



HOUSING AND COMMUNITY DEVELOPMENT COMMITTEE

DATE: April 9, 2014 (Wednesday)
TIME: 5:30-7:30 p.m.
LOCATION: Room 209, Second Floor
Portland City Hall

A G E N D A

1. Review and accept Minutes of previous meeting held on March 26, 2014.
2. **Proposed Amendments to R-6/R-7 Zones** – Alex Jaegerman, Jeff Levine
Review, Discussion and Referral to Planning Board
3. **Review of Draft RFP for City-Owned Lot on Munjoy Street** – Mary Davis
Review and Discussion
4. **2014 HCDC Work Plan** – Mary Davis, Jeff Levine, Greg Mitchell
Review and Discussion

Public Comment will be accepted on action items.

Next Meeting: April 23, 2014

Councilor Kevin Donoghue, Chair



Housing & Community Development Committee

March 26, 2014

A meeting of Portland City Council's Housing and Community Development Committee (HCDC) was held on Wednesday, March 26, 2014 at 5:30 p.m. in Room 209 on the second floor of Portland City Hall. Present from the HCDC was its Chair Councilor Kevin Donoghue, and member Councilors John Coyne, Jon Hinck, and Nicholas Mavodones. Councilor David Marshall was also present for part of the meeting. City staff present included Housing & Community Development Division Director Mary Davis, Planning and Urban Development Director Jeff Levine, Economic Development Director Greg Mitchell, Planning Division Director Alex Jaegerman, Urban Designer Caitlin Cameron, Housing & Community Development Program Manager Amy Grommes Pulaski, and Housing & Community Development Office Assistant Maeve Pistrang.

Item 1: Review and accept Minutes from previous meeting held on March 12, 2014

On motion made and seconded, the Committee voted unanimously to accept the minutes as published.

Item 2: The PACE Center Project in Bayside

Tom Blackburn, Creative Space consultant and project manager of the PACE proposal presented about the PACE center and its creative team. Mr. Blackburn explained that the project is an initiative of Creative Portland, and proposes creating an "arts & technology center" in partnership with MECA, USM, and SMCC. The center would be a "maker space" providing shared equipment and academic programming for artists. Mr. Blackburn described the project as an economic development tool providing opportunities to expand the labor force.

He explained that the project team has been determining the need for such a space and then seeking out an appropriate location. They have identified the General Store and Traffic Operations building that currently houses City of Portland Public Services as a possibility since Public Services are moving to Canco Road. He asked the Committee to consider holding off on disposing of the property until this project could go forward. Mr. Blackburn described the PACE project as part of Bayside's revitalization.

Councilor Mavodones commented that he appreciated the presentation and has a good sense of the project. Councilor Donoghue asked about the Hanover Street property which will be vacated sooner, and if the project had considered that property. Mr. Blackburn said they had identified those two buildings because they envision the project as having one space for clean, higher tech equipment, e.g. 3D printers, while the larger building would be good for metal working and wood working, etc. Councilor Coyne asked if other communities similar to Portland have done these kinds of projects. Mr. Blackburn responded that PACE is modeled after Somerville, Massachusetts' Artisan's Asylum, which has been in operation for 5 years, over which time it has expanded and helped incubate 50 startups. He also cited the Biddeford Engine Room and the Open Bench project proposed for Thompson's Point.

Councilor Donoghue commented that USM is identified as one of the lead agencies, yet they are currently facing budget cutbacks. He asked how that might impact their involvement. Mr. Blackburn responded that the PACE project fits USM's vision of becoming a metropolitan university and focusing on incubators, internships, and engagement with the business community, as they reevaluate their needs and offerings. Councilor Marshall asked whether they were considering any housing as part of this project. Mr. Blackburn responded that no housing was planned as part of this phase of the project, but could be incorporated later.

Councilor Donoghue clarified that since there was no action on this item, the Committee would not take public comment, and that they would not go into Executive Session at this time to discuss City property as indicated on the agenda.

Item 3: Proposed Amendments to the B2 Zones

Mr. Levine presented proposed amendments to the B2 zones that would promote housing production, which is a council priority. The primary changes proposed are under what conditions and what densities housing is allowed. Currently, density in the B2 zone is determined by that of the nearest residential zone, which tend to be low. If there are commercial uses on the ground floor, housing on upper stories can have a higher density. However this incentive has not resulted in higher density housing as developers have struggled to fill commercial spaces, and are thus reluctant to create them. As a result, the goal of having an active ground floor and street front has not been realized with surface parking lots in front of buildings also hindering that goal.

The proposed alternative is a requirement to not have ground floor parking within 25 feet of the street in order to promote active streetscapes, and a reduction of the square feet per unit requirement from 1,000 to 435, which is consistent with the R-7 zone. Staff also made revisions to the formatting of the ordinance, using tables and charts instead of prose.

Councilor Hinck commented that the proposed amendments were significant changes. Councilor Donoghue commented that the current density bonus mechanism is not enticing developers to create commercial space, so these changes are taking a form based approach, instead of a use based approach. Councilor Mavodones asked where the B2 zones are located. Mr. Jaegerman said they are primarily on Forest Avenue, Washington Avenue, and other arterials; on the peninsula there is also B2 zoning on west Congress Street. Councilor Donoghue

said he is concerned that B2 zones still have large parking requirements off the peninsula. Mr. Levine and the Committee discussed parking requirements, the Planning Board's role in requirements, and car ownership statistics in the City.

Steven Scharf, 250 High Street – Mr. Scharf said he supports the idea of improving zoning but questioned whether the changes would have any impact on vacant lots and whether it would propel development. He also supported using more charts and simplifying the ordinance. He also asked why there was no B2a zone.

Peter Bass, Waterville Street – Mr. Bass commented that there are great opportunities for more dense residential development along arterials, especially since it's getting too expensive on the peninsula. He also agreed that new zoning should address parking requirements and suggested they be the same as on the peninsula.

Councilor Donoghue closed public comment. Mr. Levine addressed some of the questions raised in public comment. He said he sees lots of potential along corridors for housing development and that these proposed changes are a first step of a work in progress, and as other limits to development are identified, they will be addressed as well. Mr. Jaegerman discussed the history of the B2 zones, and that B2b has been a useful construct, because it differentiates between arterials and off peninsula streets. However, the B2c was established as a result of a nuisance issue to exclude bars from certain areas, and could be rethought.

Councilor Mavodones asked whether, process wise, things usually go to Planning Board from Committees. Councilor Donoghue said they have previously. Councilor Marshall commented that the one to one parking to unit ratio is a worthy recommendation and that he likes the use of tables in the zoning ordinance, and would like to see it for all districts to be more

easily understood. Councilor Hinck suggested incorporating parking recommendations into the amendments the Committee would refer to the Planning Board. Councilor Donoghue articulated that the Committee would recommend harmonizing all B2 zones with peninsula parking requirements.

On motion made and seconded, the Committee voted unanimously to refer staff recommendations to the Planning Board with an additional recommendation that B2 zone parking requirements for housing off the peninsula be the same as B2 parking requirements on the peninsula.

Item 7: CDBG Funding Recommendations

Ms. Davis and Ms. Grommes Pulaski presented updated budget information for HUD programs to the Committee. The CDBG allocation was reduced, resulting in a reduction of funds across all categories. The City manager recommended reducing the individual allocations for Big Belly Solar Waste Compactors and from Healthcare for the Homeless as a result. There was an increase in the expected HOME budget of about \$47,000, \$18,000 of which would go to the Cumberland County HOME Consortium.

Councilor Donoghue asked whether the cut in CDBG was also being absorbed by the Employment Development set aside. Staff responded that it would not. Councilor Donoghue also asked if there was more than one applicant for the Employment Development program, and Ms. Grommes Pulaski explained that there were 2 applications from one organization, that included partnerships with other organizations. Councilor Donoghue asked whether funds could be shifted from the Employment Development set aside back to the normal pot of funds. Ms. Grommes Pulaski responded that since the set aside is the result of a council order, it can also be changed

by a council order. Ms. Davis further clarified that moving funds would not impact the HUD mandated funding caps. Councilor Donoghue commented to the Committee that he was asking about the set aside because he will discuss it further at the Council meeting on April 7th.

Item 4: Proposed Affordable Housing RFP

Ms. Davis reviewed the affordable housing RFP. She noted that it did not vary much from last year's RFP. One change in the RFP is a stipulation that the project not require a contract or conditional zone. Ms. Davis asked the Committee for any guidance on the RFP and use of housing resources.

Councilor Donoghue asked why the affordability term was 90 years. Ms. Davis responded that 90 years is a standard that Maine Housing used to require, but have since lowered to 30-40 years. Councilor Donoghue asked if there was any reason that affordability for perpetuity would be unrealistic. Mr. Levine commented that it may raise some legal issues and Councilor Donoghue commented that it could be revisited later. He then opened the meeting for Public Comment:

Steven Scharf, 250 High Street – Mr. Scharf commented that he is concerned about mandating affordability for perpetuity or 90 years since we cannot know what the city will need decades from now. He was also concerned that the RFP “encourages” CHDOs to apply, then later asks for documentation of certification and eligibility as a CHDO. He asked whether applicants had to be CHDOs, and if not, specifically encouraging them seemed biased and inappropriate, and he would oppose it.

Ms. Davis commented that under HOME regulations 15% of the annual allocation must be set aside for a CHDO and this RFP is an effort to make those funds more flexible and

accessible to other developers as well. She also noted that if a CHDO does not apply for HOME funds, those funds must be returned to HUD.

On motion made and seconded, the Committee voted unanimously to approve the RFP.

Item 5: Update on Discussion of City sites for residential development

Ms. Davis reviewed the property at the Adams School. She discussed the environmental issues with the property and the Phase I report on that portion of the property, which would need to be updated to complete a close out report. Phase II would be performing a site assessment, data gathering and soil borings. Ms. Davis recommended proceeding with Phase II before releasing a development proposal in order to receive stronger proposals. The consultant who worked on Phase I is currently signing a consultant agreement with the City which will make it more cost effective to move forward.

Ms. Davis then discussed 98 High Street and the deed restriction on the property from MDOT that specifies the property must be used for parking or some other public purpose. Ms. Davis said she Larry Walden in Corporation Counsel spoke with staff at MDOT about the restriction. Corporation Counsel's office believes we can make the argument to the MDOT, Federal Highway Department and NEPA that affordable housing be considered an appropriate public purpose in this case. Another option would be to pay fair market price and buy out the restriction, however that removes the advantage of using City property for affordable housing.

Councilor Hinck left the meeting. Councilor Mavodones commented that he is fine with the way Adams School is moving forward, but that 98 High Street should be part of a broader discussion with Council. Councilor Donoghue said the Committee can revisit the site after the referendum regarding open space. Councilor Mavodones clarified that he was not saying the best

use of lot is a park, but that he would like the input of the rest of the Council. Councilor Donoghue commented that the topic has been on the Committee's work plan since last year, and he would like to see it move forward. The Councilors and staff discussed the potential for about 10 or 12 units on the site. Councilor Donoghue opened the item for Public Comment:

David LaCasse – Mr. Lecase said that 98 High Street cannot be removed from the discussion of Congress Square, because the parcel was discussed as a potential open space replacement for Congress Square. He said he is not against development generally, but questioned whether this lot should be developed. He also pointed out that the lot has sixteen 30-year-old trees on it and that the lot on Danforth that was also developed had trees that are now gone, and Congress Square has trees that would be lost. Mr. LaCasse said he supports high density housing on the peninsula, but there also needs to be a complementary plan for adding or maintaining green space.

Steven Scharf, 250 High Street – Mr. Scharf asked about the environmental issues at Adams School and the presence of hazardous materials on site. He also commented that he does not see potential for developing 98 High Street as housing. Additionally, he thinks the legal fees involved in arguing that housing is a public purpose would not be worth the effort, so the site should be left as parking.

Councilor Donoghue closed Public Comment. Ms. Davis estimated it would cost about \$10,000 to perform the Phase II assessment of the Adams School lot.

Item 6: Executive Session re: Spring Street Garage Space Leases

Pursuant to 1 M.R.S.A. 405(6)(C) and (F) and 5 M.R.S.A. 13119-A, in order to provide direction to City staff, the Committee voted to go in to Executive Session at 7:15pm. At

approximately 7:30pm the Committee voted to come out of Executive Session and adjourned the meeting.

	<i>B-2 Residential</i>	<i>B-2 Non-residential</i>
Minimum Lot Size	None	None in B-2b 10,000 sf. in B-2 and B-2c 10,000 sf. for intermediate, long term, or extended care facilities
Minimum Street Frontage	None	50 feet
Front Yard Setback Minimum	None	None
Rear Yard Setback Minimum	10 feet 20 feet when abutting residential zone 5 feet for accessory structures 15 feet for portions of buildings over 45 feet in height	10 feet 20 feet when abutting residential zone 5 feet for accessory structures
Side Yard Minimum	5 feet 20 feet when abutting residential zone 5 feet for accessory structures 15 feet for portions of buildings over 45 feet in height	None 10 feet when abutting a residential zone or first floor residential use 5 feet for accessory structures
Side Yard on side street¹	None	10 feet minimum on side yards along side streets 10 feet maximum in B-2b zone except for newly constructed building on lot abutting 2 or more streets, for which one street front shall conform to the maximum front yard
Front Yard Maximum¹	Average depth of abutting developed lots on each side or as set by Planning Board ² No more than 10 feet in B-2b on-peninsula	Average depth of abutting developed lots on each side or as set by Planning Board ² No more than 10 feet in B-2b on-peninsula
Pavement Setback	10 feet from side or rear yard lines abutting residential zones	None
Height maximum	45 feet in B-2 and B-2c 45 feet or 50 feet if first floor is commercial and upper floors are residential	45 feet in B-2 and B-2c zones 65 feet in B-2 and B-2c zones on lots >5 acres, provided that all setbacks increase by 1 foot for each foot of height over 45 50 feet in B-2b
Maximum Impervious Surface Ratio	None	80% in B-2 and B-2c 90% in B-2b

¹ Building additions do not have to meet this section.

² If lot has less than 40 feet of frontage and is more than 100 feet deep than 0. If existing structures are within 20 feet of the street or meet the front yard maximum, and remainder of lot has less than 40 feet of frontage, than 0. Where setbacks exceed 10 feet, a continuous, attractive, and pedestrian-scaled edge treatment shall be constructed along the street, consisting of street trees spaced at no more than 15 feet on center, approved by City arborist, and a combinations of landscaping no less than 4 feet deep, ornamental brick or stone walls or ornamental fencing.



Mary Davis

Division Director, Housing & Community Development Division

AGENDA ITEM #7 - UPDATED INFORMATION

TO: Councilor Donoghue, Chair
Members of the Housing and Community Development Committee
FROM: Amy Grommes Pulaski, Housing & Community Development
Program Manager
DATE: March 26, 2014
SUBJECT: 2014-15 HUD Consolidated Annual Action Plan
UPDATED INFORMATION

As mentioned in the original packet information, we recently received final allocation amounts from HUD. Based on the final allocation numbers, revised budget information is presented below.

CDBG: The program received a cut of \$10,915. The City Manager's revised funding recommendations are summarized below. A revised budget spreadsheet is attached.

(1) Administration and Planning: Reduced by \$2,183. The budget recommendation is \$409,515.

(2) Social Services: Reduced by \$3,502. The City Manager is recommending that the budget for Healthcare for the Homeless be reduced to \$51,527.

(3) Development Activities: Reduced by \$5,130. The City Manager is recommending that the budget for Big Belly Solar Trash Compactors be reduced to \$56,197

HOME: The HOME Program funding increased by \$47,025. The proposed budget is summarized below. A copy of the revised budget is attached.

New Budget Allocation	Funding Increase		Funding Category
\$91,318	\$4,703		Administration
\$452,023	\$23,400		City Program Funds
		\$5,000	Housing Rehabilitation
		\$5,314	Tenant Based Rental Assistance
		\$12,814	Affordable Housing Development
		\$272	CHDO Funding
\$369,837	\$18,923		County Program Funds*

*Allocation of County funds is done by the County's Municipal Oversight Committee

Emergency Solutions Grant: – The ESG Program received an increase of \$7,128. The proposed budget is attached.

SUMMARY OF APPLICANTS 2014-2015

Cat.	PII	Applicant	Program/Project	Request	Priority Impact / Goal 20 pts	Guiding Principles 35 pts	Partner/ Collab 15 pts	Capacity to Deliver 30 pts	Focus Area Bonus 3 pts	Penalty	Total	Committee Recomm Funding	Revised Focus Point	Updated Score W Revised Focus Points	City Manager's Recomm	CM Recomm Final Allocation 3-19-2014	Council Allocation
1	AP	ALL	COP Planning & Urban Dev Dept	CDBG Administration and Planning	\$393,910							\$393,910			\$411,698	\$409,515	
Total Administration Request					\$393,910							\$393,910			\$411,698	\$409,515	
Total Administration												\$393,910			\$411,698		
					20 pts	35 pts	15 pts	30 pts	Total			DRAFT					
2	DA	WS	Living with Peace	Portland Micros	\$15,000	17.25	31.64	14.13	26.88	0.00	0.00	89.90	\$15,000	0.00	89.90	\$15,000	\$15,000
3	DA	WS	Learning Works	Renovation of Historic Property at 181 Brackett St.	\$70,700	16.63	30.63	14.25	27.43	0.00	0.00	88.94	\$70,700	0.00	88.94	\$70,700	\$70,700
4	DA	WS	Portland Food Co-Op	Portland Food Co-Op Grocery Store	\$60,000	16.85	31.01	14.57	26.22	0.00	0.00	88.65	\$60,000	0.00	88.65	\$60,000	\$60,000
5	DA	BN	Preble Street	HCH Clinic Floor Replacement & Preble Street Resource Center Rehab	\$173,060	17.39	30.96	13.13	23.25	3.00	0.25	87.48	\$173,060	3.00	87.48	\$64,493	\$64,493
6	DA	MA	COP Public Services	North Boyd Street Multiuse Trail Phase II	\$110,000	16.89	30.89	11.25	26.95	0.00	0.00	85.98	\$110,000	0.00	85.98	\$110,000	\$110,000
7	DA	MA	COP Public Services	St John/Valley Streetscape Phase III	\$210,504	17.76	30.77	11.63	23.89	0.00	0.00	84.05	\$168,073	0.00	84.05	\$210,504	\$210,504
8	DA	BN/SN	Milestone, Inc.	Shelter Bathroom Renovation	\$21,778	17.63	30.77	6.00	26.40	3.00	0.00	83.80		3.00	83.80	\$21,778	\$21,778
9	DA	MA	COP Public Services	Oxford Street Crossing & Elm Street Sidewalk	\$248,375	17.76	31.26	11.50	23.00	0.00	0.00	83.52		0.00	83.52	\$248,375	\$248,375
10	DA	BN/SN	Milestone, Inc.	Air Quality Improvement	\$9,656	16.37	29.77	6.56	26.95	3.00	0.25	82.40		3.00	82.40	\$9,656	\$9,656
11	DA	MA	COP Public Services	West Commercial Street Trail, Beach St. to Harborview Park	\$171,050	16.38	28.39	11.00	25.64	0.00	0.00	81.41		0.00	81.41		
12	DA	MA	COP Public Services	Libbytown-Park Avenue Pedestrian Accessibility	\$238,325	17.26	29.01	11.50	22.89	0.00	0.00	80.66		0.00	80.66		
13	DA	SN	COP Public Services	Big Belly Solar Compactor Deployment	\$50,000	16.88	30.02	7.25	26.42	0.00	0.00	80.57		0.00	80.57	\$61,327	\$56,197
14	DA	MA	COP Public Services	Portland St. Streetscape, Forest to Brattle	\$245,000	17.01	30.38	10.88	22.14	0.00	0.00	80.41		0.00	80.41		
15	DA	WS	Catherine Morrill Day Nursery	Frontage Restoration Project	\$85,389	15.07	27.14	8.25	26.35	3.00	0.00	79.81		3.00	79.81		
16	DA	MA	COP Public Services	ADA Curb Ramps	\$48,000	17.76	29.39	11.13	20.26	0.00	1.00	77.54		0.00	77.54		
17	DA	MA	COP Public Services	Monument Square ADA Accessibility Improvements	\$64,000	17.26	29.76	11.25	20.02	0.00	1.00	77.29		0.00	77.29		
18	DA	SN	COP Public Services	Congress Street Lighting & Bike Climbing Lane	\$210,000	15.13	26.39	11.38	22.51	0.00	2.00	73.41		0.00	73.41		
19	DA	SN	COP Public Services	CDBG Tree Planting	\$15,000	15.00	28.51	7.38	22.14	0.00	1.00	72.03		0.00	72.03		
20	DA	SN	Committee to Restore the Abyssinian Meeting House	Abyssinian Meeting House	\$250,000	13.32	24.89	8.75	22.38	0.00	0.00	69.34		0.00	69.34		
21	DA	BN	Park Medical Bldg Owner's Assn	Improvement of Entry and Windows	\$43,200	13.00	26.19	8.63	19.89	3.00	2.00	68.71		0.00	65.71		
22	DA	HS	Machigonne Community Land Trust	Machigonne 1	\$30,000	14.13	21.76	10.75	15.51	0.00	0.00	62.15		0.00	62.15		
Total Development Request					\$2,369,037												
Total Development Available					\$591,703												
Contingency					\$275,000												
Total Dev + Contingency					\$866,703												
Total Allocated Development Amount to allocate												\$596,833			\$871,833	\$866,703	\$0
												-\$5,130			-\$5,130	\$0	\$0

SUMMARY OF APPLICANTS 2014-2015

Cat.	PII	Applicant	Program/Project	Request	Priority	Guiding	Partner/	Capacity	Focus Area	Penalty	Total	Committee	Revised	Updated	City Manager's	CM Recomm	Council
					Impact / Goal 20 pts	Principles 35 pts	Collab 15 pts	to Deliver 30 pts	Bonus 3 pts					Score W Revised Focus Points	Recomm	Final Allocation 3-19-2014	Allocation
23	SET	SN	COP Police Dept	Community Policing	\$150,000							\$150,000			\$150,000	\$150,000	
Total set-aside					\$150,000												
30	SS	BN	Preble Street	Resource Center	\$45,000	19.76	33.88	13.63	27.27	3.0	0.00	97.54	\$45,000	3.0	97.54	\$45,000	\$45,000
27	SS	BN	Preble Street	Food Programs	\$50,000	19.00	32.45	14.38	27.30	3.0	0.00	96.13	\$50,000	3.0	96.13	\$50,000	\$50,000
26	SS	BN	Opportunity Alliance	Access to Basic Needs: Winter Heat & Summer Food	\$62,400	18.38	32.00	13.75	28.38	3.0	0.00	95.51	\$62,400	3.0	95.51	\$62,400	\$62,400
29	SS	BN	Preble Street	Joe Kreisler Teen Center	\$30,000	18.88	31.63	14.38	27.53	3.0	0.00	95.42	\$30,000	3.0	95.42	\$30,000	\$30,000
36	SS	WS	Catherine Morrill/Youth & Family Outreach	Childcare Assistance Program	\$89,432	18.88	31.01	14.25	27.96	3.0	0.00	95.10	\$89,432	3.0	95.10	\$89,432	\$89,432
34	SS	SN	COP Healthcare for the Homeless	Behavioral Health Program-Healthcare for the Homeless	\$111,149	18.19	32.63	13.38	26.79	0.0	0.00	90.99	\$46,129	3.0	93.99	\$55,129	\$51,527
35	SS	SN	Wayside Food Programs	Direct Service Program	\$25,000	18.01	33.19	11.50	28.13	0.0	0.00	90.83		3.0	93.83	\$25,000	\$25,000
33	SS	SN	Amistad	Amistad Peer Support & Recovery Center	\$30,000	18.26	32.19	11.50	28.13	0.0	0.00	90.08		3.0	93.08	\$30,000	\$30,000
28	SS	BN	Preble Street	Florence House	\$30,000	17.51	31.13	13.88	27.46	3.0	0.00	92.98	\$30,000	3.0	92.98		
25	SS	BN	COP Social Services Division	After Hours Emergency Assistance Program	\$34,000	18.75	32.38	11.38	27.13	3.0	0.25	92.39	\$34,000	3.0	92.39		
31	SS-M	BN/SN	Milestone, Inc.	HOME Team - 2 year application	\$75,000	17.50	31.39	11.75	27.06	3.0	0.00	90.70		3.0	90.70		
24	SS	BN	Frannie Peabody Center	HIV Client Services	\$40,000	16.25	28.76	13.13	26.88	3.0	0.00	88.02		3.0	88.02		
32	SS	HS	Southern ME Agency on Aging	Social Service Support for Elderly & Disabled	\$20,116	17.14	30.01	13.50	26.82	0.0	0.25	87.22		0.0	87.22		
37	SS	WS	Community Financial Literacy	Financial Education for Refugees & Immigrants	\$35,000	16.13	29.26	13.13	25.44	0.0	0.25	83.71		0.0	83.71		
Total Social Service Request					\$827,097												
Total Social Services Available					\$533,359												
Total Requests					\$3,590,044												
Total Allocated Social Services												\$536,961			\$536,961	\$533,359	\$0
												-\$3,602			-\$3,602	\$0	

2014-2015 HOUSING PROGRAM BUDGET HUD Final Allocation March 19, 2014

Total HUD HOME Entitlement Allocation 913,178
 Portland Portion 543,341
 County Portion 369,837

REVENUES- Housing Programs

	HOME Portland	CDBG Allocation	HDF Allocation	TOTAL BUDGET
2014-15 HOME Consortium Admin (10% of allocation)	91,318			91,318
2014-15 HOME Consortium Programming	452,023			452,023
2013-14 HOME Program Income	200,000			200,000
Re-Allocated HOME Funds (funding from previous years)				0
2014-15 CDBG Administration				0
2014-15 CDBG Programming				0
2013-14 HDF Program Income			213,335	213,335
REVENUE TOTALS (Portland)	743,341	0	213,335	956,676

EXPENDITURES SUMMARY= Housing Programs

	HOME Portland	CDBG Allocation	HDF Allocation	TOTAL BUDGET
Administration				154,474
HOME Admin Allocation (2014-15)	91,318			
HDF/CDBG Housing Staff (2014-15)			63,156	
Programming				802,202
HOME Consortium (2014-15)	452,023			
HOME Program Income (2013-14)	200,000			
Re-Allocated HOME Funds				
CDBG Programming (2014-15)				
HDF Program Income (2013-14)			150,179	
EXPENDITURES SUMMARY TOTALS (Portland)	743,341	0	213,335	956,676

2014-15 HOUSING Budget by Activity (Portland)

	HOME Portland	CDBG Allocation	HDF Allocation	TOTAL BUDGET
Administration (10% allocation + 10% PI) PL1501/QS1501	111,318		63,156	174,474
Housing Rehabilitation (17 Projects @ \$15,000/project) QM1500/QB1500	105,000		150,179	255,179
Homeownership Assistance QJ1500	0			0
Tenant-Based Rental Assistance QT1501	135,314			135,314
Affordable Housing Development QK1500	320,000			320,000
CHDO QL1500	71,709			71,709
	743,341		213,335	956,676

2014-15 HOME Consortium COUNTY

County HOME Program budget provided for reference only; allocation of County funds is done by the County's Municipal Oversight Committee

REVENUES- Housing Programs

	HOME Consortium
2014-15 HOME Consortium Non-Portland Programming	369,837
2013-14 HOME County Program Income	10,000
	379,837

2014-15 HOUSING Budget by Activity

	HOME County
Housing Rehabilitation (15 projects @ \$15,000/project) QP1500	218,204
Home Ownership QQ1500	
Affordable Housing Development	86,365
CHDO QR1500	65,268
	369,837

Emergency Solutions Grant BUDGET 2014-2015

Emergency Solutions Grant Expenditures	Final 2012-2013	Final 2013-2014	Budget 2014-2015
Homeless Healthcare Indigent Care: Essential Services	\$37,582	\$28,993	\$35,391
<i>Subtotal Homeless Healthcare</i>	<i>\$37,582</i>	<i>\$28,993</i>	<i>\$35,391</i>
Family Shelter: Essential Services	\$28,327	\$21,853	\$26,675
Family Shelter: Homeless Prev (Rental Asst)			
Family Shelter: Homeless Prev (Housing Reloc & Stab -Financial)			
Family Shelter: Homeless Prev (Housing Reloc & Stab -Services)	\$28,326	\$21,853	\$26,675
Family Shelter: Rapid Rehousing (Rental Asst)			
Family Shelter: Rapid Rehousing (Housing Rel & Stab -Financial)			
Family Shelter: Rapid Rehousing (Housing Rel & Stab -Services)			
<i>Subtotal Family Shelter</i>	<i>\$56,653</i>	<i>\$43,706</i>	<i>\$53,350</i>
Oxford St Shelter: Essential Services			
Oxford St Shelter: Homeless Prev(Rental Asst)			
Oxford St Shelter: Homeless Prev (Housing Reloc & Stab -Financial)			
Oxford St Shelter: Homeless Prev (Housing Reloc & Stab -Services)	\$61,208	\$44,860	\$54,759
Oxford St Shelter: Rapid Rehousing (Rental Asst)			
Oxford St Shelter: Rapid Rehousing (Housing Rel & Stab -Financial)			
Oxford St Shelter: Rapid Rehousing (Housing Rel & Stab -Services)			
<i>Subtotal Oxford Street Shelter</i>	<i>\$61,208</i>	<i>\$44,860</i>	<i>\$54,759</i>
<i>Administration and HMIS</i>	<i>\$12,603</i>	<i>\$5,600</i>	<i>\$6,836</i>
TOTAL EXPENDITURES	\$168,046	\$123,159	\$150,336

Emergency Solutions Grant MATCH	Match 2012-2013	Match 2013-2014	Match 2014-2015
Homeless HC Other Non-ESG HUD Funds			
Homeless HC Other Federal Funds			\$587,974
Homeless HC State Gov Funds			
Homeless HC Local Gov Funds			
Homeless HC Private Funds			
Other			
<i>Subtotal Homeless HC MATCH</i>	<i>\$0</i>	<i>\$0</i>	<i>\$587,974</i>
Family Shelter Other Non-ESG HUD Funds			
Family Shelter Other Federal Funds			
Family Shelter State Gov Funds			
Family Shelter Local Gov Funds	\$56,653	\$43,706	\$53,350
Family Shelter Private Funds			
Family Shelter Program Income			
Other			
<i>Subtotal Family Shelter MATCH</i>	<i>\$56,653</i>	<i>\$43,706</i>	<i>\$53,350</i>
Oxford St Shelter Other Non-ESG HUD Funds			
Oxford St Shelter Other Federal Funds			
Oxford St Shelter State Gov Funds			
Oxford St Shelter Local Gov Funds	\$61,208	\$44,860	\$54,759
Oxford St Shelter Private Funds			
Oxford St Shelter Program Income			
Other			
<i>Subtotal Oxford St MATCH</i>	<i>\$61,208</i>	<i>\$44,860</i>	<i>\$54,759</i>
<i>Administration MATCH</i>	<i>\$12,603</i>	<i>\$5,600</i>	<i>\$6,836</i>
TOTAL MATCH	\$130,464	\$94,166	\$702,919

Revised Total= \$150,336

E. coli O157:H7 strains. *Journal of Clinical Microbiology*, 41, 1797-1801.



10



Planning & Urban Development Department

MEMORANDUM

TO: Chair and Members of the Housing & Community Development Committee

FROM: Alex Jaegerman, Planning Division Director
Jeff Levine, Planning and Urban Development Director

DATE: April 4, 2014

SUBJECT: Proposed R-6/R-7 Dimensional and Related Amendments

We have been asked to review the dimensional requirements in the R-6 and R-7 zones to encourage development of housing. In doing so, our goal was to make it possible to construct residential buildings that are similar to the historic pattern of development. The post war zoning that has prevailed to today makes much of the typical housing patterns nonconforming, and impossible to replicate.

In making these changes, as with the B-2 changes you saw recently, we are also seeking to improve and clarify the format of the zoning ordinance. We converted the dimensional requirements from a descriptive listing to a dimensional table. We eliminated unnecessary complicated and variable requirements. We will also be shortening and simplifying the text where possible, which will likely incorporate the R-6 and R-7 into a consolidated division. Further, the provision for *small residential lot development*, enacted in 2005, can potentially be eliminated if the proposed changes to the base zoning are implemented.

While the focus of this zoning initiative is on the residential density, a number of other changes are proposed. As instructed by the HCDC, we are also proposing to alter the parking requirement for peninsula residential development to exempt the first three dwellings from the parking requirement. At the same time, we are proposing to limit the proportion of the front building façade dedicated to parking or garage entry. These parking changes would enable small lot development of two to four unit structures, such as the traditional triple decker type construction.

Another housing option that is enabled by the proposed changes is townhouse or horizontally attached dwellings on individual lots. Townhouse development is presently allowed as condominiums, but current provisions prohibit the sale of party wall dwellings on their own lots with fee ownership of the land. We do not see a public benefit in distinguishing between ownership types.

Finally, we are proposing to eliminate the so-called "lot merger rule", which requires contiguous lots of record under common ownership to be treated as a single lot. The change will allow such

lots to be treated as separate lots, even if the separation results in some degree of nonconformity on an existing developed lot, such as a setback or density nonconformity.

Attached are three items.

1. A work in progress showing dimensional and format changes that we have fully vetted internally.
2. A draft of how we expect the R-6 and R-7 changes to look once these changes are enacted. You will see that the second version includes a stripped down and streamlined dimensional table, as is our goal. While many of the numbers in this draft have been vetted, many are still placeholders.
3. A set of visuals that should help you imagine the physical changes proposed in these text amendments.

As a next step, we would propose bringing these items to the Planning Board for a workshop. If you would prefer we can give you another update before sending these along to the Planning Board. At this point, given their schedule, we would not expect the Planning Board workshop to be prior to the summer.

ATTACHMENT 1: WORK IN PROGRESS ON DETAILS OF DIMENSIONAL CHANGES

Proposed R-6 Dimensional and Corollary Amendments														
	<i>R-6 Existing</i>	<i>R-6 Proposed</i> Changes Highlighted												
Minimum Lot Size	Residential: Forty-five hundred (4,500) square feet	Residential: Twenty-five hundred (2,500) square feet												
	Long-term and extended care facilities: Ten thousand (10,000) square feet for the first nine (9) residents plus seven hundred fifty (750) square feet for each additional resident, up to a total of two (2) acres.	Long-term, intermediate, and extended care facilities, and schools: Ten thousand (10,000) square feet for the first nine (9) residents plus seven hundred fifty (750) square feet for each additional resident, up to a total of two (2) acres.												
	Intermediate care facility: One (1) acre.	[fold into above uses]												
	School: Thirty thousand (30,000) square feet.	[fold into above uses]												
	Places of assembly; <table><tr><td>Large</td><td>30,000 sq. ft.</td></tr><tr><td>Medium</td><td>15,000 sq. ft.</td></tr><tr><td>Small</td><td>7,500 sq. ft.</td></tr></table>	Large	30,000 sq. ft.	Medium	15,000 sq. ft.	Small	7,500 sq. ft.	Places of assembly; <table><tr><td>Large</td><td>15,000 sq. ft.</td></tr><tr><td>Medium</td><td>10,000 sq. ft.</td></tr><tr><td>Small</td><td>5,000 sq. ft.</td></tr></table>	Large	15,000 sq. ft.	Medium	10,000 sq. ft.	Small	5,000 sq. ft.
	Large	30,000 sq. ft.												
	Medium	15,000 sq. ft.												
	Small	7,500 sq. ft.												
	Large	15,000 sq. ft.												
Medium	10,000 sq. ft.													
Small	5,000 sq. ft.													
Municipal use: Forty-five hundred (4,500) square feet.	Municipal use: Twenty-five hundred (2,500) square feet.													
Hospital: Two (2) acres.	Hospital: Two (2) acres.													
Lodging house: Four thousand five hundred (4,500) square feet.	Lodging house: Two thousand five hundred (2,500) square feet.													
All other uses: Forty-five hundred (4,500) square feet.	All other uses: Two thousand five hundred (2,500) square feet.													

Minimum Land Area per Unit	<i>Minimum land area per dwelling unit:</i> One thousand (1,000) square feet per dwelling unit; and in the case of building additions and new construction, one thousand two hundred (1,200) square feet for each dwelling unit after the first three (3) units. This requirement may be reduced by up to twenty (20) percent for a special needs independent living unit.	<i>Minimum land area per dwelling unit:</i> One thousand (1,000) square feet per dwelling unit;
	<i>Minimum land area per lodging house rooming unit:</i> Two hundred fifty (250) square feet.	<i>Minimum land area per lodging house or intermediate care facility rooming unit:</i> Two hundred fifty (250) square feet.
	<i>Minimum land area per intermediate care facility resident:</i> Eight thousand (8,000) square feet for the first thirty-five (35) residents, plus three hundred fifty (350) square feet for each additional resident.	
Minimum Floor Area per Unit	<i>Minimum rooming unit areas for lodging houses:</i> Two hundred (200) square feet of combined rooming unit and common area for each rooming unit. Each individual rooming unit shall be a minimum of eighty (80) square feet.	<i>Minimum rooming unit areas for lodging houses:</i> Two hundred (200) square feet of combined rooming unit and common area for each rooming unit. [delete minimum rooming unit size]
Minimum Street Frontage	Forty (40) Feet	Thirty (30) feet
Front Yard Setback Minimum	Principal or accessory structures: Ten (10) feet. A front yard need not exceed the average depth of front yards on either side of the lot. A lot of record existing as of June 5, 1957, and less than one hundred (100) feet deep need not be deeper than twenty (20) percent of the depth of the lot.	Principal or accessory structures: Five (5) feet. A front yard need not exceed the average depth of front yards on either side of the lot. [Eliminate lot of record provision] [Or consider None, or Maximum Front Setback of 10 feet]

Rear Yard Setback Minimum	i. Principal and attached accessory structures with ground coverage greater than one hundred (100) square feet: Twenty (20) feet. ii. Detached accessory structures with a ground coverage of one hundred and forty-four (144) square feet or less: Five (5) feet. iii. Setbacks for swimming pools shall be as provided for in section 14-432 (swimming pools) of this article.	i. Principal and attached accessory structures with ground coverage greater than one hundred (100) square feet: Ten (10) feet. ii. Detached accessory structures with a ground coverage of one hundred and forty-four (144) square feet or less: Five (5) feet. [delete reference to swimming pools]
Side Yard Minimum	i. Principal and attached accessory structures with ground coverage greater than one hundred (100) square feet: <i>Height of Structure Required Side Yard</i> 1 story 10 feet 2 stories 10 feet 3 stories 10 feet 4 stories 12 feet 5 stories 15 feet The width of one (1) side yard may be reduced one (1) foot for every foot that the other side yard is correspondingly increased, but no side yard shall be less than ten (10) feet. In the case of a lot of record existing as of June 5, 1957, and held under separate and distinct ownership from adjacent lots, the required side yard may be reduced in order to provide a buildable width of up to twenty-four (24) feet, but in no case shall the resulting side yards be less than ten (10) feet. ii. Detached accessory structures with ground coverage of one hundred and forty-four(144) square feet or less: Five (5) feet. iii. Setbacks for swimming pools shall	i. Principal and attached accessory structures with ground coverage greater than one hundred (100) square feet: Five (5) feet [delete variable setbacks by height] [delete reference to swimming pools]

	be as provided for in section 14-432 (swimming pools) of this article.	
Side Yard on side street¹	Principal or accessory structures: Ten (10) feet.	Principal or accessory structures: None
Maximum Lot Coverage	Forty (40) percent of lot area for lots which contain twenty (20) or more dwelling units; fifty (50) percent for lots which contain fewer than twenty (20) dwelling units.	Sixty (60) percent of lot area.
Minimum Lot Width	Forty (40) feet.	Thirty (30) feet
Maximum Structure Height	Principal and attached accessory structure: Forty-five (45) feet. Accessory detached structure: Eighteen (18) feet.	Principal and attached accessory structure: Forty-five (45) feet. Accessory detached structure: Eighteen (18) feet.
Open Space Ratio	<i>Uses other than bed and breakfast.</i> Twenty (20) percent for those lots which contain fewer than twenty (20) dwelling units; thirty (30) percent for those lots which contain twenty (20) or more dwelling units. This area shall not include parking areas or other impervious surfaces as defined in section 14-47.	Twenty (20) percent. This area shall not include parking areas or other impervious surfaces as defined in section 14-47. [Variable provision eliminated]
	<i>Bed and breakfasts.</i> A bed and breakfast that is located on a lot that has at least twenty (20) percent open space on the date of filing of the application for site plan shall not reduce the open space on the lot below twenty (20) percent of the lot area. A bed and breakfast located on a lot that does not have at least twenty (20) percent open space on the date of filing of the application for site plan review, and that is legally nonconforming as to the open space requirement of this section, shall not reduce the open space on the lot below the level in existence on the date of the application for site plan review. Open space areas shall not include parking areas or other impervious surface areas as defined in section 14-47.	[Delete Bed and breakfasts special provisions]

Minimum Gross Floor Area for Bed & Breakfast	Two thousand (2,000) square feet of gross floor area for the first three (3) guest rooms and five hundred (500) square feet of floor area for each additional guest room.	Two thousand (2,000) square feet of gross floor area for the first three (3) guest rooms and five hundred (500) square feet of floor area for each additional guest room.
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Maximum Floor Area for Place of Assembly	<i>On a collector or arterial road:</i>		<i>On a collector or arterial road:</i>	
	Large	Not limited	Large	Not limited
	Medium	4,500 sq. ft.	Medium	6,000 sq. ft.
	Small	2,250 sq. ft.	Small	3,000 sq. ft.
	<i>Not on a collector or arterial road:</i>		<i>Not on a collector or arterial road:</i>	
	Large	4,500 sq. ft.	Large	6,000 sq. ft.
	Medium	2,250 sq. ft.	Medium	3,000 sq. ft.
	Small	1,125 sq. ft.	Small	1,500 sq. ft.

Small Residential Lot Development

[Note: This entire provision is proposed to be eliminated as its usefulness is largely subsumed by the proposed overall changes to the R-6 dimensional requirements. The one remaining distinction of the small lot provision is the higher density allowed at 725 square feet per dwelling unit. This is open for discussion as to whether the density of R-6 in general should be increased accordingly. This draft table includes the small lot provision with proposed amendments pending further discussion about its elimination if deemed to be obsolete in light of the other proposed amendments.]

Residential uses on small, vacant lots located in the R-6 are subject to site plan review and may use the dimensional requirements below provided that the lot is vacant or is used exclusively for parking or contains structure not used for residential purposes as of January 1, 2005; and the lot existed as of January 1, 2005.

	<i>R-6 Existing</i>	<i>R-6 Proposed Changes Highlighted</i>
Minimum Lot Size	None	None
Maximum Lot Size	Ten thousand (10,000) Square feet	Ten thousand (10,000) Square feet
Maximum Front Yard	Ten (10) feet	Ten (10) feet
Minimum Rear Yard	None, except that rear yards between two (2) buildings on the same or different lots shall maintain a minimum ten (10) foot setback between buildings or the sum of the heights of the abutting buildings and proposed buildings divided by five (5), whichever is greater; and that either the	None, except that rear yards between two (2) buildings on the same or different lots shall maintain a minimum ten (10) foot setback between buildings. [Variable arithmetic provision]

	rear yard or one of the side yards shall be at least fifteen (15) feet; provided, however, detached accessory structures with a ground floor area of one hundred (100) square feet or less need not have a setback more than five (5) feet from the property line. Notwithstanding the foregoing, no structure shall be closer than four (4) feet to side property line.	eliminated]
Minimum Side Yard	None, except that side yards between two (2) buildings on the same or different lots shall maintain a minimum ten (10) foot setback between buildings or the sum of the heights of the existing buildings and proposed buildings divided by five (5), whichever is greater and that either the rear yard or one of the side yards shall be at least fifteen (15) feet; Provided, however, detached accessory structures with a ground floor area of one hundred (100) square feet or less need not have a setback more than five (5) feet from the property line. Notwithstanding the foregoing, no structure shall be closer than four (4) feet to side property line. On a corner lot no side yard is required on that side of the lot which abuts any street. A principal structure on a corner lot shall not be more than ten (10) feet from the street.	None, except that side yards between two (2) buildings on the same or different lots shall maintain a minimum ten (10) foot setback between buildings. A principal structure on a corner lot shall not be more than ten (10) feet from the street. [Variable arithmetic provision eliminated]
Minimum Principal Structure Height	Two (2) stories of living space above the grade of the adjacent street frontage, except for porches, entryways, attached garages, and accessory detached structures.	None
Maximum Principal Structure Height	Forty five (45) feet	Forty five (45) feet
Open Space Requirement	All lots used for residential purposes shall provide an attached exterior deck, porch, patio or balcony for each dwelling unit, except where a designated open space equal to ten (10) percent or more of the lot area is located on site and maintained as open space, then the number of exterior decks, porches, patios or balconies may be reduced by up to fifty (50) percent. The designated open space, if provided, shall have a minimum width and length of at	Residential development under this section shall provide an attached exterior deck, porch, patio or balcony for each dwelling unit, except where a designated open space equal to ten (10) percent or more of the lot area is located on site and maintained as open space, then the number of exterior decks, porches, patios or balconies may be reduced by up to fifty (50) percent.

	least fifteen (15) feet, a slope of no greater than ten (10) percent and shall be used exclusively as recreational open space i.e. it shall not be used for vehicular circulation, parking, etc.. All required decks, porches, patios or balconies shall meet the requirements of the Planning and Development Design Manual.	Required open space, decks, porches, patios or balconies shall meet the design and dimensional requirements of the Planning and Development Design Manual. [Deck & open space specifications moved to design manual.]
Maximum Lot Width	None	None
Minimum Land Area per Dwelling	Seven hundred and twenty-five (725) square feet	Seven hundred and twenty-five (725) square feet
[Proposed new language] Townhouse and Horizontally Attached Dwellings on Individual Lots Subdivision developments consisting of horizontally attached dwellings on individual lots are not required to have side yards between buildings where a party wall condition will exist, but shall be required to meet the applicable side yard requirements at the external subdivision lot boundaries and internal lot boundaries between buildings that are not attached to each other. No minimum lot size shall be required for individual lots underlying townhouse (horizontally attached) dwelling types. The applicable minimum lot area per dwelling shall apply to each subdivided townhouse lot.		
Maximum Garage Opening		Garage openings on front façade shall not exceed the greater of 9 feet or 40 percent of the front façade. [new provision]

Accompanying Amendments to Section 14-433:

Sec. 14-433. Lots of record and accessory structure setbacks for existing buildings.

Notwithstanding any other language in this ordinance, any lot of record as of June 5, 1957 having a street frontage of forty (40) feet, or to which a means of access has been previously approved by the city council as provided elsewhere in this article, may be considered a buildable lot in any residential zone except as provided below for island residential zones, with a minimum lot size of five thousand (5,000) square feet, or the applicable minimum lot size in that zone, whichever is less,, provided that the applicable yard dimensions can be met.

A lot in the R-1, R-2, R-3, R-4, R-5, R-5A or R-6 zones that was described in a subdivision plat approved by the Planning Board after June 5, 1981, or a lot of record that conformed to the applicable lot size requirement, lot width and street frontage as of June 5, 1984, shall be considered a buildable lot, provided that the applicable yard dimensions can be met.

Where such a lot has a principal structure which existed as of July 19, 1988, an accessory structure or building addition may be located within the following side and rear yards, provided that the normal applicable yard requirements cannot be met provided, however, that less restrictive zoning requirements which meet the requirements contained within 14-139(b) for residential small lot development shall apply:

a. *R-1, R-2:*

Rear yard: Ten (10) feet.

Side yard: Five (5) feet.

b. *R-3, R-4, R-5, R-5A, R-6:*

Rear yard: Five (5) feet.

Side yard: Five (5) feet.

Any detached or accessory structure in the R-4 or R-6 zones, with a ground coverage exceeding two hundred fifty (250) square feet and which was in existence on January 1, 1940, may be converted to dwelling uses without meeting front, side or rear yard set backs, provided there is no enlargement of any nonconforming portion of the existing building footprint and provided the conversion will conform to the minimum land area per dwelling unit.

Accompanying Amendments to Section 14-332 and 14-333, Parking:

Sec. 14-332. Uses requiring off-street parking.

Except as provided in Section 14-332.1, 14-332.2 (exceptions) and 14-345 (fee in-lieu of parking) of this division, for the uses listed below the following minimum off-street parking requirements shall be provided and maintained in the case of new construction, alterations which increase the number of units, and changes of use:

(a) *Residential structures:*

1. For new construction (off peninsula), two, (2) parking spaces for each dwelling unit.
2. For alterations or changes of use in existing structures, which create new or additional dwelling units in such structures, and for accessory units pursuant to §§14-68,78,88, one (1) additional parking spaces for each such unit. Existing parking spaces shall not be used to meet the parking requirements of this paragraph, unless the existing parking spaces exceed one (1) space for each dwelling unit.
3. For residential development on the peninsula (area defined as southerly of I-295 and Tukey's Bridge).
 - a. One (1) space per unit except that no parking shall be required for the first three (3) units;
 - b. The required parking for multi-unit residential buildings may be partially met through provision of shared-use vehicles, which are vehicles owned and maintained by the owner/manager of the building and available for use on a fee basis to the residents of the building. One shared use vehicle shall be deemed to satisfy eight (8) required car spaces, but in no case shall more than 50% of the parking requirement be satisfied by shared vehicle use.
 - c. The planning board may establish a parking requirement that is less than the normally required number of spaces upon a finding of unique conditions that result in a lesser parking demand, such as housing for persons who cannot drive, housing that participates in a travel demand management program, availability of transit, or housing which includes permanent restrictions on automobile usage, and which is permanently restricted from utilizing resident on-street parking stickers.

4. For residential development in the B-2, B-2b, B-2c zones:
 - a. One (1) parking space per dwelling unit, except that no parking shall be required for the first three (3) units.

Sec. 14-333. To be located on lot with principal use in residential zones; exceptions.

Required off-street parking in all residential zones and accessory off-street parking in R-1 through R-5 zones shall be located on the same lot with the principal building or use, except that the Board of Appeals may permit such off-street parking to be located at a distance of not more than five hundred (500) feet from the principal building or use, measured along lines of public access where it cannot reasonably be provided on the same lot if the premises to be used for parking are held under the same ownership or lease as the building or use served and if said premises are located in the same or a less restricted zone as the building or use served. Evidence of such control, either deed or lease, shall be required. The Planning Board may be substituted for the Board of Appeals only where an applicant is otherwise before the Planning Board for site plan approval.

Accompanying Amendments to Section 14-142, R-7 Zone:

DIVISION 7.01. R-7 COMPACT URBAN RESIDENTIAL OVERLAY ZONE

Section 14-141. Purpose.

The purpose of the R-7 Compact Urban Residential Overlay Zone is to encourage and accommodate compact residential development on appropriate locations on the Portland peninsula, pursuant to the New Vision for Bayside element of the comprehensive plan and housing plans of the City of Portland. Sites suitable for in-city living should be within walking distance of downtown or other work places, shopping and community facilities and have access to public or private off-site parking or transit service. The intent of this zone is to foster increased opportunities for compact in-city living for owners and renters representing a variety of income levels and household types.

Locations for siting the R-7 Zone are intended to be located on the peninsula of Portland, in the area encompassed in the Bayside plan, and other peninsula R-6 locations characterized by moderate to high density multi-family housing in a form and density exceeding that allowed in the R-6 Zone, and areas with the capacity for growth in housing of this type and where infill development opportunities exist; and areas on the peninsula with mixed business and residential zoning and uses which can accommodate higher density infill residential development without negatively impacting the existing neighborhood or adjacent properties. It may be appropriate in some cases to rezone to R-7 overlay through conditional or contract zoning to ensure that the new development is architecturally appropriate and compatible with the surrounding neighborhood.

Proposed R-7 Amendments

Sec. 14-142. Permitted Uses.

Permitted uses in the R-7 Compact Urban Residential Overlay Zone, shall be the uses permitted in the R-6 Zone, except that:

(a) Residential uses shall comply with the following dimensional requirements:

Minimum Lot Size	None
Minimum Frontage	None
Minimum Front Yard	None
Minimum Rear Yard	5 feet
Minimum Side Yard	5 feet
Minimum Side Yard on Side Street	None
Maximum Lot Coverage	100%
Maximum Residential Density	435 square feet of land area per unit
Maximum Building Height	50 feet

[Convert listing of dimensional requirements to table format]

(b). **Townhouse and Horizontally Attached Dwellings on Individual Lots:** Subdivision developments consisting of horizontally attached dwellings on individual lots are not required to have side yards between buildings where a party wall condition will exist, but shall be required to meet the applicable side yard requirements at the external subdivision lot boundaries and internal lot boundaries between buildings that are not attached to each other. The applicable minimum lot area per dwelling shall apply to each subdivided townhouse lot.

ATTACHMENT 2: PROPOSED FORMAT OF COMBINED R-6/7 CHANGES

<u>R-6 & R-7 Combined and Pared Down Dimensional Table (Clean Draft)</u>		
	<i>R-6</i>	<i>R-7</i>
Minimum Lot Size	2,500 square feet	None
	Long-term, intermediate and extended care facilities, schools, hospitals and places of assembly: 10,000 square feet	Long-term, intermediate and extended care facilities, schools, hospitals and places of assembly: 10,000 square feet
Minimum Land Area per Unit	<i>Minimum land area per dwelling unit:</i> 1,000 square feet per dwelling unit; 250 square feet for lodging house or intermediate care unit.	<i>Minimum land area per dwelling unit:</i> 435 square feet per dwelling unit; 250 square feet for lodging house or intermediate care unit.
Minimum Floor Area per Unit for Lodging Houses	200 square feet of combined rooming unit and common area for each rooming unit.	200 square feet of combined rooming unit and common area for each rooming unit.
Minimum Street Frontage	30 feet	None
Front Yard Setback Minimum	Principal or accessory structures: 5 feet. A front yard need not exceed the average depth of front yards on immediately on both sides of the lot.	None
Minimum Rear Yard	10 feet	5 feet
Minimum Side Yard	5 feet None if on side street	5 feet ¹

¹ **Townhouse and Horizontally Attached Dwellings on Individual Lots in the R-7 zone:** Subdivision developments consisting of horizontally attached dwellings on individual lots are not required to have side yards between buildings where a party wall condition will exist, but shall be required to meet the applicable side yard requirements at the external subdivision lot boundaries and internal lot boundaries between buildings that are not attached to each other. The applicable minimum lot area per dwelling shall apply to each subdivided townhouse lot.

Maximum Lot Coverage	60 percent of lot area	None
Maximum Height	45 feet 18 feet for accessory structures	50 feet
Minimum Lot Width	30 feet	30 feet
Open Space	20% of lot area, not including parking areas or other impervious areas as defined in 14-47	20% of lot area, not including parking areas or other impervious areas as defined in 14-47
Minimum Land Area per Dwelling	1000 square feet	435 square feet
Minimum Gross Floor Area for Bed & Breakfast	2,000 square feet of gross floor area for the first 3 guest rooms and 500 square feet of floor area for each additional guest room	2,000 square feet of gross floor area for the first 3 guest rooms and 500 square feet of floor area for each additional guest room
Maximum Floor Area for Places of Assembly	5,000 square feet	5,000 square feet
Maximum Garage Opening for Townhouses on Individual Lots²	Garage openings on front façade shall not exceed the greater of 9 feet or 40 percent of the front façade.	Garage openings on front façade shall not exceed the greater of 9 feet or 40 percent of the front façade.

Move from the existing R-7 zone to the purpose statement of the R-6 zone, rename R-6 section “R-6 and R-7 Zones”:

Section 14-141. Purpose.

² For Townhouse and Horizontally Attached Dwellings on Individual Lots only:

Subdivision developments consisting of horizontally attached dwellings on individual lots are not required to have side yards between buildings where a party wall condition will exist, but shall be required to meet the applicable side yard requirements at the external subdivision lot boundaries and internal lot boundaries between buildings that are not attached to each other. No minimum lot size shall be required for individual lots underlying townhouse (horizontally attached) dwelling types. The applicable minimum lot area per dwelling shall apply to each subdivided townhouse lot.

The purpose of the R-7 Compact Urban Residential Overlay Zone is to encourage and accommodate compact residential development on appropriate locations on the Portland peninsula, pursuant to the New Vision for Bayside element of the comprehensive plan and housing plans of the City of Portland. Sites suitable for in-city living should be within walking distance of downtown or other work places, shopping and community facilities and have access to public or private off-site parking or transit service. The intent of this zone is to foster increased opportunities for compact in-city living for owners and renters representing a variety of income levels and household types.

Locations for siting the R-7 Zone are intended to be located on the peninsula of Portland, in the area encompassed in the Bayside plan, and other peninsula R-6 locations characterized by moderate to high density multi-family housing in a form and density exceeding that allowed in the R-6 Zone, and areas with the capacity for growth in housing of this type and where infill development opportunities exist; and areas on the peninsula with mixed business and residential zoning and uses which can accommodate higher density infill residential development without negatively impacting the existing neighborhood or adjacent properties. It may be appropriate in some cases to rezone to R-7 overlay through conditional or contract zoning to ensure that the new development is architecturally appropriate and compatible with the surrounding neighborhood.
(Ord. No. 122, 12-20-99)

MOVE 14-143 to the R-6 section

Accompanying Amendments to Section 14-433:

Sec. 14-433. Lots of record and accessory structure setbacks for existing buildings.

Notwithstanding any other language in this ordinance, any lot of record as of June 5, 1957 having a street frontage of forty (40) feet, or to which a means of access has been previously approved by the city council as provided elsewhere in this article, may be considered a buildable lot in any residential zone except as provided below for island residential zones, with a minimum lot size of 5,000 square feet, or the applicable minimum lot size in that zone, whichever is less, provided that the applicable yard dimensions can be met.

A lot in the R-1, R-2, R-3, R-4, R-5, R-5A or R-6 zones that was described in a subdivision plat approved by the Planning Board after June 5, 1981, or a lot of record that conformed to the applicable lot size requirement, lot width and street frontage as of June 5, 1984, shall be considered a buildable lot, provided that the applicable yard dimensions can be met.

Where such a lot has a principal structure which existed as of July 19, 1988, an accessory structure or building addition may be located within the following side and rear yards, provided that the normal applicable yard requirements cannot be met provided, however, that less restrictive zoning requirements which meet the requirements contained within 14-139(b) for residential small lot development shall apply:

a. *R-1, R-2:*

Rear yard: 10 feet.

Side yard: 5 feet.

b. *R-3, R-4, R-5, R-5A, R-6:*

Rear yard: 5 feet.

Side yard: 5 feet.

Any detached or accessory structure in the R-4 or R-6 zones, with a ground coverage exceeding 250 square feet and which was in existence on January 1, 1940, may be converted to dwelling uses without meeting front, side or rear yard setbacks, provided there is no enlargement of any nonconforming portion of the existing building footprint and provided the conversion will conform to the minimum land area per dwelling unit.

Accompanying Amendments to Section 14-332 and 14-333, Parking:

Sec. 14-332. Uses requiring off-street parking.

Except as provided in Section 14-332.1, 14-332.2 (exceptions) and 14-345 (fee in-lieu of parking) of this division, for the uses listed below the following minimum off-street parking requirements shall be provided and maintained in the case of new construction, alterations which increase the number of units, and changes of use:

(a) *Residential structures:*

1. For new construction, 2 parking spaces for each dwelling unit.
2. For alterations or changes of use in existing structures, which create new or additional dwelling units in such structures, and for accessory units pursuant to §§14-68,78,88, 1 additional parking spaces for each such unit. Existing parking spaces shall not be used to meet the parking requirements of this paragraph, unless the existing parking spaces exceed 1 space for each dwelling unit.
3. For residential development on the peninsula (area defined as southerly of I-295 and Tukey's Bridge).
 - a. 1 space per unit except that no parking shall be required for the first 3 units;
 - b. The required parking for multi-unit residential buildings may be partially met through provision of shared-use vehicles, which are vehicles owned and maintained by the owner/manager of the building and available for use on a fee basis to the residents of the building. One shared use vehicle shall be deemed to satisfy 8 required car spaces, but in no case shall more than 50% of the parking requirement be satisfied by shared vehicle use.
 - c. The planning board may establish a parking requirement that is less than the normally required number of spaces upon a finding of unique conditions that result in a lesser parking demand, such as housing for persons who cannot drive, housing that participates

in a travel demand management program, availability of transit, or housing which includes permanent restrictions on automobile usage, and which is permanently restricted from utilizing resident on-street parking stickers.

4. For residential development in the B-2, B-2b, B-2c zones:
 - a. 1 parking space per dwelling unit, except that no parking shall be required for the first 3 units.

Sec. 14-333. To be located on lot with principal use in residential zones; exceptions.

Required off-street parking in all residential zones and accessory off-street parking in R-1 through R-5 zones shall be located on the same lot with the principal building or use, except that the Board of Appeals may permit such off-street parking to be located at a distance of not more than 500 feet from the principal building or use, measured along lines of public access where it cannot reasonably be provided on the same lot if the premises to be used for parking are held under the same ownership or lease as the building or use served and if said premises are located in the same or a less restricted zone as the building or use served. Evidence of such control, either deed or lease, shall be required. The Planning Board may be substituted for the Board of Appeals only where an applicant is otherwise before the Planning Board for site plan approval.

ATTACHMENT 3: VISUAL EXAMPLES OF NEW R-6 STANDARDS

R6 Rezone - Examples

Existing buildings in current R6 zones



R6 Rezone - Diagrams 30' Street Frontage

Diagram 4 - 30' with gable

Lot Size: 2,500sf

Street Frontage: 30'

Front Yard: 5'

Side Yard: 5'

Side Yard: 5'

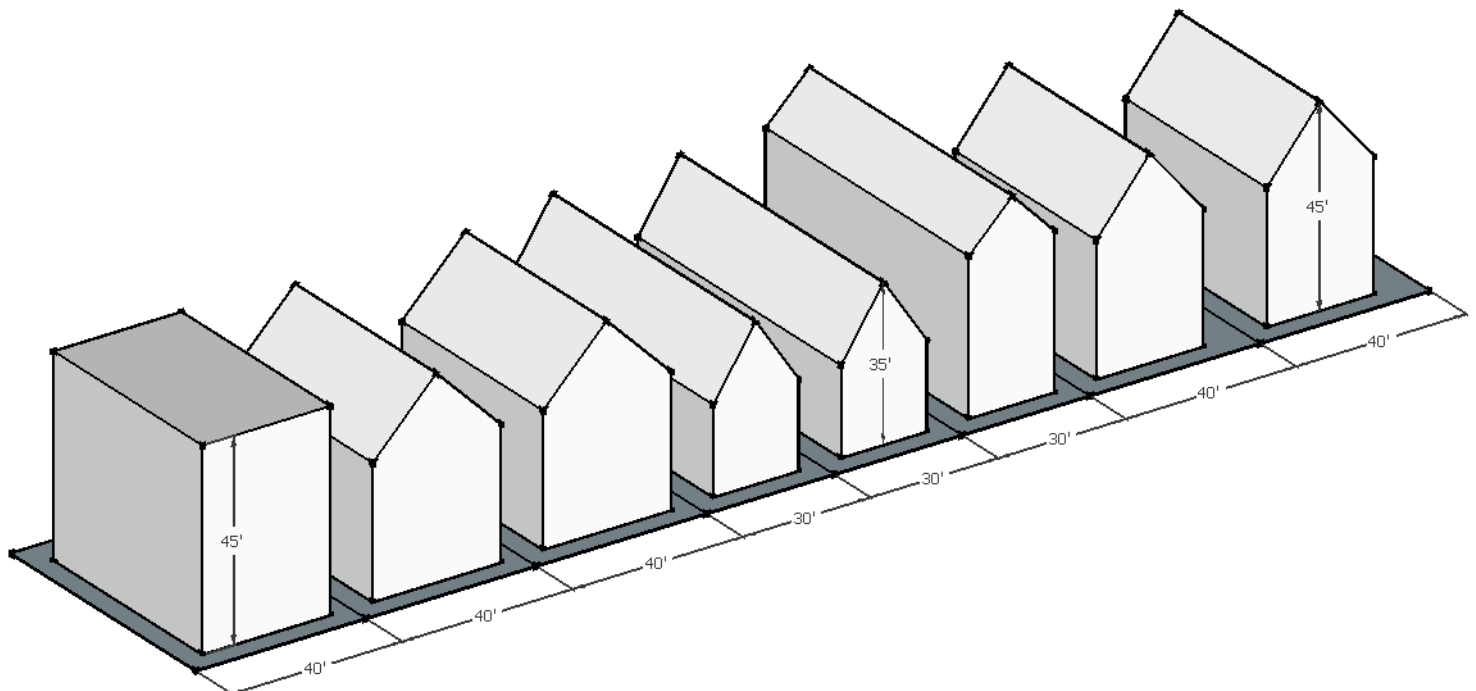
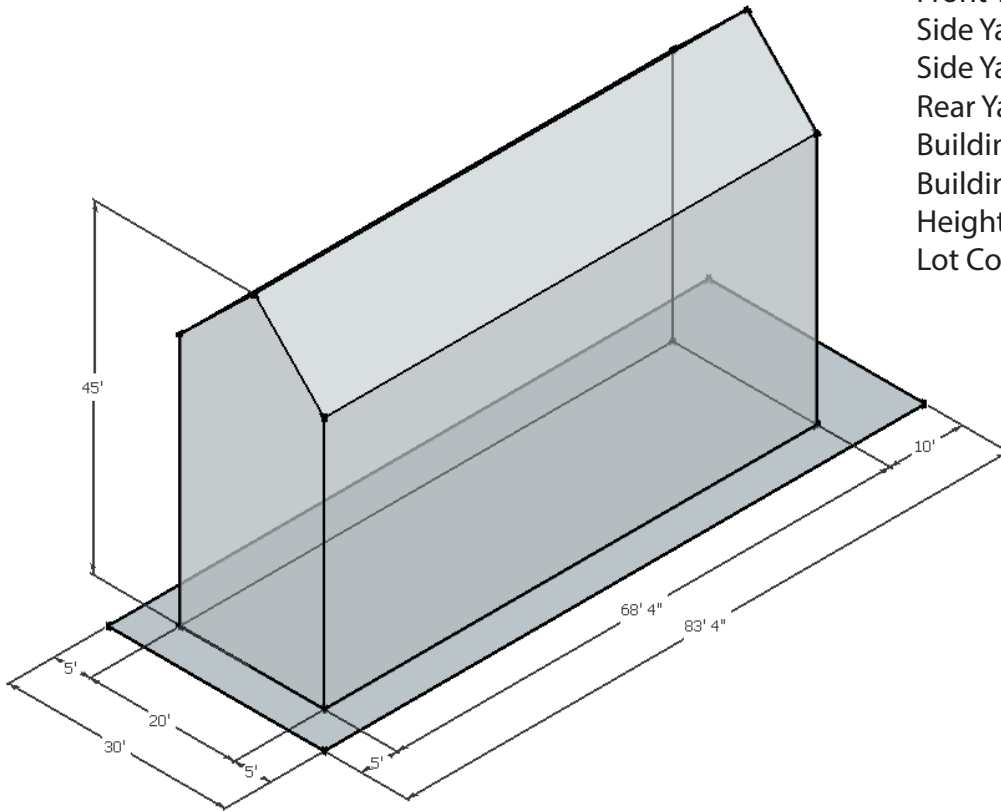
Rear Yard: 10'

Building Face: 20'

Building Length: 68' 4"

Height: 45'

Lot Coverage: 54.6% (1,366.6sf)



Mix of lot frontage, setback, and height options with new dimensional requirements

R6 Rezone - Diagrams 40' Street Frontage

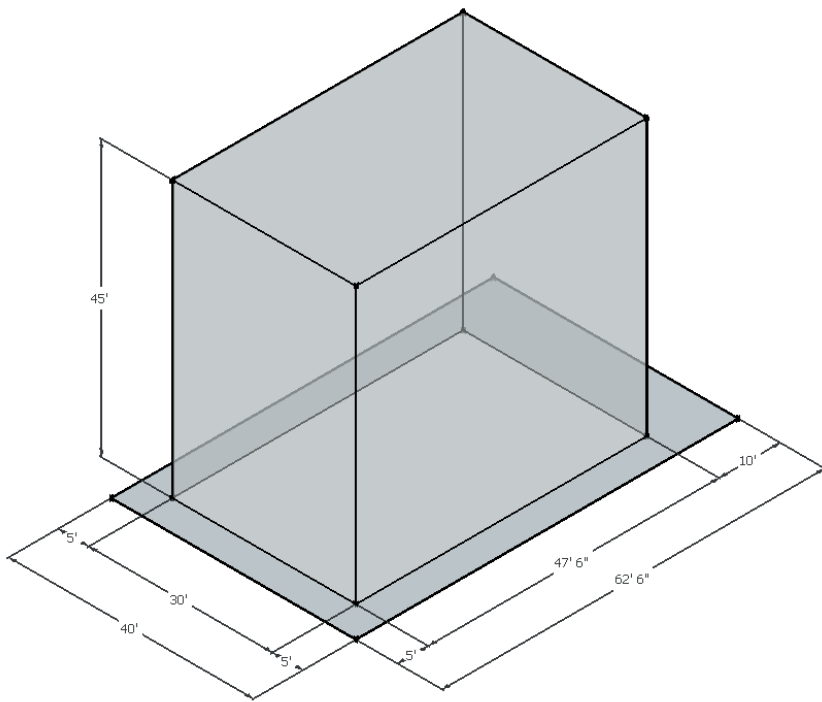


Diagram 1 - 40' with flat roof

Lot Size: 2,500sf
 Street Frontage: 40'
 Front Yard: 5'
 Side Yard: 5'
 Side Yard: 5'
 Rear Yard: 10'
 Building Face: 30'
 Building Length: 47.5'
 Height: 45'
 Lot Coverage: 57% (1,425sf)

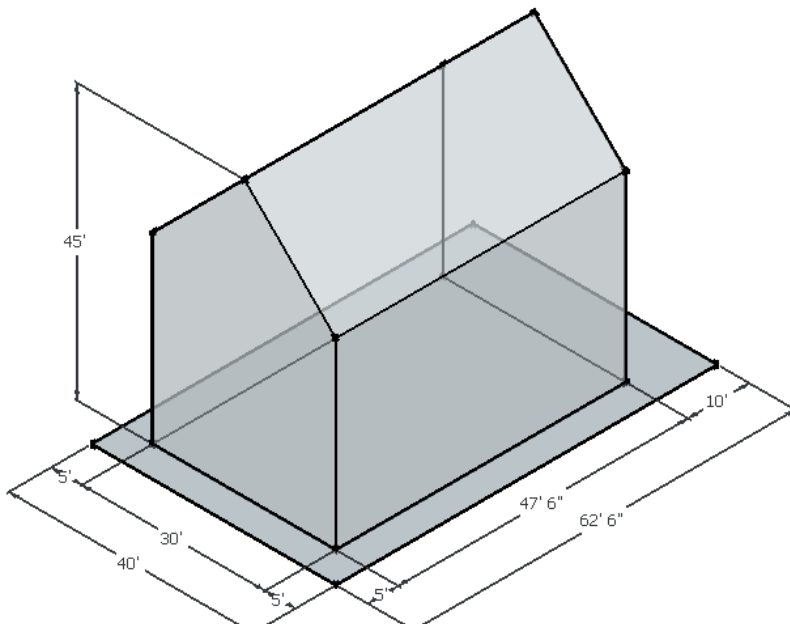


Diagram 2- 40' with gable roof

Lot Size: 2,500sf
 Street Frontage: 40'
 Front Yard: 5'
 Side Yard: 5'
 Side Yard: 5'
 Rear Yard: 10'
 Building Face: 30'
 Building Length: 47.5'
 Height: 45'
 Lot Coverage: 57% (1,425sf)

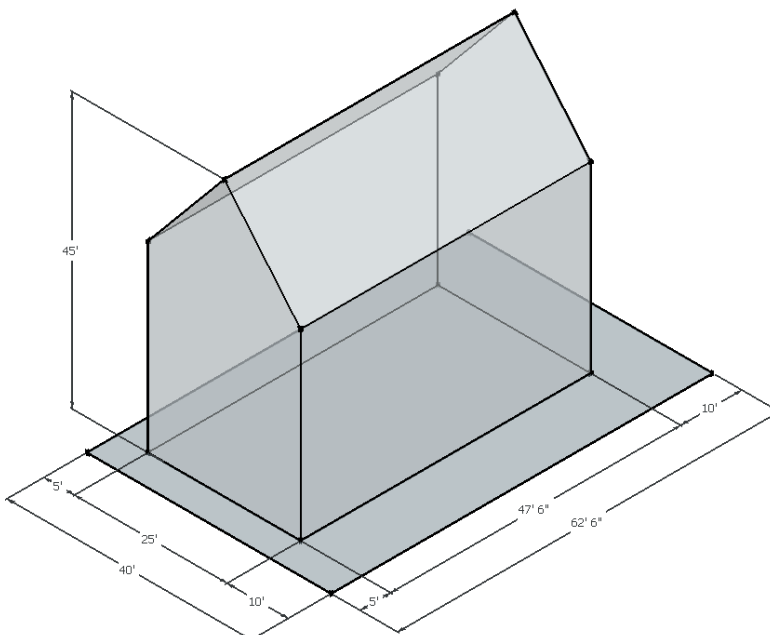


Diagram 3 - 40' with driveway

Lot Size: 2,500sf
 Street Frontage: 40'
 Front Yard: 5'
 Side Yard: 5'
 Side Yard: 10'
 Rear Yard: 10'
 Building Face: 25'
 Building Length: 47.5'
 Height: 45'
 Lot Coverage: 47.5% (1,187.5sf)



Mary Davis

Division Director, Housing & Community Development Division

AGENDA ITEM #3

TO: Councilor Donoghue, Chair
Members of the Housing and Community Development Committee

FROM: Mary Davis, Division Director
Housing and Community Development Division

DATE: April 4, 2014

SUBJECT: Review of Draft RFP for Sale and Development of Munjoy Street Lot

SUMMARY

Attached for your review, comments and suggestions is a rough draft of a RFP for the sale and development of the Munjoy Street lot discussed by the committee in prior meetings. This is a preliminary draft and is not intended as a final proposal. Staff is seeking comments and direction. No action by the committee is requested at this time.

As currently written, the RFP would solicit proposals for rental and/or home ownership developments which promote the development of affordable housing with a high standard of quality, design, and livability. Proposals should not require a contract or conditional zone, should be reflective of the surrounding traditional neighborhood and building heights should minimize the impact of shadows on the adjacent public playground.

Long term affordability is required. Affordability standards would be tied to either the most restrictive funding source (HOME for example) or the standards defined in Division 30 Section 14-485 of the City's Land Use Code.

COMMITTEE GOAL/COUNCIL GOAL ADDRESSED

Provide increased availability in all segments of the housing market while insuring that there is a suitable balance of housing opportunities among those sectors.

FINANCIAL IMPACT

The RFP makes available a portion of the proposed FY 2014-2015 HUD HOME funds set aside for affordable housing.

STAFF RECOMMENDATION

Staff is seeking comments and direction. No action by the committee is requested at this time.

ATTACHMENTS

Draft RFP for the Sale and Development of Munjoy Street Lot
Division 30 Section 14-485 of the City's Land Use Code



**City of Portland
Request for Proposals
For the Sale and Reuse of Property Located at
61-65 Munjoy Street**

RFP # XXXX

Notice and Specifications

Sealed proposals for furnishing the City of Portland with the Development of Affordable Housing, as specified herein, will be received by the Purchasing Office, Room 103, City Hall, 389 Congress Street, Portland, Maine 04101, until XXXday, XXXX, 2014 at 3:00 p.m. at which time they will be publicly opened. Proposals shall be submitted with the attached forms, and returned in sealed envelopes plainly marked on the outside **“SALE AND REUSE OF 61-65 MUNJOY STREET.”** Proposals that are late and/or submitted via fax or electronic communication will not be accepted. All proposals shall be held open to acceptance for sixty days from opening.

All questions must be submitted in writing to the Purchasing Office. These may be mailed; hand delivered, faxed to (207) 874-8652 or e-mailed to mff@portlandmaine.gov and be received no later than five (5) business days prior to the opening date. Questions received after this time will not be addressed. Any interpretation, correction, or change of this document will be made only by written addenda. Changes in any other manner will not be binding on the City of Portland.

The disposal of this real estate shall be on the basis of a negotiated proposal, with the City of Portland reserving the right to refuse any or all proposals. *All proposers are advised that the property will be sold “as-is” and “where-is”, in its existing condition, with no warranties either expressed or implied.* The City disclaims any and all responsibility for injury to proposers, their agents or others while examining the property or at any other time.

Proposals from vendors not registered with the Purchasing Office may be rejected; receipt of this document directly from the City of Portland indicates registration. Should a vendor receive this Request from a source other than the City of Portland, please contact (207) 874-8654 to ensure that your firm is listed as a vendor for this RFP.

GENERAL INFORMATION

The City of Portland, Maine seeks proposals from qualified developers for the purchase and development of the former Adams School parking lot site located at 61-65 Munjoy Street (hereafter, “the lot”). The site is designated on the City of Portland Tax Assessor’s Map as Map 3, Block M, Lot 5.

Summary of Request

The City of Portland is committed to provide a balance of housing opportunities and has set a goal to evaluate the use of city-owned property to construct affordable housing. As one step in accomplishing this goal, the City of Portland will accept proposals for the development of affordable housing on the lot located at 61-65 Munjoy Street, Portland, Maine (Map 3, Block M, Lot 5).

To facilitate the development of this site, the City of Portland is making available up to \$XXXX in FY 2014-2015 HUD Home Investment Partnership Program (HOME) funds (which may include a mandatory set-aside for CHDO organizations or organizations eligible for CHDO certification). The HUD definition of a CHDO organization is attached as Exhibit #1 entitled Definition of a Community Housing Development Organization (CHDO). **USE OF HOME FUNDS IS NOT A REQUIREMENT FOR PROPOSALS SUBMITTED UNDER THIS RFP.**

The City of Portland’s Division of Housing and Community Development uses the RFP process to ensure that public resources are utilized for maximum public benefit while accomplishing specific objectives and providing fair access to all applicants.

General Guidelines

Developments shall provide affordable rental or home ownership units. Note that “affordability” is defined by the standards outlined in Division 30 Section 14-485 of the City’s Land Use Code. However, proposals which include the use of HOME funds must meet the income and/or rent restrictions of the HOME program. Rental developments shall provide units to households earning no more than 60% of the area median income and ownership developments shall provide units to households earning no more than 80% of area median income.

Mixed income projects serving households that are very low, low to moderate, and middle income are eligible. Projects with mixed unit types including efficiencies, one, two and three or four bedroom units are also eligible. The minimum term of affordability is 90 years, to be secured by a land use restriction covenant in the deed.

The proposed use of funds, leveraging of other public and private resources, terms of affordability, design compatibility, readiness, financial feasibility, development experience, management capacity, and unit mix are among the scoring factors to be used in the review process.

This RFP outlines the selection criteria which all projects applying for these funds must meet, as well as scoring factors which will be used by the City of Portland to evaluate the proposals.

I. Background

The site at 61-65 Munjoy Street contains approximately 6,771 square feet. It is located on Munjoy Hill, on the southeast end of the Portland peninsula, in a neighborhood which is largely defined by 19th and early 20th century buildings. A public playground is adjacent to the site. The site is zoned R-6.

II. Goals for This RFP

The goal for the sale and development of the property at 61-65 Munjoy Street is to promote the development of affordable housing with a high standard of quality, design, and livability. Proposals should not require a contract or conditional zone (although other rezoning consistent with the City's Comprehensive Plan may be considered). Design principles should promote efficient use of land to create infill development that reflects and respects the existing pattern, streetscape, density, scale, massing, exterior materials and design elements that are reflective of the surrounding traditional neighborhood. Heights shall be less than or equal to the surrounding buildings and should minimize the impact of shadows on the adjacent public playground. They should also incorporate high standards of energy efficiency and "green" design criteria.

SCOPE OF SERVICES

General Specifications

All proposals submitted for this funding must meet the following selection criteria to be considered further in the review process.

A. Eligible Projects

- 1) Projects must create affordable rental or ownership housing units.
- 2) Projects requesting HOME funds must provide rental or home ownership units to households that meet the income and/or rent restrictions of either the HOME Program or the funding source used, whichever is more restrictive.
- 3) Projects receiving funding through this RFP must include a written occupancy policy that prohibits smoking in the units and the interior common areas of the project in addition to including a non-smoking clause in the lease for every household and making educational materials on tobacco treatment programs available to residents through the resident service coordinator, occupancy specialist, or property manager, such as the phone number for the statewide Maine Tobacco HelpLine.

B. Site Information and Criteria

- 1) Purchase Price: Proposals under this RFP must include a proposed purchase price for the property.

- 2) Local Approvals: Local land use approval is not required prior to submittal of the proposal. A letter from the City of Portland's code/zoning/planning administrator outlining the steps to achieving full permitting is required.
- 3) The applicant must submit an analysis of the project in relation to local land use regulations and site feasibility.
- 4) Proposals must not require a contract or conditional zone (although other rezoning consistent with the City's Comprehensive Plan may be considered).

C. Financial Feasibility

- 1) Financial Projections: Financial proposals must be developed in accordance with the underwriting guidelines of the primary funding source, including adequate cash flow and debt coverage ratio.
- 2) Use of HOME Funds: All projects will be reviewed for the proposed use of HOME funds compared to other resources. Applicants must describe the proposed mortgage and security position for the City of Portland's funding.

D. Market Demand

Proposers must provide an analysis and discussion of market demand justifying the need for the proposed project.

E. Applicant Capacity

All applicants must demonstrate capacity to develop, own and manage the proposed project. In the case of a proposal for home ownership housing, applicants must demonstrate capacity to market the units for the sale. All proposals must provide evidence of a development team with the capacity to successfully complete the project including;

- 1) Key staff members assigned to the project with the abilities and experience to successfully complete the project within the proposed timeframe.
- 2) An architect, general contractor and professionals on the team with the experience and capacity to complete the project.
- 3) A management team with qualified personnel and the capacity and experience to operate, manage and maintain the affordable rental property of size and mix of the proposed project and/or effectively market affordable home ownership housing.
- 4) Qualified staff with the capacity to perform ongoing property ownership requirements such as budgeting, tax accounting and oversight of management and maintenance.

- 5) A portfolio of current affordable housing projects that are financially sound and meeting their established goals.
- 6) Support Services: Proposals containing rental units targeted to special needs populations must include commitments for support services to be provided to the residents.

F. Term of Affordability

Term of affordability shall be defined by the standards outlined in Division 30 Section 14-485 of the City's Land Use Code. However, proposals which include the use of HOME funds for home ownership projects must have a plan for long-term affordability that meets HOME Program recapture or resale regulations.

G. Design Compatibility

Projects must be designed to contribute to the character of the neighborhood and adhere to the following guidelines.

- 1) **Connect the Neighborhood** The development should not be an island unto itself, but rather blend into and enhance the surrounding Munjoy Hill community.
- 2) **Design Considerations**
 - a. **High Quality Design** Excellence in architectural and landscape design is expected.
 - b. **Traditional Design** Design shall be reflective of the surrounding traditional neighborhood. New Urbanist principles shall be used to create infill development that reflects and respects the existing pattern, streetscape, density, scale, massing, exterior materials and design elements of the neighborhood. Buildings should orient to the street.
 - c. **Green Design** The site and buildings shall be designed to meet the City's Green Building Code.
 - d. **Streetscape** The development shall enhance the pedestrian experience and the public realm. Alternative transportation modes shall be accommodated and incorporated in the project.
 - e. **Height** Heights shall be less than or equal to the average of structures in a 2 block radius.
 - f. **Permeability** Design shall be permeable or porous. View corridors are encouraged. If the existing building is removed, Beckett Street shall be re-connected to its full width as a public, non-motorized right of way (a paved street is not desired). If the existing building remains, a public walkway shall be provided along the north-south axis of the site. Year round accessibility is required.
 - g. **Heterogeneity** Design of the buildings on the site shall be heterogeneous, not homogenous.
 - h. **Accessibility** Universal Design principles shall be incorporated wherever feasible, to ensure that the design is physically accessible to the greatest range of users.

H. Timeframe

The applicant must describe projected dates by which commitments will be obtained; the closing will take place, construction start-up, substantial completion, final completion and occupancy. Timeframes must be realistic and achievable. All funded projects must be able to start construction within 12 months of notice of award.

PROPOSAL REQUIREMENTS

Complete responses to this RFP, should include eight (8) complete copies of each proposal including one original bearing the hand written signature of an officer or employee having authority to bind the organization and the following, in the order outlined below.

Note: All respondents should investigate legal and zoning requirements for proposed projects prior to submission of proposal.

i. Project Summary

A brief description of the project, no longer than two pages, to include the number and type of units, tenants or owners to be served, special features, the impact on the neighborhood and other ways the proposal meets the selection criteria and preference guidelines.

Photographs and maps of the site and area are required.

ii. All Proposals Must Provide The Following:

- 1) Proposals must include a purchase price for the property.
- 2) Conceptual architectural and site plans
- 3) A project schedule showing critical path events and their timeframe for completion;
- 4) Map showing location of site
- 5) Corporation/partnership articles and by-laws
- 6) Most recent audit or federal tax returns for the last three years, and financial statements for the last two years
- 7) Documentation demonstrating certification or eligibility to obtain certification as a CHDO (if seeking the CHDO funds)
- 8) A brief development team summary, including:
 - The type of organization/ownership structure
 - The names of Board of Directors, Corporate Officers, or Owners, as appropriate

- Name, title and relevant experience of individuals involved in managing the business entity and this proposed project. A copy of the 501(3)(c) exemption certification
 - Brief description of similar projects completed
 - A list of all projects currently in development with status and projected timeframe
- 9) A sources and uses funding statement
 - 10) Preliminary operating budget identifying rents and expenses for the first year
 - 11) A 15-year operating pro forma for the project
 - 12) Evidence of financial commitments, or explanation of the ability and timing to secure those commitments. A statement describing the applicant's capacity for and experience in raising the type of capital needed to finance projects of this size and type.
 - 13) Projects serving special needs populations must provide evidence of commitments of support services, and a description of the service provider and funding cycle for those services.
 - 14) Applicant must include a management plan for the long-term management of the project including manager's experience and capacity.
 - 15) Applicant must include a marketing plan for the sale of home ownership units.
 - 16) An analysis and discussion of market demand justifying the need for the proposed project.

SELECTION PROCESS

Selection criteria will be used in reviewing and scoring the proposals.

I. Point System for Evaluating and Scoring Proposals (Maximum Points 100)

1. Proposed use of resources to achieve the City of Portland's goals and address demonstrated need. **25 points**

Maximum points will be awarded for those proposals that demonstrate sufficient market demand, create housing options which promote economic diversity in the neighborhood in which the development is located, and include a policy prohibiting smoking.

2. Financial feasibility, including cost, development budget, operating pro forma and the provision of secured and leverage funds. **25 points**

Maximum points will be awarded for those proposals that include a complete set of financial documents to support the financing request, contain a realistic set of sources and uses

development budgets and a pro forma operating budget, include sufficient reserves for operations and maintenance, including pre-funded reserves, and long-term financial sustainability of the project is highly likely.

3. Applicant's ability to complete project, including development team, experience, capacity, project readiness and timeframe for completion. **20 points**

Maximum points will be awarded for those proposals that demonstrate a development team with a successful track record in projects of similar size, scale, type and complexity to the proposed project and capacity to fulfill their responsibilities and the readiness of the project to proceed.

4. Impact on surrounding neighborhood, including design compatibility and environmental issues. **30 points**

Maximum points will be awarded for those proposals where site selection is appropriate for use, the design is consistent with neighborhood design characteristics, amenities and unit design are well thought out and appropriate, and meet the requirements of the City of Portland's Green Building Code.

II. RFP Evaluation and Selection Process and Timeframe

Proposals will be reviewed by an evaluation team that will include City of Portland staff. The following process will be used:

- 1) Upon closing of the RFP application period, all proposals will be reviewed for completeness.
- 2) Complete proposals will be reviewed under the scoring factors in order to recommend the most qualified proposals based on the information submitted. The proposal review team may confer with the applicants and/or third parties to clarify or verify information and request additional information.
- 3) Recommendations, along with all proposals and scoring information, will be forwarded to the City Council's Housing and Community Development Committee for review and approval. Their recommendations will be forwarded to the City Council for final review and approval. Public presentations may be required.
- 4) Applicants will be kept informed throughout the review process, specifically in regard to recommendations and funding levels.
- 5) The evaluation and review process should be substantially complete by XXXXXX, 2014. Applicants will be notified of their proposal status as soon as possible.
- 6) Based on City Council approval, a purchase and sale agreement will be negotiated (see legal requirements) and as appropriate, successful applicants will receive a letter of funds

reservation. A letter of funds reservation is not a commitment letter but an agreement to set aside budgeted funds for up to six months, to allow the project sponsor to proceed with securing other commitments.

INSTRUCTIONS AND OTHER INFORMATION

- A. The City of Portland reserves the right, at its sole discretion, to award all, a portion, or none of the available funding from this RFP, as well as reject any and all proposals for city funding, based on the quality and merits of the proposals received, or when it is determined to be in the public interest to do so. Furthermore, the City of Portland may extend deadlines and timeframes, as needed.
- B. Confidentiality: Proposals received by the City of Portland shall become a matter of public record subject to public inspection, except to the extent, which an applicant designates in writing, proprietary data to be confidential and submits that data under separate cover, such information may be held from public inspection, as provided in Maine law: 5 MRSA Sections 13119-A and 13119-B
- C. Compliance with Federal Law: The selected applicant will be required to certify that the development and management of the proposed housing will be in compliance with all applicable laws, executive orders, OMB Circulars and federal regulations, including but not limited to: Fair Housing Act, Equal Opportunity and Non-discrimination, National Environmental Policy Act (NEPA), the Uniform Relocation Assistance and Real Property Acquisition Policies Act, the Davis-Bacon Act, the Lead Based Paint Poisoning Prevention Act, Flood Disaster Protection Act, Conflict of Interest, Contractor Debarment and Cost Principles.
- D. **All applications must meet the rules and regulations of the HOME Program as noted in 24 CFR Part 92 and the requirements of the Consolidated and Further Continuing Appropriations Act of 2012 (PL 112-55).**

LEGAL REQUIREMENTS

The selected developer will be required to provide a performance guaranty in the form of a letter of credit or a performance bond, the performance of the developer's obligations outlined in this Request for Proposal and subsequent contract to be negotiated with the City. This performance guaranty is separate from any performance guaranty that will be required as a result of the City's site plan review process.

The City shall convey the described real estate by quitclaim deed to the developer, or where the City has obtained a warranty deed for the real estate, it shall provide a warranty deed for the same to the developer. Any deed from the City will contain a restriction in the deed that the property must meet the permanent affordability requirements as described in this Request for Proposals.

In the event the City makes a financial contribution to a developer and to secure the developer's obligations, the City shall have a security interest in the form of a mortgage in the real estate to be

developed. The terms of the mortgage shall be negotiated with the developer at the time of the commitment of funds.

EQUAL EMPLOYMENT OPPORTUNITIES

Vendor shall comply fully with the Nondiscrimination and Equal Opportunity Provisions of the Workforce Investment Act of 1998, as amended (WIA, 29 CFR part 37); the Nontraditional Employment for Women Act of 1991; title VI of the Civil Rights Act of 1964, as amended; section 504 of the Rehabilitation Act of 1973, as amended; the Age Discrimination Act of 1975, as amended; title IX of the Education Amendments of 1972, as amended; and with all applicable requirements imposed by or pursuant to regulations implementing those laws, including but not limited to 29 CFR part 37.

Reservation of Rights

The City of Portland reserve the right, at its sole discretion, to award all, a portion, or none of the available funding from this RFP, as well as reject any and all proposals based on the quality and merits of the proposals received, or when it is determined to be in the public interest to do so. Furthermore, the City of Portland may extend deadlines and timeframes, as needed.

The City of Portland reserves the right to substantiate any proposers' qualifications, capability to perform, availability, past performance records and to verify that the bidder is current in its financial obligations to the City of Portland.

All materials and equipment used as well as all methods of installation shall comply at a minimum with any and all Federal, OSHA, State and/or local codes, including applicable municipal ordinances and regulations.

The successful bidder shall agree to defend, indemnify and save the City of Portland harmless from all losses, costs or damages caused by its acts or those of its agents, and, before signing the contract, will produce evidence satisfactory to the City of Portland's Corporation Counsel of coverage for General Public and Automobile Liability insurance in amounts not less than \$400,000 per person, for bodily injury, death and property damage, protecting the contractor and the City of Portland, and naming the City of Portland as an additional insured from such claims, and shall also procure Workers' Compensation insurance.

Pursuant to City of Portland procurement policy and ordinance, the City of Portland is unable to contract with businesses or individuals who are delinquent in their financial obligations to the City of Portland. These obligations may include but are not limited to real estate and personal property taxes and sewer user fees. Bidders who are delinquent in their financial obligations to the City of Portland must do one of the following: bring the obligation current, negotiate a payment plan with the City of Portland's Treasury office, or agree to an offset which shall be established by the contract which shall be issued to the successful bidder.

The City of Portland, Maine, reserves the right to waive any informalities in proposals, to accept any proposal or portion thereof, and, to reject any and all proposals, should it be in the best in the best interest of the City of Portland to do so.

It is the custom of the City of Portland, Maine to pay its bills 30 days following equipment delivery and acceptance, and following the receipt of correct invoices for all items covered by the purchase order. In submitting bids under these specifications, bidders should take into account all discounts, both trade and time allowed in accordance with this payment policy and quote a net price. The City of Portland is exempt from the State's sales and use tax as well as all Federal excise taxes.

XXXXX, 2014

Matthew F. Fitzgerald
Purchasing Manager

Appendices

Exhibit #1. HUD definition of a Community Housing Development Organization (CHDO)

PROPOSAL***THIS PAGE MUST BE INCLUDED***

The UNDERSIGNED hereby declares that he/she or they are the only person(s), firm or corporation interested in this proposal as principal, that it is made without any connection with any other person(s), firm or corporation submitting a proposal for the same.

The UNDERSIGNED hereby declares that they have read and understand all conditions as outlined in the invitation for bids, and that their proposal is made in accordance with same.

The UNDERSIGNED hereby declares that any person(s) employed by the City of Portland, Maine, who has direct or indirect personal or financial interest in this proposal or in any portion of the profits that may be derived there from, has been identified and the interest disclosed by separate attachment. (Please include in your disclosure any interest which you know of. An example of a direct interest would be a City of Portland employee who would be paid to perform services under this proposal. An example of indirect interest would be a City of Portland employee who is related to any officers, employees, principal or shareholders of your firm or to you. If in doubt as to status or interest, please disclose to the extent known).

The proposer acknowledges the receipt of Addenda numbered _____
If Applicable

COMPANY NAME: _____
(Individual, Partnership, Corporation, Joint Venture)

AUTHORIZED SIGNATURE: _____ DATE: _____
(Officer, Authorized Individual or Owner)

PRINT NAME & TITLE: _____

ADDRESS: _____

TELEPHONE: _____ FAX: _____

E-MAIL: _____ FEDERAL TAX ID NUMBER: _____

NOTE: All bids must bear the handwritten signature of a duly authorized member or employee of the organization making the bid. This sheet must be signed and returned with the proposal package.

EXHIBIT #1 – DEFINITION OF A COMMUNITY HOUSING DEVELOPMENT ORGANIZATION

1. Is a private nonprofit organization under State or local laws;
2. Has no part of its net earnings inuring to the benefit of any member, founder, contributor, or individual;
3. Is neither controlled by, nor under the direction of, individuals or entities seeking to derive profit or gain from the organization. A community housing development organization may be sponsored or created by a for-profit entity, but:
 - i. The for-profit entity may not be an entity whose primary purpose is the development or management of housing, such as a builder, developer, or real estate management firm.
 - ii. The for-profit entity may not have the right to appoint more than one-third of the membership of the organization's governing body. Board members appointed by the for profit entity may not appoint the remaining two-thirds of the board members; and
 - iii. The community housing development organization must be free to contract for goods and services from vendors of its own choosing;
4. Has a tax exemption ruling from the Internal Revenue Service under section 501(c)(3) or (4) of the Internal Revenue Code of 1986;
5. Does not include a public body (including the participating jurisdiction). An organization that is State or locally chartered may qualify as a community housing development organization; however, the State or local government may not have the right to appoint more than one-third of the membership of the organization's governing body and no more than one-third of the board members may be public officials or employees of the participating jurisdiction or State recipient. Board members appointed by the State or local government may not appoint the remaining two thirds of the board members;
6. Has standards of financial accountability that conform to 24 CFR 84.21, "Standards for Financial Management Systems;"
7. Has among its purposes the provision of decent housing that is affordable to low-income and moderate-income persons, as evidenced in its charter, articles of incorporation, resolutions or bylaws;
8. Maintains accountability to low-income community residents by:
 - i. Maintaining at least one-third of its governing board's membership for residents of low-income neighborhoods, other low-income community residents, or elected representative of low-income neighborhood organizations. For urban areas, "community" may be a neighborhood or neighborhoods, city, county or metropolitan area; for rural areas, it may be a neighborhood or neighborhoods, town, village, county, or multi-county area (but not the entire State); and

- ii. Providing a formal process for low-income program beneficiaries to advise the organization in its decisions regarding the design, siting, development, and management of affordable housing;
9. Has a demonstrated capacity for carrying out activities assisted with HOME funds. An organization may satisfy this requirement by hiring experienced key staff members who have successfully completed similar projects, or a consultant with the same type of experience and a plan to train appropriate key staff members of the organization; and
10. Has a history of serving the community within which housing to be assisted with HOME funds is to be located. In general, an organization must be able to show one year of serving the community before HOME funds are reserved for the organization. However, a newly created organization formed by local churches, service organizations or neighborhood organizations may meet this requirement by demonstrating that its parent organization has at least a year of serving the community.

1. *Historic Preservation.* Nothing in this division shall permit the demolition or conversion to non-residential use, of dwelling units in residential property protected by the Historic Preservation Ordinance (Sections 14-601, et seq.), except as permitted by that ordinance.
2. *Conditional Zone.* A conditional zone may not be used to circumvent the application of this section. The terms of this section shall apply to any conditional zone which involves dwelling units affected by this section. Notwithstanding the foregoing, nothing herein shall be deemed to prevent the City and the applicant from agreeing to terms which exceed those imposed by this section by means of a conditional zone.

(m) *Appeals.* Any applicant aggrieved by a decision of the Planning Authority under this section may appeal to the Zoning Board of Appeals within 30 days of that decision.

(Ord. No. 27-02/03, 10-7-02; Ord. No. 280-09/10, 7-19-10; Ord. No. 241-10/11, 6-6-11)

DIVISION 30. INCENTIVES FOR AFFORDABLE HOUSING

Sec.14-484. Purpose.

The city believes that it is in the public interest to promote an adequate supply of affordable housing for its residents. The purpose of this division therefore is to offer incentives to developers to include units of affordable housing within development projects, thereby mitigating the impact of market rate housing construction on the limited supply of available land for suitable housing, and helping to meet the housing needs of all economic groups within the city. The city believes that this division will assist in meeting the city's comprehensive goals for affordable housing, in the prevention of overcrowding and deterioration of the limited supply of affordable housing, and by doing so promote the health, safety and welfare of its citizens.

(Ord. No. 98-06/07, 12-4-06)

Sec. 14-485. Definitions.

Affordable housing unit for rent means a dwelling unit for which:

- (a) The rent is affordable to a household earning 80% or less of the U.S. Department of Housing and Urban Development moderate-income figure for metropolitan Cumberland county Maine for a household of that size; and
- (b) Annual rent increases for that unit are limited in perpetuity by deed restriction or other legally binding agreement to the percentage increase in the U.S. Department of Housing and Urban Development moderate-income figure for metropolitan Cumberland county Maine for a household of that size.

Affordable housing unit for sale means a dwelling unit for which:

- (a) The sale price is affordable to a household earning 120% or less of the U.S. Department of Housing and Urban Development moderate-income figure for metropolitan Cumberland county Maine for a household of that size; and
- (b) The resale price is limited by deed restriction or other legally binding agreement for all future sales of the unit to an amount that is affordable to a household earning 120% of the U.S. Department of Housing and Urban Development moderate-income figure for metropolitan Cumberland county Maine for a household of that size, as calculated for the year in which the sale takes place.

Development fees means:

- (a) The following fees, as described in this chapter: site plan review and inspection fees; subdivision review and inspection fees; and administrative fees; and
- (b) Construction and permit fees as described in chapter 6. "Development fees" does not include any fees charged for reviews conducted by a party other than the city.

Dwelling unit has the same meaning as that term is defined in section 14-47.

Portland, Maine



Yes. Life's good here.

Mary Davis

Division Director, Housing & Community Development Division

AGENDA ITEM #4

**TO: Councilor Donoghue, Chair
Members of the Housing and Community Development Committee**

**FROM: Mary Davis, Housing & Community Development Division Director
Jeff Levine, Planning & Urban Development Director
Greg Mitchell, Economic Development Director**

DATE: April 4, 2014

SUBJECT: 2014 HCDC Calendar

Attached is a standing communication on your agenda, the updated Committee Calendar.

DRAFT 2014 Housing & Community Development Committee meeting Calendar

Meetings: 2nd & 4th Wednesday of each month

As of April 3, 2014

January

Jan. 8 Meeting:

2014 Draft HCDC Work Plan for preliminary discussion subject to change after January 13 City Council goal setting workshop.

For Review and Recommendation to Council - Pearl Place TIF district amendments

Wilmot Street – Possible Reacquiring – Executive Session

Tenant Based Rental Assistance Program update

Housing First Pre-Development RFP – Review Draft

Communication: Update on CDBG Workforce Development Program

Jan. 22 Meeting:

Presentation on proposed amendments to parking requirements and the Sustainable Transportation Fund for possible action

Economic Development Vision and Plan – Work Plan Update for 2014-2015

February

February 12, 2014 Meeting:

Possible City lease/acquisition of property for City Department Consolidation/Forward to Council – Public and Executive Session

Start Downtown TOD/TIF Discussion

Update on Housing Plan and Consultant Services RFP/Communication Item

February 26 Meeting:

Housing Program Budget Recommendation to Council

Review City sites for residential development or sale including former Adams School property

Nova Scotia Ferry Service Operator Lease – Executive Session

March

March 12 Meeting:

Continue Downtown TOD/TIF District Discussion

Nova Scotia Ferry Service Operator Lease/Possible Recommendation to City Council

Review & Recommendation: Updated Citizen Participation Plan

Review & Recommendation: 3 year renewal of Cumberland County HOME Consortium, 2015-18

March 26 Meeting:

Presentation on proposed amendments to the B2 zones for possible action

Review and possible approval of Affordable Housing RFP

Creative Portland PACE Project in Bayside for Review/Direction and executive session for possible City-owned Bayside property disposition discussion.

Spring Street Garage Space Leases (Pirates and Adjacent Vacant Space)

Communication: Update on the discussion of city sites for residential development

Communication: CDBG funding recommendations from Committee & City Manager; Annual Action Plan

April

April 9 Meeting:

Presentation on proposed amendments to R-6/R-7 zones for feedback
Review of draft of possible RFP for city-owned lot on Munjoy Street

April 23 Meeting:

Downtown TOD/TIF District – Continue Discussion
Spring Street Garage Space Leases (Pirates and Adjacent Vacant Space)
Executive Session Tugboat Lease Renewal at Portland Ocean Terminal
Donation of Property to City on Rowe Avenue
Communication: Annual Action Plan, due to HUD May 15

May

Tugboat Lease Renewal at Portland Ocean Terminal
Update on city-owned lot on Munjoy Street
Tentative: executive session/public session for guidance and approval to move forward with disposition process for a tax-acquired property.
Downtown TOD/TIF District – Continue Discussion

June

For Review and Comment/ Recommendation to Council if necessary: Recommendations for improvement to CDBG process.
Housing Liaison Program Update
Presentation on proposed amendments to R-6/R-7 zones for possible action
Downtown TOD/TIF District – Continue Discussion

July

Update on city-owned lot at 98 High Street
Start discussion related to Riverside Street area wide needed public infrastructure status and improvements.
Somerset Street Grade Adjustment Project – Tentative Executive Session

August

Housing Development RFP – review of proposals received
For Review and Comment: Consolidated Annual Performance Evaluation Report (CAPER) due to HUD September 30.

September

October

Communication: CDBG Application is available/Process Update.

November

Annual City wide TIF District Activity Report/review and recommendation to City Council
HCDC Annual Accomplishment Report/review and recommendation to City Council

December

For April 9, 2014 HCDC Meeting