

1. Legal Ad

Documents:

[PB LEGAL AD 1-10-17.PDF](#)

2. Agenda

Documents:

[PB AGENDA 1-10-17 .DOCX](#)

3. Institutional Overlay Zone (Maine Medical Center)

3.I. Memo

Documents:

[MMC \(MEMO\).PDF](#)

3.II. Att. 1 - Examples Of IOZs

Documents:

[ATT 1- 5 EXAMPLES OF USA IOZS.PDF](#)

3.III. Att. 2 - Public Comment

Documents:

[ATT 2 - PUBLIC COMMENTS.PDF](#)

3.IV. Att. 3 - MMC IDP

Documents:

[ATT. 3 - MMC PRELIM DRAFT IDP 1-4-17.PDF](#)

4. Congress Square Redesign

4.I. Vision Statement

Documents:

[VISION STATEMENT.PDF](#)

4.II. Concept Site Plan

Documents:

[CONCEPT SITE PLAN.PDF](#)

5. 58 Fore Street

5.I. Report And Attachments

Documents:

[FORE ST. - 58 \(REPORT AND ATTACHMENTS\).PDF](#)

6. R-6 Park Overlay Zone (Sumner Park)

6.I. Memo And Attachments

Documents:

[FORT SUMNER PARK \(MEMO AND ATTACHMENTS\).PDF](#)

**LEGAL ADVERTISEMENT
PORTLAND PLANNING BOARD MEETING**

The Portland Planning Board will hold a meeting on Tuesday, January 10, 2017, Council Chambers, 2nd Floor, City Hall, 389 Congress Street.

Public comments will be taken for each item on the agenda during the estimated allotted time.

Workshop – 4:30 p.m.

- i. Institutional Overlay Zone; Maine Medical Center, City of Portland
(4:30 – 6:00 p.m. estimated time) The Board will consider the draft text for a new institutional overlay zone (IOZ) ordinance that will expand on the outline considered at the December PB workshop. The purpose of the ordinance is to provide a predictable growth management and planning process for the major institutions in Portland. Maine Medical Center is expected to seek an IOZ within this new framework, and will present a preliminary draft of their required institutional development plan at the workshop.
- ii. Congress Square Redesign (6:00 – 7:00 p.m. estimated time) City staff and the Portland Public Art Committee have been working with the Friends of Congress Square Park, the design team WRT of Philadelphia, and artist Sarah Sze of New York, on concepts for the redesign of Congress Square. The schematic design, which will include both the park itself and the entire square, has been under way since the fall. A three-day 'storefront workshop' took place in October and was followed by a public meeting in December to present design progress. Staff will present the materials from that December meeting for feedback and comment in anticipation of a future site plan application. The schematic design and budget is anticipated by spring, which will allow for a phased implementation. Significant private fundraising is anticipated in order to supplement limited City funds to implement the new design.

Break for Dinner; Meeting Resumes at 7:30 p.m.

Public Hearing – 7:30 p.m.

- i. Amendment to Portland Company Historic District boundaries; 58 Fore Street; CPBS, LLC., Applicant.
(7:30 – 8:00 p.m. estimated time) The Board will consider a recommendation from the Historic Preservation Board to amend the boundaries of the Portland Company Historic District. The Historic Preservation Board's recommendation is pursuant to a request from property owner CPB2. The boundary amendment will make possible the relocation of Building #12 to a site closer to the other remaining Portland Company structures and create a single, contiguous historic district. The boundary amendment and relocation of Building 12 were proposed as part of the recently-approved master development plan for 58 Fore Street.

Evening Workshop (immediately following the public hearing)

- iii. Sumner Park Overlay Zone (8:00 p.m. estimated time)
The Board will consider a proposed map and text amendment that would create a new overlay zone near Sumner Park. This overlay was drafted at the request of the City Council to address concerns about impacts of nearby development on the character of the Park.

ELIZABETH BOEPPLE, CHAIR - PORTLAND PLANNING BOARD

CITY OF PORTLAND, MAINE

PLANNING BOARD

Elizabeth Boepple, Chair
Sean Dundon, Vice Chair
Carol Morrisette
David Eaton
Kristien Nichols
Maggie Stanley
Lisa Whited

AGENDA PORTLAND PLANNING BOARD MEETING

The Portland Planning Board will hold a meeting on **Tuesday, January 10, 2017**, Council Chambers, 2nd Floor, City Hall, 389 Congress Street.

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PUBLIC HEARING – 7:30 p.m.

- 1. ROLL CALL AND DECLARATION OF QUORUM**
- 2. COMMUNICATIONS AND REPORTS**
- 3. REPORT OF ATTENDANCE AT THE MEETING HELD ON:**
December 20, 2016: Public Hearing: Boepple, Dundon, Eaton, Morrisette, Nichols and Stanley. Whited recused.
- 4. REPORT OF DECISIONS AT THE MEETING HELD ON DECEMBER 20, 2016:**
 - i. Master Development Plan; 58 Fore Street; CPBS, LLC., Applicant.
Public Comment: Board voted 4-2 (Boepple and Dundon opposed – Whited recused) to grant 5 more minutes for Peter Murray to present public comment.

Dundon moved and Morrisette moved a motion to waive the Technical Standard for flooding from the Technical manual (III. 4.R. (2)) to allow stormwater to discharge into the ocean. Vote: 6-0, Whited recused. Dundon moved and Morrisette moved a motion to find the Master Development Plan in conformance with the standards of the land use code, subject to ten (10) conditions of approval. Vote: 6-0, Whited recused.

5. NEW BUSINESS

- i. Election of Officers
- ii. Amendment to Portland Company Historic District Boundaries; 58 Fore Street; CPBS, LLC., Applicant.
(7:30 – 8:00 p.m. estimated time) The Board will consider a recommendation from the Historic Preservation Board to amend the boundaries of the Portland Company Historic District. The Historic Preservation Board's recommendation is pursuant to a request from property owner CPB2. The boundary amendment will make possible the relocation of Building #12 to a site closer to the other remaining Portland Company structures and create a single, contiguous historic district. The boundary amendment and relocation of Building 12 were proposed as part of the recently-approved master development plan for 58 Fore Street.

6. EVENING WORKSHOP (immediately following the public hearing)

- ii. Sumner Park Overlay Zone (8:00 p.m. estimated time) The Board will consider a proposed map and text amendment that would create a new R-6 overlay zone near Sumner Park. This overlay was drafted at the request of the City Council to address concerns about impacts of nearby development on the character of the Park.



Memorandum

Planning and Urban Development Department

Planning Division

To: Chair Boepple and Members of the Portland Planning Board

From: Stuart O'Brien, City Planning Director

Date: January 6, 2016 for meeting on January 10, 2017

Re: **Institutional Overlay Zone (IOZ) Draft and MMC Institutional Development Plan (IDP)**

I. INTRODUCTION

The Planning Board has considered the creation of an Institutional Overlay Zone (IOZ) at two workshops in November and December, 2016. At the first meeting staff introduced the rationale behind the overlay zone, the concept of the zone, and a basic structure for the Institutional Development Plan (IDP), the core element of the overlay framework. The second Workshop considered a draft outline for language for the zone and the Board provided direction to staff regarding further development of the new ordinance. The previous PB Memos have outlined the objectives of the new IOZ and how it would integrate with the current regulatory framework for the four major institutions that would initially be eligible for designation (the campuses of MMC, UNE, USM and Mercy).

This Memo includes draft text for the new IOZ zone for all sections except the submission requirements for the Institutional Development Plan (IDP). The focus for the workshop is suggested to be the draft IOZ text, along with the discussion of several core policy issues that are outlined at the end of the Memo. Staff will amplify on these questions at the workshop so that the Board may provide direction.

Further development of the IDP submission requirements has been deferred to allow for more detailed discussions with other City departments; the final draft of these technical requirements will be included in the next iteration. Staff anticipate that the "final draft" for the entire proposed ordinance will be available for a final workshop on February 14, 2017, and if broadly supported it could be finalized for a Hearing in March, 2017.

In parallel with the Planning Division's drafting work on the IOZ text, MMC has submitted a formal application for a zoning amendment, supported by a preliminary draft of an Institutional Development Plan (IDP) that addresses the proposed zoning (Attachments 1 and 2). MMC representatives will give a brief presentation on the preliminary draft IDP.

II. PLANNING BOARD WORKSHOP DECEMBER 13, 2016

The Planning Board offered a number of suggestions for the IDP/Regulatory Framework, including:

- Clear boundaries and the locations of the institution's property;
- Indication of future phases/potential long term development;
- Regulations that are less specific and less prescriptive than traditional zoning;
- Focus on transitions with neighboring areas;
- Long term perspective on traffic and TDM and adaptive reuse of buildings/parking areas.

Comments on the IOZ zoning text included:

- Encourage transparency;
- Address property acquisition;
- Include requirements for healthy neighborhood engagement;
- Allow for flexibility.

III. PUBLIC COMMENT

At the December Planning Board meeting public comments highlighted the following concerns:

- Impact of construction (re major development MMC)
- Need strategies to help neighborhoods also be successful;
- MMC Employee smoking is a major impact;
- What about institutional expansion of other institutions?
- Note institutions don't pay taxes so need balance.

This Workshop was noticed to property owners within 500 feet of MMC as MMC are seeking an IOZ. The Planning Office has not received an additional written public comments since the four that were submitted for the December PB workshop (included in [Attachment 2](#)).

IV. INSTITUTIONAL OVERLAY ZONE TEXT

The outline considered in December has been developed into a proposed draft text, which is included in full below. The provisions in the draft have been “inspired” by reference to other Institutional Overlay Zone ordinances in the USA, but not directly “borrowed” because these other ordinances are all different and reflect a different code format and local circumstances. [Attachment 3](#) includes five examples of such ordinances which exemplify different approaches, though each have some provisions or mechanisms that have informed the draft.

The draft also was developed with reference to feedback from the two Planning Board workshops; a review of the City's existing overlay zones; a review of the City's code provisions for master development plans (under Site Plan) and India Street Form Based Code Zone; a survey of institutional zoning ordinances from around the country; input received from neighbors; and meetings with MMC, UNE, USM, and Mercy. In addition, staff has consulted with Victoria Morales, Corporation Counsel, on the basic structure of the proposed Institutional Overlay Zone.

PROPOSED DRAFT TEXT:

INSTITUTIONAL OVERLAY ZONE

1. Purpose

The Institutional Overlay Zone (IOZ) designation provides a zoning mechanism available to the City's four major medical and higher education campuses where an improved regulatory structure is needed to facilitate a consistent, predictable and clear growth management process. The purposes of the Institutional Overlay Zone are to:

- a. Acknowledge that the City's major academic and medical institutions play a prominent role in the health and well-being of the local and regional community, and in order to sustain that role, these institutions need flexibility to change and grow;
- b. Encourage proactive planning for institutional change and growth which addresses likely impacts at the neighborhood, City, and regional level;
- c. Ensure that institutional change and growth both complements and, as appropriate, integrates surrounding neighborhoods through carefully planned transitions;
- d. Support the continuation and/or formation of mutually beneficial public-private collaboration;
- e. Support an ongoing public involvement process that benefits both the institutions and nearby neighborhoods;

- f. Reflect Comprehensive Plan and other policy objectives;
- g. Address priority objectives that include a reduction in car-dependency, sustainable growth, housing retention, and high quality design; and
- h. Provide a consistent regulatory approach to all major institutions while allowing unique regulatory requirements appropriate to the particular needs of institutions within their disparate locations.

2. Eligibility and Applicability

- a. *Eligibility.* The main campuses of any of the City's four primary medical and higher education institutions are eligible for designation as Institutional Overlay Zones. The four eligible institutions are the two major hospital institutions of Maine Medical Center and Mercy Hospital, and the two major academic institutions of University of Southern Maine and University of New England (Eligible Institution).
- b. *Applicability.* The Institutional Overlay Zone designation shall apply only to properties that are within the IDP boundary and to which the Eligible Institution holds right, title, and interest. For these properties, the Institutional Overlay Zone shall supersede the underlying zone, and all new institutional development shall be conducted in compliance with the Institutional Overlay Zone and the approved Institutional Development Plan of the Eligible Institution. Properties located within the Institutional Overlay Zone not subject to right, title or interest of the Eligible Institution and properties held by the Eligible Institution outside of the overlay zone boundary shall continue to be governed by the regulations of the applicable zoning designation.

3. Permitted Uses

In all Institutional Overlay Zones, institutional uses, including hospitals and higher education facilities, shall be permitted, as shall uses that are functionally integrated with, ancillary to, and/or substantively related to supporting the primary institutional use and consistent with the applicable approved Institutional Development Plan.

4. Establishment of an Institutional Overlay Zone

- a. *Application and IDP Requirement:* The Institutional Overlay Zone shall be established only in conjunction with an Institutional Development Plan (IDP), which shall be submitted with a zone change application for IOZ designation. The Institutional Development Plan (IDP) shall include the elements specified in Section 5 below, including a section entitled "Regulatory Framework" that establishes the key zoning parameters for future institutional development in the IOZ. Each institution's "Regulatory Framework" will be unique to their function and location.
- b. *Reviewing Authority.* The Planning Board shall review the IDP, including the Regulatory Framework, in conjunction with the zone change application. A public workshop and a public hearing before the Planning Board are required. The reviews shall include:
 - 1) The IDP shall be reviewed by the Planning Board and shall comply with the following:
Unless explicitly waived by the Planning Board, the IDP must:
 - a) Address all submittal requirements of Section 5, unless explicitly waived by the Planning Board;
 - b) Demonstrate consistency with the City's Comprehensive Plan and the purpose of this ordinance;
 - c) Demonstrate that the proposed growth is key to the future viability of the institution and reflects associated needs;
 - d) Demonstrate that traffic and parking impacts have been anticipated and would be satisfactorily mitigated at the time of site plan review, and that options for reducing traffic and parking demands have been explored, including Transportation Demand Management strategies;

- e) Demonstrate that environmental impacts have been anticipated and would be satisfactorily mitigated;
 - f) Reflect a comprehensive design approach that ensures integration with the scale and character of neighboring communities;
 - g) Promote compatibility with surrounding uses with the aim of fostering livability in adjacent neighborhoods, maintaining housing, and supporting local amenities; and
 - h) Anticipate future off-site improvements that would support the integration of the institution into the community and City-wide infrastructure.
- 2) The final Regulatory Framework shall be reviewed by the Planning Board for compliance with the following:
- a) Be consistent with the Institutional Development Plan;
 - b) Provide a clear zoning framework, using graphics and tables as appropriate, within which future site plans can be reviewed;
 - c) Provide specific regulatory statements that respond to concerns raised during the review as appropriate; and
 - d) Outline any associated mitigation measures to be included in the site plan review.
- 3) Upon finding that the IDP and Regulatory Framework comply with the requirements above, the Planning Board shall approve, approve with conditions, or deny an Institutional Development Plan and make a recommendation on the institution's IOZ designation and Regulatory Framework to the City Council for adoption as part of this ordinance.

c. *Amendments:*

- 1) Any use/development proposed by the Eligible Institution outside the IOZ boundary that complies with the zoning for permitted uses in that location shall not require an amendment to the IOZ. However, an approved IDP should reflect the institutions development program both within and outside of the IOZ and a proposal to develop inside the IOZ may be found to be inconsistent with an IDP if development outside of the IOZ is not properly addressed. *[This section still under discussion- see section V Policy Issues and Questions]*
- 2) Where the proposed institutional development necessitates modification to the IOZ boundary, Regulatory Framework, and/or supporting IDP, an amendment would be required as per the following: (*definitions to be added)

Nature of amendment	Reviewing Authority
Changes to the IOZ boundary	City Council based on PB recommendation (Note: Expansion that results in a loss of housing shall trigger housing replacement.)
Amendments to "Regulatory Framework"	City Council based on PB recommendation
Minor* amendments to IDP	The Planning Authority shall be authorized to approve minor amendments to the IDP upon written application and explanation from the institution. No further public hearing shall be required.
Major* amendments to IDP	Major amendments shall be reviewed by the Planning Board under the process and procedures for initial approval established in this ordinance.

- 3) When the IOZ, "Regulatory Framework" or IDP is amended, the baseline data in the IDP shall be updated.

5. Institutional Development Plan (IDP)

- a. *Purpose.* Any use conducted by a major institution and any construction by a major institution in an Institutional Overlay Zone shall be consistent with an Institutional Development Plan (IDP) approved by the Planning Board in accordance with this ordinance. The purpose of the IDP is to establish baseline data about institutional land uses, facilities and services, from which to project anticipated or potential growth and change, measure potential impacts of physical developments, and establish parameters under which institutional growth and change shall occur.
- b. *Term.* An Institutional Development Plan shall provide the City and abutting neighborhoods with a clear outline of the anticipated or potential growth and changes of the institution for the short-term (three to five years) and long-term (five to twenty years). An approved Institutional Development Plan shall remain in force until such time as it is superseded by an amended IDP.
- c. *Required Public Involvement:* Prior to the formal submission of an IDP, the institution shall undertake at least two neighborhood meetings, to be held in a convenient location proximate to the institution, to identify the concerns, if any, of affected residents and property owners and inform the formation of the Institutional Development Plan. The applicant shall provide written notification to property owners of record within 500 feet of the proposed IOZ boundary at least ten days prior to the meeting dates and maintain written record of the meetings.

[THE SECTION BELOW IN *ITALICS* IS AS PRESENTED IN DECEMBER, AS SOME DETAILS ARE STILL UNDER DISCUSSION W/ OTHER DEPARTMENTS]

- d. *Submission Requirements. The IDP shall contain the following elements:*
 - i. *Background*
 - ii. *Mission/Vision/Purpose Statement*
 - iii. *Development Plan (and how impacts to be addressed)*
 1. *Existing Program and Land Use*
 2. *Future Needs/Growth Projections*
 3. *Transportation and Circulation (with analysis based on existing and future growth)*
 - a. *Traffic Analysis (to include analysis of all modes and integrate TDM and multi-modal level of service analyses)*
 - b. *Parking Analysis (to include TDM and impact on residents on street parking)*
 - a. *Transit, Traffic, Parking, Loading, and TDM Plan*
 4. *Environmental (with analysis based on existing and future growth)*
 - a. *Natural Resource Analysis*
 - b. *Stormwater Management Analysis*
 - c. *Sustainability Analysis (including energy)*
 - d. *Hazardous Materials Analysis*
 - e. *Utility CapaCity Analysis*
 - f. *Noise Analysis*
 - g. *Environmental Plan*
 5. *Design (with analysis based on existing and future growth)*
 - a. *Architectural Analysis (including historic preservation, wind, sun)*
 - b. *Streetscape Analysis*
 - c. *Landscape Analysis*
 - d. *CPTED Analysis*
 - e. *Sign Analysis*
 - f. *Lighting Analysis*
 - g. *Neighborhood Interface Analysis*
 - h. *Design Guidelines*

6. *Neighborhood Integration*
 - a. *Ongoing Community Engagement Process*
 - b. *Housing Impact Analysis*
 - c. *Construction Management Framework*
 - d. *Ongoing Property Management Framework*
 7. *Conceptual Institutional Development Plan (to include boundaries of IOZ and to include phasing, if applicable)*
- iv. A Regulatory Framework as outlined in 5e below.
- e. *Regulatory Framework Requirements:* The Regulatory Framework translates the conclusions of the Development Plan analysis into a set of clear and specific zoning requirements that provide the zoning framework for the IOZ. The zoning requirements are anticipated to include parameters that allow for the growth and change of the institution as well as clarify how potential impacts will be mitigated, though details may be deferred to the site plan review. These fall into the following categories and will vary depending on the institution and the neighborhoods. The Regulatory Framework should be succinct and use tables and graphics as far as possible to address the following:
- 1) *Zoning boundary of the IOZ:* The area to which the regulations apply, subject to other provisions of this ordinance;
 - 2) *Phasing and schedules:* requirements that relate to particular phases; a chart showing the schedule for submitting an updated IDP; an updated TDM; and any other updates deemed appropriate to the institution.
 - 3) *Uses:* amplify as necessary on the permitted uses allowed in this ordinance under Section 3 above;
 - 4) *Dimensional Requirements:* generally graphics or sketches or standards rather than a set of specific dimensions;
 - 5) *Mitigation measures:* Outline/summary of any associated mitigation measures to be included in the site plan review;
 - 6) *Transportation:* elements such as TDM targets or contribution to area-wide TDM measures; pedestrian access; parking ratios and management; and thresholds for access improvements/changes;
 - 7) *Environmental:* for example, protection/mitigation measures; thresholds for improvements to address deficiencies; and sustainability targets;
 - 8) *Design:* generally in graphic form to clarify eg. the maximum building placement and envelope (height, massing and form); site features; zones for different types of treatment (eg transition/frontage/edge);
 - 9) *Neighborhood Integration:* include how/when mitigation of impacts on neighboring properties/areas will be implemented; screening and buffering requirements; pedestrian linkages and safety; other requirements that address community concerns.
6. **Development in the IOZ**
- a. All new institutional development within the boundary of the Institutional Overlay Zone shall be consistent with the IDP and the Regulatory Framework, which remains the zoning framework unless and until amended.
 - b. All new institutional development within the boundary of the Institutional Overlay Zone shall be subject to the City's site plan ordinance and must meet applicable site plan standards, unless such standards are superseded or amplified by the Regulatory Framework of the IOZ.
7. **Regulatory Frameworks of each Institution to follow:**

V. POLICY ISSUES AND QUESTIONS

As the text was being developed a number of policy issues emerged:

- Boundary of the IOZ area to which the Regulatory Framework applies (see 2b of the draft IOZ): The question is whether this would be an outline boundary and possibly include property not owned or in the control of the institution - or would it only include property owned or controlled by the institution?
- Timeframe (see 5b of the draft IOZ): One of the objectives of the IDP is to encourage long term planning that allows the City and other agencies to anticipate and complement the institutional development. However, institutions generally only have certainty within three years because of the nature of the medical/ clinical planning cycle, and 20/25 years is considered very long term. The IDP could specify the timeframes (as currently proposed) or leave this to the institution. There could be “short-term” and “long-term” or there could also be a “middle-term”.
- Other property or acquisitions by the institutions (see 4c of the draft IOZ): A question that we are wrestling with is the extent to which an institutions’ properties - not contiguous to the campus, but within the City - should be reflected in the IDP, and how often that data should be updated. Should there be a requirement for the reporting on external expansion plans (on non-contiguous parcels and in compliance with existing zoning), and should any expansion plans on such properties be related to determining whether proposed projects on the campus are consistent with an already approved or revised IDP or site plan application? If an institution acquires properties that are proximate to the campus IOZ boundary and in residential zones (where institutional uses are allowed as conditional uses), should an institution’s development on such sites be linked to the IDP?
- Weighting of submission requirements and review standards for the IDP (See proposed IOZ sections 4b; 5d&e): There will be different issues for each institution and its neighborhood and not all of the requirements/standards will have equal relevance to the institutional development proposals and plans. The issue is how to weight or prioritize requirements/standards that would apply to this range. The draft IOZ authorizes the Planning Board to waive either some of the submission requirements or some of the review criteria, or both. Another approach is taken in the Boston example (Attachment 1) where a step called a “Scoping Determination” is introduced that in turn helps assess the adequacy of each part of the submitted IDP. Staff have not incorporated this concept as it appears to add to the timeline. Another option is for the Regulatory Framework to include requirements for further analysis prior to the site plan review.
- Amendments (see section 4c in the draft IOZ): What should trigger the need to amend the IDP or Regulatory Framework - should these be specific issues as currently proposed (section 4c) or should there be regular reviews (every X years)?

VI. MMC UPDATE

MMC has submitted a preliminary draft Institutional Development Plan (Attachment 3) that has been drafted in anticipation of the IOZ and IDP zoning currently under consideration. Staff understand that this will be developed further and will aim to address the final IDP submission requirements.

VII. ATTACHMENTS

1. Examples of other IOZ Ordinances: Biddeford, ME; Burlington VT; Boston, MA; Memphis, TN; and Yakima, Washington
2. Public comments: the four written comments included in the December 13, 2016 PB Memo
3. MMC Preliminary Draft Institutional Development Plan (IDP)

**Att. 1: 5 examples of overlay zone ordinances in USA:
Biddeford, ME; Burlington, VT; Boston, MA; Memphis, TN;
Yakima, Washington**

*City of Biddeford, ME
Friday, January 6, 2017*

Article V. Establishment of Zones

Section 11. Institutional master plan.

[Ord. No. 2001.90, § 7, 10-16-2001]

- A. Applicability. Any university use or other use conducted by a college or university in an institutional zone shall be consistent with an institutional master plan approved by the Planning Board in accordance with this section. Any site plan approval or other approval for such uses shall be consistent with the approved institutional master plan.
- B. Transition provisions.
1. Following the adoption of this section, the City shall continue to process any pending applications for site plan approval in the institutional zone and shall issue the required permits for these projects if approved and for any other approved but unbuilt projects. This shall include only the following University of New England projects:
 - a. Construction of two approved residence halls;
 - b. Expansion of the cafeteria;
 - c. Construction of a facilities management building;
 - d. Installation of lighting at the existing athletic fields.
 2. The Planning Board shall not approve site plans for any other new or expanded buildings and structures, including parking lots, in the institutional zone not addressed in 1. until an institutional master plan has been approved for the college or university. Similarly, the City shall not issue building, plumbing, electrical, or other permits for any other new or expanded buildings or structures in the institutional zone not addressed in 1. until an institutional master plan is approved.
- C. Coordination with site plan review. All projects in the institutional zone that require site plan review in accordance with Article XI of this Code shall continue to require site plan review and approval. In reviewing site plans for university uses or other uses conducted by a college or university in an institutional zone, the Planning Board shall consider the conformance of the proposed activities with the approved institutional master plan and shall approve the project only if it finds that the activities are consistent with the institutional master plan as well as the other standards of Article XI and the provisions of the institutional zone.
- In its review of projects in the institutional zone, the Planning Board shall be guided by the approved institutional master plan and shall not impose conditions or requirements on an applicant that are in conflict with the approved institutional master plan. In those areas where the master plan addresses issues that are also covered by site plan review, the Planning Board shall be guided by the overall direction provided in the approved institutional master plan and shall limit the scope of its review under the site plan provisions to how the projects contained in the master plan are designed and constructed to conform to the standards of Section B of Article XI. The following chart outlines the respective areas of concern for the review of an institutional master plan and the site plans for individual projects contained in the master plan for those areas covered in both reviews:

Institutional Master Plan Review		
Review Topic	Focus	Site Plan Review Focus

Buildings, athletic facilities, and supporting structures	The need for the facilities is related to the program growth and changes supported in the master plan, and the general sizes and locations are appropriate based upon those needs
Road network and traffic	The primary road network providing access to the campus and within the campus will be adequate to handle the anticipated increase in traffic safely and efficiently while minimizing the impact on other users as a result of the identified improvements
Parking	The amount of parking and general parking locations will be adequate to accommodate the anticipated increase in parking demand resulting from the growth and changes anticipated in the master plan
Water and sewer	The water and sewer systems will be adequate to accommodate the anticipated increase in demand resulting from the growth and changes anticipated in the master plan
Landscaping, lighting, signs, noise, scenic views	The master plan establishes appropriate standards for the design of these elements and to minimize the impact on surrounding neighborhoods
Pedestrian and bicycle facilities	The pedestrian and bicycle facilities will be adequate to accommodate the anticipated increase in demand resulting from the growth and changes anticipated in the master plan and standards are established for the design of these elements

- D. Variances. Notwithstanding the provisions of Section 4 of Article IX of this Code, the Zoning Board of Appeals shall not grant variances with respect to the dimensional standards of the institutional zone unless the need for such variation is identified in an approved institutional master plan and such variation is explicitly endorsed by the Planning Board in its approval of the master plan.
- E. Timing of the initial master plan submission. Any college or university located within an institutional zone shall submit an institutional master plan meeting the requirements of this section to the Planning Board for review within two years of the adoption of this section.
- F. Amendment of an approved master plan. A college or university may submit a request to amend the approved institutional master plan at any time provided that no request for an amendment shall be considered within three months of the date of the previous approval of the institutional master plan. The process, procedures, and standards for amending a master plan shall be the same as for the initial approval, however, the applicant may submit an application containing only those items that have been changed from the prior master plan.
- G. Submission and review procedures. The institutional master plan shall contain the information and exhibits set forth in Subsection H. Upon receipt of the initial submission of an institutional master plan or a proposed amended master plan, the application shall be processed and reviewed in accordance with the procedures for reviewing site plan applications with the following additional provisions:

1. Upon receipt of an institutional master plan or an amendment to an approved master plan, the City planning staff shall have 14 days to review the plan for completeness. If the staff finds that the master plan provides all of the information set forth in Subsection H, the staff shall find the plan to be complete, shall notify the applicant, in writing, of this determination, and shall place the master plan on the agenda of the next regularly scheduled Planning Board meeting. The applicant will forward 10 copies of the proposed master plan for Planning Board review. If the staff finds the master plan to be incomplete, it shall notify the applicant, in writing, of this determination and shall indicate the additional information required.
 2. Upon receipt of an institutional master plan, the planning department shall notify all agencies and departments regularly notified of site plan applications as well as the Biddeford Conservation Commission and any neighborhood organization that has requested to be notified of the submission of the master plan.
 3. Prior to the approval of an institutional master plan or an amended institutional master plan, the Planning Board shall hold a public hearing.
 4. The Planning Board shall review the institutional master plan at a regularly scheduled meeting of the Board. The Board shall have 30 days following its initial consideration of the plan to approve, approve with conditions, or deny the master plan.
 5. A copy of any approved institutional master plan or an amendment to a master plan shall be filed with the City Clerk and notice of the approval shall be advertised in a newspaper of general circulation in the City.
- H. Contents of the institutional master plan. An institutional master plan shall provide the City and abutting neighborhoods with a clear outline of the anticipated growth and changes of the institution over the next five to 10 years and the potential impact of those changes on the City and areas surrounding the institution. The master plan should, therefore, contain a description of the current programs and facilities of the college or university, a description of anticipated changes in programs and facilities over the next five years, an analysis of the potential impacts of the anticipated changes on the facilities and the surrounding neighborhoods, an assessment of actions proposed to mitigate any adverse impacts resulting from the anticipated changes, and a conceptual plan showing the approximate size and location of proposed facility improvements.
- The institutional master plan shall contain at least the following information and exhibits:
1. Mission statement and institutional objectives.
 - a. The institution's adopted mission statement.
 - b. A statement of any anticipated changes in the institution's mission over the next five years.
 - c. A statement of the institution's objectives with respect to growth and change over the next five years.
 2. Existing physical conditions.
 - a. A scaled plan at a scale of not more than one inch equals 200 feet showing the location of all existing buildings, structures, athletic fields and facilities, parking, walkways, service areas, and other impervious surfaces and the height of all buildings and structures referenced to the National Geodetic Vertical Datum (NGVD).
 - b. A scaled plan at the same scale as the existing conditions plan showing the location of all existing utilities, sewer and water systems, and stormwater drainage facilities.
 - c. A natural resources inventory and analysis showing the location of all significant natural resources within those areas of the campus that are already developed or where development activities including clearing or filling are proposed or that will be potentially impacted by proposed development activities. The analysis shall assess the significance of these resources and the issues they raise with respect to the master plan. This shall include a plan at the same scale as the existing conditions plan showing the locations of the significant resources.
 - d. An historic and archeological resources inventory and analysis showing the location of any known historic or archeological resources and any area with potential as an area of historic or archeological

significance within those areas of the campus that are already developed or where development activities including clearing or filling are proposed or that will be potentially impacted by proposed development activities. This shall include a plan at the same scale as the existing conditions plan.

- e. Data on the existing lot coverage and lot coverage ratio.
- 3. Programs and activities.
 - a. A narrative providing at least the following information about current programs and activities:
 - (1) The current educational programs and degree offerings.
 - (2) Other regularly scheduled programs or activities offered or hosted by the institution.
 - (3) Current enrollment of full time and part time students by head count based upon the most recent integrated postsecondary data survey (IPDS) report.
 - (4) Current employment by type of positions and full time/part time status by head count based upon the most recent IPDS report.
 - (5) The number of people living on campus.
 - b. A narrative describing how the programs and activities and the number of students, employees, campus residents, and program participants are anticipated to change over the next five years.
- 4. Educational, research, residential, support and athletic facilities.
 - a. A description and plan identifying what buildings and facilities are currently used for these purposes.
 - b. The current bed capacity of all residential buildings and the anticipated change in the total bed capacity.
 - c. A description of any significant changes in the type of use made of existing buildings, significant expansions of existing buildings, or new buildings and facilities that are anticipated to be needed in the next five years.
 - d. A description of how the anticipated changes in facilities relate to program changes and the institution's mission.
- 5. Parking and traffic.
 - a. Information on current traffic volumes and conditions including levels of service on the principal public streets and intersections of public streets within the zone and on the primary access routes to the campus.
 - b. A description of anticipated changes in traffic volumes over the next five years resulting from the changes in programs and facilities included in the master plan.
 - c. An analysis of the impact of these changes on traffic flow and vehicular and pedestrian safety on public streets within the zone and that provide access to the campus.
 - d. A proposed program of improvements to address any unacceptable impacts resulting from changes in traffic volumes including activities that will be undertaken to mitigate any adverse impacts on adjacent residential neighborhoods.
 - e. Information on the number and location of existing parking spaces.
 - f. An analysis of the adequacy of the existing parking to meet anticipated changes in programs and facilities over the next five years.
 - g. An assessment of pedestrian and bicycle movements and safety related to the parking supply and locations.
 - h. A proposed program of parking improvements to meet any identified deficiencies.

6. Water and sewer service.
 - a. A description of current provisions for water supply and sewage disposal including capacities, current utilization rates, and conformance with any permit or other legal standards.
 - b. An analysis of the change in demand for water supply and sewage disposal resulting from anticipated changes in programs and facilities over the next five years and the adequacy of the existing systems to meet this demand.
 - c. A proposed program of improvements to address any identified deficiencies.
 - d. A statement as to how water supply and sewer disposal improvements are or will be coordinated with City programs and the needs of neighboring residential areas.
7. Municipal and community services.
 - a. A description of all municipal and community services (police, fire, rescue, recreation, etc.) currently utilized by the institution and data on the current level of usage.
 - b. An analysis of the change in demand for municipal and community services and the adequacy of the existing services to meet this demand.
 - c. A proposed program of improvements to meet the identified deficiencies including proposed funding mechanisms.
8. Neighborhood impacts.
 - a. An assessment of how current campus activities impact neighboring residential areas including, but not limited to, traffic, noise, and visual intrusions. This assessment shall consider conformity to current City and state standards with respect to these items as well as documented evidence of any community or neighborhood concerns relative to these issues.
 - b. An evaluation of current efforts to mitigate these impacts.
 - c. An assessment of any changes in these impacts resulting from the changes in programs or facilities included in the master plan.
 - d. A program for mitigating the adverse impacts of proposed changes or improvements on surrounding residential neighborhoods.
9. Community outreach.
 - a. A description of current community outreach activities.
 - b. An analysis of anticipated changes in outreach activities over the next five years.
10. Conceptual development program.
 - a. A conceptual site plan at the same scale as the existing conditions plan showing the approximate size and location of proposed changes to buildings, structures, parking lots, pedestrian facilities, bicycle facilities, athletic fields and facilities, roads, and similar facilities proposed in the master plan. This should show new facilities, modifications or enlargements of existing facilities, and the planned removal of facilities.
 - b. An accompanying narrative or tables detailing the scale or size of the proposed improvements including the approximate height of buildings, the approximate peak elevation of buildings and structures referenced to NGVD, approximate floor area, approximate size of parking areas, or approximate occupancy.
 - c. A description of all development and design standards or provisions that will apply to the proposed improvements in accordance with Subsection I.

- d. A schedule setting out when the improvements included in the conceptual development program are anticipated to be completed.
- I. Development and design standards. The institutional master plan shall establish development and design standards that shall apply to all development proposals and other improvements within the institutional zone. These development and design standards will apply to individual projects that are submitted for site plan review. These standards shall foster the development of a visually and architecturally integrated campus that is safe, environmentally sensitive, and that minimizes the adverse impact of the campus on neighboring residential areas. At a minimum, these development and design standards shall address the following areas:
 1. Landscaping. The standards shall establish a general pattern for all campus landscaping including the typical size and type of plantings and shall detail how landscaping will be used to enhance the visual environment of the campus, shield and soften service and parking areas, and minimize impacts on surrounding residential areas and the users of public streets through the campus.
 2. Exterior lighting. The standards shall establish a general lighting theme for the campus and shall identify the appropriate maximum, average, or minimum illumination levels and uniformity ratios for various areas and facilities, the typical type of lighting fixtures and poles that will be used, and shall detail how night-time sky glow and light intrusion on neighboring residential areas will be minimized.
 3. Signage. The standards shall establish a consistent design theme for all campus signs that enhances the visual environment of the campus and shall identify the general design, sizes, and locations for various types of campus signs.
 4. Pedestrian and bicycle facilities. The standards shall establish an integrated program for accommodating pedestrians and bicyclists safely while promoting a campus environment that is pedestrian focused. The standards shall identify the types, general location, and typical design of various pedestrian and bicycle facilities.
 5. Noise. The standards shall establish an overall program for minimizing the impact of campus noise on adjacent residential areas. The standards shall identify measures that will be employed to control noise at the source as well as to mitigate the impacts of noise on adjacent property.
 6. Architectural design and details. The standards shall establish an integrated design theme for campus buildings that is harmonious with existing buildings while promoting a high level of design for new buildings. The standards shall address the scale and massing of buildings, appropriate materials and colors, rooflines, locations of building entrances, architectural detailing, and similar features to create a visually attractive campus while minimizing impacts on surrounding residential areas.
 7. Protection of identified scenic views. The standards shall establish a standard approach for protecting scenic views within or from the campus that have been formally identified and approved by the City Council.
- J. Approval standards. In reviewing an institutional master plan, the Planning Board shall approve the master plan if it finds that:
 1. The activities and facilities proposed in the master plan are consistent with the institution's mission statement.
 2. The facilities conform to the requirements of the institutional zone and other applicable provisions of the zoning ordinance.
 3. There is a reasonable expectation that individual projects carried out in accordance with the institutional master plan will be able to be designed so that they comply with the site plan review standards of Article XI.
 4. The activities and facilities will be designed in a manner that will not unreasonably increase adverse impacts on adjacent residential neighborhoods or the facilities or services of the City of Biddeford.
 5. The City Council and UNE shall establish a scholarship and community grant program, within the first six months of the acceptance of the university's master plan.

- K. Appeals of Planning Board action. Appeals of the actions of the Planning Board in reviewing and approving institutional master plans under this section shall be to the City of Biddeford's Zoning Board of Appeals. The applicant and any party to the review of the institutional master plan may appeal any action of the Planning Board within 30 days of such action by providing written notice to the Board of Appeals setting forth the action being appealed and the specific basis for the appeal. Appeals of Planning Board actions in the review of an institutional master plan shall be processed in accordance with the procedures set out in Section 5 of Article IX of this ordinance.^[1]

[1] *Editor's Note: The provisions of former Section 12, Medical marijuana dispensary moratorium, added 3-16-2010 by Ord. No. 2010.23, have expired and therefore are not included in the Code.*

Article 4: Zoning Maps and Districts

Article Last Updated: March 31, 2016

(c) District Specific Regulations: Design Review Overlay District:

Within this overlay district, no structure may be erected, reconstructed, substantially altered, restored, moved, or demolished or any site improvement or modification made without approval subject to the provisions of **Article 3, Part 4** pertaining to Design Review and the review criteria described in **Art 6**.

Sec. 4.5.2 Institutional Core Campus Overlay Districts**(a) Purpose**

The Institutional Core Campus Overlay (ICC) districts are intended to provide for reasonable future growth for institutions within the core of their respective campuses without further intrusion into surrounding residential neighborhoods. This overlay allows increased development than would typically be found in the underlying districts. Development is intended to be more intense than the surrounding neighborhoods with higher lot coverage and larger buildings. New development should provide sensitive transitions to the historic development pattern and scale of the surrounding campus. Buildings both large and small should be designed with a high level of architectural detailing to provide visual interest and create enjoyable, human-scale spaces. Sites should be designed to be pedestrian friendly and encourage walking between buildings. Circulation should largely emphasize the needs of pedestrians and bicycles, and parking should be very limited and generally provided offsite. Where parking is provided, it should be hidden either within or underneath structures.

(b) Areas Covered.

The Institutional Core Campus Overlays as delineated on **Map 4.5.2-1**, and are further described as follows:

1. **Fletcher Allen Health Care Medical Center Campus (ICC-FAHC)** allows for an increased development scale and intensity than would typically be found in the adjoining and underlying districts to support continued growth and expansion of the state's academic medical center. As a regional tertiary-level care facility, on-site parking is expected to play a larger role than otherwise would be expected for other institutional campus overlays in order to accommodate the needs of patients and visitors. While outdoor spaces and circulation systems should be inviting and accommodating for pedestrians, the overall development of the campus would be expected to emphasize the needs of internal circulation and functions in order to meet patient care requirements;
2. **UVM Central Campus (ICC-UVM)** allows for an increased development scale and intensity than would typically be found in the adjoining and underlying districts to support continued growth and expansion of the state's flagship academic institution. In contrast to the ICC-FAHC, this core campus would be expected to be dominantly pedestrian-oriented, with all but the most essential parking provided off-site. Development within this core campus should reflect the institution's core educational values in both design and quality;

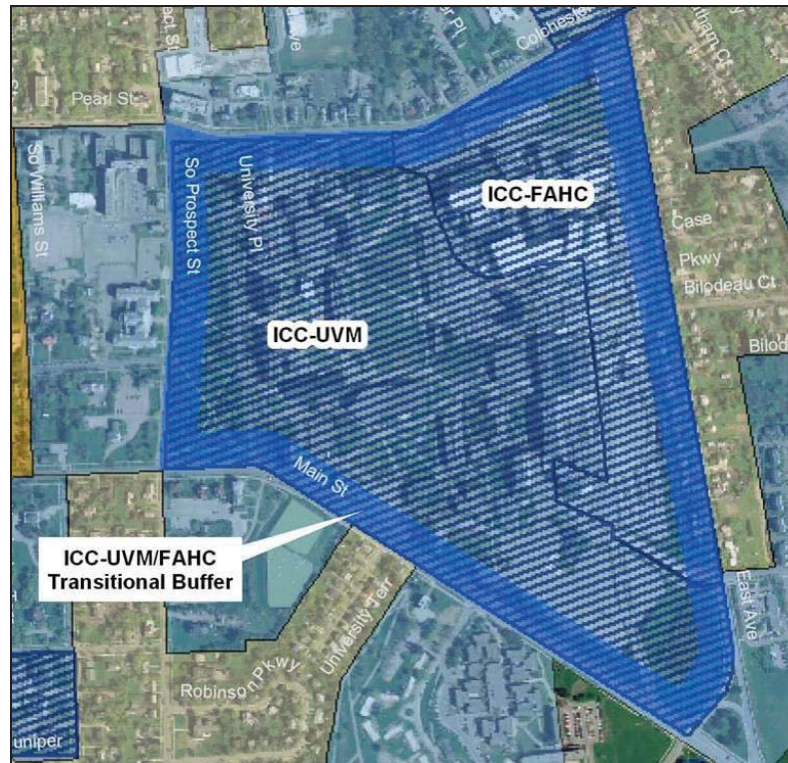
3. **UVM Trinity Campus (ICC-UVMT)** is intended to provide reasonable future use of the Trinity College campus and to preserve the residential character of the existing neighborhoods adjacent to the district;
4. **UVM South of Main Street Campus (ICC-UVMS)** is intended to provide reasonable future use of the UVM residential and athletic campuses south of Main Street without further intrusion into the surrounding residential neighborhoods. This district allows for an increased development scale and intensity than would typically be found in the adjoining and underlying districts to support continued growth and expansion of the state's flagship academic institution. This core campus would be expected to be dominantly pedestrian-oriented, with all but the most essential parking provided off-site. Development within this core campus should reflect the institution's core educational values in both design and quality; and,
5. **Champlain College (ICC-CC)** allows for an increased development scale and intensity than would typically be found in the adjoining and underlying districts to support the long-term development of this small educational institution. Similar to the ICC-UVM, this core campus would be expected to be dominantly pedestrian-oriented, with all but the most essential parking provided off-site. Development within this core campus should reflect the both institution's core educational values and the character of this historic residential neighborhood in both design and quality.



(c) District Specific Regulations: Fletcher Allen Health Care Campus (ICC-FAHC);

1. Transitional Buffer:

- A. The Transitional Buffer shall include all property within the area as measured from the centerlines of Colchester Avenue and East Avenue, and extending 150 feet into the ICC-FAHC District as delineated on **Map 4.5.2-2 Transitional Buffer.**



Map 4.5.2-2: Transitional Buffer

- B. Lot coverage shall not exceed 40% for the aggregate of all land owned by an institution and located within the Transitional Buffer.
- C. Unless replaced on site, no housing unit in a residential structure located within the Transitional Buffer shall be demolished or converted to a nonresidential use, except for housing units which are exempt from the provisions of **Article 9**. The Housing Replacement standards of this ordinance shall apply to any such activity.

2. Lot coverage

Maximum lot coverage shall be applied to the aggregate of all lots owned by a respective institution and located within the ICC-FAHC District. Lot coverage shall not exceed 60% except as provided below.

The maximum lot coverage for the entire tract of land owned by an institution within

the ICC-FAHC District may be increased by one percent for each one percent that the Transitional Buffer coverage is less than 40%, up to a maximum of 65%.

3. Setbacks

Minimum side and rear yard setbacks in the underlying zoning district shall not be applicable within the ICC-FAHC District.

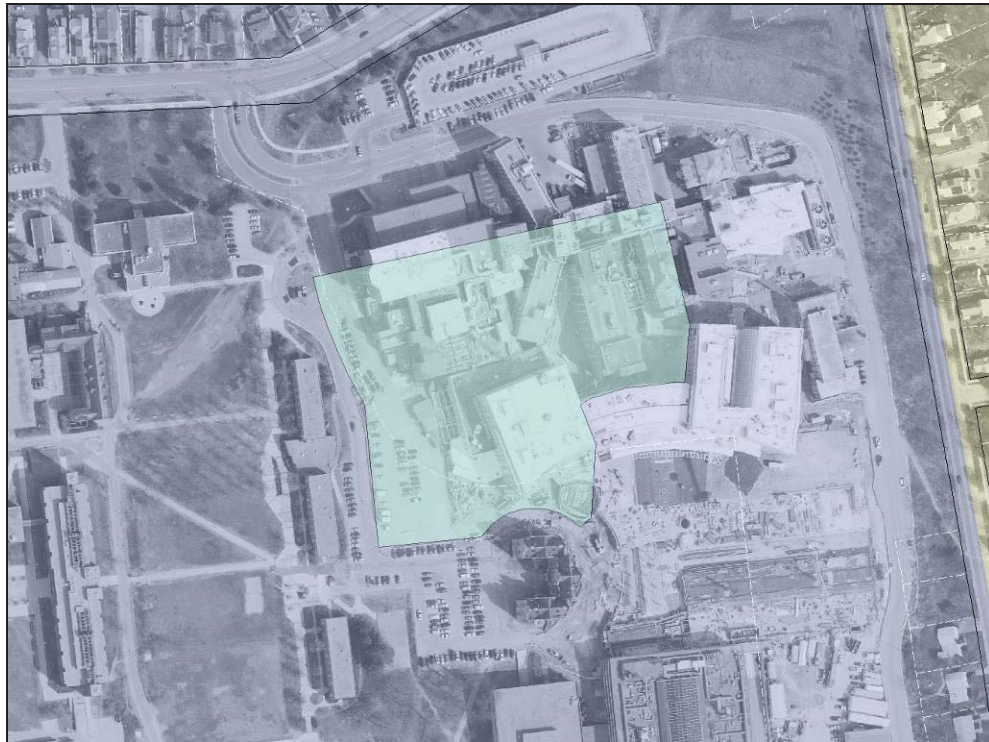
Front setbacks shall be fifteen (15') feet measured only along any street defining the Transitional Buffer.

4. Surface Parking

No new outdoor surface parking spaces shall be permitted unless the number of the new outdoor surface parking spaces is offset by a corresponding removal of outdoor surface parking spaces existing as of January 1, 2007, and upon the approval by the DRB.

5. Building Height

No portion of any building within the ICC-FAHC Height Overlay (as delineated on **Map 4.5.2-3 ICC-FAHC Height Overlay**) shall exceed the elevation of a plane running parallel to the earth at 540-feet above mean sea level. The provisions of **Sec. 5.2.5 Building Height Limits** shall not be applicable within the ICC-FAHC Height Overlay.



Map 4.5.2-3 ICC-FAHC Height Overlay

No portion of any building outside of the ICC-FAHC Height Overlay may exceed the elevation of a plane running parallel to sea level from the highest point of the tallest structure at the highest elevation within the ICC-FAHC District as depicted as of

January 1, 2009.

6. Density

In the ICC-FAHC District, density restrictions set forth in **Article 4, Sec. 4.4.4** shall not apply to dormitories and rooming houses as defined in **Chapter 18 of the Burlington Code of Ordinances**. The restrictions on the non-residential equivalent set forth in **Art. 5, Sec. 5.2.7 (a) 2** shall not apply in the ICC-FAHC District.

(d) District Specific Regulations: UVM Central Campus (ICC-UVM);**1. Transitional Buffer:**

- A. The Transitional Buffer shall include all property within the area as measured from the centerlines of Colchester Avenue, East Avenue, Main Street, and South Prospect Street and extending 150 feet into the ICC-UVM District as delineated on **Map 4.5.2-2 UVM/FACH ICC Transitional Buffer** above.
- B. Lot coverage shall not exceed 40% for the aggregate of all land owned by an institution and located within the Transitional Buffer.
- C. Unless replaced on site, no housing unit in a residential structure located within the Transitional Buffer shall be demolished or converted to a nonresidential use, except for housing units which are exempt from the provisions of **Article 9. Housing Replacement** standards of this ordinance shall apply to any such activity.

2. Lot coverage

Maximum lot coverage shall be applied to the aggregate of all lots owned by the institution and located within the ICC -UVM District. Lot coverage shall not exceed 65% except as provided below.

The maximum lot coverage within the ICC -UVM District may be increased by one percent for each one percent that the Transitional Buffer coverage is less than 40%, up to a maximum of 70%.

3. Setbacks

Minimum side and rear yard setbacks in the underlying zoning district shall not be applicable within the ICC -UVM District.

Front setbacks shall be fifteen (15') feet measured only along any street defining the Transitional Buffer.

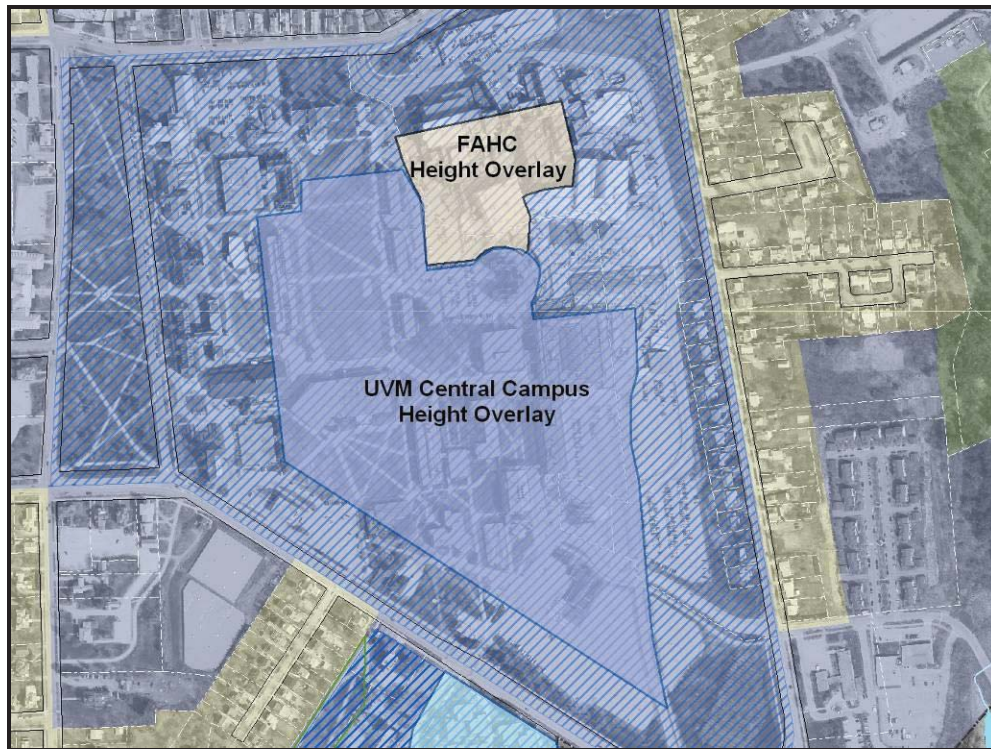
4. Surface Parking

No new outdoor surface parking spaces shall be permitted unless the number of the new outdoor surface parking spaces is offset by a corresponding removal of outdoor surface parking spaces existing as of January 1, 2007, and upon the approval by the DRB.

5. Building Height

Building height shall be measured under the provisions of **Art. 5** except that the Measurement Interval method specified in **Sec. 5.2.5(a)(3)** shall not apply.

For the sole purpose of regulating building height, the ICC-UVM District shall include an ICC-UVM Central Campus Height Overlay as delineated on **Map 4.5.2-4** below. Building height within the ICC-UVM Central Campus Height Overlay shall not exceed 140-feet.



Map 4.5.2-4 ICC-UVM Central Campus and Height Overlay

For all other areas within the ICC-UVM District, except for ornamental and symbolic architectural features, additions and new construction may be built to a height that does not exceed the lesser of:

- A. The actual height of the tallest existing structure as of January 1, 2008 and located within the core campus district; or,
- B. The elevation of a plane running parallel to sea level from a point defined by the roof of the tallest structure at the highest elevation within the parcel as depicted as of January 1, 2008.

6. Density

In the ICC -UVM District, density restrictions set forth in **Article 4, Sec. 4.4.4** shall not apply to dormitories and rooming houses as defined in **Chapter 18 of the Burlington Code of Ordinances**. The restrictions on the non-residential equivalent set forth in **Art. 5, Sec. 5.2.7 (a) 2** shall not apply in the ICC -UVM District.

7. Uses:

Within the ICC-UVMT District, Schools - Post-secondary and Schools - Community Colleges shall be treated as permitted uses.

(e) District Specific Regulations: UVM Trinity Campus (ICC -UVMT):**1. Lot Coverage**

Lot coverage within the ICC-UVMT district shall not exceed 40% except as may be allowed under the inclusionary housing provision of Article 9, Inclusionary Housing.

Maximum lot coverage shall be applied to the aggregate of all lots owned by a single entity and located within the ICC-UVMT district.

2. Setbacks:

Development in the ICC-UVMT shall be subject to the setback requirements as specified under the provisions of the underlying zoning district.

Minimum side and rear yard setbacks shall not be applicable between parcels under the same ownership within the ICC-UVMT district, but shall apply along the perimeter of the district.

Colchester Avenue Buffer. Within the ICC-UVMT no development of new surface parking or new structures, except for ancillary structures no larger than 200 square feet, shall be permitted within a setback of 115 feet from the front property line on Colchester Avenue.

**3. Surface Parking**

No new outdoor surface parking spaces shall be permitted in the ICC-UVMT district unless the number of the new outdoor surface parking spaces is offset by the corresponding removal of outdoor surface parking spaces in the ICC-UVMT district existing as of January 1, 2002 and the Development Review Board has approved such offset in issuing a certificate of appropriateness.

4. Height:

Additions and new construction may be built to a height that does not exceed the greater of thirty-five feet (35') or the height of existing structures located on the same parcel within the ICC-UVMT district, but in no instances shall any building exceed fifty-five feet (55') in height as measured from finished grade.

5. Density:

In the ICC-UVMT district, the restrictions on residential density set forth in the underlying zoning district, and in **Article 9** (Inclusionary Housing) shall apply to all development, including changes in use.

Unless replaced on site no housing unit in a residential structure located within the ICC-UVMT shall be demolished or converted to a nonresidential use, except for housing units that are exempt from the provisions of **Article 9, Part 2 - Housing Preservation and Replacement/Demolition and Conversion**.

6. Uses:

Within the ICC-UVMT, only the following uses shall be permitted or conditionally permitted:

<u>Permitted Uses:</u>	<u>Conditional Uses:</u>
Residential	
Assisted Living	
Attached Dwelling(s) – Mixed-Use	
Attached Dwellings - Multi-Family	
Attached Dwellings – Duplex	
Boarding House	
Convalescent /Nursing Home	
Single Detached Dwelling	
Non-Residential	
Bed and Breakfast,	Bakery – Retail
Community Center	Bank
Daycare – Large, Daycare - Small	Café
Dormitory	Convenience Store
Health Care Hospitality	Credit Union
Health Club	Dental Lab
Health Studio	Dry Cleaning Service
Historic Inn	General Merchandise/Retail – Small <4,000sqft
Hostel	Grocery Store – Small ≤10,000sqft
Office – General	Medical Lab
Office - Medical, Dental	Pharmacy
Park	Research and Development Facility
Performing Arts Studio	Research Lab
Record and Document Storage	Restaurant

<u>Permitted Uses:</u>	<u>Conditional Uses:</u>
School - Post-Secondary & Community College	
School - Preschool	
Worship, Place of	

All non-residential uses are Permitted Uses within buildings existing as of January 1, 2002; and are Conditional Uses if located within a new building to be constructed after January 1, 2002.

No permitted or conditional use in the ICC-UVMT District may include drive-through facilities, gas pumps or canopies.

7. Parking:

Parking for all uses and structures shall be in accordance with the provisions of **Article 8, Part 3 Institutional Parking Plans**.

8. Review Requirements:

Within the ICC-UVMT, any new construction or any change in use of 15,000 square feet or more (including any cumulative change of use or new construction of 15,000 square feet or more within a twelve month period) shall be subject to the conditional use major impact review criteria **(Article 3)**.

(f) District Specific Regulations: UVM South of Main Street Campus (ICC - UVMS):

1. Lot coverage

Maximum lot coverage shall be applied to the aggregate of all lots located within the ICC -UVMS District. Lot coverage shall not exceed 60%.

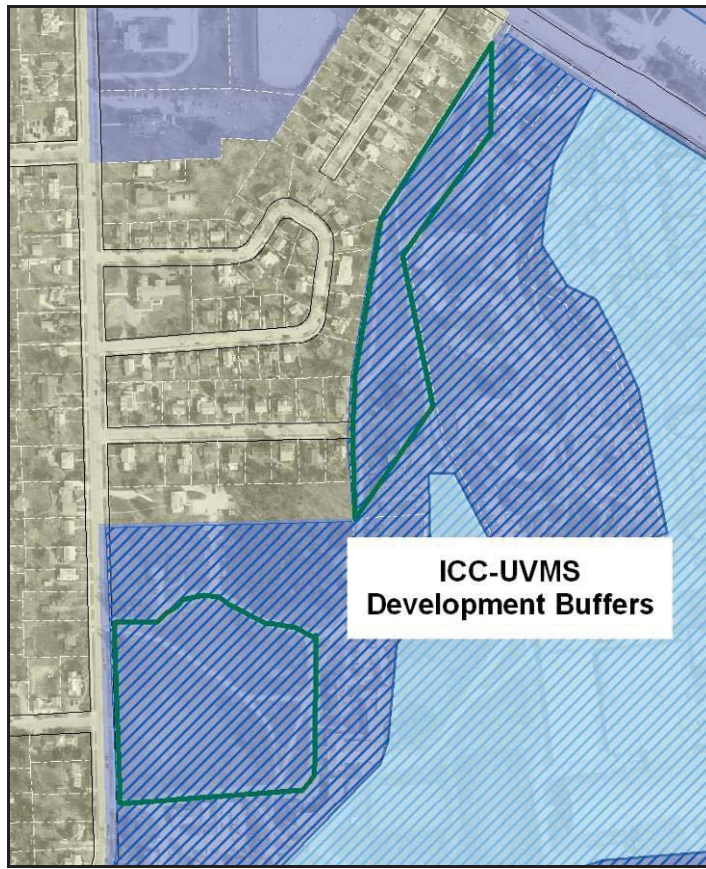
2. Setbacks

Side and rear yard setback requirements as stipulated in the underlying zoning district shall be applicable only along the perimeter of the ICC -UVMS District.

A front yard setback defined by the existing building line as of January 1, 2008 shall be maintained along the South Prospect Street and Main Street frontages of the ICC -UVMS District.

3. Development Buffer

No new structures or surface development shall be permitted within the designated ICC-UVMS Development Buffers as delineated on **Map 4.5.2-5** below. These areas shall be maintained as open greenspace, however landscaping, outdoor lighting, street furniture, and subsurface infrastructure improvements may be permitted.



Map 4.5.2-5 ICC-UVMS Development Buffers

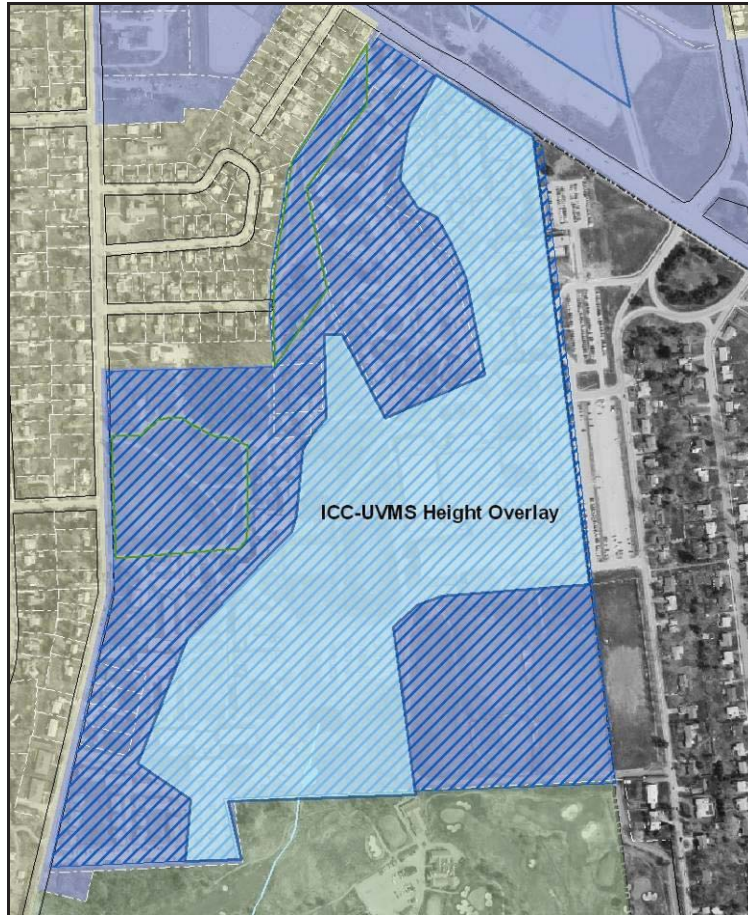
4. Surface Parking

No new outdoor surface parking spaces shall be permitted unless the number of the new outdoor surface parking spaces is offset by a corresponding removal of outdoor surface parking spaces existing as of January 1, 2008, and upon the approval by the DRB.

5. Building Height

Building height shall be measured under the provisions of Art. 5.

For the sole purpose of regulating building height, the ICC-UVMS District shall include an ICC-UVMS South of Main Street Campus Height Overlay as delineated on **Map 4.5.2-6** below. Building height within the ICC-UVMS South of Main Street Campus Height Overlay shall not exceed 80-feet.



Map 4.5.2-6 ICC-UVMS South of Main Street Campus Height Overlay

For all other areas within the ICC-UVMS District, except for ornamental and symbolic architectural features, additions and new construction may be built to a height that does not exceed the actual height of the tallest existing structure as of January 1, 2008 and located within the ICC-UVMS District.

6. Density

In the ICC -UVMS District, density restrictions set forth in **Article 4, Sec. 4.4.4** shall not apply to dormitories and rooming houses as defined in **Chapter 18 of the Burlington Code of Ordinances**. The restrictions on the non-residential equivalent set forth in **Art. 5, Sec. 5.2.7 (a) 2** shall not apply in the ICC -UVMS District.

7. Uses:

Within the ICC-UVMS District, Schools - Post-secondary and Schools - Community Colleges shall be treated as permitted uses.

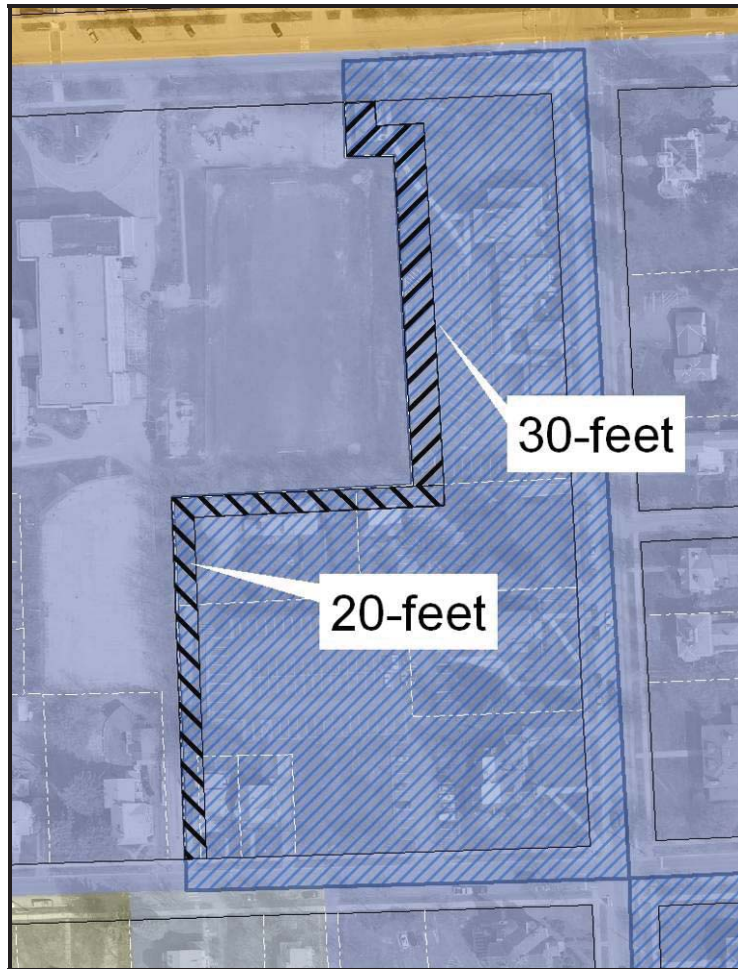
(g) District Specific Regulations: Champlain College (ICC -CC):

1. Lot Coverage

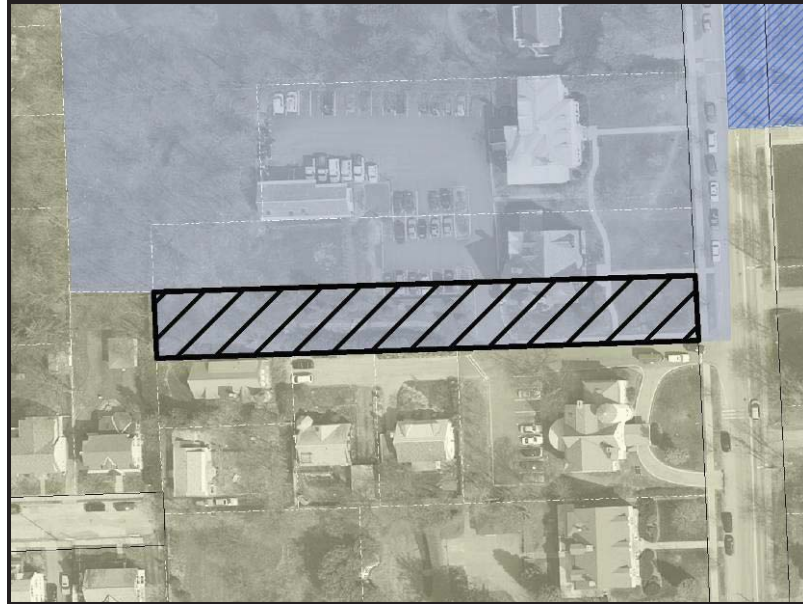
Lot coverage within the ICC-CC shall not exceed 60% inclusive of any applicable bonus provisions.

2. Setbacks:

- A. Except as illustrated below, a 20-foot setback shall be applicable along the perimeter of any contiguous ownership of Champlain College within the core campus district. As illustrated below, a 30-foot setback shall be applicable along the western perimeter of the Champlain College Residential Core Campus as delineated on **Map 4.5.2-7 ICC-CC Core Campus** adjacent and to the east of the Edmunds School playing field.



- B. The front yard setback defined by the existing building line as of January 1, 1994 shall be maintained along the South Willard Street frontage south of Maple Street.
- C. No new structures shall be placed with 50-feet of the College's southern property line that runs approximately parallel to Tower Terrace as illustrated below.



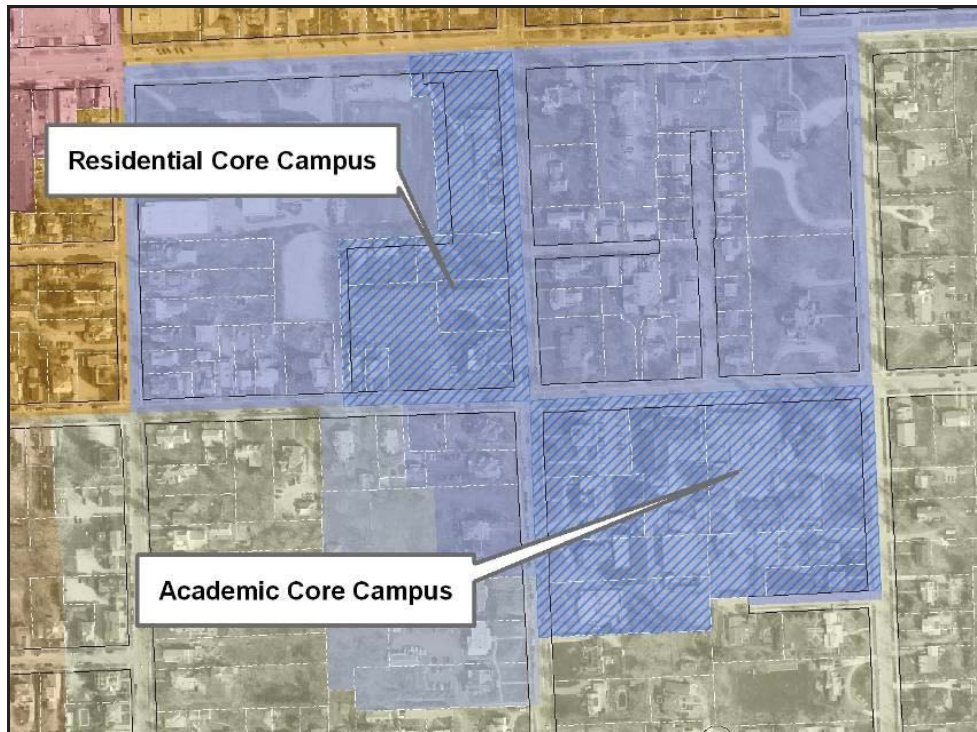
3. Surface Parking

No new unstructured surface parking lots shall be permitted in the ICC-CC except for exchanging or consolidating with existing unstructured surface parking lots. Such exchanges or consolidations may occur only upon approval by the DRB.

4. Density

For the purposes of regulating the intensity of development and the total number of residential beds, the core campus district shall be divided into two areas: a Residential Core Campus and an Academic Core Campus as delineated on **Map 4.5.2-7 ICC-CC Core Campus** below.

Core Campus	Floor Area Ratio	Maximum Residential Beds
Residential Core Campus	1.0	530
Academic Core Campus	1.1	150



Map 4.5.2-7 ICC-CC Core Campus

Sec. 4.5.3 RH- Density Bonus Overlay District

(a) Purpose:

The RH-Density Bonus Overlay District is intended to provide an incentive for the conversion of non-residential uses to residential uses within the RH Zoning District to reduce the number of non-conforming uses and increase the supply of housing near the downtown area.

(b) Areas Covered:

The RH-Density Bonus Overlay District includes that portion of the RH Zoning District bordered on the north by Main Street, on the south by Maple Street, on the west by Pine Street and on the east by South Union Street as delineated on [Map 4.5.3-1](#) RH Density Bonus Overlay District. Eligible properties shall be limited to only those existing non-residential single lots of record as of February 8, 2001 of at least one-half acre in size (21,780 sqft). Contiguous lots shall not be combined to meet this minimum lot size standard with the following exception: a half acre lot may be combined with any contiguous surface parking lot(s) of any size in order to receive the benefits as set forth in this overlay.

D. INSTITUTIONAL MASTER PLAN REVIEW

SECTION 80D-1. Institutional Master Plan Review: Title; Purpose. Institutional Master Plan Review, as established by this Article, comprises the provisions of Sections 80D-1 through 80D-11, including any requirements set forth therein for compliance with other provisions of this Article and Code.

The purpose of Institutional Master Plan Review is to provide for the well-planned development of Institutional Uses in order to enhance their public service and economic development role in the surrounding neighborhoods. Institutional Master Plan Review recognizes that Institutional Uses need to expand and renovate their facilities more frequently than do other uses, and that the cumulative effects of incremental expansion may be greater than, or different from, the effects of each project individually. To assess these cumulative impacts and determine appropriate community benefits, Institutional Master Plan Review examines the combined impacts of an Institution's overall development program and affords the public the opportunity for review and comment.

√**SECTION 80D-2. Applicability of Institutional Master Plan Review.**

1. Review Requirement. Except as otherwise specified in this Section 80D-2, Institutional Master Plan review shall apply to the following Proposed Institutional Projects:
 - (a) Projects in Areas Where Underlying Zoning Requires Institutional Master Plan Approval. Any Proposed Institutional Project that is required, pursuant to the underlying zoning, to be consistent with an approved Institutional Master Plan.
 - (b) Projects in Other Areas. Except as otherwise provided in this subsection 1(b), any Proposed Institutional Project located in a district in which the underlying zoning does not provide for projects to be consistent with Institutional Master Plans.
 - (i) Exempt Projects. A Proposed Institutional Project shall be exempt from the requirement of this subsection 1(b) to be consistent with an Institutional Master Plan if the project is:
 - (1) for interior alterations to an existing building, provided that such project does not establish or expand a High Impact Subuse that will affect an aggregate gross floor area of more than fifty thousand (50,000) square feet (which

area is not a phase of another Proposed Institutional Project); or

- (2) for the erection or extension of an Institutional Use, provided that such project does not affect an aggregate gross floor area of more than (20,000) square feet (which area is not a phase of another Proposed Institutional Project);or
- (3) located in the Downtown, provided that a Project Notification Form for Large Project Review has been filed for the project pursuant to Section 80B-5 (Procedures for Large Project Review), prior to [the first notice of hearing before the Zoning Commission for the adoption of this amendment]; or
- (4) subject to review by the Authority pursuant to section 3-1A.b (Urban Renewal Areas), provided that a project Notification Form for Large Project Review has been filed for the project pursuant to Section 80-B5(Procedures for Large Project Review), prior to [the first notice of hearing before the Zoning Commission for the adoption of this amendment]; or
- (5) subject to review by the Authority pursuant to Section 3.1A.a (Planned Development Areas), provided that the project is described adequately in a PDA Development Plan or amendment that was approved by the Zoning Commission prior to [the first notice of hearing before the Zoning Commission for the adoption of this amendment]. For purposes of this paragraph (4), a project description is adequate if it includes all of the elements set forth in Section80 C-8.3 (Adequacy of Description).

(ii) Relationship of Institutional Master Plan Review Requirement to Planned Development Area Review.

(1) Applicability of Planned Development Area Review.

The provisions of Sections 80C-1 through 80C-9(PDA Review) shall not apply to any Proposed Institutional Project that is required by this subsection 1(b) to be consistent with an Institutional Master Plan.

(2) Approval of PDA Master Plans Previously Filed. If, prior to [the first date of hearing before the Zoning Commission for the adoption of this amendment], a PDA Master Plan has been filed with the Authority, pursuant to Section 80C-5(Procedures for PDA Review), for an area where a PDA has not been established, and the plan describes one or more Proposed Institutional Projects that are required, pursuant to this subsection 1(b), to be consistent with an approved Institutional Master Plan, then:

- (a) the filing of the PDA Master Plan shall be deemed to be the filing of an Institutional Master Plan Notification Form (IMPNF) under section 80D-5(Procedures for Institutional Master Plan Review); and
- (b) any review of the PDA Master Plan conducted under Section 80C-5(Procedures for PDA Review) prior to [the first date of hearing before the Zoning Commission for the adoption of this amendment] shall be deemed to have been conducted under Section 80D-5(Procedures for Institutional Master Plan Review).

(iii) Approval of Institutional Master Plans Previously Filed. If, prior to [the first date of hearing before the Zoning Commission for the adoption of this amendment], an Institutional Master Plan Notification Form (IMPNF) has been filed with the Authority (or deemed filed, pursuant to paragraph(ii)(2)(Approval of PDA Master Plans Previously Filed) of this section 80B-2.1(b) for an area where Institutional Master Plan Review was not required at the time of filing, and the Authority has issued a Scoping Determination requesting the submission of an Institutional Master Plan, then:

- (1) the review of the Institutional Master Plan shall be conducted under Section 80D-5 (Procedures for Institutional Master Plan Review), and
- (2) any review of the IMPNF and Institutional Master Plan conducted prior to [the first date of hearing before the Zoning Commission for the adoption of this amendment], including the filing of the IMPNF and Institutional Master Plan, the issuance of the Scoping Determination, the publication of notices of public comment periods, and the filing of public comments, shall be deemed to have been conducted under Section 80D-5 (Procedures for Institutional Master Plan Review).

2. If a Proposed Institutional Project is exempt from a requirement to be consistent with an Institutional Master Plan, pursuant to the underlying zoning, or pursuant to subsection 3 of this Section 80D-2 (Exemption for Small Institutions), such Proposed Institutional Project shall be exempt from the requirements of Institutional Master Plan Review other than the requirements for exempt projects set forth in this Section 80D-2 and in Section 80D-10 (Enforcement...Notice of Exemption).
3. Exemption for Small Institutions. Notwithstanding any contrary provision of this Section 80D-2 or the underlying zoning, the provisions of this Article requiring Institutional Master Plan Review shall not apply to a Proposed Institutional Project if the combined gross floor area of the Proposed Institutional Project and all of the

other Institutional Uses of the same Institution is less than one hundred fifty thousand (150,000) square feet; provided, however, that if such combined gross floor area equals one hundred thousand (100,000) or more square feet, the Institution may elect to seek approval of an Institutional Master Plan, and as of the date of such approval, the Institutional Uses of the Institution shall be subject to the provisions of this Article requiring Institutional Master Plan Review.

4. Regulations Applicable to Exempt Projects. A Proposed Institutional Project that is exempt from Institutional Master Plan Review, pursuant to this Section 80D-2, and not electively described in an Institutional Master Plan, pursuant to subsection 5 of this Section 80B-2, shall be governed by the use, dimensional, and other regulations of the underlying zoning applicable to the use category that most closely describes such project.
5. Election to Include Exempt Project in Institutional Master Plan. An applicant for an Institutional Master Plan approval, renewal, or amendment may elect, in its submission materials, to make any exempt project subject to the provisions of its Institutional Master Plan, in which event such Proposed Institutional Project shall be governed by the provisions of this Article requiring Institutional Master Plan Review, notwithstanding any contrary provision of this Section 80D-2.

(√As amended May 30, 2000)

√SECTION 80D-3. **Scope of Institutional Master Plan Review; Content of Institutional Master Plan.** An Institutional Master Plan shall include the elements described in this Section 80D-3 to provide a basis for evaluating, for city planning purposes, the impact on the surrounding neighborhoods of the Institution's current and future projects, except those elements excluded from review as specified in the Scoping Determination issued pursuant to Section 80D-5.

The Institutional Master Plan shall project its proposed development plan far enough into the future to cover at least the period of years for which the Institutional Master Plan may remain in effect before it must be renewed, pursuant to Section 80D-8. Unless otherwise specified by the underlying zoning, the Institutional Master Plan shall specify the period of years for which the Institutional Master Plan may remain in effect. The Institutional Master Plan shall include all currently planned Proposed Institutional Projects that are not exempt under Section 80D-2 and any projects that are electively included in the plan. In addition, the plan shall set out and define the longer term goals of the Institution, a minimum of ten (10) years into the future. These goals should address the

broad direction to be taken by the Institution with regard to its growth and services.

An Institutional Master Plan prepared pursuant to this Article shall cover the current and proposed properties, uses, and activities of the Institution within a single neighborhood, unless the Boston Redevelopment Authority, in its Scoping Determination issued pursuant to 80D-5.3, specifies a different geographic scope for the Institutional Master Plan. For purposes of determining the scope of an Institutional Master Plan, each Downtown District, Neighborhood District, and the Longwood Institutional Area, as depicted on Appendix A to this article, shall be considered a single neighborhood. An Institutional Master Plan may include proposed use, dimensional, and parking and loading requirements for existing and proposed uses and structures within the area covered by the Institutional Master Plan. An Institutional Master Plan shall include each of the following elements, except to the extent waived by the Boston Redevelopment Authority, as determined in the Scoping Determination issued pursuant to Section 80D-5:

1. Mission and Objectives. A statement that defines the organizational mission and objectives of the Institution, and a description of how all development contemplated or defined by the Institutional Master Plan advances the goals and objectives of the Institution. The statement should describe the population to be served by the Institution, and any projected changes in the size or composition of that population. It should also specify any services to be provided to Boston residents in adjacent neighborhoods and in other areas of the City.
2. Existing Property and Uses. A description of land, buildings, and other structures occupied by Institutional Uses of the Institution as of the date of submission of the Institutional Master Plan, with such information including, for each property, the following: (i) illustrative site plans showing the footprints of each building and structure, together with roads, sidewalks, parking, and other significant improvements; (ii) land and building uses; (iii) building gross square footage; (iv) building height in stories and, approximately, in feet; (v) a description of off-street parking and loading areas and facilities, including a statement of the approximate number of parking spaces in each area or facility; and (vi) existing building linkage payments.
3. Needs of the Institution. A summary and a projection of the Institution's current and future needs for the following facilities: (i) academic; (ii) service; (iii) research; (iv) office; (v) housing; (vi) patient care; (vii) public assembly; (viii) parking; and other facilities related to the Institutional Use. Such needs shall be defined in relationship to the Institution's goals and objectives previously described. With respect to the Institution's current and future housing needs, the Institutional Master Plan shall include a Student Housing Plan, unless

the Authority's Scoping Determination determines that the IMPNF incorporates adequate information on the Institution's current and future housing needs and their impacts on the surrounding neighborhoods. The Student Housing Plan should specify:

- (a) the number of full-time undergraduate and graduate students currently attending the Institution, and the number of students projected to attend during the term of the Institutional Master Plan;
- (b) the number of full-time undergraduate and graduate students living in housing facilities owned or operated by the Institution, including a breakdown by type of degree of program (undergraduate or graduate) and type of housing facility (dormitory, apartment, or cooperative housing facility);
- (c) the number of housing units owned or operated by the Institution, by type of housing facility (dormitory, apartment or cooperative housing facility);
- (d) any housing requirements or restrictions the Institution places on its students(e.g. eligibility for on-campus housing, requirement to live on campus);
- (e) the process by which the Institution directs its students to housing facilities;
- (f) the Institution's short-term and long-term plans for housing its undergraduate and graduate students on-campus and off-campus;
- (g) impacts of the Institution's student housing demand on housing supply and rental market rates in the surrounding neighborhoods, including those neighborhoods adjacent to the Institution's campus and other neighborhoods where the Institution's students are concentrated;
- (h) a plan for mitigating the impacts of the Institution's student housing demand on surrounding neighborhoods; and
- (i) such other information on the Institution's student housing needs, current facilities, and plans as the Boston Redevelopment Authority shall determine are necessary for an adequate description and evaluation of the Institution's proposed development program.

4. Proposed Future Projects. A description of any proposed future projects of the Institution within the areas of the City where preparation of the same Institutional Master Plan is required (other than projects that are exempt under Section 80D-2 and not electively included in the Institutional Master Plan) and their relationship to present and future needs. The required descriptions may include:
 - (a) site locations and approximate building footprints;
 - (b) uses (specifying the principal subuses of each land area, building, or structure, such as classroom, laboratory, parking facility);
 - (c) square feet of gross floor area;
 - (d) square feet of gross floor area eliminated from existing buildings through demolition of existing facilities;
 - (e) floor area ratios;
 - (f) building heights;
 - (g) parking areas or facilities to be provided in connection with proposed projects;
 - (h) any applicable urban renewal plans, land disposition agreements, or the like;
 - (i) current zoning of sites;
 - (j) total project cost estimates;
 - (k) estimated development impact payments;
 - (l) approximate timetable for development of Proposed Institutional Projects, with the estimated month and year of construction start and construction completion for each.
5. Institutional Transportation and Parking Management and Mitigation Plan. A description of the Institution's existing transportation and parking characteristics, a description of parking to be provided over the term of the Institutional Master Plan, a projection of impacts associated with the projects proposed in the Institutional Master Plan, and a set of transportation goals and mitigation measures to address these impacts.

6. Pedestrian Circulation Guidelines and Objectives. A statement of guidelines and objectives for pedestrian circulation system to be provided through the campus of the Institution, including guidelines and objectives regarding the accessibility to the general public of any pedestrian areas and open spaces.
7. Urban Design Guidelines and Objectives. A statement of urban design guidelines and objectives for new and renovated buildings to assure their compatibility with supporting neighborhoods and districts and to minimize potential adverse impacts on historic structures.
8. Job Training Analysis. A description of the Institution's current workforce and projected future employment needs in connection with future projects and a description of current and/or proposed programs with Boston schools and other programs to train and employ students from Boston, and particularly from neighborhoods in the vicinity of the Institution, at the requisite skill levels.
9. Community Benefits Plan. An identification of community benefits that mitigate impacts of proposed future projects or otherwise are appropriate to and enhance the surrounding communities.
10. Additional Elements. Such additional elements as the Boston Redevelopment Authority shall determine are necessary adequately to describe and to evaluate the Institution's proposed development program or to provide appropriate regulations for uses and structures within the area covered by the Institutional Master Plan.

(√As amended on May 30, 2000.)

SECTION 80D-4. Standards for Institutional Master Plan Review

Approval. The Adequacy Determination issued pursuant to Section 80D-5 shall require compliance with each element of the Scoping Determination. In addition, the Boston Redevelopment Authority shall approve an Institutional Master Plan only if the Authority finds that: (a) the Institutional Master Plan conforms to the provisions of this Article; (b) the Institutional Master Plan conforms to the general plan for the City as a whole; and (c) on balance, nothing in the Institutional Master Plan will be injurious to the neighborhood or otherwise detrimental to the public welfare, weighing all the benefits and burdens.

SECTION 80D-5. Boston Redevelopment Authority Procedures for Institutional Master Plan Review.

1. Pre-Review Planning Meeting. The Applicant is strongly encouraged to request a pre-review planning meeting with the Boston Redevelopment Authority. At the Applicant's request, the Boston

Redevelopment Authority will schedule a pre-review planning meeting with the Applicant and Boston Redevelopment Authority staff to discuss issues that may be raised by a Proposed Project and identify any need for coordination with other Boston Redevelopment Authority review and with review by other public agencies. If a Proposed Institutional Project involves the participation of more than one Institution, see subsection 6 (Coordinated Review of Joint Institutional Projects) of this Section 80D-5.

2. Initiating the Review Process. The Applicant shall initiate the Institutional Master Plan Review process by filing an Institutional Master Plan Notification Form (IMPNE) in writing with the Boston Redevelopment Authority.
 - (a) Time for Filing IMPNE. If the Institutional Master Plan will include one or more Proposed Institutional Projects, the Applicant should file the IMPNE prior to the commencement of Large Project Review for any such project.
 - (b) Content of IMPNE. The IMPNE shall include those elements of an Institutional Master Plan identified in paragraphs (a) (Mission and Objectives) and (d) (Proposed Future Projects) of Section 80D-3 and summary descriptions of any Proposed Institutional Projects that are to be included in the Institutional Master Plan, including height, square footage, location, and uses, including the location of any High Impact Subuse. If any Proposed Institutional Project exceeds the thresholds for Large Project Review, pursuant to Section 80B-2, the IMPNE also shall include summary statements of anticipated impacts of such projects in the impact areas identified in Section 80B-3 (Scope of Large Project Review).
 - (c) Public Notice. After receiving the IMPNE, the Boston Redevelopment Authority shall publish notice of such receipt as required by Section 80A-2. Copies of the IMPNE shall be distributed as required by Section 80A-3.
 - (d) Abbreviated IMPNE for Certain Amendments. If a proposed amendment to an approved Institutional Master Plan meets the requirements of Section 80D-9.2 (Expedited Review for Certain Small Projects), the requirements for the IMPNE shall be as set forth in Section 80D-9.2.
 - (e) Waiver of Further Review of Unchanged Plans. If, upon review of an IMPNE for the renewal or amendment of an approved Institutional Master Plan, the Boston Redevelopment Authority

determines that: (i) no new Proposed Institutional Projects are planned; (ii) no changes in the Institutional Master Plan are proposed that would constitute a change in the use, dimensional, parking, or loading elements of the Institutional Master Plan (other than de minimus dimensional changes); and (iii) no significantly greater impacts would result from continued implementation of the approved Institutional Master Plan than were originally projected, then the Boston Redevelopment Authority shall waive further review of the renewal or amendment application and approve the IMPNF and approved Institutional Master Plan together as the renewed or amended Institutional Master Plan.

(f) Filing of Proposed Scoping Determination. At any time before the Boston Redevelopment Authority's issuance of a Scoping Determination, pursuant to subsection 3 of this Section 80D-5, the Applicant may file a proposed Scoping Determination for the Boston Redevelopment Authority to consider in developing its Scoping Determination.

3. Scoping Determination. Based on its review of the IMPNF and any public comments received in a timely manner, pursuant to this Section 80D-5.3, the Boston Redevelopment Authority shall issue a written Scoping Determination setting forth in sufficient detail those elements set forth in Section 80D-3 (Scope of Review; Content of Institutional Master Plan) that the Applicant must include in the Institutional Master Plan. The Scoping Determination also may set forth any modifications to the schedule and document requirements set forth in this Section 80D-5 that the Boston Redevelopment Authority may allow pursuant to Section 80-6 (Coordination of Review Procedures).

(a) Time for Issuance of Scoping Determination. The Boston Redevelopment Authority shall issue the Scoping Determination no later than forty-five (45) days after the Boston Redevelopment Authority's receipt of the IMPNF.

If the Boston Redevelopment Authority has not issued the Scoping Determination within forty-five (45) days after its receipt of the PNF, the Boston Redevelopment Authority shall consider any proposed Scoping Determination filed by the Applicant pursuant to paragraph (f) of Section 80D-5.2. If the Boston Redevelopment Authority fails to accept or amend such proposed Scoping Determination within twenty-one (21) days after its receipt thereof, or within twenty-one (21) days after the date on which the Boston Redevelopment Authority's Scoping

Determination was required to be issued, whichever is later, the Applicant's proposed Scoping Determination shall be deemed accepted.

- (b) Public Comment. Public comments, including the comments of public agencies, shall be transmitted in writing to the Boston Redevelopment Authority within thirty (30) days after the publication of notice of the IMPNF, pursuant to subsection 2 of this Section 80D-5, except as provided in subsection 2 of Section 80D-9 (Expedited Review for Certain Small Projects).
- (c) Scoping Session. Prior to issuing the Scoping Determination, the Boston Redevelopment Authority shall invite the Applicant and the City's public agencies to attend a scoping session with Boston Redevelopment Authority staff. The Boston Redevelopment Authority shall give notice of the scoping session to the City's public agencies pursuant to Section 80A-2. In addition, to aid inter-agency coordination and encourage identification of issues early in the review process, the Applicant may invite to the scoping session any other public agencies the Applicant believes may have occasion to review the Proposed Project.
- (d) Limited Scope of Review for Certain Institutional Master Plan Amendments. If a proposed amendment to an approved Institutional Master Plan is limited to the addition of one or more Proposed Institutional Projects to the Institutional Master Plan and does not involve renewal of the Institutional Master Plan, the Boston Redevelopment Authority shall limit the scope of review of such proposed amendment to an examination of the impacts of such Proposed Institutional Projects, taking into consideration the cumulative impacts of such projects when added to existing uses and to the other Proposed Institutional Projects already described in the approved Institutional Master Plan. This paragraph (d) of Section 80D-5.3 shall not apply to an amendment that is part of an application for renewal of an Institutional Master Plan, pursuant to Section 80D-8.
- (e) Waiver of Scoping Determination. If a proposed amendment to an approved Institutional Master Plan meets the requirements of subsection 2 of Section 80D-9 (Expedited Review for Certain Small Projects), the Boston Redevelopment Authority shall waive the requirement of a Scoping Determination, as provided by said subsection 2.

4. Institutional Master Plan and Adequacy Determination.

- (a) Institutional Master Plan. The Applicant shall satisfy the requirements of the Scoping Determination in the preparation of an Institutional Master Plan.
- (b) Public Notice and Comment. After receiving the Institutional Master Plan, the Boston Redevelopment Authority shall publish notice of such receipt as required by Section 80A-2. Copies of the Institutional Master Plan shall be distributed as required by Section 80A-3. Public comments, including the comments of public agencies, shall be transmitted in writing to the Boston Redevelopment Authority no later than sixty (60) days after the publication of such notice, except as provided in subsection 2 of Section 80D-9 (Expedited Review for Certain Small Projects).
- (c) Adequacy Determination. Within the time specified by paragraph (i) of this Section 80D-5.4, the Boston Redevelopment Authority shall issue a written Adequacy Determination approving, conditionally approving, or disapproving the Institutional Master Plan. If the Adequacy Determination disapproves the Institutional Master Plan, it shall provide specific reasons for the disapproval, setting forth the areas in which the Institutional Master Plan is at variance with the requirements of the Scoping Determination. An Adequacy Determination that conditionally approves, or disapproves, the Institutional Master Plan, in whole or in part, may require additional information, studies, and mitigation measures, provided that such requirements are within the breadth of the Scoping Determination.
 - (i) Time for Issuance of Adequacy Determination. The Boston Redevelopment Authority shall issue the Adequacy Determination within ninety (90) days following the Boston Redevelopment Authority's receipt of the Institutional Master Plan pursuant to this subsection 4 of Section 80D-5, except as provided in subsection 2 of Section 80D-9 (Expedited Review for Certain Small Projects).
 - (ii) Public Hearing. Prior to issuing its Adequacy Determination, the Boston Redevelopment Authority shall hold a public hearing, and shall publish notice thereof pursuant to Section 80A-2, except that no public hearing shall be required for an Institutional Master Plan renewal or amendment that satisfies the requirements of paragraph (e) (Waiver of Further Review of Unchanged Plans) of Section 80D-5.2.

5. Revision of Institutional Master Plan. If the Adequacy Determination disapproves the Institutional Master Plan, the Applicant shall revise the Institutional Master Plan before resubmitting it to the Boston Redevelopment Authority. The revised and resubmitted Institutional Master Plan shall be reviewed in the manner, and subject to the requirements, set forth in subsection 4 (Institutional Master Plan and Adequacy Determination) of this Section 80D-5.
6. Coordinated Review of Joint Institutional Projects. A Proposed Institutional Project involving the participation of more than one Institution may be included in an Institutional Master Plan in the following ways: (i) the project may be included in its entirety in the Institutional Master Plan for one of the participating Institutions; or (ii) the relevant part of such project may be included in the Institutional Master Plan for each such Institution. If a Proposed Institutional Project is included in the Institutional Master Plans of two or more Institutions, the Boston Redevelopment Authority, at the request of the Institutions, shall: (1) allow the submission of a combined IMPNF for such project incorporating all the information required from all such Institutions; (2) limit the scope of review of such Proposed Institutional Project in each Institutional Master Plan to those portions of such project that involve the participation of that Institution; and (3) provide for the required Institutional Master Plan amendments to be reviewed together, to the extent feasible, at any public meetings and public hearings required pursuant to Section 80D-5 and Section 80D-6.

SECTION 80D-6. Institutional Master Plan Review: Zoning Commission Approval. Upon approval of the Institutional Master Plan by the Boston Redevelopment Authority, the Boston Redevelopment Authority shall transmit the Institutional Master Plan to the Zoning Commission for its consideration. The Zoning Commission may, after a public hearing in accordance with the procedures set forth in Section 3 of Chapter 665 of the Acts of 1956, as amended, approve the Institutional Master Plan and establish an Institutional Master Plan Area within which the Institutional Master Plan shall apply. The Institutional Master Plan Area shall apply on an overlay basis and may include non-contiguous elements located in one or more districts or subdistricts.

No Zoning Commission approval shall be required for a renewal or amendment of an approved Institutional Master Plan, if such renewal or amendment: (a) meets the requirements of Section 80D-5.2(e) (Waiver of Further Review of Unchanged Plans) or Section 80D-9.2 (Expedited Review for Certain Small Projects), and (b) does not add additional land to the approved Institutional Master Plan. In such case, the date of the Boston Redevelopment

Authority's approval of such renewal or amendment, pursuant to Section 80D-5, shall constitute the new approval date for such Institutional Master Plan.

SECTION 80D-7. Update of Institutional Master Plan. An approved Institutional Master Plan shall be updated biannually, on or before the applicable anniversary of the approval date of the Institutional Master Plan.

To update its Institutional Master Plan, an Institution shall file with the Boston Redevelopment Authority a description of all projects that: (a) have been completed since the most recent biannual update or Institutional Master Plan approval or renewal date, (b) are ongoing, including a description of the status and estimated timetables for completion of such projects, or (c) are scheduled to begin in the upcoming twenty-four (24) months, including estimated timetables for the commencement, progress, and completion of such projects. Such descriptions shall include any other information necessary to clarify the information required by items (a), (b), or (c) of this Section 80D-7.

The biannual update of an Institutional Master Plan shall not constitute an amendment or renewal of such Institutional Master Plan, and the description of a project in such biannual update shall not serve to add any such project to any applicable Institutional Master Plan without an amendment of such Institutional Master Plan pursuant to Section 80D-9.

Failure to update an Institutional Master Plan shall not affect the status under the Institutional Master Plan of then existing uses or structures, or of building, use, or occupancy permits already issued.

SECTION 80D-8. Renewal of Institutional Master Plan.

1. Time for Renewing Institutional Master Plan. An approved Institutional Master Plan may be renewed at any time.

If an Institution fails to file an IMPNF seeking renewal of an Institutional Master Plan on or before the time for renewing an Institutional Master Plan as specified in the underlying zoning or in the Institutional Master Plan, as provided in Section 80D-3, or if, having made such filing, the Institution thereafter fails diligently to make the necessary filings and otherwise fulfill the requirements for renewal set forth in this Section 80D-8, as determined by the Director of the Boston Redevelopment Authority, then the Director shall not issue any Certification of Consistency, pursuant to Section 80D-10, with respect to a Proposed Institutional Project of such Institution until such failure is remedied. Failure to file an IMPNF seeking renewal of an Institutional Master Plan within the time required by the underlying zoning shall not affect the status under the Institutional Master Plan of

then existing uses or structures or of building, use, or occupancy permits already issued as of such expiration.

Except as otherwise specified in Section 80D-6 (Zoning Commission Approval), the new approval date for the Institutional Master Plan shall be the date of the Zoning Commission's approval of the Institutional Master Plan renewal.

2. Review and Approval Requirements for Institutional Master Plan Renewal. The review and approval requirements for renewing an Institutional Master Plan are the same as those for the initial approval of an Institutional Master Plan, except as set forth in Section 80D-5.2(e) (Waiver of Further Review of Unchanged Plans) and Section 80D-6 (Zoning Commission Approval).

(√As amended on May 30, 2000.)

SECTION 80D-9. Amendment of Institutional Master Plan. An approved Institutional Master Plan may be amended at any time.

1. General Review and Approval Requirements for Institutional Master Plan Amendments. The review and approval requirements for amending an Institutional Master Plan are the same as those for the initial approval of an Institutional Master Plan, except as set forth in Section 80D-5 and this Section 80D-9.
2. Expedited Review for Certain Small Projects. The expedited review procedure of paragraph (a) of this Section 80D-9.2 shall apply to a proposed amendment to an Institutional Master Plan if: (1) such amendment proposes no changes to the Institutional Master Plan other than the addition of one or more Proposed Projects; and (2) each of such Proposed Projects meets the requirements of paragraph (b) of this Section 80D-9.2.
 - (a) Expedited Amendment Procedure. If a proposed amendment meets all the requirements of this Section 80D-9, the following review procedures shall apply:
 - (i) Initiating the Review Process: Abbreviated IMPNF; Waiver of Scoping. The Applicant shall initiate the review process by filing with the Boston Redevelopment Authority the approved Institutional Master Plan, together with an IMPNF that includes summary descriptions of all Proposed Institutional Projects that are to be included in the amended Institutional Master Plan, as required by

paragraph (b) (Content of IMPNF) of Section 80D-5.2, and a statement that no other changes to the approved Institutional Master Plan are proposed. The Boston Redevelopment Authority shall waive the requirement of a Scoping Determination, pursuant to paragraph (e) of Section 80D-5.3.

(ii) Public Notice and Comment. Public comments, including the comments of public agencies, shall be transmitted in writing to the Boston Redevelopment Authority no later than thirty (30) days after the publication of notice of the IMPNF, pursuant to Section 80D-5.2. Copies of the IMPNF shall be distributed as required by Section 80A-3.

(iii) Adequacy Determination. The Boston Redevelopment Authority shall issue its written Adequacy Determination, pursuant to Section 80D-5.4, within sixty (60) days after the Boston Redevelopment Authority's receipt of the IMPNF pursuant to paragraph (i) of this Section 80D-9.2(a). Nothing in this Section 80D-9.2 shall affect the requirements set forth in Section 80D-5 for full community participation in the Boston Redevelopment Authority's review of an amendment to an Institutional Master Plan, including but not limited to the requirement of a public hearing pursuant to paragraph (c) of Section 80D-5.4.

(b) Projects Qualifying for Expedited Amendment Procedure. A Proposed Institutional Project shall qualify for the expedited amendment procedure of this Section 80D-9.2 if such project does not meet the size thresholds for Large Project Review, as set forth in Section 80B-2 (Applicability of Large Project Review), and such project meets the requirements of paragraph (i) or paragraph (ii), below:

(i) the Proposed Institutional Project is an exempt project, as provided in subsection 2 of Section 80D-2, and the Institution elects to make such project subject to the provisions of its Institutional Master Plan pursuant to subsection 5 of Section 80D-2; or

(ii) the Proposed Institutional Project is not an exempt project, pursuant to Section 80D-2, and the project meets all of the following requirements:

(1) the project is located within an Institutional District or Subdistrict or, if it is located outside an Institutional

District or Subdistrict, the use category that most closely describes such project is designated in the underlying zoning as an allowed use; and

- (2) if the project is located outside an Institutional District or Subdistrict, its dimensions and parking and loading spaces meet all the requirements of the underlying zoning applicable to the use category that most closely describes the project; and
- (3) the project is not for one or more of the High Impact Subuses of an Institutional Use.

√SECTION 80D-10. Institutional Master Plan Review Enforcement: Certification of Consistency; Notice of Exemption.

The Director of the Boston Redevelopment Authority shall issue a Certification of Consistency, pursuant to subsection 1 of this Section 80D-10, for any Proposed Project that meets the requirements of that subsection, whether or not the project is a Proposed Institutional Project.

Requirement for Proposed Institutional Projects. If a Proposed Institutional Project is required, pursuant to Section 80B-2(Applicability of Institutional Master Plan Review), to be consistent with an Institutional Master Plan, the Commissioner of Inspectional Services shall not issue a building, use, or occupancy permit for the project unless the Director of the Boston Redevelopment Authority has issued a Certification of Consistency for the project, pursuant to subsection 1 of this Section 80D-10, or a notice of exemption for the project, pursuant to subsection 2.

1. Certification of Consistency.

- (a) Procedure. The Applicant shall transmit to the Boston Redevelopment Authority a copy of the permit application, including each plan, drawing, and specification filed in connection therewith.

Within sixty (60) days after the Boston Redevelopment Authority has received the complete permit application, the Director of the Boston Redevelopment Authority shall issue a Certification of Consistency, pursuant to this Section 80D-10, or a finding of inconsistency, or a finding of consistency with conditions. A finding of inconsistency or a finding of consistency with conditions shall specify the reasons for the finding.

(b) Findings. The Director of the Boston Redevelopment Authority shall issue a Certification of Consistency pursuant to this Section 80D-10 if, and only if, the Director finds that:

(i) The Proposed Project:

- (1) is described adequately in an Institutional Master Plan; and
- (2) is consistent with such Institutional Master Plan, including the requirement of subsection (d) of this Section 80D-10.1 concerning the location of High Impact Subuses; and

(ii) The Institutional Master Plan:

- (1) has been approved by the Boston Redevelopment Authority and the Zoning Commission in accordance with the applicable provisions of Institutional Master Plan Review; and
- (2) is in compliance with the update requirements of Section 80D-7 and with the renewal requirements of Section 80D-8.

Prior to issuing a Certification of Consistency, the Director of the Boston Redevelopment Authority may require the Applicant to submit information and materials as necessary to evaluate whether the Proposed Project is consistent with the Institutional Master Plan. Provided that such updated materials and information do not alter or require alteration of the development program proposed in the Institutional Master Plan or of proposed mitigation measures, such updated materials and information shall not be deemed to be an amendment to the Institutional Master Plan.

(c) Adequacy of Description. For purposes of paragraph 1(b) of this Section 80D-10, the description of a Proposed Project in an Institutional Master Plan is adequate if it describes the following project elements:

- (i) size, including gross floor area, building height, and Floor Area Ratio;
- (ii) uses, including each High Impact Subuse of an Institutional Use; and

- (iii) location, including the location of each High Impact Subuse of an Institutional Use.

(d) Consistency of Location of High Impact Subuses.

Notwithstanding any contrary provision of this Code concerning the subuses of Institutional Uses, the location of any Proposed Project involving a High Impact Subuse of an Institutional Use must be consistent with the location specified for such Proposed Institutional Project in the Institutional Master Plan.

2. Notice of Exemption. To request a notice of exemption, for a Proposed Institutional Project pursuant to this Section 80D-10, the Applicant shall transmit to the Boston Redevelopment Authority, in writing, the following information concerning the project:
 - (a) size, including gross floor area, building height, and Floor Area Ratio;
 - (b) uses, including any High Impact Subuses;
 - (c) location, including the location of any High Impact Subuses; and
 - (d) a statement that the Applicant does not elect to include the Proposed Institutional Project in its Institutional Master Plan.

Within ten (10) days after receiving such request, the Director of the Boston Redevelopment Authority shall issue a written notice to the Commissioner of Inspectional Services indicating that such project is exempt, pursuant to Section 80D-2, from the requirement to obtain a Certification of Consistency, or that such project is not so exempt, or that further information is needed to make a determination. A notice that a Proposed Institutional Project is not so exempt, or that further information is needed, shall state the reason therefor or specify what information is needed.

(√As amended on May 30, 2000.)

√SECTION 80D-11. **Institutional Master Plan Review: Effect on Applicability of Other Zoning Requirements.** Any use or structure that has received a Certification of Consistency, pursuant to Section 80D-10, and that has received, if applicable, a Certification of Compliance under Large Project Review, pursuant to Section 80B-6, or the certification required under Small Project Review, pursuant to Section 80E-6, shall be deemed to be in compliance with the use, dimensional, parking and loading requirements of the underlying zoning, (including special purpose overlay districts established pursuant to Section 3-1A)

notwithstanding any provision of the underlying zoning to the contrary and without the requirement of further Zoning Relief.

(✓As amended on May 30, 2000.)

Article 8. Overlay Districts

8.1 MEDICAL OVERLAY DISTRICT (-MO)

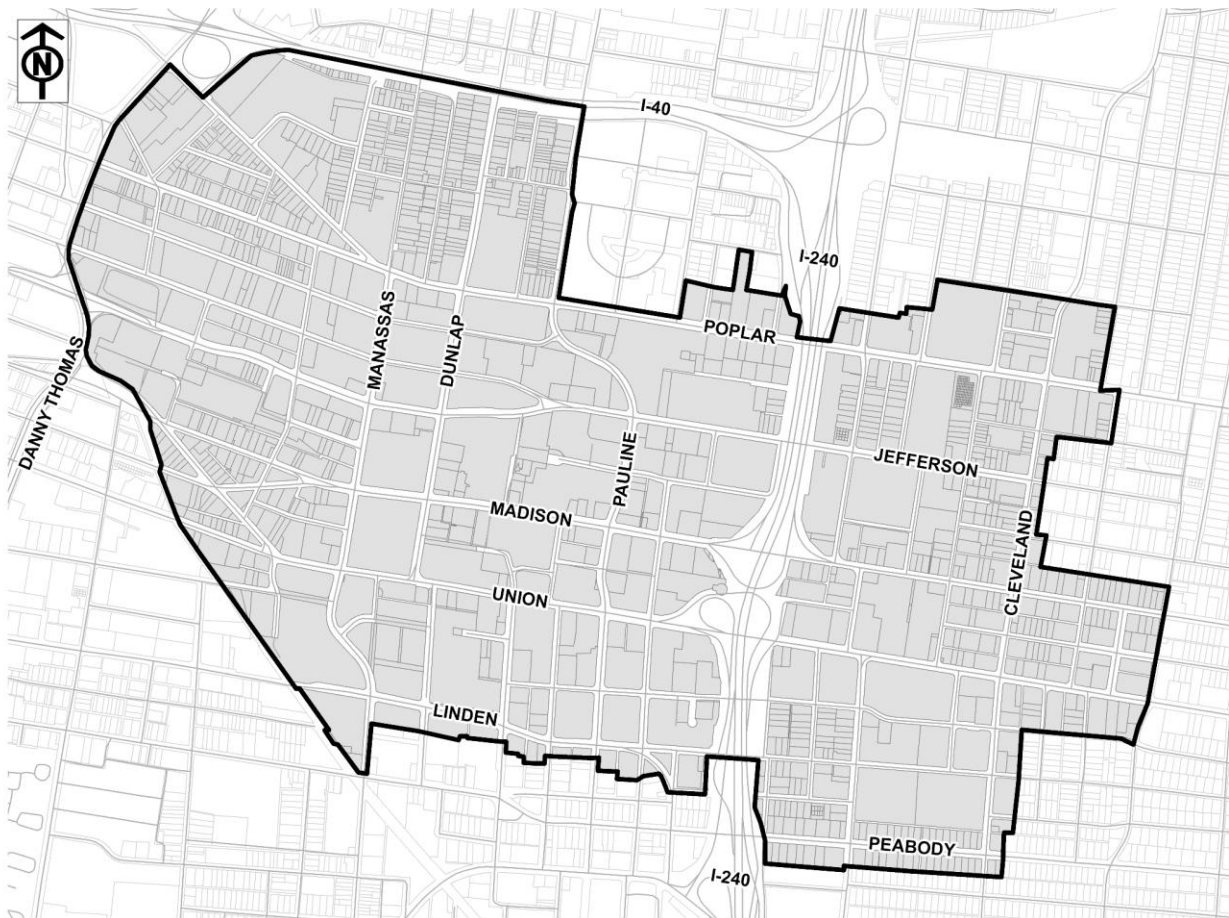
8.1.1 Purpose

The purpose of the Medical Overlay District is to support the investment efforts of the various institutional uses located within the district by providing restrictions on those uses deemed incompatible with the future land uses anticipated in the area. The area is also intended to have a more urban, pedestrian-friendly, walkable character in the future, and therefore replacement standards that support this vision are included in the overlay district. Finally, mapped limitations on height will help reduce the impact of large-scale uses on the surrounding neighborhoods.

8.1.2 Applicability

Within the Medical Overlay District, as designated below, the standards of this Chapter shall apply to:

- A. All new building construction;
- B. All building expansion with removal of more than 25% of existing walls facing a public street, or a street-facing elevation if the parcel is landlocked; or removal of more than 50% of all existing exterior walls.
- C. All existing buildings that are not in conformance with the requirements of the underlying district or this overlay district at the time of adoption shall be governed by Article 10 (nonconformities).
- D. No Planned Developments (Section 4.11) shall be allowed within the Medical Overlay District.



Medical Overlay District (-MO)

8.1.3 Site Plan Review

A. Authority

The Planning Director is authorized to approve site plans within the Medical Overlay District in accordance with Chapter 9.13.

B. Administrative Deviations

During the site plan review process, the Planning Director is authorized to approve administrative deviations (see Chapter 9.21) to the building envelope standards in Sub-Section 8.1.5C, where, owing to special conditions, strict enforcement of certain standards would be physically impractical.

C. Special Exceptions

1. Authority

The Land Use Control Board is authorized to approve special exceptions to certain requirements of this Chapter in accordance with Chapter 9.14.

2. Permitted Special Exception

The Land Use Control Board has the authority to approve special exceptions for the following standards:

- a. Additional height on interior blocks on lots with designated Urban or Shopfront frontages (see Chapter 8.1.6).
- b. Modifications to any parking requirements.

8.1.4 Use

- A. All uses permitted by right or by special use permit in the underlying zoning districts are permitted in the Medical Overlay District, with the exception of the following prohibited uses:

1. Agricultural Uses

- a. Commercial fishing
- b. Farm labor and management services
- c. Fish hatcheries and preserves
- d. Grain, fruit, field crop and vegetable cultivation and storage
- e. Hunting, trapping and game propagation
- f. Livestock, horse, dairy, poultry and egg products
- g. Timber tracts, forest nursery, gathering of forest products

2. Commercial Uses

- a. Adult entertainment.
- b. Beverage container collection center
- c. Beverage container recycling
- d. Boat rental, sale, storage or repair
- e. Campground, travel trailer park
- f. Garage, commercial storage
- g. Greenhouse or nursery, commercial
- h. Lawn, tree or garden service
- i. Lumberyard
- j. Mobile home sales
- k. Motor vehicle sales (allowed where located in a fully-enclosed building)
- l. Sheet metal shop
- m. Vehicle wash

3. Industrial Uses

- a. Manufacture, storage and distribution of asbestos products; chemical, paints, fertilizers and abrasive products; explosives; fabricated metal products and machinery; lumber and wood products; petroleum, liquefied petroleum gas and coal products; petroleum and coal product refining; radioactive materials (except those used in medical testing, research or care); rubber and plastic products; stone, clay, glass and concrete products; transportation equipment
- b. Animal and poultry slaughter, stockyards, rendering
- c. Automobile dismantlers and recyclers
- d. Contactor's storage (outdoor)
- e. Drop yard (with or without preventative maintenance service)
- f. Leather and leather products tanning and finishing
- g. Metal, sand, stone, gravel, or clay mining or processing facility
- h. Primary metal manufacturing
- i. Primary metal distribution and storage
- j. Pulp mills
- k. Scrap metal processors
- l. Secondary materials dealers
- m. Tire recapping

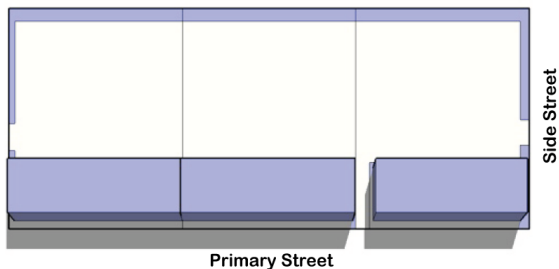
4. Transportation and Public Facility Uses

- a. Airline terminal, freight, service facility
 - b. Boat dock, storage, repair
 - c. Bus terminal or service facility
 - d. Garbage or refuse collection service
 - e. Refuse treatment, storage, disposal or recycling
 - f. Landfill
 - g. Railroad switching yard, terminal, piggyback yard
 - h. Taxicab dispatch station
 - i. Truck or motor freight terminal, service facility
- B.** The following uses, where permitted by right in the underlying district, shall require a special use permit within the Medical Overlay District.
- 1. Boarding house
 - 2. Fraternity, sorority
 - 3. Group shelter
 - 4. Rooming house
 - 5. Transitional home
 - 6. Student dormitory
 - 7. Recreational field
 - 8. Motor vehicle parking lot
 - 9. Motor vehicle service station
 - 10. Nightclub
 - 11. Retail sales or vending, outdoor
 - 12. Tavern, cocktail lounge
 - 13. Contactor's storage (indoor)
 - 14. Warehouse, self-service or mini-storage
- C.** In addition, upper-story residential is permitted by right in the Medical Overlay District.

8.1.5 Building Envelope Standards

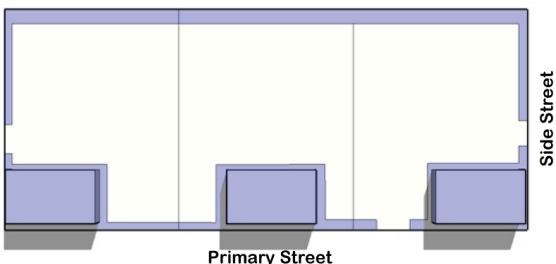
A. Applicability

SHOPFRONT FRONTAGE



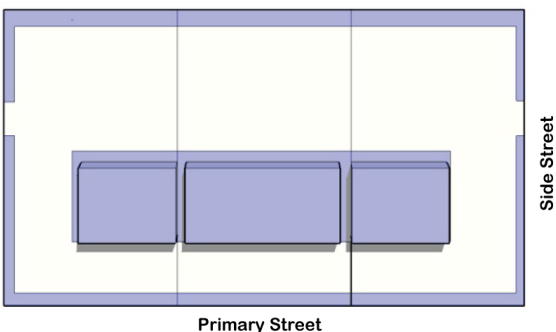
Buildings abut the street front and sidewalk – “Main Street” environment. There is no parking between the building and the street. Parking areas are located to the rear of buildings. Entrances are prominent and street facing. There often are two entrances, a pedestrian entrance and an ancillary automobile entrance.

URBAN FRONTAGE



Buildings abut the street front and sidewalk with greater spacing in between to balance the needs of both the pedestrian and automobile. There is no parking between the building and the street. Parking areas are located to the side and rear of buildings. Entrances are prominent and street facing. There often are two entrances, a pedestrian entrance and an ancillary automobile entrance.

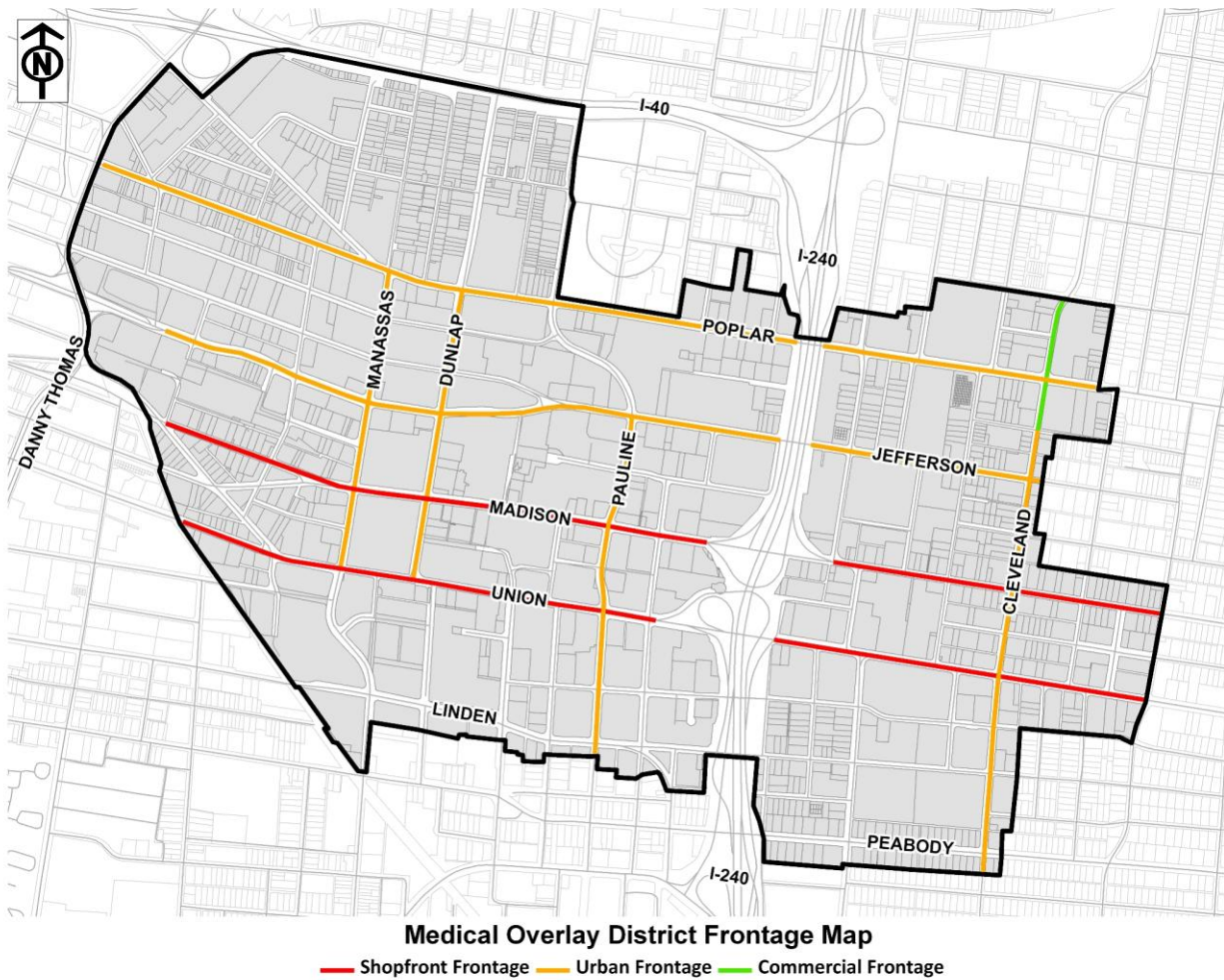
COMMERCIAL FRONTAGE



Buildings are set back further from the street to allow for easier access by automobile. Parking occurs in front of buildings but is limited two bays with a single drive aisle. There is usually a single entrance facing the primary street served by an internal sidewalk.

B. Frontage Map

The following map designates Shopfront, Urban, and Commercial Frontages within the Medical Overlay District.



C. Building Regulations

The building envelope standards in the following table shall replace and supplement the respective regulations of the underlying nonresidential districts. Where no frontage is designated on the Frontage Map as Shopfront, Urban or Commercial, the General standards shall apply. Setbacks are measured from the right-of-way.

	 Shopfront	 Urban	 Commercial	General
BUILDING & PARKING PLACEMENT				
Lot Area & Width				
Area (min sq. ft.)	--	--	--	--
Width (min ft.)	--	--	--	--
Setback Area				
Front setback (min ft.)	7	7	7	7
Front setback (max ft.)	15 ¹	15 ¹	75 ¹	--
Required Building Frontage (min %)				
Primary street (lot up to 100 feet in width)	70	--	--	--
Primary street (lot up to 125 feet in width)	--	50	50	--
Primary street (all other lots)	80	60	60	--
Side street	40	25	25	--
Side/Rear Setback (min ft.)				
Abutting single-family	10	10	10	10
Abutting multifamily, nonresidential	0 or 10 ²	0 or 10 ²	0 or 10 ²	0 or 10 ²
Abutting alley	5	5	5	5
Building separation	10	10	10	10
Parking Setback (min ft.)				
From primary street	8 ³	8 ³	8	8
From side street	8	8	8	8
Abutting single-family	10	10	10	10
Abutting multifamily, nonresidential, alley	0	0	0	0
ELEMENTS				
Transparency (min %)				
Primary street				
Ground floor	60	50	50	--
Upper floors	20	20	20	--
Side street				
Ground floor	30	30	30	--
Upper floors	20	20	20	--
Building Entrance				
Facing primary street	Required	Required	Required	Allowed
Blank Wall Area (max linear ft.)	30	30	30	--
HEIGHT				
Building Height (max ft.)	See 8.1.6	See 8.1.6	See 8.1.6	See 8.1.6
Ground Floor Elevation (min inches)				
Residential use	18	18	18	--
Nonresidential use	0	0	0	--
Floor Height (min/max ft.)				
Ground floor height	14/20	14/20	14/20	--
Upper floor height	9/12	9/12	9/12	--

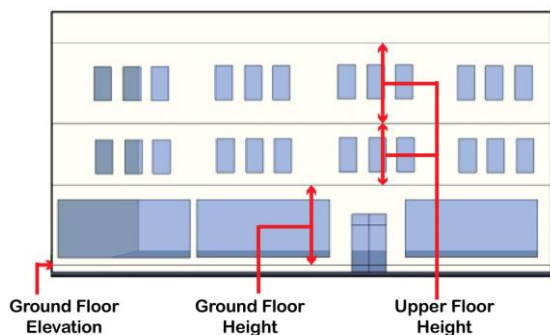
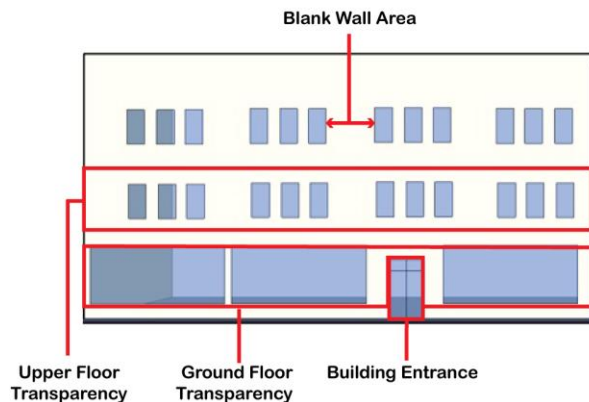
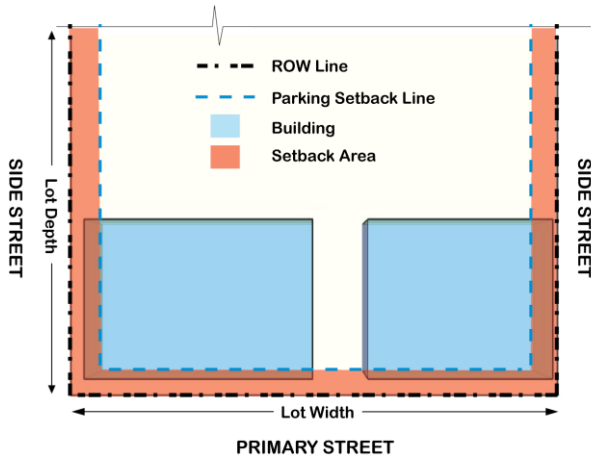
¹ Maximum setback for buildings in the Shopfront, Urban and Commercial frontages may be determined by averaging the setback distance over the width of the building, subject to an Administrative Deviation, Chapter 9.21.

² A 0-foot setback is permitted for attached buildings; however, a minimum setback of 10 feet is required between detached buildings.

³ Parking on Shopfront and Urban frontages shall be located no closer to the primary street than the principal building.

SHOPFRONT FRONTAGE

(see 8.1.7A for related streetscape standards)



BUILDING & PARKING PLACEMENT

LOT AREA & WIDTH

No minimum

SETBACK AREA

7 ft. to 15 ft. behind ROW line.

REQUIRED BUILDING FRONTAGE

3. Primary street (lots 100 ft. or more in width). The building façade must be located within the setback area for a minimum of 80% of the lot width.
4. Primary street (lots less than 100 ft. in width). The building façade must be located within the setback area for a minimum of 70% of the lot width. For lots under 100 ft. in width, the required building frontage may be reduced to accommodate no more than a single 20-ft. access drive for a rear parking area.
5. Side street. The building façade must be located within the setback area for a minimum of 40% of the lot depth.

PARKING SETBACK

4. Primary street setback. Min 15 ft. behind ROW line.
5. Side street setback. Min 10 ft. behind ROW line.
6. Parking shall be located behind the parking setback line. No parking is permitted between the street and the building. This requirement shall not restrict on-street parking.

ELEMENTS

TRANSPARENCY (WINDOWS & DOORS)

4. Ground floor. Primary Street min 60%, Side Street min 30%, situated between 2 and 12 ft. above the adjacent sidewalk. Ground floor residential, office and industrial uses may provide translucent windows to meet all transparency requirements.
5. Upper floor. Min 20% situated from floor to floor.
6. Retail sales and service uses. A minimum of 60% of the window pane surface area shall allow views into the ground floor for a depth of at least 8 ft. Windows shall not be made opaque by window treatments (excepting operable sunscreen devices within the conditioned space).

BUILDING ENTRANCE

5. A functioning entrance, operable during normal business hours, is required facing the primary street. An angled entrance may be provided at either corner of the building along the primary street to meet this requirement.
6. A building located on two primary streets shall have either one entrance per frontage or provide one angled entrance at the corner of the building at the intersection. Buildings located on corner lots shall meet all applicable intersection sight distance requirements. Additional entrances off another street, pedestrian area, or internal parking area are permitted.
7. A minimum of 50% of the required entrance shall be transparent.
8. Recessed entrances shall not exceed 3 ft. in depth and one floor in height.

BLANK WALL AREA

Blank lengths of wall exceeding 30 linear ft. are prohibited on all building façades.

HEIGHT

BUILDING HEIGHT

See 8.1.6 for maximum height requirements.

GROUND FLOOR ELEVATION

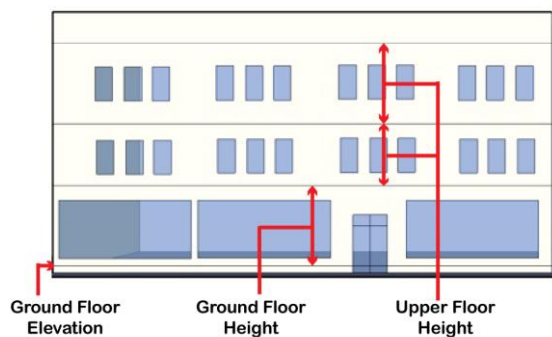
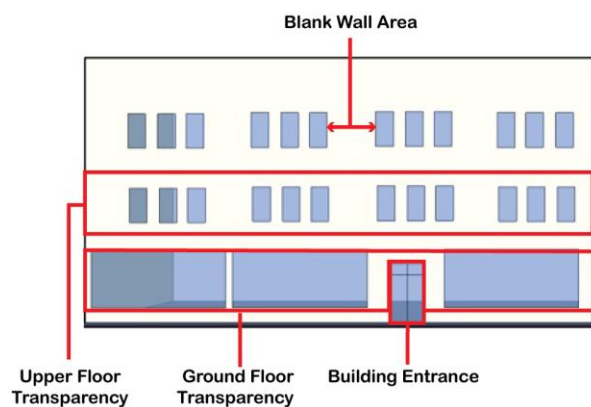
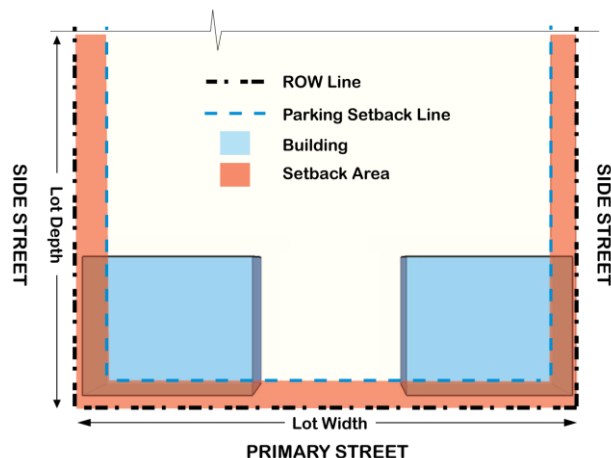
For ground floor residential uses, the ground floor finished elevation shall be a minimum of 18 inches above the adjacent sidewalk (measured from the front building façade to the top of the finished ground floor). There is no minimum for ground floor nonresidential uses.

FLOOR HEIGHT

1. The ground floor shall have at least 14 ft. of clear interior height (floor to ceiling) for a minimum depth of at least 25 ft.
2. The maximum floor-to-floor height for the ground floor is 20 ft.
3. The maximum floor-to-floor height for floors other than the ground floor is 12 ft.
4. At least 80% of each upper floor shall have an interior clear height (floor to ceiling) of at least 9 ft.

URBAN FRONTAGE

(see 8.1.7B for related streetscape standards)



BUILDING & PARKING PLACEMENT

LOT AREA & WIDTH

No minimum

SETBACK AREA

7 ft. to 15 ft. behind ROW line.

REQUIRED BUILDING FRONTAGE

4. Primary street (lots 125 ft. or more in width). The building façade must be located within the setback area for a minimum of 60% of the lot width.
5. Primary street (lots less than 125 ft. in width). The building façade must be located within the setback area for a minimum of 50% of the lot width.
6. Side street. The building façade must be located within the setback area for a minimum of 25% of the lot depth.

PARKING SETBACK LINE

6. Primary street setback. Min 15 ft. behind ROW line.
7. Side street setback. Min 10 ft. behind ROW line.
8. Parking shall be located behind the parking setback line. No parking is permitted between the street and the building. This requirement shall not restrict on-street parking.

ELEMENTS

TRANSPARENCY (WINDOWS & DOORS)

4. Ground floor. Primary Street min 60%, Side Street min 30%, situated between 2 and 12 ft. above the adjacent sidewalk. Ground floor residential, office and industrial uses may provide translucent widows to meet all transparency requirements.
5. Upper floor. Min 20% situated from floor to floor.
6. Retail sales and service uses. A minimum of 60% of the window pane surface area shall allow views into the ground floor for a depth of at least 15 ft. Windows shall not be made opaque by window treatments (excepting operable sunscreen devices within the conditioned space).

BUILDING ENTRANCE

5. A functioning entrance, operable during normal business hours, is required facing the primary street. An angled entrance may be provided at either corner of the building along the primary street to meet this requirement.
6. A building located on two primary streets shall have either one entrance per frontage or provide one angled entrance at the corner of the building at the intersection. Buildings located on corner lots shall meet all applicable intersection sight distance requirements. Additional entrances off another street, pedestrian area, or internal parking area are permitted.
7. A minimum of 50% of the required entrance shall be transparent.
8. Recessed entrances shall not exceed 3 ft. in depth and one floor in height.

BLANK WALL AREA

Blank lengths of wall exceeding 30 linear ft. are prohibited on all building façades.

HEIGHT

BUILDING HEIGHT

See 8.1.6 for maximum height requirements.

GROUND FLOOR ELEVATION

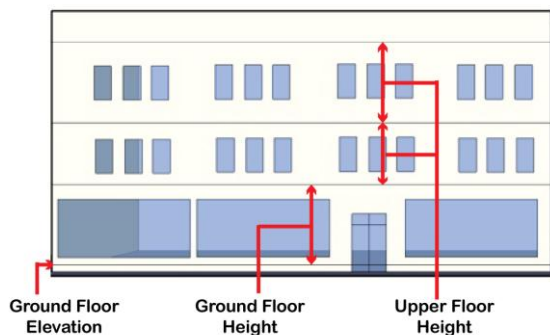
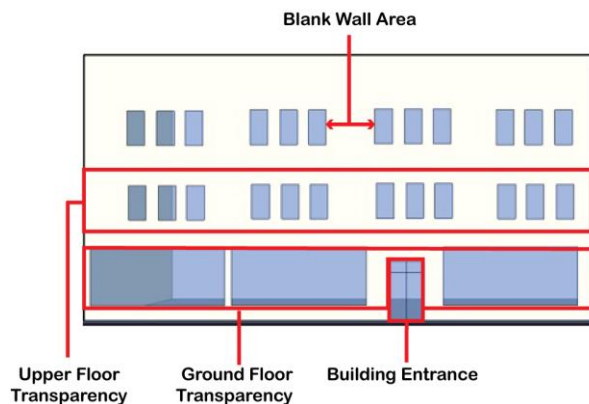
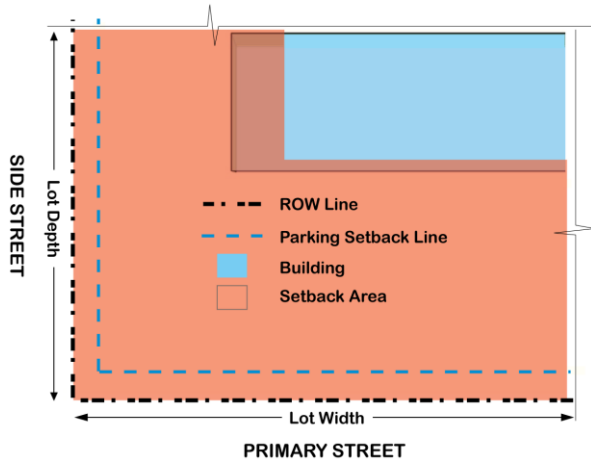
For ground floor residential uses, the ground floor finished elevation shall be a minimum of 18 inches above the adjacent sidewalk (measured from the front building façade to the top of the finished ground floor). There is no minimum for ground floor nonresidential uses.

FLOOR HEIGHT

1. The ground floor shall have at least 14 ft. of clear interior height (floor to ceiling) for a minimum depth of at least 25 ft.
2. The maximum floor-to-floor height for the ground floor is 20 ft.
3. The maximum floor-to-floor height for floors other than the ground floor is 12 ft.
4. At least 80% of each upper floor shall have an interior clear height (floor to ceiling) of at least 9 ft.

COMMERCIAL FRONTAGE

(see 8.1.7C for related streetscape standards)



BUILDING & PARKING PLACEMENT

LOT AREA & WIDTH

No minimum

SETBACK AREA

7 ft. to 75 ft. behind ROW line.

REQUIRED BUILDING FRONTAGE

1. Primary street (lots 125 ft. or more in width). The building façade must be located within the setback area for a minimum of 60% of the lot width.
2. Primary street (lots less than 125 ft. in width). The building façade must be located within the setback area for a minimum of 50% of the lot width.
3. Side street. The building façade must be located within the setback area for a minimum of 25% of the lot depth.

PARKING SETBACK LINE

1. Primary/side street setback. Min 8 ft. behind ROW line.
2. Parking shall be located behind the parking setback line. A single 22-ft. drive aisle serving 20-ft. deep parking spaces on one or both sides may be located between the building and the street. Where parking is provided between the building and the street, the 8-ft. parking setback area shall be landscaped.

ELEMENTS

TRANSPARENCY (WINDOWS & DOORS)

1. Ground floor. Primary Street min 60%, Side Street min 30%, situated between 2 and 12 ft. above the adjacent sidewalk. Ground floor residential, office and industrial uses may provide translucent windows to meet all transparency requirements.
2. Upper floor. Min 20% situated from floor to floor.
3. Retail sales and service uses. A minimum of 60% of the window pane surface area shall allow views into the ground floor for a depth of at least 15 ft. Windows shall not be made opaque by window treatments (excepting operable sunscreen devices within the conditioned space).

BUILDING ENTRANCE

1. A functioning entrance, operable during normal business hours, is required facing the primary street. An angled entrance may be provided at either corner of the building along the primary street to meet this requirement.
2. A building located on two primary streets shall have either one entrance per frontage or provide one angled entrance at the corner of the building at the intersection. Buildings located on corner lots shall meet all applicable intersection sight distance requirements. Additional entrances off another street, pedestrian area, or internal parking area are permitted.
3. A minimum of 50% of the required entrance shall be transparent.
4. Recessed entrances shall not exceed 3 ft. in depth and one floor in height.

BLANK WALL AREA

Blank lengths of wall exceeding 30 linear ft. are prohibited on all building façades.

HEIGHT

BUILDING HEIGHT

See 8.1.6 for maximum height requirements.

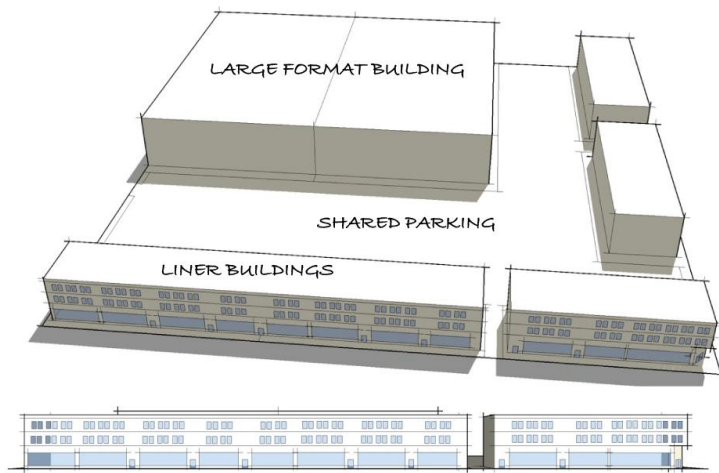
GROUND FLOOR ELEVATION

For ground floor residential uses, the ground floor finished elevation shall be a minimum of 18 inches above the adjacent sidewalk (measured from the front building façade to the top of the finished ground floor). There is no minimum for ground floor nonresidential uses.

FLOOR HEIGHT

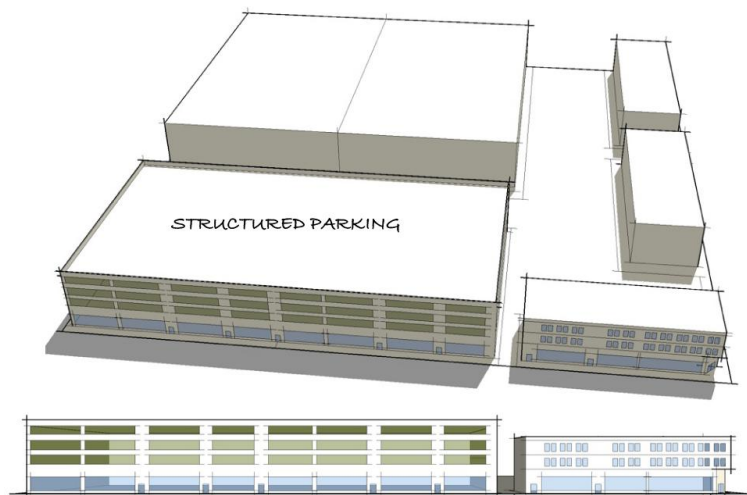
1. The ground floor shall have at least 14 ft. of clear interior height (floor to ceiling) for a minimum depth of at least 25 ft.
2. The maximum floor-to-floor height for the ground floor is 20 ft.
3. The maximum floor-to-floor height for floors other than the ground floor is 12 ft.
4. At least 80% of each upper floor shall have an interior clear height (floor to ceiling) of at least 9 ft.

LARGE FORMAT BUILDINGS



Liner buildings facing a designated frontage may be used to screen large format buildings. Shared parking is allowed between the large format building and the street provided liner buildings are constructed to meet the designated frontage standards. Large format buildings screened by liner buildings (that meet the designated frontage requirements) are only required to meet the ground floor area, side/rear setback, parking setback, and building height requirements.

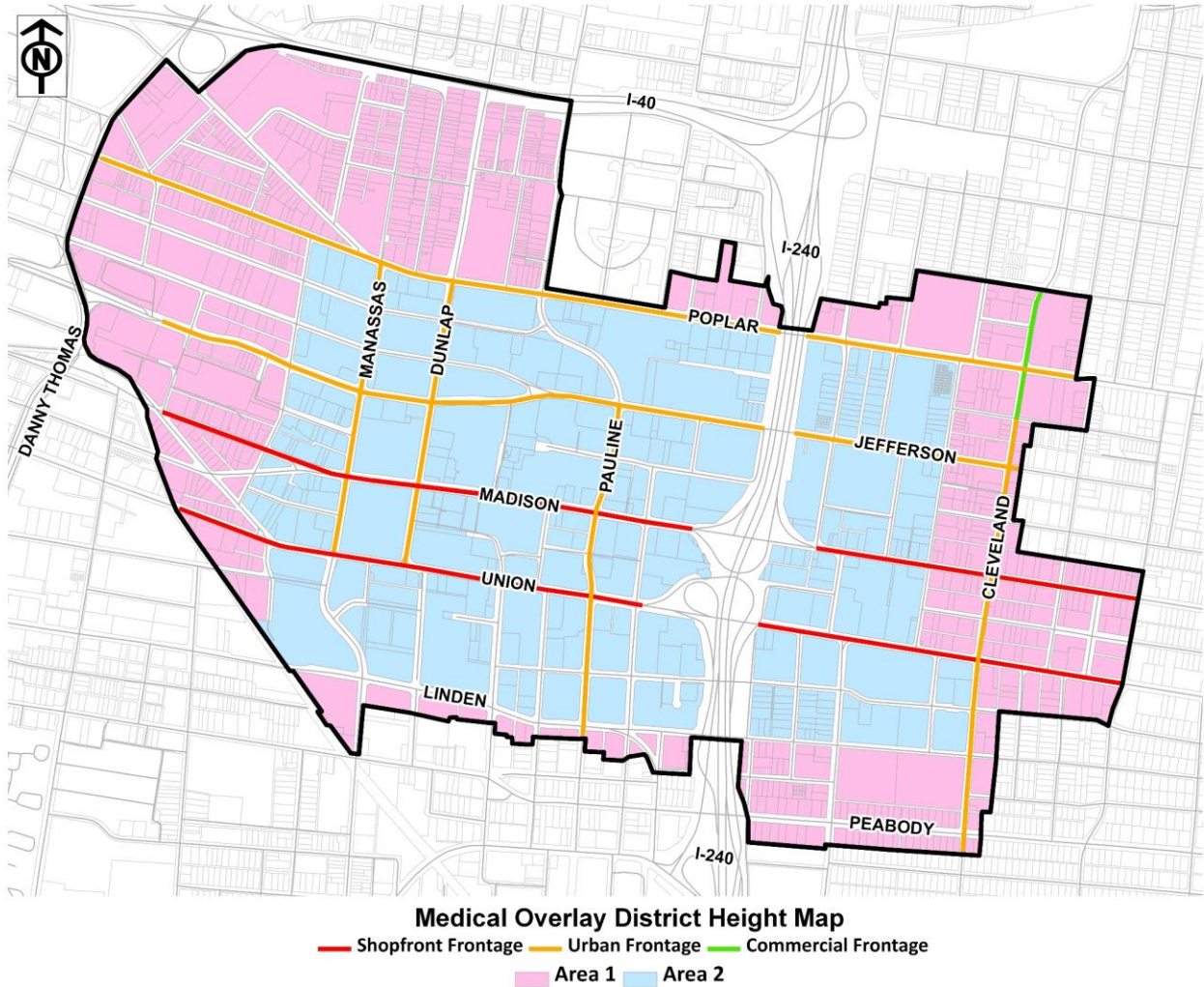
STRUCTURED PARKING



Structured parking is permitted fronting on any street provided that on a designated frontage all frontage requirements are met. Such buildings shall meet all applicable building envelope standards except for upper floor transparency requirements. Such building shall contain active ground floor uses along the designated frontage for minimum depth of least 25 feet.

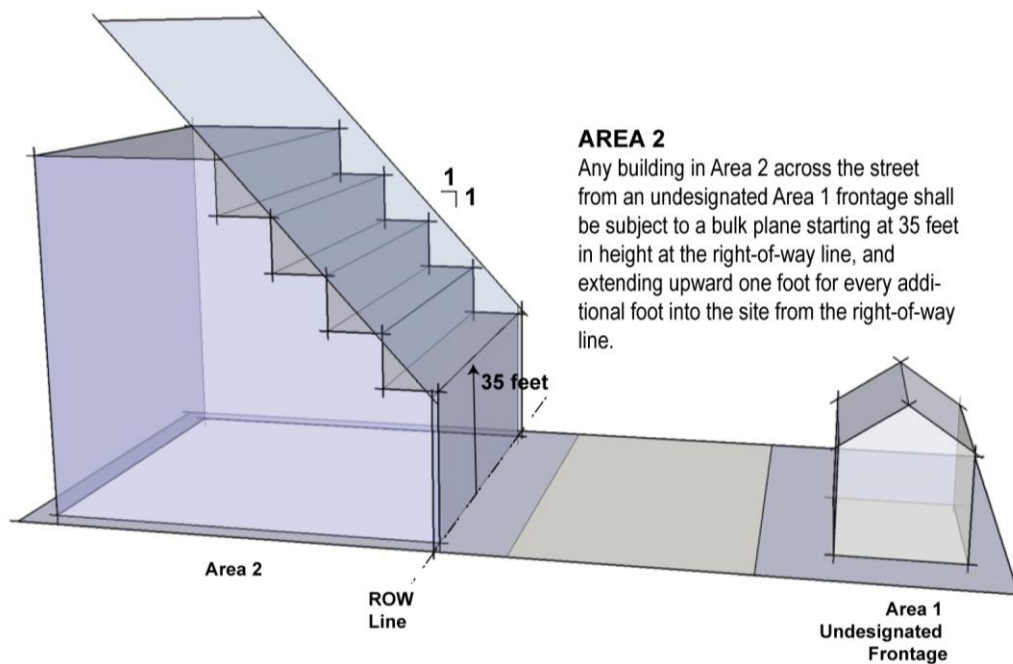
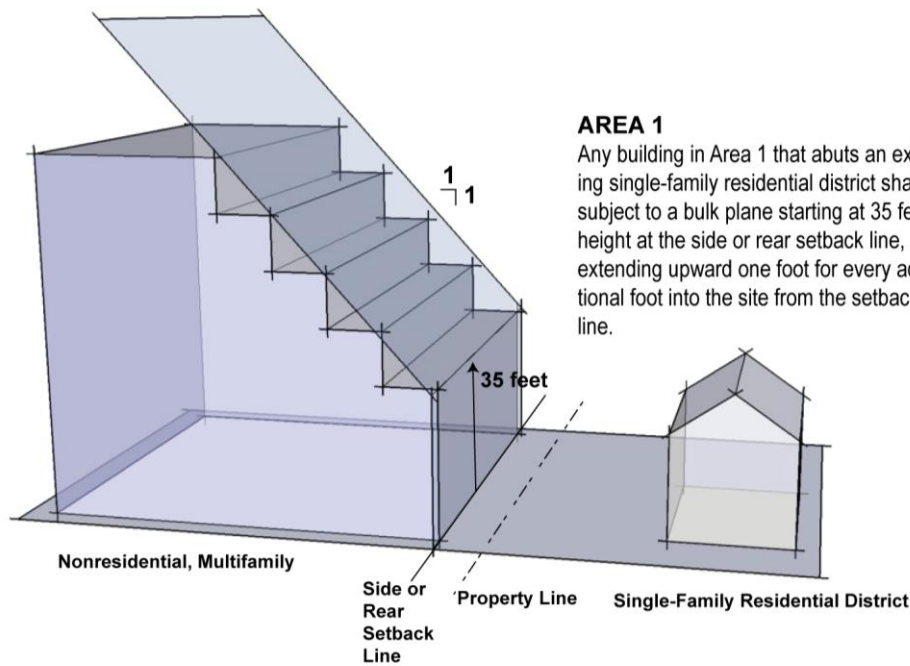
8.1.6 Height Standards**A. Building Height Standards**

The following map designates maximum building height limits within the Medical Overlay District.



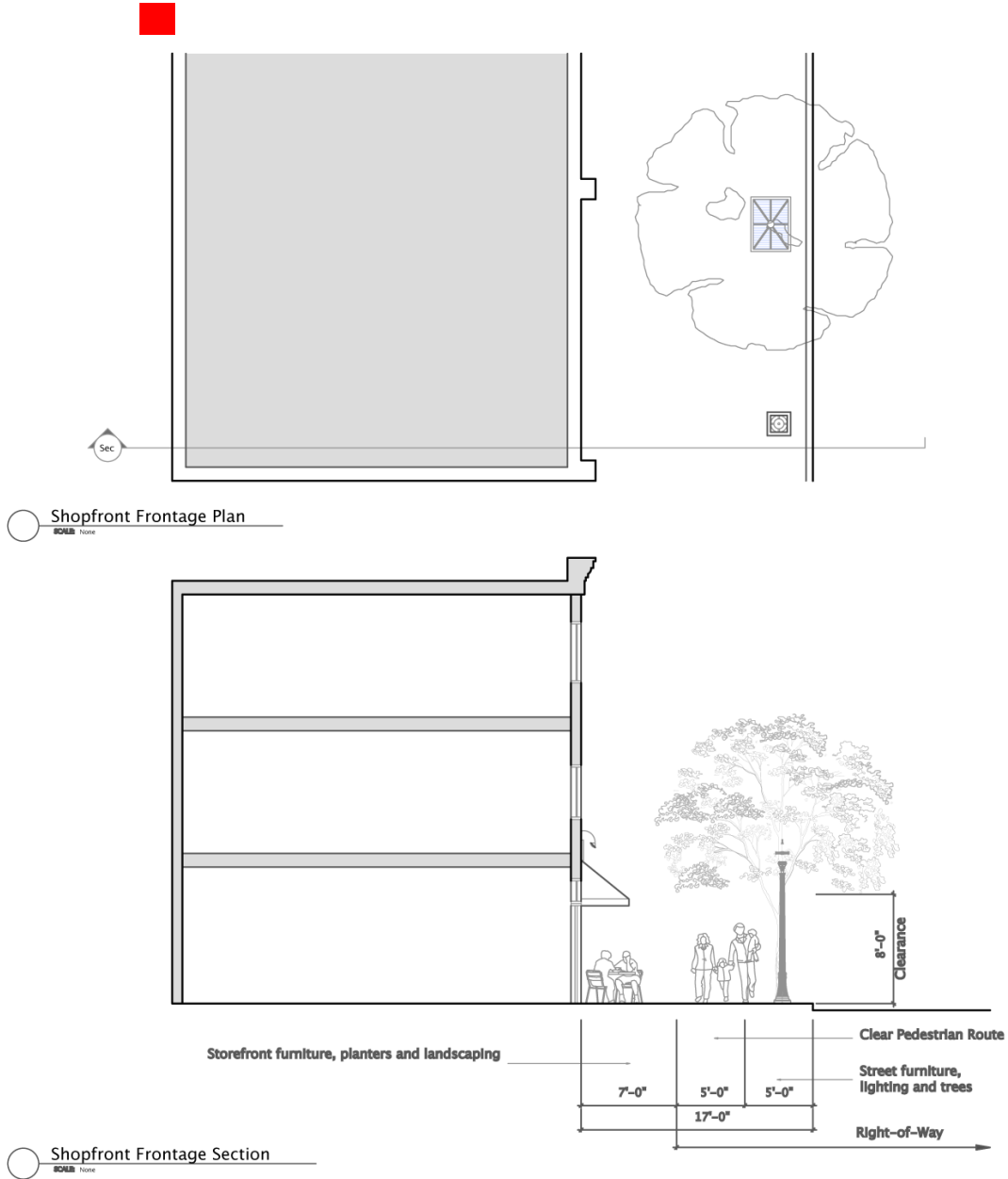
	Max Height
Area 1	
General (no frontage designation)	35 feet
Commercial/Urban/Shopfront Frontage	60 feet *
Area 2	
General (no frontage designation)	80 feet *
Commercial Frontage	80 feet
Urban/ Shopfront Frontage (anywhere on lot)	
Block face (0 - 30 feet of lot depth)	80 feet
Block interior (30+ feet of lot depth)	128 feet
<i>Additional height permitted for block interiors by special exception</i>	
* subject to bulk plane (see paragraph B below)	

B. Bulk Plane



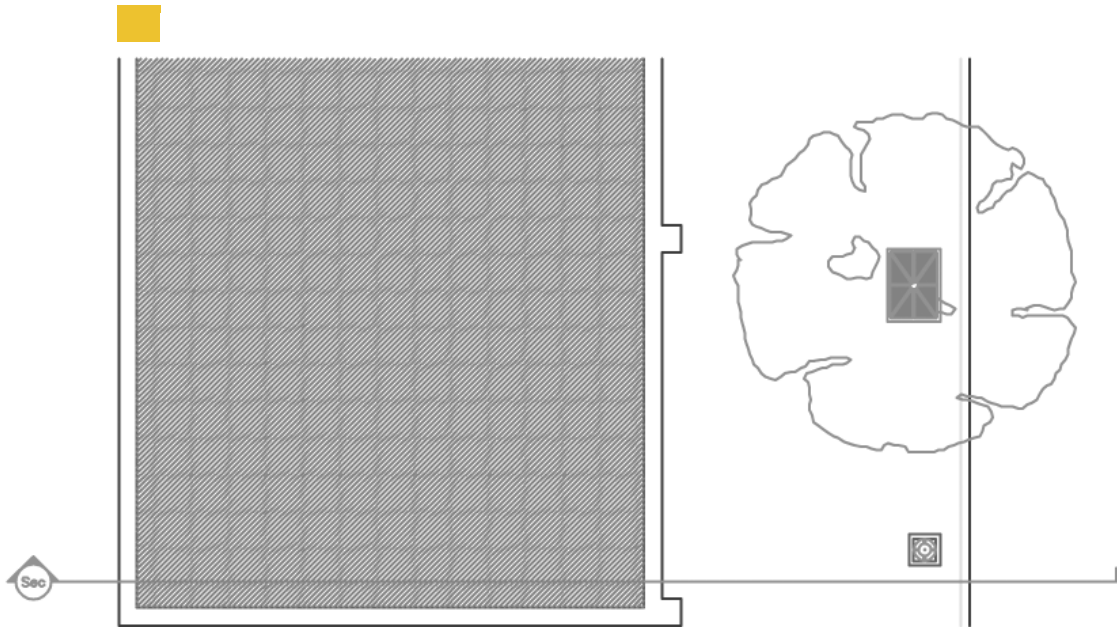
8.1.7 Streetscape Standards**A. Shopfront Frontage**

The following minimum streetscape standards apply along a Shopfront Frontage as designated in Sub-Section 8.1.5B (see Sub-Section 8.1.5C for related building envelope standards).

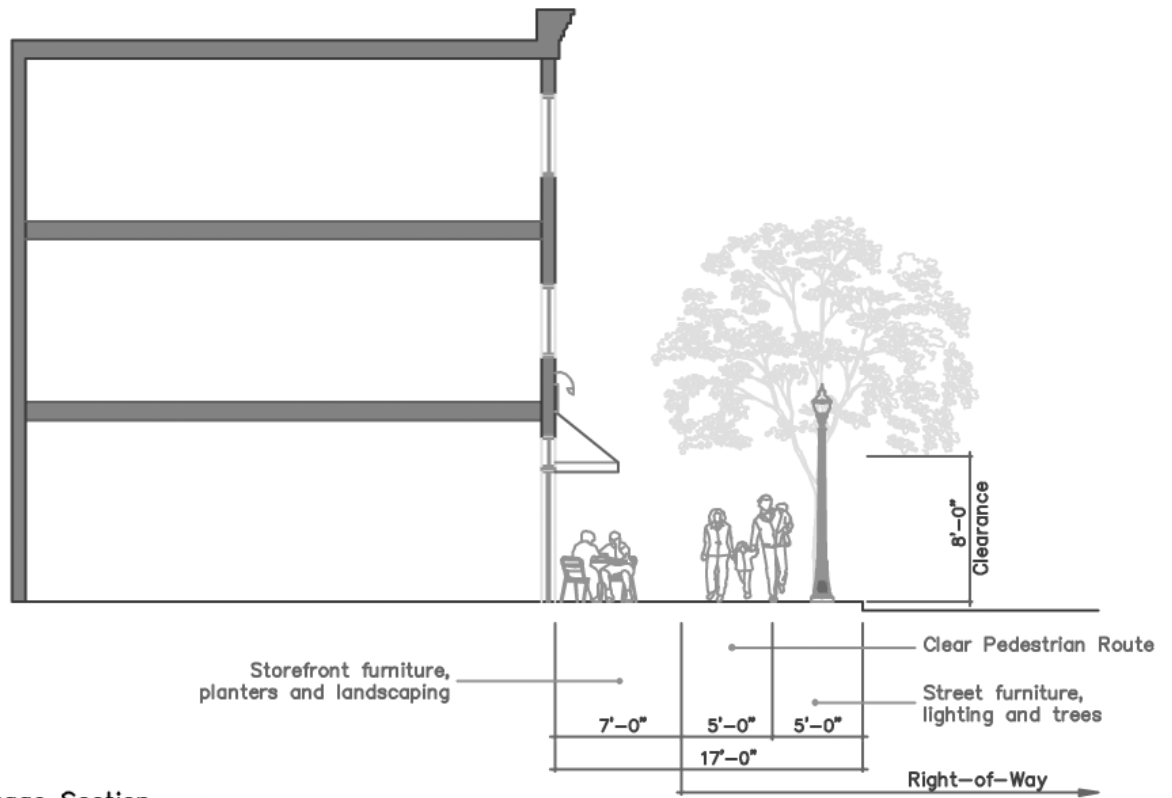


B. Urban Frontage

The following minimum streetscape standards apply along an Urban Frontage as designated in Sub-Section 8.1.5B (see Sub-Section 8.1.5C for related building envelope standards).



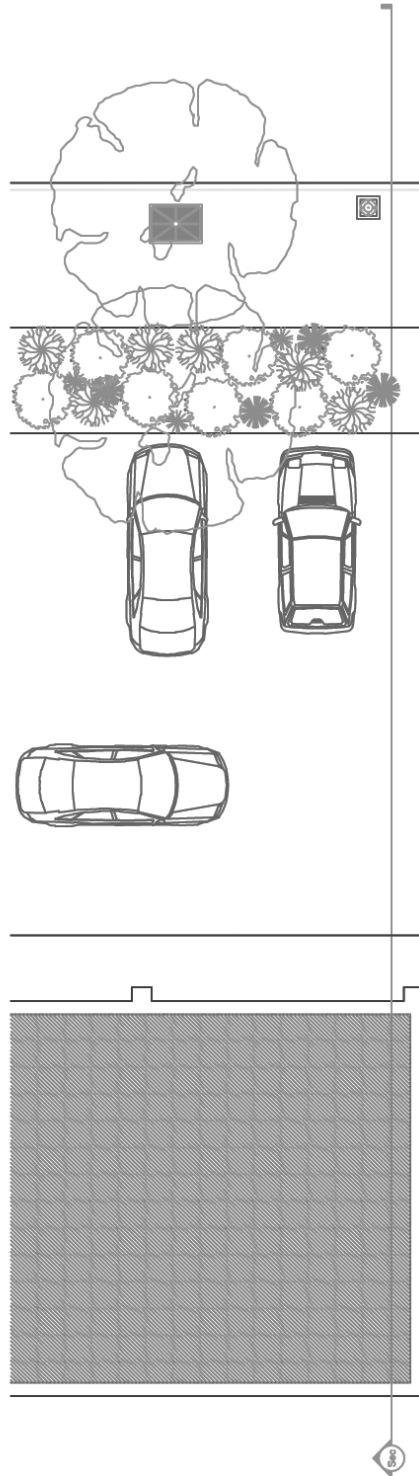
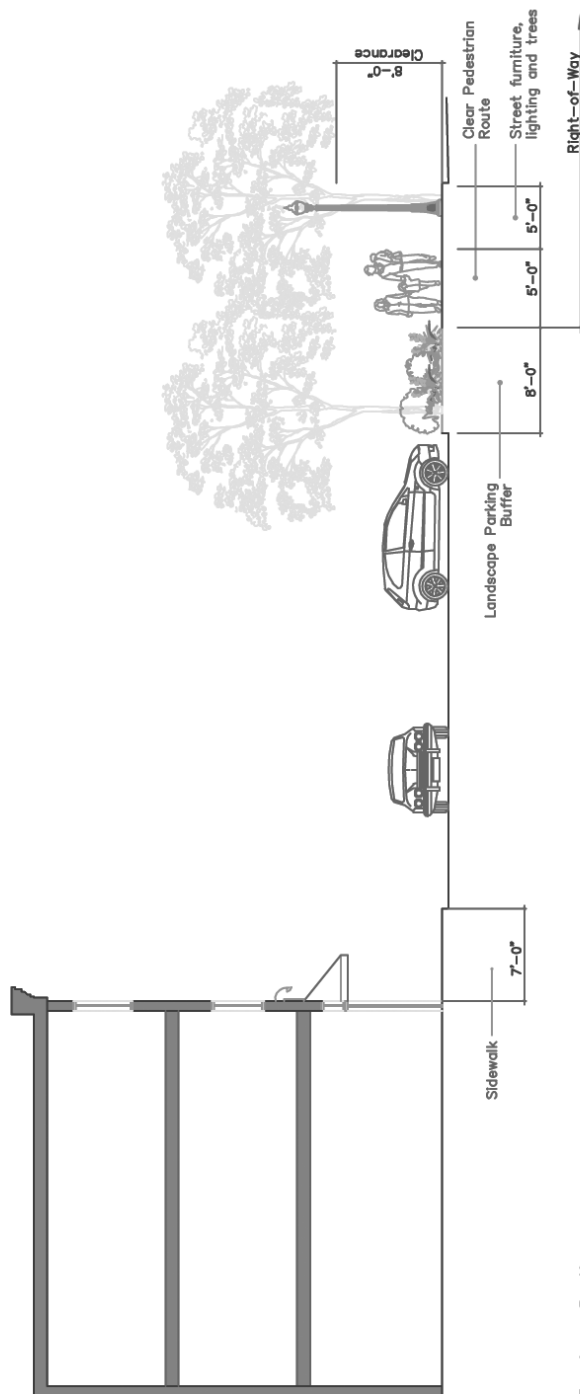
Urban Frontage Plan
SCALE: None



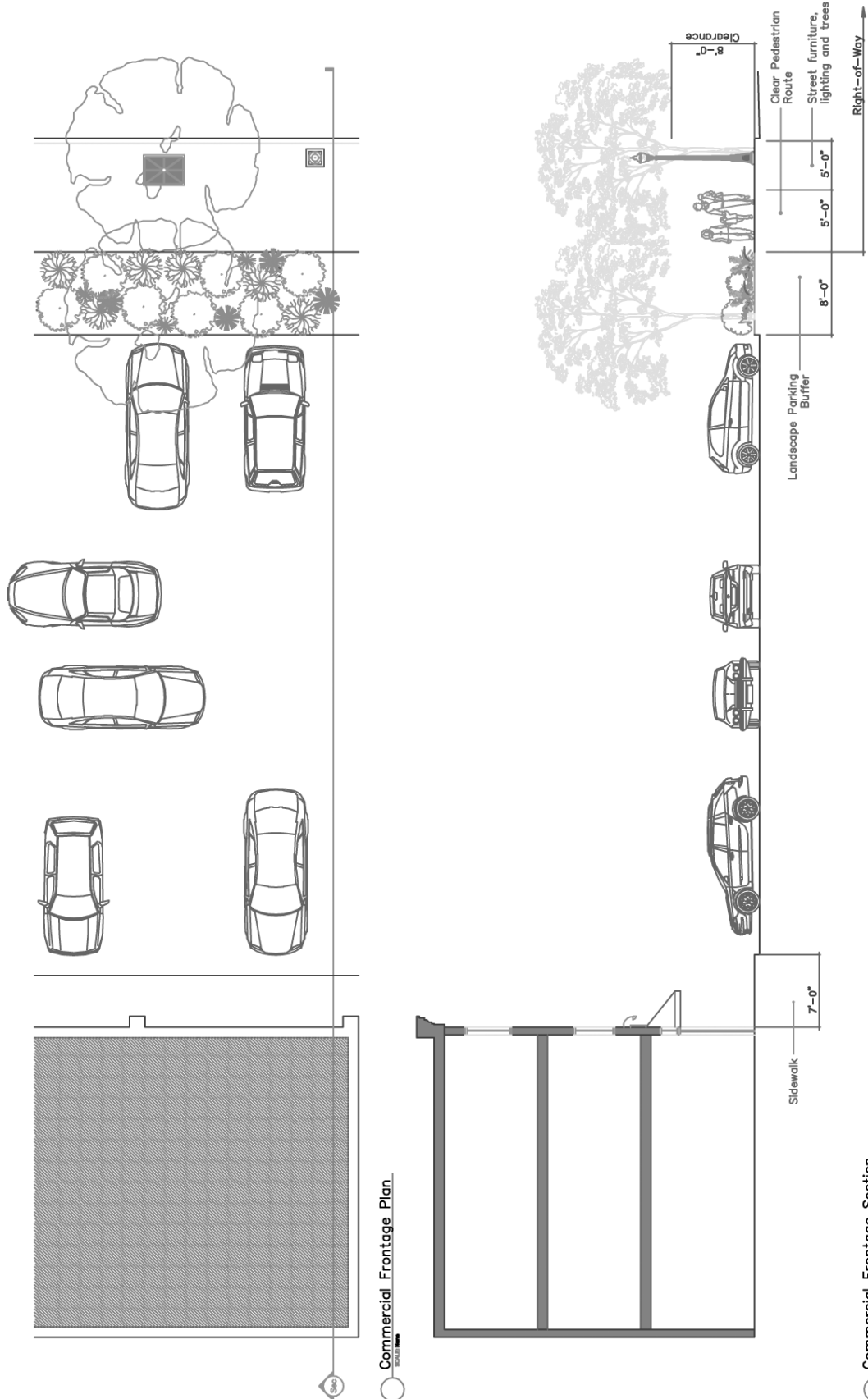
Urban Frontage Section
SCALE: None

C. Commercial Frontage

The following minimum streetscape standards apply along a Commercial Frontage as designated in Sub-Section 8.1.5B (see Sub-Section 8.1.5C for related building envelope standards). Developments with no on-site parking between the building street may follow the requirements for Urban Frontage (see B).

COMMERCIAL FRONTAGE 1**Commercial Frontage Plan****Commercial Frontage Section**

COMMERCIAL FRONTAGE 2



D. Street Trees

A project developed in the Medical District Overlay shall provide street trees located at least every 40 feet on center. The street trees shall be planted in grates that are Americans with Disabilities Act (ADA) compliant or in planters with curbed beds. The location of street trees shall conform to the applicable streetscape plate.

8.1.8 Site Development Standards**A. Applicability**

The following supplemental site development standards apply in all nonresidential districts within the Medical Overlay District.

B. Landscaping and Screening

1. Any building, structure, or use is subject to the landscaping requirements of Chapter 4.7, Landscaping and Screening.).
2. Trash collection, trash compaction, recycling collection and other similar service areas shall be located on the side or rear of the building and shall be screened from view from residentially-zoned property or public rights-of-way. Screening enclosures shall be fully enclosed by opaque walls or fences at least eight feet high with self-closing access doors and shall be constructed of the same materials as the primary building or buildings.
3. Trash collection, trash compaction, recycling collection and other similar service areas shall be located a minimum of 50 feet away from any residentially-zoned property line.
4. No garage doors, bay doors or loading areas shall face a Shopfront or Urban Frontage.
5. Loading areas shall be subject to the following screening requirements:
 - a. Provide a minimum 100 percent year-round screen of all loading areas visible from residentially-zoned property or public right-of-way.
 - b. This screen shall consist of berms, walls, fences, plant material or combination totaling eight feet in height at installation or completion of construction. Wall or fence materials shall be compatible with the primary structure.
 - c. Loading docks shall be located to the side or rear of buildings when within 50 feet of any residentially-zoned property, unless the loading area is wholly within a closed building.
6. All roof, ground and wall mounted mechanical equipment (e.g. air handling equipment, compressors, duct work, transformers and elevator equipment) shall be screened from view from residential properties or public rights-of-way at ground level of the property line.
7. Roof-mounted mechanical equipment shall be shielded from view on all sides. Screening shall consist of materials consistent with the primary building materials, and may include metal screening or louvers which are painted to blend with the primary structure.
8. Wall or ground-mounted equipment screening shall be constructed of planting screens; brick, stone, reinforced concrete, or other similar masonry materials; or other similar materials.
9. Above-ground utilities and appurtenances to underground utilities which require above-ground installation shall be screened by a continuous planting of shrubs, with a minimum mature height equal to that of the utility structure. Required access ways to these utilities are exempt from the screening provisions.

C. Fences and Walls

1. Fences and walls shall be constructed of high quality materials, such as decorative blocks, brick, stone and wrought iron.
2. Chain-link fences, barbed wire or concertina wire shall not be permitted.
3. Breaks in the fence or wall may be provided for pedestrian connections to adjacent developments.
4. The maximum length of a continuous, unbroken and uninterrupted fence or wall plane shall be 100 feet. Breaks shall be provided through the use of columns, landscaped areas, transparent sections and a change in material.
5. Fences shall not be constructed in the sight triangle.

D. Drive-Thru Facilities

1. A drive-thru window shall only be permitted where it is not facing the public right-of-way of a Shopfront or Urban Frontage.

2. Drive-thru windows and lanes placed between the right-of-way and the associated building shall require landscape plantings installed and maintained along the entire length of the drive-thru lane, located between the drive-thru lane and the adjacent right-of-way. Such screening shall be a compact evergreen hedge or other type of dense foliage. At the time of installation, such screening shall be at least 36 inches in height and shall reach a height of 48 inches within two years of planting.
3. No drive-thru window shall be permitted on the side of a building adjacent to any residentially-zoned property.

E. Parking

1. Due to the high availability of public transportation in the Medical Overlay District area, any building, structure, or use may reduce the total number of required parking spaces specified in Chapter 4.6, Parking and Loading by up to 25 percent. Where off-street parking is provided, it shall comply with the geometric requirements of Chapter 4.6. Where parking spaces beyond the required parking spaces set forth in Chapter 4.6 are provided in surface parking lots, such additional spaces shall be established using pervious materials such as turf block, grasscrete or similar surfaces as approved by the City Engineer.
2. Surface parking lots are not allowed unless as accessory to a principal use permitted by both the underlying district and this overlay district, or as approved by special exception.
3. Any building, structure, or use must meet the loading requirements of Section 4.6.7.
4. The Land Use Control Board may approve modifications to any parking requirements in accordance with the special exception process.

F. Signs

The sign regulations in all residential zoning districts shall meet the district standards. Sign regulations in all nonresidential underlying zoning districts shall meet the standards of the sign regulations set out in Section 7.1.11.

8.1.9 Definitions

For the purposes of this Chapter, the following words and terms shall have the following meanings:

- A. Blank Wall Area. For the purposes of this chapter, blank wall area shall mean a portion of the exterior façade of the building which does not include a substantial material change (paint color is not considered a substantial change); windows or doors; or columns, pilasters or other articulation greater than 12 inches in depth.
- B. Commercial Frontage. See Section 8.1.5.
- C. Shopfront Frontage. See Section 8.1.5.
- D. Transparent. Material through which light can travel with minimal scattering so that objects can be viewed clearly through it.
- E. Translucent. Material through which light passes, but in such a way that a clear image cannot be formed of the object viewed through it.
- F. Upper-Story Residential. A residential unit on the upper floors of a permitted nonresidential use.
- G. Urban Frontage. See Section 8.1.5.

Yakima Washington as of Nov 2016

Chapter 15.31 INSTITUTIONAL OVERLAY

Sections:

- 15.31.010 Purpose.
- 15.31.015 Eligibility and applicability.
- 15.31.020 Permitted uses.
- 15.31.025 Supplemental application submittal requirements.
- 15.31.026 Public meeting required prior to application submittal.
- 15.31.030 Review process.
- 15.31.040 Development standards.
- 15.31.050 Effect of approval.
- 15.31.060 Subsequent actions and project applications under an approved master plan—Amendments to master plan.

15.31.010 Purpose.

The purpose of the institutional overlay zone is to allow for large-scale institutional facilities with special locational needs and impacts which must be designed and perform in a manner that is compatible with surrounding land uses. Through a master plan review process (YMC 15.31.030) the public is involved in the development of performance standards. A development agreement and site master plan assure predictability for the owner, the appropriate jurisdiction and the citizen. The process balances the need for large-scale institutional facilities to grow while minimizing adverse environmental impacts associated with such development on the adjacent community. (Ord. 2008-46 § 1 (part), 2008).

15.31.015 Eligibility and applicability.

- A. Construction or expansion of hospital and community college institutional uses will be permitted only in institutional overlay zones designated on the official zoning map of the appropriate jurisdiction.
- B. The institutional overlay designation is not required as a precondition for interior improvements or external on-site improvements for facilities existing as of the date of adoption of this chapter where said improvements do not expand the existing building or land area.

- C. The institutional overlay designation is not required for institutions located in commercial, industrial or other nonresidential zones, except when located adjacent to a residential district.
- D. Either the sponsoring institution or the city/county may initiate the establishment of an institutional overlay zone.
- E. The minimum area which may be included within an institutional overlay zone shall be five acres, measured to the center of abutting street rights-of-way. The addition of contiguous property to an existing institutional overlay zone shall have no minimum required area but shall require an amendment to the official zoning map. (Ord. 2008-46 § 1 (part), 2008).

15.31.020 Permitted uses.

The institutional overlay zone is intended to allow for the establishment, expansion, and revision of institutional uses including hospitals and higher educational facilities. Uses that are functionally integrated with, ancillary to, and/or substantively related to the primary institutional use or that primarily and directly serve the users of an institution may be defined as permissible institutional uses through the master development plan review process and development agreement. (Ord. 2008-46 § 1 (part), 2008).

15.31.025 Supplemental application submittal requirements.

The institutional overlay zone shall be established only in conjunction with a master development plan, which sets forth the parameters for development of the property including a site plan and development agreement. Applicants for an institutional overlay shall, in addition to the requirements of YMC Chapter [15.23](#), submit a master development plan to include the following:

- A. Technical studies, including:
 - 1. A traffic impact analysis sufficient to assess access to the site and within the site, on-street parking impacts and limitations and necessary traffic-related improvements;
 - 2. Drainage study;
 - 3. Geotechnical analysis;
 - 4. Noise analysis; and
 - 5. Other analysis of potentially significant issues as identified by the SEPA environmental checklist.

B. Master site plan which includes the following elements:

1. Boundaries of the institution;
2. Primary uses and ancillary uses;
3. Gross floor area of development;
4. Maximum building heights;
5. Minimum building setbacks;
6. Maximum lot coverage;
7. Minimum and maximum number of off-street parking spaces;
8. Sitescreening;
9. Aesthetic considerations related to building bulk, architectural compatibility, light and glare, urban design, landscaping, street trees, solar access, and shadow impacts; and
10. Site features as appropriate to mitigate traffic, environmental, geotechnical, and other impacts as identified in technical studies required by this chapter.

C. Draft master development agreement including the following elements:

1. Narrative description of project and objectives;
2. Restatement of the development standards of YMC [15.31.040\(B\)](#);
3. Site plan elements;
4. Development phasing;
5. Public meeting summary (YMC [15.31.026](#));
6. Performance standards and conditions addressing subsections (C)(1) through (5) of this section; and
7. Criteria for determining major versus minor modifications. (Ord. 2008-46 § 1 (part), 2008).

15.31.026 Public meeting required prior to application submittal.

Prior to the formal filing of an application for an institutional overlay zone, the sponsoring institution or the city/county, whichever initiated the establishment of the institutional overlay zone, shall hold at least two public meetings to discuss the proposal and identify concerns of the affected area residents and property owners. The applicant shall provide written notification to property owners of record within five hundred feet of the subject property at least fourteen days prior to the holding of the public meetings. The master development plan proposal shall document and reflect the various concerns raised through this preapplication, public input process. (Ord. 2008-46 § 1 (part), 2008).

15.31.030 Review process.

The institutional overlay zone and master development plan shall be reviewed using the review process described in YMC [15.23.030](#), and as further specified herein. Upon filing of a valid rezone application and completion of the required environmental review process, the planning department shall forward the rezone application, together with its recommendation, to the hearing examiner to conduct a public hearing and review in conformity with YMC [15.23.030](#). Prior to said hearing, a recommendation will be obtained from the city planning commission. The decision of the hearing examiner shall be in the form of a written recommendation to the legislative body pursuant to YMC [15.23.030\(E\)](#). (Ord. 2010-22 § 9, 2010: Ord. 2008-46 § 1 (part), 2008).

15.31.040 Development standards.

A. Development standards for uses within an institutional overlay zone may differ from those of the underlying zone when approved as part of the master development plan. Standards which may supersede those of the underlying zone include the following:

1. Maximum gross floor area of development;
2. Maximum building height;
3. Minimum building setbacks;
4. Maximum lot coverage;
5. Minimum and maximum off-street parking;
6. Landscaping;
7. Signage;

8. Exterior lighting, shadows, and glare reduction; and

9. Other standards determined by the city/county to be necessary to ensure land use compatibility with other uses in the surrounding area.

B. The legislative body shall consider the following in determining the standards for a particular institutional overlay zone in a specific location:

1. The institution's compatibility with surrounding uses, especially related to:

a. Public safety;

b. Site access, on-site vehicular and pedestrian circulation, and on- and off-street parking;

c. Landscaping and buffering of buildings, parking, loading and storage areas;

d. Light and shadow impacts;

e. Potential environmental impacts, such as noise, vibration, smoke, dust, odors, light/glare, or other undesirable impacts;

f. Number, size, and location of signage; and

g. The character of the neighboring properties compared to the adjacent institutional uses and activities;

2. The unique characteristics of the proposed use(s);

3. The unique characteristics of the subject property;

4. The arrangement of buildings and open spaces as they relate to each other within the institutional campus;

5. Visual impacts of the institution on the surrounding area;

6. Public improvements proposed in connection with the institution's master plan; and

7. The public benefit provided by the institution. (Ord. 2008-46 § 1 (part), 2008).

15.31.050 Effect of approval.

A. The approval by the legislative body of a master development plan for an institutional overlay shall guide future development within the institutional overlay. The approved master development plan and development agreement shall remain binding upon the sponsoring institution and the appropriate jurisdiction. Approvals of building permits and zoning certificates shall be as required for Type (1) permits provided the proposed improvement conforms to the master development plan as approved.

B. Any city, county, state, federal, or other regulation or standard not specifically superseded by the adopted master plan and development agreement remains in full force and effect. Any use of land for purposes other than are specifically approved as part of the adopted master plan and development agreement shall be subject to all requirements of the underlying land use zone as designated on the official zoning map. (Ord. 2008-46 § 1 (part), 2008).

15.31.060 Subsequent actions and project applications under an approved master plan— Amendments to master plan.

Implementation of the master development plan shall be reviewed through the Type (1) review process. Modifications to the adopted master development plan and/or development agreement may be requested from time to time. Minor revisions will undergo Type (2) review. Major modifications will undergo Type (3) review. Specific criteria for determining major versus minor modifications shall be incorporated into the final zoning regulation and development agreement governing the institution's master plan. The following criteria are established to assist this determination:

A. Type (1) Review Projects or Actions. For future projects or actions in compliance with an approved master development plan and development agreement, the Type (1) review process shall be applied.

B. Type (2) Review Projects or Actions. The following projects or actions, representing projects or actions which do not substantially differ from projects contemplated by an approved master development plan, shall be subject to Type (2) review: an amendment to the master development plan defined in the development agreement as a minor modification (YMC [15.31.025\(C\)\(7\)](#)).

C. Type (3) Review Projects or Actions. The following actions, not contemplated by an approved master development plan, shall be subject to Type (3) review: an amendment to the master development plan is defined in the development agreement as a major modification (YMC [15.31.025\(C\)\(7\)](#)).

D. Type (1), (2), and (3) reviews shall be conducted consistent with the provisions of YMC Chapters [15.13](#), [15.14](#), and [15.15](#) respectively. For any changes falling outside the scope of such review, the

procedures set forth in this chapter for original master development plan and development plan approval shall be followed. (Ord. 2008-46 § 1 (part), 2008).



Helen Donaldson <hcd@portlandmaine.gov>

Fwd: MMC Expansion notes for the Planning Board meeting Tuesday night

Jean Fraser <jf@portlandmaine.gov>

Tue, Dec 6, 2016 at 12:45 PM

To: "Donaldson, Helen" <hcd@portlandmaine.gov>

for inclusion in the PB Memo on IOZ

----- Forwarded message -----

From: **Zack Barowitz** <zbarowitz@gmail.com>

Date: Mon, Dec 5, 2016 at 7:01 AM

Subject: MMC Expansion notes for the Planning Board meeting Tuesday night

To: jf@portlandmaine.gov

Cc: Tuck O'Brien <tuckobrien@me.com>, Damon Yakovleff <Damon.yakovleff@gmail.com>, Nikki Anderson

<n.annetteanderson@gmail.com>, Norman Maze <nmaze@shalomhouseinc.org>, Emma Holder

<pna@parksideneighborhood.org>, Anne Pringle <oldmayor@maine.rr.com>, Ian Jacob <iancasperjacob@gmail.com>

Jean,

Please review the following points for the Planning Board to consider in conjunction with the proposal to expand Maine Medical Center:

1. Implementation of the Libbytown traffic study, particularly the **restoration of two-way traffic on Congress Street between 295 and St. John Street**. Currently, the one-way streets are serving to divert through traffic *into* downtown. The current traffic alignment simply would not work. What's more, ambulances get stuck waiting for trains (this is a common enough occurrence that I was able to snap a picture--see attached). Thus, MMC needs to get on board with the traffic study recommendations for the expansion plan to work.

2. I wrote a column for the *Phoenix* outlining how the current agglomeration of **Maine Medical is blighting the surrounding streets and neighborhoods**. Were expansion to continue in the same manner the blight would undoubtedly spread and any economic development would have to be counter-balanced by decrease in value of abutting areas (e.g; tax revenue). You can find the article below or link to it [here](#). My suggestions:

- Improve the streetscape for pedestrians and develop vibrant commercial spaces (24-hour cafe, pharmacy, restaurant, beauty salon) on Congress Street around the new entrance.
- Set backs to create a human-scale feel
- Buildings overhanging sidewalks (like in the wild west, to provide protection from weather)
- Heated sidewalks (currently they salt the heck out of the area with is costly and environmentally destructive)

3. Convert the surface parking lot on Brackett/Vaughn be turned into **housing**.

I have copied members of adjacent neighborhood association on this message.

Thanks,
Zack

Sick Building: The Maine Medical Center's \$512,000,000 Expansion

Maine Medical Center dug through its couch cushions and came up with \$512 million to spend on an expansion of its Portland campus. Although the plan doesn't add any new beds, it does call for 128 new rooms — which the hospital must have in order to meet new demands of patient care and stay competitive in a growing industry.

In addition to being a renowned hospital, Maine Medical Center is one of the largest employers in the state. So when it says it wants to build, it's fairly easy for officials to respond "how high?"

MMC's proposed expansion will create hundreds of jobs in the health care, construction and IT sectors. But those jobs come at a cost, and those that pay are unlikely to reap many benefits; a large hospital's effect on a neighborhood can be akin to having a cement block dropped on a flower pot.

So why is this?

Hospitals are notoriously among the most difficult types of buildings to design. The sheer volume of people, technology and movement, coupled with the turnover of all of the above, make their containment nearly impossible. Throw in the challenge of creating a building that is both sterile and uplifting, and it's enough to drive the most talented designer to review RFPs for wastewatertreatment plants.

Given the difficulties and contingencies of designing a hospital, it's little wonder that their exteriors often appear an afterthought. Situated high upon the Western Promenade, Maine Med's current configuration is an undistinguished agglomeration of stark Modernist edifices and brutalist parking structures crowded around a (somewhat gloomy) original 1874 structure. Fortress-like

facades have rendered blight beyond the castle walls to the boundary streets below. Gilman, Congress, Crescent, Wescott, Bramhall and Forest streets are all fairly run-down and have been for decades despite their proximity to some of the most valuable real estate in Maine.

Portland-area residents have every reason to be concerned with the planned Maine Med expansion; the shadows will loom longer, the winds will whip colder, parking garages will become larger, and the traffic will grow denser — adding to the spread of decay.

Ironically, the westward roll of commercial and residential development along Congress Street from Longfellow Square to Thompson's Point is hot, with hundreds of proposed housing units, restaurants and (of course) breweries. The break in the path is smack in the area designated for the bulk of the expansion. The quarter-mile stretch of Congress Street from Salvage BBQ to Bramhall Square has just two commercial spaces (La Bodega Latina and Portland Glass), not including the permanently "unfinished" storefronts in the MMC parking garage. The blight is attributable to a monotonous pedestrian experience: a steep hill, fast traffic and bleak streetscape of retaining walls and parking garages. It should come as little consolation that a recent beautification effort included hanging banners declaring competency in "Urology," "Gynecology" and "Cancer."

Were this projected expansion slated for an isolated green expanse (such as the MMC Scarborough campus), the peripheral pedestrian experience would be of little consequence. But in a dense urban environment, great care must be taken to scale and form but also to use.

Far from being a monument that sucks in automobiles, the hospital necessarily should learn how to interact with the street, starting with an improved pedestrian experience that heals the neighborhoods on its borders. Street-level commercial development — visitors' cafe, gift shop, pharmacy, restaurant and even a bookstore — will not only better serve hospital customers but make for a healthy bottom line, both for the institution and the city as a whole.

--

[207-838-6120](tel:207-838-6120)

[917-696-5649](tel:917-696-5649)

ZacharyBarowitz.com

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--

Jean Fraser, Planner
City of Portland
874 8728



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409K

Notice From City of Portland Regarding - Vicinity of Maine Medical Center Questions

1 message

Karen Snyder <karsny@yahoo.com>

Wed, Dec 7, 2016 at 2:39 PM

Reply-To: Karen Snyder <karsny@yahoo.com>

To: "jf@portlandmaine.gov" <jf@portlandmaine.gov>

Jean,

I have yet again got another notice of more development that affects me in the City of Portland.

This unnecessary yet huge Maine Medical Center project, what streets will this proposed development actually be on and how far and up does it go?

What exactly is an IOZ ordinance and does it actually protect local residents or yet once again allow developers to trample on the quality of life of residents?

Regards,

Property Owner on Gilman St.
K. Snyder

the Saint John Valley Neighborhood Association

Concerns regarding MMC proposed expansion

Project announcement

- Lack of transparency
- MMC is in breach of the current contract zone agreement (CRA) by failing to apprise members of the MMC Neighborhood Council of hospital development plans as mandated by the contract.
- How do we enforce the rules going forward?

Project design

- What will the new structures look like?
- At what point and in what forum will neighborhood input be considered relative to design, location, size and scope of the project?
- Neighborhood integration is important especially height
- How will traffic be affected?
- What will happen to current green space?
- Are there plans for streetscapes?

Proposed 13 story parking structure

- It's too big
- It doesn't compliment the existing buildings in the neighborhood
- Increase in traffic (How will this be managed?)
- Increased pollution
- Increased noise levels
- Reduced property values
- Contrary to neighborhood goals of enhanced livability and walkability
- Negative effect on sunlight and wind patterns
- Why haven't alternatives to this plan been proposed?
- Lack of security in current parking structures which leads to...
- Prostitution
- Drug use and public drinking
- Graffiti
- Suicide attempts
- Littering

Construction management

- How will the demolition of current structures be performed?
- How will demolition effect local residencies and businesses?
- What are the phases of construction? and How long will each phase of construction last?
- How will construction effect local residencies and businesses?
- How will any damage to local residencies and businesses be handled? (Remember the crane that toppled in 2006 crushing a house whilst the new MMC maternity wing was being built?)

- Baseline reads on our properties?
- Where will construction materials be stored?
- How will construction impact street parking?
- Where will construction workers park?
- What are the guidelines for acceptable noise levels during construction?
- Are there any provisions for loss of income to local businesses? and loss of rent due to tenants moving on?

Future planning

- What is MMC's master plan?
- They have already told us that they will need more parking and more beds in the future. What is their plan to accomplish this?

moses sabina <mosessabina@yahoo.com>

Nov 22 (7 days ago)

to Garry, Tuck, stjohnvalleyne., Helen, me

Please add impact to resident parking to that list. As of now, parking is at a premium, and next to impossible to find a spot when there is no parking on one side of the street. Happy Thanksgiving! -Moses

[12.13.16- St John Valley Neighborhood Association confirmed as public comment for 12.13.2016 PB Workshop]

Hello Jean, If possible pls incude my memo in tonight's Planning Board workshop. Thank you . Sarah Martin

Sarah Martin <BOCCafe@hotmail.com>

Tue, Dec 13, 2016 at 2:30 PM

To: "jf@portlandmaine.gov" <jf@portlandmaine.gov>

Memorandum

To: City of Portland Planning Board

From: Sarah Martin Valley Street, Portland Maine

Re: MMC Expansion

Date December 13, 2016

As an owner and occupant of a two family 1880's era home, I have great concern over the size, the scope and the likely negative impacts of Maine Medical's proposed expansion.

During one of the recent construction projects the constant driving of pilings, disturbed not only our tenants quiet enjoyment but the actual plaster in our home. Additional negative experiences included the use of surface lots in our neighborhood as trash covered construction dumps wrapped in broken and bent chain link often with torn, flapping, often vandalized green mesh. The precious few parking spots available to residents in the neighborhood were diminished by contracted workers and we all had the overall feeling that we were living on a construction job site for many months at a time.

While I agree that there may be some added value to the neighborhood by relocating the main entrance to Congress Street, the mere consideration of a thirteen story parking structure abutting our R6 neighborhood seems completely out of touch with the hospital's spoken commitment to being "good neighbors".

Thirteen stories? I'm sure that the planning board is aware of this but consider for a moment a comparison in size.

The Holiday Inn on Spring Street-Eleven stories.

Peoples United Bank next to the library-Eleven stories.

Deering Pavillion-Eleven stories.

Portland House Condominiums -Eleven stories.

The Westin Portland Harborview(the old Eastland)-Thirteen stories

One City Center-Thirteen stories.

In fact there would only be three buildings in the entire city taller than this proposed structure, Franklin Towers, The Time and Temp building and Back Bay Towers.

I completely understand that the useful life of the existing employee garage is at its end. However, to expect to move 1,280 parking spots across Gilman street into a thirteen story parking structure higher than the treetops and towering over our buildings on Valley, Gilman and A Streets is just too much.

If we estimate a hundred cars per level, then why not dilute the impact a tower would have by relocating spots to other locations? The South lot on Bracket and Vaughn currently holds 400 cars. If the hospital were to go up one deck high in that lot, we have just reduced the tower to nine stories. Two levels brings the Gilman block proposal down to five!

I think the hospital owns the lot known as the Classic Eye lot on the one way section of Congress across from the jail entrance...about a hundred cars. How about developing a couple of stories of parking there? Two levels and we are down to seven stories on the Gilman lot. Another thought would be to lift the constraints of the current Contract zone and allow the hospital to purchase the properties on either side of their 887 Congress Street property to develop office/retail and parking in a structure similar in design to their surrounding buildings. This too would make more sense than pushing the development directly into the shadow of the residential piece(peace) of our neighborhood.



INSTITUTIONAL DEVELOPMENT PLAN

Preliminary Draft / January 4, 2017

INSTITUTIONAL DEVELOPMENT PLAN

Preliminary Draft

Purpose

This Institutional Development Plan was prepared by Maine Medical Center (MMC) to comply with the Institutional Overlay Zoning (IOZ) requirements of the City of Portland Code of Ordinances.

Date

Preliminary Draft, January 4, 2017, including pending items to be completed at a future date, following:

- the publication of the final IOZ requirements by the City of Portland, and,
- input from public outreach to be held as part of MMC's planning process.

Term

This document is valid until superseded by an approved update.

Community Engagement Strategy

- Monthly meetings with designated neighborhood representatives;
- At least two public meetings for residents of adjoining neighborhoods
- One-on-one meetings with key stakeholders

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INTRODUCTION

ABOUT MAINE MEDICAL CENTER

Maine Medical Center is a complete health care resource for the people of greater Portland, the entire state of Maine, and northern New England.

Incorporated in 1864, Maine Medical Center is the state's largest medical center, licensed for 637 beds and employing more than 6,000 people. Maine Medical Center's unique role as both a community hospital and a tertiary referral center requires an unparalleled depth and breadth of services, including the state's only medical school, through a partnership with Tufts University School of Medicine, and a world-class biomedical research center, the Maine Medical Center Research Institute.

The MMC care model includes the state's largest multispecialty medical group, Maine Medical Partners. Maine Medical Partners provides a wide range of primary, specialty, and subspecialty care delivered through a network of more than 40 locations throughout greater Portland and Southern Maine.

Maine Medical Center is named one of "America's Best Hospitals" by U.S. News & World Report. MMC's Trauma Center is the busiest in Maine, providing the most advanced tertiary care in the state.

MISSION, VISION AND VALUES

Maine Medical Center is dedicated to maintaining and improving the health of the communities it serves by:

- Caring for our community
- Educating tomorrow's caregivers
- Researching new ways to provide care

We proudly carry our unique responsibility as Maine's leader in patient care, education and research. We are dedicated to the traditions and ideals of not-for-profit healthcare. Our care is available to all who seek it.

Our efforts to execute on our Mission are aimed at achieving a simple, yet powerful Vision: "Working together so our communities are the healthiest in America."

We are guided by our Values, which call on us to meet and exceed the expectations of those we are privileged to serve. Our Values:

- Patient-Centered
- Integrity
- Ownership
- Excellence
- Respect
- Innovation

COMMUNITY BENEFIT

As a nonprofit institution, Maine Medical Center provides more than \$190 million annually in community benefits, delivering care to those who need it, regardless of their ability to pay.

EXISTING PROGRAM + LAND USE

Maine Medical Center has been a Portland landmark and a destination for excellent care since it was built as Maine General Hospital in 1874. The campus has grown in size and complexity within its footprint to meet growing demand and changes in healthcare technology and care delivery.



LOCATION AND CONTEXT

The Maine Medical Center Bramhall campus is located at a high point in the west end of the Portland peninsula that is renowned for the Western Promenade—an 18-acre park and national historic landmark designed by the Olmsted Brothers, among others. The campus abuts the Western Promenade in a dense urban setting that serves, in many ways, as a transitional zone between areas with diverse character, land uses, and demographics.

The campus, which serves the entire state of Maine as well as eastern New Hampshire, is located within less than a mile's distance of I-295, which links Portland to destinations across New England. To the north, the campus fronts on Congress Street—Portland's main street that extends along the spine of the peninsula to Portland's downtown and beyond. The MMC campus is located at the western gateway into the City.

Fig.1.1 BIRD'S EYE VIEW OF THE CAMPUS IN ITS URBAN CONTEXT





Neighborhood Context

The 21.8-acre MMC campus abuts four distinct neighborhoods. To the west and north is the St John Valley Neighborhood, a diverse neighborhood featuring a wide mix of uses including single-family residential, multi-family rentals, local and chain restaurants, ethnic groceries, and industrial warehouses. St John Valley, and the largely residential Parkside neighborhood to its east, are among the most ethnically and racially diverse in Portland and include a significant number of refugee residents. (City of Portland GIS Maps, 2010 Diversity Index). The two neighborhoods also share easy access to Hadlock Field, Fitzpatrick Stadium, and Deering Oaks Park north of Park Avenue.

The Western Promenade neighborhood is located to the south of the medical campus. The focal point and namesake of the neighborhood is the 18-acre linear park that wraps the 120-foot tall escarpment, providing sweeping views of Casco Bay and the Fore River. Designated as a park as early as 1836, and designed in 1905 by the Olmsted Brothers, the Western Promenade was also recognized as a national historic site in 1989. The Western Promenade neighborhood and large sections of the adjoining West End neighborhood are included in the West End local historic district in recognition of their cohesive residential character featuring major architectural styles from 1850 to the 1920's.

Zoning Context

Development on the MMC campus has been historically governed by Contract Zone agreements C41 (main campus) and C18 (Congress Street Medical Building).

MMC is currently working with the City and surrounding neighborhoods to establish a new Institutional Overlay Zoning (IOZ) District to regulate future development on campus. MMC's IOZ District will include hospital-owned properties currently zoned C41 and C18. The future IOZ District abuts R4 and R6 Residential Districts on all sides except for the northwestern corner, which abuts B2 Business Community District. As the City implements new institutional zoning for the MMC campus, opportunity exists to comprehensively review the zoning regulations for Congress Street to provide for orderly redevelopment on both sides of the gateway corridor.

Fig.1.2 MMC CAMPUS: NEIGHBORHOOD AND ZONING CONTEXT (Data Source: City of Portland GIS)

LEGEND

- Proposed MMC Institutional Overlay
- Zoning (IOZ) District Boundary
- West End Historic District Boundary
- Parcel Boundaries

CITY OF PORTLAND ZONING DISTRICTS

- | | |
|---|---|
| R4 Residential | IL Industrial - Low Impact |
| R5 Residential | IM or IMb Industrial - Moderate Impact |
| R6 Residential | ROS Recreation Open Space |
| RP Residential Professional | Contract Zones |
| B2 or B2b Business Community | |



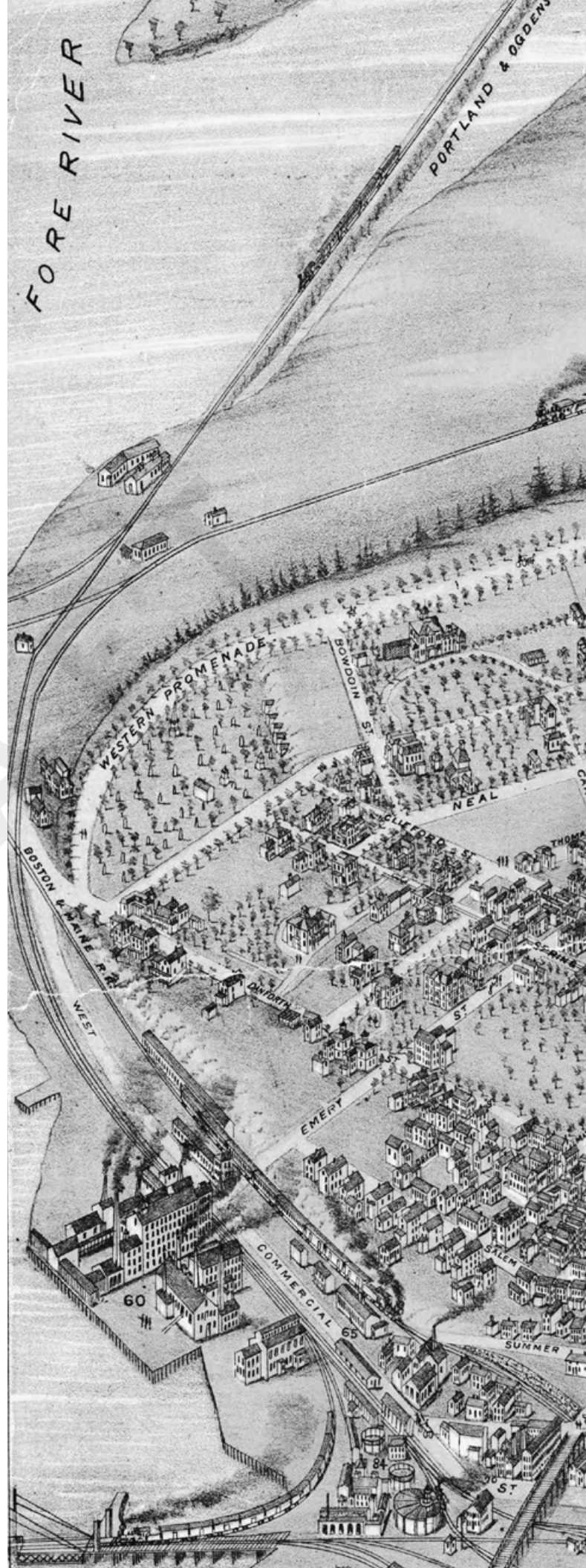
HISTORY

Maine Medical Center opened its doors in 1874 as Maine General Hospital on Bramhall Hill, at the northern end of the tree-lined Western Promenade and adjacent to the Bramhall Reservoir.

The campus, designed by architect Francis Fassett, included four pavilions around a central administration building. The east pavilion and two outbuildings were erected first, providing patients with sweeping views of Casco Bay and the Fore River. The hospital was designated as the training facility for the Portland School for Medical Instruction and the Medical School of Maine at Bowdoin College, and had its own School of Nursing. Built of red-brick in Italian Gothic style, Maine General soon became a local landmark and a destination for the most up-to-date medical care in the state.

The opening of Union Station (1888) down the hill at Congress and St John Streets brought commercial uses to the area, improving access to the hospital. The hospital also catalyzed development of the area with medical uses (such as the 1891 Maine Eye and Ear Infirmary) as well as residential uses. The Western Promenade neighborhood gained prominence at the turn of the century as high-end homes and apartment buildings were built near the hospital and improvements were

Fig.1.3 1876 BIRD'S EYE VIEW OF PORTLAND.





made to the Western Promenade parklands. Maine General Hospital modernized its facilities through the 1920s and added a third pavilion in 1929.

In 1951, Maine General Hospital, the Maine Eye and Ear Infirmary, and Children's Hospital merged to become Maine Medical Center. Two new pavilions were added in 1956 to provide modern patient rooms. Suburban growth and the construction of interstate highways in the 1960s increased demand for parking at the Medical Center, which was met by converting the Bramhall Reservoir into a surface parking lot (current South Lot).

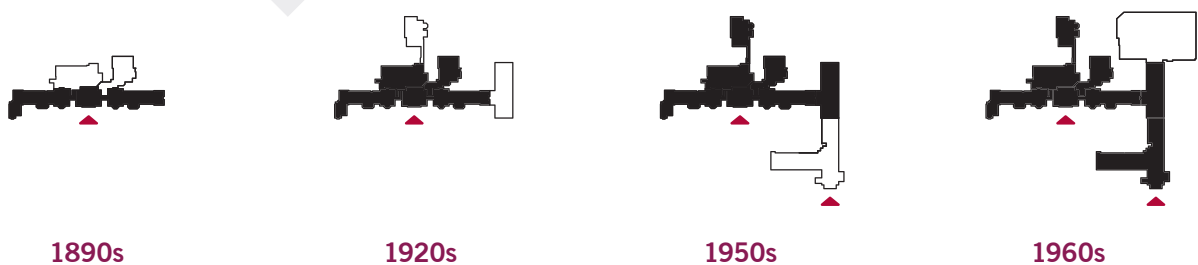
In 1968, MMC doubled the size of its facilities with the addition of the eleven-story Richards Wing. The campus expanded its footprint down towards Congress Street with the addition of its first parking garage (now known as Employee Garage) in the

1970s. In the late 1970s, MMC became a teaching hospital for the University of Vermont College of Medicine.

In 1985, MMC opened the six-story L.L. Bean Building, another major addition to the campus. The Bean Building housed the new Neonatal Intensive Care Unit (NICU), operating suites, and specialty departments; it also now houses the Barbara Bush Children's Hospital (BBCH) today. The Dana Building was built in 1987, adding much-needed classroom and conference space to the campus.

Through the 2000s, MMC has renovated and expanded its facilities to meet its role requirements as the highest acuity provider in the state. In 2008, MMC opened the 190,000 SF East Tower including new units for prenatal care, labor, delivery and recovery, neonatal intensive care, and mother-baby

Fig.1.4 HISTORICAL EVOLUTION OF MAINE MEDICAL CENTER



units. The Emergency Department expanded into the basement of the East Tower the following year. The campus transformation project also included a new central utility plant and the 512-car Patient and Visitor Garage.

As its partnership with the University of Vermont came to a close, MMC initiated a new training program for medical students at the Tufts University School of Medicine in 2011. Today, MMC also hosts students from the Geisel School of Medicine at Dartmouth and University of New England College of Osteopathic Medicine.

In 2014, MMC began construction on a portion of the LL Bean building roof to add new operating rooms and perioperative care beds.

Today, MMC is undertaking a new master plan effort driven by the need to replace semi-private

patient rooms with private rooms and to provide additional surgical capacity. The master plan also provides an opportunity to address infrastructure needs, wayfinding and overall building organization to improve the delivery of care (see Chapter Two for details).

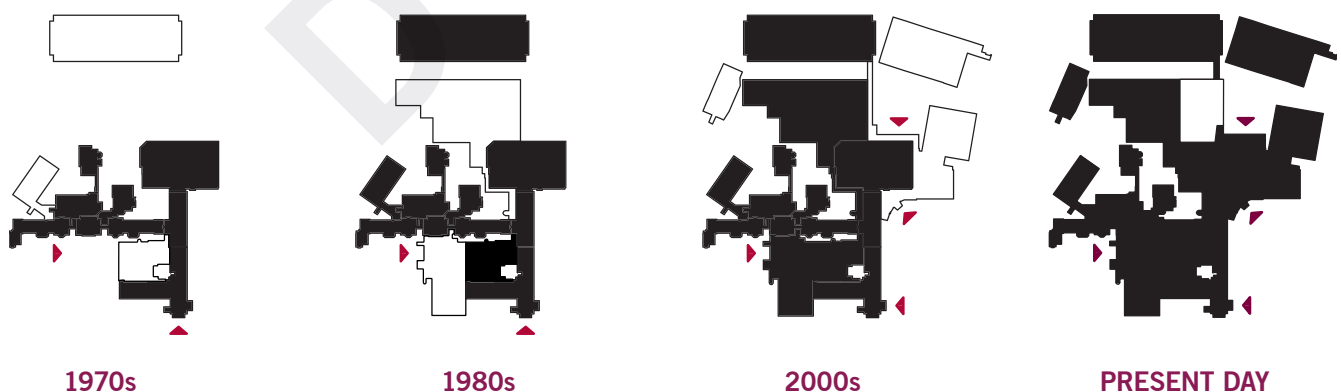




Fig.1.5 BIRD'S EYE VIEW OF THE CAMPUS, LOOKING SOUTH



EXISTING FACILITIES

MMC regularly conducts building assessments to inform future investment and development decisions on campus. The assessments evaluate the condition of building structure and systems, and compliance with current building codes and regulations including fire safety. The 2015 assessment (see Fig.1.7 on page 21) illustrates that a number of buildings on campus are approaching the age and level of condition for replacement.

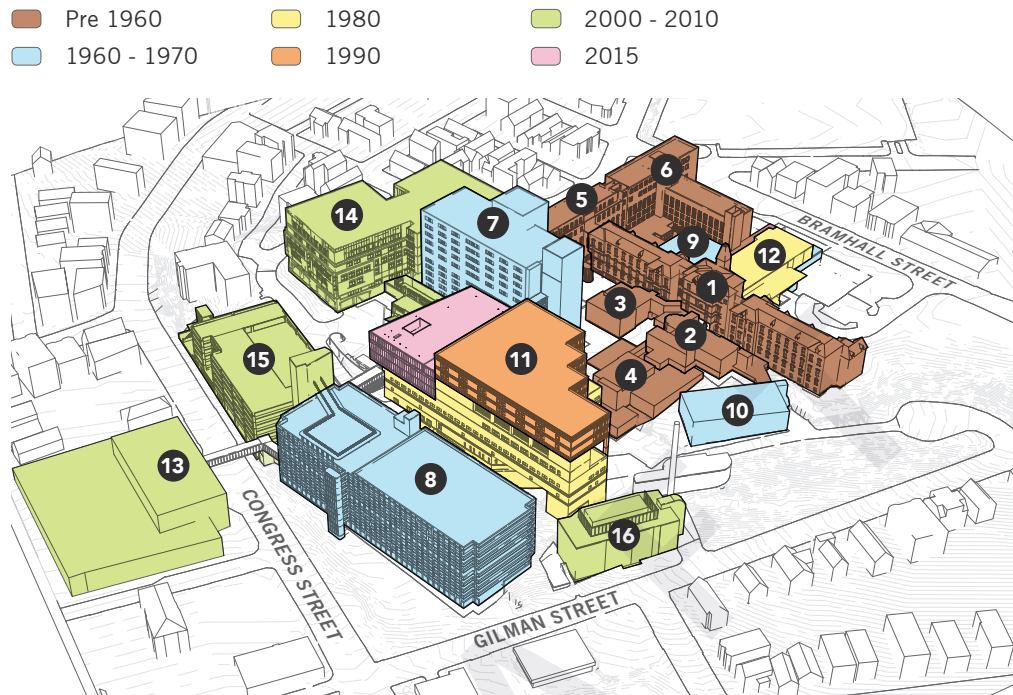
Among those that are listed for replacement in the long-term are the Pavilions, the Richards Building and the LL Bean Building, which together host a large percentage of the hospital's bed inventory. These include a large number of semi-private beds that must be replaced to conform with current patient care standards. The Employee Garage is identified for replacement in the short-term due to its structural challenges.

Fig.1.6 INVENTORY OF EXISTING FACILITIES

	Building Name	Date	Gross SF
1	Maine General	1870s	72,920
2	Annex B	1870s	36,250
3	Annex C	1870s	13,190
4	Annex A	1929	10,110
5	Pavilion A	1929	66,380
6	Pavilions C & D	1956	83,460
7	Richards Building	1968	228,920
8	Employee Garage	1970s	--
9	Diagnostics Building	1976	89,150
10	Engineering Services Building	1978	23,840
11	LL Bean Building	1985	231,830
12	Dana Building	1987	19,310
13	Congress Street Medical Building	1999	47,000
14	East Tower	2008	200,000
15	Patient and Visitor Garage	2008	--
16	Central Utility Plant	2008	--

TOTAL 1,122,360 GSF

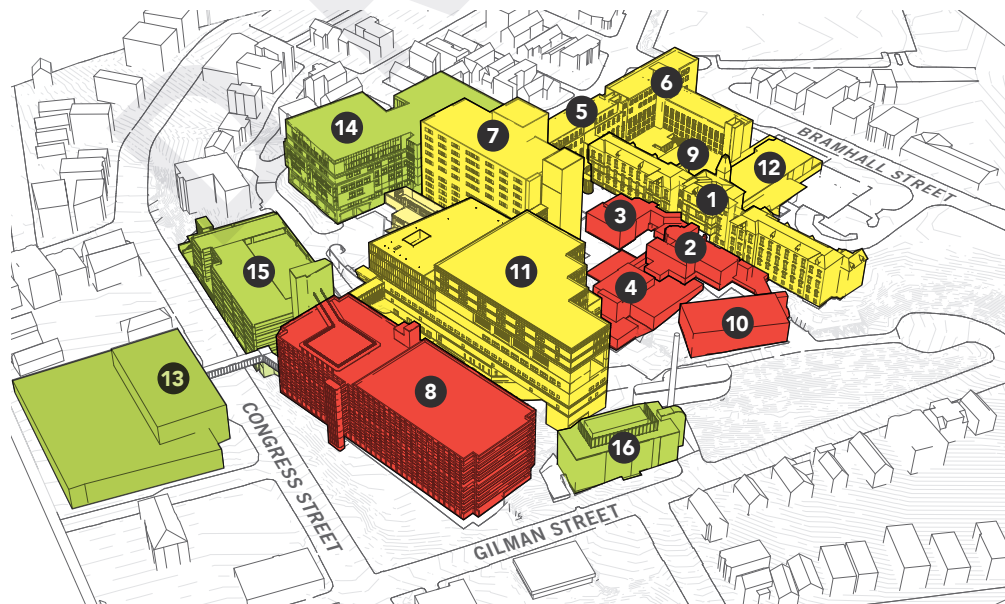
Fig.1.7 EXISTING FACILITIES, BY AGE AND CONDITION



Continued investment in this building is:

Recommended (Green) Cautioned (Yellow) Not Recommended (Red)

For future use.



FUTURE NEEDS + GROWTH PROJECTIONS

As it nears its 150th anniversary, Maine Medical Center continues to improve its facilities and services to fill its role as Maine's leader in patient care, education, and research.



FACTORS AFFECTING HEALTHCARE PLANNING

There are a multitude of factors to consider in healthcare planning that are unique to the industry and some that limit the ability to plan for a far distant future. Due to the unpredictability of many of these factors, healthcare planning beyond three years with relative accuracy is challenging. Therefore, healthcare planning is typically completed in three year increments. For example, the rate of change in healthcare payment and policy often follows federal and state election cycles but can change as often as annually. A summary of factors that affect healthcare planning is included in the table below.

Factor	Definition
POPULATION	Changes in utilization due to population growth: — Population increase or decrease — Population aging — Population distribution — Consumer preference
EPIDEMIOLOGY	The underlying causes of disease (divided into two categories): — Disease-based: Estimates the incidence and prevalence that are impacted in the long-run by preventative measure (i.e. vaccinations effectiveness) — Behavioral-based: Changes in disease incidence and prevalence due to behavioral and sociocultural factors (i.e. obesity, smoking, diet)
ECONOMICS	Macro-economic factors that affect healthcare utilization: — Employment — Healthcare Consumer Price Index — Gross domestic product growth or decline — Employer-based coverage levels — Benefit level and out-of-pocket expense — Regional/Local healthcare environment
PAYMENT & POLICY	Legislative and market-driven reform, including specific payment and policy innovations that will impact utilization: — Health insurance coverage expansion — Bundled payment initiatives/pilots — Accountable Care Organizations (ACOs) — Publicly-funded prevention and wellness initiatives
INNOVATION & TECHNOLOGY	Structural technology that shifts the site at which care is delivered or innovations that affect utilization across different care settings: — Imaging and diagnostics — New therapeutics — Pharmaceutical advancements — Quality innovations
SYSTEMS OF CARE	Increased efficiency resulting from better care coordination and serve integration across various care sites: — Clinical Integration: Use of evidence-based practices and elimination of redundant care — Alignment: Coordination between providers, including inpatient and outpatient providers — Information Technology: Includes computerized physician order entry (CPOE) and e-care
WORKFORCE AVAILABILITY	The healthcare workforce is highly specialized which requires years of training. The availability of qualified individuals can severely limit a healthcare organization's ability to provide care.

MMC FUTURE NEEDS

Introduction

Maine Medical Center (MMC) is a 637 licensed bed Academic Medical Center with an affiliation with Tufts University School of Medicine. MMC is the leading provider of tertiary services in the State of Maine. Tertiary services are defined as a set of Medicare severity diagnosis-related groups (MS-DRGs) that are rare and complex, require collaboration across treatment modalities, complex treatment decisions dependent upon unique diagnostic tests, regionalized care, and associated with complex comorbidities and complications. MMC is the top provider of these services in the state. In 2014, MMC provided 43% of all the tertiary services for the state of Maine.

MMC treats Maine's sickest patients and estimates that the average patient seeking care at MMC will continue to get sicker. MMC's case mix index (CMI) was 1.86 in fiscal year 2015 (October – September); the highest in the state of Maine. A hospital's case mix index is calculated by finding the average severity of diagnosis-related groups at that hospital. The average case mix index for a hospital in the U.S. is 1.31 (CMS.gov). In fiscal year 2016, MMC's CMI grew to over 2.00 and is expected to continue to increase.

Key Drivers for Campus Transformation

MMC's facility needs are multi-factorial but can be summarized into three categories:

1. Immediate Clinical Need
2. Building Need
3. Parking Need

Immediate Clinical Need

MMC has 632 inpatient beds available. On an average day, MMC can expect close to 60 beds to be closed due to patient condition or regular maintenance, and over 500 patients in the hospital, leaving only approximately 20 beds available for new patients. Inpatient beds have specialized purposes that include medical/surgical, intermediate care, intensive care, psychiatric, pediatric, or infant. Therefore, the actual number of beds available for specific populations of patients may be much smaller. In addition to the finite number of beds available, MMC can expect close to 100 admissions per day from Surgery and the Emergency Department, and 5 to 10 transfer requests per day from other hospitals (see Fig.2.1 on page 27).

This reality presents daily challenges for the incredible staff at MMC to meet the needs of patients in the State of Maine. The challenge is expected to grow in complexity as patients get sicker and require highly specialized care.

Building Need

Facilities at MMC date back to the 1870's with the construction of the Maine General Building. Since the early 1900s, MMC has grown to meet the needs of patients. A building assessment was completed by a team of engineers in 2015 that evaluated essential systems in each of the buildings that comprise MMC's campus (see Fig.1.7 on page 21).

MMC's facilities are increasingly becoming unable to meet the complex needs of patients in the future. Many of MMC's existing patient rooms are shared, which disrupts the treatment and healing of patients and families being cared for in the hospital. The proposed campus transformation plan (see chapter 3) will partially replace rooms and modernize MMC's campus to meet anticipated future need. Proposed patient rooms will be private and can adapt to the level of care needed by patients. They will be "universal rooms" capable of being occupied by a wide spectrum of patient populations from intensive care to recovery from surgery. Procedure rooms will be large enough to fit the equipment and technology needed for the complex procedures that patients increasingly require at MMC.

Parking Need

MMC hosts a wide variety of people on campus every day. Patients, families, staff, and students all require access to the facility. Patients and families from all over northern New England come to MMC for care. These people do not live close enough to take advantage of alternative methods of transportation like buses, cycling, or walking that are provided locally. Clinical and support staff require safe, reliable, and often emergent, access to the facility in order to provide services to patients. Providing parking is a priority at MMC (see Section 4 on page 36 for additional details).

Fig.2.1 A DAY IN THE LIFE OF MAINE MEDICAL CENTER: BED SHORTAGE

Bed Census at 7am (July 28, 2016)

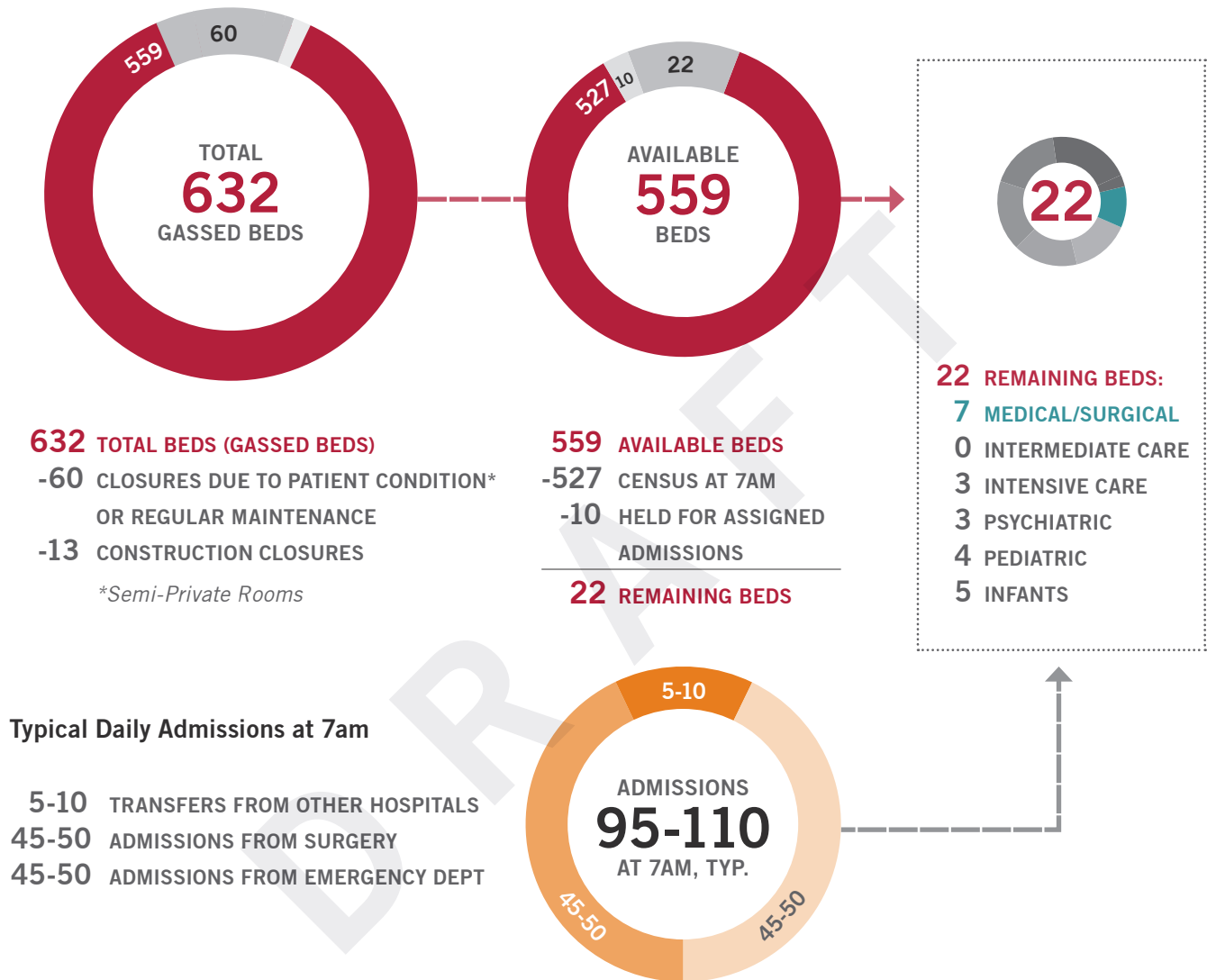
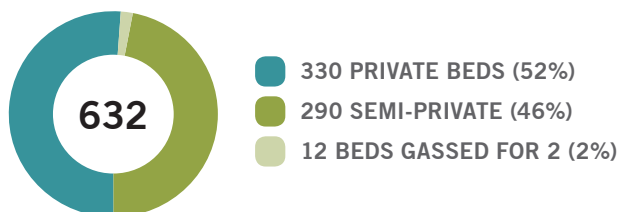


Fig.2.2 EXISTING INVENTORY OF PRIVATE VS SEMI-PRIVATE BEDS



PHYSICAL PLAN

Maine Medical Center is planning a campus transformation campaign to replace aging facilities over the next twenty years, providing for a more efficient and flexible campus that meets the growing demand for more complex and specialized care.



CAMPUS TRANSFORMATION PLAN

A series of projects have been planned throughout the campus to meet current growth needs and to improve the efficiency of care delivery. **These projects are possible options for expansion.**

The bed count will stay the same in the near-term. The Long-Term Plan adds approximately 770,000 GSF to the MMC campus over the next twenty years, and may also provide additional inpatient beds.

DEMOLITIONS

A Employee Garage Demolition

The 2015 building assessment does not recommend continued investment in this structure (see Fig.1.7 on page 21).

D Removal of existing one and two-story structures currently used as office space and for small clinical functions will be required to construct the proposed parking garage.

E Abandonment of service road to enable connection between Congress Street Development (A) and existing facilities.

ADDITIONS / NEW CONSTRUCTION

A Congress Street Development, Phase I (New Construction, 285,000 GSF)

New six-story building along Congress Street on former site of the Employee Garage, plus two-story headhouse to connect to the campus. Building program includes: main hospital drop-off and entrance, universal, private inpatient beds and new operating rooms. The relocation of the main entrance changes the campus's relationship to Congress Street.

B Visitor Garage (Vertical Expansion)

Addition of three floors at top to accommodate 225 new parking spaces.

C East Tower (Vertical Expansion, 60,000 GSF)

Addition of two floors at top to accommodate 64 inpatient beds and relocated heliport.

D Gilman Garage (New Construction)

13-story free-standing garage to accommodate 1135 new parking spaces.

LONG-TERM PLAN

A Congress Street Development, Phases II and III (Vertical Expansion, Approx. 300,000 GSF)

Future vertical expansion to include additional private inpatient beds.

F LL Bean Building, MFP Phase III (Addition, 120,000 GSF)

Expansion of diagnostics and treatment, and interventional platforms. If necessary, existing Laundry Building and Engineering Services Building may be modified or removed to facilitate expansion.

Fig.3.1 CAMPUS TRANSFORMATION PLAN

- EXISTING MMC FACILITIES
- PROPOSED PROJECTS
- LONG-TERM PLAN
- # DEMOLITION
- # ADDITION / NEW CONSTRUCTION (see opposite page for legend and descriptions)

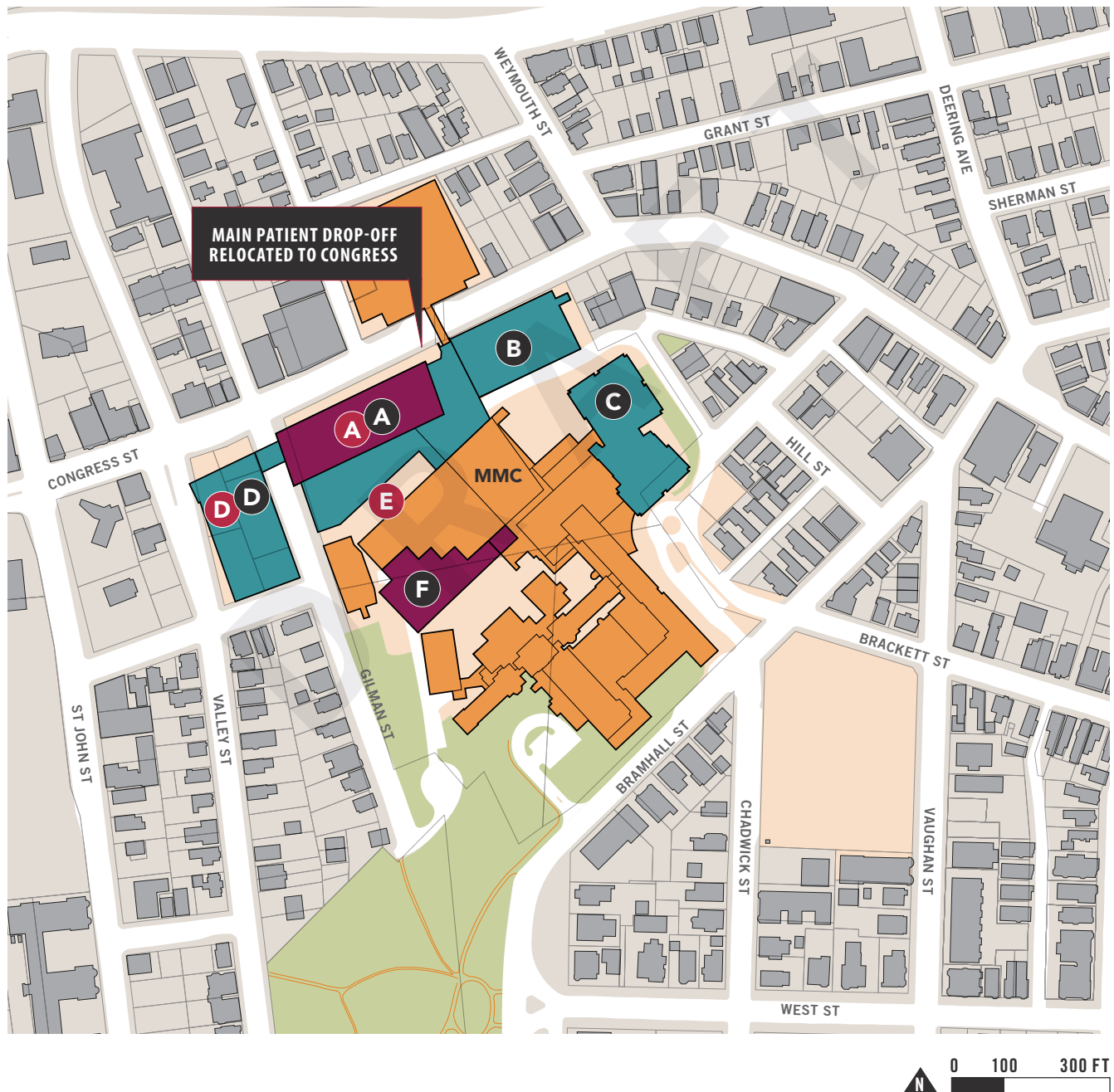
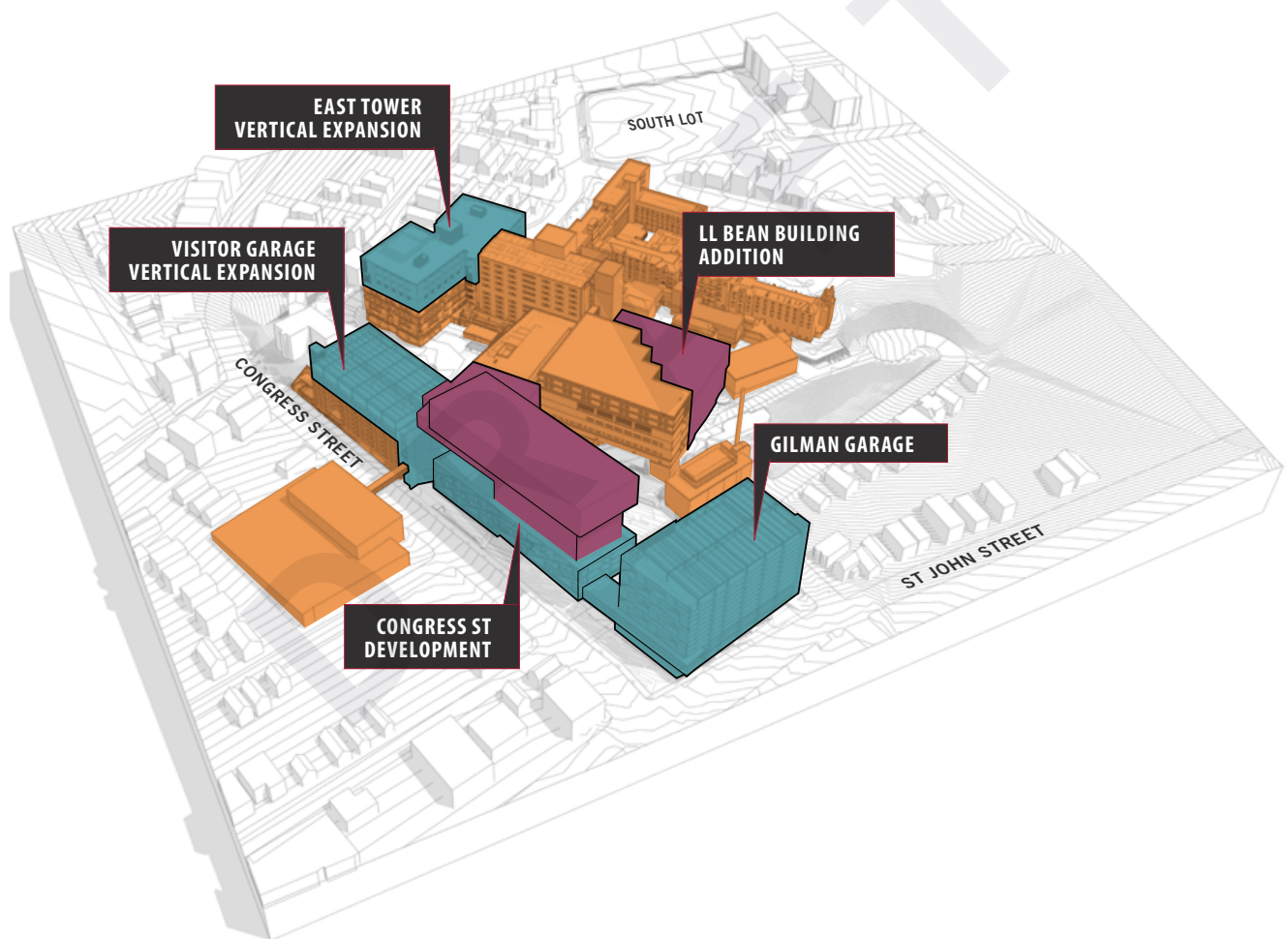


Fig.3.2 CAMPUS TRANSFORMATION PLAN, LONGITUDINAL SECTION ALONG CONGRESS



Fig.3.3 CAMPUS TRANSFORMATION PLAN, AXONOMETRIC VIEW

- EXISTING MMC FACILITIES
- PROPOSED PROJECTS
- LONG-TERM PLAN



LONG-TERM REDEVELOPMENT ZONES

The master plan has identified the following areas as potential areas for redevelopment in the long-term. While no specific use is identified for these parcels currently, they will be preserved as part of the campus to accommodate future growth and transformation needs, if any.

G. Congress Street Medical Office Bldg Site

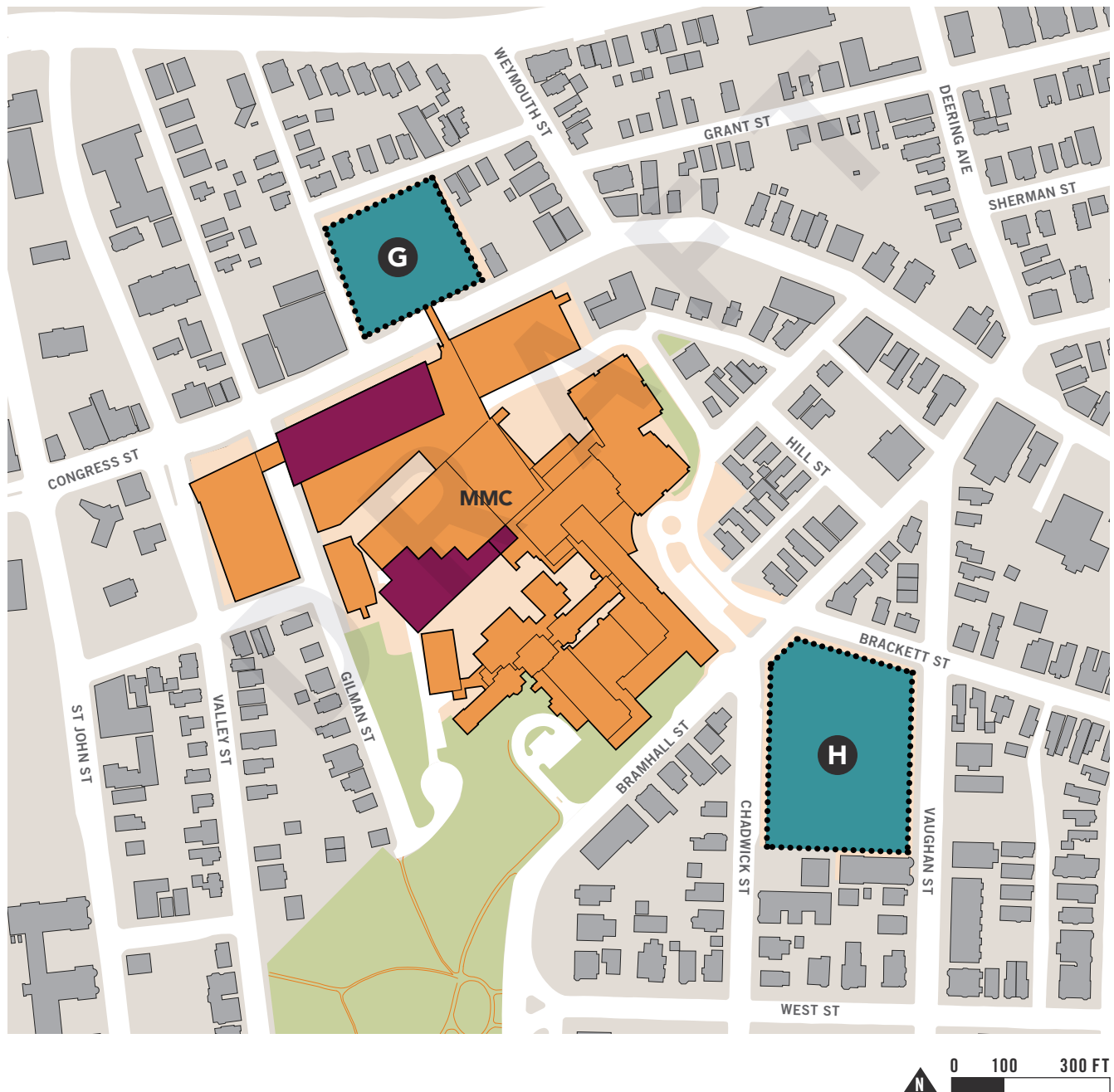
H. South Lot

HOUSING IMPACT

The master plan does not result in the removal of housing units, and as such, is not expected to have a direct impact on housing availability. However, the transformation of the area surrounding the hospital as a result of MMC's development will likely result from increased private investment in the area, including the improvement of and likely addition to housing stock in the area.

Fig.3.4 LONG-TERM REDEVELOPMENT ZONES

- FUTURE CAMPUS
- LONG-TERM PLAN
- LONG-TERM REDEVELOPMENT ZONES



TRANSPORTATION & PARKING

Maine Medical Center is developing a long-term transportation plan that will improve campus access, circulation, and wayfinding for patients and visitors. Ongoing initiatives are aimed at providing alternative transportation options to reduce traffic and parking impacts.



VEHICULAR ACCESS AND CIRCULATION

Patient and Visitor Access

Maine Medical Center draws patients from a large catchment area that extends 250 miles north to the Canadian border and over 100 miles east into New Hampshire. Given the rural composition of both states, a majority of the patients and visitors coming to MMC arrive by car. The campus' proximity to I-295 provides ease of access to most patients and visitors.

Relocation of the Main Entrance

A goal of MMC's campus transformation plan (see Fig.3.1 on page 31) is to make it easier for all to get to, and move around the campus. This involves a scenario planning around different modes of vehicular circulation, and testing each scenario to ensure the safety and arrival experience of pedestrians, bicyclists, and drivers.

Today, most drivers arrive on campus via Congress Street and either park off of Congress Street by entering the Patient / Visitor Garage, or travel up Ellsworth or Bramhall Streets to reach the emergency room or main entrance. The campus transformation plan proposes the relocation of the main entrance and drop-off to Congress Street with the new Congress Street development (see Fig.4.1 on page 39). The main entrance on Congress will be used primarily by vehicles dropping off or picking up patients. The design will allow vehicles to either exit back on Congress Street or enter the Patient / Visitor Garage after passing through the drop-off

zone. The existing main entrance at the East Tower will remain open and continue to serve select uses.

The new main entrance is expected to improve access to the campus while reducing vehicular traffic on neighborhood streets. Work is currently underway to identify design options for the main entrance and drop-off that minimize impact on existing pedestrian, bicycle, transit and vehicular traffic on Congress Street.

MMC's new "Front Door" on Congress will be designed to activate the urban corridor, and to promote a safe and walkable pedestrian environment.

Other Vehicular Flows

Employee vehicular flows will be diverted from Gilman Street to Valley Street following the construction of the new Employee Garage on Gilman, as proposed (see Fig.4.1 on page 39).

Essential service vehicles will continue to use Gilman Street to access the Utility Plant and Engineering and Services Building (see limitations to contractor parking on page 42).

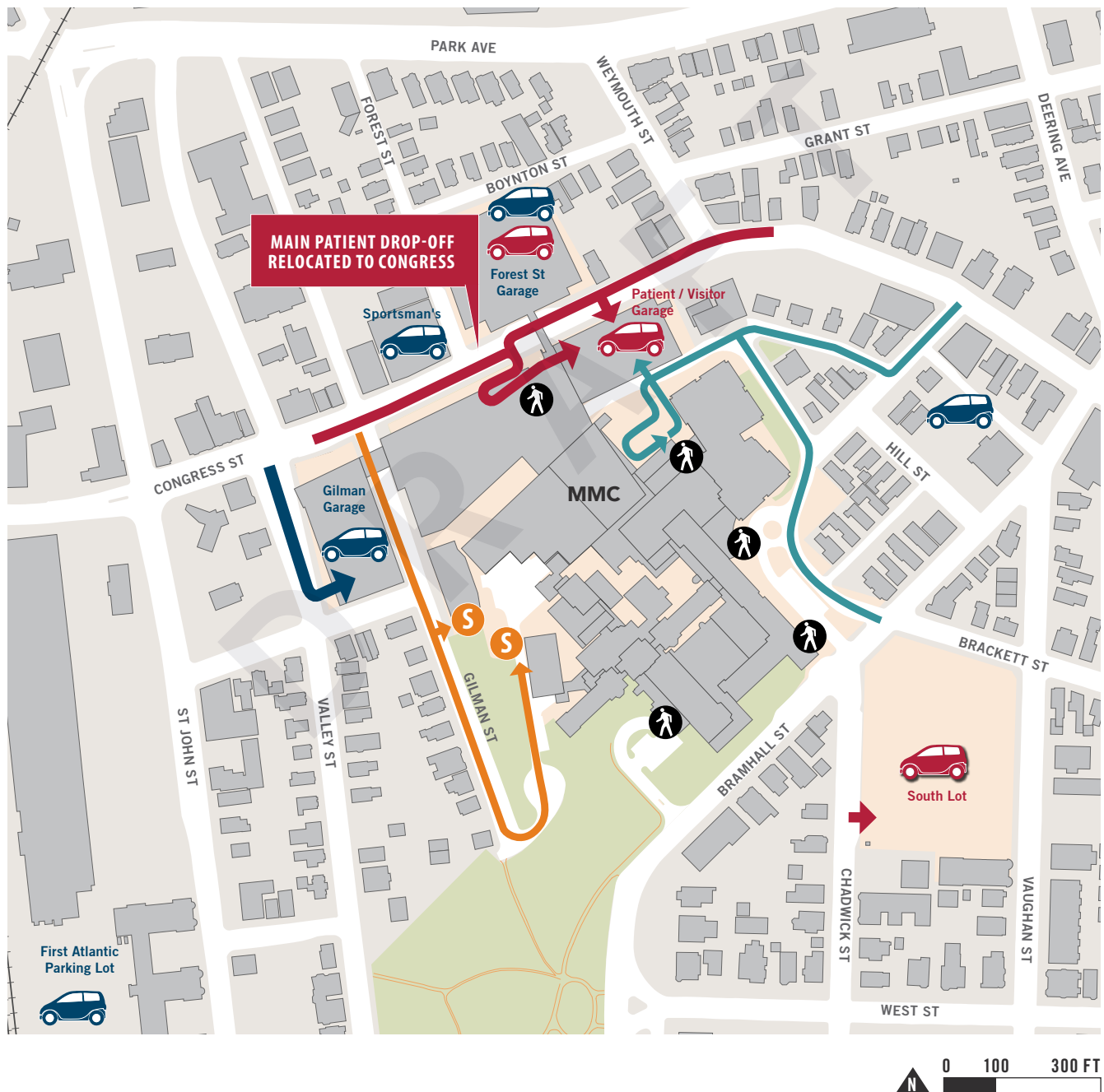
Fig.4.1 TRANSPORTATION PLAN (FUTURE): VEHICULAR AND SERVICE ACCESS, AND PARKING

KEY VEHICULAR CIRCULATION ROUTES

- █ Patients / Visitors
- █ Emergency Drop-off / Ambulance
- █ Staff
- █ Service

PARKING

- 🚗 Patients / Visitors
(including parking after emergency drop-off)
- 🚗 Staff Parking (In map extent only. See list on following page for all locations)
- S Limited Parking for Service Vehicles / Service Staff



PARKING

MMC owns and/or leases structured parking and parking in surface lots for the use of its patients, visitors, employees, and medical students. While MMC's TDM programs (see next page), and changes in societal norms related to car use have been successful in reducing parking demand on campus, parking is expected to be a significant part of the campus' transportation portfolio in the long-term.

The table below lists existing and planned parking inventory for employees and patients in the near-term (see Fig.4.1 on page 39 for locations).

Future demand for parking is determined based on workforce and enrollment projections, and GSF of planned clinical growth. TDM measures are

assumed to remain in place to buffer increases in parking demand. Near-term projects planned to improve parking on campus include:

- Replacement of the aging Employee Garage with a new Garage on Congress Street; and,
- Addition of 2-floors to the existing Patient and Visitor Garage.

PARKING TODAY

On campus:

Employee Garage.....	1,274
Patient and Visitor Garage	480
Forest St Garage (887 Congress St).....	400
South Lot	370

Off campus:

First Atlantic Parking Lot (242 St John St) ...	283
Gateway Garage (181 High St)	100
Classic Lot (995 Congress St).....	97
Parking Lot (909 Congress St)	60
Parking Lot (10-16 Bramhall Pl)	26

TOTAL PARKING, TODAY 3,090

PARKING IN 2022

On campus:

Gilman Garage (<i>new</i>).....	1,135
Patient and Visitor Garage (<i>expanded</i>)	705
Forest St Garage (<i>no change</i>).....	400
South Lot (<i>no change</i>).....	370

Off campus:

(<i>No change from existing</i>).....	566
---	-----

TOTAL PARKING, FUTURE 3,176

TDM AND ALTERNATIVE TRANSPORTATION

MMC has a comprehensive Transportation Demand Management (TDM) Plan that has been successfully implemented since its launch in June 2008.

The Plan, which is known to employees as the "Get on Board!" Program, aims to reduce MMC's traffic impact on the peninsula by reducing the number of single occupancy vehicles (SOV) trips to the campus. The goal is advanced through the subsidy, and marketing of alternative commute options including walking, bicycling, transit, and rideshare.

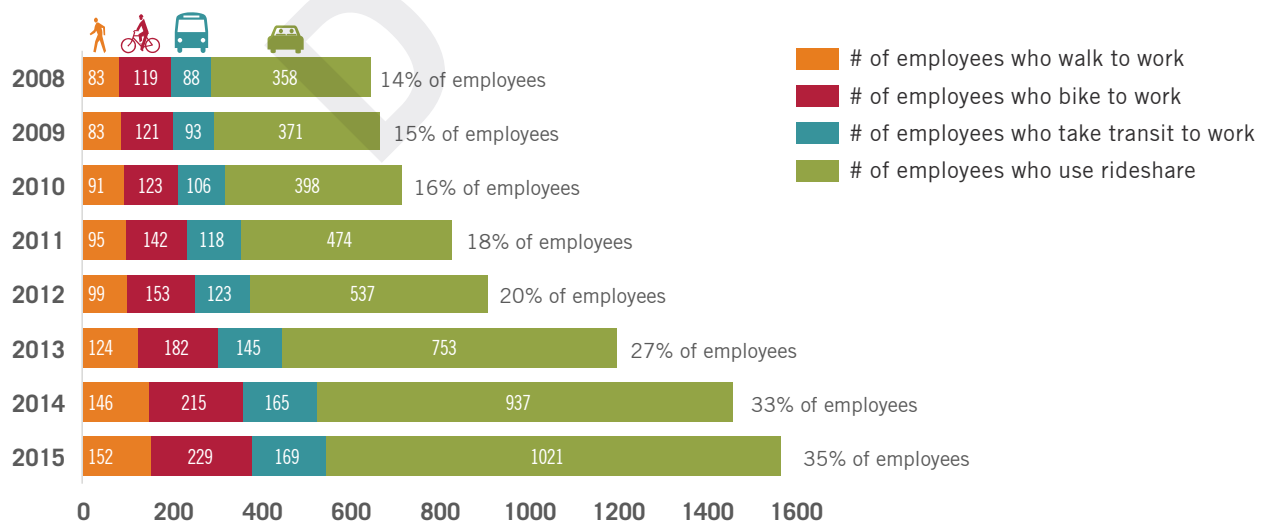
The TDM Plan has continued to thrive and grow, to change and evolve, into an integral part of the fabric and culture of MMC. Its growing success is demonstrated in the growing number of employees who choose alternative modes of transportation. (Fig.4.2 on page 41.)

The "Get On Board" Program is administered through an employee portal that includes information and resources for alternative commutes. The website provides links to Maine Department of Transportation and the Maine Turnpike Authority's "GO MAINE" program to provide employees easy access to additional benefits.

All new employees receive "Get On Board" information at the first day of orientation with instructions on how to join the program. This has increased the number of people that join the program at the start of their employment and has made "Get On Board" a focus of institutional policy.

Individual program elements and related incentives are outlined below.

Fig.4.2 EMPLOYEE PARTICIPATION IN MMC'S "GET ON BOARD!" PROGRAM (2008-2015)



Bicycles

The MMC campus is located in close proximity to existing and planned routes in the City's growing bicycle network (see Fig.4.3 on page 43). MMC has worked diligently to make bicycle commuters feel welcome and safe. In 2008, MMC installed five strategically-located bike racks and ten bike lockers on campus. Three new bicycle racks were added in the vicinity of the Main entrance and in the South Lot last year, bringing storage capacity to 184 bicycles across campus. Bicycle commuters also have access to a shared toolshed with basic tools.

Mass Transit

Employees can purchase discounted bus tickets and Shuttle-Bus Zoom tickets conveniently in the cafeteria. MMC buys the tickets at the regular price and offers them to employees at the reduced prices listed below. This is a clear demonstration of MMC's commitment to making the TDM Plan work for its employees and for the City of Portland (see Fig.4.4 on page 45 for a list of buses within walking distance of the campus).

	REGULAR PRICE	MMC SALE PRICE
METRO	\$13.50	\$8
S. PORTLAND	\$13.50	\$8
ZOOM 10 RIDE	\$39	\$29.60
ZOOM MONTHLY	\$100	\$84.50
ZOOM QUARTERLY	\$260	\$197.50

MMC Shuttles

MMC operates employee shuttle services between the Brighton and Bramhall campuses (M-F, 7am-5pm) and between the 110 Free Street Office Building and the Bramhall campus (M-F, 6am-6pm). Both shuttles run on a fixed time schedule with three round trips per hour. The shuttles provide a predictable alternative to employees commuting between the three sites.

Scooters / Motorcycles

The campus provides a designated parking space for scooters and motorcycles.

Ride Share

Employees participating in the Ride Share program are given access to preferred parking in a gated, ID-card access only area of the Employee Garage that connects directly to the Main Lobby on the ground floor of the hospital.

Contractor Parking

MMC has instituted a shuttle service for contractors from the Classic Parking Lot (993 Congress Street) to the hospital to reduce traffic and parking impact on the campus and surrounding neighborhoods. In 2015, MMC added a 20-space contractor lot on Forest Street. Only essential contractor vehicles are allowed to park on campus: contractor parking passes are distributed by the Engineering Department on a case-by-case basis.

Fig.4.3 PORTLAND BIKEWAY AND PEDESTRIAN NETWORK (Source: City of Portland, 2014)

EXISTING FACILITIES

- Bicycle Lane
- Paved Shoulder
- Neighborhood Byway
- Shared Use Pathway
- Shared Lane, with Marking
- Shared Lane

PLANNED FACILITIES

- On Road Bikeway
- Neighborhood Byway
- - - Shared Use Pathway or Rail with Trail



The following bus routes are accessible within a five minute walk of the MMC campus. Commuters can transfer to other Metro buses and regional shuttles at the PTC and the Downtown Hub. The PTC also offers access to Amtrak Downeaster line, another commute option.

M1**M1 – CONGRESS STREET**

Connection to Portland Transportation Center (PTC), Downtown, Munjoy Hill and Eastern Promenade

M5**M5 – JETPORT / MAINE MALL**

Connection to Downtown, Hannaford Plaza, Maine Mall and Portland Jetport

M8**M8 – PENINSULA LOOP**

Connection to Downtown, Franklin Towers, Whole Foods Plaza and Hannaford Plaza

9A/B**M9A / 9B – NORTH DEERING VIA STEVENS AVENUE**

Connection to MMC Brighton campus, Highlands, Rosemont, and North Deering

BRZ**METRO BREEZ EXPRESS (BRZ)**

Connection to PTC, Downtown, Falmouth, Yarmouth, Freeport

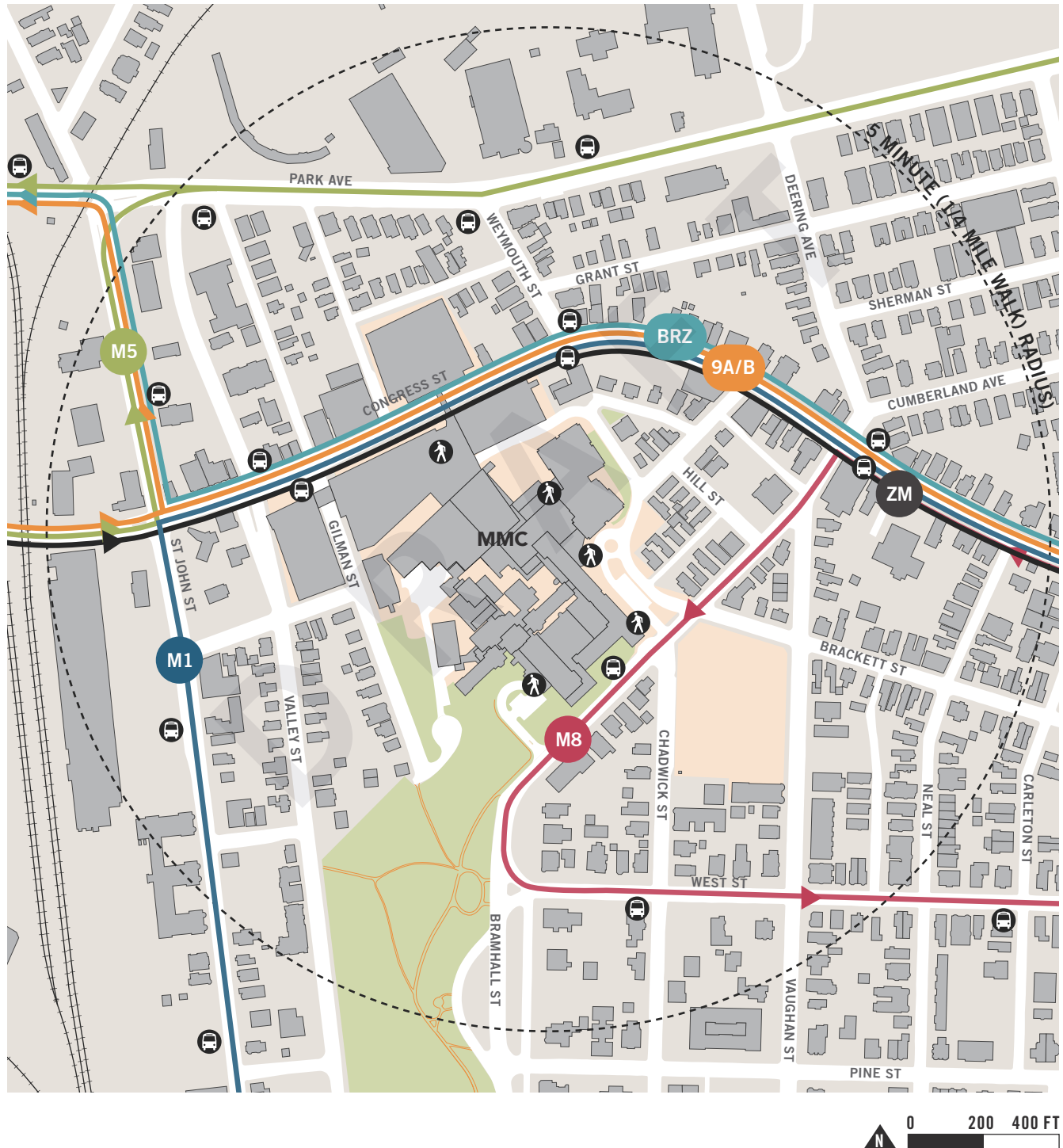
ZM**ZOOM Turnpike Express (ZM)**

Connection to Biddeford and Saco

Rte #	Closest Stop	Times of Operation	Headways
M1	Congress Street	5:35am to 11:10pm (M-F) 7:45am to 6:05pm (Sat) 8:10am-6:35pm (Sun)	Varies between every 30 minutes during daytime to every 45 minutes late evenings
M5	St John Street	5:30am to 10:45pm (M-F) 6:05am to 10:45am (Sat) 7:55am to 6:40pm (Sun)	Varies between 25-35 minutes during weekdays (day-time) to every 40-45 minutes on weekend evenings
M8	Bramhall	6:40am to 6:00pm (M-F) 7:50am to 6:17 pm (Sat) 9:35am-4:17pm (Sun)	Varies between every 30-40 minutes during weekdays to every hour during weekends
M9A/9B	Congress	5:35am to 10:35pm (M-F) 7:35am to 10:30pm (Sat) 8:35am-4:35pm (Sun)	Varies between 10 minutes on weekday mornings to every 1 hours on weekends and evenings
BRZ	Congress	6:00am to 7:45pm (M-F) 8:20am to 6:10pm (Sat) No Sunday Service	Varies between 45 minutes on weekday mornings to every 2 hours on Saturdays
ZOOM	Bramhall and Congress	6:00am to 6:40pm (M-F) No Weekend Service	5 buses in the morning b/w 6am-8:17am 6 buses in the afternoon b/w 2:46pm-5:35pm

Fig.4.4 MAP OF EXISTING TRANSIT ROUTES AND STOPS, SHOWN WITH MMC FUTURE CAMPUS PLAN

-  MMC Main Pedestrian Entrance
-  Existing bus stops in the area (see opposite page for transit route legend)



ENVIRONMENT + INFRASTRUCTURE

Sustainable and resilient infrastructure is key to ensure safe and efficient operations of healthcare facilities in the 21st century. MMC is seeking to advance its good stewardship of environmental and infrastructure resources through its campus transformation plan.



NATURAL RESOURCES

The Maine Medical Center Bramhall campus is located at a high point in the west end of the Portland peninsula. There are three locations where natural resources are significant:

- The Western Promenade, a culturally significant public park that is listed in the National Registry of Historic Places (NRHP);
- The area along Bramhall Street abutting the Western Promenade and serving as a foreground to the Maine General Building and original hospital structure; and,
- The undeveloped natural area of the site include of steeply sloped land between the hospital and Gilman Street. This area contains natural vegetation consisting primarily of mature evergreen tree growth which serves as a natural buffer between the hospital and residences on Gilman Street.

SUSTAINABILITY

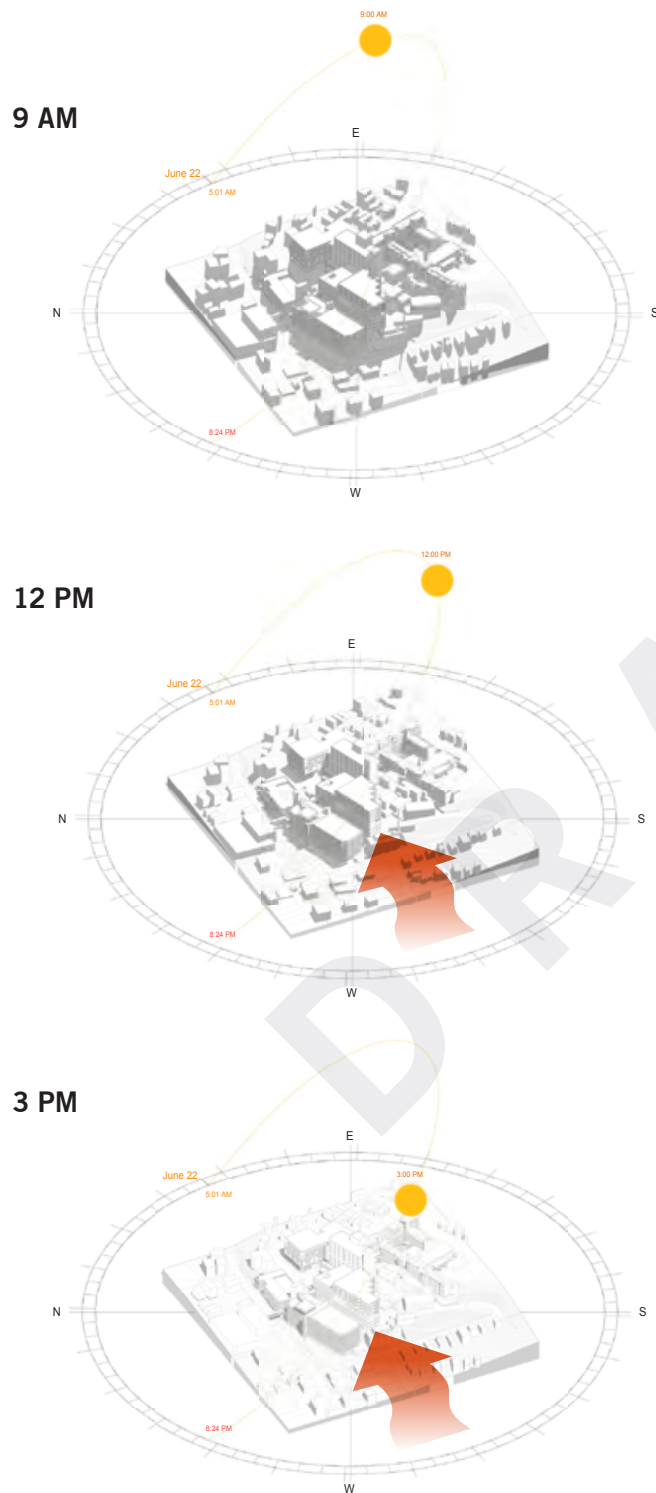
The solar and wind attributes of the site are strongly considered for future design. In the past, Maine General Hospital had incorporated natural light and ventilation as an important part of the healing process. The master plan is taking advantage of the natural light, heat, and ventilation, which will not only contribute to the healing process and improve the quality of the patient and family spaces, but it will also improve the building's performance.

Fig.5.1 CAMPUS RELATIONSHIP TO THE WESTERN PROMENADE

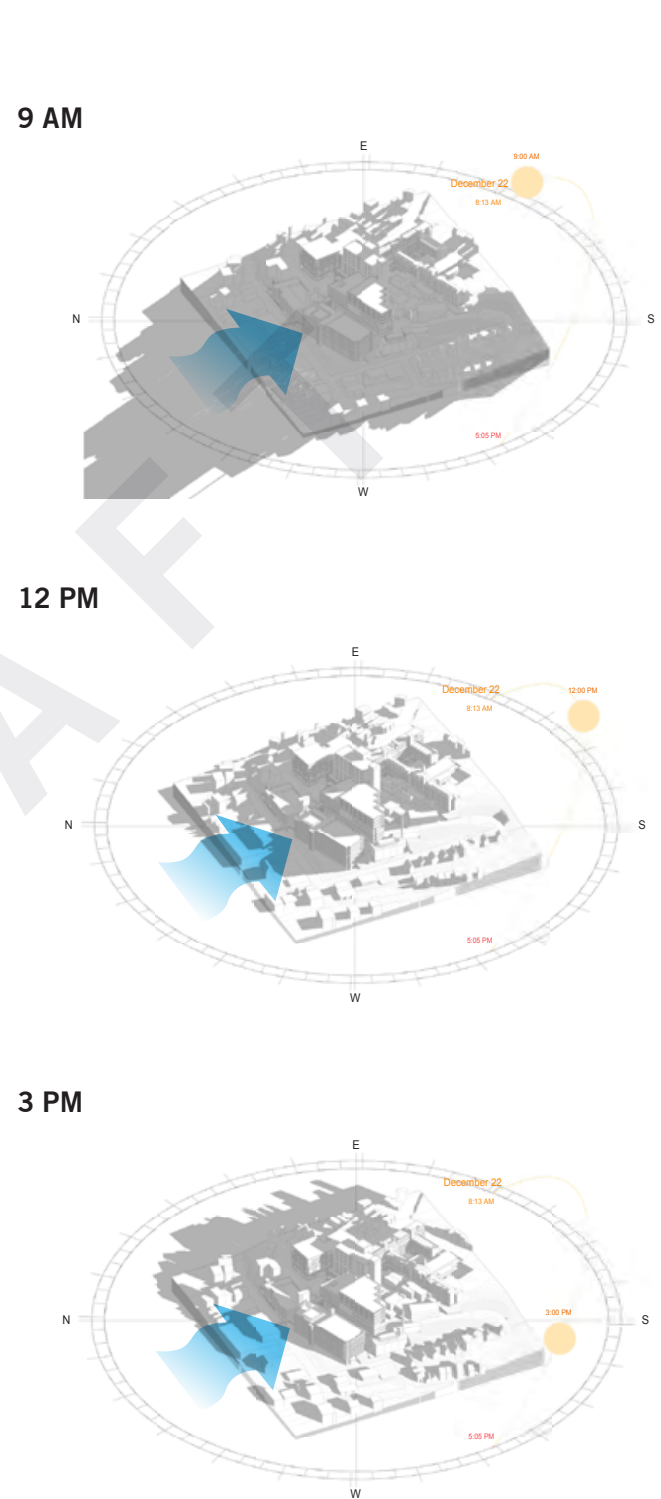


Fig.5.2 FUTURE CAMPUS BUILDINGS SOLAR AND WIND STUDIES

SUMMER SOLSTICE (JUNE 21)



WINTER SOLSTICE (DEC 21)



STORMWATER MANAGEMENT

The MMC Bramhall campus is located at a high point in the west end of the Portland peninsula. From the high point of the property along Bramhall Street, runoff from the site drains west, north and east entering the to the City of Portland's separated storm drain system and combined sewer system (see Fig.5.4 on page 52).

In general, the campus redevelopment over the last 15 years has collected runoff from parking lots and new rooftops into a separated storm drainage systems, including storm drains in the public right of way. Where feasible the new on-site separated drainage system has been connected to a municipal separated storm drain. This includes the storm drain A Street constructed by the City in 2001 and Gilman Street constructed by MMC in 2005.

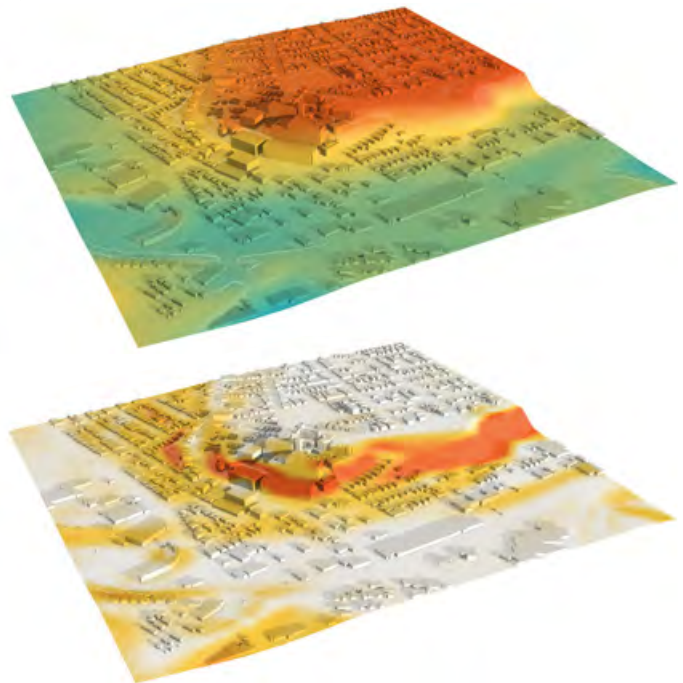
Other locations abutting the campus including Congress Street, Wescott Street, Charles Street, Bramhall Street and Bracket Streets are only served by combined sewers. At these locations, MMC's recent drainage construction terminates in a separated storm drain manholes connected to adjacent City combined sewer manholes to provide points of connections for future municipal separated storm drains. The campus' stormwater conditions were most recently evaluated in a stormwater management report prepared by Sebago Technics, Inc in 2004 as part of the Planning Board's review of the Bramhall campus expansion project which included the construction of the Women and

Infants Center, Emergency Department Expansion, Congress Street Parking Garage and the Central Utility Plant.

Stormwater Quality Features

To meet the 2004 stormwater treatment requirements, MMC installed two Downstream Defender Stormwater treatment units to treat runoff from impervious areas on the site. The redevelopment separated and redirected stormwater runoff from approximately 6.3 acres of existing development from the combined sewers in Crescent Street Ellsworth Street and Congress Street to the separated storm drain in A Street.

Fig.5.3 DIAGRAMS ILLUSTRATING ELEVATION AND LOCATION OF STEEP SLOPES



A 6' diameter unit is installed to in the Congress Street Parking Garage treating runoff from the garage (see Location 2 on Fig.5.4 on page 52), and a 10' diameter unit was installed at in Gilman Street (see Location 6 on Fig.5.4 on page 52).

FEMA Flood Zones

The MMC Bramhall campus is not located in a FEMA-designated flood zone. The 100-year flood zone boundary is located at the western edge of the Pan Am rail line and consist of flood-prone flats along the Fore River. Redevelopment on MMC's campus is not expected to impact existing flood risk in this area.

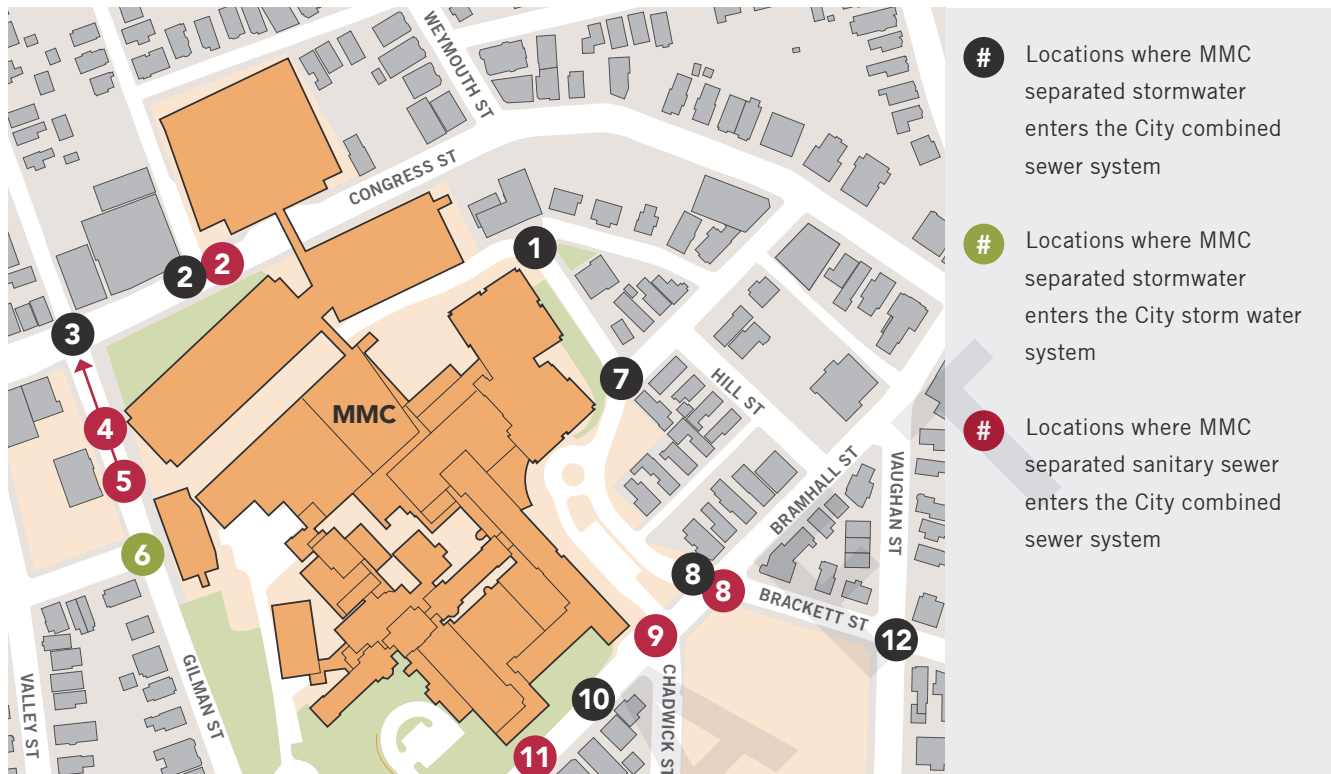
UTILITY INFRASTRUCTURE

As part of the master planning process, MMC is assessing capacity of public utility infrastructure to accommodate campus growth. The following pages document baseline conditions. *Estimates of additional capacity needs, if any, is currently being determined.*

The MMC campus is served by the City of Portland's combined sewer system. Located at a high point in the west end of the Portland peninsula, the campus buildings discharge to the City system at approximately eleven locations (see Fig.5.4 on page 52).

Due to the age of the public system and buildings, record plans of the existing sewer systems may be incomplete and additional currently unidentified connections may exist.

Fig.5.4 EXISTING SEWER CONNECTION POINTS



LOC.	MMC STORM WATER FLOWS	MMC SANITARY FLOWS
1	Runoff from the campus and storm drains constructed by MMC in Westcott St enters a combined sewer manhole at the intersection of Westcott St and Crescent St. The outfall of this system a 12" combined sewer that drains in a westerly direction along Crescent St, eventually draining to Park Ave via sewers in Ellsworth St, Congress St and Weymouth St.	N/A.
2 2	Separated runoff from the MMC parking garage enters the municipal combined sewer at the intersection of Congress St and Forest St. The sewer outlet from this manhole is an 18" reinforced concrete pipe that drains north in Forest St to Park Ave.	Sanitary sewer outfalls from the MMC parking garages enter the municipal combined sewer at the intersection of Congress and Forest St. The sewer outlet from this manhole is an 18" reinforced concrete pipe that drains north in Forest St to Park Ave. Areas tributary to this system include the Emergency Department, Women and Infants Center and Richards Wing.
3	Runoff from areas of the campus along Congress and Gilman St enter catch basins connected to the City's combined sewer system at the intersection of Gilman and Congress St. From this point the combined sewer drains north in Gilman St to Park Ave. Runoff in the roadway that bypasses the catch basins at the intersection runs west along Congress to St John St.	Sanitary sewer flows from #4 and #5 enter the City combined sewer at this location.

LOC.	MMC STORM WATER FLOWS	MMC SANITARY FLOWS
4	N/A.	The sanitary sewer serving the LL Bean Building, Annex B / Maine General Bldg, and the Engineering Services Building enters the City's 12" concrete sewer in Gilman St. From this point the sewer drains north in Gilman St to Congress St (#3) and continues to Park Ave.
5	N/A.	The sewer service from the Central Utility Building enters the 12" concrete City sewer in Gilman St, a short distance above Location 4.
6	Runoff at the intersection of Gilman St and A St at the upstream end of a separated storm drainage system constructed by the City of Portland in 2001 as part of the St. John St sewer separation project. The storm drain was extended along A St, from its intersection with St. John St to a drain manhole in Gilman St opposite the MMC Central Utility Plant. This storm drain was extended to the hospital property specifically for the purpose of providing a point of connection for separated stormwater runoff from the hospital. In 2005 MMC constructed drainage on campus to collect runoff from areas of the site including the existing emergency room parking area, L.L. Bean Wing, and service areas abutting the Central Utility Plant to the A St storm drain. This project also extended the separated storm drain in Gilman St to the south, separating runoff in Gilman St and the Dana Center from the City's combined sewers.	N/A.
7	Runoff at the intersection of Ellsworth St and Wescott St. Separated storm drains constructed by MMC in 2005 connect to a combined sewer system manholes in Ellsworth St. The combined sewer drains in an east in Ellsworth St towards to Congress St.	N/A.
8 8	Separated storm drainage from the MMC parking lot enters the combined sewer in Charles St at its intersection with Bramhall St.	Sanitary sewer manhole in the intersection of Bramhall and Brackett Sts where sewer services from Pavilions A and C connect to the City sewer. The outfall of the manhole at this location is a 15" sewer that drains to the east in Bramhall St.
9	Runoff from small areas of the site along Bramhall St enters the combined sewer system at Location 8.	Sewer service from the south end of Pavilion A enters a City sewer manhole at the intersection of Bramhall and Chadwick St. From this location, the sewer continues east to Location 8.
10	Small areas along Bramhall St enter catch basins in the city right-of-way	N/A.
11	N/A.	Sewer manhole in Bramhall St where a sewer service from the Dana Center enters the City sewer in Bramhall St. From this location, the sewer continues east to Location 9.
12	Runoff at the intersection of Brackett St and Vaugh St where separated MMC storm drains in the Brackett St parking lot connects to the combined sewer draining southeast in Bracket St.	N/A.

DESIGN GUIDELINES

FORTHCOMING.

Building Design Guidelines

Neighborhood Integration

Signage Guidelines

Lighting Guidelines

Crime Prevention Through Environmental Design

Campus Design Guidelines are currently under development. The following pages include information on design drivers that are being considered in the architectural, landscape and urban design of the future MMC campus.

Design Drivers

Our ambition is to create a positive patient and visitor experience that supports healing. The design should be transformative yet compatible with surrounding neighborhood fabric.

COMMUNITY

Positive Patient,
Family & Community
Experience



Initial Driving Concepts

- Clear visitor circulation and experience
- Access to views, natural light and nature
- Legible and comprehensible building mass and organization
- Clear separation between public and private
- Integration of urban and natural

ADAPTABILITY

Spatial and
programmatic
flexibility



Potential Design Solutions

- Streetscape development
- Food and beverage: mobile carts or fixed pavilions
- Exterior dining courts
- Patient and family courts
- Staff courts
- Sculptural events: permanent and temporary
- Nutritional education gardens

HEALING

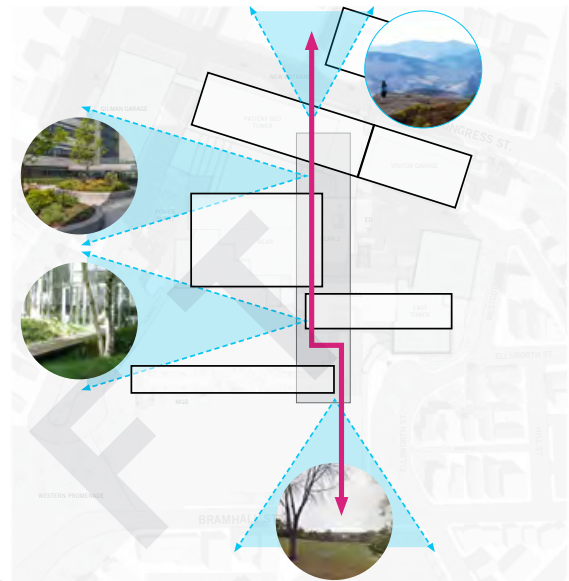
Spaces that
promote healing



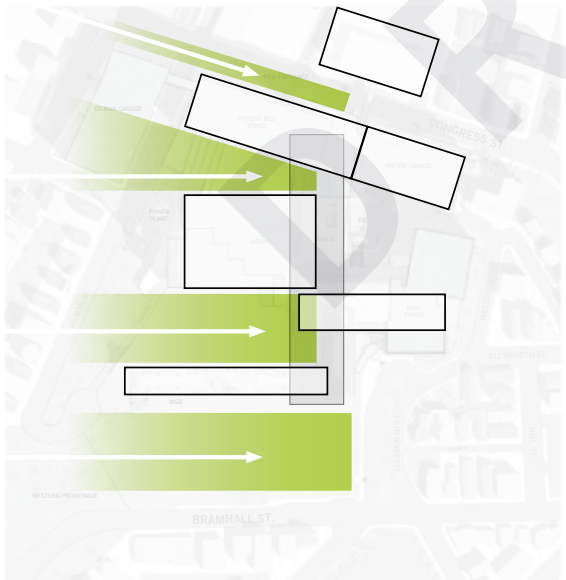
Fig.6.1 CAMPUS DESIGN FRAMEWORK



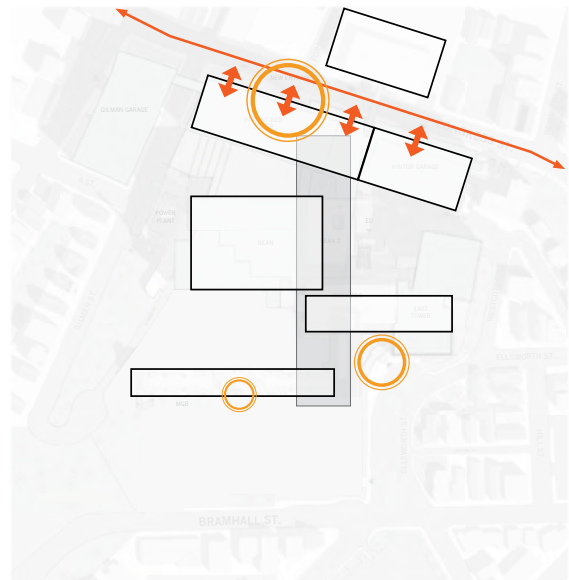
The Western Promenade percolates through the campus



Clear wayfinding with views out to nature



Green Courtyards



Congress Street as a new urban edge

CONSTRUCTION + OPERATIONS

FORTHCOMING.

Property Management Framework

Construction Management Framework

Noise Abatement Strategy

Hazardous Material Management Strategy

REGULATORY FRAMEWORK

The Institutional Overlay Zone (IOZ) is expected to include development regulations guiding the future growth of the MMC campus.

The following pages describe the regulatory framework that must be in place to enable planned projects (described earlier in this section) and allow flexibility for sustainable, long-term transformation of the campus as it updates its facilities to meet the healthcare standards and needs of the day.

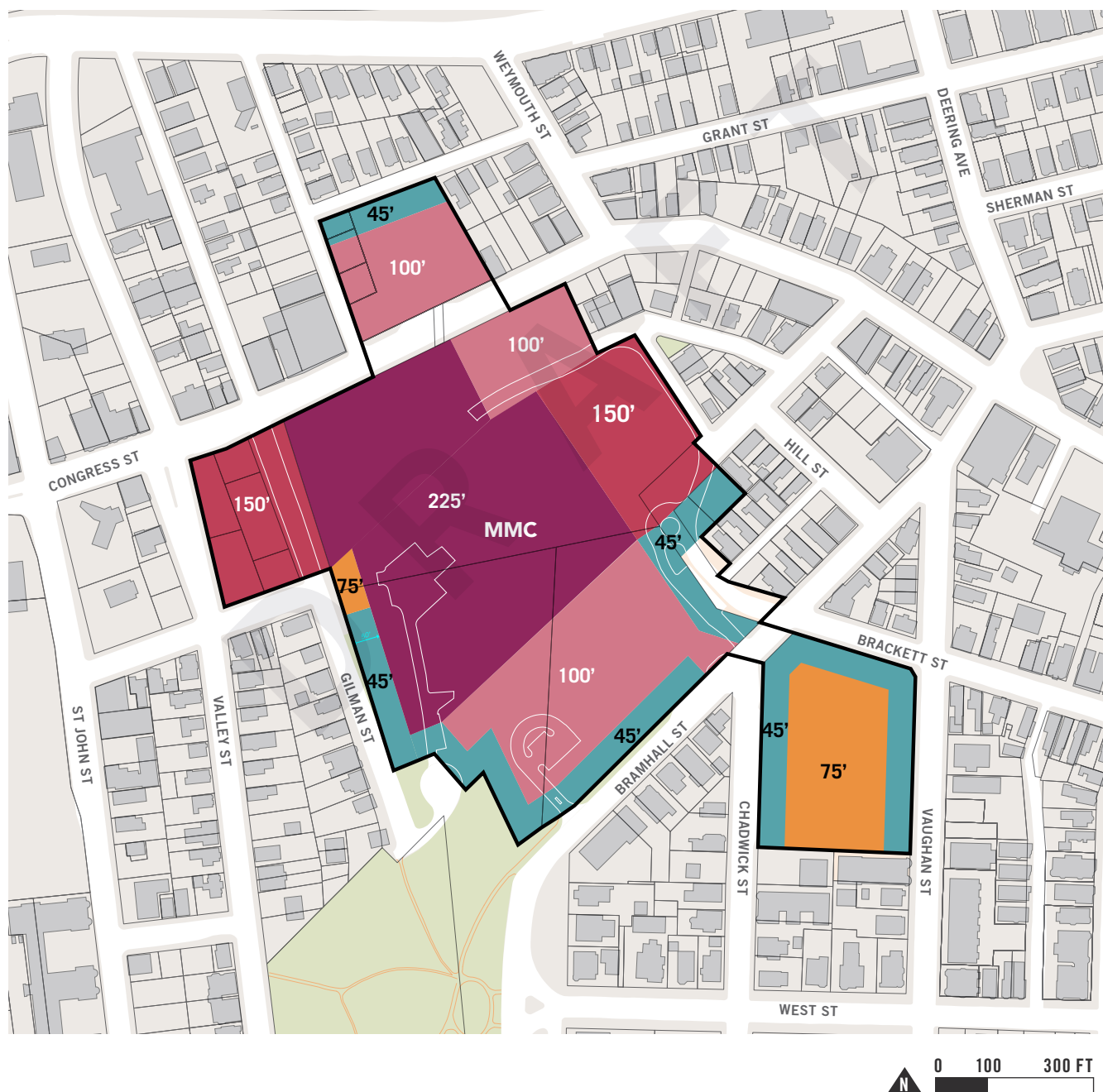
The regulatory framework included in the following pages is a preliminary, and partial draft. A full draft will be submitted following:

- the publication of the final IOZ requirements by the City of Portland, and,
- input from public meetings to be held as part of MMC's master planning process.

BUILDING HEIGHT

Fig.8.1 MAP OF PROPOSED HEIGHTS

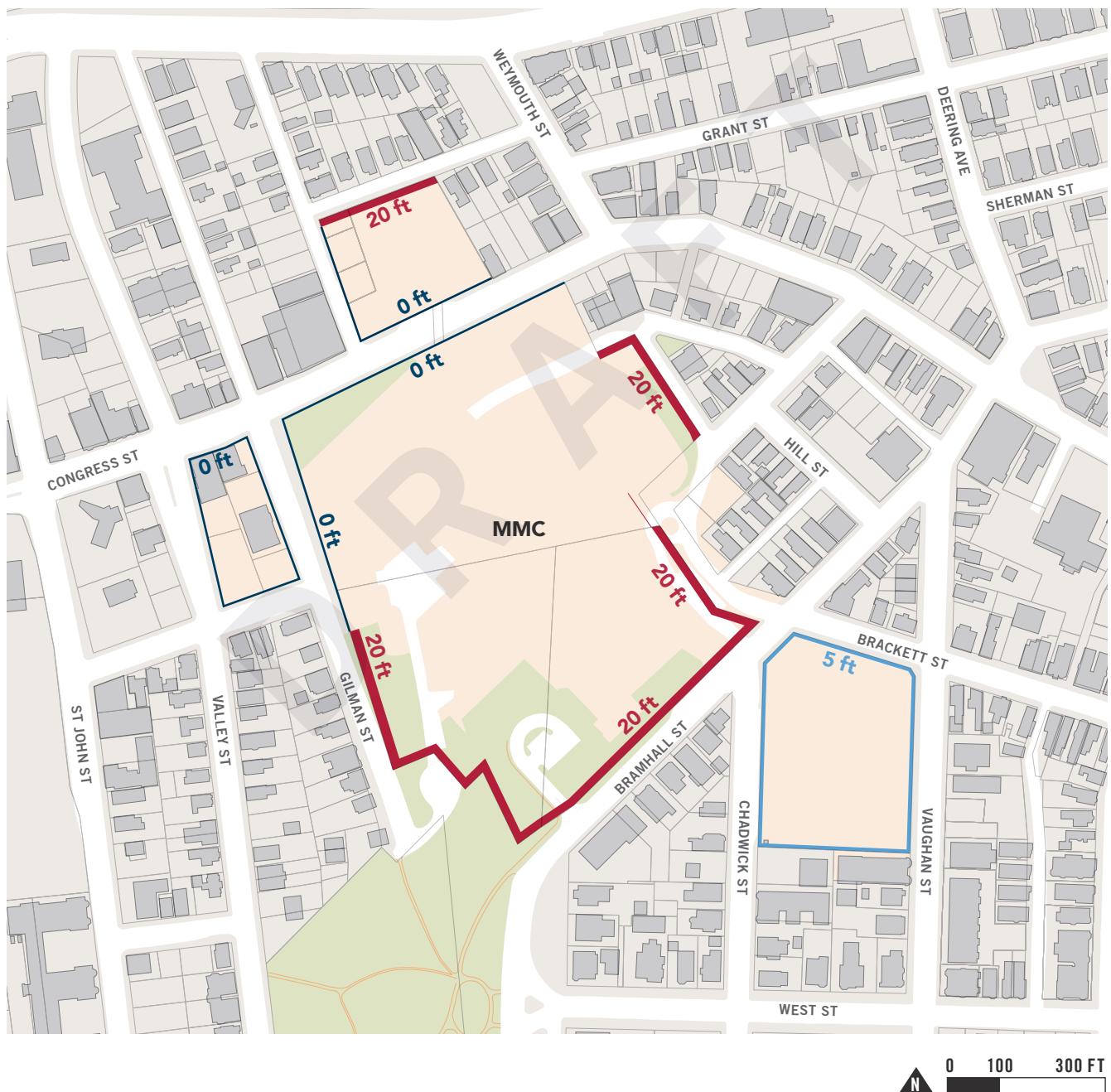
- Parcel boundary
- Proposed IOZ Boundary
- 45' maximum height
- 75' maximum height
- 100' maximum height
- 150' maximum height
- 225' maximum height



BUILDING SETBACKS

Fig.8.2 MAP OF PROPOSED MINIMUM FRONT SETBACKS

- ZERO FEET
- 5 FEET
- 20 FEET



Vision Statement: Congress Square is a high quality, distinctive urban space that epitomizes the Arts District while remaining accessible and inviting to all. Year-round, the Square provides a welcome break in the dense, historic district street wall where one encounters a range of activities including events and installations that celebrate local arts and culture, and fosters spontaneity, informal gathering, and fun. As a gateway intersection, the redesigned Congress Square places priority on the pedestrian experience and safety while accommodating all transportation modes in an efficient manner.

Final design of the redesigned Congress Square shall:

- Deliver an identity for the Square as a whole
- Acknowledge that the Square is the heart of the Arts District
- Be conscious of its context within the Congress Street Historic District and surrounding landmark buildings
- Be of high quality and visually interesting (with quality materials, details, and lighting)
- Incorporate the proposed public art installation(s)
- Maintain the flexibility necessary to accommodate events and daily uses
- Accommodate programs & events ranging in size from 25 to 400 attendees (such as First Friday, political rallies, musical performance, temporary or interactive art installations)
- Attract a range of users of all ages (including employees, residents, visitors, shoppers, and hotel/museum/theater patrons)
- Prioritize the pedestrian experience and safety by enhancing visual and pedestrian access throughout space
- Be accessible to varying physical and financial abilities (elderly, ADA, children)
- Provide for daytime and evening use
- Provide for year-round use adding features to extend the use of the Square through the seasons
- Feature appropriate balance of green space and hardscape
- Provide adequate seating of various types and in a variety of conditions (sun/shade, etc.)
- Be simple and durable with maintenance needs in mind
- Address lighting, power, and security needs

Further Considerations for Design:

- Potential for introduction outdoor dining, food vendors and/or trucks, water feature, and/or public restrooms
- Potential for transit accommodations (e.g. bus shelters, stop improvements)
- Relationship amongst the public spaces (Museum Plaza, H. H. Hay Building Plaza, and Congress Square Park)
- Potential for shared-use intersection conversion
- Wayfinding and signage compatible with the City's wayfinding plan
- Phased implementation

Base Assumptions:

- Clock mechanism from former Union Station will be relocated
- Direct access for hotel through Congress Square Park will be maintained
- Sunken aspect of Plaza shall be re-evaluated and addressed

Design Program (number in parentheses refers to number of mentions during visioning process)

Desired Characteristics:

- Pedestrian Priority (less car dominance) (212)
- Public and Open/Inviting, Accessible (all ages, abilities) (129)
- Neighborhood/Community space (108)
- Safe (65)
- Clean/Maintained (56)
- Preserve and Celebrate Historic/Architectural Character (51)
- Economic Vitality (45)
- Arts District Identity (43)
- Active (40)
- All-Season Use
- Day/Night Use

Activities to be accommodated

1. Access to Green Space/Natural Elements/Enjoying Outdoors (232)
2. Food / Eating (210)
3. Performance (especially music) (152)
4. Events (especially those that activate the entire square - First Friday art walk, Markets) (144)
5. Play and Education (all ages) (107)
6. Art (potentially both permanent and temporary) (85)
7. Sitting/ Relaxing (80)
8. Hotel Entry + Apartment/Restaurant Egress
9. Gathering/Socializing (57)
10. People-watching (43)
11. Wifi/Internet access (36)
12. Restrooms (34)
13. Movie Screening (14)

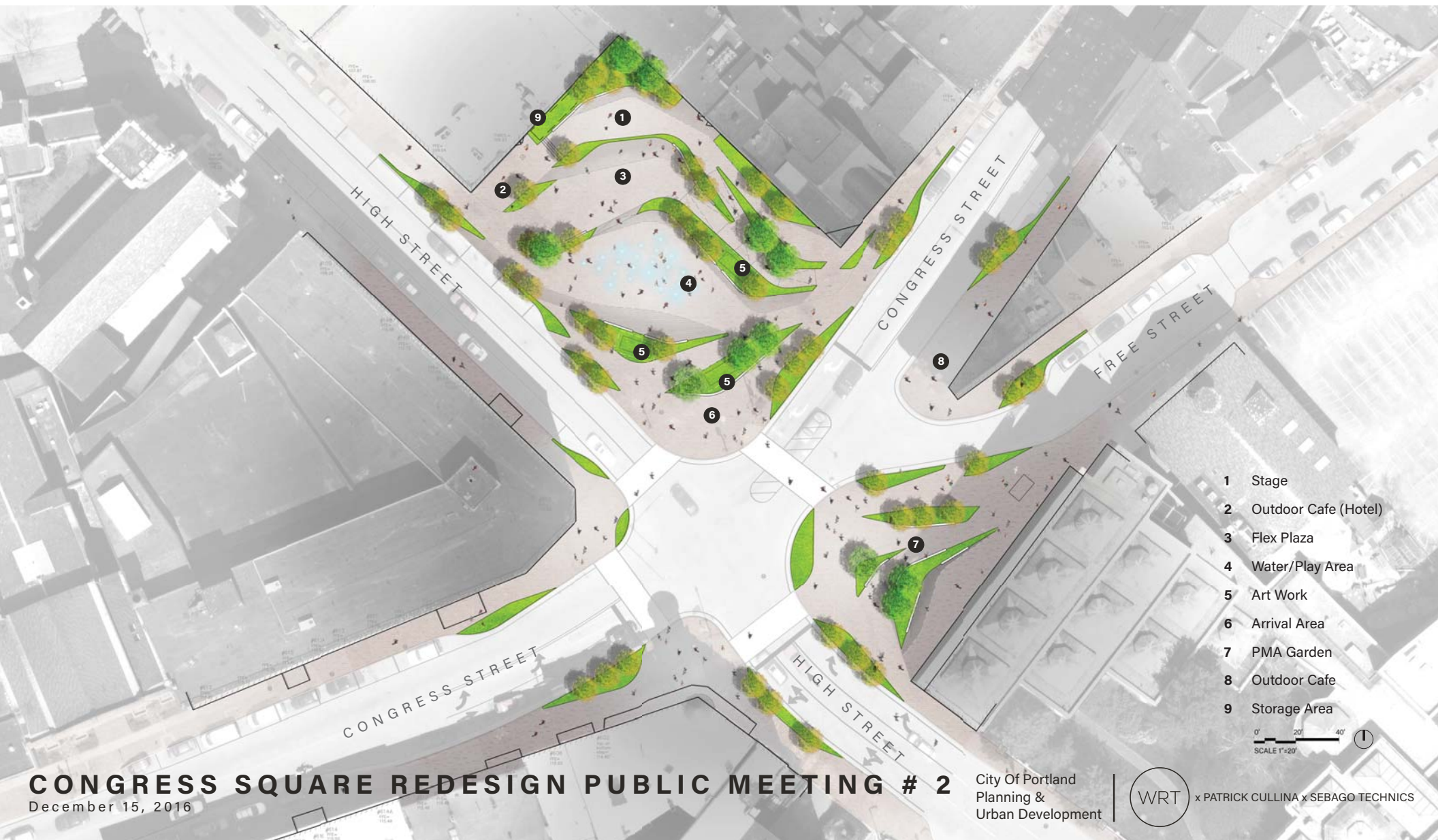
Elements

1. Green/Landscaped Space (including trees) (232)
2. Seating (varied types/conditions to accommodate dining, people-watching, resting, reading, sun/shade) (113)
3. Water Feature (75)
4. Public Art (63)
5. Games/Interactive Play Elements (44)
6. Unique/identifying material palette and pavers (41)
7. Kiosk or Pavilion/Structure (38)
8. Gateway/Entry/ Place-making structures (28)

Secondary elements:

- Bike racks
- Bike share/rental station (18)
- Sign board
- Bus shelter
- Trash receptacles
- Lighting (56)
- Storage (chairs and tables, signage, umbrellas, etc)

CONCEPT SITE PLAN



- 1 Stage
- 2 Outdoor Cafe (Hotel)
- 3 Flex Plaza
- 4 Water/Play Area
- 5 Art Work
- 6 Arrival Area
- 7 PMA Garden
- 8 Outdoor Cafe
- 9 Storage Area

0' 20' 40'
SCALE 1"=20'

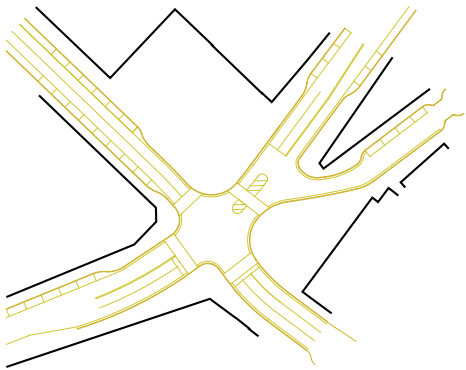
CONGRESS SQUARE REDESIGN PUBLIC MEETING # 2

December 15, 2016

City Of Portland
Planning &
Urban Development

WRT x PATRICK CULLINA x SEBAGO TECHNICS

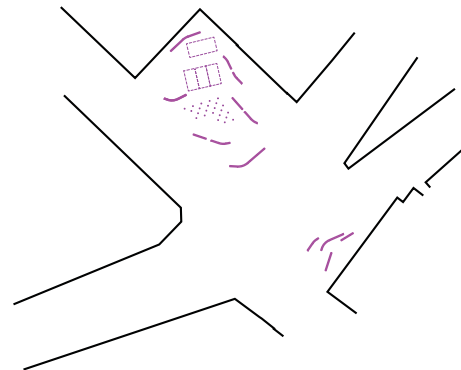
LAYERS



Roadway



Green Islands

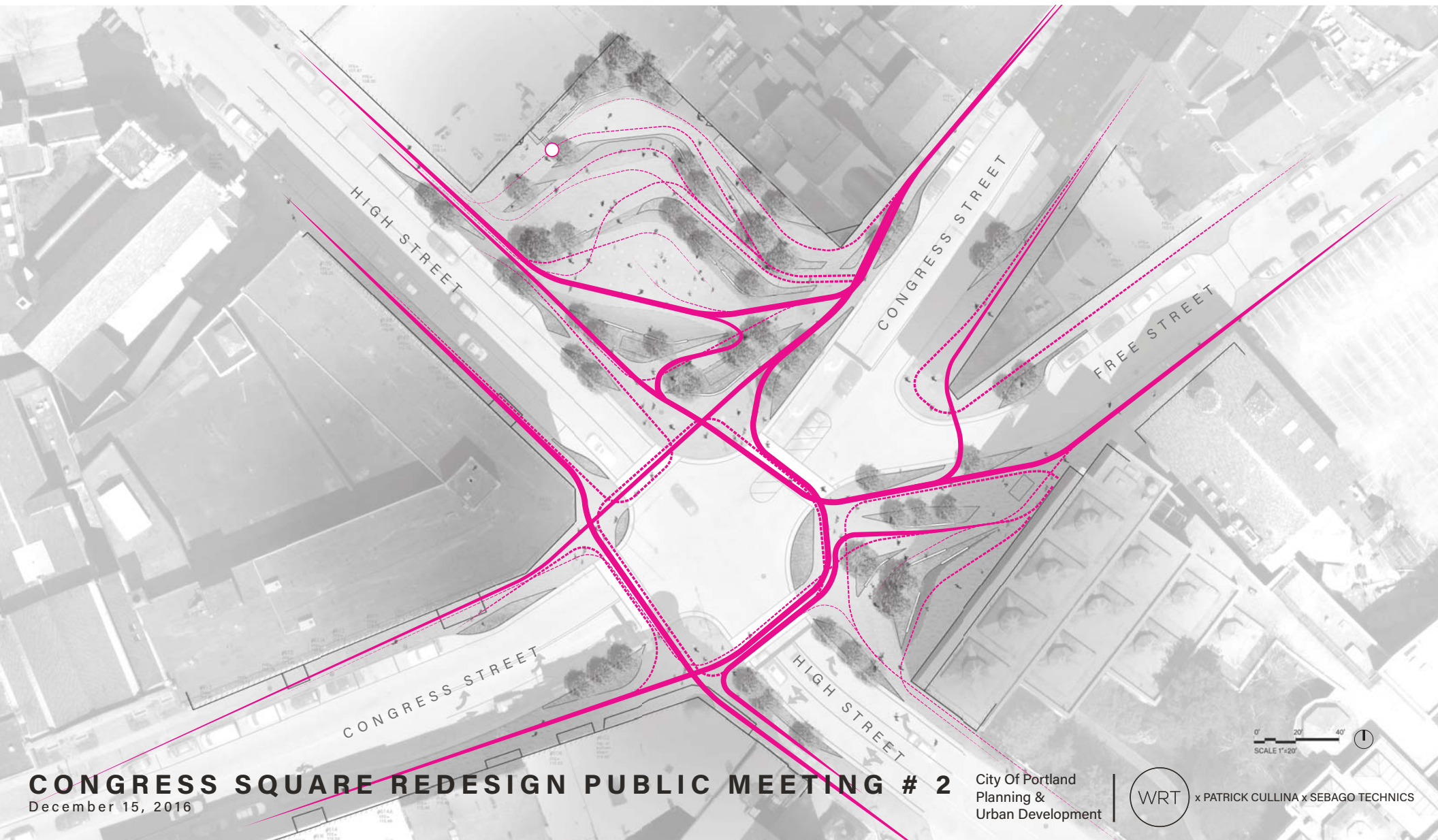


Seating+Space Planning



Canopy

CIRCULATION & ACCESSIBILITY



CONGRESS SQUARE REDESIGN PUBLIC MEETING # 2
December 15, 2016

City Of Portland
Planning &
Urban Development

WRT x PATRICK CULLINA x SEBAGO TECHNICS



CONGRESS SQUARE REDESIGN PUBLIC MEETING # 2

December 15, 2016

City Of Portland
Planning &
Urban Development



x PATRICK CULLINA x SEBAGO TECHNICS



CONGRESS SQUARE REDESIGN PUBLIC MEETING # 2

December 15, 2016

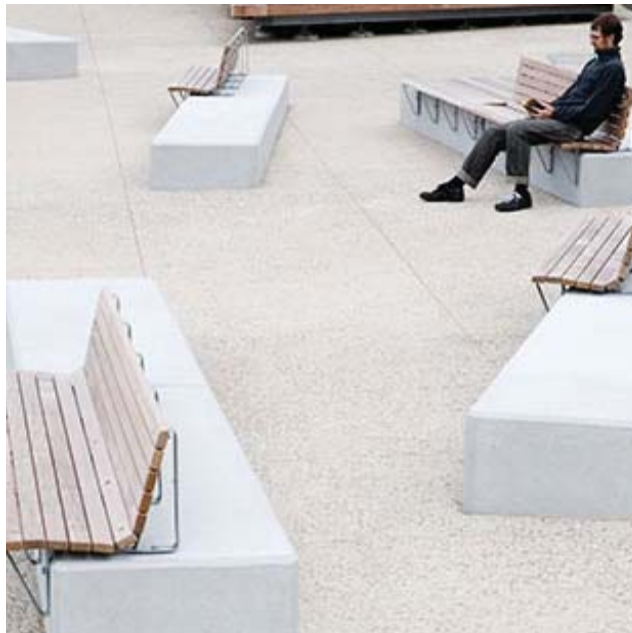
City Of Portland
Planning &
Urban Development



x PATRICK CULLINA x SEBAGO TECHNICS

ELEMENTS

Seating



ELEMENTS

Water Feature



Interactive Water Jets



Mist/Fog



Scrim Pool





PLANNING BOARD REPORT PORTLAND, MAINE

Recommendation of Historic Preservation Board to Amend Boundaries of Portland Company Historic District

Submitted to: Portland Planning Board
Public Hearing Date: January 10, 2017

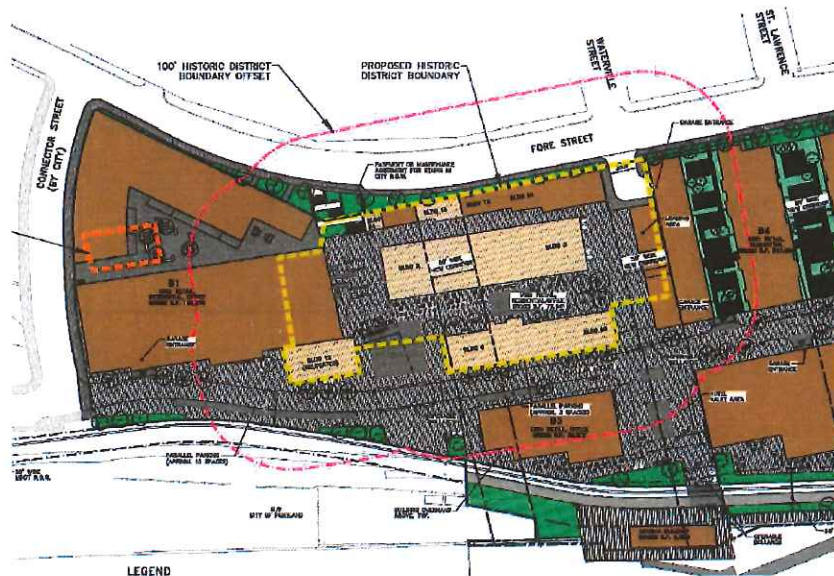
Prepared by: Deborah Andrews, HP Program Mngr.
Date: January 5, 2017

I. Introduction

The Historic Preservation Board is recommending that the boundary of the recently-designated Portland Company Historic District be amended as shown on **Map B** below. The boundary change was requested by CPB2, owners of 58 Fore Street, to make possible the relocation of Building #12 to a site removed from the western boundary of their 58 Fore Street property and closer to the other contributing historic structures within the historic district. Moving the building and the associated boundary change was anticipated in CPB2's 58 Fore Street Master Development Plan, which was approved by the Planning Board on December 22, 2016.



Map A: Current district boundaries, shown in green.



Map B: Amended district boundary, yellow dotted line. Note: boundary around current footprint of Building 12 (shown in orange dotted line) to be extinguished upon relocation of Building 12.

II. Review Process for Amending Historic District Boundaries

Under Sec. 14-623 (Amendment and Rescission of Designation) of the historic preservation ordinance, the procedure for amending the boundaries of a historic district is the same as that for the initial district designation. That is, the Historic Preservation Board reviews the amendment request and evaluates it according to the ordinance designation criteria (Sec. 14-610) and makes a formal recommendation to the Planning Board on the matter. The Planning Board reviews the recommendation and also considers the effect of the amended district boundary on other aspects of the Comprehensive Plan. Based on its review, the Planning Board forwards its recommendation to the City Council.

III. Background, Historic Preservation Board Analysis

When the Portland Company Historic District was formally designated by the City Council in February 2016, the final district consisted of two separate areas: 1) a contiguous area comprised of six contributing historic structures east of the current entrance yard; and 2) the area occupied by the footprint of Building 12. (See Map A above.) Given the fact that Building 12 was the only building designated as “contributing” on the west side of the Portland Company’s entrance yard and the fact that the building closest to Building 12 on the east side of the entrance yard (Building 1) was approved for demolition, the final Council-approved district boundary included a significant physical separation between the two designated areas.

In June 2016, representatives of CPB2 met with the Historic Preservation Board in a preliminary workshop to discuss the possibility of relocating Building 12 to a location removed from the western boundary of the property. The workshop was held before CPB2’s master planning process began in earnest and before consultants were assembled for a series of planning charrettes. Based on CPB2’s preliminary planning, it appeared that if Building 12 were left in its current location, it would likely be well below the grade of a new connector road linking Thames Street extension and Fore Street. Also, given the applicant’s right to build all around Building 12, the historic pattern storehouse would likely be both visually and physically

separated from the balance of remaining Portland Company buildings by a considerable distance. As the location of Building 12 was a threshold question that would materially impact other aspects of the planning process, the applicant was particularly eager to learn whether the Historic Preservation Board would be receptive to relocating the building and, if so, what locations would be acceptable.

In taking up the question of relocating the building, the Board consulted the ordinance's Standards for Review of Relocation (Sec. 14-652), which read as follows:

- (a) *Whether the historic or urban design character and aesthetic interest of the structure or object contribute to its present setting.*
- (b) *If located within a district, whether there are definite plans for the area to be vacated and what the effect of those plans is on the character of the surrounding area. In such cases, consideration of additional design guidelines for construction to be imposed as a condition of approval is appropriate.*
- (c) *Whether the relocation of the structure or object can be accomplished without significant damage to its physical integrity.*
- (d) *Whether the proposed relocation area is compatible with the cultural, historical or architectural character of the structure or object.*

While these review standards would not be applied until such time that the relocation were actually proposed, consideration of these criteria was important to the Board's deliberations. During the two workshops held on this question, CPB2 indicated that they had received opinions from structural engineers that the building could be successfully moved, as well as recommendations as to how it should be reinforced prior to the move. This information appeared to satisfy Standard (c) above. With this question satisfied and with the general recognition that the building's current site was likely to be significantly compromised by the construction of the connector road and visually removed from the balance of the district, the Board focused most of its attention on the question of where the relocated building would best maintain the general historic relationship of Building 12 to the other buildings within the Portland Company complex. Maintaining this relationship was important in order for one to appreciate the Portland Company's original layout and the operational considerations that informed this layout.

Following discussion of several potential new locations, the location identified in the 58 Fore Street Master Development Plan was supported by the Historic Preservation Board because it would maintain a physical relationship between designated buildings that was generally consistent with their historic relationship. The selected location would also succeed in giving Building 12 visual prominence as one approached the historic district from Thames Street extension and from Fore Street. Finally, by locating the building immediately adjacent to the current larger district boundary, this boundary could be amended to create a single, contiguous historic district boundary.

Note that as proposed by CPB2's attorney, Mary Costigan, the district boundary change necessary to relocate the building to the proposed location would move forward at this time, in conjunction with review of the 58 Fore Street Master Development Plan. The existing boundary comprised by the footprint of Building 12 would remain and be extinguished only at such time that Building 12 is relocated. (See letter from Ms. Costigan—ATTACHMENT 1.)

IV. Consistency with the Comprehensive Plan

As the Planning Board takes up the Historic Preservation Board's recommendation, its charge is to consider whether the proposed district boundary amendment is generally consistent with the goals of the Comprehensive Plan. The 58 Fore Street Master Development Plan was recently approved by the Planning Board based on findings that it was consistent with the Comprehensive Plan, specifically the Eastern Waterfront Master Plan. Given that the relocation of Building 12 and district boundary change were integral to the 58 Fore Street Master Development Plan, it follows that the historic district boundary amendment is consistent with the Comprehensive Plan.

Formal Finding and Recommendation of the Historic Preservation Board

On December 7, 2016, following a public hearing and final deliberations, the Historic Preservation Board voted 5-1 (Sheridan recused, Oldham opposed) to recommend to the Planning Board and City Council that the boundaries of the Portland Company Historic district be amended as shown and described in Bernstein Shur's letter of November 10, 2016. (See Map B above or ATTACHMENT 1a). This recommendation is based on the Board's finding that amending the boundaries of the Portland Company Historic District is necessary to fulfill a key objective of the Master Development Plan, that being the relocation of Building #12 to a position abutting the western edge of the 50' public access easement on site. Additionally, the Board finds that the district boundary amendment will create a single contiguous historic district and allow for the relocation of Building 12 to a position where it will continue to have a visual relationship with the other remaining Portland Company historic structures.

Also on December 7, 2016, the Historic Preservation Board voted 6-0 that the proposed Master Development Plan for 58 Fore Street is in conformance with Portland's Historic Preservation ordinance subject to conditions. This finding was presented at the Planning Board's December 22nd public hearing on the master development plan. Consideration of this separate but related matter was postponed to the Planning Board's January 10th agenda in order to meet noticing requirements related specifically to the historic district amendment.

V. Motion for Consideration

Based upon the recommendation of the Historic Preservation Board and information included in the January 10, 2017 staff report and public comment received at the January 10, 2017 public hearing, the Planning Board finds:

- that the proposed amendment of the Portland Company Historic District boundaries **meets/does not meet** the historic preservation ordinance's minimum criteria for designation as set forth in Sec. 14-610 and that amendment of the Portland Company Historic District **is/is not consistent** with the 58 Fore Street Master Plan Development approved by the Planning Board on December 22, 2016 and the Eastern Waterfront Master Plan, which is a component of the Comprehensive Plan; and
- **recommends/does not recommend** to the City Council that the boundaries of the Portland Company Historic District be amended as shown on ATTACHMENT 1a and that the current footprint of Building 12 be removed from the district at such time Building 12 is relocated to its new identified location immediately west of the 50' public access easement area within the historic district boundary.

VI. Attachments

1. November 10, 2016 letter from Bernstein Shur, with map of proposed amended district boundary



ATTACHMENT 1

Bernstein
Shur
100
PO
Portland, ME 04104-5029

T (207) 774-1200
F (207) 774-1127

Mary E. Costigan
(207) 228-7147 direct
mcostigan@bernsteinshur.com

November 10, 2016

Portland Historic Preservation Board
City of Portland
389 Congress Street
Portland, Maine 04101

**Re: Master Development Plan Review for 58 Fore Street &
Proposed Amendment to Portland Company Historic District**

Dear Members of the Historic Preservation Board:

I am writing on behalf of CPB2, LLC, the owners of the ~10-acre property located at 58 Fore Street, which includes the Portland Company Historic District. As you are aware, CPB2 has applied for approval of a Master Development Plan (the "Master Plan"), which contemplates the relocation of Building 12. The purpose of this letter is to set forth the HP Board's process for review of the Master Plan as well as to request an amendment of the Portland Company Historic District, pursuant to section 14-623 of the Land Use Code.

As you are aware, the City's Site Plan ordinance sets forth the following standard of review for master development plans:

14-524(a)(3)(c)(iii)(f): Developed so as to be in conformance with Portland's Historic Preservation Ordinance standards for designated landmarks or for properties within designated historic districts or designated historic landscapes, if applicable. When proposed adjacent to or within one hundred (100) feet of designated landmarks, historic districts or historic landscapes, the Master Plan shall be developed so as to be generally compatible with the major character-defining elements of the landmark or portion of the district in the immediate vicinity of the proposed development.

As Deb Andrews will explain further, the HP Board's role is to provide input to the Planning Board for their consideration when making its determination as to whether the Master Plan meets this standard.

Concurrent with this review, we are asking that the HP Board also consider CPB2's request to amend the Portland Company District boundaries to accommodate the anticipated relocation of Building 12. The proposed relocation has been discussed with the HP Board in prior workshops and CPB2 relied on the positive feedback from the HP Board when developing the Master Plan. Pursuant to sections 14-623 and 14-615, CPB2, as the owners of all of the property within the Portland Company Historic District, hereby requests that the District be amended as shown on the attached Exhibit 1. As set forth in section 14-615(a)(3), two members of the HP Board must sponsor this request.

Due to the timing of the request to amend the District prior to relocating Building 12, we propose that the District boundary be amended as shown in yellow on Exhibit 1 and that the orange boundary around the existing location of Building 12 be removed from the District upon the relocation of Building 12. The proposed Building 12 relocation, proposed new boundaries for the Historic District, and the 100-foot review area are depicted on the attached Exhibit 1. CPB2 will apply for a Certificate of Appropriateness at such time when they are prepared to relocate Building 12.

The expected outcome of the HP Board's review is a two-part recommendation to the Planning Board: 1) a recommendation regarding whether the Master Plan meets the review standard set forth above; and 2) a recommendation to amend the Portland Company District boundaries.

We look forward to working with you through this process and as the site is developed in the (hopefully near) future.

Sincerely,


Mary E. Costigan

cc: CPB2
Deb Andrews
Christine Grimando
Barbara Barhydt (for distribution to Planning Board for their information)



PLANNING BOARD REPORT PORTLAND, MAINE

Fort Sumner Park Overlay Ordinance Amendment (Within R-6 Zone)

Applicant: City of Portland

Submitted to: Portland Planning Board Public Hearing Date: January 17, 2017	Prepared by: Matthew Grooms, Planner Date: January 6, 2016
--	---



Figure 1: Views from Fort Sumner Park at Present.

I. INTRODUCTION

In response to Order 73-16/17, which established a 90-day moratorium on developments within the R-6 Residential Zone in District 1 for properties directly abutting a City Park or Public Ground, the City of Portland is seeking a map and text amendment to establish a height overlay zone intended to protect the existing sightlines at Fort Sumner Park. The proposed Fort Sumner Park Overlay Zone encompasses several parcels located within the R-6 Residential zone.

At the present time, one can view Portland's changing skyline as well as a

variety of natural resources from this location, including Casco Bay, Back Cove and portions of the White Mountains. Recent development proposals for a six-story condominium complex at 155 Sheridan Street, have demonstrated the vulnerability of this vista under the current zoning and citywide height overlay.

This zoning amendment request is being brought to the Planning Board as a workshop item. The legal ad was posted on the city's web page and appeared in the Portland Press Herald on January 2 and 3, 2017. Notices were also sent to abutters within 500 linear feet of the proposed overlay zone.

II. BACKGROUND

Originally, the site of an earth and timber fortification built in 1794, and later designated as a city park in 1934, Fort Sumner Park today constitutes an integral component of the open space portfolio for the Munjoy Hill neighborhood (Attachment 1). From its viewing platform, visitors are afforded quintessential views of the region that serve to connect them with the city's ever changing landscape, its maritime resources and the distant mountains. At present, no clear and predictable mechanism is in place through zoning, adopted design standards or historic preservation that would preserve the existence of the panorama from this location.

According to the Comprehensive Plan's Future Growth Area Map, the parcels surrounding Sumner Park within the proposed overlay zone have been designated as a target area for ongoing growth and development. Since the Comprehensive Plan's update in 2005, four new condominium buildings have been constructed along Sheridan Street between Walnut Street and Cumberland Avenue. In 2016, preliminary renderings were circulated to the public for the development of a condominium building that would be built on CBL 012 Q012, or the parcel located immediately to the northwest of Sumner Park along Sheridan Street. This development as originally envisioned by a developer could have potentially obstructed part of the view over Back Cove, the western foothills and White Mountains. Although language existed in the City's site plan and subdivision ordinances to address project context and visual impact, concern was raised that existing

mechanisms did not go far enough to preserve the integrity of this vista.

The potential for redevelopment of 155 Sheridan Street and potential impact on Ft Sumner park raised significant concern among residents, the city council and staff. Neighborhood residents asked the city to designate the park as a historic landmark which would require the Planning Board to consider any negative externalities to the park from developments occurring within 100 feet of the park's parcel boundary. Additionally, on September 19, 2016, two petitions constituting more than 300 signatures were submitted to the City Council requesting that any proposed developments along Sheridan Street be properly vetted to ensure that there be no adverse impacts to views from the park. On November 7, 2016, the Portland City Council unanimously approved a 90-day moratorium for development review and consideration on projects



Figure 2: Illustration of Ft. Sumner Lookout circa 1911



Figure 3: Downtown Height Study, Structure of Views, page 5. Fort Sumner Park panorama is highlighted.

solution at this time.

located within the R-6 Zone in District 1, in instances where projects directly abut City Parkland and/or Public Grounds. This moratorium went into effect on November 21, 2016 and will expire on February 6, 2017 (Attachment 2). This moratorium cites several elements of the Comprehensive Plan as justification, including the importance of maintaining “vistas from promenades and high points” and properly valuing and celebrating the city’s relationship with its water resources.

The vista from the site in the vicinity of the former Fort Sumner has been identified for its value as a panorama of the City of Portland, the Back Cove and western mountains for over 100 years (See Figure 2) In the Downtown Height Study completed in 1989, the Fort Sumner panorama was singled out for its “panoramic views of the city skyline and water” as a vista to receive “special attention” (Portland Maine Downtown Height Study, pg.6). In addition, under Section IV, Green Space, Blue Edges, an Open Space and Recreation Plan for the City of Portland, 1995, updated 2001, in the ‘Portland’s Goals and Policies for the Future’ document within the Comprehensive Plan, it states that a principle goal of the City is to “Develop a vision of the natural environment that enhances the full range of dynamic contrasts between the landscapes and built forms found in Portland, which will enrich the appearance and enliven the use of our city.” Despite the history and intent to preserve this vista, little has been done to address formalizing this space; however, recent market pressures for new multi-family housing in the R-6 necessitate the development of a targeted regulatory

The purpose of this proposed overlay zoning district is to protect the public interest by limiting the impact of development on the quintessential views of natural resources and the changing Portland skyline from Sumner Park. In developing this overlay concept, the Planning and Parks staff researched overlay approaches used in Denver and San Antonio that are designed to protect viewsheds of natural features. In Portland, height overlays currently regulate maximum building heights within the B-3, B-6 and B-7 zoning districts.

III. **ZONING CONTEXT**

The proposed overlay zone is located within a largely residential neighborhood composed of single-family, duplex and multi-family homes along with commercial activity along Washington Avenue. To the north, east and immediate south of Fort Sumner Park, properties are zoned R-6 Residential, while to the west, properties are zoned B-2b Community Business. The purpose of the R-6 zone, which can currently be found predominantly in the East and West Ends of the city, is to “set aside areas...for housing characterized primarily by multi-family dwellings at a high density” and to “conserve the existing housing stock and residential character of neighborhoods by controlling the scale and external impacts of professional offices and other nonresidential uses” (*Section 14-135*). Meanwhile, the B-2b zone is intended to provide neighborhood and community retail in a format cognizant of pedestrian character and scale (*Section 14-216*). According to the City of Portland, Maine Building Height Regulation Map, properties located within the R-6 zone are permitted building heights of 45’ for principal structures, while residential structures located in the B-2b zone are permitted a maximum height of between 45’ and 65’ depending on property use and dimensions. Within the R-6 and B-2b zones, building height is measured from the average grade of the site, allowing for instances where structure extrusion may surpass the aforementioned maximum heights.

IV. **PROPOSED TEXT AND MAP AMENDMENT**

The proposed text and map amendments presented below focuses on the height overlay provisions proposed to be included within the R-6 zone. In addition, the staff is recommending that Fort Sumner Park be rezoned from Residential R-6 to the Recreation and Open Space Zone. The proposed map amendment will be prepared and noticed for the neighborhood meeting and Public Hearing.

A. **Proposed Ordinance Amendments**

1. Amend: Section 139 (a) Dimensional Requirements.

Maximum Height	Principal and attached accessory structure: 45 ft, <u>except as provided under the Fort Sumner Park Height Overlay (Sec. 14-139 (d))</u>
-----------------------	---

2. Amend Section 139, by adding (d)

R-6 Height Overlay Ordinance Amendment (Fort Sumner Park)

Add a new section as follows:

“14-139 (d) Fort Sumner Park Overlay: This Overlay is established to protect the public interest by limiting the impact of development on the quintessential views of natural resources and the changing Portland skyline from Fort Sumner Park. There is established a key apex point in Fort Sumner Park at 43° 40’ 2.3359”N. 70° 15’ 4.3687”W. The Fort Sumner Park Overlay includes all land within 200 feet, or the R-6 zone boundary, whichever is closer, of this key apex point that is located closer to the middle line of Sheridan Street than said apex point.

Notwithstanding any other section of this Ordinance, development in the Overlay shall be subject to the following additional provisions:

- The top of structures, including rooftop appurtenances, within the Overlay shall not exceed the baseline vertical height of the apex point (160.27’ City of Portland Datum (Mean Tide)). For each 25’ radially away from the apex point, the vertical height permitted in the Overlay is reduced by 1 foot (see Figure 4 below).
- The minimum building setback from the park property shall be 15 feet.

Any project within this Overlay shall go to the Parks Commission for a recommendation to the Planning Board regarding potential impacts on Sumner Park.

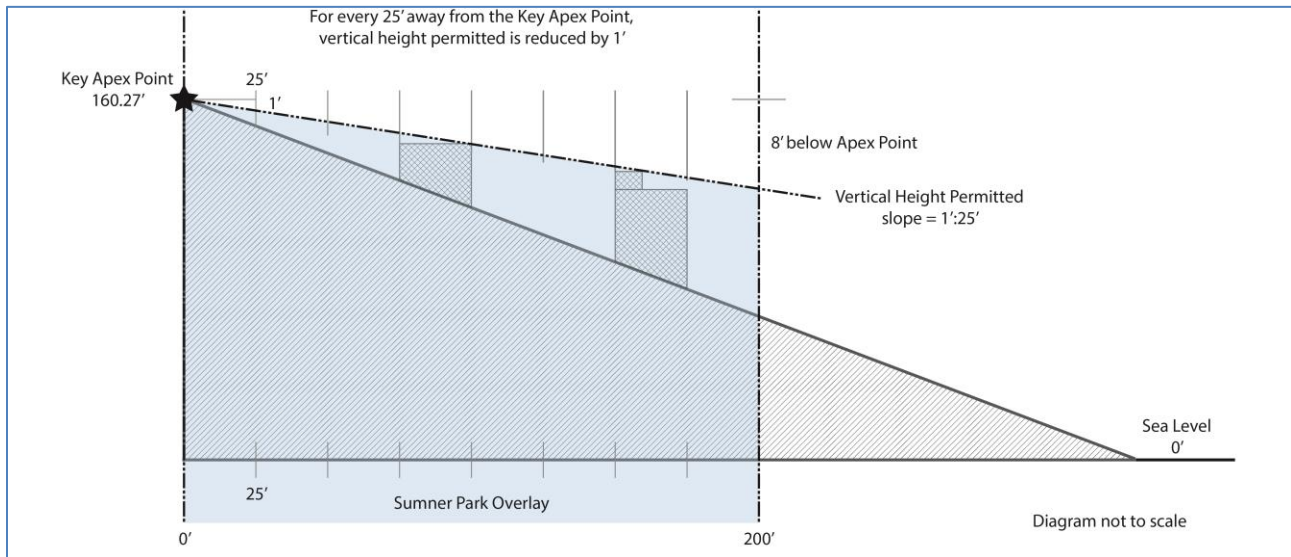


Figure 4: Figure 4: Ordinance graphic (to be included in ordinance). Note: Within the Overlay, permitted height is reduced by 1' for each 25' away from apex point (not to scale).



Figure 5: Zoning map amendment (to be included in ordinance)

B. Proposed Ordinance Discussion

The proposed overlay would directly impact 6 parcels, 013 J005, 013 J002, 013 K014, 012 Q012, 012 Q010 and 012 Q019.

The citywide height overlay for the R-6 zone is 45' for principal structures. Please note, if the proposed Fort Sumner Park Overlay District conflicts with the citywide height overlay, the more restrictive of the two shall apply. The proposed overlay zone is based upon two overlay zone examples previously used in San Antonio, Texas and Denver, Colorado.

V. POLICY ANALYSIS

The proposed text and map amendment will serve to preserve quintessential views from Fort Sumner Park while maintaining reasonable development potential for properties located within the proposed overlay zone while meeting multiple goals of the city's Comprehensive Plan:

State Goal E: To protect the quality and manage the quantity of the State's water resources, including lakes, aquifers, great ponds, estuaries, rivers and coastal areas.

A key goal within Portland's Open Space and Recreation Plan, Green Spaces, Blue Edges, is the development of an open space system that utilizes the natural forces of air, water, vegetation and landform to minimize negative impacts related to human development, including eyesores. This overlay zone supports the following policies from the plan:

- *Using scientific models and studies, determine the optimal organization of open space and vegetation to minimize the identified environmental problems.*

State Goal F: To protect the State's other critical natural resources, including without limitation, wetlands, wildlife and fisheries habitat, sand dunes, shorelands, scenic vistas and unique natural areas. Further, it is stated under the State's Coastal Management Policies that critical habitat and natural areas of state and national significance should be maintained to preserve natural beauty, even in locations where development occurs. As with State Goal E, the City's Open Space and Recreation Plan, Green Spaces, Blue Edges, incorporates several policies intended to further these state goals. Those policies adhered to by the proposed overlay zone include:

- *Conservation of natural resources should include a complete array of natural features and habitats, so that the public may learn about and experience the full realm of Portland's natural environment.*
- *Develop High Point Parks, open spaces located on the higher elevations of the city, in neighborhoods throughout the city such as the Ocean Avenue Landfill, hilltop on Ocean Avenue by rock shop, Rocky Hill, and hills in Stroudwater.*

State Goal I: To preserve the State's historic and archeological resources.

As both a military installation and later as a public park, the defining feature of this site is its location along the ridge of Munjoy Hill, which has historically afforded visitors expansive views of the city, local water resources and the surrounding countryside. Portland's Historic Preservation Ordinance calls for the preservation of the city's architectural and historical heritage and the promotion of the city's educational, cultural, economic and general welfare, two goals supported by this proposed overlay zone, which would serve to protect one of the defining features of this park, its view. A few of the policies found within the HP ordinance taken into account by the proposed overlay zone include:

- *Create a mechanism to identify, preserve and enhance distinctive areas, sites, structures and objects that have historic, cultural, architectural and archaeological significance.*
- *Apply design standards in a reasonable and flexible manner to prevent the unnecessary loss of the community's historical features and to insure compatible construction and rehabilitation in historic districts while not stifling change and development or forcing modern recreations of historic styles.*
- *Protect and enhance neighborhood character.*
- *Protect and enhance the attractiveness of the city to its home buyers, home owners, residents, tourists, visitors, businesses and shoppers.*
- *Foster and encourage preservation, restoration and rehabilitation that respect the historic, cultural, architectural and archaeological significance of distinctive areas,*

sites, structures and objects.

Likewise, this overlay zone would meet the goals of the 1991 *Downtown Vision*, which state that the city should strive to “preserve and enhance the livability and walkability of Downtown Portland for residents, workers, shoppers, and visitors.”

State Goal J: To promote and protect the availability of outdoor recreation opportunities for all Maine Citizens, including access to surface water. Similarly, the State’s Coastal Management Policy calls for the expansion of opportunities for outdoor recreation and the encouragement of appropriate coastal tourist activities and development. Fort Sumner Park currently preserves a pivotal point of visual access for both visitors and residents to Maine’s scenic landscapes and water bodies. This overlay zone would serve to perpetuate the following policies of the City’s Open Space and Recreation Plan; Green Spaces, Blue Edges:

- *Neighborhoods should have open space focal points.*
- *Provide a wide range of recreation and open space opportunities to address the athletic, recreation, leisure, ecological and scenic needs of Portland’s diverse population.*
- *Develop a vision of the natural and landscape environment that provides for the full range of dynamic contrasts found in our City that will enrich and enliven the use of our City and its built form.*

VI. PUBLIC COMMENT

Multiple emails have been received to this point, with all being compiled into a separate public comment document. All emails received have expressed concerns regarding the potential obstruction of views at Fort Sumner Park by future development, and one comment was specifically in support of the proposed overlay zone (See Attachment 6).

VII. NEXT STEPS

- A neighborhood meeting will be held before the public hearing.
- Include a map amendment to rezone Fort Sumner Park in the Recreation and Open Space Zone (ROS)
- Schedule a public hearing on January 24th
- Submit Planning Board recommendation to the City Council for the February 6, 2017 meeting

VIII. ATTACHMENTS

1. Portland Press Herald News Article
2. Order 73-16/17 (90 day Moratorium)
3. Public Comments

SECTIONS

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Portland Press He

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Posted September 21, 2016

Updated September 22, 2016

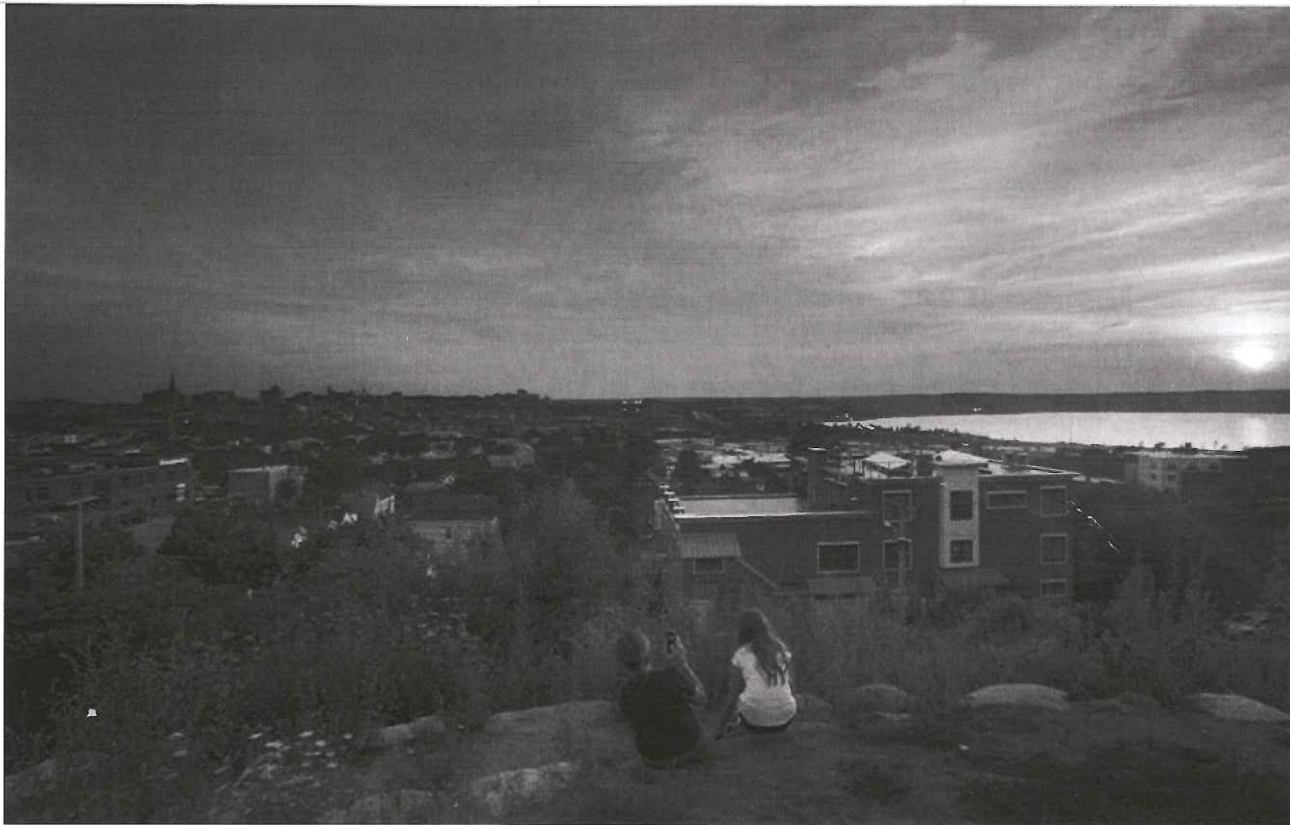
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Munjoy residents seek to protect Fort Sumner Park's panoramic views

A group requests landmark status for the park on North Street to force the city to consider how any proposed development would affect the views.

BY PETER MCGUIRE STAFF WRITER

Share      Comment



Nicole Hoglund of Portland, left, enjoys the sunset with her niece Sophia Lanzano of New Jersey last month from Fort Sumner Park, a public space on Portland's Munjoy Hill. *Derek Davis/Staff Photographer*

Munjoy Hill residents are working on multiple fronts to protect the sweeping view of the city from Fort Sumner Park on North Street that could be obstructed by a planned condo building.

On Monday, residents delivered two petitions to the City Council asking it to ensure a planned development on Sheridan Street would not have an adverse effect on the view. One of the petitions, submitted by Carolyn Young, had almost 300 signatures, according to the Facebook group Save Fort Sumner Park.

On Wednesday night, activists asked the city's historic preservation board to start the process of designating the park a local landmark. A designation would require the Planning Board to consider the impact of proposed development on the park's historic characteristics, namely the view.

David Cowie, who lives about a block away from the park on North Street, said residents will use any means possible to prevent construction that would block the park vista.

"There is something not right in workings of city hall when a group of citizens has to take the steps we have had to take to simply preserve what is an integral part of our neighborhood," Cowie said.

People are worried that a six-story condo complex at 155 Sheridan St., below the park's steep bank, floated by developer Bernie Saulnier will block part of the view over Back Cove and into the western foothills and Mount Washington. In an interview last week, Saulnier said no plans have been submitted to the city and his company is changing the design so it will not block the view.

In a presentation to the preservation board, Cowie and Willis Street resident Nini McManamy said the park has been an important part of the neighborhood since the 18th century, first as a fortification, then for recreation. Local historians Herb Adams and Ken Thompson presented a history of the fort to the board.



An earth and timber citadel was built on the site of the park in 1794 as part of the first federal coastal defense system. It was a recruiting station for the War of 1812, but was decommissioned and eventually torn down. Portland acquired the property in 1890 and it was listed as a city park in 1934, according to research done by the group. The park's vista has been its most important characteristic throughout its history, first for soldiers to keep watch for an approaching enemy, and later as a treasured public resource and a place for quiet reflection, Cowie said.

Portland's individual landmarks are buildings and a number of neighborhoods, like the Old Port, are local historic districts. Public parks like the Eastern and Western proms and Deering Oaks are on the National Register of Historic Places.

But Fort Sumner Park is a "different animal," said Deb Andrews, manager of Portland's historic preservation program. It was likely passed over when other parks were put on the national register in the late 1980s because it didn't have the same type of designed landscape, or was simply overlooked.

"It was probably omitted for a variety of reasons," she said.

To move the process forward, at least two board members have to formally nominate the park for landmark designation. Then, it will need to make sure the park meets the city's requirements for landmark status before making a recommendation to the City Council.

If the park is given landmark designation, the Planning Board would have to consider how its character would be affected by proposed development within 100 feet, Andrews added.

Landmark designation could be complicated since no evidence of the fort remains. It's not even clear exactly where it was located and no archaeological work has been undertaken. In order to recommend landmark status, the preservation board has to determine if the property is historically significant, but also if it has sufficient integrity to make it worthy of preservation or restoration.

Board member John Turk questioned whether the board would need to turn to its possible archaeological value as a basis for the integrity of the site. If petitioners think the site's long history as a public space is also part of its historic significance, then the board would have to determine why the city purchased it in the 19th century, said board member Ted Oldham. It would be interesting to find out if it was bought to be a park, or as part of the land for the adjacent Shailer School, he said.

Cowie acknowledged the site had its complications, but hoped board members would still nominate it and work with residents to prove its historic importance.

"It is unfortunate that the evidence has vanished, but the boundaries of the fort are where the park is now, and I don't think it would be a stretch for anyone to nominate the park for what it used to be," Cowie said.

Correction: This story was revised at 10:38 a.m., Sept. 22, 2016, to correct the spelling of Shailer School.

READ OR POST COMMENTS

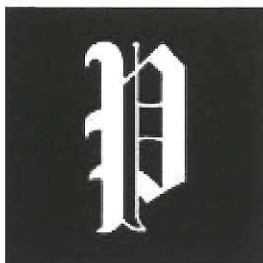
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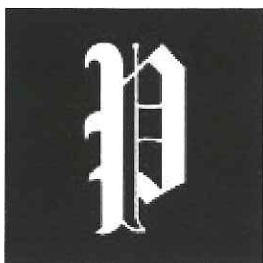
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LETTERS

Letter to the editor: Show support for protecting views at Fort Sumner Park



LETTERS

Letter to the editor: Out of military necessity came a spiritual space



LOCAL & STATE

Portland councilor wants to delay Munjoy Hill condo project

Order 73-16/17

Postponed to 11/21/2016; 9-0 on 11/7/2016

Amended to extend the Moratorium till February 6, 2016: 9-0 on 11/22/2016

Passage as amended as an emergency: 9-0 on 11/21/2016

Effective: 11/21/2016

ETHAN K. STRIMLING (MAYOR)

BELINDA S. RAY (1)

SPENCER R. THIBODEAU (2)

EDWARD J. SUSLOVIC (3)

JUSTIN COSTA (4)

CITY OF PORTLAND

IN THE CITY COUNCIL

DAVID H. BRENERMAN (5)

JILL C. DUSON (A/L)

JON HINCK (A/L)

NICHOLAS M. MAVODONES, JR (A/L)

Moratorium

Re: City Parks and Public Grounds in the R-6 Zone on the Portland Peninsula

WHEREAS, the Comprehensive Plan for the City of Portland acknowledges that “Being virtually encircled by water, Portland owes much of its beauty to the surrounding water bodies including freshwater rivers, the ocean, a working harbor and an enclosed cove”; and

WHEREAS, the Comprehensive Plan further describes the importance of “Vistas from Promenades and High Points,” stating that City parks were established on the Eastern and Western Promenades “precisely because of the scenic views they afforded of Casco Bay, the Fore River, the surrounding countryside, and the White Mountains”; and

WHEREAS, Fort Sumner, which was first listed as a City park in 1934, offers unparalleled views not only of the cityscape but also of the Back Cove and Mount Washington while also providing Portland residents and visitors with the ability to experience open space, a view of the shoreline, long sightlines, and a feeling of expansiveness not often achieved in a public space in an urban environment; and

WHEREAS, a City master plan for Fort Sumner completed in 2006 includes elements designed to highlight the park’s most valued asset: its view; and

WHEREAS, at present there is a lack of regulation in City Code to ensure that developments on parcels abutting City parks and public grounds as defined in City Code, Chapter 18, section 18-11 in the R-6 Zone of the 1st Council District (hereinafter “District 1”) on the City of Portland Peninsula (hereinafter referred to as “City parks and public grounds”) in Portland do not infringe upon the natural beauty or compromise the quality of open space provided by such City parks and public grounds; and

WHEREAS, development pressure concentrated in District 1 on the Portland Peninsula, which contains many public parks, has resulted in two (2) recent citizen initiative petitions to address and preserve parks and view corridors; and

WHEREAS, this development pressure has not been adequately accounted for in the existing Portland City Code; and

WHEREAS, there is a strong likelihood that District 1 on the Portland Peninsula, and specifically the R-6 zone located in that District, will continue to be subjected to this development pressure; and

WHEREAS, pursuant to 30-A M.R.S. § 4356(1)(A), the continued development of projects directly abutting City parks and public grounds in the R-6 Zone of District 1 on the Portland Peninsula pursuant to the existing City Code requirements could pose serious threats to the public health, safety and welfare of the residents of the City of Portland through the over-development of and overburdening of the City's public facility (i.e. public parks and grounds) which is reasonably foreseeable as a result of the development pressure; and

WHEREAS, pursuant to 30-A M.R.S. § 4356(1)(B), since the application of existing Portland City Code provisions or regulations or other applicable laws are inadequate to address the development pressure and prevent the public harm from the potential residential, commercial and/or industrial development in the R-6 zone of District 1 of the City of Portland on the Portland Peninsula; and

WHEREAS, after sufficient notice and a public hearing, there is strong support for this Moratorium on the City Council; and

WHEREAS, the City will need at least ninety (90) days to develop and implement the necessary amendments to the City Code to address these development pressures through-out the City of Portland; and

WHEREAS, in the judgment of the Portland City Council, these facts create an emergency within the meaning of 30-A M.R.S. § 4356(1) and the City Charter, and require the following Moratorium as immediately necessary for the preservation of the public health, safety and welfare;

NOW THEREFORE, pursuant to its authority in 30-A M.R.S. §§ 3001 and 4356, the Portland City Council hereby ordains that a Moratorium is imposed on any and all site plan or subdivision proposals for property located in the R-6 zone in District 1 on the Portland Peninsula [see map attached hereto as Exhibit A] which directly abuts a City park or public ground [i.e. directly touches a City park or public ground, and specifically does not include properties located across the street from a City park or public ground]; and

BE IT ORDERED, that no site plan or subdivision application shall be accepted or processed and no site plan or subdivision approval shall be issued or granted by the Planning Authority or the Planning Board for any and all property located in the R-6 zone of District 1 on the Portland Peninsula which directly abuts a City park and/or public ground, from and after October 5, 2016 to and including February 6, 2017; and

BE IT FURTHER ORDERED, that this Moratorium shall go into effect on October 5, 2016 and shall remain in effect until February 6, 2017, unless extended, repealed, or modified by the Portland City Council; and

BE IT FURTHER ORDERED, that notwithstanding the provisions of 1 M.R.S.A. § 302, this Ordinance shall only apply to any site plan or subdivision proposal or application to develop property, excluding applications for building permits, located in the R-6 zone in District 1 on the Portland Peninsula which directly abuts [i.e. touches a City park or public ground, and specifically does not include properties located across the street from a City park or public ground] a City park and/or public ground, whether or not an application or proceeding to establish said development proposal would be deemed a pending proceeding under 1 M.R.S. § 302; and

BE IT FURTHER ORDERED, that to the extent any provision of this Moratorium is deemed invalid by a court of competent jurisdiction, the balance of the Moratorium that shall remain shall be considered valid; and

BE IT FURTHER ORDERED, that in view of the emergency cited in the preamble above, that it is hereby found and determined by the Portland City Council that it is necessary that this Moratorium take effect immediately as an emergency pursuant to Article II, Section 8 of the City of Portland Charter.

Portland's historic Fort Sumner Park

1 message

Richard Peterson <rpeterson@une.edu>

Tue, Jan 3, 2017 at 10:18 AM

To: "planningboard@portlandmaine.gov" <planningboard@portlandmaine.gov>

Dear Elizabeth Boepple, Chair, and Members of the Portland City Planning Board,

I write to express my strong support of efforts to limit development near Munjoy Hill's Fort Sumner Park in order to preserve the park's spectacular aesthetic value known most powerfully through the view the park provides of our great city, and of the natural magnificence of the Back Bay landscape. It is the only place in Portland that affords such a view for the public and for all those who will continue into the future to call Portland home. It would be a travesty to block access to the beauty the park provides by allowing a single developer and a few tenants to claim for themselves what is now enjoyed by all.

Please find a solution that allows the developer to provide needed housing without stealing away from all of us the pleasure, appreciation, and solace that beautiful landscapes afford.

Sincerely,

Dr. Richard Peterson
93 Winding Way
Portland, ME 04102

Richard B. Peterson, Ph.D.

Associate Professor

Department of Environmental Studies

University of New England

(207) 602-2862

rpeterson@une.edu

This e-mail may contain information that is privileged and confidential. If you suspect that you were not the intended recipient, please delete it and notify the sender as soon as possible.

Fort Sumner Park Protection

Paula Hill <paulafhill60@gmail.com>

Jan 3, 2017 9:17 PM

Posted in group: **Planning Board**

Hello Planning Board Members!

I'm new to the Munjoy Hill neighborhood. I'm at the Ft Sumner Park every morning and evening, with my dog, Tyrus. We visit with neighbors and check out the vista. Not a day goes by where I don't meander over to the park to soak-up the lighting over the bluff. I fear the new development plan. It is far too close to the park and I believe will completely downgrade the view.

I see people on the park benches, enjoying the morning or nighttime scene. It would be a shame for us to not have this park and the extraordinary view, to enjoy in the future.

Thanks for allowing me in your IN box!

Paula

--

Paula F Hill
72 Melbourne Street #1
Portland, ME 04101

Sorted Affairs/Encore Life

<http://paulafhill.com/>

207-332-6197 (note the new number!!)

LinkedIn member

Facebook

Fort Sumner Park

1 message

Kate Lawrence <klawrence33@gmail.com>
To: planningboard@portlandmaine.gov

Wed, Jan 4, 2017 at 1:26 PM

Attn: Elizabeth Boepple, Chair, and Members of the Planning Board,

Dear Ms. Boepple,

I am a homeowner at 81 Quebec Street on Munjoy Hill, almost directly across from Ft. Sumner Park. The unrestricted views that the park provides are a rare find in a city like Portland. People go there daily to peacefully sit, watch the sunset, and enjoy the outdoor space. The proximity of the park, its beautiful views, and the chance to be near some green space, were a major factor in my family's decision to buy our home. I am very concerned that a proposed development will undermine the historic park and its view.

Thank you for taking the time to consider this message.

Best,

Kate

Kate M. Lawrence, Esq.
81 Quebec St. 2
Portland, ME 04101
(845) 544 4088

Ft. Sumner Park

1 message

'Dbird34' via Planning Board <planningboard@portlandmaine.gov>

Thu, Jan 5, 2017 at 9:46 AM

Reply-To: Dbird34 <dbird34@protonmail.com>

To: "planningboard@portlandmaine.gov" <planningboard@portlandmaine.gov>

Dear Elizabeth Boepple, Chair,
and Members of the Planning Board—

My wife and I moved to Portland three years ago, and our only regret is that we didn't do it ten years earlier. We love this city, not least the views over Casco Bay from the Eastern Prom and over downtown from Ft. Sumner Park. These views *must* be preserved. We recognize the need for new housing, and support most of the development that seeks to supply it. But, surely, this development can proceed without compromising the views from Ft. Sumner Park and elsewhere. It is the board's job to insist on that compromise. I urge you to do so, thus preserving Portland's unique esthetic.

Sincerely,
Richard Pollak

28 Melbourne Street
Portland, ME 04101
[917-848-5843](tel:917-848-5843)

Please preserve the view from Fort Sumner Park

1 message

Joyce Walworth <joycewalworth@gmail.com>

Thu, Jan 5, 2017 at 9:47 AM

To: planningboard@portlandmaine.gov

Dear Ms. Boepple and members of the Planning Board:

Having recently turned 70, I reflect daily on the urgency of what to preserve for future generations. Change is inevitable, but some changes are mistakes and cannot be undone. I believe it would be a mistake to block the view from Fort Sumner Park. The view - available to one and all - is spectacular. It's a spot for reflection and wonder but also appreciation for a thriving city below. I hope that tomorrow's children will not lose this view because of a developer's lack of concern for the historic value of Fort Sumner Park and the residents of Munjoy Hill.

Sincerely,

Joyce Walworth
135 Sheridan St
Portland, ME 04101

Fort Sumner Park

Fort Sumner <fortsumnerpark@gmail.com>

Jan 5, 2017 9:12 PM

Posted in group: **Planning Board**

To: Elizabeth Boepple, Chair and Members of the Planning Board

The Friends of Fort Sumner Park is extremely grateful for the work done by staff to preserve the views from Fort Sumner Park. We heartily endorse the concept of the overlay zone, keeping in mind that in 1983 the state legislature protected the park "solely for park and recreational purposes in perpetuity". We are also supportive of the establishment of a view cone which defines the panoramic view from the park, and also the graduated protection from foreground clutter in the proposed overlay.

While we would prefer a greater setback from the property line to preserve the quiet and tranquility of the park, we think the addition of vegetative screening in the "no build" area can provide additional visual and noise protection from air handling systems and all manner of HVAC equipment and systems on the building roofs.

With respect to the height limit, we would like to set this established at the historic altitude for the park lookout, which can be seen in an early twentieth century postcard, which was at the level of what we believe to have been the parade ground for Fort Sumner. The current bumped-up observation deck was added during the 1991 renovation of the park and we would like to see the original topography restored at some point, without the visual and noise intrusion of roof appliances and structures such as heat pumps or elevator shafts.

Finally, we would like to see the height limits to include landscaping. One new American elm could spoil the sunset view very quickly.

We urge you to endorse the staff recommendations, with the amendments suggested above. The view from Fort Sumner Park is unique and extraordinary, so much so that area hotels regularly send visitors up to the park in the summer to enjoy the sunset. We believe the McCarthy family, owners of the land at 155 and 165 Sheridan Street, as well as a developer, can make a good profit building on the land within the overlay zone. We look forward to working with city staff to enhance the recreational and historic value of Fort Sumner Park so that future generations will get to enjoy it as much as we do today.

Mayor Baxter, in his 1905 report, *The Park System of Portland*, made it clear that the view was the central defining feature of this park, established and designed in 1891:

"Some years ago, when the Mayor of Cork visited Portland, I took him to the Eastern Promenade, pausing at Fort Sumner Park, and while he was admiring the charming view of the city, which that lofty outlook affords, I ventured to outline to him some of the improvements which I was then considering and which Mr. Olmsted has so admirably embodied into his plans. "But why don't you do it?" asked the Mayor with the little brogue which made him most engaging. "Because," I replied, "our people are rather shy of taxes". "Taxes!" he exclaimed. "Why should they bother about that if they get their money's worth? What's money for but to get the good of it?" (Park System of Portland, City of Portland, 1911)

Respectfully yours,

Carolyn Young, President
Friends of Fort Sumner Park
207-899-2276

Re: Fort Sumner Park Development

Kobi Eng <kobieng47@gmail.com>

Jan 5, 2017 6:44 PM

Posted in group: **Planning Board**

Elizabeth Boepple, Chair, and Members of the Planning Board,

I apologize for the two unfinished messages I've sent to you, my computer is being problematic. I am writing in support of Fort Sumner Park, and asking that nothing be done that would obstruct the park's view or degrade its ambience. I am an 18-year-old student at Casco Bay High School, and I have lived on Munjoy Hill for almost ten years. Fort Sumner Park was the first place where I spent time outside in Portland, and it has been a significant location for me every year since. I have spent countless hours climbing its trees, playing hacky sack in it, resting on the grass, and enjoying its glorious view; in these ways it has become an important part of the city to me - just the way it is. I would be greatly saddened to see a building constructed very close to it, as this would detract from the park's aesthetic value. It would also make the park feel much more cramped and awkward, for I feel that it should maintain its wide-open quality and be surrounded by as much forest and nature as possible. I recognize that there are many incentives at play in this situation, but I plead that you take my concerns into consideration. Thank you very much.

Sincerely,
Kobi Eng
kobieng47@gmail.com
39 North Street
Portland, Maine 04101

On Thu, Jan 5, 2017 at 5:54 PM, Kobi Eng <kobieng47@gmail.com> wrote:

Elizabeth Boepple, Chair, and Members of the Planning Board,

On Thu, Jan 5, 2017 at 5:53 PM, Kobi Eng <kobieng47@gmail.com> wrote:

Elizabeth Boepple, Chair, and Members of the Planning Board,

Google Groups

Ada Mathews <beloada@yahoo.com>

Jan 5, 2017 10:37 PM

Posted in group: **Planning Board**

Please save Fort Sumner, Portland need this beautiful place for us Portland natives and others.

Thank you,

Ada Mathews

beloada@yahoo.com

ANNE B. PRINGLE

44 Neal Street Portland, ME 04102-3527
oldmayor@maine.rr.com

January 5, 2017

Portland Planning Board
389 Congress Street
Portland, ME 04101

Re: Proposed Sumner Park Overlay Ordinance

Dear Members of the Board:

I have lived in Portland for 43 years and learned early on that its wonderful network of parks and open spaces is a defining feature of our fabulous city. I chaired the Parks Commission for two years while serving on the City Council in the early 1990s and have been a vocal park advocate ever since.

That said, I must confess that until recently I was not fully aware of Fort Sumner Park and the truly exceptional public asset it represents. Anyone who visits, as I have done several times recently, can attest that the view is spectacular and unique in its scope. It is fully on par with the magnificent vistas seen from the historic Eastern and Western Promenades. It **must** be protected from encroachment!

I believe the proposed Sumner Park Overlay projects this unique public asset and urge the Planning Board to unanimously recommend it for adoption by the Portland City Council.

Very truly yours,



Fort Sumner Park

1 message

'Gunnel Larsdotter' via Planning Board <planningboard@portlandmaine.gov>

Thu, Jan 5, 2017 at 5:14 PM

Reply-To: Gunnel Larsdotter <glarsdotter@yahoo.com>

To: planningboard@portlandmaine.gov

Attention:

Elizabeth Boepple, Chair &
Members of the Planning Board
City of Portland, Maine

As a resident of Munjoy Hill, as well as longtime resident of both Portland and Peaks Island, I am writing to implore you to do what you possibly can to save Fort Sumner Park from becoming an embarrassment to the City. I'm referring here to that of the historic Union Station which no longer exists due to bad judgment by city managers.

PLEASE DO NOT TAKE THE JOY OUT OF MUNJOY HILL by allowing money hungry developers to ruin forever the magnificent view enjoyed by countless visitors who return again and again, year in and year out, to Fort Sumner Park. In 2014 my husband and I decided to move in order to live our senior years on Munjoy Hill. We love it here. Since then I have taken countless silhouette pictures (sample attached) of people all ages enjoying the peace and beauty of the park. Personally I am able to walk only a certain distance each day. I am sure I'm not the only 'senior person' with similar concern. Fort Sumner Park, or "Sunset Park" as we call it, has become our daily walk of joy. The very thought of losing the Park with its view is heart breaking, to say the least.

PLEASE DO EVERYTHING YOU CAN TO KEEP MUNJOY HILL FROM BECOMING A FUTURE
"MUNSORROW HILL".

Thanking you,
Sincerely,
Gunnel Larsdotter
46 Cumberland Avenue
Portland ME 04102
[207-272-2076](tel:207-272-2076)

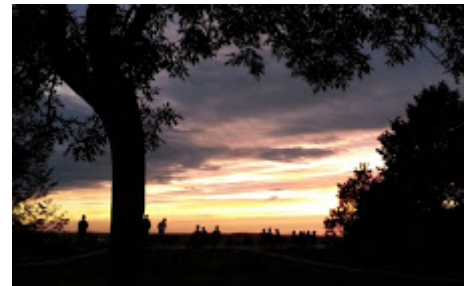
Our grandson, Noah age 6, lives in Texas. He and his mother visit us on Munjoy Hill every year. The first thing he says when they arrive is -
"Can we go to Sunset Park?"

Sent from my iPhone

3 attachments



IMG_1756.JPG
102K



IMG_1729.JPG
88K



IMG_1727.JPG
52K



Jennifer Munson <jmy@portlandmaine.gov>

Fort sumner park

1 message

Elaine H Jones <jonesedj@gmail.com>

Fri, Jan 6, 2017 at 9:47 AM

To: planningboard@portlandmaine.gov

I implore you to keep the vista at this park. Portland's scenery and our sense of place is very important to the vibrancy of our city. We don't need to look like the canyons of large cities. Our open spaces and green spaces are an integral part of why we live here and so many people are moving here.

E. Jones...Portland native

Sent from my iPad

Letter in support of Fort Sumner park recommendations from staff

1 message

'Jean McManamy' via Planning Board <planningboard@portlandmaine.gov>

Fri, Jan 6, 2017 at 9:53 AM

Reply-To: Jean McManamy <ninimaine@aol.com>

To: planningboard@portlandmaine.gov

Dear Chair Boepple and members of the Planning Board:

I am writing to you as a neighbor and user of Fort Sumner Park. I have watched that park come back from a drug dealing haven three years ago to a much visited gathering spot, thanks to the vigilance of neighbors and the Portland Police. The view is, as you know, a defining feature of the park, and has been since the park's establishment in 1891. Enclosed is a postcard from the early 1900's showing the landscape at the time. While we, as a band of neighbors, came together originally to save the view, our research into the park has uncovered an unappreciated gem on North St: Fort Sumner Park was the site of a revolutionary era fortification, a citadel built as part of the coastal defense system in 1794 under George Washington, and finally an early piece of the city's park system in 1891.

Preservation of this view—the city, with glimpses of the harbor, back cove, the sunset, and Mount Washington—is the cornerstone to future enhancement of the park's historic and recreational value.

I believe that two amendments to the staff recommendations would make a difference in the visitor experience: a requirement for buffer plantings in the “no-build” zone between the setback and property line, and a lowering of the plane of the height limit in the new overlay zone to the level of the original parade ground—a difference of 2 or 3 feet. It would be nice to be able to restore the original topography of the site without intrusion of elevator shafts or solar panels into the view. This would open up the vista to visitors entering the park; it is now quite hidden until you approach the bumped-up observation deck (added in 1991).

Thank you.

Sincerely,
Nini McManamy
10 Willis St.

**ft sumner gazebo postcard.pdf**

233K

**Matthew Grooms** <mgrooms@portlandmaine.gov>

Overlay for Fort Sumner Park

Douglas <jimdoog@gmail.com>
To: mgrooms@portlandmaine.gov

Sat, Dec 31, 2016 at 3:46 PM

Mr Grooms:

Our house is at 32 North St, so we're very close to Fort Sumner Park and we go there often. If you've been there you know it provides the unique spectacular view of the Peninsula and Maine and NH mountains, including Mt Washington.

Btw, what is an "overlay"?

Lastly, I have two suggestions for board:

ALL Portland residents have a stake in in the overlay issue, not just Munjoy Hill residents, and thus they should have received the notice for the meeting on Jan 10.

It is not Sumner Park, it is Fort Sumner Park.

Thank you,

James Douglas Cowie
Tel 321-8615