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Mercy Health System – Fore River Campus
Private Development Restrictions – DRAFT

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1. Introduction

In accordance with requirements as set forth in the Contract Zone Agreement (CZA) between the City of Portland and Mercy Hospital and Mercy Health System of Maine, hereinafter referred to as "Mercy", and conditions of Site Plan Approval, this document constitutes in its entirety Private Development Restrictions that shall apply to all development and construction on the Mercy Fore River Campus following the initial construction of the Phase I hospital and medical office building facilities.

Background

Located on the Fore River between I-295 and the Veterans' Memorial Bridge, the 28 +/- acre Mercy campus is a highly visible "gateway" component at the base of the Portland peninsula's west end. The site is served by the Fore River Parkway (the "Parkway") and associated pedestrian and bicycle paths, making it easily accessible in addition to being a defining element in the urban fabric of the city.

The site is roughly divided into thirds: the northernmost containing the Phase I Mercy Hospital, medical office building, and parking; the central pond related area; and the southernmost area designated for employee parking and future mixed-use development according to the Master Plan. Two small portions of the Mercy property lie to the river side of the Parkway, the northernmost being dedicated open space, and the southernmost being designated for additional mixed-use development and open space.

Per the CZA, land use on the site is restricted to:

a. Hospitals, clinics, and medical research facilities.
b. Community living arrangements, congregate care facilities, intermediate care facilities, long term or extended care facilities, and sheltered care group homes.
c. Office complexes and professional offices.
d. Day care facilities and adult day care facilities.
e. Exercise and fitness centers and health clubs.
f. Personal services, restaurants, and retail establishments of no more than 50,000 square feet, except that there shall be no drive through facilities.
g. Dwellings, hotels, motels, inns, and rooming units: and lodging houses for hospital or clinic employees or volunteers and patents' family members.
h. Teaching centers.
i. Accessory uses, including, but not limited to, parking facilities and structures, utility services, stormwater management systems, and site amenities.

The following sections address Design Goals and Objectives, and Design Standards. The first establishes the basis and framework for design of future development at the Mercy Fore River Campus. The information in this section is provided to guide and inform the overall design approach to new building and site improvements. The second – Design

Standards – is set forth as more detailed basic minimum requirements for new construction on the campus. Taken together, these will be applied to new development proposals by reviewing authorities including the Mercy Healthcare System of Maine. All future development on the Campus shall comply with these goals, objectives, and standards in addition to all applicable city, state, and federal standards and requirements. In the event there is a conflict between this and other standards, the more stringent shall apply. In the following sections, "should" means the developer/designer must make every reasonable effort to comply with a particular goal or objective. The word "shall" means the developer/designer must comply with a particular standard unless express written approval of variance or waiver from that standard is obtained from the authority having jurisdiction.

The goals, objectives, and standards contained herein are not intended to restrict creativity or innovation on the part of the developer/designer, but are intended to help create a harmonious campus development for the betterment of those who work within, visit, and otherwise experience it as part of the City of Portland.

2. Design Goals and Objectives

The overall objective guiding development of the Mercy Fore River Campus site is to create a medical services oriented campus consisting of an integrated assemblage of buildings of varying sizes and functions coordinated with associated site improvements. New development shall be designed and constructed to be functionally cohesive and aesthetically consistent with Phase I development and the surrounding community. The campus shall be developed substantially in accordance with the Master Plan as approved in the CZA.

Site Development

Site improvements and development should be functionally efficient and support building uses while enhancing environmental and visual quality within the campus, and as it relates to the surrounding urban context. This is to be achieved as follows:

A. Site context: New development should generally be well suited to the existing site constraints of topography and natural features, and relate to the surrounding Phase I infrastructure. This recognizes the fact that the site is bounded on all sides by existing rail- and roadways, and to an extent, the Fore River, limiting somewhat its direct relation to the adjoining urban areas. Because of the tight and relatively flat nature of the site, there should be no drastic elevation changes required or proposed.

B. Vehicular circulation and parking: The development density of the site requires significant amounts of roads and parking for user, staff, emergency, and service access. These improvements are intended to be visually screened and oriented for

the greatest convenience of movement of pedestrians between vehicle and building entrances. New on-site vehicle movement shall be designed so as to not interfere with pedestrian movement. A core pedestrian zone linking major campus elements should dominate, with vehicle circulation and parking being located around its perimeter.

C. Pedestrian circulation: Pedestrian connections between buildings, from parking areas to buildings, and from the surrounding city walkway network, should be clearly defined, direct, well lit and maintained, safe, and efficient to use. They should reinforce the walkable nature of the campus and provide easy access also to related public spaces and trail amenities on- and off-site. Pedestrian-oriented plazas, entry courts, and terraces should be incorporated into new development to provide places for rest and gathering, and relate to building functions and Phase I development.

D. Planting: Existing vegetation should be preserved to the greatest extent practicable in accordance with the City of Portland standards. New planting should be used to soften and screen the impact of vehicular parking and service areas, reinforce desired visual elements and architecture, provide shade and enhance walks and drives, and provide relief and visual interest in pedestrian-oriented spaces. New planting should be appropriate for the site and growing conditions, and include native species. Invasive species shall be avoided.

E. Site furnishings and amenities: Elements such as benches, bollards, bicycle storage racks, drinking fountains, and trash receptacles, serve to provide comfort, relief, convenience, and safety, in the pedestrian environment. These elements should be consistent with existing development, and integrated into new development and included in pedestrian areas..

F. Lighting: Site lighting throughout the campus should be consistent with Phase I development with respect to fixture performance, style, and color, for general illumination of parking and roadways. Special emphasis lighting for individual buildings (architectural accent) and pedestrian-oriented spaces (lower height poles and/or bollard type). These styles may differ depending on type of area use and proximity to other areas, but should be limited to types compatible with those used for general site lighting. A related family of fixtures should be used. Overall, a sufficient and safe level of lighting shall be provided in accordance with all applicable codes and standards, in particular those of the City of Portland and the Illumination Engineering Society of North America. Lighting shall be designed to minimize or eliminate light pollution and trespass per those standards.

G. Buffers and screens: Vehicle parking, service, and utility areas shall be screened from view from adjoining properties, traveled ways, and walks. Planting, earth berms, walls, fencing, and other architectural type devices should be used to achieve maximum screening of these areas.

H. Signage: Signs help to provide the user and visitor to the campus much needed information, direction, and guidance. A comprehensive signage plan exists that provides a consistent, predictable, and legible sign system that provides easily accessible information and facilitates independent wayfinding throughout the campus.

   New signs shall be placed at locations proximate to decision points (intersections, entrances, etc.) at sufficient distance and of adequate size to be easily identifiable and readable by the viewer without having to slow drastically, preventing unsafe conditions. New signs should be graphically consistent with those throughout the campus, with an established hierarchy of size dependant upon level of importance and viewer travel speed.

Building Development

Building form and size will vary dependent upon function. In general, buildings should be oriented to the pedestrian realm and located to facilitate pedestrian movement and access between them, creating significant exterior spaces and strengthening intra-campus relations. Buildings within the campus should share common architectural elements consistent with Phase I development to reinforce a unified campus appearance. This is to be achieved as follows:

A. Building Orientation and Form: New building construction may present a strong visual impression to the Parkway while but shall maintain pedestrian level orientation with an inward focus on campus pedestrian linkages and spaces. Main entrances shall be designed and oriented to the pedestrian realm. Forms should relate to existing campus construction to create a harmonized appearance. Detailing in masonry patterns, variations in wall plane setbacks and openings, should be used to create interest and avoid a box-like appearance.

B. Scale: New building construction should relate to nearby buildings and the intervening spaces with emphasis on pedestrian orientation and the human scale. Special attention should be given to ground floor levels including entries, canopies, doors, and fenestration. The goal is to provide interest and emphasis to provide strong visual cues that will guide and direct users through use of more monumental proportioning, while maintaining a human scale in detail.

C. Massing/Composition: New construction shall relate and respond to existing buildings and landscape spaces as discussed above. Height limitations defined in the CZA shall dictate form and massing relative to desired program area, however, buildings shall be designed to positively relate to and reinforce the pedestrian environment and human scale. Architectural elements such as arcades and articulation of forms shall be used to break down large masses.

D. Materials and Color: Building materials shall be of the highest quality, and colors shall be chosen for lasting durability and shall relate well to those which exist on campus.

E. Exterior Components: Pedestrian related elements such as arcades, entry courts, etc., are encouraged wherever possible.

F. Mechanical Appurtenances: Equipment for utilities and services such as elevators (overruns), heating, ventilation, electrical supply and cooling, should be screened from public view whether roof- or ground-mounted. Penthouses, rooftop screens, or architectural screens at the ground level should be used for this purpose along with suitable landscape. The material used to screen rooftop appurtenances shall be consistent with that used elsewhere on the building.

3. Design Standards

The following site and building design standards shall be utilized for all new construction proposed for the Mercy Fore River Campus site to insure it is integrated into the existing Phase I campus environment, and creates a cohesive relation to the city.

Site Development

A. Site Context and Relation: New development shall fit to the existing topography to the greatest extent practicable, with little or no drastic change in elevation. Where applicable, natural features and elements shall be preserved. Building space and bulk requirements as defined in the CZA shall be maintained. For purpose of front yard setbacks, the front yard for each building shall be the area between the building and the Parkway.

B. Vehicular circulation and parking: Parking aisles shall be oriented towards building entries, reducing the need for pedestrians to cross traffic lanes. If required, proposed changes to established vehicular circulation and parking shall be consistent with that established in Phase I development. Planting, earth berms, or other means shall be used to screen parking from view as described herein and per City standards. Parking areas shall contain planted islands and end caps that meet or exceed City standards in terms of size and total area to reduce the heat island effect and provide visual relief.

Drives and roads shall be kept to the minimum width required for safe and efficient access. Vertical and sloped granite curbing shall be used where pedestrian walks must be located immediately at or adjacent to road edges for pedestrian safety, and to direct and control stormwater runoff in a safe and efficient manner. Pedestrian crosswalk and areas of refuge shall be located where walkways cross drives and roads, and appropriate signage and warnings installed.

C. Pedestrian circulation: Walks for primary pedestrian circulation shall be 6-feet wide, but in no instance shall pedestrian walkways be less than 5-feet wide except for limited service type access walks. This does not preclude the use of wider walks proximate to building entries as in the case of entry plazas or terraces, in which case provision shall be made for planting areas to soften the meeting of pavement to building face, where appropriate. Walks proximate to buildings shall be of well detailed and finished cast-in-place concrete. Accent paving consisting of precast concrete, brick, or natural stone pavers, is encouraged to call attention to and set apart areas of special interest such as building entries or pedestrian gathering areas. (Note: When used, these special materials shall be coordinated with the overall campus palette). Primary circulation in and around campus shall be accessible in accordance with the Americans with Disabilities Act Accessibility Guidelines (ADAAG).

D. Planting: Planting shall be installed in accordance with city requirements for buffering and screening. Street tree planting shall be installed that is well adapted to survive and thrive in the urban environment. Tree species used along drives and in parking areas shall be chosen in keeping with those currently established in Phase I development to help define different campus areas and promote wayfinding.

Special attention shall be paid to tree planting in paved areas to insure that adequate soil mix, water, and air are made available to foster healthy tree growth and reduce the risk of pre-mature death and need for replacement. A minimum 3-foot depth of planting soil shall be provided in parking islands and end caps. Plant materials shall be vigorous, healthy, and well developed, typical of their species and kind. Plant sizes shall be a minimum as listed below (proportions to be per American Association of Nurserymen Standards, latest edition):

- Large deciduous trees: 3-inch caliper
- Small flowering trees: 1.5 – 2-inch caliper
- Evergreen trees: 6-8 feet height
- Large shrubs: 3-4 foot height
- Small shrubs: 18-24-inch spread
- Groundcovers: #2 container
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Plant choices should consist primarily of native or established species, grown in similar climatic regions (New England) and suitable for the environmental conditions found on the site. No invasive species as designated by the Maine Department of Environmental Protection shall be allowed.

Plant spacing in masses should not exceed 75% of mature plant width. Plant placement shall not create visual or physical obstruction such that unsafe or insecure conditions result.

E. Site furnishings and amenities: A palette of site elements including benches, bollards, trash receptacles, and bicycle racks has been established and shall be utilized to the greatest extent practicable. Substitutions, if necessary, or new elements, shall be consistent with this palette and subject to approval. The existing palette includes:

- Bollards: Precast concrete; 36" height, 5000 psi, reinforced, with light sand-blast finish.
- Bicycle racks: "Ribbon Rack", size varies, Schedule 40 TP 304 stainless steel (ASTM A312); available from AAA Ribbon Rack Co., Division of Brandir International, Inc., New York, NY (1-800-849-3488), or approved equal. Finish to be satin # 4. Mounting to be standard in-ground.
- Benches:
    - In building areas: Esplanade Series, Model ES-3, surface mount, color from standard manufacturer's range. FairWeather Site Furnishings, Port Orchard, Washington. 1-800-323-7198.
    - In open space areas: Landscape Series, Model L-2 with Ipe, permanent embed mount. FairWeather Site Furnishings, Port Orchard, Washington. 1-800-323-7198.
- Tree grates: R-8706 180 degree Square. Neenah Foundry Co., Neenah, WI. 1-414-725-7000.
- Aluminum edging and stone mulch:
    - Edge material to be aluminum, 6063 alloy, T-6 hardness. Size 3/16" X 4" with 4" offset interlocking snap connection system. Minimum wall thickness to be 0.110". Sections to be 16' min., with loops for stakes at 2' o.c. Stakes to be aluminum, 6061 alloy, T-6 hardness. Color and surface to be mill finish. Provide as manufactured by Permaloc Corporation, or equal
    - Stone mulch to be rounded river stone, 2"-3" diameter max. to ¾" diameter min., washed and free from all foreign and organic material.
- Trash receptacles: Esplanade Series Accessories Model TR-8 with spun steel top, surface mount, color from standard manufacturer's range. FairWeather Site Furnishings, Port Orchard, Washington. 1-800-323-7198.
- Tree pit drains and aeration sheets:
    - Tree pit drains: "Spee-D-Basin" NDS #100, with 6-inch plastic riser and plastic grate NDS #40 (black). National Diversified Sales, Newbury Park, CA. 1-800-235-3533.

- Aeration sheets: "Awkwadrain 112" and plastic end connector. American Wick Drain, Matthews, NC. 1-800-242-9425.

F. Lighting: General site lighting shall be as follows:

Kim Lighting Era® Series, pulse start metal halide, full cut-off distribution, as follows (match existing pole types and finish color):

- Drives and roadways: Kim Era® Series, 30-foot height
- Parking areas: Kim Era® Series, 25-foot height
- Building mounted – public exposure: Kim Era® Series, wall mount
- Building mounted – service areas: Kim Wall Director

Project specific lighting such as pedestrian and building accent fixtures shall be compatible with the family of fixtures defined above, subject to approval.

G. Buffers and screens: Screening shall be provided in accordance with City requirements for service and utility areas, loading areas, and vehicle parking. Screening shall be of a dense and continuous nature as described in the following options:

- Architectural screens: For building mounted (roof top) applications or areas immediate adjacent to buildings such as service and loading areas, utilize materials aesthetically compatible with building exteriors of lasting quality such as brick or metal panel systems (louvered or solid as appropriate). Concrete block systems of acceptable aesthetic quality (split or ground face, for example) may be considered, subject to approval. Screen height shall be typically 6 to 8 feet, or demonstrated to be sufficient to effectively block views.
- Earth berms: Mounded earth berms, especially when coupled with plantings or site walls, is an effective landscape screen mechanism where space allows. When employed, berms shall be of sufficient height to provide screening or sufficient buffering of areas and shall be a minimum of 3-feet high. Additional elements such as walls or planting placed on berms, when taken in conjunction with the berms, shall totally screen the areas. (Note that the berm height can effectively be used to reduce height of companion plantings and walls). Berm slopes shall be no steeper that 3H:1V. Variation of height, alignment, and side slope of berms shall be utilized as appropriate to create a more natural appearance.
- Site walls: Site walls shall be constructed of quality long-lasting materials such as brick or stone. When in close proximity to buildings, walls shall be constructed as defined in Architectural Screens (above). Precast concrete unit walls in a retaining mode may be utilized for

more utilitarian applications as grades allow where not exposed to direct view or where space is available to screen and soften the exposed wall face with planting.

- Planting: Plant materials for buffers and screens shall be of sizes listed herein and placed to effectively block views to designated areas. Evergreen species are most effective for the purpose, and shall be varied and combined with deciduous and other evergreen species to add interest and minimize large mono-cultural expanses of planting. Single-row planting shall be avoided. Double-row staggered placement of screen plants shall be employed at a minimum. Appropriate plant species shall be used with respect to available space and mature size of plants to prevent overgrown situations that may cause operational interference or security and safety issues.

H. Signage: Signs for basic traffic control and direction shall be installed in accordance with the Manual of Uniform Traffic Control Devices. Signs for campus direction, information, and wayfinding shall be graphically coordinated in accordance with a campus signage plan as discussed above. Sign materials shall be of a high and long-lasting quality subject to approval. Major site signs shall be consistent with existing and configured and placed in accordance with city requirements.

Building Development

The following shall be considered and incorporated into the design and construction of new buildings and building additions so they properly relate to and are consistent with Phase I development.

A. Form, massing, and scale: In elevation, buildings shall incorporate a defined base-middle-top design framework. This can be achieved through proportioning fenestration and detailing or by changing materials. Buildings shall be detailed to create vertical and horizontal articulation. Changes in wall planes, vertical window orientation, and vertical detail elements shall be employed to relieve long horizontal lines and forms and create interest. Detailing in masonry patterns, variations in wall plane setbacks, fenestration and other design details, may be used to create interest and avoid a box-like appearance. Large expanses of blank wall shall be avoided on facades visible from the public way.

B. Materials: New development shall be designed and constructed utilizing enduring materials, components, and systems which will promote building longevity. Sustainable and "green" design technologies are encouraged. Exterior materials shall be consistent with those existing. Granite, brick, precast concrete or cast stone, and high-quality metals shall be used to appropriately relate color and texture to the campus and surrounding urban context. Surfaces that are highly reflective or capable of producing excessive glare shall be avoided.

C. Exterior detail: Building elevations shall relate to existing buildings and promote a consistent image for the campus. Placement of fenestration, doorways, columns, and other components shall create a finely detailed and human-oriented environment. Large expanses of blank wall shall be avoided. Entrances shall be oriented to the pedestrian realm and emphasized with architectural form and elements such as canopies or porticoes, the rhythm of elements shall be such that monotonous repetition is minimized, and trim and detail elements shall be integrated into the design to provide interest.

D. Accessibility: All new construction shall meet or exceed accessibility requirements as defined in ADAAG. Where exterior ramps or other elements are required for accessibility, they shall be fully integrated into the overall design of building and landscape.

E. Roofs: Flat roofs shall be hidden from view by parapets. Rooftop mounted equipment shall be screened with compatible architectural screen materials or enclosed in a penthouse. Other roof forms may be employed to aid in breaking down large continuous masses in elements such as skylights, clerestories, monitors, or other raised roof areas; or in entry accent structures such as porticoes, canopies, etc. Roof materials, where possible, should be more reflective to minimize heat island effect, though should be avoided when visually obtrusive from off-site.

4. Development Review Process

All new development and construction on campus is subject to review and approval by the authorities having jurisdiction. This includes review under the Site Location of Development Law by the Maine Department of Environmental Protection and the City of Portland relative to the standing permits listed below.

City of Portland:

- Contract Zone Agreement (as amended June 10, 2002)
- Master Plan and Site Plan Phase I: Application #2005-0192 (approval date August 22, 2006)

Maine Department of Environmental Protection:

- Site Location of Development and Natural Resource Protection Act permits: Original Order #L-20775-19-A-N and L-20775-TG-B-N

Note: Permits and review by other state and federal agencies including the Maine Department of Transportation (Traffic Movement Permit), Maine Department of Environmental Protection (Voluntary Response Action Plan), U.S. Army Corps of Engineers (Section 404, Programmatic General Wetlands Permit), Federal Aviation Administration (Notice of Proposed Construction or Alteration; Form

7460-1), have been obtained during the course of campus development to date. It is the responsibility of the developer to determine applicability of these to proposed development and the need for additional permits or modification or amendment to standing permits.

Prior to approval by these entities, development proposals and plans shall be reviewed and approved by Mercy Hospital and Mercy Health System of Maine for compliance with these Private Development Restrictions as follows.

1. Proposals submitted for review shall be done so in triplicate to the attention of the Mercy Facilities Director. The submission and review process may occur concurrently with other reviews, but shall be completed prior to final receipt of municipal and state approvals. In no instance shall materials be submitted later than sixty (60) calendar days prior to expected receipt of municipal and state approvals, and preferably, should be submitted on or about the same time as municipal and state submissions are made.

2. At a minimum, submissions shall contain copies of plans and supporting documentation being submitted for state and municipal reviews. Additional information and details may be requested by Mercy to facilitate its review.

3. Developers may be called upon to meet with Mercy to present proposed designs and further discuss their details.

4. Final written notice of decision will be issued to the developer by Mercy, detailing areas of concern or non-compliance as may be required, which shall be revised and resubmitted by the developer for review.