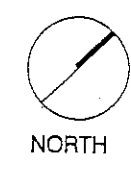
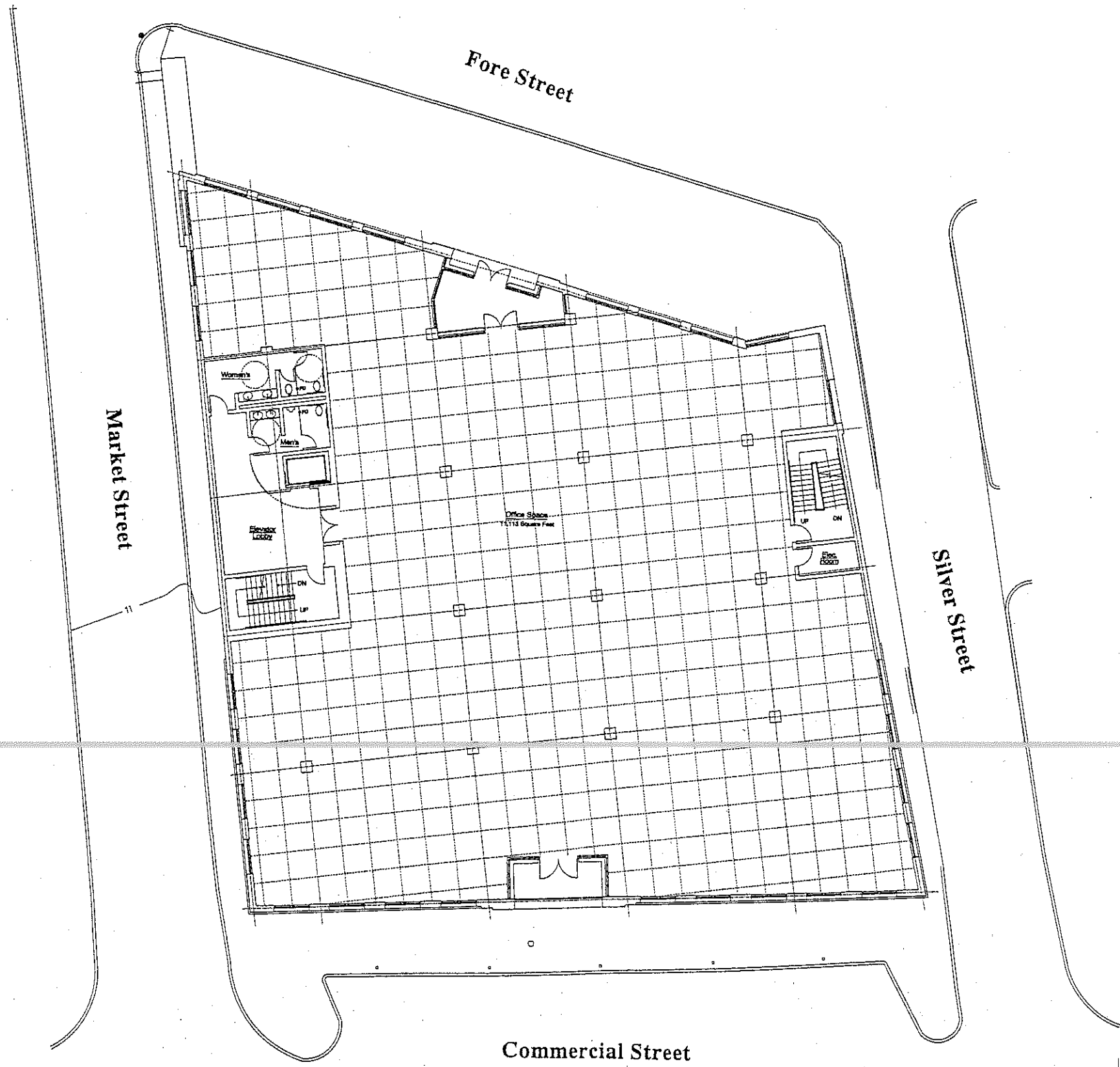


Context Plan  
 Not to Scale  
 August 5, 1999

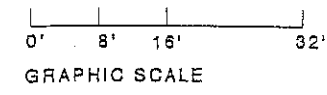
**HarborView Block**  
 Portland, Maine

**ATTACHMENT #1**  
 1 of 8

*Orcutt*  
 Associates  
 81 Bridge Street  
 Yarmouth, Maine 04096



NORTH

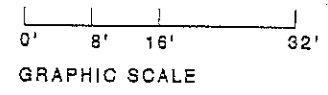
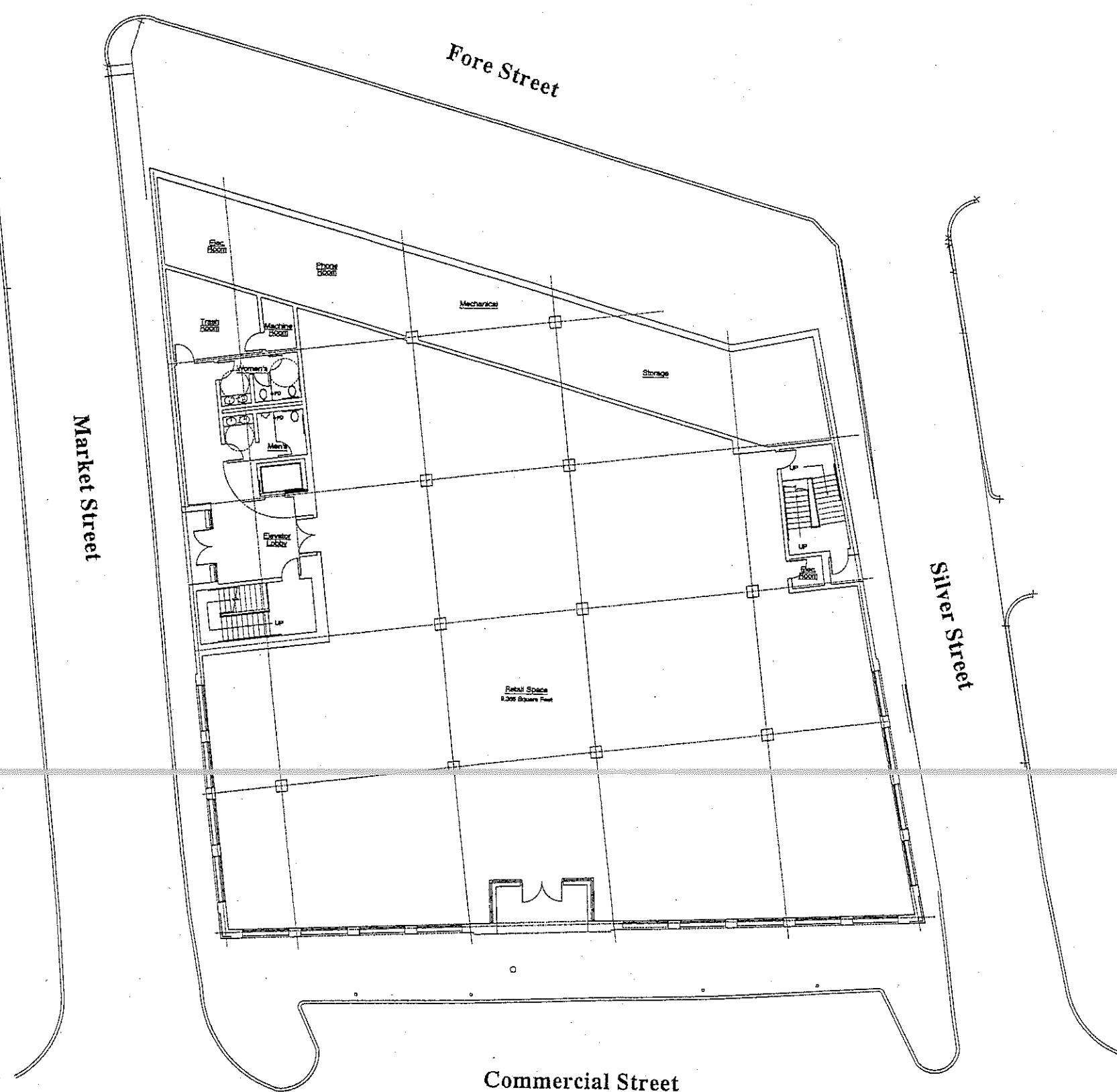


Fore Street Level Plan  
Date: August 4, 1999

**HarborView Block**  
Portland, Maine

1: 20F8

*Orcutt*  
Associates  
81 Bridge Street  
Yarmouth, Maine 04096

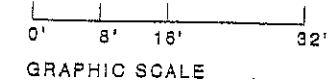
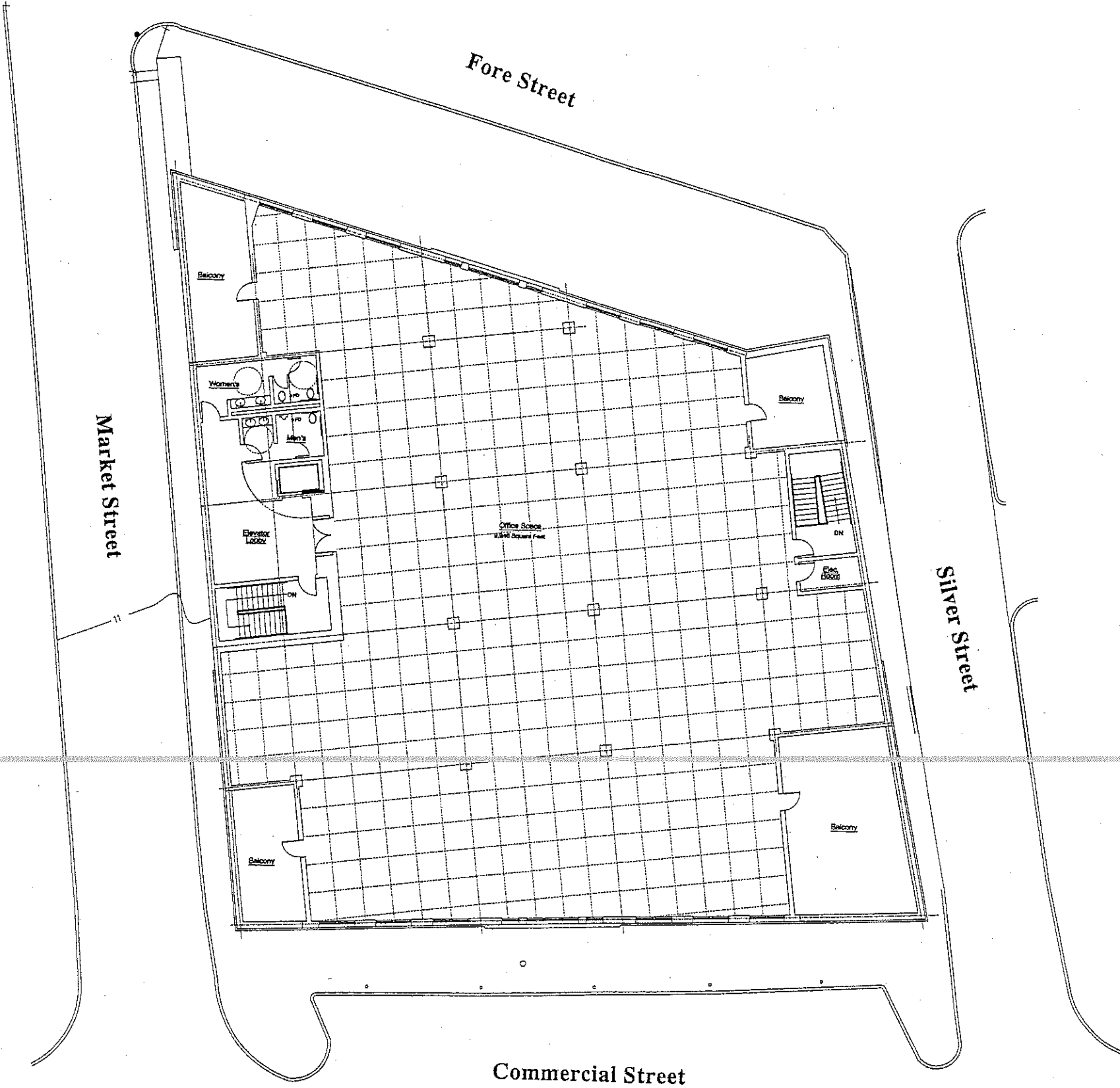


Commercial Street Level Plan  
Date: August 4, 1999

**HarborView Block**  
Portland, Maine

1: 3 OF 8

*Orcutt*  
Associates  
81 Bridge Street  
Yarmouth, Maine 04096

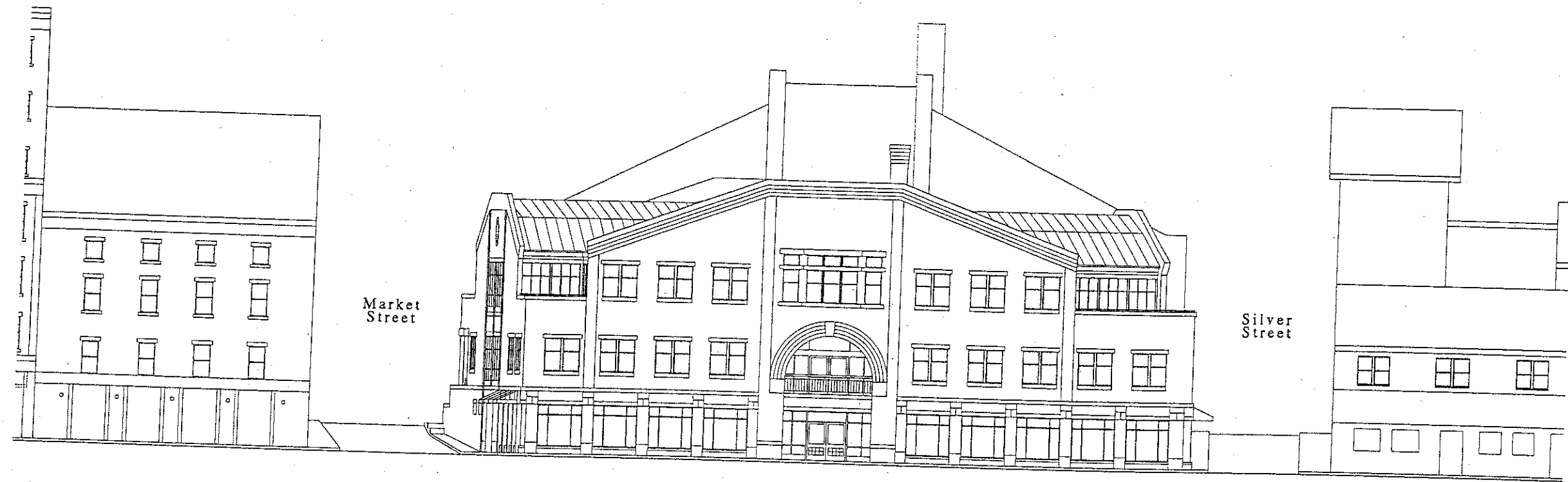


Upper Level Plan  
Date: August 4, 1999

**HarborView Block**  
Portland, Maine

1: 40F8

*Orcutt*  
Associates  
81 Bridge Street  
Yarmouth, Maine 04096



COMMERCIAL STREET ELEVATION

Scale: 1" = 20'-0"  
Date: August 4, 1999

HarborView Block  
Portland, Maine

1: 5 OF 8

Orcutt  
Associates  
81 Bridge Street  
Yarmouth, Maine 04096



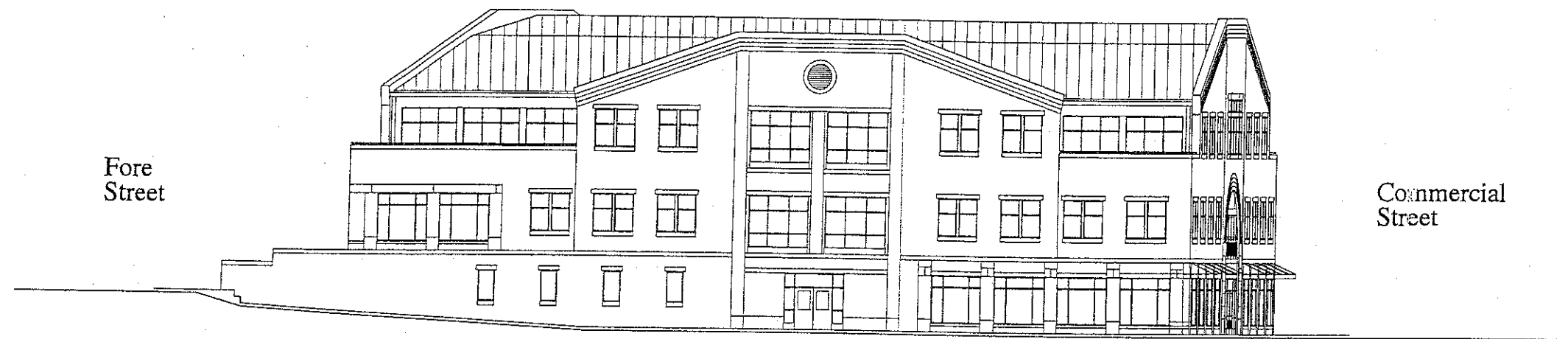
FORE STREET ELEVATION

Scale: 1" = 20'-0"  
Date: Aug. 4, 1999

**HarborView Block**  
Portland, Maine

1: 6078

*Orcutt*  
Associates  
81 Bridge Street  
Yarmouth, Maine 04096



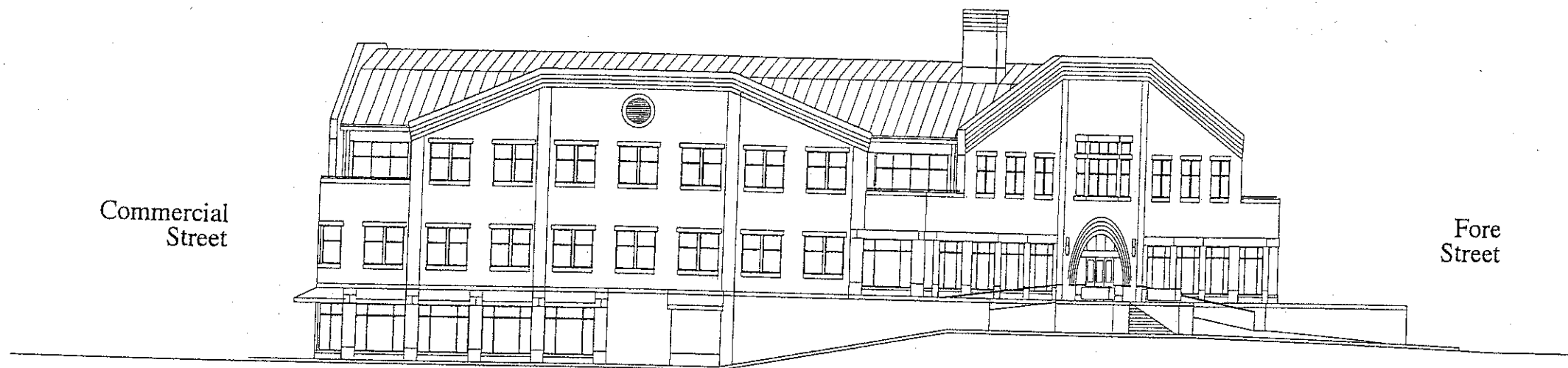
MARKET STREET ELEVATION

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Date: August 4, 1999

HarborView Block  
Portland, Maine

1: 70F8

Orcutt  
Associates  
81 Bridge Street  
Yarmouth, Maine 04096



SILVER STREET ELEVATION

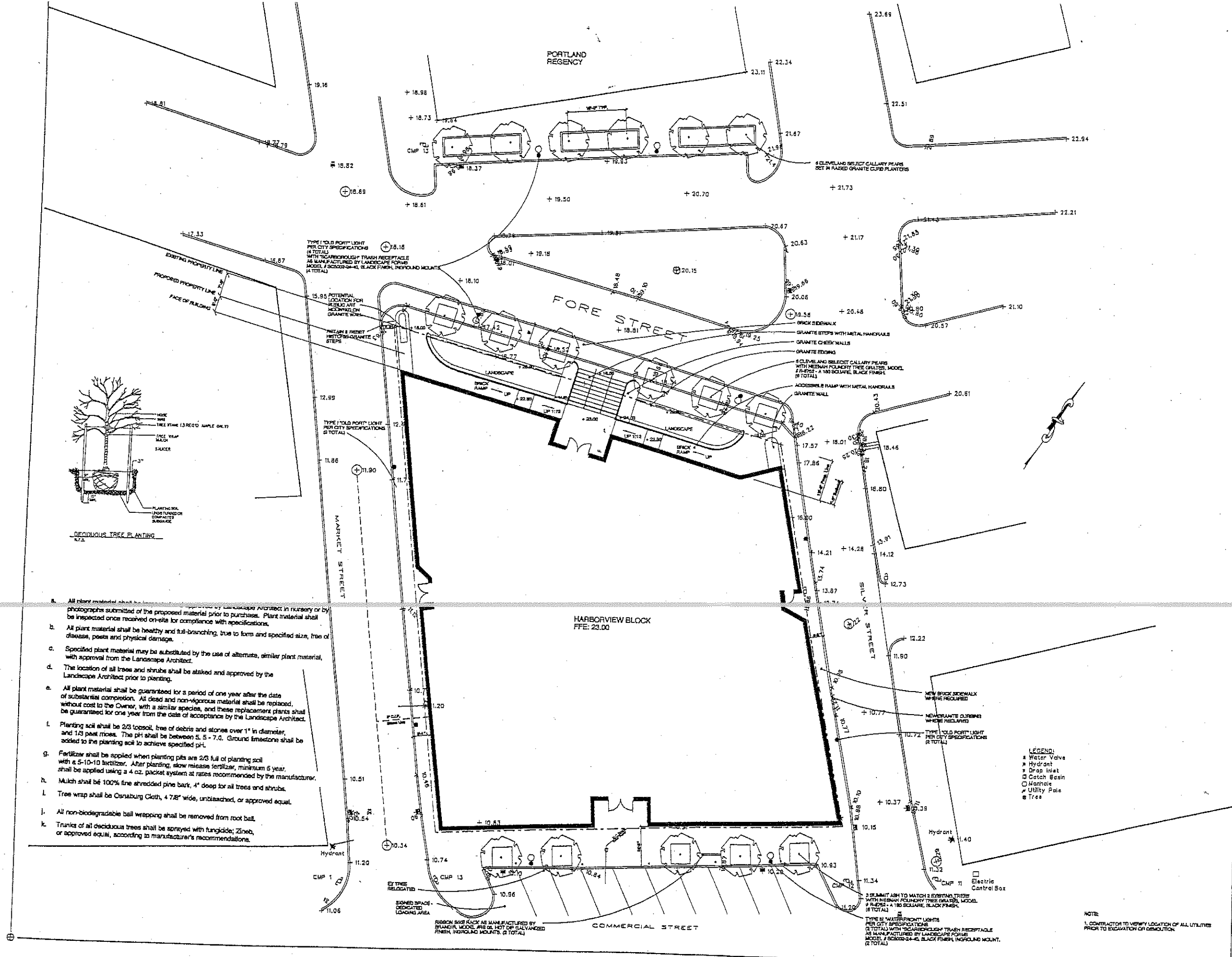
Scale: 1" = 20'-0"  
Date: August 4, 1999

HarborView Block  
Portland, Maine

1: 80F8

Orcutt  
Associates  
81 Bridge Street  
Yarmouth, Maine 04096





- All plant material shall be inspected by Landscape Architect in nursery or by photographs submitted of the proposed material prior to purchase. Plant material shall be inspected once received on-site for compliance with specifications.
- All plant material shall be healthy and full-branching, true to form and specified size, free of disease, pests and physical damage.
- Specified plant material may be substituted by the use of alternate, similar plant material, with approval from the Landscape Architect.
- The location of all trees and shrubs shall be staked and approved by the Landscape Architect prior to planting.
- All plant material shall be guaranteed for a period of one year after the date of substantial completion. All dead and non-vigorous material shall be replaced, without cost to the Owner, with a similar species, and these replacement plants shall be guaranteed for one year from the date of acceptance by the Landscape Architect.
- Planting soil shall be 2/3 topsoil, free of debris and stones over 1" in diameter, and 1/3 peat moss. The pH shall be between 5.5 - 7.0. Ground limestone shall be added to the planting soil to achieve specified pH.
- Fertilizer shall be applied when planting pits are 2/3 full of planting soil with a 5-10-10 fertilizer. After planting, slow release fertilizer, minimum 5 year, shall be applied using a 4 oz. packet system at rates recommended by the manufacturer.
- Mulch shall be 100% fine shredded pine bark, 4" deep for all trees and shrubs.
- Tree wrap shall be Osnyburg Cloth, 4.78" wide, unbleached, or approved equal.
- All non-biodegradable ball wrapping shall be removed from root ball.
- Trunks of all deciduous trees shall be sprayed with fungicide, Zineb, or approved equal, according to manufacturer's recommendations.

**NOT FOR CONSTRUCTION**

Rev	Description	Date
REVISION 1		AUGUST 4, 1998

**HarborView Block  
 Portland, ME**

**Site Plan**

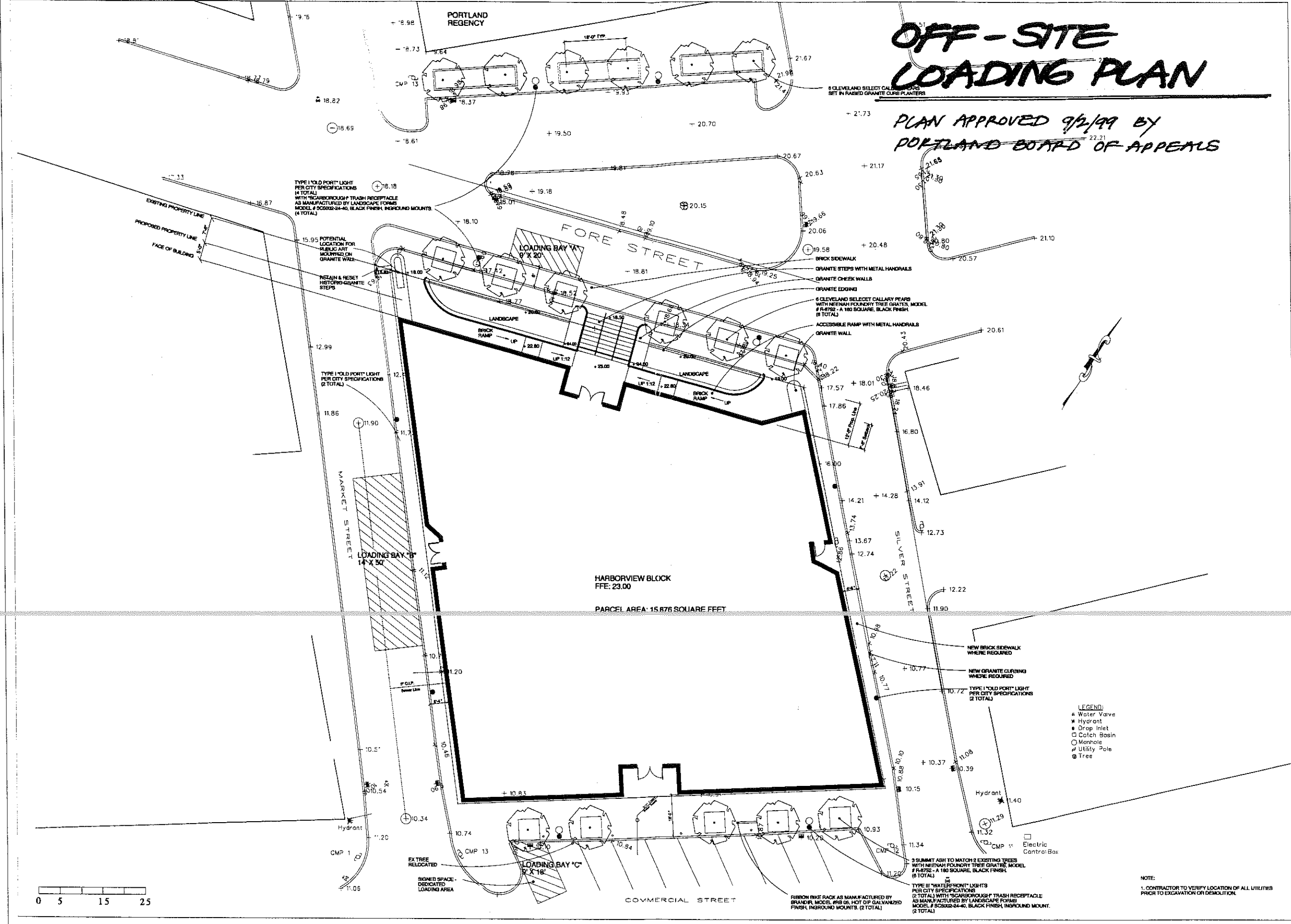
Scale: 1" = 10'-0"	Date: 7/28/98
Drawn By: JH	Checked By: CPC
Approved By: CPC	Project No: 9803-02
Date Plot: 8/20/98	

L2

ATTACHMENT #2

# OFF-SITE LOADING PLAN

PLAN APPROVED 9/2/99 BY  
PORTLAND BOARD OF APPEALS

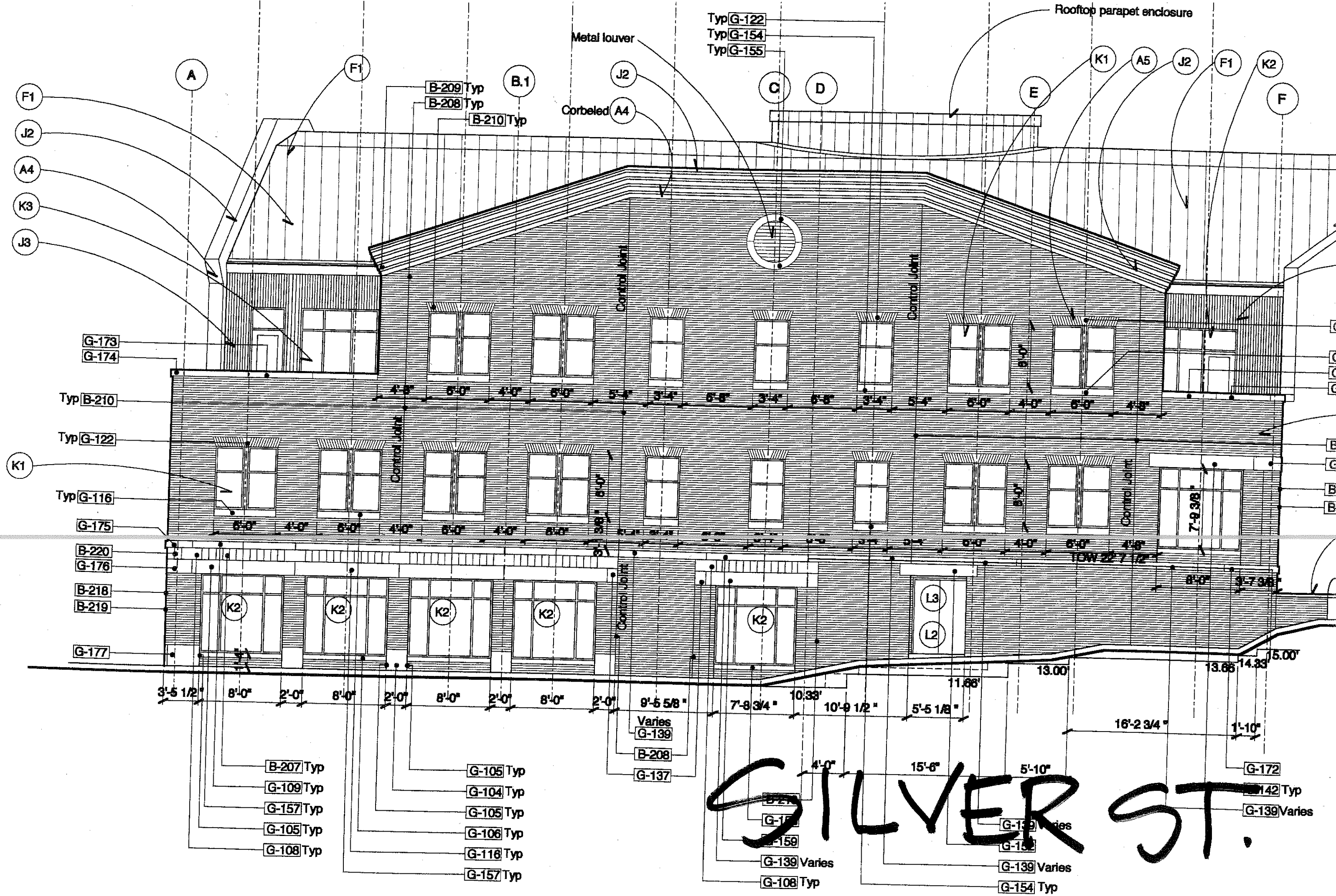


## HarborView Block Portland, Maine

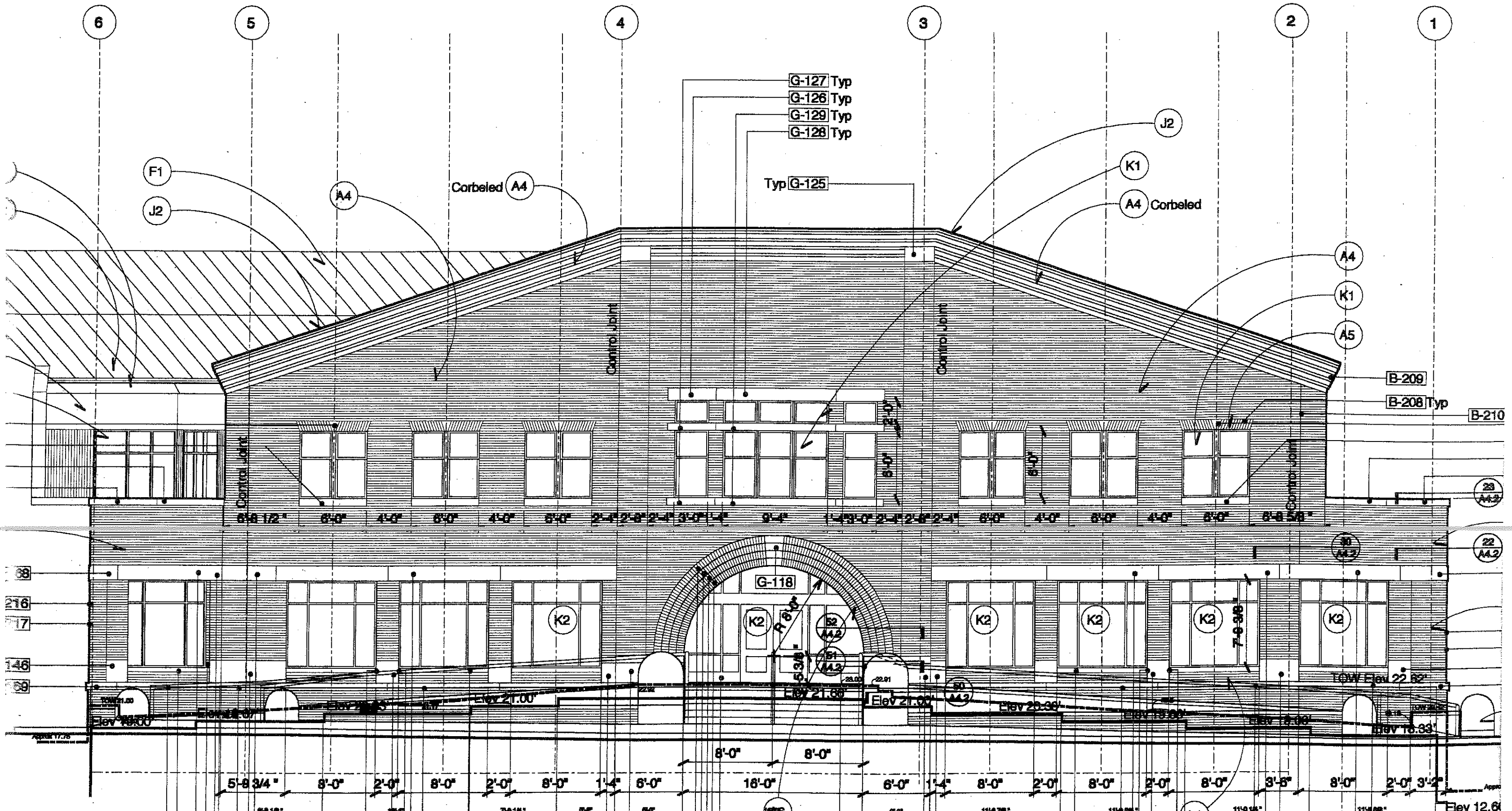
ATTACHMENT # 3 1:1

Site Plan  
Date: Aug. 19, 1999

Orcutt  
Associates  
81 Bridge Street  
Yamouth, Maine 04096



**SILVER ST.**



G-144 Varies  
 G-145 Varies  
 G-146 Varies

G-106 Typ  
 G-109 Typ

Semi-circular arch corbeled  
 G-180 Varies  
 B-201 Typ  
 B-202 Typ

Typ G-158  
 G-147

**FOREST ST.**

Typ G-106  
 Typ G-109

G-139  
 G-144  
 G-145 Varies

Elev 12.60



Rooftop parapet enclosure

Metal louver

Corbeled

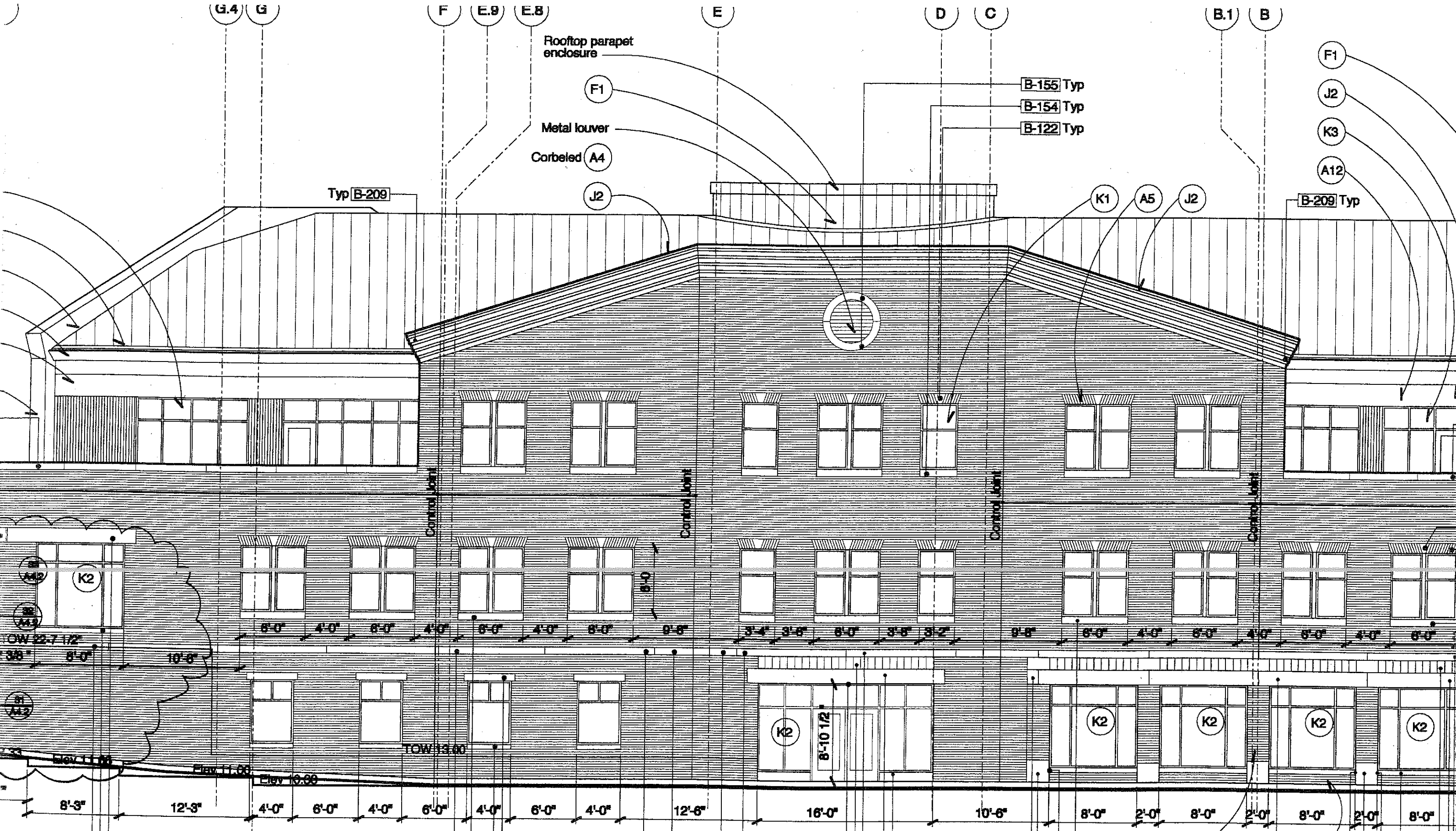
B-155 Typ

B-154 Typ

B-122 Typ

Typ B-209

B-209 Typ



**MARKET ST.**

G-144/Varies  
G-106 Typ  
G-109 Typ

G-141  
G-140  
G-116 Typ  
G-139/Varies  
G-109

G-116 Typ  
G-109

Typ G-105  
Typ G-104





**CITY OF PORTLAND, MAINE**



**BOARD OF APPEALS**

To: City Clerks Office

From: Marge Schmuckal, Zoning Administrator

Date: September 3, 1999

Re: Actions taken by the Board of Appeals on September 2, 1999

MEMBERS PRESENT: Elizabeth Bordowitz, Andrew Braceras, Bill Neleski, Sam Sivovlos, and Julie Brady.

MEMBERS ABSENT: Peter Clifford and Lee Lowry.

The meeting was called to order at 7:03 p.m.

**1. Unfinished Business:**

**2. New Business:**

**A. Practical Difficulty Variance Appeal**

145 Commercial Street, Mr. Eric Cianchette/E.L.C., Inc., owner of the property. The Board voted 5-0 to allow for relief from requiring off-street loading bays, which will be provided in several locations, with the condition that the use of the loading zone on Market St. shall not unnecessarily interfere with the existing loading zone, including but not limited to, the loading zone servicing the building at 161 Commercial St., B-3 Zone.

349 Park Avenue, Mr. John Kneb, President & CEO of Catamount Dairy Holdings. The Board voted 5-0 to postpone this appeal until 9/16/99. At that time the Board will decide whether to allow for relief from dimensional setback requirements to allow for a new 40,000 gal stainless steel milk tank, IM Zone.

**B. Miscellaneous Appeal**

145 Commercial Street, Mr. Eric Cianchette/E.L.C., Inc., owner of the property. The Board voted 5-0 to allow for relief from requirements for parking to be no further than 100 ft from the establishment.

**3. Adjournment: 8:50 p.m.**

Enclosure: Agenda for September 2, 1999  
Copy of the Board's Decision  
Tape of meeting (1 reg. Standard standard tape)

CC: Joseph Gray, Dir. PUD  
Mark Adelson, Housing and Community Services  
Charlie Lane, Associate Corporate Council



DELUCA-HOFFMAN ASSOCIATES, INC.  
CONSULTING ENGINEERS

77 MAIN STREET  
SUITE 5  
SOUTH BOROUGH AND MAINE 04096  
TEL 207 755 0121  
FAX 207 750 0996

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

July 27, 1999

ATTACHMENT #5  
1:4

Ms. Cynthia Orcutt  
Orcutt Associates  
25 Bridge Road  
Yarmouth, Maine 04096

Fax: 846-5107

RE: HarborView Block  
Traffic and Parking Review

Dear Cynthia:

DeLuca-Hoffman Associates, Inc. has reviewed the traffic and parking elements for the proposed redevelopment of the former Key Bank site on Commercial Street in Portland. The proposed building would occupy the entire block bounded by Commercial Street, Market Street, Fore Street, and Silver Street, and will therefore have no driveways serving the site. The building would contain three stories with a total of approximately 13,500 square feet of retail space and 21,500 square feet of office space. The site is in the B-3 zone and also the Pedestrian Activities District along Commercial and Fore Streets. The results of our initial review are as follows:

**Traffic:**

The site is currently occupied by a former Key Bank of approximately 2,700 square feet and associated parking areas. Traffic generation for this former use and the proposed uses as estimated utilizing ITE Trip Generation, Sixth Edition, is as follows:

Trip Generation Summary				
Use	ITE Land Use Code	Trip Generation		
		AM. Peak Hour	PM Peak Hour	24-Hour Weekday
Proposed Office	Gen. Office - 710	56	61	415
Proposed Retail	Specialty Retail - 814	15	36	570
<b>Total</b>		<b>71</b>	<b>97</b>	<b>985</b>
Former Bank	Walk-In Bank - 911	11	90	423
<b>Net</b>		<b>60</b>	<b>7</b>	<b>562</b>

The above table shows that projected traffic generation for the redeveloped site would be less than 100 trip ends for both the morning and evening peak hours. Net traffic generation would be only 7 trip ends for the typically critical evening peak hour. The office will generate the majority of the traffic associated with the project, with parking to be provided at up to three separate lots. This will provide dispersion of the site-generated traffic which will minimize any traffic impacts. Also, a significant amount of the specialty retail traffic will likely be pedestrians, further reducing the vehicular traffic impacts.



Ms. Cynthia Orcutt  
July 27, 1999  
Page 2

2:4

A state traffic permit will not be required, and the City will need to evaluate the above information to determine whether they would require a traffic study.

**Parking:**

The proposed development would eliminate all onsite parking, with the anticipated demand to be served by other lots owned by the developer. There are currently ten angled spaces along Commercial Street and potential for parallel spaces along Fore Street once the parking structure is removed. The required parking supply based on City ordinances is as follows:

**Retail:** One space per 200 square feet of floor space in excess of 2,000 square feet, not including bulk storage. Assuming 10% of the retail area would be "bulk storage", the 13,500 square feet of retail space nets to 10,150 square feet requiring 51 parking spaces.

**Office:** One space per 400 square feet of floor space. The 22,000 square feet of office would require 55 spaces.

The total City requirement is therefore 106 parking spaces. We would expect that most of the retail customer parking would be satisfied by on-street parking and that the site's location in the Pedestrian Activity District would minimize the parking needs. We suggest that ten off-street employee parking spaces be provided for the retail area and that the full complement of 55 spaces be provided for the office uses. Therefore, a total of 65 off-street spaces should be provided, but a variance would be needed to reduce the retail space requirement.

The ordinance requires parking to be located within 100' of the building or Board of Appeals approval would be required. Therefore, the use of remote parking lots will require Board of Appeals approval. Additionally, the availability of parking within those lots would need to be confirmed and possibly approved by the Board of Appeals if this is considered "joint use" by the Board.

**Loading:**

The ordinance requires one loading space of 14' x 50' for retail uses of 5-40,000 square feet. This space shall be located completely off the street. This space will need to be provided or a variance obtained to eliminate the requirement.

**Summary:**

The proposed project is predicted to generate less than 100 trip ends during the morning and evening peak hours and would therefore not require a State traffic permit. The City will need to determine if a traffic study is needed, given the minimal net traffic increase and dispersion of traffic to remote parking areas.

Ms. Cynthia Orcutt  
July 27, 1999  
Page 3

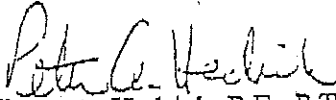
3:4

Variances will be required to use remote parking areas for either the full amount of 106 spaces or a net amount of 65 spaces if an additional variance for reducing the number of retail spaces is pursued. Likewise, a variance would be required to eliminate the one required loading space.

Should you have any questions or require additional information, please contact me.

Sincerely,

DeLUCA-HOFFMAN ASSOCIATES, INC.



Peter A. Hedrich, P.E., P.T.O.E.  
Senior Engineer

PAH/sq/JN1883/Orcutt7-27

c: Mike DeLuca

*E.L.C. Inc.*  
*42 Market St.*  
*Portland, ME 04101*  
*207-774-1000*  
*Fax 207-774-2946*

July 27, 1999

Cynthia Orcutt  
Orcutt Associates

Cynthia,

Below are the parking lots that we have under our control:

Market and Silver St. Lot:	46 Spaces
Silver St. Lot	46 Spaces
Pearl & Middle St.	228 Spaces

Out of the above lots, the Regency requires parking for 50 vehicles. In addition, we require parking for 115 of our own tenants within these lots.

Let me know if you have any additional questions regarding parking.

Sincerely,



Peggy A. Cianchette



September 7, 1999

Mr. Alan Holt, AIA, Urban Designer  
City of Portland  
Planning and Urban Development  
389 Congress Street  
Portland, Maine 04101

**RE: Harbor View Block Site Plan Review**

Dear Mr. Holt:

Following our July 29, 1999 review letter to you, we received additional information on the proposed Harbor View Block Retail and Office Space on September 1, 1999 from DeLuca-Hoffman Associates, Inc. While these additional submittals address most of the comments, there are some items which require further development. Specifically these include:

- Additional details have been provided on the plans except for tie-ins to existing utilities and sidewalk replacement/restoration. All tie-ins to utilities and sidewalk construction details shall follow Department of Public Works standards.
- Erosion control details and notes have been added to the plans. The locations for these erosion control structures are not shown, but are described in the DeLuca-Hoffman Associates letter of August 31, 1999. The construction drawings should follow the recommendations of the DeLuca-Hoffman letter.
- DeLuca-Hoffman's assessment for storm water management at this site should be developed to evaluate the effects that the proposed improvements will have on existing CB4, CB5, and CB6 prior to discharge into the existing storm sewer on Commercial Street. Due to the rerouting of stormwater runoff in the post-development conditions, existing CB6 should be evaluated to ensure that enough capacity exists in the structure and the outlet to the structure to convey stormwater runoff during large storm event and prevent surface ponding.
- The confirmation of the City of Portland and the Portland Water District to serve the proposed project should become part of the site plan review.
- The results of Orcutt Associates appearances before the Board of Appeals to obtain a miscellaneous appeal to meet parking requirements and to obtain

Mr. Alan Holt  
September 7, 1999  
Page 2

a practical difficulty appeal to eliminate the provision of a loading space should become part of the site plan review.

- Due to the "curb to curb" construction constraints detailed in the August 3, 1999 construction overview letter from Ernest G. Selberg Jr. of Cianbro Corporation, a vehicular and pedestrian maintenance of traffic plan should be submitted for review along with a listing of City emergency departments to be notified to ensure the safety of people and vehicles in the area.
- Updated construction drawings detailing the existing and proposed site, which have been stamped by a professional engineer licensed in the State of Maine, should become part of the site plan review.

These last few items should be addressed prior to construction of the proposed improvements. As stated earlier, the proposed Harbor View Block Retail and Office Space work will need to be closely coordinated between the developers, Public Works, and City emergency departments.

We would be happy to discuss our comments further with you after you have had a chance to review this information. We will be available to do periodic site inspections if needed. Please call Tim Michaud or myself if you have any questions or require any additional information.

Very truly yours,

**DUFRESNE-HENRY, INC.**



Jeffrey D. Preble, P.E.  
Senior Project Manager

Enclosure

\\jpreble\projects\8160054\Project 'T' Harbor View Block\Holtltr2.wpd

**Orcutt**

Associates

25 Bridge Street  
Yarmouth, ME 04096Telephone 207 846 7702  
Facsimile 207 846 5107**M e m o r a n d u m**

Date: September 8, 1999

Project name/number: Harborview Block / OA 99035.00

Re: Modifications to the Site Plan Application

From: Cynthia Plank Orcutt *C Orcutt*

To: Planning Board Members, Alan Holt

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At the last Planning Board workshop, the Board expressed concern that the Harborview Block compliment the proposed improvements to Boothby Square. Although the final design for Boothby Square has not yet been developed, concept work was done in 1995 that indicated a direction for the final plan. Ms. Sarah Marshall of Terrance DeWan Associates developed this concept plan. The applicant's design representative met with Ms. Marshall, along with Mr. Alan Holt, Portland's Urban Designer, Mr. Dana Sousa, Director of Portland Parks and Recreation and Mr. Chris DeMateo, and Portland's Landscape Architect. The purpose of this meeting was to discuss the design of Harborview Block and how to best integrate this design with Boothby Square.

Enclosed are several documents that reflect refinements made to the Fore Street side of the proposed Harborview Block. The design refinements are summarized below:

1. Hold the Street Edge

There is a desire to establish the street edge, along Fore Street, with a strong design of streetscape elements. The edge of the Harborview Block facing Boothby Square is reinforced with both the edges of a granite capped seat wall and six raised end caps. As one approaches Harborview Block along Fore Street these end caps form a strong edge fronting on the street. The geometry of Fore Street is reinforced by this solid seat wall edge. The building façade sits back from this edge, following the same geometry.

Orcutt Associates P.A.  
To: Portland Planning Board and Alan Holt  
Re: Modification to the Site Plan Submittal

Wed, Sep 8, 1999  
Page 2

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## 2. Design Vocabulary

The general design of Boothby Square will be made of brick and granite utilizing very simple shapes and forms. This is not to be a fancy, ornately detailed Square. The Harborview Block should reflect this simplicity yet a mimic of the pyramidal and sloped face bollards proposed for Boothby Square would be inappropriate. The Harborview Block design is meant to establish a complimentary vocabulary, similar but different, and is found in both the building and sitework.

The design of the Harborview Block site walls and end caps is meant to reinforce this simple approach. Granite shapes, walls and end cap detailing are simple, direct forms. The end caps will be large granite forms, curved at the tops to echo the arched opening of the building. Granite will be a rough flame finish, not cut and polished.

## 3. Wall Articulation

There are two walls facing Boothby Square in front of the proposed building, a lower and an upper wall. The lower wall is a seat wall, the upper wall a sloped edging wall following the slope of the ramp beyond. The seat wall incorporates a small raised wall section, perpendicular to the street edge that mimics the mullion and window rhythm from the façade behind. This raised wall section also discourages skateboarders from defacing the seat wall.

The upper wall, which slopes alongside the ramps, will be entirely made of granite. The sloping nature of this wall makes the use of brick difficult, as shaving off the upper bricks would be required. This is difficult construction and is also unsightly.

The lower wall will be a granite capped brick faced seat wall. The wall elevation ranges in height from 16" to 22" as the sidewalk pitches downhill towards Exchange Street.

The end caps are completely granite and topped in the gentle curving top.

Orcutt Associates P.A.  
To: Portland Planning Board and Alan Holt  
Re: Modification to the Site Plan Submittal

Wed, Sep 8, 1999  
Page 3

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4. Tree Planting and Landscaping

The trees are grouped in pairs of two, 25' on center. The trees will be a large shade tree, such as a Red Oak. The final species will be determined by Portland's Arborist, Jeff Tarling.

The trees are to be set in a 5' by 8' cobble planting bed. The Boothby Square team, in conjunction with Portland's Arborist, Jeff Tarling, will develop the final details for this cobble planting area.

Other landscaping will be a small flowerbed behind the front seat wall. This planting area will be filled with changing annual plants.

5. Lighting and Trash Receptacles

The City will be developing appropriate lighting fixtures for the Old Port and Waterfront neighborhoods. The final lighting fixture for Harborview Block will be one of these fixtures.

The Harborview Block trash receptacle was submitted as part of the initial Site Plan application. This is the intended fixture, although the Boothby Square team may chose an alternate receptacle once final plans are developed. The final receptacle may be similar to the one proposed by the applicant.

6. Handicapped Ramps and Crosswalks

The appropriate locations for crosswalks were discussed and the locations for these are indicated on the attached plans. The Harborview Block will have lowered handicapped ramps at each corner, as indicated on the plans.

On September 2, 1999 the Portland Board of Appeals reviewed and accepted a request by the applicant for off-site loading spaces. Three such spaces were proposed on the streets surrounding the site; one on Commercial Street in an existing parking space, a large (14' x 50') area on Market Street and a third smaller quick stop delivery space on Fore Street. All three of these proposed spaces are indicated on the enclosed plan.



AH.7

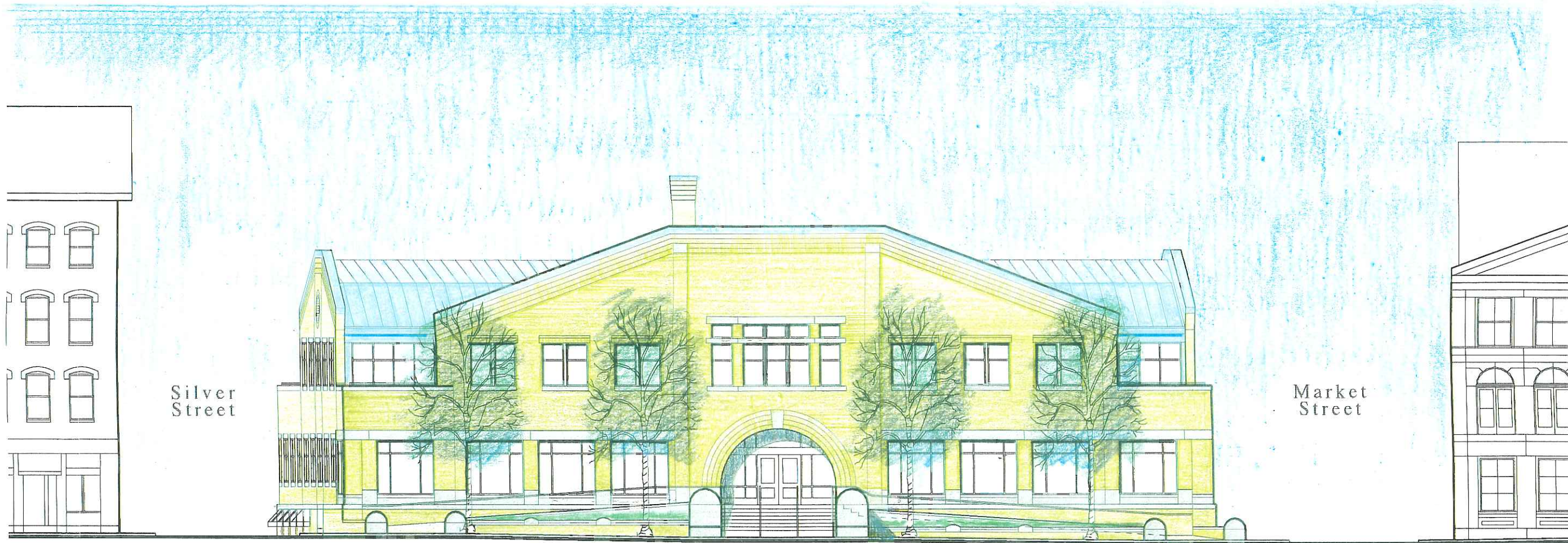


Site Plan  
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 9/8/99

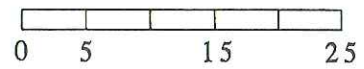
**HarborView Block**  
 Portland, Maine

**Orcutt Associates**  
 81 Bridge Street  
 Yarmouth, Maine 04096





FORE STREET ELEVATION



Date: Sept. 7, 1999

**HarborView Block**  
Portland, Maine

*Orcutt*  
Associates  
81 Ridge Street  
Yarmouth, Maine 04096





Att. 8 1:8

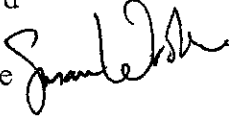




Att. 8 2:2



Susan Wroth, Chair  
Edward Hobler, Vice Chair  
Camillo Breggia  
Robert Parker  
Rick Romano  
Steve Sewall  
Cordelia Pitman

To: Chairman Carroll and Members of the Planning Board  
From: Susan Wroth, Chair, Historic Preservation Committee   
Date: August 19, 1999  
Subject: Proposed Construction of Retail/Office Building; 145 Commercial Street;  
Eric Cianchette, Applicant

On August 18, 1999, the Historic Preservation Committee voted 6-1 (Breggia opposed) to recommend to the Planning Board approval of a Certificate of Appropriateness for the proposed office/retail building at 145 Commercial Street. The vote was based on the Committee's finding that the proposed development meets the Standards for Review of Construction (Sec. 14-651) of the historic preservation ordinance.

The Committee's recommendation was made subject to the following conditions:

- 1) That final architectural details and material selections be reviewed and approved by the Historic Preservation Committee.
- 2) That the design of the proposed plaza immediately in front of the Fore Street facade be further developed to better integrate with the plans for improvements to Boothby Square, in consultation with project consultant Sarah Marshall and the Planning and Parks Departments and that the final design for the plaza be reviewed and approved by the Historic Preservation Committee.
- 3) That the applicant, in conjunction with the Planning Board in the ongoing Site Plan and Historic Preservation review process, explore further the design possibilities to move the Fore Street facade, or portions thereof, forward to the prevailing streetwall.
- 4) In the event the original sea wall remains under or adjacent to the project site, every reasonable effort shall be made to protect and preserve this archeological resource. The applicant will seek a determination from the Maine Historic Preservation Commission as to the presence and significance of any archeological resources. (see Sec. 14-650, Standard #8)

CITY OF PORTLAND, MAINE  
M E M O R A N D U M

**TO:** Penny Littell, Associate Corporation Counsel  
**FROM:** Donna M. Katsiaficas, Associate Corporation Counsel  
**DATE:** September 8, 1999  
**RE:** Harborview Block

You have requested a clarification of the action taken by the Historic Preservation Committee in its approval of the Harborview project. The Historic Preservation Committee recommended approval of the project to the Planning Board with four recommended conditions to be considered by the Planning Board. The Committee knew that the Planning Board had final authority for the approval of this project. The purpose of the recommendations was to advise the Planning Board of issues related to the historical aspect of the review which the Historic Preservation Committee believed should be considered by the Planning Board when making its final decision.



Donna M. Katsiaficas  
Associate Corporation Counsel

DMK:jj


CITY OF PORTLAND, MAINE  
M E M O R A N D U M

**TO:** Harborview Block File

**FROM:** Penny Littell, Associate Corporation Counsel  
Ext. 8430

**DATE:** September 7, 1999

**RE:** Seawall



On 9/3/99 I spoke with Earle Shuttleworth at the Maine Historic Preservation Commission in follow-up to his letter addressed to Deb Andrews, dated 8/31/99. During the course of our discussion it was noted that the Maine Historic Preservation Commission is a resource to be used by municipalities for information which may be of significance in evaluating historic places or districts, but it has no authority over local review of projects involving historic sites. There is an exception to this general rule, one that is inapplicable in the case of the proposed development at the Harborview Block. In cases where a developer requests federal permits, federal loans or other types of federal financing for the construction of property listed on the National Registry of Historic Places, then the Maine Historic Preservation Commission, acting pursuant to the National Historic Preservation Act, 16 USC §470 et seq, would review and regulate the development. Otherwise, it has no authority to interfere with private property rights or with local review of sites involving historic places or districts.

The City, through its Planning Board, at this stage may require further investigation at the site as suggested by the Maine Historic Preservation Committee if it deems the same necessary pursuant to 14-650(2) ("The distinguishing original qualities or character of a structure, object or site and its environment shall not be destroyed. The removal or alteration of any historic or distinctive architectural feature should be avoided when possible.") However, it need not make such a request.

**CITY OF PORTLAND, MAINE  
MEMORANDUM**

**TO:** John Carroll, Chair, and Members of the Portland Planning Board

**FROM:** Alan Holt, AIA; Urban Designer

**DATE:** August 24, 1998

**RE:** 145 Commercial Street  
(city block bounded by Commercial, Fore, Market & Silver Streets)

This proposal to build a new retail and office building at 145 Commercial Street was introduced to the Planning Board during a workshop session on August 10, 1999. (The Staff Memo of 8/10/99 with attachments is included with this memo as Attachment # 1) This memo also include a 1"=10' scaled Site Plan, revised 8/4/99, for easier viewing (see Attachment # 2) The Staff memorandum for that first workshop session outlined a few areas of the submission requiring further information, detail, or resolution. Briefly, those areas include:

- **Traffic/Circulation/Parking:** The applicant proposes to satisfy the parking requirement with three off-site parking lots, all of which are over 100 feet from the proposed building. Additionally, the proposal does not allow for an on-site loading dock as required by the ordinance. These two issues require a variance from the Zoning Board of Appeals. The applicant is currently scheduled present these appeal requests to the ZBA at the first meeting in September.
- **Burden to Utilities:** The applicant proposes to furnish required documentation for Staff review ~~by the end of the month.~~
- **Landscaping:** The key area of proposed landscaping requiring further design development and documentation is the treatment of the Fore Street entry and its integration into Boothby Square.
- **Drainage:** The applicant proposes to furnish engineering details for Staff review by the end of the month.

At the time of this writing, the applicant has not made any further submissions regarding the above items.

The Planning Board's comments at the first workshop focused on the issue of the proposed building setback from the Fore Street build-to line. Perhaps it was not evident at the first workshop that the applicant's proposal had undergone an evolution from its first submission to Staff; the setback had been modified from a distance of 18' when first submitted to a distance of 12'-6" as seen in the first workshop. The applicant explained that they intended to meet the B-3 zoning requirement of building within 5' of the property line by deeding 7'-6" of their property, approximately 937 sq. ft., to the City. At the workshop, the applicant distributed a drawing showing the area that they intend to deed to the City (see Attachment # 3). At this writing, the Council is scheduled to consider this deed transfer at a meeting



early next month.

At the first workshop, the Planning Board discussed the proposed setback from the prevailing street wall in light of applicable standards and guidelines in the Site Plan Ordinance, the Downtown Urban Design Guidelines, and the Historic Preservation Standards (see Attachment # 4). Several Board members urged the applicant to explore alternative design solutions to meet the prevailing street wall. The applicant has requested that this workshop review be based on the design proposal as previously submitted to the Board. No design revisions or elaborations have been proposed since the last workshop.

However, the applicant wishes to demonstrate to the Board that they undertook a serious review of alternative approaches, and that these explorations have left them recommitted to their original design. (see Attachment # 5).

Given that the applicant intends to stand by their original design, Staff urges the applicant to proceed with design development, giving careful attention to integrating their proposal with the planned improvements in Boothby Square. As a starting point, Staff requested that landscape architect Sara Marshall of Terrence DeWan and Associates, the City's project consultant with the Boothby Square renovations, provide initial comment regarding the proposed development. Ms. Marshall's letter, which was included as part of an Historic Preservation Committee workshop memorandum, outlined initial ideas regarding the development (see Attachment # 6). It should be noted that the applicant has already incorporated several of the suggestions outlined in Ms. Marshall's letter. It should also be noted that Ms. Marshall underscores the importance of the street wall to the character of Boothby Square.

After two workshop sessions, the Historic Preservation Committee met on August 18, 1999 for a public hearing and final deliberations. The Committee voted 6-1 (Breggia opposed) to recommend approval of a Certificate of Appropriateness, subject to 4 conditions. The Committee's recommendation is attached (see Attachment # 7).

Attachments:

1. Planning Board Memorandum for the workshop of 8/10/99
2. Site Plan (revised 8/4/99; 1"=10')
3. Plan showing proposed property conveyance dated 8/10/99)
4. Outline of applicable standards and guidelines regarding building setback
5. Alternative plan sketches #1 & #2, and Malone letter of 8/18/99
6. Marshall letter of 8/2/99
7. Recommendation of the Historic Preservation Committee

# PROPOSED PROPERTY CONVEYANCE

AUGUST 10, 1999

Att. B

## NOTES:

- (1) Deed Reference: Book 11823, Page 174  
Cumberland County Registry of Deeds
- (2) Tax Map Reference:
- (3) Bench Mark Elevation: 14.04ft., National Geodetic vertical Datum of 1929  
Location: 0.5in. drillhole in top of water table between two bases of stone columns on northeast side of entrance to Custom House at intersection of Commercial and Pearl Streets.
- (4) D.O.T. R/W Map  
DOT File No. 3-339
- (5) Wharf Street - as it effected this parcel was discontinued in Sept., 1923  
City of Portland Records, Vol. 50, Page 100
- (6) Ref. Plan: Plan of Land on Fore Street for Liberty Group - dated Aug. 1986  
Owen Haskell, Inc.

Approved By City of Portland, Maine  
Planning Board

\_\_\_\_\_

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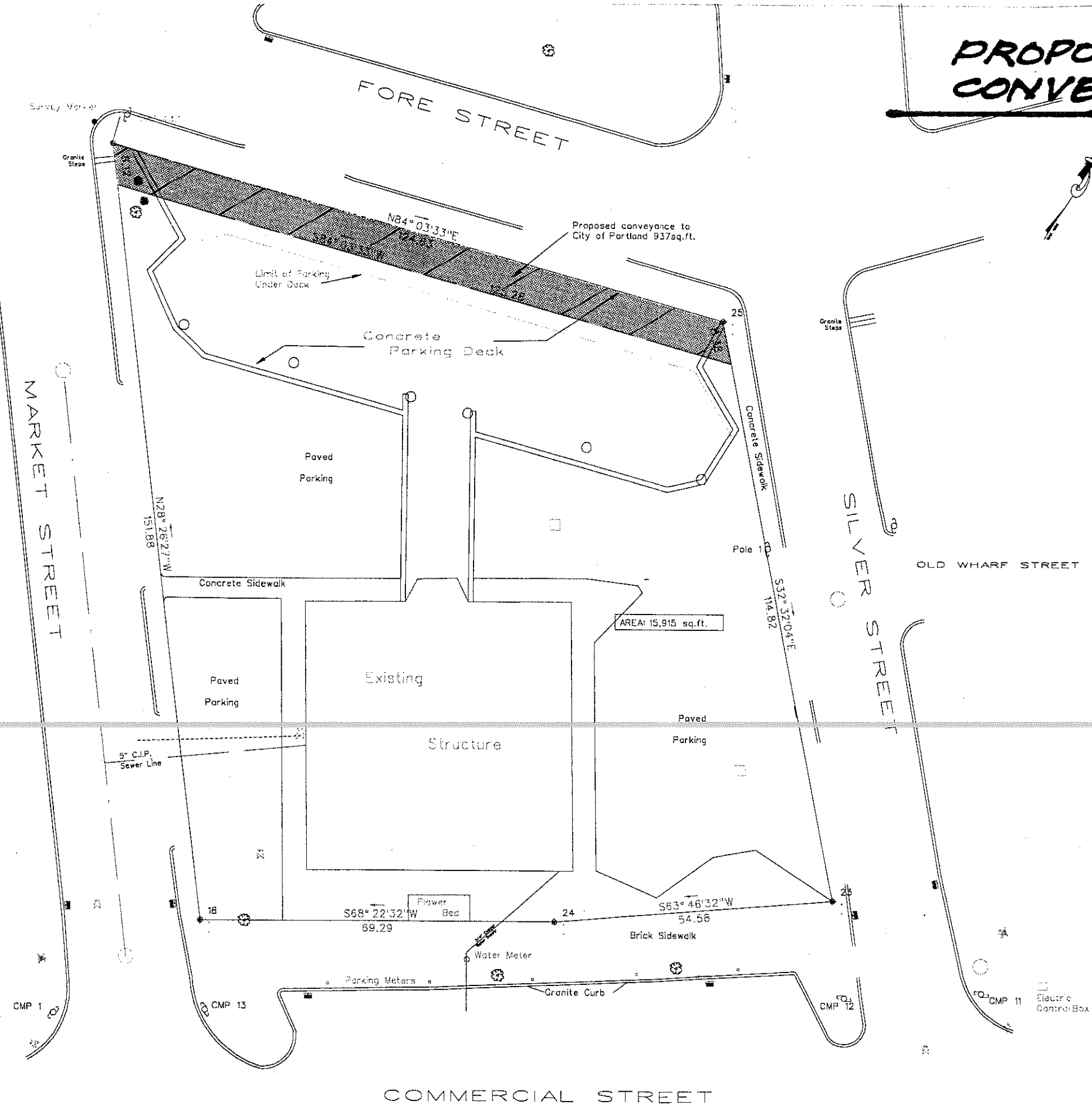
Date: \_\_\_\_\_

Recording Information  
Plan Recorded in Plan Book \_\_\_\_\_ Page \_\_\_\_\_  
Cumberland County Registry of Deeds  
Date: \_\_\_\_\_ Time: \_\_\_\_\_

STANDARD BOUNDARY SURVEY  
145 COMMERCIAL ST. PORTLAND, MAINE  
FOR: E.L.C. INC.

PORTLAND REGENCY, INC.  
42 MARKET ST.  
PORTLAND, MAINE 04101  
(Owner of Record)

SURVEY BY:  
SURVEY, INC.  
P.O. BOX 210  
NO, WINDHAM, MAINE 04062  
PLAN BY: J.T.F. SURVEY, INC.  
JULY, 1999



- LEGEND:**
- ⊗ Water Valve
  - ⊕ Hydrant
  - Drop Inlet
  - Catch Basin
  - Manhole
  - ⊙ Utility Pole
  - ⊗ Tree
  - Iron Pin Found
  - Iron Pin Set



I CERTIFY THAT THIS SURVEY CONFORMS TO THE STANDARDS OF THE MAINE BOARD OF LICENSED PROFESSIONAL LAND SURVEYORS FOR A STANDARD BOUNDARY SURVEY, CATEGORY 1 CONDITION II, EXCEPTIONS (1) NO WRITTEN REPORT (2) NO DEED DESCRIPTIONS PREPARED

ROBERT N. FALTHING PLS 530

## Applicable Standards and Guidelines Regarding Building Setback

Other standards, especially the PAD's "relation to pedestrian environment" give less direct guidance regarding setback.

### I. B-3 Standards of the Site Plan Ordinance:

#### A. 14-526(16)b Relationship to existing development.

"Proposed development shall respect, enhance, and be integrated with the existing character of the general pattern of development in the downtown, surrounding building environment and streetscape, as described and illustrated in the Downtown Urban Design Guidelines."

1. 14-526(16)b(1)a - Street walls and building setbacks.
2. 14-526(16)b(1)b - Open space

### II. Downtown Urban Design Guidelines

#### A. II(1)a - Street walls and building setbacks:

"Downtown Portland is characterized by a very consistent pattern of buildings located at the street line which provide very clear definition and character to the street. The street is the counterpoint to the built environment, and can be perceived as rooms and corridors in the fabric of the City. Buildings give spatial definition to the street, and the street provides relief in the form of light, air, and a viewing vantage for the buildings. A continuous street wall gives emphasis and meaning to open plazas and squares. Street walls assist in reinforcing the unique and irregular street pattern, maintaining the density of the urban fabric, and through contrast, enhancing the significance of open spaces."

#### B. II(1)b - Open space:

"The Downtown open space network is comprised of a variety of publicly-accessible parks and plazas. The design of buildings adjacent to these various types of open space should strive to complement and reinforce the vitality of these areas for pedestrian activity. ... The massing of new buildings or building additions around open space should provide a sense of definition and enclosure to the open space ... "

### III. Historic Preservation Standards:

#### A. Standards for review of construction [14-651]

##### 1. 14-651(3) Relationship to street

###### i. 14-651(3)a - Walls of continuity.

"Facades and site structures ... shall, when it is a characteristic of the area, form cohesive walls of enclosure along a street to ensure visual compatibility with the structures, public ways and places to which such elements are visually related."

- a. The Historic Resources Design Manual, which is referenced as part of the preservation ordinance [14-651], states "where continuous elements ... such as wrought iron fences, brick or stone walls, hedges, treelines, or building facades create a sense of enclosure or definition along the street, new buildings should provide similar elements as part of the overall design."

###### ii. 14-651(3)b - Rhythm of spacing and structures on streets.

"The relationship of a structure or object to the open space between it and adjoining structures or objects shall be visually compatible with the structures, objects, public ways and places to which it is visually related."

- a. The Historic Resources Design Manual elaborates this standard:

"The new facade should have a relationship to the street which is consistent with its neighbors. If all the facades on a street are pulled out to the sidewalk, a new building in their midst should generally extend to the sidewalk."

ATT.5



MALONE

Commercial and Investment Real Estate

Malone Commercial Brokers, Inc.  
30 Milk Street  
Portland, Maine 04101  
Tel (207) 772-2422  
Fax (207) 774-5114  
www.malonecb.com

Via Hand Delivery

August 18, 1999

Alan Holt  
City Planning Staff  
City Of Portland  
City Hall  
Portland, ME

RE: 145 Commercial Street/Cianchette Project

Dear Alan:

As you know, at your request and those of several Planning Board members, we have explored in some great detail the idea bringing this building forward to the street line to accommodate the urban design guidelines in regard to the street wall and cityscape. I am forwarding to you two of the alternatives which we have spent a great deal of time developing and doing rough drawings for.

- The first scheme engaged the idea of an arcade with an exterior ramp, bringing the entire façade to the street line. The right hand side of the building as you face it from Boothby Square would have to have window wells 3' deep to accommodate the grade and to allow for any at-grade display. We find that a wall 5'± high at the street level is unacceptable as we believe it to be unfriendly to pedestrians and would give the building too harsh a look. To the left of the center entry you'll note the switchback ramp. This leaves the offices and display windows 12' from the street and under a canopy greatly diminishing the visibility and detracting from the interior experience of the occupants by forcing them to relate to the outside world under the canopy of the arcade. We believe the two conditions present on this drawing would greatly affect our ability to lease the space in the future and sincerely believe that this solution is not consistent with the intent of the pedestrian access district. This solution to the setback issue is not one that the developer is willing to pursue.
- The second plan calls for the façade to be moved to the street and then to be slightly concave in the center to allow for a center lobby with a mechanical handicapped lift. The street wall is addressed by putting window wells across the entire façade and setting the floor plate 3' back. The window wells in this plan present much of the same problems that the first does and that it is our opinion that it gives a false façade and makes the building appear as if the windows were after thought. The fact that the floor is moved forward to the street would have pedestrians looking in at the ankles and bottoms of desks



SERVING CLIENTS IN NORTHERN NEW ENGLAND SINCE 1970



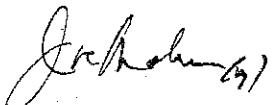
August 18, 1999

Page 2

and chairs of the current occupant (Merrill Lynch). Should the building be converted to retail at a future date, the window wells pose a significant issue by separating the retailing floor from the outside and does not allow a graceful approach to the building. An additional concern with this plan is the mechanical lift in the lobby of the building. We believe this lift is not friendly to the tenants' handicapped customers and employees and that these lifts are frequently intimidating to use and it appears to be an afterthought in the design. It is my opinion as a commercial broker and that of several other commercial brokers I have consulted in town, that these are false or fake appearing solutions to the grade problem and that the solutions in both schemes would hurt this property's ability to be leased in the future.

In short, we have given a thorough exploration of the some of the design ideas that were put forward by both the Historic Preservation Committee and the Planning Board as well as the planning staff. For the reasons cited above and others that we're willing to have discussion on in the public hearing, the developer is rejecting these concepts.

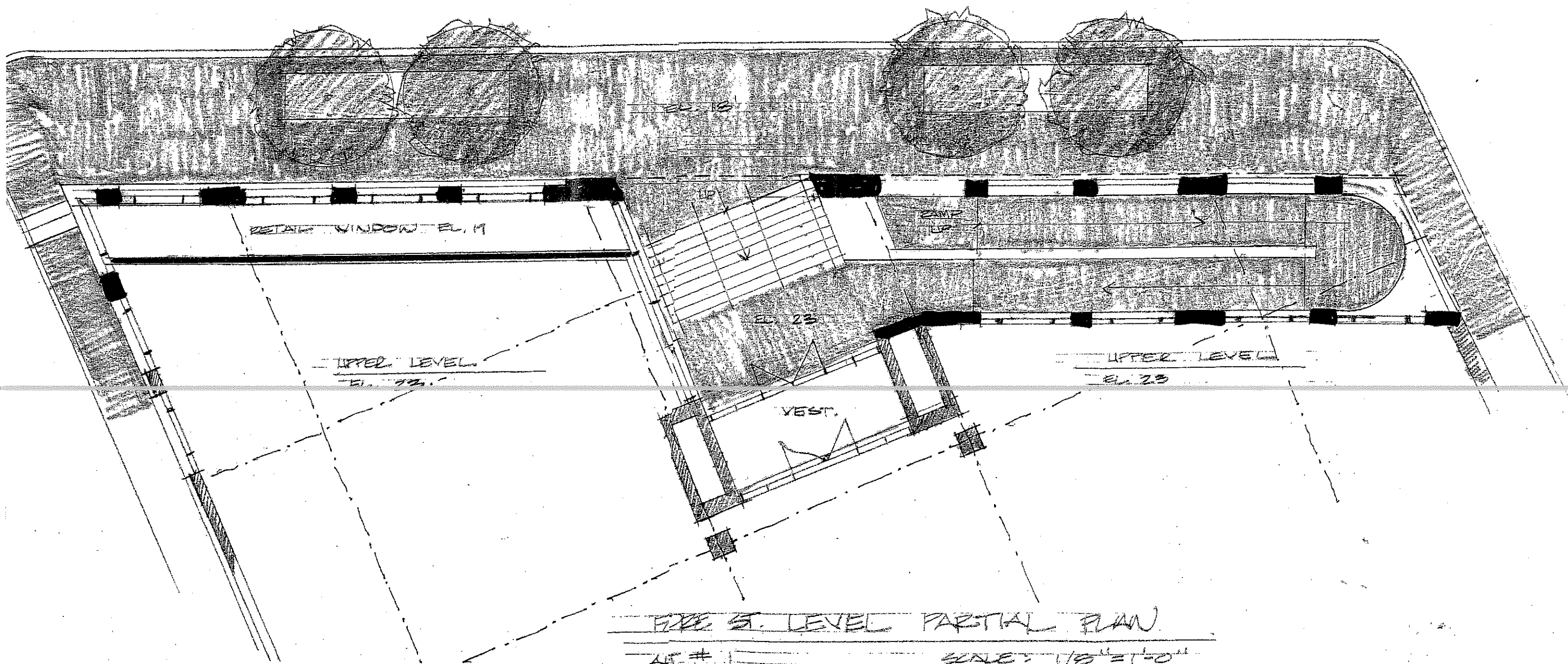
Sincerely,



Joe Malone, CCIM

JM/ky

# Fore Street

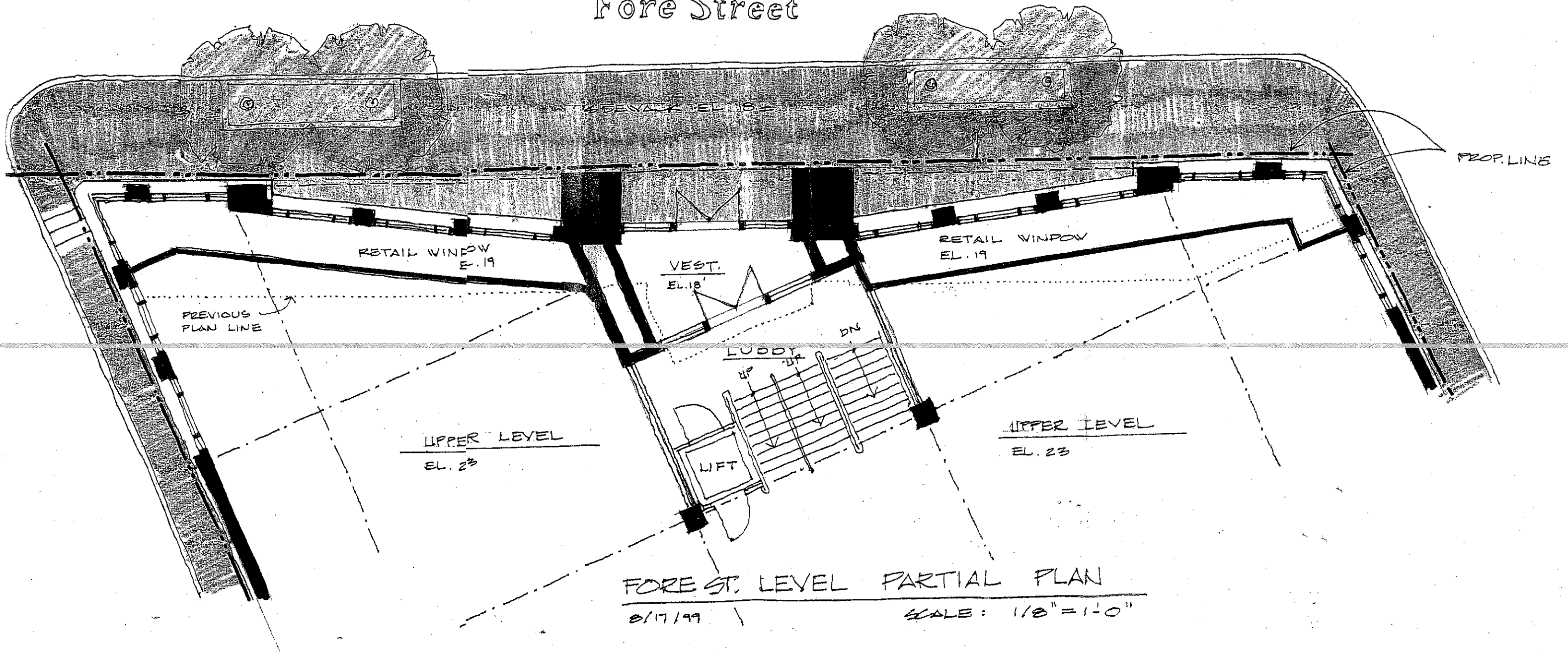


FIVE ST. LEVEL PARTIAL PLAN

REF # 1

SCALE: 1/8" = 1'-0"

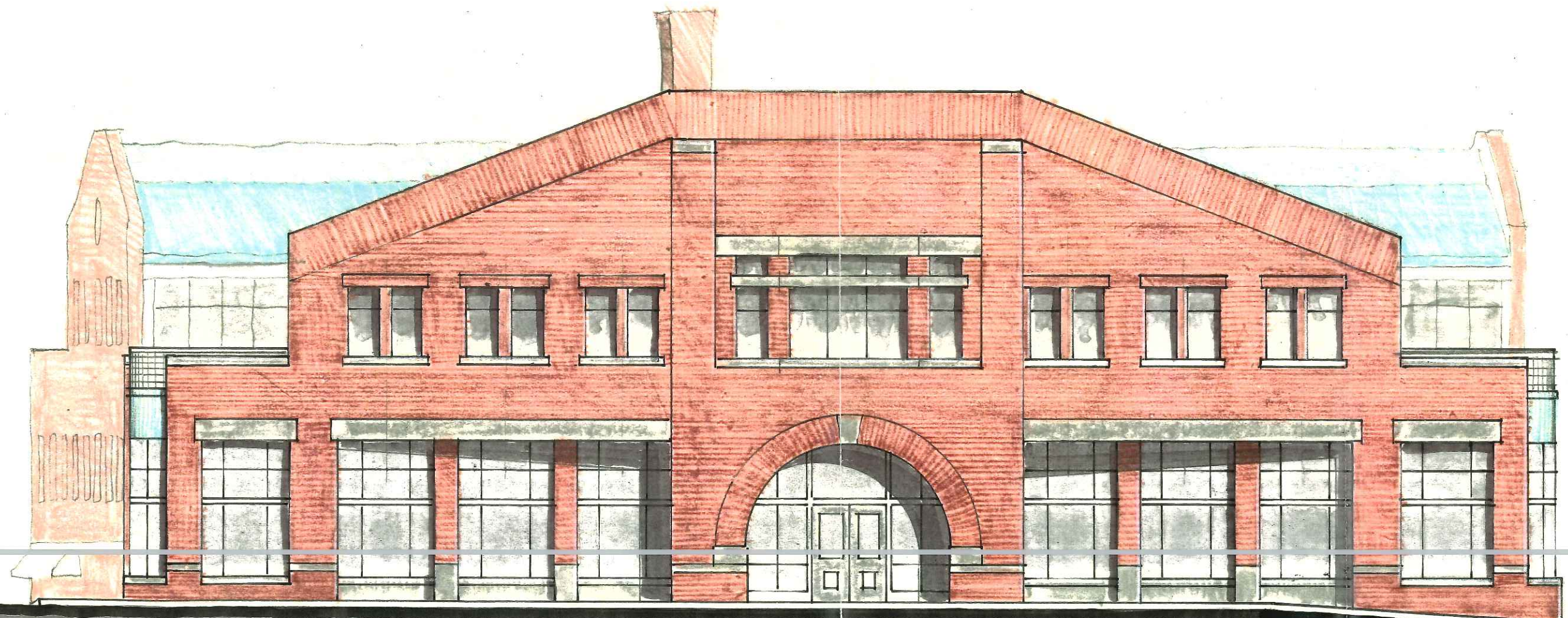
# Fore Street





Silver Street

Market Street

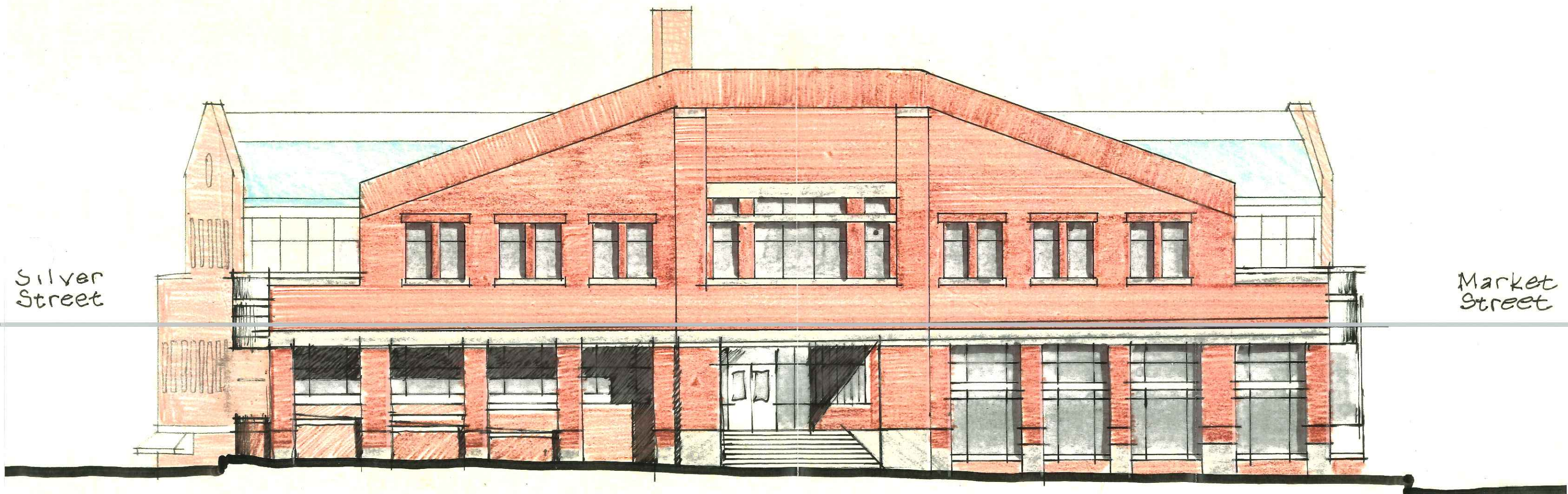


FORE STREET ELEVATION

B/17/99

SCALE: 1/10" = 1'-0"





FORE STREET ELEVATION

8/17/99

SCALE: 1/10" = 1'-0"

ATT. 6

tjd&a

Terrence J. DeWan & Associates, Landscape Architects & Planners

121 West Main Street,  
Yarmouth, Maine 04096  
tel. 207.846.0757, fax.207.846.0675  
e.mail. tdewan@aol.com

August 2, 1999

Deborah Andrews  
City of Portland Planning Department  
389 Congress Street, 4<sup>th</sup> floor  
Portland, ME 04101

RE: Review of Proposed Building on Boothby Square

Dear Deb,

Terrence DeWan and Associates has been assisting the City in identifying the key strengths and design goals of the Boothby Square area for several years. Foremost among the spatial and architectural qualities of the square are the textures of the old building and street materials, the consistency and scale of the architectural 'wall' and the triangular islands which provide a unique perspective for appreciating some of Portland's oldest buildings. In response to your request for review and comment on the Cianchette plan for the former Key Bank/parking deck block, we offer the following:

- ~~1. The opportunity to provide a continuous pedestrian way from Market to Silver Streets is very welcome. The parking deck and curbcuts were a serious break in the quality of streetscape, and a building to back up the sidewalk is much better than a parking deck.~~
2. The layout of proposed **street tree plantings** should be adjusted to fit the Boothby Square master plan, which calls for *pairs* of shade trees. Jeff Tarling will be consulted on recommended species during the Boothby Square construction document phase this fall. The proposed setback of the trees on the Orcutt plan leaves an inadequate sidewalk both in front and behind the trees. We recommend that they be pushed back to the sitting wall to create a wider sidewalk and keep views to the old Silver Street block unimpeded.



3. The **sitting wall** should be 16 or 18 inches high if possible. Twenty inches is not a comfortable height for most people, and many pedestrians and tourists might be very glad to sit here.
4. The **width of Fore Street** in front of this block was narrowed from 22' to 15' in the Master Plan. At that time, we were trying to slow a single lane of traffic along a parking lot edge, while still allowing for the turning movements of trucks and snowplows. With the proposed building that has a major central entry, however, 15' seems inadequate. We recommend an 18' minimum street width, so that a car can pull up to the curb while leaving room for a car to pass on the left. We do not recommend parking spaces along this block for visual reasons.
5. The **setback of the buildings** is of critical importance to the sense of enclosure in the Fore Street streetscape. Virtually every building in the Old Port is right at the sidewalk. Any setback from the sidewalk is a negative, and setbacks should be minimized with every possible creative solution. We discussed a covered arcade or internal ramp and step arrangement with Cynthia Orcutt, which would achieve the optimum street wall. While an arcade is unlike the rest of Fore Street, setting a building back off the sidewalk is an even more serious departure from the spatial standard. Everything we know about human scale and urban space suggests that the architects' greatest efforts to bring the building back to the sidewalk will be appreciated.
6. The **historical street fabric** was identified as a special asset of Boothby Square, and should be undisturbed in development. Specifically, the granite chunk steps at the corners of Market and Silver should be left in place. The widening of the sidewalk is intended to provide an accessible route *around* these steps. The design of street surface materials has not yet been finalized, but at best we would like to see an entirely restored belgian block street with smoother granite slab crosswalks.
7. On the **Fore Street side of the Regency**, the existing sidewalk is about 25' deep. The developer's concept of a sidewalk café is consistent with desired circulation and use patterns, and would take great advantage of

the sunny orientation. We do not believe that the sidewalk needs to be widened any further, and furthermore do not see the need to remove the four parking spaces along this curblin. Appropriately selected planters, umbrellas, and low fences will create a pleasant enclosure at the eye level of the café patrons, and the parked cars may actually buffer the café area from moving traffic.

We look forward to coordinating the Boothby Square renovation plans with all adjacent properties, and will welcome the participation of all stakeholders. Please call me if there are any further questions.

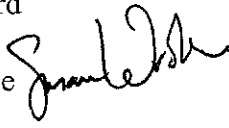
Sincerely,

A handwritten signature in cursive script, appearing to read "Sarah Coffin Marshall".

Sarah Coffin Marshall, ASLA

**CITY OF PORTLAND, MAINE**  
**HISTORIC PRESERVATION COMMITTEE**

Susan Wroth, Chair  
Edward Hobler, Vice Chair  
Camillo Breggia  
Robert Parker  
Rick Romano  
Steve Sewall  
Cordelia Pitman

To: Chairman Carroll and Members of the Planning Board  
From: Susan Wroth, Chair, Historic Preservation Committee   
Date: August 19, 1999  
Subject: Proposed Construction of Retail/Office Building; 145 Commercial Street;  
Eric Cianchette, Applicant

On August 18, 1999, the Historic Preservation Committee voted 6-1 (Breggia opposed) to recommend to the Planning Board approval of a Certificate of Appropriateness for the proposed office/retail building at 145 Commercial Street. The vote was based on the Committee's finding that the proposed development meets the Standards for Review of Construction (Sec. 14-651) of the historic preservation ordinance.

The Committee's recommendation was made subject to the following conditions:

- 1) That final architectural details and material selections be reviewed and approved by the Historic Preservation Committee.
- 2) That the design of the proposed plaza immediately in front of the Fore Street facade be further developed to better integrate with the plans for improvements to Boothby Square, in consultation with project consultant Sarah Marshall and the Planning and Parks Departments and that the final design for the plaza be reviewed and approved by the Historic Preservation Committee.
- 3) That the applicant, in conjunction with the Planning Board in the ongoing Site Plan and Historic Preservation review process, explore further the design possibilities to move the Fore Street facade, or portions thereof, forward to the prevailing streetwall.
- 4) In the event the original sea wall remains under or adjacent to the project site, every reasonable effort shall be made to protect and preserve this archeological resource. The applicant will seek a determination from the Maine Historic Preservation Commission as to the presence and significance of any archeological resources. (see Sec. 14-650, Standard #8)

**CITY OF PORTLAND, MAINE  
MEMORANDUM**

**TO:** John Carroll, Chair, and Members of the Portland Planning Board  
**FROM:** Alan Holt, AIA; Urban Designer  
**DATE:** August 10, 1998  
**RE:** 145 Commercial Street  
(city block bounded by Commercial, Fore, Market & Silver Streets)

**I. Introduction**

ELC Management Inc. has proposed development of a new retail and office building at 145 Commercial Street. The proposed building would replace the existing branch bank and parking deck located on the city block bounded by Commercial, Fore, Silver and Market Streets. The proposed building would have frontage on all four streets. (see Attachment #1)

The first level of the proposal, which will be entered on grade from Commercial Street, would contain commercial space. The second level of the building is accessed from Fore Street. The second floor level is approximately five feet above the existing sidewalk grade along Fore Street and will be accessed by a ramp system as well as a monumental stair. The second level will contain financial services and support offices. A third level, which has primary access by an elevator from a lobby off Market Street, will be offices.

The proposal is in the B-3 zone and falls within the Pedestrian Activities District (PAD) overlay zone. Other requirements and standards that apply to this proposal include the Downtown Urban Design Guidelines [14-221(1)], and because of its location within the waterfront Historic District, the standards for review of new construction under section 14-615. The proposal is currently being reviewed by the Historic Preservation Committee and is scheduled for a hearing on consideration of a certificate of appropriateness for new construction on August 18.

**II. Findings**

Zoning:	B-3 Downtown Business Zone
Districts:	Waterfront Historic District; PAD
Land Area:	15,876 SF
Total floor area:	39,020 SF
Proposed uses:	Retail (13,500 SF) and offices (21,500 SF)
Ground coverage of proposed building:	85.41%
Total ground coverage of paved area & building:	97.25%

### III. Site Plan Standards

#### 1. Traffic/Circulation/Parking:

**Loading Bay:** The proposal indicates that there will be 13,500 SF of retail space. Section 14-351 states that if there is over 5,000 SF of retail space, one (1) loading bay is required (14' x 50'). The submitted Site Plan, (see Attachment #2) indicates the applicant's intent to designate one of the existing parking space on Commercial Street as a 15-minute loading only space. This does not meet the requirement of the ordinance. Section 14-352 states, "Every part of such loading bay shall be located completely off the street." This poses a conflict in the ordinance requirements given that the B-3 zone requires a minimum setback on street frontages, and this building has frontage on all four sides; there is no back side to the building.

The apparent solution is to provide a drive-in space into the building itself - essentially, a garage for a tractor-trailer. However, this would wreak havoc with the floor plans and the already tight floor-to-floor spacing, as well as pose problems of having a truck back into the building off of any of the streets. Additionally, this accommodation is in conflict with the PAD standards and Urban Design Guidelines which emphasize the importance of pedestrian friendly street walls. Arguably, this is a case where the requirements of the ordinance are excessive for the given situation.

**Offstreet Parking:** Staff have reviewed and verified the applicant's calculations for the number of required parking spaces. In this instance, the ordinance requires 51 spaces for the retail space and 55 spaces for the office space. The total requirement is 106 spaces. All of the parking spaces are provided off site at three lots that are controlled by the applicant. All three parking spaces are more than 100 feet from the site. Section 14-334 allows for a miscellaneous appeal thru the Zoning Board of Appeals.

The applicant is aware of the issues regarding the loading bay and the off site parking, and is scheduling these two appeals to the ZBA.

**Traffic:** The applicant has submitted a traffic and parking report by their consulting engineers, DeLuca Hoffman Associates (see Attachment # 3). The report concludes that the proposal will generate less than 100 trip ends during the morning and evening peak hours and would therefore not require a State traffic permit. Additionally, the three off site parking locations will serve to disperse the traffic and minimize traffic impact. At this time, the City Traffic Engineer has not requested a traffic study.

#### 2. Burden to Utilities:

The applicant states that the Portland Water District indicated there is adequate pressure in the 12" line in Commercial Street to serve the project. The City Engineer has requested that the applicant get documentation from PWD as well as a letter from Public Works regarding sewer capacity.

#### 3. Landscaping:

The Site Plan indicates continuous street trees along Fore and Commercial Streets. The selection of trees, planting specifications, and tree grates and guards has been coordinated with the recommendations of the Downtown Urban Design Standards and Guidelines and consultation

with the City Arborist. The applicant has been made aware that the final selection and detailing of street tree plantings will need to be coordinated with the City's impending reconstruction of Boothby Square.

The applicant also proposes two landscaped beds in front of their building facing Fore Street. To date, the applicant has not submitted details of this portion of landscaping.

4. Drainage:

The applicant asserts that the site plan does not create any significant soil and/or drainage problems. The applicant indicated to Staff that more details regarding underdrainage design and details of erosion control measures will forthcoming in their next submission.

5. Lighting:

The proposal indicates a combination of pedestrian lighting with two street lights on each of the four surrounding streets. Final selection of the lighting fixtures is to be coordinated with the City's designs for Boothby Square, the Old Port and Commercial Street. The building will have a combination of sconce and recessed soffit lights with emphasis on the three major entries to the building.

C → no sconce —

6. Fire Safety:

The building is fully accessible on all four sides. There are two existing hydrants located opposite the proposed building on Commercial Street at both Market and Silver Street intersections. The plan has been reviewed and approved on 8/3/99 by the Fire Department.

#### IV. **Additional B-3 Standards**

1. Relationship to existing development:

The standard requires that "proposed development shall respect, enhance, and be integrated with the existing character of the general pattern of development in the downtown, surrounding building environment and streetscape, as described and illustrated in the Downtown Urban Design Guidelines. Factors to be considered include the relationship to the following patterns: (a) Street walls and building setbacks; (b) Open Space; (c) Building form, scale, and massing; (d) Facade proportion and composition; (e) Pedestrian circulation and building entrances; and (f) parking." [14-526(b)1 (a)-(f)]

a. Street walls and building setbacks: The proposal shows the building facade on Fore Street as setback 12'-6" from the existing property line and from the prevailing street wall of the south side of Fore Street. B-3 zoning requires the building to be within 5' of the property line. The applicant intends to deed the first 7'-6" of their property on Fore Street to the City which will bring their building within technical compliance with the ordinance. However, the intent of the ordinance is elaborated in the Urban Design Guidelines: "A continuous street wall gives emphasis and meaning to open plazas and squares. Street walls assist in reinforcing the unique and irregular street patterns, maintaining the density of the urban fabric, and through contrast, enhancing the significance of open spaces." The south side of Fore Street has a strong street wall definition with this site as the "missing tooth" in the Old Port. Historical photographs show how strongly the original building gave "emphasis and meaning" to Boothby Square, "assist[ed] in



reinforcing the unique and irregular street pattern", and through contrast "enhanc[ed] the significance of open space." (see Attachment # 4) Instead of taking this opportunity to repair this hole in the urban fabric, the proposal will have a planter, stairs and two accessible ramps within the setback zone. Staff is aware of the practical problem of needing to get from the sidewalk grade at Fore Street to the floor level (approximately 4' above grade at Fore Street). However, there are various solutions to this design problem which have been employed to good success here in Portland. For example, the Public Library holds the street wall by building a facade to the entry court and by using an internal ramp. The Museum of Art tucks an accessible ramp behind an arcade. Staff questions whether the proposed solution, in concept and execution, is sufficient to meet the standard.

b. Open Space: The Urban Design Guidelines states: "The massing of new buildings or building additions around open space should provide a sense of definition and enclosure to the open space." This instruction and standard adds weight to the applicant's burden to show how the proposed solution creates definition and enclosure to Boothby Square.

c. Building form, scale, and massing: The applicant has modified the original submission by increasing the floor area from 29,500 SF to 39,000 SF. This additional space added bulk to the massing, especially along Market and Silver Streets. As a result the current proposal meets the minimum height requirement of 35' on all four sides. By adding the full third floor, the form of the original submission, which was closely modeled on the Armory Building, has been changed. The resultant form is a much less literal interpretation of the Armory Building, and is now a building having a more unique form that still references the Armory. This evolution of the building form is welcomed by Staff. The building does depart from the prevailing character of the Old Port, and is somewhat smaller scale than the predominant character.

d. Facade proportion and composition: The building displays a strong tri-partite composition. (see Attachment #5) The base of the building along Commercial is respectful to the character of that street. The composition of the fenestration has a sense of proportion and rhythm which harmonizes with the prevailing character. Staff encourages the evolution of details towards more being more referential and contemporary. In Staff judgement, the introduction of a large scaled ~~Romanesque entry arch questionable. This is more of a historic quote instead of a respectful~~ reference, and the scale appears too monumental for the overall scale of the building, the use, and the context.

e. Pedestrian circulation and building entrances: The building has major entrances on Fore and Commercial Streets, and a more private entry on Market Street. Entries are clearly defined and have clear access. As stated above, Staff questions the setback of the building on Fore Street and its effect on the perception and use of Boothby Square. The applicant is proposing to create an pedestrian amenity of the planting bed which is in front of the stair and ramp system. To date, the applicant has not developed details plans and elevations to indicate how this would be realized.

Attachments:

1. Plans 1 - 8 submitted August 5, '99
2. Site Plan
3. Parking memos
4. Historical photos of Boothby Square
5. Renders elevation of Commercial Street