

CITY OF PORTLAND, MAINE

PLANNING BOARD

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December 19, 2018

Alexander Green
Maine Medical Center
22 Bramhall Street
Portland, ME 04102

Will Conway
Sebago Technics
75 John Roberts Road, Suite 4A
South Portland, ME 04106

Project Name: MMC Congress Street Hospital Building
Project ID: 000331-2018
Address: 22 Bramhall Street
CBLs: 053 Doo7001
Applicant: Maine Medical Center
Planner: Nell Donaldson

Dear Mr. Green:

On December 17, 2018, the Planning Board considered Maine Medical Center's Level III site plan application for a 285,000 SF hospital building to be located at the corner of Congress Street and Gilman Street. The Planning Board reviewed the proposal for conformance with the site plan standards of the land use code and the requirements of MMC's Institutional Overlay Zone. The application was also reviewed as an amendment to the existing Site Location of Development Act permit for the MMC campus. The Planning Board voted as follows:

A. WAIVERS

On the basis of the application, plans, reports and other information submitted by the applicant; findings and recommendations contained in the Planning Board report for the public hearing on December 17, 2018 for application 331-2018 relevant to Portland's technical and design standards and other regulations; and the testimony presented at the Planning Board hearing:

1. The Planning Board voted 6-0 (Silk absent) to find, based upon the consulting transportation engineer's review (*Attachment 2*), that extraordinary conditions exist or undue hardship may result from strict compliance with the *Technical Manual* standard (*Section 1.7.2.4*) which establishes a maximum driveway width of 24 feet for sites with two-way access, that substantial justice and the public interest are secured with the variation in this standard, and that the variation is consistent with the intent of the ordinance. The Planning Board waives the *Technical Manual* standard (*Section 1.7.2.4*) to allow a driveway of 35 feet in width on Congress Street;
2. The Planning Board voted 6-0 (Silk absent) to find, based upon staff review, that extraordinary conditions exist or undue hardship may result from strict compliance with the *Technical Manual* standard (*Section 1.8*) which requires brick sidewalks on Congress Street and Gilman Street, that substantial justice and the public interest are secured with the variation in this standard, and that the variation is consistent with the intent of the ordinance. The Planning Board waives the site plan standard (*Section 1.8*) to allow concrete sidewalks on Congress Street and Gilman Street;

3. The Planning Board voted 6-0 (Silk absent) to find, based upon the consulting civil engineer's review (*Attachment 4*), that extraordinary conditions exist or undue hardship may result from strict compliance with the *Technical Manual* standard (*Section 5.11*) which requires that redevelopment projects meet the Chapter 500 standards regarding BMP sizing requirements, that substantial justice and the public interest are secured with the variation in this standard, and that the variation is consistent with the intent of the ordinance. The Planning Board waives the *Technical Manual* standard (*Section 5.11*) to allow a subsurface stormwater system with less surface area than required per the design criteria.
4. The Planning Board voted 6-0 (Silk absent) to find, based on staff review, that extraordinary conditions exist or undue hardship may result from strict compliance with the *Technical Manual* standard (*Section 12.2.3*) which establishes average and maximum illumination levels of 1.25 footcandles and 5 footcandles respectively, that substantial justice and the public interest are secured with the variation in this standard, and that the variation is consistent with the intent of the ordinance. The Planning Board waives the *Technical Manual* standard (*Section 12.2.3*) to allow an average illumination level within the green roof area of 1.84 footcandles and average and maximum illumination levels on the street frontage of 1.34 and 5.4 footcandles respectively.

B. TRAFFIC MOVEMENT PERMIT

On the basis of the application, plans, reports and other information submitted by the applicant; findings and recommendations contained in the Planning Board Report for the public hearing on December 17, 2018 for application 331-2018 relevant to Portland's technical standards and other regulations; and the testimony presented at the Planning Board hearing, the Planning Board voted 6-0 (Silk absent) to find that the proposed plan is in conformance with 23 MRSA 704-A and Chapter 305 Rules and Regulations pertaining to Traffic Movement Permits, subject to the following conditions of approval, which must be met as follows:

1. In conjunction with TDM reporting requirements, the applicant shall provide documentation regarding employee parking patterns. Should this documentation show that rates of employee use of the St. John Street garage are lower than anticipated, MMC shall identify measures to be implemented to address this issue for review and approval by the Department of Public Works and Planning Authority;
2. Within three months following full occupancy of the Employee Parking Garage on St. John Street and the completion of the St. John Street improvements as required by Dunkin' Donuts, the applicant shall conduct a monitoring study of the Park Avenue/Valley Street intersection, with methods and scope to be approved by the Department of Public Works. Should the monitoring study show that safety-related improvements as discussed in the Traffic Impact Study are necessary, the applicant shall design and implement such improvements with the review and approval of the Department of Public Works and Planning Authority;
3. Within three months of the removal of the traffic signal at Valley Street and full occupancy of the Employee Garage at St. John Street, the applicant shall conduct a monitoring study of the Congress Street/Gilman Street intersection, with methods and scope to be approved by the Department of Public Works. Should the monitoring study show that safety-related improvements as discussed in the Traffic Impact Study are necessary, the applicant shall design and implement such improvements with the review and approval of the Department of Public Works and Planning Authority;
4. Within three months following full occupancy of the Employee Garage on St. John Street, the applicant shall conduct a monitoring study of the St. John Street/A Street intersection, with methods and scope to be approved by the Department of Public Works. Should the monitoring study show that safety-related improvements as discussed in the Traffic Impact Study are necessary, the applicant shall design and implement such improvements with the review and approval of the Department of Public Works and Planning Authority;
5. The applicant shall submit a plan for improving wayfinding to the existing MOB Parking Garage and the Visitor Garage on Congress Street in order to help mitigate sudden stops within this section of roadway for

review and approval by the Department of Public Works and the Planning Authority and Planning Authority; and

6. Within one year of certificate of occupancy, the applicant shall conduct a monitoring study of the section of Congress Street between Forest Street and Weymouth Street. If crash patterns are not mitigated, the applicant shall develop and implement a mitigation plan with the review and approval by the Department of Public Works and Planning Authority.

C. DEVELOPMENT REVIEW and SITE LOCATION OF DEVELOPMENT

On the basis of the application, plans, reports and other information submitted by the applicant; findings and recommendations contained in the Planning Board Report for the public hearing on December 17, 2018 for application 331-2018; and the testimony presented at the Planning Board hearing, the Planning Board voted 6-0 (Silk absent) to find that the plan is in conformance with the site plan standards of the land use code, the MMC IOZ Regulatory Framework, and the Site Location of Development regulations, subject to the following conditions of approval, which must be met as follows:

Prior to permission to complete site work in advance of building permit:

1. The applicant shall provide final, revised utility plans addressing the comments of the city's consulting civil engineer with respect to catch basin locations and conflicts, callouts, inlet information, conversion of catch basins to drainage manholes, and underground utility conflicts for review and approval by the Department of Public Works and Planning Authority;
2. The applicant shall provide evidence of sewer capacity for review by the Planning Authority, and any utility modifications post-approval shall be submitted to the Department of Public Works and Planning Authority for review and approval;
3. The applicant shall provide a revised Construction Management Plan addressing comments related to vibration monitoring, maintenance of traffic, and provisions for right-of-way work for review by the Department of Public Works and the Planning Authority;

Prior to building permit application:

4. The applicant shall provide final, revised site plans and details, stamped by a licensed professional engineer, addressing the comments of the city's Transportation Program Manager with respect to multi-modal access and circulation, public transit access, and on-street parking for review and approval by the Department of Public Works and the Planning Authority;
5. The applicant shall submit revised landscape plans addressing street tree and sidewalk planting area comments for review and approval by the City Arborist and the Planning Authority;
6. The applicant shall provide documentation from the Department of Public Works with respect to the storm event modeled within the stormwater management calculations and proposed connections to existing drainage and sewer systems for review and approval by the Planning Authority;

Prior to the issuance of a building permit:

7. The applicant shall provide evidence of license agreements for proposed building encroachments into the right-of-way, including proposed footings and building overhangs, for review and approval by Corporation Counsel and the Planning Authority;
8. The applicant shall provide evidence of FAA approvals for review by the Planning Authority;

Prior to the issuance of a certificate of occupancy:

9. The applicant shall provide evidence of a public pedestrian easement for all areas of sidewalk that are proposed on private property for review and approval by Corporation Counsel and the Planning Authority;
10. The applicant shall provide a final, recorded maintenance agreement for the granite banding proposed within the Congress Street sidewalk and raised tree wells to be reviewed and approved by Corporation Counsel and the Planning Authority;
11. The applicant shall submit a revised master sign plan addressing staff comments related to sign size, design, and placement for review and approval by the Planning Authority;
12. The applicant shall provide a revised Pedestrian Network Plan, including updated diagrams, proposed Western Promenade improvements, sidewalk materials, and public circulation and access points for review and approval by the Planning Authority.
13. A licensed engineer in the state of Maine shall provide certification that the stormwater system is installed according to plan and that there are weekly reports confirming compliance with erosion and sedimentation measures during construction for review and approval by the Department of Public Works and Planning Authority; and
14. The developer/contractor/subcontractor must comply with conditions of the construction storm water management plan and sediment and erosion control plan based on City standards and state guidelines. The owner/operator of the approved stormwater management system, and all assigns. shall comply with the conditions of Chapter 32 Storm water including Article III, Post Construction Stormwater Management, which specifies the annual inspections and reporting requirements. A maintenance agreement for the stormwater drainage system shall be submitted for review by Corporation Counsel. Once approved, the document shall be signed and recorded at the Cumberland County Registry of Deeds, with copies to both the Planning Authority and the Department of Public Works.

The approval is based on the submitted plans and the findings related to site plan review standards, the requirements of MMC's Institutional Overlay Zone, Site Location of Development Act standards, and Traffic Movement Permit standards contained in the Planning Board report for application 331-2018, which is attached.

STANDARD CONDITIONS OF APPROVAL

The following standard conditions of approval and requirements apply to all approved site plans and must be met prior to the issuance of a building permit, unless otherwise noted:

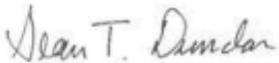
1. Performance Guarantee and Inspection Fees A performance guarantee covering the site improvements, inspection fee payment of 2.0% of the guarantee amount and three (3) final sets of plans must be submitted to and approved by the Planning and Urban Development Department and Public Works Department prior to the release of a building permit, street opening permit or certificate of occupancy for site plans. If you need to make any modifications to the approved plans, you must submit a revised site plan application for staff review and approval.
2. Defect Guarantee A defect guarantee, consisting of 10% of the performance guarantee, must be posted before the performance guarantee will be released.
3. Preconstruction Meeting Prior to the release of a building permit or site construction, a pre-construction meeting shall be held at the project site. This meeting will be held with the contractor, Development Review Coordinator, Public Works representative and owner to review the construction schedule and critical aspects of the site work. At that time, the Development Review Coordinator will confirm that the contractor is working from the approved site plan. 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.

4. Separate Building Permits Are Required This approval does not constitute approval of building plans, which must be reviewed and approved by the City of Portland's Permitting and Inspections Department.
5. Department of Public Works Permits If work or obstructions will occur within the public right-of-way, such as utilities, curb, sidewalk, driveway construction, site deliveries and equipment siting, a Street Opening and/or Occupancy Permit (s) is required for your site. Please contact the Department of Public Works Permit Clerk at 874-8300, ext. 8828. (Only excavators licensed by the City of Portland are eligible.)
6. Construction Management Plans The applicant, contractor and subcontractors are required to conform to the approved Construction Management Plan, and all conditions contained within the project's approval, for the entire duration of the project. Any amendments to the approved Construction Management Plan shall be reviewed and approved by the Department of Public Works prior to the execution. The Planning Authority and the Department of Public Works have the right to seek revisions to an approved Construction Management Plan. The applicant shall coordinate the project's construction schedule with the timing of nearby construction activities to avoid cumulative impacts on a neighborhood and prevent unsafe vehicle and pedestrian movements. Accordingly, nearby construction activities could involve a delay in the commencement of construction.
7. As-Built Final Plans Prior to certificate of occupancy, final sets of as-built plans shall be submitted digitally to the Planning and Urban Development Department, on a CD or DVD, in AutoCAD format (*.dwg), release AutoCAD 2005 or greater.
8. Site Plan Expiration The site plan approval will be deemed to have expired unless work has commenced within one (1) year of the approval or within a time period up to three (3) years from the approval date as agreed upon in writing by the City and the applicant. Requests to extend approvals must be received before the one (1) year expiration date.
9. Develop Site According to Plan The site shall be developed and maintained as depicted on the site plan and in the written submission of the applicant. Modification of any approved site plan or alteration of a parcel which was the subject of site plan approval after May 20, 1974, shall require the prior approval of a revised site plan by the Planning Board or Planning Authority pursuant to the terms of Chapter 14, Land Use, of the Portland City Code.

The Development Review Coordinator must be notified five (5) working days prior to the date required for final site inspection. The Development Review Coordinator can be reached at the Planning and Urban Development Department at 874-8632. 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 Nell Donaldson, Planner, at (207)874-8723 or hcd@portlandmaine.gov.

Sincerely,



Sean Dundon, Chair
Portland Planning Board

Attachments:

1. Planning Board report
2. Performance Guarantee Packet

PLANNING BOARD REPORT PORTLAND, MAINE



MMC Congress Street Hospital Building
22 Bramhall Street
Level III Site Plan
Project #000331-2018
53-D-7
Maine Medical Center, Applicant

Submitted to: Portland Planning Board Public Hearing Date: December 17, 2018	Prepared by: Nell Donaldson, Senior Planner Date: December 14, 2018
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I. INTRODUCTION

Maine Medical Center (MMC) appears before the Planning Board for a final hearing on the third phase of the short-term expansion proposed in their 2017 Institutional Development Plan. This phase involves the demolition of the existing 360,000 SF Gilman Street employee parking garage and replacement with a 285,000 hospital building. As proposed, the hospital building would house 64 private patient rooms, 19 procedure rooms, and connections to both the Congress Street corridor and the interior of the Bramhall campus. The proposal is subject to the standards of the Maine Medical Center Institutional Overlay Zone (MMC IOZ) and qualifies for Level III site plan review under the city's land use code. The application also qualifies as an amendment to an existing Site Law permit under the state's Site Location of Development Act, for which the city has delegated review authority. Advertisement of this workshop appeared in the *Portland Press Herald* on December 6 and 7, 2018. In addition, 254 notices were sent to property owners within 500 feet and the interested citizens list.

The Planning Board met on October 23 and November 13, 2018 to review the preliminary plans for MMC's proposed Congress Street hospital building, focusing on urban design, transportation, and stormwater aspects of the review. This hearing provides an opportunity to review final plans submitted in response to earlier staff comments.

Applicant: Maine Medical Center

Consultants: Will Conway, Sebago Technics; Jeff Keilman, Perkins & Will; Randy Dunton, Gorrill-Palmer; Turner Construction

II. REQUIRED REVIEWS

<i>Waiver Requests</i>	<i>Applicable Standards</i>
<i>Driveway width – to allow a driveway approximately 35' in width</i>	<i>Technical Manual Section 1.7.2.4 – Maximum widths shall not exceed 24' for two-way access. Supported by staff.</i>
<i>Sidewalk material – to allow concrete sidewalks with granite banding on Congress and Gilman Streets</i>	<i>Technical Manual Section 1.8 – The City sidewalk materials policy shall be consulted to determine the appropriate type of sidewalk construction. Supported by staff.</i>
<i>Stormwater treatment system design criteria – to allow a surface area for the subsurface system of 3,134 SF</i>	<i>Technical Manual Section 5.11.D – Redevelopment projects shall provide stormwater treatment in accordance with the General Standards of Chapter 500. (Minimum surface area of 3,883 SF to treat the proposed project and Visitor Garage.) Supported by consulting civil engineer.</i>
<i>Exterior lighting – to allow maximum and average illumination levels of 5.4 fc and 1.34 fc respectively</i>	<i>Technical Manual Section 12.2.3 - Maximum illumination levels shall be 5.0 fc and average illumination levels shall be no more than 1.25 fc. Supported by staff.</i>

<i>Review</i>	<i>Applicable Statute</i>
Institutional Overlay Zone	<i>Section 14-282</i>
Site Plan	<i>Section 14-526</i>
Site Location of Development	<i>Technical Manual Section 14</i>

III. PROJECT DATA

Existing Zoning	Institutional Overlay Zone
Existing Use	Structured parking
Proposed Use	Hospital building – 19 procedure rooms, 64 inpatient rooms
Parcel Size	12.5 acres (contiguous Bramhall campus)

	<i>Existing</i>	<i>Proposed</i>	<i>Net Change</i>
Building Footprint	36,000 SF	50,000 SF	14,000 SF
Building Floor Area	360,000 SF	285,000 SF	-75,000 SF
Impervious Surface Area	398,575SF	412,862SF	14,287SF
Parking Spaces	3,279 (for entire campus, including employee garage)	3,279	0
Bicycle Parking Spaces	193 (campus-wide)	193	0

IV. CONTEXT

Maine Medical Center’s Institutional Development Plan (IDP), approved by the Planning Board in the fall of 2017, laid the groundwork for a major hospital expansion over the next decade. The short- and long-term expansion plans proposed in the IDP were designed to respond to an emergent clinical need for private beds, to retire aging facilities which no longer meet the needs of patients and visitors, to reorganize the campus to address evolving best practice in health care design, and to centralize parking for employees and visitors. As of the fall of 2018, the hospital has received site plan approval for two of the three projects that comprise the hospital’s short-term development plan – the vertical expansions of the East Tower and Visitor Garage and the construction of the Employee Garage at 190 St. John Street. The third project, a new 285,000 SF hospital building with a major entrance on Congress Street, is under consideration here.

The site of the proposed Congress Street hospital building lies on the northwest corner of MMC’s Bramhall campus, at the intersection of Congress and Gilman Streets (*Figure 1*). The bulk of the Bramhall campus sits up gradient behind the site. The Maine Sleep Institute lies to the west across Gilman Street, commercial properties face the site from the north across Congress Street, and MMC’s Visitor Garage lies to the east. The site is currently occupied by MMC’s Gilman Garage.

The site lies within the MMC Institutional Overlay Zone (IOZ), a zoning designation adopted into the land use code by the City Council in November of 2017 (*Figure 2*). The IOZ establishes use and dimensional standards which govern proposed development by MMC within the zone, as well as a series of general development standards. Development within the IOZ which meets the criteria for site plan review is also subject to the site plan standards of the land use code.



Figures 1 & 2:
Project site land
use context
(above)
and
zoning context
(below)

V. PROPOSED DEVELOPMENT

The site plan application includes the demolition of the existing 360,000 SF Gilman Garage, which has stood on the site since the mid-1970s and is nearing the end of its useful life. Following demolition, significant site work is proposed, including substantial regrading, utility work, and the installation of an underground stormwater detention and treatment facility.

The new 285,000 SF building which is proposed to replace the Gilman Garage would contain circulation space and pre-operative/recovery rooms on the first floor, a second floor containing 19 procedure rooms, and inpatient rooms on the third and fourth floors. A landscaped roof garden is proposed with access from the 3rd floor. Connections to the upper campus would be provided through a vertical tower at the southeast corner of the building, with access from the fifth, sixth, and seventh floors of this tower.

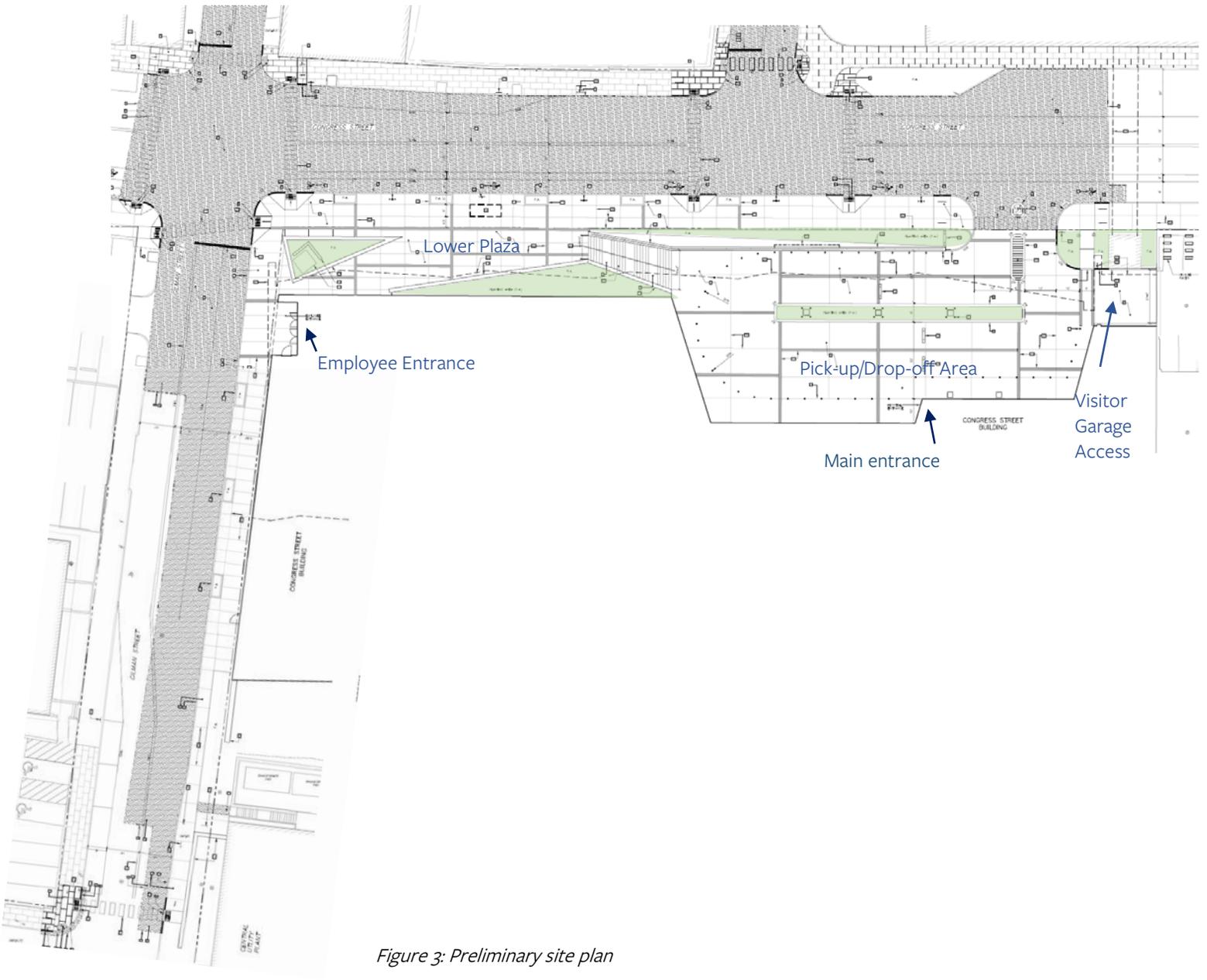


Figure 3: Preliminary site plan



Figures 4 and 5: View from Forest Street looking south across Congress Street, existing (above) and proposed (below)

The building has been designed to function as a major point of entry to the hospital, giving the campus a new face on Congress Street and a new way of engaging with the neighborhoods that surround it. The building's most active areas, including circulation and lobby spaces, are oriented towards Congress Street, where significant amounts of glass are proposed. The building would lie between 20 and 30 feet from the right-of-way line on Congress Street and directly adjacent to the right-of-way line on Gilman Street.

The site plan includes an arrival area tucked partly below the second floor at the easterly end of the building. This turnaround would provide access for vehicles, pedestrians, and bicyclists destined for the main building entrance as well as vehicles entering the visitor garage. The turnaround is proposed in hardscape, with shade-tolerant plantings in the center. This area would be held by a significant retaining wall at the Congress Street property line, one-story above a separate plaza space with plantings and low seating walls at the northwesterly corner of the site. A broad stairway is proposed to join these two exterior spaces.

VI. PUBLIC COMMENT

Two written public comments were received by the Planning Division (*Attachments PC-1 and PC-2*). These comments raised questions regarding the number of trees and tree species, plant species in general, snow ban parking arrangements, the scope of the traffic study area, traffic safety in the study area, and the Traffic Movement Permit process.

At the October 23 workshop, there was one public comment from the author of one of the written comments, which focused on the loss of existing trees and plant selection. This member of the public requested native species be used where possible, and suggested more trees in the planting areas, as well as irrigation.

At the November 13 workshop, the Planning Board considered the second public comment within the public comment period. Again, this comment raised questions regarding the Traffic Movement Permit scope, analysis, and process.

The applicant hosted a neighborhood meeting on Wednesday, October 17 (*Attachment MM*). This meeting included discussion about the St. John employee garage as well as the Congress Street medical building. There were six attendees. Discussion covered design, construction impacts, and anticipated traffic impacts. Questions and comments included concerns about blank facades, explanation of future expansion phases, property surveys, loss of existing trees, and new tree selection.

VII. RIGHT, TITLE, & INTEREST

The MMC IOZ is only applicable to properties to which MMC has right, title, or interest. The applicant has provided evidence of right, title, and interest in the property for which the project is proposed. (*Attachment C*).

The final plans show an encroachment into the right-of-way at the northwest corner of the building, where the third floor is proposed to overhang the property line (Plan 53). Building footings are also proposed within the right-of-way. A condition of approval has been drafted to address these encroachments. The final plans also show several areas of sidewalk on private property. As is customary in cases like these, public access easements will be required. This has also been included as a condition of approval.

VIII. FINANCIAL & TECHNICAL CAPACITY

The applicant has provided a description of the project team and a letter regarding their financial capacity (*Attachments H and I*).

IX. ZONING ANALYSIS – INSTITUTIONAL OVERLAY ZONE REGULATORY FRAMEWORK

As noted above, the site lies within the Maine Medical Center Institutional Overlay Zone, which establishes use, dimensional, and development standards for MMC projects within its bounds. The project has been reviewed for conformance with these standards. Staff comments are below.

a. *Use*

The proposed use of the building, as a hospital, is permitted within the IOZ.

b. *Dimensional Requirements*

The applicant has submitted a zoning assessment which documents that the project meets dimensional requirements related to building height, build-to lines, and setbacks (*Attachment E*).

c. *Design*

New buildings within the IOZ are required to adhere to the design guidelines of the IDP. These design guidelines were written to promote campus cohesion, neighborhood compatibility, pedestrian-scaled edges, the use of high quality materials, the integration of gateway features, and quality of long-views. In their final submittal, the applicant has provided elevations (*Plans 32, 33, and 34*), renderings (*Plans 36-43*), and a design narrative addressing these guidelines (*Attachment JJ*).

Caitlin Cameron, the city's Urban Designer, has documented the results of the city's review of the final plans (*Attachment I*). This review generally finds that the building design meets the design standards of the IDP. Additional discussion on the building interface with the public realm is provided under the site plan review below.

d. *Signs*

Signs within the IOZ are required to conform to a unified, campus-wide signage plan and relate in proportion and character to building facades and adjacent street typology. In their final submittal, MMC has provided a master sign plan (*Attachment II*). Generally, the sign plan proposes to replace the existing sign program with new signs in the existing locations. Staff previously commented on consistency of design throughout the Maine Medical Center campus, scale of signs in relation to the pedestrian realm, traffic sight lines and safety at driveway locations, material selection, limiting the number of signs, and placement.

The final design review by Ms. Cameron includes a discussion of the master sign plan (*Attachment I*). In the final master sign plan submittal, the height and number of signs were reduced where possible in response to staff comment. The material was also revised to eliminate the stone veneer component; instead the signs use metal with consistent materials, text, lighting, and colors. Some discrepancies remain within the master sign plan, showing signs that have been removed from the project or showing different types of signs for the same location. In addition, staff do not support the large graphic introduced on the back side of the signs and find this to be inappropriate in these historic streetscapes.

Staff suggest a condition of approval that the master sign plan be updated to address five outstanding comments:

Correct any errors regarding sign placement or type

Remove the "Susie's Story" graphic and text components from the back of signs

Clarify shape and type of sign at the corner of Congress Street and Gilman Street

Remove street signs as shown on pages 30 and 31. Revisions to the blue H signage will be coordinated between staff and the applicant separate from this campus sign plan.

Provide documentation showing that signs proposed on Bramhall Street and Wescott Street are to be placed on MMC-owned property.

e. *Transportation*

The IOZ requires the submission of a Transportation Demand Management plan. The review of this TDM plan is discussed under site plan review below.

Per the IOZ, parking requirements are to be established at the time of site plan review based on a parking study that examines campus-wide supply and demand. In their final submittal, MMC speaks to existing and projected parking demand and supply in both their traffic and parking analysis (*Attachment J*) and in their TDM plan (*Attachment R*). The previously-reviewed Employee Garage project, as well as the Visitor Garage expansion, have been designed to accommodate parking demand generated by the Congress Street hospital building.

f. *Environment*

The IOZ requires that development proposed by MMC be designed to integrate with the surrounding context. Review comments related to this standard can be found under site plan review below.

g. *Mitigation Measures*

The IOZ requires that MMC mitigate impacts to off-premise infrastructure in a manner proportionate to those impacts. Review comments related to this standard can be found under site plan review below.

h. *Neighborhood Integration & Neighborhood Engagement*

The IOZ also requires that MMC engage neighbors consistently through ongoing community engagement and through periodic and more intensive engagement during construction periods. MMC continues to hold regular meetings of the Expansion Group established to communicate with surrounding neighborhoods during construction and use their website, www.mmc.org/modernization, to communicate with the public more broadly. In addition, MMC and the surrounding neighborhoods are currently working on the formation of a standing Neighborhood Advisory Committee, as required under the IOZ. A draft of the charter for this committee is attached (*Attachment RR*).

i. *Construction Management*

A construction management plan is required under the provisions of the IOZ. The applicant has provided a revised construction management plan in the final submittal (*Attachment KK*). Construction is proposed on a three-year timeline, with occupation estimated for fall of 2022. Demolition is proposed over a six-month period, progressing from west to east. Demolition debris would be processed in place and hauled from the site via truck. Construction will be accomplished using a tower crane; the pad is proposed to lie entirely on MMC property.

A dust control and monitoring plan is proposed, as is a noise mitigation plan and process for addressing noise concerns. The plan includes air quality monitoring and vibration monitoring provisions. The vibration monitoring provisions include site surveys on Gilman Street, A Street, and Congress Street, pre-construction baseline monitoring, and continuous monitoring during excavation. Given general concerns regarding vibration monitoring during construction, staff is requesting additional clarity around the site survey element of this approach. In accordance with the IOZ, the construction management plan also contains a communication component, including a plan for public noticing and processing construction concerns.

With respect to traffic movement during construction, the applicant has proposed to install a construction fence 12' off the existing Congress Street curblin and 10' from the Gilman curblin. Two-way traffic would be maintained on both streets. The south-side sidewalk along Congress Street would be closed, with pedestrian detours proposed for eastbound pedestrians at the Gilman/Congress intersection and for westbound pedestrians at the mouth of the MMC Visitor Garage. The sidewalk on the east-side of Gilman Street would also be closed. Trucks would enter the site through gates at the Congress/Gilman intersection, the existing garage entrance on Gilman Street, and the Forest Street/Congress Street intersection.

In the final submittal, the applicant has responded to previous staff comments regarding the provision of temporary pedestrian and bicycle infrastructure adjacent to the site on Congress Street during construction. A temporary sidewalk is not recommended by the applicant. They have committed to providing share-the-road signs on Congress Street and Gilman Street as a means of accommodating bicycle traffic. Thomas Errico, the city’s consulting traffic engineer, has reviewed the final construction management plan and writes,

It is recommended that further discussion on the duration of the Congress Street sidewalk closures be included.

Supplemental pedestrian safety devices will be required during the sidewalk closure time period (to safely cross pedestrians for the sidewalk detour).

All sidewalk detours shall be ADA compliant.

Changes to the lane configuration on Congress Street west of Gilman Street is likely and may need to be included in the plan.

A significant amount of construction activity will be required for utility and street construction work and specific plans shall be development for review and approval.

A condition of approval has been suggested to address outstanding comments on the construction management plan.

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

The application has been reviewed against the submittal requirements of the site plan ordinance. In the final site plan submittal, MMC has identified several required federal and state permits. These include FAA permits for both the crane and the building, and amended Site Location of Development (SLOD) and Traffic Movement Permits (TMP), which are issued by the city under its delegated review authority from the state. SLOD and TMP reviews are discussed below. The FAA permits are outstanding. A condition of approval has been suggested to address this requirement.

In addition, the final site plans are not stamped by a professional engineer. An engineer’s stamp is also suggested as a condition of approval.

XI. SITE PLAN REVIEW (Section 14-526)

The proposed development has been reviewed for conformance with the relevant review standards of the City of Portland’s site plan ordinance. Staff comments are below.

1. Transportation Standards

a. Impact on Surrounding Street Systems

The proposed Congress Street medical building, although not designed to increase the number of patient beds at MMC, is anticipated to add 200 employees to the MMC campus by 2023 and 324 employees by 2026. Altogether, this increase in employees is estimated to generate over 100 AM, PM, and Saturday peak hour trips. As a result, a Traffic Movement Permit (TMP) is required.

It should be noted that previous MMC site plans reviewed by the city, including the 2013 Bean 2 addition, the East Tower and Visitor Garage expansion approved in early 2018, and the Employee Garage approved in mid-2018, have not individually met the trip generation thresholds for Traffic Movement Permits. As a result, TMPs were not required for those projects. However, as required under TMP regulations, the current TMP application does include analysis of previously approved expansions by MMC, including the Bean 2 addition, in order to assess total change in trip generation on the campus over the past ten years.

The trip generation estimated in the TMP application is based on a projected employment number for 2026, approximately five years following initial occupancy of the new medical building (*Attachment J*). These trips have been assigned to the roadway network based on both existing employee travel data and observations of the existing transportation system. The traffic study has taken projected shifts in routing into account; for example, the demolition of the existing Employee Garage and the construction of the new Employee Garage on St. John Street will affect employee trips within the immediate study area, shifting traffic away from Gilman Street and towards St. John, and the addition of an entrance on Congress Street will also shift some traffic currently destined for the Bramhall entrance. Lastly, MMC has calculated trip generation associated with the proposed shuttle service from the Employee Garage on St. John Street to both the new north entrance and the existing Bramhall entrance. Mr. Errico has reviewed this methodology and writes,

The results of the traffic modeling analysis for area transportation roadways is based on the assumption that most MMC employees will parking in the proposed St. John Street parking garage and not utilize other parking options, particularly on-street. It is recommended that the Applicant provide documentation that employees are parking in MMC parking facilities and identify measures, to be reviewed and approved by City staff, to be implemented to address this issue. It is recommended that this documentation be provided in conjunction with TDM reporting requirements.

A condition of approval has been drafted to address this comment.

As is customary, the traffic analysis includes a discussion of impacts to roadway capacity, including level of service (LOS) and queue analyses at 11 nearby intersections stretching from Park Street/St. John Street east to Bramhall Street/Congress Street and south to Valley Street/Commercial Street. The level of service analysis, which assumes some imminent changes in the roadway network, such as the elimination of the Congress Street/Valley Street signal, generally shows acceptable levels of service, with some marginal negative impacts, for example to overall level of service at the Congress Street/St. John Street intersection at the AM and PM peak hours. Other intersections, such as Park Street/St. John Street, are anticipated to improve in LOS in the post-development condition. Queue lengths are anticipated to increase on many intersection approaches. However, all intersection approaches studied are anticipated to operate at LOS D or better in the post-development condition.

The traffic analysis provides an examination of existing crash data within the study area for the most recent three-year period. This data shows that there are seven high crash locations within the area studied, including four intersections and three street segments. The traffic study includes an analysis of crash patterns observed at these locations, including pedestrian and bicycle collisions, and in some cases recommends modifications to roadway design, signal timing, or signs to mitigate safety concerns. Mr. Errico has reviewed the analysis and provides the following outstanding comments,

The Park Avenue/Valley Street intersection is a High Crash Location...Given significant future changes to the area, the Applicant shall conduct a monitoring study following the opening of the St. John Street Parking Garage and completion of the St. John Street improvements as required by Dunkin Donuts. The methods and scope of the Study shall be approved by City staff. Any improvements required in conjunction with the monitoring study shall be the responsibility of the Applicant.

The Congress Street/Gilman Street intersection is a High Crash Location. The Applicant suggests that the future removal of the traffic signal at Congress Street/Valley Street may mitigate crashes...The Applicant shall conduct a monitoring study of the intersection following removal of the traffic signal at Valley Street and the opening of the St. John Street Parking Garage. The

methods and scope of the Study shall be approved by City staff. Any improvements required in conjunction with the monitoring study shall be the responsibility of the Applicant.

The St. John Street/A Street is a High Crash Location. The Applicant suggests that traffic volume reductions may mitigate crashes. The new employee parking garage will increase traffic volumes in the area and may negatively impact conditions...The Applicant shall conduct a monitoring study of the intersection following the opening of the St. John Street Parking Garage. The methods and scope of the Study shall be approved by City staff. Any improvements required in conjunction with the monitoring study shall be the responsibility of the Applicant.

Congress Street in the vicinity of the project has been classified as a High Crash Location. The Applicant has prepared an improvement plan that considers multi-modal activity/facilities in creating a safe Complete Street. It is my professional opinion that the proposed project will significantly alter the characteristics of the corridor and thus will change motorist behavior. Accordingly, I find the improvement plan to be acceptable with the following conditions:

- The Applicant shall improve/enhance wayfinding to the existing MOB Parking Garage and the Visitor Garage. Advance directional signage should help to mitigate sudden stops that may have been a contributing factor in crashes. A signage plan shall be provided for review and approval by City staff.*
- The Applicant shall conduct a monitoring study following the opening of the new Medical Office Building. If crash patterns are not mitigated, the Applicant is responsible for the development of a mitigation plan for review and approval by City staff. Implementation of the approved plan will be the responsibility of the Applicant.*

A condition of approval has been drafted to address these comments. With these conditions, Mr. Errico has recommended approval of a Traffic Movement Permit for the project (*Attachment 2*).

b. Access and Circulation

In the final submittal, the applicant has provided revised site plans, as well as a diagram for the pick-up/drop off area that shows proposed circulation patterns (*Attachment K*). The final plans include modifications to curbing and striping along Congress Street between Valley Street and Weymouth Street, and on Gilman Street between A Street and Congress Street. Bruce Hyman, the city's Transportation Program Manager, has reviewed the plans and provides the following general comments,

The Applicant is responsible for relocation of utility structures (e.g. hydrants, catch basins, etc.) in order to implement the proposed design.

Provide final details for improvements in the right-of-way, including sidewalks, crosswalks, curb ramps, driveway aprons, detectable warning panels, curbing, tree wells, bus shelter, curb extensions, etc.

Revise striping plan to retain south side parking east of the Visitor's Garage entrance/exit to just west of Bramhall where the climbing lane will transition to Shared Lane Markings (centered in the travel lane). Show (north to south) an 8' parking lane, 11' travel lanes, a 6' climbing bicycle lane, and an 8' parking lane. This section should continue to Bramhall Street to the east. Please provide plans for restriping the entirety of Congress from Valley Street to Bramhall St/Deering Ave. The outside bike lane lines are to be dashed 6" lines for a minimum of 50' in advance of an intersection and through the intersection.

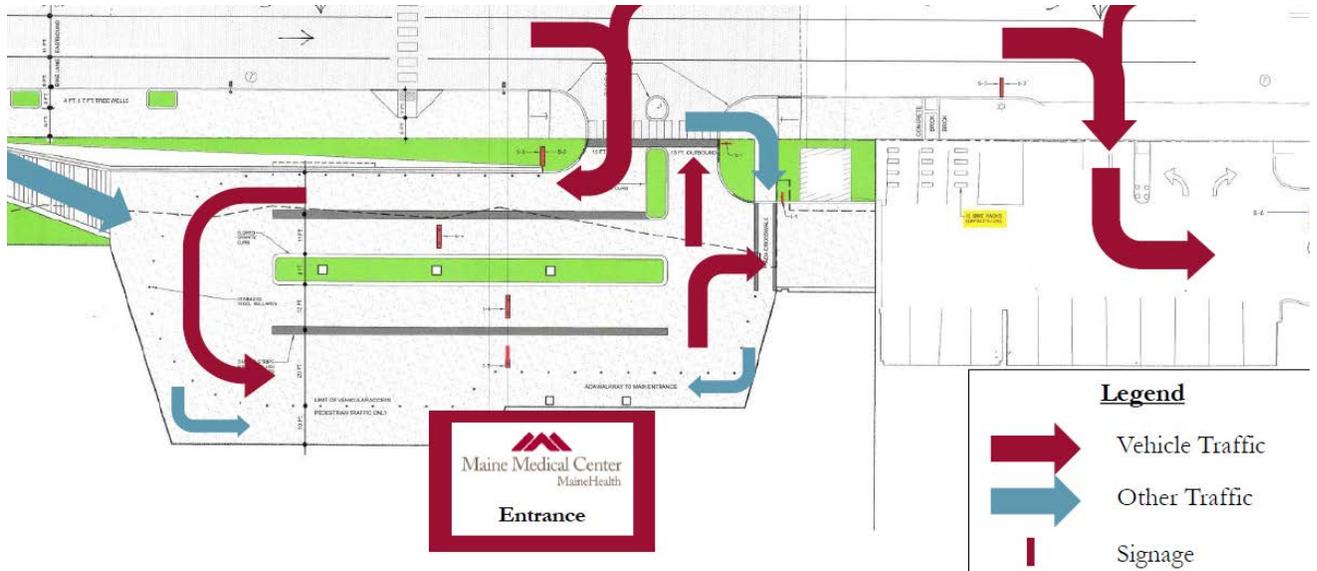


Figure 7: Proposed pick-up/drop-off circulation

16' travel lanes are too wide for the WB approach to Valley Street. Retain existing westbound left turn pocket to Valley Street.

A condition of approval has been drafted to address these comments.

Vehicle Access

Vehicles are proposed to access the site via a pick-up/drop-off loop located partially underneath the proposed building (Figure 7). This turnaround is proposed with access from Congress Street through a two-way driveway with a center island, approximately 35' in width. Given the width proposed, which exceeds the technical standard, a waiver is required. This waiver is supported by staff.

The pick-up/drop-off area has been designed based on observations of MMC's existing Bramhall entrance. As proposed, the pick-up/drop-off would operate as a one-way, counterclockwise loop, with storage capacity for up to 11 vehicles. The loop would provide direct access to the front door, as well as the Visitor Garage to the east. Exiting visitors could access the loop directly from the Visitor Garage and from there exit to Congress Street.

Bicycle Access

As previously requested by staff, the final plans show a climbing eastbound bicycle lane on Congress Street. In his general comments above, Mr. Hyman has requested that this climbing bike lane be continued to Bramhall Street to the east. From the bicycle network, bicycles would enter the pick-up/drop-off loop integrated with vehicular traffic. Covered bicycle parking is proposed in the ground floor of the adjacent Visitor Garage. In his final review of the bicycle accommodations in the plan, Mr. Hyman writes,

Revise plans to show shared bicycle lane markings in the westbound travel lane on Congress Street from Deering Avenue to St. John Street, centered in the travel lane.

Bike lanes are to be a minimum of 6' adjacent to a parking lane.

A condition of approval has been drafted to address these comments.

Pedestrian Access

The applicant's final submittal includes a Pedestrian Network Plan required as part of the approved IDP. This plan shows pedestrian connections and access points across the campus. Caitlin Cameron, the city's urban designer, has reviewed the plan and offers the following comments,

All diagrams should be updated to reflect proposed improvements not currently shown.

Future Pedestrian Network plan should include Western Promenade improvements associated with the garage site plan approval.

Sidewalk Material Plan should indicate future material rather than existing conditions.

Describe how the public circulation and access points will be indicated.

A condition of approval has been suggested to address these comments.

The final site plans include new concrete sidewalks on Congress Street and Gilman Street, which converge at an open plaza space at the northwest corner of the site. This plaza, which would lie adjacent to the employee shuttle bus pickup/drop off, is proposed in concrete as well, with granite seating walls rimming the two proposed planting areas. The plaza leads to a wide stair in granite, which provides direct pedestrian access to the main entrance via the turnaround above.

As noted previously, the applicant has proposed concrete sidewalks, although both the Congress Street and Gilman Street sidewalks are designated as brick in the City's sidewalk material policy. In their most recent submittal, MMC has clarified the need for a sidewalk material waiver within the Pedestrian Network Plan and provided a formal waiver request. Staff support the use of concrete sidewalk material in front of the new building on Congress Street and Gilman Street, given that the concrete sidewalks would provide continuity to the private plaza design. In the final plans, MMC shows granite banding within the sidewalks on Congress Street. A maintenance agreement for this granite banding has been suggested as a condition of approval. Final sidewalk details should also be provided as noted in comments above.

The applicant's final plans show sidewalk improvements not only in front of the proposed medical building on Congress Street, where a 14' sidewalk is proposed, but also west to the Valley Street intersection. Curb extensions are proposed at Congress Street and Valley Street to reduce crossing distances. In his review of the sidewalk design, Mr. Hyman writes,

Confirm that the design accounts for the fire hydrant on the northwest corner of Congress at Forest Street (the location of the proposed ramp serving the Congress St crossing)

Provide curb re-alignments, possibly to include curb extensions at southwest and northwest corners of Gilman and Congress. Further guidance will be provided.

Curb extension width should be maximum 6' in extent (measured from curb line), using 10' radii.

A condition of approval has been drafted to address these comments.

As requested, the applicant's final site plan also shows a sidewalk on the east side of Gilman Street extending south to A Street. A crosswalk is proposed at the A Street intersection. Of this sidewalk, Mr. Hyman writes,

Document clear sidewalk distance around remaining CMP pole and guy wire in proposed the Gilman Street sidewalk. Note that a 5' minimum sidewalk clear width is required around all obstructions in the sidewalk.

Staff has suggested a condition of approval to address this comment.

Within the proposed pick-up/drop-off area, pedestrians would access the front door via bollard-protected routes against the building face. The ADA-accessible route is proposed from the sidewalk at the northeast corner of the site.

Shuttle Access

The site plan application includes details regarding the proposed shuttle operations between the Employee Garage on St. John Street and the new medical building (*Attachment J*). Employee access from shuttles to the medical building is proposed via card reader through doors at the northwest corner of the building. The Congress Street shuttle route would drop off and pick up employees from this door, operating on a counterclockwise loop via Valley Street, A Street, Gilman Street, Congress Street, and St. John Street. Altogether, MMC proposed to operate 13 shuttles on 15 minute headways during peak hours, seven of which would serve the Congress Street drop off area. A shuttle would also provide access from the Employee Garage to the Bramhall entrance with a route via Danforth, Vaughan, and the Western Promenade.

Staff has reviewed the shuttle drop-off design and raised some questions regarding the length of the queuing area proposed on Gilman Street, which is proposed at approximately 170' in length. Mr. Hyman writes,

The shuttle storage lane appears excessive in length. Please provide documentation on the number of shuttles likely to queue here at the same time (recognizing that the TMP application indicates that seven shuttles will run to this location on 15 minute headways.)

Final design of this area has been suggested as a condition of approval. It is assumed that, with the reduction in this queuing lane, all existing parking on the west side of Gilman Street in this location could be retained.

c. Public Transit Access

The site is located on several METRO routes, including METRO Route 1 with cross-peninsula service to Munjoy Hill, Route 9 with service to Deering and North Deering, the METRO Breez from the north, as well as the ShuttleBus Zoom from the south. There are existing transit stops on Congress at Gilman Street and Weymouth Street. Early in the site plan review for the Congress Street hospital building, METRO identified consolidation of these existing stops, in conjunction with their broader bus stop consolidation effort, as a priority for this stretch of Congress Street.

As requested, the final plans include a bus shelter on the south side of Congress Street, and a corresponding bus stop on the north side of Congress Street directly in front of the proposed medical building. The grading plan shows ADA accessible grades around the shelter site, with 5' of clearance in front of the shelter and 4.5' to the right-of-way line behind.

The final plans also show a stop on the north side of Congress west of Forest Street, which results in the loss of several parking spaces. METRO has confirmed that they would prefer an inline transit stop east of Forest Street in the outbound direction, which will mean that the loss of on-street parking is not necessary.

In his review of the transit facility design, Mr. Hyman writes,

Provide final details on METRO shelter, including distances to curb and property line. The shelter design may require further review.

Relocate the north side METRO stop to east of the Forest Street intersection, as METRO has indicated a preference for an inline westbound stop in this location. Show existing parking on north side in front of Salvage to remain from Forest Street to Gilman Street.

A condition of approval has been suggested to address these comments.

d. Parking

The hospital building is proposed with no on-site parking for employees. Instead, off-site parking would be provided at the Employee Garage on St. John Street, with shuttle and pedestrian access between this new facility and the employee entrance on Gilman Street. With regard to visitors, parking is proposed at the adjacent Visitor Garage. Access to this parking is proposed directly from the pick-up/drop-off loop. It should be noted that valet parking is also proposed from within the turnaround area.

On-street parking currently exists on the north side of Congress Street directly across from the proposed hospital building in the block between Gilman Street and Forest Street. As noted above, a condition of approval has been drafted to preserve this on-street parking. In addition, there is existing on-street parking on Congress Street east of the hospital building near Weymouth Street and on Gilman Street south of Congress Street, which is proposed for modification in the final plans. As noted above, staff has suggested striping changes in these areas. This will preserve on-street parking in these locations. Regarding the design of on-street parking more generally, Mr. Hyman writes,

On-street parking should generally be shown as a striped parking lane (individual spaces should not be delineated). The line may vary in off-set from the curb to define a narrower parking lane next to a bike lane (e.g., 7') or be wider (e.g., 8'-9') to reduce the width an adjacent travel lane (11'-12' through travel lanes desired, 9'-10' left turn lanes).

This comment has been addressed within the conditions of approval.

Twelve bicycle racks are proposed within the ground floor of the adjacent Visitor Garage, with access from the pick-up/drop-off turnaround. These racks would provide space for 24 bicycles. Almost 200 bicycle parking spaces are currently provided on the MMC campus.

e. Snow Storage

The submittal states that the applicant will contract with a property management company to remove snow from the site. A snow melting system is proposed within the pick-up/drop-off area.

f. Transportation Demand Management

Because MMC had not yet hired a TDM coordinator at the time of the preceding site plan review for the Visitor Garage and East Tower expansion, that site plan was approved with a condition that the applicant submit a TDM plan prior to issuance of a certificate of occupancy for the East Tower. To satisfy this condition, a TDM plan was included and reviewed under the site plan application for the Employee Garage at 222 St. John Street, then resubmitted under this application (*Attachment R*). This most recent version of the TDM plan has been informed by MMC's TDM coordinator, and includes a summary of current employee commuting behavior, an analysis of baseline employee parking demand, and a description of existing TDM measures employed by MMC. In the short term, the plan targets a reduction in MMC's parking demand/employee ratio of 2% (or approximately 50 spaces, assuming no change in the number of employees) and in the long term, the plan targets a 5% reduction (or 114 spaces, assuming no change in the

number of employees). The plan lays out a series of strategies designed to achieve those targets, including full transit pass subsidies, implementation of a guaranteed ride home program, a reassessment of parking pricing in the mid-term, enhanced data collection, and improved education and incentives. Additionally, MMC has pledged in their TDM plan to participate in regional partnerships to improve employee travel choice. Annual monitoring reports will be provided to the city.

2. *Environmental Quality Standards*

a. *Preservation of Significant Natural Features*

The applicant has provided documentation to confirm that there are no critical habitats, conserved lands, or protected wetlands on the site (*Attachment S*).

b. *Landscaping and Landscape Preservation*

The final plans show five landscape zones, one of which is proposed to serve patients and visitors to the hospital through a roof garden, and the others of which are proposed at ground level on the Congress Street and Gilman Street frontages (*Plans 10 and 26-28*). The applicant has shown low, evergreen plantings contained within a center island in the arrival area; evergreen climbers, evergreen groundcover, and accents of grass along Congress Street; and triangular seating areas with evergreen groundcover and accent feather reed grass in the plaza at the northwesterly corner of the site. Blueberries and bayberry are proposed along the Gilman Street sidewalk.

The final plans show five honey locust trees in raised tree wells along the Congress Street frontage and three honey locusts in raised tree wells along the Gilman Street frontage. Three serviceberries are also proposed on the Gilman Street frontage to the immediate south of the proposed building. The raised tree well design is proposed with right-angle corners, as opposed to the radius corners preferred by the city for maintenance reasons. Final staff comments include the following:

Staff has suggested a maintenance agreement surrounding the upkeep of these tree wells.

Staff has also suggested that street trees be added to the plans on the south side of Congress Street between Valley Street and Gilman Street. These trees should be specified as honey locusts, in keeping with those to the east of the Gilman Street intersection.

Staff further comments that planting areas adjacent to sidewalk should be designed to be viable and reflect urban environment and pedestrian patterns. These sidewalk-adjacent planting areas should be protected with a curb or planter wall edge to prevent wash out onto the sidewalk and protect the plantings from walking, plows. The planting areas shown on Congress Street and Gilman Street should be revised to include curb edges.

In addition, staff do not think the planting area shown adjacent to the Congress Street out-going driveway is viable and should be converted to concrete as an extended sidewalk where pedestrians will be entering the property.

Revisions to the landscape plans have been suggested as a condition of approval.

c. *Water Quality/Storm Water Management/Erosion Control*

Staff has also conducted a review of final stormwater management plans. It should be noted that the stormwater system for the medical building is subject to a condition of approval from the site plan review for MMC's East Tower vertical expansion. Over the course of this previous review, there was substantial discussion regarding the potential for hospital connection to separated storm drains in Gilman Street, as opposed to the existing combined system in Congress Street, which drains to the city's most active CSO.

Given existing grades and a complicated network of existing utilities, connection to the separated system was not deemed feasible. As a result, the East Tower was approved subject to a condition which requires that the stormwater system for this Congress Street building “add detention capacity in lieu of stormwater separation in order to reduce the burden of the existing and proposed development on the City’s infrastructure.”

In keeping with this condition, the Congress Street hospital building stormwater management plan addresses treatment standards, but also focuses on reducing the rate of runoff to the Congress Street combined sewer. The applicant’s design includes a subsurface sand filter below the proposed turnaround area, which has been sized to detain and treat not only roof runoff from the proposed Congress Street building, but also the rooftop runoff from the existing Visitor Garage, which currently drains undetained to the combined sewer in Congress Street. During storm events, the subsurface sand filter would hold stormwater runoff prior to discharge to the combined sewer in Congress Street. In addition, the applicant has proposed a green roof treatment on the 2nd floor roof at the building’s rear.

Mike Geuthle, of Wright-Pierce, the city’s consulting civil engineer, has reviewed the plans, including the requested surface area waiver. Of this waiver, he writes,

General Standard: The applicant has provided information regarding the size and scope of the project indicating the project is subject to the Redevelopment Standard within the City of Portland.

The MaineDEP Stormwater BMP manual indicates that, “The surface area of the filter must be no less than the sum of 5% of the impervious area and 2% of the landscaped area draining to the system.”. The proposed system exceeds this threshold in order to accommodate additional surface areas to meet other City goals.

The applicant has provided the following reasoning: 1. Limited sedimentation loading from impervious surfaces due to high percentage of roof areas; 2. Additional pre-treatment is provided in the form of an isolator row; 3. An additional amount of pre-treatment is provided for the garage location through an existing separator unit; 4. Through these three items, the proposed amount of nutrient loading, total suspended solids, and temperature pollution entering the system will be less than other permitted land uses entering the system.

Based on the information provided, we agree that the pollutant loading to the system is anticipated to be limited by the oversized pre-treatment devices, and by the large portion of roof surfaces which typically convey fewer pollutants than many other impervious surfaces.

One other concern is flow rate to the filter from large impervious surfaces. Materials testing during construction is recommended to confirm that the flow rate through the media will match the design permeability.

Regarding the plans in general, Mr. Geuthle writes,

Discharge to Combined Sewer Overflow (CSO) Locations: The applicant has provided information for pre-development and post-development flow rates to the combined sewer system for a 1-inch, 24-hour rain event. This storm event has been mentioned in previous discussions with the applicant and City Department of Public Works (DPW). The applicant has requested written confirmation from City DPW to ensure that all involved parties agree with evaluating this storm event for the CSO location, and has indicated that this confirmation will be provided as it becomes available. This item can be a condition of approval.

Connection to Existing System: The applicant has asked for a written or e-mail confirmation from the Department of Public Works that proposed connections to existing drainage and sewer systems are being completed in accordance with City of Portland Code of Ordinances section 14-526 (b) 3.a, subsection iii and iv. The applicant has indicated that this confirmation will be provided as it becomes available. This item can be a condition of approval.

Plan modifications:

- i. CB 13370 (NE Corner) and CB 12640 (SW corner) are existing basins that are located in proposed crosswalks. If these structures have eccentric cones, rotate them so they are outside of the crosswalk.*
- ii. Structures in ROW are proposed to have eccentric cones. A note should be added to the construction plans indicating that covers and frames should be rotated to be outside of wheel travel lane locations.*
- iii. Sheet C-11: SD-16 callout is obstructed or missing, and should be included on the construction plans.*
- iv. Sheet C-11: Existing Storm Drain Structure Data table shall be updated to include inlet from Pipe SD-13*
- v. Sheet C-11: Existing CB 13395 rim/frame/cover should be reviewed: Other CBs located in sidewalks are being raised and converted to Drainage Manholes (DMHs). Applicant shall confirm if this structure is to remain a CB or a DMH.*

A condition of approval has been suggested to address these comments.

3. Public Infrastructure and Community Safety Standards

a. Consistency with Related Master Plans

The site plan application is generally deemed consistent with related master plans.

b. Public Safety and Fire Prevention

The final plans include 8" fire service from the Gilman Street water main, as well as 8" fire service from the Congress Street main. The applicant has also provided a life safety plan which documents code compliance (*Attachment Z*). Robert Thompson, of the Fire Prevention Bureau, has reviewed the final plans (*Attachment 5*). He has noted that the address for the proposed building will be 900 Congress Street.

c. Availability and Capacity of Public Utilities

With respect to utilities, the applicant has proposed 6" domestic service from an existing water main in Congress Street, as well as 6" domestic service from a main in Gilman Street. A capacity letter from PWD has been provided (*Attachment AA*). Sewer service is proposed from existing 12" main in Gilman Street as well as an existing 12" main in Congress Street. Electrical service is proposed to run underground from existing above ground service on Gilman Street both the north and the south of the site. All utility poles along the Gilman and Congress frontages of the site would be removed.

Mr. Geuthle has reviewed the plans and writes,

The applicant has indicated that capacity to serve letters from utilities will be provided as they become available. [Note that the PWD capacity letter has been received.] This may be considered a condition of approval for the project. The Capacity to Serve process will require a level of coordination between the applicant and utility companies and typically includes compliance with applicable utility standards and details. Central Maine Power and Consolidated Communications should review the plan and verify the depiction of changes to primary electrical and communication lines, respectively

Minor modifications to utility layout and design from the capacity to serve process are anticipated, and shall be submitted to the City prior to construction.

The Applicant shall coordinate with the City should the utility layout plan include additional transformer units, pole relocations, or impacts to water or sewer infrastructure.

Sheet C-11: There appear to be conflicts with underground utilities at several structures and pipes. Applicant shall provide additional information for location of proposed utilities at the following pipes and structures: Storm Drain 9, Sanitary Sewer 9, Catch Basin 7, Catch Basin 10

A condition of approval has been suggested to address these comments.

4. Site Design Standards

a. Massing, Ventilation, and Wind Impact

The applicant has provided documentation with respect to the bulk, location, and height of the proposed building (*Attachment BB*). None of these features are deemed likely to result in ventilation or wind impacts.

b. Shadows

The applicant has also provided shadow studies from the MMC Institutional Development Plan (*Attachment CC*). These studies show that the project is not anticipated to result in shadows on publicly accessible open space.

c. Snow and Ice Loading

The applicant has provided documentation on snow and ice loading (*Attachment DD*). The project is not anticipated to result in snow or ice accumulation on public ways or adjacent properties.

d. View Corridors

The project does not abut a protected view corridor.

e. Historic Resources

The project does not lie within or adjacent to a historic district.

f. Exterior Lighting

In the final submittal, the applicant has provided lighting cut sheets for exterior lighting proposed in the plaza area and turnaround, as well as the upper level green roof and along the Gilman Street façade (*Attachment GG*). All of these fixtures are either downlights or lights to be shielded beneath building or bench overhangs. The final plans also show new street lights on Congress Street.

The applicant has provided photometric plans that document the proposed average and maximum illumination levels. Waivers are necessary with respect to both of these standards. These waivers are supported by staff given the nature of the use involved, where 24-hour access by the public is necessary.

g. Noise and Vibration

The applicant has provided documentation stating that mechanical equipment will largely be located in the basement of the proposed building, with some HVAC units on the roof toward the interior of the campus and away from abutting properties (*Attachment HH*).



Figures 7 and 8: View from Congress Street looking east, existing (above) and proposed (below)



Figures 9 & 10: Rendering of main entrance; Night rendering from Congress Street

i. Signage and Wayfinding

As noted above, the applicant has provided a revised campus-wide signage plan in the final submission (*Attachment II*). New signs are proposed as part of the Congress Street medical building and are evaluated for consistency with the master sign plan. All three of these signs are proposed at Congress Street at the grade level and vary in scale for pedestrian and car wayfinding. A new sign appears at the gateway corner of Gilman Street and Congress Street is intended to both mask an existing utility box in this location and signal the main campus. The materials and design are consistent with the master plan. The CS.1 project monument sign facing Congress Street is proposed to be internally lit individual letters; other signs using punch through letters, also internally lit. Ms. Cameron has reviewed the sign plan and provides the following additional comments:

Justify the height of the CS.2 Building Identification sign at the driveway entrance which appears to be as tall as 14' at the sidewalk level.

Clarify the shape and placement of CS.3 which is shown differently on different plans – will this screen the telephone box from both directions?

These questions will be resolved through the proposed condition of approval regarding the master sign plan.

j. Zoning-Related Design Standards

The proposed building will replace the existing parking structure at Congress and Gilman Streets and occupy a dominant, gateway position on the MMC campus from the St. John Street approach from Congress Street. The overall building height, as observed in the long-view renderings, is not readily visible from most long distances. A future addition on top of this building will be more impactful on the long views of the campus.

The applicant sought preliminary staff guidance on the design approach for the building and plaza areas prior to submitting this site plan application. The resulting design provides a strong architectural statement at a prominent corner and fulfills the goals of the IOZ for a building that creates a new gateway on Congress Street with a character and material palette that is cohesive with the campus. The stated MMC vision includes integrating inside and outside – achieved here through the high level of fenestration, the entry under the building overhang, the atrium that connects to the street and the sky, the green roof, as well as a “50 year palette” that selects materials based on cues from nature to create timeless environment. This vision includes Sky, Sea, and Land as concepts for material/color selection. The building has a clear, solid base plinth on top of which is the more airy and transparent active and public spaces. The building overhang creates a contemporary form that makes a strong statement appropriate for the gateway location of the building but also gives the building a clear orientation to Congress Street. Cohesiveness is created with design elements found here and in the other recently approved Phase I projects – use of white materials and glass, vertical windows and articulation elements.

The staff design review memo provides a complete analysis of all the applicable design guidelines and staff review for the Congress Street medical building (*Attachment 1*). This project was reviewed according to the adopted IOZ standards. Previously, staff and the board focused on the following topics:

- Building interface with the ground level and public realm, especially Gilman Street and the landscape design
- Level of activity as it relates to the IDP guidelines
- Legibility of entrance and pedestrian routes

- Building and site lighting, especially related to CPTED and safety concerns

Previously, the Board focused on the relationship of the building to the sidewalk and the legibility and accessibility of the entry. Some revisions were made to delineate pedestrian areas from vehicular areas; however, the paving pattern and banding do not reinforce or directly mark those areas. Curbing, landscape areas, and bollards are being used to direct pedestrians. No changes were made to the building entrance to address these comments.

Generally, staff find the building design to meet the standards and are comfortable with the activity and safety aspects of the building interface with the public realm.

The streetscape design uses elements already found in the existing Congress streetscape and that varies somewhat from the *Technical Manual*. The variations in street tree wells, sidewalk material, and details are acceptable since they are continuing patterns already established in this block on the MMC frontage. The bus shelter should match METRO standards for consistency with the Congress streetscape and system-wide legibility. The street lights on Congress Street will continue the downtown decorative fixture, with Gilman Street relying on cobraheads and building lighting. Gilman is not designated for decorative street fixtures.

XII. SITE LOCATION OF DEVELOPMENT REVIEW

As noted above, the Congress Street medical building is subject to review as an amendment to an existing Site Location of Development approval issued by the city under its delegated review authority. The applicant has submitted an amended Site Location application (*Attachment QQ*). Findings of the review are summarized as follows.

1. *Financial and Technical Capacity*

MMC has provided documentation of financial and technical capacity (*Attachment QQ*).

2. *Traffic Movement*

See discussion of Traffic Movement Permit under site plan review above.

3. *No Adverse Effect on Natural Environment*

MMC has provided evidence that there will be no adverse impact on natural resources (*Attachment QQ*).

4. *Soil Types*

MMC has provided documentation that the proposed development will be built on soil types suitable to the nature of the project (*Attachment QQ*).

5. *Groundwater*

The review has found that the project meets state stormwater management standards (*Attachment 4*) and is not anticipated to impact groundwater resources.

6. *Infrastructure*

MMC has provided evidence to indicate that they have made adequate provisions for utilities.

7. *Flooding*

The project is not anticipated to cause flooding or an unreasonable flood hazard.

8. *Stormwater Management*

As noted above, the review has found that the project meets state stormwater management standards (*Attachment 4*). Third party monitoring of the installation of the stormwater system and erosion and

sedimentation control during construction shall be required.

XIII. STAFF RECOMMENDATION

Planning Division staff recommends that the Planning Board approve the proposed MMC Congress Street medical building at 900 Congress Street subject to the proposed motion and conditions of approval listed below.

XIV. PROPOSED MOTIONS FOR THE BOARD TO CONSIDER

A. WAIVERS

On the basis of the application, plans, reports and other information submitted by the applicant; findings and recommendations contained in the Planning Board report for the public hearing on December 17, 2018 for application 331-2018 relevant to Portland's technical and design standards and other regulations; and the testimony presented at the Planning Board hearing:

1. The Planning Board **finds/does not find**, based upon the consulting transportation engineer's review (*Attachment 2*), that extraordinary conditions exist or undue hardship may result from strict compliance with the *Technical Manual* standard (*Section 1.7.2.4*) which establishes a maximum driveway width of 24 feet for sites with two-way access, that substantial justice and the public interest are secured with the variation in this standard, and that the variation is consistent with the intent of the ordinance. The Planning Board **waives/does not waive** the *Technical Manual* standard (*Section 1.7.2.4*) to allow a driveway of 35 feet in width on Congress Street;
2. The Planning Board **finds/does not find**, based upon staff review, that extraordinary conditions exist or undue hardship may result from strict compliance with the *Technical Manual* standard (*Section 1.8*) which requires brick sidewalks on Congress Street and Gilman Street, that substantial justice and the public interest are secured with the variation in this standard, and that the variation is consistent with the intent of the ordinance. The Planning Board **waives/does not waive** the site plan standard (*Section 1.8*) to allow concrete sidewalks on Congress Street and Gilman Street;
3. The Planning Board **finds/does not find**, based upon the consulting civil engineer's review (*Attachment 4*), that extraordinary conditions exist or undue hardship may result from strict compliance with the *Technical Manual* standard (*Section 5.11*) which requires that redevelopment projects meet the Chapter 500 standards regarding BMP sizing requirements, that substantial justice and the public interest are secured with the variation in this standard, and that the variation is consistent with the intent of the ordinance. The Planning Board **waives/does not waive** the *Technical Manual* standard (*Section 5.11*) to allow a subsurface stormwater system with less surface area than required per the design criteria.
4. The Planning Board **finds/does not find**, based on staff review, that extraordinary conditions exist or undue hardship may result from strict compliance with the *Technical Manual* standard (*Section 12.2.3*) which establishes average and maximum illumination levels of 1.25 footcandles and 5 footcandles respectively, that substantial justice and the public interest are secured with the variation in this standard, and that the variation is consistent with the intent of the ordinance. The Planning Board **waives/does not waive** the *Technical Manual* standard (*Section 12.2.3*) to allow an average illumination level within the green roof area of 1.84 footcandles and average and maximum illumination levels on the street frontage of 1.34 and 5.4 footcandles respectively.

B. TRAFFIC MOVEMENT PERMIT

On the basis of the application, plans, reports and other information submitted by the applicant; findings and recommendations contained in the Planning Board Report for the public hearing on December 17, 2018 for application 331-2018 relevant to Portland's technical standards and other regulations; and the

testimony presented at the Planning Board hearing, the Planning Board finds that the proposed plan **is/is not** in conformance with 23 MRSA 704-A and Chapter 305 Rules and Regulations pertaining to Traffic Movement Permits, subject to the following conditions of approval, which must be met as follows:

1. In conjunction with TDM reporting requirements, the applicant shall provide documentation regarding employee parking patterns. Should this documentation show that rates of employee use of the St. John Street garage are lower than anticipated, MMC shall identify measures to be implemented to address this issue for review and approval by the Department of Public Works and Planning Authority;
2. Within three months following full occupancy of the Employee Parking Garage on St. John Street and the completion of the St. John Street improvements as required by Dunkin' Donuts, the applicant shall conduct a monitoring study of the Park Avenue/Valley Street intersection, with methods and scope to be approved by the Department of Public Works. Should the monitoring study show that safety-related improvements are necessary, the applicant shall design and implement such improvements with the review and approval of the Department of Public Works and Planning Authority;
3. Within three months of the removal of the traffic signal at Valley Street and full occupancy of the Employee Garage at St. John Street, the applicant shall conduct a monitoring study of the Congress Street/Gilman Street intersection, with methods and scope to be approved by the Department of Public Works. Should the monitoring study show that safety-related improvements are necessary, the applicant shall design and implement such improvements with the review and approval of the Department of Public Works and Planning Authority;
4. Within three months following full occupancy of the Employee Garage on St. John Street, the applicant shall conduct a monitoring study of the St. John Street/A Street intersection, with methods and scope to be approved by the Department of Public Works. Should the monitoring study show that safety-related improvements are necessary, the applicant shall design and implement such improvements with the review and approval of the Department of Public Works and Planning Authority;
5. The applicant shall submit a plan for improving wayfinding to the existing MOB Parking Garage and the Visitor Garage on Congress Street in order to help mitigate sudden stops within this section of roadway for review and approval by the Department of Public Works and the Planning Authority and Planning Authority; and
6. Within one year of certificate of occupancy, the applicant shall conduct a monitoring study. If crash patterns are not mitigated, the applicant shall develop and implement a mitigation plan with the review and approval by the Department of Public Works and Planning Authority.

C. DEVELOPMENT REVIEW and SITE LOCATION OF DEVELOPMENT

On the basis of the application, plans, reports and other information submitted by the applicant; findings and recommendations contained in the Planning Board Report for the public hearing on December 17, 2018 for application 331-2018 relevant to the site plan regulations and *Technical Manual* standards; and the testimony presented at the Planning Board hearing, the Planning Board finds that the plan **is/is not** in conformance with the site plan standards of the land use code, the MMC IOZ Regulatory Framework, and the Site Location of Development standards within the *Technical Manual*, subject to the following conditions of approval, which must be met as follows:

Prior to building permit application:

1. The applicant shall provide final, revised site plans and details, stamped by a licensed professional engineer, addressing the comments of the city's Transportation Program Manager

- with respect to multi-modal access and circulation, public transit access, and on-street parking for review and approval by the Department of Public Works and the Planning Authority;
2. The applicant shall submit revised landscape plans addressing street tree and sidewalk planting area comments for review and approval by the City Arborist and the Planning Authority;
 3. The applicant shall provide documentation from the Department of Public Works with respect to the storm event modeled within the stormwater management calculations and proposed connections to existing drainage and sewer systems for review and approval by the Planning Authority;
 4. The applicant shall provide final, revised utility plans addressing the comments of the city's consulting civil engineer with respect to catch basin locations and conflicts, callouts, inlet information, conversion of catch basins to drainage manholes, and underground utility conflicts for review and approval by the Department of Public Works and Planning Authority;
 5. The applicant shall provide evidence of sewer capacity for review by the Planning Authority, and any utility modifications post-approval shall be submitted to the Department of Public Works and Planning Authority for review and approval;

Prior to the issuance of a building permit:

1. The applicant shall provide evidence of license agreements for proposed building encroachments into the right-of-way, including proposed footings and building overhangs, for review and approval by Corporation Counsel and the Planning Authority;
2. The applicant shall provide a revised Construction Management Plan addressing comments related to vibration monitoring, maintenance of traffic, and provisions for right-of-way work for review by the Department of Public Works and the Planning Authority;
3. The applicant shall provide evidence of FAA approvals for review by the Planning Authority;

Prior to the issuance of a certificate of occupancy:

1. The applicant shall provide evidence of a public pedestrian easement for all areas of sidewalk that are proposed on private property for review and approval by Corporation Counsel and the Planning Authority;
2. The applicant shall provide a final, recorded maintenance agreement for the granite banding proposed within the Congress Street sidewalk and raised tree wells to be reviewed and approved by Corporation Counsel and the Planning Authority;
3. The applicant shall submit a revised master sign plan addressing staff comments related to sign size, design, and placement for review and approval by the Planning Authority;
4. The applicant shall provide a revised Pedestrian Network Plan, including updated diagrams, proposed Western Promenade improvements, sidewalk materials, and public circulation and access points for review and approval by the Planning Authority.
5. A licensed engineer in the state of Maine shall provide certification that the stormwater system is installed according to plan and that there are weekly reports confirming compliance with erosion and sedimentation measures during construction for review and approval by the Department of Public Works and Planning Authority;
6. The developer/contractor/subcontractor must comply with conditions of the construction storm water management plan and sediment and erosion control plan based on City standards and state guidelines. The owner/operator of the approved stormwater management system, and

all assigns. shall comply with the conditions of Chapter 32 Storm water including Article III, Post Construction Stormwater Management, which specifies the annual inspections and reporting requirements. A maintenance agreement for the stormwater drainage system shall be submitted for review by Corporation Counsel. Once approved, the document shall be signed and recorded at the Cumberland County Registry of Deeds, with copies to both the Planning Authority and the Department of Public Works.

X. ATTACHMENTS

PLANNING BOARD REPORT ATTACHMENTS

1. Urban Designer review (notes from Caitlin Cameron, 12/13/18)
2. Traffic Engineer review (memo from Thomas Errico, 12/13/18)
3. Transportation Program Manager review (memo from Bruce Hyman, 12/13/18)
4. Civil Engineer Review (memo from Mike Geuthle, 12/13/18)
5. Fire Prevention Bureau review (memo from Mike Thompson, 12/12/18)

PUBLIC COMMENT

PC1. Karen Snyder 10/24/18

PC2. Tim McNamara 11/13/18

APPLICANT'S SUBMITTALS

- A. Project Description
- B. Completed Application Checklist
- C. Right, Title, & Interest
- D. Evidence of State and Federal Approvals
- E. Zoning Assessment
- F. Existing and/or Proposed Easements
- G. Waiver Requests
- H. Financial Capacity
- I. Technical Capability
- J. Transportation Analysis
- K. Access and Circulation
- L. Loading and Servicing
- M. Sidewalks
- N. Public Transit
- O. Off-Street Parking
- P. Bicycle Parking
- Q. Snow Storage
- R. TDM Plan
- S. Preservation of Significant Natural Features
- T. Landscaping and Landscape Preservation
- U. Site Landscaping
- V. Parking Lot Landscaping
- W. Street Trees
- X. Water Quality
- Y. Consistency with City Master Plans
- Z. Public Safety and Fire Prevention
- AA. Adequacy of Public Utilities
- BB. Massing, Ventilation, and Wind Impact
- CC. Shadows
- DD. Snow and Ice Loading

- EE. View Corridors
- FF. Historic Resources
- GG. Exterior Lighting
- HH. Noise and Vibration
- II. Signage and Wayfinding
- JJ. Zoning-Related Design Standards
- KK. Construction Management Plan
- LL. Neighborhood Meeting Minutes 10/17/18
- MM. MMC Planning Board Workshop Presentation 10/25/18
- NN. Pedestrian Network Plan
- OO. Response to Comments 10/30/18
- PP. Response to Comments 11/27/18
- QQ. SLOD Application
- RR. Draft NAC Charter

PLANS

- Plan 1. Boundary Survey
- Plan 2. Boundary Survey
- Plan 3. Boundary Survey
- Plan 4. Demolition Plan
- Plan 5. Overall Site Plan
- Plan 6. Site Plan, Upper Congress
- Plan 7. Site Plan, Mid-Congress
- Plan 8. Site Plan, Lower Congress
- Plan 9. Site Plan, Gilman
- Plan 10. Site Plan, Green Roof
- Plan 11. Utility Plan
- Plan 12. Utility Plan, Main Entrance
- Plan 13. Plan and Profile, Utility Corridor
- Plan 14. Grading Plan, Upper Congress
- Plan 15. Grading Plan, Lower Congress
- Plan 16. Grading Plan, Gilman
- Plan 17. Level B Foundation Drainage Plan
- Plan 18. Level B Foundation Drainage Plan
- Plan 19. Level 1 Foundation Drainage Plan
- Plan 20. Details
- Plan 21. Details, Stormwater System
- Plan 22. Details, Stair Section
- Plan 23. Wall Details
- Plan 24. Erosion Control Plan
- Plan 25. Details, Public Sewer and Storm Drain
- Plan 26. Landscape Plan, Upper Congress
- Plan 27. Landscape Plan, Lower Congress
- Plan 28. Landscape Plan, Gilman
- Plan 29. Pre-Development Campus Watershed Plan
- Plan 30. Post-Development Campus Watershed Plan
- Plan 31. Post-Development Watershed Plan
- Plan 32. Exterior Elevation, North
- Plan 33. Exterior Elevation, West
- Plan 34. Exterior Elevation, South

- Plan 35. Rendering
- Plan 36. Rendering
- Plan 37. Rendering
- Plan 38. Rendering
- Plan 39. Rendering
- Plan 40. Rendering from 295
- Plan 41. Rendering from 295
- Plan 42. Congress Street Entrance Rendering
- Plan 43. Level B Plan
- Plan 44. Level 1 Plan
- Plan 45. Level 2
- Plan 46. Level 3
- Plan 47. Level 4
- Plan 48. Level 5 Plan
- Plan 49. Level 6 Plan
- Plan 50. Level 7 Plan
- Plan 51. Building Section
- Plan 52. Bed Floor plan- Area Overhang
- Plan 53. North Façade Calculations

Portland, Maine



Yes. Life's good here.

Jeff Levine, AICP

Director, Planning & Urban Development Department

Performance Guarantee, Inspection Fee, and Infrastructure Financial Contribution Packet

A. Site Plan/Subdivision Performance Guarantees Required

Portland's Land Use Code requires all developers with approved site plan and/or subdivision applications to submit a performance guarantee to the City prior to the start of any construction or site improvements. The performance guarantee represents 100% of the total cost of site improvements, as determined by the City. The code further requires developers to pay an inspection fee of 2% of the performance guarantee amount to the City for the administrative costs associated with inspecting construction activity to ensure that it conforms with plans and specifications. (Portland's Land Use Code, Sections 14-501 and 14-530)

B. Cost Estimate Form and Inspection Fee

The performance guarantee covers major site improvements related to site plan and subdivision review, such as paving, roadway, utility connections, drainage, landscaping, lighting, etc. Please submit an itemized cost estimate form to determine the detailed costs of both public and private site improvements to the Planning Division for review and approval. The cost estimate form is included as [Attachment 1](#). The approved amount on the Cost Estimate form is the amount to be covered by the performance guarantee and is the basis for calculating the 2% inspection fee.

C. Acceptable Types of Performance Guarantees

The accepted forms of a performance guarantee, covering the amount approved on the Cost Estimate form, must be one of the following options consistent with the attached templates, with **NO** exceptions:

1. A letter of credit from a bank/credit union (Attachment 2)
2. A deposit into a bank-held escrow account (Attachment 3)
3. A deposit into a City-held escrow account (Attachment 4)

NOTE: No land use application of any kind shall be processed, reviewed or issued, no signed subdivision plat shall be released or recorded, and no building permit of any kind shall be issued unless all fees have been paid and every aspect of the proposed development is in compliance with City Codes as determined by the Development Review Coordinator in the Planning Division.

The developer is eligible to receive up to three reductions from the performance guarantee in a calendar year equal to the estimated cost of the completed improvements. In no case, however, shall any performance guarantee be reduced 1) in any line item where improvements remain to be completed; or 2) to a value which is less than the estimated cost of completing all remaining required improvements; or 3) to a value less than 10% of the Performance Guarantee.

At the conclusion of the project, the City will release 90% of the performance guarantee after the Development Review Coordinator determines that site improvements have been satisfactorily completed at the time of the final inspection. The City will then retain a 10% defect guarantee to cover the workmanship and durability of materials used in construction. The defect guarantee will be released one (1) year from date of acceptance, subject to the Development Review Coordinator inspecting the site and finding it in compliance with the approved site plan.

D. Housing Replacement Performance Guarantees

For those projects that are subject to Portland's Housing Preservation and Replacement Ordinance (Section 24-483) and have an approved plan, then a performance guarantee is required for housing replacement. An owner or developer must post a performance guarantee in the form of a letter of credit in the amount equivalent to the amount the applicant would have been required to contribute to the City's Housing Fund, if the applicant had chosen that option. The guarantee shall be valid for no more than three years, after which the full amount shall be provided to the City's Housing Trust Fund, if replacement units meeting the code do not have certificates of occupancy. The guarantee can be released upon the issuance of a certificate of occupancy for the replacement units. A suggested template for a Housing Replacement Performance Guarantee is included as Attachment 5.

E. Infrastructure Accounts

Contributions to infrastructure accounts may be required as part of the conditions of site plan approval. The contributions must be submitted prior to the issuance of any permits, unless stated otherwise in the approval. The form for submitted required contributions is included as Attachment 6.

F. Administrative Process for Submitting Performance Guarantee

- **Step 1 - Cost Estimate**
Submit completed cost estimate form to Planning Division for review and approval. Once approved, use this total amount as the performance guarantee amount in Step 2.
- **Step 2 - Performance Guarantee**
Complete a draft of 1 of the 3 attached performance guarantee templates, inputting project specific information into blank and bracketed areas, and submit to the Planning Division for final approval. Once staff approved the draft, the applicant shall submit the official signed original performance guarantee document, which for option 1) or 2) must be on Bank/Credit Union letterhead with original signatures.
- **Step 3 - Submit Performance Guarantee, Inspection Fee, and Infrastructure Contributions**
Submit the final original Performance Guarantee, the required inspection fee, and any infrastructure contributions to the Planning Division. The Planning Division will confirm that the final documents are accurate and acceptable.
- **Step 4 - Release of Recording Plat and Permits**
Only after the performance guarantee is issued, fees paid, and all other conditions of site plan approval and compliance are met, will the recording plat be released for recording at the Cumberland County Registry of Deeds and/or City permits issued.

Contact: Please email the cost estimate form to jdealaman@portlandmaine.gov

After the cost estimate is approved, all subsequent paperwork can be submitted by mail to 389 Congress Street, 4th Floor, Portland, ME 04101, Attn: James Dealaman.

Please call 207-874-8721 with any questions.

Attachments

1. Cost Estimate of Improvements Form
2. Performance Guarantee Letter of Credit Form (with private financial institution)
3. Performance Guarantee Escrow Account Form (with private financial institution)
4. Performance Guarantee Escrow Form with the City of Portland
5. Housing Replacement Performance Guarantee Form
6. Infrastructure Financial Contribution Form with the City of Portland

6. SITE LIGHTING	_____	_____	_____	_____	_____	_____
7. EROSION CONTROL						
Silt Fence	_____	_____	_____	_____	_____	_____
Check Dams	_____	_____	_____	_____	_____	_____
Pipe Inlet/Outlet Protection	_____	_____	_____	_____	_____	_____
Level Lip Spreader	_____	_____	_____	_____	_____	_____
Slope Stabilization	_____	_____	_____	_____	_____	_____
Geotextile	_____	_____	_____	_____	_____	_____
Hay Bale Barriers	_____	_____	_____	_____	_____	_____
Catch Basin Inlet Protection	_____	_____	_____	_____	_____	_____
8. RECREATION AND OPEN SPACE AMENITIES	_____	_____	_____	_____	_____	_____
9. LANDSCAPING (Attach breakdown of the quantities of plant material and unit costs)	_____	_____	_____	_____	_____	_____
10. MISCELLANEOUS	_____	_____	_____	_____	_____	_____
TOTAL:	_____	_____	_____	_____	_____	_____
GRAND TOTAL:	_____	_____	_____	_____	_____	_____

INSPECTION FEE (to be filled out by the City)

	PUBLIC	PRIVATE	TOTAL
A: 2.0% of totals:	_____	_____	_____
<u>or</u>			
B: Alternative Assessment:	_____	_____	_____
Assessed by:	_____	_____	_____
	(name)	(name)	

TEMPLATE – PERFORMANCE GUARANTEE LETTER OF CREDIT

SITE PLAN/SUBDIVISION
PERFORMANCE GUARANTEE
LETTER OF CREDIT
[ACCOUNT NUMBER]

[Date]

Jeff Levine
Director of Planning and Urban Development
City of Portland
389 Congress Street
Portland, Maine 04101

Re: [Insert: Name of Applicant]
[Insert: Address of Project, Portland, Maine]
[Insert: Application ID #]

[Insert: Name of Bank/Credit Union] (hereinafter referred to as “Bank”) hereby issues its Irrevocable Letter of Credit for the account of [Insert: Name of Applicant] (hereinafter referred to as “Applicant”), held for the exclusive benefit of the City of Portland, in the aggregate amount of [Insert: amount of original performance guarantee]. These funds represent the estimated cost of installing site improvements as depicted on the [Insert: subdivision and/ or site plan], approved on [Insert: Date] and as required under the City of Portland Code of Ordinances Chapter 14 §§ 501, 530 and Chapter 25 §§ 46-65.

The City, through its Director of Planning and Urban Development and in his/her sole discretion, may draw on this Letter of Credit by presentation of a sight draft and the Letter of Credit and all amendments thereto, up to thirty (30) days before or sixty (60) days after its expiration, stating any one of the following:

1. the Applicant has failed to satisfactorily complete the work on the improvements contained within the [Insert: subdivision and/ or site plan] approval, dated [Insert date]; or
2. the Applicant has failed to deliver to the City a deed containing the metes and bounds description of any streets, easements or other improvements required to be deeded to the City; or
3. the Applicant has failed to notify the City for inspections.

In the event of the Bank’s dishonor of the City’s sight draft, the Bank shall inform the City in writing of the reason or reasons thereof within three (3) business days of the dishonor.

After all underground work has been completed and inspected to the satisfaction of the City, including but not limited to sanitary sewers, storm drains, catch basins, manholes, electrical conduits, and other required improvements constructed chiefly below grade, the City may authorize the Bank, by written certification, to reduce the available amount of the escrowed money by a specified amount.

The City of Portland Code of Ordinances Chapter 14 §§ 503 requires the duration of the performance guarantee term to be at least one year. This Letter of Credit will automatically expire on **[Insert date one year from the date of this Letter of Credit]** or on the date when the City determines that all improvements guaranteed herein are satisfactorily completed, whichever comes first (“Expiration Date”), provided that the expiration date does not fall between October 30th and April 15th. It is a condition of this Letter of Credit that the expiration date be automatically extended without amendment for period(s) of one year each from the current Expiration Date hereof, or any future Expiration Date, unless within thirty (30) days prior to any expiration, the Bank notifies the City by certified mail (restricted delivery to Brendan O’Connell, Director of Finance, City of Portland, 389 Congress Street, Portland, Maine 04101) that the Bank elects not to consider this Letter of Credit renewed for any such additional period.

In the event of such notice, the City, in its sole discretion, may draw hereunder by presentation of a sight draft drawn on the Bank, accompanied by this Letter of Credit and all amendments thereto, and a statement purportedly signed by the Director of Planning and Urban Development, at Bank’s offices located at _____ stating that:

this drawing results from notification that the Bank has elected not to renew its Letter of Credit No. _____.

On its Expiration Date or on the date the City determines that all improvements guaranteed by this Letter of Credit are satisfactorily completed, this Performance Guarantee Letter of Credit shall be reduced by the City to ten (10) percent of its original amount and shall automatically convert to an Irrevocable Defect Letter of Credit. Written notice of such reduction shall be forwarded by the City to the Bank. The Defect Letter of Credit shall ensure the workmanship and durability of all materials used in the construction of the **[Insert: subdivision and/ or site plan]** approval, dated **[Insert: Date]** as required by City Code §14-501, 530 and shall automatically expire one (1) year from the date of its creation (“Termination Date”).

The City, through its Director of Planning and Urban Development and in his/her sole discretion, may draw on the Defect Letter of Credit by presentation of a sight draft and this Letter of Credit and all amendments thereto, at Bank’s offices located at _____, prior to the Termination Date, stating any one of the following:

1. the Applicant has failed to complete any unfinished improvements; or
2. the Applicant has failed to correct any defects in workmanship; or
3. the Applicant has failed to use durable materials in the construction and installation of improvements contained within the **[Insert: subdivision and/ or site improvements]**.

Date: _____

By: _____

[Name]

[Title]

Its Duly Authorized Agent

TEMPLATE –ESCROW ACCOUNT WITH FINANCIAL INSTITUTION

SITE PLAN/SUBDIVISION
PERFORMANCE GUARANTEE
ESCROW ACCOUNT WITH FINANCIAL INSTITUTION
[ACCOUNT NUMBER]

[Date]

Jeff Levine
Director of Planning and Urban Development
City of Portland
389 Congress Street
Portland, Maine 04101

Re: [Insert: Name of Applicant]
[Insert: Address of Project, Portland, Maine]
[Insert: Application ID #]

[Insert: Name of Bank/Credit Union] (hereinafter referred to as “Bank”) hereby certifies to the City of Portland that [Bank] will hold the sum of [Insert: amount of original performance guarantee] in an interest-bearing account established with the Bank. These funds shall be held for the exclusive benefit of the City of Portland and shall represent the estimated cost of installing site improvements as depicted on the [Insert: subdivision and/or site plan], approved on [Insert: date] as required under the Portland Code of Ordinances Chapter 14 §§ 501, 530 and Chapter 25 §§ 46-65. All costs associated with establishing, maintaining and disbursing funds from the Escrow Account shall be borne by [Insert: Applicant].

[Bank] will hold these funds as escrow agent for the benefit of the City subject to the following:

The City, through its Director of Planning and Urban Development and in his/her sole discretion, may draw against this Escrow Account by presentation of a draft in the event that:

1. the Applicant has failed to satisfactorily complete the work on the improvements contained within the [Insert: subdivision and/ or site plan] approval, dated [Insert date]; or
2. the Applicant has failed to deliver to the City a deed containing the metes and bounds description of any streets, easements or other improvements required to be deeded to the City; or
3. the Applicant has failed to notify the City for inspections.

In the event of the Bank’s dishonor of the City’s sight draft, the Bank shall inform the City in writing of the reason or reasons thereof within three (3) business days of the dishonor.

After all underground work has been completed and inspected to the satisfaction of the City, including but not limited to sanitary sewers, storm drains, catch basins, manholes, electrical conduits, and other required improvements constructed chiefly below grade, the City may authorize the [Bank], by written certification, to reduce the available amount of the escrowed

money by a specified amount.

The City of Portland Code of Ordinances Chapter 14 §§ 503 requires the duration of the performance guarantee term to be at least one year. This Escrow Account will automatically expire on **[Insert date one year from the date of this Escrow Account]** or on the date when the City determines that all improvements guaranteed herein are satisfactorily completed, whichever comes first (“Expiration Date”), provided that the expiration date does not fall between October 30th and April 15th. It is a condition of this Escrow Account that the expiration date be automatically extended without amendment for period(s) of one year each from the current Expiration Date hereof, or any future Expiration Date, unless within thirty (30) days prior to any expiration, the Bank notifies the City by certified mail (restricted delivery to Brendan O’Connell, Director of Finance, City of Portland, 389 Congress Street, Portland, Maine 04101) that the Bank elects not to consider this Escrow Account renewed for any such additional period.

In the event of such notice, the City, in its sole discretion, may draw against the Escrow Account by presentation of a sight draft drawn on the Bank and a statement purportedly signed by the Director of Planning and Urban Development, at Bank’s offices located at _____ stating that:

this drawing results from notification that the Bank has elected not to renew its Escrow Account No. _____.

On its Expiration Date or on the date the City determines that all improvements guaranteed by this Escrow Account are satisfactorily completed, this Performance Guarantee shall be reduced by the City to ten (10) percent of its original amount and shall automatically convert to an Irrevocable Defect Guarantee. Written notice of such reduction shall be forwarded by the City to the Bank. The Defect Guarantee shall ensure the workmanship and durability of all materials used in the construction of the **[Insert: subdivision and/ or site plan]** approval, dated **[Insert: Date]** as required by City Code §14-501, 530 and shall automatically expire one (1) year from the date of its creation (“Termination Date”).

The City, through its Director of Planning and Urban Development and in his/her sole discretion, may draw on the Defect Guarantee by presentation of a sight draft at Bank’s offices located at _____, prior to the Termination Date, stating any one of the following:

1. the Applicant has failed to complete any unfinished improvements; or
2. the Applicant has failed to correct any defects in workmanship; or
3. the Applicant has failed to use durable materials in the construction and installation of improvements contained within the **[Insert: subdivision and/ or site improvements]**.

Date: _____

By: _____

[Name]

[Title]

Its Duly Authorized Agent

Seen and Agreed to: **[Applicant]**

By: _____

TEMPLATE - PERFORMANCE GUARANTEE ESCROW ACCOUNT
with the City of Portland

Applicant’s Tax Identification Number: _____

Applicant’s Name and Mailing Address: _____

City Account Number: _____

Application ID #: _____

Application of _____ [Applicant] for _____ [Insert
street/Project Name] at _____ [Address], Portland, Maine.

The City of Portland (hereinafter the “City”) will hold the sum of \$_____ [amount of performance
guarantee] on behalf of _____ [Applicant] in a noninterest bearing account
established with the City. This account shall represent the estimated cost of installing
_____ [insert: subdivision and/ or site improvements (as applicable)] as depicted
on the subdivision/site plan, approved on _____ [date] as required under the Portland Code of
Ordinances Chapter 14 §§ 501, 530and Chapter 25 §§46-65.

The City, through its Director of Planning and Urban Development and in his/her sole discretion, may draw
against this Escrow Account in the event that:

1. the Applicant has failed to satisfactorily complete the work on the improvements contained within
the _____ [insert: subdivision and/ or site improvements (as applicable)]
approval, dated _____ [insert date]; or
2. the Applicant has failed to deliver to the City a deed containing the metes and bounds description
of any streets, easements or other improvements required to be deeded to the City; or
3. the Applicant has failed to notify the City for inspections in conjunction with the installation of
improvements noted in paragraph one.

The Director of Planning and Urban Development may draw on this Guarantee, at his/her option, either
thirty days prior to the expiration date contained herein, or s/he may draw against this escrow for a period
not to exceed sixty (60) days after the expiration of this commitment; provided that the Applicant, or its
representative, will give the City written notice, by certified mail (restricted delivery to Brendan O’Connell,
Director of Finance, City of Portland, 389 Congress Street, Room 110, Portland, Maine) of the expiration of
this escrow within sixty (60) days prior thereto.

After all underground work has been completed and inspected to the satisfaction of the City, including but
not limited to sanitary sewers, storm drains, catch basins, manholes, electrical conduits, and other required
improvements constructed chiefly below grade, the City of Portland Director of Planning and Urban
Development or its Director of Finance as provided in Chapter 14 §§ 501, 530 of the Portland Code of
Ordinances, may authorize the City to reduce the available amount of the escrowed money by a specified
amount.

This Guarantee will automatically expire on [Insert date one years from the date of this performance
guarantee] (“Expiration Date”), or on the date when the City determines that all improvements guaranteed
by this Performance Guarantee are satisfactorily completed, whichever is later, provided that the expiration

date does not fall between October 30th and April 15th.

At such time, this Guarantee shall be reduced by the City to ten (10) percent of its original amount and shall automatically convert to an Irrevocable Defect Guarantee. Written notice of such reduction and conversion shall be forwarded by the City to **[the applicant]**. The Defect Guarantee shall expire one (1) year from the date of its creation and shall ensure the workmanship and durability of all materials used in the construction of the **[Insert: Subdivision and/ or site plan]** approval, dated **[Insert: Date]** as required by City Code §14-501, 525.

The City, through its Director of Planning and Urban Development and in his/her sole discretion, may draw on the Defect Guarantee should any one of the following occur:

1. the Applicant has failed to complete any unfinished improvements; or
2. the Applicant has failed to correct any defects in workmanship; or
3. the Applicant has failed to use durable materials in the construction and installation of improvements contained within the **[Insert: subdivision and/ or site plan]**.

Seen and Agreed to:

By: _____
[Applicant]

Date: _____

By: _____
****Planning Division Director

Date: _____

By: _____
Development Review Coordinator

Date: _____

Attach **Letter of Approval and Estimated Cost of Improvements** to this form.

Distribution

1. This information will be completed by Planning Staff.
2. The account number can be obtained by calling Cathy Ricker, ext. 8665.
3. The Agreement will be executed with one original signed by the Applicant.
4. The original signed Agreement will be scanned by the Planning Staff then forwarded to the Finance Office, together with a copy of the Cash Receipts Set.
5. ****Signature required if over \$50,000.00.

**TEMPLATE - PERFORMANCE GUARANTEE FOR
COMPLIANCE WITH HOUSING REPLACEMENT ORDINANCE**

Demolition and Housing Replacement
PERFORMANCE GUARANTEE
LETTER OF CREDIT
[ACCOUNT NUMBER]

[Insert Date]

Jeffrey Levine
Director of Planning and Urban Development
City of Portland
389 Congress Street
Portland, Maine 04101

Re: [Insert Project Address] Demolition and Housing Replacement

[Insert Name of Lender] (“Bank”) hereby issues its Irrevocable Letter of Credit for the account of **[Insert Name of Applicant]** (“Applicants”), held for the exclusive benefit of the City of Portland (“City”), in the aggregate amount of **[Insert exact amount to be determined by the City]**. These funds represent the estimated cost of **[Insert Amount]** for the housing replacement fee applicable to the demolition of **[insert number of units demolished]** dwelling units if no replacement units are constructed, as approved on _____ (“**Demolition Approval**”) and as required under Portland Code of Ordinances Chapter 14-483(j).

In the event that Applicant fails to satisfy its housing replacement obligation, the City, through its Director of Planning and Urban Development and in his/her sole discretion, may draw on this Letter of Credit by presentation of a sight draft and the Letter of Credit and all amendments thereto, if any.

The housing replacement requirement shall be deemed satisfied upon the City’s issuance of a Certificate of Occupancy for **[insert number of units to be replaced]** dwelling units located in the City of Portland provided that the aggregate size of the replacement units will be no less than 80% of the size of the aggregate of the original units.

After construction of each of the replacement units has been completed, the City, as provided in Chapter 14 of the Portland Code of Ordinances, may authorize the Bank, by written certification along with the return of the original of this Letter of Credit, to reduce the available amount of the escrowed money by the full amount of the Letter of Credit.

In the event of the Bank’s dishonor of the City of Portland’s sight draft, the Bank shall inform the City of Portland in writing of the reason or reasons thereof within three (3) business days of the dishonor.

The City of Portland Code of Ordinances Chapter 14 §§ 503 requires the duration of the performance guarantee term to be at least one year. This Letter of Credit will automatically expire on **[Insert date one year from the date of this Letter of Credit]** or on the date when the City determines that all improvements guaranteed herein are satisfactorily completed, whichever comes first (“Expiration Date”), provided that the expiration date does not fall between October 30th and April 15th. It is a condition of this

Letter of Credit that the expiration date be automatically extended without amendment for period(s) of one year each from the current Expiration Date hereof, or any future Expiration Date, unless within thirty (30) days prior to any expiration, the Bank notifies the City by certified mail (restricted delivery to Brendan O'Connell, Director of Finance, City of Portland, 389 Congress Street, Portland, Maine 04101) that the Bank elects not to consider this Letter of Credit renewed for any such additional period.

In the event that the Bank provides notice of its election to discontinue this Letter of Credit and Applicant has not satisfied its housing replacement obligation, the City, in its sole discretion, may draw hereunder by presentation of a sight draft drawn on the Bank, accompanied by this Letter of Credit and all amendments thereto, and a statement signed by the Director of Planning and Urban Development, at Bank's offices located at Portland Maine stating that:

this drawing results from notification that the Bank has elected to discontinue its Letter of Credit No. _____.

Date: _____ By: _____

[Name]

[Title]

Its Duly Authorized Agent

**Contribution Form (Watershed, Tree, and Infrastructure Accounts)
Planning and Urban Development Department - Planning Division**

Application ID:		Planner:	
Project Name:		Date of Form:	
Project Address:			
Applicant's Name:			
Applicant's Address:			
Project Description:			

TYPE OF CONTRIBUTION	Account #	Project Code	Funds Intended for:	Retained by City	Funds not Expended	Expiration Date:	Amount
Infrastructure #1	710-0000-236-98-00						\$
Infrastructure #2	710-0000-236-98-00						\$

TYPE OF CONTRIBUTION	Account #	Project Code	Funds Intended for:	Amount
Transportation Fund	710-0000-238-01-00			\$
Infrastructure (Tree Fund)	242-3100-341-00-00	PR0045		\$
Watershed (Nason's Brook)	257-3100-327.10-00	CFUP03		\$
Watershed (Fallbrook)	257-3100-327.10-00	CFUP02		\$
Watershed (Capisc Brook)	257-3100-327.10-00	CFUP01		\$

Total Amount:	\$
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* Funds not expended or encumbered by the expiration date, shall be returned to contributor within 6 months of said date.

* Office Use Only

FORM OF CONTRIBUTION: (Please check the applicable box below for an Infrastructure Account only)

Cash Contribution	
Escrow Account	

Interest on funds to be paid to contributor only if project is not commenced.

The City shall periodically draw down funds from Public Works, which form shall specify use of City Account # as shown above.

Electronic Distribution:

Tiffany Mullen, Finance Department
 Joanna Coey, Principal Financial Officer, Recreation and Facilities Mgt.
 Stuart O'Brien, City Planning Director
 Barbara Barhydt, Development Review Services Manager, Planning Division
 Jeremiah Bartlett, Public Services Department
 Christopher Branch, Public Services Director

Philip DiPierro, Development Review Coordinator, Planning Division
 Katherine Earley, Engineer Services Manager, Public Services
 Michael Farmer, Project Engineer, Public Services Department
 David Margolis Pineo, Deputy City Engineer, Public Services Department
 Jeff Tarling, City Arborist, Public Services Department
 Planner for the Project