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300 Fore St.  
Custom Hse. Sq.  
Olympic Equity

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Original

Planning Board Report #20-06

**“CUSTOM HOUSE SQUARE”  
300 FORE STREET  
MAJOR SITE PLAN AND TRAFFIC MOVEMENT PERMIT REVIEW  
OLYMPIA EQUITY INVESTORS IV-B, LLC, APPLICANT**

Submitted to:  
City of Portland Planning Board

Submitted by:  
Bill Needelman, Senior Planner

Date:  
March 24, 2006

For review at:  
March 28, 2006  
Public Hearing

## I. Introduction

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

This proposal has been reviewed at three previous workshops with the Planning Board and has held the required neighborhood meeting.

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 is also asking for a waiver of the 5-foot maximum street line setback requirement of the B-3 zone.

The project has already received a conditional approval from the Board of Historic Preservation for compliance with the Historic Preservation Ordinance. A final review of building design details and changes is anticipated for April with the Historic Preservation Board.

## II. Project Summary

Zoning:	B-3
Districts:	Historic Preservation District Pedestrian Activities District (encouragement zone on Fore Street)
Project Size:	Parcel area 23,887 sq. ft. Building area 68,836 sq. ft. 10,060 sq. ft. restaurant 58,114 sq. ft. office
Building Height	65 feet
Parking	No spaces on-site 145 spaces off-site

CBL: 022-K-001

## III. 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 Custom House is an individually designated historic landmark and the subject site is part of the Portland Waterfront Historic District.

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.

The previous addition also provided a truck-loading zone from Custom House Street providing access to the rear service core of the building addition and access to the warehouse ells.

*Proposed New Structure:*

The proposed 68,836 square foot structure is designed to replace the rear warehouse ells with a five to six story office building. The building site is a portion of the Blake Building parent property to be occupied under a 99-year land lease. While the new building is closely integrated 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.

While the new and existing buildings will share some facilities in the area of the Custom House Street lobby, the main entrance to the new structure will be established from Fore Street. The main entrance to the existing building, along with secondary circulation, loading and trash removal for the entire complex will locate along Custom House Street. The truck entrance and loading area are to be closed and replaced with an on-street vehicle loading area on Custom House Street.

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 footprint of the building almost completely fills the available land with two exceptions. The building sets back from the easterly abutter (Fore Street Restaurant) by 3 feet. The Board should note that the existing restaurant building sets back an additional +/-15 feet to the east (in the area of pedestrian stairs running from Fore Street to the Standard Bakery parking area) providing a total of 18 feet of separation between the restaurant building and the proposed building.

Along the Fore Street right of way line, the proposed building sets askew from the property line to allow a view corridor along Fore Street looking west to the landmark Custom House building. The maximum setback between the building and the front property line occurs at the Fore and Custom House Street corner and is approximately 8 feet. Front setbacks of more than 5 feet require a waiver from the Board. Please see the Zoning section below and the B-3 zone site plan standards section for a discussion of street setbacks in the B-3. This alignment was previously encouraged and approved by the Historic Preservation Board to ensure the new development's compatibility with the Custom House building.

The Fore Street frontage is shown as a "pedestrian encouragement" area on the Pedestrian Activities District map. The design proposes approximately 10,000 feet of retail use at the Fore Street level, currently assumed to be restaurant space. The design and utilization of the Fore Street level for retail uses is a highly desirable outcome for this building.

#### IV. 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 are provided below (Staff comments are provided in *italics*.) The wider sidewalk and street wall considerations described above would appear to satisfy the conditions below.

- 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;

*The proposal provides wider pedestrian circulation areas in the vicinity of the primary entrance to the new building.*

- (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;

*The proposed setback is designed to enhance street wall development in consideration of the location of the landmark Custom House building.*

- (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;

*The closest public open space is Boothby Square located one block to the west. The proposal will not detract from the viability or liveliness of that space.*

- (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 space is a simple extension of the adjacent brick sidewalk and will be attractive to pedestrian activity.*

### *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.

## **V. Site Plan Review**

### *(1/2) Circulation and Parking*

#### *Pedestrian Circulation*

As stated above, there are two pedestrian entrances proposed to the new structure: a primary entrance from Fore Street, and a shared entrance at the Custom House Street lobby of the existing building. This lobby accesses a service core that currently serves

both the historic structure and the addition to the Blake Building. An existing ATM will be relocated into the Custom House Street lobby and an additional service door will also be provided.

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 coordinated with City staff and their traffic engineer to determine that some of the Fore Street right of way can 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.

Parking for the new structure to be provided in the proposed "Longfellow Garage" to be located between Middle and Fore Streets East of India Street. As the Board knows, the Longfellow project is currently being reviewed for its own site plan permits. Following a walking route from the subject property along Fore Street to the south westerly pedestrian entrance of the proposed garage, the subject project is located approximately 750 feet from the parking. Currently, Fore Street has sidewalks along its entire length, though the southerly sidewalk across from the proposed Westin Hotel site is in poor condition. With the recent improvements at 280 Fore Street, the proposed improvements at the Westin Hotel, and the improvements included herein, the pedestrian route from the garage to the subject site should be adequate.

### *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 previously showed an overhead utility door located northerly from the main entrance on Custom House for deliveries and trash removal. The revised elevation drawings show that this feature has been revised to double swing pedestrian doors. The previously provided curb cut is to be closed and the applicant requests a commercial loading designation for the street parking in this location. Design issues are more thoroughly discussed below and in a memo from the Urban Designer as attached.

Dan Goyette, reviewing engineer with Woodard and Curran, and Eric Labelle, City Engineer, suggest that the curb geometry at Fore and Custom House Street be adjusted to better align with the curb at the Fore Street frontage of the Custom House. The applicants have provided a sketch of a possible alignment (attachment 24,), but this sketch has not been available for a thorough review. A condition of approval is suggested in the motions.

## *Traffic Permit*

As noted above, the primary vehicular destination for traffic generated by the project is proposed for the Longfellow garage.

There has been a considerable amount of discourse between the applicant's and the City's traffic engineers since the previous meeting as found in the attachments and below. Attachment 18, a Traffic Impact Study produced by Gorrill Palmer Engineers, and Attachments 18a and 18b. (recent updates and responses to City comments) provide an explanation of anticipated impacts and street system function in the area. Consulting traffic engineer, Tom Errico provided a review of the anticipated traffic impacts (previous comments provided in attachment 19) and provides the following comments on the updated material:

*I have conducted a detailed review of the following documents as it relates to traffic impacts associated with the 300 Fore Street project:*

- *Traffic Impact Study prepared by Gorrill-Palmer Consulting Engineers, Inc., February 2006*
- *Response to Comments prepared by Gorrill-Palmer Consulting Engineers, Inc., March 13 2006*
- *Updated SimTraffic Results prepared by Gorrill-Palmer Consulting Engineers, Inc., February 2006*

*In my professional opinion the project meets the requirements of the Traffic Movement Permit and City Site Plan Ordinance with the following commentary and conditions.*

*The Franklin Arterial/Middle Street intersection is currently a High Crash Location as defined by MaineDOT and may have some operational issues in the future. In respect to the safety issue, the Westin Hotel project is required to implement improvements at this intersection (construction of a left-turn lane on southbound Franklin Arterial) that are expected to mitigate safety problems. The traffic data supplied by the applicant indicates the intersection may experience problems when using Highway Capacity Manual methods, but SimTraffic results indicate the intersection will operate at an acceptable level of service. I agree that physical roadway improvement options at this location are not advisable and accordingly, no mitigation is recommended. I should note that the Westin Hotel project will be conducting a post-construction monitoring study of the intersection and will implement signal improvements if problems are identified.*

1. *The Franklin Arterial/Fore Street intersection may experience problems when using Highway Capacity Manual methods, but SimTraffic results indicate the intersection will operate at an acceptable level of service. I*



*agree that physical roadway improvement options at this location are not feasible (intersection expansion is not possible) and accordingly no mitigation is recommended. I should note that the Westin Hotel project will be developing a signal coordination plan for the intersection.*

2. *The Franklin Arterial/Commercial Street intersection may experience problems when using Highway Capacity Manual methods, but SimTraffic results indicate the intersection will operate at an acceptable level of service. I agree that physical roadway improvement options at this location are not feasible (intersection expansion is not possible) and accordingly no mitigation is recommended. I should note that the Westin Hotel project will be developing a signal coordination plan for the intersection.*
  
3. *The Middle Street/India Street intersection is projected to operate at an unacceptable level of service following build-out of this project. The applicant has conducted a preliminary traffic warrant analysis that indicates traffic signals are not warranted. Long-term improvement strategies as contained in the Portland Peninsula Study indicate traffic signalization will be necessary in the future as development activity continues. It is my recommendation that the applicant contributes \$15,000 to the implementation of possible future improvements (including signalization) at this location. I would suggest that the monetary contribution be placed in an escrow account to be applied to unspecified future improvements at the subject intersection. If the escrow money is not used within ten years of the escrow agreement date, the money and accrued interest shall be returned to the applicant. I would note that the exact improvement scheme has not yet been determined and will be a function of development changes in the area (Westin Hotel, Longfellow, Ocean Gateway) and roadway system changes (signalization of India Street/Fore Street, extension of Commercial Street, extension of Hancock Street). Accordingly, the City will be closely monitoring conditions in the future and will be developing an appropriate action plan for the Middle Street/India Street intersection.*

*I did review the concept plan (emailed to me today) of the enhanced sidewalk/corner area at the Fore Street/Custom House Street intersection and I generally find it to be acceptable. I would suggest that the curb extension extend farther along Fore Street to better shadow the parking spaces (the plan illustrates a 20-foot separation), but recognize that Eric needs to participate in this discussion.*

*Finally, I want to note that the traffic volumes at intersections on Franklin Arterial used in the traffic study for this project are significantly different from those used by the Westin Hotel project. Accordingly, I do not formally approve of the traffic volumes used, but based upon the fact that intersection expansion along Franklin Arterial is limited and not practical, I find the study conclusions to be acceptable (with the above conditions).*

In summary, the project is presumed to generate 112 am peak hour trips and 162 pm peak hour trips. The Gorrill Palmer report suggests that the only roadway improvement needed is a left turn lane added to Franklin Arterial onto Middle Street (heading toward the Longfellow project.) This improvement is part of the approved Traffic Permit requirements for the Westin project.

Mr. Errico's recommendation that the applicant provide \$15,000 in escrow for future improvements to the Middle and India Street intersection is reflected as a condition in the suggested motions.

### *Parking*

No vehicle parking is proposed on site. As noted above, the applicants propose to utilize the future Longfellow garage. The applicants have provided a signed option letter to lease these spaces. Gorrill Palmer Engineers have provided a parking demand analysis for the Board's review (attachment 7.) In summary, the report assumes a parking demand of 145 spaces. This number is lower than would normally be expected for a project of this size. For comparison, the recent office project at 280 Fore Street (by the same developer) provided 168 spaces for a 59,000 square foot project. The Gorrill Palmer report uses the presumed low parking demand of the primary tenant (owner) as a justification for the lower number. Additionally, the parking demand is assumed to be further reduced by the offsetting times of use between the restaurant and the office uses.

As a project of over 50,000 square feet, the Planning Board is responsible for determining the required parking for the project. As requested by the Board at the last meeting, Mr. Errico has provided an opinion of the parking assumptions as quoted below:

*As requested, I have prepared an estimate of parking demand for the proposed 300 Fore Street office project assuming the primary tenant will be the Council on International Education Exchange (CIEE). The parking demand was based upon specific details on employee characteristics and is summarized below.*

\* *Peak employee level = 150 employees*

\* *Parking reduction to account for J-1 visa students (none own cars) = 20 employees*

\* *10% parking reduction to account for non-automobile trips (bicycle, walk, and transit) = 13 employees (I reviewed 2000 US Census data and for employers in the area of the proposed project, 23% of employees live on the peninsula. I continue to conduct research on this relative to journey to work data. A 15% reduction seems a little high, used by the applicant, so I have applied a 10% reduction. Further analysis will be required.)*

\* *15% reduction to account for employee travel off-site = 19 employees (This reduction is solely based upon input from the applicant. If this activity does not happen on a regular 5 days per week basis, parking demand will be greater)*

\* *Total adjusted employee count = 98 employees (150 - 20 - 13 - 19)*

\* *Total Parking Demand for Office Space = 98 spaces*

\* *Restaurant Parking Requirement = 25 spaces*

\* *Total Parking Requirement = 123 spaces*

If the Board agrees with the assumptions regarding the low amount of parking needed for the primary tenant, a conditional approval could be structured that any change of ownership or tenancy that requires additional parking would need to return to the Planning Board for review. The Board will need to further condition approval and/or occupancy of the building upon a certificate of occupancy of the proposed Longfellow garage. Conditions of approval are suggested in the motions.

#### **(3)(4) Bulk height of proposed buildings**

As stated above, the proposed building is designed along a party wall with the abutting Blake building, which is under ownership of a related LLC under control of the applicant. Also as noted above, the abutting Fore Street restaurant building is located 18 feet from the proposed building. No adverse impacts are anticipated, and the applicant has provided an explanatory narrative in support of this assumption in the updated written statements in attachment 1a.

#### **(5) Sewers, stormwater, and utilities.**

Sanitary flow is proposed from a new line to be connected into the existing 15-inch combined sewer in Fore Street. A sewer capacity letter has been provided from DPW.

Stormwater currently flows into an existing catch basin located near the center of the site. This structure was utilized as part of the previous addition to the Blake building for the transfer of stormwater from this part of the parcel into the City system (presumed to be Commercial Street.) The applicants propose to connect all roof drains from the new

structure into this existing line. The applicant's engineers have responded to City comments regarding the design of the site (attachment 1a) and the City's reviewing engineer, Dan Goyette, has provided his approval (attachment 21a.)

The project is otherwise proposing underground utilities. Previously there was a question if overhead utilities were needed, but the current proposal removes the existing overhead lines with underground conduit as well as a series of three sidewalk vaults for transformers.

**(6/7) Landscaping**

With virtually no site other than buildings and some sidewalk, the applicant is not proposing any landscaping.

**(8) Stormwater**

Please see above.

**(9) Exterior lighting**

Pedestrian scaled streetlights in the "Old Port" style are proposed along Fore Street. No other lighting is proposed.

**(10) Fire Safety**

Fire safety staff has approved the project.

**(11) Off-premises infrastructure**

Pending review of the traffic considerations listed above, the project is consistent with related infrastructure in the area.

**(12) NA**

**(13) NA**

**(14) NA**

**(15) NA**

**(16) Development located within the B-3 zone**

Urban Designer, Carrie Marsh had provided a memo on the project's adherence to the B-3 Design Standards. Please see attachment 20. As of the writing of this report, new elevation drawings were provided, but have not received substantial review (please see attachment B.) The new drawings were in response to a recent workshop with the

Historic Preservation Board and the project is scheduled to have public hearing later in April. The applicants ask that the Board conditionally approve the project as substantially in conformance with the B-3 standards, subject to final design review by the Historic Preservation Board.

In application of the B-3 Urban Design Guidelines, the B-3 Site Plan Standards, and the Historic Preservation (HP) Standards for new construction, Planning Staff has found a significant consistency between the B-3 and HP requirements. If the Board finds that the revised drawings generally reflect the B-3 standards in massing, building placement, materials and layout, the condition is reasonable. If the Board is uncomfortable approving a project that has not had a final design review, the item could be tabled to allow resolution of design issues.

**(17) Complete Application**

With the receipt of the architectural elevations, the application is complete.

**(18) Projects within one hundred (100) feet of a Historic Landmark**

As noted, the project is currently under review for approval as development within the Portland Waterfront Historic District by the Historic Preservation Board.

**(19) View corridors**

No designated view corridors are impacted. The Custom House is a designated landmark and view focal point and the project is designed to allow continued views of the Custom House.

**(20/21) Natural Resources Impacts**

No natural resource impacts are anticipated. The site is located at the presumed location of the historic shoreline (the southerly edge of Fore Street), but previous development of the site has presumably disturbed whatever archeological remains may have previously existed.

**(22/23) Signs**

No signage plans have been provided. A condition of approval is provided.

**VI. Recommendations**

Subject to the conditions suggested below, staff recommends that the Board find the proposed development consistent with the applicable standards of the Site Plan ordinance and for issuance of a MDOT Traffic Movement Permit under delegated review authority.

## **VII. Motions for Consideration**

### **A. B-3 Maximum Setback Waiver**

In accordance with Site Plan standard 14-526, 16 (b) 2. *Standards for increasing setback beyond street build-to line in the B-3 zone*, the Planning Board finds that the introduction of increased building setbacks at the street level:

- (a) Provides substantial and viable publicly accessible open space,
- (b) Does not substantially detract from the prevailing street wall character,
- (c) Does not detract from existing publicly accessible open space, and
- (d) The area of setback is of high quality and character of design and is attractive to pedestrian activity.

### **B. Traffic Movement Permit**

The Planning Board finds that the project is in conformance with the standards of a Traffic Movement Permit subject to the following condition of approval:

- i. That the applicant contributes \$15,000 to the implementation of future improvements (including, but not limited to signalization) at the Middle Street and India Street intersection. The monetary contribution shall be placed in an escrow account and if not used within ten years of the escrow agreement date, shall be returned to the applicant.*

### **C. Design Standards of the B-3 Zone District**

The Planning Board finds that the project is (generally) in conformance with the standards of the B-3 Zone district subject to final review and approval of the architectural elevations by the Historic Preservation Board.

### **D. Site Plan**

That the plan is in conformance with the Site Plan Standards of the Land Use Code subject to the following conditions of approval:

- i. That any additional lighting and signage be provided for Planning, Zoning and Historic Preservation staff review and approval.*
- ii. That a revised design for the alignment of curbing at the Custom House Street and Fore Street intersection be submitted for Planning Authority*

*and Public Works review and approval prior to issuance of a building permit.*

- iii. *That the applicant provide the following documents for the review and approval of the City's Corporation Counsel prior to issuance of a building permit:*
  - a. *Pedestrian easement for access and use of the privately owned sidewalk located along the Fore Street frontage of the building.*
  - b. *Condominium association documents for the development.*
  - c. *Cross easements between the subject property and the abutting parent property (85 Commercial Street) for emergency and utility access and maintenance.*
- iv. *That the site plan approval for the recommended parking requirement (minimum 123 spaces) is directly linked to the specific occupants presented to the Planning Board on March 28, 2006 (namely CIEE, Inc for office use of floors 2, 3, 4, 5 and the basement, and OEI IV-B, LLC for restaurant/retail use of floor 1.) If at any time, (a) either occupant changes, (b) any portion of the building is sold, subleased, or further divided, or (c) there is any intensification of use of the building, then the site plan must return to the Planning Authority for review and approval for an amendment to the parking requirements approved herein.*
- v. *The Site Plan is approved for a minimum of 123 spaces to be located at the Longfellow Garage to be constructed in the vicinity of India Street, Middle Street, Hancock Street and Fore Street. No building permits for the subject project shall be issued prior to the City's acceptance of a performance guarantee for the Longfellow Garage.*

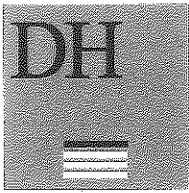
*If the parking spaces at the Longfellow Garage are not yet available as of the completion of the subject project, the applicant shall provide proof of alternative temporary parking arrangements (not to exceed one year) for the review and approval of the Planning Authority prior to issuance of a certificate of occupancy. If the Longfellow Garage spaces are not available within one year of issuance of certificate of occupancy, the applicant is required to return to the Planning Board for an amendment to this approval for both Site Plan and Traffic Movement permits.*

Attachments:

- 1a. Updated written statement with response to City engineering review
  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
  7. Parking narrative
  8. Utility Capacity (Water and Sewer)
  9. Historic Preservation approval letter
  10. Geotechnical report (narrative only)
  11. Parking – Signed option to lease
  12. Zoning memo
  13. Solid Waste
  14. Stormwater narrative
  15. Erosion and sedimentation control
  16. Landscaping statement
  17. Maps, vicinity, zoning, tax map
  - 18a. Updated traffic and parking information (3-13-06) with responses to City traffic review (calculations omitted)
  - 18b. Additional traffic information (3-22-06)
  18. Traffic Impact Study (calculations omitted)
  19. Traffic Review memo
  20. Urban Designer memo
  21. Engineering Review memo
  - 21a. Updated Woodard and Curran City engineering review memo (3-22-06)
  22. Parking Manager memo
  23. Neighborhood meeting information
  24. Revised curb alignment sketch
- A. Revised Plan Set  
*Note – A9 and A10 are the previously submitted architectural elevations and are to be changed.*
- B. Updated Architectural elevation drawings  
*Note – Submitted as of writing of this report and not yet reviewed by Planning or Historic Preservation.*





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  - ENVIRONMENTAL ENGINEERING
  - PERMITTING
  - AIRPORT ENGINEERING
  - CONSTRUCTION ADMINISTRATION
  - TRAFFIC STUDIES AND MANAGEMENT

March 14, 2006

Mr. Bill Needelman  
Planning Department  
City of Portland  
389 Congress Street, 4<sup>th</sup> Floor  
Portland, Maine 04101

**Subject: Proposed Custom House Square Office Building – 300 Fore Street  
Major Site Plan Application - Updated**

Dear Bill:

DeLuca-Hoffman Associates, Inc. has prepared this application on behalf of Olympia Equity Investors IVB, LLC, the developer of this project. The proposed building will be sited on a portion of a 23,887 square foot lot identified as Lot 1 of Block K on Chart 29 of the City of Portland's Assessor's Maps. The proposed building will have a gross floor area of 68,836 square feet. This proposed development is located in the B-3 Zoning District, has received conditional approval from the Historic Preservation Committee, and was re-introduced to the Planning Board on December 13, 2005, and a third workshop with the Planning Board was held on February 28, 2006.

Attached to this letter are five (5) updated full size sets of the plans for this project and one (1) 11 x 17 set of the updated plans for this project.

The Site Plan Application narrative is not being resubmitted, rather we have included the following supplemental information.

- Parking Option Agreement – Exhibit 6 Attachment F.
- Comment/Response Letter from Gorrill-Palmer Consulting Engineers dated March 13, 2006 pertaining to Tom Errico's comments.
- Sample letter to be included in condominium documents of agreement to Planning Board condition regarding potential Planning Board review of parking in the event of the sale of one or more condominium units. (To be executed.)

Additionally, our office has revised the plans in response to comments prepared by Dan Goyette, P.E., of Woodard and Curran, Inc. The following amendments to the plans have been made:

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.*

Response: Note "C" on Sheet 4 has been revised to properly indicate six new street lights.

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- 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.*

Response: This detail has been revised per the request of the development review Coordinator; however, our office feels the detail previously proposed may be more appropriate for this application, given the current condition and elevation of Custom House Street.

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

Response: The plan has been modified to indicate an area to which a pedestrian access easement will be granted to the City of Portland. This document will be prepared and reviewed with Corporation Counsel.

- d. *A detail for the installation of the parking meters has not been provided.*

Response: The plan has been modified to add a note referencing installation of a parking meter in accordance with Public Works requirements.

- e. *A detail for the installation of the light poles has not been provided.*

Response: A detail has been added for pedestrian scale light pole bases.

- 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.*

Response: Our office has previously reviewed survey information indicating that seven inches of curb reveal may not be achieved through simple sidewalk reconstruction without creating negative drainage patterns toward the entry of the Fore Street Restaurant. The plan has been modified to indicate a goal of seven inches of reveal along this stretch of Fore Street; however, provisions to match existing curb reveal (approximately four inches) have been included in this note. Field adjustments may be required to achieve the maximum reveal up to seven inches as requested by the Development Review Coordinator.

The proposed building will adhere to the basic dimensional requirements with respect to lot coverage and building height, with the exception of the front corner along Custom House Street and Fore Street, where the building will not be located within 5 feet of the property line.

The members of the Board previously expressed concern regarding the impacts of wind and snow loading to adjacent structures. Our previous submittal indicated we did not anticipate any problems resulting from the construction of this new building. Our project team has reviewed this in further detail and offers the following supplemental discussion of the matter.

External effects of snow and wind loading on the adjacent properties will be negligible. The 2003 International Building Code specifies this location be designed with a ground snow load of 50 psf (pounds per square foot). ASCE-7 provides calculations for snow drifting on adjacent structures caused by a higher structure or terrain feature within 20 feet of a roof. Drift loading is reduced by the distance between roof structures. With the existing one-story building being 18 feet away, it will potentially be subjected to only 10% of the snow drift that could occur from the new structure. This drift loading would occur along the masonry exterior wall of the existing building and reviewed for only 2 feet onto

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March 14, 2006  
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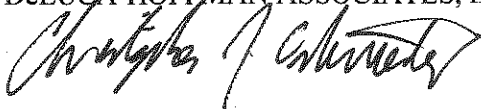
the roof. This amount of additional snow load would have minimal effect on the existing building. The other sides of the proposed building face public ways, which are in excess of 20 feet in width, and therefore would not impose any additional snow loads on adjacent properties.

The proposed building is located in a dense urban environment, which the code places in "Wind Exposure category B" for Urban and suburban locations. This category reflects the characteristics of ground surface irregularities around the site, and is considered as having the roughest boundary layer and the lowest classification currently used in the code. The existing buildings already provide a reduction in the flow of wind due to their resistance and their height. The proposed structure is of a low-rise design (less than 60 feet at Fore Street) and wind loading design only increases when buildings exceed 60 feet in height. The one-story building is already subjected to the higher wind loads generated by the existing buildings across the street, which significantly exceed 60 feet in height, and therefore should not be subjected to any additional wind effects by the proposed development.

The project team met with the Historic Preservation Board in workshop session on March 8, 2006 and anticipate getting approval at a Public Hearing on April 5, 2006. Slight adjustments are being made to the elevations as requested by the staff and Board. These elevations have been omitted from this submission but will be available for the Public Hearing with the Planning Board on March 28, 2006.

Sincerely,

DeLUCA-HOFFMAN ASSOCIATES, INC.



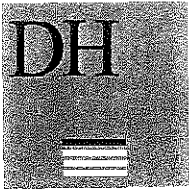
Christopher J. Osterrieder, P.E.  
Senior Engineer

CJO/sq/JN2581/Needelman-3-14-06

Enclosures – stated

c: Tim Levine, Olympia Equity Investors, IVB, LLC – with enclosures  
Matt Wirth, PCI Architecture – with enclosures  
Gorrill-Palmer Consulting Engineers – with enclosures

Att. 1.1



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

February 14, 2006

Mr. Bill Needelman  
Planning Department  
City of Portland  
389 Congress Street, 4<sup>th</sup> Floor  
Portland, Maine 04101

**Subject: Proposed Custom House Square Office Building – 300 Fore Street  
Major Site Plan Application - Updated**

Dear Bill:

Per our discussion, attached to this letter are seven (7) updated full size sets of the plans for this project and one (1) 11 x 17 set of the updated plans for this project, along with seven (7) complete updated copies of the application with the parking management plan included in Attachment A of Exhibit 6. These should replace the prior submittals since they contain all of the complete data. We have updated the entire application since updating the revised building square footage.

DeLuca-Hoffman Associates, Inc. has prepared this application on behalf of Olympia Equity Investors IVB, LLC, the developer of this project. The proposed building will be sited on a portion of a 23,887 square foot lot identified as Lot 1 of Block K on Chart 29 of the City of Portland's Assessor's Maps. The proposed building will have a gross floor area of 68,836 square feet. This proposed development is located in the B-3 Zoning District, has received conditional approval from the Historic Preservation Committee, and was introduced to the Planning Board on December 13, 2005. A final meeting with Historical Preservation is scheduled for March 8, 2006.

The proposed building will adhere to the basic dimensional requirements with respect to lot coverage and building height, with the exception of the front corner along Custom House Street and Fore Street, where the building will not be located within 5 feet of the property line.

We appreciate your efforts in review of this project and look forward to presenting it to the Portland Planning Board at the February 28, 2006 workshop.

Sincerely,

DeLUCA-HOFFMAN ASSOCIATES, INC.

Christopher J. Osterrieder, P.E.  
Senior Engineer

CJO/sq/JN2581/Needelman-2-14-06

Enclosures – stated

- c: Tim Levine, Olympia Equity Investors, IVB, LLC – with enclosures
- Matt Wirth, PCI Architecture – with enclosures
- Gorrill-Palmer Consulting Engineers – with enclosures

## EXHIBIT 1

### DEVELOPMENT DESCRIPTION

#### **1.0 Overview**

Olympia Equity Investors IV-B, LLC ("OEI IV-B") is intending to develop a multi-story office complex totaling approximately 68,836 square feet at the corner of Fore Street and Custom House Street. Currently the site consists of a loading area, an external ATM and a single and two-story concrete block structure. The concrete block building will be razed; the existing ATM and electrical transformer will be relocated to the new building and underground respectively. However, this project will not involve major resetting of the stone or doing any rebuild work on Custom House Street beyond infill of the proposed closed curb cut.

This proposed building is adjacent to the Fore Street restaurant/Standard Baking Company building from the west and will be situated east of the U.S. Customs House. The proposed building will adjoin with the W.L. Blake building. The proposed building will be located on the site identified as Chart 29, Block K, and Lot 1 on the City of Portland Assessor's maps. This lot is located in the B-3 Downtown Business Zone for which office buildings are a permitted use.

The proposed building use will primarily be for offices on the upper floors, though the basement level and first floor are likely to consist of limited Assembly and Mercantile and retail space. The proposed building will be less than 100,000 square feet and therefore no loading bay will be required. The dimensional requirements of the B-3 zone do not burden the development; there is no minimum lot size, no minimum yard dimensions and lot coverage of up to 100% is allowable. The proposed development will conform to the dimensional requirements of the B-3 zone.

A portion of the proposed building, along the Fore Street and Custom House Street intersection, will not be within 5 feet of the property line as required. The reason for this is further discussed in Section 6.16. City Staff have indicated that this provision should not hinder the proposed development, as the Planning Board may grant a waiver of this provision. It is the intent of the applicant to develop the building as depicted on the proposed site plans and request a waiver from the 5 foot property line provision.

#### **1.1 Existing and Proposed Easements/Rights-of-Way**

Refer to executive summary prepared by Pierce Atwood, included in Attachment A of this Exhibit. Certain pedestrian easements will be conveyed to the City of Portland in areas where the proposed sidewalk will extend onto the adjacent property owned by Olympia Equity Investors IV, LLC ("OEI IV").

#### **1.2 Natural Resources**

There are no known natural resource areas that would be affected by the proposed development within the project vicinity. No setbacks regulated under the Natural Resources Protection Act (NRPA) are applicable to this proposed development.

**1.3 Subsurface Conditions**

Subsurface conditions are being extensively evaluated as part of a Geotechnical boring program conducted by S.W. Cole Engineering. It is anticipated that the proposed building will be founded on a "pile" support system, similar to the renovation of the W.L. Blake building, which will adjoin this structure.

An intensive testing and monitoring program will be implemented during the pile driving and foundation phases of construction. A copy of the Geotechnical Report prepared by S. W. Cole Engineering, Inc. is contained in Attachment E of Exhibit 6.

**1.4 Infrastructure**

The existing 15-inch combined sewer in Fore Street will provide sanitary sewer service to the proposed building, while an existing 6-inch water main in Fore Street will provide water for domestic use and fire protection. Proposed electrical service to the building will be provided via an underground feed from a subsurface transformer. Final transformer location will be coordinated with Central Maine Power. The proposed development will include the following infrastructure modifications, as shown on the accompanying plan set:

- Construction of new brick sidewalks and granite curbing along Fore Street.
- Closure of an existing 24-foot ingress/egress access drive onto Custom House Street.
- Construction of a new building totaling approximately 68,836 square feet.
- Construction of several new sidewalks that will interconnect the parking and building spaces.

**1.5 Construction Plan**

**Table 1.1 – The proposed schedule developed for this project is as follows:**

Item	Site Work	Buildings
Local Site Plan	December 2005	November 2005
Start Construction	May 2006	May 2006
Complete Site Work	September 2006	---
Complete Building	---	May 2007
Building Occupancy	---	May 2007

1.6 Figures, Plates and Drawings

Figure	Description
1	USGS Location Map
2	Zoning Map
3	Tax Assessor's Map

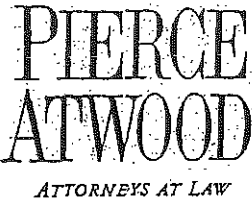
Plan Sheets	Description
1	Cover Sheet
2	General Notes, Index and Legend
3	Existing Conditions Plan
4	Site Layout Plan
5	Utility Plan
6	Grading & Drainage Plan
7	Miscellaneous Details
8	Boundary Survey

**ATTACHMENT A**

**Executive Summary**

**Prepared by Pierce Atwood**





MEMORANDUM

TO: James Brady & Timothy Levine
Olympia Equity Investors
FROM: DCKeeler
RE: Custom House Square Condominium
DATE: November 10, 2005

The purpose of this Memorandum is to set forth the general structure for a condominium regime to be created in connection with the Custom House Square development. The current state of affairs is that Olympia Equity Investors IV LLC owns the parcel bounded on three sides by Fore Street, Custom House Street and Commercial Street. There are existing buildings on the Commercial Street side of the property, commonly referred to as the Blake Building. The Fore Street side of the property is currently occupied by storage buildings and a garage. The proposal is to remove the storage buildings and garage and construct a new office and retail building on the portion of the parcel fronting on Fore Street. The new structure would be known as Custom House Square. Custom House Square would be structured as a condominium, which would allow the sale of portions of the building. The owner of the Custom House Square building would be different from the owner of the Blake Building, both initially and ultimately through resale.

It is currently contemplated that the Custom House Square would be what is commonly referred to as a "leasehold condominium." This would be set up such that the ownership of the ground underlying Custom House Square and the Blake Building would be in the same entity, although the owner of the Custom House Square building and the Blake Building would be different. The owner of the ground will lease that portion of the parcel on which Custom House Square is to be constructed to Olympia Equity Investors IV-B LLC. The Ground Lease will be for an extended term (99 years), with the possibility of future extensions. Olympia Equity Investors IV-B LLC, as the tenant under the Ground Lease, will be the declarant of the Custom House Square Condominium and initially will be the owner of the Units created thereby. The Landlord under the Ground Lease, as well as any lenders having an interest in the property, would join in the Declaration as required by the statute. The tenant's interest created by the Ground Lease would be part of the condominium. The Maine Condominium Act permits leasehold condominiums.

One Monument Square
Portland, Maine
04101-1110
VOICE 207.791.1100
FAX 207.791.1350
E-MAIL info@pierceatwood.com
WEB SITE www.pierceatwood.com

There are examples and precedents for leasehold condominiums in the City of Portland, such as the Casco Bay Garage on Commercial Street.

Custom House Square would consist of separate condominium units. The number and configuration of the units still need to be determined based on end user requirements and market conditions. Under the Maine Condominium Act, a Condominium Association would be formed. Although the Association does not own any of the real property, it is charged under the Statute and under the Condominium Declaration for maintaining all of the common areas and enforcing any of the restrictions imposed under the Declaration. Each of the unit owners at Custom House Square would be a member of the Association. The Association would have enforcement rights, including the right to lien a unit, if any unit owner does not pay its share of expenses. A Condominium Association is a standard non-profit corporation and would be set up under Title 13-B of the Maine Corporation Act.

EXHIBIT 2TITLE, RIGHT AND INTEREST**2.0** Overview

OEI IV owns the proposed development parcel. OEI IV-B will lease the proposed development parcel from OEI IV. A copy of the warranty deed for the OEI IV parcel is included as Attachment A of this Exhibit. A copy of the Agreement to Lease between OEI IV and OEI IV-B with respect to the proposed development parcel is attached as Attachment B of this Exhibit.

ATTACHMENT A

Copy of Warranty Deed

Att. 2.3

0027543

BK 15495 PG 127

**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 109.52 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 11615, 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 45° 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 23,528.41 square feet.

MAINE REAL ESTATE TAX PAID

Att. 24

DE 15495PG122

Bearings are True North.

Being all of the same parcel of land conveyed to William L. Blake and George M. Blake by Elias Thomas by deed dated October 19, 1981 and recorded in the Registry of Deeds for Cumberland County in Book 832, Page 33. The Grantor changed his name from W.L. Blake & Co. on December 3, 1998.

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

WITNESS:

Walter E. Webber

WLD HOLDING COMPANY

By: Joyce O. Foulin  
Joyce O. Foulin  
its Vice President

STATE OF MAINE  
COUNTY OF CUMBERLAND, ss.

May 25, 2000

Then personally appeared the above named Joyce O. Foulin, 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,

Walter E. Webber  
Attorney-at-Law  
Walter E. Webber

RECEIVED  
RECORDED REGISTRY OF DEEDS

2000 MAY 26 PM 3:59

CUMBERLAND COUNTY

John B. Allen

**ATTACHMENT B**

**Copy of Agreement to Lease**

AGREEMENT TO LEASE

THIS AGREEMENT TO LEASE (this "Agreement"), made as of November 8, 2005 (the "Effective Date"), is by and between OLYMPIA EQUITY INVESTORS IV, LLC, a Maine limited liability company with a place of business in Portland, Maine ("Landlord") and OLYMPIA EQUITY INVESTORS IV-B, LLC, a Maine limited liability company with a place of business in said Portland ("Tenant"), WHO AGREE AS FOLLOWS:

1. PRELIMINARY RECITALS. Landlord is the owner of a certain parcel of land situated in Portland, Cumberland County, Maine, as more particularly described in that certain deed to Landlord dated March 1, 1995 and recorded in the Cumberland County Registry of Deeds in Book 11905, Page 088 (the "Property"). Upon the satisfaction of certain conditions as more particularly set forth herein, Tenant desires to ground lease a portion of the Property identified on the plan attached hereto as SCHEDULE A and designated thereon as the "Premises". Tenant intends to construct upon the Premises a multi-story office/retail complex totaling approximately 66,000 square feet (the "Project").

2. AGREEMENT TO LEASE. In consideration of Tenant's undertakings and for other good and valuable consideration, the receipt and adequacy of which are hereby acknowledged, Landlord and Tenant hereby agree to enter into a Ground Lease for the Premises. The parties shall use their reasonable good faith and diligent efforts to agree upon a form of lease within ninety (90) days after the date hereof. The Lease shall include (i) the terms and conditions set forth on SCHEDULE B attached hereto and incorporated herein (the "Basic Terms"), (ii) such other terms and conditions, not inconsistent with the Basic Terms, as are customarily included in a commercial ground lease for a in-town office/retail building, subject, however, to the terms and conditions set forth in this Agreement.

3. TENANT'S LEASE CONDITIONS. This Agreement and the obligations of Landlord and Tenant hereunder are contingent upon satisfaction of the conditions described in Subsections (a) through (c) of this Section 3 (the "Lease Conditions").

(a) Environmental and Engineering Condition. During the sixty (60) day period following the execution of this Agreement (the "Inspection Period"), Tenant shall have the right, at its expense, to obtain such engineering studies, subsurface tests, test borings, geotechnical studies, water surveys, percolation tests, topographical surveys, utility surveys, sewage disposal surveys, drainage determinations, building inspections and testing, utility surveys, tests for Hazardous Materials, including asbestos tests, test pits and ground water sampling and/or monitoring wells if Tenant shall so desire, and such other tests and assessments as Tenant shall desire (collectively, "Engineering Studies") to determine whether the Premises are suitable for the construction and operation of the Project at a reasonable cost. The results of all Engineering Studies must be acceptable to Tenant, in Tenant's sole discretion. Any Engineering Studies that Tenant shall elect to undertake shall be performed at Tenant's expense. From and after the date of execution of this Agreement, Tenant, its agents, servants and authorized independent contractors shall have a right of entry onto the Premises in order to perform the Engineering Studies, provided that Tenant agrees to restore any material damage caused by such entry.



(b) Title Condition. Tenant, at its expense, shall have the right to obtain a commitment of leasehold title insurance from a title insurance company acceptable to Tenant with respect to the Premises. Tenant's obligations under this Agreement shall be contingent upon Tenant being satisfied, in its good faith judgment, that there are no liens, restrictions, encumbrances or defects in Landlord's title to the Premises. The condition set forth in this paragraph shall be deemed satisfied when Tenant shall have given Landlord written notice that Tenant has received a satisfactory title insurance commitment; provided, however, that (i) if after satisfaction of the Title Condition set forth in this subsection, Tenant shall discover any lien, restriction, defect or other encumbrance arising after the date of Tenant's title insurance commitment or not appearing in such commitment, Tenant shall be permitted to withdraw such notice and the Lease Condition set forth in this subsection shall not be deemed satisfied, and (ii) neither Tenant's obtaining such title insurance commitment nor Tenant's giving such notice shall result in a waiver by Tenant of any of Landlord's obligations, warranties, covenants or agreements under this Agreement or the Lease. If the Premises are subject to any mortgage, deed of trust or other instruments creating a lien upon the Premises that was granted or assumed by Landlord and affecting the Premises (a "Mortgage"), then promptly following the execution of this Agreement, Landlord shall commence and thereafter diligently pursue reasonable efforts to obtain a discharge or release of such Mortgage.

(c) Project Approvals Condition. Tenant's obligations under this Agreement shall be contingent upon Tenant having obtained the Project Approvals as described in Section 4 below. The condition set forth in this paragraph shall be deemed satisfied when Tenant shall have given Landlord written notice that Tenant has obtained the Project Approvals. Tenant shall be deemed to have "obtained" the Project Approvals only (i) after Tenant has obtained all necessary Project Approvals, they are not subject to any challenge or appeal and all periods within which any such challenge or appeal may be made have expired, and (ii) if said Approvals contain no conditions or requirements unacceptable to Tenant.

4. PERMITTING CONDITION. Tenant shall have a period of twelve (12) months following the date of this Agreement (the "Permitting Period") to obtain, at its sole cost and expense, all zoning changes and variances, environmental and land use permits, and all other governmental licenses, permits and approvals that shall be necessary for the construction and operation of the Project (collectively, the "Project Approvals"); provided, however, that if Tenant shall be pursuing the Project Approvals with reasonable diligence at the end of the Permitting Period, Tenant shall have the right to extend the Permitting Period for an additional period (not to exceed six (6) months) as necessary to obtain the Project Approvals. Landlord and Tenant shall use their best efforts to cooperate in any and all applications, proceedings and appeals relating to the Project Approvals.

5. CLOSING. The consummation of the transaction contemplated hereunder (the "Closing") shall take place at the office of Tenant or Tenant's counsel or in escrow through the offices of Tenant's title agent or other mutually acceptable escrow agent. The Closing shall take place on the first business day (the "Closing Date") that is at least thirty (30) days after the date Tenant obtains all of the Project Approvals as provided in Section 4, provided that all Lease

Conditions shall have been fully satisfied (or waived by Tenant in writing). On the Closing Date, Landlord shall deliver exclusive possession of the Premises to the Tenant free and clear of all liens, encumbrances, and title defects, and Landlord and Tenant shall execute and deliver the following:

- (a) Landlord and Tenant shall execute and deliver the Lease in two original counterparts.
- (b) Landlord and Tenant shall execute and deliver a Memorandum of Lease in recordable form.
- (c) Landlord and Tenant shall each deliver to the other such evidence of its existence and due authority to execute and deliver the Lease, as the other may reasonably request.
- (d) Landlord and Tenant shall each deliver such transfer tax forms, affidavits and other documents as may be customary and reasonably necessary.

6. NOTICE. All notices to be given hereunder shall be sent by registered or certified mail, return receipt requested, with postage prepaid, or by a national overnight carrier requesting acknowledgment of receipt, to the parties at the notice addresses set forth in the Lease (or to such other or additional addresses as the parties may hereafter designate by like notice similarly sent). Any notice given hereunder shall be deemed given on the date and at the time received or, if delivery is refused, the notice will be deemed given on the date of such refusal. The parties' attorneys may give notice on behalf of their clients.

7. DEFAULT. In the event either party fails or refuses to consummate the Closing in accordance with the provisions of this Agreement for any reason other than those reasons specified in this Agreement as giving rise to a right of such party to terminate this Agreement, and the other party shall have performed all of its obligations under this Agreement, then such other party may bring an action for specific performance of this Agreement and/or seek whatever other remedies may be available at law or in equity.

8. BROKERS. Tenant and Landlord each represents and warrants to the other that it has not had any dealings with any broker or finder in connection with this transaction. Each party agrees to indemnify, defend and save the other harmless from and against any and all other claims, demands or causes of action or other liability, damage, cost or expense (including, without limitation, reasonable attorneys' fees) resulting from claims by any broker or other person in connection with this transaction made by or through the indemnifying party. The provisions of this Section shall survive the Closing and/or the termination of this Agreement.

9. MISCELLANEOUS.

(a) This Agreement and the Schedules attached hereto embody the entire agreement between the parties in connection with this lease transaction and there are no oral agreements, representations or inducements existing between the parties relating to this transaction. This

Agreement may not be modified, except by a written agreement signed by all of the parties. Upon request of Tenant, Landlord agrees to execute a memorandum of this Agreement for recording in the public records.

(b) This Agreement shall be binding upon and inure to the benefit of the parties hereto, their respective heirs, legal representatives, administrators, successors, successors in interest and assigns.

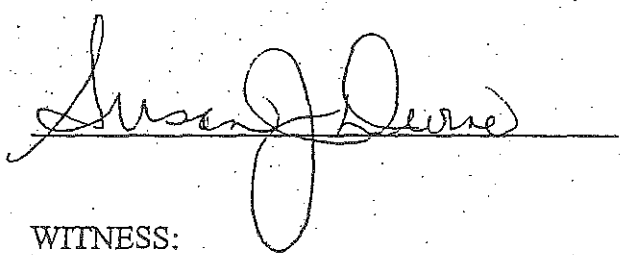
(c) No written waiver by any party at any time of any breach of any provision of this Agreement shall be deemed a waiver of a breach of any other provision herein or a consent to any subsequent breach of the same or any other provisions. If any action by any party shall require the consent or approval of another party, such consent or approval of such action on any occasion shall not be deemed a consent to or approval of such action on any subsequent occasion or a consent to or approval of any other action on the same or any subsequent occasion.

(d) This Agreement shall be governed by and interpreted in accordance with the laws of the State of Maine.

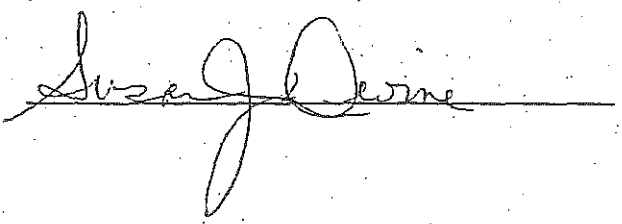
(e) This Agreement may be executed in any number of original counterparts, all of which evidence only one agreement and only one of which need be produced for any purpose.

IN WITNESS WHEREOF, the Landlord and Tenant have executed this Agreement as of the day and year first above set forth.

WITNESS:

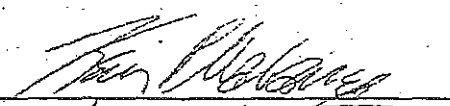


WITNESS:



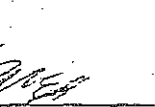
LANDLORD:

OLYMPIA EQUITY INVESTORS IV, LLC, a Maine limited liability company

By:   
Print Name: Kevin Mahaney  
Its: CEO

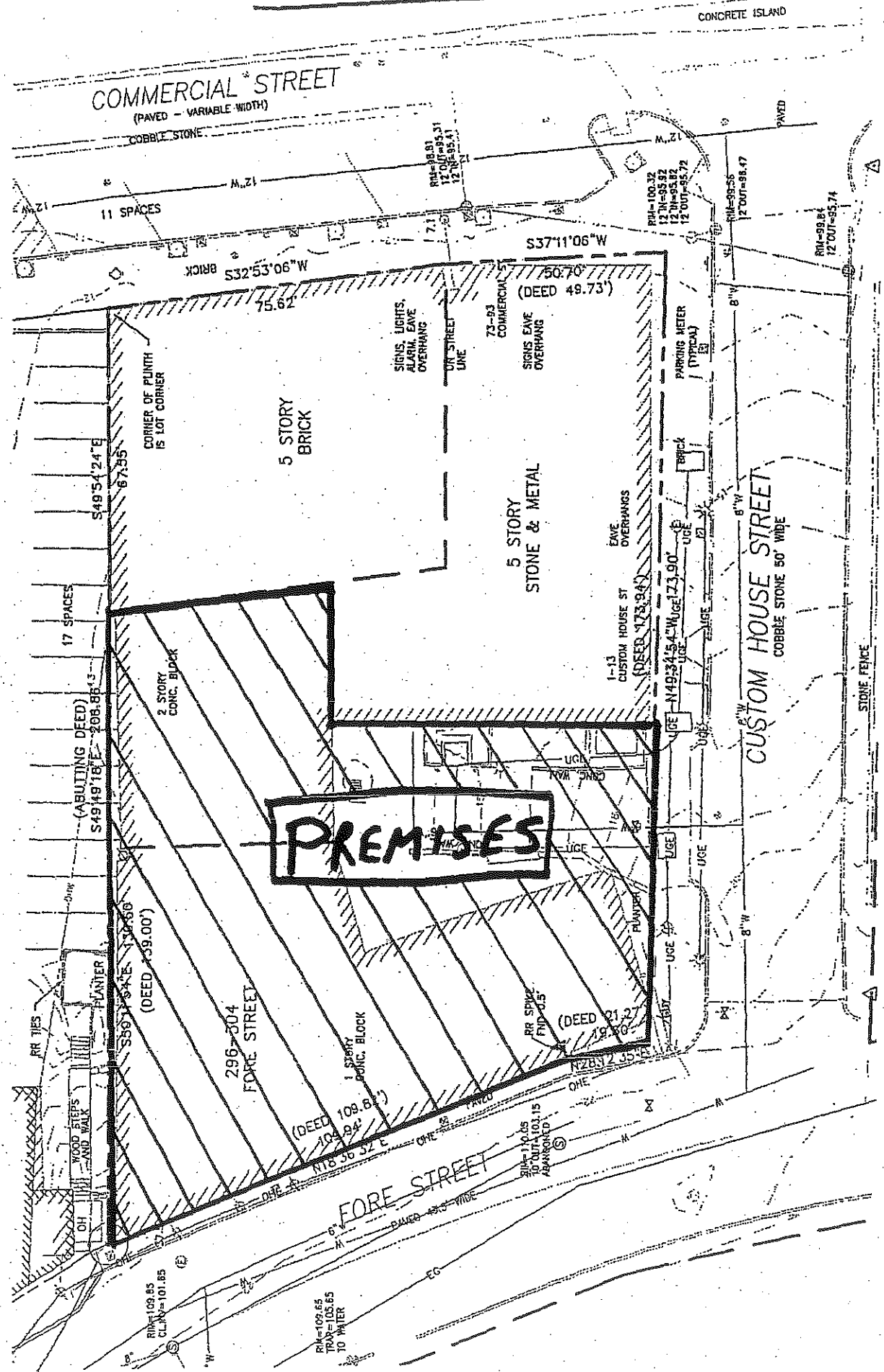
TENANT:

OLYMPIA EQUITY INVESTORS IV-B, LLC, a Maine limited liability company

By:   
Print Name: Kevin Mahaney  
Its: CEO

**SCHEDULE A**  
**PLAN OF PREMISES**

[See Attached]



**COMMERCIAL STREET**  
(PAVED - VARIABLE WIDTH)  
COBBLE STONE

CONCRETE ISLAND

11 SPACES

S32°53'06"W  
75.62

S37°11'06"W  
750.76  
(DEED 49.73')

5 STORY  
BRICK

5 STORY  
STONE & METAL

SIGNS, LIGHTS,  
ALARMS, EAVE  
OVERHANG

SIGNS EAVE  
OVERHANG

17 SPACES

(ADJUTING DEED)  
S49°49'18"E - 208.86'

2 STORY  
CONC. BLOCK

1-13  
CUSTOM HOUSE ST  
(DEED 473.94)

**PREMISES**

CUSTOM HOUSE STREET  
COBBLE STONE 50' WIDE

296-304  
FORE STREET

FORE STREET  
PAVED 43'5" WIDE

RR TIES

WOOD STEPS  
AND WALK

PLANTER

S59°34'E - 100.50'  
(DEED 39.00')

1 STORY  
CONC. BLOCK

RR SPIKE  
FIND 0.5'

(DEED 31.2)

RM-109.85  
CLIN=101.85

RM-109.65  
TRAP=105.65  
TO WATER

RM-110.05  
TO UTILITY 101.15  
ABANDONED

RM-100.32  
12 IN=95.92  
12 IN=95.82  
12 OUT=95.72

RM-99.55  
12 OUT=98.47

RM-99.86  
12 OUT=95.74

PARKING METER  
(TYPICAL)

BRICK

UCE N49°34'54"W UCE 123.90'

UCE

UCE

UCE

UCE

UCE

UCE

STONE FENCE

AH 2.12

SCHEDULE B

BASIC LEASE TERMS

1. **Purpose:** For any lawful purpose, including the development, construction, installation, operation, maintenance, repair and removal of a commercial building.

2. **Term:** The initial term of the Lease shall be ninety-nine (99) years. Tenant shall have the right to renew the Lease upon its expiration, for up to three (3) extension terms of ninety-nine (99) years each. In addition, Tenant shall have the right to terminate this Lease upon six (6) months prior written notice.

3. **Rent:** The base rent for the initial term shall be Five Hundred Thousand Dollars, which amount shall be paid in full upon the rent commencement date of the lease. Base Rent for each extension term shall be fair market value of the ground, unimproved and unencumbered by this Lease. Tenant shall be responsible for all costs associated with or arising out of the Leased Premises, including taxes and insurance.

4. **Assignment:** (a) Subject to the provisions of subsection (b) below, Tenant shall have the right to assign the Lease, provided that any such assignment shall be subject to Owner's consent, which consent shall not be unreasonably withheld, conditioned or delayed. The foregoing notwithstanding, no such consent shall be required in order for Tenant to assign this Lease to any investor or lender as collateral security or to any future assignment by such investor or lender, or any of their respective successors and assigns. Such lease shall contain standard leasehold mortgagee protection provisions.

(b) The parties acknowledge that Tenant intends to construct a building on the premises and to subject the building to a condominium regime. In connection therewith, Tenant will subject its leasehold interest in the Lease to the Condominium, whereupon it will become part of the common interest of the condominium and owned in common by the unit owners of the condominium. Upon the sale of any condominium unit, a proportionate interest in the leasehold estate shall be conveyed as an appurtenance to the unit. Landlord consents to such condominium regime and agrees to execute the condominium declaration evidencing such consent, whereupon there shall be no restrictions upon the assignability of the Lease.

5. **Default and Remedies:** The Lease shall contain agreed upon default provisions. Notwithstanding such provisions, or any default by Tenant or the condominium owners, the Lease shall not be terminable. Landlord's only remedy in the event of default shall be to sue for specific performance, or to exercise self help, as set forth more fully in the Lease.

EXHIBIT 3

FINANCIAL CAPACITY

**3.0** Overview

TDBanknorth has prepared a letter of the applicant's ability to finance the project. A copy of the bank letter is included in Attachment A of this Exhibit.

**ATTACHMENT A**

**Letter from TD Banknorth**





**Banknorth**

Att. 33

TD Banknorth, N.A.  
One Portland Square  
P.O.Box 9540  
Portland, ME 04112-9540  
T: 207 761-8500  
Toll Free: 800 462-3666  
TDBanknorth.com

October 6, 2005

Lee Lowry  
Planning Board  
City of Portland  
c/o Olympia Equity Investors  
280 Fore Street, Suite 202  
Portland, ME 04101

Re: Kevin Mahaney/Olympia Equity Investors IV B/Custom House Square

To Whom It May Concern:

This letter will confirm that, based on our preliminary due diligence and subject to our standard underwriting requirements, Kevin Mahaney/Olympia Equity Investors IV B/ Custom House Square, will have the financial capacity to complete the proposed development of a class A office building and the accompanying parking at 300 Fore Street, Portland, Maine. Please call me at 207-761-8783, should you have any questions.

Very truly yours,

Lawrence A. Wold  
Senior Vice President

AH. 4

**EXHIBIT 4**

**TECHNICAL ABILITY**

**4.0 Overview**

The applicant has contracted the site development design work to DeLuca-Hoffman Associates, Inc., a civil engineering firm located in South Portland, Maine. DeLuca-Hoffman Associates, Inc. was founded in 1986 and has provided engineering services to private, industrial, commercial, municipal and governmental clients for the past 19 years.

PCI Architecture has been retained to complete the architectural designs; a final Contractor for the building construction has not yet been determined.

OEI IV-B, the developer of the project, is affiliated with the Olympia Development Company and the family of Olympia Companies, which have been recognized for successfully completing similar projects of this nature in the City of Portland. Examples of the projects include:

**W.L. Blake Building Historic Renovation**

42,000 Square Foot Renovation & 25,000 Square Foot Expansion

**280 Fore Street**

115,000 Square Foot Office Building

**Hilton Garden Inn**

Downtown 120-room Hotel

**50 Sewall Street Medical Office Building**

40,000 Square Foot Medical Office Building

AA 5.

EXHIBIT 5

UNUSUAL NATURAL AREAS, WILDLIFE AND FISHERIES  
HABITATS OR ARCHAEOLOGICAL SITES

5.0 Overview

The existing project site is currently completely developed and due to its current configuration and urban setting is devoid of any unusual natural areas, wildlife habitats or archaeological features.

Att. 6.1

## EXHIBIT 6

### REVIEW CRITERIA

#### City of Portland, Maine Standards Requirements for Site Approval

##### **6.1 Provisions for Traffic and Pedestrian Circulation Both On and Off The Site**

The development proposal includes the construction of a new building and extensive sidewalk reconstruction along Fore Street. Pedestrian circulation will be addressed by new brick sidewalks along the building edges.

A Traffic Movement Permit will be required as part of the associated development. A formal submittal will be provided under separate cover and is anticipated to be acted upon in a concurrent timeline as the site plan review. Refer to the Traffic Movement Permit Application which accompanies this application.

##### **6.2 Construction of New Structures and Parking Requirements**

The proposed building construction will total approximately 68,836 square feet. OEI IV-B intends to procure necessary parking through leasing spaces. Attachment F of this exhibit includes an option to lease the necessary parking spaces.

##### **6.3 Impact of Bulk, Location or Height of Proposed Buildings and Structures on the Neighbors**

The building will be located along the corner of Fore Street and Custom House Street. Surrounding development includes the US Custom House, the renovated W.L. Blake building and the Fore Street restaurant. The Zoning Administrator has performed a review of the proposed project, which is included in Attachment G. The proposed building façade has been reviewed with and endorsed by the Historic Preservation Board (see Attachment D).

##### **6.4 Impact on Value of Neighboring Property Due to Proposed Buildings**

The proposed building will be similar in character to the abutting structure and should not negatively affect the values of adjacent structures. The proposed project is located in the B-3 zone in which office buildings are a permitted use. The proposed building is directly adjacent to the W. L. Blake Building expansion and will have distinctly similar façade and fenestration. The next adjacent building is the Fore Street restaurant. The restaurant is set back approximately 18 feet from the proposed building. The value of abutting properties will be enhanced by the sidewalk, curbing and street lighting improvements between 280 – 300 Fore Street.

##### **6.5 Effect of Proposed Project on Public Utilities**

The proposed project will not adversely affect the public utilities of the City of Portland. The proposed project will not substantially introduce additional flows to the sewer and storm drain systems. A request for an "Ability to Serve" letter was sent to the City of Portland Department of Public Works for the increased flows due to the building construction. Copies of this letter of request and the response from Portland Public Works are included in Attachment B of this Exhibit.

A request for an "Ability to Serve" letter was sent to the Portland Water District for the increased flows due to the building construction. A response has been received, a copy of which is included as part of Attachment C of this Exhibit.

It is anticipated that all other utilities to the site will not be adversely affected by the proposed project. Central Maine Power is currently reviewing various options for potential relocation of electrical service and has indicated it has adequate facilities to accommodate the proposed development.

**6.6 On-site Landscaping To Provide A Buffer With Neighboring Uses**

Given the density of development and highly urbanized zoning, no landscaping is proposed to buffer the neighboring uses. Further discussion with CMP has identified the presence of a 16-way concrete-encased duct bank along the proposed curblin, which would preclude planting of street trees. In addition, the Fore Street side of the building is along the north side of the building and not ideal for planting of street trees. Placement of street trees further away from the concrete-encased duct bank would interrupt sidewalk plowing operations and encroach upon pedestrian movement within the Pedestrian Activities District.

**6.7 The Site Plan Minimizes, To The Extent Feasible, Any Disturbance or Destruction of Significant Vegetation**

This provision is not applicable, as the site does not contain any significant vegetation.

**6.8 Site Plan Does Not Create Any Significant Soil or Drainage Problems**

The existing site is currently completely impervious and will remain so upon completion of the development, though certain areas of asphalt will be transformed to building. This will not create any significant soil or drainage problems.

**6.9 Provision of Appropriate Exterior Lighting**

The planned additional exterior lighting will not be hazardous to motorists traveling on adjacent streets, due to the setback of the development from these streets. The lighting proposed will be limited to pedestrian level street lighting along Fore Street only.

**6.10 The Development Will Not Create Fire or Other Safety Hazards and Provides Adequate Access to the Site and to the Buildings on the Site for Emergency Vehicles**

Although the horizontal alignment of Fore Street will be shifted slightly to accommodate the widened sidewalks, the vehicular access along the roadway network will not be altered and therefore, will not create any fire or safety hazards. Since the building envelope will encompass the entire site and the building will be proximately located to Fore Street and Custom House Street, adequate access will not be an issue.

**6.11 The Proposed Development is Designed So As To Be Consistent with Off-Premises Infrastructure, Existing or Planned by the City of Portland**

The project will not generate any increases to stormwater runoff and therefore will not impact the capacity of the City of Portland combined sewer system.

**6.12 Pertaining to Industrial Development**

N/A

**6.13 Pertaining to Development in R-P Zone**

N/A

**6.14 Pertaining to Planned Unit Developments**

N/A

**6.15 Pertaining to Multi-Family Developments**

N/A

**6.16 Pertaining to Development in B-3 Zone**

The proposed development is consistent with the zoning identified in the B-3 zone and does not conflict with the Bulk & Space or dimensional requirements of this zone, with the exception of the street build-to line provision. The proposed building will be sited approximately 8.35 feet at its further point along the intersection of Custom House Street and Fore Street. This does not meet the street build-to limitation, though this occurs for a very isolated portion of the site and is due to an irregularity in the geometry of the Fore Street right-of-way.

Section 14-220(c) provides a standard for 5-foot maximum setback for the street build-to line, although the Planning Board has the ability to waive this standard in lieu of an alternate dimension provided the requirements of Article V – Site Plan, Standards, Section 14-526 16(a) are met. This proposed development meets the provisions of paragraph 16 of Section 526. Further, subsection 2 of paragraph 16 provides the following:

*"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 proposed development as designed will meet the criteria of a-d. The location of the 3.35-foot extension of the setback is at a street corner where pedestrian traffic is likely to both turn the corner from Fore Street onto Custom House Street as well as cross Custom House Street. While the building location is more driven by the spatial dimension of the parcel, the irregularity of the Fore Street right-of-way in the location allows for the construction of a wider sidewalk, which will promote safe pedestrian access and avoid congestion, per the request of the Board. Additionally, the Historic Preservation Committee had requested the building be set back so as to not interfere with the view of the Custom House Building.

**6.17 The Applicant Has Submitted All Information Required By This Article and the Development Complies with all Applicable Provisions of this Code**

The application compiled, addresses all provisions noted in this code to the best of our knowledge.

**6.18 Proximity To Any Landmark, Historic District or Historic Landscape District**

The proposed structure is a direct abutter the US Custom House, though no development restrictions adjacent to this landmark are in place. The proposed building has been reviewed and endorsed by the Historic Preservation Committee.

**6.19 Pertaining to View Corridors**

The building is set back from Fore Street in such a way as to not obstruct the view of the Custom House building, as requested by the Historic Preservation Committee.

**6.20 No Adverse Effect on Existing Natural Resources**

No adverse effect on existing natural resources is anticipated from the proposed development.

**6.21 Pertaining to Discharge to a Significant Groundwater Aquifer**

According to the Portland quadrangle map of the Maine Geological Survey, there is no significant aquifer in the vicinity of the project location.

**6.22 Pertaining to Signs**

Signage is proposed for the new development. All provisions in regards to signage have been addressed according to the City code. The building occupant will be applying for a sign permit separate from this application.

**6.23 Pertaining to Denial of Sign Under Exhibit 14-369.5**

N/A

**6.24 Pertaining to Major or Minor Businesses**

N/A

**6.25 Pertaining to Development in Industrial Zones**

N/A

**6.26 Pertaining to Development in B-5 and B-5b Zones**

N/A



AA.7.1

**ATTACHMENT A**

**Parking Management Plan  
Memorandum from Gorrill-Palmer**

Memorandum

**To:** Tim Levine  
Olympia Equity Investors IVB, LLC

**Project:** Proposed Office/Restaurant – Custom House Square – Portland, ME  
Shared Parking Generation

**From:** Thomas L. Gorrill, P.E., PTOE, Gorrill-Palmer Consulting Engineers, Inc.

**Project Number:** 1317

**Date:** January 5, 2006

Our office completed a parking evaluation for the proposed commercial building on the corner of Fore Street and Custom House Street in Portland, Maine. The site is proposed to contain a 68,174 s.f. building, consisting of 58,114 s.f. of office space and two 5,030 s.f. restaurants. The City of Portland has zoning requirements for parking spaces for various types of uses. According to these zoning requirements, the proposed commercial building is required to provide 214 off-street parking spaces, as summarized below.

<u>Land Use</u>	<u>Zoning Requirement</u>	<u>Parking Spaces Required</u>
10,060 s.f. Restaurant	P = 1 per 150 s.f.	68 spaces
58,114 s.f. Office	P = 1 per 400 s.f.	146 spaces
<b>Total</b>		<b>214 spaces</b>

It is our understanding that the Council On International Education Exchange (CIEE) will own all but the ground floor of the project. Our office obtained employee information from CIEE, which suggests the parking demand for the proposed building will be much lower than that required by the ordinance. During the summer months, CIEE has approximately 150 employees. Of these, at least 20 employees are J-1 visa students who work in the U.S. for 4 months during summer holidays. These students will live in the East and West End, and will walk or use transit. None of these students are anticipated to own a vehicle. Therefore, no more than 130 employees are anticipated to own a vehicle. An additional 15% of the employees are anticipated to live in Portland and may also walk to work on fair weather days. Therefore, approximately 111 employees are anticipated to drive to work on a daily basis. Additionally, approximately 15% of CIEE's employees travel as part of their job, which results in 10-15 employees being out of the office and on the road on a daily basis. To be conservative, our office assumed 120 parking spaces would be required to accommodate employees of CIEE. This would reduce the total parking requirement for the site to 178 parking spaces.

The City does allow determination of "shared parking" in recognition of daily, hourly and seasonal variation in parking demand for the different types of uses. The ITE publication *Parking Generation*,

3<sup>rd</sup> Edition provides a table depicting the percentage of the peak hour parking demand generated each hour of the day for several land uses as shown in the attached Table 1. This information was used to prepare an estimate of the hourly demand for each use and the hourly demand for the entire site as shown in the attached Table 2. As shown in Table 1, restaurants experience the heaviest parking demand in the evening when the office would be closed. However, retail experiences its peak demand in the middle of the day. Therefore, our office performed an analysis of the parking demand using retail and restaurant for the two proposed restaurants. The results of the analyses are included in the table below.

**Parking Generation Summary**

Use	Portland Zoning Parking Requirement		Mid-day Parking Demand (2-3 PM)
	Ordinance	Spaces	
Office	Based on CIEE employee info.	120 spaces	116 spaces
Retail	P = 1 space per 200 s.f.	51 spaces	49 spaces
Restaurant	P = 1 space per 150 s.f.	68 spaces	41 spaces

As shown in the table above, the mid-day parking demand for retail is higher than the mid-day demand for a restaurant. Therefore, our office assumed the two restaurants would be a retail use in order to be conservative. As shown in Table 2 attached, a peak parking demand of 165 spaces is forecast to be experienced by the proposed development and is anticipated to occur from 2-3 PM based on published data. However, given that the restaurants will be complimentary uses to the office, drawing tenants and their visitors and clients, and is located adjacent to the Old Port, our office anticipates the majority of the retail traffic will be drawn from these areas and will not generate a demand for new parking. Thus, for the purpose of this analysis, we have assumed the retail uses will generate sixty percent of the published estimate, reducing the demand to 145 spaces. After 5:00 PM, when the office is closed, the parking demand will be reduced to 104 parking spaces. The parking demand for the office space is not anticipated to experience a significant seasonal fluctuation component. Therefore, the peak parking demand of the entire site would occur in the summer time when the restaurant experiences its highest demand.

In summary, our office recommends a total of 145 parking spaces be provided for the proposed commercial building. It is our understanding that should CIEE sell or lease the building or any portion thereof, the applicant will be required to return to the planning board for approval of parking supply.

Please contact us with any questions.

Att. 7.4

**ATTACHMENT F**

**Parking Intent**

**(Fully executed document to follow)**

PARKING OPTION AGREEMENT

✓ 7824  
AH, 7.5

THIS PARKING OPTION AGREEMENT (this "Agreement"), made as of February 13, 2006, by and between RIVERWALK, LLC ("Riverwalk"), and/or affiliated assigns, a Maine limited liability company, having an address at 2 Market Street, Suite 500, Portland, Maine 04101, and OLYMPIA EQUITY INVESTORS IV, LLC ("OEI"), and/or affiliated assigns, a Maine limited liability company, having an address at 280 Fore Street, Suite 202, Portland, Maine 04101.

WITNESSETH:

WHEREAS, Riverwalk owns various parking lots in or about India Street in Portland, Maine and desires to construct a structured parking facility thereon (said lots and said potential future parking facility being collectively referred to as the "Parking Lots"); and

WHEREAS, OEI owns property in Portland, Maine, which is identified on the official tax map for the City of Portland as Chart 29, Block K, Lot 1, and which is commonly known as 7 Custom House Street; and

WHEREAS, OEI desires to construct a commercial condominium building and other related improvements on a portion of said property (said building and other related improvements being hereinafter collectively referred to as the "Project"); and

WHEREAS, In connection with the Project, OEI desires to obtain an option from Riverwalk to license no less than one hundred and twenty five spaces (125) and up to one hundred forty-five (145) parking spaces on the Parking Lots for use by the owners/tenants of the Project; and

WHEREAS, Riverwalk desires to grant to OEI an option to license said parking spaces from Riverwalk on the terms and conditions set forth in this Option;

NOW, THEREFORE, in consideration for the sum of One Thousand Dollars (\$1,000.00) and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged by Riverwalk, Riverwalk and OEI agree as follows:

1. Riverwalk hereby grants to OEI, and to its successors and assigns, an option to license no less than one hundred and twenty five spaces (125) and up to one hundred forty-five (145) parking spaces on the Parking Lots on the terms and conditions set forth in this Agreement (the "Option").

2. The term of this Agreement shall commence on the date of this Agreement (the "Effective Date") and shall expire on October 31, 2007, subject to the provisions of the next succeeding sentence. OEI shall have the right to extend the original term of this Agreement by two additional months to December 31, 2007 by notice given to Riverwalk on or before October 31, 2007. For the purposes of this Agreement, the original term, as the same may be extended, is hereinafter referred to as the "Option Term."

3. (a) (i) OEI shall have the right, at its sole discretion, to exercise the Option by notice given to Riverwalk at any time during the Option Term; said notice shall state that OEI has elected to exercise the Option and shall designate the number of parking spaces (not to be less than 125 nor exceed 145) that OEI desires to license. Upon the giving of such notice,

Att 7.6

Riverwalk agrees to license to OEI the number of designated parking spaces on the terms set forth in Paragraph 4 below.

(ii) If the number of parking spaces designated in OEI's notice is less than one hundred forty-five (145), then OEI shall have the right, at its sole discretion, to license all or any portion of the Remaining Spaces (as herein defined) from time to time by notice given to Riverwalk at any time prior to expiration of the Parking Term (as defined in Paragraph 4(a)) on the same terms and conditions as set forth in Paragraph 4, except that the term of any such license or licenses shall expire as of the expiration of the Parking Term.

(iii) For the purposes of this Agreement, the term "Designated Spaces" shall mean the parking spaces designated by OEI in the notice given pursuant to clause (i) of this Paragraph 3(a), plus the parking spaces designated by OEI in any subsequent notice or notices given pursuant to clause (ii) of this Paragraph 3(a), and the term "Remaining Spaces" shall mean the parking spaces available to license from time to time after deducting the aggregate Designated Spaces from the original one hundred forty-five (145) parking spaces.

(b) Notwithstanding anything to the contrary contained in this Agreement, OEI shall have the right to terminate this Option Agreement at any time during the Option Term for any reason or for no reason by notice given to Riverwalk. In such event, this Option Agreement shall be deemed terminated and of no further force or effect as of the date on which Riverwalk receives said termination notice, and neither party shall have any further obligations or liabilities under this Agreement.

4. (a) If OEI exercises the Option, OEI shall have the right to license the Designated Spaces for five (5) years, commencing on the later to occur of (i) the first (1<sup>st</sup>) business day after Riverwalk's receipt of OEI's notice under clause (i) of Paragraph 3(a) or (ii) the date on which the first closing of a condominium unit in the Project occurs (such later date being hereinafter referred to as the "Commencement Date"), and expiring on the last day of the calendar month in which the fifth (5<sup>th</sup>) anniversary of the Commencement Date occurs (the "Parking Term").

(b) The monthly license fee during the Parking Term for the Designated Spaces shall be equal to the product of (i) the number of Designated Spaces licensed to OEI from time to time, multiplied by (ii) an amount which is equal to the Average Monthly Parking Rate of the Parking Lots, Custom House Parking Garage and Casco Bay Ferry Terminal Parking Garage. OEI shall pay said fee to Riverwalk on or before the fifth (5<sup>th</sup>) day of each calendar month, subject, however, to the provisions of Paragraph 4(c). The Average Monthly Parking Rate shall be set at the commencement of the Parking Term and shall be reset on July 1<sup>st</sup> of each year of the Parking Term.

(c) OEI shall have the right to allocate the Designated Spaces among the various condominium units of the Project. In such event, OEI shall have the right to request that Riverwalk enter into direct license agreements with the condominium unit owners and/or the tenants of such condominium units for their respective share of the Designated Spaces; said direct license agreements shall be for the balance of the Parking Term and shall be for the same Average Monthly Parking Rate per Designated Space. From and after the execution of said direct license agreements, Riverwalk acknowledges and agrees that OEI shall have no further obligations with respect to the Designated Spaces covered by the direct license agreements, and Riverwalk shall look solely to said condominium owners and/or tenants for payment of the monthly license fees with respect to their respective Designated Spaces.

Att. 2.7

5. All notices and other communications required or permitted under this Agreement shall be in writing and shall be given by certified mail, return receipt requested, or by nationally recognized overnight delivery service. Any such notice shall be deemed to be delivered upon (i) the date of actual receipt or (ii) if actual receipt is denied, the date on which receipt is denied. Any notice shall be addressed as follows: if to Riverwalk, to 2 Market Street, Suite 500, Portland Me 04101, to the attention of Drew Swenson; and if to OEI, to 280 Fore Street, Suite 202, Portland, Maine 04101 to the attention of Kevin Mahaney. Any party may change the address to which its future notices shall be sent by notice given as above, provided that change shall be effective only upon receipt.

6. This Agreement shall be binding upon and shall inure to the benefit of Riverwalk and OEI and their respective successors and assigns.

7. This Agreement shall be governed by the laws of the State of Maine.

IN WITNESS WHEREOF, the undersigned have executed this Agreement as of the Effective Date.

RIVERWALK, LLC

OLYMPIA EQUITY INVESTORS, IV, LLC

By: \_\_\_\_\_  
Name:  
Title:

By: *Kevin Mahaney*  
By: OEI Mgt Corp  
Name: Kevin P Mahaney  
Title: President

**ATTACHMENT B**

**Letter Requesting Ability to Serve  
Sent to Portland Public Works**

**Letter from Portland Public Works**





DeLUCA-HOFFMAN ASSOCIATES, INC.  
CONSULTING ENGINEERS

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

AH.8.2

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

October 26, 2005

Mr. Frank Brancely  
City of Portland  
55 Portland Street  
Portland, Maine 04101

**Subject: Proposed Office Building  
Fore Street, Portland, Maine  
Letter of Ability to Serve**

Dear Frank:

DeLuca-Hoffman Associates, Inc. has been retained to prepare plans and permit applications/submissions for a proposed 65,000 square foot office building. As required by the reviewing authorities, we are writing to request a letter indicating the ability of the City of Portland to provide sanitary sewer capacity for the project.

#### Project Overview

The project will be located at the corner of Fore Street and Custom House Street.

#### Sanitary Sewer Service

Sanitary service for the project is proposed to be provided by connection to the existing sewer main in Fore Street. An 8-inch sewer line from that main will serve the proposed building.

#### Water Consumption

The proposed building is intended to be leased as office space, though tenant occupancy has yet to be finalized. Multiple tenants are anticipated and the exact water consumption that will occur is uncertain. It is anticipated between 150 and 200 employees may work in the office. Assuming a water usage rate of fifteen gallons per day per employee, this equates to approximately 2,250 to 3,000 gallons per day of sanitary sewerage from the proposed development. It is expected that the sanitary sewer component will be equivalent to the water usage and no water will be recycled.

Mr. Frank Brancely  
October 26, 2005  
Page 2

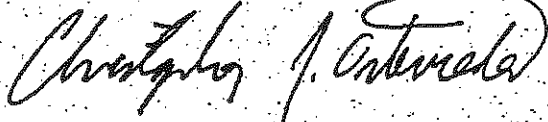
Letter of Ability to Serve

DeLuca-Hoffman Associates, Inc. is presently preparing design review submissions for City of Portland Site Plan Approval. Accordingly, we are requesting a letter from the City of Portland indicating the adequacy of the existing sanitary sewer infrastructure to serve this project.

Please contact our office with any questions you may have concerning this letter and request for ability to serve. We would like to include your letter of ability to serve with this submission. We appreciate your assistance in this matter and look forward to your response.

Sincerely,

DeLUCA-HOFFMAN ASSOCIATES, INC.



Christopher J. Osterrieder, P.E.  
Senior Engineer

CJO/sq/JN2581/Brancely-10-26-05

Enclosure

c: Matt Wirth, PCI Architecture  
Tim Levine, Olympia Equity Investors, Inc.



# PORTLAND MAINE

(2581/43)

Att. 8.4

Strengthening a Remarkable City, Building a Community for Life <sup>®</sup> [www.portlandmaine.gov](http://www.portlandmaine.gov)

Public Works Department  
Michael J. Bobinsky, Director

23 November 2005

Mr. Christopher J. Osterrieder, P.E.  
DeLuca-Hoffman Associates  
77 Main Street, Suite 8,  
South Portland, Maine 04106.

**RE: The Capacity to Handle an Anticipated Increase in Wastewater Flows,  
from the Proposed Custom House Square Office Building, at 300 Fore Street, Portland, Maine.**

Dear Mr. Osterrieder:

The existing fifteen inch diameter, vitrified clay sanitary sewer pipe, located in Fore Street has adequate capacity to transport, while The Portland Water District sewage treatment facilities, located off Marginal Way, have adequate capacity to treat the anticipated wastewater flows of 4,875 GPD, from your proposed Office Building.

<b>Anticipated Wastewater Flows from the Proposed Office Building:</b>	
One Proposed 65,000 S.F. Office Building / 1000 x 5 x 15	= 4,875 GPD
<b>Total Proposed Increase in Wastewater Flows for this Project</b>	<b>= 4,875 GPD</b>

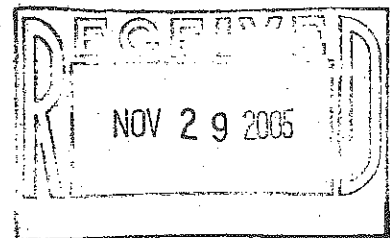
The City combined sewer overflow (C.S.O.) abatement consent agreement, with the U.S.E.P.A. and the Maine D.E.P., requires C.S.O. abatement, as well as storm water mitigation, in order to offset any increase in sanitary flows, from all projects.

If The City can be of further assistance, please call 874-8832.

Sincerely,  
CITY OF PORTLAND  
*Frank Brancely*  
Frank J. Brancely, B.A. M.A.  
Senior Engineering Technician

FJB/cmm

- cc: Alexander Q. Jaegerman, Acting Co-Director, Department of Planning, and Urban Development, City of Portland
- William B. Needleman, Planner, Department of Planning; and Urban Development, City of Portland
- Eric Labelle, P.E., City Engineer, City of Portland
- Bradley A. Roland, P.E., Environmental Projects Engineer, City of Portland
- Stephen K. Harris, Assistant Engineer, City of Portland
- Jane Ward, Administrative Assistant, City of Portland
- Desk file



Att. 8.5

**ATTACHMENT C**

**Letter Requesting Ability to Serve  
Sent to Portland Water District**

**Letter from Portland Water District**



DeLUCA-HOFFMAN ASSOCIATES, INC.  
CONSULTING ENGINEERS

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

- Att. 8.6
- SITE PLANNING AND DESIGN
  - ROADWAY DESIGN
  - ENVIRONMENTAL ENGINEERING
  - PERMITTING
  - AIRPORT ENGINEERING
  - CONSTRUCTION ADMINISTRATION
  - TRAFFIC STUDIES AND MANAGEMENT

October 26, 2005

Mr. Dave Coffin  
Portland Water District  
225 Douglass Street  
P.O. Box 3553  
Portland, Maine 04104-3553

**Subject: Proposed Office Building  
300 Fore Street, Portland, Maine  
Letter of Ability to Serve**

Dear Dave:

DeLuca-Hoffman Associates, Inc. has been retained to prepare plans and permit applications/submissions for a proposed 65,000 square foot office building. As required by the reviewing authorities, we are writing to request a letter indicating the ability of the Portland Water District to serve the project.

#### Project Overview

The project will be located at the corner of Fore Street and Custom House Street.

#### Water Supply Service

Water supply service for the project is proposed to be provided by connection to the existing main in Fore Street.

#### Water Consumption

The proposed building is intended to be leased as office space, though tenant occupancy has yet to be finalized. Multiple tenants are anticipated and it is uncertain as to the exact water consumption that will occur. It is anticipated that between 150 and 200 employees may work in the office. Assuming a water usage rate of fifteen gallons per day per employee, this equates to approximately 2,250 to 3,000 gallons per day for the proposed development.

Mr. Dave Coffin  
October 26, 2005  
Page 2

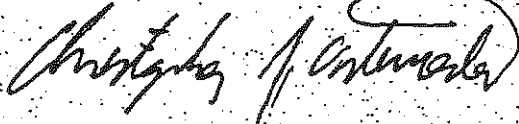
Letter of Ability to Serve

DeLuca-Hoffman Associates, Inc. is presently preparing design review submissions for City of Portland Site Plan Approval. Accordingly, we are requesting a letter from the District indicating the adequacy of the existing off-site water supply infrastructure to serve this project, and a copy of any new construction specifications that the District requires.

Please contact our office with any questions you may have concerning this letter and request for ability to serve. We would like to include your letter of ability to serve with this submission. We appreciate your assistance in this matter and look forward to your response.

Sincerely,

DeLUCA-HOFFMAN ASSOCIATES, INC.



Christopher J. Osterrieder, P.E.  
Senior Engineer

CJO/sq/JN2581/Coffin-10-26-05

Enclosure

c: Matt Wirth, PCI Architecture  
Tim Levine, Olympia Equity Investors, Inc.



2581  
Att. O.B. 93

**Portland Water District**  
FROM SEBAGO LAKE TO CASCO BAY

October 27, 2005

Mr. Christopher J. Osterrieder, P.E.  
DeLuca-Hoffman Assoc., Inc.  
778 Main Street  
So. Portland, Maine 04106

Re: 300 Fore St, Portland

Dear Sir:

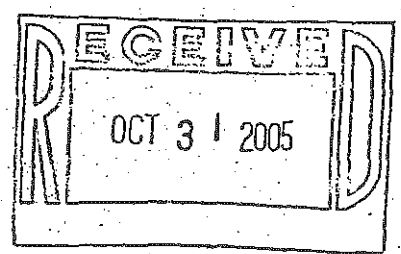
The Portland Water District has a 6" water main in Fore Street and an 8" water main in Custom House Street, Portland, near the proposed site. The water main connects to Franklin Street, runs down Fore Street dead ending at Custom House Street than proceeds down Custom House Street to Commercial Street. A test on a nearby hydrant produced the following results: static pressure 89 psi; pito pressure 47 psi; with a flow of 1150 gpm. With these results in mind, the District feels we have sufficient capacity available to serve this proposed project and meet all normal fire protection and domestic water service demands. **Please notify your plumber of these results so that they can design your system to best fit the available pressure.**

The Districts policy is to have separate fire and domestic services from the water main to the street line and a second valve on the fire service if the water main in the street is over 50 years old (Fore and Custom House are older than 50 years). With certification by the developer that all required permits have been received, we look forward to serving this project.

Sincerely,

PORTLAND WATER DISTRICT

*David Coffin*  
David W. Coffin, PLS  
Engineering Supervisor



CITY OF PORTLAND, MAINE  
HISTORIC PRESERVATION BOARD

119

Cordelia Pitman, Chair  
John Turk, Vice Chair  
Marc Belanger  
Kimberley Geyer  
Edward Hobler  
Steve Sewall  
Susan Wroth

June 15, 2005

Jim Brady  
Olympia Equity Investors Inc.  
50 Monument Square  
Portland, Maine 04101

Re: Proposed Addition to Blake Block Complex—corner of Fore and Custom House Streets

Dear Mr. Brady:

On June 1, 2005, the City of Portland's Historic Preservation Board voted 6-0 (Pitman absent) to approve your application for a Certificate of Appropriateness for a building addition to the existing Blake Block complex, to be located at the corner of Fore and Custom House Streets.

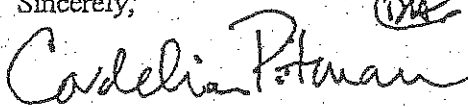
Board approval was made subject to the following condition:

- Final plans and specifications for HVAC equipment, lighting and building and/or tenant signage to be submitted to staff for review and approval. At staff's discretion, these items may be forwarded to the Board for review.

All improvements shall be carried out as shown on the plans and specifications submitted for the 6/1/05 public hearing and/or as described above. Changes to the approved plans and specifications and any additional work that may be undertaken must be reviewed and approved by this office prior to construction, alteration, or demolition. If, during the course of completing the approved work, conditions are encountered which prevent completing the approved work, or which require additional or alternative work, you must apply for and receive a Certificate of Appropriateness or Non-Applicability PRIOR to undertaking additional or alternative work.

This Certificate is granted upon condition that the work authorized herein is commenced within twelve (12) months after the date of issuance. If the work authorized by this Certificate is not commenced within twelve (12) months after the date of issuance or if such work is suspended in significant part for a period of one year after the time the work is commenced, such Certificate shall expire and be of no further effect; provided that, for cause, one or more extensions of time for periods not exceeding ninety (90) days each may be allowed in writing by the Department.

Sincerely,



Cordelia Pitman, Chair  
Historic Preservation Board

cc: Tim Levine, Olympia Equity ✓  
David Lloyd, Archetype



AH. 10.1

**ATTACHMENT E**

**Geotechnical Report by S. W. Cole Engineering, Inc.**

Att. 10.2

**GEOTECHNICAL ENGINEERING SERVICES  
PROPOSED CUSTOM HOUSE SQUARE BUILDING  
(W. L. BLAKE ADDITION #2)  
CUSTOM HOUSE AND FORE STREETS  
PORTLAND, MAINE**

**05-0079      February 1, 2006**

**Prepared for:**  
OEI IVb, LLC  
Olympia Equity Investors  
Attn: Mr. Tim Levine  
280 Fore Street, Suite 202  
Portland, Maine 04101

**Prepared by:**



286 Portland Road  
Gray, Maine 04039

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Attachment A	Limitations
Sheet 1	Exploration Location Plan
Sheets 2 through 6	Boring Logs
Sheets 7 and 8	Rock Core Logs
Sheet 9	Key to Notes and Symbols used on Logs
Appendix A	Previous Test Boring (2000)

Att. 10.4

05-0079

February 1, 2006

OEI IVb, LLC  
Olympia Equity Investors  
Attention: Mr. Tim Levine  
280 Fore Street, Suite 202  
Portland, Maine 04101

Subject: Geotechnical Engineering Services  
Proposed Custom House Square Building  
(W.L. Blake Building Addition #2)  
Custom House and Fore Streets  
Portland, Maine

Dear Mr. Levine:

In accordance with our Proposal dated January 28, 2005, we have made a subsurface investigation and geotechnical evaluation at the above referenced site. We received authorization to proceed on September 12, 2005. A draft report was provided for your review and comment on November 4, 2005. This report summarizes our findings and geotechnical recommendations and its contents are subject to the limitations set forth in Attachment A.

## **1.0 INTRODUCTION**

### **1.1 Scope of Work**

The purpose of our work was to obtain subsurface information in order to develop geotechnical recommendations for foundations associated with the proposed construction. Our scope included interior and exterior test boring explorations, a review of subsurface information obtained during a previous building addition, a geotechnical evaluation of the subsurface findings relative to the proposed construction and preparation of this report.

### **1.2 Proposed Construction**

As discussed, we understand development plans call for construction of a new five-story office building on the site. We understand the building will be steel-framed with a

basement floor elevation 11.5 feet (project datum). As discussed, we anticipate the building will be founded on pile-supported foundations. Detailed structural loading information is not available at the time of this report.

## **2.0 EXPLORATION AND TESTING**

### **2.1 Exploration**

Five test borings (B-201 through B-205) were made at the site on October 25 and 26, 2005. The test borings were made by Northern Test Boring of Gorham, Maine working under subcontract to S. W. COLE ENGINEERING, INC. The exploration locations were selected and established by S. W. COLE ENGINEERING, INC. based upon site access limitations, underground utility constraints and our understanding of the proposed construction. The approximate exploration locations are shown on the "Exploration Location Plan" attached as Sheet 1. Logs of explorations are attached at Sheets 2 through 6. Rock cores were obtained at test borings B-201 and B-202. Rock core logs are attached as Sheets 7 and 8. A key to the notes and symbols used on the logs is attached as Sheet 9.

Five test borings (B-1 through B-5) were made by S. W. COLE ENGINEERING, INC. for the first addition to the Blake Building in February 2000. A plan showing the locations of these test boring, as well as the logs of these test borings, are attached as Appendix A.

### **2.2 Testing**

The soils were sampled using a split spoon sampler and Standard Penetration Test (SPT) methods. SPT results are shown on the logs. Soil samples obtained from the test borings were returned to our laboratory for further visual classification.

## **3.0 SITE AND SUBSURFACE CONDITIONS**

### **3.1 Site Conditions**

The site is bounded by Fore Street (at about elevation 22) to the west, Custom House Street (elevation varies adjacent to the proposed construction from about 22 feet to 18 feet) to the south, the W.L.Blake Building to the east and the Fore Street Restaurant and a paved parking lot (at about elevation 13) to the north. Elevations are based on the project datum, as shown on the boundary and topographic survey prepared by Owen Haskell Inc.

The area proposed for the new office building is currently occupied by a one and two story masonry structure and paved loading ramp. The masonry structure has visible signs of step-cracking associated with structural distress caused by foundation settlement. The existing interior concrete slab is uneven, in relatively poor condition and shows signs of settlement related distress. The existing concrete floor is at an elevation of about 13 feet. The west wall of the existing masonry structure along Fore Street is a massive concrete retaining wall about 9 feet high.

### 3.2 Subsurface Conditions

Borings B-201 through B-203 were conducted adjacent to the large retaining wall at the edge of Fore Street. Below about 5 inches of concrete, these borings encountered 6 to 8 feet of loose dark brown to black silty sand with various amounts of brick and gravel (fill) overlying dense brown gravelly sand with some silt (native) overlying probable bedrock surfaces at about 9 to 9 ½ feet below the existing ground surface. It should be noted that an approximate 6-inch void was encountered directly below the concrete slab in boring B-202. Rock cores were obtained at borings B-201 and B-202. The rock cores indicate that the upper 3 feet of the bedrock is highly weathered and fractured with an RQD of 0%. An approximate 8-inch void was encountered within the upper 3-foot weathered zone of the bedrock at boring B-201. Below the 3-foot weathered zone, the bedrock core encountered gray Carbonaceous Pelite with an RQD of 91%.

Borings B-204 and B-205 were conducted between proposed column lines D and E (see Sheet 1), about 50 and 70 feet from the edge of Fore Street, respectively. Boring B-204 was conducted in an existing paved access drive area and B-205 was conducted inside the existing building adjacent to the northerly wall line. Boring B-204 encountered about 4.5 inches of asphalt overlying about 3 feet of medium dense base gravel overlying 2 feet of medium dense subbase gravel overlying loose dark brown to black silt and fine sand with varying amounts of brick and gravel. Boring B-205 encountered about 6 inches of concrete overlying the loose dark brown to black silty sand (fill) soils. Underlying the dark brown to black silty sand (fill), at depths of about 9 feet from the ground surface, borings B-204 and B-205 encountered very loose black silt and wood to depths of about 22 and 16 feet from the ground surface, respectively. Several buried wooden logs were encountered in these test borings with diameters estimated to range from 12 and 18 inches. The buried wood may be relic wood cribbing

or relic timber piles. The layer of buried wood and silt overlies light brown gravelly silt and sand (likely native soils) overlying refusal surfaces at depths of about 21 to 25 feet.

S. W. COLE ENGINEERING, INC. performed geotechnical explorations for the recent building addition on easterly side of the proposed construction. Borings B-3 through B-5 encountered similar conditions as B-204 and B-205. These borings encountered loose to very loose dark brown to black silty fill soils with wood and bricks to depths of 14 to 19 feet below the ground surface overlying medium dense to dense native brown silty sand with some gravel overlying refusal surfaces at depths of about 23 to 31 feet below the ground surface. Buried wood was also encountered at boring B-4.

Refer to the boring and rock core logs, attached as Sheets 2 through 8 and in Appendix A for more detailed descriptions of the subsurface findings at the exploration locations.

### **3.3 Groundwater Conditions**

At the time of drilling, groundwater was observed at depths of about 9 feet below the ground surface. After removing the casing from the explorations, the holes generally caved at about 5 to 6 feet from the ground surface with no free water within the hole. It should be noted that groundwater levels likely fluctuate in response to nearby tidal water levels.

### **3.4 Seismic and Frost Conditions**

According to IBC 2003, we interpret the subsurface conditions to correspond to a Seismic Site Class E. The design freezing index for the Portland, Maine area is approximately 1250 Fahrenheit-Degree-Days, which corresponds to a frost penetration on the order of 4.5 feet.

## **4.0 EVALUATION AND RECOMMENDATIONS**

### **4.1 General Findings**

Based on the findings at the exploration locations and our understanding of the proposed project, it is our opinion the proposed construction appears feasible from a geotechnical standpoint provided the proposed building addition is founded on pile-supported foundations. As discussed, it may be feasible to support the foundations along Fore Street on spread footing bearing on clean, sound intact bedrock provided excavations can be successfully completed to fully penetrate the upper 3-foot

weathered zone of bedrock. As discussed, the top 3 feet of bedrock encountered adjacent to Fore Street is very poor quality and voids were encountered within the bedrock. The rock in this area will need to be improved by either 1) pressure grouting (pile supported foundations) or 2) excavation and removal of unsuitable rock (spread footing foundations). Alternatively, a drilled pipe pile set at least 5 feet into the rock and filled with high strength concrete could be used to support the foundations adjacent to Fore Street.

It should be noted that the spoils generated from excavation of existing soils will not be suitable for reuse on site with the exception of the gravels found beneath the existing paved loading dock ramp area. In addition, based on our experience in the area and the results from our recent and previous exploration work, the excavated soils may have some level of contamination requiring special disposal at an approved disposal facility.

## 4.2 Foundations

### **4.2.1 Pile Foundations**

Considering the subsurface conditions encountered and our understanding of the proposed construction, we recommend foundation support of the proposed building be derived from steel H-Piles with cast driving tips driven to end-bearing on bedrock. Grade beams, pile caps and foundations exposed to freezing temperatures should extend at least 4.5 feet below exterior finished grade for frost protection or be insulated with foundation insulation to provide adequate frost protection. Since large wooden obstructions were observed in the test borings, piles must be designed to withstand the driving forces. Additionally, it should be anticipated that some piles will shift laterally during driving or may need to be relocated to overcome below grade obstructions.

Considering the voids encountered within upper 3 feet of the bedrock adjacent to Fore Street, the bedrock in this area will need to be improved if driven piles are utilized. In general, a grout subcontractor could place a high strength epoxy grout within the top 3 feet of bedrock at proposed pile cap locations adjacent to Fore Street to fill any voids or fractures that may exist. The grout should have a minimum compressive strength of 10,000 psi. In general, placing epoxy grout to improve subsurface bedrock is costly; therefore, we recommend that consideration be given to installing concrete filled steel pipe pile adjacent to Fore Street, drilled at least 5 feet into bedrock.



Based on our understanding of the project, we offer the following pile sections and allowable axial compressive capacities for design consideration. The allowable axial capacities have been reduced to allow for 1/8-inch corrosion of the pile section.

PILE SECTION ASTM A572 Grade 50	ALLOWABLE AXIAL COMPRESSIVE PILE CAPACITY (1/8" Corrosion Allowance)
HP10 x 57	80 kips
HP12 x 53	80 kips
5-inch diameter concrete filled pipe pile	40 kips
NOTE 1: Axial capacity based up 1/8" corrosion reduction in steel and working stress not exceeding 16.7 ksi. NOTE 2: Pipe piles should be filled with concrete with a minimum compressive strength of 5,000 psi.	

Post-construction settlement of piles driven to practical refusal on sound bedrock or drilled and socketed into sound bedrock should not exceed 1/2-inch; elastic shortening of the pile should be evaluated on a pile cap by pile cap basis, as deemed necessary by the structural engineer. Considering the depth to bedrock, our experience on the site and a bottom of pile cap elevation of 4.5 feet below exterior grades, we anticipate pile lengths could likely vary from about 5 to 35 feet. Piles should be spaced a minimum of two pile diameters, center-to-center, but not less than 24 inches. We recommend that pile caps and grade beams be underlain with 8 inches of compacted crushed stone to help provide a stable working surface during construction.

For pile caps backfilled with properly compacted Structural Fill (clean, free-draining sand and gravel), we recommend a passive earth pressure of 325 pcf (equivalent fluid) for design consideration. Additional lateral resistance can be provided by grade beams between the pile caps, as deemed necessary by the structural engineer.

The pile-driving contractor should submit information on the pile driving equipment and proposed 'set' or stop driving criteria to S. W. COLE ENGINEERING, INC. prior to the start of pile driving activities. S. W. COLE ENGINEERING, INC. should be on-site during the driving of piles to maintain pile-driving records and to monitor vibrations due to driving.

Vibrations from pile driving activities can adversely affect adjacent structures. We recommend that a pre-driving survey be done on structures adjacent to the proposed project. The pre-driving survey should include photographs and the installation of crack monitors as appropriate to establish a baseline prior to the start of pile driving activities.

The IBC 2003 requires that pile load tests be performed on piles with design capacities over 40 tons (80 kips). Considering the recommended pile capacities are 80 kips or less, pile load testing will not be required. However, based on our experience in the City of Portland, we recommend that a pile driving summary plan and letter, stamped by a Maine Professional Engineer, stating that the piles were installed according to the recommendations in the geotechnical report, be prepared to meet the Special Inspections requirements of the City.

#### **4.2.2 Spread Footing Foundations**

Based on the subsurface findings and our understanding of the proposed construction, spread footing foundations bearing on sound bedrock may be considered adjacent to the existing retaining wall supporting Fore Street. As discussed, excavation of the existing soils has certain limitations including: possible undermining of the existing Fore Street retaining wall foundation, unearthing potentially contaminated soils and excavating below the groundwater table. If this option is considered, we recommend the contractor conduct several test pit exploration adjacent to the existing retaining wall to assess subsurface and foundation conditions after the existing building has been demolished.

If spread footings are utilized, excavation of all soils and weathered bedrock to expose clean, sound, intact bedrock will be required (likely about 12 feet below existing grade). The excavations will likely need shoring and the existing retaining wall may need bracing or require underpinning. For spread footing foundations bearing on clean, sound, intact bedrock, we recommend a net allowable bearing capacity of 10 ksf. S. W. COLE ENGINEERING, INC. should be retained to observe subgrades prior to placing new concrete or fill.

#### **4.3 Excavation Work**

An erosion control system should be instituted prior to any construction activity at the site to help protect adjacent drainage ways.

Wet to saturated soil conditions will likely be encountered in the foundation excavations. In our opinion, ditching with sump and pump dewatering techniques should be adequate to control groundwater in excavations less than about 6 feet deep. We recommend placing at least 8 inches of crushed stone at the base of pile cap and grade beam excavations to act as a drainage media and working mat.

Deeper excavations, such as for utilities or for spread footing foundations (if utilized), will likely require braced sheeting for groundwater cutoff and excavation stability. A crushed stone working mat will likely also be needed at the base of utility excavations to provide a stable working surface. A geotextile fabric should be used below the crushed stone to help separate the stone and subgrade soils and help stabilize the subgrade.

In any case, all excavations must be properly shored and/or sloped in accordance with OSHA trenching regulations to prevent sloughing and caving of the sidewalls during construction. Excavations adjacent to existing buildings must be properly shored and underpinned as necessary to prevent undermining of the existing structures.

#### **4.4 Foundation Drainage**

We recommend that a perimeter foundation drainage system be provided near pile cap subgrade around the exterior side of the proposed building. The underdrain pipe may consist of 4-inch diameter perforated foundation drain with a filter sock bedded in free-draining sand meeting the requirements of MDOT 703.22 Type B Underdrain Sand. The underdrain must be placed at least 4.5 feet below exterior finish grades to provide frost protection and have a positive gravity outlet protected from freezing temperatures and backflow.

#### **4.5 Slab-On-Grade Floors**

Based on our observations of the existing concrete floor, the presence of voids below the slab and our understanding of the proposed construction, we recommend that the existing floor be completely removed. The underlying soils are not suitable for direct support of slab-on-grade floors, therefore we recommend that the existing soils be overexcavated to a depth of least 18 inches below proposed floor slabs and replaced with compacted Structural Fill overlying a woven geotextile fabric, such as Mirafi 500X, placed on exposed subgrades. It should be noted that the subsurface soils have a high organic content and may continue to settle after construction is complete resulting in unlevel floors and possibly voids below the slab. If post construction settlement of the

on-grade floor slabs is not tolerable, we recommend the on-grade floor slabs be pile supported.

We recommend that a 15-mil vapor retarder be placed directly below concrete slab-on-grade floors. The vapor retarder should have a permeance that is less than the floor covering being applied on the slab and should be installed according to the manufacturer's recommended methods including taping all joints and wall connections. Flooring suppliers should be consulted relative to acceptable vapor barrier systems for use with their products. The vapor barrier must have sufficient durability to withstand direct contact with the subslab fill and construction activity.

We recommend that control joints be installed within slabs-on-grade to accommodate shrinkage in the concrete as it cures. In general, control joints are usually installed at 10 to 15 foot spacing; however, the actual spacing of control joints should be determined by the structural engineer. We recommend that all slabs be wet-cured for a period of at least 7 days after casting as a measure to reduce the potential for curling of the concrete and excessive drying/shrinkage. We further recommend that consideration be given to using a curing paper or curing compound after the wet-cure period to improve the quality of the completed floor.

#### **4.6 Backfill and Compaction**

The existing fill soils are unsuitable for backfill against foundations or for reuse below slab and paved areas. The existing pavement gravels may be reused as compacted fills below on-grade floor slabs to form a casting bed for construction of the floor slabs and as backfill for interior foundations not exposed to freezing temperatures.

Crushed stone placed as a working mat below pile caps, grade beams at utility trenches should be clean, washed ¾-inch minus Crushed Stone Drainage Aggregate meeting the gradation requirements for MDOT 703.23 Underdrain Type C.

We recommend backfill of foundation exposed to freezing, interior foundation backfill and fill below on-grade floor slabs consist of clean, free-draining, sand and gravel meeting the gradation requirements for Structural Fill, as given below:

Structural Fill	
Sieve Size	Percent Finer by Weight
4 inch	100
3 inch	90 to 100
¼ inch	25 to 90
No. 40	0 to 30
No. 200	0 to 5

Fill should be placed in horizontal lifts and be compacted. Lift thickness should be generally limited to between 6 to 12 inches, as appropriate for the compaction equipment being used, such that the desired density is achieved throughout the lift thickness with 3 to 5 passes of the compaction equipment. Foundation backfill and fills placed beneath slabs, paved areas and walkways should be compacted to at least 95 percent of its maximum dry density as determined by ASTM D-1557 (Modified Proctor). Crushed stone below pile-supported foundations should be compacted to provide stable access for foundation construction crews and stable subgrades for concrete placement.

#### 4.7 Entrance Slabs

Entrance slabs at door openings should be designed to reduce the effects of differential frost action. We recommend that exterior entrance slabs be underlain with a minimum of 4.5 feet of Structural Fill extending beneath the entire width and length of entrance slab. The thickness of Structural Fill below the entrance slab should transition up to adjacent pavement subbase at a 3H:1V slope or flatter. This is to help avoid abrupt, differential heaving. All adjacent paved and grassed areas should be sloped to promote drainage away from the building periphery.

#### 4.8 Weather Considerations

If foundation construction takes place during cold weather, subgrades, foundations, and concrete must be protected during freezing conditions. Concrete must not be placed on frozen soil and once placed, the soil and concrete must be protected from freezing. Further, the on-site fills are moisture sensitive and as such exposed soil surfaces will be susceptible to disturbance during wet conditions. Consequently, sitework and construction activities should take appropriate measures to protect exposed soils, particularly when wet.

#### **4.9 Construction Testing**

S. W. COLE ENGINEERING, INC. should be retained to provide testing and observation services during the excavation, pile driving and foundation phases of construction. This is to observe compliance with the design recommendations, drawings and specifications and to allow design changes in the event that subsurface conditions are found to differ from those anticipated prior to the start of construction.

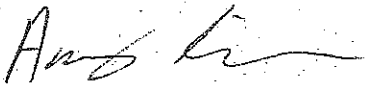
S. W. COLE ENGINEERING, INC. is available to assist in conducting a pre-pile driving survey, provide pile driving vibration monitoring, observe pile installation, and to test soil, concrete, asphalt, steel, spray-applied fireproofing and masonry construction materials.

#### **5.0 CLOSURE**

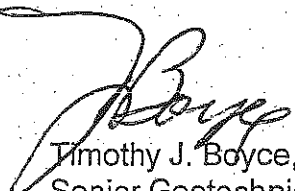
S. W. COLE ENGINEERING, INC. should be engaged to review the sitework and foundation design drawings to confirm that our recommendations have been appropriately interpreted and implemented. We look forward to working with you as the design progresses and during the construction phase.

Sincerely,

**S. W. COLE ENGINEERING, INC.**

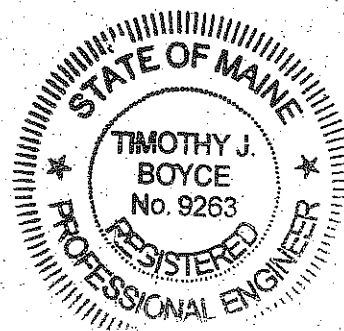


Andrew R. Simmons, P.E.  
Geotechnical Engineer



Timothy J. Boyce, P.E.  
Senior Geotechnical Engineer

ARS-TJB:tjb/pfb



PARKING OPTION AGREEMENT

THIS PARKING OPTION AGREEMENT (this "Agreement"), made as of February 14, 2006, by and between RIVERWALK, LLC ("Riverwalk"), a Maine limited liability company, having an address at 2 Market Street, Suite 500, Portland, Maine 04101, and OLYMPIA EQUITY INVESTORS IV, LLC ("OEI"), a Maine limited liability company, having an address at 280 Fore Street, Suite 202, Portland, Maine 04101.

WITNESSETH:

WHEREAS, Riverwalk owns various parking lots in or about India Street in Portland, Maine and desires to construct a structured parking facility thereon (said lots and said potential future parking facility being collectively referred to as the "Parking Lots"); and

WHEREAS, OEI owns property in Portland, Maine, which is identified on the official tax map for the City of Portland as Chart 29, Block K, Lot 1, and which is commonly known as 7 Custom House Street; and

WHEREAS, OEI desires to construct a commercial condominium building and other related improvements on a portion of said property (said building and other related improvements being hereinafter collectively referred to as the "Project"); and

WHEREAS, In connection with the Project, OEI desires to obtain an option from Riverwalk to license no less than one hundred and twenty five spaces (125) and up to one hundred forty-five (145) parking spaces on the Parking Lots for use by the owners/tenants of the Project; and

WHEREAS, Riverwalk desires to grant to OEI an option to license said parking spaces from Riverwalk on the terms and conditions set forth in this Option;

NOW, THEREFORE, in consideration for the sum of One Thousand Dollars (\$1,000.00) and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged by Riverwalk, Riverwalk and OEI agree as follows:

1. Riverwalk hereby grants to OEI, and to its successors and assigns, an option to license no less than one hundred and twenty five spaces (125) and up to one hundred forty-five (145) parking spaces on the Parking Lots on the terms and conditions set forth in this Agreement (the "Option").

2. The term of this Agreement shall commence on the date of this Agreement (the "Effective Date") and shall expire on October 31, 2007, subject to the provisions of the next succeeding sentence. OEI shall have the right to extend the original term of this Agreement by two additional months to December 31, 2007 by written notice given to Riverwalk on or before October 31, 2007. For the purposes of this Agreement, the original term, as the same may be extended, is hereinafter referred to as the "Option Term."

3. (a) (i) OEI shall have the right, at its sole discretion, to exercise the Option by written notice given to Riverwalk at any time during the Option Term; said notice shall state that OEI has elected to exercise the Option and shall designate the number of parking spaces (not to be less than 125 nor exceed 145) that OEI desires to license. Upon the giving of such

notice, Riverwalk agrees to license to OEI the number of designated parking spaces on the terms set forth in Paragraph 4 below.

(ii) If the number of parking spaces designated in OEI's notice is less than one hundred forty-five (145), then OEI shall have the right, at its sole discretion, to license all or any portion of the Remaining Spaces (as herein defined) from time to time by notice given to Riverwalk at any time prior to expiration of the Parking Term (as defined in Paragraph 4(a)) on the same terms and conditions as set forth in Paragraph 4, except that the term of any such license or licenses shall expire as of the expiration of the Parking Term.

(iii) For the purposes of this Agreement, the term "Designated Spaces" shall mean the parking spaces designated by OEI in the notice given pursuant to clause (i) of this Paragraph 3(a), plus the parking spaces designated by OEI in any subsequent notice or notices given pursuant to clause (ii) of this Paragraph 3(a), and the term "Remaining Spaces" shall mean the parking spaces available to license from time to time after deducting the aggregate Designated Spaces from the original one hundred forty-five (145) parking spaces.

(b) Notwithstanding anything to the contrary contained in this Agreement, OEI shall have the right to terminate this Agreement at any time during the Option Term for any reason or for no reason by written notice given to Riverwalk. In such event, this Agreement shall be deemed terminated and of no further force or effect as of the date on which Riverwalk receives said termination notice, and neither party shall have any further obligations or liabilities under this Agreement.

4. (a) If OEI exercises the Option, OEI shall have the right to license the Designated Spaces for five (5) years, commencing on the later to occur of (i) the first (1<sup>st</sup>) business day after Riverwalk's receipt of OEI's written notice under clause (i) of Paragraph 3(a) or (ii) the date on which the first closing of a condominium unit in the Project occurs (such later date being hereinafter referred to as the "Commencement Date"), and expiring on the last day of the calendar month in which the fifth (5<sup>th</sup>) anniversary of the Commencement Date occurs (the "Parking Term").

(b) The monthly license fee during the Parking Term for the Designated Spaces shall be equal to the product of (i) the number of Designated Spaces licensed to OEI from time to time, multiplied by (ii) an amount which is equal to the Average Monthly Parking Rate of the Parking Lots, Custom House Parking Garage and Casco Bay Ferry Terminal Parking Garage. OEI shall pay said fee to Riverwalk on or before the fifth (5<sup>th</sup>) day of each calendar month, subject, however, to the provisions of Paragraph 4(c). The Average Monthly Parking Rate shall be set at the commencement of the Parking Term and shall be reset on July 1<sup>st</sup> of each year of the Parking Term.

(c) OEI shall have the right to allocate the Designated Spaces among the various condominium units of the Project. In such event, OEI shall have the right to request that Riverwalk enter into direct license agreements with the condominium unit owners and/or the tenants of such condominium units for their respective share of the Designated Spaces; said direct license agreements shall be for the balance of the Parking Term and shall be for the same Average Monthly Parking Rate per Designated Space. From and after the execution of said direct license agreements, Riverwalk acknowledges and agrees that OEI shall have no further obligations with respect to the Designated Spaces covered by the direct license agreements, and Riverwalk shall look solely to said condominium owners and/or tenants for payment of the monthly license fees with respect to their respective Designated Spaces.



5. The parties hereto acknowledge that Riverwalk desires to construct a structured parking facility (the "Garage") on the Parking Lots. If OEI exercises its option under Paragraph 4, and if, at the time of said exercise, Riverwalk is constructing the Garage, or if, at any time during the Parking Term, Riverwalk commences the construction of the Garage, whichever the case may be, then the provisions of this Paragraph 5 shall apply. During the construction of the Garage, Riverwalk agrees to use commercially reasonable efforts to accommodate the Designated Spaces on the portion of the Parking Lots, if any, not affected by the construction of the Garage. In the event Riverwalk is unable to accommodate all or any portion of the Designated Spaces on the Parking Lots during the construction of the Garage, Riverwalk and OEI agree to work cooperatively to locate other parking spaces for OEI on an interim basis. In such event, the monthly license fee set forth in Paragraph 4(b) shall be paid only with respect to those Designated Spaces, if any, that are located on the Parking Lots. Upon the completion of the Garage and upon the expiration of the interim parking arrangements, the Designated Spaces will be located in the Garage for the balance of the Parking Term on the terms and conditions stated in this Agreement.

6. All notices and other communications required or permitted under this Agreement shall be in writing and shall be given by certified mail, return receipt requested, or by nationally recognized overnight delivery service. Any such notice shall be deemed to be delivered upon (i) the date of actual receipt or (ii) if actual receipt is denied, the date on which receipt is denied. Any notice shall be addressed as follows: if to Riverwalk, to 2 Market Street, Suite 500, Portland Me 04101, to the attention of Drew Swenson; and if to OEI, to 280 Fore Street, Suite 202, Portland, Maine 04101 to the attention of Kevin Mahaney. Any party may change the address to which its future notices shall be sent by notice given as above, provided that change shall be effective only upon receipt.

7. This Agreement shall be binding upon and shall inure to the benefit of Riverwalk and OEI and their respective successors and assigns.

8. This Agreement shall be governed by the laws of the State of Maine.

IN WITNESS WHEREOF, the undersigned have executed this Agreement as of the Effective Date.

RIVERWALK, LLC

OLYMPIA EQUITY INVESTORS, IV, LLC

By: [Signature]  
Name: Drew E Swenson  
Title: MANAGER

By: OEI Mgt Corp  
[Signature]  
Name: Kevin P. Mahaney  
Title: President

Att. 12

**Sue Quinlan**

---

**From:** Chris Osterrieder  
**Sent:** Monday, February 13, 2006 10:52 AM  
**To:** Sue Quinlan (SQuinlan@DelucaHoffman.com)  
**Subject:** 2581 - Exhibit 6 Attachment E

-----Original Message-----

**From:** Marge Schmuckal [mailto:MES@portlandmaine.gov]  
**Sent:** Thursday, January 26, 2006 11:02 AM  
**To:** WBN@portlandmaine.gov  
**Subject:** 300 Fore Street

Bill,

I have reviewed the information submitted with this site plan application #2005-0247. This property is located within the B-3 Business Zone, a Historic District and a PAD Encouragement area.

The B-3 Zone under section 14-220(c) states that the streetwall build-to line shall be located within 5 feet of the property line or the planning board may approve more of a setback under 14-526(a)(16). The plans are showing maximum setback of 8.35 feet at the corner of Custom House and Fore Streets. The planning board is required to approve the additional setback as stated.

A maximum height of 65 feet is required in this area. Based on the information supplied by A. Matthew Wirth, project manager for PCI Architecture, the maximum height from average grade will be 64' 10". The final submitted building plans shall reflect the same before final sign off. I am sure code enforcement shall require independent in-field verification of this height.

This building will be approximately 68,836 square feet. Under section 14-332(t) the planning board is empowered to assess the parking requirements on this project.

All other B-3 zoning requirements are being met.

Marge Schmuckal  
Zoning Administrator

**EXHIBIT 7****SOLID WASTE****7.0 Overview**

This Exhibit provides the estimates, the use of recycling, the transport and disposal of solid waste which will be generated by the construction and operation of the proposed development.

**7.1 Solid Wastes Generated During Construction of the Site Work**

Minimal solid wastes are anticipated during construction of the proposed building renovations and additions.

The contractor will be provided the following options for waste disposal:

- Transport to Riverside Transfer Station in Portland, Maine or another licensed facility.

**7.2 Solid Wastes Generated from the Operation of the Development**

Cardboard from packaging will be compressed and privately hauled off. A trash room will be provided for miscellaneous office wastes and will be maintained by a private waste hauler on a regular basis. The development is expected to generate less than 3 cubic yards of solid waste per week.

AH, 14.

**EXHIBIT 8**

**SURFACE DRAINAGE AND RUNOFF**

**8.0 Introduction**

DeLuca-Hoffman Associates, Inc. has completed a rudimentary summary of stormwater runoff and its impacts as a result of the proposed improvements. The development includes the construction of a new building in place of areas of existing pavement. Currently, a catch basin structure exists within the paved area of the project site. This will be removed as a result of the building construction, though the proposed roof drain system will likely utilize the existing drainage network. This proposed development should result in no impact to the volume of runoff leaving the site. As a result, no specific measures for quantity control are offered in the current proposal.

No water quality measures are proposed as part of this project since no parking will be provided and runoff from rooftop surfaces is generally not considered to be a significant source of stormwater pollution.

**8.1 Existing Conditions**

The site is located at the intersection of Fore Street and the easterly side of Custom House Street in Portland, Maine and consists of a concrete block structures, an access driveway, and existing pavement at the rear of the existing W.L. Blake building. All of the runoff from the site drains to a catch basin which enters a closed storm drain system on the adjacent property to the east.

The site is 100% impervious so any hydrological characteristics of the surficial soils would not factor into the runoff potential of the site.

Based on the National Wetlands Inventory for Portland, Maine (north) region, there are no mapped wetlands shown in this area.

**8.2 Proposed Conditions**

The proposed project consists of the construction of new building which will occupy the balance of the available land of the OEI IV parcel. The proposed building development not will result any new impervious surface. Reconstruction of the adjacent sidewalks will not affect the existing drainage patterns.

**8.3 Conclusion**

The proposed development will not increase the volume of runoff from the site and therefore will not impact stormwater quantity or adjacent facilities. No new parking will be created and the existing paved surface will be replaced by building rooftop, which will not have impacts on stormwater quality. The proposed development will not have any impacts on surface drainage or runoff.

AA. 15.

EXHIBIT 9

TEMPORARY AND PERMANENT EROSION AND SEDIMENTATION CONTROL

9.0 Overview

In general the only necessary temporary erosion control measure necessary will be the limited use of a Dirtbag™ for construction dewatering. The existing site is impervious and will predominantly remain so through construction. The potential for erosion and sedimentation from the project site will not be a factor, given the density and limited potential for exposure of denude surfaces.

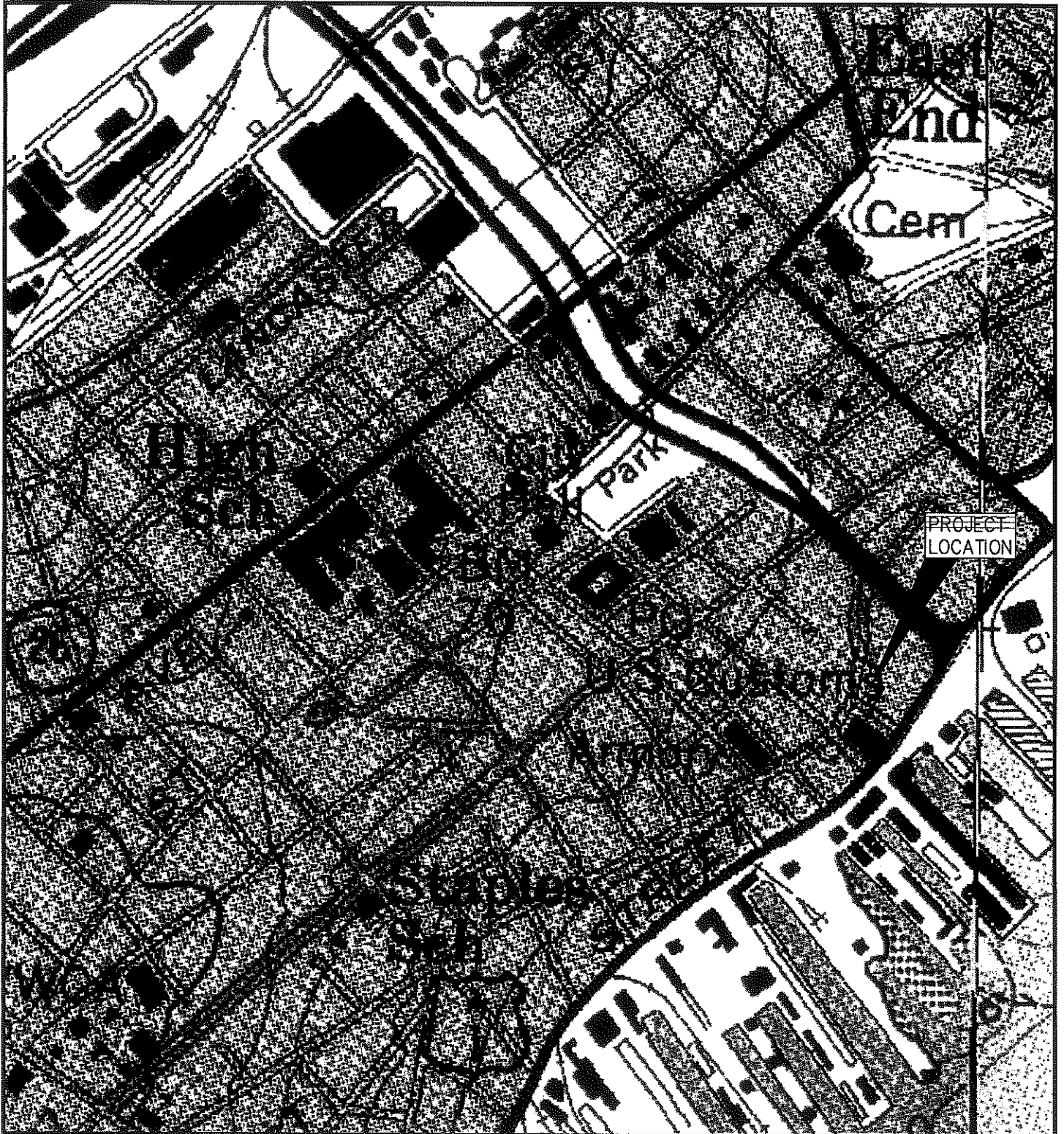
AH 16

EXHIBIT 10

LANDSCAPE PLAN


**10.0 Overview**

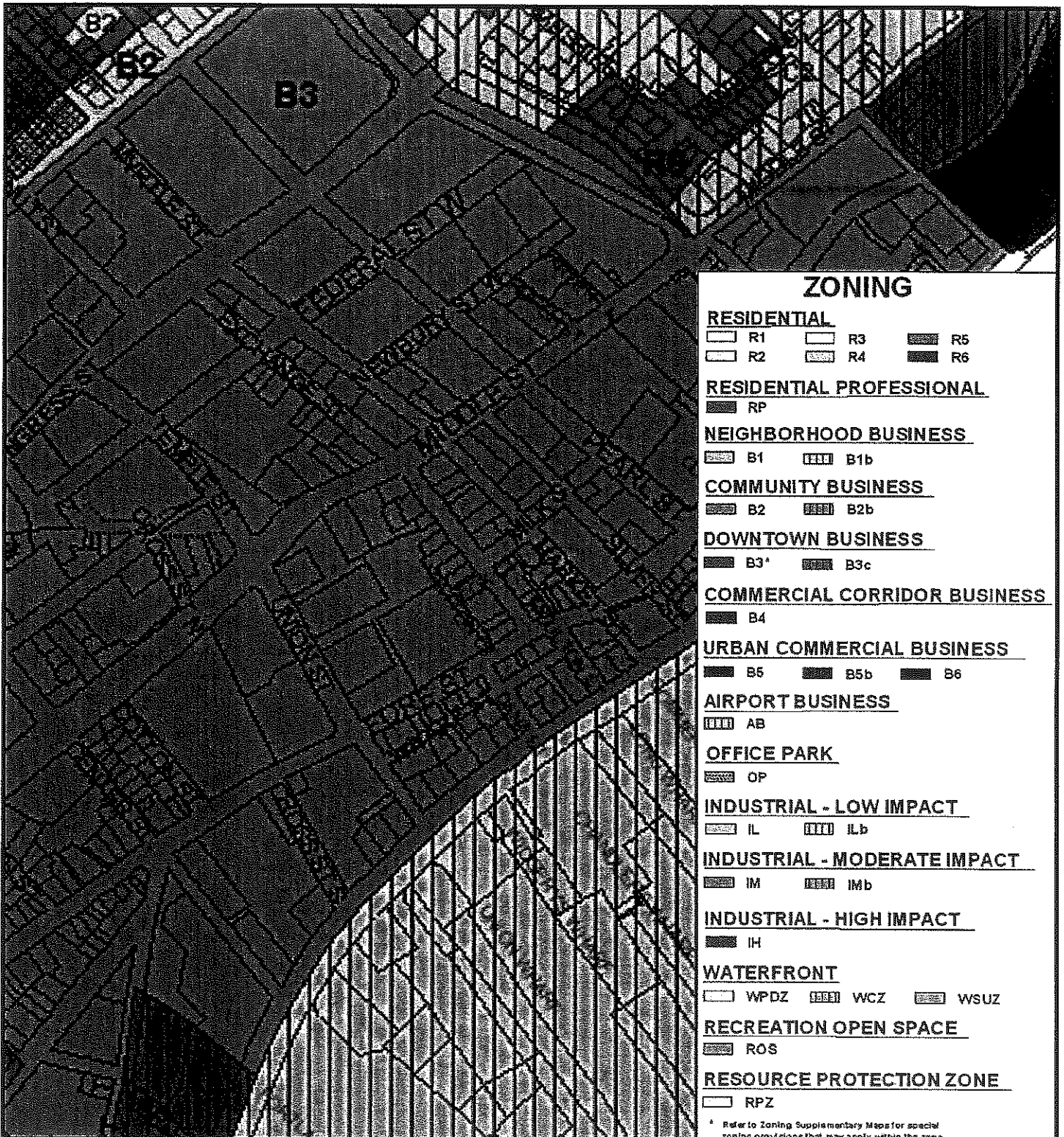
Given the proposed intensity of the development, no formal landscaping is proposed for this project. Given the location of the existing concrete-encased duct bank and the need to offset proposed street lighting, there is insufficient room to provide street trees and associated landscaping while maintaining a viable pedestrian accessible route, which is a targeted goal of the Pedestrian Activities District.



**CUSTOM HOUSE SQUARE  
OFFICE BUILDING**

**USGS LOCATION MAP**

 <p>DeLuca-Hoffman Associates, Inc. 778 MAIN STREET, SUITE 8 SOUTH PORTLAND, ME 04106 207.775.1121 WWW.DELUCAHOFFMAN.COM</p>	<p>DRAWN: LECJ</p>	<p>DATE: 11.03.05</p>	<p>FIGURE</p> <p style="text-align: center; font-size: 2em;">1</p>
	<p>DESIGNED: CJO</p>	<p>SCALE: 1"=500'</p>	
	<p>CHECKED: CJO</p>	<p>JOB NO. 2581</p>	
	<p>FILE NAME: 2581-USGS</p>		



ZONING		
<b>RESIDENTIAL</b>		
R1	R3	R5
R2	R4	R6
<b>RESIDENTIAL PROFESSIONAL</b>		
RP		
<b>NEIGHBORHOOD BUSINESS</b>		
B1	B1b	
<b>COMMUNITY BUSINESS</b>		
B2	B2b	
<b>DOWNTOWN BUSINESS</b>		
B3*	B3c	
<b>COMMERCIAL CORRIDOR BUSINESS</b>		
B4		
<b>URBAN COMMERCIAL BUSINESS</b>		
B5	B5b	B6
<b>AIRPORT BUSINESS</b>		
AB		
<b>OFFICE PARK</b>		
OP		
<b>INDUSTRIAL - LOW IMPACT</b>		
IL	ILb	
<b>INDUSTRIAL - MODERATE IMPACT</b>		
IM	IMb	
<b>INDUSTRIAL - HIGH IMPACT</b>		
IH		
<b>WATERFRONT</b>		
WPDZ	WCZ	WSUZ
<b>RECREATION OPEN SPACE</b>		
ROS		
<b>RESOURCE PROTECTION ZONE</b>		
RPZ		

\* Refer to Zoning Supplementary Maps for special zoning provisions that may apply within the zone.

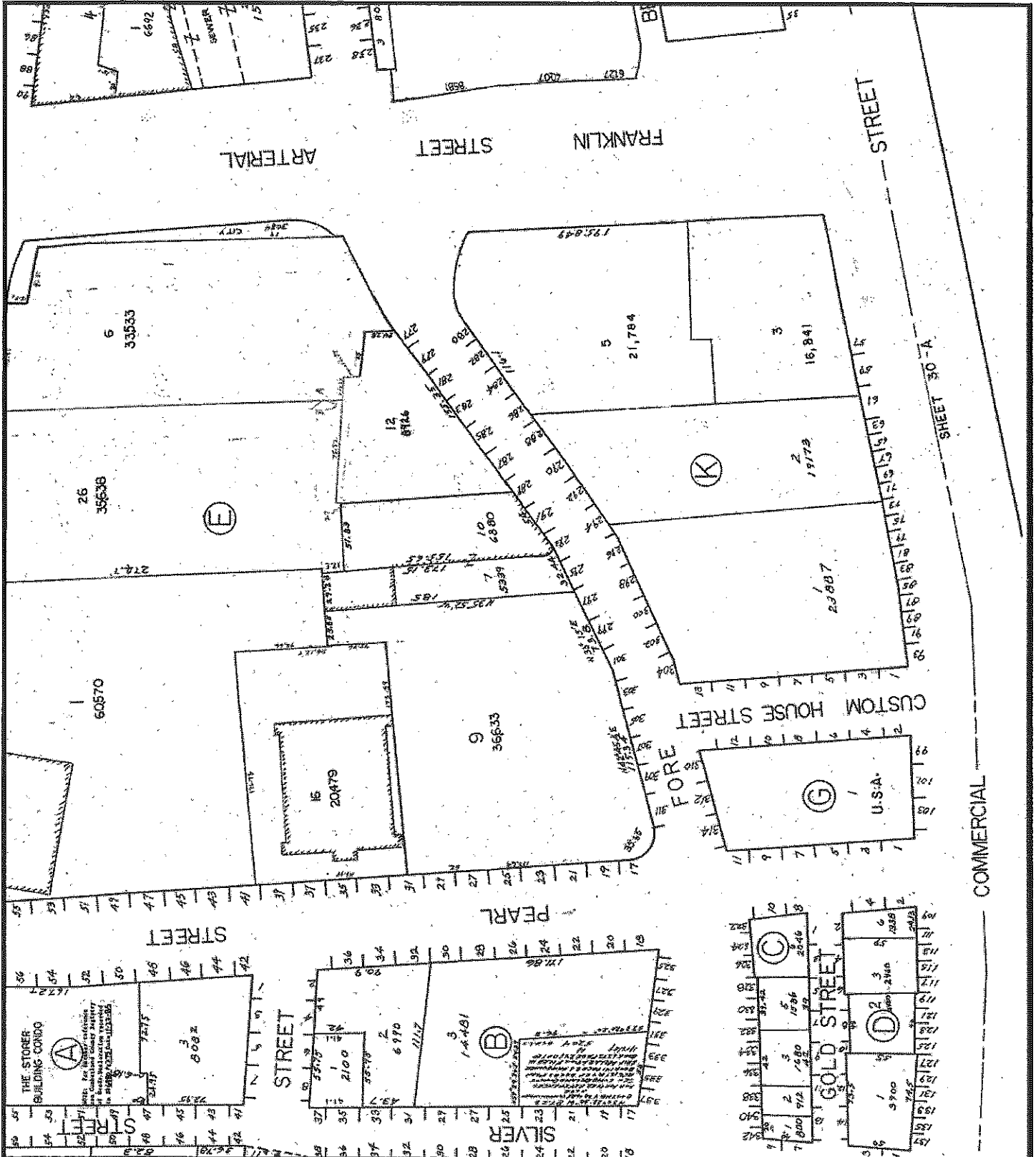
**CUSTOM HOUSE SQUARE  
OFFICE BUILDING**

**ZONING MAP**

	<b>DeLuca-Hoffman Associates, Inc.</b> 778 MAIN STREET, SUITE 8 SOUTH PORTLAND, ME 04106 207.775.1121 WWW.DELUCAHOFFMAN.COM		DRAWN: LECJ    DATE: 11.07.05	FIGURE  <span style="font-size: 2em;">2</span>
	DESIGNED: CJO    SCALE: N.T.S.			
	CHECKED: CJO    JOB NO. 2581			
	FILE NAME: 2581-ZONING			



44.17.3



**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**

18a.1

March 13, 2006

Mr. Bill Needelman, Senior Planner  
City of Portland  
389 Congress Street  
Portland, ME 04101

Re: 300 Fore Street  
Response to Comments

Dear Bill:

Gorrill-Palmer Consulting Engineers, Inc. is pleased to respond to Tom Errico's email dated February 23, 2006. His comments are summarized below followed by our responses:

**Parking**

*Comment 1: 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.*

Mr. Thomas Errico, PE  
March 13, 2006  
Page 2 of 6

➤ *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.*

**Response:** Gorrill-Palmer completed an examination of the parking demand based on the use of a general office use as well as quality restaurant. To determine the peak parking demand, our office referenced the ITE Publication *Parking Generation*, 3<sup>rd</sup> Edition for Land Use Codes 701 and 931, Office Building and Quality Restaurant, respectively. The average peak demand for parking in an urban setting was referenced, and found to be 2.4 spaces per thousand and 5.55 vehicles per thousand for the office and restaurant uses, respectively.

Shared parking totals were based on parking accumulation rates published in *Parking Generation* and the Urban Land Institute publication *Shared Parking*. Our office compiled this information and determined that the peak parking demand, based on a standard office, would be 180 spaces. As this is based on a standard office with a greater demand than that required for CIEE, this results in an excess of 35 spaces over that required for the actual owner of the office building.

It is the opinion of our office that the 145 spaces initially determined in our parking memorandum of January 5, 2006 is sufficient for the current proposed use. However, it is our understanding that should CIEE sell or lease the building or any portion thereof, the applicant will be required to return to the planning board for approval of parking supply.

**Traffic**

**Comment 1:** *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.*

**Response:** Based on architectural information provided at an earlier date to our office, our office had referenced different information for the office sizes and uses. With the current uses of 58,114 s.f. of office and 10,060 s.f. of quality restaurant, our office updated trip generation calculations based on ITE information. The totals are summarized on the following table:

**Trip Generation for Proposed Commercial Building**

Land Use Code	Weekday	AM Peak Hour	PM Peak Hour
710, General Office	878	122	144
931, Quality Restaurant	905	8	75
<b>Total</b>	<b>1,783</b>	<b>130</b>	<b>219</b>
<b>Total from TIS</b>	<b>1,256</b>	<b>112</b>	<b>162</b>

As based on the ITE rates alone, the result level of trip generation for the PM peak hour is greater than that in the original study. Our office has revised trip assignment and analysis based on these uses, which are discussed in greater detail in our response to Comment 2.

Mr. Thomas Errico, PE  
 March 13, 2006  
 Page 3 of 6

It should be noted, however, that the trip generation for the quality restaurant, based on the PM peak hour of adjacent street traffic, is almost as high as that for the peak of the restaurant in the evening. It is the opinion of our office that in reality, this level of trip generation will be lower.

**Comment 2:** *The applicant should provide capacity analysis print-outs that are Highway Capacity Manual based for all study area intersections.*

**Response:** Gorrill-Palmer completed analysis in the TIS utilizing SimTraffic. It is important to note that based on our work with MaineDOT, the traffic permitting process typically requires analysis of coordinated signal systems, such as those for Franklin Street Arterial with five runs of SimTraffic, averaged five times.

However, per Tom Errico's request, the analysis has been compiled utilizing HCM, and the postdevelopment analysis is based upon updated volumes as per the revised trip assignment discussed in our response to Comment 1. The HCM-based printouts are enclosed with this letter, and the results are summarized on the following tables:

**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	30	D	>50	F	>50	F	>50	F
Middle Street WB LTR	24	C	39	E	31	D	>50	F
India Street NB LTR	4	A	4	A	3	A	3	A
India Street SB LTR	<1	A	1	A	<1	A	1	A

**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	>80	F	>80	F	67	E	75	E
Middle Street EB TR	41	D	42	D	30	C	29	C
Middle Street WB LT	51	D	52	D	28	C	28	C
Middle Street WB RT	38	D	38	D	26	C	26	C
FS Arterial NB LTR	2	A	2	A	10	A	11	B
FS Arterial SB L	3	A	4	A	14	B	19	B
FS Arterial SB TR	4	A	4	A	9	A	10	B
<b>Overall</b>	<b>15</b>	<b>B</b>	<b>15</b>	<b>B</b>	<b>20</b>	<b>C</b>	<b>22</b>	<b>C</b>

Mr. Thomas Errico, PE  
 March 13, 2006  
 Page 4 of 6

### 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	>80	F	>80	F	>80	F	>80	F
Fore Street EB TR	32	C	32	C	31	C	30	C
Fore Street WB LTR	56	E	56	E	38	D	38	D
FS Arterial NB LTR	3	A	3	A	4	A	4	A
FS Arterial SB LTR	6	A	6	A	6	A	7	A
<b>Overall</b>	<b>25</b>	<b>C</b>	<b>27</b>	<b>C</b>	<b>34</b>	<b>C</b>	<b>35</b>	<b>C</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	48	D	48	D	49	D	49	D
Commercial Street EB T	18	B	18	B	20	C	19	B
Commercial Street EB R	16	B	16	B	17	B	17	B
Commercial Street WB LT	45	D	45	D	48	D	48	D
Commercial Street WB R	29	C	29	C	33	C	33	C
State Pier NB LT	23	C	23	C	25	C	26	C
State Pier NB R	<1	A	<1	A	24	C	24	C
FS Arterial SB L	41	D	40	D	35	D	34	D
FS Arterial SB T	42	D	42	D	46	D	46	D
FS Arterial SB R	>80	F	>80	F	80	F	82	F
<b>Overall</b>	<b>59</b>	<b>E</b>	<b>59</b>	<b>E</b>	<b>42</b>	<b>D</b>	<b>43</b>	<b>D</b>

Based on the HCM analyses, movements at each study area location operate with delay. However, in the case of the Franklin Street Arterial intersections, these are all side street movements and are not affected by the addition of site-generated traffic. As additional improvements are not feasible, this is considered acceptable in an urban compact as per the MaineDOT traffic permitting rules.

The intersection of Middle Street at India Street indicates additional delay with the addition of site-generated traffic, particularly for the westbound approach of Middle Street. However, the postdevelopment volumes at this location do not satisfy the MUTCD four hour or peak hour warrants (Warrants 2 and 3), so signalization is not recommended. As this location benefits from adjacent signals at Franklin Street Arterial and Fore Street, it is the opinion of our office that this location will operate with less delay than indicated in the HCM printouts. In addition, given the width of this roadway and the desire to preserve on-street parking, our office does not anticipate feasible improvements. The signal warrant sheets are enclosed with this letter.

Mr. Thomas Errico, PE  
March 13, 2006  
Page 5 of 6

**Comment 3:** *The applicant should provide printouts of the turning movement count sheets.*

**Response:** We have enclosed the turning movement count sheets for the Franklin Street Arterial intersections as well as the Pearl Street intersections. The AM sheet at Middle and Fore is enclosed; the PM data was obtained from ETE as part of its traffic impact study for the Jordan's redevelopment.

**Comment 4:** *The applicant should conduct a pedestrian facility assessment between the proposed site and the proposed Longfellow Parking facility.*

**Response:** Based on the proposed location for the Longfellow Parking facility, it is the opinion of our office that pedestrians will exit the facility via the access proposed on Fore Street adjacent to the right-turn only vehicular access. They will proceed along Fore Street through India Street and Franklin Street Arterial, continuing to the proposed site.

Several areas within this pedestrian corridor have already been improved. As part of the off-site improvements associated with 280 Fore Street, pedestrian striping, barrier-free facilities, and signal phasing were improved at the intersection of Franklin Street Arterial and Fore Street. As part of The Longfellow at Ocean Gateway project, sidewalk will be upgraded along Fore Street and India Street. In addition, sidewalk along the northwest side of Fore Street between India Street and Franklin Street Arterial will be upgraded as part of the Jordan's site redevelopment. It is the opinion of our office that the work associated with these projects should comply with local, state and ADA requirements, and based on conversations with Eaton Traffic Engineering, the Jordan's improvements will comply with these requirements. As such, it is the opinion of our office that the pedestrian facilities will be able to accommodate pedestrian traffic from The Longfellow to 300 Fore Street.

**Comment 5:** *An occupancy permit for the site should not be granted until the Longfellow Parking garage is completed or parking alternatives have been identified.*

**Response:** In the event that the project is completed prior to approval of the Ocean Gateway garage, there is sufficient surface parking available from Shipyard Brewing Company. In the event that 300 Fore Street is completed while the Ocean Gateway garage is under construction, it is our understanding that Olympia Companies will make arrangements to lease spaces during this period from the Top of the Old Port.

**Comment 6:** *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.*

**Response:** None required.

Mr. Thomas Errico, PE  
March 13, 2006  
Page 6 of 6

Please contact me should you have any further questions regarding these matters.

Sincerely,

Gorrill-Palmer Consulting Engineers, Inc.

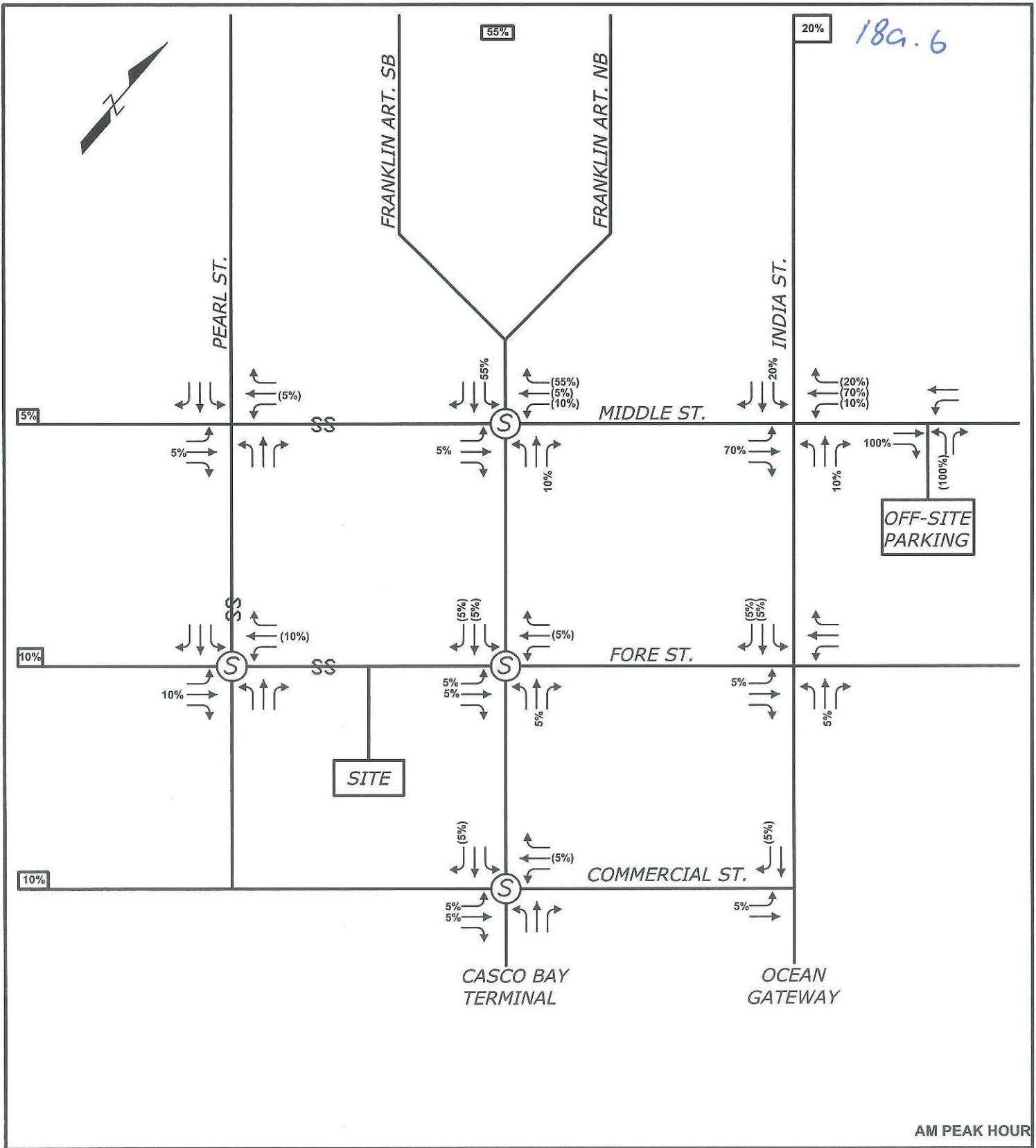


Thomas L. Gorrill, P.E., PTOE  
President

Enclosure

Copy: Tom Errico, Wilbur Smith  
Tim Levine, Olympia  
Chris Osterrieder, Deluca-Hoffman

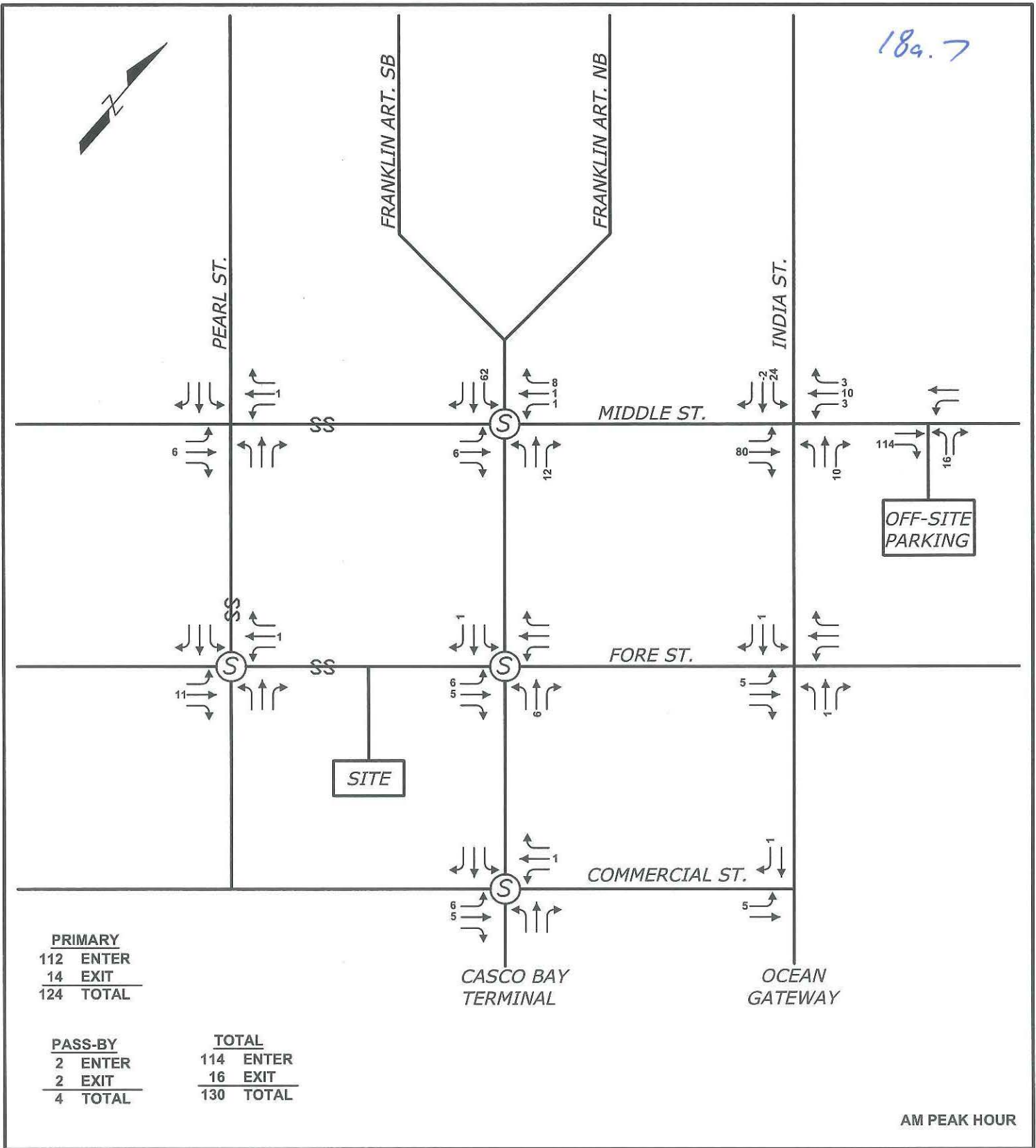
# Primary Trip Distribution



## PROPOSED OFFICE BUILDING, PORTLAND, MAINE



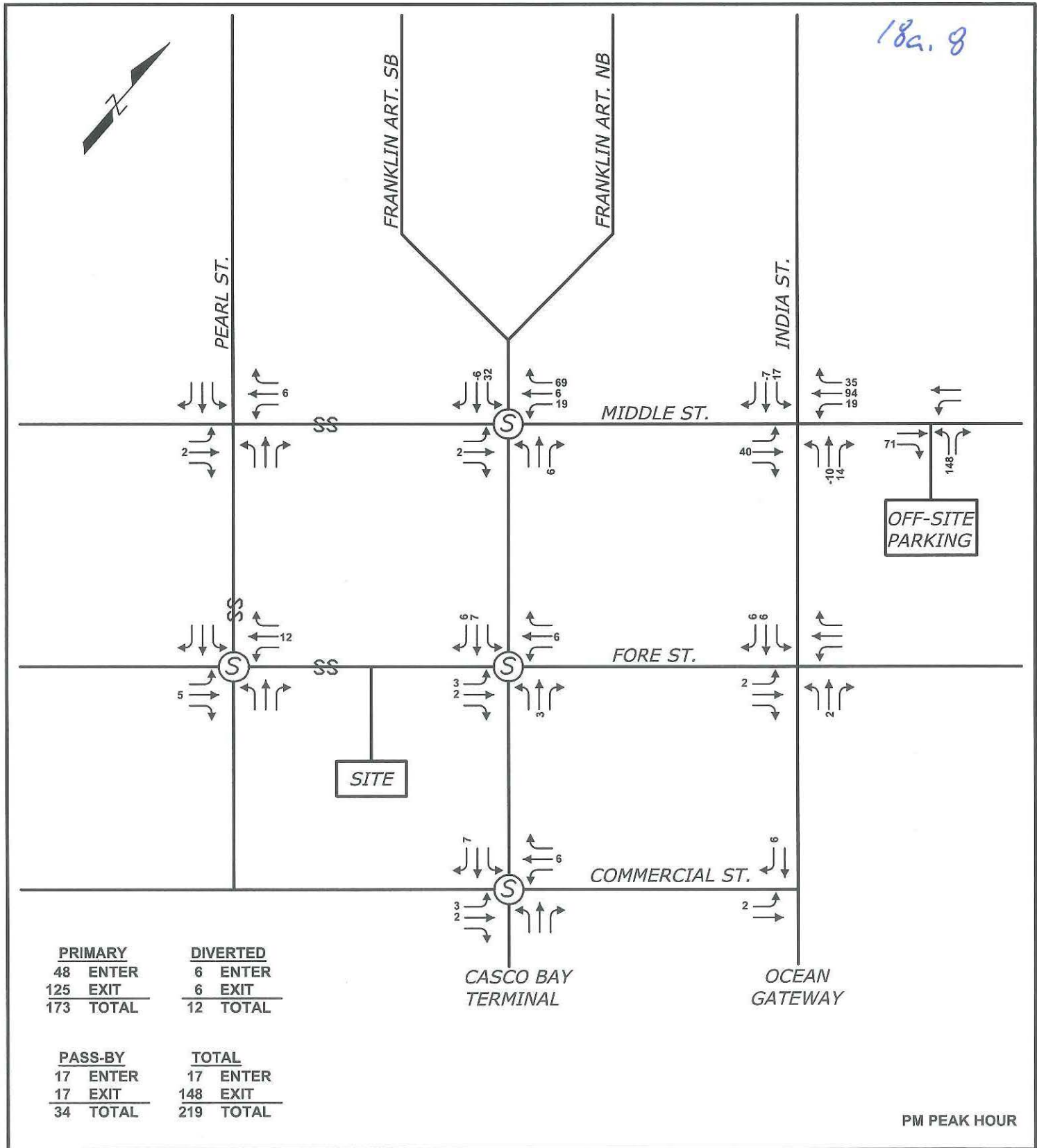
# AM Trip Assignment



## PROPOSED OFFICE BUILDING, PORTLAND, MAINE

# PM Trip Assignment

18a.8



PRIMARY		DIVERTED	
48	ENTER	6	ENTER
125	EXIT	6	EXIT
173	TOTAL	12	TOTAL

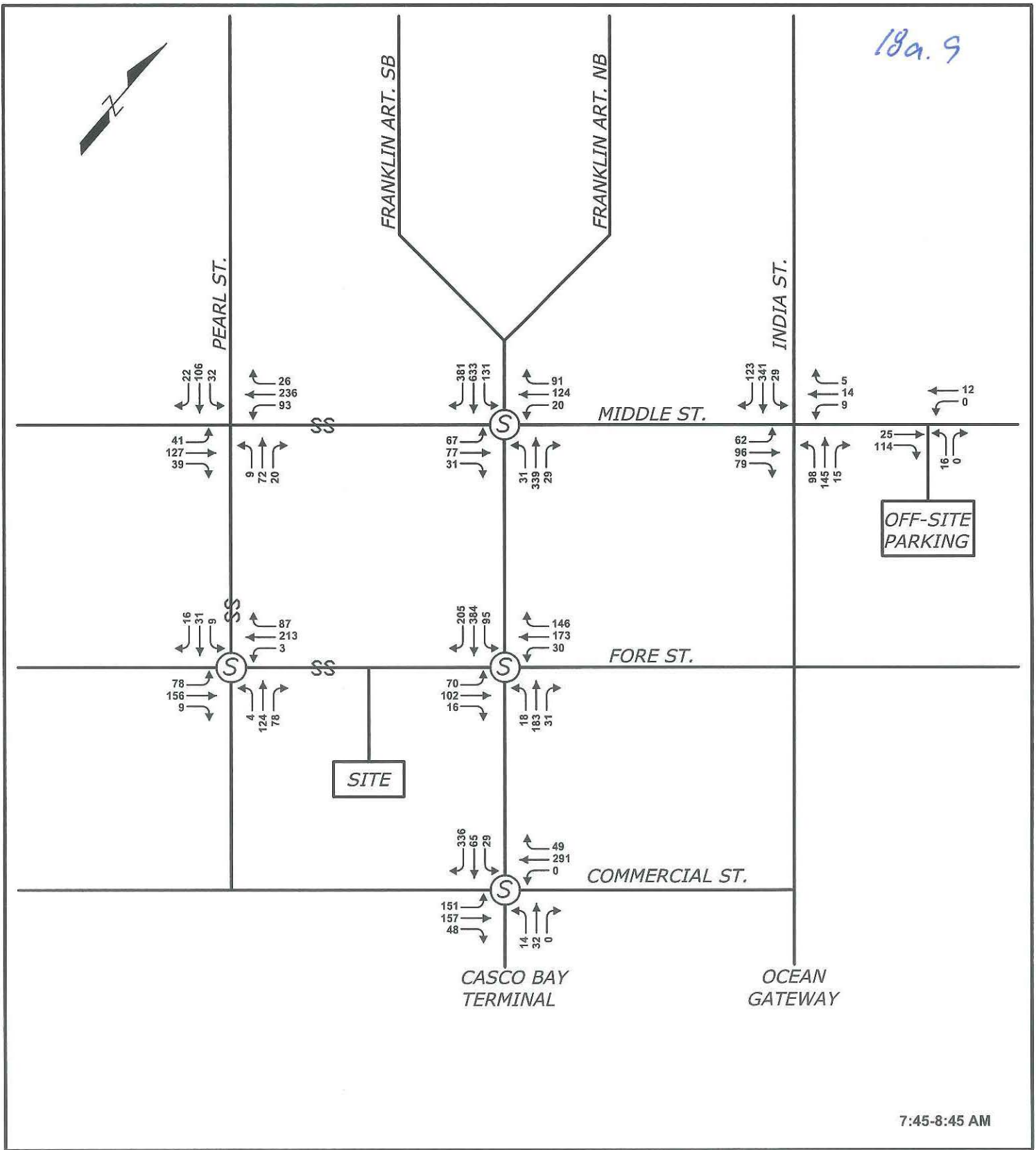
PASS-BY		TOTAL	
17	ENTER	17	ENTER
17	EXIT	148	EXIT
34	TOTAL	219	TOTAL

CASCO BAY TERMINAL

OCEAN GATEWAY

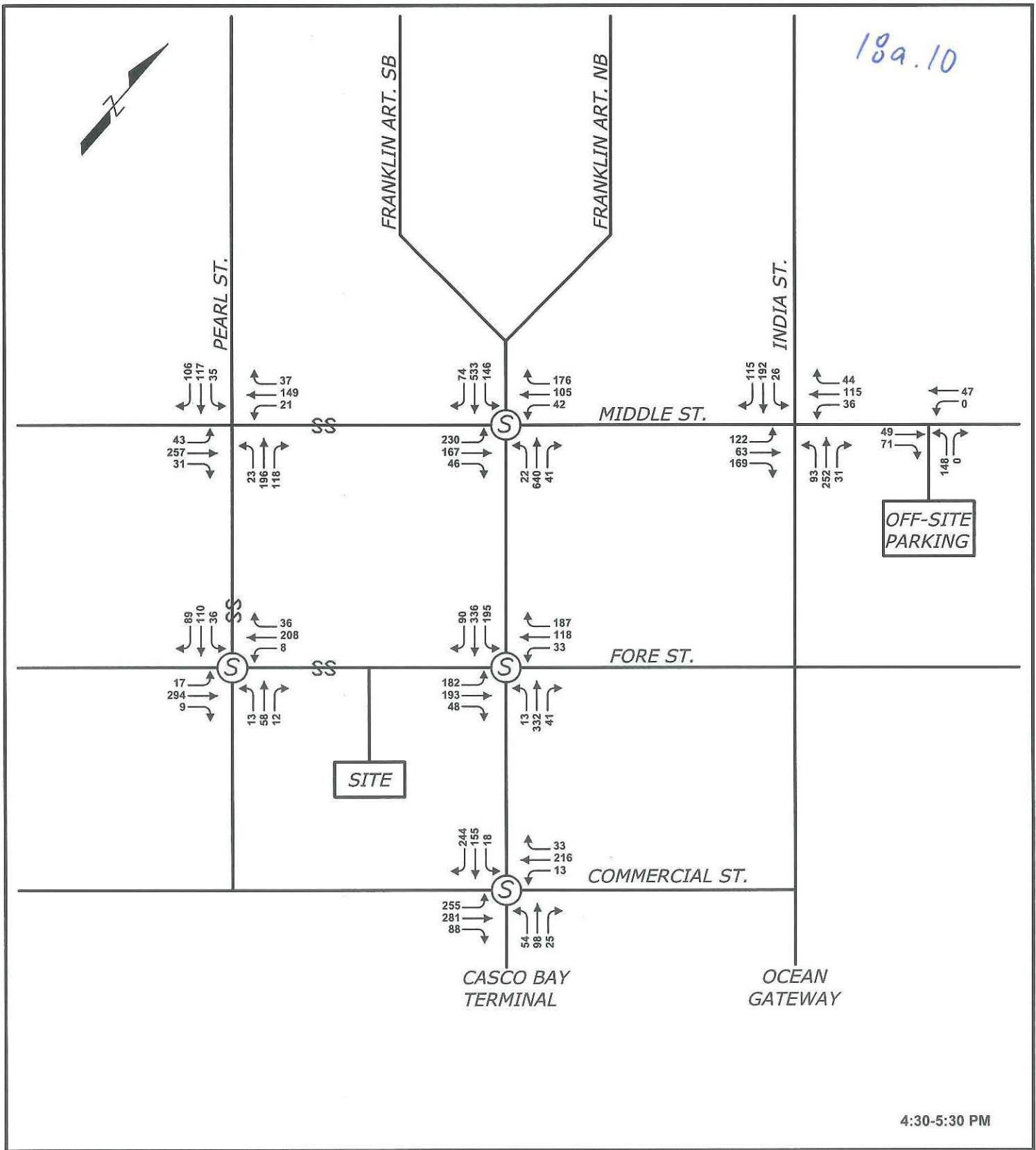
PM PEAK HOUR

## PROPOSED OFFICE BUILDING, PORTLAND, MAINE



## PROPOSED OFFICE BUILDING, PORTLAND, MAINE

18a.10



## PROPOSED OFFICE BUILDING, PORTLAND, MAINE

18a.11

Parking Generation Based on ITE Data for 300 Fore Street

Percentage of Peak Hour								
	Retail		Office		Restaurant		Hotel	
	Weekday	Saturday	Weekday	Saturday	Weekday	Saturday	Weekday	Saturday
6:00 AM	0%	0%	3%	0%	0%	0%	100%	90%
7:00 AM	8%	3%	<b>20%</b>	20%	2%	2%	85%	70%
8:00 AM	18%	10%	<b>68%</b>	60%	5%	3%	65%	60%
9:00 AM	42%	30%	<b>90%</b>	80%	10%	6%	55%	50%
10:00 AM	68%	45%	<b>96%</b>	80%	20%	8%	45%	40%
11:00 AM	87%	73%	<b>95%</b>	100%	<b>21%</b>	10%	35%	35%
12:00 PM	97%	85%	<b>94%</b>	100%	<b>64%</b>	30%	30%	30%
1:00 PM	100%	95%	<b>96%</b>	80%	<b>59%</b>	45%	30%	30%
2:00 PM	97%	100%	<b>100%</b>	60%	<b>74%</b>	45%	35%	35%
3:00 PM	95%	100%	<b>99%</b>	40%	<b>31%</b>	45%	35%	40%
4:00 PM	87%	90%	<b>92%</b>	40%	<b>50%</b>	45%	45%	50%
5:00 PM	79%	75%	<b>62%</b>	20%	<b>39%</b>	60%	60%	60%
6:00 PM	82%	65%	23%	20%	<b>72%</b>	90%	70%	70%
7:00 PM	89%	60%	7%	20%	100%	95%	75%	80%
8:00 PM	87%	55%	7%	20%	100%	100%	90%	90%
9:00 PM	61%	40%	3%	0%	100%	100%	95%	95%
10:00 PM	32%	38%	3%	0%	90%	95%	100%	100%
11:00 PM	13%	13%	0%	0%	70%	85%	100%	100%
12:00 AM	0%	0%	0%	0%	50%	70%	100%	100%

Note: Percentage of Peak Hour table comes from Exhibit 28 in "Shared Parking"  
 Items in Bold Derived from ITE Publication "Parking Generation, 3rd Edition"

Parking Demand Per Hour Per Use - Based on ITE Parking Generation										
	Retail		Office		Restaurant		Total (w/retail)		Total (w/restaurant)	
	Weekday	Saturday	Weekday	Saturday	Weekday	Saturday	Weekday	Saturday	Weekday	Saturday
6:00 AM	0	0	4	0	0	0	4	0	4	0
7:00 AM	3	1	28	6	1	3	31	7	29	9
8:00 AM	7	5	95	17	3	5	102	22	98	22
9:00 AM	17	14	125	23	6	10	142	37	131	33
10:00 AM	27	22	133	23	11	13	160	45	144	36
11:00 AM	35	35	132	29	12	16	167	64	144	45
12:00 PM	39	41	131	29	36	49	170	70	167	78
1:00 PM	40	46	133	23	33	74	173	69	166	97
2:00 PM	39	48	139	17	41	74	178	65	<b>180</b>	91
3:00 PM	38	48	138	12	17	74	176	60	155	86
4:00 PM	35	43	128	12	28	74	163	55	156	86
5:00 PM	32	36	86	6	22	98	118	42	108	104
6:00 PM	33	31	32	6	40	148	65	37	72	154
7:00 PM	36	29	10	6	56	156	46	35	66	162
8:00 PM	35	26	10	6	56	164	45	32	66	170
9:00 PM	24	19	4	0	56	164	28	19	60	164
10:00 PM	13	18	4	0	50	156	17	18	54	156
11:00 PM	5	6	0	0	39	139	5	6	39	139
12:00 AM	0	0	0	0	28	115	0	0	28	115

# Land Use: 701 Office Building

189.12

As noted, peak parking demand rates were different between sites located in suburban settings and those located in urban settings for the independent variable 1,000 sq. ft. GFA. The individual site surveys did not enable a quantitative explanation of the factors that caused the difference. One potential explanation may relate to differences in the availability of alternative modes (for example, transit, bike and pedestrian) available at the urban sites. Of the studies with data on transit availability and presence of a TDM program, the suburban sites reported about 55 percent with available transit services and 20 percent with TDM programs. The urban sites reported 100 percent with available transit and 83 percent with TDM programs of some form.

Weekend parking demand data were available at two study sites. At one site, the Saturday peak demand was less than 10 percent of peak weekday demand at the same site. At the other site, the Saturday and Sunday demand approached 90 percent of the weekday peak demand for the same site. It was not possible to derive reliable weekend parking demand rates due to lack of information on the nature of work conducted during the weekend at the two sites.

The size of one site (1.9 million sq. ft. GFA) resulted in a data plot with a scale that did not allow the 12 data points for sites less than 500,000 sq. ft. GFA to be reasonably distinguished for user analysis. Therefore, the large site was not included in the data plot for urban sites. The peak parking demand rate for the 1.9 million sq. ft. GFA site was 2.58 vehicles per 1,000 sq. ft. GFA, which was approximately the same as the average for the other 12 study sites.

The following table presents the time-of-day distributions of parking demand variation for suburban and urban sites. The only sites included in the table data were those that submitted at least four consecutive hours of parking demand observations (note: the majority of the parking demand data in the overall database consisted of one or two hourly observations).

Based on Vehicles per 1,000 sq. ft. GFA	Weekday Suburban Data		Weekday Urban Data	
	Percent of Peak Period	Number of Data Points*	Percent of Peak Period	Number of Data Points*
12:00–4:00 a.m.	–	0	–	0
5:00 a.m.	–	0	–	0
6:00 a.m.	6	1	–	0
7:00 a.m.	56	2	20	2
8:00 a.m.	86	11	68	4
9:00 a.m.	97	13	90	4
10:00 a.m.	100	12	96	4
11:00 a.m.	98	12	95	4
12:00 p.m.	87	11	94	4
1:00 p.m.	75	6	96	4
2:00 p.m.	84	6	100	4
3:00 p.m.	87	6	99	4
4:00 p.m.	75	6	92	4
5:00 p.m.	43	7	62	3
6:00 p.m.	18	2	–	0
7:00 p.m.	–	0	–	0
8:00 p.m.	–	0	–	0
9:00 p.m.	–	0	–	0
10:00 p.m.	–	0	–	0
11:00 p.m.	–	0	–	0

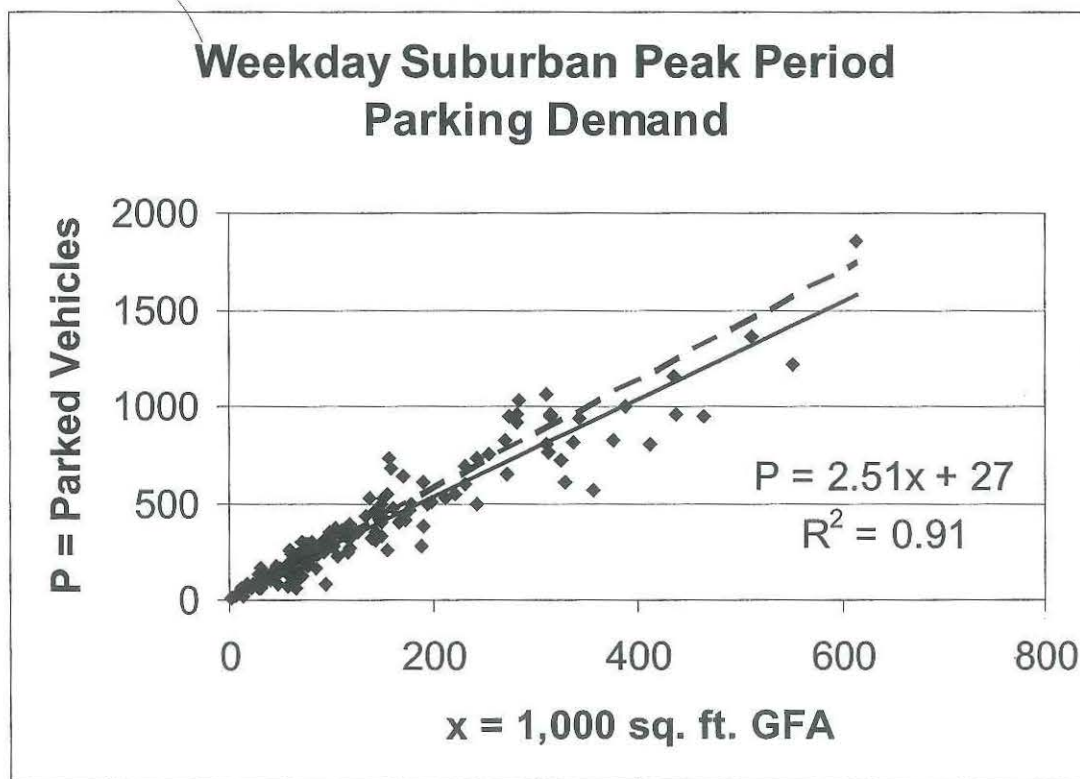
\* Subset of database

# Land Use: 701 Office Building

18a.13

**Average Peak Period Parking Demand vs: 1,000 sq. ft. GFA**  
**On a: Weekday**  
**Location: Suburban**

Statistic	Peak Period Demand
Peak Period	9:00 a.m.–12:00 p.m.; 2:00–4:00 p.m.
Number of Study Sites	173
Average Size of Study Sites	136,000 sq. ft. GFA
Average Peak Period Parking Demand	2.84 vehicles per 1,000 sq. ft. GFA
Standard Deviation	0.72
Coefficient of Variation	25%
95% Confidence Interval	2.73–2.95 vehicles per 1,000 sq. ft. GFA
Range	0.86–5.58 vehicles per 1,000 sq. ft. GFA
85th Percentile	3.44 vehicles per 1,000 sq. ft. GFA
33rd Percentile	2.57 vehicles per 1,000 sq. ft. GFA

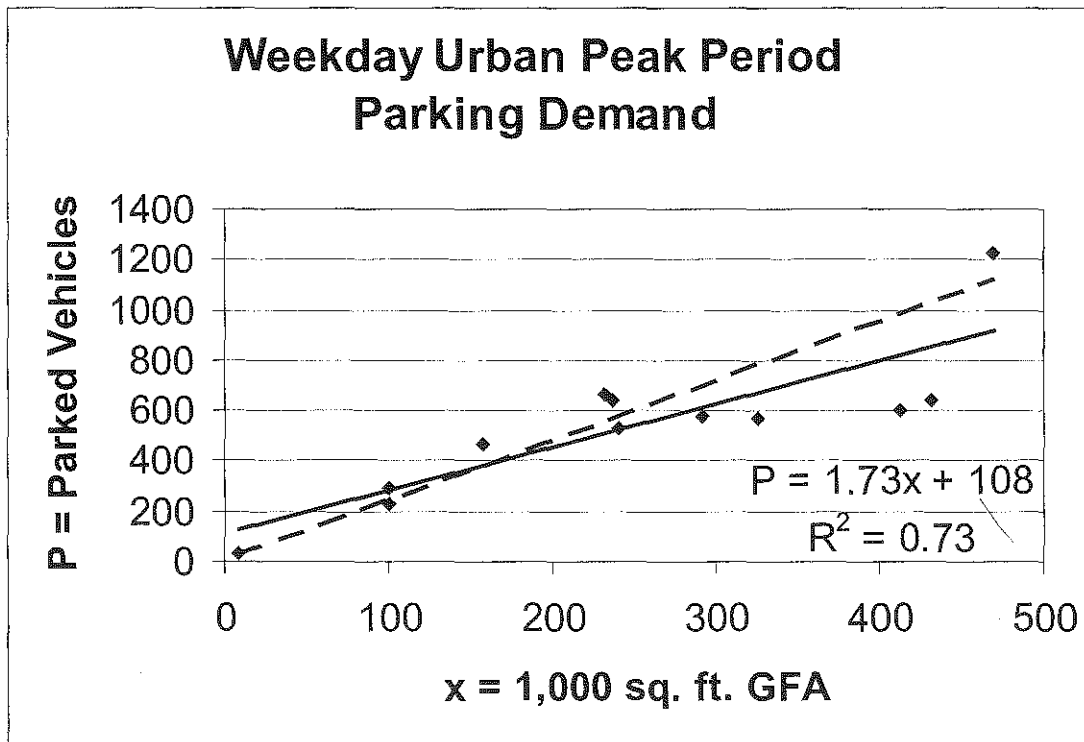


◆ Actual Data Points      — Fitted Curve      - - - - Average Rate

# Land Use: 701 Office Building

Average Peak Period Parking Demand vs: 1,000 sq. ft. GFA  
On a: Weekday  
Location: Urban

Statistic	Peak Period Demand
Peak Period	9:00 a.m.–4:00 p.m.
Number of Study Sites	12
Average Size of Study Sites	250,000 sq. ft. GFA
Average Peak Period Parking Demand	2.40 vehicles per 1,000 sq. ft. GFA
Standard Deviation	0.63
Coefficient of Variation	26%
Range	1.46–3.43 vehicles per 1,000 sq. ft. GFA
85th Percentile	2.97 vehicles per 1,000 sq. ft. GFA
33rd Percentile	2.12 vehicles per 1,000 sq. ft. GFA



◆ Actual Data Points      — Fitted Curve      - - - Average Rate



# Land Use: 931 Quality Restaurant

18a.15

The following table presents time-of-day distribution of parking demand on a weekday. A distribution is not shown for Saturday because the database included counts only between the hours of 5:00 and 9:00 p.m.

<i>Based on Vehicles per 1,000 sq. ft. GFA</i>	<i>Weekday</i>	
Hour Beginning	Percent of Peak Period	Number of Data Points*
12:00–4:00 a.m.	–	0
5:00 a.m.	–	0
6:00 a.m.	–	0
7:00 a.m.	–	0
8:00 a.m.	–	0
9:00 a.m.	–	0
10:00 a.m.	–	0
11:00 a.m.	21	2
12:00 p.m.	64	2
1:00 p.m.	59	3
2:00 p.m.	74	1
3:00 p.m.	31	4
4:00 p.m.	50	2
5:00 p.m.	39	3
6:00 p.m.	72	4
7:00 p.m.	100	12
8:00 p.m.	88	10
9:00 p.m.	–	0
10:00 p.m.	–	0
11:00 p.m.	–	0

\* Subset of Database

## Additional Data

The National Restaurant Association identifies August as the most popular month to eat out and Saturday as the most popular day of the week for dining out.<sup>1</sup>

Monthly parking variation cannot be derived from the available data. However, the following full-service restaurant sales information (averaged for the period 1999 through 2003 from the U.S. Census) is provided as a reference to peak month activity. The full-service restaurants that compose the U.S. Census data set may not have the same land use characteristics as sites contained in the ITE *Parking Generation* database for this land use.

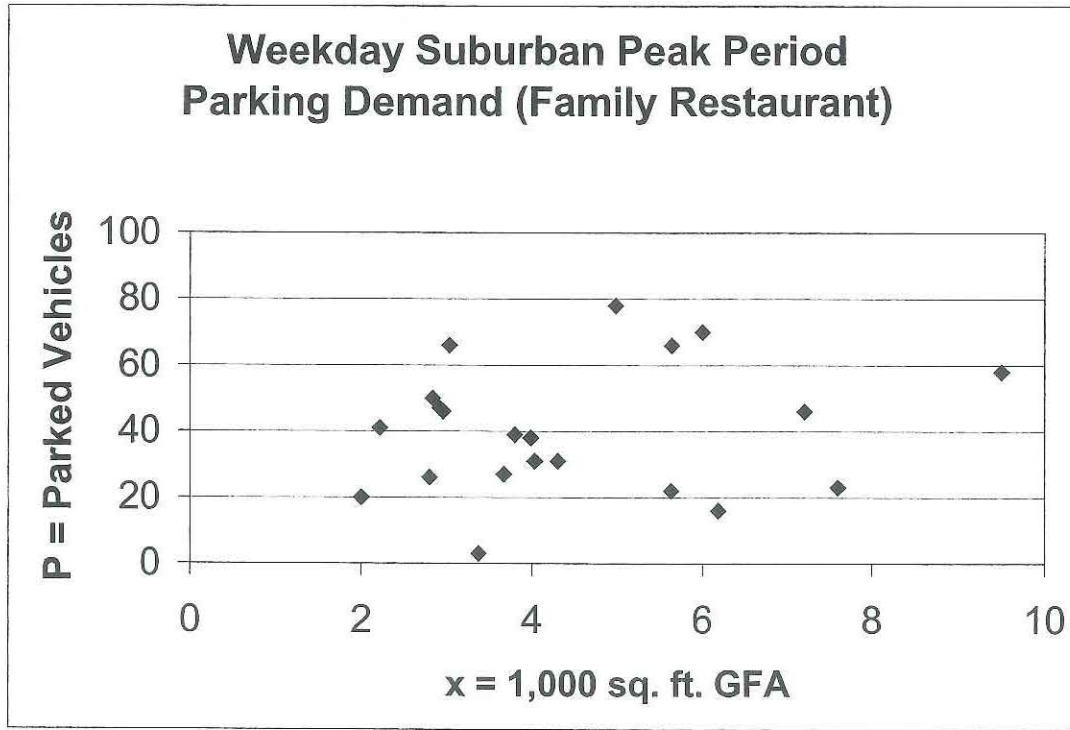
<sup>1</sup> National Restaurant Association. [www.restaurant.org/faq.cfm](http://www.restaurant.org/faq.cfm)

# Land Use: 932 High-Turnover (Sit-Down) Restaurant

18a.16

**Average Peak Period Parking Demand vs: 1,000 sq. ft. GFA  
On a: Weekday  
Land Use Code Subset: Family Restaurant (No Bar or Lounge)  
Location: Suburban**

Statistic	Peak Period Demand
Peak Period	11:00 a.m.–2:00 p.m.
Number of Study Sites	21
Average Size of Study Sites	4,500 sq. ft. GFA
Average Peak Period Parking Demand	10.1 vehicles per 1,000 sq. ft. GFA
Standard Deviation	5.7
Coefficient of Variation	56%
95% Confidence Interval	7.7–12.5 vehicles per 1,000 sq. ft. GFA
Range	0.9–21.8 vehicles per 1,000 sq. ft. GFA
85th Percentile	16.1 vehicles per 1,000 sq. ft. GFA
33rd Percentile	7.3 vehicles per 1,000 sq. ft. GFA

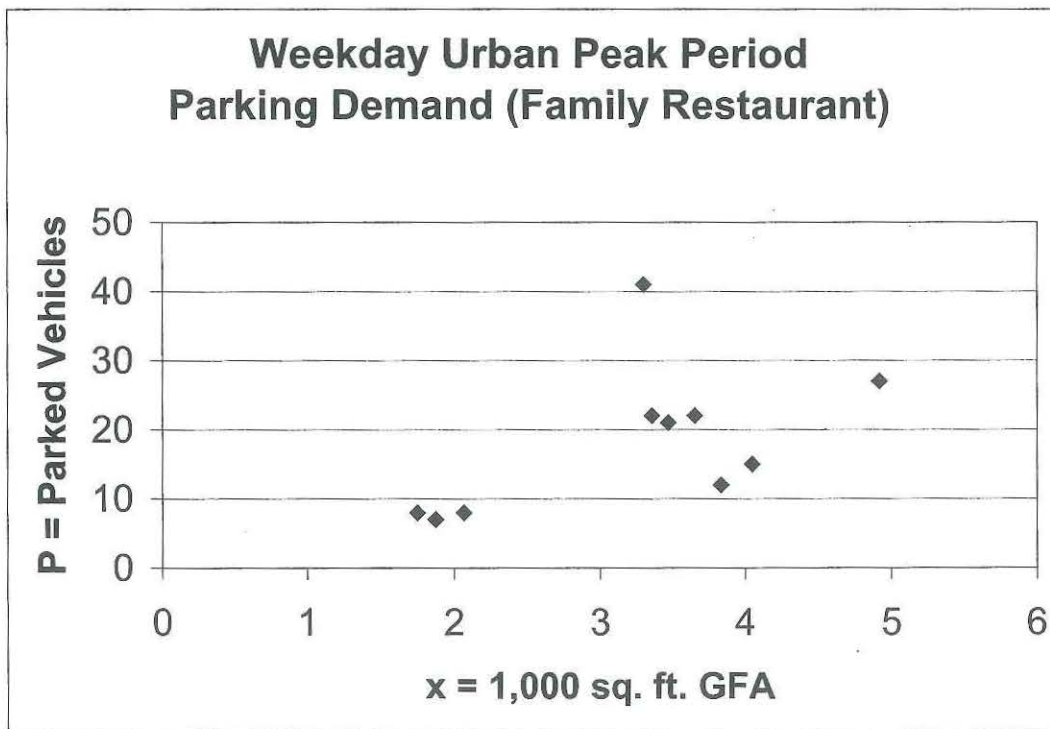


# Land Use: 932 High-Turnover (Sit-Down) Restaurant

18a.17

**Average Peak Period Parking Demand vs: 1,000 sq. ft. GFA  
On a: Weekday  
Land Use Code Subset: Family Restaurant (No Bar or Lounge)  
Location: Urban**

Statistic	Peak Period Demand
Peak Period	11:00 a.m.–1:00 p.m.; 6:00–8:00 p.m.
Number of Study Sites	10
Average Size of Study Sites	3,200 sq. ft. GFA
Average Peak Period Parking Demand	5.55 vehicles per 1,000 sq. ft. GFA
Standard Deviation	2.69
Coefficient of Variation	48%
Range	3.13–12.41 vehicles per 1,000 sq. ft. GFA
85th Percentile	6.37 vehicles per 1,000 sq. ft. GFA
33rd Percentile	3.86 vehicles per 1,000 sq. ft. GFA



◆ Actual Data Points

18b.1

March 22, 2006

Mr. Bill Needelman, Senior Planner  
City of Portland  
389 Congress Street  
Portland, ME 04101

Re: 300 Fore Street  
Provision of Updated SimTraffic Results

Dear Bill:

As per Tom Errico's request in an email dated March 16, 2006, our office has provided updated SimTraffic analysis for the postdevelopment scenario for 300 Fore Street. Based on his email, Mr. Errico had requested updated information along Franklin Street Arterial following receipt of our comment-response letter dated March 13, 2006. The updated SimTraffic results are shown in the following tables:

**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	50	D
Middle Street EB TR	27	C	27	C	26	C	30	C
Middle Street WB LT	38	D	36	D	29	C	29	C
Middle Street WB R	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	44	D
FS Arterial SB TR	9	A	10	B	11	B	13	B
<b>Overall</b>	<b>13</b>	<b>B</b>	<b>14</b>	<b>B</b>	<b>17</b>	<b>B</b>	<b>20</b>	<b>C</b>

**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	38	D	34	C	33	C
Fore Street EB TR	16	B	15	B	26	C	24	C
Fore Street WB LTR	29	C	29	C	28	C	28	C
FS Arterial NB LTR	6	A	9	A	7	A	7	A
FS Arterial SB LTR	8	A	9	A	12	B	16	B
<b>Overall</b>	<b>15</b>	<b>B</b>	<b>15</b>	<b>B</b>	<b>18</b>	<b>B</b>	<b>19</b>	<b>B</b>

Mr. Bill Needelman  
 March 13, 2006  
 Page 2 of 2

### 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	42	D
Commercial Street EB T	21	C	21	C	24	C	23	C
Commercial Street EB R	8	A	7	A	14	B	12	B
Commercial Street WB LT	39	D	40	D	44	D	40	D
Commercial Street WB R	12	B	12	B	10	B	11	B
State Pier NB LT	26	C	20	C	25	C	24	C
State Pier NB R	26	C	20	C	5	A	3	A
FS Arterial SB L	28	C	28	C	29	C	33	C
FS Arterial SB T	22	C	26	C	28	C	35	C
FS Arterial SB R	12	B	11	B	7	A	9	A
<b>Overall</b>	<b>25</b>	<b>C</b>	<b>25</b>	<b>C</b>	<b>27</b>	<b>C</b>	<b>27</b>	<b>C</b>

As can be seen in the previous tables, all lane groups along the Franklin Street Arterial corridor are forecast to operate at acceptable levels of service with the updated trip generation in the postdevelopment condition.

The updated SimTraffic results for the revised postdevelopment condition are enclosed with this letter. Please contact me should you have any further questions regarding this information.

Sincerely,

Gorrill-Palmer Consulting Engineers, Inc.

  
 Thomas L. Gorrill, P.E., PTOE  
 President

Enclosure

Copy: Tom Errico, Wilbur Smith  
 Tim Levine, Olympia  
 Chris Osterrieder, Deluca-Hoffman