

# Responses to Questions Posed by the City Council Regarding Submissions for the Maine State Pier Redevelopment

*3 August 2007*

Portland, Maine  
City Council



Submitted by:



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*Throughout the body of this response, we refer to several different responses to questions. For ease of referral, we include graphic covers of each of these documents below.*





## Responses to Questions for Developers

Ocean Properties Limited (OPL) has reviewed the questions posed by the City Council on July 27, 2007 with regard to the Maine State Pier (MSP). Most, if not all, of the answers to these questions have been provided in previous submissions or formats. We appreciate the opportunity to summarize them for the Council and pull them together in this document to facilitate further discussion and decision-making with regard to our project.

The following section addresses the specific questions posed by the Portland City Council:

1. *The primary reason the City undertook an RFP process for the Maine State Pier was to financially address the issue of the pier's deteriorating condition and lack of City resources to address the problem. From an engineering standpoint, how has OPL's proposal addressed the issue to protect the structural integrity of the pier?*

OPL's Lead Consulting Engineer, Maguire Group Inc. (Maguire) has a long history of involvement with the structural components of the MSP, beginning with the design of the 1982 modifications and more recently, the completion of a structural inspection for the City of Portland in 2005. OPL's program of repairs and upgrading of the pier and other marine structures on the site are based upon Maguire's knowledge of the structures as well as a number of other reports by other consultants that addressed structural conditions. Also considered were the modifications required to support the intended uses of the MSP under the OPL development proposal, in particular the berthing of ocean-going cruise vessels, over an extended period of time.

OPL has extensive experience in building, operating and maintaining port facilities and understands that even with an aggressive program for updating and repairing the MSP, the facility will require a program of constant preventative maintenance in order to prolong its useful life and minimize major repairs in the future. We expect to turn the facility over to the City at the end of the lease period in good structural condition suitable for the uses at that time. In order to do this, OPL will be constantly maintaining and updating the facility as needs and demands change. The following is a summary of the initial repairs and improvements to the MSP and a detailed discussion of each.

### Summary of Waterfront Improvements – Cost Estimate

<b>MSP Modifications and Repairs</b>	
Skirt Wall on West Edge of MSP	\$500,000
Stone Seawall	230,000
Pier Deck, Concrete	300,000
Pier Deck, Timber	200,000
Pier Deck Timber Stringers and Pile Caps	100,000
Pier Lateral Bracing	450,000
Timber Pile Replacements	400,000
Steel Pile Coating Repairs	1,000,000
Miscellaneous Pier Repairs	200,000
Dolphins and Fendering	4,000,000
<b>New Construction</b>	
Tug Boat and Whale Watch Pier	3,500,000
Misc. Floats and Gangways	200,000
<b>Total:</b>	<b>\$11,080,000</b>

These numbers do not address the costs of development of the parks and open space or the required structural improvements on the Pier to support the proposed buildings. The total anticipated construction costs, when considering these elements of the project, are approximately \$18 million, as demonstrated in previous correspondence.

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### **MSP Modifications and Repairs: Skirt Wall on West Edge of MSP**

The existing skirt wall was studied by Appledore for the City in 2006. This study has been reviewed by the OPL team and we generally concur with its findings. As part of the total redevelopment of the MSP, the skirt wall repairs will be performed concurrently with other construction including other pier repairs, foundation construction for new structures, utility upgrades and pavement reconstruction. Cost-efficiencies will be realized by these combined construction activities. The resulting budget of \$500,000 for the skirt wall repairs reflects these cost savings over the previous study estimates.

### **MSP Modifications and Repairs: Stone Seawall**

The stone seawalls were inspected for the City in 2000. Stone seawalls date back from a different era when the supported land was not paved and any soil loss through the wall was readily repaired. They were not intended to be "soil tight." With our current requirement for hard pavement, any soil loss due to erosion through the wall and subsequent ground settlement is less acceptable. In the vast majority of the cases it is not a situation where the wall is failing, but rather one of soil loss. If there are any areas with significant soil loss, these would be identified during the design phase, and remedial measures taken, such as excavating to expose the back of the wall, installation of chinking stones, filter fabric, and replacement of the granular backfill. At the landward end of the pier, these repairs can readily be accomplished when the area is excavated for pier utility services that will pass through the area.

The cost to perform the type of repair described above will be quite inexpensive, on the order of \$80,000 for 150+ feet of seawall and probably much less if the repairs are done in conjunction with other utility, foundation, or paving work.

The stone seawall extends along the majority of the shoreline east of the MSP for approximately 350 feet. The top of the seawall is irregular due to numerous factors, such as original construction geometry, removal of timber decks and piers, occasionally due to loss of the top stone, or even scavenging of stones for other uses. A budget of \$150,000 has been allocated for repairs and modifications of the stone seawall to make it compatible with intended pedestrian uses.

### **MSP Modifications and Repairs: Dolphins and Fenders**

None of the engineering reports included in the RFP dealt with fender piles in any detail. Experience has shown that timber fender piles are only suitable for small vessels. A new fender system will be provided, consisting of four new berthing dolphins to support fendering and mooring requirements of large vessels. The dolphins will be equipped with large, state-of-the-art fenders to absorb berthing energy from cruise ships and other large vessels. The face of these dolphins would be closely aligned with the line of the existing timber fenders to facilitate berthing of smaller vessels. The dolphins would be made integral to the heavily reinforced crane-rail portion of the pier, constructed by Bath Iron Works in 1982, which extends along the entire length of the pier. The existing system of timber fender piles would be maintained between the dolphins to support smaller vessels (such as excursion, fishing boats, small tugs or ferries) that would be too small to span between dolphins. Marine hardware on the existing pier would also be upgraded to accommodate this mix of various sized vessels. The replacement of the timber beneath the pier would restore the lateral capacity necessary to withstand the berthing and mooring loads associated with these smaller ships. The cost of dolphins and fendering modifications is estimated to be \$4.0 million.

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### **MSP Modifications and Repairs: Pier Deck, Concrete**

The MSP has two areas of concrete deck. The shoreward 600 feet of the original 1922 pier was constructed with a concrete deck, while the outer 400 feet has a timber deck. Sixty years later, in 1982, the pier was modified by Bath Iron Works by the addition of a 10-foot-wide concrete deck running the full length of the pier. This additional deck width is supported on steel-pipe piles. An additional row of pipe piles was installed through the existing deck just outboard of the warehouse to support crane rails for a gantry crane.



This crane is still in position on the pier. Under the current proposal, much of the existing pier will be covered by buildings, either renovated or new construction, and the deck will therefore continue to be protected from the elements. Other portions of the deck will be replaced, covered or otherwise modified or protected as part of the hard-scape and landscape construction.

A condition survey and study of the pier deck was last completed for the City in 2005. The condition of both the 1922 and 1982 deck construction was generally good to excellent, probably due much in part to the fact that the warehouse covers most of the pier, protecting the deck from the elements. These observations are consistent with those of other inspections in the past ten years. In the most recent deck inspection, the few isolated spalled areas total approximately 400 square feet. The total of these damaged deck areas represent a fraction of one-percent of the total deck area. There are also isolated areas where concrete pile caps are damaged and areas where they should be extended downward to connect to timber piles that have pulled out or otherwise are out of position. Allowing for escalation and possible increase in damage in the ensuing months, a budget of \$300,000 has been established for deck repairs.

### **MSP Modifications and Repairs: Pier Deck, Timber**

Recent inspections have indicated that the condition of the timber deck is good. With the existing bituminous topping, it is not possible to inspect the actual timber; however, as the majority of the pier deck is protected by the warehouse, it is reasonable to expect that the timber deck is generally in need of little repair. There are peripheral portions of the deck that are not covered by the warehouse, and an amount of \$200,000 has been budgeted to deal with these potential areas.

### **MSP Modifications and Repairs: Pier Deck, Timber Stringers and Pile Caps**

Both the 2000 and 2005 inspections noted a few deficiencies with timber stringers and timber pile caps. A budget of \$100,000 has been established to deal with these structural timber items.

### **MSP Modifications and Repairs: Pier Lateral Bracing**

There is virtually no bracing existing beneath the pier. By connecting the new dolphins to the existing concrete deck, it may be practical to develop some or much of the required lateral restraint. It is therefore anticipated that it will not be necessary to replace all of the bracing as indicated by the original design.

Based upon the 2005 condition survey, the cost to replace the necessary bracing is estimated to be approximately \$450,000.

- 1. The primary reason the City undertook an RFP process for the Maine State Pier was to financially address the issue of the pier's deteriorating condition and lack of City resources to address the problem. From an engineering standpoint, how has OPL's proposal addressed the issue to protect the structural integrity of the pier?*

### **MSP Modifications and Repairs: Steel-Pipe Pile Coatings**

As noted above, two lines of steel-pipe piles were installed in 1982 as part of pier modifications undertaken by Bath Iron Works. Inspections have revealed some deterioration to the coatings on these piles. The approximately 250 pipe piles should be cleaned and inspected, and the coating repaired. The budgeted amount for this work is \$1,000,000.



### **MSP Modifications and Repairs: Pile Replacements and Miscellaneous Repairs**

Additional repairs may be required to replace deteriorated timber piles which are identified as being critical to the structure. The investigations completed in the past few years for the City did not specifically identify that there were any critical piles; however, it is prudent to anticipate that subsequent inspections will identify some critical locations. The cost to replace a budgeted amount of 50 individual piles is \$400,000

### **Changes to the Carrying Capacities of Resulting Structure from Proposed Improvements**

As presently envisioned, there will be no specific changes in the carry capacities of the pier. In the current deteriorated condition, the pier capacity has already degraded from its original design capacity. The proposed repairs to the pier will be adequate to make the pier structurally sound, arrest deterioration (repair holes in piles), and to restore critical components such as replace the function of the skirt wall and replace necessary lateral bracing. In some areas, it may not be necessary to restore full live-load capacity to the entire pier for the pier to perform its requisite functions. The pier edge will be maintained to perform its function to support vessel supply and minor maintenance. Areas under all vehicle circulation, parking and emergency-access vehicle routes will be maintained to support truck loadings. Park areas, open-space, promenades and other pedestrian areas may function satisfactorily with load-carrying capacity that is less than that required for the current warehouse functions. Additionally, it is not proposed specifically to repair the pier in those areas occupied by new structures, e.g., the office building. These new buildings will be supported by all new foundation structure, and the existing pier becomes redundant. The extent to which the existing structure may be incorporated into these new functions will be explored in detail during final design.

**2. Explain parking demand for OPL's proposed plan, and your solution/requirements.**

The whale watch trips were previously estimated based upon a maximum of 320 passengers. Current plans call for a maximum of 200 passengers. Using the same 3 persons/vehicle assumption results in a need for 67 spaces for the whale watch activities. The ferry services, based upon 150 passengers, results in 50 spaces. As previously noted, many of the whale watch and ferry trips are expected to be shared trips with other on-site uses, such as hotel guests and restaurant patrons. The shared marine-use trips were assumed to be 20%, based on information provided by OPL, as outlined in our June 6<sup>th</sup> submittal to the CDC. The parking for all other uses was based upon the ordinance requirements. The overall parking needs for the OPL plan are outlined below:

<u>Use</u>	<u>Ordinance Requirement</u>	<u># of Spaces</u>
Restaurant	1 per 150 sf (15,400 sf)	50
Wholesale/Co-op Space	1 per 200 sf (18,944 sf)	95
Office	1 per 400 sf (102,000 sf)	255
Warehouse/Storage	1 per 1,000 sf (14,000 sf)	14
Hotel	1 per 4 rooms (200 rooms)	50
Retail	1 per 200 sf over 2,000 sf (6,750 sf)	33
Whale Watch*		54
Ferry Services*		40
<b>Total:</b>		<b>591</b>

\* As outlined in our June 6, 2007 submittal.

The ordinance and marine estimates indicate that we will need 591 parking spaces during periods when the proposed marine activities are at peak. Since the project is a mixed-use project and not all uses peak at the same time, there are some parking efficiencies. Based upon the Institute of Transportation Engineers (ITE) "Parking Generation, 3rd Edition," the peak parking demand periods for each of the proposed uses is outlined below:

<u>Use</u>	<u>Required Spaces</u>	<u>Peak Demand Period</u>
Restaurant	50	6 – 9 PM
Offices/Storage	269	10 AM – 3 PM
Hotel Use	50	11 PM – 5 AM
		12 – 1 PM
		7 – 10 PM
Retail/Market	128	11 AM – 3 PM
		6 – 7 PM
Ferry & Whale Watch*	94	8 AM – 5 PM

\* Based upon projected peak summer schedule

Based upon the above information, the peak parking demand for the overall site occurs mid-day. The ITE percentage demands for each use during this 11:00 AM to 3:00 PM period are outlined below. It was assumed, to be conservative and lacking ITE data, that the whale watch and ferry services would remain at 100% demand during these hours.

<u>Use</u>	<u>Required Spaces</u>	<u>11 AM</u>	<u>Noon</u>	<u>1 PM</u>	<u>2 PM</u>
Restaurant	50	11	32	30	37
Offices/Storage	269	256	253	258	269
Hotel Use	50	50	49	45	41
Retail/Market	128	110	128	125	116
Ferry & Whale Watch	94	94	94	94	94
Totals:	591	521	556	552	557

As can be seen in the data above, due to parking efficiencies, we will need a maximum of 557 spaces. The parking analysis that we prepared at the request of the CDC showed that there were no spaces available for lease within 1,000+ feet of the Pier. As a result, we are proposing to provide the majority of these spaces on site. Our plan provides 417 parking spaces (or 75%) on site. There will be 99 spaces located in a small garage at the beginning of the Pier, opposite the Casco Bay Garage, while 318 spaces will be underground, accessed from India Street.

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**2. Explain parking demand for OPL's proposed plan, and your solution/requirements.**

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It is important to note that the total parking demand, as well as trip generation, will vary significantly based upon time of year since both the whale watch and ferry uses, as well as Maine's overall tourism industry, are seasonal in nature. The peak demand will occur during the summer months when both tourism and the marine operations are at their peak.

We understand the importance of supplying sufficient parking to support the commercial uses on the site and will devise a plan to address the additional parking needs during the peak demand periods. It is also important to provide adequate parking to avoid congestion, which can result when vehicles circle an area numerous times trying to locate parking, resulting in extra trips through the area. It is also important to note that the use of off-site parking, served by valet service, actually increases the number of trips to a site. For example, a hotel guest would drive to the hotel and an attendant would then remove the vehicle from the site. When the guest wanted to leave the hotel, the attendant would need to retrieve the vehicle before the guest could subsequently depart, thus doubling the number of trips.

During high-demand periods, hotel and marine tour employees will park at Sable Oaks and be shuttled to the pier. Ocean Properties currently operates a shuttle service for Sable Oaks and the Holiday Inn Express, which will be expanded to also serve the pier. This shuttle service will be used to bring tourists from other hotels to the marine tours and ferry services, reducing both the number of trips to the pier and the parking needs. Currently, Ocean Properties provides van service for its hotel guests to the airport, to the mall, and to the intermodal train/bus station on Congress Street. It is expected that this shuttle service will also be expanded to serve the new hotel.

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**3. Show in detail how OPL's plan will be integrated with Ocean Gateway (i.e., security, queuing, handling of cruise ships, passengers, etc.).**

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This question concerns the extremely important operational issues between the MSP and Ocean Gateway. Most of these issues were addressed in Section A of OPL's June 22, 2007 submission in response to similar questions and concerns raised by Captain Jeff Monroe in his memo dated June 14, 2007. To summarize the response made at that time:

- OPL is an experienced marine facility owner and operator very familiar with all issues relating to managing and operating cruise ships and other marine facilities catering to ocean vessels.
- A *Traffic Management Plan* has been submitted that shows how traffic will be managed on the site, including vehicles entering from Commercial Street and India Street, vehicles using the Casco Bay Island Transportation facilities, the Tug Boat Pier, and proposed parking garages.
- Buses servicing cruise passengers will be staged in the queuing area for the international ferry, with a shuttle vehicle being available for those who chose not to walk to this area from the cruise ship. All passenger and ground transportation will be managed from the Cruise Terminal Building and at the security gates.
- The level of passenger security will depend upon the MARSEC Level issued by the Coast Guard at the time of berthing and will be based upon activities required by the Facility Security Plan (FSP). The FSP will be developed and organized in concert with a similar FSP developed and in place for Ocean Gateway.
- Emergency vehicles will have two points of entrance to the cruise ship service apron, at Security Gate 1 and Gate 3.

We are quite comfortable that Ocean Gateway and the MSP facilities, as proposed by OPL, can be managed in an integrated manner. We feel certain that some of the required operations, such as security and traffic management, will be joint operations between OPL and the City's operational staff and look forward to working with the City to this end.

Again, please refer to OPL's June 22, 2007 submission (Section A, pages 1-3) for more details on this issue.

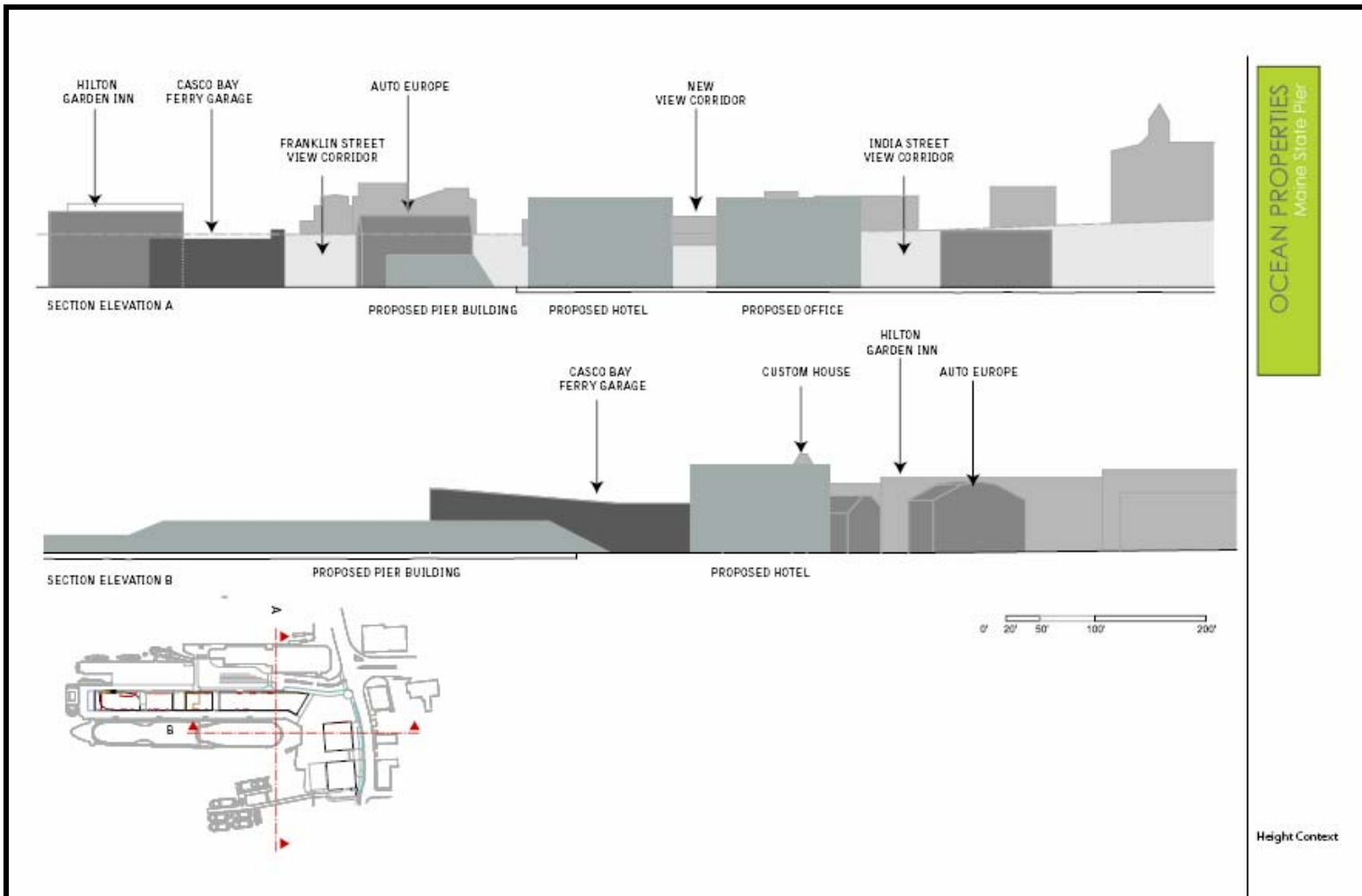
4. *Show height relationship of OPL's proposed development, with surrounding area and existing buildings.*

The height and spatial relationship of the proposed hotel, office and pier buildings to the existing context are depicted on the Height Context graphic below. The reference plan on this figure shows the location and direction of the section/elevations.

The section/elevations depict the creation and protection of view corridors at Franklin Arterial, between the proposed hotel and office and at India Street. The Auto Europe building looks out over Harbor View Park, the roofscape, and views of Casco Bay. Other buildings along Commercial have oblique views of the water or are part of the pattern defining an urban streetscape.

The pier building will remain at the existing approximate height of 29 feet. The hotel will be approximately 12 feet higher than the Hilton Garden Inn and approximately 14 feet higher than the ridge of Auto Europe. Cruise ships at the deep-water berth will be approximately the same height as the buildings. In general, the buildings are comparable in height to the existing and proposed uses in the area, as well as the rise of the terrain to Congress Street.

**OPL Height Context Graphic**



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### *5. How has OPL's proposal confirmed to Eastern Waterfront Guidelines?*

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The Eastern Waterfront Design Guidelines (EWDG) were adopted by Portland's Waterfront Development and Master Planning Committee on January 23, 2002, and were included in the current Maine State Pier RFP. Those Guidelines were an outgrowth of the significant planning effort by the Planning Committee, focused on the adjacent Ocean Gateway Project, with the anticipation that waterfront development would inevitably move westerly along the waterfront.

The EWDG are guidelines, always intended to supplement the ordinances, statutes and regulations which would also control waterfront development, including the Maine State Pier. Each of the individual guidelines comes with a fair amount of subjectivity, recognizing that they would have to be applied consistently with the requirements of the underlying ordinances. The newly enacted Eastern Waterfront Port Zone (EWPZ) for the Maine State Pier is a case in point. The text of that City zoning ordinance allows a range of uses which would not be consistent with State and Federal regulations, and some of which changed after the RFP submissions period closed. The daunting task for the site designers was, and is, to design a project which honors the EWDG and which, at the same time, complies with current local, state and federal regulation.

OPL's initial submission on February 22, 2007 was based upon the specific RFP criteria, EWDG and EWPZ, and met each criterion therein. In the course of subsequent CDC/Staff requests for further information, permitting analysis and amended ordinances which followed, that original plan was refined, although the components remained the same.

OPL's redevelopment plan is a dynamic and sensitive expression of signature architecture and open space. The project complements and is compatible with the surrounding buildings and spaces. View corridors are preserved and created. The office and hotel on Commercial Street echo, but do not mimic the great buildings in the area. The pier building/roofscape and Harbor View Park will be appreciated as a defining open space in Portland's park system including the Western and Eastern Promenade, Deering Oaks, and Back Cove. More than seven acres (7.3 acres) of the 7.5-acre site is publicly accessible open space.

The three proposed primary buildings are appropriate to Portland and will also add to the reputation of the city as a place of innovation. The buildings will utilize historic as well traditional materials, composition, and spatial relations—creating a place that is both familiar and new, but ultimately recognized as a pier redevelopment.

Ocean Properties works in cities throughout North America, and the quality of construction, materials and design – both inside and outside – is appropriate for each location and meets the highest standards. This redevelopment scheme adds to the quality of life for Portland residents and visitors by creating a place through preservation and enhancement of the working waterfront.

The redevelopment plan is a unique place, unlike any waterfront or park in Portland. It is of regional significance in its design innovations and proposed uses. However, the site is not over programmed. The open spaces are flexible for multiple uses and the proposed pier buildings are also flexible with elegant but durable facades. The uses of the spaces can evolve over time through expansions or subdivision.

The project is proposed to be built in one phase; however, phasing is an option, particularly if flexibility is needed to coordinate with either seasonal or adjacent development issues.

The Ocean Properties' proposal is designed in the spirit and terms of the Eastern Waterfront Guidelines, particularly with a master planned parking scheme, a focus on water-dependent uses, buildings defining open space, and an overall meshing with the existing and proposed street system. In addition, the view corridors and open space maximize visual and physical connectivity to the water.

There is no surface parking. Cars are either located under Harbor View Park or under the pier roofscape. This parking is critical to not only the success of the project, but to minimizing impacts in the area or requiring additional structured, highly visible parking in the Eastern Waterfront. The on-site parking is integrated with a new METRO stop, a proposed loop shuttle system servicing a satellite lot, the airport and the Congress Street intermodal system. Pedestrian zones are clearly delineated and improvements have been coordinated with both the METRO and CBITD. Bike racks will be placed in strategic sheltered locations. Both the Harbor Walk and the Commercial Street sidewalk create direct links with the Eastern Promenade Trail and pedestrian connectivity to adjacent neighborhoods.

**5. How has OPL's proposal confirmed to Eastern Waterfront Guidelines?**

As currently evaluated, the project has an LEED gold rating. This is achieved through an acre of photovoltaics, extensive green roofs and parks, day lighting, a new METRO stop and taxi stand, bike rentals, high speed intercoastal ferry service, the proposed shuttle service and parking spaces reserved for carpooling and electric car recharging.

More information on how the redevelopment plan conforms to the Eastern Waterfront Guidelines can be found in the OPL June 6<sup>th</sup> submittal, Section B.



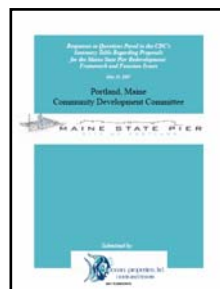
**6. How does OPL's proposal intend to deal with traffic?**

The project is expected to generate 300 to 400 new, one-way trips during peak hours, under peak summer conditions. These trips will be split between the Franklin Arterial and the India Street access points, with more trips going to and from India Street given the greater parking that will be located there. Directional signage would be installed on the Franklin Arterial to direct visitors to India Street, prior to Commercial Street, to lessen the trips at the Franklin and Commercial Street intersection. Again, shuttles will be utilized to reduce the trips under peak summer conditions.

The entrance/exit to the smaller garage at the beginning of the Pier is located directly opposite the Casco Bay Garage entrance. This will allow MSP traffic to use the garage without traversing through the CBITD operations area, addressing the concern we heard from CBITD.

We performed preliminary traffic analysis using estimated 2025 traffic volumes from the Ocean Gateway study. This analysis indicated that acceptable traffic operations can be obtained at both of the Commercial Street access intersections. Signalization would likely be required at the intersection of India Street/Commercial Street. Given that the trips can be accommodated at the access intersections, where the volumes are greatest (since they are reduced as they disperse from these locations), no critical impacts are anticipated at other off-site study area intersections.

Since peak-hour trip generation will exceed 100 trips, the project will require a Traffic Movement Permit from MaineDOT. We have already met with DOT and while some mitigation will likely be required, such as signalization or turn lanes, no permitting obstacles are anticipated. A letter from MaineDOT confirming this, as well as the overall permitability of our proposed plan, was included as an attachment at the very end of the OPL May 23 submittal.



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*7. Explain how OPL's proposal incorporates open space, public access, and pedestrian circulation. Also, address concerns expressed by Portland Trails letter of May 24<sup>th</sup>.*

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OPL's redevelopment plan creates and maintains important pedestrian connections between the Old Port and the Eastern Waterfront. This project is first and foremost about marine development and public access to the waterfront. Ocean Properties has struck a perfect balance between these uses with a plan that carefully addresses view corridors, an integrated parking plan, clearly delineated pedestrian zones, a wide view shed at the Franklin intersection created by Harbor View Park, and over seven acres of publicly accessible open space.

The Eastern Promenade Trail is assimilated with the project through the Commercial Street sidewalk or the Harbor Walk that completely wraps the edge of the waterfront. Pedestrian connectivity is maximized in the plan. Public spaces are inviting and fused with the architecture. Moving from Franklin Arterial across Harbor View Park, one can literally walk up over the roofscape of the Pier building for approximately 1,000 linear feet to the harbor. One can also pass under a cantilever of the southwestern corner of the hotel that also frames a dramatic view of Casco Bay. Whether walking along the roofscape or passing under the cantilever, the public is drawn into Harbor View Park, a civic cornerstone of the project.

Throughout the project there is also a flow and integration of buildings, open space, the waterfront and adjacent land uses. A 50-foot-wide "Wharf Street" passageway is proposed between the hotel and the office, creating a view of the harbor and drawing pedestrians into the site. The India Street view corridor is preserved with a new view overlooking the proposed tugboat pier. This pier will make a dramatic gateway to the redevelopment as one moves along the Eastern Promenade Trail.

A new 20-foot-wide sidewalk provides safe access to South Point Park along the western edge of the Pier building. Three new crosswalks have been strategically placed connecting this sidewalk with Casco Bay Ferry services. These are at the Franklin intersection, the Casco Bay Ferry drop-off area across from the proposed METRO stop, and at the northern edge of Compass Park (an area that is currently ill defined and perhaps unsafe).

OPL's proposal is unquestionably a multi-modal hub with practical and innovative transportation solutions serving Portland and the region. Components of the plan include the restored deep-water berth, high-speed intercoastal ferry service, a new METRO and taxi stand planned with input from the METRO and CBITD, bike rentals, bike racks, the Maine Narrow Gauge Railroad, a series of new crosswalks, and a shuttle service serving a remote lot, the airport and the Congress Street intermodal hub.

An important factor in making this a successful intermodal hub and working waterfront is the controlled access of delivery vehicles to the farmer and fisherman's coop and the tie up area. This is Portland's waterfront and not a private backyard. Vehicles serving ships, ferries and the buildings on the pier are essential.

The project also includes the required 50% parking, creating yet another critical link in the intermodal nature of the development. The parking is located under Harbor View Park and under the pier roofscape. It is not visible, completely integrated with the landscape, and utilizes both the India and Franklin intersections. Parking is an important issue for redevelopment and existing businesses in the Eastern Waterfront. The OPL parking plan is part of a master plan for the transportation needs of the site, is sensitive to the realities of the neighborhood, and meets or exceeds the Eastern Waterfront Guidelines.

The Eastern Waterfront Guidelines call for structured parking with commercial uses on the first floor to help define the street wall. The OPL scheme takes this one step further by not only integrating the parking with a mixed-use redevelopment, but creating extensive public open space on the waterfront in a part of the city that is experiencing rapid redevelopment. Ocean Properties is setting the standard for other projects in this critical area of the city.

The original February 22 submission graphically displayed the incorporation of these elements, which were updated and further detailed in the June 6 CDC submission, Section B, Part C, pages 9-10.

**8. To date, how has each sought out public input, and detail future plans for outreach and more input from public?**

OPL believes strongly in a process that encourages public input and involvement. Prior to the February 22 submission date, we met with over 80 people representing a broad cross-section of community interests. This included public officials, waterfront pier owners and businesses, labor unions, longshoremen, fishermen, island residents, and retail and professional services among many others. Since then we have continued our outreach efforts with our participation at a number of community forums and events. Where possible, we have included copies of meeting notices and other information we have used in our community outreach efforts in our submissions and within this response (samples are presented below). To date we have met with several hundred individuals or entities (see list below) and continue to undertake a concerted outreach program with house parties in several neighborhoods, community forums at local restaurants, attendance at local farmer's markets, hosting a booth at the Italian Heritage Festival, and meeting one-on-one for interested groups.

In addition, the OPL website has continued to offer the public access to updated information on our plans and a schedule of neighborhood meetings. We have received numerous e-mails from Portland residents and others interested in the project and have responded accordingly. The OPL informational information website address is: <http://www.mainestatepier.com> and screen captures are presented below as well.

As we stated publicly, we will continue to undertake a focused community outreach program AFTER we are selected as well.



**List of Meetings/Events Held To Date or Planned**

	<b>Date</b>	<b># and Type Invitees</b>
USM		
Waterfront Alliance	2-May	
Deering HS	23-May	
Munjoy Hill NA	24-Apr	
Western Prom NA	9-May	
Peaks Island	9-May	
WENA	22-May	
UNO	16-May	
PSA	10-May	
Convention & Visitors Bureau		
Portland Greater Landmarks		
PDD	15-May	
Bike Pedestrian	11-Jun	
Pier to Peer	25-Jun	125 Business
The LeRoys ( Dist. 5 )	26-Jul	150 Neighbors
NorthStar Café	1-Aug	200 Neighbors
Rosemont Market	2-Aug	175 Neighbors
Union Picnic Ft Allen Pk	7-Aug	125 Union Families
House Event Dist 3	14-Aug	50-100 Neighbors
House Event Dist 4	16-Aug	50-100
House Event Dist 2	21-Aug	50-100
House Event Dist 1	23-Aug	50-100
Waxman House Party Dist 3	26-Aug	200 Neighbors
Portland Farmers Market	July 21,28,	reach 200 approx
Portland Farmers Market	Aug. 4,11,18,25,	reach 200 approx
Portland Farmers Market	1-Sep	reach 200 approx
Italian Festival	Aug 10-12	reach 500-700

8. To date, how has each sought out public input, and detail future plans for outreach and more input from public?

Sample “Meet and Greet” Flyer for public outreach on OPL proposed development (ties in with website design):



**OCEAN PROPERTIES**  
Maine State Pier RFP

**PIER to PEER**  
reception

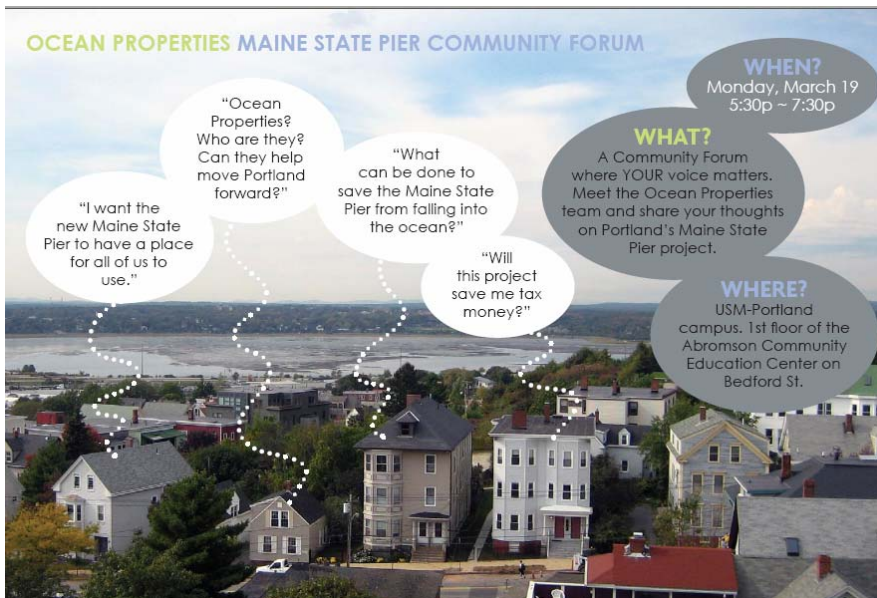
Please join us for a conversation about the **Maine State Pier**.

The **Ocean Properties Team** wants to hear your thoughts and concerns. As neighbors of the Maine State Pier, your voice is **especially important**. Take this opportunity to learn about our project, meet our team, and tell us what you think.

**monday may 25th**  
3:00-4:30pm  
**Fore Street**  
288 Fore Street

- hors d'oeuvres
- refreshments
- got questions? we've got answers

Community Forum Post Card:



**OCEAN PROPERTIES MAINE STATE PIER COMMUNITY FORUM**

**WHEN?**  
Monday, March 19  
5:30p – 7:30p

**WHAT?**  
A Community Forum where YOUR voice matters. Meet the Ocean Properties team and share your thoughts on Portland's Maine State Pier project.

**WHERE?**  
USM-Portland campus. 1st floor of the Abramson Community Education Center on Bedford St.

“Ocean Properties? Who are they? Can they help move Portland forward?”

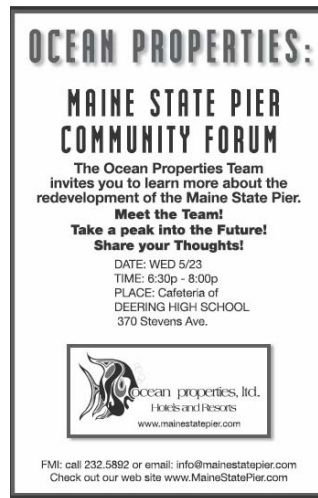
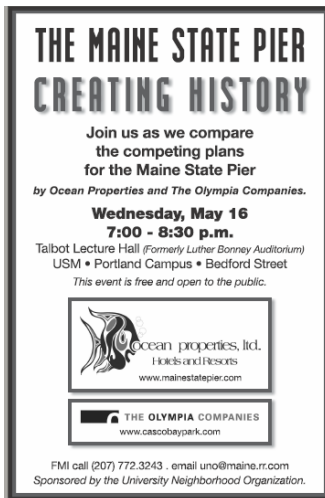
“What can be done to save the Maine State Pier from falling into the ocean?”

“Will this project save me tax money?”

“I want the new Maine State Pier to have a place for all of us to use.”

8. *To date, how has each sought out public input, and detail future plans for outreach and more input from public?*

**Additional Flyers/Posters for local presentations/discussions/information sessions on the MSP:**



9. *How has each proposal met or exceeded the Minimum Requirements of the RFP and the Selection Criteria (page 5) of the RFP?*

The Request for Proposal #4307 for the Lease and Redevelopment of the Maine State Pier (RFP) published in October 2006 listed very specific submission requirements in order to be considered as a qualified developer. There has been much discussion on the **Minimum Requirements** that must be demonstrated by each proposal in order to be considered by the City.

Before discussing the Minimum Requirements, we refer you to the **Proposal Content Requirements (PCR)** on page 4 of the RFP. The PCRs are ten specific items that must be included in the proposal. Item (3) requires “*Description of accommodations for uses and satisfaction of items under the MINIMUM REQUIREMENTS SECTION.*” It seems clear that the Minimum Requirements are really part of a larger and more important list of PCRs. OPL submitted its original proposal specifically formatted to present how it met the PCRs as well as the Minimum Requirements, with the understanding that the PCRs were the information required in order for the proposal to be complete (such as the signed forms, financial package, references, etc.). The **Minimum Requirements** were considered those items that must be addressed as directed by the City as part of the evolving redevelopment scenarios proposed by all applicants.

The RFP clearly states on page 3: *Proposers may be asked to provide clarifying or additional information in order to facilitate complete analysis of the proposal.*

Even though there is some overlap, the PCRs are very specific as either being a part of the proposal or not, as opposed to the Minimum Requirements which are more subjective and addressed to development issues that are a priority to the City. It was fully expected that after review of these initial concept plans, there would be an extensive dialogue between the City and the Proposers with respect to those Minimum Requirements.

◆ **Minimum Requirements**

The proposal submitted by OPL on February 22, 2007 provided a discussion, by number, of each of the Minimum Requirements. These can be found in Section III, pages 112 thru 120 of the proposal document.

**9. How has each proposal met or exceeded the Minimum Requirements of the RFP and the Selection Criteria (page 5) of the RFP?**

Subsequently, the CDC through its staff, requested additional information on four different occasions, including the last request submission dated June 22, 2007. While the position and scale of some of the elements of the building and open space elements of the proposal have improved over the course of these submission, the development program with respect to proposed uses, buildings, open space and marine activities has remained consistent since the February 22, 2007 Proposal.

Based upon the final submission of materials, the OPL development proposal meets the Minimum Requirements as follows:

**MR No. 1 – Ability to preserve and maximize deepwater berthing access, including utility access, coordinated with occasional City needs for use.**

OPL’s proposal preserves the deep water berth on the eastern face of the MSP and rehabilitates the pier so that it can accommodate deep water ocean vessels including modern cruise ships. In addition, we propose the construction of a new multipurpose pier to accommodate the tug boat fleet and additional marine activities. We believe it is not practical from an operational perspective to berth the tug boat fleet at the MSP and have to ask them to leave and find alternative berthing every time a cruise ship or other large vessels is occupying the deep water berth. The additional multi-purpose facility also allows OPL to commit to bringing new marine activities to the Eastern Waterfront including a high speed ferry service for the coast of Maine and nature excursion vessels. Again, without a new facility, these operations would not be possible. In addition, other City needs for the facility, such as the berthing of visiting historical or military vessels, can be easily accommodated.

We recognize that utility systems for the MSP will be upgraded to meet new demands and standards and will have to accommodate other City needs in the area including Ocean Gateway. With the investment being proposed by OPL, the modernization of utility systems will be a major priority.

**MR No. 2 – Proposals need to discuss ideas and accommodations for impact on the queuing plan for vehicles utilizing the International Ferry at Ocean Gateway.**

An arrival queuing area will be located east of the proposed office building and the departing queuing will be located east of the Ocean Gateway pier, along the water. This “butterfly” configuration has been shown in previous submissions. OPL’s proposal also calls for the construction of a 300-car underground parking structure in the same vicinity that can be used for short-term parking needs until such time as the Ocean Gateway parking structure is constructed.

**MR No. 3 – Ability to satisfy the regulatory requirements for security, environmental protection, traffic management and site development. This includes all federal, state and local regulations.**

Regulatory requirements for the MSP is one of the principal driving forces of the development concept, as it would be for any marine-related project. The City cannot be put in a position where it is applying for and defending for environmental permits that do not meet the established policies and principals established by regulations. OPL’s proposal has been designed around the following policies:

- Impacts to the environmental shall only be for new water-dependent uses or for maintenance and repairs to the existing facilities.
- Design and construction techniques shall be those that minimize the impacts from these allowed actions.
- A mitigation plan shall be proposed that mitigates the temporary and permanent impacts from the proposed actions.

We have met with federal and state environmental regulators and reviewed the proposed development plans. On May 16, 2007 we met with Maine Dept. of Environmental Protection (MDEP) for a discussion on allowed development activities on the Pier and specifically, what activities on the Pier would be considered under the



**9. How has each proposal met or exceeded the Minimum Requirements of the RFP and the Selection Criteria (page 5) of the RFP?**

state's *Natural Resources Protection Act* Permit by Rule Standards (see May 23, 2007 Submission to CDC, Section C.)

Our proposal respects those standards and we expect that the reconstruction of the pier shed building with the intended uses will be Permitted by Rule. All of the other proposed construction activities on the pier or in the marine environment are water-dependent uses and will be permitted along normal procedures.

On May 21, 2007 we also met with the Maine Department of Transportation (MDOT) to discuss the requirement for a Traffic Movement Permit. We received a letter from MDOT (see May 23, 2007 Submission to CDC, Section C, last page of attachments) stating "*While no specific mitigation details can be determined at this time, no major mitigation or roadblocks are anticipated.*"



OPL fully understands that any development project will have to be reviewed and approved by the City of Portland. In our April 25, 2007 Submission to the CDC, page 34, we expanded on the local zoning and permitting requirements. On page 35 and page 36 in the same document you will find further discussion on state and federal permits.

A Facility Security Plan (FSP) for the MSP as required under the *Marine Transportation Security Act, 33CFR 104.105*, was addressed in detail in Section F of the April 25, 2007 submission. After meeting with the United States Coast Guard Security Officer, OPL prepared a draft of the FSP based upon similar plans that have been put in place in other

OPL operations in Key West, FL and Bar Harbor, ME. We are confident that the proposed marine terminal on the MSP can meet all security requirements of the federal agencies.

**MR No. 4 – Financial ability to undertake the project proposed, including ability to fund necessary pier repairs and upgrades to support proposed project.**

OPL submitted financial information to the City with the original February 22, 2007 proposal and subsequently in response to specific questions from the CDC. Most of the information relating to the financial capabilities of OPL is not to be considered public information, as OPL is not a public company. What we have offered the City is a no-nonsense, straight-forward approach to eliminate any financial risk associated with the projects' construction: Prior to the start of construction, Ocean Properties will escrow for the benefit of the City of Portland either an irrevocable letter of credit or funds in the amount of \$100 million, to secure the project's completion and construction.

**MR No. 5 – Any proposed development of the MSP must include accommodations for the Bay Ferries operation, which requires 2,500 square feet of office space and up to 6,000 square feet of warehouse space.**

The Bay Ferries space requirements have been incorporated within the design of the project, specifically in the water-related use building on the MSP. In addition, we have been in communication with Bay Ferries owners and have agreed to undertake a joint marketing effort with our Coast Ferry operations to promote both undertakings. In is our intent to make the MSP/Ocean Gateway facility the hub for ferry services on the Maine Coast and beyond.

**MR No. 6 – Accommodation for Tug Boat Fleet.**

As previously mentioned in Question No. 1, OPL intends to build a brand new pier facility for the Tug Boat fleet. We consider them an integral part of the project. We will provide berthing for six vessels, metered electrical service, office space, and 3,000 square feet of warehouse/storage/shop space. Please note that the RFP did not allow for allow for alternate locations for the fleet unless they were secured by the Proposer. The Olympia Company's proposal stated on Page 21, Paragraph 2.7.3: "*Tugs will continue to be able to berth along the pier except during times when large vessels are berthed there, as is currently the case.*" This scenario does not seem to meet the Minimum Requirement conditions.

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**9. How has each proposal met or exceeded the Minimum Requirements of the RFP and the Selection Criteria (page 5) of the RFP?**

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**MR No. 7 – Integration of Casco Bay Island Transit District (CBITD) operations, circulation and expansion potential.**

OPL’s proposal is designed to not only to integrate CBITD’s operation but to make it better. Traffic movements will be channelized to increase efficiency and decrease conflicts with pedestrian movements. Vehicular traffic on the pier from new buildings has been minimized by the intended use of the buildings. For instance, the high-traffic/volume hotel is located off Commercial Street, not on the Pier. An additional 99 parking spaces have been provided in a small, structured parking garage to accommodate the new uses on the Pier which will relieve any additional pressure on the adjacent parking garage used by CDITD customers. We are not proposing any new development on the existing Compass Park which, with the new pedestrian connections, will serve as an excellent staging area for CBITD customers. We have reviewed our traffic and pedestrian plan with CDITD management staff on several occasions and have incorporated their suggestions into our proposal including improvements contained in their own improvement plans.

**MR No. 8 – Preservation and enhancement of public access to the water.**

Access to the water is the central element of OPL’s proposal. Our definition of “water access” goes beyond the ability to see or walk up to the water’s edge. We want to provide facilities that allow the public to use the water and have achieved this goal by preserving and enhancing Compass Park for picnicking and fishing, providing access to a coastal ferry transportation system, offering ocean tours for whale watching and other nature tours, and providing berthing for tug boats, fishing boats, historic vessels and other visiting ships that will draw people to the water and, when possible, onto the ships. We consider the MSP a marine project which focuses as much activity as possible on water uses and related businesses.

**MR No. 9 – Preservation or relocation of utilities at the MSP that currently service the Ocean Gateway facilities.**

As mentioned in MR No. 1, we recognize that utility systems in the vicinity of the MSP and Ocean Gateway must be maintained and upgraded to support both facilities. With the addition of a major hotel and office building, all supporting utilities including water, sewer, fire protection, electric service, gas and communications will be investigated and, if necessary, upgraded to support the project.

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**10. During Workshop presentation, mention was made by Ocean Properties to a “call center.” Explain.**

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OPL will consolidate a number of off-site call center operations that it has for hotel reservations, tour and sales operations into office space in the proposed office building, creating between 80 and 100 full-time jobs.

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**11. Clarify public access to the easterly edge of the Pier.**

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The general public will have complete access to the easterly edge of the pier with the exception of those times when a cruise ship or other *33CFR 104.105* vessel is berthed at the facility. Berthed vessels require security include ships carrying more than 150 passengers, ships greater than 100 gross tons, ships carrying at least one passenger for hire that is engaged in an international voyage, and vessels subject to *Safety of Life at Sea (SOLAS)* conventions. These vessel designations may include the tug boat fleet, which is one of the primary reasons for providing them their own secure location on a new pier.

During those periods when a *33CFR 104.105* vessel is at the MSP, the easterly edge of the pier will be a security zone with gated access for those persons and service vehicles that have authorization to pass. The general public will be excluded from the easterly edge but will have full access to the Rooftop Park and walkways that run the length of the pier to observe the ships and their activities.

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**12. How does each proposal create new jobs? Explain in detail.**

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OPL has stated publicly that the company will undertake the following with respect to the development of the Maine State Pier:

- Create 20 full-time jobs and 80 part-time jobs with the marine facilities it will develop at the Pier. This includes the Cruiseport, Ferry Service, and Marine tour operations.
- In addition, OPL will consolidate a number of off-site call center operations that it has for hotel reservations and tour operations into 30,000 square feet of space in the proposed office building, creating between 80 and 100 full-time jobs.
- The overall project will create up to 500 full-time jobs. This includes estimated full- and part-time jobs created at the restaurant, at the fish and farm coop, and at the hotel that will be a first-class, full-service hotel.

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**13. Explain how each proposal complies with the 50% requirement for “marine use.”**

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The 50% Marine-Related Use requirement applies to all first-floor uses in building spaces within 100 feet of the piers and water edge. OPL is proposing seven buildings, six of which would be subject to this provision. The location and layout of the buildings are shown in detail on *Drawing A-300 – Marine-Use Diagram* that was part of our June 6, 2007 submission.

As a summary, there will be 46,154 square feet of first-floor space within the 100-foot setback limit, of which 27,109 square feet, or 59%, are marine-related uses. The marine-related uses include:

- Farmer’s and Fish Coop Market 7,196 sf
- Cruise Terminal Lobby and CBITD Space 7,196 sf
- Ocean Gate, Tug Boat, Fire Boat Space 12,717 sf

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*14. How has each proposal addressed Harbor Commission's letter of July 9<sup>th</sup> regarding public access landings?*

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The reference letter from the Harbor Commission was received after the cutoff date of June 22, 2007 for the submission of additional information and response to the CDC. As such it has not been included in any previous submission.

The Harbor Commission's concerns with regard to the lack of public boating and emergency access to the Portland waterfront are real and important. Recreational boating activities will continue to increase. It should be noted that these types of activities are good for the City of Portland, as they add to the economic base for the marine and tourist industry.

While we agree with the Harbor Commissioners assessment of the situation, we disagree with its statement that neither of the proposals presented thus far will create any additional public landing space, and in fact will add access pressures to an area already overcome with user conflicts. They seem to have missed that fact that the OPL Proposal is building a complete new facility at a cost of \$4.5 million which will include space for public access. On May 16, 2007 we met with Jeff Lick, the Harbor Master, and reviewed in detailed the OPL Proposal. A memo concerning this meeting was included in our May 23, 2007 submission (Section C, Page 17). It was our understanding from that meeting that Mr. Lick expressed that the OPL Proposal was "a good looking plan" and commented that there was a lack of recreational boating facilities on this end of the waterfront and that anything we can do to provide additional facilities would be helpful.

It has always been OPL's approach that the development of the MSP is a MARINE PROJECT and should have as its primary purpose the providing of upgraded and new marine facilities that are flexible enough to encourage and incorporate all existing as well as new marine water dependent uses. All other development elements, such as the hotel and office building, are important only to provide the financial base to support the marine uses on the MSP and adjacent waters. As such, the OPL proposal will substantially increase public boat access at the MSP.

- The existing float access at the end of the pier will be maintained and upgraded to services fishing boats and the general public uses as the currently exist.
- A new public boat access facility will be incorporated into OPL's new multi-purpose pier. This facility, due to its location, width and roadway access, will provide an excellent service point for water taxis and emergency vehicles, a specific need addressed in the Harbor Commission letter.
- We also anticipate the construction of new facilities on the inboard section of the eastern pier edge (currently occupied by the tug boats) that will be available to visiting vessels and the general public when a major cruise boat is not in port.

In summary, we expect that the OPL plans will at least triple the amount of public boat access now available at the MSP.

**15. Provide a breakdown of your estimates of taxable and non-taxable components of your proposed development.**

The following summarizes information submitted to the CDC by letter dated July 6, 2007, to Ms. Ellen Sanborn, the Assistant Finance Director, which outlines the valuation breakdown, non-taxable components of the project and estimated real estate taxes:

The total estimated cost of construction of the project is as follows (cost evaluation based on 2006-07 comparative projects):

Entity	Description	Est. Cost
200-Room Luxury Hotel		\$44,000,000
	200 rooms ranging from 458-728 sf	
	9,000-sf spa	
	6,000-sf restaurant	
	10,000-sf convention center	
99,000-sf Office Building		\$18,000,000
Underground Parking Facility		\$15,000,000
Above-ground Parking Facility		\$3,000,000
MSP and Tugboat Pier Rehab		\$18,000,000
Pier Building Renovations		\$6,500,000
Park Landscaping and Site Development		\$6,000,000
<b>Total:</b>		<b>\$110,500,000</b>

After discussions with the Mr. Richard W. Blackburn, the Portland Tax Assessor, OPL arrived at the following tax basis with the understanding that certain portions of the project are the property of the City and would remain non-taxable, including the Pier improvements and new Tug Boat Pier estimated at \$18 million, and park and other open space areas valued at \$6 million. In addition, the easement over buildings on the Pier to create public areas will have a diminishing effect on the values.

After the initial discussion and review of the site plan with Mr. Blackburn, we utilized the following values for tax calculation. The mill rate was from Mr. Blackburn, who used an estimate assuming revaluation in 2009 for the City:

Office Building - \$200.00 per square foot	\$15,000,000
Hotel - \$125,000 per room	\$25,000,000
Pier Building Improvements	\$ 6,000,000
<u>Retail Space and Other Miscellaneous Items</u>	<u>\$ 2,000,000</u>
<b>Total:</b>	<b>\$48,000,000</b>

These values exceed existing office and hotel values now utilized for office buildings with parking facilities attached within the City, some of which were very recently constructed. More so, the Tax Assessor has confirmed the prevailing method for assessment for commercial buildings is the income approach, and new projects will be valued comparative to surrounding projects within the City.

After our initial meeting, OPL again reviewed our project with the Assessor and he noted that although our reasoning was acceptable, the berthing dolphins and the structured parking may also carry an additional value for the project. This additional, new revenue has been calculated below and would be unique to our project, as the Olympia proposal contemplates buying this parking from existing facilities within the City that are already paying taxes. Thus, regardless of the similarities, the Ocean Properties' project will always create higher tax revenues due to the constructed parking facilities, as follows:

Prior Valuation	\$48,000,000
Parking Spaces - \$30,000/space	\$12,660,000
<u>Berthing Dolphin</u>	<u>\$ 3,000,000</u>
<b>Total:</b>	<b>\$63,660,000</b>



**MAINE STATE PIER**  
CITY OF PORTLAND

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**15. Provide a breakdown of your estimates of taxable and non-taxable components of your proposed development.**

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The valuation per space is based on Mr. Blackburn’s knowledge of the Casco Bay Garage valuation. The Berthing Dolphins are at the estimated cost. Within the addition with the above items, the first year estimated tax revenue for the project is \$986,730.

The Berthing Dolphins and the newly constructed structured parking facilities are unique to our project and, given the similarities of the competing projects, will always generate higher tax revenue for the OPL project.

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**A**s we said earlier, we appreciate the opportunity to prepare and present the data in this document to facilitate further discussion and decision-making with regard to our Project. We hope you will find that Ocean Properties, Ltd.—with its experience, project concepts, and financial strength—represents the most viable long-term business partner for the City in the redevelopment of the Maine State Pier.

