
Re: [External] 1363 Washington Ave Portland - Taco Bell - 2016-007

1 message

Jean Fraser <jf@portlandmaine.gov>

Mon, Nov 5, 2018 at 3:38 PM

To: Kurt.Overmyer@guggenheimpartners.com

Cc: Jodie Keene <jkeene@portlandmaine.gov>, "dfenstermacher@vhb.com" <DFenstermacher@vhb.com>

Hello Kurt

The city was and is concerned about safety at this location as it is a route to school and already a high crash location.

The city's Traffic Engineer (Tom Errico of T Y Lin) initially recommended denial of the application based on the access situation, so the conditions of approval are quite important. He does not consider that the *Crash Study* supports leaving the status quo for the Taco Bell access (with no restrictions), and these were the comments recently sent to Kyle and Dave:

Tom has noted three concerns regarding your report:

- *That based on the data, the implementation of a right in/right out only restriction appears to be warranted;*
- *That the absence of crashes in the spring may be because of a seasonal aspect, or related to changes in the total number of trips into/out of Taco Bell, so it is not necessarily indicative of a trend;*
- *That in view of Kyle's comment that business was less than expected during this first year, the crash rate may be related to that - and if business improves there may be more crashes.*

So he would like to see the data for the rest of calendar year 2018 before making a determination on this.

He also noted that the abutting Rite Aid building (with driveway) is now empty and strongly recommends that Taco Bell take advantage of the opportunity for joint access arrangements that would remove some of the turning movements on Washington Ave. It could be that the difficulty of access (and concerns by potential customers of having a crash) deters potential customers, so this might help business there.

In the absence of supplementary data requested in that e-mail (or arrangement of additional access via the abutting Rite Aid drive), I have been directed to arrange for enforcement action per the condition (see attached approval letter that lists the conditions), and the city attorney is preparing a letter to both your firm and to the current owner/operator. I have "held" regarding sending the letter as I understood that Dave was going to be briefing you on the situation.

In this case the restriction would be a center median in the Washington Avenue ROW that prevents left in and left out movements from Taco Bell. Due to weather this might not be able to be implemented immediately, so the interim restriction would be signage stating no left out and no left in.

If the access link between Taco Bell and the Rite Aid drive were implemented in the near future, these restrictions would not be required. All of the city engineers feel the connection to the Rite Aid drive is the best solution and strongly encourage this to be pursued now.

In view of the safety context I would appreciate clarification from you as to how Guggenheim plans to move forward on this. It would be helpful to hear from you before I meet with colleagues on this issue tomorrow afternoon.

thank you
Jean

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On Thu, Nov 1, 2018 at 4:31 PM Fenstermacher, Dave <DFenstermacher@vhb.com> wrote:

Good Afternoon Jean and Jodie,

I've Cc'd Kurt Overmyer from Guggenheim who has taken the project over from Kyle. I have forwarded the emails that have recently been sent.

Thank you,
Dave

David Fenstermacher
Director of Land Development

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From: Jodie Keene [mailto:jkeene@portlandmaine.gov]
Sent: Friday, October 26, 2018 12:16 PM
To: angel.robinson@guggenheimpartners.com
Cc: Fenstermacher, Dave <DFenstermacher@VHB.com>; James Dealaman <jdealaman@portlandmaine.gov>
Subject: [External] 1363 Washington Ave Portland - Taco Bell - 2016-007