***MMC East Tower and Visitors Garage Overbuild Site Plan - including CMP and Detours for Congress Street Closure***

*3.21.2018* ***draft POTENTIAL CONDITIONS OF APPROVAL Shared with MMC***

***MMC RESPONSES 3.23.2018***

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| **SUBJECT**  | **PROPOSED CONDITION TEXT**  | **MMC RESPONSE** |
| **Final documentation of land transfers**  | That the documentation of the land transfers and street acceptances associated with the sites shall be completed prior to the certificate of occupancy.  | ACCEPT |
| **FAA approvals**  | That the applicant shall submit evidence from the FAA that the location and height of the construction equipment, the overbuild heights, and helipad relocation is acceptable prior to the certificate of occupancy for the approved overbuild floor area, or the operation of equipment and helipad.  | ACCEPT |
| **Design**  | [under discussion]  | Caitlin’s memo? |
| **TDM**  | That the applicant shall finalize a *TDM Plan* that addresses the Regulatory Framework and Site Plan requirements, for review and approval by the Planning Authority before issuance of the Certificate of Occupancy for the East Tower.  | Propose approval before C/o for East Tower; hope to have the TDM coordinator contribute to the plan |
| **Pedestrian Integration and CPTED**  | That the applicant shall develop a long term public *Right-of-Way Plan* showing the integration of the upper level MMC campus with the Congress Street corridor, including measures to address CPTED principles, for implementation when the retail space beneath the Visitors Garage are available for lease or sale; such plan to be submitted for review and approval by the Planning Authority prior to the issuance of a Certificate of Occupancy for the Congress Street Hospital Entrance.  | ACCEPT |
| **Helipad Relocation impacts**  | That within 9 months of the date of this site plan approval the applicant shall submit a “*Sound Measurement Plan*” for review and approval by the Planning Authority, for assessing the actual changes in sound impacts on nearby properties between the helipad operating at the existing site and at the new location, including criteria for mitigation where such impacts are severe based on appropriate national standards. The “*Sound Measurement Plan*” is required in the event that the predicted sound levels are incorrect, and it shall be approved and implemented at least 2 months before the helipad is relocated.  | Define severeDoes an appropriate national standard exist?Clarify ‘predicted’ |
| **Construction Management Plan – actons affecting ROW**  | That the applicant shall undertake all construction associated with this site plan in accordance with the CMP dated XXX and Detour Plan (MOT) dated XXX unless agreed in writing with Planning Authority, including: (the final list depends on what is in todays submissions, which are under review) 1. Provision of alternative parking for any parking displaced by the construction either on or off the MCC campus; and
2. Coordination with the Seadogs and other event organizers, and with METRO, to ensure safety of all users; and
3. Ongoing monitoring and adjustments in consultation with city representatives
4. Park and Weymouth signal should meet Maine UTCD requirements and include pedestrian accommodations, ADA compliance and have full vehicle detection
5. Minor ROW adjustments such as curb radii at Boynton/Forest Streets, ADA ramps and bus stop pads
6. Approved improvements on Weymouth St
7. Others?
 | 1. ACCEPT
2. ACCEPT, any response on proposal for SeaDogs?
3. ACCEPT
4. ACCEPT
5. ACCEPT
6. Discuss
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| **Construction Management Plan- responsibility**  | That the applicant is solely responsible for all activities (physical modification to the ROW, monitoring, revisions to the CMP etc) associated with CMP/detour plans referred to in condition X above.  | See 6 above |
| **Construction Management Plan – impacts/communication**  | That the applicant shall take steps necessary to minimize construction impacts on neighbors, including businesses, in the vicinity of the project, and implement the Communications Plan generally as outlined.  | ACCEPT |
| **Construction Management Plan – penalties for delay**  | That the applicant shall comply with the submitted Construction Schedule which notes a Congress Street closure between Monday May 7th to Thursday, June 28th inclusive. This closure period is dependent upon 1) the City of Portland issuing building permits for the site plan no later than April 9, 2018 and 2) the absence of other events beyond the control of the applicant (“force majeure”), including, without limitation, acts of God, war, fire, flood, acts of a sovereign nation or any state or political subdivision or any department or regulatory agency. Unless otherwise justified by 1) or 2 ) above, if Congress Street is not open to through traffic and pedestrian access on June 29th, the Planning Board recommends that penalties of $XXX/day should apply for each day of delay.  | * Clarify pedestrian two-way through traffic
* Cap financial penalty
* Include financial incentive to adhere to proposed schedules in template CMP for consistency
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| **Stormwater Management Plan**  | That the stormwater system for the MMC Congress Street Hospital Entrance site plan shall add detention capacity in lieu of stormwater separation in order to reduce the burden of the existing & proposed development on the City’s infrastructure. The applicant shall set out [timetable still under discussion], the strategy & associated proposal for achieving additional detention or for contribution to other measures that achieve the same objective.  | Clarify |
| **Retail uses of units under VG**  | That the applicant shall submit a strategy ensuring the space on Congress Street beneath the Visitors Garage is occupied as soon as Turner vacates the space, to be coordinated with the Right-of-Way Plan subject of condition X above; such strategy to be submitted for review and approval by the Planning Authority prior to the issuance of a Certificate of Occupancy for the Congress Street Hospital Entrance.  | Alternative to “occupied as soon as Turner vacates” - retail study  |
| **Design of new signs**  | That any new signage relating to the East Tower or Visitors Garage shall be subject to separate sign permit prior to installation.  | ACCEPT |
| **ROW including Street Lights**  | That the applicant shall implement the following upgrades in the ROW: * update the four (4) pedestrian light fixtures along the Congress Street frontage of the Visitors Garage to LED, and for each add the bracket and LED light fixture at the top of the existing poles.
* Install ADA pedestrian ramps at 4 locations where there are crosswalks near the East Tower
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| **Bicycle parking**  | That the applicant shall submit an assessment of the existing bicycle parking near the East Tower to confirm whether it meets the City’s Technical Standards for the location, number and design of bicycle parking to serve the East Tower as expanded, and add to/relocate or replace bicycle parking as necessary to meet the standards prior to the issuance of a certificate of occupancy for the East Tower.  | ACCEPT |
| **Capacity letters**  | That the applicant shall submit the ability to serve letters regarding water and wastewater prior to the issuance of a building permit for the East Tower overbuild.  | ACCEPT |