



January 21, 2015

Mr. Rick Knowland
Planning Department
City of Portland
389 Congress Street
Portland, ME 04101

**Subject: midtown Project
Applicant's Response to Planning Staff Comments**

Dear Rick:

The Federated Companies has received and reviewed the Planning Staff's January 13, 2015 comments regarding the Level III Site Plan & Subdivision Application Submission. The comments are listed (*italicized*) followed by our responses. Our responses have been grouped by each planning staff member. We are only responding to comments that require action from our office. Also appended to this letter as Attachment A are the non-technical responses prepared directly by the Federated Companies; Attachment B which includes the updated B-7 Design Guidelines and waiver request information prepared by CBT Architects.

Tom Errico – December 4, 2014 Review

The applicant shall provide a detailed Construction Management Plan. The information provided by the applicant is insufficient. I would note that significant construction activity will be occurring along Marginal Way in 2016 and this project must account for this activity in the Plan.

Response:

This plan will be developed as part of the construction documents and recommend this item become a condition of approval. It is currently understood PC Construction may be involved with the project and we will request their participation to address this comment.

The compact parking spaces located on the entry level are located near the gate/ticket area and use of these spaces by larger vehicles may complicate traffic flow into and out of the garage.

Response:

The latest plans include six (6) motorcycle spaces thus avoiding an issue with larger vehicles near the gate area.

Mr. Rick Knowland
January 21, 2015
Page 2

The applicant should investigate the provision of a single-unit truck loading area on the north side of the Midtown Building Four that could be used for trash removal and other appropriate small truck deliveries. It should be noted that the design should only consider a single-unit truck and the driveway should be as narrow as possible (Given that truck activity should be light, I envision trucks backing into the driveway). The provision of short-term parking spaces in front of the building seems appropriate, but the number of spaces should be minimized and the design should be cognizant of Elm Street multi-modal functions (both existing and future) and any re-design of Elm Street.

Response:

The applicant has relocated the trash services within the midtownFour building to the southerly side. The trash room will be serviced by a 15' wide driveway adjacent to the building as shown on Sheet C-2.3. The drop off zone on Elm Street has been shortened to accommodate approximately two passenger vehicles.

11/6/2014 Comment: The sidewalk system along Elm Street near the Midtown Four building will need to be closely reviewed for ADA compliance and general pedestrian needs given the ramping, steps, and retaining walls proposed.

12/4/2014 Comment: It is my understanding that the applicant is investigating potential changes to the Elm Street/Somerset Street intersection and these changes my impact this area and accordingly I will review this in the future.

Response:

The midtown plans now include modifications to the intersection of Elm/Somerset Street to improve pedestrian movements and sidewalk access. The project will also rely on curb line improvements along Elm Street by the City that will benefit the overall sidewalk conditions along midtownFour.

It appears that pedestrian use easements would be required on the sidewalk in front of Midtown Four.

Response:

The applicant is amenable to the granting of easements for users of the Bayside Trail who may otherwise pass through the midtown development areas.

11/6/2014 Comment: It would seem important that a formalized pedestrian crossing of Elm Street at Somerset Street be provided following the completion of this project.

12/4/2014 Comment: The plans have been revised to include two crosswalks on Elm Street at Somerset Street. The applicant should provide details on how the sidewalk ramp will be constructed given the existing driveway apron to the Noyes Building. As proposed the landing areas on the west side of Elm Street do not connect with any facility. Further review of this condition is required.

Response:

The latest plans include modifications to the corner of Elm/Somerset Street next to midtownThree. Final street conditions along Somerset Street adjacent the Noyes property will be subject to the City's final decision about how Somerset Street will be raised and cooperation with abutting landowners.

Mr. Rick Knowland
January 21, 2015
Page 3

12/4/2014 Comment: The curb extension on the north side of Somerset Street near the Mews should be extended to the beginning of the nearest on-street parking space.

Response:

At this time, the applicant would like to reserve a response to any of the comments regarding Somerset Street until the City determines the preferred design strategy.

12/4/2014 Comment: The sidewalk ramp on the southeast corner of Chestnut Street does not appear to have an ADA compliant maneuver/turning spaces at the interface with the sidewalk. It is also unclear how the sidewalk will be constructed in this area.

Response:

It is the intent that an ADA compliant ramp be provided at this location, as evidenced on Sheet L2.

12/4/2014 Comment: The ramps at the Bayside Trail on Chestnut Street should consider pedestrian routings along Chestnut Street and that the path of accessibility should not include the ramp features.

Response:

The ramp conditions at the Bayside Trail crossing on Chestnut Street should be reconfigured to avoid non-compliant conditions for the Chestnut Street sidewalk. This will require some minor changes on the plan which we would like to coordinate with City staff. These can be addressed on final plans prior to the release of a building permit.

12/4/2014 Comment: Two rectangle symbols are illustrated on the Landscape Plan in the sidewalk at the garage entrance on Somerset Street. The applicant should note what is being proposed.

Response:

These symbols were originally intended as ADA detectable surfaces which have now been removed from the plans.

The plans are not clear as to the construction of the sidewalk on the south side of Somerset Street. The sidewalk is an important part of overall pedestrian accommodations and should be part of the design and construction of the project.

Response:

The applicant reserves to continue further discussion on the Somerset Street design until the City determines the preferred design approach. Originally, it was intended there would be brick sidewalk between Elm and Chestnut Street and bituminous asphalt between Chestnut and Pearl Street. This may change as the Somerset Street design evolves.

The applicant has provided a graphic illustrating the routings and I find the general routings to be acceptable. Specific design detail comments for the pedestrian facility infrastructure are noted elsewhere. The applicant should provide information that specifies for all routings, compliant cross slopes are provided, including driveway aprons.

Mr. Rick Knowland
January 21, 2015
Page 4

Response:

Ultimately, we are amenable to providing this information as a condition of approval.

The Bus Shelter location shall be adjusted to be closer to the street and in conjunction with this the curb extension should be extended to the vehicle delivery driveway.

Response:

These changes are reflected on the latest drawings.

The applicant should provide a parking demand and supply analysis that demonstrates the adequacy of the proposed parking garage for the entire project.

Response:

This information will be provided by others separately.

John Peverada – January 5, 2015

How will off street loading and delivery for both the retail businesses and the apartments be dealt with? The applicant has shown one delivery bay in each of the two buildings on Somerset St., but they are only 30-35' deep, and there is absolutely no off street delivery space for the building on Elm St.

How will large delivery vehicles such as moving vans and tractor trailers such as those now being used by Coke Cola etc. be accommodated without blocking traffic. Unlike some other streets in the City, Somerset St has two way traffic and is relatively narrow. If given no alternative the large trucks will double park blocking traffic causing traffic flow and safety issues, for vehicles, pedestrians and emergency vehicles.

Response:

The applicant will continue to work with City Staff on an acceptable pattern with loading and delivery associated with the retail spaces including time restrictions and related measures.

With the entrance gate to the garage being located on the ramp leading from the ground level to the first supported deck, what measures will be taken to prevent vehicles from being stuck (tires spinning on wet slush covered incline after stopping to pull a ticket), a 6% slope seems to be steep especially if vehicles stop to pull a ticket or swipe their card, then try to start up again, this too could cause traffic to back up in the garage and onto Somerset St.

Response:

This comment has been provided to the garage designers who have indicated no concern regarding the design conditions. We will continue to seek further assurance and evidence from the designers to address these concerns in advance of the public hearing.

With only one entry and one exit lane what happens if a vehicle is "stuck" blocking the lane, and how would maintenance be performed without closing the garage? Additionally, with only one entry lane will vehicles be queued up onto Somerset St blocking traffic and the sidewalk while waiting to enter the garage at peak times?

Mr. Rick Knowland
January 21, 2015
Page 5

Response:

The garage design includes three gate positions to allow alternating traffic flow in the middle gate area, thus minimizing the queue stack, certainly for entering conditions.

Bruce Hyman – January 7, 2015

The proposed bus stop location does not (per drawing C-2.0B) provide the required ADA-compliant bus stop landing area (5'x8') nor does the bus stop directly connect to the ADA-compliant pedestrian access route at this location.

Response:

These changes will be shown on Drawing Sheet C-2.2.

Section 14-526 Site Plan Standards

- The exterior bike rack locations are not designed with adequate spacing between the racks or with adequate spacing from the street or other structures.*

Response:

The site plans have been revised as necessary and will conform to the spacing requirements set forth in the Technical Design Manual.

David Senus – January 7, 2015 Review

- 4. The Applicant has noted that the project may require a MaineDEP Air Emissions Permit, but that the Owner's mechanical engineers have not yet developed BTU demand estimates for the project. The Applicant should provide a status of this evaluation. If determined that an Air Emissions Permit is required, this could be stated as a condition of the Approval.*

Response:

The applicant has determined a MaineDEP Air Emissions Permit is not required.

- 5. The Applicant has received ability-to-serve utility responses from the Portland Water District, Unitil, and Central Maine Power. The Applicant awaits correspondence from Public Services regarding wastewater capacity, and Fairpoint and Time Warner Cable regarding communications. In all cases, the Applicant will need to continue to coordinate their design with these utility providers to ensure that the design meets applicable standards and to meet specific conditions and requests made by each utility.*

Response:

The applicant has received an Ability to Serve letter from Public Works regarding wastewater capacity. The letter is enclosed for the City's records.

Mr. Rick Knowland
January 21, 2015
Page 6

6. *Sheet C-7.0A - The detail entitled Modified Cross Section of Somerset Street From STA 3+25 to STA 7+20 (Somerset Street between Elm & Chestnut) will need to be modified along with the associated grading plans to reflect the requirements outlined in an email entitled "RE: Midtown - Somerset Street Design, Variations from City Standards" from Rick Knowland to the Applicant, sent on 11/9/2014.*

Response:

The applicant's team continues to work with the City to decide on the preferred design strategy whereby City goals are achieved while also satisfying concerns of abutting landowners. We will continue to strive to meet these objectives prior to the public hearing.

7. *Sheet C-1.2 - The Subdivision Recording Plat should identify the location and type of stormwater management systems that are required to be maintained by the Applicant, both on the project property and on adjacent City property. The Applicant has noted that the subdivision recording plat/plan is currently being revised and a draft plan will be submitted in the next round of plans for review.*

Response:

The subdivision recording plat has been updated and the modified plan accompanies this submission.

8. *The easement areas depicted on certain plan sheets are not consistent with the easements identified on Sheet C-1.2 (Amended Subdivision/Recording Plat); for example, sheet C-3.1 depicts an old easement alignment that does not correspond to the underground electrical infrastructure behind midtown 3.*

Response:

We have attempted to update these easements lines as much as possible. We acknowledge that there remains inconsistencies which we will continue to address in the period up to the public hearing.

9. *The following comments are specific to the proposed grading and drainage concept for the areas behind midtown One and midtown Two, from Bayside Trail STA 6+50 to STA 12+50; refer to sheets C-3.0 and C-7.12:*

- b. *The face of the retaining wall and fence are proposed primarily on the property line between City of Portland (Bayside Trail) property and the parcels located north of the Bayside Trail. Temporary construction agreements will be required from the adjacent property owner to complete the work as proposed, as construction activity will be required on adjacent property to install the retaining wall and drainage systems.*

Response:

We understand these requirements and currently believe that temporary access rights will be available from the abutting landowner. Evidence of these agreements can be provided prior to the issuance of a building permit.

Mr. Rick Knowland
January 21, 2015
Page 7

David Margolis-Pineo – January 7, 2015

Survey Related Comments

- a. *Comments on the submitted Amended Subdivision/Recording Plat Dated April 10, 2013 have not been address by the applicant and the plan has not been stamped by a registered land surveyor. This issue may need to be a condition of approval.*

Response:

We respectfully request that completion of a final stamped recording plat be a condition of approval.

- b. *Easements notes on drawings C-3.1, C-3.4 etc. need to be reviewed and shown on the plat.*

Response:

These notes have been added to the latest subdivision/recording plat.

- c. *A deed is required for the proposed four foot widening of Somerset Street plus this widening needs to be shown on the Plat.*

Response:

The applicant's team will coordinate with City Staff, the project surveyor, and Corporation Counsel to prepare the necessary deed and supporting exhibits for the land that will be used to widen the Somerset Street right of way.

- d. *Plans are referenced but appear not to be recorded. This needs to be addressed.*

Response:

Ultimately, it is the goal to record the plans as necessary. We reserve the right to complete the recording at a time subsequent to Planning Board approval but in advance of the issuance of a building permit.

- e. *All property corners have not been shown.*

Response:

FST will work with the project surveyors at Owen Haskell, Inc. to assure that all property corners are set in accordance with City standards. As of this date, we are not aware of the setting of pins for the project. Further information on this may be provided prior to the public hearing.

Waiver Request

- a. *The Department of Public Services is supportive of waiver request #3 for brighter illumination with the following conditions: All lighting fixtures shall be LED and shielded for down lighting with the light pole spacing per Code requirements.” The applicant is encouraged to consider supplemental lighting on the applicant’s property. All proposed lighting within the street right of way will be owned and maintained by the City of Portland and shall be on a separately metered circuit. 150 watt is the largest LED, I believe.*

Mr. Rick Knowland
January 21, 2015
Page 8

Response:

All proposed fixtures; Bayside fixture and Bayside Trail fixture, are proposed as LED per Technical Design Standards.

All Bayside and building mounted fixtures will be shielded for downward lighting. Spacing of the Bayside fixtures are closer than the city standards, as addressed in the waiver request. The spacing of the fixtures along Somerset Street vary due to location of street trees, curb cuts and ramp situations. The result of the closer spacing is that one additional fixture will occur on each block between Pearl Street and Elm Street. The spacing along Elm Street and Pearl Street extension meet the standards. Given the objective of creating a vibrant, active urban environment, higher lighting levels provide sense of security and will enhance after hour patronage of businesses, restaurants etc. The portion of Chestnut Street between "midtown" Two and "midtown" Three have three fixtures balanced on each side of the street, resulting in three additional fixtures using the minimum spacing standards. This portion of Chestnut Street has been identified as a gateway to the Bayside neighborhood and such is a prominent location. The increased level of lighting in addition to the enhanced landscape and street improvements call attention to this significant location.

In response to supplemental lighting, building mounted lighting had been included to supplement light levels.

All of the Bayside street lighting within the public right of way will be on a circuit connected to the control cabinet located on the southerly side of Chestnut Street within the Bayside Trail area. We previously coordinated the circuiting requirement with Kevin Thomas, DPS.

The Planning Staff suggest that a condition of approval be considered with this waiver that would require a final lighting plan and photometrics be submitted for review and approval by the Department of Public Services and the Planning Authority.

Response:

Photometric plans were inadvertently omitted with the initial submission in November 2014. Plans have been included in the revised plan set.

- b. *With the Midtown Two drive now consolidated to a 24' width, waiver request #4 can be removed.*

Response:

The waiver request will allow this site plan to be approved as submitted. The requirement for separated entrance and exit drives in a parking garage will not be met. We understand the City is supportive to this waiver request because of its acceptance as part of the previous Level III Site Plan Approval for this configuration.

- e. *All proposed stormwater treatment and storage devices as a result of this project within or outside the road right of way shall be owned and maintained by the applicant and noted on the Plat.*

Mr. Rick Knowland
January 21, 2015
Page 9

Response:

The stormwater management treatment and storage devices have been shown on the enclosed subdivision plat and maintenance identified as the responsibility of the owner.

Sewer and Drainage Issues

- a. *Where all sewers are scheduled to be abandoned within the street right of way, the pipes shall be filled with grout.*

Response:

A note to the grading sheet C-3.3 will be added and submitted under separate cover.

- b. *The plans show a 12" catch basin lead from E-9 on drawing C-3.3 connecting to a 24" sewer without a manhole at the intersection of Pearl and Somerset Streets. This is not allowed by City Code which states: All connecting pipes eight inches and larger require manholes. Please provide a manhole at this junction point.*

Response:

E-9 will be redirected to catch basin E-6B as shown on the enclosed Sheet C-3.0.

- c. *Please indicate for Elm Street that the 12" drainage line will be increased to 24". It is the City's intent to pay for this drain extension which will be bid with the applicant's work. Plans will need to be submitted for review.*

Response:

This has been indicated on the enclosed Sheet C-3.2.

- d. *A catch basin is proposed in the sidewalk, approximate station 2+90, drawing C-3.3, at the Noyes building near the corner of Elm Street. Catch basins in sidewalks are not allowed.*

Response:

We propose that the structure in question is to be removed. This should be reflected in the final Somerset Street plans that will be prepared by others.

- e. *All the proposed underdrain along the face of the Noyes building does not appear to be shown. Drawing C-3.4 approximate station 5+25. Please verify.*

Response:

The final street design is still being negotiated by the City and the Noyes family. Final underdrain locations (if required) shall be notated on the plans that will ultimately be prepared once a design strategy acceptable to the City and abutting landowners is determined.

Mr. Rick Knowland
January 21, 2015
Page 10

- f. *Please correct 6" SD location from structure S-0. Drawing C-3.4*

Response:

It has been determined that the 6" storm drain shown on Sheet C-3.4 serves no function and has been removed from the plans.

Road Right of Way Issues

- a. *Further discussions are necessary on how does applicant propose to access for maintenance the electrical transformer behind Midtown 4. The City is not receptive to traveling over the trail unless something can be mutually agreed upon to reinforce the trail.*

Response:

The transformers behind midtownFour have been eliminated and vehicular access will not be anticipated in this area. The transformers have been changed to underground submersible transformers located in vaults adjacent to Elm Street and Chestnut Street.

- b. *Any lite bollards to be located within the street right of way shall be Holophane.*

Response:

The two bollards located on either side of the parking garage entrance are the City specified Holophane fixtures, which is shown as Detail 4 on Sheet L4.2.

- c. *A license for the proposed canopy for Midtown Three extending over the street right of way will be required.*

Response:

The designers of record for the midtownThree building will coordinate with the applicant for the granting of a license from the City prior to the release of the building permit.

- d. *As a result on proposed Midtown 4 curb cut, new 24" storm drain and the replacement of the water main on Elm St., this opportunity should be used to re-align the curbing on the North side of Elm Street between the Trader Joes and Somerset Street to remove the three-foot sidewalk pinch point at the Trader Joes building. Again it is the City's intent to pay for a portion of the curb realignment. Construction plans should be developed as part of the Midtown project showing these changes.*

Response:

The applicant does not oppose a curb line realignment. The final Elm Street design will be prepared by others.

- e. *There are three issues at the intersection of Elm and Somerset Streets which need to be addressed. It is felt that a meeting with the applicant's engineer and a representative of the City's engineering staff could quickly resolve these three issues.*
- i. *The proposed alignment of Somerset Street Extension and Somerset Street at Elm Street,*

Mr. Rick Knowland
January 21, 2015
Page 11

- ii. *The proposed crosswalk alignment across Elm Street at the Somerset Street intersection, and*
- iii. *The proposed layout of the crosswalk across Somerset Street at the Elm Street intersection to open pedestrian clearance on the Midtown side of Somerset Street.*

Response:

FST met with the City staff to discuss these items and the following represents our understanding:

- i. The proposed alignment of Somerset Street center line is offset and should be revised to include a horizontal curve or centerline deflection at approximately Station 3+25. This should be reflected in the final street design.
 - ii. This crosswalk alignment has been revised as shown on the enclosed Sheet C-2.2.
 - iii. The stairs, ramp, and crosswalk locations have been revised to address this concern as shown on Sheet C-2.2.
- f. *The sidewalk along the face of the Noyes building shall be constructed of brick. The sidewalk along the Noyes parking lot shall be constructed of asphalt as proposed.*

Response:

The final sidewalk materials shall be determined by the City as the Somerset Street design is determined and incorporated into the final plans.

- g. *Currently parallel parking is proposed in front of the drive cut to the Noyes parking lot. This is the only drive cut to access that lot. Alternatives to the proposed design will need to be resolved.*

Response:

We concur that this driveway was inadvertently omitted. A driveway curb cut has been added as shown on Sheet C-2.1.

- h. *The right turn radius from both Elm and Chestnut Streets on to Somerset St will force certain vehicles into the on-coming traffic. The City staff will work with the applicant's engineers to address this issue for the final design submittal.*

Response:

At this time, the applicant would like to reserve a response to any of the comments regarding Somerset Street until the City determines the preferred design approach.

- i. *Several of the proposed tree box filters are located in the sidewalk area. Assurance is needed that all locations will be ADA compliant.*

Response:

The sidewalks have been checked to confirm a minimum of 36" clearance (ref. 2010 ADA Standards for Accessible Design; Section 403.5.1 walking surfaces) will be provided around all tree box filters.

Mr. Rick Knowland
January 21, 2015
Page 12

- j. *The minimum lane travel width for all portions of Somerset St shall be 13 feet. This impacts only the curb bump out areas.*

Response:

The revised layout plans C-2.1 and C-2.2 are attached to this letter to reflect this requirement.

- k. *Due to the existence of the Noyes Storage Building and the desire to raise the level of Somerset Street between Chestnut and Elm Street, City staff is requesting to meet with the applicant's engineers to discuss and resolve possible street and sidewalk design variances to accommodate this goal and to assure positive drainage away from the Noyes building.*

Response:

At this time, the applicant would like to reserve a response to any of the comments regarding Somerset Street until the City determines the preferred design approach.

Jeff Tarling

- (b) *Understory planting standards appear to have been met. Earlier review comment mentions that plants should meet or exceed minimum sizes. Example – a minimum size for ornamental grasses, perennials would be 3 gallons pot size.*

Response:

The plant schedule has been updated to respond to minimum size requirements for plant material.

The proposed street appears to meet the street tree standard. Trees must be from the approved street tree list, no Callery Pear or Lindens.

Response:

Selected street trees are found on the approved street tree list with exception of the Pagoda Dogwood proposed along the Bayside Trail. The use of the Pagoda Dogwood was at the request of the planning staff to continue the same theme along the trail that extends from Franklin Arterial to Chestnut Street.

In addition to these responses, our submission includes updated building elevations and floor plans, select civil drawings, and select landscape and photometric plans. We will provide a red line annotated set of drawings to you on Thursday to allow some ease of review for the plan revisions.

FAY, SPOFFORD & THORNDIKE

Mr. Rick Knowland
January 21, 2015
Page 13

If you have any questions or require further additional information, please contact our office.

Sincerely,

FAY, SPOFFORD & THORNDIKE



Stephen R. Bushey, P.E.
Associate

SRB/cmd

Enc: Attachment A – Letter from The Federated Companies Addressing Non-Technical Issues
Attachment B – Letter of Response Regarding Waiver Requests & B-7 Design Guidelines
Attachment C – Capacity Availability Letter – Wastewater
Attachment D – Updated Transportation Demand (TDM) Plan
Attachment E – Plan Sheet Index Updated to Reflect Changes Dated 1/21/15
Select Civil Drawings
Architectural Drawings
Select Landscaping & Photometrics Plans

c: Barbara Barhydt, City of Portland (e-mail copy)
Greg Mitchell, City of Portland (e-mail copy)
David Margolis-Pineo, City of Portland (e-mail copy)
Alex Jaegerman, City of Portland (e-mail copy)
Bruce Hyman, City of Portland (e-mail copy)
Ann Machado, City of Portland (e-mail copy)
Tom Errico, P.E., T.Y. Lin (e-mail copy)
David Senus, P.E., Woodard & Curran (e-mail copy)
Jonathan Cox, The Federated Companies (e-mail copy)
Nick Wexler, The Federated Companies (e-mail copy)
David Hancock, CBT (e-mail copy)
Bob Metcalf, Mitchell Associates (e-mail copy)
Bo Kennedy, FST (e-mail copy)
Ben Walter, CWS Architects
Natalie Burns, P.A. (e-mail copy)
Patrick Venne, The Federated Companies (e-mail copy)

ATTACHMENT A

January 21, 2015



Portland Planning Board
C/O City of Portland
Department of Planning & Urban Development
Portland City Hall
389 Congress Street
Portland, ME 04101

RE: *Supplemental Applicant Submission in Response to Board and Staff Comments
Pertaining to 'midtown' Project (Somerset, Elm, Chestnut and Pearl Streets)*

Dear Chairman O'Brien and Honorable Members of the Portland Planning Board:

The intent of this correspondence is twofold.

First, it is intended to thank you for accommodating our request to meet in a less formal roundtable format at the third workshop held on January 13, 2015 for the above-referenced project ("Project"). We believe a benefit was derived from the fluid dialogue that meeting format permitted, in the sense that it allowed greater insight into your important thoughts and comments on the outstanding issues of importance in this context; however, we also understand and respect the Board's position on this format as expressed at the meeting.

Based on our notes and follow up guidance from City staff, we understand the outstanding issues from your perspective may relate to or include the following broad categories:

1. Use of External Insulation & Finish System (EIFS);
2. Mid-Block Permeability;
3. Architecture & Urban Design; and
4. Somerset Street Abutter Concerns

Accordingly, the second purpose of this correspondence is to respond to and address each area above as much as possible to permit a more meaningful review at the Public Hearing. Following the workshop on January 13th, we met and held several discussions with City staff and others to work through these topics cooperatively. We now set forth our detailed responses to the questions and comments the Board made in reference to the Project on the 13th on the basis of our interactive discussions and further work.

I. Use of External Insulation & Finish System (EIFS)

As a preliminary point, while we cannot speak for the City it is our understanding on the basis of an in-person meeting following the January 13th workshop that City staff supports use of EIFS as presently proposed. To the extent earlier questions existed about the product related to

functionality and/or appearance, this comment section and its related image examples are intended to address remaining items of interest for the Board.

By way of introduction, EIFS is a non-load bearing, exterior wall cladding system. The product has been in use for decades, and as with most things has dramatically improved with time. Today's EIFS takes into account the flaws associated with earlier systems by incorporating drainage mechanisms amongst other technological improvements that now make it *one of the best cladding systems available* from a thermal and moisture control perspective.

Therefore to reemphasize by reiterating a comment provided verbally at the January 13th workshop, use of EIFS in the present application materials is not dictated by materials cost; rather, it reflects the product's undeniably superior quality from both energy conservation and versatility perspectives.

EIFS provides continuous insulation and is frequently used in contexts and climates similar to Bayside—comparatively colder, urban environments. Moreover, it has been independently verified by the Department of Energy (DOE) to outperform brick in new construction across a variety of indicators and in a number of climates including those comparable to Portland.¹

The images provided on the following pages are provided in an effort to demonstrate tasteful use of EIFS in urban contexts as well successful application in colder climates. Moreover, they also show the ability of EIFS to mimic more traditional building materials, including brick. EIFS therefore presents a superior technical product without jeopardizing the ability to have flexibility in the appearance of publicly visible portions of a structure.

¹ Independent study conducted between 2005-2007 by Oak Ridge National Laboratory (ORNL), the largest U.S. Department of Energy (DOE) science and energy laboratory, conducting basic and applied research to deliver solutions to compelling problems in energy and security including development of advanced materials for energy applications.

EIFS APPLIED IN THE URBAN CONTEXT



Oakland, CA “Uptown” Redevelopment

EIFS APPLIED IN A COLDER URBAN CONTEXT



Urban Canada – Multi-story Residential (source: <http://eifscouncil.org/>)

EIFS APPLIED TO MIMIC TRADITIONAL BRICK EXTERIOR



EIFS AS TRADITIONAL EXTERIOR IN COLDER URBAN CLIMATE



Brown Street Condominium Project, Forrest Park, Illinois

II. Mid-Block Permeability – Vicinity of midtownThree

At the close of the January 13th workshop, it was evident individual members of the Board remained interested in better understanding how the Project as proposed satisfies requirements in the B-7 zone for mid-block permeability.

The precise standard for mid-block permeability in the B-7 zone appears to stem from the City's Design Manual, relative to B-7 Design guidelines, under principles and standards, Principle B, Access and Circulation, Standard B3, which seems to require two things:

- Incorporation of mid-block permeability; that is
- Perpendicular to Marginal Way.

The standard is remarkably simple when distilled to its basic elements.

The standard goes on to itemize the sorts of connections which satisfy its spirit and intent as follows:

- Street extensions;
- Service alleys with public access;
- Pedestrian corridors;
- **Trail access;**
- **Plazas;** and
- **Pocket parks**

The Design Manual speaks about permeability being achieved in a number of alternative ways inclusive of exterior and interior options. The examples given for primary circulation methods (including streets and sidewalks) support a reading that this language refers to public spaces, whereas secondary circulation (examples of which include internal lobbies and/or corridors through the ground floor) are contemplated as enclosed within private spaces. Prior staff comments support this reading, as they expressly note that the standard contemplates mid-block permeability accomplished as access ways between buildings or as pass throughs within the interior of buildings.² Moreover, and importantly, the secondary means of permeability is conditioned on an ability to provide it in a safe manner.³

Satisfaction of Standard:

As satisfaction of this design standard, we submit to the Board that the Bayside Trailhead accessed from the corner of Somerset and Elm Streets satisfies the letter and intent of the ordinance exactly.

² The comment at the bottom of p. 3 of the January 9, 2015 Board memo from the Department of Planning and Urban Development as part of the January 13, 2015 workshop backup materials reads "*This standard also anticipates mid-block permeability accomplished. . . .as pass throughs within the interior of buildings.*"

³ The standard notes in pertinent part that it applies "*unless the building program precludes such design and cannot be modified to meet this requirement due to. . . .security reasons.*"

Coupled with the publicly accessible space directly to the west of midtownThree, the permeation in the vicinity of the trailhead is perpendicular to Marginal way.

Moreover, while it may not be mid-*building* with respect to midtownThree, this permeation of the site is in fact mid-*block*, which is what the standard appears to require. The block itself is large and awkward and, likely because of this, the City had the foresight to establish in conjunction with other partners a means of breaking up the size by addition of a pedestrian trail even before a development proposal came forward.

As noted above in bold, trail access areas, plazas, and pocket parks all satisfy the ‘type’ of mid-block permeability spoken of under the standard, and the western face of midtownThree creates the perpendicularity required for these types of permeation. With respect to this point’s location in the “middle” of the block, staff’s comments from the November 12th workshop backup material are instructive: ““*the Bayside Trail enters the Elm Street walkway **midblock** between midtown three and midtown four.*”

Therefore, we submit to you that the trailhead coupled with the publicly accessible area to the west of midtownThree satisfies the elements of location (midblock), direction (perpendicular to Marginal Way), and type (trail access/plaza/pocket park) spoken to by the standard.

While reliance is placed on the trailhead and adjacent publicly accessible space as substantial evidence that this standard is satisfied, however, an additional effort is also being made to incorporate a reasonable approach to secondary permeation through the interior of midtownThree. A note on the revised plans will read as follows:

AS SECONDARY MEANS OF PROVIDING MID-BLOCK PERMEABILITY, APPLICANT IS AGREEABLE TO LOCATING STOREFRONTS ON THE FRONT AND BACK PORTION OF THE BUILDING, PRECISE SIZE, NUMBER AND LOCATION TO BE DETERMINED, SOMEWHERE WITHIN THE MIDDLE 50% OF THE STRUCTURE, ALLOWING FOR PHYSICAL AND VISUAL PERMEABILITY.

This approach, as noted in the Design Manual itself, is common throughout Downtown Portland. One and Two Monument Square, the buildings connecting Monument Way with Free Street, Reny’s Department Store, Starbucks on Congress Street in the Hay Building, the building at 37 Exchange Street (former home of the JavaNet coffee house and most recently home to the Thirsty Pig), the Time and Temperature Building, and One City Center, likely amongst others, all successfully use this approach to enable the high-quality urbanism we expect to create with this development. Therefore, while we believe the basic standard is satisfied in a very straightforward manner by the trailhead alone, we are amenable to fostering further permeation as described above.

To summarize and conclude, the position advanced is that, upon further consideration, as an alternative to the previous waiver request we believe the standard for mid-block permeability is in fact satisfied perfectly and directly already by existing conditions, which the plan note described above will only serve to amplify as opposed to being necessary in its own right to satisfy.

III. Architecture & Urban Design – midtownThree

Following the January 13th workshop, a meeting took place with the City’s Urban Designer to better understand the City’s position on outstanding issues with the pre-existing submission in an objective manner. At that meeting, it was learned that a preference exists for:

- Greater articulation and emphasis of the entrances, and a differentiation between commercial space and residential space, with the Lord & Taylor department store on Boylston Street in Boston cited as an example of what is desirable to indicate to passersby what space is public and what space is not.



A response to this desire is presented in the revised architectural illustrations for your review.

The City also conveyed that the pedestrian realm at street level is important to understand better. As such, a computerized contextual model is being worked on for submission in conjunction with the public hearing.

We also submit to you that the preservation of a view corridor from Elm Street to the Bayside trailhead, coupled with the dynamic architecture of midtownFour, presents a gateway to this part of the City.

IV. Somerset Street Abutter Concerns

We appreciate the Board’s interest in satisfying the legitimate concerns of abutters. To that end, we have maintained an active dialogue with the Noyes family pertaining to various proposed solutions to their concerns, based upon the input from our engineers, and will continue to be open to further discussions.

That being said, upon consideration of an excellent point made by Planning Division Director Jeff Levine at the January 13th Workshop, related to the City’s executive authority to raise and/or improve any street it wants without Planning Board approval, it became apparent that while the improvements to Somerset Street are indeed related to this review process, they are not in fact directly part of it. That is, while considering the relevant contemplated improvements in the context of the Project certainly makes sense, those improvements are not—technically speaking—required to be ‘approved’ because the City already has the authority to make them at the present time. As such, we have held discussions with City staff about uncoupling this matter

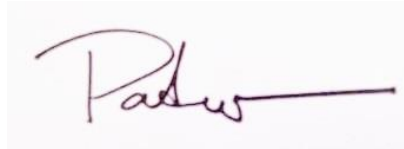
from the list of things for which an “approval” is being sought, and instead continue to view it as a related but distinct matter. Also, on the basis of input from our engineers, we are satisfied that the concerns expressed are not justifiable and/or not related to the proposed improvements contemplated.

Concluding note

A remark was made that we should work with Portland Trails in advance of the next meeting, similar to the discussions which have taken place regarding Somerset Street, to discuss any potentially remaining issues ahead of the meeting. For the Board’s information, a tentative plan to do just that was reached on the night of the last workshop. Further information, if any, will be available at the time of the public hearing.

Thank you all, again, for your dedication to reviewing this project and for your constructive feedback at the last meeting. We look forward to the public hearing in February.

On behalf of The Federated Companies,

A handwritten signature in dark ink, appearing to read "Patrick Venne", with a long horizontal flourish extending to the right.

Patrick Venne

ATTACHMENT B

January 13 2014

Mr. Rick Knowland
Planning Department
City of Portland
389 Congress Street
Portland, ME

Reference: midtown Project
Applicant's Supplemental Information regarding B-7 Waivers

Dear Rick:

The Federated Companies respectfully provide the following supplemental information to the Level III Final Site Plan application submitted 17 November 2014 and discussed with city staff on 21 November 2014. The attached documents provide basis for the waivers requested and supplement information contained in the application.

Please note that we have deleted the request for waiver from B-3 Mid-Block Permeability previously requested, and we have modified the request for partial waiver from C-8 Service Utility and Mechanical Infrastructure previously submitted.

1. A-4 Views and Landmarks
2. B-2 Street Connectivity
3. B-7 Continuity of Street Level Uses
4. B-11 Lighting
5. C-2 Parking Entrances
6. C-5 Decks and Ramps
7. C-8 Service Utility and Mechanical
8. E-12 Materials

We look forward to discussing the project at an upcoming Planning Board Workshop.

Thank you,

David Hancock, AIA, LEED-AP

Summary of B-7 Design Standards -- 14 November 2014, revised 9 January 2015

Principle A, Urban Design		Plan for midtown Development	midtown Preliminary Level III Design
Standard A-1	Sense of Place	<ul style="list-style-type: none"> ■ <i>The identity and “sense of place” of Bayside is based on design elements that contribute to the character of the district.</i> <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 respond</u> 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. <p>Characteristics in <i>The Vision for Bayside</i> that are not applicable to the <u>Plan for 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"> • 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 • No buildings exist on site; • No historic materials exist on site; • Site does not border these streets; • Site does not border these streets
--	--	--	--

Standard A-2	Edges and Transitions	<ul style="list-style-type: none"> ■ <i>Transitions between larger scale mixed use buildings and smaller scale residential uses shall be designed so that there is a seamless connection.</i> <p>The area planned for midtown Development 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>midtown buildings One, Two, Three, and Four 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>midtown design includes The Mews and The Courtyard</p>
Standard A-3	Gateways	<p><i>Gateways serve as landmarks signal arrival and promote district identity.</i></p> <p>As a landmark, the buildings of midtown Development 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><u>The 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 midtown 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>□ <i>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.</i></p> <p>The Plan for midtown Development 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>midtown building designs 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 <u>and for midtownThree to partially obstruct the Cedar Street view corridor.</u>
--------------	---------------------	---	---

Standard A-5	Pedestrian Environment	<ul style="list-style-type: none"> ■ <i>Development shall be human scale on public streets and enhance the pedestrian experience through details of design.</i> <p>The Plan for midtown Development’s 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
Standard A-6	Mix of Uses	<ul style="list-style-type: none"> ■ <i>New development in Bayside shall incorporate a mix of residential, retail, commercial, and open space uses of various types and scales.</i> 	

		<p>The <u>Plan for 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>	<p>The midtown buildings incorporate a mix of residential, ground floor retail, and open space uses.</p>
Standard A-7	Building Orientation	<ul style="list-style-type: none"> ■ <i>Buildings shall be located at the property street line to provide definition and character to the streets.</i> <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	Streets and Alleys	<ul style="list-style-type: none"> Streets and alleys shall be scaled for expected vehicle, pedestrian, bicycle and transit activity to support mixed use development. <p>The Plan for midtown Development 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 <i>Bayside Street Hierarchy Map</i>), 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	Street Connectivity	<ul style="list-style-type: none"> The prevailing street grid of Portland (and Bayside particularly) should be extended to provide opportunities for sun and airflow. <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> <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</p>

			land to the north (currently fenced parking lots) Sunlight and air are well-provided to all façades of all buildings.
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. <u>Secondary circulation should be provided internally in larger buildings.</u> <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><u>As with many of the larger buildings in downtown Portland, the Plan also provides permeability through the larger retail floor plates of the larger buildings between Somerset St and the Bayside Trail.</u></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 <u>and the Bayside Trail</u>. 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 <u>A</u></p>

				<p><u>secondary circulation system will thus be provided internally in this building through the provision of glass retail facades with doors facing both Somerset St and the Bayside Trail, to allow opportunities to pass through the street level retail as incorporated in many larger buildings in downtown Portland.</u></p>
Standard B-4	Sidewalks and Crosswalks	<ul style="list-style-type: none"> <p><i>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.</i></p> <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"> ■ <i>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.</i> <p>midtown Development 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"> ■ <i>Development shall provide for the continuity of pedestrian-oriented uses along Somerset Street frontage.</i> <p>Unavoidable entrances to the garage of the midtown Development 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 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>A service entrance for the midtownOne apartment building and its ground floor retail use is provided on Pearl Street; service entrance for midtownTwo retail space is provided adjacent to the garage entrance; service entrance for midtownThree retail and residences is provided on Somerset Street, and the service entrance for midtownFour is provided on<u>at the west end of the building, accessible from</u> 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>

				Retail and apartment lobbies will form more than 90% of street frontages thus assuring the maximum frontage along Somerset Street.
Standard B-8	Traffic Calming	<ul style="list-style-type: none"> ■ <i>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.</i> <p>The <u>Plan for midtown Development</u> 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>		The intersections of Pearl, Elm and Chestnut Streets with Somerset St will be constructed to city standards as part of the midtown construction work.
Standard B-9	Streetscape Design	<ul style="list-style-type: none"> ■ <i>New Development shall utilize the City's streetscape standards for Bayside to create a unified image for the neighborhood.</i> <p>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>		<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"> ■ <i>Encroachments on the public sidewalk shall be sited and designed to encourage pedestrian activity.</i> <p>No encroachments are planned in the <u>Plan for midtown Development</u>.</p>	<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"> □ <i>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.</i> <p>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> <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>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>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>

Principle C, Parking, Loading and Services Areas		midtown Development Plan	midtown Level III Design Review
Standard C-1	Parking Structures	<ul style="list-style-type: none"> ■ <i>Parking structures shall be compatible with adjacent uses and architecture in form, bulk, massing, articulation, and materials.</i> <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>Garages will provide facilities for Electric Vehicle recharging</p> <p>The Garages will provide space for public commercial car share services.</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> <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</p>

			access and egress gates, so can be parked near the public elevator on Somerset St and available to all neighbors at any time.
Standard C-2	Parking Entrances	<p>□ <i>Parking garage automobile entrances shall respect the pedestrian realm; Pedestrian entry/exit points shall be enhanced; Visual impact shall be minimized through design elements</i></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</p>

				provide for public view of patrons in the staircases and waiting for the elevator
Standard C-3	Active Uses	<ul style="list-style-type: none"> ■ <i>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.</i> <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>		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)
Standard C-4	Back of Parking Structures	<ul style="list-style-type: none"> □ <i>Parking Structures that have a rear or side elevation along a public right of way or ... trail... must incorporate standard E-9.</i> <p>The garages of <u>included in</u> 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 façade and lesser materials with no articulation for 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. <u>However, the applicant reserves</u></p>

				<u>the right to allow tenants freedom in location of doors and windows to create attractive and efficient retail space layouts.</u>
Standard C-5	Decks and Ramps	□	<p><i>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.</i></p> <p>The garage decks of the <u>Plan for 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 visible to-from 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 it's facades above the retail ground floor with a green screen.</p>
Standard C-6	Surface Lots	na	The <u>Plan for midtown Development</u> does not incorporate surface parking	
Standard C-7	Bike Racks	■	<p><i>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.</i></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

			<ul style="list-style-type: none"> • 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>
Standard C-8	Service, Utility and Mechanical Infrastructure	<ul style="list-style-type: none"> ■ <i>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.</i> <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; 	<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</p>

		<ul style="list-style-type: none"> • 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>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>
--	--	---	--

Principle D, Open Spaces and the Public Realm		midtown Development Plan	midtown Level III Design Review
Standard D-1	Open Space Design	<ul style="list-style-type: none"> ■ <i>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.</i> <p>New public open space meeting these criteria will be provided in the <u>Plan for midtown Development</u></p>	<p>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>The open spaces provided adjacent to midtownThree and Four buildings widen and enhance the trailhead at Elm Street.</p> <p>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>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	Bayside Trail	<ul style="list-style-type: none"> □ <i>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.</i> <p>The <u>Plan for midtown Development</u> incorporates provisions to enhance the Trail by incorporating design elements that include:</p> <ul style="list-style-type: none"> • new/enhanced lighting, hardscape and landscaping; 	<p>All the midtown buildings are designed <u>with</u> 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>

			<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.</p> <p>-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>
Standard D-3	Landscaping and Street Furniture	□	<ul style="list-style-type: none"> • <i>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.</i> • 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 hardiness, 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 Preliminary Site Plan</p>

- Currently there is no plant palate 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 palate for subsequent street improvements by others.
- 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
- 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
- No accent lighting is being proposed for plantings in the public space or private space.

		<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. 	
Standard D-4	Pedestrian Amenities	<ul style="list-style-type: none"> □ <i>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.</i> • 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 <i>Way finding Study</i> 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; Additional loose seating will be provided controlled by the retailer at the Courtyard.</p> <p>Bicycle hitches will be provided along Somerset street for patrons of the retail merchants and undercover at the midtownTwo 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. <p>The <u>Plan for midtown Development</u> will incorporate this requirement and identify locations for public art by others.</p>	<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 midtownThree 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"> ■ <i>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.</i> <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"> ■ <i>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.</i> 	

		<p>The buildings of midtown Development Plan 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>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>
Standard E-3	Massing	<p>□ <i>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.</i></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</p>

			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.
Standard E-4	Articulation	<p>□ <i>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.</i></p> <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>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>	As designed, none of the façades of the midtown buildings can be characterized as “blank, flat, unadorned, or repetitive.”
Standard E-5	Flexibility of Interior Layout	<p>■ <i>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</i></p>	

		<p><i>possible variety of layouts.</i></p> <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"> ■ <i>Buildings along public streets shall have their primary entrances oriented to the street.</i> <p>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>	<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 <u>Somerset</u> 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"> ■ <i>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.</i> <p>The retail frontage of all buildings in the midtown Development 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>	<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"> ■ <i>Storefronts shall be designed to accommodate doors at regular intervals to allow for flexibility over time.</i> <p>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>	<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</p>

				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.
Standard E-9	Back Sides of Buildings	<ul style="list-style-type: none"> □ <i>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.</i> <p>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> <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>		<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>
Standard E-10	Rooftop Appurtenances	<ul style="list-style-type: none"> ■ <i>Rooftop appurtenances shall not be visible along or block view corridors or views to specific landmarks.</i> <p>Mechanical and other equipment on the residential building roofs in the midtown Development 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 midtown 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	Fences and	<ul style="list-style-type: none"> ■ <i>Fences and walls along public ways shall be designed of</i> 		

	Walls	<p><i>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.</i></p> <p>No fences are planned in the midtown Development 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>	Walls at changes of grade at the public areas of midtown will be of durable masonry materials.
Standard E-12	Materials	<p>□ <i>Façades visible from public rights of way shall consist of natural and authentic building materials that are expected to last 50 years.</i></p> <p>The buildings in the midtown Development 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>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, <u>a broader range of color and pattern and surface texture</u> 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 four buildings of midtown 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>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	<p>■ <i>Windows shall use untinted or lightly tinted glass.</i></p> <p>The buildings in the midtown Development will use clear</p>	As noted in standard E-7, the midtown apartment

		<p>vision glass with high visible light transmittance for windows facing the street, trail, and other public ways.</p>	<p>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"> ■ <i>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</i> <p>The <u>Plan for midtown Development</u> 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"> ■ <i>Pedestrian sidewalks and walkways shall include weather protection at entrances appropriate for retail environment use.</i> <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</p>

				protection.
Standard E-16	Signage	<ul style="list-style-type: none"> ■ <i>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.</i> <p>The Final Level III Site Plan for the midtown Development 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"> ■ <i>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.</i> <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"> □ <i>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</i> <p>The B-7 Zone is exempt from the requirements of Section</p>		<p>An analysis showing the shadows at 9:00, 12:00 and</p>

		11 of the city's technical manual.	<p>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 (Exhibit #20a) 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>
Standard E-20	Wind	<ul style="list-style-type: none"> ■ <i>Consideration of wind impact relating to new construction shall establish and maintain a comfortable pedestrian environment.</i> <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</p>

				<p>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>
--	--	--	--	---

Standard A-4 Views and Landmarks

The applicant requests a limited variance of the requirements to provide open view corridors along north-south streets for the reasons stated below. As noted, the project as a whole complies with the intent to keep street views open.

The existing blockage of the Cedar Street and partial blockage of Myrtle Street view corridors, which are constraints relating to building design and lot configuration, as well as other factors are *extraordinary conditions* of the midtown site. The topmost story of the proposed buildings may intrude slightly into these view corridors. If the applicant were required to lower these buildings *undue hardship* might result from such strict compliance. *Substantial justice* will be done and the *public interest will be secured* with the variation in that the open sky and distant views will be preserved. This variation will allow the garage building, midtownTwo, and the residential building, midtownThree, to minimally obstruct the Myrtle and Cedar Street view corridors without compromising the quality of the distant views.

Standard B-2 Street Connectivity

The applicant requests a waiver from the extension of street grid pattern that the public interest may be secured with this variance.

That Cedar and Myrtle streets do not abut the subject property is an *extraordinary condition* of these sites not applicable to sites where these streets do abut. The applicant's proposed mews provides an alternate access between Somerset Street and the trail; the applicant has designed the project to extend Pearl Street; and the applicant proposes enhanced open access to the trail at Elm and Somerset streets.

Undue hardship would result from strict compliance, *substantial justice* will be done, *the public interest will be secured* with this variation, and the variation is *consistent with the intent to the ordinance* in that the existing street grid of Bayside has been preserved and will be substantially enhanced.

Standard B-7 Continuity of Street Level Uses

The applicant requests a waiver from the prohibition of service and vehicular entrances to the buildings of midtown along Somerset and Elm streets on the basis that *extraordinary conditions* exist at these sites which have led to this choice and that *hardship* for the applicant would result from strict compliance with standard B-11.

The sites are relatively narrow and located between the Bayside Trail and Somerset Street. While access to the midtownOne has been successfully located on a raised portion of Pearl Street, midtownTwo and Three are prevented access from Chestnut Street by the center island and slope. MidtownFour has street frontage only on Elm Street.

The location of such entrances on Somerset and Elm streets is *unavoidable* due to block configuration. *Undue hardship* would result from strict compliance but *substantial justice* may be done, the *public interest will be secured* with the variation. The variation is *consistent with the intent of the ordinance*, in that the applicant will take care to assure that the pedestrian environment will remain attractive and safe, and required interruptions are minimized in number and length to allow a maximum of retail frontage.

Standard B-11 Lighting

The applicant requests a waiver from strict compliance with the lighting requirements of the Technical and Design Standards and Guidelines for the street light spacing along Somerset street on the basis that *extraordinary conditions* exist at this site which have led to the spacing shown on the site plan.

The street lighting has been co-ordinated with tree placement, existing and proposed utility structures, required service and vehicular entrances, steps and ramps, bus stop, and accessible crosswalks. The result is non-standard spacing.

The proposed lighting plan will enable and enhance retail and pedestrian sidewalk lighting conditions on Somerset Street and *undue hardship* might result from strict compliance. *Substantial justice* will be done, the *public interest will be secured* with the variation, and the variation is *consistent with the intent of the ordinance*, in that the lighting will be scaled to the size, use, and traffic volumes of the streets and trail in order to provide an efficiently-lit, attractive, pedestrian-friendly urban street.

Standard C-2 Parking Entrances

The applicant requests a waiver from the requirement to separate entrance from exit at the midtownTwo parking garage.

A single wide common curb-cut is proposed for both entry and exit from the garage. Access and exit gates are located well inside the garage to provide sufficient off-street queuing space. There will be three gates allowing double inward or outward flow at peak times. The exit will be designed to inform the exiting driver of the sidewalk pedestrian realm. *Undue hardship* would be caused if substantially separate ingress and exit ramps were required.

The shallow lots and constrained garage layout constitute an *extraordinary condition* of this site and undue hardship would result from strict compliance. *Substantial justice* may be done the *public interest will be secured*, and the variation is consistent with the *intent of the ordinance*, in that the pedestrian realm is favored by minimizing the number of interruptions to the retail frontage and all other requirements of the standard will be met.

Standard C-5 Decks and Ramps

The applicant requests a waiver from the requirement to have horizontal parking decks on all facades of the midtownTwo garage visible from public rights of way on the basis that *extraordinary conditions* exist at this site, and that *undue hardship* for the applicant would result from strict compliance with standard C-5.

The garage is the most efficient possible layout with five percent sloped parking ramps on the trail side and level decks on the Somerset Street side. The garage exactly fits the available site. The sloped ramps are screened with durable materials to give the façade an orthogonal appearance consisting of screens mounted in horizontal and vertical framework.

The shallow lot and constrained garage layout are the only feasible layout and *undue hardship* would result strict compliance by requiring substantially less efficient layouts. *Substantial justice* will be done, the *public interest will be secured*, and the variation is *consistent with the intent of the ordinance*, in that the unavoidable sloped ramps will be screened with façade materials with horizontal and vertical members.

Standard C-8 Service Utility and Mechanical Infrastructure

The applicant requests a waiver from the requirement that service equipment and infrastructure be located at the side or back of the buildings. The sites exhibit the *extraordinary condition* that there are no sides or backs – all facades are visible from the public right of way.

Except for midtownFour, which shares a common property line with Trader Joes, all facades of the buildings of midtown face public rights of way -- Pearl, Chestnut, Elm, and Somerset Streets, the Mews, and the Bayside Trail. Where feasible, utility infrastructure will be placed interior to the buildings, or in the case of utility transformers, placed underground; where utility equipment must be located outside, it will be screened from view or unobtrusively integrated with the design of the buildings.

Because these buildings have no side or rear elevations, *an extraordinary condition exists and undue hardship* would result from strict compliance with these requirements. *Substantial justice* will be done, the *public interest will be secured*, and the variation is *consistent with the intent of the ordinance*, in that utility and mechanical Infrastructure, loading docks, delivery areas, will be internal or screened as required.

WRITTEN REQUESTS FOR WAIVERS FROM SITE PLAN OR TECHNICAL STANDARDS

PART 1 –WAIVER REQUEST FOR BUILDING AND B-7 STANDARDS PREPARED BY CBT ARCHITECTS

~~1. Applicant requests waiver from Standard B-3 requirement to provide mid-block permeability through **midtownThree** block between Chestnut and Elm Streets, connecting Somerset Street to the Bayside Trail.~~

~~**midtownThree** provides retail space fronting on Somerset Street which is designed as “through space”, that is, allowing a visual connection through to the Bayside Trail beyond. It is noted that the building opposite this building on Somerset Street has no mid-block connector and the trail adjacent to the building’s north facade 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 Street 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.~~

~~The 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.~~

~~2.1 Applicant requests waiver from Standard B-7 requirement to provide continuity of street level uses along Somerset, Chestnut, and Pearl Streets.~~

A service entrance for the **midtownOne** apartment building and its ground floor retail use is provided on Pearl Street; service entrance for **midtownTwo** retail space is provided adjacent to the garage entrance; ~~and the~~ service entrance for **midtownThree** retail and residences is provided on Somerset Street, ~~and the~~ The service entrance for **midtownFour** ~~is provided~~ will; be located on the west end of the building and accessed from a driveway off ~~on~~ Elm Street.

These service entrance doors will be from seven feet to eleven 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.

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 Street.

Loading dock facilities are planned only at buildings one and three; for retail spaces tenants will provide for trash and recycling facilities within their leased premises.

Retail and apartment lobbies will form more than 90% of street frontages thus assuring the maximum frontage along Somerset, Chestnut, and Pearl Streets. Elm Street is planned to have continuous retail frontage.

3.2. Applicant requests waiver from Standard B-11 requirement to comply with City's Technical and Design standards for street lighting along Elm, Somerset, Chestnut, and Pearl Streets.

The Plan for midtown Development 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 Street and to create a uniform appearance along the ground floor retail areas of the development which may require a waiver of some requirements.

Pedestrian lighting will be provided by the streetscape lighting noted above together with 'spill' lighting from retail store fronts.

Lighting for the mews and new public opens spaces will be designed to complement these standards.

4.3. Applicant requests waiver from Standard C-2 requirement to separate vehicular entrance and exit from parking garage.

In the Plan for midtown Development, 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.

Entry/egress gates will be located interior to the garages to allow entrance queuing internal to the structure minimizing back up onto Somerset Street. The in-bound queue length from garage façade to gates is about 180 feet, allowing space for 9 cars at 20 feet. The peak queue for this 800 car garage is expected to be no more than 8 cars, thus the in-bound queue will not extend across the sidewalk.

5.4. Applicant requests waiver from Standard C-5 requirement that garage decks shall be horizontal where visible from public ways.

The garage decks of the Plan for midtown Development will be level on the Chestnut and Somerset Street and the Mews facades, 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.

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 above the retail ground floor with green or other appropriate screening materials.

~~6. Applicant requests a partial waiver from Standard D-2 requirement that buildings adjacent to the trail have active doors into the building on facades facing the trail.~~

~~All the midtown buildings are designed with façade elements adjacent to the Bayside Trail that enhance the trail experience. As noted above, these facades are not designed as “backs”, and they provide the important element of residential windows overlooking the trail. Food service establishments are 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.~~

~~The partial waiver is sought on the requirement of having “active building ingress and egress” on the portion of midtownThree facing the trail because of natural changes in grade. The trail adjacent to the building’s north facade is defined by a berm containing stabilized contaminated soil which rises 6 feet above the floor level of the retail space. It would be impractical to create entrances from the berm, and a hardship to remove it.~~

~~7.5. Applicant requests a waiver from Standard E-12 requirement that building facades visible from the public rights of way shall consist of natural building materials~~

The buildings in the midtown Development will be clad in precast concrete, EFIS, aluminum, 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. These materials are manufactured for durability and long life, and will be detailed to stand up to all the rigors that the New England coastal climate offers.

A waiver is being sought of Standard E-12 for the use of EFIS and ~~vinyl~~ metal or cement composite siding panels. Building material technology has evolved in recent years with offerings of higher strengths, a broader range of color and pattern and surface texture 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-lifetime performance rivals the ~~age and~~ performance of heavier exterior materials like masonry stone or concrete.

~~8.6. Applicant requests clarification that a wind study will not be required under Standard E-20, or if required a waiver from such study.~~

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 Applicant seeks clarification that a detailed professional wind study will not be required for Final Level III Site Plan review

Formatted: Underline

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. The building is proposed at 72 feet however, and the effects of wind would be attenuated substantially. It is therefore highly probable that users seated in the courtyard would find these winter winds uncomfortable.

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.

Other uncomfortable winds previously predicted for walking at the Elm Street end of the trail, predicated on a pair of 165 ft. high buildings, would be similarly attenuated in the Applicant's current proposal to build midtownThree and midtownFour as substantially lower 72 ft. high buildings. It is highly improbable that pedestrians on the trail, Elm Street, or Somerset Street in this vicinity would experience any discomfort due to wind while sitting, standing still, walking, or jogging. concrete.

~~9.7.~~ Applicant requests ~~requests~~ a waiver from Section 14-296 a.ii. requirement that parking garage façade be set back a minimum of 35 ft from the street right of way.

Due to the shallow nature of the lot and the city's desire to create active retail street frontage on Somerset Street the façade of the building is set back ten ft. and continuous retail frontage is provided at ground level.

~~10.~~ Applicant requests an exception from Section 14-334 (a) and (b) to allow parking serving midtownFour to be located in midtownTwo, and to allow ownership of the parking separate from ownership of the residential and retail buildings.

The entrances to the garage and the midtownFour buildings are more than 100 ft but less than 1500 ft apart. The four buildings are being developed as a single project but the applicant wishes to reserve the right to finance or sell each building separately at any time in the future. As the garage will always be a resource to the neighborhood, residents of the other three buildings will always be able to park their vehicles in it.

Formatted: Indent: Left: 0.25", No bullets or numbering

PART 2 – WAIVER REQUEST FOR CIVIL DESIGN PREPARED BY FST ENGINEERS

~~11.8.~~ **1.4 Street Grades (reference page 3 of Technical Standards)**

- *The cross slope for local streets shall be 0.03. The cross slope for other street classifications shall be 0.02.*

The project will require the reconstruction of Somerset Street. The building will be set at elevation 12.0 to be 2 feet above the higher flood hazards anticipated to increase over time. There are existing buildings with finish floors, entrances, and exits at lower elevations. The Federated plan for the midtown project has extensive ground floor retail which requires flush accessible entrances. On the other hand, there are existing buildings across the street (most notably the “Noyes” property with existing floors and entrance elevations which will not be change. Because the buildings on either side of the street are near or on the right of way, some variation from transverse slopes and location of the street crown from the City’s typical cross section within the street right of way will be required.

~~12.9.~~ **1.5 Vertical Alignment: Parabolas at grade changes (K values) (Reference Pages 3 & 4 of the Technical Standards)**

The profiles for the reconstruction of Chestnut, Somerset, Elm and Pearl Streets will be provided with the final application. Minor variations from the City Standards for the “K” values (30 and 40 for crests and sags) will be requested.

It is anticipated, the variation of the K value for the sags on Chestnut Street is expected to have a “K” value of 37.50 and Elm Street is expected to have a value of 39.89.

~~13.10.~~ **Section 2 – Sanitary Sewer and Storm Drain Design Standards**

2.7.8. No storm drain lines, with the exception of field inlets and underdrains, shall be connected into a catch basin structure (Reference Page 82 of the Technical Standards)

Representatives from the City of Portland have indicated the technical standards are being revised and will remove this restriction. If the standards are revised soon, this waiver will not be required. The waiver is very important to avoid excessive piping and appurtenances in the public streets.

~~14.11.~~ **Section 5**

Portland Stormwater Management Standards and MaineDEP Chapter 500 Stormwater Management (Reference Page 149; Section E. 2 6 of this Chapter of the Technical Standards)

The requirements include stormwater detention for flood control. The applicant is requesting a waiver to the requirement for detention as part of the Stormwater Management Plan. The location of the site within the watershed results in a condition where passing flow from this area as soon as possible allows capacity to free up to receive and convey flows from upstream areas.

~~15.12.~~ **Section 7**

Soil Survey Standards (Reference Page 209 of the Technical Standards)

The applicant is requesting a waiver from the City of Portland’s requirement to provide a high intensity soil survey. This request is made after considering that the site is on fill land, the site has been heavily disturbed as part of environmental cleanup measures over the past several years, the site will be nearly impervious after development such that hydrologic soils rating is not a significant issue.

PART 3 – WAIVER REQUEST FOR LANDSCAPING AND LANDSCAPE PRESERVATION PREPARED BY MITCHELL & ASSOCIATES

16.13. 4.6 Street Trees:

The applicant is requesting a waiver of the requirement for providing one street tree per residential unit. The maximum number of units proposed for “midtown One” three and four is 440 units. A total of 100 trees are being provided along Elm Street, 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 will be 30 locations where this condition occurs.

B-7 MIXED USE URBAN DISTRICT DESIGN PRINCIPALS AND STANDARDS

PRINCIPAL D OPEN SPACE AND PUBLIC REALM

17.14. Standard D-3 Landscaping and Street Furniture:

Planters, wells and tree grates: *The applicant is requesting a waiver for raised planting beds associated with the ramp system located within the right of way that occur along the Somerset Street sidewalk adjacent to Pearl Street extension and Elm Street as designed.*

Irrigation and Drainage: *The applicant is requesting a waiver of the requirement for an irrigation system. All plant material selected shall conform the city standards, be selected for drought tolerance in addition, will be located in larger raised planting areas.*

ATTACHMENT C



Michael J. Bobinsky
Director of Public Services

REVISED COPY

13 January 2015

Mr. Bo E. Kennedy, P.E.,
Project Engineer,
Fay, Spofford & Thorndike,
778 Main Street, Suite 8,
South Portland, Maine 04106

RE: The Capacity to Handle Wastewater Flows, from "midtown," the Mixed Use (Residential, Retail, Parking Garage) Development Towers Proposed by Federated Companies, along The Northern Side of Somerset Street (23-63 Somerset), between Pearl Street Extension and Chestnut Street, and Continuing along The Northern Side of Somerset Street (69-105 Somerset), from Chestnut to Elm Street, including (127-161 Elm Street) also.

Dear Mr. Kennedy,

The existing thirty-six inch, fifty-four inch, and sixty-six inch reinforced concrete sewer pipes, located in Somerset Street, have adequate **capacity to transport**, while The Portland Water District sewage treatment facility, located off Marginal Way, has adequate **capacity to treat**, the total anticipated increase in wastewater flows of **102,194 GPD**, from the proposed mixed use development towers.

In order to offset any increase in sanitary flows, the City combined sewer overflow (C.S.O.) abatement consent agreement (with the U.S.E.P.A., and with the Maine D.E.P.) requires C.S.O. abatement, as well as storm water mitigation, from all projects.

If the City can be of further assistance, please call 874-8832.

Sincerely,
CITY OF PORTLAND

Frank J Brancely, B.A., M.A.
Senior Engineering Technician

O:\Engshare\FJB\Ccapacity Letters\Somerset Street 23-105 & Elm Street 127-161

Anticipated Increase in Wastewater Flows from the Proposed Residential, Retail, Restaurant and Parking Garage Units

The Proposed Residential Units:

440 Proposed Units @ 180 GPD/Unit = 79,200 GPD

The Proposed Retail Outlets:

77 Proposed Employees @ 12 GPD/Employee = 924 GPD

10 Proposed Toilets @ 325 GPD/Toilet = 3,250 GPD

The Proposed Restaurants:

901 Proposed Seats @ 20 GPD/Seat = 18,020 GPD

The Proposed Parking Garages:

800 Proposed Spaces @ 1GPD/Space = 800 GPD

Total Wastewater Design Flow, for this Project: = 102,194 GPD

Total Anticipated Increase in Wastewater Flows = 102,194 GPD

FJB

CC: Jeffrey Levine, Director, Department of Planning, and Urban Development, City of Portland
Barbara Barhydt, Development Review Services Mgr., Dep't. of Planning and Urban Development, City of Portland
Rick Knowland, City Planner, Department of Planning, and Urban Development, City of Portland
David Margolis-Pineo, Deputy City Engineer, City of Portland
Nancy E. Gallinaro, Water Resources Manager, Department of Public Services
Michael Farmer, P.E., Project Engineer, City of Portland
Bradley A. Roland, P.E., Environmental Projects Engineer, City of Portland
Benjamin N. Pearson, E.I., Industrial Pretreatment Coordinator, City of Portland
John Emerson, Wastewater Coordinator, City of Portland
Rhonda Zazzara, Field Inspection Coordinator, City of Portland
Harold Downs, Senior Wastewater Technician, City of Portland
Jane Ward, Administrative Assistant, City of Portland

ATTACHMENT D

MIDTOWN TRANSPORTATION DEMAND MANAGEMENT (TDM) PLAN JANUARY 2015

Project Description – DRAFT – will be revised

The **midtown** development seeks to fulfill the Portland planning vision by constructing an urban mixed-use development adjacent to the downtown of Portland. A transformative project, **midtown** seeks to realize and redevelop former industrial sites into a vibrant and urban residential community. The overall project is anticipated to provide about 445 units of residential housing, 91,500 s.f. of retail space, and parking garages to park as many as 828 vehicles. The design proposes a new neighborhood from Pearl to Elm Streets, and maintains and enhances the adjacent Bayside Trail with stores and pocket parklets along the length.

The **midtown** project consists of four buildings and will be constructed in one phase. **midtownOne** is comprised of a six story residential tower containing 7,500 s.f. of retail space on the ground level and about 80 residential units located at the corner of Somerset and extended on Pearl Street. **midtownTwo** is a seven story 828 space parking garage with over 32,000 s.f. of retail space on the ground floor. The ground floor retail will wrap the buildings. **midtownThree** is located fronting Somerset Street from Chestnut to Elm Streets and includes two six story residential towers for about 260 residential units containing about 41,000 s.f. of retail space. **midtownFour** is a six story stand-alone 105 unit residential building above 8,000 s.f. of retail space located between Elm Street and the trail.

The Federated Companies (dba FEDEQ DV002 LLC) development team has worked with the City's planning staff and Planning Board to develop the concept for **midtown**. The proposal concentrates development into buildings designed to enhance the City's existing skyline and to preserve prominent views and view corridors to and from City Hall and Portland's Downtown. Similarly, locations of building setbacks and step-backs have been carefully considered to both respect existing zoning ordinances and maintain a vibrant public streetscape, full of natural light and street-level activity. **Midtown's** streetscape has been planned to accommodate new stores and cafés, pedestrian circulation, street trees and parallel parking along Somerset Street. Most importantly, the plan proposes pedestrian walkways that connect Somerset Street to the Bayside Trail. These include a mews located between **midtownOne** and **midtownTwo**, and enhancements to Chestnut Street.

In total, **midtown** will be a catalyst for the Bayside neighborhood, bringing approximately 91,500 s.f. of retail, and new residents to the heart of the Bayside district.

As part of **midtown's** approvals, the City of Portland will require the creation and issuance of a Transportation Demand Management (TDM) Plan. What follows is a Transportation Demand Management Plan that addresses the City's sustainability goals by outlining and committing to a series of measures that encourage and promote bicycling, walking, carpooling, and use of public transit.

Given both the scope of this mixed-use project, and the necessity of having buy-in from prospective tenants, the proposal that follows contemplates a two-tiered approach to the TDM, consisting of:

First Tier – Macro TDM: Consists of an overall approach to TDM for **midtown** including:

- TDM Goals and Methodologies
- Implementation
- Staffing
- Monitoring and Assessment
- Tenant Specifics Plan

Second Tier – Micro TDM(s): Consists of tenant-specific plans, the “framework” of which is articulated in the Macro TDM but which are to be more fully elaborated in dialogue with **midtown’s** respective tenants (namely, residents, retailers, and parking garage operators). Each of these tenants will have different constituencies with varying travel patterns and habits and will thus require different approaches, which must be well orchestrated. Although it is not practicable to outline these plans in substantive detail until more formal agreements with tenants are in place, it is important to stress that tenants are expected to be active participants in the overall TDM goals and measures elaborated here, and to take active roles in defining their own mechanisms for participating in these goals; this expectation will be outlined in lease arrangements with tenants.

In its utilization of this tiered approach (“macro” and “micro”), the proposed framework effectively functions as a project-wide Transportation Management Association, linking the various residents, retailers, and neighborhood in general, in a set of shared strategies, to be coordinated by the TDM Coordinator, of which is described more below.

The **midtown** development will be a major multi use project that will allow tenants to live, work, and/or shop onsite, eliminating the need for daily vehicle travel. In addition, the development’s approach to TDM represents a significant opportunity to reduce the number of Single Occupant Vehicles (SOVs) in the area.

Proximity to Transit

The Bayside area is currently served by the following transit services:

- Ø Metro Route #8: Portland METRO provides the Portland Peninsula loop service that includes the #8 route that has two bus stops on Marginal Way (northbound) and two bus tops on Somerset Street (southbound). This service route passes by the Forest Avenue Hannaford, Congress Street, the Casco Bay Ferry Terminal, Maine Medical Center, Mercy Hospital, and Portland’s West End neighborhood. Additional connections to additional locations throughout the City can be made using other Metro routes including the Portland Transportation Center, Maine Mall, Forest Avenue, North Deering, Westbrook, and Falmouth.

In addition to Metro service, Bayside is 2 miles from the Portland Transportation Center that hosts the following services:

- Ø Downeaster (AMTRAK): This intercity passenger rail service provides connections from Portland to Saco, Old Orchard Beach, and other southerly stops including Boston's North Station. The service also connects northerly to Freeport and Brunswick, providing a direct link to the Maine Eastern Railroad, which provides seasonal service as far as Rockland in 2012. The service currently runs five round trips to and from North Station and three trips to/from Brunswick.
- Ø Concord Coach (Formerly Concord Trailways): This intercity bus service provides non-stop service to South Station in Boston, and northerly both to Augusta and Bangor, Maine, as well as the mid coast region. During the day, buses arrive and depart about once per hour. This service allows for connections to various intercity buses, Amtrak and MBTA commuter rail services at South Station, as well as direct connections to all terminals at Boston's Logan International Airport. In addition, the Bangor bus allows for a connection to the Cyr Bus service, providing a once-daily connection to several destinations in Aroostook County.

Given its adjacency to these amenities, **midtown** is uniquely suited to take advantage of non-motorized vehicle trips, especially transit trips.

Purpose of Plan

The City of Portland requires the creation of a Transportation Demand Management Plan for all projects in excess of 50,000 square feet, or with 100 or more employees or students. The **midtown** development meets both of these criteria. A TDM Plan is key to maximizing the synergies between the project and the transit modes (existing and not yet existing) adjacent to it.

To this end, the objectives of the **midtown** TDM Plan are:

- Ø Make maximum use of existing transit infrastructure adjacent to the project
- Ø Propose partnerships with the City, Metro, MDOT, and others aimed at increasing transit opportunities and, in the words of MDOT, contribute to providing "a safe, efficient and reliable transportation system that supports economic opportunity and quality of life".
- Ø Reduce peak hour trip impacts to, and the effects of traffic congestion upon, adjacent roadway infrastructure
- Ø Reduce the amount of needed parking on-site
- Ø Encourage healthy activities such as biking, kayaking, and walking among **midtown** residents and visitors

It is important to note that this Plan should not be viewed as a series of fixed strategies. Rather it is a living document intended to be reviewed and updated on a regular basis as the midtown

operators work with tenants to address changes in local transportation patterns, preferences, and prices; by means of effective coordination, goal-setting, and goal-monitoring measures **midtown** will endeavor to reach the goals articulated in this Plan in a way that is not financially or operationally burdensome to the tenants who ultimately must support the Plan. Ultimately, the goal will be to make significant reductions in peak hour single-occupancy vehicle (SOV) activity on the local street network as well as the need for on-site parking in a way that is financially and operationally sustainable for all concerned.

Employee Transportation Coordinator (TDM Coordinator)

The **midtown** developer will employ a TDM Coordinator, charged with coordinating the TDM plan. The TDM coordinator will liaise with resident representatives as well as the retailer/shop owners in order to create an effective overall approach to the following goals:

- Ø Coordinate and promote rideshare opportunities
- Ø Coordinate and promote the use of the following alternatives to SOV travel:
 - METRO
 - AMTRAK
 - Concord Coach and other bus lines as may be applicable
 - U Car Share
 - Car rental companies
 - Bicycle rentals
- Ø Monitoring parking usage in conjunction with parking facility management
- Ø Encouraging the greater use of bicycling, walking, and bus-based transit
- Ø Overseeing ongoing monitoring and updating of the plan
- Ø Convening a committee, ideally comprised of decision-makers representing each of the tenants/users in **midtown**, who will assist the coordinator in TDM planning and assessment
- Ø Filing annual reports with the City

The TDM Coordinator will work with tenants at the MICRO TDM level to explore how to create effective partnerships and incentive packages with AMTRAK, Concord Coach, and METRO; the Coordinator will liaise with tenants and help them identify strategies such as incentives (free or subsidized bus passes for tenants and employees, gift coupons or periodic prize drawings to foster use of alternative modes)and how to establish subsidies and payroll deductions for employee transit passes where this is appropriate for a retail tenant.

Surveys – Employees

Six months after initial occupancy of the **midtown** facilities, and annually thereafter, **midtown** residents and retail employees will be surveyed regarding their transportation choices such as automobile/bicycle/ motorcycle-scooter ownership, parking demand, and the frequency of trips using bicycling, walking, U Car Share, carpool/vanpool, and the bus. The survey will follow the format of the “TDM2go Employee Survey”, a copy of which is attached hereto, but may be

expanded from time to time by the TDM Coordinator. The surveys will be conducted to determine:

- Ø Mode of travel to and from work (car/carpool/biking/walking/bus)
- Ø Preferences or concerns with mode of travel
- Ø The flexibility and receptivity of employees and residents to utilize various travel modes to access **midtown** (and, crucially, to ascertain whether individuals make use of multiple modes during the course of a given year, or a given season)

Various questions will be created in the survey to determine which measures will encourage increased use of transit, for example, either via costs for parking or stronger subsidies of METRO passes, etc. The TDM Coordinator may seek to partner with the academic and/or the public sector, and public funding, to increase the efficacy of these surveys and mine the information contained therein.

Surveys – Visitors

For visitors to **midtown**, surveys will also be included. These will be provided in the following manner:

- Ø With ticket receipt for parking garage users and retail visitors

The surveys will be conducted to determine:

- Ø Mode of travel to and from midtown (car/carpool/biking/walking/bus)
- Ø Preferences or concerns with mode of travel
- Ø The flexibility and receptivity of visitors to utilizing various travel modes to access **midtown** and the Bayside area in general

Surveys will need to be simple and convenient; they could be filled out in-store, or completed with a link on-line (such as Survey Monkey) to do it afterward. Various questions will be created in the survey to determine measures to encourage increased use of transit, for example, either via costs for parking or greater promotion of transit uses. The TDM Coordinator will work with the residents and retail tenants at the MICRO TDM level to determine what kinds of incentives could elicit consistent and engaged participation in these surveys.

Car Pooling and Sharing

Through various promotional strategies (flyers, email blasts, web updates, social media, and occasional gatherings), the midtown TDM Coordinator will make visitors, workers and guests aware of and encourage use of these services.

U Car Share/Rental Cars

Portland is one of 38 cities in the United States served by U Car Share. In Portland, the service currently provides four vehicles. These vehicles are available on an hourly or daily basis. It is recommended that the **midtown** team negotiate the use of two additional vehicles with U Car Share for visitors to use on an as-needed basis, as well as traditional rental cars. This will allow for the use of a car for certain trips, which can aid in a traveler to or from the **midtown** to choose transit for a mode. Information will be provided to residents, retail workers, and parking garage users. Following the first survey, additions to U Car Share may be made if residents or retail employees desire their use in significant numbers; U-Car share may be an attractive option for local residents who are employed by one of the various tenants at **midtown**.

Ø Primary User: Residents and Employees

Ø Responsibility: **midtown**

Education for Residents and Visitors

As discussed, **midtown's** TDM coordinator will provide transit route maps, schedules, and ticket information in packets for residents and visitors. There will also be a travel kiosk(s) in the residence towers offering interactive Google-based travel planning with various vehicular modes; in addition, maps, routes, and ticket information will be posted clearly in the entry areas in each residence tower and the retail spaces. The TDM coordinator will be available, in person and/or virtually, to assist residents, visitors and employees who have questions about travel tips and ideas.

Ø Primary User: Residents and Employees

Ø Responsibility: **midtown**

Submission of Monitoring Information/Updated TDM Plan

Based upon the results of the monitoring, the **midtown** team will update the TDM Plan and submit a draft plan to the City's TDM Manager for review and comments.

The primary goal would be to reduce residents, retail, employee and visitor SOV trips by at least 7 percent, which is the level identified in the project's Traffic Impact Study. This level is considered conservative and a greater reduction in SOV trips may be realized. An ultimate goal of greater than 10 percent will be established.

The secondary goal for the initial year will be to reduce the parking demand from the calculated demand, with additional annual reductions targeted, until parking demand is reduced by a minimum of seven percent. This aggregate targeted reduction shall also include individual targets, shared equally, for the following alternative modes: increase use of transit by residents, retail, employees and visitors; increase carpooling and vanpooling by residents, retail, employees and visitors; and increase bicycle and pedestrian trips by residents and visitors until the overall goal of a 7-10% reduction is reached. The goal will be to achieve this overall 10% reduction by the end of the fifth operating year. At this point, it would be appropriate to reassess the ways in which the TDM plan should be recast in order to set additional goals for the sixth operating year

and beyond. Each monitoring period will be accompanied by a parking count of **midtown's** facilities, in accordance with the methodology discussed in the parking count section.

An important responsibility for the TDM Coordinator will be to discuss future options as they become available with the City of Portland and GO MAINE, an organization charged with finding transportation options for the state.

Additional Transit Opportunities

The **midtown** development will generate substantial tax revenue that will be used by the City for transit funding and future opportunities. The **midtown** team looks forward to exploring and benefiting from these opportunities.

Ø Primary User: Residents and Retail Employees

Ø Responsibility: **midtown**

Scooter/Motorcycle Parking

Twenty spaces are recommended within the garages for this use, with the potential for more in the future. Those using scooters or motorcycles will also obtain a ticket to be matched with a specific space in the garages. These spaces may be subject to random compliance checks.

Ø Primary User: Residents and Retail Employees

Ø Responsibility: **midtown**

Bus Shelter

The **midtown** team is willing to locate a bus shelter on site, for those coming on and off the #8 Bus (discussed above), which will further encourage use of buses by residents, visitors and employees alike. Metro and the City need to establish the final Metro stop locations along Somerset Street.

Monitoring

Parking Counts

As part of its TDM Plan monitoring program, the **midtown** TDM Coordinator will oversee assessment of the use of its various operational components, starting one month after the opening of the first residential tower and annually thereafter. As one critical component of the TDM program will be to reduce parking demand, the first part of each monitoring effort will include an hourly parking count of the facility from 11:00 AM to 11:00 PM on a weekday and a Saturday.

Timetable for Action Items

Action Item	Timeframe for Implementation
Provide update to City regarding progress on TDM plan implementation and status of TMA (“macro TDM”)	Fall 2016
Appoint/Confirm TDM Coordinator	6 months prior to opening of the first residential tower
Assemble “Micro TDM” plans with tenants and create TDM Packets; share complete TDM plan, including Micro-TDM targets and proposed monitoring, with City	Early 2020
TDM Plan Implementation/On-site Parking Monitoring	Assuming final occupancy
Assess success of first six months of TDM Program and Report to City on initial effectiveness	Spring 2017
Submit Year Two TDM Program with needed modifications (and annually thereafter)	End of 2019

*Prepared by FST
January 2015*

ATTACHMENT E

Sheet	Description	Last Revised Date	Comments
C-1.0	COVER SHEET	11/14/2014	Not revised for this submission; Submission date not reflected
C-1.1	GENERAL NOTES AND LEGEND	11/14/2014	Not revised for this submission; Good as submitted
C-1.2	DRAFT AMENDED SUBDIVISION/RECORDING PLAT	01/21/2015	Revised as part of this submission
C-1.2A	2006 EXISTING CONDITIONS SURVEY PREPARED BY SGC FOR THE CITY OF PORTLAND (REFERENCE DRAWING ONLY)	11/14/2014	Not revised for this submission; Good as submitted
C-1.3	ALTA/ASCM LAND TITLE SURVEY (BY CITY OF PORTLAND)	11/14/2014	Not revised for this submission; Good as submitted
C-1.4	2012 BOUNDARY AND TOPOGRAPHIC SURVEY (BY OWEN HASKELL)	11/14/2014	Not revised for this submission; Good as submitted
C-1.5	RESIDENTIAL SUBDIVISION OF LOT 7	11/14/2014	Not revised for this submission; Site Plan revisions not reflected
C-1.8	EXISTING CONDITIONS AND REMOVALS PLAN	11/14/2014	Not revised for this submission; Good as submitted
C-2.0	OVERALL SITE PLAN	11/14/2014	Not revised for this submission; Good as submitted
C-2.0A	OVERALL SITE PLAN WITH DIMENSIONS	11/14/2014	Not revised for this submission; Site Plan revisions not reflected
C-2.0B	ACCESSIBLE ROUTE PLAN	11/14/2014	Not revised for this submission; Site Plan revisions not reflected
C-2.1	SITE LAYOUT PLAN - MIDTOWNONE AND MIDTOWNTWO	01/21/2015	Revised as part of this submission; Somerset Street Design Pending
C-2.2	SITE LAYOUT PLAN - MIDTOWNTHREE	01/21/2015	Revised as part of this submission; Somerset Street Design Pending
C-2.3	SITE LAYOUT PLAN - MIDTOWNFOUR	01/21/2015	Revised as part of this submission; Somerset Street Design Pending
C-2.4	MIDTOWNONE AND MIDTOWNTWO BUILDING ENVELOPE AND OPEN SPACE COMPUTATIONS	11/14/2014	Not revised for this submission; Site Plan revisions not reflected
C-2.5	MIDTOWNTHREE BUILDING ENVELOPE AND OPEN SPACE COMPUTATIONS	11/14/2014	Not revised for this submission; Site Plan revisions not reflected
C-2.6	MIDTOWNFOUR BUILDING ENVELOPE AND OPEN SPACE COMPUTATIONS	11/14/2014	Not revised for this submission; Site Plan revisions not reflected
C-3.0	GRADING PLAN - MIDTOWNONE AND MIDTOWNTWO	11/14/2014	Not revised for this submission; Plan to be submitted under separate cover; Somerset Design Pending
C-3.1	GRADING PLAN - MIDTOWNTHREE	11/14/2014	Not revised for this submission; Plan to be submitted under separate cover; Somerset Design Pending
C-3.2	GRADING PLAN - MIDTOWNFOUR	11/14/2014	Not revised for this submission; Plan to be submitted under separate cover; Somerset Design Pending
C-3.3	PROPOSED SPOT GRADES FOR EAST SIDE OF SOMERSET STREET	11/14/2014	Not revised for this submission; Somerset Design Pending

Sheet	Description	Last Revised Date	Comments
C-3.4	PROPOSED SPOT GRADES FOR WEST SIDE OF SOMERSET STREET	11/14/2014	Not revised for this submission; Somerset Design Pending
C-3.5	PROPOSED SPOT GRADES FOR CHESTNUT STREET NORTH	11/14/2014	Not revised for this submission; Somerset Design Pending
C-3.6	PROPOSED SPOT GRADES FOR CHESTNUT STREET SOUTH	11/14/2014	Not revised for this submission; Somerset Design Pending
C-3.7	PROPOSED SPOT GRADES FOR PEARL STREET EXTENSION	11/14/2014	Not revised for this submission; Somerset Design Pending
C-3.8	PROPOSED SPOT GRADES FOR ELM STREET	11/14/2014	Not revised for this submission; Somerset Design Pending
C-3.9	DATA SUMMARY SHEET FOR SOMERSET AND CHESTNUT STREET	11/14/2014	Not revised for this submission; Somerset Design Pending
C-3.10	PROPOSED STORM DRAIN SCHEDULES FOR STORMTREAT™ UNITS	11/14/2014	Not revised for this submission; Final Design Under Review
C-3.11	PROPOSED STORM DRAIN SCHEDULES FOR TREE BOX FILTER SYSTEMS SHEET 1 OF 3	11/14/2014	Not revised for this submission; Somerset Design Pending
C-3.12	PROPOSED STORM DRAIN SCHEDULES FOR TREE BOX FILTER SYSTEMS SHEET 2 OF 3	11/14/2014	Not revised for this submission; Somerset Design Pending
C-3.13	PROPOSED STORM DRAIN SCHEDULES FOR TREE BOX FILTER SYSTEMS SHEET 3 OF 3	11/14/2014	Not revised for this submission; Somerset Design Pending
C-3.14	MIDTOWNONE AND MIDTOWNTWO COURTYARD CROSS SECTIONS (INCLUDES INFORMATION ON LIGHTWEIGHT CONCRETE FILL)	11/14/2014	Not revised for this submission; Update to Sections Required to represent current grading plans
C-3.15	COURTYARD AND MUSE: SPOT GRADES AND WATER QUALITY SYSTEM	11/14/2014	Not revised for this submission; Good as submitted
C-4.0	OVERALL UTILITY PLAN	01/21/2015	Revised as part of this submission; Somerset Street Design Pending
C-4.1	UTILITY PLAN - MIDTOWNONE AND MIDTOWNTWO	01/21/2015	Revised as part of this submission; Somerset Street Design Pending
C-4.2	UTILITY PLAN - MIDTOWNTHREE	01/21/2015	Revised as part of this submission; Somerset Street Design Pending
C-4.3	UTILITY PLAN - MIDTOWNFOUR	01/21/2015	Revised as part of this submission; Somerset Street Design Pending
C-4.4A	ELECTRICAL DISTRIBUTION PLAN PREPARED BY FST	11/14/2014	Not revised for this submission; Needs to be reproduced to reflect updated utility plans
C-4.4B	ELECTRICAL DISTRIBUTION PLAN PREPARED BY CMP	11/14/2014	Not revised for this submission; Needs to be reproduced to reflect updated utility plans
C-6.0	EROSION CONTROL PLAN	11/14/2014	Not revised for this submission; Needs revisions to reflect current plans

Sheet	Description	Last Revised Date	Comments
C-6.1	EROSION AND SEDIMENT CONTROL DETAILS	11/14/2014	Not revised for this submission; Good as submitted
C-6.2	EROSION AND SEDIMENT CONTROL DETAILS	11/14/2014	Not revised for this submission; Good as submitted
C-7.0	STREET AND DRIVEWAY CROSS SECTIONS	11/14/2014	Not revised for this submission; Somerset Design Pending
C-7.0A	MISCELLANEOUS SECTIONS AND DETAILS	11/14/2014	Not revised for this submission; Somerset Design Pending
C-7.1	TRANSPORTATION SYSTEMS AND STREET DESIGN	11/14/2014	Not revised for this submission; Good as submitted
C-7.2	TRANSPORTATION SYSTEMS AND STREET DESIGN	11/14/2014	Not revised for this submission; Good as submitted
C-7.3	SAN SEWER AND STORM DRAIN DETAILS	11/14/2014	Not revised for this submission; Good as submitted
C-7.4	SAN SEWER AND STORM DRAIN DETAILS	11/14/2014	Not revised for this submission; Good as submitted
C-7.5	WATER DETAILS	11/14/2014	Not revised for this submission; Good as submitted
C-7.6	WATER DETAILS	11/14/2014	Not revised for this submission; Good as submitted
C-7.7	STORMWATER DETAILS STORMTREAT™ SYSTEMS	11/14/2014	Not revised for this submission; Good as submitted
C-7.8	TREEBOX FILTER WITH ALTERNATE UNDERGROUND STORAGE DETAILS	11/14/2014	Not revised for this submission; Somerset Design Pending
C-7.9	STORMTREAT™ AND BRENTWOOD™ UNDERGROUND STORAGE DETAILS	11/14/2014	Not revised for this submission; Good as submitted
C-7.10	TREEBOX FILTER WITH UNDERGROUND STORAGE DETAILS	11/14/2014	Not revised for this submission; Good as submitted
C-7.11	BOXLESS TREE FILTER FOR SYSTEM A	11/14/2014	Not revised for this submission; Good as submitted
C-7.12	BAYSIDE TRAIL RETAINING WALL DETAILS AND ABUTTER OPTIONS	01/21/2015	Revised as part of this submission
C-7.13	RETAINING WALL DETAILS	11/14/2014	Not revised for this submission; Good as submitted
C-8.0	SOMERSET STREET PROFILE	11/14/2014	Not revised for this submission; Somerset Design Pending
C-8.0A	SOMERSET STREET PROFILE FACING NOYES BUILDING	11/14/2014	Not revised for this submission; Somerset Design Pending
C-8.1	ELM STREET, CHESTNUT STREET AND PEARL STREET EXTENSION PROFILES	11/14/2014	Not revised for this submission; Somerset Design Pending
C-8.2	BAYSIDE TRAIL PROFILE	01/21/2015	Revised as part of this submission
C-10.0	SOMERSET STREET CROSS SECTIONS	11/14/2014	Not revised for this submission; Somerset Design Pending
C-10.1	SOMERSET STREET CROSS SECTIONS	11/14/2014	Not revised for this submission; Somerset Design Pending
C-14.0	PREDEVELOPMENT WATERSHED MAP	11/14/2014	Not revised for this submission; Good as submitted
C-14.1	POSTDEVELOPMENT WATERSHED MAP	11/14/2014	Not revised for this submission; Good as submitted

r:\3062b - midtown amended - portland, me\admin\permitting\local\january 21, 2015 submission to city\midtown index.docx