



Massachusetts Gaming Commission

RFA-2 Application Review

Category 1 License for Casino: Region B—MGM Springfield

Report to the Commissioners for: Category # 4—Building and Site Design

Commissioner James F. McHugh

June 10, 2014

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1. Introduction

Criteria

- Criterion 1 (Questions 4-1 to 4-9): **Demonstrate Creativity in Design and Overall Concept Excellence**
- Criterion 2 (Questions 4-10 to 4-22): **Gaming Establishment of High Caliber with Quality Amenities in Partnership with Local Facilities**
- Criterion 3 (Questions 4-23 to 4-36): **Compatibility with Surroundings**
- Criterion 4 (Questions 4-37 to 4-59): **Utilize Sustainable Development Principles in the Construction and During the Life Cycle of the Facility**
- Criterion 5 (Questions 4-60 to 4-68): **Security**
- Criterion 6 (Questions 4-69 to 4-77): **Permitting**
- Criterion 7 (Questions 4-78 to 4-79): **Other**

Rating System

Color coding and rating explanation

INSUFFICIENT	Failed to present a clear plan to address the topic, or failed to meet the minimum acceptable criteria of the Commission.
SUFFICIENT	Comprehensible and met the minimum acceptable criteria of the Commission; and/or provided the required or requested information.
VERY GOOD	Comprehensive, demonstrates credible experience and plans, and /or excels in some areas.
OUTSTANDING	Uniformly high quality, and demonstrates convincing experience, creative thinking, innovative plans and a substantially unique approach.

Question List

Criterion 1. Demonstrate Creativity In Design and Overall Concept Excellence

- 4-1 Overall Theme
- 4-2 Relationship with Surroundings
- 4-3 Architects, Engineers, and Designers
- 4-4 Color Rendering
- 4-5 Schematic Design
- 4-6 Proposed Landscaping
- 4-7 Alternative Presentation
- 4-8 Parking
- 4-9 Transportation Infrastructure

Criterion 2. Gaming Establishment of High Caliber with Quality Amenities in Partnership with Local Facilities

- 4-10 Gaming
- 4-11 Non-Gaming Amenities
- 4-12 Exhibition Spaces
- 4-13 Conference Space
- 4-14 Serving the Surrounding Community
- 4-15 Entertainment Venues
- 4-16 Public Spaces
- 4-17 Description of Hotel
- 4-18 Other Facilities
- 4-19 Quality of Amenities
- 4-20 Art
- 4-21 Tourism Diversity
- 4-22 Diversified Regional Tourism

Criterion 3. Compatibility with Surroundings

- 4-23 Egress from Gaming Establishment Site
- 4-24 Adequacy of Existing Transportation Infrastructure
- 4-25 Traffic Mitigation

- 4-26 Parking Facilities
- 4-27 Adjacent Land
- 4-28 Delivery of Supplies and Trash Removal
- 4-29 Signage
- 4-30 Minimizing Noise and Lighting
- 4-31 Integration with Surrounding Venues
- 4-32 Site Improvements
- 4-33 Stimulating Retail Activity
- 4-34 Extreme Weather
- 4-35 Regional Water Facilities
- 4-36 Sewage Facilities

Criterion 4. Utilize Sustainable Development Principles in the Construction and During the Life Cycle of the Facility

- 4-37 LEED Certification
- 4-38 Compliance with Environmental Standards
- 4-39 Stretch Energy Code
- 4-40 Alternative Fuel Vehicles
- 4-41 Storm Water
- 4-42 Water Conservation
- 4-43 Energy Efficient Equipment
- 4-44 Energy Efficient Gaming
- 4-45 Lighting
- 4-46 On-Site Energy Generation
- 4-47 Off Site Renewable Energy
- 4-48 Building Envelope and HVAC
- 4-49 Energy Consumption Monitoring
- 4-50 Advanced Building Controls for Energy Efficiency
- 4-51 Centralized Heating and Cooling
- 4-52 Shifting Peak Energy Use

- 4-53 Met Zero Energy
- 4-54 Sustainable Building Construction
- 4-55 Ongoing Sustainable Site Operations
- 4-56 Testing of Clean Energy Technologies
- 4-57 Energy Contracts
- 4-58 Public Education on Clean Energy, Sustainability, and Waste Management
- 4-59 Grid Failure

Criterion 5. Security

- 4-60 Surveillance
- 4-61 Emergency Evacuation
- 4-62 Emergency Response
- 4-63 Regulatory Accommodations
- 4-64 Remote Regulatory Surveillance
- 4-65 Excluding Minors
- 4-66 security of Premises
- 4-67 History of Security
- 4-68 Computerized Accounting and Auditing

Criterion 6. Permitting

- 4-69 Permit Chart
- 4-70 Permit Chart Attachments
- 4-71ENF
- 4-72 EOEEA Certificate (ENF)
- 4-73 EIR
- 4-74 EOEEA Certificate (EIR)
- 4-75 Environmental Assessment, Findings, and Impact Statement
- 4-76 Host Community Zoning
- 4-77Permit Appeals

Criterion 7. Other

- 4-78 Other Uses of Facility
- 4-79 Site Plan

2. Overall Rating (Provisional)

Each of the 79 questions which comprise Category 4 roll up into one of seven Criteria summarized on the following page. In turn, the seven Criteria roll up into this Overall Rating for Category 4 -Building & Site Design. All criteria are not created equal. Criteria 1 through 4 are considered most important to Building & Site Design because they establish the critical elements for each applicant’s proposal. Criteria 5 and 6 are considered “threshold” criteria necessary for an applicant to realize a compliant development. Criterion 7 contains information related to the site and contingent future uses and provides a basis for the boundary description of the gaming establishment to be included in the license.

MGM Springfield

MGM Springfield makes a concerted and largely successful effort to integrate into the downtown through its programming, site planning, and exterior architectural design. The proposal will redevelop multiple city blocks damaged due to the 2011 tornado that ripped through the city. The proposed site is mostly characterized by underutilized buildings and open parking lots. The development will present a visually attractive venue of favorable proportion; include amenities that will draw individuals and families to enjoy a variety of non-gaming activities; provide lively and inviting open space; and create a project that works well with the Springfield city core. Further, it will preserve elements of some historical buildings on the site, including the 19th century Armory and the former Massachusetts Mutual Life Insurance Building. In addition it will relocate, preserve, and reuse the old French Congregational Church. All of this is accomplished within a commitment by the Applicant to obtain LEED Gold Certification. Key to the Applicant’s approach is a commitment to energy efficiency. The project is well into the MEPA process and no significant obstacles stand in the way of an opening in late 2016. If granted a license, the MGM Springfield Casino is anticipated to revitalize the urban core, energize adjacent businesses, add to the housing inventory, serve public wants and needs, and spawn new urban development that will continue to amplify the positive impacts of the project.

VG

All of this is accomplished with few detriments. Highway access is greatly facilitated by its proximity to the I-91 interchange, thus minimizing traffic impacts on downtown roadways. Reasonable measures funded by the Applicant are proposed to mitigate traffic impacts, promote public transportation, and facilitate bicycle and pedestrian access. Demands on other public infrastructure (e.g., water, sewer, storm water) fit well within existing capacity. The project utilizes and in fact relies upon local amenities including the MassMutual Center (entertainment and conference venue), proximate hotels and restaurants (food, beverage, and accommodations), and nearby visitor attractions (e.g., Basketball Hall of Fame) to support its offerings creating an economic symbiosis.

There are concerns that demand continued attention through the subsequent review and permitting processes: the disposition of a number of historical properties now slated for demolition; treatment of the eight-story parking garage which presents an imposing utilitarian facade on some exposures; security and neighborliness especially with respect to the adjacent courthouse; shadows cast by the hotel tower; and construction impact on the surrounding community and adjacent properties. The Applicant must be encouraged to address and resolve these issues to the extent practicable.

This proposal is given a rating of Very Good for Category 4 - Building and Site Design for its urban design excellence and its transformative potential. As detailed in Appendix B, the execution of this ambitious concept will require careful attention during future phases of design and development.

3. Criteria Rating		MGM Springfield
1. Demonstrate Creativity in Design and Overall Concept Excellence	VG	MGM Springfield emphasizes the culture and history of the city of Springfield as an important part of its theme of integration. It presents a well conceived overall design concept that has the potential to enliven and enhance a blighted section of its downtown. Its commendable site proposal respects the existing street edges, provides multiple entries for the casino, fronts restaurants and shops on the main commercial spine, and includes public outdoor amenities. A large above ground parking structure and central plant will occupy the back of the site and will provide free public parking but will also be visible from three sides of the site's perimeter, including I-91. However the visual impact of the structure is somewhat mitigated by the proposed masonry cladding of the facades. The project's parking demand will be adequately satisfied by the amount of parking provided. Additionally the project incorporates some of the on site historic building fabric but also disturbs much of this historic fabric for which further investigation is required.
2. Gaming Establishment of High Caliber with Quality Amenities in Partnership with Local Facilities	VG	MGM Springfield proposes an urban casino with quality levels of service, amenities, and design modeled after those of MGM Detroit. The project will be integrated into its surroundings and will encourage patrons to explore and patronize Springfield's cultural, hospitality, and culinary offerings. It will introduce amenities that broaden the appeal of this downtown destination and will complement other area attractions by limiting the size of its hotel, conference space, and entertainment facilities and by working cooperatively with these other venues, including the adjacent MassMutual Center, to host trade shows and large events. Fifty four market rate apartments, that will front on Main Street, are also included in its program.
3. Compatibility with Surroundings	S VG	<p>The project site is easily accessible via multiple major highways and local roadways and is situated adjacent to existing public transit systems. The Applicant adequately described the potential routes to be used for access and egress. The overall traffic study area is also adequate. Although MassDOT is generally satisfied with the Applicant's trip generation rate, this rate appears to be near the lower tier for a casino facility. The Applicant provided sufficient responses to mitigation questions which are explored more fully in Category 5. The proposed garage will compensate for the displaced parking spaces and free parking is offered to the general public. However, additional parking demands that may result from free parking are not examined by the Applicant.</p> <p>The Applicant submitted a comprehensive list of noise reduction techniques for both construction and operational phases, although it did not specifically address minimizing construction noise impacts on the adjacent courthouse complex.</p> <p>A well developed plan for working with local entertainment venues was presented along with a marketing strategy to promote casino patron and employee awareness of local and regional restaurant, retail, and recreational offerings. The centerpiece of this plan is a new trolley system that will transport patrons from the casino to other downtown attractions.</p>
4. Utilize Sustainable Development Principles in the Construction and During the Life Cycle of the Facility	S VG	<p>MGM Springfield offers a thorough and thoughtful approach to sustainability emphasizing prior experience with LEED certification at MGM Grand and corporate policies. The Applicant's approach is enhanced by their specific commitment to pursue LEED Gold certification under the auspices of the U.S. Green Building Council and their willingness to explore a Net Zero Building approach for one (small) portion of the project. Additionally the Applicant has stated their commitment to comply with the Massachusetts Stretch Energy Code and to meet 10% of their energy requirements by renewable energy. However specifics related to the size and location of on-site renewables need to be developed.</p> <p>The Applicant's approach to site elements and ongoing operations are consistent with their overall sustainability strategies. Building envelope commissioning, building system commissioning, and the Central Utility Plant are positives as they reduce overall energy demand; and the potential for the central plant to shift peak loads warrants further investigation.</p> <p>Additional sustainability commitments include provision of charging stations for alternative fuel vehicles, energy efficient lighting strategies, and public education on sustainable practices. However the Applicant does not specifically commit to use of energy efficient gaming equipment, shifting peak energy use, or testing of clean energy technologies.</p>
5. Security, Monitoring, Surveillance, and Emergency Procedures	S VG	Applicant demonstrates its understanding, commitment to, and experience with, all of the requirements under this criterion. With respect to exclusion of minors, its approach is to train employees for spotting violators and utilize roaming patrols, but it also notes that it will staff all gaming access points with security officers. It provides a convincing discussion regarding meeting the MGC needs on data access and exchange for the central computerized accounting and auditing system and cites its experience with other gaming control boards and the IRS. And it commits to providing adequate space to meet the MGC requirements for regulatory accommodations and surveillance. Applicant also commits to providing security presence in the parking garage. The application response engenders confidence that Applicant has the experience and commitment to fully and cooperatively meet MGC requirements.
6. Permitting including ENF, EIR, Local Permits, and Zoning	S VG	Applicant has documented its efforts to comply with MEPA and local, state, and federal permitting and is proceeding with good progress. Significantly, a Casino Overlay District has been added to the City Zoning Ordinance that is crafted to accommodate the development as proposed "as of right". There are no significant obstacles to the completion of the MEPA process and obtaining the necessary permits such that construction can start in the 4 th quarter of 2014 and be completed by the end of 2016. Although there has been concern expressed about historical buildings on the site slated for partial or complete demolition, it is expected that this can be resolved without significant delay to the projected completion date.
7. Site Plan; Other Future Uses	S	MGM provided essentially all requested details on the multiple parcels making up prospective project site. Their response engenders confidence that MGM has ownership transfer issues well in hand should MGM be awarded a Category 1 license. However, MGM does not provide parcel information about the location of the relocated church/day care center, but this is deemed a minor irregularity. Although response to 4-78 Other Uses of Facility is insufficient, this question is deemed of little importance in rating.

4. Review Detail

Criterion 1: Demonstrate Creativity in Design and Overall Concept Excellence

This criterion addresses the overall concept and design approach proposed by each applicant and, additionally, offers an opportunity for the applicants to distinguish their proposal in the spirit of the gaming legislation: “recognizing the importance of the Commonwealth’s unique cultural and social resources and integrating them into new development opportunities.” This is a holistic criterion, comprised of nine questions, to address Massachusetts Gaming Commission goals related to distinctive design that reflects Massachusetts culture and values; high quality design; respect for context; and sustainable solutions. **The questions within this criterion are grouped in order of importance as follows:**

GROUPING OF QUESTIONS BY IMPORTANCE		
Group 1— Design Approach	4-1 Overall Theme 4-2 Relationship with Surroundings 4-4 Color Rendering 4-5 Schematic Design 4-6 Proposed Landscaping	These questions capture the key elements of Criterion 1: the applicant’s description of its overall concept for the Casino development; an image of that proposed concept; and the schematic design documentation that illustrates the proposed building and site development and highlights its distinguishing features. See Appendix A, <u>A Basis for Evaluation of Architectural Design Quality</u> and Appendix B, <u>Design Review</u> , for background and further detail.
Group 2— Supporting Elements	4-3 Architects, Engineers & Designers 4-8 Parking 4-9 Transportation Infrastructure	The proposed Design Team is secondary to the approach presented in the questions above. Parking and Transportation Infrastructure information are an important aspect of the overall concept. As presented in this criterion they are considered descriptive; the evaluation of these items is more fully considered under Criterion 3 below.
Group 3— Optional Deliverable	4-7 Alternative Presentation	This item is optional. Presentations to be considered include video, virtual tours, and models. These media may add some clarity, but the graphics provided under Group 1 must adequately describe the vision and the concepts.

		MGM Springfield
Criterion Rating	VG	MGM Springfield emphasizes the culture and history of the city of Springfield as an important part of its theme of integration. It presents a well conceived overall design concept that has the potential to enliven and enhance a blighted section of its downtown. Its commendable site proposal respects the existing street edges, provides multiple entries for the casino, fronts restaurants and shops on the main commercial spine, and includes public outdoor amenities. A large above ground parking structure and central plant will occupy the back of the site and will provide free public parking but will also be visible from three sides of the site’s perimeter, including I-91. However the visual impact of the structure is somewhat mitigated by the proposed masonry cladding of the facades. The project’s parking demand will be adequately satisfied by the amount of parking provided. Additionally the project incorporates some of the on site historic building fabric but warrants further investigation for additional historic fabric which is proposed to be demolished.

Criterion 1: Demonstrate Creativity in Design and Overall Concept Excellence (cont.)

		MGM Springfield
Group 1 Rating	VG	<ul style="list-style-type: none"> • Overall theme is integration and draws on Springfield’s history, culture, and amenities. • Proposed urban casino integrates with surrounding streets. • Design incorporates multiple casino entry points. • Proposal preserves one key historic building, one key historic building façade, and adaptively reuses one historic building but clarification and analysis of on-site historic buildings proposed to be demolished is recommended. • Outdoor plaza for public events and renovation of existing on site public park proposed. • Trolley system to deliver patrons to other Springfield attractions. • Landscaping appears appropriate for urban site, but insufficient information provided on plants, paving, and landscape amenities.
4-1 Overall theme		
4-2 Relationship with Surroundings		
4-4 Color Rendering		
4-5 Schematic Design		
4-6 Proposed Landscaping		
Group 2 Rating	S	<ul style="list-style-type: none"> • Consultant team includes three architectural firms. • General level of consultant expertise appears adequate. • Parking solution is 8 story above ground garage, minimal surface parking; 3828 total spaces. • Dedicated entry/egress for passenger cars, tour buses, service vehicles. • Garage exterior treated with masonry overlay and will require careful design attention. • Existing off site gas stations for refueling and servicing of disabled vehicles. • Convenience store included in project.
4-3 Architects, Engineers & Designers		
4-8 Parking		
4-9 Transportation Infrastructure		
Group 3 Rating	S	<ul style="list-style-type: none"> • High quality animated walk-through/fly-over video provided. • Clear and well developed site plan and programmatic zoning. • High quality renderings provided for project exterior.
4-7 Alternative Presentation		

Criterion 2: Gaming Establishment of High Caliber with Quality Amenities in Partnership with Local Facilities

This criterion seeks to understand the amenities offered, quality of finishes, customer experience, and the interrelationship of the Casino with the community and supports the objective of 23K §18 (5)*. **The questions within this criterion are grouped in order of importance as follows:**

GROUPING OF QUESTIONS BY IMPORTANCE		
Group 1—Description of Facilities	4-10 Gaming Amenities 4-11 Non-Gaming Amenities 4-15 Entertainment Venues 4-16 Public Spaces 4-17 Description of Hotel 4-19 Quality of Amenities	These questions provide an overall assessment of the product offered by the applicant, including appearance and quality of amenities. These items relate most directly to the gaming legislation requirements. See Appendix A, <u>A Basis for Evaluation of Architectural Design Quality</u> and Appendix B, <u>Design Review</u> , for background and further detail.
Group 2—Other Amenities	4-12 Exhibition Space 4-13 Conference Space 4-18 Other Facilities	These questions describe other amenities, including exhibition space, conference or meeting space, child care space, and other amenities. The first two questions address whether the project will compete with existing exhibition and conference venues.
Group 3—Socio/Economic/Cultural	4-14 Serving the Surrounding Community 4-20 Art	These questions address how the Casino integrates with the community as a neighbor and a business. This set is considered important to creating a gaming establishment of high caliber.
Group 4—Tourism	4-21 Tourism Diversity 4-22 Diversified Regional Tourism	These questions are mentioned in the Statute as set out below. The team considered them but recognized these are more fully considered in Category 3, Economic Development and are not as much a factor in Category 4, Building and Site Design. See also Appendix E, <u>MGL c. 23K §5, §9, and §18</u> .

		MGM Springfield
Criterion Rating	VG	MGM Springfield proposes an urban casino with quality levels of service, amenities, and design modeled after those of MGM Detroit. The project will be integrated into its surroundings and will encourage patrons to explore and patronize Springfield’s cultural, hospitality, and culinary offerings. It will introduce amenities that broaden the appeal of this downtown destination and will complement other area attractions by limiting the size of its hotel, conference space, and entertainment facilities and by working cooperatively with these other venues, including the adjacent MassMutual Center, to host trade shows and large events. Fifty four market rate apartments, that will front on Main Street, are also included in its program.

*c. 23K §18 requires the commission to evaluate how each applicant proposes to advance several objectives, including, “(5) building a gaming establishment of high caliber with a variety of quality amenities to be included as part of the gaming establishment and operated in partnership with local hotels and dining, retail and entertainment facilities so that patrons experience the diversified regional tourism industry; ...” See Appendix E, MGL c. 23K §5, §9, and §18.

Criterion 2: Gaming Establishment of High Caliber with Quality Amenities in Partnership with Local Facilities (cont.)

		MGM Springfield
Group 1 Rating	VG	<ul style="list-style-type: none"> • MGM Detroit will be used as a model for quality level of service, amenities, and design. • 125,000 sf gaming room with 3000 slots and 100 table games surrounded by shops, restaurants, and bars. • Public event plaza and outdoor marketplace to be used as ice rink in winter and as farmer’s market in warmer weather; both surrounded by shops, restaurants, luxury cinema, and a bowling alley. • A 4 star 250 to 300 room hotel on the northern edge of site with street facing entry. • Amenities designed to be integrated with downtown pedestrian network. • 54 new market rate apartments to be located on top of podium, fronting Main Street.
4-10 Gaming Amenities		
4-11 Non-Gaming Amenities		
4-15 Entertainment Venues		
4-16 Public Spaces		
4-17 Description of Hotel		
4-19 Quality of Amenities		
Group 2 Rating	S	<ul style="list-style-type: none"> • 46,000 sf of meeting space on the second floor of podium. • Applicant intends to work with the diagonally adjacent MassMutual Center to host large events. • Existing historic church to be relocated off site for child care center.
4-12 Exhibition Space	VG	
4-13 Conference Space		
4-18 Other Facilities		
Group 3 Rating	VG	<ul style="list-style-type: none"> • Applicant proposes to connect patrons with other downtown cultural attractions via a new trolley system. • Event plaza to be used for food and beverage festivals, arts and crafts fairs, and other public activities. • Proposed luxury cinema and bowling complex, not otherwise offered in downtown, to draw new visitors to area. • Program to display art by local high school and college students initiated. • MGM Springfield to publicly display world class art collection.
4-14 Serving the Surrounding Community		
4-20 Art		
Group 4 Rating	VG	<ul style="list-style-type: none"> • Joint marketing agreements to promote events at MassMutual Center and Symphony Hall. • Cross marketing agreements with region’s golf courses, ski resorts, and amusement parks . • Hotel limited to 250 to 300 rooms to allow other hotels to serve casino patrons. • Local business guides to be placed in hotel rooms to give patrons awareness of local dining and entertainment options.
4-21 Tourism Diversity		
4-22 Diversified Regional Tourism		

Criterion 3: Compatibility with Surroundings

This criterion solicits the applicants’ plans on mitigating impacts to traffic, local services, and utilities. It also examines the relationship of the casinos with the local businesses with the objective of supporting these establishments. **The questions within this criterion are grouped in order of importance as follows:**

GROUPING OF QUESTIONS BY IMPORTANCE		
Group 1—Transportation Adequacy, Mitigation, Improvements	4-23 Egress from Gaming Establishment 4-24 Adequacy of Existing Transportation Infrastructure 4-25 Traffic Mitigation* 4-26 Parking Facilities	Taken together, the questions of this group highlight the importance of an adequate transportation infrastructure and traffic mitigation plan to the success of the casino development. Question 4-25 which derives from the gaming statute G.L. c. 23K, is specifically called out in §18 (8) as an objective that each applicant should advance, and that the Commission shall evaluate and issue a statement of findings for same.* Questions 4-23, 4-24, and 4-26 are closely tied to 4-25 and are therefore included in this group. See Appendix C, <u>Traffic and Parking</u> , for background and further detail.
Group 2—Neighborliness, Impacts on Surroundings	4-27 Adjacent Land 4-30 Minimizing Noise and Lighting 4-31 Integration with Surrounding Venues 4-32 Site Improvements	The questions in this group address how the proposed development relates to its surroundings. It considers potential impacts such as noise, lighting, and shadows on adjacent properties and potential benefits such as site improvements associated with this scale of development.
Group 3— Utilities, Services, Misc.	4-28 Delivery of supplies and trash removal 4-29 Signage 4-33 Stimulating Retail Activity 4-34 Extreme Weather 4-35 Regional Water Facilities 4-36 Sewage Facilities	These questions capture important issues related to utilities and logistics. They warrant careful consideration but are not considered as important as the questions in Groups 1 and 2.

		MGM Springfield
Criterion Rating	<p>S</p> <p>VG</p>	<p>The project site is easily accessible via multiple major highways and local roadways and is situated adjacent to existing public transit systems. The Applicant adequately described the potential routes to be used for access and egress. The overall traffic study area is also adequate. Although MassDOT is generally satisfied with the Applicant’s trip generation rate, this rate appears to be near the lower tier for a casino facility. The Applicant provided sufficient responses to mitigation questions which are explored more fully in Category 5. The proposed garage will compensate for the displaced parking spaces and free parking is offered to the general public. However, additional parking demands that may result from free parking are not examined by the Applicant.</p> <p>The Applicant submitted a comprehensive list of noise reduction techniques for both construction and operational phases, although it did not specifically address minimizing construction noise impacts on the adjacent courthouse complex.</p> <p>A well developed plan for working with local entertainment venues was presented along with a marketing strategy to promote casino patron and employee awareness of local and regional restaurant, retail, and recreational offerings. The centerpiece of this plan is a new trolley system that will transport patrons from the casino to other downtown attractions.</p>

*c. 23K §18 requires the commission to evaluate how each applicant proposes to advance several objectives, including, “(8) ... utilizing sustainable development principles including but not limited to: ... (iii) efforts to mitigate vehicle trips;” See Appendix E, MGL c. 23K §5, §9, and §18.

Criterion 3: Compatibility with Surroundings (cont.)

MGM Springfield		
Group 1 Rating	S	<ul style="list-style-type: none"> • Major highways for access and egress include I-91, I-291, North End Bridge, Memorial Bridge, and South End Bridge. • Local roadways for access and egress include Main Street, East Columbus Avenue, State Street, and Union Street. • 4 PVRTA bus routes run along Main Street. 4 other PVRTA bus routes within walking distances from site. • MassDOT was satisfied with the trip generation rate of 0.34. PVPC commented that this rate is low. • Construction will occur concurrently with the MassDOT I-91 Viaduct project. Coordination efforts with MassDOT are on-going. • It is anticipated that the nearby municipal parking garages and nearby parking sites will be used to help compensate for the loss of parking within project site during construction. Applicant is proposing to provide shuttle connections to these off-site parking facilities. • A potential security issue may occur in which certain type of court users (witnesses, defendants, prosecutors, etc.) are unfavorably grouped within a confined area within the parking facilities and/or shuttles. • Mitigation measures include traffic signal improvements, lane configuration changes, minor geometric improvements, pavement marking upgrades, pedestrian and bicycle accommodation improvements, and a Transportation Demand Management program to encourage alternative modes of transportation. • Applicant is proposing a trolley system to link the site to/from other Springfield attractions located nearby. Negotiations with PVRTA, the trolley operator, are on-going. • No agreement on extending PVRTA Bus Route 5 service hours to handle projected ridership demand. • Parking supply is equivalent to a ratio of 1.0 parking spaces per gaming position and parking supply exceeds projected parking demand. • Direct access to/from casino and retail is provided in the garage. • Garage compensates for displaced parking spaces located within project site. • Free garage parking for courthouse users and the general public.
4-23 Egress from Gaming Establishment		
4-24 Adequacy of Existing Transportation Infrastructure		
4-25 Traffic Mitigation		
4-26 Parking Facilities		
Group 2 Rating	VG	<ul style="list-style-type: none"> • Comprehensive list of potential strategies for construction and operational noise reduction submitted; implementation to be developed and coordinated with courthouse operations. • Commendable plan for joint promotion and marketing of Springfield entertainment venues submitted. • Proposal includes renovation of on-site city-owned Da Vinci Park, introduction of event plaza and marketplace all of which reinforce the pedestrian network. • Potential for 24 story hotel to cast shadows on adjacent court house complex and other State Street buildings. • Nine existing on site buildings have historic significance and six are slated for demolition along with portions of two others. • The new Main Street buildings mostly continue the downtown’s dense multi story massing, however the project’s southeast quadrant is presented as less dense with lower structures which reflect the density of the downtown’s southern sector but break the architectural continuity of the commercial spine.
4-27 Adjacent Land		
4-30 Minimizing Noise and Lighting		
4-31 Integration with Surrounding Venues		
4-32 Site Improvements		
Group 3 Rating	S	<ul style="list-style-type: none"> • Delivery of supplies and trash removal accommodated within basement level. • Renderings show comprehensive signage package appropriate for downtown. • Hotel tower with MGM logo visible to I-91 highway travelers. • MGM Springfield will promote local retailers to patrons and employees. • Applicant did not specifically address extreme weather plan for Springfield. • Regional water facilities have excess capacity to serve casino. • Regional wastewater treatment plant has excess capacity to serve casino.
4-28 Delivery of supplies and trash removal		
4-29 Signage		
4-33 Stimulating Retail Activity		
4-34 Extreme Weather		
4-35 Regional Water Facilities		
4-36 Sewage Facilities		

Criterion 4: Utilize Sustainable Development Principles in the Construction and During the Life Cycle of the Facility

This criterion considers responses regarding sustainability, both in the process of design and construction and across the life cycle of the facility. This criterion is comprised of twenty-three questions covering a broad range of concerns—including overall approach to sustainable design for the building and site; energy codes; mechanical, electrical and plumbing approaches; specific equipment and systems; on-site and off-site renewable energy commitments; and ongoing sustainable practices. **Group 1 questions focus on compliance with LEED and other sustainability standards along with renewable energy sourcing and Group 2, equal in importance to Group 1 focuses on conservation measures. The Group 3 questions are considered of lesser importance.**

GROUPING OF QUESTIONS—GROUP 1 AND 2 OF EQUAL IMPORTANCE AND GROUP 3 OF LESSER IMPORTANCE		
Group 1— LEED , energy performance, and energy sources/renewables	4-37 LEED Certification* 4-38 Compliance with Environmental Standards 4-39 Stretch Energy Code* 4-46 On-site Energy Generation* 4-47 Off-site Renewable Energy* 4-53 Net Zero Energy 4-54 Sustainable Building Construction	These questions require the applicants to document their intent to design and construct a facility that meets contemporary energy performance standards for buildings of this type. On-site and off-site renewable energy commitments are important parts of gauging the broader environmental performance of the proposed gaming establishments and are related to the Commonwealth’s leadership position in renewable energy. Taken together, the Group 1 questions provide a comprehensive overview of sustainability and renewable energy sourcing. See Appendix D, <i>Energy and Sustainable Design</i> , for background and further detail.
Group 2— Site Systems and ongoing operations	4-41 Storm Water* 4-42 Water Conservation* 4-43 Energy Efficient Equipment* 4-48 Building Envelope and HVAC 4-49 Energy Consumption Monitoring* 4-50 Advanced Building Controls for Energy* 4-51 Centralized Heating & Cooling 4-55 Ongoing Sustainable Site Operations 4-59 Grid Failure	These questions focus on the energy efficiency and conservation as opposed to energy generation. They require the applicant to document the proposed systems for heating and cooling critical to a high-performance building. In addition, sustainable approaches to site design, storm water, water use (including irrigation), and ongoing operations are also addressed by these questions, and are considered important for buildings of this scale and their environmental footprints.
Group 3— Finer grain sustainable strategies	4-40 Alternative Fuel Vehicles 4-44 Energy Efficient Gaming Equipment 4-45 Lighting 4-52 Shifting Peak Energy 4-56 Testing of Clean Energy Technologies 4-57 Energy Contracts 4-58 Public Education on Clean Energy	These questions require the applicants to document specific sustainable strategies that may be considered at a finer grain than the overarching approaches in Groups 1 and 2. Accordingly, these are deemed of secondary importance under this criterion.

MGM Springfield		
Criterion Rating	<p>S</p> <p>MGM Springfield offers a thorough and thoughtful approach to sustainability emphasizing prior experience with LEED certification at MGM Grand and corporate policies. The Applicant’s approach is enhanced by their specific commitment to pursue LEED Gold certification under the auspices of the U.S. Green Building Council and their willingness to explore a Net Zero Building approach for one (small) portion of the project. Additionally the Applicant has stated their commitment to comply with the Massachusetts Stretch Energy Code and to meet 10% of their energy requirements by renewable energy. However specifics related to the size and location of on-site renewables need to be developed.</p> <p>The Applicant’s approach to site elements and ongoing operations is consistent with their overall sustainability strategies. Building envelope commissioning, building system commissioning, and the Central Utility Plant are positives as they reduce overall energy demand; and the potential for the central plant to shift peak loads warrants further investigation.</p> <p>Additional sustainability commitments include provision of charging stations for alternative fuel vehicles, energy efficient lighting strategies, and public education on sustainable practices. However the Applicant does not specifically commit to use of energy efficient gaming equipment, shifting peak energy use, or testing of clean energy technologies.</p> <p>VG</p>	

*These questions derive from the gaming regulations, G.L. c. 23K are specifically called out in §18 (8) as objectives each applicant proposes to advance, and that the Commission shall evaluate and issue a statement of findings. See Appendix E, MGL c. 23K §5, §9, and §18.

Criterion 4: Utilize Sustainable Development Principles in the Construction and During the Life Cycle ... (cont.)

		MGM Springfield
Group 1 Rating	S	<ul style="list-style-type: none"> • Commitment to be certified by USGBC at LEED-NC 2009 Gold or better, with 63 credits targeted in initial checklist. • Additional checklists for day care facility, for LEED Operations and Maintenance for whole project, and for LEED Neighborhood Development for whole project. • Applicant commits to meeting Stretch Energy Code, with 22%-30% improvement compared to base code requirements. • Applicant commits to 10% of the annual electricity consumption from a combination of on-site generation (roof top solar photovoltaic system) and purchase of Renewable Energy Credits (RECs). Note that the exact mix of PV-generated power and RECs remains to be developed. • Applicant exploring possibility of day care building (.03% of total building area) being a Net Zero Building.
4-37 LEED Certification		
4-38 Compliance with Environmental Standards		
4-39 Stretch Energy Code		
4-46 On-site Energy Generation		
4-47 Off-site Renewable Energy		
4-53 Net Zero Energy		
4-54 Sustainable Building Construction		VG
Group 2 Rating	S	<ul style="list-style-type: none"> • 15.6 acre site is considered urban re-development. • Proposed plan reduces impervious area by approximately 1.3 acres. • Applicant commits to meeting DEP’s Storm Water Standards. • Applicant’s analysis of water usage appears incomplete and did not accurately account for total water usage, however Applicant has committed to using water saving devices consistent with LEED requirements. • Building envelope will be commissioned following ASHRAE guidelines. Multiple buildings with unique exterior conditions will require special attention. • Building systems will be commissioned following LEED guidelines. Multiple buildings with unique and independent systems will require special attention. • Applicant proposes sub-metering by venue, building, and tenant and will monitor energy usage. • Applicant will retro-commission systems and equipment to maintain optimal performance. • Central Utility Plant (CUP) proposed to serve entire complex. • Ongoing operations to follow corporate policies focused on energy & water; waste & recycling; education; purchasing; and green building. • Emergency power provided to back-up mission critical data and systems. • Applicant suggests collaboration with adjacent MassMutual Center for climate controlled food storage, use of ballroom as shelter space, and use of garage for staging activities in support of emergency operations.
4-41 Storm Water		
4-42 Water Conservation		
4-43 Energy Efficient Equipment		
4-48 Building Envelope and HVAC		
4-49 Energy Consumption Monitoring		
4-50 Advanced Building Controls for Energy		
4-51 Centralized Heating & Cooling		
4-55 Ongoing Sustainable Site Operations		
4-59 Grid Failure		VG
Group 3 Rating		<ul style="list-style-type: none"> • Applicant is proposing a limited number of Level 2 (240V) charging stations. • Applicant will use mix of daylighting, lighting controls, occupancy controls, photocells, and programmable controls to manage lighting loads. • Applicant anticipates upgrading light fixtures periodically (five years or less). • Applicant proposes to capture waste heat from CUP but currently no strategy for shifting peak energy use that would shift electric loads from peak hours. • Applicant participated in Mass Clean Energy Center (CEC) “cleantech meetup” but no specific commitments for this property. • Applicant describes potential education approaches including establishing a “green team” on site; interactive touch-screen monitors; guest room informational materials; on-site signage; and sustainability tours. • Applicant is committed to satisfying 10% of electrical consumption with renewable energy but hasn’t settled on type of on site
4-40 Alternative Fuel Vehicles		
4-44 Energy Efficient Gaming Equipment		
4-45 Lighting		
4-52 Shifting Peak Energy		
4-56 Testing of Clean Energy Technologies		
4-57 Energy Contracts		S

4-58 Public Education on Clean Energy		generation strategy, specific off site contracts.
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Criterion 5: Security, Monitoring, Surveillance, and Emergency Procedures

This criterion seeks to understand the security procedures of the facility, regulatory facilitation, operational transparency, and how the facility will respond to an emergency situation. **The nine questions grouped into three topics of equal importance.**

GROUPING OF QUESTIONS BY EQUALLY IMPORTANT CATEGORIES		
Group 1—Security Features	4-60 Surveillance 4-65 Excluding Minors 4-66 Security of Premises 4-67 History of Security 4-68 Computerized Accounting and Auditing	These questions address the ability of the facility’s system and/or systems to oversee all operations of the facility in an efficient manner in order to maintain the security and safety of the patrons, staff, and grounds; and to insure minors are not permitted in the gaming facilities.
Group 2—Regulatory Coordination	4-63 Regulatory Accommodations 4-64 Regulatory Surveillance	These questions require each applicant to address regulatory requirements.
Group 3—Emergency Procedures	4-61 Emergency Evacuation 4-62 Emergency Response	This section deals with internal procedures to be implemented during an emergency and what the facility will offer local and state authorities in the event of an emergency. These responses are important to local fire, police, and EMS services to determine the potential effect this facility would have on these services.

MGM Springfield		
Criterion Rating	S VG	Applicant demonstrates its understanding of, commitment to, and experience with, all of the requirements under this criterion. With respect to exclusion of minors, its approach is to train employees for spotting violators and utilize roaming patrols, but it also notes that it will staff all gaming access points with security officers. It provides a convincing discussion regarding meeting the MGC needs on data access and exchange for the central computerized accounting and auditing system and cites its experience with other gaming control boards and the IRS. And it commits to providing adequate space to meet the MGC requirements for regulatory accommodations and surveillance. Applicant also commits to providing security presence in the parking garage. The application response engenders confidence that Applicant has the experience and commitment to fully and cooperatively meet MGC requirements.


Criterion 5: Security, Monitoring, Surveillance, and Emergency Procedures (cont.)

		MGM Springfield
Group 1 Rating	S	<ul style="list-style-type: none"> Provides comprehensive level of surveillance and states intent to comply with Commission standards. Redundancy on cameras and emergency backup power. Description consistent with conceptual design. Use of roaming patrol for casino entrances and floors. Annual training provided to employees for spotting and reporting minors. Appropriate tools for verifying identification of individuals. <div style="background-color: black; width: 100%; height: 40px; margin: 5px 0;"></div> <ul style="list-style-type: none"> A security presence will also be provided in the parking garage where the need for surveillance and security could be particularly important. Security experience draws upon 18 resorts in 5 jurisdictions; well established policies and procedures; ITRAK reporting system (incident reporting and risk management software system) to document criminal and administrative incidents Committed to comply with requirements for communicating with MGC central computerized accounting and auditing system; cites secure data exchanges with other gaming control boards and IRS; cites IT support for MGM computerized accounting and auditing system with local IT Director, Services Manager; Operations Manager; and supporting local staff and remote staff support.
4-60 Surveillance		
4-65 Excluding Minors		
4-66 Security of Premises		
4-67 History of Security		
4-68 Computerized Accounting and Auditing	VG	
Group 2 Rating	S	<ul style="list-style-type: none"> Providing MGC accommodations as required including surveillance viewing room, State Police office, auditing computer room, interview rooms, and fingerprint access. Surveillance viewing room will allow MGC to have contemporaneous access to the same surveillance data as MGM surveillance staff and will provide secure remote access to MGC if requested.
4-63 Regulatory Accommodations		
4-64 Regulatory Surveillance	VG	
Group 3 Rating	S	<ul style="list-style-type: none"> Casino at grade on all sides, adjoining streets and plaza. Hotel egress to outside relatively short vertical and horizontal distances compared to traditional casino hotels due to limited accommodations. Other amenities have egress internally and to roof deck exits. Emergency responders can access through multiple points. Applicant provides reasonable discussion on its comprehensive Emergency Procedures Manual and describes major emergency evacuation procedures. Maintains a corporate-wide resort critical incident guideline updated October 2013 which includes an active shooter response plan. Committed to participating in joint planning exercises with first responders.
4-61 Emergency Evacuation		
4-62 Emergency Response		

Criterion 6: Permitting

This criterion addresses the permits required for the projects, the status of the permitting process, zoning and zoning compliance. **The nine questions grouped into two topics of equal importance.**

GROUPING OF QUESTIONS BY EQUALLY IMPORTANT CATEGORIES		
Group 1—Permitting	4-69 Permit Chart 4-70 Permit Chart Attachments 4-71 ENF 4-72 EOEEA Certificate on the ENF 4-73 Draft and Final EIR 4-74 EOEEA Certificate on the EIR’s 4-75 Environmental Assessments, Findings and Environmental Impact Statements 4-77 Permit Appeals	The permitting questions request that the applicant provide a summary of the permits, copies of the permits and other related documentation. Key issues and the risks that may be associated with completing the permitting process in the anticipated schedule were evaluated. See Appendix E, <u>Permitting, Design and Construction Schedule Review</u> for background and further detail.
Group 2—Zoning	4-76 Host Community Zoning	This criterion includes zoning requirements and how the project will meet them.

MGM Springfield		
Criterion Rating		Applicant has documented its efforts to comply with MEPA and local, state, and federal permitting and is proceeding with good progress. Significantly, a Casino Overlay District has been added to the City Zoning Ordinance that is crafted to accommodate the development as proposed “as of right”. There are no significant obstacles to the completion of the MEPA process and obtaining the necessary permits such that construction can start in the 4 th quarter of 2014 and be completed by the end of 2016. Although there has been concern expressed about historical buildings on the site slated for partial or complete demolition, it is expected that this can be resolved without significant delay to the projected completion date.

Criterion 6: Permitting (cont.)

		MGM Springfield
Group 1 Rating		
4-69 Permit Chart	S	<ul style="list-style-type: none"> • DEIR filed in December and Certificate issued by MEPA February 7, 2014 emphasizing additional work in transportation, water, wastewater, and historic buildings. • Disposition of Historic Buildings an issue that will need Massachusetts Historic Commission review. • Casino Overlay District crafted for MGM Development; approval by City Council is pro forma unless significant project changes. • State permits required for traffic, air, sewers, disposition of historic buildings. • No FHWA permit anticipated. • Hazardous wastes identified on several parcels—all have been closed out under Massachusetts Contingency Plan. • FEIR submittal could be as early as June with local, state, and federal permits obtained by late September 2014. • Permitting proceeding in an orderly and timely manner with the exception of some potential delay due to historic building issue. • Applicant reports that there have been no filings of any appeals with respect to any permit or approval listed in the Permit Chart included in exhibit 4-69-01.
4-70 Permit Chart Attachments		
4-71 ENF		
4-72 EOEEA Certificate (ENF)		
4-73 EIR		
4-74 EOEEA Certificate (EIR)		
4-75 Environmental Assessment, Findings, and Impact Statement		
4-77 Permit Appeals		
Group 2 Rating		
4-76 Zoning	VG	<ul style="list-style-type: none"> • Casino Overlay District crafted hand-in-hand with Host Community Agreement (HCA) and tailored to MGM site and development features. No Special Permit required. • Statement of Springfield City Solicitor included in exhibit 4-76-01 unequivocally states the casino development at the proposed location is permitted under City’s zoning ordinances and bylaws “as of right”. • Subject to Site Plan Review by City Council. Design aspects which are consistent with HCA are pre-approved.

Criterion 7: Other

This criterion addresses pro forma information related to the site and contingent future uses. It is comprised of two unrelated questions grouped together.

GROUPING OF QUESTIONS BY IMPORTANCE		
Group 1—Other Questions	4-78 Other Uses of Facility 4-79 Site Plan	These questions address the ability of the facility to be used for other proposes should gaming operations cease and the historic ownership of the property and any land options, agreements and/or environmental information.

MGM Springfield		
Criterion Rating	S	MGM provided essentially all requested details on the multiple parcels making up prospective project site. Their response engenders confidence that MGM has ownership transfer issues well in hand should MGM be awarded a Category 1 license. However, MGM does not provide parcel information about the location of the relocated church/day care center, but this is deemed a minor irregularity. Although response to 4-78 Other Uses of Facility is insufficient, this question is deemed of little importance in rating.

Criterion 7: Other (cont.)

		MGM Springfield
Group 1 Rating	S	<ul style="list-style-type: none"> • Provides nearly complete response to site plan with all site parcels identified graphically, and all ownership and property data provided as requested. In addition provides detail site parcel plans for each property. Does not provide parcel data for site of relocated church/day care center. • Casino could be used as conference space while other uses (e.g., retail, cinema, hotel) would continue as is. Applicant provided no details for these alternative uses.
4-78 Other Uses of Facility 4-79 Site Plan		

A Basis for Evaluation of Architectural Design Quality

Introduction

Purpose

Design quality is an overarching consideration—encompassing physical, cultural, historical, and aesthetic considerations—and can be an elusive topic to address. The purpose of this document is to articulate principles to be used as a basis for evaluating architectural design quality and, more specifically, to serve as a framework for the design evaluation of the Category 1 Casino applications.

Overview

The evaluation of design is both objective and subjective. Some aspects are evaluated in respect to established standards yielding a clear determination, such as whether or not a building's form—e.g., height and setbacks—is consistent with zoning or planning guidelines. Others—such as the choice of materials—are more qualitative, taking into consideration industry standards, local environment and construction practices, and the goals and expectations for the project. Lastly, the evaluation of some considerations—particularly aesthetics—is subjective and will be influenced by personal and professional preferences, expertise, and experience.

Key Considerations

Drawing on historical architectural design standards and federal, state, and local guidelines, key considerations for design quality have been identified and are discussed in greater detail below. In general terms, a well-designed site and building will:

- Be of consistently high quality
- Reflect the qualities of the region
- Provide public space and amenities
- Serve and improve its immediate environment
- Be compatible with planning visions
- Strengthen connections with existing and future networks
- Capture and extend the essential qualities of the building type

These principles have formed the basis for the consideration and evaluation of the building and site designs proposed in the Category 1 casino applications and may provide guidance in dealing with site planning and architectural design issues as these projects are developed through subsequent stages of design and construction.

Background

Design Evaluation

Evaluating design is a complex process that takes into account multiple considerations such as form, program or use, functionality, materials, context (physical, economic, and social), and aesthetics. Since design is specific to the problem at hand—to its function, to its site and place, and to its physical and cultural context—the evaluation of an architectural design solution needs

to consider not only the external appearance but also the project in relation to its program, site, and context.

The evaluation process itself—and the decisions rendered as a result of the process—can vary depending on the goals and criteria for the project, the purpose of the evaluation, and the stage at which the project is evaluated.

Reference Materials

In evaluating planning and design there are certain general principles that have a degree of universal acceptance. The Roman architect, Vitruvius, wrote that “Well building hath three conditions; firmness, commodity, and delight.” This statement has been generally accepted as a definition of good architectural design since the Roman era. A contemporary translation of the original Latin (*firmitas, utilitas, et venustas*) might be “durability, usefulness, and attractiveness.” The last word in the sentence, “attractive” refers to the experiential qualities and appeal of an architectural environment as well as an external image as perceived from a distant viewpoint.

In contemporary times, the federal government’s General Services Administration(GSA) Design Excellence Program attempts to describe some of the qualities of good design for federal buildings in its guiding principles, including:

“...incorporating into such designs qualities which reflect the regional architectural traditions of that part of the nation in which buildings are located.”

“...special attention should be paid to the general ensemble of streets and public spaces of which Federal buildings will form a part.”

Similarly motivated principles (among others) were outlined in the white paper provided by the Massachusetts Chapter of the AIA (American Institute of Architects) entitled “Casino Design: Sustainability and Community Linkages: Requiring Excellence for Massachusetts Casinos” (March 2013).

In addition, local guidance was gleaned from the Artery Business Committee’s (now known as A Better City) principles for design and programming in the Wharf District of downtown Boston and from the architectural design review documents utilized by five cities located in New England: New London, CT; New Haven, CT; Northampton, MA; Lowell, MA; and Concord, NH. These cities were chosen because of their relative proximity and similar size to Springfield, Everett, and Revere. An overriding premise common to all these design review documents is that well designed buildings are good neighbors, and an important part of being a good neighbor is reflecting and responding to the planning and design characteristics of the surrounding built environment.

Approach to Review

In reviewing and evaluating a design, the clarity and completeness of the materials is important. For a concept design such as the Category 1 Casino applications, there is an expectation that the representation of a design proposal be consistent, complete, and clear. As an example, the representation of the size, location, and configuration of a specific component—such as a parking structure or hotel—should be consistently depicted in the various

plan, elevation, section, and perspective drawings in order to be clearly understood. A proposal should also represent all sides of a project, not just those that provide the most attractive views, and drawings should not utilize drawing techniques, such as the placement of entourage in renderings (people, vehicles, animals, plants, etc.) in order to blur or conceal building elements that could be deemed unattractive or problematic.

The Category 1 design review is grounded in the RFA-2 application materials, where approximately one third of the application questions concern Building and Site Design and provide broad-reaching and detailed information on the manifold aspects of design.

Supplementing the information submitted by the applicants, the review benefits from site visits to understand context; public meetings and input along with host and surrounding community agreements to hear from the community; and existing facility visits to assess the quality and approach to development and operations. Finally, Requests for Clarifications addressed apparent contradictions or inconsistencies.

Framework for Evaluation

Using the historical definition of good architectural design and drawing on federal, state, and local guidelines, certain elements of design quality emerge. As a basis for the evaluation of architectural design, a well-designed site and building will:

- **Be of consistently high quality** in its design, construction, and materials. High quality design extends through all scales from the broadest site planning and building

A Basis for Evaluation of Architectural Design Quality

organization to finish materials, details, planting, lighting, and signage. Quality materials and details also contribute to the life-span of the building.

- **Reflect and project the aspirations of the community, region, and the Commonwealth** through its design even as it solves problems related to its immediate site and its program.
- **Provide public space and amenities** that benefit patrons and the community, open and accessible to all throughout the day and the seasons.
- **Serve and improve its immediate environment**, both manmade and natural.
- **Be compatible with planning visions** by being consistent with, and respectful of, the community's existing physical, historic, and cultural character and its plans and/or visions for the future.
- **Strengthen connections with existing and future networks** by integrating the site with adjoining streets and sidewalks, public transportation systems, waterways, trails, parks, and public spaces. Related to the issue of networks is that of access: an accessible site accommodates a broad cross section of users and can be seen as welcoming to the general public.
- **Capture and extend the essential qualities of the building type** to communicate its intended purpose in a captivating way. A resort casino design should reflect the business intentions and theme of the project. If the business intention is to convey luxury, then its exterior and interior should clearly and consistently reflect that. If the business

intent is fun and entertainment, than it should send that message and incorporate a program of uses and create an environment that consistently supports and communicates that theme.

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Epstein Joslin Architects
June 6, 2014*

List of References

1. AIA Massachusetts White Paper: “Casino Design, Sustainability, and Community Linkages: Requiring Excellence for Massachusetts Casinos” by Julie Taylor, Esq., March 2013.
2. General Services Administration (GSA), Design Excellence Program: Guiding Principles: <http://www.gsa.gov/portal/content/136543>.
3. Design Guidelines Manual, Downtown Northampton Central Business District, Northampton, MA, April 8, 1999.
4. The Wharf District: Five Principles for Design and Programming, Waterfront/Financial District Working Group of the Artery Business Committee, August 1999.
5. City of Concord, NH Architectural Design Guidelines, City of Concord Planning Board, August 29, 1990, revised April 12, 1991.
6. City of Lowell, Acre Neighborhood District Design Review Standards, Lowell Historic Board, October 13, 1999.
7. Site and Architectural Design Guidelines, City of New Haven, CT, DRAFT May 29, 2012.
8. Design Review Guidelines, New London, CT, Planning and Zoning Commission, September 2009.
9. Scheer, Brenda Case and Preiser, Wolfgang F. E., Design Review: Challenging Urban Aesthetic Control, Chapman and Hall, 1994.
10. Langdon, Philip with Shipley, Robert G. and Welch, Polly, Urban Excellence, Van Nostrand Reinhold, 1990.

Design Review

Executive Summary

MGM Springfield will be built in the commercial center of Springfield, MA. The Section 4 Building and Site Design reviews considered the design aspects of the application including the existing site, the proposed program, and site and architectural design as summarized below:

- The theme is integration with the downtown, a concept which will support the downtown's economic renewal and be sympathetic to its historic character. (See Attachment 1.)
- Nine historic buildings exist on site of which five will be completely demolished. An historic façade will be retained as the hotel entry; an historic Armory will be reused as a restaurant and entertainment venue; an historic office building will remain at the site's northeast corner; and an historic church will be relocated off site and reused by MGM as a child care center.
- The program uses include non-gaming amenities, such as a luxury cinema and bowling alley, which are intended to attract new visitors to the downtown, and fifty four market rate residential units.
- The design attempts to fit in by reflecting the character of other downtown buildings, but also by being designed as an assemblage of smaller volumes rather than as a singular development.
- The Casino has been designed with multiple entries/exits in order to facilitate and encourage exploration of the downtown by casino patrons.

- The Casino's shops and restaurants will line the Main Street and provide an active and interesting streetscape, but will also provide a visual connection for casino patrons to the downtown.
- An outdoor public Event Plaza and marketplace designed for small concerts, craft fairs, farmer's markets, and seasonal ice skating is a major component of the proposal and will attract visitors but also draw casino patrons outside and into the downtown.
- A large eight story parking garage is located on the west side of the site and is exposed to the surroundings on three sides of its perimeter but is partially clad with masonry material to mitigate its massive presence.
- A contemporary 24 story glass façade hotel will be located on the site's northern edge closest to the adjacent courthouse complex.
- MGM Springfield will work cooperatively with the nearby Mass Mutual Center to co-promote entertainment events. The MGM Springfield program includes only a small amount of entertainment, exhibition, and meeting space.

In summary, MGM Springfield makes a concerted effort to integrate into the downtown through its programming, site planning, and exterior architectural design. Some but not all historic building elements will be preserved, and in the next phase of design the facades of the adjoining new buildings need careful attention to match the quality and interest of the historic urban fabric.

Introduction

MGM Springfield is located in a commercial downtown where economic renewal is needed to benefit struggling retailers, restaurants, hotels, and entertainment venues. The intervention of a resort casino can be the catalyst for this renewal if it provides a

Design Review

solution that brings new visitors to the downtown and promotes exploration and patronage of it beyond just the casino. The Applicant's design solution addresses this issue with multiple programming and site planning devices.

The location is also in a part of the city with historic buildings existing on site and immediately adjacent to it. Thus another important priority is to preserve what exists where possible and provide continuity from old to new in order to be compatible with the downtown. Building design that reflects and complements existing architecture is therefore essential, and the Applicant's solution addresses this also.

In general MGM Springfield's theme of integration is in alignment with the goals of economic renewal and compatibility with historic surroundings. This memo identifies the elements that contribute to achieving these goals, and those elements that may require additional attention to make MGM Springfield the best that it can be.

Site

MGM Springfield will occupy a 15.6 acre site stretching over three city blocks in downtown Springfield, MA. (See *Figure 1.*) The site is currently occupied by over a dozen existing buildings of which nine have historical significance. (See attached *Letter from Massachusetts Historical Commission, dated 01/14/14.*) The Applicant proposes to save the former Mass Mutual Building at the corner of State and Main, to incorporate the façade of 73 State Street, and to adaptively reuse the historic Armory's headhouse but not its drillhouse. All other existing buildings will be demolished except the French Congregational Church which will be relocated and reused as a day care center.

The site's eastern edge borders Main Street, Springfield's central commercial spine. The western edge fronts on East Columbus Avenue which closely parallels an elevated section of the I-91

highway that runs along the Connecticut River. The northern and southern borders — State and Union Streets respectively — are urban streets lined with low to midrise commercial and institutional buildings. State Street is more densely developed, and Union Street is more low rise and transitions to a less dense sector of downtown.



Figure 1: Existing Site

Design Review

Four parcels within the three city blocks containing the site will remain under current ownership. Three occur at the site's western edge along East Columbus Avenue and State Street and are occupied by low rise commercial buildings surrounded by surface parking. One fronts on Main Street and is occupied by a one story building containing an Italian restaurant and community health center with an attendant parking lot behind.

The site is well situated for an urban infill casino development and supports MGM Springfield's theme of integration.

Program

MGM Springfield's program includes a gaming floor; restaurants, bars, and shops; a 250 room hotel; 54 apartments; a luxury cinema; a bowling alley; meeting space; a spa; an outdoor event plaza and marketplace; and an above ground parking garage.

The project's multiple uses are expected to attract both gaming and non gaming patrons; the hotel's limited size will potentially allow other existing hotels to share in serving casino patrons; and the inclusion of market rate housing will bring additional life and activity to the downtown and hopefully set a precedent for future development.

It is noteworthy that the Applicant does not include a large meeting or convention space within its development as these functions are already present at The Mass Mutual Center adjacent to the proposed site. Finally, the range of program uses proposed by MGM Springfield supports the goals of economic renewal and compatibility with surroundings.

Organization

MGM Springfield is organized into five major elements including a two level podium (a two story base containing the casino and upon which other elements sit), a twenty-four story hotel tower, a four story apartment block, an outdoor public space surrounded by

shops and restaurants, and an eight-story above ground parking garage. (See *Figures 2 and 3.*)

The podium occupies the site's northeast quadrant and fronts on Main and State Street. Back of house functions including delivery and trash pick up are in its basement. On its ground level shops and restaurants surround the gaming floor and buffer it from Main and State. The meeting space, spa, and a roof garden are on its second level. The gaming floor has multiple entries distributed around its perimeter, which is an important planning device for encouraging patrons to venture into the downtown, and the fronting of shops and restaurants on Main Street will encourage activity and interest along that street.

The twenty-four story, 294-foot high hotel is situated on State Street with its own street-facing entry. It can be entered and exited via State Street without travelling through the gaming area. The hotel lobby's placement on State Street, as opposed to being buried within the podium, is another planning device that will encourage patrons to venture outside.

The four story apartment block sits on top of the podium's Main Street edge, and provides the massing for the project to be consistent with adjacent existing urban fabric. Its entry lobbies are inserted between shops and restaurants along Main Street, appropriate to a mixed use urban infill design approach.

The outdoor Event Plaza and marketplace are located on the interior of the southeast quadrant, which is bounded by Main and Union Street, and are accessed from those two streets. This quadrant is also occupied by the historic Armory, a city-owned park, some small retail buildings along the street edge, and a retail building with a second level luxury cinema that backs up against the parking garage.

The site's river facing west side contains the garage and the central plant and places the garage massing between Bliss and Union

Design Review

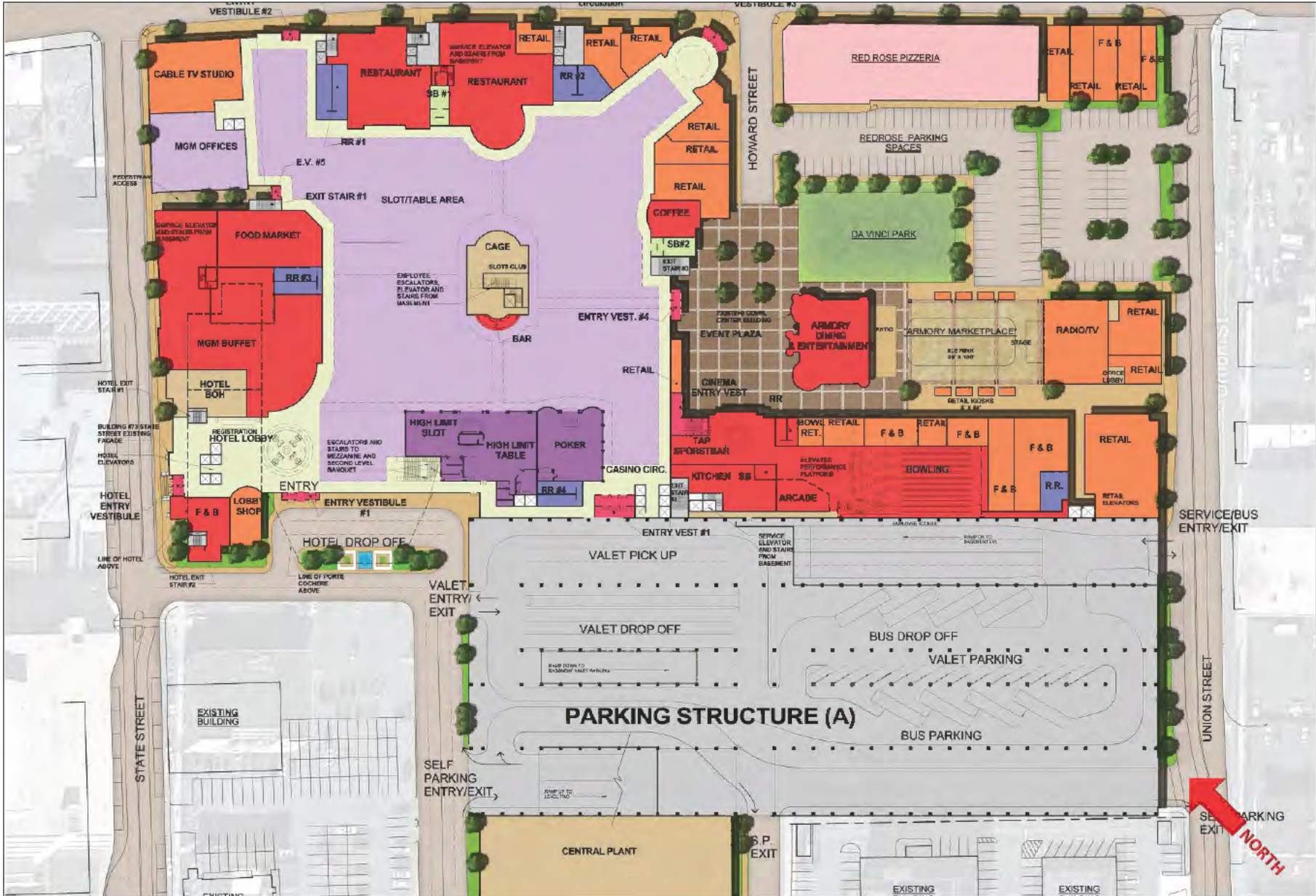


Figure 2: Proposed Ground Level Floor Plan



Figure 3: Proposed Second Level Floor Plan



Figure 4: Main Street Elevation

Streets, set back from East Columbus Avenue behind lower scale development. Passenger cars will enter the garage from Bliss Street and exit onto Bliss Street, the river side remnant of Howard Street, or Union Street. Trucks and buses will enter and exit from Union Street.

The proposed organization is consistent with the goal of being compatible with the surroundings by providing component parts with their own identity and scale.

Planning and Exterior Design

Each of the project’s elements has its own unique planning, design features, and materials, and in some cases elements are designed to appear as an assemblage of smaller scaled elements to reflect the scale of the adjacent urban fabric. In this manner the architecture of MGM Springfield attempts to integrate itself into the downtown.

Starting with the podium and the apartment block, the Main Street elevation between State and Howard Streets looks more like a row of five smaller scale commercial buildings found along the existing parts of Main Street than an apartment block sitting on a podium. (See *Figure 4.*) The façade design of this stretch links the apartment block with the podium’s restaurant and shop fronts to create a street front that fits comfortably with other downtown buildings. The retention of the former Mass Mutual Building at the corner of Main Street and State Street will perhaps become a reference point by which these other Main Street newcomers will be judged.

The last building in this row at the intersection of Howard Street gently turns the corner with its rounded facade to lead pedestrians into the Event Plaza. The integration of the Event Plaza with Howard Street is a planning device that will help to draw casino patrons

Design Review



Figure 5: Union Street Elevation

onto Main Street as much as it will draw downtown visitors into the Event Plaza.

Howard Street is the dividing line where the multi-story streetscape abruptly ends and a low density one-story section begins with the existing Italian restaurant and community health center. Hopefully future development will continue the mixed use multi story streetscape along this edge too with more transparent storefronts and ornamented architecture consistent with the other section of Main Street.

The buildings that front Union Street present a range of styles, respect the existing street edge, and remain generally in scale with other downtown buildings. (See Figure 5.) The new one-story retail building, at the corner of Main and Union, has an understated presence that lacks the height, massing, proportions and ornamentation of the other Main Street facades yet is on a

prominent location. Just behind it, on Union Street, is a small surface parking lot which interrupts the continuity of the streetscape, although it offers views to the Armory and into the outdoor area of the Event Plaza and marketplace. Further along Union Street, a new one-story gable roofed retail building extends out to the street from the historic Armory and recalls the roofscape of the Armory's now demolished drillhouse. In contrast and next to it is another retail building with a very contemporary façade and flat roof. The last façade in this row is the south face of the parking garage.

The project facades along Union Street and the southern half of Main Street represent the least developed side of the project. The Applicant states that this portion has been less densely developed in deference to the low rise nature of the downtown's south side. It's hoped that the casino development will serve as a catalyst for



Figure 6: Columbus Avenue Elevation

future development that will densify this section with multi story buildings that provide greater levels of activity and interest, and continuity of massing, fenestration, proportion, and ornament like the ones on Main Street and will set a precedent for further development to the south.

Parking Structure

Further along Union Street is the south face of the above ground parking structure.

Its eight story facades offer little to the surroundings. An alternate solution would have been to surround the structure's four sides with habitable multi story buildings, similar to the cinema/retail building to the east, although the garage's proposed site location allows for future development along State Street and East Columbus Avenue.

While the drawings show the garage's east side obscured by the retail/cinema building, its other facades remain very exposed. The Union Street and East Columbus Avenue facing facades have applied electronic billboards placed to attract travelers on I-91. (See Figure 6.) Given I-91's proximity and importance as a primary access route,

signage scaled to be visible to its high speed traffic is important to announcing the casino's presence, but these two facades lack the design elements (massing, height, proportion, fenestration, and ornamentation) used elsewhere to integrate the project into the pedestrian scaled downtown.

Two existing buildings sit in front of the garage's Bliss Street façade and only partially screen it, leaving it substantially exposed, across from the courts. However this façade is configured to look like multiple building facades with materials and openings reminiscent of older downtown buildings.

From a city planning perspective the site's river facing half is important beyond its providing a location for parking as it will serve as part of a pedestrian path that links the Main Street commercial spine to the riverfront and its attractions, including the Basketball Hall of Fame and the Riverfront Park. If the path between the casino and the river is predominantly populated by parking facilities then it will not serve to lure pedestrians in either direction.

Design Review

Hotel

A new short section of roadway links Bliss Street and State Street and will provide vehicle access to the casino and hotel drop area. A two story section of the podium fronts this unnamed street and mirrors the details, fenestration, and articulation of the historic 73 State Street facade which has been incorporated as the main hotel entry. The hotel itself, with its entry face along State Street, is designed as two glass towers laminated together. Its entry, the 73 State Street façade, will preserve a sense of historic detailing and ornamentation at street level. Its transparent two story lobby will bring interest and activity to the streetscape at night.

With the exception of the State Street entry, the hotel's gridded glass facades and skewed geometry are a departure from the theme of integration and act more as a giant pylon sign identifying the MGM property. The hotel will also cast shadows over the adjacent courthouse complex and other buildings along State Street. (See *Figure 7*)

Further along State Street, the hotel tower is followed by a one story podium façade which also borrows detail, ornament, and fenestration from the hotel's 73 State Street entry façade. To its left is the former Mass Mutual Building at the corner of Street and Main, and therefore it also will be judged by the exterior design standards of these two neighbors. This face of the project lacks the continuous height and massing of the Main Street face between State and Howard and is not as intensively activated by retail and restaurant fronts, but the other side of the street, which includes the courthouse complex, is not as intensively commercial either. (See *Figure 8*.)

The exterior design of the MGM Springfield reflects much of the downtown's architectural character with respect to massing, articulation, and site orientation along the podium's street facing edges, but less so with the siting and exterior design of the garage.

Design Review



Figure 7: View of Hotel from State Street

The Main Street face also presents a streetscape that is activated and transparent providing a welcome enhancement to its segment of Springfield's commercial spine.

Event Plaza and Marketplace

Consistent with the theme of integration, MGM Springfield features a series of outdoor public spaces including an Event Plaza, a marketplace, and the renovated existing City-owned Da Vinci Park which all surround the historic Armory (which will become a dining and entertainment venue). The new outdoor spaces—to be used as a farmers market, an ice skating rink, or a small concert venue—will potentially draw new visitors to the downtown. Their configuration links them to the existing street grid making them easily accessible to the public while also serving to draw casino patrons outside and potentially into the downtown.

The Applicant also intends to lease space next to the marketplace to a radio station, with the hopes that the broadcaster will enliven it with outdoor interviews and events similar (in spirit if not scale) to outdoor space also provides entries for the cinema and other shops



Figure 8: State Street Elevation

and restaurants, independently from the casino, a planning strategy intended to keep this space active and inviting. Additionally, in a nod to history, the marketplace’s overhead frame, along with the retail building immediately behind it, recall the gabled trusses and roof shape of the demolished Armory drill house. The combination of historic preservation, new public space, a renovated public park, and a variety of uses has the potential to make this zone a hub of interesting and entertaining activity.

While the concept of a multi-use public space in this location is laudable, the retail and casino facades surrounding the space will require careful attention and detailing to match the architectural richness of Springfield’s downtown buildings. As with Main Street and the former Mass Mutual Building these new facades will be judged against the substantial stone and brick facades of the renovated Armory. (See Figure 9.)

Summary

The MGM proposal clearly attempts to integrate itself into the fabric of downtown Springfield, but at the expense of a number of historic buildings. It appears successful at this task with some elements, such as the facades along main Street which reflect the massing, materials, and fenestration of existing downtown buildings, but less so with others such as the hotel which lacks these same attributes and with the parking structure which would ideally be screened by smaller buildings. Rather than being a singular, large scale, internally focused container, MGM Springfield, especially on the site’s Main Street side, can be credited for being an assemblage of smaller elements, each with its own entrance and character, with transparent street fronts through which pedestrians can view the project’s internal activities.

Its best efforts show up in the planning concepts associated with the Event Plaza and marketplace, public spaces that will bring new activities and entice new visitors to the downtown. But the project will also be seen in concert with the richly detailed historic facades of Springfield's architectural fabric. Consequently the building design will need to rise to a high level as well. The project is still in the initial stages of design and the next phase will require careful attention to the detailing and material selections for the exterior.

If the detailing and materiality of its new buildings can achieve the level of quality and visual interest of buildings like 73 State Street or the original Mass Mutual Building at the corner of State and Main and if its outdoor Event Plaza and other amenities can draw new visitors to the downtown then MGM Springfield will have gone a long way towards achieving its fundamental goal of integration.

Arthur W. Pinkham III, RA, LEED AP
Raymond L. Porfilio, Jr., AIA, LEED AP
Epstein Joslin Architects
May 15, 2014



Figure 9: Proposed Event Plaza



The Commonwealth of Massachusetts
 William Francis Galvin, Secretary of the Commonwealth
 Massachusetts Historical Commission

January 14, 2014

Secretary Richard K. Sullivan, Jr.
 Executive Office of Energy and Environmental Affairs
 100 Cambridge Street, Suite 900
 Boston MA 02114

ATTN: Nicholas Zavalat, MHPA Unit

Re: MGM Springfield Casino, Hotel, Apartments/Armory Square Retail & Cinema, Main, Union, State, Howard, & Bliss Streets, Springfield, MA; MHC# RC.53951. EEA# 15033

Dear Secretary Sullivan:

The Massachusetts Historical Commission (MHC) is in receipt of the Draft Environmental Report (DEIR) for the project referenced above. The staff of the Massachusetts Historical Commission (MHC) has reviewed the information submitted and has the following comments.

The project site includes many historic properties, several of which are listed in the National and/or State Registers of Historic Places and included in MHC's Inventory of Historic and Archaeological Assets of the Commonwealth. The following properties are listed in the State and/or National Registers of Historic Places: the WCA Boarding House (SPR.129), the French Congregational Church (SPR.130), the United Electric Company Building (SPR.117), the Howard Street YWCA (SPR.131), the Massachusetts Mutual Life Insurance Building (SPR.118), and the Edison-Thomson Block (SPR.122). The Springfield State Armory (SPR.704) is individually listed in the State and National Registers of Historic Places. The Howard Street Primary School (SPR.103) and the Union House/Chandler Hotel (SPR.128) are included in MHC's Inventory of Historic and Archaeological Assets of the Commonwealth and appear to MHC staff to meet the criteria of eligibility for listing in the National Register of Historic Places. Other historic buildings located on the project site include the buildings located at 35 Howard Street, 79 State Street, and 95 State Street.

The DEIR does not include an analysis of the conditions of each of the historic buildings and the feasibility for reuse within the anticipated programming and design. The DEIR states that this analysis has started and will not be completed until 2014 (DEIR page 8-54). In this respect, the DEIR is incomplete.

The MHC is concerned that the preferred alternative as shown on Figure 3-3 includes the demolition of several of the historic structures listed above, which would constitute an "adverse effect" pursuant to 36 CFR 800.5(a)(2)(i) and 950 CMR 71.05(a). On page 4-1 of the DEIR, the proponent states that the preferred alternative will impact historic resources, but does not elaborate on which historic resources are proposed for demolition or other project impacts.

220 Morrissey Boulevard, Boston, Massachusetts 02125
 (617) 727-8470 • Fax: (617) 727-5126
www.soc.state.ma.us/mhc

Attachment 1: Letter from Massachusetts Historical Commission, dated 01/14/14

The MHC continues to encourage the project proponent to seek ways to avoid, minimize, and/or mitigate adverse effects to historic properties that may be caused by demolition or insensitive new construction or rehabilitation that does not meet the Secretary of Interior's Standards. The MHC looks forward to receipt of the analysis and feasibility study and to continued consultation with the project proponent, involved state and/or federal agencies, and other interested consulting parties.





These comments are offered to assist in compliance with Section 106 of the National Historic Preservation Act of 1966 (36 CFR 800), M.G.L. Chapter 9, sections 25-27C (950 CMR 71.00), and MEPA (301 CMR 17). Please do not hesitate to contact MHC staff if you have any questions.

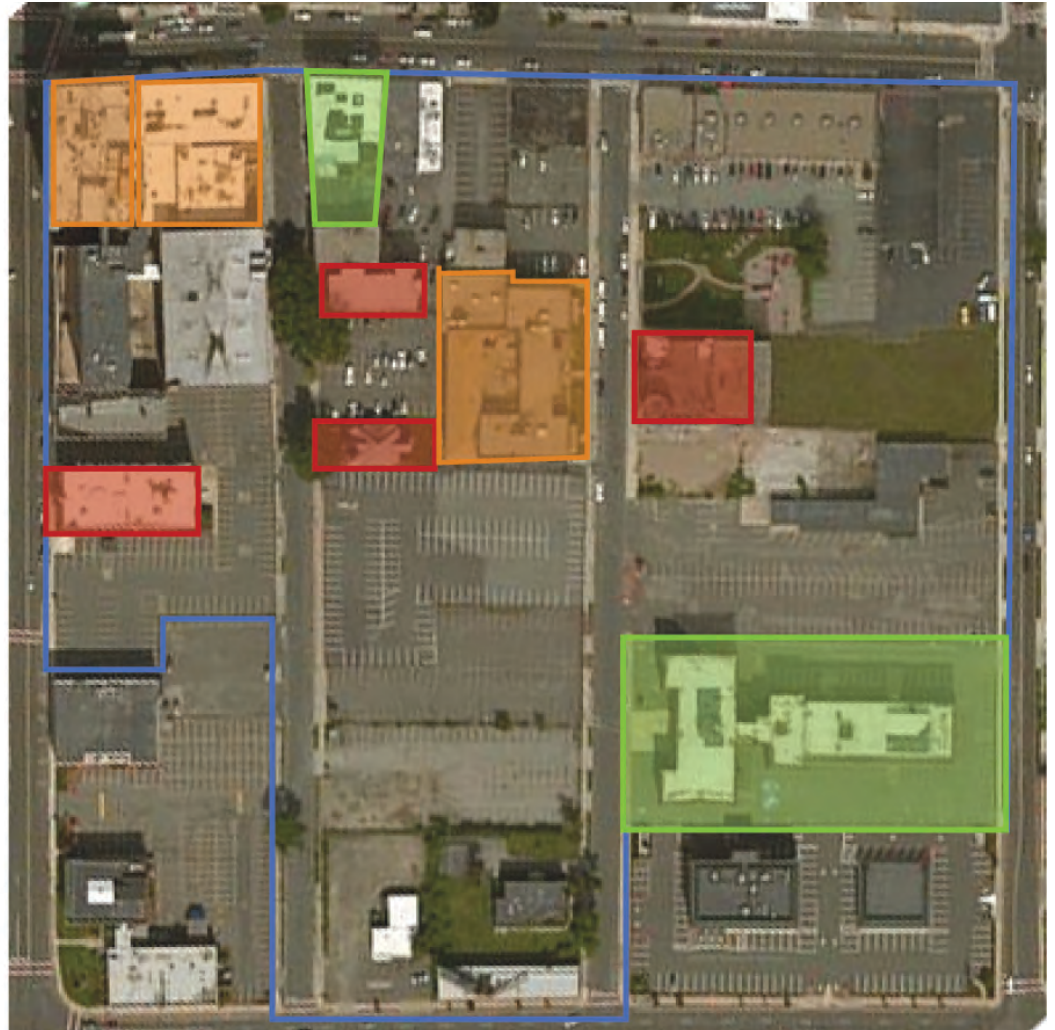
Sincerely,

Brona Simon
 State Historic Preservation Officer
 Executive Director
 Massachusetts Historical Commission

- cc: Blue Tarp reDevelopment LLC ("MGM Springfield")
- Massachusetts Gaming Commission
- Lisa Kochadourian, FEMA
- Karen Adams, U.S. Army Corps of Engineers
- Springfield Redevelopment Authority
- MassDEP Western Regional Office
- MassDOT District 2 Office
- Massachusetts Department of Housing & Community Development
- Ralph Stone, Springfield Historical Commission
- Springfield Preservation Trust
- Laura Rome, Freyton Associates

Historic Buildings

-  Project Area
-  National Register
-  State Register
-  Inventory of Historic & Archeological Assets of the Commonwealth



Categories of Historic Resources

Properties listed in the National Register



1. United Electric Company Bldg.



2. State Armory



3. French Congregational Church



4. WCA Boarding House

Properties listed in the State Register



5. Mass Mutual Bldg.



6. Edisonia Theater Block



7. YWCA Bldg.

Properties included in the Inventory



8. Howard Street School



9. Union House Hotel

Key Plan



Traffic and Parking Review

Executive Summary

The purpose of this memorandum is to provide background and an overview of traffic impact studies in general and an understanding of the key factors that determine how well the Category 1 Applicant, MGM Springfield, responded to the traffic and parking related questions in the application. Following a discussion of key factors in the traffic and parking studies, a brief summary of the Applicant's overall traffic and parking response is provided.

The following is a summary of the key findings:

- The project site location is conveniently located such that there are multiple roadway and public transit options for access and egress.
- The potential routes to and from the site have been adequately described by the Applicant.
- The overall study area evaluated by the Applicant for the traffic study is adequate.
- The amount of vehicles projected by the Applicant to be generated by the project during peak hours are near the lower range of trip rates experienced by these type of facilities based on our research of actual casino trip rates.
- The mitigation measures proposed by the Applicant are sufficient.
- Construction of the I-91 Viaduct project and the casino will occur concurrently and coordination efforts between the Applicant and MassDOT are on-going.
- During construction, the Applicant is providing shuttles to off-site parking sites and will accelerate garage construction to help compensate for displaced parking spaces.
- A potential security issue may occur in which certain type of court users (witnesses, defendants, prosecutors, etc.) are

unfavorably grouped within a confined area within the parking facilities and/or shuttles.

- A ratio of 1.0 parking spaces per gaming position is provided and the supply appears to be adequate to meet parking demand projected by the Applicant.
- The Applicant is offering free parking to the general public which may create a higher demand than the projections made by the Applicant.
- The Applicant presented a clear presentation of the parking layout and its parking usage.

Traffic Impact Analysis Process – General Overview

Traffic Impact & Access Studies (TIAS) have become a common part of permitting, planning and designing new projects at both the local and state level. Typically, a TIAS is used for the following:

- To determine the capacity of the existing transportation system (highways, transit, etc.).
- To identify the potential transportation demands (i.e. vehicular traffic, transit trips, parking demands, person trips) that could result from a proposed development.
- To evaluate the effect that those new demands have on the transportation system near the proposed development.
- To determine the development's access requirements and identify necessary mitigation actions that should be considered to reduce or eliminate the development's impacts.

In conducting a TIAS, there are a number of distinct steps to be followed. Guidelines are provided by a number of organizations, including the Institute of Transportation Engineers (ITE)¹ and the

¹ Institute of Transportation Engineers, Transportation Impact Analyses for Site Development, An ITE Recommended Practice, Washington , D.C. , 2010.

Traffic and Parking Review

Massachusetts Department of Transportation (MassDOT). Local communities may also have specific study requirements.

Initially, data collection and inventories of the existing transportation systems are performed. Inventories include collecting operating characteristics (e.g. traffic volumes, crash history) and physical data related to the transportation system (roadway width, transit route, etc.). The time periods for traffic volume data collection are determined by the proposed land use. For example, peak morning (7-9 AM) and afternoon (4-6 PM) commuting periods are studied for residential uses. Weekday afternoon peak commuting and Saturday midday peak conditions are studied for retail projects. Other special uses (e.g. a sporting arena) may require site specific time periods. In some cases, the anticipated conditions of both the commuting peak times and the facility peak time are examined.

In general, the TIAS typically examines the estimated traffic conditions during the commuting peak volume time periods, as these would typically reflect the worst case conditions. If the traffic demands of the proposed development can be accommodated during the peak time periods, then it is assumed that traffic can be adequately accommodated during other time periods. If improvements are warranted, traffic must be designed for the peak roadway volume conditions and will improve travel conditions during the off-peak times as well.

In the case of a proposed gaming facility, the facility peak traffic typically occurs late on Saturday afternoons and evenings with an additional busy period being later on Friday evenings. The Friday PM commuting period and the weekends are also busy periods. Traffic studies for proposed gaming facilities at minimum should evaluate conditions during the Friday PM commute time and a Saturday midday peak period. Trip forecast information should also be provided for the facility peak times (e.g. late Saturday evening) even if those periods are not analyzed in detail relative to traffic

operations. Given the type of the multi-use development being proposed in addition to the gaming facility by the Applicant, the morning peak hour is not as critical for traffic analysis purposes.

The selection of a study area is dependent upon the proposed development use as well as its size. A larger or more intense use (e.g. a large retail center) will generate more traffic from a larger geographic area than a smaller, less intense use (e.g. a small office). The study area evaluated by the Applicant is discussed later in this memorandum.

A major step in completing the TIAS is the forecasting of transportation demands. In suburban or rural areas this is typically vehicle trips. Urban areas with extensive transit systems and nearby high-density residential uses require that forecasts include person trips by mode of travel as well as vehicle trips. MGM Springfield is located within a downtown area with transit service available adjacent to the project site. In some studies, forecasts may also need to include parking demand estimates. Estimating the arrival and departure patterns of the site related trips should consider the existing traffic patterns in the vicinity of proposed development, as well as the population and available transportation network within the expected “draw” area of the project. Again, a larger project will attract trips from further distances. Based on information contained in the research and trip distribution model used by the Applicant, MGM Springfield is expecting to draw traffic from distances up to 2 hours away and based on our previous research performed for the Category 2 gaming facilities, the market area appears to be reasonable. Consequently, the level of traffic activity generated by a project at the site could affect the traffic operations on abutting transportation systems, in addition to the internal site circulation and on-site parking conditions.

Analysis of the MGM Springfield’s impacts is based on accepted methods and criteria that indicate how well the existing transportation system will operate once the proposed development

is built and functioning. In general, the transportation analysis methods compare the demands versus the available capacity for adjacent intersections; roadway segments; and where applicable, other components of the transportation system, such as a transit service line or parking lot. The analysis enables us to determine the incremental development related impacts. The analysis results help indicate the need for mitigation and if the proposed site access plan will adequately serve the development. Criteria are defined for each component of the transportation system that determines the estimated operating condition in terms of level of service (LOS), which is a qualitative measure to rate the quality of traffic flow in a transportation system.

In reviewing the MGM Springfield proposal, the adequacy of the site's access, circulation and parking supply were evaluated.

Traffic and Parking Application Questions

The Applicant was required to provide information relative to potential traffic impacts, parking needs, a parking plan, site access, and proposed mitigation. As part of the Category 4 - Building and Site Design portion of the application, the following are seven (7) specific application questions or items that the Applicant needed to respond to.

- 4-8 Parking;
- 4-9 Transportation Infrastructure;
- 4-23 Egress for the Gaming Establishment Site;
- 4-24 Adequacy of Existing Transportation Infrastructure;
- 4-25 Traffic Mitigation;
- 4-26 Parking Facilities; and
- 4-40 Alternative Fuel Vehicles.

In addition, there are several additional traffic mitigation questions that the Applicant needed to respond to under the Mitigation

portion of the application and those responses were evaluated under the Category 5 - Mitigation.

Together these items focus on providing descriptions of on- and off-site transportation infrastructure, the adequacy of the current system and what, if any, mitigation actions are necessary to minimize impact and accommodate the project's demands. In this case, the Applicant's TIAS was integrated into the Draft Environmental Impact Report (EIR) dated 12/16/2013. In addition to the written responses to the specific application items and the TIAS, the application included a variety of conceptual plans which depict the proposed access design, on-site parking, and internal circulation. The TIAS and its supporting information were reviewed. The Applicant will have to complete further review coordinated through the State's environmental process, Massachusetts Environmental Policy Act (MEPA), in addition to this MGC review. Consequently, the Applicant may need to address outstanding issues or requests for additional information as part of the MEPA process and during the permitting/design stages following MGC license award.

Overall Review Approach

As part of our evaluation, we visited the project location in order to become familiar with the site itself and its surrounding transportation network. A review of the TIAS provided an understanding of the existing roadway network in the vicinity of the proposed site; the anticipated daily and peak traffic volumes and arrival/departure travel patterns; the level of impact the new development could have on traffic operations; and the extent to which mitigation of impacts may be required. The TIAS was reviewed in conjunction with the specific responses to the application requirements. In conducting the review, accepted engineering guidelines for traffic study procedures and analysis methods published by MassDOT and ITE were used, supplemented

by independent research with respect to trip forecasts and analysis, where appropriate.

The following paragraphs summarize the key impact factors that are considered critical aspects in determining the adequacy of the traffic and parking responses.

Gaming Establishment Related Traffic Forecasts

While gaming establishments in general have been in existence for years, there has been a relatively limited amount of traffic and parking data collected for this type of land use that has been compiled into a usable database to forecast peak traffic levels. The ITE² has compiled the largest source of data to forecast traffic for different land uses. However, ITE has a limited amount of information available for the gaming establishment type land use.

With a limited amount of data and forecast models available through ITE, additional research was conducted as part of our review to determine the traffic generating characteristics of gaming establishments. A number of published technical papers and technical reports submitted for other gaming establishment projects were obtained for review and a list of these is attached to this memorandum. Based on our research, trip forecast information for similar gaming establishments was identified and used as a guide to determine the reasonableness of the information submitted by the applicant. Key findings from our research include:

- Trips are typically forecasted based on the number of gaming positions (gp).
- The peak activity for gaming establishments occur on Saturday evenings with Friday evenings (after the commuter peak) and Sunday afternoons also experiencing comparable levels of activity.

² Institute of Transportation Engineers, Trip Generation, Washington, D.C., 2012.

Traffic and Parking Review

- While gaming establishment activity is not high during the typical weekday morning commute, research indicates that the gaming establishments can also be active during a weekday PM commute, particularly the Friday PM commuting time period.
- The peak season of gaming establishment activity is typically during the July-August period.

As a result of this research, the following vehicle trip generation rates were identified.

TABLE 1 SUMMARY OF VEHICLE TRIP GENERATION RATES
(per gaming position)

Day	24 hour ¹ (avg.)	PM Peak Hour (avg.)	Range of Peak Hour Trip Rates	Gaming positions proposed By Applicant	Range of site generated peak hour volumes based on gaming positions proposed
Friday	4/gp	0.43/gp ²	0.19-0.79/gp	3,821	725-3020 vph ⁴
Saturday	5/gp	0.48/gp ³	0.30-0.64/gp	3,821	1145-2445 vph ⁴

¹ – based on small sample, rounded

² – vehicle trip rate at time of roadway peak

³ – vehicle trip rate at time of facility peak

⁴ – vph = vehicles per hour

Because the trip generation rate data available for a casino type of facility is very limited, the data found in our research produced a wide range of trip rates as it represents casino facilities that vary greatly in surrounding environments types (urban versus suburban), the number and type of on-site amenities, and other factors. Therefore, the above range of trip rates will be used as baseline evaluation model to evaluate whether the Applicant's trip rates is within the range of limited historical data.

Based on our findings, it appears that it is more appropriate to develop trip generation rates by limiting the trip rate comparisons to reflect only facilities that have similar features and are located in similar surroundings environment types as the one proposed by an

Applicant. Due to the limited available data, additional trip rate research may need to be performed by an Applicant to fully justify trip rates proposed.

Parking Supply Requirements

Based on information from ITE³ and from MGC advisors familiar with numerous gaming establishments in the northeast and Canada, it was determined that providing one (1) parking space for each gaming position should be a reasonable baseline evaluation criteria for evaluating parking adequacy at the Category 1 casinos. Our review of Applicant's proposed parking plans considered the amount of parking to be provided and evaluated the designation of parking for different categories of user (i.e., employees, valet, electric, etc.). We also reviewed access from adjacent roadway systems, the layout of parking areas, and the connections or path for pedestrians to travel between parking areas and building entrance.

Adequacy of Study Area

The limit of a study area is a key aspect of conducting a TIAS and in determining critical impacts and mitigation needs. A study area is typically selected based on the proposed use and the magnitude of likely trip generation, the project's access points, the anticipated arrival/departure patterns, the location of key nearby intersections, known problem locations, and known issues within reasonable proximity of the project site. The larger the project, the more the potential market area or geographic draw tends to be, which requires a larger study area. There is no one set of guidelines for determining a study area. ITE provides some guidance, but regional agencies as well as individual communities may have different

³ Institute of Transportation Engineers, Parking Generation, Washington, D.C., 2010, 4th Edition.

requirements. For example, ITE suggests that large shopping centers (>100,000 square feet) or developments that will generate more than 500 peak hour trips should consider a study area that includes all signalized intersections and freeway ramps within two (2) miles of the property line and major unsignalized intersections within one (1) mile of the property line. However, it may be necessary to study locations beyond these limits depending on the issues and type/size of the development. Engineering judgment plays a critical role in determining the study limits.

Identifying Traffic Deficiencies and Required Mitigation

In determining the adequacy of the existing transportation infrastructure and the proposed on-site parking supply, we evaluated each project's demand versus the capacity (or supply) of adjacent roadways. For traffic flow, this is typically accomplished by completing what is referred to as a level of service (LOS) analysis at the study intersections and if applicable, the roadway segments and highway ramps included in the study area. LOS is a qualitative measure defined in the Highway Capacity Manual⁴ and is used by traffic engineers to rate the quality of traffic flow in the transportation system. Levels 'A' to 'F' are designated with the analysis methods taking into account the physical conditions of the roadways, the volume and characteristics of the traffic and type of traffic control (i.e. traffic signal, STOP sign, merge, etc.). The level of service indicates how well or how poorly intersections and roadway sections operate. LOS 'A' represents the best operating conditions and 'F' the worst. The TIAS for each application forecasts and evaluates future conditions with and without the proposed gaming establishment (Build vs. No-Build). Comparing the No-Build results with the Build conditions indicates the incremental impact of the gaming establishment related demands. Based on the findings,

⁴ Transportation Research Board, Highway Capacity Manual, Washington, D.C., 2010.

deficient locations (those experiencing a LOS 'E' or LOS 'F') or those locations anticipated to experience significant changes in levels of incremental impact can be identified and the need for mitigation determined.

Locations noted as deficient and possibly requiring mitigation were identified as part of the evaluation. Locations noted as being deficient without the project (i.e. No-Build condition) may need improvements, but may not be the responsibility of the Applicant. However, if the deficiency is considered by state or local authorities with jurisdictional control to be significant, it is common for the project proponents to assume responsibility to mitigate in full or in part, the deficiency.

In reviewing the applicant's traffic and parking responses, the traffic studies submitted by the Applicants were reviewed and those locations noted as "deficient" were identified. Our evaluation then determined if mitigation was proposed for the noted deficient locations. A judgment was made related to the proposed mitigation in terms of being feasible; the clarity of the presentation; and if the Applicant adequately demonstrated that the deficiency would be alleviated.

Summary of the MGM Springfield Traffic and Parking Responses

This section provides brief summaries of our technical reviews of the traffic and parking responses provided by the Applicant. The figures referenced below are included as an attachment to this memorandum.

Information contained in the Applicant's traffic study (prepared by TEC, Inc.) and other supporting information included in the MGM Springfield application were reviewed for relevant information. In general, the TIAS followed procedures and methods generally accepted by MassDOT. Additionally, comment letters and memoranda prepared by MassDOT and the area's regional planning agency, the Pioneer Valley Planning Commission (PVPC), on the

submitted Draft EIR were reviewed to obtain any further insights or concerns related to the proposed casino.

In terms of accessibility, MGM Springfield is conveniently located in the downtown area of Springfield. The site is easily accessible via multiple highways and local roadways and has multiple public transit options. Traffic to and from the north or south can utilize I-91; to and from the west can utilize the North End Bridge, Memorial Bridge, and/or the South End Bridge; to and from the east can utilize I-291 or local roadways such as State Street and Union Street, which abut the western and eastern side of the site, respectively. In addition, local roadways, Main Street and East Columbus Avenue, which abut the northern and southern side of the site, respectively, are also used for access and egress. Regional Area and Site Locus Maps are shown in Figure 1 and 2, respectively. There are four Pioneer Valley Transit Authority (PVTA) bus routes that run along Main Street with bus stops located adjacent to the site. There are four other PVTA bus routes that are located within walking distances from the site. Union Station, which serves the Amtrak, is located just over one half mile away from the site. The existing PVTA system map is shown in Figure 3.

The potential routes to be used for access and egress were adequately identified and described by the Applicant. The Applicant's traffic study area covered 47 intersections in Springfield, West Springfield, Agawam, and Longmeadow, and 47 ramps along I-91, I-291, I-90, Route 5, Route 57, and Route 20. The overall traffic study area is considered to be adequate. The study area is shown in Figure 4.

TEC's TIAS examined the Friday PM commuter and Saturday midday peak periods when the peak traffic flows occur on the adjacent roadway system. The trip generation estimate for the facility peak periods during Friday and Saturday evenings was not analyzed. The Applicant's trip rates of 0.26 and 0.30 (Friday evening and Saturday midday peak periods, respectively) per gaming position for casino

Traffic and Parking Review

and hotel trips only is based on trip rates obtained from MGM Detroit. Factoring in the mix-use trips within the project site and then relating the total trips per gaming position, MGM Springfield is using a total trip rate of 0.34 per gaming position for both Friday evening and Saturday midday peak periods. The trip rate of 0.34 equates to site generated traffic volumes of 1,290 and 1,312 vehicles per hour during Friday PM commuter and Saturday midday peak periods, respectively. MassDOT is generally satisfied with the Applicant's traffic forecast, but PVPC has commented that the trip rate is low and should be increased for the Final EIR. Based on our research of the trip forecast models, the trip rate used by the Applicant appears to be on the lower tier for a casino type facility, however, this rate is still within the range of rates experienced by these types of facilities. It should be noted that the Applicant took a conservative approach in determining their trip generation by not reducing traffic projections (or taking credits) for shared-use trips and pass-by traffic (existing traffic passing by the site). The Applicant has applied a reasonable 5% transit reduction/credit for Armory Square and residential trips. Traffic Distribution Maps representing peak hour flow distribution are shown in Figure 5 and 6. Although not stated by the Applicant, it is likely that these distribution maps can be applied to the overall daily traffic volume distribution.

The Applicant has proposed mitigation measures at various locations. The majority of the mitigation measures occur in the vicinity of the site. The mitigation measures include traffic signal improvements, pavement markings upgrades, lane configuration changes, and/or minor geometric improvements. Depending on location, the mitigation measure may be a stand-alone improvement or is combined with several improvement elements. Other mitigation measures include pedestrian and bicycle improvements, which include upgrading pedestrian signal equipment, wheelchair ramps, and adding bicycle lane or shared

lane markings. Some examples of the proposed traffic mitigation measures are shown in Figures 7 and 8.

To encourage alternate modes of transportation, the Applicant is proposing a Transportation Demand Management (TDM) program that includes MassRIDES, NuRides, flex hours, ridership programs, a guaranteed ride home program, and a monitoring program. It should be noted that a TDM program is typically one of the requirements that a TIAS must consider when a project goes through the MEPA process. To help further reduce vehicle trips, the Applicant is proposing a rubber-wheel trolley system to help link the casino to other nearby attractions in Springfield, such as the Basketball Hall of Fame, MassMutual Center, and Union Station. Several mitigation items still need coordination efforts/confirmation by the Applicant. This include projected transit ridership demands for PVTA Bus Route 5 beyond the current service hours, since there is no agreement in place with PVTA to extend service hours to serve the projected demand and no commitment by the Applicant to implement PVTA bus stop enhancements along Main Street. Negotiations between the Applicant and the trolley's anticipated operator, the PVTA, are ongoing.

The site is situated such that there are multiple access and egress options that can be utilized. The traffic going to and leaving from the site can be dispersed rather than channeled through a particular intersection or highway entrance/exit (although certain locations will experience more site generated traffic than others). Traffic flow maps are shown in Figure 9 and 10. As a result, the need for substantial traffic mitigation improvements is limited. In general, the Applicant has identified intersections where the overall built condition LOS is worse than the no-build conditions and has proposed improvements to mitigate the negative impacts. Although the improvements proposed may not be substantial enough to deliver significant operational improvements, they are sufficient enough to mitigate the project impacts such that the

overall no-build LOS is maintained or slightly improved under the build conditions. The only substantial improvement proposed involves widening the section of Union Street adjacent to the site (including under the I-91 Viaduct) to provide dedicated turn-lanes. Overall, the mitigation measures proposed by the Applicant are sufficient.

Construction of the MassDOT I-91 Viaduct project will occur concurrently with the casino construction. The Applicant has indicated that coordination efforts with MassDOT are on-going regarding construction phasing. Based on the Applicant's responses to April 1 Hearing question, during construction, the displaced parking within the site is expected to be compensated by the nearby municipal parking sites such as the I-91 South and North Garages, the Civic Center Garage, the Trolley Park Lot, and other nearby parking facilities such as the Tower Square and Columbus Center Garages. Locations of nearby parking facilities are shown in Figure 11. It should be noted that during certain construction phases under the viaduct project, the upper levels of both I-91 North and South garages are required to be closed, resulting in reduced parking capacity at these two garages. The Applicant will provide shuttles for connections to the off-site parking facilities and will advance their garage construction for early delivery. The proposed garage is expected to be in service one year after start of construction to help compensate for the displaced (both on-site and due to viaduct construction) parking spaces and to provide parking for construction crews during the remainder of the casino construction duration.

During construction of the garage, the court users (witnesses, defendants, prosecutors, etc.) who are using the open space surface parking lot within the project site for parking may be required to park at the off-site parking facilities and ride the Applicant's shuttles discussed above. A potential security issue may occur where certain types of court users are unfavorably grouped (i.e. defendants

together with witnesses) within a confined area at these off-site parking facilities and/or in the shuttles. This issue is not limited to the construction phase only as the new garage is a confined multi-story parking facility. This potential security issue warrants additional consideration.

The Applicant is proposing 3,762 garage parking spaces and 66 surface parking space for a total of 3,828 on-site parking spaces. The total parking spaces available equates to a ratio of 1.0 parking spaces per gaming position as the Applicant is proposing 3,821 gaming positions. The proposed garage is expected to compensate for the existing surface parking spaces displaced by the project. Taking into account the existing on-site parking demands, the Applicant is projecting that the parking supply exceeds parking demand. Based on the parking supply guideline of 1.0 space per gaming position noted above and the parking projections made by the Applicant, the proposed parking supply appears to be adequate to meet the expected demands. It should be noted that based on the Applicant's responses to April 1 Hearing questions, the Applicant is proposing to offer free parking to the general public and will follow the Las Vegas free parking model with no validation of any kind planned. However, additional parking demands that may be generated as a result of offering free parking is not examined by the Applicant. As a result, it is possible that actual parking demand is higher than the projections made by the Applicant. The Applicant provided a clear presentation of parking layout, its proposed uses, and its access and egress to and from adjacent roadways. The parking garage provides a direct access to and from the casino or retail uses. The parking floor plans are shown in Figures 12 thru 15.

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Frank Tramontozzi, PE
Wing C. Wong, PE
Green International Affiliates, Inc.

May 15, 2014

List of References Related to Traffic Forecast Research

1. Gaming Casino Traffic, by Paul C. Box and William Bunte, ITE Journal, March 1998
2. Trip Generation Characteristics of Small to Medium Sized Casinos, by Michael Trueblood and Tara Gude, presented at the ITE 2001 Annual Meeting & Exhibit
3. Recalibration of Trip General Model for Las Vegas Hotel/Casinos, by Curtis D. Roe, Mohamed S. Kaseko, and Kenneth W. Ackeret, ITE Journal, May 2002
4. Transportation Impact Study for 400 North Broad, Tower Entertainment, LLC, City of Philadelphia, prepared by Traffic Planning and Design, Inc., November 7, 2012
5. Transportation Impact Study for Hollywood Casino – Philadelphia, prepared by Pennoni Associates, Inc., revised February 1, 2013
6. Mega Casino Transport Analysis, prepared by Erin Toop, Jason Zhou, and Hou Ding (all University of Toronto), December 23, 2012
7. Traffic Impact Study – Baltimore Casino, prepared by Whitman, Requardt & Associates, LLP and RJM Engineering, Inc., February 2013
8. Traffic Impact and Access Study – Foxwoods Resort Casino – Milford, MA, prepared by Tetra Tech, July 9, 2013



Figure 1 – Regional Area Map



Figure 2 – Site Locus Map

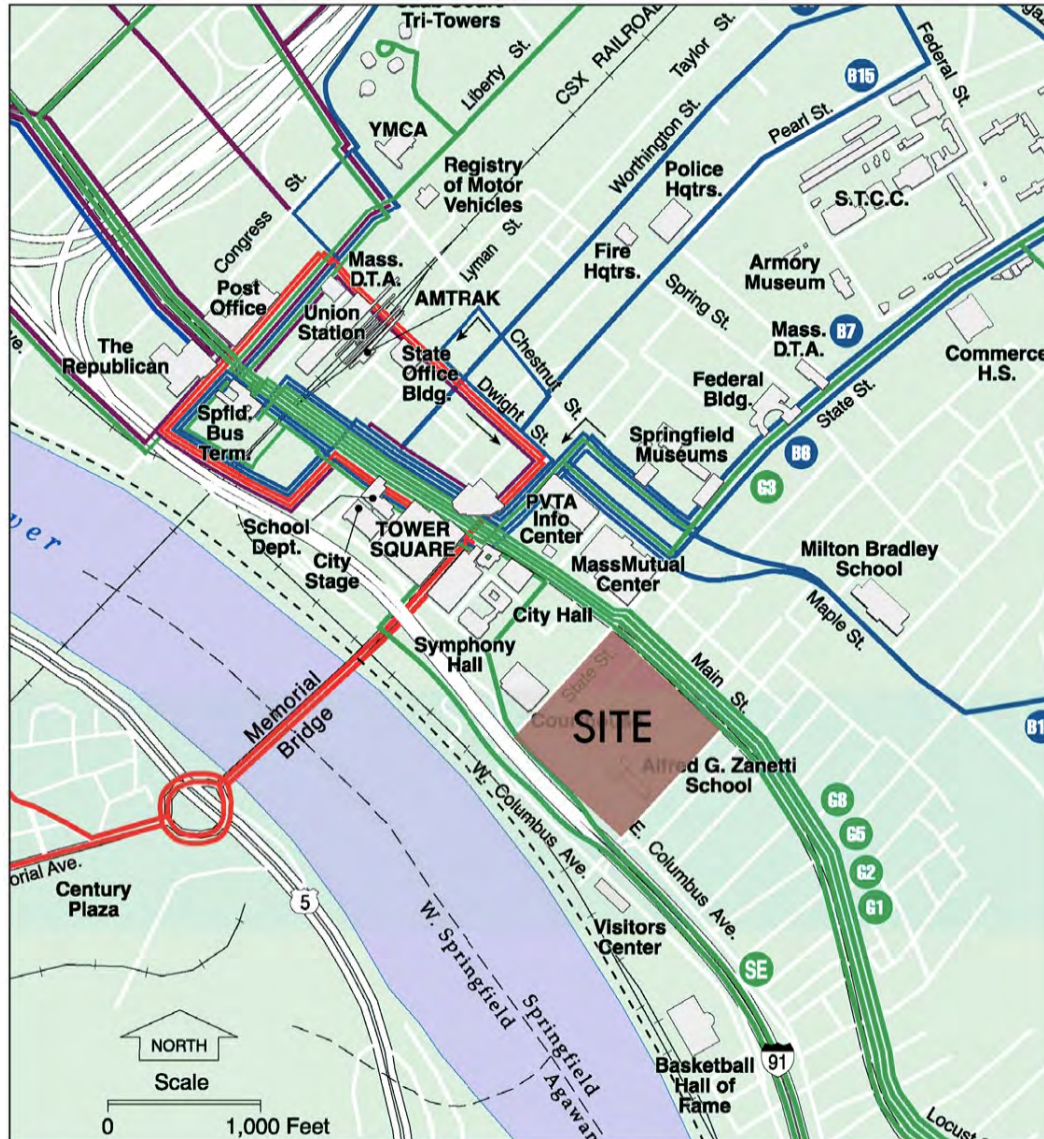


Figure 3 – Existing Pioneer Valley Transit Authority System Map



Figure 4 – Study Area

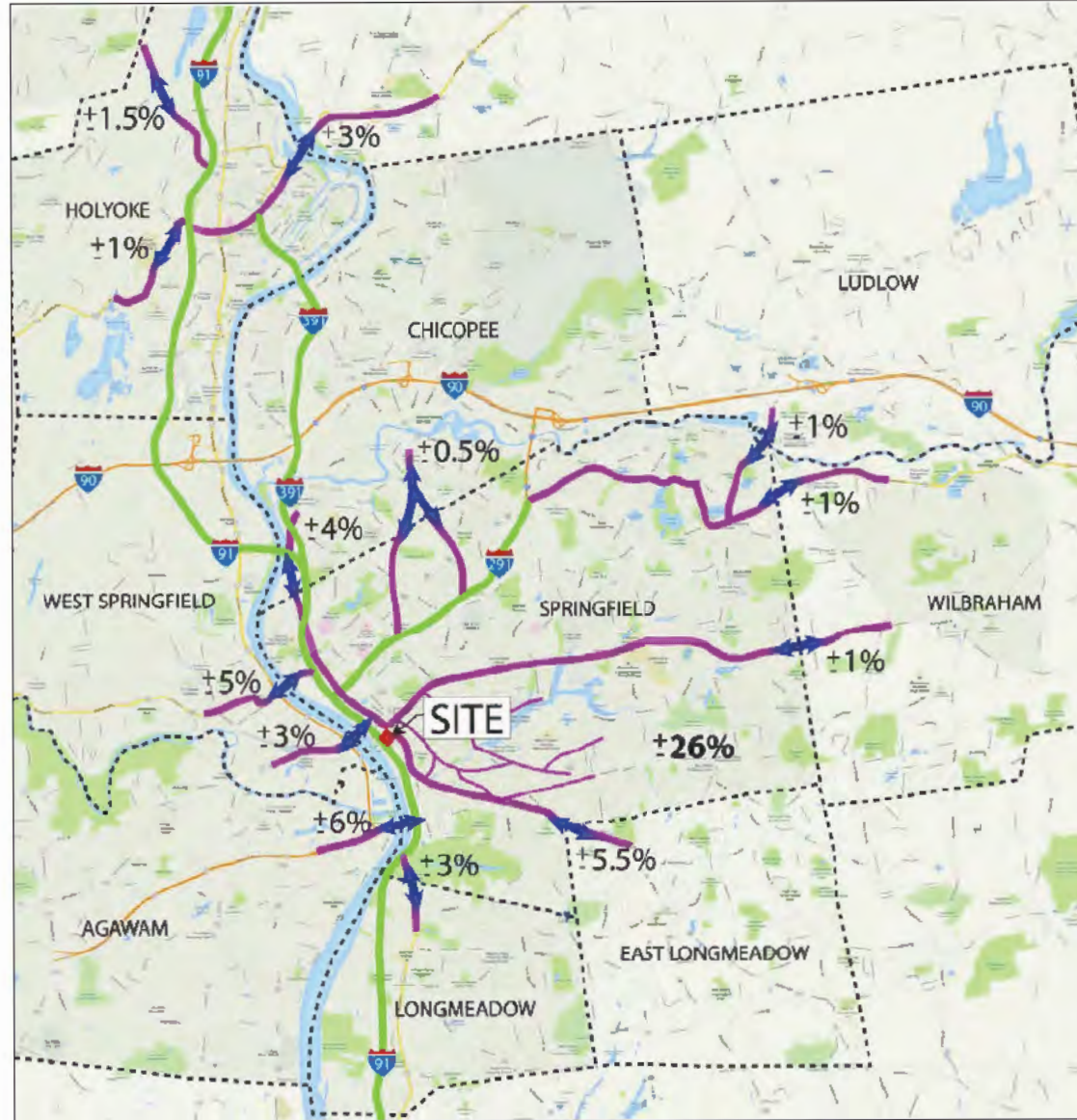


Figure 5 – Trip Distribution Map - Surface Roads

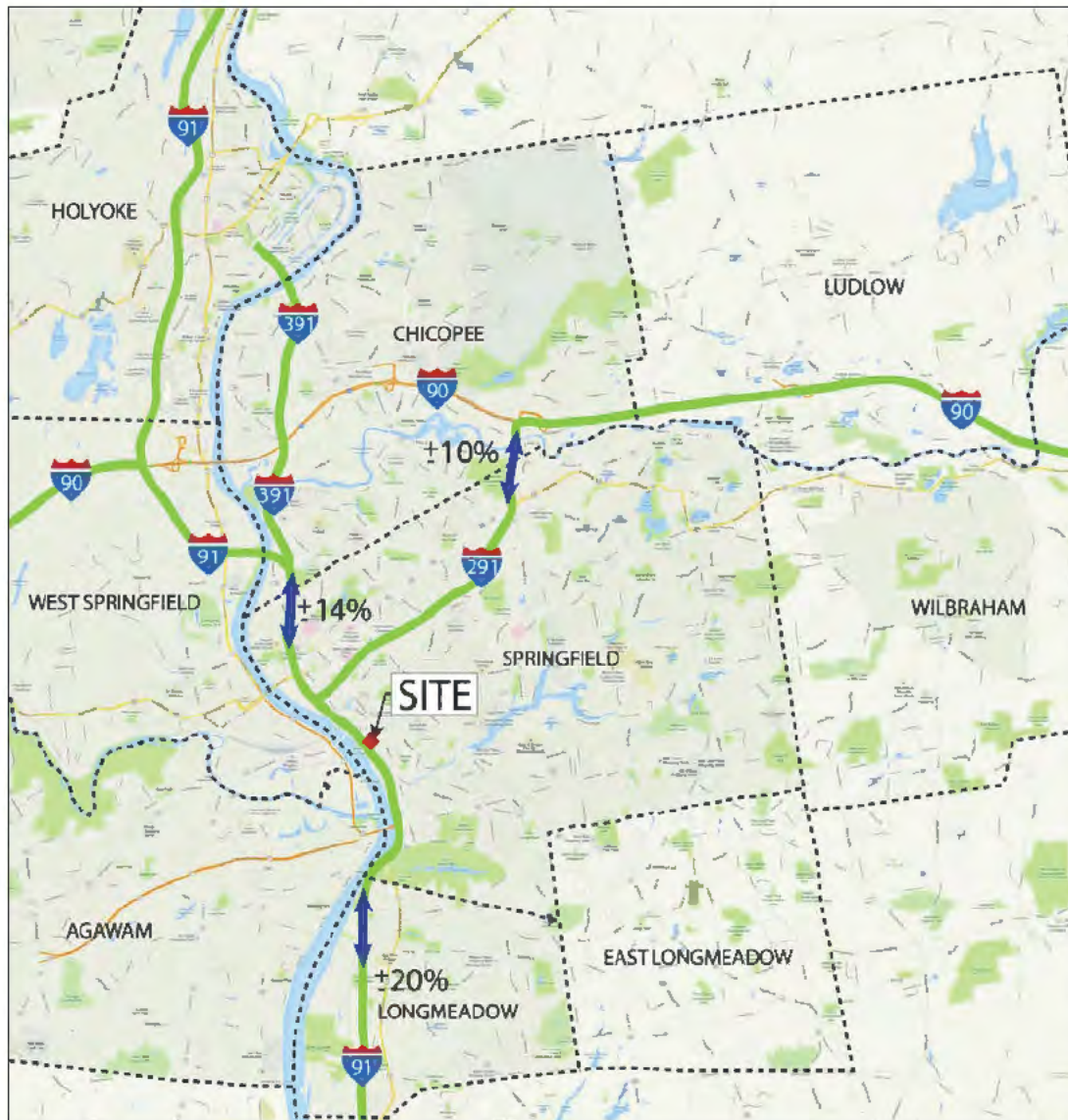


Figure 6 – Trip Distribution Map – Freeway Corridor

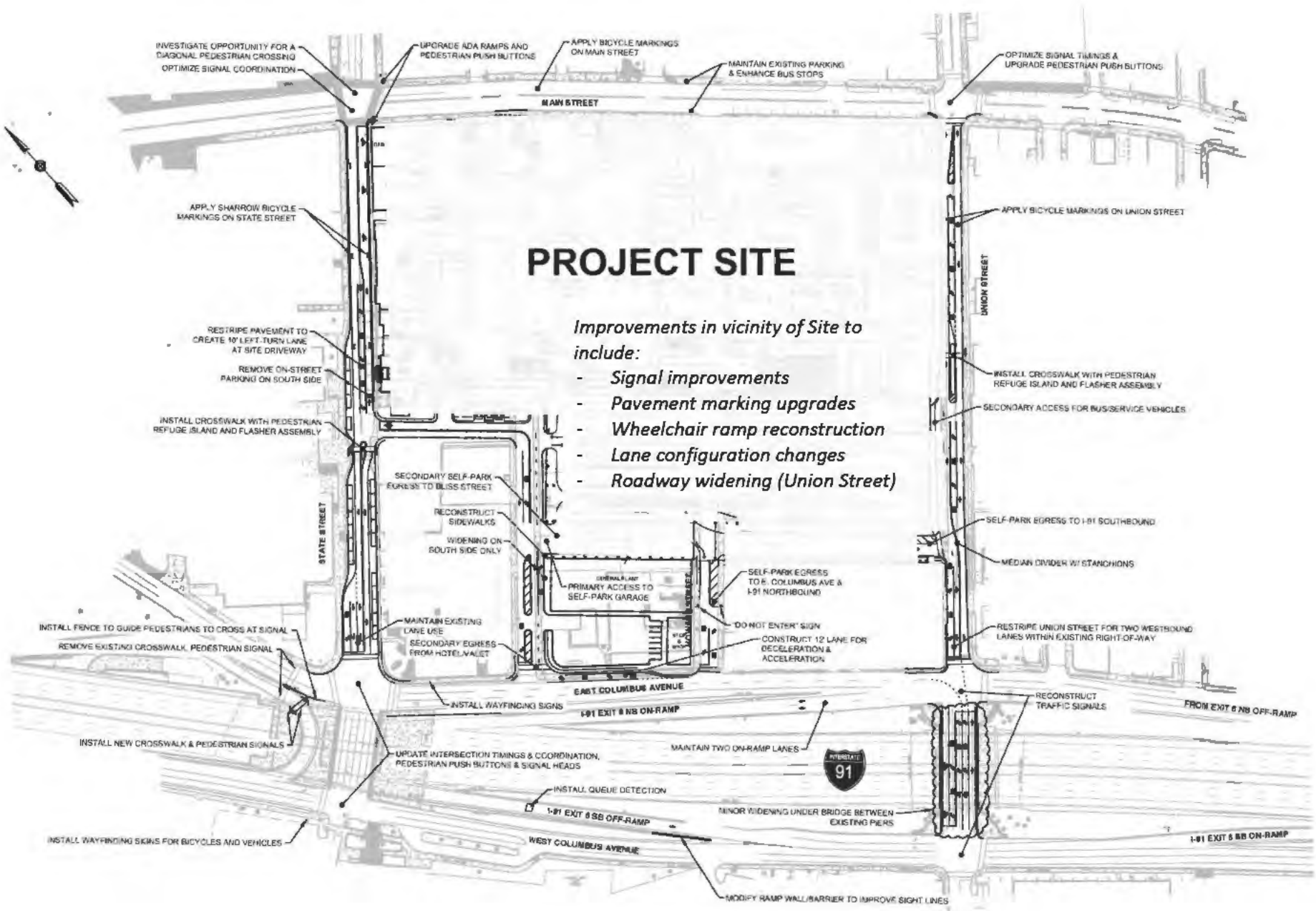


Figure 7 – Mitigation Measure Examples



Figure 8 – Mitigation Measure Examples – North End Rotary – Proposed Pavement markings and Signage



Figure 9 – Traffic Flow – Patron and Employee Car Access



Figure 10 – Traffic Flow – Bus and Delivery Truck Access



Figure 11 – Aerial View of Existing Parking Availability

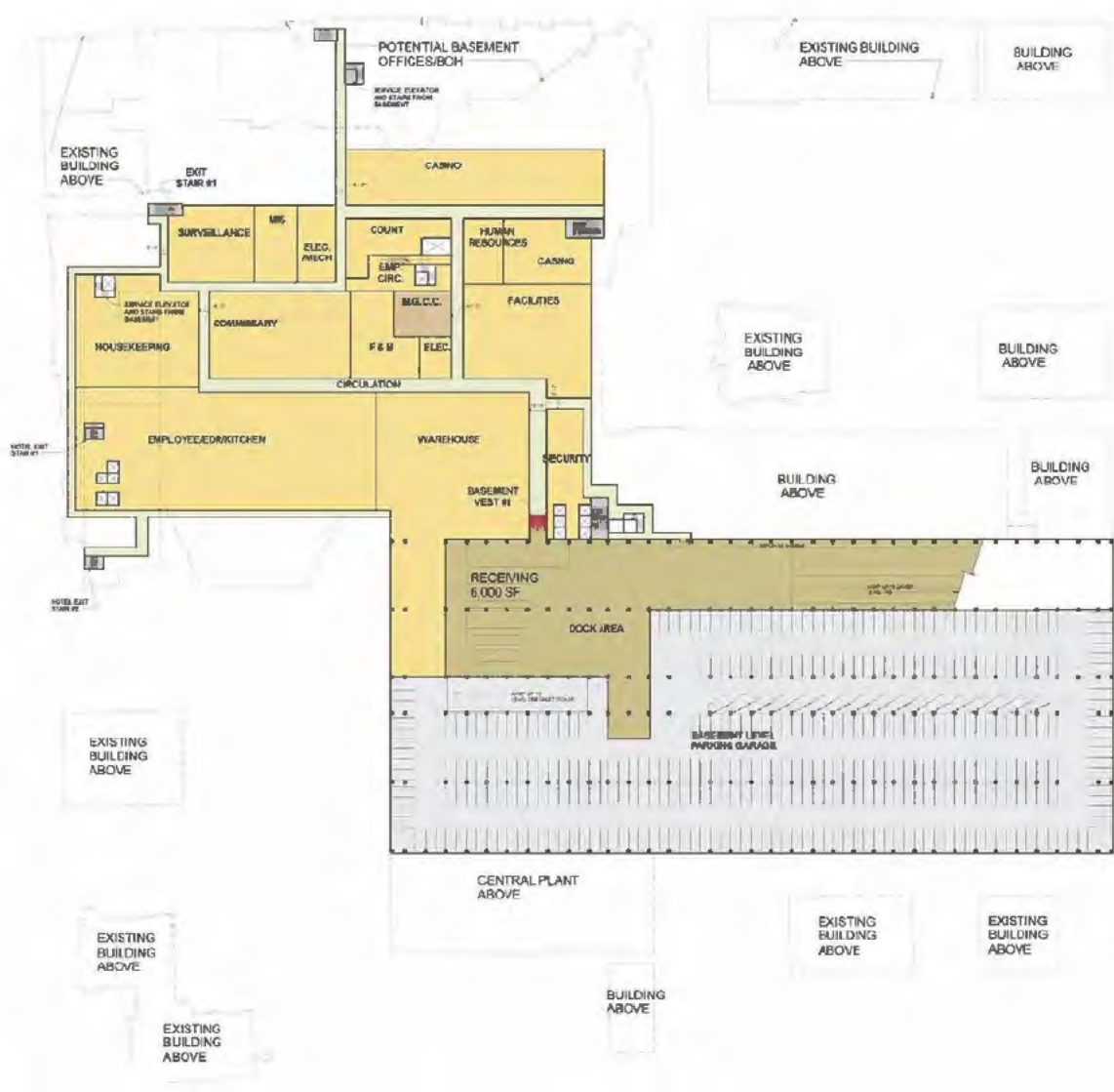


Figure 12 – Floor Plan – Basement Level



Figure 13 – Floor Plan – Level 1

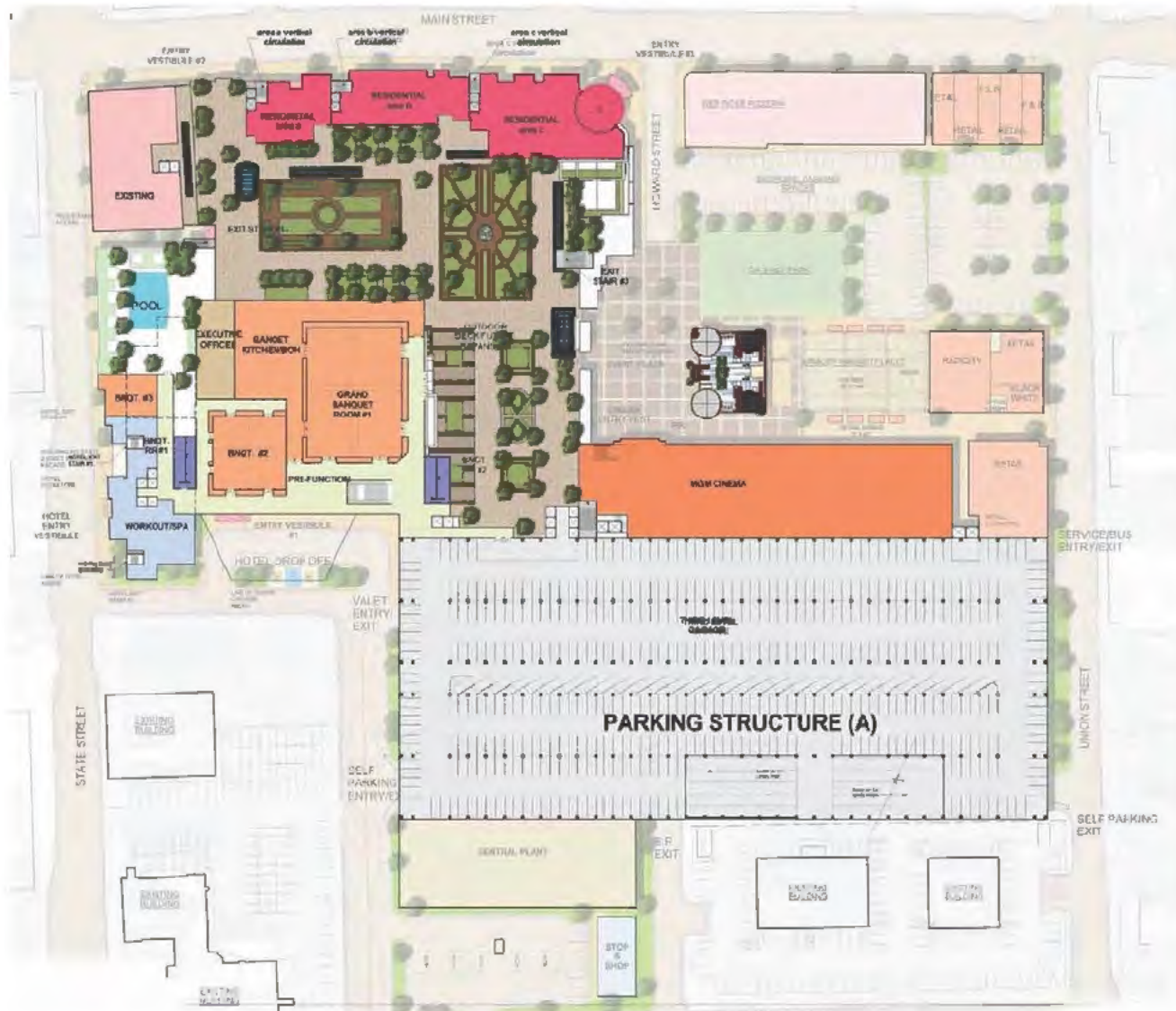
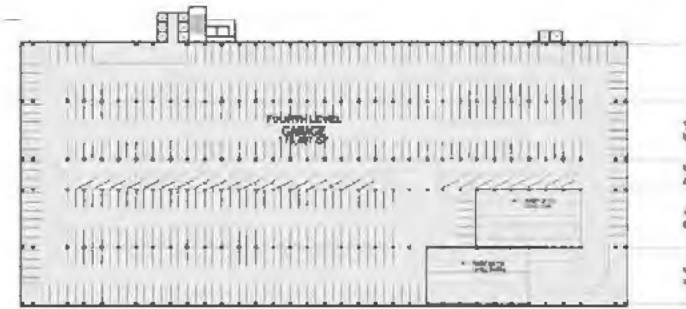


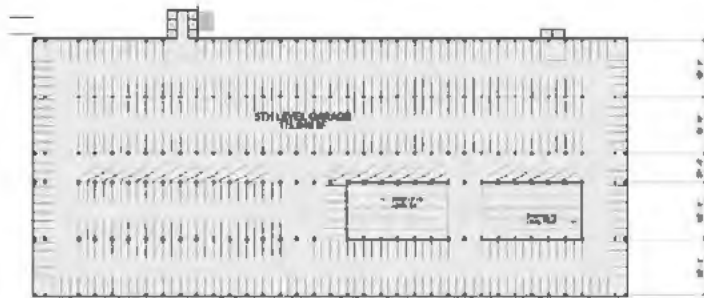
Figure 14 – Floor Plan – Level 2



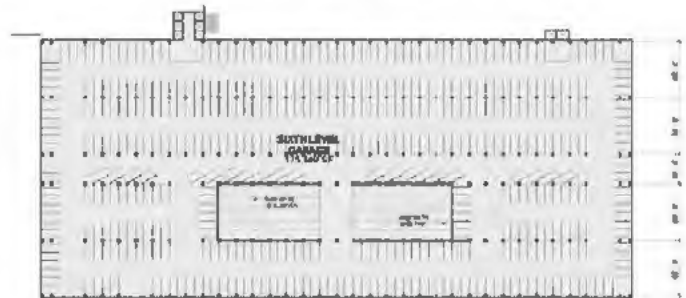
3RD LEVEL
491 SPACES



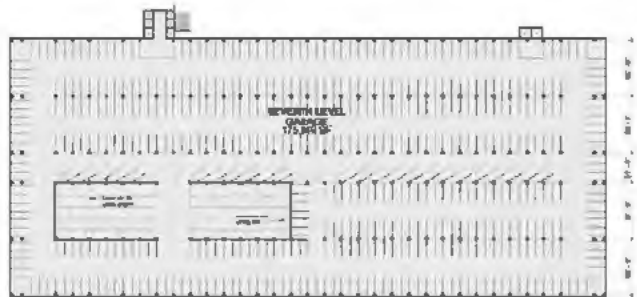
4TH LEVEL
484 SPACES



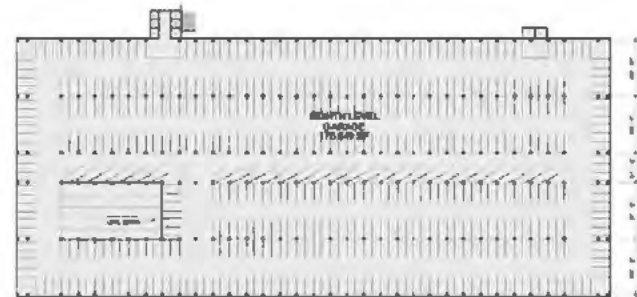
5TH LEVEL
476 SPACES



6TH LEVEL
484 SPACES



7TH LEVEL
491 SPACES



8TH LEVEL
524 SPACES

Figure 15 – Floor Plan – Levels 3-8

Energy and Sustainable Design Review

Overview

This discussion reviews how the Applicant proposes to advance certain objectives related to energy and sustainable design in MGL c.23K, §18 (8) based on their responses to Questions 4-37 LEED Certification; 4-39 Stretch Energy Code; 4-46 On-Site Energy Generation, 4-47 Off-Site Renewable Energy, and 4-54 Sustainable Building Construction¹. The questions and responses specifically relate to three sustainable development principles out of eight listed in MGL c.23K, §18 (8):

- (i) Being certified as LEED gold or higher,
- (ii) Meeting or exceeding the stretch energy code, and
- (vi) Procuring or generating on-site 10% of its annual electricity consumption from renewable sources.

These three objectives are singled out here for discussion because they establish specific quantifiable targets for applicants to receive a license, and also due to their complexity in comparison with the other five energy and sustainable design objectives. This memo addresses LEED, the “Stretch Code,” and renewable energy in the context of the Category 1 casino license applications and provides background for the analysis of questions considered under Criteria 4, Utilize Sustainable Development Principles in Construction and Life Cycle of Facility.

The objectives and the Applicant’s responses can be summarized as follows:

- LEED: The gaming legislation requires applicants to be certifiable under the USGBC LEED Rating system at the

¹ Listed under Category 4, Criteria 4, Utilize Sustainable Development Principles in the Construction and During the Life Cycle of the Facility.

Energy and Sustainable Design Review

Gold level of 60 points or at a higher level. MGM Springfield has committed to achieve this standard, and has further committed to pursue certification of the project at Certified Gold or higher level from the USGBC.

- Stretch Code: The Massachusetts Stretch Energy code requires large projects in communities that have adopted the Stretch Code to demonstrate they are designed to use 20% less energy than the current base code standard. The City of Springfield has adopted the Stretch Code, and MGM Springfield has committed to meet or exceed the current stretch code requirements.
- Renewable Energy: Applicants are required to generate renewable energy on-site or procure contracts for renewable energy generated off-site for at least 10% of their annual electric consumption. MGM Springfield has committed to this goal, and has proposed to install an on-site rooftop photovoltaic array to generate as much electricity as is feasible under the site constraints, and enter into contracts to purchase renewable power for the remaining portion of the 10% of their energy consumption.

Each of these objectives are discussed in more detail below, with background discussion on the standards and review of the Applicant’s response.

Commonwealth of Massachusetts Context

Among its sustainable development principles, the enabling legislation explicitly includes LEED Gold certification and Massachusetts Stretch Code requirements among the factors the Commission must consider. For context, Massachusetts Executive Order 484 signed in 2009 established the “Leading by Example” program, which targets a 35% reduction in overall energy consumption by state-owned buildings by Fiscal Year 2030, and a 40% reduction in greenhouse gas emissions. Additional requirements

of the program include: procuring renewably sourced electricity, incorporating bio-based fuels for oil burning applications, and reducing potable water use.

Under E.O. 484 significant projects designed for use by a public entity must meet a “LEED Plus” standard which includes: LEED certification (at the baseline “certified” level), plus improved energy performance of 20% from baseline code requirements, commissioning of the building systems, and smart growth criteria established by the Commonwealth.

The portion of the gaming legislation relating energy and sustainability reads as follows:

Chapter 23K of the Massachusetts General Laws Amended through Chapter 96 of the Acts of 2012 & Chapter 194 of the Acts of 2011 - Section 18

In determining whether an applicant shall receive a gaming license, the commission shall evaluate and issue a statement of findings of how each applicant proposes to advance the following objectives:

...(8) utilizing sustainable development principles including, but not limited to: (i) being certified as gold or higher under the appropriate certification category in the Leadership in Environmental and Energy Design program created by the United States Green Building Council; (ii) meeting or exceeding the stretch energy code requirements contained in Appendix 120AA of the Massachusetts building energy code or equivalent commitment to advanced energy efficiency as determined by the secretary of energy and environmental affairs; (iii) efforts to mitigate vehicle trips; (iv) efforts to conserve water and manage storm water; (v) demonstrating that electrical and HVAC equipment and appliances will be Energy Star labeled where available; (vi) procuring or generating on-site 10 per cent of its annual

electricity consumption from renewable sources qualified by the department of energy resources under section 11F of chapter 25A; and (vii) developing an ongoing plan to sub-meter and monitor all major sources of energy consumption and undertake regular efforts to maintain and improve energy efficiency of buildings in their systems...

LEED, the “Stretch Code,” and renewable energy are specified as quantifiable threshold objectives for applicants to receive a license. The discussion below provides context and overview of the standards to be met under the requirements of these three criteria.

LEED

The U.S. Green Building Council (USGBC) Leadership in Energy and Environmental Design Rating System (LEED) has become a widely accepted baseline for measuring sustainable building performance across the US (although many advocates of sustainable building design regard it as an imperfect measure of sustainability). The rating system establishes four levels of certification: Certified, Silver, Gold and Platinum, which are awarded to projects which have achieved the specified points after they undergo a technical review process by the USGBC at the completion of construction.

Many institutions, states, and federal government agencies, including the Commonwealth of Massachusetts, have mandated achieving some level of LEED certification for new construction projects in their jurisdiction. The Massachusetts Leading by Example program defined in EO 484, requires all projects overseen by DCAM and any other executive agency, or projects built for use by state agencies on state land, meet the Massachusetts “LEED Plus” standard which includes certification by the USGBC LEED program for projects over 20,000 square feet.

In Massachusetts, many leading private institutions require a LEED

Gold minimum standard for new construction. So while the standard set for the gaming license goes beyond State minimum requirements for public buildings, it is in line with targets of other forward-looking projects within the Commonwealth.

LEED Certified and LEED ‘Certifiable’

Pursuing LEED Gold certification requires a commitment from the whole project team to ensure that decisions are made throughout design, bidding, and construction with both the overall goal and the specific requirements in mind. A committed team establishes the goals early and maintains a commitment and focus throughout the project to ensure that the project achieves integration of building design, mechanical systems, and site design with environmentally sound construction practices.

In theory, pursuing LEED Gold certifiability should entail the same process, while saving the costs and time of the registration fees and documentation submittal needed to undergo USGBC review for certification. However, the ‘certifiable’ standard lacks the enforcement mechanism provided by a third party review. A project aiming for ‘certifiable’ status under a given standard can be seen to carry less weight of commitment than a project that has committed to certification and intends to undergo scrutiny by the USGBC under the formal LEED certification reviews.

There are now a diverse array of specialized versions of the LEED Rating system for different building types, and different phases in a project lifecycle. MGM Springfield addresses two of these rating systems: LEED for New Construction (LEED NC), and LEED for Existing Building Operations and Maintenance (LEED EBOM). MGM Springfield has included checklists with their response to a request for clarifications. The EBOM system evaluates the energy performance and building maintenance and operating practices for existing buildings regardless of their original design, and can guide decisions regarding ongoing retrofits during the life of the building.

This system can be applied to buildings certified under LEED NC once they are fully operational.

The LEED NC rating

The LEED New Construction Rating System (LEED NC) is based on achieving up to 110 possible total credit points across seven categories. The levels of certification are: Certified (40-49), Silver (50-59), Gold (60-79), and Platinum (80 and above).

The USGBC provides a summary checklist of the current LEED NC 2009 rating system. The checklist has three columns for each possible credit: YES, ?, and NO.

- The YES column includes items the project team is confident the project can achieve.
- The question mark column is for those credits that may be possible depending on the details of the design development, budget, and construction process.
- The NO column is checked for credits that are not applicable or not likely to be achieved based on the building’s siting and design.

A LEED Checklist prepared early in design provides an approach for the project to reach the targeted level. During design development and construction the checklists can serve as a guideline for the project team for specific project attributes that need to be met for the project. Certification at a given level of LEED is achieved only after documentation for all credits is submitted to the USGBC, and attainment of each credit has been reviewed and verified by the USGBC. The number of verified credits will determine the level of certification. Some credits in the YES column from the initial checklist may be lost, and some credits in the ? column may become possible to achieve based on availability of materials, final configuration of building systems, and the way in which the construction is bid, negotiated, and carried out. It is important to identify sufficient credits above the

minimum for any given certification level so that the project can achieve its goals even with some attrition.

MGM Springfield LEED Response

As noted in the overview, the commission shall evaluate how each applicant proposes to advance the objective of being certified as gold or higher under the appropriate certification category of LEED. Question 4-37 asks the applicant to describe plans for becoming certifiable at the gold or higher level of LEED. MGM Springfield has responded by stating a commitment to being certified at LEED NC 2009 Gold or better and by providing preliminary LEED 2009 checklists, accompanied by discussion or explanation of their approach to using the LEED rating system to achieve a measurably sustainable building.

MGM Springfield has distinguished itself by committing to achieving GOLD certification under LEED NC. This distinction is significant because the rigor of submitting documentation for USGBC review to achieve the targeted rating provides a lever that acts throughout the decision making process to shift outcomes towards attaining the targeted credit goals. A LEED checklist completed with the intent to achieve certification requires diligence in assessing the feasibility of each credit listed, as the selected credits must be achieved or replaced with additional credits to meet the targeted status.

In their LEED NC 2009 Checklist, submitted with the materials submitted in the request for clarifications process in March 2014, MGM Springfield has identified sixty-three credits to be achieved, three points above the LEED Gold threshold. An additional twenty-five possible credits are targeted, for a total of eighty-eight possible credits, or eight points above LEED Platinum threshold. The Question 4-37 response includes a narrative of their strategy for each category of credits, specifically discussing about thirty credits. The credits are distributed in all categories, with emphasis on

Sustainable Sites, Water Efficiency, and Indoor Environmental Quality. The credits identified are generally consistent with the design intent described in the application documents. The Energy and Atmosphere category credits targeted align with the goals set for improved energy performance under the gaming legislation, and the Applicant has taken a conservative approach to the feasibility of on-site renewable energy, reflecting that their solar photovoltaic system is still in early design. The regional priority credits the Applicant has targeted are consistent with credits available, and consistent with credits targeted elsewhere on the list. The Applicant has noted that the credits are subject to changes, reflecting that the design is still in early stages of development, but they have identified an ample number of possible credits, giving credibility to the goal of achieving Gold certification from the USGBC.

In addition to LEED checklists for the Casino overall, the Applicant has provided separate LEED NC and LEED EBOM (Existing Building Operations and Maintenance) checklists for the daycare building. The daycare is located on a separate site and represents a tiny fraction of the project. The Applicant proposes to set a separate goal of Net Zero energy consumption for this portion of the project and have created a separate checklist. This is an admirable working goal, but because it is such a small portion of the project and still in very preliminary stages of design, it was deemed of minor importance in evaluating the project as a whole regarding LEED Certifiability.

Massachusetts “Stretch” Code

The Massachusetts “Stretch” Energy Code is an appendix to the Massachusetts State Building Code, Eighth Edition (780 CMR Appendix 115.AA), which was adopted by the Board of Building Regulations and Standards in May 2009 as an option for towns and cities interested in more energy efficient building standards than the “base” energy code. The Stretch Code amends the MA base energy

code (which is based on the International Energy Conservation Code: IECC 2009) to achieve approximately a 20% improvement in building energy performance from an established baseline. The baseline for IECC 2009 for commercial buildings is the American Society of Heating, Refrigerating & Air-Conditioning Engineers Standard 90.1-2007, commonly known as ASHRAE 90.1-2007). For large commercial buildings, over 100,000 SF, such as the proposed casinos, the code requires a 20% reduction in predicted energy use (calculated using accepted energy modeling software) below the baseline established by ASHRAE 90.1-2007. The method and standard is the same as used for documenting energy credits under the USGBC's LEED program.

Stretch Code Changes

In accordance with the statutory requirements of the Green Communities Act of 2008, Massachusetts has adopted a new baseline energy code for commercial buildings based on 2012 IECC and ASHRAE 90.1 2010, which will take effect starting July 2014, and which will be estimated to raise the baseline for energy performance of new buildings in the Commonwealth by close to 20%. A new "Stretch Code" has not yet been proposed or enacted, although it is anticipated that a new code will be put in place requiring a 15% improvement in energy performance over the new base code, or about 35% improvement from the current ASHRAE 90.1 2007 baseline.

Energy savings are generally achieved through improved design and construction of the building envelope and efficient electrical, heating, cooling, and ventilation systems.

MGM Springfield Stretch Code Response

The City of Springfield adopted the Stretch Code, effective 1/1/2011. The Applicant states their commitment to meet the Stretch Code, and further states that a 20%-30% improvement over ASHRAE 90.1 -2007 is standard corporate requirement for MGM

Resorts development projects. In the submitted DEIR Stretch Energy Code analysis, the Applicant acknowledges the pending changes to the baseline and Stretch Code. They state that they will review all portions of the project completed after the new code for compliance with the revised Stretch Code requirements once it is finalized, but only commit to compliance with the code in effect at the time the building permit is filed. Calculations using the eQuest calculator (from the U.S. Department of Energy) show a slightly better than 22% improvement in energy performance over the ASHRAE 90.1 2007 base model, consistent with meeting the Stretch Code in effect today.

Renewable Energy Sources

The Commonwealth's plan for greenhouse gas emissions (GGE) limits includes encouraging renewable sources of energy in the sectors of buildings and transportation (G.L. Chapter 21N). The Commonwealth has enacted legislation and programs to encourage both on-site generation of electricity and a market for renewable energy purchase and generation by utilities.

On-site generation of electricity from renewable sources reduces the greenhouse gas emissions of the project, and also helps reduce the need for additional power plant generation. Purchasing renewable energy from utilities or purchasing Renewable Energy Certificates (RECs) builds a stable market for renewable sources of energy generation, especially if done through long-term contracts (contracts with a duration of 10-20 years).

The Massachusetts Department of Energy Resources has created the market for Massachusetts Renewable Energy Certificates in order to encourage the regional production of energy from renewable sources. RECs created from solar energy sources are called SRECs, but there are multiple certified renewable energy sources as defined by DOER under state law. RECs are created

when a certified renewable source generates electricity. One REC is issued for each megawatt-hour (MWh) of renewable electricity produced, and the certificate represents the renewable attributes of the electricity. These RECs can then be sold in a REC market transferring the renewable attributes to the purchaser, who may use them for credits against their production or use of non-renewable electricity. When the REC is created the renewable attributes are split from the electricity, and the electricity, if sold, is no longer counted as renewable.

In Massachusetts, the gaming legislation requires gaming facilities to procure or generate ten percent of annual electricity consumption from renewable sources qualified under section 11F of Chapter 25A. The qualified sources are defined as Class I or Class II sources, based on when they began generating electric power. State law defines a broad array of qualifying sources of renewable energy. For on-site generation, the most commonly used sources are solar photovoltaic (PV), solar thermal, and wind. Ground source heat pumps, commonly referred to as geothermal, are also widely used in the region. Off-site generation includes additional options that can be utilized by larger utilities. Off-site renewable energy can be purchased through contracts for energy services, or by purchasing RECs. Per Chapter 25A, Section 11F, Class 1 renewable energy generating sources are those which began generating energy on or after January 1, 1998 from any of nine sources: (1) Solar photovoltaic or solar thermal electric energy, (2) wind energy, (3) ocean thermal, wave or tidal energy, (4) fuel cell utilizing renewable fuels, (5) landfill gas, (6) energy generated by new or increased capacity at hydro-electric facilities (with some restrictions), (7) low emission advanced biomass power conversion technologies using approved fuels, (8) marine or hydrokinetic energy, or, (9) geothermal energy. Class II sources began generating prior to January 1, 1998.

Questions 4-46, 4-47, and 4-57 relate to renewable energy generation and consumption by the proposed gaming facilities. These questions address on-site generation, purchase of off-site generated power through power contracts or purchasing renewable energy credits, and in question 4-57, directly address long-term contracts for wind, solar, or other renewables.

It is worth noting the relationship between the Applicant's renewable energy strategies, as described in its responses, and the LEED NC 2009 rating system requirements. There are two LEED credit categories related to renewable energy generation and procurement under the Energy and Atmosphere (EA) credit category:

EA Credit 2: On-Site Renewable Energy provides points for renewable energy generated on-site (1-7 points for 1% to 13% of energy costs in 2% increments).

EA Credit 6: Green Power, provides up to 2 points for purchasing certified renewable energy generated off-site, specifying minimum 2-year contracts to provide at least 35% of estimated building electricity use from renewable sources defined by Center for Resource Solutions' Green-e Energy product certification requirements.

Note that the LEED-based green power purchasing commitments for two-year contracts fall well short of the duration of the fifteen-year Category 1 gaming license, and well short of the long-term contracts of 10-20 years by state standards. Optimally, facilities would be making long-term commitments to purchase renewable energy throughout the duration of the contract.

MGM Springfield Renewable Energy Response

The Applicant commits to providing a total of 10% of electricity needs through combined on-site generation and purchases of RECs.

On-site Generation

The Applicant's response describes a process of evaluating a variety of renewable sources of energy for the project. The DEIR includes a narrative overview evaluating wind, geothermal heat pump, biogas, solar photovoltaic and solar-thermal options. This analysis identifies solar photo-voltaic as the most feasible renewable energy source, but notes that the urban site limits the open space available, with the only available option to be a roof-top system.

A preliminary study of the possible scope and capacity of the roof-top PV system was done, and is included with the applicants DEIR and attached to question response as 4-46-02. The outcome of the study is their proposal to generate up to 4% - 5% electric needs with a rooftop photovoltaic system (stated as up to 900MWh/year in the response to question 4-46) and then purchase REC's to reach 10% of project total annual electricity usage. (Total electricity needs for the project are estimated at 20,577 MWh/year, with an annual cost of \$2,845,815.) The rooftop plan layout provided in the study seems optimistic in the proposed quantity of panels that can be installed, with panels located close to the edges of the building and in areas that might be shaded. The applicant has acknowledged that further study is required.

On the LEED NC 2009 checklist for the casino, the Applicant has identified one point as possible for LEED NC E&A credit 2, On-site Renewable Energy, which requires 1% of electric use to be generated from renewable sources on-site. The variance between the 4-5% DEIR estimate and the 1% LEED estimate suggests that applicant is erring on the safe side in their estimate of on-site solar PV energy production for LEED credits. A system to meet 1% of costs should be achievable with the rooftop area available that is un-shaded; more detailed studies will be required to determine the maximum possible size of the roof-top system and they may achieve more than 1%.

In addition to the roof top solar array, the Applicant also notes plans to use ground-source heat pumps (GSHP) for the day-care building to reduce energy use (GSHP are an energy reduction strategy, not energy generation). This will have a very minimal impact on the energy use of the project as a whole, but is likely being considered to help achieve the stated goal of a net-zero day care building.

Solar thermal was studied and determined to be less productive than a photovoltaic system, given the plan for a central heating plant to provide efficient energy production and heat for domestic water heating loads. The Applicant does not plan to increase on-site generation to 25% of electricity from renewable sources at any time in the future, as discussed in the question 4-46, due to limited roof space and site limitations.

Off-site Renewable Energy

As noted above, the Applicant commits to purchasing RECs to achieve an overall minimum of 10% renewable energy of the project's electric use, when on-site and off-site sources are combined. Question 4-46 asks about plans to increase up to 25% the amount of electric energy use from renewable sources. The Applicant does not discuss procuring up to 25% from renewable sources in this response.

Another renewable energy proposal by the Applicant, unrelated to the long-term goal implicit in Question 4-46 for increasing renewable energy generation by the project to 25%, is the two points for LEED-NC E&A credit 6, Green Power, In the Applicant's LEED checklist. To achieve this credit the Applicant would need to enter into a minimum two-year contract for at least 35% of electric power use from off-site renewable energy sources. The LEED credit only requires a short-term contract and the Applicant makes no statement regarding longer term purchase agreements above the 10% stipulated by MGL c.23K, §18 (8).

Conclusion

The applicant has stated a commitment to meet both the letter and spirit of the sustainable development principles and requirements of MGL c.23K, legislation. Its application materials, in general, present a consistent approach to the design of the project to meet these goals. There are further possibilities for the project to exceed the minimum goals within the proposed framework of the design. For example, there are credits identified as possible in the LEED checklist which could be strengthened during the continuation of the design process (e.g., maximizing the size and effectiveness of the PV system with study of shading and orientation of the system, commitments to improve public transportation and low-emitting vehicles to bolster the sustainable sites credits, and including advanced lighting controls to save energy).

There are further opportunities that could be of benefit for the Applicant to consider. For example: partnerships with state and local utilities to leverage the waste energy capture to offset energy use beyond the project, or a partnership with a local company interested in starting a regional anaerobic digester by committing the food waste from the site as a reliable source of compost material. Pursuing such strategies could benefit the Applicant, the community, and the Commonwealth.

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May 15, 2014*

Permitting, Design, and Construction Schedule Review

Overview

Following is the evaluation of the Applicant's responses to the questions asked in Criteria 6, Permitting. The permit process in Massachusetts for a large project, like a Category 1 Casino, typically requires action on the local, state and federal levels. Permits on the local level, from towns or cities, are normally needed from the Zoning Board of Appeals (zoning issues), the Planning Board (site plan approval), the Conservation Commission (wetlands and storm water issues), and in cities like Springfield, the City Council. These permits can normally be processed independent of state and federal permits.

At the state level, Massachusetts has essentially a two-step permitting process. The first step is an environmental review under the Massachusetts Environmental Policy Act (MEPA). This process is triggered when certain thresholds are exceeded in specific subject matter areas, such as land disturbance, traffic, energy, water and sewer. The purpose of the review is to evaluate impacts and mitigation, obtain public and agency comments on the evaluation process, and build consensus on the level of mitigation required for the project.

The second step, after the MEPA process is complete, is for the individual state agencies to issue permits informed by the results of the MEPA process. The permits typically needed for the Casinos will be issued by MassDOT for roadway improvements and MassDEP for water and sewer infrastructure improvements and air emissions.

At the federal level, the permit process is normally not as extensive as at the local and state levels. The actions typically include Federal

Highway Administration (FHWA) approval for changes to Interstate highways and EPA general permits for storm water discharges.

Construction is not normally started before permits are obtained. However, an Applicant can, at their own risk, start construction on certain portions of the project that are not directly under permit review. This approach is not being aggressively pursued by the Applicant in Springfield.

Permitting, Design, and Construction Schedule Analysis

The following summarizes the permitting, design and construction schedule for the MGM Springfield Casino.

Permitting: Ongoing through September 2014

Design: Ongoing through June 2015

Construction: October 2014 through December 2016 (27 months)

The Applicant's critical permitting path is through completion of the state MEPA process (under the Executive Office of Energy and Environmental Affairs (EEA)) and subsequent state and local permits.

The Draft Environmental Impact Report (EIR) was filed in December 2013 before the Category 1 Application was submitted to the MGC on December 31, 2013 and the Certificate on the Draft EIR was issued by MEPA on February 7, 2014. The Certificate on the Draft EIR requires that the Final EIR include significant additional work in the following areas: Program Definition and Permitting, Transportation, Greenhouse Gas Emissions, Water and Wastewater, Historic Buildings and finally a clear definition of Mitigation Measures in each area.

Following completion of the MEPA process, expected no earlier than June 2014, state, local and federal permits can be filed and obtained as follows:

- The key state permits include those from DOT (traffic) and DEP (air and sewer). The treatment of historic buildings will need Massachusetts Historic Commission review and the project will be subject to the EPA Greenhouse gas emission policy.
- Springfield has already filed and revised (July 25, 2013) a permit with the Massachusetts Department of Housing and Community Development for an Urban Redevelopment Project.
- The key local permit is Site Plan Review by the Springfield City Council. However, the City has rezoned the site to accommodate the casino as currently planned as-of-right. If there are no significant variations or modifications then the Site Plan Review is pro forma.
- The only federal permit identified is a construction General Permit issues by EPA at least 14 days before construction starts.

If MEPA determines that the Final EIR is adequate and properly complies with the Massachusetts Environmental Act by the end of June, it is reasonable to expect that local, state and federal permitting can be obtained by the end of September 2014 (90 days). There are no complicated permitting issues that should delay the process. Local action by the City Council, if necessary, can begin prior to completing the MEPA process and could also be completed by the end of September 2014. This would allow construction to starting in October 2014. A 27 month construction period, as proposed by the Applicant, would give an opening date by the end of 2016. The 27 month construction period is reasonable.

Two factors could potentially delay a late 2016 opening. One would be protracted negotiations on the fate of the historic buildings on site. A second would be a delay in completing the permitting and beginning construction due to the uncertainty associated with a

potential November ballot referendum that could repeal gaming in Massachusetts. Delays due to these issues would likely be on the order of several months and no longer. There is also the possibility that the Applicant could make up these potential delays by shortening the 27 month construction and still have a late 2016 opening.

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May 21, 2014*

MGL c. 23K, §5, §9, and §18

Section 5: Regulations for the implementation, administration and enforcement of chapter

[Text of section added by 2011, 194, Sec. 16 effective November 22, 2011.]

Section 5. (a) The commission shall promulgate regulations for the implementation, administration and enforcement of this chapter including, without limitation, regulations that:

- (1) prescribe the method and form of application which an applicant for licensure shall follow and complete before consideration by the commission;
- (2) prescribe the information to be furnished by an applicant or licensee concerning an applicant or licensee's antecedents, habits, character, associates, criminal record, business activities and financial affairs, past or present;
- (3) prescribe the criteria for evaluation of the application for a gaming license including, with regard to the proposed gaming establishment, an evaluation of architectural design and concept excellence, integration of the establishment into its surroundings, potential access to multi-modal means of transportation, tourism appeal, level of capital investment committed, financial strength of the applicant and the applicant's financial plan;
- (4) prescribe the information to be furnished by a gaming licensee relating to the licensee's gaming employees;
- (5) require fingerprinting of an applicant for a gaming license, a gaming licensee and employees of a gaming licensee or other methods of identification;

(6) prescribe the manner and method of collection and payment of assessments and fees and issuance of licenses;

(7) prescribe grounds and procedures for the revocation or suspension of a license or registration;

(8) require quarterly financial reports and an annual audit prepared by a certified public accountant attesting to the financial condition of a gaming licensee and disclosing whether the accounts, records and control procedures examined are maintained by the gaming licensee as required by this chapter and the regulations promulgated by the commission;

(9) prescribe the minimum procedures for effective control over the internal fiscal affairs of a gaming licensee, including provisions for the safeguarding of assets and revenues, the recording of cash and evidence of indebtedness and the maintenance of reliable records, accounts and reports of transactions, operations and events, including reports by the commission;

(10) provide for a minimum uniform standard of accounting procedures;

(11) establish licensure and work permits for employees working at the gaming establishment and minimum training requirements; provided, however, that the commission may establish certification procedures for any training schools and the minimum requirements for reciprocal licensing for out-of-state gaming employees;

(12) require that all gaming establishment employees be properly trained in their respective professions;

(13) prescribe the conduct of junkets and conditions of junket agreements between gaming licensees and junket representatives;

(14) provide for the interim authorization of a gaming establishment under this chapter;

- (15) develop standards for monitoring and enforcing a gaming licensee's agreement with impacted live entertainment venues;
 - (16) establish procedures and ensure compliance with the timelines for making the capital investments required under this chapter;
 - (17) require the posting of payback statistics of slot machines played in a gaming establishment; and
 - (18) establish security procedures for ensuring the safety of minors on the premises of a gaming establishment.
- (b) The commission may, pursuant to section 2 of chapter 30A, promulgate, amend or repeal any regulation promulgated under this chapter as an emergency regulation if such regulation is necessary to protect the interests of the commonwealth in regulating a gaming establishment

Section 9: Application for gaming licenses

[Text of section added by 2011, 194, Sec. 16 effective November 22, 2011.]

Section 9. (a) The commission shall prescribe the form of the application for gaming licenses which shall require, but not be limited to:

- (1) the name of the applicant;
- (2) the mailing address and, if a corporation, the name of the state under the laws of which it is incorporated, the location of its principal place of business and the names and addresses of its directors and stockholders;
- (3) the identity of each person having a direct or indirect interest in the business and the nature of such interest; provided, however, that if the disclosed entity is a trust, the application shall disclose

the names and addresses of all beneficiaries; provided further, that if the disclosed entity is a partnership, the application shall disclose the names and addresses of all partners, both general and limited; and provided further, that if the disclosed entity is a limited liability company, the application shall disclose the names and addresses of all members;

(4) an independent audit report of all financial activities and interests including, but not limited to, the disclosure of all contributions, donations, loans or any other financial transactions to or from a gaming entity or operator in the past 5 years;

(5) clear and convincing evidence of financial stability including, but not limited to, bank references, business and personal income and disbursement schedules, tax returns and other reports filed by government agencies and business and personal accounting check records and ledgers;

(6) information and documentation to demonstrate that the applicant has sufficient business ability and experience to create the likelihood of establishing and maintaining a successful gaming establishment;

(7) a full description of the proposed internal controls and security systems for the proposed gaming establishment and any related facilities;

(8) an agreement that the applicant shall mitigate the potential negative public health consequences associated with gambling and the operation of a gaming establishment, including: (i) maintaining a smoke-free environment within the gaming establishment under section 22 of chapter 270; (ii) providing complimentary on-site space for an independent substance abuse and mental health counseling service to be selected by the commission; (iii) prominently displaying information on the signs of problem gambling and how to access assistance; (iv) describing a process for individuals to exclude their names and contact information from a

gaming licensee's database or any other list held by the gaming licensee for use in marketing or promotional communications; and (v) instituting other public health strategies as determined by the commission;

(9) the designs for the proposed gaming establishment, including the names and addresses of the architects, engineers and designers, and a timeline of construction that includes detailed stages of construction for the gaming establishment, non-gaming structures and racecourse, where applicable;

(10) the number of construction hours estimated to complete the work;

(11) a description of the ancillary entertainment services and amenities to be provided at the proposed gaming establishment; provided, however, that a gaming licensee shall only be permitted to build a live entertainment venue that has less than 1,000 seats or more than 3,500 seats;

(12) the number of employees to be employed at the proposed gaming establishment, including detailed information on the pay rate and benefits for employees;

(13) completed studies and reports as required by the commission, which shall include, but not be limited to, an examination of the proposed gaming establishment's: (i) economic benefits to the region and the commonwealth; (ii) local and regional social, environmental, traffic and infrastructure impacts; (iii) impact on the local and regional economy, including the impact on cultural institutions and on small businesses in the host community and surrounding communities; (iv) cost to the host community and surrounding communities and the commonwealth for the proposed gaming establishment to be located at the proposed location; and (v) the estimated municipal and state tax revenue to be generated by the gaming establishment; provided, however, that nothing contained in any such study or report shall preclude a municipality

from seeking funding approval pursuant to clause (7) of section 4 for professional services to examine or evaluate a cost, benefit or other impact;

(14) the names of proposed vendors of gaming equipment;

(15) the location of the proposed gaming establishment, which shall include the address, maps, book and page numbers from the appropriate registry of deeds, assessed value of the land at the time of application and ownership interests over the past 20 years, including all interests, options, agreements in property and demographic, geographic and environmental information and any other information requested by the commission;

(16) the type and number of games to be conducted at the proposed gaming establishment and the specific location of the games in the proposed gaming establishment;

(17) the number of hotels and rooms, restaurants and other amenities located at the proposed gaming establishment and how they measure in quality to other area hotels and amenities;

(18) whether the applicant's proposed gaming establishment is part of a regional or local economic plan; and

(19) whether the applicant purchased or intends to purchase publicly-owned land for the proposed gaming establishment.

(b) Applications for licenses shall be public records under section 10 of chapter 66; provided however, that trade secrets, competitively-sensitive or other proprietary information provided in the course of an application for a gaming license under this chapter, the disclosure of which would place the applicant at a competitive disadvantage, may be withheld from disclosure under chapter 66.

Section 18: Objectives to be advanced in determining granting of license; statement of findings

[Text of section added by 2011, 194, Sec. 16 effective November 22, 2011.]

Section 18. In determining whether an applicant shall receive a gaming license, the commission shall evaluate and issue a statement of findings of how each applicant proposes to advance the following objectives:

- (1) protecting the lottery from any adverse impacts due to expanded gaming including, but not limited to, developing cross-marketing strategies with the lottery and increasing ticket sales to out-of-state residents;
- (2) promoting local businesses in host and surrounding communities, including developing cross-marketing strategies with local restaurants, small businesses, hotels, retail outlets and impacted live entertainment venues;
- (3) realizing maximum capital investment exclusive of land acquisition and infrastructure improvements;
- (4) implementing a workforce development plan that utilizes the existing labor force, including the estimated number of construction jobs a proposed gaming establishment will generate, the development of workforce training programs that serve the unemployed and methods for accessing employment at the gaming establishment;
- (5) building a gaming establishment of high caliber with a variety of quality amenities to be included as part of the gaming establishment and operated in partnership with local hotels and dining, retail and entertainment facilities so that patrons experience the diversified regional tourism industry;

(6) taking additional measures to address problem gambling including, but not limited to, training of gaming employees to identify patrons exhibiting problems with gambling and prevention programs targeted toward vulnerable populations;

(7) providing a market analysis detailing the benefits of the site location of the gaming establishment and the estimated recapture rate of gaming-related spending by residents travelling to out-of-state gaming establishments;

(8) utilizing sustainable development principles including, but not limited to: (i) being certified as gold or higher under the appropriate certification category in the Leadership in Environmental and Energy Design program created by the United States Green Building Council; (ii) meeting or exceeding the stretch energy code requirements contained in Appendix 120AA of the Massachusetts building energy code or equivalent commitment to advanced energy efficiency as determined by the secretary of energy and environmental affairs; (iii) efforts to mitigate vehicle trips; (iv) efforts to conserve water and manage storm water; (v) demonstrating that electrical and HVAC equipment and appliances will be EnergyStar labeled where available; (vi) procuring or generating on-site 10 per cent of its annual electricity consumption from renewable sources qualified by the department of energy resources under section 11F of chapter 25A; and (vii) developing an ongoing plan to submeter and monitor all major sources of energy consumption and undertake regular efforts to maintain and improve energy efficiency of buildings in their systems;

(9) establishing, funding and maintaining human resource hiring and training practices that promote the development of a skilled and diverse workforce and access to promotion opportunities through a workforce training program that: (i) establishes transparent career paths with measurable criteria within the gaming establishment that lead to increased responsibility and higher pay grades that are designed to allow employees to pursue career advancement and

promotion; (ii) provides employee access to additional resources, such as tuition reimbursement or stipend policies, to enable employees to acquire the education or job training needed to advance career paths based on increased responsibility and pay grades; and (iii) establishes an on-site child day-care program;

(10) contracting with local business owners for the provision of goods and services to the gaming establishment, including developing plans designed to assist businesses in the commonwealth in identifying the needs for goods and services to the establishment;

(11) maximizing revenues received by the commonwealth;

(12) providing a high number of quality jobs in the gaming establishment;

(13) offering the highest and best value to create a secure and robust gaming market in the region and the commonwealth;

(14) mitigating potential impacts on host and surrounding communities which might result from the development or operation of the gaming establishment;

(15) purchasing, whenever possible, domestically manufactured slot machines for installation in the gaming establishment;

(16) implementing a marketing program that identifies specific goals, expressed as an overall program goal applicable to the total dollar amount of contracts, for the utilization of: (i) minority business enterprises, women business enterprises and veteran business enterprises to participate as contractors in the design of the gaming establishment; (ii) minority business enterprises, women business enterprises and veteran business enterprises to participate as contractors in the construction of the gaming establishment; and (iii) minority business enterprises, women business enterprises and veteran business enterprises to participate as vendors in the provision of goods and services procured by the

gaming establishment and any businesses operated as part of the gaming establishment;

(17) implementing a workforce development plan that: (i) incorporates an affirmative action program of equal opportunity by which the applicant guarantees to provide equal employment opportunities to all employees qualified for licensure in all employment categories, including persons with disabilities; (ii) utilizes the existing labor force in the commonwealth; (iii) estimates the number of construction jobs a gaming establishment will generate and provides for equal employment opportunities and which includes specific goals for the utilization of minorities, women and veterans on those construction jobs; (iv) identifies workforce training programs offered by the gaming establishment; and (v) identifies the methods for accessing employment at the gaming establishment;

(18) whether the applicant has a contract with organized labor, including hospitality services, and has the support of organized labor for its application, which specifies: (i) the number of employees to be employed at the gaming establishment, including detailed information on the pay rate and benefits for employees and contractors; (ii) the total amount of investment by the applicant in the gaming establishment and all infrastructure improvements related to the project; (iii) completed studies and reports as required by the commission, which shall include, but need not be limited to, an economic benefit study, both for the commonwealth and the region; and (iv) whether the applicant has included detailed plans for assuring labor harmony during all phases of the construction, reconstruction, renovation, development and operation of the gaming establishment; and

(19) gaining public support in the host and surrounding communities which may be demonstrated through public comment received by the commission or gaming applicant.