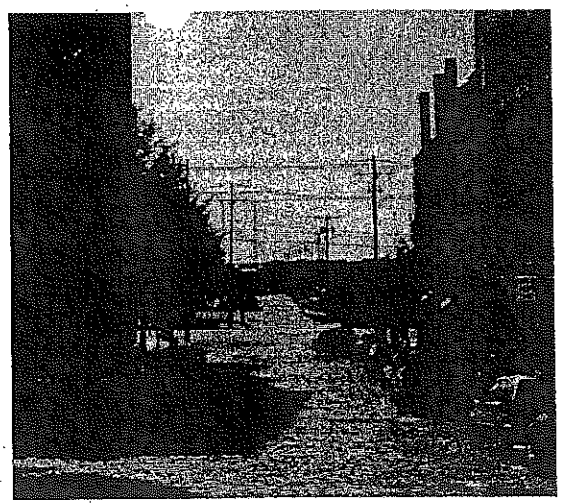

Figure ___:

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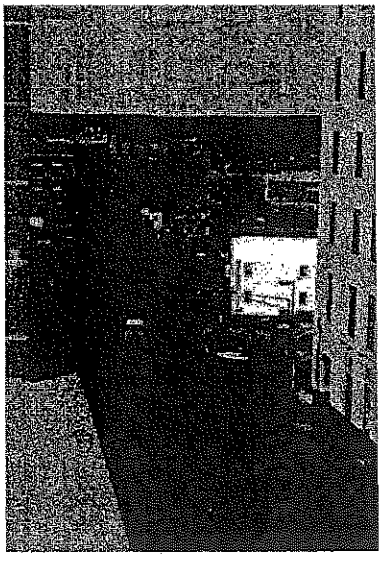
Photo 116A

Figure ___: View Corridor Protection Map

3. Preserving the Past: One of Downtown Portland's most valuable resources is the extensive historic architecture which has been assembled since the mid-19th century. The City is fortunate to have retained so much of a physical fabric which provides a much-admired character, style, tradition, and history to the Downtown. These older buildings, combined with historic parks and monuments, are a cultural resource for the residents of the City, and are invaluable in support of economic development for the entire community. With proper stewardship including maintenance, rehabilitation and restoration of our historic structures and parks, those resources will continue to enrich the City's sense of place in history. Historic resources have been shown to be major contributors to economic growth in the community in terms of continuing and increasing property tax revenues, renewing and increasing activity Downtown, and as a valuable draw for tourism.

Over the last 20 years, much historic restoration and rehabilitation has occurred throughout the Downtown. In support of further rehabilitation, and in order to prevent the loss of important resources while the City encourages new growth in the Downtown, an important balance must be established. The City has recently adopted an historic preservation ordinance which provides for the designation of historic structures, districts, and landscapes, and provides for review of



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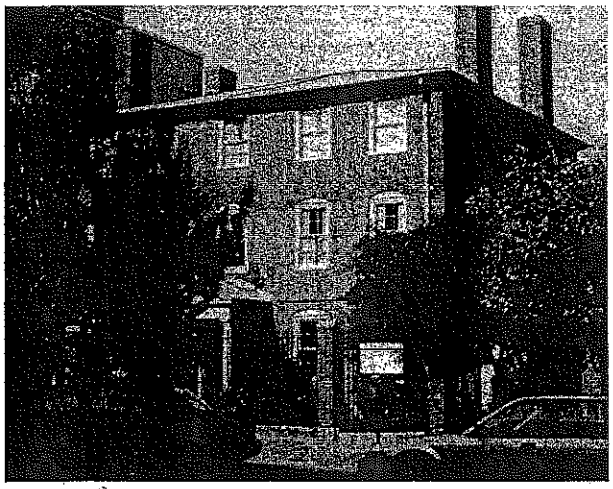
Att 1.9

new construction, alterations and demolitions affecting those resources. Several districts and properties are located within the Downtown and are covered by the protections and standards of the ordinance. The Waterfront (Old Port) Historic District lies entirely within the Downtown. The How Houses, a cluster of three Federal style early 19th century residences, located between Danforth and Pleasant Streets, also lie within the Downtown area. Portions of the Spring Street and Deering Street Historic Districts lie within or directly abut the Downtown, and a number of individual structures, including such historic landmarks as Portland City Hall, Portland High School, First Parish Church, Customs House, Longfellow House, and the Clapp and J.B. Brown blocks all sit within and add to the character of the Downtown. Lincoln Park, within the Downtown area, and Deering Oaks, lying at the perimeter of the Downtown, are included on the National Register as historic sites and are local historic districts with protections and standards under the local ordinance. See Figure ___ for a map depicting the location of Downtown historic resources.



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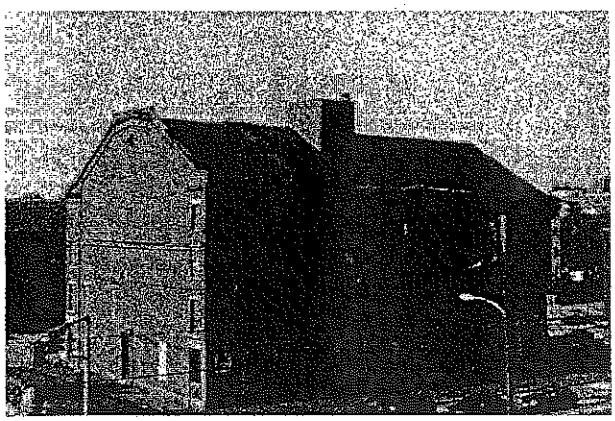

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Figure ___:

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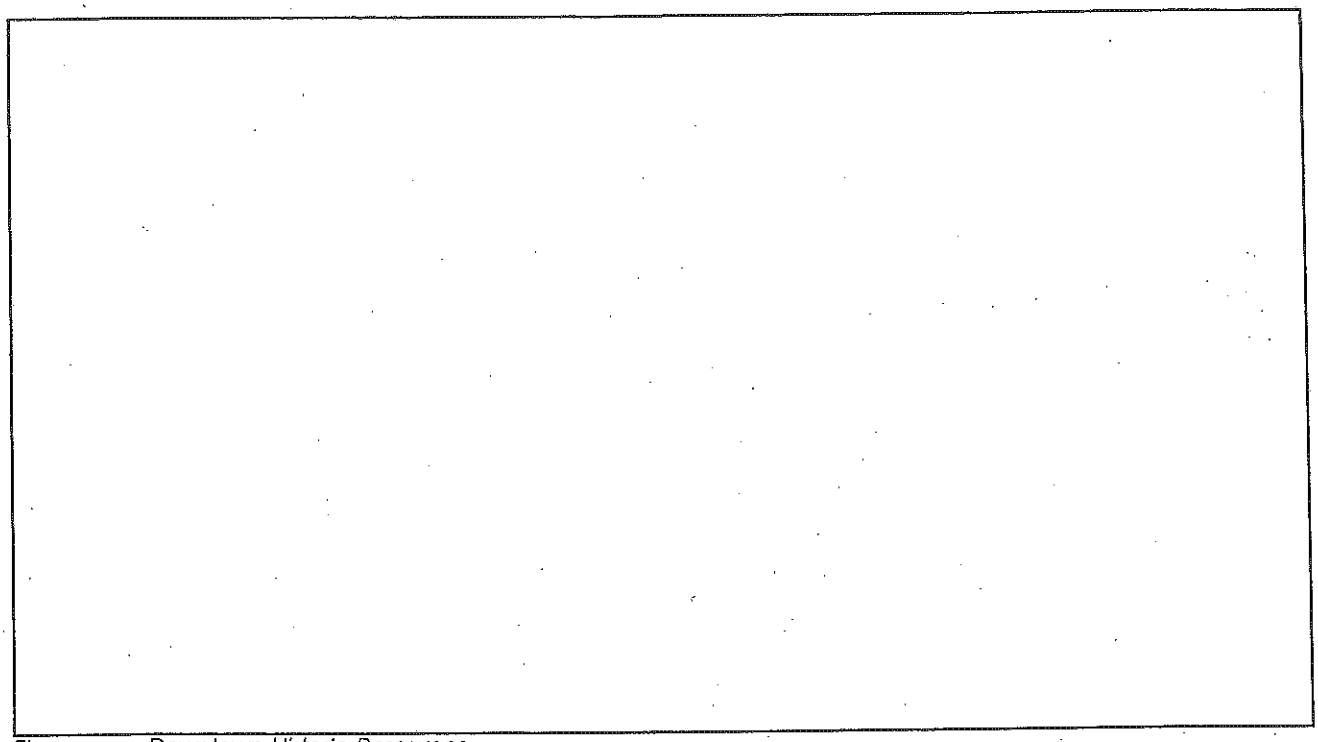

Figure ___: Downtown Historic Resources

AH 1.11

DESIGN FRAMEWORKS POLICIES

Goals

1. Encourage excellence in urban design and a sensitivity to pedestrian scale and interest throughout the Downtown in the construction, renovation, and rehabilitation of buildings, streets, pedestrian ways and open space.

2. Preserve and promote the positive qualities and attributes which comprise the Downtown's unique identity, historic fabric, and sense of place through the re-use of existing structures and the development of new construction respectful of the built and natural surroundings.

3. Develop an open space system throughout the Downtown which provides the highest quality parks, plazas, and pedestrian environment. Pedestrian improvements and amenities should utilize the best materials and be carefully designed to provide a comfortable, durable, accessible and aesthetically pleasing environment. Buildings fronting on pedestrian open space should be of high quality materials, of significant detail and interest to enhance the walking environment, and readily accessible from the pedestrian way.

Policies

DF 1 Height limits. The following maximum height limits support additional Downtown development while respecting the scale and character of existing buildings. Figure ___ depicts these heights.

a. High Spine - 210 feet plus 40 feet architectural cap. To reinforce the spine of development along Congress Street by making it advantageous for new large projects to be located nearby. This height zone is carefully located in midblock areas from Congress to Cumberland (between Elm and High, Franklin and Pearl), to avoid too severe a change in scale along the two streets.

b. Downtown Core - 150 feet plus 40 feet architectural cap. To provide incentive for compact growth in the area bounded by Cumberland, High, Spring, and Franklin Streets, excluding the Old Port and Civic areas.

c. Old Port - 65 feet. To maintain the current character of this historic district.

d. Transition - 85 and 125 feet. To provide for gradual reduction of heights from the Downtown core to the water's edge, 85 feet between Cumberland Avenue and Lancaster Street; and 125 feet below Spring Street stepping down to 85 feet along the northerly side of Fore and Pleasant Streets.

e. Civic Area - 65 feet. To preserve the character and scale of this historic area.

f. Perimeter Areas - Gorham's Corner and India Street. Heights in these areas should be established at 65 feet. Changes in the West Bayside area and more specific revisions in both the Gorham's Corner and India Street areas (outside of the B-3 zoning district) should be developed pursuant to a comprehensive redevelopment use and design plan for each area to be undertaken by the City.

g. Waterfront - 45 feet. To preserve the character of this area and avoid excessive heights blocking views to the water.

DF2 Street Walls. The height of the street wall is in many ways the most critical dimension affecting the scale of the City and the experience of pedestrians and motorists. One's awareness of the environment diminishes above a height of 40 to 50 feet, and the sense of scale within that street wall height is critical. Figure ___ depicts the maximum street wall heights and minimum stepbacks described as follows.

a. Downtown Core - 90 feet height with a 15 foot stepback above that height. For streets in excess of 60 feet in width, such as Congress Street, that step back should be increased to 30 feet.

b. Old Port and Transition - 65 feet, with no step back required for buildings less than 90 feet in height. Above 90 feet, provisions of (a.) above shall apply.

c. Civic Area - Properties fronting on the Civic Area shall be constructed to a height of 50 feet at the street wall, with any additional height setback at least 15 feet from the street.

DF3 Tower Massing. Careful attention to the massing of taller buildings will contribute substantially to the character of the skyline as well as preserve sunlight and

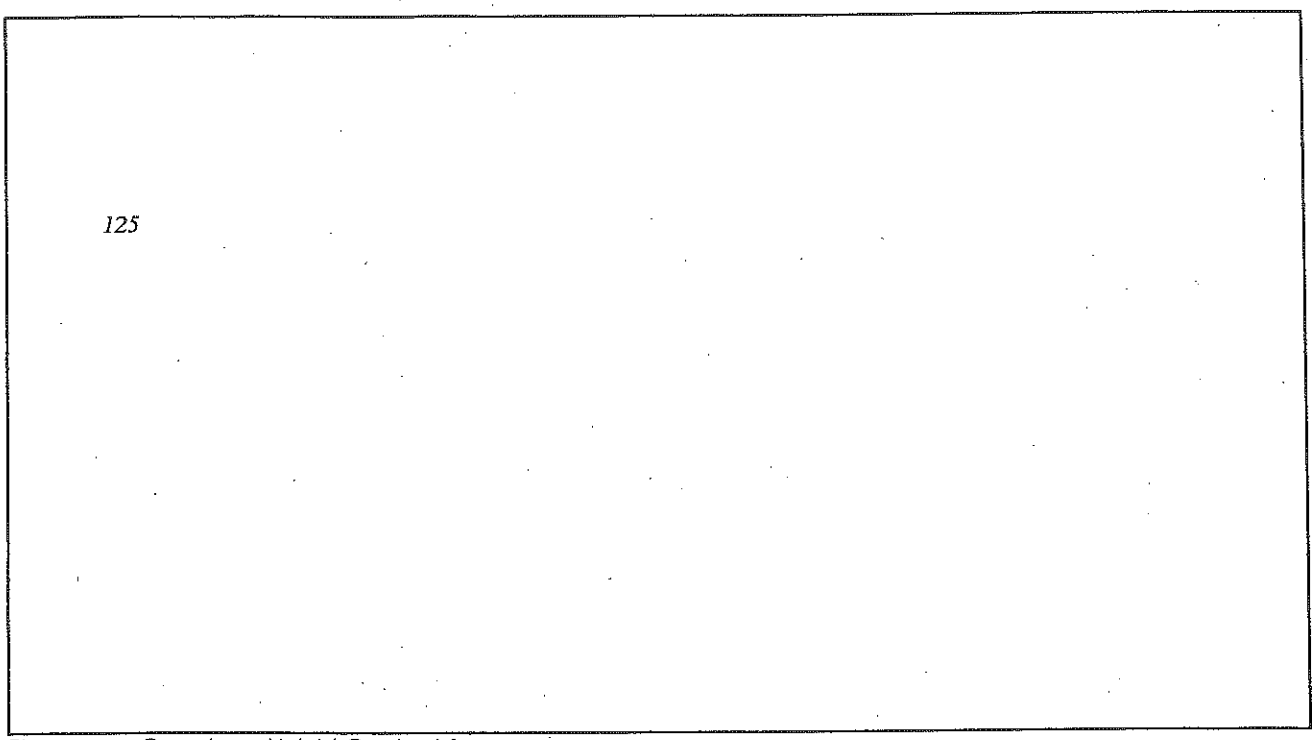

Figure ___: Downtown Height Overlay Map

diminish wind impacts at street level. The objectives of the following provisions are to achieve more slender tower forms and mitigate street impacts of taller buildings.

a. Limit the floor plate of structures above 125 feet in height to no more than 25 percent of the site area. However, on sites smaller than 40,000 square feet, this may prove impractical, so floor plates should not be restricted to less than 10,000 square feet. Maximum floor plates for floors above 125 feet in height should be limited to 15,000 square feet.

b. Require towers to generally be located within the cone created by a 1.5:1 vertical to horizontal plane. Some flexibility will be needed in administering this guideline, to cope with small and irregularly-shaped sites. However, a step back as identified in policy UF2 (above) should be required at a height up to the maximum street wall elevation.

c. Encourage architectural tops on tall structures that will be prominent on the skyline as a way of emphasizing their height, vertical character, and landmark status.

d. Roof-top appurtenances should be fully enclosed in a manner compatible with the principal building.

DF4 Visual Landmarks and View Corridors. Portland's landmark buildings and relationship to the water are an important part of its unique character. Key views to the harbor, Back Cove and landmark buildings are a community resource to be preserved and protected. They create the sense of place which defines Downtown Portland as well as providing orientation to public moving about Downtown.

a. Key view corridors as mapped in Figure ___ are important to the community and should be preserved. Site plan review regulations should prevent structures from significantly blocking or diminishing these views.

b. Landmark buildings should be viewed against the sky from key vantage points, and should be surrounded by structures of similar scale. Heights within a one block radius of key landmarks should be no more than 50 percent higher than the landmark and should not detract from the prominence of the landmark by virtue of location or design.

DF5 Key Open Space Protection. Sunlight and wind protection are valuable attributes to open spaces, and development should not be allowed to unreasonably reduce the amount of sunlight or increase wind velocities detrimentally during the times when open spaces are heavily used by the public.

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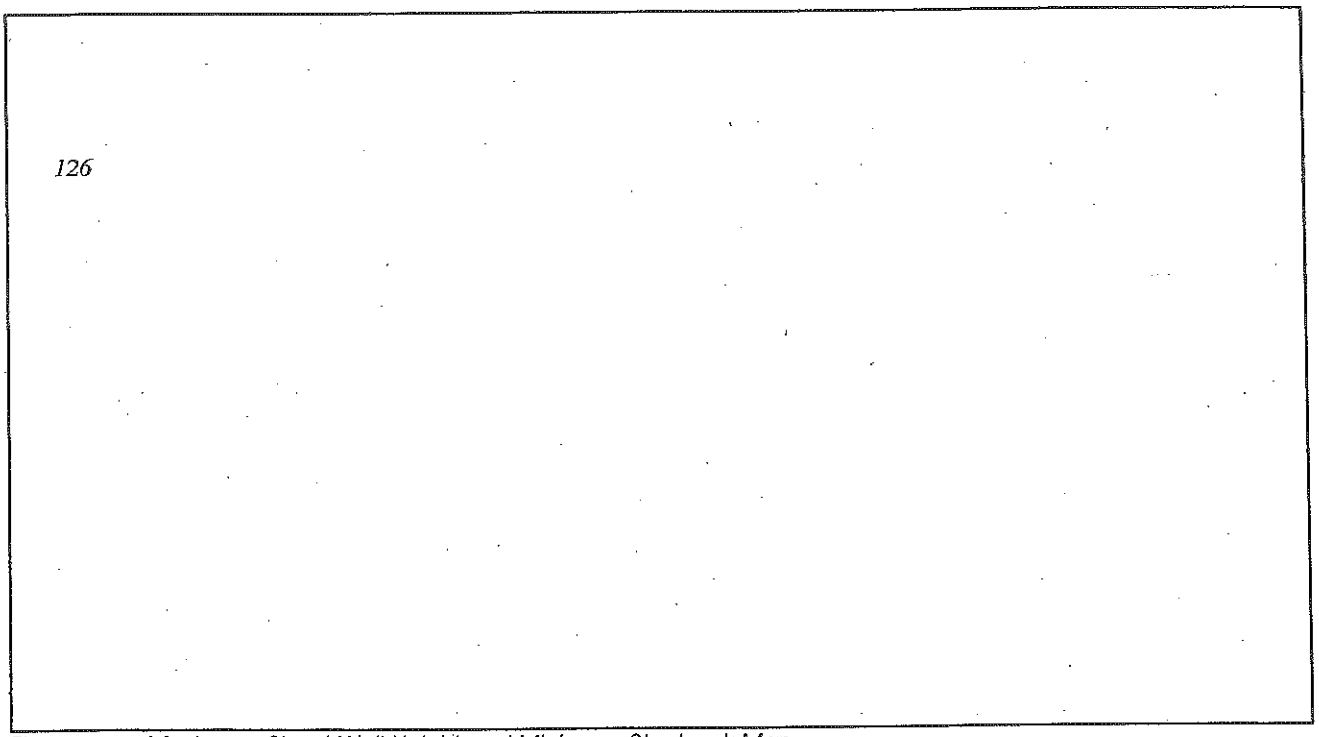

Figure ___: Maximum Street Wall Height and Minimum Stepback Map

a. Substantial shadow impacts on public open space caused by new buildings in excess of 65 feet in height shall be avoided during periods of significant use. As a general reference, from March 21 to September 21, new development should not increase the area in shadow by more than 10 percent in any of the following open spaces during the critical use hours listed below:

   - Longfellow Square: 9AM to 3PM
   - Congress Square: 10AM to 3PM
   - Monument Square: 10AM to 3PM
   - Lincoln Park: 10AM to 2PM
   - Lobsterman Plaza: 9AM to 2PM
   - City Hall Plaza: 10AM to 2PM
   - Tommy's Park: 10AM to 2PM
   - Post Office Park: 10AM to 2PM

b. Key pedestrian streets which run along the length of the peninsula enjoy sunlight on the north side for much of their length. Design and massing efforts should minimize any shadow impacts on these sidewalks resulting from new development.

c. Adverse wind impacts on open space and pedestrian areas caused by new construction or building rehabilitation shall be avoided.

DF6 Gateway Enhancement. Major gateway routes and views should provide a positive entry experience and image of the City. Streetscape, skyline, signage, public facilities and other aspects of the built environment should be designed to enhance the gateway views and experience to create the best possible first impression and image of Downtown Portland. See Figure ___ for significant Gateways.

DF7 Signage and Storefronts. Adopt signage and storefront design standards throughout the downtown.

DF8 Urban Design Guidelines. Many of these urban form policies can be addressed through zoning and site plan controls. Many require the careful analysis of the impacts of new development on a case-by-case basis. With clear standards and guidelines, the least restrictive programs and regulations can achieve the policy objectives with some flexibility and responsiveness to unique development conditions and constraints.

Addendum ___ contains Downtown Urban Design Guidelines which provide direction and establish a level of expectation for public officials, the private sector development community, and for the citizens of Portland in assuring a high quality, livable and distinctive physical environment. These guidelines address the following issues:

Att. 1.14

- Scale and form
- Architectural character
- Building to sidewalk relationships
- Pedestrian environment
- Streetscape guidelines
- View corridors and gateways
- Signage, awnings and canopies
- Lighting
- Storefront Design
- Micro-Climate
- Merchandising and display
- Security
- Maintenance

DF9 Historic Resources. Pursue a program of integrating the City's concern for preservation and creative re-use of our historic resources with comprehensive planning and management of the Downtown.

In order to prevent the loss of historic resources within the Downtown, and to encourage the creative re-use and rehabilitation of those resources, the following steps are recommended:

- examine existing buildings throughout the Downtown to evaluate the appropriateness of designating additional buildings or districts for coverage under the historic preservation ordinance;

- examine existing boundaries of National Register Historic Districts to evaluate, through possible boundary adjustments, the opportunity for making additional properties eligible for federal tax incentives for the rehabilitation of historic structures;

- undertake a study to examine the potential use of financial incentives at the local state and federal levels and zoning mechanisms at the local level which could provide incentive or assistance in the rehabilitation of historically-significant resources; and

- include preservation planning and related public education as a component of comprehensive planning for the Downtown.

Design Frameworks Implementation Action Chart

Recommendation		Timing			How		Implementing Body
		Adopt with Plan	Next 3 Years	3 to 10 Years	Ordinance	Program	
DF1	Height Limits	x			x		City
DF2	Street Walls	x			x		City
DF3	Tower Massing	x			x		City
DF4	Visual Landmarks/View Corridors	x			x		City
DF5	Key Open Space Protection	x			x		City
DF6	Gateway Enhancement	x	x	x	x	x	City/Private
DF7	Signage and Storefront Standards	x			x		City
DF8	Urban Design Standards and Guidelines	x			x		City
DF9	Historic Resources	x	x		x	x	City

AREA DEVELOPMENT CONCEPTS

Areas within the Downtown

1. Old Port
2. Civic Area
3. Congress Street: Central District
   a. Monument Square
   b. Congress Square
   c. Upper Congress

Perimeter Growth Areas

4. Bayside
5. India Street
6. Gorham's Corner

Downtown Vision treats all the major factors comprising and influencing City life. In the following passages, the Downtown is treated as a composite of smaller neighborhoods, each combining the factors in a unique way to create distinctive patterns and character of form and function. If the plan and policies tend to dissect the City by treating with a magnified view of varied issues, this section attempts to step back and look at each sub area to see how those myriad pieces fit back together. A vision of the future must bridge from the micro view of details to the macro view of the whole. In doing so, some prognostication and license is taken to suggest the form and direction of change. More to be taken as example than as a literal prescription, the views presented offer a glimpse of the Downtown's future according to plan.

Figure ___: Downtown Sub-Areas

AH. 1.15

AREAS WITHIN THE DOWNTOWN

Old Port Exchange

The Old Port is as vibrant and valuable a part of Downtown today as when it was a center of commerce and shipping. Twice destroyed by fire, by British Captain Mowat in 1775 and again during the Great Fire of 1866, the Old Port exemplifies the resiliency of Portland suggested by the City motto - Resurgam. The area encompasses some 35 acres or 20-25 blocks oriented around the axes of Exchange Street and Commercial Street. Its historic quality has long been recognized as a National Register Historic District, and recently as a locally protected historic district.

Exchange Street from City Hall at Congress Street to Fore Street functions much the same today as it did in the turn of the century. Most of its buildings were constructed in the economic boom years after the 1866 fire. Retail, office, banking, and residences all blend together to create a lively urban environment. Many visitors come to Portland especially to walk up and down Exchange and neighboring streets, to shop, eat, and relax at a sidewalk cafe, and to enjoy its nightlife. The festive atmosphere created by visitors diminishes between Labor Day and Memorial Day, during which time the Old Port plays host more to its year-round population of residents and workers.

Commercial Street was largely spared by the fire of 1866, and therefore has a somewhat older building stock. A most impressive view of the bold street wall facing the waterfront can be experienced from Market Street facing west. In few places can one find finer examples of the New England seaport city heritage than these trade, commerce and warehouse blocks built at the turn of the century.

On the land side of Commercial Street today, however, the use has changed dramatically from its historic roots. No longer is rail and ocean shipping the primary distribution system. The warehouse and distribution activities have gradually made their inevitable moves to more modern and spacious industrial park sites on the City's outskirts - where highway access is of primary importance. Acknowledging this reality, the tracks connecting the Canadian and U.S. rail systems have been pulled from Commercial Street. For better or worse, we no longer have the old world experience of the rail cars shuttling down the middle of the street. Even the view of tractor-trailer trucks backed up to loading docks obstructing most of the wide street are becoming more rare.

In place of the warehouse distribution function, fine buildings have been converted into the Old Port mix of retail, office, and residential uses. This transformation is not yet complete, with a few redevelopment and infill opportunities still available.

While Exchange and Commercial Streets retain most of their historic building fabric, as do several other prominent streets such as Middle, Fore and Market Streets, the blocks to the east near Franklin Street, and portions of Fore Street toward Gorham's Corner have undergone more substantial changes. Canal Plaza and 100 Middle Street reflect larger-scale office developments, whose forms and predominantly single-purpose uses deviate from the historic building fabric.

As more infill development takes place on the blocks bounded by Franklin, Middle, Pearl, and Commercial Street, and by Union, Spring, Center, and Commercial Streets, it will be very important to weave the new building fabric to blend with the old. Especially, on Fore Street, a strong consumer-oriented retail focus must be created to link the Old Port with Gorham's Corner and with the expansion of the Downtown east of the Arterial near the waterfront.

Other important form and functions of new buildings relate to height, massing, and orientation to the street. In contrast to the spine of Congress Street and areas above Spring Street, the areas below Spring Street to the water and the historic district around Exchange Street are programmed for modest building heights. The principles of reducing heights of buildings as the peninsula land form slopes to the water, as well as of compatibility with the intact historic building fabric, call out for lower building heights in this neighborhood. Street orientation demands retail street frontages, with multiple entries and windows and with uses attractive to pedestrians. Cafes, clothing stores, restaurants, night clubs and other retail uses are desirable. Retail goods and services for city residents such as personal services, convenience groceries, hardware, and other necessities might find a ready market here. Upper stories could accommodate additional new office, residential, and hotel uses. A healthy mix of uses will contribute to the diversity and strength of the Downtown, maintaining and enhancing its cosmopolitan, urban flavor.

Att. 1.16

The Old Port is a special resource to the city and region. Its energy and charisma can support new development that will contribute positively to its atmosphere. Open spaces such as Lobsterman Plaza, Tommy's, the proposed Post Office Park, and historic Boothby Square could become a more prominent focus to its surrounding buildings, with additional landscaping and possibly restoring its water fountain. The adjacent waterfront provides recreational opportunities, waterfront walks, boat rides, as well as a glimpse of the activities of the working waterfront.

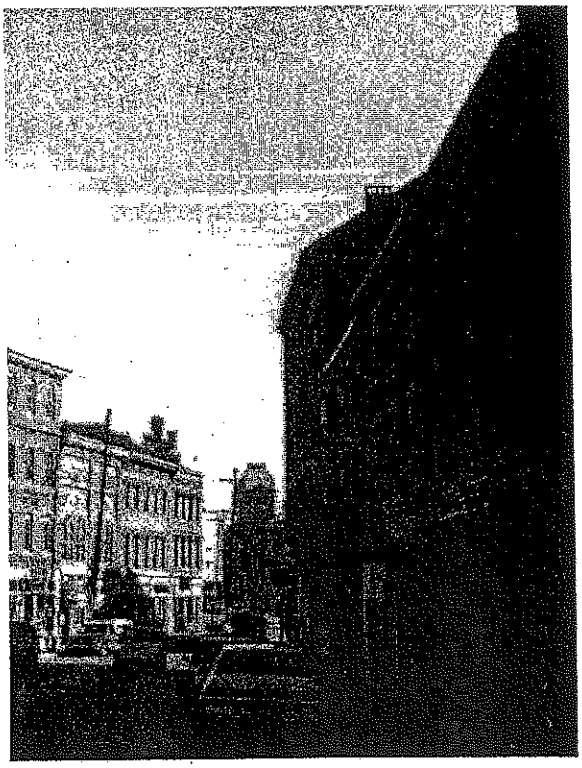

Figure ___:

Figure ___:

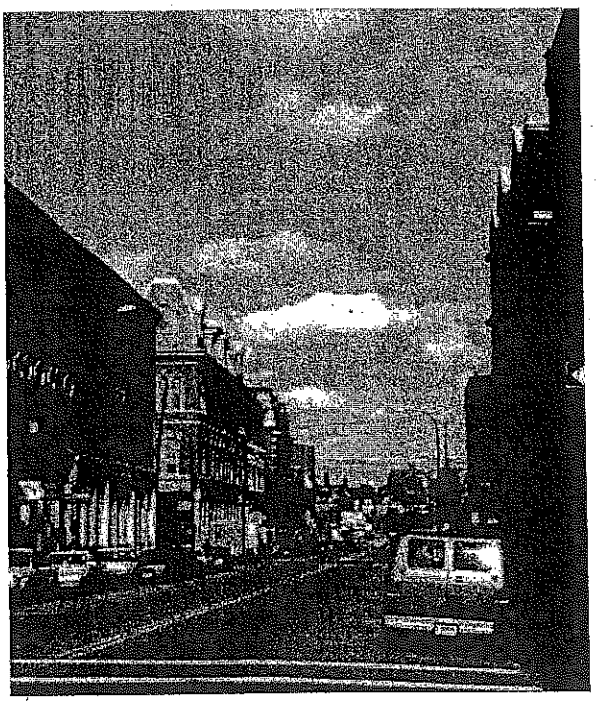

Figure ___:

A172.1

CITY OF PORTLAND, MAINE
DEVELOPMENT REVIEW APPLICATION
PLANNING DEPARTMENT PROCESSING FORM
DRC Copy

2005-0040
Application I. D. Number

3/3/2005
Application Date

Office Building
Project Name/Description

,a Equity Investors IV-B
,cant

/ Fore Street, Portland , ME 04101
,pplicant's Mailing Address

Consultant/Agent

296 - 304 Fore Street, Portland, Maine
Address of Proposed Site

Applicant Ph: (207) 874-9990 Agent Fax:
Applicant or Agent Daytime Telephone, Fax

029 K001001
Assessor's Reference: Chart-Block-Lot

Proposed Development (check all that apply): ☑ New Building ☐ Building Addition ☐ Change Of Use ☐ Residential ☐ Office ☐ Retail
☐ Manufacturing ☐ Warehouse/Distribution ☐ Parking Lot ☐ Other (specify)

64286 s.f. | Acreage of Site | B3
Proposed Building square Feet or # of Units | Zoning

Check Review Required:

☑ Site Plan (major/minor) ☐ Subdivision # of lots ☐ PAD Review ☐ 14-403 Streets Review

☐ Flood Hazard ☐ Shoreland ☐ HistoricPreservation ☐ DEP Local Certification

☐ Zoning Conditional Use (ZBA/PB) ☐ Zoning Variance ☐ Other

Fees Paid: Site Pla $1,000.00 Subdivision Engineer Review Date 3/7/2005

DRC Approval Status:

Reviewer

☐ **Approved** ☐ **Approved w/Conditions** See Attached ☐ **Denied**

Approval Date Approval Expiration Extension to ☐ Additional Sheets Attached

☐ Condition Compliance — signature — date

Performance Guarantee ☐ **Required*** ☐ **Not Required**

* No building permit may be issued until a performance guarantee has been submitted as indicated below

☐ Performance Guarantee Accepted	date	amount	expiration date
☐ Inspection Fee Paid	date	amount	
☐ Building Permit Issue	date		
☐ Performance Guarantee Reduced	date	remaining balance	signature
☐ Temporary Certificate of Occupancy	date	☐ Conditions (See Attached)	expiration date
☐ Final Inspection	date	signature	
☐ Certificate Of Occupancy	date		
☐ Performance Guarantee Released	date	signature	
☐ Defect Guarantee Submitted	submitted date	amount	expiration date
☐ Defect Guarantee Released	date	signature	

AH 2.2

A R C H E T Y P E

March 3, 2005

Alex Jaegerman
Division Director
Portland City Hall
389 Congress Street
Portland, Maine 04101

RE: Proposed Office Building – Corner of Fore St. & Custom St.

Dear Alex,

We are submitting our schematic drawings for review. The building has been designed with the following concepts in mind.

1. The height does not exceed the 65 feet limitation in this zone.
2. We have purposely set back a portion of the building along Fore Street both for aesthetic and practical reasons. We appreciate the desire to avoid setbacks, which end up being voids in the street scape. We thus proposed a raised landing, which would continue on the line of the sidewalk, breaking down the mass into smaller elements, and providing access through exterior stairs to the second floor. While we believe this meets the intent of the current zoning regarding 5 ft. setback, we would seek a text change if this was not seen in the same light by Marge Schmuckal.
3. The architectural cladding of the building is a continuation of the copper, glass and cement board of the first Blake Block addition. We have carried over the curved roof of the attached Blake Building, which is then reflected in the curve of the corner.
4. The raised landing on Fore Street may accommodate up to three entry doors. (Only one is shown at this time as we anticipate the current 2nd floor tenant taking the complete floor.)
5. All trash and loading is proposed off Custom St. An overhead door is provided with dumpsters inside.
6. Owner will provide documentation for all parking off site.

Thank you for your consideration of this project and please call with any questions

Sincerely,

David Lloyd
Architect

48 Union Wharf, Portland, Maine 04101 (207) 772-6022 • Fax (207) 772-4056

AH 2.3

City of Portland Site Plan Application

If you or the property owner owes real estate or personal property taxes or user charges on any property within the City, payment arrangements must be made before permits of any kind are accepted.

Address of Proposed Development: 296-304 Fore St.		**Zone:** B-3
Total Square Footage of Proposed Structure: 64,286 sq. ft.	**Square Footage of Lot:** 23,528.43 Acres	
Tax Assessor's Chart, Block & Lot: Chart# 029 Block# K Lot# 1	**Property owner's mailing address:** Olympia Equity Investors, IV -B 280 Fore St. Portland, ME 04101	**Telephone #:** (207) 874-9990
Consultant/Agent, mailing address, phone # & contact person: David Lloyd Archetype, P.A. 48 Union Wharf Portland, ME 04101 (207) 772-6022	**Applicant's name, mailing address, telephone #/Fax#/Pager#:** David Lloyd Archetype, P.A. 48 Union Wharf Portland, ME 04101 Tel: (207) 772-6022 Fax: (207) 772-4056	**Project name:** Office Building, Corner of Fore St. and Custom St.

Proposed Development (check all that apply)

X New Building ___Building Addition ___Change of Use ___Residential ___Office ___Retail ___Manufacturing
___Warehouse/Distribution ___Parking lot
___Subdivision ($500.00) + amount of lots____ ($25.00 per lot) $_____
___Site Location of Development ($3,000.00)
(except for residential projects which shall be $200.00 per lot_____)
___Traffic Movement ($1,000.00) ___Stormwater Quality ($250.00)
___Section 14-403 Review ($400.00 + $25.00 per lot)
___Other_____

Major Development (more than 10,000 sq. ft.)

___Under 50,000 sq. ft. ($500.00)
X 50,000 - 100,000 sq. ft. ($1,000.00)
___Parking Lots over 100 spaces ($1,000.00)
___100,000 - 200,000 sq. ft. ($2,000.00)
___200,000 - 300,000 sq. ft. ($3,000.00)
___Over 300,000 sq. ft. ($5,000.00)
___After-the-fact Review ($1,000.00 + applicable application fee)

Minor Site Plan Review

___Less than 10,000 sq. ft. ($400.00)
___After-the-fact Review ($1,000.00 + applicable application fee)

Plan Amendments

___Planning Staff Review ($250.00)
___Planning Board Review ($500.00)

- Please see next page –

Att 2.4

Who billing will be sent to: (Company, Contact Person, Address, Phone #)	Tim Levine Olympia Equity Investors, IV -B 280 Fore St. Portland, ME 04101 (207) 874-9990

Submittals shall include (9) separate folded packets of the following:

a. **copy of application**
b. **cover letter stating the nature of the project**
c. **site plan containing the information found in the attached sample plans check list**

Amendment to Plans: Amendment applications should include 6 separate packets of the above (a, b, & c)

ALL PLANS MUST BE FOLDED NEATLY AND IN PACKET FORM

Section 14-522 of the Zoning Ordinance outlines the process; copies are available at the counter at .50 per page (8.5 x11) you may also visit the web site: ci.portland.me.us chapter 14

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 Code Official's authorized representative shall have the authority to enter all areas covered by this permit at any reasonable hour to enforce the provisions of the codes applicable to this permit.

Signature of applicant:	Date: 3/3/05

This application is for site review ONLY, a building Permit application and associated fees will be required prior to construction.

Development in Portland

The City of Portland has instituted the following fees to recover the costs of reviewing development proposals under the Site Plan and Subdivision ordinances: application fee; engineering fee; and inspection fee. Performance and defect guarantees are also required by ordinance to cover all site work proposed.

The **Application Fee** covers general planning and administrative processing costs, and is paid at the time of application.

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A **Performance Guarantee** will be required following approval of development plans. This guarantee covers all required improvements within the public right-of-way, plus certain site improvements such as landscaping, paving, and drainage improvements. The Planning Division will provide a cost estimate form for figuring the amount of the performance guarantee, as well as sample form letters to be filled out by a financial institution.

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Upon completion of a development project, the performance guarantee is released, and a **Defect Guarantee** in the amount of 10% of the performance guarantee must be provided. The Defect Guarantee will be released after a year.

Other reimbursements to the City include actual or apportioned costs for advertising and mailed notices. All fees shall be paid prior to the issuance of any building permit.

For more information on the fees or review process, please call the Planning Division at 874-8719 or 874-8721.

AH.3.1

OWNER:
OLYMPIA EQUITY INVESTORS
280 Fore St Portland, Maine 04101

ARCHETYPE, P.A.
ARCHITECTS
48 Union Wharf Portland, Maine 04101
(207) 772-6022 Fax (207) 772-4056

Project:
OFFICE BUILDING
Fore Street
Portland, Maine

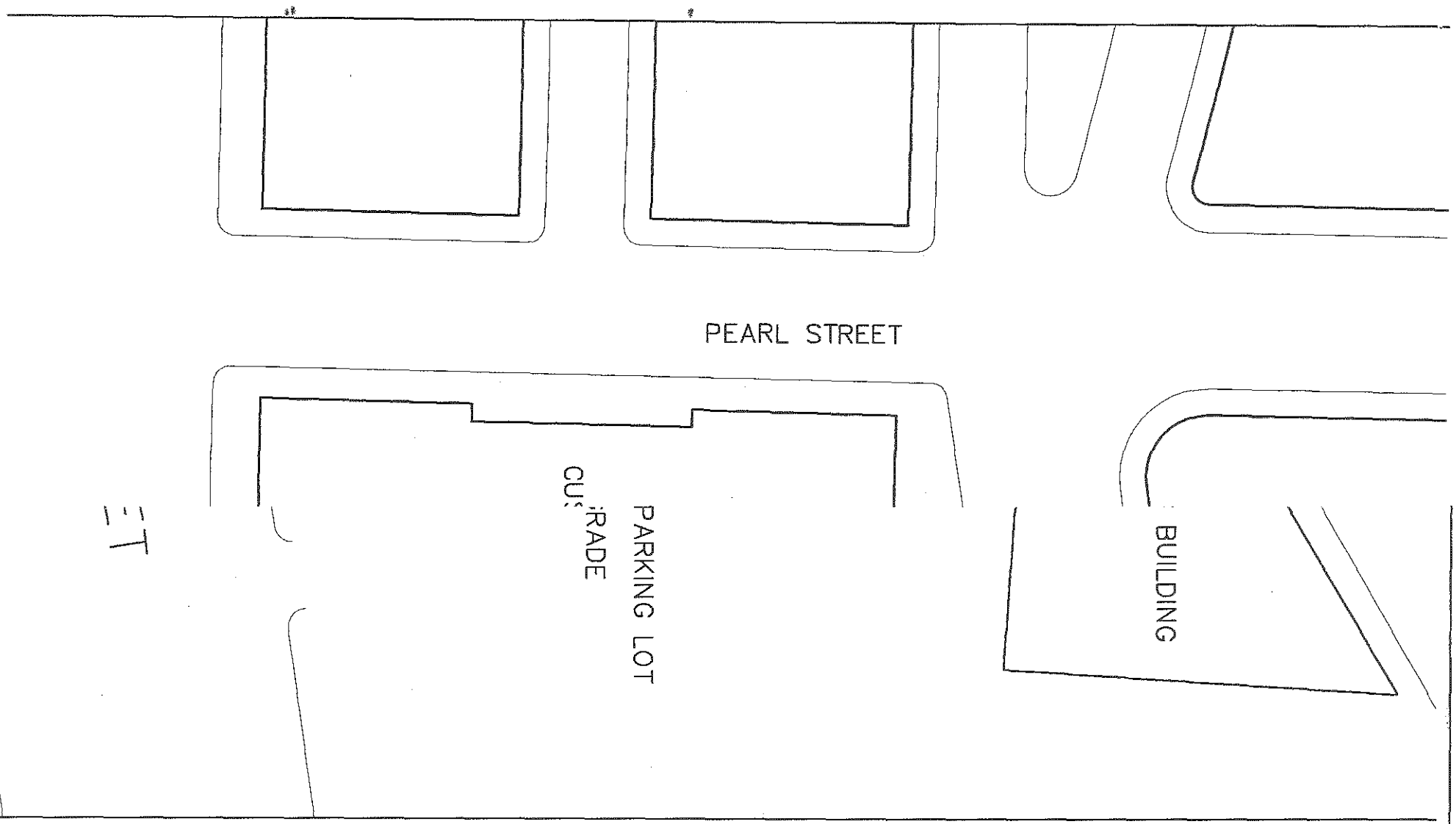
Scale: 1/32" = 1'

Date: JAN '05

Revisions:
2-24-05 : SUB. TO HISTORIC BOARD

SURVEY
EXISTING

3/3/2005 12:27:25 PM



SD1	SITE PLAN	Date: JAN '05 / Scale: 1/32" = 1'	Project: OFFICE BUILDING, Fore Street, Portland, Maine	ARCHETYPE, P.A. ARCHITECTS, 48 Union Wharf Portland, Maine 04101, (207) 772-6022 Fax (207) 772-4056	OWNER: OLYMPIA EQUITY INVESTORS, 280 Fore St Portland, Maine 04101	A#3.2
		Revisions: 2-24-05 : SUB.TO HISTORIC BOARD; 3-14-05				

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Division Director
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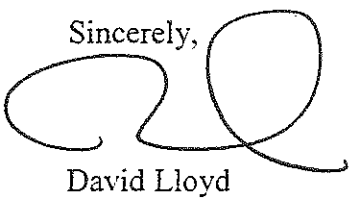

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280 Fore St.
Portland, ME 04101

Telephone #:
(207) 874-9990

Consultant/Agent, mailing address, phone # & contact person:
David Lloyd
Archetype, P.A.
48 Union Wharf
Portland, ME 04101
(207) 772-6022

Applicant's name, mailing address, telephone #/Fax#/Pager#:
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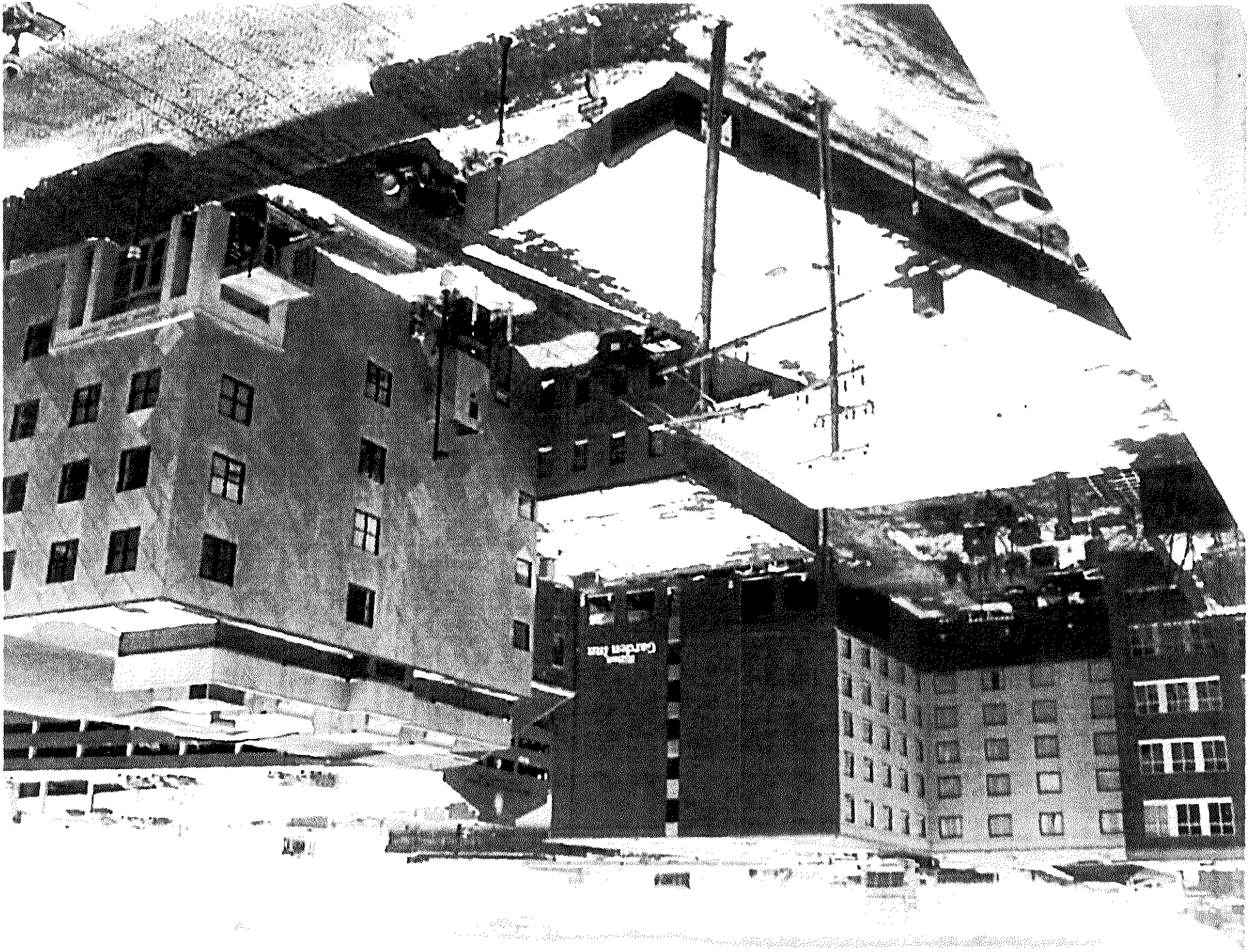
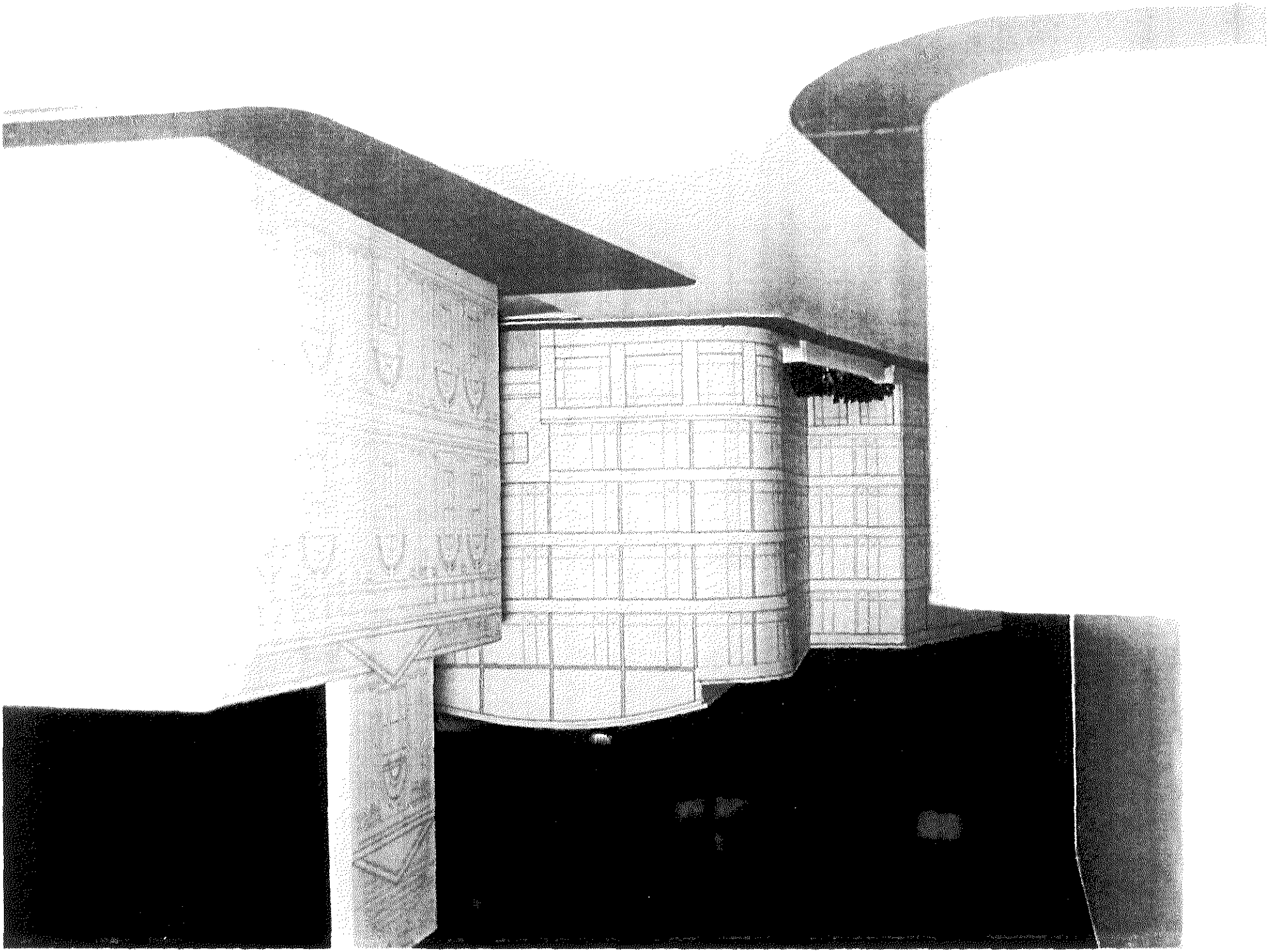


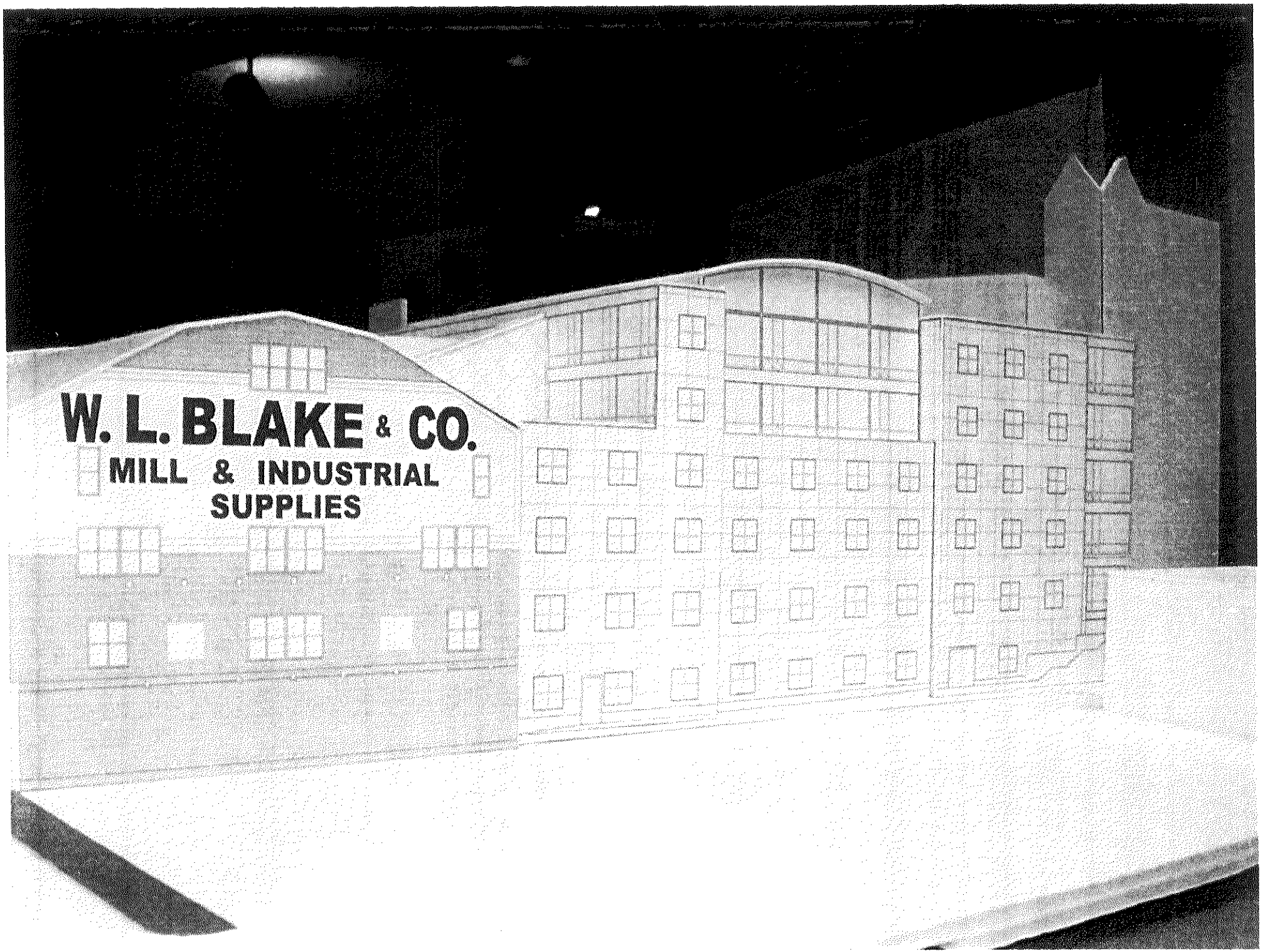
HUB
FURNITURE

FURNITURE

H.T. BLAKE CO.
MIL. & INDUSTRIAL
SUPPLIES

HOUSE




W. L. BLAKE & CO.
MILL & INDUSTRIAL
SUPPLIES

Traffic Permit Application
Request for Scoping Meeting
Proposed Commercial Building
Portland, Maine

Prepared for:

Olympia Equity Investors IVB, LLC
280 Fore Street
Suite 202
Portland, Maine 04101

November 2005

Prepared by:

Gorrill-Palmer Consulting Engineers, Inc.

Traffic and Civil Engineering Services

PO Box 1237
15 Shaker Road
Gray, ME 04039

(207) 657-6910
Fax : (207) 657-6912
E-mail: mailbox@gorrillpalmer.com

Department of Transportation
Traffic Engineering Division
16 State House Station
Augusta, Maine 04333
Telephone: 207-287-3775

FOR MDOT USE 12/99
ID#_____

Total Fees:_____
Date Received: _____

****

PERMIT APPLICATION – TRAFFIC
TRAFFIC MOVEMENT PERMIT, 23 M.R.S.A. §704-A

Please type or print:

This application is for (check all that apply): Traffic 100-200 PCE's ☒
Traffic 200 + PCE's ☐

Name of Applicant: Olympia Equity Investors IVB, LLC Attn: James H. Brady

Address: 280 Fore Street, Suite 202, Portland, Maine 04101 Telephone: (207) 874-9990

Name of local contact or agent: Thomas Gorrill, P.E.- Gorrill-Palmer Consulting Engineers, Inc.

Address: PO Box 1237 Gray, ME 04039 Telephone: (207) 657-6910

Name and type of development: Proposed Commercial Building

Location of development including road, street, or nearest route number: The site is located north and east of Customs House Street, also adjacent to Fore Street and Commercial Street.

City/Town/Plantation: Portland County: Cumberland Tax Map #29, Block K, Lot 1

Do you want a consolidated review with DEP pursuant to 23 M.R.S.A. § 704-A (7)?
Yes _____ No X

Was this development started prior to obtaining a traffic permit? No

Is the project located in an area designated as a growth area (as defined in M.R.S.A. title 30-A, chapter 187)?
Yes_____ No X

Is this project located within a compact area of an urban compact municipality? Yes X No_____

Is this development or any portion of the site currently subject to state or municipal enforcement action?

No

Existing DEP or MDOT permit number (if applicable): n/a

Name(s) DOT staff person(s) contacted concerning this application: _____

Name(s) of DOT staff person(s) present at the scoping meeting for 200+ applicants: Tom Errico (delegated)

CERTIFICATION

This person responsible for preparing this application and/or attaching pertinent site and traffic information hereto, by signing below, certifies that the applicant for traffic approval is complete and accurate to the best of his/her knowledge.

Signature: _____ Re/Cert/Lic No.: _____

Name (print): **Thomas L. Gorrill** Engineer: **Maine PE # 4614**

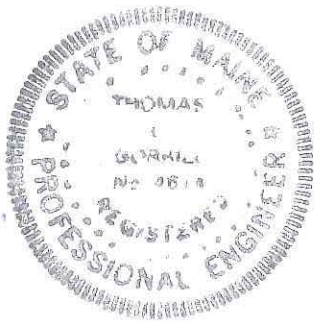
Date: 11-21-05 Other: _____

If the signature below is not the applicant's signature, attach letter of agent authorization signed by applicant.

"I certify under penalty of law that I have personally examined the information submitted in this document and all attachments thereto and that, based on my inquiry of those individuals immediately responsible for obtaining the information, I believe the information is true, accurate, and complete. I authorize the Department to enter the property that is the subject of this application, at reasonable hours, including buildings, structures or conveyances on the property, to determine the accuracy of any information provided herein. I am aware there are significant penalties for submitting false information, including the possibility of fine and imprisonment."

James H Brady
Signature of applicant

11/9/05
Date



Form C 7/97

NOTICE OF INTENT TO FILE

Please take notice that

Olympia Equity Investors IVB, LLC
280 Fore Street
Suite 202
Portland, Maine 04101
(207) 874-9990

filed a Traffic Permit application with the City of Portland in accordance to the delegated review authority granted it by the Maine Department of Transportation pursuant to the provisions of 23 M.R.S.A. §704 – A on or about **November 21, 2005.**
(anticipated filing date)

This application is for

A 58,500 s.f. commercial building. The project is forecast to generate 112 trip ends in the AM peak hour and 162 trip ends in the PM peak hour. The project is expected to be completed in 2006.

(Summary of project: specifying trip generation at peak hour for the proposed development and the year the project is proposed to be completed and occupied)

at the following location:

In Portland on the northeast side of Customs House Street; Tax Map #29, Block K, Lot 1.
(Project Location)

A request for a public hearing must be received by the City, in writing no later than 20 days after the application is found by the department to be complete and is accepted for processing. Public comment on the application will be accepted throughout the processing of the application.

The application will be filed for public inspection at City Hall during normal working hours. A copy of the application may also be seen at the MaineDOT Southern Region Office in Scarborough, Maine.

Written public comments may be sent to the following address: Attention City Planner, City of Portland, 389 Congress Street, Portland, ME 04101.

Abutters List
Custom House Square – Portland, Maine
JN 1317

29-E-9
25 Pearl MHR LLC
1660 Soldiers Field Road
Brighton MA 02135

30-G-1
Glenn Andersen and Stephen Ruffin
142 Pleasant Street
Portland ME 04101

29-K-2
East Brown Cow Limited Liability Company
100 Commercial Street
Portland ME 04101

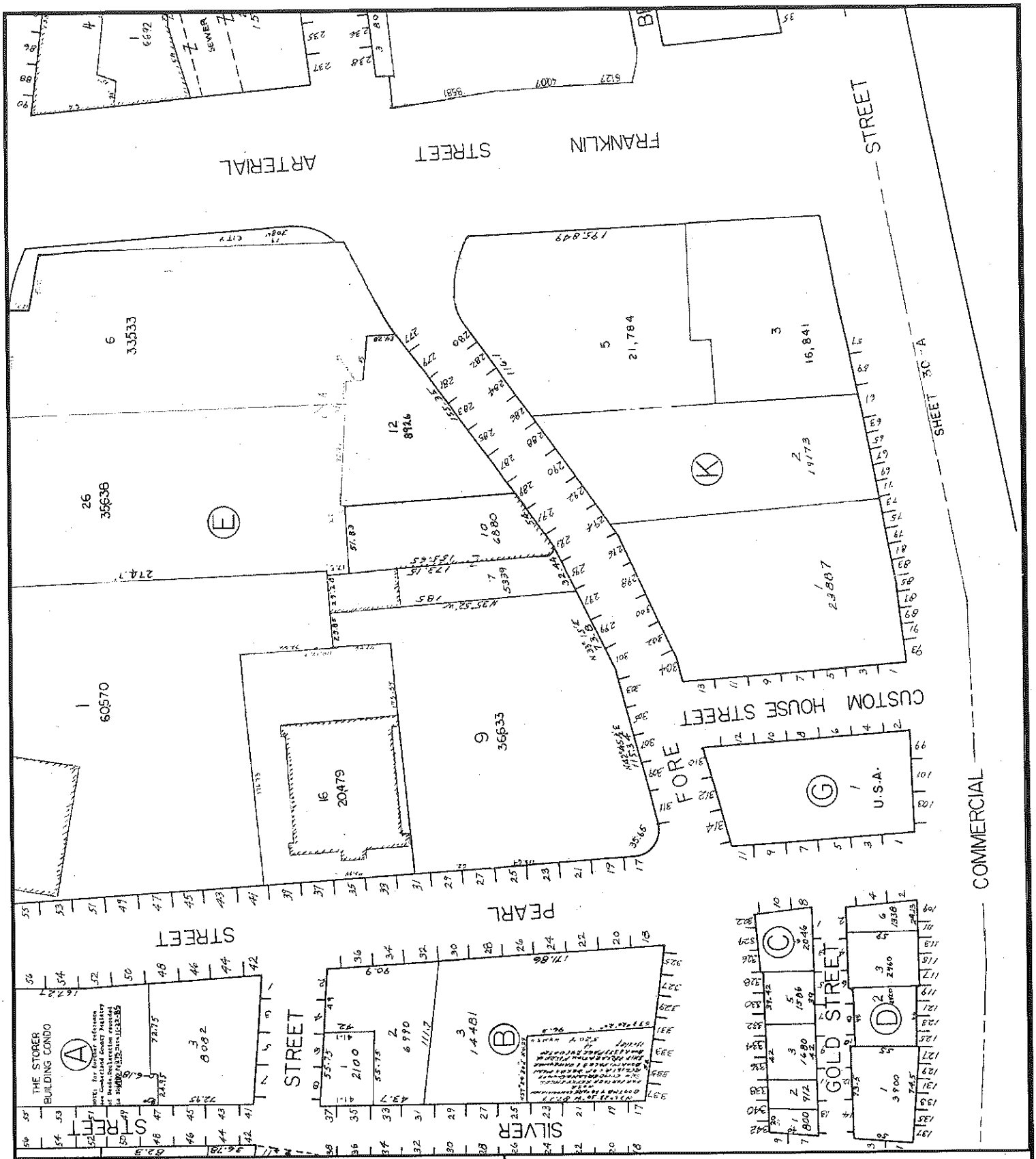
30-D-5
James Finley and Dale Weeks
166 Spurwink Road
Scarborough ME 04074

30-D-3
Flatbread Wharf LLC
7 Market Square
Amesbury MA 01913

29-E-7
Jack and Rose Novick
149 Dartmouth Street
Portland ME 04103

29-K-1, 29-K-5, 29-K-3
Olympia Equity Investors IV LLC
280 Fore Street, STE 202
Portland ME 04101

30-D-1
Wharf Holdings LLC
72 Commercial Street
Portland ME 04101



CUSTOM HOUSE SQUARE OFFICE BUILDING

ASSESSOR'S MAP

DeLuca-Hoffman Associates, Inc.
778 MAIN STREET, SUITE 8
SOUTH PORTLAND, ME 04106
207.775.1121
WWW.DELUCAHOFFMAN.COM

DRAWN:	LECJ	DATE:	11.07.05
DESIGNED:	CJO	SCALE:	1"=100'
CHECKED:	CJO	JOB NO.	2581
FILE NAME:	2581-ASSESSOR		

FIGURE 3

Project: Proposed Commercial Building

TRAFFIC MOVEMENT SCOPING MEETING CHECKLIST

Scoping Meeting ☒ 100-200 Trips ☐ 200 Trips
☒ New ☐ Modification

Date: _____

Attendance:

_____

_____

_____

Scoping Meeting Location: _____

Name of Project: Proposed Commercial Building

Address: 296-304 Fore Street, Portland, Maine

Applicant: Olympia Equity Investors IVB, LLC

Address 280 Fore Street, Suite 202, Portland, Maine 04101

Applicant's Traffic Engineer: Gorrill-Palmer Consulting Engineers, Inc.

Address: 15 Shaker Road, Gray, ME, 04039

MDOT Traffic Engineer Reviewing: Tom Errico (Delegated)

SECTION 1. Site and Traffic Information

1A. Site Plan

Size of development parcel (acres) 0.70
Size of development to be left non vegetated (acres) 0.70

1B. Existing and Proposed Site Uses

Type of DEVELOPMENT: Commercial Building will replace two smaller structures. Two existing 5-story structures that front on Commercial Street are to remain.

Square Footage of building by usage: 47,000 s.f. office, 11,500 s.f. specialty retail, approximately 6,000 s.f. remainder for storage/HVAC.

Project: Proposed Commercial Building

Special units of usage: N/A

1C. Site and Vicinity Boundaries

☒ Boundary or title survey signed and sealed professional land surveyor
☒ Vicinity map scale 1 inch equals no more than 1000 ft (1:10,000 metric)

1D. Proposed uses in vicinity of proposed development.

☒ Uses that may increase traffic in vicinity: Ocean Gateway, Jordan's Site, Village Café Site, Riverwalk, Federal Street Town Houses.

1E. Trip Generation

Trip Composition for Proposed Commercial Building

Trip Type	AM Peak Hour			PM Peak Hour		
	Enter	Exit	Total	Enter	Exit	Total
Primary	95	11	106	22	116	138
Pass-by	3	3	6	10	10	20
Diverted	0	0	0	2	2	4
Total	**98**	**14**	**112**	**34**	**128**	**162**

Trip rates obtained from other Sources:
Number of locations where driveway counts taken
Dates and time periods when driveway counts taken
Location where driveway counts were taken

1F. Trip Distribution:

☒ Stick diagram for each major intersection on either side of the development driveway(s).

Basis for using above listed percentages:

☒ ITE trip generation handbook
☒ Existing traffic patterns of adjacent street
☒ Gravity model
☐ Actual survey done and where
☒ Other explain Trip Assignment for 280 Fore Street

Comments:

Project: Proposed Commercial Building

1G. **Trip Assignment**

Stick diagram for each major intersection on either side of the development driveway(s).

Percent primary trips 95% AM, 85% PM

Percent passer-by trips 5% AM, 12% PM

Percent Diverted trips 0% AM, 3% PM

Comments: _____

SECTION 2. Traffic Crashes (accidents)

MDOT crash records for study area year 2002-2004

Number of high crash locations 1

Collision diagrams _____

Mitigation provided for each high crash location _____

Other Traffic problems _____

SECTION 3. Development entrances and exits

3A. Entrance and exit locations

X Distance to nearest intersecting road or town line(to the nearest hundredth of a mile.)

X Number, width and surface of each proposed entrance/exit.

Project Proposed Commercial Building

3B. Plan view of each intersection created.

Names of intersecting roads: Fore Street, Customs House Street, Commercial Street

Posted speed limit: 25 mph

Entrance/Exit Sight distance: No Driveways Associated with Building

Usage and location of all driveways and roads located across from the development site.

3C. Entrance/exit design:

N/A Driveway spacing and corner clearance (Access Management – Improving the Efficiency of Maine Arterials.

N/A Adequate sight distance for vehicles exiting development

_____ Entrance grade see fact sheet.

_____ Entrance/exit width less than 42 feet (12.8 meters)

_____ Separation islands (see fact sheet)

_____ Drainage study 50 year storm for culverts and to connect to MDOT system.

_____ Study to be submitted to Division Engineer. _____

SECTION 4. Title, right, or interest

X Title, right or interest in project site Deed _____

_____ Title, right or interest in entrance/exits _____

_____ Title, right or interest in drainage easements affecting MDOT _____

Project: Proposed Commercial Building

SECTION 5. Public or Private rights of way

X Location and width of proposed streets, easements, and other public or private rights of way

X No signs, structures, or pavement connected to the entrance.

SECTION 6. Schedule

Completion of Project in 2006.

Project: Proposed Commercial Building

_____ **FURTHER STUDY ITEMS** **$ 500.00 additional fee**

SECTION 7 FULL TRAFFIC STUDY $1,500.00 additional fee due with Section 7 (and sections 1-6)

Build Out Year (Phase 1) _____

Build Out Year Full Occupancy 2006

FS 1. Time Period(s) for Traffic Engineering Analysis.

_____ a.m. Weekday Peak Hour of Adjacent Street

_____ Noontime Weekday Peak Hour of Adjacent Street

_____ p.m. Weekday Peak Hour of Adjacent Street

_____ noontime Saturday Peak Hour of Adjacent Street

_____ Other (explain) _____

_____

FS 2 Background Annual Traffic Growth Rate:

_____ Type of counts taken: _____ Peak Hour

_____ AADT

_____ Base counts less than 2 years old? _____

FS 3. Study area to include the following intersections: _____

_____

_____

_____

Additional intersection if one hour volumes from development are 25 vehicles in left turn only lane 35 vehicles in through, right turn lane, or combined through and right turn 35 vehicles (multiplying the left turn volume by 1.5), in a combined left turn and through lane, or a combined left turn, through and right turn lane

FS 4. Intersection Capacity Analysis:

_____ Isolated

_____ Interconnected, intersection _____

_____

Software package Isolated _____

Software package Interconnected _____

Project: Proposed Commercial Building

FS 5. Analyze or evaluate the following:

- ☐ Left turn lane warrant
- ☐ Right Turn lane warrant
- ☐ Traffic signal warrant
- ☐ Sight distance evaluation
- ☐ Truck Climbing Lane
- ☐ Truck/RV Turning radii Evaluation
- ☐ Investigation of HCL (high crash location)

FS 6. Other Development Traffic to be included in Study:

_____

_____

_____

FS 7. List Location and date of Completion of Other Projects and Traffic Engineer:

_____

_____

_____

Section 1
Site and Traffic Information

1.A. Site Description and Site Plan

The proposed site is located on Custom House Street, and therefore has frontage on Fore Street and Commercial Street. The site is identified on Portland Tax Map 29, Block K, Lot 1.

The site currently consists of several structures, two of which would be replaced with a single commercial building. Two five-story buildings fronting Commercial Street would remain. A site location map has been included in Attachment 1B.

1.B. Existing and Proposed Site Uses

The development area currently consists of several structures, including the following:

- A single-story concrete block structure along Fore Street.
- A two-story concrete block structure facing the parking lot for Fore Street restaurant.

Proposed for the area would be a five-floor, 64,554 s.f. commercial building. Parking for the uses within the building would be provided at the Customs House Garage on Pearl Street. The two-five story structures on Commercial Street will remain.

1.C. Site and Vicinity Boundaries

A site location map showing the development area is included in Attachment 1B. The site is bounded by commercial uses and parking to the north, Fore Street to the west, Custom House Street to the south, and Commercial Street to the east.

1.D. Proposed uses in the Vicinity of the Proposed Development

Approved projects that are not yet opened as well as projects for which applications have been filed are required to be included in the predevelopment volumes for this project. Gorrill-Palmer Consulting Engineers, Inc. has contacted the City of Portland during the course of other recent projects and has performed traffic permitting for the same projects. Based on this work and prior conversations, our office anticipates that the following projects should be included:

- ***Ocean Gateway:*** Located near the intersection of Commercial and India Streets, this facility will provide a formalized berth for passenger ships.
- ***Former Jordan's Site:*** This project, along India Street, will consist of a 185-room hotel and 105 condominiums.
- ***Village Café Site:*** This site will be reused for a multiuse development, with 160 units of housing, a restaurant, and retail space.
- ***Riverwalk:*** Bound by Fore Street, India Street, and the proposed extensions of Commercial and Hancock Streets, this project will consist of condominiums, a hotel, retail, health club and restaurant space.
- ***Federal Street Town Houses:*** Seven units of housing are proposed on Federal Street.

1.E. Trip Generation

Gorrill-Palmer Consulting Engineers, Inc. used the Institute of Transportation Engineers (ITE) publication *Trip Generation,* 7th Edition as the source for determining the potential trip generation for the site. The building is to be 64,554 s.f. in size. The size of the building to be considered for trip generation for the purposes of analysis is 47,000 s.f. of general office space and 11,500 s.f. of specialty retail center; the remaining space would be for storage and HVAC equipment.

Trip Generation for Proposed Site

Our office utilized Land Use Code 710, General Office Building and Land Use Code 814, Specialty Retail Center to determine the total trip generation for the site. The trip generation calculations are summarized in Attachment D and are summarized as follows:

Trip Generation for Proposed Commercial Building

Land Use Code	Weekday	AM Peak Hour	PM Peak Hour
710, General Office	746	103	131
814, Specialty Retail	510	9	31
Total	**1,256**	**112**	**162**

It should be noted that the trip generation assumes that the retail will be open during AM hours. If this is not the case, than the AM assumptions are conservative.

1.F. Trip Distribution

Gorrill-Palmer Consulting Engineers, Inc. has obtained the ratio of entering and exiting traffic from the Institute of Transportation Engineers publication

Trip Generation, 7th Edition. For purposes of this study, for the proposed uses, we have assumed that the distribution would be appropriate as follows:

AM Peak Hour:	88% entering, 12% exiting
PM Peak Hour:	21% entering, 79% exiting

1.G. Trip Composition and Assignment

Gorrill-Palmer Consulting Engineers, Inc. has estimated the following trip composition based on information obtained from the ITE publication, *Trip Generation Handbook*. This composition is provided on the following table and is based on Land Use Code 710, General Office Building and Land Use Code 820, Shopping Center:

Trip Composition for Proposed Commercial Building

Trip Type	AM Peak Hour			PM Peak Hour		
	Enter	Exit	Total	Enter	Exit	Total
Primary	95	11	106	22	116	138
Pass-by	3	3	6	10	10	20
Diverted	0	0	0	2	2	4
Total	98	14	112	34	128	162

It should be noted that the compositional percentages from LUC 820 are based on surveyed facilities of less than 50,000 s.f.

The trip assignment percentages are based on those established for the traffic impact study for 280 Fore Street, which was previously agreed upon and approved by the City and its Traffic Review Engineer. As the assignment is based on all trips coming to and from the retail being vehicular in nature, it is conservative.

The resulting trip assignment is shown in Attachment 1C.

1.H. Attachments

Attachment 1A – Site Survey, Proposed Site Plan

Attachment 1B – Site Location Map

Attachment 1C –Trip Distribution and Trip Assignment

Attachment 1D—Trip Generation Calculations

Attachment 1A

Site Survey

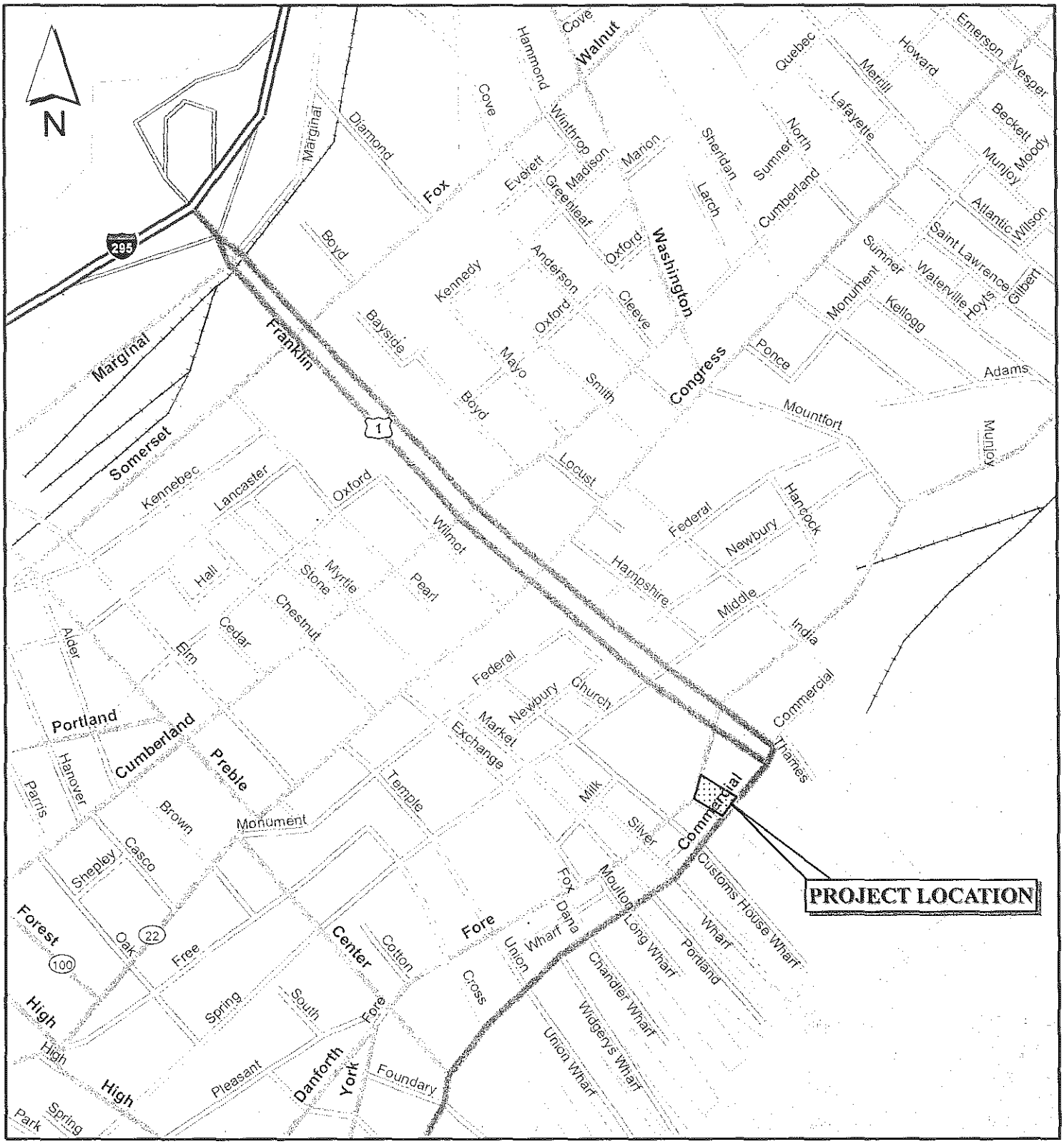
Proposed Site Plan

Attachment 1B

Site Location Map

Location Map

Figure No. 1



OFFICE BUILDING CORNER OF FORE STREET AND CUSTOM HOUSE STREET PORTLAND, MAINE

Feet
500 0 500 1,000

GP Gorrill–Palmer Consulting Engineers, Inc.
Traffic and Civil Engineering Services
PO Box 1237
15 Shaker Road
Gray, ME 04039
207-657-6910
Fax: 207-657-6912
mailbox@gorrillpalmer.com
www.gorrillpalmer.com

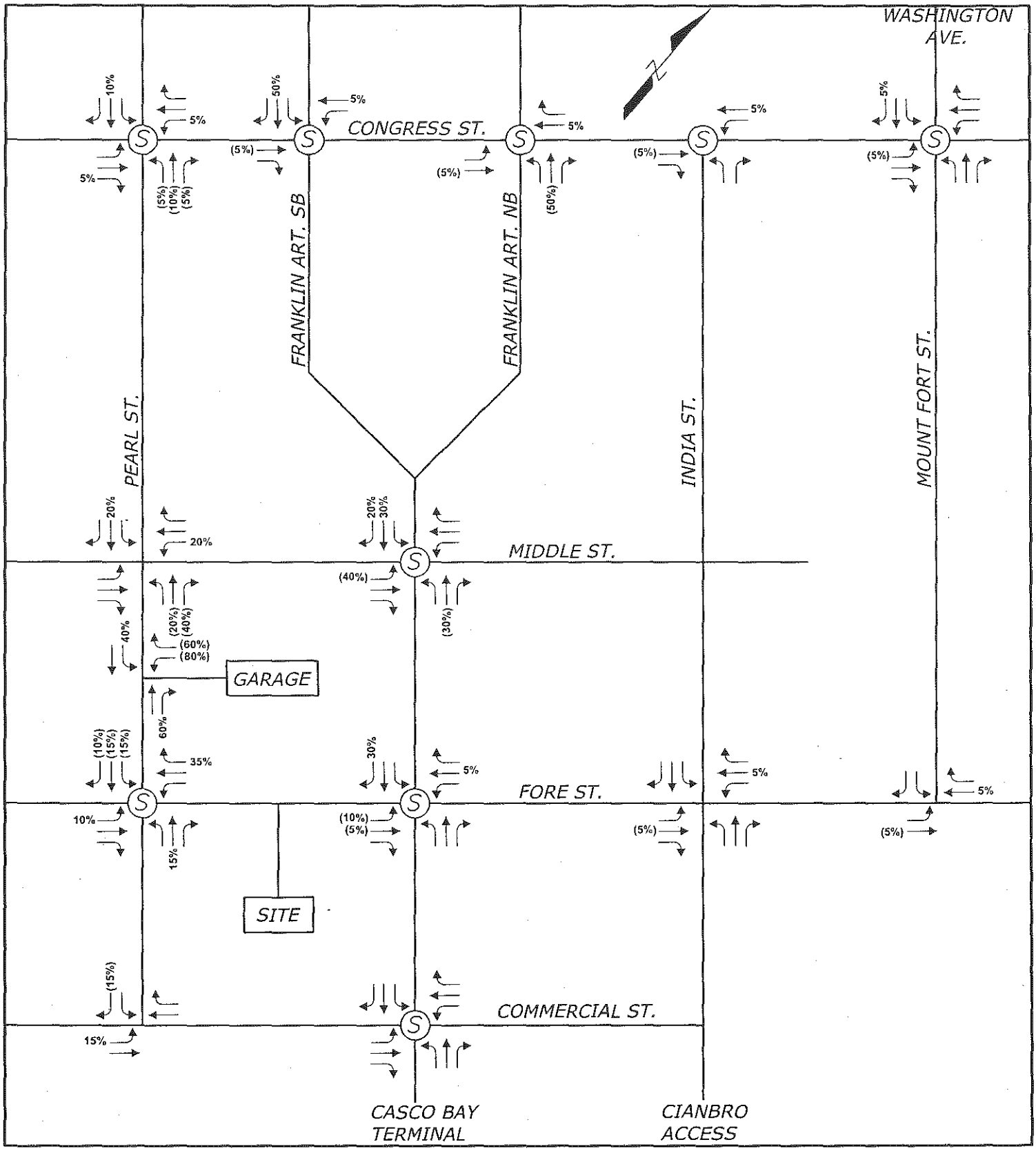
JN: 1317
DATE:OCT 2005
SOURCE: MAINE GIS WEBSITE

Attachment 1C

Trip Distribution
Trip Assignment

Primary Trip Distribution

Figure No. 2



PROPOSED OFFICE BUILDING, PORTLAND, MAINE

Gorrill-Palmer Consulting Engineers, Inc.
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Gray, ME 04039
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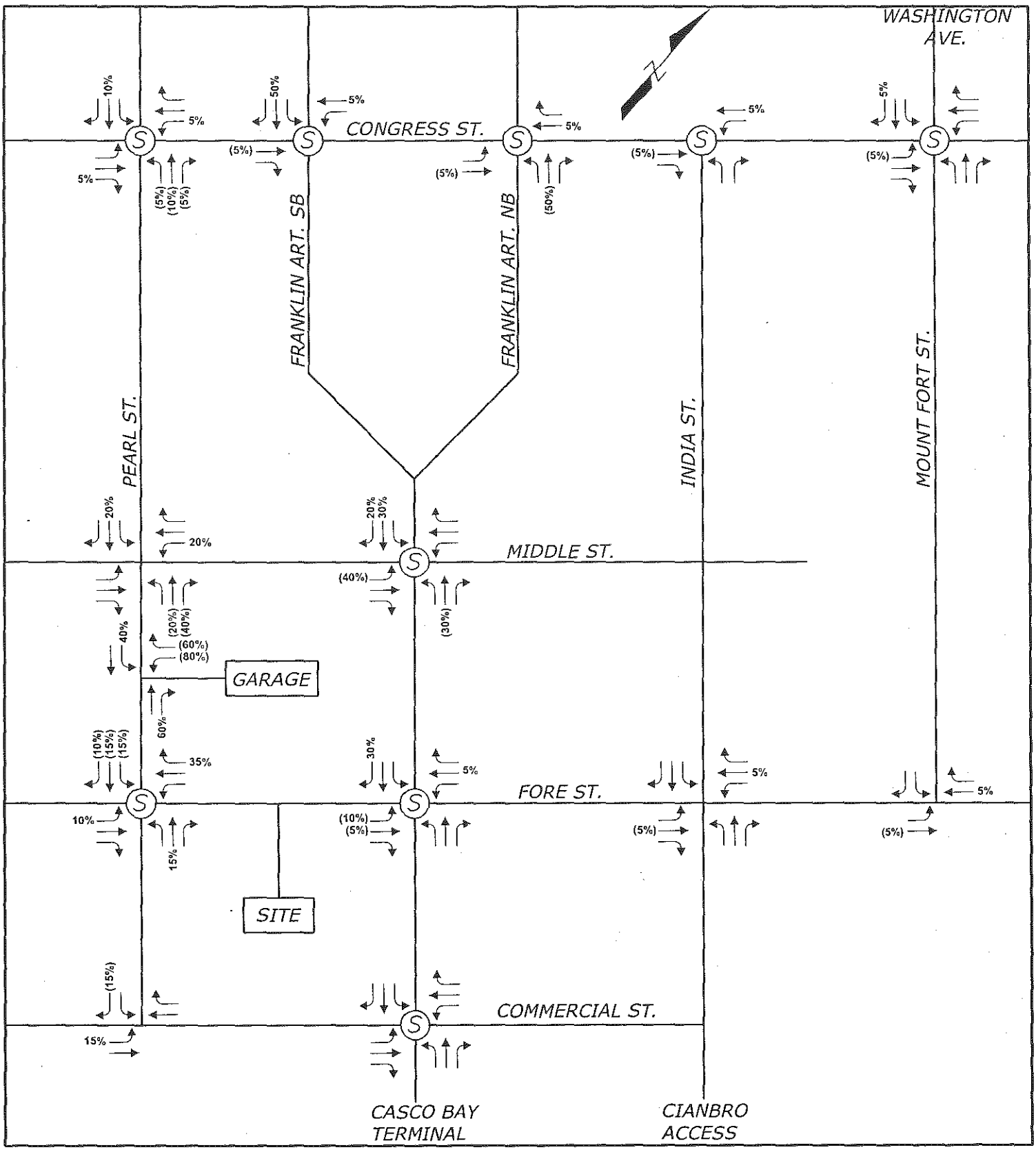
mailbox@gorrillpalmer.com
www.gorrillpalmer.com

Design: JJB
Draft: ZRJ
Checked: JDP

Date: OCTOBER 2005
File Name: 1317_TRAF.dwg

Primary Trip Distribution

Figure No. 2



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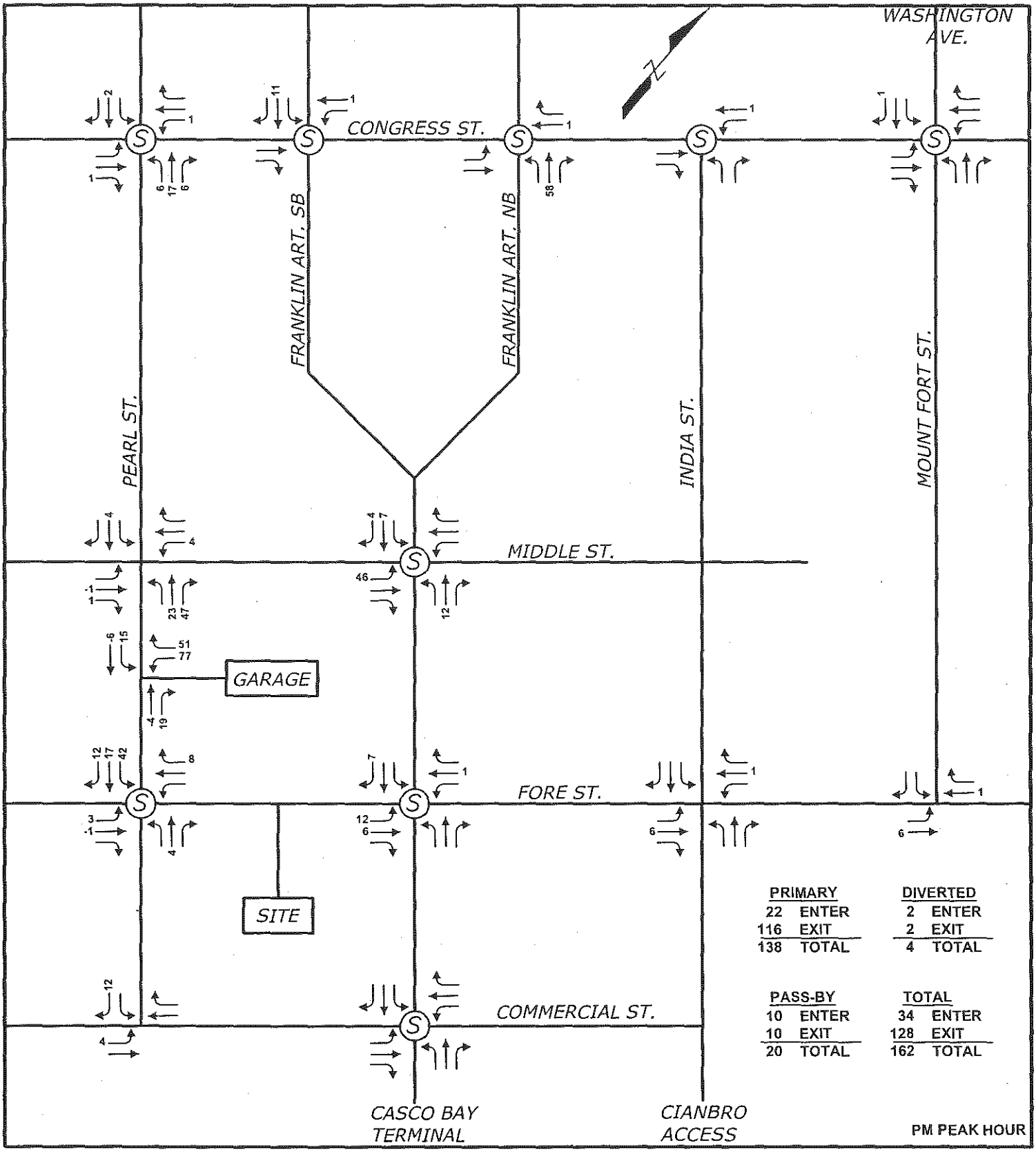
Design: JJB
Draft: ZRJ
Checked: JDP

Date: OCTOBER 2005
File Name: 1317_TRAF.dwg

PM Trip Assignment

Figure No. 4



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Design: JJB
Draft: ZRJ
Checked: JDP

Date: OCTOBER 2005
File Name: 1317_TRAF.dwg

Attachment 1D

Trip Generation
Trip Composition

JN: 1317
Project Description: Custom House Street Office
Project Location: Portland, Maine
Date: October 18, 2005

Gorrill-Palmer Consulting Engineers, Inc.
P.O. Box 1237
15 Shaker Road
Gray, Maine 04039

General Office Building
Land Use Code (LUC) 710

Gross Floor Area 47,000

Trip Ends Based on Fitted Curve Equation

Time Period	ITE Trip Rate	Trip Ends	Number of Studies	Directional Split *		Directional Distribution		R^2
				IN	OUT	IN	OUT	
Weekday	Ln (T) = 0.77 Ln (X) + 3.65	746	78	50%	50%	373	373	0.80
AM Peak Hour	Ln (T) = 0.80 Ln (X) + 1.55	103	217	90%	10%	93	10	0.83
PM Peak Hour	T = 1.12 (X) + 78.81	131	235	15%	85%	20	111	0.82
Saturday	T = 2.14 (X) + 18.47	119	17	50%	50%	60	59	0.66
Peak Hour of Generator	Ln (T) = 0.81 Ln (X) - 0.12	20	10	55%	45%	11	9	0.59

* Percentages rounded to nearest 5%

Trip Ends Based on Average Rate

Time Period	ITE Trip Rate	Trip Ends	Number of Studies	Directional Split *		Directional Distribution		R^2
				IN	OUT	IN	OUT	
Weekday	T = 11.01 (X)	517	78	50%	50%	259	258	---
AM Peak Hour	T = 1.55 (X)	73	217	90%	10%	66	7	---
PM Peak Hour	T = 1.49 (X)	70	235	15%	85%	11	59	---
Saturday	T = 2.37 (X)	111	17	50%	50%	56	55	---
Saturday Peak Hour of Gen.	T = 0.41 (X)	19	10	50%	50%	10	9	---

* Percentages rounded to nearest 5%

JN: 1317
Project Description: Custom House Street Office
Project Location: Portland, Maine
Date: October 18, 2005

Gorrill-Palmer Consulting Engineers, Inc.
P.O. Box 1237
15 Shaker Road
Gray, Maine 04039

Specialty Retail Center
Land Use Code (LUC) 814

Gross Floor Area (ft^2): 11,500

Average Rate

Time Period	ITE Trip Rate	Trip Ends	Number of Studies	Directional Split * IN	Directional Split * OUT	Directional Distribution IN	Directional Distribution OUT	R^2
Weekday	**T = 44.32 (X)**	**510**	**4**	**50%**	**50%**	**255**	**255**	**---**
Peak Hour of Adjacent Street Traffic 7-9 AM**	**T = 0.74 (X)**	**9**	**N/A**	**60%**	**40%**	**5**	**4**	
Peak Hour of Adjacent Street Traffic 4-6 PM	**T = 2.71 (X)**	**31**	**5**	**45%**	**55%**	**14**	**17**	**---**
AM Peak Hour of Generator	T = 6.84 (X)	79	4	50%	50%	40	39	---
PM Peak Hour of Generator	T = 5.02 (X)	58	3	55%	45%	32	26	---
Saturday	**T = 42.04 (X)**	**483**	**3**	**50%**	**50%**	**242**	**241**	**---**

**Based on ratio of AM/PM traffic for LUC 820, Shopping Center and applied to 814 PM rate.

* Percentages rounded to nearest 5%

Fitted Curve Equation

Time Period	ITE Trip Rate	Trip Ends	Number of Studies	Directional Split * IN	Directional Split * OUT	Directional Distribution IN	Directional Distribution OUT	R^2
Weekday	T = 42.78 (X) + 37.66	530	4	50%	50%	265	265	0.69
Peak Hour of Adjacent Street Traffic 7-9 AM	---	---	N/A	---	---	---	---	---
Peak Hour of Adjacent Street Traffic 4-6 PM	T = 2.40 (X) + 21.48	49	5	45%	55%	22	27	0.98
AM Peak Hour of Generator	T = 4.91 (X) + 115.59	172	4	50%	50%	86	86	0.90
PM Peak Hour of Generator	---	---	3	---	---	---	---	---
Saturday	---	---	3	---	---	---	---	---

* Percentages rounded to nearest 5%
(---) Not Given

Table 5.4
Pass-By Trips and Diverted Linked Trips
Weekday, P.M. Peak Period

Land Use 820—Shopping Center

SIZE (1,000 SQ. FEET GLA)	LOCATION	WEEKDAY SURVEY DATE	NO. OF INTERVIEWS	TIME PERIOD	PRIMARY TRIP (%)	NON-PASS-BY TRIP (%)	DIVERTED LINKED TRIP (%)	PASS-BY TRIP (%)	ADJ. STREET PEAK HOUR VOLUME	AVERAGE DAILY TRAFFIC	SOURCE
53	Port Orange, FL	1993	162	2-6 P.M.	-	41	-	59	n/a	n/a	TPD, Inc.
9	Kissimmee, FL	1994	107	2-6 P.M.	20	-	14	66	n/a	n/a	TPD, Inc.
77	Edgewater, FL	1992	365	2-6 P.M.	-	54	-	46	n/a	n/a	TPD, Inc.
82	Deltona, FL	1992	336	2-6 P.M.	-	66	-	34	n/a	n/a	TPD, Inc.
78	Orlando, FL	1991	702	2-6 P.M.	23	-	22	55	n/a	n/a	TPD, Inc.
45	Orlando, FL	1992	844	2-6 P.M.	24	-	20	56	n/a	n/a	TPD, Inc.
50	Orlando, FL	1992	555	2-6 P.M.	41	-	18	41	n/a	n/a	TPD, Inc.
52	Orlando, FL	1995	665	2-6 P.M.	33	-	25	42	n/a	n/a	TPD, Inc.
17	Orlando, FL	1994	196	2-6 P.M.	17% ←	34	→ 17%	66	n/a	n/a	TPD, Inc.
60	Orlando, FL	1995	1,583	3-7 P.M.	38	-	22	40	n/a	n/a	TPD, Inc.
158	Crestwood, KY	Jun. 1993	129	4-6 P.M.	39	-	25	36	759	n/a	Barton-Aschman Assoc.
118	Louisville area, KY	Jun. 1993	133	4-6 P.M.	51	-	27	22	3,555	n/a	Barton-Aschman Assoc.
74	Louisville, KY	Jun. 1993	187	4-6 P.M.	43	-	27	30	922	n/a	Barton-Aschman Assoc.
59	Louisville area, KY	Jun. 1993	247	4-6 P.M.	52	-	17	31	2,659	n/a	Barton-Aschman Assoc.
145	Louisville area, KY	Jun. 1993	210	4-6 P.M.	30	-	17	53	2,636	n/a	Barton-Aschman Assoc.
104	Louisville area, KY	Jun. 1993	281	4-6 P.M.	50	-	22	28	2,111	n/a	Barton-Aschman Assoc.
235	Louisville, KY	Jun. 1993	211	4-6 P.M.	29	-	36	35	2,593	n/a	Barton-Aschman Assoc.
71	Louisville, KY	Jun. 1993	109	4-6 P.M.	42	-	33	25	1,559	n/a	Barton-Aschman Assoc.
350	Worcester, MA	Apr. 1994	224	4-6 P.M.	45	-	37	18	2,112	n/a	ICSC
738	East Brunswick, NJ	Apr. 1994	283	4-6 P.M.	79	-	7	14	8,059	n/a	ICSC
294	Philadelphia, PA	Apr. 1994	213	4-6 P.M.	51	-	24	25	4,055	n/a	ICSC
256	Hamden, CT	Apr. 1994	208	4-6 P.M.	51	-	22	27	3,422	n/a	ICSC
418	Glen Burnie, MD	Apr. 1994	281	4-6 P.M.	51	-	29	20	5,610	n/a	ICSC
560	Harrisonburg, VA	Apr. 1994	437	4-6 P.M.	49	-	32	19	3,051	n/a	ICSC
				AVG.	42	49	24	37			
					20%		15%	65%			

Section 2
Traffic Crashes

2.A. Crash Summary Data

Gorrill-Palmer Consulting Engineers, Inc. obtained the crash data from MaineDOT for the period of 2002-2004, the most recent period available.

In order to evaluate whether a location has a crash problem, MaineDOT uses two criteria to define High Crash Location (HCL). Both criteria must be met in order to be classified as an HCL.

1. A critical rate factor of 1.00 or more for a three-year period. (A Critical Rate Factor {CRF} compares the actual crash rate to the rate for similar intersection in the state. A CRF of less that 1.00 indicates a rate of less than average) and:
2. A minimum of 8 crashes over a three-year period.

The following table summarizes the crash data provided by MaineDOT for the locations that satisfy either Criteria 1, 2 or both:

MaineDOT Crash Data for 2002-2004: Intersections

Node	Intersection	# of Collisions	CRF	HCL?
7207	Commercial Street at Union Street	8	1.30	No
7210	Commercial Street at Moulton Street	7	1.13	No
9233	Congress Street at Pearl Street	14	0.66	No
9212	Federal Street at Pearl Street	4	1.40	No
8938	**Franklin Street Arterial at Middle Street**	**27**	**1.29**	**Yes**

MaineDOT Crash Data for 2002-2004: Road Segments

Nodes	Street	From	To	# of Collisions	CRF	HCL?
7207-7208	Commercial	Union	e/o Union	7	1.77	No
7209-7210	Commercial	Dana	Moulton	4	1.06	No
5812-7213	Commercial	Custom House	Franklin Arterial	7	1.20	No
9194-9205	Fore	Exchange	Moulton	2	1.27	No
8937-9242	Fore	Franklin Arterial	India	5	1.11	No
9227-9234	Pearl	Newbury	Middle	2	1.33	No
9201-9235	Pearl	Milk	Fore	2	1.03	No
9193-9235	Pearl	Fore	Wharf	1	11.31	No

Based on the published history, one location within the study area is considered a High Crash Location. The crash history has been provided in Appendix C of this report.

2.B. Attachments

Attachment 2A – MaineDOT Collision Data

Attachment 2A

MaineDOT Collision Data

OCT 18,2005 AT 13:22

TINACC30

MAINE DEPARTMENT OF TRANSPORTATION
TRAFFIC ENGINEERING, ACCIDENT RECORDS SECTION

ACCIDENT SUMMARY INPUT

TYPE OF STUDY: NODES AND LINKS TYPE OF REQUEST: ACCIDENT I & II WITH LINK DETAIL
STUDY PERIOD: FROM MONTH 01 YEAR 2002 TO MONTH 12 YEAR 2004

INPUT COMMENTS

REQUEST: COMMERCIAL ST / FRANKLIN ST ARTERIAL AREA
TOWN: PORTLAND

INPUT DATA

ROUTE	COUNTY	FIRST NODE	EXCLUDE FIRST	DISTANCE	SECOND NODE	LAST NODE	EXCLUDE LAST	DISTANCE
0001A	05	07207	0	0.00	07208	05812	0	0.00
61001		05812	1	0.00	09241	09241	0	0.00
60286		09206	0	0.00	09199	09242	0	0.00
60571		09233	0	0.00	09212	09235	1	0.00
		09235	1	0.00	09193	07212	1	0.00
0001A		08939	0	0.00	08938	08937	1	0.00
		08937	1	0.00	05812	05812	1	0.00
60180		09182	1	0.00	07213	07213	1	0.00

MAINE DEPARTMENT OF TRANSPORTATION
TINACC30 TRAFFIC ENGINEERING, ACCIDENT RECORDS SECTION

ACCIDENT SUMMARY I

COUNTY TOWN#	LOW NODE	HIGH NODE	STREET NAME OR ROUTE #	U/R	TOTAL ACCTS	LINK LENGTH	INJURY ACCIDENTS K	A	B	C	PD	PERCENT INJURY	ANNUAL HM VEH-MILES	ANNUAL M ENT-VEHS	ACCIDENT-RATES LINK	NODE	CRITI RATE	CRF	
05	07207		POR,COMMERCIAL,UNION ST	9	8		0	0	1	1	6	25.0		6.384		0.42	1.07	0.00	0.39
05	07208		POR,COMMERCIAL,.04 BK.U	2	1		0	0	0	0	1	0.0		5.695		0.06	0.38	0.00	
05	07209		POR,COMMERCIAL,DANA ST.	2	4		0	0	0	3	1	75.0		5.652		0.24	0.38	0.00	
05	07210		POR,COMMERCIAL,MOULTON	2	7		0	2	3	0	2	71.4		5.447		0.43	0.38	1.13	
05	07211		POR,COMMERCIAL,MARKET S	2	0		0	0	0	0	0	0.0		5.190		0.00	0.39	0.00	
05	08996		POR,PORT.PIER,SILVER,1A	2	0		0	0	0	0	0	0.0		4.813		0.00	0.40	0.00	
05	07212		POR,COMMERCIAL,PEARL ST	2	1		0	0	0	0	1	0.0		4.886		0.07	0.39	0.00	
05	07213		POR,COMMERCIAL,CUSTOM H	2	1		0	1	0	0	0	100.0		4.507		0.07	0.40	0.00	
05	05812		POR,COMMERCIAL ST,STATE	9	3		0	0	0	1	2	33.3		4.763		0.21	1.14	0.00	
05	09241		POR,INDIA,COMMERCIAL ST	2	0		0	0	0	0	0	0.0		2.271		0.00	0.48	0.00	
05	09206		POR,UNION,FORE ST.	9	8		0	0	0	2	6	25.0		4.880		0.55	1.13	0.00	
05	09199		POR,FORE,PLUM ST.	2	1		0	0	0	0	1	0.0		4.183		0.08	0.41	0.00	
05	A09197		POR,FORE,DANA ST.		0		0	0	0	0	0	0.0		0.000		0.00	0.00	0.00*	
05	P09195		POR,PATTON CT,FORE ST.	2	0		0	0	0	0	0	0.0		7.421		0.00	0.36	0.00	
05	A09205		POR,FORE,EXCHANGE ST.		0		0	0	0	0	0	0.0		0.000		0.00	0.00	0.00*	
05	P09194		POR,MOULTON,FORE ST.	2	6		0	0	1	2	3	50.0		10.316		0.19	0.33	0.00	
05	09187		POR,MARKET,FORE ST.	2	2		0	0	0	0	2	0.0		3.486		0.19	0.43	0.00	
05	09185		POR,SILVER,FORE ST.	2	0		0	0	0	0	0	0.0		3.235		0.00	0.44	0.00	
05	09235		POR,FORE,PEARL ST	9	1		0	0	0	1	0	100.0		4.182		0.08	1.17	0.00	
05	09182		POR,FORE,CUSTON HOUSE S	2	1		0	0	0	1	0	100.0		2.765		0.12	0.46	0.00	
05	08937		POR,FRANKLIN ST,ART,FOR	9	9		0	0	0	2	7	22.2		5.113		0.59	1.12	0.00	
05	09242		POR,FORE,INDIA ST.	2	1		0	0	0	1	0	100.0		4.615		0.07	0.40	0.00	
05	09233		POR,CONGRESS,PEARL ST	9	14		0	0	2	5	7	50.0		6.621		0.70	1.06	0.00	0.66
05	09212		POR,FEDERAL,PEARL ST	2	4		0	0	1	0	3	25.0		2.007		0.66	0.47	1.40	
05	09227		POR,PEARL ST,NEWBURY ST	2	1		0	0	0	0	1	0.0		1.561		0.21	0.50	0.00	
05	09234		POR,PEARL,MIDDLE ST	9	5		0	0	0	0	5	0.0		4.566		0.37	1.15	0.00	
05	09201		POR,PEARL,MILK ST	2	1		0	0	0	0	1	0.0		1.589		0.21	0.50	0.00	
05	09193		POR,PEARL,WHARF ST	2	0		0	0	0	0	0	0.0		0.827		0.00	0.58	0.00	
05	08939		POR,FRANKLIN ART,CONGRE	9	52		0	1	6	14	31	40.4		10.320		1.68	0.98	1.71	
05	08938		POR,FRANKLIN ART.,MIDDL	9	27		0	2	3	5	17	37.0		6.533		1.38	1.07	1.29	
			NODE SUBTOTALS-		158		0	6	17	38	97	38.6		133.828		0.39	0.42	0.00	

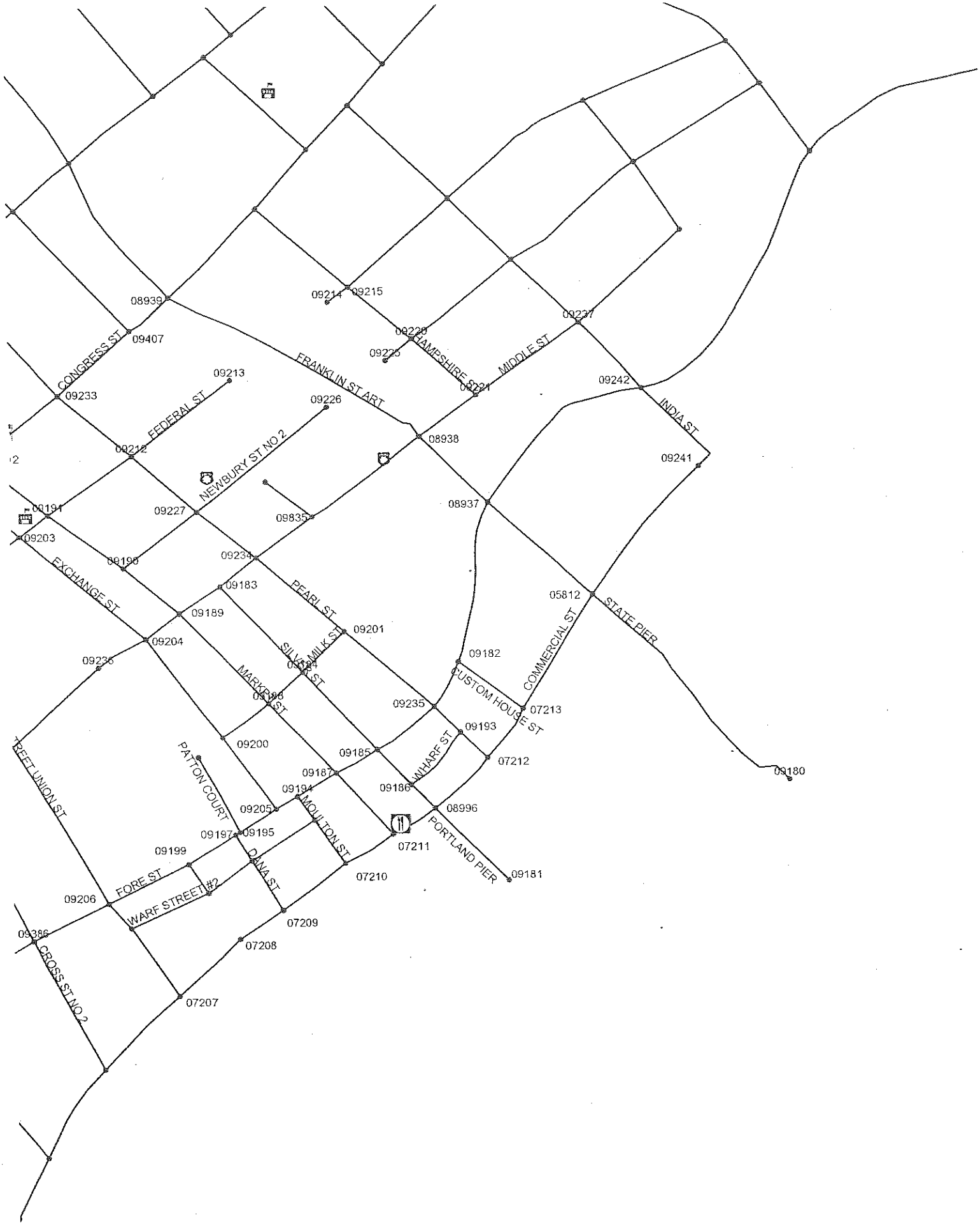
* - MEV IS ZERO FOR THIS NODE -

TINACC30

MAINE DEPARTMENT OF TRANSPORTATION
TRAFFIC ENGINEERING, ACCIDENT RECORDS SECTION

ACCIDENT SUMMARY I

COUNTY TOWN#	LOW NODE	HIGH NODE	STREET NAME OR ROUTE #	U/R	TOTAL ACCTS	LINK LENGTH	INJURY ACCIDENTS K	A	B	C	PD	PERCENT INJURY	ANNUAL HM VEH-MILES	ANNUAL M ENT-VEHS	ACCIDENT-RATES LINK	NODE	CRITI RATE	CRF
05170	07207	07208	COMMERCIAL ST	2	7	0.04	0	0	1	1	5	28.6	0.00229		1018.92		575.33	1.77
	07208	07209		2	1	0.05	0	0	0	0	1	0.0	0.00283		117.79		544.61	0.00
	07209	07210		2	4	0.04	0	0	0	0	4	0.0	0.00215		620.16		584.81	1.06
	07210	07211		2	5	0.02	0	0	1	1	3	40.0	0.00105		1587.30		701.08	2.26
	07211	08996		2	0	0.04	0	0	0	0	0	0.0	0.00192		0.00		602.20	0.00
	07212	08996		2	1	0.04	0	0	0	0	1	0.0	0.00185		180.18		608.00	0.00
	07212	07213		2	1	0.03	0	0	0	0	1	0.0	0.00131		254.45		663.92	0.00
	05812	07213		2	7	0.09	0	0	0	1	6	14.3	0.00387		602.93		502.58	1.20
	05812	09241		2	1	0.10	0	0	0	0	1	0.0	0.00231		144.30		574.03	0.00
	09199	09206	FORE ST	2	0	0.06	0	0	0	0	0	0.0	0.00251		0.00		561.80	0.00
	09197	09199		2	1	0.03	0	0	0	0	1	0.0	0.00117		284.90		682.82	0.00
	09195	09197		2	0	0.01	0	0	0	0	0	0.0	0.00037		0.00		858.25	0.00
	09195	09205		2	0	0.02	0	0	0	0	0	0.0	0.00071		0.00		766.76	0.00
	09194	09205		2	2	0.01	0	0	0	0	2	0.0	0.00068		980.39		773.80	1.27
	09187	09194		2	0	0.02	0	0	0	0	0	0.0	0.00065		0.00		781.08	0.00
	09185	09187		2	0	0.04	0	0	0	0	0	0.0	0.00123		0.00		674.43	0.00
	09185	09235		2	0	0.03	0	0	0	0	0	0.0	0.00092		0.00		723.45	0.00
	09182	09235		2	1	0.03	0	0	0	0	1	0.0	0.00092		362.32		723.45	0.00
	08937	09182		2	1	0.09	0	0	0	0	1	0.0	0.00192		173.61		602.20	0.00
	08937	09242		2	5	0.12	0	0	0	1	4	20.0	0.00301		553.71		499.74	1.11
	09212	09233	PEARL ST	2	1	0.05	0	0	0	1	0	100.0	0.00070		476.19		713.63	0.00
	09212	09227		2	0	0.04	0	0	0	0	0	0.0	0.00056		0.00		744.52	0.00
	09227	09234		2	2	0.05	0	0	0	0	2	0.0	0.00070		952.38		713.63	1.33
	09201	09234		2	0	0.06	0	0	0	0	0	0.0	0.00084		0.00		686.57	0.00
	09201	09235		2	2	0.07	0	0	1	1	0	100.0	0.00098		680.27		663.04	1.03
	09193	09235		2	1	0.01	0	0	0	0	1	0.0	0.00008		4166.67		368.30	11.31
	07212	09193		2	0	0.02	0	0	0	0	0	0.0	0.00015		0.00		729.39	0.00
	08938	08939	FRANKLIN ST ART	2	1	0.15	0	0	0	0	1	0.0	0.00680		49.02		419.87	0.00
	08937	08938		2	0	0.06	0	0	0	0	0	0.0	0.00194		0.00		577.29	0.00
	05812	08937		2	0	0.09	0	0	0	0	0	0.0	0.00212		0.00		564.21	0.00
	07213	09182	CUSTOM HOUSE ST	2	0	0.04	0	0	0	0	0	0.0	0.00013		0.00		1520.82	0.00
			LINK SUBTOTALS-		44	1.55	0	0	3	6	35	20.5	0.04867		301.34		291.22	1.03
			GRAND TOTALS-		202	1.55	0	6	20	44	132	34.6	0.04867	133.828	1383.46		455.66	3.04


08939
09214
09215
09407
CONGRESS ST
09220
09225
HAMPSHIRE ST
09221
MIDDLE ST
09237
09242
INDIA ST
09213
09233
FEDERAL ST
FRANKLIN ST ART
09226
09212
08938
09241
NEWBURY ST NO 2
09191
09227
09835
08937
09203
09234
EXCHANGE ST
09190
09183
PEARL ST
05812
STATE PIER
09189
09201
09204
09182
09236
SILVER ST
MILK ST
COMMERCIAL ST
MARKET ST
09235
CUSTOM HOUSE ST
07213
09193
09200
09185
WHARF ST
07212
TREET UNION ST
PATTON COURT
09187
09194
09186
09205
MOULTON ST
08996
09197
09195
07211
PORTLAND PIER
09199
DANA ST
09181
07210
FORE ST
09206
WARF STREET #2
07209
09386
07208
CROSS ST NO 2
07207
09180

Section 3
Development Entrances and Exits

3.A. Entrance and Exit Locations

The site would have pedestrian access from Fore Street, Custom House Street, and Commercial Street. Primary parking access would be at the Customs House Parking Garage on Pearl Street northwest of the Fore Street intersection.

3.B. Plan View

The proposed site plan is enclosed in Attachment 1A of Section 1.

Section 4
Title, Right or Interest

4.A. Evidence of Title, Right or Interest

Evidence of Title to the land is included in Attachment 4A

4.B. Attachments

Attachment 4A – Deed

Attachment 4A

Deed

002763 BK15495PG121

WARRANTY DEED
(Maine Statutory Short Form)

KNOW ALL PERSONS BY THESE PRESENTS, that WLB HOLDING COMPANY, a Maine corporation, with a place of business in Portland, County of Cumberland and State of Maine, for consideration paid, grants to OLYMPIA EQUITY INVESTORS IV, LLC, a Maine limited liability company, whose mailing address is 500 Main Street, Bangor, Maine, with WARRANTY COVENANTS, the land located in Portland, County of Cumberland and State of Maine, described as follows:

A certain lot or parcel of land situated on the northwesterly side of Commercial Street in Portland in Cumberland County, State of Maine bounded and described as follows:

Beginning at a capped 3/4 inch rebar, numbered 492, set in the ground at the intersection of the northwesterly line of Commercial Street, so called, with the northeasterly line of Custom House Street, so called, thence,

North 49° 34' 54" West along the northeasterly line of said Custom House Street, a distance of 173.94 feet to a railroad spike set in the ground in the southeasterly line of Fore Street, so called, thence;

North 28° 09' 02 " East along the southeasterly line of said Fore Street, a distance of 21.27 feet to a railroad spike set in the ground at an angle in said street, thence;

North 18° 36' 32" East along the southeasterly line of said Fore Street, a distance of 109.82 feet to a capped 3/4 inch rebar, numbered 492, set in the ground at the westerly corner of land conveyed to East Brown Cow Limited by Cumberland Oil Company by deed dated March 1, 1995 and recorded in the Registry of Deeds for Cumberland County in Book 11835, Page 088, thence;

South 50° 11' 54" East along the southwesterly line of said East Brown Cow Limited's land, a distance of 139.00 feet to the corner of the brick building on said parcel and at an angle in said line, thence;

South 49° 54' 24" East along the southwesterly line of said East Brown Cow Limited's land, a distance of 67.55 feet to the northwesterly line of said Commercial Street and at easterly corner of the granite column of foundation of said building, thence;

South 32° 53' 06" West along the northwesterly line of said Commercial Street, a distance of 75.62 feet to the southerly corner of the granite column of foundation of said building, thence;

South 37° 11' 06" West along the northwesterly line of said Commercial Street, a distance of 49.73 feet to the point of beginning.

Containing 23,528.43 square feet.

MAINE REAL ESTATE TAX PAID

Bearings are True North.

Being all of the same parcel of land conveyed to William L. Blake and George M. Blake by Ellas Thomas by deed dated October 19, 1901 and recorded in the Registry of Deeds for Cumberland County in Book 832, Page 33. The Grantor changed its name from W.L. Blake & Co. on December 3, 1998.

IN WITNESS WHEREOF, it, the said WLB HOLDING COMPANY, has caused this instrument to be signed and sealed in its corporate name by Joyce O. Poulin, its Vice President, thereunto duly authorized, this 25th day of May, 2000.

WITNESS:

WLB HOLDING COMPANY

By: Joyce O. Poulin
Its Vice President

STATE OF MAINE
COUNTY OF CUMBERLAND, ss. May 25, 2000

Then personally appeared the above named Joyce O. Poulin, Vice President of said Corporation, as aforesaid, and acknowledged the foregoing instrument to be her free act and deed in her said capacity and the free act and deed of said Corporation.

Before me,

Attorney-at-Law
Walter E. Webber

RECEIVED
RECORDED REGISTRY OF DEEDS
2000 MAY 26 PM 3:53
CUMBERLAND COUNTY
John B Obrien

Section 5
Public or Private Right-of-Way

5.A. Public or Private Rights-of-Way

The site would have pedestrian access from Fore Street, Custom House Street, and Commercial Street. Primary parking access would be at the Customs House Parking Garage on Pearl Street northwest of the Fore Street intersection. No new public or private rights-of-way are proposed as part of this project.

Section 6
Schedule

6.A. Schedule

The Applicant proposes to begin and complete the project in 2007.

9: Middle Street & Longfellow Parking Performance by movement

Movement	EBT	EBR	WBT	NBL	All
Total Delay (hr)	0.0	0.1	0.0	0.0	0.1
Delay / Veh (s)	2.1	1.6	0.1	3.8	1.7
St Del/Veh (s)	0.4	0.3	0.1	2.5	0.5

17: Commercial St. & Franklin St. Art. Performance by movement

Movement	EBL	EBT	EBR	WBT	WBR	NBL	NBT	SBL	SBT	SBR	All
Total Delay (hr)	1.7	0.9	0.1	3.1	0.2	0.1	0.2	0.2	0.6	1.1	8.1
Delay / Veh (s)	41.9	20.5	7.2	39.9	11.9	19.1	20.9	28.3	26.2	11.3	24.7
St Del/Veh (s)	38.3	17.0	4.7	34.8	8.8	18.5	19.8	26.1	22.8	8.6	21.2

36: Fore St. & Pearl St. Performance by movement

Movement	EBL	EBT	EBR	WBL	WBT	WBR	NBL	NBT	NBR	SBL	SBT	SBR
Total Delay (hr)	0.4	0.5	0.0	0.0	0.5	0.1	0.0	0.3	0.1	0.0	0.1	0.0
Delay / Veh (s)	15.9	11.4	7.6	9.8	5.3	3.5	12.9	9.2	4.4	11.5	2.0	3.3
St Del/Veh (s)	13.7	8.4	6.7	8.2	3.6	2.9	11.8	7.7	4.0	8.8	0.9	2.2

36: Fore St. & Pearl St. Performance by movement

Movement	All
Total Delay (hr)	2.0
Delay / Veh (s)	6.6
St Del/Veh (s)	5.0

38: Fore St. & Franklin St. Art. Performance by movement

Movement	EBL	EBT	EBR	WBL	WBT	WBR	NBL	NBT	NBR	SBL	SBT	SBR
Total Delay (hr)	0.8	0.7	0.1	0.3	1.6	0.9	0.1	0.3	0.0	0.4	1.0	0.3
Delay / Veh (s)	38.1	15.5	10.4	39.3	32.6	22.0	19.7	5.8	1.7	13.9	8.7	5.8
St Del/Veh (s)	36.3	13.5	9.9	35.1	26.8	18.8	17.5	4.1	1.2	11.0	5.1	3.2

38: Fore St. & Franklin St. Art. Performance by movement

Movement	All
Total Delay (hr)	6.3
Delay / Veh (s)	14.9
St Del/Veh (s)	11.9

43: Middle Street & Franklin NB Performance by movement

Movement	EBL	EBT	EBR	WBL	WBT	WBR	NBL	NBT	NBR	SBL	SBT	SBR
Total Delay (hr)	0.8	0.8	0.2	0.2	1.2	0.1	0.2	0.5	0.0	0.6	1.8	1.1
Delay / Veh (s)	45.4	30.9	17.0	44.5	34.5	4.8	29.9	4.9	1.9	17.3	10.0	10.3
St Del/Veh (s)	41.7	26.6	14.7	41.9	30.3	3.6	27.8	3.3	1.3	14.7	6.2	6.5

43: Middle Street & Franklin NB Performance by movement

Movement	All
Total Delay (hr)	7.5
Delay / Veh (s)	13.6
St Del/Veh (s)	10.5

62: Middle Street & Pearl Street Performance by movement

Movement	EBL	EBT	EBR	WBL	WBT	WBR	NBL	NBT	NBR	SBL	SBT	SBR
Total Delay (hr)	0.3	0.7	0.1	0.7	1.8	0.1	0.1	0.4	0.0	0.2	0.5	0.1
Delay / Veh (s)	24.1	18.8	9.9	29.5	16.0	19.0	22.0	5.4	6.5	23.9	17.7	8.5
St Del/Veh (s)	21.3	15.0	8.3	24.8	12.0	15.8	18.8	3.9	5.0	21.6	14.5	7.5

62: Middle Street & Pearl Street Performance by movement

Movement	All
Total Delay (hr)	5.0
Delay / Veh (s)	15.2
St Del/Veh (s)	12.0

210: Middle Street & India Street Performance by movement

Movement	EBL	EBT	EBR	WBL	WBT	WBR	NBL	NBT	NBR	SBL	SBT	SBR
Total Delay (hr)	0.3	0.6	0.3	0.0	0.1	0.0	0.1	0.1	0.0	0.0	0.2	0.0
Delay / Veh (s)	18.7	19.6	13.1	13.0	14.2	6.4	5.4	1.9	1.8	3.6	2.2	1.3
St Del/Veh (s)	15.6	15.1	11.5	11.0	11.1	6.0	3.1	0.7	1.1	1.1	0.5	0.5

210: Middle Street & India Street Performance by movement

Movement	All
Total Delay (hr)	1.7
Delay / Veh (s)	6.1
St Del/Veh (s)	4.1

Total Network Performance

Total Delay (hr)	33.0
Delay / Veh (s)	30.6
St Del/Veh (s)	22.9

Intersection: 9: Middle Street & Longfellow Parking

Movement	NB
Directions Served	LR
Maximum Queue (ft)	35
Average Queue (ft)	12
95th Queue (ft)	36
Link Distance (ft)	242
Upstream Blk Time (%)	
Queuing Penalty (veh)	
Storage Bay Dist (ft)	
Storage Blk Time (%)	
Queuing Penalty (veh)	

Intersection: 17: Commercial St. & Franklin St. Art.

Movement	EB	EB	EB	WB	WB	NB	NB	SB	SB	SB
Directions Served	L	T	R	LT	R	LT	T	L	T	R
Maximum Queue (ft)	211	230	77	424	183	46	33	61	117	276
Average Queue (ft)	105	86	27	180	28	16	5	17	34	97
95th Queue (ft)	181	179	72	319	100	39	21	46	85	209
Link Distance (ft)		381		470		171	171		309	309
Upstream Blk Time (%)										0
Queuing Penalty (veh)										0
Storage Bay Dist (ft)	200		40		150			300		
Storage Blk Time (%)	1	23	1	13	0					
Queuing Penalty (veh)	2	45	4	7	0					

Intersection: 36: Fore St. & Pearl St.

Movement	EB	B35	WB	B37	NB	SB	SB
Directions Served	LTR	T	LTR	T	LTR	L	TR
Maximum Queue (ft)	186	18	139	51	127	33	52
Average Queue (ft)	74	1	70	3	60	4	20
95th Queue (ft)	139	9	126	27	109	20	48
Link Distance (ft)	138	723	89	239	144		603
Upstream Blk Time (%)	1		3		0		
Queuing Penalty (veh)	0		12		0		
Storage Bay Dist (ft)						100	
Storage Blk Time (%)							
Queuing Penalty (veh)							

Intersection: 38: Fore St. & Franklin St. Art.

Movement	EB	EB	B211	WB	B39	NB	NB	SB	SB
Directions Served	L	TR	T	LTR	T	LT	TR	LT	TR
Maximum Queue (ft)	142	142	49	308	76	74	43	200	224
Average Queue (ft)	48	60	3	182	4	21	11	70	85
95th Queue (ft)	104	121	26	294	31	54	32	152	196
Link Distance (ft)	100	100	239	271	160	309	309	200	200
Upstream Blk Time (%)	2	2		2				0	1
Queuing Penalty (veh)	2	3		0				1	2
Storage Bay Dist (ft)									
Storage Blk Time (%)									
Queuing Penalty (veh)									

Intersection: 43: Middle Street & Franklin NB

Movement	EB	EB	WB	WB	NB	NB	SB	SB	SB
Directions Served	L	TR	LT	R	LT	TR	L	T	TR
Maximum Queue (ft)	149	181	179	89	115	110	97	297	427
Average Queue (ft)	50	63	84	25	45	35	42	66	172
95th Queue (ft)	106	139	153	57	98	88	79	172	337
Link Distance (ft)		500	488		200	200		473	473
Upstream Blk Time (%)								0	0
Queuing Penalty (veh)								0	0
Storage Bay Dist (ft)	125			200			200		
Storage Blk Time (%)	1	1	0	0				0	
Queuing Penalty (veh)	2	0	0	0				0	

Intersection: 62: Middle Street & Pearl Street

Movement	EB	WB	NB	SB
Directions Served	LTR	LTR	LTR	LTR
Maximum Queue (ft)	179	353	129	142
Average Queue (ft)	73	139	48	69
95th Queue (ft)	140	256	96	120
Link Distance (ft)	578	500	603	410
Upstream Blk Time (%)				
Queuing Penalty (veh)				
Storage Bay Dist (ft)				
Storage Blk Time (%)				
Queuing Penalty (veh)				

Intersection: 210: Middle Street & India Street

Movement	EB	WB	NB	SB
Directions Served	LTR	LTR	LTR	LTR
Maximum Queue (ft)	181	49	99	52
Average Queue (ft)	76	18	35	7
95th Queue (ft)	140	44	75	33
Link Distance (ft)	488	234	445	456
Upstream Blk Time (%)				
Queuing Penalty (veh)				
Storage Bay Dist (ft)				
Storage Blk Time (%)				
Queuing Penalty (veh)				

Nework Summary

Network wide Queuing Penalty: 80

9: Middle Street & Longfellow Parking Performance by movement

Movement	EBT	EBR	WBT	NBL	All
Total Delay (hr)	0.0	0.0	0.0	0.2	0.2
Delay / Veh (s)	1.5	1.2	0.2	3.9	2.3
St Del/Veh (s)	0.3	0.3	0.1	3.0	1.5

17: Commercial St. & Franklin St. Art. Performance by movement

Movement	EBL	EBT	EBR	WBL	WBT	WBR	NBL	NBT	NBR	SBL	SBT	SBR
Total Delay (hr)	2.9	1.9	0.3	0.1	2.4	0.1	0.4	0.7	0.0	0.1	1.6	0.6
Delay / Veh (s)	42.2	22.9	12.4	44.3	40.4	10.3	27.0	23.8	2.5	31.8	35.1	8.8
St Del/Veh (s)	37.4	18.0	8.5	40.0	35.6	7.6	26.0	22.3	2.8	29.6	30.2	7.3

17: Commercial St. & Franklin St. Art. Performance by movement

Movement	All
Total Delay (hr)	11.2
Delay / Veh (s)	26.8
St Del/Veh (s)	23.1

36: Fore St. & Pearl St. Performance by movement

Movement	EBL	EBT	EBR	WBL	WBT	WBR	NBL	NBT	NBR	SBL	SBT	SBR
Total Delay (hr)	0.1	0.7	0.0	0.0	0.4	0.0	0.0	0.1	0.0	0.1	0.3	0.2
Delay / Veh (s)	14.4	8.1	3.7	15.9	7.3	3.4	12.5	9.1	2.8	14.1	11.5	6.2
St Del/Veh (s)	12.3	5.4	3.1	14.5	5.7	3.1	11.7	8.0	2.7	10.7	7.8	4.4

36: Fore St. & Pearl St. Performance by movement

Movement	All
Total Delay (hr)	2.0
Delay / Veh (s)	8.3
St Del/Veh (s)	6.1

38: Fore St. & Franklin St. Art. Performance by movement

Movement	EBL	EBT	EBR	WBL	WBT	WBR	NBL	NBT	NBR	SBL	SBT	SBR
Total Delay (hr)	1.7	1.3	0.2	0.4	1.1	1.1	0.1	0.6	0.0	1.3	1.2	0.1
Delay / Veh (s)	32.2	25.2	16.2	40.4	34.0	21.9	14.4	6.5	3.9	25.4	13.2	4.1
St Del/Veh (s)	30.5	22.6	15.4	36.5	28.6	19.0	11.9	4.4	3.1	21.6	9.3	2.7

38: Fore St. & Franklin St. Art. Performance by movement

Movement	All
Total Delay (hr)	9.2
Delay / Veh (s)	18.8
St Del/Veh (s)	15.9

43: Middle Street & Franklin NB Performance by movement

Movement	EBL	EBT	EBR	WBL	WBT	WBR	NBL	NBT	NBR	SBL	SBT	SBR
Total Delay (hr)	2.9	1.5	0.3	0.4	0.9	0.4	0.1	1.6	0.1	1.9	2.1	0.2
Delay / Veh (s)	48.0	31.3	24.6	36.5	27.5	8.6	20.5	9.0	5.4	45.9	14.3	8.5
St Del/Veh (s)	42.3	25.2	20.8	33.1	23.2	6.9	18.1	6.4	4.0	42.4	11.2	7.1

43: Middle Street & Franklin NB Performance by movement

Movement	All
Total Delay (hr)	12.4
Delay / Veh (s)	20.0
St Del/Veh (s)	16.7

62: Middle Street & Pearl St. Performance by movement

Movement	EBL	EBT	EBR	WBL	WBT	WBR	NBL	NBT	NBR	SBL	SBT	SBR
Total Delay (hr)	0.8	4.0	0.4	0.2	1.2	0.2	0.1	1.0	0.4	0.2	0.6	0.3
Delay / Veh (s)	66.5	56.8	46.4	32.7	27.4	18.4	27.1	19.0	13.6	25.6	19.0	11.3
St Del/Veh (s)	60.5	49.7	41.8	29.1	22.5	15.8	23.9	14.7	11.5	23.1	15.1	9.7

62: Middle Street & Pearl St. Performance by movement

Movement	All
Total Delay (hr)	9.5
Delay / Veh (s)	30.6
St Del/Veh (s)	26.2

210: Middle Street & India Street Performance by movement

Movement	EBL	EBT	EBR	WBL	WBT	WBR	NBL	NBT	NBR	SBL	SBT	SBR
Total Delay (hr)	1.6	0.9	1.9	0.2	0.7	0.2	0.1	0.2	0.0	0.0	0.1	0.0
Delay / Veh (s)	48.5	49.3	39.0	21.3	21.3	14.5	5.3	2.5	1.6	3.8	2.0	1.0
St Del/Veh (s)	45.6	45.2	37.5	19.5	18.1	13.8	2.8	0.8	0.7	1.5	0.3	0.3

210: Middle Street & India Street Performance by movement

Movement	All
Total Delay (hr)	6.0
Delay / Veh (s)	16.7
St Del/Veh (s)	14.7

Total Network Performance

Total Delay (hr)	53.5
Delay / Veh (s)	42.6
St Del/Veh (s)	34.3

Intersection: 9: Middle Street & Longfellow Parking

Movement	NB
Directions Served	LR
Maximum Queue (ft)	68
Average Queue (ft)	38
95th Queue (ft)	58
Link Distance (ft)	146
Upstream Blk Time (%)	
Queuing Penalty (veh)	
Storage Bay Dist (ft)	
Storage Blk Time (%)	
Queuing Penalty (veh)	

Intersection: 17: Commercial St. & Franklin St. Art.

Movement	EB	EB	EB	B16	WB	WB	NB	NB	NB	SB	SB	SB
Directions Served	L	T	R	T	LT	R	LT	T	R	L	T	R
Maximum Queue (ft)	225	382	73	20	272	149	105	72	27	39	189	178
Average Queue (ft)	158	176	35	1	136	23	51	21	7	8	84	66
95th Queue (ft)	242	331	79	15	228	92	95	53	22	28	166	138
Link Distance (ft)		381		73	470		171	171	171		309	309
Upstream Blk Time (%)		1		0								
Queuing Penalty (veh)		0		0								
Storage Bay Dist (ft)	200		40			150				300		
Storage Blk Time (%)	4	35	2		8	0						
Queuing Penalty (veh)	14	119	12		3	0						

Intersection: 36: Fore St. & Pearl St.

Movement	EB	WB	B37	NB	SB	SB
Directions Served	LTR	LTR	T	LTR	L	TR
Maximum Queue (ft)	157	125	33	82	66	156
Average Queue (ft)	70	58	1	30	17	54
95th Queue (ft)	125	103	17	66	47	109
Link Distance (ft)	138	89	239	144		603
Upstream Blk Time (%)	1	1				
Queuing Penalty (veh)	0	3				
Storage Bay Dist (ft)					100	
Storage Blk Time (%)						1
Queuing Penalty (veh)						0

Intersection: 38: Fore St. & Franklin St. Art.

Movement	EB	EB	B211	WB	B39	NB	NB	SB	SB
Directions Served	L	TR	T	LTR	T	LT	TR	LT	TR
Maximum Queue (ft)	172	171	119	311	36	80	82	232	213
Average Queue (ft)	84	96	10	161	2	32	24	143	57
95th Queue (ft)	148	157	60	281	18	68	61	241	156
Link Distance (ft)	100	100	239	271	187	309	309	200	200
Upstream Blk Time (%)	7	8		2				5	0
Queuing Penalty (veh)	12	14		0				15	1
Storage Bay Dist (ft)									
Storage Blk Time (%)									
Queuing Penalty (veh)									

Intersection: 43: Middle Street & Franklin NB

Movement	EB	EB	WB	WB	NB	NB	SB	SB	SB
Directions Served	L	TR	LT	R	LT	TR	L	T	TR
Maximum Queue (ft)	150	387	194	133	202	199	190	243	220
Average Queue (ft)	119	139	79	46	99	102	84	102	82
95th Queue (ft)	175	306	157	99	174	179	163	203	163
Link Distance (ft)		500	495		200	200		473	473
Upstream Blk Time (%)		0			0	0			
Queuing Penalty (veh)		0			0	0			
Storage Bay Dist (ft)	125			200			200		
Storage Blk Time (%)	15	6	1				1	1	
Queuing Penalty (veh)	33	14	1				4	1	

Intersection: 62: Middle Street & Pearl St.

Movement	EB	WB	NB	SB
Directions Served	LTR	LTR	LTR	LTR
Maximum Queue (ft)	443	226	236	211
Average Queue (ft)	215	89	114	92
95th Queue (ft)	431	174	201	166
Link Distance (ft)	578	500	603	410
Upstream Blk Time (%)	0			
Queuing Penalty (veh)	0			
Storage Bay Dist (ft)				
Storage Blk Time (%)				
Queuing Penalty (veh)				

Intersection: 210: Middle Street & India Street

Movement	EB	WB	NB	SB
Directions Served	LTR	LTR	LTR	LTR
Maximum Queue (ft)	399	176	136	44
Average Queue (ft)	186	72	39	10
95th Queue (ft)	405	131	97	34
Link Distance (ft)	495	239	465	507
Upstream Blk Time (%)	1	0		
Queuing Penalty (veh)	5	0		
Storage Bay Dist (ft)				
Storage Blk Time (%)				
Queuing Penalty (veh)				

Nework Summary

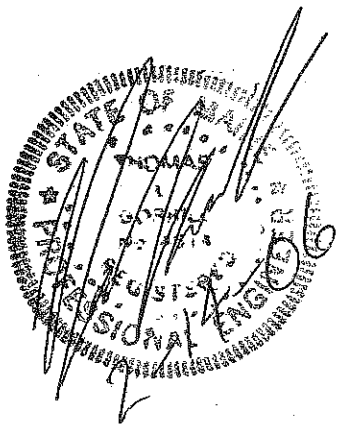
Network wide Queuing Penalty: 251

Att. 18.1

Traffic Impact Study
Proposed Commercial Building
Portland, Maine

Prepared for:

Olympia Equity Investors IVB, LLC
280 Fore Street
Suite 202
Portland, Maine 04101



February 2006

Prepared by:

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AH. 18.2

Traffic Impact Study
Fore Street Office Building
Portland, Maine

Index

AH.18.3

Executive Summary

The following Executive Summary is prepared for the reader's convenience, but is not intended to be a substitute for reading the full report.

Gorrill-Palmer Consulting Engineers, Inc. was retained by Olympia Equity Investors IVB, LLC to prepare a traffic impact study for proposed office building in Portland, Maine. The proposed site is located at the intersection of Fore Street and Custom House Street and is currently occupied by a single-story and two-story concrete block structure. Proposed for the area would be a five-floor, 64,554 s.f. commercial building. Parking for the uses within the building would be provided at proposed Longfellow at Ocean Gateway parking garage on Middle Street. The two-five story structures on Commercial Street will remain.

Based on the findings of the traffic impact study, our office reached the following conclusions:

1. The proposed development is forecast to generate 112 and 162 trip ends for the weekday AM peak hour and PM peak hour, respectively. (Note: A trip end is either a trip in or out of the site. Therefore a round trip would equal two trip ends).

2. The level of service analyses shows the site traffic can be accommodated by the existing street system with the construction of an exclusive left turn lane for the southbound Franklin Street approach at Middle Street as proposed in conjunction with the redevelopment of the former Jordan's site.

3. Based on the published history by MaineDOT, the intersection of Franklin Street Arterial at Middle Street is considered a High Crash Location. This location was analyzed by Eaton Traffic Engineering as part of the traffic impact study for the redevelopment of the Jordan's site. Most incidents at this location were angle collisions attributable to left turning traffic not yielding to oncoming through traffic. Of the four approaches, this crash type most often occurred for southbound left turns from Franklin Street Arterial colliding with northbound through traffic. As part of the Jordan's project, a 200-foot southbound left-turn lane is being constructed to improve visibility on this movement and reduce the incidence of this crash type.

4. Gorrill-Palmer Consulting Engineers, Inc. recommends that all plantings, which will be located within the right-of-way, not exceed three feet in height and be maintained at or below that height. Signage should not interfere with sight lines. In addition, we recommend that during construction, when heavy equipment is entering and exiting into the site, that appropriate measures, such as signage and flag persons, be utilized in accordance with the Manual on Uniform Traffic Control Devices.

Based on these findings, it is the opinion of Gorrill-Palmer Consulting Engineers, Inc. that the local street system with the recommended improvements can accommodate the traffic generated by the site.

I. *Existing and Proposed Site*

The proposed site is located on Custom House Street, and therefore has frontage on Fore Street and Commercial Street. The site is identified on Portland Tax Map 29, Block K, Lot 1. The development area currently consists of several structures, including the following:

- A single-story concrete block structure along Fore Street.
- A two-story concrete block structure facing the parking lot for Fore Street restaurant.

Proposed for the area would be a five-floor, 64,554 s.f. commercial building. Parking for the uses within the building would be provided at the Longfellow at Ocean Gateway parking garage on Middle Street. The two-five story structures on Commercial Street will remain.

II. *Background Traffic Conditions*

Gorrill-Palmer Consulting Engineers, Inc. based the study on the following information:

- A site plan prepared by DeLuca Hoffman Associates dated October, 2005.
- High Crash Listings for 2002-2004 provided by the Maine Department of Transportation.
- Turning movement volumes collected by Gorrill-Palmer Consulting Engineers, Inc. during the weekday AM and PM peak hours in October and November of 2005 and January of 2006 at the following intersections:
  - Franklin Street Arterial at Commercial Street
  - Franklin Street Arterial at Fore Street
  - Franklin Street Arterial at Middle Street
  - Pearl Street at Fore Street
  - Pearl Street at Middle Street
  - Middle Street at India Street (PM provided by ETE, based on summer data)

The raw volumes are shown on Figures 2 and 3 for the AM and PM peak hours, respectively.

Predevelopment Traffic Volumes

Seasonal Adjustment

MaineDOT utilizes highway classifications of I, II, or III for state and local roadways. Type I roadways are defined as urban roadways, or those roads that typically see commuter traffic and experience little fluctuation from week to week throughout the year. Type II roadways, or arterial roadways are those that see a combination of commuter and recreational traffic and therefore experience moderate fluctuations during the year. Type

III roadways, or recreational roadways are typically used for recreational purposes and experience dramatic seasonal fluctuation.

The roadways in the study area are considered Type I roadways by MaineDOT. Typically, volumes are adjusted to reflect the 30th highest hour (typically occurring in July or August) of traffic volumes in accordance with MaineDOT guidelines. The volumes were adjusted accordingly.

Annual Growth

The proposed development is anticipated to be fully operational by 2007. The raw turning movement volumes were increased by one percent per year to reflect traffic increases in the area based on historic MaineDOT traffic counts. A copy of the historical data is contained in Appendix C. The adjusted and balanced volumes are shown on Figures 4 and 5 for the AM and PM peak hours, respectively.

Other Development

Approved projects that are not yet opened as well as projects for which applications have been filed are required to be included in the predevelopment volumes for this project. Based on recent traffic impact studies completed by our office, and conversations with City staff, the following projects may have an effect on traffic in the study area:

- *Ocean Gateway:* Located near the intersection of Commercial and India Streets, this facility will provide a formalized berth for passenger ships.
- *Former Jordan's Site:* This project, along India Street, will consist of a 185-room hotel and 105 condominiums.
- *Village Café Site:* This site will be reused for a multiuse development, with 160 units of housing, a restaurant, and retail space.
- *Riverwalk:* Bound by Fore Street, India Street, and the proposed extensions of Commercial and Hancock Streets, this project will consist of condominiums, a hotel, retail, health club and restaurant space.
- *Federal Street Town Houses:* Seven units of housing are proposed on Federal Street.

Trip assignment for these uses is shown on Figures 6 and 7 in Appendix A. Traffic from the other development was combined with the adjusted volumes to result in the 2007 predevelopment volumes, as shown on Figures 8 and 9 of Appendix A for the AM and PM peak hours.

III. *Trip Generation*

Gorrill-Palmer Consulting Engineers, Inc. used the Institute of Transportation Engineers (ITE) publication *Trip Generation,* 7th Edition as the source for determining the potential trip generation for the site. The building is to be 64,554 s.f. in size. The size of the building to be considered for trip generation for the purposes of analysis is 47,000 s.f. of general office space and 11,500 s.f. of specialty retail center; the remaining space would be for storage and HVAC equipment.

Our office utilized Land Use Code 710, General Office Building and Land Use Code 814, Specialty Retail Center to determine the total trip generation for the site. The trip generation calculations are summarized in Attachment D and are summarized as follows:

Trip Generation for Proposed Commercial Building

Land Use Code	Weekday	AM Peak Hour	PM Peak Hour
710, General Office	746	103	131
814, Specialty Retail	510	9	31
Total	**1,256**	**112**	**162**

It should be noted that the trip generation assumes that the retail will be open during AM hours. If this is not the case, than the AM assumptions are conservative.

IV. *Trip Distribution*

Gorrill-Palmer Consulting Engineers, Inc. has obtained the ratio of entering and exiting traffic from the Institute of Transportation Engineers publication *Trip Generation,* 7th Edition. For purposes of this study, for the proposed uses, we have assumed that the distribution would be appropriate as follows:

AM Peak Hour: 88% entering, 12% exiting
PM Peak Hour: 21% entering, 79% exiting

V. *Trip Composition*

Gorrill-Palmer Consulting Engineers, Inc. has estimated the following trip composition based on information obtained from the ITE publication, *Trip Generation Handbook.* This composition is provided on the following table and is based on Land Use Code 710, General Office Building and Land Use Code 820, Shopping Center:

Trip Composition for Proposed Commercial Building

Trip Type	AM Peak Hour			PM Peak Hour		
	Enter	Exit	Total	Enter	Exit	Total
Primary	95	11	106	22	116	138
Pass-by	3	3	6	10	10	20
Diverted	0	0	0	2	2	4
Total	**98**	**14**	**112**	**34**	**128**	**162**

It should be noted that the compositional percentages from LUC 820 are based on surveyed facilities of less than 50,000 s.f.

VI. *Trip Assignment*

The trip assignment percentages are based on those established for the Jordan's redevelopment project, as well as those established for Longfellow at Ocean Gateway. As the assignment is based on all secondary trips coming to and from the retail component being vehicular in nature (which is unlikely given that parking is provided off-site), it is conservative. The resulting trip assignment is shown in Figures 11 and 12 of Appendix A for the AM and PM peak hours, respectively.

VII. *2007 Postdevelopment Traffic*

The anticipated year 2007 predevelopment traffic shown in Figures 8 and 9 has been combined with the traffic forecast for the development shown in Figures 11 and 12 to yield the 2007 postdevelopment traffic shown in Figures 13 and 14 of Appendix A for the AM and PM peak hours, respectively.

VIII. *Study Area*

The study area for the purposes of analysis in this report includes the following intersections:

- Franklin Street Arterial at Commercial Street
- Franklin Street Arterial at Fore Street
- Franklin Street Arterial at Middle Street
- Middle Street at India Street

The study area is based on analysis thresholds set forth by MaineDOT requirements. The volumes along Pearl Street were previously obtained and are included in this report for discussion purposes; trip assignment does not meet analysis thresholds at these locations. Franklin Street Arterial at Commercial Street was included as it is part of a coordinated system.

IX. *Capacity Analyses*

Gorrill-Palmer Consulting Engineers, Inc. completed capacity analyses for the intersections listed in Section VIII.

The analysis was completed utilizing the Synchro/SimTraffic analysis software package, the results based on five runs of SimTraffic analysis. Levels of service rankings are similar to the academic ranking system where an 'A' is very good with little control delay and an 'F' represents very poor conditions. A level of service 'D' and higher is desirable for a signalized intersection. At an unsignalized intersection, if the level of service falls below a 'D', an evaluation should be made to determine if a traffic signal is warranted.

The following table summarizes the relationship between control delay and level of service for a signalized intersection:

Level of Service Criteria for Signalized Intersections

Level of Service	Control Delay per Vehicle (sec)
A	Up to 10.0
B	10.1 to 20.0
C	20.1 to 35.0
D	35.1 to 55.0
E	55.1 to 80.0
F	Greater than 80.0

The following table summarizes the relationship between delay and level of service for an unsignalized intersection:

AH. 18.7

Level of Service Criteria for Unsignalized Intersections

Level of Service	Control Delay per Vehicle (sec)
A	Up to 10.0
B	10.1 to 15.0
C	15.1 to 25.0
D	25.1 to 35.0
E	35.1 to 50.0
F	Greater than 50.0

The results of the capacity analyses are based on the addition of a 200' right-turn lane on Franklin Street Arterial for southbound traffic destined for Middle Street, as proposed in conjunction with the redevelopment of the former Jordan's site. The detailed analyses for Synchro/SimTraffic are included in Appendix B.

Level of Service for at Middle Street at India Street*

Lane Group	AM Peak Hour				PM Peak Hour			
	Predevelopment		Postdevelopment		Predevelopment		Postdevelopment	
	Delay	LOS	Delay	LOS	Delay	LOS	Delay	LOS
Middle Street EB LTR	13	B	18	C	16	C	25	C
Middle Street WB LTR	12	B	10	B	11	B	16	C
India Street NB LTR	3	A	3	A	2	A	3	A
India Street SB LTR	2	A	2	A	1	A	2	A
Overall	**4**	**A**	**6**	**A**	**6**	**A**	**10**	**B**

Level of Service for Franklin Street Arterial at Middle Street*

Lane Group	AM Peak Hour				PM Peak Hour			
	Predevelopment		Postdevelopment		Predevelopment		Postdevelopment	
	Delay	LOS	Delay	LOS	Delay	LOS	Delay	LOS
Middle Street EB L	45	D	45	D	41	D	46	D
Middle Street EB TR	27	C	28	C	26	C	26	C
Middle Street WB LT	38	D	38	D	29	C	31	C
Middle Street WB RT	5	A	5	A	8	A	9	A
FS Arterial NB LTR	7	A	7	A	8	A	9	A
FS Arterial SB L	16	B	17	B	29	C	38	D
FS Arterial SB TR	9	A	10	B	11	B	14	B
Overall	**13**	**B**	**13**	**B**	**17**	**C**	**19**	**C**

Level of Service for Franklin Street Arterial at Fore Street*

Lane Group	AM Peak Hour				PM Peak Hour			
	Predevelopment		Postdevelopment		Predevelopment		Postdevelopment	
	Delay	LOS	Delay	LOS	Delay	LOS	Delay	LOS
Fore Street EB L	37	D	40	D	34	C	31	C
Fore Street EB TR	16	B	16	B	26	C	24	C
Fore Street WB LTR	29	C	27	C	28	C	28	C
FS Arterial NB LTR	6	A	6	A	7	A	7	A
FS Arterial SB LTR	8	A	8	A	12	B	13	B
Overall	**15**	**B**	**15**	**B**	**18**	**B**	**18**	**B**

Level of Service for Franklin Street Arterial at Commercial Street*

Lane Group	AM Peak Hour				PM Peak Hour			
	Predevelopment		Postdevelopment		Predevelopment		Postdevelopment	
	Delay	LOS	Delay	LOS	Delay	LOS	Delay	LOS
Commercial Street EB L	42	D	42	D	44	D	43	D
Commercial Street EB T	21	C	21	C	24	C	21	C
Commercial Street EB R	8	A	8	A	14	B	11	B
Commercial Street WB LT	39	D	39	D	44	D	42	D
Commercial Street WB R	12	B	11	B	10	B	10	B
State Pier NB LT	26	C	25	C	25	C	25	C
State Pier NB R	26	C	25	C	5	A	3	B
FS Arterial SB L	28	C	26	C	29	C	22	C
FS Arterial SB T	22	C	27	C	28	C	32	C
FS Arterial SB R	12	B	12	C	7	A	9	A
Overall	**25**	**C**	**25**	**C**	**27**	**C**	**26**	**C**

*Fluctuations in delay are a result in the variation inherent in SimTraffic analyses.

As can be seen in the above tables, all movements are forecast to operate at an acceptable level of service. With the exception of Middle Street at India Street, the addition of site-generated traffic is not anticipated to affect the overall level of service at the study area intersections.

X. *Crash Data*

In order to evaluate whether a location has a crash problem, MaineDOT uses two criteria to define High Crash Locations (HCL). Both criteria must be met in order to be classified as an HCL.

1. A critical rate factor of 1.00 or more for a three-year period. (A Critical Rate Factor {CRF} compares the actual accident rate to the rate for similar intersections in the State. A CRF of less than 1.00 indicates a rate less than average) and:
2. A minimum of 8 crashes over a three-year period.

The following tables summarize the crash data provided by MaineDOT for locations that satisfy either Criteria 1, 2 or both:

MaineDOT Crash Data for 2002-2004: Intersections

Node	Intersection	# of Collisions	CRF	HCL?
7207	Commercial Street at Union Street	8	1.30	No
7210	Commercial Street at Moulton Street	7	1.13	No
9233	Congress Street at Pearl Street	14	0.66	No
9212	Federal Street at Pearl Street	4	1.40	No
8938	**Franklin Street Arterial at Middle Street**	**27**	**1.29**	**Yes**

MaineDOT Crash Data for 2002-2004: Road Segments

Nodes	Street	From	To	# of Collisions	CRF	HCL?
7207-7208	Commercial	Union	e/o Union	7	1.77	No
7209-7210	Commercial	Dana	Moulton	4	1.06	No
5812-7213	Commercial	Custom House	Franklin Arterial	7	1.20	No
9194-9205	Fore	Exchange	Moulton	2	1.27	No
8937-9242	Fore	Franklin Arterial	India	5	1.11	No
9227-9234	Pearl	Newbury	Middle	2	1.33	No
9201-9235	Pearl	Milk	Fore	2	1.03	No
9193-9235	Pearl	Fore	Wharf	1	11.31	No

Based on the published history, the intersection of Franklin Street Arterial at Middle Street is considered a High Crash Location. This location was analyzed by Eaton Traffic Engineering as part of the traffic impact study for the redevelopment of the Jordan's site. Most incidents at this location were angle collisions attributable to left turning traffic not yielding to oncoming through traffic. Of the four approaches, this crash type most often occurred for southbound left turns from Franklin Street Arterial colliding with northbound through traffic. As part of the Jordan's project, a 200-foot southbound left-turn lane is being constructed to improve visibility on this movement and reduce the incidence of this crash type.

XI. *Conclusions*

Gorrill-Palmer Consulting Engineers, Inc. has examined the impact of the traffic associated with the proposed office building project and reached the following conclusions:

1. The proposed development is forecast to generate 112 and 162 trip ends for the weekday AM peak hour and PM peak hour, respectively. (Note: A trip end is either a trip in or out of the site. Therefore a round trip would equal two trip ends).

2. The level of service analyses shows the site traffic can be accommodated by the existing street system with the construction of an exclusive left turn lane for the southbound Franklin Street approach at Middle Street as proposed in conjunction with the redevelopment of the former Jordan's site.

3. Based on the published history by MaineDOT, the intersection of Franklin Street Arterial at Middle Street is considered a High Crash Location. This location was analyzed by Eaton Traffic Engineering as part of the traffic impact study for the redevelopment of the Jordan's site. Most incidents at this location were angle collisions attributable to left turning traffic not yielding to oncoming through traffic. Of the four approaches, this crash type most often occurred for southbound left turns from Franklin Street Arterial colliding with northbound through traffic. As part of the Jordan's project, a 200-foot southbound left-turn lane is being constructed to improve visibility on this movement and reduce the incidence of this crash type.

4. Gorrill-Palmer Consulting Engineers, Inc. recommends that all plantings, which will be located within the right-of-way, not exceed three feet in height and be maintained at or below that height. Signage should not interfere with sight lines. In addition, we recommend that during construction, when heavy equipment is entering and exiting into the site, that appropriate measures, such as signage and flag persons, be utilized in accordance with the Manual on Uniform Traffic Control Devices.

Based on these findings, it is the opinion of Gorrill-Palmer Consulting Engineers, Inc. that the local street system with the recommended improvements can accommodate the traffic generated by the site.

AH. 18.10

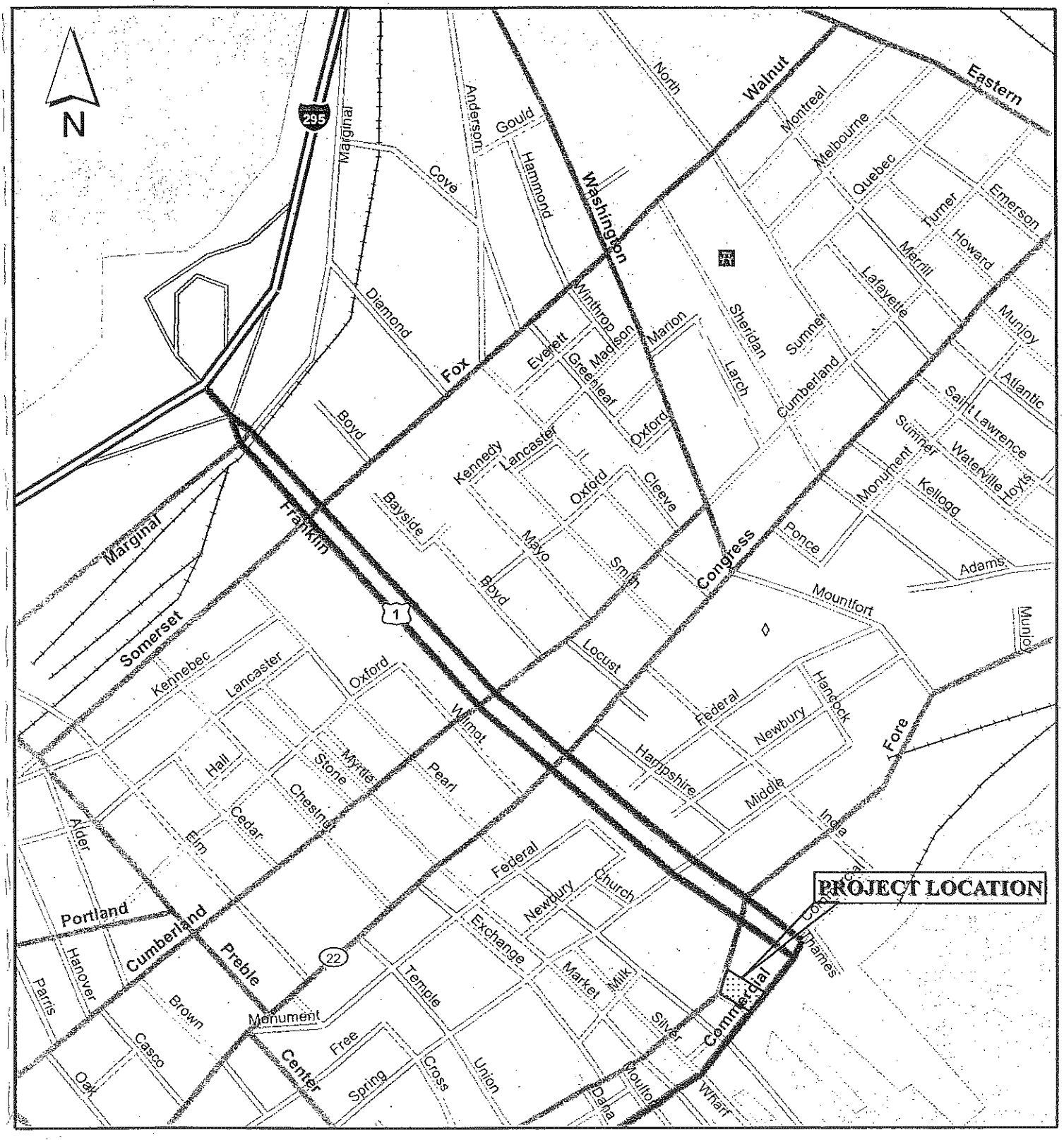
Appendix A

Site Location Map

Turning Movement Diagrams

Location Map

Figure No. 1



OFFICE BUILDING CORNER OF FORE STREET AND CUSTOM HOUSE STREET
PORTLAND, MAINE

Feet
500 0 500 1,000

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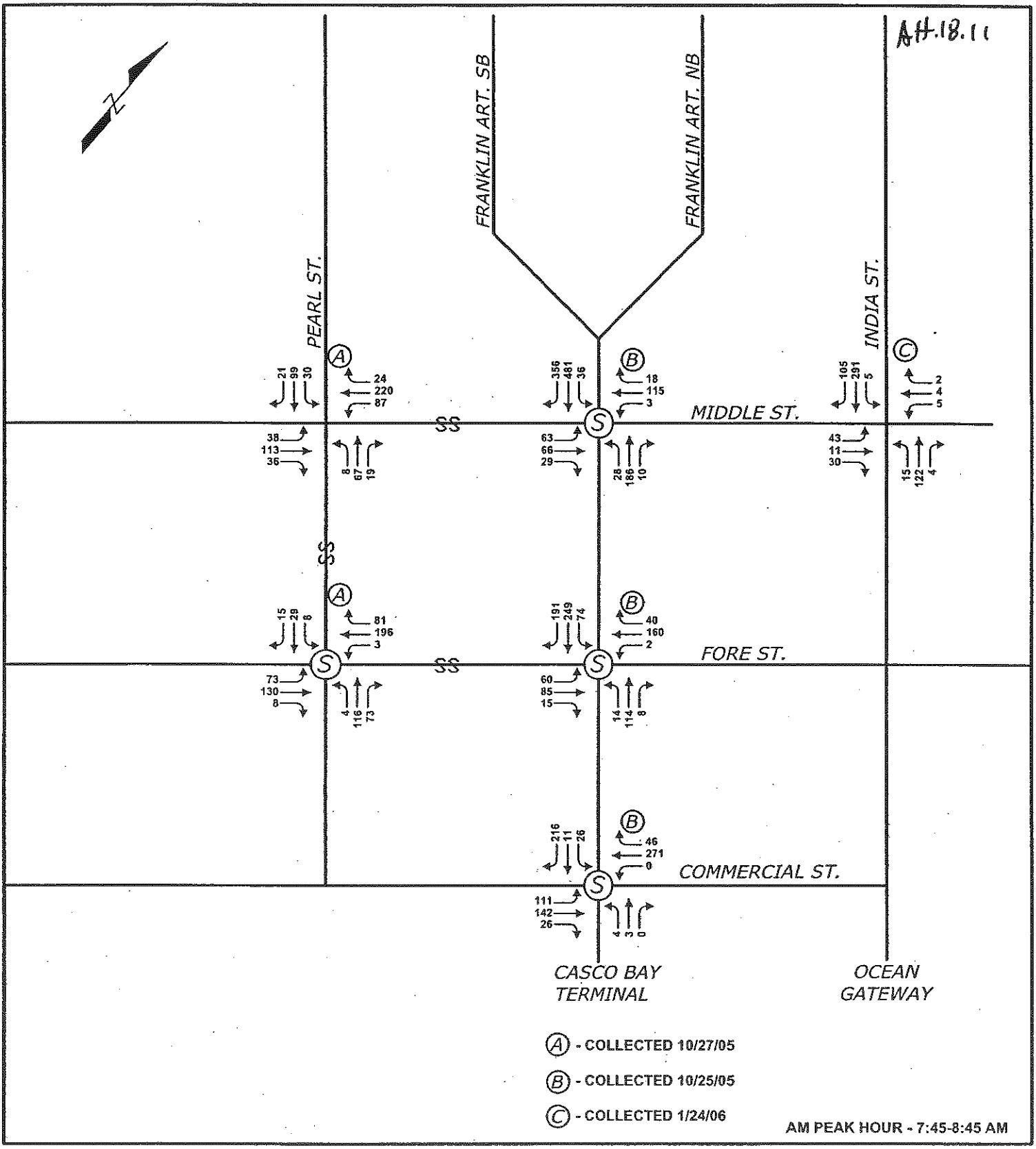
www.gorrillpalmer.com

JN: 1317
DATE:OCT 2005
SOURCE: MAINE GIS WEBSITE

AM Raw Volumes

Figure No. 2



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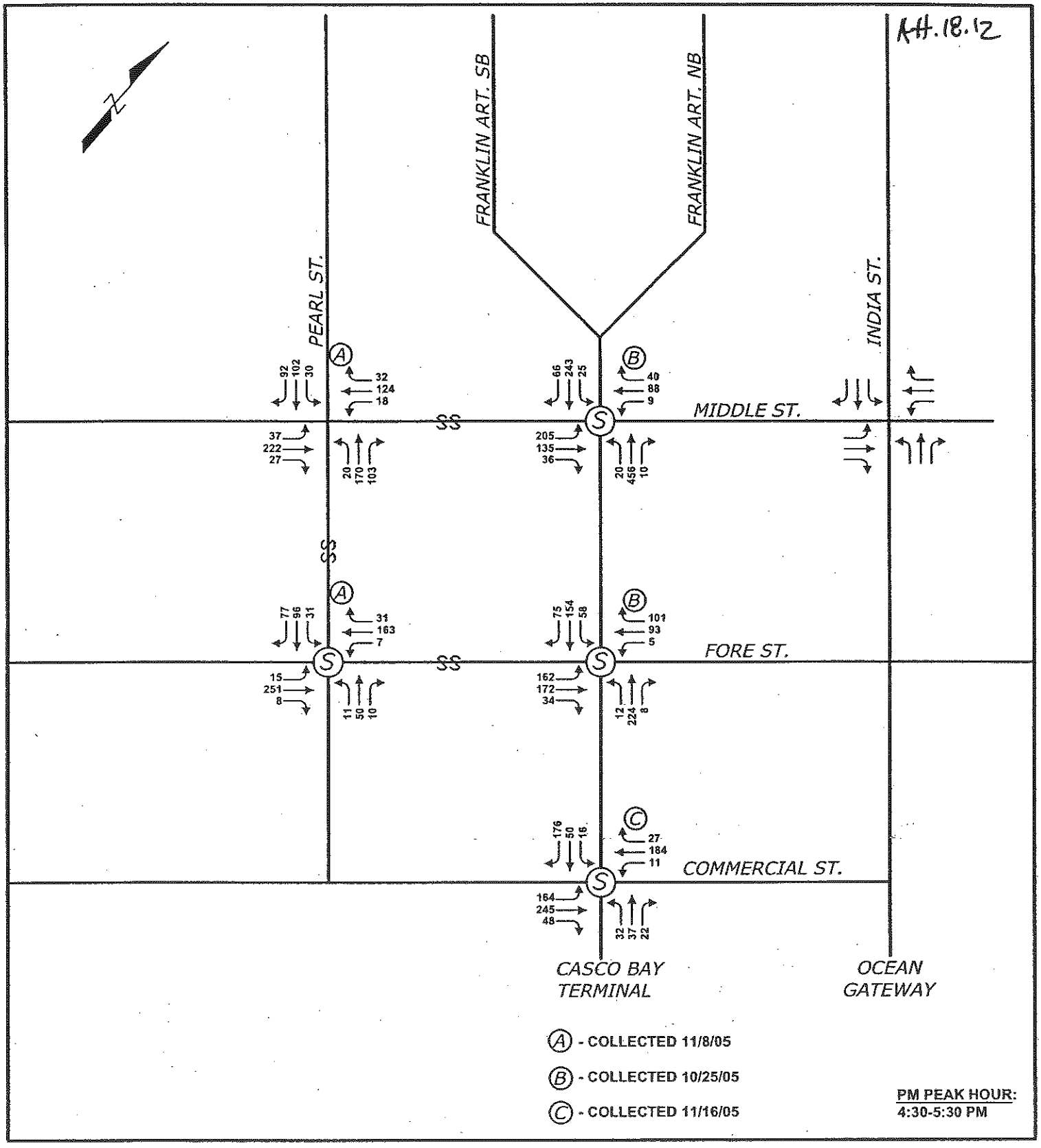
PM Raw Volumes

Figure No. 3



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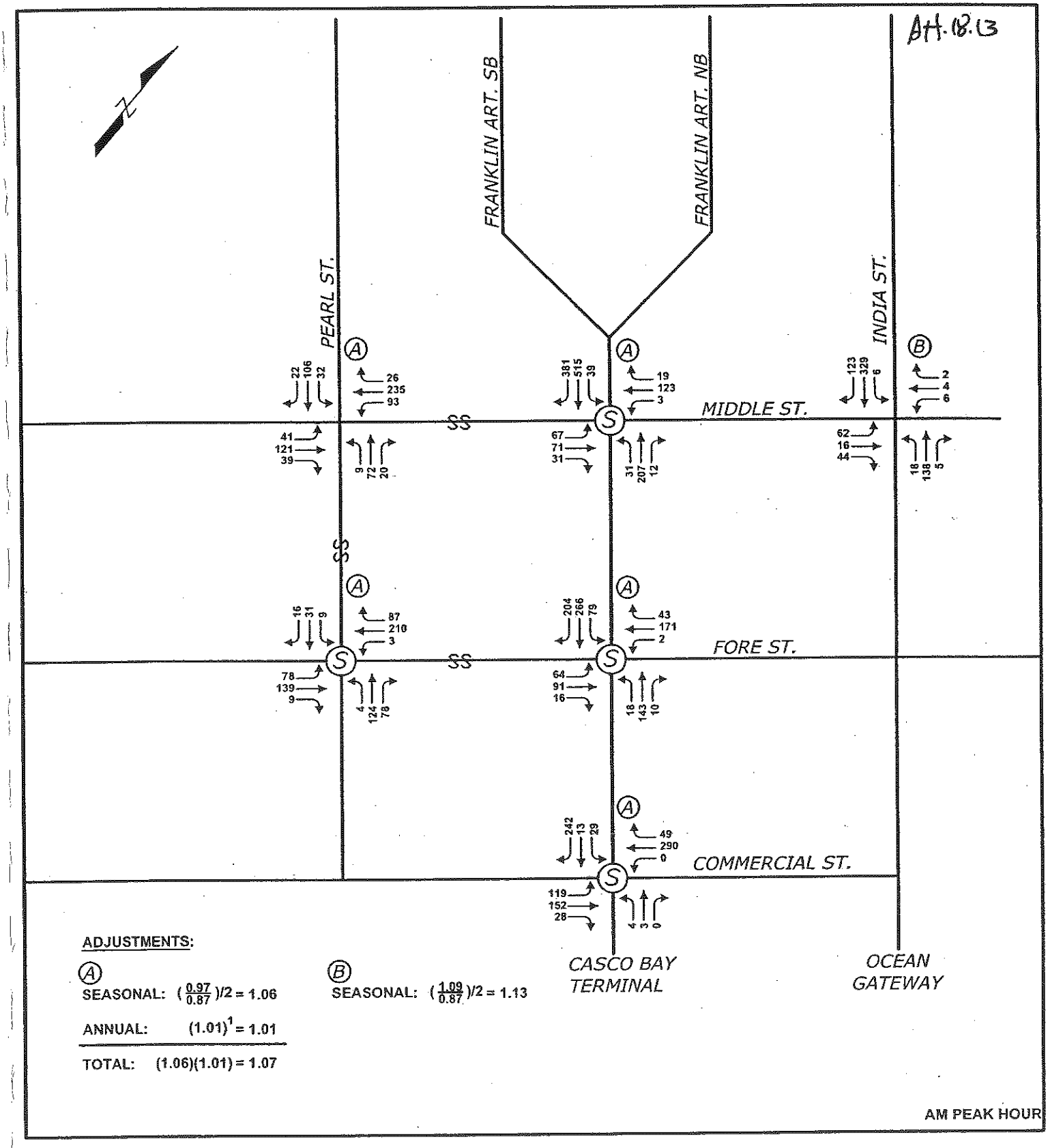
AM Balanced and Adjusted Volumes

Figure No. 4



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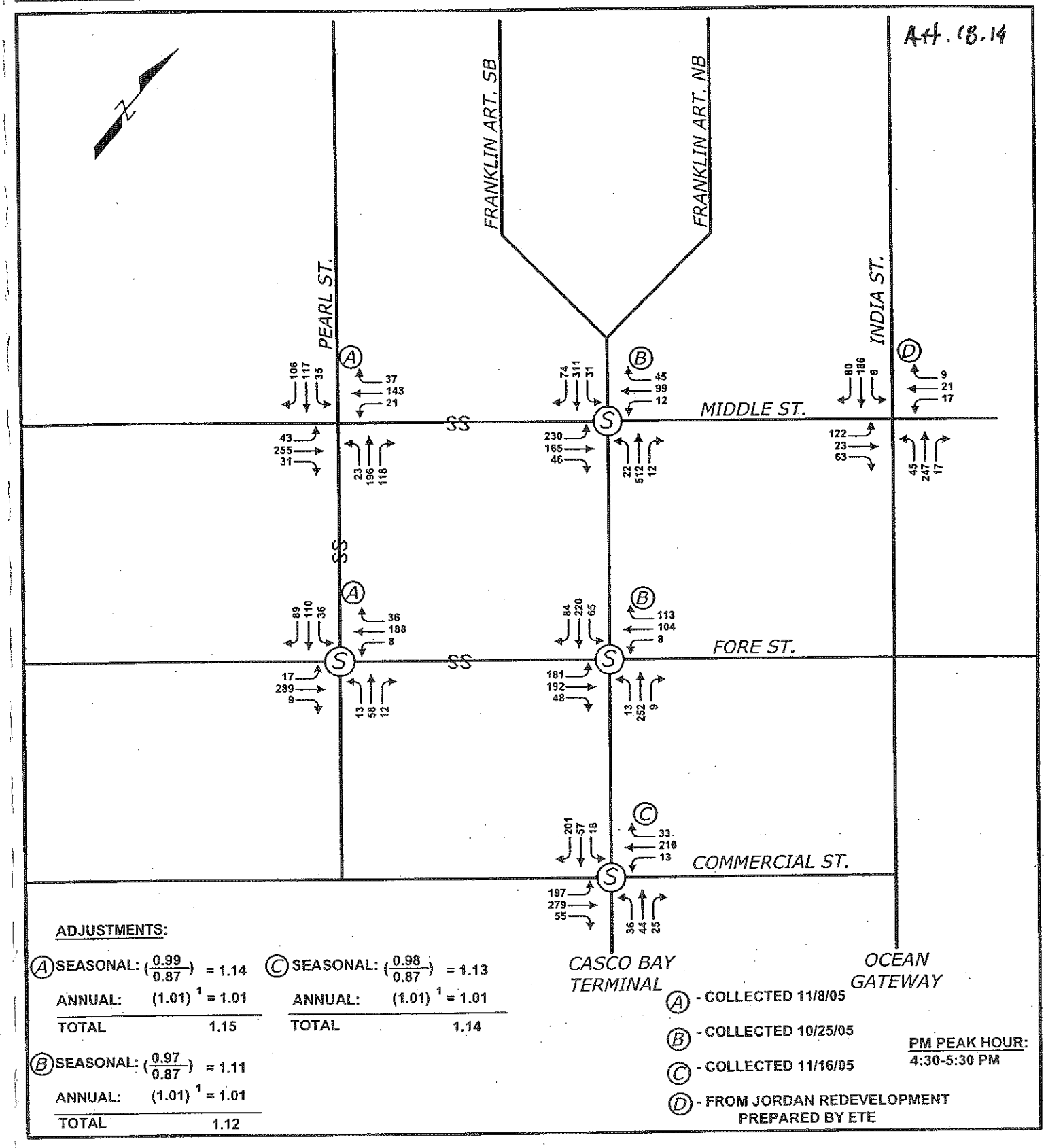
PM Balanced and Adjusted Volumes

Figure No. 5

A4.18.14



ADJUSTMENTS:

(A) SEASONAL: $(\frac{0.99}{0.87})$ = 1.14		(C) SEASONAL: $(\frac{0.98}{0.87})$ = 1.13	
ANNUAL:	$(1.01)^1$ = 1.01	ANNUAL:	$(1.01)^1$ = 1.01
TOTAL	1.15	TOTAL	1.14
(B) SEASONAL: $(\frac{0.97}{0.87})$ = 1.11			
ANNUAL:	$(1.01)^1$ = 1.01		
TOTAL	1.12		

(A) - COLLECTED 11/8/05

(B) - COLLECTED 10/25/05

(C) - COLLECTED 11/16/05

(D) - FROM JORDAN REDEVELOPMENT PREPARED BY ETE

PM PEAK HOUR: 4:30-5:30 PM

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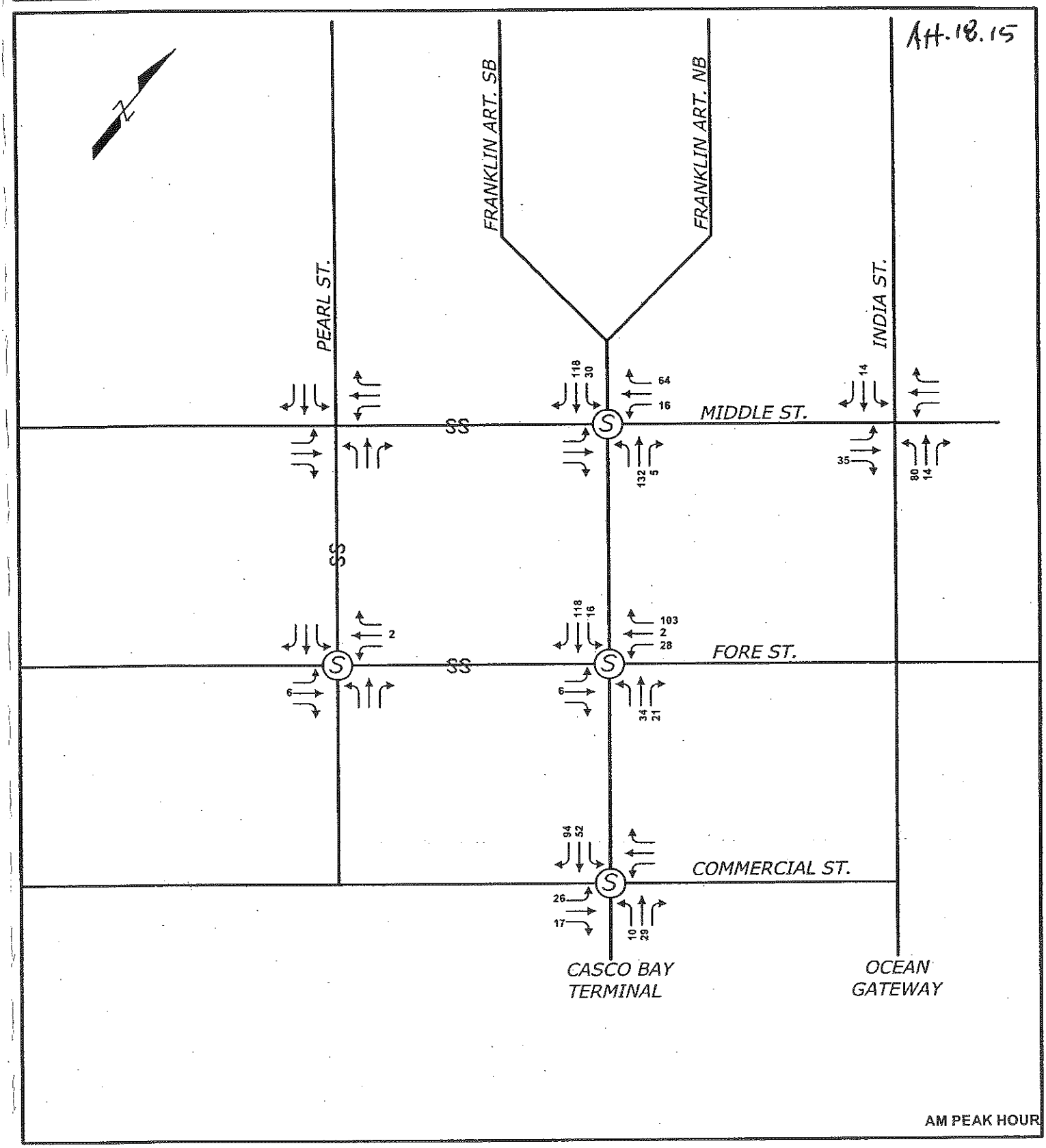
Other Development AM

Figure No. 6



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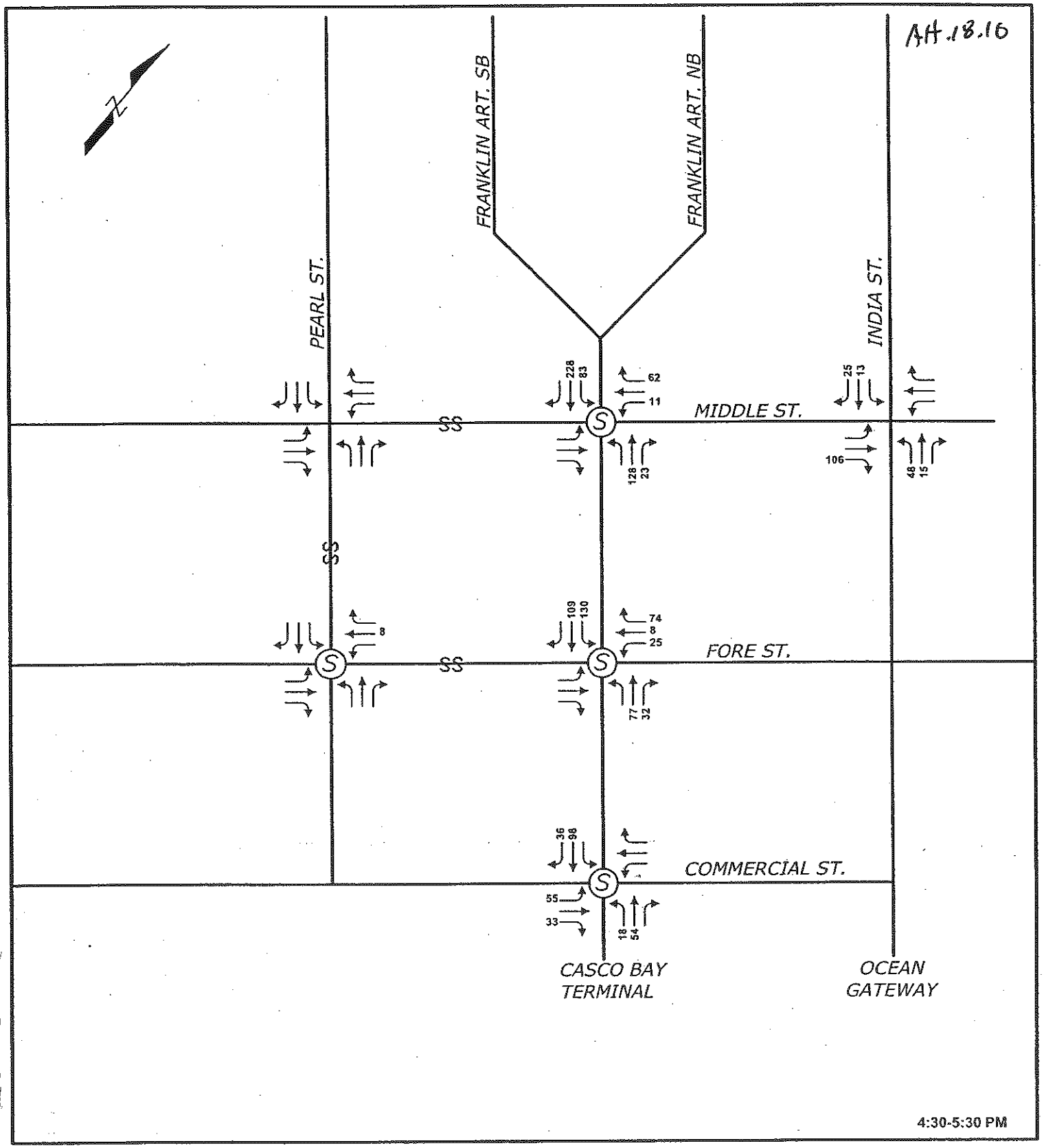
Other Development PM

Figure No. 7



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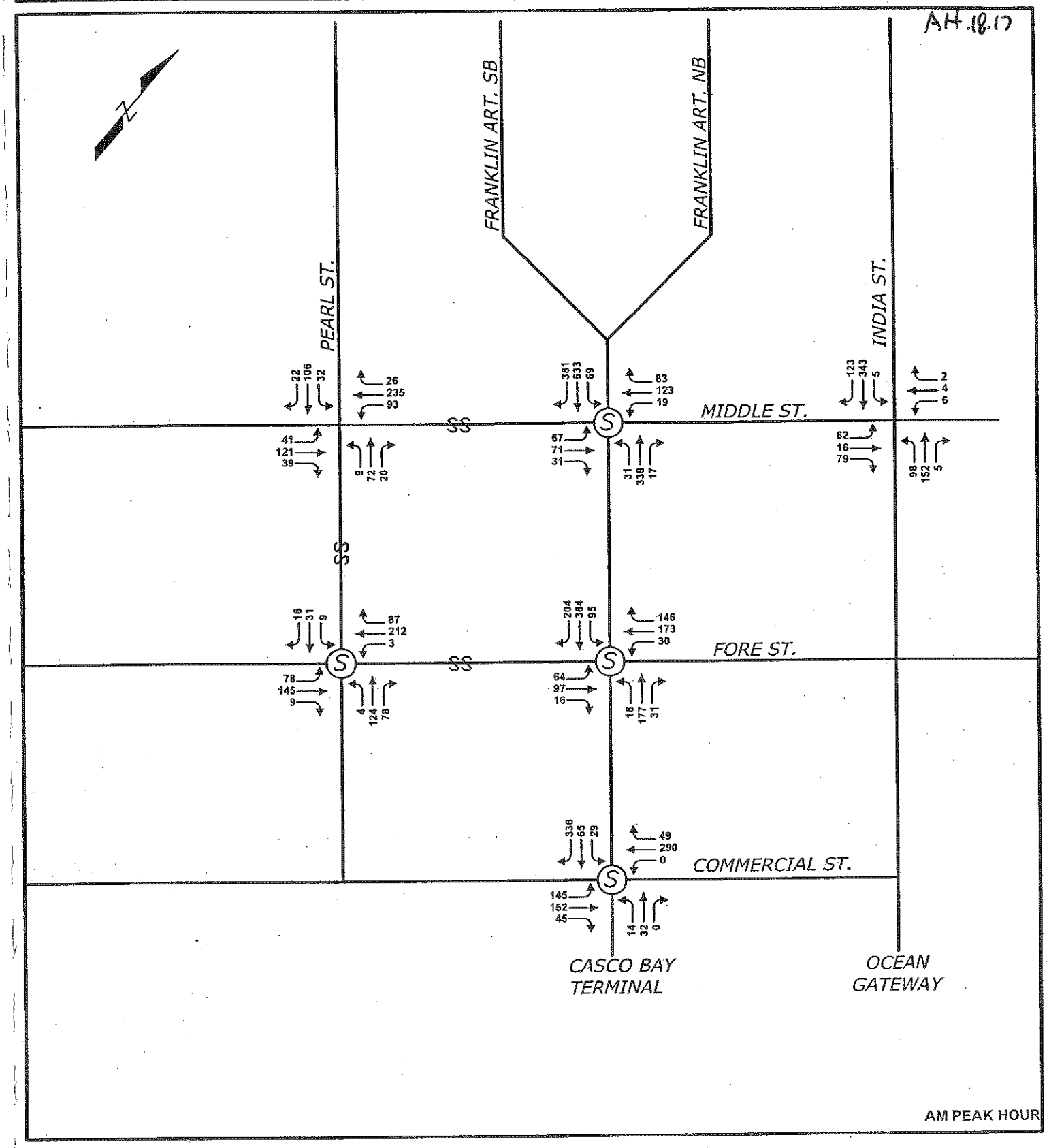
AM Predevelopment

Figure No. 8



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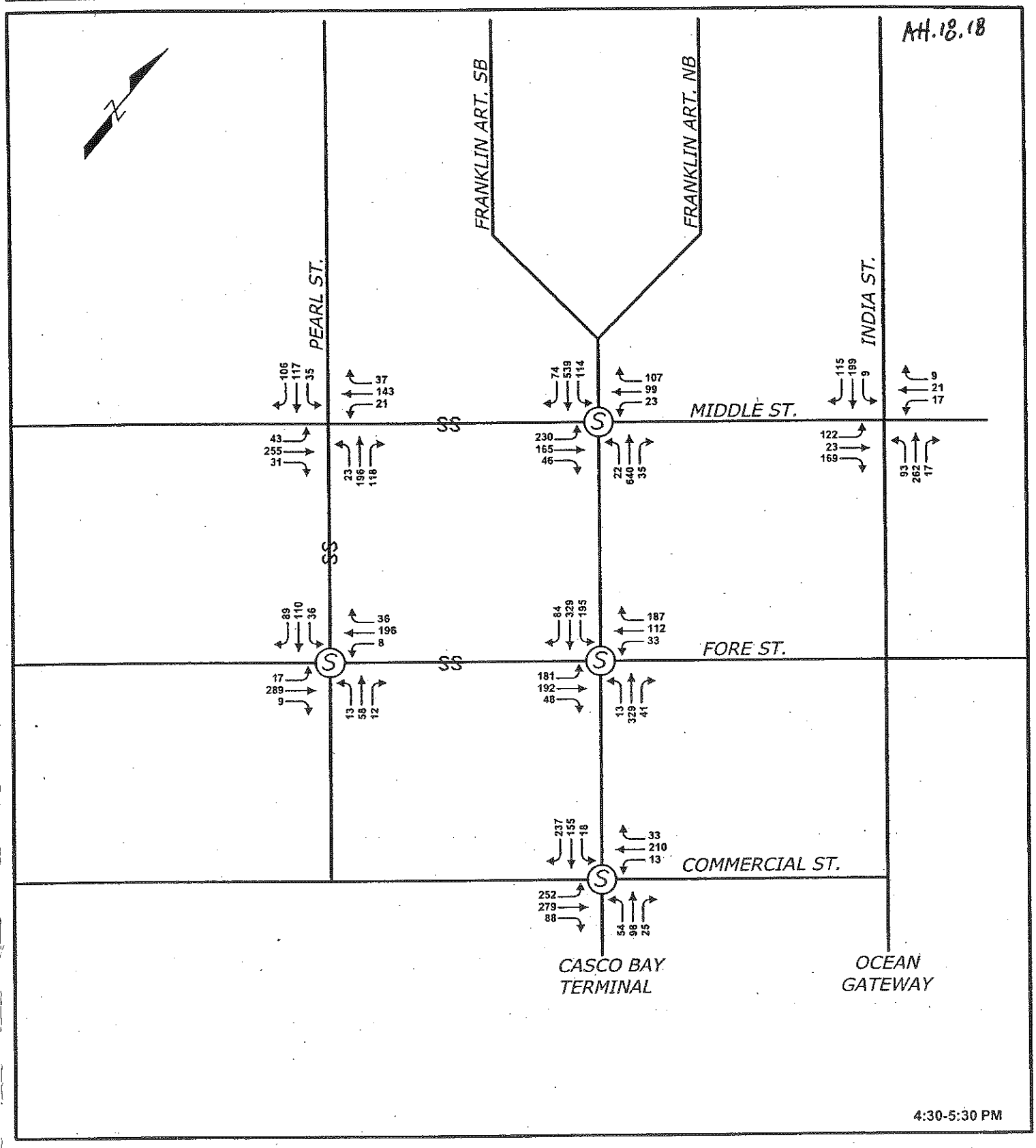
PM Predevelopment

Figure No. 9



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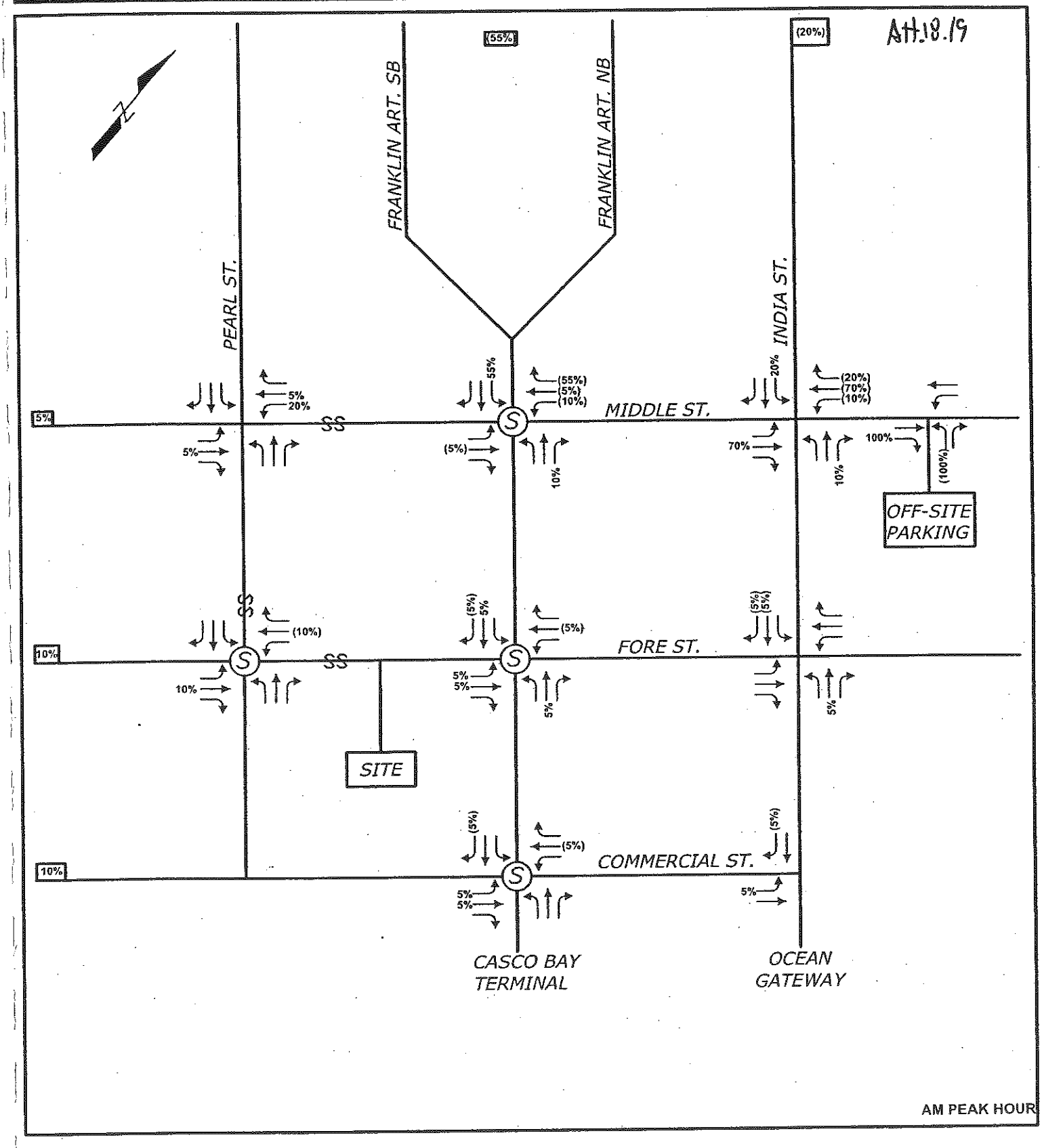
Primary Trip Distribution

Figure No. 10



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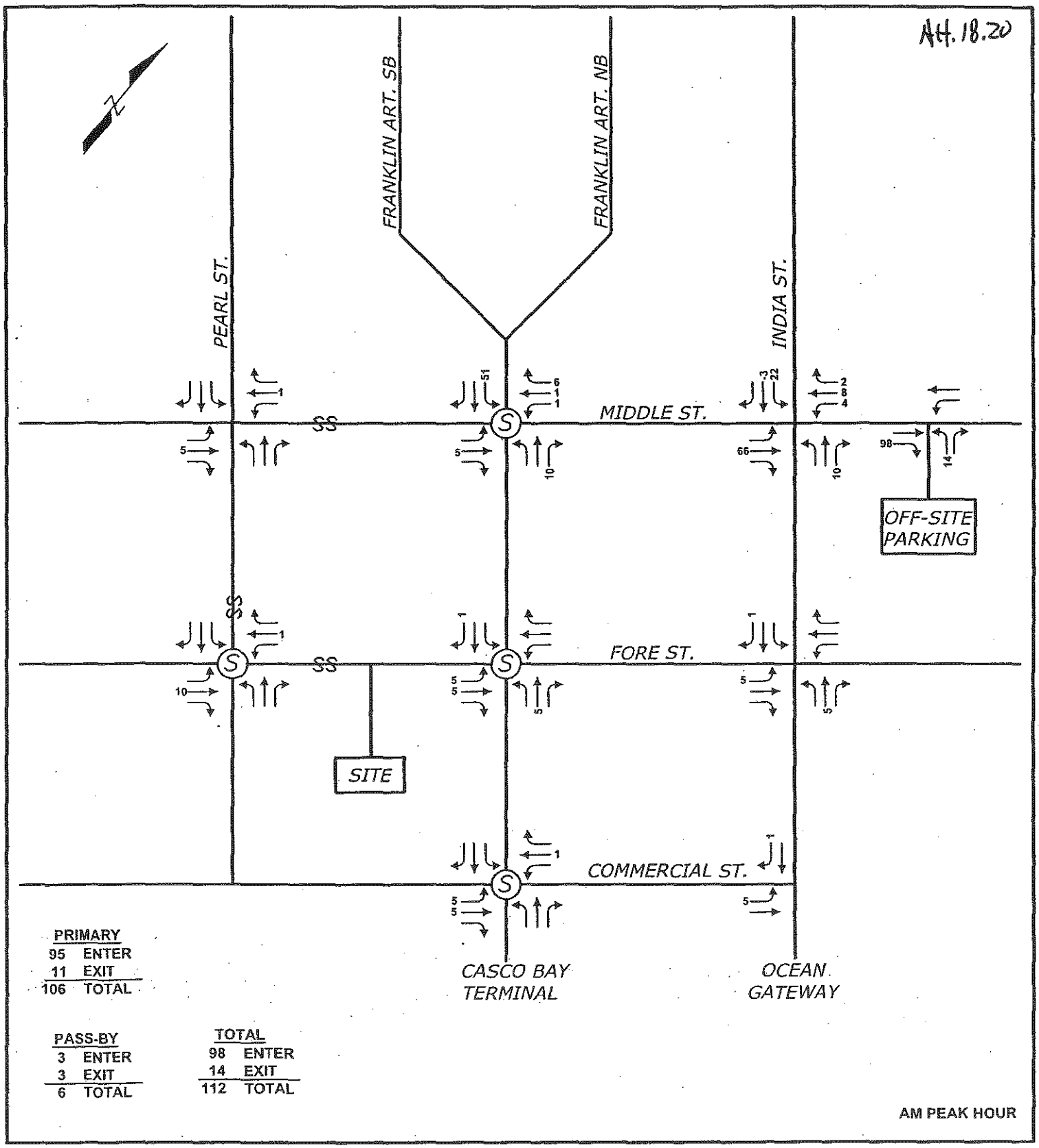
AM Trip Assignment

Figure No. 11



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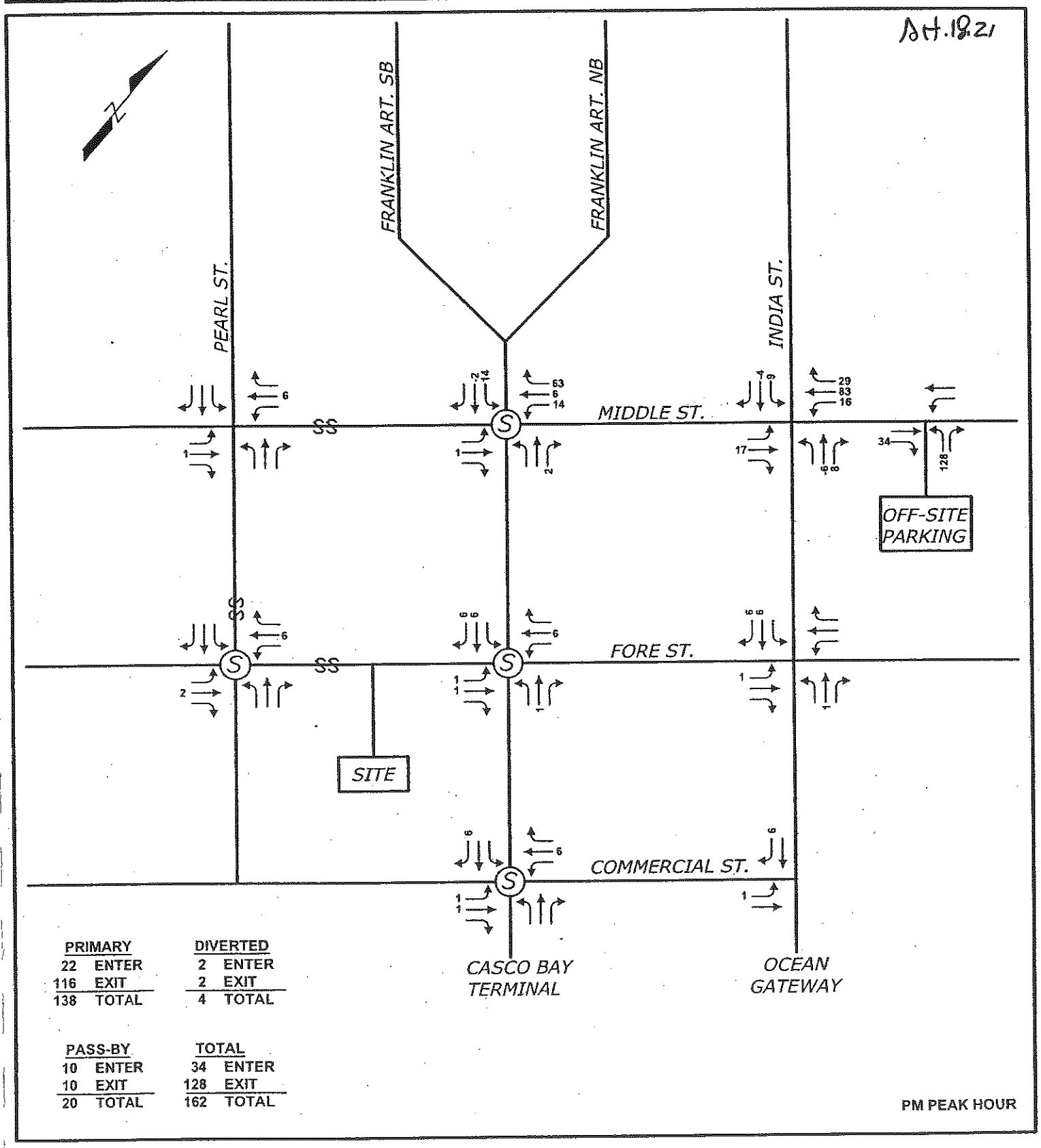
PM Trip Assignment

Figure No. 12



PRIMARY		DIVERTED	
22	ENTER	2	ENTER
116	EXIT	2	EXIT
138	TOTAL	4	TOTAL

PASS-BY		TOTAL	
10	ENTER	34	ENTER
10	EXIT	128	EXIT
20	TOTAL	162	TOTAL

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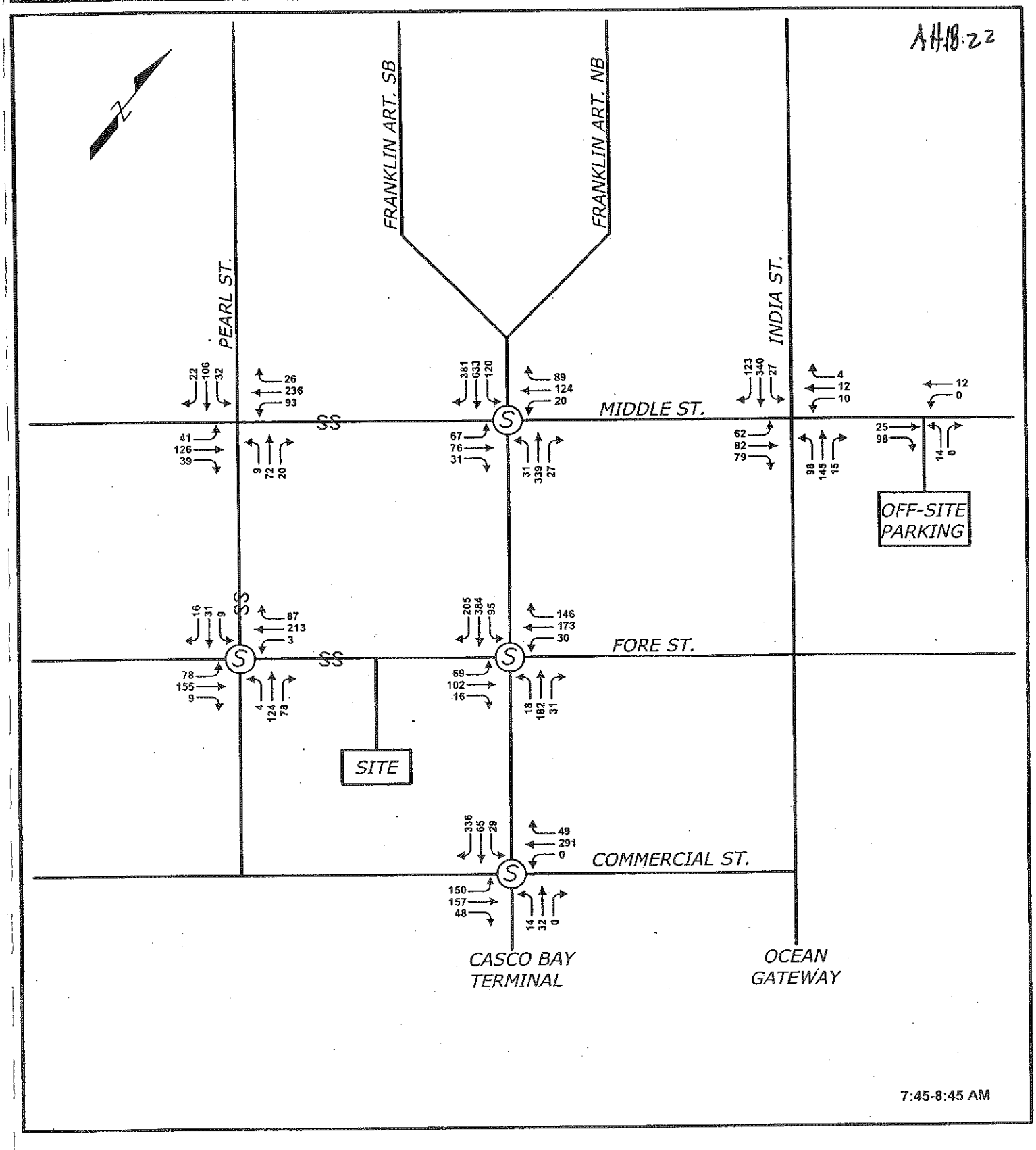
AM Postdevelopment

Figure No. 13



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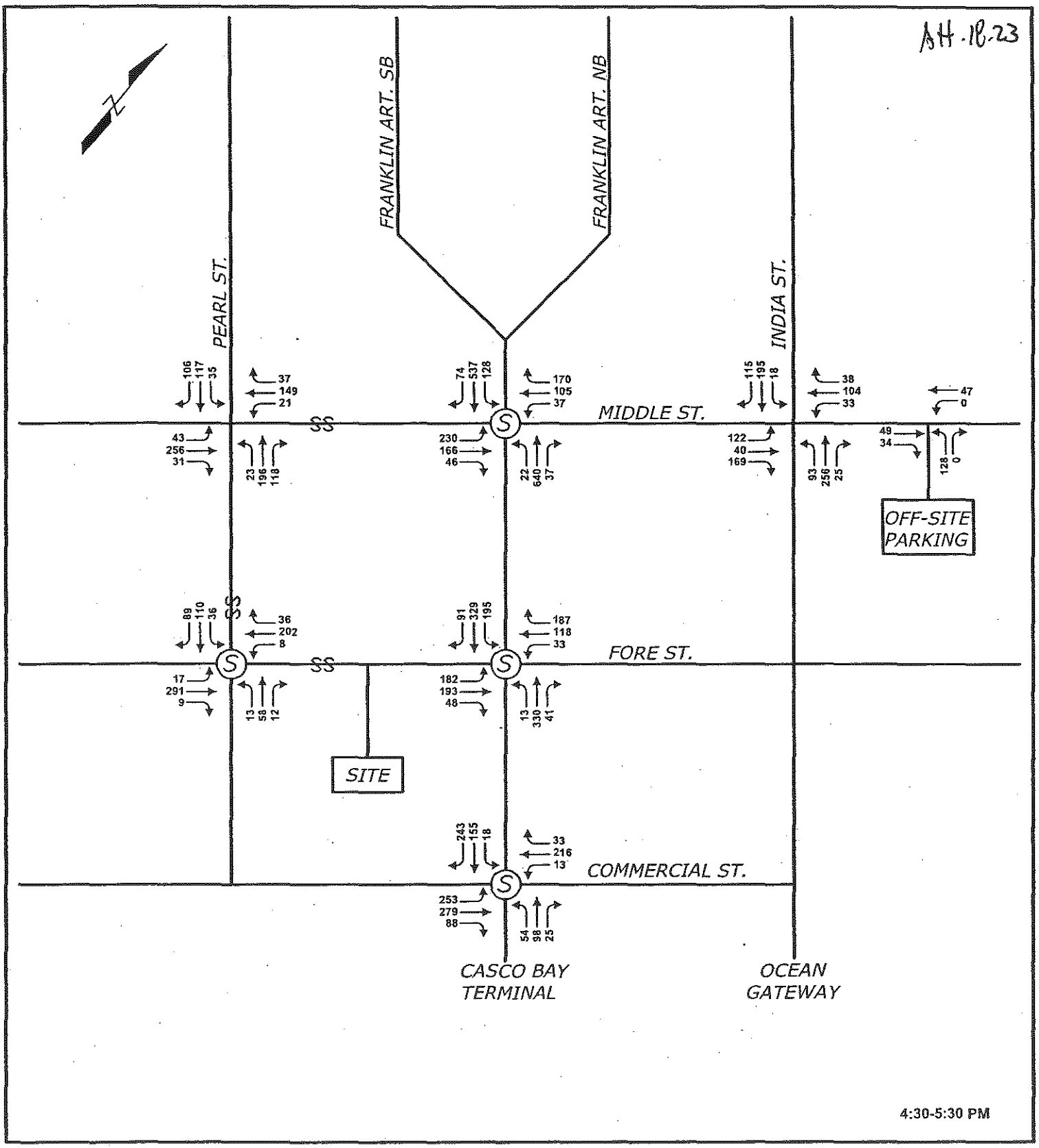
PM Postdevelopment

Figure No. 14



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Attachment 19.1

Sarah Hopkins - 300 Fore Street

From: "Thomas Errico" <terrico@wilbursmith.com>
To: <SH@portlandmaine.gov>
Date: 02/23/2006 11:30 AM
Subject: 300 Fore Street
CC: <JBP@portlandmaine.gov>, "'Katherine Earley'" <KAS@portlandmaine.gov>, <WBN@portlandmaine.gov>

Sarah—

My initial comments for the above project are noted below:

Parking

The parking study prepared by the applicant indicates the proposed project requires 145 parking spaces. This estimate is based upon a host of assumptions of which the primary one is the characteristics of the office tenant. These assumptions have led to a parking supply estimate that is lower than a typical office user. There have been some internal discussions about whether a parking requirement should be based upon a specific tenant. There is some concern that if the tenant changed, the replacement company/business could require additional parking demands. I have provided an independent parking analysis for a scenario with a typical office tenant as summarized below.

- 58,114 sf Office x 2.97 spaces/1,000 sf = 173 parking spaces
- 10,060 sf Restaurant x 2.75 spaces/1,000 sf = 28 parking spaces
- Total = 201 parking spaces
- Total w/Shared Usage = **198 parking spaces**

Assumptions for the above analysis include:

- The office parking rate is from the Parking Generation Manual, ITE 3rd Edition for an Office land use in an "Urban" setting.
- The restaurant parking rate is for employee parking needs "only" and is based upon data in the publication Shared Parking, Urban Land Institute. As suggested in an email from John Peverada, parking needs for the restaurant customers are not expected to be significant due to a "captive market" during the mid-day or lunchtime period.
- A reduction in the restaurant employee parking requirement was included to account for time-of-day demand.

I have not prepared an estimate of parking requirements incorporating assumptions (specific tenant data) used in the applicants parking analysis. If the Planning Board wishes, I can conduct such an analysis. If I am directed, I would ask that the applicant provide supporting documentation for assumptions used.

Traffic Study

- The size of the land uses in the traffic study does not match those assumed in the parking study. Additionally, the trip generation was based upon 10,500 square feet of Specialty Retail space and not Restaurant space. An explanation should be provided.

- The applicant should provide capacity analysis print-outs that are Highway Capacity Manual based for all study area intersections.
- The applicant should provide printouts of the turning movement count sheets.
- The applicant should conduct a pedestrian facility assessment between the proposed site and the proposed Longfellow Parking facility.
- An occupancy permit for the site should not be granted until the Longfellow Parking garage is completed or parking alternatives have been identified.
- The applicant shall make a monetary contribution to the implementation of improvements identified for Franklin Arterial and the India Street/Middle Street intersection from the Portland Peninsula Study. I'll need to work with staff in calculating the estimate.

Site Plan

- The proposed plan indicates a garage door will be provided on Custom House Street, but vertical curbing will be provided. An explanation should be provided.
- I generally concur with the layout of Fore Street with two 12-foot travel lanes, an 8-foot parking lane on the south side and a varying shoulder width on the north side.
- The City generally does not provide edge pavement markings and accordingly it should be deleted from the plan.
- In the vicinity of Custom House Street, the eastbound travel lane is illustrated as being 24 feet wide. It seems that there may be an opportunity to adjust the curb line adjacent to the proposed building to better align with the curb in front of the Custom House building. This adjustment may result in additional sidewalk area at the corner.

Please contact me if you have any questions or comments.

Best Regards,

Thomas A. Errico, P.E.
Senior Transportation Engineer
Wilbur Smith Associates
59 Middle Street
Portland, Maine 04101
(207) 871-1785 Phone
(207) 871-5825 Fax

Attachment 20.1

Memorandum
Department of Planning and Development
Planning Division

To: Chair Beal and Members of the Portland Planning Board

From: Carrie M. Marsh, AICP, Urban Designer, City of Portland, Planning Division

Date: 02/22/06

Re: Fore Street and Custom House Street Office Building
February 28, 2006 Planning Board Workshop

Introduction

The proposed building at Fore and Custom House Streets will be the subject of an upcoming Planning Board Workshop. This memo discusses the design elements relevant to that project.

Background

The Thomas Mayhew Block (know as the Blake Building) is an historic Greek Revival brick and granite warehouse located at 83 Commercial Street. Olympia Equity Investors recently constructed an addition at the corner of Custom House Street and Commercial Street. The new structure is 25,000 sf, with 5-stories of office and retail use. The addition is contemporary in design, with façade materials such as copper, glass, precast concrete and cement board veneer.

Description

Olympia Equity Partners are proposing an office building of approximately 68,836 square feet to be built at the corner of Fore and Custom House Streets. The structure will also face on the parking lot in front of the Standard Baking Building. The rear of the Blake Building is comprised of connected brick and block warehouse ells. The proposed structure is designed to replace the rear warehouse ells. The proposal shows a five-story façade along Fore Street, though the building would be six stories tall if measured from Commercial Street.

The new structure is designed to be compatible with the building which was recently constructed (described above). The proposed project will also be contemporary in design, with façade materials such as copper, glass, precast concrete and cement board veneer.

The proposed building sets askew from the property line along Fore Street to allow a view corridor looking west to the historic Custom House Building.

The South Elevation shows a blank wall along Custom House Street with a garage door and an additional service door. These loading entrances immediately abut the main entrance to the existing building at 7 Custom House Street. This creates an eclectic series of entrances.

There is an area of blank wall along Custom House Street at the pedestrian level. It is not clear what material is intended to be used on this blank wall. It appears to be concrete.

The South Elevation along Custom House Street is sheathed in cement board veneer at the point of the building where it abuts the existing building. The cement board is installed on a diagonal grid which is similar to that on the existing building, creating a distinctive design. However, the plans that were submitted (02/14/06) suggest that the new grid does not align with the existing grid. Also, the windows do not appear to align with those on the existing structure.

The West Elevation along Fore Street consists of bands of glass capped by copper spandrel panels. This elevation appears to be predominantly horizontal in its design which is in contrast to the vertical orientation of most buildings in this part of Portland.

The Fore Street frontage a main entrance which orients to the street. Retail space is shown at the street level. There are no doors shown in to the retail space.

The North Elevation along the Standard Baking Company parking lot, is largely clad in cement board panels. The pattern of application runs along a horizontal/vertical grid (as contrasted to the diagonal grid on the South Elevation). The panels appear to start at the ground level at the East end, with no foundation course.

The square windows on the North Elevation do not appear to align with the existing windows in the Blake Building. The rectangular windows on the North Elevation are vertical in orientation and present a new dimension and style to the façade. Further, the grid of windows on the proposed building do not align with the grid of the veneer cement panels.

The veneer grid on the North Elevation appears to be made up of several rows of full sized cement panels, interspersed at random intervals with cement panels that are shorter in height.

Recommendation

In general, the design complies largely with the underlying B-3 *Downtown Urban Design Guidelines*. Design elements which warrant further consideration are described below.

It would be helpful to see colored renderings of the project, as well as a massing model showing the relation to the existing buildings on the site, and in context to historic structures such as the Blake Building and the Custom House.

The cement board veneer on the existing building has been subject to failure. It would be useful to understand the particulars of that failure, and assurance that the use of the material on the new structure will be successful.

The design issues listed below are suggested for further consideration and discussion between the applicant and the Planning Board and Planning Staff.

- Consideration of consolidating the service entrances at the South Elevation along Custom House Street which are adjacent to the main building entrance.

- Remediation of the portion of blank wall at the South Elevation along Custom House Street with high quality materials, greater level of detailing, and fenestration along the pedestrian sidewalk.

- Clarification of the intended alignment of the cement panel veneer and the windows on the South Elevation, particularly in relation to the existing structure at Custom House Street.

- Provision of further design elements which enhance the verticality of the building along the West Elevation on Fore Street, in keeping with the rhythm and articulation of buildings in the area.

- Exploration of the opportunity to provide additional doors to the retail space on Fore Street.

- Potential for a foundation course at the North Elevation.

- Exploration of the intended alignment and styles of the windows and veneer grid along the North Elevation adjacent to the Blake Building, and the opportunity to create a more cohesive image.

- Clarification of the veneer grid at the North Elevation in order to understand the potential for a consistent size of panels, or a rational pattern of various sizes which might be utilized.

AH 21.a

WOODARD & CURRAN
Engineering · Science · Operations

CORPORATE OFFICES: Maine, Massachusetts, New Hampshire, Connecticut, Florida
Operational offices throughout the U.S.

MEMORANDUM

TO: Bill Needelman, City of Portland Planner

FROM: Dan Goyette, PE – Development Review Coordinator, Woodard & Curran, Inc.

DATE: March 22, 2006

RE: Custom House Square Office Building, 300 Fore Street

Woodard & Curran has reviewed the Major Site Plan submission for the proposed project at 300 Fore Street titled the Custom House Square Office Building. Currently the lot consists of a loading area, an ATM, and a single and two story concrete block structure. The project entails the construction of a 68,836 square foot office building.

Documents Reviewed

- Letter and attachments to Bill Needelman, Planner City of Portland, dated March 14, 2006, prepared by Chris Osterrieder, Deluca-Hoffman Assoc., Inc.
- Engineering plan sheets prepared by Deluca-Hoffman Assoc., Inc., titled Custom House Square Office Building, sheets 1 thru 8, dated November 2005, revised February 13, 2006 signed and stamped March 13.

All comments from the February 22, 2006 review memo have been adequately addressed by the applicant.

A concern has arisen with regards to the new sidewalk layout at the corner of Fore and Custom House Street. The edge of the travelway, and therefore the curbing along Fore Street, have been realigned and allow for parallel parking and for the improvement of the alignment of Fore Street in general. This has resulted in the sidewalk at the corner of Fore and Custom House Street to become skewed when aligned with the opposing corner. When traveling north bound on Fore Street the curb line after passing by Custom House Street abruptly shifts 8 feet to the east. The need for a bump out or larger corner at this corner location should be investigated to allow for a gentler and softer transition to the street edge. The Portland Public Works Department and the City's Traffic Engineer should be consulted and a new design for the corner, possibly a curb bump out, of Fore and Custom House Street to allow for a more aligned sidewalk when compared to the sidewalk at the opposing corner.

Please contact our office if you have any questions.

DRG
203848.02

Attachment 21.1

WOODARD & CURRAN
Engineering • Science • Operations

CORPORATE OFFICES: Maine, Massachusetts, New Hampshire, Connecticut, Florida
Operational offices throughout the U.S.

MEMORANDUM

TO: Bill Needelman, City of Portland Planner

FROM: Dan Goyette, PE – Development Review Coordinator, Woodard & Curran, Inc.

DATE: February 21, 2006

RE: Custom House Square Office Building, 300 Fore Street

Woodard & Curran has reviewed the Major Site Plan submission for the proposed project at 300 Fore Street titled the Custom House Square Office Building. Currently the lot consists of a loading area, an ATM, and a single and two story concrete block structure. The project entails the construction of a 68,836 square foot office building.

Documents Reviewed

- City of Portland Updated Major Site Plan Application for Olympia Equity Investors IVB, LLC, dated February 14, 2006, prepared by Deluca-Hoffman Assoc., Inc.
- Engineering plan sheets prepared by Deluca-Hoffman Assoc., Inc., titled Custom House Square Office Building, sheets 1 thru 8, dated November 2005, revised February 13, 2006. Building elevation sheets A3.1 and A3.2 prepared by PCI Architecture, dated February 14, 2006.

1. Parking

A. Attachment A of Exhibit 6 within the Site Plan Application details the calculations used to determine the projects parking requirements. The last two lines of the second paragraph indicate the need for 120 spaces for CIEE reducing the total to 178 spaces. It should actually be 188 spaces for the total requirement as calculated within this paragraph (120+68).

2. General Civil Engineering

A. On Sheet 4, construction note "C" indicates that there are two (2) new street lights. There are six (6) new street lights. The note should be changed to reflect the correct number of lights.

B. On Sheet 7, Detail H, the bedding for the cobbles is incorrect. The bedding should consist of 1" of sand-cement base, 2" of type "B" bituminous paving, 3" of type "A" base gravel and 18" of type "D"subbase gravel.

C. An easement to maintain the portion of sidewalk outside of the street right-of-way should be provided.

D. A detail for the installation of the parking meters has not been provided.

E. A detail for the installation of the light poles has not been provided.

F. The plans indicate that the granite curb in between 280 – 300 Fore Street will match the existing curb reveal which is four inches. The sidewalk is being rebuilt, therefore the curb should be reset to have the proper seven inch reveal.

Please contact our office if you have any questions.

DRG
203848.02

Attachment 22.1

From: John Peverada
To: Carrie Marsh; Eric Labelle; Marge Schmuckal; Terrico@wilbursmith.com; William Needelman
Date: 2/17/2006 5:35:21 PM
Subject: Re: 300 Fore Street review, reminder

Bill, just a minor comment on the Bangor Savings Building, it is my understanding that the developer leased 163 spaces and provided an additional 32 spaces on site for a total of 195 spaces.

Concerning this building it is my opinion that the highest demand for the parking for the two newly proposed restraunts will be after 5:00PM, and most likely their lunch time clientele will be walking since it is assumed that they will be employees in the area or existing customers of neighboring businesses, therefore I do not see a reason for them to be required to provide parking for this use with the exception for their employee parking needs.

The existing City zoning ordinance would require 214 parking spaces for this project, however based on my reasons outlined above, and the fact that I believe the office component of this project should factor in at least three spaces per thousand, I recommend that the developer supply 175 parking spaces for this project. I think that we will be setting a bad precedent if we base the parking requirement on a proposed user of a space that currently has a unique employee mix that could change at any time in the future.

>>> William Needelman 2/17/2006 4:33:33 PM >>>
To all:

Thank you in advance for providing your review memos on 300 Fore Street while I am out.

Some of you may not have anything to say (Marge, if nothing has changed for you, I have already included your old memo. John P, at your discretion. Eric, please coordinate with T.Errico).

Others, Tom E, Carrie, and Dan, definitely need to weigh in.

Please email comment/memos to both Jennifer Dorr and Sarah Hopkins.

I have included the draft of my memo for your use (or disposal).

Again, Thanks.

Bill

CC: Alex Jaegerman ; Jennifer Dorr; Sarah Hopkins

AH 23.1

DeLUCA-HOFFMAN ASSOCIATES, INC.
CONSULTING ENGINEERS

778 MAIN STREET
SUITE 8
SOUTH PORTLAND, MAINE 04106
TEL 207 775 1121
FAX 207 879 0896

- SITE PLANNING AND DESIGN
- ROADWAY DESIGN
- ENVIRONMENTAL ENGINEERING
- PERMITTING
- AIRPORT ENGINEERING
- CONSTRUCTION ADMINISTRATION
- TRAFFIC STUDIES AND MANAGEMENT

March 9, 2006

Dear Neighbor:

Please join us for a neighborhood meeting to discuss plans for a multi-story office complex totaling approximately 68,836 square feet located at the corner of Fore Street and Custom House Street in Portland, Maine.

Meeting Location:	Hilton Garden Inn, 65 Commercial Street, Portland In the Board Room
Meeting Date:	Monday, March 20, 2006
Meeting Time:	7:00 p.m.

The City of Portland Code requires that property owners within 500 feet of the proposed development and residents on an "interested parties list" be invited to participate in a neighborhood meeting prior to the Planning Board public hearing on the proposal. A sign-in sheet will be circulated and minutes of the neighborhood meeting will be taken. Both the sign-in sheet and minutes will be submitted to the Planning Board.

If you have any questions, please call me at 775-1121, ext. 107.

Sincerely,

DeLUCA-HOFFMAN ASSOCIATES, INC.

Christopher J. Osterrieder, P.E.
Senior Engineer

CJO/sq/JN2581/NeighborhoodMeeting

AH 23.2

DeLUCA-HOFFMAN ASSOCIATES, INC.
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PROPOSED CUSTOM HOUSE SQUARE OFFICE BUILDING
NEIGHBORHOOD MEETING – SIGN-IN SHEET

Date: March 20, 2006

Location: Hilton Garden Inn – Board Room 2ND Floor

Time: 7:00 PM

Name	Address	Phone	Firm/Group
Chris Osterrieder	778 Main Street Suite 8 South Portland, Maine 04106	207-775-1121	DeLuca-Hoffman Associates, Inc.
JIM BRADY	280 FORE ST.	879-1190	OEI IVB
TIM LEVINE	280 FORE ST.	879-1990	OEI IVB
MARKOS Miller	17 Atlantic 04101	8072681	MHNO

DeLUCA-HOFFMAN ASSOCIATES, INC.
CONSULTING ENGINEERS

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MINUTES

CUSTOM HOUSE SQUARE

NEIGHBORHOOD MEETING

MARCH 20, 2006

Attendees: Jim Brady, OEI IV-B
Tim Levine, OEI IV-B
Markos Miller, Munjoy Hill Neighborhood Organization
Chris Osterrieder, P.E., DeLuca-Hoffman Associates, Inc.

The meeting began at approximately 7:20 p.m. on Monday, March 20, 2006 at the second floor conference room of the Hilton Garden Inn on Commercial Street, Portland.

Christopher Osterrieder presented the site plan and building elevations.

Markos Miller indicated he was familiar with plan and its location; however he was interested in where the retail spaces would be located. Jim Brady described two possible locations within the first floor of the building and the approximate space designations available for each.

Markos Miller questioned whether they would both be accessed from the lobby. Jim Brady indicated there is some possibility for future entrance onto the Fore Street sidewalk. This plan has been modified from its original version per the request of the Historic Preservation Board such that the floor plate has been lowered to closer match the Fore Street elevation and provide retail opportunities.

Tim Levine described the limit of sidewalk improvements along Fore Street, which will extend from the 280 Fore Street building up Fore Street to Custom House Street. Markos Miller inquired whether the sidewalk would be located on the OEI property. Chris Osterrieder indicated that a portion of the sidewalk will be situated on the OEI IV property and a pedestrian easement will be conveyed for this purpose.

Jim Brady described how he and a former city traffic engineer evaluated the existing width of Fore Street and possible lane assignments to provide for continued on-street parking and maintenance of existing travel patterns. This scenario prompts the placement of the building to be slightly further away from the 5-foot build-to line required within this zone.

Markos Miller asked how the sidewalk improvements will be paid for. Jim Brady responded that OEI IV-B will be responsible for this work as part of the project.

Markos Miller asked about façade trim. Jim Brady described the elevations of the building and that it will be similar to the W. L. Blake building addition performed in 2000. He noted the varying degrees of fenestration allowed by the building code and how the plan had been prepared in response to these requirements.

Markos Miller said his biggest concern was the ability to have street-level retail. He indicated that he liked the fact that this may be part of a possible future plan. Jim Brady indicated this was done in response to concerns from the Historic Preservation Board. Markos Miller wants to create activity on the street.

Jim Brady discussed how power will be buried.

Jim Brady indicated that the OEI IV-B has commitments to occupy five sixths of the building.

Markos Miller – felt the project looked good and seems to have addressed any questions he had.

CJO handed out a City of Portland Neighborhood Meeting Letter that described the process.

Prepared by: Christopher J. Osterrieder, P.E.

Distribution: Bill Needelman, City of Portland
Tim Levine, OEI IV-B
Jim Brady, OEI IV-B

AH 23.5

Neighborhood Meeting Certification

I, Christopher Osterrieder, P.E., hereby certify that a neighborhood meeting was held on Monday, March 20, 2006 at the second floor conference room of the Hilton Garden Inn, Commercial Street, Portland, Maine. The meeting began at approximately 7:20 p.m.

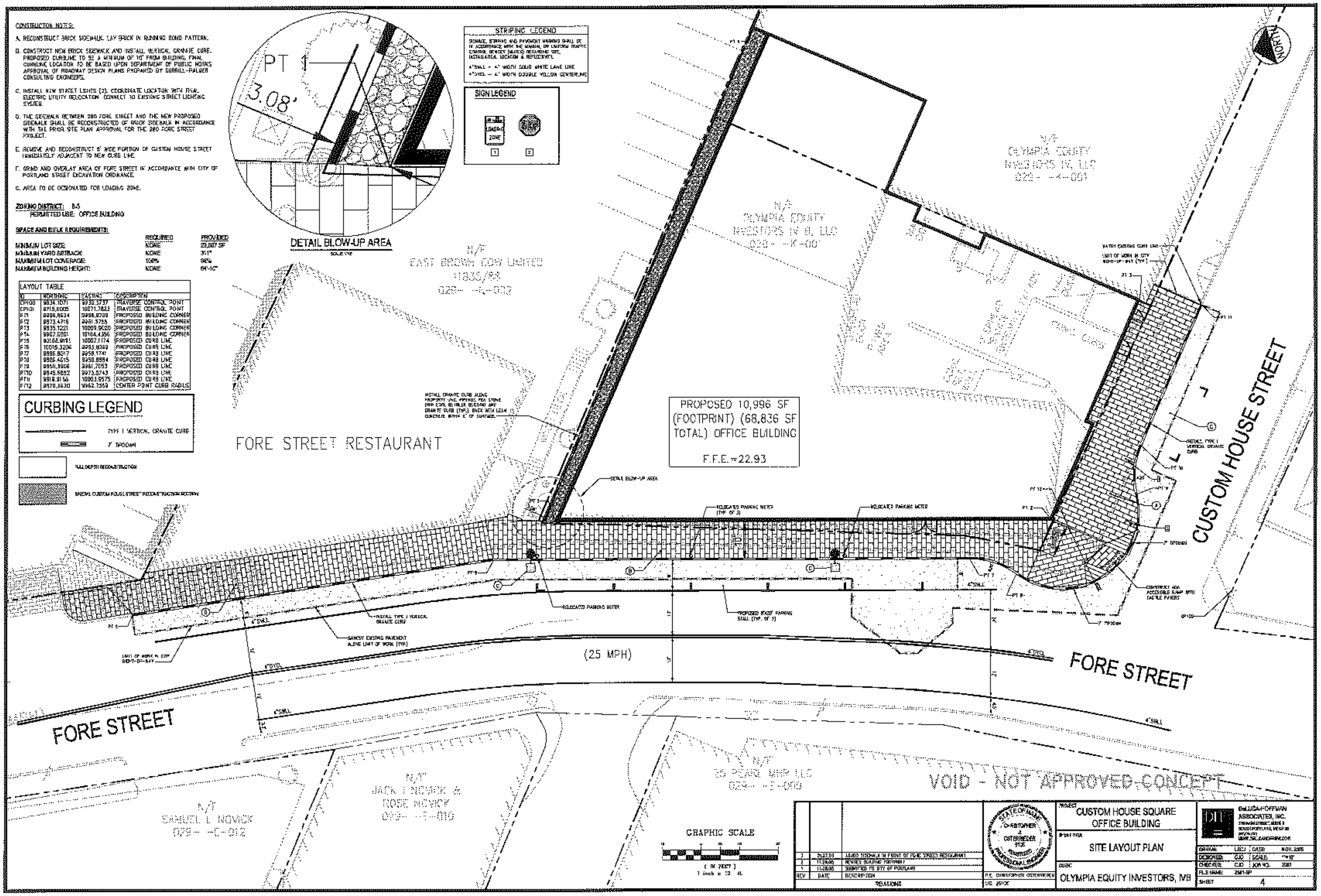
I also certify that on March 9, 2006 invitations were mailed to all addresses on the mailing list provided by the Planning Division, including property owners within 500 feet of the proposed development and the residents on the "interested parties" list.

Signed,

Christopher J. Osterrieder 3/23/06 (date)

Attached to this certification are:

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


CONSTRUCTION NOTES:
A. RECONSTRUCT BRICK SIDEWALK. LAY BRICK IN RUNNING BOND PATTERN.
B. CONSTRUCT NEW BRICK SIDEWALK AND INSTALL VERTICAL GRANITE CURB. PROPOSED CURBLINE TO BE A MINIMUM OF 10' FROM BUILDING. FINAL CURBLINE LOCATION TO BE BASED UPON DEPARTMENT OF PUBLIC WORKS APPROVAL OF ROADWAY DESIGN PLANS PREPARED BY GORRILL-PALMER CONSULTING ENGINEERS.
C. INSTALL NEW STREET LIGHTS (2). COORDINATE LOCATION WITH FINAL ELECTRIC UTILITY RELOCATION. CONNECT TO EXISTING STREET LIGHTING SYSTEM.
D. THE SIDEWALK BETWEEN 280 FORE STREET AND THE NEW PROPOSED SIDEWALK SHALL BE RECONSTRUCTED OF BRICK SIDEWALK IN ACCORDANCE WITH THE PRIOR SITE PLAN APPROVAL FOR THE 280 FORE STREET PROJECT.
E. REMOVE AND RECONSTRUCT 5' WIDE PORTION OF CUSTOM HOUSE STREET IMMEDIATELY ADJACENT TO NEW CURB LINE.
F. GRIND AND OVERLAY AREA OF FORE STREET IN ACCORDANCE WITH CITY OF PORTLAND STREET EXCAVATION ORDINANCE.
G. AREA TO BE DESIGNATED FOR LOADING ZONE.
ZONING DISTRICT: B-3
PERMITTED USE: OFFICE BUILDING
SPACE AND BULK REQUIREMENTS:
REQUIRED PROVIDED
MINIMUM LOT SIZE: NONE 23,007 SF
MINIMUM YARD SETBACK: NONE 3'-1"
MAXIMUM LOT COVERAGE: 100% 98%
MAXIMUM BUILDING HEIGHT: NONE 64'-10"
LAYOUT TABLE
ID NORTHING EASTING DESCRIPTION
CP100 9934.1071 9930.5737 TRAVERSE CONTROL POINT
CP101 9715.6005 10071.7823 TRAVERSE CONTROL POINT
PT1 9996.8624 9996.0709 PROPOSED BUILDING CORNER
PT2 9873.4756 9961.5755 PROPOSED BUILDING CORNER
PT3 9835.1221 10009.9020 PROPOSED BUILDING CORNER
PT4 9907.0001 10104.4356 PROPOSED BUILDING CORNER
PT5 9902.9111 10007.1174 PROPOSED CURB LINE
PT6 10015.3206 9993.8369 PROPOSED CURB LINE
PT7 9996.8057 9958.1741 PROPOSED CURB LINE
PT8 9905.4615 9950.8994 PROPOSED CURB LINE
PT9 9951.3906 9961.7053 PROPOSED CURB LINE
PT10 9845.6852 9973.5743 PROPOSED CURB LINE
PT11 9918.9156 10003.9575 PROPOSED CURB LINE
PT12 9970.5630 9962.7569 CENTER POINT CURB RADIUS
CURBING LEGEND
TYPE I VERTICAL GRANITE CURB
7' TIPDOWN
FULL DEPTH RECONSTRUCTION
SPECIAL CUSTOM HOUSE STREET RECONSTRUCTION SECTION
PT 1
3.08'
DETAIL BLOW-UP AREA
STRIPING LEGEND
SIGN LEGEND
LOADING ZONE
N/F OLYMPIA EQUITY INVESTORS IV, LLC 029- -K-001
N/F OLYMPIA EQUITY INVESTORS IV, LLC 029- -K-001
N/F EAST BROWN COW LIMITED 11836/84 029- -K-002
FORE STREET RESTAURANT
PROPOSED 10,996 SF (FOOTPRINT) (68,836 SF TOTAL) OFFICE BUILDING
F.F.E.=22.93
CUSTOM HOUSE STREET
FORE STREET
(25 MPH)
FORE STREET
N/F 35 PEARL MHR LLC 029- -E-009
N/F JACK I NOVICK & ROSE NOVICK 029- -E-010
N/F SAMUEL L NOVICK 029- -E-012
VOID - NOT APPROVED CONCEPT
GRAPHIC SCALE
(IN FEET)
1 inch = 10 ft.
NORTH
REVISIONS
CUSTOM HOUSE SQUARE OFFICE BUILDING
SITE LAYOUT PLAN
OLYMPIA EQUITY INVESTORS, IVB
DeLUCA-HOFFMAN ASSOCIATES, INC.
SHEET 4

Memorandum
Department of Planning and Development
Planning Division

To: Chair Lowry and Members of the Portland Planning Board

From: Bill Needelman, Senior Planner

Date: December 9, 2005

Re: **December 13, 2005 Planning Board Workshop**
Fore Street and Custom House Street Office Building
Olympia Equity Investors IV-B, Applicant

Introduction

Olympia Equity Investors are requesting a second workshop review for a 68,000 sq ft office building to be located at the corner of Fore Street and Custom House Street. The new building is proposed to be visually and functionally contiguous with the recent addition to the "Blake Building" located at the corner of Commercial Street and Custom House Street.

This proposal received initial workshop review in April and this workshop serves to reintroduce the Board to the project and provide opportunity to receive direction from the Board regarding the applicant's approach to fulfilling the parking requirement of the site plan ordinance.

Some Board members may remember that previously the applicant was asking for a rezoning to allow a limited building setback in the B-3 zone to accommodate the proposed footprint. Given recent legislative action at the State level, the project no longer requires rezoning. The set back issue is further discussed in the zoning section below

The plan is being reviewed for compliance with the Site Plan section of the land use code and a MDOT traffic movement permit under delegated authority. The project has already received a conditional approval from the Board of Historic Preservation for compliance with the Historic Preservation Ordinance.

Project Description

Existing Conditions:
In April of 2000, Olympia Equity Investors was approved to construct an addition to the historic Thomas Mayhew Block (a.k.a., Blake Building) at 83 Commercial Street. The addition was the +/-25,000 square foot, 5-story office and retail structure at the corner of Custom House Street and Commercial Street. Using copper, glass, precast concrete, and concrete panel, the addition provided a contemporary counterpoint to the existing Greek revival brick and granite Blake warehouse.

The current site is the westerly abutter of the Fore Street restaurant parcel at the southeast corner of Fore Street and Custom House Street. The site is located across Fore Street from the Custom House Garage to the north, and across Custom House Street from the historic Italianate styled Custom House building to the west.

The rear of the Blake Building is currently comprised of a connected series of brick and block warehouse ells that were not part of the year 2000 renovation. These utilitarian structures extend to the Fore Street right of way and are currently vacant.

Proposed New Structure:
The proposed 68,836 square foot structure is proposed to replace the rear warehouse ells with a five to six story office building. The building site is a 12,486 square foot out-parcel divided from the Blake Building parent property. While the new building is closely integrated visually and functionally with the existing structure, the entire complex is to be held under condominium ownership with the development designed to be a separate building from a zoning perspective.

The new building proposes to share the Custom House Street lobby of the year 2000 Blake Building addition and would extend the design approach of the existing addition all the way up Custom House Street and along the entire Fore Street property frontage.

Custom House Street rises approximately nine feet from Commercial Street to Fore Street and the new structure is proposed to rise with it. The proposal shows a five-story façade along Fore Street, though the building would be six stories tall if measured from Commercial Street. Please see the zoning discussion below to understand how this relates to building height requirements.

As stated above, the primary entrance to both the year 2000 addition and the new structure is proposed through the existing lobby at Custom House Street. The Fore Street façade would have an additional primary entrance for the "second" floor (ground floor from Fore Street). This floor plate is approximately 2 feet above the Fore Street sidewalk and is proposed to house one or more restaurant or retail uses.

The Fore Street frontage is shown as a "pedestrian encouragement" area on the Pedestrian Activities District map. As such, the design and utilization of the Fore Street level for retail uses is a highly desirable outcome for this building.

Site Plan Review
Pedestrian Circulation

As stated above, the primary pedestrian entrance to the building is proposed from the Custom House Street lobby. This lobby accesses a service core that currently serves both the historic structure and the addition to the Blake Building.

Sidewalks currently exist along both street frontages, but in very different conditions. The year 2000 building addition included a major street circulation change making Custom House Street one way and allowing the construction of an improved and widened brick sidewalk for its entire length. Fore Street, on the other hand, has a narrow bituminous sidewalk that is interrupted by utility poles, parking meters and street signs that make the sidewalk uncomfortable in summer and impassible in winter.

The applicants have coordinate with City staff and their traffic engineer to determine that some of the Fore Street right of way could be redistributed from vehicle lanes to sidewalk. The current plans show an expanded brick sidewalk with a corresponding realignment of the Fore Street travel lanes. Please see the traffic discussion below.

Vehicle Circulation
Currently, there is a truck loading bay at the rear of the Blake Building that is proposed to be eliminated requiring that all deliveries, trash pick up, and service for the combined complex of buildings would occur across the sidewalks from adjacent streets. The plans show an overhead utility door located northerly from the main entrance on Custom House Street and Staff assumes that deliveries and trash removal will take place though this entrance. The applicant should explain the use of this door and whether trucks will be able to back into the structure, or whether deliveries will take place from the street.

Traffic Permit

The project is presumed to generate 112 am peak hour trips and 162 pm peak hour trips. As a project generating more than 100 trips in the peak hour, the project will be reviewed for a traffic movement permit under delegated authority from MDOT. The scoping meeting for the traffic permit has not yet occurred and a complete traffic review will be provided for the Board at a later meeting. Review for the traffic permit is somewhat complicated by the fact that no vehicle trips generated by the project will actually be parking on-site, requiring assumptions as to how to assess impacts. For the purpose of the current discussion, the traffic planning for the project assumes that the Custom House Garage, located across the Fore Street with its entrance on Pearl Street, will be the vehicle parking destination for trips generated by the subject development. Obviously, if off-site leases are proposed in differing localities, adjustments to the traffic study will be needed. Please see the parking section below.

Consulting traffic engineer, Tom Errico has provided the following comments regarding his preliminary review of the traffic analysis for the subject project.

1. A traffic study scoping meeting is scheduled for December 21, 2005. Comments on traffic will not be provided until after the traffic study is submitted.
2. A pavement marking plan should be prepared for Fore Street from Franklin Arterial to Pearl Street. The plan should provide lane width and parking area dimensions. I would also ask that the plan provide information on sidewalk widths.
3. I have conducted an initial review of the Parking Analysis conducted by Gorrill-Palmer Consulting Engineers, Inc. In general I find the methods of shared parking and daily parking accumulation to be acceptable. However, I would note that the parking demand estimate is based upon zoning requirements and not parking generation rates established by national publications. If national parking rates are used, the parking needs may be greater.

Parking
No vehicle parking is proposed on site. The applicants anticipate utilizing existing or future garages in the area to satisfy the parking needs of the building. Gorrill Palmer Engineers have provided a parking demand analysis for the Board's review. In summary, the report assumes a parking demand of 167 spaces. As a project of greater than 50,000 square feet, the Planning Board will, on the basis of a parking analysis, determine the parking requirement for the project.

The applicants are currently in negotiations for leased off-site parking and, at a minimum, will provide signed letters of intent for parking leases prior to Public Hearing. The applicant asks that the Board consider conditioning approval of the project on receiving finalized evidence of sufficient parking prior to certificate of occupancy. The applicant asks for the Board's consideration of the this arrangement to avoid having to pay for parking through the construction process, as has been necessary for previous projects (most recently the 280 Fore Street office building at the corner of Fore and Franklin Street.) The Board may wish to discuss this parking approach in detail at the workshop.

Staff has asked that the applicant provide the Board with a generalized summary of parking availability within a walkable distance of the project to give the Board an indication of the reasonableness of the applicant's assertion that spaces are or will be available in order to meet the parking requirement of the site plan standards.

Zoning Issues:

Building Footprint
The building is shown directly adjacent to the Custom House Street right of way and at an angle to the Fore Street right of way. The Fore Street setback angle allows the building to align with the face of the nearby Custom House building, providing better visibility of the historic granite landmark structure. This alignment was approved by the

Board of Historic Preservation as a means to achieve compatibility with the landmark Custom House building while preserving a sense of a continuous urban street wall. As shown, the building starts at the easterly corner within one foot of Fore Street, setting back from Fore Street as the building moves west toward Custom House Street. At its widest, the setback is less than 10 feet. The footprint setback at Fore Street requires a waiver of the B3 zone 5-foot maximum street line set back. Such a waiver is provided in the B-3 zone site plan standards, which read as follows:

14-526, 16 (b) 2. *Standards for increasing setback beyond street build-to line:* A proposed development may exceed maximum setbacks as required in section 14-220(c) only where the applicant demonstrates to the planning board that the introduction of increased building setbacks at the street level:

(a) Provides substantial and viable publicly accessible open space or other amenity at the street level that supports and reinforces pedestrian activity and interest. Such amenities may include without limitation plazas, outdoor eating spaces and cafes, or wider sidewalk circulation areas in locations of substantial pedestrian congestion;

(b) Does not substantially detract from the prevailing street wall character by introducing such additional setback at critical building locations such as prominent form-defining corners, or create a sense of discontinuity in particularly consistent or continuous settings;

(c) Does not detract from existing publicly accessible open space by creating an excessive amount of open space in one (1) area or by diminishing the viability or liveliness of that existing open space; and

(d) The area of setback is of high quality and character of design and of acceptable orientation to solar access and wind impacts as to be attractive to pedestrian activity.

The wider sidewalk and street wall considerations described above would appear to satisfy the above conditions.

Building Height

The zoning administrator has determined that the new construction is to be considered a new building and using the average grade of the site as a basis the building conforms to the 65-foot building height maximum for the subject site.

Attachments:

1. Written statements and project narratives
2. Right title and interest
3, 4. Financial and technical capacity
5. Unusual, natural areas
6. Site Plan Standards narrative
   - 6e. Parking
   - 6i. to 6k. Utility Capacity (Sewer pending)
   - 6p. Preliminary Traffic Narrative
7. Solid waste

8,9, 10. Stormwater, Erosion, Landscaping

11. B-3 Site Plan Standards

A. Plan Set

Site Plan Standard 16, Development in the B-3 Zone

(16) Development located within the B-3 zone shall also meet the following standards. Adequacy in meeting these standards will be evaluated on the basis of descriptions and illustrations in the Downtown Urban Design Guidelines. Nothing in this section is intended to discourage creative and responsive design or to mandate similarity or mimicry of design in order to achieve the standards herein:

a. *Relationship to the pedestrian environment:*

1. *General:* The exterior design of portions of buildings within the first thirty-five (35) feet of height shall enhance the character, attractiveness, comfort, security, and usability of the street level pedestrian environment. Factors to be considered include the design, placement, character and quality of the following:

(a) Storefronts and building facades, including such factors as relationship to adjacent or nearby structures or open space, pedestrian character, materials and detailing, transparency and contemporary design;

(b) Building entrances, including such factors as compatibility with the building's façade, prominence along the street, access to the street, and accessibility for physically handicapped or for those with special needs;

(c) Blank facades; and

(d) Special features, such as selective use of such features as building arcades and skywalks or elevated walkways.

2. *Pedestrian activities district (PAD):* In addition to subsection 1 of this section, proposed development located within the pedestrian activities district (PAD) overlay zone, as shown on the pedestrian activities district map, a copy of which is on file in the department of planning and urban development, shall be designed and constructed to accommodate pedestrian-oriented uses at the street level. In determining such design, the following factors should be considered:

A-# 112

(a) The exterior design of the street level building facade, including the placement of entrances, potential entrances, and window openings;

(b) The design and placement of impenetrable exterior building features such as columns, piers, bearing walls and retaining walls;

(c) The orientation of proposed street level uses to the street and the accessibility of floor area to the street by virtue of grade elevations and access;

(d) The adequacy of the interior layout of the first twenty(20) feet in depth of the building along specified streets to accommodate viable pedestrian-oriented uses;

(e) The continuity of street level uses as impacted by service entrances to parking structures or lots, drive-through facilities or other interruptions.

3. *Pedestrian activities district (PAD) encouragement areas:* In addition to subsection 1 of this section, proposed development located within the pedestrian activities district (PAD) encouragement areas, as shown on the pedestrian activities district map, a copy of which is on file in the department of planning and urban development, shall be designed and constructed to be reasonably capable of being converted to accommodate uses permitted in the PAD overlay zone in accordance with the factors set forth in subsection 2 of this section.

4. *Sidewalk areas and open space:* The design of publicly accessible sidewalk areas and open space shall complement the general pattern of the downtown pedestrian environment, conform with special City of Portland streetscape programs described in the Technical and Design Standards and Guidelines, and enhance the attractiveness, comfort, security, and usability of the pedestrian environment. Factors to be considered include the design,

placement, character, durability, and quality of the following:

(a) Sidewalk, crosswalk, and street paving materials;

(b) Landscaping, planters, irrigation, and tree guards and grates;

(c) Lighting;

(d) Pedestrian amenities such as benches and other seating, trash receptacles, kiosks, bus shelters, artwork, directional and informational signage, fountains, and other special features; and

(e) Sidewalk vendors and sidewalk cafes.

b. *Relationship to existing development:*

1. *General:* Proposed development shall respect, enhance, and be integrated with the existing character of the general pattern of development in the downtown, surrounding building environment and streetscape, as described and illustrated in the Downtown Urban Design Guidelines. Factors to be considered include the relationship to the following existing patterns:

(a) Street walls and building setbacks;

(b) Open space;

(c) Building form, scale and massing;

(d) Facade proportion and composition;

(e) Pedestrian circulation and building entrances;

(f) Parking.

2. *Standards for increasing setback beyond street build-to line:* A proposed development may exceed maximum setbacks as required in section 14-220(c) only where the applicant demonstrates to the planning board that the introduction of increased building setbacks at the street level:

(a) Provides substantial and viable publicly accessible open space or other amenity at the street level that supports and reinforces pedestrian activity and interest. Such amenities may include without limitation plazas, outdoor eating spaces and cafes, or wider sidewalk circulation areas in locations of substantial pedestrian congestion;

(b) Does not substantially detract from the prevailing street wall character by introducing such additional setback at critical building locations such as prominent form-defining corners, or create a sense of discontinuity in particularly consistent or continuous settings;

(c) Does not detract from existing publicly accessible open space by creating an excessive amount of open space in one (1) area or by diminishing the viability or liveliness of that existing open space; and

(d) The area of setback is of high quality and character of design and of acceptable orientation to solar access and wind impacts as to be attractive to pedestrian activity.

c. *Roof top appurtenances:* All mechanical equipment, ventilating and air conditioning and other building systems, elevators, stairways, radio or television masts or equipment, or other rooftop elements not intended for human occupancy shall be fully enclosed in a manner consistent with the character, shape and materials of the principal building, as described and illustrated in the Downtown Urban Design Guidelines;

d. *Shadow impact on open space:* The location, massing and orientation of portions of buildings in excess of sixty-five (65) feet in height shall be such that substantial shadow impacts on public plazas, parks, and other publicly accessible open space are avoided. In determining the impact of shadows, the following factors shall be taken into account: the amount of area shadowed, the time and duration of the shadow, and the importance of sunlight to the utility of the type of open space being shadowed, as described and illustrated in the Downtown Urban Design Guidelines;

e. *Wind impacts:* The location, massing, orientation and architectural design of a new building or a building addition shall be such that

no significant adverse wind impacts are created. In determining the impact of winds, the following factors shall be taken into account: the pre-development and projected post-development wind speeds and their impact on pedestrian movement, comfort and safety; and the impact of projected wind speed on the use of and comfort within existing and proposed pedestrian seating areas and other adverse impacts upon the surrounding area;

f. *Setbacks from existing structures:* The location and design of proposed structures shall not create a detrimental impact on the structural integrity or the safety of adjacent structures or the occupants thereof;

g. *Building tops:* Buildings or structures which exceed one hundred fifty (150) feet in height shall be designed so as to provide a distinctive top to the building which visually conveys a sense of interest and vertical termination to the building, as described and illustrated in the Downtown Urban Design Guidelines;

AH. 10

GREATER PORTLAND LANDMARKS

165 State Street
Portland, Maine 04101
207 774-5561
Fax 207 774-2509
landmark@maine.rr.com
www.portlandlandmarks.org

December 8, 2005

Planning Board
City of Portland
389 Congress Street
Portland, ME 04101

Dear Members of the Planning Board:

We write in regard to the proposed **Village at Ocean Gate** development at the Village Café site, which will be considered at a workshop on December 13th.

We recommend that design requirements be included in any contract zone or re-zoning language. A contract zone or re-zoning proposal should be carefully considered to ensure that this development is pedestrian-friendly and compatible with Portland's character and the India Street neighborhood. Design considerations are especially important because the exceptional height and massing of this project will impact the Portland streetscape and skyline. It is essential to signal to the Portland community and to developers that innovative, thoughtfully-designed projects in the urban context are expected and encouraged.

We believe that further clarification about massing; public amenities and pedestrian friendly design; quality of materials; and relationship to historic resources would be useful in the Board's, and ultimately the City Council's, deliberations about a contract zone or a re-zoning decision. Our recommendations follow:

1.) **Massing and Scale**

- Make the scale and massing of the buildings visually compatible with the context of the neighborhood, and provide a design solution that is particular to the character of Portland.
- Use design elements to break down the massing and scale of the building elevations. Through judicious changes in materials, color, setbacks, and site amenities, the buildings can be more compatible within their context.
- Use exterior details that are human-scaled at the lower floors to create a pedestrian-friendly environment at street level.
- Detail each elevation as a whole to provide variety both vertically and horizontally in order to be compatible with the existing, smaller-scale buildings in the neighborhood. In addition to varied rooftops, variety should be achieved horizontally to avoid long repetitive facades along the streetscape.
- Avoid extreme differences in height or massing that create large voids in the skyline or in the streetscape that are out of scale with the character of the neighborhood.

2.) **Public Amenities and Pedestrian Friendly Design**

- Create inviting and accessible public spaces, and provide simple, inviting, and visual permeability through the site.
- Provide accessible and pedestrian-friendly circulation paths. Focus pedestrian and sidewalk improvements on Middle Street, Hancock Street, and Newbury Streets.
- Provide entrances for any proposed retail spaces directly onto the street.

3.) **Quality Materials**

- Use high quality materials that will stand the test of time.

4.) **Relationship to Historic Resources**

- Consider carefully the impact on Eastern Cemetery (1668), India Street, and the nearby Munjoy Hill neighborhood.

The Village at Ocean Gate will be one of the key developments that will reshape Portland's maritime front entrance. We encourage the Planning Board to rigorously review the design of the project, so that it truly enhances Portland as a pedestrian-friendly seacoast city.

Thank you very much for your consideration.

Yours sincerely,

Hilary Bassett
Executive Director

Allison Zuchman
Assistant Director

Att 11-1

Conditional Zoning Agreement
The Village At Ocean Gate
112 Newbury Street, Portland, Maine

This agreement is made as of the _____ day of _____ 2005 by **THE VILLAGE AT OCEAN GATE, LLC**, a Maine Limited Liability Corporation having a principal place of business at _____ (hereinafter "**DEVELOPER**").

WHEREAS, DEVELOPER, as assignee of the rights of the purchaser under a purchase and sale agreement with the Village Café, Inc., has the right to purchase the property located at 112-113 Newbury Street and 40 Hancock Street, Portland, Maine, consisting of the property shown on the Portland Assessor's Map as parcels 20-E-9, 20-D-13-15 and 20-D-32 (hereinafter the "**SITE**"); and

WHEREAS, the **SITE** is currently in the B-2b zoning district and is adjacent to a B-5b district to the southeast; and

WHEREAS, Developer has filed a Zone Change Application with the City of Portland (hereinafter "**CITY**") to rezone the **SITE** to the B-5b zoning district subject to certain modifications and conditions set forth in this Agreement in order to accommodate a mixed-use development consisting of up to 200 residential units plus a 150- to 200-seat restaurant and ~~possible~~ sidewalk-level commercial uses in a complex of five buildings of varying sizes and heights; and

WHEREAS, the Portland Planning Board has determined that the rezoning would provide needed housing, would create a vibrant new neighborhood and would assist in revitalizing adjacent areas; and

WHEREAS, the Portland Planning Board, pursuant to 30-A M.R.S.A. § 4352(8), and after notice and hearing and due deliberation, recommend the rezoning of the **SITE** as a conditional rezoning; and

WHEREAS, the **CITY**, by and through its City Council, has determined that the rezoning is appropriate due to the unusual nature and unique location of the development proposed, that the uses proposed are consistent with the existing and permitted uses within the B-2b zone and that the rezoning would be pursuant to and consistent with the **CITY**'s Comprehensive Plan; and

WHEREAS, DEVELOPER has agreed to enter into this Agreement, with its concomitant terms and conditions, which shall hereinafter bind **DEVELOPER**, its successors and assigns;

NOW, THEREFORE, in consideration of the rezoning of the **SITE**, **DEVELOPER** agrees to be bound by the following terms and conditions:

1. Map. The **CITY** shall amend the Zoning Map of the City of Portland, dated December 2000, as amended and on file in the Department of Planning and Development, and incorporated by reference into the Zoning Ordinance by §14-49 of the Portland City Code, by adopting the following map change.

[Insert Map]

2. Subdivision and Site Plan. The **SITE** will be developed substantially in accordance with the Subdivision and Site Plan (the "Site Plan"), Attachment 1, submitted by Sebago Technics, Inc., dated _____, ~~and~~ the building elevations, Attachment 2, submitted by Winton Scott Architects, dated _____ and the architectural renderings, Attachment 3, submitted by _____, dated _____. The Planning Board shall review and approve those Plans according to the site plan and subdivision provisions of the Portland Land Use Code and the Eastern Waterfront Design Standards.

   The Planning Board may, without the necessity of amending this Conditional Rezoning Agreement, approve changes to the Site Plan which decrease building dimensions or reduce the density of development.

   The project shall incorporate light fixtures in "Downtown Black," specifications to be provided by the Planning Authority during subdivision review.

3. Modifications to B-5b Regulations. The **SITE** shall be governed by the regulations applicable to the B-5b zoning district, except as follows:

   a. The maximum residential density on the **SITE** shall be 200 dwelling units.

   b. The maximum front yard setback of 10 feet shall not apply to the parking structures shown on the Site Plan.

4. Community Contribution. The minimum community contribution by this project shall be as follows: ????? . Nothing herein shall limit the ability of the Planning Board to impose further conditions upon the developer consistent with site plan and subdivision review.

   Further, the developer shall deed to the City public pedestrian access, during daylight hours, to the Garden Plaza located between Middle and Newbury Street as shown on the Site Plan.

5. This conditional rezoning shall become null and void and the **SITE** shall revert to the existing B-2b zoning district in the event that **DEVELOPER** fails to commence construction within two years from the date of the Council vote. This two-year period shall be extended up to an additional one-year period if:

   a. **DEVELOPER** has applied for all required approvals but has not received all required approvals within the two-year period;

   b. Any other event beyond the control of **DEVELOPER** has occurred which will delay the closing on some or all of the parcels and **DEVELOPER** has notified the **CITY** of such event and the projected time period for resolution of the event, which time period shall not exceed two years.

   If any required approval, including the approval of the conditional rezoning, has been appealed, then this conditional rezoning shall become null and void and shall revert if **DEVELOPER** fails to commence construction within one (1) year from the final disposition of such appeal.

   DEVELOPER may construct the project in two phases as shown on the Site Plan. For purposes of the time periods set forth in this paragraph 6 and in section 14-525(f) of the Portland City Code, commencement of construction on Phase 1 shall be deemed to constitute commencement of construction on Phase 2, provided that actual construction on Phase 2 is commenced no later than 3 years after the commencement of construction on Phase 1. Moreover, the sidewalks and curbing for Phase II must be constructed during Phase I of the project.

6. The rezoning shall run with the **SITE**, shall bind and benefit **DEVELOPER** and any of its successors and assigns, and shall inure to the benefit of and be enforceable by the **CITY**, by and through its duly authorized representatives. Within thirty (30) days of the City Council's passing of the Conditional Zone, **DEVELOPER** shall file a copy of this Agreement in the Cumberland County Registry of Deeds, along with a reference to the Book and Page locations of the deeds for the **SITE**. **DEVELOPER** shall provide to the **CITY** the Book and Page number of said recording.

7. 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.

8. Except as expressly modified herein, the development, use, and occupancy of the **SITE** shall be governed by and comply with the provisions of the Land Use Code of the City of Portland and any applicable amendments thereto or replacement thereof.

9. This conditional rezoning agreement shall be enforced pursuant to the land use enforcement provisions of state law (including 30-A M.R.S.A. § 4452) and City

Ordinance. No alleged violation of this rezoning Agreement may be prosecuted, however, until the **CITY** has delivered written notice of the alleged violation(s) to the owner or operator of the **SITE** and given the owner or operator an opportunity to cure the violation(s) within thirty (30) days of receipt of the notice. Following any determination of a zoning violation by the Court, either the Portland Planning Board on its own initiative, or at the request of the Planning Authority, may make a recommendation to the City Council that the Contract Rezoning be modified or the **SITE** rezoned.

WITNESS: **THE VILLAGE AT OCEAN GATE, LLC**

_____ _____

Its Managing Member

State of Maine
Cumberland, ss. Date:

Personally appeared the above-named _____, Managing Member of The Village At Ocean Gate, LLC, and acknowledged the foregoing Agreement to be his free act and deed in his said capacity and the free act and deed of The Village At Ocean Gate, LLC.

_____
Notary Public

Att 12

PEARL PROPERTIES, LLC
c/o Joseph W. Reynolds, Manager
198 Tuttle Road
Cumberland, Maine 04021

November 30, 2005

Mr. Demtrios Dasco
Managing Partner
Village at Ocean Gate, LLC
133 Pearl Street
Boston, Massachusetts 02110

Re: 59-61 India Street, Portland, Maine

Dear Mr. Dasco,

Over the past few months, we have had several discussions regarding the possible relocation of the access easement that currently exists from Middle Street through the Village Café parking lot, which allows access into a garage currently owned by Pearl Properties, LLC and located at 59 India Street, Portland, Maine.

As we have discussed, Pearl Properties, LLC is willing to enter into an agreement to relocate the right of way to accommodate the development of the abutting Village Café parcel, subject to reaching a satisfactory agreement with Village at Ocean Gate, LLC with respect to the compensation to be given to Pearl Properties, LLC in exchange for such relocation.

Sincerely,

PEARL PROPERTIES, LLC

By: _____
Joseph W. Reynolds, Manager

O:\LAWOFFICE\REALTY\Reynolds\India\ROW\Dasco ltr 11-30-05.doc

Att. 10.1

From: "Dorothy Moskovis" <dmoskovi@maine.rr.com>
To: <WBN@Portlandmaine.gov>
Date: 11/01/2005 11:47:45 AM

Dear Ms Hopkins...I look at the proposed rezoning of the Village Cafe project from 2 points of view....the sheer physical size of the project..(multi -story towers) and the effect of 200 plus additional condos into the housing market. I am relatively new to Portland and I see it as a jewel with an identity that must be preserved. That is not to say that changes shouldn't be made...but I've seen too many cities change their character just for the sake of development. This seems to me a glaring mistake in an area which has so much potential. Dororthy Moskovis

AA.13.2

From: Patrick Joseph Venne <pvenne@uvm.edu>
To: <WBN@Portlandmaine.gov>
Date: 12/06/2005 10:50:26 PM

Hello,

I found your e-mail on an anti-rezoning for the village cafe plot website, directing people to e-mail you if they do not want the village at ocean gate to
get the requested rezoning permitted. I, however, am not such a person, and think Portland would benefit from some new development with height (and nine stories is hardly height). I am 21 years old, and I often times hear people remark that Southern Maine has a hard time retaining its educated youth, who leave for other states to work. Well, I am about to graduate college and I will be attending law school this coming fall, and I would be more willing to come back to a city that has some ambition and some drive than one that characterizes nine story buildings as demonic skyscrapers. Just my perspective, in case youw ere interested. I think the village at ocean gate developers deserve their rezoning request to be permitted. Of course, I understand there are likely many factors that go into such a decision, but the intent of this e-mail is to convey to you and others that not everyone in Portland would be opposed if the village site was redeveloped as architectural renderings currently call for. I say, the taller, the better.

Patrick Venne

Memorandum
Department of Planning and Development
Planning Division

To: Chair Lowry and Members of the Portland Planning Board

From: Bill Needelman, Senior Planner

Date: December 9, 2005

Re: Village at Ocean Gate, Re-Zone Request
Vicinity of Middle, Hancock and Newbury Streets
GFI Partners, Applicant
Winton Scott, Architects - Sebago Technics, Agents
December 13, 2005 Workshop

1. Introduction:

GFI Partners request a second workshop to discuss a proposal to redevelop the Village Café restaurant site and parking lots in Portland's India Street/Munjoy Hill neighborhood. The proposal is primarily a residential condominium project with limited first floor retail and commercial space. The project is located on two separate blocks that are both currently zoned B-2b.

Please not that the project has been reduced in scale as compared to the presentation at the first workshop and the new submittal should be substituted for any material the Board may have saved from the previous packet.

The project now includes up to 200 residential units (down from 250 previously) in five separate buildings ranging from four to seven stories tall (down from up to ten stories.) The proposal also includes ground floor restaurant and commercial space and 277 parking spaces (down from 330) structured beneath and in the interior of the complex.

The applicants are requesting a rezoning to accommodate both a zone map change (B2-b to B5-b) and a conditional rezoning to allow increased building heights and increased residential density in the B5-b.

2. Site description:

The 1.83 acre site is split between two blocks and is currently used by the 450 seat Village Café restaurant. The largest parcel is home to the single story restaurant and parking, occupying the much of the block defined by Middle, Hancock and Newbury

Streets. The smaller parcel is located north of Newbury Street and west of Hancock Street. The northerly block is currently occupied entirely by restaurant parking and lies south of and adjacent to the recently approved Federal Street Row Houses (the Ron Gan project.) With the exception of the restaurant, there are no building demolitions proposed for the project.

The site lies at the margin between the India Street retail district and Munjoy Hill and has historically been home to a predominantly Italian neighborhood sometimes known as "Little Middle."

3. Rezoning Approach:

Site is currently zoned B2-b, Community Business Zone and is located across from the Shipyard Brewery site (zoned B5-b.) The applicants and staff find that their program is more consistent with the purpose of the B5-b, Mixed Use Commercial Zone as quoted below:

> The purpose of the B-5 and B-5b zones is to provide zones in areas of the peninsula near the central business district where a mixture of uses, including marine, industrial, commercial, and residential, is encouraged. The B-5 and B-5b zones are characterized by larger underdeveloped lots with great potential for denser, clustered, urban mixed use development and more efficient reuse of existing land and buildings.
>
> It is anticipated that such denser, mixed uses would rely on a shared infrastructure system, including service alleys, parking lots, public transportation facilities, stormwater management, and driveways.

While the use and dimensional requirements of the B5-b are compatible with the proposal, the applicants still require a conditional rezoning to permit the proposed residential densities. The B2-b allows 45 feet (+/-4 stories) of building height, and the B5-b allows 65 feet (+/- 6 stories.) The applicant's proposal ranges from 4 to 6 stories. Given the significant slope of the land, using an average grade as a basis, the zoning administrator has found that the proposal meets the building height maximums for the proposed B5-b zone.

Two alternatives for conditional rezone agreement language are provided in the attached application packet (found under tab 4 of the application binder.) Alternative #A-1 proposes to change the underlying zone from B2-b to B5-b and further amend the residential density requirements of the B5-b. Alternative #A-1 also alters the maximum 10 foot building set back requirement of the B5-b, but only for parking structures. The proposal also includes alternative Draft #2, which retains the underlying B2-b zone, but alters the dimensional requirements to be the same as the B5-b.

Planning staff and City legal staff are more comfortable with the #A-1 draft and recommend using it as the basis for this process. Furthermore, City Associate Corporation Counsel, Penny Littell, has provided a track changes version of #A-1 for the

Board's consideration. Please see attachment 11 for the edited version. Staff recommends using Attachment 11 as the discussion draft at the workshop. Ms. Littell's language adds specificity to provision 2, requiring substantial conformance with the architectural plans and reference to the Planning Board's review of the project under the Eastern Waterfront Design Guidelines. The amended draft also provides language requiring limited public access to the plaza areas between Middle and Newbury Streets.

The Board and the applicant may want to discuss certain provisions of the edited draft, to discover potential points of disagreement. The Board will note that the map has not yet been developed and that condition 4, "community contribution," is blank. The map will show the property lines of the Village Café holding rezoned from B2-b to B5b and further subject to the rezoning agreement. The bounds of the rezoning are delineated on the attached land title survey, which is included as tab 5 in the application book.

As noted above, the "community contribution" has yet to be determined. The applicants and staff, prior to the next workshop, will meet to discuss a recommended contribution to offset associated traffic and pedestrian impacts and potential other related public improvements.

4. Building Design and Height:

The significant decrease in building height for the subject site is brings the scale of the proposal into consistency with the Eastern Waterfront Building Height Study, as incorporated into the Comprehensive Plan. The design of the buildings, in plan, elevations, and materials remains consistent with the previous submittal, though additional detailing at the foundation course has been provided emphasizing a traditional "bottom/middle/top" composition.

City Urban Designer, Carrie Marsh, has reviewed the preliminary elevations of The Village at Ocean Gate in reference to the *B1-B2 Design Guidelines* and the *Design Guidelines for the Eastern Waterfront.*

The conceptual designs appear to be in substantial conformance with the above referenced documents with regard to building orientation to the street, height, articulation and massing, proportion, and suggested materials.

Outstanding issues to be resolved include permeability through the open space on the site between Newbury and Middle Streets, details of first floor commercial storefronts along Middle and Hancock Streets, articulation of primary entrances at the street level, and enhancement of the pedestrian environment. Staff will continue to work with the developer and its architect to finalize these issues, as well as material selection and other building details as they are further developed and refined.

As stated above, the proposed building heights at 65 feet are consistent with the applicable comprehensive plan element for this area. Regardless, Mr. Ron Gan, the

uphill neighboring abutter at 44 Federal Street (currently under construction with a 7 unit townhouse project) has expressed significant opposition to the project and has undertaken a publicity campaign to generate opposition to the rezoning. Mr. Gan's project, as well as the other existing residential properties located along Federal Street will see reduced views of the water with the proposed heights. The applicant has provided a shadow study for the Board's review at the end of the plan set in attachment A.

Greater Portland Landmarks has provided an issues letter for the Boards consideration in attachment 10 and letters of opposition and support are included in attachment 13.

5. Traffic

The project team has provided a traffic impact report from Eaton Traffic Engineering. The project is designed to utilize two curb cuts for each of the two blocks, each accessing a separate deck of structured parking. The southerly block has a vehicle entrance off Middle Street to an underground deck with a separate entrance off Hancock Street to an upper deck. The southerly block design includes a pedestrian entrance off Newbury Street that would access a landscaped plaza between the buildings. The plaza previously further connected to Middle Street by way of an exterior stairway running parallel to the Middle Street vehicle entrance, but this has been removed in the latest submittal

The northerly block has a Newbury Street vehicle entrance to a lower parking deck and a Hancock Street entrance to an upper parking deck. These parking decks are, similar to the southerly block, capped by a pedestrian plaza that would be accessed off Hancock Street. Whether the pedestrian plazas would be open to the public or for the sole use of the project residents is unclear.

The traffic narrative projects the project to generate 134 trips in the PM peak hour. While this number would, on its own, necessitate a traffic movement permit, the Village site already generates significant traffic in the PM resulting in a projected *net* of only 17 *new* trips.

The City's traffic engineering consultant, Tom Errico has provided the following preliminary comments:

1. I would suggest, as best as possible, that the Village at Ocean Gate project and the Riverwalk project coordinate on the location of access/egress locations on Middle Street such that poor alignment is not created.
2. Off-site traffic mitigation will likely be required. I would suggest that the applicant make a monetary contribution to recommendations from the Portland Peninsula Study.
3. A preliminary traffic study was prepared that concluded that a Traffic Movement Permit is not required because the "net" traffic increase from the project is (when considering the existing restaurant) less than 100 passenger car equivalents (pce). This

conclusion is based upon a review of the PM peak hour only. When considering the AM peak hour, the project would likely add in excess of 100 pce. I will seek some advice from Maine DOT on this issue.

Attachments:

1-9. Conditional Rezoning Application with Supporting Material
10. Letter from Greater Portland Landmarks
11. Conditional Rezoning Agreement with Corporation Counsel edits
12. Right Title and Interest Letter from abutting easement holder
13. Letters of Concern and Support