



PLANNING BOARD REPORT PORTLAND, MAINE

MMC Surgical Facility Addition

MMC Campus in vicinity of Emergency Department

22 Bramhall Street, Portland

Level III Site Plan, Conditional Use and Amended Site Location of Development Act (SLODA) Review

Project ID # 2013-130

Maine Health/Maine Medical Center (MMC), Applicant

Submitted to: Portland Planning Board: Public Hearing Date: July 9 th , 2013	Prepared by: Jean Fraser, Planner Date: July 5 th , 2013 Planning Board Report # 30-13
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I. INTRODUCTION

Following the PB Workshop held on June 11th, 2013, Maine Health/Maine Medical Center has submitted further information and detail in support of its request for conditional use approval, site plan approval and an amended SLODA for a 40 feet high addition on the top of an existing roof near the emergency department. This is a vertical expansion of the existing lower part of the LL Bean building (known as “Bean 2”) and would provide approximately 40,000 sq ft of space over three floors for new and enlarged operating rooms and mechanical systems. Two sides of the building abut existing MMC buildings; the other two sides face east and north. There is no parking or landscaping proposed as part of this development.

Applicant: Maine Health/Maine Medical Center (Penelope St Louis)

Agent/Engineer: Sebago Technics Inc. (Will Conway)

Architect: Perkins + Will (Susanna Baker)

A total of 939 notices of this Hearing were sent to property owners within 500 feet and to interested citizens. The applicant held a Neighborhood Meeting on June 18, 2013 at the MMC campus ([Attachment Q](#)). The Planning Division has not received any written public comments as at the time of completing this Report.



Required reviews:

Applicant's Proposal	Applicable Standards
No Waivers are requested	N/R
Conditional Use Review of an Institutional Expansion in an R-6 Zone	Section 14-137 – R-6 Conditional Use Standards and Section 14-474 General Conditional Use Standards
Building Addition Height – 69 Feet	Conditional Rezoning Agreement adopted in 2005 (Attachment 1 ; C41 on the Zoning Map) – allows addition to LL Bean Wing up to 111 feet in eight.
Building addition of 40,000 square feet	Level III Site Plan Review (for new construction over 10,000 sq. ft.)

Minor revision to proposals previously in receipt of (delegated to PB 2005) Site Location of Development approval (Att 2)	MDEP have determined that the Planning Board should, as part of the Site Plan approval process, review this as a minor amendment to the 2005 SLODA (delegated) review.
Proposed addition more than 100 feet from the designated landmark portion of the MMC complex	No Historic Preservation Review required.
Vertical Addition on an existing structure with no increase in impervious surface area on the site	No stormwater permit required.
Trip Generation associated with the proposed Addition	Equivalent of a Traffic Movement Permit was issued in 1998 through MDEP SLOD (Traffic) review (<u>Att. O</u>). The proposed addition taken together with previous developments since 1998 was evaluated by the applicant and Thomas Errico, Consulting Traffic Engineer. It was concluded that a TMP was not required as part of this review.

II. PROJECT DATA

<i>DATA</i>	<i>New addition</i>
Applicant:	Maine health/Maine Medical Center
Consultants:	Sebago Technics (Engineers) and Perkins + Will (Architects)
Total Site Acreage	12.84 acres
Existing Zoning	R-6 as modified by Conditional Zoning Agreement (C41)
Existing Use	Hospital
Proposed Uses	Hospital, additional and upgraded surgical facilities
Proposed structure height	New building is approx. 40 ft high and 69 ft above the "ground" level at the emergency room entrance
Total Disturbed Area	None associated with this proposal
Existing impervious areas	Approx. 9 acres
Proposed impervious areas	Approx. 9 acres
Existing building footprint	49,972 sq ft
Proposed building footprint	14,000 sq ft on roof of existing LL Bean wing
Proposed floorspace	40,000 sq ft
Proposed parking and bicycle parking	Vehicle parking to use existing; proposed TDM upgrade for bicycle parking (bike racks for 36 bicycles located at Chadwick and Bramhall Sts) & parking space for shared car
Estimated Cost of Project:	\$40 million
Uses in Vicinity:	Associated hospital buildings

III. BACKGROUND

A. 2005 Review

In 2005 MMC entered into a conditional zoning agreement (Attachment 1) that provided minimum setback and height limitation relief for a number of proposed structures, including vertical expansion of the L L Bean building. That same year conditional site plan approval including SLODA approval was given (letter in Attachment 2) for the following development (extract from the PB Report #35-05):

Proposal: Charles Street Addition, 192,000 square feet, four stories; Congress Street Parking Garage, 482 spaces, six levels, with elevator tower and approximately 1,400 square feet of retail space on the ground level; Helipad, approximately 3,600 square feet on top of the existing parking garage, connected to new elevator tower and bridge to hospital; Central Utility Plant, approximately 4,000 square feet.

Building Heights: Charles Street Addition: 95 ft.; Congress Street Parking Garage 70 ft.; elevator tower: approximately 140 ft.; helipad: approximately 120 ft.; Central Utility Plant: 45 ft.

Footprint: Charles Street Addition: approximately 30,000 S.F.; Congress Street Parking Garage 27,300 S.F.; Central Utility Plant: 7,000 S.F.

These proposals have been completed and comprise the East Tower (150,000 sq ft), expanded Emergency Department (27,000 sq ft) plus parking garages and Central Utility Plant.

The review determined that the proposals did not trigger a modification to the earlier Traffic Movement Permit (1998, via MDEP- Att. O). The 2005 approval letter included conditions to address staff and neighborhood concerns regarding traffic and parking (Attachment 2). These conditions were followed up in 2008 as part of the Transportation Demand Management (TDM) Plan review, and a further approval letter (Attachment 3) was issued (all conditions have been complied with).

B. Current Review

The Planning Board considered the current proposals at a PB Workshop on June 11th, 2013 where issues associated with the glass architecture were discussed and concerns regarding possible adverse impacts of the reflectivity of the cladding materials was raised along with a number of detailed questions regarding lighting, TDM and traffic. Additional information was requested of the applicant, and addressed by the applicant, in Attachments M-V regarding the following topics (all are discussed in detail under the review headings):

- Traffic Information including changes over the last 10 years and compliance with the 1998 Traffic Permit;
- Details of the proposed TDM enhancements;
- Integration of the new addition with existing buildings and future MMC plans;
- Lighting impacts, including hours of lighting, photometrics, night sky and reflectivity information;
- Revisions to the Construction Management Plan (signage; pedestrian routing);
- FAA submissions and information provided to the FAA.

The applicant was also requested to submit the Perkins + Will Workshop presentation slides for the benefit of staff and Planning Board members who were not at the Workshop; these are in Attachment L.

IV. **EXISTING CONDITIONS**

Plans 1-3 show the current building configuration of the hospital buildings. The Presentation to the June 11, 2013 PB Workshop (Attachment L) includes plans and sketches that show where the proposed addition would fit into the existing campus.

The proposed addition is on an internal roof near the emergency room access, and is bounded on two sides by existing hospital buildings (with windows) that rise higher than the proposed addition. Aerial photographs that show the existing and a photomontage of the proposed expansion are included in Attachment K. Sections showing the proposed integration of the new addition with the Richards Building to the south are included in Attachment V.

V. **PROPOSED DEVELOPMENT**

The proposal is illustrated in Plans 4 and 5 and described in Attachments B and I, and illustrated in Attachments K, L, S, T, U, and V. It comprises a building addition of 100 ft long by 140 ft wide by approx. 40 ft high (three stories). The addition is located on the roof of the 2-story section of the LL Bean building that is adjacent to the (lower level) emergency room entrance on the north side of the MMC complex. The total height above ground level is about 69 feet, including the existing LL Bean building.

The addition includes an eight foot cantilevered section on the east elevation, which is the nearest to the emergency room entrance and likely to be the most visible part of the new building. The new addition would house 5 new operating rooms, with accompanying prep, recovery and storage rooms to meet modern standards for surgical facilities. The net increase would be 4 operating rooms as two operating rooms will be combined to create a hybrid cardiac treatment suite.

The addition attaches directly to the LL Bean building on the west side and is understood to be 13'6" to 14' feet from the higher Richards building adjacent on the south side, as illustrated in Attachment V.

The east and north elevations are glass curtain walls to "...provide a light and transparent feel both internally and externally" (Site Plan Application Attachment B.27). Approximately 20% of the exterior "skin" area is transparent or

fritted vision glass, with the remainder opaque, insulated glass or white/gray metal panels, as shown in Attachment S (details of materials in Attachment J). This scale of vision glass ensures that the building meets codes relating to energy efficiency and would not emit the intensity of light at night that staff initially suggested could be a concern.

The top (mechanical) level angles back to minimize the building height with louvres incorporated into the wall system so that none of the mechanical equipment would be visible on the exterior of the addition.

The building addition is on the roof of the existing building and therefore does not increase the impervious surface nor impact stormwater management. Also for this reason the proposals do not include any site work (eg landscaping) and the applicant has confirmed that there will be no new utility infrastructure required (Attachment B.34).

In terms of how the proposal fits into the long term plans for the hospital, the applicant has confirmed (Attachment N.1) that the proposed addition is part of the current priority to upgrade the existing procedural suites and move inpatient rooms to private occupancy.

VI. PUBLIC COMMENT

- a. At the time of preparing this Report the Planning office has not received any written public comments.
- b. The applicant held a Neighborhood Meeting on June 18, 2013 at the MMC campus (Dana Auditorium), which was attended by six members of the public (Attachment Q). Questions centered on parking, light spillover and location of construction equipment.

VII. RIGHT, TITLE AND INTEREST AND FINANCIAL/TECHNICAL CAPACITY

- a. The owner of the property is Maine Medical Center. The applicant has provided a copy of 12 Warranty Deeds, all recorded at the Cumberland County Registry of Deeds, which demonstrates their right, title and interest in the property.
- b. The estimated cost of the development is \$40m. The applicant has submitted its audited financial statements for 2011 and 2012 as demonstration of their financial and technical capacity to complete the proposed development.

VIII. REVIEWS

A. ZONING REVIEW

The property is located in the R-6 zone, as modified by the Conditional Zoning Agreement (Attachment 1). The Zoning Administrator has confirmed that the proposal meets the height and setback requirements of the Conditional Zoning Agreement (Attachment 5).

B. CONDITIONAL USE REQUIREMENTS (SEC. 14-137)

The proposal constitutes an expansion of an institutional use in the R-6 zone, which is a conditional use. The applicant has submitted a conditional use application (Attachment A) which addresses the Conditional Use Requirements including those of section 14-474. In this case the Planning Board is substituted for the board of appeals as the reviewing authority.

These requirements are quoted below, followed by staff comments:

14-137:

- a. *In the case of expansion onto land of existing such uses other than the lot on which the principal use is located, it shall be demonstrated that the proposed use cannot reasonably be accommodated on the existing site through more efficient utilization of land or buildings, and will not cause significant physical encroachment into established residential areas; and*

Staff comment: The proposed addition is on the existing MMC site and thus, this standard does not apply.

- b. *The proposed use will not cause significant displacement or conversion of residential uses existing as of June 1, 1983, or thereafter; and*

Staff comment: The proposal does not displace any existing use.

- c. *In the case of a use or use expansion which constitutes a combination of the above-listed uses with capacity for concurrent operations, the applicable minimum lot sizes shall be cumulative; and*

Staff comment: Not applicable.

14-474:

- a. *There are unique or distinctive characteristics or effects associated with the proposed conditional use;*

Staff comment: The proposed use is an expansion of the surgical facilities already part of the MMC hospital complex and therefore do not represent any unique or distinctive characteristics.

- b. *There will be an adverse impact upon the health, safety, or welfare of the public or the surrounding area; and*

Staff comment: The Workshop Memo raised questions regarding the potential impacts associated with this expansion, including the way it is integrated into existing buildings on 2 sides, and how it appears when viewed from the north and east (based on the photomontages in Attachment K). Further information was requested, as follows:

- How will the rooms in the two abutting existing buildings get ventilation and light? The applicant has confirmed in Attachment V that the proposals meet code because they are patients rooms and the 13' 6" gap on the south side meets minimum requirements for adequate light and air. The west side of the addition abuts and integrates directly with the existing LL Bean building (see Floor Plans, Attachments L.6, L.7, and L.8).
- When the building is lit inside and it is dark outside, will there be glare or light trespass or "skyglow" from the two glass walls created for the immediate area and for longer views or airplanes? The applicant has confirmed in Attachment S that an average of 20% of the glass will allow light transmission from the inside of the building. The submitted Night Lighting analysis in Attachment T confirms that the "spillover" into the emergency room area is well below City Technical Standards and the submitted rendering (Attachment T.5) shows that the glass curtain wall exterior would actually appear similar to a windowed building at night.

Staff requested that the applicant inform the FAA of the architecture and obtain confirmation that there are no aviation issues. It is understood that all of the information in Attachments T and U have been forwarded to the FAA (Attachment P). This exchange did not specifically refer to the potential impact on the Helipad (as raised at the Neighborhood meeting (Att Q.14) but the forwarded light and reflection information is comprehensive. Staff suggest the following potential condition of approval, which the applicant has indicated they are comfortable to accept (Attachment N):

Potential condition of approval: *"That the applicant shall submit evidence to the Planning Authority of approval by the FAA prior to the issuance of a Building Permit."*

- Concern about adverse impacts of reflectivity (from sun) generally; would like rendering that shows reflectivity of louvres and metal panels (accurately in comparison with the glass/fritted glass) on the north elevation. The applicant has submitted an analysis of the proposal and how its glass specification, together with its orientation, reduces reflectivity impacts (Attachment U). This analysis includes a photomontage of the north elevation as viewed from the airport runway which is included in the information sent to the FAA (as per Attachment P.9). The question regarding the reflectivity of the louvres and metal panels has been addressed in the MMC letter in Attachment N.2 and samples of the materials will be available at the hearing.
- c. *Such impact differs substantially from the impact which would normally occur from such a use in that zone.*

Staff comment: The impact of the proposed expansion of the surgical unit is not anticipated to differ substantially from the current impacts of the hospital use in this zone.

C. SITE PLAN SUBMISSION REQUIREMENTS (Section 14-527)

The application is complete. The applicant was requested to submit further information as outlined in section III *BACKGROUND* above and the information has been received and included in this Report.

D. SITE PLAN STANDARDS (Section 14-526)

The proposed development has been reviewed by staff for conformance with the relevant review standards of Portland's site plan ordinance and applicable regulations. The project is also considered a minor amendment to the 2005 Site Location of Development Act approval. Staff comments are listed below.

1. Transportation Standards

a. Impact on Surrounding Street Systems

The proposed addition will be supported by 49 additional employees and a Traffic Study has been submitted in Attachment E, as updated by Attachments N and O. The Traffic Study addresses trip generation and parking, including an update of the existing MMC Transportation Demand Management Plan (Attachment F, expanded in Attachment M). It also includes a Collision Analysis with recommended mitigation strategies at Attachment E.10.

The reviewing Traffic Engineer (Tom Errico) final comments are extracted below in bold: (Attachment 11)

- *A Traffic Movement Permit was not issued during the 2005 expansion project. In 2005 the applicant provided traffic analyses that indicated new traffic generation did not trigger a Traffic Movement Permit. The applicant should provide a historical summary of traffic changes over the last ten years, combined with traffic from this addition, in an effort to assess whether a Traffic Movement Permit is required.*

Status: The applicant has provided a summary of traffic permits for the project and I concur that the site and this project is in compliance.

- *I have reviewed the traffic study prepared by Gorrill-Palmer Consulting Engineers, Inc. and generally find the methods used to be acceptable. I continue to review the safety analysis and the conclusions provided.*

Status: I have reviewed the traffic study and in my professional opinion the project will not have a significant impact on traffic conditions in the vicinity of MMC. The traffic study did identify safety problems in the project area and accordingly the applicant shall be responsible for implementation of mitigation strategies recommended in the study. The applicant shall coordinate with DPS prior to proceeding on the noted recommendations. (Note: refers to locations 3 and 5 of the Attachment E.10)

A potential condition of approval is included in the motion for the Board to consider:

Potential condition of approval: *“That the applicant shall implement the mitigation strategies for two minor safety issues in the project area (Congress Street between Weymouth and Ellsworth Street; Intersection of Congress Street and Valley Street) as recommended in the May 29, 2013 letter from Gorrill Palmer, as supported by Tom Errico, Consultant Traffic Engineering Reviewer in e-mail dated July 3, 2013; such implementation shall be coordinated with the Department of Public Services prior to proceeding and be implemented prior to the issuance of a Certificate of Occupancy.”*

b. Access and Circulation

The proposals are incorporated into the overall MMC hospital complex, and the access utilizes the existing network.

c. Public Transit Access

There is a bus pull off and bus shelter adjacent to the main entrance to the MMC campus and the ordinance requirements do not apply.

d. Parking

The applicant has confirmed that the additional parking demand related to the additional 49 employees can be accommodated in the parking areas at 887 and 995 Congress Street (Attachment E.5) and the Traffic Engineering Reviewer has confirmed that parking conditions are acceptable (Attachment 7).

e. Transportation Demand Management (TDM)

Staff and the Planning Board requested further details of the bike parking and U-Car proposals mentioned in the initial submissions (Attachment 7). In addition, the PB Memo suggested that a contribution to the city's developing bikeshare program was a possible enhancement of the TDM.

The Planning Board sought a better understanding of the scale of use made of alternative modes of commuting and requested the total number of employees at the Bramhall street campus in order to better interpret the table in Attachment F.4. The applicant has confirmed that MMC has achieved a 20% utilization rate (for alternative transportation) to and from the Bramhall Campus (Attachment M) and that the total number of employees at the Bramhall campus is 4,755 (Attachment N.2).

The applicant has confirmed (Attachment M), that the proposals include two bicycle racks (capacity 36 bicycles) at the corner of Chadwick and Bramhall Streets and the provision of a parking space for a U-Carshare vehicle. The applicant suggests that these would be more successful in reducing traffic and parking demand than a contribution to a bike share program.

The Director of Planning and Urban Development (Jeff Levine) has raised a question over the effectiveness of adding more of the traditional bike racks and explained his concerns in a Memorandum (Attachment 10) which states:

- 1. The offer of 36 new bicycle parking spaces is appreciated. Maine Med is clearly at a point where it is maturing as a bicycle destination, especially for employees, and that should be encouraged. As such maturation occurs; however, there can be a diminishing return from providing additional traditional bicycle racks. Some bicyclists simply do not like to park at bike racks, either for personal safety reasons or for fear that their bicycle might be vandalized. At a location like Maine Med, such as in high-bicycle locations in other cities, there may be a need for higher-security bicycle parking such as bike lockers rather than additional racks. I would suggest that the applicant be asked to provide a contribution to bicycle parking equivalent to the offer of two additional racks, with the specific use of those funds to be determined through further study of the needs and the final determination of the Planning Authority. Possible uses include providing fewer, higher quality, bike lockers; a contribution towards the City's development of a business plan for a bike sharing system; or the provision of racks as currently proposed.*
- 2. I recommend that any car-sharing spaces required as part of a review be identified for the use of any car sharing company that the City chooses. While the current agreement is with U-Car, it is possible that, in the future, the provider of this service might change to a different vendor. I'd like to keep all regulatory approvals flexible in case such a change is made.*

Tom Errico, Consulting Traffic Engineering Reviewer, concurs with Jeff Levine's comments (Att. 11):
Status: The applicant has provided supporting information on enhancing their site TDM Plan. I concur with Jeff Levine's Memorandum dated July 3, 2013 that suggests the applicant consider the noted suggestions as alternative measures.

If the Board supports Jeff Levine's suggestion, as endorsed by Tom Errico, a potential condition of approval is suggested to be:

Potential condition of approval: *"That the applicant shall implement the proposed TDM Plan enhancements of a car share parking space and additional bicycle facilities in accordance with the Memorandum from Jeff Levine, Director of Planning and Urban Development dated July 3, 2013, prior to the issuance of a Certificate of Occupancy."*

f. Construction Management Plan

The applicant has submitted a comprehensive Construction Management Plan (Attachment G) and submitted additional information on signage as requested by DPS (Attachment 6). DPS has confirmed that the additional information is satisfactory (Attachment 9).

2. Environmental Quality Standards

a. Preservation of Significant Natural Features and Landscaping and Landscape Preservation

The proposals are located on top of an existing building and do not impact any existing vegetation and there are no landscape proposals.

b. Water Quality, Storm Water Management and Erosion Control

The proposals are located on an existing building with no outside space and no increase in the impervious surface. Therefore the standards under this heading are not relevant.

3. Public Infrastructure and Community Safety Standards

a. Consistency with Master Plans

The applicant has submitted a narrative in Attachment C.1 outlining how the development is consistent with existing master plans, and applied for a wastewater capacity letter (Attachment B.25) which is expected to be available at the hearing.

b. Public Safety and Fire Prevention

The applicant has submitted a Fire Code Report (Attachment B.16) and the Fire Department has confirmed that there are sufficient hydrants and existing/approved access, and provided detailed comments to be addressed at the Building Permit stage (Attachment 8). A potential condition has been included to ensure that these technical requirements are addressed as early in the process as possible.

c. Availability and Adequate Capacity of Public Utilities

The applicant has confirmed that there will be no new utility infrastructure required (Attachment B.34).

The applicant has submitted a summary of the solid waste and hazardous waste management for the proposal in Attachment H which addresses the standard.

4. Site Design Standards

a. Massing, Ventilation and Wind Impact

The standard is extracted below (14-526 (d)):

- a. *The bulk, location or height of proposed buildings and structures shall not result in health or safety problems from a reduction in ventilation to abutting structures or changes to the existing wind climate that would result in unsafe wind conditions for users of the site and/or adjacent public spaces.*
- b. *The bulk, location or height of proposed buildings and structure shall minimize, to the extent feasible, any substantial diminution in the value or utility to neighboring structures under different ownership and not subject to a legal servitude in favor of the site being developed.*
- c. *Development shall locate all HVAC venting mechanisms to direct exhaust away from public spaces and residential properties directly adjacent to the site.*

The overall design and materials of the building, with the mechanicals enclosed within the exterior walls and roof, does not raise issues related to bulk and massing (see photomontages in Attachment K, elevations in Attachment S, and Plan 5). The building is integrated into the existing MMC brick building complex. Staff requested further information regarding how the proposal addresses the first part of the standard, and the applicant has provided additional information in Attachment V.

b. Shadows; Snow and Ice Loading; View Corridors

The proposed addition is enclosed by the existing MMC buildings and does not impact public spaces/areas or view corridors.

c. Historic Resources

The Historic Preservation Program Manager has confirmed that a Historic Preservation review is not required in relation to this proposal.

d. Exterior lighting

The proposals do not include any exterior site lighting, but the PB Memo raised the question of whether the interior lighting may be on during the night and potentially spillover into the emergency room entrance area or create an intense area of bright light. Staff had requested a post-development photometric plan of the emergency room area and confirmation that the design of the glass curtain wall and internal lighting seeks to minimize the spillover from the internal lighting as far as possible. The Planning Board requested confirmation as to what times the corridor lighting would be on and the operational hours of the operating rooms.

The details of the curtain wall design (Attachment S) show that the extent of glass that would allow light emissions is relatively small (average of 20% glass; average of 12% transparent glass). The applicant has submitted three photometric plans of the emergency room area (Attachments T.2, T.3 and T.4) with the existing lighting, the addition lights (perimeter interior lights) on only, and together. These illustrate that the lighting levels would fall within the City's Technical Standards.

The peripheral corridor lighting on the northwest side of the building has been confirmed as proposed to be on until about 5pm when the operating rooms close down, and on the northeast perimeter wall would normally be turned off by 10pm (Attachment N.1). A rendering of the building as seen at night (Attachment T.5) suggests that there would not be any adverse impacts related to potential spillover from internal lighting.

e. Noise and Vibration

The HVAC and mechanical equipment will be enclosed within the envelope of the proposed building. The venting louvres face towards the parking garages and would need to meet zoning noise limits.

f. Signage and Wayfinding

The proposals do not include any proposed signage and a suggested condition of site plan approval requires that any signage be subject to separate review and permits.

g. Zoning Related Design Standards

There are no design standards that apply to this proposal.

IX. STAFF RECOMMENDATION

Subject to the proposed motions and conditions of approval listed below, Planning Division staff recommends that the Planning Board approve the proposed development.

X. PROPOSED MOTIONS

1. CONDITIONAL USE

On the basis of the application, plans, reports and other information submitted by the applicant, findings and recommendations contained in Planning Board Report #30-13 for application #2013-130, relevant to the conditional use application and other regulations, and the testimony presented at the Planning Board hearing, the Planning Board finds the conditional use for Maine Medical Center Surgical Facilities Roof Addition at 22 Bramhall Street (**is/is not**) in conformance with the conditional use standards of the Land Use Code subject to the following conditions:

Potential conditions:

- i. That the applicant shall submit evidence to the Planning Authority of approval by the FAA, prior to the issuance of a Building Permit.

2. DEVELOPMENT REVIEW

On the basis of the application, plans, reports and other information submitted by the applicant, findings and recommendations contained in Planning Board Report #30-13 for application #2013-130, Maine Medical Center Surgical Facilities Roof Addition at 22 Bramhall Street, relevant to the Site Plan, Amended Site Location of Development Act under delegated review by Portland, and other regulations, and the testimony presented at the Planning Board hearing, the Planning Board finds the following:

SITE PLAN REVIEW INCLUDING AN AMENDED SITE LOCATION OF DEVELOPMENT ACT

The Planning Board finds that the plan (**is/is not**) in conformance with the site plan standards of the Land Use Code, subject to the following conditions of approval:

Potential conditions:

- i. That the applicant shall implement the mitigation strategies for two minor safety issues in the project area (Congress Street between Weymouth and Ellsworth Street; Intersection of Congress Street and Valley Street) as recommended in the May 29, 2013 letter from Gorrill Palmer, as supported by Tom Errico, Consultant Traffic Engineering Reviewer in e-mail dated July 3, 2013; such implementation shall be coordinated with the Department of Public Services prior to proceeding and be implemented prior to the issuance of a Certificate of Occupancy; and
- ii. That the applicant shall implement the proposed TDM Plan enhancements of a car share parking space and additional bicycle facilities in accordance with the Memorandum from Jeff Levine, Director of Planning and Urban Development dated July 3, 2013, prior to the issuance of a Certificate of Occupancy; and
- iii. That the applicant shall address the particular technical Fire Prevention standards, as outlined in the e-mail from Captain Chris Pirone of the Fire Department dated June 6, 2013, to the satisfaction of the Fire Department prior to the issuance of a building permit; and
- iv. That any signage shall be subject to separate review and approvals/permits.

ATTACHMENTS

Attachments as in PB Memo June 11, 2013

1. Conditional Zone Agreement 2005
2. Approval letter (Site Plan etc) 2005
3. Approval letter (TDM) 2008
4. Glass architecture- light trespass
5. Marge Schmuckal, City Zoning Administrator dated 6.6.2013
6. David Margolis-Pineo, Department of Public Services dated 5.30.2013
7. Tom Errico, Traffic Engineering Reviewer 6.5.2013
8. Captain Chris Pirone, Fire Prevention 6.6.2013

Updated Attachments for Hearing Report July 9, 2013

9. Mike Farmer, Department of Public Services 7.1.2013
10. Jeff Levine, Director, Planning and Urban Development Memorandum 7.3.2013
11. Tom Errico, Traffic Engineering Reviewer 7.3.2013

[Applicant's submittal next page]

Applicants Submittal as in PB Memo June 11, 2013

(Tab numbers refer to applicants ring binder tabs)

- A. Conditional Use Application
- B. Site Plan Application
- C. Compliance with Zoning Requirements and Consistency with the Comprehensive Plan
- D. Neighborhood meeting materials - see updated set in Att. Q
- E. Traffic Study May 2013 (additional info in Att. N.2 and Att. O)
- F. Update on Transportation Management Plan May 2013 (Add'l info in Att M)
- G. Construction Management Plan
- H. Solid Waste, Hazardous Materials, Air Emissions
- I. Conformity with Design Standards
- J. Material Specifications (extract re glazing and curtain walls)
- K. Renderings

Applicants Submittal - for PB Hearing July 9, 2013

(Tab numbers refer to applicants ring binder tabs)

- L. PB Workshop Presentation Graphics (as shown Board on June 11, 2013)
- M. MMC cover letter 6.19.2013 re PB Workshop requests for information
- N. MMC cover letter 6.28.2013 with additional information
- O. Traffic Permitting History
- P. FAA Submissions (crane; building; night lighting)
- Q. Final Neighborhood Meeting materials
- R. Revisions to Construction Management Plan
- S. Building Envelope Materials
- T. Night Lighting analysis
- U. Reflectivity analysis
- V. Proximity to existing buildings

Submitted Plans

- Plan 1 Survey 1
- Plan 2 Survey 2
- Plan 3 Survey 3
- Plan 4 Site Plan
- Plan 5 Elevations

Order 172-04/05
Given 1st reading: 2/23/05 Postponed on 3/7/05
Public Hearing & postponed on 4/4/05
Amended & Passage: 4/25/05 9-0

JILL C. DUSON (MAYOR)(A/L)
PETER O'DONNELL (A/L)
JAMES F. CLOUTIER(A/L)
NICHOLAS M. MAVODONES (A/L)

CITY OF PORTLAND
IN THE CITY COUNCIL

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KAREN A. GERAGHTY (2)
DONNA J. CARR (3)
CHERYL A. LEEMAN (4)
JAMES I. COHEN (5)

**AMENDMENT TO CITY CODE
SEC. 14-49 (ZONING MAP AMENDMENT)
RE: CONDITIONAL REZONING FOR PROPERTY
IN VICINITY OF WESTERN PROMENADE/ MAINE MEDICAL CENTER**

ORDERED, that the Zoning Map of the City of Portland, dated December 2000 as amended and on file in the Department of Planning & Development, and incorporated by reference into the Zoning Ordinance by Sec. 14-49 of the Portland City Code, is hereby amended to reflect a conditional rezoning as detailed below:

**CONDITIONAL ZONE AGREEMENT
MAINE MEDICAL CENTER**

AGREEMENT made this ____ day of _____, 2005, by **MAINE MEDICAL CENTER**, a Maine corporation with a principal place of business located in the City of Portland, County of Cumberland and State of Maine, its successors and assigns ("MMC").

WITNESSETH:

WHEREAS, MMC is the owner of land and buildings located in Portland at Map 53, Block D, Lots 1, 2 and 7; Map 53, Block E, Lots 1, 2, 10 and 13; Map 53, Block G, Lots 1 and 13; Map 54, Block H, Lot 1; and Map 64, Block C, Lots 1 and 2; and Map 55, Block B, Lot 13 (the "PROPERTY"); and

WHEREAS, MMC is the largest provider of obstetrical services in Maine and provides the only statewide fulltime maternal fetal medicine service serving women and newborns at high risk and **MMC** has the only Level III neonatal intensive care unit in Maine; and

WHEREAS, in order to respond to the changing professional and clinical standards for the care of sick infants within the neonatal intensive care unit and to meet the spatial requirements of today's routine and high risk obstetrical and newborn care, **MMC** must build an addition comprised of 192,000 square feet (the "Charles Street Addition"); and

WHEREAS, MMC proposes to construct the Charles Street Addition by expanding vertically, on the site of an existing medical building bounded generally by Charles Street, Wescott Street, Ellsworth Street and Crescent Street; and

WHEREAS, in order to avoid a substantial expansion of the footprint of the buildings at **MMC** and, instead, to construct the Charles Street Addition by vertical expansion, it is necessary to modify the otherwise applicable height requirement in the R-6 Zone; and

WHEREAS, in order to accommodate the needs of the Charles Street Addition and to improve parking and traffic circulation on the **MMC** campus, **MMC** proposes to construct a new 512 car capacity parking garage along Congress Street (the "New Parking Garage"); and

WHEREAS, in order to achieve the requisite parking capacity within the available space, **MMC** needs to build the New Parking Garage at a height taller than the currently applicable height limit in the R-6 Zone and also to locate the New Parking Garage closer to Congress Street than the currently applicable setback requirement in the R-6 zone; and

WHEREAS, in order reduce transport time for critical patients coming to **MMC's** emergency department, **MMC** proposes to construct a helicopter landing pad on top of the

existing parking garage which fronts on Congress Street (the "Helicopter Landing Pad" also occasionally referred to as "Heliport or Helistop"); and

WHEREAS, in order to replace currently fragmented heating and cooling systems throughout its campus, MMC intends to construct a central utility plant, built into the hillside between the hospital and Gilman Street (the "Central Utility Plant"); and

WHEREAS, the Central Utility Plant will be built at a proposed height of 45 feet but is also designed to accommodate a future vertical expansion of two additional floors, with a maximum future height of 70 feet; and

WHEREAS, MMC currently has operating rooms, intensive care beds, and adult and pediatric beds in an existing building constructed in 1985 (expanded in 1998) and referred to as the "L. L. Bean Wing;" and

WHEREAS, MMC has no current construction plans for the L. L. Bean Wing, but anticipates that the L. L. Bean Wing will need to be expanded vertically at some time within the next decade; and

WHEREAS, the L. L. Bean Wing was designed structurally to accommodate such vertical expansion by an additional two stories; and

WHEREAS, MMC desires to provide for such eventual vertical expansion within this Agreement and additional vertical expansions, except as noted below, are not included within the scope of this Contract and will be subject to negotiation and approval in the future, when presented; and

WHEREAS, by expanding vertically for the Charles Street Addition rather than horizontally, MMC will need to remove only two residential buildings, and will do so in full

compliance with the housing replacement requirements of section 14-483 of the Portland Code of Ordinances; and

WHEREAS, in addition to such required replacement, **MMC** will divest itself of ownership of nine other buildings (two on Crescent Street, two on Ellsworth Street, one on Hill Street and four on Bramhall Street), enabling others to return them to residential use; and

WHEREAS, **MMC** has requested a rezoning of the **PROPERTY** in order to permit the above-described improvements; and

WHEREAS, the **CITY** by and through its Planning Board, pursuant to 30-A M.R.S.A. §4352(8) and Portland City Code §14-60, *et seq.*, and §14-315.3, after notice and hearing and due deliberation thereon, recommended the rezoning of the **PROPERTY** as aforesaid, subject, however, to certain conditions more specifically set forth below; and

WHEREAS, the **CITY** has determined that because of the unique circumstances of the location of an urban medical center campus in close proximity to historic and densely populated neighborhoods within the R-6 Zone, and in order to balance the interests of **MMC** and its residential neighbors, it is necessary and appropriate to impose the following conditions and restrictions in order to ensure that the rezoning is consistent with the City's Comprehensive Plan; and

WHEREAS, on April 25, 2005, the **CITY** authorized the amendment to its Zoning Map based upon the terms and conditions contained within this Agreement, which terms and conditions become part of the zoning requirements for the **PROPERTY**;

NOW THEREFORE, in consideration of the rezoning, **MMC** covenants and agrees as follows:

1. MMC will restrict any further expansion of its uses¹ in the Western Prom/ Parkside/ Gilman Street neighborhoods to the property specifically included in the following defined Campus²:

(a) The main campus, bounded by the north side of Bramhall Street, the western side of Wescott Street, a portion of the northern side of Crescent Street terminating with the proposed end of the new garage, and the south side of Congress Street between the existing and proposed new garage, and the eastern side of Gilman Street;

(b) The existing medical office building located on Congress Street across from the main campus;

(c) The Vaughn Street parking lot and McGeachey Hall;

(d) The existing West Street Medical Office Building located behind the row houses at the eastern end of West Street (CBL 55-B-13);

(e) The block bounded on Congress Street, Gilman Street, Valley Street and A Street.

2. The following exhibits are incorporated into and made a part of this Agreement:

Exhibit A: Helistop Overlay Zone Map

Exhibit B: Site Plan

1. Sheet C050: Campus Plan, Revision date: 9/16/04
2. Sheet C100: Site Plan, Revision date: 9/16/04
3. Sheet C101: Site Plan, Revision date: 9/16/04
4. Sheet C102: Site Plan, Revision date: 9/16/04
5. Sheet C103: Site Plan, Revision date: 9/16/04
6. Sheet C400: Landscape Plan, Revision date: 9/16/04
7. Sheet C401: Landscape Plan, Revision date: 9/16/04
8. Sheet C402: Landscape Plan, Revision date: 9/16/04

¹ "Future expansion of its uses" shall mean new construction of building(s) and or conversion of existing uses (including residential uses) into hospital related uses and the like. It shall not mean the occupancy of an existing building which contains a legally conforming medical related use.

² This provision shall not prohibit MMC from expanding or building in other areas of the City if permitted by zoning.

9. Sheet C403: Landscape Plan, Revision date: 9/16/04
10. Landscape Plan at Existing Garage, See sheets 401 & 402
11. Pedestrian Connection to Congress Street, 4/14/04
12. Parking Garage Rendered Elevation, North, (Option 1; Exhibit B, p.12, April 25,2005)
13. Parking Garage Rendered Elevation, (Option 1, Exhibit B, p. 12, perspective; April 25, 2005)
14. Parking Garage Rendered Elevation, South, 1/27/05
15. Central Utility Plant Rendered Elevation, 1/27/05
16. Charles Street Addition Rendered Elevation, South 1/27/05
17. Charles Street Addition Rendered Elevation, East 1/27/05
18. Charles Street Addition Rendered Elevation, North 1/27/05
19. Charles Street Material Board 1/27/05
20. Street Vacation/Acceptance and Land Transfer Plan (Sheet 1)
21. Street Vacation/Acceptance and Land Transfer Plan (Sheet 1)
22. Concrete Sidewalk Plan

Exhibit D: Miller Memo 01/06/05 and MMC Helipad Flight Paths, Harris Miller Miller & Hanson Inc., 9/16/04

Exhibit E: Helipad Operating Guidelines (2 pages); source, Lifeflight of Maine

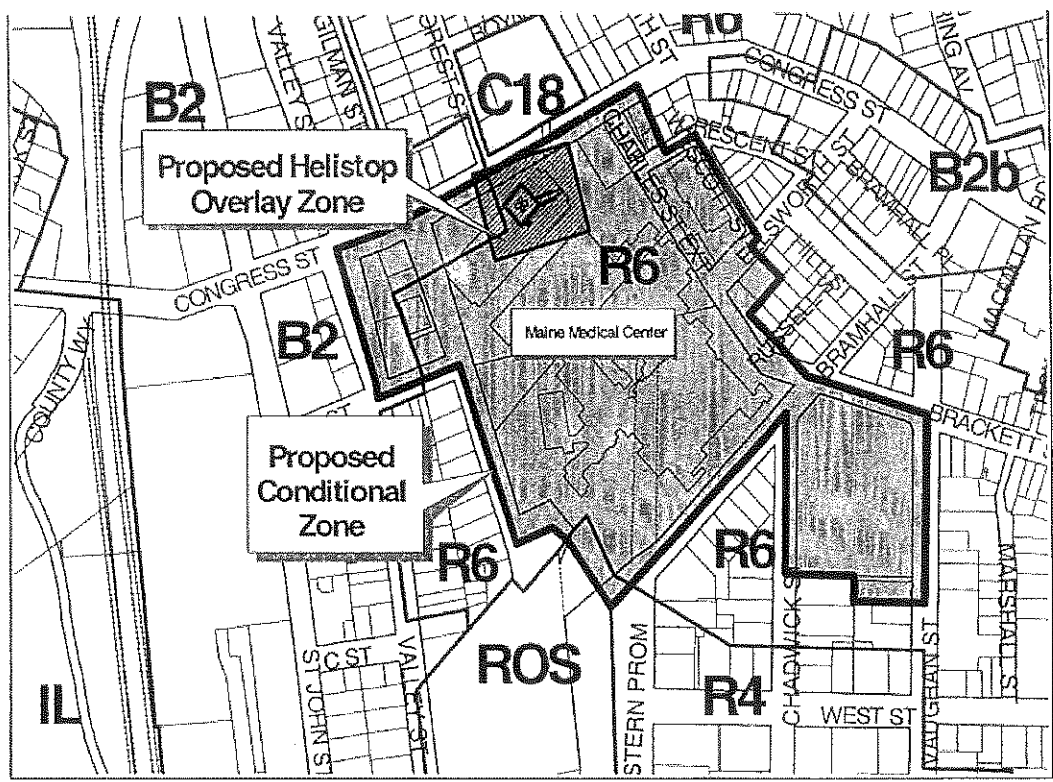
Exhibit F: Helipad Plans

1. Heliport Plan, 1/27/05
2. Heliport Elevation, 1/27/05
3. Heliport Perspective, 1/27/05

Exhibit G: Vaughan Street Parking Lot Landscaping Plan

1. Landscape Plan, 7/8/04
2. Wall Treatment
3. Fence Detail
4. Landscape Section

3. The CITY shall amend the Zoning Map of the City of Portland, dated December 2000, as amended from time to time and on file in the Department of Planning and Urban Development, and incorporated by reference into the Zoning Ordinance by Portland City Code §14-49, by adopting the map change amendment below, which map change includes a Helistop Overlay Zone as more particularly depicted on Exhibit A.



**Proposed Rezoning for Maine Medical Center
from R6 & B2 to Conditional
with Helistop Overlay Zone**

Map prepared by the City of Portland's Department of Planning & Development and the GIS Workgroup

January 2005
100 0 100 200 Feet

4. The **PROPERTY** and site improvements shall be developed and operated substantially in accordance with the site plan shown on Exhibit B (the "Site Plan"), which Site Plan includes but is not limited to street layouts, landscaping, and building elevation drawings for initial construction, subject to the approval of the Site Plan by the City's Planning Board in compliance with the requirements of Chapter 14, Article V. The architectural treatment of the façade of the New Parking Garage may be revised during site plan review and shall meet the site plan standards of 14-526(16). Minor revisions to the Site Plan in the nature of field adjustments may be approved by the Planning Authority, without the need for amendment of this Agreement or further approval by the City Council.

5. No building permits shall be issued unless and until **MMC** receives conditional use approval pursuant to section 14-474 (Expansion of Institutional Use) and section 14-483 (Housing Replacement), site plan approval pursuant to section 14-483(e) of the City Code, approval under the Site Location of Development Act and an MDOT traffic movement permit, if required. No occupancy of the newly constructed buildings shall be permitted unless and until all site plan conditions of approval have been satisfied and the City Council has taken final action on the street discontinuances and street acceptances required for the realignment of certain streets, as shown on the Site Plan (Exhibit B).

6. MMC shall provide to the CITY a performance guarantee covering all required site improvements under section 14-525(j) of the City Code and the two replacement dwelling units provided under paragraph 6(d) of this Agreement.

7. The **PROPERTY** shall be governed by the zoning provisions, as such may be amended from time to time, applicable in the zoning districts underlying the Conditional Zone except as follows:

(a) Height Limits. The maximum structure height (measured according to the definition of "building, height of" in section 14-47) shall be:

- 95 feet for the Charles Street Addition, as depicted on the Site Plan
- 70 feet for the New Parking Garage, as depicted on the Site Plan
- 45 feet for the Central Utility Plant, as depicted on the Site Plan
- 111 feet for the L. L. Bean Wing, as already constructed.

(a) Setbacks.

- The minimum setback of the New Parking Garage shall be zero (0) feet from the right of way line of Congress Street.
- The minimum setback of the southeast corner of the Charles Street Addition shall be five (5) feet from the relocated right of way line of Ellsworth Street, as depicted on Exhibit B.
- The minimum setback of the Central Utility Plant shall be five (5) feet from Gilman Street.

(d) Replacement Housing. The replacement of the two existing residential structures at 33 Crescent Street (identified as Map 53, Block E, Lot 2) and 37 Crescent Street (identified as Map 53, Block E, Lots 1, 10 and 13) containing a total of seven dwelling units and two single-room occupancies by a portion of the New Parking Garage shall be deemed to meet the requirements of section 14-137(c), provided that MMC shall comply fully with the requirements of section 14-483 (Preservation and Replacement of Housing Units). Specifically, MMC shall comply with section 14-483 by (i) converting the building at 325-329 Brackett Street identified as Map 54, Block D, Lot 7 (the last approved use of which was office space) into two dwelling units prior to the issuance of a certificate of occupancy for the New Parking Garage and then divesting itself of ownership of the building prior to the issuance of a certificate of occupancy for the Charles Street Addition and (ii) paying Three Hundred Fifteen Thousand Five Hundred Eighty dollars (\$315,580.00) into the CITY's Housing Development Fund (representing five dwelling units and two single-room occupancies) upon

approval of the Site Plan by the CITY's Planning Board. The deadline for divestiture may be extended by the Planning Authority if MMC demonstrates that reasonable good faith efforts to market the property instituted at least 6 months prior to the deadline have failed to produce a bona fide offer at or above fair market value and on commercially reasonable terms.

(e) Sidewalks. MMC shall comply with the CITY's Brick District Policy Plan, except that, at the time of final site plan review, the Planning Board may approve the use of concrete sidewalk materials, as shown on Exhibit B 22, because of the particular needs or requirements of the hospital use.

(f) Street level uses in garage. The street level of the new parking garage may be used for any use allowed in the B-2 zone.

8. The Helicopter Landing Pad shall not be subject to the provisions of section 14-409 (Heliports), but shall be governed by the provisions of the Helistop Overlay Zone, sections 14-325 through 14-327), except as follows:

(a) Setbacks. Because it is to be located on the roof of an existing structure, the landing pad shall not be required to meet the setback requirements of Section 14-327(3) or the fencing requirements of Section 14-327(4).

(b) Flight routes. MMC shall identify preferred flight routes, to be approved by the CITY, designed to minimize noise impact of helicopter flights on surrounding residential areas, shall notify all flight providers likely to use the Helicopter Landing Pad of such preferred routes, and shall take the following measures to ensure that such preferred routes are utilized whenever weather conditions, safety considerations and the best interests of the patient being transported permit, with the expectation that this will be the usual case. MMC will instruct all providers which regularly use the Helicopter Landing Pad that pilots must file an exception report with the Air Medical Provider Administration of Lifestart of Maine or its successor entity for operations modified for safety considerations or at the direct request of Approach Control at the Portland International Jetport. Logs of these exception reports will be made available to MMC and to the CITY every six months. When and if the Portland Jetport has the capacity to maintain and preserve data which specifically identifies flight routes actually taken by aircraft using the Helicopter Landing Pad, the CITY shall consult such data to review compliance with this paragraph, and MMC, upon request of the CITY, will be responsible for the CITY's reasonable costs of translating such data into useable form, but not for the costs of the flight monitoring. Initially, such preferred flight routes shall be as shown on the map attached to this Agreement as Exhibit D. At the initiative of either the CITY or MMC, the map of preferred flight routes may be amended from time to time by agreement between MMC and the City Council. The City Council shall consult with the Portland International Jetport and shall convene a neighborhood meeting to obtain input from residents of any affected residential areas before agreeing to any such amendment. An agreement between the parties to change preferred flight routes under this paragraph shall include noise mitigation measures in addition to those described in paragraph 7(g) below provided the noise mitigation measures are recommended by

an independent noise consultant. In addition, after one full year of operation of the Helicopter Landing Pad (measured from the date of the first patient transport flight to use the Helicopter Landing Pad), the City Council shall review the operation of the preferred flight routes and may initiate amendments to the map of preferred flight routes, following the procedures specified above. In connection with review or amendment of flight routes under this paragraph, the CITY may engage the services of an independent consultant and MMC will reimburse the CITY for its reasonable costs of obtaining such consulting services provided that the CITY, in advance of engaging the consultant, affords MMC an opportunity to comment on the scope of the consultant's engagement.

(c) Fly Neighborly. In negotiating any contract or agreement with any provider of emergency medical transport by helicopter, MMC will require the provider to operate in compliance with the "Fly Neighborly Guide" revised February 1993, (and any subsequent revisions) prepared by the Helicopter Association International Fly Neighborly Committee and published by the Helicopter Association International. MMC shall establish a complaint number and a protocol for handling complaints, which shall be publicized within the neighborhood, and the complaints will be reviewed no less than quarterly by the Maine Medical Center Neighborhood Council, noted below.

(d) Helipad operating guidelines. Helicopter landings on the Helipad are approved for emergency patient care only. Any use of the Helicopter Landing Pad for other than emergency patient care transport shall be deemed a violation of this Agreement and shall result in the termination of the Helicopter Overlay. The following standard practices will be incorporated as general policy for operations in and out of the Maine Medical Center Helipad and shall be communicated by MMC to providers. At all times, the Pilot in Command (PIC) will determine safety of operations as a first consideration. Under normal operating circumstances, take-offs, landings and standing-by on the Helicopter Landing Pad shall be conducted according to the Operating Guidelines, attached hereto as Exhibit E, subject at all times to the judgment of the helicopter pilot concerning safety and to the judgment of the emergency medical personnel concerning the health of the patient.

(e) Equipment. In generating any specifications in connection with the negotiation of any contract or agreement with any provider of emergency medical transport by helicopter, MMC will specify that helicopters utilizing the Helicopter Landing Pad (with the exception of U.S. military or government aircraft) are relatively new turbine powered aircraft meeting requirements under ICAO Annex 16 Chapter 8 for in-flight noise levels and complying with FAA airworthiness standards, 14 CFR part 36.11 and 14 CFR 21 Sub-part D, or any amended or successor requirements or standards.

(f) Design and construction. The Helicopter Landing Pad shall be constructed as shown on Exhibit A.

(g) Mitigation. MMC will pay for the installation costs associated with the full installation of soundproofing improvements contained within Exhibit D, except in lieu of central air conditioning MMC will also pay for the installation of ventilation improvements to one or more rooms within each such dwelling unit as reasonable and appropriate as determined by the

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CITY. The **CITY** shall contract for such work and **MMC** shall be responsible for the costs associated therewith, plus a 10% administrative fee to be paid to the **CITY**. Before entering into any contract for such work, the **CITY** shall notify **MMC** and give **MMC** the opportunity to comment on the scope of the proposed work and the estimated cost thereof. The properties to be included under this provision are as follows: 879 Congress Street (Map 53, Block I, Lot 16), 921 Congress Street (Map 65, Block D, Lot 17), 925 Congress Street (Map 65, Block D, Lot 16) and 929 Congress Street (Map 65, Block, D, Lot 14). Such funds shall only be expended if the present owners of such buildings request such improvements no earlier than six months and no later than eighteen months after commencement of the operation of the Helicopter Landing Pad. For a period of five years from the date of this Agreement, any new owner of the aforementioned properties may request such improvements no later than eighteen months after purchase of said property(s).

(h) Accreditation. The principal provider of air medical transport to **MMC** shall be accredited by the Committee on Accreditation of Medical Transport Systems or its successor agency. Providers using the helicopter landing pad shall be accredited by the Committee on Accreditation of Medical Transport Systems or its successor agency, unless special circumstances warrant a non accredited provider such as the Air National Guard, the U.S. Coast Guard or other users.

9. Signage shall comply with the requirements of sections 14-336 through 14-372.5 of the City Code, except as otherwise approved by the Planning Board under Chapter 14, Article V.

10. For the purpose of keeping surrounding residential areas apprised of its future development plans, and to address any neighborhood issues related to the operations of the **MMC** campus (including but not limited to complaints or operating issues with respect to the helipad and future planning and development programs associated with **MMC**), **MMC** shall, no less than quarterly, and with two weeks written notice, invite representatives of the Maine Medical Center Neighborhood Council to meet with designated representatives of **MMC**. For purposes of this requirement, the Maine Medical Center Neighborhood Council shall consist of two representatives of the Parkside Neighborhood Association, , two representatives of the Western Prom Neighborhood Association, and two representatives of the Gilman/Valley Streets neighborhood. The neighborhood organizations shall designate the persons who shall serve on the Maine Medical Center Neighborhood Council. In the event there is no formal neighborhood organization, the City Council District Councilor shall designate the persons to serve on the Maine Medical Center Neighborhood Council.

11. **MMC**, prior to occupancy of the Charles Street Addition, shall relocate the sewer serving 31 Crescent Street, as depicted on the Site Plan (Exhibit B). In addition, **MMC** shall provide two off-street parking spaces for use by the tenants of 31 Crescent Street for so long as 31 Crescent Street serves as a residential structure.

12. **MMC** agrees that it will make the parking garage contemplated within this Agreement available for use by the public for snow ban purposes in a fashion similar to that

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required in its Congress Street/Forest Street parking garage. In addition, MMC shall require all of its vendors, contractors and subcontractors to utilize a parking garage or other approved parking area/facility for vehicles and truck parking during construction.

13. MMC agrees to divest itself of ownership of the following existing structures owned by MMC according to the following schedule:

Prior to the issuance of a certificate of occupancy for the Charles Street Addition:

- 15 Crescent Street (Map 53, Block F, Lot 6)
- 25 Crescent Street (Map 53, Block E, Lot 5)
- 25 Ellsworth Street (Map 53, Block H, Lot 2)
- 32 Ellsworth Street (Map 54, Block C, Lot 5)
- 20 Hill Street (Map 54, Block C, Lot 1)

No later than January 1, 2010 or the issuance of a certificate of occupancy for any of the future expansions described in Section 6(b) above, whichever is earlier:

- 19 Bramhall Street (Map 63, Block A, Lot 4)
- 23 Bramhall Street (Map 63, Block A, Lot 3)
- 25 Bramhall Street (Map 63, Block A, Lot 2)
- 31 Bramhall Street (Map 63, Block A, Lot 1)

The deadline for divestiture of any of such property may be extended by the Planning Authority if MMC demonstrates that reasonable good faith efforts to market the property instituted at least 6 months prior to the deadline have failed to produce a bona fide offer at or above fair market value and on commercially reasonable terms.

14 MMC agrees that it will remove the existing building located at 261-269 Valley Street (formerly the "Eagles Club") within 12 months after the effective date of this Agreement and that the site of the removed building will be loamed and seeded unless and until otherwise developed pursuant to an approved site plan.

15 MMC shall provide landscaping of the area surrounding its Vaughn Street parking lot as shown on the landscaping plan attached hereto as Exhibit G and shall construct, maintain and continue to own the "pocket park" located at Ellsworth and Charles Streets as shown on the Site Plan (Exhibit B). The improvements to the Vaughn Street parking lot shall be completed within 12 months of the effective date of this Agreement.

16. MMC agrees to allow public pedestrian access between its campus and Congress Street through a new enclosed stairway to be constructed adjacent to the New Parking Garage, as depicted on Exhibit B.

17.. MMC shall contribute \$800,000 to the CITY to use for public improvements in the general vicinity of Maine Medical Center.

1.13

18.. MMC agrees that it will encourage its employees and visitors to use alternatives to single-occupant automobiles when traveling to and from the **PROPERTY**. In its application under the Site Plan Ordinance, MMC agrees to include among its written statements an Alternative Transportation Plan. The Alternative Transportation Plan will propose strategies to reduce single-occupant automobile trips to the **PROPERTY**. Such strategies shall include, but not be limited to, subsidies and other incentives for employees and visitors to use local and regional mass transportation, share rides (carpools and vanpools), ride bicycles and walk. The Planning Board will include the Alternative Transportation Plan in its consideration of sections 14-526(a)(1) and (2) of the City Code. In addition, an analysis of effectiveness and functioning of the Alternative Transportation Plan shall be provided to the City Council's Transportation Committee on an annual basis.

20.. The above restrictions, provisions and conditions are an essential part of the rezoning, shall run with the **PROPERTY**, shall bind and benefit **MMC**, its successors and assigns, and any party in possession or occupancy of the **PROPERTY** or any part thereof, and shall inure to the benefit of and be enforceable by the **CITY**, by and through its duly authorized representatives. Within 30 days of approval of this Agreement by the City Council, **MMC** shall record a copy of this Agreement in the Cumberland County Registry of Deeds, along with a reference to the book and page of the deeds to the property underlying said **PROPERTY**. Unless otherwise stated within this Agreement, this Agreement governs only the **PROPERTY** expressly covered by this Agreement and applies only within the boundaries of the rezoned area as shown on the map. Nothing in this Agreement shall have any effect on or be construed as having any bearing on the use or development of any other properties owned by **MMC** or its affiliates, all of which shall continue to be governed by the applicable provisions of the Portland Land Use Code, without regard to this Agreement.

21.. If any restriction, provision, condition, or portion thereof, set forth herein is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed as a separate, distinct and independent provision and such determination and shall not affect the validity of the remaining portions hereof.

22.. Except as expressly modified herein, the development, use, and occupancy of the **PROPERTY** shall be governed by and comply with the provisions of the Land Use Code of the City of Portland and any applicable amendments thereto or replacement thereof.

23.. This conditional rezoning agreement shall be enforced pursuant to the land use enforcement provisions of state law (including 30-A MRS 4452) and **CITY** Ordinance. No alleged violation of this rezoning Agreement may be prosecuted, however, until the **CITY** has delivered written notice of the alleged violation(s) to the owner or operator of the **PROPERTY** and given the owner or operator an opportunity to cure the violation(s) within thirty (30) days of receipt of the notice. Following any determination of a zoning violation by the Court, and in addition to any penalties authorized by law and imposed by the Court, either the Portland Planning Board on its own initiative, or at the request of the Planning Authority, may make a recommendation to the City Council that the Conditional Rezoning be modified or the **PROPERTY** rezoned.

1.14

24.. In the case of any issue related to the **PROPERTY** which is specifically addressed by this Agreement, neither **MMC** nor their successors may seek relief which might otherwise be available to them from Portland's Board of Appeals by means of a variance, practical difficulty variance, interpretation appeal, miscellaneous appeal or any other relief which the Board would have jurisdiction to grant, if the effect of such relief would be to alter the terms of this Agreement. In cases that fall outside of the above parameters (i.e., alleged violations of any provisions of Portland's Land Use Code, including, but not limited to, the Site Plan Ordinance, which were neither modified nor superceded by this Agreement), the enforcement provisions of the Land Use Code, including, but not limited to, the right to appeal orders of the Planning Authority, Building Authority and Zoning Administrator shall apply. Nothing herein, however, shall bar the issuance of stop work orders.

WITNESS

MAINE MEDICAL CENTER

By:
Its:

STATE OF MAINE
CUMBERLAND, ss.

Date: _____, 2005

Personally appeared before me the above-named _____, in his capacity as _____ of Maine Medical Center, and acknowledged the foregoing instrument to be his free act and deed in his said capacities and the free act and deed of Maine Medical Center.

Before me,

Notary Public/Attorney at Law

Attachment 2.1

June 28, 2005

Mr. Paul D. Gray
Vice President Planning
Maine Medical Center
22 Bramhall Street
Portland, ME 04102-3175

RE: Applications for Conditional Use, Housing Replacement Plan, Site Plan, Site Location of Development, Street Discontinuance, Acceptance and Land Transfer Plan Approvals for the Charles Street Expansion project of the Maine Medical Center

CBLs: 53D001, 53D002, 53D007, 53E001, 53E002, 53E010, 53E013, 53G001, 53G013, 54C006, 54C010, 54D006, 54D007, 54H001, 64C001, and 64C002.

Dear Mr. Gray:

On May 31, 2005, the Portland Planning Board voted unanimously to approve Maine Medical Center's applications for Expansion of a Hospital as a Conditional Use in the R-6 Residential Zone, Replacement of Housing as a Conditional Use, Housing Replacement Plan, Site Plan, Site Location of Development (acting under its delegated authority), for the Maine Medical Center campus in the vicinity of Bramhall, Charles, Crescent, Ellsworth, Wescott, Gilman and Congress Streets.

The Site Plan and Site Location of Development approvals were granted for the project with the following condition(s):

- i. The applicant shall comply with the recommended conditions of approval pertaining to traffic and the traffic signal upgrade at Bramhall and Congress Street as set forth in the development review memos by Tom Errico dated May 11, 2005 and May 25, 2005.
- ii. MMC shall comply with the four conditions related to parking recommended by John Peverada in his review memo of May 19, 2005.
- iii. MMC shall carry out each of the recommended actions related to stormwater management and infrastructure contained in the review memo by Stephen Bushey, dated May 26, 2005, with the proviso that MMC will endeavor as much as possible to locate all stormwater quality units on MMC property rather than in the City right-of-way, and shall have Public Works Authority review and approve of final stormwater and utility locations within the public right-of-way.

- 2.2
- iv. MMC shall follow the recommended landscape plan improvements recommended by the City Arborist in his review memo dated May 27, 2005, but shall not be required to place a sidewalk along the edge of the Gilman Street curve, as described therein.
 - v. MMC shall carry out the Fire Department's recommended conditions of approval, as set forth in Deputy Chief Michael Shutts' email of May 27, 2005.
 - vi. MMC shall submit a revised Alternative Transportation/Travel Demand Management Plan for Planning Board review and approval, prior to issuance of a certificate of occupancy for the parking garage, which shall provide additional incentives for employees to use transit.
 - vii. MMC shall obtain all required license agreements and permits for way-finding and directional signs from the City, and shall modify sign designs as requested by the City when needed to protect traffic sight lines.
 - viii. MMC shall submit to the Planning Board, for its review and approval, revised architectural design details of the façade of the Congress Street parking garage that are consistent with the Downtown Urban Design Guidelines, provided that MMC may proceed, at its own risk, with foundation, utility and excavation work pending such design review.
 - ix. MMC shall provide a crosswalk from the south side of Crescent Street to the Crescent Street entrance to the new parking garage, so that those persons wishing to reach the east end of the garage on any level or wishing to use the stair tower need not cross egress traffic and ingress traffic to do so. MMC shall use some form of internal barrier within the top level of the garage on the east end to separate pedestrians from turning car traffic. Such revisions shall be submitted for Planning Authority for review and approval.
 - x. That as a condition of site plan approval (a condition separate and distinct from other regulations) MMC shall be subject to all terms and conditions contained within the Conditional Rezoning of this site (relating to the Helipad/Helicopter Landing Pad, including the provisions on flight routes, the fly neighborly program, the helipad operating guidelines, equipment and mitigation) and any changes to any of these provisions shall require a review of the site plan by the Planning Board.
 - xi. MMC shall properly engineer the design of the sidewalk along Congress Street in front of its property so that it adequately joins the existing City sidewalk, which engineering may include a pattern of ramping and leveling off. Such design shall be subject to the review and approval of the Public Works Department.
 - xii. MMC shall return the Munson property to residential use prior to the issuance of a certificate of occupancy for the parking garage, it being agreed that the property will never be used in any other capacity for so long as MMC owns said property.
 - xiii. That MMC deed to the City, for public use, access to all pocket parks shown on the plan, and the access way between Congress Street and Crescent Street.
 - xiv. MMC shall work with Public Works and staff to prepare an inventory of needed public improvements northerly of the site in the Parkside neighborhood for inclusion on the list of potential public improvements to be installed by the City.

The Housing Replacement Plan approval was granted with the following condition:

- i. Prior to a building permit being issued for the new development MMC shall comply with recommended conditions in the Housing Replacement Plan review memo of Wendy Cherubini, dated July 5, 2004.

Also on May 31, 2005, the Planning Board voted unanimously,

To recommend to the City Council the street discontinuances and the proposed street lay out for the realigned streets shown on the Sebago Technics Plan, titled "Street Vacation (sic)/Acceptance and Land Transfer Plan" dated December 10, 2004.

The above listed approvals are based on the submitted site plan and the findings related to site plan review standards as contained in Planning Report #35-05, which is attached.

Please note the following provisions and requirements for all site plan approvals:

1. Where submission drawings are available in electronic form, the applicant shall submit any available electronic Autocad files (*.dwg), release 14 or greater, with seven (7) sets of the final plans.
2. A performance guarantee covering the site improvements as well as an inspection fee payment of 2.0% of the guarantee amount and 7 final sets of plans must be submitted to and approved by the Planning Division and Public Works prior to the release of the building permit. If you need to make any modifications to the approved site plan, you must submit a revised site plan for staff review and approval.
3. The site plan approval will be deemed to have expired unless work in the development has commenced within one (1) year of the approval or within a time period agreed upon in writing by the City and the applicant. Requests to extend approvals must be received before the expiration date.
4. A defect guarantee, consisting of 10% of the performance guarantee, must be posted before the performance guarantee will be released.
5. Prior to construction, a pre-construction meeting shall be held at the project site with the contractor, development review coordinator, Public Work's representative and owner to review the construction schedule and critical aspects of the site work. At that time, the site/building contractor shall provide three (3) copies of a detailed construction schedule to the attending City representatives. It shall be the contractor's responsibility to arrange a mutually agreeable time for the pre-construction meeting.
6. If work will occur within the public right-of-way such as utilities, curb, sidewalk and driveway construction, a street opening permit(s) is required for your site. Please contact Carol Merritt at 874-8300, ext. 8828. (Only excavators licensed by the City of Portland are eligible.)

2.4

The Development Review Coordinator must be notified five (5) working days prior to date required for final site inspection. The Development Review Coordinator can be reached at the Planning Division at 874-8632. Please make allowances for completion of site plan requirements determined to be incomplete or defective during the inspection. This is essential as all site plan requirements must be completed and approved by the Development Review Coordinator prior to issuance of a Certificate of Occupancy. Please schedule any property closing with these requirements in mind.

If there are any questions, please contact Sarah Hopkins, Development Review Service Manager, at 874-8720.

Sincerely,

Lee Lowry III, Chair
Portland Planning Board

cc: Lee D. Urban, Planning and Development Department Director
Alexander Jaegerman, Planning Division Director
Sarah Hopkins, Development Review Services Manager
Rick Seeley, Senior Planner, Greater Portland Council of Governments
Jay Reynolds, Development Review Coordinator
Marge Schmuckal, Zoning Administrator
Inspections Division
Michael Bobinsky, Public Works Director
Traffic Division
Eric Labelle, City Engineer
Jeff Tarling, City Arborist
Penny Littell, Associate Corporation Counsel
Fire Prevention
Assessor's Office
Approval Letter File

CITY OF PORTLAND, MAINE
PLANNING BOARD

Janice E. Tevanian, Chair
David Silk, Vice Chair
Bill Hall
Joe Lewis
Lee Lowry, III
Shalom Odokara
Michael J. Patterson

April 8, 2008

Daniel F. Doughty, AIA
Director, Facilities Development
Maine Medical Center
22 Bramhall Street
Portland, ME 04102-3175

Michael Ryan
Vice President Operations
Maine Medical Center
22 Bramhall Street
Portland, ME 04102-3175

Mr. Paul D. Gray
Vice President Planning
Maine Medical Center
22 Bramhall Street
Portland, ME 04102-3175

**Re: Maine Medical Center Charles Street Additions
Vicinity of Bramhall, Congress and Gilman Streets
Planning Board Condition of Approval vi of the May 2005 Site Plan and Site Location of
Development Approval**

CBLs: 53D001, 53D002, 53D007, 53E001, 53E002, 53E010, 53E013, 53G001, 53G013, 54C006, 54C010, 54D006, 54D007, 54H001, 64C001, and 64C002.

Dear Sirs,

On March 25, 2008 the Portland Planning Board considered the Maine Medical Center Travel/Transportation Demand Management Plan (TDM) dated March 2008. The Planning Board reviewed the proposed TDM for compliance with Condition vi of the Planning Board Site Plan and Site Location of Development Approval of May 31, 2005.

The Planning Board voted 7-0 that the proposed TDM was in compliance with Condition vi, with the following motion and conditions as presented below:

On the basis of the plans and materials submitted by the applicant and on the basis of information contained in Planning Report #16-08 relevant to standards for site plan regulations and the requirements of the Contract Zone Agreement, and other findings as follows:

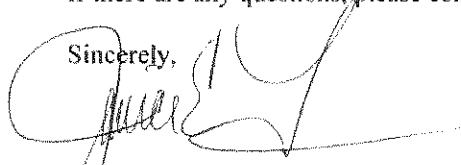
1. That the proposed MMC Travel/Transportation Management Plan (TDM Plan) dated March 2008 is in compliance with Condition vi. of the May 2005 site plan and site location of development approval, subject to the following conditions of approval:
 - i. That a wider range of informational and publicity documents (and website presentations) shall be prepared for all vehicle users (including vendors and contractors) attending MMC that promotes and supports the use of the garages and associated valet service. An explanation on how this information is disseminated to those outside MMC, such as visitors, shall also be provided. Copies of these materials for distribution, and strategies, shall be provided to the City for review and comment prior to September 1, 2008; and

- ii. That details of the rideshare program regarding the potential spaces to be utilized and the location of preferential parking (as described in Tom Errico's e-mail of March 20, 2008) shall be submitted for staff review and approval prior to the issuance of a temporary CO for the new parking garage; and
- iii. That details of the number and location of bicycle racks and lockers and other incentives and facilities for walkers (as per Tom Errico's e-mail of March 20, 2008), shall be submitted for review and approval prior to the issuance of the CO for the new parking garage, and that these be in place by 1 June, 2008; and
- iv. That proposals for cash out incentives to staff for bicycling, walking, public transit, carpooling and vanpooling (including the basis for any payroll deductions or payments) shall be submitted to staff by 1 June, 2008; and
- v. That further information and supporting data reasonably available regarding flextime feasibility shall be submitted to staff in accordance with Tom Errico's comments of March 20, 2008; and
- vi. That the Parking Management Plan shall be revised and resubmitted in order to develop and include monitoring information and set out strategies and implementation timetables that reduce the number of MMC-related vehicles driving and parking on the streets in the vicinity of MMC (to address the comments of Tom Errico and John Peverada dated March 20, 2008), for staff review and approval within 3 months following the issuance of the temporary CO for the new parking garage; and
- vii. That the Transportation Coordinator shall provide copies of all meeting notes of the MMC TDM Advisory Committee to the City's Planning, Parking and Transportation Departments, and meet with the City staff at least once every three months for the first year following the date of this approval and then at least once a year thereafter, for the purpose to update re the employee survey and progress on other measures, and to share data, ideas and specifics of the TDM programs; all designed to accomplish the purpose of para 18 of the Conditional Zoning Agreement of April 25, 2005.

The approval is based on the submitted plans and the findings related to site plan review standards as contained in Planning Report #16-08, which is attached.

If there are any questions, please contact Jean Fraser at 874-8728.

Sincerely,



Janice Tevanian, Chair
Portland Planning Board

Attachments:

- 1. Tom Errico (City's Traffic Engineering Reviewer) e-mail dated March 20, 2008
- 2. John Peverada (City's Parking Manager) e-mail dated March 20, 2008
- 3. Planning Board Report #16-08

(not att. re #16-08)

Electronic Distribution:

- Lee D. Urban, Planning & Development Dept. Director
- Alexander Jaegerman, Planning Division Director
- Barbara Barhydt, Development Review Services Manager
- Jean Fraser, Planner
- Philip DiPierro, Development Review Coordinator
- Marge Schmuckal, Zoning Administrator
- Jeanie Bourke, Inspections Division
- Lisa Danforth, Administrative Assistant
- Michael Bobinsky, Public Works Director
- Kathi Earley, Public Works
- Bill Clark, Public Works
- Michael Farmer, Public Works
- Jim Carmody, City Transportation Engineer
- Jane Ward, Public Works
- Captain Greg Cass, Fire Prevention
- Jeff Tarling, City Arborist
- Tom Errico, Wilbur Smith Consulting Engineers
- Dan Goyette, Woodard & Curran
- Assessor's Office
- Approval Letter File

Hard Copy: Project File

From: "Errico, Thomas A" <TERRICO@wilbursmith.com>
To: "Jean Fraser" <JF@portlandmaine.gov>
Date: 3/20/2008 2:32:12 PM
Subject: MMC TDM Plan

Jean -

The following outlines my comments as it relates to the March 2008 MMC TDM Plan. Go ahead and copy and paste into your report.

1. Identification of a Transportation Coordinator

No Comment

2. Transportation Demand Advisory Committee within MMC

MMC shall provide the City Planning Department with a copy of meeting notes

3. Educational/Promotional Materials

Copies of materials for distribution shall be provided to the City for review and comment. For visitors an explanation on how this information is disseminated to those outside MMC should be provided.

4. Implement Rideshare/Vanpool Program

A plan shall be provided that illustrates the location of preferential parking spaces, how they will be marked and signed, and the total number of spaces to be provided. An explanation should also be provided on the operations program, such as how will vehicles be identified as a carpool vehicle. Additional details on the vanpool program should be provided. How many vehicles will be utilized, what are the anticipated routes, etc.

5. Encourage Use of Transit

Subsidized transit passes will be provided and therefore I have no comment.

6. Bicycling and Walking Program

Plans should be provided that illustrate existing and proposed bicycle racks. Additionally, plans should be provided that depict locations of the bicycle storage facilities. MMC should expand on implementation of the walking discount and clothing program.

7. Use of Flexible Hours, Staggered Shifts, and Other Hourly Incentives

More detail is needed to fully review and understand hospital operations and sign-off on flextime feasibility. Information on specific employee operations should be provided inclusive of employee numbers per department and shift constraints, etc.

8. Prepare and conduct a transportation survey of employees

No comment.

9. Multiyear TDM Plan

The City should participate in the review of the program within 6 months of Certificate of Occupancy. Annual review of the TDM program should begin in June 2009.

10. Timetable for plan action items

No comment.

MMC's Parking Plan

In my professional opinion parking and TDM provisions are related and therefore the following comments should be considered. For example, employees and visitors circulating to find parking spaces within the West End negatively impacts traffic flow.

- * The Chadwick lot currently impacts the local roadway system and proactive strategies that avoid similar problems should be implemented.
- * MMC needs to implement internal management strategies to prevent employees, vendors, visitors from using on-street parking spaces.

Thomas A. Errico, P.E.

Senior Transportation Engineer

Wilbur Smith Associates

59 Middle Street

Portland, Maine 04101

w: 207.871.1785 f: 207.871.5825

TErrico@WilburSmith.com

www.WilburSmith.com <<http://www.wilbursmith.com/>>

CC: "James Carmody" <JPC@portlandmaine.gov>

From: John Peverada
To: Jean Fraser
Date: 3/20/2008 8:44:30 AM
Subject: Re: MMC TDM

Jean, my comments are as follow:

1. Who is eligible to utilize the valet service ? And how will potential users of the valet service know that it is available ?

My other concerns remain the same as those that I mentioned in an e-mail to Rick Seeley & Alex on May 19, 2005. The following is a copy of that e-mail.

Rick, I am satisfied with the conditional zone agreement language as it relates to snow ban parking, and for vendor and contractor parking during construction, however it does not address vendor and contractor parking (on street) upon completion of the project.

I propose that the following items be listed as conditions of approval if they are not already addressed in another fashion:

1. The hospital will provide off street parking for all of their vendors/sub contractors, alleviating the need for them to purchase on street occupancy permits and tying up valuable on street parking spaces needed by residents and for turnover parking.

~~2. During construction, all subcontractors will be required to park off site.~~

3. The City will approve prototypes of newly proposed directional signage. Done ?

4. The hospital will show the City prototypes of newly proposed literature on parking to be sent to ALL patients with their pre-visit materials. This was discussed during their approval 1998 , but as far as I know it was never implemented. They may also consider posting info on parking at Each elevator and in the emergency room.

END

Jean, I assume that the above items became conditions of approval, but can you confirm this ? IF they are not conditions of approval then they should be worked into the TDM plan.

By requiring the hospital to have all vendors park off street, we will address many of the concerns outlined in the workshop discussion.

Thanks
John
CC: Terrico@wilbursmith.com

LEED Credit for Light Pollution

Why the LEED credit for light pollution reduction should be on your list

By Jennie Morton

Imagine a LEED point that gives you the power to minimize your impact on wildlife and human health while putting money back into your pocket.

The Light Pollution Reduction point – SS Credit 8 – provides guidelines for reducing interior and exterior lighting levels. These adjustments, in turn, provide ongoing energy savings.

Brighter lighting is ultimately poor lighting. The credit's intent is to:

- Minimize light trespass from the building and site.
- Reduce skyglow to increase night sky access.
- Improve nighttime visibility through glare reduction.
- Reduce development impact from lighting on nocturnal environments.



The CDC Headquarters used daylighting strategies and dark sky-friendly fixtures to reduce light pollution. Photo Courtesy of James Gathany, CDC

Follow the Rules of Good Lighting

To curtail these forms of over-illumination and meet the credit's specifications, adhere to the principles of proper lighting. According to Richard Heinisch, manager of energy and environmental standards with Acuity Brands Lighting, lighting design boils down to one simple principle – put the right amount of light in the right place at the right time. SS Credit 8 offers a detailed breakdown of footcandles across four project zones, as well as specific times lights should be adjusted.

Though every building pollutes with light, the SS Credit 8 is often bypassed because documentation requires professional assistance, explains Heinisch. Unlike points that can be earned by simply selecting the right product, like a bike rack, SS Credit 8 involves careful planning and the involvement of a lighting designer.

"This is also a calculation-intensive credit," says Heinisch. "The point demands the technical wherewithal to calculate horizontal and vertical illuminances at a variety of locations, along with an assessment of luminaire photometrics to determine compliance with sky glow requirements."

Whether you pursue LEED certification or build to its standards, there are several simple lighting tips that you can follow:

- A properly placed luminaire minimizes errant light.
- Take advantage of lighting controls to reduce or extinguish light levels.
- Use shielded luminaires whenever possible.
- High-efficacy fixtures support desired lighting levels using lower watts.
- Directional lighting – lighting from above – is the most effective use of lighting.

"Ultimately, the challenge is not to get the credit, but to educate owners as to what good lighting is," says Micah Rosen, associate principal with TVS Design, an architectural firm.

CDC Gets Tough on Light Trespass

Located in Atlanta, the Centers for Disease Control and Prevention (CDC) earned LEED Silver in 2006 for the Arlen Specter Headquarters and Operations Center. The building's glass envelope and large amount of green space presented lighting concerns that prompted TVS Design to evaluate SS Credit 8.

Because CDC is a 24-hour operation, security lighting is a top priority. The building is located on 10 acres of green space with frequently used sidewalks. However, the preliminary light fixtures not only leaked light into the sky, but also flooded light well beyond the sidewalk's edges. "We were able to find an alternative from the same manufacturer's line of products that was downlight only and fully shielded," says Rosen.

The design team also found it could use pedestrian poles intermittently with the addition of bollards, which use localized light better suited to the 5-foot sidewalks. "Because bollards can be spaced closely together, you can use a lower footcandle level and get a more even spread of light," says Rosen. Both changes – the downlight-only pedestrian poles and the bollards – were made within the budget.

RELATED PRODUCTS

Lighting



Gamma Lighting Control System

Lighting



Architectural Dimming Systems

Lighting



Energy TriPak Wireless Retrofit Solutions

Lighting



I-BEAM LED High Bay

LEED Credit for Light Pollution

To reduce spill light from the building's glass envelope, a series of solar shades and interior reflectors was installed, as well as two tints of low-E glass. Green-tinted glass reduces glare and provides shade for occupants. At the 7-foot level, the shades reflect natural light through clear glass. This strategy eliminated the need for artificial light within 8 feet of the building's perimeter. "This reduction in artificial light allows us to minimize light trespass at night," says Rosen.

Like many others, TVS Design didn't initially flag the light pollution reduction point as a must-do. Instead, it found that by following good lighting designs, it naturally met the credit's goals.

Jennie Morton (jennie.morton@buildings.com) is assistant editor of BUILDINGS.

0 comments

★ 0



Leave a message...

Best Community

Share

MEMORANDUM

To: FILE
From: Jean Fraser
Subject: Application ID: 2013-130
Date: 6/6/2013

Comments Submitted by: Marge Schmuckal/Zoning on 5/31/2013

Hi Jean,

I have reviewed the contract zone relating to what you have pointed out. I agree with you that any expansion based on #5 of the Conditional Contract zone states that a Conditional Use (to the PB) would be required as part of their approval. I further note that #7(a) would allow the additional height that is being proposed on the existing Bean Wing.

I hope that helps you,
Marge

>>> Jean Fraser 5/31/2013 9:08 AM >>>

Marge

Could you let me know whether this needs to be reviewed by the Planning Board as a conditional use (expansion of institutional use) under R-6- also see para 5 and 7 of the Contract Zone Agreement (copy attached).

MEMORANDUM

To: FILE

5.2

From: Jean Fraser

Subject: Application ID: 2013-130

Date: 6/6/2013

Comments Submitted by: Marge Schmuckal/Zoning on 6/4/2013

Further reviews show that other than meeting the height requirements, this project is also meeting setback requirements of the C-41 conditional contract zone. Separate permits would be required for any new signs.

Marge Schmuckal
Zoning Administrator

Jean Fraser - MMC Addition and Construction Traffic Control Plan

From: David Margolis-Pineo
To: Jean Fraser
Date: 5/30/2013 3:21 PM
Subject: MMC Addition and Construction Traffic Control Plan

Jean,

Comment from Jeremiah Bartlett -

It appears the impacts to traffic and pedestrians will be minimal. We would, however, like some sort of signage plan showing how any closures or pedestrian routing changes will be indicated, even if it's a simple plan with only a few signs.

This Department has no further comments.

Jean Fraser - Maine Medical Center Addition Project

From: Tom Errico <thomas.errico@tylin.com>
To: Jean Fraser <JF@portlandmaine.gov>
Date: 6/5/2013 2:01 PM
Subject: Maine Medical Center Addition Project
CC: David Margolis-Pineo <DMP@portlandmaine.gov>, Katherine Earley <KAS@port...>

Jean – I have reviewed the application materials and offer the following preliminary comments.

- A Traffic Movement Permit was not issued during the 2005 expansion project. In 2005 the applicant provided traffic analyses that indicated new traffic generation did not trigger a Traffic Movement Permit. The applicant should provide a historical summary of traffic changes over the last ten years, combined with traffic from this addition, in an effort to assess whether a Traffic Movement Permit is required.
- I have reviewed the parking demand analysis and how additional vehicles will be accommodated in MMC parking facilities. Based upon information provided, I find parking conditions to be acceptable.
- The applicant indicates that the project will be expanding elements of the TDM plan by providing a car share vehicle and adding bicycle parking. Details of these added elements should be provided.
- I have reviewed the traffic study prepared by Gorrill-Palmer Consulting Engineers, Inc. and generally find the methods used to be acceptable. I continue to review the safety analysis and the conclusions provided.

If you have any questions, please contact me.

Best regards,

Thomas A. Errico, PE
Senior Associate
Traffic Engineering Director
TYLIN INTERNATIONAL
12 Northbrook Drive
Falmouth, ME 04105
207.781.4721 main
207.347.4354 direct
207.400.0719 mobile
207.781.4753 fax
thomas.errico@tylin.com
Visit us online at www.tylin.com
Twitter | Facebook | LinkedIn | YouTube

"One Vision, One Company"

Please consider the environment before printing.

Jean Fraser - Fwd: Re: MMC Addition (22 Bramhall)

From: Jean Fraser
To: Fraser, Jean
Date: 6/6/2013 4:49 PM
Subject: Fwd: Re: MMC Addition (22 Bramhall)

Fire Department Comments

>>> Chris Pirone 6/6/2013 4:22 PM >>>

Jean,

Here are Fire Comments which are technical and you may not need for your report. As for site plan there are no comments for fire as there are sufficient hydrants and existing/approved access.

Fire Comments:

- 1.The Fire Protection Engineer will be responsible for the design of the fire protection systems.
- 2.The Fire Protection Engineer shall be present when the installing contractors perform the final commissioning (testing) of the fire protection systems and issue a second stamped letter that they observed the final commissioning of the systems and the systems are installed and function as required by the pertinent codes, standards, and regulations. Fire protection systems include, but are not limited to: fire alarm, sprinkler, standpipe systems and other suppression system equipment.
- 3.The In-Building Radio Enhancement System will have to be commissioned by the designer of that system with documentation of its compliance and performance in accordance with NFPA 1 Annex O. This system shall be monitored by the fire alarm system and the design must be coordinated with the Fire Protection Engineer designing the fire alarm system.

*NFPA 3 Recommended Practice For Commissioning and Integrated Testing of Fire Protection and Life Safety Systems is a new(2012) NFPA document and its intent is to make life easier for building owners, contractors, designers, and AHJ's.

Captain Chris Pirone
Portland Fire Department
Fire Prevention Bureau
380 Congress Street
Portland, ME 04101
(t) 207.874.8405
(f) 207.874.8410

 Please consider the environment before printing this email.

Attachment 9.

Jean Fraser - Fwd: Re: MMC Roof Addition

From: Jean Fraser
To: Fraser, Jean
Date: 7/2/2013 11:37 AM
Subject: Fwd: Re: MMC Roof Addition

>>> Michael Farmer 7/1/2013 8:40 AM >>>
Jean:

The applicant has addressed the comment from Dave Margolis-Pineo in his 5/30/2013 e-mail message. The *Construction Phase Wayfinding* plan (Tab 23) submitted by the applicable is acceptable.

Michael Farmer, Project Engineer
Portland Dept. of Public Services
55 Portland Street
Portland, ME 04101
phone: 207-874-8845
fax: 207-874-8852 >>> Jean Fraser 6/27/2013 11:49 AM >>>

Memorandum
Department of Planning and Urban Development



To: Jean Fraser, Planner; Planning Board

From: Jeff Levine, Director

Cc: Penelope St. Louis, MMC
Jeffrey Sanders, MMC
John Peverada, Portland Parking Division Director

Date: July 3, 2013

Re: Maine Medical Center Expansion TDM Plan

To follow up on Jeffrey Sanders' letter of June 19th, I offer the following thoughts:

1. The offer of 36 new bicycle parking spaces is appreciated. Maine Med is clearly at a point where it is maturing as a bicycle destination, especially for employees, and that should be encouraged. As such maturation occurs; however, there can be a diminishing return from providing additional traditional bicycle racks. Some bicyclists simply do not like to park at bike racks, either for personal safety reasons or for fear that their bicycle might be vandalized. At a location like Maine Med, such as in high-bicycle locations in other cities, there may be a need for higher-security bicycle parking such as bike lockers rather than additional racks. I would suggest that the applicant be asked to provide a contribution to bicycle parking equivalent to the offer of two additional racks, with the specific use of those funds to be determined through further study of the needs and the final determination of the Planning Authority. Possible uses include providing fewer, higher quality, bike lockers; a contribution towards the City's development of a business plan for a bike sharing system; or the provision of racks as currently proposed.
2. I recommend that any car-sharing spaces required as part of a review be identified for the use of any car sharing company that the City chooses. While the current agreement is with U-Car, it is possible that, in the future, the provider of this service might change to a different vendor. I'd like to keep all regulatory approvals flexible in case such a change is made.

Attachment 11.

From: Tom Errico <thomas.errico@tylin.com>
To: Jean Fraser <JF@portlandmaine.gov>
CC: David Margolis-Pineo <DMP@portlandmaine.gov>, Katherine Earley <KAS@portlandmaine.gov>, Jeremiah Bartlett <JBartlett@portlandmaine.gov>, Jeff Tarling <JST@portlandmaine.gov>
Date: 7/3/2013 2:18 PM
Subject: MMC Building Addition Project - Final Traffic Comments

Jean - The following represents my final comments and a status update from my June 5th comments.

* A Traffic Movement Permit was not issued during the 2005 expansion project. In 2005 the applicant provided traffic analyses that indicated new traffic generation did not trigger a Traffic Movement Permit. The applicant should provide a historical summary of traffic changes over the last ten years, combined with traffic from this addition, in an effort to assess whether a Traffic Movement Permit is required.

Status: The applicant has provided a summary of traffic permits for the project and I concur that the site and this project is in compliance.

* I have reviewed the parking demand analysis and how additional vehicles will be accommodated in MMC parking facilities. Based upon information provided, I find parking conditions to be acceptable.

Status: No comment necessary.

* The applicant indicates that the project will be expanding elements of the TDM plan by providing a car share vehicle and adding bicycle parking. Details of these added elements should be provided.

Status: The applicant has provided supporting information on enhancing their site TDM Plan. I concur with Jeff Levine's Memorandum dated July 3, 2013 that suggests the applicant consider the noted suggestions as alternative measures.

* I have reviewed the traffic study prepared by Gorrill-Palmer Consulting Engineers, Inc. and generally find the methods used to be acceptable. I continue to review the safety analysis and the conclusions provided.

Status: I have reviewed the traffic study and in my professional opinion the project will not have a significant impact on traffic conditions in the vicinity of MMC. The traffic study did identify safety problems in the project area and accordingly the applicant shall be responsible for implementation of mitigation strategies recommended in the study. The applicant shall coordinate with DPS prior to proceeding on the noted recommendations.

If you have any questions, please contact me.

Best regards,

Thomas A. Errico, PE
Senior Associate
Traffic Engineering Director
[T.Y. Lin International] T.Y. Lin International
12 Northbrook Drive
Falmouth, ME 04105
207.781.4721 main
207.347.4354 direct
207.400.0719 mobile
207.781.4753 fax

7-3-13 Tom Errico confirmed that he was referring to items 3 + 5 of Attachment E.10 Gorrill-Palmer letter of 5.29.2013. JT Planner.