

## EXHIBIT 19

### REVIEW OF SECTION 14-526 DESIGN STANDARDS

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## CONFORMITY WITH APPLICABLE DESIGN STANDARDS

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The following statement is made in accordance with the City of Portland Code of Ordinances, Chapter 14 Land Use, Section 14-526.

### **OVERVIEW**

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

#### *(a) Transportation Standards*

##### *1. Impact on Surrounding Street Systems:*

A Traffic Impact Study will be prepared which addresses impacts on surrounding street systems and is included in Exhibit 9 of this application. The project will provide improvements and/or partial funding for collaborative improvements with the City of Portland to maintain an acceptable level of service.

##### *2. Access and Circulation:*

###### *a. Site Access and Circulation.*

AutoTURN templates for vehicle movements have been prepared and are included in Exhibit 11. Pedestrian access and connectivity to existing City pedestrian routes are provided by the design of new sidewalks and connectivity to the Bayside Trail.

###### *b. Loading and Servicing.*

AutoTURN templates have been prepared and are included in Exhibit 11. Loading areas are provided for each of the midtown structures to service the retail and residential building programs.

###### *c. Sidewalks.*

(i) Sidewalks have been provided throughout the site and connect to offsite pedestrian access. All sidewalks shall conform to the City of Portland Technical Manual as shown on the project design drawings.

(ii) The Plan for midtown Development 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.

Somerset and Elm are designated 'B Streets' – the plan includes bump-outs and amenities such as tree wells, landscaping, café seating and provisions for public art by others.

(iii) The development provides pedestrian access to the Bayside Trail, public transit stop, and abutting land uses (commercial and residential). The proposed design is consistent with the City's goals for pedestrian connectivity.

3. *Public Transit Access:*

- a. *For any residential development consisting of twenty (20) or more dwelling units or commercial or institutional development of at least 20,000 square feet gross floor area, a transit facility shall be construed where the following criteria are met:*

The applicant has contacted the Greater Portland Transit District to request a bus stop location near the northerly side of Somerset Street. Please see Exhibit 12 of this application for more detailed information. The applicant will continue to work with Greater Portland Transit District officials on measures to accommodate their programs. The site currently is within the Metro #8 bus circuit route therefore affording excellent access to public transit.

4. *Parking:*

a. *Location and Required Number of Vehicle Parking Spaces.*

- (i) The development provides enough parking spaces to meet the demand of the project based on Section 14-332(a)(3)a. which requires one (1) space per unit and Section 14-332(h) requiring 1 space/800 sq. ft. However, per Section 14-332.2(c) the Planning Board shall be responsible to establish the project's parking requirements.
- (ii) The applicant has prepared a TDM strategy which included in Exhibit 10 of this Site Plan Application.
- (iii) The applicant proposes the amount of parking which is appropriate for the anticipated uses of this site. The midtownTwo parking garage will contain 828 parking spaces.
- (iv) Parking spaces and aisles have been designed to meet the dimensional requirements of the Technical Manual and/or are considered acceptable within guidelines commonly used for similar projects.
- (v) Parking Garage – Specific information regarding the B-7 Land Use Standards is included in Exhibit 17 of this application.

b. *Location and Required Number of Bicycle Parking Spaces.*

- (i)(b) The project has provided bicycle parking at each building facility in accordance with the Technical Manual. The bicycle parking spaces are shown on the landscaping plans and are further explained in Exhibit 17 of this application.

c. *Motorcycles and Scooter Parking.*

- (i) The project provides designated motorcycle/scooter parking in the parking structure facility.

d. *Snow Storage.*

The applicant intends to contract with a local snow removal/grounds maintenance operator who will be responsible to conduct snow removal in accordance with typical protocols in the City of Portland.

5. *Transportation Demand Management (TDM):*

- a. The applicant has developed a TDM Plan pursuant to the City of Portland's Code of Ordinances.

- b. The TDM Plan incorporates the City goals by integrating elements described in the Technical Manual.

*(b) Environmental Quality Standards:*

*1. Preservation of Significant Natural Features:*

- a. None of these natural features are applicable to the project site.
- b. Where areas set aside for preservation are part of a larger existing habitat block extending beyond the boundaries of the site, the contiguity of these features shall be preserved, where possible.

The Applicant has contacted Federal and State environmental agencies for review of endangered species and found that there are no known significant wildlife or unusual areas exist on the project site. Please see Exhibit 16 all correspondence to these agencies.

- c. The applicant is not requesting a waiver from this standard are the preservation of natural features does not apply.

*2. Landscaping and Landscaping Preservation:*

*a. Landscape Preservation.*

- (i) There are no existing trees located on the respective parcels.
- (ii) See response above.
- (iii) There are several trees located within the Bayside Trail that will require relocation. The applicant will coordinate with the City Arborist to select appropriate siting of trees.
- (iv) Waiver: There are no existing trees located on the respective parcels, no waiver is required.
  - a. NA
  - b. NA
  - c. NA
- (v) Shoreland Zoning: NA

*b. Site Landscaping.*

*(i) Landscaped Buffers:*

- a. *Screening.* There are no external loading areas, dumpsters, or storage areas proposed. Proposed transformers located to the rear of “midtownFour” have been provided with a dense screening of evergreen trees and shrub massing. All transformers will be provided with an ornamental fence and limited landscape to soften appearance. Due to concern for public safety, no dense plantings are proposed.
- b. *Understory Plantings.* The proposed buildings fronting along Somerset Street, Chestnut Street, Elm Street and the future Pearl Street extension are located at or within 10 feet of the right of way with sidewalk extending to face of buildings. Landscaping within these areas is limited to street trees and raised planter beds where sidewalk grade changes required a ramp and stair configuration.

- c. *Industrial and Commercial Zones.* N/A
- d. *Industrial and Commercial Zones.* N/A
- e. *Buffer from Surrounding Development.* The proposed improvements along the Bayside Trail behind the proposed “midtown” structures provides for an integrated hardscape and landscape as part of the public space. The landscape along the northerly edge of the trail behind “midtownOne” and the Parking Garage includes additional trees and understory vegetation to enhance the trail edge.

(ii) *Parking Lot Landscaping:*

There are no surface parking areas proposed. Remaining items are not applicable.

(iii) *Street Trees:*

- a. Street trees are proposed along all street frontages. Selection of tree species has been coordinated with the City Arborist. There are 445 total apartments proposed that require 1 street tree per unit or 445 trees. There is not adequate street frontage or along the Bayside Trail to locate the required number of trees. See waiver request below.
- b. Waiver: The applicant is requesting a waiver of the requirement for providing one street tree per residential unit. The maximum number of units proposed for the “midtown” project is 445 units. A total of 97 trees, not including replaced street trees along Elm Street, are being provided along Chestnut Street, Somerset Street, Pearl Street, and along the Bayside Trail. The request is based upon the enhanced planting method that includes 4 FT x 8 FT raised (granite curb) planting beds and a structural planting system below grade that provides for an expanded root zone that is approximately 60 % larger than typical street tree planting area. There are 29 raised planters located along the street frontages and the cost to install improvements for these trees well exceeds the fee in lieu for the additional 349 trees.

3. *Water Quality, Stormwater Management and Erosion Control:*

a. *Stormwater:*

- (i) All stormwater draining onto the site from adjacent properties has been accounted for in the pipe sizing and been redirected to a new discharge location.
  - (ii) All stormwater runoff is proposed to discharge directly to existing City systems. The project will not adversely impact adjacent lots.
  - (iii) All stormwater runoff is proposed to discharge directly to existing City systems. The project will not adversely impact adjacent lots.
  - (iv) All stormwater runoff is proposed to discharge directly to existing City systems. The project will not adversely impact adjacent lots
- b. The Stormwater Management Plan meets the requirements and goals stated in Section 5 of the Technical Manual. A Stormwater Management Report and Operation & Maintenance Manual are included in Exhibit 13 of this application.
  - c. The project is not located in a watershed of an urban impaired stream as listed by the MaineDEP.

- d. N/A
- e. The project is serviced by a public wastewater system. The project will not pose a risk of further groundwater contamination beyond current background conditions.
- f. The project will be connected to the public sanitary sewer system which is adequately sized for the project flows.

*(c) Public Infrastructure and Community Safety Standards.*

*1. Consistency with City Master Plans:*

This information is provided in Exhibit 20 of the application.

*2. Public Safety and Fire Prevention:*

*a. Crime Prevention (CPTED):*

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 four hundred new apartments with direct view of the Bayside Trail Somerset, Pearl, Chestnut and Elm streets, and the Mews and Courtyard.

*b. Emergency Vehicle Access:*

The site has been designed to allow for emergency response vehicles to move around all areas of the site.

*c. Adequate Water Supply and Hydrant Location:*

The project provides several new fire hydrants to meet the requirements of Section 5 of the Technical Manual.

*3. Availability and Adequate Capacity of Public Utilities:*

- a. The applicant has secured or will secure letters from all applicable utilities stating their ability to serve this project. The project will require all new utility infrastructure throughout the site. This information is provided in Exhibit 5 of the application.
- b. All on site electrical lines will be underground.
- c. All new utility infrastructure will meet the provisions of the Technical Manual.
- d. The project will require service connections to the existing sanitary sewer facilities in the adjacent streets.
- e. The sanitary sewer collection system is designed to meet all applicable sections of the Technical Manual. The stormwater management system is designed to meet the requirements of the Technical Manual and Chapter 500 of the MeDEP Stormwater Management Standards.
- f. The project will use an internal trash room or trash compactors to store trash and recyclables temporarily until a contracted waste management company can pick up and dispose of the solid waste.

*(d) Site Design Standards:*

1. *Massing, Ventilation and Wind Impact:*

- a. *Wind Conditions:* The nearest structure to the buildings of midtown is *Trader Joes* 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.
- b. *No diminution in value or utility of neighboring parcels:* 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.
- c. *HVAC Venting:* Heating and cooling will be via electric heat pumps, hence there will be no products of combustion.

2. *Shadows:*

- a. The B-7 district shadow requirements are regulated under the B-7 design guidelines. See review of these standards in Exhibit 17, along with the required shadow study provided as an attachment to Exhibit 17.

3. *Snow and Ice Loading:*

- a. 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.

4. *View Corridors:*

- a. The low-rise buildings protect designated downtown view corridors.

5. *Historic Resources:*

- a. Not applicable to this project. The development is not located in a historic district, historic landscape district or City designated landmark. A copy of the correspondence to the Maine Historic Preservation Office is included in Exhibit 16 of the application.

6. *Exterior Lighting:*

- a. *Site Lighting:* Exterior lighting will be designed to meet the requirements of Section 12 of the Technical Manual.
- b. *Architectural and Specialty Lighting:* 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.
- c. *Street Lighting:* Exterior lighting will be designed to meet the requirements of Section 12 of the Technical Manual. For further explanation, please see review of B-7 Land Use Requirements in Exhibit 17.

7. *Noise and Vibration:*

- a. *HVAC and Mechanical Equipment*
  - (i) *HVAC Noise*

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 at the end of this section they emit 55 dBA sound pressure at the roof, and likely less than 50dBA at street level seventy feet below.

As it will be naturally ventilated, the garage within midtownTwo will not have any roof mounted mechanical equipment.

midtownOne and midtownThree will be heated and cooled by “split system” heat pumps. Each apartment will have a dedicated rooftop outdoor unit with compressor and fan, and indoor units as required by space layouts. The attached data sheets describe this equipment. The roof plans provided in the drawing set indicate the location of the outdoor units clustered in groups near the center of the roof.

These outdoor units will be visually screened from the street by the buildings’ parapet walls which will also aid in sound attenuation. As noted, the sound from these units will be well below 50 dBA at street level.

The studio apartments of midtownFour will be heated and cooled by packaged unit heat pumps mounted in the façade below the windows. These units are very quiet and will project sound at less than 50 dBA. The placement of the exterior louvers for these units has been carefully integrated into the design of the facades.

Kitchen exhaust fans indicated on the drawings will not be part of the base building construction. Choice of fan, and placement on the roof will be dependent on tenant requirements. At the time of tenant improvement permitting the tenant will provide cut sheets showing that the sound power of the fans will be below 58 dBA at the roof, and therefore attenuated to below 50dBA at street level

(ii) *Emergency Generator*

Does not apply – generator not required for low-rise buildings or naturally ventilated garage.

8. *Signage and Way finding:*

- a. *Signage:* All standard signage is included in the Site Layout Drawing C-2.0 as regulated by Division 22 of the code. Future tenant related signage associated with the proposed retail spaces will be the responsibility of individual tenants who shall obtain the necessary sign permits from the City’s Code Office.

9. *Zoning Related Design Standards*

- a. See separate review of B-7 Design Standards in Exhibit 17 of the application.
- b. The extra height in District A does not apply. The proposed building heights of 75 and 92 feet are well below the allowed heights of 105 and 125 feet.