

MARK DION (MAYOR)
PIOUS ALI (A/L)
APRIL FOURNIER (A/L)
ROBERTO RODRÍGUEZ (A/L)



ANNA TREVORROW (1)
VICTORIA L. PELLETIER (2)
REGINA L. PHILLIPS (3)
ANNA BULLETT (4)
KATE SYKES (5)

SPECIAL CITY COUNCIL MEETING - DECEMBER 4, 2023 AT 6:30 PM

The Portland City Council will hold a City Council Meeting in Council Chambers. The Honorable Mark Dion, Mayor, will preside.

To submit written public comment on an agenda item, email publiccomment@portlandmaine.gov. Submissions must be received by 12:00 pm the day before the Council meeting to guarantee their inclusion in the agenda packet. All submissions must include the commenter's name and legal address. To help ensure your comment is submitted for the correct item, please include the order number (see below).

The City Council will conduct this meeting from Council Chambers, located on the second floor of City Hall. Public comments may only be submitted in person or in writing.

To view this meeting remotely, please visit the live-stream at <https://portlandme.portal.civicclerk.com/event/6765/media>.

PLEDGE OF ALLEGIANCE:

ROLL CALL:

6:30 P.M. PUBLIC COMMENT PERIOD ON NON-AGENDA ITEMS:

ANNOUNCEMENTS:

RECOGNITIONS:

APPROVAL OF MINUTES OF PREVIOUS MEETING:

CONSENT ITEMS:

Order 76-23/24 Approving Transfer of Funds under 15 M.R.S. §§5824(3) and 5826(6) Re: Sarah Hartley - Sponsored by Danielle P. West, City Manager

This order authorizes the City Council to approve the transfer of \$3,823.00 in forfeited assets from the State of Maine to the City of Portland from the case of the State of Maine v. Sarah Hartley.

The money was seized during a drug investigation conducted by the M.D.E.A. in conjunction with the Portland Police Department. The money from this forfeiture order will be deposited into the Portland Police Department's drug investigation account. The money is used to offset the costs of drug investigations, such as drug analysis, drug purchases, covert surveillance, surveillance equipment, drug training and protective gear, such as body armor. The money may also be used to support the department's Law Enforcement Addiction Advocacy Program.

APPOINTMENTS:

**Order 77-23/24 Appointing Members to Various Boards & Commissions -
Sponsored by the Legislative/Nominating Committee, April Fournier, Chair**

If passed, this order would appoint the following individuals to various boards and commissions:

<u>Name</u>	<u>Board or Committee</u>	<u>Expiration of Term</u>
Hillary Bassett	Historic Preservation	11/30/2026
Brian Sosebee	Historic Preservation	11/30/2025
Rob Whitten	Historic Preservation	11/30/2026
Aaron Chase	Rental Housing Advisory Committee (Landlord)	3/31/2026
Jennifer Heald	Rental Housing Advisory Committee (Tenant)	3/31/2025
Alaina Chormann	Land Bank Commission	6/30/2026
Daniel Black	Zoning Board of Appeals	12/31/2026
Robert Todd Morse	Zoning Board of Appeals	12/31/2026
Kate Anker	Creative Portland Corporation	11/30/2026
Kristie Archambault	Creative Portland Corporation	11/30/2026
Lucy Comaskey	Creative Portland Corporation	11/30/2025
Herb Ivy	Creative Portland Corporation	11/30/2026
Daniel Minter	Creative Portland Corporation	11/30/2026

LICENSES:

Order 78-23/24 Granting Municipal Officers' Approval of Rebel Enterprises, dba Rebel Munchies and Libations. Application for Class XI Restaurant/Lounge at 649 Congress Street - Sponsored by Danielle P. West, City Manager

Application was filed on 11/9/23. Location was previously Dos Naciones. New City and State applications.

Five affirmative votes are required for passage after public comment.

Order 79-23/24 Granting Municipal Officers' Approval of Sacred Profane LLC, dba Sacred Profane. Application for Class XI Restaurant/Lounge at 28 Resurgam Pl - Sponsored by Danielle P. West, City Manager

Application was filed on 11/02/23. Location was previously Stroudwater Distillery. New City and State applications.

Five affirmative votes are required for passage after public comment.

ORDERS:

Order 80-23/24 Approving the First Amendment and Restated Purchase and Sale Agreement with Lambert Woods North, LLC for 622 Auburn and 0 Gay Road,

Falmouth - Sponsored by the Housing & Economic Development Committee, Councilor Pious Ali, Chair

On October 24, 2023, the Housing and Economic Development Committee voted (4-0) to recommend the City Council enter into the First Amendment and Restate Purchase and Sale Agreement for City-owned property at 622 Auburn Street, and 0 Gray Road, Falmouth.

On May 10, 2022, the City entered into a Purchase and Sale Agreement with Maine Cooperative Development Partners for a limited equity cooperative affordable housing development at 622 Auburn Street, and 0 Gray Road, Falmouth.

Originally, Maine Cooperative Development Partners proposed creating limited equity cooperative housing units (“Co-ops”) at the 622 Auburn and 0 Gray Road site. All of the homes would have been permanently affordable for households earning at or up to 100% AMI. The scope of the project has changed. Maine Cooperative Development Partners (MCDP) has assigned its rights under the Original Purchase and Sale Agreement to Lambert Woods North LLC (the Buyer). The LLC is comprised of Maine Cooperative Development Partners, and Preservation of Affordable Housing in a 50/50 partnership. Lambert Woods North LLC is now proposing to create 72 units of Low Income Housing Tax Credit (LIHTC) rental housing affordable at 60% of the area median income.

Five affirmative votes are required for passage after public comment. Staff recommend this item be postponed to the December 18, 2023 Council meeting so that it may be considered with the companion orders below.

Order 81-23/24 Approving the Credit Enhancement Agreement with Lambert Woods North LLC - Sponsored by the Housing & Economic Development Committee, Councilor Pious Ali, Chair

During a meeting held on October 24, 2023, the Housing and Economic Development Committee voted (4-0) to forward this item to the City Council with a recommendation for passage.

This is a companion order to the above.

This item must be read on two separate days. This is its first reading.

Order 82-23/24 Designating the Lambert Woods North Affordable Housing Development and Tax Increment Financing District and Adopting the Municipal Development Program for the District - Sponsored by the Housing & Economic Development Committee, Councilor Pious Ali, Chair

During a meeting held on October 24, 2023, the Housing and Economic Development Committee voted (4-0) to forward this item to the City Council with a recommendation for passage conditioned upon the final underwriting recommendation and evidence of site control.

Lambert Woods North, LLC is proposing construction of six buildings composed of two three-story flats consisting of 10 units each, and four three-story rowhouses (two rowhouses would have 16 units, one rowhouse would have 12 units, and the final rowhouse would have 8 units) for low-income households at 622 Auburn Street. Lambert Woods North LLC is requesting financial assistance from the City in the form of

Affordable Housing Tax Increment Financing (AHTIF) to assist with the cost of the project. If approved, the AHTIF financing would be provided through a Credit Enhancement Agreement at 75% of the increased taxable value currently estimated at an average of \$123,504 annually over 30 years.

The project would include 34 one-bedroom, 10 two-bedroom, and 28 three-bedroom units. All of the units would be reserved for households earning at or below 60 AMI (i.e. \$56,800 for two people). The property would integrate bus shelters for the 9A and 9B buses, lighted sidewalks, community space, a playground, and community gardens. The building would meet or exceed Portland's Green Building Ordinance.

This item must be read on two separate days. This is its first reading.

Order 83-23/24 Appropriating \$1,500,000 in Housing Trust Funds to Maine Cooperative Development Partners RE: Dougherty Commons Condominiums - Sponsored by the Housing & Economic Development Committee, Councilor Pious Ali, Chair

During a meeting held on November 14, 2023, the Housing & Economic Development Committee voted (4-0) to forward this item to the City Council with a recommendation for passage.

Maine Cooperative Development Partners (MCDP) is proposing to construct a two-story, four unit condominium townhouse building, and a three-story 16 unit condominium rowhouse building (for a total of 20 condominiums) on the city-owned property located at 43 & 91 Douglass Street. The City Council approved the amended Purchase and Sale Agreement for the city-owned property during their 11-13-23 Council meeting. This housing proposal is one-part of a three-part residential housing development at 43 & 91 Douglass Street.

The Dougherty Commons Condominium project would include 20 units affordable for households earning up to 100% AMI. The total bedroom count is; 8 one-bedroom and 12 three-bedroom condominium units.

The chart below shows the maximum income allowable for each unit type and household size based on a maximum sale price of \$260,000 for a one-bedroom unit, and \$325,000 for a three-bedroom unit.

One Bedroom Condo	Maximum Household Income
1 person	\$83,650
2 person	\$95,500
Three Bedroom Condo	Maximum Household Income
3 person	\$107,550
4 person	\$119,500
5 person	\$127,750
6 person	\$137,187

This item must be read on two separate days. This is the first reading. The second reading is scheduled for December 18, 2023.

AMENDMENTS:

Order 84-23/24 Zoning Map Amendment to B-2 Community Business for 182 Woodford Street Rear and 186 Woodford Street - Sponsored by the Planning Board,

Brandon Mazer, Chair

On October 10, 2023, the Planning Board unanimously voted (4-0; Smith & Murphy Absent; Silk Recused) to recommend a zoning map amendment changing 186 Woodford Street (Parcel: CBL 124 J005001) from an existing R-5 Residential zone, B-1 Neighborhood Business zone, and B-2 Community Business zone to a B-2 Community Business zone. In addition, the Planning Board is recommending to change the zoning at 182 Woodford Street Rear (Parcel: CBL 124 J021001) from an R-5 Residential zone to B-2 Community Business zone. The Planning Board found the proposed zoning map amendment to be consistent with the Comprehensive Plan for the City of Portland.

The proposed zoning map amendment application was submitted by Community Housing of Maine (CHOM) to facilitate the redevelopment of the former Woodfords Church Parish building and the construction of a new building, which would create 80 affordable housing units within Woodford's Corner, a priority node identified in the Comprehensive Plan.

This item must be read on two separate days. This is its first reading.

Order 85-23/24 LD 2003 Text Amendments to Articles 3, 6, 7, 18 & 19 of the Land Use Code - Sponsored by the Planning Board, Brandon Mazer, Chair

On October 24, 2023, the Planning Board unanimously recommended a set of zoning text amendments to the City Council (7-0) to comply with the requirements of LD 2003.

LD 2003, or *An Act to Implement the Recommendations of the Commission to Increase Housing Opportunities in Maine by Studying Zoning and Land Use Restrictions*, was signed into law in April 2022. The law's intent is to remove local regulatory barriers to housing production in Maine by requiring that municipalities adopt standards around affordable housing, residential uses, and accessory dwelling units within their local codes of ordinances. State rule-making was published in April 2023, and the law was amended in June 2023 to provide additional clarity around certain provisions.

The implementation deadline for communities in which ordinances may be enacted by municipal officers is January 1, 2024. The proposed amendments as recommended by the Planning Board include changes to Articles 3, 6, 7, 18, and 19 of the city's land use code.

This item must be read on two separate days. This is its first reading.

EXECUTIVE SESSION:

ADJOURNMENT: