

32-C-1
119 Exchange Street
Press Hotel
119 Development, LLC.

#2012-602

A.1

Ms. Barbara Barhydt
September 18, 2012
Page 2

You will find in the accompanying materials, information including the Preliminary Site Plan and Building Floor Plans that provide detail for the building development activities. We have also included preliminary building elevations showing areas of exterior improvement. Preliminary information pertaining to the project's utilities needs and statements regarding compliance with the City's Standards are contained within this submission.

The Development Team expects to continue to work with the property owner and City Officials/Representatives on both the onsite and offsite components including, but not limited to the following:

- Coordination with utility representatives on the reuse and improvement, if necessary to the building's utilities;
- Coordination with Public Services representatives on improvements to existing utilities and new service connections as may be required and reconstruction of City sidewalks around the perimeter of the building; and
- Coordination efforts with City Officials regarding the Preliminary and Final Site Plan approval process.

On behalf of the I19 Development LLC Team, we look forward to your continued assistance on the project and we look forward to an October 2012 workshop meeting with the Planning Board. Please find one (1) hard copy of the application materials including one set each of 11 x 17 and full size plans, along with a CD containing PDF files for all submitted materials. If you have any questions regarding these materials please contact this office.

Sincerely,

DeLUCA-HOFFMAN ASSOCIATES, INC.



Stephen R. Bushey, P.E.
Senior Engineer

SRB/smk/cmd

Attachments

c: James Brady, I19 Development LLC
Kevin Bunker, Developers Collaborative
David Lloyd, Archetype

Att. B

PROJECT NAME: Hotel Conversion - Former Gannett Building

PROPOSED DEVELOPMENT ADDRESS: 119 Exchange Street, Portland, Maine

PROJECT DESCRIPTION: Redevelopment of the former Gannett Building into a 110 unit hotel, 80 seat restaurant and ancillary hospitality related uses.

CHART/BLOCK/LOT: 32/C/1 & 2

PRELIMINARY PLAN 09/18/12 (date)

FINAL PLAN _____ (date)

<p>CONTACT INFORMATION:</p> <p>Applicant's Contact for electronic plans Name: Stephen R. Bushey, P.E. Deluca-Hoffman Associates, Inc. e-mail: sbushey@delucahoffman.com work # 207-775-1121</p>	
<p>Applicant – must be owner, Lessee or Buyer</p> <p>Name: 119 Development LLC Business Name, if applicable: c/o Developers Collaborative Address: 17 Chestnut Street City/State: Portland, Maine Zip Code: 04101</p>	<p>Applicant Contact Information Work # 207-772-7673 Home# Cell # 207-776-1632 e-mail: bunker.kevin@gmail.com Fax#</p>
<p>Owner – (if different from Applicant)</p> <p>Name: MTM Properties, LLC c/o HM Capital Partners, LLC Address: 25 South Service Road City/State: Jericho, New York Zip Code: 11753</p>	<p>Owner Contact Information Work # 516-997-4210 Home# Cell # e-mail: Fax# 516-997-0673</p>
<p>Agent/ Representative</p> <p>Stephen R. Bushey, P.E. Deluca-Hoffman Associates, Inc. Address: 778 Main Street City/State: South Portland, Maine Zip Code: 04106</p>	<p>Agent/Representative Contact Information Work # 207-775-1121 Cell # 207-756-9359 Fax # 207-879-0896 e-mail: sbushey@delucahoffman.com</p>
<p>Billing Information</p> <p>Name: 119 Development LLC c/o Developers Collaborative Address: 17 Chestnut Street City/State: Portland, Maine Zip Code: 04101</p>	<p>Billing Information Work # 207-772-7673 Cell # 207-776-1632 e-mail: bunker.kevin@gmail.com Fax#</p>

<p>Engineer</p> <p>Name: Stephen R. Bushey, P.E. DeLuca-Hoffman Associates, Inc.</p> <p>Address: 778 Main Street City/State : South Portland, Maine Zip Code: 04106</p> <p>Engineer Contact Information</p> <p>Work # 207-775-1121 Cell # 207-756-9359 Fax# 207-879-0896 e-mail: sbushey@delucahoffman.com</p>	<p>Surveyor</p> <p>Name: Charles Marchese Sebago Technics</p> <p>Address: 75 John Roberts Road, Suite 1A City/State : South Portland, Maine Zip Code: 04106</p> <p>Surveyor Contact Information</p> <p>Work # 207-856-0277 Cell # 207-856-2206 e-mail: cmarchese@sebagotechnics.com</p>
<p>Architect</p> <p>Name: David Lloyd Archetype, PA</p> <p>Address: 48 Union Wharf City/State : Portland, Maine Zip Code: 04101</p> <p>Architect Contact Information</p> <p>Work # 207-772-6022 Cell # 207-671-9194 Fax# 207-772-4056 e-mail: Lloyd@archetypepa.com</p>	<p>Attorney</p> <p>Name: Maurice "Cito" Selinger Curtis Thaxter</p> <p>Address: PO Box 7320 City/State : Portland, Maine Zip Code: 04112-7320</p> <p>Attorney Contact Information</p> <p>Work # 207-774-9000 Cell # 207-775-0612 Fax# 207-775-0612 e-mail: mselinger@curtisthaxter.com</p>

B.1

APPLICATION FEES:
 Check all reviews that apply. (Payment may be made by Cash or Check payable to the City of Portland.)

b.2

Fees Paid (office use)	Other Reviews (check applicable reviews)	Fees Paid (office use)	Level III Development (check applicable reviews)
<input type="checkbox"/> Traffic Movement (\$1,000) <input type="checkbox"/> Stormwater Quality (\$250) <input type="checkbox"/> Subdivisions (\$500 + \$25/lot) <input type="checkbox"/> # of Lots _____ x \$25/lot = _____ <input type="checkbox"/> Site Location (\$3,000, except for residential projects which shall be \$200/lot) <input type="checkbox"/> # of Lots _____ x \$200/lot = _____ <input type="checkbox"/> Other _____ <input type="checkbox"/> Change of Use _____ <input type="checkbox"/> Flood Plain _____ <input type="checkbox"/> Shoreland _____ <input type="checkbox"/> Design Review _____ <input type="checkbox"/> Housing Replacement _____ <input checked="" type="checkbox"/> Historic Preservation *	<input type="checkbox"/> Less than 50,000 sq. ft. (\$500.00) <input checked="" type="checkbox"/> 50,000 - 100,000 sq. ft. (\$1,000) <input type="checkbox"/> 100,000 - 200,000 sq. ft. (\$2,000) <input type="checkbox"/> 200,000 - 300,000 sq. ft. (\$3,000) <input type="checkbox"/> over 300,00 sq. ft. (\$5,000) <input type="checkbox"/> Parking lots over 11 spaces (\$1,000) <input type="checkbox"/> After-the-fact Review (\$1,000.00 plus applicable application fee)	The City invoices separately for the following: - Notices (\$.75 each) - Legal Ad (% of total Ad) - Planning Review (\$40.00 hour) - Legal Review (\$75.00 hour) Third party review is assessed separately.	Plan Amendments (check applicable reviews) <input type="checkbox"/> Planning Staff Review (\$250) <input type="checkbox"/> Planning Board Review (\$500)

APPLICATION SUBMISSION

b.3

All site plans and written application materials must be uploaded to a website for review. At the time of application, instructions for uploading the plans will be provided to the applicant. One paper set of the plans, written materials and application fee must be submitted to the Planning Division Office to start the review process.

Submissions shall include one (1) paper packet with folded plans containing the following materials:


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

Refer to the application checklist for a detailed list of submittal requirements.

Portland's development review process and requirements are outlined in the Land Use Code (Chapter 14), which includes the Subdivision Ordinance (Section 14-491) and the Site Plan Ordinance (Section 14-521). Portland's Land Use Code is on the City's web site: www.portlandmaine.gov Copies of the ordinances may be purchased through the Planning Division.

I hereby certify that I am the Owner of record of the named property, or that the owner of record authorizes the proposed work and that I have been authorized by the owner to make this application as his/her authorized agent. I agree to conform to all applicable laws of this jurisdiction. In addition, if a permit for work described in this application is issued, I certify that the Planning Authority and Code Enforcement's authorized representative shall have the authority to enter all areas covered by this permit at any reasonable hour to enforce the provisions of the codes applicable to this permit.

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

Signature of Applicant: 	Date: September 18, 2012
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6.4

PROJECT DATA

(The following information is required where applicable, in order complete the application)

Total Site Area (Condominium Complex Only)		
Proposed Total Disturbed Area of the Site		10,049 sq. ft.
(If the proposed disturbance is greater than one acre, then the applicant shall apply for a Maine Construction General Permit (MCGP) with DEP and a Stormwater Management Permit, Chapter 500, with the City of Portland)		
IMPERVIOUS SURFACE AREA		
Proposed Total Paved Area		0 sq. ft.
Existing Total Impervious Area		10,049 sq. ft.
Proposed Total Impervious Area		10,049 sq. ft.
Proposed Impervious Net Change		0 sq. ft.
BUILDING AREA		
Proposed Building Footprint		10,049 sq. ft.
Proposed Building Footprint Net change		0 sq. ft.
Existing Total Building Floor Area		84,491 sq. ft.
Proposed Total Building Floor Area		84,491 sq. ft.
Proposed Building Floor Area Net Change		0 sq. ft.
New Building		NO (yes or no)
ZONING		
Existing		
Proposed, if applicable		
LAND USE		
Existing		Unoccupied Office Building
Proposed		110 Unit Hotel/80 Seat Restaurant
RESIDENTIAL, IF APPLICABLE		
Proposed Number of Affordable Housing Units		N/A
Proposed Number of Residential Units to be Demolished		
Existing Number of Residential Units		
Proposed Number of Residential Units		
Subdivision, Proposed Number of Lots		
PARKING SPACES		
Existing Number of Parking Spaces		N/A
Proposed Number of Parking Spaces		
Number of Handicapped Parking Spaces		
Proposed Total Parking Spaces		
BICYCLE PARKING SPACES		
Existing Number of Bicycle Parking Spaces		2
Proposed Number of Bicycle Parking Spaces		2
Total Bicycle Parking Spaces		2
ESTIMATED COST OF PROJECT		\$8 million construction

*The entire site is a building

6.5

**General Submittal Requirements – Preliminary Plan (Optional)
Level III Site Plan
Preliminary Plan Phase Check list (if elected by applicant)**

Applicant Checklist
Planner Checklist
Number of Copies
Written Submittal Requirements

Applicant Checklist	Planner Checklist	Number of Copies	Written Submittal Requirements
<input checked="" type="checkbox"/>	<input type="checkbox"/>	1	Completed application form
<input checked="" type="checkbox"/>	<input type="checkbox"/>	1	Application fees
<input checked="" type="checkbox"/>	<input type="checkbox"/>	1	Written description of project
<input checked="" type="checkbox"/>	<input type="checkbox"/>	1	Evidence of right, title and interest.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	1	Copies of required State and/or Federal permits.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	1	Written assessment of proposed project's compliance with applicable zoning requirements.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	1	Written description of existing and proposed easements or other burdens.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	1	Written requests for waivers from individual site plan and/or technical standards, where applicable.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	1	Traffic analysis (may be preliminary, in nature, during the preliminary plan phase).
<input checked="" type="checkbox"/>	<input type="checkbox"/>	1	Written summary of significant natural features located on the site.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	1	Written summary of project's consistency with related city master plans.
<input type="checkbox"/>	<input type="checkbox"/>	1	Neighborhood Meeting Material (refer to page 13 of this application.)
<input type="checkbox"/>	<input type="checkbox"/>		Site Plan Submittal Requirements
<input type="checkbox"/>	<input type="checkbox"/>	1	Boundary Survey meeting the requirements of Section 13 of the City of Portland Technical Manual.
<input type="checkbox"/>	<input type="checkbox"/>	1	Preliminary Site Plan including the following: (*information provided may be preliminary in nature during preliminary plan phase):
<input type="checkbox"/>	<input type="checkbox"/>		Existing and proposed structures with distance from property line (including location of proposed piers, docks or wharves if in Shoreland Zone).
<input type="checkbox"/>	<input type="checkbox"/>		Location of adjacent streets and intersections and approximate location of structures on abutting properties.
<input type="checkbox"/>	<input type="checkbox"/>		Proposed site access and circulation.
<input type="checkbox"/>	<input type="checkbox"/>		Proposed grading and contours.
<input type="checkbox"/>	<input type="checkbox"/>		Location and dimension of existing and proposed paved areas including all parking areas and vehicle, bicycle and pedestrian access ways.
<input type="checkbox"/>	<input type="checkbox"/>		Preliminary landscape plan including existing vegetation to be preserved, proposed site landscaping and street trees.
<input type="checkbox"/>	<input type="checkbox"/>		Existing and proposed utilities (preliminary layout).
<input type="checkbox"/>	<input type="checkbox"/>		Preliminary infrastructure improvements (e.g. - curb and sidewalk improvements, roadway intersection modifications, utility connections, transit infrastructure, roadway improvements).
<input type="checkbox"/>	<input type="checkbox"/>		Preliminary stormwater management and erosion control plan.
<input type="checkbox"/>	<input type="checkbox"/>		Existing significant natural features located on the site (including wetlands, ponds, watercourses, floodplains, significant natural features listed in Section 14-526 (b) 1. of the Land Use Code).
<input type="checkbox"/>	<input type="checkbox"/>		Proposed alterations to and protection measures for significant natural features listed on the site (including wetlands, ponds, watercourses, floodplains, significant natural features listed in Section 14-526 (b) 1. of the Land Use Code).

■ Existing and proposed easements or public or private rights of way. **b.c**

General Submittal Requirements – Final Plan (Required)
Level III Site Plan
Final Plan Phase Checklist (including items listed above in General Requirements for Preliminary Plan, if applicant did not elect to submit for a preliminary plan review)

Written Submittal Requirement	Number of Copies	Applicant Checklist	Planner Checklist
Evidence of financial and technical capacity.	1	<input type="checkbox"/>	<input type="checkbox"/>
Evidence of utilities' capacity to serve the development.	1	<input type="checkbox"/>	<input type="checkbox"/>
Written summary of fire safety (referencing NFPA fire code and Section 3 of the City of Portland Technical Manual).	1	<input type="checkbox"/>	<input type="checkbox"/>
Construction management plan.	1	<input type="checkbox"/>	<input type="checkbox"/>
Traffic Plan (if development will (1) generate 100 or more PCE or (2) generate 25 or more PCE and is located on an arterial, within 1/2 mile of a high crash location, and/or within 1/4 mile of an intersection identified in a previous traffic study as a falling intersection).	1	<input type="checkbox"/>	<input type="checkbox"/>
Stormwater management plan.	1	<input type="checkbox"/>	<input type="checkbox"/>
Written summary of solid waste generation and proposed management of solid waste.	1	<input type="checkbox"/>	<input type="checkbox"/>
Written assessment of conformity with applicable design standards.	1	<input type="checkbox"/>	<input type="checkbox"/>
Manufacturer's verification that HVAC and manufacturing equipment meets applicable state and federal emissions requirements.	1	<input type="checkbox"/>	<input type="checkbox"/>

Final Site Plan including the following		1	Final Plan Phase
■ Existing and proposed structures on the site with distance from property line (including location of proposed piers, docks or wharves if in Shoreland Zone).		<input type="checkbox"/>	<input type="checkbox"/>
■ Location of adjacent streets and intersections and approximate location of structures on abutting properties.		<input type="checkbox"/>	<input type="checkbox"/>
■ Proposed site access and circulation.		<input type="checkbox"/>	<input type="checkbox"/>
■ Proposed grading and contours.		<input type="checkbox"/>	<input type="checkbox"/>
■ Location and dimension of existing and proposed paved areas including all parking areas and vehicle, bicycle and pedestrian access ways. Proposed curb lines must be shown.		<input type="checkbox"/>	<input type="checkbox"/>
■ Proposed loading and servicing areas, including applicable turning templates for delivery vehicles		<input type="checkbox"/>	<input type="checkbox"/>
■ Proposed snow storage areas or snow removal plan.		<input type="checkbox"/>	<input type="checkbox"/>
■ Proposed trash and recycling facilities.		<input type="checkbox"/>	<input type="checkbox"/>
■ Landscape plan including existing vegetation to be preserved, proposed site landscaping and street trees.		<input type="checkbox"/>	<input type="checkbox"/>
■ Existing and proposed utilities.		<input type="checkbox"/>	<input type="checkbox"/>
■ Location and details of proposed infrastructure improvements (e.g. - curb and sidewalk improvements, roadway intersection modifications, utility connections, public transit infrastructure, roadway improvements).		<input type="checkbox"/>	<input type="checkbox"/>
■ Proposed septic system, if not connecting to municipal sewer. (Portland Waste Water Application included in this application)		<input type="checkbox"/>	<input type="checkbox"/>
■ Proposed finish floor elevation (FFE).		<input type="checkbox"/>	<input type="checkbox"/>
■ Exterior building elevation(s) (showing all 4 sides).		<input type="checkbox"/>	<input type="checkbox"/>
■ Proposed stormwater management and erosion controls.		<input type="checkbox"/>	<input type="checkbox"/>

<ul style="list-style-type: none"> ■ Exterior lighting plan, including street lighting improvements. 	<input type="checkbox"/>	<input type="checkbox"/>
<ul style="list-style-type: none"> ■ Proposed signage. 	<input type="checkbox"/>	<input type="checkbox"/>
<ul style="list-style-type: none"> ■ Identification of existing significant natural features located on the site (including wetlands, ponds, watercourses, floodplains, significant wildlife habitats and fisheries or other important natural features listed in Section 14-526 (b)1. of the Land Use Code). Wetlands must be delineated. 	<input type="checkbox"/>	<input type="checkbox"/>
<ul style="list-style-type: none"> ■ Proposed alterations to and protection measures for of existing significant natural features located on the site (including wetlands, ponds, watercourses, floodplains, significant wildlife habitats and fisheries or other important natural features listed in Section 14-526 (b)1. of the Land Use Code). 	<input type="checkbox"/>	<input type="checkbox"/>
<ul style="list-style-type: none"> ■ Total area and limits of proposed land disturbance. 	<input type="checkbox"/>	<input type="checkbox"/>
<ul style="list-style-type: none"> ■ Soil type and location of test pits and borings. 	<input type="checkbox"/>	<input type="checkbox"/>
<ul style="list-style-type: none"> ■ Details of proposed pier rehabilitation (Shoreland areas only). 	<input type="checkbox"/>	<input type="checkbox"/>
<ul style="list-style-type: none"> ■ Existing and proposed easements or public or private rights of way. 	<input type="checkbox"/>	<input type="checkbox"/>

6.7

Some structures may require Fire flows using annex H of NFPA 1

- 10. A code summary shall be included referencing NFPA 1 and all fire department. Technical standards.
- 9. Access to all structures [min. 2 sides]
- 8. Water main[s] size and location
- 7. Hydrant locations

2009 ed.)

to be sprinkled in compliance with NFPA 13D. This is required by City Code. (NFPA 101

As of September 16, 2010 all new construction of one and two family homes are required

- Proposed fire protection of all structures
 - 6. Proposed fire protection of all structures
 - 5. Elevation of all structures
 - 4. Square footage of all structures [total and per story]
 - 3. Proposed uses of any structures [NFPA and IBC classification]
 - 2. Name address, telephone number of architect
 - 1. Name, address, telephone number of applicant.
- A separate drawing[s] shall be provided to the Portland Fire Department for all site plan reviews.

**PORTLAND FIRE DEPARTMENT
SITE REVIEW
FIRE DEPARTMENT CHECKLIST**



6.8

CITY OF PORTLAND WASTEWATER CAPACITY APPLICATION

6.9

Mr. Frank J. Brancey,
Senior Engineering Technician,
Phone #: (207) 874-8832,
Fax #: (207) 874-8852,
E-mail: fjb@portlandmaine.gov



Department of Public Services,
55 Portland Street,
Portland, Maine 04101-2991

Date: September 18, 2012

1. Please, Submit Utility, Site, and Locust Plans.

Site Address: 119 Exchange Street (former Gannett Building)
(Regarding addressing, please contact Leslie Kaynor, either at 756-8346, or at LMK@portlandmaine.gov)

Proposed Use: 110 Unit Hotel

Previous Use: Office High Rise

Existing Sanitary Flows: TBD GPD

Existing Process Flows: TBD GPD

Description and location of City sewer, at proposed building

sewer lateral connection:

Existing sewer ties into 24" main on Exchange Street.

Clearly, indicate the proposed connection, on the submitted plans.

2. Please, Submit Domestic Wastewater Design Flow Calculations.

Estimated Domestic Wastewater Flow Generated:

14,060 GPD

Peaking Factor/ Peak Times: 60 gpm peaking factor AM hours

Specify the source of design guidelines: (i.e., "Handbook of Subsurface Wastewater Disposal in Maine," "Plumbers and Pipe Fitters Calculation Manual," Portland Water District Records, Other (specify))

Note: Please submit calculations showing the derivation of your design flows, either on the following page, in the space provided, or attached, as a separate sheet.

3. Please, Submit Contact Information.

Owner/Developer Name:

119 Development LLC

Owner/Developer Address:

c/o Developer's Collaborative - 17 Chestnut Street, Portland, ME 04106

Phone: 207-772-7673

Engineering Consultant Name:

Stephen Bushey, P.E. - DeLuca-Hoffman Associates, Inc.

Engineering Consultant Address:

778 Main Street, South Portland, ME 04106

Phone: 207-775-1121

City Planner's Name:

Barbara Barhydt

Note: Consultants and Developers should allow +/- 15 days, for capacity status, prior to Planning Board Review.

4. Please, Submit Industrial Process Wastewater Flow Calculations

Estimated Industrial Process Wastewater Flows Generated:

0 GPD

Do you currently hold Federal or State discharge permits?

Yes No

Is the process wastewater termed categorical under CFR 40?

Yes No

OSHA Standard Industrial Code (SIC):

Peaking Factor/Peak Process Times:

Note: On the submitted plans, please show the locations, where the building's sanitary, and process water sewer laterals, exit the facility, where they enter the city's sewer, the location of any control manholes, wet wells, or other access points, and the locations of any filters, strainers, or grease traps.

b.10

Hotel with Private Bath:

100 gpd per room plus 12 gpd per employee
 100 gpd/room x 110 rooms = 11,000 gpd
 12 gpd/employee x 30 employees = 360 gpd
 Subtotal = 11,360 gpd

Eating Place - 3 meals per day

30 gpd per seat plus 12 gpd per employee
 30 gpd/seat x 80 seats = 2,400 gpd
 12 gpd/employee x 25 employees = 300 gpd
 Subtotal = 2,700 gpd

GRAND TOTAL = 14,060 GPD*

* Information is per the Maine Subsurface Wastewater Disposal Rules

Att. C

1. DEVELOPMENT DESCRIPTION

1.1 PROJECT OVERVIEW

119 Development LLC proposes to construct, own, and operate a 110-room luxury boutique hotel to be redeveloped out of the former Gannett Building, a long standing and prominent building along Congress Street and Exchange Street. The project represents an ideal reuse of a former office high-rise property that over the years has fallen into non-use. The property has maintained a prominent role in the City's Downtown District for almost a century as the home to Guy Gannett Publishing and the Portland Press Herald production facilities.

The development includes primarily interior retrofit construction to create the 110-room hotel layout. The plans include the installation of the following:

- A pool area within the basement space.
- An 80-seat restaurant and kitchen on the first floor level (street grade). The restaurant's primary access will be off Congress Street and the hotel entrance will be off Exchange Street.
- 110 room units on Floors 2-7.

The building's exterior will remain largely unchanged except for the installation of a modified entrance off Exchange Street. The exterior work also includes waterproofing much of the basement space. This will require removal and excavation of the existing sidewalk system around the perimeter of the building. New brick sidewalks will be required following the completion of waterproofing.

1.2 SITE OWNERSHIP AND LOCATION

According to the ALTA/ACSM Survey completed by Sebago Technics in 2009, the development site contains two parcels as identified in the City of Portland Tax Assessor's maps. These parcels are more fully described as follows:

TABLE 1 – Land Ownership		
Chart-Block-Lot	Owner	Description
32-C-1, 2	Metro Media Properties LLC	A rectangular shaped parcel containing 10,049 SF (0.23 acres) of land, entirely covered by building.

Figures 2-5 and 6-11 at the end of this section depict the project location on various available resource maps. As shown, the site location is on Congress Street between Market Street and Exchange Street. The combined parcels have approximately 51 LF of frontage along Congress Street. The development site is identified on the U.S.G.S Portland West 7.5 Minute Quadrangle Map.

1.3 PROJECT PURPOSE AND NEED

The proposed project is considered a unique opportunity to transform an underutilized, yet prominent property, into a luxury hotel and hospitality center as significantly contemplated within the City's zoning and comprehensive plans. The project's community benefits include:

- Enhanced commercial related opportunity and rehabilitation of a deteriorated, older commercial property.
- Rehabilitated downtown property with proximity to the City's major service centers.
- Furtherance of the purposes of the zone as articulated in the Land Use Ordinance.

1.4 EXISTING CONDITIONS

The site consists of approximately 0.23 acres of land that is composed of two primary areas described as follows:

1. **Parcel One (Map 32C, Lot 1):** Consists of a rectangular shaped 0.1028 acre area. This parcel is located along the Congress Street frontage and contains an office/high rise building constructed in 1947. This building space has a primary entrance off Congress Street. The total building space is approximately 33,035 SF according to City records.

2. **Parcel Two (Map 32C, Lot 2):** This rectangular area contains frontage along Federal, Market and Exchange Streets. The site area is approximately 0.1277 acres. This parcel contains a building constructed in 1925 and its approximate size is 51,456 SF. Interestingly, a portion of this building's basement space lies beneath the City's sidewalk systems (per long-term license agreements).

Existing development in the area includes the following:

- Portland City Hall is located to the north of the site.
- Portland's Central Fire Station is located to the east of the site.
- The 120 Exchange Street building is located to the west of the site.
- Various Downtown (Old Port) uses are located to the south of the site.
- The City sidewalk surrounding the site are brick and contain various utilities, tree wells, parking meters, and signage.

1.5 ACCESS CONDITIONS

The existing buildings contain access entrances on all four sides of the building. The Exchange Street entrance will be modified to enhance the sense of arrival for hotel patrons/visitors. Modifications to this entrance are also necessary to allow the entry to meet ADA requirements. The entrance on Congress Street will be improved to provide a new Mahogany and glass entry door. Similarly, a new Mahogany and glass door will be installed on the Market Street side where currently there were former overhead doors. Finally, a new Mahogany and glass door will be installed at the existing Federal Street entrance.

- General and business offices; Professional offices
- Restaurants, excluding drive-through
- Hotels

Permitted Uses

The property currently lies within the City of Portland Waterfront Downtown Business (B-3) Zone. Within the B-3 District, the following uses are permitted or conditioned (among others):

1.8.1 OVERVIEW

1.8 LAND ORDINANCE REVIEW

The surrounding drainage system includes catch basins at the Federal Street corners and corner of Congress Street. These catch basins are part of the City's combined sewer system. The development site is completely covered by building space. The perimeter sidewalks slope moderately from Congress Street downhill to Federal Street. Interior stairs are necessary for the access points off Exchange, Federal and Market Streets.

1.7 TOPOGRAPHY AND DRAINAGE

- Power to the site is supplied by Central Maine Power. An underground service line feeds an onsite transformer. The Development Team is currently working with CMP to determine any improvements that may be necessary.
- The Portland Water District maintains an 8" water main in Exchange Street, off of which it is understood that a 6" water main enters the building to supply fire service. The building is also served by a 4" domestic service. There is a fire hydrant connection at the NW building corner near Congress Street, as well as a fire department connection midway along the Market Street building frontage.
- Utility maintains multiple natural gas lines including distribution lines along Exchange and Federal Streets. It is the applicant's intent to use natural gas to heat the proposed buildings.
- Power to the site is supplied by Central Maine Power. An underground service line feeds an onsite transformer. The Development Team is currently working with CMP to determine any improvements that may be necessary.

The site contains numerous active utility lines. The primary utilities are identified as follows:

1.6 SITE UTILITIES

The development site is bounded by City streets. Congress Street is the primary downtown thoroughway that allows traffic movement in each direction. Exchange Street allows one way directional movement from Congress Street towards the Old Port, while Market Street allows one way movement towards Congress Street. On-street parking in the area includes approximately 6 parallel spaces on Exchange Street, 3 parallel spaces on Federal Street and 11 angled spaces on Market Street. Four spaces on Exchange Street are metered while the remaining spaces are unmetered. Parking meters are not located in a portion of the sidewalk due to the basement space below. There is no parking on Congress Street in front of the site.

C.2

Attachment A – Existing Site Photographs
Attachment B – Figures 2-5 and 7-11
Attachment C – Building Elevations/Floor Plans

1.12 ATTACHMENTS

- City of Portland Building Permit(s)
- City of Portland Planning Board Level III Site Plan Approval

The following permits are anticipated:

1.11 APPROVAL REQUIREMENTS

The development site does not contain any significant natural features including wetlands, vernal pools or other protected resources. The site has been developed for a period greater than 150 years and there is generally no land area that has not been disturbed or otherwise developed.

1.10 NATURAL FEATURES

The proposed project will not result in significant impacts to the surrounding street system. The project's proposed conditions will result in fewer than 100 new peak hour trips. The applicant is proposing to use surface parking located at the former Gannett lot located at 385 Congress Street. Hotel patrons may self park or use the hotel's valet service. The applicant also expects to use ancillary structural parking at the Temple Street parking garage on an as needed basis.

1.9 TRAFFIC

Dimensional Standard	Requirement
Minimum Lot Size	None
Minimum Frontage	15 feet
Front Yard Setback	None
Side Yard Setback	None
Rear Yard Setback	None
Street Wall Build to Line	5 feet for structures
Maximum Lot Coverage	100%
Maximum Building Height	Per Downtown Overlay Map

The following dimensional requirements apply in the B-3 District:



D&LUCIA-HOFFMAN ASSOCIATES,
INC.
CONSULTING ENGINEERS
778 MAIN STREET, SUITE 8
SOUTH PORTLAND, MAINE 04106
TEL. 207-775-1121
FAX: 207-879-0896

Existing Site Photographs
Former Gannett Building – Portland, Maine
Photos Taken 08-27-12 by Steve Bushey, P.E.

PHOTO 2 – Market Street



PHOTO 1 – Market Street



Att. D



D&LUCIA-HOFFMAN ASSOCIATES,
INC.
CONSULTING ENGINEERS
778 MAIN STREET, SUITE 8
SOUTH PORTLAND, MAINE 04106
TEL. 207-775-1121
FAX: 207-879-0896

Existing Site Photographs
Former Gannett Building – Portland, Maine
Photos Taken 08-27-12 by Steve Bushey, P.E.

PHOTO 4 – Market Street



PHOTO 3 – Exchange Street



d.1



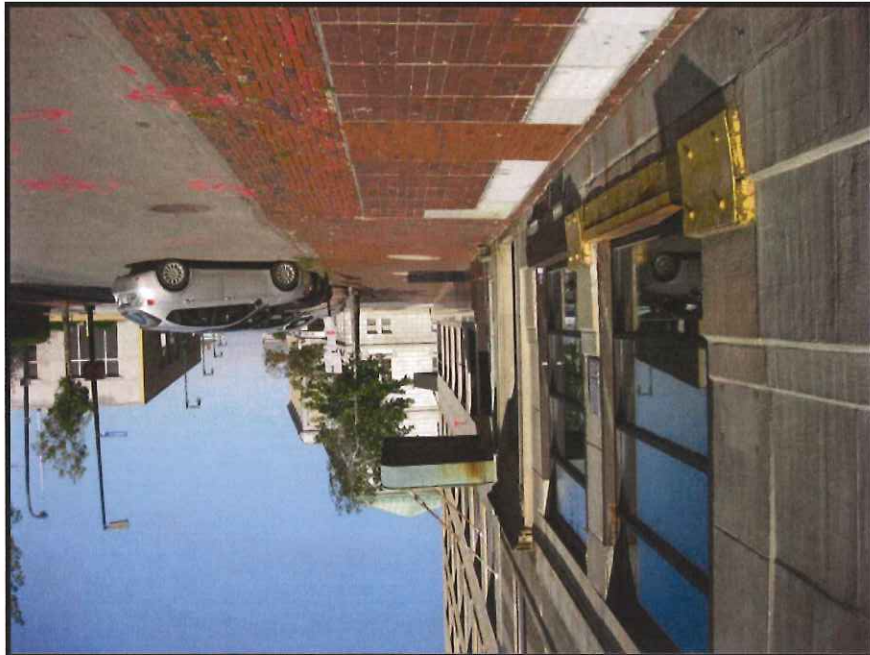
D&L CA-HOFFMAN ASSOCIATES,
INC.
CONSULTING ENGINEERS
778 MAIN STREET, SUITE 8
SOUTH PORTLAND, MAINE 04106
TEL. 207-775-1121
FAX: 207-879-0896

Existing Site Photographs
Former Gannett Building – Portland, Maine
Photos Taken 09-14-12 by Steve Bushey, P.E.

PHOTO 6 – View from Federal Street up Exchange Street



PHOTO 5 – Market Street



d.2

Existing Site Photographs
Former Gannett Building – Portland, Maine
Photos Taken 09-14-12 by Steve Bushey, P.E.

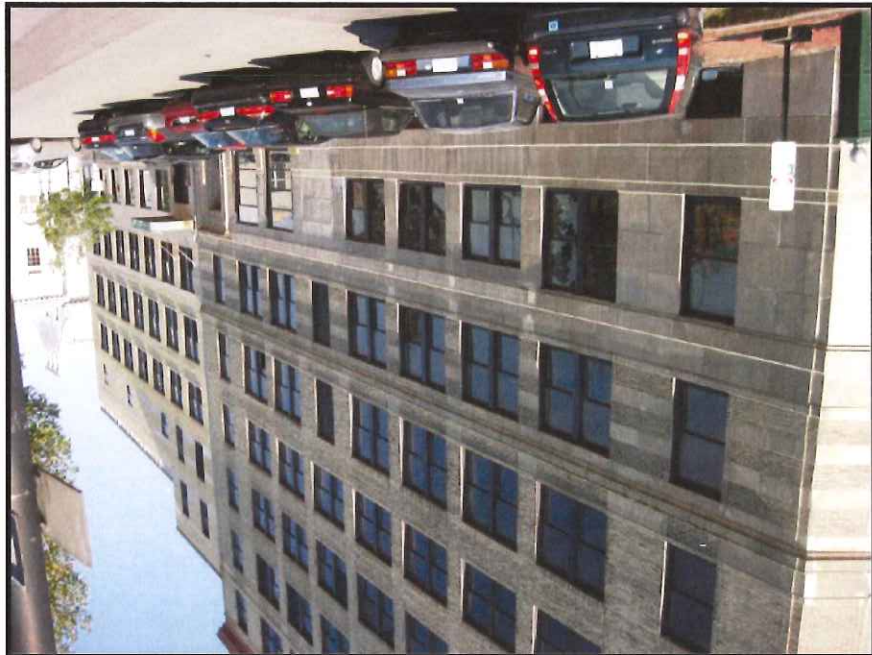
DELUCA-HOFFMAN ASSOCIATES, INC.
CONSULTING ENGINEERS
778 MAIN STREET, SUITE 8
SOUTH PORTLAND, MAINE 04106
TEL. 207-775-1121
FAX: 207-879-0896



PHOTO 8 – Sidewalk to be Reconstructed at Exchange Street Entrance

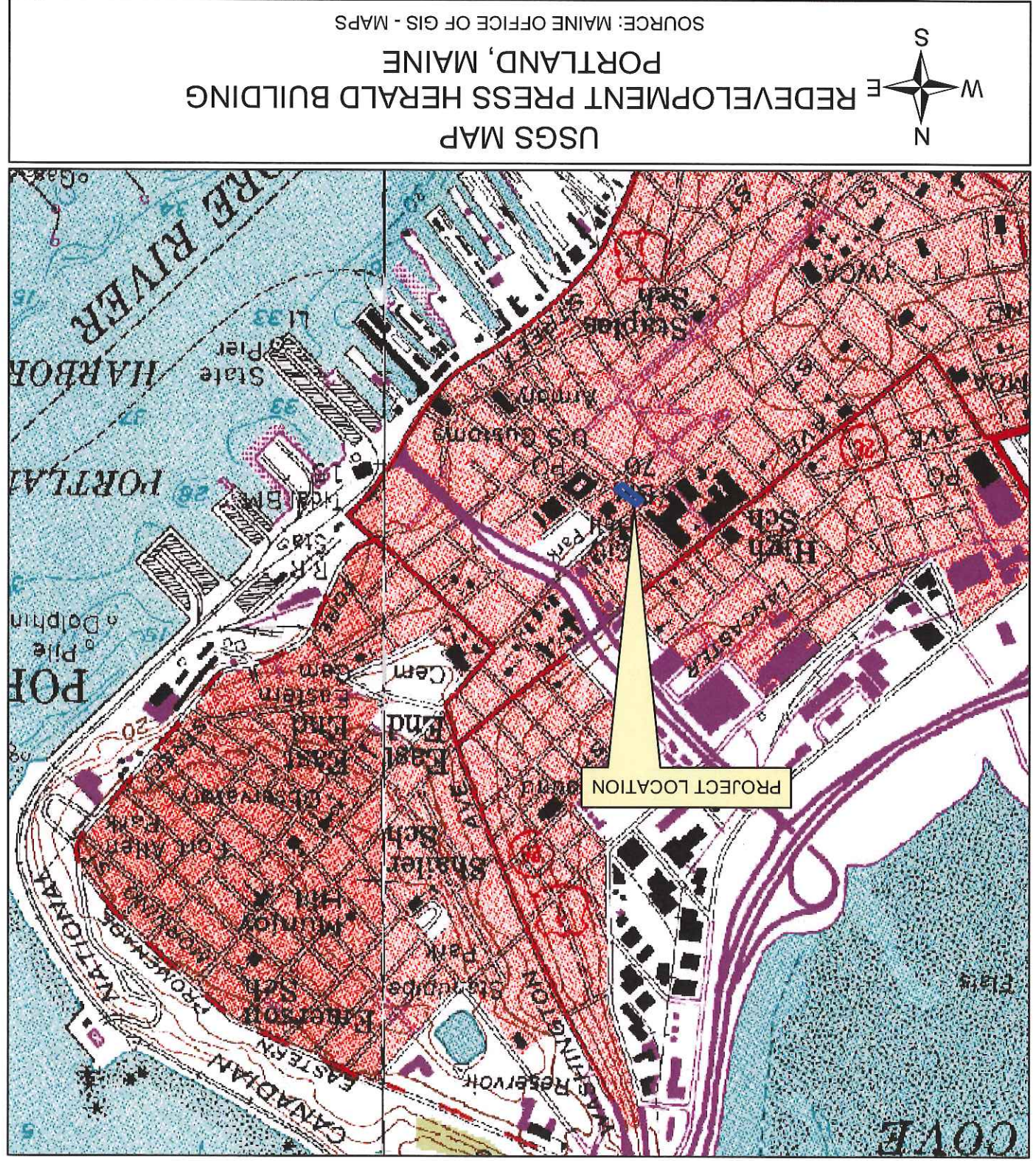


PHOTO 7 – Market Street



2

FIGURE



Deluca-Hoffman Associates, Inc.
778 MAIN STREET, SUITE 8
SOUTH PORTLAND, ME 04106
207-775-1121
www.delucahoffman.com

DRAWN: DED
CHECKED: SRB
DATE: SEPT 2012
FILENAME: 3143.01-USGS
SCALE: 1 inch = 1,000 feet

Att. E

Deluca-Hoffman Associates, Inc.
778 MAIN STREET, SUITE 8
SOUTH PORTLAND, ME 04106
207-775-1121
www.delucahoffman.com

DRAWN: DED
CHECKED: SRB
DATE: SEPT 2012
FILENAME: 3143.01-TAX MAP
SCALE: 1 inch = 1,000 feet

3

FIGURE



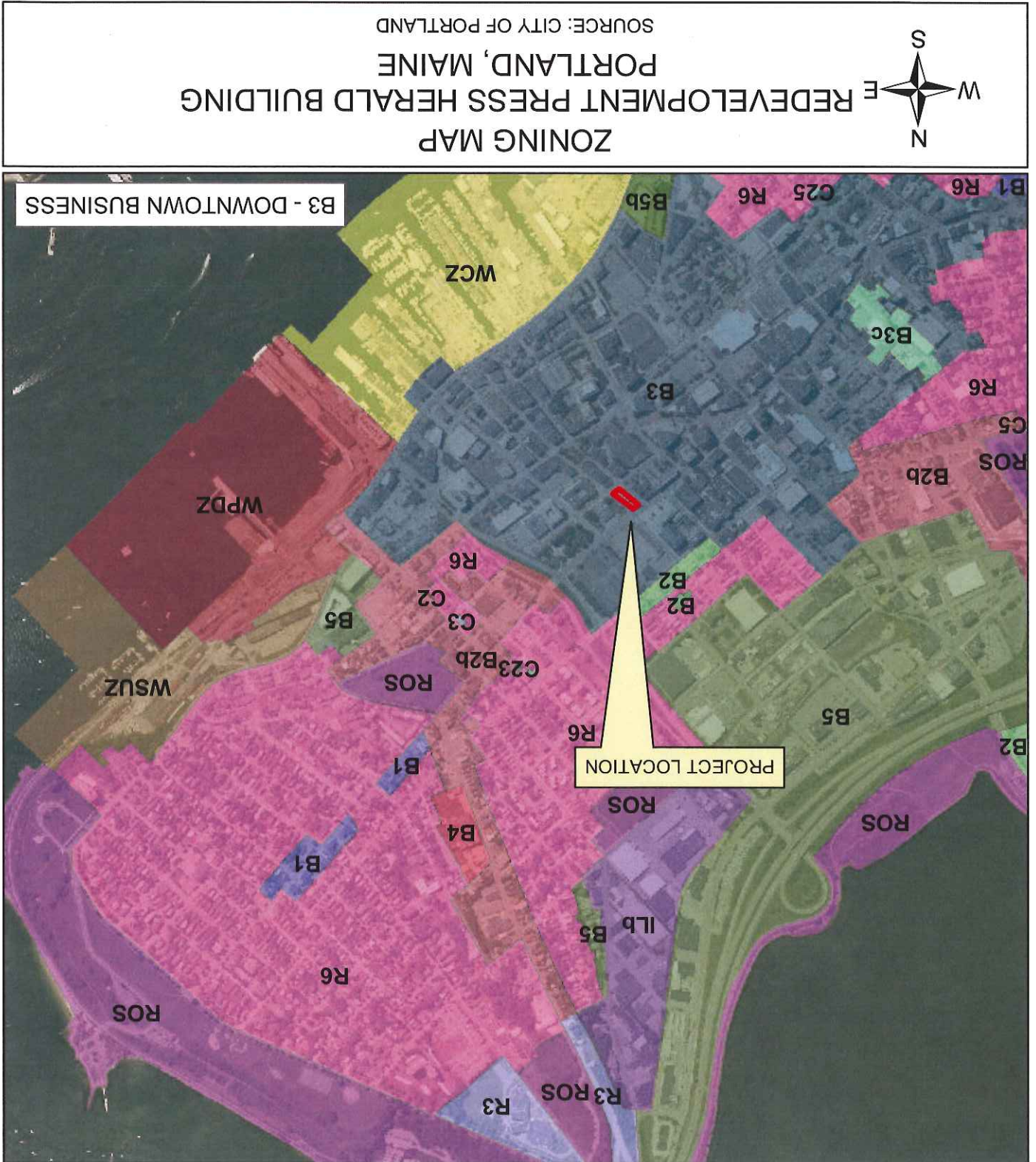
e.1

Deluca-Hoffman Associates, Inc.
 778 MAIN STREET, SUITE 8
 SOUTH PORTLAND, ME 04106
 207-775-1121
 www.delucahoffman.com

DRAWN: DED
 CHECKED: SRB
 DATE: SEPT 2012
 FILENAME: 3143.01-ZONING
 SCALE: 1 inch = 1,000 feet



FIGURE 4



e.2

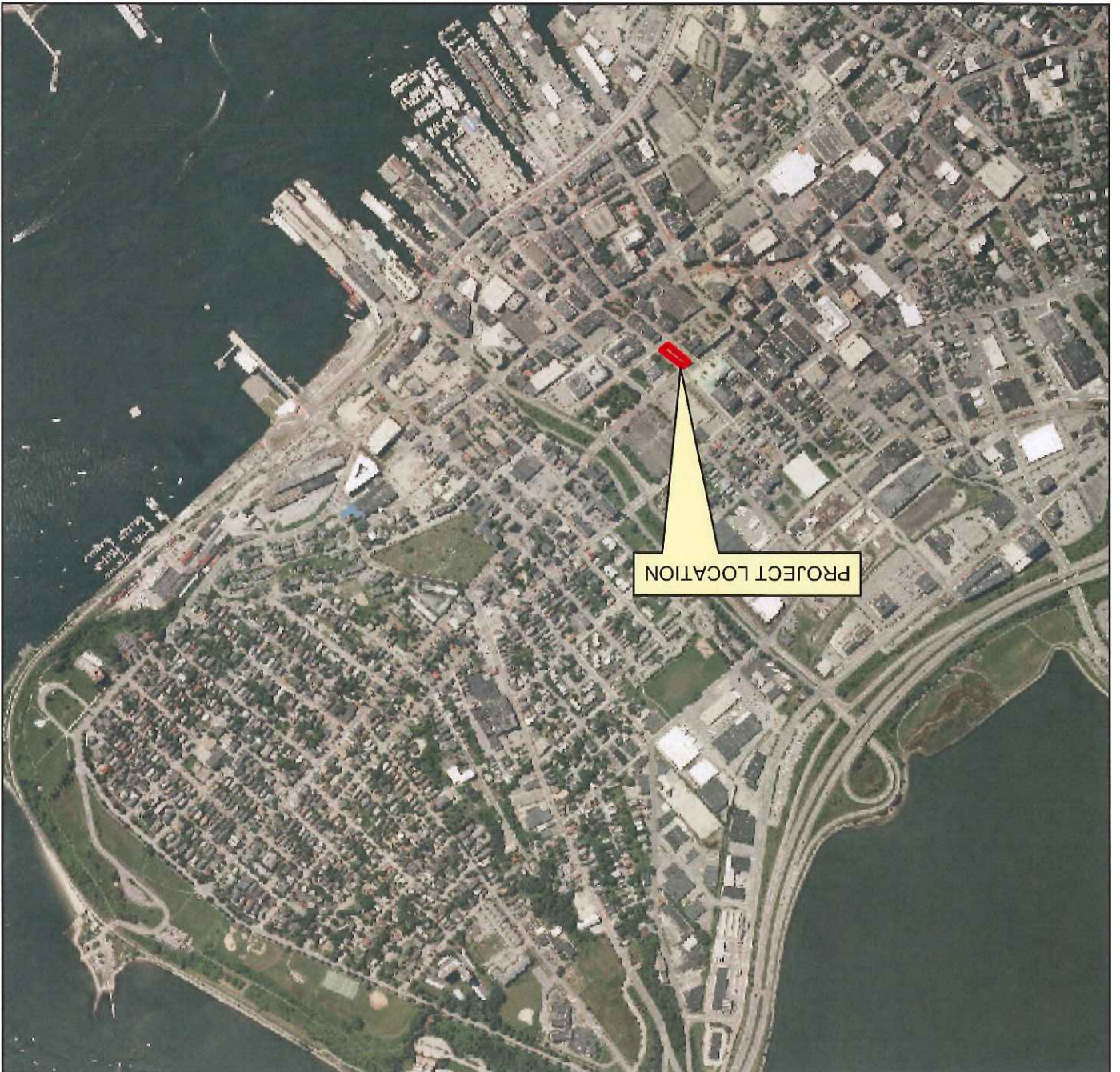
Deluca-Hoffman Associates, Inc.
778 MAIN STREET, SUITE 8
SOUTH PORTLAND, ME 04106
207-775-1121
www.delucahoffman.com

DRAWN: DED
CHECKED: SRB
DATE: SEPT 2012
FILENAME: 3143.01-AERIAL
SCALE: 1 inch = 1,000 feet

5

FIGURE

AERIAL PHOTOGRAPH
REDEVELOPMENT PRESS HERALD BUILDING
PORTLAND, MAINE
SOURCE: MAINE OFFICE OF GIS - MAPS



e.3

FIGURE 7



e.4

Deluca-Hoffman Associates, Inc.
 778 MAIN STREET, SUITE 8
 SOUTH PORTLAND, ME 04106
 207-775-1121
 www.delucahoffman.com

DRAWN: DED
 CHECKED: SRB
 DATE: SEPT 2012
 FILENAME: 3143.01-SOILS
 SCALE: 1 inch = 1,000 feet

8

FIGURE



e.s

9

FIGURE

Deluca-Hoffman Associates, Inc.
778 MAIN STREET, SUITE 8
SOUTH PORTLAND, ME 04106
207-775-1121
www.delucahoffman.com

DRAWN: DED
CHECKED: SRB
DATE: SEPT 2012
FILENAME: 3143.01-AQUIFER
SCALE: 1 inch = 1,000 feet



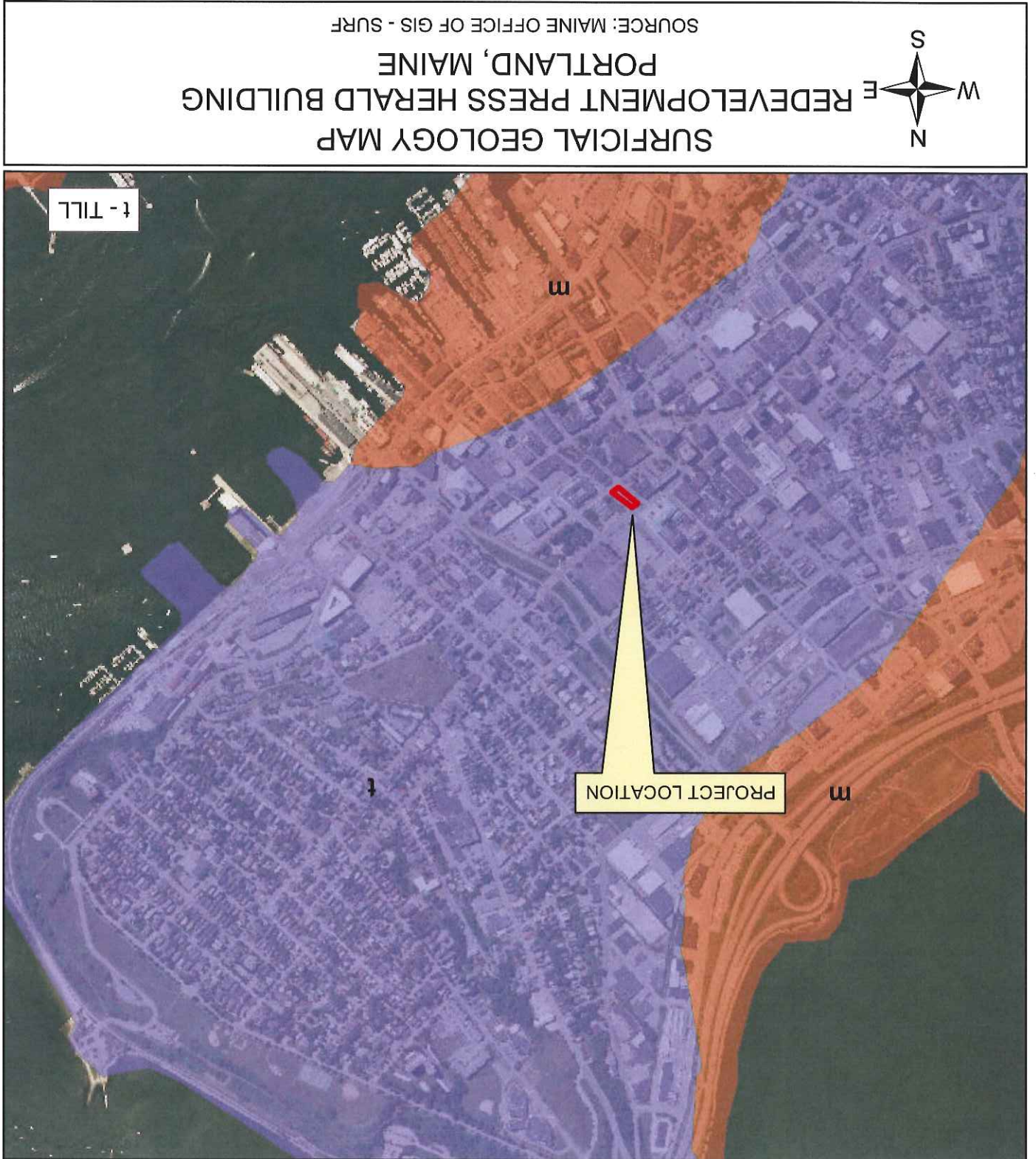
e.4

Deluca-Hoffman Associates, Inc.
778 MAIN STREET, SUITE 8
SOUTH PORTLAND, ME 04106
207-775-1121
www.delucahoffman.com

DRAWN: DED
CHECKED: SRB
DATE: SEPT 2012
FILENAME: 3143.01-GEOLOGY
SCALE: 1 inch = 1,000 feet

10

FIGURE



e.7

Deluca-Hoffman Associates, Inc.
778 MAIN STREET, SUITE 8
SOUTH PORTLAND, ME 04106
207-775-1121
www.delucahoffman.com

DRAWN: DED
CHECKED: SRB
DATE: SEPT 2012
FILENAME: 3143.01-NWI
SCALE: 1 inch = 1,000 feet

FIGURE 11

NWI MAP
REDEVELOPMENT PRESS HERALD BUILDING
PORTLAND, MAINE
SOURCE: U.S. FISH & WILDLIFE SERVICE



Att. F

2. TECHNICAL AND FINANCIAL CAPACITY

2.1 TITLE, RIGHT AND INTEREST

The applicant currently has a Purchase and Sale Agreement with MTM Properties, LLC to purchase property as evidenced by the agreement contained in Attachment A to this section.

2.2 TECHNICAL CAPACITY

The applicant has assembled a highly qualified team of professionals to plan, permit, and develop construction documents for the project. The Team is working under the direction of Mr. James Brady as Project Developer and Mr. Kevin Bunker of Developers Collaborative.

The Team services will be provided by the following companies and their respective team leaders.

2.3 CONSULTANT TEAM

<p><i>Civil Engineer</i></p> <p>Stephen R. Bushey, P.E. Deluca-Hoffman Associates, Inc. 778 Main Street, Suite 8 South Portland, ME 04106 (207) 775-1121 - Work (207) 756-9359 - Cell sbushey@delucahoffman.com</p>	<p><i>Surveyor</i></p> <p>Charles Marchese Sebago Technics 75 John Roberts Road, Suite 1A South Portland, Maine 04106-6963 (207) 856-0277 - Work (207) 856-2206 - Fax cmarchese@owenhaskell.com</p>
<p><i>Architect</i></p> <p>David Lloyd Archetype, PA 48 Union Wharf Portland, ME 04101 (207) 772-6022 - Work lloyd@archetypapa.com</p>	<p><i>Attorney</i></p> <p>Maurice "Cito" Selinger Curtis Thaxter PO Box 7320 Portland, ME 04112-7320 (207) 774-9000 - Work mselinger@curtisthaxter.com</p>

Attachment A - Purchase and Sale Agreement with MTM Properties, LLC

2.7 ATTACHMENTS

These values are considered preliminary and approximate and are subject to change as building design and project layout is refined.

➤ Hotel Reconstruction - \$8 million

A breakdown of the preliminary project cost for the project includes the following:

2.6 CONSTRUCTION COST ESTIMATE

Ultimately, the developer has the capacity to complete the project and will provide additional information as part of the Final Plan submission.

2.5 FINANCIAL CAPACITY

The applicant also has significant experience in the development and management of large commercial projects having developed similar properties in the City, including Crescent Heights Apartments among others.

The team of consultants retained by developer has expertise and experience in the design of similar commercial projects. Resumes of key personnel for development team can be provided upon request.

2.4 EXPERIENCE OF PROJECT TEAM

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PURCHASE AND SALE AGREEMENT

THIS AGREEMENT made and entered into as of June 5, 2012, by and between METRO MEDIA PROPERTIES LLC, a Maine limited liability company with a place of business and mailing address of 25 South Service Road, Suite 300, Jericho, New York 11753 ("Seller") and 119 DEVELOPMENT LLC, a Maine limited liability company with a place of business in Portland, Maine and mailing address of 17 Chestnut St., Portland, Maine 04101 (the "Buyer")

WITNESSETH:

FOR VALUABLE CONSIDERATION, the receipt and sufficiency of which are hereby acknowledged, the parties agree as follows:

1. Property to be Sold. Seller agrees to sell exclusively to Buyer, and Buyer agrees to buy from Seller, a certain lot or parcel of land, with all buildings and improvements thereon as of the date of this Agreement, located at 390 Congress Street, Portland, Cumberland County, Maine, fronting on Congress, Market, Exchange and Federal Streets, described more particularly in a deed to Seller recorded at the Cumberland County Registry of Deeds in Book 27079, Page 158, together with all easements appurtenant thereto and all right, title and interest of Seller in and to a license agreement with the City of Portland dated December 11, 1922 (collectively the "Premises").

2. Purchase Price; Deposit.
[Redacted]

a. Within two business days after the full execution of this Agreement, Buyer shall pay the sum [Redacted] the "Initial Deposit".

b. Within two business days after the expiration of the Due Diligence Completion Date (defined in Section 7 below), [Redacted] as an additional earnest money deposit (the "Additional Deposit"; the Additional Deposit and the Initial Deposit are referred to collectively as the "Deposit").

c. At the closing, Buyer shall pay to Seller the balance of the Purchase Price by certified or bank cashier's check or wire transfer. The Deposit shall be credited against the Purchase Price.

The Deposit shall be paid to Seller's broker, NAI/The Dunham Group ("Escrow Agent"). Escrow Agent shall hold and disburse the Deposit according to the terms of this Agreement. Seller acknowledges and agrees that Buyer is required to withhold and remit to Maine Revenue Services two and one half percent (2.5%) of the Purchase Price unless Seller qualifies as a Maine resident under 36 M.R.S.A. § 5250-A or produces a valid exemption certificate issued by Maine Revenue Services.

Att. 6

3. Title. Seller shall convey the Premises to Buyer at the closing in fee simple with good and marketable title, free and clear of all liens, claims and encumbrances. In the event that Seller is unable to convey title as aforesaid, Seller shall be given a reasonable period of time (not to exceed 30 days), after notice in writing, in which to remedy any title defects. Seller shall use reasonable efforts to cure such title defects. In the event that such title defects cannot be corrected or remedied so that title to the Premises is good and marketable, this Agreement, and Seller's and Buyer's obligations hereunder, will terminate. Buyer may, at Buyer's option, elect to close notwithstanding such defects as may exist. Seller agrees to convey the Premises using both the historical description and any new survey description resulting from Buyer's boundary survey; provided however, that Seller's covenants of warranty shall not extend to the new survey description.

4. Closing. This transaction shall be closed on or before June 5, 2013 at 1:00 p.m. (the "Closing Date") at the offices of Buyer's lender or counsel, or if the Seller and Buyer shall mutually agree in advance at another time and place. At the closing, Seller shall execute and deliver to Buyer, against payment of the balance of the Purchase Price, a Warranty Deed to the Premises, a Maine real estate transfer tax form, a title insurance "seller's affidavit" in the form prescribed by Buyer's title insurance company, applicable Maine real estate withholding forms, a federal non-foreign affidavit, an underground storage tank certification, evidence of Seller's legal existence and authority to enter into the transactions described in this Agreement and transfer the Premises to Buyer, including, without limitation, an opinion of counsel and such other documents and instruments as Buyer may reasonably request.

5. Risk of Loss, Damage, Destruction and Insurance. Before closing, Seller shall bear the risk of any loss to the Premises by fire or otherwise. Seller shall at all times keep the Premises insured against casualty loss in an amount at least equal to the Purchase Price. If the Premises are damaged or destroyed prior to the Closing Date, Buyer may either (i) terminate this Agreement or (ii) close under this Agreement, provided Seller transfers to Buyer all insurance proceeds received or to be received by Seller.

6. Representations and Warranties of Seller. Seller represents and warrants to Buyer as follows:

(a) To the best of Seller's knowledge after due inquiry, there are and have been no hazardous or toxic wastes or substances, as defined in applicable federal and state environmental laws, and including petroleum products (collectively "Hazardous Substances"), on the Premises in amounts that violate or require reporting or remedial or responsive action under any federal, state or local law, rule, regulation or ordinance. Seller has received no written notice from any governmental body or agency alleging a violation of any environmental law, rule, regulation or ordinance or alleging the presence of any Hazardous Substances upon the Premises.

(b) There is no litigation, administrative hearing, arbitration, or any other proceeding pending or, to the knowledge of Seller, threatened against Seller or with respect to the Premises, with respect to any violation of law, rule or regulation.

THB
or

OTAB

9. Proportions; Costs. Real estate taxes and assessments shall be prorated as of the closing. The recording fee for the deed and any expenses related to Buyer's financing will be

8. Possession. Seller shall deliver the Premises to Buyer at closing free and clear of all leases, tenancies and occupancies by any person or entity.

7. Inspection. At all reasonable times upon reasonable prior notice, Buyer shall have the right to enter the Premises and perform, at Buyer's expense, any and all inspections, tests, surveys, feasibility studies or other due diligence inquiries with respect to the Premises as Buyer deems necessary or appropriate. Buyer agrees to return the Premises as nearly as possible to their original condition after all of such tests and inspections. Seller shall cooperate with Buyer in such inspections and shall deliver to Buyer copies of all tests and reports in Seller's possession relating to the Premises. In the event Buyer is not satisfied for any reason by the results of such due diligence tests or inspections, Buyer shall have the option of terminating this Agreement by written notice to Seller. Buyer's option to terminate this Agreement as provided in this Section 7 shall expire unless such written notice is delivered to Seller not later than December 5, 2012 at 5:00 PM (the "Due Diligence Completion Date"). If such written notice is not delivered to Seller prior to Due Diligence Completion Date, Buyer shall be deemed to have waived its right to receive back the Deposit as set forth in this Section 7. In the event that Buyer does not terminate this contract after the Due Diligence period, then Buyer accepts the property "AS IS". Seller makes no representations as to the condition of the property or the intended use thereof. Seller shall not be obligated to perform any work whatsoever as a condition of the sale. (Prior to entering the Premises, Buyer will deliver a certificate of insurance naming Seller as an additional insured.)

ADD

(e) The Premises are free of tenants, and there is currently no business being operated by any party from the Premises. Not party other than Seller has any possessory interest in the Premises.

(d) Seller is a validly-created Maine limited liability company in good standing under the laws of Maine and has all necessary power and authority to enter into this Agreement and to transfer the Premises to Buyer. The individual signing this Agreement on behalf of the Seller is duly authorized and empowered to do so. This Agreement constitutes the legal, valid, and binding obligations of Seller, enforceable against Seller in accordance with its terms. The transfer of the Premises to Buyer does not result in a breach of any of the terms or provisions of, or constitute a default (or an event which, with notice or the passage of time, or both, would constitute a default) under, or conflict with or result in the termination of, or accelerate the performance required by, Seller's organizational documents, or any contract, agreement, lease, commitment, indenture, mortgage, pledge, note, bond, license, or other instrument or obligation to which Seller is a party or by which Seller or the Premises may be bound or affected, other than any loan documents governing Seller's mortgage loans secured by the Premises, which mortgage loans shall be repaid by Seller at closing, or to the knowledge of Seller. Violate any law, rule, or regulation of any administrative agency or governmental body or any order, writ, injunction or decree of any such body.

(c) Seller has the absolute right to sell, assign and transfer the Premises to Buyer and requires the consent of no other party to do so. Seller is not insolvent and has not filed or had filed against it a petition in bankruptcy.

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paid for by Buyer. The parties shall share equally the cost of all real estate transfer taxes. Seller shall be solely responsible for all utility payments through and including the Closing Date and shall cooperate with Buyer in Buyer's establishing utility accounts.

10. Conditions Precedent. Buyer's obligation to close hereunder is subject to Buyer's full and complete satisfaction with all of the following:

(a) Buyer's obligation to close is conditioned upon Buyer's obtaining binding commitments to finance Buyer's acquisition of the Premises and redevelopment thereof into a first class hotel with ancillary improvements and amenities and sufficient off-site parking for motor vehicles (collectively the "Project") on commercially reasonable terms and conditions. Buyer's financing for the Project will include, but not necessarily be limited to, state and federal historic tax credits and possibly New Markets tax credits. Buyer agrees to exercise diligent efforts to secure such financing for its purchase of the Premises and development of the Project. Buyer's obligation to purchase the Premises shall be contingent on Buyer obtaining total financing commitments on terms and in amounts satisfactory to Buyer in Buyer's sole discretion.

(b) Buyer's obligation to close is conditioned upon Buyer's receipt of all permits, approvals and licenses necessary to develop the Project, such permits, approvals and licenses to contain no conditions that in Buyer's sole judgment might adversely affect Buyer's ability to develop the Project or might unreasonably increase the cost of constructing or operating the Project. Buyer agrees to exercise diligent efforts to secure such permits, approvals and licenses. Seller shall cooperate with Buyer in Buyer's effort to obtain such permits, approvals and licenses; provided, however, that Seller shall not be obligated to expend any of its own funds to do so.

(c) There shall have been no material adverse change in the condition of the Premises occurring after the conclusion of Buyer's inspections under Section 7 above, and no material adverse change in the status of title to the Premises. The Premises shall be substantially in the same condition as they were at the time of the inspections, excluding only reasonable wear and tear. The Premises shall be free of personal property and refuse of any kind. Seller acknowledges that Buyer intends to use historic tax credits to finance the Project and that any alterations to the Premises which adversely affects the ability of Buyer to use historic tax credits shall be considered a material adverse change for purposes of this Section.

(d) As of the date hereof, and as of the date of closing, all of Seller's representations and warranties shall be true and correct in all material respects.

(e) There shall be no pending or threatened condemnation or eminent domain proceeding affecting the Premises in whole or in part.

If the conditions described in subsections (a) through (e) above are not satisfied as of the Closing Date, then Buyer shall have the option of terminating this Agreement in writing.

11. Payment of Seller's Carrying Costs. Beginning one month after the Due Diligence Completion Date, and on the same day of each month thereafter until the Closing

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17 Further Assurances. At Buyer's request after the Closing Date, Seller shall execute and deliver such other instruments of conveyance, assignment, transfer and delivery and take such other action consistent with the terms of this Agreement as Buyer may reasonably request to (a) transfer, convey, assign and deliver to Buyer, and to place Buyer in possession and control of, the Premises, and (b) carry out or effect the transactions contemplated hereby.

16 Recording of This Agreement. The parties agree this Agreement shall not be recorded, but Seller agrees upon request of Buyer to execute and deliver a memorandum of this Agreement in recordable form.

15 Brokers. The parties represent to each other that neither has had any dealings with any real estate broker in connection with this transaction, except that Seller has engaged Escrow Agent, and Seller shall be solely responsible for paying Escrow Agent's commission. Each party agrees to indemnify the other from and against the claims of any brokers arising from this transaction, which survive the closing and shall include reasonable costs of collection, including reasonable attorneys' fees. Seller agrees to pay NAI The Bureau Group a commission in the amount of \$100,000 net closing.

14 Assignment. Buyer may assign this Agreement and all its rights and obligations hereunder to an affiliate of Buyer's. Upon notice of such assignment, Seller agrees to look solely to such affiliate for performance of the obligations of the Buyer hereunder.

13 Default and Remedies. In the event of a default by Buyer under this Agreement, Seller shall retain the Deposit as full and complete liquidated damages in lieu of any other legal or equitable remedy, whereupon this Agreement will terminate and neither party will be under any further obligation hereunder. In the event of Seller's default hereunder, Buyer shall have available all remedies at law and in equity, including without limitation the right of specific performance and the right to recover all expenses incurred by Buyer in connection with the transactions described in this Agreement. The non-defaulting party shall provide written notice of default and a thirty (30) day period in which the defaulting party may cure the default. In any action to enforce the provisions of this Agreement, the prevailing party shall be entitled to recover its enforcement costs, including reasonable attorney and paralegal fees and court costs.

12 Treatment of the Deposit. In the event Buyer terminates this Agreement under Section 7 above before the Due Diligence Completion Date, Buyer shall be entitled to receive back the Initial Deposit, and Seller agrees to cause the Initial Deposit to be refunded to Buyer within two business days after Seller receives Buyer's timely notice of termination under Section 7. After the Due Diligence Completion Date, the Deposit shall be nonrefundable unless Seller breaches this Agreement or is unable to convey good and marketable title to the Premises as required under Section 3 above.

Date, Buyer shall pay to Seller [redacted] Seller in detraying the costs of ownership of the Premises (the "Carrying Cost Payments"). The Carrying Cost Payments shall not be credited to the Purchase Price and are nonrefundable except in the event Seller breaches this Agreement or is unable to convey good and marketable title to the Premises as required under Section 3 above.

18. Miscellaneous. Time is of the essence of this Agreement. All notices, demands and other communications hereunder shall be in writing and shall be deemed to have been duly given on the date of service if served personally on the party to whom notice is to be given, or on the first business day after mailing if mailed to the party to whom notice is to be given by first class mail, postage prepaid, certified, return receipt requested, addressed to the recipient at the addresses set forth at the beginning of this Agreement. Either party may change addresses for purposes of this paragraph by giving the other party notice of the new address in the manner described herein. Seller's representations and warranties shall survive the closing. This Agreement will inure to the benefit of and bind the respective successors and assigns of Seller and Buyer. This Agreement may be simultaneously executed in any number of counterparts, each of which when so executed and delivered shall be deemed an original, but all of which together shall constitute one and the same instrument. As used in this Agreement, the singular number shall include the plural, the plural the singular, and the use of the masculine shall include, where appropriate, the feminine and neuter. This Agreement shall be governed by and construed in accordance with the laws of the State of Maine. If any provision of this Agreement is determined to be invalid or unenforceable, it shall not affect the validity or enforcement of the remaining provisions hereof.

IN WITNESS WHEREOF, Seller and Buyer have executed this Agreement as of the date

written above.

WITNESS:

METRO MEDIA PROPERTIES LLC,

Seller

By: John C. O'Neil
 John C. O'Neil is its Member

119 DEVELOPMENT LLC, Buyer

By: [Signature]
 [Signature] is Manager
 Print name: James H. Brady

[Signature]
 [Signature] is Member

[Signature]

[Remainder of page left blank intentionally—signatures continue on next page]

DAB



9.6

Escrow Agent joins in this Agreement for the sole purpose of acknowledging the provisions herein relating to treatment of the Deposit and agrees to hold and disburse the Deposit according to the terms of this Agreement.

WITNESS:

[Signature]
KUMMERLE S. ARIEN

By: *[Signature]*
Name: Thomas W. Modfay
Title: President

NAI/THE DUNHAM GROUP, Escrow
Agent

- a. The development contains no residential uses therefore; Public Transit access is not applicable.
 - b. A new Transit stop is not proposed.
3. Access and Circulation:

(i) The development site is surrounded by the City's sidewalk system. The development work will require reconstruction of much of the existing brick sidewalks. It is the applicant's intent to construct all sidewalks and curbs in accordance with the City's Technical requirements.

- c. Sidewalks.
 - (i) The existing loading bay off Market Street will remain in front of the proposed Market Street entrance to allow for deliveries, waste removal, etc.
- b. Loading and Servicing.

(ii) The site does not feature drive up services as mentioned in this requirement.

(iii) Access and egress have been designed to avoid conflicts with existing turning movements and traffic flows.

- a. Site Access and Circulation.
 - (i) The development provides primary pedestrian access via Exchange Street. The restaurant will be primarily accessed from the Congress Street entrance.

2. Access and Circulation:

1. Impact on Surrounding Street Systems:

The development will fit in with the existing street system, as it will use improved access locations off Exchange and Market Streets. Based on the limited intensity of use, the project is expected to have an insignificant impact on traffic in the neighborhood particularly given the historic use of the site.

(a) Transportation Standards

This project conforms with all the applicable design standards of Section 14-526 as demonstrated in the following narrative.

3.1 OVERVIEW

The following statements are made in accordance with the City of Portland Code of Ordinances, Chapter 14 Land Use, Article V Section 14-526.

3. CONFORMITY WITH APPLICABLE DESIGN STANDARDS

Att. H

- 1. Preservation of Significant Natural Features:
 - a. The existing site retains no prominent significant natural features therefore; no issue related to the preservation of these features applies.
 - b. The applicant is not requesting a waiver from this standard.
- 2. Landscaping and Landscaping Preservation:
 - a. Landscape Preservation.

(b) Environmental Quality Standards

- 4. Parking:
 - a. Location and Required Number of Vehicle Parking Spaces:
 - (i) The applicant is proposing to use the surface parking lot adjacent the former printing press building at 385 Congress Street. Additional covered spaces many be provided at the Temple Street Garage. There are approximately 132 parking spaces available at that location.
 - (ii) The applicant has not prepared a TDM strategy, as it is not applicable to the intended uses.
 - (iii) The applicant proposes the amount of parking which is appropriate for the anticipated uses of this site. Additional evidence of the applicant's agreements pertaining to available parking supply will be provided in a subsequent submission.
 - b. Location and Required Number of Bicycle Parking Spaces:
 - (i) The applicant is requesting a waiver of the bicycle parking requirements based on the site use.
 - c. Motorcycles and Scooter Parking:
 - (i) The applicant is requesting a waiver of the motorcycle/scooter parking requirements based on the site use.
 - d. Snow Storage:
 - (i) Snow removal is not an issue as the site is a 100% building area.
 - 5. Transportation Demand Management (TDM):
 - a. A TDM plan is not required for the project.

h.1

h.2
(i) There are several trees along Exchange Street that will remain. The applicant is considering some modest street landscaping at the entrance and will work with City staff during the course of final plan preparation.

(ii) Not applicable

(iii) Not applicable

(iv) The applicant will request a waiver from this standard.

b. Site Landscaping.

(i) Landscaped Buffers:

(a) There are no service or loading areas observable from nearby sidewalks or residential properties.

(b) The development is not subject to zoning setbacks or buffering requirements.

(c) Not applicable.

(ii) Parking Lot Landscaping:

a) thru d) The applicant will be requesting a waiver of the parking lot landscaping standards based on site use.

3. Water Quality, Stormwater Management and Erosion Control:

a. Stormwater:

(i) The site's runoff conditions are primarily self contained and roof runoff enters into the City's combined sewer system.

(ii) All stormwater runoff is proposed to discharge to the Fore River. The project will not adversely impact adjacent lots or the City street system.

(iii) All stormwater runoff is proposed to discharge to the Fore River. The project will not adversely impact adjacent lots or the City street system.

(iv) All stormwater runoff is proposed to discharge to the Fore River. The project will not adversely impact adjacent lots or the City street system.

b. A Stormwater Management Plan is proposed based on site use and size.

c. The project is not located in a watershed of an urban impaired stream as listed by the MeDEP.

d. N/A

e. The project is serviced by both a public wastewater system and public water supply systems. The project will not pose a risk of groundwater contamination.

1. Massing, Ventilation and Wind Impact:
 - a. The bulk, location and height of the building does not appear to result in adverse impacts to abutting properties. Building elevations depicting building massing are enclosed in the site plan package.
 - b. HVAC venting is proposed to be directed to the building roof and directed away from public spaces.

(d) Site Design Standards.

- f. Not applicable.
 - e. The sanitary sewer collection system will be designed to meet all applicable sections of the Technical Manual. The applicant intends to work with the Public Services Division regarding the need and possible installation of a grease trap for the proposed restaurant.
 - d. The project does not require a new service connection to the sewer system.
 - c. All new utility infrastructures will meet the provisions of the Technical Manual.
 - b. All on site electrical lines will be underground.
 - a. The applicant will secure letters from all applicable utilities stating their ability to serve this project.
3. Availability and Adequate Capacity of Public Utilities:

- c. Fire hydrants are located within the adjacent street system. Fire Department connections already existing at two locations on the buildings.
 - b. No changes to emergency access conditions within the surrounding streets is proposed.
 - a. The site has been designed to promote safe and inviting customer access.
2. Public Safety and Fire Prevention:

- b. The applicant will coordinate with utility representatives for the continuation of service related to utility infrastructure entering the site.
 - a. The project has been designed to be consistent with the City's Zoning Ordinance and off-site infrastructure.
1. Consistency with City Master Plans:

(c) Public Infrastructure and Community Safety Standards.

- f. The project will be connected to the public sanitary sewer system which is adequately sized for the project flows.

H.3

2. Shadows:
- a. The development is located in the B-3 Zone and this standard is not applicable.
3. Snow and Ice Loading:
- a. The proposed buildings will be designed and located such that accumulated snow and ice will not fall onto adjacent properties or public ways.
4. View Corridors:
- a. The project site is located outside the Downtown Vision Corridor Protection Plan.
5. Historic Resources:
- a. The building will be renovated under the guidelines of the Secretary of Interior's Standards for Historic Rehabilitation. It will be listed as a designated Historic Landmark. It will be reviewed and need approval by the City of Portland Historic Preservation Board.
6. Exterior Lighting:
- a. Site Lighting:
- (i) Exterior lighting will be designed to meet the requirements of Section 12 of the Technical Manual.
7. Noise and Vibration:
- The project noise levels will be designed to meet the permitted levels as outlined in the B-3 Zone. All HVAC and mechanical equipment is proposed to be mounted on the roof, or otherwise ground mounted and concealed from nearby properties.
8. Signage and Wayfinding:
- a. All street and wayfinding signage shall meet the requirements of the Manual on Uniform Traffic Devices (MUTCD) and Division 22 of the City Code.
 - (i) The project is not located in a historic district or subject to Article IX.
 - (ii) Proposed commercial signage is still being designed and subject to a condition of approval.
 - (iii) All street and wayfinding signage shall meet the requirements of the Manual on Uniform Traffic Devices (MUTCD) and Division 22 of the City Code.
9. Zoning Related Design Standards:
- a. The project is within the B-3 and zoning related design standards are not applicable.

4.4



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- SITE PLANNING
- CONSTRUCTION ADMINISTRATION

MEMORANDUM

DATE: October 2, 2012
TO: Shukria Wiar, City Planner
FROM: Steve Bushey
SUBJECT: 119 Exchange, Press Herald Building Hotel Conversion

Shukria,

The accompanying letter of intent between Metro Media Properties, LLC and 119 Development LLC outlines the agreement for the use of fifty (50) parking spaces at the 385 Congress Street parking lot, formerly occupied by Gannett Publishing and the Portland Press Herald.

Parking Requirements

According to Section 14-332 (c) of the land use ordinance, hotels shall require one (1) parking space for each four (4) guest rooms. The proposed hotel conversion includes 110 guest rooms for a parking requirement of 28 spaces. The proposed building use also includes an 80 seat restaurant space. The Code requires one space per 150 SF of floor area not used for bulk storage or food preparation. The preliminary floor plans indicate a restaurant space consisting of less than 2,000 SF of dining floor area. This equates to a parking requirement of 14 spaces. Based on the Hotel and restaurant uses the total parking requirement is 42 spaces. By providing an agreement for at least 50 spaces at the nearby 385 Congress Street site, the applicant appears to meet the parking supply requirements per the Code. As is customary with downtown uses, we also expect that patrons to the Hotel and restaurant may use other nearby parking resources, including short term on street parking and longer term surface and structured parking lots. It is anticipated that the Hotel operator will offer valet parking service to patrons thus aiding with routine parking demand and orderly handling of parking needs.

Existing Conditions

We note the following with respect to the on-street parking immediately surrounding the building:

- On Exchange Street there are currently seven (7) spaces, three of which are metered and the remaining unmetered. It is understood there are 4 unmetered spaces because the installation of the meter posts in the sidewalk may have conflicted with the basement space roof which lies below a portion of the Exchange Street sidewalk. The project

September 17, 2012

James Brady
119 Development, LLC
17 Chestnut Street
Portland, Maine 04101

RE: Parking - 385 Congress Street, Portland, Maine

Dear Mr. Brady,

The following terms represent the general terms and conditions under which Metro Media Properties, LLC (Landlord) and 119 Development, LLC (Tenant) are willing to move forward toward a binding lease agreement for parking spaces located at 385 Congress Street, Portland, Maine.

Letter of Intent to Lease

Address: 385 Congress Street, Portland, Maine

Landlord: Metro Media Properties, LLC

Tenant: 119 Development, LLC

Property: Fifty (50) parking spaces located at 385 Congress Street, Portland, Maine

Term: The term of the lease shall be agreed to by the parties prior to a binding lease agreement.


Rate: The lease rate for said parking spaces will be agreed to by the parties prior to a binding lease agreement.

Non Binding:

This Letter of Intent represents the general terms under which the parties are willing to move forward. The parties will not be bound by any of the terms of this agreement until a mutually agreeable and fully executed lease agreement is received.

Seen and agreed to this 17th day of September, 2012

METRO MEDIA PROPERTIES, LLC


By: John Cacoulidis
Its: President
119 DEVELOPMENT, LLC

By: James Brady
Its: President

Att-5

**Press Herald Hotel
Neighborhood Meeting
October 11, 2012**

Introduction: Kevin Bunker - Developers Collaborative

Jim Brady - Red Group

Kevin Gough - Archetype Architects

• Building built in two sections: 7 story - 1923

Front - 1947

• Newspaper Offices up to 2009

• First radio station - 5th floor

• Described Historic photos

• Printing press originally in basement of this building. Later was moved across the

street connected by tunnel.

• This project not including tunnel and press building.

• Former owner stripped out interiors.

• Wide open inside now

• Some historic features lost.

• Though building was utilitarian and not overly ornate originally

• Progress stopped after historic issues with the City.

• Jim Brady's expertise is in Hotels. Kevin Bunker's is in historic buildings.

• 105 room hotel proposed

• Justified by market

• Unique project - independent, design-oriented hotel. Not branded. Cool

• Where we are in process - This is the first meeting leading to planning board.

First step - Change of use from office to hotel. No zone changes.

U.1

- Valet parking will be required as there is none on site. (site plan image shown on wall)
- Exchange Street bump out.
- (elevations image shown on wall)
- Historic Tax Credits – go through rigorous review at State and Federal levels.
- Rules apply to tax credit project. Preserve exterior appearance, i.e. windows unchanged. Entry must remain as original. Primary historic aspects:
 1. View from the street
 2. Public areas inside
 3. Most leeway in units/private
- Create sense of arrival off of Exchange Street.
- Egress from 7 stories. Rooftop corridor – not visible from street.
- Public question
- 1. How does the floor connect to the stairs? Explained, want to remove fire escape, historic may ask to keep.
 - (Floor plan image shown on wall)
 - Exchange street entry
 - Described public area
 - Stair locations
 - Restaurant – tap into food scene
 - Congress street side – relates to Merrill Auditorium
 - Critical to hotel success
- Question: Will you keep Congress Street canopy? Yes, based on historic guidelines.

• Question: What are you going to name hotel?

Maybe "Press Hotel" – will be unique.

Maybe focus group the name.

• Restaurant probably third party owner/operator. Critically important to have a

unique entry for restaurant. Right now "Corner Room" is farthest reaches that the

cool Old Port reaches up to Congress St. But this is located out of the Zam bar

scene.

• 2 Basements: Upper is good space 13" ceilings, pool, spa, fitness, treatment

rooms, toilets, back-of-house.

• Every branded hotel has a pool. The two independent local hotels have no

pool.

• Discussed/considered opening fitness to club membership.

• Hotel management would prefer to provide meeting space. It provides better

revenue than a pool.

• Not a convention-type hotel.

• Room Layouts

Corridor and guest rooms

Work with existing windows

19-21 rooms/floor

Average 325 sq. ft.

Water view from 3rd floor up, even at north

• Jim:

Sample imagery

Independent - Not branded

Sophisticated for a broad demographic.

Wider audience.

Images representative of look and feel.

Transitional to modern style – not traditional.

Open, nice business center – similar to a Starbucks rather than enclosed office

room with computers.

Pod-concept front desk

Basement pool and whirlpool spa

Fitness – key amenity; a must-have.

Guest rooms not branded hotel, more unique and local. Portland Art and

Culture.

Local arts – foodies, etc.

Finishes on drywall, no brick to expose

Color - softness - warmth

Stone.

Contemporary. Sophisticated

- Comment: Could cast the modern styling in and art deco idiom, due to age of building.

- Question: What is the time frame? Response: This neighborhood meeting kicks off the planning board process. Want to be open in time for summer season

- 2014. Start construction in May of 2013. Ambitious timeframe, but do-able.

- Environmental remediation and demolition is nearly complete from the work of the previous owner.

- Building is well maintained, sound structure, well built, most repointing is done

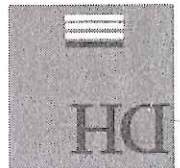
End Notes

- Question: What is the price expected to be? Jim B. compared concepts of "limited service", "select service" and "full service". All of these tend to be determined by access to and the scope of the restaurant. This hotel will be a boutique hotel with food and beverage option. Will be positioned with the "full service" hotels due to valet service and restaurant. Similar to Portland Harbor Hotel.
- Question: Where will valet take cars? There will be a lease agreement with lot on Pearl Street.
- Comment: Excited to have this in the neighborhood. This certainly helps value of our condos.

Portland Press Herald Redevelopment Neighborhood Meetings 10/11/12

Please sign in below

<p>email</p> <p>banker.kevin@gmail.com</p> <p>James.hradegmail.com</p> <p>knit111@gmail.com</p> <p>avnsioyk@uunich.edu</p> <p>huronan197@gmail.com</p> <p>gphrecreat@pep.com</p>	<p>Artist</p> <p>Developer</p> <p>Developer</p> <p>Developer</p> <p>Artist</p>	<p>Resident of</p> <p>Brunswick</p> <p>Yarmouth</p> <p>Portland</p> <p>"</p> <p>"</p> <p>Portland</p> <p>Portland</p> <p>Cape Elizabeth</p>	<p>NKME</p> <p>Kevin Banker</p> <p>Jim Brady</p> <p>Ronnie MacLennan</p> <p>Doranne Odeh</p> <p>blun#Doranne vanthooyk</p> <p>Tim Curran</p> <p>Arthur Fink</p> <p>Kevin Gough</p>
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- AIRPORT ENGINEERING
- CONSTRUCTION ADMINISTRATION
- LANDSCAPE PLANNING

November 2, 2012

Ms. Shukria Wiar, Planner
Planning and Urban Development Department
City of Portland, Maine
389 Congress Street
Portland, Maine 04101-3509

**Subject: Hotel Conversion – Former Gannett Building
119 Exchange Street
Preliminary Site Plan Application
Applicant: 119 Development LLC**

Dear Shukria:

On behalf of 119 Development LLC, we are pleased to provide the following supplemental information related to the proposed hotel redevelopment of the former Gannett Building at 119 Exchange Street (former primary address was 390 Congress Street). Specifically, we have reviewed the Planning Board Memorandum dated October 25, 2012 and offer various responses to comments and information contained in the memorandum.

WAIVERS

The memo outlines several waiver requests for which we offer these clarifications. We concur that a waiver request is sought to not provide a bus shelter or pull-out bay. There are METRO stops along Congress Street including one immediately in front of the building which has the entire Congress Street facade canopy providing shelter from the weather. Therefore, a shelter seems to already be in place, and is not warranted.

Regarding the bicycle parking requirements, the applicant is amenable to providing additional bicycle racks along the site's adjacent sidewalks. We propose to install the racks along Federal Street and Market Street in order to provide a total of ten bicycle spaces. We are interested in discussing options for the type of racks to be installed, as there may be alternative styles that may blend more pleasingly with the hotel motif, etc. A waiver request will not be required.

We suggest that two motorcycle/scooter spaces be provided within the reverse angle parking spaces on Market Street. These are identified on the accompanying color plan. Accordingly a waiver request is not required.

The applicant also concurs with the request of a waiver for landscaped islands in the parking lot being proposed for off-site parking at 385 Congress Street.

EXISTING CONDITIONS

We would like to note that the existing tunnel that connects the former Press Herald Buildings on each side of Congress Street is not part of the Hotel proposal at this time. The applicant does not intend to own or maintain the tunnel, nor will any license or easement for its use be pursued. The applicant does retain the rights to enter into agreement on the use of the tunnel in the future; however, this is subject to possible changes in land use at the 385 Congress Street location.

With respect to the existing license agreements with the City of Portland, we have requested copies of this document from both the surveyor and the City's archivist. We will forward the license agreement to the Planning Department upon receipt.

PROPOSED DEVELOPMENT

The primary exterior site improvements proposed for the project include the sidewalk extension along Exchange Street. This sidewalk extension is required for the following reasons:

- 1) To accommodate ADA grade levels to meet the historic building existing granite entry threshold. The Exchange Street entrance is the primary Hotel entrance and requires ADA accessibility. Currently this entry is not ADA accessible. In order to provide an adequate approach surface to the entrance the sidewalk will need to be raised slightly, thus the extension into the street will allow for proper grading and cross slope to the sidewalk without significant impact to the curb and gutter line of the street (See Fig. 1);

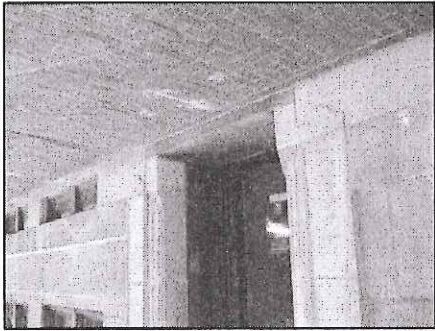


Figure 1 - Existing Exchange Street Entrance

- 2) To enhance the sense of arrival since the very small existing canopy does little to identify the arrival point or entry to this sizable building. The applicant is proposing a change in surface treatment to provide a distinguishing visual effect. The expectation is that the surface will transition smoothly from the reconstructed brick (meeting City Standard) to the entrance. This entrance surface may consist of a stone or similar architectural brick treatment similar to others found in the City.

Subsequent to the preliminary plan submission, the Development Team has also considered the implementation of a sidewalk extension along the Federal Street frontage. Currently the sidewalk width is approximately 11 feet with three parallel parking spaces between Market Street and Exchange Street. The proposal is to expand the Federal Street sidewalk to 19 feet, while eliminating the three parallel spaces. The purpose of the sidewalk extension is to provide improved pedestrian safety, space for the bicycle rack(s) and the ability to provide street trees along the Federal Street frontage. We note that the existing Federal Street sidewalk overlies basement space associated with the building.

Ms. Shukria Wiar
November 2, 2012
Page 3

The proposed extension allows for the tree installation outside of the basement area. Overall the extension seems to work well with allowing increased pedestrian space along with improving the visual appearance of this end of the building. Pedestrians approaching from the Old Port will see an improved appearance from the site's current condition. This sidewalk extension approach is not unique as similar sidewalk conditions exist further down Exchange Street (See Fig. 2).

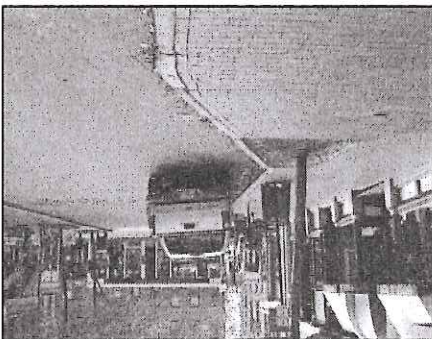


Figure 2 - Existing Exchange Street Sidewalk

We acknowledge that the exterior changes proposed with the project require Historic Preservation Board Review and the applicant will be seeking that approval concurrently with the Site Plan review.

RIGHT, TITLE AND INTEREST

The memorandum inadvertently references that the Purchase and Sale Agreement was not submitted. We simply clarify that it was part of the submission materials.

ZONING ASSESSMENT

We are seeking to clarify the parking requirements for the project. According to Code Section 14-332.1(e), no off-street parking is required for changes of use in the B-3 Zone. Notwithstanding this provision, we have previously provided supporting information regarding the project's proposed parking supply which is fifty (50) spaces to be provided by lease agreement with the owner of the 385 Congress Street property. According to our calculations as presented in the October 2, 2012 memo to you, the parking requirements for the project are forty-two (42) spaces based on the Code provisions of Section 14-332 (subject to the provisions of 14-332.1(e) previously referenced). On this basis, the applicant's parking supply is based only on the 50 spaces to be available per the applicant's proposed parking lease agreement, an LOI of which has been previously supplied to the Planning Department. Although cited by reference in the Planning Board Memo, these 50 spaces will not be accessed via the tunnel, but by surface access on Congress Street and via the valet parking service to be offered by the Hotel. Similarly, the use of alternative parking locations is not currently part of the development proposal, thus no further agreements will be forthcoming at this time. While it is the applicant's belief that a substantial percent of the guest arriving via car will desire to utilize the hotel's provided valet parking service, it is understood that with the adjacent parking facilities located at the Temple Street garage and such locations as the Top of the Old Port parking areas, guest will have ample opportunities to self park should they wish to do so in nearby accessible public parking facilities.

LANDSCAPING

We note that the site currently contains three (3) street trees along Exchange Street as well as three (3) street trees along Market Street. The remaining sidewalk space around the buildings

Ms. Shukria Wiar
November 2, 2012
Page 4

cannot support trees due to the basement space below the sidewalks as well as the canopy overhang along Congress Street. The applicant is seeking to retain the existing street trees, as is, while proposing to install four trees along Federal Street within the proposed sidewalk extension. No plantings are proposed within the Exchange Street sidewalk extension at the Hotel Entrance. The applicant is not proposing landscaping in the 385 Congress Street parking lot, which is not the applicant's lot, hence a waiver of these requirements is requested.

SIDEWALKS/LIGHTING

The portion of existing brick sidewalk that is over basement space will be reconstructed as part of a waterproofing effort on the concrete slab and walls. Much of the remaining brick sidewalk around the building is in reasonable condition, some areas of which have recently been reconstructed, and does not appear to warrant full reconstruction. The Applicant is amenable to review and possible reconstruction of the sidewalk ramps on Congress Street if necessary.

Currently there are two existing Colonial Style light fixtures along Exchange Street, nearer the Congress Street end of the site. Again, the basement space below has precluded the placement of lights along much of the sidewalk bordering the building. On Market Street there are larger overhead street fixtures on the opposite side of the street. The applicant will be working with a lighting consultant on the building lighting including entrance enhancements, etc. Additional information related to lighting, HVAC, signage and related building design will be forthcoming.

On behalf of the 119 Development LLC Team, we look forward to your continued assistance on the project and we look forward to the Monday workshop meeting with the Planning Board. If you have any questions regarding these materials please contact this office.

Sincerely,

DeLUCA-HOFFMAN ASSOCIATES, INC.



Stephen R. Bushey, P.E.
Senior Engineer

SRB/smk

Attachments

c: James Brady, 119 Development LLC
Kevin Bunker, Developers Collaborative
David Lloyd, Archetype

TUNNEL LOCATION PER
GENERAL NOTE 60

N/E
CITY OF PORTLAND
"CENTRAL FIRE STATION"
TM 28-A-1

MARKET STREET
(A PUBLIC RIGHT OF WAY OF VARIED WIDTH)
ONE WAY TRAFFIC FLOW

LOCUS PARCEL AREA
10,049 SF
OR 0.23 ACRES

FEDERAL STREET
(A 66.00' WIDE PUBLIC RIGHT OF WAY)

EXCHANGE STREET
(A 49.50' WIDE PUBLIC RIGHT OF WAY)
ONE WAY TRAFFIC FLOW

#120 EXCHANGE STREET
CANOPY

A&M PARTNERS, INC.
N/E
10803/113
TM 32-G-1

4d

Removal
9/29/2012

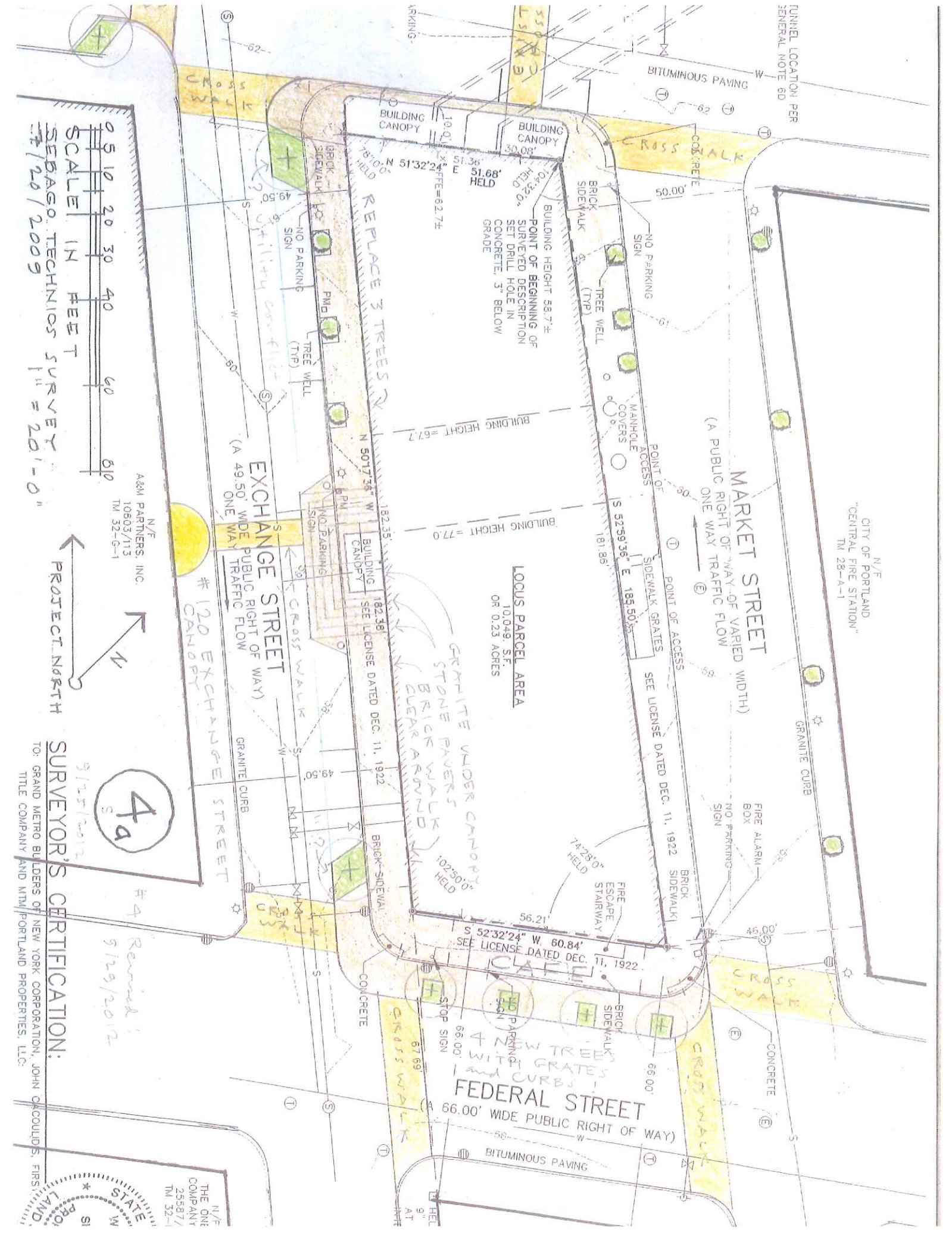
SCALE IN FEET
0 10 20 30 40 60 80
SEBAGO TECHNICS SURVEY
#720/2009
1" = 20'-0"

PROJECT NORTH

SURVEYOR'S CERTIFICATION:

TO: GRAND METRO BUILDERS OF NEW YORK CORPORATION, JOHN O'CONNOR, FIRST
TITLE COMPANY AND MTM PORTLAND PROPERTIES, LLC.

N/E
THE ONE
COMPANY
255877
TM 32-1



DOWNTOWN URBAN DESIGN GUIDELINES

These Downtown Urban Design Guidelines are a component of the City of Portland's Downtown Plan entitled *Downtown Vision: A Celebration of Urban Living* and a Plan for Portland's Future and of the City's Comprehensive Plan. They are supporting reference documents for the City's B-3 Downtown Business District Zoning Ordinance and Site Plan Standards, and a companion to the Technical and Design Standards and Guidelines for the City of Portland.

The **Signage, Awnings and Canopies** section contained herein supercede the Signage requirements of the Urban Renewal Plan for Maine Way (pages 9-11 of Planning Report #29-76: Urban Renewal Plan for Maine Way, amended May 1976.)

Introduction

Downtown Portland is the center of the region's business, government, cultural, and residential communities. It is also a physical environment comprised of a variety of individual buildings, streetscapes, parks, and districts in which people carry on with day-to-day interactions. As a physical environment, it should be designed to facilitate these uses in a setting that has beauty, is comfortable and secure, which provides amenity and interest for the pedestrian, and which celebrates the coming together of people in a concentrated pedestrian world. It is important that incremental changes to the physical environment through development or rehabilitation proposals continue to enhance the physical environment.

These guidelines are provided for the use of individual property owners and the development community in understanding the expectations of the greater community for the development of the Downtown. This represents a documentation of concerns which have been central issues within project reviews of proposed development in the past, and is an attempt to make the review process more understandable and predictable for the development community. These Guidelines are also intended to provide guidance and consistency for City staff and Planning Board development review. Finally, these Guidelines are intended to provide the public with a clearer presentation of important design issues to assure they reflect public concerns while providing a framework for public comment and involvement in the development process.

These Urban Design Guidelines are not intended to restrict the creativity of developers or designers in responding to the challenges of a given site. Rather they provide a framework of issues with which to be concerned in assuring that a creative design solution is compatible with the character of Portland's Downtown environment and is sensitive to pedestrian needs. These Guidelines are presented as a discussion of issues that specific site plan standards are intended to address. Unless otherwise provided for within the City Ordinances, these are guidelines only, a framework not to be ignored but flexible enough in intent, interpretation, and application to allow and encourage the developer and associated designers to come forward with creative and distinctive design solutions.

- Purposes** The underlying purposes of the Urban Design Guidelines are as follows:
1. Aesthetic - To respect and build upon the human-scaled and historic building fabric of the Downtown while creating a more attractive, desirable, high quality, rich and diverse environment.
 2. Pedestrian Use - To increase pedestrian activity through the enhanced character, comfort, and interest of the pedestrian environment.
 3. Accessibility - To assure accessibility to all.
 4. Culture - To increase and support the integration of arts and culture throughout the Downtown environment.
 5. Economic - To recognize the fundamental relationships between property values, livability, and the character and quality of the physical environment; to protect and enhance public and private investments throughout the Downtown by assuring respectful and compatible new development; and to minimize development costs by providing specific guidelines at the outset of the development process.

**DOWNTOWN URBAN DESIGN GUIDELINES
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Standard: "The exterior design of portions of buildings within the first thirty-five (35) feet of height shall enhance the character, attractiveness, comfort, security, and usability of the street level pedestrian environment . . ."

I. RELATIONSHIP TO PEDESTRIAN ENVIRONMENT
A. Distinguish the lower 35 feet of building facades

The most significant features of a building which are perceived at street level by the typical pedestrian moving through the Downtown are storefronts and building facades within immediate view and reach. While one's peripheral view encompasses considerably more of a given facade and in fact draws in the context of other nearby buildings and open spaces, the focus of attention for each building is usually the first approximately thirty-five feet of building height. This portion of each building is readily perceived as an individual composition but allow more broadly as a component of the series of street facades and elements of a continuing streetscape involving all such facades along a given block or street. Throughout Downtown Portland, it is typically this first thirty-five feet or so, or the first two to three stories of buildings which are the most heavily articulated, create and sustain the greatest pedestrian interest, and in fact present themselves as the base of larger buildings.

Building entrances and display windows are typically the predominant elements of this Downtown street-level environment. The character and design of these elements are vital in assuring that frequent pedestrian access to and from buildings is provided or maintained, and that the excitement of walking about the Downtown is supported by a rich, varied and interesting environment.

1. Storefronts and building facades

- **Relationship to Context:** In general, the design of storefronts and the facades of lower portions of buildings should relate to the architecture of the rest of the building and should demonstrate a unified overall building design.

Where alterations are made to existing buildings facades and storefronts, such alterations should respect and be compatible with the specific features and characteristics of the building of which it is a part. Characteristic elements of traditional storefront design relating to specific styles of building, including such prominent features as entrances (generally recessed) and display windows, the storefront bulkhead, piers and framing, transoms corresponding to typically tall interior first floor space, and a sign panel often topped by a cornice, are common points of reference for both rehabilitations and for contemporary design solutions.

Where alterations to designated historic structures and within designated historic districts are involved, standards and guidelines found in the City's Historic Preservation Ordinance will be the basis for review. For other existing structures, existing original or significant features or evidence of such that might be found through historical research or physical evidence can provide a basis for storefront restoration or for contemporary design which is compatible with the rest of the building.

Where signage is provided on or adjacent to a storefront, the signage should generally be incidental to the storefront and should not overwhelm the building facade. Specific signage, awning and canopy guidelines are provided elsewhere for proposed installations in the Pedestrian Activities District (PAD) and PAD encouragement areas, as well as where such installations involve historic properties.

- Pedestrian-character: The design of storefronts should complement the pedestrian activity being accessible and visible from the public sidewalk.

- Materials and detailing: The design of storefronts and lower building facades should include the selection of high quality materials and detailing which relate to the rest of the building and to the surrounding context, and which convey a sense of permanence, durability, and richness in character. Ease of maintenance and a commitment to continuing upkeep are important considerations.

- Transparency: A predominance of glass which assures transparency between interior activities or products and pedestrian activity on the streets and sidewalks is very important to the vitality of the pedestrian environment. Glass should be used on the street level which assures visibility for pedestrian interest and, to the extent feasible, assures that there are obvious "eyes on the street" or a sense of security as a result of indoor and outdoor activity being readily visible. The placement of landscaping or other exterior features immediately adjacent to entrances and window openings can enhance the attractiveness of a property but should be careful not to substantially diminish visibility into or out of such openings.

- Contemporary design: Where creating a new facade through construction of an infill building within an existing building context, storefront design and building facades should respect the general pattern of storefront and facade design found in that surrounding context. Such design should draw from those surrounding buildings which themselves meet the guidelines presented herein. Contemporary design is encouraged where it reflects an understanding and respect for traditional patterns of storefront composition and design.

2. Building entrances

The traditional pattern of development in Downtown Portland resulted for the most part in incremental construction of individual buildings over extended periods of time. Typically, these buildings each had individual building entrances providing immediate access to street-fronting shops and businesses. Street level access also was provided to upper story activities through a separate entry. This pattern of frequent building entrances serving a large number of street-level businesses provided for considerable street-level pedestrian activity and encouraged pedestrian circulation. New development in the Downtown and rehabilitation or alterations of existing buildings should continue this pattern of frequent access.

- Compatibility with the building façade: Entrances are one of several building components which collectively comprise the overall base of a building. The design of building entrances should be considered as an integral component of a building's façade and should relate to the overall façade in terms of its style and scale, quality of design, and selection of materials and detailing.

- Prominence along the street: The placement and design of entrances to buildings and businesses should be readily identifiable and have a prominence on the building's street façade. Such entrances should not overpower the façade but should be designed so to complement the character and features of the building façade and storefront while clearly announcing the point of entry. The traditional method of recessing entrances, or utilizing signage, canopies and awnings, and of thoughtful and directed lighting can all help to define an entrance's prominence.

- Access to the street: Access to each street-level business should be maintained directly from the street wherever possible. Where buildings may contain multiple street-level tenants which are served by interior access or circulation, prominent access directly from the street should be provided as well to the extent feasible. In addition, building façades fronting on publicly accessible open space should provide access in the same manner as street-fronting façades. Consideration in satistying this guideline will be given to situations where changing topography may make direct access (particularly accessible for special needs) difficult or impractical. Every effort should be made to make these portions of buildings accessible, as well as attractive and of interest to the pedestrian.

- Accessibility: All buildings should be barrier-free and accessible to the physically handicapped and to others who find themselves with special needs. The range of special needs typically encountered in the Downtown includes such situations a negotiating a baby carriage or stroller, ushering small children, accommodating physical and visual limitations of the elderly or handicapped, and others. Access for everyone should be provided in a manner which provides an interesting and positive pedestrian experience and which preserves human dignity.

3. Blank facades

The placement of street-level building facades which contain expanses of wall area with no windows, no entrances, and no other elements or features providing pedestrian interest and supporting pedestrian circulation and activity represent a serious detriment to the vitality and viability of a pedestrian-oriented street environment. The continuity of lively, inviting and visually appealing street-level facades is extremely important in encouraging pedestrian movement. When blank facades are located in mid-block areas, they tend to create gaps in this continuity which the average shopper or tourist will find at least disheartening and at most a deterrent to proceeding further along a particular street. When such facades are located at corners of blocks, they effectively can isolate entire blocks or areas of the Downtown from lively and frequent pedestrian circulation.

Blank facades located along pedestrian-oriented streets or along publicly accessible open space are discouraged. The maximum length of blank or undifferentiated facades should not exceed thirty feet generally throughout the Downtown, and should not exceed 15 feet within the Pedestrian Activities District. The preferred manner for differentiating a facade is to incorporate additional storefronts or with display windows and entrances as frequently as possible. For interior uses which require large volumes of windowless space, every effort should be made to contain these uses within the central portion of a site away from street fronting facades of the building. Having such uses on the interior of a site allows the perimeter of the property to retain pedestrian-oriented use.

In some cases, due to topographic change or windowless interior uses which cannot be located in any other portion of a site, building entrances and large windows may not be feasible. In such situations, it is important that the design of such facades incorporate significant features of visual

interest which will maintain the interest of the pedestrian. Such features might include relatively shallow display cases or display windows, substantial three-dimensional architectural ornamentation or artistic treatment, the incorporation of some special water or landscape feature, or some combination of thereof. Any such special feature should relate positively to the character of the remainder of the building, and to surrounding buildings.

4.

Special features

A variety of special building and street features have been explored in cities across the country in attempts to address sometimes adverse climatic conditions while providing enhanced pedestrian comfort. Incorporation of any of these features requires extreme care first in understanding the impact such a feature might have on the character and quality of street-level pedestrian activity, and second on the relationship such features have to a historic building context and to special qualities such as view corridors and prominent gateway entrances to the City.

- Arcades: Arcades are roofed passages with shops on one or both sides. The most common situations find arcades placed along a street frontage, with the first floor retail space set back beneath an overhang created by the upper floors of the building. Arcades, by virtue of the overhang, provide protection from rain, snow, and direct sunlight. Such arcades are not generally found today in Downtown Portland, although historically such protection from the elements was often found as a result of an extensive use of retractable awnings placed on many commercial buildings. Issues which should be considered when incorporating such features include: preserving existing street walls while comfortably integrating these features into an existing streetscape; assuring that active uses are placed along the recessed street level; assuring that an adequate but not excessive pedestrian circulation area is provided; and assuring that ample lighting and pedestrian interest is maintained. Arcade lighting should thoroughly light the interior of the arcade, with no dark areas or shadowy corners within the arcade. Any attempts to incorporate arcades on existing buildings should take care not to detract from the existing building's character nor remove or obscure significant features of historic properties.

A second type of arcade is the through-block connection, where a passageway is created linking one street typically with another parallel street. Particularly in long blocks, such connections should encourage pedestrian circulation between active pedestrian-oriented streets and between such streets and specific activity generators such as hotels, major office or retail buildings, and convention or cultural facilities. In a few selective instances, there may be an opportunity to expand such a through-block connection into a gallery, or larger pedestrian open space which becomes a major pedestrian destination in itself. Dead-end arcades, or arcades which may make a connection to a single destination anchor, such as an art museum, must be carefully considered to assure that the pedestrian connection can remain safe, pleasant, and viable at times when activity at the anchor is low or non-existent.

For this second type of arcade to be successful, the level of activity anticipated must be carefully examined and the character and quality of all design must be exceptional. Special care must be taken in the siting of all such interior connections to provide active uses along the arcade while assuring that existing street-fronting pedestrian uses are not diminished in their attractiveness to pedestrian circulation and activity.

Where all of the above issues have been carefully addressed, these various types of arcades can be a positive contribution to the pedestrian streetscape.

- Skywalks and elevated walkways: The introduction of covered or fully enclosed walkways bridging over streets and connecting the second stories of buildings have been implemented in a variety of cities and situations around this country and in Canada. The extent of such systems can range substantially, from a relatively simple connection between a hotel or office building to a parking garage, to an extensive system tying together large portions of downtowns through interior climate-controlled passageways. Studies of those skywalk systems reveal a number of critical issues which must be addressed before any such program, large or small, is undertaken in Downtown Portland. Consideration must be given to the following:

- i. the impact of such an upper level system on existing street-level activity and businesses, respecting the principle that the character and liveliness of the street-level pedestrian environment is of utmost importance and should be reinforced at every opportunity;

ii. the potential segregation of users who might frequent the walkway system versus the street, respecting the principle of *Downtown Vision* that for Portland to take the greatest advantage of its urban character, all people regardless of social or economic status must come together to share in a common experience;

iii. the potential impact of such a system on the visual character of Downtown Portland, with concerns over the integration of such construction with a largely historic building environment and the potential visual obstructions which could detract from the character of the Downtown or eliminate significant views to natural or building landmarks; and

iv. the need for a coordinate program of provision and maintenance of any such system, assuring universal participation of property owners along a particular route, common levels of maintenance and hours of access, and adequate levels of pedestrian activity, supporting pedestrian-oriented uses, and pedestrian interest and amenity.

Downtown Vision, the Plan for Portland's Downtown, does not incorporate a comprehensive network of skywalks due to the numerous critical issues cited above. In special circumstances, however, the provision of skywalks may be desirable. The provision of any such system should not be approved until the Planning Board and the City Council determine that all issues are suitably addressed and resolved in favor of an enhanced pedestrian environment. Easements and site plans should not be approved until these issues are suitably resolved.

- Street closings and pedestrian malls: The closure of public streets to create pedestrian malls has been tried with mixed success in a variety of situations around the country and abroad. The range of possibilities intended to encourage pedestrian activity on key streets runs from total prohibition of vehicles, to access for public transit and high rider-ship vehicles only, to closure only on special occasions (i.e. street fairs or carnivals) or for weekend shopping and entertainment (at a time when deliveries and service access demands are at a minimum). The trend in recent years has been to re-open those streets once completely closed to vehicular traffic. In any of the possible scenarios, consideration must be given to the following:

i. the relationship of vehicular traffic, visibility from vehicles, on-street parking, and drop-off areas to the businesses and institutions along the streets that would be closed or restricted;

ii. the effect of closure on maintaining necessary access for service and deliveries; and

iii. the design and dimensions of the street, focusing on the scale and character of the space to be devoted to pedestrian circulation. The expected number of pedestrians must be related to the amount of space to be provided to assure that adequate space is provided. Interaction and face-to-face contacts are important to lively pedestrian space therefore it is also important that excessive space does not create a sense of low activity or diminish the interpersonal contacts. The quality, quantity, and character of pedestrian amenities, including such features as paving materials, lighting, benches and other seating, public art, landscaping, and street entertainment are all important design and programming issues vital to a lively pedestrian environment.

In general, the permanent closure of streets in the Downtown is discouraged. A proposal for any such pedestrian mall should not be approved until the Planning Board and City Council have determined that all such issues have been suitably addressed and resolved in favor of a viable business and cultural economy and an enhanced pedestrian environment. For proposals for extensive closures or for closure of significant streets, a trial period or portion of closure should be instituted prior to committing permanent alterations and improvements.

B. Pedestrian Activities District (PAD)

Standard: "In addition to subsection I (a through d), proposed development and substantial building alterations located within the Pedestrian Activities District (PAD) overlay zone . . . shall be designed and constructed to accommodate pedestrian-oriented uses at the street level. Proposed development located within the PAD encouragement areas which is not initially constructed to accommodate pedestrian-oriented activities at the street-level shall be designed to have the capability of accommodating pedestrian-oriented uses through non-structural building alterations."

Factors that should be considered include:

1. Exterior design of street level building facade
The design of the exterior street-level facade should consider the visual relationship of proposed or potential entrances, window, and display openings to the overall design of the building. The introduction of new window or door openings or the shifting of openings should be considered in the initial facade design to assure that what may initially be a balanced and appropriate design for a facade is flexible over time and that future changes might be anticipated to assure future compatibility.
2. Design and placement of impenetrable exterior building features
In portions of buildings where street-level pedestrian-oriented uses are required or encouraged, it is important to locate impenetrable features (i.e. columns, piers, bearing walls, retaining walls, and mechanical/h.v.a.c. equipment) in such locations that do not create obstacles to accessible and viable pedestrian uses. Such features, by their very presence and by the difficulty and associated expense with which they might be modified, can become impediments to street-level uses or to future renovation which will accommodate such uses.
3. Orientation and accessibility to the street
The design and construction of street-level facades along pedestrian oriented streets should assure that street-fronting uses would be oriented to and accessible from the street wherever feasible. Orientation to the street should involve significant and prominent entrance opportunities, significant visibility of interior uses from the street, and prominent signage, awnings, or other identification of interior uses. Such orientation should not have the appearance of a service entrance or "back door", but rather should appear as a primary, inviting pedestrian entrance to the building.
Accessibility from the street should be provided wherever feasible. Finished floor elevations and entrance elevations relative to sidewalk topographic elevations should be established with the intention of maximizing opportunities for building entrances along street
4. Adequacy of interior layout
Just as impenetrable exterior building features can be an obstacle to use of street-level building floor area, the interior layout of such space can impact its viability for pedestrian uses. The first forty (40) feet of floor area along specified street frontages in the Pedestrian Activities District should be laid out to accommodate retail or other pedestrian oriented uses. An approximately comparable portion of floor areas along PAD encouragement areas should be designed and constructed

to accommodate the broadest possible variety of floor layouts, or be able to be modified at reasonable cost to accommodate future pedestrian oriented uses. Placement of exterior building features as in (b) above, as well as the placement of interior features such as columns, bearing walls, stairs, elevators, and mechanical systems should support the layout of pedestrian oriented uses rather than divide a space into areas which can be difficult to utilize effectively or with flexibility.

5. Continuity of street level uses

Continuity of pedestrian-oriented uses along designated street frontages is important to encourage pedestrian interest, movement and safety. Wherever possible, service entrances and vehicular entrances to parking lots, parking garages, drive-thru services, or other similar uses which interrupt the continuity of street-level uses should not be located along pedestrian oriented streets. Where such uses are unavoidable, extraordinary care should be taken to assure that the pedestrian environment remains both attractive and safe, and such interruptions should be kept to a minimum in both numbers of lengths. In such instances, the pedestrian should clearly have priority. Pedestrian paving patterns should continue across driveway entrances and should remain flush, with no steps or significant ramping introduced in order to accommodate vehicular access. Vehicular speeds should be kept to an absolute minimum. Lighting should assure both pedestrian comfort and safety.

C. Sidewalk Areas and Open Space

Standard: "The design of publicly accessible sidewalk areas and open space shall complement the general pattern of the Downtown pedestrian environment, conform with Standards and Guidelines, and enhance the attractiveness, comfort, security, and usability of the pedestrian environment."

1. Sidewalk, crosswalk, and street paving materials

- Sidewalk: The design and construction of sidewalks and open space paving are important components of the pedestrian environment. Historically, the Downtown has been characterized by brick sidewalks and the City's general sidewalk maintenance and reconstruction program calls for brick sidewalks. Important factors which must be of concern in the installation and maintenance of brick sidewalks include the compatibility with adjoining or nearby paving surfaces, the appropriateness of the paving material in relation to proposed or existing buildings which are adjacent to the sidewalk, appropriateness during all seasons, and the character, durability, and ease of maintenance of the proposed material.

Prevalent problems found on many existing sidewalks are the uneven surfaces and excessive joints between bricks, both of which create hazardous walking conditions. These problems usually result from improper installation techniques or design including an inadequate base on which the brick is set or excessive spacing of pavers and inadequate maintenance (repointing). These issues can be addressed through careful design and installation of new surfaces, and a program of rehabilitation directed toward existing sidewalks.

Concern must also focus on Portland as a winter city, with frequent snow and ice conditions through an extended season each year. Maintenance of sidewalks becomes an imperative for assuring safe and comfortable pedestrian circulation throughout the Downtown. The use of brick as a surface material can result in a surface more slippery than alternative surfaces such as concrete pavers or poured concrete with a rough surface. Adequate sloping and drainage can aid in avoiding some problems. The use of concrete pavers in patterns and colors that replicate brick, and the combination of poured concrete and brick in attractive and practical paving patterns can also serve to address concerns over the potentially slippery nature of brick while retaining the historic character of brick sidewalks.

There is growing interest both in this country and in northern cities abroad in the use of heated sidewalks to maintain a clear and comfortable walking surface during colder months. The consideration of heating elements within the sidewalk construction is encouraged. The relation of such a system to underground utilities, the impact of such a system on the appearance of paving surfaces, the energy efficiency of providing and maintaining such a system relative to more conventional sidewalk maintenance, and the benefits such systems present in preserving street trees and other landscaping relative to other snow melting or snow clearing techniques should all be considered.

Open spaces such as parks and plazas offer special opportunities for creative and specialized paving patterns. The introduction of alternative patterns, colors and materials such as granite, brick, and concrete can create distinctive elements within these open spaces and are encouraged. Where such open spaces meet the public sidewalk, the specialized paving pattern should transition to the prevailing pattern of the public sidewalk so that sidewalk paving within the street right-of-way retains a consistent

unifying pattern along an entire street frontage and to assure that sidewalk paving forms a layer of commonality throughout an area. As a related issue, the design of publicly accessible open spaces should balance the provision of pedestrian paving surfaces with ample soft surfaces including landscaping and grass. Where pedestrian circulation will occur on such surfaces, these areas should be designed to prevent compaction and should be stabilized against erosion due to weather or use.

The provision of all sidewalks shall conform to the specifications and details contained within the City's *Technical and Design Standards and Guidelines*.

- Crosswalk: The design of street crosswalks which provide distinctive and clearly visible patterns on the walking surface offer both visual amenity and safety to the pedestrian. The use of painted crosswalks and thermally applied markings are techniques commonly endorsed by the City. In a few special instances, the City has permitted the installation of carefully designed crosswalks comprised of granite borders with a brick walking surface. While alternative crosswalk designs add amenity to the pedestrian environment and are encouraged under special situations or for special effect, the design and construction of any such special alternative must be carefully considered. Issues of durability, particularly as impacted by snow plowing, visibility, and ease of walking should be addressed. The provision of crosswalks across all City streets shall conform with the specifications and details contained within the City's *Technical and Design Standards and Guidelines*.

- Street: The design and construction of City streets shall conform to the specifications and details contained within the City's *Technical and Design Standards and Guidelines*. Where driveway surfaces on private property serve dual purpose as pedestrian circulation paths, the applicant or property owner is encouraged to explore creative alternative finish surfaces which provide greater pedestrian interest and amenity.

2. Landscaping, planters, irrigation, and tree guards and grates

- Landscaping: The use of landscaping, including overhead/canopy trees, ornamental trees, shrubs, ground cover, and flowers, is encouraged to enhance the character and livability of the Downtown. The use of plants with attractive flowers, colorful and changing foliage, distinctive bark, and prominent or unusual shape all serve to enrich the visual environment. The environmental benefits of providing shade, filtering noise, and cleansing the air are all vital properties of an attractive and healthy urban landscape.

- **Compatibility:** The coordinated use of landscaping serves as one method for providing distinctive character to different streets and areas of the Downtown. The selection of the primary plant materials (in particular the larger materials such as street and ornamental trees) and their location on a particular site, should be considered in coordination with public streetscape improvements which occur or are planned for the immediate area. Private improvements also should be compatible with other adjacent or nearby private improvements.

- **Use and placement:** The use of landscaping to provide visual interest, color, variety, and an ever changing and growing environment is an important element in support of an active pedestrian streetscape. The placement of street trees and planters within the public right-of-way should complement and enhance the pattern of similar features on adjacent and nearby properties and be consistent with planting programs established by the City. The use of landscaping also can be incorporated with or in place of fencing to screen or buffer otherwise objectionable or unsightly uses or building features such as building service areas, mechanical equipment, and surface parking lots.

- **Plant selection:** Consideration during the selection of all plant material should be given to the plant's tolerance to urban conditions which include poor drainage, litter and salt problems, vandalism and abuse, shade conditions, and disease and insects. Plant materials recommended for use within the Downtown are identified, along with appropriate sizes and installation specifications, within the *Technical and Design Standards of the City of Portland*. Where a developer or property owner wishes to deviate from this recommended plant list, such substitutions should be reviewed for approval by the City Arborist.

- **Lighting:** The illumination of plant materials can have a very pronounced impact on the character of the evening street environment. Whether providing accent lighting for individual specimen plant materials, general lighting for an area with distinctive plant materials, or illumination for special displays, celebrations or seasonal decoration, the added color and life provided by such lighting is encouraged. Wherever such illumination is proposed, care should be taken to assure that such lighting is complementary of existing City programs for street and sidewalk lighting, and that such proposed lighting enhances the pedestrian environment. Such special illumination, whether on private or public property, should generally be maintained by the owner of the proposed development, and the failure to maintain or a decision to remove such illumination should not result in an unattractive landscape.

- Planters, irrigation, and drainage: The manner in which

landscaping is provided, watered, and drained is important to the viability and durability of the plant materials. In general, the larger the area in which plant material is located, the healthier it will be and the longer it will remain vigorous. Where individual tree wells are located along streets, the wells should be as large as possible to allow adequate water and air to the soil and root system. Where the dimensions of the sidewalk area permit, planting strips or portions of brick sidewalk set on sand should be considered to allow even greater area of permeable surface.

The provision of planters raised above the sidewalk surface provides plant material additional protection from compaction due to foot traffic, as well as providing some protection from salts and de-icers placed on icy sidewalks during the winter months. The introduction of such raised planters, particularly in situations where increased area of plant materials is viable, are encouraged. Care must be taken to assure that there is consistency in the style and character of planters provided within distinctive areas of the Downtown.

The adequate provision of a water source and method of drainage for planted areas is important to the continued viability of plant material. In areas such as small parks and plazas, the provision of an irrigation system is encouraged to assure adequate moisture. Such areas should also have drainage systems designed to prevent excess water accumulation or runoff onto pedestrian walk areas. Individual tree wells should be designed to allow adequate drainage, tying into curb line drainage systems wherever possible.

Specific planters, irrigation devices, and drainage methods recommended for use within the Downtown are identified within the *Technical and Design Standards of the City of Portland*. Where a developer or property owner wishes to deviate from these recommended specifications, such substitutions should be reviewed for approval by the City Arborist.

- Tree grates and guards: Generally throughout the Downtown, the provision of tree grates and guards are encouraged in order to assure adequate air and water access and to provide protection for trees located within pedestrian activity areas. In certain areas, where wide sidewalks exist and ample pedestrian circulation area is available, the use of granite pavers as a substitute for tree grates may be acceptable where such use

complements the character of the general area and is consistent with a City program for existing or proposed tree wells. Specific tree grates and guards recommended for use within the Downtown are identified, along with appropriate sizes and installation specifications, within the *Technical and Design Standards of the City of Portland*. Where a developer or property owner wishes to deviate from these recommended products, such substitutions should be reviewed for approval by the City Arborist.

- Maintenance: Continued maintenance of landscaping is an important ongoing effort vital to assuring the continued health of plant material and the continued effectiveness of landscaping as an attractive part of the pedestrian environment. A regular program of feeding, watering, pruning, damage repair, pest and weed control, and replacement of declining plant material should be established at the time of initial design and installation, and maintained thereafter.

3.

Lighting

Downtown lighting by design should not only serve its functional purposes but also contribute to the attractiveness and aesthetic quality of the streetscape. Illumination of the sidewalks, storefronts and building facades improves the attractiveness and security of the downtown at night.

- Sidewalk lighting: Sidewalks should be amply lit with attractive and warm white light, using a combination of pole mounted, building mounted, soffit, and window lights. Care shall be taken to provide proper illumination levels, avoid glare from lighting sources, and avoid excess lighting spilling onto private property or skyward.

Frequent placement of lower wattage lights achieving a relatively uniform level of lighting is preferable to fewer brighter lights. The placement of lighting fixtures should be in relation to the scale of the pedestrian, downwardly directed, and shielded or reflected so as to avoid direct line of sight from pedestrians to the light source unless the light source is very low wattage and issues of glare do not exist.

- Building lighting: Lighting from store windows, entryways, marquis, canopies, awnings, soffits, and other integral building features is encouraged to integrate with and enhance sidewalk lighting.

- Building Facades: Prominent building facades should be lighted by carefully designed downwash systems of appropriate color and intensity. Generally only historic landmarks and civic buildings should be fully illuminated as well as buildings which substantially contribute to the character of the street and have sufficient ornamental detail to provide visual interest.

- **Street Lighting:** Street lighting shall comply with the *Technical and Design Standards and Guidelines*. Where street and sidewalk lighting are intended to be provided by the same luminaire, the guidelines presented herein are applicable as well.

- **Luminaire:** Lighting fixtures for both pedestrian and street lighting conditions should be selected for their visual interest as well as illumination qualities. The selection of lighting fixtures, or luminaires, represents an important decision in establishing a sense of identity and orientation within the pedestrian environment. Just as different areas within the Downtown vary in general activities, land uses, and architectural character which result in their own identities, selection of luminaires should contribute to the identity of those distinct areas within the Downtown. The selection of luminaires should provide an attractive addition to the streetscape in both daylight and evening hours.

Specifications for luminaires along sidewalks and within plazas adjoining sidewalks should conform to the luminaire standard designated in the *Technical and Design Standards and Guidelines*. A lighting program has been established for the following general areas within the Downtown:

- i. Old Port Generally;
- ii. Old Port Wharf Street;
- iii. Waterfront;
- iv. Congress Street;
- v. Gateway entrance routes to the Downtown; and
- vi. Other public streets.

Areas not designated, such as privately owned publicly accessible plazas and public open space, may select a different luminaire style which complements the standard for the area in the above schedule if the design of the space commands a special, unique, and equally distinctive luminaire feature. Consideration should be given, however, in the design of such spaces to coordination with the surrounding area by incorporating the standard luminaire.

- **Special Lighting:** The introduction of special lighting can provide an especially festive Downtown environment. Seasonal decorative lighting, most notably for the holiday season from Thanksgiving to New Year's Day, greatly contributes to the festive spirit by including decorative lights on buildings, in windows, and on trees and other landscape features. Such seasonal special lighting efforts are encouraged and should be coordinated with both City and privately-based community seasonal lighting programs wherever feasible.

In some additional circumstances, special lighting might be designed and installed either on a temporary or permanent basis as a decorative feature or object in and of itself. Other special lighting features might be proposed for illuminating sculpture, murals, fountains, extraordinary landscape features, or other such features. Special lighting such as these are encouraged, subject to careful design and installation consistent to the general guidelines for lighting described elsewhere in this section.

In all instances, selection of luminaires should consider durability and ease of replacement and maintenance. Desired lighting intensities should be achieved without glare, generally with downwardly directed luminaires, with design features and intensity levels which assure comfortable pedestrian line of sight to the luminaire.

D. Pedestrian Amenities

The character and comfort of pedestrian open spaces such as parks, plazas, and sidewalk areas is greatly affected by the quality, character, and quantity of amenities provided for the use of people who visit those spaces. Specific requirements and specifications for each of the following amenities (except where noted) can be found in the City's *Technical and Design Standards and Guidelines*.

1. Benches and other seating

Pedestrians enjoy opportunities for pausing and resting, watching other people and activities, and eating lunch. Regular and frequent placement of benches or other seating along heavily used pedestrian routes is encouraged to accommodate these activities and thereby make the street environment more comfortable and inviting. Placement of seating should not interrupt or obstruct pedestrian circulation, and should assure maintenance and appropriate use. A variety of seating elements are encouraged, including benches, planter and retaining walls, steps or broad stairways, and individual fixed or moveable seats.

Within publicly accessible open space, adequate seating is a critical element which affects the use and success of that space. A general rule of thumb for the provision of seating applicable to a typical Downtown plaza is to provide one linear foot of seating for each thirty (30) square feet of open space. A balanced combination of seating types is usually encouraged.

2. Bus shelters and bus stops

The provision of clearly designated bus stops and comfortable amenities serving bus patrons are important elements of a successful public transit system. For development and public improvements along designated bus routes, the placement of standard bus shelters or the incorporation of sheltered waiting areas along building frontages is encouraged. The placement of shelters should not obstruct pedestrian circulation. Wherever feasible, shelters should provide a heated waiting area. All bus stops and shelters should be adequately illuminated and provide adequate seating, signage, and schedule/route information. Their design should complement the character of surrounding buildings and of the sidewalk or open space in which they are located.

3. Trash receptacles, mailboxes, newspaper boxes, public telephones

The provision of these traditional elements of the pedestrian environment serve very important needs and are encouraged. Their placement should avoid a visual appearance of clutter, should not obstruct pedestrian circulation, and should effectively support pedestrian activity. Their design should complement the character of surrounding buildings and of the sidewalk or open space in which they are located.

4. Directional and informational signage

In order to assure the greatest possible use of the Downtown by pedestrians, it is important that adequate orientation be provided. Carefully designed and sensitively sited directional and informational signage can enhance the accessibility of different districts, cultural facilities, special amenities or activities, and historic resources found within the Downtown. All such signage should be consistent with guidelines for signage established within this document, with signage requirements of the City Land Use Code, and with other applicable City signage programs.

5. Kiosks, fountains, and other special features

The introduction of informational kiosks and special features such as water fountains can provide informational amenity, excitement, or variety in the pedestrian environment and are encouraged. The location of such features should not obstruct pedestrian circulation and should complement the character of surrounding buildings and open space.

6. Artwork

The provision of artwork in publicly visible locations on private property, along pedestrian paths and sidewalks, and within publicly accessible open space is encouraged. The provision of artwork adds visual interest, a sense of creativity, and elements of discovery and surprise that greatly enhance the pedestrian experience. The provision of art also provides visible support to the local arts community. Artwork may be of a temporary or changing nature or permanent. The location of artwork should not obstruct pedestrian circulation nor interfere with normal Downtown maintenance efforts. The provision of artwork should be coordinated with applicable Public Arts programs.

7. Walls and fences

The use of walls and fences in the Downtown should enhance, rather than detract from, the character of the pedestrian environment. Ornamental fencing and creatively designed walls can add visual amenity while fulfilling often utilitarian functions. Such features should be kept as low as possible and integrated wherever adequate space allows with plant materials or other pedestrian amenity. Where the purpose is to screen views, care should be taken to retain pedestrian interest and not create, in effect, blank facades as discouraged elsewhere in this document. Exposed chain link fencing and fencing which suggests a rustic or rural setting are discouraged. Such features should complement the character of surrounding buildings and open space.

E. Sidewalk Vendors and Sidewalk Cafes

The character and sense of liveliness of the pedestrian environment along sidewalks and within public open spaces can be greatly enriched by a diversity of activities. In addition to encouraging the use of street-level building frontages for retail and other pedestrian-oriented uses, an opportunity exists for activities which spill into the public right-of-way or which occur outside of buildings on private property immediately adjacent to pedestrian areas.

The provision of opportunities for a diversity of sidewalk vendors offering perishable wares such as food or flowers is encouraged. Such vendors should not obstruct pedestrian circulation, therefore the design of pedestrian paths and publicly accessible open space should assure that there are ample opportunities for the location of sidewalk vendors. The creative design and continual upkeep of vending carts and adequate maintenance of surrounding areas are encouraged. Such features are subject to City licensing provisions.

The establishment of outdoor sidewalk cafes is encouraged. The design, location, and construction or installation of such features must be carefully considered to assure that the proposed cafe does not obstruct pedestrian circulation, is appropriate in character with the surrounding buildings and open space, is comprised of durable and attractive materials, and is consistent with any related City streetscape programs.

F. Urban Open Space

The design of publicly accessible open space is extremely important to the future desirability and use of that space. Variety in the size and character of Downtown open space offers opportunities for varying activities and uses, and accommodates differing preferences and needs of the Downtown population. Opportunities should be created wherever possible for varied activities ranging from sitting quietly reading a book to joining together with large numbers of people engaged in or observing some performance.

Publicly-accessible parks, plazas, and other open space should be readily accessible from both sidewalks and surrounding buildings to assure maximum pedestrian circulation. Further, open space should be so located and designed to readily allow views from the sidewalk, street, and surrounding buildings into the open space as well as outward views from within the space. Such viewing should not create the impression of being under a spotlight, but rather should be adequate to allow casual people watching, create visual interest, and maintain a sense of personal safety.

The provision of varied, high quality, creatively designed, and comfortable pedestrian amenities including seating, lighting, artwork, trash receptacles, and more as described elsewhere must be carefully considered and be compatible with the overall program of amenities both within the open space and along adjoining streets. Solar access, wind protection, and landscaping should combine to enhance pedestrian comfort and provide a variety of sunny and shaded areas.

II. **RELATIONSHIP TO EXISTING DEVELOPMENT**

The physical development of the Downtown has been incremental over the last century. For much of this period, a fairly limited palette of available building technology and materials combined with a generally consistent approach to architectural character and building form. This has resulted in an existing building fabric noteworthy for its comfortable and consistent scale and compatibility of building materials. A closer look at buildings throughout the Downtown supports this consistency of general character while also revealing an extremely rich diversity in architectural styles and detailing which collectively provide a rich visual experience and a sense of the evolving history of the City. Where markedly different buildings deviated from the prevalent character, those that remain today tend to be noteworthy public buildings such as the Customs House and City Hall, or buildings that introduced a new era of design such as the Fidelity Trust Company Building.

Any development within this context, whether an infill or an individual building lot at mid-block or the redevelopment of an entire vacant block, should look to the character and prevailing pattern of development as an important frame of reference for new construction or substantial alteration.

In recognition of the intimate, pedestrian scale of the Downtown area, a premise of these guidelines is that large buildings (either exceptionally tall or massive) should be built differently in a small-scaled city than they might be built in a City of larger size or different character. Care must be taken to assure that new buildings be so composed and sited to reinforce and respect the scale and composition of existing building fabric while striving to meet the evolving functional needs and aesthetic interests of contemporary society. Care must also be taken to encourage diversity, an essential quality in creating an interesting and lively Downtown.

A. Integrate with, respect and enhance:

Standard: "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."

The development of new buildings, building additions, and other improvements such as publicly accessible open space should be responsive to the character of existing buildings and open space, achieving a creative integration of past, present and future building design and construction. Throughout this discussion, it is important not only to respect and integrate with the existing fabric of the City, but also to enhance that fabric. Where existing structures are of high quality and in themselves positive examples of the concerns identified in these guidelines, they provide an important reference for nearby new construction. Where existing buildings are not responsive to the concerns described herein, proposals for new construction in their vicinity have the opportunity to creatively enhance that portion of the Downtown. Factors to be considered in meeting this standard include:

1. Street walls and building setbacks

Downtown Portland is characterized by a very consistent pattern of buildings located at the street line that 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 assisting reinforcing the unique and irregular street pattern, maintaining the density of the urban fabric, and through contrast, enhancing the significance of open spaces. The most obvious examples are Congress and Exchange Streets, where very little variation in street wall occurs.

Along the Downtown's principle streets, it is particularly important to maintain this continuity by assuring that new development maintains the street wall condition by building to the street line. Subsection 2 of this Section II provides for some flexibility in this regard for special situations.

2. Open Space

The Downtown open space network is comprised of a variety of publicly-accessible parks and plazas, and the many public sidewalks and private interior corridors and arcades which tie these open spaces together.

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. At the ground level, frequent points of access into the open space, pedestrian-oriented uses, and ample visibility between interior and exterior enhances and supports the viability of the open space. At upper stories, the generous provision of window area supports the security of the open space through increased supervision and visibility, while also providing substantial visual amenity for those surrounding buildings.

The massing of new buildings or building additions around open space should provide a sense of definition and enclosure to the open space, while not overwhelming the space either in scale or in impact on solar access or comfort within the park. The character of the exterior facades of buildings developed adjacent to open space should be of significant interest and detail to enhance the experience of park users. Unarticulated, blank facades are discouraged.

Proposals for the introduction of additional open space should look to the prevailing pattern of open space as it relates to building form and density throughout the Downtown. For example, Congress Street is characterized by a very consistent building wall established along the street, punctuated at only a limited number of locations by setbacks which provide for publicly accessible open space (i.e. City Hall and Maine Savings Plaza). Any proposal to introduce additional open space along Congress Street should consider any detrimental visual or pedestrian use impacts a break in the street wall might have, and should assure an enhanced pedestrian environment and not duplicate or detract from existing open space. Each street environment should be similarly considered as the placement of open space relative to each individual street or sub-area differs from one street or area to the next.

Other open spaces in the Downtown have occurred at points where significant changes in the street pattern occur (or once occurred). Congress Square, Monument Square, and Boothby Square each are at a point where the streets bend or streets merge or intersect at abrupt angles. Opportunities for future open space may present themselves at other similar kinds of locations Downtown.

3. Building form, scale and massing

Portland is a small-scaled city. Yet as a dynamic and growing City, the Downtown needs to accommodate a variety of changing uses and building tenants have requirements for interior floor areas that exceed, sometimes considerably, the prevailing supply of existing or available space. In some cases, tenants have outgrown their current space. In other instances, new tenants or new uses require larger space. If such needs are to be accommodated within the Downtown, larger buildings must be integrated into the fabric of the Downtown.

- Structure of the City: The character of the built environment results from incremental growth, development and redevelopment over an extended period of time. This incremental growth accommodated individual buildings of relatively small and discreet interior space demands while responding to the Downtown's changing topography by stepping buildings and entrances along sloping streets. The resulting pattern of building form and massing along the street is characterized by multiple, relatively narrow and discreet building facades.

Continued development Downtown should recognize and reinforce this character and pattern. The design of infill buildings as well as the design of larger buildings should provide a massing which is visually broken into both horizontal and vertical elements that reflect the scale and massing of buildings within the surrounding context.

The prevailing pattern of streets running parallel and perpendicular to the waterfront is expressed in relatively short blocks, reasonable walking distances between blocks, and frequent opportunities to turn corners or move from one street to parallel streets. This street and block pattern reinforces the preceding discussion of the historical development of the Downtown involving multiple buildings with relatively small footprints and relatively narrow building facades. Even blocks where larger buildings have been created, such as the 500 block of Congress Street, frequent opportunities exist to pass through the interiors of street-level businesses to reach parallel streets. This important aspect of the structure of the Downtown is important to the liveliness and accessibility of retail businesses and cultural amenities.

The development of redevelopment of larger sites, and the potential assembly of more than one block or parcel through the discontinuance of intervening streets, should carefully consider this characteristic pattern of pedestrian circulation. Such development is encouraged to reinforce this pattern of pedestrian circulation by development of relatively small building footprints or by incorporating regular opportunities for building access and through-block connections.

- Skyline of the City: Building height and form contribute to a sense of order and image of the Downtown. Historically, the skyline was characterized by a regular pattern of commercial and residential structures punctuated by landmark structures such as church steeples or the cupolas and towers of prominent civic buildings. Over time, larger commercial buildings were constructed initially at the lower elevations of the waterfront and then more prominently throughout the Downtown. Most recently, the development of office buildings reaching a somewhat uniform maximum height of between 125 and 150 feet is creating a skyline dominated not by individually distinguishable landmark structures but progressively by less individually distinctive, box-like background buildings. At the same time, because of the scale of these office structures, previous visual landmarks are becoming less visible on the skyline. Collectively, the resulting skyline toward which the current pattern leads will diminish a sense of order and orientation presented on the Downtown skyline.

The pattern of building heights established through the zoning ordinance is intended to reinforce the changing topography of the peninsula, recognize the characteristic scale of historic areas and residential neighborhoods, and provide a clear sense of visual orientation with the tallest buildings along the central high spine of the peninsula. Moreover, tall buildings within the Downtown, those which exceed the prevailing height of the most recent office construction, are encouraged once again to provide distinctive elements on the skyline, to reinforce opportunities for establishing points of reference for visual orientation, and to create a more interesting and distinguishable city skyline.

- Massing: The overall volumetric relationships, or massing, of major architectural elements contributes to the building's overall appearance and sense of scale. Buildings, particularly larger buildings, should be designed to lessen the appearance of excessive bulk in order to maintain a scale and pattern comfortable to the pedestrian and to integrate with the prevailing pattern of existing buildings throughout the Downtown. While encouraging original design responses and distinguished architecture, the appearance and visual impact of a building's mass and bulk can be diminished in a variety of ways, such as the following:

- i. varying the planes of exterior walls through setbacks, recesses, or changes in direction;
- ii. varying building height so that the upper portions of larger buildings appear divided into distinct massing elements;

and

iii. articulating different components of a building, such as the overall building composition (base, middle, and top), the arrangement of facade elements and openings, and the choice and variation of building facade materials.

Generally, dimensional requirements of the Zoning Ordinance stipulate setbacks to prevent taller structures from overwhelming the pedestrian scale of the street-level environment and to prevent canyon-like impressions at the street edge. Location and massing of larger and taller structures within the central portions of a building lot make for a graduated transition from street wall to tower, and from the modest scale of existing buildings to the larger scale of such new buildings.

These techniques also can be used to relate the scale and massing of proposed buildings to existing buildings. The perception of scale from the pedestrian level is of primary interest. Further, the use of compatibly scaled building elements can establish relationships between new and existing buildings while allowing considerable latitude for distinctive and creative architectural design solutions. Where the prevailing context is dominated or distinguished by prominent horizontal building elements, the incorporation of significant horizontal elements such as window treatment, belt coursing, cornices and building setbacks can demonstrate a sensitivity to the surrounding context.

4. Building facade proportion and composition

The design of new buildings, in particular the proportion and composition of the building's facade, should be responsive to the architectural context of buildings that surround the particular development site. These two aspects of a building's design relate closely to the manner in which scale and massing are perceived. A respectful integration of contemporary design within the existing context is encouraged and should complement, reinforce, and enhance the prevailing patterns and proportions of adjacent buildings without requiring imitation or repetition.

- Composition: The composition of a proposed building facade, that is the organization of its parts, should be carefully considered. Traditionally throughout the Downtown, buildings have been designed and constructed with a clearly identifiable three-part composition including a base, middle, and top. The base provides a portion of the building with a scale and level of ornamentation and articulation that is related directly to the pedestrian. The middle portion of the building generally provides a pattern of fenestration and detail that lends a sense of rhythm and scale to a building both horizontally and vertically. The top portion of the facade typically receives special treatment that terminates the building in an ornamental or distinctive manner.

Further, buildings Downtown frequently have a horizontal composition characterized by regular window openings set within distinctive bay spacings (often incorporating such elements as piers or pilasters). In some cases, the end bays of larger buildings are distinguishable from interior bays through additional ornamentation or a change in window pattern or some other feature expressed along the building's facade.

It is important that these different overall components of a facade relate to one another on each building to assure an integrated composition. It is equally important that these elements respect corresponding elements of adjacent buildings to assure that abrupt differences do not overwhelm existing buildings but rather reinforce prevailing patterns. In the design of larger buildings, it is particularly important to examine opportunities to compose the building both horizontally and vertically, respecting the character of buildings nearby through a contextually sensitive design while creating an interesting and creative individual building.

Proportion: The proportion of building facades including the overall relationship between height and width of the complete facade and of components of the facade are related aspects of building composition and significant in assuring a contextual design response. Dramatic changes in proportion from one building to the next or in the character or proportion of facade elements along a given street often result in an inconsistent or ambiguous street character. The design of new buildings and substantial facade rehabilitations should strive to respect the character of building and facade proportions of surrounding development. Departure from prevailing patterns should be carefully considered to assure that the order and cohesiveness of a given street environment is not disrupted. The careful integration of the building into its surroundings, whether very similar or where creatively related but dissimilar, help to form "layers of commonality" which provide distinctiveness to different areas of the Downtown.

5. Pedestrian circulation and building entrances

There are strong patterns of pedestrian circulation and frequent building entrances that characterize the Downtown. The Downtown Open Space Plan identifies primary pedestrian circulation paths. Proposed development throughout the Downtown, and especially along these routes, should maintain and enhance these areas. Frequent building entrances, which have resulted in part from incremental development over time, are characteristic of the Downtown and support an active pedestrian environment. Proposed development should reinforce this pattern of providing frequent building access.

The design of parking garage facades should attempt to create a positive aesthetic solution that supports the interest of pedestrians nearby. While it may not be necessary to go to the extreme of masquerading the garage facade as some other type of use, the façade should fit comfortably with the other guidelines described throughout this document. Thoughtful detailing and screening of direct line of sight to vehicles and lighting contained within the garage is important, as well as providing additional landscaping or other site amenities at the facility's edges near public sidewalks.

- Parking Garages: Where parking garages are located along streets with significant pedestrian activity, the street-level uses of such parking facilities should be dedicated to pedestrian-oriented uses wherever feasible. Where initial conditions preclude the establishment of pedestrian-oriented uses along the street, parking garages should be designed and constructed so as to readily accommodate conversion to such ground floor uses at a later date. In addition, parking garages often have frontages or provide access from more than one street. In such situations, every effort is encouraged to incorporate through-block pedestrian connections which are clearly designated and which allow convenient pedestrian circulation along paths separate and distinct from vehicle travel lanes.

The provision of parking within the Downtown for the foreseeable future will be a continuing component of new development. It is important that the placement and design of new parking garages and surface parking lots be compatible with and enhances the character of the pedestrian environment Downtown while providing as well for the functional needs of such utilitarian facilities. While it is of significant benefit to have parking, particularly turnover parking, in close proximity to retail storefronts and cultural activities parking areas should not create significant breaks in the continuity of businesses and activities which support pedestrian circulation and interest. Wherever feasible, priority should be given to maintaining pedestrian uses along street frontages and placement of parking should be shifted away from those street frontages and placed at the interior of sites and at upper stories in parking garages. Similarly, parking should be discouraged along the frontage of publicly accessible open space where pedestrian uses are important to the function of that open space.

6. Parking garages and surface lots

Section I, Relationship to Pedestrian Environment, provides further discussion.

- Surface parking lots: In general, surface parking areas within the dense Downtown setting are discouraged except on a temporary or interim basis. Where such facilities are proposed, care should be taken to assure that the character of these surface areas are attractive to the pedestrian walking nearby. The provision of adequate landscaping and/or ornamental fencing to help screen one's view of large areas of vehicular parking, the provision of appropriate lighting for pedestrian safety and comfort adjacent to such facilities, and the introduction of art or other pedestrian amenities along the pedestrian path can make such a facility more attractive.

Vehicular access such as driveway entrances or curb cuts to parking facilities should balance the needs for vehicular convenience with the priority for maintaining a safe and attractive pedestrian environment. The placement of such access should strive not to disrupt the continuity of pedestrian circulation. The design of these areas should give a clear indication to drivers that they are crossing a pedestrian area and that the pedestrian has the right-of-way. Pedestrian sidewalk materials should not be interrupted to accommodate an asphalt driveway, but rather the pattern of pedestrian paving material might change only to the degree that a clear indication is made to both driver and pedestrian that vehicles are present.

For example, where sidewalks are brick, the driveway entrance might be characterized by the placement of brick in a soldier coursing pattern or in some substantially distinctive brick pattern than is clearly part of the pedestrian sidewalk, but also recognizable as a vehicular path. Just as the sidewalk surface should not be interrupted to accommodate a driveway entrance, nor should sidewalk tilt-downs be the preferred solution to allowing smooth pedestrian circulation, but wherever possible the vehicular surface should be raised to meet the sidewalk. All such details must comply with the *Technical and Design Standards and Guidelines*.

- Signage: Adequate signage to attract and direct the motorist must be so designed, constructed and located so as not to overwhelm the pedestrian environment nor obstruct pedestrian vision or circulation. The design of signage for parking available to the general public should be consistent with a Downtown-wide program of signage for parking described in the *Technical and Design Standards and Guidelines*.

- Shared use: The design and management of Downtown parking facilities should consider opportunities for shared-use. Parking facilities are encouraged to consider extended use including day-time parking for office, retail, and cultural needs and "after-hours" (evening, weekend, and overnight) parking supporting retail, cultural and residential parking needs. Participation in the City's clearinghouse program for residential parking is encouraged as well. Participation in a shared-use policy suggests a few issues that should be considered in the design and layout of parking facilities. In developing pedestrian and vehicular access patterns serving the parking facility, the presence of nearby residential units and adequate accessibility become important. The placement and design of street-level retail or other pedestrian-oriented uses should consider off-hour activities as well. Lighting and signage which support extended hours of use and possibly different pedestrian circulation patterns should be considered.

7. Areas within the downtown

Within distinctive areas of the Downtown, dissimilar buildings or greatly varying architectural designs can be linked by common elements that recur at regular intervals. Similarity of such things as paving materials, lighting standards, and exterior building materials or distinctive building features form layers of commonality that help to establish the identity of a particular area. Multiple layers within an area provide a richer and more identifiable character. When a new building is constructed without regard to existing layers within an area, the sense of identity of the area is lessened.

Areas within the Downtown which exhibit to some significant degree these layers of commonality include the Old Port Exchange, Commercial Street, Congress Street, and the area surrounding Lincoln Park identifiable as the Civic area. Development within each of these areas should enhance and reinforce those common features.

B. Standards for increasing setback beyond street build-to-line:

There are special exceptions to the predominant street wall condition described in the preceding guideline. The most notable of these are the public open spaces that have been created along the length of Congress Street. Congress Square Plaza, Maine Savings Plaza, and the City Hall Plaza are clearly exceptions to the pattern where public open space created in the heart of the Downtown provide welcome stops along an otherwise consistent street frontage. Monument Square and Longfellow Square represent other special and unusual situations where a change in the street grid or pattern have created opportunities for publicly accessible open space that reinforce prevailing street walls.

In order for proposed exceptions to this pattern of predominant street wall to be acceptable, the applicant must demonstrate to the Planning Board that the introduction of additional setbacks at the street level satisfies the following:

1. Open space and amenity
Provide substantial and viable publicly accessible open space or other amenity at the street level that supports and reinforces pedestrian activity and interest (such as amenities might include plazas, outdoor eating spaces and cafes, or similar public amenity);

2. Prevailing character and continuity
Does not substantially detract from the prevailing street wall character by introducing such additional setbacks at critical building locations such as prominent form-defining corners, nor create a sense of discontinuity in particularly consistent or continuous settings;

3. Support for existing open space
Does not detract from existing publicly accessible open space by creating an excessive amount of open space in one area or by diminishing the viability or liveliness of that existing open space; and

4. Quality and orientation
The area of setback is of superior quality and character of design and of acceptable orientation to solar access and wind impact as to be attractive to pedestrian activity.
In addition to meeting the above exception criteria, such an additional setback may be appropriate where such setback provides a special setting for prominent civic buildings.

III. ROOF-TOP APPURTENANCES

Standard: "All mechanical equipment, ventilating and air conditioning and other roof top elements not intended for human occupancy shall be fully enclosed in a manner consistent with the character, shape and materials of the principal building."

The character of the skyline of the Downtown is defined in part by the character and profile of the tops of buildings. Evolutionary in nature, this skyline is rich with a diversity of steeples, towers and ornamental parapets that have been constructed as integral architectural components of individual buildings. At issue here are the various roof-top appurtenances such as mechanical, ventilating, or air conditioning systems, or

television or radio masts or equipment which have been located atop both recent and historic structures typically in order to provide temporary conveniences or accommodate up-dated systems to those structures. Many of these appurtenances are seen as intrusions on the skyline where no attempt has been made to make an otherwise foreign and visually incongruous element fit comfortably within the architectural composition of individual buildings.

In addition, as building heights in part of the Downtown are increased, substantial numbers of Downtown employees and visitors will be experiencing views of the Downtown from upper stories of buildings. Such views, in a relatively small and pedestrian-scaled City, typically include a considerable number of rooftops and are impacted by the character and clutter of such rooftop appurtenances.

Wherever feasible, rooftop appurtenances should be located and designed so to appear as an integral part of the architectural character of the building on which they are located. The exterior appearance of these features should incorporate a scale, shape and choice of materials that is consistent with the principle building. In many cases, the simple placement of such features can go a long way toward making them indiscernible from pedestrian vantage points. The use of exaggerated parapet walls or architectural ornamentation can serve a similar function. Enclosing such features within a skin of materials which complement other materials on the building can help to integrate the feature with the rest of the building.

IV. SHADOW IMPACT ON OPEN SPACE

Standard: "The location, massing and orientation of portions of buildings in excess of sixty-five (65) feet in height shall be such that substantial shadow impacts on public plazas, parks, and other publicly accessible open space are avoided."

In a City with an extended period of cool autumn and spring seasons and a cold winter season, the availability of direct sunlight to areas of pedestrian activity plays an extremely important role in extending the use of those pedestrian areas. Frequently during these seasons, the availability of the sun's warmth makes sitting or standing within a park or plaza quite tolerable and often inviting whereas a shaded portion of the same park may be uncomfortable.

Of permanent and continuous impact on the availability of direct sunlight within an open space is the shadowing caused by the placement particularly of tall and massive structures immediately adjacent to publicly accessible open space. Even relatively short structures adjacent to a pedestrian open space can have a significant shadowing impact during the colder months when the sun is relatively low in the sky. In an effort to balance the needs for development opportunity, the importance of enclosing and defining open space with the building fabric adjacent to that open space, and the importance of maintaining sunlight in a given open space, substantial shadow impacts created by new construction or building additions which exceed 65 feet in height should be avoided.

Placing building height and mass at the center of sites or generally away from any such open space is encouraged.

Factors which should be considered and carefully evaluated in determining whether a shadow impact is substantial include:

1. the amount of area of publicly-accessible open space that is shadowed;
2. the time and duration of the shadow impact within the open space; and
3. the importance of sunlight to the utility of the type of open space being shadowed.

As a general reference, new development should not increase the area in shadow by more than 10 percent during the period from March 21 to September 21 during the critical hours of use for the following open spaces:

Longfellow Square	9 am to 3 pm	Congress Square	10 am to 3 pm
Monument Square	10 am to 3 pm	Lincoln Park	10 am to 2 pm
Lobsterman Plaza	9 am to 2 pm	City Hall Plaza	10 am to 2 pm
Tommy's Park	10 am to 2 pm	Post Office Park	10 am to 2 pm

A particularly important and somewhat unique condition can be found on certain streets within the Downtown. Key pedestrian streets that run the length of the peninsula, such as Congress Street, enjoy direct sunlight on sidewalks along the northern side of the street for much of their length during the mid-day hours of heaviest pedestrian activity. Design and massing of new development along these streets should strive wherever feasible to minimize any shadow impacts on these sidewalks particularly during the mid-day hours.

V. WIND IMPACTS

Standard: "The location, massing, orientation and architectural design of a new building or a building addition shall be such that no significant adverse wind impacts are created."

Portland is a coastal city with gusty wind patterns and winds coming primarily from the northwest (winter), west, and southwest (summer). The average wind speed at pedestrian level is approximately 4.5 miles per hour.

The location, massing, height, and design of buildings and the placement of site features can all have a dramatic effect on the comfort level of pedestrian space as it is impacted by wind. In general, the taller the building, the stronger the wind potential is at the building's base. Monolithic buildings, those that do not change shape with height, almost invariably will be windy at their base when they are significantly taller than most of the surrounding buildings. When there are a lot of buildings of similar height in an area, the buildings tend to shelter one another.

The introduction of building setbacks, and pronounced architectural features such as projecting cornices, awnings and canopies, or other elements which give a three-dimensional relief to a structure all tend to help mitigate the potential impact of increased winds. The placement of site features such as walls, berms, and landscaping similarly can help to mitigate the wind impact by reducing speed or creating sheltered areas that might be most appropriate as seating or standing areas.

Consideration of wind impact as relating to new construction should have as its objective the establishment and maintenance of a comfortable pedestrian environment. Comfort levels for pedestrian use are related to wind speed, reflect the type of pedestrian activity that might be acceptable, and can be categorized (Melbourne's Criteria) as:

1. unacceptable and dangerous
2. uncomfortable for walking
3. acceptable for walking
4. acceptable for short periods of standing or sitting
5. acceptable for long periods of standing or sitting

In evaluating whether adverse wind impacts are created, the following factors should be considered:

1. Pre-development and projected post-development wind speeds and their impact on pedestrian movement; and
2. Impact of projected wind speed on the use of and comfort within existing and proposed pedestrian seating areas and other adverse impacts on the surrounding area.

VI. SETBACK FROM EXISTING STRUCTURES

Standard: "The location and design of proposed structures shall not create a detrimental impact on the structural integrity or safety of adjacent structures or the safety of occupants thereof."

In general, the Downtown zoning ordinance does not require specific minimum setbacks from existing structures. The intention is to recognize that this is the most intensive urban environment where buildings sharing party wall conditions and property lines represent a positive and traditional development pattern encouraging a dense and vital urban fabric.

It is important, however, to assure that the location or design of proposed structures does not create a detrimental impact on either the structural integrity of adjacent existing structures or on the safety of occupants within those adjacent structures. The following examples are illustrative of the possible situations where the location and design of proposed structures might result in such a detrimental impact and which should be avoided.

Historically, Portland has been a relatively small-scaled City with a fairly consistent pattern of building height punctuated by landmark structures such as church steeples, turrets or slender towers which provided visual interest and a sense of orientation. Over the last several decades, the character of recent development has been such that the pattern has evolved into a fairly consistent building height of approximately 125 to 150 feet in height, with fairly consistent and box-like building profiles becoming the norm. With the introduction of opportunities for significant increases in building height, there is an opportunity once again to provide a distinctive and exciting skyline composed of lower "background" buildings punctuated by taller landmark structures.

Standard: "Buildings or structures which exceed one hundred fifty (150) feet in height shall be designed so as to provide a distinctive top to the building which visually conveys a sense of interest and vertical termination to the building."

VII. BUILDING TOPS

It is important to assure that developers of new structures Downtown and owners of existing structures understand that buildings constructed at the property line are susceptible to development on adjacent properties without a minimum yard requirement or setback. New structures should be so designed and constructed wherever feasible so as not to burden adjacent properties with conditions where any such subsequent development would be restricted due to potential structural or safety problems.

1. The design of a proposed structure should not create a situation where resulting snow loading might occur on an adjacent structure that would threaten the structural stability of that structure. Alternative approaches to the design and location of the proposed structure might avoid such a snow-loading condition by introducing a setback or step-back from the existing structure or by modifying the design of the proposed structure to avoid a snow-loading condition. With agreement from all parties concerned, another alternative could involve the structural reinforcement of the existing structure or some design modification to the existing structure that would mitigate any potential problem.
2. The design or placement of a proposed structure should not render floor area in an existing adjacent structure unsafe by virtue of eliminating or obstructing means of egress which is required under fire or life safety codes. Alternative approaches for such possible situations might include the creation of suitable alternative means of egress for the existing structure either within or adjacent to the new structure or, with agreement of all parties concerned, on the premises of the existing structure.

For taller buildings, those that exceed 150 feet in height, the design of the building top should visually convey a sense of slenderness and vertical termination while creating visual interest on the skyline. The introduction of sloped, conical, stepping, or otherwise distinctive and ornamental tops can generally make squat buildings seem more slender, provide a distinctive skyline to the City, and emphasize the height of landmark structures.

VIII. VIEW CORRIDORS, VISUAL LANDMARKS, AND GATEWAYS

A. View Corridors

Standard: "The placement and massing of proposed development shall not substantially obstruct public views to landmarks and natural features from those locations identified on the View Corridor Protection Plan."

View corridors play a large role in determining the visual character of the City by revealing destinations and assisting pedestrians and motorists to orient themselves to the layout of streets and to the Downtown. Distant views provide visual and psychological connections to the world surrounding the City. Views may also make connections to the past by juxtaposing the old and the new. Portland's relationship to the water is an important part of its unique character and identity. Key views to the harbor, Back Cove, and landmark buildings are a community resource to be preserved and protected. They create the sense of place that defines Downtown Portland as well as providing orientation to the public moving about Downtown.

The View Corridor Protection Plan identifies significant view corridors in the Downtown. The Plan also identifies the portions of those view corridors from which views along the corridor are important. Generally, the width of the view corridor is established by the width of the particular public right-of-way that is the principal component of the corridor, and the focus of the view is identified. Because of the substantial variation in topography on the peninsula, some level of development may be acceptable within the right-of-way width that does not effectively obstruct views from higher elevations.

With the pre-development view as a basis for reference, the placement and massing of new structure or other development along or within the designated view corridors should not substantially obstruct views to the water or landmark. To accommodate these view corridors, development on individual parcels may need to step taller portions of structures back out of the view corridor or so plan the layout of a development proposal so to site structures on other portions of a site. In some situations, low buildings could be constructed which would not block the particular view corridor. In other cases, parking or site amenities such as open space might be so placed to relate to the view corridor.

Landmark buildings in Downtown Portland help give the Downtown a sense of identity and history, and are important elements for providing orientation to both pedestrian and motor vehicle. The most recognizable landmarks, important symbols of the City and its institutions, are:

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

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

Presently, the distinctive profile of each of the five identified landmarks can be seen against the sky from important streets and squares. This quality contributes to their visual prominence. Typically, they are surrounded by structures of similar or lower height, so they seem an integral part of the areas in which they are located. When landmark buildings are dwarfed by structures of considerably larger scale, they appear as remnants of some bygone era. Development adjacent to these visual landmark structures is encouraged to be considerable of their importance and should assure wherever feasible that the landmarks be read against the sky from important streets and view corridors, and that they be surrounded by structures of similar scale.

To accommodate the protection of views to these landmark structures, it may be encouraged on individual sites to limit building heights or reconfigure building massing through setbacks or stepbacks to ensure that landmark structures can be seen and are not overwhelmed.

C. Gateways

Downtown Portland today has a diverse set of gateway entrances characterized by water, air, and land approaches. The 1983 **Gateways to Portland** study provided an overview of the opportunities presented by gateways in general, including:

- a. Create a newcomer's first impression of the city;
- b. Provide a clear orientation and guiding symbol;
- c. Opportunity as a *pass-by-route* (such as I-295) where the passing view of Portland may be one's only impression of the City;
- d. Provide unique areas for residents and commuters to observe and relate to their city, broadening an understanding of their city.
- e. Provide pleasure of experiencing an attractive and more livable urban environment.

B. Visual Landmarks

f. Image and potential economic impact.

The following list identifies existing significant Gateways:

I-295: From the Portland Jetport to Tukey's Bridge, I-295 offers a succession of dramatic and changing panorama views of the Downtown as one passes by the Downtown along the interstate highway system.

Franklin Street Arterial: The northernmost of two immediate Downtown exits from I-295, the Arterial provides perhaps the most dramatic opportunity to sense the changing topography of the saddle area of the peninsula and reveals the dramatic views to both the Back Cove and Portland Harbor that flank the Downtown.

Forest Avenue from I-295 to Congress Street: Forest Avenue provides the southernmost of two immediate Downtown exits from I-295 and is a major artery serving northwestern Portland neighborhoods and as Route 302 serving western communities. Forest Avenue brings the motorist into the heart of the Downtown near Congress Square. Both the Portland Performing Arts Center and the YMCA are major cultural facilities immediately found on this street.

State Street/High Street: This one-way pair provides access from the northern (Forest Avenue and I-295) along State Street through Longfellow Square, and from the south (primarily the Million Dollar Bridge) along High Street to Congress Square.

Preble/Elm Streets, Baxter Boulevard: Preble and Elm Streets comprise another one-way pair connecting Marginal Way, Forest Avenue, and Baxter Boulevard/Route 1 to the Downtown in the vicinity of Monument Square.

Portland Street: The approach to Downtown along Park Avenue, past historic Deering Oaks Park, and along Portland Street to Preble Street and Cumberland Avenue offers an opportunity for creating a more attractive Gateway entrance through an area that has potential for continued redevelopment. A dramatic view of the landmark City Hall Tower, particularly at night offers visual amenity to this corridor.

Washington Avenue to Cumberland Avenue and Congress Street from the east: Washington Avenue serves as an entry for traffic approaching Downtown from the north with an exit from I-295 and a connection as an arterial along Washington Avenue from Falmouth, and from Munjoy Hill. This approach, bringing traffic through a portion of Munjoy Hill, has the potential to be substantially enhanced and to provide a sense of the mixed-use character of Portland's East End.

Congress Street from the west: This approach ties the Portland Jetport, the Stroudwater neighborhood, and areas westerly to the Downtown connecting at Longfellow Square. This area has undergone considerable change over the last thirty years, and presents an important approach that would benefit greatly by gateway improvements.

Commercial Street: This approach ties I-295, across the Fore River at Veterans Memorial Bridge to West Commercial Street, along the industrial and marine-related mixed use waterfront, connecting to the Downtown in the vicinity of the Old Port.

The Million Dollar Bridge to York Street: After excellent views of the Portland waterfront and Downtown skyline as one crosses the bridge, this entry to the Downtown provides an opportunity to get a sense of the residential and evolving commercial districts which surround and are so important to the Downtown. This path has two branches, one leading up High Streets to Congress Square and the other continuing along York Street to Gorham's Corner and the Old Port.

Harbor Approach: With the islands of Casco Bay serving as residential communities of the City, and with a considerable summer population based on the islands or approaching the City by water, the approach to the Downtown from the water side is quite important. The dramatic views of the waterfront and the City's skyline are important and quite unique opportunities for Portland. The Casco Bay Ferry Terminal, International Ferry Terminal and public or private landings and docking facilities all serve as entry points for residents and visitors alike.

Air approach to Jetport over Harbor: The dramatic air approach over Casco Bay, the Portland Harbor and Downtown Portland offer a spectacular and ever changing introduction to the City.

While each of these entrances to the Downtown is unique, collectively there are opportunities to enhance these entrances by preserving view corridors and panoramic skyline views along or from these corridors, reinforcing and enhancing the scale, character and placement of buildings along these entrance routes, and by encouraging development which reinforces the unique positive aspects and opportunities for each particular Gateway.

At the scale of the streetscape, consistent street tree planting and landscape improvements, consistent sidewalk paving patterns, distinctive informational and directional signage, and lighting programs can reinforce the character and positive impression of each Gateway entrance. The provision of landscaping, paving materials, and other pedestrian amenities should all be of the highest quality and be compatible with and enhance the Gateway experience for both vehicle and pedestrian. Service yards, storage areas, and parking lots should be suitably screened from view along all designated Gateway entrances to the City.

Proposals for development along Gateway entrances to the Downtown are encouraged to examine and reinforce the unique character and opportunity of that gateway entrance to the Downtown in terms of the design and siting of buildings, land uses, and streetscape improvements.

IX. SIGNAGE/AWNING/CANOPIES

A. General

Signs, awnings, canopies and other similar devices are among the most noticeable visual elements of the urban environment. These devices are not only a practical business requirement for a property owner or tenant but also can significantly enhance a storefront, building facade and street environment. Signage designed, constructed, and installed throughout the Downtown should be executed and placed in a manner which is respectful of the character of the building on which it will be located and the character establishing the appropriateness of a proposed sign will be the character and design of those other existing signs which would meet the guidelines presented herein.

Signs, as components of a building facade, are relatively temporary as businesses or tenants change with some frequency over time. The design and installation of signage should recognize this temporary nature of signage and should always be approached with an attitude of reversibility. All signs should be designed and installed in a manner that upon their removal, the character defining features of the building remain intact and that the exterior materials of the building are not permanently or irreparably damaged.

B. Design

1. General

- The design of signage should be respectful of the building on which it is located, carefully designed to fit a given facade complementing the building's architectural features. Signage inconsistent with the architectural style of a building, such as providing "colonialized" signs on a Victorian storefront, is not appropriate.
- The design of signage should be oriented and scaled to reflect the scale and character of movement of people around the building, with an emphasis primarily on the pedestrian and slow-moving traffic.
- Design, selection of materials, and workmanship shall be of high quality in appearance and character, complementary to the materials and character of the building, and convey a sense of permanence and durability.
- In addition, the design of signage on historic structures should consider historic signage that was previously or is currently incorporated on the building. Where clear documentation exists as to the character and design of original or historically significant signage found on that building, every effort should be made to meet contemporary signage needs with a sign designed in keeping with the building's historic signage.

- Generally, flashing or moving lights are not appropriate. Special situations, such as the design of marquees or features relating to special uses such as cultural events or public activities may be appropriate exceptions where sensitively designed and where no safety hazard is created.

4. Illumination

- Colors on signage should be selected which complement the character and color pattern of the building. A sign should not, by virtue of its color, be distracting from the design and character of the building on which it is located. Signs tend to be most effective when there is a contrast in color between the lettering/symbols and the background of the sign.
- Logos or symbols are encouraged where integrated with the proposed sign. Pictographs (such as the creation of a projecting sign in the shape of a key for a lock shop) should be carefully considered and can be an interesting and appropriate feature in some situations.

- Lettering typefaces and words should be selected which are simple, easy to read, and scaled appropriately for both the sign and building.
- Signage is most effective when it is simple and limited in subject matter to the name of the business or property, a street address, and the incorporation of a logo, symbol, or other graphic display that is central to the primary tenant or use of the property. Signage should clearly be incidental to the tenant or use of the property. General commercial advertising unrelated to the principal use is discouraged. Signs advertising businesses or products not found on the property (off-premises signs) are not permitted.

3. Communication

- The size of the sign should relate comfortably in size and scale to pedestrians moving about in the vicinity of the sign.
- No sign shall extend greater than four feet into any public right-of-way or beyond a vertical plane two (2) feet inside the curb line (face of curb).

- The size of proposed signs should be compatible with the scale of the overall building, with the scale and character of the building's architectural features, and with the character of the specific sign location.

2. Size

- Illumination of signage should be compatible with the character of illumination already existing on the building and on surrounding buildings, on existing appropriate signs in the vicinity, and the character of illumination along the pedestrian areas adjacent to the building. Where internal illumination of a sign causes the scale of the sign to become excessive in relation to architectural features of the building due to the sign thickness necessary to accommodate internal devices, alternative lighting should be considered. Backlighting of individual letters may be an acceptable alternative.

- External illumination of signage should be concentrated evenly on the sign itself, with no significant glare or spillover onto adjacent buildings. The light source should be concealed from the direct view of the pedestrian.

- All electrical conduit, transformers, raceways, and wires must be concealed within or behind the sign or face of the building, or be designed as an integral element of the building facade, or be substantially disguised or hidden so as to be unobtrusive to the appearance of the building and sign. The attachment of such devices to the structure should not permanently damage any significant architectural features or the architectural fabric of the building.

C. Placement and Location

1. The placement of signage on all buildings should be carefully considered, taking into account the scale, character and design of the building, the traditional location of signage on Downtown buildings, the location of existing or designed sign boards, lower cornices, lintels, and piers, and the opportunity to use signage as an element to reinforce building entrances.
2. The placement of signage should not visually obscure architecturally significant features of the building. The method of attachment for new signs should not permanently alter or destroy significant features or materials of the building.
3. Where signage is proposed on window surfaces, such signage should not substantially obscure visibility through the window.

4. Generally, the placement of signage should occur below the sill of the second story windows. Where the design of the base portion of the building establishes some higher location as an appropriate location and where such location complements the character of appropriate signage on adjacent buildings or architectural features of adjacent buildings, alternative locations should be considered. Where unusual site characteristics exist or where exceptionally well-designed and integrated signage is proposed, placement elsewhere on a building will be considered. Painted signs on upper story windows, such as stenciled names of professional firms, are acceptable provided they do not detract from the character of window design.
5. In addition to placement criteria above, the minimum height of projecting signs, awnings, canopies, and marquees above the sidewalk shall conform to the current BOCA National Building Code. Further, projecting signs should be placed high enough to prevent vandalism.
6. No signs should extend or be placed above the roof or parapet line of any building. The development of taller buildings Downtown provides an opportunity for significant impact on the character and attractiveness of the City's skyline. Through other design guidelines dealing with rooftop appurtenances and ornamental building tops, the design of taller structures is encouraged to create architectural design rather than through a corporate logo or name emblazoned at the top of tall structures. Therefore, no signage should be placed on portions of buildings or structures exceeding 125 feet in height.
7. No private signs should be placed in the public way without specific license by the City.
8. Freestanding signs, excluding public information signs, are discouraged. Signage should be incorporated with building features or with integral site features such as planter walls.
9. The placement of signs shall not disrupt or obstruct the vision of drivers or pedestrians so as to create a hazardous situation. No signs should be so located as to significantly obstruct pedestrian circulation.

D. Number of Signs

1. The proliferation of signs within a dense urban environment can lead to visual confusion and a sense of clutter. The number of signs for each tenant or building should be kept to a minimum while recognizing the need for identification and visibility. Building signs and projecting signs should be limited to one per building street frontage for each business or tenant.

2. Where multiple signs occur on a single building, there should be a common pattern and character between such signs. Signs need not all be identical, but there should be a common pattern of placement, general design, and illumination.
3. Where multiple tenants are served by one sign or a grouping of signs, the signs should be treated as a building directory with the building name and/or address most prominent and the names of individual businesses or tenants subordinate in the directory design. Such directories should be located at or near building entrances and should be scaled so that individual names are visible to the pedestrian.

E. Guidelines for Special Categories of Signs

In addition to the guidelines described above, certain types of signs require special guidelines that relate to their special character or purpose.

1. Awnings, Canopies and Marquees

These signs serve both as decorative and multi-functional devices. In addition to the color and character they can add to the visual environment, these features serve to protect pedestrians from adverse weather conditions, entice pedestrians to pause and view merchandise on display in storefronts, can protect displays from intense sunlight and can provide visual relief to otherwise flat or unarticulated facades. The shape and size of these devices should correspond to the shape, character, and size of the opening over which they will be installed, and should fully fill the width of the individual window or door opening. These devices should be designed and located to be compatible with other appropriate and similar features on the same building or on buildings in the vicinity. These devices should not obscure architecturally significant elements of the building.

2. Public Information Signs

This category of signage includes informational signage such as traffic regulations, transit information, public announcements or community activity information, and historic markers, as well as directional signage such as street signs and directions to major civic, arts or cultural facilities. Wherever possible, these signs should be designed and located so that they complement the character of the environment in which they are placed. Such signs may be free-standing as necessary to effectively serve their purpose. These signs may be located off the premises to which they refer.

8. On-Site Service Signs

On-site service signs for such needs as identifying parking entrances and exits, handicapped parking spaces or handicapped access, drive-thru teller signs, and other similar directional signs should be considered as a whole system, coordinated in size, materials, design, and character within a single property and with adjacent properties.

F. Maintenance

All signage should be maintained in good visual and structural condition.

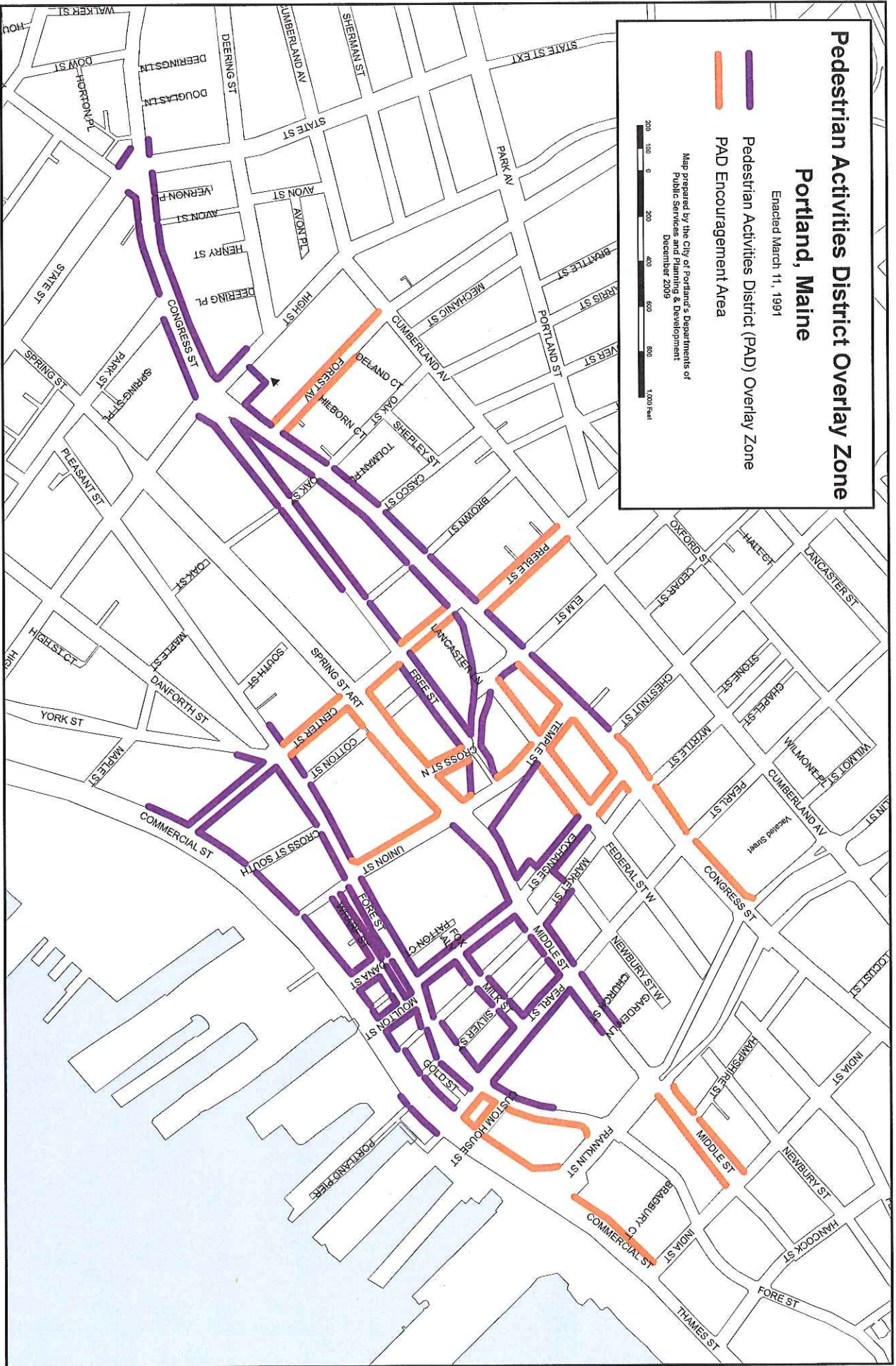
Pedestrian Activities District Overlay Zone

Portland, Maine

Enacted March 11, 1991

-  Pedestrian Activities District (PAD) Overlay Zone
-  PAD Encouragement Area

Map prepared by the City of Portland's Department of
Public Services and Planning & Development
December 2009





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- PERMITTING
- AIRPORT ENGINEERING
- SITE PLANNING
- CONSTRUCTION ADMINISTRATION

MEMORANDUM

DATE: October 2, 2012
TO: Shukria Wiar, City Planner
FROM: Steve Bushey
SUBJECT: 119 Exchange, Press Herald Building Hotel Conversion

Shukria,

The accompanying letter of intent between Metro Media Properties, LLC and 119 Development LLC outlines the agreement for the use of fifty (50) parking spaces at the 385 Congress Street parking lot, formerly occupied by Gannett Publishing and the Portland Press Herald.

Parking Requirements

According to Section 14-332 (c) of the land use ordinance, hotels shall require one (1) parking space for each four (4) guest rooms. The proposed hotel conversion includes 110 guests rooms for a parking requirement of 28 spaces. The proposed building use also includes an 80 seat restaurant space. The Code requires one space per 150 SF of floor area not used for bulk storage or food preparation. The preliminary floor plans indicate a restaurant space consisting of less than 2,000 SF of dining floor area. This equates to a parking requirement of 14 spaces. Based on the Hotel and restaurant uses the total parking requirement is 42 spaces. By providing an agreement for at least 50 spaces at the nearby 385 Congress Street site, the applicant appears to meet the parking supply requirements per the Code. As is customary with downtown uses, we also expect that patrons to the Hotel and restaurant may use other nearby parking resources, including short term on street parking and longer term surface and structured parking lots. It is anticipated that the Hotel operator will offer valet parking service to patrons thus aiding with routine parking demand and orderly handling of parking needs.

Existing Conditions

We note the following with respect to the on-street parking immediately surrounding the building:

- On Exchange Street there are currently seven (7) spaces, three of which are metered and the remaining unmetered. It is understood there are 4 unmetered spaces because the installation of the meter posts in the sidewalk may have conflicted with the basement space roof which lies below a portion of the Exchange Street sidewalk. The project

proposal includes the installation of a curbline bump out in front of the building's Exchange Street entrance. This will eliminate at least one parking space.

- Currently there are three (3) unmetereed parking spaces along Federal Street.
- Market Street currently contains eleven (11) unmetereed angled parking spaces. Again in the installation of meters is precluded due to the basement space below the sidewalk. There is also loading/unloading space along the Market Street frontage. This space is expected to remain for use by the Hotel operator; however, dimensionally it may be modified to potentially provide one or two additional parking spaces. The applicant is also interested in discussing with City officials the potential to re-orient the angled parking so as to require all vehicles to back into the spaces, thus potentially improving safety. We also want to consider the placement of additional bicycle racks along at least the Market Street sidewalk.
- There currently is no parking along the Congress Street frontage and the applicant is not proposing any.

Moving forward, we expect to provide some additional conceptual sidewalk improvement plans detailing some of the items discussed above in the near future. We trust that this information helps with the understanding of parking demand and supply conditions for the project.

Attachment – Letter of Intent

Srb/jn3143.01/admin/permitting/2012-10-02 War parking.doc

September 17, 2012

James Brady
119 Development, LLC
17 Chestnut Street
Portland, Maine 04101

RE: Parking - 385 Congress Street, Portland, Maine

Dear Mr. Brady,

The following terms represent the general terms and conditions under which Metro Media Properties, LLC (Landlord) and 119 Development, LLC (Tenant) are willing to move forward toward a binding lease agreement for parking spaces located at 385 Congress Street, Portland, Maine.

Letter of Intent to Lease

Address: 385 Congress Street, Portland, Maine

Landlord: Metro Media Properties, LLC

Tenant: 119 Development, LLC

Property: Fifty (50) parking spaces located at 385 Congress Street, Portland, Maine


Term: The term of the lease shall be agreed to by the parties prior to a binding lease agreement.

Rate: The lease rate for said parking spaces will be agreed to by the parties prior to a binding lease agreement.

Non Binding: This Letter of Intent represents the general terms under which the parties are willing to move forward. The parties will not be bound by any of the terms of this agreement until a mutually agreeable and fully executed lease agreement is received.

Seen and agreed to this 17th day of September, 2012

METRO MEDIA PROPERTIES, LLC


By: John Cacoulidis
Its: President
119 DEVELOPMENT, LLC

By: James Brady
Its: President