

Order 112-17/18

Motion to amend by adding a new 14-282(a)(1)(3): 7-0 (Thibodeau, Strimling absent) on 11/20/2017

Motion to amend by adding after the words "Institutional Development Plan" in 14-282(c)(1.), the words, "(IDP). In areas identified in the IDP as "Priority zone for commercially oriented/retail uses," usable ground floor retail, restaurant, or comparable community-oriented use that provides services to local residents and employees both during the day and evening hours is required. In areas labeled "Street activation through location of windows, entrances, etc.," usable ground floor retail, restaurant, or community oriented use is encouraged to the extent practicable": 7-0 (Thibodeau, Strimling absent) on 11/20/2017

Passage as amended: 7-0 (Thibodeau, Strimling absent) on 11/20/2017

Effective 12/20/2017

ETHAN K. STRIMLING (MAYOR)
BELINDA S. RAY (1)
SPENCER R. THIBODEAU (2)
BRIAN E. BATSON (3)
JUSTIN COSTA (4)

**CITY OF PORTLAND
IN THE CITY COUNCIL**

DAVID H. BRENERMAN (5)
JILL C. DUSON (A/L)
PIOUS ALI (A/L)
NICHOLAS M. MAVODONES, JR (A/L)

**AMENDMENT TO PORTLAND CITY CODE
CHAPTER 14**

Re: MAINE MEDICAL CENTER INSTITUTIONAL OVERLAY ZONE

**BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF PORTLAND, MAINE
IN CITY COUNCIL ASSEMBLED AS FOLLOWS:**

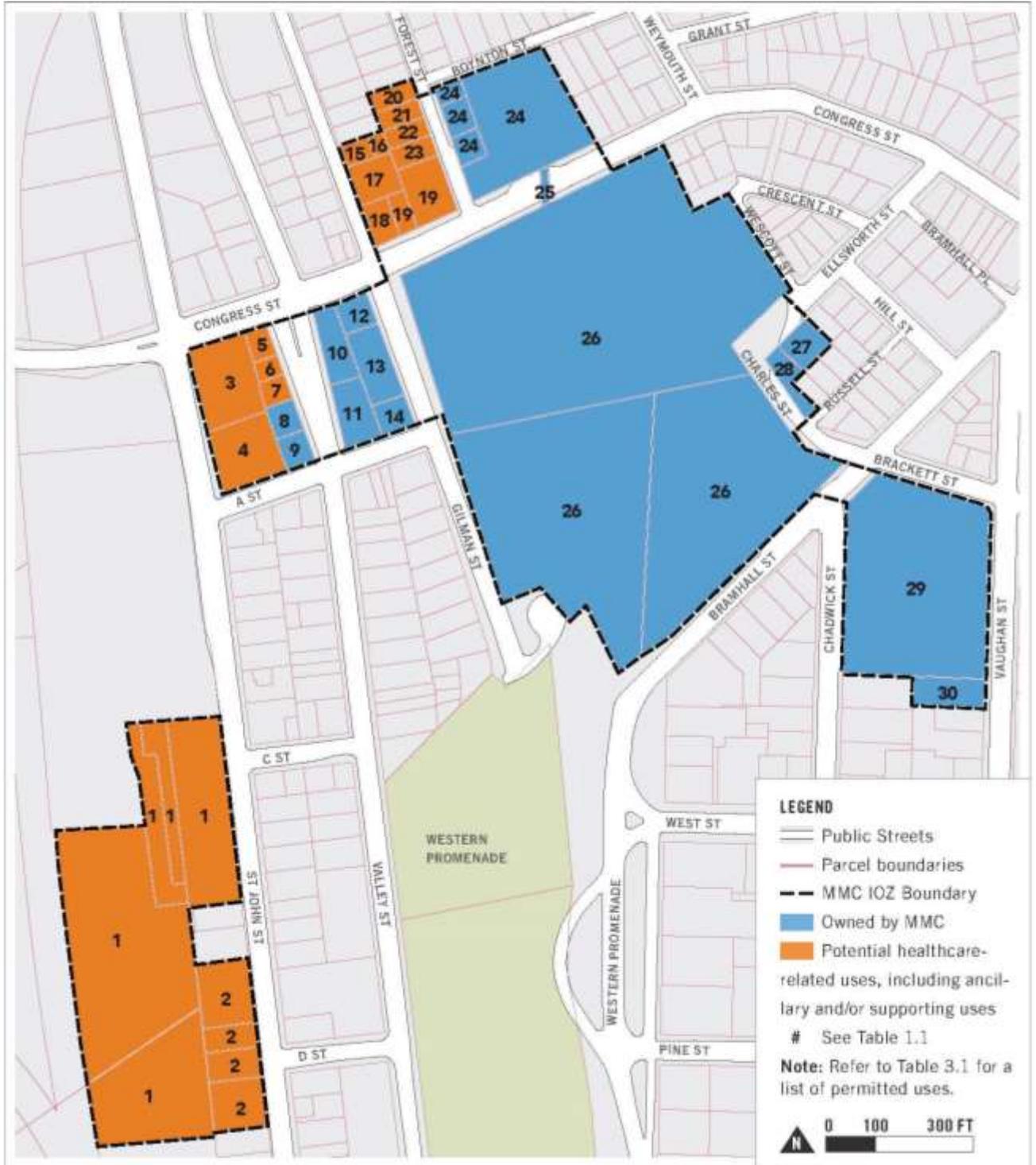
That Chapter 14, Section 14-282 is hereby amended as follows:

**14-282. Maine Medical Center Institutional Overlay Zone
Regulatory Framework.**

(a) Applicability. All development proposed by Maine Medical Center (MMC) within the boundary of the Institutional Overlay Zone (IOZ) shall be consistent with the approved Institutional Development Plan (IDP), consistent with the Comprehensive Plan, and meet applicable standards of the land use code, unless such standards are superseded by the following Regulatory Framework. This Regulatory Framework shall govern future development by MMC within the IOZ unless amended by the Portland City Council upon formal application of MMC.

1. The MMC Institutional Overlay Zone shall have the boundaries depicted in the map, below, and shall include the properties listed in the table, below.

MMC IOZ Boundary



List of Properties Included in the MMC IOZ

Map#	Legal Description	Address	Acreage	Ownership
1	64-A-2-8-9-11 74-A-7 / 75-A-6	222 St John St	4.6516	Owned by others
2	68-D-1-3-13-14-16	180 St John St	0.9494	Owned by others
3	65-G-1	950 Congress St	0.4628	Owned by others
4	64-B-1	275 St John St	0.4163	Owned by others
5	65-G-2	942 Congress St	0.0659	Owned by others
6	65-G-3	940 Congress St	0.0482	Owned by others
7	65-G-4	274 Valley St	0.0667	Owned by others
8	65-G-5	268-270 Valley St	0.0978	MMC
9	64-B-2	262-266 Valley St	0.0895	MMC
10	65-H-1	932 Congress St	0.1864	MMC
11	65-H-9	261 Valley St	0.2185	MMC
12	65-H-2	930 Congress St	0.1040	MMC
13	65-H-5	52 Gilman St	0.2384	MMC
14	65-H-8	44 Gilman St	0.1128	MMC
15	65-E-22	85 Gilman St	0.0565	Owned by others
16	65-E-32	85 Gilman St	0.0282	Owned by others
17	65-E-24	81 Gilman St	0.1653	Owned by others
18	65-E-28	919 Congress St	0.1059	Owned by others
19	65-E-29-30	909 Congress St	0.3233	Owned by others
20	65-E-19	22 Forest St	0.0826	Owned by others
21	65-E-21	18 Forest St	0.0831	Owned by others
22	65-E-23	14 Forest St	0.0826	Owned by others
23	65-E-25	12 Forest St	0.0883	Owned by others
24	53-I-1-2-3-12	887 Congress St	1.3400	MMC
25	53-X-1	Congress St Air Rights and Pedestrian Walkway	---	MMC
26	53-D-7 54-H-1 64-C-1	22 Bramhall St	12.563	MMC
27	54-C-6	34 Ellsworth St	0.1341	MMC
28	54-C-10	40 Ellsworth St	0.1155	MMC
29	54-I-1	308 Brackett St	2.5200	MMC
30	63-B-8	214 Vaughan St	0.1983	MMC

Notes:

- Properties owned by MMC are listed under MMC or MMC Realty Corp.
- MMC will not extend its functionally-related Bramhall campus hospital operations beyond the boundary of the IOZ within the City of Portland without further amendment to the IDP. This includes any expansion of functionally-related operations that displace residential uses outside of the IOZ boundary. A functional relationship is defined as uses or activities that are traditionally or customarily linked to the day-to-day operations of the MMC Bramhall Campus that would relocate a significant proportion of the total employee population or activities.

(b) Updates and amendments.

1. It is intended that the IDP will be updated on a regular basis to ensure that the data is current and that the document remains accurate. Accordingly, monitoring reports will be filed every three years and shall include a summary of progress on IDP implementation and of acquisitions and divestment since the date of IDP approval. At the time of the submission of the monitoring report, MMC shall identify any updates to the IDP which may result from updated master planning, changes in baseline information, or changes in the adjacent neighborhoods which affect MMC, to allow the IDP to remain current. Updates and minor amendments not described below shall be reviewed administratively by the Planning Authority.
2. Minor amendments that impact phasing of the long-term development blocks or change the approach to parking, transportation, neighborhood engagement or design shall be reviewed by the Planning Board for consistency with the objectives of the IDP. In addition to consistency with the objectives of the IDP, review of phasing and development program amendments shall focus on integration with the campus and impacts on transportation or infrastructure. This review may occur simultaneously with the site plan review of an anticipated project.
3. Major amendments shall be reviewed by the Planning Board and are required under the following circumstances:
 - a. A change to the Regulatory Framework is required;
 - b. The IDP is no longer representative of the institutional mission or approach to community as a result of redevelopment in the area or City upgrades to neighborhood planning (such as roadway changes, infrastructure upgrades, community design, lighting, etc.); or
 - c. Development proposed by MMC is inconsistent with the master facility plan, transportation plan intent, design plan intent, or environment and infrastructure plan intent identified in the IDP.
4. Annual monitoring reports will be submitted for MMC's Transportation Demand Management (TDM) Plan. TDM monitoring reports shall include a summary of progress

toward targets established in the TDM Plan.

(c) Uses. In addition to the uses permitted in the underlying zone, the following uses are permitted as a matter of right.

List of Uses Permitted by Right within the IOZ	
Healthcare facilities including but not limited to the following ancillary and/or supporting uses: <ul style="list-style-type: none">• Hospital• Medical Office / Clinic• Laboratory Center / Services• Research and Development (R&D) Laboratory or Facility• Educational Facility / Conference Center• Administrative / Business Office• Accessory Service or Trade Uses• Guest House• Multi-family Housing for Healthcare Staff and Students• Rehab / Skilled Nursing Facility	<ul style="list-style-type: none">• Retail Facility• Restaurant / Cafe• Employee Service Amenities• Day Care Center• Fitness Center or Gymnasium• Parking Lot• Parking Garage• Bicycle Storage• Heliport• Antenna Station• Outdoor use areas, such as green areas, parks, gardens, art installations, and other active and passive non-commercial recreation spaces

1. **Mixed Uses:** In recognition that Maine Medical Center is part of a mixed-use area of the City, with important existing services and businesses that serve the local and wider community, healthcare facility development fronting onto Congress Street and St. John Street shall activate the public realm, to the extent able, with uses such as service and retail/restaurant, landscaping, active building entrances, pocket parks, etc., on the ground or other publicly accessible level, consistent with the design intent contained in the approved Institutional Development Plan (IDP). In areas identified in the IDP as "Priority zone for commercially oriented/retail uses," usable ground floor retail, restaurant, or comparable community-oriented use that provides services to local residents and employees both during the day and evening hours is required. In areas labeled "Street activation through location of windows, entrances, etc.," usable ground floor retail, restaurant, or community oriented use is

encouraged to the extent practicable. Such uses, where constructed or facilitated as part of a healthcare related development, are expressly permitted whether ancillary or supporting the healthcare facility or not, and shall be open and welcoming to the general public in addition to employees or visitors of Maine Medical Center.

(d) Dimensional requirements. The MMC Institutional Overlay Zone shall have the dimensional requirements listed in the table and depicted in the maps, below.

Dimensional Requirements	
Max. Building Heights	Max. building heights for new buildings within the IOZ shall be governed by Map 4.1, or by the Transition Zones clause of this table (see below) for those buildings located in Transition Zones. Refer to IDP "Chapter 5. Design" for methodology on determining heights.
Minimum Building Heights	Three stories, except in transition zones, where the minimum building height shall be two stories. Minimum building heights shall not apply to building awnings, associated kiosks, pavilions or similar building components.
Maximum Building Length	Length of proposed parking garage at 222 St John St shall not exceed 500 feet as measured roughly parallel to St John St.
Minimum Building Setbacks	Minimum building setbacks shall be governed by Map 4.2. Additional requirements are listed in the Transition Zones and Congress Street Build-to-Zone sections of this table.
Congress Street Build-to-Zone*	<p>A Build-to-Zone is identified for some properties that abut Congress Street. See Map 4.2 for the location of Build-to-Zone.</p> <ul style="list-style-type: none"> i. The Congress Street Build-to-Zone extends between 0 to 40 feet from the right-of-way boundary. ii. Buildings located in these parcels must have a minimum of 70% of the façade facing Congress Street located within the Build-to-Zone.

Transition Zones

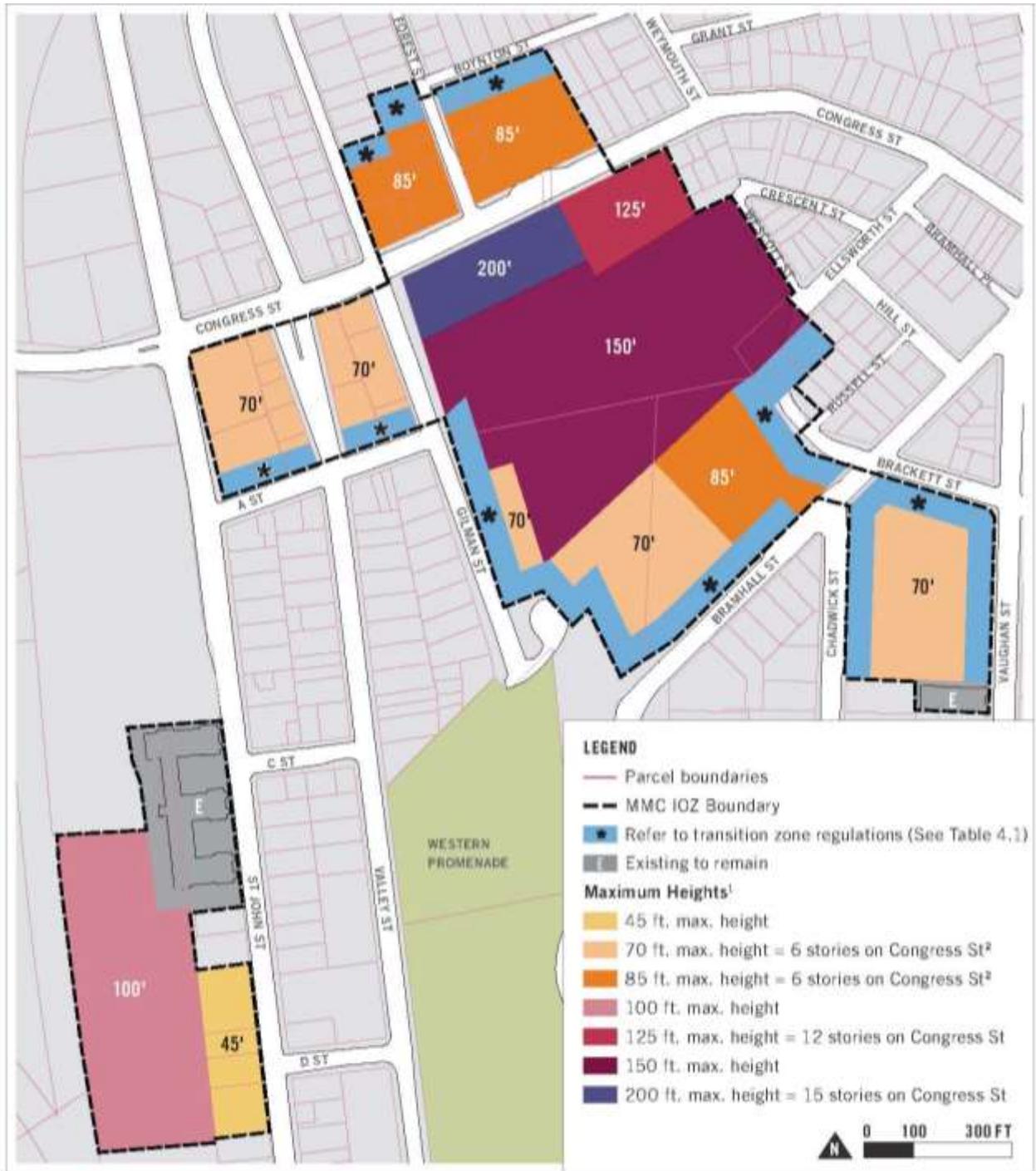
Transition zones are identified inside the IOZ boundary in areas where the IOZ abuts or is located across a public right-of-way from a residential zone or a historic-designated district.

See Map 4.1. for location of transition zones.

- i. Transition zones shall extend 50 feet into the parcel from the parcel boundary.
- ii. Transition zones that abut a Residential zone with or without an intervening public right-of-way shall have a maximum height limit that matches the maximum height permitted within that Residential zone.
- iii. In areas where the IOZ abuts a Residential zone without an intervening public right of way, minimum side and rear yard requirements of the abutting Residential zone apply within the IOZ boundary, unless noted otherwise in Map 4.2.

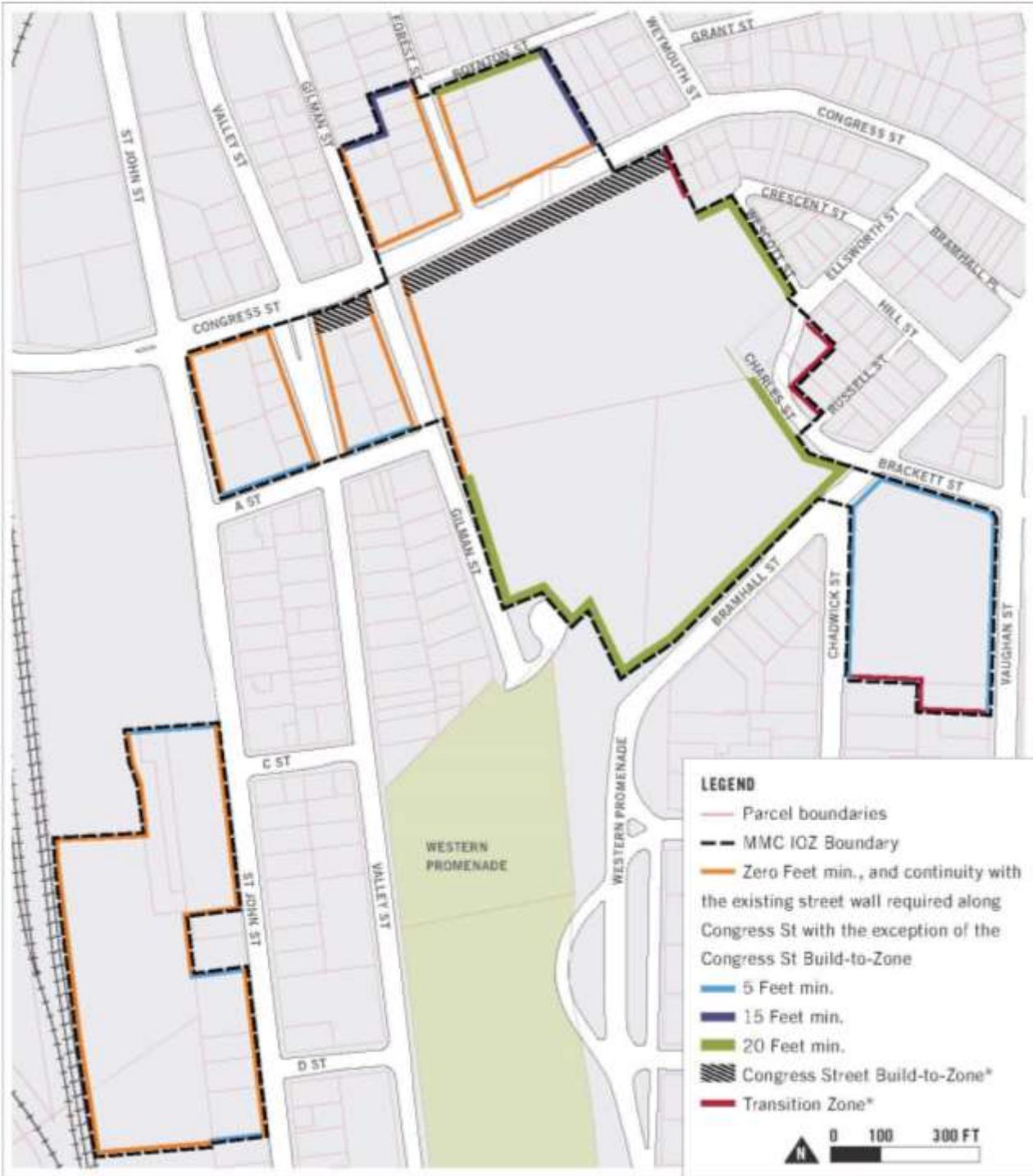
*A "build-to zone" is the area on the lot where all or a portion of the street-facing building facade must be located, measured as a minimum and max. yard (setback) range from the public right-of-way boundary.

Maximum Building Heights



- Notes:**
1. Minimum building heights also apply. Refer to Table 4.1.
 2. For buildings with residential use above the ground floor, the following height maximums apply:
70 ft. maximum height = 7 stories, and 85 ft. maximum height = 8 stories.

Minimum Setbacks



* Note: See Table 4.1 Dimensional Requirements.

(e) Design. New buildings within the IOZ shall adhere to the Design Guidelines set forth in Chapter 5: Design of the IDP and the site plans standards of the City of Portland.

(f) Signs.

1. At the time of first site plan review following IDP approval, a unified campus-wide Signage Plan shall be submitted for review and approval by the Planning Authority. Any update to such plan due to a change in name or logo shall not require amendment to the IDP.
2. Signs shall be designed in accordance with the campus-wide Signage Plan. All signs shall be designed in proportion and character with building facades and adjacent street typology. All signs shall be coordinated with the building and landscaping design and be constructed of appropriate permanent, high quality materials and finishes.

(g) Transportation.

1. Transportation Demand Management (TDM):
 - a. At the time of the first site plan review following IDP approval, MMC shall submit a campus-wide TDM Plan substantially in accordance with those TDM objectives and strategies identified in the approved Institutional Development Plan. The TDM Plan may be phased into short-, mid-, and long-term actions to allow for progressive implementation over time.
 - b. The TDM Plan shall be designed to provide transportation choice with the goal of reducing parking demand and single-occupancy vehicle trips to and from MMC by employees and visitors.
 - c. The TDM Plan shall establish parking and trip reduction targets associated with the short-term (0-2 years), mid-term (2-5 years), and the long-term (5+ years), as well as a data collection plan.
2. Parking:
 - a. Parking requirements in the IOZ shall be established at the time of site plan review based on a parking study that includes a campus-wide analysis of demand and supply. The parking demand study shall determine parking requirements and shall be sufficient to alleviate parking pressure on surrounding neighborhoods.
 - b. Parking studies developed by MMC shall integrate parking and trip reduction achievements and data

contained in the TDM Plan.

(h) Environment. Development proposed by MMC shall be designed to integrate with the surrounding context, including open space and pedestrian networks and infrastructure.

(i) Mitigation measures. MMC shall mitigate site plan impacts to off-premise infrastructure in a manner proportionate to those impacts. Mitigation may include financial or in-kind contributions to existing or planned City projects focused on mitigating the impacts of MMC development. Mitigation contribution shall be determined based on the City's standard procedure in effect at the time of site plan review.

(j) Neighborhood Integration and neighborhood engagement.

1. For the purpose of keeping surrounding residential areas apprised of its future development plans, and to address any neighborhood issues related to the operations of the MMC Bramhall campus, MMC shall adhere to the ongoing community engagement principles identified in the approved Institutional Development Plan.
2. MMC shall conduct ongoing community engagement, including the formation of a Neighborhood Advisory Committee comprised of representatives of MMC, the Parkside neighborhood, the West End neighborhood, the Western Promenade Neighborhood Association, the St. John Valley neighborhood, the Libbytown neighborhood, and the City.

(k) Construction management.

1. At the time of site plan review, MMC shall submit a Construction Management Plan substantially in accordance with those construction management principles identified in the approved Institutional Development Plan for review and approval by the Planning Authority.
2. The Construction Management Plan shall include a construction schedule, as well as strategies for managing neighborhood communication and noise, air quality, traffic, and parking impacts associated with the construction as set forth on the Construction Management Template developed by the City and attached and incorporated to the IDP as Appendix A.

(l) Other requirements.

1. Helipad. MMC shall be governed by the provisions of the Helistop Overlay Zone with the following exceptions:
 - a. Setback requirements of Section 14-327(3); and
 - b. Fencing requirements of Section 14-327(4).
2. Snow Ban Parking. When the City of Portland declares a Snow Parking Ban, MMC shall make parking available to neighbors in a designated parking area on or near its campus upon the following condition:
 - a. Hours: Due to the patterns of patient flow in the hospital, the hours of snow ban parking for registered vehicles during an announced City of Portland Snow Parking Bans are 6:00 p.m. until 6:00 p.m. Vehicles that are not moved out of these parking areas by the applicable time each morning are subject to towing at the owner's expense.
3. Healthy Communities- Recognizing that a stable residential and commercial environment is key to the health of any neighborhood, MMC commits to supporting its existing and future neighbors in the St. John Valley, Parkside, West End, Western Prom and Libbytown neighborhoods. Accordingly, MMC shall implement and participate in the healthy communities programs as described below.
 - a. Caring Community Grants- MMC shall develop an annual grant program with available funds of up to \$30,000. Goals, priorities, eligibility requirements, program guidelines and allocation approach will be developed by the MMC Neighborhood Council, as described in Chapter 6 of the IDP approved on September 26, 2017. Neighborhood associations or other entities located or operating in the St. John Valley, Parkside, West End, Western Promenade and Libbytown neighborhoods may apply for grant funding relating to the following initiatives:
 - i. Neighborhood Investment and Infrastructure- focused on creating strong, safe, accessible and vibrant neighborhoods;
 - ii. Quality of life- Focused on improving access to recreation, arts or cultural experiences in the neighborhoods;

- iii. Diversity and Inclusion- Focused on fostering the building of relationships and understanding among diverse groups, including capacity building and outreach activities;
 - iv. Public Safety- Focused on supporting public safety programs through training programs, equipment or other means in the neighborhoods; and
 - v. Environmental sustainability- Focused on preventing waste, increasing recycling or supporting other programs that work to improve the environment.
- b. Healthy Neighborhoods Program- MMC shall initiate and adopt a memorandum of understanding (MOU) by and between the MMC, the City of Portland, an identified Community Housing Development Organization and any other community partners that may be identified later establishing a Healthy Neighborhoods program. Such a program shall be designed to fund and execute housing and community improvement and development programs in St. John Valley and the other neighborhoods surrounding MMC's Bramhall Campus.