

EXHIBIT 17

COMPLIANCE WITH APPLICABLE ZONING AND B-7 LAND USE REQUIREMENTS

ZONING REVIEW FOR FINAL LEVEL III SITE PLAN REVIEW

(by Article, Division, Section, sub-section, as applicable)

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 midtownFour (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 of the parking structure, 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 and 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. The façade of midtownFour is straight, while the street line is curved. Because of the change in grade from Elm St. to the finished floor of the building, additional sidewalk is provided and the façade is setback an average of ten ft.
(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	The "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. Service rooms for this purpose are shown on the ground floor plans of each building.

(b) Noise	No processes within the midtown buildings are expected to generate noise greater than 60 dBA daytime/50dBA 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	With the exception of commercial restaurant kitchen equipment, no permanently installed combustion equipment or appliances are 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 subsection.
(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 service use at courtyard and mews at midtownOne and Two and terrace facing the street or trail at Elm St. at midtownFour .
(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	Retail display 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

Section 14-366.5 Applicability	See review of division 22 below and the signage plan included with the drawings. Individual retail tenant signs are the responsibility of those future tenants.
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Division 20 Off-street Parking

Section 14-331 Definition	Off-street parking provided at midtown will be in a garage structure designed to meet the standards set forth in the Technical Manual
Section 14-332 Parking Requirements by Use	
(a) 3.a. Residential	One space per dwelling unit to be provided. <i>Does not apply: see Exception 14-332.2 (c)</i>
(a) 3.b. Shared Use Vehicles	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>
(h) Retail Stores	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>
(l) Restaurants	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>
Section 14-332.1 Zone Specific Exceptions	
(i) Parking in B-7 Mixed Use Zone	Parking in B-7 projects shall be governed by Section 14-332.2 (c)
Section 14-332.2 Categorical Exceptions	
(c) Parking Requirement in B-7 Zone	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.

Section 14-332.3 Bicycle Parking	Bicycle parking will be provided by a combination of on-street hitches, and off street spaces in garage per 14-526(a)(2)
Section 14-334 Parking on same lot with use in Non-Residential zones.	
(a) Distance from Principal Building	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. (note that the entrances to midtownOne and midtownThree are within 100 ft. of the garage entrances)
(b) Same Ownership	All four midtown buildings will not be held in common ownership following development.
Section 14-341 Aisle Widths	Aisles in parking garage will be in conformance with Technical Manual.

Division 21 Off-street Loading

<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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Division 22 signs

Section 14-368 Regulations	
(a) Signs allowed, allowed with permit, not allowed.	Signs will be mounted on the proposed buildings to identify: the project (vertical face-mounted signs on garage); each residential building at its primary entry; and commercial/retail tenants at their street entries. Street numbers and public parking entry signage will also be provided.
(b) Permits	Building Identity and residential entry signs will be designed and permitted with building design; retail signage will be designed and permitted by tenants along with tenant improvement permitting.
(c) Design, Construction, Maintenance	Signs will be designed, mounted and maintained in accordance with this division of the code.
(d) Signage Plan	A draft signage plan for all form buildings in the project is included with this application. It shows the locations on the buildings where signs may be located but does not detail the messages, mounting, or sign fabrication details.

Section 14-369 Computations	
(a) Area of Individual Signs	The aggregate area of all signs on each façade is shown on the Signage Plan.
Section 14-369.5 Tables	
(a) Table 1, signs by type	Only allowed, permitted and conditional signs as listed in table 1 will be proposed.
(b) Table 2, regulations by zone – table 2.8 regulations in B-7 Mixed Use Urban Zone	
Freestanding Signs	Does not apply as freestanding signs are only allowed where buildings are set back 20 ft. or more from street. All setbacks at midtown are ten feet or less.
Building Signs	Ground Floor Retail Tenants will be allowed one sign not greater than 2 sq ft. of signage for each linear foot of lease frontage, where a lease faces two or more streets the tenant will be allowed a sign on each façade. Each building will have one Building ID sign not greater than 5% of the wall area on which the sign is placed. The project will have two Project ID signs mounted on the garage facades as shown. The total of building ID signage areas plus the Project ID signage areas will not exceed 5% of the sum of the areas of the facades on which these signs are mounted.
Window Signs	Tenants will be allowed to have window signs and permitted awning signs within the total area allotted by lease frontage.
Roof Signs not allowed	No roof signs are proposed.

Article V. Site Plan

Section 14-526 Environmental Standards	
(c) 2.1. (i) Natural Surveillance	Having full time residents overlooking public spaces has been shown to be the best form of natural surveillance. Midtown will bring the eyes of the tenants of more than three hundred new apartments with direct view of the Bayside Trail Somerset, Pearl, Chestnut and Elm streets, and the Mews and Courtyard.

<p>(d) 1.a. No reduction in natural ventilation to abutting structures; no unsafe wind conditions for users of public spaces.</p>	<p>The nearest structure to the buildings of midtown is <i>Trader Joes</i> on Elm Street near midtown Four. This is a windowless façade and therefore ventilation of Trader Joes will be unchanged. We understand that a wind study was undertaken for a previous development on the site featuring buildings substantially greater than two times as high. That study found no unsafe conditions; reduced height brings wind speed decreases – it is therefore concluded that the currently proposed structures will not create unsafe wind conditions at any adjacent publicly accessible open spaces.</p>
<p>(d) 1. b. No diminution in value or utility of neighboring parcels.</p>	<p>By replacing vacant land with active retail street frontage and medium density residential development, the proposed project will likely increase the value of neighboring parcels.</p>
<p>(d) 1.c. HVAC venting</p>	<p>Heating and cooling will be via electric heat pumps, hence there will be no products of combustion.</p>
<p>(d) 2. Shadows</p>	<p>The B-7 district shadow requirements are regulated under the B-7 design guidelines. See review of these standards in a separate attachment, along with the required shadow study provided as Exhibit.</p>
<p>(d) 3. Snow and Ice Shedding</p>	<p>The buildings will be designed without wide flat ledges, out sloping cornices or sills which might accumulate and potentially shed snow and/or ice onto the public way.</p>
<p>(d) 4. View Corridors</p>	<p>The low-rise buildings protect designated downtown view corridors.</p>
<p>(d) 5. Historic Resources</p>	<p>does not apply</p>
<p>(d) 6.b. Architectural Lighting</p>	<p>Exterior lighting will be located only at entrances for safety, security and a sense of welcome, and at egress and service doors as required by code. These lights will be shielded or cut-off fixtures that will emit no direct light upwards nor into adjacent residential properties.</p>
<p>(d) 7.a (i) HVAC equipment noise</p>	<p>Compressor/condenser (outdoor) units for the heating cooling systems will be located on the roofs and screened from view from the public way by parapets. As shown by the cut sheets provide in exhibit #20b they emit 55 dBA sound pressure at the roof, and likely less than 50dBA at street level seventy feet below</p>

(d) 7.a. (ii) Emergency Generator	Does not apply – generator not required for low-rise buildings or naturally ventilated garage.
(d) 8.a. Signage	See separate review of commercial signage as regulated by Division 22 of the code.
(d) 9.a(i) Zoning related Design Standards	See separate review of B-7 Design Standards
(d) 9.a. (viii) Extra Height in district A	Does not apply – proposed building heights of 75 and 92 feet are well below the allowed heights of 105 and 125 feet.

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SUMMARY OF B-7 DESIGN STANDARDS

Summary of B-7 Design Standards - Prepared by CBT Architects

Principle A, Urban Design		Plan for midtown Development	midtown Final Level III Design
Standard A-1	<p>Sense of Place</p> <ul style="list-style-type: none"> <p>The identity and "sense of place" of Bayside is based on design elements that contribute to the character of the district.</p> <p>The <u>Plan for midtown Development</u> responds to listed characteristics as follows:</p> <ul style="list-style-type: none"> Forms strong street edge as existing pattern development; Extends the street grid at Pearl, Chestnut, and Elm streets; Raises Somerset St. in response to flood concerns (topography); Maintains view corridors to and between Downtown, Back Cove, Deering Oaks and the East End; Buildings are arranged to allow access to light and air; Street extensions and Mews provide public connection to the pedestrian and bicycle network and other public spaces; Access to the regional transportation system is provided via Somerset St. to Franklin to I-295; and Providing an opportunity for innovative architectural and landscape design. <p>The <u>Plan for midtown Development</u> has characteristics which strengthen the identity of the Bayside district by:</p> <ul style="list-style-type: none"> Enhancing the artistic personality of Bayside in the future; 	<p><u>midtown building designs</u> respond as follows:</p> <ul style="list-style-type: none"> Forms street edges at Somerset, Pearl, Chestnut and Elm Streets; Mediates the grade change between the new elevation of Somerset Street and the Bayside Trail with gentle steps and ramps; Public Mews between Garage midtownTwo and Apartment midtownOne provides pedestrian and visual continuity of Myrtle St.; The buildings have been designed in a modern or contemporary aesthetic using a muted range of warm natural neutral colors with vibrant accents <p><u>midtown building designs</u> support the intent of the Plan for Development by:</p>	

		<ul style="list-style-type: none"> Respecting the industrial vernacular of existing buildings; Encouraging innovative architectural design that expresses the aesthetic of the time in which it is being built; Strengthening the connections to adjacent neighborhoods of Bayside, Downtown, Back Cove, Deering Oaks, and the East End by providing one side of a dense pedestrian-oriented commercial spine along Somerset Street; preserving views; Mitigating traffic/pedestrian concerns across major streets through design of ADA access ramps and painted crosswalks; Creating mixed retail and residential uses that have a neighborhood main street scale; Creating neighborhood green spaces as places to gather; and Utilizing native plant materials in landscaping. 	<ul style="list-style-type: none"> Design in modern industrial style; Innovative and contemporary use of materials and color; Provides continuous retail frontage on Somerset and Elm Streets; Buildings are lower than allowed heights; Provides mixed use of residential over retail; Provides Mews and Courtyard; enhances the Bayside Trail; and Design will utilize drought-tolerant native and non-invasive species
		<p>Characteristics in The Vision for Bayside that are not applicable to the Plan for <u>midtown Development</u>:</p> <ul style="list-style-type: none"> Encouraging adaptive reuse; Respecting the “patina” of age and maintaining historic materials; Mitigating the widths of the major arterials such as Marginal Way and Franklin Arterial which border the neighborhood because these arterials are not within the Development Plan area; and, Highlighting Portland and Cumberland Streets as “Main Streets” to the traditional residential portions of the neighborhood, as these streets are not within the Development Plan area. 	<ul style="list-style-type: none"> No buildings exist on site; No historic materials exist on site; Site does not border these streets;
			<ul style="list-style-type: none"> Site does not border these streets

Standard A-2	Edges and Transitions	<ul style="list-style-type: none"> Transitions between larger scale mixed use buildings and smaller scale residential uses shall be designed so that there is a seamless connection. <p>The area planned for <u>midtown Development</u> does not directly abut smaller scale residential areas of Bayside. Its immediate neighbors are unbuilt land, an unredeveloped factory/warehouse across Somerset Street and commercial open parking lots with low-rise commercial development on the opposite side of the trail.</p> <p>The <u>Plan for midtown Development</u> therefore does not delineate transitions between the larger scale and the smaller scale elements of the Bayside zone.</p> <p>The <u>Plan for midtown Development</u> provides several open spaces that provide elegant transitions from the taller to the lower scale elements of the design (The Courtyard, The Mews, Chestnut Square, The Bayside Trail).</p>	<p><u>midtown buildings One, Two, Three, and Four</u> are designed so as not to have a "back". Blank walls are avoided and service areas are internal to the buildings and utility transformers will be screened from view. The same materials are used on all sides of each building and composed to provide an inviting contemporary appearance.</p> <p><u>midtown</u> design includes The Mews and The Courtyard</p>
Standard A-3	Gateways	<p>Gateways serve as landmarks signal arrival and promote district identity.</p> <p>As a landmark, the buildings of <u>midtown Development</u> will be visible and identifiable to vehicular traffic. This visibility and identity of place is tempered by addressing the pedestrian scale along the trail and Somerset Street.</p> <p>The <u>Plan for midtown Development</u> is unique as the first extensive intervention to create a walkable main street; it will create an identifiable landmark within surrounding neighborhoods and district. This landmark status will be emphasized by distinctive paving patterns, landscaping, accent lighting and way finding at the pedestrian scale.</p>	<p>The <u>midtown</u> apartment buildings have been designed in a unique contemporary industrial aesthetic to mark the beginning of this important development in Bayside.</p> <p>No less important at street level, the Garage building will feature a maximum retail frontage on Somerset Street, Chestnut Street and the Bayside Trail, enhancing the pedestrian experience. Upper levels of the garage will be clad in architecturally detailed industrial materials in context with the Apartment buildings.</p>

Standard A-4	Views and Landmarks	<p>□ New development shall be designed with consideration of views and view corridors shown on Downtown Height Study and Bayside Height Overlay Map and other important views.</p> <p><u>The Plan for midtown Development</u> includes important characteristics:</p> <ul style="list-style-type: none"> • Massing articulation responds to view corridors with heights substantially less than allowed • Myrtle Street and Cedar Street are not through streets to Somerset Street and are presently partially obstructed by existing buildings. • New development does not block view corridors • Roof top appurtenances will be screened from view corridors, and will not obscure important landmarks; 	<p><u>midtown building designs</u> respond to the intentions of the Plan for Development by:</p> <ul style="list-style-type: none"> • Emphasizing in its materiality and tectonic articulation at the corners while de-emphasizing the other façades; • Pearl St. Extension is designed with potential to extend street grid through to Marginal Street • While the Myrtle St. view corridor will be partially blocked at lower levels, The Mews provides a continuity of the pedestrian realm which will be easily visible from the lower blocks of the street; • Mechanical equipment and elevator penthouses will be screened • Buildings meet the agreed 10' setback distance from street line at ground; portions of the upper levels of midtownThree project two feet into this setback (that is portions of the upper levels are set back eight feet). A request for a partial waiver of Standard A-4 that requires that new development be sited so that it does not block existing view corridors, is required to allow the garage midtownTwo to partially obstruct the Myrtle Street view corridor.
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<p>Standard A-5</p>	<p>Pedestrian Environment</p>	<p>Development shall be human scale on public streets and enhance the pedestrian experience through details of design.</p> <p>The Plan for <u>midtown Development's</u> public streets and public spaces will achieve a human scale at the pedestrian level through the use of:</p> <ul style="list-style-type: none"> • Ground floor retail throughout; • Articulated retail façades; • High quality building materials; • Retail entries primarily oriented to the street; • Active windows and storefronts; • Awnings and weather protection; • Outdoor seating; • 'Bump outs' traffic calming; • Adequately sized sidewalks; • Appropriately scaled streetlights; • New public spaces and connection to trail; • New urban streetscape, furniture, landscaping and trees; and, • Provision for public art, by others. • Development Plan is seeking a waiver of the future extension of Cedar and Myrtle Streets. 	<p>midtown building designs respond to the Plan for Development intentions by providing:</p> <ul style="list-style-type: none"> • Continuous retail frontage along Somerset St. interrupted only by garage and service entries, and along Chestnut St. and for more than half the length of the garage along the trail, and along Elm Street; • Retail façades which will be a majority clear vision glass with column and mullion articulation; • Entries will be from streets exclusively and will be protected with awnings; • Outdoor seating will be provided where space and tenant requirements allow; • Sidewalks are adequately sized and provide bump-outs at pedestrian crossings at Pearl and Chestnut streets; • Streetlights will be standard for the zone; • Connections to the trail are made at Pearl St., the Mews, Elm Street and Chestnut St.; and • New paving, street furniture, landscape planting, and provision for public art will be provided; • Applicant is exploring public art in the form of large scale murals – the building elevations show potential location
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Standard A-6	Mix of Uses	<ul style="list-style-type: none"> ■ New development in Bayside shall incorporate a mix of residential, retail, commercial, and open space uses of various types and scales. <p>The Plan for <u>midtown Development</u> incorporates a mix of residential, ground floor retail and open space uses of various types and scales. The plan is designed to allow adaptability and flexibility of use over time.</p>	The midtown buildings incorporate a mix of residential, ground floor retail, and open space uses.
Standard A-7	Building Orientation	<ul style="list-style-type: none"> ■ Buildings shall be located at the property street line to provide definition and character to the streets. <p>The <u>midtown Development</u> buildings have been located near the property street line in order to provide very clear definition and character to the street. The primary façades and entrances of buildings are oriented to streets, major pedestrian routes, or open spaces in order to enhance the pedestrian-oriented environment.</p>	<p>midtownOne apartment building is oriented with continuous retail frontage on Somerset St. and The Mews; the primary apartment entrance is on Pearl St. near the trail and there are secondary entrances on Pearl St. nearer Somerset St. and from the Courtyard; service is confined to a narrow entrance on Pearl St.; tenant amenities and the residential lobby have active windows facing the trail.</p> <p>midtownTwo garage building is built out to the street line and features continuous retail development along both Somerset and Chestnut streets.</p> <p>midtownThree apartment building is oriented with continuous retail frontage on Somerset St., clerestory windows along the trail, and at the corner of Somerset and Chestnut Streets, the apartment entrance faces Chestnut Street.</p> <p>midtownFour apartment building has retail frontage on Elm Street and facing the trail, with the apartment resident and service entries from Elm St. at the southeast corner</p> <p>All buildings thus front on streets at property line and form a strong and active street edge.</p>

Principle B, Access and Circulation		midtown Development Plan	midtown Level III Design Review
Standard B-1	<ul style="list-style-type: none"> ■ Streets and Alleys 	<p>Streets and alleys shall be scaled for expected vehicle, pedestrian, bicycle and transit activity to support mixed use development.</p> <p>The <u>Plan for midtown Development</u> provides streets scaled for expected vehicle, pedestrian, bicycle, and transit activity; they support mixed use development and will be well landscaped and promote traffic calming. Somerset Street will allow for on-street parking and loading.</p> <p>The proposed street grid of the <u>Plan for midtown Development</u> will follow the existing scale and pattern of Portland's street grid and blocks. The plan incorporates provisions for the future extension of Pearl Street to Marginal Street.</p>	<p>midtownOne, Two, Three, and Four will include the development of streetscape to meet these standards along Somerset, Elm and Chestnut Streets. The full build-out of Pearl Street will require future property acquisition; the temporary construction of this first phase will provide a turn-around at the trail sufficient for passenger and delivery vehicles</p> <p>The immediate implementation will involve raising the grade of Somerset St. (a B street on the Bayside Street Hierarchy Map), Chestnut St., and Pearl St. (both C streets in the hierarchy). Temporary transition grades will be provided at the corner of Somerset and Pearl, and at the west end of Somerset St. at Elm St.</p>
Standard B-2	<ul style="list-style-type: none"> ■ Street Connectivity 	<p>The prevailing street grid of Portland (and Bayside particularly) should be extended to provide opportunities for sun and airflow.</p> <p>The <u>Plan for midtown Development</u> incorporates provisions for the future extension of Pearl Street. Small block size would make the provision of an efficient parking garage impractical (as the length of ramp is determined by slope limited by code), so the Development Plan is seeking a waiver for the future extension of Cedar and Myrtle Streets.</p>	<p>midtownOne apartment and garage building projects are designed to allow a public mews space to provide a pedestrian connection from a future Myrtle St. extension to the Bayside Trail and to allow airflow and sunshine.</p>

Standard B-3	Mid-Block Permeability	<ul style="list-style-type: none"> Development should incorporate mid-block permeability perpendicular (and where feasible, parallel) to Marginal Way through provision of alleys, pedestrian corridors, trail access, plazas, and pocket parks. <p>The <u>Plan for midtown Development</u> incorporates provisions for a new public open space connecting Somerset Street to the Bayside Trail between the first apartment and garage buildings.</p>	<p>Near Elm Street, the midtownThree building is held back from property line to provide a wide and clear public trail connection to future redevelopment of the land to the north (currently fenced parking lots)</p> <p>Sunlight and air are well-provided to all façades of all buildings.</p> <p>midtownOne apartment buildings and midtownTwo Garage building are sized to the smaller block sizes of the Bayside neighborhood.</p> <p>midtownThree provides retail space fronting on Somerset St. It is noted that the building opposite this building on Somerset St. has no mid-block connector and the trail adjacent to the building's north façade is defined by a berm containing stabilized contaminated soil which rises 6 feet above the floor level of the retail space. In addition, there is a fenced parking lot on the north side of the trail. A mid-block connector in this instance would serve no real purpose as there would be no matching connector on the other side of Somerset St. and no pedestrian connection to the trail or properties to the north – that is a connector by itself (even if it could overcome the topographic problem of the berm) would generate no foot traffic as it would not be part of a larger pattern of pedestrian movement.</p> <p>The midtownThree building design does, however, hold back from the property line at its west end allowing an expanded trail connection to Somerset and Elm Streets with easy and inviting access from Somerset Street.</p>
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Standard B-4	Sidewalks and Crosswalks	<ul style="list-style-type: none"> All sidewalks and crosswalks shall conform to the intent of the City's Technical and Design Standards and Guidelines providing sidewalks of 12 - 15 ft. width on A and B streets with bump-outs at pedestrian crossings. <p>The <u>Plan for midtown Development</u> incorporates new sidewalks which will be bifurcated by a grade change at Pearl and Somerset Streets as shown in the plans. However, with the planned change in roadway elevation the majority of the Somerset frontage will be one continuous sidewalk without grade change.</p> <p>Somerset and Elm are designated 'B Streets' – the plan includes bump-outs and amenities such as tree wells, landscaping, café seating and provision for public art by others.</p>	<p>The <u>midtown Apartment and Garage buildings</u> will include development of detailed landscape areas on Pearl, Somerset, Chestnut, and Elm Streets, with new pavement, street furnishing and lighting.</p>
Standard B-5	Green Streets	na	
Standard B-6	Multi-modality	<ul style="list-style-type: none"> New development shall accommodate a full range of multi-modal transportation options including pedestrian, bicycle, private auto, delivery and pick-up vehicles, and transit users. <p><u>midtown Development</u> incorporates plans for re-construction of Somerset, Pearl, and Chestnut, streets to meet the City's standards and allow multi-modal use.</p>	
Standard B-7	Continuity of Street Level Uses	<ul style="list-style-type: none"> Development shall provide for the continuity of pedestrian-oriented uses along Somerset Street frontage. <p>Unavoidable entrances to the garage of the <u>midtown Development</u> are located on Somerset street; pedestrians will be given priority by requiring cars to enter the garage at sidewalk level via a short ramp at curb edge. Service</p>	<p>A service entrance for the <u>midtownOne</u> apartment building and its ground floor retail use is provided on Pearl Street; service entrance for <u>midtownTwo</u> retail space is provided adjacent to the garage entrance.</p>

		<p>entries to residential buildings midtownOne and midtownFour are planned at the cross streets to assure maximum retail frontage on Somerset St.; the service entry for midtownThree retail and residences will be along Somerset St., and the service entry for midtownFour will be near Elm St.</p> <p>A partial waiver is requested</p>	<p>service entrance for midtownThree retail and residences is provided on Somerset Street, and the service entrance for midtownFour is provided on Elm Street.</p> <p>These service entrance doors will be about seven feet wide, will be designed as an integral part of the modern industrial aesthetic of the buildings, and will be opened only to remove trash and recycling to vehicles parked in designated service spaces.</p> <p>Service for the ground floor retail use in the Garage building will be provided through the front door(s) of the retail spaces from loading zones along Somerset St.</p> <p>Loading dock or service vehicle facilities are not planned for these retail spaces; tenants will provide for trash and recycling facilities within their leased premises.</p> <p>Retail and apartment lobbies will form more than 90% of street frontages thus assuring the maximum frontage along Somerset Street.</p>
<p>Standard B-8</p>	<p>Traffic Calming</p> <ul style="list-style-type: none"> ■ 	<p>New development shall provide traffic calming on Chestnut Street where the Bayside Trail crosses and shall provide neck-downs, trees and landscaping, and crosswalks as wide as the sidewalks they serve.</p> <p>The Plan for midtown Development provides landscape treatment and sidewalk bump-outs (traffic neck-downs) along Somerset street at crosswalks, as well as traffic calming in the form of a central island in Chestnut street where the Bayside Trail crosses.</p>	<p>The intersections of Pearl, Elm and Chestnut Streets with Somerset St. will be constructed to city standards as part of the midtown construction work.</p>

Standard B-9	Streetscape Design	<ul style="list-style-type: none"> ■ New Development shall utilize the City's streetscape standards for Bayside to create a unified image for the neighborhood. The new privately owned and developed open spaces provided by the <u>Plan for midtown Development</u> will be designed to coordinate with the City's standards for streetscape design elements. 	<p>The Mews and The Courtyard at midtownOne and Two have been designed with paving materials, lighting, street furniture, and plant species that have been coordinated to harmonize with the streetscape standards for Somerset Chestnut and Pearl Streets. The garage green screen is intended to bring the trail landscaping into the garage building façade.</p> <p>Similar materials and details will be employed at the public terraces and plazas associated with midtownThree and Four</p>
Standard B-10	Encroachments	<ul style="list-style-type: none"> ■ Encroachments on the public sidewalk shall be sited and designed to encourage pedestrian activity. No encroachments are planned in the <u>Plan for midtown Development</u>. 	<p>midtownOne, Two, Three, and Four do not include any encroachments in the public sidewalk.</p>
Standard B-11	Lighting	<ul style="list-style-type: none"> □ Street lights along public streets shall comply with the City's Technical and Design Standards and Guidelines and shall be scaled to the size and use typical for each street. The <u>Plan for midtown Development</u> will utilize the standard type fixture for Somerset Street, Elm, Chestnut Street and Pearl Extension. Location and spacing may need a waiver. As well, higher intensity lighting is appropriate for the retail locations especially along Somerset St. and to create a uniform appearance along the ground floor retail areas of the development which may require a waiver of some requirements. 	<p>As midtown is constructed Holophane street light model for Bayside at 19' – 3" height will be used in Silver Metallic Aluminum on Somerset St. and in Tribo color on Pearl, Elm and Chestnut Streets.</p>

		<p>Pedestrian lighting will be provided by the streetscape lighting noted above together with 'spill' lighting from retail store fronts.</p> <p>Lighting for the mews and new public opens spaces will be designed to compliment these standards.</p> <p>A waiver is requested for higher intensity lighting to support retail activity.</p>	<p>A waiver is requested of the lighting intensity and spacing requirements for midtown in that all ground floor uses on Somerset St., the Mews, the Courtyard, much of the Bayside Trail, Chestnut and Elm Streets will be retail. Higher intensity lighting is appropriate for such retail locations and the design seeks to create a bright and uniform appearance along the ground floor retail areas of the development.</p>
		<p>midtown Development Plan</p>	<p>midtown Level III Design Review</p>
<p>Standard C-1</p>	<p>Parking Structures</p> <ul style="list-style-type: none"> <p>Parking structures shall be compatible with adjacent uses and architecture in form, bulk, massing, articulation, and materials.</p> <p>The <u>Plan for midtown Development</u> will incorporate architectural design elements that provide visual interest on all sides of its two garages that are visible from public rights of way. The visual impact of parking garages along Somerset, Chestnut, the Mews and Bayside Trail will be mitigated through façade articulation and use of materials in harmony with the residential buildings.</p> <p>Internal lighting and the glare of headlights will be screened from view. Pedestrian level lighting will be provided on all public sides of the garages.</p> 	<p>The midtownTwo Parking Garage will express a horizontal bay spacing of 12 ft. similar to the proposed residential façades, and it will utilize a floor-to-floor dimension of 10 ft. similar to the residential floors.</p> <p>Additionally, all buildings will take the form of predominant retail ground floor use with other uses on the upper floors.</p> <p>Materials for the garage will include architectural precast concrete, metal and colored accent features, all as illustrated in elevation drawings submitted.</p> <p>The Garage's internal lighting will be carefully designed to avoid spill and glare visible from public spaces, and pedestrian light levels along Somerset and Chestnut Streets, and along the Bayside Trail and the Mews, will be bright as detailed elsewhere.</p>	

Principle C, Parking, Loading and Services Areas

		<p>Garages will provide facilities for Electric Vehicle recharging</p> <p>The Garages will provide space for public commercial car share services.</p>	<p>The Garage will provide 14 premium EV-ready spaces near the elevators. These spaces will include an outlet, pay station, and appropriate signage – they will be available on both short term and monthly lease basis.</p> <p>Space will be provided for public car sharing programs like ZipCar, Enterprise, or u-car. These vehicles are provided with access key-cards to operate the garage access and egress gates, so can be parked near the public elevator on Somerset St. and available to all neighbors at any time.</p>
Standard C-2	Parking Entrances	<p>□ Parking garage automobile entrances shall respect the pedestrian realm; Pedestrian entry/exit points shall be enhanced; Visual impact shall be minimized through design elements</p> <p>In the <u>Plan for midtown Development</u>, garages will be designed to respect the pedestrian realm and minimize the visual impact of the garage entrance and exit by collocating the garage entrance and exit. These consolidated entry/exits will provide greater uninterrupted active retail use on the ground floor and will require a waiver from the requirement for separate entry/exit.</p> <p>Entry/egress gates will be located interior to the garages to allow entrance queuing internal to the structure minimizing back up onto Somerset St.</p> <p>A waiver is requested of the requirement that entrances and exits be physically separated.</p>	<p>The midtownTwo Parking Garage will require entering vehicles to rise onto the sidewalk via a curb ramp, and thus the entering driver will know that the vehicle is being driven in a pedestrian realm. The exit ramp will be clearly signed and well lighted to alert the exiting driver that s/he will be crossing a sidewalk where pedestrians have the right of way.</p> <p>Entry and exit revenue control gates are located well inside the garage. Three lanes are provided with the center lane being reversible so that two entry gates can be utilized during busiest ingress times and two exit gates during the busiest egress times. In this way, the queue of entering vehicles can be maintained within the garage structure.</p>

			<p>By its nature, the queue of exiting vehicles will be within the structure; but important to the pedestrian realm, the exiting driver will have a clear view of the sidewalk and traffic in both directions along Somerset Street, and will remain stopped without blocking the sidewalk until it is safe to exit.</p> <p>Pedestrian access/egress towers at the corners of Somerset and Chestnut, and the Mews at the Bayside Trail will provide a lighted accent at these corners, and provide for public view of patrons in the staircases and waiting for the elevator</p>
Standard C-3	Active Uses	<ul style="list-style-type: none"> ■ Parking Structures shall incorporate liner buildings, or enclosed active uses on the first floor of A and B streets with a min clear ceiling height of 10 ft. and a minimum depth from street front of 25 ft. <p>The garages of the <u>Plan for midtown Development</u> will exceed this standard substantially by providing active retail uses on the ground floor with a minimum of 14 foot floor to ceiling clearance height and a column spacing that allows deep commercial uses to be developed in the structures.</p>	<p>The midtownTwo Parking Garage will feature retail frontage on Somerset and Chestnut Streets and along a substantial length of the Bayside Trail. This retail accommodation is the full 120 ft. depth of the building, accessible on all sides, and built with a clear height from floor to underside of structure of not less than 14 ft. (for more than two thirds of the space – lower ceilings will be necessary under the access ramp)</p>
Standard C-4	Back of Parking Structures	<ul style="list-style-type: none"> □ Parking Structures that have a rear or side elevation along a public right of way or ... trail... must incorporate standard E-9. <p>The garages of the <u>Plan for midtown Development</u> will incorporate design considerations of Standard E-9</p>	<p>The midtownTwo Parking Garage will not have a “back side” in the traditional sense of a building which utilizes a better material in a more articulated way for a primary facade and lesser materials with no articulation for</p>

			<p>others. Since the parking structure will form a façade on the Bayside Trail, and a street front on both the Mews and Chestnut St., these façades will be as articulated and be built of the same materials as the principle Somerset façade.</p> <p>The design for the parking garage retail façade facing the trail will provide for operable building entrances. The base building will provide clear glass at the retail frontage on the trail.</p>
Standard C-5	Decks and Ramps	<p><input type="checkbox"/> Parking structures shall have horizontal decks on all levels where decks are visible from public rights of way. Sloped ramps shall be screened from visibility from public ways.</p> <p>The garage decks of the Plan for <u>midtown Development</u> will be level on the Chestnut and Somerset St. and the Mews façades, and will incorporate a parking ramp between parking levels along the Bayside Trail façade. The Plan seeks a waiver to allow these ramps to be expressed to the Trail and visible tangentially from streets and public rights of way.</p>	<p>The midtownTwo Parking Garage has been designed with ramps at the Bayside Trail façade supported on sloping structure between horizontal end bays. The end bays will be clad in architectural precast concrete with openings similar in size and spacing to the apartment building windows. The sloped structure between these will be minimized, cable rails will provide for pedestrian and auto safety, and the interior structure will be a dark color, all to minimize visibility of the sloping ramps. The façade will be screened on much of its facades above the retail ground floor with a green screen.</p>
Standard C-6	Surface Lots	na	
	The Plan for <u>midtown Development</u> does not incorporate surface parking		

<p>Standard C-7</p>	<p>Bike Racks</p>	<p>■ Bike Racks shall be provided in a convenient location and in compliance with the City's parking standards at Chapter 14-332.1 et seq.</p> <p>The <u>Plan for midtown Development</u> will incorporate bike racks conveniently located in the parking garages in compliance with the City's Off-street bicycle parking standards, that is 2 bicycle spaces for each 5 dwelling units, and 10 bicycle spaces for the first 100 non-residential car parking spaces and 1 bicycle parking space for each 20 additional car parking spaces.</p>	<p>Assuming 1.0 car parking spaces per dwelling unit and 445 dwelling units provided in the midtown apartment buildings, 445 of the Garage's 828 car spaces may be dedicated to residential uses and 383 spaces will be available to non-residential uses. The development will therefor provide the following bike spaces:</p> <ul style="list-style-type: none"> • Residential use: $(445/5) \times 2 = 178$ spaces • Non-residential use: $10 + (142/20) = 29$ spaces • Total: 207 bicycle spaces <p>Bicycle spaces are planned at ground level beside and beneath the access ramp accessible from the Courtyard via the pedestrian lobby. Signage will indicate this location from Somerset St. Additional spaces are provided in the ground floor of midtownFour.</p> <p>Some of these spaces will be provided and designated for Bicycle Sharing programs such as Zagster, Decobike, or Alta Bicycle Share. These will be located on the Bayside Trail , and will be appropriately signed from Somerset Street.</p>
<p>Standard C-8</p>	<p>Service, Utility and Mechanical Infrastructure</p>	<p>■ Service, Utility, and Mechanical Infrastructure (when installed at ground level) shall be located at the rear or side of buildings or interior to parking garages, and all such infrastructure shall not result in adverse visual, audible, or noxious impacts.</p> <p>The <u>Plan for midtown Development</u> incorporates screening for infrastructure as follows:</p>	

		<ul style="list-style-type: none"> • service, utility and mechanical infrastructure will be located at the rear or sides of buildings, with underground connections; • all service, utility, and mechanical infrastructure will be visually screened; • roof equipment will be screened from street level visibility from public rights of way and from designated view corridors by parapets, roof screens or equipment wells; • roof equipment will be clustered to the extent practical; • residential building loading areas will be through overhead doors, in colors and finish consistent with the exterior elevations of the overall building; • no exposed to view loading docks or ramps are anticipated; and, • no outdoor storage and trash collection or compaction is anticipated that would require screening. • As the buildings have no "sides" or "backs" a waiver is sought of requirement to have service access at side or back and to allow entrance from the public way 	<p>Gas meters for commercial restaurant and café tenants will be mounted in inconspicuous places away from view from streets</p> <p>Utility transformers to serve the midtownOne and Two buildings will be located in a corner of the land dedicated to the Bayside Trail; transformers to serve midtownThree and Four will be located on the proponent's land north of the midtownFour building, all as shown on site plan. Transformers will be appropriately fenced for safety and screened with plant materials. No other service equipment is planned at grade level</p> <p>The design of the midtownOne and Three buildings will provide roof top screening of condensing units, ventilation fans and other rooftop equipment by extending parapets on street and trail facades above the flat roofs. A penthouse will be provided which will house elevator equipment and stair to roof.</p> <p>Trash and recycling handling and storage at the midtown buildings will be entirely inside the buildings.</p>
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Principle D, Open Spaces and the Public Realm		midtown Level III Design Review
Standard D-1	<p data-bbox="224 808 365 1480">Open Space Design</p> <ul style="list-style-type: none"> <li data-bbox="397 808 511 1480">■ New publicly-accessible open spaces shall be designed to allow views from the sidewalk, street, and surrounding buildings and shall provide views into the open space as well as outward from within the space. <li data-bbox="544 808 657 1480">New public open space meeting these criteria will be provided in the <u>Plan for midtown Development</u> 	<p data-bbox="1031 808 1161 1480">The Mews and the Courtyard of midtownTwo and Three are visible from Somerset St. and the Bayside Trail and provide views outward to these public rights of way.</p> <p data-bbox="1193 808 1323 1480">The open spaces provided adjacent to midtownThree and Four buildings widen and enhance the trailhead at Elm Street.</p> <p data-bbox="1356 808 1485 1480">Importantly, the development of continuous low-rise residential frontage along both Somerset Street and the Bayside Trail provide “eyes-on-the-street” a component of making public spaces feel safe and welcoming at all hours of day and night.</p> <p data-bbox="1518 808 1624 1480">All open spaces have been designed with a view to enhance pedestrian comfort while providing a variety of sunny and shaded areas.</p>
Standard D-2	<p data-bbox="224 1533 365 2005">Bayside Trail</p> <ul style="list-style-type: none"> <li data-bbox="397 1533 511 2005">□ Buildings adjacent to the Bayside Trail shall be designed so that the façades along the trail incorporate design elements that enhance the trail use such as active doors into the building, plazas, outdoor seating, and food service. <li data-bbox="544 1533 657 2005">The <u>Plan for midtown Development</u> incorporates provisions to enhance the Trail by incorporating design elements that include: <ul style="list-style-type: none"> <li data-bbox="690 1533 803 2005">• new/enhanced lighting, hardscape and landscaping; 	<p data-bbox="1031 1533 1161 2005">All the midtown buildings are designed façade elements adjacent to the Bayside Trail that enhance the trail experience. As noted above, these façades are not designed as “backs”, and they provide the important</p>

Standard D-3	Landscaping and Street Furniture	<ul style="list-style-type: none"> • active uses/doors into the buildings, • new public spaces; • opportunities for outdoor active uses and seating; and, • new public accesses to the trail from Somerset Street via Pearl Street, the Mews, enhanced Chestnut St., and Elm St. • A partial waiver is sought on the requirement of having "active building ingress and egress" on the portion of midtown Three facing the trail due to changes in grade at the berm. 	<p>element of residential windows overlooking the trail. Food service establishments are the planned as part of the retail leasing program for the ground floors of the all buildings. This may provide some entrances and egresses facing the trail.</p>
	<ul style="list-style-type: none"> □ 	<ul style="list-style-type: none"> • The design shall incorporate provisions for Landscaping and Street Furniture for public and private property that is compatible with the provisions set-forth in the City's Technical and Design Standards and Guidelines. Submissions shall be reviewed by the City Arborist. • The <u>Plan for midtown Development</u> will incorporate landscape improvements that will enhance the visual quality of the street presence and pedestrian activity zones including enhancement of the Bayside Trail that include urban compatible canopy trees, low maintenance shrub, perennials, grasses and ground cover plantings. • Plant selection will include native material where practical and appropriate and will include hardy urban material in response to the environmental conditions prevalent to the Bayside area, that include zone hardness, soil conditions, potential tidal ground water influence, road salt conditions, low maintenance and drought tolerance 	<p>The midtown buildings and their site development will be designed to meet all the commitments of the approved Site Plan</p> <p>Plant selection includes native species where feasible and zone hardy, drought tolerant species. Proposed site grading and planting methods have been incorporated to address environmental constraints as best as possible</p>

	<ul style="list-style-type: none"> Currently there is no plant palette for urban street trees in the project area, placement of street trees follow the recommendations of the Technical and Design Standards and Guidelines; planters will be incorporated where grading requirements have provided the opportunity to enhance the public activity zone and incorporate trees typical of other city streets; the new planting will establish a palette for subsequent street improvements by others. 	<p>Selection of street tree species has been coordinated with the City Arborist.</p>
	<ul style="list-style-type: none"> Street planting will incorporate the city standard tree grate within the public sidewalk and along portions of the trail; this enhancement will provide for extended pedestrian circulation; planters will be raised to address the grade changes that occur in response to street improvements and will be detailed to provide visual enhancement; planted areas, including street tree plantings, will incorporate methods to provide for adequate water and air to support a healthy growing condition, and will include alternative soil mixture and or structural units to enhance root zone development; plant material will be selected in response to urban conditions that include drought tolerance 	<p>Street trees are proposed to be planted in oversized raised-curbed planting beds per request of the City Arborist.</p>
	<ul style="list-style-type: none"> No irrigation system is proposed: however, during the period of establishment watering will be incorporated as part of the required maintenance plan. Drainage is not anticipated to be an issue with the proposed plantings 	
	<ul style="list-style-type: none"> No accent lighting is being proposed for plantings in the public space or private space. 	

Standard D-4	Pedestrian Amenities	<ul style="list-style-type: none"> A maintenance plan will be provided that will establish a program for feeding, watering, pruning, damage repair, pest and weed control, and replacement of declining plant material. 	
	<input type="checkbox"/> Pedestrian Amenities	<ul style="list-style-type: none"> Pedestrian amenities shall comply with the City's Technical and Design Standards and Guidelines at a minimum, and also with the streetscape standards selected for Bayside. <ul style="list-style-type: none"> Seating will be provided where appropriate in response to the provisions requiring one linear foot of seating for each 30 feet of street frontage; Space has been allocated for a bus shelter within the <u>Plan for midtown Development</u>; Trash receptacles and bicycle hitches will be located to maintain an unobstructed pedestrian route; at this time there are no plans to provide for mail boxes or newspaper boxes; Following completion of the City's Way finding Study directional signage in compliance with the study's recommendations will be incorporated into the <u>Plan for midtown Development</u>, however pending completion of the study, the proponent requests a waiver of this provision; other signage shall conform with guidelines set-forth in Standard E-16, 	<p>Permanent seating will be provided along Somerset St., Chestnut Street, Elm Street and the Pearl Street extension; Additional loose seating will be provided controlled by the retailer at the Courtyard.</p> <p>Bicycle hitches will be provided along Somerset street, Chestnut Street, Elm Street and the Pearl Street extension; for patrons of the retail merchants and undercover at the midtown Two garage for visitors to the apartment tenants. Secure bicycle storage for employees of retailers and apartment tenants is provided in the garage (see Standard C-7 above)</p> <p>At a minimum midtown will provide street name signs at all intersections, and Bayside Neighborhood maps will be located at the Courtyard, at Chestnut Street, and along the Bayside Trail opposite the Garage building.</p>

Standard D-5	Public Art and other special features	<ul style="list-style-type: none"> Public Art shall be designed and implemented in accordance with the Guidelines for the City of Portland Public Art Program, shall complement the character of surrounding buildings, streets, and open spaces, and shall not obstruct pedestrian circulation. The <u>Plan for midtown Development</u> will incorporate this requirement and identify locations for public art by others. 	<p>The midtown development incorporates locations for provision of public art in several locations: sculpture space in the courtyard, potential for Mural development on the Garage façades facing the Mews and the Bayside Trail, in the Chestnut Street Island and at the space to the west of midtown Three along Elm St.</p> <p>It is anticipated that the public art will be designed and implemented by others in a manner that will complement the character of the buildings, streets and open space. The proponent will actively solicit appropriate public art as the project nears completion.</p>
Principle E, Architectural Design		midtown Development Plan	midtown Level III Design Review
Standard E-1	Architectural Design	<ul style="list-style-type: none"> New development shall create a mixed-use, pedestrian-friendly setting that contributes to the neighborhood context of the surrounding urban fabric, contributes positively to a new identity for Bayside, and provides a sensitive transition to the adjacent residential community. <p>As noted above the <u>Plan for midtown Development</u> incorporates mixed residential and retail uses forming one side of what will eventually become a pedestrian oriented retail street linking Trader Joe's to Whole Foods. The residential density associated with this plan will assure success of the retail development, bring active life to the streets evenings and weekends, and provide added variety to residential offerings by providing for a contemporary urban lifestyle.</p>	

		<p>Architectural design of all buildings will be "modern industrial" incorporating twentieth and twenty-first century materials and sensibilities derived from industrialized production and building techniques. The building designs are intended to be both of their time and timeless – to bridge the century from the neighborhood's railroad/industrial past to its mixed residential future.</p>	<p>The buildings of midtown are unambiguously modern buildings with an economy of expressive means using unadorned industrial materials to achieve great effect through judicious use of accent colors. These buildings, while be designed with a modern architectural vocabulary, and reflect their obligation to be 'citizens of their own time and place.' They are designed to be good neighbors, deferring to local vernacular architecture and, where appropriate, borrowing and taking fundamental design lessons in form, proportion, and fenestration rhythms.</p>
Standard E-2	Height	<ul style="list-style-type: none"> ■ Building heights shall meet those approved in the Bayside Height Overlay Map as amended by any later regulations. Street wall heights shall be stepped back 15 feet above 4 stories. Roofline shall create visual interest on the skyline. <p>The buildings of midtown <u>Development Plan</u> will conform to the heights noted on the Bayside Height Overlay Map of 4/09/2006 (105 and 125 feet). The street wall on Somerset Street will be characterized by façades creating visual interest at the skyline.</p> <p>"Average Grade at Building Façade" is less critical to establishing the heights of these buildings because they are substantially lower than the heights allowed by the Height Overlay map.</p> <p>The intention of the development is to allow entrance at virtually any point along the perimeter (that is, along Somerset St., the Mews, the Courtyard, Pearl St., the Bayside Trail, Chestnut St., and Elm St.) the majority of these street and trail frontages will be reconstructed to meet the first floor elevation.</p>	<p>The buildings of midtown follow the development plan intentions directly. Both the apartment buildings and the garage will be articulated with vertical elements which will terminate at the roofline to provide interest at the skyline.</p> <p>The low-rise buildings (midtownOne, Three, and Four) will not have upper level façade setbacks, however the façade of midtownThree will be varied through bays set two feet proud of the main façade, and upper level setbacks and varied parapet heights to create a visually interesting skyline. The midtownTwo garage building will not feature setbacks.</p>

		<p>The first floor will be constructed at a finished elevation (called 0'-0" on the elevations, and equal to 12.0 ft. Portland City Base-NGVD 29) which will be above the predicted FEMA flood elevation at 10.0 ft.</p> <p>At two points, however, due to the slope down from new grades of Pearl Street, and Somerset Street south of Pearl, to the existing grades of Somerset Street north of Pearl and the Bayside Trail, and similar conditions at the intersection of Somerset and Elm Streets, sloped grades have been introduced at the building face. This would cause the average grade as defined above to be a few inches lower than 12'-0" for buildings One and Four – but as noted, the buildings are substantially lower than the allowed height and this minor variation is of no consequence.</p> <p>And at some time in the future as all of lower Bayside is lifted above flood levels, the two intersections noted above will be brought up to match the raised portion of Somerset St. and the average grade at the buildings will be approximately 12.0 ft.</p>	
Standard E-3	Massing	<p>□ The composition of proposed building façades shall be defined by horizontal and vertical articulation with the vertical predominating; large expanses of undifferentiated uniform cladding are not allowed along public rights of way.</p>	

		<p>The residential buildings within the <u>Plan for midtown Development</u> along Somerset Street will feature a prominent, transparent, brightly lit retail use at ground level and cornice and parapet articulation at the roof line. Collectively these use differentiations, setbacks, and roofline articulations will support a reading of the massing as to having a base, middle and top.</p>	<p>The midtown buildings are characterized by not having “backs” – that is they will be seen equally from all directions. As such, careful attention has been paid to the composition of each façade to minimize or eliminate undifferentiated expanses of façade and to provide a degree of articulation in all façades. The organization of residential scale windows is presented in multiple ways.</p> <p>The garage design supports a reading of the massing as to having a base (retail development) and top (through articulation of cornice elements). A waiver is sought for the garage to accept this definition.</p> <p>At the pedestrian level, the garage is characterized as not having a back. The rhythm of retail use and its storefront will create a sense of vitality facing the Bayside Trail. The garage upper levels will be minimally articulated, including green screening, but using the logic of its structural system to express its quiet honesty in the use of architectural precast concrete.</p>
<p>Standard E-4</p>	<p>Articulation</p>	<ul style="list-style-type: none"> □ Façades visible from public rights of way shall incorporate design elements that break the façades into components scaled to the pedestrian, and shall not be blank, flat, unadorned, or repetitive. <p>Per Standards E-2 and E-3 above the building massing of the midtown Development will break down the scale into base, middle, and top by articulation of window detailing, wall color and material, and changes in pattern and texture. Reveals, expansion joints, trim and permanent artwork by others will contribute as well.</p>	<p>As designed, none of the façades of the midtown buildings can be characterized as “blank, flat, unadorned, or repetitive.”</p>

		<p>The base of the buildings will be commercial retail use and will exhibit materials durable in nature and of high quality. Storefronts and weather protection for pedestrians will further accentuate these façades and reinforce the pedestrian scale.</p> <p>Transparent display windows will be used at the retail façades at the pedestrian level. Effort will be made to encourage retailers to maintain transparency inside the glass.</p>	
Standard E-5	Flexibility of Interior Layout	<ul style="list-style-type: none"> ■ The first 40 feet of depth of floor area along street frontages shall be laid out to accommodate retail uses. Placement of permanent building elements at the ground level shall be designed to accommodate the broadest possible variety of layouts. <p>The <u>Plan for midtown Development</u> anticipates buildings that will have tall largely open retail spaces facing all public streets and the Bayside Trail. Access to upper levels (residential service, elevator, and lobby spaces, and garage entrance/exit gates and ramps) will be concentrated or clustered to provide the maximum of open leasable space within. Egress stairs from upper levels will be driven to non-storefront façades to the extent feasible.</p>	<p>midtown offers commercial interior layouts that are flexible and oriented to the sidewalk, mews courtyard, and trail. The residential buildings provide a retail storefront rhythm allowing retailers a flexible module to merchandise their frontage.</p> <p>The garage has a structural bay spacing of 24 feet by 60 feet making it a unique high quality offering for commercial tenants. The vertical floor to floor dimension of the first floor of all buildings will 18 feet, a dimension matching and exceeding commercial market expectations.</p>

Standard E-6	Entrances	<ul style="list-style-type: none"> Buildings along public streets shall have their primary entrances oriented to the street. Primary public entrances to the buildings proposed in the <u>Plan for midtown Development</u> will be on Somerset, Pearl, Chestnut, and Elm Streets. A second entrance to the garage will be located nearer the Bayside Trail open spaces. 	<p>The primary resident entrance to the midtownOne apartment building will be along the extension of Pearl Street, undercover, near the intersection of the Bayside Trail. A secondary key access entry will be located nearer to Somerset St. for resident convenience.</p> <p>The primary resident entrance to the midtownThree apartment building will be along Chestnut Street and the resident entry to the midtownFour apartment building will be along Elm Street.</p> <p>The primary public egress from and access back to the parking levels of the midtownTwo parking garage will be at the corner of Chestnut and Somerset Streets.</p> <p>A secondary entrance to the garage will be located at the Courtyard along the trail.</p>
Standard E-7	Windows	<ul style="list-style-type: none"> Windows appropriate to the overall building style and scaled to overall massing shall be located on all façades visible from public rights of way. First floor visible light transmittance shall not be less than 0.7 and vision glass shall occupy at least 50% of the street frontage from 2 to 9 feet above the sidewalk. Upper floor windows shall likewise transmit at least 0.7 of visible light, and shall constitute 15 to 40 percent of façade surface area. The retail frontage of all buildings in the <u>midtown Development</u> will comply with this requirement. The upper levels of the residential buildings will similarly comply. The garages will not have windows, but will be articulated with a window-like pattern of openings and screening designed to compliment the adjacent residential buildings. 	<p>The midtown apartment buildings have windows located on all façades with a ratio of 35% vision glass area. The retail frontage of the buildings between 2 and 9 feet above the floor is 80% vision glass. All vision glass facing public ways and the trail will be clear un-tinted non-reflective low-e coated insulating glass units with a visible light transmittance of over 70%</p>

Standard E-8	Storefronts	<ul style="list-style-type: none"> ■ Storefronts shall be designed to accommodate doors at regular intervals to allow for flexibility over time. The retail storefronts of the buildings in the midtown Development will have regularly spaced access door panels at each side of the columns along public streets. 	<p>As discussed in a previous application for this building site the midtownOne building may have overhead glass doors along Somerset Street, the Mews, and the Courtyard to allow the space to open up when feasible in good weather. Regular side hinged doors will be provided beside each overhead door to allow access and egress when the larger doors are closed. As the leasing plan is finalized, some bays of the storefront may need to be either fixed glass, or opaque material to suit the needs of the retailers.</p> <p>The applicant must retain the greatest practical flexibility to assure successful leasing of the retail space. Therefore, final details of storefronts in all four buildings are subject to the needs of retailers. Certain areas may be fixed glass others may feature roll-up doors, some areas may need to be opaque -- but the street fronts will feature wide clear storefront glazing and regularly spaced doorways to the greatest extent allowed by practical leasing considerations. Those areas of fixed glass and opaque areas will exhibit the same layout pattern as the mullions of the of the other storefronts.</p>
Standard E-9	Back Sides of Buildings	<ul style="list-style-type: none"> □ The back sides of buildings ... along the trail shall incorporate high quality materials, transparency, operable building entrances, and other design features consistent with the primary façades. As noted elsewhere, the buildings constituting the midtown Development do not have "back sides" in the traditional sense; all sides of all buildings will be formed of the same palette of high quality materials incorporating a similar range of details and style. 	<p>midtown is characterized as a design without a back. Elevations not facing the street or other public ways or trail are designed to the same high quality standards as those facing streets. Utility meters, exhaust vents and other mechanical appurtenances will be screened from view to the extent practical within the constraints imposed by utility companies.</p>

		<p>A partial waiver is sought on the requirement of having “operable building entrances” on the back portion of the midtownthree due to natural changes in grade and safety concerns.</p>	
Standard E-10	<p>Rooftop Appurtenances</p> <ul style="list-style-type: none"> ■ 	<p>Rooftop appurtenances shall not be visible along or block view corridors or views to specific landmarks.</p> <p>Mechanical and other equipment on the residential building roofs in the <u>midtownt Development</u> will be screened from view. Screens will be formed of the same palette of materials forming the primary façades of the buildings. Garage rooftop decks will be used for parking and will generally have no roof top appurtenances.</p>	<p>The roof top screen material for the three midtownt apartment buildings follows the design logic of each building as a whole with the goal of presenting the “top” of the building as a unified design. The exterior appearance, scale, shape and material choice conforms and is consistent with the rest of the building.</p>
Standard E-11	<p>Fences and Walls</p> <ul style="list-style-type: none"> ■ 	<p>Fences and walls along public ways shall be designed of high quality materials appropriate for the locations in which they are shown. Chain-link fences, plastic fences or fences rural in character are not allowed.</p> <p>No fences are planned in the <u>midtownt Development</u> area. Walls at changes of grade at the public areas will be of durable masonry materials. The required fence at the north side of the raised trail will not be chain link</p>	<p>Walls at changes of grade at the public areas of midtownt will be of durable masonry materials.</p>
Standard E-12	<p>Materials</p> <ul style="list-style-type: none"> □ 	<p>Façades visible from public rights of way shall consist of natural and authentic building materials that are expected to last 50 years.</p> <p>The buildings in the <u>midtownt Development</u> will be clad in precast concrete, EFIS, vinyl or other siding materials, corrugated metal siding, with vinyl residential windows and enameled aluminum and glass storefront window and louver systems. All materials will be chosen for durability and long service life.</p>	<p>The four buildings of midtownt are decidedly modern, expressive of the aspirations and ambitions of today’s urban citizen. The material choices are important, and sustain a cohesive, integrated image of the buildings while providing intrinsic differences between each.</p>

		<p>A waiver is being sought of Standard E-12 for the use of EFIS and vinyl or cement composite siding panels. Building material technology has evolved in recent years with offerings of higher strengths, color and pattern choices, and the ability to vary forms within a façade composition. These materials can have a handsome, elegant appearance when assembled in architecturally considered designs. Additionally the performance of these materials is very well understood and their use rivals the age and performance of heavier exterior materials like masonry or concrete.</p>	<p>The midtown apartment buildings have been designed using high quality, durable materials that age and perform well and that are appropriate for buildings of this low-rise scale.</p> <p>The midtownTwo garage building has been designed to be built of precast concrete structural and architectural cladding elements with detailing and accents in architectural metals consistent with the materials used elsewhere in the development and in the district.</p>
Standard E-13	Transparency	<ul style="list-style-type: none"> Windows shall use untinted or lightly tinted glass. <p>The buildings in the midtown Development will use clear vision glass with high visible light transmittance for windows facing the street, trail, and other public ways.</p>	<p>As noted in standard E-7, the midtown apartment buildings will comply in that all windows facing public ways will be clear glass. The midtownTwo garage building has windows only in the retail storefront. These will also be clear glass. However, there are areas of storefront, particularly where the garage ramp rises along the Bayside Trail façade, in which opaque spandrel glass will be employed to hide the sloped structure behind while maintaining the orthogonal fenestration pattern.</p>
Standard E-14	Illumination	<ul style="list-style-type: none"> Prominent façades shall be lit by carefully designed downwash systems consistent with the City's Revised Lighting Standards for Architectural Up-lighting and Standard B-12 <p>The Plan for midtown Development may incorporate carefully designed façade lighting of appropriate color and intensity consistent with garage and residential buildings.</p>	<p>Architectural façade lighting at midtown will be confined to the garage façades, the retail façades, and the public art offerings.</p>

Standard E-15	Weather Protection	<ul style="list-style-type: none"> ■ Pedestrian sidewalks and walkways shall include weather protection at entrances appropriate for retail environment use. <p>The <u>Plan for midtown Development</u> will provide awnings along retail frontages and entrances on Somerset, Chestnut, Pearl, and Elm Streets.</p>	<p>The Somerset Street frontage of the midtownOne, Two and Three buildings will have awnings at the storefronts to provide weather protection.</p> <p>The apartment entrances on Pearl, Chestnut, and Elm Streets will be provided with modest glass and aluminum canopies for protection.</p> <p>As there will be no doors to the open stairways, the garage auto entries will have small glass and aluminum canopies more to mark the entry point on the façade and support signage than to provide weather protection.</p>
Standard E-16	Signage	<ul style="list-style-type: none"> ■ Signage should be related to and an integral part of the design of a building, composed of new materials; lighting techniques, and graphic images shall be allowed where it will not have a detrimental effect on the pedestrian environment and character of surrounding buildings. <p>The Final Level III Site Plan for the <u>midtown Development</u> contains a signage plan submitted with the site plan approval package. Signage on buildings will be related to and be an integral part of the design they are part of.</p>	<p>The apartment Buildings and the garage of midtown will have building-integrated sign features incorporating graphics, color, and subtle lighting.</p> <p>A Sign Plan is being submitted showing and describing the location of building identity and address signs, and tenant signage. Limits on number and size of individual signs and total area per façade will be noted.</p>
Standard E-17	Historic Buildings	na	

Standard E-18	Sustainable Design	<ul style="list-style-type: none"> ■ Property that is conveyed by the City shall be developed in a manner that is certifiable according to the current relevant standards for building and neighborhood development of the USGBC's LEED program. <p>The midtown Development will consist of buildings designed to meet LEED-NC or LEED-C&S requirements. These buildings, if registered, supervised, inspected, and administered correctly, and if built according to design, would be able to achieve certification.</p>	<p>A LEED checklist is provided for each midtown apartment building and the shell retail space of the parking garage showing how each would be able to earn the necessary prerequisites and credits to achieve Certification. See Exhibit 25.</p>
Standard E-19	Shadows	<ul style="list-style-type: none"> □ New development shall not increase the area of the Bayside trail in shadow by more than ten percent during the period from March 21 to September 21 <p>The B-7 Zone is exempt from the requirements of Section 11 of the city's technical manual.</p>	<p>An analysis showing the shadows at 9:00, 12:00 and 3:00 on the solstices and equinoxes has been prepared for midtown to show the extent and duration of shadows on the Bayside Trail and indicate the shadow in each instance which is in excess of a building 65 ft. tall built at the property line. This analysis provides commentary on any change to the usefulness of the Trail as a result of the new shade.</p> <p>As noon on the solstices appears to be the time at which the greatest added shadow falls on the trail, this time was chosen to analyze the numerical extent of that added shadow. Area measurements for this time period show less than 5% increase of shadow on the trail and other public spaces beyond the shadow of 65 ft. tall buildings will result from the construction of the midtown buildings.</p>

<p>Standard E-20</p>	<p>Wind</p>	<ul style="list-style-type: none"> ■ Consideration of wind impact relating to new construction shall establish and maintain a comfortable pedestrian environment. <p>As the buildings are all substantially lower than the limits of height prescribed for the project area, and are consistent with the height of other recent developments in the district that have not experienced uncomfortable winds, the proponent seeks clarification that a detailed professional wind study will not be required for Final Level III Site Plan review</p>	<p>Initial assessment of wind roses and anecdotal reports suggest that winter winds from the North and Northwest might cause probable discomfort for sitting activities in the Courtyard if midtownOne were built to 165 feet tall.</p> <p>The building is proposed at 72 feet however, and accordingly any effects of wind would be attenuated substantially</p> <p>Summer winds from the South will be tempered by topography and existing construction south of the project site. The tendency for the south wind to concentrate in the Mews will be mitigated by the openness of the garage.</p> <p>Other uncomfortable winds previously predicted for walking at the Elm St. end of the trail, predicated on a pair of 165 ft. high buildings, would be similarly attenuated in the proponent's current proposal to build midtownThree and midtownFour as substantially lower 72 ft. high buildings.</p> <p>It is highly improbable that pedestrians on the trail, Elm St., or Somerset St. in this vicinity would experience any discomfort due to wind while sitting, walking, or jogging. As no dangerous wind conditions were found for any spaces with the taller buildings, so no dangerous wind conditions will result from the substantially shorter buildings.</p>
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SHADOW STUDY

Shadow Study

for

Midtown I Phase One

14 November 2014

Methodology

The shadow regulations do not require a study for buildings 65 ft or less in height. For taller buildings, the regulations require illustration of shadows at 9:00 am 12:00 noon and 3:00 pm local time on the solstices and the equinoxes. We obtained solar azimuth and elevation for these times and dates for the exact location of the site and used these angles to project shadows of the building masses proposed. Buildings had rooftop penthouses and parapet screening included.

We projected shadows first for 65 ft tall masses built to the property line on all sites. We then projected shadows for the proposed buildings and superimposed these. The darker shade is that caused by the 65 ft building height and the lighter shade is the additional shade caused by the proposed buildings.

The proposed buildings will be 78 and 92 feet in height. The shadows cast by these buildings have been compared to the shadows that would be cast by 65ft tall buildings built to the property lines.

Shadow on the trail and other public spaces added by this additional height changes throughout the day and with the seasons, but is generally minimal. We have taken the case of noon on the equinoxes which appears to represent a more extreme example of added shadow on the Bayside Trail – during the winter all shadows are long, and the increment of new shadow is beyond the public spaces; during the summer, shadows are very short and the increment is substantially diminished..

For this example we have measured the area of net new shadow on the trail and other public spaces from the proposed buildings and compared it to the area of shadow cast by buildings 65 ft. tall. The net new shadow is less than 1%, well within the standard's 10% limit.

Shadow description

On the March morning (1) the trail will be in the shadow of the 65 ft building. Additional shadow will project onto the parking lots of the existing buildings on Marginal Way. At noon (2) much of the trail will still be in shade, but the taller building shadows are much reduced in scope. By afternoon (3) the trail will be mostly in sunlight.

On the June morning (4) some of the west end of the trail will be in sunlight, and shadows are substantially smaller than spring or fall. At noon (5) shadows are minimal and much of the trail is in sunlight. At 3:00 and through the evening (6) the trail will be in sunlight except for a small part at the west end shaded by midtownFour until about 4:30.

On the September equinox, the shadows are essentially the same as in the spring since both days are daylight savings time (7, 8, 9)

On the December day, Winter Solstice, at 9:00 am the shadow (10) of even the 65 ft building at midtownFour will reach to Marginal Way, and the other lower shadows will

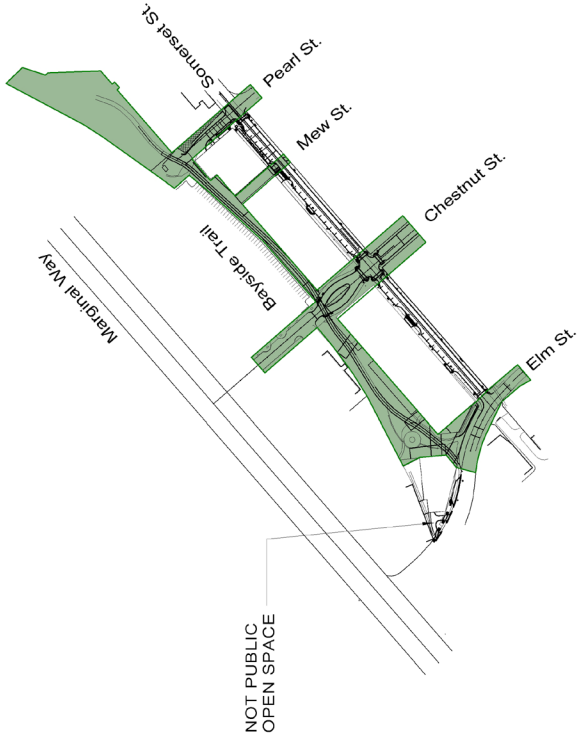
reach well across the parking lots. The increment of additional shadow for the proposed buildings is contained within the parking areas. At noon (11) with the sun to the south, even the 65 ft buildings would completely shade the trail except for the open slot at the east end near Elm St. At 3:00 pm (12) the trail would be partially shaded by the 65 ft buildings, and there would be so little incremental shadow from the proposed buildings that it is hard to spot on the diagram. As the sun moves west to sundown, this shadow will grow to shade the entire trail in the project site.

Conclusions

There would be morning shade on the trail caused by 65 ft high buildings virtually any day of the year. During the late fall and winter months the proposed buildings do not add significantly to shade on the trail. During the summer, all shadows are substantially shorter and the trail will receive direct sunlight from mid-morning onward. These shadows on the trail do not require a waiver from the city's requirements.

Additionally, the trail will always be well-lighted because it is open to virtually the entire northwestern sky which provides a great deal of very bright light, even to the ground shaded from direct sunlight.

Also please note that for all twelve times illustrated Somerset St is in virtually full sunlight.



NOT PUBLIC
OPEN SPACE

PUBLICLY ACCESSIBLE OPEN SPACE

Calculation Example at Noon on Equinox

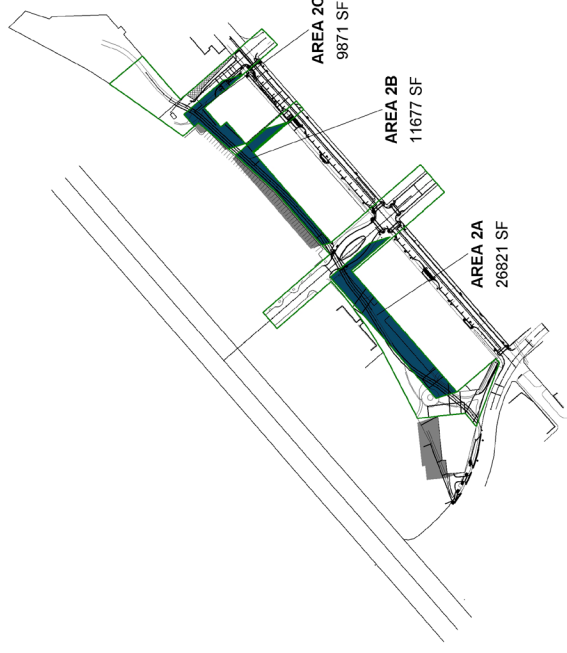
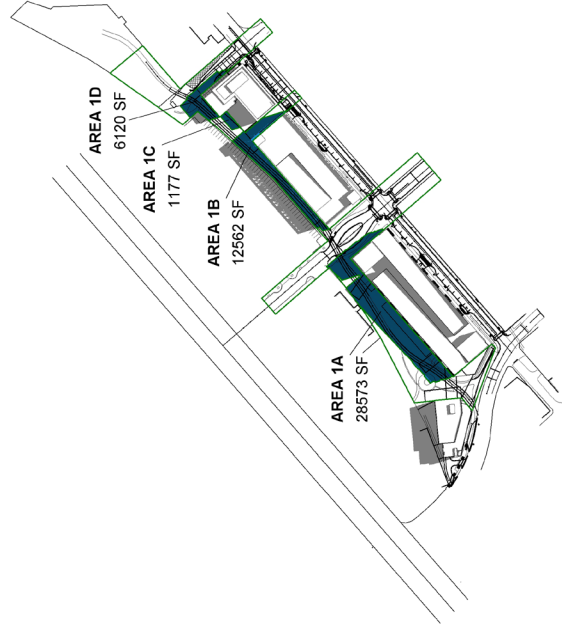
SUM OF AREAS 1A, 1B, 1C, 1D = 48,432 SF

SUM OF AREAS 2A, 2B, 2C = 48,369 SF

48,432 SF - 48,369 SF = 63 SF

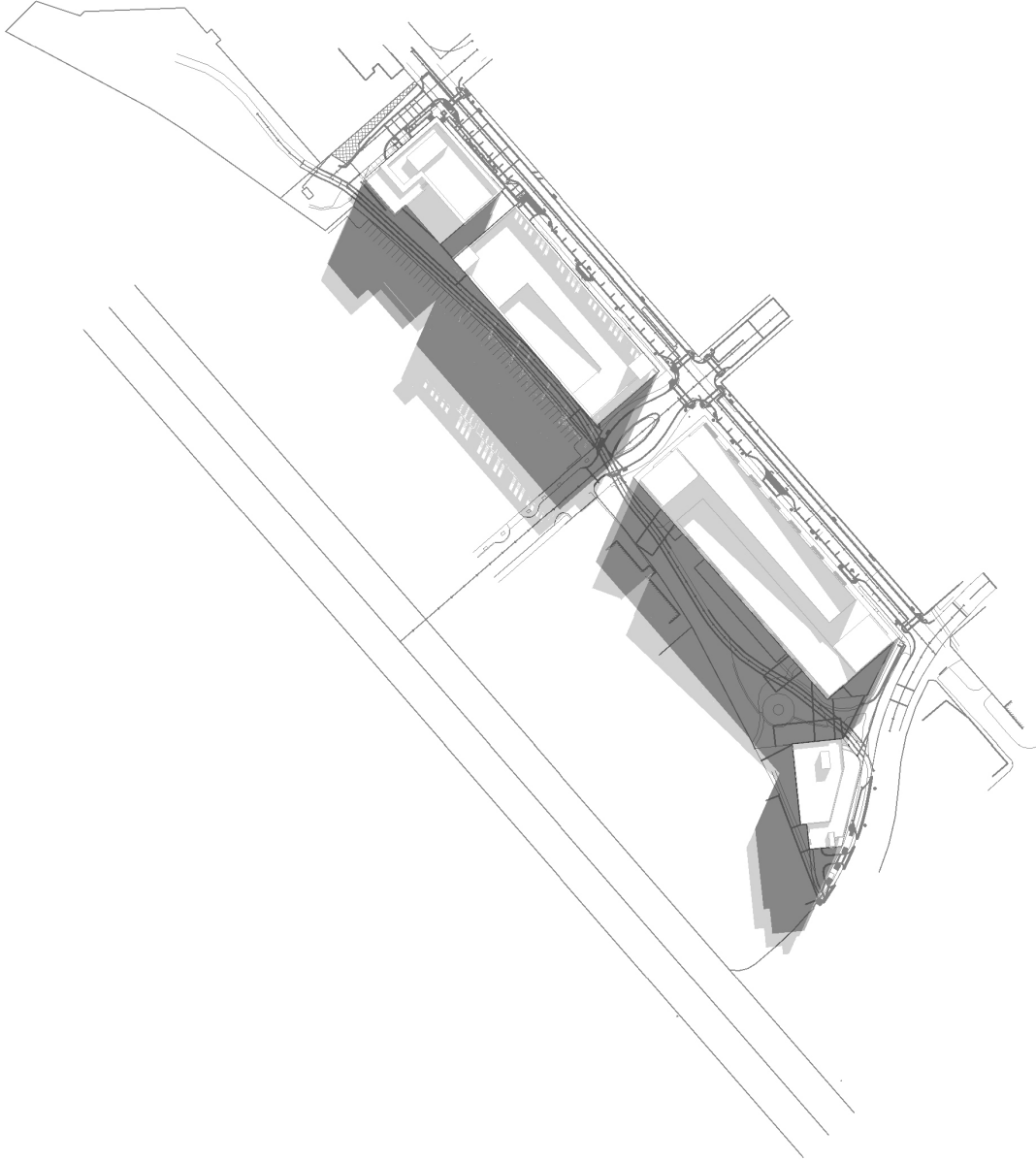
63 SF = **.13%** of 48,369 SF

SIGNIFICANTLY LESS THAN A 10% INCREASE



STUDY OF AREAS IN SHADOW IN PUBLICLY ACCESSIBLE OPEN SPACE FOR BUILDINGS WITH 72' - 92' BUILDING HEIGHTS

STUDY OF AREAS IN SHADOW IN PUBLICLY ACCESSIBLE OPEN SPACE FOR BUILDINGS WITH 65' BUILDING HEIGHTS

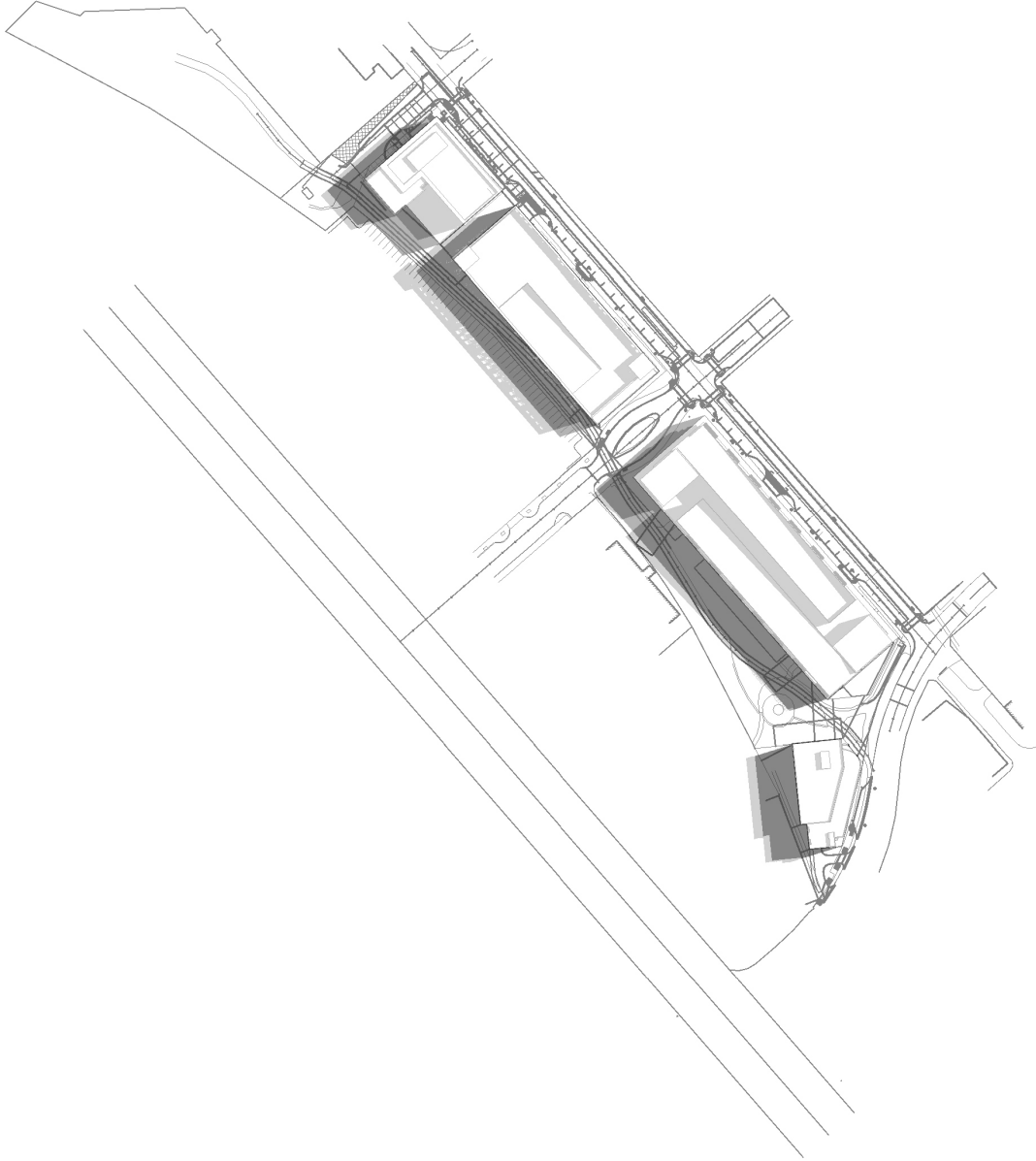


VERNAL EQUINOX

NET NEW SHADOW - 21 MAR 9 AM

1 : 3000

1

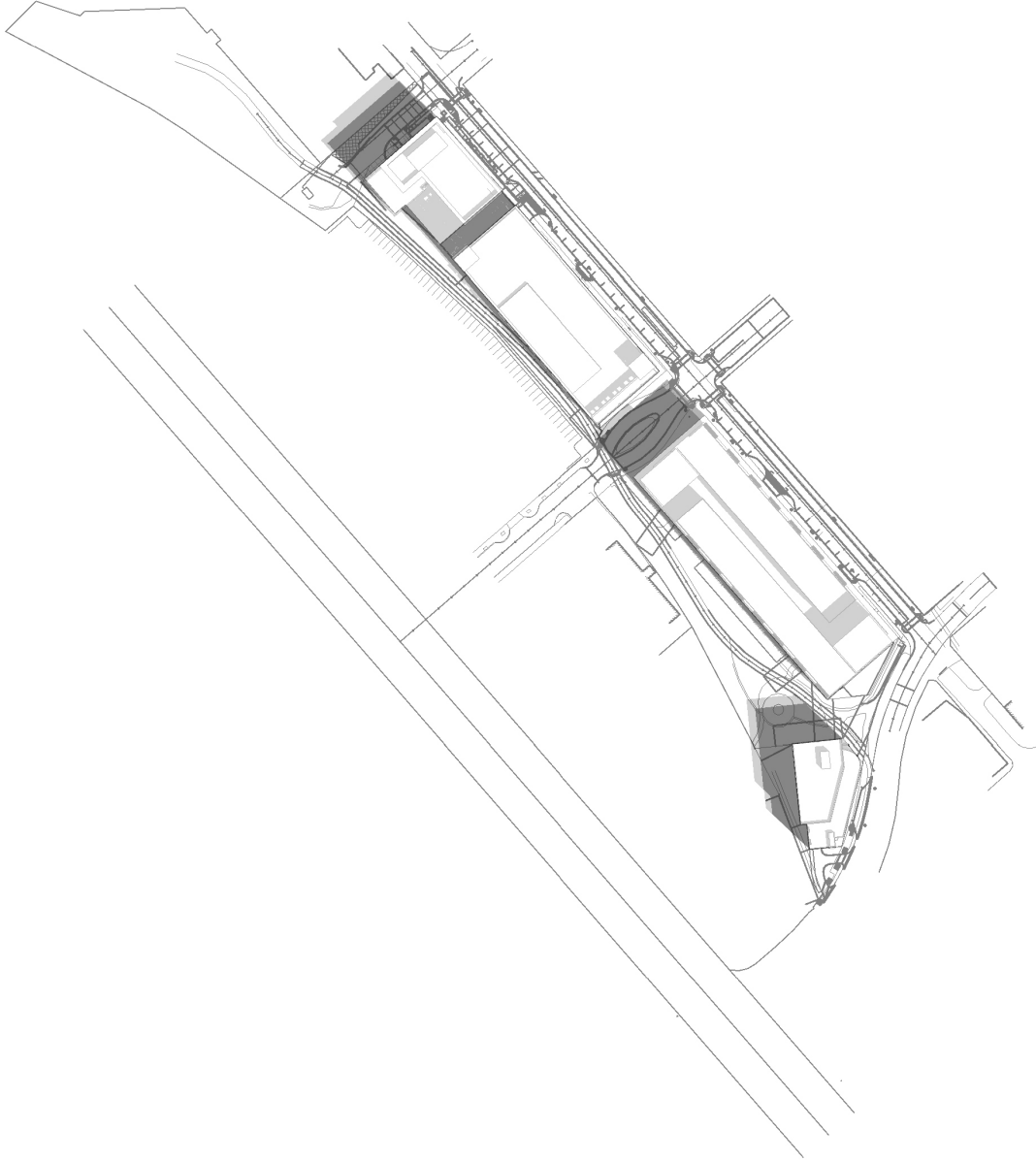


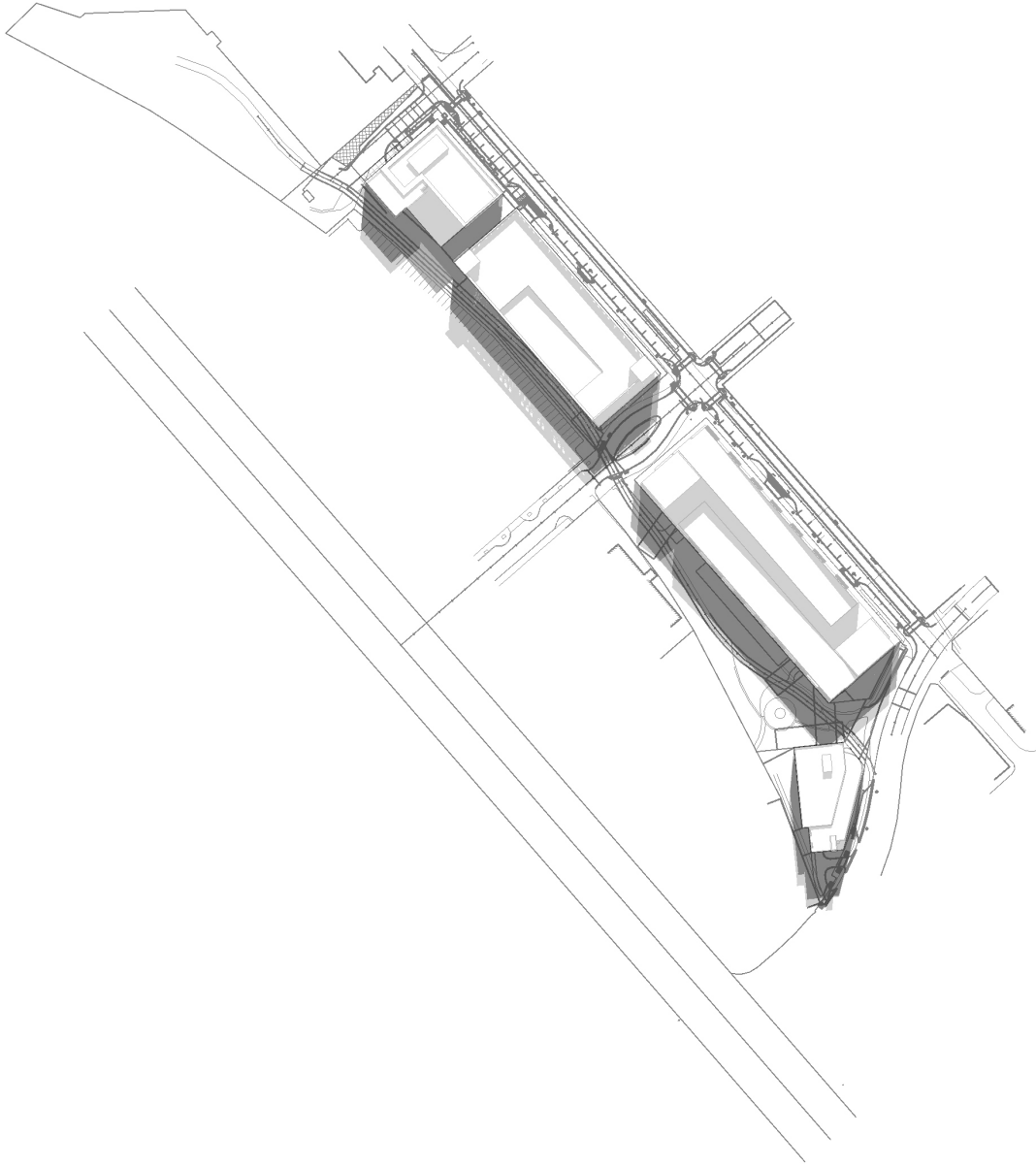
VERNAL EQUINOX

NET NEW SHADOW - 21 MAR 12 PM

1 : 3000

2



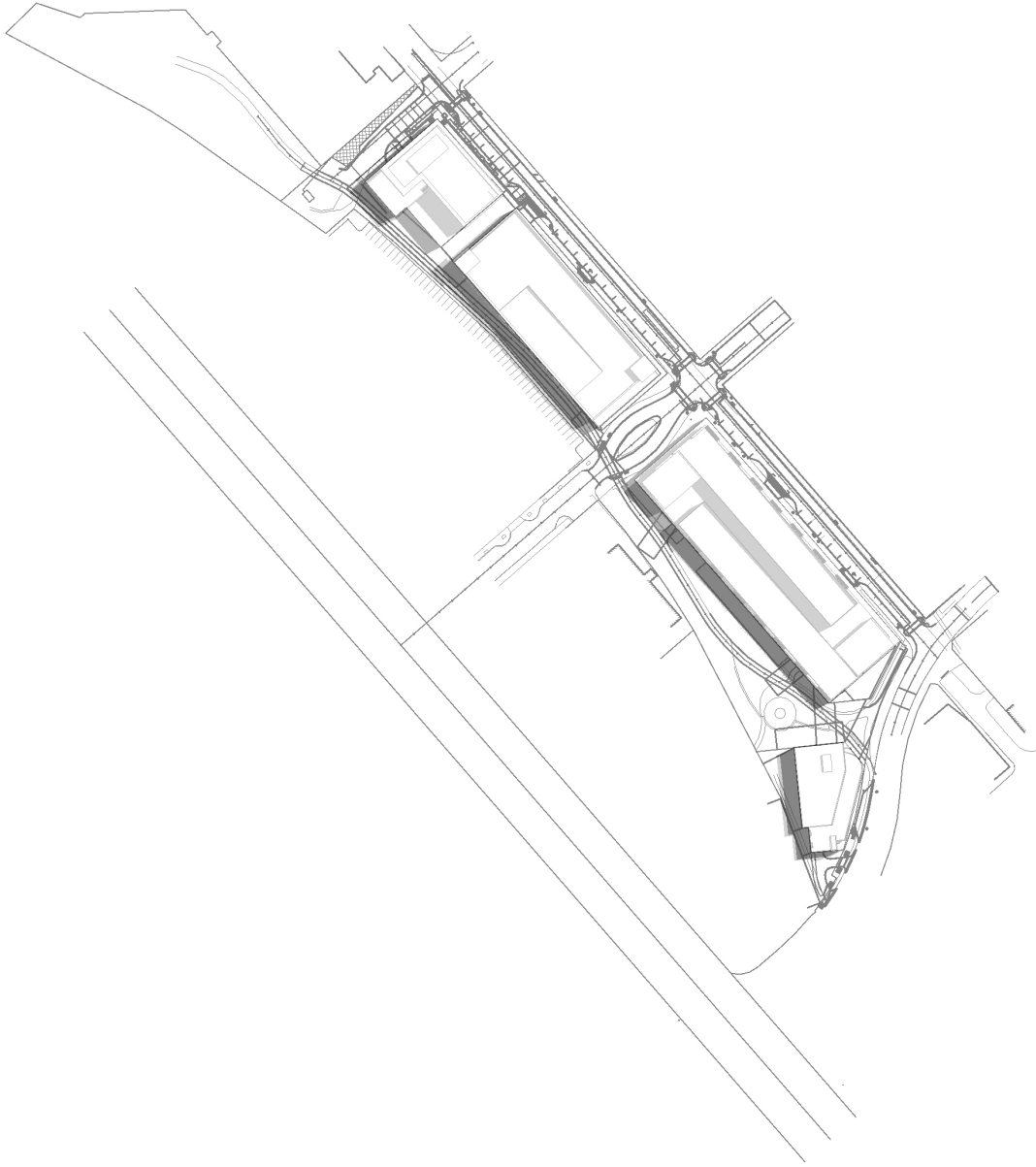


SUMMER SOLSTICE

NET NEW SHADOW - 21 JUN 9 AM

1 : 3000

4

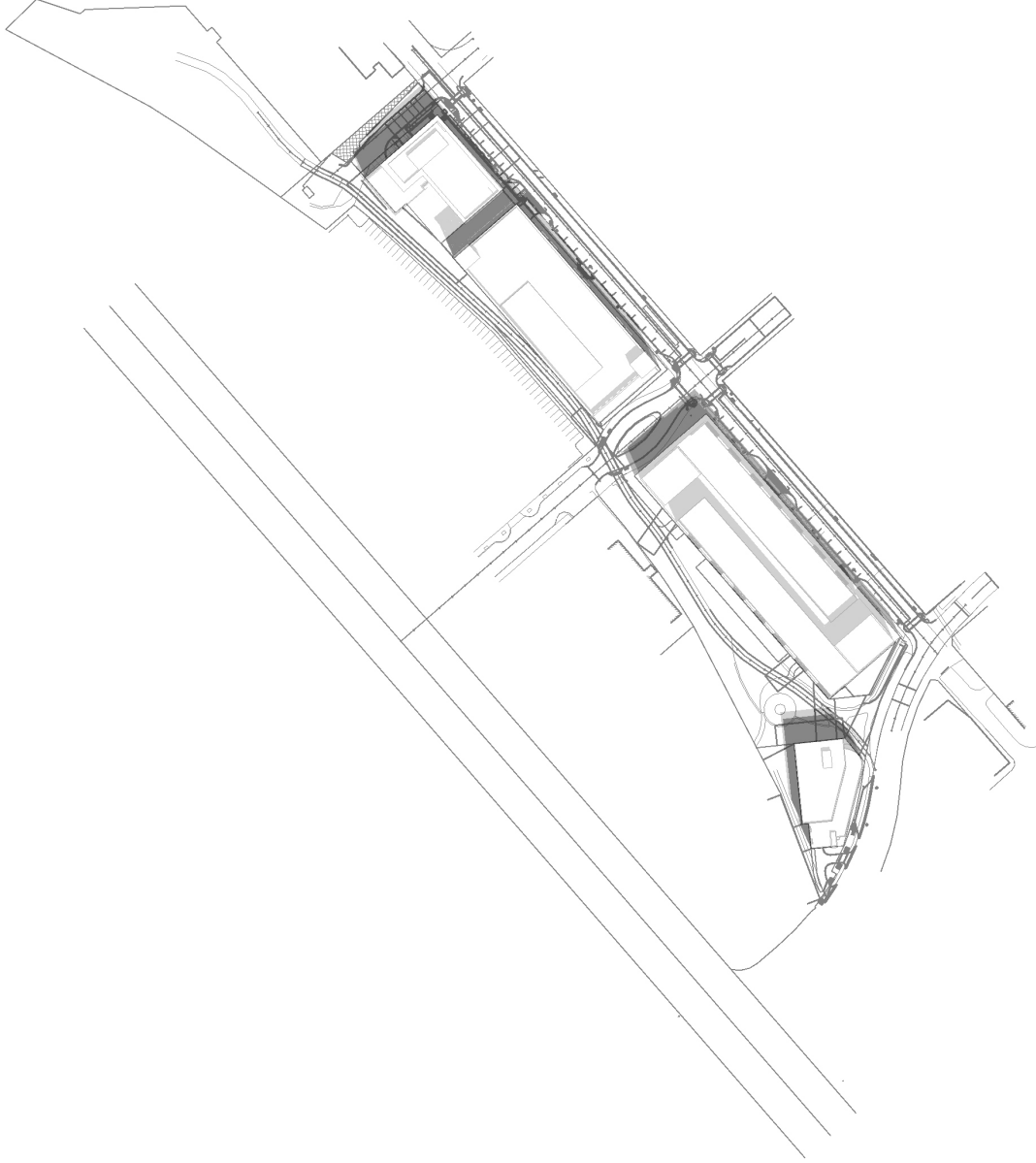


SUMMER SOLSTICE

NET NEW SHADOW - 21 JUN 12 PM

1 : 3000

5

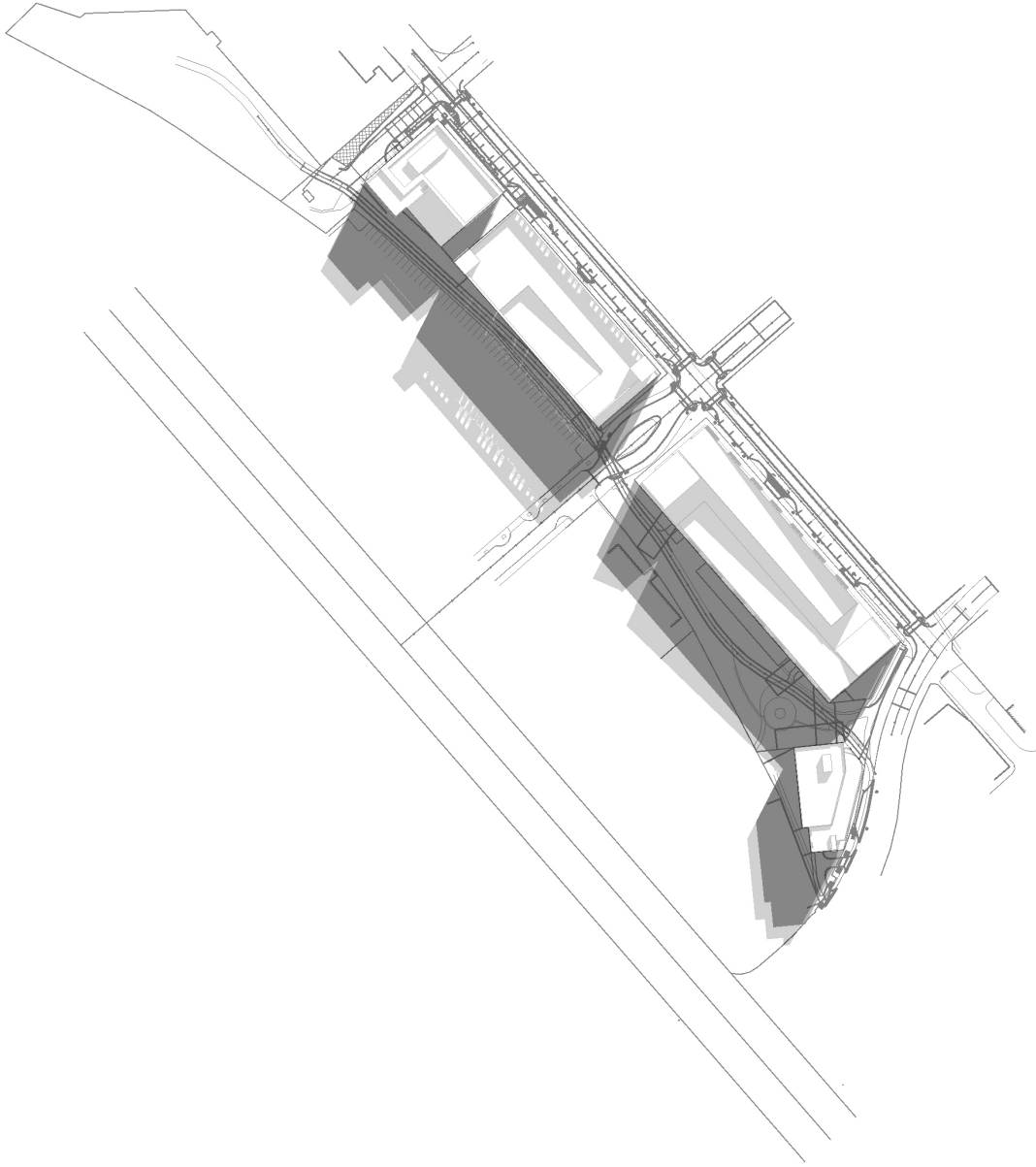


SUMMER SOLSTICE

NET NEW SHADOW - 21 JUN 3 PM

1 : 3000

6

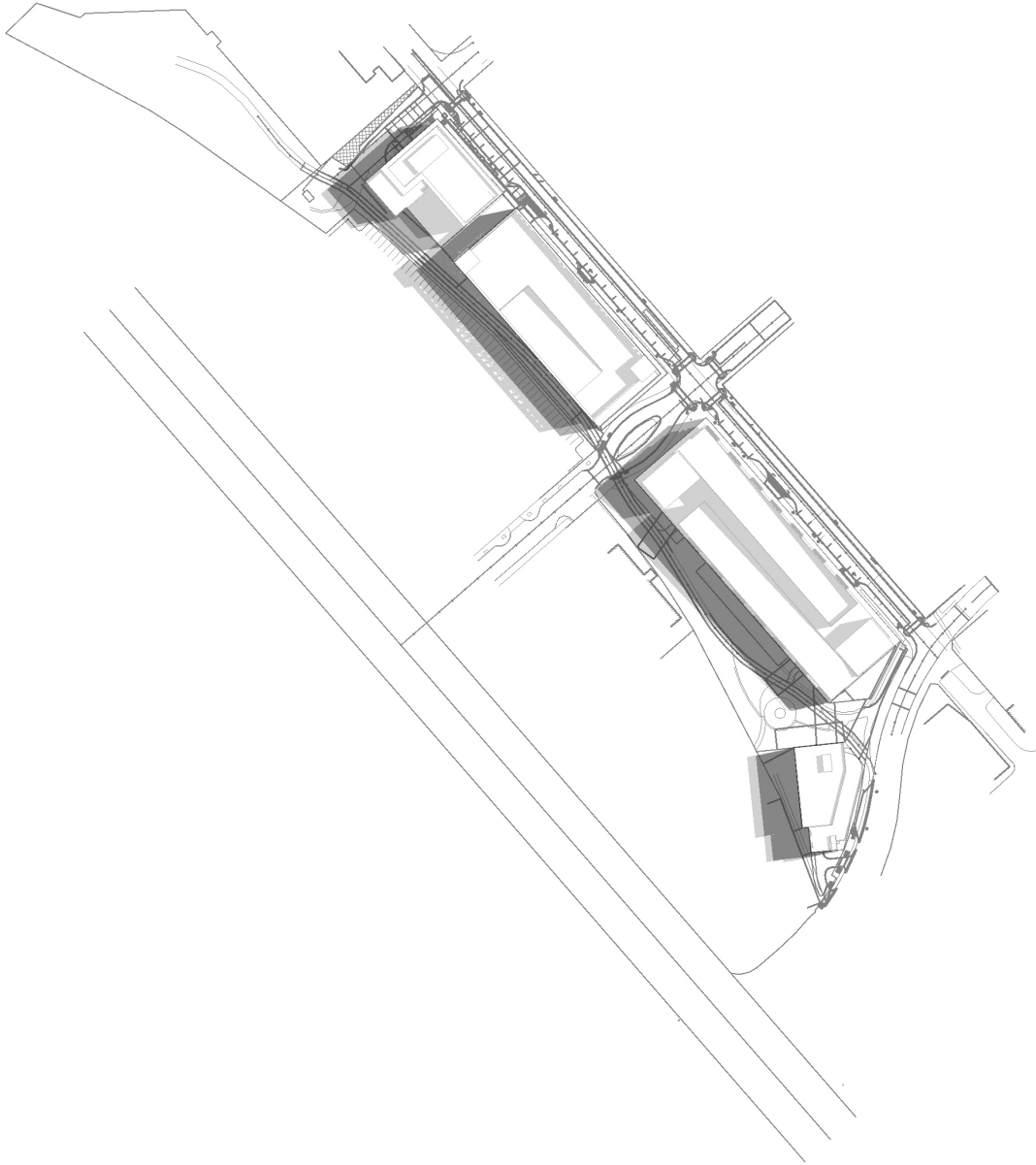


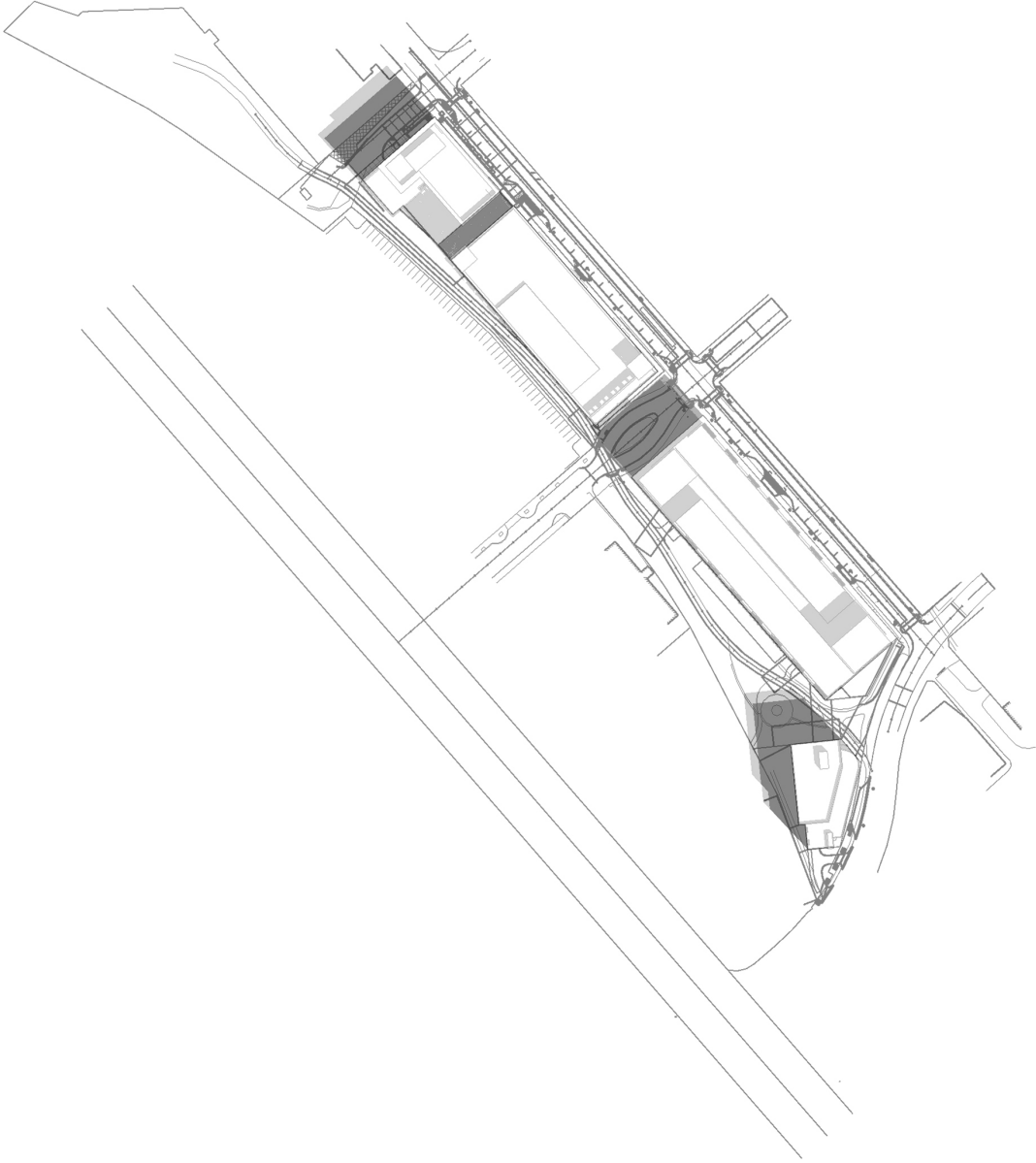
AUTUMNAL EQUINOX

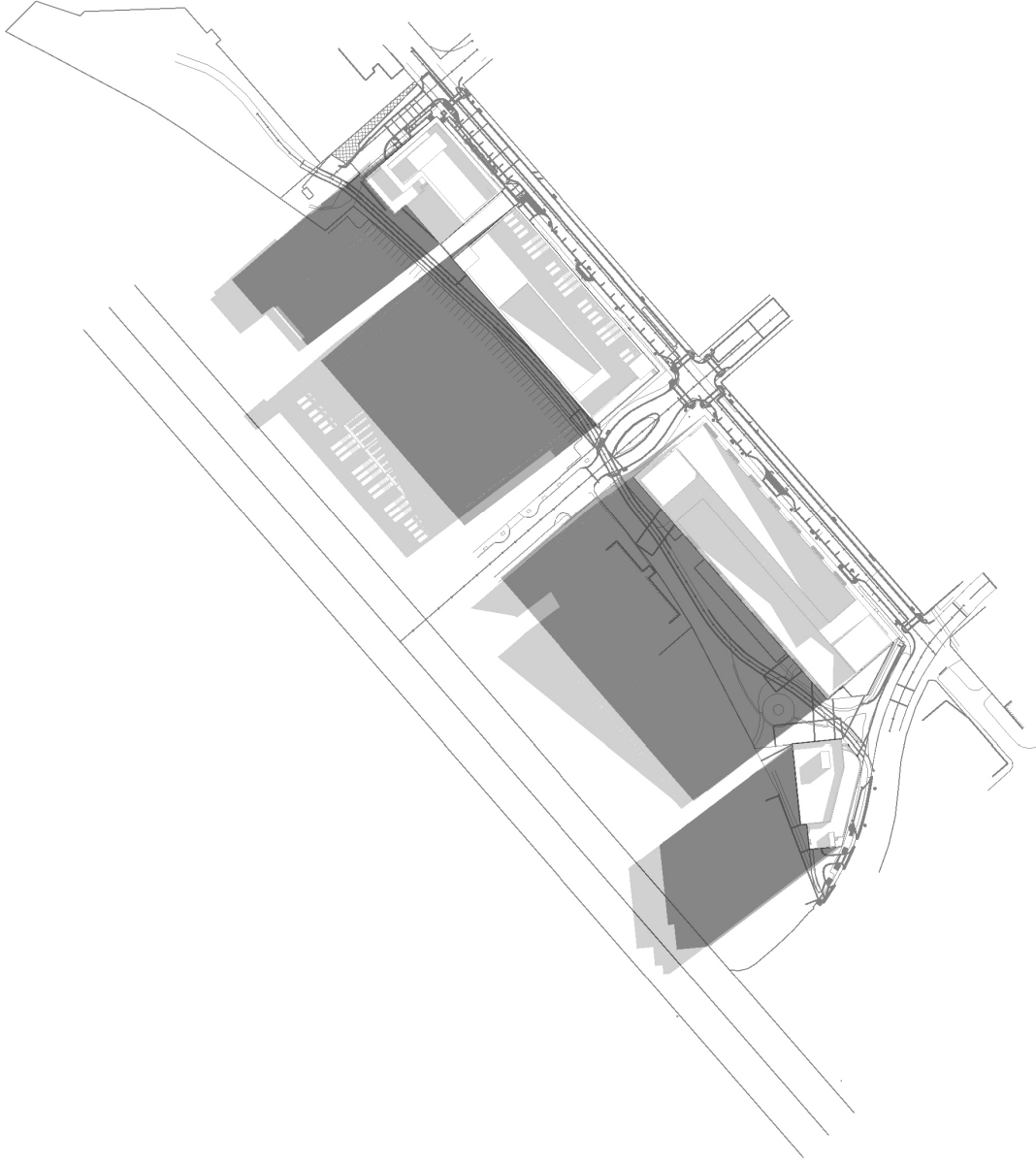
NET NEW SHADOW - 21 SEP 9 AM

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7



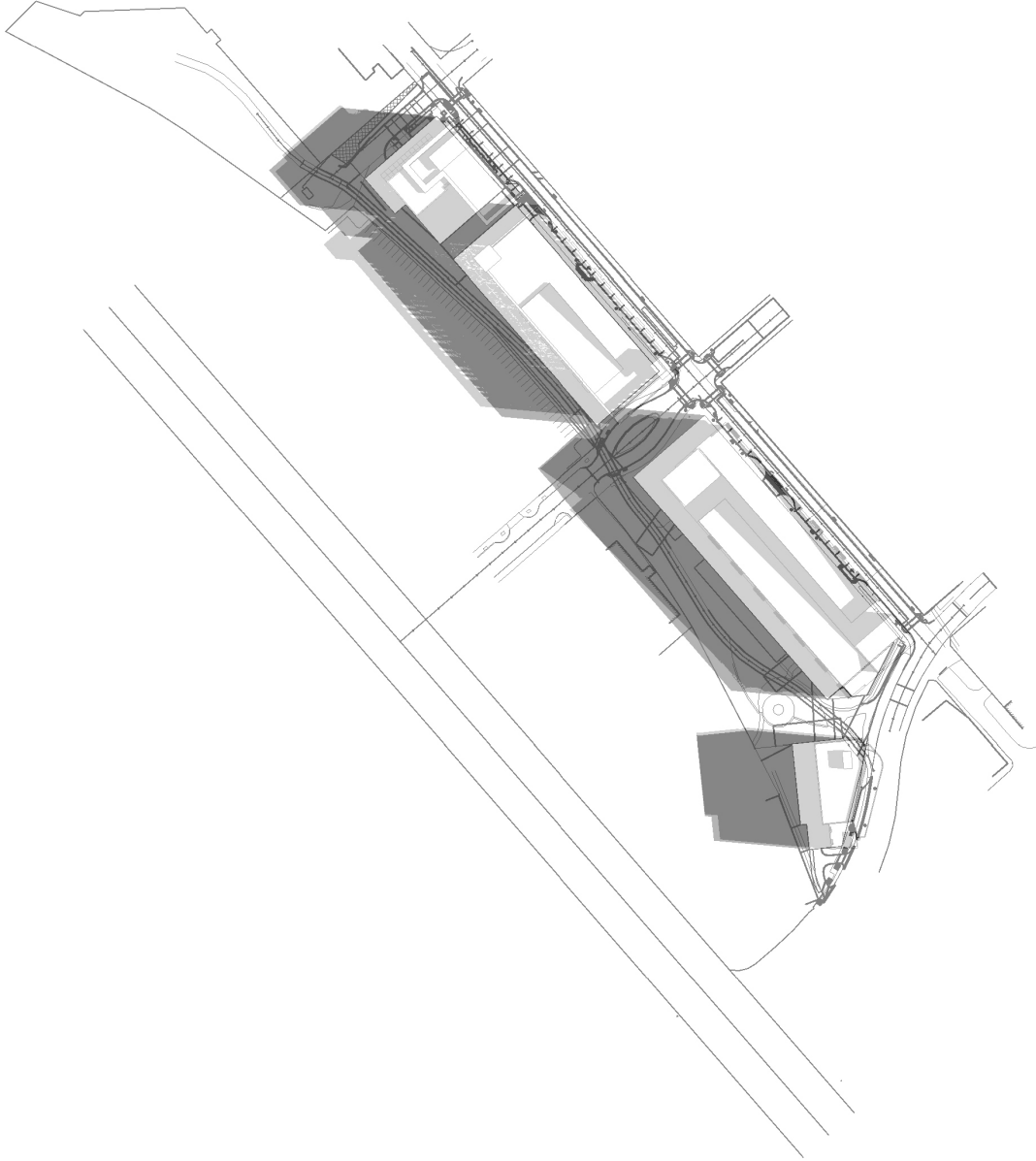




WINTER SOLSTICE

NET NEW SHADOW - 21 DEC 9 AM

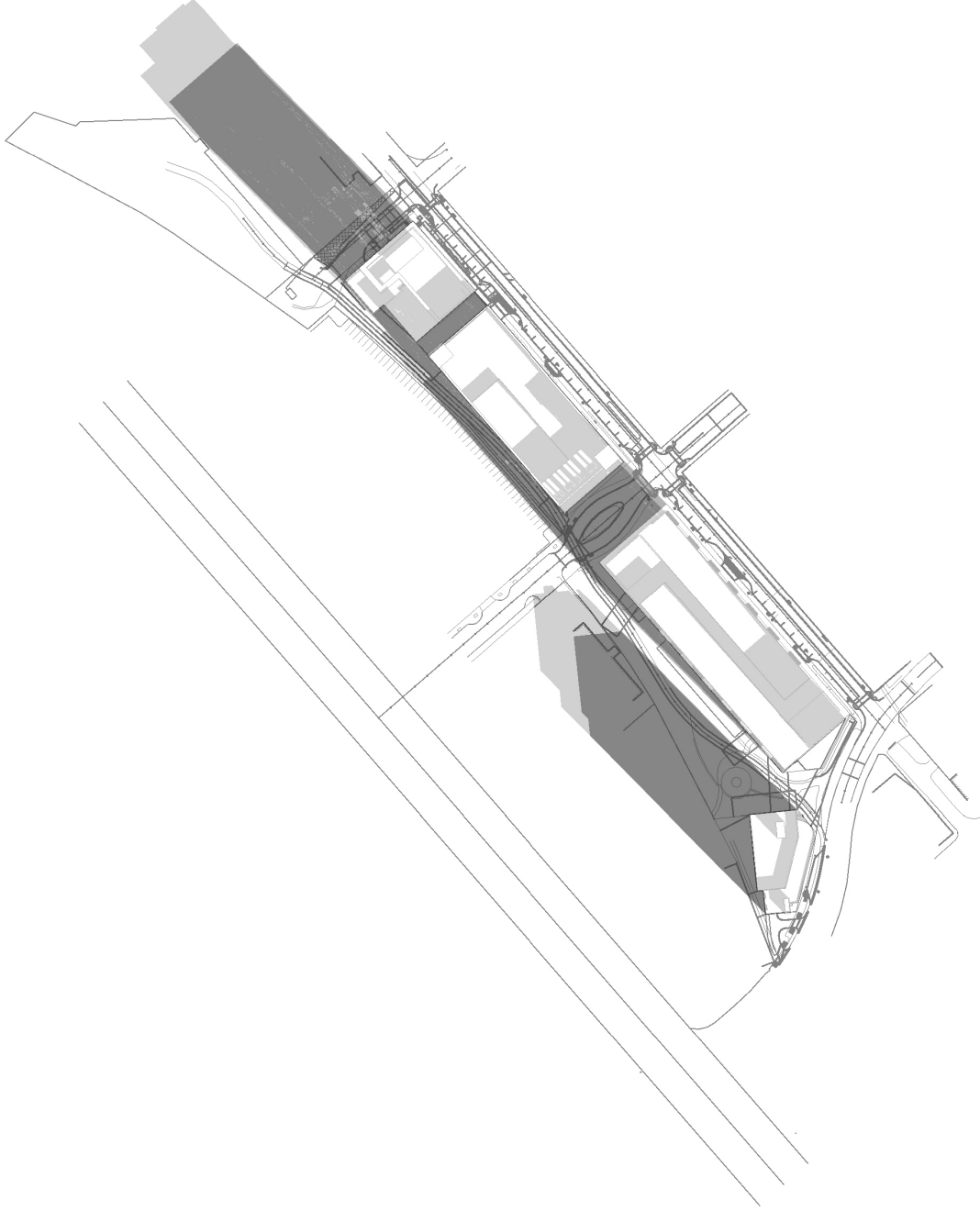
1 : 3000



WINTER SOLSTICE

NET NEW SHADOW - 21 DEC 12 PM

1 : 3000



WINTER SOLSTICE

NET NEW SHADOW - 21 DEC 3 PM

1 : 3000



MEMORANDUM #1

In an effort to address questions and/or concerns raised at the November 12, 2014 Planning Board meeting, and to provide some background information regarding specific details of the Level III Site Plan & Subdivision submission, we have prepared the following memorandum.

Regarding the required mid-block permeability between Chestnut Street and Elm Street, we are requesting a waiver due to issues related to the design, functionality, and efficiency of the structure. Furthermore, it is our belief that the access point would not in any way provide any functional benefit. When contemplating various ways to provide this pass through, we considered the following:

- A physical separation, creating two separate structures- We felt that this was the obvious first choice as it was aesthetically the most attractive option. After review, we came to the conclusion that, due to the unusually narrow lot width and a host of other site limitations, we were unable to design two buildings that made economic sense to construct. Both buildings would require their own building core, service area, and entry lobby. The physical separation would also result in the loss of 20 apartments and approximately six thousand feet of leasable retail space. Additionally, it would “break” the continuous retail activity along Somerset Street that we believe is essential to creating the experience necessary to drive people to an area that today is best described as an urban wasteland.
- An access corridor within the retail space of the currently proposed structure- We feel very strongly that this is not a viable option. Our concerns are economic (the loss of square footage would have an adverse financial impact) and functional (the resulting separation would further limit the flexible subdivision of the retail space), but our primary concern is security related. We believe that this enclosed space will become a haven from inclement weather and a place that people will go to escape the public eye. We have concerns related to loitering and illegal activity, and although we will have personnel on site we will not be equipped to monitor or police activity within this confined space. We believe that the possibility for this type of behavior, in and of itself, will deter usage of this access point by ordinary citizens.

In addition to the specific concerns raised above, the mid-block pass through is further complicated by the fact that when the trail was built, a berm was created along the length of this lot preventing a simple “pass through” and necessitating the deconstruction of this berm and the remediation of the site and disposal of the contaminated material that the berm is currently comprised of. Given that the City of Portland created this condition when the trail was constructed and that the condition lies on city property, we feel that the burden of remediating and re-grading this area would be unfairly placed on the developer in the event that this permeation were required.

Finally, we believe that the proposed pass through has no functional benefit due to existing conditions. The proposed pedestrian connection provides no north/south connectivity as the blocks between Cumberland Avenue and Congress Street, Lancaster Street and Kennebec Street, Kennebec Street and Somerset Street, and Somerset Street and Marginal Way lack any connectivity and the presence of multiple structures limits the likelihood that this condition will change anytime soon. It is this lack of connectivity that would make it highly unlikely that a pedestrian would arrive at the point of the proposed access to begin with. The connectivity to the trail, which we view as the sole benefit of this action, is not improved in any way as an individual accessing the trail can do so at the trailhead that merges with the sidewalk immediately west of the building or at the Chestnut Street crossing to the east. In an effort to improve this access and to improve visibility at the trailhead, the developer has voluntarily removed over three thousand feet of retail space, effectively shortening the length of the building and the distance between trail connections. We believe that the proposed pass through provides no benefit because, in the unlikely event that a pedestrian were to arrive at the point of the proposed access, and due to the fact that the sidewalk runs parallel to the trail, the distance traveled in either direction would be exactly the same.

Prepared by Jonathan Cox



MEMORANDUM #2

In an effort to address questions and/or concerns raised at the November 12, 2014 Planning Board meeting, and to provide some background information regarding the details of the Level III Site Plan & Subdivision submission, we have prepared the following memorandum.

Regarding the use of certain exterior finish materials not otherwise allowed, we are requesting a waiver due to the compatibility of these systems with the intended construction type and the various functional and economic benefits of utilizing these materials in the construction of the building façade. In determining that these materials were the most appropriate application, we considered the following:

- PLEASE NOTE THAT WE ARE NOT REQUESTING A WAIVER FOR THE USE OF VINYL SIDING. WE HAVE NO INTENTION OF UTILIZING THIS MATERIAL IN THE CONSTRUCTION OF THIS PROJECT. A WAIVER IS BEING REQUESTED FOR THE USE OF EIFS, A FORM OF SYNTHETIC STUCCO AND A MATERIAL WHOSE APPEARANCE IS VIRTUALLY INDISTINGUISHABLE FROM MATERIALS CURRENTLY APPROVED FOR USE IN THIS ZONE.
- While reviewing the possibility of reducing the height of the proposed structures, we came to the conclusion that the project became economically constrained when maintaining the previously proposed steel frame construction type. We analyzed the benefits and drawbacks of wood frame construction, in this case over a concrete podium, and decided that this framing material was better suited to construct the reduced height buildings. Timber frame construction results in a more environmentally sustainable building structure, has a smaller carbon footprint, and is far more energy efficient to construct and to operate.

The wood frame structure interacts better with a lighter weight façade material. EIFS, or synthetic stucco, the surface material for which we are requesting a waiver to utilize, is a lighter weight application than a comparable fiber-cement panel. THE INSTALLED LOOK OF BOTH PRODUCTS IS VIRTUALLY IDENTICAL. EIFS is a superior product and has emerged as the preferred option, and is far more widely used than it's fiber-cement alternative. EIFS is an applied siding, whereas the fiber-cement panel is an installed siding. The fiber-cement panel is installed using mechanical fasteners, which are unsightly, maintenance intensive, and are subject to failure. The fiber-cement siding is panelized, creating gaps in the building envelope that contribute to energy loss. EIFS is troweled on, eliminating the use of mechanical fasteners, and creating a sealed application that actually increases the insulation value of the structure. EIFS acts as a "blanket", wrapping the exterior of the structure, reducing air infiltration and energy consumption. It eliminates "thermal breaks" associated with installed siding.

Virtually indistinguishable from the fiber-cement panel, both are designed to resemble stucco. EIFS, however, expands the architect's design palate as it is available in a virtually limitless amount of colors and textures, whereas fiber-cement siding is fairly limited. It also allows for the construction of architectural detailing that would be cost prohibitive using conventional construction methods, such as cornices, arches, columns, and keystones. These details are computer-generated and laser cut out of insulation board, and the finish material is directly applied to the base insulation.

The lower operating costs and limited maintenance of this product allow for efficient operation of the structure on an ongoing basis. Additionally, it is our opinion that the expanded range of options that this material provides allows us to deliver a superior product at an economical price. In tandem with the other specified façade materials, we believe that we have presented a project that is reflective of the modern-industrial design aesthetic, paying homage to the neighborhoods industrial past while looking forward to its modern future.

Prepared by Jonathan Cox