



October 27, 2014

Mr. Rick Knowland, Sr. Planner
City of Portland
389 Congress Street
Portland, ME 04101

**Subject: Federated's midtown Project
Zoning Information Requested**

Dear Rick:

As requested by Jeff Levine, attached please find the Zoning Review for the midtown project. I have attached a CD of the review for filing.

If you require any further information, please contact our office.

Sincerely,

FAY, SPOFFORD & THORNDIKE

A handwritten signature in black ink, appearing to read 'William G. Hoffman'.

William G. Hoffman, P.E.
Vice President

WGH/cmd

Enclosure

c: Nick Wexler
Jon Cox
Jeff Levine
Alex Jaegerman
Ben Walter
Bob Metcalf
David Hancock
Bo Kennedy
Steve Bushey

midtown Development

Zoning Review for Preliminary Level III Site Plan Review

By Division, Section, sub-section

Division 17 B-7 Mixed Use Development District Zone

Section 14-295 Permitted Uses:	
(a) Commercial Uses	All contemplated commercial uses are allowed as included in the first 23 use items on the list in this subsection. No surface parking use is proposed on any of the land comprising the midtown development.
(b) Residential Uses	midtown will include multi-family dwellings allowed under use item 1.
(c) Public Infrastructure	Pad-mounted outdoor switchgear and transformers will be provided by CMP to service midtown as allowed under use item 1. Landscaped (planted and paved) pedestrian plaza areas will be provided between midtownOne and Two (courtyard and mews) and at the west end of midtownThree (terrace) as allowed under use item 3.
(d) Institutional	No institutional uses are proposed
(e) Other	No drive-up retail or repair facilities, no transportation facilities, and no wind energy facilities are proposed on the land comprising the midtown development.

Section 14-296 Conditional Uses:	
(a) uses conditioned by Planning Board	
1. Commercial Uses	No conditional commercial uses are proposed.
2. Industrial Uses	No industrial uses are proposed.
3. Structured Parking	midtownTwo contains structured parking.
a.1. Ground Floor Use	The entire ground floor, other than the area required for access to and egress from the parking decks above, will be devoted to retail use under items 1 to 23 of section 14-295 (a).
a.ii. 35 ft. Setback from primary street right-of-way	Due to the reduced dimension of the property between Somerset St and the Bayside Trail the Somerset façade is set back to 10 feet. Applicant seeks conditional use permit to allow parking garage and a waiver to allow the façade set back less than 35 ft. from primary street right-of-way.

a.iii. Façade design	The entirety of all four facades of the structure which are visible from public ways will be architecturally composed, designed, and detailed in accordance with the B-7 Design Standards; the facades will feature green screens composed of living plant material.
4. Utility Substations	No enclosed buildings or built structures as described in this sub-section are proposed.
5. Buildings greater than 125 ft. high	No buildings of height greater than 125 feet are proposed for the midtown development
(b) Uses conditioned under Section 14-474	None of the listed uses are proposed

Section 14-297 Prohibited Uses:	No Prohibited uses are proposed at midtown
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Section 14-298 Dimensional Requirements	
(c) 2.a. 10 ft. Maximum Street Setback	All facades including the garage are setback no more than 10 feet from Somerset, Pearl, Chestnut, and Elm Streets. The Pearl Street façade of midtownOne is setback to allow future widening of Pearl Street right of way.
(g) Maximum Building Height per Overlay Map	Buildings are in A and B zones with respective maximum heights of 125 and 105 ft. midtownOne in the A zone is 72 ft. high; midtownTwo in the B zone is 92 ft. high; midtownThree and Four in the A zone are 72 ft. high. All buildings comply.
(h) Minimum Building Height	A zone minimum height is 4 floors; B zone minimum height is 3 floors. All buildings are six or more floors, therefore in compliance.

Section 14-299 Performance Standards	
(a) Enclosed dumpsters	All proposed refuse and recycling containers will be held within the midtown buildings awaiting pick-up.
(b) Noise	No processes within the midtown buildings are expected to generate noise greater than 60 dBA daytime/50 dBA nighttime. Roof-mounted mechanical equipment will not generate noise greater than this standard at 4'0" above grade at the midtown property line or at the nearest nearby residential property line.
(c) Vibrations	No proposed activities within the midtown buildings are expected to produce vibration perceptible at the property line without instruments.

(d) Environmental Emissions	Permanently installed combustion equipment or appliances are not contemplated at midtown ; therefore emissions will be only general residential ventilation. Emissions from autos using the garage are otherwise regulated (as mobile sources of emission not through building standards).
(e) Outdoor Storage of Vehicles	No vehicles will be stored outside at midtown .
(f) Off Street Parking and Loading	midtownTwo is a structured garage to provide off street parking for all uses in the development. The requirements of Division 21 Off-street Loading do not apply to developments in the B-7 district per this sub-section.
(g) Flood Plain Management	The midtown buildings do not have basements or cellars; the ground floor of all buildings will be constructed at an elevation above the FEMA 100 yr. predicted flood elevation.
(h) Glare, Radiation, Fumes	None of these will be emitted by the midtown buildings.
(i) Enclosure	Residential uses will be enclosed but for potential balconies, terraces, and/or French windows; retail uses will be enclosed but for possible food services use at courtyard and mews at midtownOne and Two and terrace facing the trail at Elm St. at the west end of midtownThree .
(j) Outdoor Storage	No outdoor storage by tenants of the midtown development will be permitted
(k) Odor	No obnoxious odors will be generated.
(l) Smoke	No smoke will be emitted
(m) Discharge into Sewers	Discharge to the sanitary sewer will consist only of ordinary domestic waste. No process waste of any sort is expected from midtown .
(n) Lighting	Lighting is expected to partially wash the sidewalks and trail but not to shine on adjacent properties. A partial waiver is sought from Technical Manual to allow higher lighting levels typical of retail areas.
(o) Building Entrances	All midtown buildings will have pedestrian entrances facing street frontages.

Division 14 B-7 Signage

<p>Section 14-366.5 Applicability</p>	<p>A detailed review of this Division will be supplied with Signage Plan required for Level III Final Site Plan review of the midtown development.</p>
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Division 20 Off-street Parking

<p>Section 14-331 Definition</p>	<p>Off-street parking provided at midtown will be in a garage structure designed to meet the standards set forth in the Technical Manual</p>
<p>Section 14-332 Parking Requirements by Use</p>	
<p>(a) 3.a. Residential</p>	<p>One space per dwelling unit to be provided. <i>Does not apply: see Exception 14-332.2 (c)</i></p>
<p>(a) 3.b. Shared Use Vehicles</p>	<p>Shared use vehicles may be provided within the garage: one such vehicle will satisfy the requirement for eight residential spaces. <i>Does not apply: see Exception 14-332.2 (c)</i></p>
<p>(h) Retail Stores</p>	<p>One space required per 200 sq. ft. of floor area in excess of 2000 sq. ft. not ground used for storage. <i>Does not apply: see Exception 14-332.2 (c)</i></p>
<p>(l) Restaurants</p>	<p>One space per 150 sq. ft. of area not used for storage or food preparation. <i>Does not apply: see Exception 14-332.2 (c)</i></p>
<p>Section 14-332.1 Zone Specific Exceptions</p>	
<p>(i) Parking in B-7 Mixed Use Zone</p>	<p>Parking in B-7 projects shall be governed by Section 14-332.2 (c)</p>
<p>Section 14-332.2 Categorical Exceptions</p>	
<p>(c) Parking Requirement in B-7 Zone</p>	<p>Parking for projects in B-7 zone shall be established by the Planning Board based on a parking analysis submitted by Applicant and upon recommendation of the City Transportation Engineer.</p>
<p>Section 14-332.3 Bicycle Parking</p>	
<p>Section 14-334 Parking on same lot with use in Non-Residential zones.</p>	
<p>(a) Distance from Principal Building</p>	<p>Applicant will seek exception from Planning Board for parking in midtownTwo to serve uses in all other buildings and to allow parking more than 100 ft., but not more than 1500 ft., from principal entrances of the residential buildings.</p>

(b) Same Ownership	All four midtown buildings are in common ownership.
Section 14-341 Aisle Widths	Aisles in parking garage will be in conformance with Technical Manual.

Division 20 Off-street Parking

<i>Does Not Apply</i>	Per Section 14-299 as noted above, Off-street loading is not required in the B-7 zone.
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Prepared by CBT/Childs Bertman Tseckares Inc, Architects, for The Federated Companies

October 24, 2014