

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

KIMBERLY COOK (5)
JILL C. DUSON (A/L)
PIOUS ALI (A/L)
NICHOLAS M. MAVODONES, JR. (A/L)

JUNE 17, 2019 CITY COUNCIL AGENDA

The Portland City Council will hold a City Council meeting in City Council Chambers. The Honorable Ethan K. Strimling, Mayor, will preside.

PLEDGE OF ALLEGIANCE:

ROLL CALL:

APPROVAL OF MINUTES OF PREVIOUS MEETING:

Approval of the Draft City Council Minutes for June 3, 2019.

PROCLAMATIONS:

Proc 34-18/19 - Proclamation Recognizing PortFringe Festival - Sponsored by Mayor Ethan K. Strimling.

APPOINTMENTS:

Order 269-18/19 Appointing and Setting Salary of Kristen Dow as Director of Health and Human Services - Sponsored by Jon P. Jennings, City Manager.

This order appoints Kristen Dow as Director of Health and Human Services effective June 17, 2019, at a salary rate of \$116,691.00.

Five affirmative votes are required for passage after public comment.

Order 270-18/19 Appointing Constables for 2019 for the Police Department - Sponsored by Jon P. Jennings, City Manager.

The Police Department is requesting that police recruits Dylan Miller and Kyle Vaught be appointed as constables.

These appointment are effective until 12:00 midnight, December 31, 2019, and are made pursuant to Portland City Code, Sections 20-19 and 20-19.5. Constables are not allowed to carry a firearm, concealed or unconcealed, in the performance of their duties, or to make arrests or issue parking tickets, unless that is one of the person's duties.

Staff is requesting this order be passed as an emergency so that these police cadets may perform constable duties as soon as possible to assist with police enforcement during the busy summer season. Time is of the essence as these recruits will be entering the police academy at the end of July. the performance of their duties, or to make arrests or issue parking tickets, unless that is one of the person's duties. Seven affirmative votes are required for passage as an emergency.

CONSENT ITEMS:

LICENSES:

Order 271-18/19 Granting Municipal Officers' Approval of Deering 539 LLC dba Bird & Co. Application for a Class I FSE with Outdoor Dining on Public Property at 539 Deering Avenue - Sponsored by Jon P. Jennings, City Manager.

Deering 539 LLC dba Bird & Co. Application for a Class I FSE with Outdoor Dining on Public Property at 539 Deering Avenue.

Application was filed on 5/28/2019. New City application. Applicant currently had a Class I FSE.

Five affirmative votes are required for passage after public comment.

Order 272-18/19 Granting Municipal Officers' Approval of LB Kitchen LLC dba LB Kitchen LLC. Application for a Class III & IV FSE with Outdoor Dining on Public Property at 231 York Street - Sponsored by Jon P. Jennings, City Manager.

LB Kitchen LLC dba LB Kitchen LLC. Application for a Class III & IV FSE with Outdoor Dining on Public Property at 231 York Street.

Application was filed on 5/22/2019. New City application. Applicant currently has a Class III & IV FSE.

Five affirmative votes are required for passage after public comment.

Order 273-18/19 Granting Municipal Officers' Approval of Brothers Inc dba Locally Sauced. Application for a Class I FSE with Outdoor Dining on Private Property at 4 Thompson's Point - Sponsored by Jon P. Jennings, City Manager.

Ely Brothers Inc dba Locally Sauced. Application for a Class I FSE with Outdoor Dining on Private Property at 4 Thompson's Point.

Application was filed on 5/15/2019. New City application. Applicant currently has a Class I FSE.

Five affirmative votes are required for passage after public comment.

Order 274-18/19 Granting Municipal Officers' Approval of Portland Hunt & Alpine Club LLC dba Portland Hunt & Alpine Club. Application for a Class I FSE with Parklet Outdoor Dining at 75 Market Street - Sponsored by Jon P. Jennings, City Manager.

Portland Hunt & Alpine Club LLC dba Portland Hunt & Alpine Club. Application for a Class I FSE with Parklet Outdoor Dining at 75 Market Street.

Application was filed on 5/28/2019. New City application. Applicant currently had a Class I FSE.

Five affirmative votes are required for passage after public comment.

Order 275-18/19 Granting Municipal Officers' Approval of Northern Soul Hospitality LLC dba Royale Lunch Bar. Application for a Class I FSE with Outdoor Dining on Public Property at 7 Union Street - Sponsored by Jon P. Jennings, City Manager.

Northern Soul Hospitality LLC dba Royale Lunch Bar. Application for a Class I FSE with Outdoor Dining on Public Property at 7 Union Street.

Application was filed on 5/28/2019. New City application. Applicant currently had a Class I FSE.

Five affirmative votes are required for passage after public comment.

Order 276-18/19 Granting Municipal Officers' Approval of Candy's L3C dba Candy's L3C. Application for a Class I FSE with Entertainment with Dance at 34 Portland Street - Sponsored by Jon P. Jennings, City Manager.

Candy's L3C dba Candy's L3C. Application for a Class I FSE with Entertainment with Dance at 34 Portland Street.

Application was filed on 5/28/2019. New City and State applications. Location was previously a glass blowing studio.

Five affirmative votes are required for passage after public comment.

COMMUNICATIONS:

RESOLUTIONS:

Resolution 13-18/19 Regarding Waterfront Development - Sponsored by Jon P. Jennings, City Manager.

With this resolve, the City Council expresses its support for two periodic staff-written studies related to the waterfront economy and waterfront development activity.

One would be a report by the Economic Development Department describing the state of the marine economy for the waterfront of Portland, Maine ("State of the Waterfront"), completed within the 2020 fiscal year and updated periodically every three to five years, or more frequently if conditions dictate

The other would be a report from the Planning and Urban Development Department on significant waterfront development ("Waterfront Development Report"), drafted annually, that highlights significant development activity in the Eastern Waterfront Port Zone, Waterfront Central Zone, and the Waterfront Port Development Zone, which may be used to support land use decision making and to inform thinking and actions on the efficacy and impacts of zoning and land use policy on the waterfront, and which may be presented to the Planning Board and the City Council as annual communications.

On June 3, this item was accepted as a non-agenda item and postponed to this meeting. Staff is requesting that this item be postponed to the July 15, 2019 meeting, to allow for Economic Development Committee review.

6:00 P.M. PUBLIC COMMENT PERIOD ON NON-AGENDA ITEMS:

UNFINISHED BUSINESS:

Order 190-18/19 Approving Two-Party Agreement between Maine Department of Transportation and Portland Re: Improvements to India Street - Sponsored by Jon P. Jennings, City Manager

This agreement, between the Maine Department of Transportation (MaineDOT) and the City of Portland, obligates MaineDOT to mill and fill India Street, adjust the City's sanitary sewer manhole frames and covers, as necessary, update and/or install new pedestrian curb ramps to meet ADA requirements and all appurtenances when MaineDOT's contractor paves India Street. The agreement obligates the City to pay MaineDOT \$289,000.00, and pay an additional \$10,000.00 for manhole adjustments from a water resources fund.

This item must be read on two separate days. It received its first reading on March 18, 2019. On April 8, 2019, this item was given its second reading and postponed to this meeting. Staff is requesting that this item be postponed to the August 12, 2019 meeting. In the interim, the City will be clarifying funding and construction details with MaineDOT.

Order 192-18/19 Amendment to Portland City Code Chapter 18 Parks, Recreation and Public Buildings and Ground Re: Formalizing the Boundaries of Boyd Street Gardens - Sponsored by Councilor Belinda Ray.

Boyd Street Gardens (a.k.a., Franklin Reserve, a.k.a., Boyd Street Urban Farm) was included in a list of over 50 City properties dedicated as Parks and Public Grounds in 2014 (Order 203-13/14). By dedicating these properties in Chapter 18 of the City Code, the Council ensured that the properties would be subject to the provisions of Article 1B in Chapter 18. These provisions include the following:

- the City will maintain these properties “predominantly in their natural, scenic, open and/or intended condition;” and
- the City will not use, sell, or dispose of any of these properties for non-recreational purposes unless the decision to do so is first reviewed by the Parks Commission, “who shall provide an advisory opinion on any such request prior to review by the council committee and the city council, and shall only become effective upon review and approval by seven (7) members of the city council.”

There is no question that Boyd Street Gardens has been dedicated and is subject to these provisions. There has, however, been confusion regarding the boundaries of Boyd Street Gardens. This confusion has led various individuals and groups to wonder if the parcel, or any portion of the parcel, is eligible for housing or other development.

A review of historical documents, the back-up materials for Order 203 13/14, and the City’s Open Space Vision and Implementation Plan provides a solid case for including the entire parcel (022 F023) in the 2014 dedication.

This amendment to Chapter 18, Section 11, formalizes the boundaries of Boyd Street Gardens by including the entire parcel in the dedication language so that there will be no confusion going forward.

In addition to establishing clear boundaries for Boyd Street Gardens, this amendment also adds the name “John Menario Plaza” next to Lobsterman Park, which is what the park was called when it was dedicated. This addition will ensure the parcel is easily identified and recognizable in the list by both its historic and current name.

This item must be read on two separate days. This item received its first reading on March 18, 2019. On April 7, 2019 it was postponed to May 6, 2019. It was then postponed to this meeting. Seven affirmative votes are required for passage, as per City Ordinance, after public comment.

Order 242-18/19 Appropriating \$1,000,000 from the Sale of 0 Hancock Street with \$200,000 to the Housing Trust Fund and \$800,000 to the Portland Land Project - Sponsored by the Finance Committee, Councilor Nicholas M. Mavodones, Jr. Chair.

The final \$1,000,000 of sale proceeds from the 0 Hancock Street sales proceeds are allocated as follows: \$200,000 to the Housing Trust Fund and \$800,000 to the Portland Landing capital improvement plan project.

This item must be read on two separate days. It received its first reading on May 6, 2019. On May 20, 2019, this item was postponed to this meeting. Five affirmative votes are required for passage after public comment.

Order 247-18/19 Approving a Homeless Services Center at Angelo's Acre, 431 Commercial Street - Sponsored by the Health & Human Services and Public Safety Committee, Councilor Belinda S. Ray, Chair.

The Health & Human Services and Public Safety Committee met on April 16th and voted 3 - 0 to forward this order and the following order to the City Council for consideration of two potential homeless services center sites. It intended that the City Council as a whole would consider both and determine which one is the best option for the City.

This order approves Angelo's Acre, 431 Commercial Street, as the location for the Homeless Services Center.

At the June 3, 2019 City Council meeting this item was postponed to this meeting. Public comment has been taken. Five affirmative votes are required for passage.

Order 248-18/19 Approving a Homeless Services Center at 654 Riverside Street - Sponsored by the Health & Human Services and Public Safety Committee, Councilor Belinda S. Ray, Chair.

The Health & Human Services and Public Safety Committee met on April 16, 2019 and voted 3 - 0 to forward this order to the City Council for consideration of two potential homeless services center sites. It intended that the City Council as a whole would consider both and determine which one was the best option for the City.

This order approves 654 Riverside Street as the location for the Homeless Services Center.

At the June 3, 2019 City Council meeting this item was postponed to this meeting. Public comment has been taken. Five affirmative votes are required for passage.

Order 249-18/19 Amendments to Portland City Code Chapter 14 Re: Division 18, Waterfront Central Zone - Sponsored by the Planning Board, Sean Dundon, Chair.

The Planning Board met on May 14, 2019 and voted 4-2 (Dundon and Stanley opposed, Dunfey absent) to forward this item to the City Council with a recommendation for passage.

In December, 2018, the Portland City Council enacted a six-month moratorium on non-marine development within the Waterfront Central Zone (WCZ), to provide time for the City to address concerns raised by members of the fishing community and other interests related to recent development proposals. The City Manager's Office convened the "Waterfront Working Group", a task force representing various stakeholders, with representation from the fishing community, pier and business owners within the zone and other engaged residents. As of the writing of this request, the group has met eleven (11) times, providing feedback on a variety of issues including traffic, parking, waterfront access, marine infrastructure investment and the incompatibility of certain non-marine uses.

The proposed zoning amendments, now before the Council, reflect this feedback and are the synthesis of this months' long discussion with intent of redressing the balance between marine and non-marine use. All sections of the WCZ zoning text considered by the Planning Board featured some level of amendment, with the most substantive changes being reduction of the overlay zone extent, restriction of high traffic generating uses (such as general retail and restaurant) to the overlay zone, elimination of contract and conditional rezoning as a tool permitted within the zone, and a strengthening of the performance standards through a new requirement for an 'Operations and Access Management Plan' (please see attached summary sheet for complete overview of proposed amendments). The resulting text improves the document's interpretability and enforceability, and helps to mitigate legitimate concerns regarding the future success of Portland's working waterfront.

The Planning Board reviewed the proposed text amendments generated by City staff and is forwarding a recommendation, 4-2 (Dundon and Stanley opposed, Dunfey absent) to the City Council to adopt the revised Division 18 Waterfront Central Zone, excluding changes to the overlay zone's extent. Board members voting opposed were supportive of the entire suite of amendments as presented by staff, including reductions to the overlay zone.

This item must be read on two separate days. It was given a first reading on May 20, 2019. At the June 3, 2019 City Council meeting this item was postponed to this meeting. Five affirmative votes are required for passage after public comment.

Order 263-18/19 Adopting Development Program for Portland Downtown for Fiscal Year 2019-2020 - Sponsored by the Economic Development Committee, Councilor Justin Costa, Chair.

The Economic Development Committee reviewed this item at its May 21, 2019 meeting and voted 3-0 (Thibodeau absent) to forward this to the City Council with a recommendation for passage.

City Council authorization of Portland Downtown annual documents for Fiscal Year 2020 is needed for the continued operation of Portland Downtown (PD). This includes: (1) Adopting Development Program for the PD; (2) Assessing Maintenance and Implementation Assessment in the PD District; and (3) authorizing the Agreement for work to be done by PD and work to be done by the City.

This item must be read on two separate days. It was given a first reading on June 3, 2019. Five affirmative votes are required for passage after public comment.

Order 264-18/19 Establishing Maintenance and Implementation Assessments for Portland Downtown for Fiscal Year 2020 - Sponsored by the Economic Development Committee, Councilor Justin Costa, Chair.

This item is a companion order to Order 263 above.

This item must be read on two separate days. It was given a first reading on June 3, 2019. Five affirmative votes are required for passage after public comment.

Order 265-18/19 Approving the Agreement between the City of Portland and Portland Downtown - Sponsored by the Economic Development Committee, Councilor Justin Costa, Chair.

This is a companion to Orders 263 and 264 above.

This item must be read on two separate days. It was given a first reading on on June 3, 2019. Five affirmative votes are required for passage after public comment.

Order 266-18/19 Amending the Waterfront Tax Increment Financing District to Add Four Properties - Sponsored by the Economic Development Committee, Councilor Justin Costa, Chair.

The Economic Development Committee met on May 7 and voted unanimously (4-0) to forward this item to the City Council with a recommendation for passage.

Amendments to the Waterfront Tax Increment Financing (TIF) District are proposed to maximize utilization of the TIF District revenue by adding four additional properties to expand the Waterfront TIF District, and propose one adjustment to the WGA Map.

City staff proposed amendments do not involve credit enhancement agreements.

This item must be read on two separate days. It was given a first reading on June 3, 2019. Five affirmative votes are required for passage after public comment.

Order 267-18/19 Amendment to City Code Re: Waterfront Development Growth Area Ordinance Map - Sponsored by the Economic Development Committee - Councilor Justin Costa, Chair.

This is a companion order to Order 266 above.

This item must be read on two separate days. It was given a first reading on June 3, 2019. Five affirmative votes are required for passage after public comment.

Order 268-18/19 Traffic Schedule Amendment Re: Sections of Thames Street - Sponsored by Jon P. Jennings, City Manager.

The developer of the AC Hotel and nearby properties has requested that four parking spaces in front of the new retail spaces at 20 Thames Street be converted to two-hour metered spaces, which this amendment does. The installation of four (4), two-hour parking meters at Thames Street will provide much needed turnover parking for the new retail businesses on the block.

This item must be read on two separate days. It was given a first reading on June 3, 2019. Staff is requesting that this order be passed as an emergency. Seven affirmative votes are required for passage as an emergency following public comment.

ORDERS:

Order 277-18/19 Adopting the Bayside Transportation Master Plan - Sponsored by the Sustainability and Transportation Committee, Councilor Spencer Thibodeau, Chair.

The Sustainability and Transportation Committee met in March and April 2018 and took up the Bayside Transportation Plan. The Committee voted 3-0 for forward this item to the City Council with a recommendation for passage.

This order adopts the Bayside Transportation Master Plan pursuant to the plan adoption process in Portland's Plan 2030.

The City conducted the multimodal and land use Bayside Transportation Master Plan, funded by the Portland Area Comprehensive Transportation System, to integrate and lay the groundwork for various public planning-project initiatives and private development activities in the fast-changing Bayside and East Bayside neighborhoods.

Five affirmative votes are required for passage after public comment.

Order 278-18/19 Accepting Easement Deed from Nancy E. Hurst Re: Dunkin Donuts at 325 St. John Street - Sponsored by Jon P. Jennings, City Manager.

A new Dunkin Donuts is to be constructed at 325 St. John Street (formerly Lang's Express restaurant). As part of the site plan approval process, the applicant is required to provide an easement for the future construction and installation of a bus shelter (by others).

Five affirmative votes are required for passage after public comment.

Order 279-18/19 Amending the Downtown Transit Oriented Development and Omnibus Tax Increment Financing District Re: 66 State Street Affordable Housing - Sponsored by the Economic Development Committee, Councilor Justin Costa, Chair.

The Economic Development Committee met on May 21, 2019 and voted 3-0 to forward this item to the City Council with a recommendation for passage.

The City has received an application for an Affordable Housing (AH) Tax Increment Financing (TIF) District utilizing Assessor Parcel 44-H-1, 66 State Street, for this District.

The Parcel is located in the Downtown Transit Oriented Development (TOD) TIF District, and therefore, needs to be removed from that District. This order amends that district to do that.

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

Order 280-18/19 Designating the 66 State Street Affordable Housing Development District and Tax Increment Financing District and Adopting the Municipal Development Program for the District - Sponsored by the Housing Committee, Councilor Jill C. Duson, Chair and the Economic Development Committee, Councilor Justin Costa, Chair.

At a joint meeting held on May 21, 2019 both the Housing Committee (2-0, Thibodeau absent) and the Economic Development Committee (3-0, Thibodeau absent) voted to forward this item to the City Council with a recommendation for passage.

Developers Collaborative is proposing to create a women's housing community on a site located at 66 State Street. The project will include two buildings to be owned by Phoenix at Danforth, LP. The existing building will be converted into a lodging house with 40 rooming units affordable to individuals with incomes not exceeding 50% of the area median income. Support services will be provided by Amistad and their community partners.

A second, adjacent building will be a new construction 30-unit rental housing development with 14 studio units and 16 one-bedroom units. The units will be affordable to individuals with income not exceeding 60% of the area median income.

As described by the developer: *"A Women's Healthy Housing Community....would provide an affordable continuum of housing for women with histories of job loss, domestic violence, homelessness, and substance use and co-occurring disorders. The continuum includes supportive housing that provides peer-led, recovery-oriented single room occupancy (SRO) housing in one building as well as independent, affordable rental housing (efficiencies and one bedrooms) in an adjacent building as women's support and housing needs transition with recovery."*

If approved, the Affordable Housing Tax Increment Financing will be provided through a Credit Enhancement Agreement at 75% of the increased taxable value, currently estimated at a 30-year annual average of \$89,072. The new assessed value is estimated at \$3.75 million; the property currently has a zero net taxable value. Development costs are estimated at \$11.7 million. At full build out the development is projected to pay an annual average of \$118,763 in estimated new taxes of which \$89,072 will be returned to the developer to offset project operating costs and \$29,691 will be general fund revenue.

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

Order 281-18/19 Approving and Authorizing the City Manager to Enter Into the Credit Enhancement Agreement with Phoenix at Danforth, LP - Sponsored by the Housing Committee, Councilor Jill C. Duson, Chair, and the Economic Development Committee, Councilor Justin Costa, Chair.

At a joint meeting held on May 21, 2019, both the Housing Committee (2-0, Thibodeau absent) and the Economic Development Committee (3-0, Thibodeau absent) voted to forward this item to the City Council with a recommendation for passage.

This is a companion order to Order 280-18/19 above.

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

Order 282-18/19 Designating Front Street Affordable Housing Development District and Tax Increment Financing District and Adopting the Municipal Development Program for the District - Sponsored by the Housing Committee, Council Jill C. Duson, Chair, and the Economic Development Committee, Chair, Justin Costa.

At a joint meeting held on May 21, 2019, both the Housing Committee (2-0, Thibodeau absent) and the Economic Development Committee (3-0, Thibodeau absent) voted to forward this item to the City Council with a recommendation for passage.

The Portland Housing Authority (PHA), through its development entity, Portland Housing Development Corporation, is proposing to re-develop the public housing located at 37 and 63 Front Street. Currently the property is a 50-unit public housing community built in 1971 to relocate residents of the Bayside neighborhood as part of Portland's Urban Renewal effort and the construction of Franklin Arterial. The current development proposal includes a two phase approach for the demolition of the existing units and new construction of 105 units of rental housing.

In 2018, the PHA received funding allocations from the City of Portland of \$925,000 in Housing Trust Funds, \$510,174 in HOME funding and \$250,000 in CDBG funding. The development approach and financing plan for the development have shifted since last fall. The new Low Income Housing Tax Credit (LIHTC) application allows family projects with large numbers of bedrooms to compete in the 9% LIHTC. The financing plan was revised to submit one 60-unit family project as a 9% LIHTC and one 45-unit project as a 4% LIHTC. With the rise in construction costs in Portland, the developer needed to maximize resources while staying within MaineHousing's cost cap of \$230,000 per unit total development costs.

If approved, the Affordable Housing Tax Increment Financing will be provided through a Credit Enhancement Agreement at 75% of the increased taxable value for 30 years, currently estimated at a 30-year annual average of \$201,897. The new assessed value is estimated at \$8.5 million; the property currently has a zero net taxable value. Development costs are estimated at \$29.2 million. At full build out the development is projected to pay an annual average of \$269,196 in estimated new taxes of which \$201,897 will be returned to the developer to offset project operating costs and \$67,299 will be general fund revenue.

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

Order 283-18/19 Approving and Authorizing the City Manager to Enter into the Credit Enhancement Agreement with Front Street Housing Redevelopment, LP - Sponsored by the Housing Committee, Councilor Jill C. Duson, Chair, and the Economic Development Committee, Councilor Justin Costa, Chair.

At a joint meeting held on May 21, 2019, both the Housing Committee (2-0, Thibodeau absent) and the Economic Development Committee (3-0, Thibodeau absent) voted to forward this item to the City Council with a recommendation for passage.

This is a companion order to Order 282-18/19 above.

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

Order 284-18/19 Regarding the Portland Community Support Fund - Sponsored by Jon P. Jennings, City Manager

The Health & Human Services and Public Safety Committee met on June 11, 2019 and provided guidance on this Order, forwarding it to the full Council for consideration.

The Portland Community Support Fund was established as an amendment to the Fiscal Year 2015-2016 Appropriation Resolve, Order 251-14/15. In the Fiscal Year 2020 Appropriation Resolve, the City Council approved \$50,000 funding for this fund. This order sets out eligibility for receiving benefits from the fund and sets July 1, 2019 as the date no new applications will be accepted.

Five affirmative votes are required for passage after public comment.

AMENDMENTS:

Order 285-18/19 Amendment to Portland City Code Chapters 4 and 15 Re: Entertainment Sound Ordinance - Sponsored by the Health and Human Services and Public Safety Committee, Councilor Belinda S. Ray, Chair.

The Health and Human Services & Public Safety Committee met on May 14, 2019 and voted 3 to 0 to recommend passage to the full Council.

This order would update entertainment licenses, changing the with or without dance distinction to updated indoor and outdoor licensees with limits on sound levels, including bass.

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

Order 286-18/19 Amendment to Portland City Code Chapter 6 Re: Energy Benchmarking - Sponsored by the Sustainability & Transportation Committee, Councilor Spencer Thibodeau, Chair.

On April 17, 2019, the Sustainability & Transportation Committee met and voted 3-0 to forward this item to the City Council with a recommendation for passage.

The amendment sets a deadline of May 1, 2020 for the owners of buildings with 20,000 square feet of floor space and a single primary tenant to report their energy and water consumption as required by Chapter 6-209 of City Code.

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

EXECUTIVE SESSION:

MINUTES ARE DRAFT UNTIL APPROVED BY THE CITY COUNCIL AT THE FOLLOWING MEETING.

PLEDGE OF ALLEGIANCE:

ROLL CALL:

Mayor Stimling called the meeting to order. (Councilor Costa arrived during Arts in the Chamber, Councilor Batson arrived during the Proclamation, Councilor Thibodeau was absent).

ANNOUNCEMENTS:

RECOGNITIONS:

PRESENTATIONS:

Arts in the Chamber - Patricia Daunis-Dunning, Daunis Fine Jewelry

ANNUAL MEETING:

SPECIAL MEETING:

APPROVAL OF MINUTES OF PREVIOUS MEETING:

Approval of the Draft May 20, 2019 City Council Minutes.

Motion was made by Councilor Ray and seconded by Councilor Cost for approval of the May 20, 2019 minutes. Passage 7-0.

PROCLAMATIONS:

Proc 33-18/19 Honoring Devin McKenzie, Information Technology Department, as Employee of the Month for April 2019 - Sponsored by Mayor Ethan K. Strimling.

Motion was made by Councilor Ali and seconded by Councilor Mavodones to suspend

the rules and take up an un-agenda item. Passage 8-0.

Proclamation 34-18/19 Recognizing LGBTQ & Pride Month.

APPOINTMENTS:

Order 250-18/19 Appointing Constables for 2019 for the Fire and Parks, Recreation and Facilities Departments, Parking Division and Portland Jetport - Sponsored by Jon P. Jennings, City Manager

Motion was made by Councilor Costa and seconded by Councilor Ray for passage. Passage 8-0.

Order 251-18/19 Appointing Members to Various Boards and Commissions - Sponsored by the Legislative and Nominating Committee, Councilor Pious Ali, Chair.

Motion was made by Councilor Batson and seconded by Councilor Ray for passage. Passage 8-0.

CONSENT ITEMS:

Order 252-18/19 Approving Transfer of Funds Under 15 M.R.S. §§5824(3) and 5826(6) Re: Tyrone Muldrow Jr. – Sponsored by Jon P. Jennings, City Manager.

Order 253-18/19 Approving Transfer of Funds Under 15 M.R.S. §§5824(3) and 5826(6) Re: Jason Dean Miller. – Sponsored by Jon P. Jennings, City Manager.

Order 254-18/19 Declaring July 4, 2019 the July 4th Festival - Sponsored by Jon P. Jennings, City Manager.

Motion was made Councilor Ray and seconded by Councilor Batson for passage of the consent items. Passage 8-0.

LICENSES:

Order 255-18/19 Granting Municipal Officers' Approval of Pizza Pie on the Fly LLC dba Fire & Company. Application for a Qualified Caterer at 1035 Ocean

Avenue - Sponsored by Jon P. Jennings, City Manager.

Motion was made by Councilor Batson and seconded by Councilor Ray for passage.
Passage 8-0.

Order 256-18/19 Granting Municipal Officers' Approval of Huong's Vietnamese Restaurant, LLC dba Huong's Vietnamese Restaurant. Application for a Class III & IV FSE at 269 St. John Street - Sponsored by Jon P. Jennings, City Manager.

Motion was made by Councilor Ray and seconded by Councilor Batson for passage.
Passage 8-0.

Order 257-18/19 Granting Municipal Officers' Approval of LFK Portland, LLC dba LFK. Application for a Class I FSE with Outdoor Dining on Public Property at 188 State Street - Sponsored by Jon P. Jennings, City Manager.

Motion was made by Councilor Batson and seconded by Councilor Ray for passage.
Passage 8-0.

Order 258-18/19 Granting Municipal Officers' Approval of Maiz LLC dba Maiz. Application for a Class I FSE with Entertainment without Dance and Outdoor Dining on Public Property at 621 Forest Avenue - Sponsored by Jon P. Jennings, City Manager.

Motion was made by Councilor Costa and seconded by Councilor Batson for passage.
Passage 8-0.

Order 259-18/19 Granting Municipal Officers' Approval of Sneaker Tree LLC dba Po' Boys and Pickles. Application for a Class IV FSE with Outdoor Dining On Private Property at 225 Federal Street - Sponsored by Jon P. Jennings, City Manager.

Motion was made by Councilor Batson and seconded by Councilor Costa for passage.
Passage 8-0.

BUDGET ITEMS:

COMMUNICATIONS:

RESOLUTIONS:

6:00 P.M. PUBLIC COMMENT PERIOD ON NON-AGENDA ITEMS:

UNFINISHED BUSINESS:

Order 246-18/19 Approving Firefighters Local 740, International Association of Firefighters Contract - Sponsored by Jon P. Jennings, City Manager.

Motion was made by Councilor Batson and seconded by Councilor Ray for passage. Passage 8-0.

Order 247-18/19 Approving a Homeless Services Center at Angelo's Acre, 431 Commercial Street - Sponsored by the Health & Human Services and Public Safety Committee, Councilor Belinda S. Ray, Chair.

Order 248-18/19 Approving a Homeless Services Center at 654 Riverside Street - Sponsored by the Health & Human Services and Public Safety Committee, Councilor Belinda S. Ray, Chair.

Motion was made by Councilor Ray and seconded by Councilor Batson to postpone Order 248 to the June 17th City Council meeting. Passage 8-0.

Motion was made by Councilor Cook and seconded by Councilor Ray to suspend the rules to continue past 10:00 P.M. Passage 8-0.

Order 249-18/19 Amendments to Portland City Code Chapter 14 Re: Division 18, Waterfront Central Zone - Sponsored by the Planning Board, Sean Dundon, Chair.

ORDERS:

Order 268-18/19 Traffic Schedule Amendment Re: Sections of Thames Street - Sponsored by Jon P. Jennings, City Manager.

Mayor Strimling took Order 268 out of order.

Motion was made by Councilor Duson and seconded by Councilor Batson to waive the second reading. Motion failed 1-7 (Duson, Mavodones, Cook, Al, Ray, Batson, Strimling).

Order 260-18/19 Approving Residential Parking Permit Extension - Sponsored by Councilor Belinda Ray.

Motion was made by Councilor Ray and seconded by Councilor Duson to amend Order 260 by "changing the parking spaces from 12 to 16 ". Motion failed 3-5(Duson,

Mavodones, Cook, Costa, Batson).

Motion was made by Councilor Ray and seconded by Councilor Ali to pass as an emergency. Passage 8-0.

Order 261-18/19 Approving Portland International Jetport Rental Car Concessionaire Agreement - Sponsored by Jon P. Jennings, City Manager.

Mayor Strimling took Order 261 out of order.

Motion was made by Councilor Batson and seconded by Councilor Ray for passage. Passage 8-0.

Order 262-18/19 Accepting and Appropriating the Donation of \$8,934.50 from Eyecare Medical Group - Sponsored by Jon P. Jennings, City Manager.

Motion was made by Councilor Batson and seconded by Councilor Ali for passage. Passage 8-0.

Order 263-18/19 Adopting Development Program for Portland Downtown for Fiscal Year 2019-2020 - Sponsored by the Economic Development Committee, Councilor Justin Costa, Chair.

This is a first reading.

Order 264-18/19 Establishing Maintenance and Implementation Assessments for Portland Downtown for Fiscal Year 2020 - Sponsored by the Economic Development Committee, Councilor Justin Costa, Chair.

This is a first reading.

Order 265-18/19 Approving the Agreement between the City of Portland and Portland Downtown - Sponsored by the Economic Development Committee, Councilor Justin Costa, Chair.

This is a first reading.

Order 266-18/19 Amending the Waterfront Tax Increment Financing District to Add Four Properties - Sponsored by the Economic Development Committee, Councilor Justin Costa, Chair.

This is a first reading.

AMENDMENTS:

Order 267-18/19 Amendment to City Code Re: Waterfront Development Growth Area Ordinance Map - Sponsored by the Economic Development Committee - Councilor Justin Costa, Chair.

This is a first reading.

Motion was made by Councilor Ray and seconded by Councilor Costa to adjourn.
Passage 8-0 at 12:25 A.M.

A TRUE COPY.

Katherine L. Jones, City Clerk

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

KIMBERLY COOK (5)
JILL C. DUSON (A/L)
PIOUS ALI (A/L)
NICHOLAS M. MAVODONES, JR. (A/L)

JUNE 3, 2019 CITY COUNCIL AGENDA MINUTES

AMENDED MINUTES

PLEDGE OF ALLEGIANCE:

ROLL CALL:

Mayor Stimling called the meeting to order. (Councilor Costa arrived during Arts in the Chamber, Councilor Batson arrived during the Proclamation, Councilor Thibodeau was absent).

ANNOUNCEMENTS:

RECOGNITIONS:

PRESENTATIONS:

Arts in the Chamber - Patricia Daunis-Dunning, Daunis Fine Jewelry

ANNUAL MEETING:

SPECIAL MEETING:

APPROVAL OF MINUTES OF PREVIOUS MEETING:

Approval of the Draft May 20, 2019 City Council Minutes.

Motion was made by Councilor Ray and seconded by Councilor Cost for approval of the May 20, 2019 minutes. Passage 7-0.

PROCLAMATIONS:

Proc 33-18/19 Honoring Devin McKenzie, Information Technology Department, as Employee of the Month for April 2019 - Sponsored by Mayor Ethan K. Strimling.

Motion was made by Councilor Ali and seconded by Councilor Mavodones to suspend the rules and take up an un-agenda item. Passage 8-0.

APPOINTMENTS:

Order 250-18/19 Appointing Constables for 2019 for the Fire and Parks, Recreation and Facilities Departments, Parking Division and Portland Jetport - Sponsored by Jon P. Jennings, City Manager

Motion was made by Councilor Costa and seconded by Councilor Ray for passage.
Passage 8-0.

Order 251-18/19 Appointing Members to Various Boards and Commissions - Sponsored by the Legislative and Nominating Committee, Councilor Pious Ali, Chair.

Motion was made by Councilor Batson and seconded by Councilor Ray for passage.
Passage 8-0.

CONSENT ITEMS:

Order 252-18/19 Approving Transfer of Funds Under 15 M.R.S. §§5824(3) and 5826(6) Re: Tyrone Muldrow Jr. – Sponsored by Jon P. Jennings, City Manager.

Order 253-18/19 Approving Transfer of Funds Under 15 M.R.S. §§5824(3) and 5826(6) Re: Jason Dean Miller. – Sponsored by Jon P. Jennings, City Manager.

Order 254-18/19 Declaring July 4, 2019 the July 4th Festival - Sponsored by Jon P. Jennings, City Manager.

Motion was made Councilor Ray and seconded by Councilor Batson for passage of the consent items. Passage 8-0.

LICENSES:

Order 255-18/19 Granting Municipal Officers' Approval of Pizza Pie on the Fly LLC dba Fire & Company. Application for a Qualified Caterer at 1035 Ocean Avenue - Sponsored by Jon P. Jennings, City Manager.

Motion was made by Councilor Batson and seconded by Councilor Ray for passage.
Passage 8-0.

Order 256-18/19 Granting Municipal Officers' Approval of Huong's Vietnamese Restaurant, LLC dba Huong's Vietnamese Restaurant. Application for a Class III & IV FSE at 269 St. John Street - Sponsored by Jon P. Jennings, City Manager.

Motion was made by Councilor Ray and seconded by Councilor Batson for passage.
Passage 8-0.

Order 257-18/19 Granting Municipal Officers' Approval of LFK Portland, LLC dba LFK. Application for a Class I FSE with Outdoor Dining on Public Property at 188 State Street - Sponsored by Jon P. Jennings, City Manager.

Motion was made by Councilor Batson and seconded by Councilor Ray for passage.
Passage 8-0.

Order 258-18/19 Granting Municipal Officers' Approval of Maiz LLC dba Maiz. Application for a Class I FSE with Entertainment without Dance and Outdoor Dining on Public Property at 621 Forest Avenue - Sponsored by Jon P. Jennings, City Manager.

Motion was made by Councilor Costa and seconded by Councilor Batson for passage.
Passage 8-0.

Order 259-18/19 Granting Municipal Officers' Approval of Sneaker Tree LLC dba Po' Boys and Pickles. Application for a Class IV FSE with Outdoor Dining On Private Property at 225 Federal Street - Sponsored by Jon P. Jennings, City Manager.

Motion was made by Councilor Batson and seconded by Councilor Costa for passage.
Passage 8-0.

BUDGET ITEMS:

COMMUNICATIONS:

RESOLUTIONS:

6:00 P.M. PUBLIC COMMENT PERIOD ON NON-AGENDA ITEMS:

UNFINISHED BUSINESS:

Order 246-18/19 Approving Firefighters Local 740, International Association of Firefighters Contract - Sponsored by Jon P. Jennings, City Manager.

Motion was made by Councilor Batson and seconded by Councilor Ray for passage.
Passage 8-0.

Order 247-18/19 Approving a Homeless Services Center at Angelo's Acre, 431 Commercial Street - Sponsored by the Health & Human Services and Public Safety Committee, Councilor Belinda S. Ray, Chair.

Motion was made by Councilor Ray and seconded by Councilor Batson to postpone Order 247 to the June 17th City Council meeting. Passage 8-0.

Motion was made by Councilor Cook and seconded by Councilor Ray to suspend the rules to continue past 10:00 P.M. Passage 8-0

Order 248-18/19 Approving a Homeless Services Center at 654 Riverside Street - Sponsored by the Health & Human Services and Public Safety Committee, Councilor Belinda S. Ray, Chair.

Motion was made by Councilor Ray and seconded by Councilor Batson to postpone Order 248 to the June 17th City Council meeting. Passage 8-0.

Motion was made by Councilor Cook and seconded by Councilor Ray to suspend the rules to continue past 10:00 P.M. Passage 8-0.

Order 249-18/19 Amendments to Portland City Code Chapter 14 Re: Division 18, Waterfront Central Zone - Sponsored by the Planning Board, Sean Dundon, Chair.

Motion was made by Councilor Ray and seconded by Councilor Dusen to amend Order 249 by restoring the boundaries that came with staff recommendations.

Motion was made by Councilor Costa and seconded by Councilor Cook to postpone Order 249 to the June 17, 2019 City Council Meeting. Passage 8-0.

Motion was made by Councilor Ray and seconded by Councilor Mavodones to take up an un-agenda item. Passage 7-1 (Strimling).

Resolution 13 18/19 Resolution regarding Waterfront Development-Sponsored by Councilor Ray.

Motion was made by Councilor Costa and seconded by Councilor Ray to postpone Resolve 13 to the June 17, 2019 City Council Meeting. Passage 8-0.

ORDERS:

Order 268-18/19 Traffic Schedule Amendment Re: Sections of Thames Street - Sponsored by Jon P. Jennings, City Manager.

Mayor Strimling took Order 268 out of order.

Motion was made by Councilor Dusen and seconded by Councilor Batson to waive the second reading. Motion failed 1-7 (Dusen, Mavodones, Cook, Ali, Ray, Batson, Strimling).

Order 260-18/19 Approving Residential Parking Permit Extension - Sponsored by Councilor Belinda Ray.

Motion was made by Councilor Ray and seconded by Councilor Dusen to amend Order 260 by "changing the parking spaces from 12 to 16 ". Motion failed 3-5(Dusen, Mavodones, Cook, Costa, Batson).

Motion was made by Councilor Ray and seconded by Councilor Ali to pass as an

emergency. Passage 8-0.

Order 261-18/19 Approving Portland International Jetport Rental Car Concessionaire Agreement - Sponsored by Jon P. Jennings, City Manager.

Mayor Strimling took Order 261 out of order.

Motion was made by Councilor Batson and seconded by Councilor Ray for passage. Passage 8-0.

Order 262-18/19 Accepting and Appropriating the Donation of \$8,934.50 from Eyecare Medical Group - Sponsored by Jon P. Jennings, City Manager.

Motion was made by Councilor Batson and seconded by Councilor Ali for passage. Passage 8-0.

Order 263-18/19 Adopting Development Program for Portland Downtown for Fiscal Year 2019-2020 - Sponsored by the Economic Development Committee, Councilor Justin Costa, Chair.

This is a first reading.

Order 264-18/19 Establishing Maintenance and Implementation Assessments for Portland Downtown for Fiscal Year 2020 - Sponsored by the Economic Development Committee, Councilor Justin Costa, Chair.

This is a first reading.

Order 265-18/19 Approving the Agreement between the City of Portland and Portland Downtown - Sponsored by the Economic Development Committee, Councilor Justin Costa, Chair.

This is a first reading.

Order 266-18/19 Amending the Waterfront Tax Increment Financing District to Add Four Properties - Sponsored by the Economic Development Committee, Councilor Justin Costa, Chair.

This is a first reading.

AMENDMENTS:

Order 267-18/19 Amendment to City Code Re: Waterfront Development Growth Area Ordinance Map - Sponsored by the Economic Development Committee - Councilor Justin Costa, Chair.

This is a first reading.

Motion was made by Councilor Ray and seconded by Councilor Costa to adjourn. Passage 8-0 at 12:25 A.M.

A TRUE COPY.

Katherine L. Jones, City Clerk

PROCLAMATION

RECOGNIZING

PORTFRINGE FESTIVAL

WHEREAS: The PortFringe Festival has celebrated 8 successful years in Portland; and

WHEREAS: PortFringe honors the spirit of the Fringe by valuing experience and artistic innovation and experimentation over profits; and

WHEREAS: PortFringe provides performance venues for local, national, and international performing artists; and

WHEREAS: PortFringe supports artists with the proceeds they earn from their performances; and

WHEREAS: PortFringe provides a unique experience for audiences in the greater Portland area.

NOW, THEREFORE, BE IT RESOLVED, THAT I, Ethan K. Strimling, Mayor of the City of Portland and members of the City Council do hereby recognize PortFringe for its outstanding contribution to the artistic creativity and diversity of Portland's cultural community.

Signed and sealed this 17TH day of June, 2019



**Ethan K. Strimling, Mayor
City of Portland, Maine**

MEMORANDUM
City Council Agenda Item

FROM:

DATE: June 7, 2019

SUBJECT: Order 269-18/19 Appointing and Setting Salary of Kristen Dow as Director of Health and Human Services - Sponsored by Jon P. Jennings, City Manager.

SPONSOR: Jon P. Jennings, City Manager

(If sponsored by a Council committee, include the date the committee met and the results of the vote.)

COUNCIL MEETING DATE ACTION IS REQUESTED:

1st Reading 6/17/2019

Final Action 6/17/2019

Can action be taken at a later date: No No. This is a critical position that needs to be filled as soon as possible.

PRESENTATION: (List the presenter(s), type and length of presentation)

I. SUMMARY

II. AGENDA DESCRIPTION

This order appoints Kristen Dow as Director of Health and Human Services effective June 17, 2019, at a salary rate of \$116,691.00.

Five affirmative votes are required for passage after public comment.

III. BACKGROUND

Kristen has been filling the role of Interim Health and Human Services Director since February of this year following the resignation of former Health and Human Services Director Dawn Stiles. During this period, she has demonstrated that she has the necessary management skills to lead the Department. Her background and experience includes working within the Public Health Department for the City in various positions including Community health Promotion Specialist, Healthy Portland Program Coordinator, and most recently as Program Manager for both the Chronic Disease Prevention and India Street Clinic. During her Interim Health and Human Services Director assignment, she has worked closely with the staff in all four Health and Human Services divisions on a variety of issues and has gained a significant amount of knowledge in the area of general assistance, homeless services, long-term care and elder services. She holds a B.S. degree in Business Administration from Saint Michaels College in Colchester, Vermont and is currently working towards a Master in Public Health Degree at USM Muskie School of Public Service. The City is pleased to have found a qualified internal candidate within our current workforce.

IV. INTENDED RESULT AND/OR COUNCIL GOAL ADDRESSED

V. FINANCIAL IMPACT

VI. STAFF ANALYSIS AND BACKGROUND

Staff Analysis and Background that will not appear in the Agenda Description.

VII. RECOMMENDATION

VIII. LIST ATTACHMENTS

1. DHHS Director Kristen Dow 6.17.2019
2. Kristen Dow Resume

Prepared by:

Date: 6/7/2019

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

CITY OF PORTLAND
IN THE CITY COUNCIL

KIMBERLY COOK (5)
JILL C. DUSON (A/L)
PIOUS ALI (A/L)
NICHOLAS M. MAVODONES, JR (A/L)

**ORDER APPOINTING AND SETTING SALARY OF KRISTEN DOW AS
HEALTH AND HUMAN SERVICES DIRECTOR**

ORDERED, that Kristen Dow is hereby appointed as Director of the Department of Health and Human Services at a salary of \$116,691.00; and

BE IT FURTHER ORDERED, that this appointment is passed as an emergency in order to make the appointment effective on June 17, 2019.

Kristen Dow

Professional Experience

City of Portland Health & Human Services Department 12/2012-Present

Interim Director

02/2019- Present

- Oversee the four divisions of the Health and Human Services Department including the Barron Center, Elder Services, Public Health and Social Services.
- Management and oversight of the Department's FY19 \$26, 988,780 budget to ensure the delivery of community services while staying within established budget parameters.
- Development and oversight through the City budget process of the Department's FY20 budget of approximately \$30 million.
- Provide direct supervision to the Financial Manager, Principal Administrative Officer and the four department Directors.
- Collaborate with City Departments and community partners to ensure efficiency of services while serving the residents of Portland.
- Act as staff liaison for the City Council's Health and Human Services & Public Safety Committee.

Chronic Disease Prevention & India Street Clinic Program Manager

01/2016 – 02/2019

- Responsible for financial planning, management and reporting for an annual budget of approximately \$1.1 million comprised of 13 national, state and local funding sources.
- Through direct and indirect supervision, responsible for managing a program of 20 full time and part time staff, contracted staff.
- Assist the four programs within Chronic Disease Prevention to secure grant funding including writing grants, planning, implementing and evaluating workplans and engaging community partners.
- Oversee Portland's Needle Exchange Program and STD Clinic at 103 India Street.
- Research and implement population and evidenced based, sustainable public health strategies and interventions that result in the prevention of chronic diseases and a reduction in the associated costs in Cumberland County.
- Active participant in the Management Team of the Public Health Division including participating in Division wide strategic planning and assessment activities, budget processes and procedure and policy development.

Healthy Portland Program Coordinator

12/2012- 1/2016

- Responsible for financial planning, management, and reporting for a budget of approximately \$1 million comprised of numerous state and local funding sources.
- Supervised 7 staff members, one contractor and manage multiple subcontracts.
- Developed, implemented and evaluated programming assuring that activities were consistent with overall project goals, objectives, strategies, and desired outcomes.
- Utilized best practices to facilitate policy and environmental changes that resulted in desired health behaviors and outcomes.

MaineGeneral Health, Workplace Health 10/2011-12/2012
Wellness Coordinator II

- Assisted a diverse set of client companies with the creation of wellness committees, education and training as well as the development and implementation of policies and procedures that support health in the workplace.
- Provided direct Health Risk Assessments, biometric screenings and health coaching services to selected accounts.
- Responsible for growth and development of small and micro business accounts at Workplace Health.
- Managed Healthy People of the Kennebec Valley budget, expenses and event revenues. Reported to chamber executives and Workplace Health Director with respect to this work monthly.
- Identified, coordinated and provided training for all wellness team members to help ensure a high quality of service, advancing skill sets, as well as consistency of services and methodology among the entire team. Assisted manager with new employee orientation and training. Assisted in maintaining new hire training/orientation materials.

City of Portland Health and Human Services Department, PHD 10/2004 -10/2011
Community Health Promotion Specialist
5/2008 – 10/2011

- Promoted goals of the Healthy Maine Partnerships in worksites and community organizations through policy and environmental changes in the areas of physical activity, nutrition and tobacco-free living.
- Collaborated with local partners to ensure a successful completion of goals and objectives.
- Developed, implemented and evaluated programming assuring that activities are consistent with overall project goals, objectives, strategies, and desired outcomes.

Operations Office Manager
10/2004-5/2008

- Responsible for Human Resource related functions for the Division.
- Supervised administrative staff.
- Grant management and financial reporting for the Division.

Education

Master in Public Health candidate, degree anticipated May 2021
Muskie School of Public Service, University of Southern Maine
Current GPA 4.0

B.S. Business Administration

Saint Michaels College, Colchester Vermont

Relevant Trainings & Affiliations

- **Lean Six Sigma Training**, completed February 2018
- **Chair of the Cumberland District Public Health Council**, January 2016-January 2018
- **SMCC Leadership Academy**, completed December 2016
- **Supervisory Skills Academy for Supervisors**, completed October 2015
- **Motivational Interviewing Training through OMC Wellness Works**, November 2011
- **Maine Public Health Association member**, 2009-2019

MEMORANDUM
City Council Agenda Item

FROM:

DATE: June 12, 2019

SUBJECT: **Order 270-18/19 Appointing Constables for 2019 for the Police Department - Sponsored by Jon P. Jennings, City Manager.**

SPONSOR: Jon P. Jennings

(If sponsored by a Council committee, include the date the committee met and the results of the vote.)

COUNCIL MEETING DATE ACTION IS REQUESTED:

1st Reading

Final Action 6/17/2019

Can action be taken at a later date: No (If no why not?)

PRESENTATION: None

I. SUMMARY

II. AGENDA DESCRIPTION

The Police Department is requesting that police recruits Dylan Miller and Kyle Vaught be appointed as constables.

These appointment are effective until 12:00 midnight, December 31, 2019, and are made pursuant to Portland City Code, Sections 20-19 and 20-19.5. Constables are not allowed to carry a firearm, concealed or unconcealed, in the performance of their duties, or to make arrests or issue parking tickets, unless that is one of the person's duties.

Staff is requesting this order be passed as an emergency so that these police cadets may perform constable duties as soon as possible to assist with police enforcement during the busy summer season. Time is of the essence as these recruits will be entering the police academy at the end of July. the performance of their duties, or to make arrests or issue parking tickets, unless that is one of the person's duties. Seven affirmative votes are required for passage as an emergency.

III. BACKGROUND

These two police recruits have committed themselves to the Portland Police Department and will be entering the State Police Academy at the end of July 2019. In order to provide additional training within the City of Portland, the Department would like to allow said recruits to receive training as sworn constables. Such training will allow the recruits to enforce municipal ordinances, address quality of life issues, and develop positive relationships with the public and local business owners.

IV. INTENDED RESULT AND/OR COUNCIL GOAL ADDRESSED

Police recruits are assigned to enforce municipal ordinances and address quality

V. FINANCIAL IMPACT

VI. STAFF ANALYSIS AND BACKGROUND

Staff Analysis and Background that will not appear in the Agenda Description.

VII. RECOMMENDATION

The Police Department recommends that the recruits be sworn in as constables for the City of Portland.

VIII. LIST ATTACHMENTS

1. Constables Police Cadets 6.17.2019

Prepared by:

Date: 6/12/2019

MEMORANDUM
City Council Agenda Item

FROM:

DATE: June 12, 2019

SUBJECT: **Order 270-18/19 Appointing Constables for 2019 for the Police Department - Sponsored by Jon P. Jennings, City Manager.**

SPONSOR: Jon P. Jennings

(If sponsored by a Council committee, include the date the committee met and the results of the vote.)

COUNCIL MEETING DATE ACTION IS REQUESTED:

1st Reading

Final Action 6/17/2019

Can action be taken at a later date: No (If no why not?)

PRESENTATION: None

I. SUMMARY

II. AGENDA DESCRIPTION

The Police Department is requesting that police recruits Dylan Miller and Kyle Vaught be appointed as constables.

These appointment are effective until 12:00 midnight, December 31, 2019, and are made pursuant to Portland City Code, Sections 20-19 and 20-19.5. Constables are not allowed to carry a firearm, concealed or unconcealed, in the performance of their duties, or to make arrests or issue parking tickets, unless that is one of the person's duties.

Staff is requesting this order be passed as an emergency so that these police cadets may perform constable duties as soon as possible to assist with police enforcement during the busy summer season. Time is of the essence as these recruits will be entering the police academy at the end of July. the performance of their duties, or to make arrests or issue parking tickets, unless that is one of the person's duties. Seven affirmative votes are required for passage as an emergency.

III. BACKGROUND

These two police recruits have committed themselves to the Portland Police Department and will be entering the State Police Academy at the end of July 2019. In order to provide additional training within the City of Portland, the Department would like to allow said recruits to receive training as sworn constables. Such training will allow the recruits to enforce municipal ordinances, address quality of life issues, and develop positive relationships with the public and local business owners.

IV. INTENDED RESULT AND/OR COUNCIL GOAL ADDRESSED

Police recruits are assigned to enforce municipal ordinances and address quality

V. FINANCIAL IMPACT

VI. STAFF ANALYSIS AND BACKGROUND

Staff Analysis and Background that will not appear in the Agenda Description.

VII. RECOMMENDATION

The Police Department recommends that the recruits be sworn in as constables for the City of Portland.

VIII. LIST ATTACHMENTS

1. Constables Police Cadets 6.17.2019

Prepared by:

Date: 6/12/2019

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

**CITY OF PORTLAND
IN THE CITY COUNCIL**

KIMBERLY M. COOK (5)
JILL C. DUSON (A/L)
PIOUS ALI (A/L)
NICHOLAS M. MAVODONES, JR (A/L)

**ORDER APPOINTING CONSTABLES FOR 2019
FOR THE DEPARTMENT OF PUBLIC SAFETY**

ORDERED, that Police Cadets Dylan Miller and Kyle Vaught are hereby appointed constables for calendar year 2019; and

BE IT FURTHER ORDERED, that these appointments shall be effective from the effective date of this order until 12:00 midnight, December 31, 2019;

BE IT FURTHER ORDERED, that these appointments are pursuant to Sections 20-19 and 20-19.5, Portland City Code, and none are allowed to carry a firearm, concealed or unconcealed, in the performance of their duties, or to make arrests.

MEMORANDUM
City Council Agenda Item

FROM:

DATE: May 29, 2019

SUBJECT: Order 271-18/19 Granting Municipal Officers' Approval of Deering 539 LLC dba Bird & Co. Application for a Class I FSE with Outdoor Dining on Public Property at 539 Deering Avenue - Sponsored by Jon P. Jennings, City Manager.

SPONSOR:

(If sponsored by a Council committee, include the date the committee met and the results of the vote.)

COUNCIL MEETING DATE ACTION IS REQUESTED:

1st Reading

Final Action

Can action be taken at a later date: No (If no why not?)

PRESENTATION: (List the presenter(s), type and length of presentation)

I. SUMMARY

II. AGENDA DESCRIPTION

Deering 539 LLC dba Bird & Co. Application for a Class I FSE with Outdoor Dining on Public Property at 539 Deering Avenue.

Application was filed on 5/28/2019. New City application. Applicant currently had a Class I FSE.

Five affirmative votes are required for passage after public comment.

III. BACKGROUND

IV. INTENDED RESULT AND/OR COUNCIL GOAL ADDRESSED

V. FINANCIAL IMPACT

VI. STAFF ANALYSIS AND BACKGROUND

Staff Analysis and Background that will not appear in the Agenda Description.

VII. RECOMMENDATION

VIII. LIST ATTACHMENTS

1. Bird & Co-Outdoors

2. 20190529090136611

Prepared by:

Date: 5/29/2019

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

CITY OF PORTLAND
IN THE CITY COUNCIL

KIMBERLY M. COOK (5)
JILL C. DUSON (A/L)
PIOUS ALI (A/L)
NICHOLAS M. MAVODONES, JR (A/L)

ORDER
GRANTING MUNICIPAL OFFICERS’
APPROVAL OF:

Deering 539 LLC dba Bird & Co. Application for a Class I FSE with Outdoor Dining on Public Property at 539 Deering Avenue.

ATTN: Mayor Ethan Strimling and the City Council Members of Portland, ME.

We at Bird & Co located at 539 Deering Avenue have enjoyed a great start. The neighborhood around us has turned out in droves to support us and they continually ask if we will provide outdoor seating options come the warmer weather. With your approval of this application, we intend to fulfill this request. Attached you will find all the necessary documents to assess this application. In regards to the barrier type that we will use, we intend to use stanchions and chain or rope as is recommended in the application guidelines. We thank you for your attention to this request.

Best,
Jared Dinsmore and William Dowd.

Portland, Maine



Yes. Life's good here.

Permitting and Inspections Department
389 Congress St. Room 307 • Portland, ME 04101 • (207) 874-8557
www.portlandmaine.gov

Outdoor Dining Permit on Public Property Supplemental Application

License accompanies a City of Portland Food Service Establishment or Food Service Establishment with Liquor License
Valid April 1-November 15

☒ Legal Advertisement Deposit \$100.00
☒ Outdoor Dining on Public Property \$84.00 plus \$2.00 per Square foot $\$2.00 \times 85 \text{ SF} = 170 + 84 = 254$
☐ Outdoor Dining on Public Property in a City Park \$84.00 plus \$6.30 per Square foot $\$6.30 \times \text{SF} = \text{_____}$

Business Information	
Business Name (d/b/a):	Bird & CO. Phone: 207 747 4056
Location Address:	539 Deering Ave Zip: 04103
Mailing Address:	539 Deering Ave Zip: 04103
Contact Person:	Jared Dinsmore Phone: 207 317 1718
Contact Person Email:	Jared@dinsmore@gmail.com
Manager of Establishment:	William Dowd Date of Birth: 9/28/88 Phone: 207 323 514
Owner of Premises (Landlord):	Saad (S & M Properties) 323 514 6013
Address of Premises Owner:	Albeshir PO Box 6752 Portland, ME 04103

Owner Information

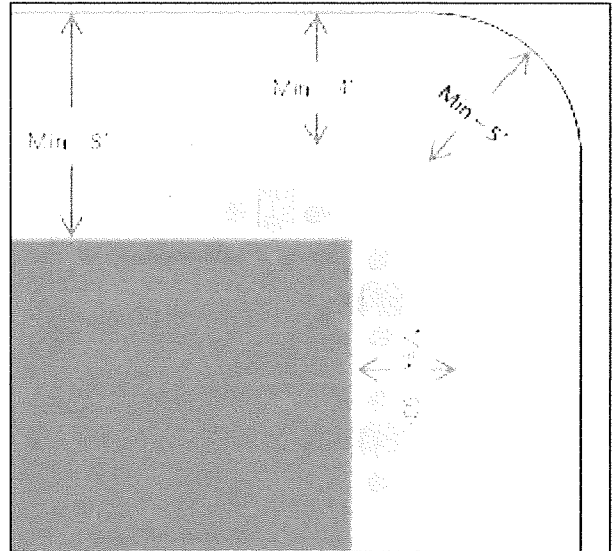
Corporate Name		Corporate Mailing Address	
Deering 539 LLC		539 Deering Ave, Portland 04103	
Contact Person:	Jared Dinsmore	Phone:	207 317 1718
Principal Officers	Title	Date of Birth	Residence Address
William Dowd	Co-President	9/28/88	53 Summit Park Ave, Portland 04103
Jared Dinsmore	Co-President	3/7/89	17 Greta Way, Falmouth ME 04105

About Your Establishment

Class of License:	EST 10 25444 Eating Place / Liquor: CLASS I - CLASS A Restaurant
Type of food served:	Tacos, Salads, Appetizers
Please circle all that will be served:	Beer Wine Liquor
Hours & days of operation:	3PM - 10PM Monday Tuesday - Sunday
Number of Tables	9
Number of Chairs	42

Design and Construction

Existing Sidewalk Width (property line to curb)	Sidewalk Dining Allowed?
< 8'0"	No
≥ 8'0"	Yes – up to 60% of sidewalk
Sidewalk Type	Sidewalk Passage Width (Min)
Standard sidewalk	4'0"
Street corner	5'0"

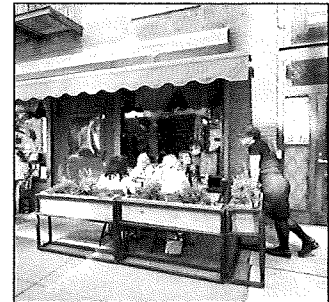
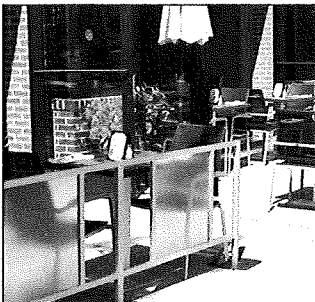


- Outdoor dining area shall not exceed 60% of the sidewalk width.
- A continuous, unobstructed sidewalk passage of 4 feet from the outer boundary of the seating area to the curb must be maintained. If the passage is not straight due to existing obstacles, then additional width may be required. Any changes to existing straight passage is at the discretion of the City.
- Egress must be maintained free of obstruction.
- Permanent fixtures, such as awnings, require a building permit separate from the Outdoor Dining permit and subject to approval by the Building Authority.
- Umbrellas do not require a permit.
- Umbrellas must be secured and maintain the height clearance for sidewalk passage.

Barriers

- If barriers are proposed, they must be free-standing. Physical attachments to a building are not allowed.
- Stanchions and ropes are encouraged. Sectional fencing is allowed with a high degree of visual transparency (at least 50% open). Solid or opaque barriers are not allowed.
- Shall not exceed 42" in height and may not include commercial signage.

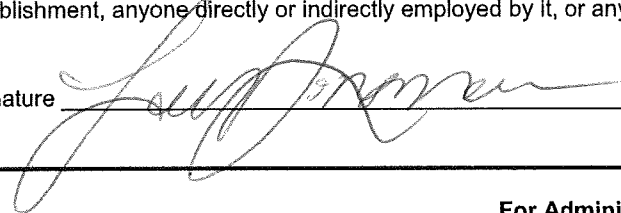
Example barrier types that meet regulation



Maintenance and Operations

- Outdoor dining components must be within the permitted area and allow safe passage of pedestrian traffic. Failure to comply may result in a revocation of the permit.
- The permit holder is responsible for keeping the outdoor seating area clean.
- No food shall be prepared in the designated outdoor dining area.
- All outdoor dining components shall be removed before snowfall and while any snow or ice exists within four feet of the outdoor dining area. The City will not be responsible for damage to any property that is not removed prior to sidewalk maintenance.
- Outdoor dining areas must meet ADA regulations and accessible seating is required.
- Request for the use of adjacent on street parking space for outdoor dining installations requires Parking Office and Building Authority review and approval.

I/We fully understand that the City of Portland, its agents, officers and employees accept no responsibility and will not be liable for any injury, harm or damage to my/our person or property arising out of the establishment's occupancy of the sidewalk or park space. To the fullest extent permitted by law, I/We do hereby agree to assume all risk of injury, harm or damage to my/our person or property (including but not limited to all risk of injury, harm or damage to my/our property cause by the negligence of the City of Portland, its agents, officers or employees) arising out of the establishment's occupancy of the sidewalk or park space. I/We hereby agree, to the fullest extent permitted by law, to defend, indemnify and hold harmless the City of Portland, its agents, officers and employees, from and against all claims, damages, losses and expenses, just or unjust, including, but not limited to costs of defense and attorney's fees, arising out of the establishment's occupancy of the sidewalk or park space, provided that any such claims, damage, loss or expense (1) is attributable to bodily injury, sickness, disease, or death, or to injury to or destruction of tangible property including the loss of use there from, and (2) is caused in whole or in part by any negligent act or omission of the establishment, anyone directly or indirectly employed by it, or anyone for whose act it may be liable.

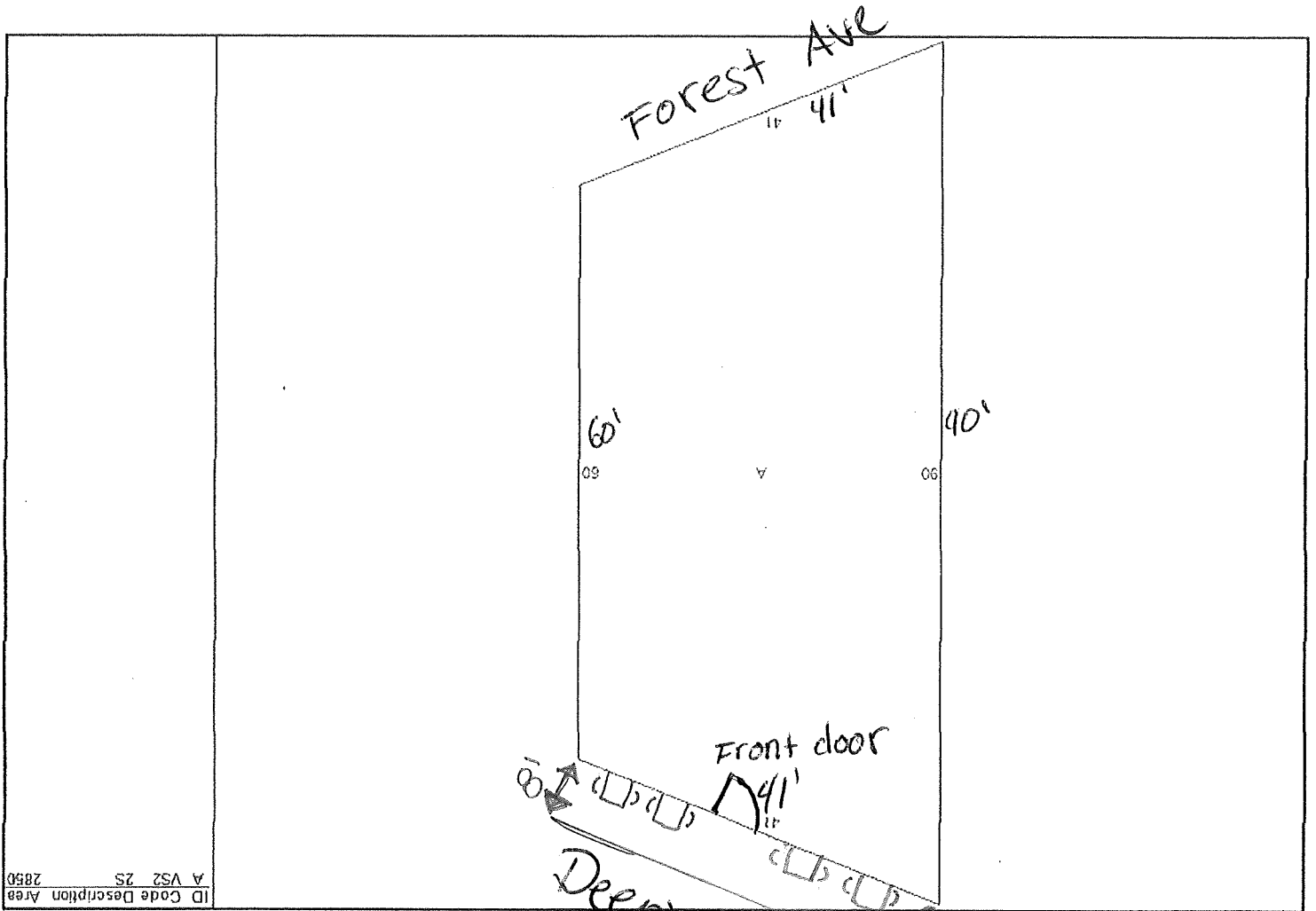
Signature  Title CO-President Date 5/21/19

For Administrative Use Only

Amount: _____		Request Date /	Approval	Notes: _____
Date Paid: _____	FD: _____	/	_____	_____
CC _____ CA _____ CK _____	Health: _____	/	_____	_____
	PD: _____	/	_____	_____
Amount: _____	Treasury: _____	/	_____	_____
Date Paid: _____	Zoning: _____	/	_____	_____
CC _____ CA _____ CK _____				

Building only
TOP

Street View on Back →



BUILDING FOOTPRINT PER ASSessor

Forest Ave

41'

Zoomed in View of Building only

□ - table

○ - seat

--- Barrier

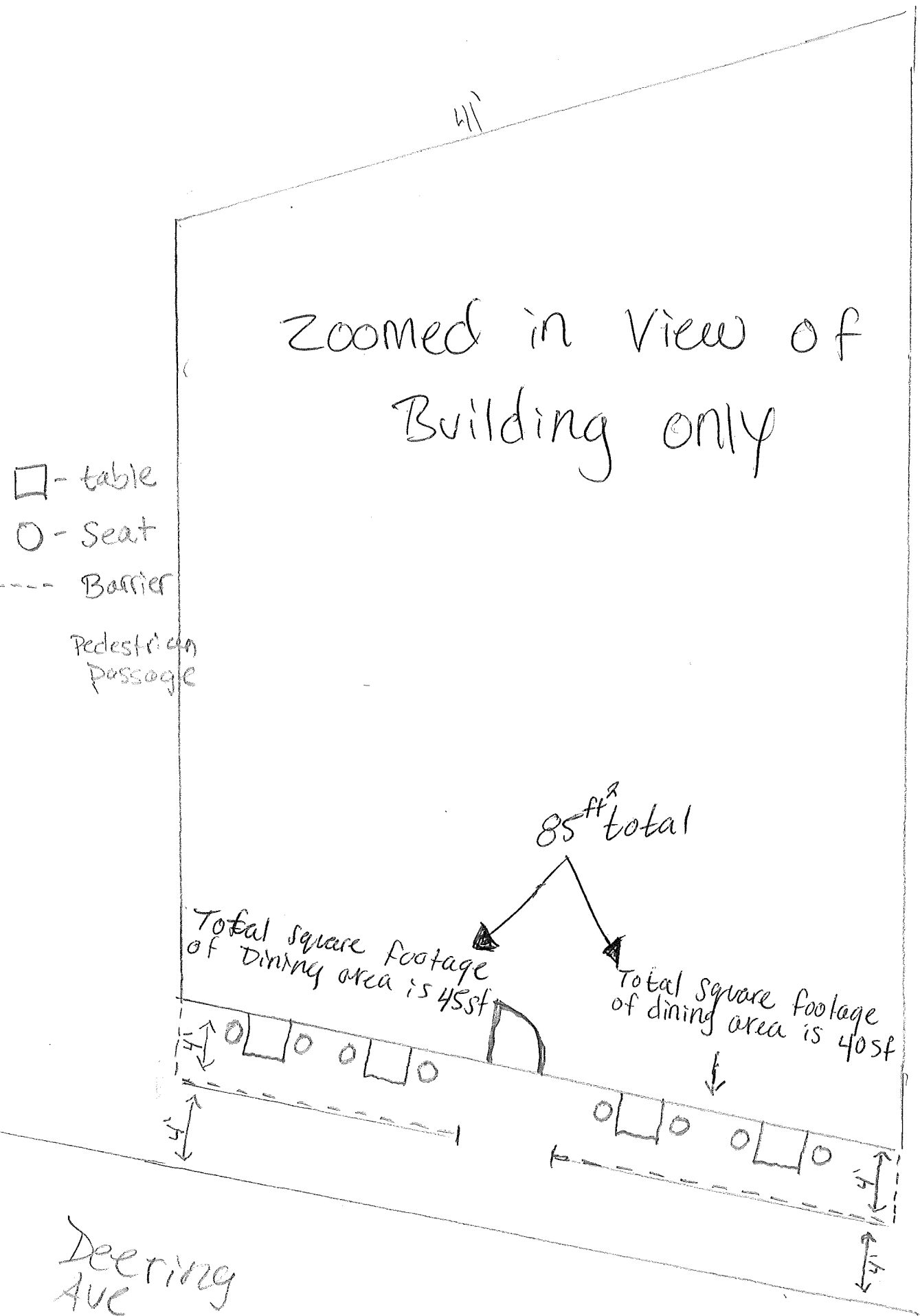
Pedestrian
Passage

85^{ft²} total

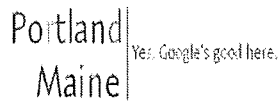
Total square footage
of dining area is 45sf

Total square footage
of dining area is 40sf

Deering
Ave







Jessica Hanscombe <jhanscombe@portlandmaine.gov>

Re: Bird & Co

Nicholas Goodman <nickg@portlandmaine.gov>
To: Jessica Hanscombe <jhanscombe@portlandmaine.gov>

Wed, May 29, 2019 at 8:41 AM

Pd has no objections. Ng

On Wed, May 29, 2019 at 7:41 AM Jessica Hanscombe <jhanscombe@portlandmaine.gov> wrote:

Good Morning

Please see the attached application for Outdoor Dining on Public Property. This will go before council on 6/17. Please advise. Jess

Jessica Blais Hanscombe
Licensing and Registration Coordinator
389 Congress Street Room 307
Portland, Maine 04101
207-874-8783
jhanscombe@portlandmaine.gov



CITY OF PORTLAND
Permitting and Inspections Department

May 29, 2019

Deering 539 LLC
539 Deering Avenue
Portland ME 04103

Re: Deering 539 LLC dba Bird & Co. Application for a Class I FSE with Outdoor Dining on Public Property at 539 Deering Avenue.

Dear Jared Dinsmore

This letter shall serve as a reminder of the public hearing before the Portland City Council on **Monday June 17, 2019 at 5:30 p.m.**, for the review of application for a Class I FSE with Outdoor Dining on Public Property at 539 Deering Avenue. The meeting will take place in Council Chambers on the 2nd floor of City Hall, 389 Congress Street, Portland, ME 04101.

You or a representative of the business must be present at this meeting in the event that the city council has questions regarding the license application. If there is no representation and questions arise, the item may be postponed.

Please contact our office directly with questions at (207) 874-8557 or jhanscombe@portlandmaine.gov.

Sincerely,

Jessica Hanscombe
Licensing and Registration Coordinator

Legal Advertisement

Notice of Public Hearing City of Portland

A Public Hearing will be held on June 17, 2019 at 5:30 P.M., in City Council Chambers, 389 Congress St., Deering 539 LLC dba Bird & Co. Application for a Class I FSE with Outdoor Dining on Public Property at 539 Deering Avenue. Sponsored by Jon P. Jennings, City Manager.

MEMORANDUM
City Council Agenda Item

FROM:

DATE: May 29, 2019

SUBJECT: Order 272-18/19 Granting Municipal Officers' Approval of LB Kitchen LLC dba LB Kitchen LLC. Application for a Class III & IV FSE with Outdoor Dining on Public Property at 231 York Street - Sponsored by Jon P. Jennings, City Manager.

SPONSOR:

(If sponsored by a Council committee, include the date the committee met and the results of the vote.)

COUNCIL MEETING DATE ACTION IS REQUESTED:

1st Reading

Final Action

Can action be taken at a later date: No (If no why not?)

PRESENTATION: (List the presenter(s), type and length of presentation)

I. SUMMARY

II. AGENDA DESCRIPTION

LB Kitchen LLC dba LB Kitchen LLC. Application for a Class III & IV FSE with Outdoor Dining on Public Property at 231 York Street.

Application was filed on 5/22/2019. New City application. Applicant currently has a Class III & IV FSE.

Five affirmative votes are required for passage after public comment.

III. BACKGROUND

IV. INTENDED RESULT AND/OR COUNCIL GOAL ADDRESSED

V. FINANCIAL IMPACT

VI. STAFF ANALYSIS AND BACKGROUND

Staff Analysis and Background that will not appear in the Agenda Description.

VII. RECOMMENDATION

VIII. LIST ATTACHMENTS

1. 20190529090435791
2. LB Kitchen Outdoor dining

Prepared by:

Date: 5/29/2019

Bryna Gootkind
LB Kitchen, LLC
249 Congress St.
Portland, ME 04101

4/3/18

Mayor Ethan Strimling
City Hall
389 Congress St.
Portland, ME 04101

Dear Mayor Strimling,

This is a letter of intent that is requesting city permits for LB Kitchen to provide outdoor seating at our new location at 231 York St in Portland, ME. This outdoor space will serve food, beer and wine 7 days a week from 8AM – 5PM.

Thank you for your consideration.

Bryna Gootkind

Portland, Maine



Yes. Life's good here.

Permitting and Inspections Department
389 Congress St. Room 307 • Portland, ME 04101 • (207) 874-8557
www.portlandmaine.gov

**Outdoor Dining Permit on Public Property
Supplemental Application**

License accompanies a City of Portland Food Service Establishment or Food Service Establishment with Liquor License
Valid April 1-November 15

☐ Legal Advertisement Deposit \$100.00
☒ Outdoor Dining on Public Property \$84.00 plus \$2.00 per Square foot \$2.00 X <u>102</u> SF = <u>204</u>
☐ Outdoor Dining on Public Property in a City Park \$84.00 plus \$6.30 per Square foot \$6.30 X _____ SF = _____

Business Information	
Business Name (d/b/a):	LB KITCHEN LLC
Location Address:	231 YORK ST PORTLAND ME Zip: 04102
Mailing Address:	2 HIGH BLUFF LN. SCARBOROUGH ME Zip: 04074
Contact Person:	BRYNA GOOTKIND
Contact Person Email:	LBKITCHENPORTLANDME@GMAIL.COM
Manager of Establishment:	BRYNA GOOTKIND or Date of Birth: 9/2/80 HILLARY WEBER 4/12/91
Owner of Premises (Landlord):	231 YORK ST. LLC / Good Medicine collective
Address of Premises Owner:	231 YORK ST. PORTLAND ME Zip: 04102

Owner Information 2 HIGH BLUFF LN. SCARBOROUGH, ME

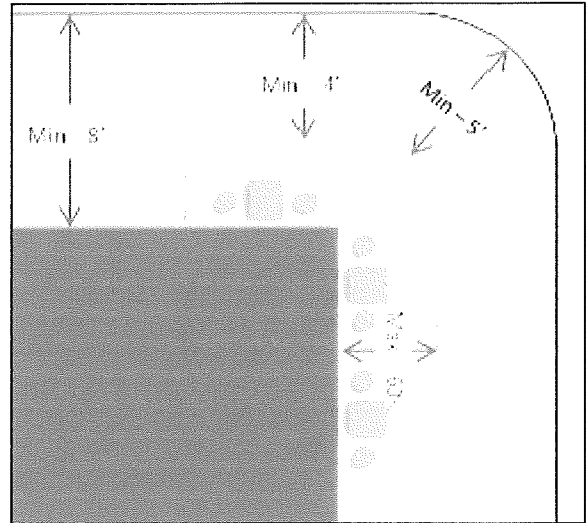
Corporate Name		Corporate Mailing Address	
LB KITCHEN LLC		231 YORK ST. PORTLAND ME 04102	
Contact Person:	STEVE STRANDBERG	Phone:	617 872 1864
BRYNA GOOTKIND		978.270.9151	
Principal Officers	Title	Date of Birth	Residence Address
STEVE STRANDBERG	OWNER	4/2/89	7 FALGOUTER RD. SOUTH PORTLAND 04106
ELAINE PARRINGTON	MEM	1/16/69	2 HIGH BLUFF LN. SCARBOROUGH, ME
BRYNA GOOTKIND	MEM	9/2/80	" "

About Your Establishment

Class of License:	CLASS III AND IV
Type of food served:	HEALTHY • VEGGIES • BOWLS • SMOOTHIES
Please circle all that will be served:	Beer Wine Liquor
Hours & days of operation:	M-SAT 8AM - 5PM / SUN 8AM - 3PM
Number of Tables	6 - 8 ?
Number of Chairs	12 - 20 ?

Design and Construction

Existing Sidewalk Width (property line to curb)	Sidewalk Dining Allowed?
< 8'0"	No
≥ 8'0"	Yes – up to 60% of sidewalk
Sidewalk Type	Sidewalk Passage Width (Min)
Standard sidewalk	4'0"
Street corner	5'0"

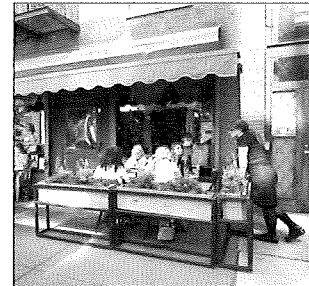
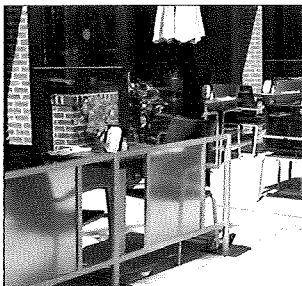


- Outdoor dining area shall not exceed 60% of the sidewalk width.
- A continuous, unobstructed sidewalk passage of 4 feet from the outer boundary of the seating area to the curb must be maintained. If the passage is not straight due to existing obstacles, then additional width may be required. Any changes to existing straight passage is at the discretion of the City.
- Egress must be maintained free of obstruction.
- Permanent fixtures, such as awnings, require a building permit separate from the Outdoor Dining permit and subject to approval by the Building Authority.
- Umbrellas do not require a permit.
- Umbrellas must be secured and maintain the height clearance for sidewalk passage.

Barriers

- If barriers are proposed, they must be free-standing. Physical attachments to a building are not allowed.
- Stanchions and ropes are encouraged. Sectional fencing is allowed with a high degree of visual transparency (at least 50% open). Solid or opaque barriers are not allowed.
- Shall not exceed 42" in height and may not include commercial signage.

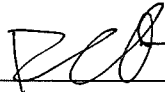
Example barrier types that meet regulation



Maintenance and Operations

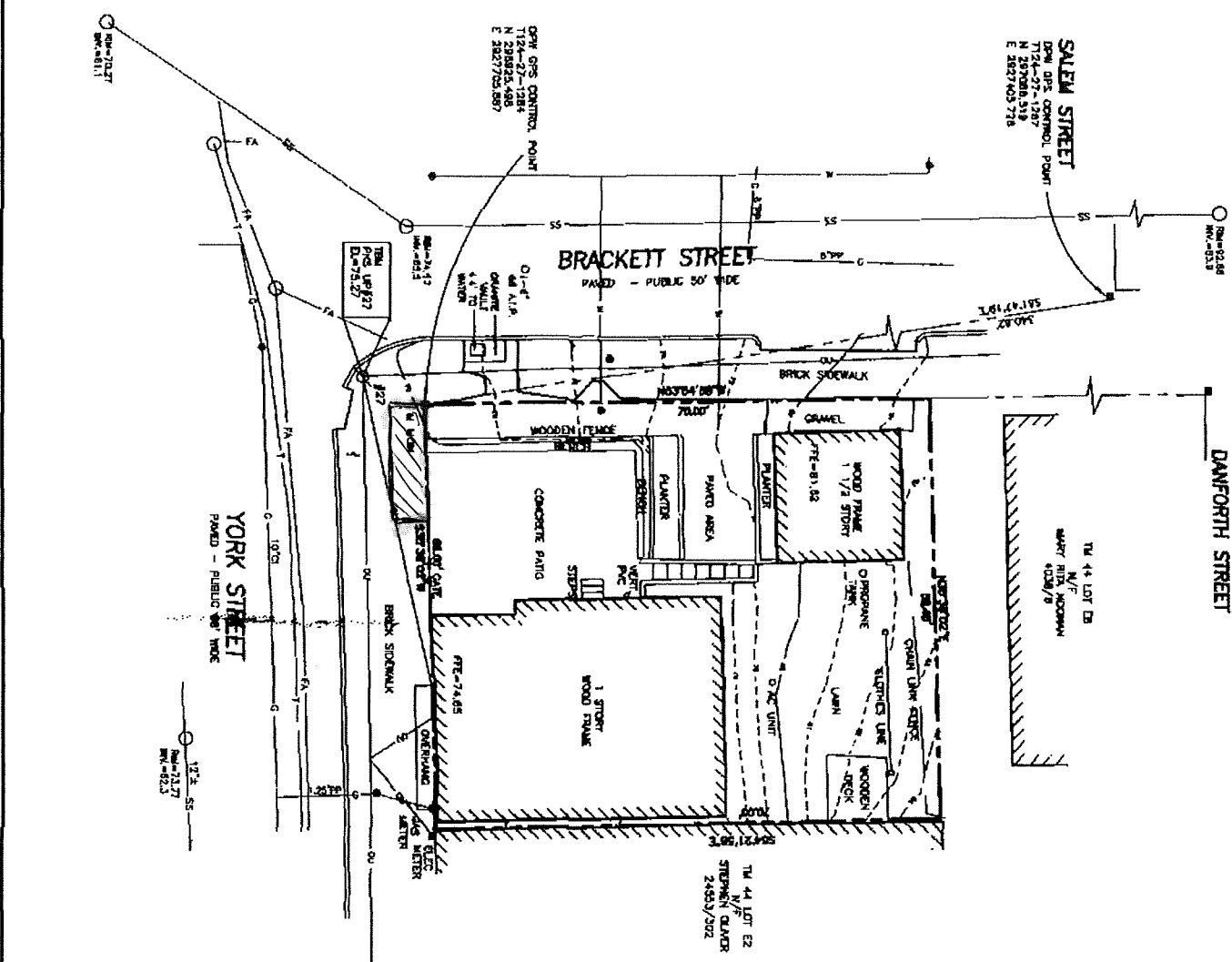
- Outdoor dining components must be within the permitted area and allow safe passage of pedestrian traffic. Failure to comply may result in a revocation of the permit.
- The permit holder is responsible for keeping the outdoor seating area clean.
- No food shall be prepared in the designated outdoor dining area.
- All outdoor dining components shall be removed before snowfall and while any snow or ice exists within four feet of the outdoor dining area. The City will not be responsible for damage to any property that is not removed prior to sidewalk maintenance.
- Outdoor dining areas must meet ADA regulations and accessible seating is required.
- Request for the use of adjacent on street parking space for outdoor dining installations requires Parking Office and Building Authority review and approval.

I/We fully understand that the City of Portland, its agents, officers and employees accept no responsibility and will not be liable for any injury, harm or damage to my/our person or property arising out of the establishment's occupancy of the sidewalk or park space. To the fullest extent permitted by law, I/We do hereby agree to assume all risk of injury, harm or damage to my/our person or property (including but not limited to all risk of injury, harm or damage to my/our property cause by the negligence of the City of Portland, its agents, officers or employees) arising out of the establishment's occupancy of the sidewalk or park space. I/We hereby agree, to the fullest extent permitted by law, to defend, indemnify and hold harmless the City of Portland, its agents, officers and employees, from and against all claims, damages, losses and expenses, just or unjust, including, but not limited to costs of defense and attorney's fees, arising out of the establishment's occupancy of the sidewalk or park space, provided that any such claims, damage, loss or expense (1) is attributable to bodily injury, sickness, disease, or death, or to injury to or destruction of tangible property including the loss of use there from, and (2) is caused in whole or in part by any negligent act or omission of the establishment, anyone directly or indirectly employed by it, or anyone for whose act it may be liable.

Signature  Title OWNER Date 4/16/19

For Administrative Use Only

Amount: _____		Request Date / Approval	Notes: _____
Date Paid: _____	FD: _____	_____ / _____	_____
CC _____ CA _____ CK _____	Health: _____	_____ / _____	_____
	PD: _____	_____ / _____	_____
Amount: _____	Treasury: _____	_____ / _____	_____
Date Paid: _____	Zoning: _____	_____ / _____	_____
CC _____ CA _____ CK _____			



DANFORTH STREET

TM 44 LOT 28
N/F
SAFETY FILM, MICHIGAN

TM 44 LOT E2
N/F
STEPHEN OLIVER
24553/302

NOTES

- PLAN REFERENCES**
1. SLURRY FOR BLDG THOMAS ON APRIL 1913 BY E.C. JORDAN & CO.
 2. PLAN OF BRACKETT STREET SHEET NO. 1 OF J. E.C. JORDAN FILE # 284.

4. The underground utilities shown have been located from field survey information, and are not shown because the SIRENOR WAREHOUSE is not located in the area. The underground utilities shown encompass all S&W utilities in the area, either in service or abandoned. The SIRENOR FURNISH DOES NOT SHOW THAT THE UNDERGROUND UTILITIES SHOWN ARE IN THE EXACT LOCATION INDICATED. THEREFORE, IT DOES CERTAINLY THAT THEY ARE LOCATED AS ACCURATELY AS POSSIBLE FROM INFORMATION AVAILABLE. THE SIRENOR HAS NOT PHYSICALLY LOCATED THE UNDERGROUND UTILITIES. ONLY A 100-FOOT DISTANCE, HIGHER STANDARDS THAT BEFORE, PROVIDING AN OVER-CONSERVATION.

CERTIFICATION: OGDEN HASKELL, INC. HEREBY CERTIFIES THAT THIS PLAN IS BASED ON, AND THE RESULT OF AN ON THE GROUND FIELD SURVEY AND THAT TO THE BEST OF OUR KNOWLEDGE, INFORMATION AND BELIEF, IT CONFORMS TO THE BOARD OF LODGEMENT FOR PROFESSIONAL LAND SURVEYORS CURRENT STANDARDS OF PRACTICE.

12/16/08
DATE

JOHN W. SPOON, PLS NO. 1038



888-772-8888

BOUNDARY & TOPOGRAPHIC SURVEY

BY
YOUNG AND MCKENNEY ET. AL., CONTINUED, MEMPHIS

DATA FISHER LLC

P.O. BOX 189 FORTLAKE, MISS. 38412

OWEN HANCOCK, INC.

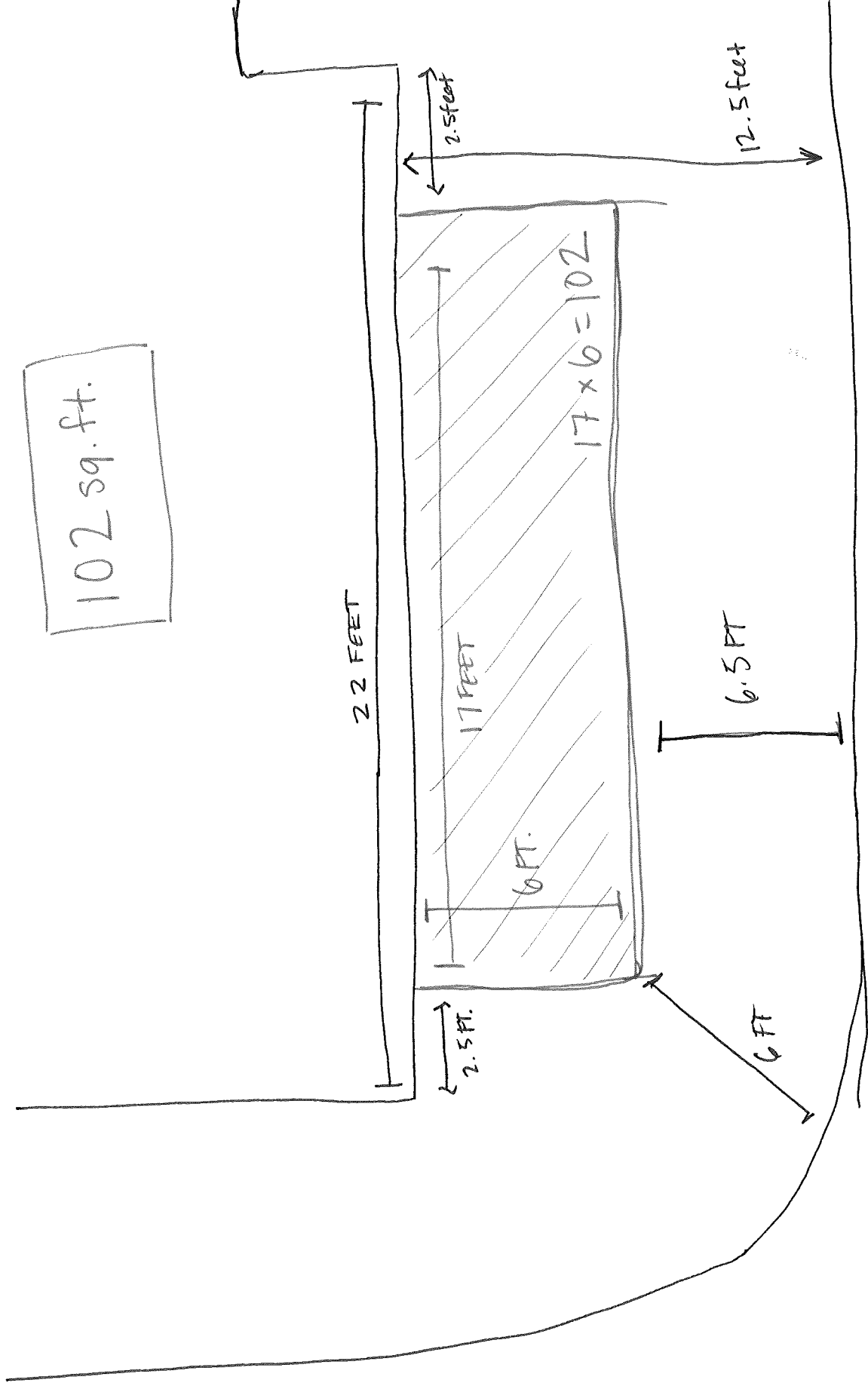
P. HENNINGSEN, 1400 S. UNIVERSITY
 20114, EDWARDS, CALIF., 94617

DATE	SEPTEMBER 14, 2004	2004-11
------	--------------------	---------

1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29	30	31	32	33	34	35	36	37	38	39	40	41	42	43	44	45	46	47	48	49	50	51	52	53	54	55	56	57	58	59	60	61	62	63	64	65	66	67	68	69	70	71	72	73	74	75	76	77	78	79	80	81	82	83	84	85	86	87	88	89	90	91	92	93	94	95	96	97	98	99	100	101	102	103	104	105	106	107	108	109	110	111	112	113	114	115	116	117	118	119	120	121	122	123	124	125	126	127	128	129	130	131	132	133	134	135	136	137	138	139	140	141	142	143	144	145	146	147	148	149	150	151	152	153	154	155	156	157	158	159	160	161	162	163	164	165	166	167	168	169	170	171	172	173	174	175	176	177	178	179	180	181	182	183	184	185	186	187	188	189	190	191	192	193	194	195	196	197	198	199	200	201	202	203	204	205	206	207	208	209	210	211	212	213	214	215	216	217	218	219	220	221	222	223	224	225	226	227	228	229	230	231	232	233	234	235	236	237	238	239	240	241	242	243	244	245	246	247	248	249	250	251	252	253	254	255	256	257	258	259	260	261	262	263	264	265	266	267	268	269	270	271	272	273	274	275	276	277	278	279	280	281	282	283	284	285	286	287	288	289	290	291	292	293	294	295	296	297	298	299	300	301	302	303	304	305	306	307	308	309	310	311	312	313	314	315	316	317	318	319	320	321	322	323	324	325	326	327	328	329	330	331	332	333	334	335	336	337	338	339	340	341	342	343	344	345	346	347	348	349	350	351	352	353	354	355	356	357	358	359	360	361	362	363	364	365	366	367	368	369	370	371	372	373	374	375	376	377	378	379	380	381	382	383	384	385	386	387	388	389	390	391	392	393	394	395	396	397	398	399	400	401	402	403	404	405	406	407	408	409	410	411	412	413	414	415	416	417	418	419	420	421	422	423	424	425	426	427	428	429	430	431	432	433	434	435	436	437	438	439	440	441	442	443	444	445	446	447	448	449	450	451	452	453	454	455	456	457	458	459	460	461	462	463	464	465	466
---	---	---	---	---	---	---	---	---	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----

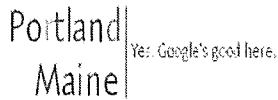
BRACKET STREET

102 sq. ft.



YORK STREET





Jessica Hanscombe <jhanscombe@portlandmaine.gov>

Re: LB Kitchen-Outdoor Dining

Nicholas Goodman <nickg@portlandmaine.gov>
To: Jessica Hanscombe <jhanscombe@portlandmaine.gov>

Fri, May 24, 2019 at 1:15 PM

PD has no objections. NG

On Fri, May 24, 2019 at 1:06 PM Jessica Hanscombe <jhanscombe@portlandmaine.gov> wrote:

Good Afternoon

Please see the attached application for Outdoor Dining on Private property. This will go before council on 6/17. Please advise. Jess

Jessica Blais Hanscombe
Licensing and Registration Coordinator
389 Congress Street Room 307
Portland, Maine 04101
207-874-8783
jhanscombe@portlandmaine.gov



CITY OF PORTLAND
Permitting and Inspections Department

May 29, 2019

LB Kitchen LLC
2 High Bluff Lane
Scarborough ME 04074

Re: LB Kitchen LLC dba LB Kitchen LLC. Application for a Class III & IV FSE with Outdoor Dining on Public Property at 231 York Street.

Dear Bryna Gootkind,

This letter shall serve as a reminder of the public hearing before the Portland City Council on **Monday June 17, 2019 at 5:30 p.m.**, for the review of application for a Class III & IV FSE with Outdoor Dining on Public Property at 231 York Street. The meeting will take place in Council Chambers on the 2nd floor of City Hall, 389 Congress Street, Portland, ME 04101.

You or a representative of the business must be present at this meeting in the event that the city council has questions regarding the license application. If there is no representation and questions arise, the item may be postponed.

Please contact our office directly with questions at (207) 874-8557 or jhanscombe@portlandmaine.gov.

Sincerely,

Jessica Hanscombe
Licensing and Registration Coordinator

Legal Advertisement

Notice of Public Hearing City of Portland

A Public Hearing will be held on June 17, 2019 at 5:30 P.M., in City Council Chambers, 389 Congress St., LB Kitchen LLC dba LB Kitchen LLC. Application for a Class III & IV FSE with Outdoor Dining on Public Property at 231 York Street. Sponsored by Jon P. Jennings, City Manager.

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

CITY OF PORTLAND
IN THE CITY COUNCIL

KIMBERLY M. COOK (5)
JILL C. DUSON (A/L)
PIOUS ALI (A/L)
NICHOLAS M. MAVODONES, JR (A/L)

ORDER
GRANTING MUNICIPAL OFFICERS’
APPROVAL OF:

**LB Kitchen LLC dba LB Kitchen LLC. Application for a Class III & IV FSE with
Outdoor Dining on Public Property at 231 York Street.**

MEMORANDUM
City Council Agenda Item

FROM:

DATE: May 29, 2019

SUBJECT: Order 273-18/19 Granting Municipal Officers' Approval of Brothers Inc dba Locally Sauced. Application for a Class I FSE with Outdoor Dining on Private Property at 4 Thompson's Point - Sponsored by Jon P. Jennings, City Manager.

SPONSOR:

(If sponsored by a Council committee, include the date the committee met and the results of the vote.)

COUNCIL MEETING DATE ACTION IS REQUESTED:

1st Reading

Final Action

Can action be taken at a later date: No (If no why not?)

PRESENTATION: (List the presenter(s), type and length of presentation)

I. SUMMARY

II. AGENDA DESCRIPTION

Ely Brothers Inc dba Locally Sauced. Application for a Class I FSE with Outdoor Dining on Private Property at 4 Thompson's Point.

Application was filed on 5/15/2019. New City application. Applicant currently has a Class I FSE.

Five affirmative votes are required for passage after public comment.

III. BACKGROUND

IV. INTENDED RESULT AND/OR COUNCIL GOAL ADDRESSED

V. FINANCIAL IMPACT

VI. STAFF ANALYSIS AND BACKGROUND

Staff Analysis and Background that will not appear in the Agenda Description.

VII. RECOMMENDATION

VIII. LIST ATTACHMENTS

1. Locally Sauced-Outdoor Dining
2. 20190529090858357

Prepared by:

Date: 5/29/2019

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

CITY OF PORTLAND
IN THE CITY COUNCIL

KIMBERLY M. COOK (5)
JILL C. DUSON (A/L)
PIOUS ALI (A/L)
NICHOLAS M. MAVODONES, JR (A/L)

ORDER
GRANTING MUNICIPAL OFFICERS’
APPROVAL OF:

**Ely Brothers Inc dba Locally Sauced. Application for a Class I FSE with Outdoor Dining
on Private Property at 4 Thompson’s Point.**

Charles S. Ely
Ely Brothers Inc. DBA Locally Sauced
4 Thompsons Point Suite 107
Portland, ME 04102

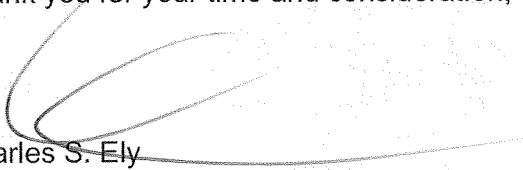
May 8, 2019

Dear Mayor Ethan K. Strimling and members of the Portland City Council,

This is a letter of intent from Charles Ely to obtain an outdoor dining license for Locally Sauced, located at Thompson's Point in Portland, this is a private property license. We have owned and operated a mobile food cart in Portland for the last five years and recently (April of 2018) obtained the restaurant, we added a full liquor license to our restaurant in December of 2018.

We are looking to include outdoor dining as part of our customer experience. Our Maine summer's are so near and dear to our hearts I want to extend that enjoyment to our guests. The outdoor space is small about 223 sq. feet, just enough for a couple of small tables but we believe it could really enhance the curb appeal of our restaurant, as well as customer experience.

Thank you for your time and consideration,


Charles S. Ely

Portland, Maine



Yes. Life's good here.

Permitting and Inspections Department
389 Congress St. Room 307 • Portland, ME 04101 • (207) 874-8557
www.portlandmaine.gov

Outdoor Dining Permit on Private Property Supplemental Application

License accompanies a City of Portland Food Service Establishment or Food Service Establishment with Liquor License
Valid April 1-November 15

☒ Outdoor Dining on Private Property \$125.00 ☒ Legal Advertisement Deposit \$100.00

Business Information	
Business Name (d/b/a):	LOCALLY SAUCED Phone: 207-835-7012
Location Address:	4 Thompsons Pl. Suite 107 Zip: 04102
Mailing Address:	471 DAVIS RD. DURHAM Zip: 04222
Contact Person:	Charles or Aimee Ely Phone: 207-730-0662
Contact Person Email:	aimie@locallysaucedme.com
Manager of Establishment:	JACK McDONAGH Date of Birth: Phone: 207-831-1905
Owner of Premises (Landlord):	FOREFRONT BRICK NORTH LLC.
Address of Premises Owner:	501 Danforth St. Portland Zip: 04102

Owner Information

Corporate Name		Corporate Mailing Address	
Ely Brothers Inc.		471 DAVIS RD. Durham Zip: 04222	
Contact Person:	Charles or Aimee Ely	Phone:	207-730-0662
Principal Officers	Title	Date of Birth	Residence Address
Charles Ely	President	04/26/1984	471 DAVIS RD. DURHAM ME

About Your Establishment

Class of License:	CLASS I
Type of food served:	Mex
Please circle all that will be served:	Beer Wine Liquor
Hours & days of operation:	M-SUN M-SAT 12-8 SUN 12-6
Number of Tables	4 inside
Number of Chairs	23

Design and Construction

- If you are building a structure or adding impervious surface for the outdoor dining area please contact the Permitting and Inspections Department for permitting requirements at permitting@portlandmaine.gov or 874-8703.

Maintenance and Operations

- Outdoor dining components must be within the permitted area and allow safe passage of pedestrian traffic. Failure to comply may result in a revocation of the permit.
- No food shall be prepared in the designated outdoor dining area.
- Outdoor dining areas must meet ADA regulations and accessible seating is required.

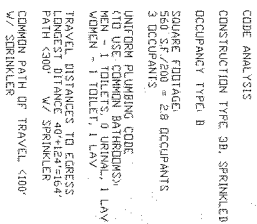
I/We fully understand that the City of Portland, its agents, officers and employees accept no responsibility and will not be liable for any injury, harm or damage to my/our person or property arising out of the establishment's occupancy of the sidewalk or park space. To the fullest extent permitted by law, I/We do hereby agree to assume all risk of injury, harm or damage to my/our person or property (including but not limited to all risk of injury, harm or damage to my/our property cause by the negligence of the City of Portland, its agents, officers or employees) arising out of the establishment's occupancy of the sidewalk or park space. I/We hereby agree, to the fullest extent permitted by law, to defend, indemnify and hold harmless the City of Portland, its agents, officers and employees, from and against all claims, damages, losses and expenses, just or unjust, including, but not limited to costs of defense and attorney's fees, arising out of the establishment's occupancy of the sidewalk or park space, provided that any such claims, damage, loss or expense (1) is attributable to bodily injury, sickness, disease, or death, or to injury to or destruction of tangible property including the loss of use there from, and (2) is caused in whole or in part by any negligent act or omission of the establishment, anyone directly or indirectly employed by it, or anyone for whose act it may be liable.

Signature  Title President Date 5/8/2019

For Administrative Use Only

Amount: _____	Request Date / Approval	Notes: _____
Date Paid: _____	FD: _____	
CC _____ CA _____ CK _____	Health: _____	
	PD: _____	
Amount: _____	PR: _____	
Date Paid: _____	Treasury: _____	
CC _____ CA _____ CK _____	Zoning: _____	

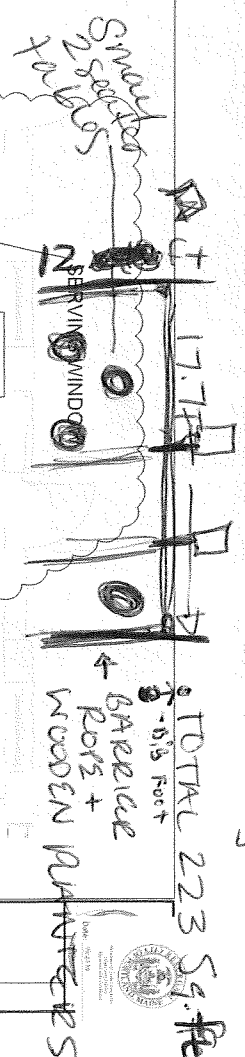
opening to sidewalk w/ NO A/C and S. Image

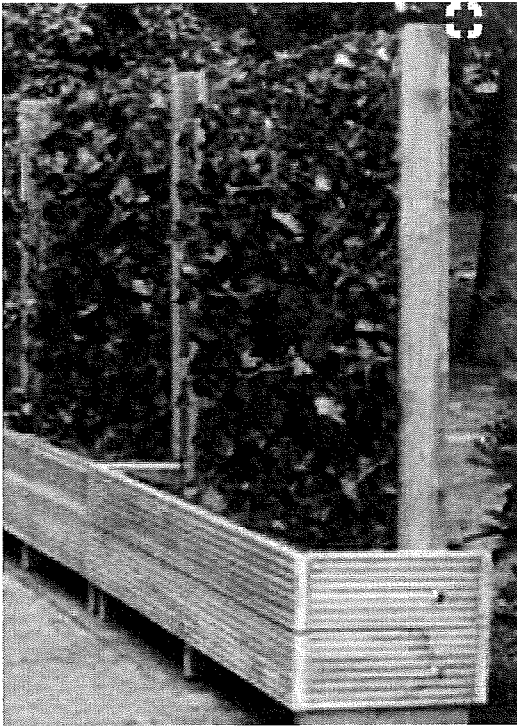


```

CODE ANALYSIS
CONSTRUCTION TYPE 3B, SPRINKLER
OCCUPANCY TYPE B
SQUARE FOOTAGE
560 SF / 200 = 2.8 OCCUPANTS
3 OCCUPANTS
UNFIRE PLUMBING CODE
410 USE COMMON BATHROOMS
MEN - 1 TOILET, 0 URINAL, 1 LAV
WOMEN - 1 TOILET, 1 LAV
TRAVEL DISTANCES TO EGRESS
ELEVATOR 100' / 400'
STAIRS 100' / 400'
COMMON PATH OF TRAVEL <100'
V/ SPRINKLER
V/ SPRINKLER

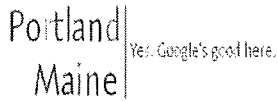
```





Barrier

* Planters will only go up about
3 feet



Jessica Hanscombe <jhanscombe@portlandmaine.gov>

Re: Locally Sauced

Nicholas Goodman <nickg@portlandmaine.gov>
To: Jessica Hanscombe <jhanscombe@portlandmaine.gov>

Fri, May 17, 2019 at 2:59 PM

Pd has no objections to this. NG

On Fri, May 17, 2019 at 1:14 PM Jessica Hanscombe <jhanscombe@portlandmaine.gov> wrote:

Good Afternoon

Please see the attached application for Outdoor Dining on Private Property. This will go to council on 6/17. Please advise. Thanks Jess

Jessica Blais Hanscombe
Licensing and Registration Coordinator
389 Congress Street Room 307
Portland, Maine 04101
207-874-8783
jhanscombe@portlandmaine.gov



CITY OF PORTLAND
Permitting and Inspections Department

May 29, 2019

Ely Brothers Inc
471 Davis Rd
Durham ME 04222

Re: Ely Brothers Inc dba Locally Sauced. Application for a Class I FSE with Outdoor Dining on Private Property at 4 Thompson's Point.

Dear Aimee Ely

This letter shall serve as a reminder of the public hearing before the Portland City Council on **Monday June 17, 2019 at 5:30 p.m.**, for the review of application for a Class I FSE with Outdoor Dining on Private Property at 4 Thompson's Point. The meeting will take place in Council Chambers on the 2nd floor of City Hall, 389 Congress Street, Portland, ME 04101.

You or a representative of the business must be present at this meeting in the event that the city council has questions regarding the license application. If there is no representation and questions arise, the item may be postponed.

Please contact our office directly with questions at (207) 874-8557 or jhanscombe@portlandmaine.gov.

Sincerely,

Jessica Hanscombe
Licensing and Registration Coordinator

Legal Advertisement

Notice of Public Hearing City of Portland

A Public Hearing will be held on June 17, 2019 at 5:30 P.M., in City Council Chambers, 389 Congress St., Ely Brothers Inc dba Locally Sauced. Application for a Class I FSE with Outdoor Dining on Private Property at 4 Thompson's Point. Sponsored by Jon P. Jennings, City Manager.

MEMORANDUM
City Council Agenda Item

FROM:

DATE: May 29, 2019

SUBJECT: **Order 274-18/19 Granting Municipal Officers' Approval of Portland Hunt & Alpine Club LLC dba Portland Hunt & Alpine Club. Application for a Class I FSE with Parklet Outdoor Dining at 75 Market Street - Sponsored by Jon P. Jennings, City Manager.**

SPONSOR:

(If sponsored by a Council committee, include the date the committee met and the results of the vote.)

COUNCIL MEETING DATE ACTION IS REQUESTED:

1st Reading

Final Action

Can action be taken at a later date: No (If no why not?)

PRESENTATION: (List the presenter(s), type and length of presentation)

I. SUMMARY

II. AGENDA DESCRIPTION

Portland Hunt & Alpine Club LLC dba Portland Hunt & Alpine Club. Application for a Class I FSE with Parklet Outdoor Dining at 75 Market Street.

Application was filed on 5/28/2019. New City application. Applicant currently had a Class I FSE.

Five affirmative votes are required for passage after public comment.

III. BACKGROUND

IV. INTENDED RESULT AND/OR COUNCIL GOAL ADDRESSED

V. FINANCIAL IMPACT

VI. STAFF ANALYSIS AND BACKGROUND

Staff Analysis and Background that will not appear in the Agenda Description.

VII. RECOMMENDATION

VIII. LIST ATTACHMENTS

1. 20190529091353949
2. Portland Hunt & Alpine-Parklet

Prepared by:

Date: 5/29/2019

Portland Hunt + Alpine Club
75 Market St
Portland, Maine

Portland City Council
City Hall
Portland, Maine

May 28, 2019

Mr Mayor and Portland City Council,

Thank you for the consideration of this application to allow the Portland Hunt + Alpine Club to provide our guests with outdoor seating in the parking spot in front of our location.

In our six years in business, we've always strived to provide a unique and fun experience to all guests and the opportunity to participate in the City's pilot program allowing outdoor dining in parking spots is one that we are very excited about. We look forward to the opportunity to welcome even more guests into our space and allow them to enjoy themselves outdoors in our wonderful City.

I look forward to continuing to work with City staff on making this pilot program a successful one. The City's staff has been incredibly hard-working and responsive to this new challenge and I want to acknowledge their diligence and patience through the process.

Thank you again for the consideration of this application. I look forward to being able to serve food and drink in the parking space in front of our business.

Sincerely,

Andrew Volk
Owner, Portland Hunt + Alpine Club



CITY OF PORTLAND

Permitting and Inspections Department

Parklet Outdoor Dining

Supplemental Application

License accompanies a City of Portland Food Service Establishment or Food Service Establishment with Liquor License
Valid April 1-November 15

- ☒ Legal Advertisement Deposit \$100.00
☒ Parklet Outdoor Dining \$30.00 per day for full season= \$5,520.00

Business Information	
Business Name (d/b/a):	Portland Hunt + Alpine Club Phone: 207-747-4754
Location Address:	75 Market St. Zip: 04101
Mailing Address:	75 Market St Box 5 Zip: 04101
Contact Person:	Andrew Volk Phone: (c) 503-869-9619
Contact Person Email:	andrew.m.volk@gmail.com
Manager of Establishment:	Trey Hughes Date of Birth: 11/2/73 Phone: 207-747-4754
Owner of Premises (Landlord):	Wholly Cow LLC
Address of Premises Owner:	100 Commercial St. Zip: 04101

Owner Information

Corporate Name		Corporate Mailing Address	
Portland Hunt + Alpine Club		75 Market St. Box 5 Zip: 04101	
Contact Person:	Andrew Volk	Phone:	(c) 503-869-9619
Principal Officers	Title	Date of Birth	Residence Address
Andrew Volk	Mayor	12/2/83	4 Kenwood St Portland, ME 04102

About Your Establishment

Class of License:	C1 (A1)
Type of food served:	Full meals
Please circle all that will be served:	Beer Wine Liquor
Hours & days of operation:	7 DAYS, 3p-1a (Mon-Thurs) 1p-1a (Fri-Sun)
Number of Tables	5 outdoor tables
Number of Chairs	10 outdoor chairs

Parklets Regulations

Pursuant to Chapter 25 of the City's Code of Ordinances, a permit is required for expanding food service to the outside of all properties. Outdoor dining permits for parking and other alternative public spaces will be issued under Chapter 25 and these regulations pursuant to the following requirements.:

- Any food service operation located on City property pursuant to a permit issued hereunder must comply with state and local laws with respect to service of food and/or alcohol;
- For any outdoor dining operation located in a public parking space, the permit holder shall construct a platform, on which tables and chairs will sit. The platform must be built of durable, slip resistant materials such as composite plastic or construction-grade lumber. This platform may remain for the entire outdoor dining season (April 1-November 15) but must be removed upon conclusion;
- Any space occupied hereunder must be laid out in such a way that it complies with the requirements of the Americans with Disabilities Act. The required platform must be flush with any abutting sidewalk.
- Any movable items on the outdoor dining area must be secured against wind and theft and locked or removed when the business is closed.;
- Any outdoor dining spaces permitted hereunder must be located immediately in front of the business. Where parking spaces are not striped (such as in multispace meter areas) the location of any outdoor dining space must be located to minimize loss of effective parking spaces. The precise boundaries of outdoor dining spaces will be determined by the City in its sole discretion.
- Any outdoor dining space must provide railings or other substantive barriers along the edges to protect patrons;
- Wheel stops satisfactory to the Permitting & Inspections Director must be placed at the front and rear sides of the outdoor dining platform, no less than 4 feet from the edges of the platform. In addition, flexible bollards shall be provided at the corners of the platform (see illustration);
- Construction of the platform must allow water runoff to easily flow under platform;
- No attachments to the pavement or curbing are permitted;
- No covers are permitted over the outdoor dining space other than umbrellas;
- No advertising other than labels identifying the business is permitted on the outdoor dining space;
- No permit shall be issued for outdoor dining in these locations if there is a feasible alternative space on the sidewalk or an appropriate public park;
- No outdoor dining space in the vehicular right of way is permitted within 15' of an intersection;
- No outdoor dining space will be permitted within the vehicular right of way on a high traffic street, as determined by Public Works. Generally, these streets have a speed limit of over 25 miles per hour, a traffic volume of over 5,000 AADT, or a functional classification of Arterial or above;
- No outdoor dining space will be permitted on a street that does not have 12' clear in the middle after all parking and platforms are accounted for; and
- In any street that is entirely closed to traffic at certain times of the day, the street may be used for outdoor dining subject to relevant requirements listed above, adjusting for the unique condition of an entirely closed street.

Barriers

- Shall not include commercial signage.

Maintenance and Operations

- The permit holder is responsible for keeping the outdoor seating area clean.
- No food shall be prepared in the designated outdoor dining area.
- All outdoor dining components shall be removed before snowfall and while any snow or ice exists within four feet of the outdoor dining area. The City will not be responsible for damage to any property that is not removed prior to sidewalk maintenance.
- Outdoor dining areas must meet ADA regulations and accessible seating is required.



I/We fully understand that the City of Portland, its agents, officers and employees accept no responsibility and will not be liable for any injury, harm or damage to my/our person or property arising out of the establishment's occupancy of the sidewalk or park space. To the fullest extent permitted by law, I/We do hereby agree to assume all risk of injury, harm or damage to my/our person or property (including but not limited to all risk of injury, harm or damage to my/our property cause by the negligence of the City of Portland, its agents, officers or employees) arising out of the establishment's occupancy of the sidewalk or park space. I/We hereby agree, to the fullest extent permitted by law, to defend, indemnify and hold harmless the City of Portland, its agents, officers and employees, from and against all claims, damages, losses and expenses, just or unjust, including, but not limited to costs of defense and attorney's fees, arising out of the establishment's occupancy of the sidewalk or park space, provided that any such claims, damage, loss or expense (1) is attributable to bodily injury, sickness, disease, or death, or to injury to or destruction of tangible property including the loss of use there from, and (2) is caused in whole or in part by any negligent act or omission of the establishment, anyone directly or indirectly employed by it, or anyone for whose act it may be liable.

Signature _____

Title Owner

Date

5/28/19

For Administrative Use Only

Fire: _____

Health: _____

Parking: _____

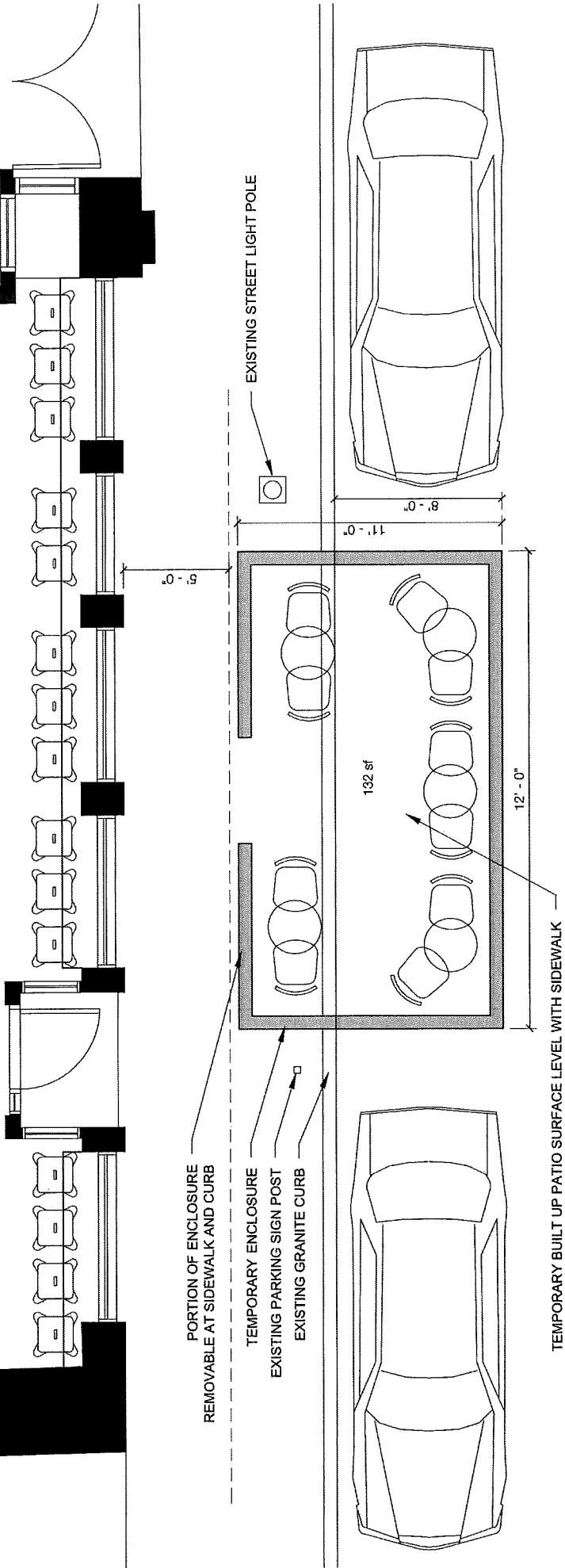
Permitting: _____

Police : _____

Treasury: _____

OCTOBER 21, 2016

PORTLAND HUNT AND ALPINE CLUB
75 MARKET ST
PORTLAND, ME



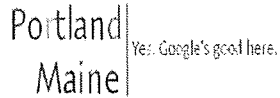
MARKET STREET

PROGRESS PRINT
NOT FOR CONSTRUCTION



SITE PLAN

RYAN SENATORE **ARCHITECTURE**



Jessica Hanscombe <jhanscombe@portlandmaine.gov>

Re: Portland Hunt & Alpine Club

Nicholas Goodman <nickg@portlandmaine.gov>
To: Jessica Hanscombe <jhanscombe@portlandmaine.gov>

Wed, May 29, 2019 at 8:41 AM

Pd has no objections. Ng

On Wed, May 29, 2019 at 7:59 AM Jessica Hanscombe <jhanscombe@portlandmaine.gov> wrote:

Good Morning

Please see the attached application for a Parklet. This will be going before council on 6/17 for approval.
Please advise. Jessica

Jessica Blais Hanscombe
Licensing and Registration Coordinator
389 Congress Street Room 307
Portland, Maine 04101
207-874-8783
jhanscombe@portlandmaine.gov



CITY OF PORTLAND
Permitting and Inspections Department

May 29, 2019

Portland Hunt & Alpine Club
75 Market Street
Portland ME 04103

Re: Portland Hunt & Alpine Club LLC dba Portland Hunt & Alpine Club.
Application for a Class I FSE with Parklet Outdoor Dining at 75 Market Street.

Dear Andrew Volk

This letter shall serve as a reminder of the public hearing before the Portland City Council on **Monday June 17, 2019 at 5:30 p.m.**, for the review of application for a Class I FSE with Parklet Outdoor Dining at 75 Market Street. The meeting will take place in Council Chambers on the 2nd floor of City Hall, 389 Congress Street, Portland, ME 04101.

You or a representative of the business must be present at this meeting in the event that the city council has questions regarding the license application. If there is no representation and questions arise, the item may be postponed.

Please contact our office directly with questions at (207) 874-8557 or jhanscombe@portlandmaine.gov.

Sincerely,

Jessica Hanscombe
Licensing and Registration Coordinator

Legal Advertisement

Notice of Public Hearing City of Portland

A Public Hearing will be held on June 17, 2019 at 5:30 P.M., in City Council Chambers, 389 Congress St., Portland Hunt & Alpine Club LLC dba Portland Hunt & Alpine Club. Application for a Class I FSE with Parklet Outdoor Dining at 75 Market Street. Sponsored by Jon P. Jennings, City Manager.

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

CITY OF PORTLAND
IN THE CITY COUNCIL

KIMBERLY M. COOK (5)
JILL C. DUSON (A/L)
PIOUS ALI (A/L)
NICHOLAS M. MAVODONES, JR (A/L)

ORDER
GRANTING MUNICIPAL OFFICERS’
APPROVAL OF:

Portland Hunt & Alpine Club LLC dba Portland Hunt & Alpine Club. Application for a Class I FSE with Parklet Outdoor Dining at 75 Market Street.

MEMORANDUM
City Council Agenda Item

FROM:

DATE: May 29, 2019

SUBJECT: **Order 275-18/19 Granting Municipal Officers' Approval of Northern Soul Hospitality LLC dba Royale Lunch Bar. Application for a Class I FSE with Outdoor Dining on Public Property at 7 Union Street - Sponsored by Jon P. Jennings, City Manager.**

SPONSOR:

(If sponsored by a Council committee, include the date the committee met and the results of the vote.)

COUNCIL MEETING DATE ACTION IS REQUESTED:

1st Reading

Final Action

Can action be taken at a later date: No (If no why not?)

PRESENTATION: (List the presenter(s), type and length of presentation)

I. SUMMARY

II. AGENDA DESCRIPTION

Northern Soul Hospitality LLC dba Royale Lunch Bar. Application for a Class I FSE with Outdoor Dining on Public Property at 7 Union Street.

Application was filed on 5/28/2019. New City application. Applicant currently had a Class I FSE.

Five affirmative votes are required for passage after public comment.

III. BACKGROUND

IV. INTENDED RESULT AND/OR COUNCIL GOAL ADDRESSED

V. FINANCIAL IMPACT

VI. STAFF ANALYSIS AND BACKGROUND

Staff Analysis and Background that will not appear in the Agenda Description.

VII. RECOMMENDATION

VIII. LIST ATTACHMENTS

1. Royale Lunch Bar-Outdoor

2. 20190529092305261

Prepared by:

Date: 5/29/2019

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

CITY OF PORTLAND
IN THE CITY COUNCIL

KIMBERLY M. COOK (5)
JILL C. DUSON (A/L)
PIOUS ALI (A/L)
NICHOLAS M. MAVODONES, JR (A/L)

ORDER
GRANTING MUNICIPAL OFFICERS’
APPROVAL OF:

Northern Soul Hospitality LLC dba Royale Lunch Bar. Application for a Class I FSE with Outdoor Dining on Public Property at 7 Union Street.

Mayor Strimling
Members of the Portland City Council

Thank you for taking the time to review this application.

As owner of the Royale Lunch Bar, I would like to give notice of my intent to make use of public space in front of my establishment for outdoor seating and dining. I intend to allow the consumption of alcohol in that space and have plans allowing for a continuous 4' of uninterrupted sidewalk space for non-patrons as per the city's guidelines.

The staff at Royale have alcohol service training and understand the diligence needed to serve alcohol both in the restaurant and in a public space such as this. They are up to the task and look forward to the potential of this project,

Yours,

A handwritten signature in black ink, appearing to read 'Garrett FitzGerald', with a stylized, elongated loop at the end.

Garrett FitzGerald

Royale Lunch Bar
7 Union St.
Portland, ME
04101



CITY OF PORTLAND
Permitting and Inspections Department
Outdoor Dining Permit on Public Property
Supplemental Application

License accompanies a City of Portland Food Service Establishment or Food Service Establishment with Liquor License
Valid April 1-November 15

- ☒ Legal Advertisement Deposit \$100.00
- ☒ Outdoor Dining on Public Property \$84.00 plus \$2.00 per Square foot \$2.00 X 80 SF = 160.00
- ☐ Outdoor Dining on Public Property in a City Park \$84.00 plus \$6.30 per Square foot \$6.30 X _____ SF = _____

Business Information			
Business Name (d/b/a):	ROYALE LUNCH BAR	Phone:	207 . 536 . 4013
Location Address:	7 UNION ST. PORTLAND	Zip:	04101
Mailing Address:	52 RIVERVIEW ST. PORTLAND	Zip:	04102
Contact Person:	GARRETT FITZGERALD	Phone:	207 266-3825
Contact Person Email:	GSKFITZ@GMAIL.COM		
Manager of Establishment:	GARRETT FITZGERALD	Date of Birth:	4.9.77
		Phone:	207 266-3825
Owner of Premises (Landlord):	JOE COOPER / WHARF PROPERTIES LLC		
Address of Premises Owner:	4 MILK ST. PORTLAND	Zip:	04101

Owner Information

Corporate Name		Corporate Mailing Address																					
NORTHERN SOUL HOSPITALITY LLC		52 RIVERVIEW ST. PORTLAND																					
		Zip:	04102																				
Contact Person:	GARRETT FITZGERALD	Phone:	207 266-3825																				
<table border="1"> <thead> <tr> <th>Principal Officers</th> <th>Title</th> <th>Date of Birth</th> <th>Residence Address</th> </tr> </thead> <tbody> <tr> <td>GARRETT FITZGERALD</td> <td>PRINCIPAL MEMBER</td> <td>4.9.77</td> <td>52 RIVERVIEW ST. PORTLAND 04102</td> </tr> <tr> <td> </td> <td> </td> <td> </td> <td> </td> </tr> <tr> <td> </td> <td> </td> <td> </td> <td> </td> </tr> <tr> <td> </td> <td> </td> <td> </td> <td> </td> </tr> </tbody> </table>				Principal Officers	Title	Date of Birth	Residence Address	GARRETT FITZGERALD	PRINCIPAL MEMBER	4.9.77	52 RIVERVIEW ST. PORTLAND 04102												
Principal Officers	Title	Date of Birth	Residence Address																				
GARRETT FITZGERALD	PRINCIPAL MEMBER	4.9.77	52 RIVERVIEW ST. PORTLAND 04102																				

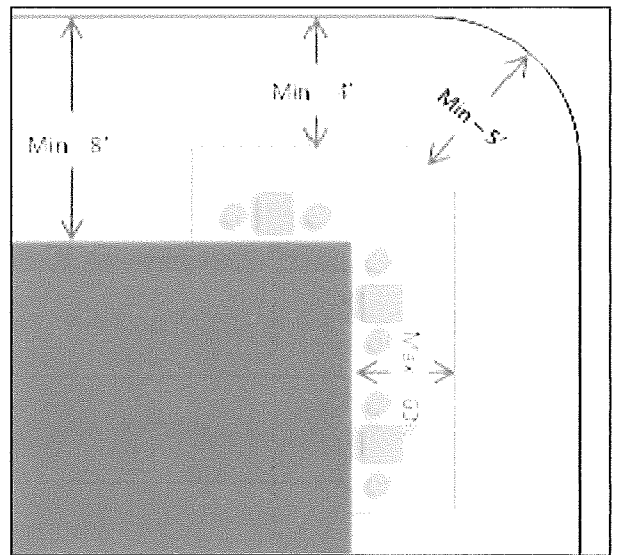


CITY OF PORTLAND
Permitting and Inspections Department

Class of License:	A
Type of food served:	SANDWICHES, SALADS, LUNCH, BREAKFAST
Please circle all that will be served:	Beer ☒ Wine ☒ Liquor ☒
Hours & days of operation:	DAILY 8 AM - 8 PM
Number of Tables	CURRENTLY 5 TABLES + BAR
Number of Chairs	CURRENTLY 23

Design and Construction

Existing Sidewalk Width (property line to curb)	Sidewalk Dining Allowed?
< 8'0"	No
≥ 8'0"	Yes – up to 60% of
Sidewalk Type	Sidewalk Passage Width
Standard sidewalk	4'0"
Street corner	5'0"

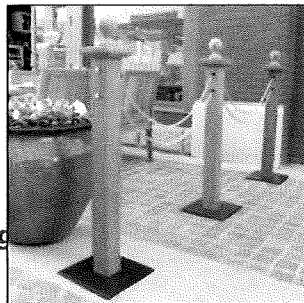


- Outdoor dining area shall not exceed 60% of the sidewalk width.
- A continuous, unobstructed sidewalk passage of 4 feet from the outer boundary of the seating area to the curb must be maintained. If the passage is not straight due to existing obstacles, then additional width may be required. Any changes to existing straight passage is at the discretion of the City.
- Egress must be maintained free of obstruction.
- Permanent fixtures, such as awnings, require a building permit separate from the Outdoor Dining permit and subject to approval by the Building Authority.
- Umbrellas do not require a permit.
- Umbrellas must be secured and maintain the height clearance for sidewalk passage.

Barriers

- If barriers are proposed, they must be free-standing. Physical attachments to a building are not allowed.
- Stanchions and ropes are encouraged. Sectional fencing is allowed with a high degree of visual transparency (at least 50% open). Solid or opaque barriers are not allowed.
- Shall not exceed 42" in height and may not include commercial signage.

Example barrier types that meet regulation





CITY OF PORTLAND
Permitting and Inspections Department
Maintenance and Operations

- Outdoor dining components must be within the permitted area and allow safe passage of pedestrian traffic. Failure to comply may result in a revocation of the permit.
- The permit holder is responsible for keeping the outdoor seating area clean.
- No food shall be prepared in the designated outdoor dining area.
- All outdoor dining components shall be removed before snowfall and while any snow or ice exists within four feet of the outdoor dining area. The City will not be responsible for damage to any property that is not removed prior to sidewalk maintenance.
- Outdoor dining areas must meet ADA regulations and accessible seating is required.
- Request for the use of adjacent on street parking space for outdoor dining installations requires Parking Office and Building Authority review and approval.

I/We fully understand that the City of Portland, its agents, officers and employees accept no responsibility and will not be liable for any injury, harm or damage to my/our person or property arising out of the establishment's occupancy of the sidewalk or park space. To the fullest extent permitted by law, I/We do hereby agree to assume all risk of injury, harm or damage to my/our person or property (including but not limited to all risk of injury, harm or damage to my/our property cause by the negligence of the City of Portland, its agents, officers or employees) arising out of the establishment's occupancy of the sidewalk or park space. I/We hereby agree, to the fullest extent permitted by law, to defend, indemnify and hold harmless the City of Portland, its agents, officers and employees, from and against all claims, damages, losses and expenses, just or unjust, including, but not limited to costs of defense and attorney's fees, arising out of the establishment's occupancy of the sidewalk or park space, provided that any such claims, damage, loss or expense (1) is attributable to bodily injury, sickness, disease, or death, or to injury to or destruction of tangible property including the loss of use there from, and (2) is caused in whole or in part by any negligent act or omission of the establishment, anyone directly or indirectly employed by it, or anyone for whose act it may be liable.

Signature _____

Title _____

PRINCIPAL MEMBER

Date _____

5.28.19

For Administrative Use Only

Amount: _____

Date Paid: _____

CC _____ CA _____ CK _____

Amount: _____

Date Paid: _____

CC _____ CA _____ CK _____

FD: _____

Health: _____

PD: _____

Treasury: _____

Zoning: _____

Request Date / Approval

_____ / _____

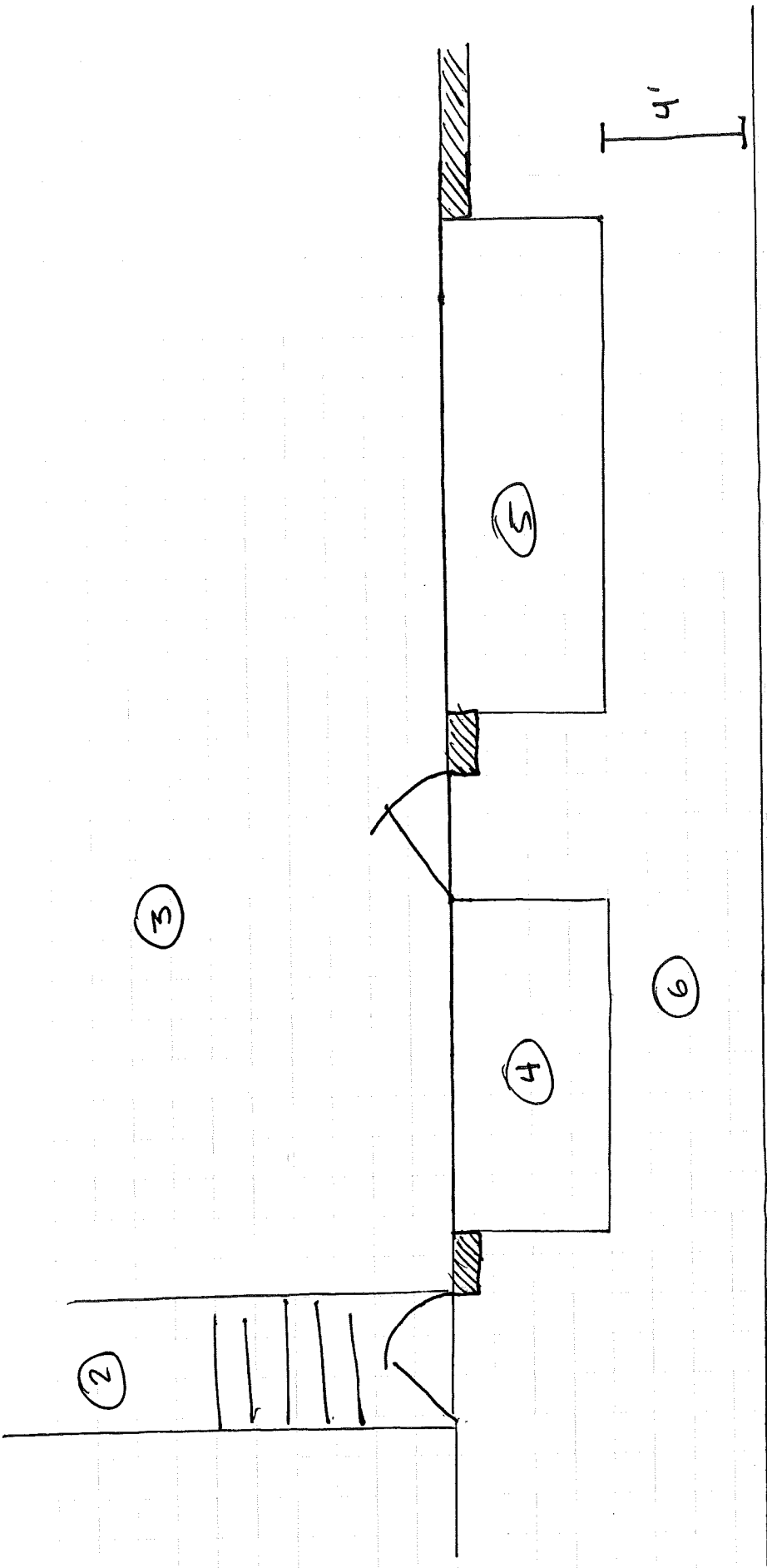
_____ / _____

_____ / _____

_____ / _____

_____ / _____

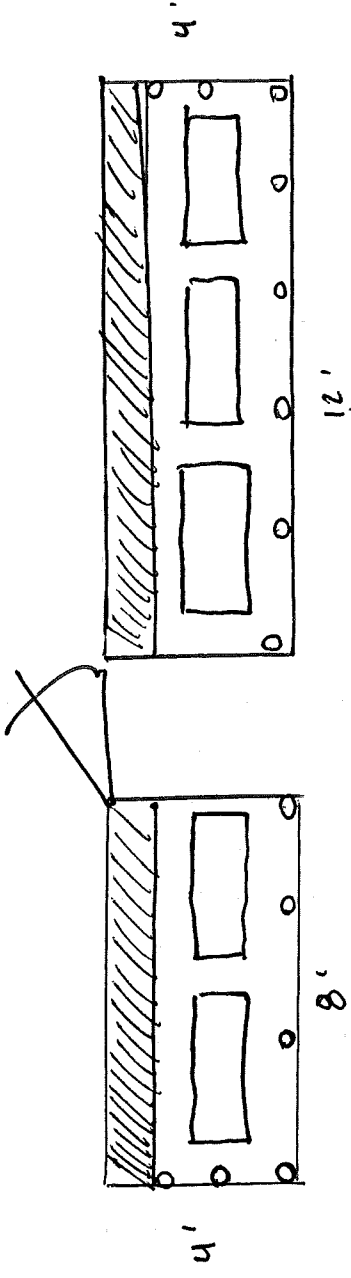
Notes: _____



← UNION ST. →

- ① INDEPENDANT ICE CO.
- ② ENTRANCE TO UPSTAIRS RETAIL
- ③ ROYALE LUNCH BAR
- ④ PROPOSED 4x8 SECTION OUTDOOR PATIO
- ⑤ PROPOSED 4x12 SECTION OUTDOOR PATIO
- ⑥ UNION ST. SIDEWALK

TOTAL: 80 sq. ft.
PATIO SPACE



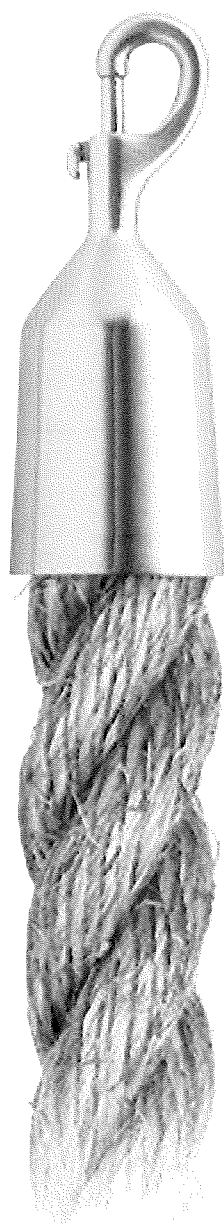
AFFIXED BENCH SEATING

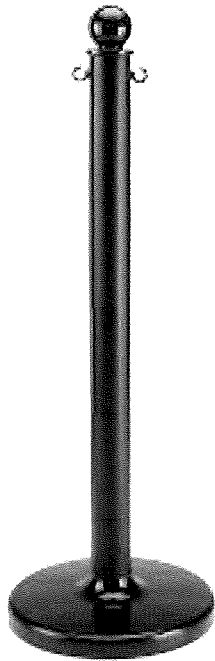
○ POST FOR BARRIER - ROPE ATTACHED - DISASSEMBLED NIGHTLY

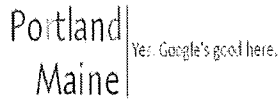


(3) 3' x 20" TABLES









Jessica Hanscombe <jhanscombe@portlandmaine.gov>

Re: Royale Lunch Bar

Nicholas Goodman <nickg@portlandmaine.gov>
To: Jessica Hanscombe <jhanscombe@portlandmaine.gov>

Wed, May 29, 2019 at 12:58 AM

Pd has no objections
Nick G

On Tue, May 28, 2019 at 4:09 PM Jessica Hanscombe <jhanscombe@portlandmaine.gov> wrote:

Good Afternoon

Please see the attached application for Outdoor Dining on Public Property. This will go before council on 6/17. Please advise. Jess
Jessica Blais Hanscombe
Licensing and Registration Coordinator
389 Congress Street Room 307
Portland, Maine 04101
207-874-8783
jhanscombe@portlandmaine.gov



CITY OF PORTLAND
Permitting and Inspections Department

May 29, 2019

Northern Soul Hospitality
52 Riverview Street
Portland ME 04101

Re: Northern Soul Hospitality LLC dba Royale Lunch Bar. Application for a Class I FSE with Outdoor Dining on Public Property at 7 Union Street.

Dear Garrett Fitzgerald

This letter shall serve as a reminder of the public hearing before the Portland City Council on **Monday June 17, 2019 at 5:30 p.m.**, for the review of application for a Class I FSE with Outdoor Dining on Public Property at 7 Union Street. The meeting will take place in Council Chambers on the 2nd floor of City Hall, 389 Congress Street, Portland, ME 04101.

You or a representative of the business must be present at this meeting in the event that the city council has questions regarding the license application. If there is no representation and questions arise, the item may be postponed.

Please contact our office directly with questions at (207) 874-8557 or jhanscombe@portlandmaine.gov.

Sincerely,

Jessica Hanscombe
Licensing and Registration Coordinator

Legal Advertisement

Notice of Public Hearing City of Portland

A Public Hearing will be held on June 17, 2019 at 5:30 P.M., in City Council Chambers, 389 Congress St., Northern Soul Hospitality LLC dba Royale Lunch Bar. Application for a Class I FSE with Outdoor Dining on Public Property at 7 Union Street. Sponsored by Jon P. Jennings, City Manager.

MEMORANDUM
City Council Agenda Item

FROM:

DATE: May 29, 2019

SUBJECT: Order 276-18/19 Granting Municipal Officers' Approval of Candy's L3C dba Candy's L3C. Application for a Class I FSE with Entertainment with Dance at 34 Portland Street - Sponsored by Jon P. Jennings, City Manager.

SPONSOR:

(If sponsored by a Council committee, include the date the committee met and the results of the vote.)

COUNCIL MEETING DATE ACTION IS REQUESTED:

1st Reading

Final Action

Can action be taken at a later date: No (If no why not?)

PRESENTATION: (List the presenter(s), type and length of presentation)

I. SUMMARY

II. AGENDA DESCRIPTION

Candy's L3C dba Candy's L3C. Application for a Class I FSE with Entertainment with Dance at 34 Portland Street.

Application was filed on 5/28/2019. New City and State applications. Location was previously a glass blowing studio.

Five affirmative votes are required for passage after public comment.

III. BACKGROUND

IV. INTENDED RESULT AND/OR COUNCIL GOAL ADDRESSED

V. FINANCIAL IMPACT

VI. STAFF ANALYSIS AND BACKGROUND

Staff Analysis and Background that will not appear in the Agenda Description.

VII. RECOMMENDATION

VIII. LIST ATTACHMENTS

1. Candy's

2. 20190530123543502

Prepared by:

Date: 5/29/2019

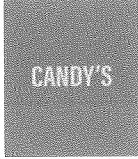
ETHAN K. STRIMLING (MAYOR)
BELINDA S. RAY (1)
SPENCER R. THIBODEAU (2)
BRIAN E. BATSON (3)
JUSTIN COSTA (4)

CITY OF PORTLAND
IN THE CITY COUNCIL

KIMBERLY M. COOK (5)
JILL C. DUSON (A/L)
PIOUS ALI (A/L)
NICHOLAS M. MAVODONES, JR (A/L)

ORDER
GRANTING MUNICIPAL OFFICERS’
APPROVAL OF:

Candy’s L3C dba Candy’s L3C. Application for a Class I FSE with Entertainment with Dance at 34 Portland Street.

The logo for Candy's is a dark gray square with the word "CANDY'S" in white, uppercase, sans-serif font centered within it.

23 May 2019

Mayor Ethan Strimling
Members of the City Council
City of Portland, Maine

Re: Liquor License

Dear Mayor Strimling and Council Members,

The primary focus of our business, Candy's L3C, is *the creation and fostering of community space, opportunity, and programming for queer people and allies*, where we can gather, exchange ideas, share stories and relate to one another in a safe, supportive and representative space. We have completed preliminary market research in Maine with a specific focus on Cumberland County and we have found steadily increasing demand and need for LGBTQ+-centered space and programming. Candy's, an LGBTQ+ community hub with a bar, library and coffee shop, will serve the queer community and allies. We will provide gathering space and incubation space to promote and propel queer projects, ideas, and entrepreneurs. We will have a library and billiards, as well as offer full liquor and mocktail menus, a coffee menu, and a locally sourced food menu. Additionally, we will host weekend workshops, art exhibitions and queer-forward programming that supports and continues to strengthen our community.

Operating hours will be 8:00 AM to 11:00 PM, Tuesday through Sunday. We will be closed on Mondays. Alcohol will be available from 4:00 PM to 11:00 PM, Tuesday through Sunday. We will be serving food during the entire span of operating hours, including but not limited to waffles, sandwiches, salads, and other mains that require a knife and fork in order to be consumed. Accordingly, we are applying for a Class A Restaurant liquor license upon the advice of the State of Maine Bureau of Alcoholic Beverages and Lottery.

We will be located at 34 Portland Street in a B2B-zoned neighborhood in a 3,724 square foot standalone building. We spoke extensively with Chris Stacey, Zoning Specialist, who raised no red flags on the location and told us we would be considered a Community Hall Assembly. We have a small deck but it will not be part of our food/liquor service in order to ameliorate noise and maximize safety. We will not have a stage, dance floor, or televisions. We will have one pool table. We will have space designated for programming, such as workshops, art exhibitions, comedy performances, and the occasional musical performance. Noise levels will always adhere strictly to zoning laws. Our neighbors are important to us and we look forward to building

strong relationships with our neighborhood association, representatives, businesses, families and friends.

People under the age of 21 will be permitted in our space but will not be permitted at the bar. Our employees will be TIPS trained. We may occasionally host 21+ events, in which cases we will station a trained employee at the door tasked with scrupulously checking IDs and stamping guests upon entry.

We care deeply for our entire community. We are strategically implementing an early closing time out of respect for our neighborhood and also because we want to be clear that Candy's is not centered around drinking and late night debauchery; it's centered around community and mutual respect.

Food and liquor are viable revenue streams in order for us to sustain our business over time while we work to provide this very necessary space for our community. Thank you for your time and consideration in reviewing this application and it's accompanying documents.

Very sincerely,

A handwritten signature in black ink, appearing to read 'Karlyn E. Daigle', with a stylized, looped flourish at the end.

Karlyn E. Daigle
Candy's, Owner/Director of Membership and Programming
(207) 653-7427
karlyn.daigle@gmail.com



CITY OF PORTLAND
Permitting and Inspections Department
Application for Food Service Establishment with Alcoholic Beverages License

Business Information			
Business Name (d/b/a):	CANDY'S L3C	Phone:	(207)653-7427
Location Address:	34 Portland Street	Zip:	04101
If new, what was formerly at this location:	Glass Blowing Studio		
Mailing Address:	23 North Street, Apartment 1, Portland, ME	Zip:	04101
Contact Person:	Karlyn E Daigle	Phone:	(207)653-7427
Contact Person Email:	karlyn.daigle@gmail.com		
Manager of Establishment:	Karlyn E Daigle	Date of Birth:	2/11/88
		Phone:	(207)653-7427
Owner of Premises (Landlord):	Robert and Alanna Olivadoti		
Address of Premises Owner:	48 Cleaves Street, Yarmouth, Maine	Zip:	04096

Sole Proprietor/Partnership Information (If Corporation, leave blank)

Name of Owner(s)	Date of Birth	Residence Address

Corporate/LLC/Non-Profit Organization Applicants (If Sole Proprietor or Partnership, leave blank)

Corporate Name		Corporate Mailing Address	
CANDY'S L3C		23 North Street, Apartment 1, Portland, ME	Zip: 04101
Contact Person:	Karlyn E Daigle	Phone:	(207)653-7427
Principal Officers	Title	Date of Birth	Residence Address
KARLYN E DAIGLE	OWNER/MANAGER	2/11/88	23 NORTH STREET, APT#1 PORTLAND ME 04101
Class of Liquor License:		Class A Restaurant	



CITY OF PORTLAND
Permitting and Inspections Department

Type of food served:	Apps and Mains including but not limited to waffles, sandwiches, salads, meatballs, desserts	
Please circle all that will be served:	<u>Beer</u> <u>Wine</u> <u>Liquor</u>	
Projected percentage of sales:	Generated from Food: 30%	Generated from Alcohol: 48%
Hours & days of operation:	8AM-11PM Tuesday through Sunday (Closed Mondays)	
QUESTIONS		
Will full-course meals, only capable of consumption with the use of tableware, be served the entire time the establishment is open?		Y/N <u>Y</u>
If No, please explain:		
Is the establishment less than 300 feet from a school, dormitory, church or parish house, or similar establishment?		Y <u>N</u> No
If yes, give the distance: 502 feet		
Will you have entertainment on the premises? (If yes, a Supplemental Application for Dancing & Entertainment is required.)		<u>Y</u> /N
Will you permit dancing on the premises?		<u>Y</u> /N
Will you permit dancing after 1:00 a.m.?		<u>Y</u> /N
Will you have outside dining? (If yes, an Outdoor Dining Application is required)		<u>Y</u> /N
If yes, will the outside dining be on PUBLIC or PRIVATE property (circle one).		
Will you have any amusement devices (pinball, video games, juke box)?		<u>Y</u> /N
If yes, please list: # of pinball machines: 0 # of amusements: 0 # of pool tables: 1		
What is your targeted opening date?		7/15/2019
Does the Issuance of this license directly or indirectly benefit any City employee(s)?		<u>Y</u> /N
If Yes, list name(s) of employee(s) and department(s):		
Have any of the applicants, including the corporation (if applicable), ever held a business license with the City of Portland?		<u>Y</u> /N
If Yes, please list business name(s) and location(s):		
Is any principal officer under the age of 21?		<u>Y</u> /N
Have applicant, partners, associates, or corporate officers ever been arrested, indicted, or convicted for any violation of law?		<u>Y</u> /N
If Yes, please explain:		

I KARLYN E DAIGLE do hereby swear and affirm that every employee in my establishment that serves alcohol to the public has attended server training, or will attend server training within 90 days of their hire. I also understand that at any time the City license administrator can, upon request, require me to produce Server Training certificates for each employee that serves alcohol to the public in my establishment. Failure to meet the training requirement imposed by section 15-41 may result in the denial of a liquor license pursuant to 28-A M.R.S.A. § 653 (2) (G).

Applicant, by signature below, agrees to abide by all laws, orders, ordinances, rules and regulations governing the above licensee and further agrees that any misstatement of material fact may result in refusal of license or revocation if one has been granted. Applicant agrees that all taxes and accounts pertaining to the premises will be paid prior to issuance of the license.

It is understood that this and any application(s) shall become public record and the applicant(s) hereby waive(s) any rights to privacy with respect thereto. I/We, hereby authorize the release of any criminal history record information to the City Clerk's Office or licensing authority. I/We, hereby waive any rights to privacy with respect thereto.

Signature K E Daigle Title Owner/Manager Date 23 May 2019

389 Congress Street, Room 307 • Portland, Maine 04101 • 207-874-8557

bl@portlandmaine.gov • www.portlandmaine.gov



CITY OF PORTLAND

Permitting and Inspections Department

Supplemental Application for Dancing and Entertainment License

License accompanies a City of Portland Food Service Establishment or Food Service Establishment with Alcohol license.

☐ Entertainment without Dancing: \$295 ☒ Entertainment with Dancing: \$529 ☐ After-Hours (1 a.m. to 3 a.m.): \$595

Business Information			
Business Name (d/b/a):	CANDY'S L3C	Phone:	(207)653-7427
Location Address:	34 Portland Street		Zip: 04101

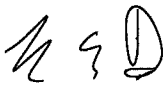
About Your Establishment

Describe in detail the type and nature of the business and proposed entertainment: Workshops, art exhibitions, comedy performances, occasional musical performance	
Will music be electric, acoustical, or both? (Circle)	
Will amplification be used?	Y/N
If yes, where and at what level? Very occasionally, only downstairs and inside, always in compliance with zoning laws, and never after 11PM	
Will music be played (Circle all that apply): Inside Outside	
Will you permit dancing on the premises?	Y/N
Will you permit dancing after 1:00 a.m.?	Y/N
What is your targeted opening date?	7/15/2019
Does the Issuance of this license directly or indirectly benefit any City employee(s)?	Y/N
If Yes, list name(s) of employee(s) and department(s):	

Applicant, by signature below, agrees to abide by all laws, orders, ordinances, rules and regulations governing the above license and further agrees that any misstatement of material fact may result in refusal of license or revocation, if one has been granted. Applicant agrees that all taxes and accounts pertaining to the premises will be paid prior to issuance of the license.

It is understood that this and any application(s) shall become public record and the applicant(s) hereby waive(s) any rights to privacy with respect thereto.

I/ We hereby authorize the release of any criminal history record information to the City Clerk's Office or licensing authority. I/ We hereby waive any rights to privacy with respect thereto.

Signature  Title Owner/Manager Date 23 May 2019

For more information, refer to the City Code of Ordinance: Chapter 4 Amusements, at www.portlandmaine.gov

389 Congress Street, Room 307 • Portland, Maine 04101 • 207-874-8557

bl@portlandmaine.gov • www.portlandmaine.gov

BUREAU OF ALCOHOL BEVERAGES AND LOTTERY OPERATIONS
DIVISION OF LIQUOR LICENSING AND ENFORCEMENT
8 STATE HOUSE STATION, AUGUSTA, ME 04333-0008
10 WATER STREET, HALLOWELL, ME 04347
TEL: (207) 624-7220 FAX: (207) 287-3434
EMAIL INQUIRIES: MAINELIQUOR@MAINE.GOV

DIVISION USE ONLY	
License No:	
Class:	By:
Deposit Date:	
Amt. Deposited:	
Cash Ck Mo:	

PRESENT LICENSE EXPIRES _____

NEW application: ☒ Yes ☐ No

If business is NEW or under new ownership, indicate starting date: 7/15/19

Requested inspection date: 7/8/19 Business hours: 8AM - 11PM

INDICATE TYPE OF PRIVILEGE: MALT VINOUS SPIRITUOUS

RESTAURANT (Class I,II,III,IV)
HOTEL (Class I,II,III,IV)
CLUB w/o Catering (Class V)
TAVERN (Class IV)

INDICATE TYPE OF LICENSE:

RESTAURANT/LOUNGE (Class XI)
HOTEL, FOOD OPTIONAL (Class I-A)
CLUB with CATERING (Class I)
QUALIFIED CATERING OTHER: _____

CLASS A LOUNGE (Class X)
BED & BREAKFAST (Class V)
GOLF COURSE (Class I,II,III,IV)

REFER TO PAGE 3 FOR FEE SCHEDULE

ALL QUESTIONS MUST BE ANSWERED IN FULL

Corporation Name: <u>CANDY'S LLC</u>			Business Name (D/B/A) <u>CANDY'S</u>		
APPLICANT(S) - (Sole Proprietor) <u>KARLYN E DAIGLE</u>			DOB: <u>02/11/1988</u>		
Physical Location: <u>34 PORTLAND STREET</u>			City/Town State Zip Code <u>PORTLAND ME 04101</u>		
Address <u>23 NORTH STREET, APT #1</u>			Mailing Address <u>23 NORTH STREET, APT #1</u>		
City/Town State Zip Code <u>PORTLAND ME 04101</u>			City/Town State Zip Code <u>PORTLAND ME 04101</u>		
Telephone Number Fax Number <u>(207) 653-7427 N/A</u>			Business Telephone Number Fax Number <u>(207) 653-7427 N/A</u>		
Federal I.D. # <u>83-4438917</u>			Seller Certificate #: or Sales Tax #:		
Email Address: Please Print <u>KARLYN. DAIGLE @ GMAIL.COM</u>			Website: <u>WWW.CANDYSLOVESYON.SPAC</u>		

1. If premise is a Hotel or Bed & Breakfast, indicate number of rooms available for transient guests: _____

2. State amount of gross income from period of last license: ROOMS \$ _____ FOOD \$ _____ LIQUOR \$ _____

3. Is applicant a corporation, limited liability company or limited partnership? YES ☒ NO ☐

If Yes, please complete the Corporate Information required for Business Entities who are licensees.

4. Do you own or have any interest in any another Maine Liquor License? ☐ Yes ☒ No

If yes, please list License Number, Name, and physical location of any other Maine Liquor Licenses.

(Use an additional sheet(s) if necessary.)

License #	Name of Business	City / Town	Physical Location
5. Do you permit dancing or entertainment on the licensed premises? YES ☒ NO ☐			
6. If manager is to be employed, give name: <u>KARLYN E DAIGLE</u>			

7. Business records are located at: 23 NORTH ST, APT #1 PORTLAND ME 04101

8. Is/are applicants(s) citizens of the United States? YES NO

9. Is/are applicant(s) residents of the State of Maine? YES ☒ NO ☐

10. List name, date of birth, and place of birth for all applicants, managers, and bar managers.

Full Name (Please Print)	DOB	Place of Birth
KARLYN E DAIGLE	02/11/1988	PORTLAND, ME
Residence address on all of the above for previous 5 years (Limit answer to city & state)		
PORTLAND, ME		

11. Has/have applicant(s) or manager ever been convicted of any violation of the law, other than minor traffic violations, of any State of the United States? YES NO

Name: _____ Date of Conviction: _____

Offense: _____ Location: _____

Disposition: _____ (use additional sheet(s) if necessary)

12. Will any law enforcement official benefit directly in your license, if issued?

Yes NO If Yes, give name: _____

13. Has/have applicant(s) formerly held a Maine liquor license? YES NO

14. Does/do applicant(s) own the premises? Yes NO If No give name and address of owner: _____

ROBERT AND ALANNA OLIVADOTTI, 48 CLEVES STREET, YARMOUTH, ME 04094

15. Describe in detail the premises to be licensed: (On Premise Diagram Required) 3124 Sq. ft. STANDALONE BUILDING - LGBTQ+ COMMUNITY HUB WITH COFFEE SHOP, BAR, AND LOCAL FOOD MENU w/ LGBTQ+-CENTERED PROGRAMMING

16. Does/do applicant(s) have all the necessary permits required by the State Department of Human Services?

YES NO Applied for: _____

17. What is the distance from the premises to the **NEAREST** school, school dormitory, church, chapel or parish house, measured from the main entrance of the premises to the main entrance of the school, school dormitory, church, chapel or parish house by the ordinary course of travel? 502 FEET

Which of the above is nearest? SCHOOL

18. Have you received any assistance financially or otherwise (including any mortgages) from any source other than yourself in the establishment of your business? YES NO

If YES, give details: SBA LOAN w/ BANGOR SAVINGS BANK, LOAN FROM COAST CREDIT UNION

The Division of Liquor Licensing & Enforcement is hereby authorized to obtain and examine all books, records and tax returns pertaining to the business, for which this liquor license is requested, and also such books, records and returns during the year in which any liquor license is in effect.

NOTE: "I understand that false statements made on this form are punishable by law. Knowingly supplying false information on this form is a Class D offense under the Criminal Code, punishable by confinement of up to one year or by monetary fine of up to \$2,000 or both."

Dated at: Portland, MAINE on MAY 28, 20 19
Town/City, State Date

Please sign in blue ink

Signature of Applicant or Corporate Officer(s)

Signature of Applicant or Corporate Officer(s)

KARLYN E DAIGLE

Print Name

Print Name

FEE SCHEDULE

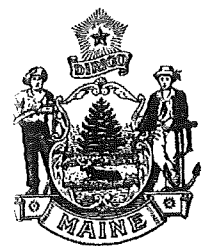
FILING FEE: (must be <u>included</u> on all applications)	\$ 10.00
Class I Spirituous, Vinous and Malt	\$ 900.00
CLASS I: Airlines; Civic Auditoriums; Class A Restaurants; Clubs with catering privileges; Dining Cars; Golf Clubs; Hotels; Indoor Ice Skating Clubs; Indoor Tennis Clubs; Vessels; Qualified Caterers; OTB.	
Class I-A Spirituous, Vinous and Malt, Optional Food (Hotels Only)	\$1,100.00
CLASS I-A: Hotels only that do not serve three meals a day.	
Class II Spirituous Only	\$ 550.00
CLASS II: Airlines; Civic Auditoriums; Class A Restaurants; Clubs with catering privileges; Dining Cars; Golf Clubs; Hotels; Indoor Ice Skating Clubs; Indoor Tennis Clubs; and Vessels.	
Class III Vinous Only	\$ 220.00
CLASS III: Airlines; Civic Auditoriums; Class A Restaurants; Clubs with catering privileges; Dining Cars; Golf Clubs; Hotels; Indoor Ice Skating Clubs; Indoor Tennis Clubs; Restaurants; Vessels; Pool Halls; and Bed and Breakfasts.	
Class IV Malt Liquor Only	\$ 220.00
CLASS IV: Airlines; Civic Auditoriums; Class A Restaurants; Clubs with catering privileges; Dining Cars; Golf Clubs; Hotels; Indoor Ice Skating Clubs; Indoor Tennis Clubs; Restaurants; Taverns; Pool Halls; and Bed and Breakfasts.	
Class V Spirituous, Vinous and Malt (Clubs without Catering, Bed & Breakfasts)	\$ 495.00
CLASS V: Clubs without catering privileges.	
Class X Spirituous, Vinous and Malt – Class A Lounge	\$2,200.00
CLASS X: Class A Lounge	
Class XI Spirituous, Vinous and Malt – Restaurant Lounge	\$1,500.00
CLASS XI: Restaurant/Lounge; and OTB.	

UNORGANIZED TERRITORIES \$10.00 filing fee shall be paid directly to County Treasurer. **All applicants in unorganized territories shall submit along with their application evidence of payment to the County Treasurer.**

All applications for NEW or RENEWAL liquor licenses must contact their Municipal Officials or the County Commissioners in unincorporated places for approval and signatures for liquor licenses prior to submitting them to the bureau.

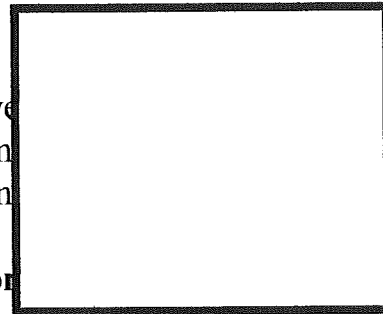
All fees must accompany application, make check payable to the **Treasurer, State of Maine.**

This application must be completed and signed by the Town or City and mailed to:
Bureau of Alcoholic Beverages and Lottery Operations



Division of Alcoholic Beverage
Operation
Division of Liquor Licensing

**Corporate Information
Business Entities Who Are Licensees**



Questions 1 to 4 must match information on file with the Maine Secretary of State's office. If you have questions regarding this information, please call the Secretary of State's office at (207) 624-7752.

Please clearly complete this form in its entirety.

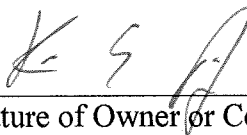
1. Exact legal name: CANDY'S LLC
2. Doing Business As, if any: CANDY'S
3. Date of filing with Secretary of State: 4/8/2019 State in which you are formed: MAINE
4. If not a Maine business entity, date on which you were authorized to transact business in the State of Maine: _____
5. List the name and addresses for previous 5 years, birth dates, titles of officers, directors and list the percentage ownership: (attach additional sheets as needed)

NAME	ADDRESS (5 YEARS)	Date of Birth	TITLE	Ownership %
KARLYN E DAIGLE	23 NORTH ST, APT #1, PORTLAND, ME 04101	02/11/88	OWNER/MANAGER	100%

(Stock ownership in non-publicly traded companies must add up to 100%.)

6. If Co-Op # of members: _____ (list primary officers in the above boxes)
7. Has any principal person involved in the entity ever been convicted of any violation of the law, other than minor traffic violations, in the United States?
- Yes ☐ No ☒
8. If Yes to Question 8, please complete the following: (attached additional sheets as needed)
- Name: _____
- Date of Conviction: _____
- Offense: _____
- Location of Conviction: _____
- Disposition: _____
- _____

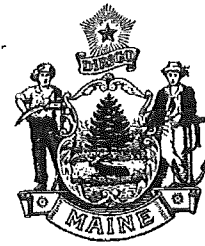
Signature:

 5/28/19
Signature of Owner or Corporate Officer Date

KARLYN E DAIGLE
Print Name of Owner or Corporate Officer

Submit Completed Forms to:

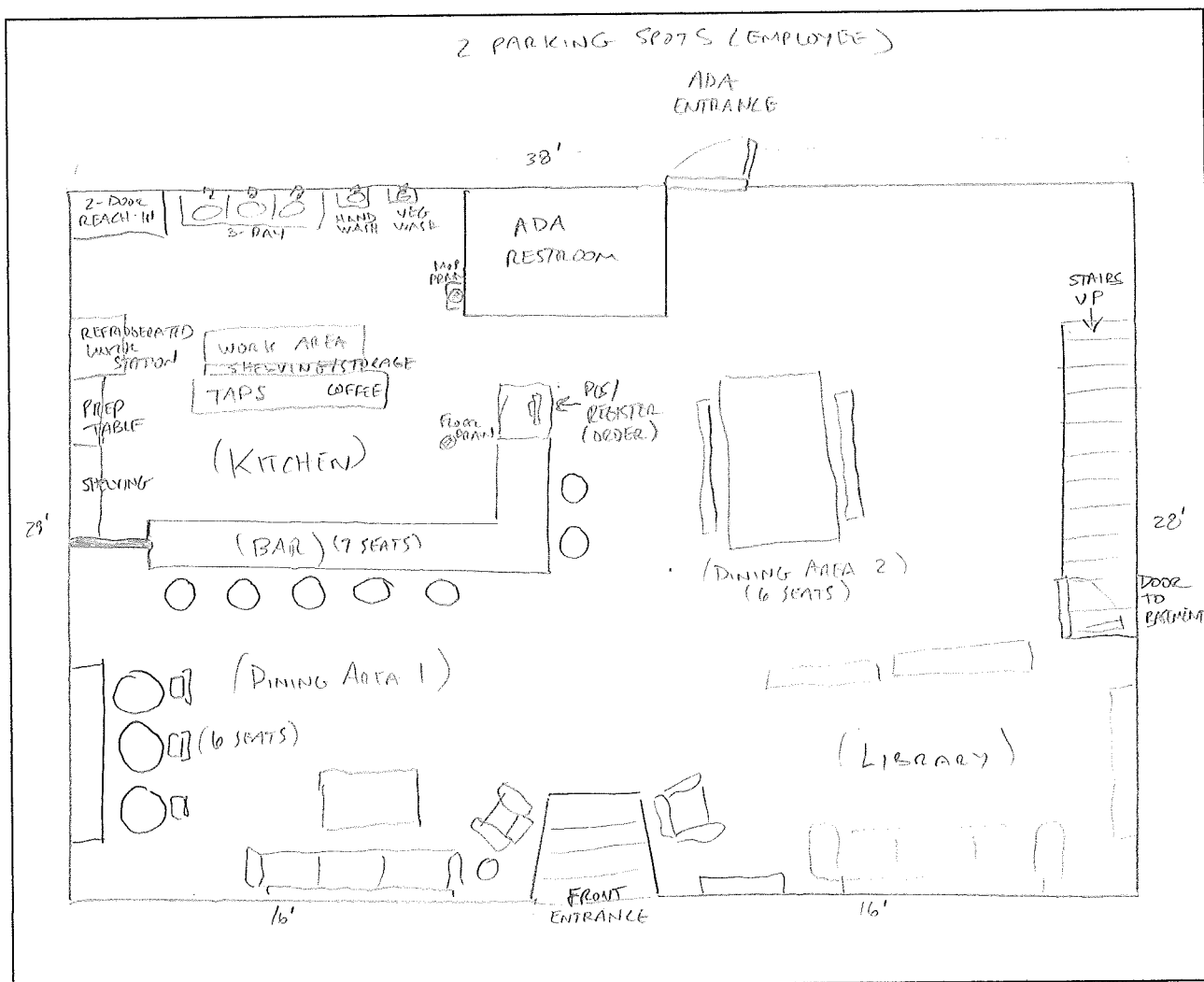
Bureau of Alcoholic Beverages
Division of Liquor Licensing and Enforcement
8 State House Station, Augusta, Me 04333-0008 (Regular address)
10 Water Street, Hallowell, ME 04347 (Overnight address)
Telephone Inquiries: (207) 624-7220 Fax: (207) 287-3434
Email Inquiries: MaineLiquor@Maine.gov



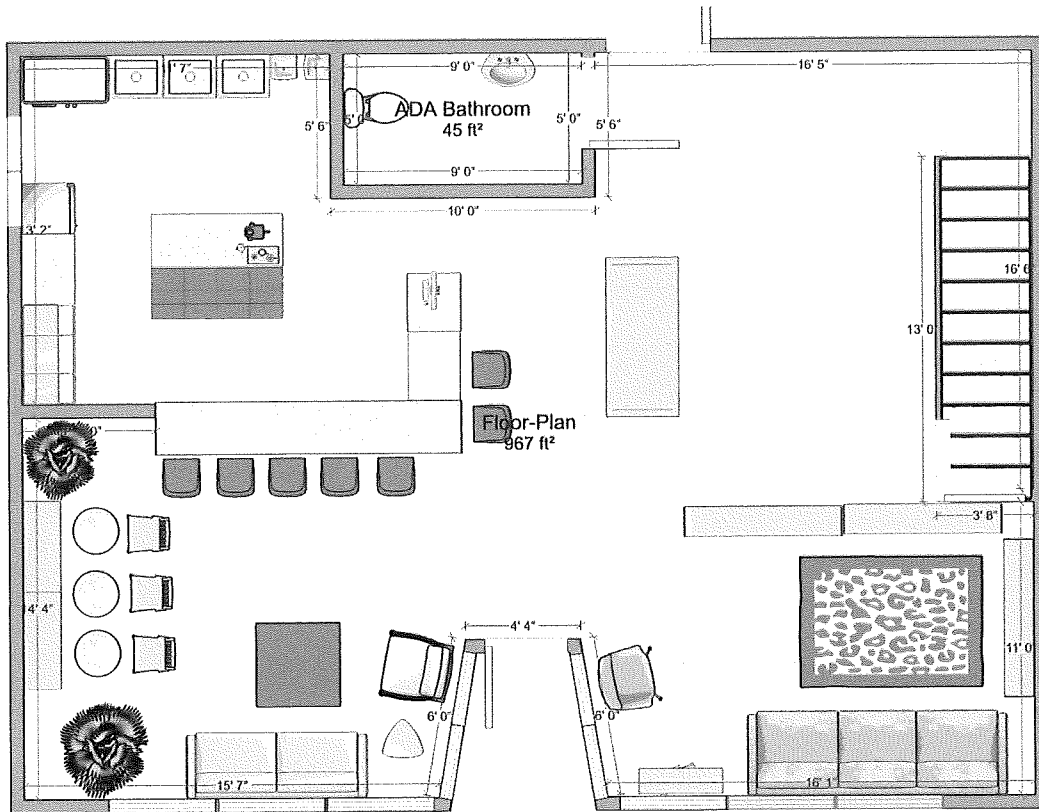
ON PREMISE DIAGRAM (Facility Drawing/ Floor Plan)

In an effort to clearly define your license premise and the area that consumption and storage of liquor is allowed. The Division requires all applicants to submit a diagram of the premise to be licensed in addition to a completed license application.

Diagrams should be submitted on this form and should be as accurate as possible. Be sure to label the areas with the following: • **Entrances** • **Office area** • **Kitchen** • **Storage Areas** • **Dining Rooms** • **Lounges** • **Function Rooms** • **Restrooms** • **Decks** • **All Inside and Outside areas that you are requesting approval.**



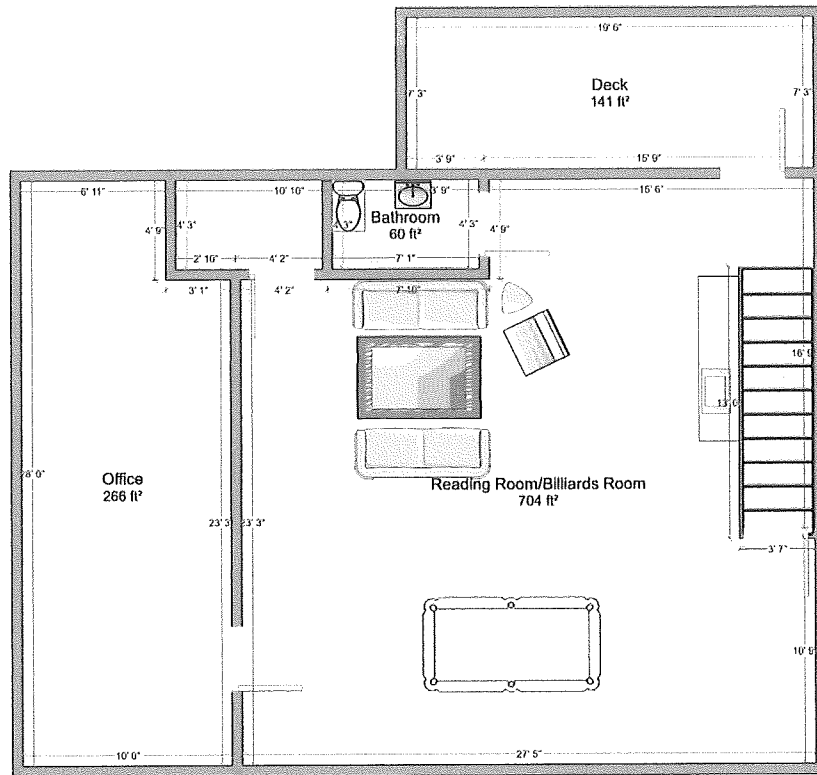
CANDY'S - 34 PORTLAND STREET - FIRST FLOOR



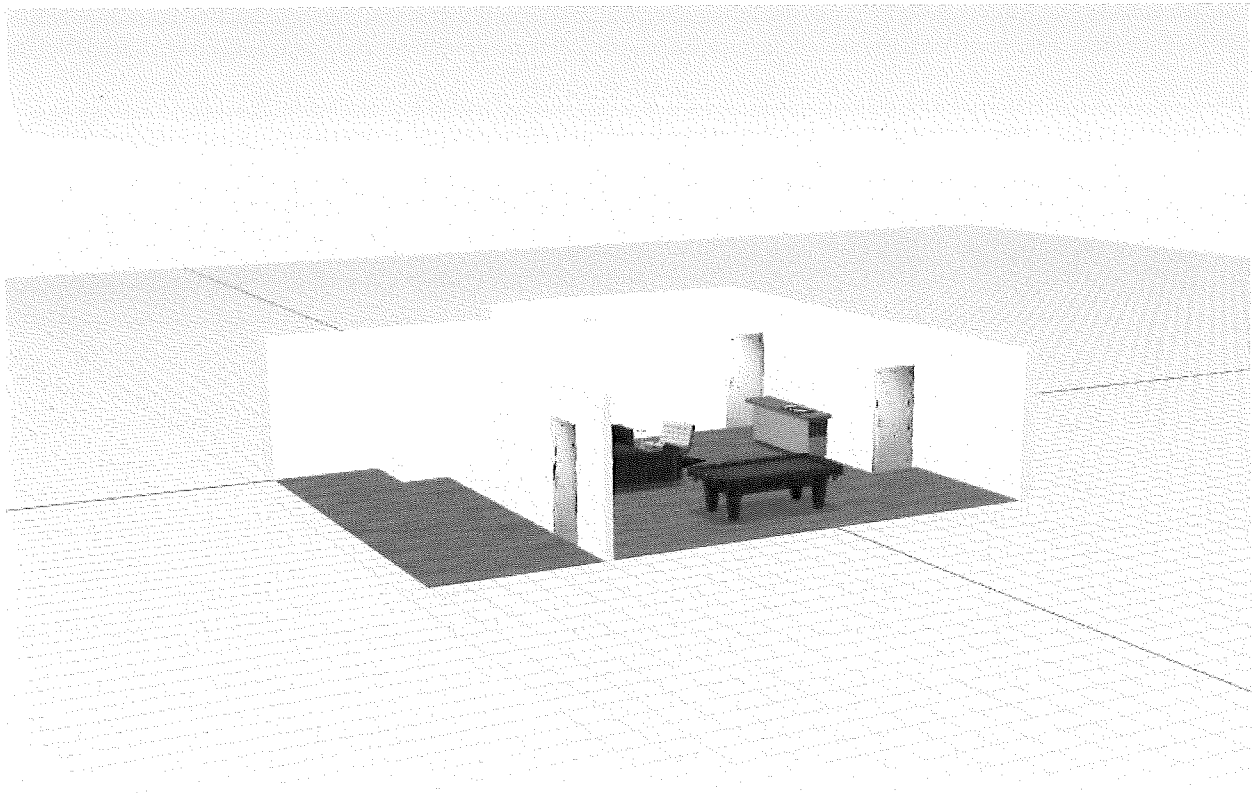
candy's mock

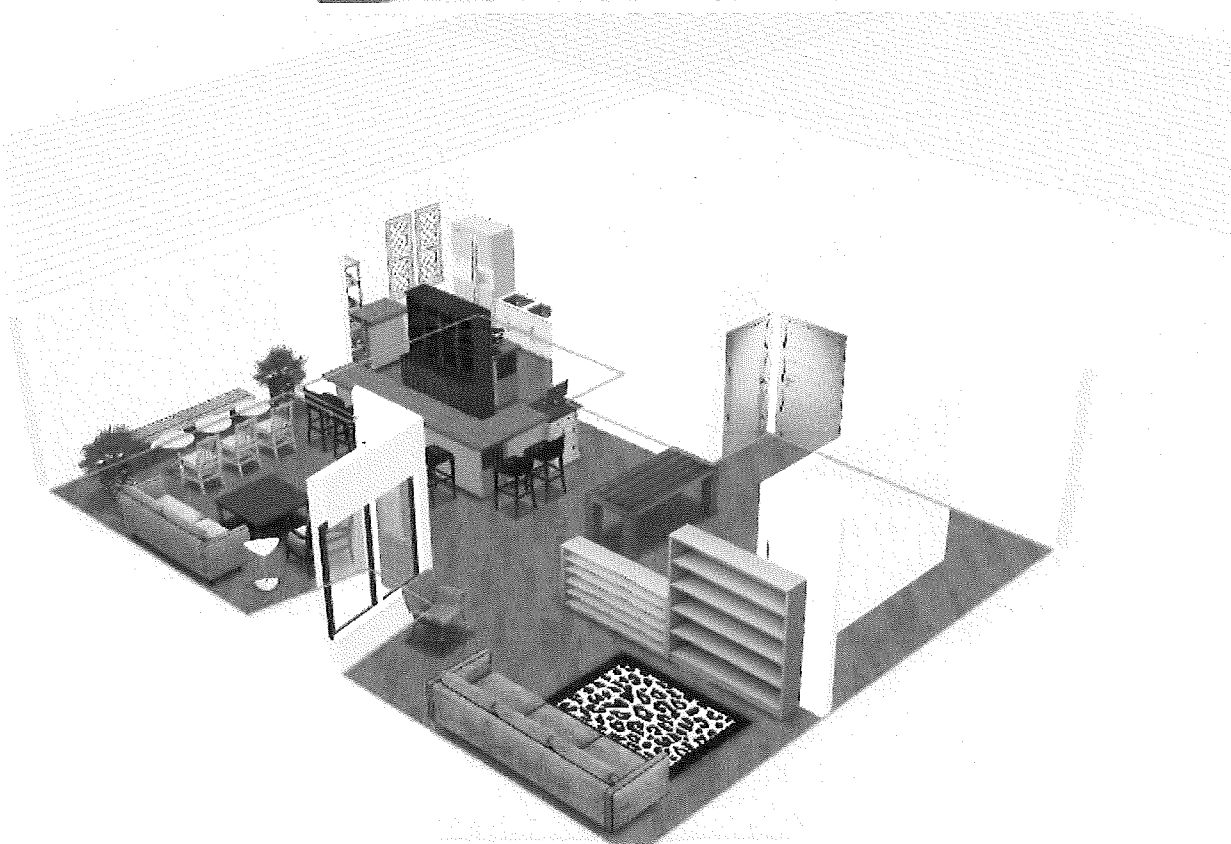
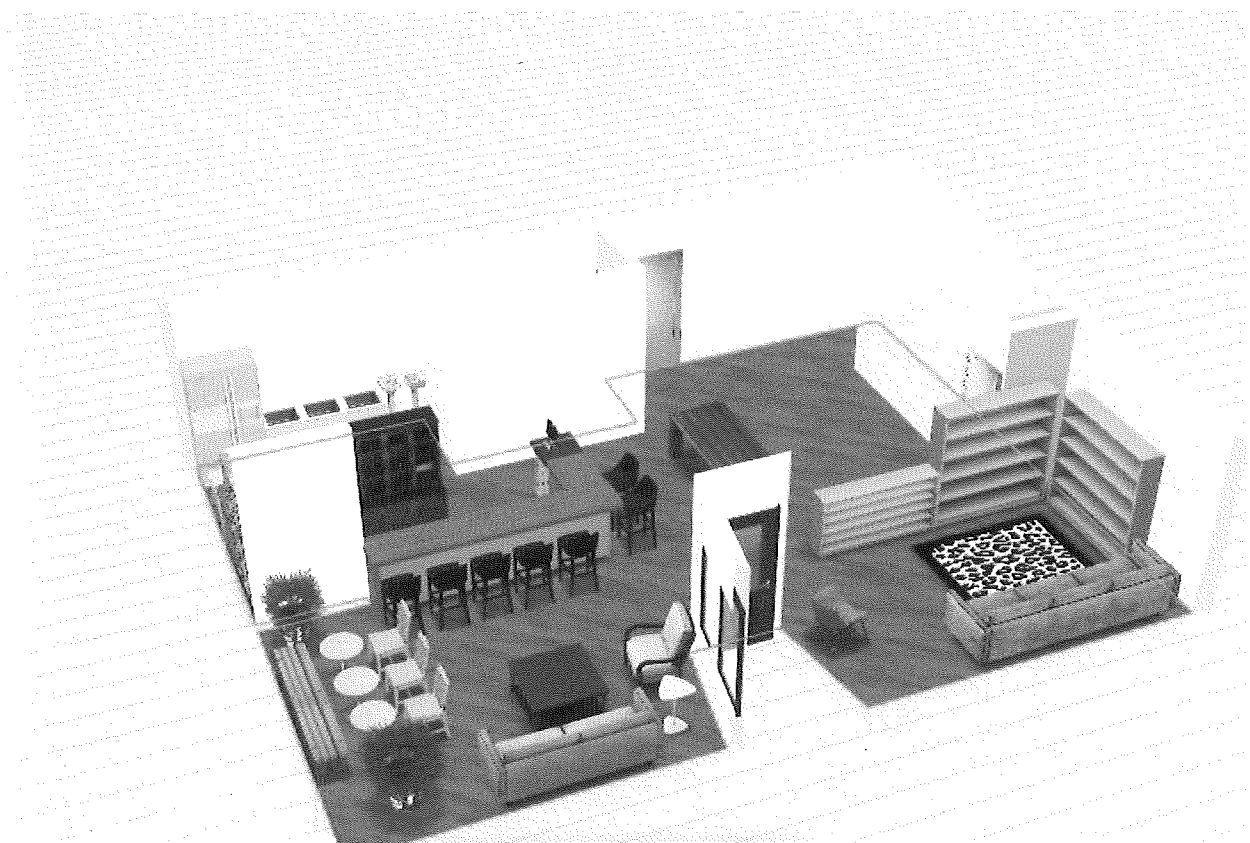
Unit: in

CANDY'S - 34 PORTLAND STREET - 2ND FLOOR



Unit: in





CANDY'S MENU 2019

Morning

Cornbread waffle, avocado crema, bacon bits (gluten-free, vegan option) **\$12**
Served in a tin w/ parchment, drizzle crema, fork & knife

Overnight Oats, macerated fruit, coconut whip, almond (vegan) **\$4**
8 oz wide mouth mason jar, spoon

Chocolate Almond Date Bar (vegan, raw, gf) **\$3.50**
Brown Cookie Bag

Union bagel with cream cheese or avocado **\$4**
Tin w/parchment, knife

Small

Tea cured salmon, creme fraiche, herbed cucumber **\$8**
Small plate, fork

Chickpea fritters (baked), lemon tahini whip, sweet fresno pickle (vegan, gluten free) **\$10**
Small plate, fork

Crudo Salad: Raw veg ribbons, broken lemon vinaigrette, almond crunch, green salt (vegan, gluten free) **\$8**
Small plate, fork

Cucumber soup: potato, summer relish, salted garlic, sourdough (vegan, gf option) **\$8**
Small bowl, spoon

Big

Big Meatball, spicy red sauce, parm, gremolata (gluten free) **\$14**
Small bowl, fork & knife

Mushroom Sliders: confit oyster mushrooms, chimichurri, greens, ciabatta **\$14**
Tin w/parchment

White bean dip, roasted garlic, herbs, crunchy top, country sourdough (vegan, gluten free option) **\$12**
Brown crock, small plate for bread, spoon

Mussels: cider, leek, baguette **MKT**

2 large bowls (1 for shells), small oyster forks

Sweet

Vegan Chocolate mousse, coconut whip, almond (vegan, gluten free) **\$7**

8oz wide mouth mason jar, spoon

Ice cream Sando: Night Moves chocolate chip cookie, vegan ice cream, bourbon caramel **\$10**

Brown cookie bag

Poached stonefruit, coconut whip, charred citrus (vegan, gluten free) **\$7**

Small bowl, fork

Brunch (Sun til 2:30)

Vegetarian Scotch Egg: chickpeas, sweet fresno pickle, dijonaise (gluten free) **\$9**

Small plate, fork & knife

WOW (waffle of the weekend) **\$12**

Tin w/parchment, fork & knife

Brunch Salad: romaine, avocado, pickled onion, pecorino, goddess dressing (gf/vegan option)

\$11

Large bowl, fork

Slow cooked Apple Crisp, currants, golden cashew cream **\$8**

Small plate, fork



MAINE STATE BUREAU OF IDENTIFICATION
45 Commerce Drive, Suite 1 / STATE HOUSE STATION # 42
AUGUSTA, ME 04333
(207) 624-7240 (VOICE)

JESSICA HANSCOMBE
389 CONGRESS ST.
PORTLAND, ME 04101

Transaction Response #: MIQ99D992044

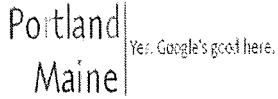
Criminal History Record

Introduction

This criminal history record was produced in response to the following request (Produced on 2019-05-29) :

Inquiries Name(s) **KARLYN DAIGLE (1988-02-11)**

NO MATCH WAS FOUND FOR YOUR REQUEST.



Jessica Hanscombe <jhanscombe@portlandmaine.gov>

Re: Candy's L3C

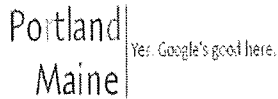
Nicholas Goodman <nickg@portlandmaine.gov>
To: Jessica Hanscombe <jhanscombe@portlandmaine.gov>

Wed, May 29, 2019 at 12:56 PM

Pd has no objections. Ng

On Wed, May 29, 2019 at 9:40 AM Jessica Hanscombe <jhanscombe@portlandmaine.gov> wrote:
Good Morning

Please see the attached for a Class I FSE with Entertainment. This will go to council on 6/17/2019.
Please advise. Thanks Jessica
Jessica Blais Hanscombe
Licensing and Registration Coordinator
389 Congress Street Room 307
Portland, Maine 04101
207-874-8783
jhanscombe@portlandmaine.gov



Jessica Hanscombe <jhanscombe@portlandmaine.gov>

Re: Candy's L3C

cstacey <cstacey@portlandmaine.gov>
To: Zoning <zoning@portlandmaine.gov>
Cc: jhanscombe@portlandmaine.gov

Thu, May 30, 2019 at 12:33 PM

A Class A Restaurant (Class I) is a permitted use in the B-2b Zone under section 14-182 with the condition that "restaurants shall close for all purposes including the service of alcohol no later than 11:00 p.m. unless otherwise authorized by the City Council" in Chapter 14, City Code of Ordinances.

Thanks,

Chris

On Wednesday, May 29, 2019 at 9:40:50 AM UTC-4, Jessica Hanscombe wrote:

Good Morning

Please see the attached for a Class I FSE with Entertainment. This will go to council on 6/17/2019.

Please advise. Thanks Jessica

Jessica Blais Hanscombe

Licensing and Registration Coordinator

389 Congress Street Room 307

Portland, Maine 04101

207-874-8783

jhanscombe@portlandmaine.gov



CITY OF PORTLAND
Permitting and Inspections Department

May 29, 2019

Candy's L3C
23 North Street Apt 1
Portland ME 04101

Re: Candy's L3C dba Candy's L3C. Application for a Class I FSE with Entertainment with Dance at 34 Portland Street.

Dear Karlyn Daigle

This letter shall serve as a reminder of the public hearing before the Portland City Council on **Monday June 17, 2019 at 5:30 p.m.**, for the review of application for a Class I FSE with Entertainment with Dance at 34 Portland Street. The meeting will take place in Council Chambers on the 2nd floor of City Hall, 389 Congress Street, Portland, ME 04101.

You or a representative of the business must be present at this meeting in the event that the city council has questions regarding the license application. If there is no representation and questions arise, the item may be postponed.

Please contact our office directly with questions at (207) 874-8557 or jhanscombe@portlandmaine.gov.

Sincerely,

Jessica Hanscombe
Licensing and Registration Coordinator

Legal Advertisement

Notice of Public Hearing City of Portland

A Public Hearing will be held on June 17, 2019 at 5:30 P.M., in City Council Chambers, 389 Congress St., Candy's L3C dba Candy's L3C. Application for a Class I FSE with Entertainment with Dance at 34 Portland Street. Sponsored by Jon P. Jennings, City Manager.

MEMORANDUM
City Council Agenda Item

FROM: William Needelman
DATE: May 30, 2019
SUBJECT: Resolution 13-18/19 Regarding Waterfront Development - Sponsored by Jon P. Jennings, City Manager.
SPONSOR: Jon P. Jennings, City Manager
(If sponsored by a Council committee, include the date the committee met and the results of the vote.)

COUNCIL MEETING DATE ACTION IS REQUESTED:

1st Reading

Final Action

Can action be taken at a later date: No (If no why not?) The requested Council Resolution is a companion to Waterfront Central Zone amendments that are scheduled for Public Hearing and Council action on June 3, 2019, prior to expiration of the moratorium on non-marine development (June 15, 2019.)

PRESENTATION: Presentation on the *State of the Waterfront Economy Report* and *Significant Waterfront Development Report* will be combined with Waterfront Central Zone amendments to be conducted by members of the Economic Development and Planning and Urban Development Departments.

I. SUMMARY

The *State of the Waterfront Economy Report* and *Significant Waterfront Development Report* are requested as mechanisms to track important components of Portland's local and regional economy and will provide valuable information for waterfront land use decisions, capital improvement budgeting, and grant funding support.

II. AGENDA DESCRIPTION

With this resolve, the City Council expresses its support for two periodic staff-written studies related to the waterfront economy and waterfront development activity.

One would be a report by the Economic Development Department describing the state of the marine economy for the waterfront of Portland, Maine ("State of the Waterfront"), completed within the 2020 fiscal year and updated periodically every three to five years, or more frequently if conditions dictate

The other would be a report from the Planning and Urban Development Department on significant waterfront development ("Waterfront Development Report"), drafted annually, that highlights significant development activity in the Eastern Waterfront Port Zone, Waterfront Central Zone, and the Waterfront Port Development Zone, which may be used to support land use decision making and to inform thinking and actions on the efficacy and impacts of zoning and land use policy on the waterfront, and which may be presented to the Planning Board and the City Council as annual communications.

On June 3, this item was accepted as a non-agenda item and postponed to this meeting. Staff is requesting that this item be postponed to the July 15, 2019 meeting, to allow for Economic Development Committee review.

III. BACKGROUND

Substantial background supporting this item is included with the related proposed changes to the Waterfront

Central Zone (WCZ.)

One amendment included within the WCZ order would remove an existing annual requirement (section 14-311(a)3.d.) to conduct an inventory of marine use within a portion of the zone. Staff recommended, and the Waterfront Working Group and Planning Board concurred, that the current WCZ inventory requirement was too narrow to provide useful information on the health of the marine economy and too labor intensive to reasonably maintain on an annual basis. The proposed edits, however, would not remove existing requirements for individual pier owners to inventory their own marine uses as a component of development applications.

IV. INTENDED RESULT AND/OR COUNCIL GOAL ADDRESSED

Compared with the current WCZ inventory requirement, the Resolution requested herein would provide useful information tracking the broader marine economy (beyond the Central Waterfront) and require a less onerous process for reporting on development trends within the Central Waterfront.

V. FINANCIAL IMPACT

It is anticipated that the *State of the Waterfront Report* would require an expense of less than \$50,000 every three to five years and would be drawn from the Waterfront TIF account. The *Waterfront Development Report* can be achieved reasonably with existing staff and resources.

VI. STAFF ANALYSIS AND BACKGROUND

The existing WCZ inventory requirement was added to the Land Use code by the City Council as a method to track the impacts of (year 2010) zoning. Having been accomplished 3 times during the intervening years, Economic Development staff discovered the following short comings of the WCZ Inventory:

- The inventory is limited in scope to only one portion of one zone on the Waterfront.
- The inventory is redundant to required data reporting by individual pier owners needed at the time of development review.
- The data generated is not generally useful for application beyond its narrow intent; however, as the only information available, it is often used as broad indicator of the health of the marine economy both within and outside of the WCZ.

The requested Reports combined will provide a broad assessment of a fuller range of waterfront economic activity, as well as to give annual snapshots of the development of the Central Waterfront.

VII. RECOMMENDATION

The City Manager's Waterfront Working Group was presented the concept of using the requested reports as a replacement for the inventory requirement of the WCZ and were generally supportive.

The zoning text change removing the WCZ inventory requirement (section 14-311(a)3.d.) was recommended by the Planning Board at their May 14 Public Hearing.

Planning and Economic Development staff recommend implementing the text change and subject resolution.

VIII. LIST ATTACHMENTS

1. Resolve re Reports on the Waterfront and Waterfront Development 6.3.2019

Prepared by:

William Needelman

Date: 5/30/2019

Resolve 13-18/19

Motion to suspend the Rules and consider an un-agenda item: 7-1 (Strimling opposed, Thibodeau absent) on 6/3/2019

Motion to postpone to 6.17/2019: 8-0 (Thibodeau absent) on 6/3/2019

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

**CITY OF PORTLAND
IN THE CITY COUNCIL**

KIMBERLY COOK (5)
JILL C. DUSON (A/L)
PIOUS ALI (A/L)
NICHOLAS M. MAVODONES, JR (A/L)

RESOLUTION REGARDING WATERFRONT DEVELOPMENT

WHEREAS, the City of Portland waterfront is a critical component of the local and regional economy; and

WHEREAS, understanding the status and trends in the waterfront economy is in the interest of the City and marine industries; and

WHEREAS, data on the waterfront economy will assist with local land use decision making, capital funding, and applications for outside funding, and other uses; and

WHEREAS, sources of waterfront economic data are not readily available from existing sources;

NOW, THEREFORE, BE IT RESOLVED, that the City Council does hereby support the writing of a report by the Economic Development Department describing the state of the marine economy for the waterfront of Portland, Maine ("State of the Waterfront") within the 2020 fiscal year and updated periodically every three to five years, or more frequently if conditions dictate; and

BE IT FURTHER RESOLVED, this State of the Waterfront Report should identify key indicators of economic health for marine industry: such as employment by industry, homeported commercial vessels by type, fish landings, freight volume, marine passenger volumes by type, and business activity value and trends; and

BE IT FURTHER RESOLVED, that this State of the Waterfront Report should also provide guidance as to strengths, weaknesses, and threats with recommendations to strengthen the Waterfront as a home for traditional and emerging water dependent and marine related industries; and

BE IT FURTHER RESOLVED, that the City Council supports the writing of an additional report from the Planning and Urban Development Department on significant waterfront development ("Waterfront Development Report") on an annual basis that highlights significant development activity in the Eastern Waterfront Port Zone, Waterfront Central Zone, and the Waterfront Port Development Zone, which may be used to support land use decision making and to inform thinking and actions on the efficacy and impacts of zoning and land use policy on the

waterfront, and which may be presented to the Planning Board and the City Council as annual communications.

MEMORANDUM
City Council Agenda Item

FROM:

DATE: April 9, 2019

SUBJECT: **Order 190-18/19 Approving Two-Party Agreement between Maine Department of Transportation and Portland Re: Improvements to India Street - Sponsored by Jon P. Jennings, City Manager**

SPONSOR: Jon P. Jennings, City Manager

(If sponsored by a Council committee, include the date the committee met and the results of the vote.)

COUNCIL MEETING DATE ACTION IS REQUESTED:

1st Reading

Final Action

Can action be taken at a later date: No This agreement must be approved by City Council and signed by the City Manager by 4/8/19 to allow Maine Department of Transportation (MaineDOT) to meet its target bid date and target construction start date for this project.

PRESENTATION:

I. SUMMARY

City Council is being asked to approve the attached Two-Party Municipal/State Agreement and authorize the City Manager to sign it, which would allow MaineDOT to move ahead with its plans to pave India Street between Congress Street and Commercial Street in 2019.

II. AGENDA DESCRIPTION

This agreement, between the Maine Department of Transportation (MaineDOT) and the City of Portland, obligates MaineDOT to mill and fill India Street, adjust the City's sanitary sewer manhole frames and covers, as necessary, update and/or install new pedestrian curb ramps to meet ADA requirements and all appurtenances when MaineDOT's contractor paves India Street. The agreement obligates the City to pay MaineDOT \$289,000.00, and pay an additional \$10,000.00 for manhole adjustments from a water resources fund.

This item must be read on two separate days. It received its first reading on March 18, 2019. On April 8, 2019, this item was given its second reading and postponed to this meeting. Staff is requesting that this item be postponed to the August 12, 2019 meeting. In the interim, the City will be clarifying funding and construction details with MaineDOT.

III. BACKGROUND

The India Street paving project is part of MaineDOT's Cyclical Paving Resurfacing (CPR) work plan. The scope of work includes milling and paving with a 1 ¼ inch hot mix asphalt overlay and ADA improvements with curb adjustments as needed. The CPR program is a state-funded maintenance program that allocates \$200,000 of state funding per mile. Therefore, MaineDOT will contribute \$58,000.00 as part of the CPR program contribution. The City will be responsible for the remainder of the project cost and 100% of the cost of making adjustments to its sanitary sewer facilities in the project area.

IV. INTENDED RESULT AND/OR COUNCIL GOAL ADDRESSED

The India Street paving project will improve the pavement surface and ride quality on a regionally important

major urban collector street and improve pedestrian facilities on this road.

V. FINANCIAL IMPACT

The City is obligated to pay for the additional cost required on top of the CPR allocation, new ADA improvements, and 100% of the cost of adjusting sanitary sewer manhole frames and covers in the project area. The total City cost of this work, estimated to be \$289,000.00, would be paid from a FY20 CIP account established for this project and \$10,000.00 from a water resources account. Please see attached fiscal impact note for additional information.

VI. STAFF ANALYSIS AND BACKGROUND

Although the CPR program is a good program and works on some minor roads, the condition of India Street and development in the area is much more suited to a more intensive repair such as a mill and fill. Although the City must cover the cost to change the scope, because MaineDOT is still contributing to this project makes this a good time to improve the road and a good use of City funds.

This is an important location in the City of Portland due to its increasing development and designation as a minor arterial. The street is in need of resurfacing and the improvement of ADA ramps will provide safer routes for pedestrians.

VII. RECOMMENDATION

The Department of Public Works recommends approving and signing the subject agreement to allow MaineDOT to pave approximately 0.29 miles of India Street (from Congress Street to Commercial Street) in 2019.

VIII. LIST ATTACHMENTS

1. Paving India Street MDOT 3.18.2019
2. India St Two Party Agreement
3. Fiscal Impact - India Street - Fiscal Impact Note
4. India_Street_Improvements Project Location Map

Prepared by:

Date: 4/9/2019

Order 190-18/19

Motion to Postpone to June 17, 2019: Passage: 8-0 (Cook absent) on April 8, 2019

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

CITY OF PORTLAND
IN THE CITY COUNCIL

KIMBERLY COOK (5)
JILL C. DUSON (A/L)
PIOUS ALI (A/L)
NICHOLAS M. MAVODONES, JR (A/L)

**ORDER APPROVING TWO-PARTY AGREEMENT BETWEEN PORTLAND
AND THE MAINE DEPARTMENT OF TRANSPORTATION
RE: IMPROVEMENTS TO INDIA STREET**

ORDERED, that the two-party Partnership Agreement between the Maine Department of Transportation and the City of Portland for improvements to India Street with State Work Identification Number 024037.00 is hereby approved in substantially the form attached hereto; and

BE IT FURTHER ORDERED, that the City Council hereby authorizes the City Manager or his or her designee to execute said documents and any other related documents necessary or convenient to carry out the intent of said documents and this Order.



MaineDOT use only	
TEDOCS #:	_____
CT #:	_____
CSN #:	_____
PROGRAM:	_____

MAINE DEPARTMENT OF TRANSPORTATION
MUNICIPAL/STATE AGREEMENT
PROPOSED IMPROVEMENTS TO INDIA STREET

(MaineDOT Use Only)

Project Location: Portland
State WIN #: 024037.00
Federal Aid Project #: 2403700

Estimated Municipal Share: \$299,000.00
Vendor Customer #: 17A12144
Agreement Begin Date: _____
Agreement End Date: (5 years from the date last signed below)

This Agreement is entered into between the Maine Department of Transportation (hereafter the MaineDOT) and the Municipality of Portland, a municipal corporation located in the County of Cumberland (hereafter the “Municipality”) (collectively hereinafter the “Parties”).

RECITALS

- A.** The scope of work that is the subject of this Agreement consists of making improvements to India Street, beginning at Congress Street and extending south 0.29 of a mile to Commercial Street, in Portland, Maine, (hereafter the “Project”).
- B.** The Parties have a mutual interest in ensuring that the Project is delivered on a reasonable schedule and within the programmed budget, using a process that maximizes communication and cooperation between the Parties.
- C.** This Agreement is intended to cover the roles and responsibilities of the Parties during the design, permitting and right-of-way phases of Project development from Project inception through completion of the Project’s Plans, Specifications and Estimate (PS&E). This Agreement is further intended to establish the financial obligations of each Party, including that of full Project development through construction.

AGREEMENT

NOW, THEREFORE, in accordance with the foregoing, the Parties agree as follows:

- D.** The following checked appendices are hereby incorporated into this Agreement by reference, and any perpetual maintenance appendices shall survive the expiration of this Agreement:
 - ☒ Appendix A – Project scope, cost sharing, and payment schedule (*not required for non-monetary agreements.*)
 - ☐ Appendix B – Perpetual Bicycle/Pedestrian Facility Maintenance
 - ☐ Appendix B – Perpetual Drainage Maintenance
 - ☐ Appendix B – Perpetual Landscape Maintenance
 - ☐ Appendix B – Perpetual Operation and Maintenance of Lighting/Flashing Beacon and/or signage with associated light(s)
 - ☐ Appendix B – Perpetual Traffic Signal Operation and Maintenance

- ☐ Appendix B – Perpetual Bridge Lighting/Approach Lighting Maintenance & Snow Plowing
- ☒ Appendix C – Additional work requested by Municipality

E. Agreement Administration:

1. MaineDOT agrees to procure and administer a contract to construct the Project in accordance with the plans and specifications developed by MaineDOT. This would include any additional plans, specifications and estimates furnished by the Municipality and approved by MaineDOT. When applicable, refer to Appendix A of this Agreement for the outline of the scope, limits of work and cost sharing.
2. MaineDOT shall be the sole administrator of the contract to construct the Project. MaineDOT will pay all Project costs, subject to cost sharing by the Municipality, when applicable, as specified in this Agreement. Neither MaineDOT nor its contractors will be required to pay for inspections and permits from the Municipality.
3. Upon acceptance of plans, specifications and estimates (PS&E), MaineDOT shall solicit competitive bids for the Project. Upon acceptance of the lowest acceptable responsive, responsible bid to construct the Project and fulfillment of all terms set forth herein, MaineDOT will submit the information to the Municipality, who will have up to five (5) business days to review the information and notify MaineDOT of any questions or concerns. If MaineDOT is not presented with any questions or concerns in the time allotted all decisions pertaining to the acceptance of the bids, the award and administration of the contract and all payments thereunder shall be the sole discretion of MaineDOT.

F. Changes to Project Scope:

4. The Municipality, at its election, may request that changes be made or work added to the Project during the period of construction, provided the Municipality agrees in writing to pay any additional cost plus an amount not to exceed ten (10%) percent of such construction cost to cover all necessary engineering, inspection and administrative costs associated therewith, unless specified otherwise. All such requests shall be subject to MaineDOT approval. In the event that the cost of these changes or work are approved for federal participation, the Municipality's additional cost may be reduced by the amount of the federal contribution.

G. Traffic Control:

5. The Municipality agrees to allow MaineDOT's contractor to control all traffic through the work areas in accordance with the Traffic Control Plan approved by MaineDOT. The development of the Traffic Control Plan will follow the process outlined below:
 - i. MaineDOT's Project Manager (PM) will, when possible, submit the Project for Traffic Analysis and Movement Evaluation (TAME), approximately one year prior to advertisement. Once the results are received, the PM/Regional Traffic Engineer will discuss the proposed Project with the Municipality (scope, limits, day or night work, work window, etc).
 - ii. The Municipality will comment on their concerns/issues related to the Traffic Control Plan within two (2) weeks of receipt.

- iii. MaineDOT's PM & Designer will incorporate these comments where practical based on engineering judgment.
- iv. If the Municipality desires, a meeting will be held prior to PS&E to review the Project design, Special Provision 105 – Limitations of Operations, Special Provision 107 - Time, etc.

H. Utilities:

- 6. The Municipality will, at no cost to MaineDOT, assure proper adjustment, relocation, or repair of any portion of a utility service, whether above or below ground, that is located within the limits of the highway right-of-way and connected to any municipal utility, which might become necessary to permit construction of the Project. The Municipality agrees to hold MaineDOT harmless from any claims for damages occurring as a result thereof.
- 7. The Municipality agrees that during and after construction it will apply the requirements of the most recent version of MaineDOT's "Utility Accommodation Rules" as the minimum guidelines not withstanding any municipal rules that are more lenient.
- 8. To the extent that it is statutorily responsible therefore, the Municipality agrees to provide utilities, and to maintain all improvements and fixtures constructed, installed or furnished as a part of the Project in such a manner as necessary to preserve the use and function thereof for the expected period of their normal useful life as determined by accepted engineering and/or industry standards. To the extent any warranty exists for said improvements or fixtures, said warranty shall be first relied on by MaineDOT to address maintenance and/or repairs described in this paragraph.

I. Governing Law:

- 9. The Municipality agrees that except for an emergency, or as allowed in 23 M.R.S.A. § 3351-A, it will prohibit the excavation of the highway within the limits of the Project for a period of at least five (5) years after completion of the Project, and agrees to make all necessary notifications to abutters and occupants of the highway as otherwise required of any municipal government under the provisions of 23 M.R.S.A. § 3351. Thereafter, all future excavations within the right-of-way of the Project shall be regulated and controlled in the manner specified by MaineDOT in its most recent "Utility Accommodation Rules", which is incorporated herein and made a part hereof by reference.
- 10. The Parties agree to: comply with and abide by all applicable State and Federal laws, statutes, rules, regulations, standards and guidelines, including the MUTCD and OSHA standards, and Agreement provisions; avoid hindering each other's performance; fulfill all obligations diligently; and cooperate in achievement of the intent of this Agreement.

J. Municipality's Responsibility:

- 11. When applicable, if the Municipality withdraws its financial support for the Project, leading MaineDOT to terminate the Project, the Municipality shall reimburse MaineDOT fully for all Project costs incurred in reliance on the Municipality's financial obligations outlined herein, including, but not limited to, reimbursement of all federal and state funds expended up to the

time of such termination. If the Municipality fails to reimburse MaineDOT for such costs incurred, after receiving an invoice seeking such reimbursement, MaineDOT may exercise its rights of set-off to recover the requested amount.

12. The Municipality agrees to alter, move, relocate or remove, or cause to be, at no cost to the Project, any municipal property, including all fixtures, facilities or monuments, located on, under or above the ground, as necessary to permit construction of the Project, which has not otherwise been provided for during the development of the Project. Any work necessary to do so during the period of construction shall be coordinated with the contractor for the Project.
13. The Municipality will be responsible to keep new or replaced/rehabilitated pedestrian facilities in usable condition including snow and ice control.
14. The Municipality agrees to keep the right-of-way of the Project inviolate from all encroachments and agrees to remove, or cause to be removed, anything that may encroach thereon.
15. When applicable, the Municipality agrees to regulate all entrances to the highway within the limits of the Project in accordance with the provisions of 23 M.R.S.A. § 704.
16. When applicable, the Municipality agrees to limit all on-street parking to the parking spaces as designed and constructed under the Project.

K. Termination:

17. MaineDOT reserves the right to terminate the Project for any reason prior to the award of a contract to construct the Project. MaineDOT also reserves the right to terminate all provisions pertaining to work requested by the Municipality at any time prior to the award of a contract to construct the Project due to failure by the Municipality to comply with any of the conditions and stipulations set forth in this Agreement.
18. MaineDOT may postpone, suspend, abandon or otherwise terminate this Agreement upon thirty (30) days written notice to the Municipality and in no event shall any such action be deemed a breach of contract. Postponement, suspension, abandonment or termination may be taken for any reason by MaineDOT or specifically as the result of any failure by the Municipality to perform any of the services required under this Agreement to MaineDOT's satisfaction.

In the event of Project termination, all provisions of this Agreement shall become null and void except for those ***provisions that by their very nature are intended to survive.***

L. Miscellaneous Provisions:

19. **Debarment.** The Municipality certifies, by signing this Agreement, that neither it nor its principals are presently debarred, suspended, proposed for debarment, declared ineligible or voluntarily excluded from participation in this transaction by any Federal department or agency. If the Municipality is unable to certify to this statement, it shall attach an explanation to this Agreement. The Municipality shall promptly notify MaineDOT if it or its principals becomes debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from participation in this transaction by any Federal department or agency.

20. All provisions of this Agreement, ***except those that by their very nature are intended to survive***, shall expire at Project final voucher, or upon final payment by the Municipality of any Project costs as hereinbefore provided, whichever occurs later.
21. **State of Maine's Rights of Set-Off.** MaineDOT shall have all of its common law, equitable and statutory rights of set-off. These rights shall include, but not be limited to, the State of Maine's option to withhold for the purposes of set-off monies due the Municipality under a specific project contract up to any amounts due and owed to MaineDOT with regard to this Agreement, and any other agreement/contract with any State of Maine department or agency, including any agreement/contract for a term commencing prior to the term of this Agreement, plus any amounts due and owed to the State of Maine for any reason including without limitation, tax delinquencies, fee delinquencies or monetary penalties relative thereto. MaineDOT shall exercise its set-off rights in accordance with normal State practices including, in cases of set-off pursuant to an audit, the finalization of such audit by MaineDOT, its representatives, or the State Controller. When applicable, MaineDOT reserves the right to withhold or reduce future Local Road Assistance payments to the Municipality for purposes of set-off to recover the amount owed.
22. **Non-Appropriation.** Anything herein to the contrary notwithstanding, the Municipality acknowledges and agrees that although the execution of this agreement by MaineDOT manifests its intent to honor its terms and to seek funding to fulfill any obligations arising hereunder, by law any such obligations are subject to available budgetary appropriations by the Maine Legislature and, therefore, this agreement does not create any obligation on behalf of MaineDOT in excess of such appropriations.
23. **Assignment.** No assignment of this agreement is contemplated, and in no event shall any assignment be made without the express written permission of MaineDOT.
24. **Notice.** Any communications, requests or notices required or appropriate to be given under this Agreement shall be in writing and may be sent via email which shall satisfy the delivery requirements of this section through express acknowledgement of receipt by the receiving party. Alternatively, communications can be mailed via U.S. Mail, Certified or Registered, Return Receipt Requested or sent via a recognized commercial carrier such as, but not limited to Federal Express, that requires a return receipt delivered to the sending party. Said communications, requests or notices shall be sent to the other party as follows:

MaineDOT: Maine Department of Transportation
 24 Child Street
 16 State House Station
 Augusta, ME 04333-0016
 Attn.: LaRay L. Hamilton
 Email: laray.hamilton@maine.gov

Municipality: City of Portland
 389 Congress St
 Portland, ME 04101
 Attn.: Jon Jennings
 Email: citymanager@portlandmaine.gov

IN WITNESS WHEREOF, the Parties hereto have executed this AGREEMENT effective on the day and date last signed below.

MUNICIPALITY OF PORTLAND

MAINE DEPARTMENT OF TRANSPORTATION

By: _____
Jon Jennings, City Manager

By: _____
Richard J. Crawford, P.E., Director
Bureau of Project Development

(Date Signed)

(Date Signed)

I certify that the signature above is true and accurate. I further certify that the signature, if electronic: (a) is intended to have the same force as a manual signature; (b) is unique to myself; (c) is capable of verification; and (d) is under the sole control of myself.

APPENDIX A
PROJECT SCOPE AND COST SHARING
MAINE DEPARTMENT OF TRANSPORTATION
MUNICIPAL/STATE AGREEMENT
Transportation Improvement Project

MUNICIPALITY OF **PORTLAND**

PROPOSED IMPROVEMENTS TO **INDIA STREET**

FEDERAL AID PROJECT NO. **2403700**

STATE PROJECT IDENTIFICATION NUMBER (WIN) **24037.00**

Project Scope:

Mill and Fill India Street, beginning at Congress Street and extending south 0.29 miles to Commercial Street.

Funding Outline:

The Total Project Estimated Cost is \$ 357,000.00 , and the Parties agree to share costs through all stages of the Project under the terms outlined below.

Work Element	Municipal Share		Project Share				Total Cost
			Federal	Portion	MaineDOT (State) Portion		
	%	\$	%	\$	%	\$	\$
Preliminary Engineering	0.0%	\$ -	0.0%	\$ -	100.0%	\$ 872.00	\$ 872.00
Right of Way	0.0%	\$ -	0.0%	\$ -	100.0%	\$ -	\$ -
Construction	0.0%	\$ -	0.0%	\$ -	100.0%	\$ 56,260.00	\$ 56,260.00
Construction Engineering	0.0%	\$ -	0.0%	\$ -	100.0%	\$ 868.00	\$ 868.00
PROJECT SHARES		\$ -		\$ -		\$ 58,000.00	\$ 58,000.00
Total Cost of Additional Work Requested by Municipality (Below)	100.0%	\$ 299,000.00					
TOTAL ESTIMATED MUNICIPAL SHARE (Receivable Amount)		\$ 299,000.00					

(Check if applicable)

☒ **Additional Work as outlined in Appendix C to this Agreement.**

Funding Outline: The Municipality agrees to pay 100% of the costs for the work outlined below.

Additional Work		Cost: 100% Municipal Share	
Change Scope of Work from CPR to Mill & Fill		\$	289,000.00
Adjust Sewer Manholes - 10 @ \$1,000 ea.		\$	10,000.00
TYPE OF WORK		\$	-
TOTAL COST OF ADDITIONAL WORK REQUESTED BY MUNICIPALITY		\$	299,000.00

Payment:

The Municipality shall submit payment to MaineDOT within 30 days from the invoice date.

1. Prior to award of the contract for Project construction, the Municipality will be invoiced a portion of its share of the cost of the Project.

Invoicing will include the following:

- a. 100% of the local share of the Preliminary Engineering and Right of Way costs; plus
- b. Fifty percent (50%) of the local share of the Construction and Construction Engineering cost based on the total bid price of the Project; plus
- c. 100% of all additional work requested by the Municipality.

2. Final Voucher Payment to the Contractor. A final bill will be created following MaineDOT's final voucher payment to the Contractor, after all quantities are verified, and any required adjustments have been made. The cost of the work for which MaineDOT will bill the Municipality shall be determined by the contract prices and the completed quantities of the work items or, in the event of termination, the local share of Project development cost to the point of termination as stipulated above. The final invoice will include the Municipality's share of any remaining costs.

Invoicing Schedule: The Municipal Payment Schedule shown below includes estimated invoicing dates based upon the estimated schedule and estimated cost of the Project:

Municipality Name	Receivable Amount	Estimated Invoice Date
City of Portland	\$225,000.00	5/1/2019
City of Portland	\$74,000.00	6/30/2019
City of Portland	Balance remaining if any	1/1/2020
Total Receivable Amount:	\$299,000.00	

Project Information

Municipality Name: Portland

Federal Aid Project #: 2403700

WIN: 24037.00

APPENDIX C

ADDITIONAL WORK

MAINE DEPARTMENT OF TRANSPORTATION

Transportation Improvement Project

1. Description of Work Being Added to Project by the Municipality:

Change the scope of work from a CPR, capped at \$58,000 for MaineDOT, to a 1 1/4" Mill and Fill, with variable depth shim, and other incidentals, including adjusting sewer manholes.

2. The Municipality agrees to furnish all plans, specifications and estimates necessary to include additional work under the Project; No ☒ - Disregard this Section, or Yes ☐ - as follows:

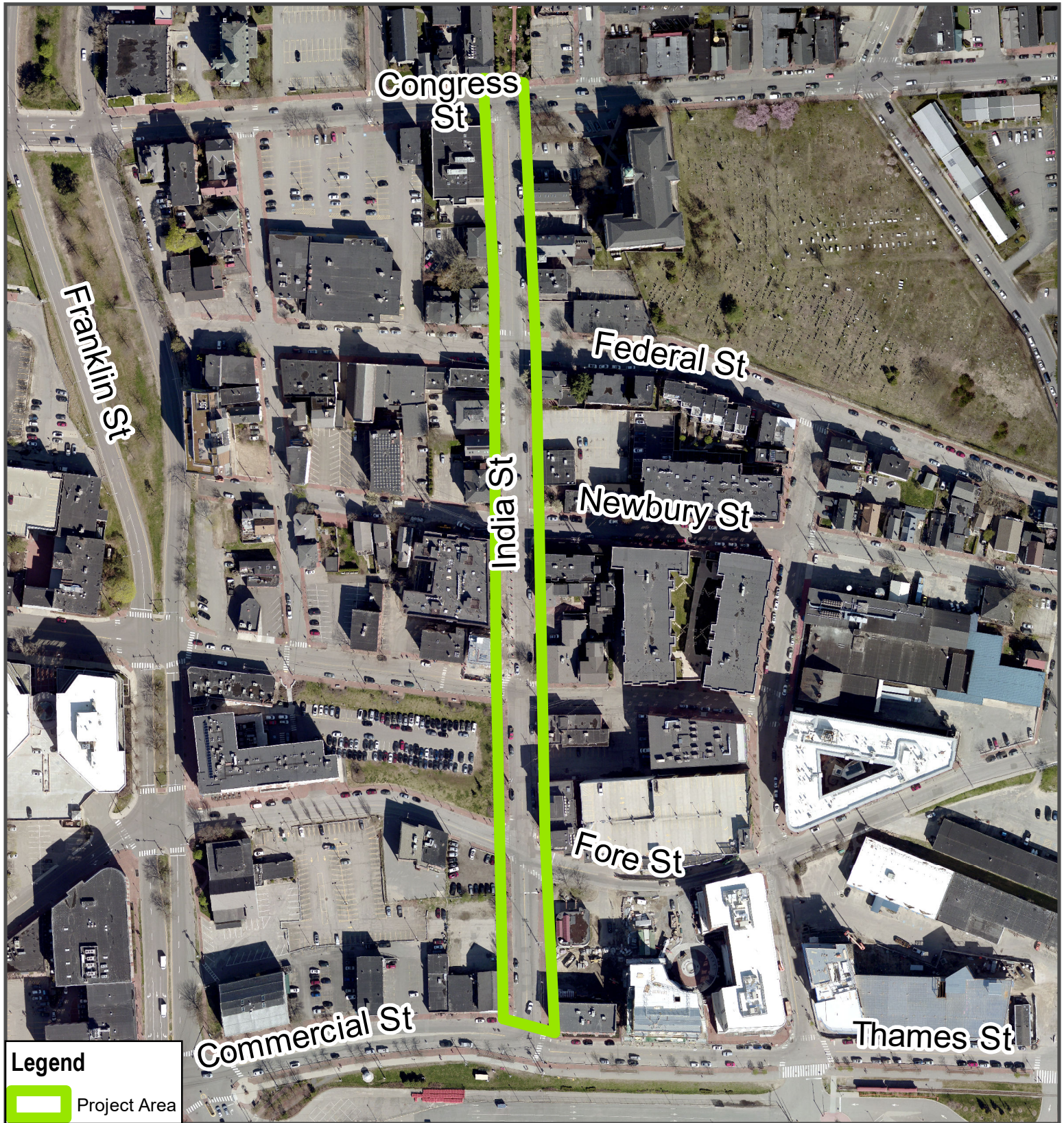
- a) All plans and specifications shall conform to the standards used by MaineDOT as set forth in the latest version of its "*Highway Design Guide*" and "*Standard Details*" and comply with MaineDOT's Utility Accommodation Rules.
- b) All plans shall be size "D" drawings measuring 22 inches by 36 inches reproducible in black and white print.
- c) All specifications shall be printed on 8-1/2 inch wide by 11 inch long paper suitable for binding in MaineDOT's proposal book.
- d) The Municipality shall provide a detailed engineer's estimate of the cost of such additional work calculated in a manner acceptable to MaineDOT and allowable for bidding. The Municipality agrees that all cost information developed for such bidding shall be kept confidential pursuant to the provisions of Title 23 of the Maine Revised Statutes Annotated (M.R.S.A.) Section 63.
- e) The Municipality shall obtain all permits, licenses, releases and approvals necessary or incidental to the additional work described in Section 1 above.
- f) The submission of all plans, specifications and estimates; as well as all permits, licenses, releases and approvals shall be done in such a timely manner as not to unreasonably delay MaineDOT's schedule for soliciting bids to construct the Project.
- g) The Municipality may utilize the electronic exchange of CADD data; the Municipality must accept pertinent electronic input data as specified by MaineDOT. A copy of MaineDOT's specifications can be found on its website under Business and CADD support. It is the responsibility of the Municipality to translate this data into other formats required for use in their design software.

3. Following solicitation of competitive bids for the Project under Paragraph D of the Agreement; but before award of a contract to construct the Project that includes additional work as described in Section 1 above; action must be taken by the Municipality:

- a) If the bid price received for such additional work exceeds the detailed engineers estimate by any more than ten (10%) percent, the Municipality may reject such bid price by notifying MaineDOT in writing within five (5) business days following the opening of such bids. The Municipality may waive such right by doing so in writing anytime prior to or during such period. Otherwise, all decisions pertaining to the acceptance of bids and the award of any construction contract shall be the sole discretion of MaineDOT.
- b) If the bid price for such additional work is acceptable to the Municipality, the Municipality shall pay MaineDOT, an amount equal to the Municipality's share of the estimated cost of such additional work based upon the prices of the successful bidder. Following receipt of payment, MaineDOT agrees to award a contract to construct the Project including the additional work.
- c) The parties agree that any additional adjustments to the amount of any payment or deposit made pursuant to the provisions of subparagraph b) above because of any differences between estimated and actual quantities which effects the actual cost of such additional work shall be due and payable upon determination of final quantities, unless MaineDOT determines that the actual cost of such additional work is expected to differ measurably from the amount of such payment, due to changes in quantities placed or work performed during the period of construction.

FISCAL IMPACT NOTE New Program Cost Data:	Year 1		Year 2		Year 3	
	City Rate	City / Sch Combined Rate	City Rate	City / Sch Combined Rate	City Rate	City / Sch Combined Rate
<u>Example:</u>						
ADD: NEW ITEM ANNUAL EXPENDITURES		\$0		\$22,425		\$22,425
LESS: TOTAL NEW ITEM ANNUAL REVENUES		\$0		\$0		\$0
=NEW ITEM NET TAX RATE IMPACT PROJECTION	\$0	\$0	\$22,425	\$22,425	\$22,425	\$22,425
New Program Impact to the Mil Rate	\$0.0000	\$0.0000	\$0.0028	\$0.0028	\$0.0028	\$0.0028
New Program % Impact on Mil Rate	0.0000%	0.0000%	0.0250%	0.0126%	0.0250%	0.0126%
Mil Rate Including New Program	\$11.3400	\$22.4800	\$11.3428	\$22.4828	\$11.3428	\$22.4828

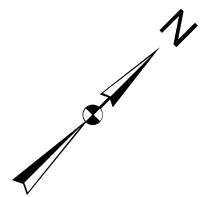
Notes: The CIP impact will actually begin in 2020 and remain for the 20 year life of the bond.



CITY OF PORTLAND, MAINE
DEPT. OF PUBLIC WORKS
212 CANCO RD, PORTLAND, MAINE 04103
PHONE (207) 874-8846 FAX (207) 874-8852

India Street Improvements

Mill and fill on approximately
0.29 miles of India St and
pedestrian improvements
within these limits.



March 6, 2019

0 0.025 0.05
Miles

MEMORANDUM
City Council Agenda Item

FROM:

DATE: May 8, 2019

SUBJECT: **Order 192-18/19 Amendment to Portland City Code Chapter 18 Parks, Recreation and Public Buildings and Ground Re: Formalizing the Boundaries of Boyd Street Gardens - Sponsored by Councilor Belinda Ray.**

SPONSOR: Councilor Belinda Ray

(If sponsored by a Council committee, include the date the committee met and the results of the vote.)

COUNCIL MEETING DATE ACTION IS REQUESTED:

1st Reading

Final Action

Can action be taken at a later date: No (If no why not?)

PRESENTATION: (List the presenter(s), type and length of presentation)

I. SUMMARY

This amendment formalizes the boundaries of the Boyd Street Gardens, which was dedicated as a park and/or public grounds in Chapter 18 of the City Code via Order 203 13/14, and updates the name of Lobsterman Park, which was recently renamed John Menario Plaza.

II. AGENDA DESCRIPTION

Boyd Street Gardens (a.k.a., Franklin Reserve, a.k.a., Boyd Street Urban Farm) was included in a list of over 50 City properties dedicated as Parks and Public Grounds in 2014 (Order 203-13/14). By dedicating these properties in Chapter 18 of the City Code, the Council ensured that the properties would be subject to the provisions of Article 1B in Chapter 18. These provisions include the following:

- the City will maintain these properties “predominantly in their natural, scenic, open and/or intended condition;” and
- the City will not use, sell, or dispose of any of these properties for non-recreational purposes unless the decision to do so is first reviewed by the Parks Commission, “who shall provide an advisory opinion on any such request prior to review by the council committee and the city council, and shall only become effective upon review and approval by seven (7) members of the city council.”

There is no question that Boyd Street Gardens has been dedicated and is subject to these provisions. There has, however, been confusion regarding the boundaries of Boyd Street Gardens. This confusion has led various individuals and groups to wonder if the parcel, or any portion of the parcel, is eligible for housing or other development.

A review of historical documents, the back-up materials for Order 203 13/14, and the City’s Open Space Vision and Implementation Plan provides a solid case for including the entire parcel (022 F023) in the 2014 dedication.

This amendment to Chapter 18, Section 11, formalizes the boundaries of Boyd Street Gardens by including the

entire parcel in the dedication language so that there will be no confusion going forward.

In addition to establishing clear boundaries for Boyd Street Gardens, this amendment also adds the name “John Menario Plaza” next to Lobsterman Park, which is what the park was called when it was dedicated. This addition will ensure the parcel is easily identified and recognizable in the list by both its historic and current name.

This item must be read on two separate days. This item received its first reading on March 18, 2019. On April 7, 2019 it was postponed to May 6, 2019. It was then postponed to this meeting. Seven affirmative votes are required for passage, as per City Ordinance, after public comment.

III. BACKGROUND

Prior to 1969, the land that currently comprises Boyd Street Gardens was a neighborhood of single-family homes, duplexes, and tenement buildings. During the 1900s, this neighborhood was home to people from diverse cultural backgrounds. At various times the neighborhood included Jewish, Italian, Lithuanian, and Armenian enclaves living in these residences.

The residential buildings in this neighborhood were taken by eminent domain in 1960 by the Slum Clearance and Redevelopment Authority. Over the next several years, inhabitants vacated the properties and the buildings were eventually demolished in 1969 to make way for Franklin Arterial, new housing, and public open space.

The Boyd Street Gardens parcel (022 F023), and what is now an abutting parcel at 58 Boyd Street (022 F001)—as well as the parcel that is now Fox Street Field (023 B001)—were largely designated as public open space as part of the Bayside Park Renewal Project as shown on a 1958 map associated prepared for the Slum Clearance and Redevelopment Authority.

A follow-up map from 1967 shows the city’s continued intention to establish this area as a public park. This plan for the “Construction of the Mall” included the planting of 29 Sugar Maples, the addition of multiple cement and wood-slat benches, the installation of a plaza with a drinking fountain, and a watering system for the plantings and open space.

It is unclear why this vision of benches and trees on “the mall” never materialized, but in 1972, the parcel was subdivided and the lower portion (022 F001) was conveyed to Portland Housing Authority, leaving the upper portion (022 F023) to remain a vacant, grassy field for many years.

In 2003, the Armenian Cultural Association of Maine, working with the City of Portland and its Public Art Committee, created a plaza at the top of the parcel on Cumberland Avenue across from the Cathedral of the Immaculate Conception. There, they erected a monument that honors both the state’s original Armenian settlers and those who were lost in the Armenian Genocide of 1915-1923.

The monument faces the Bayside/East Bayside area where many Armenian families settled between 1896 and 1925—an area the Armenian Cultural Association of Maine refers to on its website as, “the heart of Maine’s original Armenian settlement” (www.armeniansofmaine.com). Additionally, there are four other footings established in the plaza ready to support future sculptures of a similar nature.

In 2004, Cultivating Community, through an agreement with the City, founded the Boyd Street Urban Farm and began preparing the land to grow food as part of its mission to “grow sustainable communities by

expanding access to healthy, local food; empowering children, youth, and adults to play diverse roles in restoring the local, sustainable food systems; and modeling, teaching, and advocating for ecological food production” (www.cultivatingcommunity.org).

After testing the soil and finding high levels of lead, the organization planted large crops of sunflowers for several successive years in order to leech the remaining lead from the soil. When the land was finally ready for food production, the organization began with one large garden near the discontinued section of Oxford Street, and since then Cultivating Community has expanded operations on the parcel.

Today, in collaboration with the City, Cultivating Community manages over 30 community garden plots at this site as well as a large herb and vegetable garden, numerous perennial crops, multiple fruit trees, a compost staging area, and rainwater collection equipment.

Additionally, the Boyd Street Urban Farm has become “a major learning and growing site for youth...and a base for new initiatives such as food forests and free farm stands” (www.cultivatingcommunity.org).

In 2014, Boyd Street Gardens was included in a list of over 50 City properties dedicated as Parks and Public Grounds in 2014 (Order 203 13/14). By dedicating these properties in Chapter 18 of the City Code, the Council ensured that they would be subject to the provisions of Article 1B in Chapter 18. These provisions include the following:

- the City will maintain these properties “predominantly in their natural, scenic, open and/or intended condition;” and
- the City will not use, sell, or dispose of any of these properties for non-recreational purposes unless the decision to do so is first reviewed by the Parks Commission, “who shall provide an advisory opinion on any such request prior to review by the council committee and the city council, and shall only become effective upon review and approval by seven (7) members of the city council.”

There is no question that Boyd Street Gardens has been dedicated and is subject to these provisions. There has, however, been confusion regarding the boundaries of Boyd Street Gardens. This confusion has led various individuals and groups to wonder if the parcel, or any portion of the parcel, is eligible for housing or other development.

However, a review of historical documents, the back-up materials for Order 203 13/14, and the City’s Open Space Vision and Implementation Plan provides evidence that the parcel containing Boyd Street Gardens has long been part of an open space plan for the City, and that the entire parcel (022 F023), between Franklin and Boyd Streets and from Cumberland Avenue to the edge of what was once Heath Street, should be included in the 2014 dedication.

This amendment to Chapter 18, Section 11, formalizes the boundaries of Boyd Street Gardens by including the entire parcel in the dedication language so that there will be no confusion going forward.

In addition to establishing clear boundaries for Boyd Street Gardens, this amendment also adds the name “John Menario Plaza” next to Lobsterman Park, which is what the park was called when it was dedicated. This addition will ensure the parcel is easily identified and recognizable in the list by both its historic and current name.

IV. INTENDED RESULT AND/OR COUNCIL GOAL ADDRESSED

1. Preservation of open space, community gardens.
2. Establishing clearer boundaries for dedicated public grounds.
3. Respecting the history of parcel 022 F023 which was taken by eminent domain in 1960 as part of an urban renewal project and intended to be a public park
4. Respecting the placement of the Armenian Genocide Memorial, which overlooks parcel 022 F023, and was placed there in 2003 as a memorial to “the survivors of the Armenian Genocide who settled in Bayside.”

V. FINANCIAL IMPACT

This amendment has no financial impact.

VI. STAFF ANALYSIS AND BACKGROUND

Staff Analysis and Background that will not appear in the Agenda Description.

VII. RECOMMENDATION

VIII. LIST ATTACHMENTS

1. Formalizing boundaries of parks 3.18.2019
2. Attachments 1 to 10 Boyd Street Gardens Park Boundary for 3.18.19

Prepared by:

Date: 5/8/2019

Order 192-18/19

Motion to postpone to May 6, 2019: 8-0 (Cook absent) on 4/8/2019

Motion to postpone to June 17, 2019: 9-0 on 5/6/2019

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

CITY OF PORTLAND
IN THE CITY COUNCIL

KIMBERLY COOK (5)
JILL C. DUSON (A/L)
PIOUS ALI (A/L)
NICHOLAS M. MAVODONES, JR (A/L)

**AMENDMENT TO CITY CODE CHAPTER 18
PARKS, RECREATION AND PUBLIC BUILDINGS AND GROUNDS
Re: FORMALIZING THE BOUNDARIES OF BOYD STREET GARDENS**

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

1. *That Section 18-11 is amended to read as follows:*

...

Sec. 18-11. Parks and Public Grounds Dedicated. The following parks and public grounds are hereby subject to the provisions within this Article:

Andrews Square;
Back Cove Park and Trail;
Barrow's Park/Baxter Sundial;
Bayside Park/Stone Street Playground;
Bayside Trail;
Baxter Pines;
Baxter Woods;
Bedford Park;
Bell Buoy Park;
Belmeade Park;
Boothby Square;

Boyd Street Gardens/Franklin Reserve (022 F023);
Bramhall Square;
Capisic Pond Park;
Caldwell Square;
Clark Street Park;
Congress Square (specifically the remaining 1/3 of Congress Square);
Clark Street Playground;
Deering Oaks Park;

Dougherty Field;
Eastern Promenade Park(including East End Beach and
Trail);
Fessenden Park;
Fort Allen Park;
Fort Gorges;
Fort Sumner Park;
Fox Field/Kennedy Park;
Harborview View and Tate-Tyng Park and Playground;
Heseltine Park;
Lincoln Park;
Longfellow Park;
Longfellow Square;
Lobsterman Park/John Menario Plaza;
Marada Adams Playground;
Martin's Point Park;
Monument Square;
Munjoy South Playground;
Nason's Corner Park;
Payson Park;
Peppermint Park;
Pedro Field;
Pleasant Street Park and Playground;
Post Office Park;
Quaker Park;
Riverside Golf Course;
Riverton Trolley Park;
South Street Playground;
Stroudwater Park (Waldo Street and Westbrook Street);
Taylor Street Park;
Tommy's Park;
Trinity Park;
Western Promenade Park; and
Winslow Park.

Attachment 1 - Amendment to Chapter 18, Section 11

**AMENDMENT TO CITY CODE CHAPTER 18
PARKS, RECREATION AND PUBLIC BUILDINGS AND GROUNDS**

**RE: CHANGE TO 18-11 TO REFLECT CLEAR BOUNDARIES FOR BOYD STREET
GARDENS AND UPDATE THE NAME OF LOBSTERMAN PARK**

SPONSORED BY COUNCILOR BELINDA RAY

Sec. 18-11. Parks and Public Grounds Dedicated. The following parks and public grounds are hereby subject to the provisions within this Article:

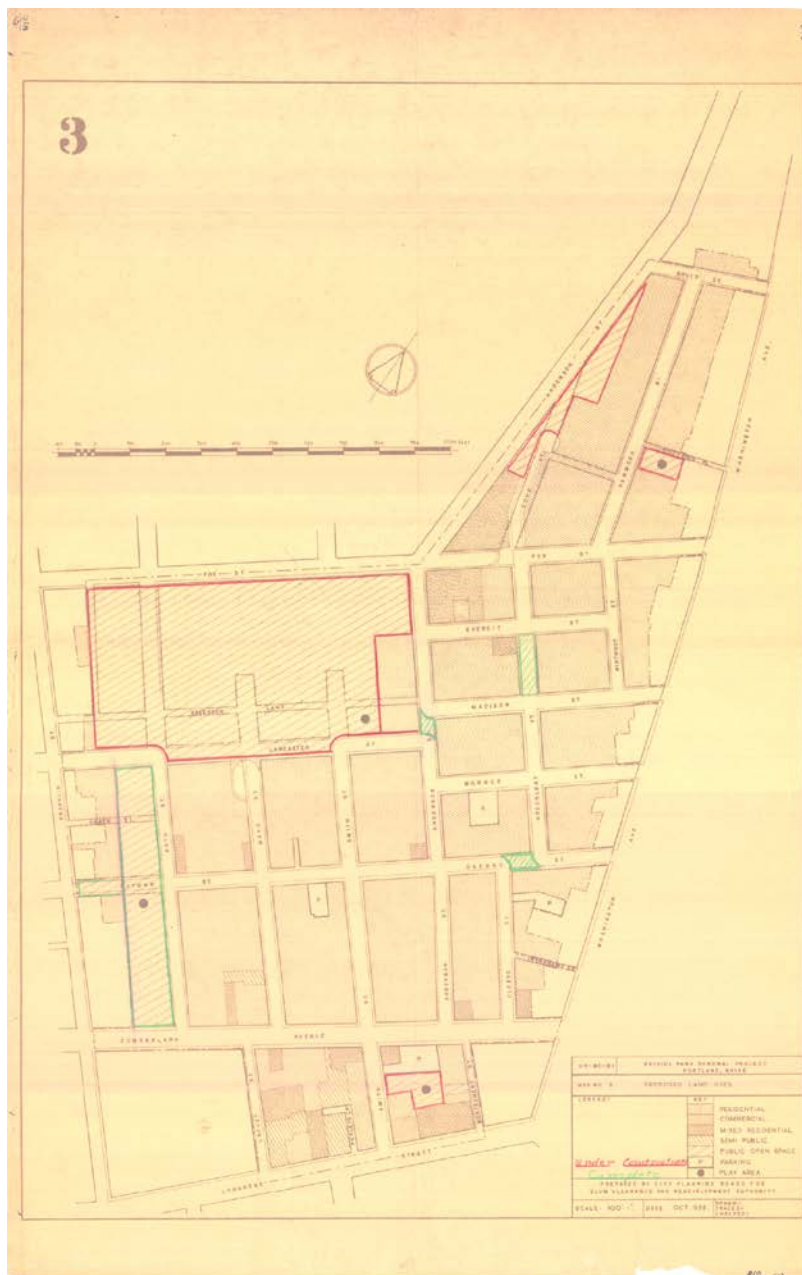
Andrews Square;
Back Cove Park and Trail;
Barrow's Park/Baxter Sundial;
Bayside Park/Stone Street Playground;
Bayside Trail;
Baxter Pines;
Baxter Woods;
Bedford Park;
Bell Buoy Park;
Belmeade Park;
Boothby Square;
Boyd Street Gardens/[Franklin Reserve \(Parcel 022 F023 in its entirety\)](#);
Bramhall Square;
Capisic Pond Park;
Caldwell Square;
Clark Street Park;
Congress Square (specifically the remaining 1/3 of Congress Square);
Clark Street Playground;
Deering Oaks Park;
Dougherty Field;
Eastern Promenade Park (including East End Beach and Trail);
Fessenden Park;
Fort Allen Park;
Fort Gorges;
Fort Sumner Park;
Fox Field/Kennedy Park;
Harborview View and Tate-Tyng Park and Playground;
Heseltine Park;
Lincoln Park;

Longfellow Park;
Longfellow Square;
Lobsterman Park/[John Menario Plaza](#);
Marada Adams Playground;
Martin's Point Park;
Monument Square;
Munjoy South Playground;
Nason's Corner Park;
Payson Park;
Peppermint Park;
Pedro Field;
Pleasant Street Park and Playground;
Post Office Park;
Quaker Park;
Riverside Golf Course;
Riverton Trolley Park;
South Street Playground;
Stroudwater Park (Waldo Street and Westbrook Street);
Taylor Street Park;
Tommy's Park;
Trinity Park;
Western Promenade Park; and
Winslow Park.

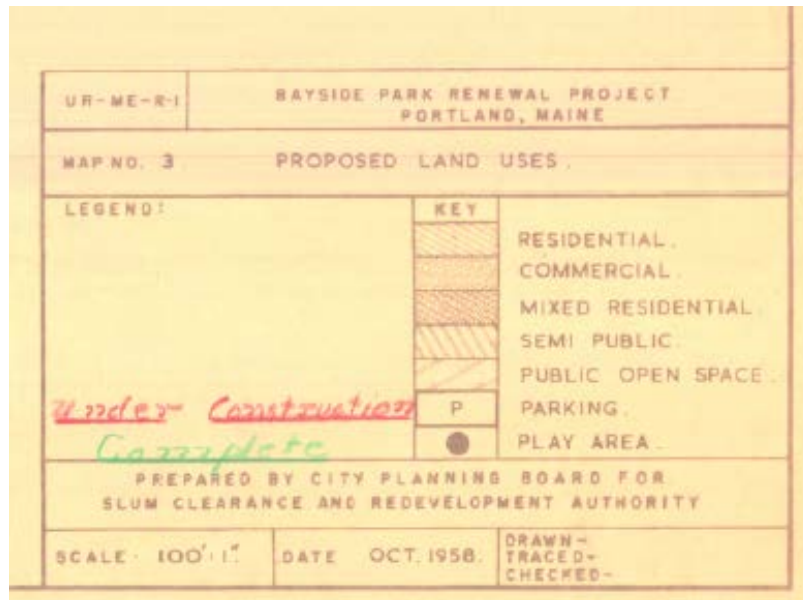
Attachment 2 - Exhibit A: Bayside Park Renewal Project Map

Prepared in 1958 by the City Planning Board for the Slum Clearance and Redevelopment Authority, this map shows that a large swath of the parcel, extending from the former Lancaster Street to Cumberland Avenue, and including a former extension of Oxford Street, was intended to be preserved as Public Open Space as part of the Franklin Street Arterial project.

Fox Street Field was also established as part of this urban renewal project. Then, like the Boyd Street Gardens, Fox Street Field/Kennedy Field was dedicated as a Park/Public Ground in Chapter 18 of the City Code in 2014 to ensure it would enjoy the protections provided in Chapter 18.



Attachment 3 - Exhibit B: Insets from Bayside Park Renewal Project Map



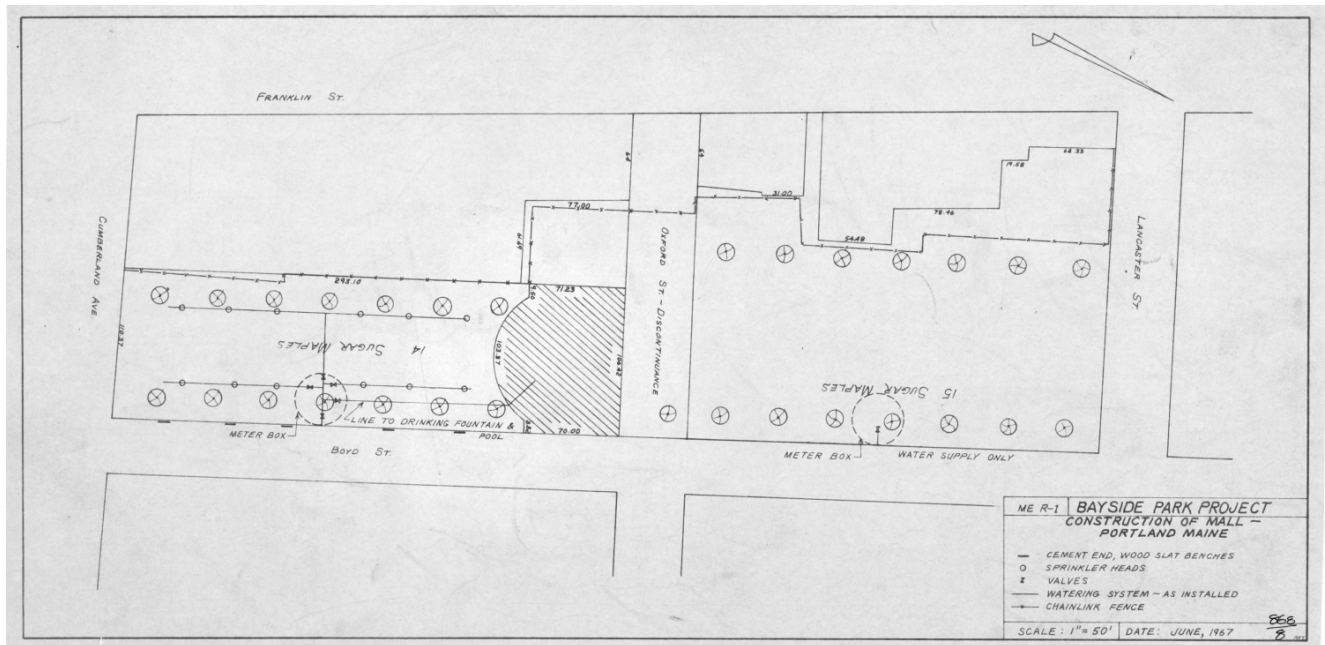
The legend from the 1958 map shows that Public Open Space is designated by the wide cross-hatching, and that a large dot indicates an intended play area.



This section of the map clearly shows a large portion of Parcel 022 F023, extending from Lancaster Street to Cumberland Avenue, was preserved as Public Open Space in 1958.

When this area was dedicated as a Public Park/Ground in Chapter 18 of the City Code by Order 203 13/14, however, the name "Boyd Street Gardens" was used along with the notation "Franklin @ Cumberland," implying that the entire parcel was intended for designation. (See Exhibits E & F for the dedication detail.)

Attachment 4 - Exhibit C: Follow-up Park Plaza Plan from 1967



At some point prior to 1972, when the Portland Housing Authority administration building was built at 54 Lancaster Street (now 58 Boyd Street), the bottom segment of this parcel (where 8 sugar maples were to be planted) was conveyed to the PHA. Since part of the bottom portion of the parcel was intended to be residential, per Exhibit B, it's reasonable to assume it was conveyed to meet that purpose.

Attachment 5 - Exhibit D: The Current Boyd Street Gardens



This picture, from the Wayside Food Programs Facebook page, shows the Boyd Street Gardens in 2017. Currently, the entire parcel, from Lancaster Street up to Cumberland, is taken up with plantings and infrastructure including: community garden plots, a large community garden maintained by Cultivating Community, perennial raspberry bushes, compost area, garden shed and arbor, rain barrel collection, and established fruit trees.

The fruit trees, while not densely clustered, extend to the upper portion of the parcel at Cumberland Avenue.

Attachment 6 - Exhibit E: List of properties to be dedicated as Parks and Public Grounds per Order 203 13/14.

#	Area	Zoning	Notes
1	Post Office Park	B3	
2	Tommy's Park	B3	
3	Bell Buoy Park	WC2	
4	Lobsterman's Park	B3	
5	Lincoln Park	B3	
6	Eastern Promenade	ROS	(Fort Allen Park is IN Eastern Prom)
7	Fort Sumner Park	R6	
8	Fox Field	ROS	Bayside & Kennedy Park names
9	Deering Oaks	ROS	Deed Restrictions Protecting
10	Western Promenade	ROS	Council Order and State Law Protecting
11	Taylor Street Park	R6	
12	Harbor View Memorial Park	ROS	
13	Back Cove	ROS	
14	Winslow Park	ROS	Preble St Ext @ Baxter Boulevard
15	Pedro Field	ROS	Oakleigh Park?
16	Baxter Boulevard	ROS	Only official Parkway
17	Burrow's Park (Preble St) no longer a park	R5 (inc w street)	Lost most of land to Preble Street Ext.
18	Belmeade Park	R5	
19	Baxter Sundial Park	ROS	Barrows Park alternative name
20	Bedford Park	R5	Deed Restrictions Protecting
21	Fessenden Park	R5	Deed Restrictions Protecting
22	Longfellow Park	R5	
23	Payson Park & Arbor	ROS	Deed Restrictions Protecting
24	Dougherty Field	ROS & R5	
25	Stroudwater Park - Waldo Street	R2	Deed Restrictions Protecting
26	Stroudwater Park - Westbrook Street	R2	Deed Restrictions Protecting
27	Capisic Pond Park	ROS & R3	area south of Macy Street nic (update map)
28	Baxter Pines	ROS	Deed Restrictions Protecting
29	Mayor Baxter Woods	ROS	Deed Restrictions Protecting
30	University Park	R3	Deed Restrictions/Planning Bd Approval Protecting
31	Heseltine Park	R5	
32	Trinity Park	B2b	Forest Ave @ Coyle St (PK RR deed protected)
33	Quaker Park	IM	Forest Ave @ Industrial PW / DEED Protected
34	Oatnuts Park	RP2	
36	Riverton Trolley Park	ROS	
37	Martin's Point Park	RP	National Park Service Easement Protecting
38	Nayson's Corner Park	R3	Breakwater School
39	Pine Grove Park	ROS	add Land Bank lots to or create RPZ space
40	Riverside Golf Course	ROS	Grant Restrictions Protecting
41	Boyd Street Gardens	R6	Franklin @ Cumberland Ave
	Playground		
42	Stone Street Playground	R6	
43	South Street Playground	R6	
44	Peppermint Park	R6	
45	Pleasant Street Playground	B3	
46	Tyng Tate Playground	R6	
47	Clark Street Playground	R6	
	Trails		
48	Eastern Prom Trail	ROS & WSUZ	
49	Bayside Trail	B5	
50	Back Cove Trail	ROS	
	Land Bank		
51	Hobart Street - Fore River Park	R5 & RPZ	
52	Ocean Avenue Open Space	ROS	
53	Presumpscot River Preserve	RPZ	
54	Letson's Purchase (see LB list)	IM	Across from Riverside GC / near range
	Squares		
55	Andrews Square	R6	Pine @ West (former school)

This list was included with the backup materials for the April 28, 2014 meeting of the City Council.

Attachment 7 - Exhibit F: Inset from Exhibit E

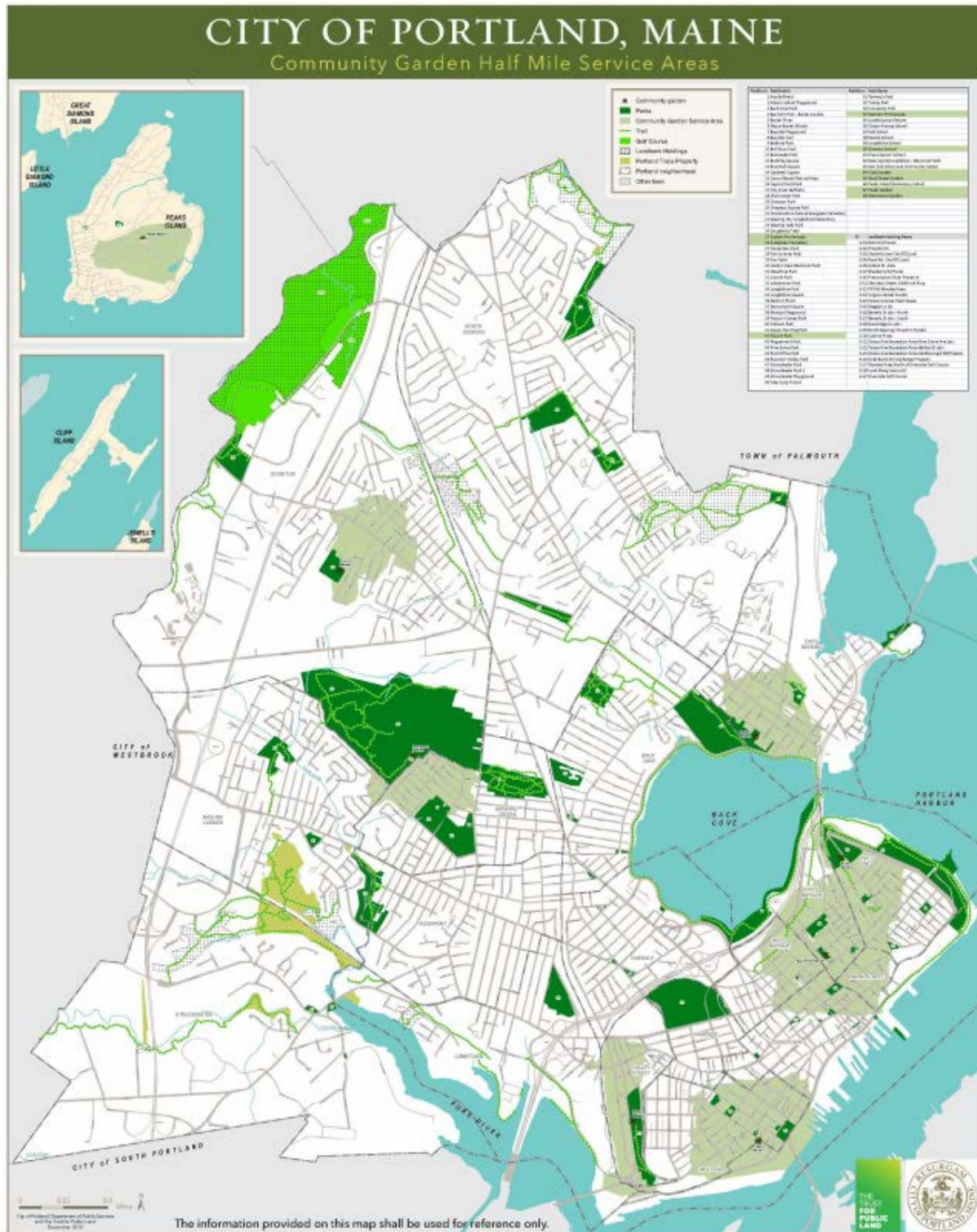
40	Riverside Golf Course	ROS	Grant Restrictions Protecting
41	Boyd Street Gardens Playground	R6	Franklin @ Cumberland Ave
42	Franklin Park Playground	BC	

Boyd Street Gardens is Listed as Property #41.

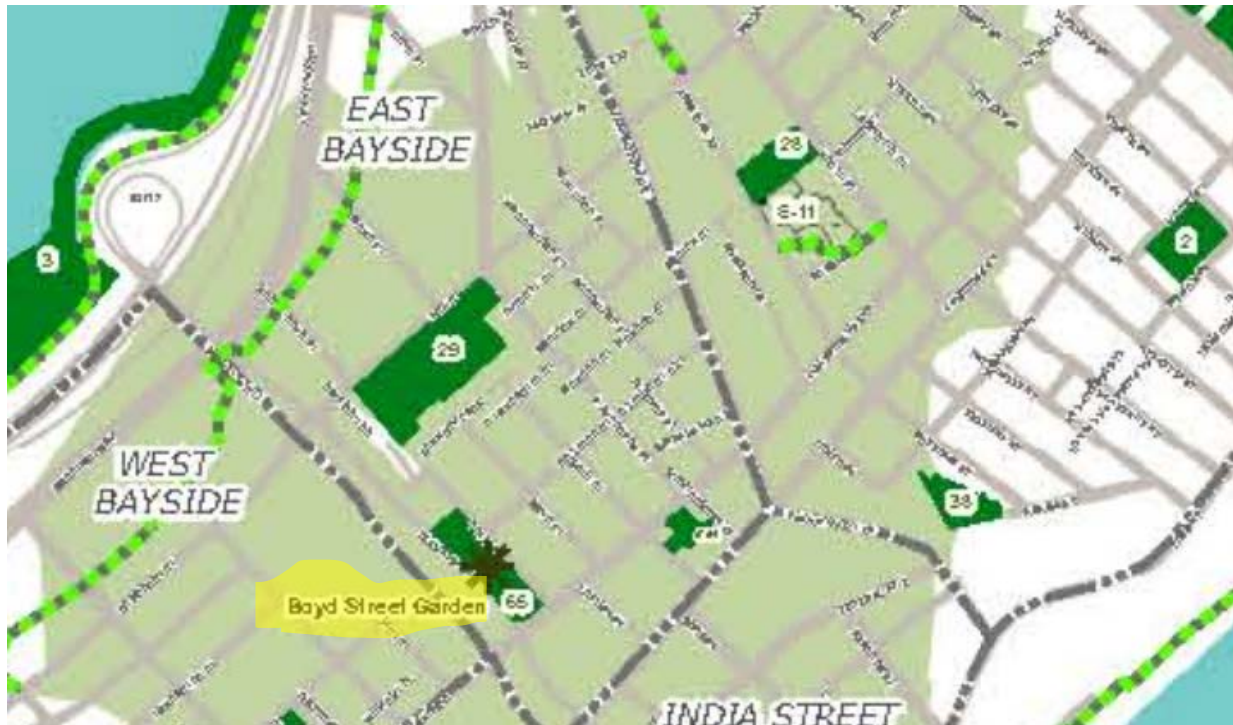
In the “Notes” section in the right column, it is specified that this property is located at “Franklin @ Cumberland Avenue,” which is a reference to the topmost part of the parcel.

This note indicates that the entire parcel was dedicated in Chapter 18—not just the lower segment, where the gardens and their associated uses were most prominent at the time of the parks referendum which gave us this list.

Attachment 8 - Exhibit G: Map of Community Gardens from Portland's Open Space Vision and Implementation Plan, 2016 (Appendix 6; page 35)



Attachment 9 - Exhibit H: Inset from Portland's *Open Space Vision and Implementation Plan*, 2016 (Appendix 6; page 35)



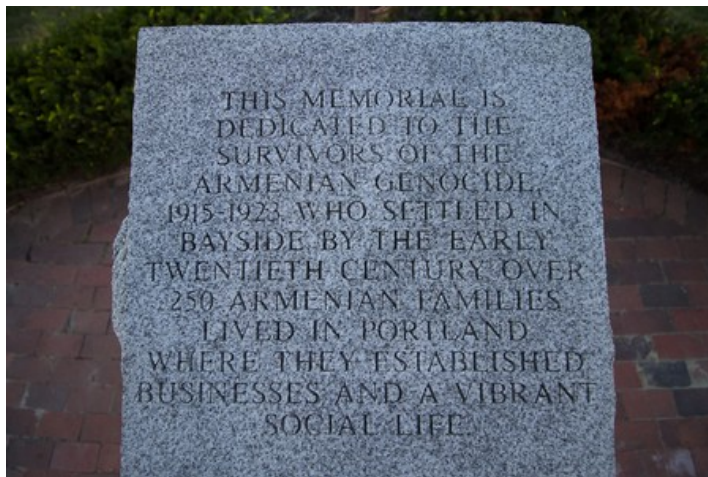
Portland's *Open Space Vision and Implementation Plan* was produced in 2016 through a collaboration between the City of Portland and the Trust for Public Land.

The map of community gardens, which are considered part of Portland's network of parks and open spaces, clearly shows Boyd Street Gardens taking up the entire parcel at Cumberland/Franklin (Parcel 022 F023).

Attachment 10 - Exhibit I: The Armenian Genocide Memorial



The Armenian Genocide Memorial, which was dedicated in 2003, as seen from Cumberland Avenue, near the corner of Cumberland and Boyd.



The inscription on the top of the monument reads:

“This memorial is dedicated to the survivors of the Armenian Genocide, 1915-1923, who settled in Bayside. By the early twentieth century, over 250 Armenian families lived in Portland where they established businesses and a vibrant social life.”



The monument faces the Bayside area where many Armenian families settled between 1900 and 1925, an area the Armenian Cultural Association of Maine refers to as, “the heart of Maine’s original Armenian settlement” on its website (www.armeniansofmaine.com).

Additionally, there are four other footings in the plaza ready to support future sculptures of this nature.



Above and Below:

People gathered at the memorial to commemorate the Centennial of the Armenian Genocide in June of 2015.



MEMORANDUM
City Council Agenda Item

FROM:

DATE: May 30, 2019

SUBJECT: Order 242-18/19 Appropriating \$1,000,000 from the Sale of 0 Hancock Street with \$200,000 to the Housing Trust Fund and \$800,000 to the Portland Land Project - Sponsored by the Finance Committee, Councilor Nicholas M. Mavodones, Jr. Chair.

SPONSOR:

(If sponsored by a Council committee, include the date the committee met and the results of the vote.)

COUNCIL MEETING DATE ACTION IS REQUESTED:

1st Reading

Final Action

Can action be taken at a later date: No (If no why not?)

PRESENTATION: (List the presenter(s), type and length of presentation)

I. SUMMARY

II. AGENDA DESCRIPTION

The final \$1,000,000 of sale proceeds from the 0 Hancock Street sales proceeds are allocated as follows: \$200,000 to the Housing Trust Fund and \$800,000 to the Portland Landing capital improvement plan project.

This item must be read on two separate days. It received its first reading on May 6, 2019. On May 20, 2019, this item was postponed to this meeting. Five affirmative votes are required for passage after public comment.

III. BACKGROUND

IV. INTENDED RESULT AND/OR COUNCIL GOAL ADDRESSED

V. FINANCIAL IMPACT

VI. STAFF ANALYSIS AND BACKGROUND

Staff Analysis and Background that will not appear in the Agenda Description.

VII. RECOMMENDATION

VIII. LIST ATTACHMENTS

1. Order 242-FY19 Appropriating 0 Hancock Street \$1 M postponed to 6.17.2019

Prepared by:

Date: 5/30/2019

Order 242-18/19

Motion to postpone to June 17, 2019: 9-0 on 5/20/2019

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

CITY OF PORTLAND
IN THE CITY COUNCIL

KIMBERLY COOK (5)
JILL C. DUSON (A/L)
PIOUS ALI (A/L)
NICHOLAS M. MAVODONES, JR (A/L)

**ORDER APPROPRIATING \$1,000,000 FROM
THE SALE OF 0 HANCOCK STREET WITH \$200,000 TO THE HOUSING TRUST
FUND AND \$800,000 TO THE PORTLAND LAND PROJECT**

ORDERED, that \$200,000 from the sale of city-owned 0 Hancock Street is hereby appropriated to the Housing Trust Fund; and

BE IT FURTHER ORDERED, that \$800,000 from the sale of city-owned 0 Hancock Street is hereby appropriated to the Portland Landing Capital Improvement Plan Project; and

BE IT FURTHER ORDERED, that the City Council hereby authorizes the City Manager or his or her designee to execute said document and any other related documents necessary or convenient to carry out the intent of said document.

MEMORANDUM
City Council Agenda Item

FROM:

DATE: May 22, 2019

SUBJECT: **Order 247-18/19 Approving a Homeless Services Center at Angelo's Acre, 431 Commercial Street - Sponsored by the Health & Human Services and Public Safety Committee, Councilor Belinda S. Ray, Chair.**

SPONSOR:

(If sponsored by a Council committee, include the date the committee met and the results of the vote.)

COUNCIL MEETING DATE ACTION IS REQUESTED:

1st Reading

Final Action

Can action be taken at a later date: Yes Yes.

PRESENTATION: Councilor Ray, Chair of the HHS & Public Safety Committee.

I. SUMMARY

Angelo's Acre is one of two potential homeless services center sites the HHS & Public Safety Committee voted to recommend to the full City Council.

II. AGENDA DESCRIPTION

The Health & Human Services and Public Safety Committee met on April 16th and voted 3 - 0 to forward this order and the following order to the City Council for consideration of two potential homeless services center sites. It intended that the City Council as a whole would consider both and determine which one is the best option for the City.

This order approves Angelo's Acre, 431 Commercial Street, as the location for the Homeless Services Center.

At the June 3, 2019 City Council meeting this item was postponed to this meeting. Public comment has been taken. Five affirmative votes are required for passage.

III. BACKGROUND

The HHS & Public Safety Committee has worked to analyze potential Homeless Service Center site locations in the City of Portland that meet a best practice model. Sites have been screened to meet specific zoning and lot size requirements. On April 16th, 2019, the Committee moved to recommend the Angelo's Acre and Riverside locations to the full Council.

IV. INTENDED RESULT AND/OR COUNCIL GOAL ADDRESSED

It is the goal of the City of Portland to undertake work on a new state-of-the-art, adult emergency shelter to replace the Oxford Street Shelter. The new shelter will be open 24-hours a day, 7-days a week with on-site meals and a wide range of services including: health and mental health care, substance use treatment, housing assistance, peer support, case management, employment assistance, and more.

V. FINANCIAL IMPACT

VI. STAFF ANALYSIS AND BACKGROUND

The City of Portland's shelter guests and valued staff deserve to live and work in a respectful and safe environment. We will no longer allow some

of our most vulnerable community members to live in inadequate conditions and in locations where they are easily abused, taken advantage of, and judged for their perceived shortcomings.

The current adult shelter on Oxford Street is leased, poorly configured, and requires residents to vacate the facility every morning with all of their belongings. The building has three floors which require almost double the number of staff who could oversee guests in a single-story building designed specifically as a shelter. It also has cramped sleeping space which necessitates floor mats rather than cots and utilizes a large area for sleeping in the eaves of the building.

VII. RECOMMENDATION

VIII. LIST ATTACHMENTS

1. Approving Homeless Shelter at Angelo's Acre near Waterfront 5.20.2019
2. Public Comment Angelo's Acre
3. Public Comment-Homeless Service Center
4. Riverside_Street_Site_Area_VRAP
5. Shelter List Memo
6. Shelter List
7. Shelter Location Provider Feedback for 3.19.19
8. Staying at Oxford Street in 2018
9. Transient Drownings Table
10. Transient Water Deaths
11. 636 Riverside Street Soils and Geotechnical Information
12. Best Practices for New Shelter
13. DEP Email Re VRAP Certification_1
14. Draft Shelter Floor Plan
15. Health and Human Services Homeless Services Center Jan 22 2019 Meeting Presentation
16. HHS Informational Memo 3.26.219
17. HSC_Presentation_March19_2019_V3_reduced_size.3.19.209pdf
18. Unified Micro-Timelines of shelter action at committee, council - updated May 2019
19. Ames Letter-Shelter
20. Shelter Comment

Prepared by:

Date: 5/22/2019

Order 247-18/19

Motion to postpone to 6/17/2019: 8-0 (Thibodeau absent) on 6/3/2019

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

CITY OF PORTLAND
IN THE CITY COUNCIL

KIMBERLY COOK (5)
JILL C. DUSON (A/L)
PIOUS ALI (A/L)
NICHOLAS M. MAVODONES, JR (A/L)

**ORDER APPROVING A HOMELESS SERVICES CENTER
AT ANGELO'S ACRE, 431 COMMERCIAL STREET**

ORDERED, that a homeless services center to be located on city-owned property at Angelo's Acre, 431 Commercial Street, for the Portland Department of Health and Human Services is hereby approved.

City of Portland, Maine

MAY 29 2019

City Manager's Office

460 Commercial Street

Portland, ME 04101

207-200-2400

www.maineports.com



To the Members of the Portland City Council:

My name is Jon Nass. I am the Chief Executive Officer of the Maine Port Authority, which includes the International Marine Terminal in Portland.

Thank you for the opportunity to submit written comments on the matter of the City of Portland considering locating a homeless shelter on West Commercial Street. I hope you will take the following into consideration when making your decision.

Most all of you have had a chance to tour the International Marine Terminal (IMT). You understand that Portland's western waterfront is the ideal location for a multimodal International freight transportation hub—and that all the development that has occurred on that site over the last six years has been in line with the City's strategic plan for the waterfront: i.e. passenger ships and related development on the eastern waterfront, commercial and industrial ships and related development on the western waterfront.

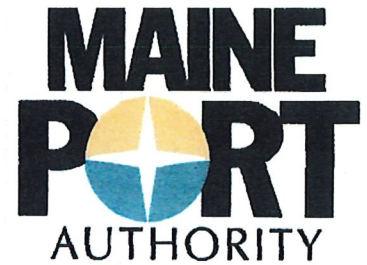
In keeping with that vision, roughly \$60 million dollars in federal and state funds have been invested in the IMT so that today, hundreds of thousands of tons of freight are moved each year by ship, truck, and train. Last year, some \$460 million worth of Maine-based freight moved through the IMT. In the near future we will be adding a cold storage facility, that will attract even more business and activity to the IMT.

Most recently, the Maine Port Authority has constructed an almost \$4-million-dollar headquarters that will house the expanding administrative operations of the IMT, a national headquarters for Eimskip, maintenance operations, and a conference space that will be available for use by the public.

As a port, our facility falls under the Maritime Transportation Security Act (MTSA), which requires security measures to reduce the risks and mitigate the results of an act that threatens the security of personnel, facilities, vessels, and the public. We are a secure facility, regulated by the U.S. Coast Guard as well as U.S. Customs and Border Patrol.

The west end of Commercial Street lives up to its name in every respect. Which brings me to the subject of a proposed homeless shelter.

While that area is suited and designed for the ships, trucks, trains, and traffic associated with international commerce, it is not well suited for the safe operation of a shelter that largely



accommodates pedestrians, often children, and sometimes people dealing with mental illness or substance use disorder.

Mahatma Ghandi said, "A nation's greatness is judged by how it treats its weakest members." The same is true of a city, and I believe the City should be commended for deciding to build a facility that not only adequately shelters our most vulnerable, but also seeks to address hunger, illness, abuse, and of course, safety.

The IMT is an industrial site with ceaseless activity involving heavy machinery and some fascinating attractions. We have ships, trucks, trains, cargo containers, fork lifts, and gigantic cranes. When we bring in school tours, children are in awe. They also are under constant supervision by trained staff.

For a child living in a homeless shelter, the IMT could be irresistibly attractive—a potential adventure sitting just across the busy street.

Occasionally, people do try to breach the facility and they have been injured in the process—suffering either cuts by barbed wire, falls from the fence, or injuries incurred by falling in the water. In each case, the person was impaired by either untreated mental illness or drugs.

In no way do I want to paint the picture that all people needing the services of a homeless shelter are either mentally ill or dealing with substance use disorder, but there's no denying that in the last four years, the state's opioid use epidemic has been cited as a cause of homelessness.

Obviously, siting a shelter such as the city is proposing is not easy. If it were, it likely would be built by now. The IMT doesn't wish to contribute to making this decision more difficult, but we strongly believe that the site under consideration on West Commercial Street would be an unsafe option for those it's meant to serve. If a shelter were to be located at that site, it is highly likely that the IMT would have to invest in additional security measures at substantial cost.

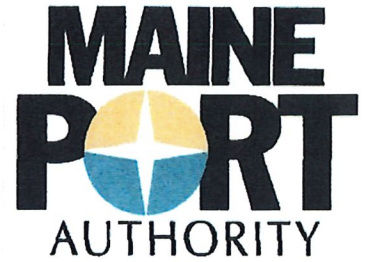
At a recent Eggs and Issues discussion, City Manager John Jennings declared Commercial Street as "one of the most unsafe streets in the city, because you have a lot of commercial vehicles in the middle of the street." While that comment was delivered in the context of the City working to make it more safe, the fact remains that as both the gateway to Portland from traffic coming

460 Commercial Street

Portland, ME 04101

207-200-2400

www.maineports.com



from I-295, and the conduit for international commerce at the IMT, Commercial Street is not a safe place for our most vulnerable.

Thank you for your consideration. If you have any questions about any of my comments, I hope you will contact me directly.

Respectfully submitted,

A handwritten signature in black ink that reads "Jon Nass". The signature is written in a cursive style and is enclosed within a long, thin, horizontal oval shape.

Jonathan Nass
CEO Maine Port Authority

cc: Jon Jennings
U.S. Coast Guard
U.S. Customs and Border Patrol

**PUBLIC COMMENT
ON HOMELESS SERVICES CENTER**



Tiffany Mullen <tgmm@portlandmaine.gov>

Fwd: New Homeless Services Center

1 message

Jon Jennings <jpj@portlandmaine.gov>

Tue, May 14, 2019 at 8:58 AM

To: Brendan O'Connell <boconnell@portlandmaine.gov>, Tiffany Mullen <tgmm@portlandmaine.gov>, Kristen Dow <kjd@portlandmaine.gov>

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

From: <s.morrison@myfairpoint.net>

Date: Tue, May 14, 2019 at 8:11 AM

Subject: New Homeless Services Center

To: <cityclerk@portlandmaine.gov>

Cc: <jpj@portlandmaine.gov>, <gmitchell@portlandmaine.gov>, <bnaportland@gmail.com>

Good morning, Would you please put the below message in each city councilor's packet and/or on their desks for the May 20 meeting? If questions I can be reached via return email or at 207-592-1544. Thank you, K. Scott Morrison

Good day City Council Members,

We are writing to encourage you to vote in the May 20 Council meeting to select a site for the new homeless services center.

While there are multiple reasons for our request we will focus on two in this communication:

a) Homeless clientele: Through many years of dialogue, both public and private, it is clear that the needs of homeless people are not well served by the existing Oxford Street shelter model. It's time to select a site for the new center so that next steps can proceed to provide a facility and model to better serve these people.

b) City policy: For many years city policy has driven significant investments of time, talent and treasury to serve the needs of homeless people. This policy costs all taxpayers and residents but is particularly burdensome to one neighborhood--Bayside. Bayside presently hosts shelters and services for somewhere between 500 and 700 people every day. It's time for another neighborhood to share in city policy by hosting the new center.

We appreciate the challenge facing you regarding the new homeless shelter selection process but do ask for your vote to select a site so the new center plan can move forward to better serve the homeless and share the neighborhood burden of city policy.

We would appreciate hearing back from you.

Best regards,

K. Scott Morrison
Mary Beth Morrison

5/14/2019

City of Portland Mail - Fwd: New Homeless Services Center

9 Parris St. #1
Portland, ME 04101

--

Jon P. Jennings
City Manager
City of Portland
389 Congress Street
Portland, ME 04101
(207) 874-8689 Office
(207) 874-8669 Fax
jpj@portlandmaine.gov
www.portlandmaine.gov
Twitter: @portlandmanager



Tiffany Mullen <tgmm@portlandmaine.gov>

Fwd: New Homeless Services Center

1 message

Jon Jennings <jpj@portlandmaine.gov>

Tue, May 14, 2019 at 8:58 AM

To: Brendan O'Connell <boconnell@portlandmaine.gov>, Tiffany Mullen <tgmm@portlandmaine.gov>, Kristen Dow <kjd@portlandmaine.gov>

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

From: <s.morrison@myfairpoint.net>

Date: Tue, May 14, 2019 at 8:11 AM

Subject: New Homeless Services Center

To: <cityclerk@portlandmaine.gov>

Cc: <jpj@portlandmaine.gov>, <gmitchell@portlandmaine.gov>, <bnaportland@gmail.com>

Good morning, Would you please put the below message in each city councilor's packet and/or on their desks for the May 20 meeting? If questions I can be reached via return email or at 207-592-1544. Thank you, K. Scott Morrison

Good day City Council Members,

We are writing to encourage you to vote in the May 20 Council meeting to select a site for the new homeless services center.

While there are multiple reasons for our request we will focus on two in this communication:

a) Homeless clientele: Through many years of dialogue, both public and private, it is clear that the needs of homeless people are not well served by the existing Oxford Street shelter model. It's time to select a site for the new center so that next steps can proceed to provide a facility and model to better serve these people.

b) City policy: For many years city policy has driven significant investments of time, talent and treasury to serve the needs of homeless people. This policy costs all taxpayers and residents but is particularly burdensome to one neighborhood--Bayside. Bayside presently hosts shelters and services for somewhere between 500 and 700 people every day. It's time for another neighborhood to share in city policy by hosting the new center.

We appreciate the challenge facing you regarding the new homeless shelter selection process but do ask for your vote to select a site so the new center plan can move forward to better serve the homeless and share the neighborhood burden of city policy.

We would appreciate hearing back from you.

Best regards,

K. Scott Morrison
Mary Beth Morrison

5/14/2019

City of Portland Mail - Fwd: New Homeless Services Center

9 Parris St. #1
Portland, ME 04101

--

Jon P. Jennings
City Manager
[City of Portland](#)
[389 Congress Street](#)
Portland, ME 04101
(207) 874-8689 Office
(207) 874-8669 Fax
jpj@portlandmaine.gov
www.portlandmaine.gov
Twitter: @portlandmanager



Tiffany Mullen <tgml@portlandmaine.gov>

Fwd: thank you

1 message

Jon Jennings <jpj@portlandmaine.gov>

Wed, Apr 17, 2019 at 3:42 PM

To: Brendan O'Connell <boconnell@portlandmaine.gov>, Tiffany Mullen <tgml@portlandmaine.gov>

For the record.

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

From: **Gretchen Greenberg** <gretch1949@gmail.com>

Date: Tue, Apr 16, 2019 at 4:25 PM

Subject: thank you

To: <jpj@portlandmaine.gov>

Dear Mr Jennings

Thank you for considering taxpayers in your city budget proposal. I am grateful that you have often made proposals that will increase revenue or taken cost savings steps for the city. Once the debt services for the school renovations begin to show up in our taxes, I am really concerned and plead to not have any more bonds.

I am in support of capping the number of shelter beds. I don't know how this practice can be done humanely but it seems that Portland could start by informing surrounding towns that they care for their own citizens or homeless people or those who come to their town. I know at least one town (Scarborough) has dropped people off at the Preble Resource Center. These towns need to develop their own shelters.

I would like to see a base fund for immigrants maintained and a goal of a higher amount that is funded by contributions. In that way, money could be derived from outside Portland and the city does not bear all the responsibility. Maybe this is simplistic and is beyond the realm of the city but I think there are many people in the state that see immigrants as a valuable resource.

Again, thanks for leadership on budgetary matters for Portland.

Gretchen Greenberg
165 Delaware Court

--

Jon P. Jennings
City Manager
City of Portland
389 Congress Street
Portland, ME 04101
(207) 874-8689 Office
(207) 874-8669 Fax
jpj@portlandmaine.gov
www.portlandmaine.gov
Twitter: @portlandmanager



Tiffany Mullen <tgm@portlandmaine.gov>

Fwd: The Voice of Reason Re Shelter Funding

1 message

Jon Jennings <jpj@portlandmaine.gov>

Wed, Apr 17, 2019 at 4:06 PM

To: Tiffany Mullen <tgm@portlandmaine.gov>, Brendan O'Connell <boconnell@portlandmaine.gov>

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

From: **Bethany** <buitenhuys@maine.rr.com>

Date: Wed, Apr 10, 2019 at 7:43 AM

Subject: The Voice of Reason Re Shelter Funding

To: <jpj@portlandmaine.gov>

Dear Mr. Jennings,

Thank you for starting the conversation regarding the exorbitant and ever increasing costs of funding our City's shelters. The same shelters that provide the majority of services to people from OTHER cities, towns and even states. And why? Because our Mayor and City Counsel feel they can, and should, freely spend hard-earned tax dollars to provide food, shelter, medical services, etc. to every less-fortunate individual who happens to swing by because word is out...

Ask any politician in New Hampshire how they combat homelessness. They'll tell you it's with a one-way bus ticket to Portland. We've created a field of dreams - build it and they will come. I'm sure the goal isn't necessarily to attract more homeless to Portland, but that's the direct effect of what happens when we throw unlimited services and money their way. I know I sound like a cold-hearted person, but enough is enough. (By the way, I'm actually a mom of five so I can't be that bad!)

My husband and I have been Portland residents since 2001. We've raised our kids here, attending Lyseth and Lyman Moore, and then going on to the high schools of their choice - Portland, Deering and Cheverus. From there they went to colleges in Halifax, Boston and Miami and have become self-sufficient, hard working adults (not to mention tax paying). My husband and I are now 3-5 years out from retirement and looking forward to starting the next chapter in our lives. Unfortunately we won't be spending our golden years in Portland. While we've loved our time here, it's not the same City it was just a few years ago. The politics and intolerance to fiscal conservatism is too much to take - let alone afford.

So thank you for standing up and voicing concern about the rising burden on Portland tax payers. It's nice to know someone in City Hall is looking out for those of us who actually work full-time, pay taxes and save for our own retirements instead of counting on hand-outs from others. Your efforts are appreciated.

A few thoughts in closing that perhaps the counsel might consider:

- 1) Who will foot the bill once all the income-earning folks in Portland move because we can no longer afford (or desire) to support all the out-of-towners for a free ride? By the way, what ever happened to that pilot program the mayor sponsored a few summers ago - the one where they sent vans out to the best pan-handling sites in Portland an effort to recruit cash workers for the day? Let me guess - they didn't actually want to work???
- 2) Does the mayor really think turning people away from shelters will lead to more people sleeping in the streets as he was quoted in the PPH? My guess is a combination of reduced services and a good hearty October frost will quickly send those folks off to panhandle and utilize free services offered in warmer climates. That might even free up space at Preble Street for the real Portland homeless population...
- 3) Do we really spend Portland tax dollars on asylum seekers who are not actually legal asylum seekers???

Sincerely,

Bethany Buitenhuys
10 Melody Lane
Portland, ME 04103

--

Fwd: Riverside Street as Shelter Location Transportation Concerns

1 message

Katherine Jones <klj@portlandmaine.gov>
To: Sonia Bean <stb@portlandmaine.gov>

Wed, May 15, 2019 at 10:18 AM

Shelter
Katherine Jones, City Clerk, CCM, CMC, Registrar
[City of Portland](#)
[389 Congress Street](#)
Portland, ME 04101
(207) 874-8614
(207) 874-8612 Fax

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

From: **City Clerk** <cityclerk@portlandmaine.gov>
Date: Tue, May 14, 2019 at 1:43 PM
Subject: Fwd: Riverside Street as Shelter Location Transportation Concerns
To: Katherine Jones <klj@portlandmaine.gov>

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

From: **Smith, Cecilia B.** <CeciliaB.Smith@tufts.edu>
Date: Mon, May 13, 2019 at 4:49 PM
Subject: Riverside Street as Shelter Location Transportation Concerns
To: Ethan Strimling <estrimling@portlandmaine.gov>, bsr@portlandmaine.gov <bsr@portlandmaine.gov>, pali@portlandmaine.gov <pali@portlandmaine.gov>, bbatson@portlandmaine.gov <bbatson@portlandmaine.gov>, sthibodeau@portlandmaine.gov <sthibodeau@portlandmaine.gov>, kcook@portlandmaine.gov <kcook@portlandmaine.gov>, jduson@portlandmaine.gov <jduson@portlandmaine.gov>, jcosta@portlandmaine.gov <jcosta@portlandmaine.gov>, cityclerk@portlandmaine.gov <cityclerk@portlandmaine.gov>
Cc: nasonscorneighborhood@gmail.com <nasonscorneighborhood@gmail.com>, billhj5659@yahoo.com <billhj5659@yahoo.com>

Dear Councilors,

I am deeply concerned over the possibility of building a homeless services center and emergency shelter at Riverside Street and am submitting my comments below.

A basic rule in public transportation planning is frequency of bus service. Unfortunately, Portland does not have a robust public transportation system, and the only viable locations for those without vehicles is where land is most expensive, that is, Portland's downtown. Outer Forest Avenue is not served by adequate public transportation and is not walkable. The bus route serving the Riverton area has very low frequency and is unreliable (does not run all hours).

To make this point, I urge you to consider some objective criteria: According to Walkscore.com, Riverside Street is in a car dependent neighborhood, where most errands require a car. Riverside Street site's walkscore is 42 out of 100. The other site, Angelo's Acre (450 Commercial Street), is very walkable according to Walkscore.com (most errands can be accomplished on foot), with a walkscore of 80 out of 100.

We can also use data from the U.S. Census (see attached image). According to the Census, the only areas in Portland that are suitable for walking to work or appointments are inside the Peninsula. Moving people outside that area will be costly to Portland's taxpayers and a burden to those who need to access the shelter services.

How costly, we may ask, will it be to subsidize bus tickets to 150 shelter clients daily? At a low fare price of \$1.50 per ride, and assuming only one two-way trip per day, Portland taxpayers will spend \$450 per day. That is, at a very conservative estimate, \$13,500 a month, or \$162,000 a year.

In twelve years, subsidizing the bus rides of shelter clients will, at a minimum, have cost the city almost two-million dollars (\$1,944,000). The actual costs will likely be much higher.

This does not include: running an additional shuttle buses; police/emergency/ after-hours transportation services; any more than one trip per client per day; or the costs of building and maintaining the sidewalks from the shelter to the bus stop free of snow; any increase in fares above \$1.50 per ride.

This also does not address the lack of frequency in bus services to the Riverside area. I understand that members of the HHS Committee and task force have visited shelters in the Boston area to learn more about how other areas operate low-barrier shelters. I want to point out that Father Bills at Quincy is 0.9 miles from Quincy's City Hall, and the subway. It is serviced by two city bus lines, running every 15 minutes. CASPAR, in Cambridge, is right by the subway station, in a heavily urbanized area, right next to MIT. All other emergency shelters in the Boston area are close to subway stations/high bus service areas/ in high-density urban locations.

As a parent, I must also add that I would be very concerned about my child riding the bus that is the only transportation system for shelter clients. The City's previous police Chief stated that "10% of shelter clients are predators." Therefore, the probability of my child being accosted by a predator while riding the bus to school will be 10%. I do not live in Riverton, but if I did, the increased risk would compel me to drive my child to school. I am sure many parents in the Riverton area feel the same.

The Riverside Street site is wholly inappropriate. From a financial standpoint it will cost more in transportation over the long-term (two million dollars in just 12 years). In addition, the Riverside Street site is cruel. It is right next to the City's dump. Making people wait 45 minutes to ride a bus for another half an hour to get to City Hall, or almost an hour to get to an appointment at DHHS, or to Maine Medical Center does not reflect the compassionate City I believe Portland to be.

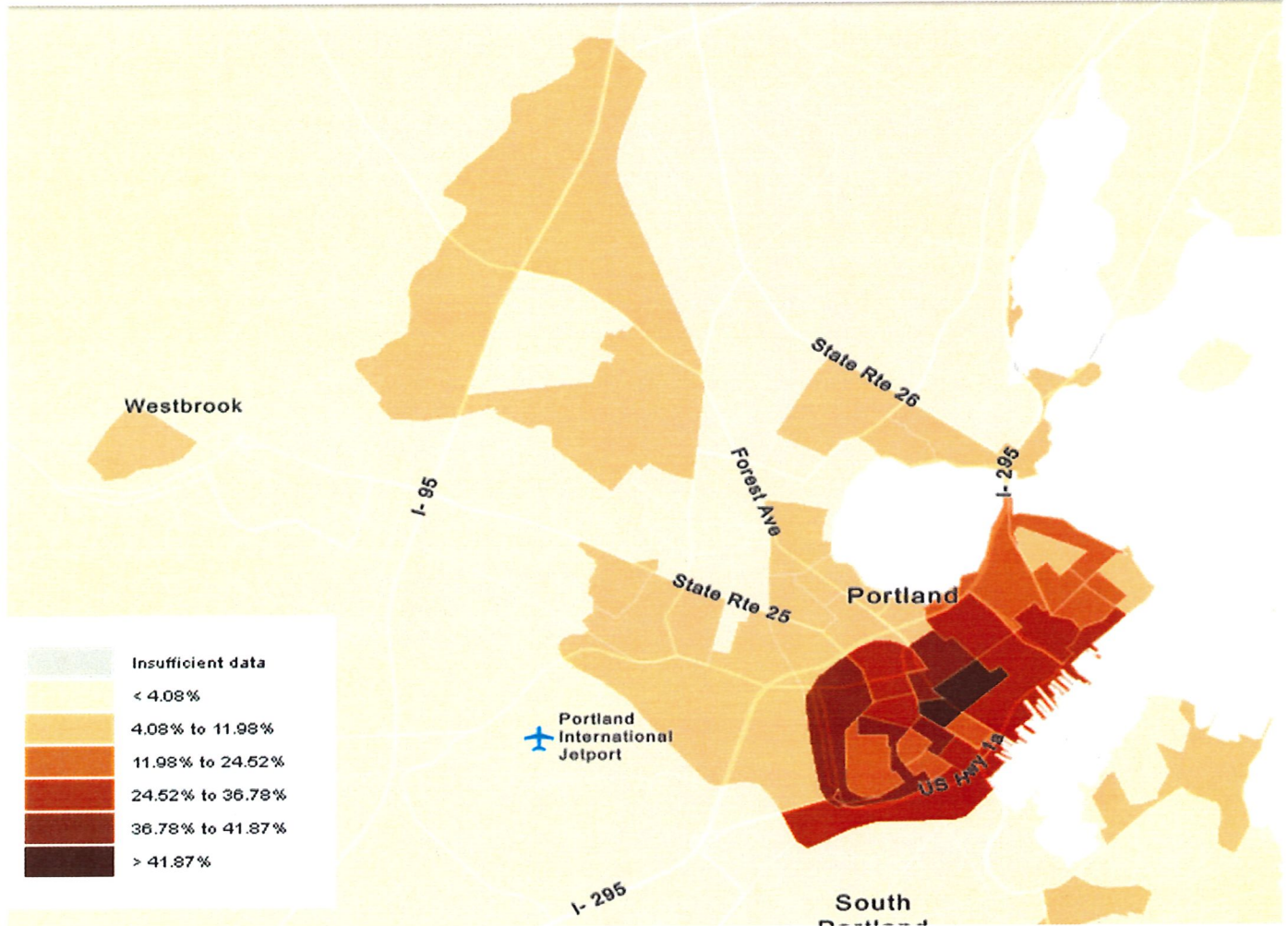
While the closure of the Oxford Street Shelter will bring windfall profits to real estate investors at Bayside, it will do nothing for the City's tax-payers and it will be devastating to our most vulnerable residents, who will miss appointments, or, even worse, die in route to the nearest hospital emergency room, which is several miles away.

We all agree that Portland needs an adequate emergency shelter, but the building of a new shelter does not preclude siting the new facility where those who are experiencing homelessness can conveniently access it, where the police can adequately monitor the area, where access to other community amenities and services exist. Riverside Street is not near any facility that can benefit those who need shelter. No libraries, no churches, no coffee-shops, no adult education, no city parks, except for forested land, which brings a whole slew of dangerous scenarios into the equation.

Therefore, I urge you to take a stand against building any service facility for people without cars in places that are car-dependent. I ask you, as my representative, to listen to your constituents, and to listen to those who have experienced homelessness.

Respectfully,
Cecilia Smith
113 Warwick St.
[Portland, Maine 04102](#)

Workers 16 Years and Over: Walked, ACS 2016 (5-Year Estimates)



Fwd: New Homeless Services Center

1 message

Katherine Jones <klj@portlandmaine.gov>
To: Sonia Bean <stb@portlandmaine.gov>

Wed, May 15, 2019 at 10:26 AM

yet another
Katherine Jones, City Clerk, CCM, CMC, Registrar
[City of Portland](#)
[389 Congress Street](#)
Portland, ME 04101
(207) 874-8614
(207) 874-8612 Fax

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

From: **City Clerk** <cityclerk@portlandmaine.gov>
Date: Tue, May 14, 2019 at 10:13 AM
Subject: Fwd: New Homeless Services Center
To: Katherine Jones <klj@portlandmaine.gov>

Forwarded for your review

Donna
City Clerk's Office
[389 Congress St. Rm. 203](#)
[Portland, ME 04101](#)
P: 207-874-8610
F: 207-874-8612

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

From: <s.morrison@myfairpoint.net>
Date: Tue, May 14, 2019 at 8:11 AM
Subject: New Homeless Services Center
To: <cityclerk@portlandmaine.gov>
Cc: <jpj@portlandmaine.gov>, <gmitche@portlandmaine.gov>, <bnaportland@gmail.com>

Good morning, Would you please put the below message in each city councilor's packet and/or on their desks for the May 20 meeting? If questions I can be reached via return email or at 207-592-1544. Thank you, K. Scott Morrison

Good day City Council Members,

We are writing to encourage you to vote in the May 20 Council meeting to select a site for the new homeless services center.

While there are multiple reasons for our request we will focus on two in this communication:

- a) Homeless clientele: Through many years of dialogue, both public and private, it is

clear that the needs of homeless people are not well served by the existing Oxford Street shelter model. It's time to select a site for the new center so that next steps can proceed to provide a facility and model to better serve these people.

b) City policy: For many years city policy has driven significant investments of time, talent and treasury to serve the needs of homeless people. This policy costs all taxpayers and residents but is particularly burdensome to one neighborhood--Bayside. Bayside presently hosts shelters and services for somewhere between 500 and 700 people every day. It's time for another neighborhood to share in city policy by hosting the new center.

We appreciate the challenge facing you regarding the new homeless shelter selection process but do ask for your vote to select a site so the new center plan can move forward to better serve the homeless and share the neighborhood burden of city policy.

We would appreciate hearing back from you.

Best regards,

K. Scott Morrison
Mary Beth Morrison
[9 Parris St. #1](#)
[Portland, ME 04101](#)



STATE OF MAINE
DEPARTMENT OF ENVIRONMENTAL PROTECTION
STATE HOUSE STATION 17 AUGUSTA, MAINE 04333

DEPARTMENT ORDER

IN THE MATTER OF

CITY OF PORTLAND	)	COMMISSIONER'S CERTIFICATION
ATTN: GREG MITCHELL	)	OF COMPLETION OF REMEDIAL
DIRECTOR OF ECONOMIC DEVELOPMENT	)	ACTIONS UNDER A VOLUNTARY
389 CONGRESS STREET	)	RESPONSE ACTION PLAN
PORTLAND, ME 04101	)	

JURISDICTION

This certification of completion of a Voluntary Response Action Plan ("VRAP") is made pursuant to the authority vested in the Commissioner of the Maine Department of Environmental Protection ("Department") or the Commissioner's delegee under 38 M.R.S.A. Section 343-E.

FINDINGS OF FACT

1. The covered property (property and/or site) is the former Lucas Tree site located at 636 Riverside Street in Portland, and is identified on the City of Portland Tax Map 322 as Lot A-001 and Tax Map 323 as Lot A-003. The site is 40.85 acres in size. A map of the property is included as Attachment A.
2. The property use in the area is mixed residential and commercial.
3. A Phase I Environmental Site Assessment (ESA), a Phase II ESA, and a Supplemental Phase II ESA were prepared by Tewhey Associates ("Tewhey") in September and December of 2005 and January 2008, respectively, with funding from the City of Portland's Municipal Brownfields Program. These reports identified two areas requiring remedial actions: the spent sand blast grit area and the former greenhouse area.
4. In July 2010, Ransom Environmental Consultants, Inc. ("Ransom") directed remedial activities on the property. Under Ransom's direction, soils were removed from both areas of contamination and loaded on trucks for appropriate disposal. The spent sand blast grit area was cleaned to a visual standard, as earlier sampling had demonstrated that contamination was directly related to the easily identified black sand blast grit. The former greenhouse area was excavated to a standard 2 feet below grade level, based on earlier sampling results for the contaminant of concern, arsenic. Post excavation sampling demonstrated that soils had been cleaned up to typical background in 5 of the 6 samples, with one sample area having a higher level. Given that the bulk of the contaminated soil volume was removed from this area, the actual risk from this small hotspot area is low, and additional remedial action will not be necessary. A total of 296.74 tons of arsenic contaminated soils and spent sand blast grit were excavated from the property and sent to Commercial Paving and Recycling in Scarborough, Maine for recycling. The remedial actions are documented in a letter report dated August 23, 2010 and submitted by Ransom entitled "Lucas Tree Site, 636 Riverside Street, Excavation and Remediation Activities".

FILE COPY

CITY OF PORTLAND
ATTN: GREG MITCHELL
DIRECTOR OF ECONOMIC DEVELOPMENT
389 CONGRESS STREET
PORTLAND, ME 04101

2 COMMISSIONER'S CERTIFICATION
) OF COMPLETION OF REMEDIAL
) ACTIONS UNDER A VOLUNTARY
) RESPONSE ACTION PLAN
)

CONCLUSIONS

1. The City of Portland, as an applicant, has submitted a Voluntary Response Action Plan application to the Commissioner pursuant to 38 M.R.S.A. § 343-E for the property located at 636 Riverside Street in Portland, Maine which is identified on the City of Portland Tax Map 322 as Lot A-001 and Tax Map 323 as Lot A-003 .
2. Site assessments conducted at the site included investigations and reports that adequately identified the nature and extent of contamination associated with identified sources at the property.
3. Actions addressing identified contamination on the property have been completed. These actions included the removal of arsenic contaminated sand blast grit and soils associated with a former greenhouse.
4. Provided the City of Portland, as applicant, and their successors and/or assigns comply with the conditions of this certification, the response actions that have been completed and the activities associated with the continued use of the site will not cause, contribute, or exacerbate releases, or threatened releases, if they exist at the site, that are not required to be removed under the VRAP.

THEREFORE, pursuant to 38 M.R.S.A. § 343-E(5), Mark Hyland, Director, Bureau of Remediation & Waste Management of the Maine Department of Environmental Protection certifies, subject to the conditions set forth below, that remedial actions have been completed at the property located at 636 Riverside Street in Portland, Maine, identified on the City of Portland Tax Map 322 as Lot A-001 and Tax Map 323 as Lot A-003, and further described in Book 27870, Page 299, at the Cumberland County Registry of Deeds. Upon issuance of this CERTIFICATE, the City of Portland, as applicant, and the persons qualified for protection under 38 M.R.S.A. § 343-E(6) are entitled to the protection from liability to the extent provided by 38 M.R.S.A. §343-E(1) and (5). This protection from liability is limited to the matters addressed by and identified by the environmental reports and is subject to the qualifications and conditions set forth below and in 38 M.R.S.A. § 343-E.

CONDITIONS

1. The future installation of potable wells on the property is prohibited without prior written permission from the Department.
2. Use of the property shall be limited to industrial, commercial, municipal and other non-residential uses and not be residential without prior written permission of the Department.
3. A copy of this certificate for the property located at 636 Riverside Street in Portland shall be recorded at the Cumberland County Registry of Deeds. A copy of the recorded document must be supplied to the Department.

CITY OF PORTLAND
ATTN: GREG MITCHELL
DIRECTOR OF ECONOMIC DEVELOPMENT
389 CONGRESS STREET
PORTLAND, ME 04101

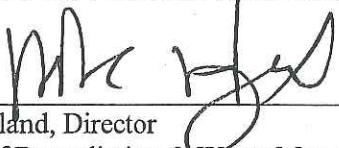
3 COMMISSIONER'S CERTIFICATION
) OF COMPLETION OF REMEDIAL
) ACTIONS UNDER A VOLUNTARY
) RESPONSE ACTION PLAN
)

4. A Declaration of Environmental Covenants, as defined in 38 M.R.S.A. § 3001 et seq., that is consistent with this Certificate and acceptable to the Department must be prepared and recorded at the Cumberland County Registry of Deeds. A copy of the recorded document must be supplied to the Department.

DONE AND DATED AT AUGUSTA, MAINE, THIS 30TH DAY OF AUGUST 2010.

DEPARTMENT OF ENVIRONMENTAL PROTECTION

By:


Mark Hyland, Director
Bureau of Remediation & Waste Management

STATE OF MAINE
KENNEBEC, ss.,

August 30th, 2010

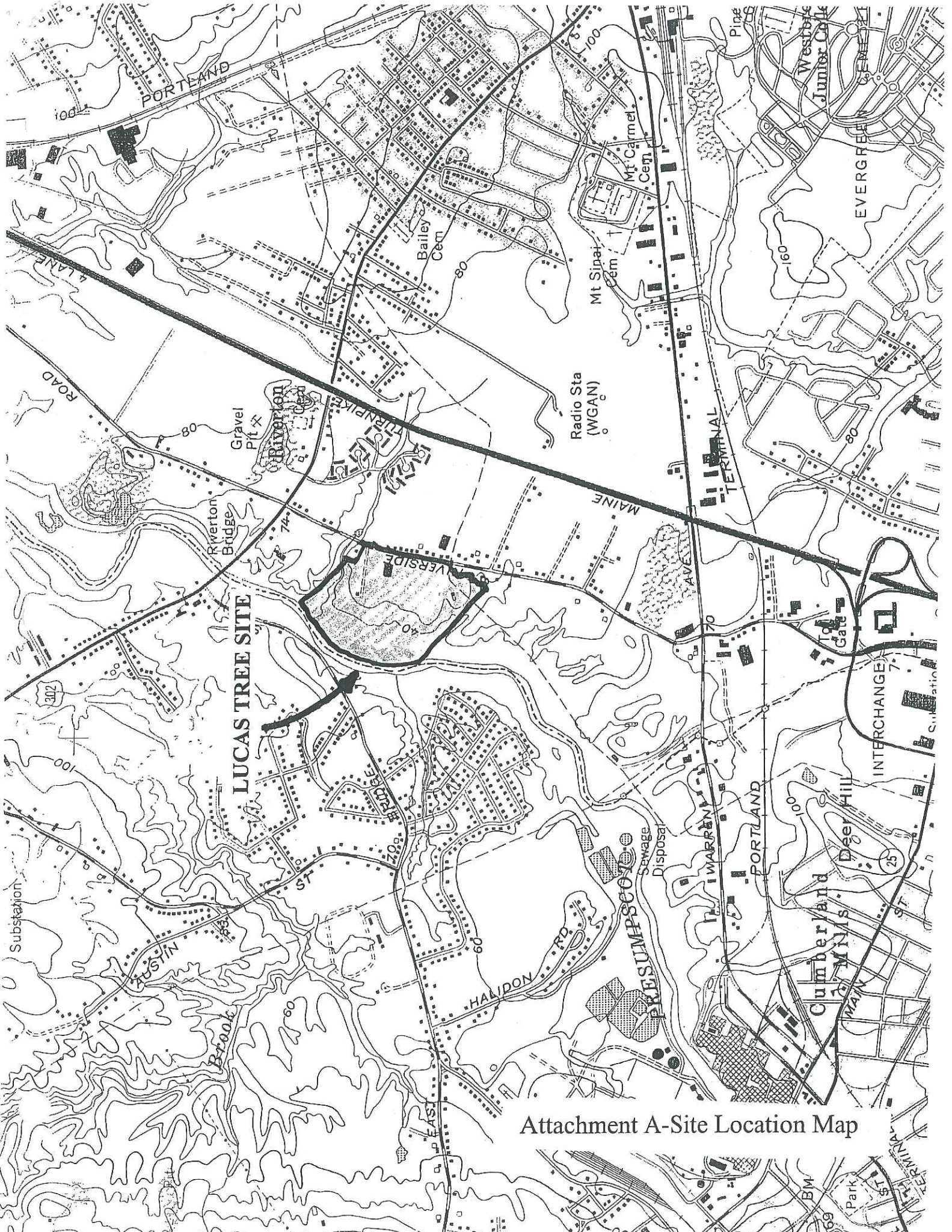
Then personally appeared the above-named Mark Hyland, Director, Bureau of Remediation & Waste Management of the Maine Department of Environmental Protection and duly authorized delegatee for the Commissioner, and acknowledged the foregoing instrument to be his free act and deed, and the free act and deed of the Department of Environmental Protection.

Before me,


Notary Public

Laura L. Gay
(Print Name)

This order was prepared by Nicholas J. Hodgkins, Bureau of Remediation & Waste Management.



Attachment A-Site Location Map



To: Jon Jennings, City Manager
From: Rob Parritt, Consultant
Ref: Maine Shelter Inventory Chart Details
11/21/2018

Maine Shelter Inventory Chart Details

City staff were tasked by the Council to create an inventory list of emergency shelters in the state of Maine and provide information regarding location, funding, size, restrictions, and clients served. The attached backup documentation will illustrate that there are 45 emergency homeless shelters in the state of Maine. They are found from Presque Isle in the North to Alfred in the South. This memo will provide greater detail into the meaning of each category found on the chart.

Location – This category specifically states which town or City each emergency shelter is located in. For some domestic violence shelters, the exact location is kept confidential for safety purposes so the county the program is found in is listed instead. Most shelters are found in the more urban areas of Maine (Portland, Bangor, Augusta, Lewiston) however, there are providers in rural settings serving much less densely populated areas of Maine.

Funding Sources – Emergency Shelters in Maine are split into two categories when it comes to funding. Those who receive federal dollars (dispersed by MaineHousing) and those who do not. On the attached detail worksheet you will see that the shaded shelters appearing on the bottom of the chart do not receive any federal dollars so they rely on private funding sources. These shelters tend to be more faith based and require specific religious activities to be served. These types of requirements are prohibited if you are a shelter receiving MaineHousing Emergency Shelter Homeless Assistance Program (ESHAP) dollars as the funding source for this program is largely federal Emergency Solutions Grant (ESG) dollars from HUD. For shelters who receive ESHAP dollars, there is an application process each year and strict monitoring to ensure grant compliance. The ESHAP funding formula is based on meeting performance benchmarks and a bed night percentage reimbursement formula. ESHAP funded shelters also generally use other sources to make ends meet. General Assistance, Targeted Case Management, private fundraising and program specific grants are also commonly utilized to fund different shelter programs. Some specialty shelters have access to program specific funding opportunities and grants based on program type and licensing. While this list is fairly comprehensive, there are many small funding streams and donation programs that aren't listed or known to us.

Restrictions – The vast majority of shelters in Maine have some kind of restriction or criteria that screens out certain populations. All but a handful of shelters in Maine will not admit people if they are under the influence. Family shelter programs will not accept single adults. Teen programs can only serve specific age groups. Obviously to access a domestic violence shelter, you must be fleeing domestic violence or meet other eligibility criteria. Shelters who only serve men or women will not admit the opposite sex.

Population Served – In Maine, shelters serve a variety of different populations. General population shelters serve both singles and families. Domestic Violence Shelters serve people fleeing from domestic violence situations. Family shelters serve only households made up of at least one adult and children. Single adult shelters serve men and women who are 18 years old or older. Youth providers generally serve homeless and runaway youth aged 13-21. There are a few shelters around the state who even more specific target populations. For example, one shelter will only serve pregnant women.

Size/Capacity – These numbers were pulled directly from the latest Housing Inventory Chart which is a HUD document that each program must submit each year as part of the Point in Time Count. There is a range of shelter sizes in Maine ranging from the largest here in Portland to shelters with barely ten beds.

Shelter Name	Location	Funding Source/s	Restrictions	Population Served	Size	
Bangor Area Homeless Shelter, Emergency Shelter	Bangor	ESHAP, Private Funding, Grants, TCM	Sober Only	General	43	ESHAP - Emergency Shelter Homeless Assistance Program TCM - MaineCare Targeted Case Management GA - General Assistance C0-Op - Communal farming/goods agreement OSA - Office of Substance Abuse CDBG - Community Development Block Grant RHY - Runaway and Homeless Youth Act FQHC - Federally Qulaified Health Center Private Funding - Fundraising/donations Grants - Various grants which may be specific to programs or client type
Bread of Life Ministries, Emergency Shelter	Augusta	ESHAP, Private Funding, Grants, TCM	Sober Only	General	38	
Caring Unlimited DV Shelter - Audrey's House	York County	ESHAP, Private Funding, Grants, TCM	Sober Only, Fleeing DV	DV	18	
City of Portland, Family Shelter (4 Buildings)	Portland	ESHAP, GA, Grants, TCM	Sober Only	Families	151	
City of Portand, Oxford Street Shelter	Portland	ESHAP, GA, Grants, TCM, CDBG	None	Single Adults	229	
Families And Children Together	Bangor	ESHAP, Private Funding, Grants	Sober Only	Families	8?	
Through These Doors	Portland	ESHAP, Private Funding, Grants, GA, TCM	Sober Only, Fleeing DV	DV	16	
Family Violence Project, Kennebec DV Shelter	Kennebec & Somerset Counties	ESHAP, Private Funding, Grants, TCM	Sober Only, Fleeing DV	DV	16	
Family Violence Project, Somerset DV Shelter	Kennebec & Somerset Counties	ESHAP, Private Funding, Grants	Sober Only, Fleeing DV	DV	14	
HOME, Inc., Emmaus Homeless Shelter	Ellsworth	ESHAP, Private Funding, Co-Op, Grants	Sober Only	General	25	
HOME, Inc., Sister Marie Ahern House	Ellsworth	ESHAP, Private Funding, Co-Op, Grants	Sober Only	General	12	
HOME, Inc., St Francis Inn	East Orland	ESHAP, Private Funding, Co-Op, Grants	Sober Only	General	11	
HOME, Inc., Dorr House Shelter	Orland	ESHAP, Private Funding, Co-Op, Grants	Sober Ony	General	7	
Homeless Services of Aroostook, Sister Mary O'Donnell Shelter	Presque Isle	ESHAP, TCM, Private Funding, Grants	Sober Only	General	49	
Hope and Justice Project, Houlton DV Shelter	Houlton	ESHAP, Private Funding, Grants	Sober Only, Fleeing DV	DV	14	
Hope and Justice Project, Caribou DV Shelter	Caribou	ESHAP, Private Funding, Grants, TCM	Sober Only, Fleeing DV	DV	12	
Hope and Justice Project, Fort Kent DV Shelter (St John Valley)	Fort Kent	ESHAP, Private Funding, Grants	Sober Only, Fleeing DV	DV	8	
Knox County Homeless Coalition, Hospitality House	Rockport	ESHAP, Private Funding, Grants, TCM	Sober Only	General	26	
Mid-Maine Homeless Shelter	Augusta	ESHAP, Private Funding, Grants, TCM, GA	Sober Only	General	65	
Milestone Recovery, Emergency Shelter	Portland	ESHAP, Private Funding, MaineCare, OSA, GA, CDBG	Must be intoxicated	Single Men	41	
New Beginnings, Emergency Shelter	Lewiston	ESHAP, RHY, Private Funding	Youth only services	Teens	12	
Next Step, DV Shelter	Ellsworth	ESHAP, Private Funding, Grants, TCM	Sober Only, Fleeing DV	DV	12	
Partners for Peace, DV Shelter	Bangor	ESHAP, Private Funding, Grants	Sober Only, Fleeing DV	DV	17	
Penobscot Community Health Center, Hope House Shelter	Bangor	ESHAP, TCM, GA, Private Funding, FQHC, OSA. Grants	Campus Limitations	Single Adults	76	
Preble Street, Joe Kreisler Teen Shelter	Portland	ESHAP, RHY, Private Funding, GA	Teens only, shelter cap	Teens	24	
Preble Street, Florence House Women's Shelter	Portland	ESHAP, TCM, GA, Private Funding, Grants	Only serves women, shelter cap	Women	25	
Rural Community Action Ministries, Family Shelter	Leeds	ESHAP, TCM, GA, Private Funding, Grants	Sober Only	Families	10	
Rumford Group Homes, Norway Homeless Shelter	Norway	ESHAP, TCM, GA, Private Funding, Grants	Sober Only	Women & Children	15	
Rumford Group Homes, Rumford Family Center Shelter	Rumford	ESHAP, TCM, GA, Private Funding, Grants	Sober Only	Families	17	
Rumford Group Homes, Monier Family Center	Rumford	ESHAP, TCM, GA, Private Funding, Grants	Sober Only	General	14	
Safe Voices, Annie Pearl Shelter	Auburn	ESHAP, Private Funding, Grants	Sober Only, Fleeing DV	DV	17	

Shaw House Emergency Youth Shelter	Bangor	ESHAP, RHY, Private Funding, GA	Teens only, shelter cap	Youth		16
Tedford Housing, Federal St. Family Shelter	Brunswick	ESHAP, TCM, Private Funding, Grants	Sober Only	Families		29
Tedford Housing, Cumberland St. Adult Shelter	Brunswick	ESHAP, TCM, Private Funding, Grants	Sober Only	General		16
Western Maine Homeless Outreach	Farmington	ESHAP, TCM, Private Funding, Grants	Sober Only	Families		16
York County Shelter Programs, Inc., Adult Emergency Shelter	Alfred	ESHAP, TCM, Private Funding, Grants	Sober Only	Single Adults		37
York County Shelter Programs, Inc., Family Emergency Shelter	Alfred	ESHAP, TCM, Private Funding, Grants	Sober Only	Families		18
Hope Haven Gospel Mission	Lewiston	Privately Funded	Sober Only, Religious	General		32
Saint Martin de Porres Residence	Lewiston	Privately Funded	Sober Only, Religious	Single Adults		10
Maliseet DV and Sexual Assault Program	Houlton	Privately Funded	Sober Only, Fleeing DV	DV		10
New Hope for Women	Rockland	Privately Funded	Sober Only, Fleeing DV	DV	?	
The Shephard Godparent Home	Bangor	Privately Funded	Sober Only, Religious	Pregant Women	?	
New Hope Shelter	Solon	Privately Funded	Sober Only, Religious	Women		20
Trinity Shelter	Skowhegan	Privately Funded	Sober Only, Religious	Single Men		85
Passamuoquoddy Peaceful Relations	Pleasant Point	Privately Funded	Sober Only, Fleeing DV	DV	?	

*The City of Portland operates the only municipal run shelters which are the only shelters to run multiple overflow sites. All other on attached are either privately operated non-profits or religious organizations with boards of directors.

Service Provider Information Sheet

Service Provider: Preble Street

Point Person: Fiona Mason

Services List: Targeted outreach, engagement and case management services for clients who are homeless and who meet program requirements for Veterans Housing Services, Anti-Trafficking Services and the Medication Assisted Recovery Program (MARF) within Health Services.

Target Demographic:

- Veterans
- Survivors of Human Trafficking that meet the federal definition of Human Trafficking
- Uninsured and high risk individuals with Substance Use Disorder that are participants in the Medication Assisted Recovery Program (MARF)
- Youth age 18 through 20

Days /Hours: TBD

Space /Office requirements: TBD

What else is needed?

All the of the services outlined are provided through and dependent on grant funding. Historically, funding and needs have changed over time which results in fluctuating service delivery. For example, we apply for and have received awards annually for our Veterans Housing Services program through the federal Specialized Services for Veterans and Families (SSVF) program. After receiving the award for this next grant period starting October 1, 2018, we were notified they may be reducing all SSVF grants for the next grant period. This reduction in funding will result in reduced service delivery.

Anti-Trafficking Services (ATS) is also dependent on federal funds. The current award cycle was for a three-year period and we anticipate receiving funds for another grant period starting 10/1/18. Our ATS team has fluctuated within and across grant funding cycle based on several factors; these changes in team configuration and number of caseworkers affect our ability to provide services.

The Health Services intensive case management services offered to MARF clients is also dependent on grant funding. We are currently participating in the MARF pilot project which ends in March 2019. We are hopeful there will be an opportunity to apply for another grant period through a subcontract with Greater Portland Health however we have no definitive information at this time.

Teen Services provides day services, case management and overnight shelter to youth age 12-20. We do not allow youth age 18-20 to access services at our Resource Center and instead encourage them to access services through our Teen Services. This aids in their ability to seek age and developmentally appropriate services that supports them in moving from homelessness to housing stability. Currently Teen Services works collaboratively with Oxford Street Shelter to encourage 18-20-year-old youth to access services through Teen Services. We would like to continue this practice with the new Homeless Services Center going forward.

Expected Outcomes: Access to specialized services as able.



Adam Harr <ash@portlandmaine.gov>

Fwd: [External Sender]Spurwink Further Location Feedback

1 message

Aaron Geyer <aeg@portlandmaine.gov>
To: "Harr, Adam" <ash@portlandmaine.gov>

Mon, Mar 11, 2019 at 4:30 PM

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

From: **Ben Strick** <bstrick@spurwink.org>
Date: Thu, Mar 7, 2019 at 7:11 PM
Subject: RE: [External Sender]Spurwink Further Location Feedback
To: Sara Fleurant <skf@portlandmaine.gov>
Cc: Aaron Geyer <aeg@portlandmaine.gov>

Hi Sarah,

My apologies for the delayed reply. We will work with the city to deliver services wherever the new shelter is located. With that said, County Way or Angelo's Acre would be markedly better for us. Having the shelter located within walking distance of Spurwink Adult Behavioral Health would make it much easier to collaborate and help coordinate care. I think this will be especially true for our MAT program. One of the strengths of our program will be the ability to directly administer medication on a daily basis if needed. While our substance abuse counselors can meet with clients anywhere, it will be hard for the program to routinely administer Suboxone outside of an secure office setting. The closer we can be to the shelter the easier it will be for clients to successfully engage in treatment. I suspect a daily bus ride to/from Riverside Industrial Parkway would create a significant barrier for many individuals.

Please let me know if there is anything else we can do to help.

Thanks so much,

---Ben

BENJAMIN STRICK, LCSW**Director of Adult Behavioral Health**

207.871.1200 x 2149 | 207.615.2146 (c) | 207.871.1232 (f)

901 Washington Ave, Suite 100

Portland, Maine 04103

www.spurwink.org

From: Sara Fleurant <skf@portlandmaine.gov>
Sent: Wednesday, February 27, 2019 5:06 PM
To: Ben Strick <bstrick@spurwink.org>
Cc: Aaron Geyer <aeg@portlandmaine.gov>
Subject: [External Sender]Spurwink Further Location Feedback

Hi Ben,

We wanted to reach out and thank each of you for recently providing feedback on our site location surveys. As you may be aware coming out of last night's Health and Human Service Committee Meeting the site list was reduced to three locations. We have been asked to produce a deeper dive on these three locations and a large part of that is receiving more feedback from our valued community partners. We are asking you to provide any comments or feedback on the attached document, including any onsite or outreach services you think you may be able to provide at any of the locations. We understand at this time these are projections and not actual services to be delivered. We again want to thank so many of you who said they would partner with the City no matter where the new services center will eventually go. We are hoping to have these returned by next Friday so that this data can be compiled for the council.

Please feel free to contact either Aaron or myself with any questions.

Thank you,

Sara

--

Sara Fleurant
Assistant Director of Housing Services

Oxford Street Shelter

207-482-5224

fax- 207-761-0536

skf@portlandmaine.gov

Notice: Under Maine law, documents - including e-mails - in the possession of public officials or city employees about government business may be classified as public records. There are very few exceptions. As a result, please be advised that what is written in an e-mail could be released to the public and/or the media if requested.

CONFIDENTIALITY NOTICE: This communication (including all attachments) is intended solely for the use of the person or persons to whom it is addressed, and should be treated as a confidential communication of Spurwink Services. It may include information that is privileged and/or confidential under both State and Federal Law. If you are not the intended recipient, or agent of the recipient, you are notified that any further use, dissemination, copy, distribution, printing or disclosure of this communication is strictly prohibited. If you have received this communication in error, please notify the originator and delete it from your system (do not retain any copies), return the original transmittal to us by mail without making a copy, and reply to the sender to advise us that this communication was misdirected. Your cooperation in protecting confidential information is appreciated.

--

Aaron Geyer
City of Portland

Health & Human Services Department

[196 Lancaster Street](#)

[Portland, ME 04101](#)

(207) 482-5131

aeg@portlandmaine.gov

Confidentiality Notice: This e-mail message, including any attachments, is for the sole use of the intended recipient (s) and may contain confidential and privileged information. Any unauthorized review, use, disclosure, or distribution is prohibited. If you are not the intended recipient(s), please contact me by reply e-mail and destroy/delete all copies of the original message. Thank you for your assistance.



Adam Harr <ash@portlandmaine.gov>

Fwd: Amistad Further Location Feedback

2 messages

Aaron Geyer <aeg@portlandmaine.gov>
To: "Harr, Adam" <ash@portlandmaine.gov>

Thu, Mar 7, 2019 at 4:38 PM

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

From: **Sara Fleurant** <skf@portlandmaine.gov>
Date: Thu, Feb 28, 2019 at 4:09 PM
Subject: Fwd: Amistad Further Location Feedback
To: Aaron Geyer <aeg@portlandmaine.gov>

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

From: **Brian Townsend** <briant@amistadinc.com>
Date: Thu, Feb 28, 2019 at 12:44 PM
Subject: RE: Amistad Further Location Feedback
To: Meredith Pesce <meredithp@amistadinc.com>, Sara Fleurant <skf@portlandmaine.gov>

Hi Sara,

Amistad would be able and willing to provide services onsite and through outreach at any of the three identified options.

Our feedback on the three site options:

With the disclaimer that no site can be perfect, we are inclined to see the County Way location as the best of the three. The most significant positive is the location relative to other services and resources. We do not have the same broad negative feelings about the proximity to the jail that some others seem to have. We agree that the optics aren't great, but we suspect that the people who will have the strongest negative reaction to those optics are not the actual people who will be seeking emergency shelter and services there. The jail does not have negative socio-environmental factors along its periphery, so any downside about being next door is conceptual. If Amistad were looking to purchase land and build a program somewhere, and prioritized accessibility (as we do) above most factors, we would absolutely consider this lot.

Angelo's Acre may have some positive aspects, but our immediate reaction has to do with safety, given the nearness of the harbor. Our community has had enough tragedy associated with accidental drownings; it is hard to overlook this when considering that spot. It also seems like a spot that would be exposed to significant wind and cold, in addition to the noise of the bridge, and we wonder about these factors as being additional existence burdens on the people seeking shelter and support there.

The third option, on Riverside, feels like the least optimal due to its distance from the service center. If all three options were similarly distant, it might hold up by comparison with some other options, but, as one example, it would seem less viable as an option than the previously proposed Barron Center location.

If you would like us to flesh out any of these responses or offer thoughts on specific questions, please let us know!

Brian

From: Meredith Pesce

Sent: Wednesday, February 27, 2019 5:45 PM

To: Sara Fleurant <skf@portlandmaine.gov>; Brian Townsend <briant@amistadinc.com>

Subject: Re: Amistad Further Location Feedback

Thanks Sara, we'll dig into this and send it back over soon.

Meredith Pesce

Associate Director

Amistad

[66 State Street](#)

[Portland, Me 04101](#)

207-241-9141

From: Sara Fleurant <skf@portlandmaine.gov>

Sent: Wednesday, February 27, 2019 4:55 PM

To: Brian Townsend; Meredith Pesce

Subject: Amistad Further Location Feedback

Hi Brian and Meredith,

We wanted to reach out and thank each of you for recently providing feedback on our site location surveys. As you may be aware coming out of last night's Health and Human Service Committee Meeting the site list was reduced to three locations. We have been asked to produce a deeper dive on these three locations and a large part of that is receiving more feedback from our valued community partners. We are asking you to provide any comments or feedback on the attached document, including any onsite or outreach services you think you may be able to provide at any of the locations. We understand at this time these are projections and not actual services to be delivered. We again want to thank so many of you who said they would partner with the City no matter where the new services center will eventually go. We are hoping to have these returned by next Friday so that this data can be compiled for the council.

Please feel free to contact either Aaron or myself with any questions.

Thank you,

Sara

--

Sara Fleurant
Assistant Director of Housing Services

Oxford Street Shelter

207-482-5224

fax- 207-761-0536

skf@portlandmaine.gov

Notice: Under Maine law, documents - including e-mails - in the possession of public officials or city employees about government business may be classified as public records. There are very few exceptions. As a result, please be advised that what is written in an e-mail could be released to the public and/or the media if requested.

--

Sara Fleurant
Assistant Director of Housing Services

Oxford Street Shelter

207-482-5224

fax- 207-761-0536

skf@portlandmaine.gov

--

Aaron Geyer
City of Portland
Health & Human Services Department

[196 Lancaster Street](#)

[Portland, ME 04101](#)

(207) 482-5131

aeg@portlandmaine.gov

Confidentiality Notice: This e-mail message, including any attachments, is for the sole use of the intended recipient(s) and may contain confidential and privileged information. Any unauthorized review, use, disclosure, or distribution is prohibited. If you are not the intended recipient(s), please contact me by reply e-mail and destroy/delete all copies of the original message. Thank you for your assistance.

Aaron Geyer <aeg@portlandmaine.gov>
To: "Harr, Adam" <ash@portlandmaine.gov>

Mon, Mar 11, 2019 at 4:31 PM

[Quoted text hidden]



Adam Harr <ash@portlandmaine.gov>

Fwd: PPD Further Location Feedback

1 message

Aaron Geyer <aeg@portlandmaine.gov>
To: "Harr, Adam" <ash@portlandmaine.gov>

Mon, Mar 11, 2019 at 4:32 PM

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

From: **Vernon Malloch** <vwm@portlandmaine.gov>
Date: Mon, Mar 4, 2019 at 12:35 PM
Subject: Re: PPD Further Location Feedback
To: Sara Fleurant <skf@portlandmaine.gov>
Cc: Aaron Geyer <aeg@portlandmaine.gov>

Hello Sara

The police department will provide all the same services indicated during the review of the Barron Center Site. I believe you have that information on file. If you cannot locate it I will search my old e-mails.

Specific to one site listed here I do have concerns about Angelo's Acre. It's proximity to the working waterfront is a public safety concern. Historically we have seen drowning deaths of homeless people and those who are impaired by alcohol or drugs. The department has worked hard over the years to partner with other providers to significantly reduce this occurrence. Locating a shelter so close to the waterfront has the potential to place an already at risk group in even more danger.

Thanks for soliciting feedback and please let me know if you need any other information.

Best, Vern

On Wed, Feb 27, 2019 at 5:03 PM Sara Fleurant <skf@portlandmaine.gov> wrote:

Hi Chief,

Hope all is well! We wanted to reach out and thank each of you for recently providing feedback on our site location surveys. As you may be aware coming out of last night's Health and Human Service Committee Meeting the site list was reduced to three locations. We have been asked to produce a deeper dive on these three locations and a large part of that is receiving more feedback from our valued community partners. We are asking you to provide any comments or feedback on the attached document, including any onsite or outreach services you think you may be able to provide at any of the locations. We understand at this time these are projections and not actual services to be delivered. We again want to thank so many of you who said they would partner with the City no matter where the new services center will eventually go. We are hoping to have these returned by next Friday so that this data can be compiled for the council.

Please feel free to contact either Aaron or myself with any questions.

Thank you,
Sara

--

Sara Fleurant
Assistant Director of Housing Services
Oxford Street Shelter
207-482-5224
fax- 207-761-0536
skf@portlandmaine.gov

--

Vern Malloch

Interim Chief
Portland Maine Police Department
[109 Middle Street](#)
[Portland, ME 04101](#)
207-874-8600
email: vwm@portlandmaine.gov
Our Core Values
Leadership - Integrity - Service

--

Aaron Geyer
City of Portland
Health & Human Services Department
[196 Lancaster Street](#)
[Portland, ME 04101](#)
(207) 482-5131

aeg@portlandmaine.gov

Confidentiality Notice: This e-mail message, including any attachments, is for the sole use of the intended recipient (s) and may contain confidential and privileged information. Any unauthorized review, use, disclosure, or distribution is prohibited. If you are not the intended recipient(s), please contact me by reply e-mail and destroy/delete all copies of the original message. Thank you for your assistance.

***Homeless Voices for Justice Comment on Three Potential Sites for the Homeless Services Center
March 15, 2019***



To esteemed Councilors of the Health and Human Services Subcommittee:

Homeless Voices for Justice appreciates the opportunity to provide feedback to the HHS Committee on this step of the relocation process.

Based on community outreaches and careful analysis, Homeless Voices for Justice's main points of concern remain: accessibility, eligibility and bed numbers, and community inclusion.

We do have specific feedback on the three sites in particular, and then other points to consider:

Riverside Industrial Park

HVJ is concerned about the accessibility of Riverside Industrial Park as a location for a new Homeless Services Center. The area is somewhere between a four and six mile walk away from the current Oxford Street Location. While there has been much welcome discussion about proximity to METRO, we hope the public and the City understands the accessibility challenges posed by placing a shelter so far away from current services. Many people staying at shelters in Portland have persistent medical conditions that make it impossible to walk much of a distance. Many lack storage space and have to carry bags and belongings around. And many people are in wheelchairs, use walkers, or canes. Complicating this is the fact that few can afford bus passes, and free bus passes supplied by some service providers are incredibly hard to come by. One of the most frequently sought resources by those who are homeless are monthly passes.

When the State moved its DHHS building from Bayside to South Portland, many people who needed support lost services, or the opportunity to more frequently access services, because of the distance created. At the time of that move, HVJ advocated against it for accessibility reasons. Other concerns about this location include sidewalk accessibility and whether there are food stores close by. In addition to services, many people access employment through agencies such as Labor Ready, which involves lining up early in the morning. The distance created by placing the shelter at Riverside, combined with bus schedules, would make it much harder, if not impossible, for many people staying in the shelter to access employment.

County Way

HVJ is concerned about locating a new Homeless Services Center near the County Jail. While the location is closer to many current services than Riverside is, we fear that placing a shelter near the jail will increase the stigma, discrimination, violence and criminalization that people experiencing homelessness already face. Specifically, we are concerned about the association

implicitly made by locating a Homeless Service Center next to a jail. People who are homeless often struggle with barriers that result from disproportionate enforcement of certain laws, such as loitering or trespassing laws to name just two. Our research and experience as those who have been, or are, homeless shows us that the stigma and criminalization of those who are homeless makes basic life-sustaining activities much more difficult. People who are homeless do not have the privacy of a home to conduct their lives. They are disproportionately asked to “move along” in public space; their activities are more frequently and heavily scrutinized by the public and governing institutions. We believe the close proximity to the County Jail may increase these barriers rather than strive to resolve them. We strongly encourage the Health and Human Services Subcommittee to discuss this aspect of the location.

Angelo’s Acre

Of all three potential sites, Angelo’s Acre is the closest to many available services on the peninsula for those who are homeless. By staying on the peninsula, it is not far from the current shelter and a number of service providers and resources that people who are homeless access in downtown Portland. That said, HVJ does recognize other accessibility aspects that make this site challenging. Namely, the fact that it is quite close to water, a frequently busy street and bridge ramp, and the Port Authority.

Other Points to Consider

First, HVJ encourages the HHS Committee to carefully consider the question of residential zones, which has created much discussion among the councilors. A new Homeless Services Center in any location will no doubt be located close to, or in, a given neighborhood, and we would encourage the councilors to consider that guests at the new Center will be neighbors and residents, the same as anyone else. These guests should not be tucked away, out of sight, due to concern that their presence would pose a challenge to their neighbors. To include and integrate people who are homeless in Portland is one way in which our city can better address the need for shelter services, which has become more severe over the years as other shelters have closed down. To this end, we have heard over and over again from our community a concern and strong appeal for people experiencing homelessness to not be hidden. We recognize the City’s emphasis on *not intending* to hide the homeless. However, we believe that in considering whether current residential zones are appropriate, consideration must be given to how Portland, as a community, cares for its most disenfranchised, oppressed, and stigmatized residents.

Secondly, we are concerned about the prospect of opening up a 150 bed facility while the current shelter chronically exceeds its capacity of 154 people, resulting in the use of overflow and sometimes triple overflow on a nightly basis. In December of 2018, 537 people were served by homeless shelters in Portland. Based on current trends, HVJ does not believe the predictions for reduced numbers are realistic. We are encouraging the Councilors to afford for space and capacity such that the new Homeless Services Center does not need overflow in the first place.

Connected to this is the question of guest eligibility and policies governing the new Homeless Services Center. To us, it is crucial that the City keeps to its long-standing commitment to provide emergency shelter services to anyone who needs it and that the policies governing the new Homeless Service Center are the least restrictive they can possibly be, to ensure that the City's goals for rapidly connecting people to resources and housing can be met.

Third, the HHS Committee has moved recently to narrow down sites from 11 to 3. While we welcome the sense of urgency to address the life-threatening problem of homelessness in Portland, we will continue to encourage the HHS committee to work more systematically on including the input of those who are homeless as this process moves forward. Homeless Voices for Justice seeks to empower those who live in poverty and homeless – people whose perspectives are often absent from the development of policies and programs that directly impact their social and economic well-being. To this end, we are working in conjunction with City Management on convening a community forum for people who are homeless so their input can be heard. While those plans continue to move forward, we advise that the City take steps to ensure that the pace of the relocation process does not move so fast as to exclude the concerns and feedback of the community they seek to help.

As our most relied upon partners, we appreciate your feedback on the following potential locations for a Homeless Services Center. Please indicate any onsite services you may be able to provide. Thank you!

Riverside Industrial Park:

Goodwill's Workforce programs can provide onsite services to homeless individuals at this location if there are significant barriers to clients accessing services at our primary local program office, 190 Lancaster Street.

This includes access to:

- Job Connection programming
- Workforce Innovation and Opportunity Act (WIOA) Youth, Adult and Dislocated Worker programming through Workforce Solutions, and
- Employment Services (job coaching and/or job development through Vocational Rehabilitation)

County Way:

Goodwill's Workforce programs can provide onsite services to homeless individuals at this location if there are significant barriers to clients accessing services at our primary local program office, 190 Lancaster Street.

This includes access to:

- Job Connection programming
- Workforce Innovation and Opportunity Act (WIOA) Youth, Adult and Dislocated Worker programming through Workforce Solutions, and
- Employment Services (job coaching and/or job development through Vocational Rehabilitation)

Angelo's Acre:

Goodwill's Workforce programs can provide onsite services to homeless individuals at this location if there are significant barriers to clients accessing services at our primary local program office, 190 Lancaster Street.

This includes access to:

- Job Connection programming
- Workforce Innovation and Opportunity Act (WIOA) Youth, Adult and Dislocated Worker programming through Workforce Solutions, and
- Employment Services (job coaching and/or job development through Vocational Rehabilitation)

Agency: Goodwill Northern New England

Representative: Dave Wurm, Senior Director, Workforce Services

As our most relied upon partners, we appreciate your feedback on the following potential locations for a Homeless Services Center. Please indicate any onsite services you may be able to provide. Thank you!

In considering these locations, the Library evaluates how we could provide service through our existing locations and how we could add a site onto our outreach agenda. We recognize that the Library's collections are helpful as research tools as well as much-needed entertainment for people experiencing homelessness, and that library spaces are welcoming and safe which can be reassuring and provide a positive sense of community for someone experiencing disruption and anxiety due to homelessness. Of the Library's locations, the Main Library on Monument Square is best equipped to provide the variety of information resources, the technology tools, security staffing, and seating to accommodate.

Riverside Industrial Park:

Being the location farthest from any of our branches, especially the Main Library, this location would be most challenging to provide our strongest service. Based on current models and funding, we would anticipate providing bookmobile or pop-up service once per week, and the possibility of providing donated collections for free use (similar to Florence House). It seems critical that the location be on a bus line.

County Way:

The proximity to the peninsula and both major hospitals, as well as to the Police Headquarters (if it moved there), add value to this location. As stated above, the Library can provide our best service through our Main Library location, and this would still require a bus or a solid walk from County Way. As with any location chosen, the Library would provide outreach and pop-up service to the extent we can as described above.

Angelo's Acre:

This is geographically nearest to the Main Library and is, therefore, the most beneficial site for access to full Library services. As with any location chosen, the Library would provide outreach and pop-up service to the extent we can as described above.

Agency: Portland Public Library

Representative: Sarah Campbell

Service Provider Information Sheet

Service Provider: Preble Street

Point Person: Fiona Mason

Services List: Targeted outreach, engagement and case management services for clients who are homeless and who meet program requirements for Veterans Housing Services, Anti-Trafficking Services and the Medication Assisted Recovery Program (MARF) within Health Services.

Target Demographic:

- Veterans
- Survivors of Human Trafficking that meet the federal definition of Human Trafficking
- Uninsured and high risk individuals with Substance Use Disorder that are participants in the Medication Assisted Recovery Program (MARF)
- Youth age 18 through 20

Days /Hours: TBD

Space /Office requirements: TBD

What else is needed?

All the of the services outlined are provided through and dependent on grant funding. Historically, funding and needs have changed over time which results in fluctuating service delivery. For example, we apply for and have received awards annually for our Veterans Housing Services program through the federal Specialized Services for Veterans and Families (SSVF) program. After receiving the award for this next grant period starting October 1, 2018, we were notified they may be reducing all SSVF grants for the next grant period. This reduction in funding will result in reduced service delivery.

Anti-Trafficking Services (ATS) is also dependent on federal funds. The current award cycle was for a three-year period and we anticipate receiving funds for another grant period starting 10/1/18. Our ATS team has fluctuated within and across grant funding cycle based on several factors; these changes in team configuration and number of caseworkers affect our ability to provide services.

The Health Services intensive case management services offered to MARF clients is also dependent on grant funding. We are currently participating in the MARF pilot project which ends in March 2019. We are hopeful there will be an opportunity to apply for another grant period through a subcontract with Greater Portland Health however we have no definitive information at this time.

Teen Services provides day services, case management and overnight shelter to youth age 12-20. We do not allow youth age 18-20 to access services at our Resource Center and instead encourage them to access services through our Teen Services. This aids in their ability to seek age and developmentally appropriate services that supports them in moving from homelessness to housing stability. Currently Teen Services works collaboratively with Oxford Street Shelter to encourage 18-20-year-old youth to access services through Teen Services. We would like to continue this practice with the new Homeless Services Center going forward.

Expected Outcomes: Access to specialized services as able.

March 6, 2019 - Shelter Locations Questionnaire

As our most relied upon partners, we appreciate your feedback on the following potential locations for a Homeless Services Center. Please indicate any onsite services you may be able to provide. Thank you!

Riverside Industrial Park: ***DEFINITE NO*** Yes/**No**/ Maybe ?

Pluses

- Receptivity by residential and business neighbors- likely somewhat low opposition

Minuses

- Public visibility- hiding homeless guests on outskirts of town...
- Access to other services and amenities – too remote; not within walking distance to much of anything...; longish bus ride
- Neighborhood- industrial
- Transportation- where's the nearest bus stop?

County Way ***NOT A PREFERRED SITE*** Yes/No/**Maybe** ?

Pluses

- Transportation- near bus lines
- Access to other services and amenities – within walking distance or short bus ride

Minuses

- Receptivity by residential and business neighbors- likely high opposition, by businesses who might not see a Homeless Services Center as good for business and by residential neighbors
- Public visibility- hiding homeless guests from public view
- Neighborhood- industrial feel; next to jail, may be seen by some as equating homelessness with criminality

Angelo's Acre ***PREFERRED SITE*** **Yes**/No/ Maybe ?

Pluses

- Public visibility- definitely not hiding homeless guests
- Transportation- near bus lines
- Access to other services and amenities – within walking distance or short bus ride

Minuses

- Receptivity by residential and business neighbors- likely opposition by both; may be manageable though...

Shalom remains committed to providing mental health case management to support mutual clients in need of such services wherever they are, including the new Homeless Services Center. The new configuration will make it easier to meet with shelter guests at the Center. In addition, Shalom will continue to meet with guests to assess eligibility for Section 17 adult mental health case management and/or eligibility for Shalom group homes or Community Rehabilitation Services.

Shalom staff will also continue to award as many eligible shelter guests as program resources allow with one of the rental subsidies we administer so that guests can better afford available housing in the area. We will also set up mutually agreeable times to meet with guests in need of rental vouchers and schedule regular weekly hours at the new Homeless Services Center to answer questions / assist guests and their housing counselors with rental assistance applications.

Agency: Shalom House, Inc.

Representative: Norm Maze, Deputy Director

As our most relied upon partners, we appreciate your feedback on the following potential locations for a Homeless Services Center. Please indicate any onsite services you may be able to provide. Thank you!

Riverside Industrial Park :

We are concerned that this location is too far removed from services. While the City seems committed to having a transportation plan in place, we feel that our clients benefit from being able to walk to access needed resources, services, and work. The team also has concerns that the segment of the population with significant behavioral challenges will struggle to be able to maintain access to transportation services whether it be city - provided or through the bus line.

County Way:

While the proximity to the jail is problematic optics and messaging wise, we feel that it is located close enough to town that folks will still have ease of access to essential services and its proximity to MMC is particularly positive.

Angelo's Acre:

Pros for this location include that it is centrally located and would provide ease of access to services. It is also the most publicly visible of the 3 remaining locations.

We have some concerns about clients who are under the influence wandering into traffic or down some of the wharfs in that area. It's worth noting that when people are restricted or CTO'd from the shelter some are likely to sleep rough around the city and shifting this population closer to the water could be dangerous, particularly for those who may be under the influence. There have been many instances of people who are homeless drowning in Portland and anything that puts people closer to the waterfront could be a concern.

Agency: The PATH Program at The Opportunity Alliance

Representative: Christina Cook

As our most relied upon partners, we appreciate your feedback on the following potential locations for a Homeless Services Center. Please indicate any onsite services you may be able to provide. Thank you!

Riverside Industrial Park:

This location seems too far and would seem to not help folks get the services they need, but instead might hinder them even more. SARSSM does not promote this location.

County Way: **County way is a great solution. It is close to the hospital and sticks to the bus route. It does not create any more barriers to the homeless population.**

Angelo's Acre: **Angelo's Acre is a great second choice.**

Agency: Sexual Assault Response Services of Southern Maine (SARSSM)

Representative: Whitney Adell, Program Manager of Advocate and Outreach Services

What the agency can provide:

- **On-site one on one support for folks that have been sexually harmed**
- **On-site outreach by consistently showing up on a specific day to table and create awareness about surveys**
- **Possibility of an on-site support group once outreach as been established**



Adam Harr <ash@portlandmaine.gov>

Fwd: Location feedback

1 message

Robert Parritt <rwp@portlandmaine.gov>
To: Adam Harr <ash@portlandmaine.gov>

Tue, Mar 12, 2019 at 1:05 PM

Through These Doors Feedback

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

From: **Sara Fleurant** <skf@portlandmaine.gov>
Date: Fri, Mar 8, 2019 at 6:04 AM
Subject: Fwd: Location feedback
To: Robert Parritt <rwp@portlandmaine.gov>

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

From: **Jennifer S** <jennys@throughthesedoors.org>
Date: Thu, Mar 7, 2019 at 3:14 PM
Subject: Location feedback
To: Sara Fleurant <skf@portlandmaine.gov>
CC: Kelley W <kellyw@throughthesedoors.org>, Rebecca H <rebeccah@throughthesedoors.org>

Hi Sara,

Thanks for reaching out to Kelley with regards to our feedback on the shelter locations being proposed and the services we could provide. We had a discussion about what our involvement could be as a whole. The location of the shelter doesn't have an impact on the services that we could provide onsite.

Given the intersection of homelessness and domestic violence, what will be needed and what we could provide is a full-time domestic violence advocate (if funding permits) located on site to provide advocacy and support to victims and survivors of domestic violence, stalking, human trafficking and dating abuse.

Let me know if you have any questions.

Thanks.
Jenny

Jenny Stasio, Director of Operations

she/her/hers

Through These Doors (*formerly Family Crisis Services*)

Office: 207-874-1196

Mobile: 207-712-8274

24-hour Helpline: 800-537-6066



CONFIDENTIALITY NOTICE: This email message, including any attachments, is for the use of the intended recipient(s) only and may contain information that is privileged, confidential, and prohibited from unauthorized disclosure under state and federal law. If you are not the intended recipient of this message, any dissemination, distribution, or copying of this message is strictly prohibited. If you received this message in error, please notify the sender by reply email and destroy all copies of the original message and attachments. Your cooperation in protecting confidential information is appreciated.

--

Sara Fleurant
Assistant Director of Housing Services
Oxford Street Shelter
207-482-5224
fax- 207-761-0536
skf@portlandmaine.gov

--

Rob Parritt
Homeless Services Consultant
City of Portland
rwp@portlandmaine.gov

As our most relied upon partners, we appreciate your feedback on the following potential locations for a Homeless Services Center. Please indicate any onsite services you may be able to provide. Thank you!

Riverside Industrial Park: Community Housing of Maine (CHOM) does not provide direct services, however we would be happy to continue our collaborative relationship with the City at any of the three potential locations for a Homeless Services Center, including the Riverside Industrial Park site.

County Way: CHOM does not provide direct services, however we would be happy to continue our collaborative relationship with the City at any of the three potential locations for a Homeless Services Center, including the County Way site.

Angelo's Acre: CHOM does not provide direct services, however we would be happy to continue our collaborative relationship with the City at any of the three potential locations for a Homeless Services Center, including the Angelo's Acre site.

Agency: Community Housing of Maine

Representative: Cullen Ryan, Executive Director

Feedback from community members experiencing homelessness, gathered from Homeless Voices for Justice outreaches and community meeting.

Homeless Voices for Justice gathered feedback from people experiencing homelessness in Portland on the three proposed sites for the city of Portland's proposed Homeless Services Center. HVJ collected 44 survey responses (combined with 88 general comments from surveys we utilized in previous community outreach) and held a community meeting in the Preble Street Resource Center with roughly 30 people, all of whom provided extremely diverse feedback and responses.



Significantly, HVJ has also spoken with a number of other community members who use the Oxford Street Shelter that opted *not* to fill out a survey, due to concerns that their voices and concerns would not be heard. This is why we feel it is important to continue working with City Management to arrange a community forum on this topic, specifically for those who are homeless and utilize shelter services in Portland.

Feedback on sites:

Riverside Industrial Zone

The majority of responses were opposed to this site for accessibility and location reasons. The frequency and price of public transportation would make moving between this location and other sites in the city very difficult or prohibitive. There was also concern from people who have to carry their belongings, have mobility challenges, and who need to access employment services/opportunities closer to the center of the city. Example of the responses not in favor of this site:

"This site would take someone without mobility issues at least two hours to get to from the center of town."

"I believe the reasons for this site are to hide the homeless community. It needs to remain fairly close and easily accessible to resources."

There were, however, some people who favored the Riverside site *because* of its distance from the rest of Portland. For example, one respondent said:

"[Riverside Industrial Site is] Choice 1. Out of town! Further away would be less stereotypes."

County Way

A sizeable number of responses from the community opposed this location due to its proximity to the Cumberland County Jail. People raised concerns about the impact of this location on increasing the stigmatization and criminalization of those who are homeless. Example of the responses not in favor of this site:

“This is not a good idea. Many homeless people have a negative association with police and the county jail.”

“They should absolutely NOT move it next to the jail... there is already a harsh stigma against the homeless and throwing us at the jail is wrong AND offensive.”

On the other hand, a sizeable number of responses from the community favored this location, noting that the location might help increase security and has close proximity to existing grocery stores, job opportunities, emergency and/or medical services, public transportation, etc.

Angelo’s Acre

Its closeness to existing, frequently utilized resources and social services in Downtown Portland (particularly the Bayside Neighborhood) was frequently referenced as a strength. In addition to facilitating access to important services, the central location was favored by some for keeping the issue of homelessness visible (as an important issue) in the city.

Responses opposed to this location were concerned about pedestrian safety, due to proximity to Commercial Street and the Casco Bay Bridge.

Overall, the responses to **Angelo’s Acre** and **County Way** were more mixed and positive as both remain closer to available resources downtown than does the Riverside site.

Other comments:

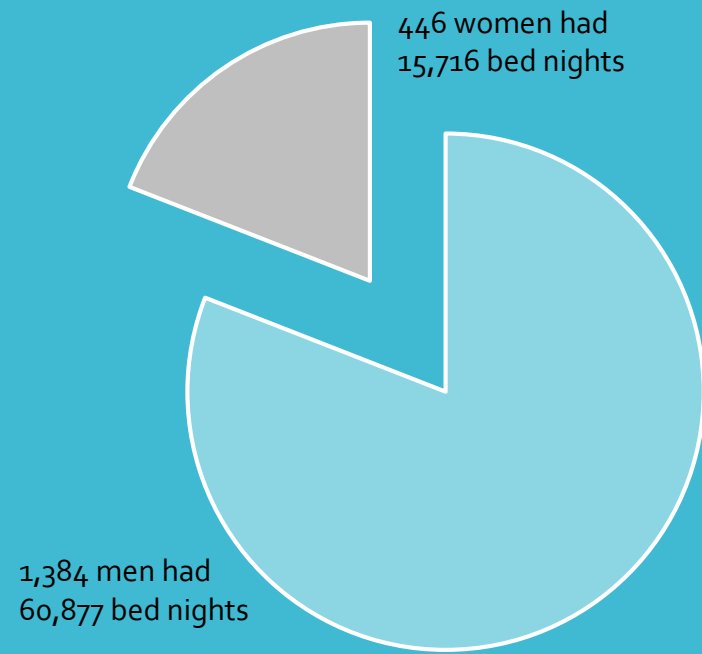
1. *What about other locations that the City has already moved on from?* The Douglass Street site came up several times. It was also clear that people who are homeless aren’t fully informed of the range of potential sites that had existed before there were three.
2. *What will happen to policies and procedures that govern the new Homeless Services Center?* Many people are concerned about policies and procedures and *who* can access services at the current shelter. Because Oxford Street Shelter cannot adequately accommodate those with high medical, disability, or related needs, those who are homeless in these categories are disproportionately affected by an outdated system. Many people are concerned whether the new Homeless Services Center will be more adequately set up to address guests with relatively higher needs, specifically medical needs.
3. *What about other resources?* People’s core concerns are around access to resources, including transportation. If the current density of resources and social services in the Bayside Area are broken up, people are concerned about how the City will help shelter guests access those vital services? Even if the new Homeless Services Center provides a number of services on-site, guests will still have to navigate the rest of the City for services and resources.
4. *How many beds?* People are concerned that 150 beds are inadequate to address the current need. People experiencing homelessness in Portland see that the current shelter is 154 beds, with frequently used overflow of 77 beds. The community is concerned how the City is going to address this need with a smaller shelter.

5. *Current conditions.* Overcrowding, pests, not feeling heard, not having adequate access to vital services such as casework, and opportunities to exit homelessness are few among the many indignities those who are homeless face in Portland on a daily basis. Often, people in the community want to discuss these conditions, what it's like from their perspective to experience them, and what needs to be different. People experiencing homelessness want to know how the new Homeless Services Center will address these issues.

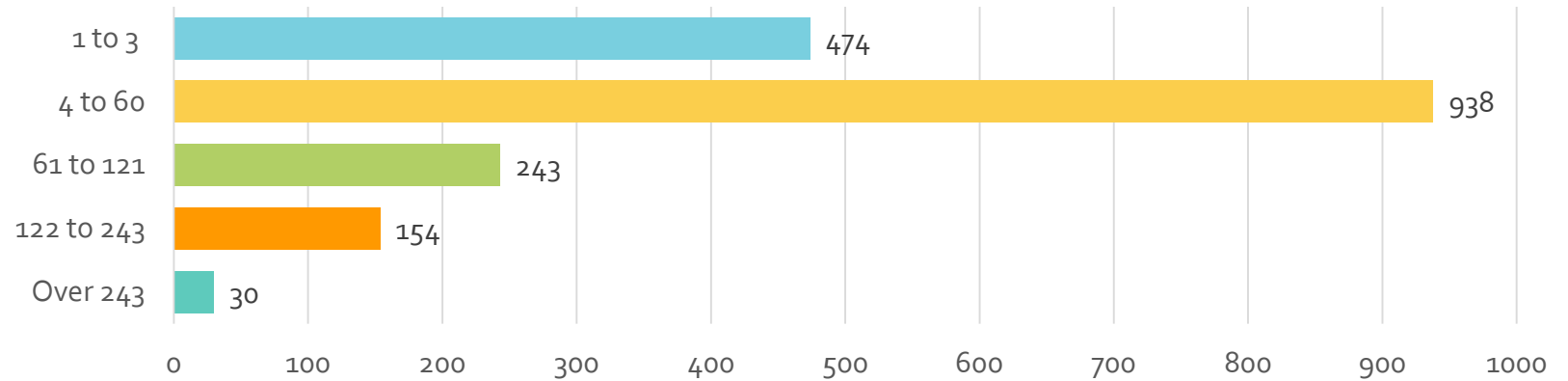
Staying at OSS

Average Monthly Bed Nights and Length of Stay Across Age and Gender at the City Operated Low-Barrier Emergency Shelter

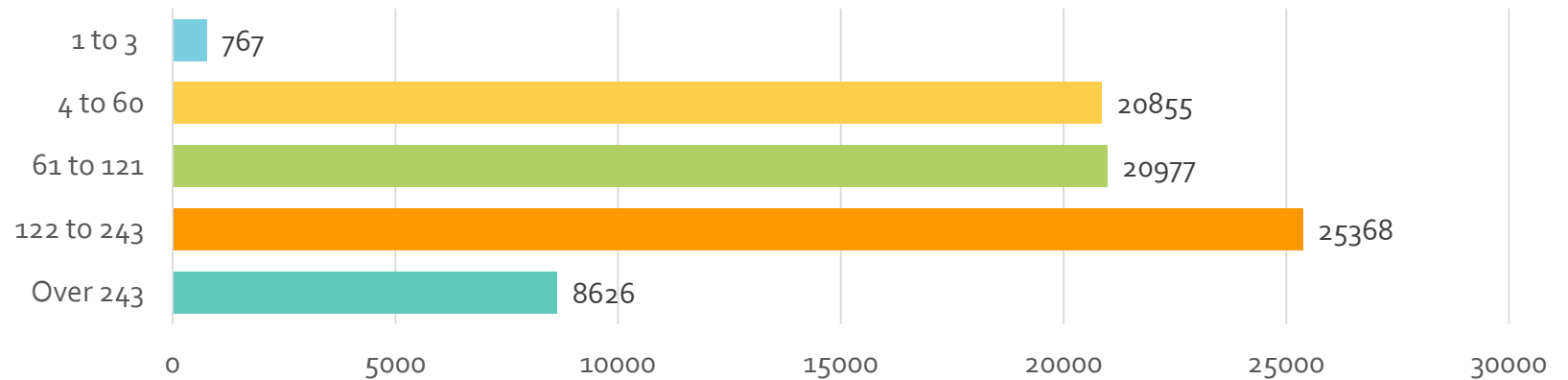
Total 2018 Bed Nights: by Gender



Shelter Stays: 1,839 Unduplicated Individuals



Total Bed Nights: 76,983



Staying at OSS

Stayed 1 to 3 nights

Stayed 4 to 60 nights

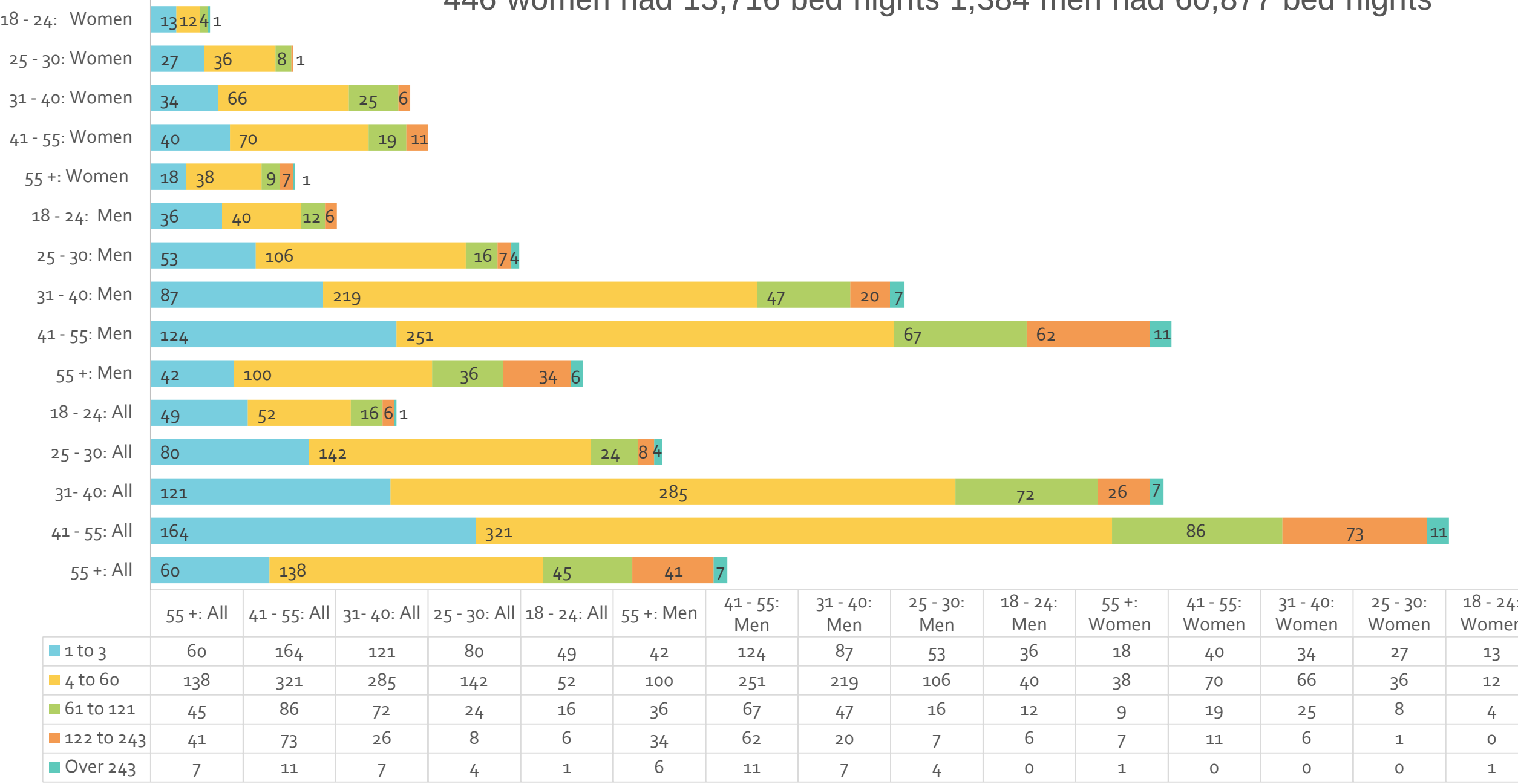
Stayed 61 to 121 nights

Stayed 122 to 243 nights

Stayed over 243 nights

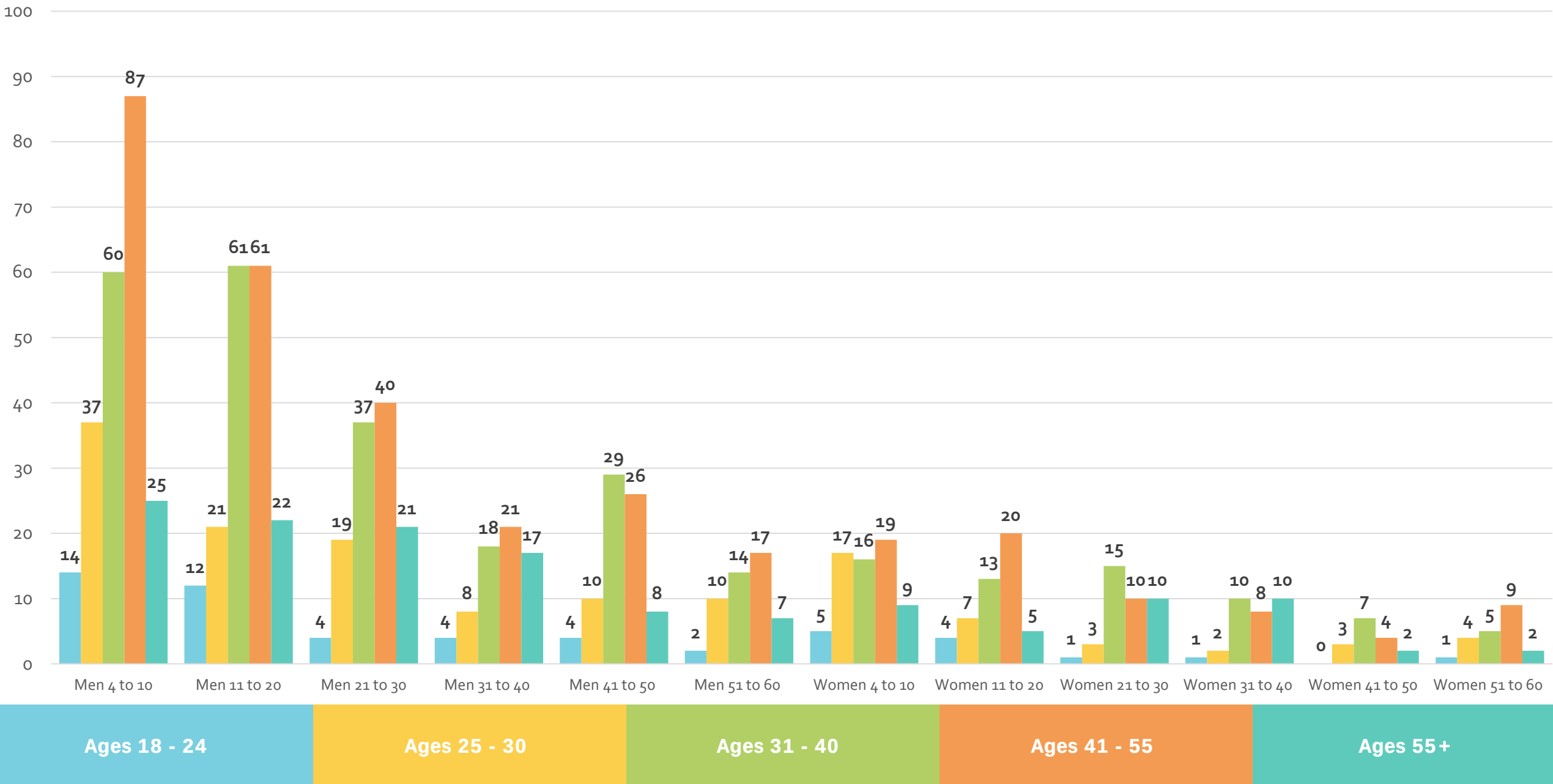
Length of Stay in 2018: 1,839 Unduplicated Individuals by Age and Gender

446 women had 15,716 bed nights 1,384 men had 60,877 bed nights



STAYED 4 – 60 DAYS AT OSS: 938 UNDUPLICATED INDIVIDUALS

716 MEN HAD 15,929 BED NIGHTS; 222 WOMEN HAD 5,103 BED NIGHTS

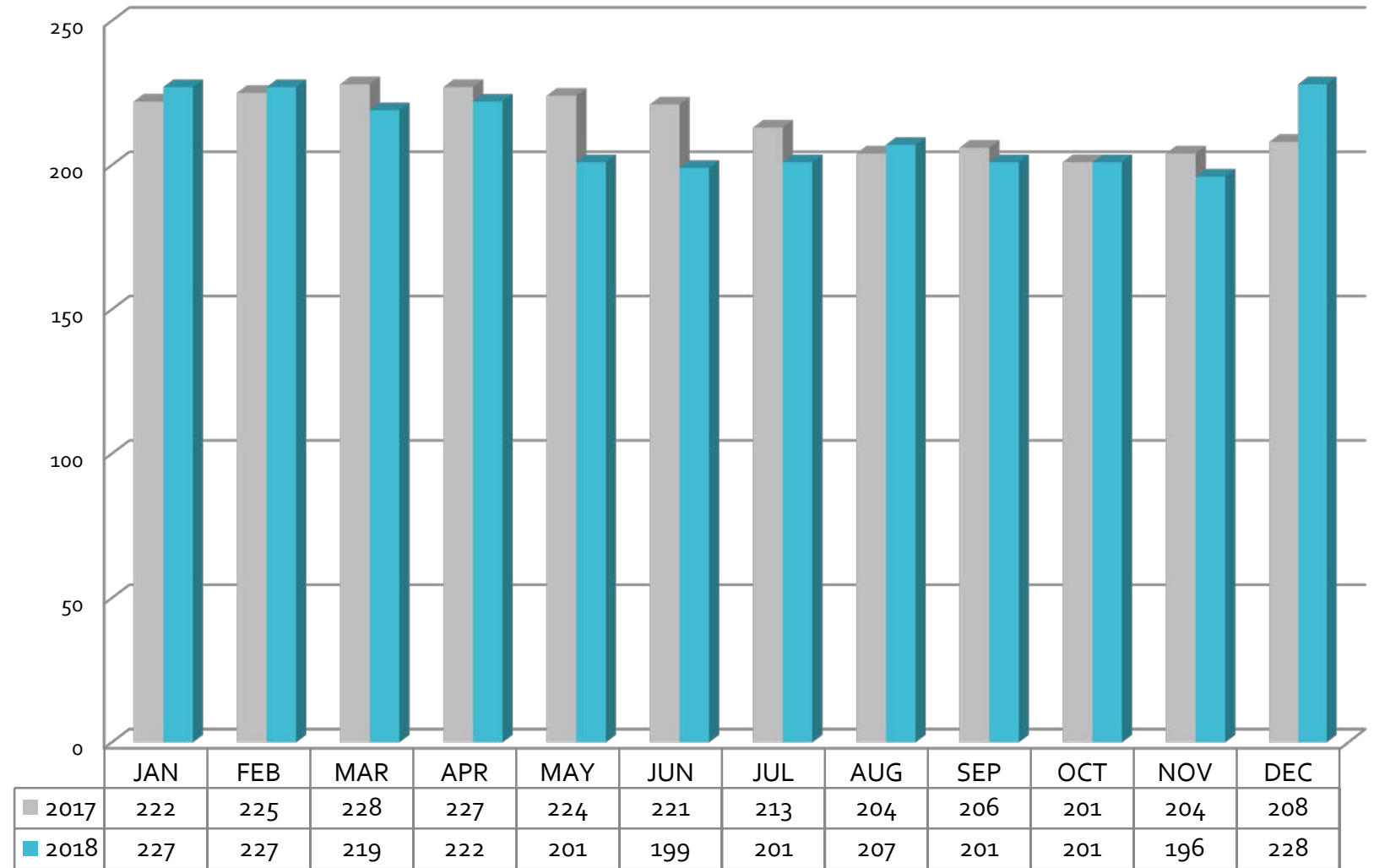


Oxford Street Shelter Bed Nights

2018

- On 1/28/2019 270 individuals slept at the shelter
- On Average, 211 people stayed at OSS per night
- An individual stayed an average of 42 nights
- The median length of stay was 17 days

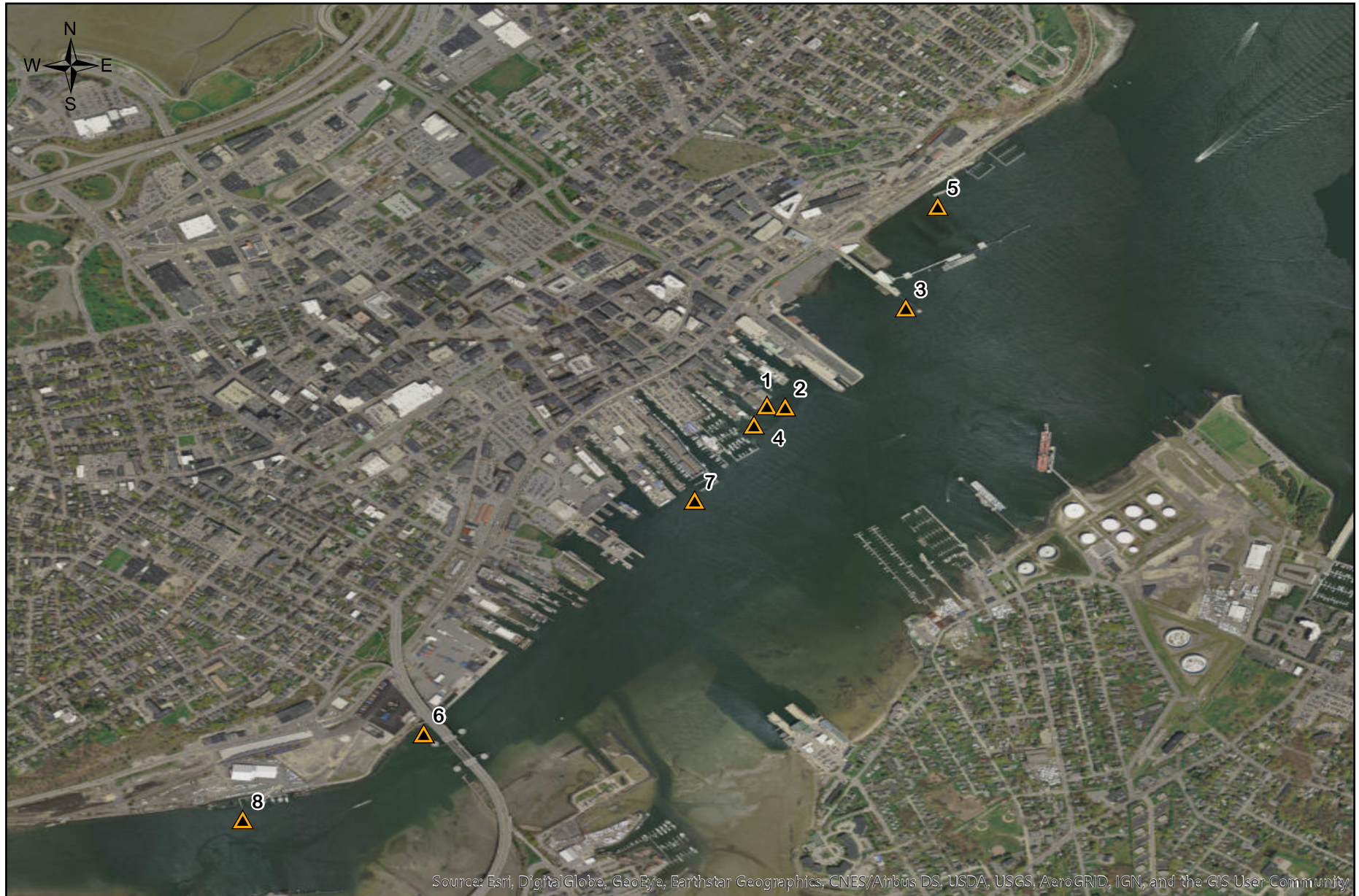
Average Bed Night: average number of people at OSS on any given night in a month



Transient Drownings

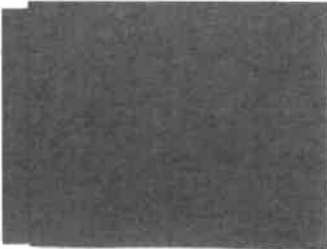
ID	YEAR	LOCATION	CITY	STATE	CASE
1	2016	9 Custom House Wharf	Portland	ME	116005134
2	2013	9 Custom House Wharf	Portland	ME	113004874
3	2010	14 Ocean Gateway Pier	Portland	ME	110006918
4	2010	9 Custom House Wharf	Portland	ME	110003126
5	2009	58 Fore St	Portland	ME	109009685
6	2005	Casco Bay Bridge	Portland	ME	105009759
7	2005	405 Chandler's Wharf	Portland	ME	105003488
8	2005	75 West Commercial St	Portland	ME	105003088

Transient Water Deaths Since 2005



17-0499.1 E

July 13, 2017



Subject: Environmental Soils Information
Proposed Commercial Buildings
636 Riverside Street
Portland, Maine

Dear 

This letter summarizes environmental soil conditions encountered during the June 26 and 27, 2017 geotechnical test boring and test pit explorations program by S. W. Cole Engineering, Inc. (S.W.COLE) at the subject project site.

Petroleum contamination was encountered at the depth range of approximately 2 to 3 feet in uncontrolled fills during the excavation of Test Pit TP-110. Refer to the S.W.COLE Preliminary Geotechnical Information letter dated July 13, 2017 for a plan showing the approximate location of TP-110, and for a log of this test pit.

Photoionization detector (PID) screening of a sample of the petroleum-contaminated soil indicated a concentration of 134 parts per million (ppm). The "Oil in Soil" shake test result for the same sample indicated a "Positive" result for fuel oil.

The lateral extent of the petroleum-contaminated soils was not determined during the geotechnical explorations program. Based on the "Positive" Oil in Soil shake test result, the Maine Department of Environmental Protection (MeDEP) may require remediation of the soils if they are to be excavated during the proposed site development.

The MeDEP issued a Voluntary Response Action Plan (VRAP) Certificate of Completion dated August 30, 2010 to the City of Portland after sand blast grit and soils with documented elevated levels of arsenic were successfully remediated at the site. S.W.COLE reviewed the reports for the environmental investigations completed at the site prior to the 2010 VRAP Certificate of Completion being issued, and did not find evidence that the investigations encountered petroleum-contaminated soils.

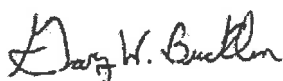
Construction of the proposed development will require an Environmental Media Management Plan (EMMP) that outlines a program for managing the petroleum contaminated soil in the area of TP-110, and for managing previously unidentified contamination that may be encountered in other areas during earthwork activities.

Coordinating and monitoring the management of contaminated soil, preparation of a remedial action completion report, and potentially other environmental services will be necessary in order to facilitate the MeDEP issuing an amended VRAP Certificate of Completion to the site owner and it's assigns after the completion of construction activities at the site.

Please contact us if you have questions regarding this correspondence.

Sincerely,

S. W. Cole Engineering, Inc.



Gary W. Bucklin, C.G.
Senior Geologist

GWB:tjb



www.swcole.com

17-0499 S

August 22, 2017

[REDACTED]

Subject: Preliminary Geotechnical Information – rev 1
Proposed Commercial Buildings
636 Riverside Street
Portland, Maine

Dear [REDACTED]

As requested, this letter summarizes preliminary geotechnical information relative to foundations, earthwork and pavement associated with the subject project. This letter is provided in advance of our geotechnical report and is subject to the limitations set forth therein. This letter supersedes its prior release, dated July 13, 2017.

S. W. Cole Engineering, Inc. (S.W.COLE) completed test boring and test pit explorations at the site on June 26 and 27, 2017. The attached plan shows the approximate locations of the explorations as well as existing and proposed site features. Logs of the explorations and a key to the notes and symbols used on the logs are also attached.

Based on the subsurface findings and our understanding of the proposed construction, we offer the following geotechnical considerations for the proposed development:

- **Foundations:** The site is principally underlain by uncontrolled fills overlying stable native deposits of glaciomarine clay, glacial outwash sands and glacial till. The uncontrolled fills range from 3 to 25 feet thick and are unsuitable for support of the proposed buildings. We recommend a combination of uncontrolled fill removal and replacement, as well as aggregate piers to improve ground conditions for conventional spread footing and on-grade floor slab support. The

286 Portland Road, Gray, ME 04039-9586 • P: (207) 657.2866 • F: (207) 657.2840 • E: info@swcole.com

Geotechnical Engineering

Construction Materials Testing and Special Inspections

GeoEnvironmental Services

attached plan summarizes the ground improvement method for each proposed building footprint. We estimate a premium cost of \$6 to \$9 per square foot of proposed building area to improve ground conditions for conventional spread footings and on-grade floor slabs.

- **Earthwork:** As discussed, we recommend raising finished floor elevations and site grades to preclude exporting environmentally impacted site soils. The site soils are sensitive to moisture and frost. We recommend site grading and foundation construction occur in drier, non-freezing weather of Spring, Summer and Fall. The uncontrolled fills and non-organic soils displaced by excavation may be reused as compacted Common Borrow in paved areas and beneath buildings improved with aggregate piers.
- **Pavements:** Pavement subgrades should be proof-rolled and densified with a 10 ton vibratory roller. Areas that become soft after proof-rolling, must be removed and replaced with compacted Granular Borrow prior to installing pavement subbase gravels. We recommend planning consider a 30 inch thick pavement section consisting of 4 inches of hot mix asphalt over 18 inches of compacted MaineDOT Type D Crushed Subbase Gravel over 8 inches of MaineDOT Granular Borrow for Underwater Backfill.

We trust this letter meets your current needs. We will prepare our geotechnical report upon your notice to proceed.

Sincerely,

S. W. Cole Engineering, Inc.



Timothy J. Boyce, P.E.
Senior Geotechnical Engineer

TJB:emw

Attachments: Exploration Location Plan
 Exploration Logs
 Key to Notes and Symbols used on Exploration Logs



Health & Human Services Department

Dawn Stiles, Director

Oxford Street Shelter

Robert Parritt, Director

Social Services Division

David MacLean, Director

Date: January 4, 2017

Emergency Shelter Best Practices

Single floor, open concept design style with clear lines of sight

A foyer/screening area to perform security searches and other assessments

A centralized shelter operations office with sight lines to the dorms

A large day room that can accommodate all shelter guests for day shelter and meals
Along with storage for portable tables and chairs

Food prep and service area

Suitable laundry facilities

Handicap accessible bathrooms in the day room and dormitories

Office space for Oxford Street housing staff as well as partner agencies on site for direct services

Two open concept dorms with raised beds, one male and one female
Raised beds must be at least 18 inches apart and walkways must be three feet wide

Enclosed park area behind the shelter

Outside storage building with lockers for guest bags

Facilities storage shed for maintenance tools and equipment

Parking for 20 vehicles

Security camera system

Accessible to public transportation

Programmatic Best Practices

New shelters should operate a low barrier program

Services should be housing driven using a housing first approach

All programs must meet MaineHousing/ESG criteria

New programs must work collaboratively with other shelter providers within the City using coordinated entry

Must be accessible to public transportation

New programs must be operated and staffed 24 hours a day and offer day shelter and food programs

New programs must report data to ESAC to gauge trends and progress

New programs must be active participants in the continuum of care

Fwd: Question re VRAP Certification

3 messages

Jon Jennings <jpj@portlandmaine.gov>

Mon, Apr 29, 2019 at 2:36 PM

To: Kristen Dow <kjd@portlandmaine.gov>, Adam Harr <ash@portlandmaine.gov>

Can you please include this email on the backup materials for the new shelter discussion? I will be sending you another email with attachments to do the same. Thanks.

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

From: **Kimberly M. Cook** <kcook@portlandmaine.gov>

Date: Mon, Apr 29, 2019 at 8:37 AM

Subject: Fwd: Question re VRAP Certification

To: Belinda Ray <bsr@portlandmaine.gov>, Brian Batson <bbatson@portlandmaine.gov>, Ethan Strimling <estrimling@portlandmaine.gov>, Jill Duson <jduson@portlandmaine.gov>, Jon Jennings <jpj@portlandmaine.gov>, Justin Costa <jcosta@portlandmaine.gov>, Nicholas Mavodones <nmm@portlandmaine.gov>, Pious Ali <pali@portlandmaine.gov>, Spencer Thibodeau <sthibodeau@portlandmaine.gov>

Good morning all,

Please see the correspondence below.

Jon - please pass this info along to staff and have it posted to the webpage.

Thanks
Kim

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

From: **Burns, Dave E** <Dave.E.Burns@maine.gov>

Date: Mon, Apr 29, 2019 at 8:13 AM

Subject: RE: Question re VRAP Certification

To: Kimberly M. Cook <kcook@portlandmaine.gov>, Madore, David <David.Madore@maine.gov>
CC: Hodgkins, Nick <Nick.Hodgkins@maine.gov>

Good morning Kim,

The VRAP program does not have a definition of "residential" that we can point you to. However, we would consider a homeless shelter residential and prohibited at this site, based on the certificate. You may be able to give us supporting documentation so that we may reconsider this prohibition and allow this use. If you'd like to pursue that course or explore that option further, please contact Nick Hodgkins, our VRAP coordinator, directly. I've copied him on this e-mail so that you have his information.

Please let me know if you have any further questions regarding this.

Thanks,

Dave

David Burns, P.E., Acting Director

Bureau of Remediation & Waste Management

(207) 287-7890 (desk) / (207) 592-9104 (cell)

www.maine.gov/dep

From: Kimberly M. Cook [mailto:kcook@portlandmaine.gov]
Sent: Saturday, April 27, 2019 6:42 PM
To: Burns, Dave E <Dave.E.Burns@maine.gov>; Madore, David <David.Madore@maine.gov>
Subject: Question re VRAP Certification

EXTERNAL: This email originated from outside of the State of Maine Mail System. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Dave and David,

I am contacting you wearing my hat as a Portland City Councilor. We are currently in the process of deciding on a site for a new homeless shelter and one of the locations is [636 Riverside Street](#) for which the City has received the attached VRAP certification.

A constituent of mine asked me whether this VRAP precludes a shelter (without further written permission from the DEP) as it serves as a temporary residence for those experiencing homelessness. We are contemplating up to a 150 bed shelter currently.

I would appreciate your determination of whether a shelter would be "residential" under Condition number 2 in this letter. Does the DEP have a definition of "residential" that I can point my constituent to?

Many thanks for your assistance in answering my questions.

Best,

Kim

Kim Cook

Portland City Council, District 5

Deering Ctr., Riverton, No. Deering

www.kimcook.org

207.874.8986

Notice: Under Maine law, documents - including e-mails - in the possession of public officials or city employees about government business may be classified as public records. There are very few exceptions. As a result, please be advised that what is written in an e-mail could be released to the public and/or the media if requested.

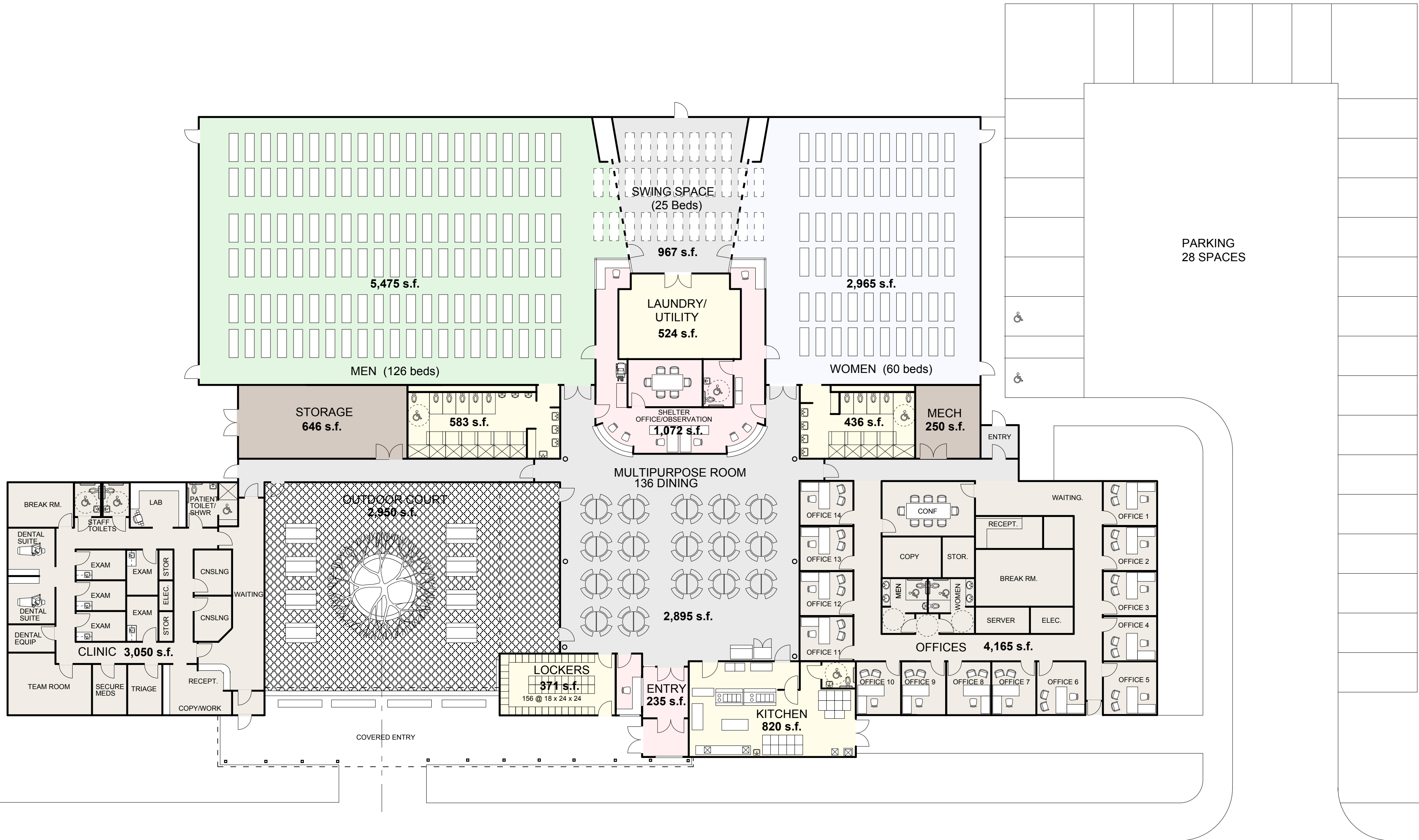
--

Kim Cook

Portland City Council, District 5
Deering Ctr., Riverton, No. Deering
www.kimcook.org
207.874.8986

--

Jon P. Jennings
City Manager
[City of Portland](#)
[389 Congress Street](#)
Portland, ME 04101
(207) 874-8689 Office
(207) 874-8669 Fax
jpj@portlandmaine.gov
www.portlandmaine.gov
Twitter: [@portlandmanager](#)



0 8 16 32 48 64

DRAFT CONCEPT



Homeless Shelter
Portland, Maine
First Floor Concept Plan
Scale: 1" = 16'-0"

A 1

January 18, 2017
REV. 3.21.17
REV. 7.6.17
REV. 8.23.17



The Future of Homeless Services in Portland



Health & Human Services Committee Meeting

January 22, 2019

This presentation and ongoing conversations include preliminary information on the homeless services center relocation project. The information includes potential site locations and information regarding potential partners. We realize the mere mention of various locations can be concerning for our residents. No final decisions have been made at this point. This information is solely intended for discussion purposes only.

Combination of Low Barrier HSC + Specialty Beds

Partnership with Avesta Housing & The Opportunity Alliance

150 low barrier beds on one site

+

Specialty Beds

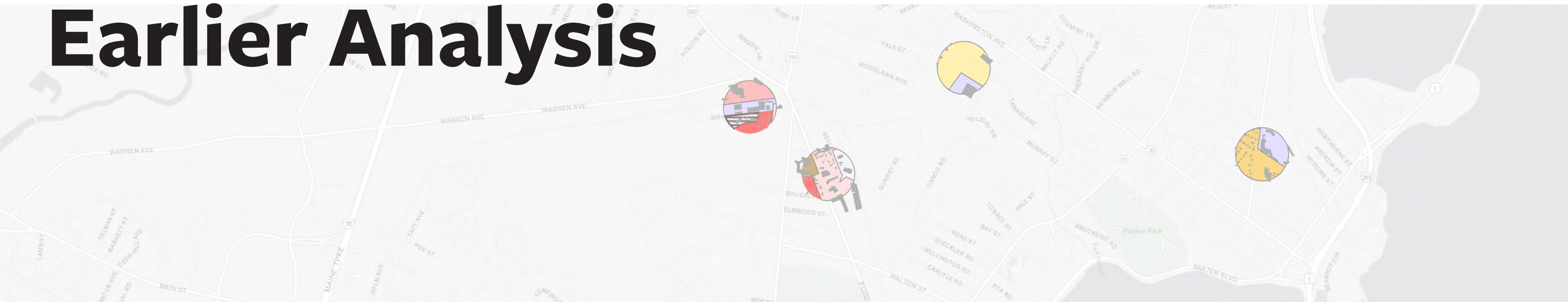
Policy Guidance

Staff would like to recommend that as we are in the process of deciding where and how to locate a new service center, that the Council take a look at long-standing policies regarding local and state guidelines for shelter eligibility and responsibility.

Shelter Location(s): Further Inquiry



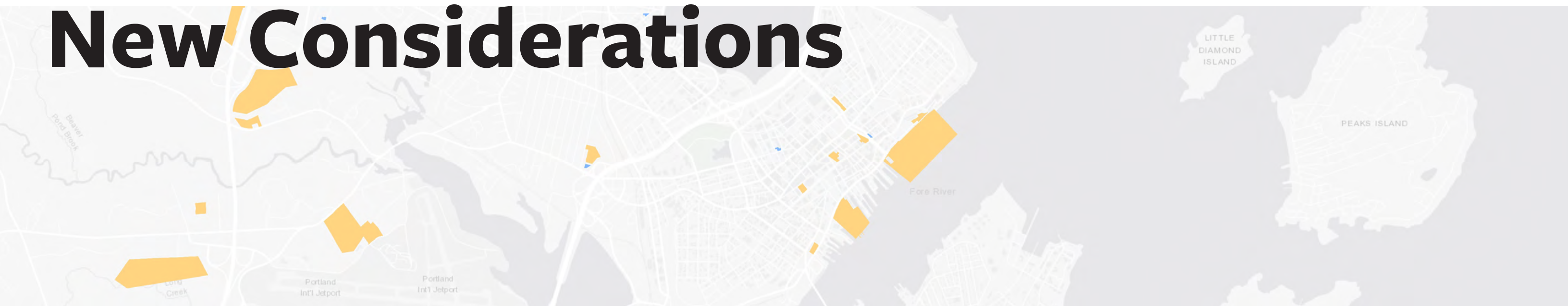
Earlier Analysis



Housing Committee Search



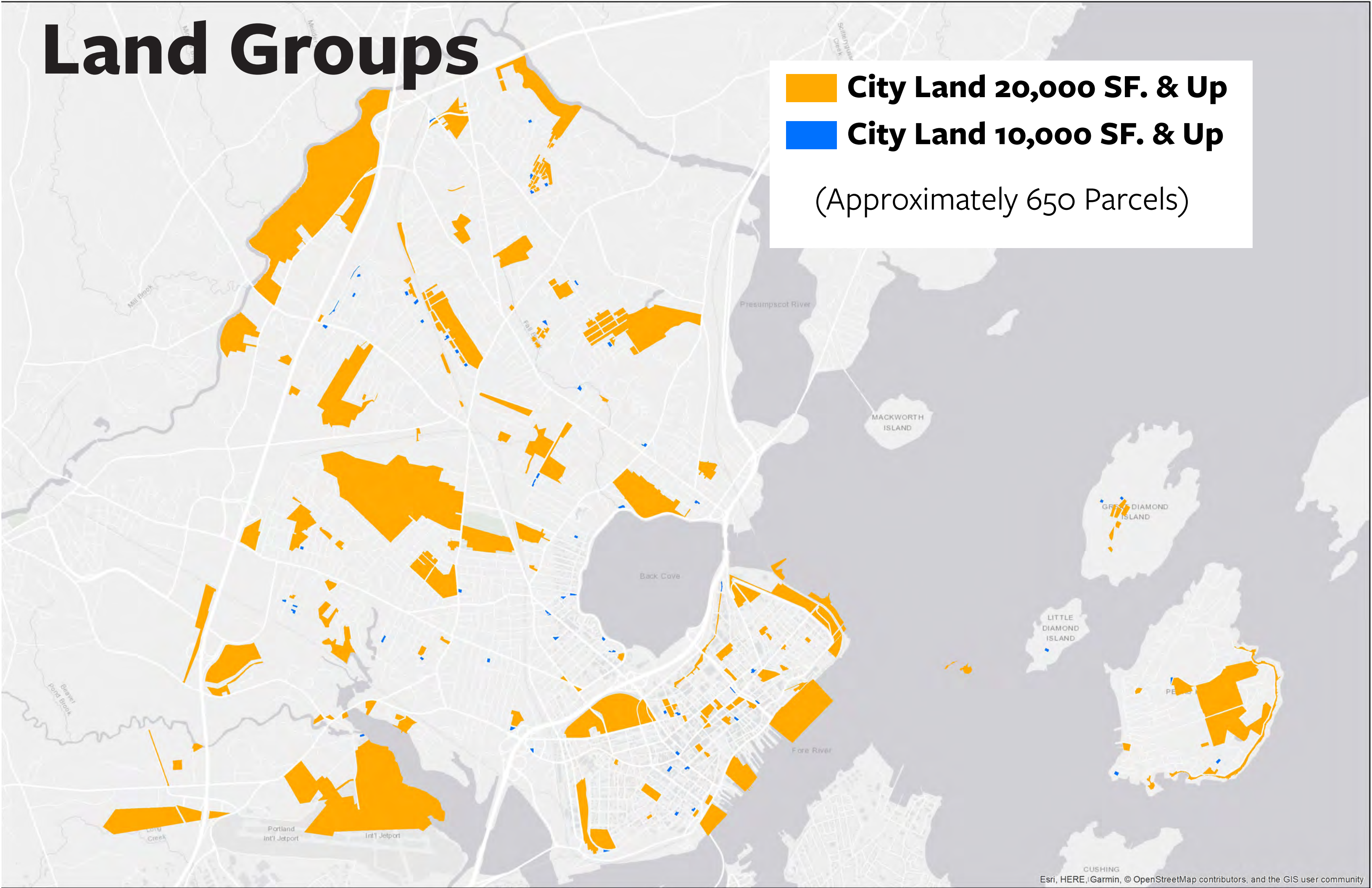
New Considerations



Land Groups

-  **City Land 20,000 SF. & Up**
-  **City Land 10,000 SF. & Up**

(Approximately 650 Parcels)



Quick Reductions

- City Land 20,000 SF. & Up
- City Land 10,000 SF. & Up

(Approximately 30 Sites)

Screened:

- Land Bank
- Parks & Cemeteries
- Wet Properties, Watersheds
- Prohibitive Uses
- Islands
- Highway Infrastructure
- Etc.

Quick Categories

Existing Structures

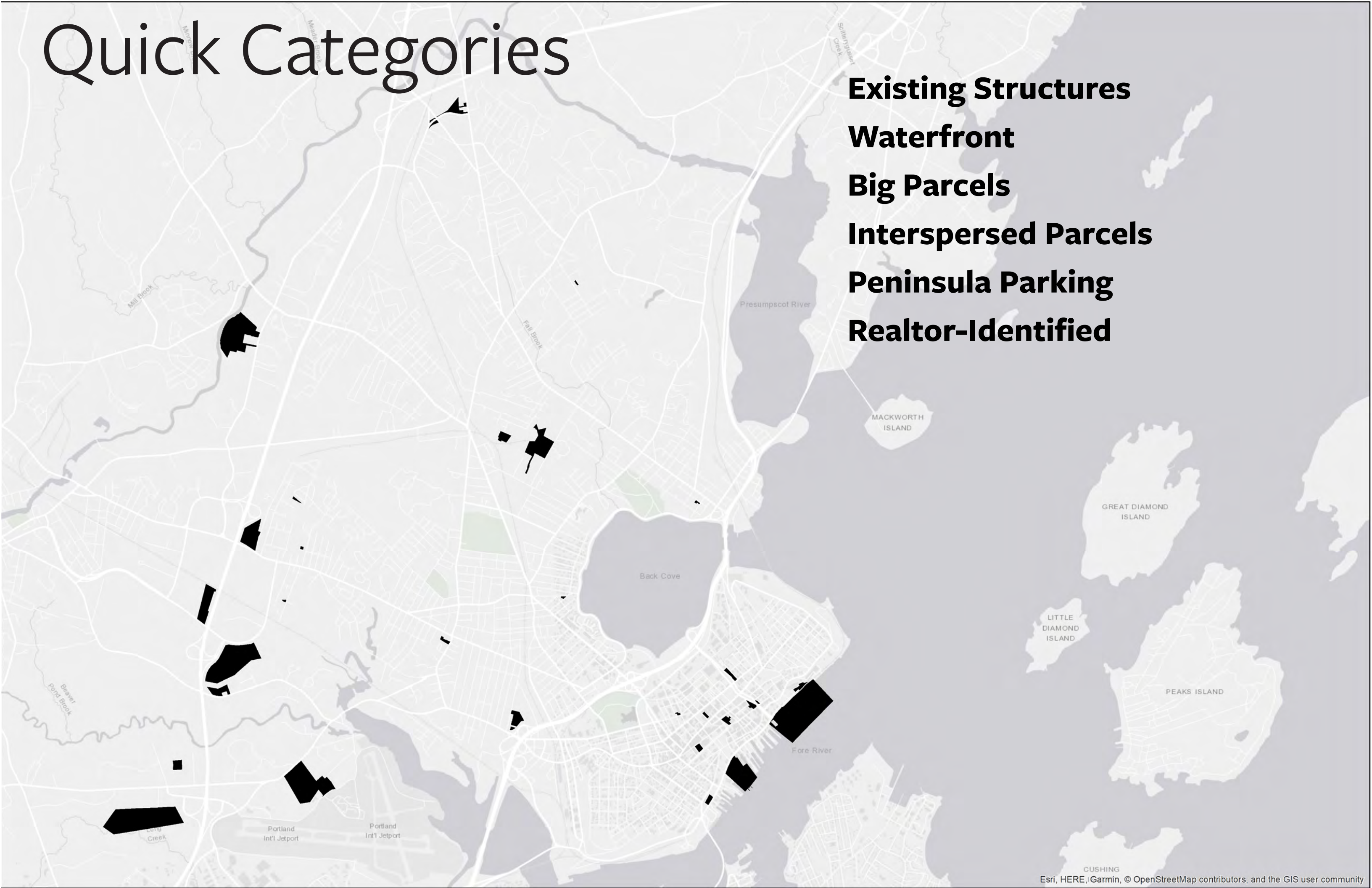
Waterfront

Big Parcels

Interspersed Parcels

Peninsula Parking

Realtor-Identified



Existing Structures

- **Large, City-owned sites**
- **Demolition / retrofits may be expensive**
- **Re-use may hinder design**



Existing Structures

DPW / P & R Buildings

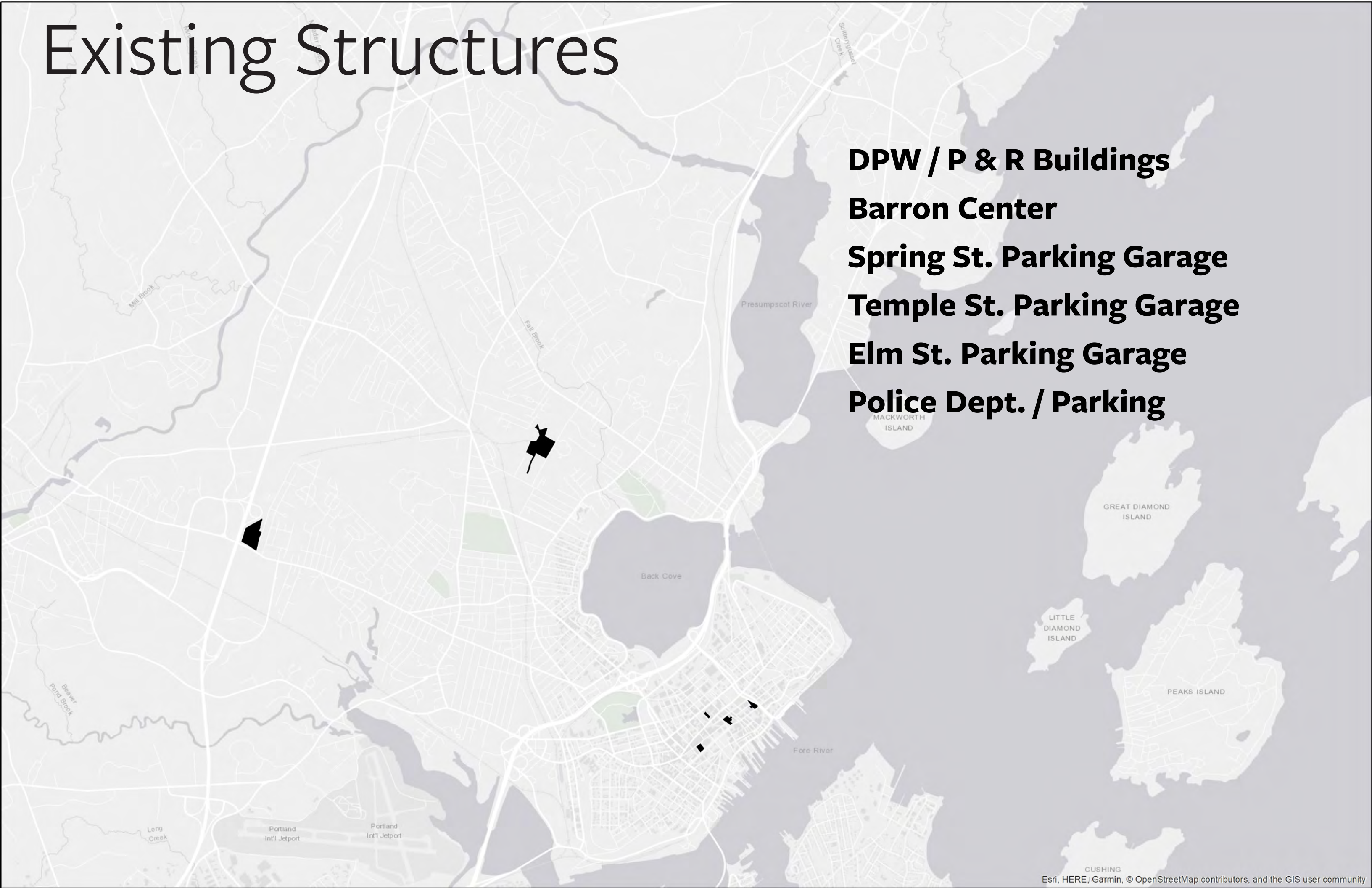
Barron Center

Spring St. Parking Garage

Temple St. Parking Garage

Elm St. Parking Garage

Police Dept. / Parking





DPW / P & R Buildings

Barron Center

Police HQ

Elm St. Garage

Temple St. Garage

Spring St. Garage

Existing Structures: Quick Pass

The size of the parking garages (and therefore the cost and impact of demolition) and the complexity of the Police space appear preventative.

The Barron Center property includes unused land, existing parking lots, and potentially convertible space.

~~**DPW / P & R Buildings**~~

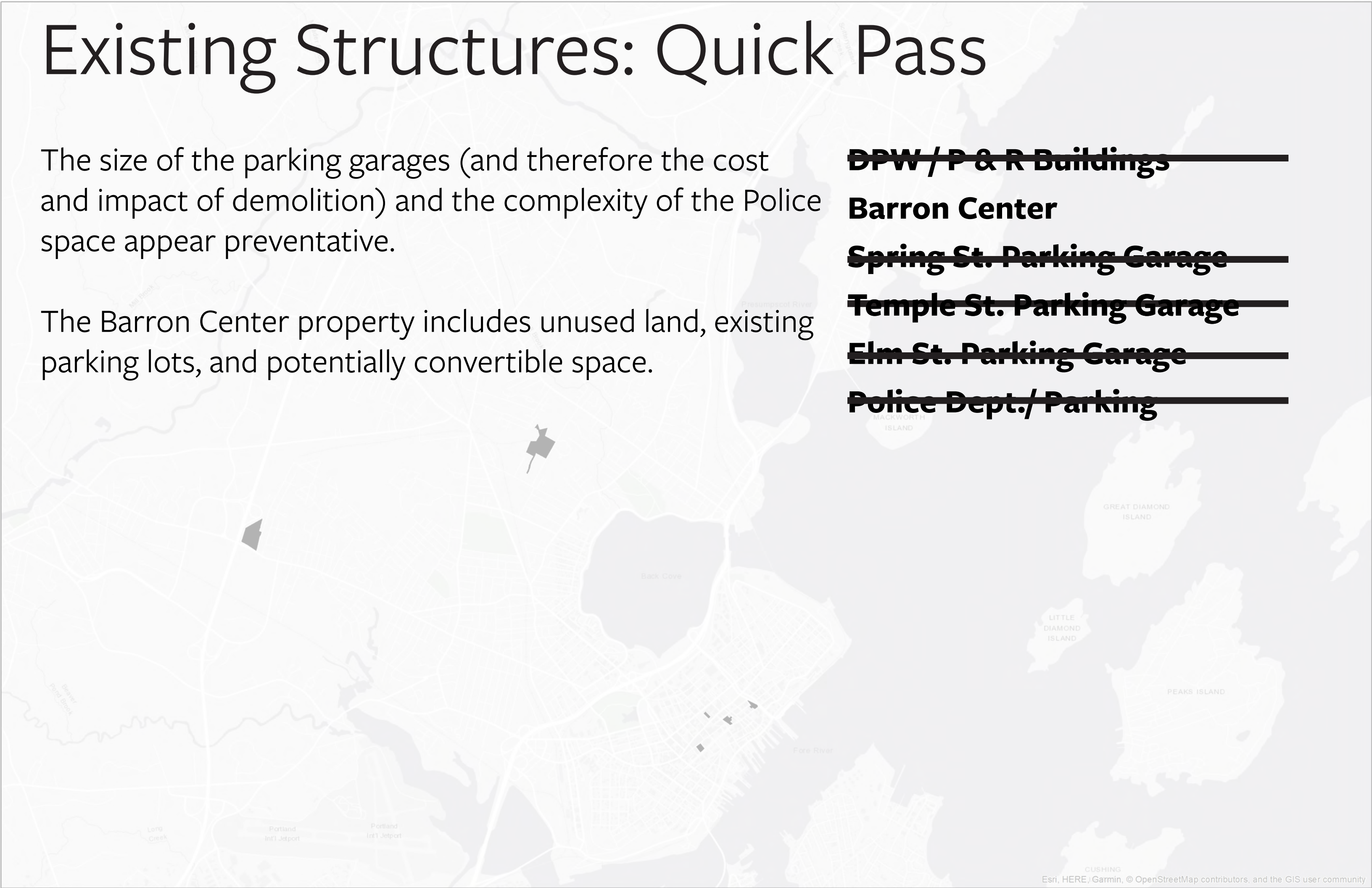
Barron Center

~~**Spring St. Parking Garage**~~

~~**Temple St. Parking Garage**~~

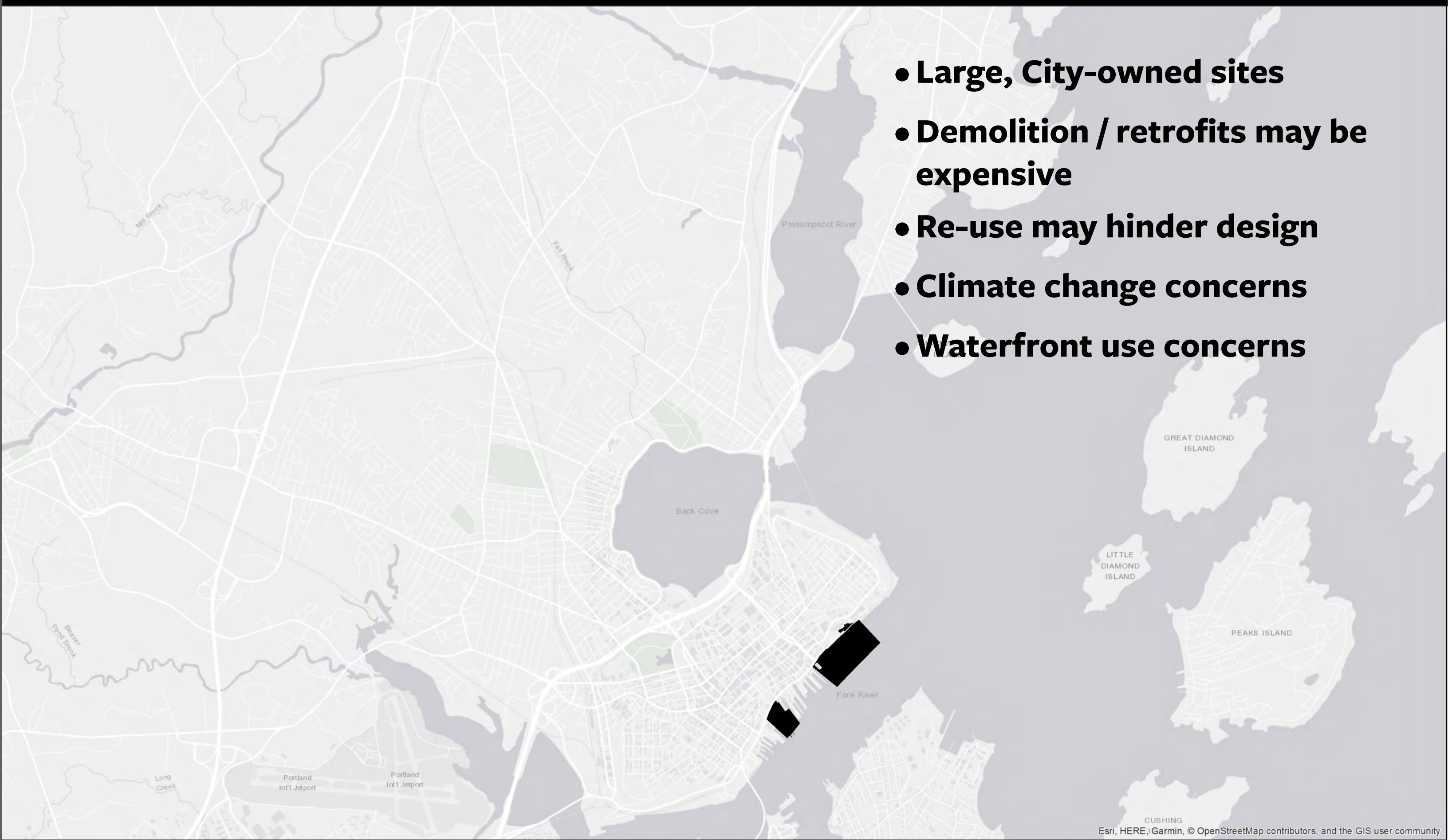
~~**Elm St. Parking Garage**~~

~~**Police Dept./ Parking**~~



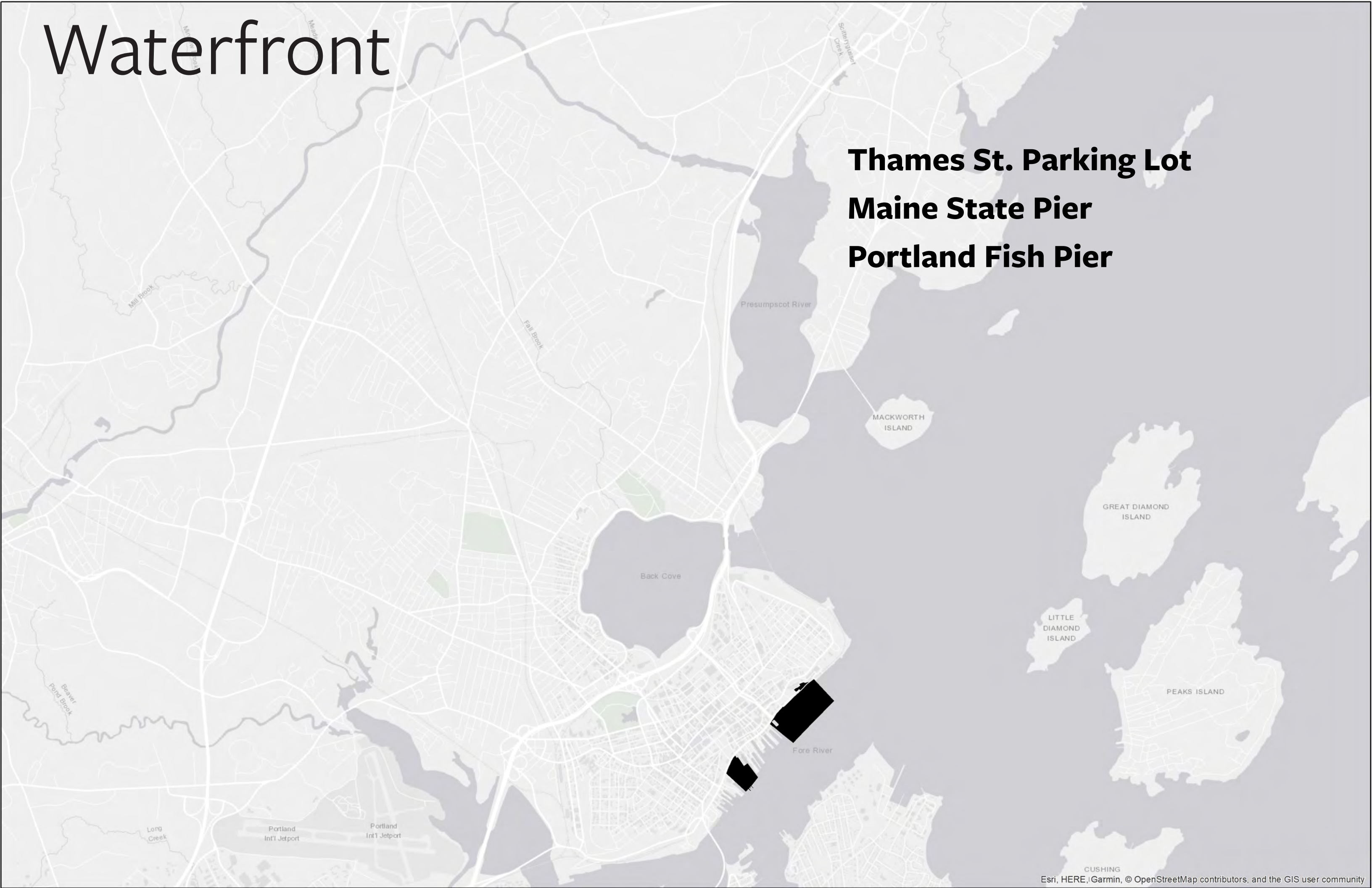
Waterfront

- **Large, City-owned sites**
- **Demolition / retrofits may be expensive**
- **Re-use may hinder design**
- **Climate change concerns**
- **Waterfront use concerns**



Waterfront

Thames St. Parking Lot
Maine State Pier
Portland Fish Pier





Thames St. Parking Lot

This aerial photograph shows the waterfront of Portland, Maine. A red line outlines a large area along the coast, including a parking lot, a long pier, and a fish pier. The parking lot is located on the left side of the image, near the city center. The pier extends into the water, and the fish pier is located further down the coast. The water is a deep green color, and the city buildings are visible in the background.

Maine State Pier

Portland Fish Pier

Waterfront: Quick Pass

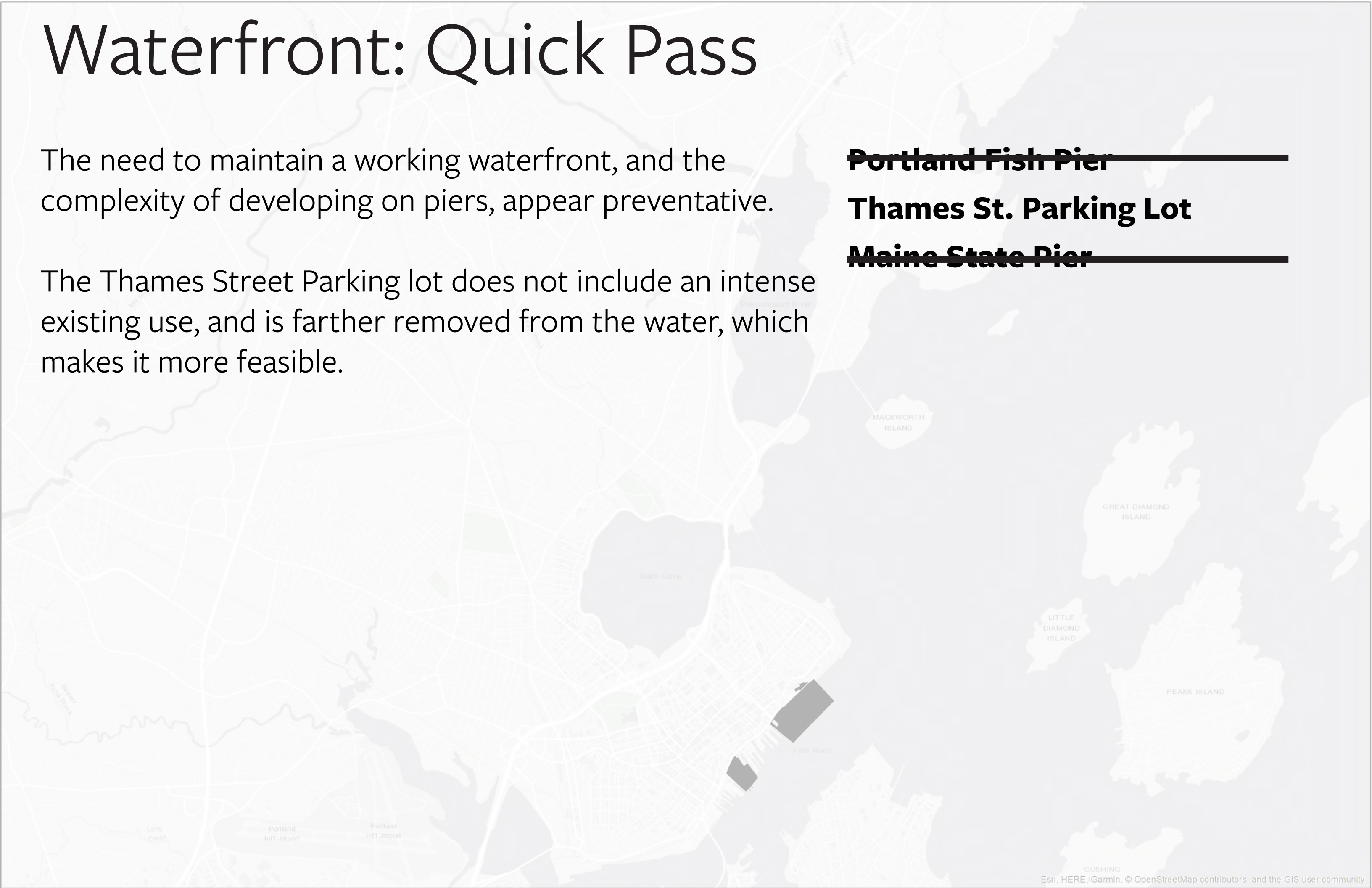
The need to maintain a working waterfront, and the complexity of developing on piers, appear preventative.

The Thames Street Parking lot does not include an intense existing use, and is farther removed from the water, which makes it more feasible.

~~Portland Fish Pier~~

Thames St. Parking Lot

~~Maine State Pier~~



Big Parcels

- Large, City-owned sites
- Tend to be at “edges” of City



Big Parcels

District Rd.

Land Leading to Airport

Former West School

o Westbrook St.

o Rand Rd. (Office Park)

1819 Westbrook St.

Riverside Recycling Facility

622 Auburn St.

Unmapped:

Possible Land Acquisition



622 Auburn St.

Riverside Recycling Center

1819 Westbrook St.

o Rand Rd.

o Westbrook St.

Former West School Site

1956 Congress St.

District Rd.

Big Parcels: Quick Pass

The sizes of these properties open up possibilities. Given sufficient funding and will, most could conceivably host a new building. These sites are generally in or around industrial, institutional, and/or commercial areas.

The o Westbrook Site includes hillside, is of interest to the Land Bank, and is located near more suitable property. A possible land acquisition at County Way is in a feasible location but may include site concerns.

The funds used to purchase several sites (land leading to the airport, District Road, Rand Road) limit the uses that can occur on each. This land would need to be purchased back, eliminating a key benefit of City-owned land.

~~**District Rd.**~~

~~**Land Leading to Airport**~~

Former West School

~~**o Westbrook St.**~~

~~**o Rand Rd. (Office Park)**~~

1819 Westbrook St.

Riverside Industrial Park

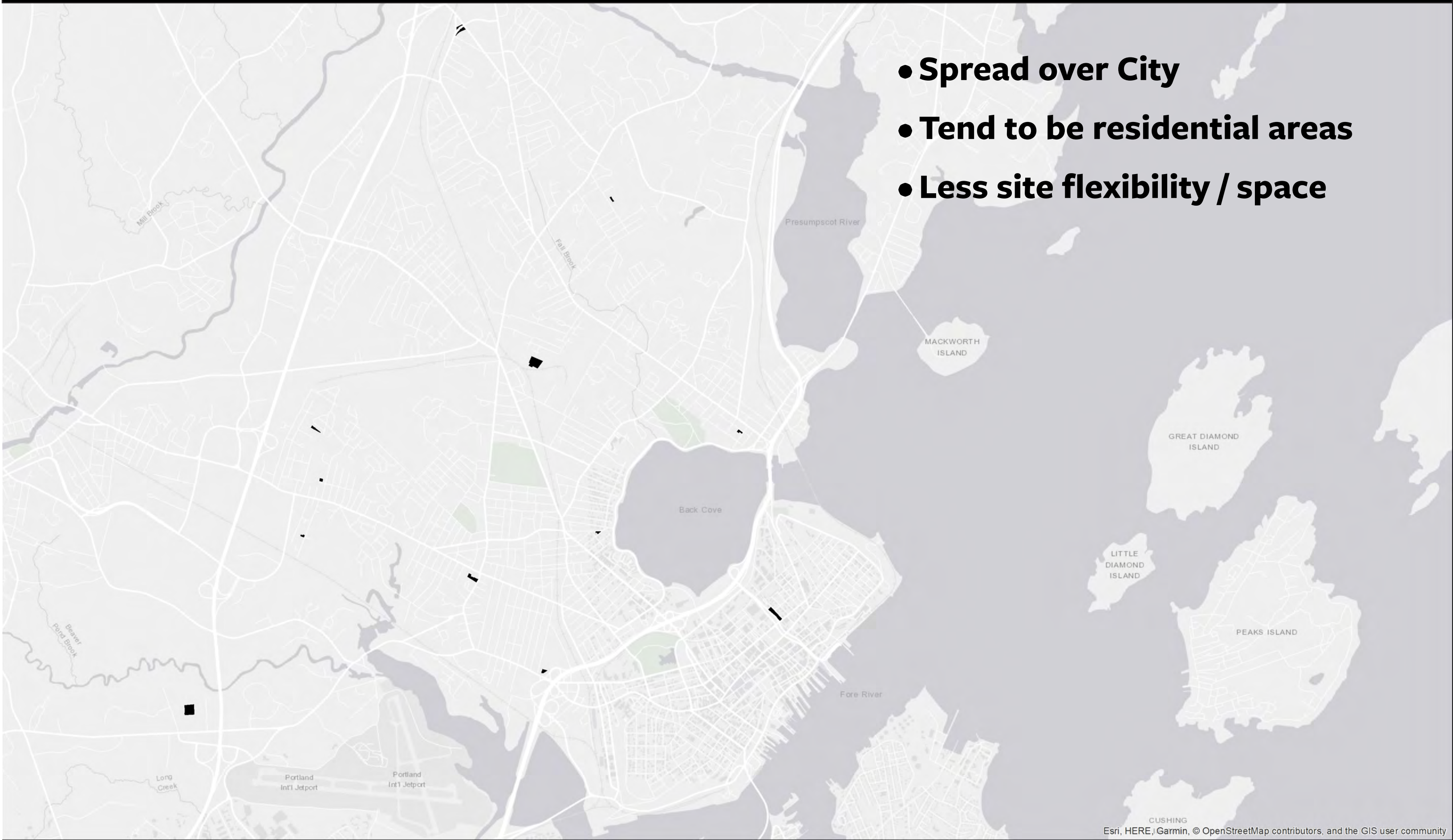
622 Auburn St.

Unmapped:

Possible Land Acquisition

Interspersed Parcels

- Spread over City
- Tend to be residential areas
- Less site flexibility / space



Interspersed Parcels

3 Hutchins Dr.
o Ravina St.
200 Lambert St.
o Cornell St.
43 Douglass St.
111 Rowe Ave.
56 Clifton St.
91 Riggs St.
21 Randall St.
o Utah Ave.
2092 Washington Ave.
Rosemont Fire Station Land
Franklin Reserve

An aerial photograph of Seattle, Washington, showing the city's layout, including the waterfront, major highways, and surrounding areas. Several locations are marked with red dots and labeled with text in white boxes. The labels are: 2092 Washington Ave., 200 Lambert St., o Utah Ave., o Cornell St., o Ravina St., 21 Randall St., 91 Riggs St., 56 Clifton St., 111 Rowe Ave., Rosemont Station Land, Franklin Reserve, 43 Douglass Street, and 3 Hutchins Dr. The map shows the city's proximity to the water and the surrounding landscape.

2092 Washington Ave.

200 Lambert St.

o Utah Ave.

o Cornell St.

o Ravina St.

21 Randall St.

91 Riggs St.

56 Clifton St.

111 Rowe Ave.

Rosemont Station Land

Franklin Reserve

43 Douglass Street

3 Hutchins Dr.

Interspersed Parcels: Quick Pass

The smaller sizes of some of these properties, and their locations (generally among single family neighborhoods, sometimes on paper streets) make them less feasible. They may be suitable for other social service models.

- o Cornell Street and 3 Hutchins Drive are larger and more industrial in nature. The former borders a residential neighborhood and may have environmental constraints. The latter is situated between other buildings, but given sufficient funds and will it may be feasible.

The Rosemont Fire Station would otherwise be considered a prohibitive existing use, but City-owned land behind the station makes it notable.

Franklin Reserve is also notable as a large area of undeveloped land on peninsula.

3 Hutchins Dr.

~~**6 Ravina St.**~~

~~**200 Lambert St.**~~

~~**6 Cornell St.**~~

~~**43 Douglass St.**~~

~~**111 Rowe Ave.**~~

~~**56 Clifton St.**~~

~~**91 Riggs St.**~~

~~**21 Randall St.**~~

~~**6 Utah Ave.**~~

~~**2092 Washington Ave.**~~

Rosemont Fire Station Land

Franklin Reserve

Peninsula Surface Parking Lots

- **Located near downtown**
- **Flat, clear site**
- **Less site flexibility / space**
- **Loss of parking**



Peninsula Surface Parking Lots

Angelo's Acre
33 Portland St.
83 Middle St.

Unmapped:
157 Brackett St.
176 Clark St.



33 Portland St.

83 Middle St.

Angelo's Acre

Peninsula Parking Lots: Quick Pass

The location and relative site simplicity of parking lots close to downtown offer possibilities. While 33 Portland Street and 83 Middle Street are somewhat constrained, both these sites and Angelo's Acre could conceivably host a new building.

The unmapped lots on Brackett and Clark Streets are across the street from the Reiche School, which may make them infeasible.

Angelo's Acre
33 Portland St.
83 Middle St.

Unmapped:

~~**157 Brackett St.**~~

~~**176 Clark St.**~~

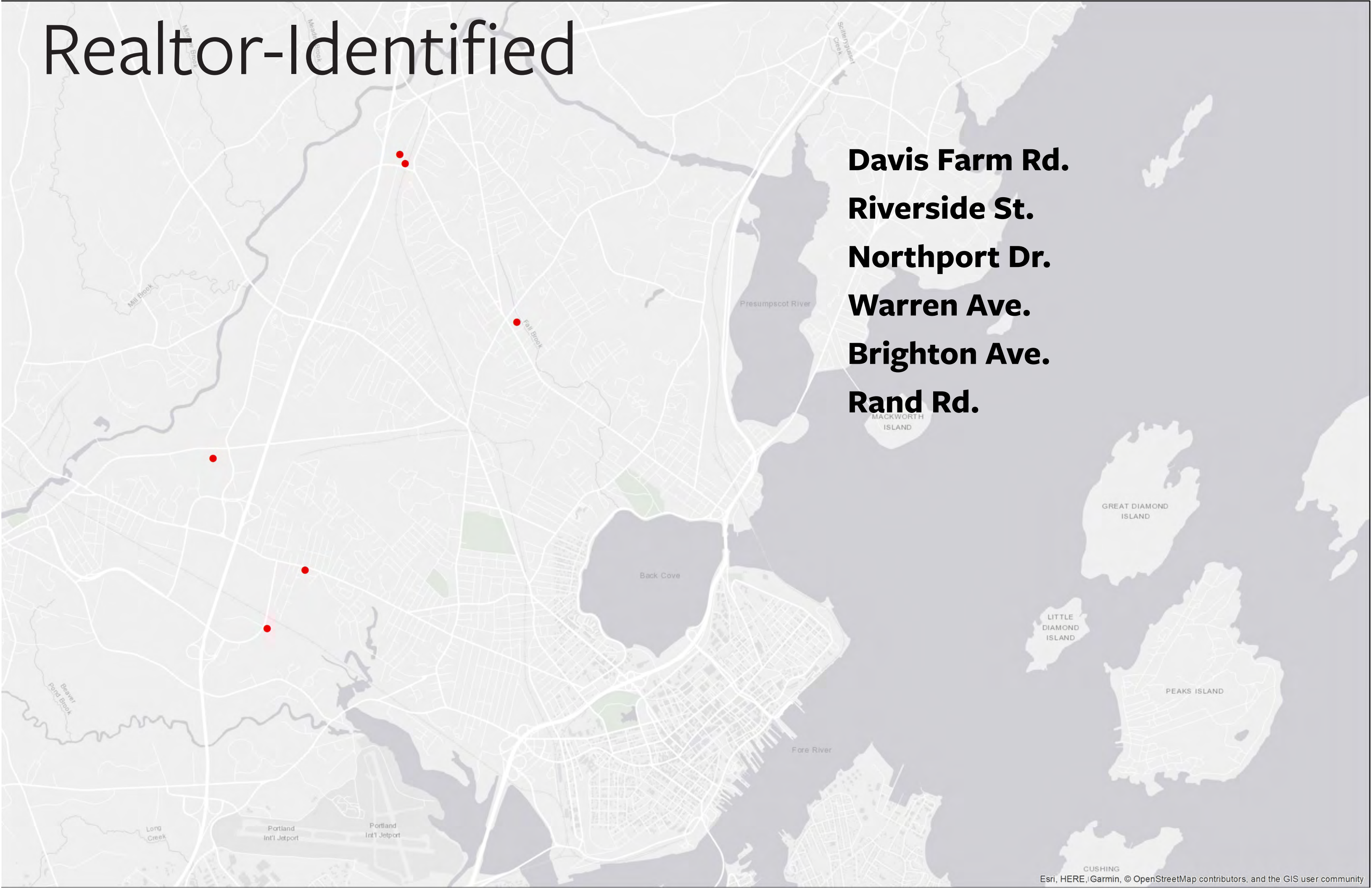
Realtor-Identified

- **Require rental or purchase**
- **Demolition / retrofits may be expensive**
- **Re-use may hinder design**



Realtor-Identified

Davis Farm Rd.
Riverside St.
Northport Dr.
Warren Ave.
Brighton Ave.
Rand Rd.



An aerial photograph of a coastal town, likely in Rhode Island, showing a dense residential area with a grid-like street pattern. A river or estuary flows through the town, with a large body of water on the right side. Several streets are highlighted with red dots and labels. The labels are: Riverside St. (top left), Davis Farm Rd. (top center), Northport Dr. (center right), Warren Ave. (middle left), Brighton Ave. (bottom center), and Rand Rd. (bottom left).

Riverside St.

Davis Farm Rd.

Northport Dr.

Warren Ave.

Brighton Ave.

Rand Rd.

Realtor-Identified: Quick Pass

Given sufficient funding and will, these sites could host relevant uses. However, all would include significant costs not applicable to City-owned land.

The Warren Avenue site appears most feasible due to its size, location, and existing conditions.

~~**Davis Farm Rd.**~~

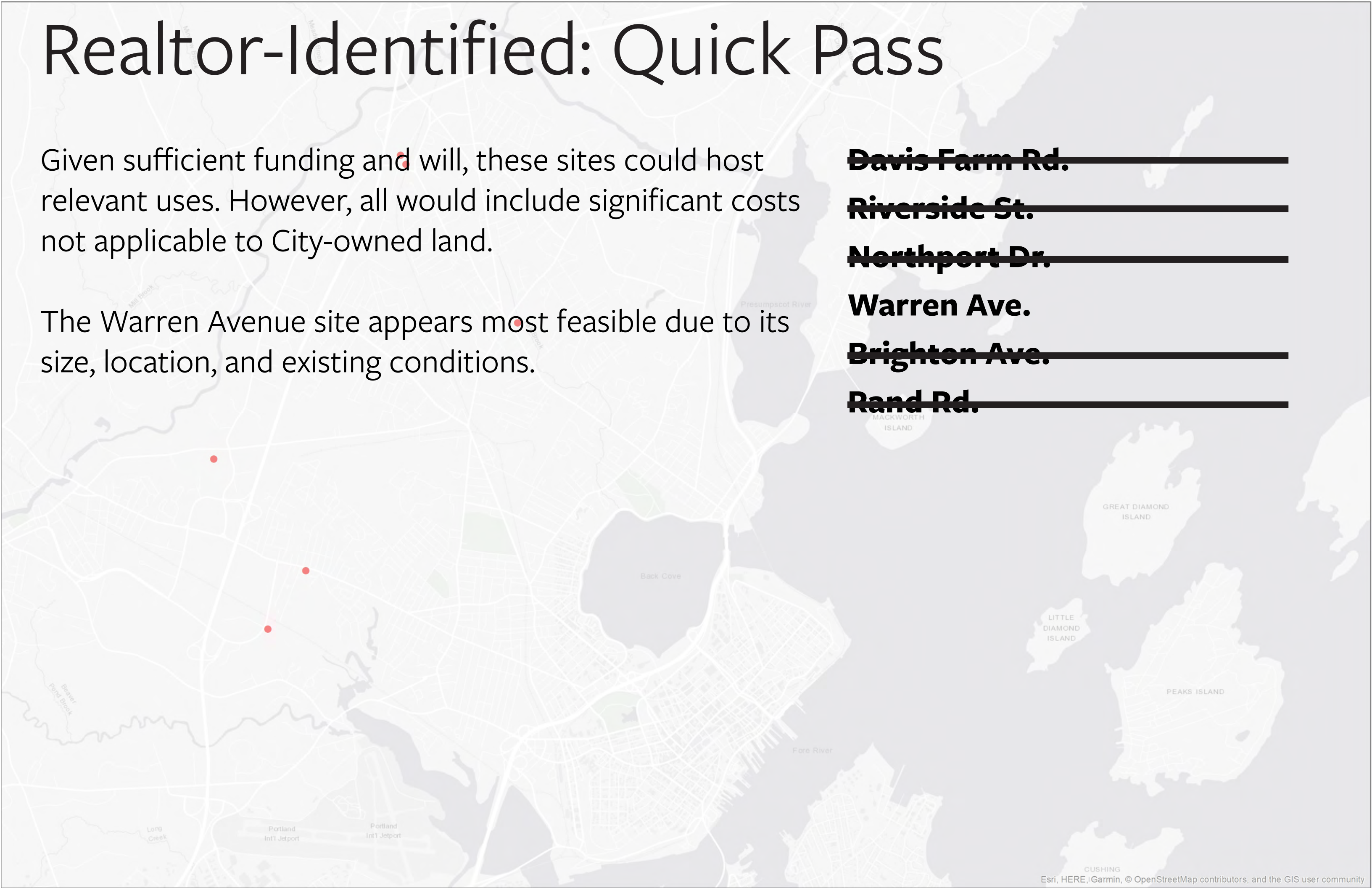
~~**Riverside St.**~~

~~**Northport Dr.**~~

Warren Ave.

~~**Brighton Ave.**~~

~~**Rand Rd.**~~



Most Reasonable (?) Quick Pass

- Thames St. Parking Lot
- Barron Center
- Former West School
- 1819 Westbrook St.
- Riverside Industrial Park
- 622 Auburn St.
- County Way Acquisition
- 3 Hutchins Dr.
- Franklin Reserve
- Rosemont Fire Station Land
- Angelo’s Acre
- 33 Portland St.
- 83 Middle St.
- Warren Ave. Realty Site

14

Different assumptions, criteria, or judgements may yield different results.

Most Reasonable (?) Quick Pass

Thames St. Parking Lot

Barron Center

Former West School

1819 Westbrook St.

Riverside Industrial Park

622 Auburn St.

County Way Acquisition

3 Hutchins Dr.

Franklin Reserve

Rosemont Fire Station Land

Angelo's Acre

33 Portland St.

83 Middle St.

Warren Ave. Realty Site



Most Reasonable (?) Quick Pass

Thames St. Parking Lot

Barron Center

Former West School

1819 Westbrook St.

Riverside Industrial Park

622 Auburn St.

County Way Acquisition

3 Hutchins Dr.

Franklin Reserve

Rosemont Fire Station Land

Angelo's Acre

33 Portland St.

83 Middle St.

Warren Ave. Realty Site



Most Reasonable (?) Quick Pass

Thames St. Parking Lot

Barron Center

Former West School

1819 Westbrook St.

Riverside Industrial Park

622 Auburn St.

County Way Acquisition

3 Hutchins Dr.

Franklin Reserve

Rosemont Fire Station Land

Angelo's Acre

33 Portland St.

83 Middle St.

Warren Ave. Realty Site



Most Reasonable (?) Quick Pass

Thames St. Parking Lot

Barron Center

Former West School

1819 Westbrook St.

Riverside Industrial Park

622 Auburn St.

County Way Acquisition

3 Hutchins Dr.

Franklin Reserve

Rosemont Fire Station Land

Angelo's Acre

33 Portland St.

83 Middle St.

Warren Ave. Realty Site



Most Reasonable (?) Quick Pass

Thames St. Parking Lot

Barron Center

Former West School

1819 Westbrook St.

Riverside Industrial Park

622 Auburn St.

County Way Acquisition

3 Hutchins Dr.

Franklin Reserve

Rosemont Fire Station Land

Angelo's Acre

33 Portland St.

83 Middle St.

Warren Ave. Realty Site



Most Reasonable (?) Quick Pass

Thames St. Parking Lot

Barron Center

Former West School

1819 Westbrook St.

Riverside Industrial Park

622 Auburn St.

County Way Acquisition

3 Hutchins Dr.

Franklin Reserve

Rosemont Fire Station Land

Angelo's Acre

33 Portland St.

83 Middle St.

Warren Ave. Realty Site



Most Reasonable (?) Quick Pass

Thames St. Parking Lot

Barron Center

Former West School

1819 Westbrook St.

Riverside Industrial Park

622 Auburn St.

County Way Acquisition

3 Hutchins Dr.

Franklin Reserve

Rosemont Fire Station Land

Angelo's Acre

33 Portland St.

83 Middle St.

Warren Ave. Realty Site



Most Reasonable (?) Quick Pass

Thames St. Parking Lot

Barron Center

Former West School

1819 Westbrook St.

Riverside Industrial Park

622 Auburn St.

County Way Acquisition

3 Hutchins Dr.

Franklin Reserve

Rosemont Fire Station Land

Angelo's Acre

33 Portland St.

83 Middle St.

Warren Ave. Realty Site



Most Reasonable (?) Quick Pass

Thames St. Parking Lot

Barron Center

Former West School

1819 Westbrook St.

Riverside Industrial Park

622 Auburn St.

County Way Acquisition

3 Hutchins Dr.

Franklin Reserve

Rosemont Fire Station Land

Angelo's Acre

33 Portland St.

83 Middle St.

Warren Ave. Realty Site



Most Reasonable (?) Quick Pass

Thames St. Parking Lot

Barron Center

Former West School

1819 Westbrook St.

Riverside Industrial Park

622 Auburn St.

County Way Acquisition

3 Hutchins Dr.

Franklin Reserve

Rosemont Fire Station Land

Angelo's Acre

33 Portland St.

83 Middle St.

Warren Ave. Realty Site



Most Reasonable (?) Quick Pass

Thames St. Parking Lot

Barron Center

Former West School

1819 Westbrook St.

Riverside Industrial Park

622 Auburn St.

County Way Acquisition

3 Hutchins Dr.

Franklin Reserve

Rosemont Fire Station Land

Angelo's Acre

33 Portland St.

83 Middle St.

Warren Ave. Realty Site



Most Reasonable (?) Quick Pass

Thames St. Parking Lot

Barron Center

Former West School

1819 Westbrook St.

Riverside Industrial Park

622 Auburn St.

County Way Acquisition

3 Hutchins Dr.

Franklin Reserve

Rosemont Fire Station Land

Angelo's Acre

33 Portland St.

83 Middle St.

Warren Ave. Realty Site



Most Reasonable (?) Quick Pass

Thames St. Parking Lot

Barron Center

Former West School

1819 Westbrook St.

Riverside Industrial Park

622 Auburn St.

County Way Acquisition

3 Hutchins Dr.

Franklin Reserve

Rosemont Fire Station Land

Angelo's Acre

33 Portland St.

83 Middle St.

Warren Ave. Realty Site



Most Reasonable (?) Quick Pass

Thames St. Parking Lot

Barron Center

Former West School

1819 Westbrook St.

Riverside Industrial Park

622 Auburn St.

County Way Acquisition

3 Hutchins Dr.

Franklin Reserve

Rosemont Fire Station Land

Angelo's Acre

33 Portland St.

83 Middle St.

Warren Ave. Realty Site



Next Steps

Thames St. Parking Lot

Barron Center

Former West School

1819 Westbrook St.

Riverside Industrial Park

622 Auburn St.

County Way Acquisition

3 Hutchins Dr.

Franklin Reserve

Rosemont Fire Station Land

Angelo's Acre

33 Portland St.

83 Middle St.

Warren Ave. Realty Site

Policy direction:

which sites are sufficiently feasible and desirable?

Additional site analysis:

any of these sites may harbor unforeseen constraints

Report back:

which sites remain feasible and compelling?

Additional leadership direction:

narrowing site(s) selection

However...

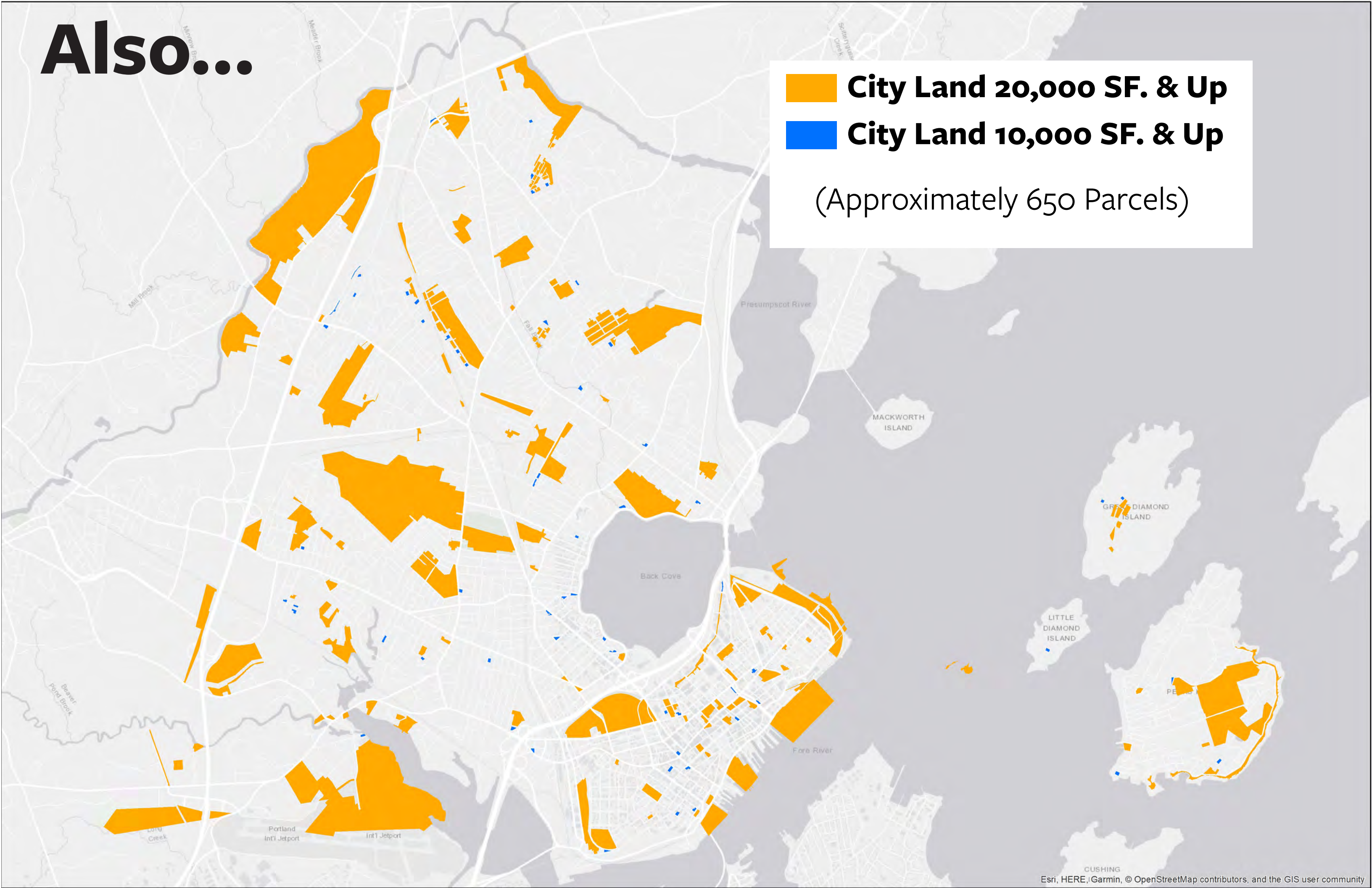
- City Land 20,000 SF. & Up
- City Land 10,000 SF. & Up

(Approximately 30 Sites)

Screened:

- Land Bank
- Parks & Cemeteries
- Wet Properties, Watersheds
- Prohibitive Uses
- Islands
- Highway Infrastructure
- Etc.

Also...



Questions?



Homeless Services Informational Memo
City of Portland
City Council Health and Human Services and Public Safety Committee
March 19, 2019

Prepared By: Rob Parritt, Homeless Services Consultant
To: Jon Jennings, City Manager

At the February 26 Health and Human Services and Public Safety Committee meeting, the Committee narrowed down a list of potential Homeless Services Center locations from 11 to 3 sites. Once the Committee members settled on the three sites, City staff from the Planning and Urban Development and Health and Human Services Departments were tasked with providing additional information on the three sites. HHS staff has identified several sectors of information that have been found to be pertinent to the discussion regarding a new site from a social services perspective; basic zoning criteria being one. In May of 2017, the Planning Board made some zoning adjustments regarding emergency shelter.

The zoning specifically lists several criteria pertaining to emergency shelters and building design. It will be important for any potential site to be able to meet the following criteria.

- Space for on-site providers to provide a variety of services for shelter residents
- A private, screened outdoor area
- A centralized office design with clear sight lines
- ¼ mile access to Metro; or be within ½ mile of Metro with space inside large enough inside to accommodate ALL guests and implement strategies to help residents utilize transit
- Enough space for security searches
- 1 parking space for every two employees
- A Management Plan addressing shelter management responsibilities, process for resolving neighborhood concerns, staffing, access restrictions, on site surveillance, safety measures, controls for resident behavior and noise levels and monitoring reports

HHS staff will provide information regarding the proposed sites' proximity to existing resources and service providers. The concentration of and access to social services has been a constant talking point throughout the site location process so staff felt it important to provide that information. Please note that although access to Metro is an important factor, there will be additional transportation services regardless of site location. These services include a City shuttle van, continued access to taxi vouchers and coordinating with providers for other alternate forms of transportation.

It is important to hear from community service providers to see if the three proposed sites will work for them or if there are concerns that need to be identified so that partnerships can be identified that will allow our shelter residents to receive much needed services. Key partners and community agencies have been contacted and asked to provide feedback on the three proposed sites. The agencies we have contacted thus far include...

Avesta, Amistad, Catholic Charities- ACT Team, Cultivating Community, GA/HIRE, City of Portland- Mobile Medical Outreach, Frannie Peabody, CHOM, Goodwill Northern New England Workforce Services, Milestone Recovery, Portland Adult Education, Portland PD-Community Policing, Portland Public Library, Preble Street, PTLA, SARSSM, Shalom House, Spurwink Mental Health Center, TOA/PATH,

Through These Door and HVJ. Please see the attached exhibits regarding the feedback we received from agencies. Exhibit 1.

Please reference this informational table for a quick overview on transportation access, providers near each site, services available near each site and themes that occurred based on feedback from service providers...

Table 1.1

Site	Metro Access	Providers Located Near Proposed Site	Services Offered by Providers	Provider Feedback Themes
Angelo's Acre 431 Commercial Street	Yes	• Amistad • Learning Works • Catholic Charities • STRIVE U • Frannie Peabody Center • Milestone Recovery • Florence House • VA Clinic • Through These Doors Domestic Violence Outreach at the Portland Police Department	• Emergency Shelter • Detox • Peer Support • Case Management • Medical Treatment • Mental Health Care • Meals • Vet Services • Healthcare • Housing Navigation • DV Services • Street Outreach • HOME Team • HIV/AIDS Services • Anti-trafficking services • ESL • Education • Youth Services	• Waterfront safety concerns • Weather Exposure • Ease of access to transportation and amenities • Likely opposition from businesses and residents
County Way	Yes	• Shalom House • Florence House • Iris Network • Logan Place • Metro Office • Learning Works	• Case Management • Emergency Shelter • Services for Blind People • Transportation • Housing Navigation • Housing Subsidies • Anti-trafficking services • ESL • Education • Youth Services	• Some concerned with proximity to jail • Acceptable access to transportation and services • Could be seen as hiding the homeless • Likely opposition from businesses/residents

Riverside Street 654 Riverside Street	Yes	• Spurwink • Riverton Community Policing • ITN Portland	• Transportation • Community Policing • Case Management • Crisis Services • Behavioral Health • Youth Services • Autism Services • Refugee Services • Foster Care Services	• Isolation • Physical Access • Hiding the homeless • Long bus ride • Difficult for MAT • programs to operate • Difficult to access services
--	-----	---	--	--

Table 1.1 Summary:

In summary, all three sites appear to meet accessibility criteria regarding Metro access as clearly stated in the zoning language.

The number of service providers within a close distance of each site varies from site to site. Angelo's Acre is the site that has the most service providers located in a close proximity, County Way had the second most and the Riverside location had the least. It is worth noting that although there are social service providers within a reasonable proximity of each site, not all of those services are designed specifically for people experiencing homelessness.

Community service providers were asked to weigh in on each potential location. One clear concern raised by providers is the safety concerns raised by the Angelo's Acre site due to its proximity to the waterfront. Community providers do not seem to view any location as an obstacle for continuing to provide on-site services except for administering any sort of medication assisted treatment (MAT). Some feedback seems to indicate that the location at Riverside Street is perceived as being isolated and could potentially be seen as "hiding the homeless." At least one provider stated that the proposed location at County Way would have a similar effect of "hiding the homeless." Most community providers do not seem to have an issue with a services center being located closely to the Cumberland County Jail campus (only one provider noted this as a concern).

This memo is not meant to steer the Committee's opinion or indicate staff preference for any location. The information gathered is being presented so that the HHS&PS Committee can make an informed decision based solely on information provided at their request. City staff also completed a SWOT analysis on each location as requested during the February 26 HHS&PS Committee Meeting and can be found below in table 1.2.

Staff examined what social services, medical services, emergency services, employment opportunities and schools are located within a close proximity of the three proposed sites. Staff created a table providing specific details of what entities are located near each potential site. Please reference table 1.3.

SWOT (Strengths, Weaknesses, Opportunity, Threats)

Table 1.2

Site	Strengths	Weaknesses	Opportunity	Threats
Angelo's Acre	Flat Parcel, City Owned, Metro Access	Waterfront Proximity, Water Safety Concerns, Small Site, Traffic Concerns	Community Integration, Employment	Potential issues with tourists/patrons, Loss of parking in Old Port
County Way	Large Parcel, Metro Access	Direct Access to Fore River, Traffic Concerns, Train Tracks	Potential Partnerships with the County, Large enough site to build a flexible building	Land Acquisition VRAP
Riverside Street	Large Parcel, Flat Parcel, Metro Access	Isolation, Access, Water Safety	Large enough site to build a flexible building	VRAP

Location Matrix
Table 1.3

Service Providers within the area of Potential Homeless Service Center Locations

Angelo's Acre	County Way	Riverside Industrial Park
• Amistad 66 State Street Distance: 0.3 miles • Catholic Charities 66 State Street Distance: 0.3 miles • STRIVE U 12 Nye Street Distance: 0.2 miles • Frannie Peabody Center 30 Danforth Street Distance: 0.4 miles • Milestone Recovery 65 India Street Distance: 1. mile • Florence House 190 Valley Street Distance: 1.2 miles • VA Clinic 144 Fore Street Distance: 1.1 miles • Learning Works 181 Brackett Street Distance: 1.6 miles • Through These Doors Domestic Violence Outreach at the Portland Police Department 109 Middle Street Distance: 0.9 miles	• Shalom House 106 Gilman Street Distance: 1.1 miles • Florence House 190 Valley Street Distance: 1.2 miles • Iris Network 189 Park Ave Distance: 0.8 miles • Learning Works 181 Brackett Street Distance: 1.1 miles • Logan Place 52 Frederic Street Distance: 0.5 miles • Metro 114 Valley Street Distance: 1.4 miles	• Spurwink 899 Riverside Street Distance: 420ft • Riverton Community Policing 57 Riverton Drive Distance: 0.6 miles • ITN Portland 90 Bridge Street Distance: 3.8 miles

Fire Stations within the area of Potential Homeless Service Center Locations

Angelo's Acre	50 County Way	Riverside Industrial Park
• Fire Headquarters 380 Congress St.Portland, ME 04101 Distance: .9 miles • Bramhall Station 784 Congress St.Portland, ME 04102 Distance: .9 miles	• Bramhall Station 784 Congress St.Portland, ME 04102 Distance: .7 miles	• Riverton Station 1592 Forest Ave.Portland, ME 04103 Distance: 1.2 miles

Employment Opportunities

Angelo's Acre	50 County Way	Riverside Industrial Park
• Over 160 restaurants/bars/coffee shops. • Hospitality options in multiple old port hotels • Working waterfront, to include fish markets • Seasonal employment	• McDonald's • Amato's • Dunkin Donuts • Sullivan Tire • LaQuinta • Paulin's Tire • D'Angelo's • Save-A-Lot • Dollar Tree • Denny's • HP Hood • Barber Foods • Cozy Harbor	• Riverside Recycling Facility • Hannaford • 7 Eleven • Tortilla Flat • Garbage to Garden • Orkin Pest & Termite Control • Micucci's Wholesale Foods • Seacoast Coffee Company • Family Dollar • Multiple Breweries

Schools Within the Area of Potential Sites

Angelo's Acre	50 County Way	Riverside Industrial Park
• Reiche Community School Distance: .6 miles • Waynelete Distance: 1.0 miles	• Reiche Community School Distance: 1.6 miles • Waynelete Distance: 2.2 miles	• Riverside Elementary School Distance: 1.3 miles • Casco Bay High School Distance: 2.8 miles • Portland Arts & Technology High School Distance: 2.8 miles • Lyman Moore Middle School Distance: 2.6 miles • Harrison Lyseth Elementary Distance 2.7 miles

Medical Providers Within the Area of Potential Sites

Angelo's Acre	50 County Way	Riverside Industrial Park
• Frannie Peabody Center Distance: 0.4 mile • Milestone Detox Distance: 1. Mile • VA Portland Clinic Distance: 1.1 miles • Portland Community Free Clinic Distance: 1.1 miles	• Mercy Fore River Distance: 1.4 miles • Maine Medical Center Distance: 0.8 miles • 180 Park Ave Distance: 0.7 miles • Iris Network Distance: 0.8 miles	

Exhibit 1

Shelter Location(s): Further Inquiry



February 26 List

Thames St. Parking Lot

1819 Westbrook St.

Franklin Reserve

654 Riverside St.

622 Auburn St.

Angelo’s Acre

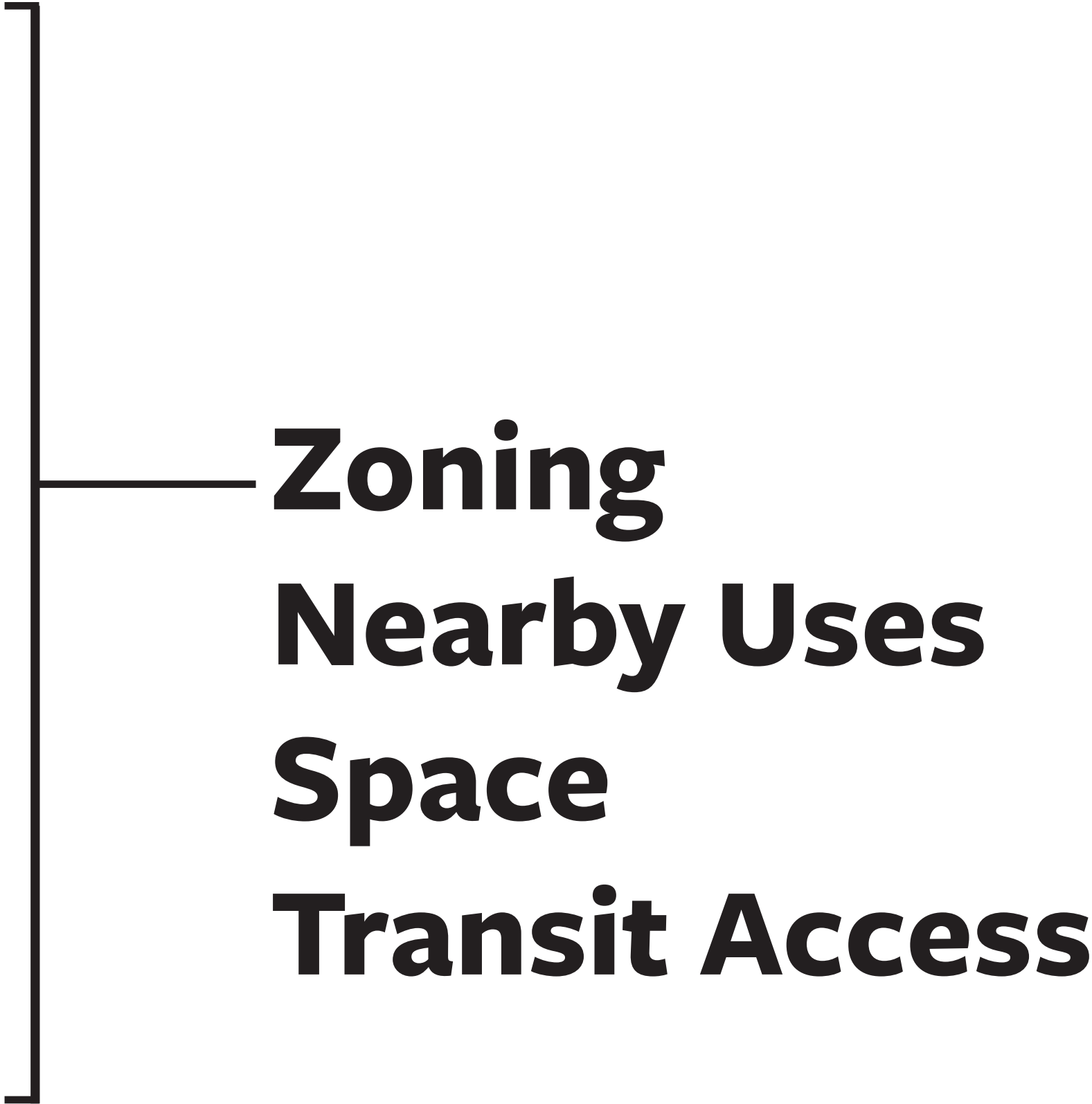
33 Portland St.

83 Middle St.

1386 Riverside St.

3 Hutchins Dr.

County Way Acquisition



- Zoning**
- Nearby Uses**
- Space**
- Transit Access**

HHS Selections

Thames St. Parking Lot

1819 Westbrook St.

Franklin Reserve

654 Riverside St.

622 Auburn St.

Angelo’s Acre

33 Portland St.

83 Middle St.

1386 Riverside St.

3 Hutchins Dr.

County Way Acquisition

**Identified for
Continued Analysis**

654 Riverside St.



654 Riverside St. (EDIT)



654 Riverside St. (EDIT)



654 Riverside St. (EDIT)

ON SITE ZONING (% Area)

69.7 IM

30.3 IH

ZONING % WITHIN BUFFER

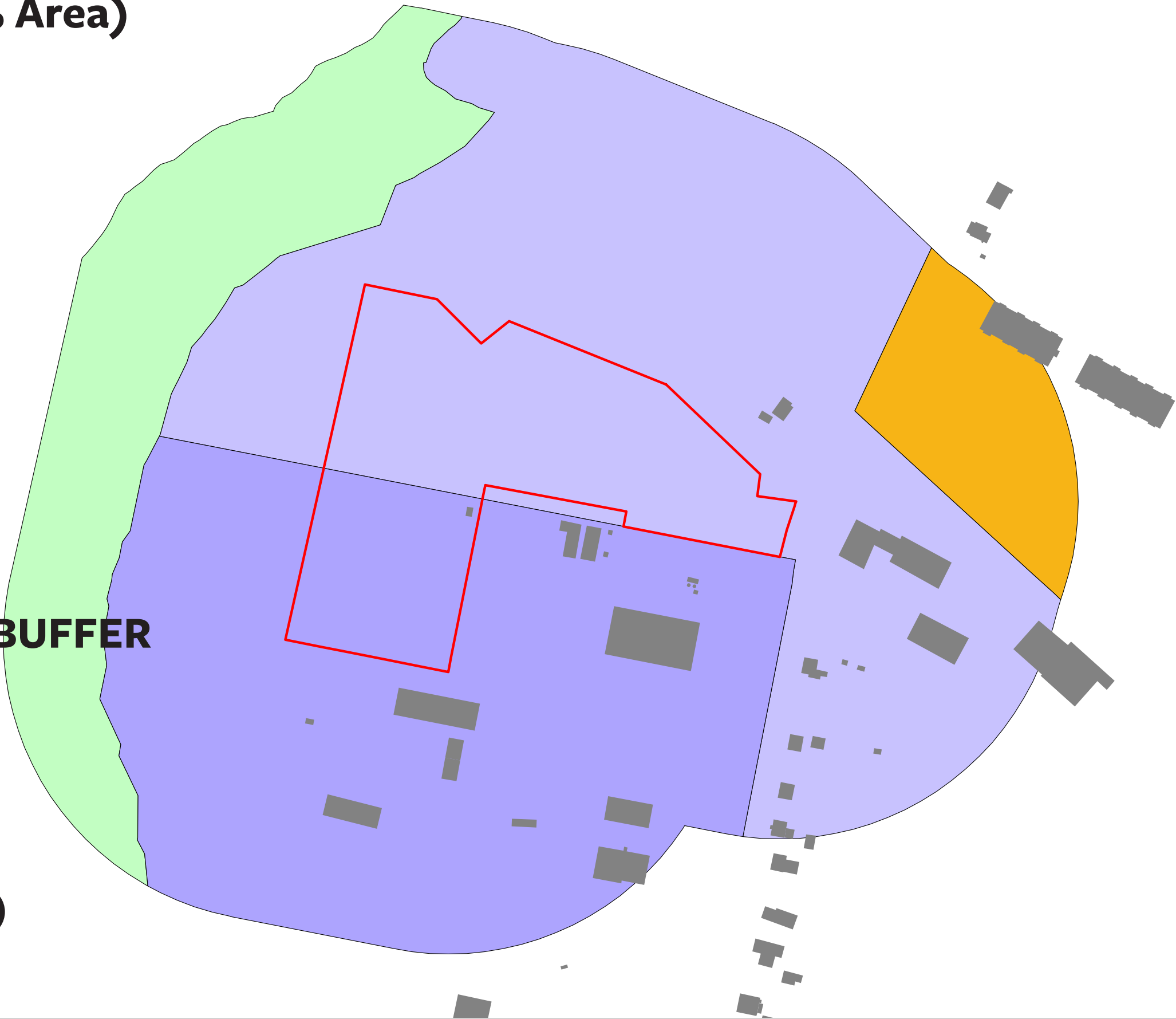
42.3 IM

34.8 IH

14.9 RPZ

5.3 R5

2.7 na (Out of City)



654 Riverside St. (EDIT)

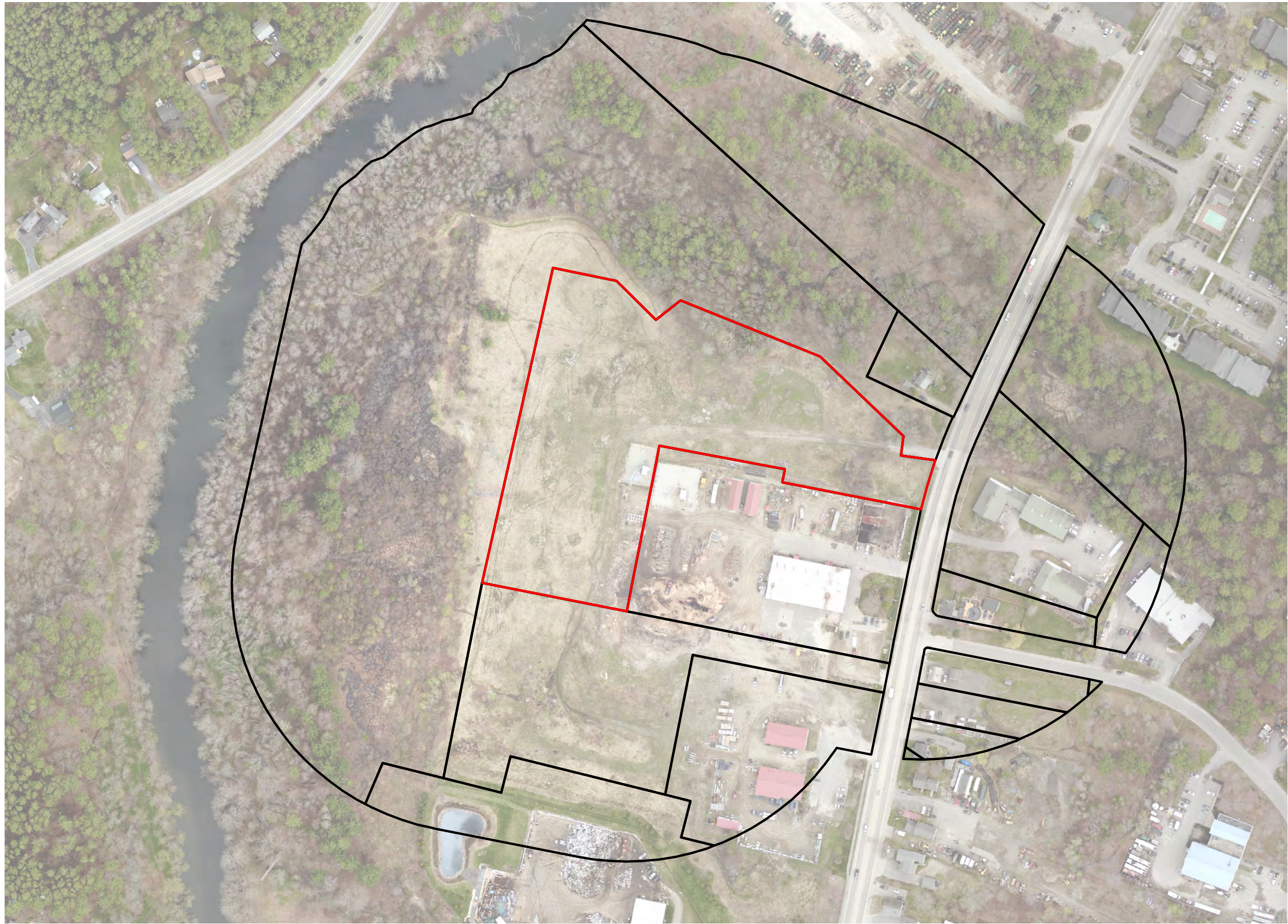
ASSESSED USE (% area):

- 58.9 Governmental**
- 16.8 Multi-use Commercial**
- 10.0 Parking lots**
- 5.2 Twenty-one Plus Family**
- 4.4 Single Family**
- 3.7 Warehouse/storage**

OTHER (<1% area)
manufacturing

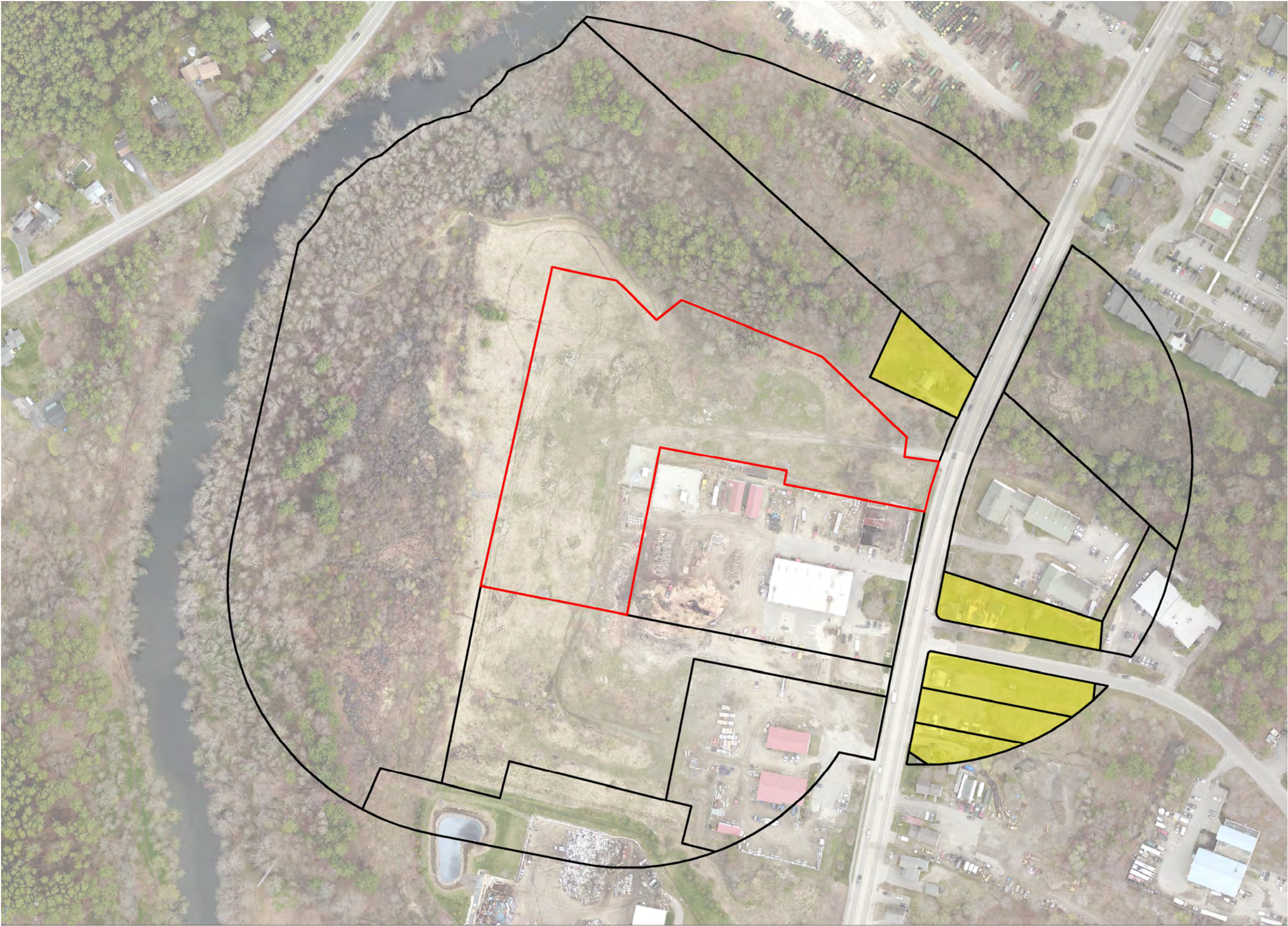


654 Riverside St.



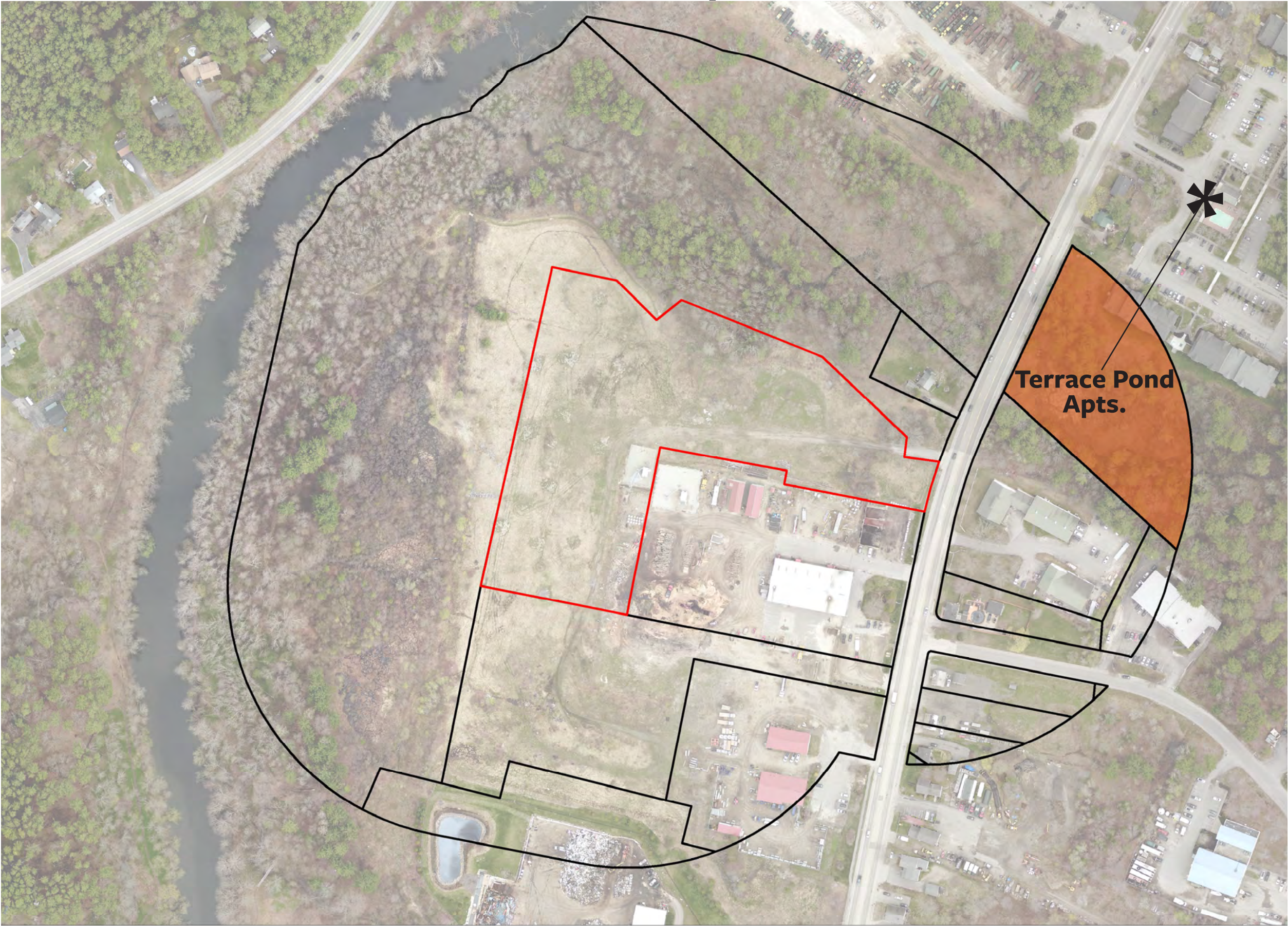
654 Riverside St: single family

one fam units: ~5 five plus fam units: ~117* total units: ~122

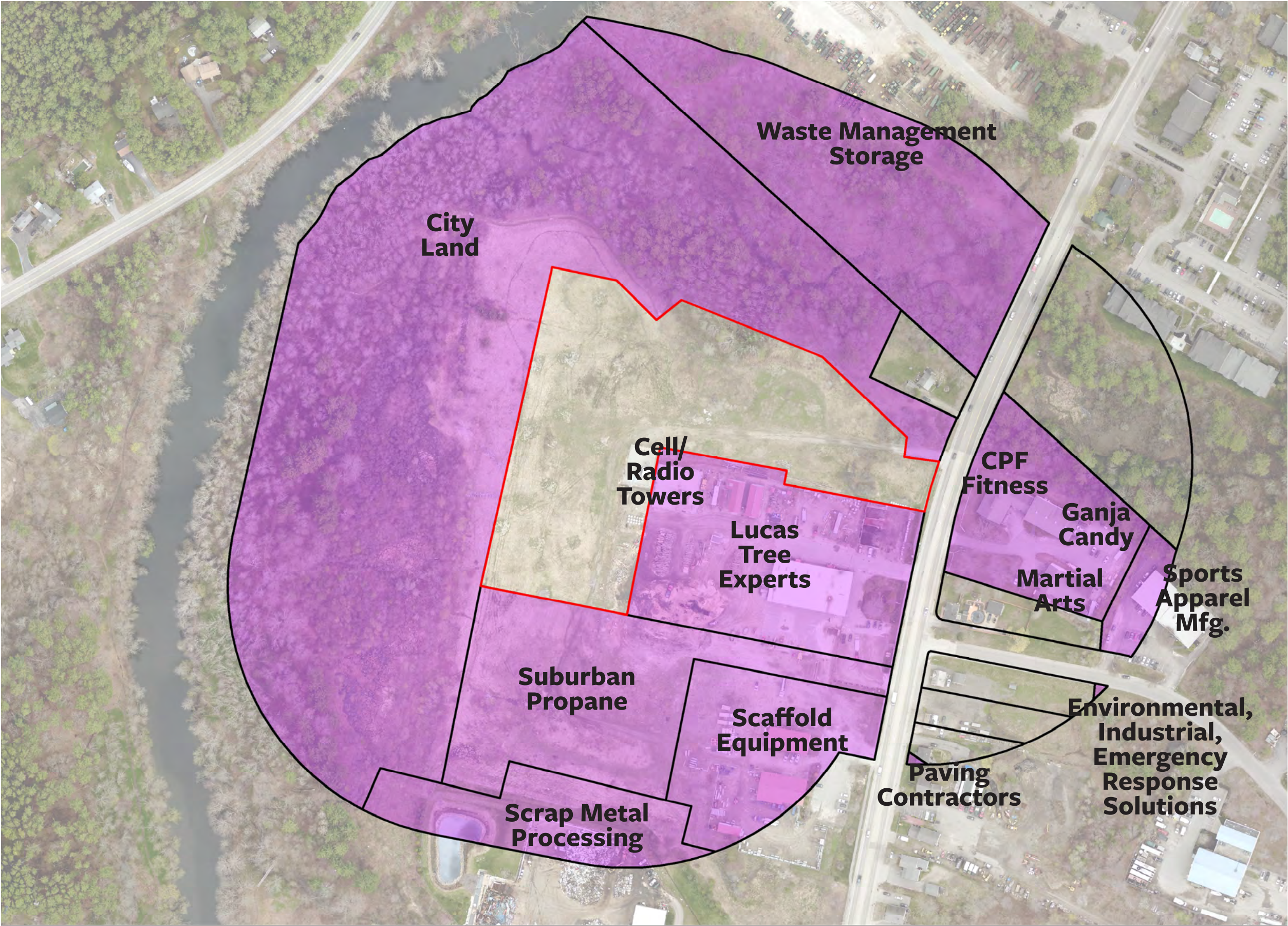


654 Riverside St: larger residential

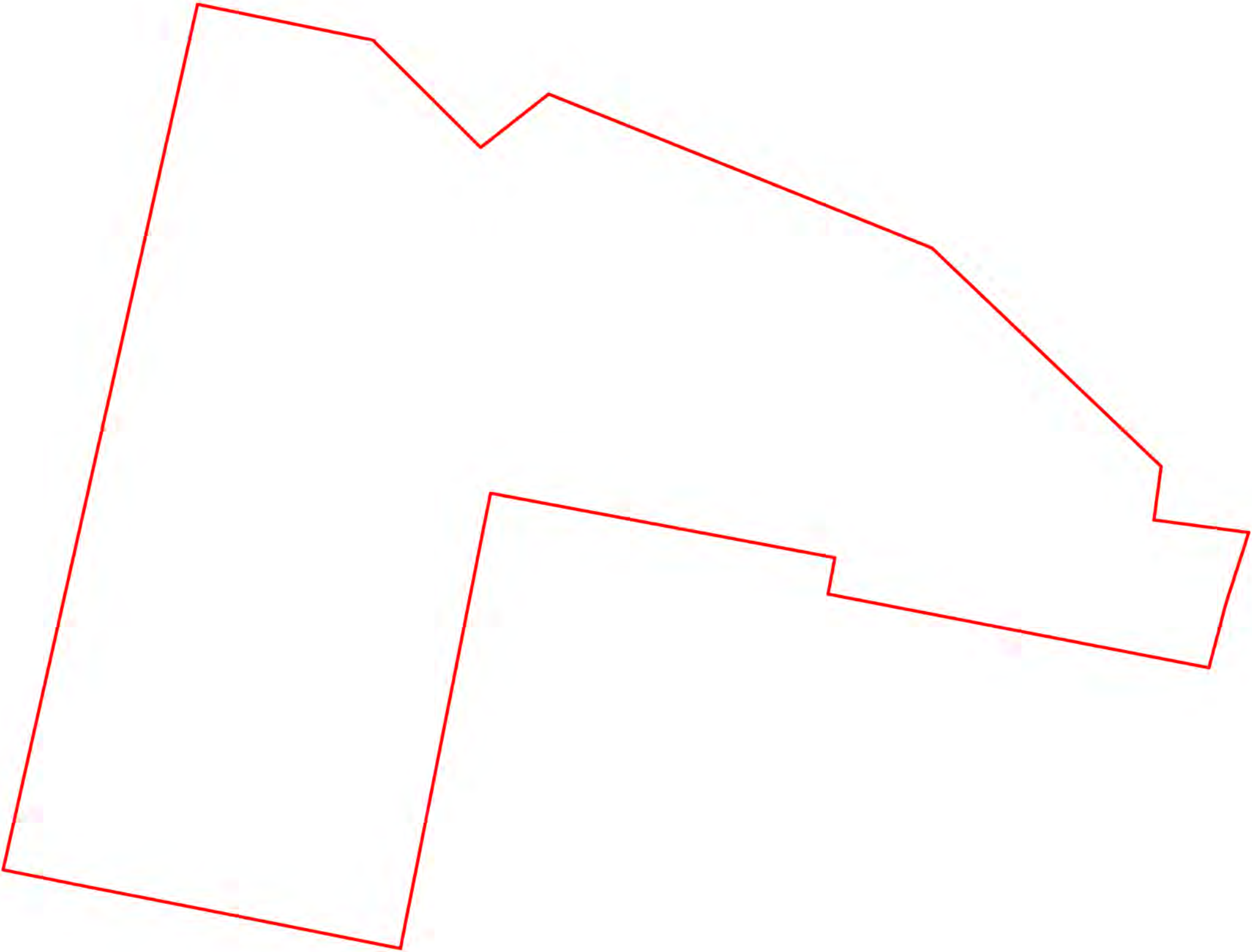
one fam units: ~5 five plus fam units: ~117* total units: ~122



654 Riverside St: other uses

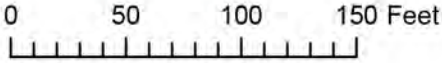
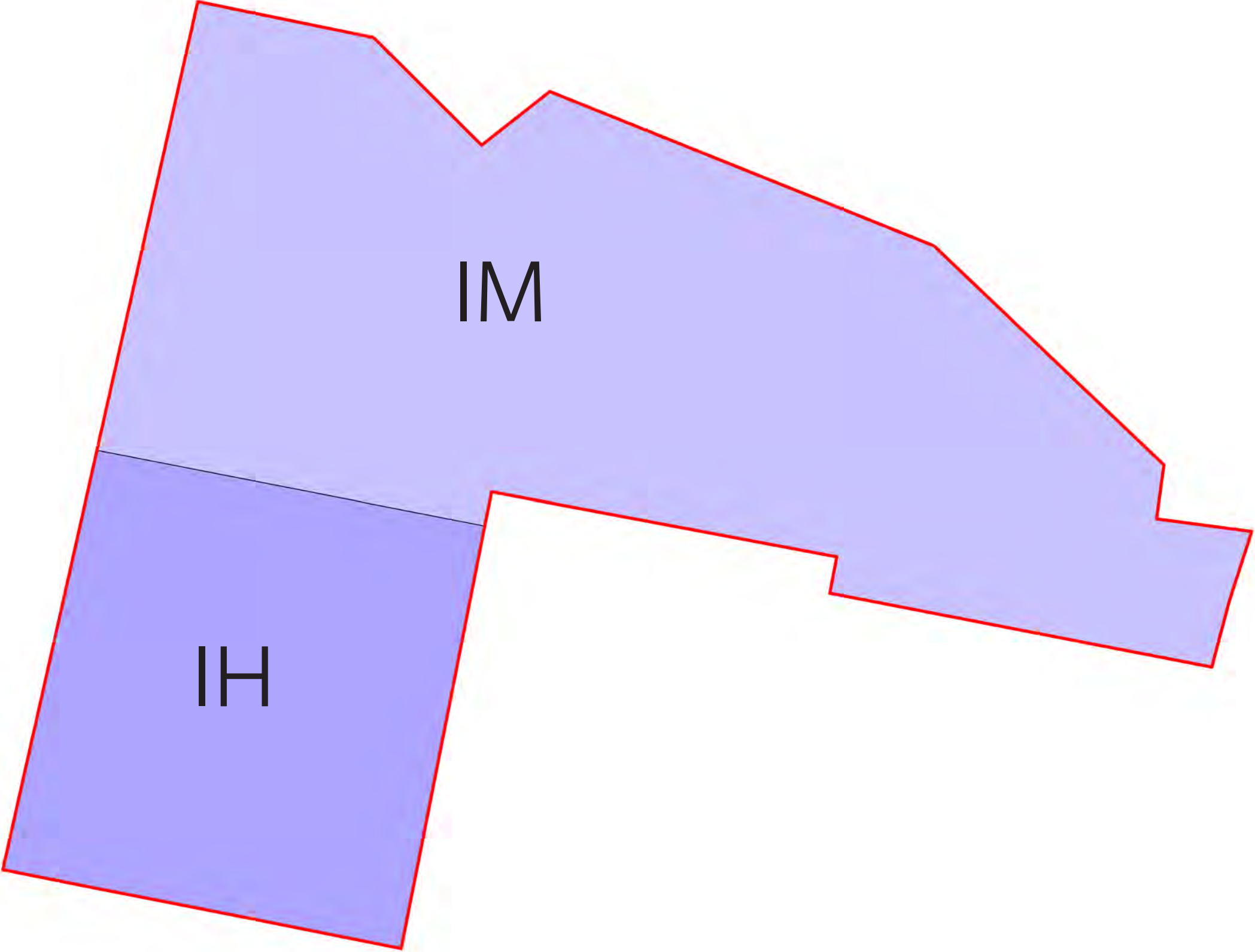


654 Riverside St.



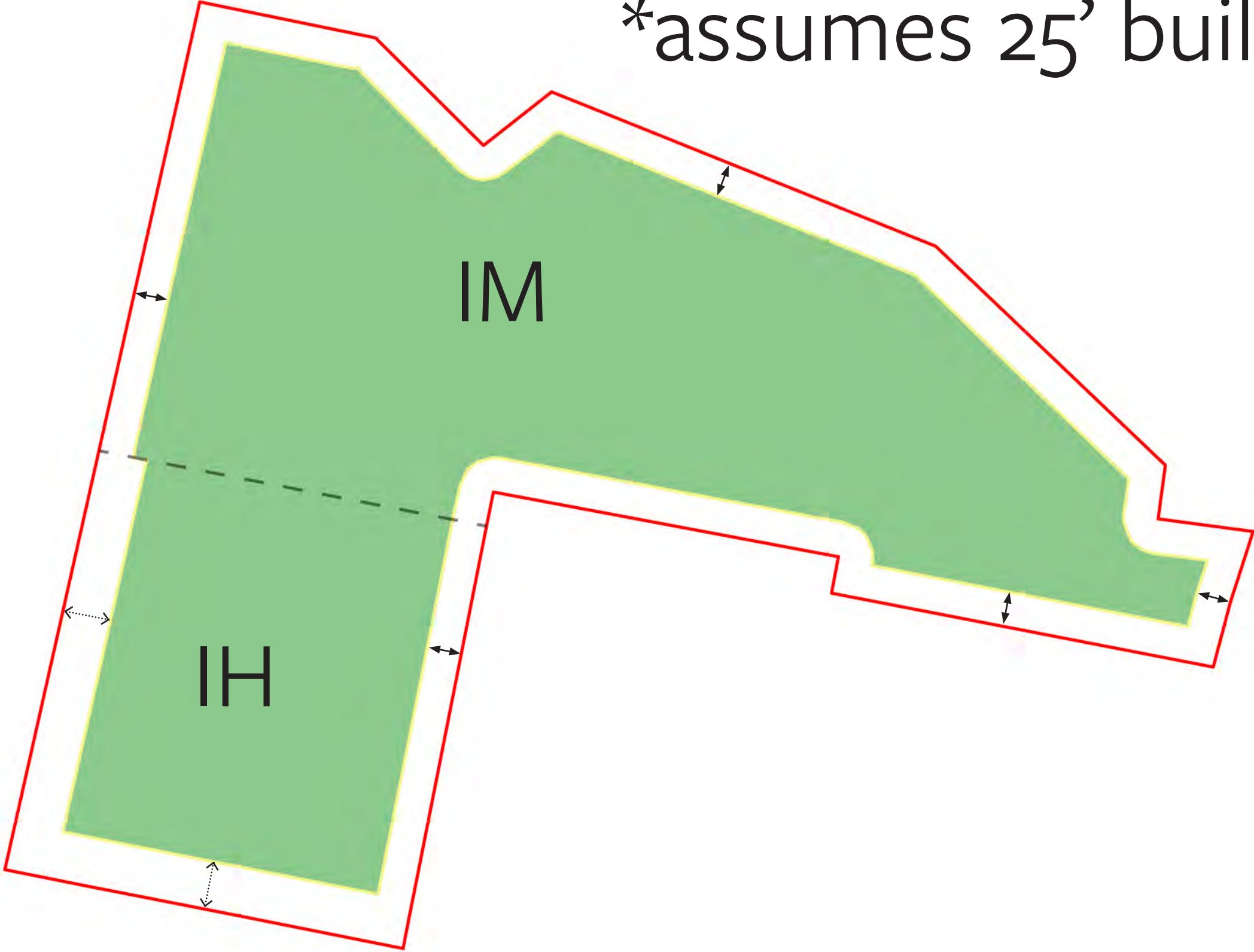
0 50 100 150 Feet

654 Riverside St: site zoning



654 Riverside St: zoning envelope*

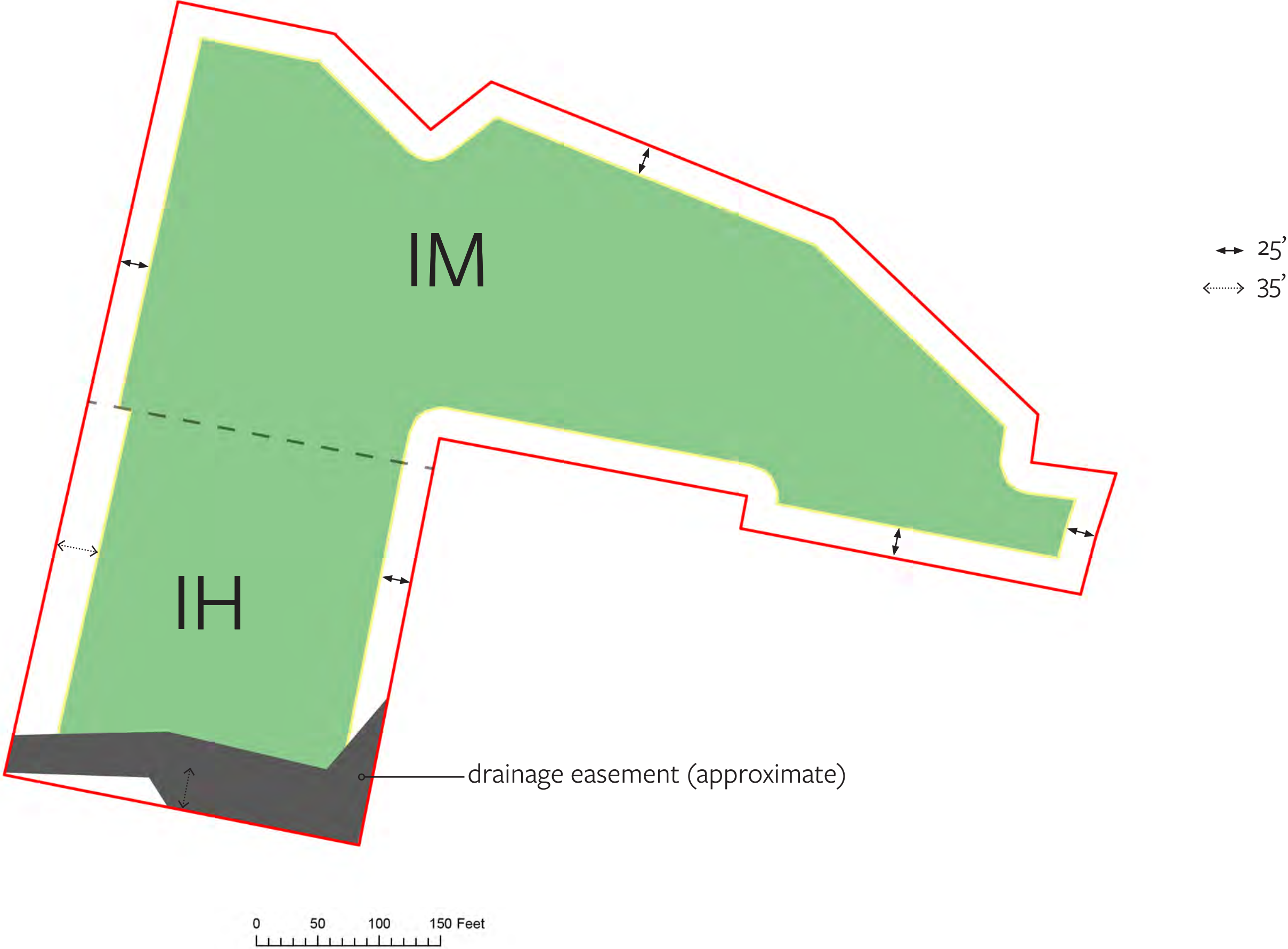
*assumes 25' building



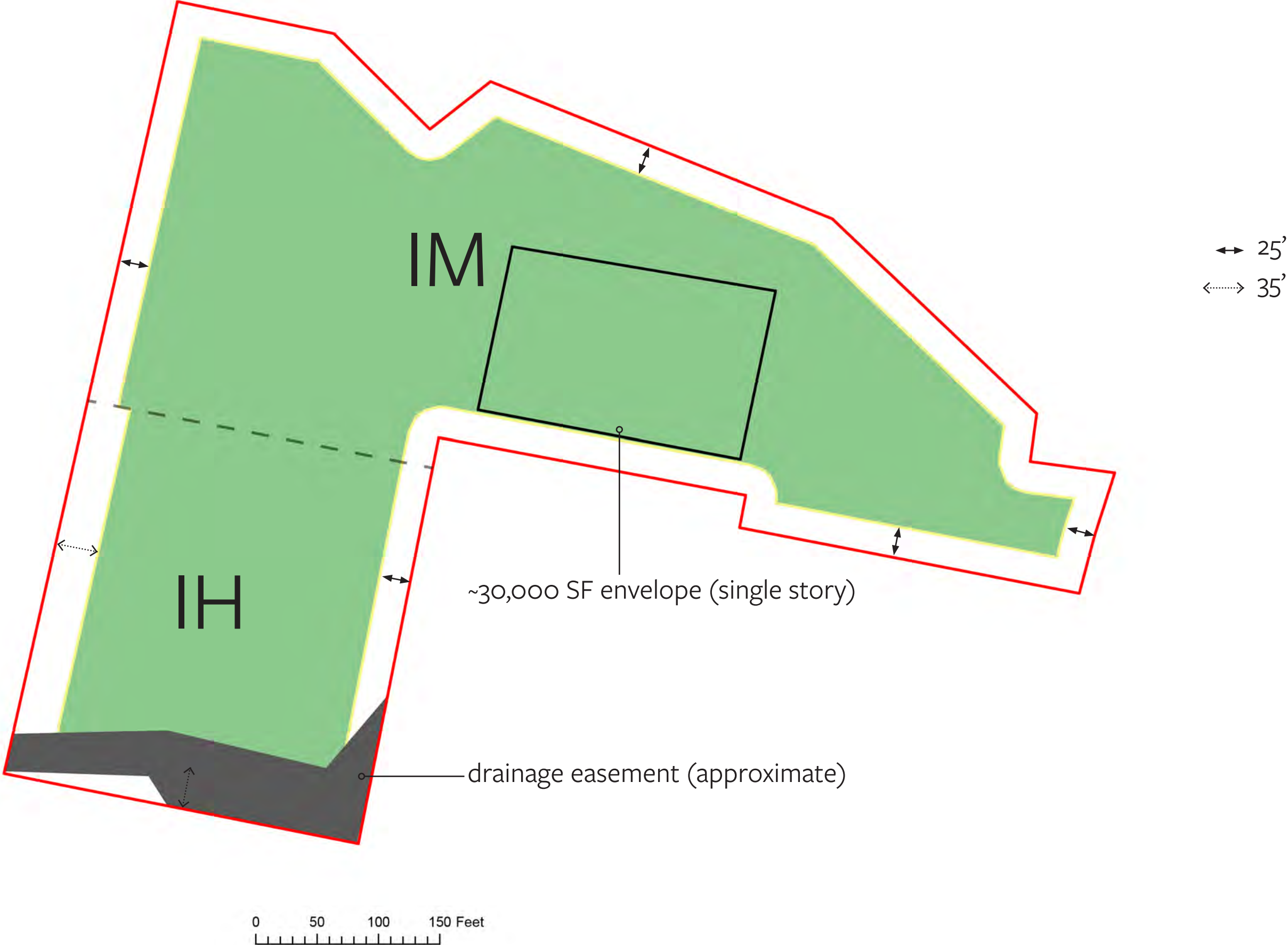
↔ 25'
↔ 35'

0 50 100 150 Feet

654 Riverside St: drainage easement



654 Riverside St: ~30k SF building



654 Riverside St: context



0 50 100 150 Feet

654 Riverside St: site challenges



VRAP

Flood Zone (limited)

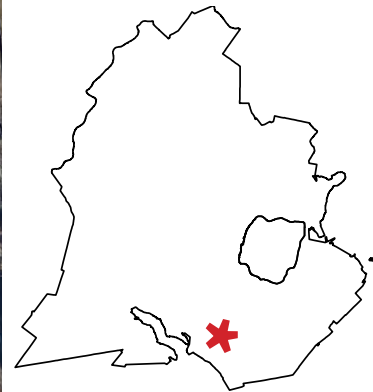
Nearby Industry

Pedestrian Access

Offered for Sale

(interested buyer)

County Way



County Way

ON SITE ZONING (% Area)

95.0 IL

5.0 B2

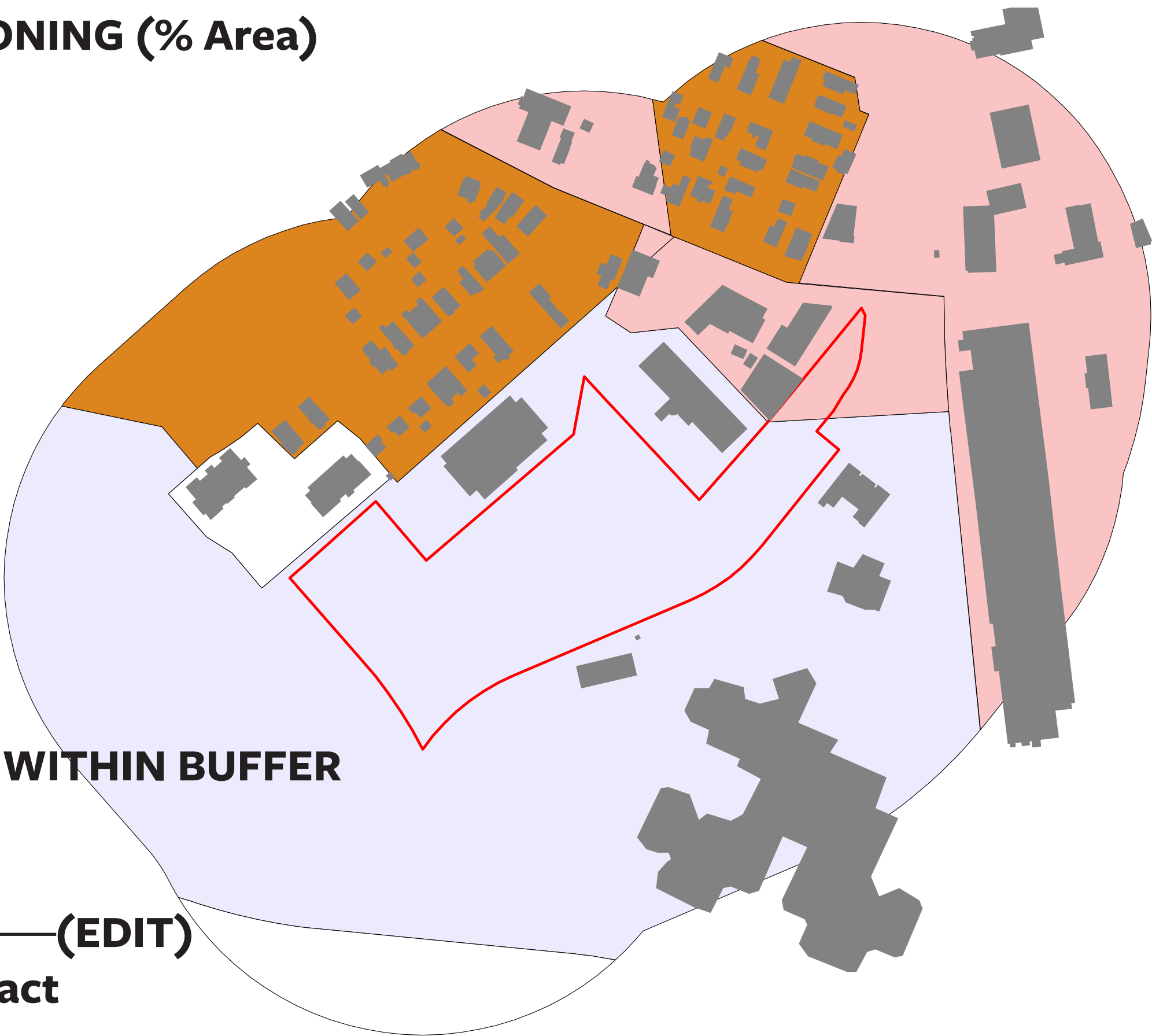
ZONING % WITHIN BUFFER

53.5 IL

23.1 B2

17.3 R6 ← (EDIT)

6.1 Contract



County Way

ASSESSED USE (% area):

- 41.5** Governmental
- 19.2** Retail Services
- 12.7** Null
- 5.3** Benevolent/charitable
- 5.2** Single Family
- 3.6** Two Family
- 3.5** Office Business
- 2.5** Three Family
- 1.2** Five to Ten Family
- 1.2** Twenty-one plus Family
- 1.1** Multi-use Commercial

OTHER (<1% area)

- parking lots**
- manufacturing**
- religious**
- transportation**
- vacant land**

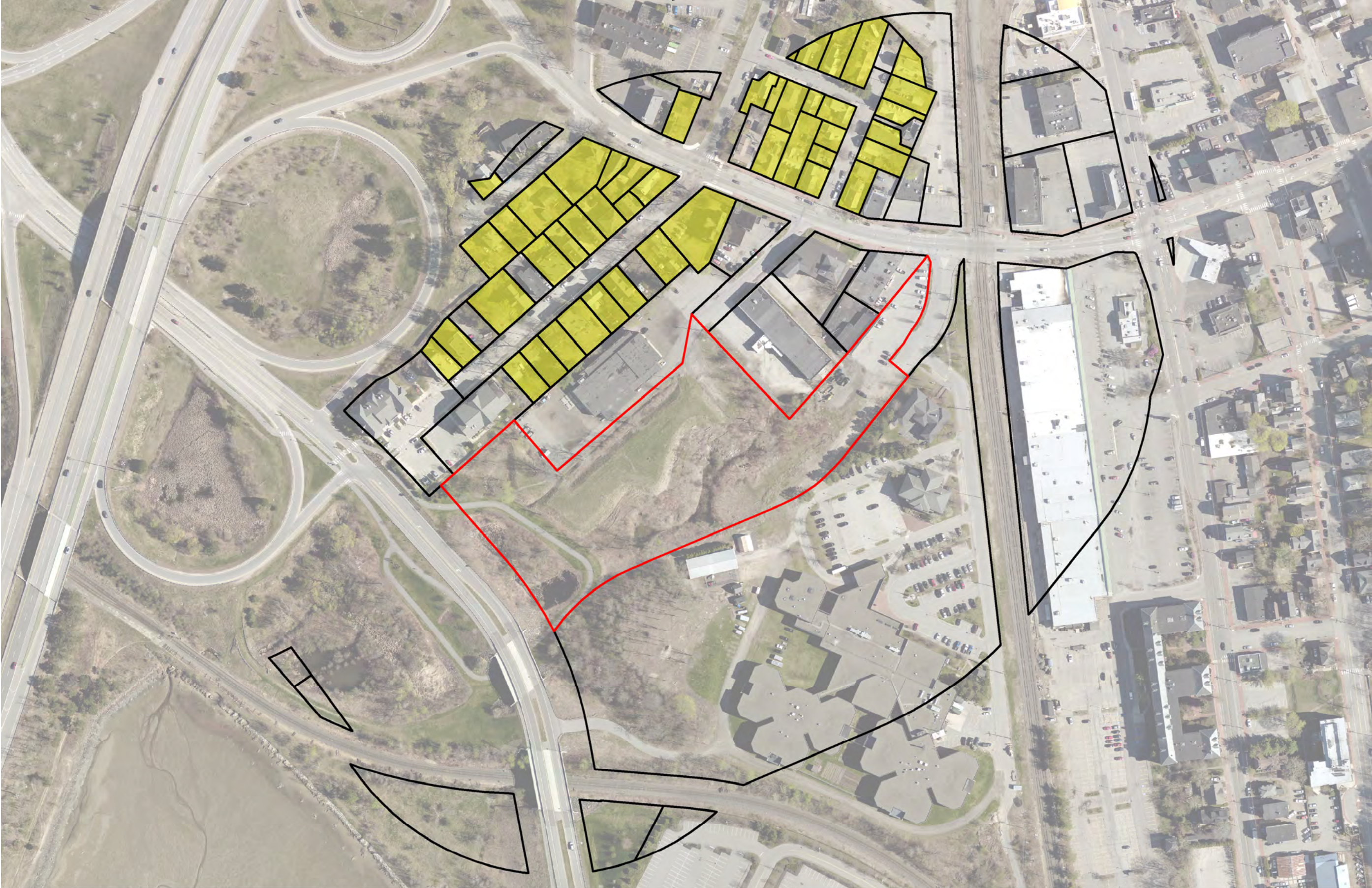


County Way



County Way: 1-4 family

one to four fam units: ~90 five plus fam units: ~55 total units: ~145

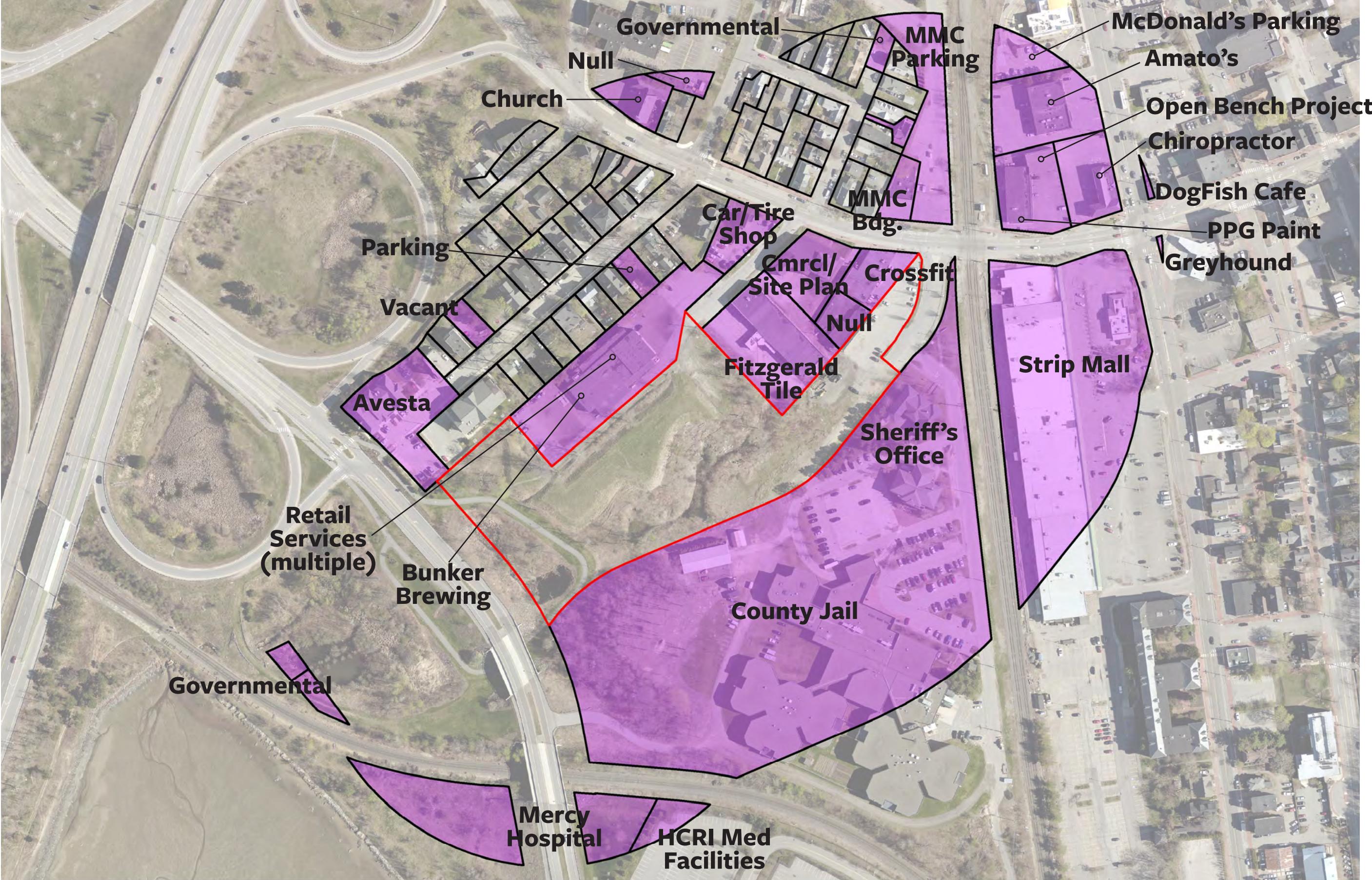


County Way: larger residential

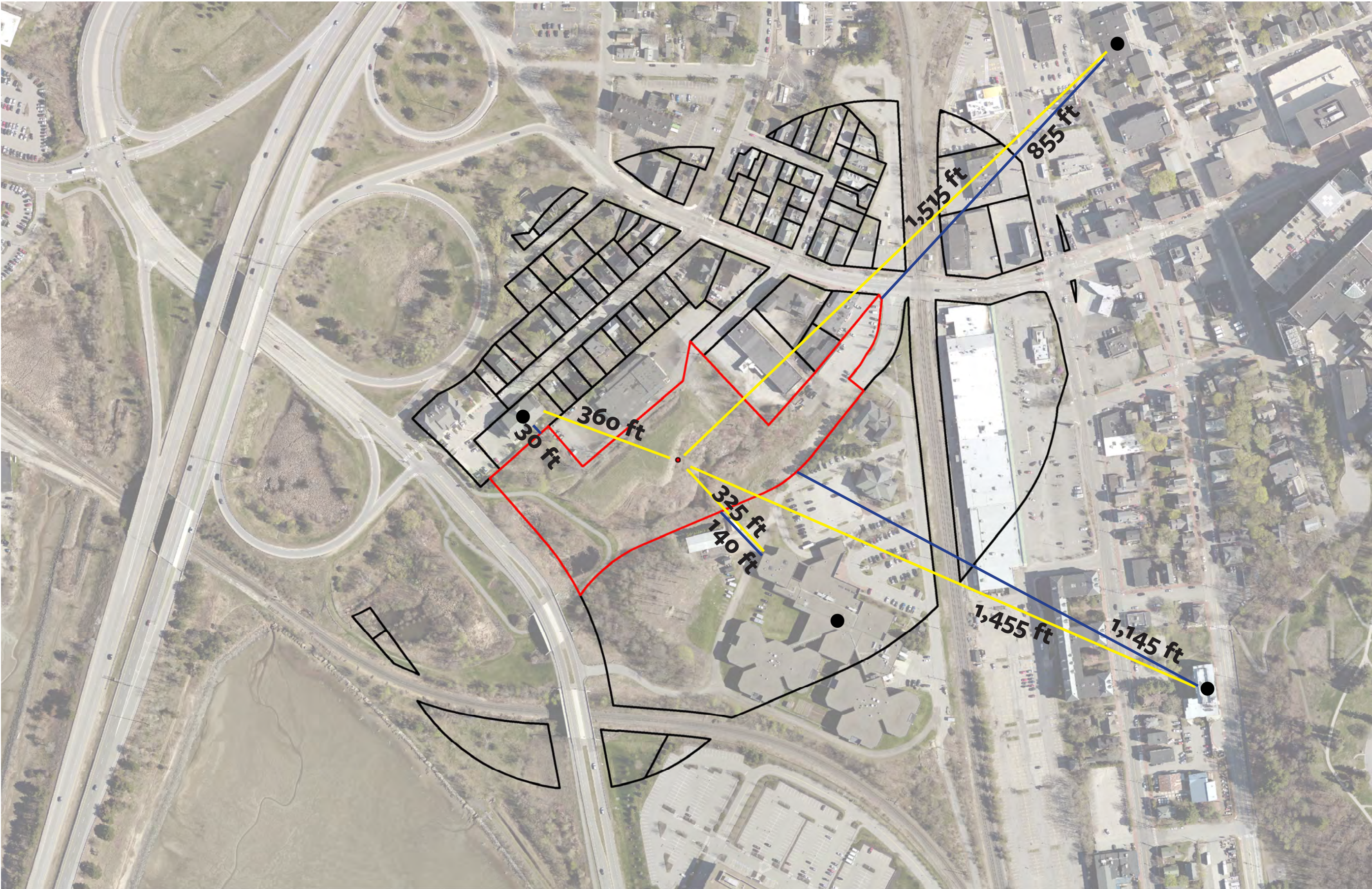
one to four fam units: ~90 five plus fam units: ~55 total units: ~145



County Way: other uses



County Way: requested distances

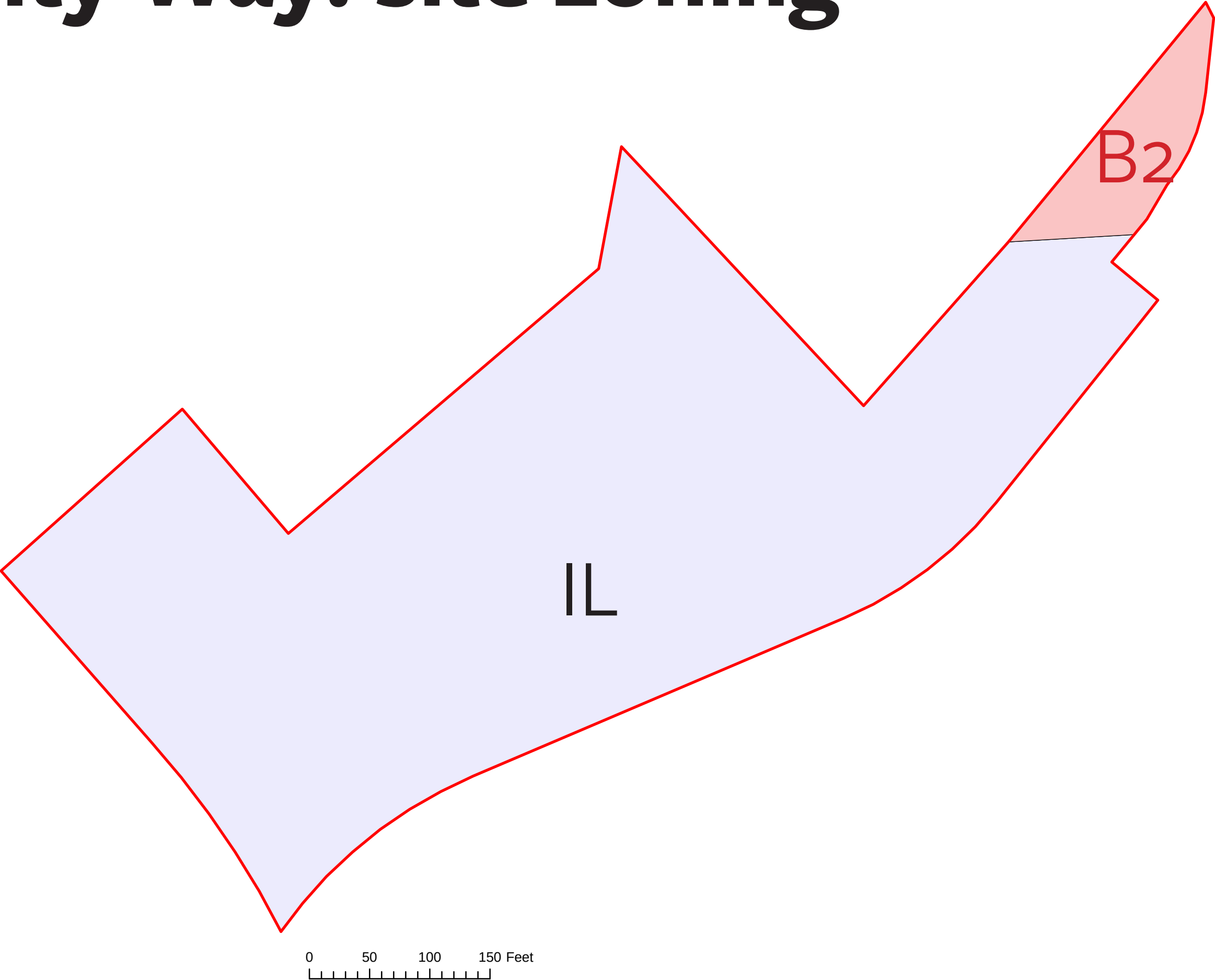


County Way

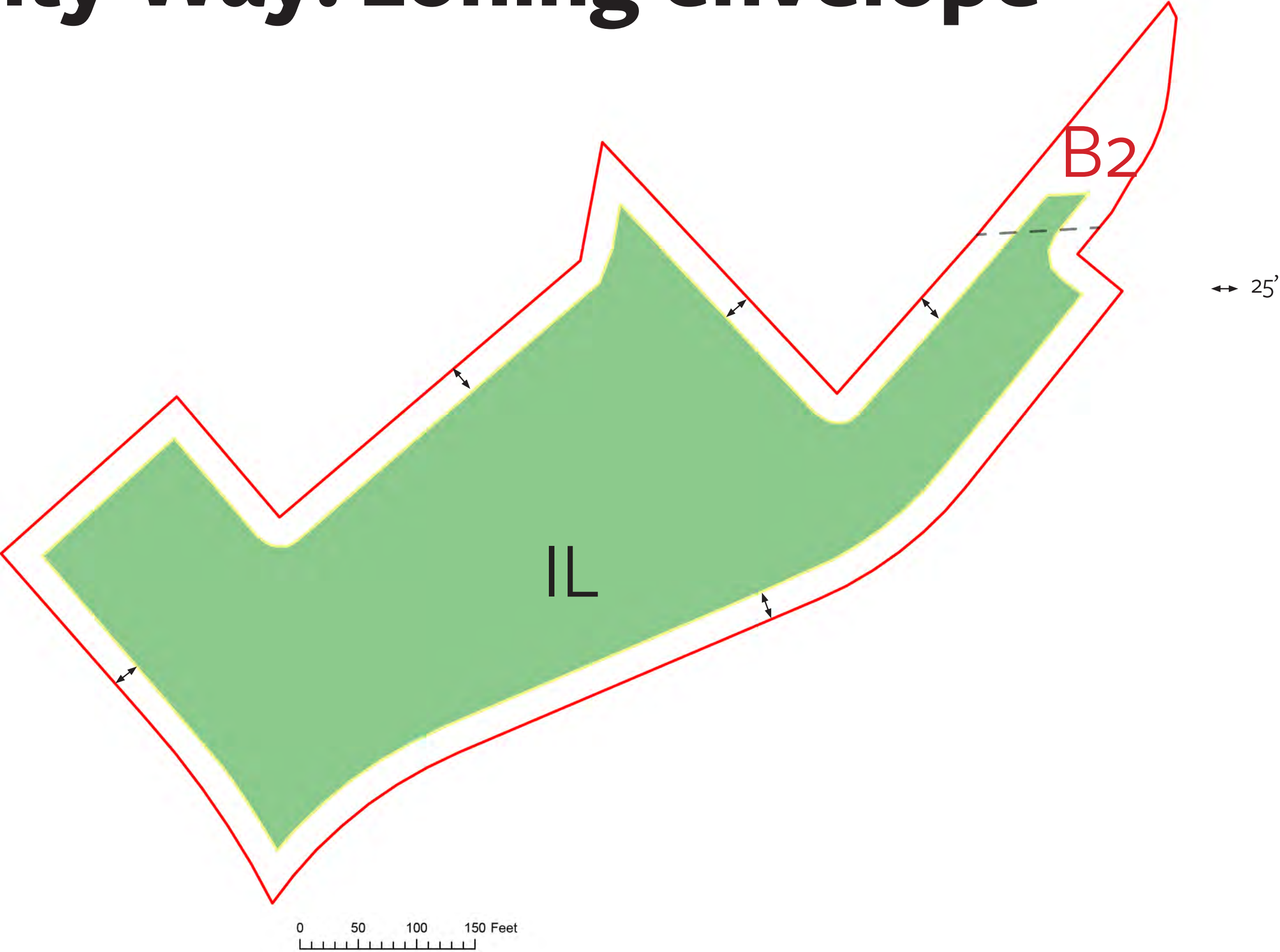


0 50 100 150 Feet

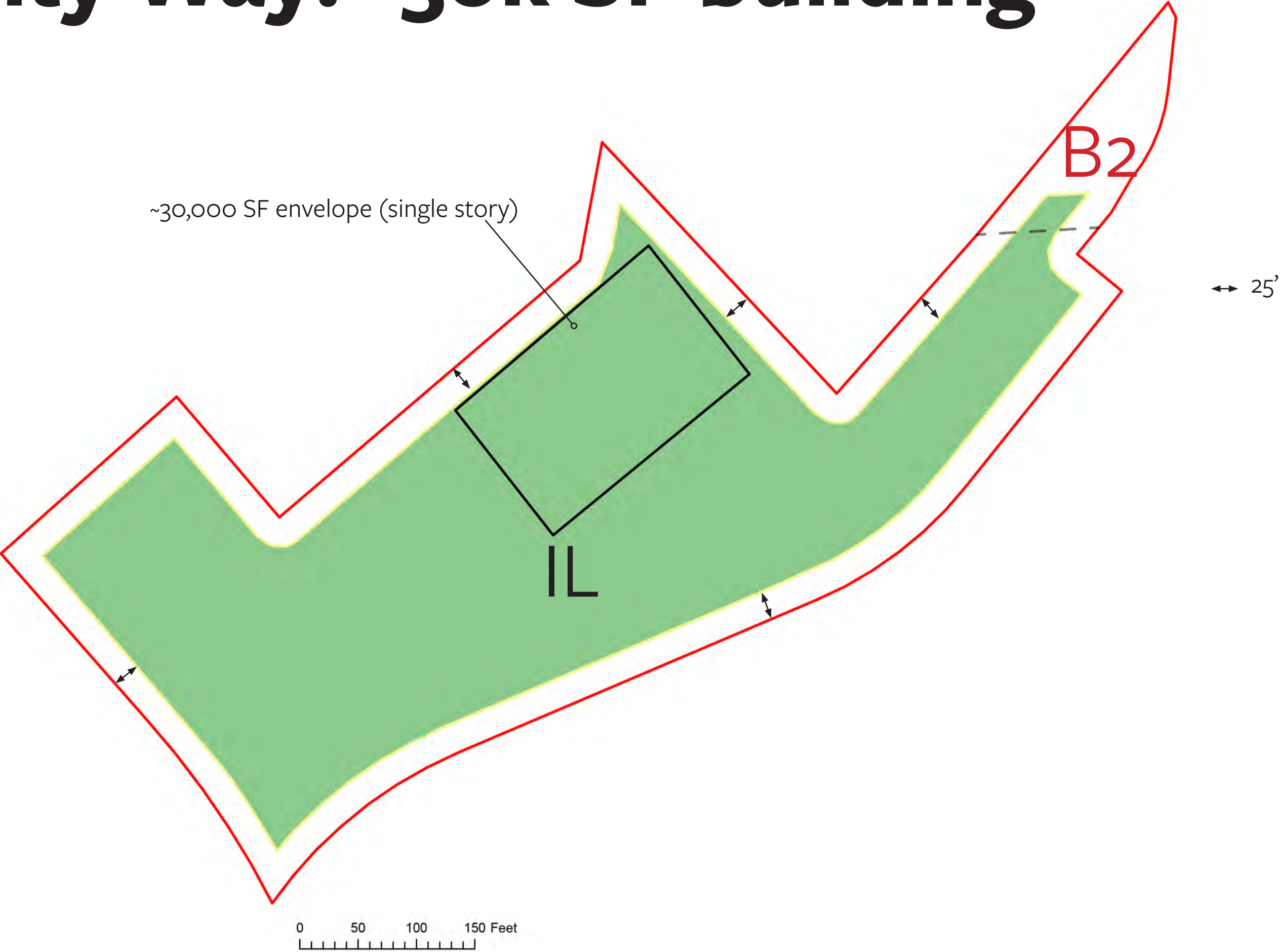
County Way: site zoning



County Way: zoning envelope



County Way: ~30k SF building



County Way: context



0 50 100 150 Feet

County Way: context cont'd



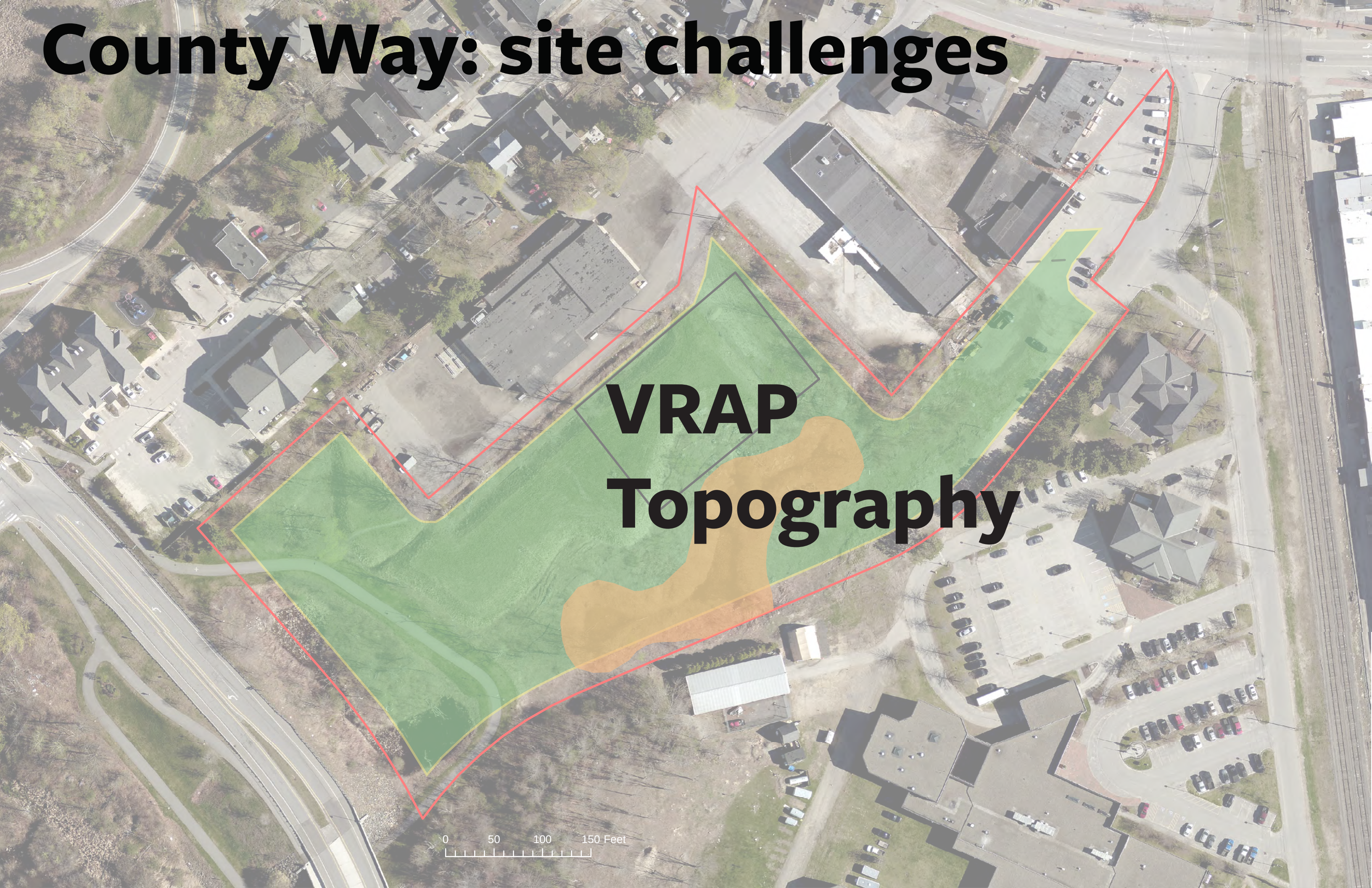
0 50 100 150 Feet

County Way: site challenges

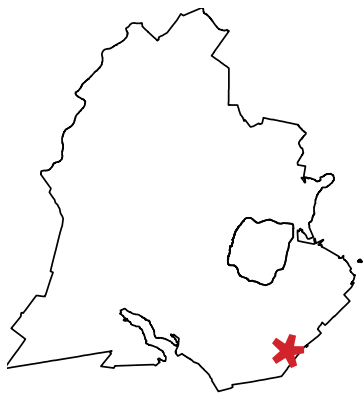
VRAP

Topography

0 50 100 150 Feet



Angelo's Acre



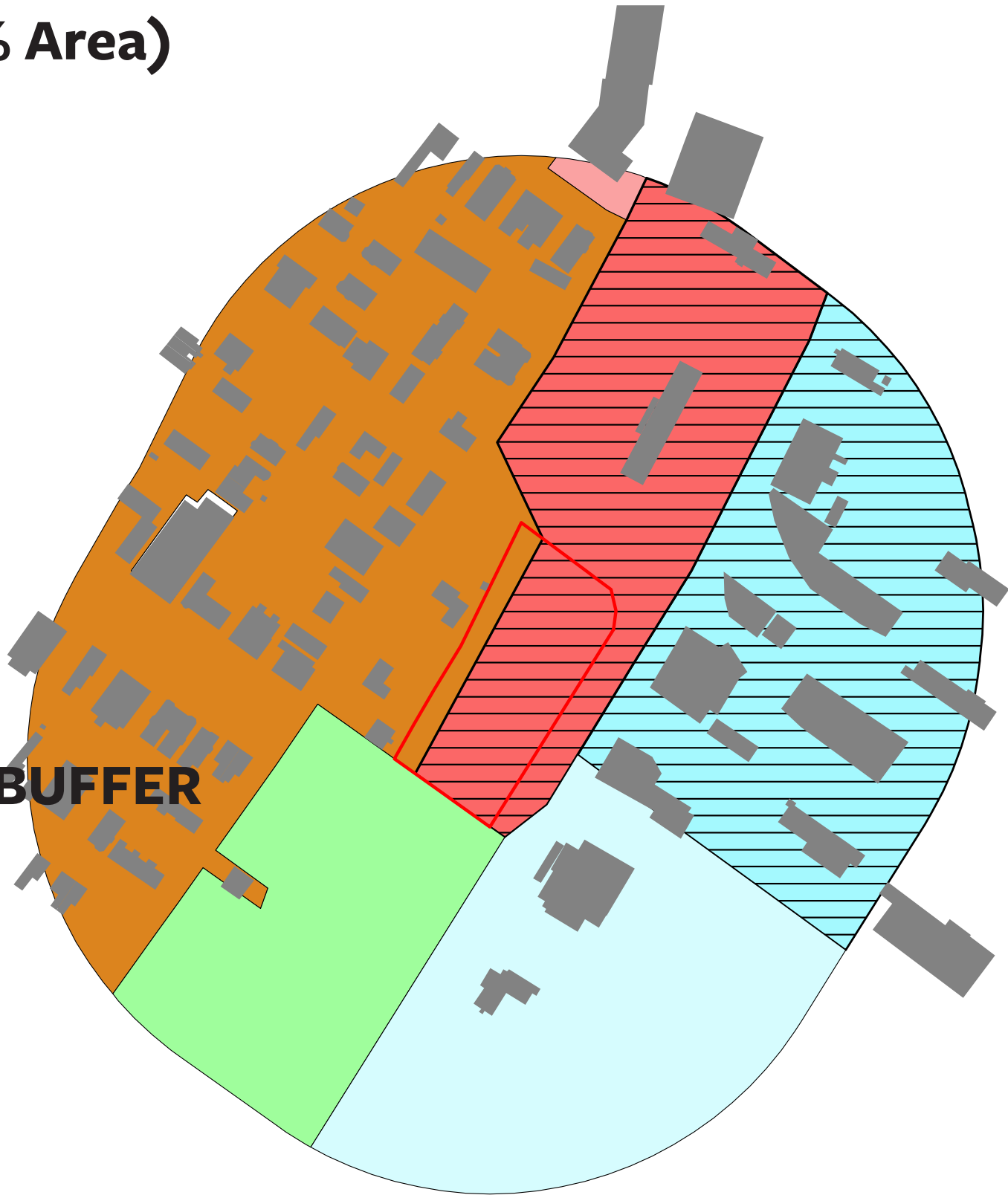
Angelo's Acre

ON SITE ZONING (% Area)

80.4 B5b
19.6 R6

ZONING % WITHIN BUFFER

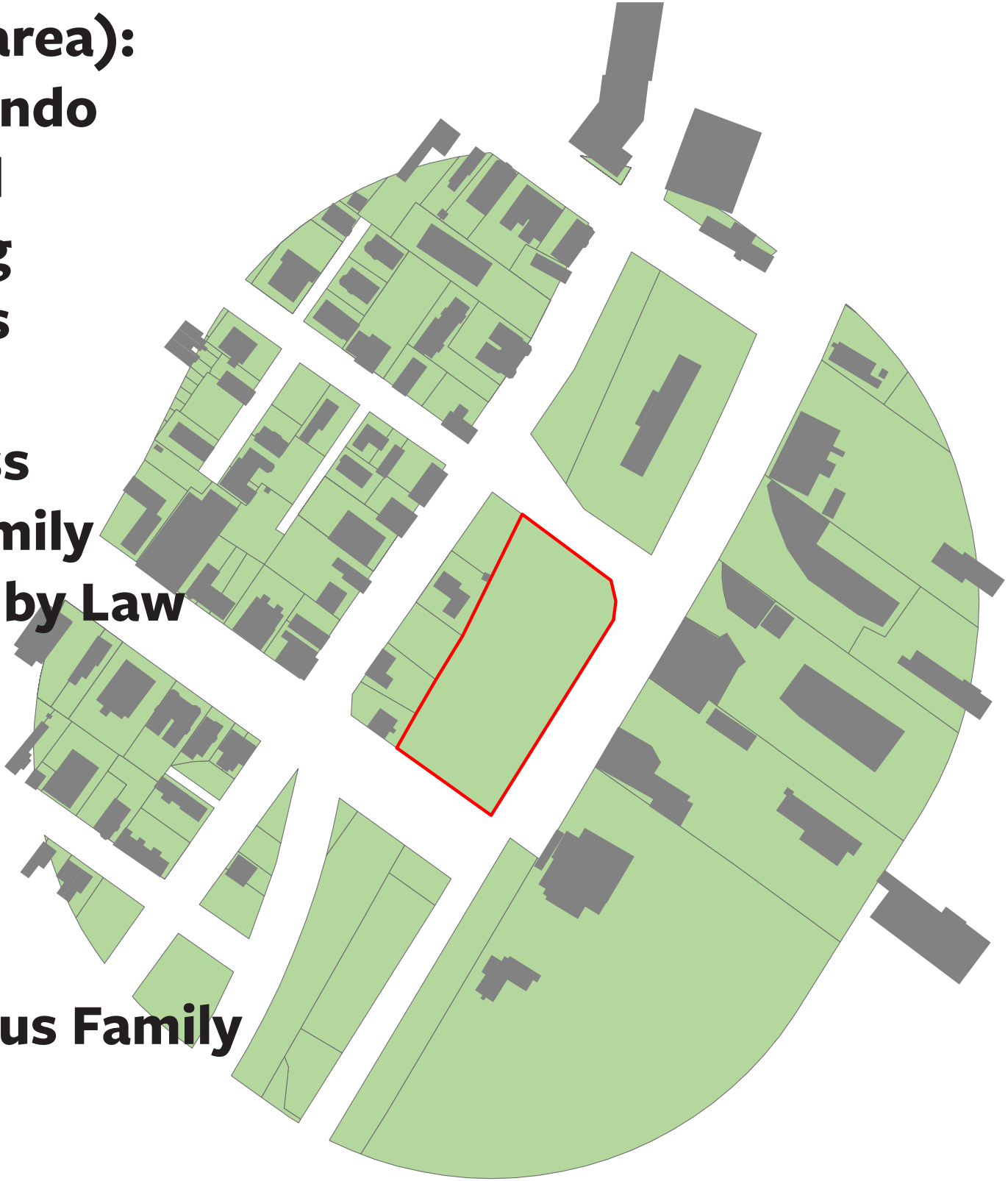
33.9 R6
20.0 WCZ
17.8 WPDZ
15.6 B5b
11.6 ROS
0.7 Contract
0.4 B3



Angelo's Acre

ASSESSED USE (% area):

- 37.9 Residential Condo**
- 20.6 Governmental**
- 7.9 Manufacturing**
- 4.3 Retail Services**
- 4.0 Wholesale**
- 3.6 Office Business**
- 3.2 Five to Ten Family**
- 3.2 Other Exempt by Law**
- 2.2 Single Family**
- 2.1 Vacant Land**
- 2.0 Four Family**
- 1.7 Three Family**
- 1.6 Null**
- 1.4 Twenty-one Plus Family**
- 1.1 Land Bank**



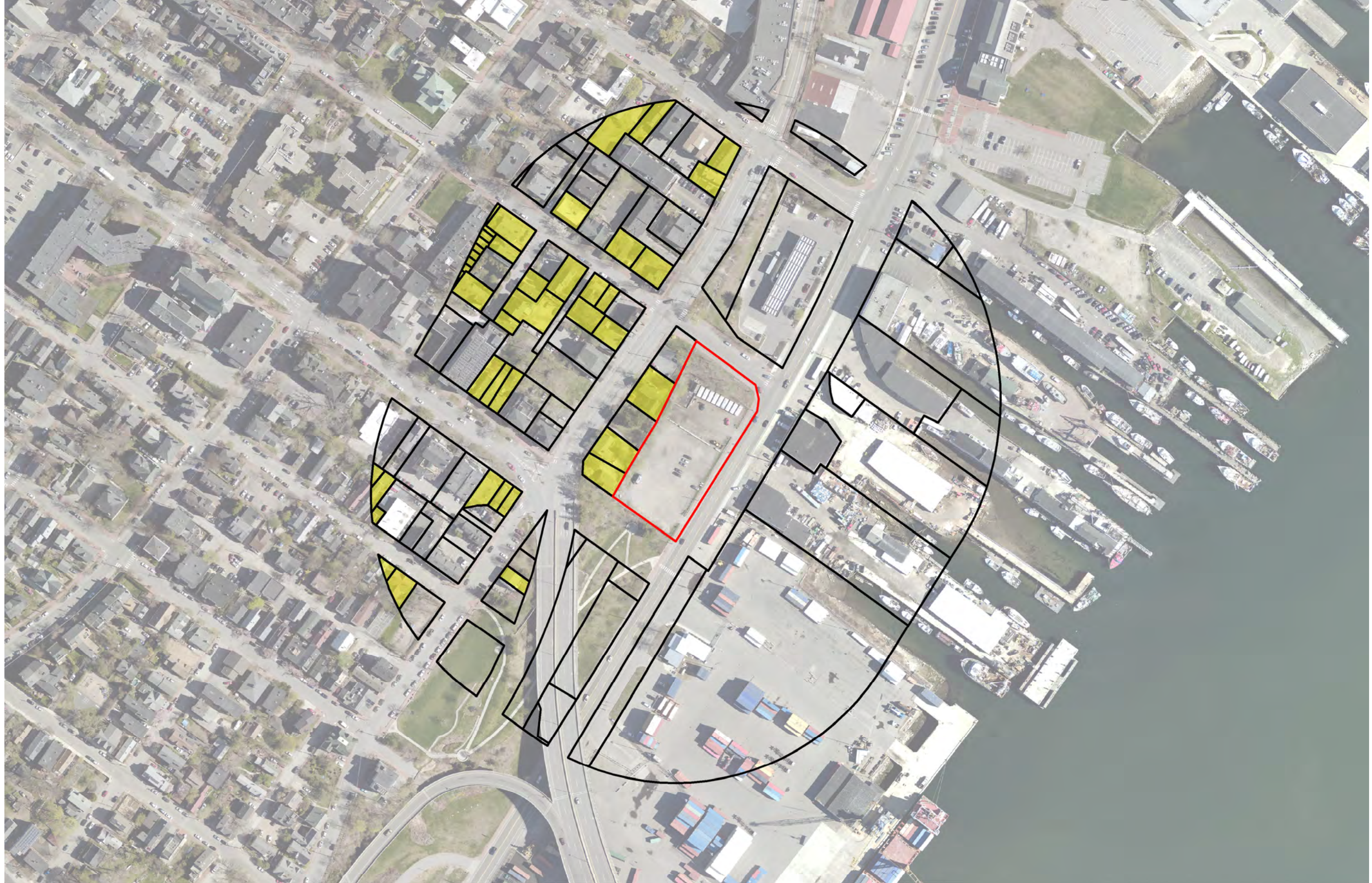
- OTHER (<1% area)**
- two family**
 - benevolent/charitable**
 - eleven to twenty family**
 - warehouse/storage**
 - parking lots**
 - commercial condos**
 - transportation**

Angelo's Acre



Angelo's Acre: 1-4 family

one to four fam units: ~97 five plus fam units: ~55 total units: ~145



Angelo's Acre: larger residential

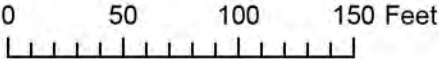
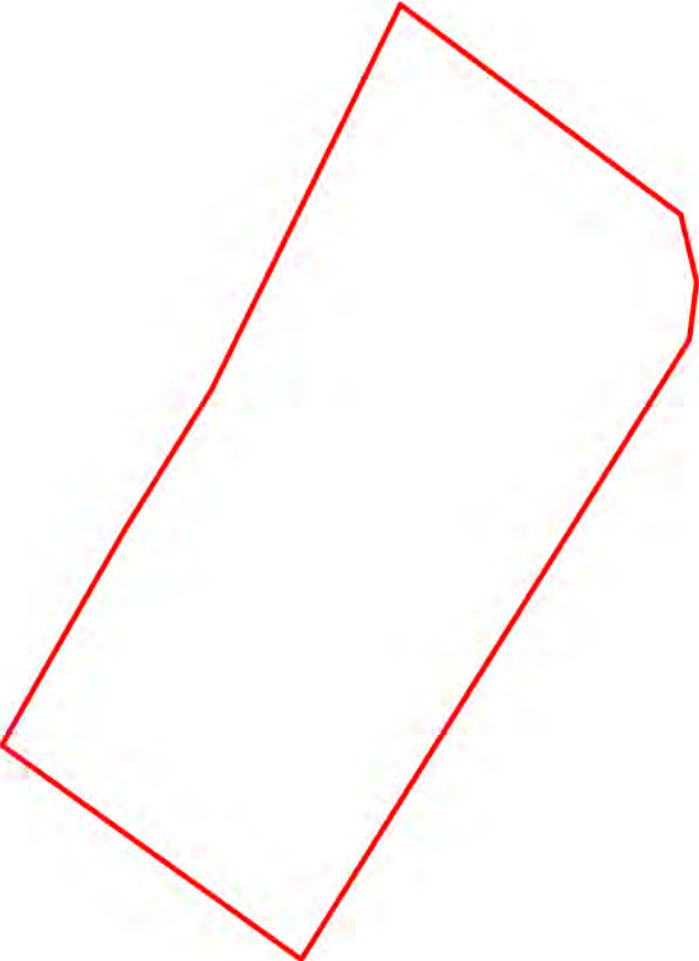
one to four fam units: ~97 five plus fam units: ~269 total units: ~366



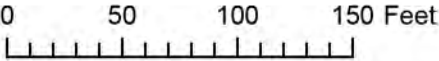
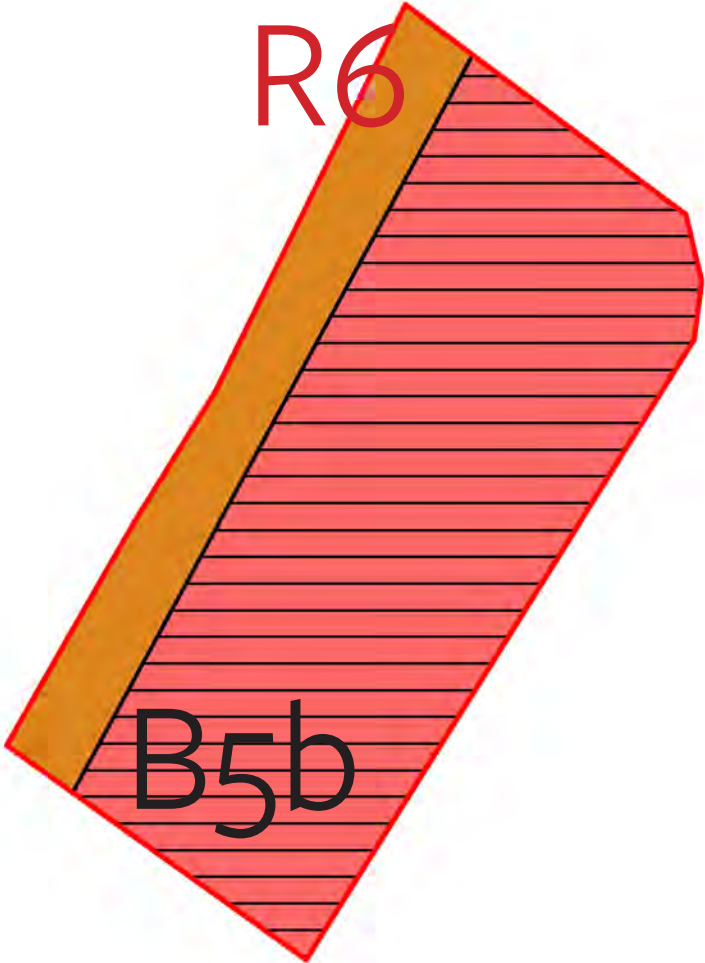
Angelo's Acre: other uses



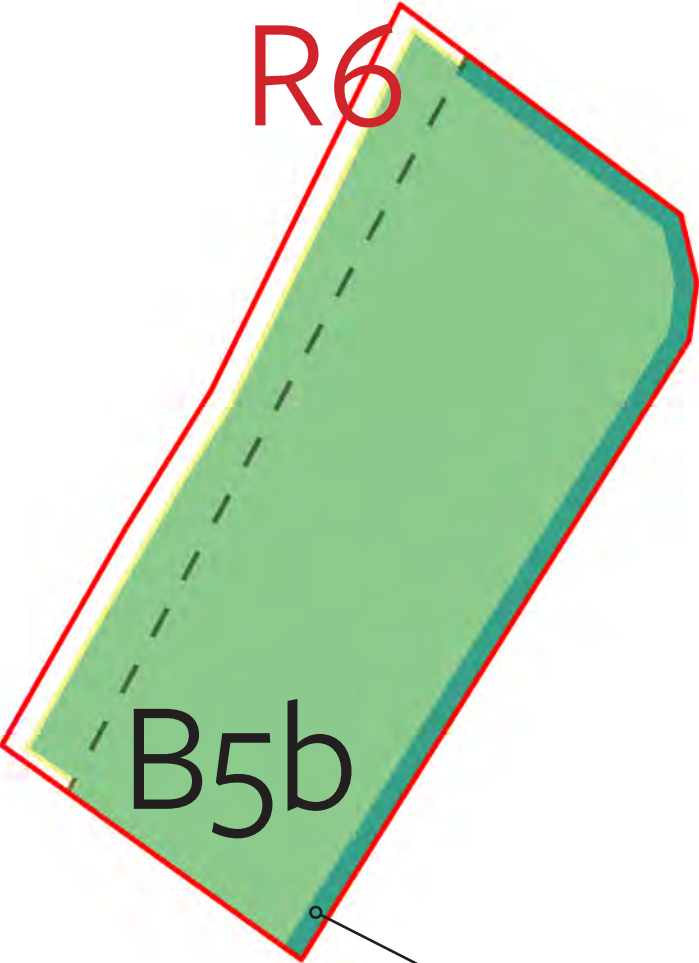
Angelo's Acre:



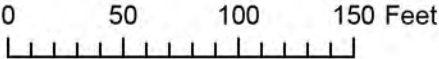
Angelo's Acre: site zoning



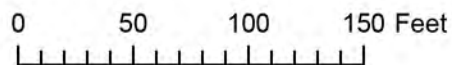
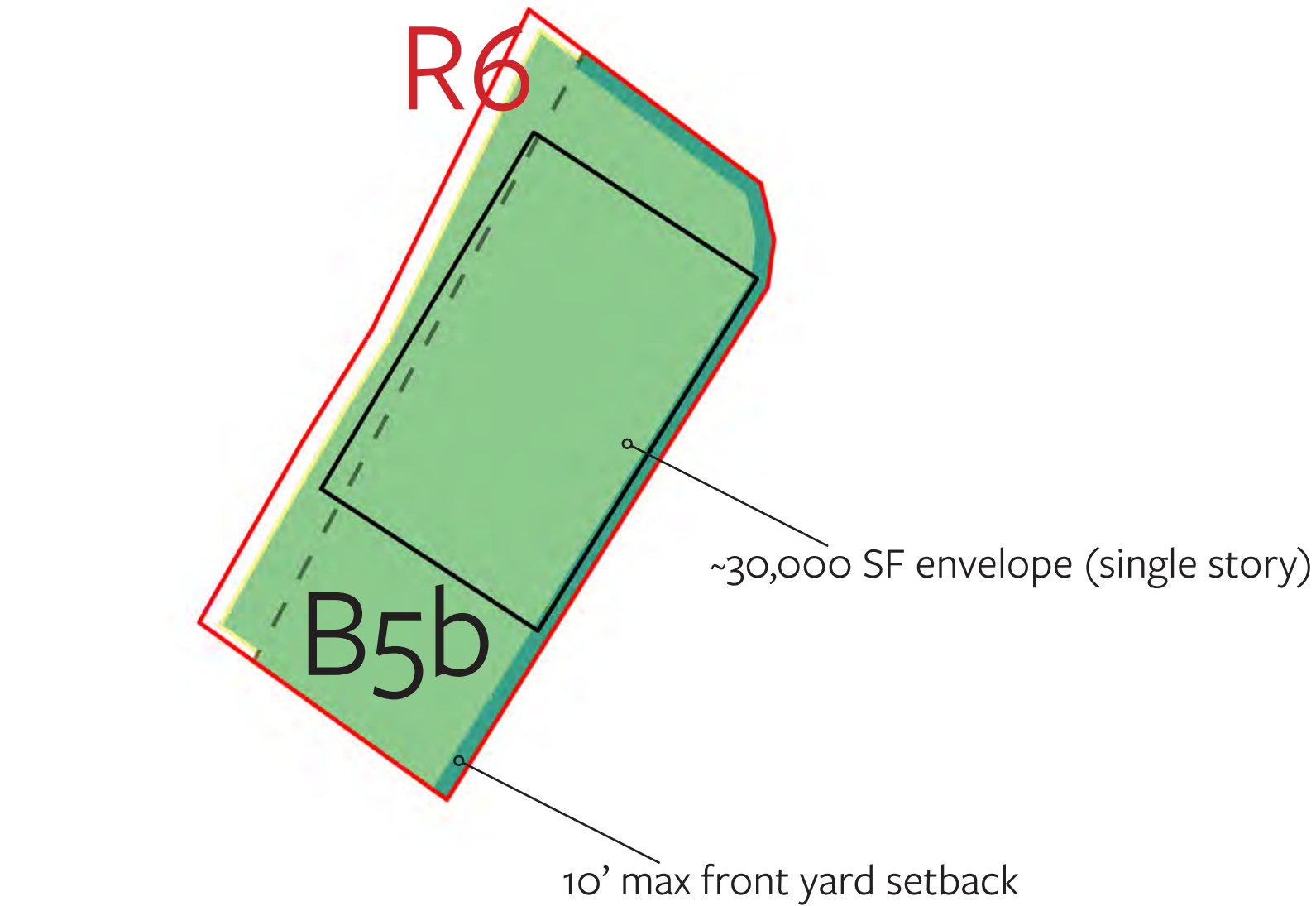
Angelo's Acre: zoning envelope



10' max front yard setback



Angelo's Acre: ~30k SF building



Angelo's Acre: context



0 50 100 150 Feet

Angelo's Acre: site concerns

Smallest Site
Surrounding Context
Site Testing Req'd
Current Use: Parking

0 50 100 150 Feet

Next Steps

654 Riverside St.

Angelo's Acre

County Way Acquisition



HHS analysis:

staff and partner feedback

Council direction:

which sites continue to be feasible and desirable?

Further analysis:

sites may harbor unforeseen constraints

Report back:

which sites remain feasible and compelling?

Additional Council direction:

narrowing site(s) selection

Questions?



Micro-Timeline of Shelter Process

June 2016 – May 2019

Created by City Councilor Belinda Ray
for her website (belindaray.me)

Updated in May 2019

June 2016

HHS & PS Committee notes that while Oxford Street Shelter staff does tremendous work, they are limited by an inadequate facility that was never meant to be an emergency shelter.

October 2016

HHS & PS Committee members visit two 24-hour shelters in the Boston area to get a firsthand look at their practices and policies. (Father Bill's Place, Quincy; Caspar Emergency Services Center & Shelter on the MIT Campus)

April 2017

HHS & PS Committee votes to recommend expanded shelter zoning to the Council and sends the ordinance to the Planning Board for review.

January 2017

The HHS & PS Committee, newly chaired by Councilor Ray, sets "pursuing shelter improvements" as the Committee's number one goal for the year. The goal is two-pronged:

1. Expand shelter zoning in the city
2. Work with city staff & community on shelter improvements, including designing and planning for a new facility to replace the OSS

June 2017

The Council approves expanded shelter zoning in the city.

The Committee asks staff to collect information on the planning, design, and site selection process for a new facility to replace the OSS.

September 2017

The Committee hears about best practices from city staff and holds a public hearing on a draft design of a new shelter facility.

December 2017

The City Council has a workshop to discuss the proposed shelter model and directs staff to seek out potential sites and bring forth a recommendation.

October 2017

Based on Committee input and public comment, city staff presents an updated draft design, and the Committee holds a second public hearing to get more input on the design and process. The Committee requests a council workshop to ensure there is council support for the new facility before asking staff to seek a site.

June 2018

After considering multiple sites, the City announces 1145 Brighton Avenue, on the Barron Center Campus, as the recommended site for the new Homeless Services Center, and staff presents information regarding the site to the HHS & PS Committee.

July 2018

The Committee holds a public hearing on the proposed site.

July 10, 2018

The Committee holds a public hearing on the proposed site for the Homeless Services Center.

Chair Ray announces the committee won't vote on this recommendation until fall to allow time for a Community Information Forum on the HSC service model and homelessness in Portland.

September 8, 2018

City holds Community Forum about the HSC model, homelessness in Portland, and site selection. Breakout sessions include: 1) Safety & Security; 2) Regional Services; 3) The Future of Homeless Services; 4) Zoning, Land Use & Transportation; 5) Housing & Services; 6) Faces of Homelessness; and 7) Q&A with the City Manager.¹

November 13, 2018

The Committee reviews information on various shelter models, and, with the entire council in attendance, gives guidance to staff to pursue a single, city-run facility for up to 150 single adults to replace the Oxford Street Shelter. Staff is also directed to pursue partnerships with community agencies to help address the needs of specific populations experiencing homelessness.³

September 11, 2018

HHS & PS committee holds meeting to review questions about the Barron Center site, but instead pivots and asks staff to do a new, updated search for potential properties throughout the city while also once again looking at the concept of the city hosting multiple smaller shelters vs. one central intake facility (the HSC).²

January 22, 2019

Staff presents the committee with a new list of just under 700 parcels. The list combines earlier analysis with a property search undertaken by the Housing Committee and new considerations.

This list is reduced to 30 sites after screening out municipal buildings (City Hall, fire stations, schools), parks, cemeteries, land bank properties, island properties, watersheds, and highway ramps.

After removing parking garages, the police department, two piers, airport land, private sites not available for sale, and small sites located either within single family neighborhoods, on paper streets, or both, we are down to 14 sites.⁴

The committee reinstates one staff-removed site (650 Riverside St) and eliminates 3 sites:

- 1) The Barron Center Campus – Reason: site deemed appropriate for 81 bed acute care facility proposed by AVESTA Housing and currently in planning stages.
- 2) The former West School site – Reason: half of site is already part of the master plan for Dougherty Field and other half is under consideration for a public-private affordable housing project.
- 3) Land behind the Rosemont Fire Station – Reason: a recent study states the entire Rosemont Fire Station needs to be rebuilt; there is no certainty land will be available for the HSC.

February 26, 2019

The committee removes 9 sites from the list:

- 622 Auburn Street & Franklin Reserve – Reason: zoned R2 and R6, respectively; shelters are not allowed in these zones
- Thames St. Parking Lot – Reason - zoned B6 and EWPZ; shelter not allowed without a zone change; also, abuts waterfront with no obstructions, thus deemed unsafe
- 1819 Westbrook St – Reason: tough to build on this parcel due to wetlands and utility easements; also landlocked – no existing street access to parcel.
- 3 Hutchins Drive – Reason: landlocked parcel; no access from street without taking of private land
- 1386 Riverside & 750 Warren Ave – Reason: privately owned sites; too much uncertainty; no guarantee of availability or affordability
- 33 Portland St – Reason: zoned B2b; shelter not allowed without change)
- 83 Middle Street – Reason: lot too small and land constrained to create facility with amenities and services required by ordinance



March 26, 2019

With the list narrowed to 3 viable sites (County Way, 650 Riverside Street, Angelo's Acre), the committee holds a public hearing to help inform members as they prepare to make a recommendation to the council.

A committee vote is expected at an April meeting, date TBD.



April 23, 2019

After discussion and deliberation, the committee decides to forward two sites for consideration by the full council:

- Angelo's Acre
- 650 Riverside Street

While Councilor Ray expresses a preference for 650 Riverside St., Councilors Batson and Ali choose no frontrunner among the two sites at this time.



May 20, 2019

The Council schedules a public hearing on the choice of a shelter site. Due to lengthy deliberations around the FY 2020 budget, the public hearing isn't held until after 10pm. The Council decides to allow anyone who wishes to comment that evening to do so while also scheduling a second public hearing on this topic on June 3rd.

Anyone who did not comment on May 20th is welcome to comment at the June 3rd public hearing. Meanwhile, public comment can be submitted at any time via email, phone, or snail mail using the Council contact information on the city's website.

(<http://portlandmaine.gov/Directory.aspx?did=11>)

Peter and Alice Ames
69 Rock Ridge Run
Cumberland, ME 04021
Tel (207) 829-9119
Fax (207) 829-5031
E-mail aames2@maine.rr.com

June 6, 2019

Dear Councilors,

My husband and I were both born and raised in Portland and lived here for most of our lives. I attended Portland High School and was not afraid to park down the side streets. Today I am very uncomfortable to even drive down the streets surrounding the shelter.

We purchased a three-unit building at 43-45 Cedar Street in 1987 and were able to honestly tell prospective tenants that we never experienced any problems in the neighborhood. That all changed a couple of years ago and has become intolerable for everyone living in the area. While we realize that homeless people need our help this exceeds the burden one neighborhood must tolerate due to the extreme numbers and the facilities they need spread out in different locations.

Our previous tenants have stayed from 10 to 15 years and never had any problems from the shelter. Unfortunately, this quiet neighborhood has now become heavily loitered all day long by homeless people who are shooting up, having sex and vomiting and yes even taking bowel movements on my property as well as breaking locks and sleeping in the basement and breaking into a vacant unit to smoke and sleep. Please try to imagine just one of these things happening in your yard. Our vacancy rate has skyrocketed because of the crowds of homeless people on the streets obviously under the influence of drugs and even openly doing drugs on our property and in the street. We never had a problem filling one of these units as they are well kept and rent very quickly. Now we only get drive-bys from prospective tenants. Would you live there if you drove by and saw a large group of vagrants on the street?

We were not thrilled when the shelter first opened but initially there didn't seem to be any problems. Over the years the number of people staying at the shelter has become absurd. This should not be allowed to severely impact the quality of life for the rest of the residents in this neighborhood. There are way too many homeless people in which many are addicts or

mentally ill in one location, walking the streets from the shelter to the resource center and back all day long. It's impossible to police so many of them up and down both sides of the streets. It also allows easy access for drug dealers to people fighting addiction.

We urge you to please make the right decision for the residents residing in this neighborhood as well as the homeless community and relocate this shelter to a less congested area with a facility that will better serve their needs and give them a fighting chance to get back on their feet.

Sincerely,

[Alice and Peter Ames](#)

Peter and Alice Ames

Cc: Jon Jennings, City Manager
Greg Mitchell, Director of Economic Development

----- Forwarded message -----
From: **Jim Hall** <mtjimhall@gmail.com>
Date: Thu, Jun 6, 2019 at 10:09 PM
Subject: June 17th vote
To: Jim Hall <mtjimhall@gmail.com>

To Portland City Councilors,

I'm writing on two agenda items for the June 17th meeting, which have been delayed twice.

- Order 24718/19 Approving a Homeless Services Center at Angelo's Acre
- Order 24818/19 Approving a Homeless Services Center at 654 Riverside Street

*"It intended that the City Council as a whole would consider both and **determine which one is the best option** for the City."*

During public comment on these items held at your June 3rd meeting, I asked how the council will ensure that an overall decision is made in this case. The two items each separately require majority vote. Both include the above verbiage indicating the "intention" that *one* of these should be selected by the council – but there appears to be no actual mechanism preventing a "double-yes" or "double-no" result. No amendments have proposed additional considerations, so it appears the only two acceptable outcomes are for the group to select Angelo's Acre, or to select Riverside.

My personal opinion is that either location will be fine, warts and all. We need to start building in order for anyone to eventually experience the benefits of the improved model. Staff and the council will certainly have ample opportunity in subsequent steps to determine how any specifics of the chosen site may necessitate adjustments or extensions to various aspects of the overall service plan.

Once this decision is finally accomplished, I ask you to consider what types of interventions the city can make to improve the interim situation until the new model can be accomplished. With meth and fentanyl and generally unpredictable behavior all on the rise on the streets of Bayside, we need your most creative solutions *now* in order to ensure the safety of shelter clients and staff and neighbors this summer.

I would also ask you to consider how the city can compel (or cooperate with) the Preble Street Resource Center and Soup Kitchen to take responsibility for their own "blast radius", perhaps starting with some of the strategies the OSS has already successfully implemented. The city is allowing PSRC to maintain an ongoing public nuisance, and, to quote one councilor I recently corresponded with: *It's not ok!*

In closing – I thank you for your tireless work on these often controversial issues, and for your willingness to make hard, sometimes unpopular decisions that keep Portland the great city it is.

Sincerely,
Jim Hall
47 Cedar St
(207) 939-3741

MEMORANDUM
City Council Agenda Item

FROM:

DATE: June 5, 2019

SUBJECT: Order 248-18/19 Approving a Homeless Services Center at 654 Riverside Street - Sponsored by the Health & Human Services and Public Safety Committee, Councilor Belinda S. Ray, Chair.

SPONSOR:

(If sponsored by a Council committee, include the date the committee met and the results of the vote.)

COUNCIL MEETING DATE ACTION IS REQUESTED:

1st Reading

Final Action

Can action be taken at a later date: Yes Yes.

PRESENTATION:

Councilor Ray, Chair of the HHS & Public Safety Committee.

I. SUMMARY

654 Riverside Street is one of two potential homeless services center sites the HHS & Public Safety Committee voted to recommend to the full City Council.

II. AGENDA DESCRIPTION

The Health & Human Services and Public Safety Committee met on April 16, 2019 and voted 3 - 0 to forward this order to the City Council for consideration of two potential homeless services center sites. It intended that the City Council as a whole would consider both and determine which one was the best option for the City.

This order approves 654 Riverside Street as the location for the Homeless Services Center.

At the June 3, 2019 City Council meeting this item was postponed to this meeting. Public comment has been taken. Five affirmative votes are required for passage.

III. BACKGROUND

The HHS & Public Safety Committee has worked to analyze potential Homeless Service Center site locations in the City of Portland that meet a best practice model. Sites have been screened to meet specific zoning and lot size requirements. On April 16th, 2019, the Committee moved to recommend the Angelo's Acre and Riverside locations to the full Council.

IV. INTENDED RESULT AND/OR COUNCIL GOAL ADDRESSED

It is the goal of the City of Portland to undertake work on a new state-of-the-art, adult emergency shelter to replace the Oxford Street Shelter. The new shelter will be open 24-hours a day, 7-days a week with on-site meals and a wide range of services including: health and mental health care, substance use treatment, housing assistance, peer support, case management, employment assistance, and more.

V. FINANCIAL IMPACT

VI. STAFF ANALYSIS AND BACKGROUND

The City of Portland's shelter guests and valued staff deserve to live and work in a respectful and safe environment. We will no longer allow some of our most vulnerable community members to live in inadequate conditions and in locations where they are easily abused, taken advantage of, and judged for their perceived shortcomings.

The current adult shelter on Oxford Street is leased, poorly configured, and requires residents to vacate the facility every morning with all of their

belongings. The building has three floors which require almost double the number of staff who could oversee guests in a single-story building designed specifically as a shelter. It also has cramped sleeping space which necessitates floor mats rather than cots and utilizes a large area for sleeping in the eaves of the building.

VII. RECOMMENDATION

VIII. LIST ATTACHMENTS

1. Draft Shelter Floor Plan
2. Health and Human Services Homeless Services Center Jan 22 2019 Meeting Presentation
3. HHS Informational Memo 3.26.219
4. HSC_Presentation_March19_2019_V3_reduced_size.3.19.209pdf
5. Riverside_Street_Site_Area_VRAP
6. Shelter List Memo
7. Shelter List
8. Shelter Location Provider Feedback for 3.19.19
9. Staying at Oxford Street in 2018
10. Transient Drownings Table
11. Transient Water Deaths
12. 636 Riverside Street Soils and Geotechnical Information
13. Best Practices for New Shelter
14. DEP Email Re VRAP Certification_1
15. Unified Micro-Timelines of shelter action at committee, council - updated May 2019
16. Public Comment Riverside Street
17. John Coyne Email Re Shelter on Riverside St.
18. Shelter Comment

Prepared by:

Date: 6/5/2019



The Future of Homeless Services in Portland



Health & Human Services Committee Meeting

January 22, 2019

This presentation and ongoing conversations include preliminary information on the homeless services center relocation project. The information includes potential site locations and information regarding potential partners. We realize the mere mention of various locations can be concerning for our residents. No final decisions have been made at this point. This information is solely intended for discussion purposes only.

Combination of Low Barrier HSC + Specialty Beds

Partnership with Avesta Housing & The Opportunity Alliance

150 low barrier beds on one site

+

Specialty Beds

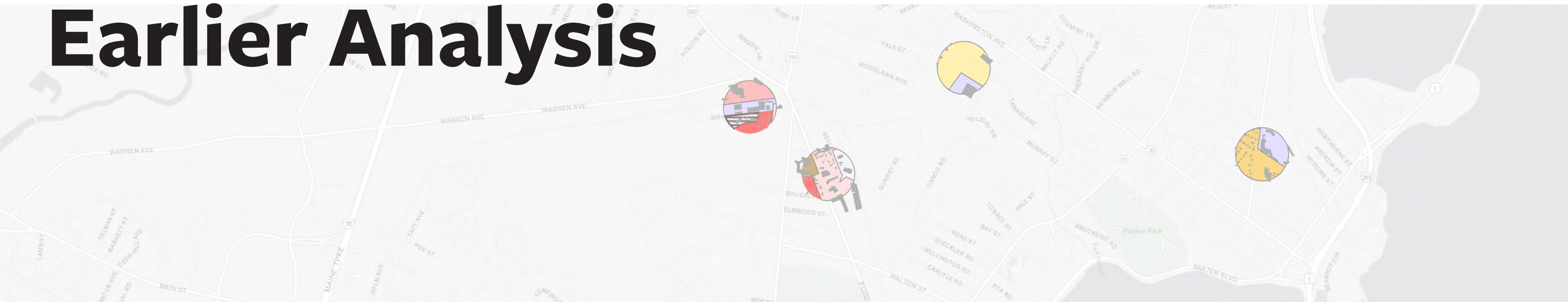
Policy Guidance

Staff would like to recommend that as we are in the process of deciding where and how to locate a new service center, that the Council take a look at long-standing policies regarding local and state guidelines for shelter eligibility and responsibility.

Shelter Location(s): Further Inquiry



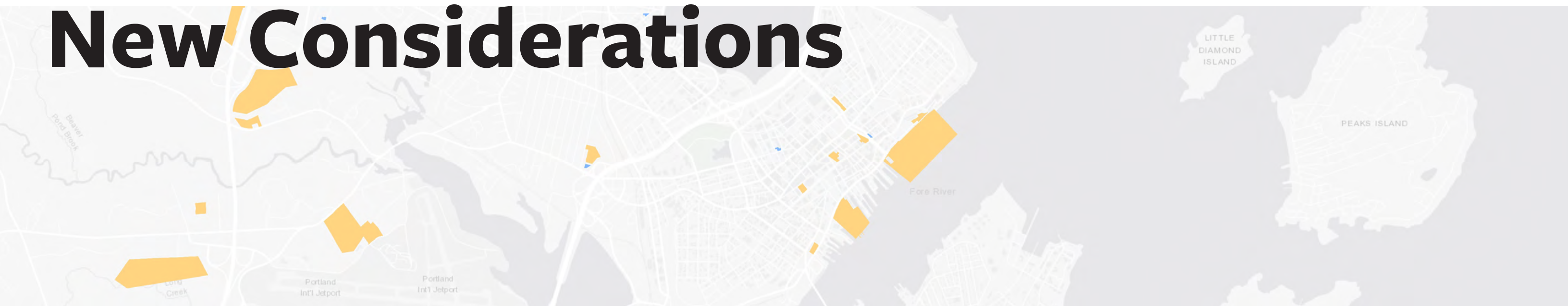
Earlier Analysis



Housing Committee Search



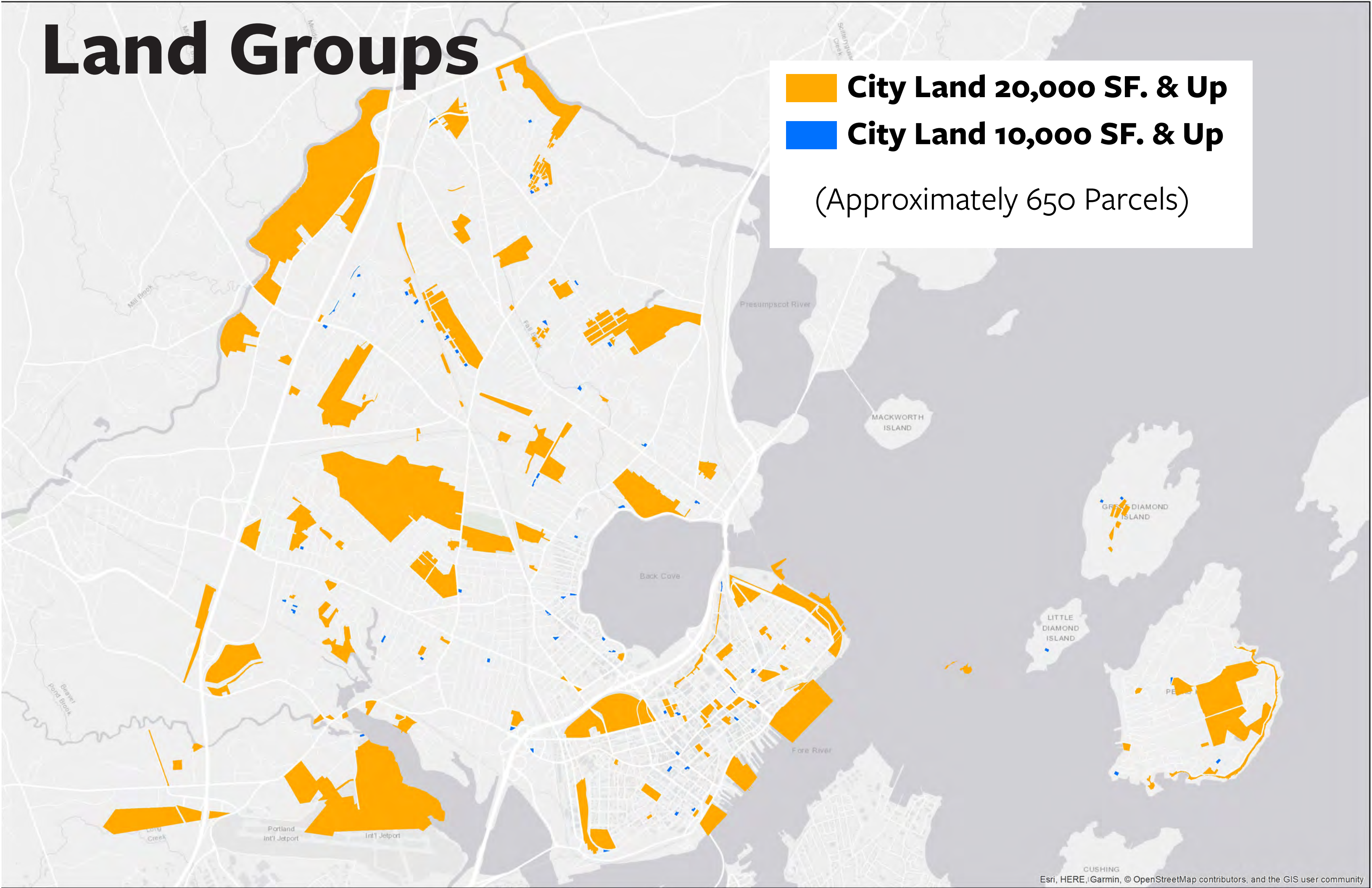
New Considerations



Land Groups

-  **City Land 20,000 SF. & Up**
-  **City Land 10,000 SF. & Up**

(Approximately 650 Parcels)



Quick Reductions

- City Land 20,000 SF. & Up
- City Land 10,000 SF. & Up

(Approximately 30 Sites)

Screened:

- Land Bank
- Parks & Cemeteries
- Wet Properties, Watersheds
- Prohibitive Uses
- Islands
- Highway Infrastructure
- Etc.

Quick Categories

Existing Structures

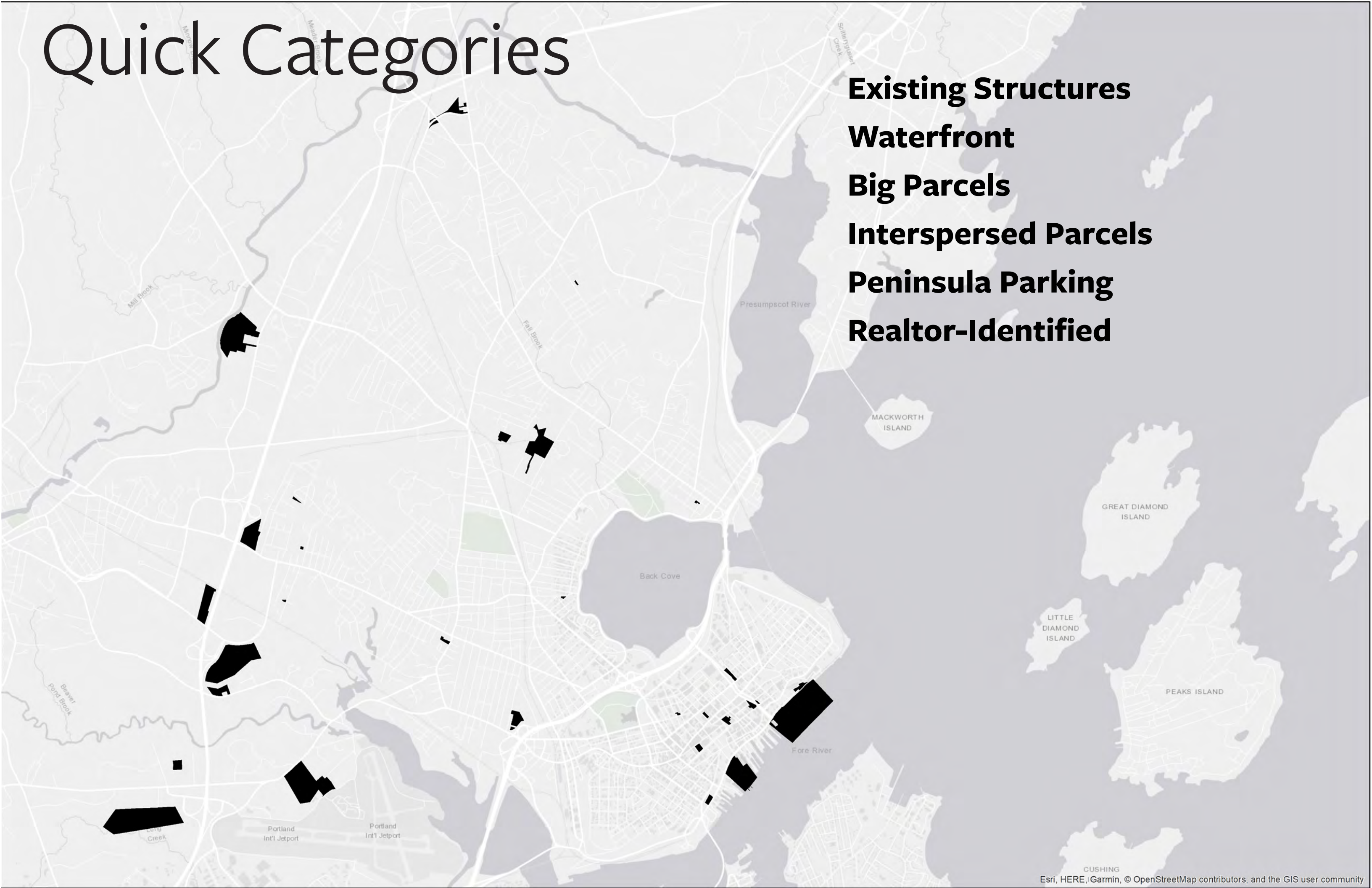
Waterfront

Big Parcels

Interspersed Parcels

Peninsula Parking

Realtor-Identified



Existing Structures

- **Large, City-owned sites**
- **Demolition / retrofits may be expensive**
- **Re-use may hinder design**



Existing Structures

DPW / P & R Buildings

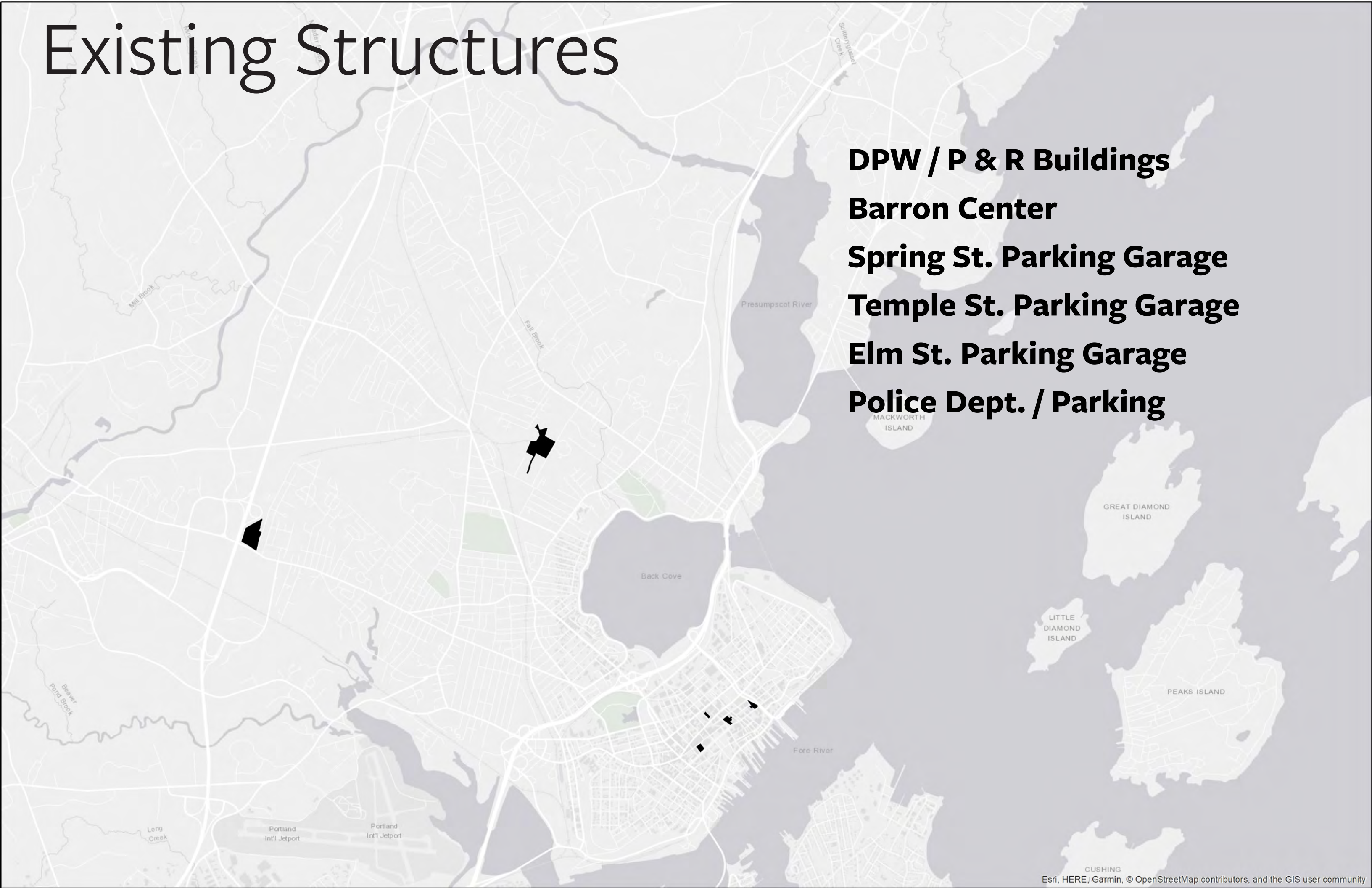
Barron Center

Spring St. Parking Garage

Temple St. Parking Garage

Elm St. Parking Garage

Police Dept. / Parking





DPW / P & R Buildings

Barron Center

Police HQ

Elm St. Garage

Temple St. Garage

Spring St. Garage

Existing Structures: Quick Pass

The size of the parking garages (and therefore the cost and impact of demolition) and the complexity of the Police space appear preventative.

The Barron Center property includes unused land, existing parking lots, and potentially convertible space.

~~**DPW / P & R Buildings**~~

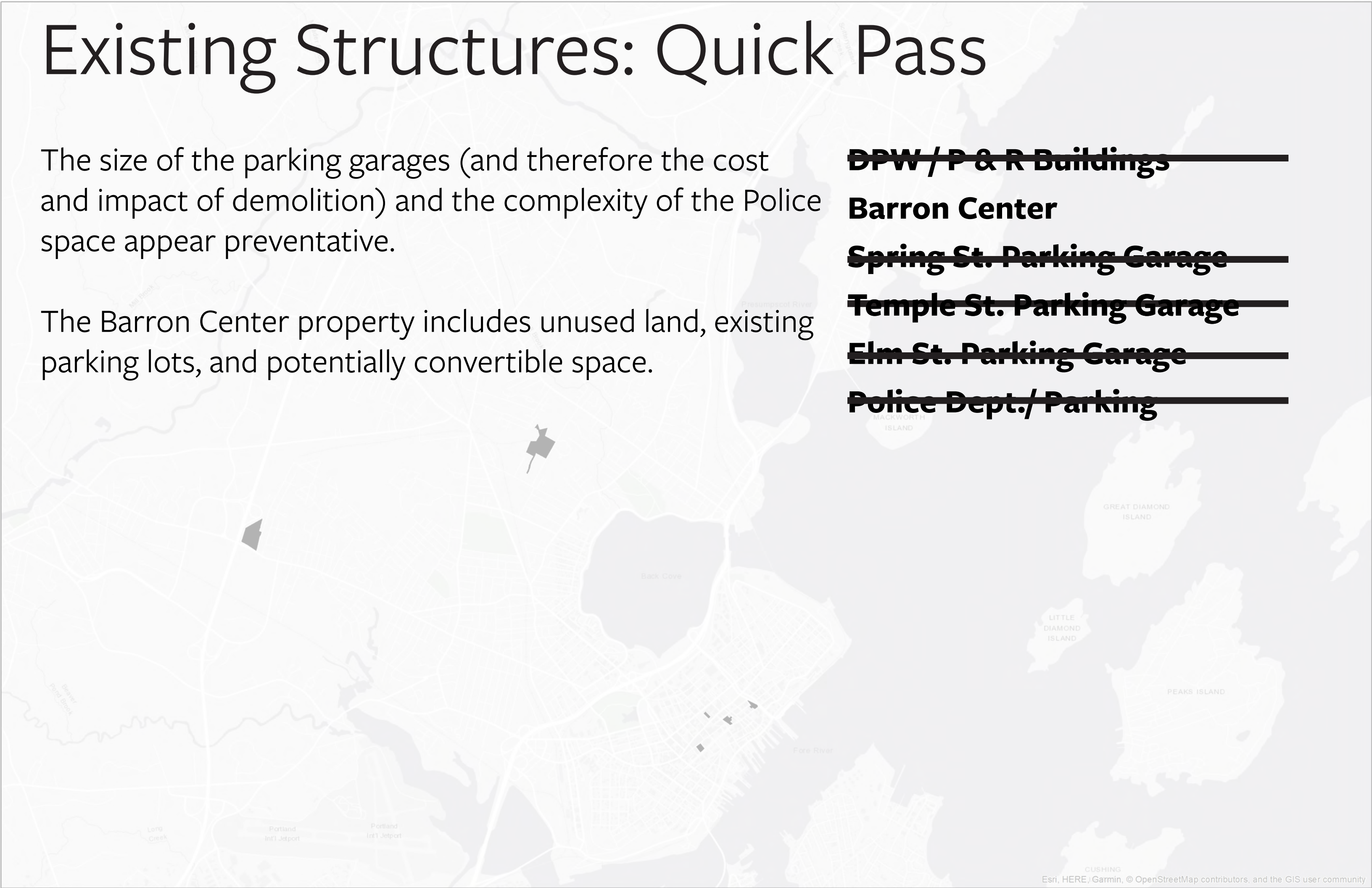
Barron Center

~~**Spring St. Parking Garage**~~

~~**Temple St. Parking Garage**~~

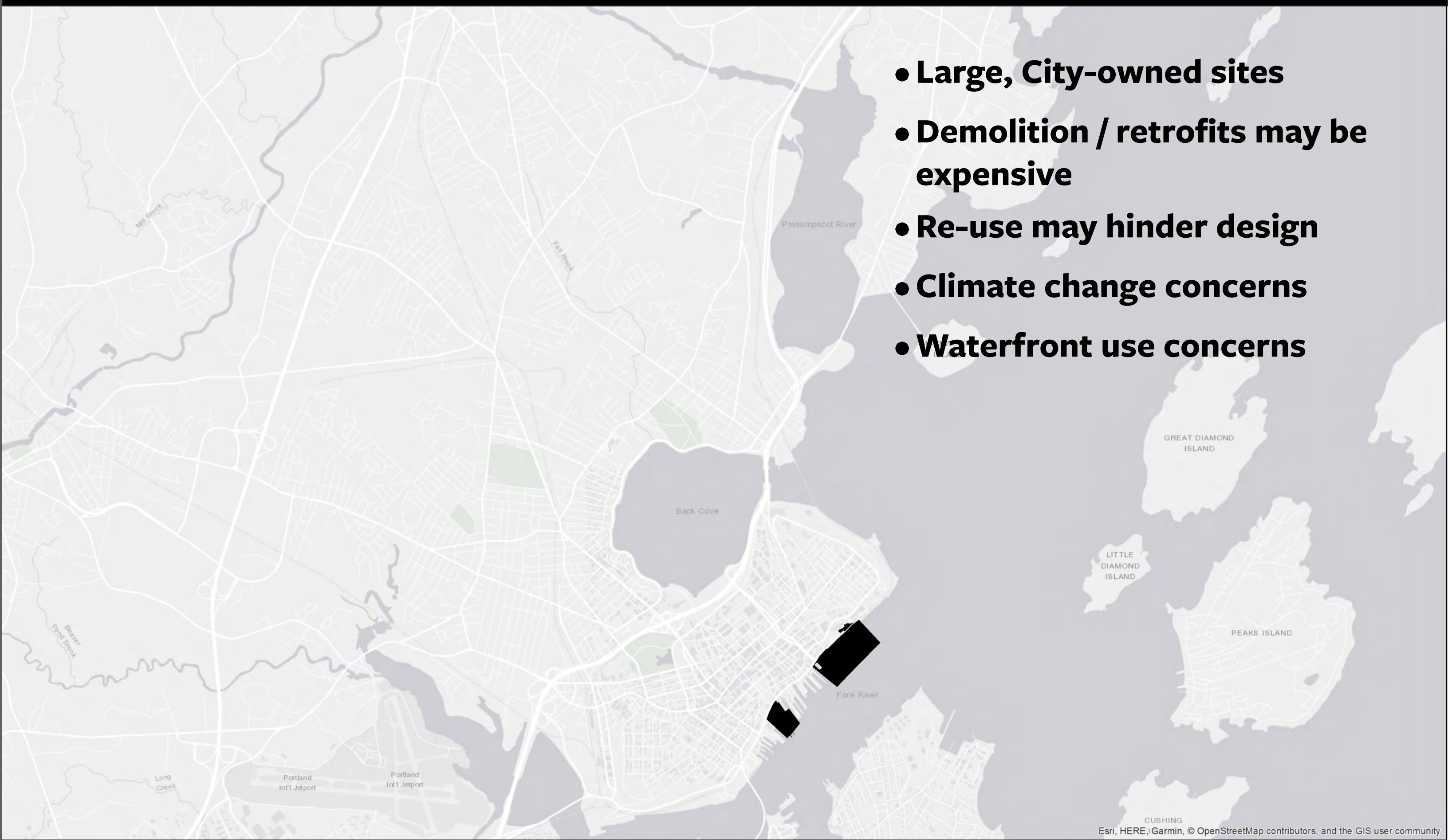
~~**Elm St. Parking Garage**~~

~~**Police Dept./ Parking**~~



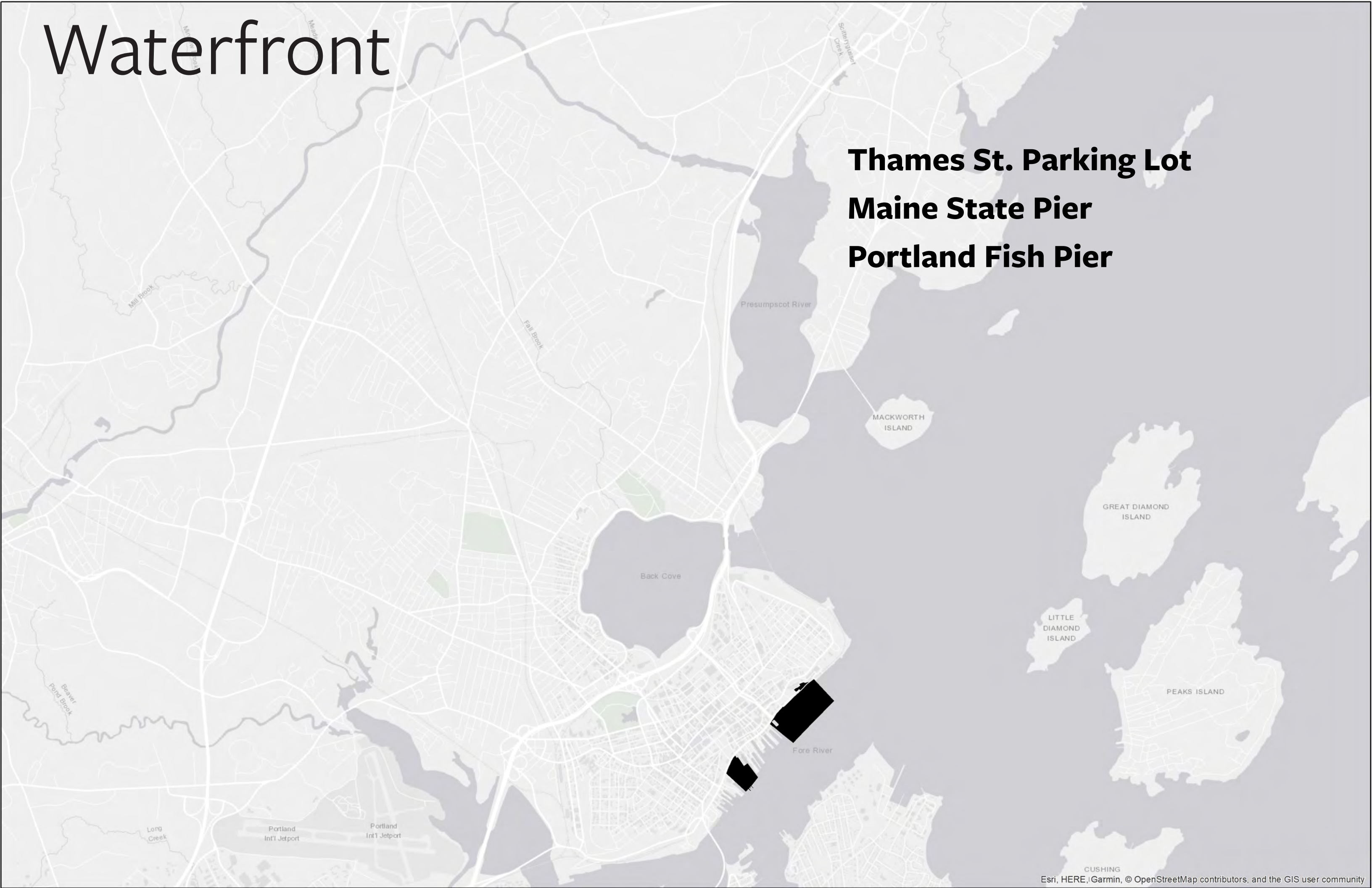
Waterfront

- **Large, City-owned sites**
- **Demolition / retrofits may be expensive**
- **Re-use may hinder design**
- **Climate change concerns**
- **Waterfront use concerns**



Waterfront

Thames St. Parking Lot
Maine State Pier
Portland Fish Pier





Thames St. Parking Lot

This aerial photograph shows the waterfront of Portland, Maine. A red line outlines a large area along the coast, including a parking lot, a long pier, and a fish pier. The labels 'Thames St. Parking Lot', 'Maine State Pier', and 'Portland Fish Pier' are overlaid on the image. The background shows a dense urban area with many buildings and streets. The foreground shows the water and some industrial structures, including large white storage tanks.

Maine State Pier

Portland Fish Pier

Waterfront: Quick Pass

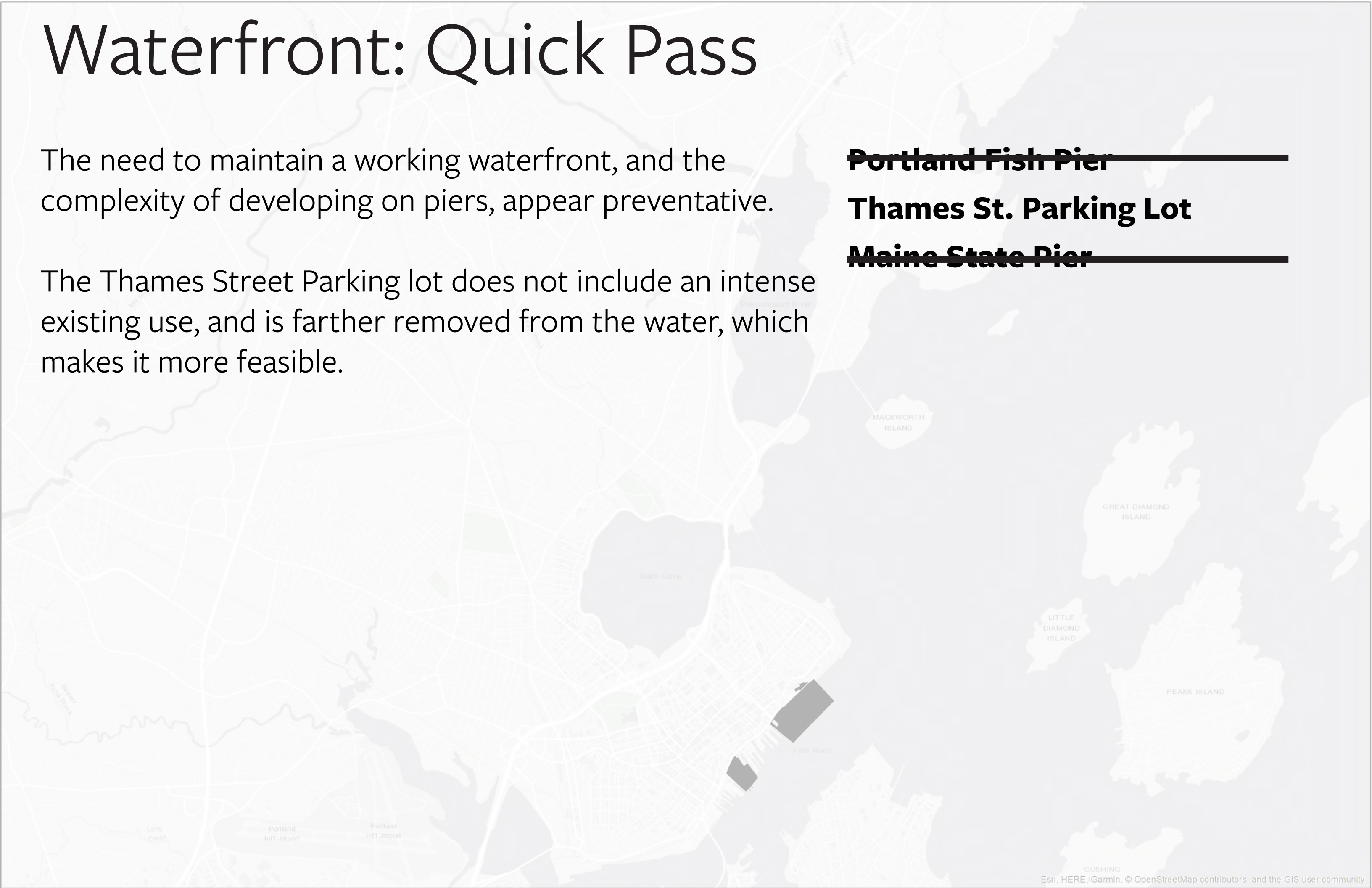
The need to maintain a working waterfront, and the complexity of developing on piers, appear preventative.

The Thames Street Parking lot does not include an intense existing use, and is farther removed from the water, which makes it more feasible.

~~Portland Fish Pier~~

Thames St. Parking Lot

~~Maine State Pier~~



Big Parcels

- Large, City-owned sites
- Tend to be at “edges” of City



Big Parcels

District Rd.

Land Leading to Airport

Former West School

o Westbrook St.

o Rand Rd. (Office Park)

1819 Westbrook St.

Riverside Recycling Facility

622 Auburn St.

Unmapped:

Possible Land Acquisition



622 Auburn St.

Riverside Recycling Center

1819 Westbrook St.

o Rand Rd.

o Westbrook St.

Former West School Site

1956 Congress St.

District Rd.

Big Parcels: Quick Pass

The sizes of these properties open up possibilities. Given sufficient funding and will, most could conceivably host a new building. These sites are generally in or around industrial, institutional, and/or commercial areas.

The o Westbrook Site includes hillside, is of interest to the Land Bank, and is located near more suitable property. A possible land acquisition at County Way is in a feasible location but may include site concerns.

The funds used to purchase several sites (land leading to the airport, District Road, Rand Road) limit the uses that can occur on each. This land would need to be purchased back, eliminating a key benefit of City-owned land.

~~**District Rd.**~~

~~**Land Leading to Airport**~~

Former West School

~~**o Westbrook St.**~~

~~**o Rand Rd. (Office Park)**~~

1819 Westbrook St.

Riverside Industrial Park

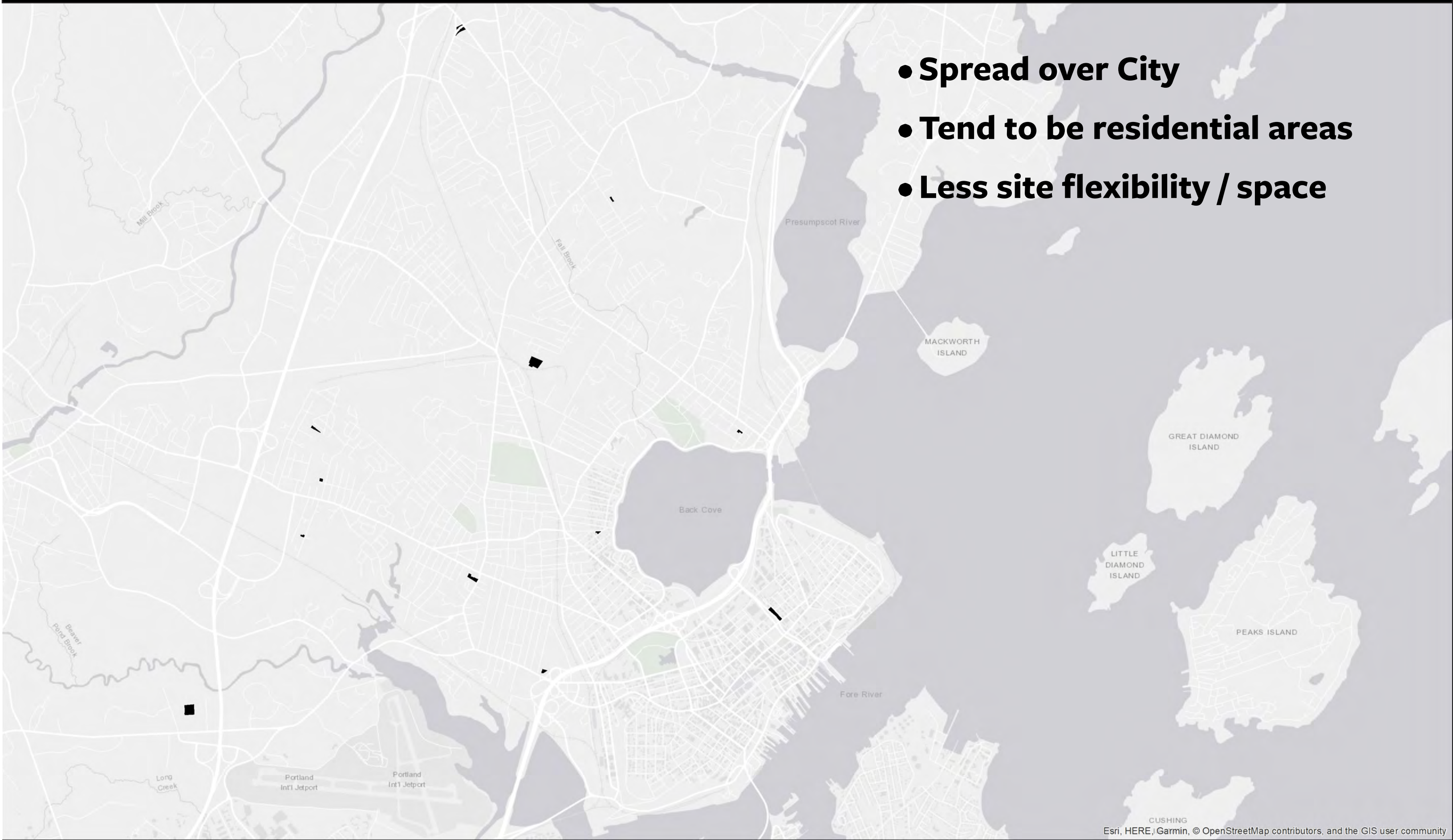
622 Auburn St.

Unmapped:

Possible Land Acquisition

Interspersed Parcels

- Spread over City
- Tend to be residential areas
- Less site flexibility / space



Interspersed Parcels

3 Hutchins Dr.
o Ravina St.
200 Lambert St.
o Cornell St.
43 Douglass St.
111 Rowe Ave.
56 Clifton St.
91 Riggs St.
21 Randall St.
o Utah Ave.
2092 Washington Ave.
Rosemont Fire Station Land
Franklin Reserve

An aerial photograph of Seattle, Washington, showing the city's layout, including major roads, parks, and the waterfront. Several locations are marked with red dots and labeled with text in white boxes. The labels are: 2092 Washington Ave., 200 Lambert St., o Utah Ave., o Cornell St., o Ravina St., 21 Randall St., 91 Riggs St., 56 Clifton St., 111 Rowe Ave., Rosemont Station Land, Franklin Reserve, 43 Douglass Street, and 3 Hutchins Dr. The map shows the city's proximity to the water and the surrounding landscape.

2092 Washington Ave.

200 Lambert St.

o Utah Ave.

o Cornell St.

o Ravina St.

21 Randall St.

91 Riggs St.

56 Clifton St.

111 Rowe Ave.

Rosemont Station Land

Franklin Reserve

43 Douglass Street

3 Hutchins Dr.

Interspersed Parcels: Quick Pass

The smaller sizes of some of these properties, and their locations (generally among single family neighborhoods, sometimes on paper streets) make them less feasible. They may be suitable for other social service models.

- o Cornell Street and 3 Hutchins Drive are larger and more industrial in nature. The former borders a residential neighborhood and may have environmental constraints. The latter is situated between other buildings, but given sufficient funds and will it may be feasible.

The Rosemont Fire Station would otherwise be considered a prohibitive existing use, but City-owned land behind the station makes it notable.

Franklin Reserve is also notable as a large area of undeveloped land on peninsula.

3 Hutchins Dr.

~~**6 Ravina St.**~~

~~**200 Lambert St.**~~

~~**6 Cornell St.**~~

~~**43 Douglass St.**~~

~~**111 Rowe Ave.**~~

~~**56 Clifton St.**~~

~~**91 Riggs St.**~~

~~**21 Randall St.**~~

~~**6 Utah Ave.**~~

~~**2092 Washington Ave.**~~

Rosemont Fire Station Land

Franklin Reserve

Peninsula Surface Parking Lots

- **Located near downtown**
- **Flat, clear site**
- **Less site flexibility / space**
- **Loss of parking**



Peninsula Surface Parking Lots

Angelo's Acre
33 Portland St.
83 Middle St.

Unmapped:
157 Brackett St.
176 Clark St.



33 Portland St.

83 Middle St.

Angelo's Acre

Peninsula Parking Lots: Quick Pass

The location and relative site simplicity of parking lots close to downtown offer possibilities. While 33 Portland Street and 83 Middle Street are somewhat constrained, both these sites and Angelo's Acre could conceivably host a new building.

The unmapped lots on Brackett and Clark Streets are across the street from the Reiche School, which may make them infeasible.

Angelo's Acre
33 Portland St.
83 Middle St.

Unmapped:

~~**157 Brackett St.**~~

~~**176 Clark St.**~~

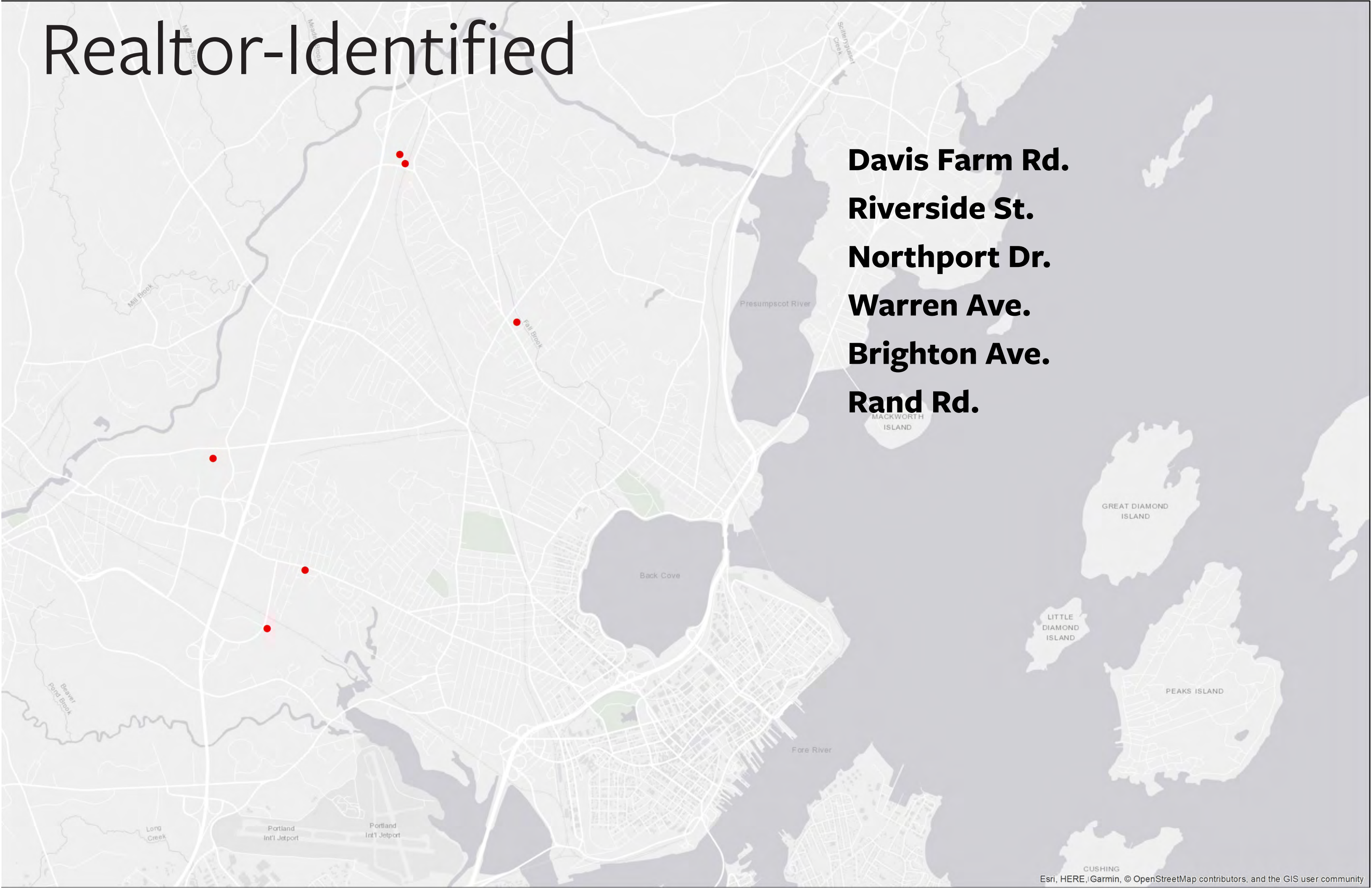
Realtor-Identified

- **Require rental or purchase**
- **Demolition / retrofits may be expensive**
- **Re-use may hinder design**



Realtor-Identified

Davis Farm Rd.
Riverside St.
Northport Dr.
Warren Ave.
Brighton Ave.
Rand Rd.



An aerial photograph of a coastal town, likely in New England, showing a dense residential area with a grid-like street pattern. A river or estuary flows through the town, with a large body of water on the right side. Several streets are highlighted with red dots and labels. The labels are: Riverside St. (top left), Davis Farm Rd. (top center), Northport Dr. (center right), Warren Ave. (middle left), Brighton Ave. (bottom center), and Rand Rd. (bottom left).

Riverside St.

Davis Farm Rd.

Northport Dr.

Warren Ave.

Brighton Ave.

Rand Rd.

Realtor-Identified: Quick Pass

Given sufficient funding and will, these sites could host relevant uses. However, all would include significant costs not applicable to City-owned land.

The Warren Avenue site appears most feasible due to its size, location, and existing conditions.

~~**Davis Farm Rd.**~~

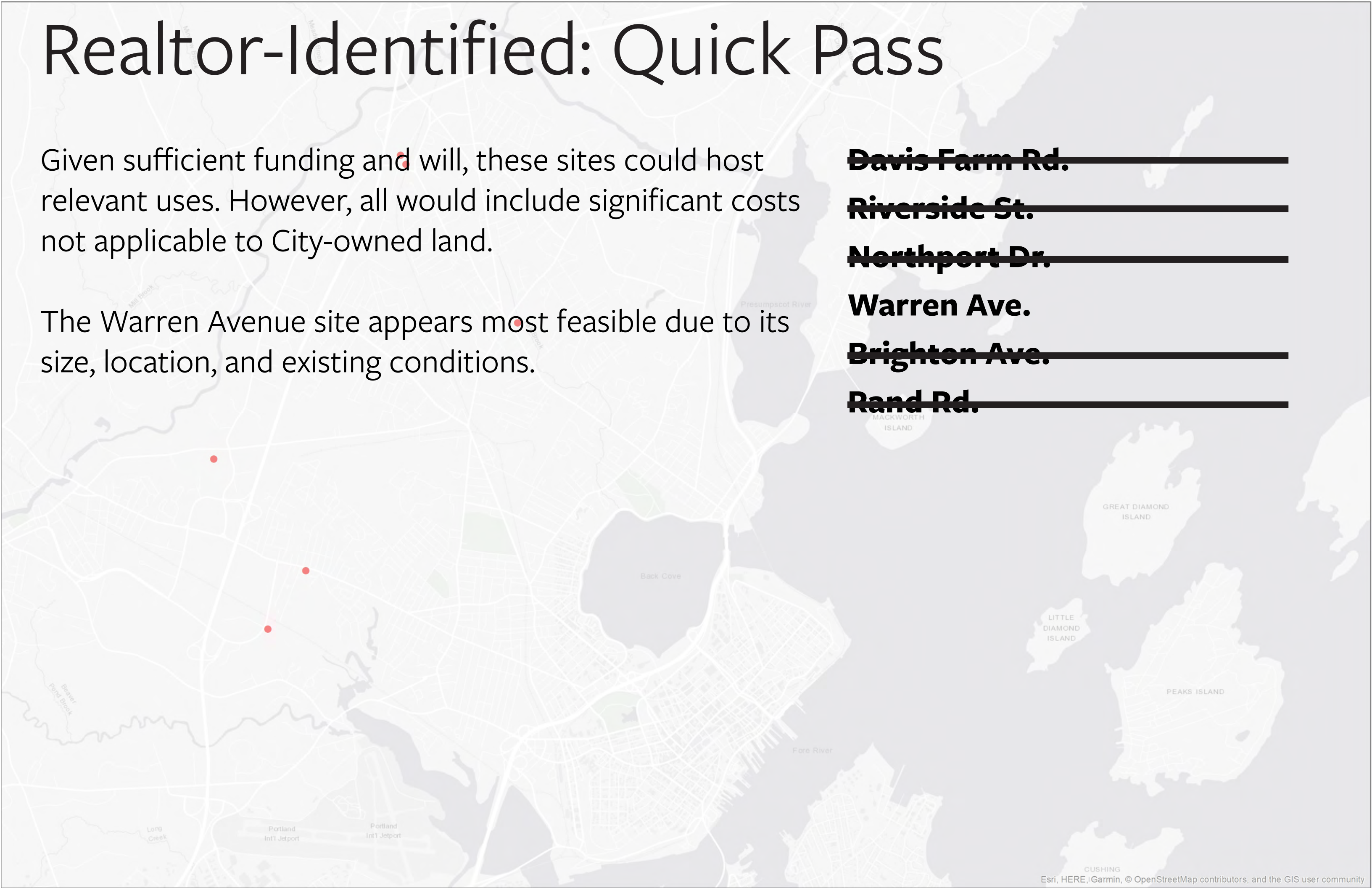
~~**Riverside St.**~~

~~**Northport Dr.**~~

Warren Ave.

~~**Brighton Ave.**~~

~~**Rand Rd.**~~



Most Reasonable (?) Quick Pass

- Thames St. Parking Lot
- Barron Center
- Former West School
- 1819 Westbrook St.
- Riverside Industrial Park
- 622 Auburn St.
- County Way Acquisition
- 3 Hutchins Dr.
- Franklin Reserve
- Rosemont Fire Station Land
- Angelo’s Acre
- 33 Portland St.
- 83 Middle St.
- Warren Ave. Realty Site

14

Different assumptions, criteria, or judgements may yield different results.

Most Reasonable (?) Quick Pass

Thames St. Parking Lot

Barron Center

Former West School

1819 Westbrook St.

Riverside Industrial Park

622 Auburn St.

County Way Acquisition

3 Hutchins Dr.

Franklin Reserve

Rosemont Fire Station Land

Angelo's Acre

33 Portland St.

83 Middle St.

Warren Ave. Realty Site



Most Reasonable (?) Quick Pass

Thames St. Parking Lot

Barron Center

Former West School

1819 Westbrook St.

Riverside Industrial Park

622 Auburn St.

County Way Acquisition

3 Hutchins Dr.

Franklin Reserve

Rosemont Fire Station Land

Angelo's Acre

33 Portland St.

83 Middle St.

Warren Ave. Realty Site



Most Reasonable (?) Quick Pass

Thames St. Parking Lot

Barron Center

Former West School

1819 Westbrook St.

Riverside Industrial Park

622 Auburn St.

County Way Acquisition

3 Hutchins Dr.

Franklin Reserve

Rosemont Fire Station Land

Angelo's Acre

33 Portland St.

83 Middle St.

Warren Ave. Realty Site



Most Reasonable (?) Quick Pass

Thames St. Parking Lot

Barron Center

Former West School

1819 Westbrook St.

Riverside Industrial Park

622 Auburn St.

County Way Acquisition

3 Hutchins Dr.

Franklin Reserve

Rosemont Fire Station Land

Angelo's Acre

33 Portland St.

83 Middle St.

Warren Ave. Realty Site



Most Reasonable (?) Quick Pass

Thames St. Parking Lot

Barron Center

Former West School

1819 Westbrook St.

Riverside Industrial Park

622 Auburn St.

County Way Acquisition

3 Hutchins Dr.

Franklin Reserve

Rosemont Fire Station Land

Angelo's Acre

33 Portland St.

83 Middle St.

Warren Ave. Realty Site



Most Reasonable (?) Quick Pass

Thames St. Parking Lot

Barron Center

Former West School

1819 Westbrook St.

Riverside Industrial Park

622 Auburn St.

County Way Acquisition

3 Hutchins Dr.

Franklin Reserve

Rosemont Fire Station Land

Angelo's Acre

33 Portland St.

83 Middle St.

Warren Ave. Realty Site



Most Reasonable (?) Quick Pass

Thames St. Parking Lot

Barron Center

Former West School

1819 Westbrook St.

Riverside Industrial Park

622 Auburn St.

County Way Acquisition

3 Hutchins Dr.

Franklin Reserve

Rosemont Fire Station Land

Angelo's Acre

33 Portland St.

83 Middle St.

Warren Ave. Realty Site



Most Reasonable (?) Quick Pass

Thames St. Parking Lot

Barron Center

Former West School

1819 Westbrook St.

Riverside Industrial Park

622 Auburn St.

County Way Acquisition

3 Hutchins Dr.

Franklin Reserve

Rosemont Fire Station Land

Angelo's Acre

33 Portland St.

83 Middle St.

Warren Ave. Realty Site



Most Reasonable (?) Quick Pass

Thames St. Parking Lot

Barron Center

Former West School

1819 Westbrook St.

Riverside Industrial Park

622 Auburn St.

County Way Acquisition

3 Hutchins Dr.

Franklin Reserve

Rosemont Fire Station Land

Angelo's Acre

33 Portland St.

83 Middle St.

Warren Ave. Realty Site



Most Reasonable (?) Quick Pass

Thames St. Parking Lot

Barron Center

Former West School

1819 Westbrook St.

Riverside Industrial Park

622 Auburn St.

County Way Acquisition

3 Hutchins Dr.

Franklin Reserve

Rosemont Fire Station Land

Angelo's Acre

33 Portland St.

83 Middle St.

Warren Ave. Realty Site



Most Reasonable (?) Quick Pass

Thames St. Parking Lot

Barron Center

Former West School

1819 Westbrook St.

Riverside Industrial Park

622 Auburn St.

County Way Acquisition

3 Hutchins Dr.

Franklin Reserve

Rosemont Fire Station Land

Angelo's Acre

33 Portland St.

83 Middle St.

Warren Ave. Realty Site



Most Reasonable (?) Quick Pass

Thames St. Parking Lot

Barron Center

Former West School

1819 Westbrook St.

Riverside Industrial Park

622 Auburn St.

County Way Acquisition

3 Hutchins Dr.

Franklin Reserve

Rosemont Fire Station Land

Angelo's Acre

33 Portland St.

83 Middle St.

Warren Ave. Realty Site



Most Reasonable (?) Quick Pass

Thames St. Parking Lot

Barron Center

Former West School

1819 Westbrook St.

Riverside Industrial Park

622 Auburn St.

County Way Acquisition

3 Hutchins Dr.

Franklin Reserve

Rosemont Fire Station Land

Angelo's Acre

33 Portland St.

83 Middle St.

Warren Ave. Realty Site



Most Reasonable (?) Quick Pass

Thames St. Parking Lot

Barron Center

Former West School

1819 Westbrook St.

Riverside Industrial Park

622 Auburn St.

County Way Acquisition

3 Hutchins Dr.

Franklin Reserve

Rosemont Fire Station Land

Angelo's Acre

33 Portland St.

83 Middle St.

Warren Ave. Realty Site



Next Steps

- Thames St. Parking Lot

Barron Center

Former West School

1819 Westbrook St.

Riverside Industrial Park

622 Auburn St.

County Way Acquisition

3 Hutchins Dr.

Franklin Reserve

Rosemont Fire Station Land

Angelo’s Acre

33 Portland St.

83 Middle St.

Warren Ave. Realty Site

- Policy direction:**

which sites are sufficiently feasible and desirable?
- Additional site analysis:**

any of these sites may harbor unforeseen constraints
- Report back:**

which sites remain feasible and compelling?
- Additional leadership direction:**

narrowing site(s) selection

However...

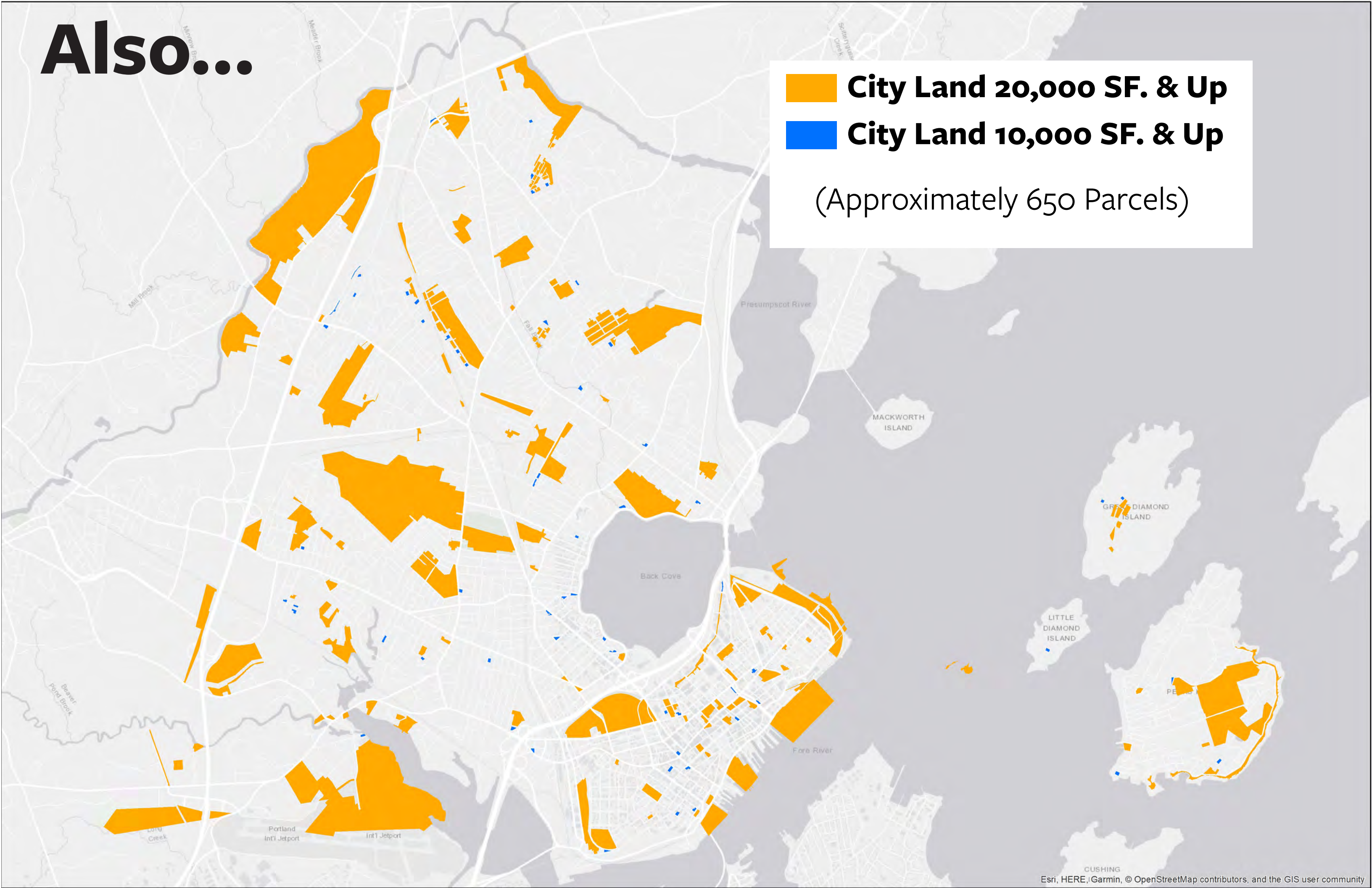
- City Land 20,000 SF. & Up
- City Land 10,000 SF. & Up

(Approximately 30 Sites)

Screened:

- Land Bank
- Parks & Cemeteries
- Wet Properties, Watersheds
- Prohibitive Uses
- Islands
- Highway Infrastructure
- Etc.

Also...



Questions?



Homeless Services Informational Memo
City of Portland
City Council Health and Human Services and Public Safety Committee
March 19, 2019

Prepared By: Rob Parritt, Homeless Services Consultant
To: Jon Jennings, City Manager

At the February 26 Health and Human Services and Public Safety Committee meeting, the Committee narrowed down a list of potential Homeless Services Center locations from 11 to 3 sites. Once the Committee members settled on the three sites, City staff from the Planning and Urban Development and Health and Human Services Departments were tasked with providing additional information on the three sites. HHS staff has identified several sectors of information that have been found to be pertinent to the discussion regarding a new site from a social services perspective; basic zoning criteria being one. In May of 2017, the Planning Board made some zoning adjustments regarding emergency shelter.

The zoning specifically lists several criteria pertaining to emergency shelters and building design. It will be important for any potential site to be able to meet the following criteria.

- Space for on-site providers to provide a variety of services for shelter residents
- A private, screened outdoor area
- A centralized office design with clear sight lines
- ¼ mile access to Metro; or be within ½ mile of Metro with space inside large enough inside to accommodate ALL guests and implement strategies to help residents utilize transit
- Enough space for security searches
- 1 parking space for every two employees
- A Management Plan addressing shelter management responsibilities, process for resolving neighborhood concerns, staffing, access restrictions, on site surveillance, safety measures, controls for resident behavior and noise levels and monitoring reports

HHS staff will provide information regarding the proposed sites' proximity to existing resources and service providers. The concentration of and access to social services has been a constant talking point throughout the site location process so staff felt it important to provide that information. Please note that although access to Metro is an important factor, there will be additional transportation services regardless of site location. These services include a City shuttle van, continued access to taxi vouchers and coordinating with providers for other alternate forms of transportation.

It is important to hear from community service providers to see if the three proposed sites will work for them or if there are concerns that need to be identified so that partnerships can be identified that will allow our shelter residents to receive much needed services. Key partners and community agencies have been contacted and asked to provide feedback on the three proposed sites. The agencies we have contacted thus far include...

Avesta, Amistad, Catholic Charities- ACT Team, Cultivating Community, GA/HIRE, City of Portland- Mobile Medical Outreach, Frannie Peabody, CHOM, Goodwill Northern New England Workforce Services, Milestone Recovery, Portland Adult Education, Portland PD-Community Policing, Portland Public Library, Preble Street, PTLA, SARSSM, Shalom House, Spurwink Mental Health Center, TOA/PATH,

Through These Door and HVJ. Please see the attached exhibits regarding the feedback we received from agencies. Exhibit 1.

Please reference this informational table for a quick overview on transportation access, providers near each site, services available near each site and themes that occurred based on feedback from service providers...

Table 1.1

Site	Metro Access	Providers Located Near Proposed Site	Services Offered by Providers	Provider Feedback Themes
Angelo's Acre 431 Commercial Street	Yes	• Amistad • Learning Works • Catholic Charities • STRIVE U • Frannie Peabody Center • Milestone Recovery • Florence House • VA Clinic • Through These Doors Domestic Violence Outreach at the Portland Police Department	• Emergency Shelter • Detox • Peer Support • Case Management • Medical Treatment • Mental Health Care • Meals • Vet Services • Healthcare • Housing Navigation • DV Services • Street Outreach • HOME Team • HIV/AIDS Services • Anti-trafficking services • ESL • Education • Youth Services	• Waterfront safety concerns • Weather Exposure • Ease of access to transportation and amenities • Likely opposition from businesses and residents
County Way	Yes	• Shalom House • Florence House • Iris Network • Logan Place • Metro Office • Learning Works	• Case Management • Emergency Shelter • Services for Blind People • Transportation • Housing Navigation • Housing Subsidies • Anti-trafficking services • ESL • Education • Youth Services	• Some concerned with proximity to jail • Acceptable access to transportation and services • Could be seen as hiding the homeless • Likely opposition from businesses/residents

Riverside Street 654 Riverside Street	Yes	• Spurwink • Riverton Community Policing • ITN Portland	• Transportation • Community Policing • Case Management • Crisis Services • Behavioral Health • Youth Services • Autism Services • Refugee Services • Foster Care Services	• Isolation • Physical Access • Hiding the homeless • Long bus ride • Difficult for MAT • programs to operate • Difficult to access services
--	-----	---	--	--

Table 1.1 Summary:

In summary, all three sites appear to meet accessibility criteria regarding Metro access as clearly stated in the zoning language.

The number of service providers within a close distance of each site varies from site to site. Angelo's Acre is the site that has the most service providers located in a close proximity, County Way had the second most and the Riverside location had the least. It is worth noting that although there are social service providers within a reasonable proximity of each site, not all of those services are designed specifically for people experiencing homelessness.

Community service providers were asked to weigh in on each potential location. One clear concern raised by providers is the safety concerns raised by the Angelo's Acre site due to its proximity to the waterfront. Community providers do not seem to view any location as an obstacle for continuing to provide on-site services except for administering any sort of medication assisted treatment (MAT). Some feedback seems to indicate that the location at Riverside Street is perceived as being isolated and could potentially be seen as "hiding the homeless." At least one provider stated that the proposed location at County Way would have a similar effect of "hiding the homeless." Most community providers do not seem to have an issue with a services center being located closely to the Cumberland County Jail campus (only one provider noted this as a concern).

This memo is not meant to steer the Committee's opinion or indicate staff preference for any location. The information gathered is being presented so that the HHS&PS Committee can make an informed decision based solely on information provided at their request. City staff also completed a SWOT analysis on each location as requested during the February 26 HHS&PS Committee Meeting and can be found below in table 1.2.

Staff examined what social services, medical services, emergency services, employment opportunities and schools are located within a close proximity of the three proposed sites. Staff created a table providing specific details of what entities are located near each potential site. Please reference table 1.3.

SWOT (Strengths, Weaknesses, Opportunity, Threats)

Table 1.2

Site	Strengths	Weaknesses	Opportunity	Threats
Angelo's Acre	Flat Parcel, City Owned, Metro Access	Waterfront Proximity, Water Safety Concerns, Small Site, Traffic Concerns	Community Integration, Employment	Potential issues with tourists/patrons, Loss of parking in Old Port
County Way	Large Parcel, Metro Access	Direct Access to Fore River, Traffic Concerns, Train Tracks	Potential Partnerships with the County, Large enough site to build a flexible building	Land Acquisition VRAP
Riverside Street	Large Parcel, Flat Parcel, Metro Access	Isolation, Access, Water Safety	Large enough site to build a flexible building	VRAP

Location Matrix
Table 1.3

Service Providers within the area of Potential Homeless Service Center Locations

Angelo's Acre	County Way	Riverside Industrial Park
• Amistad 66 State Street Distance: 0.3 miles • Catholic Charities 66 State Street Distance: 0.3 miles • STRIVE U 12 Nye Street Distance: 0.2 miles • Frannie Peabody Center 30 Danforth Street Distance: 0.4 miles • Milestone Recovery 65 India Street Distance: 1. mile • Florence House 190 Valley Street Distance: 1.2 miles • VA Clinic 144 Fore Street Distance: 1.1 miles • Learning Works 181 Brackett Street Distance: 1.6 miles • Through These Doors Domestic Violence Outreach at the Portland Police Department 109 Middle Street Distance: 0.9 miles	• Shalom House 106 Gilman Street Distance: 1.1 miles • Florence House 190 Valley Street Distance: 1.2 miles • Iris Network 189 Park Ave Distance: 0.8 miles • Learning Works 181 Brackett Street Distance: 1.1 miles • Logan Place 52 Frederic Street Distance: 0.5 miles • Metro 114 Valley Street Distance: 1.4 miles	• Spurwink 899 Riverside Street Distance: 420ft • Riverton Community Policing 57 Riverton Drive Distance: 0.6 miles • ITN Portland 90 Bridge Street Distance: 3.8 miles

Fire Stations within the area of Potential Homeless Service Center Locations

Angelo's Acre	50 County Way	Riverside Industrial Park
• Fire Headquarters 380 Congress St.Portland, ME 04101 Distance: .9 miles • Bramhall Station 784 Congress St.Portland, ME 04102 Distance: .9 miles	• Bramhall Station 784 Congress St.Portland, ME 04102 Distance: .7 miles	• Riverton Station 1592 Forest Ave.Portland, ME 04103 Distance: 1.2 miles

Employment Opportunities

Angelo's Acre	50 County Way	Riverside Industrial Park
• Over 160 restaurants/bars/coffee shops. • Hospitality options in multiple old port hotels • Working waterfront, to include fish markets • Seasonal employment	• McDonald's • Amato's • Dunkin Donuts • Sullivan Tire • LaQuinta • Paulin's Tire • D'Angelo's • Save-A-Lot • Dollar Tree • Denny's • HP Hood • Barber Foods • Cozy Harbor	• Riverside Recycling Facility • Hannaford • 7 Eleven • Tortilla Flat • Garbage to Garden • Orkin Pest & Termite Control • Micucci's Wholesale Foods • Seacoast Coffee Company • Family Dollar • Multiple Breweries

Schools Within the Area of Potential Sites

Angelo's Acre	50 County Way	Riverside Industrial Park
• Reiche Community School Distance: .6 miles • Waynelete Distance: 1.0 miles	• Reiche Community School Distance: 1.6 miles • Waynelete Distance: 2.2 miles	• Riverside Elementary School Distance: 1.3 miles • Casco Bay High School Distance: 2.8 miles • Portland Arts & Technology High School Distance: 2.8 miles • Lyman Moore Middle School Distance: 2.6 miles • Harrison Lyseth Elementary Distance 2.7 miles

Medical Providers Within the Area of Potential Sites

Angelo's Acre	50 County Way	Riverside Industrial Park
• Frannie Peabody Center Distance: 0.4 mile • Milestone Detox Distance: 1. Mile • VA Portland Clinic Distance: 1.1 miles • Portland Community Free Clinic Distance: 1.1 miles	• Mercy Fore River Distance: 1.4 miles • Maine Medical Center Distance: 0.8 miles • 180 Park Ave Distance: 0.7 miles • Iris Network Distance: 0.8 miles	

Exhibit 1

Shelter Location(s): Further Inquiry



February 26 List

Thames St. Parking Lot

1819 Westbrook St.

Franklin Reserve

654 Riverside St.

622 Auburn St.

Angelo’s Acre

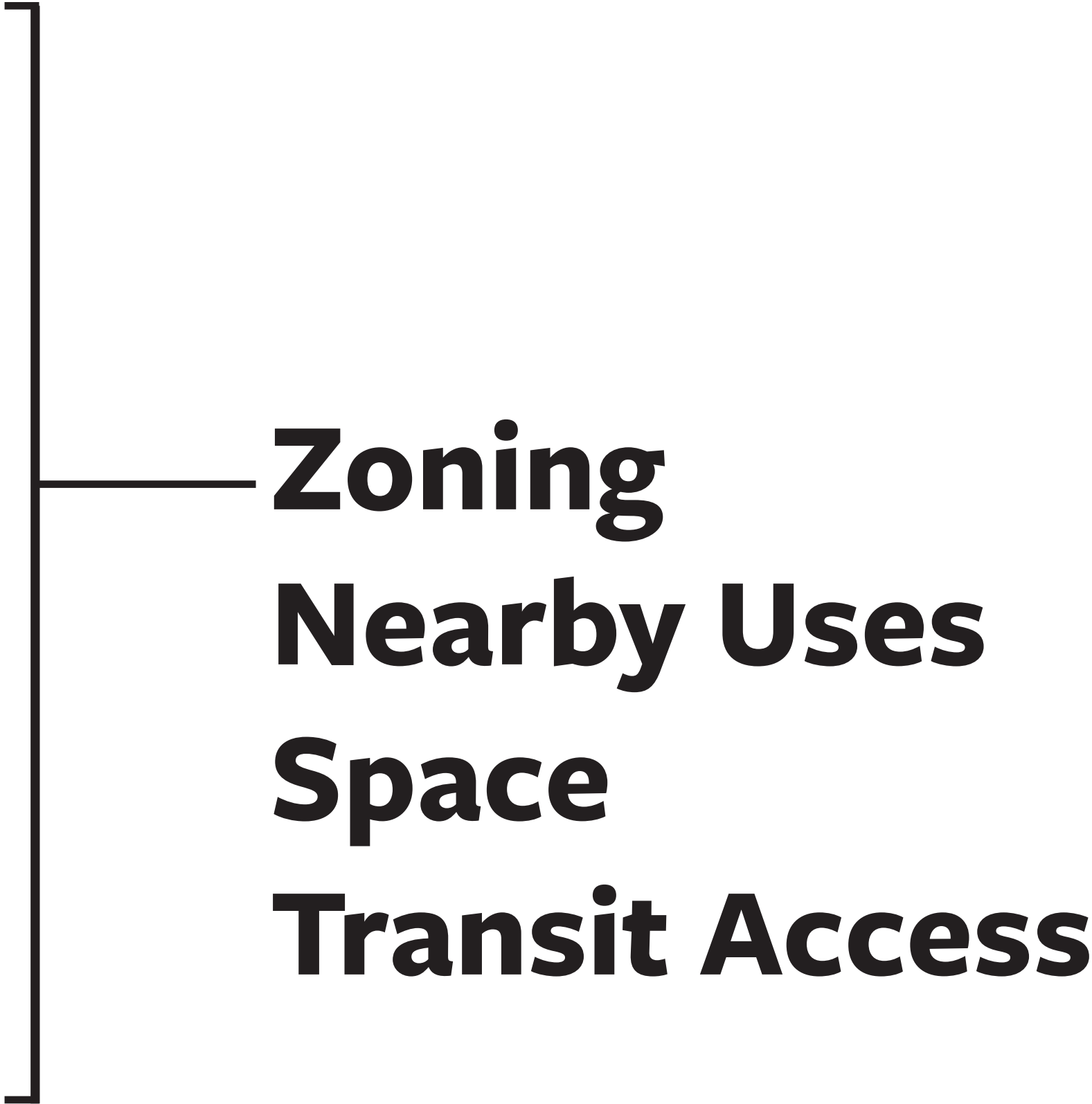
33 Portland St.

83 Middle St.

1386 Riverside St.

3 Hutchins Dr.

County Way Acquisition



HHS Selections

Thames St. Parking Lot

1819 Westbrook St.

Franklin Reserve

654 Riverside St.

622 Auburn St.

Angelo’s Acre

33 Portland St.

83 Middle St.

1386 Riverside St.

3 Hutchins Dr.

County Way Acquisition

**Identified for
Continued Analysis**

654 Riverside St.



654 Riverside St. (EDIT)



654 Riverside St. (EDIT)



654 Riverside St. (EDIT)

ON SITE ZONING (% Area)

69.7 IM

30.3 IH

ZONING % WITHIN BUFFER

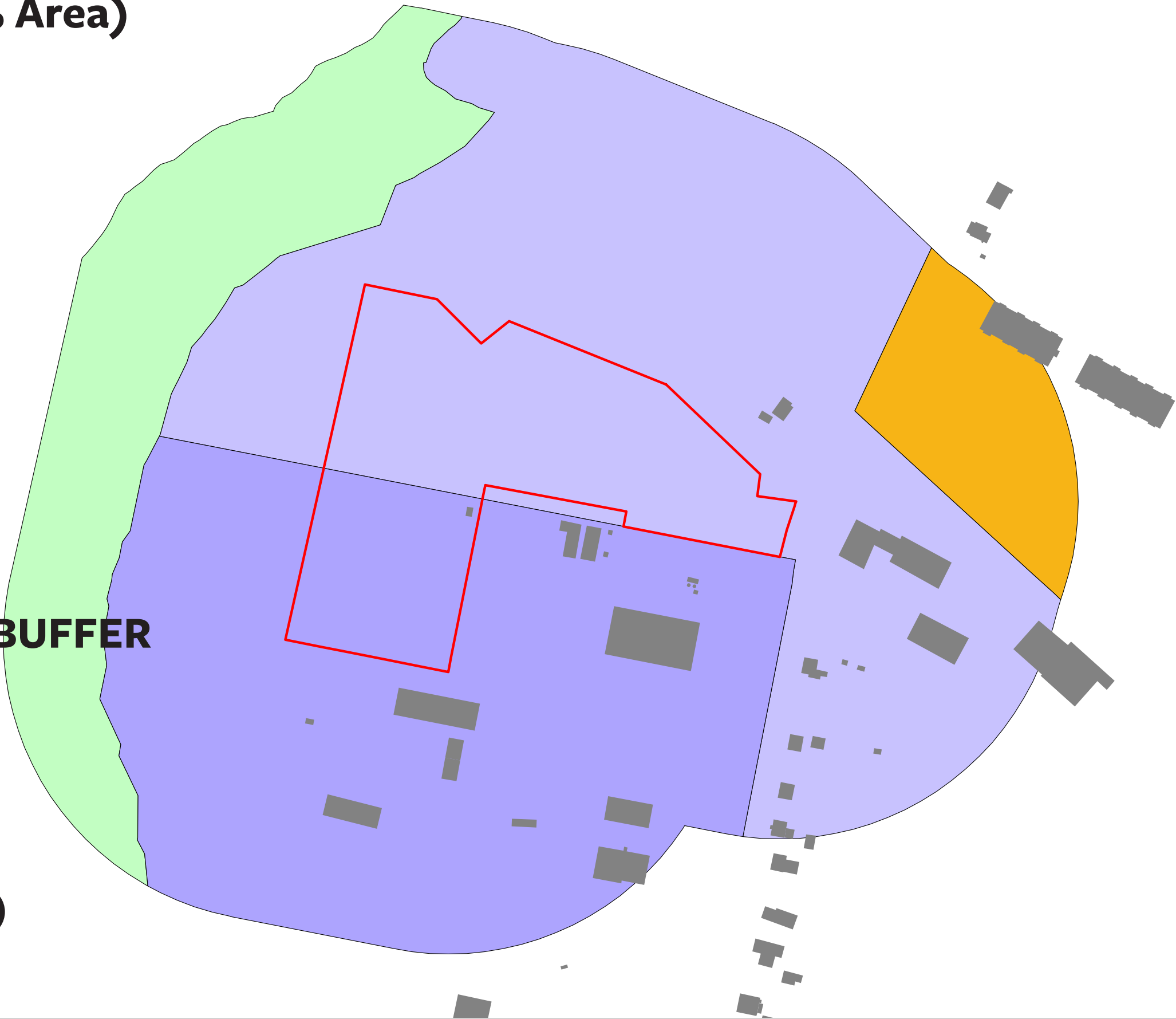
42.3 IM

34.8 IH

14.9 RPZ

5.3 R5

2.7 na (Out of City)



654 Riverside St. (EDIT)

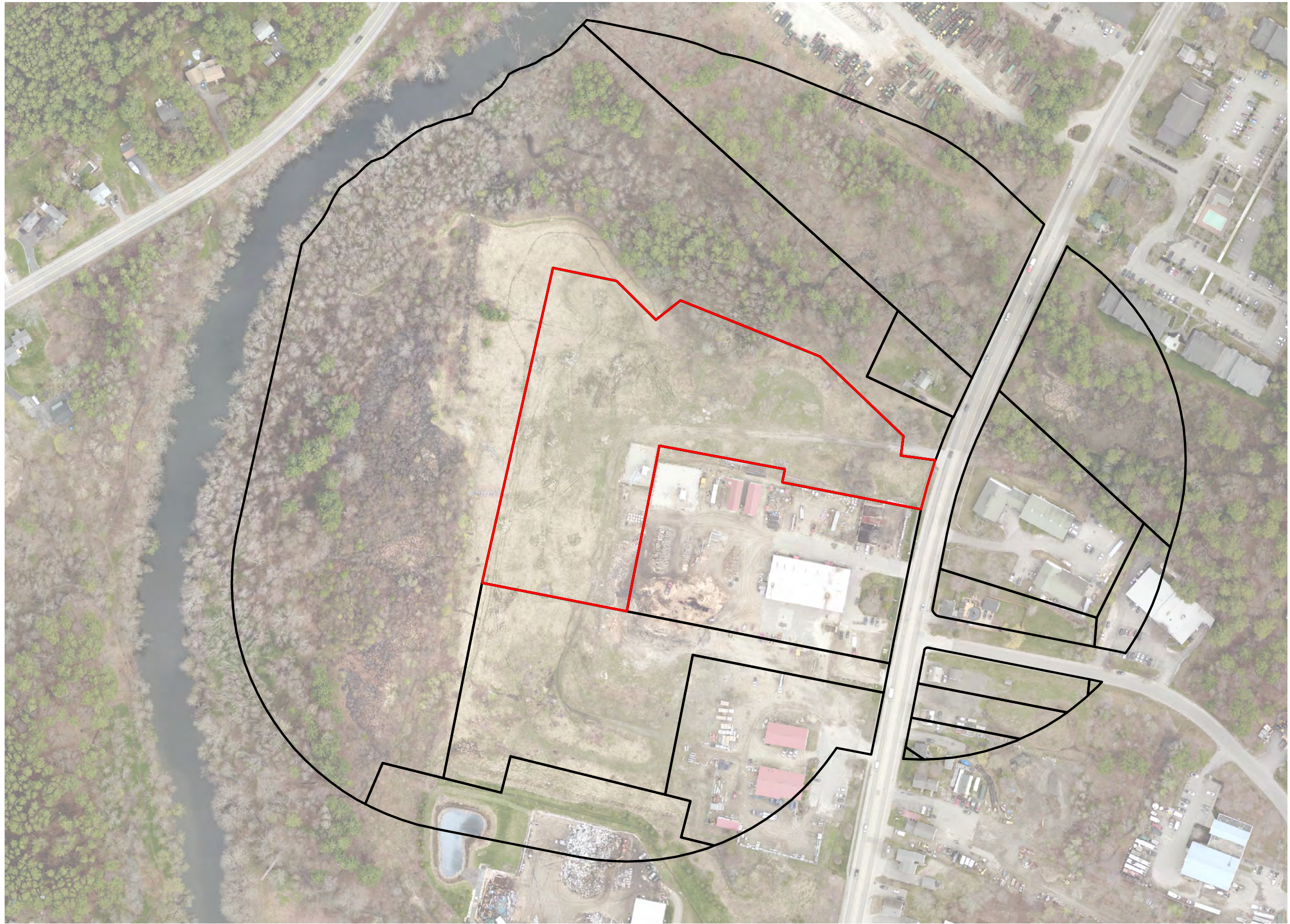
ASSESSED USE (% area):

- 58.9** Governmental
- 16.8** Multi-use Commercial
- 10.0** Parking lots
- 5.2** Twenty-one Plus Family
- 4.4** Single Family
- 3.7** Warehouse/storage

OTHER (<1% area)
manufacturing

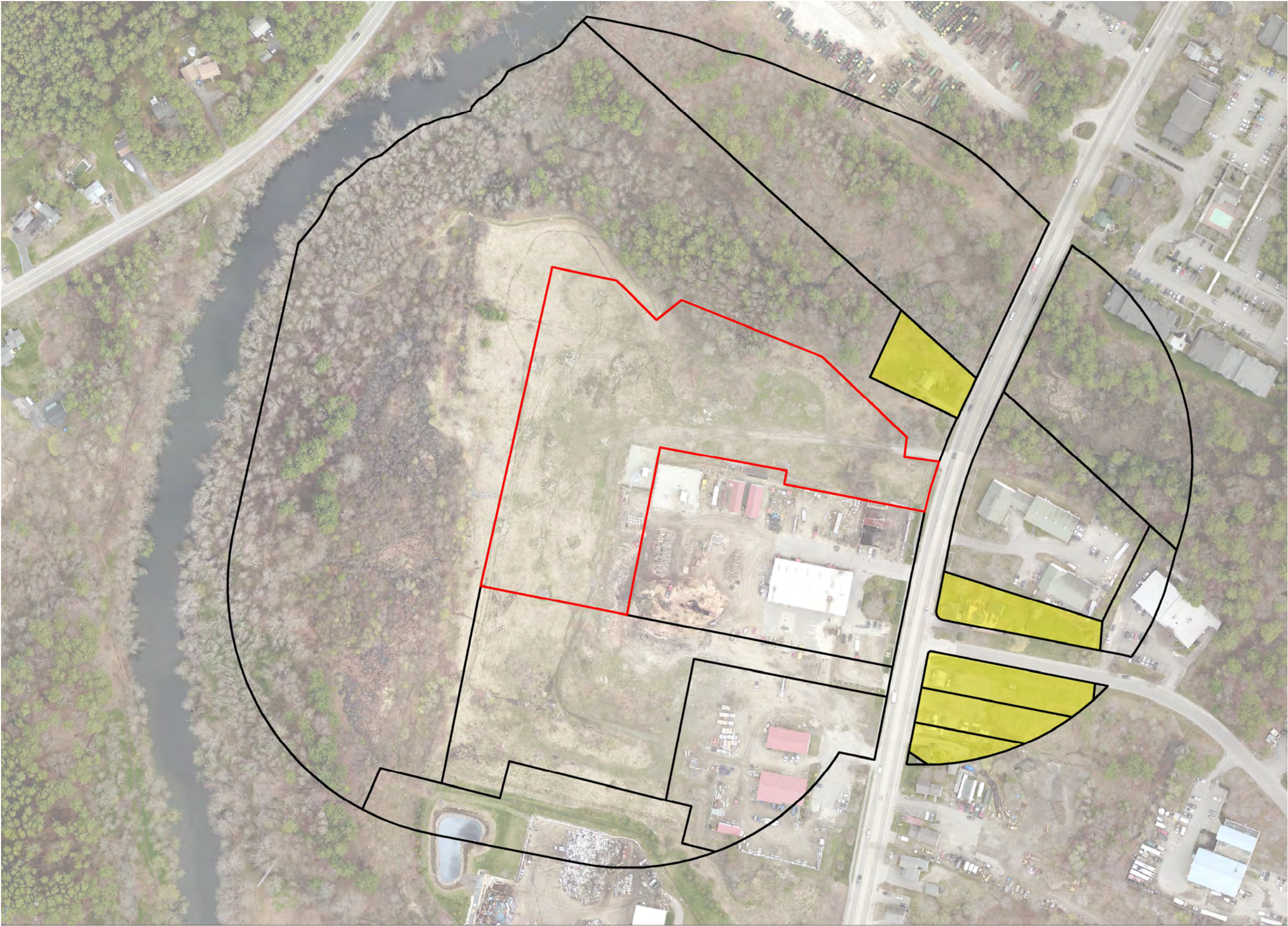


654 Riverside St.



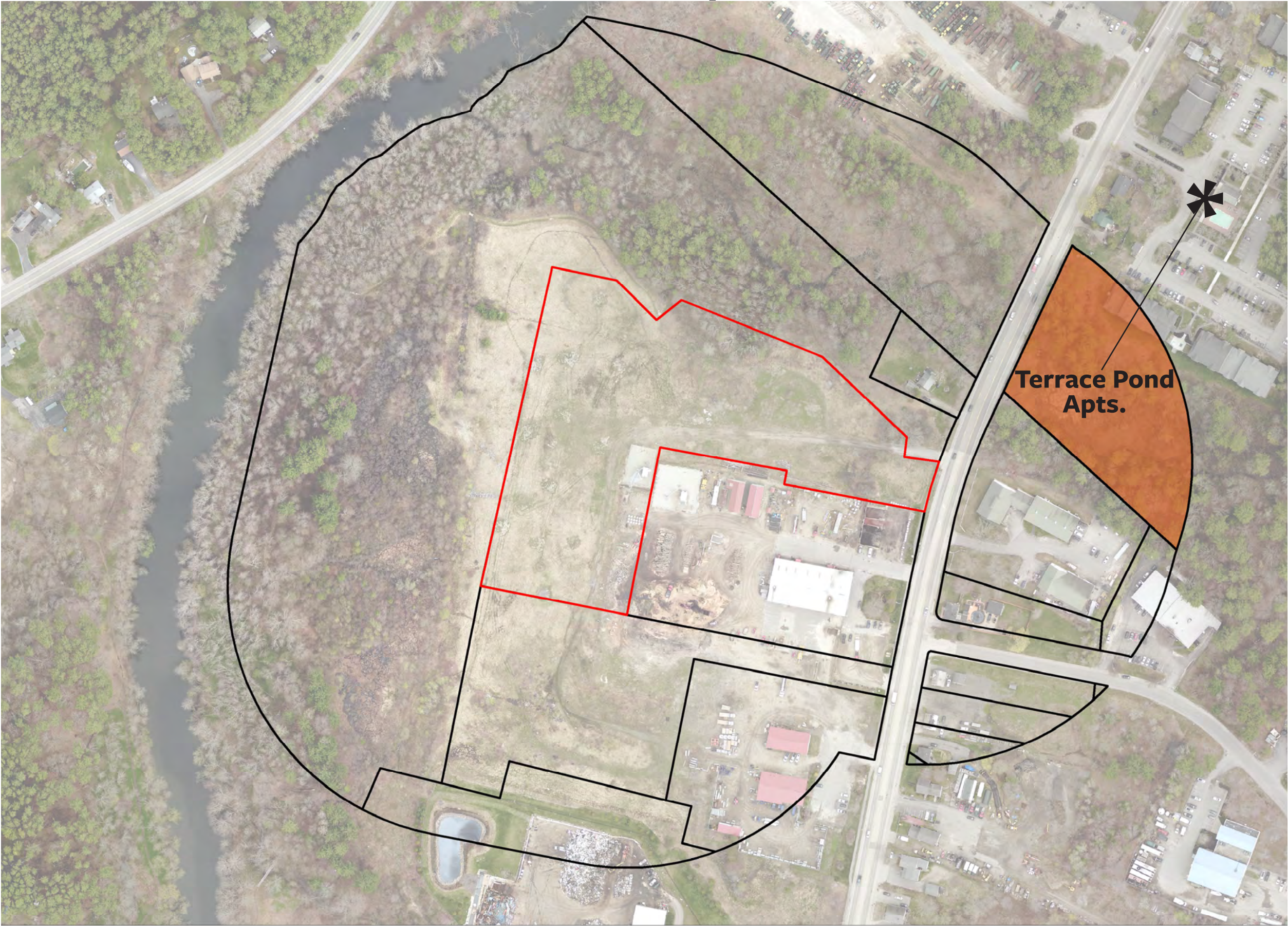
654 Riverside St: single family

one fam units: ~5 five plus fam units: ~117* total units: ~122

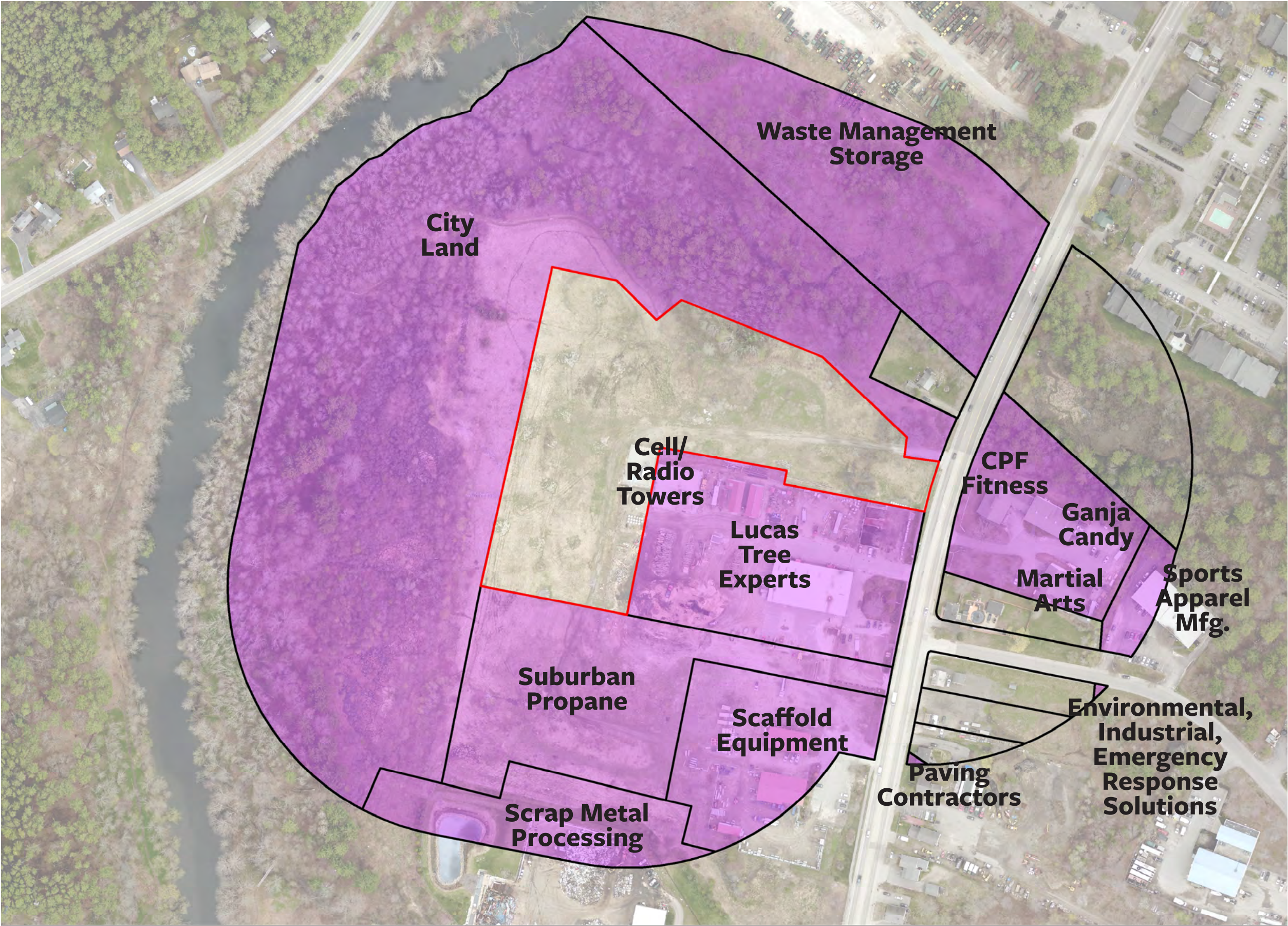


654 Riverside St: larger residential

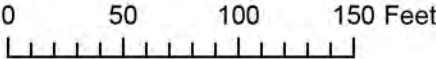
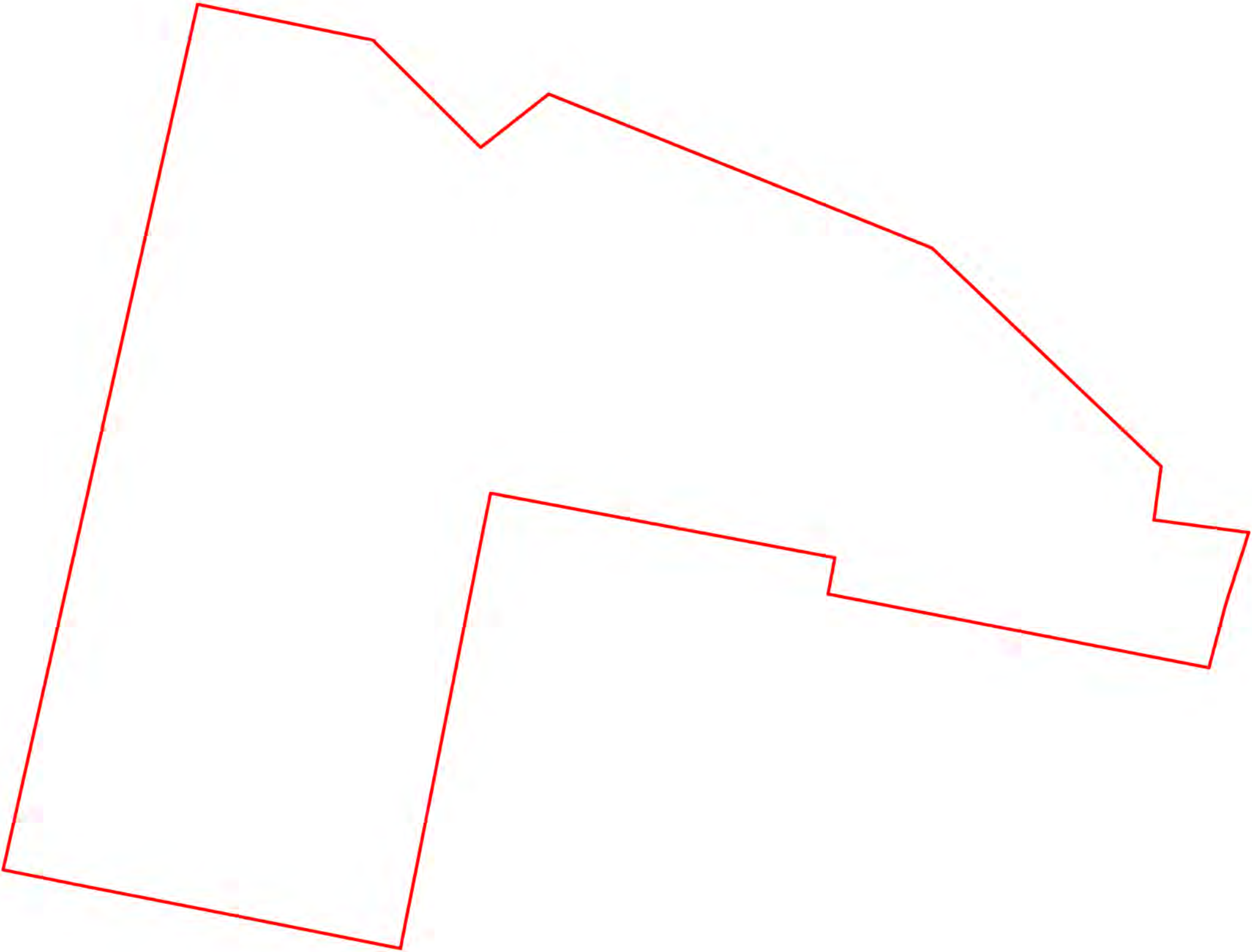
one fam units: ~5 five plus fam units: ~117* total units: ~122



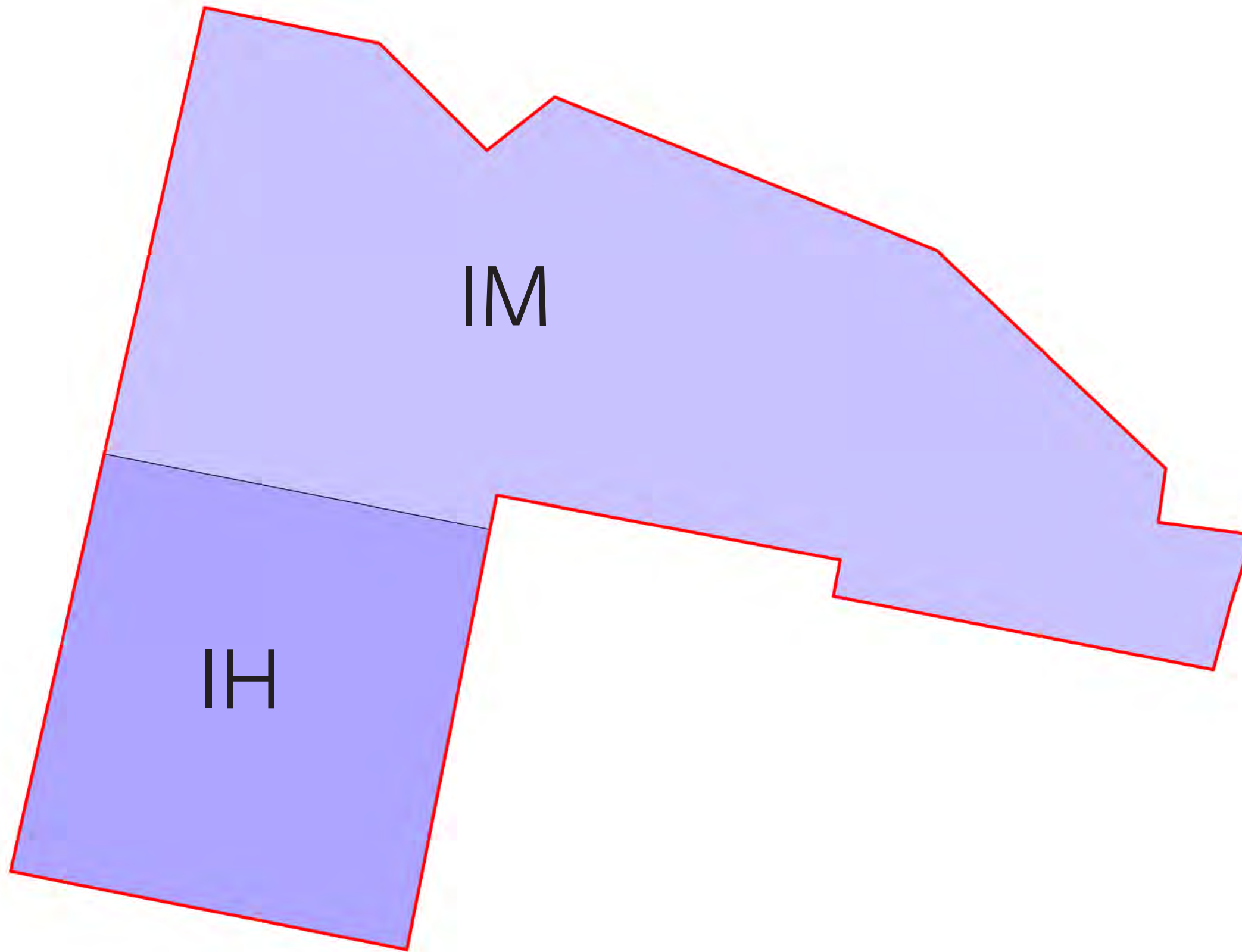
654 Riverside St: other uses



654 Riverside St.



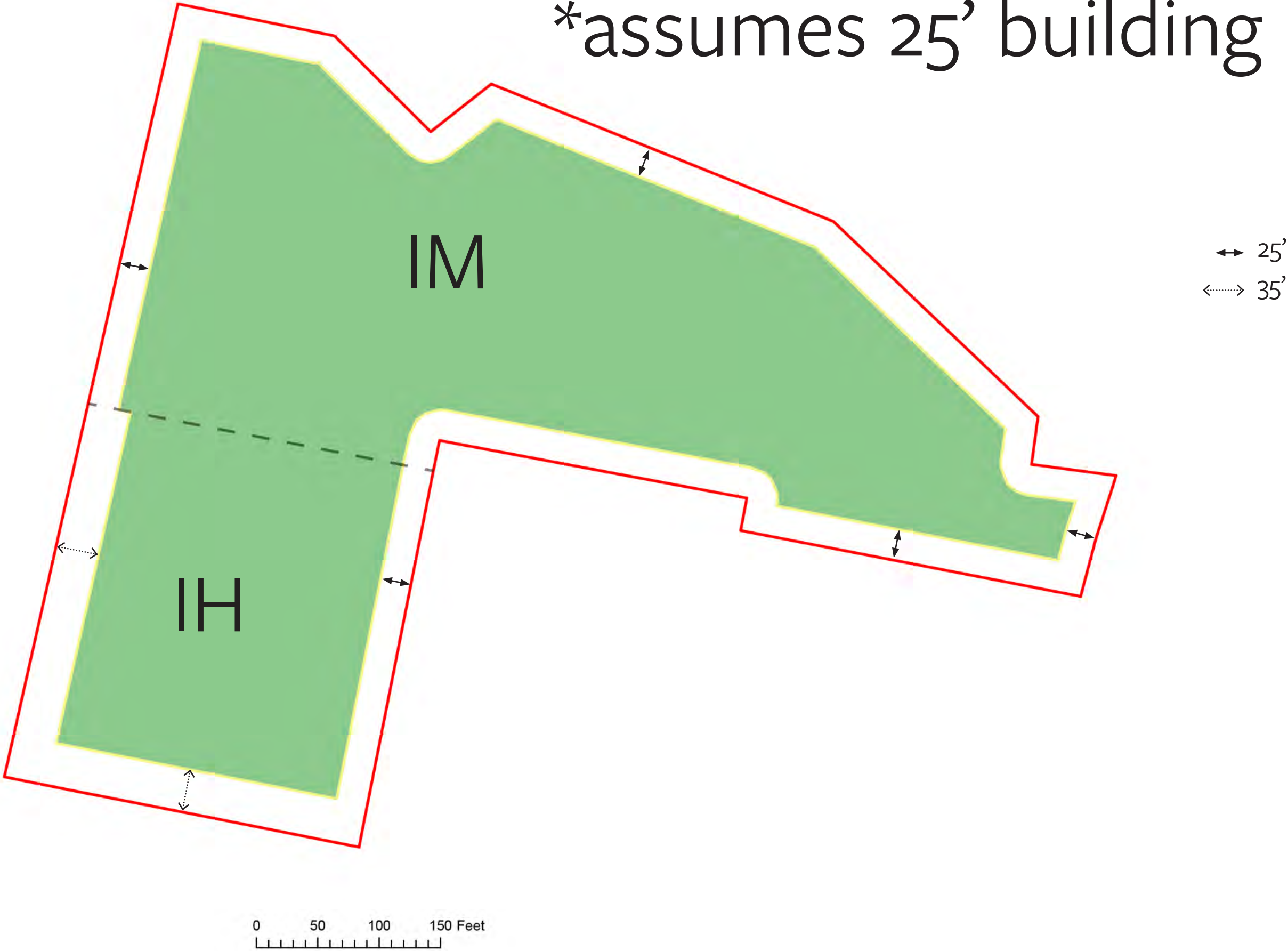
654 Riverside St: site zoning



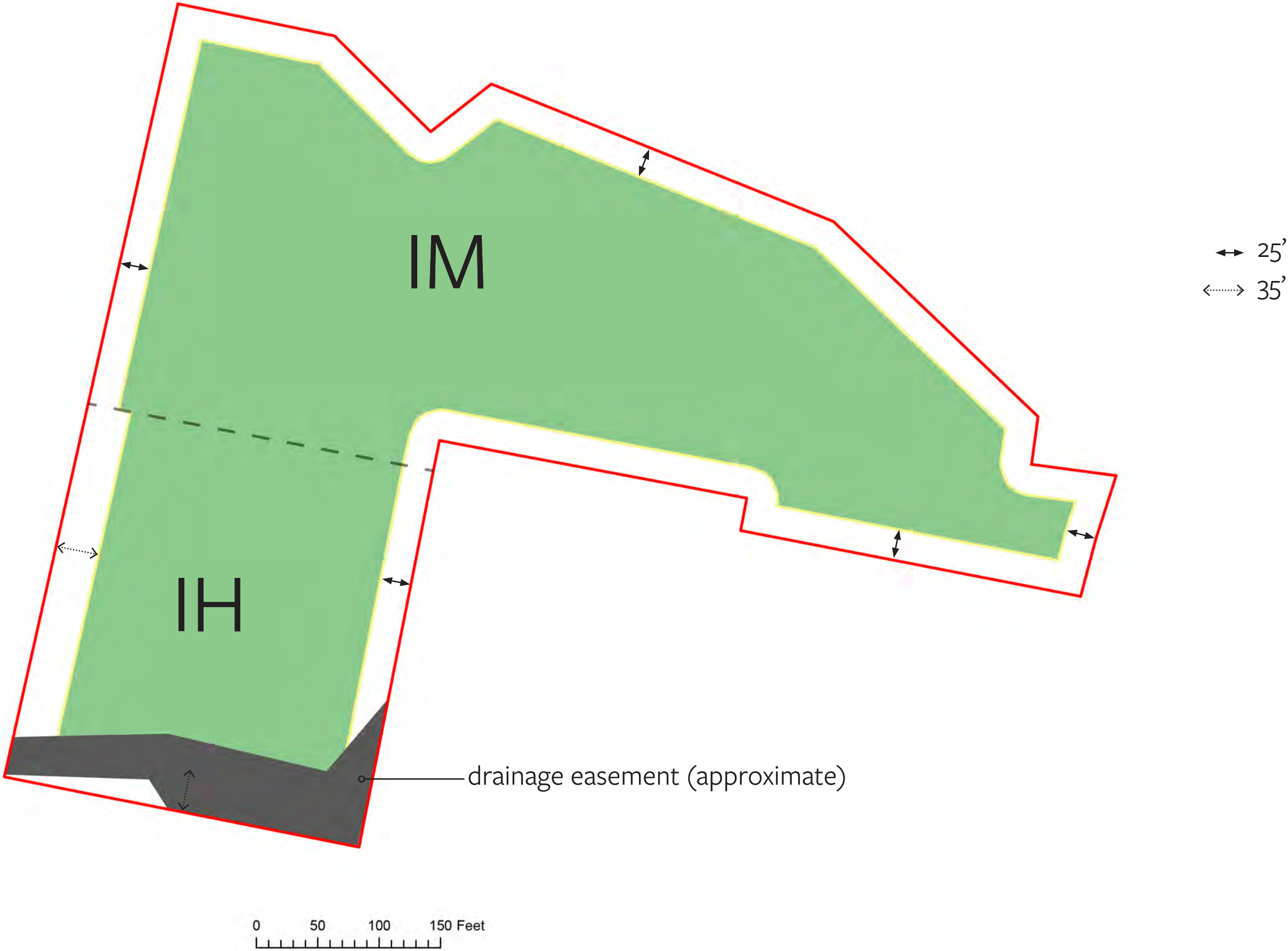
0 50 100 150 Feet

654 Riverside St: zoning envelope*

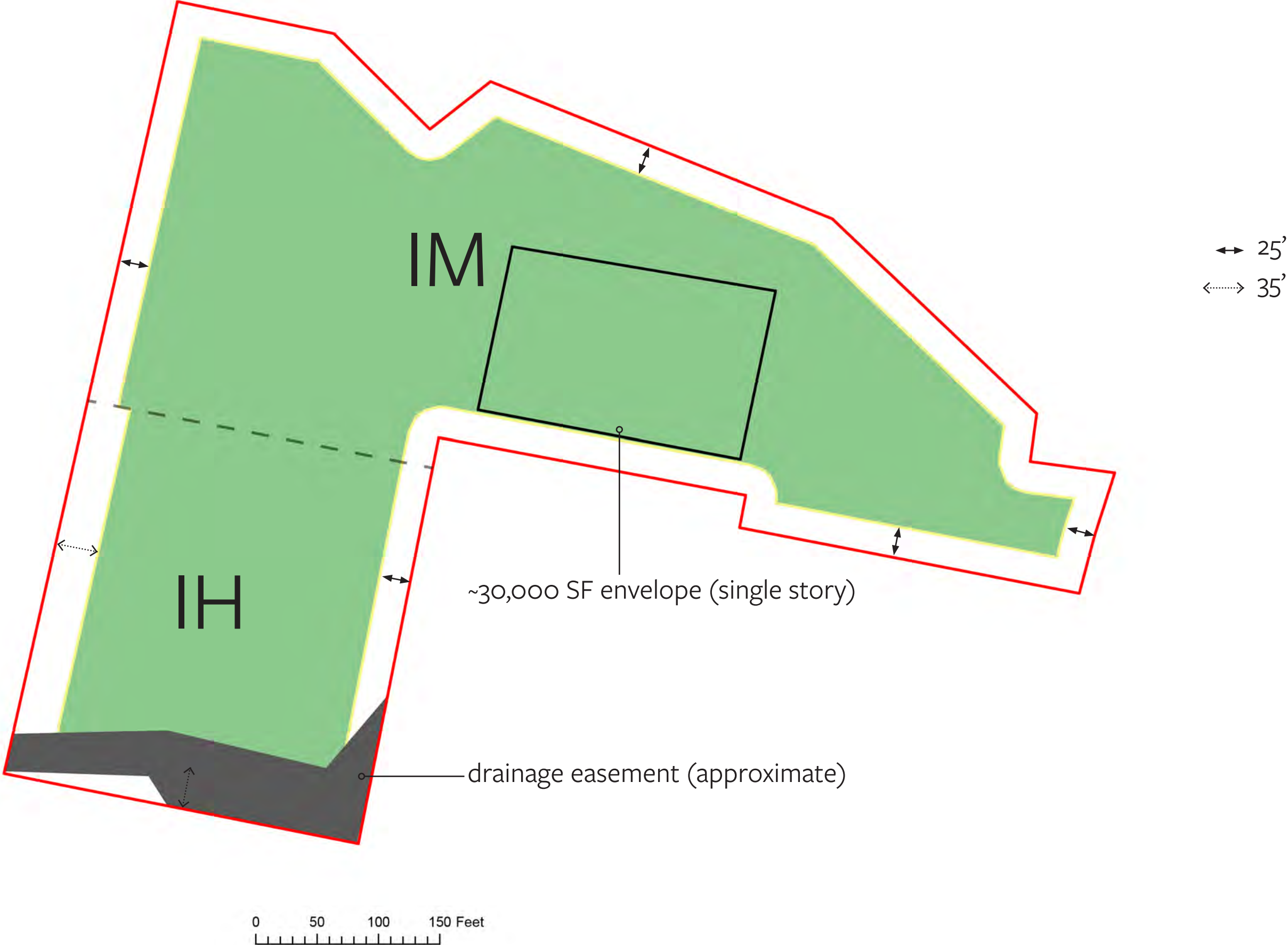
*assumes 25' building



654 Riverside St: drainage easement



654 Riverside St: ~30k SF building



654 Riverside St: context

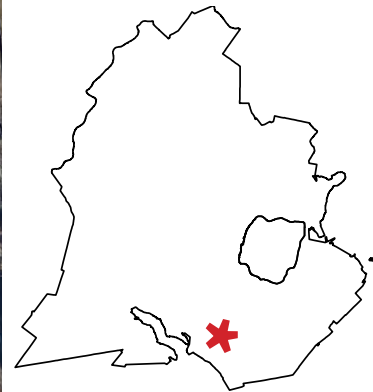


0 50 100 150 Feet

654 Riverside St: site challenges



County Way



County Way

ON SITE ZONING (% Area)

95.0 IL

5.0 B2

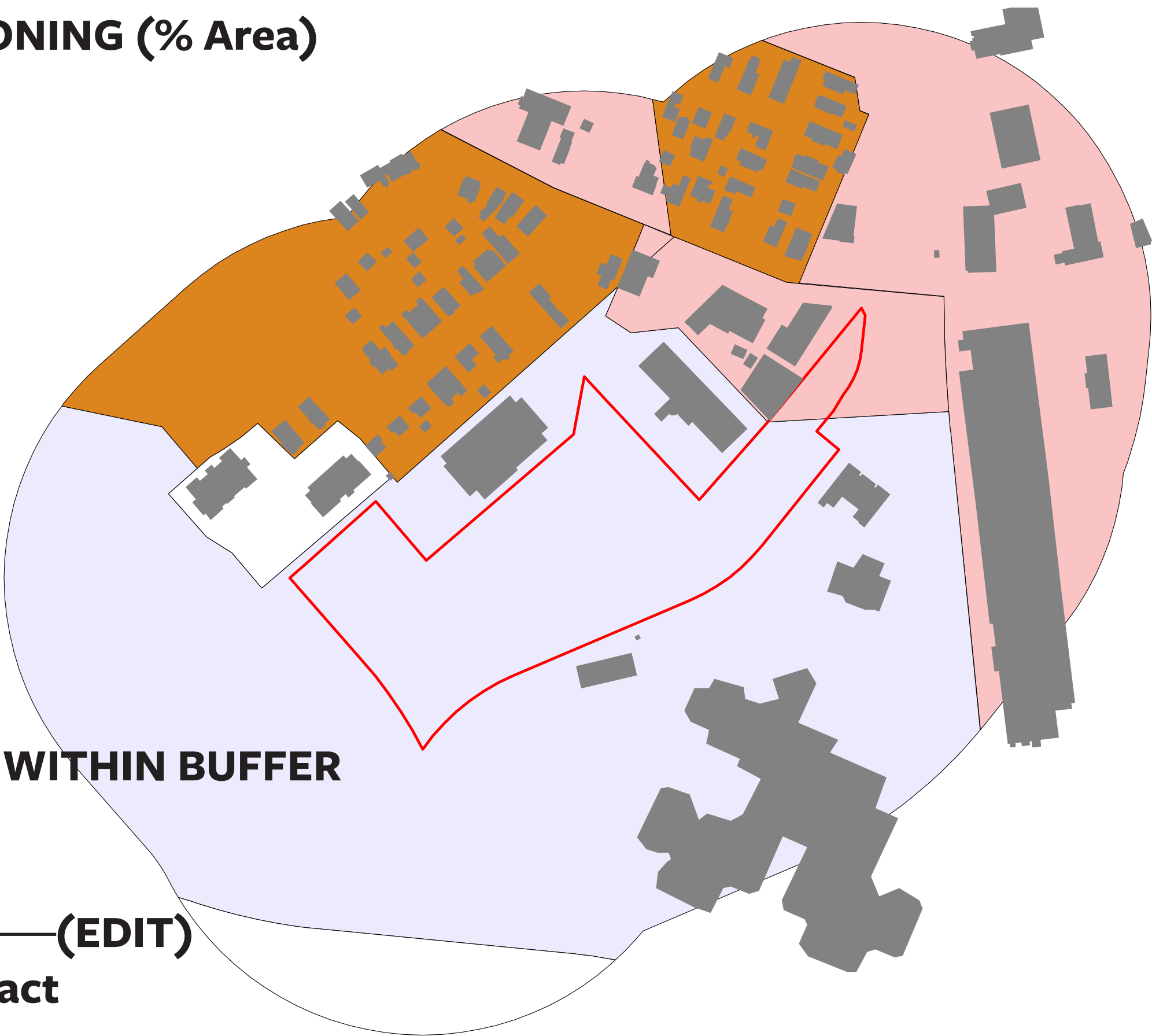
ZONING % WITHIN BUFFER

53.5 IL

23.1 B2

17.3 R6 ← (EDIT)

6.1 Contract



County Way

ASSESSED USE (% area):

- 41.5** Governmental
- 19.2** Retail Services
- 12.7** Null
- 5.3** Benevolent/charitable
- 5.2** Single Family
- 3.6** Two Family
- 3.5** Office Business
- 2.5** Three Family
- 1.2** Five to Ten Family
- 1.2** Twenty-one plus Family
- 1.1** Multi-use Commercial

OTHER (<1% area)

- parking lots**
- manufacturing**
- religious**
- transportation**
- vacant land**

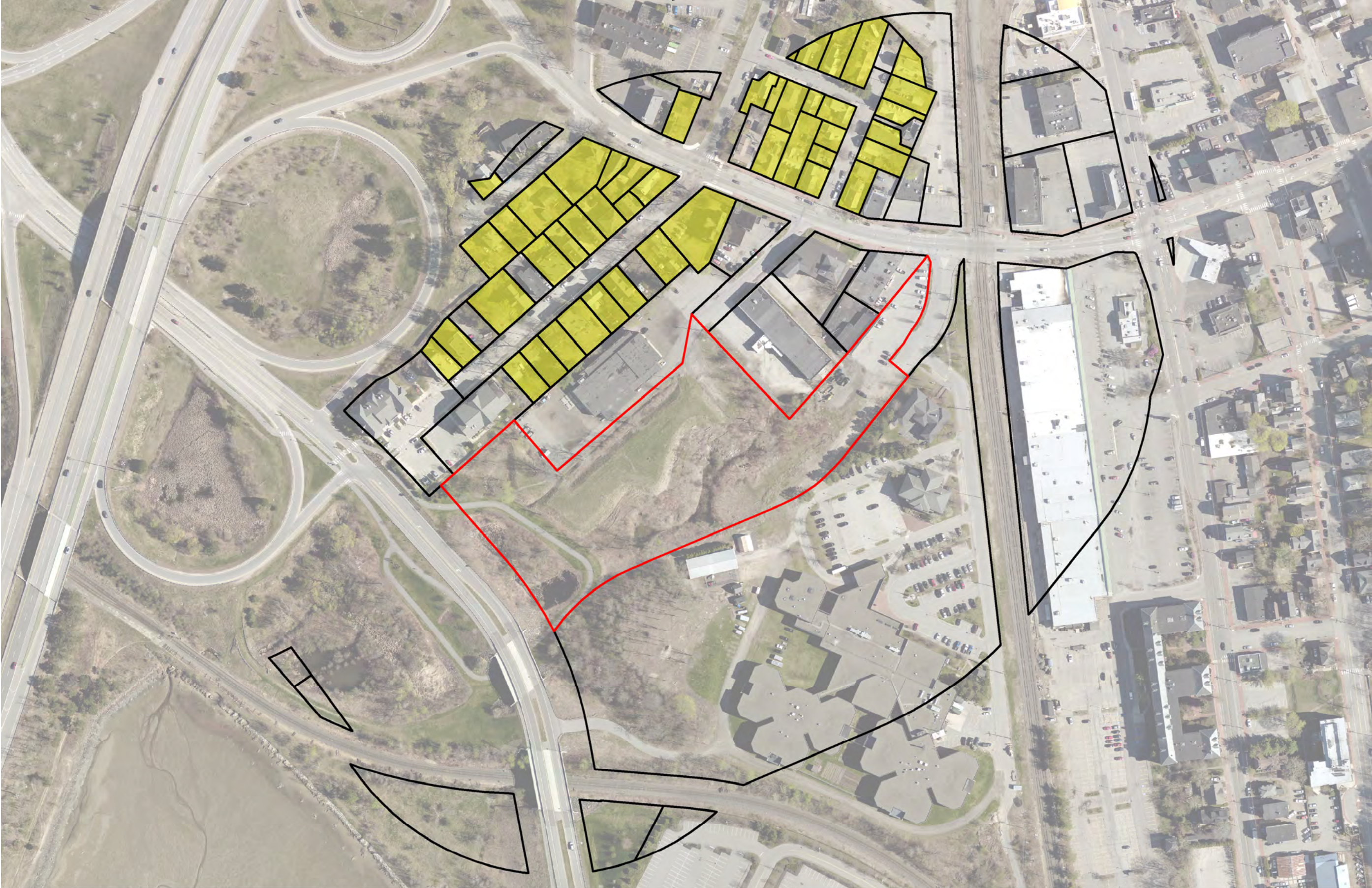


County Way



County Way: 1-4 family

one to four fam units: ~90 five plus fam units: ~55 total units: ~145

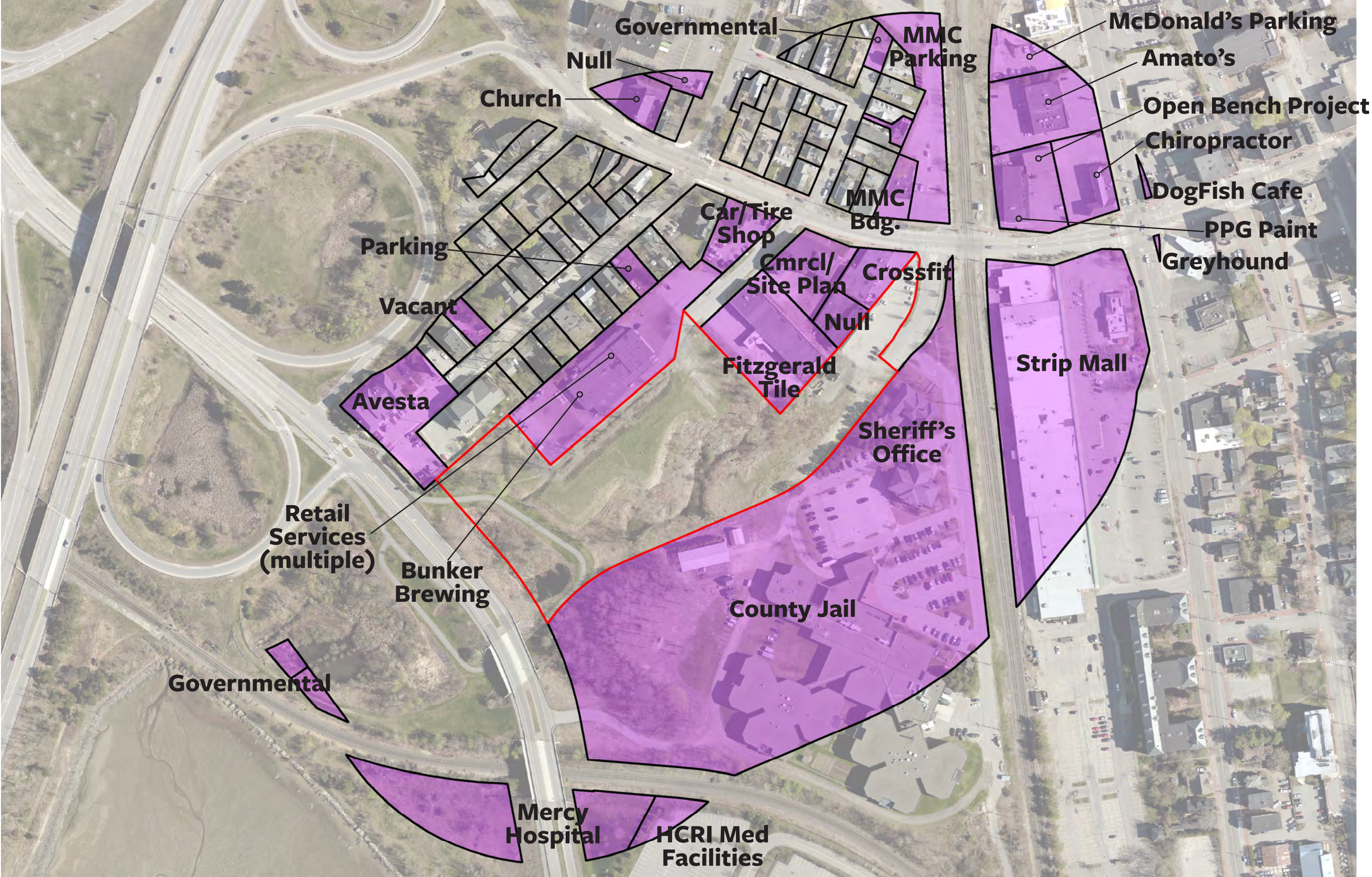


County Way: larger residential

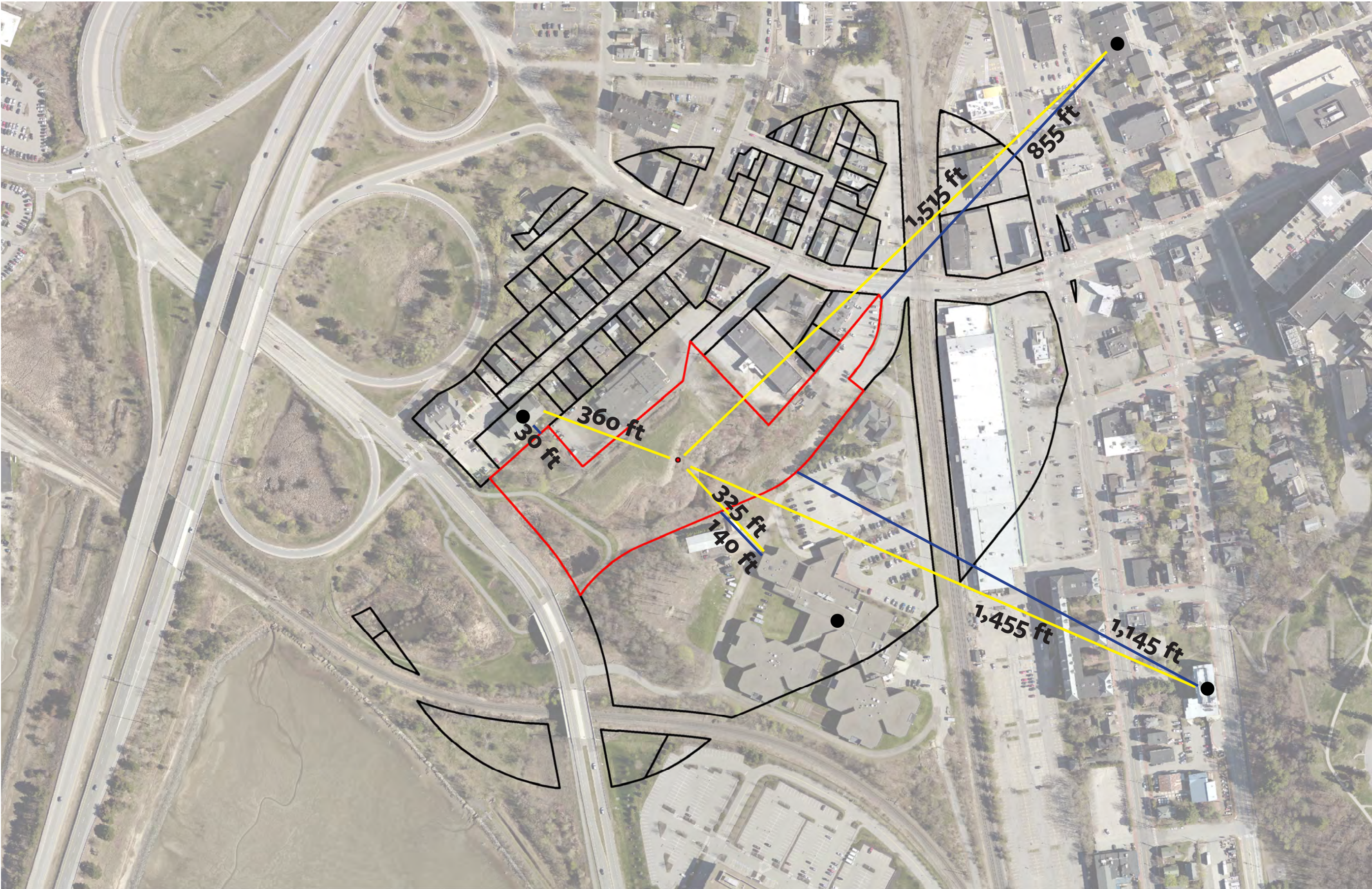
one to four fam units: ~90 five plus fam units: ~55 total units: ~145



County Way: other uses



County Way: requested distances

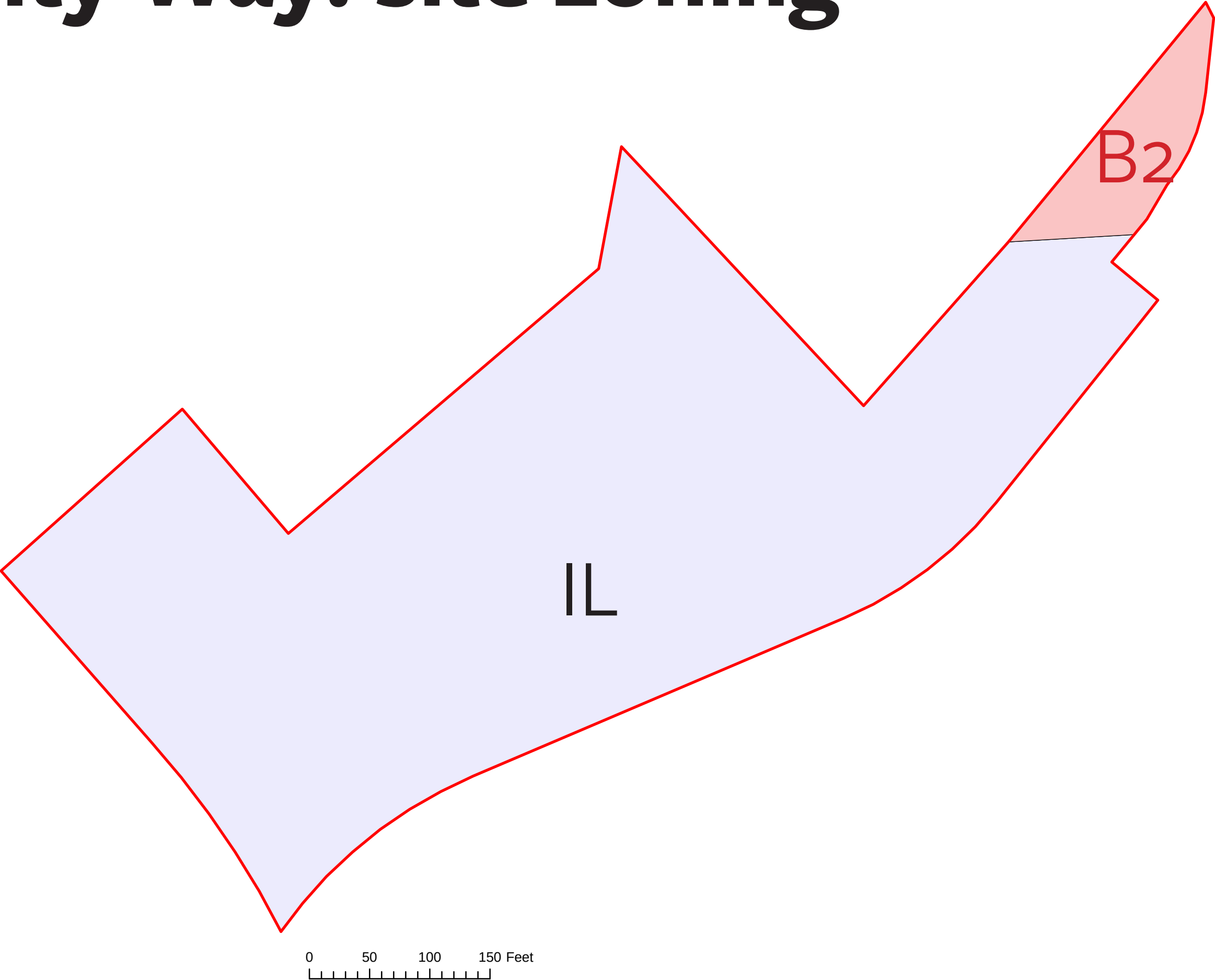


County Way

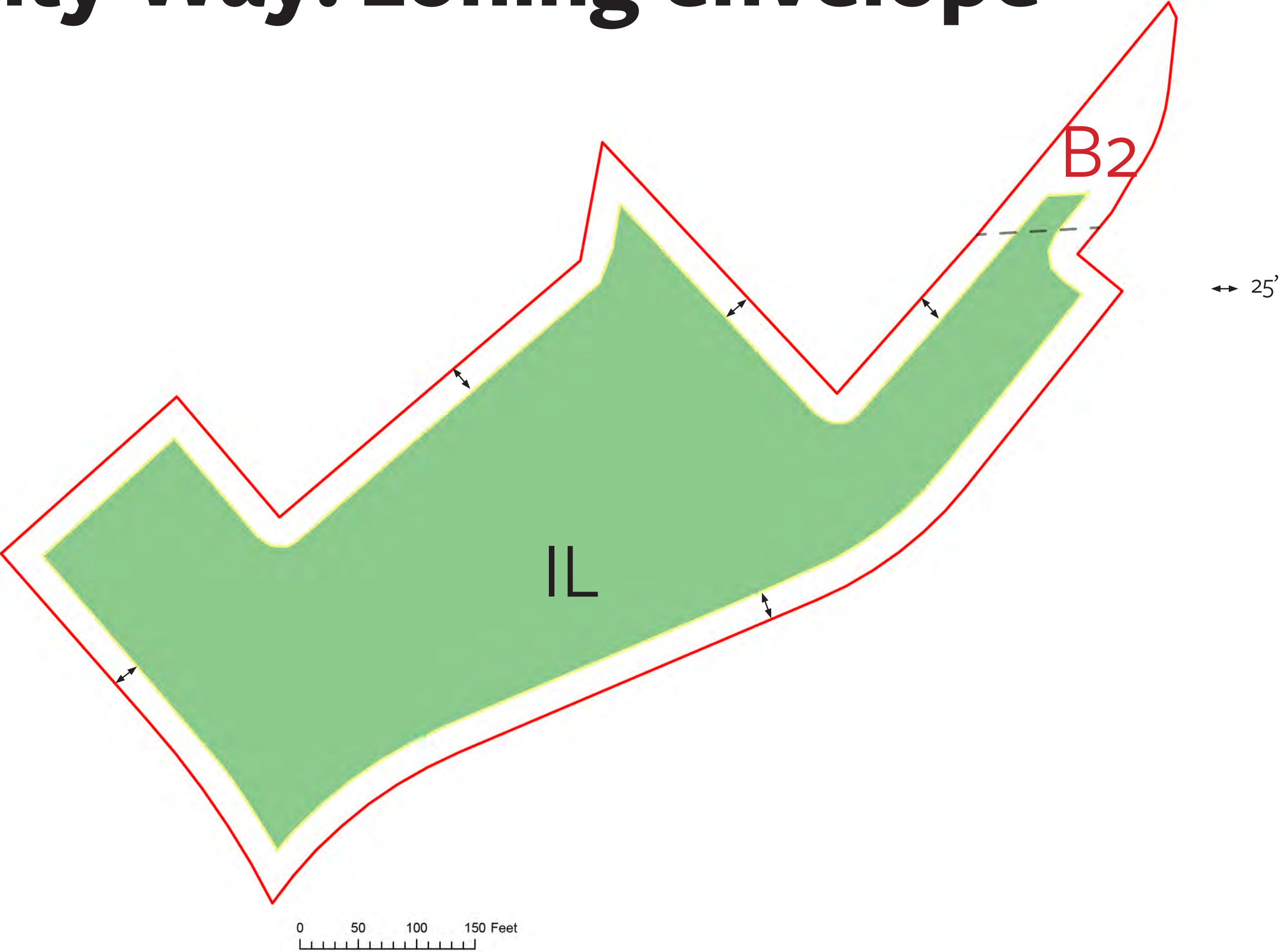


0 50 100 150 Feet

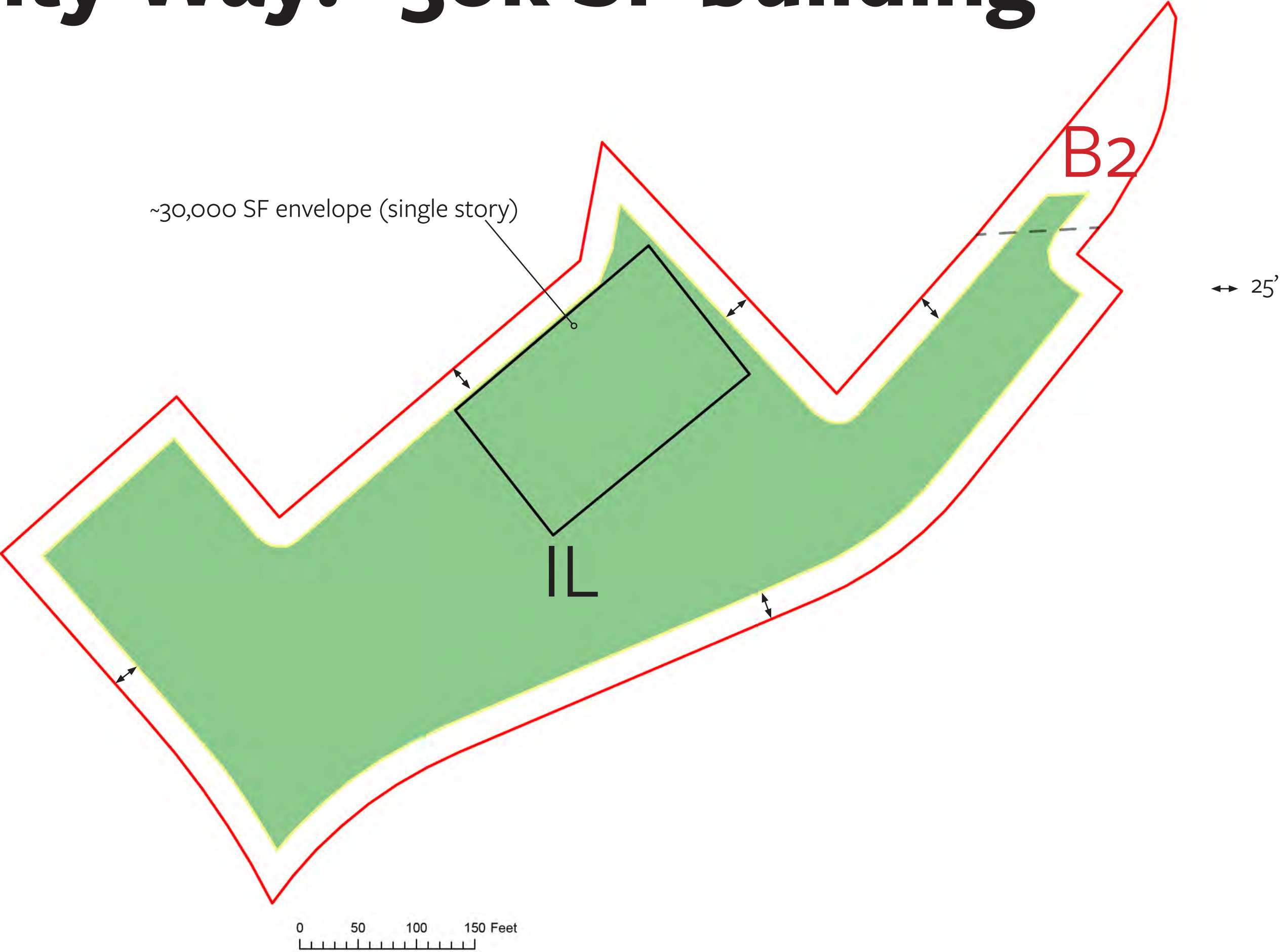
County Way: site zoning



County Way: zoning envelope



County Way: ~30k SF building



County Way: context



0 50 100 150 Feet

County Way: context cont'd



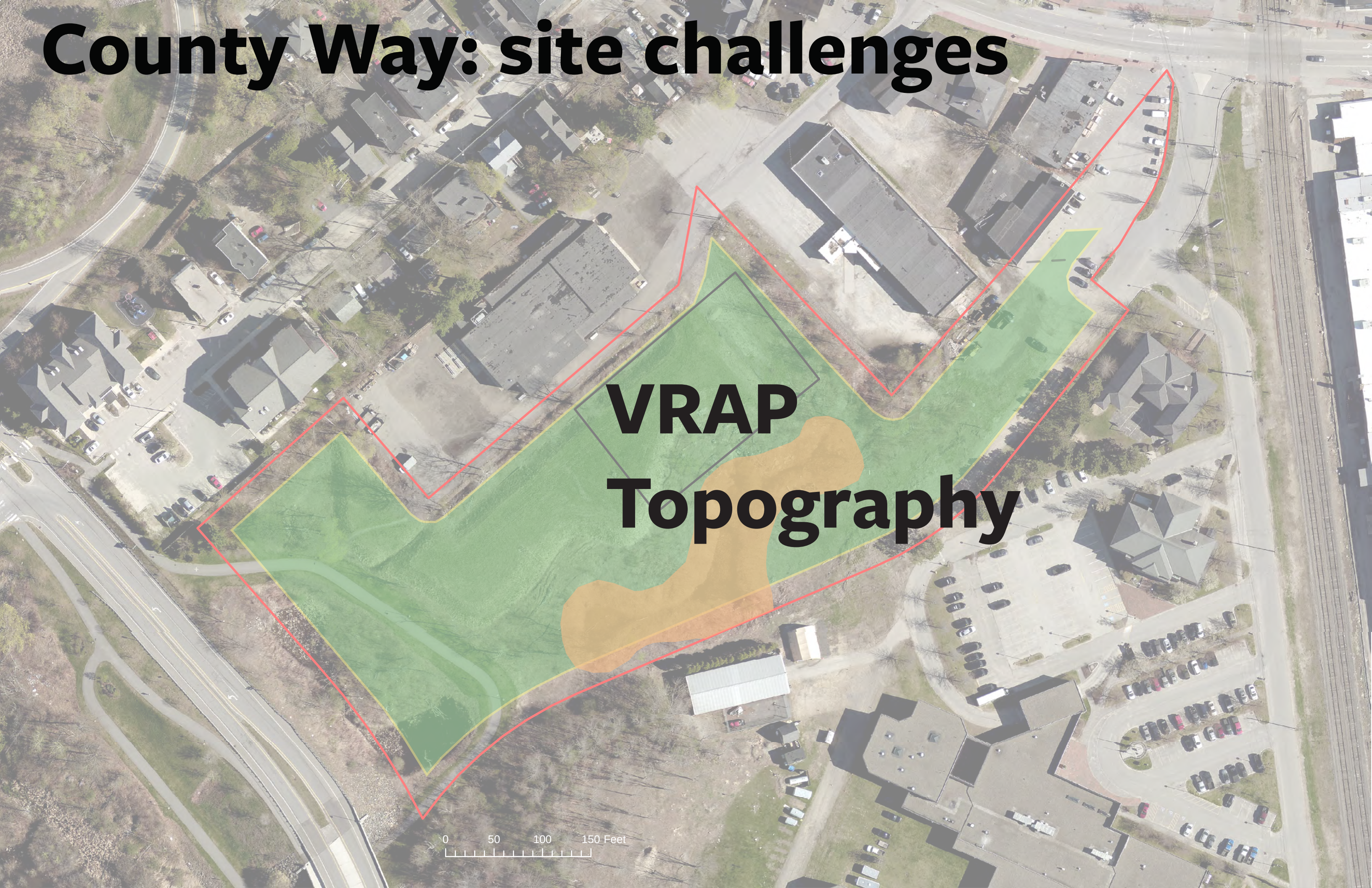
0 50 100 150 Feet

County Way: site challenges

VRAP

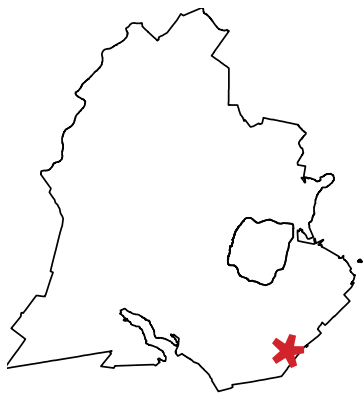
Topography

0 50 100 150 Feet



This aerial photograph shows a residential area with several houses and parking lots. A large green area, outlined in red, represents the VRAP (Vulnerability Risk Assessment Program) area. Within this green area, there is a brownish-orange shaded region representing topography. A scale bar at the bottom indicates distances of 0, 50, 100, and 150 feet. The text 'County Way: site challenges' is at the top, and 'VRAP Topography' is overlaid on the green area.

Angelo's Acre



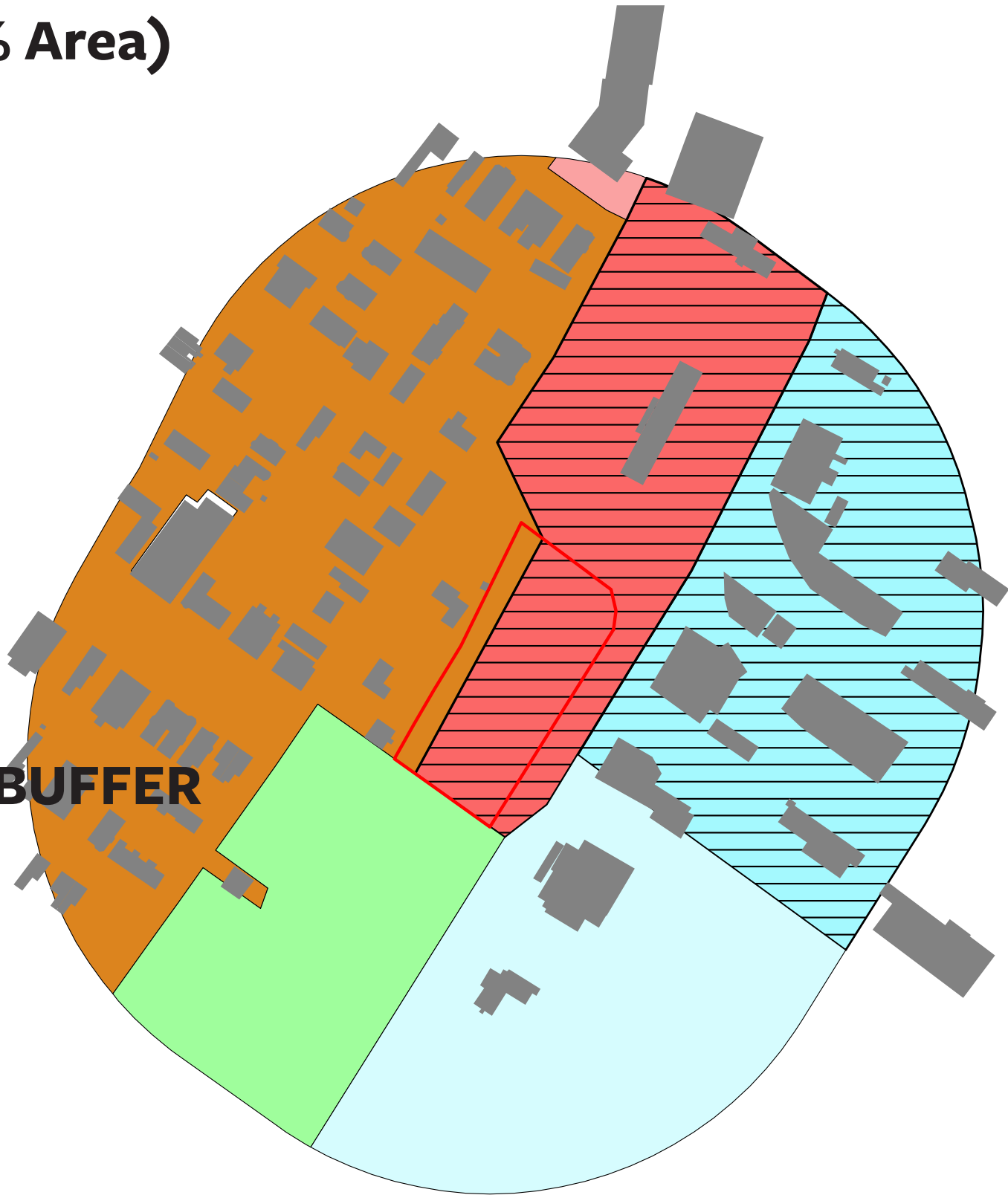
Angelo's Acre

ON SITE ZONING (% Area)

80.4 B5b
19.6 R6

ZONING % WITHIN BUFFER

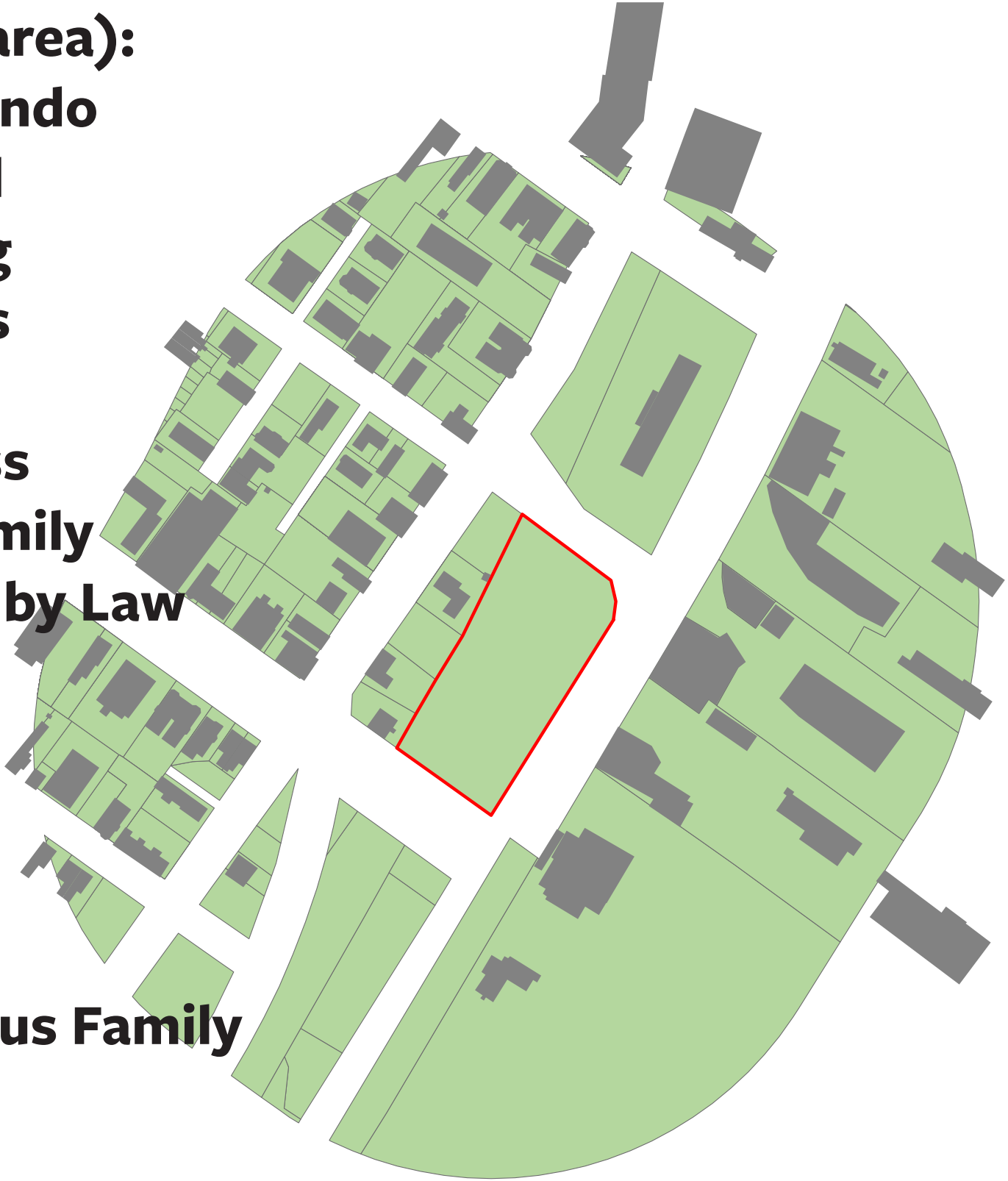
33.9 R6
20.0 WCZ
17.8 WPDZ
15.6 B5b
11.6 ROS
0.7 Contract
0.4 B3



Angelo's Acre

ASSESSED USE (% area):

- 37.9 Residential Condo**
- 20.6 Governmental**
- 7.9 Manufacturing**
- 4.3 Retail Services**
- 4.0 Wholesale**
- 3.6 Office Business**
- 3.2 Five to Ten Family**
- 3.2 Other Exempt by Law**
- 2.2 Single Family**
- 2.1 Vacant Land**
- 2.0 Four Family**
- 1.7 Three Family**
- 1.6 Null**
- 1.4 Twenty-one Plus Family**
- 1.1 Land Bank**



- OTHER (<1% area)**
- two family**
 - benevolent/charitable**
 - eleven to twenty family**
 - warehouse/storage**
 - parking lots**
 - commercial condos**
 - transportation**

Angelo's Acre



Angelo's Acre: 1-4 family

one to four fam units: ~97 five plus fam units: ~55 total units: ~145



Angelo's Acre: larger residential

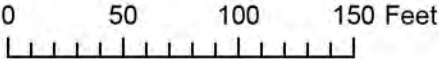
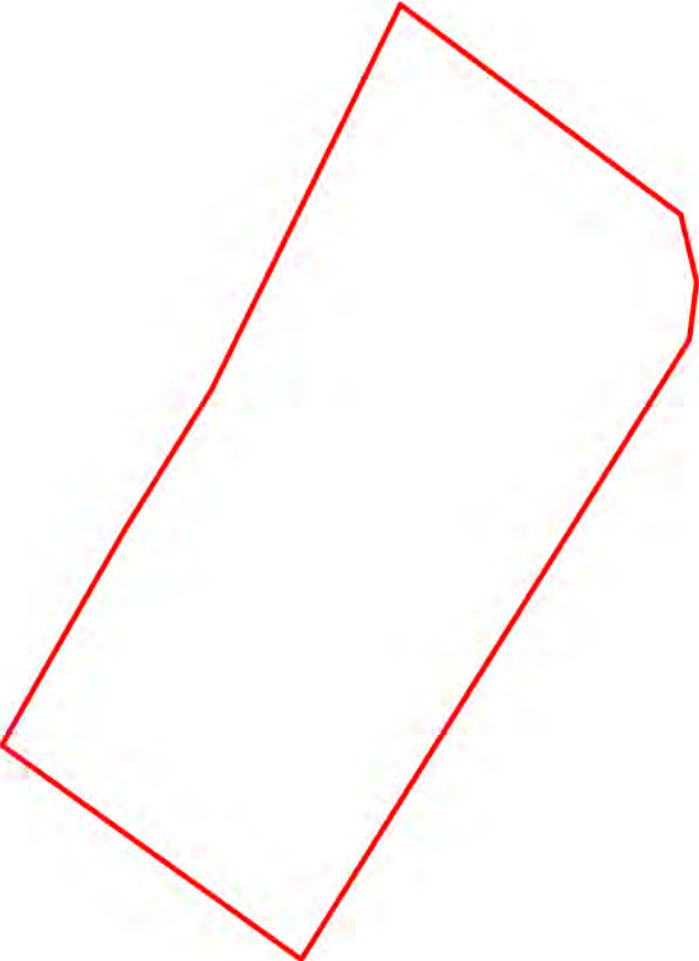
one to four fam units: ~97 five plus fam units: ~269 total units: ~366



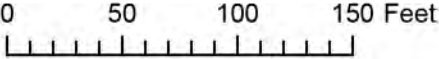
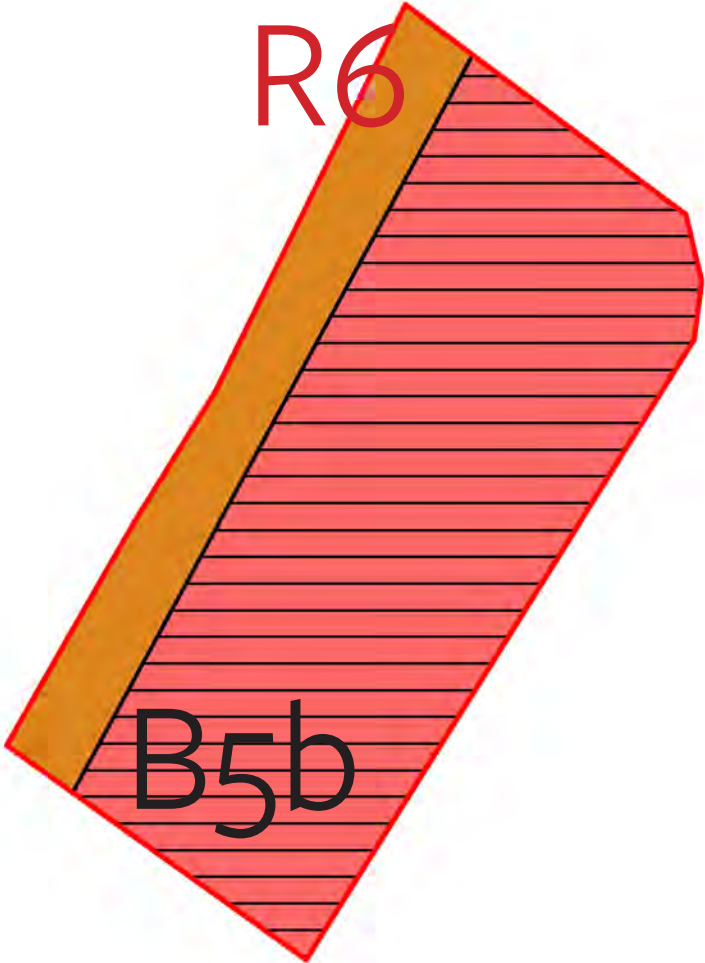
Angelo's Acre: other uses



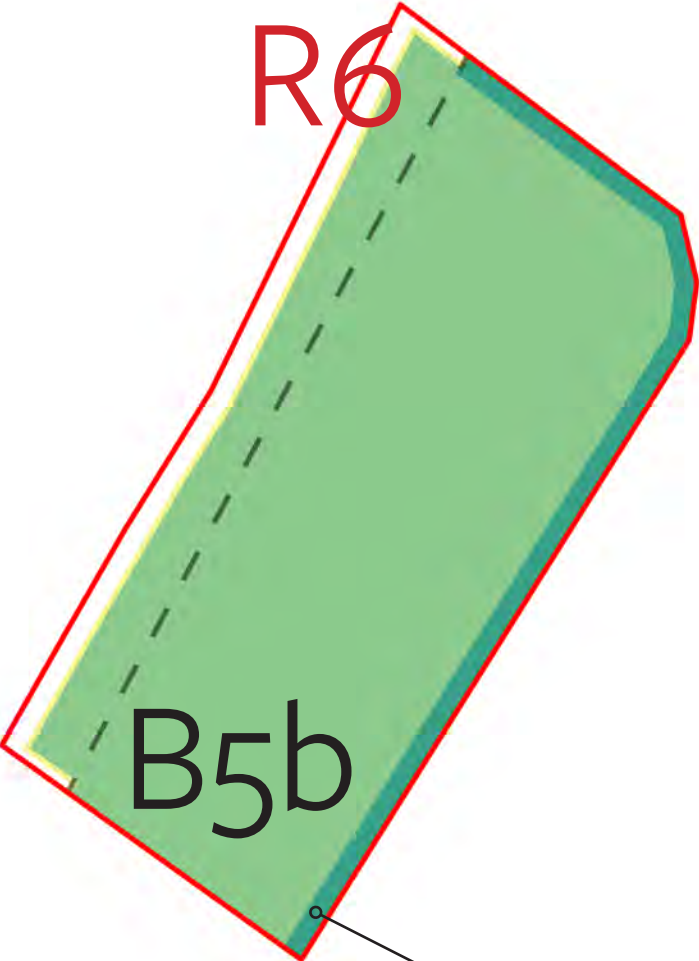
Angelo's Acre:



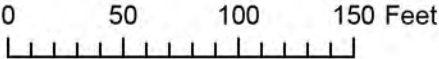
Angelo's Acre: site zoning



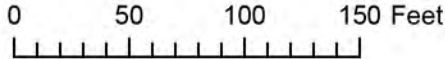
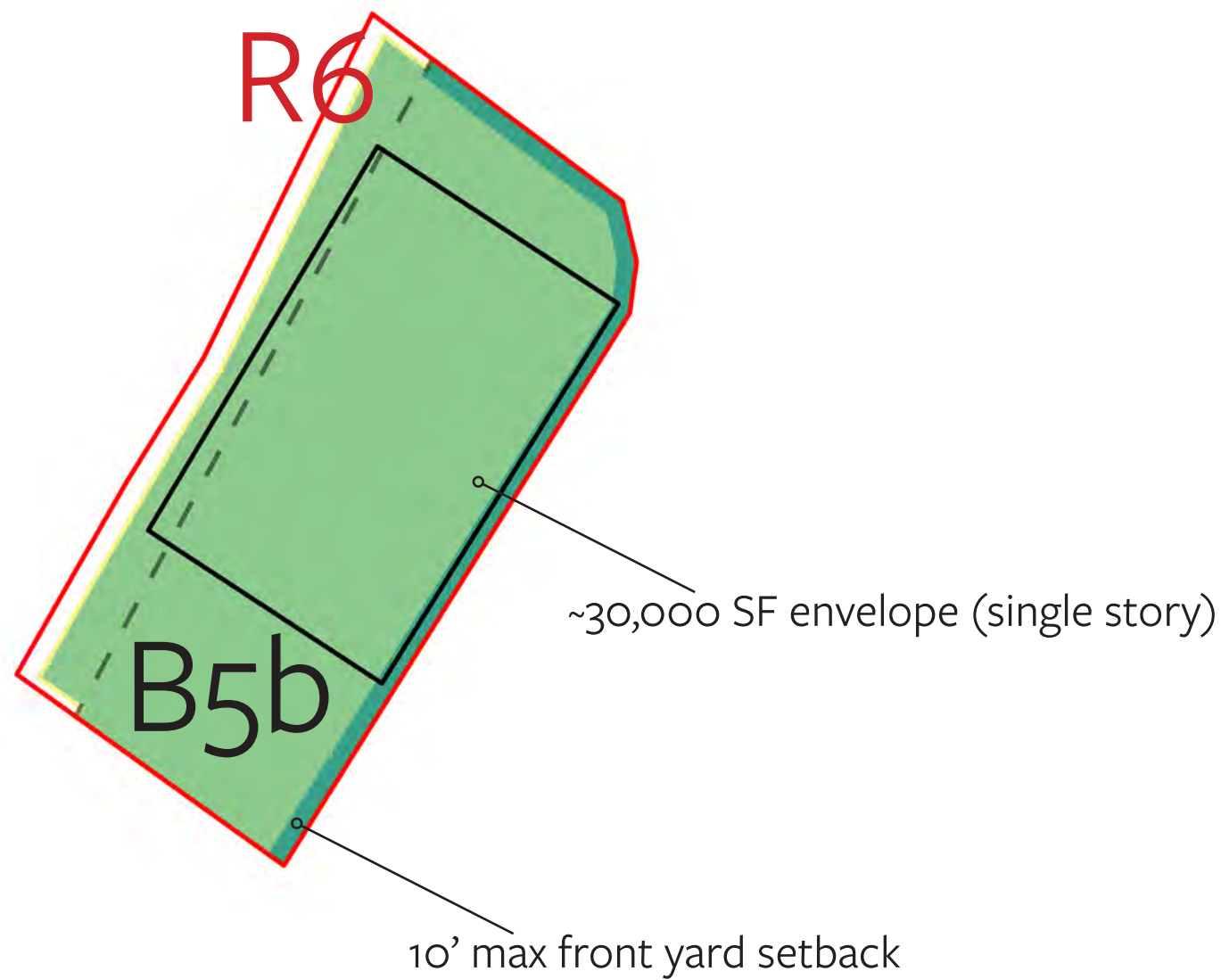
Angelo's Acre: zoning envelope



10' max front yard setback



Angelo's Acre: ~30k SF building



Angelo's Acre: context



0 50 100 150 Feet

Angelo's Acre: site concerns

Smallest Site
Surrounding Context
Site Testing Req'd
Current Use: Parking

0 50 100 150 Feet

Next Steps

654 Riverside St.

Angelo's Acre

County Way Acquisition



HHS analysis:

staff and partner feedback

Council direction:

which sites continue to be feasible and desirable?

Further analysis:

sites may harbor unforeseen constraints

Report back:

which sites remain feasible and compelling?

Additional Council direction:

narrowing site(s) selection

Questions?





STATE OF MAINE
DEPARTMENT OF ENVIRONMENTAL PROTECTION
STATE HOUSE STATION 17 AUGUSTA, MAINE 04333

DEPARTMENT ORDER

IN THE MATTER OF

CITY OF PORTLAND	)	COMMISSIONER'S CERTIFICATION
ATTN: GREG MITCHELL	)	OF COMPLETION OF REMEDIAL
DIRECTOR OF ECONOMIC DEVELOPMENT	)	ACTIONS UNDER A VOLUNTARY
389 CONGRESS STREET	)	RESPONSE ACTION PLAN
PORTLAND, ME 04101	)	

JURISDICTION

This certification of completion of a Voluntary Response Action Plan ("VRAP") is made pursuant to the authority vested in the Commissioner of the Maine Department of Environmental Protection ("Department") or the Commissioner's delegee under 38 M.R.S.A. Section 343-E.

FINDINGS OF FACT

1. The covered property (property and/or site) is the former Lucas Tree site located at 636 Riverside Street in Portland, and is identified on the City of Portland Tax Map 322 as Lot A-001 and Tax Map 323 as Lot A-003. The site is 40.85 acres in size. A map of the property is included as Attachment A.
2. The property use in the area is mixed residential and commercial.
3. A Phase I Environmental Site Assessment (ESA), a Phase II ESA, and a Supplemental Phase II ESA were prepared by Tewhey Associates ("Tewhey") in September and December of 2005 and January 2008, respectively, with funding from the City of Portland's Municipal Brownfields Program. These reports identified two areas requiring remedial actions: the spent sand blast grit area and the former greenhouse area.
4. In July 2010, Ransom Environmental Consultants, Inc. ("Ransom") directed remedial activities on the property. Under Ransom's direction, soils were removed from both areas of contamination and loaded on trucks for appropriate disposal. The spent sand blast grit area was cleaned to a visual standard, as earlier sampling had demonstrated that contamination was directly related to the easily identified black sand blast grit. The former greenhouse area was excavated to a standard 2 feet below grade level, based on earlier sampling results for the contaminant of concern, arsenic. Post excavation sampling demonstrated that soils had been cleaned up to typical background in 5 of the 6 samples, with one sample area having a higher level. Given that the bulk of the contaminated soil volume was removed from this area, the actual risk from this small hotspot area is low, and additional remedial action will not be necessary. A total of 296.74 tons of arsenic contaminated soils and spent sand blast grit were excavated from the property and sent to Commercial Paving and Recycling in Scarborough, Maine for recycling. The remedial actions are documented in a letter report dated August 23, 2010 and submitted by Ransom entitled "Lucas Tree Site, 636 Riverside Street, Excavation and Remediation Activities".

FILE COPY

CITY OF PORTLAND
ATTN: GREG MITCHELL
DIRECTOR OF ECONOMIC DEVELOPMENT
389 CONGRESS STREET
PORTLAND, ME 04101

2 COMMISSIONER'S CERTIFICATION
) OF COMPLETION OF REMEDIAL
) ACTIONS UNDER A VOLUNTARY
) RESPONSE ACTION PLAN
)

CONCLUSIONS

1. The City of Portland, as an applicant, has submitted a Voluntary Response Action Plan application to the Commissioner pursuant to 38 M.R.S.A. § 343-E for the property located at 636 Riverside Street in Portland, Maine which is identified on the City of Portland Tax Map 322 as Lot A-001 and Tax Map 323 as Lot A-003 .
2. Site assessments conducted at the site included investigations and reports that adequately identified the nature and extent of contamination associated with identified sources at the property.
3. Actions addressing identified contamination on the property have been completed. These actions included the removal of arsenic contaminated sand blast grit and soils associated with a former greenhouse.
4. Provided the City of Portland, as applicant, and their successors and/or assigns comply with the conditions of this certification, the response actions that have been completed and the activities associated with the continued use of the site will not cause, contribute, or exacerbate releases, or threatened releases, if they exist at the site, that are not required to be removed under the VRAP.

THEREFORE, pursuant to 38 M.R.S.A. § 343-E(5), Mark Hyland, Director, Bureau of Remediation & Waste Management of the Maine Department of Environmental Protection certifies, subject to the conditions set forth below, that remedial actions have been completed at the property located at 636 Riverside Street in Portland, Maine, identified on the City of Portland Tax Map 322 as Lot A-001 and Tax Map 323 as Lot A-003, and further described in Book 27870, Page 299, at the Cumberland County Registry of Deeds. Upon issuance of this CERTIFICATE, the City of Portland, as applicant, and the persons qualified for protection under 38 M.R.S.A. § 343-E(6) are entitled to the protection from liability to the extent provided by 38 M.R.S.A. §343-E(1) and (5). This protection from liability is limited to the matters addressed by and identified by the environmental reports and is subject to the qualifications and conditions set forth below and in 38 M.R.S.A. § 343-E.

CONDITIONS

1. The future installation of potable wells on the property is prohibited without prior written permission from the Department.
2. Use of the property shall be limited to industrial, commercial, municipal and other non-residential uses and not be residential without prior written permission of the Department.
3. A copy of this certificate for the property located at 636 Riverside Street in Portland shall be recorded at the Cumberland County Registry of Deeds. A copy of the recorded document must be supplied to the Department.

CITY OF PORTLAND
ATTN: GREG MITCHELL
DIRECTOR OF ECONOMIC DEVELOPMENT
389 CONGRESS STREET
PORTLAND, ME 04101

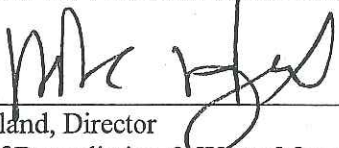
3 COMMISSIONER'S CERTIFICATION
) OF COMPLETION OF REMEDIAL
) ACTIONS UNDER A VOLUNTARY
) RESPONSE ACTION PLAN
)

4. A Declaration of Environmental Covenants, as defined in 38 M.R.S.A. § 3001 et seq., that is consistent with this Certificate and acceptable to the Department must be prepared and recorded at the Cumberland County Registry of Deeds. A copy of the recorded document must be supplied to the Department.

DONE AND DATED AT AUGUSTA, MAINE, THIS 30TH DAY OF AUGUST 2010.

DEPARTMENT OF ENVIRONMENTAL PROTECTION

By:


Mark Hyland, Director
Bureau of Remediation & Waste Management

STATE OF MAINE
KENNEBEC, ss.,

August 30th, 2010

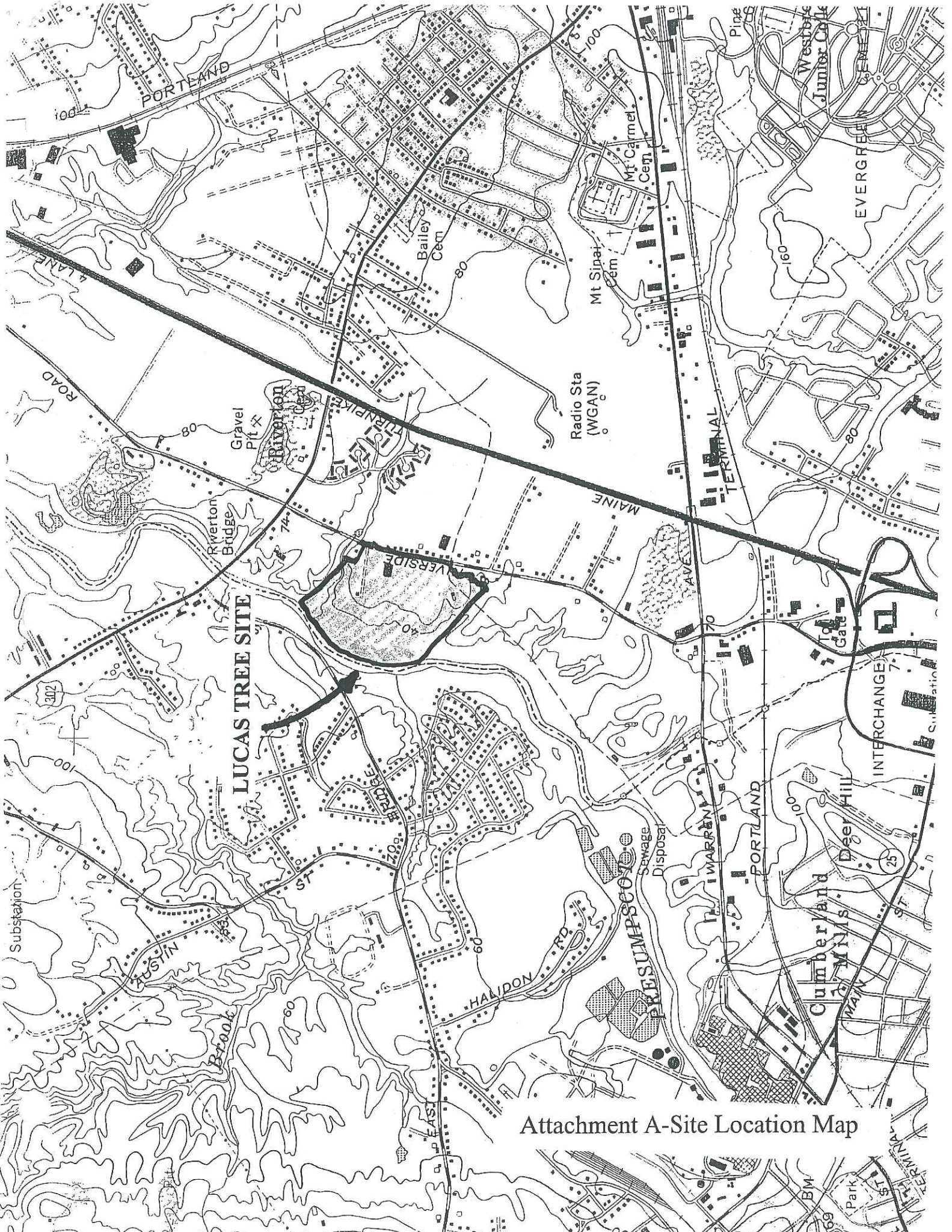
Then personally appeared the above-named Mark Hyland, Director, Bureau of Remediation & Waste Management of the Maine Department of Environmental Protection and duly authorized delegatee for the Commissioner, and acknowledged the foregoing instrument to be his free act and deed, and the free act and deed of the Department of Environmental Protection.

Before me,


Notary Public

Laura L. Gay
(Print Name)

This order was prepared by Nicholas J. Hodgkins, Bureau of Remediation & Waste Management.



Attachment A-Site Location Map



To: Jon Jennings, City Manager
From: Rob Parritt, Consultant
Ref: Maine Shelter Inventory Chart Details
11/21/2018

Maine Shelter Inventory Chart Details

City staff were tasked by the Council to create an inventory list of emergency shelters in the state of Maine and provide information regarding location, funding, size, restrictions, and clients served. The attached backup documentation will illustrate that there are 45 emergency homeless shelters in the state of Maine. They are found from Presque Isle in the North to Alfred in the South. This memo will provide greater detail into the meaning of each category found on the chart.

Location – This category specifically states which town or City each emergency shelter is located in. For some domestic violence shelters, the exact location is kept confidential for safety purposes so the county the program is found in is listed instead. Most shelters are found in the more urban areas of Maine (Portland, Bangor, Augusta, Lewiston) however, there are providers in rural settings serving much less densely populated areas of Maine.

Funding Sources – Emergency Shelters in Maine are split into two categories when it comes to funding. Those who receive federal dollars (dispersed by MaineHousing) and those who do not. On the attached detail worksheet you will see that the shaded shelters appearing on the bottom of the chart do not receive any federal dollars so they rely on private funding sources. These shelters tend to be more faith based and require specific religious activities to be served. These types of requirements are prohibited if you are a shelter receiving MaineHousing Emergency Shelter Homeless Assistance Program (ESHAP) dollars as the funding source for this program is largely federal Emergency Solutions Grant (ESG) dollars from HUD. For shelters who receive ESHAP dollars, there is an application process each year and strict monitoring to ensure grant compliance. The ESHAP funding formula is based on meeting performance benchmarks and a bed night percentage reimbursement formula. ESHAP funded shelters also generally use other sources to make ends meet. General Assistance, Targeted Case Management, private fundraising and program specific grants are also commonly utilized to fund different shelter programs. Some specialty shelters have access to program specific funding opportunities and grants based on program type and licensing. While this list is fairly comprehensive, there are many small funding streams and donation programs that aren't listed or known to us.

Restrictions – The vast majority of shelters in Maine have some kind of restriction or criteria that screens out certain populations. All but a handful of shelters in Maine will not admit people if they are under the influence. Family shelter programs will not accept single adults. Teen programs can only serve specific age groups. Obviously to access a domestic violence shelter, you must be fleeing domestic violence or meet other eligibility criteria. Shelters who only serve men or women will not admit the opposite sex.

Population Served – In Maine, shelters serve a variety of different populations. General population shelters serve both singles and families. Domestic Violence Shelters serve people fleeing from domestic violence situations. Family shelters serve only households made up of at least one adult and children. Single adult shelters serve men and women who are 18 years old or older. Youth providers generally serve homeless and runaway youth aged 13-21. There are a few shelters around the state who even more specific target populations. For example, one shelter will only serve pregnant women.

Size/Capacity – These numbers were pulled directly from the latest Housing Inventory Chart which is a HUD document that each program must submit each year as part of the Point in Time Count. There is a range of shelter sizes in Maine ranging from the largest here in Portland to shelters with barely ten beds.

Shelter Name	Location	Funding Source/s	Restrictions	Population Served	Size	
Bangor Area Homeless Shelter, Emergency Shelter	Bangor	ESHAP, Private Funding, Grants, TCM	Sober Only	General	43	ESHAP - Emergency Shelter Homeless Assistance Program TCM - MaineCare Targeted Case Management GA - General Assistance C0-Op - Communal farming/goods agreement OSA - Office of Substance Abuse CDBG - Community Development Block Grant RHY - Runaway and Homeless Youth Act FQHC - Federally Qulaified Health Center Private Funding - Fundraising/donations Grants - Various grants which may be specific to programs or client type
Bread of Life Ministries, Emergency Shelter	Augusta	ESHAP, Private Funding, Grants, TCM	Sober Only	General	38	
Caring Unlimited DV Shelter - Audrey's House	York County	ESHAP, Private Funding, Grants, TCM	Sober Only, Fleeing DV	DV	18	
City of Portland, Family Shelter (4 Buildings)	Portland	ESHAP, GA, Grants, TCM	Sober Only	Families	151	
City of Portand, Oxford Street Shelter	Portland	ESHAP, GA, Grants, TCM, CDBG	None	Single Adults	229	
Families And Children Together	Bangor	ESHAP, Private Funding, Grants	Sober Only	Families	8?	
Through These Doors	Portland	ESHAP, Private Funding, Grants, GA, TCM	Sober Only, Fleeing DV	DV	16	
Family Violence Project, Kennebec DV Shelter	Kennebec & Somerset Counties	ESHAP, Private Funding, Grants, TCM	Sober Only, Fleeing DV	DV	16	
Family Violence Project, Somerset DV Shelter	Kennebec & Somerset Counties	ESHAP, Private Funding, Grants	Sober Only, Fleeing DV	DV	14	
HOME, Inc., Emmaus Homeless Shelter	Ellsworth	ESHAP, Private Funding, Co-Op, Grants	Sober Only	General	25	
HOME, Inc., Sister Marie Ahern House	Ellsworth	ESHAP, Private Funding, Co-Op, Grants	Sober Only	General	12	
HOME, Inc., St Francis Inn	East Orland	ESHAP, Private Funding, Co-Op, Grants	Sober Only	General	11	
HOME, Inc., Dorr House Shelter	Orland	ESHAP, Private Funding, Co-Op, Grants	Sober Ony	General	7	
Homeless Services of Aroostook, Sister Mary O'Donnell Shelter	Presque Isle	ESHAP, TCM, Private Funding, Grants	Sober Only	General	49	
Hope and Justice Project, Houlton DV Shelter	Houlton	ESHAP, Private Funding, Grants	Sober Only, Fleeing DV	DV	14	
Hope and Justice Project, Caribou DV Shelter	Caribou	ESHAP, Private Funding, Grants, TCM	Sober Only, Fleeing DV	DV	12	
Hope and Justice Project, Fort Kent DV Shelter (St John Valley)	Fort Kent	ESHAP, Private Funding, Grants	Sober Only, Fleeing DV	DV	8	
Knox County Homeless Coalition, Hospitality House	Rockport	ESHAP, Private Funding, Grants, TCM	Sober Only	General	26	
Mid-Maine Homeless Shelter	Augusta	ESHAP, Private Funding, Grants, TCM, GA	Sober Only	General	65	
Milestone Recovery, Emergency Shelter	Portland	ESHAP, Private Funding, MaineCare, OSA, GA, CDBG	Must be intoxicated	Single Men	41	
New Beginnings, Emergency Shelter	Lewiston	ESHAP, RHY, Private Funding	Youth only services	Teens	12	
Next Step, DV Shelter	Ellsworth	ESHAP, Private Funding, Grants, TCM	Sober Only, Fleeing DV	DV	12	
Partners for Peace, DV Shelter	Bangor	ESHAP, Private Funding, Grants	Sober Only, Fleeing DV	DV	17	
Penobscot Community Health Center, Hope House Shelter	Bangor	ESHAP, TCM, GA, Private Funding, FQHC, OSA. Grants	Campus Limitations	Single Adults	76	
Preble Street, Joe Kreisler Teen Shelter	Portland	ESHAP, RHY, Private Funding, GA	Teens only, shelter cap	Teens	24	
Preble Street, Florence House Women's Shelter	Portland	ESHAP, TCM, GA, Private Funding, Grants	Only serves women, shelter cap	Women	25	
Rural Community Action Ministries, Family Shelter	Leeds	ESHAP, TCM, GA, Private Funding, Grants	Sober Only	Families	10	
Rumford Group Homes, Norway Homeless Shelter	Norway	ESHAP, TCM, GA, Private Funding, Grants	Sober Only	Women & Children	15	
Rumford Group Homes, Rumford Family Center Shelter	Rumford	ESHAP, TCM, GA, Private Funding, Grants	Sober Only	Families	17	
Rumford Group Homes, Monier Family Center	Rumford	ESHAP, TCM, GA, Private Funding, Grants	Sober Only	General	14	
Safe Voices, Annie Pearl Shelter	Auburn	ESHAP, Private Funding, Grants	Sober Only, Fleeing DV	DV	17	

Shaw House Emergency Youth Shelter	Bangor	ESHAP, RHY, Private Funding, GA	Teens only, shelter cap	Youth		16
Tedford Housing, Federal St. Family Shelter	Brunswick	ESHAP, TCM, Private Funding, Grants	Sober Only	Families		29
Tedford Housing, Cumberland St. Adult Shelter	Brunswick	ESHAP, TCM, Private Funding, Grants	Sober Only	General		16
Western Maine Homeless Outreach	Farmington	ESHAP, TCM, Private Funding, Grants	Sober Only	Families		16
York County Shelter Programs, Inc., Adult Emergency Shelter	Alfred	ESHAP, TCM, Private Funding, Grants	Sober Only	Single Adults		37
York County Shelter Programs, Inc., Family Emergency Shelter	Alfred	ESHAP, TCM, Private Funding, Grants	Sober Only	Families		18
Hope Haven Gospel Mission	Lewiston	Privately Funded	Sober Only, Religious	General		32
Saint Martin de Porres Residence	Lewiston	Privately Funded	Sober Only, Religious	Single Adults		10
Maliseet DV and Sexual Assault Program	Houlton	Privately Funded	Sober Only, Fleeing DV	DV		10
New Hope for Women	Rockland	Privately Funded	Sober Only, Fleeing DV	DV	?	
The Shephard Godparent Home	Bangor	Privately Funded	Sober Only, Religious	Pregant Women	?	
New Hope Shelter	Solon	Privately Funded	Sober Only, Religious	Women		20
Trinity Shelter	Skowhegan	Privately Funded	Sober Only, Religious	Single Men		85
Passamuoquoddy Peaceful Relations	Pleasant Point	Privately Funded	Sober Only, Fleeing DV	DV	?	

*The City of Portland operates the only municipal run shelters which are the only shelters to run multiple overflow sites. All other on attached are either privately operated non-profits or religious organizations with boards of directors.

Service Provider Information Sheet

Service Provider: Preble Street

Point Person: Fiona Mason

Services List: Targeted outreach, engagement and case management services for clients who are homeless and who meet program requirements for Veterans Housing Services, Anti-Trafficking Services and the Medication Assisted Recovery Program (MARF) within Health Services.

Target Demographic:

- Veterans
- Survivors of Human Trafficking that meet the federal definition of Human Trafficking
- Uninsured and high risk individuals with Substance Use Disorder that are participants in the Medication Assisted Recovery Program (MARF)
- Youth age 18 through 20

Days /Hours: TBD

Space /Office requirements: TBD

What else is needed?

All the of the services outlined are provided through and dependent on grant funding. Historically, funding and needs have changed over time which results in fluctuating service delivery. For example, we apply for and have received awards annually for our Veterans Housing Services program through the federal Specialized Services for Veterans and Families (SSVF) program. After receiving the award for this next grant period starting October 1, 2018, we were notified they may be reducing all SSVF grants for the next grant period. This reduction in funding will result in reduced service delivery.

Anti-Trafficking Services (ATS) is also dependent on federal funds. The current award cycle was for a three-year period and we anticipate receiving funds for another grant period starting 10/1/18. Our ATS team has fluctuated within and across grant funding cycle based on several factors; these changes in team configuration and number of caseworkers affect our ability to provide services.

The Health Services intensive case management services offered to MARF clients is also dependent on grant funding. We are currently participating in the MARF pilot project which ends in March 2019. We are hopeful there will be an opportunity to apply for another grant period through a subcontract with Greater Portland Health however we have no definitive information at this time.

Teen Services provides day services, case management and overnight shelter to youth age 12-20. We do not allow youth age 18-20 to access services at our Resource Center and instead encourage them to access services through our Teen Services. This aids in their ability to seek age and developmentally appropriate services that supports them in moving from homelessness to housing stability. Currently Teen Services works collaboratively with Oxford Street Shelter to encourage 18-20-year-old youth to access services through Teen Services. We would like to continue this practice with the new Homeless Services Center going forward.

Expected Outcomes: Access to specialized services as able.



Adam Harr <ash@portlandmaine.gov>

Fwd: [External Sender]Spurwink Further Location Feedback

1 message

Aaron Geyer <aeg@portlandmaine.gov>
To: "Harr, Adam" <ash@portlandmaine.gov>

Mon, Mar 11, 2019 at 4:30 PM

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

From: **Ben Strick** <bstrick@spurwink.org>
Date: Thu, Mar 7, 2019 at 7:11 PM
Subject: RE: [External Sender]Spurwink Further Location Feedback
To: Sara Fleurant <skf@portlandmaine.gov>
Cc: Aaron Geyer <aeg@portlandmaine.gov>

Hi Sarah,

My apologies for the delayed reply. We will work with the city to deliver services wherever the new shelter is located. With that said, County Way or Angelo's Acre would be markedly better for us. Having the shelter located within walking distance of Spurwink Adult Behavioral Health would make it much easier to collaborate and help coordinate care. I think this will be especially true for our MAT program. One of the strengths of our program will be the ability to directly administer medication on a daily basis if needed. While our substance abuse counselors can meet with clients anywhere, it will be hard for the program to routinely administer Suboxone outside of an secure office setting. The closer we can be to the shelter the easier it will be for clients to successfully engage in treatment. I suspect a daily bus ride to/from Riverside Industrial Parkway would create a significant barrier for many individuals.

Please let me know if there is anything else we can do to help.

Thanks so much,

---Ben

BENJAMIN STRICK, LCSW**Director of Adult Behavioral Health**

207.871.1200 x 2149 | 207.615.2146 (c) | 207.871.1232 (f)

901 Washington Ave, Suite 100

Portland, Maine 04103

www.spurwink.org

From: Sara Fleurant <skf@portlandmaine.gov>
Sent: Wednesday, February 27, 2019 5:06 PM
To: Ben Strick <bstrick@spurwink.org>
Cc: Aaron Geyer <aeg@portlandmaine.gov>
Subject: [External Sender]Spurwink Further Location Feedback

Hi Ben,

We wanted to reach out and thank each of you for recently providing feedback on our site location surveys. As you may be aware coming out of last night's Health and Human Service Committee Meeting the site list was reduced to three locations. We have been asked to produce a deeper dive on these three locations and a large part of that is receiving more feedback from our valued community partners. We are asking you to provide any comments or feedback on the attached document, including any onsite or outreach services you think you may be able to provide at any of the locations. We understand at this time these are projections and not actual services to be delivered. We again want to thank so many of you who said they would partner with the City no matter where the new services center will eventually go. We are hoping to have these returned by next Friday so that this data can be compiled for the council.

Please feel free to contact either Aaron or myself with any questions.

Thank you,

Sara

--

Sara Fleurant
Assistant Director of Housing Services

Oxford Street Shelter

207-482-5224

fax- 207-761-0536

skf@portlandmaine.gov

Notice: Under Maine law, documents - including e-mails - in the possession of public officials or city employees about government business may be classified as public records. There are very few exceptions. As a result, please be advised that what is written in an e-mail could be released to the public and/or the media if requested.

CONFIDENTIALITY NOTICE: This communication (including all attachments) is intended solely for the use of the person or persons to whom it is addressed, and should be treated as a confidential communication of Spurwink Services. It may include information that is privileged and/or confidential under both State and Federal Law. If you are not the intended recipient, or agent of the recipient, you are notified that any further use, dissemination, copy, distribution, printing or disclosure of this communication is strictly prohibited. If you have received this communication in error, please notify the originator and delete it from your system (do not retain any copies), return the original transmittal to us by mail without making a copy, and reply to the sender to advise us that this communication was misdirected. Your cooperation in protecting confidential information is appreciated.

--

Aaron Geyer
City of Portland

Health & Human Services Department

[196 Lancaster Street](#)

[Portland, ME 04101](#)

(207) 482-5131

aeg@portlandmaine.gov

Confidentiality Notice: This e-mail message, including any attachments, is for the sole use of the intended recipient (s) and may contain confidential and privileged information. Any unauthorized review, use, disclosure, or distribution is prohibited. If you are not the intended recipient(s), please contact me by reply e-mail and destroy/delete all copies of the original message. Thank you for your assistance.



Adam Harr <ash@portlandmaine.gov>

Fwd: Amistad Further Location Feedback

2 messages

Aaron Geyer <aeg@portlandmaine.gov>
To: "Harr, Adam" <ash@portlandmaine.gov>

Thu, Mar 7, 2019 at 4:38 PM

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

From: **Sara Fleurant** <skf@portlandmaine.gov>
Date: Thu, Feb 28, 2019 at 4:09 PM
Subject: Fwd: Amistad Further Location Feedback
To: Aaron Geyer <aeg@portlandmaine.gov>

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

From: **Brian Townsend** <briant@amistadinc.com>
Date: Thu, Feb 28, 2019 at 12:44 PM
Subject: RE: Amistad Further Location Feedback
To: Meredith Pesce <meredithp@amistadinc.com>, Sara Fleurant <skf@portlandmaine.gov>

Hi Sara,

Amistad would be able and willing to provide services onsite and through outreach at any of the three identified options.

Our feedback on the three site options:

With the disclaimer that no site can be perfect, we are inclined to see the County Way location as the best of the three. The most significant positive is the location relative to other services and resources. We do not have the same broad negative feelings about the proximity to the jail that some others seem to have. We agree that the optics aren't great, but we suspect that the people who will have the strongest negative reaction to those optics are not the actual people who will be seeking emergency shelter and services there. The jail does not have negative socio-environmental factors along its periphery, so any downside about being next door is conceptual. If Amistad were looking to purchase land and build a program somewhere, and prioritized accessibility (as we do) above most factors, we would absolutely consider this lot.

Angelo's Acre may have some positive aspects, but our immediate reaction has to do with safety, given the nearness of the harbor. Our community has had enough tragedy associated with accidental drownings; it is hard to overlook this when considering that spot. It also seems like a spot that would be exposed to significant wind and cold, in addition to the noise of the bridge, and we wonder about these factors as being additional existence burdens on the people seeking shelter and support there.

The third option, on Riverside, feels like the least optimal due to its distance from the service center. If all three options were similarly distant, it might hold up by comparison with some other options, but, as one example, it would seem less viable as an option than the previously proposed Barron Center location.

If you would like us to flesh out any of these responses or offer thoughts on specific questions, please let us know!

Brian

From: Meredith Pesce
Sent: Wednesday, February 27, 2019 5:45 PM
To: Sara Fleurant <skf@portlandmaine.gov>; Brian Townsend <briant@amistadinc.com>
Subject: Re: Amistad Further Location Feedback

Thanks Sara, we'll dig into this and send it back over soon.

Meredith Pesce
Associate Director
Amistad
[66 State Street](#)
[Portland, Me 04101](#)

207-241-9141

From: Sara Fleurant <skf@portlandmaine.gov>
Sent: Wednesday, February 27, 2019 4:55 PM
To: Brian Townsend; Meredith Pesce
Subject: Amistad Further Location Feedback

Hi Brian and Meredith,

We wanted to reach out and thank each of you for recently providing feedback on our site location surveys. As you may be aware coming out of last night's Health and Human Service Committee Meeting the site list was reduced to three locations. We have been asked to produce a deeper dive on these three locations and a large part of that is receiving more feedback from our valued community partners. We are asking you to provide any comments or feedback on the attached document, including any onsite or outreach services you think you may be able to provide at any of the locations. We understand at this time these are projections and not actual services to be delivered. We again want to thank so many of you who said they would partner with the City no matter where the new services center will eventually go. We are hoping to have these returned by next Friday so that this data can be compiled for the council.

Please feel free to contact either Aaron or myself with any questions.

Thank you,

Sara

--

Sara Fleurant
Assistant Director of Housing Services

Oxford Street Shelter

207-482-5224

fax- 207-761-0536

skf@portlandmaine.gov

Notice: Under Maine law, documents - including e-mails - in the possession of public officials or city employees about government business may be classified as public records. There are very few exceptions. As a result, please be advised that what is written in an e-mail could be released to the public and/or the media if requested.

--

Sara Fleurant
Assistant Director of Housing Services

Oxford Street Shelter

207-482-5224

fax- 207-761-0536

skf@portlandmaine.gov

--

Aaron Geyer
City of Portland
Health & Human Services Department

[196 Lancaster Street](#)

[Portland, ME 04101](#)

(207) 482-5131

aeg@portlandmaine.gov

Confidentiality Notice: This e-mail message, including any attachments, is for the sole use of the intended recipient(s) and may contain confidential and privileged information. Any unauthorized review, use, disclosure, or distribution is prohibited. If you are not the intended recipient(s), please contact me by reply e-mail and destroy/delete all copies of the original message. Thank you for your assistance.

Aaron Geyer <aeg@portlandmaine.gov>
To: "Harr, Adam" <ash@portlandmaine.gov>

Mon, Mar 11, 2019 at 4:31 PM

[Quoted text hidden]



Adam Harr <ash@portlandmaine.gov>

Fwd: PPD Further Location Feedback

1 message

Aaron Geyer <aeg@portlandmaine.gov>
To: "Harr, Adam" <ash@portlandmaine.gov>

Mon, Mar 11, 2019 at 4:32 PM

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

From: **Vernon Malloch** <vwm@portlandmaine.gov>
Date: Mon, Mar 4, 2019 at 12:35 PM
Subject: Re: PPD Further Location Feedback
To: Sara Fleurant <skf@portlandmaine.gov>
Cc: Aaron Geyer <aeg@portlandmaine.gov>

Hello Sara

The police department will provide all the same services indicated during the review of the Barron Center Site. I believe you have that information on file. If you cannot locate it I will search my old e-mails.

Specific to one site listed here I do have concerns about Angelo's Acre. It's proximity to the working waterfront is a public safety concern. Historically we have seen drowning deaths of homeless people and those who are impaired by alcohol or drugs. The department has worked hard over the years to partner with other providers to significantly reduce this occurrence. Locating a shelter so close to the waterfront has the potential to place an already at risk group in even more danger.

Thanks for soliciting feedback and please let me know if you need any other information.

Best, Vern

On Wed, Feb 27, 2019 at 5:03 PM Sara Fleurant <skf@portlandmaine.gov> wrote:

Hi Chief,

Hope all is well! We wanted to reach out and thank each of you for recently providing feedback on our site location surveys. As you may be aware coming out of last night's Health and Human Service Committee Meeting the site list was reduced to three locations. We have been asked to produce a deeper dive on these three locations and a large part of that is receiving more feedback from our valued community partners. We are asking you to provide any comments or feedback on the attached document, including any onsite or outreach services you think you may be able to provide at any of the locations. We understand at this time these are projections and not actual services to be delivered. We again want to thank so many of you who said they would partner with the City no matter where the new services center will eventually go. We are hoping to have these returned by next Friday so that this data can be compiled for the council.

Please feel free to contact either Aaron or myself with any questions.

Thank you,
Sara

--

Sara Fleurant
Assistant Director of Housing Services
Oxford Street Shelter
207-482-5224
fax- 207-761-0536
skf@portlandmaine.gov

--

Vern Malloch

Interim Chief
Portland Maine Police Department
[109 Middle Street](#)
[Portland, ME 04101](#)
207-874-8600
email: vwm@portlandmaine.gov
Our Core Values
Leadership - Integrity - Service

--

Aaron Geyer
City of Portland
Health & Human Services Department
[196 Lancaster Street](#)
[Portland, ME 04101](#)
(207) 482-5131

aeg@portlandmaine.gov

Confidentiality Notice: This e-mail message, including any attachments, is for the sole use of the intended recipient (s) and may contain confidential and privileged information. Any unauthorized review, use, disclosure, or distribution is prohibited. If you are not the intended recipient(s), please contact me by reply e-mail and destroy/delete all copies of the original message. Thank you for your assistance.

***Homeless Voices for Justice Comment on Three Potential Sites for the Homeless Services Center
March 15, 2019***



To esteemed Councilors of the Health and Human Services Subcommittee:

Homeless Voices for Justice appreciates the opportunity to provide feedback to the HHS Committee on this step of the relocation process.

Based on community outreaches and careful analysis, Homeless Voices for Justice's main points of concern remain: accessibility, eligibility and bed numbers, and community inclusion.

We do have specific feedback on the three sites in particular, and then other points to consider:

Riverside Industrial Park

HVJ is concerned about the accessibility of Riverside Industrial Park as a location for a new Homeless Services Center. The area is somewhere between a four and six mile walk away from the current Oxford Street Location. While there has been much welcome discussion about proximity to METRO, we hope the public and the City understands the accessibility challenges posed by placing a shelter so far away from current services. Many people staying at shelters in Portland have persistent medical conditions that make it impossible to walk much of a distance. Many lack storage space and have to carry bags and belongings around. And many people are in wheelchairs, use walkers, or canes. Complicating this is the fact that few can afford bus passes, and free bus passes supplied by some service providers are incredibly hard to come by. One of the most frequently sought resources by those who are homeless are monthly passes.

When the State moved its DHHS building from Bayside to South Portland, many people who needed support lost services, or the opportunity to more frequently access services, because of the distance created. At the time of that move, HVJ advocated against it for accessibility reasons. Other concerns about this location include sidewalk accessibility and whether there are food stores close by. In addition to services, many people access employment through agencies such as Labor Ready, which involves lining up early in the morning. The distance created by placing the shelter at Riverside, combined with bus schedules, would make it much harder, if not impossible, for many people staying in the shelter to access employment.

County Way

HVJ is concerned about locating a new Homeless Services Center near the County Jail. While the location is closer to many current services than Riverside is, we fear that placing a shelter near the jail will increase the stigma, discrimination, violence and criminalization that people experiencing homelessness already face. Specifically, we are concerned about the association

implicitly made by locating a Homeless Service Center next to a jail. People who are homeless often struggle with barriers that result from disproportionate enforcement of certain laws, such as loitering or trespassing laws to name just two. Our research and experience as those who have been, or are, homeless shows us that the stigma and criminalization of those who are homeless makes basic life-sustaining activities much more difficult. People who are homeless do not have the privacy of a home to conduct their lives. They are disproportionately asked to “move along” in public space; their activities are more frequently and heavily scrutinized by the public and governing institutions. We believe the close proximity to the County Jail may increase these barriers rather than strive to resolve them. We strongly encourage the Health and Human Services Subcommittee to discuss this aspect of the location.

Angelo’s Acre

Of all three potential sites, Angelo’s Acre is the closest to many available services on the peninsula for those who are homeless. By staying on the peninsula, it is not far from the current shelter and a number of service providers and resources that people who are homeless access in downtown Portland. That said, HVJ does recognize other accessibility aspects that make this site challenging. Namely, the fact that it is quite close to water, a frequently busy street and bridge ramp, and the Port Authority.

Other Points to Consider

First, HVJ encourages the HHS Committee to carefully consider the question of residential zones, which has created much discussion among the councilors. A new Homeless Services Center in any location will no doubt be located close to, or in, a given neighborhood, and we would encourage the councilors to consider that guests at the new Center will be neighbors and residents, the same as anyone else. These guests should not be tucked away, out of sight, due to concern that their presence would pose a challenge to their neighbors. To include and integrate people who are homeless in Portland is one way in which our city can better address the need for shelter services, which has become more severe over the years as other shelters have closed down. To this end, we have heard over and over again from our community a concern and strong appeal for people experiencing homelessness to not be hidden. We recognize the City’s emphasis on *not intending* to hide the homeless. However, we believe that in considering whether current residential zones are appropriate, consideration must be given to how Portland, as a community, cares for its most disenfranchised, oppressed, and stigmatized residents.

Secondly, we are concerned about the prospect of opening up a 150 bed facility while the current shelter chronically exceeds its capacity of 154 people, resulting in the use of overflow and sometimes triple overflow on a nightly basis. In December of 2018, 537 people were served by homeless shelters in Portland. Based on current trends, HVJ does not believe the predictions for reduced numbers are realistic. We are encouraging the Councilors to afford for space and capacity such that the new Homeless Services Center does not need overflow in the first place.

Connected to this is the question of guest eligibility and policies governing the new Homeless Services Center. To us, it is crucial that the City keeps to its long-standing commitment to provide emergency shelter services to anyone who needs it and that the policies governing the new Homeless Service Center are the least restrictive they can possibly be, to ensure that the City's goals for rapidly connecting people to resources and housing can be met.

Third, the HHS Committee has moved recently to narrow down sites from 11 to 3. While we welcome the sense of urgency to address the life-threatening problem of homelessness in Portland, we will continue to encourage the HHS committee to work more systematically on including the input of those who are homeless as this process moves forward. Homeless Voices for Justice seeks to empower those who live in poverty and homeless – people whose perspectives are often absent from the development of policies and programs that directly impact their social and economic well-being. To this end, we are working in conjunction with City Management on convening a community forum for people who are homeless so their input can be heard. While those plans continue to move forward, we advise that the City take steps to ensure that the pace of the relocation process does not move so fast as to exclude the concerns and feedback of the community they seek to help.

As our most relied upon partners, we appreciate your feedback on the following potential locations for a Homeless Services Center. Please indicate any onsite services you may be able to provide. Thank you!

Riverside Industrial Park:

Goodwill's Workforce programs can provide onsite services to homeless individuals at this location if there are significant barriers to clients accessing services at our primary local program office, 190 Lancaster Street.

This includes access to:

- Job Connection programming
- Workforce Innovation and Opportunity Act (WIOA) Youth, Adult and Dislocated Worker programming through Workforce Solutions, and
- Employment Services (job coaching and/or job development through Vocational Rehabilitation)

County Way:

Goodwill's Workforce programs can provide onsite services to homeless individuals at this location if there are significant barriers to clients accessing services at our primary local program office, 190 Lancaster Street.

This includes access to:

- Job Connection programming
- Workforce Innovation and Opportunity Act (WIOA) Youth, Adult and Dislocated Worker programming through Workforce Solutions, and
- Employment Services (job coaching and/or job development through Vocational Rehabilitation)

Angelo's Acre:

Goodwill's Workforce programs can provide onsite services to homeless individuals at this location if there are significant barriers to clients accessing services at our primary local program office, 190 Lancaster Street.

This includes access to:

- Job Connection programming
- Workforce Innovation and Opportunity Act (WIOA) Youth, Adult and Dislocated Worker programming through Workforce Solutions, and
- Employment Services (job coaching and/or job development through Vocational Rehabilitation)

Agency: Goodwill Northern New England

Representative: Dave Wurm, Senior Director, Workforce Services

As our most relied upon partners, we appreciate your feedback on the following potential locations for a Homeless Services Center. Please indicate any onsite services you may be able to provide. Thank you!

In considering these locations, the Library evaluates how we could provide service through our existing locations and how we could add a site onto our outreach agenda. We recognize that the Library's collections are helpful as research tools as well as much-needed entertainment for people experiencing homelessness, and that library spaces are welcoming and safe which can be reassuring and provide a positive sense of community for someone experiencing disruption and anxiety due to homelessness. Of the Library's locations, the Main Library on Monument Square is best equipped to provide the variety of information resources, the technology tools, security staffing, and seating to accommodate.

Riverside Industrial Park:

Being the location farthest from any of our branches, especially the Main Library, this location would be most challenging to provide our strongest service. Based on current models and funding, we would anticipate providing bookmobile or pop-up service once per week, and the possibility of providing donated collections for free use (similar to Florence House). It seems critical that the location be on a bus line.

County Way:

The proximity to the peninsula and both major hospitals, as well as to the Police Headquarters (if it moved there), add value to this location. As stated above, the Library can provide our best service through our Main Library location, and this would still require a bus or a solid walk from County Way. As with any location chosen, the Library would provide outreach and pop-up service to the extent we can as described above.

Angelo's Acre:

This is geographically nearest to the Main Library and is, therefore, the most beneficial site for access to full Library services. As with any location chosen, the Library would provide outreach and pop-up service to the extent we can as described above.

Agency: Portland Public Library

Representative: Sarah Campbell

Service Provider Information Sheet

Service Provider: Preble Street

Point Person: Fiona Mason

Services List: Targeted outreach, engagement and case management services for clients who are homeless and who meet program requirements for Veterans Housing Services, Anti-Trafficking Services and the Medication Assisted Recovery Program (MARF) within Health Services.

Target Demographic:

- Veterans
- Survivors of Human Trafficking that meet the federal definition of Human Trafficking
- Uninsured and high risk individuals with Substance Use Disorder that are participants in the Medication Assisted Recovery Program (MARF)
- Youth age 18 through 20

Days /Hours: TBD

Space /Office requirements: TBD

What else is needed?

All the of the services outlined are provided through and dependent on grant funding. Historically, funding and needs have changed over time which results in fluctuating service delivery. For example, we apply for and have received awards annually for our Veterans Housing Services program through the federal Specialized Services for Veterans and Families (SSVF) program. After receiving the award for this next grant period starting October 1, 2018, we were notified they may be reducing all SSVF grants for the next grant period. This reduction in funding will result in reduced service delivery.

Anti-Trafficking Services (ATS) is also dependent on federal funds. The current award cycle was for a three-year period and we anticipate receiving funds for another grant period starting 10/1/18. Our ATS team has fluctuated within and across grant funding cycle based on several factors; these changes in team configuration and number of caseworkers affect our ability to provide services.

The Health Services intensive case management services offered to MARF clients is also dependent on grant funding. We are currently participating in the MARF pilot project which ends in March 2019. We are hopeful there will be an opportunity to apply for another grant period through a subcontract with Greater Portland Health however we have no definitive information at this time.

Teen Services provides day services, case management and overnight shelter to youth age 12-20. We do not allow youth age 18-20 to access services at our Resource Center and instead encourage them to access services through our Teen Services. This aids in their ability to seek age and developmentally appropriate services that supports them in moving from homelessness to housing stability. Currently Teen Services works collaboratively with Oxford Street Shelter to encourage 18-20-year-old youth to access services through Teen Services. We would like to continue this practice with the new Homeless Services Center going forward.

Expected Outcomes: Access to specialized services as able.

March 6, 2019 - Shelter Locations Questionnaire

As our most relied upon partners, we appreciate your feedback on the following potential locations for a Homeless Services Center. Please indicate any onsite services you may be able to provide. Thank you!

Riverside Industrial Park: *DEFINITE NO* Yes/No/ Maybe ?

Pluses

- Receptivity by residential and business neighbors- likely somewhat low opposition

Minuses

- Public visibility- hiding homeless guests on outskirts of town...
- Access to other services and amenities – too remote; not within walking distance to much of anything...; longish bus ride
- Neighborhood- industrial
- Transportation- where's the nearest bus stop?

County Way *NOT A PREFERRED SITE* Yes/No/Maybe ?

Pluses

- Transportation- near bus lines
- Access to other services and amenities – within walking distance or short bus ride

Minuses

- Receptivity by residential and business neighbors- likely high opposition, by businesses who might not see a Homeless Services Center as good for business and by residential neighbors
- Public visibility- hiding homeless guests from public view
- Neighborhood- industrial feel; next to jail, may be seen by some as equating homelessness with criminality

Angelo's Acre *PREFERRED SITE* Yes/No/ Maybe ?

Pluses

- Public visibility- definitely not hiding homeless guests
- Transportation- near bus lines
- Access to other services and amenities – within walking distance or short bus ride

Minuses

- Receptivity by residential and business neighbors- likely opposition by both; may be manageable though...

Shalom remains committed to providing mental health case management to support mutual clients in need of such services wherever they are, including the new Homeless Services Center. The new configuration will make it easier to meet with shelter guests at the Center. In addition, Shalom will continue to meet with guests to assess eligibility for Section 17 adult mental health case management and/or eligibility for Shalom group homes or Community Rehabilitation Services.

Shalom staff will also continue to award as many eligible shelter guests as program resources allow with one of the rental subsidies we administer so that guests can better afford available housing in the area. We will also set up mutually agreeable times to meet with guests in need of rental vouchers and schedule regular weekly hours at the new Homeless Services Center to answer questions / assist guests and their housing counselors with rental assistance applications.

Agency: Shalom House, Inc.

Representative: Norm Maze, Deputy Director

As our most relied upon partners, we appreciate your feedback on the following potential locations for a Homeless Services Center. Please indicate any onsite services you may be able to provide. Thank you!

Riverside Industrial Park :

We are concerned that this location is too far removed from services. While the City seems committed to having a transportation plan in place, we feel that our clients benefit from being able to walk to access needed resources, services, and work. The team also has concerns that the segment of the population with significant behavioral challenges will struggle to be able to maintain access to transportation services whether it be city - provided or through the bus line.

County Way:

While the proximity to the jail is problematic optics and messaging wise, we feel that it is located close enough to town that folks will still have ease of access to essential services and its proximity to MMC is particularly positive.

Angelo's Acre:

Pros for this location include that it is centrally located and would provide ease of access to services. It is also the most publicly visible of the 3 remaining locations.

We have some concerns about clients who are under the influence wandering into traffic or down some of the wharfs in that area. It's worth noting that when people are restricted or CTO'd from the shelter some are likely to sleep rough around the city and shifting this population closer to the water could be dangerous, particularly for those who may be under the influence. There have been many instances of people who are homeless drowning in Portland and anything that puts people closer to the waterfront could be a concern.

Agency: The PATH Program at The Opportunity Alliance

Representative: Christina Cook

As our most relied upon partners, we appreciate your feedback on the following potential locations for a Homeless Services Center. Please indicate any onsite services you may be able to provide. Thank you!

Riverside Industrial Park:

This location seems too far and would seem to not help folks get the services they need, but instead might hinder them even more. SARSSM does not promote this location.

County Way: **County way is a great solution. It is close to the hospital and sticks to the bus route. It does not create any more barriers to the homeless population.**

Angelo's Acre: **Angelo's Acre is a great second choice.**

Agency: Sexual Assault Response Services of Southern Maine (SARSSM)

Representative: Whitney Adell, Program Manager of Advocate and Outreach Services

What the agency can provide:

- **On-site one on one support for folks that have been sexually harmed**
- **On-site outreach by consistently showing up on a specific day to table and create awareness about surveys**
- **Possibility of an on-site support group once outreach as been established**



Adam Harr <ash@portlandmaine.gov>

Fwd: Location feedback

1 message

Robert Parritt <rwp@portlandmaine.gov>
To: Adam Harr <ash@portlandmaine.gov>

Tue, Mar 12, 2019 at 1:05 PM

Through These Doors Feedback

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

From: **Sara Fleurant** <skf@portlandmaine.gov>
Date: Fri, Mar 8, 2019 at 6:04 AM
Subject: Fwd: Location feedback
To: Robert Parritt <rwp@portlandmaine.gov>

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

From: **Jennifer S** <jennys@throughthesedoors.org>
Date: Thu, Mar 7, 2019 at 3:14 PM
Subject: Location feedback
To: Sara Fleurant <skf@portlandmaine.gov>
CC: Kelley W <kellyw@throughthesedoors.org>, Rebecca H <rebeccah@throughthesedoors.org>

Hi Sara,

Thanks for reaching out to Kelley with regards to our feedback on the shelter locations being proposed and the services we could provide. We had a discussion about what our involvement could be as a whole. The location of the shelter doesn't have an impact on the services that we could provide onsite.

Given the intersection of homelessness and domestic violence, what will be needed and what we could provide is a full-time domestic violence advocate (if funding permits) located on site to provide advocacy and support to victims and survivors of domestic violence, stalking, human trafficking and dating abuse.

Let me know if you have any questions.

Thanks.
Jenny

Jenny Stasio, Director of Operations

she/her/hers

Through These Doors *(formerly Family Crisis Services)*

Office: 207-874-1196

Mobile: 207-712-8274

24-hour Helpline: 800-537-6066



CONFIDENTIALITY NOTICE: This email message, including any attachments, is for the use of the intended recipient(s) only and may contain information that is privileged, confidential, and prohibited from unauthorized disclosure under state and federal law. If you are not the intended recipient of this message, any dissemination, distribution, or copying of this message is strictly prohibited. If you received this message in error, please notify the sender by reply email and destroy all copies of the original message and attachments. Your cooperation in protecting confidential information is appreciated.

--

Sara Fleurant
Assistant Director of Housing Services
Oxford Street Shelter
207-482-5224
fax- 207-761-0536
skf@portlandmaine.gov

--

Rob Parritt
Homeless Services Consultant
City of Portland
rwp@portlandmaine.gov

As our most relied upon partners, we appreciate your feedback on the following potential locations for a Homeless Services Center. Please indicate any onsite services you may be able to provide. Thank you!

Riverside Industrial Park: Community Housing of Maine (CHOM) does not provide direct services, however we would be happy to continue our collaborative relationship with the City at any of the three potential locations for a Homeless Services Center, including the Riverside Industrial Park site.

County Way: CHOM does not provide direct services, however we would be happy to continue our collaborative relationship with the City at any of the three potential locations for a Homeless Services Center, including the County Way site.

Angelo's Acre: CHOM does not provide direct services, however we would be happy to continue our collaborative relationship with the City at any of the three potential locations for a Homeless Services Center, including the Angelo's Acre site.

Agency: Community Housing of Maine

Representative: Cullen Ryan, Executive Director

Feedback from community members experiencing homelessness, gathered from Homeless Voices for Justice outreaches and community meeting.

Homeless Voices for Justice gathered feedback from people experiencing homelessness in Portland on the three proposed sites for the city of Portland's proposed Homeless Services Center. HVJ collected 44 survey responses (combined with 88 general comments from surveys we utilized in previous community outreach) and held a community meeting in the Preble Street Resource Center with roughly 30 people, all of whom provided extremely diverse feedback and responses.



Significantly, HVJ has also spoken with a number of other community members who use the Oxford Street Shelter that opted *not* to fill out a survey, due to concerns that their voices and concerns would not be heard. This is why we feel it is important to continue working with City Management to arrange a community forum on this topic, specifically for those who are homeless and utilize shelter services in Portland.

Feedback on sites:

Riverside Industrial Zone

The majority of responses were opposed to this site for accessibility and location reasons. The frequency and price of public transportation would make moving between this location and other sites in the city very difficult or prohibitive. There was also concern from people who have to carry their belongings, have mobility challenges, and who need to access employment services/opportunities closer to the center of the city. Example of the responses not in favor of this site:

"This site would take someone without mobility issues at least two hours to get to from the center of town."

"I believe the reasons for this site are to hide the homeless community. It needs to remain fairly close and easily accessible to resources."

There were, however, some people who favored the Riverside site *because* of its distance from the rest of Portland. For example, one respondent said:

"[Riverside Industrial Site is] Choice 1. Out of town! Further away would be less stereotypes."

County Way

A sizeable number of responses from the community opposed this location due to its proximity to the Cumberland County Jail. People raised concerns about the impact of this location on increasing the stigmatization and criminalization of those who are homeless. Example of the responses not in favor of this site:

“This is not a good idea. Many homeless people have a negative association with police and the county jail.”

“They should absolutely NOT move it next to the jail... there is already a harsh stigma against the homeless and throwing us at the jail is wrong AND offensive.”

On the other hand, a sizeable number of responses from the community favored this location, noting that the location might help increase security and has close proximity to existing grocery stores, job opportunities, emergency and/or medical services, public transportation, etc.

Angelo’s Acre

Its closeness to existing, frequently utilized resources and social services in Downtown Portland (particularly the Bayside Neighborhood) was frequently referenced as a strength. In addition to facilitating access to important services, the central location was favored by some for keeping the issue of homelessness visible (as an important issue) in the city.

Responses opposed to this location were concerned about pedestrian safety, due to proximity to Commercial Street and the Casco Bay Bridge.

Overall, the responses to **Angelo’s Acre** and **County Way** were more mixed and positive as both remain closer to available resources downtown than does the Riverside site.

Other comments:

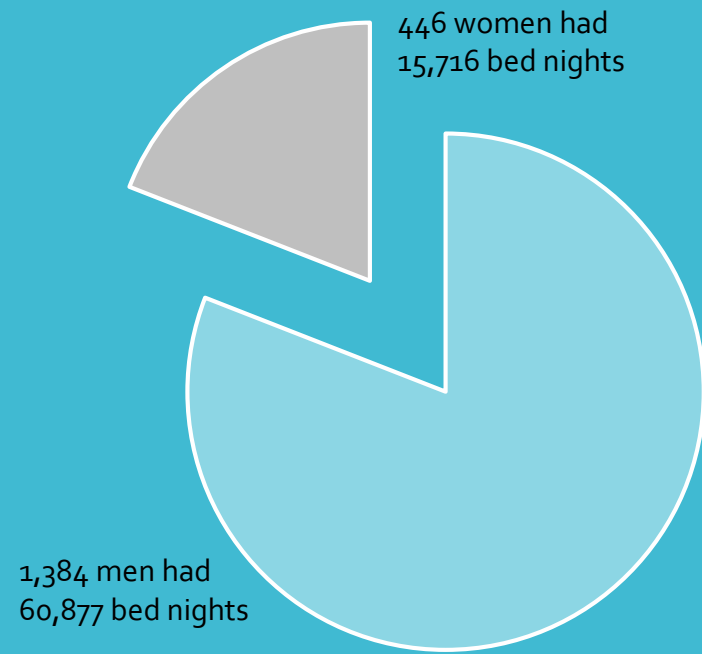
1. *What about other locations that the City has already moved on from?* The Douglass Street site came up several times. It was also clear that people who are homeless aren’t fully informed of the range of potential sites that had existed before there were three.
2. *What will happen to policies and procedures that govern the new Homeless Services Center?* Many people are concerned about policies and procedures and *who* can access services at the current shelter. Because Oxford Street Shelter cannot adequately accommodate those with high medical, disability, or related needs, those who are homeless in these categories are disproportionately affected by an outdated system. Many people are concerned whether the new Homeless Services Center will be more adequately set up to address guests with relatively higher needs, specifically medical needs.
3. *What about other resources?* People’s core concerns are around access to resources, including transportation. If the current density of resources and social services in the Bayside Area are broken up, people are concerned about how the City will help shelter guests access those vital services? Even if the new Homeless Services Center provides a number of services on-site, guests will still have to navigate the rest of the City for services and resources.
4. *How many beds?* People are concerned that 150 beds are inadequate to address the current need. People experiencing homelessness in Portland see that the current shelter is 154 beds, with frequently used overflow of 77 beds. The community is concerned how the City is going to address this need with a smaller shelter.

5. *Current conditions.* Overcrowding, pests, not feeling heard, not having adequate access to vital services such as casework, and opportunities to exit homelessness are few among the many indignities those who are homeless face in Portland on a daily basis. Often, people in the community want to discuss these conditions, what it's like from their perspective to experience them, and what needs to be different. People experiencing homelessness want to know how the new Homeless Services Center will address these issues.

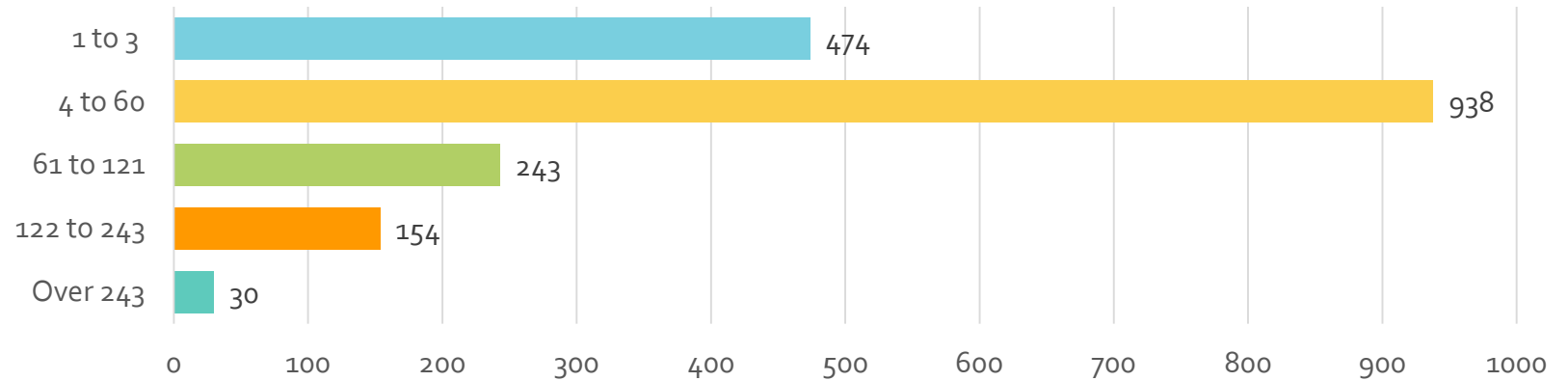
Staying at OSS

Average Monthly Bed Nights and Length of Stay Across Age and Gender at the City Operated Low-Barrier Emergency Shelter

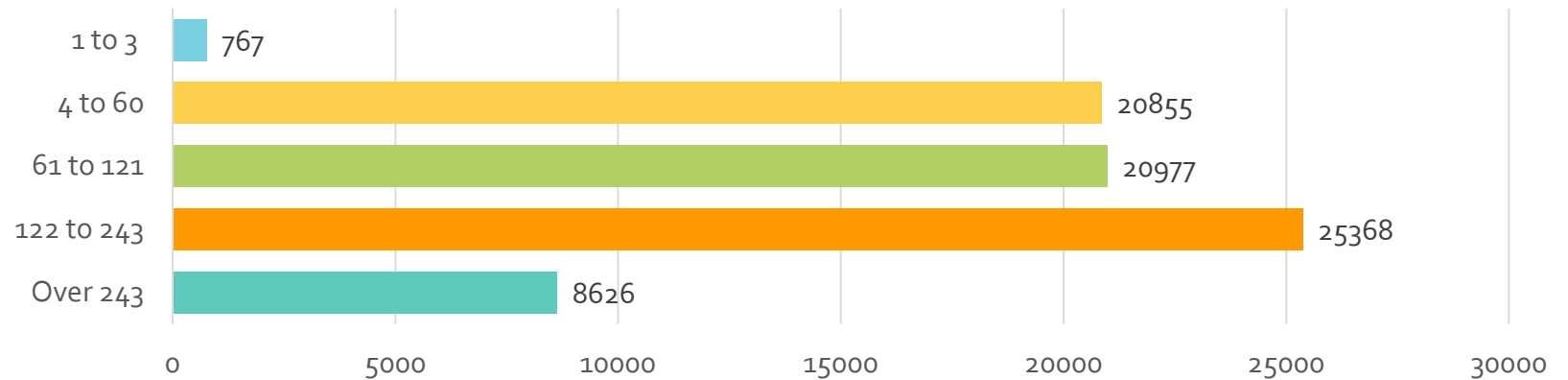
Total 2018 Bed Nights: by Gender



Shelter Stays: 1,839 Unduplicated Individuals



Total Bed Nights: 76,983



Staying at OSS

Stayed 1 to 3 nights

Stayed 4 to 60 nights

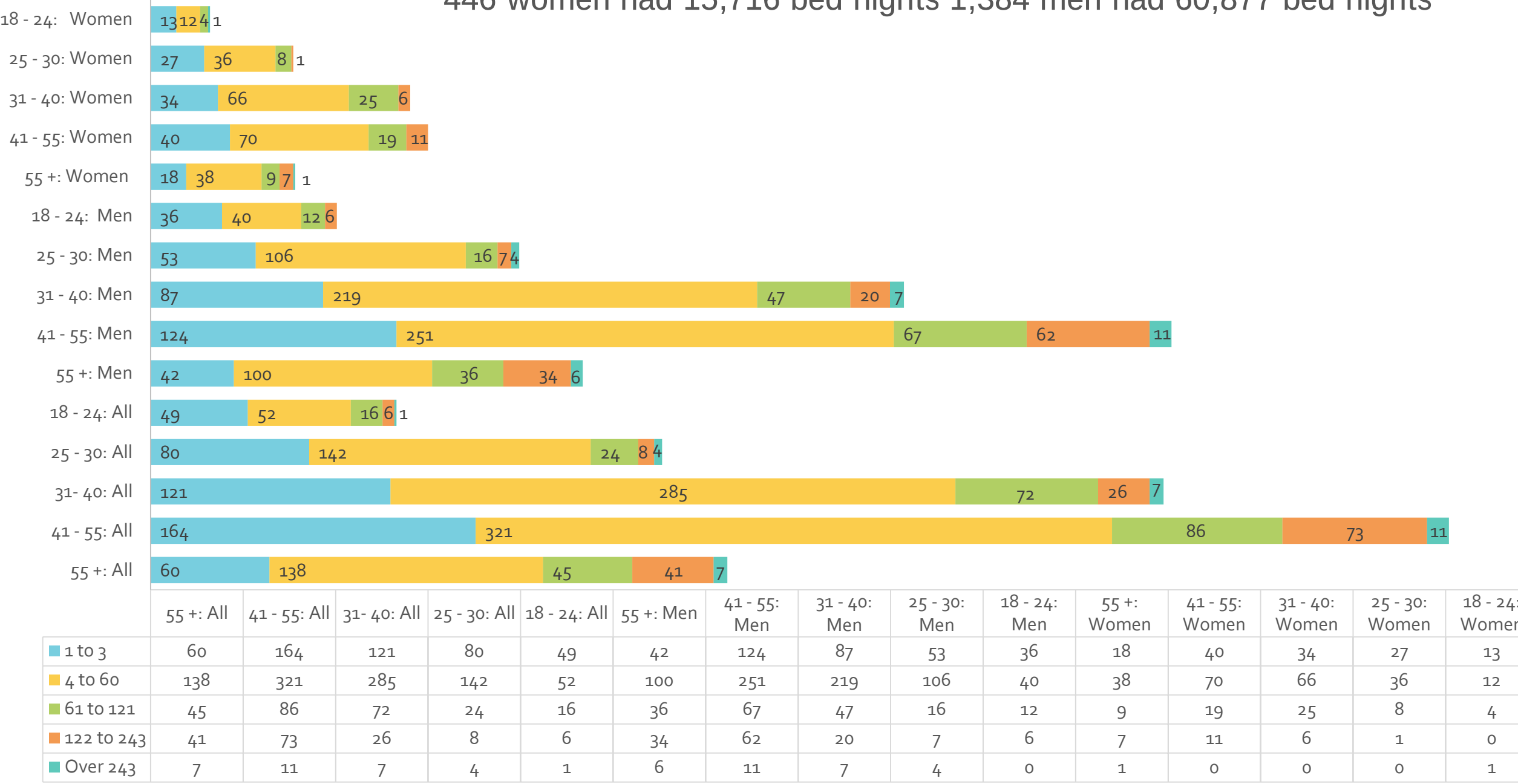
Stayed 61 to 121 nights

Stayed 122 to 243 nights

Stayed over 243 nights

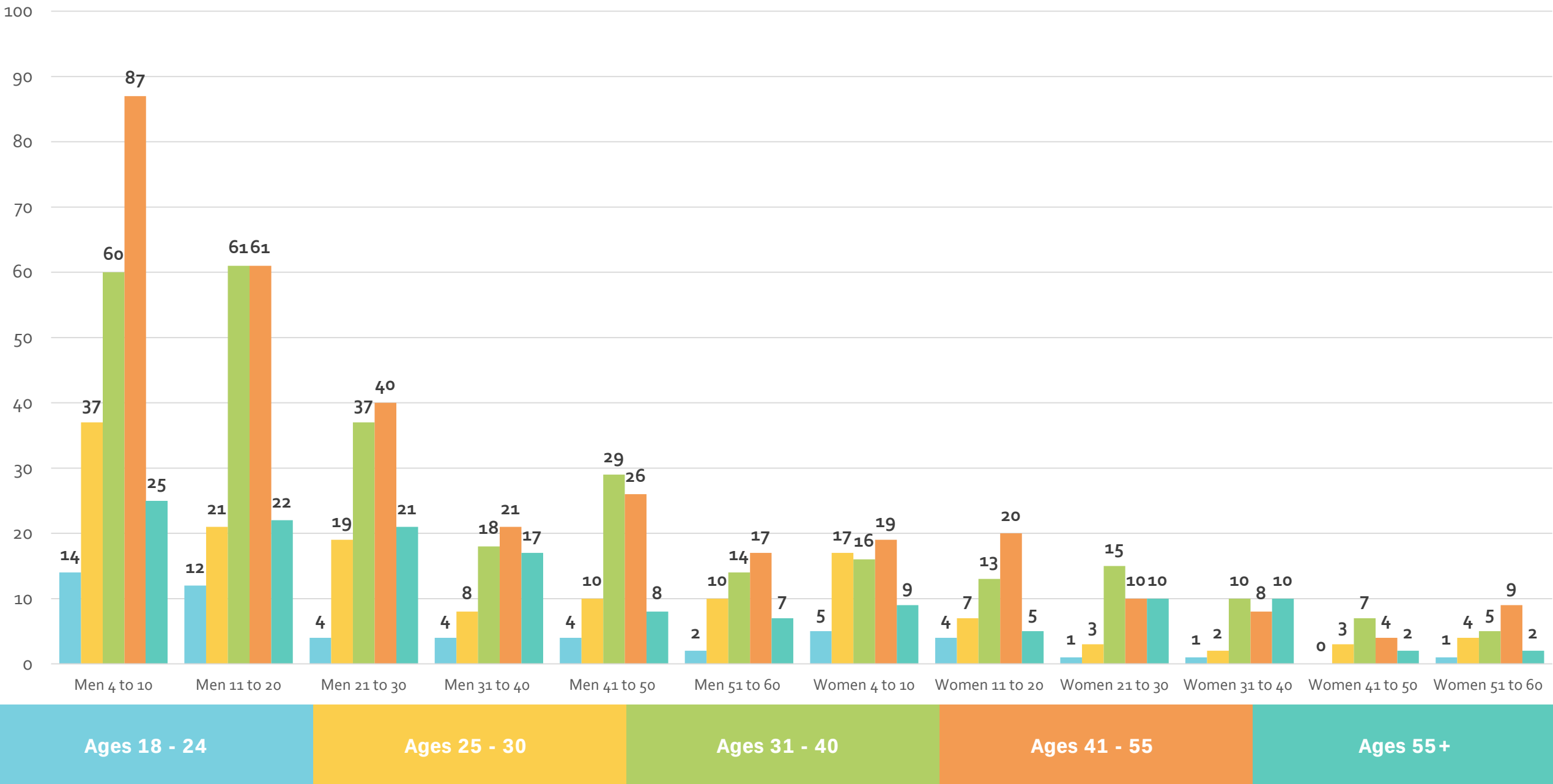
Length of Stay in 2018: 1,839 Unduplicated Individuals by Age and Gender

446 women had 15,716 bed nights 1,384 men had 60,877 bed nights



STAYED 4 – 60 DAYS AT OSS: 938 UNDUPLICATED INDIVIDUALS

716 MEN HAD 15,929 BED NIGHTS; 222 WOMEN HAD 5,103 BED NIGHTS

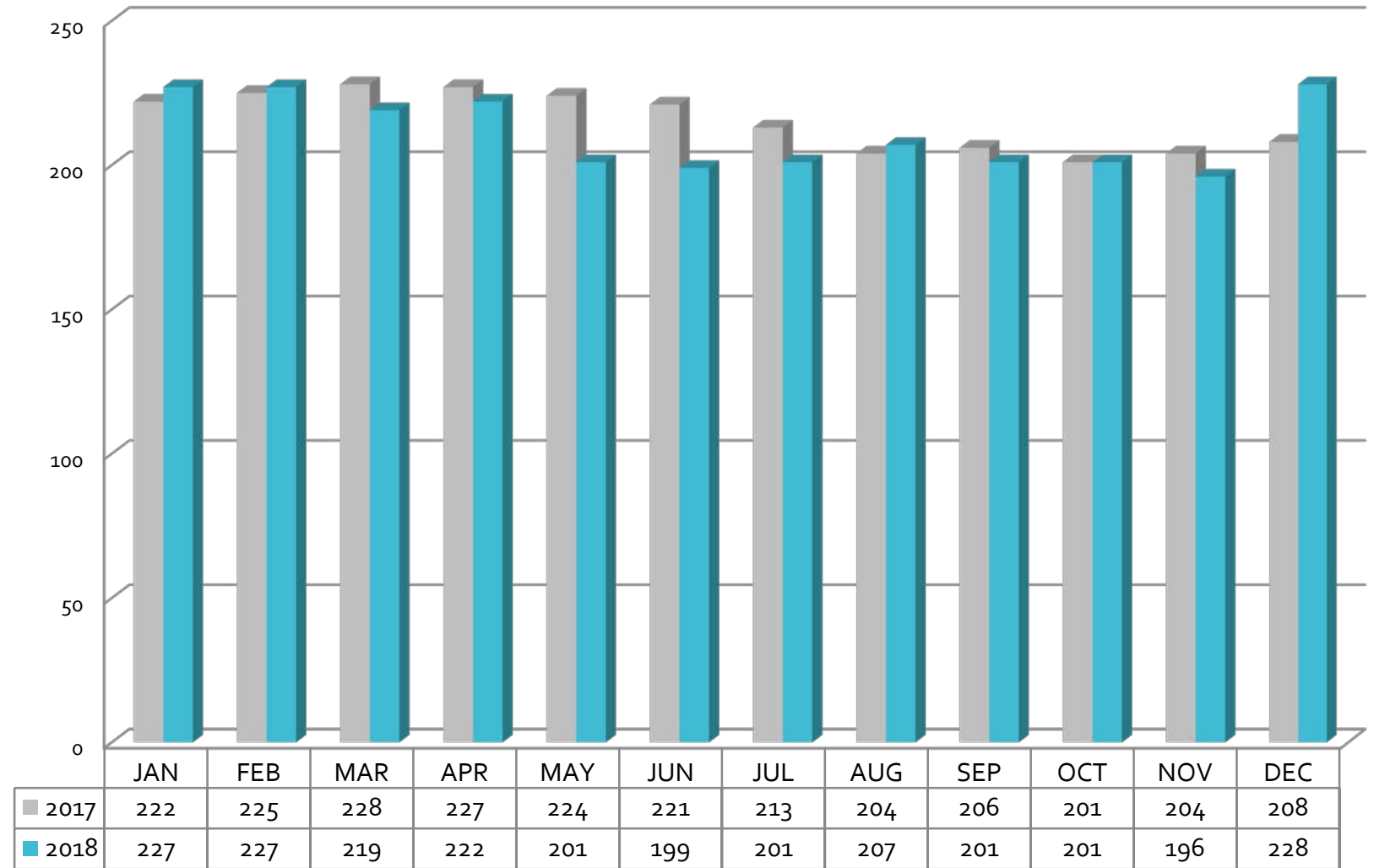


Oxford Street Shelter Bed Nights

2018

- On 1/28/2019 270 individuals slept at the shelter
- On Average, 211 people stayed at OSS per night
- An individual stayed an average of 42 nights
- The median length of stay was 17 days

Average Bed Night: average number of people at OSS on any given night in a month



Transient Drownings

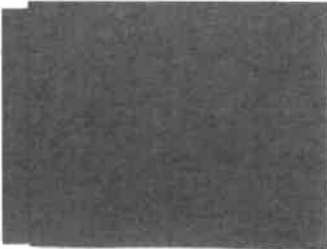
ID	YEAR	LOCATION	CITY	STATE	CASE
1	2016	9 Custom House Wharf	Portland	ME	116005134
2	2013	9 Custom House Wharf	Portland	ME	113004874
3	2010	14 Ocean Gateway Pier	Portland	ME	110006918
4	2010	9 Custom House Wharf	Portland	ME	110003126
5	2009	58 Fore St	Portland	ME	109009685
6	2005	Casco Bay Bridge	Portland	ME	105009759
7	2005	405 Chandler's Wharf	Portland	ME	105003488
8	2005	75 West Commercial St	Portland	ME	105003088

Transient Water Deaths Since 2005



17-0499.1 E

July 13, 2017



Subject: Environmental Soils Information
Proposed Commercial Buildings
636 Riverside Street
Portland, Maine

Dear 

This letter summarizes environmental soil conditions encountered during the June 26 and 27, 2017 geotechnical test boring and test pit explorations program by S. W. Cole Engineering, Inc. (S.W.COLE) at the subject project site.

Petroleum contamination was encountered at the depth range of approximately 2 to 3 feet in uncontrolled fills during the excavation of Test Pit TP-110. Refer to the S.W.COLE Preliminary Geotechnical Information letter dated July 13, 2017 for a plan showing the approximate location of TP-110, and for a log of this test pit.

Photoionization detector (PID) screening of a sample of the petroleum-contaminated soil indicated a concentration of 134 parts per million (ppm). The "Oil in Soil" shake test result for the same sample indicated a "Positive" result for fuel oil.

The lateral extent of the petroleum-contaminated soils was not determined during the geotechnical explorations program. Based on the "Positive" Oil in Soil shake test result, the Maine Department of Environmental Protection (MeDEP) may require remediation of the soils if they are to be excavated during the proposed site development.

The MeDEP issued a Voluntary Response Action Plan (VRAP) Certificate of Completion dated August 30, 2010 to the City of Portland after sand blast grit and soils with documented elevated levels of arsenic were successfully remediated at the site. S.W.COLE reviewed the reports for the environmental investigations completed at the site prior to the 2010 VRAP Certificate of Completion being issued, and did not find evidence that the investigations encountered petroleum-contaminated soils.

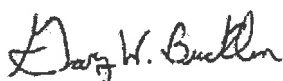
Construction of the proposed development will require an Environmental Media Management Plan (EMMP) that outlines a program for managing the petroleum contaminated soil in the area of TP-110, and for managing previously unidentified contamination that may be encountered in other areas during earthwork activities.

Coordinating and monitoring the management of contaminated soil, preparation of a remedial action completion report, and potentially other environmental services will be necessary in order to facilitate the MeDEP issuing an amended VRAP Certificate of Completion to the site owner and it's assigns after the completion of construction activities at the site.

Please contact us if you have questions regarding this correspondence.

Sincerely,

S. W. Cole Engineering, Inc.



Gary W. Bucklin, C.G.
Senior Geologist

GWB:tjb



www.swcole.com

17-0499 S

August 22, 2017

[REDACTED]

Subject: Preliminary Geotechnical Information – rev 1
Proposed Commercial Buildings
636 Riverside Street
Portland, Maine

Dear [REDACTED]

As requested, this letter summarizes preliminary geotechnical information relative to foundations, earthwork and pavement associated with the subject project. This letter is provided in advance of our geotechnical report and is subject to the limitations set forth therein. This letter supersedes its prior release, dated July 13, 2017.

S. W. Cole Engineering, Inc. (S.W.COLE) completed test boring and test pit explorations at the site on June 26 and 27, 2017. The attached plan shows the approximate locations of the explorations as well as existing and proposed site features. Logs of the explorations and a key to the notes and symbols used on the logs are also attached.

Based on the subsurface findings and our understanding of the proposed construction, we offer the following geotechnical considerations for the proposed development:

- **Foundations:** The site is principally underlain by uncontrolled fills overlying stable native deposits of glaciomarine clay, glacial outwash sands and glacial till. The uncontrolled fills range from 3 to 25 feet thick and are unsuitable for support of the proposed buildings. We recommend a combination of uncontrolled fill removal and replacement, as well as aggregate piers to improve ground conditions for conventional spread footing and on-grade floor slab support. The

286 Portland Road, Gray, ME 04039-9586 • P: (207) 657.2866 • F: (207) 657.2840 • E: info@swcole.com

Geotechnical Engineering

Construction Materials Testing and Special Inspections

GeoEnvironmental Services

attached plan summarizes the ground improvement method for each proposed building footprint. We estimate a premium cost of \$6 to \$9 per square foot of proposed building area to improve ground conditions for conventional spread footings and on-grade floor slabs.

- **Earthwork:** As discussed, we recommend raising finished floor elevations and site grades to preclude exporting environmentally impacted site soils. The site soils are sensitive to moisture and frost. We recommend site grading and foundation construction occur in drier, non-freezing weather of Spring, Summer and Fall. The uncontrolled fills and non-organic soils displaced by excavation may be reused as compacted Common Borrow in paved areas and beneath buildings improved with aggregate piers.
- **Pavements:** Pavement subgrades should be proof-rolled and densified with a 10 ton vibratory roller. Areas that become soft after proof-rolling, must be removed and replaced with compacted Granular Borrow prior to installing pavement subbase gravels. We recommend planning consider a 30 inch thick pavement section consisting of 4 inches of hot mix asphalt over 18 inches of compacted MaineDOT Type D Crushed Subbase Gravel over 8 inches of MaineDOT Granular Borrow for Underwater Backfill.

We trust this letter meets your current needs. We will prepare our geotechnical report upon your notice to proceed.

Sincerely,

S. W. Cole Engineering, Inc.



Timothy J. Boyce, P.E.
Senior Geotechnical Engineer

TJB:emw

Attachments: Exploration Location Plan
 Exploration Logs
 Key to Notes and Symbols used on Exploration Logs



Health & Human Services Department

Dawn Stiles, Director

Oxford Street Shelter

Robert Parritt, Director

Social Services Division

David MacLean, Director

Date: January 4, 2017

Emergency Shelter Best Practices

Single floor, open concept design style with clear lines of sight

A foyer/screening area to perform security searches and other assessments

A centralized shelter operations office with sight lines to the dorms

A large day room that can accommodate all shelter guests for day shelter and meals
Along with storage for portable tables and chairs

Food prep and service area

Suitable laundry facilities

Handicap accessible bathrooms in the day room and dormitories

Office space for Oxford Street housing staff as well as partner agencies on site for direct services

Two open concept dorms with raised beds, one male and one female
Raised beds must be at least 18 inches apart and walkways must be three feet wide

Enclosed park area behind the shelter

Outside storage building with lockers for guest bags

Facilities storage shed for maintenance tools and equipment

Parking for 20 vehicles

Security camera system

Accessible to public transportation

Programmatic Best Practices

New shelters should operate a low barrier program

Services should be housing driven using a housing first approach

All programs must meet MaineHousing/ESG criteria

New programs must work collaboratively with other shelter providers within the City using coordinated entry

Must be accessible to public transportation

New programs must be operated and staffed 24 hours a day and offer day shelter and food programs

New programs must report data to ESAC to gauge trends and progress

New programs must be active participants in the continuum of care

Fwd: Question re VRAP Certification

3 messages

Jon Jennings <jpj@portlandmaine.gov>

Mon, Apr 29, 2019 at 2:36 PM

To: Kristen Dow <kjd@portlandmaine.gov>, Adam Harr <ash@portlandmaine.gov>

Can you please include this email on the backup materials for the new shelter discussion? I will be sending you another email with attachments to do the same. Thanks.

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

From: **Kimberly M. Cook** <kcook@portlandmaine.gov>

Date: Mon, Apr 29, 2019 at 8:37 AM

Subject: Fwd: Question re VRAP Certification

To: Belinda Ray <bsr@portlandmaine.gov>, Brian Batson <bbatson@portlandmaine.gov>, Ethan Strimling <estrimling@portlandmaine.gov>, Jill Duson <jduson@portlandmaine.gov>, Jon Jennings <jpj@portlandmaine.gov>, Justin Costa <jcosta@portlandmaine.gov>, Nicholas Mavodones <nmm@portlandmaine.gov>, Pious Ali <pali@portlandmaine.gov>, Spencer Thibodeau <sthibodeau@portlandmaine.gov>

Good morning all,

Please see the correspondence below.

Jon - please pass this info along to staff and have it posted to the webpage.

Thanks
Kim

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

From: **Burns, Dave E** <Dave.E.Burns@maine.gov>

Date: Mon, Apr 29, 2019 at 8:13 AM

Subject: RE: Question re VRAP Certification

To: Kimberly M. Cook <kcook@portlandmaine.gov>, Madore, David <David.Madore@maine.gov>
CC: Hodgkins, Nick <Nick.Hodgkins@maine.gov>

Good morning Kim,

The VRAP program does not have a definition of "residential" that we can point you to. However, we would consider a homeless shelter residential and prohibited at this site, based on the certificate. You may be able to give us supporting documentation so that we may reconsider this prohibition and allow this use. If you'd like to pursue that course or explore that option further, please contact Nick Hodgkins, our VRAP coordinator, directly. I've copied him on this e-mail so that you have his information.

Please let me know if you have any further questions regarding this.

Thanks,

Dave

David Burns, P.E., Acting Director

Bureau of Remediation & Waste Management

(207) 287-7890 (desk) / (207) 592-9104 (cell)

www.maine.gov/dep

From: Kimberly M. Cook [mailto:kcook@portlandmaine.gov]
Sent: Saturday, April 27, 2019 6:42 PM
To: Burns, Dave E <Dave.E.Burns@maine.gov>; Madore, David <David.Madore@maine.gov>
Subject: Question re VRAP Certification

EXTERNAL: This email originated from outside of the State of Maine Mail System. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Dave and David,

I am contacting you wearing my hat as a Portland City Councilor. We are currently in the process of deciding on a site for a new homeless shelter and one of the locations is [636 Riverside Street](#) for which the City has received the attached VRAP certification.

A constituent of mine asked me whether this VRAP precludes a shelter (without further written permission from the DEP) as it serves as a temporary residence for those experiencing homelessness. We are contemplating up to a 150 bed shelter currently.

I would appreciate your determination of whether a shelter would be "residential" under Condition number 2 in this letter. Does the DEP have a definition of "residential" that I can point my constituent to?

Many thanks for your assistance in answering my questions.

Best,

Kim

Kim Cook

Portland City Council, District 5

Deering Ctr., Riverton, No. Deering

www.kimcook.org

207.874.8986

Notice: Under Maine law, documents - including e-mails - in the possession of public officials or city employees about government business may be classified as public records. There are very few exceptions. As a result, please be advised that what is written in an e-mail could be released to the public and/or the media if requested.

--

Kim Cook

Portland City Council, District 5
Deering Ctr., Riverton, No. Deering
www.kimcook.org
207.874.8986

--

Jon P. Jennings
City Manager
[City of Portland](#)
[389 Congress Street](#)
Portland, ME 04101
(207) 874-8689 Office
(207) 874-8669 Fax
jpj@portlandmaine.gov
www.portlandmaine.gov
Twitter: [@portlandmanager](#)

Micro-Timeline of Shelter Process

June 2016 – May 2019

Created by City Councilor Belinda Ray
for her website (belindaray.me)

Updated in May 2019

June 2016

HHS & PS Committee notes that while Oxford Street Shelter staff does tremendous work, they are limited by an inadequate facility that was never meant to be an emergency shelter.

October 2016

HHS & PS Committee members visit two 24-hour shelters in the Boston area to get a firsthand look at their practices and policies. (Father Bill's Place, Quincy; Caspar Emergency Services Center & Shelter on the MIT Campus)

April 2017

HHS & PS Committee votes to recommend expanded shelter zoning to the Council and sends the ordinance to the Planning Board for review.

January 2017

The HHS & PS Committee, newly chaired by Councilor Ray, sets "pursuing shelter improvements" as the Committee's number one goal for the year. The goal is two-pronged:

1. Expand shelter zoning in the city
2. Work with city staff & community on shelter improvements, including designing and planning for a new facility to replace the OSS

June 2017

The Council approves expanded shelter zoning in the city.

The Committee asks staff to collect information on the planning, design, and site selection process for a new facility to replace the OSS.

September 2017

The Committee hears about best practices from city staff and holds a public hearing on a draft design of a new shelter facility.

December 2017

The City Council has a workshop to discuss the proposed shelter model and directs staff to seek out potential sites and bring forth a recommendation.

October 2017

Based on Committee input and public comment, city staff presents an updated draft design, and the Committee holds a second public hearing to get more input on the design and process. The Committee requests a council workshop to ensure there is council support for the new facility before asking staff to seek a site.

June 2018

After considering multiple sites, the City announces 1145 Brighton Avenue, on the Barron Center Campus, as the recommended site for the new Homeless Services Center, and staff presents information regarding the site to the HHS & PS Committee.

July 2018

The Committee holds a public hearing on the proposed site.

July 10, 2018

The Committee holds a public hearing on the proposed site for the Homeless Services Center.

Chair Ray announces the committee won't vote on this recommendation until fall to allow time for a Community Information Forum on the HSC service model and homelessness in Portland.

September 8, 2018

City holds Community Forum about the HSC model, homelessness in Portland, and site selection. Breakout sessions include: 1) Safety & Security; 2) Regional Services; 3) The Future of Homeless Services; 4) Zoning, Land Use & Transportation; 5) Housing & Services; 6) Faces of Homelessness; and 7) Q&A with the City Manager.¹

November 13, 2018

The Committee reviews information on various shelter models, and, with the entire council in attendance, gives guidance to staff to pursue a single, city-run facility for up to 150 single adults to replace the Oxford Street Shelter. Staff is also directed to pursue partnerships with community agencies to help address the needs of specific populations experiencing homelessness.³

September 11, 2018

HHS & PS committee holds meeting to review questions about the Barron Center site, but instead pivots and asks staff to do a new, updated search for potential properties throughout the city while also once again looking at the concept of the city hosting multiple smaller shelters vs. one central intake facility (the HSC).²

January 22, 2019

Staff presents the committee with a new list of just under 700 parcels. The list combines earlier analysis with a property search undertaken by the Housing Committee and new considerations.

This list is reduced to 30 sites after screening out municipal buildings (City Hall, fire stations, schools), parks, cemeteries, land bank properties, island properties, watersheds, and highway ramps.

After removing parking garages, the police department, two piers, airport land, private sites not available for sale, and small sites located either within single family neighborhoods, on paper streets, or both, we are down to 14 sites.⁴

The committee reinstates one staff-removed site (650 Riverside St) and eliminates 3 sites:

- 1) The Barron Center Campus – Reason: site deemed appropriate for 81 bed acute care facility proposed by AVESTA Housing and currently in planning stages.
- 2) The former West School site – Reason: half of site is already part of the master plan for Dougherty Field and other half is under consideration for a public-private affordable housing project.
- 3) Land behind the Rosemont Fire Station – Reason: a recent study states the entire Rosemont Fire Station needs to be rebuilt; there is no certainty land will be available for the HSC.

February 26, 2019

The committee removes 9 sites from the list:

- 622 Auburn Street & Franklin Reserve – Reason: zoned R2 and R6, respectively; shelters are not allowed in these zones
- Thames St. Parking Lot – Reason - zoned B6 and EWPZ; shelter not allowed without a zone change; also, abuts waterfront with no obstructions, thus deemed unsafe
- 1819 Westbrook St – Reason: tough to build on this parcel due to wetlands and utility easements; also landlocked – no existing street access to parcel.
- 3 Hutchins Drive – Reason: landlocked parcel; no access from street without taking of private land
- 1386 Riverside & 750 Warren Ave – Reason: privately owned sites; too much uncertainty; no guarantee of availability or affordability
- 33 Portland St – Reason: zoned B2b; shelter not allowed without change)
- 83 Middle Street – Reason: lot too small and land constrained to create facility with amenities and services required by ordinance



March 26, 2019

With the list narrowed to 3 viable sites (County Way, 650 Riverside Street, Angelo's Acre), the committee holds a public hearing to help inform members as they prepare to make a recommendation to the council.

A committee vote is expected at an April meeting, date TBD.



April 23, 2019

After discussion and deliberation, the committee decides to forward two sites for consideration by the full council:

- Angelo's Acre
- 650 Riverside Street

While Councilor Ray expresses a preference for 650 Riverside St., Councilors Batson and Ali choose no frontrunner among the two sites at this time.



May 20, 2019

The Council schedules a public hearing on the choice of a shelter site. Due to lengthy deliberations around the FY 2020 budget, the public hearing isn't held until after 10pm. The Council decides to allow anyone who wishes to comment that evening to do so while also scheduling a second public hearing on this topic on June 3rd.

Anyone who did not comment on May 20th is welcome to comment at the June 3rd public hearing. Meanwhile, public comment can be submitted at any time via email, phone, or snail mail using the Council contact information on the city's website.

(<http://portlandmaine.gov/Directory.aspx?did=11>)

MAY 29 2019

To the Members of the City Counsel,

City Manager's Office

Thank you for taking the time to listen, I live in the Riverton neighborhood. Although I believe there are numerous reasons to reconsider the Riverside Street location for a 150-200 bed shelter, I'd like to take this opportunity to list the top 10:

1. **Pedestrian Safety**: Riverside is one of the busiest roads in the city. Traffic in that area is fast moving. There are limited sidewalks.
2. **Safety of Children**: This location is within .5 miles of Riverton Park, where some of our most vulnerable people live. There are numerous families working two jobs, struggling to make ends meet, who send their children to school and the community center who are walking unattended. It is a well known fact that people who live near the current shelter are exposed to "violent and alarming acts" (Portland Press Herald, 5/6/18). How will this affect our children. How will we keep them safe?
3. **Rapid river**: There is a fast moving river behind the site puts safety of residents at risk.
4. **Risk of residents wandering in neighborhood**: Shelters have rules. According to Mark Swan, director of the Oxford Street shelter, "When they are not followed, people are banned from the center, but that only forces them into the neighborhood" (PPH5/6/18). The Riverton community has a little league field, local breweries, an historical trolley park, a Portland trail that runs behind our neighborhood along the train track, several low income housing projects, single family homes, an elementary school, and a community center all within close proximity of the proposed shelter. I am concerned about the safety factor and how this will affect some of these businesses.
5. **Access to services**: At Maine.gov there are 24 pages of data from those who provide services to this population. The majority are opposed to this site simply because it will be more difficult to provide much needed services for residents. There is the added cost of providing transportation into the city to/from services but also the very real possibility that shelter residents will be riding the bus with our high school kids. Getting through Morrill's corner in an emergency will take added time putting residents at risk. There would be additional stressors on police, fire, and EMT staff, at a time when positions in these departments are being cut.
6. **Hiding the "problem" outside of the city**: Moving the shelter so far outside the city caters to those with more money—multimillion dollar condos for residents who live here for three months in the summer. Prioritizing their needs over the those of the people who have lived and worked here for years is wrong.
7. **The Site itself**: This site was being considered for a dump. It will need considerable work before anything can be built there costing millions of dollars. Is this the most effective use of our resources?
8. **Camping along the river**: in a 4/17/19 Bangor daily news article, the city raised concerns about the number of homeless people putting up tent cities along the river stating that "As these campsites continue to grow, they do turn violent. Substance abuse issues, mental health disorders, and there are some people down here with criminal intent. They prey on each other down here." Putting this mega shelter next to the river will undoubtedly lead to the same activity in our neighborhood.
9. **The path of least resistance**: How do Riverton park residents have a voice in this? Many do not speak or read English. Many cannot come to city counsel meetings. It seems like the counsel

considered this site because fewer people would resist. This could be perceived as taking advantage of the situation.

10. **Backed into corner:** The counsel seems to have backed itself into a corner by eliminating all but two sites. There is pressure to make a selection and move forward. I certainly understand that pressure. But making a decision without adequate consideration of the consequences—how best to serve the residents of the homeless shelter and the consequences of building a mega shelter (which we know would not only be too small based on what we've heard about current overflow) and would undoubtedly attract MORE homeless people to our city, which is already running low on resources, is not the answer.

I urge you to reconsider.

Laurie Mack
24 Hillcrest Circle
Portland

Shelter on Riverside Street

1 message

Coyne, John <John.Coyne@maine.gov>

Mon, Jun 3, 2019 at 3:42 PM

To: "cityclerk@portlandmaine.gov" <cityclerk@portlandmaine.gov>, "citymanager@portlandmaine.gov" <citymanager@portlandmaine.gov>

I am writing this email to you both today since I am not able to attend the City Council Meeting this evening.

I understand that there may not be a vote on this item since Councilor Thibodeau may not be in attendance and I appreciate that with all of the energy that has gone into this particular item.

Homelessness is a very personal experience that people have had to endure during their lifetimes. For some it may be a chronic lifestyle and others just went through a bad spell in their lives and unfortunately found themselves without the appropriate supports that are needed. I applaud the City of Portland for the work that they do , daily, with the homeless population. I wish I could say that it is Portland's Homeless, that we are helping however that is not true. Many of us know that the population that is at our shelters is broken into thirds. A third from here, a third with ties here and the other third from away. We treat the homeless so well that they are coming faster than we can handle.

More to my point of the letter today. I do not support the Riverside site for a variety of reasons, most of which you have heard from my great neighbors and friends that have frequented many meetings and many of your emailboxes and phone lines.

Their safety around this facility is questionable at best. Traffic flowing regularly during the day and this would cause many upgrades to streets and sidewalks that all taxpayers would want to see in their neighborhoods.

The trail system is very prosperous in its current state and I would wonder how people from Portland and away that use the trails and Presumpscot River for recreation are feeling with the thought that this new facility would abut their space.

I have heard about the transportation that would be provided to the consumers of the facility , but for only one year. If I was homeless and realized I could get a ride baack intown for the day and tehn back to the facility at night, why wouldn't you.

Lets take care of the home owners that have to consistently bear the burden of all the Social Services that the City of Portland is providing..

Lets talk about the deal with the property on County Way and that this particular property was taken off the list due to community distaste for the project. I don't think that you can use this as a rationale for removal when there hasn't been a single neighborhood willing to take this project on.

The Homeless Community, the ones that you are building a new facility for , are even against this move. They have the most risk in this new facility.

I know the process is long and others have suggested a new process and more inclusive. Maybe that is the best that can be done.

John Coyne

Regional Correctional Administrator

Region I Juvenile Field Services

[135 Presumpscot Street](#)

[Portland, ME 04103](#)

(207) 822-0091 Office

(207) 557-4051 Cell

John.Coyne@Maine.Gov

"Everyone you meet is fighting a battle that you know nothing about, Be Kind Always !!"

----- Forwarded message -----
From: **Jim Hall** <mtjimhall@gmail.com>
Date: Thu, Jun 6, 2019 at 10:09 PM
Subject: June 17th vote
To: Jim Hall <mtjimhall@gmail.com>

To Portland City Councilors,

I'm writing on two agenda items for the June 17th meeting, which have been delayed twice.

- Order 24718/19 Approving a Homeless Services Center at Angelo's Acre
- Order 24818/19 Approving a Homeless Services Center at 654 Riverside Street

*"It intended that the City Council as a whole would consider both and **determine which one is the best option** for the City."*

During public comment on these items held at your June 3rd meeting, I asked how the council will ensure that an overall decision is made in this case. The two items each separately require majority vote. Both include the above verbiage indicating the "intention" that *one* of these should be selected by the council – but there appears to be no actual mechanism preventing a "double-yes" or "double-no" result. No amendments have proposed additional considerations, so it appears the only two acceptable outcomes are for the group to select Angelo's Acre, or to select Riverside.

My personal opinion is that either location will be fine, warts and all. We need to start building in order for anyone to eventually experience the benefits of the improved model. Staff and the council will certainly have ample opportunity in subsequent steps to determine how any specifics of the chosen site may necessitate adjustments or extensions to various aspects of the overall service plan.

Once this decision is finally accomplished, I ask you to consider what types of interventions the city can make to improve the interim situation until the new model can be accomplished. With meth and fentanyl and generally unpredictable behavior all on the rise on the streets of Bayside, we need your most creative solutions *now* in order to ensure the safety of shelter clients and staff and neighbors this summer.

I would also ask you to consider how the city can compel (or cooperate with) the Preble Street Resource Center and Soup Kitchen to take responsibility for their own "blast radius", perhaps starting with some of the strategies the OSS has already successfully implemented. The city is allowing PSRC to maintain an ongoing public nuisance, and, to quote one councilor I recently corresponded with: *It's not ok!*

In closing – I thank you for your tireless work on these often controversial issues, and for your willingness to make hard, sometimes unpopular decisions that keep Portland the great city it is.

Sincerely,
Jim Hall
47 Cedar St
(207) 939-3741

Order 249-18/19

Motion to postpone: 8-0 (Thibodeau absent) on 6/3/2019

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

**CITY OF PORTLAND
IN THE CITY COUNCIL**

KIMBERLY COOK (5)
JILL C. DUSON (A/L)
PIOUS ALI (A/L)
NICHOLAS M. MAVODONES, JR (A/L)

**AMENDMENT TO PORTLAND CITY CODE CHAPTER 14
RE: DIVISION 18, WATERFRONT CENTRAL ZONE**

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

1. That Chapter 14, Division 18 is hereby amended to read as follows:

Sec. 14-305. Purpose.

The Waterfront Central Zone was created to protect and nurture water-dependent and marine-related support uses so that they may grow and prosper in an environment and area dedicated to this purpose. The following priority of uses is recognized:

- (a) The first priority of this zone is to protect and nurture existing and potential water-dependent uses in a setting that enforces their continued economic viability;
- (b) The second priority is to encourage other marine and marine-related support uses so long as they do not interfere with water-dependent uses, either directly by displacement or indirectly by placing incompatible demands on the zone's infrastructure;
- (c) Non-marine uses are encouraged provided that they do not interfere with and are not incompatible with first and second priority uses. Non-marine uses are beneficial to the waterfront economy because they provide the financial return to property owners necessary for the maintenance and improvement of the marine infrastructure.

Water-dependent and marine-related support uses by their nature have activities and operational needs that are unique to this area and are not shared by other

commercial and industrial uses in the city. These first and second priority uses and related activities may result in noise, odor, dust, hours of operation, parking and traffic patterns and traffic control needs that are necessary for the convenient and successful conduct of such uses. Other uses may not be compatible with these types of effects. Other specified uses are permitted in the waterfront central zone, provided that they do not significantly interfere with the activities and operation of water-dependent and marine-related support uses. Such uses must be, and are assumed to be, aware of the impacts associated with marine uses and therefore must accept and be tolerant of them. Other specified uses in the zone shall accommodate to those patterns and needs of the higher priority uses so long as those higher priority uses are not detrimental to public health and safety and the higher priority activities are conducted in accordance with sound practices or practices customary in the trade.

Commercial Street is recognized as an important economic center for the city and region. Marine compatible uses are encouraged to locate and grow along Commercial Street while higher priority marine uses are protected on the waterfront.

Sec. 14-306. Definitions.

For the purposes of the ~~W~~aterfront ~~C~~entral ~~Z~~one only the following terms shall have the following definitions:

Common circulation drives: private driveways, roadways and circulation areas accessible to all on-site tenants and/or occupants of a lot within the waterfront central zone providing access from/to the public street network.

Lot: any abutting property under common ownership.

~~Commercial Street Non-Marine Use O~~verlay ~~Z~~one (~~CSOZ NMUOZ~~): The ~~Commercial Street non-marine O~~verlay ~~Z~~one (~~CSOZ NMUOZ~~) is a portion of the ~~W~~aterfront ~~C~~entral ~~Z~~one, as described below, where new and existing development may be occupied with 100% non-marine use tenants listed under 14-307(b), subject to the standards and use limitations provided in section 14-311(b).

The geographic limits of the CSOZ ~~NMUOZ~~ are defined by parcels of land and piers within the Wwaterfront Central Zzone located on the landward side of a line established one hundred fifty (150) feet southerly of the southerly sideline of Commercial Street and modified as follows: the seaward limit of the CSOZ ~~NMUOZ~~ extends to a line 500 feet southerly of from the southerly sideline of Commercial Street in the area between the easterly sideline of Long Wharf to the westerly sideline of Union Wharf. Additionally, all areas subject to this provision are set back landward at least twenty-five (25) feet from the average high tide line of Portland Harbor and associated coastal wetlands. All offset distances are measured horizontally.

All applicants for development within the CSOZ ~~NMUOZ~~ are responsible for demonstrating their location within the CSOZ ~~NMUOZ~~ according to the findings of a site-specific land survey conducted by a professional land surveyor licensed by the State of Maine. The limits of the CSOZ ~~NMUOZ~~ shall be shown on all site plans and subdivision plats for proposed development within the CSOZ ~~NMUOZ~~. ~~A map showing the presumed boundaries of the NMUOZ is on file with the Department of Planning and Urban Development. Said map is for illustrative purposes only and shall not be relied upon in determining whether a proposed development is located within the NMUOZ.~~

On-Site shall mean that portion of any lot included within or directly impacted by a proposed development.

Sec. 14-307. Permitted uses.

Subject to a determination that the proposed use meets the standards of section 14-311, as applicable, the following uses are permitted in the Wwaterfront Central Zzone:

(a) Marine:

1. Marine products wholesaling, distribution and retailing;
2. Marine repair services and machine shops;
3. Tugboat, fireboat, pilot boat and similar services;
4. Harbor and marine supplies and services,

chandleries, and ship supply such as fueling and bunkering of vessels;

5. Marine industrial welding and fabricating;
6. Shipbuilding and facilities for construction, maintenance and repair of vessels;
7. Commercial marine transport and excursion services, including ferries, captained charter services, sport fishing and water taxis;
8. Cargo handling facilities, including docking, loading and related storage;
9. Boat repair yards;
10. Boat storage facilities, excluding rack storage facilities; (Boat rack storage facilities are included in conditional use, section 14-308(b)(3) below);
11. Seafood processing and retailing;
12. Seafood packing and packaging;
13. Seafood loading and seafood distribution;
14. Fabrication, storage and repair of fishing equipment;
15. Ice-making services;
16. Facilities for marine construction and salvage;
17. Facilities for marine pollution control, oil spill cleanup, and servicing of marine sanitation devices;
18. Fabrication of marine-related goods;
19. Fishing and commercial vessel berthing;
20. Non-commercial berthing of a maximum of fifty (50) linear feet per pier. A non-commercial berth may not displace a commercial berth.

Parking for any non-commercial berthing is subject to the provisions of section 14-311(d)8.

21. Marine office, including but not limited to offices of owners of wharves or their agents, and naval architects, and seafood brokers;
22. Public landings;
23. Marine research, education, and laboratory facilities;
24. Bait sales and processing;
25. Harbor security and emergency response services including but not limited to Harbor Master, Marine Patrol and Coast Guard.

26. Commercial parking for water-dependent uses.

- (b) Non-marine commercial and industrial uses: Non-marine uses permitted by this section are subject to the standards listed in section 14-311.

1. Professional, business, government, and general offices;
2. ~~Retail and service establishments, including craft and specialty shops. Convenience stores with gas pumps shall not be permitted under this section~~ Cabinet and carpentry shops, studios for artists and crafts people;
3. ~~Restaurants provided that full course meal food service and consumption shall be the primary function of the restaurant, and full course meal service shall be continued up until the hours of closing~~ Intermodal transportation facilities;
4. ~~Banking services without drive-up services~~ Cold storage facilities;
5. ~~Laundry and dry cleaning services~~ Commercial kitchens; and
6. ~~Cabinet and carpentry shops, studios for artists and crafts people;~~ Outside accessory activities.

~~7. Intermodal transportation facilities;~~

~~8. Cold storage facilities;~~

~~9. Museums and art galleries; and~~

~~10. Outside accessory activities.~~

(c) Public:

1. Landscaped pedestrian parks, plazas and other similar outdoor pedestrian spaces, including without limitation pedestrian and/or bicycle trails;

(d) Other:

1. Accessory uses:

- a. Interior accessory uses customarily incidental and subordinate to the location, function and operation of permitted uses. Food service establishments, newsstands and other similar retail and service support uses shall only be permitted as accessory uses if they are part of and located within the lot lines of a use set forth in section 14-307(a)(1), (a)(7), (a)(11), or (a)(22); that such uses do not exceed two-thousand (2,000) square feet in total floor area of the building, or twenty-five percent (25%) of the total floor area of the building, whichever is less, and that each individual accessory use does not exceed one-thousand (1,000) square feet in total floor area of the building; and further provided that such accessory uses provide goods or services that are supportive of the principal use and its clientele. Exterior accessory uses shall be otherwise subject to the provision of 14-311(a); and
- b. Interior meeting or classroom space accessory to uses permitted in section 14-307(a)(23) (marine research, education, and laboratory facilities) may be rented out for meeting use by marine-related or non-marine related groups

or organizations, or the general public, and such accessory uses shall not be subject to the limitations contained in paragraph b, but shall only be permitted as accessory uses if the total of all support uses, including interior meeting or classroom space, does not exceed three-thousand (3,000) square feet in total floor area per building, or fifteen percent (15%) of the total floor area per building, whichever is less.

2. ~~Street vendors licensed pursuant to Chapter 19.~~
3. Wind energy systems, as defined and allowed in Article X, Alternative Energy.

(e) Uses permitted only within the Commercial Street Overlay Zone. Uses permitted by this section are subject to the standards listed in section 14-311(b).

1. Retail and service establishments, including craft and specialty shops;
2. Restaurants provided that full course meal food service and consumption shall be the primary function of the restaurant, and full course meal service shall be continued up until the hours of closing;
3. Banking services without drive-up services;
4. Museums and art galleries;
5. Street vendors licensed pursuant to chapter 19.
6. Offices of health care practitioners or health care clinics.
7. Personal service establishments.

Sec. 14-308. Conditional use.

The uses listed herein shall be permitted as conditional uses in the waterfront central zone, provided that, notwithstanding section 14-471 and section 14-474(a), or any other provision of this code, the planning board shall be substituted for the board of appeals as the reviewing authority, and further provided that

in addition to the provisions of section 14-474(c)(2), they shall also meet the applicable ~~W~~aterfront ~~C~~entral ~~Z~~one development standards in section 14-311:

(a) Commercial marine conditional uses:

1. Fish by-products processing, provided that:

- a. Any fish by-products processing facility has a valid rendering facility license under chapter 12;
- b. Any existing fish by-products facility shall employ current and appropriate odor control technology (and any new fish by-product use shall employ current, available odor control technology) to eliminate or minimize detectable odors from such a process, and in no case shall odors exceed the odor limitation performance standards of the I-M zone; and
- c. The processing of other material wastes or by-products shall not be deemed a lawful accessory use under any other provision of this article.

2. Boat rack storage facilities, provided that:

- a. Parking shall be provided for one-hundred percent (100%) of the demand generated by the use (notwithstanding 14-311(d)7, performance standard for parking), and such parking shall be provided off-site, in another zone permitting such use.
- b. Boat rack structures shall not exceed ten thousand (10,000) square feet of building footprint.

~~(b) Residential: The primary owner of a marine business listed under section 14-307(a) located on the same site may occupy upper floor space with a residential use, provided the following conditions are met:~~

- ~~1. The applicant demonstrates a compelling business related need for living on-site that cannot~~

~~otherwise be accomplished;~~

- ~~2. The residential living space shall not exceed one thousand (1,000) square feet, inclusive of all exterior porches and decks;~~
- ~~3. The occupancy of said space shall be limited to the primary owner of the marine related business. The residential use is not transferable to friends, family or anyone other than the primary business owner. No such residential space shall be leased out by or allowed to be used for occupancy by other than the primary owner of the marine related business;~~
- ~~4. The residential use shall be limited to one unit per wharf;~~
- ~~5. The residential use shall be year round use only, and shall not be used on a seasonal basis; and~~
- ~~6. Upon the vacancy in excess of three (3) months of the residential living space by the primary owner of the marine related business, the residential use shall automatically terminate and shall not be continued without new conditional use approval under this subsection.~~

~~For purposes of this subsection, "primary owner of the marine related business" shall mean a person who legally owns fifty percent (50%) or more of the marine business listed under section 14-307(a), permitted marine uses.~~

Utility substations: Public utility substations, including but not limited to electrical transformers, sewage and stormwater pumps, and telecommunication switching stations, are permitted under the following conditions:

1. The facility is located more than one-hundred (100) feet from the water's edge;

2. The facility occupies no more than fifty (50) square feet of structure above ground;
3. The facility provides no dedicated on-site parking and all subsurface elements of the facility are installed and operated such that land occupied by the facility is otherwise usable and made available for marine uses, including but not limited to parking, travel ways, and/or storage; and
4. The facility shall be sized, sited and screened to minimize visual impact and prominence from public ways.

(c) Temporary wind anemometer towers, as defined in Sec 14-47, are permitted provided the following standards are met in addition to Sec 14-430:

1. Towers may be installed for the purpose of wind data collection for no more than two (2) years after the issuance of a Certificate of Occupancy for the tower. At the conclusion of the aforementioned two (2) years, the tower must be dismantled and removed from the site within sixty (60) days; and
2. Towers shall be constructed according to plans and specifications stamped by a licensed professional engineer, which shall be provided to the Board of Appeals with the application; and
3. Towers shall be set back from habitable buildings by a distance equal to 1.1 times the tower height; and
4. The applicant shall provide a safety report prepared and stamped by a licensed professional engineer to the Board of Appeals with their application for conditional use, which demonstrates how the proposed temporary wind anemometer tower is safe in terms of strength, stability, security, grounding, icing impacts and maintenance; and
5. The applicant shall provide evidence of commercial general liability insurance, such insurance to be satisfactory to Corporation Counsel and cover damage or injury resulting from construction, operation or dismantling of any part of the

temporary wind anemometer tower; and

6. Towers and associated guy wires shall be sited to minimize their prominence from and impacts on public ways (including pedestrian ways); and
7. Towers shall be used for installing anemometers and similar devices at a range of heights from the ground to measure wind characteristics (speed, direction, frequency) and related meteorological data, but shall not be used for any other purpose; and
8. A performance guarantee shall be required for the cost of removal of the tower, guy wires and anchors. This requirement may be satisfied by surety bond, letter of credit, escrow account or by evidence, acceptable to the City, or the financial and technical ability and commitment of the applicant or its agents to remove the facility at the end of the use period.

(d) Wind energy systems, as defined and allowed in Article X, Alternative Energy.

Section 14-309. Prohibited uses.

Uses which are not enumerated in either section 14-307 or 14-308 as permitted or conditional uses are prohibited. Uses enumerated in section 14-307(e) shall be considered prohibited uses outside of the CSOZ. Those uses that are prohibited shall include, without limitation:

- (a) Residential Uses Except as provided in section 14-308, residential uses (not in existence on May 5, 1987);
- (b) Hotels, motels, hostels, bed and breakfasts, inns, lodging houses, tourist homes, short-term rentals or boatels;
- (c) Auditoriums, civic centers, convention centers, or other meeting facilities not accessory to an otherwise permitted use;
- (d) Drinking establishments, private clubs, or non-profit social and recreational facilities;

- (e) Ground mounted telecommunication towers, antennas, and/or disks; and
- (f) Drive-up services for any use other than a permitted use listed under 14-307(a) or 14-308(a) (1).
- (g) Major and minor auto service stations.
- (h) Laundry and dry-cleaning services.
- (i) Convenience stores with gas pumps.
- (j) Commercial parking for non-marine uses.

Sec. 14-310. Dimensional requirements.

In addition to the provisions of division 25 of this article, lots in the Wwaterfront Central Zzone shall be subject to the following requirements:

- (a) Minimum lot size: None.
- (b) Minimum frontage along Commercial Street: Seventy-five (75) feet.
- (c) Minimum lot width within the CSOZ ~~NMUOZ~~: Fifty (50) feet measured parallel with Commercial Street and such lot width shall be continuous for the full depth of the lot located within the CSOZ ~~NUMOZ~~.
- (d) Minimum yard dimensions:
 - 1. Front setback: None.
 - 2. Side setback: None
 - 3. Rear setback: None.
 - 4. Setback from pier edge: Notwithstanding the above requirements, a minimum first-floor setback of ten five(~~105~~)feet from the edge of any pier, wharf or bulkhead shall be required for any structure, (exclusive of structurally necessary posts supporting upper floors, and deck mounted equipment for loading and unloading vessels). The edge of any pier, wharf or bulkhead shall include any attached

apron(s). Floats, rafts, and or barges not structurally integral to the pier, wharf or bulkhead may not be used to satisfy this requirement. Parking for non-marine uses shall not occupy the 10-foot setback.

- (e) Maximum lot coverage: One-hundred (100) percent.
- (f) Maximum building height: Fifty (50) feet. Except as provided in (h) below, a structure in the Wwaterfront Central Zone shall provide no more than three habitable floors; however, typical rooftop appurtenances and/or enclosed or open mechanical installations shall be allowed over the third floor.
- (g) Minimum ground floor clearance: Any new building proposed to be larger than three-hundred (300) square feet, and located more than 35 feet from the southerly sideline of Commercial Street, shall provide no less than fifteen (15) feet of first floor to ceiling vertical clearance to promote marine industrial use potential. New buildings less than three-hundred (300) square feet or additions to existing multistory buildings are exempt from this provision but shall provide the maximum ground floor clearance practicable.
- (h) New non-marine use building exception for usable floors and minimum ground floor clearance: Notwithstanding provisions (f) and (g) above, for new non-marine use buildings permitted within the CSOZ NMUOZ, four (4) usable floors are allowed and ground floor clearance minimums do not apply.

Sec. 14-311. Development standards.

- (a) Standards for non-marine uses located outside of the CSOZ NMUOZ: Non-marine uses listed above in Sec. 14-307(b) and 14-308(b) that are located outside of the CSOZ NMUOZ shall be subject to the performance standards listed in 14-311(d) as well as the following standards:
 - 1. 55% marine use required on ground floors: At least 55% of the ground floor of all of the buildings on the lot (defined in 14-306 above), when calculated using the aggregate of all the leaseable area of such ground floors, shall be occupied by marine uses, as listed under 14-307(a) or 14-308(a) (1).

2. 55% marine use required for all open areas: After subtracting areas used for common circulation drives (defined in 14-306 above), at least 55% of un-built area (meaning area not occupied by a building) on the lot, when calculated using the aggregate of all such un-built areas, shall be occupied by marine uses, as listed under 14-307(a) or 14-308 (a)1.
3. Ground floor vacancies and change of occupancy offered to water dependent/marine uses: Ground floor vacant space and areas proposed for a change of occupant outside of the CSOZ NMUOZ shall not be filled with any non-marine use without adequate opportunity for marine uses to occupy the space.
 - a. *Ground floor vacancy and change of occupant outside of the CSOZ NMUOZ advertised to marine users:* In any lot or portion of lot outside of the CSOZ NMUOZ, each time a ground floor occupant departs or gives notice to depart from the lot, the space, along with any associated parking spaces to be vacated, must be made available to new marine occupants.

Prior to renting to a non-marine user the property owner shall advertise for a new marine occupant for not less than a one hundred eighty(180~~60~~) day period in targeted media and by other means reasonably calculated to reach marine users (e.g. local marine trade publications, marine trade websites, waterfront bulletins .) Should one or more marine users apply, the property owner shall make the space available to a marine occupant, in accordance with terms and rates generally consistent with comparable space in the 55% marine use portion of the zone (outside of the CSOZ NMUOZ.) The property owner may stop advertising sooner than the end of the 180~~60~~ - day period if a lease is signed with a marine user. Should no marine user apply by the end of the 180~~60~~-day period, the owner may fill the space with a non-marine user provided that the new non-marine occupant will not cause the lot to exceed the non-marine use occupancy maximum

of 45% of the ground floor area or open area.

b. Uses inventoried: To demonstrate adherence to the 55% marine use requirement, the applicant shall submit to the planning authority, upon request, an inventory which lists each occupant (tenant or otherwise), as well as a map which depicts the location of each occupant. The map shall show all ground level space, including buildings, parking, open areas and submerged lands associated with the subject lot. For each occupant, the property owner must indicate the square footage of area occupied and whether the occupant is a marine use as defined herein. For vacant space, the last previous occupant shall be listed, along with the date of departure.

c. ~~Prior to changes of occupancy and/or as part of applications for new development Applicants for site plan review or a change of use permit~~ outside of the CSOZ NMUOZ, ~~the property owner or applicant~~ shall provide ~~the planning authority with~~ proof of compliance with the requirements of this section as a condition of approval.

d. ~~The city planning authority shall compile and report inventories of ground level uses, as reported under (b) above, into an annual report of ground level uses and investment in the Central Waterfront. The report shall include an aggregated assessment of ground floor marine and non-marine use occupancy and a catalogue of marine infrastructure investment for the reporting period. The report shall be submitted to the City Council as a communication not less than once every calendar year.~~

~~e.~~

4. Pier or bulkhead edge reserved for marine uses: Notwithstanding ~~anything contained in 14-311(c) Contract or conditional rezoning, or any other~~ any provision of this ordinance to the contrary, excepting only the portion of any pier which might be used for non-commercial berthing pursuant to 14-307(a)(20), all berthing and/or dockage space and associated floats plus the entire linear edge of

that portion of every pier or bulkhead which is adjacent to greater than zero feet of water depth at mean low water, to a minimum setback line of at least ~~tenfive~~ (10) feet from the edge of the pier, bulkhead, or engineered shoreline may only be used or occupied by one or more marine uses as defined in 14-307(a)) or 14-308(~~ab~~). Said edge shall be the seaward extent of any engineered shoreline or working deck of any pier or wharf.

- (b) ~~CSOZ NMUOZ~~ standards: Non-marine uses listed under 14-307(b), 14-307(e) and 14-308 located within the ~~CSOZ NMUOZ~~, as defined in 14-306, shall be subject to the performance standards listed in 14-311(d) as well as the following standards:

1. Vessel access: Non-marine uses allowed under this provision shall not disrupt or block access to vessel berthing and shall otherwise adhere to the performance standards of this zone described in Sec. 14-311(d).
2. *Maximum setback for new development on lots with seventy-five (75) or more feet of Commercial Street frontage:* Any new non-marine development constructed subject to this provision which is located on a lot with seventy-five (75) or more feet of frontage along the Commercial Street right of way shall be located with its front façade no further than thirty-five feet (35) from the southerly sideline of the Commercial Street right of way. Furthermore, any such development shall orient its front façade and its primary pedestrian entrance toward Commercial Street and no vehicular circulation or parking may occupy the land or pier area between the front façade of the building and Commercial Street.

Non-marine development subject to this provision on lots with fewer than seventy-five (75) feet of frontage along the Commercial Street right-of-way, changes of use within existing buildings, and/or building additions of less than 5,000 square feet of new development to existing buildings are exempt from the maximum setback provisions established herein.

3. *Investment in marine infrastructure:* All applicants for site plan review or a change of use permit for non-marine development in the CSOZ ~~NMUOZ~~ are required to invest in marine infrastructure as a condition of development, provided that the total project costs exceed \$250,000. The value of the investment shall be not less than five percent (5%) of total project costs over \$250,000 for constructing non-marine space and associated site improvements in the CSOZ ~~NMUOZ~~.

Required investment may occur by one or both the following methods:

- a. *Direct investment in marine infrastructure located on the same lot:* Investment shall be for the benefit of marine uses listed in 14-307(a) within the same lot as the proposed non-marine development. Investment may include dredging, pile replacement, new or replaced structural decking (but not pavement resurfacing), new or replaced fendering systems, new or replaced floats, pier expansions, permanent conversions of recreational berthing to commercial berthing, bulkhead or seawall repair or improvements, or any combination of similar improvements. Plans for the marine infrastructure investment shall be submitted to the planning authority with the application for site plan review or change of use permit and shall include details and a commitment as to how the marine infrastructure will be utilized by marine users. The marine infrastructure improvements shall be completed prior to the issuance of a certificate of occupancy for the non-marine development project.
- b. *Financial contribution:* If direct investment in marine infrastructure is not made, the developer shall make a financial contribution to the city's waterfront loan and investment fund.

(c) No Contract or Conditional Rezoning Permitted

1. Purpose: This section is intended to accomplish

goals from Portland's Plan 2030. Specifically, these changes will:

- a. Prioritize and promote Portland's unique mix of water-dependent, marine-related uses and compatible non-marine uses;
- b. Recognize and reinforce the respective roles of the Eastern, Central and Western Waterfronts; and
- c. Celebrate, promote and protect Portland's lobster and fishing industry as a foundation of the region's economy and a feature of civic pride.

2. In light of this purpose and the significance of the central waterfront to the City's future, no contract or conditional rezoning applications may be approved in the Waterfront Central Zone.

~~(b) Contract or conditional rezoning standards: Applications for proposals deviating from any dimensional requirements under section 14-310 and/or including uses not listed under sections 14-307 and 14-308 may only be considered if the reviewing body finds the applicant has met the performance standards listed under 14-311(d) and the following standards:~~

- ~~1. Conditional or contract rezoning located outside of the NMUOZ: The ground level floor area of any building, existing or proposed, on the subject lot and the un-built area of the subject lot and the un-built area of the subject lot shall be subject to and meet the requirements of section 14-311(a) of this code.~~
- ~~2. Conditional or contract rezoning located within the NMUOZ: Conditional or contract rezoning applications located within the NMUOZ are subject to the provisions of 14-311(b) (3) (Investment in marine infrastructure).~~
- ~~3. Residential dwellings are prohibited.~~

- ~~4. The development is consistent with the comprehensive plan and without the development the site could not otherwise support an economically viable water-dependent use.~~
- ~~5. Any physical or legal impediments which preclude or impede functional access from the site of the development to any portion of the water's edge are not the result of action taken by the current owner, the applicant for rezoning, or any prior owner after January 4, 1993.~~
- ~~6. The project's public benefits outweigh its potential negative impacts, taking into consideration as public benefits: protection of existing water-dependent uses, preservation of future water-dependent use development opportunities, contribution to the development of and/or on-going maintenance of the marine infrastructure for commercial vessels, and visual and physical access to the waterfront for the general public.~~
- ~~7. The development responds to any unique physical conditions and development opportunities along the shoreline in a manner that is consistent with section 14-305 (purpose).~~
- ~~8. The non-marine portion of the proposed development will not adversely affect the efficient operation of marine uses, such as producing less efficient traffic, parking or circulation patterns. Parking for the non-marine portion of the proposed development shall be subject to review under section 14-311(d) (8).~~
- ~~9. The rezoning contains adequate provisions and/or conditions to ensure that any associated water-dependent infrastructure remains occupied by any commercial marine use as listed in 14-307(a) and that said use is not abandoned after the project is developed.~~

(c) Performance standards: All uses in the waterfront central zone shall comply with the following standards. The Operations and Access Management Plan (standard 13) Standards 8, 10, 13, 14, 15, 16, and 17 below shall be

reviewed by the planning authority:

1. Outdoor storage of materials: Outdoor storage of commodities and materials accessory to normal conduct of business, except pilings and/or cranes, shall be permitted to a maximum height of forty-five (45) feet, and such materials shall be entirely contained, including runoff contaminants and residual material, within a designated area within the lot boundaries.
2. Noise: The level of sound, measured by a sound level meter with frequency weighting network (manufactured according to standards prescribed by the American National Standards Institute, Inc.), inherently and recurrently generated within the waterfront central zone shall not exceed seventy-five (75) decibels on the A scale at the boundaries of any lot, except for sound from construction activities, sound from traffic on public streets, sound from temporary activities such as festivals, and sound created as a result of, or relating to, an emergency, including sound from emergency warning signal devices. In measuring sound levels under this section, sounds with a continuous duration of less than sixty (60) seconds shall be measured by the maximum reading on a sound level meter set to the A weighted scale and the fast meter response (L maxfast). Sounds with a continuous duration of sixty (60) seconds or more shall be measured on the basis of the energy average sound level over a period of sixty (60) seconds (LEQ1).
3. Vibration: Vibration inherently and recurrently generated shall be imperceptible without instruments at lot boundaries. This shall not apply to vibration resulting from activities aboard a vessel or from railroad vehicle activities, or from activities on a pile supported pier.
4. ~~Federal and state environmental regulations: All uses shall comply with federal and state environmental statutes and regulations regarding emissions into the air, except where provisions of this Code are more stringent.~~ Discharges into harbor areas: No discharge into harbor water areas

shall be permitted, unless permitted by the Maine Department of Environmental Protection under a waste discharge license and as approved by the department of public works in accordance with chapter 24, article III of this code. All private sewage disposal or private wastewater treatment facilities shall comply with the provisions of chapter 24, article II of this code and federal and state environmental statutes and regulations regarding wastewater discharges.

5. ~~Discharges into harbor areas: No discharge into harbor water areas shall be permitted, unless permitted by the Maine Department of Environmental Protection under a waste discharge license and as approved by the department of public works in accordance with chapter 24, article III of this code. All private sewage disposal or private wastewater treatment facilities shall comply with the provisions of chapter 24, article II of this code and federal and state environmental statutes and regulations regarding wastewater discharges.~~ Storage of vehicles: Storage of any unregistered automotive vehicle on the premises for more than sixty (60) days shall not be permitted.
6. ~~Storage of vehicles: Storage of any unregistered automotive vehicle on the premises for more than sixty (60) days shall not be permitted.~~ Landfill of docking and berthing areas: Landfill of docking and berthing areas shall be governed by 38 M.R.S.A. sections 480-A through 480-HH, and permitted only if the landfill does not reduce the amount of linear berthing areas or space, or berthing capacity. If approved, construction shall be undertaken using methods approved by the department of public works and shall be accomplished in accordance with the provisions of division 25 of this article and in a manner so as to ensure that a stable and impermeable wall of acceptable materials will completely contain the fill material and will not permit any fill material to leach into docking areas or navigable waters.
7. ~~Landfill of docking and berthing areas: Landfill of docking and berthing areas shall be governed by 38 M.R.S.A. sections 480-A through 480-HH, and~~

~~permitted only if the landfill does not reduce the amount of linear berthing areas or space, or berthing capacity. If approved, construction shall be undertaken using methods approved by the department of public works and shall be accomplished in accordance with the provisions of division 25 of this article and in a manner so as to ensure that a stable and impermeable wall of acceptable materials will completely contain the fill material and will not permit any fill material to leach into docking areas or navigable waters. Off-street parking and loading: Division 20 (off-street parking) and division 21 (off-street loading) of this article shall not apply.~~

8. ~~Off-street parking and loading: Division 20 (off-street parking) and division 21 (off-street loading) of this article shall not apply. Lighting: All lighting on the site shall be shielded such that direct light sources shall not unreasonably interfere with vessels transiting the harbor nor have an unreasonable adverse impact on adjacent residential zones. Lighting: All lighting on the site shall be shielded such that direct light sources shall not unreasonably interfere with vessels transiting the harbor nor have an unreasonable adverse impact on adjacent residential zones~~

~~The planning authority shall review applications for non-marine use parking against the following standards:~~

- ~~a. Applicants for non-marine parking in the waterfront central zone shall submit a parking and traffic circulation plan showing the location of all existing and proposed structures, travel ways and parking on the subject lot.~~
- ~~b. Outside of the NMUOZ, non-marine use parking is subject to the limitations described in 14-311(a) ("55% rule").~~
- ~~c. Non-marine use parking shall only be located on a lot where, based on the parking and~~

~~traffic circulation plan and a parking analysis to be submitted for planning authority review, the marine use parking supply is reasonably sufficient to serve marine use space located on the subject lot.~~

~~d. Water-dependent use parking spaces shall be located as close as reasonably possible to associated vessels and/or ground floor lease areas.~~

9. ~~Shoreland and flood plain management regulations: Any lot or portion of a lot located in a shoreland zone as identified on the city shoreland zoning map or in a flood hazard zone shall be subject to the requirements of division 26 and/or division 26.5 of this article. Storage of pollutants and oily wastes: On-premises storage of pollutants and oily wastes shall not be permitted for more than forty-five (45) days.~~

10. ~~Lighting: All lighting on the site shall be shielded such that direct light sources shall not unreasonably interfere with vessels transiting the harbor nor have an unreasonable adverse impact on adjacent residential zones. Urban design: Construction of new structures located within thirty-five (35) feet of the southerly edge of Commercial Street between Maine Wharf and the easterly property line of the city fish pier shall conform to the guidelines set forth in the downtown urban design guidelines, unless such structures are also located within one-hundred (100) feet of the water. Such structures that are also located within one-hundred (100) feet of the water shall conform to the extent practicable to the downtown urban design guidelines.~~

11. ~~Signs: Signs shall be permitted as set forth in division 22 of this article. Pier and wharf expansions: In addition to meeting Harbor Commission and Coast Guard requirements for navigation, any expansion or extension of a pier and or wharf in the waterfront central zone shall demonstrate its compatibility with fixed route~~

ferry service and emergency vessel operations.

12. ~~Storage of pollutants and oily wastes: On-premises storage of pollutants and oily wastes shall not be permitted for more than forty-five (45) days.~~ Public view protection: Any new development in the waterfront central zone shall perform a public view impact analysis for review and approval by the planning board or planning authority as a condition of site plan approval. The analysis shall: (a) demonstrate the project's adherence to the Portland View Corridor Protection Plan (City of Portland Comprehensive Plan, 2002) to the extent practicable; and (b) promote the public's visual access to the water through sensitive building placement.

The planning board or planning authority shall find at a minimum that the proposed development (a) retains street corridor views as extended across Commercial Street from the Portland peninsula; (b) retains panoramic views of the water from Commercial Street to the extent practicable; and (c) where loss of existing public views to the water is shown to be necessary for the reasonable development of the site, the developer provides alternative public views to the water through newly established view corridors or publicly accessible pedestrian ways. Such pedestrian ways shall not interfere with existing or potential water-dependent uses, nor shall they endanger the public through uncontrolled proximity to industrial activity.

13. ~~Urban design: Construction of new structures located within thirty-five (35) feet of the southerly edge of Commercial Street between Maine Wharf and the easterly property line of the city fish pier shall conform to the guidelines set forth in the downtown urban design guidelines, unless such structures are also located within one-hundred (100) feet of the water. Such structures that are also located within one-hundred (100) feet of the water shall conform to the extent practicable to the downtown urban design guidelines.~~ Operations and Access Management Plan: Any new development, including changes of use or expansion of uses in the Waterfront Central Zone shall submit a scaled plan and accompanying narrative that demonstrates adequate waterfront access and logistical accommodation for water-dependent users. In accordance with Portland's

Plan 2030, the plan shall demonstrate consistency with the hierarchy of waterfront uses pyramid, as further detailed in Sec. 14-305 (Purpose), with non-marine and marine-related uses being subordinate in placement and disposition to water-dependent uses, and designed so as not to impede access to the pier edge and vessel berthing nor interfere with marine operations.

a. Submission Requirements. The plan shall, at a minimum, illustrate the following information:

- i. Location of all existing and proposed structures, rights-of-way, common circulation drives as defined in Sec. 14-306, access-ways, sidewalks, pier edges, floats and docks, showing the entire lot in the context of its respective pier.
- ii. Proposed off-street parking, labeled with associated uses.
- iii. Facilities for the loading and unloading of goods and materials.
- iv. Regularly occurring exterior activities including but not limited to the storage of material, equipment and vehicles, yard area, outdoor seating and on-site waste management.

b. Review Standards. In addition to the information above, the plan shall demonstrate compliance with the following standards:

- i. Off-street parking is subject to the limitations described in Sec. 14-311(a) ("55% Rule"). Off-street parking spaces intended for use by water-dependent uses shall be sited as close as reasonably possible to associated vessels and/or ground-floor lease area.
- ii. Proposals for new non-marine parking shall submit a parking analysis for all uses on the subject lot, justifying the number of non-marine spaces based upon the proposed use and demonstrating sufficient parking

supply for marine uses. If sufficient parking is not available to marine uses, off-street parking for non-marine uses shall not be permitted.

- iii. Off-street parking, loading facilities and access ways designated for water-dependent uses shall be exclusive to such uses, except that, if not being occupied by water-dependent tenants, such parking may be made available to non-marine uses between the hours of 5:00 p.m. and 2:00 a.m.
- iv. All properties providing commercial berthing shall demonstrate reasonable opportunities to load and unload vessels from the subject lot.
- v. Facilities for the loading and unloading of goods shall account for the frequency of use and vehicle type and, to the extent possible, minimize impacts to pedestrian and vehicle circulation patterns.
- vi. Provisions for the storage and movement of goods and materials shall be designed into all pier edge development. Circulation routes must be maintained or otherwise provided as an element of all development. The siting, design, and circulation of non-marine uses, particularly those allowed on first floors, shall accommodate reasonable access for pedestrians, vehicles, and freight transfer to and from berthed vessels.
- vii. Non-marine uses shall provide a dedicated pedestrian route between the proposed use and Commercial Street, and shall seek to minimize conflict with vehicle traffic.

~~14. Pier and wharf expansions: In addition to meeting Harbor Commission and Coast Guard requirements for navigation, any expansion or extension of a pier and or wharf in the~~

~~waterfront central zone shall demonstrate its compatibility with fixed route ferry service and emergency vessel operations.~~

~~15. Compatibility of non-marine uses with marine uses: Non-marine uses, structures and activities, including but not limited to access, circulation, parking, dumpsters, exterior storage and loading facilities or other structures shall neither interfere with the existence or operation of marine uses nor impede access to vessel berthing or other access to the water by existing or potential marine uses. Siting of a use not set forth in section 14-307(a) shall not substantially reduce or inhibit existing public access to marine or tidal waters.~~

~~16. Functional utility of piers and access to the water's edge: All new development, whether for marine or non-marine uses, should anticipate current and future functional and operational needs of water-dependent pier tenants to access the water's edge for the transfer of goods and materials between berthed vessels and land bound vehicles, and shall demonstrate adherence to the following provisions:~~

~~a. Provisions for the storage and movement of goods and materials must be designed into all waterside development and internal circulation routes must be maintained or otherwise provided as an element of any development. The siting, design, and circulation of non-marine uses, particularly those allowed on first floors, shall adjust if needed to accommodate reasonable access for pedestrians, vehicles, and freight transfer to and from berthed vessels.~~

~~b. Any development that proposes to site a building within ten (10) feet of a pier edge (thus precluding vehicle use of the pier edge) should provide openings and circulation through or around the building to allow the transfer of goods and materials to trucks and circulation routes within the interior of the pier.~~

- ~~e. With the exception of non-commercial berthing allowed under section 14-307(a)(20), there is to be no other non-commercial berthing.~~
- ~~d. Except for common circulation drives as defined in 14-306, access ways, parking and loading areas designated for marine uses shall be exclusively for marine uses and shall not be shared with non-marine uses.~~

~~17. Public view protection: Any new development in the waterfront central zone shall perform a public view impact analysis for review and approval by the planning board or planning authority as a condition of site plan approval. The analysis shall: (a) demonstrate the project's adherence to the Portland View Corridor Protection Plan (City of Portland Comprehensive Plan, 2002) to the extent practicable; and (b) promote the public's visual access to the water through sensitive building placement.~~

~~The planning board or planning authority shall find at a minimum that the proposed development (a) retains street corridor views as extended across Commercial Street from the Portland peninsula; (b) retains panoramic views of the water from Commercial Street to the extent practicable; and (c) where loss of existing public views to the water is shown to be necessary for the reasonable development of the site, the developer provides alternative public views to the water through newly established view corridors or publicly accessible pedestrian ways. Such pedestrian ways shall not interfere with existing or potential water-dependent uses, nor shall they endanger the public through uncontrolled proximity to industrial activity.~~

...

BE IT FURTHER ORDAINED, that this amendment is enacted as an Emergency, pursuant to Article II, Section 11 of the Portland City Charter, in order to make it effective

on June 15, 2019, upon the expiration of the
Moratorium ON Non-Marine Use Expansion in the
Waterfront Central Zone, approved as Order 119-18/19
on December 17, 2018.

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

**CITY OF PORTLAND
IN THE CITY COUNCIL**

KIMBERLY COOK (5)
JILL C. DUSON (A/L)
PIOUS ALI (A/L)
NICHOLAS M. MAVODONES, JR (A/L)

**AMENDMENT TO ORDER 249-18/19
RE: WATERFRONT CENTRAL ZONE
PREPARED BY CORPORATION COUNSEL FOR COUNCILOR BELINDA RAY**

Sec. 14-305. Purpose.

The Waterfront Central Zone was created to protect and nurture water-dependent and marine-related support uses so that they may grow and prosper in an environment and area dedicated to this purpose. The following priority of uses is recognized:

...

Sec. 14-306. Definitions.

For the purposes of the Waterfront Central Zone only the following terms shall have the following definitions:

Common circulation drives: private driveways, roadways and circulation areas accessible to all on-site tenants and/or occupants of a lot within the waterfront central zone providing access from/to the public street network.

Lot: any abutting property under common ownership.

Commercial Street Overlay Zone (CSOZ): The Commercial Street Overlay Zone (CSOZ) is a portion of the Waterfront Central Zone, as described below, where new and existing development may be occupied with 100% non-marine use tenants listed under 14-307(b), subject to the standards and use limitations provided in section 14-311(b).

The geographic limits of the CSOZ are defined by parcels of land and piers within the Waterfront Central Zone located on the landward side of a line established one hundred ~~twenty-five~~ fifty (125~~50~~) feet southerly of the southerly sideline of Commercial Street and modified as follows: the seaward limit of the CSOZ extends to a line three hundred (3~~500~~) feet southerly of ~~from~~ the southerly sideline of Commercial Street in the area

between the easterly and westerly sideline of Long Wharf ~~to the westerly sideline of Union Wharf~~. Additionally, all areas subject to this provision are set back landward at least twenty-five (25) feet from the average high tide line of Portland Harbor and associated coastal wetlands. Where the one hundred twenty-five (125) foot offset intersects with the footprint of a building existing as of May 2019 and such intersection leaves 75% or more of the building within the CSOZ, the entire building shall be considered included in the CSOZ. All offset distances are measured horizontally.

All applicants for development within the CSOZ are responsible for demonstrating their location within the CSOZ according to the findings of a site-specific land survey conducted by a professional land surveyor licensed by the State of Maine. The limits of the CSOZ shall be shown on all site plans and subdivision plats for proposed development within the CSOZ.

On-Site shall mean that portion of any lot included within or directly impacted by a proposed development.

Sec. 14-307. Permitted uses.

...

**AMENDMENT TO ORDER 249-18/19
FOR THE PLANNING BOARD
RE: WCZ LANGUAGE DISCREPANCY**

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

1. That Chapter 14, Division 18 is hereby amended to read as follows:

Sec. 14-305. Purpose.

The Waterfront Central Zone was created to protect and nurture water-dependent and marine-related support uses so that they may grow and prosper in the present and into the future in an environment and area dedicated to this purpose. The following priority of uses is recognized:

- (a) The first priority of this zone is to protect and nurture existing and potential water-dependent uses in a setting that enforces their continued economic viability;
- (b) The second priority is to encourage other marine and marine-related support uses so long as they do not interfere with water-dependent uses, either directly by displacement or indirectly by placing incompatible demands on the zone's infrastructure;
- (c) Non-marine uses are encouraged provided that they do not interfere with and are not incompatible with first and second priority uses. Non-marine uses are beneficial to the waterfront economy because they provide the financial return to property owners necessary for the maintenance and improvement of the marine infrastructure.

Water-dependent and marine-related support uses by their nature have activities and operational needs that are unique to this area and are not shared by other commercial and industrial uses in the city. These first and second priority uses and related activities may result in noise, odor, dust, hours of operation, parking and traffic patterns and traffic control needs that are

necessary for the convenient and successful conduct of such uses. Other uses may not be compatible with these types of effects. Other specified uses are permitted in the waterfront central zone, provided that they do not significantly interfere with the activities and operation of water-dependent and marine-related support uses. Such uses must be, and are assumed to be, aware of the impacts associated with marine uses and therefore must accept and be tolerant of them. Other specified uses in the zone shall accommodate to those patterns and needs of the higher priority uses so long as those higher priority uses are not detrimental to public health and safety and the higher priority activities are conducted in accordance with sound practices or practices customary in the trade.

Commercial Street is recognized as an important economic center for the city and region. Marine compatible uses are encouraged to locate and grow along Commercial Street while higher priority marine uses are protected on the waterfront.

Sec. 14-306. Definitions.

For the purposes of the Waterfront Central Zone only the following terms shall have the following definitions:

Common circulation drives: private driveways, roadways and circulation areas accessible to all on-site tenants and/or occupants of a lot within the waterfront central zone providing access from/to the public street network.

Lot: any abutting property under common ownership.

Commercial Street Overlay Zone (CSOZ): The Commercial Street Overlay Zone (CSOZ) is a portion of the Waterfront Central Zone, as described below, where new and existing development may be occupied with 100% non-marine use tenants listed under 14-307(b), subject to the standards and use limitations provided in section 14-311(b).

The geographic limits of the CSOZ are defined by parcels of land and piers within the Waterfront Central Zone located on the landward side of a line established one hundred fifty (150) feet

south of the southerly sideline of Commercial Street and modified as follows: the seaward limit of the CSOZ extends to a line 500 feet south of the southerly sideline of Commercial Street in the area between the easterly sideline of Long Wharf to the westerly sideline of Union Wharf. Additionally, all areas subject to this provision are set back landward at least twenty-five (25) feet from the average high tide line of Portland Harbor and associated coastal wetlands. All offset distances are measured horizontally.

All applicants for development within the CSOZ are responsible for demonstrating their location within the CSOZ according to the findings of a site-specific land survey conducted by a professional land surveyor licensed by the State of Maine. The limits of the CSOZ shall be shown on all site plans and subdivision plats for proposed development within the CSOZ.

On-Site shall mean that portion of any lot included within or directly impacted by a proposed development.

Sec. 14-307. Permitted uses.

Subject to a determination that the proposed use meets the standards of section 14-311, as applicable, the following uses listed under 14-307 (a), (b), (c) and (d) are permitted anywhere in the Waterfront Central Zone. Uses listed under 14-307(e) are only permitted in the CSOZ.

(a) Marine:

1. Marine products wholesaling distribution and retailing;
2. Marine repair services and machine shops;
3. Tugboat, fireboat, pilot boat and similar services;
4. Harbor and marine supplies and services, chandleries, and ship supply such as fueling and bunkering of vessels;
5. Marine industrial welding and fabricating;
6. Shipbuilding and facilities for construction, maintenance and repair of vessels;

7. Commercial marine transport and excursion services, including ferries, captained charter services, sport fishing and water taxis;
8. Cargo handling facilities, including docking, loading and related storage;
9. Boat repair yards;
10. Boat storage facilities, excluding rack storage facilities; (Boat rack storage facilities are included in conditional use, section 14-308(b)(3) below);
11. Seafood processing and retailing;
12. Seafood packing and packaging;
13. Seafood loading and seafood distribution;
14. Fabrication, storage and repair of fishing equipment;
15. Ice-making services;
16. Facilities for marine construction and salvage;
17. Facilities for marine pollution control, oil spill cleanup, and servicing of marine sanitation devices;
18. Fabrication of marine-related goods;
19. Fishing and commercial vessel berthing;
20. Non-commercial berthing of a maximum of fifty (50) linear feet per pier. A non-commercial berth may not displace a commercial berth.

Parking for any non-commercial berthing is subject to the provisions of section 14-311(d)8.

21. Marine office, including but not limited to offices of owners of wharves or their agents, and naval architects, and seafood brokers;
22. Public landings;

23. Marine research, education, and laboratory facilities;

24. Bait sales and processing;

25. Harbor security and emergency response services including but not limited to Harbor Master, Marine Patrol and Coast Guard.

26. Commercial parking for water-dependent use business owners and employees.

(b) Non-marine commercial and industrial uses: Non-marine uses permitted by this section are subject to the standards listed in section 14-311.

1. Professional, business, government, and general offices, except for offices for health care practitioners or health clinics which are only permitted in the CSOZ;

2. Cabinet and carpentry shops, studios for artists and crafts people;

3. Intermodal transportation facilities;

4. Cold storage facilities;

5. Commercial kitchens; and

6. Outside accessory activities.

(c) Public:

1. Landscaped pedestrian parks, plazas and other similar outdoor pedestrian spaces, including without limitation pedestrian and/or bicycle trails;

(d) Other:

1. Accessory uses:

a. Interior accessory uses customarily

incidental and subordinate to the location, function and operation of permitted uses. Food service establishments, newsstands and other similar retail and service support uses shall only be permitted as accessory uses if they are part of and located within the lot lines of a use set forth in section 14-307(a)(1), (a)(7), (a)(11), or (a)(22); that such uses do not exceed two-thousand (2,000) square feet in total floor area of the building, or twenty-five percent (25%) of the total floor area of the building, whichever is less, and that each individual accessory use does not exceed one-thousand (1,000) square feet in total floor area of the building; and further provided that such accessory uses provide goods or services that are supportive of the principal use and its clientele. Exterior accessory uses shall be otherwise subject to the provision of 14-311(a); and

- b. Interior meeting or classroom space accessory to uses permitted in section 14-307(a)(23) (marine research, education, and laboratory facilities) may be rented out for meeting use by marine-related or non-marine related groups or organizations, or the general public, and such accessory uses shall not be subject to the limitations contained in paragraph b, but shall only be permitted as accessory uses if the total of all support uses, including interior meeting or classroom space, does not exceed three-thousand (3,000) square feet in total floor area per building, or fifteen percent (15%) of the total floor area per building, whichever is less.

- 2. Wind energy systems, as defined and allowed in Article X, Alternative Energy.

- (e) Uses permitted only within the Commercial Street Overlay Zone. Uses permitted by this section are subject to the standards listed in section 14-311(b).

- 1. Retail and service establishments, including craft and specialty shops;

2. Restaurants provided that full course meal food service and consumption shall be the primary function of the restaurant, and full course meal service shall be continued up until the hours of closing;
3. Banking services without drive-up services;
4. Museums and art galleries;
5. Street vendors licensed pursuant to chapter 19.
6. Offices of health care practitioners or health care clinics.
7. Personal service establishments.

Sec. 14-308. Conditional use.

The uses listed herein shall be permitted as conditional uses in the waterfront central zone, provided that, notwithstanding section 14-471 and section 14-474(a), or any other provision of this code, the planning board shall be substituted for the board of appeals as the reviewing authority, and further provided that in addition to the provisions of section 14-474(c)(2), they shall also meet the applicable Waterfront Central Zone development standards in section 14-311:

(a) Commercial marine conditional uses:

1. Fish by-products processing, provided that:
 - a. Any fish by-products processing facility has a valid rendering facility license under chapter 12;
 - b. Any existing fish by-products facility shall employ current and appropriate odor control technology (and any new fish by-product use shall employ current, available odor control technology) to eliminate or minimize detectable odors from such a process, and in no case shall odors exceed the odor limitation performance standards of the I-M zone; and

- c. The processing of other material wastes or by-products shall not be deemed a lawful accessory use under any other provision of this article.
- 2. Boat rack storage facilities, provided that:
 - a. Parking shall be provided for one-hundred percent (100%) of the demand generated by the use (notwithstanding 14-311(d)7, performance standard for parking), and such parking shall be provided off-site, in another zone permitting such use.
 - b. Boat rack structures shall not exceed ten thousand (10,000) square feet of building footprint.
- (b) Utility substations: Public utility substations, including but not limited to electrical transformers, sewage and stormwater pumps, and telecommunication switching stations, are permitted under the following conditions:
 - 1. The facility is located more than one-hundred (100) feet from the water's edge;
 - 2. The facility occupies no more than fifty (50) square feet of structure above ground;
 - 3. The facility provides no dedicated on-site parking and all subsurface elements of the facility are installed and operated such that land occupied by the facility is otherwise usable and made available for marine uses, including but not limited to parking, travel ways, and/or storage; and
 - 4. The facility shall be sized, sited and screened to minimize visual impact and prominence from public ways.
- (c) Temporary wind anemometer towers, as defined in Sec 14-47, are permitted provided the following standards are met in addition to Sec 14-430:
 - 1. Towers may be installed for the purpose of wind

data collection for no more than two (2) years after the issuance of a Certificate of Occupancy for the tower. At the conclusion of the aforementioned two (2) years, the tower must be dismantled and removed from the site within sixty (60) days; and

2. Towers shall be constructed according to plans and specifications stamped by a licensed professional engineer, which shall be provided to the Board of Appeals with the application; and
3. Towers shall be set back from habitable buildings by a distance equal to 1.1 times the tower height; and
4. The applicant shall provide a safety report prepared and stamped by a licensed professional engineer to the Board of Appeals with their application for conditional use, which demonstrates how the proposed temporary wind anemometer tower is safe in terms of strength, stability, security, grounding, icing impacts and maintenance; and
5. The applicant shall provide evidence of commercial general liability insurance, such insurance to be satisfactory to Corporation Counsel and cover damage or injury resulting from construction, operation or dismantling of any part of the temporary wind anemometer tower; and
6. Towers and associated guy wires shall be sited to minimize their prominence from and impacts on public ways (including pedestrian ways); and
7. Towers shall be used for installing anemometers and similar devices at a range of heights from the ground to measure wind characteristics (speed, direction, frequency) and related meteorological data, but shall not be used for any other purpose; and
8. A performance guarantee shall be required for the cost of removal of the tower, guy wires and anchors. This requirement may be satisfied by surety bond, letter of credit, escrow account or by evidence, acceptable to the City, or the financial and technical ability and commitment of the applicant

or its agents to remove the facility at the end of the use period.

(d) Wind energy systems, as defined and allowed in Article X, Alternative Energy.

Section 14-309. Prohibited uses.

Uses which are not enumerated in either section 14-307 or 14-308 as permitted or conditional uses are prohibited. Uses enumerated in section 14-307(e) shall be considered prohibited uses outside of the CSOZ. Those uses that are prohibited shall include, without limitation:

- (a) Residential Uses
- (b) Hotels, motels, hostels, bed and breakfasts, inns, lodging houses, tourist homes, short-term rentals or boatels;
- (c) Auditoriums, civic centers, convention centers, or other meeting facilities not accessory to an otherwise permitted use;
- (d) Drinking establishments, private clubs, or non-profit social and recreational facilities;
- (e) Ground mounted telecommunication towers, antennas, and/or disks; and
- (f) Drive-up services for any use other than a permitted use listed under 14-307(a) or 14-308(a)(1).
- (g) Major and minor auto service stations.
- (h) Laundry and dry-cleaning services.
- (i) Convenience stores with gas pumps.
- (j) Commercial parking for non-marine uses.

Sec. 14-310. Dimensional requirements.

In addition to the provisions of division 25 of this article, lots in the Waterfront Central Zone shall be subject to the following requirements:

- (a) Minimum lot size: None.
- (b) Minimum frontage along Commercial Street: Seventy-five (75) feet.
- (c) Minimum lot width within the CSOZ: Fifty (50) feet measured parallel with Commercial Street and such lot width shall be continuous for the full depth of the lot located within the CSOZ.
- (d) Minimum yard dimensions:
 - 1. Front setback: None.
 - 2. Side setback: None
 - 3. Rear setback: None.
 - 4. Setback from pier edge: Notwithstanding the above requirements, a minimum first-floor setback of ten (10) feet from the edge of any pier, wharf or bulkhead shall be required for any structure, (exclusive of structurally necessary posts supporting upper floors, and deck mounted equipment for loading and unloading vessels. The edge of any pier, wharf or bulkhead shall include any attached apron(s). Floats, rafts, and or barges not structurally integral to the pier, wharf or bulkhead may not be used to satisfy this requirement. Parking for non-marine uses shall not occupy the 10-foot setback.
- (e) Maximum lot coverage: One-hundred (100) percent.
- (f) Maximum building height: Fifty (50) feet. Except as provided in (h) below, a structure in the Waterfront Central Zone shall provide no more than three habitable floors; however, typical rooftop appurtenances and/or enclosed or open mechanical installations shall be allowed over the third floor.
- (g) Minimum ground floor clearance: Any new building proposed to be larger than three-hundred (300) square feet, and located more than 35 feet from the southerly sideline of Commercial Street, shall provide no less than fifteen (15) feet of first floor to ceiling vertical clearance to promote marine industrial use potential.

New buildings less than three-hundred (300) square feet or additions to existing multistory buildings are exempt from this provision but shall provide the maximum ground floor clearance practicable.

- (h) New non-marine use building exception for usable floors and minimum ground floor clearance: Notwithstanding provisions (f) and (g) above, for new non-marine use buildings permitted within the CSOZ, four (4) usable floors are allowed and ground floor clearance minimums do not apply.

Sec. 14-311. Development standards.

- (a) Standards for non-marine uses located outside of the CSOZ: Non-marine uses listed above in Sec. 14-307(b) and 14-308(b) that are located outside of the CSOZ shall be subject to the performance standards listed in 14-311(d) as well as the following standards:
 - 1. 55% marine use required on ground floors: At least 55% of the leasable ground floor area of all ~~of the~~ buildings on a the lot (defined in 14-306 above), ~~when calculated using the aggregate of all the leaseable area of such ground floors~~, shall be occupied by marine uses, as listed under 14-307(a) or 14-308(a) (1).
 - 2. 55% marine use required for all open areas: After subtracting areas used for common circulation drives (defined in 14-306 above), at least 55% of un-built area (meaning area not occupied by a building) on the lot, when calculated using the aggregate of all such un-built areas, shall be occupied by marine uses, as listed under 14-307(a) or 14-308 (a)1.
 - 3. Ground floor vacancies and change of occupancy offered to water dependent/marine uses: Ground floor vacant space and areas proposed for a change of occupant outside of the CSOZ shall not be filled with any non-marine use without adequate opportunity for marine uses to occupy the space.
 - a. *Ground floor vacancy and change of occupant outside of the CSOZ advertised to marine users:* In any lot or portion of lot outside of the

CSOZ, each time a ground floor occupant departs or gives notice to depart from the lot, the space, along with any associated parking spaces to be vacated, must be made available to new marine occupants.

Prior to renting to a non-marine user the property owner shall advertise for a new marine occupant for not less than a one hundred eighty(180) day period in targeted media and by other means reasonably calculated to reach marine users (e.g. local marine trade publications, marine trade websites, waterfront bulletins .) Should one or more marine users apply, the property owner shall make the space available to a marine occupant, in accordance with terms and rates generally consistent with comparable space in the 55% marine use portion of the zone (outside of the CSOZ)The property owner may stop advertising sooner than the end of the 180 -day period if a lease is signed with a marine user. Should no marine user apply by the end of the 180-day period, the owner may fill the space with a non-marine user provided that the new non-marine occupant will not cause the lot to exceed the non-marine use occupancy maximum of 45% of the ground floor area or open area.

- b. Uses inventoried: To demonstrate adherence to the 55% marine use requirement, the applicant shall submit to the planning authority, upon request, an inventory which lists each occupant (tenant or otherwise), as well as a map which depicts the location of each occupant. The map shall show all ground level space, including buildings, parking, open areas and submerged lands associated with the subject lot. For each occupant, the property owner must indicate the square footage of area occupied and whether the occupant is a marine use as defined herein. For vacant space, the last previous occupant shall be listed, along with the date of departure.
- c. Prior to changes of occupancy and/or as part of applications for new development outside of

the CSOZ, the property owner or applicant shall provide of compliance with the requirements of this section as a condition of approval.

4. Pier or bulkhead edge reserved for marine uses: Notwithstanding any provision of this ordinance to the contrary, excepting only the portion of any pier which might be used for non-commercial berthing pursuant to 14-307(a)(20), all berthing and/or dockage space and associated floats plus the entire linear edge of that portion of every pier or bulkhead which is adjacent to greater than zero feet of water depth at mean low water, to a minimum setback line of at least ten (10) feet from the edge of the pier, bulkhead, or engineered shoreline may only be used or occupied by one or more marine uses as defined in 14-307(a) or 14-308(a). Said edge shall be the seaward extent of any engineered shoreline or working deck of any pier or wharf.
- (b) CSOZ standards: Non-marine uses listed under 14-307(b), 14-307(e) and 14-308 located within the CSOZ, as defined in 14-306, shall be subject to the performance standards listed in 14-311(d) as well as the following standards:
1. Vessel access: Non-marine uses allowed under this provision shall not disrupt or block access to vessel berthing and shall otherwise adhere to the performance standards of this zone described in Sec. 14-311(d).
 2. *Maximum setback for new development on lots with seventy-five (75) or more feet of Commercial Street frontage:* Any new non-marine development constructed subject to this provision which is located on a lot with seventy-five (75) or more feet of frontage along the Commercial Street right of way shall be located with its front façade no further than thirty-five feet (35) from the southerly sideline of the Commercial Street right of way. Furthermore, any such development shall orient its front façade and its primary pedestrian entrance toward Commercial Street and no vehicular circulation or parking may occupy the land or pier area between the front façade of the building and Commercial Street.

Non-marine development subject to this provision on lots with fewer than seventy-five (75) feet of frontage along the Commercial Street right-of-way, changes of use within existing buildings, and/or building additions of less than 5,000 square feet of new development to existing buildings are exempt from the maximum setback provisions established herein.

3. *Investment in marine infrastructure:* All applicants for site plan review or a change of use permit for non-marine development in the CSOZ are required to invest in marine infrastructure as a condition of development, provided that the total project costs exceed \$250,000. The value of the investment shall be not less than five percent (5%) of total project costs over \$250,000 for constructing non-marine space and associated site improvements in the CSOZ.

Required investment may occur by one or both the following methods:

- a. *Direct investment in marine infrastructure located on the same lot:* Investment shall be for the benefit of marine uses listed in 14-307(a) within the same lot as the proposed non-marine development. Investment may include dredging, pile replacement, new or replaced structural decking (but not pavement resurfacing), new or replaced fendering systems, new or replaced floats, pier expansions, permanent conversions of recreational berthing to commercial berthing, bulkhead or seawall repair or improvements, or any combination of similar improvements. Plans for the marine infrastructure investment shall be submitted to the planning authority with the application for site plan review or change of use permit and shall include details and a commitment as to how the marine infrastructure will be utilized by marine users. The marine infrastructure improvements shall be completed prior to the issuance of a certificate of occupancy for the non-marine development project.

- b. *Financial contribution: If direct investment in marine infrastructure is not made, the developer shall make a financial contribution to the city's waterfront loan and investment fund.*

(c) No Contract or Conditional Rezoning Permitted

- ~~1.~~ ~~Purpose:~~ This section is intended to accomplish goals from Portland's Plan 2030. Specifically, these changes will:

- ~~a.~~ Prioritize and promote Portland's unique mix of water-dependent, marine-related uses and compatible non-marine uses;

- ~~b.~~ Recognize and reinforce the respective roles of the Eastern, Central and Western Waterfronts; and

- ~~c.~~ Celebrate, promote and protect Portland's lobster and fishing industry as a foundation of the region's economy and a feature of civic pride.

- ~~2.~~ 1. In light of this purpose and the significance of the central waterfront to the City's future, no contract or conditional rezoning applications may be approved in the Waterfront Central Zone.

(d) Performance standards: All uses in the waterfront central zone shall comply with the following standards. The Operations and Access Management Plan (standard 13) shall be reviewed by the planning authority:

- 1. Outdoor storage of materials: Outdoor storage of commodities and materials accessory to normal conduct of business, except pilings and/or cranes, shall be permitted to a maximum height of forty-five (45) feet, and such materials shall be entirely contained, including runoff contaminants and residual material, within a designated area within the lot boundaries.

- 2. Noise: The level of sound, measured by a sound

level meter with frequency weighting network (manufactured according to standards prescribed by the American National Standards Institute, Inc.), inherently and recurrently generated within the waterfront central zone shall not exceed seventy-five (75) decibels on the A scale at the boundaries of any lot, except for sound from construction activities, sound from traffic on public streets, sound from temporary activities such as festivals, and sound created as a result of, or relating to, an emergency, including sound from emergency warning signal devices. In measuring sound levels under this section, sounds with a continuous duration of less than sixty (60) seconds shall be measured by the maximum reading on a sound level meter set to the A weighted scale and the fast meter response (L maxfast). Sounds with a continuous duration of sixty (60) seconds or more shall be measured on the basis of the energy average sound level over a period of sixty (60) seconds (LEQ1).

3. Vibration: Vibration inherently and recurrently generated shall be imperceptible without instruments at lot boundaries. This shall not apply to vibration resulting from activities aboard a vessel or from railroad vehicle activities, or from activities on a pile supported pier.
4. Discharges into harbor areas: No discharge into harbor water areas shall be permitted, unless permitted by the Maine Department of Environmental Protection under a waste discharge license and as approved by the department of public works in accordance with chapter 24, article III of this code. All private sewage disposal or private wastewater treatment facilities shall comply with the provisions of chapter 24, article II of this code and federal and state environmental statutes and regulations regarding wastewater discharges.
5. Storage of vehicles: Storage of any unregistered automotive vehicle on the premises for more than sixty (60) days shall not be permitted.
6. Landfill of docking and berthing areas: Landfill of docking and berthing areas shall be governed by 38

M.R.S.A. sections 480-A through 480-HH, and permitted only if the landfill does not reduce the amount of linear berthing areas or space, or berthing capacity. If approved, construction shall be undertaken using methods approved by the department of public works and shall be accomplished in accordance with the provisions of division 25 of this article and in a manner so as to ensure that a stable and impermeable wall of acceptable materials will completely contain the fill material and will not permit any fill material to leach into docking areas or navigable waters.

7. Off-street parking and loading: Division 20 (off-street parking) and division 21 (off-street loading) of this article shall not apply.
8. Lighting: All lighting on the site shall be shielded such that direct light sources shall not unreasonably interfere with vessels transiting the harbor nor have an unreasonable adverse impact on adjacent residential zones. Lighting: All lighting on the site shall be shielded such that direct light sources shall not unreasonably interfere with vessels transiting the harbor nor have an unreasonable adverse impact on adjacent residential zones
9. Storage of pollutants and oily wastes: On-premises storage of pollutants and oily wastes shall not be permitted for more than forty-five (45) days.
10. Urban design: Construction of new structures located within thirty-five (35) feet of the southerly edge of Commercial Street between Maine Wharf and the easterly property line of the city fish pier shall conform to the guidelines set forth in the downtown urban design guidelines, unless such structures are also located within one-hundred (100) feet of the water. Such structures that are also located within one-hundred (100) feet of the water shall conform to the extent practicable to the downtown urban design guidelines.
11. Pier and wharf expansions: In addition to

meeting Harbor Commission and Coast Guard requirements for navigation, any expansion or extension of a pier and or wharf in the waterfront central zone shall demonstrate its compatibility with fixed route ferry service and emergency vessel operations.

12. Public view protection: Any new development in the waterfront central zone shall perform a public view impact analysis for review and approval by the planning board or planning authority as a condition of site plan approval. The analysis shall: (a) demonstrate the project's adherence to the Portland View Corridor Protection Plan (City of Portland Comprehensive Plan, 2002) to the extent practicable; and (b) promote the public's visual access to the water through sensitive building placement.

The planning board or planning authority shall find at a minimum that the proposed development (a) retains street corridor views as extended across Commercial Street from the Portland peninsula; (b) retains panoramic views of the water from Commercial Street to the extent practicable; and (c) where loss of existing public views to the water is shown to be necessary for the reasonable development of the site, the developer provides alternative public views to the water through newly established view corridors or publicly accessible pedestrian ways. Such pedestrian ways shall not interfere with existing or potential water-dependent uses, nor shall they endanger the public through uncontrolled proximity to industrial activity.

13. Operations and Access Management Plan: Any new development, including changes of use or expansion of uses in the Waterfront Central Zone shall submit a scaled plan and accompanying narrative that demonstrates ~~adequate~~ waterfront access and ~~functional logistical~~ accommodation for water-dependent uses. In accordance with Portland's Plan 2030, the plan shall demonstrate consistency with the hierarchy of waterfront uses ~~pyramid~~, as further detailed in Sec. 14-305 (Purpose), with

non-marine and marine-related uses being subordinate in placement and disposition to water-dependent uses, and designed so as not to impede access to the pier edge and vessel berthing nor interfere with marine operations.

a. Submission Requirements. The plan shall, at a minimum, illustrate the following information:

- i. Location of all existing and proposed structures, rights-of-way, common circulation drives as defined in Sec. 14-306, access-ways, sidewalks, pier edges, floats and docks, showing the entire lot in the context of its respective pier.
- ii. Existing and Proposed off-street parking, labeled with associated uses.
- iii. Facilities for the loading and unloading of goods and materials.
- iv. Regularly occurring exterior activities including but not limited to the storage of material, equipment and vehicles, yard area, outdoor seating and on-site waste management.
- v. Signage showing parking use, wayfinding, and posted operational restrictions.
- vi. Plan narrative detailing how the standards listed below are achieved, tenant/landlord communication protocols, private enforcement actions to be employed to ensure plan compliance, and the responsible parties representing the property owner.

b. Review Standards. In addition to the information above, the plan shall demonstrate compliance with the following standards:

- i. Off-street parking is subject to the limitations described in Sec. 14-311(a) ("55% Rule"). Off-street parking

spaces intended for use by water-dependent uses shall be sited as close as reasonably possible to associated vessels and/or ground-floor lease area.

- ii. Proposals for new non-marine parking, accessory to an otherwise permitted use in the WCZ, shall submit a parking analysis for all uses on the subject lot, justifying the number of non-marine spaces based upon the proposed use and demonstrating sufficient parking supply for marine uses. If sufficient parking is not available to marine uses, off-street parking for non-marine uses shall not be permitted.
- iii. Off-street parking, loading facilities and access ways designated for water-dependent uses shall be exclusive to such uses, except that, if not being occupied by water-dependent tenants, such parking may be made available to non-marine uses between the hours of 5:00 p.m. and 2:00 a.m. Any such shared parking arrangements shall be documented in the Operations and Access Management narrative described above, and clearly signed on-site.
- iv. All properties providing commercial berthing shall demonstrate reasonable opportunities to load and unload vessels from the subject lot.
- v. Facilities for the loading and unloading of goods shall account for the frequency of use and vehicle type and, to the extent possible, minimize impacts to pedestrian and vehicle circulation patterns.
- vi. Provisions for the storage and movement of goods and materials shall be designed into all pier edge development. Circulation routes must be maintained or otherwise provided as an element of all development. The siting, design, and circulation of non-marine uses, particularly those

allowed on first floors, shall accommodate reasonable access for pedestrians, vehicles, and freight transfer to and from berthed vessels.

- vii. Non-marine uses shall provide a dedicated pedestrian route between the proposed use and Commercial Street, and shall seek to minimize conflict with vehicle traffic.

...

BE IT FURTHER ORDAINED, that this amendment is enacted as an Emergency, pursuant to Article II, Section 11 of the Portland City Charter, ~~in order to make it and shall become effective immediately. Moreover, notwithstanding 1 M.R.S. § 302, this amendment shall be applicable to all proceedings, applications, and petitions pending after June 14, 2019. effective on June 15, 2019, upon the expiration of the Moratorium ON Non-Marine Use Expansion in the Waterfront Central Zone, approved as Order 119-18/19 on December 17, 2018.~~



CITY OF PORTLAND
Planning & Urban Development
Jeff Levine, AICP, Director

To: Portland City Council

From: Matthew Grooms, AICP, Planner

Date: June 10, 2019

RE: WCZ Zoning Amendments Discrepancy

On Wednesday, June 5th, City staff were notified that Council Order 249-18/19, regarding text amendments to the Waterfront Central Zone (WCZ), sponsored by the Planning Board and formally recommended at their May 14th Public Hearing, did not include all of the draft language as reviewed and recommended by the Planning Board. It was discovered that an earlier draft version of the text had accidentally been incorporated into the Order in its place. In order to reconcile these differences, an amendment to Order 249-18/19 has been drafted, which if adopted, would restore the version previously before the Council to reflect the Planning Board's recommendation. The correct language, as reflected in the proposed amendment, was presented to the full City Council at a workshop on May 13th.

An overview of the discrepancies between the two versions is provided below, with statements shown highlighting language that was omitted from the recommended text:

I. Purpose (14-305)

- o "In the present and into the future" not included in purpose statement.

II. Permitted Uses (14-307)

- o Missing clarification that overlay zone permitted uses allowed only within overlay.
- o Language missing requiring that commercial marine parking be limited to business owners and employees.
- o Clarification that offices for health care practitioners or health clinics are only permitted within CSOZ.

III. Standards for Non-Marine Uses Outside Commercial St. Overlay (14-311(a))



CITY OF PORTLAND

Planning & Urban Development

Jeff Levine, AICP, Director

- o Regarding 55/45% split, 'leasable' area is now used as the basis for calculating ground-floor space.

IV. Contract and Conditional Rezoning (14-311(c))

- o Numbering hierarchy slightly revised between versions.

V. *Performance Standards (14-311(d))*

- o Words, "pyramid", "logistical" and "adequate", are still included in Operations and Access Management Plan (OAMP) introduction, which should be deleted.
- o OAMP submission requirements were missing, including those related to parking identification and signage and landlord/tenant communication protocols. These are being reintroduced.
- o OAMP review standards omitted regarding provision of non-marine parking and shared parking arrangements. These are being reintroduced.

In addition to the above amendments aimed at correcting our scrivener's error, Corporation Counsel's office has proposed minor changes to the language regarding effective/applicability dates in order to accomplish the Council's stated desire to have this amendment apply as of the date the moratorium expires.

PLANNING BOARD REPORT TO CITY COUNCIL PORTLAND, MAINE



Division 18 Waterfront Central Zone Text Amendments
City of Portland, Applicant

Submitted to: Portland Council from
the Planning Board
Public Hearing Date: June 3, 2019

Prepared by: Matthew Grooms, Planner
Date: May 29, 2019

I. INTRODUCTION

The Planning Board voted 4-2 (Dundon and Stanley opposed, Dunfey absent) to recommend to City Council the adoption of amendments, prepared by City staff, to the Waterfront Central Zone (WCZ), excluding proposed reductions to the Non-Marine Use Overlay Zone. Board members voting opposed, supported adoption of the entire suite of amendments, including reductions to the overlay zone. The Board held two separate workshops and one public hearing to deliberate on and vet these text amendments. The draft zoning now before the Council is the product of an intensive five-month stakeholder engagement process, further detailed below.



Figure 1: WCZ Zone Boundaries in Context

In December, 2018, the Portland City Council enacted a six-month moratorium on non-marine development within the Waterfront Central Zone (WCZ). The impetus for this moratorium was a proposed referendum on non-marine development within the zone, that if passed, would result in a five-year pause on such development. Since the moratorium went into effect, the City has engaged with stakeholders to better understand and address perceived issues. This process is being undertaken through a series of meetings (11 since January 3, 2019¹) between City officials, representatives of Portland's working waterfront, and members of the public, who compose the Waterfront Working Group (WWG), (see the link for more information <https://www.portlandmaine.gov/2411/Waterfront-Working-Group>).

The proposed amendments are based upon feedback from this group, and translate as general recommendations from the WWG. Where complete consensus was not possible, amendments were based upon the group's majority position (discussed in greater detail under Section IV of this memo) and Planning staff's synthesis of the input received into zoning text. The goal of this process has been to identify and facilitate the appropriate balance

between marine and non-marine uses, accounting for their respective operational needs so that they may successfully coexist and contribute to Portland's working waterfront.

II. PLANNING BOARD RECOMMENDATION AND DISCUSSION

A. Recommendation

On May 14, 2019, the Planning Board voted 4-2 (Dundon and Stanley opposed, Dunfey absent) to find the proposed text amendments, excluding proposed reductions to the extent of the Non-Marine Use Overlay Zone, consistent with the Comprehensive Plan and to recommend ordinance amendments with revisions by the Planning Board to the full City Council for adoption. Board members voting opposed, supported adoption of the entire suite of amendments, including reduction of the overlay zone.

B. Board Discussion

The Planning Board generally supported the text put forward by staff and in particular the proposed Operations and Access Management Plan, and commended the City on its open and equitable process with the Waterfront Working Group. The Board was unable however to unanimously recommend adoption of all elements of the zoning, namely, proposed reductions to the Overlay Zone. Those members of the Board who opposed the reduction were concerned that the changes appeared arbitrary, and that they would undermine the ability of property owners to fund necessary marine infrastructure and regular pier maintenance. Property owners are supported by provisions of the overlay zone that require investment by non-marine uses, which may decline as a result of the overlay zone's reduction.

At the hearing, considerable public testimony was provided both in favor of and against the proposed amendments. Those in favor cited a need to protect the City's working waterfront and observations that Portland's wharves are no longer as conducive to marine operations as a result of traffic and/or other impacts generated by non-marine uses. Some who spoke, identified that there were perceived issues with the analysis provided by the pier owners regarding financial impacts of the zone change, referencing the memorandum provided by staff.

Those who were opposed generally found fault with reduction of the overlay zone, citing a lack of data to support that particular amendment or the stance that non-marine uses were responsible for displacement of marine uses. While concerns related to traffic were a universal concern, many who were opposed to the reduction of the overlay zone felt that traffic would remain an issue regardless of zoning changes.

For the reference of the Council, the portion of the amendment, which would reduce the extent of the overlay zone from 150 feet (up to 500 feet in some locations) to 125 feet (up to 300 feet in some locations), is as follows:

"The geographic limits of the CSOZ are defined by parcels of land and piers within the Waterfront Central Zone located on the landward side of a line established one hundred ~~twenty-five~~ ~~fifty~~ (12550) feet southerly of the southerly sideline of Commercial Street and modified as follows: the seaward limit of the CSOZ extends to a line ~~three hundred~~ (3500) feet southerly ~~of from~~ the southerly sideline of Commercial Street in the area between the easterly ~~and westerly~~ sideline of Long Wharf ~~to the westerly sideline of Union Wharf~~. Additionally, all areas subject to this provision are set back landward at least twenty-five (25) feet from the average high tide line of Portland Harbor and associated coastal wetlands. Where the one hundred twenty-five (125) foot offset intersects with the footprint of a building existing as of May 2019 and such intersection leaves 75% or more of the building within the CSOZ, the entire building shall be considered included in the CSOZ. All offset distances are measured horizontally."

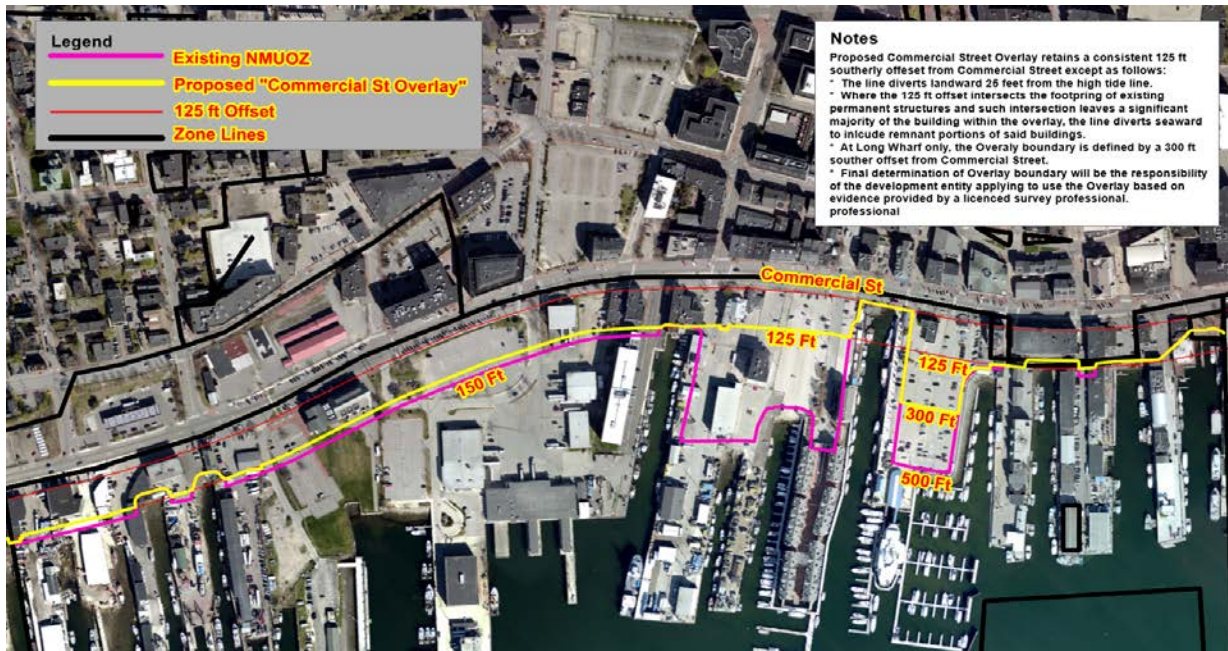


Figure 2: Map showing reduction to the Overlay Zone (note: Planning Board does not recommend this reduction)

III. BACKGROUND

The Waterfront Central Zone (WCZ), perhaps the most iconic area of Portland's working waterfront, was created to protect and nurture water-dependent and marine-related uses while leveraging certain compatible non-marine uses for necessary investment of marine infrastructure. This hierarchy, implemented through a variety of land-use control measures, translates into a unique mixture of complementary though disparate uses within a small geographic area, transitioning from predominantly commercial and marine-related uses along the northern edge (landward side) of the zone, to predominantly water-dependent uses along the southern edge (seaward side), with some exceptions. Extending from Deake's Wharf in the west to just past Maine Wharf in the east, the zone consists of 13 separate, mostly privately-owned wharves, with an extensive array of uses including; retail and restaurants, marine-related tourism, residential, marine and non-marine offices, institutional, berthing for both recreational and commercial fishing and lobstering vessels and seafood processing. While not an exhaustive list, these uses demonstrate the unique challenges faced by users of this zone, in that all such uses are competing for adequate water access (either direct or visual) and vying for limited real-estate. This challenge is exacerbated by the different market realities for these industries, especially so as tourism in Portland continues to grow and with it, demand for recreational waterfront access.

A. Description of Existing Zoning

As currently written, the WCZ establishes a regulatory balance between uses through an array of development standards including performance and more specific non-marine use standards. Performance standards, which apply to all uses, are intended to limit nuisance/negative externalities among uses, and range from general performance standards such as lighting, odor and noise, to more marine-specific standards, such as filling in of berthing areas and utility of piers. In all, the WCZ contains seventeen (17) performance standards, listed under Section 14-311(d).

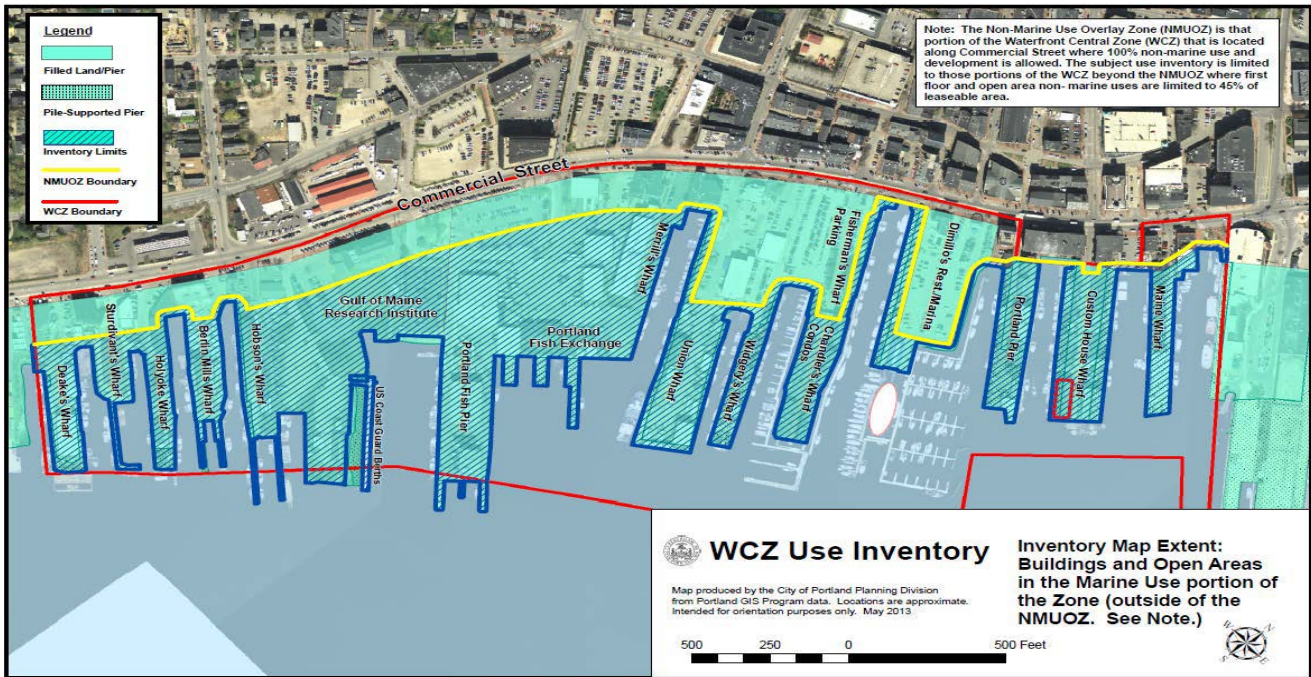


Figure 3: Zone boundaries, with NMUOZ shown on landward side of yellow line.

Non-Marine use standards, as their name would suggest, only apply to non-marine uses (identified as such in the permitted use section, 14-307(b)) and are dependent upon the location of that use within the zone. Regarding non-marine uses, the zone is geographically split into two parts, the first, being the Non-Marine Use Overlay Zone (NMUOZ), which spans the width of the zone and occupies the landward side of the zone along Commercial Street, as well as some larger surface parking areas extending into Union Wharf, Widgery Wharf, Chandler's Wharf and Dimillo's Pier. Generally, the NMUOZ extends one hundred fifty (150) feet south of the Commercial Street right-of-way though no closer than twenty-five (25) feet from the average high tide line. Between Union Wharf and Dimillo's Pier, the zone extends five hundred (500) feet south of the Commercial Street right-of-way. When the zone was amended in 2010, it was well-understood that the Old Port district (which consists largely of retail and restaurants popular among tourists) extended across Commercial Street and occupied significant real-estate within the zone. To reconcile this fact, and leverage the investment potential of such users, the City adopted the NMUOZ as part of the 2010 zoning amendment, which includes three standards aimed at facilitating an effective transition from non-marine to marine use within the zone.

Development Standards: Non-Marine Use Overlay Zone (NMUOZ)		
Vessel Access	Development Disposition	Marine Infrastructure Investment
Non-marine uses not to disrupt or block access to vessel berthing	- Lots with 75 feet of frontage or more along Commercial Street: Front façade of building must be no more than 35 feet from ROW, and front façade and pedestrian entrance oriented towards Commercial Street - Exemptions: - Frontage less than 75 feet	- Non-marine development valued at > \$250,000 required to provide marine investment totaling no less than 5% of total project cost. - Improvement may be direct, meaning; dredging, pile replacement, replacement decking, etc...

	2. Change of use within existing building 3. Building addition of less than 5,000 square feet.	Financial contribution to City's Waterfront Loan and Investment Fund
--	---	--

Non-marine uses proposed outside of the NMUOZ are subject to a separate set of standards, targeted towards maintaining a majority of the available ground-floor leasable space and undeveloped land area for marine uses, with a minimum requirement of 55% marine. This section of the ordinance also requires that property owners prioritize the leasing of vacant ground-floor space for marine users while reserving property immediate adjacent to piers and bulkheads for marine uses.

Unusual within the City of Portland's zoning code, the WCZ contains a list of standards related to contract or conditional rezoning. Across Portland, property owners are entitled to seek either a map amendment for their property (changing their property from one established zone to another), a text amendment to a particular zone (to alter regulations governing a zone) or a contract/conditional rezoning agreement, which is an individualized agreement between the City and property owner, subject to requirements listed under Sec. 14-62, wherein a new zone is created with its own list of regulations and geographic boundary. At present, more than 60 such zones are in existence.

Contract or conditional rezonings are not typically regulated via the base zoning district, meaning that were a property owner in the R-3 Residential zone for example to seek a conditional or contract rezoning for their property, they would not in any way be impeded by language found within the R-3 zone. In the WCZ however, a property owner seeking a contract or conditional rezoning must first demonstrate compliance with the contract or conditional rezoning standards.

This section contains nine (9) standards geared specifically towards proposals deviating from the dimensional standards for the zone, listed under Section 14-310, and/or permitted uses list, Section 14-307 and 14-308. These standards share many similarities with the non-marine and performance standards, and are largely concerned with maintaining water access for water-dependent users, ensuring that requisite marine investment by non-marine users is not avoided, and ensuring contextuality of a proposed project with permitted uses as it relates to traffic impacts and protection of water-dependent uses.

Difference Between Contract/Conditional Rezonings and Conditional Uses	
Contract/Conditional Rezoning	Conditional Use
- Time intensive negotiation process wherein a new 'site specific' zoning district is agreed to between Property Owner and City - WCZ is unique in that it provides an extra step in the process, a requirement that certain standards be met before a proposal is considered eligible - City Council must find the proposed contract/conditional rezoning to be consistent with the Comprehensive Plan	- A conditional use is a use that is permitted by-right so long as zone-specific and general conditional use standards are being met. - A conditional use is reviewed by either the Planning Board or ZBA and is not considered by City Council.

B. Waterfront Working Group

Just prior to imposition of the moratorium on non-marine development within the WCZ, the City Manager convened the Waterfront Working Group (WWG), a focus group consisting of ten (10) waterfront stakeholders was convened by the City Manager to discuss critical issues related to waterfront development and concerns of fishing interests in Portland Harbor. As of the May 14th Planning Board public hearing, the group has met eleven (11) times and has provided feedback on the following topic areas:

- WCZ Marine Use Inventory Update
- Effectiveness of the WCZ Zoning
- Recommendation on prioritization of short-term Waterfront TIF funding allocations.
- Accommodation for marine parking.
- Berthing and marine access conditions.

This process has been highly informative for City staff in understanding the needs of our working waterfront, and feedback from this group has served as the basis for the proposed text amendments now before the Planning Board. For more information on this process, please see the attached memo from the City's Economic Development Office (Attachment 1).

IV. PLANNING BOARD WORKSHOPS**A. January 22, 2019**

On January 22, 2019, the Planning Board held a workshop to consider a limited set of text amendments that would prohibit contract and conditional rezonings within the WCZ. The Waterfront Working Group had articulated a concern that this section of the ordinance effectively permitted uses to locate within the zone that were expressly prohibited. For example, the Fisherman's Wharf hotel project was proposed as a conditional rezoning. As a response to this concern, the staff suggested prohibiting contract and conditional rezonings, and drafted language to that effect based upon the Comprehensive Plan.

At the workshop, members of the public were generally opposed to the elimination of contract and conditional rezonings, and instead recommended that the contract and conditional rezoning prohibited uses list be broadened to include other incompatible uses such as hotels. The Board recommended that staff continue to work with the Waterfront Working Group to resolve this issue, and further asked that staff complete the zoning discussion with the group and draft a comprehensive set of amendments based upon that discussion before holding a second workshop with the Planning Board.

B. April 23, 2019

The Planning Board held a second workshop on April 23, 2019 to consider a broader suite of suggested amendments to the Waterfront Central Zone.

At this workshop, the Board heard testimony from a range of waterfront stakeholders, including pier owners, business owners and members of the fishing community, along with other interested parties. The public comment provided was not universally supportive of the text amendments, with some raising concern that the reduced overlay zone would eliminate necessary investment by non-marine uses (a requirement of the overlay zone), or that the changes were not necessary given the relative effectiveness of the existing zoning in achieving an appropriate balance between marine and non-marine uses. Meanwhile, other public comment supported the proposed amendments and the Waterfront Working Group process, claiming that development pressures were

once again impacting the zone and therefore, the zoning should be changed to reflect those conditions.

In response to the public comment, the Board questioned whether or not the zoning was responsible for any decline in marine activity along the waterfront, and asked what extent it should be revised. One Board member asked that information be compiled to describe the projected loss in tax revenue that would result from changes to the overlay zone. A general sentiment expressed was that the proposed changes should be better justified by the City as an appropriate response to perceived concerns. The Board also advised that staff continue to work with the Waterfront Working Group to address any outstanding zoning concerns, particularly the performance standards, before holding the public hearing.

C. Response to Planning Board Feedback

The Waterfront Working Group process raised the following concerns; incompatibility of certain non-marine uses, maintenance and upkeep of marine infrastructure, enforcement of existing zoning, lack of available parking for marine uses, traffic congestion along Commercial Street, extent of the non-marine use overlay zone and both general and functional access to vessel berthing.

City staff developed a series of approaches to address those concerns, many of which were not zoning focused. For example, two meetings of the group were dedicated to the discussion of Tax Increment Financing (TIF) allocations for the financing of private marine infrastructure improvements. A separate meeting was held to discuss potential parking accommodation for marine uses, through dedication of parking spaces or a hang-tag system to occupy certain on-street spaces. These efforts are on-going.

The City is also working with MaineDOT and the Portland Area Comprehensive Transportation System (PACTS) on the development of a Commercial Street Operations and Master Plan, aimed at improving the functionality of Commercial Street as a major multi-modal streetscape (for more information, please see <https://www.portlandmaine.gov/2081/15594/Transportation-Master-Plan>). A primary goal of this plan is to improve access to the city's wharves and piers, which would directly benefit members of the working waterfront.

In response to the concern that changes to the overlay zone may impact tax revenue, staff consulted with the City Assessor and multiple property owners to compile relevant information and provide a data-based recommendation. A full discussion of this response can be found in the attached memo from Economic Development (Attachment 1). Several pier owners also submitted a letter (Attachment 3), with information on property valuation to further support this request by the Board. The Director of Planning and Urban Development provided a response to that letter, which is attached (Attachment 4).

V. PROPOSED TEXT AMENDMENTS

As seen in the table below, a broad range of amendments are being proposed, although many are very minor in nature. The most substantive changes include reducing the area of the Non-Marine Use Overlay Zone (now proposed as the Commercial Street Overlay Zone (CSOZ)), eliminating certain non-marine uses such as restaurants and retail establishments from areas outside the CSOZ, increasing the pier edge setback from five (5) feet to ten (10) feet, eliminating contract and conditional rezonings and both streamlining and strengthening the performance standards to ensure compatibility between marine and non-marine uses. The full text is attached to this report (Attachment 2).

Waterfront Central Zone – Summary of Proposed Text Amendments	
Zoning Ordinance Sec.	Changes drafted for May 20, 2019 City Council Meeting
<i>Purpose (14-305)</i>	Purpose statement expanded so as to account for future functionality of working waterfront.
<i>Definitions (14-306)</i>	Change ‘Non-Marine Use Overlay Zone’ to ‘Commercial Street Overlay Zone’.
<i>Permitted Uses (14-307)</i>	- Create new sub-category of uses permitted only within Commercial Street Overlay District (restaurants, retail, museums, galleries, banking, street vendors, street vendors, medical offices and personal services) - Add new uses, “Commercial Parking for Water Dependent Uses” (defined under 14-47), commercial kitchen and seafood retailing (in conjunction with seafood processing) - Eliminate laundry as permitted use.
<i>Conditional Uses (14-308)</i>	Eliminate residential use for Marine Business Owner
<i>Prohibited Uses (14-309)</i>	- Prohibit following uses; laundry and dry-cleaning, service stations, convenience stores, commercial parking for non-marine uses. - Expand hotel prohibition to include additional forms and short-term rentals - Expand drinking establishment prohibition to include private/social clubs and recreational facilities.
<i>Dimensional Standards (14-310)</i>	- Prohibit non-marine off-street parking within pier setback requirement and better define pier edge. - Permit structural posts and deck/building mounted equipment for vessel loading and unloading. - Increase pier setback requirement from 5 feet to 10 feet at first floor level
<i>Standards for Non-Marine Uses Outside Commercial St. Overlay (14-311(a))</i>	- Marketing Requirement – Change from 60 days to 180 days similar to PAD requirements and strengthen language for ‘targeted media’. - Remove inventory requirement from zoning, with goal of having Council mandate through Council Order “State of the Marine Economy” Report and annual report of significant waterfront development.
<i>Commercial Street Overlay Standards (14-311(b))</i>	No changes proposed
<i>Contract and Conditional Rezoning (14-311(c))</i>	Prohibit contract and conditional rezoning.
<i>Performance Standards (14-311(d))</i>	- Condense Parking, non-marine compatibility and functional utility of piers performance standards into new ‘Operations and Access Management Plan’ standard, with specific parameters for locating parking, structures, equipment, access-ways and sidewalks, so that access to berthed vessels and marine uses is accounted for. - Remove unnecessary standards: Shoreland Zone, Signs, State and Federal Environmental Regs.

A. Discussion of Draft Text

The broad aim of the proposed amendments is to reaffirm the WCZ's purpose statement, which is to protect and nurture marine development within the zone, and better define where and under what circumstances non-marine development is appropriate and harmonious. The WWG, with select representation from the fishing industry, pier proprietors, waterfront business owners and invested members of the waterfront community has provided insight on various concerns related to pier access and management, parking and traffic conditions, compatibility of uses and the effectiveness of existing marketing requirements. Based upon that feedback, staff developed a set of suggested approaches that were further refined through discussions with the WWG, with finalized approaches serving as the basis for the draft amendments now before the Board.

B. Commercial Street Overlay Zone (CSOZ)**a. Non-Marine Use Overlay to Commercial Street Overlay**

Staff suggest changing the name of the 'Non-Marine Use Overlay Zone' to the 'Commercial Street Overlay Zone' as a way of better defining the purpose of this geography. The east side of Commercial Street has more limited value for water-dependent uses given its lack of direct waterfront access and traditionally, has been a mixed-use environment with not only restaurant and non-marine retail establishments (tied closely with the Old Port Commercial District), but also a variety of marine uses, for example the Gulf of Maine Research Institute, Maine Marine Supply Company, as well as several seafood markets and processing centers. The suggested name change deemphasizes non-marine uses and instead reflects the broader range of uses being promoted within the overlay zone.

C. Permitted Uses**a. Permitted Uses for Commercial Street Overlay Zone**

Under the permitted uses section, staff recommend adding a new category of permitted uses, 'Uses permitted only within the Commercial Street Overlay Zone (CSOZ)', and eliminating high traffic generating uses such as restaurants and retail establishments from elsewhere within the zone. Members of the WWG have consistently raised the concern that such uses are incompatible with water-dependent uses and that there would be conflict related to traffic, noise and hours of operation. Many of the wharves in their existing condition cannot accommodate significantly more vehicle or pedestrian traffic. The idea behind this amendment is to shift all such high impact, non-marine uses towards Commercial Street, so that they are more easily accessed by patrons not as familiar with the wharves and their operations.

b. New Permitted Uses

Commercial parking for water-dependent uses, commercial kitchens and seafood retail are proposed as permitted uses.

Parking has repeatedly been raised as a concern, as many feel that sufficient parking is not available for water-dependent uses. Meanwhile, non-conforming parking lots within the zone provide significant parking supply for visitors to the area, which adds to the area-wide traffic impacts. By permitting commercial-use parking for water-dependent uses, the City would provide an avenue by which non-conforming uses could become conforming, and also alleviate parking constraints for marine uses.

Regarding commercial kitchens and seafood retail, members of the WWG raised these uses as either a compatible non-marine use (commercial kitchen), or a marine-related use (seafood retailing) currently not

permitted. These uses have limited impacts that would benefit from proximity to seafood processors.

D. Conditional Uses

a. Eliminate Residential Uses – Marine Business Owner

At present, the zone permits marine business owners to live above their place of business, provided that the unit be of a certain size, that there is a compelling reason for living on-site, and that the unit be for year-round use. Given that no business owners are currently taking advantage of this allowance, and that there is a general interest in eliminating residential uses from the central waterfront, staff suggest eliminating this conditional use.

E. Prohibited Uses

Based upon feedback from the WWG, staff are recommending that laundry and dry-cleaning, service station and commercial parking for non-marine uses be eliminated, and that the prohibition on hotels and drinking establishment be expanded and strengthened to include other like categories; bed and breakfasts, hostels, short-term rentals, and then private clubs and non-profit social and recreational facilities respectively.

F. Dimensional Requirements

a. Pier Edge Setback Increase

Vessel operators have indicated that the existing setback requirement does not provide sufficient space for maneuvering and/or the loading and unloading of goods from vessels. In response, staff suggest increasing the pier edge setback from five (5) feet to ten (10) feet at the first-floor level. Due to the first-floor ceiling height requirement of fifteen (15) feet, this would provide operators with approximately fifteen (15) of clear overhead space. The setback would not apply to structural building supports such as posts or beams, and would similarly not apply to deck or building mounted equipment for the loading and unloading of vessels. These exceptions support the operational functionality of the pier for water dependent uses.

As part of this amendment, staff are also strengthening the definition of the pier edge, stating that floats, rafts and barges not structurally integral to the pier are not counted as part of that requirement.

G. Standards for Non-Marine Uses Outside of the Commercial Street Overlay Zone

a. Marketing Requirement

Initially staff had suggested removing the marketing requirement from the zone, having not identified an example where it was successful in securing a lease for a marine use. Members of the WWG universally supported the marketing requirement and asked that the noticing period be lengthened, and that the media requirement be strengthened. Based upon that feedback, staff are suggesting that the marketing period be increased from 60 days to 180 days (same as is required within the Pedestrian Activities District (PAD)) and have provided additional guidance on appropriate forms of media within which to advertise.

Language regarding the trigger for this requirement (14-311(a)(3)(c)) is also revised within the draft amendment. The current trigger is either a site plan application or change of use application, which conflicts with language found in 14-311(a)(3)(a), which indicates that the threshold is change of occupancy. A change of occupancy does not technically trigger either of the two aforementioned applications, and so, for consistency, the language now would read, "Prior to changes of occupancy and/or as part of applications for new development".

b. Waterfront Inventory Requirement

The WCZ requires that an inventory of all uses within the zone be carried out on an annual basis, and that that inventory identify whether or not the marine/non-marine land use requirements (where the maximum first-floor and exterior area permitted for use by non-marine uses is 45% per pier outside of the NMUOZ/CSOZ) are being met.

In discussions with the group, staff indicated that the report was not particularly useful for users of the zone and that it was time and energy intensive to produce. Instead, staff suggest that a less frequent 'state of the marine economy' report be drafted, that would highlight the competitiveness of the local marine economy and provide guidance on goals and objectives for improvement. Staff would also present to City Council an annual summary of major development within the zone.

H. Contract and Conditional Rezoning

Staff continue to support the elimination of the contract and conditional rezoning provisions for the WCZ, replacing it with a short excerpt from the Comprehensive Plan that identifies key goals related to Portland's working waterfront as justification for prohibition of this zoning tool within the zone. In initial discussions, staff had considered adding a larger subset of uses, including hotels, to the list of uses not eligible for a conditional or contract rezoning. This approach was determined to be ineffective for two main reasons. First, given the open-ended nature of contract and conditional rezoning, it provides less certainty as to what can happen in the future in the zone.

The second reason is that the WCZ, as currently written, is the product of a robust, decades long dialogue between highly disparate stakeholders, informed by industry best practices and numerous studies. As evidenced by the most recent WCZ waterfront inventory, released in early January 2019, the zone operates largely as it was intended, with a vast majority of available space (81%), either being occupied by or available to marine uses. Remaining non-marine uses subsidize vitally necessary infrastructure that is key to the success of Portland's working waterfront. This framework may require minor amendments in the future to accommodate changing needs and conditions, but it is important to recognize the fine balance that has been struck through such a lengthy and well-informed public process. A contract or conditional rezoning would undermine that framework, remove many key stakeholders from the negotiation process and create a new set of rules for a particular property that would still need to function cohesively with other properties and uses found within the WCZ. As Portland grows and its waterfront continues to experience changes, it is likely that new uses (perhaps not yet identified), may serve as catalysts to reopen this conversation as to how best balance the needs between marine and non-marine uses within the WCZ, and they could be considered as part of a public process for potential amendments if ever needed.

For these reasons, the staff support prohibition of contract and conditional rezoning within the WCZ, relying instead on the myriad use and development standards that are consistent with the goals found within the Comprehensive Plan. The proposed prohibition is generally supported by the WWG, though there is not complete consensus on this approach.

I. Performance Standards

a. Operations and Access Management Plan

In a letter provided by members of the fishing industry, staff were asked to assess whether or not the performance standards as written, guaranteed adequate access for the loading and unloading of goods and

materials between land-bound vehicles and vessels, and whether it ensured effective compatibility between marine and non-marine users. This assessment found that several of the standards, notably the ‘parking’, ‘compatibility of non-marine uses with marine uses’, and ‘functional utility of the piers’ standards were largely redundant and difficult to interpret. Staff’s suggested approach is to maintain the intent of those standards, but streamline as one new standard that would be a requirement for a physical plan to be called an ‘Operations and Access Management Plan’. For new development, including changes of use or expansion of existing uses, a plan and accompanying narrative would need to be provided for review by the Planning Authority, that would clearly indicate the location of structures, activities, parking, circulation and loading facilities. This plan could then be used to confirm that non-marine uses are sited appropriately, and that no use impedes waterfront access by water-dependent uses.

b. Elimination of Redundant Standards

Staff suggest elimination of the ‘shoreland zone’, ‘signs’ and ‘state and federal regulations’ standards as these standards are not substantive. For example, the ‘signs’ standard, requires compliance with the City’s sign ordinance, which is a requirement regardless of whether or not it is listed as a performance standard. The same concept applies to the other two standards listed.

VI. COMPREHENSIVE PLAN

The City’s ordinance states that any rezoning must be consistent with the City’s Comprehensive Plan. In forming its recommendation to the City Council, the Board found that the proposal is consistent with the Comprehensive Plan. As seen below, staff have identified below a number of the specific Comprehensive Plan goals and policies which are suggested as being relevant to the proposed text amendments to the WCZ.

The central vision of Portland’s Plan 2030 is represented by the venn diagram demonstrating the integral interrelation of the community’s core belief that Portland is equitable, sustainable, connected, dynamic, authentic and secure. The vision conveys the message of the City’s need to balance many competing needs to assure the advance of the vision as a unified concept. In this instance, that the City’s goals for maintaining a working waterfront and transforming Portland through orderly growth and development be balanced with needs for connectivity of residents and visitors to the waterfront, sustainability of marine-dependent infrastructure and the ability to maintain that infrastructure, and authentic as a defining characteristic Portland’s image and economy.



As currently written, the WCZ promotes a mixture of marine and non-marine uses in accordance with the Waterfront Use Hierarchy pyramid. This pyramid acknowledges that water-dependent uses (ex. fishery berthing) cannot successfully exist or sustain maintenance of necessary infrastructure (ex. dredging, pier maintenance, fendering etc..) without investment by both marine-related industries (ex. marine product retail) and compatible non-marine uses (ex. offices or restaurants). The zoning provides mechanisms that both limit the total percentage of available land and floor area that may be occupied by a non-marine use, and exacts actual investment from non-

marine users. Meanwhile the permitted, conditional and prohibited use list precludes many non-marine uses out right, notably residential, hotel and drinking establishment uses, which are considered incompatible. Those non-marine uses that are permitted, are required to comply with numerous performance and specific non-marine development standards that ensure compatibility of non-marine uses with integral uses of the working waterfront.

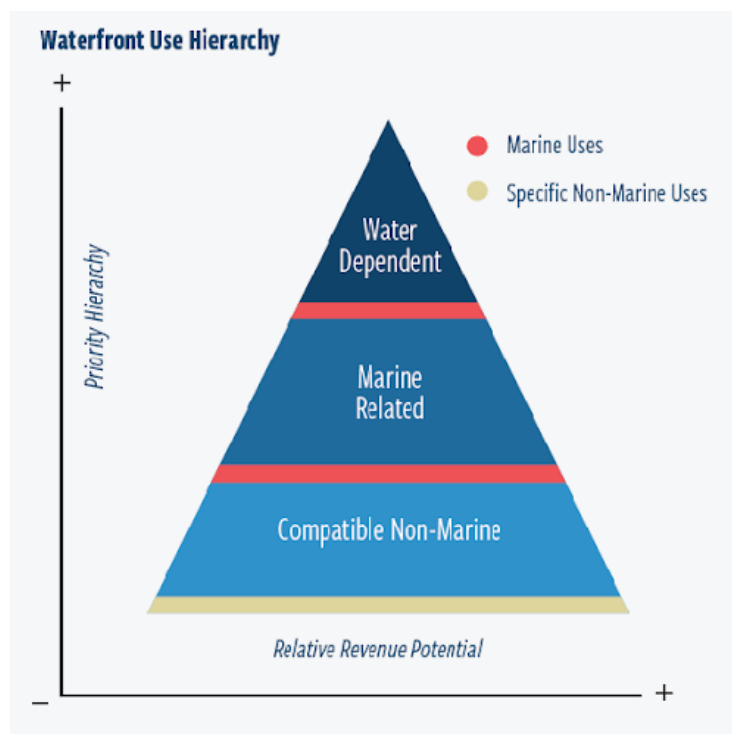
The City has engaged extensively with stakeholders of this zone in order to understand their concerns and operational needs. We are recommending a comprehensive suite of amendments that are in line with the goals of the City's Comprehensive Plan and that reprioritize the WCZ as a catalyst and incubator for a successful working waterfront

Development Goals:

- Prioritize and promote Portland's unique mix of water-dependent, marine-related and compatible non-marine uses.
- Recognize and reinforce the respective roles of the Eastern, Central, and Western Waterfronts.
- Celebrate, promote and protect Portland's lobster and fishing industry as a foundation of the region's economy and a feature of civic pride.
- Ensure the future of the marine economy through support for emerging marine industries and mitigation of market trends that could compromise the balance between marine industries and competing development.
- Recognize and reinforce waterborne transport of goods and people as foundational to our community.
- Develop effective public and private partnerships to promote the Port of Portland as an economic engine for the State of Maine.

The WCZ ordinance is the result of an iterative, decades long negotiation process that has been tested and revamped over the years to regulate and maintain the many nuances of this highly unique working waterfront, and has been shown, as seen in the Waterfront Inventory, to be largely effective in achieving that balance. The Comprehensive Plan identifies that policy shifts are critical to the success of Portland's working waterfront, and that we as a City need to be responsive to evolving and cyclical market conditions that place considerable development pressure on this zone.

The City of Portland values a strong working waterfront that prioritizes water-dependent and marine-related uses over compatible non-marine uses. That said, we understand that compatible non-marine uses are key to the success of our working waterfront, providing invaluable investment to marine infrastructure and in part, subsidizing other marine uses.



The proposed amendments represent the next step in that iterative process and are a direct response to today's market pressures, where non-marine businesses are competing for space deemed valuable to the marine economy. The City favors an incremental approach as opposed to sweeping changes, where the general structure of the ordinance would remain as is. Within that framework, we suggest further restricting non-marine uses though still maintaining adequate opportunity for them where appropriate. This restriction provides increased opportunity for marine uses, which are further supported by the greater predictability achieved through removal of contract and conditional rezoning, and streamlining of the performance standards so as to be easier to interpret and administer.

VII. PUBLIC COMMENT

A. Feedback from Fishing Community Representatives of the WWG (Attachment 3)

Two (2) public comments were provided by the attorney representing fishing interests within the Waterfront Working Group, which provide direct feedback on draft zoning language.

Where reasonable, staff have revised the zoning in response to this feedback. This includes significant changes to the draft performance standards, specifically the Operations and Access Management Plan, which now clearly identifies submission requirements and standards, requirements for the compatibility of non-marine uses, opportunities for shared parking and stronger provisions for the establishment and maintenance of vehicle/vessel loading areas. Aside from changes to the performance standards, a number of uses have been added to the permitted and prohibited use list, and the purpose statement has been revised to reflect the need to account for future needs of the zone and potential development.

Suggested language as presented in these letters has at times been directly incorporated into the draft text, or otherwise, rewritten so as to preserve the intent of their suggestion, while changing the exact language to streamline the text, increase clarity, or remove redundancy.

Staff are unable to recommend one suggested change, recommended by this group for 14-311(a), standards for non-marine uses outside of the overlay zone. This request would have changed the calculation of ground floor non-marine space from, which at present only includes leasable areas, to include common or non-leasable areas such as lobbies, stairwells and mechanical rooms. The difference between these two calculations is likely marginal, though would be significantly more difficult to administer. The Waterfront Working Group did not reach a consensus on changing the existing permissible split between marine and non-marine uses (55/45%), and the proposed change was not vetted by the entire group. For this reason, staff suggest maintaining the proposed requirement, which is based upon leasable area and can be consistently applied to all uses.

B. Other Public Comment (Attachment 3)

Aside from specific feedback from certain members of the Waterfront Working Group, staff received five (5) additional written comments, one from Bateman Partners, LLC, describing the proposed development scheme for Fisherman's Wharf and a concern that changes to the overlay zone would result in less direct marine investment by non-marine uses, and then three additional comments, which generally stressed the need to protect the working waterfront through restrictions to non-marine uses. One additional public comment, provided as of the writing of this report, was submitted by several of the pier owners, with information on property valuation, in response to feedback from one of the Planning Board members. The Director of Planning and Urban Development has provided a response to that letter for the Board's consideration (Attachment 4).

VIII. PLANNING BOARD RECOMMENDATION

On May 14, 2019, the Planning Board voted 4-2 (Dundon and Stanley opposed, Dunfey absent) to find the proposed

text amendments, excluding proposed reductions to the extent of the Non-Marine Use Overlay Zone, consistent with the Comprehensive Plan and to recommend adoption of the amendment to the City Council.

IX. ATTACHMENTS

1. Needelman Memo on WWG Process, Economic Development Office
2. Division 18, Draft Amendments to WCZ
3. Public Comment Compiled
4. Response to Financial Impact Letter – Jeff Levine, Planning and Urban Development Director



CITY OF PORTLAND
Economic Development
Gregory A. Mitchell, Director

MEMORANDUM

TO: Chair Dundan and Members of the Planning Board

FROM: Bill Needelman, Waterfront Coordinator

DATE: April 11, 2019
Updated, May 9, 2019

SUBJECT: Review of Zoning Amendments to the Waterfront Central Zone and results of the City Manager's Waterfront Working Group

CC: Jon P. Jennings, City Manager
Greg Mitchell, Economic Development Director
Jeff Levine, Planning and Urban Development Director
Christine Grimando, Planning Director
Matt Grooms, Planner
John Peverada, Parking Manager
Jennifer Thompson, Associate Corporation Counsel

Background

The following memo was originally prepared for the Planning Board's April 23 workshop. Economic Development staff has updated material as appropriate and provided additional information answering Board questions raised at the workshop. All new information is provided below in Italics.

Beginning in January of 2019, the City Manager convened a Waterfront Working Group (WWG) to discuss critical issues related to waterfront development and concerns of fishing interests in Portland Harbor. The process was prompted by recent activism by the fishing community responding to development pressures on the waterfront. Recognizing these concerns, the City Council has imposed a 180-day moratorium, Order 119-18/19, restricting non-marine development in the WCZ. The moratorium provided an alternative to a citizen referendum that would have potentially imposed highly restrictive zoning over the entire waterfront.

The WWG began their work just prior to the City Council's passage of the moratorium and

the group and has met nine times since January. *(The WWG has met an additional two times since the April 23, 2019 Planning Board Meeting with Zoning being a significant topic of discussion.)*

Membership of the working group includes:

Willis Spear, Lobsterman, F/V Providence
Keith Lane, Lobsterman, F/V Kestrel
Bill Coppersmith, Lobsterman, MLU Vice President,
Charlie Poole, Proprietors of Union Wharf, Custom Float
Steve DiMillo, Proprietors of Long Wharf, DiMillo's Restaurant and Marina
Mike Alfiero, Proprietors of Holyoke Wharf, Harbor Fish Market
Togue Brawn, Downeast Dayboat Scallops
Rebecca Rand, Becky's Diner
Cyrus Hagge, Community Member
Dory Waxman, Community Member

Invited directly by the City Manager, the WWG has acted as a focus group to inform staff on issues of concern and to provide feedback on approaches to address problems. The WWG has been supported by Economic Development and Planning staff and has been chaired by the City Manager. Additional support has been supplied by Corporation Counsel and the City Parking Manager.

Staff has relied heavily on the combined experience and expertise of the group in crafting zoning amendments provided for the Board's consideration. To date, the WWG has spent the majority of their efforts on zoning issues and made significant progress. Most significantly, the conversation and exchange generated between members has provided an invaluable insight into the function of the WCZ, the complexity of the working waterfront, and potential improvements to the zone. The group was not asked to draft language for the Board's consideration but Planning and Economic Development staffs have relied heavily on the conversations to date and the language developed is a good faith attempt to reflect the learning and feedback generated.

Most zoning issues addressed, and translated into amendments, reflect a general consensus of the WWG. Where consensus was not achieved, staff has used our best judgement to forward recommendations that will most effectively address the issues identified. Staff will inform the Board on issues of disagreement within the process and WWG members have been encouraged to contribute to the Board's public comments as individuals to promote specific ideas in support for or contrary to the staff recommendations herein.

In addition to land use regulations, the WWG held productive sessions discussing priorities for use of Waterfront TIF funds and waterfront parking issues. Some parking issues are reflected in the resulting zoning recommendations.

City Staff and the entire community owe a tremendous debt of gratitude to the WWG members for their contribution and commitment to the Portland waterfront.

The WWG process has been well documented on the City's website at <https://www.portlandmaine.gov/2411/Waterfront-Working-Group>

Planning Board members are encouraged to review the process to date to better understand the context of the recommended amendments.

Issues Under Discussion

The WWG agreed to limit their discussions geographically to the Waterfront Central Zone and to concentrate on the following issues:

- Evaluate the current physical, functional, and business conditions, including the 2018 WCZ Marine Use Inventory Update.
- Provide recommendations on Zoning.
- Make recommendations on prioritization of short-term Waterfront TIF funding allocations
- Provide formative contribution to the ongoing Commercial Street Operations and Master Plan process.
- Evaluate berthing and marine access conditions.

WWG Zoning Discussion

Waterfront zoning, the Waterfront Central Zone (WCZ) in particular, is notoriously complex. The WCZ prioritizes and protects water-dependent and marine uses, such as fishing, but allows limited non-marine development to provide needed revenues to pier owners. The longstanding goal, recently restated and adopted in the *Portland's Plan 2030* Comprehensive Plan, promotes *balance* between potentially competing uses. Marine uses are given space and protections, while the pier owner is given sufficient opportunity to generate revenues for maintenance and a return on investment.

Within the context of the moratorium and the potential citizen's initiative referendum, the WWG has spent considerable time rethinking the *balance* of uses. Looking toward an April submission to the Planning Board, the WWG has discussed the following:

- Contract and Conditional Rezoning: Should this tool be available within the WCZ?

Staff is recommending eliminating the contract and conditional rezoning tool for the WCZ. The WWG did not achieve consensus on this issue, with some members voicing support for the flexibility offered. However, most members with Staff agreement believe that the zone is specifically and carefully crafted to address the complex policies of the Comprehensive Plan for the Central Waterfront. The potential for contract and conditional rezoning in the WCZ has generated uncertainty, speculative development pressure, and unpredictability within the zone.

Eliminating site specific rezoning essentially shuts the door on applications for hotel use within the zone – a primary cause of concern leading to this process.

- Non-Marine Use Overlay Zone, the area where marine use is *not* required: Should the overlay be eliminated, contracted, or left in its current location?

The recommended amendments suggest shrinking the extent of the overlay zone and renaming it the Commercial Street Overlay Zone. The recommended

amendment is marginally smaller (125 feet deep from 150 feet currently) in most areas and significantly smaller in the areas nearest the Old Port (from 500 feet deep to 125 feet except Long Wharf, which would shrink to 300 feet deep.)

As with contract and conditional rezoning, the WWG did not achieve complete consensus on reducing the size of the overlay. While most members saw the reduction as a reasonable compromise to limit the extent and impact of non-marine development, some members did not see a compelling case for the reduction.

A review of the map (see the Planning Staff submission) shows that there is only a marginal impact to the potential use of existing buildings with the reduction, but the fishing community expressed a desire to reduce the overall scale of non-marine development and to concentrate such development toward Commercial Street. Staff is in agreement that a smaller overlay is a reasonable compromise consistent with the Comprehensive Plan. *The largest impact of reducing the overlay are found in the areas between Union Wharf and Long Wharf. Please see the Response to Planning Board questions below.*

- Percentage of space required for marine use, outside of the Overlay: Should more space be allocated to marine use?

After significant discussion, there was no strong support for changing the percentage of space allocated for marine use outside of the overlay – as amended. This apparent consensus relied on the reduction in the mapped extent of the overlay described above, and the *Marketing* and *Permitted Use* amendments described below.

- Marketing requirement for marine use: Should space be required to be marketed to marine use prior to seeking a non-marine tenant? (outside of the overlay)

The marketing requirement for marine use is comparable to similar provisions for pedestrian oriented uses in the Pedestrian Activities Districts (PAD) of the Downtown B-3 zone. Currently the provision requires a 60 day marketing period for marine use prior to offering space to a non-marine use. The WWG provided strong support for extending the marketing period to 180 days, consistent with the B-3 PAD requirements. Other clarifying language has been added.

- Marine Use Inventory: What is the best way to track and monitor the success of the Zone and state of marine economy?

Staff has recommended, and the WWG agrees (though without apparent enthusiasm) to remove the inventory requirement from zoning. Staff recommends a standalone City Council order to replace the existing requirement with an annual report of significant waterfront development. The City should also commit to conduct a periodic assessment of the state of the Marine Economy for the entire waterfront as a better measure of the waterfront's health than provided by the extremely limited inventory currently described in the WCZ.

- Permitted Uses: Should uses allowed in the overlay, such as restaurants, be allowed outside of the overlay?

With strong support from the WWG, staff is recommending that non-marine retail, all restaurants (excepting accessory uses) and other retail-like uses should be limited to the Commercial Street Overlay Zone. The expansion of such uses was seen as an erosion of marine use potential, undue pressure on pier parking, and provided too much traffic and potential conflict with higher priority marine use. Staff agrees that the Comprehensive Plan is better implemented by concentrating high parking and traffic generating uses toward Commercial Street.

- Performance Standards: Are the current development standards adequately protecting marine use access and ability to function efficiently?

Staff recommends, with the general agreement of the WWG, streamlining redundancies within the current WCZ performance standards. Existing protections are retained or strengthened; while language and submission requirements are clarified.

The above bullets are a summary of the most important recommended changes. Please refer to the Planning memo for the complete narrative, policy review, and the redline amendment for text.

Summary

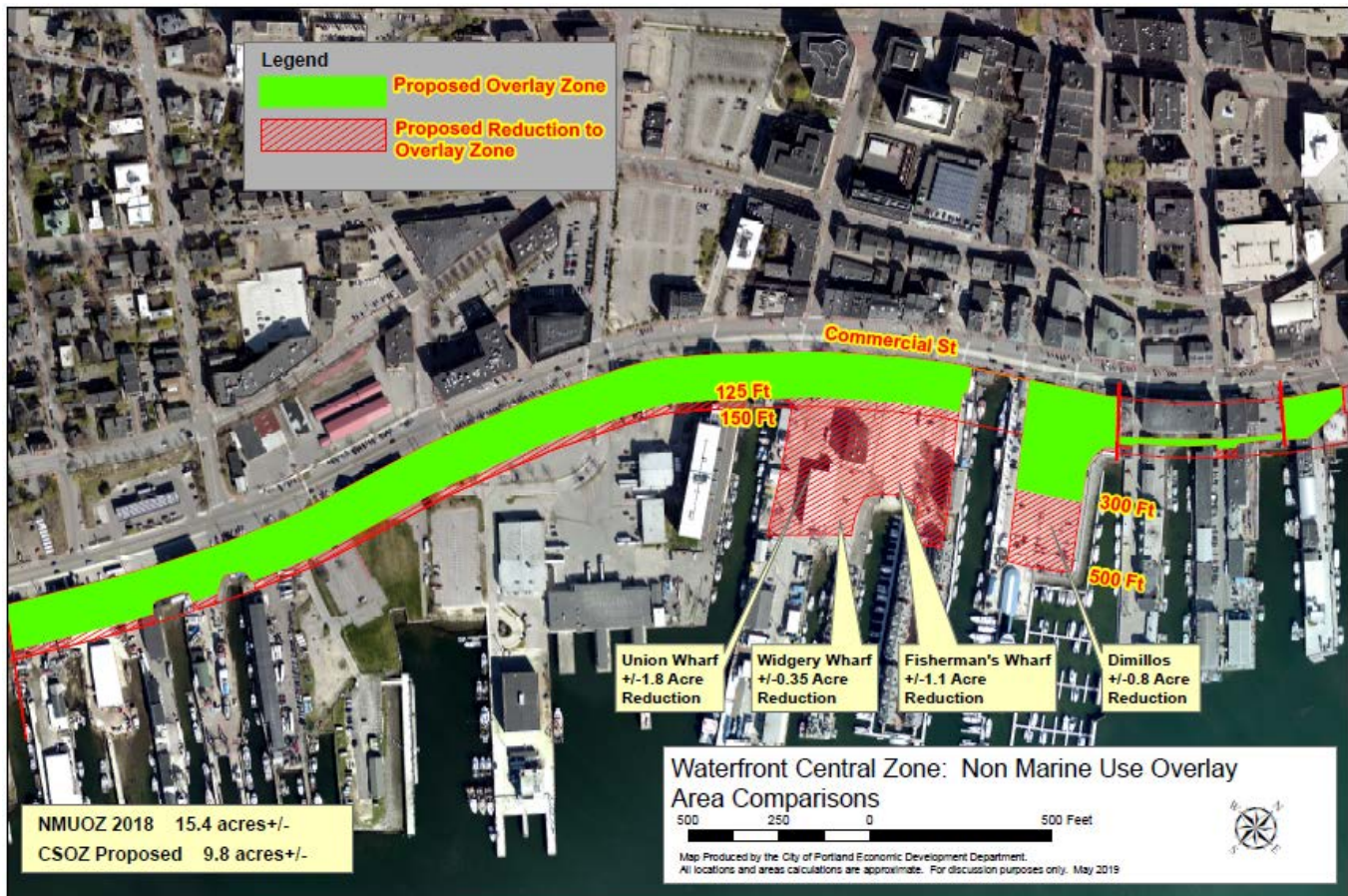
The Planning Board is requested to hold a *public hearing* on the above amendments, with the hope of moving directly to Public Hearing in May. City staff asks that the Board refer to the materials provided at the WWG website to understand the depth and extent of background work that has led to these recommendations. Rarely do zoning issues benefit from such an extensive discussion by such an informed and committed group. As stated in the introduction of this memo, the WWG has met nine times. Zoning has been a primary topic at eight of these meetings. The discussions have generated significant mutual learning between parties and fostered a far better understanding of tradeoffs by all parties. That learning is reflected in these recommended amendments to the WCZ. Based on the excellent and thorough input by the WWG, staff has sufficient feedback to provide the Planning Board and City Council with a set of recommended zoning amendments that are informed, reasonable, and consistent with the Comprehensive Plan.

In addition to the quality of the feedback provided, the Board is asked to recognize the time constraints created by the current non-marine development moratorium. By completing this important work within the limits of the moratorium, development interests for both marine and non-marine investments will have ability and certainty needed to move forward. It is our strong hope to conclude the current process within the timeframe described.

Response to Planning Board questions regarding reduction to the NMUOZ (CSOZ)

At the April 23 workshop, Board members asked questions regarding the potential impacts from reducing the Non-Marine Use Overlay Zone (NMUOZ, renamed Commercial Street Overlay Zone, herein referred to as the “Overlay.”) Board members questioned impacts to taxable value, development potential, and investment in marine infrastructure.

To respond to the Board's questions, Economic Development staff measured the approximate area of the current NMUOZ, the area of the reduced CSOZ, with specific area calculations provided in the areas around Union Wharf, Widgery Wharf, Fisherman's Wharf, and Long Wharf.



The City's Assessor provided guidance to staff based on current and revalued tax assessment to assist with the response to the Board's inquiries.

Taxable Value: Taxable value is based on current use. Given the anticipated flux in zoning and land use regulation implicit in the ongoing Re-code process, simultaneous with the current revaluation, develop-able potential premised on zoning will not be considered in the revaluation results. The short-term taxation impact of changing the overlay will be zero.

Potential Development: Development potential will be impacted (which could have an effect on future taxation.) Currently, and under the proposed language, four habitable floors are allowed within the overlay and only three floors are allowed outside of the overlay. With the reduction in the overlay, +/-5.6 acres of land (including built area) would see this loss of one floor of potential space, with +/-4 of those acres sited between Union Wharf and Long Wharf. Within these +/-4 impacted acres, nearly half is located on Union Wharf. This portion of Union Wharf already houses the new Putnam Office Building and the MSRC warehouse, greatly limiting the future development potential of the site assuming that these buildings remain.

Marine Investment: Board members also questioned the potential reduction of reinvestment in marine infrastructure resulting in loss of land within the overlay. Fewer high value structures in the overlay (a speculative assumption) would result in fewer investment dollars required to satisfy the overlay standard for 5% of project costs dedicated to marine infrastructure. Board members should note that coincident with these zoning amendments, the City has been expanding the Waterfront TIF program, which captures new tax value from both sides of Commercial Street and the Eastern Waterfront. Waterfront TIF dollars may be used toward waterfront infrastructure, such as dredging."

NOTE: As of the writing of this memo, proprietors of three wharfs within the WCZ provided specific analysis on the impacts of reducing the NMUOZ. Staff will review this material and may provide additional comments to the Board at the Public Hearing.

Respectfully submitted, wbn

DRAFT AMENDMENTS TO DIV. 18, WATERFRONT CENTRAL ZONE

DIVISION 18. WATERFRONT CENTRAL ZONE - DRAFT AMENDMENTS*

*Editor's note—Ord. No. 168-93, § 2, adopted Jan. 4, 1993, repealed former Divs. 18, 18.5 and 18.7, §§ 14-306–14-320.2, which pertained to waterfront zones, and enacted new provisions as Divs. 18, 18.5 and 18.7 to read as herein set out. Formerly, such provisions derived from Ord. No. 426-83, § 1, adopted Apr. 25, 1983; Ord. No. 427-83, § 1, adopted Apr. 25, 1983; Ord. No. 355-85, § 1, adopted Jan. 7, 1985; Ord. No. 438-86, § 1, adopted Apr. 7, 1986; Ord. No. 189-87, § 3, adopted Feb. 7, 1987; Ord. No. 174-87, 's; 1, 2, adopted Mar. 4, 1987; Ref. of May 5, 1987; Ord. No. 385-87, adopted Apr. 6, 1987; Ord. No. 36-89, §§ 1, 2, adopted June 28, 1989; and Ord. No. 15-92, §§ 22, 23, adopted June 15, 1992.

Order 184-14/15 repealed Division 18.7 on 6-1-2015.

Order XXX-18/19 adopted 6-3-2019, retroactive to 6-15-2019.

Sec. 14-305. Purpose.

The ~~W~~aterfront ~~C~~entral ~~Z~~one was created to protect and nurture water-dependent and marine-related support uses so that they may grow and prosper in an environment and area dedicated to this purpose. The following priority of uses is recognized:

- (a) The first priority of this zone is to protect and nurture existing and potential water-dependent uses in a setting that enforces their continued economic viability;
- (b) The second priority is to encourage other marine and marine-related support uses so long as they do not interfere with water-dependent uses, either directly by displacement or indirectly by placing incompatible demands on the zone's infrastructure;
- (c) Non-marine uses are encouraged provided that they do not interfere with and are not incompatible with first and second priority uses. Non-marine uses are beneficial to the waterfront economy because they provide the financial return to property owners necessary for the maintenance and improvement of the marine infrastructure.

Water-dependent and marine-related support uses by their

nature have activities and operational needs that are unique to this area and are not shared by other commercial and industrial uses in the city. These first and second priority uses and related activities may result in noise, odor, dust, hours of operation, parking and traffic patterns and traffic control needs that are necessary for the convenient and successful conduct of such uses. Other uses may not be compatible with these types of effects. Other specified uses are permitted in the waterfront central zone, provided that they do not significantly interfere with the activities and operation of water-dependent and marine-related support uses. Such uses must be, and are assumed to be, aware of the impacts associated with marine uses and therefore must accept and be tolerant of them. Other specified uses in the zone shall accommodate to those patterns and needs of the higher priority uses so long as those higher priority uses are not detrimental to public health and safety and the higher priority activities are conducted in accordance with sound practices or practices customary in the trade.

Commercial Street is recognized as an important economic center for the city and region. Marine compatible uses are encouraged to locate and grow along Commercial Street while higher priority marine uses are protected on the waterfront.

(Ord. No. 168-93, § 2, 1-4-93; Ord. No. 193-05/06, 4-19-06; Ord.No. 103-10/11, 12-20-10)

***Editor's Note**—Pursuant to Council Order 103-10/11 passed on 12/20/10 Section 14-306 *No adverse impact on marine uses* was repealed in it's entirety and remaining sections were re-numbered accordingly.

Sec. 14-306. Definitions.

For the purposes of the Waterfront Central Zone only the following terms shall have the following definitions:

Common circulation drives: private driveways, roadways and circulation areas accessible to all on-site tenants and/or occupants of a lot within the waterfront central zone providing access from/to the public street network.

Lot: any abutting property under common ownership.

~~Commercial Street Non-Marine Use Overlay Zone (CSOZ NMUOZ)~~: The ~~Commercial Street non-marine Overlay Zone (CSOZ NMUOZ)~~ is a portion of the ~~Waterfront Central Zone~~, as described below, where new and existing development may be occupied with 100% non-marine use tenants listed under 14-307(b), subject to the standards and use limitations provided in section 14-311(b).

The geographic limits of the ~~CSOZ NMUOZ~~ are defined by parcels of land and piers within the ~~Waterfront Central Zone~~ located on the landward side of a line established one hundred fifty (150) feet ~~southerly~~ of the southerly sideline of Commercial Street and modified as follows: the seaward limit of the ~~CSOZ NMUOZ~~ extends to a line 500 feet ~~southerly of from~~ the southerly sideline of Commercial Street in the area between the easterly sideline of Long Wharf to the westerly sideline of Union Wharf. Additionally, all areas subject to this provision are set back landward at least twenty-five (25) feet from the average high tide line of Portland Harbor and associated coastal wetlands. All offset distances are measured horizontally.

All applicants for development within the ~~CSOZ NMUOZ~~ are responsible for demonstrating their location within the ~~CSOZ NMUOZ~~ according to the findings of a site-specific land survey conducted by a professional land surveyor licensed by the State of Maine. The limits of the ~~CSOZ NMUOZ~~ shall be shown on all site plans and subdivision plats for proposed development within the ~~CSOZ NMUOZ~~. ~~A map showing the presumed boundaries of the NMUOZ is on file with the Department of Planning and Urban Development. Said map is for illustrative purposes only and shall not be relied upon in determining whether a proposed development is located within the NMUOZ.~~

On-Site shall mean that portion of any lot included within or directly impacted by a proposed development.
(Ord. No. 193-05/06, 4-19-06; Ord. No. 103-10/11, 12-20-10)

Sec. 14-307. Permitted uses.

Subject to a determination that the proposed use meets the standards of section 14-311, as applicable, the following uses are permitted in the Waterfront Central Zone:

(a) Marine:

1. Marine products wholesaling~~r~~ distribution and retailing;
2. Marine repair services and machine shops;
3. Tugboat, fireboat, pilot boat and similar services;
4. Harbor and marine supplies and services, chandleries, and ship supply such as fueling and bunkering of vessels;
5. Marine industrial welding and fabricating;
6. Shipbuilding and facilities for construction, maintenance and repair of vessels;
7. Commercial marine transport and excursion services, including ferries, captained charter services, sport fishing and water taxis;
8. Cargo handling facilities, including docking, loading and related storage;
9. Boat repair yards;
10. Boat storage facilities, excluding rack storage facilities; (Boat rack storage facilities are included in conditional use, section 14-308(b)(3) below);
11. Seafood processing and retailing;
12. Seafood packing and packaging;
13. Seafood loading and seafood distribution;
14. Fabrication, storage and repair of fishing equipment;

15. Ice-making services;
16. Facilities for marine construction and salvage;
17. Facilities for marine pollution control, oil spill cleanup, and servicing of marine sanitation devices;
18. Fabrication of marine-related goods;
19. Fishing and commercial vessel berthing;
20. Non-commercial berthing of a maximum of fifty (50) linear feet per pier. A non-commercial berth may not displace a commercial berth.

Parking for any non-commercial berthing is subject to the provisions of section 14-311(d)8.

21. Marine office, including but not limited to offices of owners of wharves or their agents, and naval architects, and seafood brokers;
22. Public landings;
23. Marine research, education, and laboratory facilities;
24. Bait sales and processing;
25. Harbor security and emergency response services including but not limited to Harbor Master, Marine Patrol and Coast Guard.

26. Commercial parking for water-dependent uses.

- (b) Non-marine commercial and industrial uses: Non-marine uses permitted by this section are subject to the standards listed in section 14-311.

1. Professional, business, government, and general offices;
- ~~2. Retail and service establishments, including craft and specialty shops. Convenience stores with gas pumps shall be permitted under this section;~~

~~3. Restaurants provided that full course meal food service and consumption shall be the primary function of the restaurant, and full course meal service shall be continued up until the hours of closing;~~

~~4. Banking services without drive up services~~

~~5. Laundry and dry cleaning services;~~

2. Cabinet and carpentry shops, studios for artists and crafts people;

3. Intermodal transportation facilities;

4. Cold storage facilities;

~~5. Museums and art galleries; and Commercial kitchens; and,~~

6. Outside accessory activities.

(c) Public:

1. Landscaped pedestrian parks, plazas and other similar outdoor pedestrian spaces, including without limitation pedestrian and/or bicycle trails;

(d) Other:

1. Accessory uses:

a. Interior accessory uses customarily incidental and subordinate to the location, function and operation of permitted uses. Food service establishments, newsstands and other similar retail and service support uses shall only be permitted as accessory uses if they are part of and located within the lot lines of a use set forth in section 14-307(a)(1), (a)(7), (a)(11), or (a)(22); that such uses do not exceed two-thousand (2,000) square feet in total floor area of the building, or twenty-five percent (25%) of the total floor area of the building, whichever is less, and that each individual accessory use

does not exceed one-thousand (1,000) square feet in total floor area of the building; and further provided that such accessory uses provide goods or services that are supportive of the principal use and its clientele. Exterior accessory uses shall be otherwise subject to the provision of 14-311(a); and

- b. Interior meeting or classroom space accessory to uses permitted in section 14-307(a)(23) (marine research, education, and laboratory facilities) may be rented out for meeting use by marine-related or non-marine related groups or organizations, or the general public, and such accessory uses shall not be subject to the limitations contained in paragraph b, but shall only be permitted as accessory uses if the total of all support uses, including interior meeting or classroom space, does not exceed three-thousand (3,000) square feet in total floor area per building, or fifteen percent (15%) of the total floor area per building, whichever is less.

2. ~~Street vendors licensed pursuant to Chapter 19.~~
3. Wind energy systems, as defined and allowed in Article X, Alternative Energy.

(e) Uses permitted only within the Commercial Street Overlay Zone. Uses permitted by this section are subject to the standards listed in section 14-311(b).

1. Retail and service establishments, including craft and specialty shops;
2. Restaurants provided that full course meal food service and consumption shall be the primary function of the restaurant, and full course meal service shall be continued up until the hours of closing;
3. Banking services without drive-up services;
4. Museums and art galleries;

5. Street vendors licensed pursuant to chapter 19.
6. Offices of health care practitioners or health care clinics.
7. Personal service establishments.

(Ord. No. 168-93, § 2, 1-4-93; Ord. No. 131-01/02, § 1, 1-23-02; Ord. No. 309-01/02, § 1, 7-15-02; Ord. No. 38-02/03, § 1, 9-4-02; Ord. No. 193-05/06, 4-19-06; Ord. No. 103-10/11, 12-20-10; Ord. No. 33-11/12, 1-18-12)

Sec. 14-308. Conditional use.

The uses listed herein shall be permitted as conditional uses in the waterfront central zone, provided that, notwithstanding section 14-471 and section 14-474(a), or any other provision of this code, the planning board shall be substituted for the board of appeals as the reviewing authority, and further provided that in addition to the provisions of section 14-474(c) (2), they shall also meet the applicable ~~W~~aterfront ~~C~~entral ~~Z~~one development standards in section 14-311:

(a) Commercial marine conditional uses:

1. Fish by-products processing, provided that:
 - a. Any fish by-products processing facility has a valid rendering facility license under chapter 12;
 - b. Any existing fish by-products facility shall employ current and appropriate odor control technology (and any new fish by-product use shall employ current, available odor control technology) to eliminate or minimize detectable odors from such a process, and in no case shall odors exceed the odor limitation performance standards of the I-M zone; and
 - c. The processing of other material wastes or by-products shall not be deemed a lawful accessory use under any other provision of this article.
2. Boat rack storage facilities, provided that:

- a. Parking shall be provided for one-hundred percent (100%) of the demand generated by the use (notwithstanding 14-311(d)7, performance standard for parking), and such parking shall be provided off-site, in another zone permitting such use.
- b. Boat rack structures shall not exceed ten thousand (10,000) square feet of building footprint.

~~(b) Residential: The primary owner of a marine business listed under section 14-307(a) located on the same site may occupy upper floor space with a residential use, provided the following conditions are met:~~

- ~~1. The applicant demonstrates a compelling business related need for living on site that cannot otherwise be accomplished;~~
- ~~2. The residential living space shall not exceed one thousand (1,000) square feet, inclusive of all exterior porches and decks;~~
- ~~3. The occupancy of said space shall be limited to the primary owner of the marine related business. The residential use is not transferable to friends, family or anyone other than the primary business owner. No such residential space shall be leased out by or allowed to be used for occupancy by other than the primary owner of the marine related business;~~
- ~~4. The residential use shall be limited to one unit per wharf;~~
- ~~5. The residential use shall be year round use only, and shall not be used on a seasonal basis; and~~
- ~~6. Upon the vacancy in excess of three (3) months of the residential living space by the primary owner of the marine related business, the residential use shall automatically terminate and shall not be continued without new conditional use approval under this subsection.~~

~~For purposes of this subsection, "primary owner of the~~

~~marine-related business" shall mean a person who legally owns fifty percent (50%) or more of the marine business listed under section 14-307(a), permitted marine uses.~~

- (b) Utility substations: Public utility substations, including but not limited to electrical transformers, sewage and stormwater pumps, and telecommunication switching stations, are permitted under the following conditions:
1. The facility is located more than one-hundred (100) feet from the water's edge;
 2. The facility occupies no more than fifty (50) square feet of structure above ground;
 3. The facility provides no dedicated on-site parking and all subsurface elements of the facility are installed and operated such that land occupied by the facility is otherwise usable and made available for marine uses, including but not limited to parking, travel ways, and/or storage; and
 4. The facility shall be sized, sited and screened to minimize visual impact and prominence from public ways.
- (c) Temporary wind anemometer towers, as defined in Sec 14-47, are permitted provided the following standards are met in addition to Sec 14-430:
1. Towers may be installed for the purpose of wind data collection for no more than two (2) years after the issuance of a Certificate of Occupancy for the tower. At the conclusion of the aforementioned two (2) years, the tower must be dismantled and removed from the site within sixty (60) days; and
 2. Towers shall be constructed according to plans and specifications stamped by a licensed professional engineer, which shall be provided to the Board of Appeals with the application; and
 3. Towers shall be set back from habitable buildings by a distance equal to 1.1 times the tower height; and

4. The applicant shall provide a safety report prepared and stamped by a licensed professional engineer to the Board of Appeals with their application for conditional use, which demonstrates how the proposed temporary wind anemometer tower is safe in terms of strength, stability, security, grounding, icing impacts and maintenance; and
5. The applicant shall provide evidence of commercial general liability insurance, such insurance to be satisfactory to Corporation Counsel and cover damage or injury resulting from construction, operation or dismantling of any part of the temporary wind anemometer tower; and
6. Towers and associated guy wires shall be sited to minimize their prominence from and impacts on public ways (including pedestrian ways); and
7. Towers shall be used for installing anemometers and similar devices at a range of heights from the ground to measure wind characteristics (speed, direction, frequency) and related meteorological data, but shall not be used for any other purpose; and
8. A performance guarantee shall be required for the cost of removal of the tower, guy wires and anchors. This requirement may be satisfied by surety bond, letter of credit, escrow account or by evidence, acceptable to the City, or the financial and technical ability and commitment of the applicant or its agents to remove the facility at the end of the use period.

(d) Wind energy systems, as defined and allowed in Article X, Alternative Energy.

(Ord. No. 168-93, § 2, 1-4-93; Substitute Ord. No. 00-42, 8-7-00; Ord. No. 73-01/02, § 1, 10-15-01, Ord. No. 131-01/02, § 2, 1-23-02; Ord. No. 193-05/06, 4-19-06; Ord. No. 29-09/10, 8-3-09, emergency passage; Ord. No. 240-09/10, 6-21-10; Ord. No. 278-09/10, 7-19-10; Ord. No. 103-10/11, 12-20-10; Ord. No. 33-11/12, 1-18-12)

Section 14-309. Prohibited uses.

Uses which are not enumerated in either section 14-307 or 14-308 as permitted or conditional uses are prohibited. Uses enumerated

in section 14-307(e) shall be considered prohibited uses outside of the CSOZ. Those uses that are prohibited shall include, without limitation:

- (a) Residential Uses ~~Except as provided in section 14-308, residential uses (not in existence on May 5, 1987);~~
- (b) Hotels, motels, hostels, bed and breakfasts, inns, lodging houses, tourist homes, short-term rentals or boatels;
- (c) Auditoriums, civic centers, convention centers, or other meeting facilities not accessory to an otherwise permitted use;
- (d) Drinking establishments, private clubs, or non-profit social and recreational facilities;
- (e) Ground mounted telecommunication towers, antennas, and/or disks; and
- (f) Drive-up services for any use other than a permitted use listed under 14-307(a) or 14-308(a) (1).
- (g) Major and minor auto service stations.
- (h) Laundry and dry-cleaning services.
- (i) Convenience stores with gas pumps.
- (j) Commercial parking for non-marine uses.

(Ord. No. 168-93, § 2, 1-4-93; Ord. No. 73-01/02 § 2, 10-15-01; Ord. No. 193-05/06, 4-19-06; Ord. No. 103-10/11, 12-20-10)

Sec. 14-310. Dimensional requirements.

In addition to the provisions of division 25 of this article, lots in the Waterfront Central Zone shall be subject to the following requirements:

- (a) Minimum lot size: None.
- (b) Minimum frontage along Commercial Street: Seventy-five (75) feet.
- (c) Minimum lot width within the CSOZ ~~NMUOZ~~: Fifty (50) feet

measured parallel with Commercial Street and such lot width shall be continuous for the full depth of the lot located within the CSOZ ~~NUMUOZ~~.

(d) Minimum yard dimensions:

1. Front setback: None.
2. Side setback: None
3. Rear setback: None.
4. Setback from pier edge: Notwithstanding the above requirements, a minimum first-floor setback of ten ~~five~~ ~~(105)~~ feet from the edge of any pier, wharf or bulkhead shall be required for any structure, (exclusive of structurally necessary posts supporting upper floors, and deck mounted equipment for loading and unloading vessels). The edge of any pier, wharf or bulkhead shall include any attached apron(s). Floats, rafts, and or barges not structurally integral to the pier, wharf or bulkhead may not be used to satisfy this requirement. Parking for non-marine uses shall not occupy the 10-foot setback.

(e) Maximum lot coverage: One-hundred (100) percent.

(f) Maximum building height: Fifty (50) feet. Except as provided in (h) below, a structure in the ~~W~~waterfront ~~C~~entral ~~Z~~one shall provide no more than three habitable floors; however, typical rooftop appurtenances and/or enclosed or open mechanical installations shall be allowed over the third floor.

(g) Minimum ground floor clearance: Any new building proposed to be larger than three-hundred (300) square feet, and located more than 35 feet from the southerly sideline of Commercial Street, shall provide no less than fifteen (15) feet of first floor to ceiling vertical clearance to promote marine industrial use potential. New buildings less than three-hundred (300) square feet or additions to existing multistory buildings are exempt from this provision but shall provide the maximum ground floor clearance practicable.

(h) New non-marine use building exception for usable floors

and minimum ground floor clearance: Notwithstanding provisions (f) and (g) above, for new non-marine use buildings permitted within the CSOZ ~~NMUOZ~~, four (4) usable floors are allowed and ground floor clearance minimums do not apply.

(Ord. No. 168-93, §2, 1-4-93; Ord. No. 309-01/02, § 2, 7-15-02; Ord. No. 193-05/06, 4-19-06, Ord. No. 103-10/11, 12-20-10)

Sec. 14-311. Development standards.

- (a) Standards for non-marine uses located outside of the CSOZ ~~NMUOZ~~: Non-marine uses listed above in Sec. 14-307(b) and 14-308(b) that are located outside of the CSOZ ~~NMUOZ~~ shall be subject to the performance standards listed in 14-311(d) as well as the following standards:
1. 55% marine use required on ground floors: At least 55% of the ground floor of all of the buildings on the lot (defined in 14-306 above), when calculated using the aggregate of all the leaseable area of such ground floors, shall be occupied by marine uses, as listed under 14-307(a) or 14-308(a) (1).
 2. 55% marine use required for all open areas: After subtracting areas used for common circulation drives (defined in 14-306 above), at least 55% of un-built area (meaning area not occupied by a building) on the lot, when calculated using the aggregate of all such un-built areas, shall be occupied by marine uses, as listed under 14-307(a) or 14-308 (a)1.
 3. Ground floor vacancies and change of occupancy offered to water dependent/marine uses: Ground floor vacant space and areas proposed for a change of occupant outside of the CSOZ ~~NMUOZ~~ shall not be filled with any non-marine use without adequate opportunity for marine uses to occupy the space.
 - a. *Ground floor vacancy and change of occupant outside of the CSOZ ~~NMUOZ~~ advertised to marine users:* In any lot or portion of lot outside of the CSOZ ~~NMUOZ~~, each time a ground floor occupant departs or gives notice to depart from the lot, the space, along with any associated parking spaces to be vacated, must be made available to new marine occupants.

Prior to renting to a non-marine user the property owner shall advertise for a new marine occupant for not less than a one hundred eighty(18060) day period in targeted media and by other means reasonably calculated to reach marine users (e.g. local marine trade publications, marine trade websites, waterfront bulletins .) Should one or more marine users apply, the property owner shall make the space available to a marine occupant, in accordance with terms and rates generally consistent with comparable space in the 55% marine use portion of the zone(outside of the CSOZ NMUOZ.)The property owner may stop advertising sooner than the end of the 18060 - day period if a lease is signed with a marine user. Should no marine user apply by the end of the 18060-day period, the owner may fill the space with a non-marine user provided that the new non-marine occupant will not cause the lot to exceed the non-marine use occupancy maximum of 45% of the ground floor area or open area.

- b. Uses inventoried: To demonstrate adherence to the 55% marine use requirement, the applicant shall submit to the planning authority, upon request, an inventory which lists each occupant (tenant or otherwise), as well as a map which depicts the location of each occupant. The map shall show all ground level space, including buildings, parking, open areas and submerged lands associated with the subject lot. For each occupant, the property owner must indicate the square footage of area occupied and whether the occupant is a marine use as defined herein. For vacant space, the last previous occupant shall be listed, along with the date of departure.
- c. Prior to changes of occupancy and/or as part of applications for new development Applicants for site plan review or a change of use permit outside of the CSOZ NMUOZ, the property owner or applicant shall provide the planning authority with proof of compliance with the requirements of this section as a

condition of approval.

~~d. The city planning authority shall compile and report inventories of ground level uses, as reported under (b) above, into an annual report of ground level uses and investment in the Central Waterfront. The report shall include an aggregated assessment of ground floor marine and non-marine use occupancy and a catalogue of marine infrastructure investment for the reporting period. The report shall be submitted to the City Council as a communication not less than once every calendar year.~~

4. Pier or bulkhead edge reserved for marine uses: Notwithstanding ~~anything contained in 14-311(c) Contract or conditional rezoning, or any other~~ any provision of this ordinance to the contrary, excepting only the portion of any pier which might be used for non-commercial berthing pursuant to 14-307(a)(20), all berthing and/or dockage space and associated floats plus the entire linear edge of that portion of every pier or bulkhead which is adjacent to greater than zero feet of water depth at mean low water, to a minimum setback line of at least ~~tenfive~~ (10) feet from the edge of the pier, bulkhead, or engineered shoreline may only be used or occupied by one or more marine uses as defined in 14-307(a) or 14-308(~~ab~~). Said edge shall be the seaward extent of any engineered shoreline or working deck of any pier or wharf.

(b) ~~CSOZ NMUOZ~~ standards: Non-marine uses listed under 14-307(b), 14-307(e) and 14-308 located within the CSOZ ~~NMUOZ~~, as defined in 14-306, shall be subject to the performance standards listed in 14-311(d) as well as the following standards:

1. Vessel access: Non-marine uses allowed under this provision shall not disrupt or block access to vessel berthing and shall otherwise adhere to the performance standards of this zone described in Sec. 14-311(d).
2. *Maximum setback for new development on lots with seventy-five (75) or more feet of Commercial Street*

frontage: Any new non-marine development constructed subject to this provision which is located on a lot with seventy-five (75) or more feet of frontage along the Commercial Street right of way shall be located with its front façade no further than thirty-five feet (35) from the southerly sideline of the Commercial Street right of way. Furthermore, any such development shall orient its front façade and its primary pedestrian entrance toward Commercial Street and no vehicular circulation or parking may occupy the land or pier area between the front façade of the building and Commercial Street.

Non-marine development subject to this provision on lots with fewer than seventy-five (75) feet of frontage along the Commercial Street right-of-way, changes of use within existing buildings, and/or building additions of less than 5,000 square feet of new development to existing buildings are exempt from the maximum setback provisions established herein.

3. *Investment in marine infrastructure:* All applicants for site plan review or a change of use permit for non-marine development in the CSOZ ~~NMUOZ~~ are required to invest in marine infrastructure as a condition of development, provided that the total project costs exceed \$250,000. The value of the investment shall be not less than five percent (5%) of total project costs over \$250,000 for constructing non-marine space and associated site improvements in the CSOZ ~~NMUOZ~~.

Required investment may occur by one or both the following methods:

- a. *Direct investment in marine infrastructure* located on the same lot: Investment shall be for the benefit of marine uses listed in 14-307(a) within the same lot as the proposed non-marine development. Investment may include dredging, pile replacement, new or replaced structural decking (but not pavement resurfacing), new or replaced fendering systems, new or replaced floats, pier expansions, permanent conversions of

recreational berthing to commercial berthing, bulkhead or seawall repair or improvements, or any combination of similar improvements. Plans for the marine infrastructure investment shall be submitted to the planning authority with the application for site plan review or change of use permit and shall include details and a commitment as to how the marine infrastructure will be utilized by marine users. The marine infrastructure improvements shall be completed prior to the issuance of a certificate of occupancy for the non-marine development project.

- b. *Financial contribution: If direct investment in marine infrastructure is not made, the developer shall make a financial contribution to the city's waterfront loan and investment fund.*

(c) No Contract or Conditional Rezoning Permitted

- 1. Purpose: This section is intended to accomplish goals from Portland's Plan 2030. Specifically, these changes will:
 - a. Prioritize and promote Portland's unique mix of water-dependent, marine-related uses and compatible non-marine uses;
 - b. Recognize and reinforce the respective roles of the Eastern, Central and Western Waterfronts; and
 - c. Celebrate, promote and protect Portland's lobster and fishing industry as a foundation of the region's economy and a feature of civic pride.
- 2. In light of this purpose and the significance of the central waterfront to the City's future, no contract or conditional rezoning applications may be approved in the Waterfront Central Zone.

~~(e) Contract or conditional rezoning standards: Applications for proposals deviating from any dimensional requirements under section 14-310 and/or including uses~~

~~not listed under sections 14-307 and 14-308 may only be considered if the reviewing body finds the applicant has met the performance standards listed under 14-311(d) and the following standards:~~

- ~~1. Conditional or contract rezoning located outside of the NMUOZ: The ground level floor area of any building, existing or proposed, on the subject lot and the un-built area of the subject lot and the un-built area of the subject lot shall be subject to and meet the requirements of section 14-311(a) of this code.~~
- ~~2. Conditional or contract rezoning located within the NMUOZ: Conditional or contract rezoning applications located within the NMUOZ are subject to the provisions of 14-311(b) (3) (Investment in marine infrastructure).~~
- ~~3. Residential dwellings are prohibited.~~
- ~~4. The development is consistent with the comprehensive plan and without the development the site could not otherwise support an economically viable water dependent use.~~
- ~~5. Any physical or legal impediments which preclude or impede functional access from the site of the development to any portion of the water's edge are not the result of action taken by the current owner, the applicant for rezoning, or any prior owner after January 4, 1993.~~
- ~~6. The project's public benefits outweigh its potential negative impacts, taking into consideration as public benefits: protection of existing water dependent uses, preservation of future water dependent use development opportunities, contribution to the development of and/or on-going maintenance of the marine infrastructure for commercial vessels, and visual and physical access to the waterfront for the general public.~~
- ~~7. The development responds to any unique physical conditions and development opportunities along the shoreline in a manner that is consistent with~~

~~section 14-305 (purpose).~~

~~8. The non-marine portion of the proposed development will not adversely affect the efficient operation of marine uses, such as producing less efficient traffic, parking or circulation patterns. Parking for the non-marine portion of the proposed development shall be subject to review under section 14-311(d) (8).~~

~~9. The rezoning contains adequate provisions and/or conditions to ensure that any associated water-dependent infrastructure remains occupied by any commercial marine use as listed in 14-307(a) and that said use is not abandoned after the project is developed.~~

(d) Performance standards: All uses in the waterfront central zone shall comply with the following standards. The Operations and Access Management Plan (standard 13) ~~Standards 8, 10, 13, 14, 15, 16, and 17 below~~ shall be reviewed by the planning authority:

1. Outdoor storage of materials: Outdoor storage of commodities and materials accessory to normal conduct of business, except pilings and/or cranes, shall be permitted to a maximum height of forty-five (45) feet, and such materials shall be entirely contained, including runoff contaminants and residual material, within a designated area within the lot boundaries.

2. Noise: The level of sound, measured by a sound level meter with frequency weighting network (manufactured according to standards prescribed by the American National Standards Institute, Inc.), inherently and recurrently generated within the waterfront central zone shall not exceed seventy-five (75) decibels on the A scale at the boundaries of any lot, except for sound from construction activities, sound from traffic on public streets, sound from temporary activities such as festivals, and sound created as a result of, or relating to, an emergency, including sound from emergency warning signal devices. In measuring sound levels under this section, sounds with a continuous duration of less than sixty (60)

seconds shall be measured by the maximum reading on a sound level meter set to the A weighted scale and the fast meter response (L maxfast). Sounds with a continuous duration of sixty (60) seconds or more shall be measured on the basis of the energy average sound level over a period of sixty (60) seconds (LEQ1).

3. Vibration: Vibration inherently and recurrently generated shall be imperceptible without instruments at lot boundaries. This shall not apply to vibration resulting from activities aboard a vessel or from railroad vehicle activities, or from activities on a pile supported pier.
- ~~4. Federal and state environmental regulations: All uses shall comply with federal and state environmental statutes and regulations regarding emissions into the air, except where provisions of this Code are more stringent.~~
4. Discharges into harbor areas: No discharge into harbor water areas shall be permitted, unless permitted by the Maine Department of Environmental Protection under a waste discharge license and as approved by the department of public works in accordance with chapter 24, article III of this code. All private sewage disposal or private wastewater treatment facilities shall comply with the provisions of chapter 24, article II of this code and federal and state environmental statutes and regulations regarding wastewater discharges.
5. Storage of vehicles: Storage of any unregistered automotive vehicle on the premises for more than sixty (60) days shall not be permitted.
6. Landfill of docking and berthing areas: Landfill of docking and berthing areas shall be governed by 38 M.R.S.A. sections 480-A through 480-HH, and permitted only if the landfill does not reduce the amount of linear berthing areas or space, or berthing capacity. If approved, construction shall be undertaken using methods approved by the department of public works and shall be accomplished in accordance with the provisions of division 25 of this article and in a manner so as

to ensure that a stable and impermeable wall of acceptable materials will completely contain the fill material and will not permit any fill material to leach into docking areas or navigable waters.

7. Off-street parking and loading: Division 20 (off-street parking) and division 21 (off-street loading) of this article shall not apply.

~~The planning authority shall review applications for non-marine use parking against the following standards:~~

- ~~a. Applicants for non-marine parking in the waterfront central zone shall submit a parking and traffic circulation plan showing the location of all existing and proposed structures, travel ways and parking on the subject lot.~~
- ~~b. Outside of the NMUOZ, non-marine use parking is subject to the limitations described in 14-311(a) ("55% rule").~~
- ~~c. Non-marine use parking shall only be located on a lot where, based on the parking and traffic circulation plan and a parking analysis to be submitted for planning authority review, the marine use parking supply is reasonably sufficient to serve marine use space located on the subject lot.~~
- ~~d. Water dependent use parking spaces shall be located as close as reasonably possible to associated vessels and/or ground floor lease areas.~~

- ~~8. Shoreland and flood plain management regulations: Any lot or portion of a lot located in a shoreland zone as identified on the city shoreland zoning map or in a flood hazard zone shall be subject to the requirements of division 26 and/or division 26.5 of this article.~~

8. Lighting: All lighting on the site shall be shielded such that direct light sources shall not unreasonably interfere with vessels transiting

the harbor nor have an unreasonable adverse impact on adjacent residential zones.

~~9. Signs: Signs shall be permitted as set forth in division 22 of this article.~~

9. Storage of pollutants and oily wastes: On-premises storage of pollutants and oily wastes shall not be permitted for more than forty-five (45) days.

10. Urban design: Construction of new structures located within thirty-five (35) feet of the southerly edge of Commercial Street between Maine Wharf and the easterly property line of the city fish pier shall conform to the guidelines set forth in the downtown urban design guidelines, unless such structures are also located within one-hundred (100) feet of the water. Such structures that are also located within one-hundred (100) feet of the water shall conform to the extent practicable to the downtown urban design guidelines.

11. Pier and wharf expansions: In addition to meeting Harbor Commission and Coast Guard requirements for navigation, any expansion or extension of a pier and or wharf in the waterfront central zone shall demonstrate its compatibility with fixed route ferry service and emergency vessel operations.

~~12. Compatibility of non-marine uses with marine uses: Non-marine uses, structures and activities, including but not limited to access, circulation, parking, dumpsters, exterior storage and loading facilities or other structures shall neither interfere with the existence or operation of marine uses nor impede access to vessel berthing or other access to the water by existing or potential marine uses. Siting of a use not set forth in section 14-307(a) shall not substantially reduce or inhibit existing public access to marine or tidal waters.~~

~~13. Functional utility of piers and access to the water's edge: All new development, whether for marine or non-marine uses, should anticipate current and future functional and operational~~

~~needs of water dependent pier tenants to access the water's edge for the transfer of goods and materials between berthed vessels and land bound vehicles, and shall demonstrate adherence to the following provisions:~~

- ~~a. Provisions for the storage and movement of goods and materials must be designed into all waterside development and internal circulation routes must be maintained or otherwise provided as an element of any development. The siting, design, and circulation of non-marine uses, particularly those allowed on first floors, shall adjust if needed to accommodate reasonable access for pedestrians, vehicles, and freight transfer to and from berthed vessels.~~
- ~~b. Any development that proposes to site a building within ten (10) feet of a pier edge (thus precluding vehicle use of the pier edge) should provide openings and circulation through or around the building to allow the transfer of goods and materials to trucks and circulation routes within the interior of the pier.~~
- ~~c. With the exception of non-commercial berthing allowed under section 14-307(a)(20), there is to be no other non-commercial berthing.~~
- ~~d. Except for common circulation drives as defined in 14-306, access ways, parking and loading areas designated for marine uses shall be exclusively for marine uses and shall not be shared with non-marine uses.~~

12. Public view protection: Any new development in the waterfront central zone shall perform a public view impact analysis for review and approval by the planning board or planning authority as a condition of site plan approval. The analysis shall: (a) demonstrate the project's adherence to the Portland View Corridor Protection Plan (City of Portland Comprehensive Plan, 2002) to the extent practicable; and (b) promote the public's visual

access to the water through sensitive building placement.

The planning board or planning authority shall find at a minimum that the proposed development (a) retains street corridor views as extended across Commercial Street from the Portland peninsula; (b) retains panoramic views of the water from Commercial Street to the extent practicable; and (c) where loss of existing public views to the water is shown to be necessary for the reasonable development of the site, the developer provides alternative public views to the water through newly established view corridors or publicly accessible pedestrian ways. Such pedestrian ways shall not interfere with existing or potential water-dependent uses, nor shall they endanger the public through uncontrolled proximity to industrial activity.

13. Operations and Access Management Plan: Any new development, including changes of use or expansion of uses in the Waterfront Central Zone shall submit a scaled plan and accompanying narrative that demonstrates adequate waterfront access and logistical accommodation for water-dependent users. In accordance with Portland's Plan 2030, the plan shall demonstrate consistency with the hierarchy of waterfront uses pyramid, as further detailed in Sec. 14-305 (Purpose), with non-marine and marine-related uses being subordinate in placement and disposition to water-dependent uses, and designed so as not to impede access to the pier edge and vessel berthing nor interfere with marine operations.

a. Submission Requirements. The plan shall, at a minimum, illustrate the following information:

i. Location of all existing and proposed structures, rights-of-way, common circulation drives as defined in Sec. 14-306, access-ways, sidewalks, pier edges, floats and docks, showing the entire lot in the context of its respective pier.

- ii. Proposed off-street parking, labeled with associated uses.
 - iii. Facilities for the loading and unloading of goods and materials.
 - iv. Regularly occurring exterior activities including but not limited to the storage of material, equipment and vehicles, yard area, outdoor seating and on-site waste management.
- b. Review Standards. In addition to the information above, the plan shall demonstrate compliance with the following standards:
- i. Off-street parking is subject to the limitations described in Sec. 14-311(a) ("55% Rule"). Off-street parking spaces intended for use by water-dependent uses shall be sited as close as reasonably possible to associated vessels and/or ground-floor lease area.
 - ii. Proposals for new non-marine parking shall submit a parking analysis for all uses on the subject lot, justifying the number of non-marine spaces based upon the proposed use and demonstrating sufficient parking supply for marine uses. If sufficient parking is not available to marine uses, off-street parking for non-marine uses shall not be permitted.
 - iii. Off-street parking, loading facilities and access ways designated for water-dependent uses shall be exclusive to such uses, except that, if not being occupied by water-dependent tenants, such parking may be made available to non-marine uses between the hours of 5:00 p.m. and 2:00 a.m.
 - iv. All properties providing commercial berthing shall demonstrate reasonable opportunities to load and unload vessels from the subject lot.

- v. Facilities for the loading and unloading of goods shall account for the frequency of use and vehicle type and, to the extent possible, minimize impacts to pedestrian and vehicle circulation patterns.
- vi. Provisions for the storage and movement of goods and materials shall be designed into all pier edge development. Circulation routes must be maintained or otherwise provided as an element of all development. The siting, design, and circulation of non-marine uses, particularly those allowed on first floors, shall accommodate reasonable access for pedestrians, vehicles, and freight transfer to and from berthed vessels.
- vii. Non-marine uses shall provide a dedicated pedestrian route between the proposed use and Commercial Street, and shall seek to minimize conflict with vehicle traffic.

Ord. No. 103-10/11, 12-20-10; Ord. 108-15/16, 11-16-2015)



Matthew Grooms <mgrooms@portlandmaine.gov>

Fwd: Waterfront

jmy <jmy@portlandmaine.gov>

Wed, Apr 17, 2019 at 12:11 PM

To: Matthew Grooms <mgrooms@portlandmaine.gov>

Matt, I am going to ask you to save this to your WCZ folder as a public comment because I am unable to locate it. Can you let me know where you are keeping the pc for WCZ? Thanks.

On Tuesday, April 16, 2019 at 3:25:36 PM UTC-4, Joel Richardson wrote:

Please do not allow non marine related business to encroach on our gem of a waterfront. You will be responsible for loosing our charm and tourism business only to increase the tax base a tiny bit. Not worth it.
Joel Richardson

WOODMAN EDMANDS DANYLIK AUSTIN
SMITH & JACQUES, P.A.

ATTORNEYS-AT-LAW

ROBERT B. WOODMAN
PETER L. EDMANDS
THOMAS DANYLIK
RALPH W. AUSTIN
JAMES B. SMITH
KEITH R. JACQUES
MICHAEL J. O'TOOLE
HARRY B. CENTER II
SANDRA L. GUAY

234 MAIN STREET
P.O. BOX 468
BIDDEFORD, ME 04005-0468
TELEPHONE: 207-284-4581
FAX: 207-284-2078
E-MAIL: SLG@woodedlaw.com
www.woodedlaw.com

April 23, 2017

Via Email

Portland Planning Board
Sean Dundan, Chair
City of Portland
Planning Division
389 Congress Street
Portland, ME 04101

Re: Waterfront Central Zone
Draft Ordinance Amendments/Workshop April 23, 2019

Dear Mr. Dundan and Planning Board Members:

The purpose of the recent referendum efforts of the Portland Working Waterfront Group ("PWWG") was to protect both the present and future of the Portland working waterfront. The PWWG agreed not to submit its referendum, even though far more than the required number of signatures had been gathered from Portland citizens, so as to work with the City and other stakeholders in an effort to achieve this goal. While the PWWG appreciates the participation by the City and other stakeholders in these efforts and believes that some positive amendments are being proposed as a result, the PWWG's end goal (and I believe the efforts of the task force committee that has been formed to review the ordinance) was not to eliminate what the planning department apparently perceives as mere redundancies in the ordinance, but rather to strengthen the standards that already exist to protect the Waterfront Central Zone. While perhaps not intended, this is however precisely what the draft ordinance amendments do with respect to Sec. 14-311(d) "Performance Standards", by removing key substantive protections.

Portland Planning Board
Sean Dundan, Chair
April 23, 2019
Page 2 of 4

The issues are broken down below by subsection. Also, a suggested revised draft of Sec. 14-311(d)(13), reincorporating the deleted performance standards is attached to this letter as reference and to assist in your review.

Existing Standard (d)(8) “Off-street parking and loading” (shown as (7) on the City’s redline draft (“Draft”)):

The Draft takes out existing Performance Standard 8 which says that "non-marine use parking shall only be located on a lot where . . . the marine use parking supply is reasonably sufficient to serve marine use space located on the subject lot." The substitute standard calls for a detailed plan, but doesn't carry over this requirement for no non-marine parking unless marine is adequate requirement. This draft keeps the idea that Water Dependent Uses (“WDU”) parking spaces shall be located close to associated vessels and ground floor lease areas, *but weakens it* by switching from as close as "reasonably possible" to as close as "practicable".

Existing Standard (d)(15) “Compatibility of non-marine uses with marine uses” (shown as (12) on the Draft):

The Draft strikes existing Performance Standard (d)(15) “Compatibility of non-marine uses with marine uses” and rolls part of it into the new plan requirement ((d)(13)). But, the Draft (d)(13) omits the substantive standard that non-marine uses "shall neither interfere with the existence or operation of marine uses nor impede access to vessel berthing or other access to the water by existing or potential marine uses" (emphasis added). This needs to be put back in as a meaningful standard.

Existing Standard (d)(16) “Functional utility of piers and access to the water’s edge” (shown as #13 on the Draft):

The Draft strikes existing Performance Standard (d)(16) and reduces it to a requirement that buildings located within 10 feet of the pier edge "shall account" for the transfer of goods. This is a shadow of the existing requirement that "all new development, whether for marine or non-marine uses, should anticipate current and future functional and operational needs of water-dependent pier tenants to access the water's edge . . ." (emphasis added). There are also subparagraphs in the existing standard for design for

WOODMAN EDMANDS DANYLIK AUSTIN SMITH & JACQUES, P.A.

Portland Planning Board

Sean Dundan, Chair

April 23, 2019

Page 3 of 4

storage and movement of goods and materials, retention of internal circulation routes, need of non-marine uses to adjust to accommodate marine uses, alternative circulation if buildings are within 10 feet of pier edge, and a key provision that accessways, parking and loading areas designated for marine uses shall be exclusively for marine uses and shall not be shared with non-marine uses. Shadows of some of these issues come through in the City draft, but without the full protections of the existing language.

In summary, the new Standard (d) (13) "Operations and Access Management Plan" ("Plan") emphasizes form over substance -- it focuses on what is to be shown on a plan but not what needs to be accomplished if the plan is to be deemed sufficient. Instead of flagging the importance of marine uses, it features the plan as an end in itself. It deletes very specific operational language from the existing ordinance and substitutes only vague references requiring that it "demonstrates adequate waterfront access and logistical accommodation for water-dependent users" and that it "demonstrates consistency with the hierarchy of waterfront uses pyramid" in the City's Plan 2030.

The Waterfront Central Zone needs the existing enforceable standards language returned to the draft so it is clear how the Plan is to be judged rather than substituting that existing clarity with only vague goals. In addition, applicants must know when they read the ordinance what specific standards must be met in order to meet the ordinance's goals without arbitrary application or undue delay.

Further, the new Performance Standard (d) (13) seems to suggest it would apply only to new development and changes of use. The Plan should also be required for expansion of an *existing* non-marine use. Standard (d) (13) also limits the submission to showing a plan for a small area, "within one hundred feet of the project's limit of work boundary." **This is not sufficient.** Except in the CSOZ, the entire pier needs to be shown on the Plan and reviewed to fully analyze and make sure that there will not be adverse impacts on marine uses.

Once again, the PWWG appreciates and acknowledges the time and effort that has gone into working on draft amendments to date. The PWWG remains concerned however not only about the issues highlighted above, but also with regard to issues that have yet to be addressed by the task force and that are therefore not reflected in the Draft, including stronger enforcement standards.

WOODMAN EDMANDS DANYLIK AUSTIN SMITH & JACQUES, P.A.

Portland Planning Board

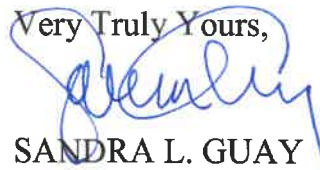
Sean Dundan, Chair

April 23, 2019

Page 4 of 4

In summary - it is imperative that as a result of the task force and City's efforts, the ordinance be amended so as to maintain the existing forward-focused standards that look not only at existing WDUs but cast an eye on preserving the functional utility for potential future WDUs. The importance of this frame of reference is *essential* in order to maintain the value of the harbor as an economic engine for future generations. The Draft performance standards as presented fail to accomplish this and instead only serves to weaken the performance standards that are already in place.

Thank you for your timely consideration of these important comments.

Very Truly Yours,

SANDRA L. GUAY

SLG/lb

Copy to: Willis Spear, PWWG

Bill Coppersmith, PWWG

Jon Jennings, City Manager

Bill Needelman, Waterfront Coordinator

shared with non-marine uses, except that, if strictly and effectively enforced and if not being occupied by marine uses, parking spaces for marine uses may be made available to non-marine uses between the hours of 5:00 pm and 2:00 am.

To successfully demonstrates that it meets each of these criteria, the Plan shall, at a minimum, incorporate the following information and address any restrictions:

- a. Location of all existing and proposed structures, rights-of-way, common circulation drives as defined in Sec. 14-306, accessways, sidewalks, pier edges, floats and docks showing the entire pier if not located in the CSOZ, or within one hundred feet of the project's limit of work boundary if located within the CSOZ ;
- b. If a Bbuilding shown on the Plan is already or is proposed to be located within ten (10) feet of the pier edge the Plan shall account for demonstrate how the transfer of goods and materials between berthed vessels and land-bound vehicles will be accomplished, such as by providing openings and circulation routes through or around buildings as necessary to accommodate water-dependent uses.
- c. Proposed off-street parking, labeled with associated uses and illustrating compliance withsubject to limitations as described in Sec. 14-311(a) ("55% Rule"), as applicable. Off-street parking spaces intended for use by water-dependent uses shall be sited as close as reasonably possiblepracticable to associated vessels and/or ground-floor lease area. Proposals for new non-marine parking shall require submission of a parking analysis justifying the number of non-marine spaces based upon the proposed use and the sufficiency of the marine use parking supply on the lot.
- d. Facilities for the loading and unloading of goods and materials. Facility design shall account for frequency of use and vehicle type and, to the extent possible, minimize impacts to pedestrian and vehicle circulation patterns.
- e. Non-marine uses outside of the CSOZ shall identify a dedicated pedestrian route between the proposed use and Commercial Street, and shall seek to minimize conflict with vehicle traffic.
- f. Regularly occurring exterior activities including but not limited to the storage of material, equipment and vehicles, yard area, outdoor seating and on-site waste management.
- g. Location of Off-street parking, loading facilities and access ways intended for use by water-dependent users, with a designation of whether they are intended to -shall be exclusive to water dependent uses only. All properties providing commercial berthing shall demonstrate reasonable opportunities to load and unload vessels from the subject lot.

14-311(d) Performance standards: All uses in the waterfront central zone shall comply with the following standards. . . .

13. No adverse impact on marine uses: Operations and Access Management Plan: No use, including new development, a change of use, or expansion of a non-marine use, shall be permitted, approved, or established in this zone if it will have an impermissible adverse impact on existing or potential marine uses. Any applicant for a proposed new development, including changes of use, or expansion of a non-marine use, in the waterfront central zone shall submit a scaled Operations and Access Management Plan and accompanying narrative for review by the Planning Authority that demonstrates compliance with this performance standard. To be in compliance, the Plan shall clearly demonstrate that it meets each of the following criteria:

A. The proposal retains adequate waterfront access and makes necessary logistical accommodation for water-dependent users.

B. In accordance with Portland's Plan 2030, as further detailed in 14-305 (Purpose), the proposal is ~~an~~ shall demonstrate consistency with the hierarchy of waterfront uses, giving highest priority to existing and potential water-dependent uses and second priority to marine-related support uses, pyramid, with non-marine and marine-related uses being allowed only if they do not interfere with and are not incompatible with water-dependent and marine-related subordinate in placement and disposition to water-dependent uses.

C. The parking and traffic circulation plan and analysis portion of the Operations and Access Management Plan demonstrates that any proposed non-marine use parking is only being located upon a lot where the marine use parking supply is reasonably sufficient to serve marine use space located on the subject lot and the parking spaces designated for water-dependent uses are located as close as reasonably possible to associated vessels and any water-dependent and/or marine use ground floor lease areas.

D. Any proposed non-marine use will be compatible with marine uses and will neither interfere with the existence or operation of marine uses nor impede access to vessel berthing or other access to the water by existing or potential marine uses.

E. The proposal, whether for marine or non-marine use, will adequately protect the functional utility of piers and access to the water's edge by appropriately anticipating current and future functional and operational needs of water-dependent uses to access the water's edge for the transfer of people, goods, and materials between vessels and land.

F. Provisions for the storage and movement of goods and materials must be designed into all waterside development and internal circulation routes must be maintained or otherwise provided as an element of any development. The siting, design, and circulation of non-marine uses, particularly those allowed on first floors, shall adjust if needed to accommodate reasonable access for pedestrians, vehicles, and freight transfer to and from berthed vessels.

G. Except for common circulation drives as defined in 14-306, access ways, parking and loading areas designated for marine uses shall be exclusively for marine uses and shall not be

BATEMAN PARTNERS, LLC (/)

HOME (/)

WHO WE ARE (/WHO-WE-ARE)

WHAT WE DO (/WHAT-WE-DO)

PROJECTS (/WHO-WE-ARE-1)

CONTACT (/CONTACT)

NEWS (/NEWS)

April 23, 2019 (/news/2019/4/22/do-you-really-know-what-was-proposed-at-fishermens-wharf)

Do you REALLY know what was proposed at Fishermen's Wharf? (/news/2019/4/22/do-you-really-know-what-was-proposed-at-fishermens-wharf)

Real estate development (/news/category/Real+estate+development)

Actually nobody knew — until today, April 23, 2019.

Well, one minor exception. About a dozen Portland residents knew. They participated in a focus group in December and we told them, to see what they thought. Before the publication of this post today, **nobody else knew**. No fishermen, no lobstermen, nobody on the Planning Board, no City Councilors, no reporters. The reason for that? We felt strongly that we needed to extend the courtesy of running these ideas by the fishing community first, face to face, before taking the more formal step of going to the Planning Board. A meeting with representatives of the fishing community hasn't happened yet.

We voluntarily withdrew our proposal

(<https://bangordailynews.com/2019/01/11/news/portland/developer-withdraws-plan-for-waterfront-hotel-in-portland-citing-concerns-by-fishermen/>) in January as the City formed a Waterfront Working Group, to allow that committee to do its work. Tonight, the Planning Board is considering more restrictive zoning (<http://www.theforecaster.net/portland-waterfront-zoning-gets-planning-board-review/>) along the waterfront. As the Board considers reducing the value of commercial properties, and thus reducing the tax revenue generated to help pay for the upkeep of the working waterfront's infrastructure, now seems like an appropriate time to outline what we had been thinking. If for no other reason than ideas like this --- in general -- - should be part of the discussion as the community plans the future of the working waterfront.

COLLABORATION



We had hoped to help Maine fishermen capitalize upon Portland's worldwide reputation as a "foodie" destination. The project we wanted to build would have encouraged collaboration among all working waterfront organizations, particularly among fishermen and restaurants, to transform Portland's working waterfront into a "must-see"

destination not only for Maine people, but also for children, tourists, chefs and journalists all over the world. Here are the benefits of the project we wanted to build, in more detail:

FOR FISHERMEN, HARD PHYSICAL BENEFITS

- Approximately \$2 million for dedicated infrastructure upgrades to the working waterfront, including commercial floats, gangways, pilings, etc.
- 7-9 free parking spaces.
- Wider lane from Commercial Street to Widgery Wharf, so that fishermen, bait trucks, etc. could access the wharf more easily.
- Private waterfront land between Widgery Wharf & Chandler's Wharf upgraded for use by fishermen, a viewing spot at the working waterfront so visitors could see what Maine fishermen and lobstermen do.
- The extension of services like electricity and water down to Widgery Wharf for use by the fishermen, services that do not exist now.
- A substantial financial contribution to a comprehensive, solutions-focused traffic study to improve conditions on Commercial Street.

FOR FISHERMEN, COOPERATIVE MARKETING ASSISTANCE



- New "Maine Sustainable Seafood Center" that would have included:
- Some processing of seafood landed by local fishermen.
- Some sales of seafood landed by local fishermen.

- A “Coastal Culinary Academy” and “R&D Kitchen” for culinary research & development focused on fresh Maine seafood.
- Direct & personalized promotion of Maine fishermen, their boats and their products to customers around the world.
- Direct personal access for visitors --- including schoolchildren --- to fishermen, boats, traps, nets and all aspects of the working wharves.
- “Maine Sustainable Seafood Raw Bar,” a restaurant serving innovative and traditional Maine seafood dishes, tracing each bite to Maine farmers and fishermen.
- We had hoped to work with our neighbors to establish an open-air fresh seafood and working waterfront market, in kiosks or under tents along on a Portland wharf.
- “International Maine Seafood Chef of the Year” contest, among others.
- “Maine Fisherman Hall of Fame” featuring storytelling, curated photographs, artifacts, etc.
- In summary, encourage collaboration among all working waterfront organizations to transform the waterfront into “must-see” destination for children, tourists, chefs and journalists all over the world.

FOR TOURISTS & PUBLIC

- New Marine Dispatch Center, central location and waiting area protected from the elements for all waiting for marine transportation out onto Casco Bay.
- Indoor bathrooms for tour boat and water taxi customers, instead of the status quo: porta-potties sitting in the hot sun.
- Private land converted to upgraded “public access point,” a new and prime viewing spot at the working waterfront.
- New 12,400 sq. ft. boardwalk & park along Fisherman’s Wharf, getting pedestrians off Commercial Street, allowing visitors to get right to water’s edge.

FOR PORTLAND TAXPAYERS

- Increase in tax revenue from \$28,000 annually that the Fisherman’s Wharf parking lot now generates, to an annual amount exponentially larger than that, after project competition.
- Another property generating robust funds for a TIF fund dedicated to current maintenance needs and future improvements to the infrastructure serving Portland’s working waterfront.

Just to be clear and avoid any confusion, the hotel proposal is withdrawn (<https://bangordailynews.com/2019/01/11/news/portland/developer-withdraws-plan-for-waterfront-hotel-in-portland-citing-concerns-by-fishermen/>). The Planning Board is meeting this afternoon, Tuesday April 23rd, in the City Council chambers at 4:30 p.m.

The zoning revisions are expected to face a Planning Board hearing and recommendation on May 14. A non-binding recommendation would be forwarded to the City Council, which needs to approve the zoning revisions. A first reading could be held May 20, with a public hearing and vote June 3. A 180-day moratorium on development within the Waterfront Central Zone expires June 15.

Tagged: commercial real estate developer
(/news/tag/commercial+real+estate+developer), Portland
(/news/tag/Portland), Maine (/news/tag/Maine), working waterfront
(/news/tag/working+waterfront)

♥ 0 Likes ↪ Share

Older Post

Cambria Hotels' first Maine location will
be Shipyard's 'brewtel'
(/news/2019/4/1/cambria-hotels-first-
maine-location-will-be-shipyards-brewtel)



BATEMAN PARTNERS LLC
DEVELOPERS & CONSULTANTS

BATEMAN PARTNERS, LLC, 470 FORE STREET, SUITE 400, PORTLAND, ME, 04101, UNITED STATES 207-772-2992 INFO@BATEMANPARTNERSLLC.COM (MAILTO:INFO@BATEMANPARTNERSLLC.COM)

Copyright 2017, Bateman Partners, LLC

MEMO

To: Portland Planning Board, Portland City Council
From: O. E. Delogu, Emeritus Professor of Law, Portland resident
Subject: Proposed Revisions to the Draft Amendments to City Code, Chapter 14, Land Use,
Division 18, Waterfront Central Zone (WCZ)
Date: April 29, 2019

Introduction:

I was one of the primary draftsmen of the Portland Waterfront Zoning Amendments Initiative presented to the City (by 10 residents, mostly fishermen) on October 30, 2018; the Initiative was withdrawn in early January, 2019 after over 2300 signatures had been gathered, more than enough to bring the Initiative to a city-wide vote. The withdrawal was agreed to by the signatories to the Initiative to allow a mid-December, 2018 six month Moratorium and Task Force (appointed by the City Manager) to seek a compromise between existing waterfront zoning which was seen as squeezing out traditional water-dependent uses, and the Initiative provisions which sought to more fully protect these water-dependent uses. The withdrawal was an act of good faith by Portland fisherman to arguments made by city officials that more could be accomplished by working together.

That said, it must be noted at the outset that the Moratorium and consequently the work of the Task Force (unlike the Initiative) did not encompass all of Portland's waterfront zones; the Eastern Waterfront Port Zone (EWPZ) and the Waterfront Port Development Zone (WPDZ) were omitted. **I view this failure to see the relatively small Portland waterfront (barely 2.6 miles in length) in a comprehensive manner as a mistake;** Portland's waterfront is in fact a single highly integrated whole, with Commercial Street (and its extensions) as the landward boundary of all three zones.

Given this limitation, the Task Force commenced its work in early January; it has been diligent; the meetings have been civil; the City Manager and city staff personnel by their presence at all meetings and by their pulling together of data have facilitated the Task Force's examination of a wide range of issues: problems with present zoning provisions, increased traffic along Commercial Street, parking problems in the WCZ and in all of the adjacent waterfront and non-waterfront zones, the use of the city's TIF funds, the role of non-water dependent uses within all waterfront zones, but particularly the WCZ. But reducing frank discussions to tangible Draft Amendments for zoning changes in the WCZ has taken time—the 26 page (unnumbered) document being examined was made available to the Initiators and the public on late Friday afternoon April 19, 2019 (the start of Easter weekend), four days before a scheduled April 23rd Planning Board Workshop at which proposed revisions and comments on these Draft Amendments was to be received. **This time frame is unfair on its face.**

Having now fully read the 26 page Draft Amendments and compared them to both the existing zoning and the 2018 Initiative provisions I would make two observations and then offer my Proposed Revisions. First, the Draft Amendments accept a number of the Initiative proposals—a good step forward. But in my view **the Draft could go further than it does to effect a more reasonable compromise.** Second, I have numbered the 26 pages; all of my revisions (except the last revision) reference the page number on which the change I would make is found.

Proposed Revisions:

Page 1—In §14-305 (c) I would drop the fourth word “ encouraged” and substitute the word “permitted”; I would also **delete the whole of the second sentence.** Non-marine uses to a limited degree are tolerated in the WCZ; whether they are essential to the economic survival of the piers and marine infrastructure has been asserted, but not proved by pier owners; what is clear is that Portland's

waterfront has existed for over 300 years without the wide range of non-marine uses put in place over the last 20-25 years.

Page 3—The §14-306 definition of the Non-Marine Use Overlay Zone (NMUOZ) is renamed the Commercial Street Overlay Zone (CSOZ)—fine. In the original 1987 Initiative the NMUOZ did not exist. What came to be called the NMUOZ crept in gradually (in a series of post 1987 zoning amendments) to the WCZ—first along Commercial street extending seaward for 25’, then 50’, then 150’ and up to 500’ along three of the central piers. The 2018 Initiative would have eliminated this zone altogether—it invited far too many non-water dependent uses (squeezing out water-dependent uses) into the heart of the WCZ. Elimination of NMUOZ, now CSOZ, was unacceptable to pier owners and a majority of Task Force members. Leaving the overly generous 500’ inroad onto 3 piers aside, the struggle for a compromise did not begin with some number between 0 and 150. The fisherman on the Task Force proposed a 75’ uniform seaward reach within the CSOZ, extended to 300’ for Long Wharf alone. The Draft Amendments accept the latter (still generous) provision, but establish the uniform seaward reach of the CSOZ at 125’. **This less than balanced compromise does not go far enough.** The obvious compromise between 0 and 150 feet was proposed by the fisherman; the fact that it was rejected by the Task Force does not prevent it from being accepted by the Planning Board and City Council as a true, a more realistic compromise aimed at avoiding a revived 2019 waterfront Initiative.

Page 6—§14-307 (b) deals with non-marine commercial and industrial uses: 2. dealing with cabinet and carpentry shops, studios for artists and crafts people **should be deleted**. There are an infinite number of locations in non-waterfront zones where these non-marine activities can be located.

Page 6—§14-307 (c) I would **put a period after the word spaces**. It seems inappropriate and unsafe to channel pedestrian and bicycle trails along commercial street which is already congested, and will become more congested with Eimskip 18-wheelers, fishing (and other) trucks, tourist buses and cars. Danforth Street and Fore Street offer safer options for these trails.

Pages 7-8—§14-307 (e) deals with uses permitted only within the CSOZ. **I would delete 4. Museums and art galleries, and 6. Offices for health care practitioners and clinics.** Both of these activities require user parking (already very scarce), are likely to attract higher volumes of people, and seem more suited to other Old Port, peninsula, and off-peninsula areas.

Page 8—§14-307 (e) 7. Personal service establishments **should be deleted**; it is too vague; or it should be defined more precisely—there are literally hundreds of possibilities.

Page 9— §14-308 dealing with Conditional uses: whether you add a sub-(b) or a part 3. Under sub (a) is a matter of indifference, but **I would add as a conditional use** “Structured parking facilities”; there are at least two areas in the CSOZ where this is possible, Long Wharf and the Fish Pier. This facilities are remunerative, and would help alleviate waterfront and island parking shortages.

Page 12—§14-309 dealing with Prohibited uses: retaining all of the Draft Amendment prohibited uses, **I would add the following** three contained in the withdrawn 2018 Initiative: (j) bulk freight or truck terminal facilities, (k) amusement theme parks or game rooms, and (l) gambling establishments/facilities, except those permitted by law on inter-port vessels.

Page 12—§14-310 (c) two references to NMUOZ should be changed to CSOZ.

Page 13—§14-310 (h) reference to NMUOZ should be changed to CSOZ.

Page 15—§14-311 (a) 3. c reference to NMUOZ should be changed to CSOZ.

Pages 18-20—the Draft Amendments total elimination of contract or conditional rezoning is an important step in the right direction (closing an abused loophole); however, **the Planning Board/City Council may want to consider retaining** (as did the withdrawn 2018 initiative) some limited capacity (other than a variance, not usually available when proposed projects seek PB approval) to permit **minor** deviations from otherwise applicable dimensional requirements in the zoning ordinance; for example, an otherwise permitted or conditional use should not be denied when it only has 9.5 feet of dock setback when 10 feet is required.

[This is the last revision—there is no page number reference]

It revises and applies the last amendment in the withdrawn 2018 Initiative that applied to all three waterfront zones. Obviously, here it would apply only to the WCZ. It reads as follows:

“Notwithstanding automatic lease renewal provisions, and/or more permissive non-conforming use provisions in other portions of the City Land Use Code, upon passage of these WCZ Draft Zoning Amendments, the parking of vehicles on ground-level spaces or in any structured parking facilities in the WCZ to meet the parking needs of uses permitted in non-waterfront zones landward of Commercial Street is prohibited when current leases (whether held by Unified Parking Partners or any other property owner in the WCZ) expire, or three years from the date of passage of these Draft Amendments, whichever is shorter.”

In the WCZ (including CSOZ) parking needs for fisherman, other marine uses, existing (and new) permitted and conditional non-marine uses, and year-round island residents are currently not being met. The Task Force has wrangled for hours over these issues in an effort to bring some degree of order to these legitimate parking needs. Permitted uses in non-waterfront zones throughout the peninsula must be made to meet their parking needs within the footprint of their own property and/or the zone in which they are located (or an adjacent non-waterfront zone). They cannot be allowed to exacerbate WCZ parking problems. The above provision is an important step; it will reduce the current WCZ parking space shortage, and allocate the current supply to those with the most legitimate claim/need for these spaces.

[Attached to this submission are two recent op-ed pieces written by the author.]

Portland's Working Waterfront — Under Siege Again

by Professor Emeritus of Law Orlando E. Delogu

In the early to mid-1980s Portland's waterfront was healthy and showed signs of getting healthier; BIW's dry dock facility was moving into the east end of the waterfront; P.D. Merrill's facility (now Sprague) was expanding its activities on the west end of the waterfront; the Fish Exchange and a growing ship-to-container business occupied centrally-located wharf areas, and nearly 200 working (mostly fishing) boats as well as ship chandlery / supply businesses occupied space along the 18 wharves that line the 2 1/2 -mile waterfront.

But Portland's development community and governmental leaders, with an eye to Boston's waterfront development, were caught up in the belief that upscale condominium development, high-end office space, and smart shops on Portland's piers and along our waterfront was the real key to economic growth. A small condominium project found its way onto Portland Pier; the massive Chandler's Wharf condominiums were built; still more condominium, office, restaurant, and shopping spaces were under discussion or in the early stages of planning board consideration. These projects were headed for fast-track city approval. The green light was on.

At this point, a diverse group of waterfront workers, fisherman, neighbors, and people with planning law background came together to head off this yuppie movement onto Portland's waterfront, and the loss of traditional marine commerce activities that would almost certainly follow. It would only be a matter of time before upscale condo and shop owners, office workers, and shoppers would tire of the smells, noise, long hours, and truck traffic that are the hallmark of a working waterfront. Seeing little chance that the city's power elite would put zoning provisions in place that would protect the working waterfront, these dissenters turned to the city's initiative process.

The initiated waterfront zone drew the line down the middle of Commercial Street; the water side and piers were included; it was roughly 2 1/2 miles in length; it left existing buildings and uses alone — they were treated as nonconforming uses; any and all forms of water dependent uses were permitted in the newly-created working waterfront zone.

The zone was rooted in two unassailable facts. First, marine commerce activity in Portland traced back over 350 years; the city was founded, and grew up, on the back of marine commerce; in the mid-1980s Portland was (and remains today) the leading marine commerce port in the state. These longstanding job-creating benefits should not be lost. The rallying cry of proponents of the initiative was "Don't take the Port out of Portland." This would shortly become the rallying cry of the whole city.

Second, marine commerce (unlike condos, offices, and shops) by its very nature, is water dependent. It can only be located on the waterside of Commercial Street. But Portland's waterfront (unlike waterfronts in Boston, New York and other east and gulf coast ports) is small — barely 2 1/2 miles from Sprague's facilities on one end to where the BIW dry dock was (and now Ocean

Gateway is) located. These areas represent less than 3% of developable land in the city. Condos, office blocks, restaurants, shops, industrial facilities are not water dependent — they can be placed anywhere in the city. In the mid-1980s, a great deal of unbuilt upon land existed even on the peninsula — some of it exists today.

These two realities drove the initiative. The signatures needed were readily gathered; the vote was held on May 5, 1987. In spite of Chamber of Commerce, development community, and nearly unanimous governmental opposition, the initiative passed overwhelmingly — by a 2 to 1 margin; it carried every voting precinct in the city. A legal challenge to the ordinance brought by disappointed developers was also unsuccessful. In early 1988, a unanimous Law Court sustained the ordinance. One would think that Portland's working waterfront would be safe for a generation or more, but one would be wrong.

Barely five years after passage of the ordinance, a group of pier owners and disappointed developers calling themselves the Waterfront Alliance sought amendments that undercut the fundamental premise of the ordinance, i.e., that non-water dependent uses (non-marine uses) should be kept out of the defined waterfront zone.

The Alliance, pleading economic ruin, but not wishing to tangle with the Maine State pier and BIW on the East end, or P.D. Merrill on the West End, focused their proposed changes on the Waterfront Central Zone (WCZ). They wanted office and other non-marine uses to be allowed along the water side of Commercial street and on 2nd and 3rd floors of existing buildings. They downplayed the fact that this zone encompassed 14 of the city's 18 piers, almost all of the fishing boat tie-ups, the Fish Exchange, and most of the working waterfront's support facilities. These activities then, and now, are the most economically fragile elements of any working waterfront. Moreover, as noted above, the parking needs, noise, smell, and hours of operation of these activities would directly clash with the proclivities of upscale office workers and shoppers.

The battle lines were drawn — Alliance views were supported by the planning board; many councilors supported their views. The proponents of the 1987 initiative conceded that some fine-tuning amendments were needed, but they saw these as narrow in scope.

They argued that the will of the voters should be respected — that the two fundamental premises of the ordinance remained indisputable. They argued that the protections provided by the ordinance were working — the working waterfront was healthy and the full economic potential of the waterfront had not yet been reached. After months of debate, a compromise was passed by the city council in January 1993.

The Alliance was not happy with the outcome, but the erosion of the distinction between water dependent marine uses and non-marine uses that could be put elsewhere in the city had begun — it would not end with the

1993 amendments to the initiated ordinance. The Alliance saw it could not kill the initiated zoning ordinance outright. Instead, it embarked on a longer run strategy, one that would allow more non-marine uses into the CWZ gradually over time.

For example, language was added to CWZ provisions allowing individual, otherwise prohibited, non-marine uses to gain access to the waterfront pursuant to conditional or contract zoning amendments if the planning board / council found that it met a vaguely worded "no adverse impact" standard. The council failed to recognize the fact that the very presence of non-marine uses shrinks and clashes with (is "adverse" to) marine uses that can exist only in the 3% of city land / pier area suitable for marine commerce.

Further, CWZ language was added that bluntly stated: "Non-marine uses are encouraged ... [they] are beneficial to the waterfront economy because they provide the financial return to property owners necessary for the maintenance and improvement of the marine infrastructure." Rubbish — this is a make-weight economic argument aimed at circumventing the purpose and intent of the initiated ordinance.

What many pier owners wanted was upscale profits from upscale development located on the waterfront and where it will squeeze out marine uses that have nowhere else to go. This language ignores the fact that the marine infrastructure expanded and improved for 350 years without these non-marine uses / activities.

Finally, the most egregious non-marine intrusion into the Central Waterfront Zone was the Non-Marine Use Overlay Zone (NMUOZ). This overlay (limited to the CWZ) allows new non-marine uses to be built on open land on the water side of Commercial street well back (150 feet) from the southerly side of the Street, and 500 feet out on Long, Chandler's, Widgery's, and Union Wharfs. Large prime waterfront areas / piers are opened up to non-marine development.

This overlay zone is contrary to the letter and spirit of the initiated waterfront zoning ordinance. It ignores the indisputable facts that led to passage of the initiated ordinance. It invites a massive expansion of non-marine uses onto the waterfront.

In all, smaller or larger loophole amendments weakening the water dependent focus of the initiated ordinance were enacted in 2002, 2006, 2009, 2010, 2011, 2012, 2014, 2015, 2016, and 2017 — "death by a thousand cuts." It would only be a matter of time before a developer puts a proposal on the table that fully exploits the largest loophole, the NMUOZ.

As I write, that time is at hand. The Bateman Corporation has put a massive hotel, parking garage and retail shops project, straddling Chandler's and

Widgery's wharfs, on the planning board's / city council table. This complex would extend non-marine Old Port-types of development directly onto Portland's waterfront / piers. Phase 2 office developments (also in the overlay zone) are briefly noted in the applicant's Phase 1 proposal.

If any version of the Bateman project is approved, the working waterfront in the CWZ will be hard put to survive. The Fish Exchange and the 90 or more fishing boats operating in the zone will be pariahs in the neighborhood they've been located in for decades; some water taxi and marina activities serving the very rich will be the last to go.

In sum, though aspects of the working waterfront have never been healthier, e.g., the cruise boat business, Eimskip, Sprague Inc.; we keep squeezing it, making its survival ever more difficult, narrowing its full potential by narrowing the space available for water dependent uses. Portland seems trapped in a penchant for short sightedness; it is more enamored with the immediate returns from non-marine uses on its waterfront — a hotel, parking garage, upscale shops, and offices than it is with the long run returns that a working waterfront committed to water dependent marine uses would provide. The city fails to grasp that with proper zoning it can have both.

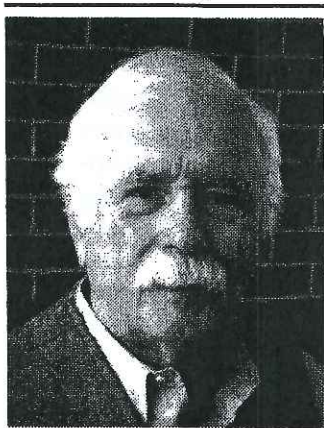
The city also fails to value the fact that Portland has one of the finest deep water harbors on the east coast. This won't change — we should build on it. This reality gave rise to the ship building, job creating, defense role the city played in World War II. It's a big factor in the cruise boat boom we're now enjoying.

Portland's prime location as the most northern and eastern major U.S. harbor also won't change. Again, we should build on it. Given the reality of global warming and the likely opening of a northern passage between the Atlantic and Pacific oceans, we should see what Eimskip saw, with its European roots, more vision, more experience; i.e., the economic advantage (boom) these locational factors portend. That's why they have expanded their waterfront land holdings in Portland and pressed for new rail and cold storage facility.

The long-term potential for Portland that a northern passage between oceans gives rise to boggles the mind. The last thing we need is waterfront zoning that kills this potential by putting massive non-marine uses where they do not belong. But that's exactly what we seem bent on doing. That's what the NMUOZ does. That's what the Bateman project is all about.

This zoning misallocation of scarce waterfront land / pier resources must surely give water-dependent developers pause: Will Portland be a reliable partner justifying future marine related capital investments? The degree to which the initiated 1987 waterfront zoning has been undercut over the years (especially by NMUOZ) suggests the answer to this question is "No."

This must change if Portland's working waterfront is to realize its full potential. The planning board and city council have the power to effectuate this change — to reaffirm the premises of the initiated 1987 waterfront zoning ordinance. If they cannot or will not act, a new citizen's initiative may well be in order.



Orlando Delogu

This overlay zone is contrary to the letter and spirit of the initiated waterfront zoning ordinance. It ignores the indisputable facts that led to passage of the initiated ordinance. It invites a massive expansion of non-marine uses onto the waterfront.

Orlando Delogu, one of the founders of the Maine Civil Liberties Union is professor emeritus at Maine Law, where he has taught for more than 50 years. He has been involved in policy issues, from local to the international level. In 2013, he was awarded the Justice Louis Scolnik Award by the ACLU of Maine.

MAINE VOICES

City waterfront task force lacking public input, sense of urgency

Last November, 10 Portland residents, mostly fishermen, filed a petition seeking a referendum to restore the concept of water dependency to the zoning provisions that control development along the seaward side of Commercial Street, including the 18 existing piers.

A similar initiative was adopted by city voters in 1987 but has been eroded to the point of non-existence by City Council-approved amendments. Offices, shops, restaurants, parking (all non-water dependent uses) are widely permitted. Hotel development was proposed. These uses have squeezed, and now threaten the continued existence of, Portland's fishing fleet as well as other water-dependent activities (Eimskip, Sprague, Vessel Services, ship supply and repair services, cruise, tugboat and ferry services) that all need water access.

The city bureaucracy – the Planning Board, the Economic Development Department, the

ABOUT THE AUTHOR

Orlando E. Delogu of Portland – an emeritus professor at the University of Maine School of Law – helped draft the recent working waterfront initiative.

city manager's office, the mayor and the City Council – that for years has championed unbridled growth on the waterfront and in nearby areas sat up and took notice of the new initiative. Long-ignored calls to discuss growing development pressures in surrounding neighborhoods and on water-dependent users of the waterfront were heeded, and meetings hastily organized.

City Manager Jon Jennings took the lead. Planning Board data on non-water dependent uses within waterfront zones were brought up to date. Several councilors proclaimed that a hotel would never be approved – that other loopholes in the present zoning

could and should be closed. The idea of a six-month moratorium surfaced. Would the initiators hold off on their signature-gathering effort in order to allow Portland to make zoning changes that would preclude the need for a new initiative?

By mid-December, the moratorium was passed as an emergency measure. Unfortunately it was limited to only the Waterfront Central Zone; it did, however, call for a task force (which the city manager quickly assembled) to begin putting some of the more obvious zoning changes in place.

A series of meetings beginning in January was scheduled. There was an abundance of hope. With over 2,300 signatures in hand – more than enough to put their proposed zoning changes to the voters – the initiators (mostly fishermen) accepted the city's olive branch. They withdrew their initiative days before the deadline for submitting the 1,500 required signatures.

They accepted the city's assertion that more could be accomplished by working cooperatively than by passing an initiative that many developers and pier owners saw as too blunt an instrument. Time will tell whether this cooperation will produce the zoning changes needed to preserve Portland's working waterfront. The early signs are not promising.

The Waterfront Working Group seems a fair-minded body, but it suffers from the absence of any critic of recent city zoning policies; from the absence of the initiators' lead counsel, Sandra Guay, who could clarify their position; from the absence of anyone with solid land use planning credentials. It suffers from the fact that all of its background information and the facilitation of the meetings are provided by the same city bureaucracy that gave rise to the present problems.

It suffers from the lack of opportunity for any public input into task force proceedings.

Each week a large and patient audience can only listen. Questionable bureaucratic statements go unchallenged. People can mail their comments in, but that's hardly an effective or timely mechanism. I suggest devoting the last half-hour of task force sessions to public input.

Finally, having sat through all of the task force meetings to date, I believe that what seems missing is any sense of urgency. The same zeal that created the moratorium as an emergency measure seems to have waned. I see the council extending the task force for an additional six months, but if we're still talking about continuing to allow parked cars, office blocks and restaurants that have fish on the menu as water-related uses in a non-marine use overlay zone in the heart of the Waterfront Central Zone, the woes of fishermen and the working waterfront will not have been fixed.

— Special to the Press Herald

MEMO

To: Bill Needelman, Matthew Grooms, Jon Jennings, Portland City Council, Portland Planning Board

From: Orlando E. Delogu, Emeritus Professor of Law, Portland Resident

Subject: Proposed Revisions to the second Draft Amendments to City Code, Chapter 14, Land Use, Division 18, Waterfront Central Zone (WCZ)

Date: May 7, 2019

Introduction:

On April 29, 2019 I hand delivered a memo laying out revisions I thought necessary to the first Draft Amendments provided by city staff to members of the Waterfront Task Force, interested parties and the general public. Proposed revisions were presumably examined, and if accepted by city staff, were incorporated into a second Draft Amendments that again were circulated for further comment and suggested revisions. These final suggested revisions (if accepted) will presumably lead to a final set of WCZ Amendments which will be presented to the Planning Board and City Council for action.

At this point I would note that none of the ten substantive revisions tendered in the April 29th memo were accepted by city staff. That is disappointing. And though §14-311 (d) performance standards are usefully retained in this second Draft, and refined to some extent, it leads me to reiterate with respect to these second Draft amendments that **they do not go far enough to effect a reasonable compromise between water-dependent uses/activities and pier owner interests.**

A last effort at substantive comment:

It serves no useful purpose to simply reiterate here the ten substantive points made in the April 29th memo. They are a matter of record and can be examined by members of the Planning Board and City Council as they see fit. I would, however, note three revisions that underscore the unacceptable degree of intrusion by non-water dependent activities into the water dependent working waterfront.

§14-306 renames the Non-Marine Use Overlay Zone (NMUOZ) to the Commercial Street Overlay Zone (CSOZ); this cosmetic change is intended to de-emphasize the non-marine use creep into the heart of the waterfront. But knowledgeable people will not be fooled. More importantly it must be noted that the 1987 waterfront initiative did not contain any non-marine use provision on the water side of Commercial Street. What came to be called NMUOZ extended non-marine uses seaward of Commercial Street by a series of amendments, first 25' then 50' then 150', with a provision for 500' encompassing three piers in the center of the WCZ. The fisherman on the Task Force proposed a CSOZ of 75' with a 300' seaward reach on Long Wharf. The Draft Amendments while accepting the Long Wharf proposal, hold out for a 125' seaward reach for non-marine uses across the full length of Commercial Street w/in the WCZ. A compromise between zero and 150 is not 125. The fishermen concede that a CSOZ is appropriate but a more reasonable balance must be struck.

§14-307 (e) 4, 6, and 7 allowing museums and art galleries, offices for health care practitioners or health care clinics, and personal service establishments (without defining the scope of the latter) seems to invite non-water dependent activities amply provided for in other non-waterfront zones, posing high foot, traffic, and parking problems into the heart of the working waterfront. Commercial Street traffic and parking are already a mess; we do not need to exacerbate the problem by inviting uses such as these into the CSOZ.

Finally, the unnumbered last provision in the April 29th memo dealing with the unmet parking needs of development taking place in nearby non-waterfront zones on the peninsula should not be ignored. These parking needs cannot continue to be met by cramming them into un-built areas w/in the WCZ. Language along the following lines should be adopted as part of the final Draft Amendments for the WCZ tendered to the Planning Board and Council.

“Notwithstanding automatic lease renewal provisions, and/or more permissive non-conforming use provisions in other portions of the City Land Use Code, upon passage of these WCZ Draft Zoning Amendments, the parking of vehicles on ground-level spaces or in any structured parking facilities in the WCZ to meet the parking needs of uses permitted in non-waterfront zones landward of Commercial Street is prohibited when current leases (whether held by Unified Parking Partners or any other property owner in the WCZ) expire, or three years from the date of passage of these Draft Amendments, whichever is shorter.”

The Task Force has wrangled for hours in an effort to bring some degree of order to legitimate parking needs within the WCZ. Permitted uses in non-waterfront zones throughout the peninsula must be made to meet their parking needs within the footprint of their own property and/or the zone in which they are located (or an adjacent non-waterfront zone). They cannot be allowed to exacerbate WCZ parking problems.

WOODMAN EDMANDS DANYLIK AUSTIN
SMITH & JACQUES, P.A.

ATTORNEYS-AT-LAW

ROBERT B. WOODMAN
THOMAS DANYLIK
RALPH W. AUSTIN
JAMES B. SMITH
KEITH R. JACQUES
MICHAEL J. O'TOOLE
HARRY B. CENTER II
SANDRA L. GUAY
AMY McNALLY

234 MAIN STREET
P.O. BOX 468
BIDDEFORD, ME 04005-0468
TELEPHONE: 207-284-4581
FAX: 207-284-2078
E-MAIL: SLG@woodedlaw.com

PETER L. EDMANDS
(Retired)

May 7, 2019

Bill Needelman, Waterfront Coordinator
Matthew Grooms, Planner
City of Portland
389 Congress Street
Portland, ME 04101

Re: Waterfront Central Zone/Draft Ordinance Amendments

Dear Bill and Matt:

This letter provides comments on behalf of the Portland Working Waterfront Group (PWWG) to the revised draft amendments for the Waterfront Central Zone. While the PWWG appreciates the ongoing efforts by the City to complete the amendments within the moratorium timeframe, the group remains concerned about the removal of some of the existing standards which only serve to weaken the existing protections.

In addition to the critical need to remove the hastily added "leasable area" language in Section 14-311 (a)(1), the most significant comments are with respect to the performance standards which, despite prior comments from PWWG still leave out existing and substantive standards. This is so even with the attempts that have been made to combine and rework language into the new required Operations and Access Management Plan.

It is critical to maintain the existing zoning's forward-focused standards that look not only at existing WDUs but cast an eye on preserving the functional utility for potential future WDUs. This frame of reference is very important if the City is to maintain the value of the harbor as an economic engine for future generations.

WOODMAN EDMANDS DANYLIK AUSTIN SMITH & JACQUES, P.A.

Bill Needelman, Waterfront Coordinator

Matthew Grooms, Planner

May 7, 2019

Page 2 of 5

Comments on revised ordinance amendments:

14-307(a)(26): Change to: Commercial parking for individuals who work in or are employed by water-dependent uses.

14-307(b)(1): Add: except for offices of health care practitioners or health care clinics which are limited to the CSOZ after the word “offices”.

14-310(d)(4): Remove open parenthesis at start of fifth line.

14-311 (a)(1): The term “leaseable [sic – this should be leasable] area” must be removed. This term is too open for arbitrary decisions or misinterpretation and it has the potential of significantly reducing the 55% marine use are on the first floor.

Section 14-311(d)(13): First paragraph: (a) First line after Operations and Access Management Plan change to: No use, including new development, a change of use, or expansion of a non-marine use, shall be permitted, approved, or established in this zone unless the applicant meets all submission requirements and demonstrates that the proposed development, change of use or expansion of use meets each of the review standards and other requirements of the Performance Standards. (as now written, it sounds like this section applies only to new development); (b) Reinsert “for review by the Planning Authority” which has been deleted, so the next sentence reads: The applicant shall submit a scaled plan and accompanying narrative for review by the Planning Authority.

Section 14-311(d)(13): First paragraph, following sentence: The use of the word “pyramid” from the Comprehensive Plan is confusing in this section and should be deleted as it is sufficient and less confusing to simply refer to the hierarchy itself. Also confusing is the term “subordinate in placement and disposition” as the meaning of this term is unclear. It would be clearer to say as the third sentence in this paragraph:

In accordance with Portland’s Plan 2030, the plan shall demonstrate the proposal is consistent with the hierarchy of waterfront uses, as further detailed in Sec. 14-305 (Purpose), giving highest priority to existing and potential water-dependent uses and second priority to marine-related support uses, with non-marine uses being allowed only if they do not interfere with and are not incompatible with water-dependent and marine-

WOODMAN EDMANDS DANYLIK AUSTIN SMITH & JACQUES, P.A.

Bill Needelman, Waterfront Coordinator

Matthew Grooms, Planner

May 7, 2019

Page 3 of 5

related uses, and the proposal is designed so as not to impede access to the pier edge and vessel berthing nor interfere with marine operations.

14-311 (d)(13)(b)(ii): After the word “parking” in the first line add: for uses permitted in the WCZ and proposed to be located on the subject lot shall submit.....

Section 14-311(d)(13)(b)(iii): As written weakens the shared use concession and omits important qualifications. This could be corrected by adding the red, underlined language below:

Except for common circulation drives as defined in 14-306, off-street parking, loading facilities and access ways designated for water-dependent uses shall be exclusively for (not exclusive to) such uses and shall not be shared with non-marine uses, (current zoning, Performance Standard 16(d)) except that, if strictly and effectively enforced and if not being occupied by water-dependent tenants, such parking may be made available to non-marine uses between the hours of 5:00 p.m. and 2:00 a.m.

Section 14-311(d)(13)(b)(v): The current draft omits the concept that it is design of facilities that is the object, and “and materials” has been lost from the original phrase related to loading and unloading of “goods and materials.” The term “and materials” should be returned.

Existing performance standard **Section 14-311(d)(15)** “Compatibility of non-marine uses with marine uses” (shown as **Section 14-311(d)(12)** on the redline) is rolled in part into **Section 14-311(d)(13)**, but still omits the substantive standard that non-marine uses “shall neither interfere with the existence or operation of marine uses nor impede access to vessel berthing or other access to the water by existing or potential marine uses” (emphasis added). This language needs to be put back in as a meaningful standard as without it there could well be misinterpretation as to whether these standards apply to potential future marine uses, as well as existing marine uses.

The proposed amendment strikes out existing performance standard **Section 14-311(d)(16)** “Functional utility of piers and access to the water’s edge” (shown as **Section 14-311(d)(13)** on the redline). The earlier draft reduced it to a requirement that buildings located within 10 feet of the pier edge “shall account” for the transfer of goods. In the revised draft that is deleted as well. While the amendments do include some of the provisions, key language is missing from the existing requirement, specifically that “all

WOODMAN EDMANDS DANYLIK AUSTIN SMITH & JACQUES, P.A.

Bill Needelman, Waterfront Coordinator

Matthew Grooms, Planner

May 7, 2019

Page 4 of 5

new development, whether for marine or non-marine uses, should anticipate current and future functional and operational needs of water-dependent pier tenants to access the water's edge . . ." (emphasis added). This language needs to be put back in as a meaningful standard.

The PWWG notes that the revised draft of performance standard 13 for the Operations and Access Management Plan does add review standards, which is an improvement from the first draft. But it still leaves out some of the very specific operational requirements from the existing ordinance.

In summary, the following language is improperly omitted and should be inserted into the current draft so that these standards are maintained as substantive and forward-looking planning review standards. They could be added as Review Standards viii, ix:

Any proposed non-marine use will be compatible with marine uses and will neither interfere with the existence or operation of marine uses nor impede access to vessel berthing or other access to the water by existing or potential marine uses. (current zoning, Performance Standard #15)

The proposal, whether for marine or non-marine use, will adequately protect the functional utility of piers and access to the water's edge by appropriately anticipating current and future functional and operational needs of water-dependent uses to access the water's edge for the transfer of people, goods, and materials between vessels and land. (current zoning, Performance Standard #16)

Again, while appreciative of the effort that has gone into the redrafting of the proposed amendments, the PWWG sees these substantive standards as a crucial component of the current zoning, and cannot accept as sufficient an amended ordinance which omits them. I would be happy to meet with you and any other City representatives to discuss how this may be accomplished before the current draft is finalized for the Planning Board.

Thank you for your attention to this matter.

WOODMAN EDMANDS DANYLIK AUSTIN SMITH & JACQUES, P.A.

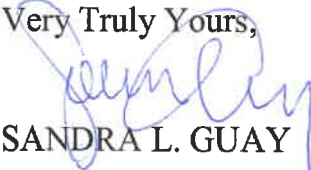
Bill Needelman, Waterfront Coordinator

Matthew Grooms, Planner

May 7, 2019

Page 5 of 5

Very Truly Yours,


SANDRA L. GUAY

SLG/lb

Copy to: PWWG

Jon Jennings, City Manager

**Owners and Representatives of
Long Wharf, Fisherman's Wharf, and Union Wharf**
Portland, Maine

May 9, 2019

Sean Dundon, Chair
Planning Board
City of Portland
389 Congress Street
4th Floor
Portland, ME 04101

Dear Chairman Dundon and Members of the Planning Board,

Re: Proposed Waterfront Central Zone (WCZ) Text Amendments / Financial Impact

During the workshop held April 23, 2019 to discuss proposed Waterfront Central Zone ("WCZ") text amendments, several Board members requested additional information regarding the financial impact of modifying the current Non-marine Use Overlay Zone ("NMUOZ") located within the WCZ boundary.

As proposed, the majority of properties in the NMUOZ would have the current depth of 150' from Commercial Street reduced to 125' or a net decrease of 25'.

The most significant proposed changes affect the three wharves which represent the greatest resource for future development that we believe will be necessary to maintain the working waterfront infrastructure for both public and private improvements. These are Long, Fisherman's, and Union, all lying next to each other in a central location directly adjacent the Old Port District.

As the owners and representatives of these three wharves, the following information has been compiled as a collaborative effort to provide the Planning Board with the financial impact analysis as requested.

As background, the NMUOZ boundary affecting these three wharves was delineated in terms of size (i.e. a depth of 500' from Commercial Street seawards) when the NMUOZ was originally created, specifically because they represented a significant resource for future, private development that could help the working waterfront. Both Long and Fisherman's consist mainly of open parking lots which provide access to Portland's tour boat fleet and commercial retail uses. The fishing community has not been located on either of these wharves in decades. This is not the case for the other wharves and piers in WCZ which were highly developed in terms of existing structures vs. open area and contained a mixture of marine and non-marine uses. Union Wharf has continued to develop since the

creation of the NMUOZ in a way which hosts a broad mixture of both marine and non-marine/marine compatible uses as a direct result of the ability to utilize the “zoning tools” provided by the current NMUOZ boundaries and text provisions. The attached financial analysis examines each wharf on an individual basis as follows:

- Current disposition (use).
- Future development potential based on current zoning and allowable uses.
- Future development potential based on the proposed zoning amendments.
- Presents the net difference in terms of lost revenue benefits to the City and working waterfront if the current NMUOZ is reduced as proposed by the current zoning amendment.

The underlying assumptions utilized for this analysis are as follows:

- Current property tax information as listed by the City of Portland for each affected parcel.
- Current use(s) and size of each parcel both currently in the NMUOZ and reduced as proposed.
- Development potential based on the highest and best use allowed under current zoning.
- Estimated development costs experienced by the owners based on similar projects both recently completed and/or currently under construction within the City.
- Estimated taxable project valuations based on guidance provided by the City’s Tax Assessor.

Each wharf contains a separate analysis which is followed by a summary economic impact comparison chart reflecting individual wharf impacts and a schedule showing the three wharves combined.

The schedule of all three wharves combined illustrates the following financial impacts created if the proposed modification of the current NMUOZ is enacted:

- Total annual real estate tax revenue potential created by new development would be **\$1,178,733 (55.64%) less per year.**
- Total annual revenue available to fund the Waterfront Capital Improvement Zone (T.I.F. District) would be **\$1,208,865 (65.2%) less per year.**
- Total funds required for marine infrastructure investment would be **\$3,418,194 (63.53%) less in total.**

Based on the economic impacts created by the proposed modifications to the current NMUOZ relating specifically to these three wharves, we urge the Planning Board NOT to recommend these zone changes to the City Council for approval.

We further encourage this Board to examine the information presented to date in support of radically modifying the current NMUOZ in light of the following facts:

Sean Dundon, Chair
City of Portland Planning Board
Page Three
May 9, 2019

- The current NMUOZ is and has been working effectively to preserve and enhance the working waterfront, as demonstrated by the ongoing development at Union Wharf and the very public process which has been a part of the proposed development at Fisherman's Wharf.
- The City of Portland's recent waterfront inventory shows little measurable change over the past ten years that the current NMUOZ has been in effect.

To be clear, this inventory does not support the claim some have made that "fishermen are being pushed out" or that berthing and parking for fishermen have been and is decreasing as a result of commercial development on the waterfront.

In fact, a recent poll of the thirteen wharf and pier owners which comprise Portland's working waterfront did not indicate any lack of berthing or parking for fishermen for those who have requested the same.

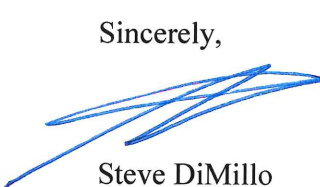
- Eliminating the provisions for contract zoning and condition use rezoning is unnecessary and short sighted. The working waterfront is an ever-changing part of the City, as the past 300+ years have shown. The current zoning provisions have worked as they were intended to. The recent City waterfront inventory and integrated commercial development to date reflects a balance between marine and non-marine uses, both of which are critical to maintaining the healthy and vibrant working waterfront we now enjoy.

It appears that the proposed amendments are being rushed to a decision before a thoughtful analysis and sorting fact from fiction on the issues have been fully vetted. In other words, these proposed amendments seem more like change simply for the sake of change and not reinforcement and support for the working waterfront's continued economic well-being.

The wharf and pier owners have supported and continue to support marine use and, particularly, the fishing community. The current NMUOZ allows us the financial ability to continue to support and subsidize berthing and parking for fishermen while creating additional commercial development in a responsible and balanced way, which in turn can fund much needed waterfront infrastructure improvements.

We hope the attached analyses will help with your deliberations. Thank you.

Sincerely,



Steve DiMillo
Long Wharf



David Bateman
Fisherman's Wharf



Charlie Poole
Union Wharf

cc: Jon Jennings, City Manager

Comparative Schedule Reflecting Combined Financial Impact to Three (3) Wharves
LONG WHARF, FISHERMAN'S WHARF & UNION WHARF

	Current NMUOZ Zoning	Proposed Revised NMUOZ Zoning	Net Difference
Total Annual Real Estate Tax Revenue Potential Created by New Development	\$2,118,238	\$939,505	(\$1,178,733) <i>Less Available Annually or 55.64% Loss</i>
Total Annual Revenue Available to Fund Waterfront Capital Improvement Zone (T.I.F. District)	\$1,853,038	\$644,173	(\$1,208,865) <i>Less Available Annually or 65.2% Loss</i>
Total Funds Required for Marine Infrastructure Improvement	\$5,383,317	\$1,962,123	(\$3,421,194) <i>Less Required Marine Investment or 63.55% Loss</i>

SUMMARY for LONG WHARF, FISHERMAN'S WHARF & UNION WHARF

Economic Impact Comparison Chart --- Existing Non-Marine Use Overlay Zone vs. Proposed Zoning Amendment

Wharf	Current Disposition	Development Potential Based on <u>Current</u> Zoning and Allowable Uses	Development Potential Based on <u>Proposed</u> Zoning Amendment	Net Difference / Lost Tax Revenue if Current "NMUOZ" Zone is Reduced as Proposed by Zoning Amendment
LONG WHARF				
-Total SF in NMUOZ Zone	199,914 SF	199,914 SF	65,514 SF	Reduction of 45.36% of NMUOZ Area
-Real Estate Tax	\$97,527	\$1,149,591	\$671,900	(\$477,691)
-Amount Available to Fund Waterfront Capital Improvement Zone (T.I.F. District)	\$0	\$1,052,064	\$574,373	(\$477,691)
-Required Marine Infrastructure Investment	\$0	\$3,144,586	\$1,716,790	(\$1,427,796)
FISHERMAN'S WHARF				
-Total SF in NMUOZ Zone	79,792 SF	79,792 SF	28,250 SF	Reduction of 64.5% of NMUOZ Area
-Real Estate Tax	\$30,132	\$652,775	\$30,132	(\$622,643)
-Amount Available to Fund Waterfront Capital Improvement Zone (T.I.F. District)	\$0	\$652,775	\$0	(\$652,775)
-Required Marine Infrastructure Investment	\$0	\$1,694,348	\$0	(\$1,694,348)
UNION WHARF				
-Total SF in NMUOZ Zone	114,850 SF	114,850 SF	32,142.5 SF	Reduction of 72% of NMUOZ Area
-Real Estate Tax	\$167,672	\$315,872	\$237,473	(\$78,399)
-Amount Available to Fund Waterfront Capital Improvement Zone (T.I.F. District)	\$0	\$148,199	\$69,800	(\$78,399)
-Required Marine Infrastructure Investment	\$0	\$544,383	\$245,333	(\$299,050)

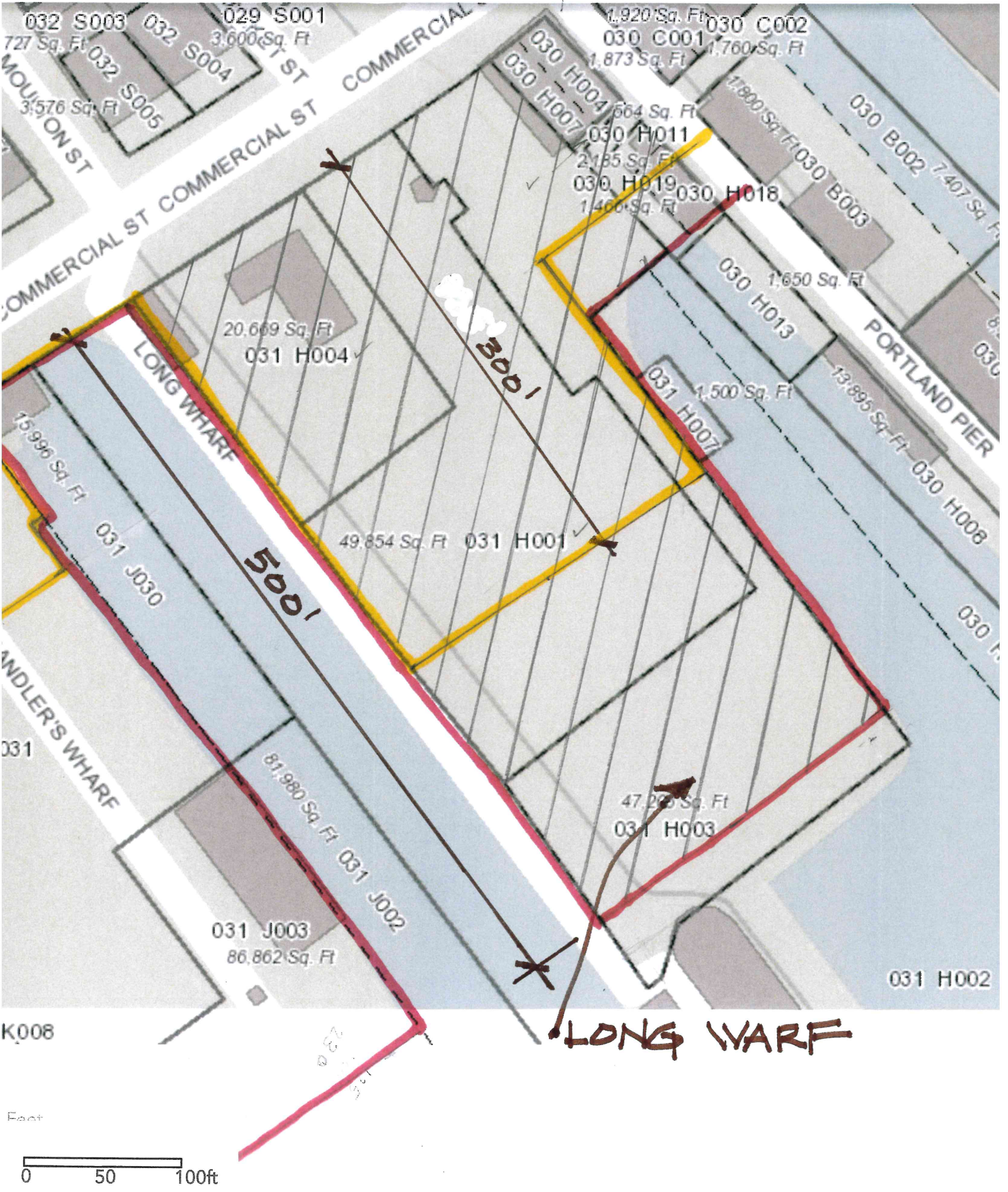
LONG WHARF

Current Disposition	Development Potential Based on Current Zoning and Allowable Uses	Development Potential Based on Proposed Zoning Amendment	Net Difference / Lost Tax Revenue if the Current “NMUOZ” Zone is Reduced as Proposed by the Current Zoning Amendment																									
Parcel(s) currently in “NMUOZ” zone: <table><tr><td>031-H004</td><td>20,669 SF</td><td>119,914 SF</td></tr><tr><td>031-H001</td><td>49,854 SF</td><td>Lot Area</td></tr><tr><td>031-H003</td><td>47,206 SF</td><td></td></tr><tr><td>030-H001</td><td><u>2,185 SF</u></td><td></td></tr><tr><td>Total in NMUOZ =</td><td>119,914 SF</td><td></td></tr></table> • Current Use(s) Retail, Restaurant, Marina, Parking Lot	031-H004	20,669 SF	119,914 SF	031-H001	49,854 SF	Lot Area	031-H003	47,206 SF		030-H001	<u>2,185 SF</u>		Total in NMUOZ =	119,914 SF		Parcel(s) currently in “NMUOZ” zone: • Project Description (Highest & Best Use) -Assume 65% first floor lot coverage for new structures. <u>First Floor Level:</u> Parking 28,800 SF = 24% Retail 20,000 SF = 17% Office <u>29,200 SF = 24%</u> 78,000 SF = 65% Coverage (78,000 ÷ 119,914) -Parking Structure / 564 Spaces – 4 Levels 115,200 SF -Retail/1st Floor Only 20,000 SF -Office / 4 Floors @ 29,200/FL 116,800 SF	Parcel(s) in proposed “NMUOZ” zone: <table><tr><td>031-H004</td><td>20,669 SF</td></tr><tr><td>031-H001</td><td>43,222.5 SF</td></tr><tr><td>031-H003</td><td>0 SF</td></tr><tr><td>030-H001</td><td><u>1,622.5 SF</u></td></tr><tr><td>Total in NMUOZ =</td><td>65,514 SF</td></tr></table> • Project Description (Highest & Best Use) -Assume 65% first floor lot coverage for new structures. <u>First Floor Level:</u> Parking 15,724 SF = 24% Retail 11,130 SF = 17% Office <u>15,730 SF = 24%</u> 42,584 SF = 65% Coverage (42,584 ÷ 65,514) -Parking Structure / 308 Spaces – 4 Levels 62,896 SF -Retail/1st Floor Only 11,130 SF -Office / 4 Floors @ 15,730/FL 62,920 SF	031-H004	20,669 SF	031-H001	43,222.5 SF	031-H003	0 SF	030-H001	<u>1,622.5 SF</u>	Total in NMUOZ =	65,514 SF	Reduction of 45.36% of “NMUOZ” Zone Lot Area
031-H004	20,669 SF	119,914 SF																										
031-H001	49,854 SF	Lot Area																										
031-H003	47,206 SF																											
030-H001	<u>2,185 SF</u>																											
Total in NMUOZ =	119,914 SF																											
031-H004	20,669 SF																											
031-H001	43,222.5 SF																											
031-H003	0 SF																											
030-H001	<u>1,622.5 SF</u>																											
Total in NMUOZ =	65,514 SF																											

Current Disposition Continued:	Development Potential Based on Current Zoning and Allowable Uses Continued:	Development Potential Based on Proposed Zoning Amendment Continued:	Net Difference / Lost Tax Revenue if the Current "NMUOZ" Zone is Reduced as Proposed by the Current Zoning Amendment Continued:
	-Office above Retail / 20,000 SF x 3 <u>60,000 SF</u> Total Project SF = 312,000 SF Estimated Project Cost: Parking Structure = \$16,130,400 Retail = 4,682,926 Office = <u>42,078,400</u> Total Project Cost <u><u>\$62,891,726</u></u>	-Office above Retail / 3 Floors @ 11,130/FL <u>33,390 SF</u> Total Project SF = 170,336 SF Estimated Project Cost: Parking Structure = \$ 8,808,800 Retail = 2,606,000 Office = <u>22,921,000</u> Total Project Cost <u><u>\$34,335,800</u></u>	
Current Real Estate Tax 031-H004 \$22,812.70 031-H001 13,382.34 031-H003 12,764.14 030-H001 <u>48,568.04</u> Total = \$97,527.22	Estimated Real Estate Tax -Current Tax = \$ 97,527.22 -Additional Tax Generated = 1,052,064.00 (312,000 New SF x \$150/SF \$46,800,000 Valuation @ \$22.48 Mil Rate) _____ Total \$1,149,591.22	Estimated Real Estate Tax -Current Tax = \$ 97,527.22 -Additional Tax Generated = 574,373.00 (170,336 New SF x \$150/SF \$25,550,400 Valuation @ \$22.48 Mil Rate) _____ Total \$ 671,900.22	Real Estate Tax Reduction of \$477,691 of Annual Tax Revenue or 45.4% Less/YR <u>\$1,052,064</u> < <u>574,373</u> > \$ 477,691 <u>\$477,691 ÷ \$1,052,064 = 45.4%</u>
Amount Available to Fund Waterfront Capital Improvement Zone (T.I.F. District) \$0	Amount Available to Fund Waterfront Capital Improvement Zone (T.I.F. District) \$1,052,064	Amount Available to Fund Waterfront Capital Improvement Zone (T.I.F. District) \$574,373	Amount Available to Fund Waterfront Capital Improvement Zone (T.I.F. District) <u>\$477,691 Less/YR</u>

<i>Current Disposition Continued:</i>	<i>Development Potential Based on Current Zoning and Allowable Uses Continued:</i>	<i>Development Potential Based on Proposed Zoning Amendment Continued:</i>	<i>Net Difference / Lost Tax Revenue if the Current "NMUOZ" Zone is Reduced as Proposed by the Current Zoning Amendment Continued:</i>
	Required Marine Infrastructure Investment Project Cost = \$62,891,726 x .05 = \$3,144,586	Required Marine Infrastructure Investment Project Cost @ \$34,335,800 x .05 = \$1,716,790	Required Marine Infrastructure Investment <i>\$1,427,796 Less Available for Marine Infrastructure Improvements</i>

ver



FISHERMAN'S WHARF

<i>Current Disposition</i>	<i>Development Potential Based on Current Zoning and Allowable Uses</i>	<i>Development Potential Based on Proposed Zoning Amendment</i>	<i>Net Difference / Lost Tax Revenue if the Current "NMUOZ" Zone is Reduced as Proposed by the Current Zoning Amendment</i>
Parcel(s) currently in "NMUOZ" zone: 031-J03 79,792 SF	Parcel(s) currently in "NMUOZ" zone: 79,792 SF	Parcel(s) in proposed "NMUOZ" zone: 031-J03 79,792 SF Area Removed from NMUOZ <51,542> SF Revised NMUOZ Area = 28,250 SF	Reduction of 64.5% of "NMUOZ" Zone Lot Area
Current Use(s) Restaurant, Parking Lot, Berthing for Commercial Tour Boats and Ticket Sales	Project Description (Highest & Best Use) -Buildings and Parking Structure as currently designed and submitted to the Planning Board replacing the Hotel use with Commercial Office and Retail use. <u>First Floor Level:</u> Parking 29,848 SF = 37% Retail 16,612 SF = 21% Office <u>4,000</u> SF = <u>5%</u> 50,460 SF = 63% Coverage (50,460 ÷ 79,792) -Parking Structure / 501 Spaces – 4 Levels 102,204 SF -Retail/1st Floor Only 16,612 SF	Project Description (Highest & Best Use) -Based on net operating income after expense the current use as parking yields the highest return and lowest risk, therefore the current use will remain as surface parking.	

Current Disposition Continued:	Development Potential Based on Current Zoning and Allowable Uses Continued: -Office / In 3 Buildings <u>65,835 SF</u> Total Project SF = 184,651 SF Estimated Project Cost: Parking Structure = \$14,328,600 Retail = 3,889,639 Office = <u>15,668,730</u> Total Project Cost <u>\$33,886,969</u>	Development Potential Based on Proposed Zoning Amendment Continued:	Net Difference / Lost Tax Revenue if the Current "NMUOZ" Zone is Reduced as Proposed by the Current Zoning Amendment Continued:
Current Real Estate Tax 031-J03 \$30,131.52	Estimated Real Estate Tax -Current Tax = \$ 30,131.52 -Additional Tax Generated = 622,643.17 (184,651 New SF x \$150/SF \$27,697,650 Valuation @ \$22.48 Mil Rate) _____ Total \$652,774.69	Estimated Real Estate Tax -Current Tax = \$30,131.52 -Additional Tax Generated = <u>0.00</u> Total \$30,131.52	Real Estate Tax <i>Loss of \$622,643.17 of Annual Tax Revenue or 95.38% Less/YR than if developed.</i> <i>\$622,643.17 ÷ \$652,774.69 = 95.38%</i>
Amount Available to Fund Waterfront Capital Improvement Zone (T.I.F. District) \$0	Amount Available to Fund Waterfront Capital Improvement Zone (T.I.F. District) \$652,774.69	Amount Available to Fund Waterfront Capital Improvement Zone (T.I.F. District) \$0	Amount Available to Fund Waterfront Capital Improvement Zone (T.I.F. District) <i>\$652,774.69 Less/YR</i>

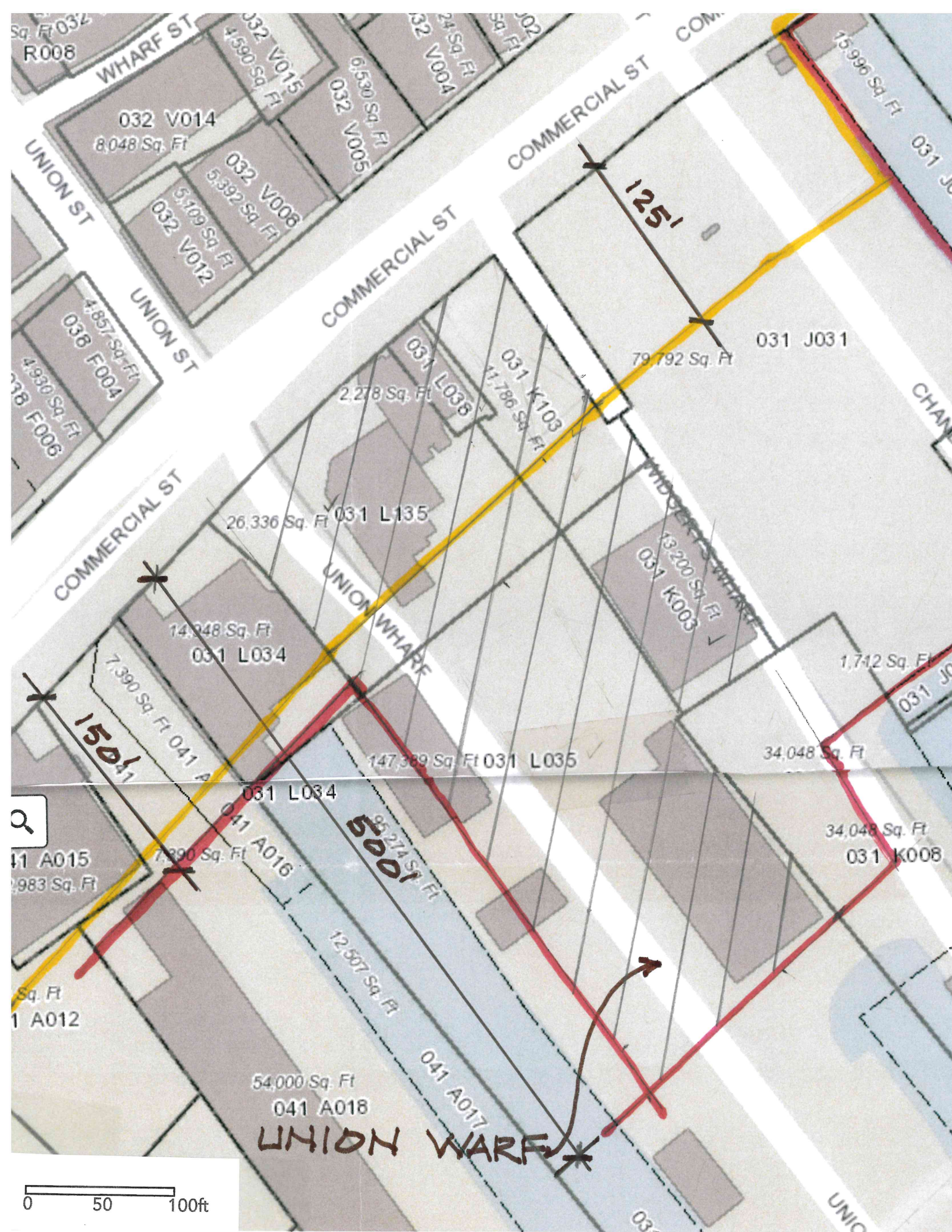
<i>Current Disposition Continued:</i>	<i>Development Potential Based on Current Zoning and Allowable Uses Continued:</i>	<i>Development Potential Based on Proposed Zoning Amendment Continued:</i>	<i>Net Difference / Lost Tax Revenue if the Current "NMUOZ" Zone is Reduced as Proposed by the Current Zoning Amendment Continued:</i>
	Required Marine Infrastructure Investment Project Cost = \$33,886,969 x .05 = \$1,694,348	Required Marine Infrastructure Investment \$0	Required Marine Infrastructure Investment <i>\$1,694,348 Less Available for Marine Infrastructure Improvements</i>



UNION WHARF

Current Disposition	Development Potential Based on Current Zoning and Allowable Uses	Development Potential Based on Proposed Zoning Amendment	Net Difference / Lost Tax Revenue if the Current “NMUOZ” Zone is Reduced as Proposed by the Current Zoning Amendment																																																		
Parcel(s) currently in “NMUOZ” zone: <table><tr><td>031-K103</td><td>11,786 SF</td><td>114,850 SF</td></tr><tr><td>031-L038</td><td>2,278 SF</td><td>Lot Area</td></tr><tr><td>031-L135</td><td>26,336 SF</td><td></td></tr><tr><td>013-L035*</td><td>61,250 SF</td><td></td></tr><tr><td colspan="2">*Portion of Total Lot</td><td></td></tr><tr><td>031-K003</td><td><u>13,200 SF</u></td><td></td></tr><tr><td>Total in NMUOZ =</td><td>114,850 SF</td><td></td></tr></table> • Current Use(s) Retail, Restaurant, Office, Parking Lot, Marine Product Production and Storage Facilities, Commercial Fishing and General Marine Berthing	031-K103	11,786 SF	114,850 SF	031-L038	2,278 SF	Lot Area	031-L135	26,336 SF		013-L035*	61,250 SF		*Portion of Total Lot			031-K003	<u>13,200 SF</u>		Total in NMUOZ =	114,850 SF		Parcel(s) currently in “NMUOZ” zone: <table><tr><td>031-K103</td><td>11,786 SF</td><td>114,850 SF</td></tr><tr><td>031-L038</td><td>2,278 SF</td><td>Lot Area</td></tr><tr><td>031-L135</td><td>26,336 SF</td><td></td></tr><tr><td>013-L035*</td><td>61,250 SF</td><td></td></tr><tr><td colspan="2">*Portion of Total Lot</td><td></td></tr><tr><td>031-K003</td><td><u>13,200 SF</u></td><td></td></tr><tr><td>Total in NMUOZ =</td><td>114,850 SF</td><td></td></tr></table> • Project Description (Highest & Best Use) -Retail at 1st Floor/ Office Above (5,175 SF x 4 Floors) 20,700 SF -Office Above 1st Floor Parking <u>23,250 SF</u> (7,750 SF x 3 Floors) Total Project SF = 43,950 SF Estimated Project Cost: Retail & Office Building = \$ 4,906,657 Office Building = <u>5,981,000</u> Total Project Cost <u>\$10,887,657</u>	031-K103	11,786 SF	114,850 SF	031-L038	2,278 SF	Lot Area	031-L135	26,336 SF		013-L035*	61,250 SF		*Portion of Total Lot			031-K003	<u>13,200 SF</u>		Total in NMUOZ =	114,850 SF		Parcel(s) in proposed “NMUOZ” zone: <table><tr><td>031-K103</td><td>11,403.5 SF</td></tr><tr><td>031-L038</td><td>2,278 SF</td></tr><tr><td>031-L135</td><td><u>18,461 SF</u></td></tr><tr><td>Total in NMUOZ =</td><td>32,142.5 SF</td></tr></table> • Project Description (Highest & Best Use) -Retail at 1st Floor/ Office Above (5,175 SF x 4 Floors of New Building) 20,700 SF Estimated Project Cost: Retail & Office Building, Total Project Cost = <u>\$4,906,657</u>	031-K103	11,403.5 SF	031-L038	2,278 SF	031-L135	<u>18,461 SF</u>	Total in NMUOZ =	32,142.5 SF	Reduction of 72% of “NMUOZ” Zone Lot Area
031-K103	11,786 SF	114,850 SF																																																			
031-L038	2,278 SF	Lot Area																																																			
031-L135	26,336 SF																																																				
013-L035*	61,250 SF																																																				
*Portion of Total Lot																																																					
031-K003	<u>13,200 SF</u>																																																				
Total in NMUOZ =	114,850 SF																																																				
031-K103	11,786 SF	114,850 SF																																																			
031-L038	2,278 SF	Lot Area																																																			
031-L135	26,336 SF																																																				
013-L035*	61,250 SF																																																				
*Portion of Total Lot																																																					
031-K003	<u>13,200 SF</u>																																																				
Total in NMUOZ =	114,850 SF																																																				
031-K103	11,403.5 SF																																																				
031-L038	2,278 SF																																																				
031-L135	<u>18,461 SF</u>																																																				
Total in NMUOZ =	32,142.5 SF																																																				

<i>Current Disposition Continued:</i>	<i>Development Potential Based on Current Zoning and Allowable Uses Continued:</i>	<i>Development Potential Based on Proposed Zoning Amendment Continued:</i>	<i>Net Difference / Lost Tax Revenue if the Current “NMUOZ” Zone is Reduced as Proposed by the Current Zoning Amendment Continued:</i>																														
Current Real Estate Tax <table><tr><td>031-K103</td><td>\$ 5,374.52</td></tr><tr><td>031-L038</td><td>45,130.00</td></tr><tr><td>031-L135</td><td>30,372.73</td></tr><tr><td>031-L035*</td><td>67,725.18</td></tr><tr><td>*Portion of Total Lot</td><td></td></tr><tr><td>031-K003</td><td><u>19,069.78</u></td></tr><tr><td>Total =</td><td>\$167,672.21</td></tr></table>	031-K103	\$ 5,374.52	031-L038	45,130.00	031-L135	30,372.73	031-L035*	67,725.18	*Portion of Total Lot		031-K003	<u>19,069.78</u>	Total =	\$167,672.21	Estimated Real Estate Tax <table><tr><td>-Current Tax =</td><td>\$167,672.21</td></tr><tr><td>-Additional Tax Generated =</td><td>148,199.40</td></tr><tr><td>(43,950 New SF x \$150/SF \$6,592,500 Valuation @ \$22.48 Mil Rate)</td><td></td></tr><tr><td>Total</td><td><u>\$315,871.61</u></td></tr></table>	-Current Tax =	\$167,672.21	-Additional Tax Generated =	148,199.40	(43,950 New SF x \$150/SF \$6,592,500 Valuation @ \$22.48 Mil Rate)		Total	<u>\$315,871.61</u>	Estimated Real Estate Tax <table><tr><td>-Current Tax =</td><td>\$167,672.21</td></tr><tr><td>-Additional Tax Generated =</td><td>69,800.40</td></tr><tr><td>(20,700 SF x \$150/SF \$3,105,000 Valuation @ \$22.48 Mil Rate)</td><td></td></tr><tr><td>Total</td><td><u>\$237,472.61</u></td></tr></table>	-Current Tax =	\$167,672.21	-Additional Tax Generated =	69,800.40	(20,700 SF x \$150/SF \$3,105,000 Valuation @ \$22.48 Mil Rate)		Total	<u>\$237,472.61</u>	Real Estate Tax <i>Reduction of \$78,399 of Annual Tax Revenue or 52.9% Less/YR</i> <i>\$148,199 < 69,800> \$ 78,399</i> <i>\$78,399 ÷ \$148,199 = 52.9%</i>
031-K103	\$ 5,374.52																																
031-L038	45,130.00																																
031-L135	30,372.73																																
031-L035*	67,725.18																																
*Portion of Total Lot																																	
031-K003	<u>19,069.78</u>																																
Total =	\$167,672.21																																
-Current Tax =	\$167,672.21																																
-Additional Tax Generated =	148,199.40																																
(43,950 New SF x \$150/SF \$6,592,500 Valuation @ \$22.48 Mil Rate)																																	
Total	<u>\$315,871.61</u>																																
-Current Tax =	\$167,672.21																																
-Additional Tax Generated =	69,800.40																																
(20,700 SF x \$150/SF \$3,105,000 Valuation @ \$22.48 Mil Rate)																																	
Total	<u>\$237,472.61</u>																																
Amount Available to Fund Waterfront Capital Improvement Zone (T.I.F. District) \$0	Amount Available to Fund Waterfront Capital Improvement Zone (T.I.F. District) \$148,199	Amount Available to Fund Waterfront Capital Improvement Zone (T.I.F. District) \$69,800	Amount Available to Fund Waterfront Capital Improvement Zone (T.I.F. District) <i>\$78,399 Less/YR</i>																														
	Required Marine Infrastructure Investment Project Cost = \$10,887,657 x .05 = \$544,383	Required Marine Infrastructure Investment Project Cost @ \$4,906,657 x .05 = \$245,333	Required Marine Infrastructure Investment <i>\$299,050 Less Available for Marine Infrastructure Improvements</i>																														



WOODMAN EDMANDS DANYLIK AUSTIN
SMITH & JACQUES, P.A.

ATTORNEYS-AT-LAW

ROBERT B. WOODMAN
THOMAS DANYLIK
RALPH W. AUSTIN
JAMES B. SMITH
KEITH R. JACQUES
MICHAEL J. O'TOOLE
HARRY B. CENTER II
SANDRA L. GUAY
AMY McNALLY

234 MAIN STREET
P.O. BOX 468
BIDDEFORD, ME 04005-0468
TELEPHONE: 207-284-4581
FAX: 207-284-2078
E-MAIL: SLG@woodedlaw.com

PETER L. EDMANDS
(Retired)

May 10, 2019

Via Email

Portland Planning Board
Sean Dundan, Chair
City of Portland
Planning Division
389 Congress Street
Portland, ME 04101

Re: Waterfront Central Zone
Ordinance Amendments/Public Hearing May 14, 2019

Dear Mr. Dundan and Planning Board Members:

This letter is submitted to the Planning Board on behalf of the Portland Working Waterfront Group (PWWG) for the Board's consideration prior to its scheduled May 14, 2019 public hearing on the proposed Waterfront Central Zone (WCZ) ordinance amendments.

The purpose of this letter is to: (a) respond to questions put forth by the Planning Board at its April 23, 2019 workshop meeting regarding negative impacts to the water-dependent uses and Portland fishery since the 2010 (WCZ) zoning amendments which amendments created the Non-Marine Use Overlay Zone (NUMOZ) and extended the setback for non-marine uses from 100 feet from Commercial to 150 feet, with 300 feet on Union Wharf and 500 feet on Long Wharf; (b) respond to and support the proposed zoning amendments that have resulted, with the City's assistance, from negotiation between members of the stakeholder task force group; and (c) to briefly comment on a recent letter addressed to the Planning Board by two pier owners and Mr. Bateman.

Portland Planning Board
Sean Dundan, Chair
May 13, 2019
Page 2 of 7

A. Impacts to the WCZ Since 2010

Please see the attached chart. Note that of the eight marine-related businesses that have left the WCZ since 2010 (highlighted), five were evicted by pier owners. The bottom of the chart lists some of the additional impacts to remaining commercial fisheries users.

The Portland commercial marine industry, including the fishery, is more than berthing space. In order for this historical industry to survive and grow, it must be able to maintain its complex mixture of access, vessels, bait providers, marine-related services and other related uses. Portland's working waterfront is small and any non-marine expansion negatively impacts water dependent users. While the PWWG realizes that some non-marine use is inevitable, in addition to those items listed on the chart, significant negative impacts since 2010 include:

- Increase in pedestrian and vehicular traffic which creates conflicts and hazard on the wharves and in timely movement of perishable product on Commercial Street.
- Increase in non-marine use parking on some of the wharves that has impacted access to fishing vessels as well as access to historical loading and unloading areas along the edges of the wharves.
- Increase in non-marine uses that displace water dependent uses which are an integral part of the Portland marine industry.

The WCZ ordinance has been amended many times since its original enactment in 1987, each time making changes that benefitted wharf owners and at the same time negatively impacting the working waterfront and water dependent uses. Unlike non-marine uses which can be located anywhere, these working waterfront and water dependent uses must be located on the piers themselves. Surely this basic reality comes with the very ownership of a pier in a working waterfront community. The 2010 WCZ amendments, which significantly expanded the permitted non-marine usage of the wharves, were drafted at a time that development in Portland, and particularly on the working waterfront side of the peninsula was not as intensive as it is today.

Portland Planning Board
Sean Dundan, Chair
May 13, 2019
Page 3 of 7

The City's 2017 Comprehensive Plan recognizes and prioritizes the crucial importance of protecting, maintaining and allowing for future growth of the fishing and marine related industry on the Portland waterfront as expressed by the hierarchy of uses in the Plan, with water-dependent uses at the top, marine related uses just below that, and with compatible non-marine uses at the bottom. The 2010 compromise amendments however have not worked to meet the City's goals and have failed to protect the working waterfront. To reverse this downward trend and to protect the City's fishing heritage action must be taken now, through passage of the negotiated amendments provided by City staff for Planning Board review and City Council action.

B. The Proposed 2019 WCZ Amendments

Like any negotiated agreement, the proposed amendments do not include all protections that the PWWG would have wanted. For example, the PWWG had asked for a zero to 75-foot NUMOZ; the proposal (which would also change the name to the Commercial Street Overlay Zone, or CSOZ) is for 125 feet in most locations, with 300 feet at Long Wharf. Bear in mind that the NUMOZ does not prevent non-marine related development; the first floor can be 45% non-marine and the top two floors can be 100% non-marine. The greater the area that is used for non-marine, the less area that will be available for integral marine-related uses; the more non-marine related uses, the greater the conflict between those users and the fishermen and other marine dependent uses – non-marine users complain about noise, smells, the movement of trucks and equipment on the piers, they park other vehicles and place items in the way of vessel access, trucks and equipment.

Despite what the PWWG perceives as its remaining shortcomings, members of the PWWG have agreed to support the proposed NUMOZ changes in the spirit of compromise with the wharf owners and other stakeholders. It was therefore upsetting to the PWWG, after having undergone 11 task force meetings (it was the PWWG who suggested going from every other Thursday to every Thursday in an effort to get the amendments completed within the moratorium period) and separate weekly meetings with other stakeholders, including many of the wharf owners and City staff, to see two of the wharf owners and one wharf lease holder, by letter dated just yesterday, no longer willing to compromise. Despite this, the PWWG is hopeful that the Planning Board will support the significant work that has been done by the stake-holder task force, City staff, and interested citizens and support this important WCZ amendment.

WOODMAN EDMANDS DANYLIK AUSTIN SMITH & JACQUES, P.A.

Portland Planning Board
Sean Dundan, Chair
May 13, 2019
Page 4 of 7

In addition to a greater reduction in the 2010 NUMOZ, there are other more restrictive protections that the PWWG would have like to have seen in the amendments, including more restriction on (or greater elimination of) non-marine related and water dependent uses. Notwithstanding this, the PWWG does support some of the other important changes in the amendment including:

- Deletion of the ability to use contract or conditional rezoning anywhere in the WCZ.
- Geographic restriction of most high-traffic and high-congestion non-marine uses to only that part of the zone within 125 feet of Commercial Street (except 300 feet on Long Wharf), keeping new retail, restaurant, personal service, etc. non-marine establishments from locating further out on the piers. (Most non-marine offices would still be allowed out on the piers, would still be limited to 45% of ground floor space, but, as now, could occupy 100% of upper story space).
- Enhancement of zoning enforcement by requiring pier owners to submit an accurate scale plan and a written narrative detailing how the pier's functional utility for marine uses will be protected, with the plan to be updated and reviewed by the City whenever there is a proposed new development, a change of use or an expansion of a use.
- An increase from 5 feet to 10 feet of the area along the pier edge that is to be reserved exclusively for marine uses.
- An increase from 60 days to 180 days in the length of time a pier owner needs to advertise and offer a vacancy to marine uses, after which time if there is still no marine tenant, it can be rented to a non-marine use (still subject to the absolute 45% non-marine cap).
- A series of tweaks to parking regulations, the net effect of which should be to increase parking availability for water-dependent uses (at least from 2:00 am to 5:00 pm), to clarify that parking for non-marine uses is limited to only those non-marine uses on the same pier (and then only if there is sufficient parking for marine uses), and to clearly prohibit new

WOODMAN EDMANDS DANYLIK AUSTIN SMITH & JACQUES, P.A.

Portland Planning Board
Sean Dundan, Chair
May 13, 2019
Page 5 of 7

parking creation on the water side of Commercial Street for uses, like hotels, which are not located on that pier.

Once again, in the spirit of cooperation with all parties who have an interest in Portland's working waterfront and in appreciation of the continuing effort on the part of the City and those who have been involved in the ongoing stakeholder process to protect the Portland fishery and marine-related industry, the PWWG supports the proposed WCZ ordinance amendments.

C. Comments on May 9, 2016 Submission of Owners and Representatives of Long Wharf, Fisherman's Wharf, and Union Wharf.

The time and effort that has gone into negotiating an agreement on the WCZ amendments by the many people who have been involved has been remarkable. As this Board is well aware, the PWWG had successfully collected signatures for a referendum that would have impacted all three waterfront zones which the PWWG agreed not to submit in light of the City moving forward with a six-month moratorium and the establishment by the City Manager of a waterfront task group. In addition, the PWWG met several times with wharf owners who also expressed their sincere interest in preservation of the working aspect of the Portland waterfront. Most of these wharf owners also expressed their acknowledgment of the negative impacts that were occurring to the Portland waterfront marine industry and a desire to compromise to reach a reasonable solution.

It was therefore with some surprise that the PWWG received a copy of the May 9, 2019 letter in which the two wharf owners and Mr. Bateman appear to ask this Board to recommend no change to the existing status quo.

One of the very first things to come out of the task force, again at the request of the PWWG, was an exploration of how TIF dollars could be used to assist the wharf owners. It was discussed that TIF owners could avail themselves of a credit enhancement TIF for any significant improvements to the wharves and in addition, TIF money from other projects within the waterfront TIF zone could be used to assist the wharf owners with certain infrastructure costs, including dredging. Wharf owners have also complained of rising taxes, but taxes have risen on the wharves in direct relation to the non-marine development that has occurred on the wharves over the past several years. The wharf owners have benefited from this development, at the expense of the existing and

WOODMAN EDMANDS DANYLIK AUSTIN SMITH & JACQUES, P.A.

Portland Planning Board
Sean Dundan, Chair
May 13, 2019
Page 6 of 7

historical commercial marine industry. Due to the efforts of the PWWG and the task force, the pier owners have gotten financial support that they did not have before. It seems however that these two pier owners and Mr. Bateman want it all - no matter the impact on the fishing and marine industry community.

With respect specifically to the analysis used in the May 9 letter:

By measuring only the change in the square footage in the overlay zone, rather than the impact on full buildout metrics, the letter appears to suggest that zero development will be allowed in the area being rezoned from NUMOZ to non-overlay zone. In fact, the land that the overlay zone is removed from still has the capacity to be developed at 45% non-marine on the ground floor and 100% non-marine on the upper stories. The required 5% marine infrastructure investment can be reinvested by wharf owners in their own waterfront infrastructure. Furthermore, real estate taxes that would be generated from a full buildout of the area removed from the overlay zone are not \$0; it might be slightly less than if it were left in the overlay zone but would still generate significant real estate taxes.

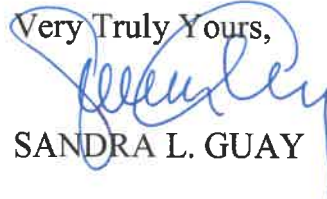
Furthermore, the analysis in the letter does not account for what will become less ability to use the working waterfront as a successful and growing commercial fishery – one of the few left in the northeast, anecdotally perhaps the most valuable with its deep, safe port and one that brings in over \$240,000,00 in product over a single year to be distributed throughout Maine and the world. The analysis also does not consider the loss in tourist revenue that will result from a diminished fishing industry and less visual contact with the working waterfront. Visitors do not crowd the Portland waterfront to see buildings – they come to see the working fisheries that they cannot see anywhere else.

In summary, the PWWG is greatly appreciative of the commitment of time and resources devoted to the redrafting of the WCZ amendments by all members of the task force, City staff and concerned citizens. The end result is not all that the PWWG would have asked for, but the PWWG believes that the process and the compromise has been both fair and effective.

As such, the PWWG respectfully requests that the Planning Board support the proposed amendments at its May 14, 2019 meeting, by giving a positive recommendation to the City Council.

WOODMAN EDMANDS DANYLIK AUSTIN SMITH & JACQUES, P.A.

Portland Planning Board
Sean Dundan, Chair
May 13, 2019
Page 7 of 7

Very Truly Yours,

SANDRA L. GUAY

Copy to:

Willis Spear, PWWG
Bill Coppersmith, PWWG
William B. Needelman, Waterfront Coordinator
Jon Jennings, City Manager

Local Marine Businesses on Portland, ME Working Waterfront Wharves that Moved or Evicted Since 1980's

#	Year Moved	Wharf	Company Moved	Business Type	Marine Related?	Comment
1	Mid 1980's	Portland Pier	Harbor Supply	Marine fuel and engine repair supply	Y	
2	Mid 1980's	Portland Pier	Harris Electronic	Fishing vessel electronics supply	Y	
3	Late 1990's	Portland Pier	Marine Metals	Marine salvage yard	Y	
4	Late 1980's	Portland Pier	Car Ferry	Ferry	Y	Connected to Casco Bay Lines
5	Late 1980's	Portland Pier	Ferry	Ferry	Y	Serviced Cushing's Island
6	Mid 1980's	Merrill's Wharf	Marine Cold Storage	Fish cold storage	Y	
7	Mid 1980's	Portland Fish Pier	Seabco Ice	Fuel depot and ice for fish preservation	Y	Merchant's wharf torn down to create Portland Fish Pier.
8	Mid 1980's	Portland Fish Pier	Vinny Cavanaugh	Boat builder	Y	Merchant's wharf torn down to create Portland Fish Pier. Boat builder and had 5-8 fishing vessels.
9	Mid 1980's	Portland Fish Pier	Peacock Canning	Sardine canning	Y	Brown's Wharf torn down to create Portland Fish Pier. These fishing companies had 4-6 fishing vessels
10	Mid 1980's	Portland Fish Pier	Trident Packing	Sardine canning	Y	Brown's Wharf torn down to create Portland Fish Pier. These fishing companies had 4-6 fishing vessels
11	Mid 1980's	Portland Fish Pier	Fish processing company		Y	
12	Mid 1980's	Chandlers Wharf	Willard & Dagget	fish processing and lobster pound	Y	Central Wharf was torn down to create Chandlers Wharf
13	Mid 1980's	Chandlers Wharf	Stuart Tuttle Engine Repair	engine repair shop	Y	Central Wharf was torn down to create Chandlers Wharf
14	Mid 1980's	Chandlers Wharf	Gundry Fisherman Supply	commercial fishing supply shop	Y	Central Wharf was torn down to create Chandlers Wharf
15	Mid 1980's	Chandlers Wharf	Harris Oil	fuel for fishing vessel	Y	Central Wharf was torn down to create Chandlers Wharf
16	Mid 1980's	Chandlers Wharf	Ocean Canyon	Groundfish buyer/processor	Y	Central Wharf was torn down to create Chandlers Wharf
17	Mid 1980's	Chandlers Wharf	Harris Company	Distributor of fishing supplies	Y	Central Wharf was torn down to create Chandlers Wharf
18	Mid 1980's	Chandlers Wharf	LaRocheville	Fishermen supply house for clothing	Y	Central Wharf was torn down to create Chandlers Wharf
19	Mid 1980's	Chandlers Wharf	Quality Seafood	crab shop- picking crabs	Y	Central Wharf was torn down to create Chandlers Wharf
20	Mid 1980's	Chandlers Wharf	Fulham Brothers	commercial fishing supply shop	Y	offshore draggers and fish handling company
21	Mid 1980's	Chandlers Wharf	Various companies	lobster dealer with bait	Y	
22	Mid 1980's	Chandlers Wharf	Unknown	scallop shucking	Y	
23	Mid 1980's	Chandlers Wharf	Fishermen	lobsters, groundfish draggers, gillnetters	Y	
24	Mid 1980's	Custom House Wharf	R&S Seafood	Fish processing plants	Y	
25	Mid 1980's	Custom House Wharf	Portland Fish	Fish processing plants	Y	
26	Mid 1980's	Custom House Wharf	MidCentral Fish	Fish processing plants	Y	
27	1988	Maine Wharf	Williams Brother's Machine Shop	engine repair shop	Y	
28	1988	Maine Wharf	Central Wharf Tow Boats	towing	Y	
29	By 1980	Long Wharf	Boat building operation		Y	
30	By 1980	Long Wharf	Tide Blocks	Fishing vessel repair area	Y	east side of wharf
31	By 1980	Long Wharf	Fishermen	gill netters and lobstermen	Y	removed from the west side of wharf.
44	Mid 1990's	International Marine Terminal	Fishing Vessels		Y	Richardson Dana Wharf now International Marine Terminal. 2-4 Fishing vessels.
32	Before 2010	Merrill's Wharf	Dropping Springs	Bait company	Y	
33	Before 2011	Merrill's Wharf	Parking	no overnight parking for boat crews	Y	
34	2011	Maine Wharf	Three Sore Lobster & Fish	Bait company	Y	Evicted by new owner Great Maine Wharf LLC, Stephen Goodrich
35	Mid 1980's	Maine Wharf	Holden Seafood	Lobster pound	Y	
36	2012	Maine Wharf	3 Brothers	Lobster pound	Y	
37	2011	Maine Wharf	Chase Leavitt & Co.	Shipping agents, engine supply and repair, and marine safety equipment	Y	Evicted by new owner Great Maine Wharf LLC, Stephen Goodrich
38	2011	Maine Wharf	Fresh Atlantic	fish processing plant	Y	Evicted by new owner Great Maine Wharf LLC, Stephen Goodrich
39	By 1990's	Maine Wharf	Business and Office and tie up	Large draggers		
40	2012	Union Wharf	Portland Trap	gear shop	Y	Moved to Riverside St.
41	2016	Union Wharf	Maine Life Raft	Marine safety equipment	Y	
42	2018	Fore Street	Hamilton Marine	Marine supply house and ship chandlery	Y	Evicted by 100 Fore St. new owner David Bateman and moved to Presu
43	2018	Fore Street	Xpress Copy	Copying shop	N	Evicted by 100 Fore St. new owner David Bateman and moved to West

Conclusion: During the 1980's, much of the marine infrastructure disappeared on the North side and South side of Commercial street boosted by the redevelopment of the Old Port Area and later in 2010 by the NUMOZ.

#	More Apparent after 2010 NUMOZ	Location	Reduction in the Quality of the Working Environment for Fishermen - Accelerated Since 2010 NUMOZ
1		Back Bay	Fishing areas blocked off by pleasure boats mooring between bridges
2		Portland Wharves	Boat berthing of lobster boats and ground fish.
3		Portland Wharves	No overnight parking for boat crews (Merrill's Wharf Only for now)
4		Portland Wharves	Easy access to boats and traps on wharves
5		Portland Wharves	Gear loss due to high volume of cruise ships coming and going in Portland Harbor
6		Portland Wharves	The ability to fish anytime of the year, anytime of the day, any day, any week to traffic congestion and parking.
7		Portland Wharves	The ability of the fishing fleet to expand.
8		Portland Wharves	The ability of the commercial fishing infrastructure to expand. (eg. Supplies, boat and engine repair shops, welders, small shops, etc.)
9		Portland Wharves	Larger boats are coming with no room for expansion in the present berths.
10		Portland Wharves	Loss of income due to having to travel longer distances from wharves for service fishing vessels or buy commercial fishing equipment and supply.

Conclusion: There is a lack of encouragement for commercial fishing and uses by City and wharf owners. The NUMOZ overlay zone is a deterrent to marine use.

Source: Inventoried by Portland, ME Working Waterfront Fishermen: Bill Coppersmith, Keith Lane, and Willis Spears between January and March 2019

Fwd: comments to PB on WWF zoning amendments

1 message

Christine Grimando <cdg@portlandmaine.gov>
To: Jennifer Munson <jmy@portlandmaine.gov>

Mon, May 13, 2019 at 10:54 AM

Christine Grimando, AICP
City Planning Director
Planning & Urban Development Department
389 Congress Street
Portland, Maine 04101
cdg@portlandmaine.gov
Ph: (207) 874-8608

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

From: **Judith Allen** <judithallenefs@yahoo.com>
Date: Sun, May 12, 2019 at 1:34 AM
Subject: comments to PB on WWF zoning amendments
To: cdg@portlandmaine.gov <cdg@portlandmaine.gov>

Judith Allen Portland resident and registered voter in District 1

Comments to the Planning Board in support of amendments to protect the Working Waterfront May 14, 2019

I urge the Planning Board to pass the entire package of zoning amendments to protect our working waterfront. Especially important is the **Deletion** of the ability to use contract or conditional rezoning anywhere in the Waterfront Central Zone (WCZ).

Judith Allen

 **commentsWWF May 14 PB meeting.docx**
42K

Judith Allen Portland resident and registered voter in District 1
Comments to the Planning Board in support of amendments to protect the
Working Waterfront May 14, 2019

I urge the Planning Board to pass the entire package of zoning amendments to protect our working waterfront. Especially important is the **Deletion** of the ability to use contract or conditional rezoning anywhere in the Waterfront Central Zone (WCZ).

Fwd: I support the proposed Working Waterfront zoning amendments

1 message

Christine Grimando <cdg@portlandmaine.gov>
To: Jennifer Munson <jmy@portlandmaine.gov>

Mon, May 13, 2019 at 10:49 AM

Christine Grimando, AICP
City Planning Director
Planning & Urban Development Department
[389 Congress Street](#)
[Portland, Maine 04101](#)
cdg@portlandmaine.gov
Ph: (207) 874-8608

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

From: **Dave Wade** <davewade1@gmail.com>
Date: Mon, May 13, 2019 at 10:18 AM
Subject: I support the proposed Working Waterfront zoning amendments
To: <cdg@portlandmaine.gov>

to City Planning Director Christine Grimando:

Dear Christine,

I am writing you in support of the proposed Working Waterfront zoning amendments. The City of Portland is enjoying a boom in new developments and I think it would be prudent to protect the calling card and main attraction of Portland, its Working Waterfront, and to protect the local fishermen's ability to supply residents and our famed restaurants with the freshest seafood, by adopting the proposed zoning amendments to preserve and protect the fishing community and the working waterfront for future generations.

I am glad the city convened its Working Waterfront Task Force to sit down with fishermen, pier owners, and concerned citizens to talk over this complex issue in order to act in the best interests of the City of Portland and its residents. The 3 months of meetings have been informative, respectful, and productive, and I think we owe the city our thanks for hosting them.

Massive new developments on the east end at the site of the former Portland Company, in the central Zone in the site of the former Rufus Deering lumberyard, and in two newly reported hotel/office/retail complexes slated for construction in the open parking lot areas between Free St., Cotton St, Middle St. and Commercial St. will change the skyline and concentration of activity in downtown Portland immensely. In another two years, you may not be able to recognize our city by the sea. Therefore, I think it is critical that we step back and slow down the development of the Central Waterfront Zone before we lose all sense of the city's charm, marine character, and authenticity, and protect what it is that makes Portland such an attractive place to live and visit. I strongly support the proposed amendments to the city zoning by City Manager Jon Jennings, the Waterfront Coordinator Bill Needelman, and the Planning Department, and believe they represent the best way to keep Portland a livable city for present and future generations.

Sincerely,

David Wade
[17 Frances St.](#)
Portland

Fwd: Letter of support for waterfront zoning revisions

1 message

Christine Grimando <cdg@portlandmaine.gov>
To: Jennifer Munson <jmy@portlandmaine.gov>

Mon, May 13, 2019 at 10:54 AM

Christine Grimando, AICP
City Planning Director
Planning & Urban Development Department
[389 Congress Street](#)
[Portland, Maine 04101](#)
cdg@portlandmaine.gov
Ph: (207) 874-8608

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

From: **Peter Haller** <pdhaller1953@gmail.com>
Date: Mon, May 13, 2019 at 6:16 AM
Subject: Letter of support for waterfront zoning revisions
To: Christine Grimando <cdg@portlandmaine.gov>

To the Planning Board, City of Portland:

I am writing today to urge your passage of the waterfront zoning regulations, without any revisions or amendments and as they are recommended by the City Manager and city staff.

They are to be commended for their diligence, hard work and creativity on these new regulations.

Sincerely yours,
Peter Haller
51 High Street
--

Peter D. Haller, Artist
Studio: [22 Pearl Street](#), Lower Level
Biddeford, Maine
203-530-7829

Fwd: Protect the Working Waterfront

1 message

Christine Grimando <cdg@portlandmaine.gov>
To: Jennifer Munson <jmy@portlandmaine.gov>

Mon, May 13, 2019 at 10:54 AM

Christine Grimando, AICP
City Planning Director
Planning & Urban Development Department
[389 Congress Street](#)
[Portland, Maine 04101](#)
cdg@portlandmaine.gov
Ph: (207) 874-8608

----- Forwarded message -----
From: **Berry Manter** <berrymanter@yahoo.com>
Date: Sun, May 12, 2019 at 6:57 PM
Subject: Protect the Working Waterfront
To: <cdg@portlandmaine.gov>

Dear Christine,

Please support the current package of zoning amendments being proposed by the City as a result of the work of the Working Waterfront Task Force.

A hotel, restaurant, parking garage, other non-marine use structures can find an equivalent "inland" option to operate an effective business.

A working waterfront has but one possible option.

The working waterfront will continue to evolve as Portland's *most* valuable and distinctive asset.

Please, do not allow a small group of self-interests undermine protective zoning amendments.

Sincerely,

Berry Manter
[46 Eastern Prom](#)
[Portland](#)

Fwd: working waterfront

Christine Grimando <cdg@portlandmaine.gov>
To: Jennifer Munson <jmy@portlandmaine.gov>

Mon, May 13, 2019 at 10:49 AM

Christine Grimando, AICP
City Planning Director
Planning & Urban Development Department
389 Congress Street
Portland, Maine 04101
cdg@portlandmaine.gov
Ph: (207) 874-8608

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

From: **joanne arnold** <joannemaryarnold@gmail.com>
Date: Mon, May 13, 2019 at 10:32 AM
Subject: working waterfront
To: <cdg@portlandmaine.gov>

Dear Ms. Grimando,

I am writing as I am unable to attend Tuesday evenings Planning Board Meeting. This is, however, in no way a reflection on my interest and staunch support for the working waterfront. I am writing as a citizen of Maine and a resident of Falmouth to urge the City of Portland to do all it can to support our working waterfront. I am urging you to consider the recommendations and amendments made by the Working Waterfront Group and the Waterfront Task Force. Please, please consider taking the measures, extraordinary if necessary, to maintain our link to the working waterfront, our cultural link to the sea and preventing our vital working waterfront from becoming another mall. We have to do better than this.

Please take the suggestions and recommendations from the Waterfront Task Force, who have worked with due diligence across disparate but involved parties to find a way.

Letting Portland's Working Waterfront be deconstructed by the presence of hotels, restaurants and shops is not only a damn shame but is short sighted and ruinous of the unique quality that makes people WANT to visit and live in Portland, Maine

Thank you for your consideration,

Joanne Arnold
10 Old Mill Road
Falmouth Maine 04105
207-232-2176

Re: Time to reel in the histrionics

1 message

Christine Grimando <cdg@portlandmaine.gov>
To: jmy <jmy@portlandmaine.gov>
Cc: "Barhydt, Barbara" <bab@portlandmaine.gov>

Mon, May 13, 2019 at 10:52 AM

Yes, include it please. Thanks for checking.

Christine Grimando, AICP
City Planning Director
Planning & Urban Development Department
[389 Congress Street](#)
Portland, Maine 04101
cdg@portlandmaine.gov
Ph: (207) 874-8608

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

From: **jmy** <jmy@portlandmaine.gov>
Date: Mon, May 13, 2019 at 10:13 AM
Subject: Fwd: Time to reel in the histrionics
To: Barhydt, Barbara <bab@portlandmaine.gov>, Grimando, Christine <cdg@portlandmaine.gov>

Should this be included as WCZ public comment?

On Sunday, May 12, 2019 at 11:47:12 PM UTC-4, Catherine Bremer wrote:

Dear Mayor Strimling, City Councilors, Planning Board Members and Manager Jennings:

This attorney is the driving force behind the current effort to throw cold water on Portland's economic success. As glib as he is, he knows NOTHING about fishing.

<https://youtu.be/56BplBFALvA>

Have we all forgotten? THIS is what has almost killed the fishing industry:

<https://youtu.be/M6CwKVdKzHg>

Yes, fishing is in trouble, and has been for a long, long time. Climate change promises to compound the troubles. But tourists spending money in downtown Portland (and buying tons of lobsters and seafood) is NOT the problem. Accepting that allegation at face value and rushing to change zoning laws, without investigation and documentation, is the wrong way to proceed.

Right now the fishermen's lobbyists and their lawyers have a gun to your head. That's clear. Hopefully, despite their intimidation, logic will prevail and you will make the correct decisions for the entire city. Please deliberate wisely. Thank you for your time and consideration.

Cathy

Fwd: Protecting the waterfront

1 message

Christine Grimando <cdg@portlandmaine.gov>
To: Jennifer Munson <jmy@portlandmaine.gov>
Cc: Matthew Grooms <mgrooms@portlandmaine.gov>

Mon, May 13, 2019 at 11:24 AM

Christine Grimando, AICP
City Planning Director
Planning & Urban Development Department
[389 Congress Street](#)
Portland, Maine 04101
cdg@portlandmaine.gov
Ph: (207) 874-8608

----- Forwarded message -----
From: **Stephanie Morris** <islandsammie17@gmail.com>
Date: Mon, May 13, 2019 at 11:09 AM
Subject: Protecting the waterfront
To: <cdg@portlandmaine.gov>

Please support the efforts to maintain Portland's unique personality and stand by our marine industry by respecting the suggestions of the working waterfront group in tonight's meeting.

I cannot be there to lend my presence in support of all the proposals as I am emailing from Portugal but I am hoping the city acts with wisdom and long term vision . There are plenty of opportunities for development of all kinds in and around Portland. Let's please not turn Portland into a mini-Boston!

Thank you
Stephanie Morris
5 Spiro Ave
Gray
And
[75 Leavitt St](#)
[Long Island, ME](#)

Fwd: Working water front

1 message

Christine Grimando <cdg@portlandmaine.gov>

Mon, May 13, 2019 at 1:03 PM

To: Jennifer Munson <jmy@portlandmaine.gov>, Matthew Grooms <mgrooms@portlandmaine.gov>

Christine Grimando, AICP
City Planning Director
Planning & Urban Development Department
[389 Congress Street](#)
[Portland, Maine 04101](#)
cdg@portlandmaine.gov
Ph: (207) 874-8608

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

From: **joyce blossom** <joyceblossom@gmail.com>
Date: Mon, May 13, 2019 at 12:59 PM
Subject: Working water front
To: <cdg@portlandmaine.gov>

I am a resident of Munjoy Hill and a summer home owner on Peaks Island, and I am in favor of maintaining the working water front. I want the amendments to be accepted.
Joyce Blossom
[59 Kellogg St](#)
[Portland, ME 04101](#)

Fwd: zoning amendments

1 message

Christine Grimando <cdg@portlandmaine.gov>
To: Jennifer Munson <jmy@portlandmaine.gov>
Cc: Matthew Grooms <mgrooms@portlandmaine.gov>

Tue, May 14, 2019 at 1:11 PM

Christine Grimando, AICP
City Planning Director
Planning & Urban Development Department
[389 Congress Street](#)
[Portland, Maine 04101](#)
cdg@portlandmaine.gov
Ph: (207) 874-8608

----- Forwarded message -----
From: **Sally Barrows** <galeyrie@me.com>
Date: Tue, May 14, 2019 at 1:10 PM
Subject: zoning amendments
To: <cdg@portlandmaine.gov>

Dear Christine,

I am in favor of the zoning amendments package being presented at the Planning Board meeting tonight. I believe it is essential to keep and reinforce the boundaries that support the fishermen's right to the shorefront, as has been guaranteed since the beginning of settlement by Europeans in Maine.

I was a "summer complaint" on Chebeague since 1954, (and have been a resident of Falmouth for over 40 years. I consider Portland to be my community.) I grew up with the fishermen using the Stone Wharf and Chandler's Wharf for landing, hauling traps and gear, joking with each other and us kids. I was aware from an early age of the right of the fishermen to have access to the waterfront, often passing over rights of way on other people's property, and it was explained to me that that right is more or less sacrosanct (and has been since Colonial days) because it is essential to their livelihood.

This principle must remain the first priority in zoning decisions. It is part of who we are as a community.

Thank you for your attention.
Sally Barrows
[53 Underwood Rd.](#)
[Falmouth, ME 04105](#)
207-747-9385

Fwd: Working waterfront

1 message

Christine Grimando <cdg@portlandmaine.gov>
To: Jennifer Munson <jmy@portlandmaine.gov>
Cc: Matthew Grooms <mgrooms@portlandmaine.gov>

Tue, May 14, 2019 at 1:11 PM

Christine Grimando, AICP
City Planning Director
Planning & Urban Development Department
[389 Congress Street](#)
[Portland, Maine 04101](#)
cdg@portlandmaine.gov
Ph: (207) 874-8608

----- Forwarded message -----
From: **caron chess** <caronchess2327@gmail.com>
Date: Tue, May 14, 2019 at 1:02 PM
Subject: Working waterfront
To: <cdg@portlandmaine.gov>

I support the current proposal for the working waterfront. Very important to favor them over developers.

Caron Chess
Peaks Island

Fwd: I support the working waterfront

1 message

Christine Grimando <cdg@portlandmaine.gov>
To: Jennifer Munson <jmy@portlandmaine.gov>
Cc: Matthew Grooms <mgrooms@portlandmaine.gov>

Tue, May 14, 2019 at 2:09 PM

Christine Grimando, AICP
City Planning Director
Planning & Urban Development Department
[389 Congress Street](#)
Portland, Maine 04101
cdg@portlandmaine.gov
Ph: (207) 874-8608

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

From: **Leah Flumerfelt** <leahflumerfelt@gmail.com>
Date: Tue, May 14, 2019 at 1:50 PM
Subject: I support the working waterfront
To: <cdg@portlandmaine.gov>

Hi, Christine!

I'm a resident of Portland and an employee of Portland Public Schools, and I would like to express my strong support for the zoning amendments that came out of the Working Waterfront Task Force. I want to preserve and even further restore the ecological and cultural diversity of Portland, which includes the community of the working waterfront. A rejection of these amendments, to me, would signify a terrible loss of the qualities that impart Portland residents with a good quality of life.

Thank you!

Sincerely,
Leah Flumerfelt



CITY OF PORTLAND
Planning & Urban Development
Jeff Levine, AICP, Director

To: Portland Planning Board

From: Jeff Levine, AICP, Planning & Urban Development Director

Date: May 9, 2019

RE: Financial Impact Memo from Owners and Representatives of Three Wharves

This morning we received a memorandum from the owners and representatives of three wharves in the Waterfront Central Zone (WCZ) regarding their analysis of the fiscal impact of the currently proposed amendments. Their analysis outlines what they see as the direct fiscal impact to the City if these amendments were to pass.

I appreciate their effort to quantify these impacts and have found some very interesting data in their memorandum. However, I have significant questions about how their analysis would relate to the true impacts of the proposed amendment:

1. Their analysis is based on a full buildout of the Non Marine Use Overlay Zone (NMUOZ) under current zoning¹. There have been no massing or circulation studies submitted with their analysis to show that these developments would meet site plan standards or would even be buildable. In my experience here in Portland and in other cities, the full buildout allowed under zoning is often not feasible due to other standards, including site plan requirements, circulation needs, design standards, and other requirements coming out of the entitlement process;
2. Their analysis only examines the positive fiscal impacts of development in the NMUOZ. A net analysis that factored in the costs to the city of servicing new development would be more useful in determining these impacts;
3. Their analysis does not factor in any positive fiscal impact of development in the WCZ outside the NMUOZ. While it is fair to assume a lower positive fiscal impact for development outside the NMUOZ, there is no attempt to quantify that amount. Clearly taking property out of the NMUOZ does not eliminate all positive fiscal impacts to the City. In the recent past, we have seen non-marine uses proposed outside the NMUOZ and successfully built, providing positive fiscal impacts to the City. These include the office on Union Wharf (one of the three wharves in this analysis), the restaurant and building on Maine Wharf, and the Pierce Atwood adaptive reuse on Merrill's Wharf;

¹ See page 2 of the cover memo: "The underlying assumptions utilized for this analysis are as follows... Development potential based on the highest and best use allowed *under current zoning* [emphasis added]"

4. This analysis assumes that all current uses on these sites will be removed and replaced with non-marine uses. In reality, developments would be constructed around those existing uses and only incrementally be redeveloped, if at all;
5. This analysis assumes that the only funding required for marine investment comes from the financial contributions required in the Waterfront Central Zone code. As shown by the proposal recently outlined for the hotel on Fisherman's Wharf, other investments in the marine economy are expected and provided in any feasible project in the WCZ;
6. In the past history of Portland's waterfront, it is exactly the sort of buildout proposed in this analysis that has caused concern over the future of the Portland waterfront and, therefore, such buildout has rarely been allowed to go forward. The Chandler's Wharf project was the last major buildout effort of non-marine uses on the waterfront, and it resulted in a major change to waterfront zoning via a referendum.

Again, I appreciate the wharf owners' efforts to quantify this impact. In reality, the fiscal impact of these changes is virtually impossible to quantify accurately. The future of the Portland waterfront should be guided by public policy goals, as outlined in Portland's Plan and the work of the Working Waterfront Group over the past several months. The ordinance amendments under discussion are thoughtful and balanced, and will help preserve the balance of uses on the City's waterfront. In the long run, that balance is essential to Portland's fiscal health and vibrancy.

WOODMAN EDMANDS DANYLIK AUSTIN
SMITH & JACQUES, P.A.

ATTORNEYS-AT-LAW

ROBERT B. WOODMAN
THOMAS DANYLIK
RALPH W. AUSTIN
JAMES B. SMITH
KEITH R. JACQUES
MICHAEL J. O'TOOLE
HARRY B. CENTER II
SANDRA L. GUAY
AMY McNALLY

234 MAIN STREET
P.O. BOX 468
BIDDEFORD, ME 04005-0468
TELEPHONE: 207-284-4581
FAX: 207-284-2078
E-MAIL: SLG@woodedlaw.com

PETER L. EDMANDS
(Retired)

May 29, 2019

Via Email

Mayor Ethan K. Strimling
City Council
City of Portland
389 Congress Street
Portland, ME 04101

Re: Waterfront Central Zone Amendments

Dear Mayor Strimling and Council Members:

This letter is submitted on behalf of a large group of Portland fishermen and merchants who are collectively known as the Portland Working Waterfront Group (PWWG). As you are aware, after agreeing to forgo the submission of a waterfront zoning referendum, members of the PWWG have participated over the past several months in the City's Working Waterfront Task Force.

The purpose of this letter is to respond to the recommendation made to the Council by the Planning Board at its May 14, 2019 meeting regarding the proposed amendments to the Waterfront Central Zone (WCZ). Specifically, this letter addresses the Planning Board's vote to recommend the amendments as drafted by City staff, with the exception of a reduction to the existing 150/500 foot Non-Marine Overlay Zone (NUMOZ).¹ It is PWWG's contention that the Planning Board misunderstood the implications of the

¹ The proposed zoning amendments rename this zone the "Commercial Street Overlay Zone" (CSOZ). The existing label NUMOZ is used in this letter.

WOODMAN EDMANDS DANYLIK AUSTIN SMITH & JACQUES, P.A.

Mayor Ethan K. Strimling
City Council
City of Portland
May 29, 2019
Page 2 of 4

NUMOZ and also the compelling reasons for reducing the width of that NUMOZ as recommended by City staff, to 125 feet with 300 feet at the DiMillos Pier.

It is first important to emphasize the negative impacts to water-dependent uses and to the Portland fishery since the 2010 WCZ zoning amendments, which amendments created the Non-Marine Use Overlay Zone (NUMOZ) and extended the areas in which non-marine uses could be located (in buildings located in whole or in part within 35 feet for Commercial Street) from 100 feet from Commercial to 150 feet, with a depth of 500 feet extending between DiMillo's Pier and Union Wharf. It is the PWWG's understanding that these 2010 NUMOZ lines were arbitrarily set, based on little more than a request from the wharf owners.

In fact, the WCZ ordinance has been amended many times since its original enactment in 1987, each time making changes that benefitted wharf owners and at the same time negatively impacting the working waterfront and water dependent uses. Unlike non-marine uses which can be located anywhere and that have multiplied on the wharves since 2010, working waterfront and water dependent uses must be located on the piers themselves.

Post-2010 negative impacts include a loss of marine industries from the wharves, including those that were evicted to make way for redevelopment. For those that are left, including the fishing industry, the negative changes have, in part, included:

- Increase in pedestrian and vehicular traffic which creates conflicts and hazard on the wharves and in timely movement of perishable product on Commercial Street.
- Increase in non-marine use parking on some of the wharves that has impacted access to fishing vessels as well as access to historical loading and unloading areas along the edges of the wharves.
- Increase in non-marine uses that displace water dependent uses which are an integral part of the Portland marine industry.

WOODMAN EDMANDS DANYLIK AUSTIN SMITH & JACQUES, P.A.

Mayor Ethan K. Strimling
City Council
City of Portland
May 29, 2019
Page 3 of 4

At its May 14, 2019 meeting, the Planning Board appeared to be confused about the negative impacts of the 2010 extended NUMOZ area, about what the NUMOZ was and about how the NUMOZ area was different from the non-NUMOZ area. The Board stated its belief that performance standards in the amendments would protect the entirety of the wharf, NUMOZ and non-NUMOZ alike – the Board is however very much mistaken.

The area within the NUMOZ allows intensive uses such as retail and service establishments, full service restaurants, banks, health care services and clinics, and personal service establishments. These are all high traffic businesses that are meant to face and to remain close to the already pedestrian and auto congested Commercial Street. These uses are specifically not permitted in the non-NUMOZ areas of the wharves as they are clearly not compatible with ongoing commercial marine uses which by their very nature include loud noise and odor and require the daily movement of trucks, cranes and fishing and lobster gear. The NUMOZ permitted uses also bring heavy foot traffic which not only interferes with the historic commercial use of the wharves but which creates a public safety hazard as well. Once again, while any of these high traffic uses can be located anywhere in Portland, the commercial fishery and the marine industry that co-supports that industry must be located on the wharves in order to survive.

In addition, requirements for the first floor of new structures in the non-NUMOZ area increase the possibility for converting non-marine uses to marine uses in the future by requiring the ground floor be constructed with a 15-foot floor to ceiling height so as to accommodate marine uses. Limiting the NUMOZ area to 125 feet also prevents the development of overly large structures that would otherwise increase non-marine use of the wharves now and into the future thereby further negatively impacting the waterfront dependent and marine-related hierarchy of uses recognized under the City's Comprehensive Plan.

The non-NUMOZ areas are hardly non-developable however. While ground floor space must first be advertised for a marine-use, only 55% of the first floor and 55% of the net outdoor area must be reserved for marine uses.² The upper two levels of structures

² Staff has suggested adding the word "leasable" to Section 14-311(a)(1) so that instead of the 55% requirement being based on the total "ground floor" (as it is now written), areas such as lobbies, stairwells, storage rooms, etc. would not be included in the calculation. The PWWG objects to this added language as it provides an opportunity for a developer to extend the size of the lobby and other "common" ground floor areas in order to reduce the amount of first floor space that would otherwise have to be set aside for marine use. The PWWG therefore asks the Council to consider amending the proposed language of Section 14-311(a)(1) to exclude the term "leasable".

WOODMAN EDMANDS DANYLIK AUSTIN SMITH & JACQUES, P.A.

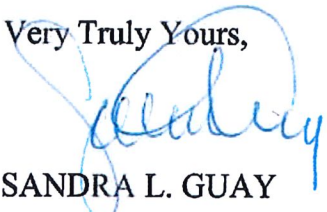
Mayor Ethan K. Strimling
City Council
City of Portland
May 29, 2019
Page 4 of 4

outside of the NUMOZ can be constructed and used for marine or non-marine related uses, such as professional, business and governmental business offices.

In summary, performance standards do not control incompatible uses. In order to allow for a wide variety of intensive uses close to Commercial Street, the remainder of the wharves must be protected by reducing prohibitive and potentially dangerous incompatible uses. As such, the PWWG respectfully requests the Council vote to enact the proposed WCZ zoning amendments as put forward by City staff, with the one exception noted in the footnote on page three of this letter.

In closing, the PWWG appreciates the efforts of this Council, the Mayor, the City Manager, City Staff and members of the Task Force in moving forward quickly with the establishment of the moratorium and task force and in proposing meaningful amendments to the Waterfront Central Zone.

Very Truly Yours,



SANDRA L. GUAY

Copy to: Jon Jennings, City Manager
William B. Needelman, Waterfront Coordinator
Portland Working Waterfront Group

Waterfront Central Zone – Summary of Proposed Text Amendments	
Zoning Ordinance Sec.	Changes drafted for 2019 City Council Hearing
<i>Purpose (14-305)</i>	• Purpose statement expanded so as to account for future functionality of working waterfront.
<i>Definitions (14-306)</i>	• Change ‘Non-Marine Use Overlay Zone’ to ‘Commercial Street Overlay Zone’.
<i>Permitted Uses (14-307)</i>	• Create new sub-category of uses permitted only within Commercial Street Overlay District (restaurants, retail, museums, galleries, banking, street vendors, street vendors, medical offices and personal services) • Add new uses, “Commercial Parking for Water Dependent Uses” (defined under 14-47), commercial kitchen and seafood retailing (in conjunction with seafood processing) • Eliminate laundry as permitted use.
<i>Conditional Uses (14-308)</i>	• Eliminate residential use for Marine Business Owner
<i>Prohibited Uses (14-309)</i>	• Prohibit following uses; laundry and dry-cleaning, service stations, convenience stores, commercial parking for non-marine uses. • Expand hotel prohibition to include additional forms and short-term rentals • Expand drinking establishment prohibition to include private/social clubs and recreational facilities.
<i>Dimensional Standards (14-310)</i>	• Prohibit non-marine off-street parking within pier setback requirement and better define pier edge. • Permit structural posts and deck/building mounted equipment for vessel loading and unloading. • Increase pier setback requirement from 5 feet to 10 feet at first floor level
<i>Standards for Non-Marine Uses Outside Commercial St. Overlay (14-311(a))</i>	• Marketing Requirement – Change from 60 days to 180 days similar to PAD requirements and strengthen language for ‘targeted media’. • Remove inventory requirement from zoning, with goal of having Council mandate through Council Order “State of the Marine Economy” Report and annual report of significant waterfront development.
<i>Commercial Street Overlay Standards (14-311(b))</i>	No changes proposed
<i>Contract and Conditional Rezoning (14-311(c))</i>	• Prohibit contract and conditional rezoning.
<i>Performance Standards (14-311(d))</i>	• Condense Parking, non-marine compatibility and functional utility of piers performance standards into new ‘Operations and Access Management Plan’ standard, with specific parameters for locating parking, structures, equipment, access-ways and sidewalks, so that access to berthed vessels and marine uses is accounted for. • Remove unnecessary standards: Shoreland Zone, Signs, State and Federal Environmental Regs.

Shelter on Riverside Street

1 message

Coyne, John <John.Coyne@maine.gov>

Mon, Jun 3, 2019 at 3:42 PM

To: "cityclerk@portlandmaine.gov" <cityclerk@portlandmaine.gov>, "citymanager@portlandmaine.gov" <citymanager@portlandmaine.gov>

I am writing this email to you both today since I am not able to attend the City Council Meeting this evening.

I understand that there may not be a vote on this item since Councilor Thibodeau may not be in attendance and I appreciate that with all of the energy that has gone into this particular item.

Homelessness is a very personal experience that people have had to endure during their lifetimes. For some it may be a chronic lifestyle and others just went through a bad spell in their lives and unfortunately found themselves without the appropriate supports that are needed. I applaud the City of Portland for the work that they do , daily, with the homeless population. I wish I could say that it is Portland's Homeless, that we are helping however that is not true. Many of us know that the population that is at our shelters is broken into thirds. A third from here, a third with ties here and the other third from away. We treat the homeless so well that they are coming faster than we can handle.

More to my point of the letter today. I do not support the Riverside site for a variety of reasons, most of which you have heard from my great neighbors and friends that have frequented many meetings and many of your emailboxes and phone lines.

Their safety around this facility is questionable at best. Traffic flowing regularly during the day and this would cause many upgrades to streets and sidewalks that all taxpayers would want to see in their neighborhoods.

The trail system is very prosperous in its current state and I would wonder how people from Portland and away that use the trails and Presumpscot River for recreation are feeling with the thought that this new facility would abut their space.

I have heard about the transportation that would be provided to the consumers of the facility , but for only one year. If I was homeless and realized I could get a ride baack intown for the day and tehn back to the facility at night, why wouldn't you.

Lets take care of the home owners that have to consistently bear the burden of all the Social Services that the City of Portland is providing..

Lets talk about the deal with the property on County Way and that this particular property was taken off the list due to community distaste for the project. I don't think that you can use this as a rationale for removal when there hasn't been a single neighborhood willing to take this project on.

The Homeless Community, the ones that you are building a new facility for , are even against this move. They have the most risk in this new facility.

I know the process is long and others have suggested a new process and more inclusive. Maybe that is the best that can be done.

John Coyne

Regional Correctional Administrator

Region I Juvenile Field Services

[135 Presumpscot Street](#)

[Portland, ME 04103](#)

(207) 822-0091 Office

(207) 557-4051 Cell

John.Coyne@Maine.Gov

"Everyone you meet is fighting a battle that you know nothing about, Be Kind Always !!"



CITY OF PORTLAND
Economic Development Gregory A.
Mitchell, Director

MEMORANDUM

TO: Mayor Strimling and Members of the City Council
FROM: Bill Needelman, Waterfront Coordinator
DATE: June 3, 2019
SUBJECT: Review of Zoning Amendments to the Waterfront Central Zone

Why is the Proposed Commercial Street Overlay Zone line different for Long Wharf?

CC: Jon P. Jennings, City Manager
Greg Mitchell, Economic Development Director
Jeff Levine, Planning and Urban Development Director
Christine Grimando, Planning Director
Matt Grooms, Planner
John Peverada, Parking Manager
Jennifer Thompson, Associate Corporation Counsel

Background:

Since 2010, the Waterfront Central Zone (WCZ) has included a sub-portion of the zone where marine use is not required. Within the WCZ amendments currently before the City Council, the *Commercial Street Overlay Zone* (CSOZ) would replace the current *Non-Marine Use Overlay Zone* (NMUOZ.) The current extent of the NMUOZ is 150 feet south of Commercial Street except for Long Wharf, Fisherman's Wharf, and Union Wharf, where the southerly offset is 500 feet.

In the Planning Board's recommendation, the geographic extent will stay the same.

As recommended by Staff and included in a proposed amendment by Councilor Ray, the CSOZ offset would contract to 125 feet for all properties except for Long Wharf, where the overlay would contract from 500 feet to 300 feet.

The rationale for treating Long Wharf differently from other properties within the WCZ is summarized in the following points:

- **Long Wharf has a unique development history.** When developed in the 1980's Long Wharf was derelict and not supporting significant commercial marine use. Long Wharf's development into the restaurant and marina complex we see today **resulted in a dramatic expansion of marine**

use – both commercial marine use and recreational access. In addition to the large marina, the Dimillo's complex includes nearly 600 feet of commercial berthing, fueling for commercial and recreational vessels, and winter berthing options for fishing vessels in the marina.

- Similarly timed 1980's developments on nearby **Chandler's/Fisherman's Wharf**, previously named Central Wharf, **resulted in a significant reduction of commercial marine activity**. Industrial buildings and fishing berthing were displaced by residential development, recreational berthing, and commercial parking.
- As part of its reconstruction in the 1980's, **Long Wharf provided extensive public access** along the 600 foot westerly edge of their wharf.
- **Long Wharf is separated from other working properties** geographically and functionally. Larger scale development on Long Wharf will have traffic impacts to Commercial Street at the wharf entrance, but will not directly impact other properties. Fisherman's Wharf shares an access drive with adjacent Widgery Wharf. Larger scale non-marine development on Fisherman's Wharf would provide potential to negatively impact adjacent marine uses both on Commercial Street and on the wharfs themselves.
- **Union Wharf is largely developed already**. If the current or future owners of Union Wharf were to fully take advantage of the development potential of the CSOZ, active marine use buildings would likely be removed and marine use displaced. No such displacement would result from development of Long Wharf within the proposed 300' CSOZ.
- **Long Wharf** has extensive marine infrastructure and would be well positioned to use the required %5 project cost **marine infrastructure investment toward expansion of commercial marine activity**. Union Wharf, which also has extensive marine infrastructure, as noted above would need to displace active marine use fully take advantage of the overlay. **Fisherman's wharf has comparatively limited commercial marine infrastructure**, +/-200 feet of berthing with expansion potential of less than 50 or 60 feet if dredged.

Conclusion:

As described in the Planning Board's memo to the City Council, Portland's Plan 2030 recognizes the unique challenges faced within the Central Waterfront. The recalibration of the NMUOZ into a smaller CSOZ is consistent with comprehensive plan guidance to work toward *"mitigation of market trends that could compromise the **balance** between marine industries and competing development."* (Portland's Plan 2030, page 34, emphasis added.)

As noted in the Comprehensive Plan section specific to the Central Waterfront: *"The goal for the Central Waterfront is to achieve a balance where non-marine economic development benefits the piers, Commercial Street, waterfront uses, and the City by sustaining marine infrastructure, protecting opportunity for commercial marine activity, and promoting appropriate access by the public to views and activities in Portland Harbor. ."* (Portland's Plan 2030, page 37)

After facilitating extensive, informative, and collegial conversations between varying interests in the City Manager's Waterfront Working Group, City staff believes that the year 2010 NMUOZ went too far to achieve the appropriate balance promoted in the Comprehensive Plan. A 500-foot overlay promotes

non-marine development that is out of scale with the Central Waterfront's marine industrial context and the City policies that protect that context.

However, Long Wharf is unique for the above described reasons in its potential to develop larger non-marine structures and uses in a manner consistent with the policies of the Comprehensive Plan. These unique features include: potential to expand marine infrastructure, existing public access, and the best opportunities within the zone to protect marine access on and off site due to its size and geographic isolation.

The Comprehensive Plan encourages the City to *"Collaborate with private pier and waterfront property owners to implement waterfront policies that promote and protect the marine economy."* (Portland's Plan 2030, page 38.) The Waterfront Working Group process and Staff's support for the Amendment proposed by Councilor Ray has been an earnest and good faith effort to follow this guidance.

MEMORANDUM
City Council Agenda Item

FROM: Greg Mitchell, Director

DATE: June 5, 2019

SUBJECT: **Order 263-18/19 Adopting Development Program for Portland Downtown for Fiscal Year 2019-2020 - Sponsored by the Economic Development Committee, Councilor Justin Costa, Chair.**

SPONSOR: The EDC reviewed this item at its May 21, 2019 and voted 3-0 to forward this to the City Council with a recommendation for passage.

(If sponsored by a Council committee, include the date the committee met and the results of the vote.)

COUNCIL MEETING DATE ACTION IS REQUESTED:

1st Reading

Final Action

Can action be taken at a later date: No (If no why not?) This item has been advertised in the *Press Herald* for public hearing and final action on June 17, 2019.

PRESENTATION: Casey Gilbert, Portland Downtown Executive Director/5 Minutes

I. SUMMARY

Annually each June, the City Council authorizes the City Manager to execute documents necessary for the continued operation of Portland Downtown (formerly known as Portland's Downtown District).

II. AGENDA DESCRIPTION

The Economic Development Committee reviewed this item at its May 21, 2019 meeting and voted 3-0 (Thibodeau absent) to forward this to the City Council with a recommendation for passage.

City Council authorization of Portland Downtown annual documents for Fiscal Year 2020 is needed for the continued operation of Portland Downtown (PD). This includes: (1) Adopting Development Program for the PD; (2) Assessing Maintenance and Implementation Assessment in the PD District; and (3) authorizing the Agreement for work to be done by PD and work to be done by the City.

This item must be read on two separate days. It was given a first reading on June 3, 2019. Five affirmative votes are required for passage after public comment.

III. BACKGROUND

The PD District was originally established by the City Council on March 16, 1992. Since then, each year in June, for the following fiscal year (FY) starting July 1, City Council authorization of establishing the special assessment and approval of the documents is needed.

For FY2020, City Council authorization is needed for the continued operation of PD, which documents include: (1) Adopting the Development Program for the PD; (2) Assessing Maintenance and Implementation Assessment in the PD District; and (3) authorizing the Agreement for work to be done by PD and work to be done by the City.

For the FY2020 Agreement, City Departments and PD worked to combine the historical Master Agreement

and Supplemental Services Agreements into one Agreement to clarify the work to be done by PD and the work to be done by City staff, with PD reimbursing the City the costs of staff doing work.

The budget for PD is funded from special assessments on all real estate in the current District to fund the PD development program expenses for FY2020. The proposed mill rate to raise this assessment is \$1.09 cents per \$1,000 of property value for the current district, or a total FY2020 budget of \$1,018,037.

IV. INTENDED RESULT AND/OR COUNCIL GOAL ADDRESSED

The intended result is for the City Council to accept the FY2020 Development Plan, authorize the annual special assessment levied to property owners in the District in order for the PD to continue its program of services to support downtown cleanliness, safety, and events, and to formalize the Agreement between the PD and the City for services.

V. FINANCIAL IMPACT

This year's assessment will be funded from special assessments on all real estate in the current district for a total of \$1,018,037 for the period July 1, 2019 to June 30, 2020. *The proposed mill rate to raise this assessment is \$1.09 cents per \$1,000 of property value in the district; last year, FY2019, the mil rate was \$1.03 cents per \$1,000 of property value in the expanded district. It is noted that for the prior nine (9) years before FY2019, the PD mill rate had been the same rate of \$.92 center per \$1,000 of property value in the geographic area before the approved FY2019 geographic expansion of the district.*

VI. STAFF ANALYSIS AND BACKGROUND

City staff have reviewed the documents and recommends the City Council vote to forward this to the City Council with a recommendation of approval.

VII. RECOMMENDATION

The Portland Downtown Board of Directors voted to recommend approval of the FY2020 Budget, Development Plan, and Agreement at its May 16, 2019 meeting.

The EDC reviewed this item at its May 21, 2019 and voted 3-0 to forward this to the City Council with a recommendation of approval.

VIII. LIST ATTACHMENTS

1. Adopting Development Program for Portland Downtown 2019-2020 6.3.2019
2. PD Development Plan dated 5-15-2019
3. PD Budget Memo to PD Board with FY2020 Budget for CC
4. Portland Downtown Agreement for CC 6-3-19-2
5. FY20 DID Parcels for CC on 6-3-2019

Prepared by:

Greg Mitchell, Director

Date: 6/5/2019

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

**CITY OF PORTLAND
IN THE CITY COUNCIL**

KIMBERLY COOK (5)
JILL C. DUSON (A/L)
PIOUS ALI (A/L)
NICHOLAS M. MAVODONES, JR (A/L)

**ORDER ADOPTING DEVELOPMENT PROGRAM FOR
PORTLAND DOWNTOWN
FOR FISCAL YEAR 2019-2020**

ORDERED, pursuant to 30-A M.R.S. Section 5224, after public hearing, the City Council of the City of Portland hereby adopts the Development Program submitted by the City Manager, a copy of which is attached hereto, for the Downtown Improvement District, Inc. doing business as Portland Downtown for fiscal year 2019-2020.



May 15, 2019

Portland Downtown, a 501c4 nonprofit development district, has been serving the Portland community since 1992. Dedicated to economic revitalization and the provision of a clean, safe, and vibrant downtown, we are proud to work alongside the City of Portland and other nonprofit partners as we deliver a supplemental level of programs and services to our downtown stakeholders. As a 501c4 nonprofit, the impact of our programs and reach of our mission goes beyond the direct benefit of our constituents to ensure that the entire community is bolstered by our good work. Whether it is our Cadet Program in partnership with the Portland Police Department, our Peer Outreach Worker Program in partnership in with Amistad, or our Graffiti Busters program in Partnership with LearningWorks, we aim to enhance our community through strategic collaborations that contribute positively to the greater good.

Portland Downtown's Board of Directors is comprised of nearly twenty volunteers who provide oversight, transparency, and direction to our dedicated staff. The Portland City Council reviews our budget and development plan on an annual basis, as well as the Master and Supplemental Services Contracts that provide a framework for our continued partnership with the municipality. For more than 25 years, Portland Downtown has responded to the needs of the community, invested at every level, and has been a cheerleader – helping the downtown transform into thriving economic engine and global destination.

Fiscal year 2019 was a year of dramatic growth and progress. As of July 1st, our district is larger than it has ever been – now totaling 938 properties, which includes residential, commercial, nonprofit, and governmental uses. With the expansion came a heightened level of awareness of how we can increase our visibility and value to our stakeholders. We added a new Winter Lights display in Pleasant Street Park and in

summer of 2019, you'll see our logo proudly displayed on the vests worn by the downtown public works crew. We also looked very closely at all of our events this year to see how we could make improvements for our sponsors, attendees, and participating businesses. As a result, Merry Madness was sold out and we raised more than \$13,000 for local nonprofits through our two Shop For A Cause events. In an effort to streamline our Board elections process, our Marketing Director, Adam MacDonald developed an on-line nominations form, which has improved our elections process and resulted in a robust board slate for our upcoming FY20 elections.

In an effort to respond nimbly to the challenges our community faces, we hosted Cultivating Compassion, a series of conversations about homelessness in Portland, in partnership with Homeless Voices for Justice. Amy Geren, our Program Manager, used the results of our annual Cadet Program evaluations to identify a need for outreach as an additional service in downtown. We partnered with Amistad to develop a Peer Outreach Worker (POW) program and were awarded a CDBG grant to help kick-start our efforts. We look forward to continuing to do all we can to leverage our collective assets to help the most vulnerable members of our community, while also recognizing the importance of safety for all who live, work, and visit downtown.

With a new fiscal year right around the corner, our board of directors is eager to turn their attention to our future vision as we embark on a new 5-year strategic planning process. We will be utilizing surveys, focus groups, and personal interviews to gather data, which will be essential to ensure we are delivering programs and services that are of benefit to our stakeholders and community. We will also focus on beautification and transportation, with the hope of adding new flower planters, updated pedestrian wayfinding and additional bicycle parking in downtown – as well as launching a multi-modal transportation campaign this fall. Partnering with the City of Portland on these efforts will help us amplify the outcomes and ensure a transparent and cooperative process.

We come into this new fiscal year with a refreshed and updated contract with the City of Portland. At last year's City Council meeting where our contracts were up for approval, Councilor Duson suggested that we do a deep-dive and review our Master

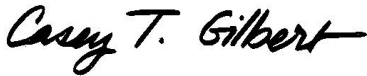
and Supplemental Services Contracts. Through an ad-hoc committee of Portland Downtown and via months of conversations and collaborations with the City of Portland, we are delighted to present the Council with a streamlined contract that has been unanimously approved by our Board of Directors and given the thumbs up by the City's Finance Department, Economic Development Department, Public Works, Parks Recreations and Facilities, Corporation Counsel – among others. It was a mighty effort with an outstanding outcome.

Though we have come a long way in 25 years – our work is not done. It is never done. While the issues of 10 years ago may be in our rearview mirror, there are still pressing problems to solve today – and we stand ready to work alongside the City of Portland as a partner to help address those challenges. Thank you for your continued partnership – we look forward to all we can accomplish together in the years to come.

Respectfully,

A handwritten signature in black ink, appearing to read 'Kim Volk', with a stylized, flowing script.

Kim Volk, Board Chair

A handwritten signature in black ink, reading 'Casey T. Gilbert', in a cursive script.

Casey Gilbert, Executive Director

May 15, 2019



To: Portland Downtown Board of Directors
From: Denine Leeman, Board Treasurer
Casey Gilbert, Executive Director
Re: FY20 Budget

For fiscal year 2020 (July 1, 2019 – June 30, 2020), assessment revenue represents a 6.4% increase (\$61,130) over FY19, while overall expenses remain flat. Several factors contributed to the increase in assessment revenue:

Clean Initiatives

- Supplemental Services Contract = 5% increase (\$19,000)

Employee Costs

- Payroll = 7% increase (\$18,500)

Programs & Partnerships

- Pandora's Winter Lights and Learning Works Graffiti Busters = 5% (\$5,500)

Operations

- An increase to the Reserve and Contingency Funds = 21% (\$10,074)

Organizational Activities

- Professional Development and Meetings = 19% (\$2,000)

The Growth Committee had forwarded a recommendation to the Finance Committee to review the organization's reserves in accordance with its founding documents. With only \$45,000 set aside in a CD, the Finance Committee has committed to establishing a reserve policy to ensure fiscal sustainability. The first step in this process is to establish a sufficient reserve and contingency fund. In FY20, the committee will develop a reserve policy based on best practices in the nonprofit sector. Increases to Supplemental Services and Employee Costs represent cost of living adjustments and contract fulfillment.

The Finance Committee forwards the FY20 budget to the Board with the recommendation of adoption and believes that the budget fully supports the organizational mission to work in tandem with the City of Portland to provide a supplemental level of programs, services, and events to downtown property owners.

Casey T. Gilbert

Casey T. Gilbert

Denine Leeman

Denine Leeman

PORTLAND DOWNTOWN DRAFT BUDGET FY20

Estimated valuation \$933,979,390

FY20 Proposed FY19 Budget

INCOME

ASSESSMENT INCOME	\$	1,018,037	\$	956,209
EVENT INCOME				
LIGHT UP YOUR HOLIDAYS				
TREE LIGHTING SPONSORSHIPS	\$	10,000	\$	10,500
WINDOW DISPLAY CONTEST SPONSOR	\$	1,000	\$	500
HORSE + WAGON RIDE SPONSORSHIPS	\$	5,000	\$	6,000
SHOP FOR A CAUSE SPONSORSHIP	\$	2,500	\$	2,500
MERRY MADNESS TICKET SALES	\$	19,000	\$	19,000
MERRY MADNESS SPONSORSHIP	\$	7,500	\$	5,000
Total Light Up Your Holidays	\$	45,000	\$	43,500
POLICE AWARDS BREAKFAST	\$	5,000	\$	5,000
DOWNTOWN WORKER APPRECIATION DAY	\$	3,000	\$	3,000
SUMMER KICK OFF WEEKEND				
SQUARE HOP SPONSORSHIP	\$	2,000	\$	2,000
OPF SPONSORSHIPS	\$	-	\$	2,500
OPF INCOME	\$	-	\$	47,500
Total Summer Kick Off Weekend	\$	2,000	\$	52,000
Total EVENT INCOME	\$	55,000	\$	103,500
DIRECTORY PARTNERSHIP/CONTRIBUTION	\$	5,000	\$	5,000
GRANT INCOME	\$	2,500	\$	5,000
CONTRIBUTIONS INCOME	\$	750	\$	1,000
PARK & WORK INCOME	\$	750	\$	1,000
Total Income	\$	1,082,037	\$	1,071,709

Expense

CLEAN INITIATIVES				
SUPPLEMENTAL SERVICES CONTRACT	\$	404,862	\$	380,000
FIXED FEE FOR DID ADMIN	\$	9,650		
ESTIMATED NONCOLLECTION	\$	10,180	\$	18,583
REPAIRS & IMPROVEMENTS	\$	5,000	\$	5,000
Total Clean Initiatives	\$	429,692	\$	403,583

EMPLOYEE COSTS

PAYROLL	\$	268,500	\$	250,000
HEALTH & DENTAL	\$	30,000	\$	30,000
LIFE & DISABILITY INSURANCE	\$	3,500	\$	3,500
PAYROLL PROCESSING FEE	\$	1,200	\$	1,200
PAYROLL TAX EXPENSE	\$	18,796	\$	17,500
EMPLOYEE PARKING & BUS	\$	3,500	\$	5,000
UBIT (Federal Transportation Tax)	\$	800		
SIMPLE IRA MATCH	\$	4,000	\$	4,000
Total Employee Costs	\$	330,296	\$	311,200

PROGRAMS & PARTNERSHIPS

WINTER LIGHTS/PANDORA LACASSE	\$	62,000	\$	57,500
VISITOR INFORMATION BOOTH/VISIT PORTAND	\$	10,000	\$	10,000
POLICE CADET PROGRAM EXPENSE	\$	31,000	\$	32,500
LEARNING WORKS	\$	16,500	\$	14,000
MILESTONE HOMETEAM	\$	6,500	\$	6,500
Total Programs & Partnerships	\$	126,000	\$	120,500

RENT & UTILITIES

RENT	\$	20,000	\$	20,000
CAM CHARGES	\$	9,720	\$	10,200
TAXES- PERSONAL PROPERTY	\$	400	\$	900
ELECTRIC	\$	1,700	\$	1,700
GAS	\$	1,500	\$	1,500
TELEPHONE & INTERNET	\$	3,800	\$	4,000
Total Rent & Utilities	\$	37,120	\$	38,300

OPERATIONS

BANK SERVICE CHARGES	\$	100	\$	100
CLEANING	\$	4,200	\$	4,000
COPIER	\$	3,500	\$	3,000
IT SUPPORT	\$	1,250	\$	1,250
MEMBERSHIPS, DUES & SUBSCRIPTIONS	\$	4,000	\$	4,000
EQUIPMENT EXPENSE	\$	2,000	\$	2,000
POSTAGE	\$	4,500	\$	4,500
SUPPLIES	\$	4,000	\$	3,000
WEBSITE HOSTING + DEVELOPMENT	\$	1,250	\$	1,250
SUBCONTRACTORS	\$	4,000	\$	3,500
CONTINGENCY FUND	\$	4,829	\$	2,000
RESERVE FUND	\$	20,000	\$	20,126
Total Operations	\$	53,629	\$	48,726

MARKETING

GENERAL MARKETING	\$	15,000	\$	21,000
DIRECTORY DISTRIBUTION	\$	5,000	\$	5,000
SPONSORSHIPS/PARTNERSHIPS	\$	3,000	\$	3,000
Total Marketing	\$	23,000	\$	29,000

INSURANCE

DIRECTORS & OFFICERS	\$	650	\$	650
GENERAL/EVENTS/LIQUOR	\$	6,000	\$	6,000
WORKERS COMPENSATION	\$	1,100	\$	1,100
Total Insurance	\$	7,750	\$	7,750

PROFESSIONAL FEES

ACCOUNTING	\$	3,500	\$	3,500
ANNUAL ELECTIONS	\$	2,500	\$	2,500
LEGAL	\$	4,000	\$	4,000
Total Professional Fees	\$	10,000	\$	10,000

ORGANIZATIONAL ACTIVITIES

STAKEHOLDER + VOLUNTEER APPRECIATION	\$	2,500	\$	2,000
MEETINGS	\$	2,500	\$	2,000
PROFESSIONAL DEVELOPMENT	\$	7,500	\$	6,500
Total Organizational Activities	\$	12,500	\$	10,500

EVENTS**LIGHT UP YOUR HOLIDAYS**

LUYH GENERAL MARKETING	\$	4,500	\$	5,000
TREE LIGHTING: MARKETING	\$	4,500	\$	5,000
TREE LIGHTING: PERFORMERS & SOUND	\$	1,500	\$	4,000
TREE LIGHTING: SECURITY	\$	1,000	\$	1,500
TREE LIGHTING: STAGE	\$	1,000	\$	2,000
TREE LIGHTING EVENT MANAGEMENT	\$	500	\$	1,000
RETAIL EVENTS	\$	4,500	\$	1,500
WAGON RIDES	\$	6,800	\$	7,500
MERRY MADNESS: MARKETING	\$	2,000	\$	2,000
MERRY MADNESS: EVENT	\$	9,500	\$	9,500
MERRY MADNESS EVENTBRITE FEES	\$	3,000	\$	2,000
MERRY MADNESS: EVENT MANAGEMENT	\$	1,500	\$	1,200
TOY FUND DONATION	\$	-	\$	1,200
Total Light Up Your Holidays	\$	40,300	\$	43,400

POLICE AWARDS BREAKFAST	\$	4,500	\$	4,250
DOWNTOWN WORKER APPRECIATION DAY	\$	3,500	\$	2,500

SUMMER KICK OFF WEEKEND

SQUARE HOP ENTERTAINMENT	\$	2,000	\$	2,000
SQUARE HOP MARKETING	\$	1,000	\$	1,000
OPF MARKETING	\$	-	\$	5,000
OPF PERMITS	\$	-	\$	10,000
OPF SECURITY	\$	-	\$	3,000
OPF ELECTRICIAN	\$	-	\$	7,000
OPF EVENTBRITE FEES	\$	-	\$	3,500
OPF EVENTS MANAGER	\$	-	\$	6,000
OPF MISC (golf carts, etc)	\$	-	\$	3,500
Total Summer Kick Off Weekend	\$	3,000	\$	41,000
TOTAL EVENTS	\$	51,300	\$	91,150
PARK AND WORK	\$	750	\$	1,000
TOTAL EXPENSE	\$	1,082,037	\$	1,071,709
NET INCOME (LOSS)	\$	(0)	\$	-

**AGREEMENT BETWEEN
THE CITY OF PORTLAND
AND
DOWNTOWN IMPROVEMENT DISTRICT, INC.
d/b/a PORTLAND DOWNTOWN**

AGREEMENT made this ____ day of June, 2019, by and between the **CITY OF PORTLAND**, a municipal corporation of the State of Maine, (the "**City**") and **DOWNTOWN IMPROVEMENT DISTRICT, INC., d/b/a PORTLAND DOWNTOWN**, a Maine non-profit corporation, having its office and place of business at Portland, Maine ("**Portland Downtown**" or "**PD**").

WHEREAS, by Council Orders 306-91/92 dated March 16, 1992, 185-94/95 dated February 22, 1995, 158-03/04 dated March 1, 2004, and 242-18/19 dated June 18, 2018, the City has approved an economic development district designated as the "Downtown Improvement District" (hereinafter, the "District"), a description and map of which are attached hereto as Exhibits A and B respectively and incorporated herein; and

WHEREAS, in 1992 the private sector formed an independent, non-profit corporation that has since managed Portland Downtown in fulfilling its mission, which includes, in part, the administration of the provision of supplemental services to the District, as described herein; and

WHEREAS, Portland Downtown is in need of services within the District which supplement the baseline services provided by the City ("Supplemental Services") and the City is willing to provide Supplemental Services pursuant to the terms and conditions set forth in this Agreement.

NOW, THEREFORE, in consideration of the covenants herein contained, the parties hereto mutually agree as follows:

ARTICLE I. Term

- a. The term of this Agreement shall commence on July 1, 2019 and expire on June 30, 2020 (the "Term").

ARTICLE II. Financial Considerations

- a. The City will levy development district assessments ("Development District Assessments") on property in the District as authorized by the City Council and permitted by law. City-owned property, as well as property which is tax exempt under Maine law, shall not be assessed by the City.

- b. For the period commencing July 1, 2019 and ending June 30, 2020 the City will pay Portland Downtown in monthly installments, to reflect the Development District Assessments collected by the City net of the all-inclusive administrative fee defined below. Installment payments will be made on the 1st of each month beginning July 2019 through and including June 1, 2020. Portland Downtown agrees to an all-inclusive administrative fee, defined as direct and indirect costs, of Nine Thousand Six Hundred Fifty Dollars (\$9,650.00). In addition, the City is entitled to withhold an estimate of uncollected development district assessments from payment to Portland Downtown. The estimate will be provided to Portland Downtown by _____(month/day). Any difference between estimated and actual uncollected Development District Assessments will be trued up in the next fiscal year pursuant to subsection c below.
- c. In addition to the foregoing, the City will pay in a lump sum, within thirty (30) days from the close of the fiscal year, any amount assessed in a prior year, but collected in a subsequent year. Said payment by City shall be in the amount of the net assessment collected as provided herein, less any amounts remaining to be reimbursed under a prior year Agreement with the City, and considering any prior payments made as per Section b. City will provide Portland Downtown with written detail as to any deductions taken from payments under this paragraph.
- d. Notwithstanding the foregoing, Portland Downtown agrees that it will neither encumber funds which it anticipates receiving from development district assessments nor incur expenditures in anticipation of receipt of such funds except in accord with the line items in the budget attached hereto as Exhibit C, or any subsequent amendments thereto approved by the City.
- e. Portland Downtown has approved Portland Downtown's budget and Development Program in Exhibit C, covering the period beginning on July 1, 2019, and ending on June 30, 2020, and the City Council has approved the special assessment mil rate that provides funding to support the Portland Downtown's budget and Development Program.
- f. Portland Downtown will provide the Director of Finance with an annual certified financial statement, including, but not limited to, a statement of its cash position. At a minimum, the statement shall list all income and expenses, and shall be provided to the Finance Director within six (6) months after the fiscal year ends.
- g. Portland Downtown shall have reasonable access to the City's assessment collection records, and the City shall have reasonable access to the Portland Downtown's books and records.

Article III. Baseline Services To be Provided By City

- a. The City will provide, at no expense to Portland Downtown, all of the services included on the list entitled Baseline City Services that is attached hereto as Exhibit D and made a part hereof (the “Baseline City Services”). The specific nature and amount of such Baseline City Services shall be determined in the City’s reasonable discretion.
- b. The City may reduce the Baseline City Services in its discretion at any time, but only as part of a City-wide reduction in such services.

Article IV. Supplemental Downtown District Services To Be Provided By City For A Fee

- a. The City will provide all of the services included on the list entitled Supplemental Downtown District Services that is attached hereto as Exhibit E and made a part hereof. In consideration of the City’s provision of the Supplemental Downtown District Services, Portland Downtown shall pay the City the total amount set forth in Exhibit F, Public Works Budget, in 12 equal monthly installments during the term of this Agreement.
- b. The City shall endeavor to assign the following City staff (the “City Downtown Staff”) to perform the Supplemental Downtown District Services:

- 1 Public Works Supervisor – Daytime, 52 Weeks.
 - 1 Portland Downtown Steward – Daytime, 52 Weeks
 - 3 Maintenance Workers – 2 Daytime and 1 Overnight, 52 Weeks
 - 3 Seasonal Laborers, 2 in Summer and 1 in the Winter – Days

The City Downtown Staff shall either be employees of or contractors for the City and shall not be considered to be employees of Portland Downtown. The City reserves the right to increase or decrease the number of City Downtown Staff and to change their hours and schedules if it determines that such increase or decrease is in the City’s best interests, provided that any decrease in such staff shall not result in a material decrease in the Supplemental Downtown District Services.

- c. The City’s Public Works Director and/or designee (the “City Director”) and Portland Downtown’s Executive Director and/or designee (the “PD Director”) agree to meet and communicate on a monthly basis with meeting agendas to ensure quality control in service delivery is meeting expectations and to share updated information on service activities, programs and projects.
 - d. Portland Downtown and City Manager will meet annually to discuss prioritization of larger projects within the District generally included in baseline services or CIP and managed by other City teams or departments. These include, but are not limited to, major sidewalk repairs, tree well rehabilitation, landscape installations and other reconstruction projects.
 - e. In the event Portland Downtown requests services from City in addition to those included herein, City shall have the option, in its sole discretion, to provide such services

with payment to be made by Portland Downtown for any such services on a time and materials basis, or such other basis as the parties may agree in writing. The budget for additional services must be agreed to in advance by the parties. "Time" as used herein shall mean all of the City's employee costs, i.e. hourly wages or salary, and "materials" as used herein shall mean the actual cost to the City of equipment, materials and/or supplies provided or used in connection with such services, with no additional markup. In such cases the City shall provide a detailed and itemized invoice of the individuals providing the service, the time spent by the individuals and the volume and unit cost of materials expended.

- f. It is understood and agreed by the parties that City will adopt an expenditure budget, Exhibit F, which shall be provided to Portland Downtown for preliminary review no later than March 15, 2020, and which will include the cost of the Supplemental Downtown District Services, and that the City will adopt a revenue budget that will provide for the reimbursement of such costs by Portland Downtown as provided hereunder. In the event that either Portland Downtown or the City anticipates that there will be insufficient revenues to pay for such Supplemental Downtown District Services, said party will notify the other party of the anticipated shortfall, and the parties agree to meet promptly and confer to modify the level of Supplemental Downtown District Services that the City is able to provide. It shall be the responsibility of PD to notify City as soon as reasonably possible if such Supplemental Downtown District Services need to be modified or adjusted for anticipated revenue shortfalls or modifications. In the event of a revenue shortfall, the City will have no obligation to provide Supplemental Downtown District Services in excess of PD funds available to reimburse City. The City will have the right, but not the obligation, to continue to provide such Supplemental Downtown District Services to the extent provided in the City budget even in the event of a revenue shortfall. The parties agree to memorialize in writing any changes in the monthly payments due under this Agreement.
- g. In addition to any required City work uniforms, City Downtown Staff will wear vests already purchased by the City, which include the Portland Downtown logo.
- h. Prior to any discussion of modifying, adjusting or terminating this Agreement, Portland Downtown shall invite the City Manager or his designee to a meeting of the Board to discuss such contemplated modification, adjustment or termination.

Article V. Services To Be Provided By Portland Downtown.

- a. Except for the Supplemental Services, which shall be provided by the City and paid for by Portland Downtown in accordance with Article IV, Portland Downtown, shall provide the services described in Exhibit C, Portland Downtown's Budget and Development Plan.
- b. In addition to the services described in Exhibit C, Portland Downtown may, at its own expense:
 - i. Provide staff and administrative services for supervision of the daily activities and public space management of the District.

- ii. Establish positions for administration and management of its programs; recruit, hire, and pay and otherwise supervise its work force necessary to implement this charge.
- iii. Establish a corporate Board of Directors whose members fairly represent a cross section of taxpayers in the District.
- iv. Establish a mechanism for resolving any dispute to the kind and level of services which may arise between Portland Downtown and persons subject to development district assessments regarding the kind and level of services provided by Portland Downtown. As such time, a dispute cannot be resolved the City Manager will be notified.
- v. Provide liaison between the City, the District, property owners, civic groups, interested persons, and other groups and individuals, as necessary to carry out the mission of the Portland Downtown.
- vi. Maintain all minutes and records of Portland Downtown proceedings as may be required.
- vii. Participate in decoration and beautification of public places in the District.
- viii. Sponsor and promote public events to take place on or in public places in the District, subject to the provisions in Exhibit E.
- ix. Provide advice or feedback to City staff about proposed events in public spaces within the District.
- x. Advertise and promote non-profit, cultural, educational and commercial business activities in the District.
- xi. Maintain existing pedestrian way finding signage for the District in accordance with applicable City codes and ordinances.
- xii. Conduct public relations, generating favorable publicity for, and enhancing economic growth in, the District.
- xiii. Manage Visitor Information Booth in Tommy's Park.
- xiv. Wash, maintain and relocate street furniture, trash cans, street lanterns, and undertake minor repairs to street furniture.
- xv. Engage in partnerships with other organizations to provide programs and services.
- xvi. Install pole banners in the District, provided that Portland Downtown shall obtain the consent of the City's Director of Parks, Recreation and Facilities, or his or her designee, prior to the installation of any banners.
- xvii. Monitor performance of City Downtown Staff through specific PD access to "See, Click, Fix" software. PD may also track and evaluate outcomes to ensure alignment with this Agreement. Data will be reported to the City's Director of Public Works by PD's staff during the monthly meeting as designated in Article IV, Section c.

Nothing in this Agreement is intended to or shall be construed to limit Portland Downtown's general powers, as set forth in the Maine Nonprofit Corporation Act, Title 13-B of the Maine Revised Statutes Annotated.

ARTICLE VI. Termination.

- a. This Agreement may be terminated by either party for good cause. Good cause shall be deemed to be found by the City at such time as Portland Downtown's performance under this Agreement has been determined in the exclusive judgment of the City Manager to be unsatisfactory, which determination shall not be unreasonable.
- b. If Portland Downtown should fail to perform any material covenant, obligation or agreement hereunder for a period of thirty (30) days after written notice from the City Manager specifying such failure, then, upon expiration of the thirty (30) day period, the City Manager may provide Portland Downtown with notice of his intention to terminate the Agreement as provided herein. Portland Downtown shall have a ninety (90) day period, computed from the date of receipt of the notice of intent to terminate, within which to provide satisfactory service. In the event the City Manager should determine, at the expiration of the ninety (90) day period, that Portland Downtown's performance is still unsatisfactory and declare that the Agreement is terminated, the City Manager shall provide Portland Downtown with a written notice of termination. Portland Downtown shall have the right to appeal his decision to the City Council. PD shall file such appeal with the City Manager within seven (7) business days from the date Portland Downtown receives the notice of termination. The terms and conditions of this Agreement shall remain in full force and effect and binding on both parties until the City Council has acted on the appeal.
- c. Portland Downtown shall be deemed to have good cause to terminate this Agreement if
 - (i) the City, pursuant to the provisions of Article II, should reduce its anticipated payments by more than 20% of the amount it would otherwise have paid during the periods from July 1, 2019 to December 31, 2019, and January 1, 2020 to June 30, 2020;
 - (ii) if the City should be more than 30 days in arrears in any payment due hereunder; or
 - (iii) the City should fail to provide the Supplemental Downtown District Services in a material and substantial way. In the event Portland Downtown should have "good cause" to terminate this Agreement, its relief shall be limited solely to termination of this Agreement, and it shall not be entitled to damages of any kind nor to equitable relief.
- d. Nothing herein shall be construed as giving Portland Downtown the right to perform the work contemplated under this Agreement beyond the time when Portland Downtown's services become unsatisfactory as determined by the City Manager, following the ninety (90) day notice period, or, in the event of an appeal, beyond the time the City Council has affirmed the City Manager's decision. In case Portland Downtown should be discharged before all the services contemplated hereunder have been completed, or the services for any reason should be stopped, either because of the expiration of the term hereof or because of the inability of Portland Downtown to fulfill its obligations under this Agreement, Portland Downtown shall be reimbursed for all services satisfactorily performed to the date of termination in accordance with Article II hereof. After notice of termination and completion of the appeal process, Portland Downtown shall:

1. With respect to existing activities, take only such actions as the City Manager shall direct;
 2. Upon City's request, assign to the City in the manner, at the times and only to the extent the City, acting by and through its City Manager, may direct it to do so, all the rights, title and interest of Portland Downtown in and to all existing orders and agreements.
 3. To the extent rights, title and interests of Portland Downtown in and to existing orders and agreements may be assigned to the City and accepted by it; obligations incurred on or after such assignment will be assumed by the City. Otherwise, Portland Downtown shall settle all outstanding liabilities and all claims arising out of any terminated orders or agreements.
 4. Deliver to the City, in the manner, at the times and to the extent directed by the City Manager, all documents and data produced by Portland Downtown as part of or in connection with the work.
- e. Either party may terminate or modify this Agreement in the event of a budget shortfall upon no less than Sixty (60) days prior written notice to the other party.
- f. In the event Supplemental Downtown District Services are terminated for any reason by either party, it shall be in City's discretion as to whether it will continue or resume providing such Supplemental Downtown District Services.

ARTICLE VII. Assignment

Portland Downtown covenants and agrees that it will neither assign nor transfer any rights hereunder, either in whole or in part, without first obtaining the prior written consent of the City.

ARTICLE VIII. Performance of Services

All services performed under this Agreement shall be performed in a good, workmanlike fashion.

ARTICLE IX. Compliance with Law

Portland Downtown will comply with all applicable provisions of Federal, State, and local law, including, but not limited to, the Civil Rights Act of 1964, in its performance under this Agreement. Portland Downtown shall include a similar provision in each of its subcontracts.

ARTICLE X. Indemnification

- a. Portland Downtown shall, at its own cost and expense, defend, indemnify, and hold harmless the City, its officers, agents, and employees, from and against the following:

1. to the fullest extent permitted by law, Portland Downtown shall defend, indemnify and hold harmless the City, its officers and employees, from and against all claims, damages, losses, and expenses, just or unjust, including but not limited to costs of defense, including attorney's fees, arising out of or resulting from the performance of this Agreement, provided that any such claims, damage, loss or expense is (1) attributable to bodily injury, sickness, disease, or death, or injury to or destruction of tangible property, including the loss or use thereof; and (2) is caused in whole or in part by any negligent act or omission of Portland Downtown, anyone directly or indirectly employed by it, or anyone for whose act it may be liable;
2. all claims and liens of Portland Downtown's consultants, subcontractors, and their laborers, mechanics, materialmen, and/or suppliers. Such obligation shall not be construed either to negate or abridge any other obligation of indemnification, and shall not be limited by any provision for insurance contained in this Agreement.
3. Notwithstanding the foregoing, nothing herein shall be construed as waiving or otherwise voiding the City's right to all protections under the Maine Tort Claims Act, 14 M.R.S. §§ 8101 et. seq., as the same may be amended from time to time.

ARTICLE XI. Insurance

- a. Neither Portland Downtown nor any of its subcontractors shall commence work under this Agreement until they have provided the insurance coverage required by this Agreement and such coverage has been approved by the City.
- b. Prior to the execution of this Agreement, Portland Downtown will procure and maintain occurrence-based Automobile Liability Insurance and Commercial General Liability Insurance coverage in amounts of not less than Four Hundred Thousand Dollars (\$400,000.00) per occurrence for bodily injury, death and property damage, naming the City as an additional insured thereon, and also Workers' Compensation Insurance coverage to the extent required by law. With respect to the Automobile and Commercial General Liability Insurance, Portland Downtown shall name the City as an additional insured for coverage only in those areas where government immunity has been expressly waived by 14 M.R.S. A. § 8104-A, as limited by § 8104-B, and § 8111. This provision shall not be deemed a waiver of any defenses, immunities or limitations of liability or damages available to the City under the Maine Tort Claims Act, other Maine statutory law, judicial precedent, common law, or any other defenses, immunities or limitations of liability available to the City. Prior to execution of this Agreement, Portland Downtown shall furnish the City and thereafter maintain certificates evidencing all such coverages, which certificates shall guarantee thirty (30) days' notice to the City of termination of insurance from the insurance provider or agent. Portland Downtown shall also provide a copy of any endorsement naming the City as additional insured. A certificate that merely has a box checked under "Addl Insr," or the like, or that merely states the City of Portland is named as an Additional Insured, will not be acceptable. The Workers' Compensation insurance shall

include an endorsement waiving all rights of subrogation against the City of Portland, its officers or employees. Upon City's request, Portland Downtown shall provide City with a complete copy of any of the above-referenced policies. Portland Downtown shall be responsible for any and all deductibles and/or self-insured retentions.

Article XII. No Joint Venture; Independent Contractors

- a. Nothing contained in this Agreement will constitute or be construed to be or create a partnership or joint venture between the parties or any of their respective officers, directors, employees, affiliates, successors or assigns. The parties understand and agree that this Agreement does not make either of them an agent or legal representative of the other for any purpose whatsoever. No party is granted, by this Agreement or otherwise, any right or authority to assume or create any obligation or responsibilities, express or implied, on behalf of or in the name of any other party, or to bind any other party in any manner whatsoever.
- b. Each party will secure, at its own expense, all personnel, materials, and equipment required to perform its obligations under this Agreement. Each party, in accordance with its status as an independent contractor, covenants and agrees that its employees shall be regarded for all legal and tax purposes as its own employees during the term of this Agreement, and each party shall govern and supervise the work of its own employees. Each party shall discharge all applicable obligations imposed upon employers under the law, including without limitation payment of wages, social security taxes, withholding taxes, unemployment taxes and worker's compensation. Both parties' employees shall not be considered employees of the other party for any purpose and shall not be entitled to any retirement benefits, social security benefits, unemployment benefits, group health or life insurance, vacation, personal, or sick leave, worker's compensation, or any other similar benefits ("Employment Benefits") from the other party. Each party further covenants and agrees that its employees will conduct themselves consistent with such status, that they will neither hold themselves out as, nor claim to be, officers or employees of the other party by reason of this Agreement, and that its employees will not, by reason of this Agreement, make any claim, demand or application to or for any right or privilege applicable to an officer or employee of the other party, including but not limited to the Employment Benefits.
- c. Nothing in this Agreement is intended to or does prohibit Portland Downtown or the City from entering into any other contractual relationship with each other or any third party.

Signature page follows.

IN WITNESS WHEREOF, the parties hereto have executed this Agreement as of the _____ day of _____, 2019.

WITNESS

CITY OF PORTLAND

By: _____

Jon P. Jennings
Its City Manager

WITNESS

**DOWNTOWN IMPROVEMENT
DISTRICT, INC.
d/b/a PORTLAND DOWNTOWN**

By: _____

Kim Volk
Its Board Chair

Approved as to Form:

City Corporation Counsel

Approved as to Funds:

City Finance Department

EXHIBIT A

(Insert Map of District)



EXHIBIT A

Legend
Portland Downtown District also 7/1/2018



**Portland
Downtown District
Boundary Map**
June 18, 2018



EXHIBIT B

(Insert Legal Description of District)

The following is a description of the boundary of Portland Downtown as of July 1, 2018:

Beginning at the intersection of the easterly side of State Street and the northerly side of Congress Street;

Thence easterly along the northerly side of Congress Street to the southwesterly side of High Street;

Thence northwesterly along the southwesterly side of High Street to the southerly side of Deering Street;

Thence northeasterly perpendicular to and crossing High Street to the northeasterly side of High Street;

Thence northwesterly along the northeasterly side of High Street to the southeasterly side of Cumberland Avenue;

Thence northeasterly along the southeasterly side of Cumberland Avenue to the southwesterly side of Franklin Street;

Thence southeasterly along the southwesterly side of Franklin Street to the northwesterly side of Commercial Street;

Thence easterly and diagonally across Commercial Street to the intersection of the southeasterly side of Commercial Street with the northeasterly boundary line of the Maine State Pier;

Thence southwesterly along the southeasterly side of Commercial Street to its intersection with the northeasterly side of the road to Wright's Wharf;

Thence northwesterly perpendicular to and crossing Commercial Street to the northwesterly side of Commercial Street;

Thence southwesterly along the northwesterly side of Commercial Street to the northeasterly side of High Street;

Thence northwesterly along the northeasterly side of High Street to the northwesterly side of Spring Street;

Thence southwesterly along the northwesterly side of Spring Street to the northeasterly side of Park Street;

Thence northwesterly along the northeasterly side of Park Street to the southerly side of Congress Street;

Thence westerly along the southerly side of Congress Street to the easterly side of State Street;

Thence northerly along the easterly side of State Street to the northerly side of Congress Street and the Point of Beginning.

Meaning and intending to include all parcels fronting on the streets and contained within the perimeter of the figure as described.

All as shown on a map dated 6/18/2018 entitled Portland Downtown District Boundary Map on file in the City of Portland's Assessor Office and the Economic Development Office. Any inconsistencies between this description and the boundary map shall be controlled by the boundary map.

EXHIBIT C

(Insert Portland Downtown Budget)

PORTLAND DOWNTOWN DRAFT BUDGET FY20

Estimated valuation \$933,979,390

FY20 Proposed FY19 Budget

INCOME

ASSESSMENT INCOME	\$	1,018,037	\$	956,209
EVENT INCOME				
LIGHT UP YOUR HOLIDAYS				
TREE LIGHTING SPONSORSHIPS	\$	10,000	\$	10,500
WINDOW DISPLAY CONTEST SPONSOR	\$	1,000	\$	500
HORSE + WAGON RIDE SPONSORSHIPS	\$	5,000	\$	6,000
SHOP FOR A CAUSE SPONSORSHIP	\$	2,500	\$	2,500
MERRY MADNESS TICKET SALES	\$	19,000	\$	19,000
MERRY MADNESS SPONSORSHIP	\$	7,500	\$	5,000
Total Light Up Your Holidays	\$	45,000	\$	43,500
POLICE AWARDS BREAKFAST	\$	5,000	\$	5,000
DOWNTOWN WORKER APPRECIATION DAY	\$	3,000	\$	3,000
SUMMER KICK OFF WEEKEND				
SQUARE HOP SPONSORSHIP	\$	2,000	\$	2,000
OPF SPONSORSHIPS	\$	-	\$	2,500
OPF INCOME	\$	-	\$	47,500
Total Summer Kick Off Weekend	\$	2,000	\$	52,000
Total EVENT INCOME	\$	55,000	\$	103,500
DIRECTORY PARTNERSHIP/CONTRIBUTION	\$	5,000	\$	5,000
GRANT INCOME	\$	2,500	\$	5,000
CONTRIBUTIONS INCOME	\$	750	\$	1,000
PARK & WORK INCOME	\$	750	\$	1,000
Total Income	\$	1,082,037	\$	1,071,709

Expense

CLEAN INITIATIVES				
SUPPLEMENTAL SERVICES CONTRACT	\$	404,862	\$	380,000
FIXED FEE FOR DID ADMIN	\$	9,650		
ESTIMATED NONCOLLECTION	\$	10,180	\$	18,583
REPAIRS & IMPROVEMENTS	\$	5,000	\$	5,000
Total Clean Initiatives	\$	429,692	\$	403,583

EMPLOYEE COSTS

PAYROLL	\$	268,500	\$	250,000
HEALTH & DENTAL	\$	30,000	\$	30,000
LIFE & DISABILITY INSURANCE	\$	3,500	\$	3,500
PAYROLL PROCESSING FEE	\$	1,200	\$	1,200
PAYROLL TAX EXPENSE	\$	18,796	\$	17,500
EMPLOYEE PARKING & BUS	\$	3,500	\$	5,000
UBIT (Federal Transportation Tax)	\$	800		
SIMPLE IRA MATCH	\$	4,000	\$	4,000
Total Employee Costs	\$	330,296	\$	311,200

PROGRAMS & PARTNERSHIPS

WINTER LIGHTS/PANDORA LACASSE	\$	62,000	\$	57,500
VISITOR INFORMATION BOOTH/VISIT PORTAND	\$	10,000	\$	10,000
POLICE CADET PROGRAM EXPENSE	\$	31,000	\$	32,500
LEARNING WORKS	\$	16,500	\$	14,000
MILESTONE HOMETEAM	\$	6,500	\$	6,500
Total Programs & Partnerships	\$	126,000	\$	120,500

RENT & UTILITIES

RENT	\$	20,000	\$	20,000
CAM CHARGES	\$	9,720	\$	10,200
TAXES- PERSONAL PROPERTY	\$	400	\$	900
ELECTRIC	\$	1,700	\$	1,700
GAS	\$	1,500	\$	1,500
TELEPHONE & INTERNET	\$	3,800	\$	4,000
Total Rent & Utilities	\$	37,120	\$	38,300

OPERATIONS

BANK SERVICE CHARGES	\$	100	\$	100
CLEANING	\$	4,200	\$	4,000
COPIER	\$	3,500	\$	3,000
IT SUPPORT	\$	1,250	\$	1,250
MEMBERSHIPS, DUES & SUBSCRIPTIONS	\$	4,000	\$	4,000
EQUIPMENT EXPENSE	\$	2,000	\$	2,000
POSTAGE	\$	4,500	\$	4,500
SUPPLIES	\$	4,000	\$	3,000
WEBSITE HOSTING + DEVELOPMENT	\$	1,250	\$	1,250
SUBCONTRACTORS	\$	4,000	\$	3,500
CONTINGENCY FUND	\$	4,829	\$	2,000
RESERVE FUND	\$	20,000	\$	20,126
Total Operations	\$	53,629	\$	48,726

MARKETING

GENERAL MARKETING	\$	15,000	\$	21,000
DIRECTORY DISTRIBUTION	\$	5,000	\$	5,000
SPONSORSHIPS/PARTNERSHIPS	\$	3,000	\$	3,000
Total Marketing	\$	23,000	\$	29,000

INSURANCE

DIRECTORS & OFFICERS	\$	650	\$	650
GENERAL/EVENTS/LIQUOR	\$	6,000	\$	6,000
WORKERS COMPENSATION	\$	1,100	\$	1,100
Total Insurance	\$	7,750	\$	7,750

PROFESSIONAL FEES

ACCOUNTING	\$	3,500	\$	3,500
ANNUAL ELECTIONS	\$	2,500	\$	2,500
LEGAL	\$	4,000	\$	4,000
Total Professional Fees	\$	10,000	\$	10,000

ORGANIZATIONAL ACTIVITIES

STAKEHOLDER + VOLUNTEER APPRECIATION	\$	2,500	\$	2,000
MEETINGS	\$	2,500	\$	2,000
PROFESSIONAL DEVELOPMENT	\$	7,500	\$	6,500
Total Organizational Activities	\$	12,500	\$	10,500

EVENTS**LIGHT UP YOUR HOLIDAYS**

LUYH GENERAL MARKETING	\$	4,500	\$	5,000
TREE LIGHTING: MARKETING	\$	4,500	\$	5,000
TREE LIGHTING: PERFORMERS & SOUND	\$	1,500	\$	4,000
TREE LIGHTING: SECURITY	\$	1,000	\$	1,500
TREE LIGHTING: STAGE	\$	1,000	\$	2,000
TREE LIGHTING EVENT MANAGEMENT	\$	500	\$	1,000
RETAIL EVENTS	\$	4,500	\$	1,500
WAGON RIDES	\$	6,800	\$	7,500
MERRY MADNESS: MARKETING	\$	2,000	\$	2,000
MERRY MADNESS: EVENT	\$	9,500	\$	9,500
MERRY MADNESS EVENTBRITE FEES	\$	3,000	\$	2,000
MERRY MADNESS: EVENT MANAGEMENT	\$	1,500	\$	1,200
TOY FUND DONATION	\$	-	\$	1,200
Total Light Up Your Holidays	\$	40,300	\$	43,400

POLICE AWARDS BREAKFAST	\$	4,500	\$	4,250
DOWNTOWN WORKER APPRECIATION DAY	\$	3,500	\$	2,500

SUMMER KICK OFF WEEKEND

SQUARE HOP ENTERTAINMENT	\$	2,000	\$	2,000
SQUARE HOP MARKETING	\$	1,000	\$	1,000
OPF MARKETING	\$	-	\$	5,000
OPF PERMITS	\$	-	\$	10,000
OPF SECURITY	\$	-	\$	3,000
OPF ELECTRICIAN	\$	-	\$	7,000
OPF EVENTBRITE FEES	\$	-	\$	3,500
OPF EVENTS MANAGER	\$	-	\$	6,000
OPF MISC (golf carts, etc)	\$	-	\$	3,500
Total Summer Kick Off Weekend	\$	3,000	\$	41,000
TOTAL EVENTS	\$	51,300	\$	91,150
PARK AND WORK	\$	750	\$	1,000
TOTAL EXPENSE	\$	1,082,037	\$	1,071,709
NET INCOME (LOSS)	\$	(0)	\$	-

EXHIBIT D

BASELINE CITY SERVICES

(To be provided City-wide by the City at no cost to Portland Downtown)

Capital Improvements and Maintenance

- Streetscape Amenity Maintenance - The City will repair and correct any defects, deficiencies or problems in the district as necessary. Items of focus include light and utility poles, sidewalks, curbstones, trash cans, signs, crosswalk markings, traffic signals, tree wells, planters, benches, trees, kiosks, shelters, bollards, and any other amenity that is now or at some point in the future may be installed. All repairs, etc., will take place within a reasonable time after notice of need.
- Sidewalks - To the extent it is funded, the City will undertake an on-going sidewalk maintenance program to repair existing sidewalks and replace bituminous repairs with permanent repairs.
- Lighting, maintenance, and replacement of all street lights and traffic signals and payment for necessary electrical energy.
- Parks, playgrounds, and trails.

Beautification

- Horticulture and tree care in parks, squares and streets.
 - In all public areas, the City will maintain and improve the condition of flowerbeds, trees, tree wells, bushes, plantings and other like horticultural amenities. Such activities shall include the initial planting, timely and appropriate maintenance, preventative and otherwise, and expeditious replacement of any damaged, destroyed or diseased horticultural products, including grass, flowers, and trees.
- Green space maintenance.
 - The City shall maintain and mow all public grassed areas.
- Holiday Decorations. The City will install and remove downtown Holiday decorations throughout the District to include Christmas trees at Monument Square and City Hall Plaza, string lights on light poles, and common area trees such as Tommy's Park, and provide for electrical energy related costs. This paragraph does not include installation or removal of, or any costs associated with, any of Pandora Lacasse's Winter Lights, which shall be installed and removed at Portland Downtown's sole expense.

Cleanliness

- Street sweeping - All streets or parts thereof included in the downtown improvement district zone will be swept from curb line to curb line on an as needed basis.
- Trash removal – Daily and when necessary emptying of all trash and recycling receptacles in the downtown improvement district zone and disposal of resulting waste.

- Street snow plowing and removal - The City will plow and remove snow as necessary from all streets and parts thereof in the downtown improvement district zone.
- Graffiti removal on public property.
- Downtown Blitz - This is a two-week program for time duration. Each year the City shall undertake a dedicated effort to repair, repaint, replace and correct any defects, deficiencies or problems in the district. Items of focus shall include light and utility poles, sidewalks, curbstones, trash cans, benches, signs, crosswalk markings, traffic signals, tree wells, planters, benches, trees, kiosks, shelters, bollards, and any other amenity that is now or at some point in the future may be installed. This program will be undertaken as early as possible each Spring and conclude as rapidly as possible. Performance of some activities, i.e. painting, will take place annually as conditions permit. Major capital activity or the reconstruction and/or repair of significant infrastructure (street paving, sewer work, etc.) would not be considered part of this blitz program.

Safety

- Police protection.
 - A minimum of 4 uniformed patrol officers will intersect all or part of the downtown improvement district area. The actual number of officers will vary depending upon time of day and day of week. During periods when calls for service are typically at their peak, the number of officers assigned will increase significantly, for example during weekend evenings and the summer months. This increase will include foot and bicycle patrols. Officers will be supported with additional personnel (supervisors, detectives, evidence technicians) as necessary.
 - As long as the Community Policing Officer Program is in effect, at least one Community Police Officer will be assigned to the Downtown Improvement District area.
 - Holiday Patrol—from the Friday following Thanksgiving to New Year's Day, patrol efforts will be supplemented by use of a foot patrol. The number of officers and hours of the assignment is dependent upon staffing levels.
- Fire protection.

EXHIBIT E

SUPPLEMENTAL DOWNTOWN DISTRICT SERVICES

(To be provided in the District by City at an annual fixed fee)

Cleanliness, Maintenance, Snow Removal

- Litter patrol, collection, and disposal on streets, sidewalks, tree wells and public areas within the District.
- Graffiti removal from City property within 5 days of notification.
- Removal of posters from PD poster boards.
- Check condition, catalogue, and if necessary paint or clean all public furniture and fixtures twice a year, at minimum. Furniture and fixtures shall include (but not be limited to) the following items:
 - Benches;
 - Trash/recycling receptacles;
 - Light pole bases; and,
 - Planters.
- Sidewalks will be cleaned on a daily basis, weather and season permitting.
- Sidewalk snow removal: All property owners in the District are responsible for maintaining their sidewalks and property in the winter pursuant to Portland City Code §§25-171 to 25-180. Following a snow storm, the City will provide a clear walkway no less than the width of a sidewalk tractor's capability. To the extent reasonable, the City will clear the sidewalk area, but it is not the intent of the parties that the City will clear the snow from the full width of the sidewalk area. The City will provide ice control to the extent possible. If weather conditions are so severe that the area cannot be plowed due to equipment capability, the City, in its discretion, may choose to delay clearing of the sidewalks but must complete the work within 24 hours of the storm being complete.
- Clean and maintain bathrooms located at Fore Street Parking Garage.
- Maintenance and cleaning of Visitor Information Booth in Tommy's Park at least once per month during season (May-October). "Quick response" repairs, such as missing bricks or landscaping damage shall be performed by City Downtown Staff as soon as possible.

Beautification

- In addition to horticultural obligations of the City under Exhibit D, the City shall plant flowers and other plants in all flower urns in the District, regularly remove weeds from tree wells, and improve and maintain the same. In performing such services, the City shall pay particular attention to Longfellow Square, Congress square, Monument Square, Tommy's Park, Post Office Park, Boothby Square, Lincoln Park, Pleasant Street Park, and Bell Buoy Park.

Events in the District

- Portland Downtown provides events as described in its Budget and Development Program attached as Exhibit C.
- In connection with these events, the City will provide, at no expense to Portland Downtown, the following:
 - Waived event permit fees.
 - “No Parking” signs, wooden barricades, recycling services.
 - Access to City electricity service in public spaces.
 - Police and Fire Department services for Portland Downtown’s annual Tree Lighting event.
- Notwithstanding the above, Portland Downtown shall be required to comply with all Public Assembly Facilities Division permit requirements and shall be responsible for the City’s costs of the following services at the City’s standard rates:
 - Street closure expenses, including threat prevention;
 - Event personnel, including staff and managers;
 - Police and Fire personnel directly related to an event.
- The City will invoice Portland Downtown for all such services at its then current rates, and Portland Downtown shall pay the City all amounts due within 30 days after receipt of such invoices. Portland Downtown shall also be responsible for paying the City’s Permitting and Inspections Department for any applicable fees associated with licenses required for its events, including, without limitation, licenses for temporary food service, street goods, and liquor.

Exhibit F
Public Works Budget

**CITY OF PORTLAND, ME
FY20 ORG LINE DETAIL EXPENDITURE REPORT**

Exhibit F

ACCOUNT DESCRIPTION	FY19 REVISED APPRO (01/31/19)	FY19 TOTAL PROJECTION	FY20 DEPT REQUEST	FY20 MGR RECOMM	INCR / (DECR) FY20 / FY19	APPRO % CHG FY20 / FY19
Portland Downtown District 10031205						
10031205 400110 Salaries & Wages	\$237,167	\$230,000	\$247,523	\$247,523	\$10,356	4.37%
10031205 400130 Temporary Help	\$28,080	\$28,080	\$48,000	\$48,000	\$19,920	70.94%
10031205 400140 Overtime Payments	\$54,556	\$54,556	\$58,384	\$58,384	\$3,828	7.02%
* Payroll	\$319,803	\$312,636	\$353,907	\$353,907	\$34,104	10.66%
10031205 400260 Workers' Compensation	\$0	\$0	\$0	\$0	\$0	---
10031205 400271 Wearing Apparel	\$3,275	\$2,000	\$3,275	\$3,275	\$0	0.00%
10031205 400274 Cellular Phones	\$360	\$636	\$600	\$600	\$240	66.67%
* Benefits	\$3,635	\$2,636	\$3,875	\$3,875	\$240	6.60%
10031205 403500 Contractual Services	\$9,450	\$10,000	\$9,450	\$9,450	\$0	0.00%
10031205 403560 Printing	\$50	\$0	\$50	\$50	\$0	0.00%
* Contractual Services	\$9,500	\$10,000	\$9,500	\$9,500	\$0	0.00%
10031205 404010 M&R Buildings	\$200	\$125	\$200	\$200	\$0	0.00%
10031205 404030 M&R Vehicles	\$300	\$300	\$300	\$300	\$0	0.00%
* Maintenance & Repair	\$500	\$425	\$500	\$500	\$0	0.00%
31205 404530 Office Equipment Rental	\$300	\$400	\$360	\$360	\$60	20.00%
* Rentals	\$300	\$400	\$360	\$360	\$60	20.00%
10031205 405510 Agricultural Supplies	\$600	\$350	\$400	\$400	(\$200)	-33.33%
10031205 405520 Supplies - All Other	\$16,500	\$16,500	\$23,200	\$23,200	\$6,700	40.61%
10031205 405530 Construction Supplies	\$1,000	\$750	\$1,000	\$1,000	\$0	0.00%
10031205 405535 Cleaning Supplies	\$3,000	\$3,000	\$3,000	\$3,000	\$0	0.00%
10031205 405550 Medical Supplies	\$200	\$150	\$200	\$200	\$0	0.00%
10031205 405560 Minor Equipment	\$3,180	\$3,000	\$2,260	\$2,260	(\$920)	-28.93%
10031205 405565 Computers & Technology	\$0	\$0	\$0	\$0	\$0	---
10031205 405570 Office Supplies	\$500	\$500	\$500	\$500	\$0	0.00%
* Supplies	\$24,980	\$24,250	\$30,560	\$30,560	\$5,580	22.34%
10031205 406310 Gas Service	\$0	\$1,500	\$1,500	\$1,500	\$1,500	---
10031205 406320 Electricity	\$4,274	\$4,000	\$4,000	\$4,000	(\$274)	-6.41%
10031205 406340 Telephone	\$636	\$660	\$660	\$660	\$24	3.77%
* Utilities	\$4,910	\$6,160	\$6,160	\$6,160	\$1,250	25.46%
** Portland Downtown District	\$363,628	\$356,507	\$404,862	\$404,862	\$41,234	11.34%

FY2020 Portland Downtown Parcels

PARCEL ID	LAND USE CODE	NUM	STREET	OWNER	NET ASMT	FEE @ 1.09 RATE
021 A001001	25:PARKING LOTS	119	PEARL ST	PEARL CUMBERLAND LLC	\$ 4,265,900	\$ 4,649.83
021 A012001	56:GOVERNMENTAL	214	CUMBERLAND AVE	CITY OF PORTLAND	\$ -	\$ -
027 A001001	22:OFFICE BUSINESS	320	CUMBERLAND AVE	25 PREBLE STREET LLC	\$ 6,259,500	\$ 6,822.86
027 A012001	56:GOVERNMENTAL	5	MONUMENT SQ	CITY OF PORTLAND	\$ -	\$ -
027 A014001	25:PARKING LOTS	7	PREBLE ST	5 MONUMENT SQUARE LLC	\$ 57,050	\$ 62.18
027 A015001	22:OFFICE BUSINESS	465	CONGRESS ST	5 MONUMENT SQUARE LLC	\$ 3,866,300	\$ 4,214.27
027 A016001	25:PARKING LOTS	465	CONGRESS ST	5 MONUMENT SQUARE LLC	\$ 217,080	\$ 236.62
027 B001001	56:GOVERNMENTAL	284	CUMBERLAND AVE	CITY OF PORTLAND	\$ -	\$ -
027 B002001	22:OFFICE BUSINESS	443	CONGRESS ST	JJR 443 CONGRESS LLC	\$ 3,796,600	\$ 4,138.29
027 B003001	56:GOVERNMENTAL	9	ELM ST	CITY OF PORTLAND	\$ -	\$ -
027 B004001	27:MULTI-USE COMMERCIAL	439	CONGRESS ST	METROPOLITAN APARTMENTS LLC	\$ 3,734,300	\$ 4,070.39
027 B005001	53:RELIGIOUS	425	CONGRESS ST	FIRST PARISH IN PORTLAND	\$ -	\$ -
027 B007001	22:OFFICE BUSINESS	415	CONGRESS ST	ASHBY TEAM LLC	\$ 1,769,100	\$ 1,928.32
027 B008001	56:GOVERNMENTAL	21	ELM ST	CITY OF PORTLAND	\$ -	\$ -
027 B009001	57:OTHERS EXEMPT BY LAW	8	CHESTNUT ST	MASONIC TRUSTEES OF PORTLAND	\$ -	\$ -
027 C002001	27:MULTI-USE COMMERCIAL	17	CHESTNUT ST	17 CHESTNUT STREET LLC	\$ 226,400	\$ 246.78
027 C010001	20:COMMERCIAL CONDOS	21	CHESTNUT ST	HAIR ETC LLC	\$ 163,800	\$ 178.54
027 C010002	20:COMMERCIAL CONDOS	21	CHESTNUT ST	CHESTNUT STREET LOFTS LLC	\$ 199,000	\$ 216.91
027 C01002E	10:CONDOMINIUMS	21	CHESTNUT ST	JORDAN CARA A	\$ 144,300	\$ 157.29
027 C01002N	10:CONDOMINIUMS	21	CHESTNUT ST	SMITH DOUGLAS A &	\$ 169,500	\$ 184.76
027 C01002S	10:CONDOMINIUMS	21	CHESTNUT ST	MORREL VICTOR &	\$ 161,100	\$ 175.60
027 C01002W	10:CONDOMINIUMS	21	CHESTNUT ST	TISZENKEL KEITH	\$ 169,500	\$ 184.76
027 C01003E	10:CONDOMINIUMS	21	CHESTNUT ST	CASTANEA PRIME LLC	\$ 164,400	\$ 179.20
027 C01003N	10:CONDOMINIUMS	21	CHESTNUT ST	TILTON GARRETT K &	\$ 168,700	\$ 183.88
027 C01003S	10:CONDOMINIUMS	21	CHESTNUT ST	VELJI REALTY LLC	\$ 147,600	\$ 160.88
027 C01003W	10:CONDOMINIUMS	21	CHESTNUT ST	VANHOEWYK JOHN VN VET &	\$ 163,660	\$ 178.39
027 C01004E	10:CONDOMINIUMS	21	CHESTNUT ST	SMITH MICHAEL SARGENT	\$ 180,500	\$ 196.75
027 C01004N	10:CONDOMINIUMS	21	CHESTNUT ST	SEARS STEPHEN D &	\$ 201,600	\$ 219.74
027 C01004S	10:CONDOMINIUMS	21	CHESTNUT ST	KAUFMANN CHARLES L	\$ 180,500	\$ 196.75
027 C01004W	10:CONDOMINIUMS	21	CHESTNUT ST	NYGAARD DANTON D &	\$ 184,800	\$ 201.43
027 C01005E	10:CONDOMINIUMS	21	CHESTNUT ST	GRAF JENNIFER	\$ 193,400	\$ 210.81
027 C01005N	10:CONDOMINIUMS	21	CHESTNUT ST	YINDRA SARA R	\$ 206,200	\$ 224.76
027 C01005S	10:CONDOMINIUMS	21	CHESTNUT ST	NAQUI MUNIRA Z	\$ 193,400	\$ 210.81
027 C01005W	10:CONDOMINIUMS	21	CHESTNUT ST	CURTIN TERESA ANN &	\$ 223,000	\$ 243.07
027 C01006E	10:CONDOMINIUMS	21	CHESTNUT ST	HAMM LARRY F &	\$ 206,300	\$ 224.87
027 C01006N	10:CONDOMINIUMS	21	CHESTNUT ST	KRUG ROBERT E WWII VET BLIND &	\$ 201,400	\$ 219.53
027 C01006S	10:CONDOMINIUMS	21	CHESTNUT ST	SCHWELLENBACH JAMES C &	\$ 189,500	\$ 206.56
027 C01006W	10:CONDOMINIUMS	21	CHESTNUT ST	BARRY PRUDENCE B	\$ 209,800	\$ 228.68
027 C01007E	10:CONDOMINIUMS	21	CHESTNUT ST	HARDING ALICIA &	\$ 251,400	\$ 274.03
027 C01007N	10:CONDOMINIUMS	21	CHESTNUT ST	GREENLEAF NANCY P	\$ 209,700	\$ 228.57
027 C01007S	10:CONDOMINIUMS	21	CHESTNUT ST	KELLY MARILYN E TRUSTEE	\$ 246,300	\$ 268.47
027 C01007W	10:CONDOMINIUMS	21	CHESTNUT ST	MOORE TERRANCE O &	\$ 249,800	\$ 272.28
027 C01008N	10:CONDOMINIUMS	21	CHESTNUT ST	COTSIRILOS STEPHANIE G	\$ 318,300	\$ 346.95
027 C01008S	10:CONDOMINIUMS	21	CHESTNUT ST	WILLIAMS JAN &	\$ 325,000	\$ 354.25
027 C01008W	10:CONDOMINIUMS	21	CHESTNUT ST	BUSQUE PETER J	\$ 312,900	\$ 341.06
027 C0102NW	10:CONDOMINIUMS	21	CHESTNUT ST	DUNDAR ERGUN	\$ 164,300	\$ 179.09

FY2020 Portland Downtown Parcels

PARCEL ID	LAND USE CODE	NUM	STREET	OWNER	NET ASMT	FEE @ 1.09 RATE
027 C0102SE	10:CONDOMINIUMS	21	CHESTNUT ST	DEVAN WILLIAM JOSEPH	\$ 140,000	\$ 152.60
027 C0103NW	10:CONDOMINIUMS	21	CHESTNUT ST	MCCALLY MICHAEL &	\$ 181,400	\$ 197.73
027 C0103SE	10:CONDOMINIUMS	21	CHESTNUT ST	CASTANEA PRIME LLC	\$ 164,500	\$ 179.31
027 C0104NW	10:CONDOMINIUMS	21	CHESTNUT ST	FRAZER LORINDA JANE TRUSTEE	\$ 196,800	\$ 214.51
027 C0104SE	10:CONDOMINIUMS	21	CHESTNUT ST	MCEACHERN LAURIE A	\$ 169,300	\$ 184.54
027 C0105NW	10:CONDOMINIUMS	21	CHESTNUT ST	MACAVOY FRANCIS E &	\$ 219,000	\$ 238.71
027 C0105SE	10:CONDOMINIUMS	21	CHESTNUT ST	MASON PHILIP C JR &	\$ 181,800	\$ 198.16
027 C0106NW	10:CONDOMINIUMS	21	CHESTNUT ST	141 PLEASANT STREET LLC	\$ 222,400	\$ 242.42
027 C0106SE	10:CONDOMINIUMS	21	CHESTNUT ST	EISENBERG AVNER &	\$ 189,600	\$ 206.66
027 C011001	27:MULTI-USE COMMERCIAL	15	CHESTNUT ST	BOODILLY LLC	\$ 1,809,800	\$ 1,972.68
027 C012001	56:GOVERNMENTAL	389	CONGRESS ST	CITY OF PORTLAND	\$ -	\$ -
027 D001001	32:WAREHOUSE & STORAGE	385	CONGRESS ST	385 CONGRESS LLC	\$ 2,349,540	\$ 2,561.00
027 F001001	22:OFFICE BUSINESS	50	MONUMENT SQ	THE LANCASTER GROUP LLC	\$ 3,166,400	\$ 3,451.38
027 F002001	10:CONDOMINIUMS	28	MONUMENT SQ	BUDDE SCOTT &	\$ 754,100	\$ 821.97
027 F002002	10:CONDOMINIUMS	28	MONUMENT SQ	STODDARD ROBERT B &	\$ 549,800	\$ 599.28
027 F002003	20:COMMERCIAL CONDOS	28	MONUMENT SQ	28 MSQ LLC	\$ 232,300	\$ 253.21
027 F002004	20:COMMERCIAL CONDOS	28	MONUMENT SQ	28 MSQ LLC	\$ 246,300	\$ 268.47
027 F002005	20:COMMERCIAL CONDOS	28	MONUMENT SQ	28 MSQ LLC	\$ 116,300	\$ 126.77
027 F003001	21:RETAIL SERVICES	22	MONUMENT SQ	STORREY INDUSTRIES LLC	\$ 1,679,700	\$ 1,830.87
027 F004001	25:PARKING LOTS	6	MONUMENT SQ	PARCHEGGIO LLC	\$ 187,000	\$ 203.83
027 F005001	27:MULTI-USE COMMERCIAL	18	MONUMENT SQ	18 MONUMENT PLACE LLC	\$ 574,700	\$ 626.42
027 F006001	21:RETAIL SERVICES	16	MONUMENT SQ	MCCURTAIN BRADLEY C	\$ 706,700	\$ 770.30
027 F009001	21:RETAIL SERVICES	121	CENTER ST	TEDLUM ASSOCIATES LLC	\$ 3,820,000	\$ 4,163.80
027 F011001	21:RETAIL SERVICES	1	MONUMENT WAY	EAST END CORP	\$ 3,465,500	\$ 3,777.40
027 F014001	19:AUXILIARY BUILDINGS	0	MONUMENT SQ	TWO MONUMENT WAY ASSOCIATES	\$ 31,700	\$ 34.55
027 F023001	27:MULTI-USE COMMERCIAL	30	CITY CTR	RODWAY PETER E &	\$ 329,900	\$ 359.59
027 F024001	21:RETAIL SERVICES	28	CITY CTR	BROWN J B & SONS	\$ 323,600	\$ 352.72
027 F026001	21:RETAIL SERVICES	26	CITY CTR	BROWN J B & SONS	\$ 627,700	\$ 684.19
027 F027001	22:OFFICE BUSINESS	24	CITY CTR	BROWN J B & SONS	\$ 906,800	\$ 988.41
027 F028001	25:PARKING LOTS	41	FREE ST	TEDLUM ASSOCIATES LLC	\$ 117,920	\$ 128.53
027 F029001	25:PARKING LOTS	23	FREE ST	ONE CITY CENTER ASSOCIATES LLC	\$ 6,584,700	\$ 7,177.32
027 G001001	58:LAND BANKS	456	CONGRESS ST	CITY OF PORTLAND	\$ -	\$ -
028 A001001	56:GOVERNMENTAL	380	CONGRESS ST	CITY OF PORTLAND	\$ -	\$ -
028 B001001	58:LAND BANKS	350	CONGRESS ST	CITY OF PORTLAND	\$ -	\$ -
028 E001001	56:GOVERNMENTAL	168	FEDERAL ST	UNITED STATES	\$ -	\$ -
028 F001001	56:GOVERNMENTAL	142	FEDERAL ST	CUMBERLAND COUNTY OF	\$ -	\$ -
028 K001001	21:RETAIL SERVICES	77	MARKET ST	85 MARKET STREET LLC	\$ 1,647,500	\$ 1,795.78
028 K002001	22:OFFICE BUSINESS	66	PEARL ST	LEADER PROPERTIES LLC	\$ 4,394,900	\$ 4,790.44
028 K003001	22:OFFICE BUSINESS	75	MARKET ST	WHOLLY COW LLC	\$ 3,643,900	\$ 3,971.85
028 L002001	56:GOVERNMENTAL	0	NEWBURY ST	CUMBERLAND COUNTY INHABITANTS	\$ -	\$ -
028 L005001	20:COMMERCIAL CONDOS	75	PEARL ST	WBFM LLC	\$ 1,020,700	\$ 1,112.56
028 L00502A	20:COMMERCIAL CONDOS	75	PEARL ST	WOODMAN BUILDING	\$ 571,300	\$ 622.72
028 L00502B	20:COMMERCIAL CONDOS	75	PEARL ST	WOODMAN BUILDING	\$ 449,000	\$ 489.41

FY2020 Portland Downtown Parcels

PARCEL ID	LAND USE CODE	NUM	STREET	OWNER	NET ASMT	FEE @ 1.09 RATE
028 L00503A	20:COMMERCIAL CONDOS	75	PEARL ST	WOODMAN BUILDING	\$ 352,000	\$ 383.68
028 L00503B	20:COMMERCIAL CONDOS	75	PEARL ST	WOODMAN BUILDING	\$ 461,900	\$ 503.47
028 L00504A	20:COMMERCIAL CONDOS	75	PEARL ST	WOODMAN BUILDING	\$ 352,000	\$ 383.68
028 L00504B	20:COMMERCIAL CONDOS	75	PEARL ST	WOODMAN BUILDING	\$ 571,300	\$ 622.72
028 L007001	24:WHOLESALE	131	MIDDLE ST	RACLEFF BLOCK LLC	\$ 2,168,800	\$ 2,363.99
028 M001001	56:GOVERNMENTAL	192	NEWBURY ST	CUMBERLAND COUNTY OF	\$ -	\$ -
028 M005001	21:RETAIL SERVICES	121	MIDDLE ST	123 LLC	\$ 2,738,300	\$ 2,984.75
028 N001001	56:GOVERNMENTAL	109	MIDDLE ST	CITY OF PORTLAND	\$ -	\$ -
028 N009001	21:RETAIL SERVICES	115	MIDDLE ST	BROTHERS THREE LLC	\$ 648,300	\$ 706.65
028 N010001	21:RETAIL SERVICES	111	MIDDLE ST	VENTURE III HOLDINGS LLC	\$ 200,100	\$ 218.11
029 A00101A	20:COMMERCIAL CONDOS	150	MIDDLE ST	PROSPERITA LLC	\$ 433,000	\$ 471.97
029 A00101B	20:COMMERCIAL CONDOS	150	MIDDLE ST	PEG REALTY LLC	\$ 329,700	\$ 359.37
029 A00101C	20:COMMERCIAL CONDOS	150	MIDDLE ST	IN FIRM GROUP THE	\$ 290,700	\$ 316.86
029 A00101D	20:COMMERCIAL CONDOS	150	MIDDLE ST	IN FIRM GROUP THE	\$ 290,700	\$ 316.86
029 A00102A	10:CONDOMINIUMS	150	MIDDLE ST	FRANK PATRICK J JR	\$ 161,600	\$ 176.14
029 A00102B	10:CONDOMINIUMS	150	MIDDLE ST	SAVATTERI SALVATORE JR &	\$ 150,800	\$ 164.37
029 A00102C	10:CONDOMINIUMS	150	MIDDLE ST	MEIL JOAN F &	\$ 158,900	\$ 173.20
029 A00102D	10:CONDOMINIUMS	150	MIDDLE ST	TREGONING DAVID C TRUSTEE	\$ 153,400	\$ 167.21
029 A00102E	10:CONDOMINIUMS	150	MIDDLE ST	ERNEST PAUL W &	\$ 167,400	\$ 182.47
029 A00102F	10:CONDOMINIUMS	150	MIDDLE ST	BOEPPLE ELIZABETH ANN	\$ 158,400	\$ 172.66
029 A00102G	10:CONDOMINIUMS	150	MIDDLE ST	KIRK CHARLES M	\$ 126,500	\$ 137.89
029 A00102H	10:CONDOMINIUMS	150	MIDDLE ST	JOHNS F ARTHUR T	\$ 161,600	\$ 176.14
029 A00102I	10:CONDOMINIUMS	150	MIDDLE ST	MAVROUDIS DEBORAH A	\$ 149,600	\$ 163.06
029 A00102J	10:CONDOMINIUMS	150	MIDDLE ST	MILLS S PETER	\$ 137,100	\$ 149.44
029 A00102K	10:CONDOMINIUMS	150	MIDDLE ST	MILLS S PETER	\$ 160,900	\$ 175.38
029 A00103A	10:CONDOMINIUMS	150	MIDDLE ST	WEINBERG DIANE L TRUSTEE	\$ 178,400	\$ 194.46
029 A00103B	10:CONDOMINIUMS	150	MIDDLE ST	ROBERTS MATTHEW	\$ 150,800	\$ 164.37
029 A00103C	10:CONDOMINIUMS	150	MIDDLE ST	BELL KEVIN P &	\$ 158,900	\$ 173.20
029 A00103D	10:CONDOMINIUMS	150	MIDDLE ST	AHP CAMDEN LLC	\$ 153,400	\$ 167.21
029 A00103E	10:CONDOMINIUMS	150	MIDDLE ST	ROBERTS MATTHEW	\$ 200,900	\$ 218.98
029 A00103F	10:CONDOMINIUMS	150	MIDDLE ST	M & B 101 INC	\$ 166,800	\$ 181.81
029 A00103G	10:CONDOMINIUMS	150	MIDDLE ST	M & B 101 INC	\$ 143,300	\$ 156.20
029 A00103H	10:CONDOMINIUMS	150	MIDDLE ST	HENDERSON HAROLD L &	\$ 139,000	\$ 151.51
029 A00103I	10:CONDOMINIUMS	150	MIDDLE ST	HARDING WILLIAM TRUSTEE	\$ 149,600	\$ 163.06
029 A00103J	10:CONDOMINIUMS	150	MIDDLE ST	WALTER MARIA L TRUSTEE	\$ 137,100	\$ 149.44
029 A00103K	10:CONDOMINIUMS	150	MIDDLE ST	MACBRIDE JENNIFER L	\$ 160,900	\$ 175.38
029 A00104A	10:CONDOMINIUMS	150	MIDDLE ST	BIXBY DOUGLAS B &	\$ 161,600	\$ 176.14
029 A00104B	10:CONDOMINIUMS	150	MIDDLE ST	TURNER SCOTT H &	\$ 150,800	\$ 164.37
029 A00104C	10:CONDOMINIUMS	150	MIDDLE ST	CAMP PETER S	\$ 158,900	\$ 173.20
029 A00104D	10:CONDOMINIUMS	150	MIDDLE ST	GUTWIN JOHN D &	\$ 136,600	\$ 148.89
029 A00104E	10:CONDOMINIUMS	150	MIDDLE ST	GIUSTRA BETSY M TRUSTEE	\$ 167,400	\$ 182.47
029 A00104F	10:CONDOMINIUMS	150	MIDDLE ST	WINSLOW DARREN R &	\$ 166,800	\$ 181.81
029 A00104G	10:CONDOMINIUMS	150	MIDDLE ST	GIARRAPUTO CYNTHIA R &	\$ 143,300	\$ 156.20

FY2020 Portland Downtown Parcels

PARCEL ID	LAND USE CODE	NUM	STREET	OWNER	NET ASMT	FEE @ 1.09 RATE
029 A00104H	10:CONDOMINIUMS	150	MIDDLE ST	150 MIDDLE LLC	\$ 155,800	\$ 169.82
029 A00104I	10:CONDOMINIUMS	150	MIDDLE ST	KOSTA KATHERINE C	\$ 149,600	\$ 163.06
029 A00104J	10:CONDOMINIUMS	150	MIDDLE ST	GREENZWEIG NEIL TRUSTEE	\$ 137,100	\$ 149.44
029 A00104K	10:CONDOMINIUMS	150	MIDDLE ST	ZANARDI MARIAGRAZIA	\$ 160,900	\$ 175.38
029 A00105A	20:COMMERCIAL CONDOS	150	MIDDLE ST	MIRS PROPERTIES LLC	\$ 799,300	\$ 871.24
029 A00105B	10:CONDOMINIUMS	150	MIDDLE ST	DUNKERLY ALLAN S TRUSTEE	\$ 402,900	\$ 439.16
029 A0010BA	20:COMMERCIAL CONDOS	150	MIDDLE ST	242 NEWRY PARTNERS	\$ 188,500	\$ 205.47
029 A0010BB	20:COMMERCIAL CONDOS	150	MIDDLE ST	242 NEWRY PARTNERS	\$ 188,500	\$ 205.47
029 A001P01	10:CONDOMINIUMS	150	MIDDLE ST	DUNKERLY MARY V	\$ 10,100	\$ 11.01
029 A001P02	10:CONDOMINIUMS	150	MIDDLE ST	GIUSTRA BETSY M TRUSTEE	\$ 5,100	\$ 5.56
029 A001P03	10:CONDOMINIUMS	150	MIDDLE ST	ROBERTS MATTHEW	\$ 10,400	\$ 11.34
029 A001P04	10:CONDOMINIUMS	150	MIDDLE ST	MIRS PROPERTIES LLC	\$ 10,100	\$ 11.01
029 A001P05	10:CONDOMINIUMS	150	MIDDLE ST	MIRS PROPERTIES LLC	\$ 10,100	\$ 11.01
029 A001P06	10:CONDOMINIUMS	150	MIDDLE ST	IN FIRM GROUP THE	\$ 10,100	\$ 11.01
029 A001P07	10:CONDOMINIUMS	150	MIDDLE ST	IN FIRM GROUP THE	\$ 10,100	\$ 11.01
029 A001P08	10:CONDOMINIUMS	150	MIDDLE ST	GIARRAPUTO CYNTHIA R &	\$ 10,100	\$ 11.01
029 A001P09	10:CONDOMINIUMS	150	MIDDLE ST	MCGOLDRICK RICHARD J	\$ 10,100	\$ 11.01
029 A001P10	10:CONDOMINIUMS	150	MIDDLE ST	FRANK PATRICK J JR	\$ 10,100	\$ 11.01
029 A001P11	10:CONDOMINIUMS	150	MIDDLE ST	FRANK PATRICK J JR	\$ 10,100	\$ 11.01
029 A001P12	10:CONDOMINIUMS	150	MIDDLE ST	INFIRM GROUP	\$ 10,100	\$ 11.01
029 A001P13	10:CONDOMINIUMS	150	MIDDLE ST	MILLS S PETER	\$ 10,100	\$ 11.01
029 A001P14	10:CONDOMINIUMS	150	MIDDLE ST	ERNEST PAUL W &	\$ 10,100	\$ 11.01
029 A001P15	10:CONDOMINIUMS	150	MIDDLE ST	BIXBY DOUGLAS B &	\$ 10,100	\$ 11.01
029 A001P16	10:CONDOMINIUMS	150	MIDDLE ST	MACBRIDE JENNIFER L	\$ 10,100	\$ 11.01
029 A001P17	10:CONDOMINIUMS	150	MIDDLE ST	CAMP PETER S	\$ 10,100	\$ 11.01
029 A001P18	10:CONDOMINIUMS	150	MIDDLE ST	CEDRONE RONALD M	\$ 10,100	\$ 11.01
029 A001P19	10:CONDOMINIUMS	150	MIDDLE ST	CEDRONE RONALD M	\$ 10,100	\$ 11.01
029 A001P20	10:CONDOMINIUMS	150	MIDDLE ST	AHP CAMDEN LLC	\$ 10,100	\$ 11.01
029 A001P21	10:CONDOMINIUMS	150	MIDDLE ST	DUNKERLY ALLAN S &	\$ 10,100	\$ 11.01
029 A001P22	10:CONDOMINIUMS	150	MIDDLE ST	MIRS PROPERTIES LLC	\$ 10,100	\$ 11.01
029 A001P23	10:CONDOMINIUMS	150	MIDDLE ST	MIRS PROPERTIES LLC	\$ 10,100	\$ 11.01
029 A001P24	10:CONDOMINIUMS	150	MIDDLE ST	MIRS PROPERTIES LLC	\$ 10,100	\$ 11.01
029 A001P25	10:CONDOMINIUMS	150	MIDDLE ST	MIRS PROPERTIES LLC	\$ 10,100	\$ 11.01
029 A001P26	10:CONDOMINIUMS	150	MIDDLE ST	MIRS PROPERTIES LLC	\$ 10,100	\$ 11.01
029 A001P27	10:CONDOMINIUMS	150	MIDDLE ST	HARDING WILLIAM TRUSTEE	\$ 10,100	\$ 11.01
029 A001P28	10:CONDOMINIUMS	150	MIDDLE ST	SHIPYARD INC	\$ 10,100	\$ 11.01
029 A001P29	10:CONDOMINIUMS	150	MIDDLE ST	SHIPYARD INC	\$ 10,100	\$ 11.01
029 A003001	22:OFFICE BUSINESS	5	MILK ST	5 MILK STREET LLC	\$ 2,561,900	\$ 2,792.47
029 B001001	21:RETAIL SERVICES	37	SILVER ST	WITT-T LLC	\$ 520,400	\$ 567.24
029 B002001	22:OFFICE BUSINESS	4	MILK ST	4 MILK MHR LLC	\$ 1,502,300	\$ 1,637.51
029 B003001	25:PARKING LOTS	25	SILVER ST	PORTLAND REGENCY INC	\$ 600,550	\$ 654.60
029 B004001	10:CONDOMINIUMS	341	FORE ST	JACKSON MICHAEL	\$ 140,700	\$ 153.36
029 B004002	10:CONDOMINIUMS	341	FORE ST	O'CONNOR DENNIS R III &	\$ 127,400	\$ 138.87
029 B004003	10:CONDOMINIUMS	341	FORE ST	ROSE JOHN &	\$ 146,800	\$ 160.01
029 B004004	10:CONDOMINIUMS	341	FORE ST	CHILDS DONNA W	\$ 140,700	\$ 153.36
029 B004005	10:CONDOMINIUMS	341	FORE ST	PENDERS JOHN F IV	\$ 128,600	\$ 140.17
029 B004006	10:CONDOMINIUMS	341	FORE ST	KELLER BENJAMIN R	\$ 132,300	\$ 144.21
029 B004007	10:CONDOMINIUMS	341	FORE ST	ALAGIC SUAD	\$ 123,900	\$ 135.05
029 B004008	10:CONDOMINIUMS	341	FORE ST	DALTON JENNIFER L	\$ 129,900	\$ 141.59
029 B004009	10:CONDOMINIUMS	341	FORE ST	HAAPALA BRIAN R &	\$ 397,500	\$ 433.28

FY2020 Portland Downtown Parcels

PARCEL ID	LAND USE CODE	NUM	STREET	OWNER	NET ASMT	FEE @ 1.09 RATE
029 B004010	20:COMMERCIAL CONDOS	341	FORE ST	BOOTHBY SQUARE PROPERTIES LLC	\$ 180,000	\$ 196.20
029 B004011	20:COMMERCIAL CONDOS	341	FORE ST	BOOTHBY SQUARE PROPERTIES LLC	\$ 118,100	\$ 128.73
029 C001001	10:CONDOMINIUMS	340	FORE ST	ADB REATLY LLC	\$ 120,000	\$ 130.80
029 C001002	10:CONDOMINIUMS	340	FORE ST	HAYEK LEE-ANN COLLINS TRUSTEE	\$ 128,000	\$ 139.52
029 C001003	10:CONDOMINIUMS	340	FORE ST	207 INVESTS LLC	\$ 220,000	\$ 239.80
029 C001004	20:COMMERCIAL CONDOS	340	FORE ST	ABD REALTY LLC	\$ 141,500	\$ 154.24
029 C001005	20:COMMERCIAL CONDOS	340	FORE ST	ADB REALTY LLC	\$ 65,900	\$ 71.83
029 C002001	21:RETAIL SERVICES	336	FORE ST	DOCK FORE INC	\$ 348,000	\$ 379.32
029 C003001	21:RETAIL SERVICES	334	FORE ST	PORT CITY APARTMENTS	\$ 401,100	\$ 437.20
029 C005001	21:RETAIL SERVICES	330	FORE ST	J & R VENTURES LLC	\$ 445,700	\$ 485.81
029 C006001	20:COMMERCIAL CONDOS	3	GOLD ST	GOLD STREET PROPERTIES LLC	\$ 157,000	\$ 171.13
029 C006002	20:COMMERCIAL CONDOS	1	GOLD ST	ADNERB PROPERTIES LLC	\$ 154,800	\$ 168.73
029 C006003	20:COMMERCIAL CONDOS	320	FORE ST	FORE STREET INVESTMENTS LLC	\$ 162,100	\$ 176.69
029 C006004	20:COMMERCIAL CONDOS	320	FORE ST	FORE STREET INVESTMENTS LLC	\$ 167,700	\$ 182.79
029 C006005	20:COMMERCIAL CONDOS	320	FORE ST	FORE STREET INVESTMENTS LLC	\$ 122,100	\$ 133.09
029 C006006	20:COMMERCIAL CONDOS	320	FORE ST	FORE STREET INVESTMENTS LLC	\$ 138,200	\$ 150.64
029 C006007	20:COMMERCIAL CONDOS	320	FORE ST	FORE STREET INVESTMENTS LLC	\$ 392,100	\$ 427.39
029 D001001	21:RETAIL SERVICES	129	COMMERCIAL ST	RSB LIMITED LIABILITY COMPANY	\$ 781,200	\$ 851.51
029 D002001	22:OFFICE BUSINESS	121	COMMERCIAL ST	MAD COW LLC	\$ 401,200	\$ 437.31
029 D003001	22:OFFICE BUSINESS	111	COMMERCIAL ST	BLANCHARD BLOCK LLC	\$ 1,773,500	\$ 1,933.12
029 E001001	22:OFFICE BUSINESS	130	MIDDLE ST	ELC LIMITED LIABILITY COMPANY	\$ 5,763,200	\$ 6,281.89
029 E006001	22:OFFICE BUSINESS	100	MIDDLE ST	ALBANY ROAD-PORTLAND LLC	\$ 17,438,600	\$ 19,008.07
029 E007001	21:RETAIL SERVICES	291	FORE ST	291 FORE STREET LLC	\$ 812,000	\$ 885.08
029 E009001	27:MULTI-USE COMMERCIAL	25	PEARL ST	25 PEARL MHR LLC	\$ 14,588,600	\$ 15,901.57
029 E012001	25:PARKING LOTS	277	FORE ST	287 FORE STREET LLC	\$ 321,580	\$ 350.52
029 E016001	22:OFFICE BUSINESS	31	PEARL ST	130 LIMITED LIABILITY COMPAMY	\$ 4,790,700	\$ 5,221.86
029 E019001	56:GOVERNMENTAL	0	FRANKLIN ST	CITY OF PORTLAND	\$ -	\$ -
029 E026001	22:OFFICE BUSINESS	100	MIDDLE ST	ALBANY ROAD-PORTLAND LLC	\$ 16,469,500	\$ 17,951.76
029 G001001	56:GOVERNMENTAL	99	COMMERCIAL ST	UNITED STATES	\$ -	\$ -
029 K001001	22:OFFICE BUSINESS	7	CUSTOM HOUSE ST	OLYMPIA EQUITY	\$ 5,902,300	\$ 6,433.51
029 K002001	21:RETAIL SERVICES	288	FORE ST	EAST BROWN COW LIMITED	\$ 1,103,000	\$ 1,202.27
029 K003001	23:HOTEL & MOTEL	57	COMMERCIAL ST	OLYMPIA EQUITY INVESTORS V LLC	\$ 10,717,000	\$ 11,681.53
029 K005001	22:OFFICE BUSINESS	280	FORE ST	BANGOR SAVINGS BANK	\$ 13,235,600	\$ 14,426.80
029 K006001	40:VACANT LAND	300	FORE ST	OLYMPIA EQUITY	\$ 497,800	\$ 542.60
029 K006002	55:LITERARY & SCIENTIFIC	300	FORE ST	COUNCIL INTERNATIONAL STUDY	\$ -	\$ -
029 K00601A	55:LITERARY & SCIENTIFIC	300	FORE ST	COUNCIL INTERNATIONAL STUDY	\$ -	\$ -

FY2020 Portland Downtown Parcels

PARCEL ID	LAND USE CODE	NUM	STREET	OWNER	NET ASMT	FEE @ 1.09 RATE
029 K00601B	55:LITERARY & SCIENTIFIC	300	FORE ST	CIEE INC	\$ -	\$ -
029 K0060B2	20:COMMERCIAL CONDOS	300	FORE ST	OLYMPIA EQUITY	\$ 98,000	\$ 106.82
029 K0060B3	20:COMMERCIAL CONDOS	300	FORE ST	OLYMPIA EQUITY	\$ 70,000	\$ 76.30
029 0001011	10:CONDOMINIUMS	99	SILVER ST	ARENSBERG LEE C TRUSTEE	\$ 120,400	\$ 131.24
029 0001012	10:CONDOMINIUMS	99	SILVER ST	TOZESKI DAVID P	\$ 113,800	\$ 124.04
029 0001013	10:CONDOMINIUMS	99	SILVER ST	HOLSTEIN ERIC B &	\$ 121,100	\$ 132.00
029 0001021	10:CONDOMINIUMS	99	SILVER ST	THOMS DEBORAH L	\$ 111,300	\$ 121.32
029 0001023	10:CONDOMINIUMS	99	SILVER ST	ANYA ROSE LLC	\$ 140,200	\$ 152.82
029 0001024	10:CONDOMINIUMS	99	SILVER ST	ARNDT CHANNING P	\$ 114,700	\$ 125.02
029 0001025	10:CONDOMINIUMS	99	SILVER ST	LINCOLN STREET PROERTIES LLC	\$ 106,800	\$ 116.41
029 0001026	10:CONDOMINIUMS	99	SILVER ST	FISCHER CHRISTOPHER E	\$ 110,000	\$ 119.90
029 0001028	10:CONDOMINIUMS	99	SILVER ST	GOODMAN ISAAC D &	\$ 130,500	\$ 142.25
029 0001029	10:CONDOMINIUMS	99	SILVER ST	COUSINS DAVID A	\$ 127,900	\$ 139.41
029 0001031	10:CONDOMINIUMS	99	SILVER ST	CAB HOLDINGS LLC	\$ 123,800	\$ 134.94
029 0001032	10:CONDOMINIUMS	99	SILVER ST	BOROWSKI ROBERT B	\$ 125,500	\$ 136.80
029 0001033	10:CONDOMINIUMS	99	SILVER ST	ARTISTWANNABE LLC	\$ 125,500	\$ 136.80
029 0001034	10:CONDOMINIUMS	99	SILVER ST	BERG HENRY T TRUSTEE	\$ 125,500	\$ 136.80
029 0001035	10:CONDOMINIUMS	99	SILVER ST	GADBOIS GEORGE A &	\$ 125,500	\$ 136.80
029 0001036	10:CONDOMINIUMS	99	SILVER ST	FINCH ANNIE &	\$ 117,900	\$ 128.51
029 0001037	10:CONDOMINIUMS	99	SILVER ST	KINSMAN JESSICA A	\$ 93,100	\$ 101.48
029 0001038	10:CONDOMINIUMS	99	SILVER ST	ZURKAN WILLIAM K	\$ 102,300	\$ 111.51
029 0001039	10:CONDOMINIUMS	99	SILVER ST	LEDUC SANDRA J & SOREL &	\$ 112,600	\$ 122.73
029 0001041	10:CONDOMINIUMS	99	SILVER ST	LINCOLN STREET PROPERTIES LLC	\$ 129,100	\$ 140.72
029 0001042	10:CONDOMINIUMS	99	SILVER ST	KINGRA MICHAEL R &	\$ 129,100	\$ 140.72
029 0001043	10:CONDOMINIUMS	99	SILVER ST	BHANDARI AMEESH M &	\$ 138,400	\$ 150.86
029 0001044	10:CONDOMINIUMS	99	SILVER ST	LITTLEJOHN CLIFTON T	\$ 126,900	\$ 138.32
029 0001045	10:CONDOMINIUMS	99	SILVER ST	DG CONDO 4 LLC	\$ 125,500	\$ 136.80
029 0001046	10:CONDOMINIUMS	99	SILVER ST	VAN PEURSEM CORINNE M	\$ 125,500	\$ 136.80
029 0001047	10:CONDOMINIUMS	99	SILVER ST	KASSEL GRANT D	\$ 91,900	\$ 100.17
029 0001048	10:CONDOMINIUMS	99	SILVER ST	PEEL BRUCE H	\$ 102,700	\$ 111.94
029 0001049	10:CONDOMINIUMS	99	SILVER ST	CHISHOLM ADAM C	\$ 97,500	\$ 106.28
029 0001210	10:CONDOMINIUMS	99	SILVER ST	LINCOLN STREET PROPERTIES LLC	\$ 105,500	\$ 115.00
029 0001211	10:CONDOMINIUMS	99	SILVER ST	GINTER DAVID R	\$ 101,600	\$ 110.74
029 0001212	10:CONDOMINIUMS	99	SILVER ST	SILVER VICTORIA J	\$ 96,100	\$ 104.75
029 0001213	10:CONDOMINIUMS	99	SILVER ST	PROSSER JAMES G	\$ 105,600	\$ 115.10
029 0001310	10:CONDOMINIUMS	99	SILVER ST	HEALY ROBERT E &	\$ 115,100	\$ 125.46
029 0001410	10:CONDOMINIUMS	99	SILVER ST	SMITH GARY R &	\$ 124,000	\$ 135.16
029 0001501	10:CONDOMINIUMS	99	SILVER ST	KATZ JAMES &	\$ 389,600	\$ 424.66
029 0001502	20:COMMERCIAL CONDOS	99	SILVER ST	PEAK 5 EQUITIES LLC	\$ 406,200	\$ 442.76
029 0001B01	10:CONDOMINIUMS	99	SILVER ST	CHANDLER BENJAMIN P	\$ 100,000	\$ 109.00
029 0001B02	10:CONDOMINIUMS	99	SILVER ST	JOHNSON BEN A	\$ 100,000	\$ 109.00
029 0002001	21:RETAIL SERVICES	164	MIDDLE ST	NDA 164 MIDDLE STREET LLC	\$ 1,535,100	\$ 1,673.26
029 0003001	25:PARKING LOTS	43	MARKET ST	PORTLAND REGENCY INC	\$ 285,520	\$ 311.22
029 0004001	25:PARKING LOTS	11	MILK ST	PORTLAND REGENCY INC	\$ 112,080	\$ 122.17
029 R001001	23:HOTEL & MOTEL	20	MILK ST	PORTLAND REGENCY INC	\$ 8,120,800	\$ 8,851.67
029 S001001	22:OFFICE BUSINESS	145	COMMERCIAL ST	FLEMING CREEK LLC ETALS	\$ 6,509,400	\$ 7,095.25
029 S002001	56:GOVERNMENTAL	145	COMMERCIAL ST	CITY OF PORTLAND	\$ -	\$ -

FY2020 Portland Downtown Parcels

PARCEL ID	LAND USE CODE	NUM	STREET	OWNER	NET ASMT	FEE @ 1.09 RATE
030 A005001	21:RETAIL SERVICES	94	COMMERCIAL ST	BMC INC	\$ 1,127,400	\$ 1,228.87
030 A101001	21:RETAIL SERVICES	90	COMMERCIAL ST	PROPRIETORS OF CUSTOM HOUSE	\$ 269,400	\$ 293.65
030 C001001	27:MULTI-USE COMMERCIAL	100	COMMERCIAL ST	SOLEY WHARF LLC	\$ 5,557,100	\$ 6,057.24
030 D001001	22:OFFICE BUSINESS	68	COMMERCIAL ST	MAINE WHARF LLC	\$ 4,041,100	\$ 4,404.80
030 D003001	22:OFFICE BUSINESS	70	COMMERCIAL ST	FLATBREAD WHARF LLC	\$ 1,857,800	\$ 2,025.00
030 D005001	21:RETAIL SERVICES	84	COMMERCIAL ST	84 COMMERCIAL STREET LLC	\$ 537,500	\$ 585.88
030 H001001	27:MULTI-USE COMMERCIAL	180	COMMERCIAL ST	DIMILLO ARLENE ETALS TRUSTEES	\$ 2,160,500	\$ 2,354.95
030 H004001	24:WHOLESALE	136	COMMERCIAL ST	CARROLL BLOCK LLC	\$ 2,345,100	\$ 2,556.16
030 H011001	25:PARKING LOTS	9	PORTLAND PIER	CARROLL BLOCK LLC	\$ 26,880	\$ 29.30
031 H001001	25:PARKING LOTS	158	COMMERCIAL ST	DIMILLO STEVEN ETALTRUSTEES	\$ 595,300	\$ 648.88
031 H003001	25:PARKING LOTS	144	COMMERCIAL ST	DIMILLO STEVEN ETAL TRUSTEES	\$ 567,800	\$ 618.90
031 H004001	27:MULTI-USE COMMERCIAL	164	COMMERCIAL ST	DIMILLO ARLENE ETALS TRUSTEES	\$ 1,014,800	\$ 1,106.13
031 J030001	21:RETAIL SERVICES	184	COMMERCIAL ST	GEF LLC	\$ 1,340,370	\$ 1,461.00
031 K103001	25:PARKING LOTS	218	COMMERCIAL ST	PROPRIETORS OF UNION WHARF	\$ 239,080	\$ 260.60
031 L034001	31:MANUFACTURING	250	COMMERCIAL ST	CM WATERFRONT PROPERTIES LLC	\$ 2,156,800	\$ 2,350.91
031 L038001	25:PARKING LOTS	230	COMMERCIAL ST	PROPRIETORS OF UNION WHARF	\$ 45,130	\$ 49.19
031 L135001	24:WHOLESALE	1	UNION WHARF	PROPRIETORS OF UNION WHARF	\$ 1,351,100	\$ 1,472.70
032 C001001	23:HOTEL & MOTEL	390	CONGRESS ST	PRESS HOTEL LLC	\$ 10,929,700	\$ 11,913.37
032 D001001	22:OFFICE BUSINESS	107	EXCHANGE ST	TOP OF EXCHANGE LLC	\$ 918,700	\$ 1,001.38
032 D002001	22:OFFICE BUSINESS	97	EXCHANGE ST	TOP OF EXCHANGE LLC	\$ 1,959,500	\$ 2,135.86
032 D003001	22:OFFICE BUSINESS	93	EXCHANGE ST	TOP OF EXCHANGE LLC	\$ 1,430,600	\$ 1,559.35
032 D004001	22:OFFICE BUSINESS	85	EXCHANGE ST	TOP OF EXCHANGE LLC	\$ 2,548,400	\$ 2,777.76
032 D005001	58:LAND BANKS	167	MIDDLE ST	CITY OF PORTLAND	\$ -	\$ -
032 E001001	22:OFFICE BUSINESS	57	EXCHANGE ST	57 EXCHANGE STREET LLC	\$ 2,906,700	\$ 3,168.30
032 E002001	21:RETAIL SERVICES	53	EXCHANGE ST	PALACCI JOSEPH A TRUSTEE	\$ 1,176,800	\$ 1,282.71
032 E004001	21:RETAIL SERVICES	49	EXCHANGE ST	PALACCI JOSEPH A TRUSTEE	\$ 567,400	\$ 618.47
032 E005001	22:OFFICE BUSINESS	45	EXCHANGE ST	45 EXCHANGE STREET LLC	\$ 2,130,900	\$ 2,322.68
032 E008001	22:OFFICE BUSINESS	39	EXCHANGE ST	PALACCI JOSEPH A TRUSTEE	\$ 949,600	\$ 1,035.06
032 E009001	21:RETAIL SERVICES	31	EXCHANGE ST	B & C LIMITED	\$ 1,027,000	\$ 1,119.43
032 E010001	21:RETAIL SERVICES	46	MARKET ST	MARKET MILK PARTNERS LLC	\$ 888,400	\$ 968.36
032 F001001	21:RETAIL SERVICES	42	MARKET ST	OCEAN BLOCK ASSOCIATES	\$ 809,900	\$ 882.79
032 F002001	24:WHOLESALE	36	MARKET ST	36 MARKET ST	\$ 661,600	\$ 721.14
032 F003001	21:RETAIL SERVICES	30	MARKET ST	E L C INC	\$ 511,600	\$ 557.64
032 F005001	22:OFFICE BUSINESS	363	FORE ST	ELEVEN EXCHANGE LLC	\$ 912,600	\$ 994.73
032 F007001	21:RETAIL SERVICES	375	FORE ST	ELEVEN EXCHANGE LLC	\$ 467,200	\$ 509.25
032 F008001	21:RETAIL SERVICES	375	FORE ST	ELEVEN EXCHANGE LLC	\$ 451,000	\$ 491.59
032 F009001	22:OFFICE BUSINESS	30	MILK ST	OCEAN BLOCK ASSOCIATES	\$ 1,313,700	\$ 1,431.93
032 F010001	21:RETAIL SERVICES	9	EXCHANGE ST	ELEVEN EXCHANGE LLC	\$ 1,421,700	\$ 1,549.65
032 F012001	21:RETAIL SERVICES	5	EXCHANGE ST	ELEVEN EXCHANGE LLC	\$ 619,500	\$ 675.26
032 F013001	22:OFFICE BUSINESS	379	FORE ST	ELEVEN EXCHANGE LLC	\$ 648,800	\$ 707.19
032 F014001	21:RETAIL SERVICES	1	EXCHANGE ST	ELEVEN EXCHANGE LLC	\$ 517,600	\$ 564.18

FY2020 Portland Downtown Parcels

PARCEL ID	LAND USE CODE	NUM	STREET	OWNER	NET ASMT	FEE @ 1.09 RATE
032 G001001	22:OFFICE BUSINESS	396	CONGRESS ST	A & M PARTNERS INC	\$ 9,329,900	\$ 10,169.59
032 H001001	22:(NO DESCRIPTION)	110	EXCHANGE ST	ONETEN EXCHANGE LLC	\$ 1,216,300	\$ 1,325.77
032 H002001	21:RETAIL SERVICES	106	EXCHANGE ST	RICH BUILDING LLC	\$ 721,500	\$ 786.44
032 H003001	22:OFFICE BUSINESS	102	EXCHANGE ST	PALACCI JOSEPH	\$ 910,800	\$ 992.77
032 H004001	56:GOVERNMENTAL	15	TEMPLE ST	CITY OF PORTLAND	\$ -	\$ -
032 H005001	56:GOVERNMENTAL	1	TEMPLE ST	CITY OF PORTLAND	\$ -	\$ -
032 H005002	22:OFFICE BUSINESS	1	TEMPLE ST	11 TEMPLE MHR LLC	\$ 2,590,200	\$ 2,823.32
032 H006001	22:OFFICE BUSINESS	92	EXCHANGE ST	MAINESCAPE PROPERTIES LLC	\$ 568,300	\$ 619.45
032 H007001	27:MULTI-USE COMMERCIAL	88	EXCHANGE ST	RIVENDELL REAL ESTATE LLC	\$ 718,200	\$ 782.84
032 H008001	22:OFFICE BUSINESS	80	EXCHANGE ST	80 EXCHANGE LLC	\$ 1,992,100	\$ 2,171.39
032 H009001	58:LAND BANKS	70	EXCHANGE ST	CITY OF PORTLAND	\$ -	\$ -
032 H016001	20:COMMERCIAL CONDOS	183	MIDDLE ST	Q STREET REAL ESTATE	\$ 683,900	\$ 745.45
032 H016002	20:COMMERCIAL CONDOS	183	MIDDLE ST	Q STREET REAL ESTATE	\$ 549,700	\$ 599.17
032 H016003	20:COMMERCIAL CONDOS	183	MIDDLE ST	Q STREET REAL ESTATE THIRD	\$ 549,700	\$ 599.17
032 H016004	20:COMMERCIAL CONDOS	183	MIDDLE ST	SLEEPY HOLLOW DEVELOPMENT INC	\$ 258,360	\$ 281.61
032 H01604B	20:COMMERCIAL CONDOS	183	MIDDLE ST	ITM REALTY II LLC	\$ 291,340	\$ 317.56
032 H022001	22:OFFICE BUSINESS	193	MIDDLE ST	SAVI REALTY LLC	\$ 2,294,300	\$ 2,500.79
032 I001001	22:OFFICE BUSINESS	178	MIDDLE ST	MIDDLE STREET HOLDINGS LLC	\$ 1,963,200	\$ 2,139.89
032 I002001	21:RETAIL SERVICES	52	EXCHANGE ST	OLD PORT ARMS	\$ 1,557,200	\$ 1,697.35
032 I006001	22:OFFICE BUSINESS	50	EXCHANGE ST	FITZGIBBONS VIRGINIA S &	\$ 593,000	\$ 646.37
032 I007001	27:MULTI-USE COMMERCIAL	0	CANAL PLAZA	COW PLAZA 1 LLC	\$ 381,300	\$ 415.62
032 I008001	21:RETAIL SERVICES	44	EXCHANGE ST	44 EXCHANGE STREET LLC	\$ 1,679,900	\$ 1,831.09
032 I010001	21:RETAIL SERVICES	34	EXCHANGE ST	PALACCI SION &	\$ 932,000	\$ 1,015.88
032 I011001	21:RETAIL SERVICES	30	EXCHANGE ST	MAINELAND REAL ESTATE	\$ 683,100	\$ 744.58
032 I012100	20:COMMERCIAL CONDOS	10	EXCHANGE ST	10 EXCHANGE PROPERTIES LLC	\$ 1,323,700	\$ 1,442.83
032 I012200	20:COMMERCIAL CONDOS	10	EXCHANGE ST	10 EXCHANGE PROPERTIES LLC	\$ 903,500	\$ 984.82
032 I012301	10:CONDOMINIUMS	10	EXCHANGE ST	PADULA FRANCIS P	\$ 253,400	\$ 276.21
032 I012302	10:CONDOMINIUMS	10	EXCHANGE ST	CURRAN JENNIFER A	\$ 241,100	\$ 262.80
032 I012303	10:CONDOMINIUMS	10	EXCHANGE ST	CULPOVICH ANDREW J &	\$ 116,800	\$ 127.31
032 I012304	10:CONDOMINIUMS	10	EXCHANGE ST	10 EXCHANGE STREET LLC	\$ 248,100	\$ 270.43
032 I012305	10:CONDOMINIUMS	10	EXCHANGE ST	DRISCOLL ROBERT &	\$ 170,600	\$ 185.95
032 I012306	10:CONDOMINIUMS	10	EXCHANGE ST	POMROY'S PORTLAND	\$ 262,900	\$ 286.56
032 I012307	10:CONDOMINIUMS	10	EXCHANGE ST	10 EXCHANGE STREET LLC	\$ 219,000	\$ 238.71
032 I012308	10:CONDOMINIUMS	10	EXCHANGE ST	EVANS SHERI CHRISTIENNE	\$ 259,000	\$ 282.31
032 I012309	10:CONDOMINIUMS	10	EXCHANGE ST	10 EXCHANGE STREET LLC	\$ 219,100	\$ 238.82
032 I012310	10:CONDOMINIUMS	10	EXCHANGE ST	SISU LLC	\$ 255,400	\$ 278.39
032 I012311	10:CONDOMINIUMS	10	EXCHANGE ST	SOLEY CORP LLC	\$ 116,800	\$ 127.31
032 I012312	10:CONDOMINIUMS	10	EXCHANGE ST	LOMAC SABIN	\$ 277,000	\$ 301.93
032 I012313	10:CONDOMINIUMS	10	EXCHANGE ST	10 EXCHANGE STREET LLC	\$ 255,900	\$ 278.93
032 I012314	10:CONDOMINIUMS	10	EXCHANGE ST	GORDON ABIGAIL	\$ 240,800	\$ 262.47
032 I012401	10:CONDOMINIUMS	10	EXCHANGE ST	TEN EXCHANGE HOLDINGS LLC	\$ 292,100	\$ 318.39
032 I012402	10:CONDOMINIUMS	10	EXCHANGE ST	TEN EXCHANGE HOLDINGS LLC	\$ 306,100	\$ 333.65

FY2020 Portland Downtown Parcels

PARCEL ID	LAND USE CODE	NUM	STREET	OWNER	NET ASMT	FEE @ 1.09 RATE
032 I012404	10:CONDOMINIUMS	10	EXCHANGE ST	10 EXCHANGE STREET LLC	\$ 269,800	\$ 294.08
032 I012405	10:CONDOMINIUMS	10	EXCHANGE ST	DOYLE KEVIN F &	\$ 168,000	\$ 183.12
032 I012406	10:CONDOMINIUMS	10	EXCHANGE ST	10 EXCHANGE STREET LLC	\$ 291,500	\$ 317.74
032 I012407	10:CONDOMINIUMS	10	EXCHANGE ST	10 EXCHANGE STREET LLC	\$ 255,500	\$ 278.50
032 I012408	10:CONDOMINIUMS	10	EXCHANGE ST	10 EXCHANGE STREET LLC	\$ 270,000	\$ 294.30
032 I012409	10:CONDOMINIUMS	10	EXCHANGE ST	10 EXCHANGE STREET LLC	\$ 284,400	\$ 310.00
032 I012410	10:CONDOMINIUMS	10	EXCHANGE ST	10 EXCHANGE STREET LLC	\$ 277,600	\$ 302.58
032 I012411	10:CONDOMINIUMS	10	EXCHANGE ST	10 EXCHANGE STREET LLC	\$ 240,800	\$ 262.47
032 I012412	10:CONDOMINIUMS	10	EXCHANGE ST	SCOTT STEVEN J	\$ 197,100	\$ 214.84
032 I012413	10:CONDOMINIUMS	10	EXCHANGE ST	WHEELWRIGHT HENRY J TRUSTEE	\$ 278,900	\$ 304.00
032 I012414	10:CONDOMINIUMS	10	EXCHANGE ST	HELL'S BELLS LLC	\$ 255,100	\$ 278.06
032 I018001	21:RETAIL SERVICES	395	FORE ST	395 FORE STREET LLC	\$ 912,300	\$ 994.41
032 I021001	21:RETAIL SERVICES	182	MIDDLE ST	MIDDLE STREET HOLDINGS LLC	\$ 3,508,600	\$ 3,824.37
032 I023001	22:OFFICE BUSINESS	3	CANAL PLAZA	COW PLAZA 3 LLC	\$ 7,027,400	\$ 7,659.87
032 I033001	22:OFFICE BUSINESS	2	CANAL PLAZA	COW PLAZA 2 LLC	\$ 4,650,300	\$ 5,068.83
032 I036001	22:OFFICE BUSINESS	1	CANAL PLAZA	COW PLAZA 1 LLC	\$ 15,976,800	\$ 17,414.71
032 I038001	40:VACANT LAND	182	MIDDLE ST	MIDDLE STREET HOLDINGS LLC	\$ 53,700	\$ 58.53
032 I039001	33:TRANSPORTATIONA L	40	UNION ST	CENTRAL MAINE POWER CO	\$ 1,289,200	\$ 1,405.23
032 I040001	25:PARKING LOTS	44	EXCHANGE ST	COW PLAZA 1 LLC	\$ 247,500	\$ 269.78
032 I041001	27:MULTI-USE COMMERCIAL	425	FORE ST	COW PLAZA GARAGE LLC	\$ 6,348,800	\$ 6,920.19
032 I041002	27:MULTI-USE COMMERCIAL	401	FORE ST	BANGOR SAVINGS BANK	\$ 85,000	\$ 92.65
032 I042001	23:HOTEL & MOTEL	433	FORE ST	COW PLAZA HOTEL LLC	\$ 11,786,100	\$ 12,846.85
032 J001001	21:RETAIL SERVICES	386	FORE ST	386 FORE STREET LLC	\$ 1,197,900	\$ 1,305.71
032 J002001	21:RETAIL SERVICES	392	FORE ST	BEER GUYS LLC	\$ 864,600	\$ 942.41
032 J004001	20:COMMERCIAL CONDOS	396	FORE ST	BEER GUYS LLC	\$ 166,400	\$ 181.38
032 J004002	20:COMMERCIAL CONDOS	396	FORE ST	BEER GUYS LLC	\$ 180,300	\$ 196.53
032 J004003	10:CONDOMINIUMS	396	FORE ST	BEER GUYS LLC	\$ 228,300	\$ 248.85
032 J00400B	20:COMMERCIAL CONDOS	396	FORE ST	BEER GUYS LLC	\$ 151,600	\$ 165.24
032 J005001	20:COMMERCIAL CONDOS	398	FORE ST	FORE STREET PARTNERSHIP	\$ 375,100	\$ 408.86
032 J005002	20:COMMERCIAL CONDOS	398	FORE ST	FORE STREET PROPERTIES	\$ 300,000	\$ 327.00
032 J005003	20:COMMERCIAL CONDOS	398	FORE ST	INGALLS ROGER E	\$ 271,600	\$ 296.04
032 J005004	20:COMMERCIAL CONDOS	398	FORE ST	INGALLS ROGER E	\$ 271,600	\$ 296.04
032 K001001	22:OFFICE BUSINESS	2	MONUMENT SQ	800 NORTHERN CORP	\$ 15,107,800	\$ 16,467.50
032 K012001	22:OFFICE BUSINESS	1	MONUMENT SQ	FINARD MURRAY W TR	\$ 13,301,000	\$ 14,498.09
032 L001001	56:GOVERNMENTAL	234	FEDERAL ST W	CITY OF PORTLAND	\$ -	\$ -
032 L002001	22:OFFICE BUSINESS	1	CITY CTR	ONE CITY CENTER ASSOCIATES LLC	\$ 29,070,000	\$ 31,686.30
032 N009001	21:RETAIL SERVICES	414	FORE ST	GOULD COMPANY LLC	\$ 601,300	\$ 655.42
032 N010001	21:RETAIL SERVICES	416	FORE ST	416 FORE STREET LLC	\$ 845,300	\$ 921.38
032 N011001	21:RETAIL SERVICES	422	FORE ST	HARDING RICHARD B ETAL	\$ 450,400	\$ 490.94
032 N012001	21:RETAIL SERVICES	424	FORE ST	SOLETSKY LIMITED LIABILITY CO	\$ 828,700	\$ 903.28
032 P001001	22:OFFICE BUSINESS	2	CITY CTR	TWO CITY CENTER LLC	\$ 3,327,900	\$ 3,627.41
032 P003001	21:RETAIL SERVICES	4	CITY CTR	FOUR CITY CENTER	\$ 1,010,400	\$ 1,101.34

FY2020 Portland Downtown Parcels

PARCEL ID	LAND USE CODE	NUM	STREET	OWNER	NET ASMT	FEE @ 1.09 RATE
032 P004001	20:COMMERCIAL CONDOS	6	CITY CTR	SIX CITY CENTER LLC	\$ 2,088,600	\$ 2,276.57
032 P004002	20:COMMERCIAL CONDOS	6	CITY CTR	H & A PROPERTY GROUP LLC	\$ 368,000	\$ 401.12
032 P005001	56:GOVERNMENTAL	0	SPRING ST ARTERIAL	CITY OF PORTLAND	\$ -	\$ -
032 P017001	22:OFFICE BUSINESS	10	CITY CTR	MINA BUILDING LLC	\$ 977,400	\$ 1,065.37
032 R001001	21:RETAIL SERVICES	428	FORE ST	428 FORE STREET LLC	\$ 756,200	\$ 824.26
032 R003001	21:RETAIL SERVICES	432	FORE ST	TERRAPIN PROPERTIES LLC	\$ 430,000	\$ 468.70
032 R004001	21:RETAIL SERVICES	434	FORE ST	TERRAPIN PROPERTIES LLC	\$ 493,300	\$ 537.70
032 R007001	21:RETAIL SERVICES	436	FORE ST	FORE STREET PARTNERS LLC	\$ 1,326,200	\$ 1,445.56
032 R008001	21:RETAIL SERVICES	446	FORE ST	446 FORE STREET LLC	\$ 1,000,500	\$ 1,090.55
032 S001001	21:RETAIL SERVICES	366	FORE ST	MCGEE CHARLES T &	\$ 2,321,400	\$ 2,530.33
032 S003001	21:RETAIL SERVICES	7	MOULTON ST	7-9 MOULTON LLC	\$ 283,300	\$ 308.80
032 S004001	21:RETAIL SERVICES	161	COMMERCIAL ST	ROB DOG REALTY LLC	\$ 1,265,900	\$ 1,379.83
032 S005001	22:OFFICE BUSINESS	5	MOULTON ST	MOULTON STREET REALTY LLC	\$ 1,924,200	\$ 2,097.38
032 T004001	21:RETAIL SERVICES	4	MOULTON ST	ADRIENNE-JANE INCORPORATED	\$ 3,521,700	\$ 3,838.65
032 U003001	25:PARKING LOTS	185	COMMERCIAL ST	COMPARK LLC	\$ 217,280	\$ 236.84
032 U004001	22:OFFICE BUSINESS	1	DANA ST	ONE DANA LLC	\$ 902,700	\$ 983.94
032 U005001	21:RETAIL SERVICES	7	DANA ST	TRANSMINE	\$ 665,700	\$ 725.61
032 V001001	21:RETAIL SERVICES	10	DANA ST	10 DANA STREET LLC	\$ 1,254,500	\$ 1,367.41
032 V002001	21:RETAIL SERVICES	205	COMMERCIAL ST	LANDFALL LLC	\$ 695,800	\$ 758.42
032 V004001	22:OFFICE BUSINESS	211	COMMERCIAL ST	GRANITE FACE LLC	\$ 2,205,900	\$ 2,404.43
032 V005001	22:OFFICE BUSINESS	217	COMMERCIAL ST	CHASE BLOCK LLC	\$ 2,637,500	\$ 2,874.88
032 V008001	24:WHOLESALE	225	COMMERCIAL ST	225 COMMERCIAL ST ASSOC INC	\$ 2,043,400	\$ 2,227.31
032 V012001	22:OFFICE BUSINESS	1	UNION ST	237 COMMERCIAL STREET LLC	\$ 1,717,000	\$ 1,871.53
032 V014001	21:RETAIL SERVICES	50	WHARF ST	DEERING AVE ASSOCIATES INC &	\$ 802,600	\$ 874.83
032 V015001	24:WHOLESALE	42	WHARF ST	DEERING AVE ASSOCIATES INC &	\$ 381,200	\$ 415.51
032 V016001	21:RETAIL SERVICES	34	WHARF ST	GVF PROPERTIES LLC	\$ 369,600	\$ 402.86
037 A001001	33:TRANSPORTATIONA L	45	FOREST AVE	NORTHERN NEW ENGLAND	\$ 10,420,800	\$ 11,358.67
037 A009001	17:21 PLUS FAMILY	104	OAK ST	PARK STREET PROPERTY LLC	\$ 1,346,600	\$ 1,467.79
037 A011001	22:OFFICE BUSINESS	92	OAK ST	84 OAK STREET LLC	\$ 367,000	\$ 400.03
037 A012001	22:OFFICE BUSINESS	39	FOREST AVE	39 LLC	\$ 2,957,100	\$ 3,223.24
037 A022001	21:RETAIL SERVICES	25	FOREST AVE	PORTLAND STAGE COMPANY	\$ 822,900	\$ 896.96
037 A023001	25:PARKING LOTS	84	OAK ST	84 OAK STREET LLC	\$ 341,500	\$ 372.24
037 A033001	25:PARKING LOTS	11	FOREST AVE	PACHIOS BROTHERS I LLC &	\$ 499,480	\$ 544.43
037 A035001	17:21 PLUS FAMILY	72	OAK ST	AVESTA OAK STREET LP	\$ 2,196,400	\$ 2,394.08
037 A038001	21:RETAIL SERVICES	565	CONGRESS ST	PACHIOS BROTHERS I LLC &	\$ 1,821,300	\$ 1,985.22
037 A042001	27:MULTI-USE COMMERCIAL	559	CONGRESS ST	HER LLC	\$ 287,700	\$ 313.59
037 A043001	21:RETAIL SERVICES	555	CONGRESS ST	CORRYMORE ZELLERTON LLC	\$ 355,600	\$ 387.60
037 A044001	21:RETAIL SERVICES	553	CONGRESS ST	ROCCO HOLDINGS LLC	\$ 325,100	\$ 354.36
037 A045001	21:RETAIL SERVICES	575	CONGRESS ST	571 ENTERPRISES LLC	\$ 402,200	\$ 438.40
037 A046001	22:OFFICE BUSINESS	7	FOREST AVE	D & D PARTNERS LLC	\$ 372,500	\$ 406.03

FY2020 Portland Downtown Parcels

PARCEL ID	LAND USE CODE	NUM	STREET	OWNER	NET ASMT	FEE @ 1.09 RATE
037 B001001	22:OFFICE BUSINESS	380	CUMBERLAND AVE	SWEETWATER PARTNERS LLC	\$ 1,807,000	\$ 1,969.63
037 B013001	25:PARKING LOTS	95	OAK ST	NORTHERN NEW ENGLAND	\$ 209,880	\$ 228.77
037 B014001	55:LITERARY & SCIENTIFIC	15	SHEPLEY ST	MAINE COLLEGE OF ART	\$ -	\$ -
037 B015001	17:21 PLUS FAMILY	11	SHEPLEY ST	11 SHEPLEY STREET	\$ 1,855,300	\$ 2,022.28
037 C001001	25:PARKING LOTS	0	SHEPLEY ST	CITY OAK LLC	\$ 322,700	\$ 351.74
037 C004001	25:PARKING LOTS	0	SHEPLEY ST	CITY OAK LLC	\$ 204,630	\$ 223.05
037 C006001	17:21 PLUS FAMILY	18	CASCO ST	SHEPLEY LLC	\$ 2,629,600	\$ 2,866.26
037 C008001	25:PARKING LOTS	83	OAK ST	HEGA REALTY LLC	\$ 338,940	\$ 369.44
037 C010001	22:OFFICE BUSINESS	16	CASCO ST	SOMALUZO LLC	\$ 740,700	\$ 807.36
037 C014100	20:COMMERCIAL CONDOS	531	CONGRESS ST	HEGA REALTY LLC	\$ 1,388,800	\$ 1,513.79
037 C014200	20:COMMERCIAL CONDOS	531	CONGRESS ST	HEGA REALTY LLC	\$ 2,068,100	\$ 2,254.23
037 C014300	20:COMMERCIAL CONDOS	531	CONGRESS ST	HEGA REALTY LLC	\$ 1,639,100	\$ 1,786.62
037 C014400	20:COMMERCIAL CONDOS	531	CONGRESS ST	HEGA REALTY LLC	\$ 1,753,700	\$ 1,911.53
037 C014501	10:CONDOMINIUMS	531	CONGRESS ST	WILLIAMS DEBORAH J &	\$ 433,300	\$ 472.30
037 C014502	10:CONDOMINIUMS	531	CONGRESS ST	HEGA REALTY LLC	\$ 336,500	\$ 366.79
037 C014503	10:CONDOMINIUMS	531	CONGRESS ST	SHOREY LINDA J &	\$ 491,400	\$ 535.63
037 C014504	10:CONDOMINIUMS	531	CONGRESS ST	HEGA REALTY LLC	\$ 806,600	\$ 879.19
037 C014505	10:CONDOMINIUMS	531	CONGRESS ST	WALBRIDGE HOYT &	\$ 601,500	\$ 655.64
037 C014506	10:CONDOMINIUMS	531	CONGRESS ST	HEGA REALTY LLC	\$ 396,800	\$ 432.51
037 C014507	10:CONDOMINIUMS	531	CONGRESS ST	HEGA REALTY LLC	\$ 397,600	\$ 433.38
037 C014508	10:CONDOMINIUMS	531	CONGRESS ST	HEGA REALTY LLC	\$ 539,500	\$ 588.06
037 C014509	10:CONDOMINIUMS	531	CONGRESS ST	HEGA REALTY LLC	\$ 310,900	\$ 338.88
037 C014510	10:CONDOMINIUMS	531	CONGRESS ST	SEASIDE PARTNERS LLC	\$ 439,600	\$ 479.16
037 C016001	21:RETAIL SERVICES	551	CONGRESS ST	BENTLEY BUILDING LLC	\$ 857,600	\$ 934.78
037 C017006	10:CONDOMINIUMS	547	CONGRESS ST	BLISSFUL BOUND LLC	\$ 638,000	\$ 695.42
037 C01701A	20:COMMERCIAL CONDOS	547	CONGRESS ST	R & J 545 PARTNERS LLC	\$ 142,800	\$ 155.65
037 C01701B	20:COMMERCIAL CONDOS	547	CONGRESS ST	R & J 545 PARTNERS LLC	\$ 150,900	\$ 164.48
037 C01701C	20:COMMERCIAL CONDOS	547	CONGRESS ST	R & J 545 PARTNERS LLC	\$ 161,700	\$ 176.25
037 C01702A	10:CONDOMINIUMS	547	CONGRESS ST	HENAULT DOUGLAS S &	\$ 132,100	\$ 143.99
037 C01702B	10:CONDOMINIUMS	547	CONGRESS ST	SCULLY JOHN M	\$ 123,900	\$ 135.05
037 C01702C	10:CONDOMINIUMS	547	CONGRESS ST	SARASON JULIE	\$ 155,500	\$ 169.50
037 C01702D	10:CONDOMINIUMS	547	CONGRESS ST	WHEELER-BERTA FRANCES H TRUSTEE	\$ 204,700	\$ 223.12
037 C01702E	10:CONDOMINIUMS	547	CONGRESS ST	MONTMINY SHANE A	\$ 126,700	\$ 138.10
037 C01703A	10:CONDOMINIUMS	547	CONGRESS ST	YANG DAVID I	\$ 184,900	\$ 201.54
037 C01703B	10:CONDOMINIUMS	547	CONGRESS ST	FOREMAN BROCK &	\$ 194,400	\$ 211.90
037 C01703C	10:CONDOMINIUMS	547	CONGRESS ST	PACKARD JEFFREY G &	\$ 250,000	\$ 272.50
037 C01704A	10:CONDOMINIUMS	547	CONGRESS ST	FITZPATRICK SUSAN E	\$ 191,100	\$ 208.30
037 C01704B	10:CONDOMINIUMS	547	CONGRESS ST	GRANO ROBERT C TRUSTEE	\$ 160,200	\$ 174.62
037 C01704C	10:CONDOMINIUMS	547	CONGRESS ST	TYSON BRUCE &	\$ 270,800	\$ 295.17
037 C01705A	10:CONDOMINIUMS	547	CONGRESS ST	HENRY MICHAEL T &	\$ 592,400	\$ 645.72
037 C01705B	10:CONDOMINIUMS	547	CONGRESS ST	BLISSFUL BOUND LLC	\$ 254,100	\$ 276.97
037 D001001	21:RETAIL SERVICES	45	CASCO ST	FORTY FIVE CASCO STREET LLC	\$ 730,100	\$ 795.81
037 D002001	22:OFFICE BUSINESS	511	CONGRESS ST	OCEAN GATE LLC	\$ 9,511,500	\$ 10,367.54
037 D003001	27:MULTI-USE COMMERCIAL	360	CUMBERLAND AVE	CLIFF'S EDGE LLC	\$ 465,800	\$ 507.72

PARCEL ID	LAND USE CODE	NUM	STREET	OWNER	NET ASMT	FEE @ 1.09 RATE
037 D004001	27:MULTI-USE COMMERCIAL	48	BROWN ST	OCEAN GATE LLC	\$ 2,990,700	\$ 3,259.86
037 D007001	17:21 PLUS FAMILY	37	CASCO ST	AMBASSADOR LLC	\$ 3,345,800	\$ 3,646.92
037 D023001	22:OFFICE BUSINESS	15	CASCO ST	15 CASCO STREET LLC	\$ 973,000	\$ 1,060.57
037 D024001	21:RETAIL SERVICES	519	CONGRESS ST	MAINE CHARITABLE MECHANIC	\$ 459,000	\$ 500.31
037 E001001	58:LAND BANKS	595	CONGRESS ST	CITY OF PORTLAND	\$ -	\$ -
037 E002001	20:COMMERCIAL CONDOS	585	CONGRESS ST	HAMMOND HEIRS LLC	\$ 60,900	\$ 66.38
037 E002002	20:COMMERCIAL CONDOS	585	CONGRESS ST	HAMMOND HEIRS LLC	\$ 132,100	\$ 143.99
037 E002003	20:COMMERCIAL CONDOS	585	CONGRESS ST	PAUL'S BOUTIQUE LLC	\$ 589,300	\$ 642.34
037 E002004	10:CONDOMINIUMS	585	CONGRESS ST	HAMMOND HEIRS LLC	\$ 768,100	\$ 837.23
037 E003001	27:MULTI-USE COMMERCIAL	10	CONGRESS SQ	PLAZA ASSOCIATES AT CONGRESS	\$ 10,029,900	\$ 10,932.59
037 E004001	25:PARKING LOTS	28	FOREST AVE	PLAZA ASSOCIATES AT CONGRESS	\$ 197,750	\$ 215.55
037 E005001	40:VACANT LAND	32	FOREST AVE	RB PORTLAND LLC	\$ 162,900	\$ 177.56
037 E005002	25:PARKING LOTS	32	FOREST AVE	PLAZA ASSOCIATES AT CONGRESS	\$ 175,560	\$ 191.36
037 E006001	54:BENEVOLENT & CHARITABLE	173	HIGH ST	MMC REALTY CORP	\$ -	\$ -
037 E006002	54:BENEVOLENT & CHARITABLE	173	HIGH ST	MMC REALTY CORP	\$ -	\$ -
037 E006003	54:BENEVOLENT & CHARITABLE	173	HIGH ST	MMC REALTY CORP	\$ -	\$ -
037 E006004	20:COMMERCIAL CONDOS	173	HIGH ST	LUDWIG ROBERT C	\$ 992,600	\$ 1,081.93
037 E006005	20:COMMERCIAL CONDOS	173	HIGH ST	CAPITAL AREA PROPERTIES LLC	\$ 375,100	\$ 408.86
037 E006006	20:COMMERCIAL CONDOS	173	HIGH ST	HOPE GATEWAY UNITED	\$ 385,000	\$ 419.65
037 E006007	20:COMMERCIAL CONDOS	173	HIGH ST	177 HIGH LLC	\$ 456,700	\$ 497.80
037 E006008	20:COMMERCIAL CONDOS	173	HIGH ST	6 EAST OXFORD ST LLC	\$ 208,100	\$ 226.83
037 E006009	20:COMMERCIAL CONDOS	173	HIGH ST	181 HIGH STREET LLC	\$ 8,309,400	\$ 9,057.25
037 E006010	10:CONDOMINIUMS	173	HIGH ST	CML LLC	\$ 9,900	\$ 10.79
037 E006011	10:CONDOMINIUMS	173	HIGH ST	CML LLC	\$ 9,900	\$ 10.79
037 E006012	10:CONDOMINIUMS	173	HIGH ST	CML LLC	\$ 9,900	\$ 10.79
037 E006013	10:CONDOMINIUMS	173	HIGH ST	CML LLC	\$ 9,900	\$ 10.79
037 E006014	10:CONDOMINIUMS	173	HIGH ST	CML LLC	\$ 9,900	\$ 10.79
037 E006015	10:CONDOMINIUMS	173	HIGH ST	CML LLC	\$ 9,900	\$ 10.79
037 E006016	10:CONDOMINIUMS	173	HIGH ST	CML LLC	\$ 9,900	\$ 10.79
037 E006017	10:CONDOMINIUMS	173	HIGH ST	CML LLC	\$ 9,900	\$ 10.79
037 E006018	10:CONDOMINIUMS	173	HIGH ST	CML LLC	\$ 9,900	\$ 10.79
037 E006019	10:CONDOMINIUMS	173	HIGH ST	CML LLC	\$ 9,900	\$ 10.79
037 E006020	54:BENEVOLENT & CHARITABLE	173	HIGH ST	MAINE MEDICAL CENTER	\$ -	\$ -
037 E006021	54:BENEVOLENT & CHARITABLE	173	HIGH ST	MAINE MEDICAL CENTER	\$ -	\$ -
037 E006022	54:BENEVOLENT & CHARITABLE	173	HIGH ST	MAINE MEDICAL CENTER	\$ -	\$ -
037 E006023	54:BENEVOLENT & CHARITABLE	173	HIGH ST	MAINE MEDICAL CENTER	\$ -	\$ -

FY2020 Portland Downtown Parcels

PARCEL ID	LAND USE CODE	NUM	STREET	OWNER	NET ASMT	FEE @ 1.09 RATE
037 E006024	54:BENEVOLENT & CHARITABLE	173	HIGH ST	MAINE MEDICAL CENTER	\$ -	\$ -
037 E006025	10:CONDOMINIUMS	173	HIGH ST	CAPITAL AREA PROPERTIES LLC	\$ 9,900	\$ 10.79
037 E006026	10:CONDOMINIUMS	173	HIGH ST	CAPITAL AREA PROPERTIES LLC	\$ 9,900	\$ 10.79
037 E006027	10:CONDOMINIUMS	173	HIGH ST	LUDWIG ROBERT C &	\$ 9,900	\$ 10.79
037 E006028	10:CONDOMINIUMS	173	HIGH ST	LUDWIG ROBERT C &	\$ 9,900	\$ 10.79
037 E006029	10:CONDOMINIUMS	173	HIGH ST	LUDWIG ROBERT C &	\$ 9,900	\$ 10.79
037 E006030	10:CONDOMINIUMS	173	HIGH ST	LUDWIG ROBERT C &	\$ 9,900	\$ 10.79
037 E006031	54:BENEVOLENT & CHARITABLE	173	HIGH ST	MAINE MEDICAL CENTER	\$ -	\$ -
037 E006032	54:BENEVOLENT & CHARITABLE	173	HIGH ST	MAINE MEDICAL CENTER	\$ -	\$ -
037 E006033	54:BENEVOLENT & CHARITABLE	173	HIGH ST	MAINE MEDICAL CENTER	\$ -	\$ -
037 E006034	54:BENEVOLENT & CHARITABLE	173	HIGH ST	MAINE MEDICAL CENTER	\$ -	\$ -
037 E006035	54:BENEVOLENT & CHARITABLE	173	HIGH ST	MAINE MEDICAL CENTER	\$ -	\$ -
037 E006036	10:CONDOMINIUMS	173	HIGH ST	LUDWIG ROBERT C	\$ 9,900	\$ 10.79
037 E006037	10:CONDOMINIUMS	173	HIGH ST	LUDWIG ROBERT C	\$ 9,900	\$ 10.79
037 E006038	54:BENEVOLENT & CHARITABLE	173	HIGH ST	MAINE MEDICAL CENTER	\$ -	\$ -
037 E006039	10:CONDOMINIUMS	173	HIGH ST	177 HIGH LLC	\$ 9,900	\$ 10.79
037 E006040	10:CONDOMINIUMS	173	HIGH ST	177 HIGH LLC	\$ 9,900	\$ 10.79
037 E006041	10:CONDOMINIUMS	173	HIGH ST	LUDWIG ROBERT C &	\$ 9,900	\$ 10.79
037 E006042	10:CONDOMINIUMS	173	HIGH ST	LUDWIG ROBERT C &	\$ 9,900	\$ 10.79
037 E007001	23:HOTEL & MOTEL	157	HIGH ST	RB PORTLAND LLC	\$ 30,607,400	\$ 33,362.07
037 F002001	27:MULTI-USE COMMERCIAL	477	CONGRESS ST	TT MAINE VENTURE LLC	\$ 8,497,600	\$ 9,262.38
037 F005001	27:MULTI-USE COMMERCIAL	28	PREBLE ST	EARL APARTMENTS LLC	\$ 2,442,400	\$ 2,662.22
037 F007001	22:OFFICE BUSINESS	24	PREBLE ST	24 PREBLE STREET PROPERTIES LLC	\$ 1,325,500	\$ 1,444.80
037 F009001	32:WAREHOUSE & STORAGE	338	CUMBERLAND AVE	SWEETWATER PARTNERS LLC	\$ 1,822,700	\$ 1,986.74
037 F012001	55:LITERARY & SCIENTIFIC	41	BROWN ST	MHS INC	\$ -	\$ -
037 F014001	54:BENEVOLENT & CHARITABLE	483	CONGRESS ST	MAINE HISTORICAL SOCIETY	\$ -	\$ -
037 F017001	55:LITERARY & SCIENTIFIC	489	CONGRESS ST	MHS INC	\$ -	\$ -
037 F020001	54:BENEVOLENT & CHARITABLE	38	PREBLE ST	PREBLE STREET	\$ -	\$ -
037 G001001	21:RETAIL SERVICES	594	CONGRESS ST	FITZGIBBONS VIRGINIA S &	\$ 802,600	\$ 874.83
037 G004001	21:RETAIL SERVICES	582	CONGRESS ST	CORNER FREAK LLC	\$ 298,500	\$ 325.37
037 G005001	21:RETAIL SERVICES	580	CONGRESS ST	BBB INC	\$ 653,900	\$ 712.75
037 G006001	27:MULTI-USE COMMERCIAL	578	CONGRESS ST	578 CONGRESS LLC	\$ 219,400	\$ 239.15
037 G007001	27:MULTI-USE COMMERCIAL	576	CONGRESS ST	576 CONGRESS LLC	\$ 185,800	\$ 202.52
037 G008001	27:MULTI-USE COMMERCIAL	574	CONGRESS ST	576 CONGRESS LLC	\$ 191,800	\$ 209.06
037 G009001	22:OFFICE BUSINESS	570	CONGRESS ST	PRIDE RALPH H TRUSTEE	\$ 542,700	\$ 591.54
037 G010001	27:MULTI-USE COMMERCIAL	133	FREE ST	HUBBARD'S APTS INC	\$ 532,700	\$ 580.64

FY2020 Portland Downtown Parcels

PARCEL ID	LAND USE CODE	NUM	STREET	OWNER	NET ASMT	FEE @ 1.09 RATE
037 G012001	21:RETAIL SERVICES	584	CONGRESS ST	CORNER FREAK LLC	\$ 137,000	\$ 149.33
037 G014001	22:OFFICE BUSINESS	562	CONGRESS ST	TERBAX REALTY INC	\$ 5,095,800	\$ 5,554.42
037 H001001	27:MULTI-USE COMMERCIAL	550	CONGRESS ST	550 CONGRESS STREET LLC	\$ 480,400	\$ 523.64
037 H002001	55:LITERARY & SCIENTIFIC	540	CONGRESS ST	MAINE COLLEGE OF ART	\$ -	\$ -
037 H002002	20:COMMERCIAL CONDOS	540	CONGRESS ST	540 CONGRESS STREET LLC	\$ 2,152,700	\$ 2,346.44
037 H002003	10:CONDOMINIUMS	540	CONGRESS ST	540 CONGRESS STREET LLC	\$ 142,900	\$ 155.76
037 H002004	10:CONDOMINIUMS	540	CONGRESS ST	540 CONGRESS STREET LLC	\$ 145,400	\$ 158.49
037 H002005	10:CONDOMINIUMS	540	CONGRESS ST	540 CONGRESS STREET LLC	\$ 142,900	\$ 155.76
037 H002006	10:CONDOMINIUMS	540	CONGRESS ST	540 CONGRESS STREET LLC	\$ 160,700	\$ 175.16
037 H005001	54:BENEVOLENT & CHARITABLE	536	CONGRESS ST	SPACE GALLERY	\$ -	\$ -
037 H005003	20:COMMERCIAL CONDOS	536	CONGRESS ST	SPACE GALLERY	\$ 422,600	\$ 460.63
037 H006001	55:LITERARY & SCIENTIFIC	522	CONGRESS ST	MAINE COLLEGE OF ART	\$ -	\$ -
037 H009001	21:RETAIL SERVICES	516	CONGRESS ST	PACHIOS BROTHERS II LLC	\$ 834,200	\$ 909.28
037 H010001	21:RETAIL SERVICES	510	CONGRESS ST	CENTER CITY PLAZA ASSOC	\$ 3,762,600	\$ 4,101.23
037 H011001	20:COMMERCIAL CONDOS	500	CONGRESS ST	MATERIAL OBJECTS	\$ 177,800	\$ 193.80
037 H011002	20:COMMERCIAL CONDOS	500	CONGRESS ST	500 CONGRESS TOP FLOOR LLC	\$ 188,600	\$ 205.57
037 H013001	21:RETAIL SERVICES	504	CONGRESS ST	KAPLAN 504 LLC	\$ 1,176,200	\$ 1,282.06
037 H014001	20:COMMERCIAL CONDOS	51	OAK ST	MAINE COLLEGE OF ART	\$ 155,430	\$ 169.42
037 H014002	55:LITERARY & SCIENTIFIC	51	OAK ST	MAINE COLLEGE OF ART	\$ -	\$ -
037 H014003	20:COMMERCIAL CONDOS	51	OAK ST	MAINE COLLEGE OF ART	\$ 159,130	\$ 173.45
037 H014004	55:LITERARY & SCIENTIFIC	51	OAK ST	MAINE COLLEGE OF ART	\$ -	\$ -
037 H014005	20:COMMERCIAL CONDOS	51	OAK ST	MAINE COLLEGE OF ART	\$ 116,560	\$ 127.05
037 H025001	21:RETAIL SERVICES	57	OAK ST	NEKOIE BAHMAN &	\$ 77,300	\$ 84.26
037 I001001	21:RETAIL SERVICES	498	CONGRESS ST	BEAVER BLOCK LLC	\$ 648,500	\$ 706.87
037 I002101	20:COMMERCIAL CONDOS	490	CONGRESS ST	GRACE LLC	\$ 232,600	\$ 253.53
037 I002102	20:COMMERCIAL CONDOS	492	CONGRESS ST	MZ-KIMBALL COURT LLC	\$ 284,900	\$ 310.54
037 I002103	20:COMMERCIAL CONDOS	15	BROWN ST	THE DOROTHEA &	\$ 131,900	\$ 143.77
037 I002104	10:CONDOMINIUMS	15	BROWN ST	O'SULLIVAN MICHAEL &	\$ 242,400	\$ 264.22
037 I002105	10:CONDOMINIUMS	15	BROWN ST	ADLER JANICE B	\$ 218,400	\$ 238.06
037 I002201	10:CONDOMINIUMS	15	BROWN ST	HUNTER G SHAWN	\$ 201,800	\$ 219.96
037 I002202	10:CONDOMINIUMS	15	BROWN ST	SAUCEDO CHRISTIAN MANUEL	\$ 199,100	\$ 217.02
037 I002203	10:CONDOMINIUMS	15	BROWN ST	HAVEY BENJAMIN M	\$ 267,000	\$ 291.03
037 I002204	10:CONDOMINIUMS	15	BROWN ST	SINGER ROBERT B TRUSTEE	\$ 185,100	\$ 201.76
037 I002205	10:CONDOMINIUMS	15	BROWN ST	207 INVESTS I LLC	\$ 229,300	\$ 249.94
037 I002206	10:CONDOMINIUMS	15	BROWN ST	MCILVAIN JOHN &	\$ 153,600	\$ 167.42
037 I002207	10:CONDOMINIUMS	15	BROWN ST	DOULE GEORGE &	\$ 143,600	\$ 156.52
037 I002208	10:CONDOMINIUMS	15	BROWN ST	DOCTOROFF MARK G	\$ 311,800	\$ 339.86
037 I002301	10:CONDOMINIUMS	15	BROWN ST	BERZON TODD S	\$ 189,800	\$ 206.88
037 I002302	10:CONDOMINIUMS	15	BROWN ST	ANDREOLI HELEN L	\$ 209,300	\$ 228.14

FY2020 Portland Downtown Parcels

PARCEL ID	LAND USE CODE	NUM	STREET	OWNER	NET ASMT	FEE @ 1.09 RATE
037 I002303	10:CONDOMINIUMS	15	BROWN ST	BAUMAN PATRICIA J TRUSTEE	\$ 270,300	\$ 294.63
037 I002304	10:CONDOMINIUMS	15	BROWN ST	MOORE BRIAN D	\$ 224,100	\$ 244.27
037 I002305	10:CONDOMINIUMS	15	BROWN ST	COFFIN KATHLEEN M	\$ 205,900	\$ 224.43
037 I002306	10:CONDOMINIUMS	15	BROWN ST	HUNT RYAN ETAL	\$ 246,400	\$ 268.58
037 I002307	10:CONDOMINIUMS	15	BROWN ST	DOCTOROFF MARK G	\$ 283,100	\$ 308.58
037 I002401	10:CONDOMINIUMS	15	BROWN ST	KIM PAUL ETAL JTS	\$ 351,900	\$ 383.57
037 I002402	10:CONDOMINIUMS	15	BROWN ST	TIEMAN JAMES S	\$ 347,900	\$ 379.21
037 I002403	10:CONDOMINIUMS	15	BROWN ST	LANGDON DARBY TRUSTEE	\$ 398,300	\$ 434.15
037 I002404	10:CONDOMINIUMS	15	BROWN ST	ANDERHOLM JEFFREY &	\$ 351,500	\$ 383.14
037 I002405	10:CONDOMINIUMS	15	BROWN ST	BARKER KATHARINE M &	\$ 384,500	\$ 419.11
037 I002406	10:CONDOMINIUMS	15	BROWN ST	SANTORO DAVID M	\$ 437,500	\$ 476.88
037 I003001	21:RETAIL SERVICES	482	CONGRESS ST	CENTER CONGRESS LLC	\$ 3,125,600	\$ 3,406.90
037 I004001	22:OFFICE BUSINESS	480	CONGRESS ST	ASHBY TEAM LLC	\$ 983,700	\$ 1,072.23
037 I005001	27:MULTI-USE COMMERCIAL	486	CONGRESS ST	BARTHE DONNA	\$ 316,000	\$ 344.44
037 I00701A	20:COMMERCIAL CONDOS	11	BROWN ST	PHelps CRAIG REAL	\$ 441,300	\$ 481.02
037 I00702A	10:CONDOMINIUMS	11	BROWN ST	HARRISON SYDNEY	\$ 262,300	\$ 285.91
037 I00702B	10:CONDOMINIUMS	11	BROWN ST	MB REAL ESTATE HOLDINGS LLC	\$ 303,500	\$ 330.82
037 I00703A	10:CONDOMINIUMS	11	BROWN ST	ZELENER YAN &	\$ 446,300	\$ 486.47
037 I00704A	10:CONDOMINIUMS	11	BROWN ST	THORNDIKE WILLIAM N JR &	\$ 554,100	\$ 603.97
037 I009001	25:PARKING LOTS	59	FREE ST	JBG & H ASSOCIATES	\$ 448,260	\$ 488.60
037 I012001	25:PARKING LOTS	104	CENTER ST	CENTER CONGRESS LLC	\$ 372,360	\$ 405.87
038 A001001	20:COMMERCIAL CONDOS	10	FREE ST	JBG&H ASSOCIATES	\$ 2,933,800	\$ 3,197.84
038 A001002	20:COMMERCIAL CONDOS	10	FREE ST	BROWN J B & SONS	\$ 833,100	\$ 908.08
038 A005001	22:OFFICE BUSINESS	22	FREE ST	BROWN J B & SONS	\$ 2,614,600	\$ 2,849.91
038 A014001	25:PARKING LOTS	28	FREE ST	BROWN J B & SONS	\$ 1,148,600	\$ 1,251.97
038 B001001	20:COMMERCIAL CONDOS	1	PORTLAND SQ	NORTH RIVER IV LLC	\$ 15,876,300	\$ 17,305.17
038 B001007	20:COMMERCIAL CONDOS	1	PORTLAND SQ	PS ONE REALTY LLC	\$ 13,309,300	\$ 14,507.14
038 B002001	22:OFFICE BUSINESS	2	PORTLAND SQ	NORTH RIVER IV LLC	\$ 26,677,900	\$ 29,078.91
038 B003001	25:PARKING LOTS	481	FORE ST	NORTH RIVER IV LLC	\$ 3,634,900	\$ 3,962.04
038 C008001	56:GOVERNMENTAL	28	COTTON ST	CITY OF PORTLAND	\$ -	\$ -
038 C009001	25:PARKING LOTS	24	COTTON ST	CASCO VIEW HOLDINGS III LLC	\$ 729,500	\$ 795.16
038 C012001	27:MULTI-USE COMMERCIAL	8	COTTON ST	CASCO VIEW HOLDINGS III LLC	\$ 1,862,500	\$ 2,030.13
038 C030001	21:RETAIL SERVICES	59	CENTER ST	B & B REAL ESTATE LLC	\$ 333,600	\$ 363.62
038 D015001	56:GOVERNMENTAL	82	FREE ST	CUMBERLAND COUNTY MAINE	\$ -	\$ -
038 E009105	20:COMMERCIAL CONDOS	70	CENTER ST	MITCHELL JOHN D	\$ 196,000	\$ 213.64
038 E009106	20:COMMERCIAL CONDOS	70	CENTER ST	APPLE REAL ESTATE	\$ 179,300	\$ 195.44
038 E009204	20:COMMERCIAL CONDOS	70	CENTER ST	F & H REALTY PARTNERSHIP	\$ 194,600	\$ 212.11
038 E009205	20:COMMERCIAL CONDOS	70	CENTER ST	F & H REALTY PARTNERSHIP	\$ 202,300	\$ 220.51
038 E009304	20:COMMERCIAL CONDOS	70	CENTER ST	EAST COAST CONSTRUCTION AND	\$ 203,900	\$ 222.25

FY2020 Portland Downtown Parcels

PARCEL ID	LAND USE CODE	NUM	STREET	OWNER	NET ASMT	FEE @ 1.09 RATE
038 E009305	20:COMMERCIAL CONDOS	70	CENTER ST	MCKERSIE FAMILY LLC	\$ 202,900	\$ 221.16
038 E009401	20:COMMERCIAL CONDOS	70	CENTER ST	ALDER RUN DEVELOPMENT	\$ 352,300	\$ 384.01
038 E009G07	20:COMMERCIAL CONDOS	70	CENTER ST	70 CENTER STREET BASEMENT LLC	\$ 184,900	\$ 201.54
038 E009G08	20:COMMERCIAL CONDOS	70	CENTER ST	MAINE BUSINESS SERVICES INC	\$ 181,700	\$ 198.05
038 E010001	20:COMMERCIAL CONDOS	17	SOUTH ST	LEVINE ROBERT A &	\$ 144,200	\$ 157.18
038 E010002	20:COMMERCIAL CONDOS	17	SOUTH ST	SOUTH STREET PARTNERS 2 LLC	\$ 144,200	\$ 157.18
038 E010003	20:COMMERCIAL CONDOS	17	SOUTH ST	PRESTIGE WORLD-WIDE	\$ 233,800	\$ 254.84
038 E012001	21:RETAIL SERVICES	52	CENTER ST	PICTURE ISLAND INC	\$ 413,000	\$ 450.17
038 E019001	21:RETAIL SERVICES	1	PLEASANT ST	MH & RB LLC	\$ 696,700	\$ 759.40
038 E020001	27:MULTI-USE COMMERCIAL	7	PLEASANT ST	7-19 PLEASANT STREET LLC	\$ 392,200	\$ 427.50
038 E021001	25:PARKING LOTS	9	PLEASANT ST	7-19 PLEASANT STREET LLC	\$ 79,990	\$ 87.19
038 E023001	27:MULTI-USE COMMERCIAL	15	PLEASANT ST	7-19 PLEASANT STREET LLC	\$ 811,000	\$ 883.99
038 E024001	27:MULTI-USE COMMERCIAL	21	PLEASANT ST	ANADILYA PROPERTIES LLC	\$ 431,300	\$ 470.12
038 E025001	13:THREE FAMILY	11	SOUTH ST	AMORY JONATHAN &	\$ 359,800	\$ 392.18
038 E026001	12:TWO FAMILY	9	SOUTH ST	HANSON ANJA-BRITT &	\$ 318,600	\$ 347.27
038 E027001	27:MULTI-USE COMMERCIAL	5	SOUTH ST	FIVE SOUTH STREET LLC	\$ 289,400	\$ 315.45
038 E029001	27:MULTI-USE COMMERCIAL	19	SOUTH ST	19 SOUTH STREET DEVELOPMENT LLC	\$ 724,200	\$ 789.38
038 E030001	25:PARKING LOTS	58	CENTER ST	STEELE DANIEL L	\$ 500,630	\$ 545.69
038 F004001	24:WHOLESALE	241	COMMERCIAL ST	SLM PROPERTIES INC	\$ 1,586,800	\$ 1,729.61
038 F006001	22:OFFICE BUSINESS	245	COMMERCIAL ST	CASCO VIEW HOLDINGS LLC	\$ 4,363,900	\$ 4,756.65
038 F008001	22:OFFICE BUSINESS	470	FORE ST	DICTAR ASSOCIATES II	\$ 2,148,000	\$ 2,341.32
038 F009001	23:HOTEL & MOTEL	468	FORE ST	HARBOR PLAZA ASSOCIATES II	\$ 7,658,200	\$ 8,347.44
038 F009002	22:OFFICE BUSINESS	468	FORE ST	DICTAR ASSOCIATES II	\$ 2,360,900	\$ 2,573.38
038 F019001	22:OFFICE BUSINESS	19	CROSS ST	CASCO VIEW HOLDINGS II LLC	\$ 7,127,700	\$ 7,769.19
038 G001001	25:PARKING LOTS	486	FORE ST	NORTH RIVER IV LLC	\$ 3,257,600	\$ 3,550.78
038 G00202A	10:CONDOMINIUMS	269	COMMERCIAL ST	GOSSELIN EUGENE D &	\$ 135,200	\$ 147.37
038 G00202B	10:CONDOMINIUMS	269	COMMERCIAL ST	POE MAXWELL	\$ 137,600	\$ 149.98
038 G00202C	10:CONDOMINIUMS	269	COMMERCIAL ST	SCHNEIDER PAUL	\$ 150,500	\$ 164.05
038 G00202D	10:CONDOMINIUMS	269	COMMERCIAL ST	CUMMING JEAN S &	\$ 199,900	\$ 217.89
038 G00202E	10:CONDOMINIUMS	269	COMMERCIAL ST	DEVILLIER JACQUES K	\$ 123,100	\$ 134.18
038 G00202F	10:CONDOMINIUMS	269	COMMERCIAL ST	MCKENZIE ANNE-MARIE &	\$ 147,600	\$ 160.88
038 G00203A	10:CONDOMINIUMS	269	COMMERCIAL ST	ALBEE PETER J	\$ 140,900	\$ 153.58
038 G00203B	10:CONDOMINIUMS	269	COMMERCIAL ST	RICE LEE P	\$ 133,900	\$ 145.95
038 G00203C	10:CONDOMINIUMS	269	COMMERCIAL ST	NORCHI CHARLES H	\$ 151,400	\$ 165.03
038 G00203D	10:CONDOMINIUMS	269	COMMERCIAL ST	HUDON WILFRED R	\$ 140,400	\$ 153.04
038 G00203E	10:CONDOMINIUMS	269	COMMERCIAL ST	CONKLIN HENRY C	\$ 170,000	\$ 185.30
038 G00203F	10:CONDOMINIUMS	269	COMMERCIAL ST	TUCKER HAROLD W III	\$ 143,900	\$ 156.85
038 G00204A	10:CONDOMINIUMS	269	COMMERCIAL ST	SERNOFFSKY SUSAN	\$ 107,200	\$ 116.85
038 G00204B	10:CONDOMINIUMS	269	COMMERCIAL ST	269 COMMERCIAL LLC	\$ 150,000	\$ 163.50
038 G00204C	10:CONDOMINIUMS	269	COMMERCIAL ST	VANTAGE RETIREMENT PLANS LLC	\$ 168,100	\$ 183.23
038 G00204D	10:CONDOMINIUMS	269	COMMERCIAL ST	KIMBLE ELLEN SUE	\$ 127,200	\$ 138.65

FY2020 Portland Downtown Parcels

PARCEL ID	LAND USE CODE	NUM	STREET	OWNER	NET ASMT	FEE @ 1.09 RATE
038 G00204E	10:CONDOMINIUMS	269	COMMERCIAL ST	LOWRY KATE	\$ 141,900	\$ 154.67
038 G00204F	10:CONDOMINIUMS	269	COMMERCIAL ST	WONG ROCKET &	\$ 149,000	\$ 162.41
038 G00205A	10:CONDOMINIUMS	269	COMMERCIAL ST	BERG ERIC O JR TRUSTEE	\$ 160,100	\$ 174.51
038 G00205B	10:CONDOMINIUMS	269	COMMERCIAL ST	TARBOX JEFFERY H	\$ 174,500	\$ 190.21
038 G00205C	10:CONDOMINIUMS	269	COMMERCIAL ST	CALDWELL ROBERT A	\$ 155,000	\$ 168.95
038 G00205D	10:CONDOMINIUMS	269	COMMERCIAL ST	MUEHLE BRENNNA L	\$ 198,800	\$ 216.69
038 G00205E	10:CONDOMINIUMS	269	COMMERCIAL ST	FLAHERTY CHRISTOPHER F	\$ 173,800	\$ 189.44
038 G00205F	10:CONDOMINIUMS	269	COMMERCIAL ST	FOSTER ANTHONY W	\$ 150,500	\$ 164.05
038 G002267	20:COMMERCIAL CONDOS	269	COMMERCIAL ST	267 COMMERCIAL STREET LLC	\$ 280,300	\$ 305.53
038 G002271	20:COMMERCIAL CONDOS	269	COMMERCIAL ST	JKC LLC	\$ 257,100	\$ 280.24
038 G007001	25:PARKING LOTS	508	FORE ST	NORTH RIVER IV LLC	\$ 701,800	\$ 764.96
038 I018001	21:RETAIL SERVICES	46	FREE ST	BROWN J B & SONS	\$ 2,359,200	\$ 2,571.53
038 X001001	25:PARKING LOTS	9	PLEASANT ST	7-19 PLEASANT STREET LLC	\$ 11,760	\$ 12.82
039 A001001	21:RETAIL SERVICES	626	CONGRESS ST	PARK WONBAE &	\$ 810,700	\$ 883.66
039 A002001	21:RETAIL SERVICES	622	CONGRESS ST	WAYNE ENTERPISES LLC	\$ 1,030,000	\$ 1,122.70
039 A005001	21:RETAIL SERVICES	616	CONGRESS ST	614 CONGRESS STREET LLC	\$ 1,093,900	\$ 1,192.35
039 A006001	25:PARKING LOTS	143	PARK ST	614 CONGRESS STREET LLC	\$ 78,860	\$ 85.96
039 A007001	25:PARKING LOTS	612	CONGRESS ST	RICE GEOFFREY I	\$ 46,390	\$ 50.57
039 A008001	21:RETAIL SERVICES	610	CONGRESS ST	19 SOUTH STREET LLC	\$ 328,800	\$ 358.39
039 A009001	21:RETAIL SERVICES	608	CONGRESS ST	19 SOUTH STREET LLC	\$ 289,700	\$ 315.77
039 A010001	21:RETAIL SERVICES	606	CONGRESS ST	602 CONGRESS LLC	\$ 248,200	\$ 270.54
039 A011001	25:PARKING LOTS	141	PARK ST	WAYNE ENTERPRISES LLC	\$ 139,040	\$ 151.55
039 A013001	22:OFFICE BUSINESS	600	CONGRESS ST	602 CONGRESS LLC	\$ 1,176,700	\$ 1,282.60
039 A016001	40:VACANT LAND	122	HIGH ST	PACIFIC & SOUTHERN COMPANY INC	\$ 79,500	\$ 86.66
039 A016002	25:PARKING LOTS	122	HIGH ST	PACIFIC AND SOUTHERN LLC	\$ 813,050	\$ 886.22
039 A017001	22:OFFICE BUSINESS	128	HIGH ST	PACIFIC & SOUTHERN COMPANY INC	\$ 2,817,500	\$ 3,071.08
039 A027001	26:PRIVATE LOTS	116	HIGH ST	CUMBERLAND CLUB	\$ 1,317,200	\$ 1,435.75
039 A028001	04:BED & BREAKFAST	135	SPRING ST	MARCUM HOSPITALITY LLC	\$ 593,000	\$ 646.37
039 A029001	27:MULTI-USE COMMERCIAL	133	SPRING ST	STADLER CECILE	\$ 366,700	\$ 399.70
039 A030001	27:MULTI-USE COMMERCIAL	131	SPRING ST	TREE SCHOOL LLC	\$ 305,200	\$ 332.67
039 A031001	27:MULTI-USE COMMERCIAL	129	SPRING ST	129 SPRING STREET LLC	\$ 352,500	\$ 384.23
039 A032001	25:PARKING LOTS	127	SPRING ST	CUMBERLAND CLUB	\$ 167,120	\$ 182.16
039 A035001	27:MULTI-USE COMMERCIAL	110	HIGH ST	ONE HUNDRED AND TEN HIGH ST	\$ 382,800	\$ 417.25
039 A037001	21:RETAIL SERVICES	106	HIGH ST	M2BM LLC	\$ 548,100	\$ 597.43
039 A038001	21:RETAIL SERVICES	612	CONGRESS ST	BLUE BAY LLC	\$ 302,700	\$ 329.94
039 B001001	55:LITERARY & SCIENTIFIC	97	SPRING ST	PORTLAND MUSEUM OF ART	\$ -	\$ -
039 B003001	55:LITERARY & SCIENTIFIC	142	FREE ST	CHILDREN'S MUSEUM OF MAINE	\$ -	\$ -
039 B004001	25:PARKING LOTS	130	FREE ST	MAINEHEALTH	\$ 723,380	\$ 788.48
039 B007001	21:RETAIL SERVICES	128	FREE ST	MAINEHEALTH	\$ 305,000	\$ 332.45
039 B008001	25:PARKING LOTS	120	FREE ST	MAINEHEALTH	\$ 586,840	\$ 639.66
039 B011001	20:COMMERCIAL CONDOS	44	OAK ST	EVERYTHING LLC	\$ 484,900	\$ 528.54
039 B011002	20:COMMERCIAL CONDOS	44	OAK ST	EVERYTHING LLC	\$ 191,100	\$ 208.30

FY2020 Portland Downtown Parcels

PARCEL ID	LAND USE CODE	NUM	STREET	OWNER	NET ASMT	FEE @ 1.09 RATE
039 B011003	20:COMMERCIAL CONDOS	44	OAK ST	CLOUD SKY LLC	\$ 195,500	\$ 213.10
039 B011004	10:CONDOMINIUMS	44	OAK ST	KEON MICHAEL P	\$ 702,900	\$ 766.16
039 B013001	55:LITERARY & SCIENTIFIC	148	FREE ST	PORTLAND MUSEUM OF ART	\$ -	\$ -
039 B015001	55:LITERARY & SCIENTIFIC	87	SPRING ST	PORTLAND MUSEUM OF ART	\$ -	\$ -
039 C001002	54:BENEVOLENT & CHARITABLE	110	FREE ST	MAINEHEALTH	\$ -	\$ -
039 C00101A	54:BENEVOLENT & CHARITABLE	110	FREE ST	MAINEHEALTH	\$ -	\$ -
039 C00101B	20:COMMERCIAL CONDOS	110	FREE ST	MAINEHEALTH	\$ 730,800	\$ 796.57
039 C00101C	20:COMMERCIAL CONDOS	110	FREE ST	MAINEHEALTH	\$ 1,032,900	\$ 1,125.86
039 C0010GB	54:BENEVOLENT & CHARITABLE	110	FREE ST	MAINEHEALTH	\$ -	\$ -
039 C0010GC	54:BENEVOLENT & CHARITABLE	110	FREE ST	MAINEHEALTH	\$ -	\$ -
039 C001301	54:BENEVOLENT & CHARITABLE	110	FREE ST	MAINEHEALTH	\$ -	\$ -
039 C001302	54:BENEVOLENT & CHARITABLE	110	FREE ST	MAINEHEALTH	\$ -	\$ -
039 C001GA1	54:BENEVOLENT & CHARITABLE	110	FREE ST	MAINEHEALTH	\$ -	\$ -
039 C001GA2	54:BENEVOLENT & CHARITABLE	110	FREE ST	MAINEHEALTH	\$ -	\$ -
039 C002001	56:GOVERNMENTAL	0	FREE ST	CITY OF PORTLAND	\$ -	\$ -
039 D005001	56:GOVERNMENTAL	98	HIGH ST	CITY OF PORTLAND	\$ -	\$ -
039 E001001	56:GOVERNMENTAL	94	SPRING ST ARTERIAL	CITY OF PORTLAND	\$ -	\$ -
039 E008001	22:OFFICE BUSINESS	93	HIGH ST	GREATER PORTLAND	\$ 730,600	\$ 796.35
039 E009001	54:BENEVOLENT & CHARITABLE	87	HIGH ST	ST ELIZABETH'S ROMAN	\$ -	\$ -
039 E010001	23:HOTEL & MOTEL	88	SPRING ST	LAFAYETTE PORTLAND LLC	\$ 17,438,200	\$ 19,007.64
039 F001001	25:PARKING LOTS	40	SPRING ST ARTERIAL	LAFAYETTE PORTLAND LLC	\$ 2,648,700	\$ 2,887.08
039 F013001	32:WAREHOUSE & STORAGE	59	PLEASANT ST	BAKERY LIMITED LIABILITY CO	\$ 952,600	\$ 1,038.33
039 F017001	12:TWO FAMILY	22	SOUTH ST	LOMBARDI BRIAN D	\$ 262,800	\$ 286.45
039 F018001	12:TWO FAMILY	20	SOUTH ST	SCHMIDT REMINGTON O	\$ 264,700	\$ 288.52
039 F019001	12:TWO FAMILY	16	SOUTH ST	LEWIS CLARENCE MICHAEL &	\$ 217,100	\$ 236.64
039 F020001	12:TWO FAMILY	14	SOUTH ST	MCLAUGHLIN KATHERINE A TRUSTEE	\$ 254,900	\$ 277.84
039 F021001	25:PARKING LOTS	10	SOUTH ST	BROWN J B & SONS	\$ 9,600	\$ 10.46
039 F022001	10:CONDOMINIUMS	37	PLEASANT ST	SERAICHICK SUSAN &	\$ 179,800	\$ 195.98
039 F022002	10:CONDOMINIUMS	37	PLEASANT ST	WEATHERFORD CLAUDINE &	\$ 172,900	\$ 188.46
039 F022003	10:CONDOMINIUMS	37	PLEASANT ST	WATSON MICHAEL P &	\$ 179,800	\$ 195.98
039 F022004	10:CONDOMINIUMS	37	PLEASANT ST	FOLEY RONALD G VN VET	\$ 156,460	\$ 170.54
039 F022005	10:CONDOMINIUMS	37	PLEASANT ST	COMEAU PETER W &	\$ 194,000	\$ 211.46
039 F022006	10:CONDOMINIUMS	37	PLEASANT ST	HAAS JOHN E &	\$ 187,100	\$ 203.94
039 F023001	20:COMMERCIAL CONDOS	35	PLEASANT ST	35 PLEASANT ST LLC	\$ 167,800	\$ 182.90
039 F023002	10:CONDOMINIUMS	35	PLEASANT ST	REITER LAUREN J &	\$ 505,600	\$ 551.10
039 F025001	58:LAND BANKS	24	SOUTH ST	CITY OF PORTLAND	\$ -	\$ -
039 F026001	40:VACANT LAND	22	SOUTH ST	LOMBARDI DEBRA &	\$ 27,000	\$ 29.43
040 A001001	54:BENEVOLENT & CHARITABLE	71	HIGH ST	AVESTA INGRAHAM HOUSE LLC	\$ -	\$ -

FY2020 Portland Downtown Parcels

PARCEL ID	LAND USE CODE	NUM	STREET	OWNER	NET ASMT	FEE @ 1.09 RATE
040 A002001	14:FOUR FAMILY	98	PLEASANT ST	COSTIN MICHAEL N &	\$ 391,100	\$ 426.30
040 A003001	12:TWO FAMILY	92	PLEASANT ST	CROTEAU COLLEEN O &	\$ 317,800	\$ 346.40
040 A004001	15:5 TO 10 FAMILY	88	PLEASANT ST	C M SCRIBNER & CO LIMITED	\$ 594,400	\$ 647.90
040 A005001	25:PARKING LOTS	76	PLEASANT ST	LAFAYETTE PORTLAND LLC	\$ 219,690	\$ 239.46
040 A008001	25:PARKING LOTS	74	PLEASANT ST	BROWN J B & SONS	\$ 42,700	\$ 46.54
040 A009001	14:FOUR FAMILY	68	PLEASANT ST	SCHWARTZ DONNA L	\$ 386,900	\$ 421.72
040 A010001	27:MULTI-USE COMMERCIAL	54	MAPLE ST	AXE CAP LLC	\$ 394,300	\$ 429.79
040 A011001	11:SINGLE FAMILY	67	HIGH ST	FISHER ALEXANDER DYLAN	\$ 363,700	\$ 396.43
040 A013001	17:21 PLUS FAMILY	53	DANFORTH ST	53 DANFORTH STREET LP	\$ 2,711,900	\$ 2,955.97
040 A014001	11:SINGLE FAMILY	52	MAPLE ST	ADLER BRENT	\$ 227,100	\$ 247.54
040 A015001	15:5 TO 10 FAMILY	65	HIGH ST	BRICKLIGHT PROPERTIES LLC	\$ 505,500	\$ 551.00
040 A016001	17:21 PLUS FAMILY	81	DANFORTH ST	DANFORTH ON HIGH LP	\$ 2,013,200	\$ 2,194.39
040 A017001	15:5 TO 10 FAMILY	77	DANFORTH ST	EAST DANFORTH LLC	\$ 454,100	\$ 494.97
040 A018001	15:5 TO 10 FAMILY	75	DANFORTH ST	EAST DANFORTH LLC	\$ 322,100	\$ 351.09
040 A019001	15:5 TO 10 FAMILY	71	DANFORTH ST	EAST DANFORTH LLC	\$ 427,800	\$ 466.30
040 A022001	15:5 TO 10 FAMILY	67	DANFORTH ST	EAST DANFORTH LLC	\$ 311,300	\$ 339.32
040 A024001	15:5 TO 10 FAMILY	63	DANFORTH ST	EAST DANFORTH LLC	\$ 289,500	\$ 315.56
040 A027001	11:SINGLE FAMILY	50	MAPLE ST	ST PIERRE TRACY M &	\$ 229,100	\$ 249.72
040 A028001	40:VACANT LAND	46	MAPLE ST	BROWN J B & SONS	\$ 23,500	\$ 25.62
040 A030001	16:11 TO 20 FAMILY	69	HIGH ST	BRICKLIGHT PROPERTIES LLC	\$ 467,100	\$ 509.14
040 B001001	25:PARKING LOTS	55	MAPLE ST	BAKERY LIMITED LIABILITY CO	\$ 67,750	\$ 73.85
040 B002001	25:PARKING LOTS	58	PLEASANT ST	BROWN J B & SONS	\$ 45,150	\$ 49.21
040 B003001	13:THREE FAMILY	54	PLEASANT ST	JR SAPPERSTEIN HOLDINGS LLC	\$ 348,400	\$ 379.76
040 B004001	27:MULTI-USE COMMERCIAL	44	PLEASANT ST	44 PLEASANT STREET LLC	\$ 820,400	\$ 894.24
040 B006001	11:SINGLE FAMILY	40	PLEASANT ST	RUSSO J RICHARD &	\$ 493,300	\$ 537.70
040 B007001	27:MULTI-USE COMMERCIAL	23	DANFORTH ST	SCHWARTZ DONNA L	\$ 338,500	\$ 368.97
040 B008001	22:OFFICE BUSINESS	32	PLEASANT ST	32 PLEASANT STREET LLC	\$ 247,400	\$ 269.67
040 B009001	10:CONDOMINIUMS	30	PLEASANT ST	HARTE CHRISTOPHER M	\$ 149,600	\$ 163.06
040 B009002	10:CONDOMINIUMS	30	PLEASANT ST	HANSON JUNE ANDREA	\$ 139,600	\$ 152.16
040 B009003	10:CONDOMINIUMS	30	PLEASANT ST	HOULE RONALD J &	\$ 142,500	\$ 155.33
040 B010001	12:TWO FAMILY	20	PLEASANT ST	18 PLEASANT STREET ASSOCIATES	\$ 211,700	\$ 230.75
040 B012001	22:OFFICE BUSINESS	18	PLEASANT ST	18 PLEASANT ST ASSOC	\$ 190,400	\$ 207.54
040 B013001	12:TWO FAMILY	14	PLEASANT ST	GIOBBI CARLO A JR &	\$ 274,700	\$ 299.42
040 B015001	25:PARKING LOTS	10	PLEASANT ST	GIOBBI CARLO A JR &	\$ 15,100	\$ 16.46
040 B017001	21:RETAIL SERVICES	4	PLEASANT ST	GIOBBI ARCHIE S &	\$ 46,020	\$ 50.16
040 B018001	40:VACANT LAND	51	MAPLE ST	BROUCEK MARGARET A &	\$ 8,100	\$ 8.83
040 B020001	21:RETAIL SERVICES	35	DANFORTH ST	TOBEY LINDA W	\$ 371,000	\$ 404.39
040 B021001	13:THREE FAMILY	33	DANFORTH ST	FOX STEPHEN H	\$ 208,500	\$ 227.27
040 B022001	40:VACANT LAND	29	DANFORTH ST	SCHAIR-CARDONA ERICA &	\$ 119,900	\$ 130.69
040 B023001	25:PARKING LOTS	13	DANFORTH ST	WRIGHT-RYAN REAL ESTATE LLC	\$ 102,950	\$ 112.22
040 B028001	21:RETAIL SERVICES	1	DANFORTH ST	GIOBBI ARCHIE S &	\$ 394,000	\$ 429.46
040 B032001	21:RETAIL SERVICES	45	DANFORTH ST	CIGRI & DENG PROPERTIES LLC	\$ 305,700	\$ 333.21
040 B033001	10:CONDOMINIUMS	56	PLEASANT ST	SPRAGUE ERIC T	\$ 167,800	\$ 182.90
040 B033002	10:CONDOMINIUMS	56	PLEASANT ST	BARTHELMAN TIMOTHY S	\$ 154,700	\$ 168.62
040 B033003	10:CONDOMINIUMS	56	PLEASANT ST	RUNNING SALLY	\$ 158,700	\$ 172.98

FY2020 Portland Downtown Parcels

PARCEL ID	LAND USE CODE	NUM	STREET	OWNER	NET ASMT	FEE @ 1.09 RATE
040 C001001	16:11 TO 20 FAMILY	51	HIGH ST	GILLIS PETER J	\$ 751,100	\$ 818.70
040 C002001	15:5 TO 10 FAMILY	78	DANFORTH ST	WEST COMPANY	\$ 412,800	\$ 449.95
040 C005001	20:COMMERCIAL CONDOS	101	YORK ST	BROWN J B & SONS	\$ 1,142,500	\$ 1,245.33
040 C005201	10:CONDOMINIUMS	25	HIGH ST	VEALE PATRICK J &	\$ 329,900	\$ 359.59
040 C005202	10:CONDOMINIUMS	25	HIGH ST	ESCHBACH KELLY S &	\$ 233,800	\$ 254.84
040 C005203	10:CONDOMINIUMS	25	HIGH ST	SHENKIN MICHAL F	\$ 291,900	\$ 318.17
040 C005204	10:CONDOMINIUMS	25	HIGH ST	PARK KYUNG SAM	\$ 232,400	\$ 253.32
040 C005206	10:CONDOMINIUMS	25	HIGH ST	BINNS PATRICIA	\$ 237,400	\$ 258.77
040 C005207	10:CONDOMINIUMS	25	HIGH ST	GORDON CLAYTON S &	\$ 204,500	\$ 222.91
040 C005208	10:CONDOMINIUMS	25	HIGH ST	LAGHAEI FARID &	\$ 292,300	\$ 318.61
040 C005209	10:CONDOMINIUMS	25	HIGH ST	GATOS PAMELA &	\$ 269,400	\$ 293.65
040 C005210	10:CONDOMINIUMS	25	HIGH ST	SMITH PAUL M &	\$ 296,000	\$ 322.64
040 C005211	10:CONDOMINIUMS	25	HIGH ST	JONES JONAH L	\$ 270,000	\$ 294.30
040 C005212	10:CONDOMINIUMS	25	HIGH ST	WEATHERILL CAROLINE AVERY	\$ 295,800	\$ 322.42
040 C005213	10:CONDOMINIUMS	25	HIGH ST	PRICE JASON LLOYD &	\$ 253,300	\$ 276.10
040 C005214	10:CONDOMINIUMS	25	HIGH ST	DIRECTOR STEVEN &	\$ 295,800	\$ 322.42
040 C005215	10:CONDOMINIUMS	25	HIGH ST	CUSHMAN ROBIN MARI	\$ 351,500	\$ 383.14
040 C005216	10:CONDOMINIUMS	25	HIGH ST	KAVANAUGH DEIRDRE FLYNN &	\$ 298,400	\$ 325.26
040 C005301	10:CONDOMINIUMS	25	HIGH ST	LYONS THOMAS W &	\$ 335,700	\$ 365.91
040 C005302	10:CONDOMINIUMS	25	HIGH ST	HARROW DAVID	\$ 244,400	\$ 266.40
040 C005303	10:CONDOMINIUMS	25	HIGH ST	SMITH TEALE &	\$ 289,600	\$ 315.66
040 C005304	10:CONDOMINIUMS	25	HIGH ST	WALLACE ROBERT C &	\$ 230,800	\$ 251.57
040 C005305	10:CONDOMINIUMS	25	HIGH ST	WRIGHT WILLIAM R &	\$ 310,600	\$ 338.55
040 C005306	10:CONDOMINIUMS	25	HIGH ST	CROTEAU JUSTIN PAUL &	\$ 247,900	\$ 270.21
040 C005307	10:CONDOMINIUMS	25	HIGH ST	GRIFFIN ALEXANDER &	\$ 211,000	\$ 229.99
040 C005308	10:CONDOMINIUMS	25	HIGH ST	MARTINEZ DANIEL M &	\$ 306,400	\$ 333.98
040 C005309	10:CONDOMINIUMS	25	HIGH ST	ADLER SUSAN	\$ 281,600	\$ 306.94
040 C005310	10:CONDOMINIUMS	25	HIGH ST	MORRIS AARON	\$ 297,100	\$ 323.84
040 C005311	10:CONDOMINIUMS	25	HIGH ST	LAMPNER GLENNA H &	\$ 285,100	\$ 310.76
040 C005312	10:CONDOMINIUMS	25	HIGH ST	101 YORK STREET LLC	\$ 313,600	\$ 341.82
040 C005313	10:CONDOMINIUMS	25	HIGH ST	GRIDLEY GUY G	\$ 285,100	\$ 310.76
040 C005314	10:CONDOMINIUMS	25	HIGH ST	MAHMOUD AMMAR	\$ 313,600	\$ 341.82
040 C005315	10:CONDOMINIUMS	25	HIGH ST	MARICHEL LLC	\$ 374,800	\$ 408.53
040 C005316	10:CONDOMINIUMS	25	HIGH ST	101 YORK STREET LLC	\$ 318,000	\$ 346.62
040 C005401	10:CONDOMINIUMS	25	HIGH ST	KEELING MATTHEW R &	\$ 348,100	\$ 379.43
040 C005402	10:CONDOMINIUMS	25	HIGH ST	TAMASHIRO KASEY-KALEI	\$ 254,900	\$ 277.84
040 C005403	10:CONDOMINIUMS	25	HIGH ST	WOON ASHLEY HARDI	\$ 328,400	\$ 357.96
040 C005404	10:CONDOMINIUMS	25	HIGH ST	FERNANDEZ AVILES PEDRO M &	\$ 245,900	\$ 268.03
040 C005405	10:CONDOMINIUMS	25	HIGH ST	CHEUNG PATRICIA K	\$ 321,100	\$ 350.00
040 C005406	10:CONDOMINIUMS	25	HIGH ST	OVESON JANELLE L	\$ 262,700	\$ 286.34
040 C005407	10:CONDOMINIUMS	25	HIGH ST	SHELLEY W KIRBY &	\$ 209,400	\$ 228.25
040 C005408	10:CONDOMINIUMS	25	HIGH ST	WELCH STANLEY E &	\$ 321,100	\$ 350.00
040 C005409	10:CONDOMINIUMS	25	HIGH ST	PIASIO GEOFF B	\$ 295,600	\$ 322.20
040 C005410	10:CONDOMINIUMS	25	HIGH ST	SADLER CLIFFORD H &	\$ 328,400	\$ 357.96
040 C005411	10:CONDOMINIUMS	25	HIGH ST	SCHAFER MORGAN &	\$ 295,600	\$ 322.20
040 C005412	10:CONDOMINIUMS	25	HIGH ST	101 YORK STREET LLC	\$ 328,400	\$ 357.96
040 C005413	10:CONDOMINIUMS	25	HIGH ST	DORNEMAN PENELOPE LEE &	\$ 295,600	\$ 322.20
040 C005414	10:CONDOMINIUMS	25	HIGH ST	YATES RUTH A TRUSTEE	\$ 328,400	\$ 357.96
040 C005415	10:CONDOMINIUMS	25	HIGH ST	MUNDHENK THOMAS &	\$ 370,000	\$ 403.30
040 C005416	10:CONDOMINIUMS	25	HIGH ST	101 YORK STREET LLC	\$ 332,100	\$ 361.99
040 C005501	10:CONDOMINIUMS	25	HIGH ST	CHANG BENNY &	\$ 401,400	\$ 437.53
040 C005502	10:CONDOMINIUMS	25	HIGH ST	JOHNSTON EDWARD R &	\$ 277,300	\$ 302.26
040 C005503	10:CONDOMINIUMS	25	HIGH ST	HARK ROBERT S &	\$ 337,300	\$ 367.66

FY2020 Portland Downtown Parcels

PARCEL ID	LAND USE CODE	NUM	STREET	OWNER	NET ASMT	FEE @ 1.09 RATE
040 C005504	10:CONDOMINIUMS	25	HIGH ST	FREEDMAN PAUL R TRUSTEE	\$ 284,600	\$ 310.21
040 C005505	10:CONDOMINIUMS	25	HIGH ST	JOHNSON THOMAS	\$ 350,300	\$ 381.83
040 C005506	10:CONDOMINIUMS	25	HIGH ST	MARSDEN DAVID &	\$ 277,300	\$ 302.26
040 C005507	10:CONDOMINIUMS	25	HIGH ST	LADAN LUKA	\$ 247,500	\$ 269.78
040 C005508	10:CONDOMINIUMS	25	HIGH ST	CARTER DONALD D JR &	\$ 333,500	\$ 363.52
040 C005509	10:CONDOMINIUMS	25	HIGH ST	GALLUZZO DONNA &	\$ 313,800	\$ 342.04
040 C005510	10:CONDOMINIUMS	25	HIGH ST	LARLEE BRENT A &	\$ 350,300	\$ 381.83
040 C005511	10:CONDOMINIUMS	25	HIGH ST	OSTERGAARD LLC	\$ 313,800	\$ 342.04
040 C005512	10:CONDOMINIUMS	25	HIGH ST	DANIELSEN KERRY E	\$ 350,300	\$ 381.83
040 C005513	10:CONDOMINIUMS	25	HIGH ST	CONRAD ERIC &	\$ 313,800	\$ 342.04
040 C005514	10:CONDOMINIUMS	25	HIGH ST	SHAW DAVID E &	\$ 350,300	\$ 381.83
040 C005515	10:CONDOMINIUMS	25	HIGH ST	PARK MIRI	\$ 423,300	\$ 461.40
040 C005516	10:CONDOMINIUMS	25	HIGH ST	101 YORK STREET LLC	\$ 354,100	\$ 385.97
040 C009001	31:MANUFACTURING	50	DANFORTH ST	BROWN J B & SONS	\$ 908,200	\$ 989.94
040 C014001	14:FOUR FAMILY	41	HIGH ST	SACRE LINDA &	\$ 332,600	\$ 362.53
040 C015001	10:CONDOMINIUMS	37	HIGH ST	CORRALES ANNAMARIE &	\$ 135,500	\$ 147.70
040 C015002	10:CONDOMINIUMS	37	HIGH ST	SOLSTICE INVESTMENTS LLC	\$ 108,400	\$ 118.16
040 C015003	10:CONDOMINIUMS	37	HIGH ST	BAILLARGEON CHARLES C	\$ 264,300	\$ 288.09
040 C015004	10:CONDOMINIUMS	37	HIGH ST	THIS THYME AROUND LLC	\$ 125,100	\$ 136.36
040 C016001	12:TWO FAMILY	31	HIGH ST	BERNOTAVICZ JARAD	\$ 277,600	\$ 302.58
040 C021001	06:MULTI-USE RESIDENTIAL	27	HIGH ST	BROWN J B & SONS	\$ 3,418,300	\$ 3,725.95
040 C026001	24:WHOLESALE	75	YORK ST	75 YORK STREET LLC	\$ 669,000	\$ 729.21
040 C030001	21:RETAIL SERVICES	53	YORK ST	CASTINE 53 LLC	\$ 926,800	\$ 1,010.21
040 D001001	22:OFFICE BUSINESS	20	DANFORTH ST	BROWN J B & SONS	\$ 2,818,400	\$ 3,072.06
040 D002001	22:OFFICE BUSINESS	10	DANFORTH ST	WRIGHT-RYAN REAL ESTATE LLC	\$ 1,003,100	\$ 1,093.38
040 E001001	25:PARKING LOTS	40	YORK ST	BROWN J B & SONS	\$ 667,900	\$ 728.01
040 E003001	10:CONDOMINIUMS	311	COMMERCIAL ST	JR SEELY COMPANY LLC	\$ 428,500	\$ 467.07
040 E003002	10:CONDOMINIUMS	311	COMMERCIAL ST	HIGONNET CAMILLE	\$ 286,800	\$ 312.61
040 E003003	10:CONDOMINIUMS	311	COMMERCIAL ST	WOODS MARY A &	\$ 266,800	\$ 290.81
040 E003004	10:CONDOMINIUMS	311	COMMERCIAL ST	LEVIN-MARTIN MINDY F &	\$ 412,900	\$ 450.06
040 E003005	10:CONDOMINIUMS	311	COMMERCIAL ST	TAYLOR-CHIARELLO ROBIN	\$ 495,600	\$ 540.20
040 E003006	10:CONDOMINIUMS	311	COMMERCIAL ST	JR SEELY COMPANY LLC	\$ 420,100	\$ 457.91
040 E003007	10:CONDOMINIUMS	311	COMMERCIAL ST	KRUITHOFF CATHERINE H &	\$ 274,600	\$ 299.31
040 E003008	10:CONDOMINIUMS	311	COMMERCIAL ST	JR SEELY COMPANY LLC	\$ 343,100	\$ 373.98
040 E003009	10:CONDOMINIUMS	311	COMMERCIAL ST	KROON THOMAS J &	\$ 377,500	\$ 411.48
040 E00300H	20:COMMERCIAL CONDOS	311	COMMERCIAL ST	JBB HOSPITALITY I LLC	\$ 12,301,600	\$ 13,408.74
040 E00300R	20:COMMERCIAL CONDOS	311	COMMERCIAL ST	TIQA LEGACY LLC	\$ 1,314,100	\$ 1,432.37
040 E003010	10:CONDOMINIUMS	311	COMMERCIAL ST	GRIMM KRISTY &	\$ 527,800	\$ 575.30
040 E003011	10:CONDOMINIUMS	311	COMMERCIAL ST	CLANCY PAUL	\$ 358,500	\$ 390.77
040 E003012	10:CONDOMINIUMS	311	COMMERCIAL ST	PIPER JOHN M &	\$ 395,000	\$ 430.55
040 E003013	10:CONDOMINIUMS	311	COMMERCIAL ST	DERMER HARRY &	\$ 350,100	\$ 381.61
040 E003014	10:CONDOMINIUMS	311	COMMERCIAL ST	SIMARK ACQUISITIONS LLC	\$ 397,900	\$ 433.71
040 F009001	27:MULTI-USE COMMERCIAL	305	COMMERCIAL ST	BAXTER PLACE LLC	\$ 6,327,600	\$ 6,897.08
040 F011001	22:OFFICE BUSINESS	14	YORK ST	BROWN J B & SONS	\$ 2,264,000	\$ 2,467.76
041 A015001	24:WHOLESALE	260	COMMERCIAL ST	WATERFRONT MAINE BT LLC	\$ 1,194,800	\$ 1,302.33
041 A016001	22:OFFICE BUSINESS	252	COMMERCIAL ST	WATERFRONT MAINE	\$ 15,187,300	\$ 16,554.16
042 A001001	40:VACANT LAND	0	COMMERCIAL ST	NPCC LLC	\$ 1,297,900	\$ 1,414.71

FY2020 Portland Downtown Parcels

PARCEL ID	LAND USE CODE	NUM	STREET	OWNER	NET ASMT	FEE @ 1.09 RATE
042 A002001	40:VACANT LAND	0	COMMERCIAL ST	DEERING PROPERTY	\$ 2,750,900	\$ 2,998.48
042 A003001	21:RETAIL SERVICES	383	COMMERCIAL ST	DPD LOT 3 LLC	\$ 1,577,200	\$ 1,719.15
042 A007001	55:LITERARY & SCIENTIFIC	54	YORK ST	UNITY COLLEGE	\$ -	\$ -
042 C001110	55:LITERARY & SCIENTIFIC	344	COMMERCIAL ST	GULF OF MAINE PROPERTIES INC	\$ -	\$ -
042 C001120	55:LITERARY & SCIENTIFIC	344	COMMERCIAL ST	GULF OF MAINE PROPERTIES INC	\$ -	\$ -
042 C001130	20:COMMERCIAL CONDOS	344	COMMERCIAL ST	GULF OF MAINE PROPERTIES INC	\$ 85,380	\$ 93.06
042 C00114A	20:COMMERCIAL CONDOS	344	COMMERCIAL ST	GULF OF MAINE PROPERTIES INC	\$ 59,880	\$ 65.27
042 C00114B	20:COMMERCIAL CONDOS	344	COMMERCIAL ST	GULF OF MAINE PROPERTIES INC	\$ 30,880	\$ 33.66
042 C00114C	20:COMMERCIAL CONDOS	344	COMMERCIAL ST	GULF OF MAINE PROPERTIES INC	\$ 14,630	\$ 15.95
042 C00114D	20:COMMERCIAL CONDOS	344	COMMERCIAL ST	GULF OF MAINE PROPERTIES INC	\$ 14,500	\$ 15.81
042 C001150	55:LITERARY & SCIENTIFIC	344	COMMERCIAL ST	GULF OF MAINE PROPERTIES INC	\$ -	\$ -
042 C001160	20:COMMERCIAL CONDOS	344	COMMERCIAL ST	GULF OF MAINE PROPERTIES INC	\$ 13,750	\$ 14.99
042 C001170	20:COMMERCIAL CONDOS	344	COMMERCIAL ST	GULF OF MAINE PROPERTIES INC	\$ 13,630	\$ 14.86
042 C00118A	20:COMMERCIAL CONDOS	344	COMMERCIAL ST	GULF OF MAINE PROPERTIES INC	\$ 21,630	\$ 23.58
042 C00118B	20:COMMERCIAL CONDOS	344	COMMERCIAL ST	GULF OF MAINE PROPERTIES INC	\$ 21,630	\$ 23.58
042 C001190	20:COMMERCIAL CONDOS	344	COMMERCIAL ST	GULF OF MAINE PROPERTIES INC	\$ 21,000	\$ 22.89
042 C001210	55:LITERARY & SCIENTIFIC	344	COMMERCIAL ST	GULF OF MAINE PROPERTIES INC	\$ -	\$ -
042 C001310	55:LITERARY & SCIENTIFIC	344	COMMERCIAL ST	GULF OF MAINE PROPERTIES INC	\$ -	\$ -
042 C001320	55:LITERARY & SCIENTIFIC	344	COMMERCIAL ST	GULF OF MAINE PROPERTIES INC	\$ -	\$ -
042 C001330	55:LITERARY & SCIENTIFIC	344	COMMERCIAL ST	GULF OF MAINE PROPERTIES INC	\$ -	\$ -
042 C001CCL	55:LITERARY & SCIENTIFIC	344	COMMERCIAL ST	GULF OF MAINE PROPERTIES INC	\$ -	\$ -
045 A001001	27:MULTI-USE COMMERCIAL	660	CONGRESS ST	A K LONGFELLOW LLC	\$ 458,500	\$ 499.77
045 A002001	27:MULTI-USE COMMERCIAL	656	CONGRESS ST	RICE GEOFFREY I	\$ 867,800	\$ 945.90
045 A003001	27:MULTI-USE COMMERCIAL	638	CONGRESS ST	638 CONGRESS STREET	\$ 5,101,800	\$ 5,560.96
045 A033001	15:5 TO 10 FAMILY	177	STATE ST	RANS LLC	\$ 378,900	\$ 413.00
045 A034001	21:RETAIL SERVICES	664	CONGRESS ST	RANS LLC	\$ 464,900	\$ 506.74
045 A035001	21:RETAIL SERVICES	670	CONGRESS ST	LONGFELLOW SQUARE	\$ 611,700	\$ 666.75
046 C011001	27:MULTI-USE COMMERCIAL	675	CONGRESS ST	DOUKAS WILLIAM B	\$ 367,700	\$ 400.79
046 C012001	21:RETAIL SERVICES	673	CONGRESS ST	DOUKAS ANDREW J	\$ 140,900	\$ 153.58
046 C013001	21:RETAIL SERVICES	671	CONGRESS ST	DOUKAS ANDREW J &	\$ 169,900	\$ 185.19
046 C019001	27:MULTI-USE COMMERCIAL	667	CONGRESS ST	REDFERN LONGFELLOW LLC	\$ 14,580,600	\$ 15,892.85
046 D008001	11:SINGLE FAMILY	15	AVON ST	REDFERN LONGFELLOW LLC	\$ 245,300	\$ 267.38

FY2020 Portland Downtown Parcels

PARCEL ID	LAND USE CODE	NUM	STREET	OWNER	NET ASMT	FEE @ 1.09 RATE
046 D017001	53:RELIGIOUS	156	HIGH ST	WILLISTON-IMMANUEL UNITED CHURCH	\$ -	\$ -
046 D018001	21:RETAIL SERVICES	653	CONGRESS ST	RICE GEOFFREY TRUSTEE	\$ 235,600	\$ 256.80
046 D021001	27:MULTI-USE COMMERCIAL	655	CONGRESS ST	TRELAWNY 657 LLC	\$ 5,222,500	\$ 5,692.53
046 D022001	27:MULTI-USE COMMERCIAL	645	CONGRESS ST	BAYSIDE MAINE LLC	\$ 3,783,700	\$ 4,124.23
046 D026001	27:MULTI-USE COMMERCIAL	633	CONGRESS ST	BURNHAM ARMS LLC	\$ 2,218,100	\$ 2,417.73
046 D027001	40:VACANT LAND	629	CONGRESS ST	BURNHAM ARMS ANNEX LLC	\$ 160,400	\$ 174.84
046 D028001	21:RETAIL SERVICES	625	CONGRESS ST	BURNHAM ARMS ANNEX LLC	\$ 227,500	\$ 247.98
046 D029001	22:OFFICE BUSINESS	619	CONGRESS ST	BAXTER BUILDING LLC	\$ 2,502,600	\$ 2,727.83
046 D031001	22:OFFICE BUSINESS	142	HIGH ST	CROSTONE PORTLAND LLC	\$ 4,127,000	\$ 4,498.43
055 E037001	27:MULTI-USE COMMERCIAL	190	STATE ST	HUCKSTER'S ROW PROPERTIES LLC	\$ 676,800	\$ 737.71
055 E039001	27:MULTI-USE COMMERCIAL	188	STATE ST	LONGFELLOW SQUARE	\$ 1,165,700	\$ 1,270.61
444 A001001	56:GOVERNMENTAL	54	COMMERCIAL ST	CITY OF PORTLAND	\$ -	\$ -
444 A005001	56:GOVERNMENTAL	46	COMMERCIAL ST	CITY OF PORTLAND	\$ -	\$ -
444 A00500B	20:COMMERCIAL CONDOS	46	COMMERCIAL ST	CASCO BAY MHR LLC	\$ 2,782,100	\$ 3,032.49
444 A011001	58:LAND BANKS	54	COMMERCIAL ST	CITY OF PORTLAND	\$ -	\$ -
					\$ 933,979,390	\$1,018,037.54

MEMORANDUM
City Council Agenda Item

FROM:

DATE: June 5, 2019

SUBJECT: Order 264-18/19 Establishing Maintenance and Implementation Assessments for Portland Downtown for Fiscal Year 2020 - Sponsored by the Economic Development Committee, Councilor Justin Costa, Chair.

SPONSOR:

(If sponsored by a Council committee, include the date the committee met and the results of the vote.)

COUNCIL MEETING DATE ACTION IS REQUESTED:

1st Reading

Final Action

Can action be taken at a later date: No

PRESENTATION: (List the presenter(s), type and length of presentation)

I. SUMMARY

II. AGENDA DESCRIPTION

This item is a companion order to Order 263 above.

This item must be read on two separate days. It was given a first reading on June 3, 2019. Five affirmative votes are required for passage after public comment.

III. BACKGROUND

IV. INTENDED RESULT AND/OR COUNCIL GOAL ADDRESSED

V. FINANCIAL IMPACT

VI. STAFF ANALYSIS AND BACKGROUND

Staff Analysis and Background that will not appear in the Agenda Description.

VII. RECOMMENDATION

VIII. LIST ATTACHMENTS

1. Establishing FY2020 Portland Downtown Assessments 6.3.2019

Prepared by:

Date: 6/5/2019

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

CITY OF PORTLAND
IN THE CITY COUNCIL

KIMBERLY COOK (5)
JILL C. DUSON (A/L)
PIOUS ALI (A/L)
NICHOLAS M. MAVODONES, JR (A/L)

**ORDER ASSESSING MAINTENANCE AND IMPLEMENTATION
ASSESSMENTS FOR PORTLAND DOWNTOWN
FOR FISCAL YEAR 2019-2020**

ORDERED, pursuant to 30-A M.R.S. § 5228, after public hearing thereon, that the sum of \$1,017,339 be raised and appropriated from the special assessments on all real estate situated within the boundaries of the Downtown Improvement District, Inc. doing business as Portland Downtown to fund maintenance and implementation costs for such district for the period beginning July 1, 2019 and ending on June 30, 2020; and

BE IT FURTHER ORDERED, that the said sum be assessed on all real estate within the Downtown Improvement District in the amounts set forth on the “List of Maintenance and Implementation assessments” which is attached hereto; and

BE IT FURTHER ORDERED, that the said assessments shall be due July 1, 2019 and payable to the City of Portland at the same time that taxes on other real estate are due; and

BE IT FURTHER ORDERED, that the interest on unpaid assessments shall be at the same rate as interest on other unpaid real estate taxes; and

BE IT FURTHER ORDERED, that the said assessments are hereby committed to the tax collector of the City of Portland for collection, pursuant to 30-A M.R.S. § 5228(5); and

BE IT FURTHER ORDERED, that the tax collector is hereby authorized and directed to take all necessary action for the collection of said assessment.

MEMORANDUM
City Council Agenda Item

FROM:

DATE: June 5, 2019

SUBJECT: Order 265-18/19 Approving the Agreement between the City of Portland and Portland Downtown - Sponsored by the Economic Development Committee, Councilor Justin Costa, Chair.

SPONSOR:

(If sponsored by a Council committee, include the date the committee met and the results of the vote.)

COUNCIL MEETING DATE ACTION IS REQUESTED:

1st Reading

Final Action

Can action be taken at a later date: No (If no why not?)

PRESENTATION: (List the presenter(s), type and length of presentation)

I. SUMMARY

II. AGENDA DESCRIPTION

This is a companion to Orders 263 and 264 above.

This item must be read on two separate days. It was given a first reading on on June 3, 2019. Five affirmative votes are required for passage after public comment.

III. BACKGROUND

IV. INTENDED RESULT AND/OR COUNCIL GOAL ADDRESSED

V. FINANCIAL IMPACT

VI. STAFF ANALYSIS AND BACKGROUND

Staff Analysis and Background that will not appear in the Agenda Description.

VII. RECOMMENDATION

VIII. LIST ATTACHMENTS

1. Authorizing FY2020 Portland Downtown Agreement 6.3.2019

Prepared by:

Date: 6/5/2019

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

CITY OF PORTLAND
IN THE CITY COUNCIL

KIMBERLY COOK (5)
JILL C. DUSON (A/L)
PIOUS ALI (A/L)
NICHOLAS M. MAVODONES, JR (A/L)

**ORDER APPROVING THE AGREEMENT BETWEEN THE CITY OF PORTLAND
AND PORTLAND DOWNTOWN**

ORDERED, that the Agreement between the City of Portland and the Downtown Improvement District, Inc. doing business as Portland Downtown is hereby approved; and

BE IT FURTHER ORDERED, that the City Manager is hereby authorized to enter into said Agreement in substantially in the form attached, and any other documents necessary to effect the intent of this order, to carry out the Development Plan for the Downtown Improvement District, Inc. for the period from and after July 1, 2019 and ending June 30, 2020.

MEMORANDUM
City Council Agenda Item

FROM: Greg Mitchell, Director

DATE: June 5, 2019

SUBJECT: **Order 266-18/19 Amending the Waterfront Tax Increment Financing District to Add Four Properties - Sponsored by the Economic Development Committee, Councilor Justin Costa, Chair.**

SPONSOR: Economic Development Committee, Councilor Justin Costa/Chair; meeting held May 7, 2019, with a unanimous vote (4-0) to forward to the City Council for approval.

(If sponsored by a Council committee, include the date the committee met and the results of the vote.)

COUNCIL MEETING DATE ACTION IS REQUESTED:

1st Reading

Final Action

Can action be taken at a later date: No (If no why not?) This TIF Amendment has been advertised in the *Press Herald* for public hearing and final action on June 17, 2019.

PRESENTATION: Greg Mitchell/5 Minutes

I. SUMMARY

A public hearing will be held at the June 17, 2019 Council meeting for a vote to approve the Proposed Amendments to the Waterfront Tax Increment Financing (WTIF) District to add additional properties to the District; a companion order is one adjustment to the Waterfront Development Growth Area Ordinance (WGA) Map.

II. AGENDA DESCRIPTION

The Economic Development Committee met on May 7 and voted unanimously (4-0) to forward this item to the City Council with a recommendation for passage.

Amendments to the Waterfront Tax Increment Financing (TIF) District are proposed to maximize utilization of the TIF District revenue by adding four additional properties to expand the Waterfront TIF District, and propose one adjustment to the WGA Map.

City staff proposed amendments do not involve credit enhancement agreements.

This item must be read on two separate days. It was given a first reading on June 3, 2019. Five affirmative votes are required for passage after public comment.

III. BACKGROUND

Geography. 99.9 acres. It is proposed to add four additional properties to the City Council and MDECD approved WTIF District along with one WGA Map adjustment. See attached map for a listing of the four properties along with the location for the one adjustment to the WGA Map.

TIF Term. Fiscal Years 2003-2032.

Capture Rate. Up to 100%, no change is proposed.

Overview of TIF District Expenditures to Date:

Waterfront TIF Expenditures from FY2016 thru FY2018:

Uses/Revenue :

Public Infrastructure/\$46,100

Credit Enhancement Agreement/\$574,646

Debt Service/\$549,650

Staff/\$319,467

Total Invested: \$1,489,863

Proposed Amendments - New Geography. See attached map, as noted previously, to add four additional properties to expand the Waterfront TIF District, along with one WGA Map adjustment, to increase the amount of TIF funds to support waterfront public infrastructure needs.

IV. INTENDED RESULT AND/OR COUNCIL GOAL ADDRESSED

City Council approval of the proposed amendments to the Waterfront TIF District to support increased public and private sector investment and associated job creation, and WGA Ordinance map adjustment.

V. FINANCIAL IMPACT

TIF District Estimates. See attached spreadsheet for estimates of property tax revenue, funds available to the City General Fund, and one existing credit enhancement agreement included in the Waterfront TIF District.

Tax Shelter (Financial Benefits). Probably the most important, but least understood public benefit associated with TIF districts, is the tax shelter or local financial benefits.

Municipalities realize “savings” from the tax sheltering effect of TIF Districts. The following direct financial impacts occur when municipal valuation increases:

- A. State Education Aid is reduced,
- B. State Municipal Revenue Sharing is reduced, and
- C. A municipality pays a higher percentage of the County budget.

This amount of “savings” is significant and one of the most important benefits of establishing TIF Districts.

For Portland, tax shelter savings is conservatively estimated at 30%, meaning that for every new tax dollar, Portland saves 30 cents which would otherwise be lost for property tax value not included in a TIF District. The estimated tax shelter savings for the remainder of the Waterfront TIF District term – FY2020 through FY2032 - (including all additional properties to expand the Waterfront TIF District) is \$32.6 Million, or a yearly average of \$2.5 Million.

Net Impact to the General Fund

The savings referenced above is a direct benefit to the general fund – both to the City and the School

Department via an increase in revenue from the State of Maine for education, increased revenues for the City from municipal revenue sharing, and decreased expenses for county taxes. It is important to note that whenever the TIF capture rate is adjusted upward this will change how property tax revenue flows between the general fund and the area TIFs. Via careful TIF budgeting, subject to annual budget approval by City Council, certain types of approved expenditures can be moved from the general fund into area TIFs. If the impact of the revenue shift is able to be fully offset, the end result is the 30 cent savings on the dollar. A good example is what was done in the FY19 budget. TIF capture rates were adjusted upward by approximately 5% in the Waterfront and Bayside TIF Districts. Although this resulted in slightly less revenue to the general fund, expenses related to Economic Development Department staff, in an amount approximately equal to the revenue shift, were funded by TIF Districts. The net result was an increased capture rate in both TIF Districts, more sheltering savings (approximately 30% in benefits) and no other negative impact on the City or School budgets. It is this type of calculated TIF budgeting which is expected to continue to be utilized moving forward to increase capture rates, maximize sheltering, and ensure only positive impacts to the City and School budgets.

VI. STAFF ANALYSIS AND BACKGROUND

City staff recommends approval of the proposed amendments to the WTIF District.

VII. RECOMMENDATION

The Economic Development Committee reviewed these two items at its May 7, 2019, Committee meeting and voted unanimously (4-0) to forward both items to the City Council for approval.

VIII. LIST ATTACHMENTS

1. Amending Waterfront TIF to add four properties 6.3.2019
2. Map with Existing and Proposed WTIF&WGA Map Amdmt 5-7-2019 Updt
3. WGA Map As Revised for 6-3-2019 CC Packet-V2
4. Listing of Proposed Properties to be Added
5. SS for EDC and CC Memos of 5-2019
6. For CC Marked Revision and Clean Version of TIF Narrative

Prepared by:

Greg Mitchell, Director

Date: 6/5/2019

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

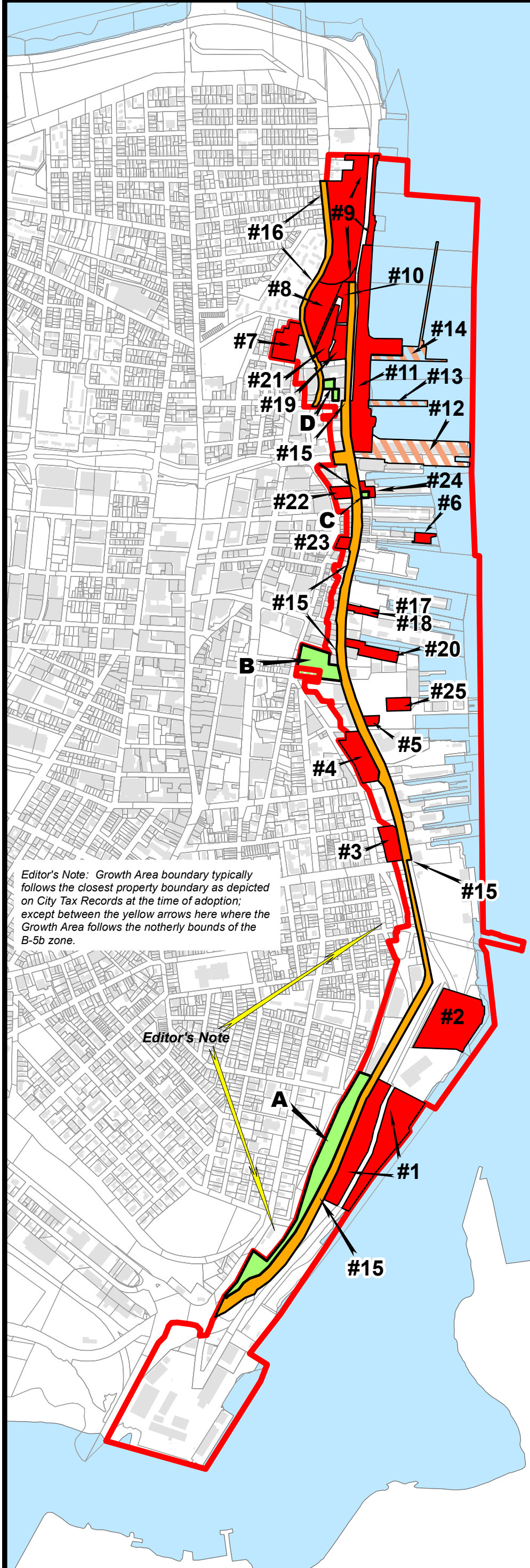
CITY OF PORTLAND
IN THE CITY COUNCIL

KIMBERLY COOK (5)
JILL C. DUSON (A/L)
PIOUS ALI (A/L)
NICHOLAS M. MAVODONES, JR (A/L)

**ORDER AMENDING THE 2002 WATERFRONT TAX INCREMENT
FINANCING DISTRICT TO ADD FOUR PROPERTIES**

ORDERED, that the 2002 Waterfront Tax Increment Financing District as adopted by Order 185-01/02, and amended by Orders 173-02/03, 254-04/05, 238-05/06, 223-06/07; 241-07/08, 261-08/09, 216-09/10, 237-09/10, 222-10/11, 182-11/12, 161-17/18 and 79-18/19, is hereby further amended to add four properties in substantially the form attached hereto as Exhibit A; and

BE IT FURTHER ORDERED, that the City Council hereby authorizes the City Manager or his or her designee to execute said documents and any other related documents necessary or convenient to carry out the intent of said documents.



WATERFRONT TIF DISTRICT		
Map ID	Parcel Address - Common Name	CBL
Proposed AMD4-WTIF Parcels to be added (5/2019).		
A	JB Brown Site, West Commercial St	Add 060 A001
B	Portland Square Master Plan, Lower Lot and Center St Hotel	Add 038 G001, includes addition to Growth Area
C	Dry Dock Building at 84 Commercial St	Add 030 D005
D	Fore Street office block and India Street residential block	Add 019 B004 and 019 B022
AMD3-WTIF Parcels Added. Council Approved 10/15/2018. MDECD Approved 4/5/2019.		
1	400 West Commercial, PYS	060 F001
"	"	060 F003
2	IMT Cold Storage Site	Multiple, inclcuding: 059 A002 and 059 A005, and portions of 059 A007, 059 A008, 059 A009
3	431 Commercial St., "Angelo's Acre"	043 C009
4	383 Commercial St., Dasco Development, Rufus Deering Site	042 A001
5	Portland Fish Pier Lot #1	041 A013
6	60 Portland Pier	030 B004
7	127 Fore St., Shipyard Brewery	020 C009
8	100 Fore St., Hamilton Marine Site	019 A010
9	58 Fore St, Portland Foreside	018 A001, 018 A002, 019 A003
10	Thames St Lot, Phase II	019 A002
11	Ocean Gateway Land, Parking and Queuing	444 A003 and A004; 445 A001 and A002; 446 A001 and A002
12	Portland Ocean Terminal and the Maine State Pier	444 A001 and A002
13	New Pier	444 A004
14	Ocean Gateway Pier	445 A002
15	West Commercial St., Commercial St., Thames St Corridor	NA
16	Fore Street Corridor, India Street to Atlantic Street	NA
AMD 2: WTIF Parcels Added. Council Approved 3/16/2018. MDECD Approved 5/29/2018.		
17	5 Widgery Wharf, Union Wharf	031 K003
18	218 Commercial St., Union Wharf	031 K103
19	Hancock St., WEX Headquarters	019 A014
AMD 1: WTIF Sub-District Created. Council Approved 6/7/2010. MDECD Approved 6/28/2010.		
20	252 Commercial St., Pierce Atwood	041 A016
WTIF District Creation. Council Approved 6/7/2010. MDECD Approved 6/28/2010.		
21	144 Fore St./Warehouse & Storage	019 A008
22	7 Custom House St/Office & Business	029 K001
23	145 Commercial St/Office & Business	029 S001
24	68 Commercial St./Maine Wharf	030 D001
25	5 Portland Fish Pier/Bristol Seafood	041 A005

Map produced by the City of Portland Economic Development Department. Intended to document Growth Area and Waterfront TIF District boundaries as of October 15, 2018 as well as proposed expansions. TIF district boundaries are based on the underlying tax parcels where available. Actual parcel boundaries may change by sale or lease and TIF District boundaries may be amended from time to time. May 2019

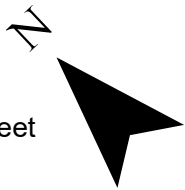
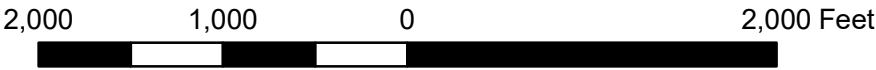
- Legend**
- Growth Area Boundary as Recently Expanded
 - TIF District Parcels**
 - Existing TIF parcel, as of April 2019
 - Property for TIF District Inclusion
 - Pier Infrastructure for In-district Capture and Use of TIF Funds
 - Public Roadway for Use of TIF Funds
 - Addition to Growth Area Boundaring and TIF District



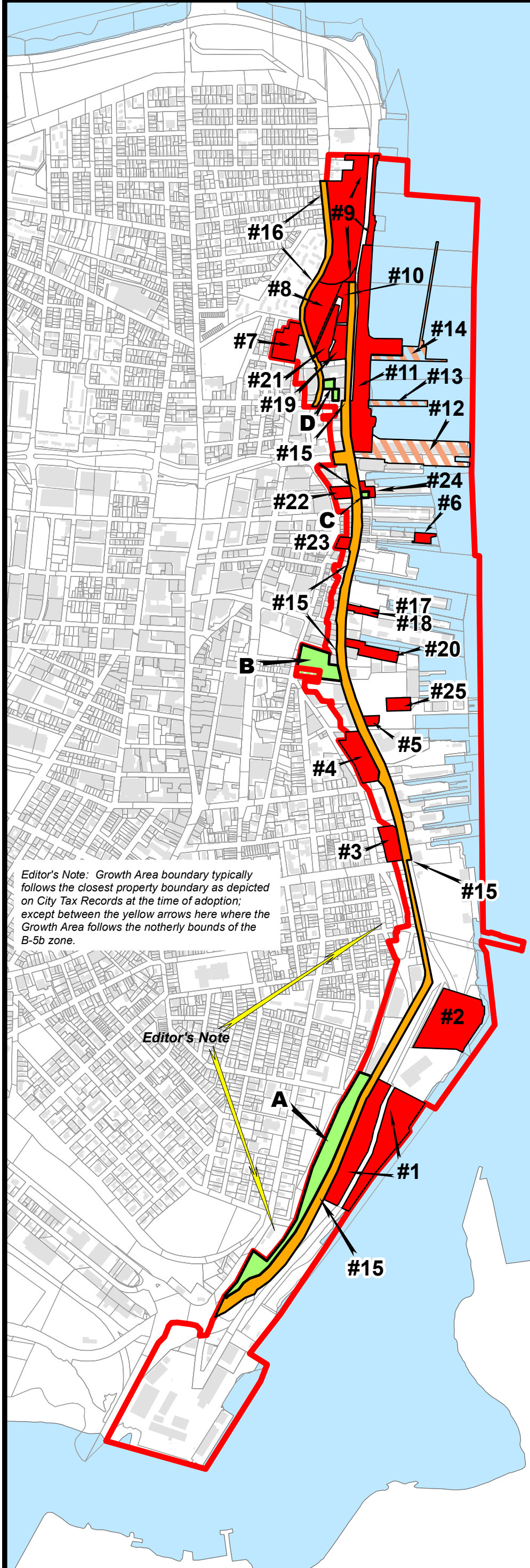
Portland Waterfront Development Growth Area
Waterfront TIF District Expansion

May 2019

Draft for Review by
City of Portland Economic Development Committee



Proposed Waterfront TIF District Expansion May 2019/Listing of Properties to be Added						
Map ID	Parcel Address Common Name	CBL	Ownership	Sq. ft.	OAV a/o 4/1/2018	
A	West Commercial Street	060 A001	JB Brown & Sons	457,380	\$898,000	
B	Commercial St. and Center St./Hotel	038 G001	North River IV LLC	104,074	\$3,959,400	
C	Dry Dock Building, 84 Commercial Street	030 D005	84 Commercial Street LLC	4,819	\$537,500	
D	Fore Street Office/Resid.	019 B022	Essexnorth 170 Fore LLC	11,226	\$318,900	
"	"	019 B004	Essexnorth Portland LLC	7,296	\$224,600	
Totals:				584,795	\$5,938,400	
			Acres:	13.43		



WATERFRONT TIF DISTRICT		
Map ID	Parcel Address - Common Name	CBL
Proposed AMD4-WTIF Parcels to be added (5/2019).		
A	JB Brown Site, West Commercial St	Add 060 A001
B	Portland Square Master Plan, Lower Lot and Center St Hotel	Add 038 G001, includes addition to Growth Area
C	Dry Dock Building at 84 Commercial St	Add 030 D005
D	Fore Street office block and India Street residential block	Add 019 B004 and 019 B022
AMD3-WTIF Parcels Added. Council Approved 10/15/2018. MDECD Approved 4/5/2019.		
1	400 West Commercial, PYS	060 F001
"	"	060 F003
2	IMT Cold Storage Site	Multiple, inclcuding: 059 A002 and 059 A005, and portions of 059 A007, 059 A008, 059 A009
3	431 Commercial St., "Angelo's Acre"	043 C009
4	383 Commercial St., Dasco Development, Rufus Deering Site	042 A001
5	Portland Fish Pier Lot #1	041 A013
6	60 Portland Pier	030 B004
7	127 Fore St., Shipyard Brewery	020 C009
8	100 Fore St., Hamilton Marine Site	019 A010
9	58 Fore St, Portland Foreside	018 A001, 018 A002, 019 A003
10	Thames St Lot, Phase II	019 A002
11	Ocean Gateway Land, Parking and Queuing	444 A003 and A004; 445 A001 and A002; 446 A001 and A002
12	Portland Ocean Terminal and the Maine State Pier	444 A001 and A002
13	New Pier	444 A004
14	Ocean Gateway Pier	445 A002
15	West Commercial St., Commercial St., Thames St Corridor	NA
16	Fore Street Corridor, India Street to Atlantic Street	NA
AMD 2: WTIF Parcels Added. Council Approved 3/16/2018. MDECD Approved 5/29/2018.		
17	5 Widgery Wharf, Union Wharf	031 K003
18	218 Commercial St., Union Wharf	031 K103
19	Hancock St., WEX Headquarters	019 A014
AMD 1: WTIF Sub-District Created. Council Approved 6/7/2010. MDECD Approved 6/28/2010.		
20	252 Commercial St., Pierce Atwood	041 A016
WTIF District Creation. Council Approved 6/7/2010. MDECD Approved 6/28/2010.		
21	144 Fore St./Warehouse & Storage	019 A008
22	7 Custom House St/Office & Business	029 K001
23	145 Commercial St/Office & Business	029 S001
24	68 Commercial St./Maine Wharf	030 D001
25	5 Portland Fish Pier/Bristol Seafood	041 A005

Map produced by the City of Portland Economic Development Department. Intended to document Growth Area and Waterfront TIF District boundaries as of October 15, 2018 as well as proposed expansions. TIF district boundaries are based on the underlying tax parcels where available. Actual parcel boundaries may change by sale or lease and TIF District boundaries may be amended from time to time. May 2019

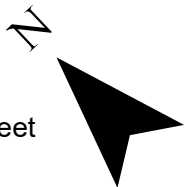
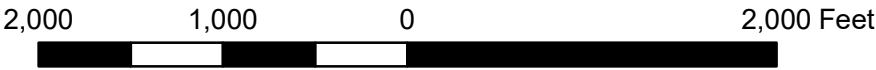
- Legend**
- Growth Area Boundary as Recently Expanded
 - TIF District Parcels**
 - Existing TIF parcel, as of April 2019
 - Property for TIF District Inclusion
 - Pier Infrastructure for In-district Capture and Use of TIF Funds
 - Public Roadway for Use of TIF Funds
 - Addition to Growth Area Boundaring and TIF District

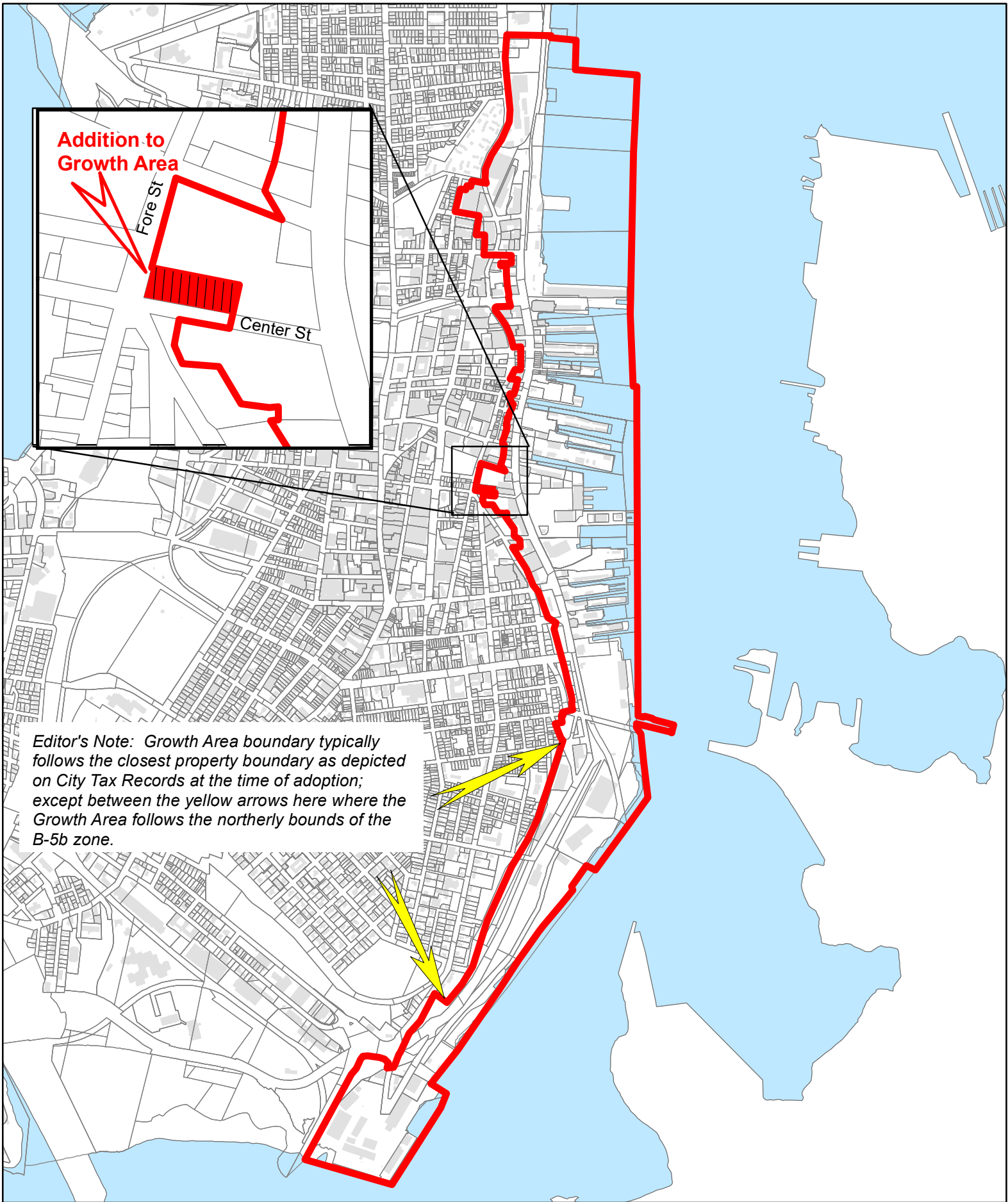


Portland Waterfront Development Growth Area
Waterfront TIF District Expansion

May 2019

Draft for Review by
City of Portland Economic Development Committee





**Addition to
Growth Area**

Fore St

Center St

Editor's Note: Growth Area boundary typically follows the closest property boundary as depicted on City Tax Records at the time of adoption; except between the yellow arrows here where the Growth Area follows the northerly bounds of the B-5b zone.



Portland Waterfront Development Growth Area

2,000 1,000 0 2,000 Feet

**Waterfront Development
Growth Area**

Map produced by the City of Portland Economic Development Department. Intended as an exhibit to the City ordinance expanding and replacing the Waterfront Redevelopment Economic Zone. October 2018, Amended June 2019



Proposed Waterfront TIF District Expansion May 2019/Listing of Properties to be Added						
Map ID	Parcel Address Common Name	CBL	Ownership	Sq. ft.	OAV a/o 4/1/2018	
A	West Commercial Street	060 A001	JB Brown & Sons	457,380	\$898,000	
B	Commercial St. and Center St./Hotel	038 G001	North River IV LLC	104,074	\$3,959,400	
C	Dry Dock Building, 84 Commercial Street	030 D005	84 Commercial Street LLC	4,819	\$537,500	
D	Fore Street Office/Resid.	019 B022	Essexnorth 170 Fore LLC	11,226	\$318,900	
"	"	019 B004	Essexnorth Portland LLC	7,296	\$224,600	
Totals:				584,795	\$5,938,400	
			Acres:	13.43		

City of Portland - Waterfront TIF Model
Actual FY03 thru FY19; Estimates FY20 thru FY32

WITH FALL 2018 and MAY 2019 PARCELS ADDED IN

OAV at Beginning ao 4/1/2001:	\$6,716,410	TIF Years 18 through 30 - Annual mil rate increase:	2%
OAV added FY11 for Subdistrict ao 4/1/2009:	\$950,900	TIF Years 18 through 30 - Annual valuation increase:	1%
OAV added FY19 for Wex/Union Wharf ao 4/1/2016:	\$616,430		
OAV added FY20 for Addl Fall 2018 Parcels ao 4/1/2017:	\$20,076,870		
OAV added FY20 for Addl May 2019 Parcels ao 4/1/2018:	\$5,938,400		
	\$34,299,010		

1/31/2019

Waterfront TIF											
TIF Years 1 (FY2003) through 17 (FY2019) Actual Numbers; Years 18 (FY2020) through 30 (FY2032) Estimates											
TIF Year	Tax Year- April 1	Increased Assessed Value Real Prop.	% of Value Captured	Captured Valuation	Projected Mill Rate	Total Projected New Taxes Captured	Captured Revenue to Municipal & Subdistrict* Project Account	City Non- Captured General Fund Revenues	OAV General Fund Revenue	Captured Revenue to Municipal Project Account	Captured Revenue to Subdistrict Project Account
1	2002	\$11,533,350	1.00%	\$115,334	25.72	\$2,966	\$2,966	\$293,671	\$172,746	\$2,966	
2	2003	\$8,966,860	1.00%	\$89,669	26.80	\$2,403	\$2,403	\$237,909	\$180,000	\$2,403	
3	2004	\$11,941,350	1.00%	\$119,414	26.53	\$3,168	\$3,168	\$313,636	\$178,186	\$3,168	
4	2005	\$14,041,400	35.38%	\$4,967,847	20.13	\$100,003	\$100,003	\$182,651	\$135,201	\$100,003	
5	2006	\$18,576,750	1.00%	\$185,768	16.31	\$3,030	\$3,030	\$299,957	\$109,545	\$3,030	
6	2007	\$20,681,160	100.00%	\$20,681,160	17.10	\$353,648	\$353,648	\$0	\$114,851	\$353,648	
7	2008	\$20,050,110	62.00%	\$12,431,068	17.74	\$220,527	\$220,527	\$135,162	\$119,149	\$220,527	
8	2009	\$20,010,560	79.00%	\$15,808,342	17.74	\$280,440	\$280,440	\$74,547	\$119,149	\$280,440	
9	2010	\$18,984,380	58.00%	\$11,010,940	17.92	\$197,316	\$197,316	\$142,884	\$137,398	\$197,316	
10	2011	\$24,027,840	74.00%	\$17,780,602	18.28	\$325,001	\$325,001	\$114,190	\$140,158	\$280,783	\$44,218
11	2012	\$30,830,290	74.00%	\$22,814,415	18.82	\$429,367	\$429,367	\$150,859	\$144,299	\$285,529	\$143,838
12	2013	\$30,953,560	91.00%	\$28,167,740	19.41	\$546,736	\$546,736	\$54,073	\$148,822	\$397,189	\$149,547
13	2014	\$32,962,770	73.00%	\$24,062,822	20.00	\$481,256	\$481,256	\$177,999	\$153,346	\$313,301	\$167,955
14	2015	\$33,758,700	69.00%	\$23,293,503	20.63	\$480,545	\$480,545	\$215,897	\$158,177	\$295,498	\$185,047
15	2016	\$33,959,530	66.00%	\$22,413,290	21.11	\$473,145	\$473,145	\$243,741	\$161,857	\$280,806	\$192,339
16	2017	\$34,620,350	66.00%	\$22,849,431	21.65	\$494,690	\$494,690	\$254,840	\$165,997	\$297,431	\$197,259
17	2018	\$39,176,240	71.48%	\$28,003,176	22.48	\$629,511	\$629,511	\$251,170	\$186,218	\$424,690	\$204,821
18	2019	\$64,293,550	100.00%	\$64,293,550	22.93	\$1,474,225	\$1,474,225	\$0	\$786,476	\$1,265,304	\$208,922
19	2020	\$85,279,476	100.00%	\$85,279,476	23.39	\$1,994,533	\$1,994,533	\$0	\$802,254	\$1,781,420	\$213,113
20	2021	\$153,475,260	100.00%	\$153,475,260	23.86	\$3,661,299	\$3,661,299	\$0	\$818,374	\$3,474,475	\$186,824
21	2022	\$264,853,003	100.00%	\$264,853,003	24.33	\$6,444,688	\$6,444,688	\$0	\$834,495	\$6,254,184	\$190,504
22	2023	\$267,844,523	100.00%	\$267,844,523	24.82	\$6,647,830	\$6,647,830	\$0	\$851,301	\$6,453,490	\$194,341
23	2024	\$288,865,959	100.00%	\$288,865,959	25.32	\$7,312,969	\$7,312,969	\$0	\$868,451	\$7,114,713	\$198,256
24	2025	\$292,097,608	100.00%	\$292,097,608	25.82	\$7,542,677	\$7,542,677	\$0	\$885,600	\$7,340,506	\$202,171
25	2026	\$295,361,574	100.00%	\$295,361,574	26.34	\$7,779,500	\$7,779,500	\$0	\$903,436	\$7,610,756	\$168,744
26	2027	\$298,658,180	100.00%	\$298,658,180	26.87	\$8,023,655	\$8,023,655	\$0	\$903,436	\$8,001,494	\$22,161
27	2028	\$301,987,752	100.00%	\$301,987,752	27.40	\$8,275,369	\$8,275,369	\$0	\$921,614	\$8,275,369	
28	2029	\$329,850,620	100.00%	\$329,850,620	27.95	\$9,219,673	\$9,219,673	\$0	\$958,657	\$9,219,673	
29	2030	\$333,492,116	100.00%	\$333,492,116	28.51	\$9,507,885	\$9,507,885	\$0	\$977,865	\$9,507,885	
30	2031	\$337,170,027	100.00%	\$337,170,027	29.08	\$9,804,998	\$9,804,998	\$0	\$997,415	\$9,804,998	
30 Year TIF Total		\$3,718,304,850		\$3,568,024,169		\$92,713,054	\$92,713,054	\$3,143,186	\$14,034,476	\$89,842,996	\$2,870,058
30 Year Average:		\$123,943,495		\$118,934,139		\$3,090,435	\$3,090,435	\$104,773	\$467,816	\$2,994,767	\$95,669

*Subdistrict is Waterfront Maine CEA with maximum cumulative TIF payments set at \$2,870,058.

City of Portland Waterfront TIF Model
1/31/2019

Tax Shifts-Avoided Formula Impacts from Sheltering of Valuation: City of Portland- TIF Model							
TIF Years 1 (FY2003) through 17 (FY2019) Actual Numbers w Varying Percentage Captures; Years 18 (FY2020) through 30 (FY2032) Estimates with 100% Capture Rates.							
TIF Year	Tax Year- April 1	Total Added Valuation	Sheltered Valuation	Avoided Formula Impacts from Sheltering of Valuation			
				Avoided Loss of State Aid to for Education	Avoided Loss of State Municipal Revenue Sharing	Avoided Increase in County Tax	Total Avoided Impacts
1	2002	\$11,533,350	\$115,334	\$0	\$67	\$64	\$131
2	2003	\$8,966,860	\$89,669	\$0	\$52	\$50	\$102
3	2004	\$11,941,350	\$119,414	\$0	\$70	\$66	\$136
4	2005	\$14,041,400	\$4,967,847	\$21,138	\$2,907	\$2,743	\$26,788
5	2006	\$18,576,750	\$185,768	\$1,581	\$109	\$103	\$1,792
6	2007	\$20,681,160	\$20,681,160	\$175,997	\$12,100	\$11,414	\$199,511
7	2008	\$20,050,110	\$12,431,068	\$105,788	\$7,273	\$6,862	\$119,924
8	2009	\$20,010,560	\$15,808,342	\$134,529	\$9,249	\$8,726	\$152,504
9	2010	\$18,984,380	\$11,010,923	\$93,703	\$6,442	\$6,078	\$106,224
10	2011	\$24,027,840	\$17,780,579	\$151,313	\$10,403	\$9,814	\$171,530
11	2012	\$30,830,290	\$22,814,392	\$194,150	\$13,348	\$12,591	\$220,089
12	2013	\$30,953,560	\$28,167,712	\$239,707	\$16,480	\$15,544	\$271,731
13	2014	\$32,962,770	\$24,062,800	\$204,774	\$14,078	\$13,280	\$232,132
14	2015	\$33,758,700	\$23,293,482	\$198,228	\$13,628	\$12,855	\$224,711
15	2016	\$33,959,530	\$22,413,270	\$190,737	\$13,113	\$12,370	\$216,220
16	2017	\$34,620,350	\$22,849,411	\$194,448	\$13,368	\$12,610	\$220,427
17	2018	\$39,176,240	\$28,003,155	\$238,307	\$16,384	\$15,453	\$270,143
18	2019	\$64,293,550	\$70,258,920	\$597,903	\$41,106	\$38,733	\$677,743
19	2020	\$85,279,476	\$91,244,846	\$776,494	\$41,106	\$50,279	\$867,879
20	2021	\$153,475,260	\$159,440,630	\$1,356,840	\$93,283	\$87,722	\$1,537,845
21	2022	\$264,853,003	\$270,818,373	\$2,304,664	\$158,447	\$148,625	\$2,611,737
22	2023	\$267,844,523	\$273,809,893	\$2,330,122	\$160,197	\$150,257	\$2,640,576
23	2024	\$288,865,959	\$294,831,329	\$2,509,015	\$172,496	\$161,716	\$2,843,227
24	2025	\$292,097,608	\$298,062,978	\$2,536,516	\$174,387	\$163,477	\$2,874,379
25	2026	\$295,361,574	\$301,326,944	\$2,564,292	\$176,296	\$165,255	\$2,905,843
26	2027	\$298,658,180	\$304,623,550	\$2,592,346	\$178,225	\$167,050	\$2,937,622
27	2028	\$301,987,752	\$307,953,122	\$2,620,681	\$180,173	\$168,864	\$2,969,718
28	2029	\$329,850,620	\$335,815,990	\$2,857,794	\$196,475	\$184,026	\$3,238,295
29	2030	\$333,492,116	\$339,457,486	\$2,888,783	\$198,605	\$186,007	\$3,273,395
30	2031	\$337,170,027	\$343,135,397	\$2,920,082	\$200,757	\$188,006	\$3,308,846
30 Year TIF Total		\$3,718,304,850	\$3,645,573,787	\$30,999,934	\$2,120,625	\$2,000,639	\$35,121,198
30 Year Average		\$123,943,495	\$121,519,126	\$1,033,331	\$70,687	\$66,688	\$1,170,707

City of Portland

Waterfront Economic Redevelopment Program

Application for FY02 and FY10 Amended Waterfront Tax Increment Financing Development

AMENDED AND RESTATED PER CITY COUNCIL APPROVAL
ON JUNE 7, 2010

AMENDED AND RESTATED PER CITY COUNCIL APPROVAL ON
MARCH 6, 2018

AMENDED AND RESTATED PER CITY COUNCIL APPROVAL ON
OCTOBER 15, 2018.

AMENDED AND RESTATED PER CITY COUNCIL APPROVAL ON
_____, 2019

Prepared by:

The City of Portland Economic Development Department
March 13, 2002/Amended and Restated as of June 7, 2010; Amended and Restated March 6,
2018; Amended and Restated October 15, 2018; Amended and Restated _____, 2019

I. Introduction

The Portland City Council on March 18, 2002, designated five properties as tax increment financing districts (the “Original TIF Districts”) as more specifically described below and adopted the Waterfront Tax Increment Financial Development District Program (the “Original Development Program”). The Original TIF District program was designed for the City to capture 100% of the tax increment for specified allowable uses.

Amendment #1: On June 7, 2010, the Portland City Council approved the Amended and Restated the Original Development Program (“Amended Development Program”), which was approved by the Maine Department of Economic Development and Community Development (“MDECD”) on June 28, 2010, as follows:

- Extend the term by twenty (20) years;
- Reduce the number of TIF investment options;
- Authorize the use of Credit Enhancement Agreements within the Waterfront Central Zone; and
- Establish a Sub-District (the “Sub-District”) within the District and to authorize a Credit Enhancement Agreement with the Developer with respect to the Sub-District in furtherance of the Cumberland Cold Storage (Merrill’s Wharf) Project.

Amendment #2: On March 6, 2018, the Portland City Council further amended the Original TIF Districts to add three properties with the following Chart, Lot, and Block (CBL) numbers (“Added TIF District Properties of 2018”):

- 019-A-014001;
- 031-K-003001; and,
- 031-K-103001.

The three additional properties include two projects under construction as follows:

WEX Headquarters (019-A-014001)

Union Wharf Mixed Use Development (031-K-003001 and 031-K103001)

± MDECD approved Amendment #2 on May 29, 2018.

Amendment #3 – Additional Parcels Added – September 2018 – Approved by the City Council October 15, 2018, and approved by MDECD April 5, 2019.

Additional Parcels include those listed in Section II(D)(4).

In addition, this Amendment increased City TIF revenue investment options, as well as increased the geographic area by amending and renaming the WREZ to the “Waterfront Development

Growth Area Ordinance” (WGA). See amendments to the WREZ, now WGA, as noted on Attachment #3(A) and approved by the City Council on October 15, 2018.

Amendment #4: Proposed Amendment 4 would add additional properties designated by the City Assessor as follows:

- 060 A001 on West Commercial Street;
- 038 G001 at Commercial and Center Streets;
- 030 D005 on Commercial Street;
- 019 B022 and 019 B004 on Fore and India Streets.

History:

The history of the City of Portland is inextricably tied to the waterfront. From tourism to shipbuilding to national defense, the waterfront has been a vital part of the social and economic fabric of Portland. Always, Portland has worked to recognize the unique needs of the harbor, to protect its authentic marine heritage and to provide public access. The product of this commitment comes from the work of a Mayoral Taskforce report entitled “Investing in Our Working Waterfront – Final Report of the Mayor’s Waterfront Task Force on Economic Development”, dated October 2000 (herein referred to as the “Task Force II Report”). An excerpt from its Executive Summary is included here, and the full Report is attached to this application labeled as Attachment #1.

“Portland is a waterfront city. Its harbor is one of the deepest on the East Coast and served as the staging area for the Atlantic Fleet during World War II. Today, it accommodates the largest petroleum trans-shipment operation on the East Coast. The inner harbor is very limited in geography; it is only about two miles in length from Bath Iron Works to Merrill’s Marine Terminal. The wharves that serve the needs of water-dependent businesses are both publicly and privately owned. Over the course of its long history, the Portland waterfront has served as a center of commerce, shipbuilding, cargo and passenger transport, fishing and defense. It has also supported a range of mixed uses, the character of which has changed over time as the City of Portland and its waterfront have evolved.

Portland has a 30-year history of commitment to its working waterfront. The City began planning the future of its waterfront in the early 1970’s, culminating in 1982 with multi-faceted development strategies, including zoning amendments, construction of public facilities, and policies to address berthing and public access. Despite these initiatives, the emergence of the Old Port as a vital retail center and tourist attraction threatened to drive traditional industries from their waterfront locations. A citizen-initiated referendum in 1987 passed by a 2-1 margin, clearly

demonstrating the public's commitment to a working waterfront, and significant limitations were placed on development of the water side of Commercial Street.

Before the development moratorium expired in 1992, the City asked waterfront interests to review the zoning and recommend any changes that might provide more flexibility in renting space, while protecting water-dependent and marine-related uses (The Waterfront Alliance Report, 1992). While some may argue otherwise, the existing zoning structure, based on the 1992 Report, strikes a reasonable balance between preserving the "working waterfront" and allowing property owners necessary flexibility in managing their assets. Since the 1980's, Portland and the State of Maine have invested significant public dollars in supporting traditional waterfront activities such as ship repair, commercial fishing, and cargo transfer. At the same time, some private property owners have, for a variety of reasons, lacked the revenues to maintain their piers, resulting in a serious infrastructure problem, which threatens the viability of certain piers as elements of the waterfront economy.

Despite investments in publicly owned waterfront facilities, the City has done little to assist private owners of waterfront property, the uses of which have been limited by public policy, as noted above. This report is the result of a charge issued by then-Mayor Tom Kane to "focus on economic support for the waterfront...and to make the working waterfront work." It is the second of a three-phase process for defining the City's vision for its waterfront."

The Task Force II Report was presented to the City Council and the public, and the Council voted to incorporate it into the Comprehensive Plan on June 4, 2001.

The Task Force II Report identified the unique needs of the waterfront from both an infrastructure and a business development perspective, and several recommendations were made. In order to turn these recommendations into waterfront economic development opportunities, a program to create a funding mechanism through Tax Increment Financing ("TIF") Districts was put in place.

Since the adoption of Waterfront Task Force II report, the City has systematically conducted area specific planning and re-zoning processes for the three waterfront sub-areas identified in the 1992 Waterfront Alliance Report: Eastern Waterfront, Central Waterfront, and Western Waterfront. These processes have resulted in an updated framework of regulation that reflects the industries, infrastructures, water depths, and ownership patterns on the Portland Waterfront. Current regulations continue to prioritize and protect water dependent uses while allowing reasonable flexibility to promote investment. While new zoning promotes waterfront investment, barriers remain. Deferred pier maintenance, shifting industry needs, dredging needs, traffic congestion, and parking shortages continue to challenge public and private piers and the industries that depend on them.

II. Development Program

A. *Amended Development Program*

With the incorporation of the Task Force II Report into the Portland Comprehensive Plan in 2000, with these policies recently reinforced with the redrafted Portland 2030 Plan, the City Council formally recognizes the unique business development needs of the waterfront. Since a funding mechanism was required to implement the recommendations of the Report, the City began crafting what ultimately became the Waterfront Capital Improvement and Economic Redevelopment Zone (“WREZ”) Ordinance (see Attachment #2 as passed June 4, 2001, Attachment #3 as amended December 1, 2008; and Attachment 3(A) as amended October 15, 2018 and renamed “Waterfront Development Growth Area Ordinance” [WGA, as referred to from now on within this document]) whereby any property within the WGA geographic area, delineated on the attached map (see Revised Attachment #4), that increased in value by an amount greater than \$400,000 over a two-year period would be subject to inclusion in a TIF application.

By adopting the WGA Ordinance, the City Council recognized that the non-marine commercial development that has occurred in the Old Port and the surrounding area has benefited through the years from the authenticity of the working waterfront. Said another way, Portland’s downtown became a desirable destination for tourists, retailers, restaurants and high-end office users in part because of the vibrant business of those that depend upon the water for their living. Portland blends a vibrant mix of fishing vessels, vessel repair, chandlery, cargo operations and the like with lawyers, bankers, technology entrepreneurs and tourists. Given that non-marine uses place strains on the working waterfront, and that a revenue stream was required to maintain and improve the economic vibrancy of the area, the City Council acted to nurture this symbiotic relationship by directing the incremental revenues of the new commercial development back to the working waterfront. The result of that action was the adoption of the WGA Ordinance.

The WGA Ordinance is intended to be in effect for several years. As such, the designation of the five Original TIF Districts described in the Original Development Program were the first in what the City hoped to be a multiple year program where several additional TIF Districts will be created. The common theme underlying the Original Development Program, this Amended Development Program, and future TIF applications is the implementation of the Task Force II Report findings. As such, the projects described in the Original Development Program and this Amended Development Program are intended to be greater in scope than the five Original TIF Districts could support by themselves.

Amendments to the Development Program include:

Amendment #1: On June 7, 2010, the Portland City Council approved the Amended and Restated the Original Development Program (“Amended Development Program”), which was approved by the Maine Department of Economic Development and Community Development (“MDECD) on June 28, 2010, as follows:

1. Extend the term by twenty (20) years;

2. Reduce the number of TIF investment options;
3. Authorize the use of Credit Enhancement Agreements within the Waterfront Central Zone; and
- 2.4. Establish a Sub-District (the “Sub-District”) within the District and to authorize a Credit Enhancement Agreement with the Developer with respect to the Sub-District in furtherance of the Cumberland Cold Storage (Merrill’s Wharf) Project.

Amendment #2 – Three Added Parcels Approved by City Council March 16, 2018, and approved by MDECD May 29, 2018.

The Original Development Program and the three Added TIF District Properties of March 2018 (CBLs 019-A-014001, 031-K003001, and 031-K-103001) ~~will~~ serve as the model for future amendments to the Original Development Program, as amended, as properties become eligible through the WGA Ordinance.

Amendment #3 – Additional Parcels ~~to be~~ Added – September 2018 – Approved by the City Council October 15, 2018, and approved by MDECD April 5, 2019.

Additional Parcels ~~to be~~ added include those listed in Section II(D)(4).

In addition, this ~~proposed~~ Amendment increases City TIF revenue investment options, as well as increases the geographic area by amending and renaming the WREZ to the “Waterfront Development Growth Area Ordinance” (WGA). See amendments to the WREZ, now WGA, as noted on Attachment #3(A) and approved by the City Council on October 15, 2018.

The activities to be funded through the Original Development Program and this Amended Development Program will be specifically determined on an annual basis upon recommendation by the City Manager for action by the City Council. Therefore, the City of Portland seeks authorization to fund all the activities described in this Amended Development Program so that each year the City Council could prioritize which specific activities to fund.

Amendment #4: Proposed Amendment 4 would add additional properties listed in Section II(D)(5).

B. The Projects

The projects to be undertaken are derived from the recommendations of the Task Force II Report which are:

1. Encourage private and public waterfront investments;
2. Provide support to maintain a working waterfront;
3. Support a clean, working harbor.

Generally, the activities to be undertaken and the approximate cost associated with each activity are described in Table 1 below.

TABLE 1**Note 1:** All citations refer to Title 30-A, Chapter 206, Section 5225

Project	Statutory Citation	Estimated Cost
In District: Capital Infrastructure Design and Investments, including financing costs, for example:		
Pier and Wharf Structural Repair	(1)(A)(1)(2)(3)(7)	\$15,000,000
Local Match for Ocean Gateway Project	(1)(A)(2)	\$1,000,000
Street Studies and Improvements (Remedy Traffic Congestion)	(1)(A)(1)(2)(3)(7)	\$20,000,000
Pedestrian and Multi-Modal Circulation and Amenity Improvements	(1)(A)(1)(2)(3)(7)	\$2,000,000
New Publicly Owned Pier	(1)(A)(1)(2)(3)(7)	\$3,000,000
Multi-Modal Surface and Structured Parking	(1)(A)(1)(2)(3)(7)	\$10,000,000
Utilities Infrastructure (for Commercial Development)	(1)(A)(1)(2)(3)(7)	\$15,000,000
Credit Enhancement Agreements	(1)(A)	\$4,000,000
		Per Each Individual CEA Project
In and out of District:		
(a) Funding the Economic Development Department, including prorated salaries of City Manager, Finance, and Planning Urban Development Director and Planning staff;	(1)(A)(5) and (C)(1)	\$50,000 Annually effective 7/1/2010 for 22 years, or \$1,100,000 total.
(b) Workforce training funds. Costs of services and equipment to provide skills development and training, including scholarships to in-state educational institutions or to online learning entities when in-state options are not available, for jobs created or retained, of value to marine industry;	(1)(C)(4)	\$750,000
(c) Costs of funding economic development programs or events;	(1)(C)(1)	\$250,000
(d) Costs of funding environmental improvements projects for commercial use, including sea level adaptation studies and infrastructure improvements;	(1)(C)(2)	\$5,000,000
(e) Professional services costs.	(1)(A)(4); 1(C)(1)	\$1,000,000
(f) Dredging of commercial vessel berthing; and,	(1)(A)(1)(2)(7)	\$5,000,000
(g) Dredge sediment disposal and CAD Cell development.	(1)(A) and (1)(C)(2)	<u>\$5,000,000</u>
Total Estimate of TIF Revenue Expenditure over 30-year term:		\$88,100,000 – excluding any future CEA Projects

The City recognizes that the full scope of the needs of the Waterfront Economic Redevelopment Program is beyond the funds anticipated to be generated through this Amended Development Program. Since the Original Development Program, this Amended Development Program will serve as the template for future TIF District applications, however, the City again seeks authorization for the full “menu” of economic development activities described above. This is necessary to maintain flexibility and adaptability as the needs of the waterfront are prioritized throughout the life of this Amended Development Program.

In District Use of Funds

Pier and Wharf Structural Repair

The waterfront infrastructure needs are considerable. The Task Force II Report estimated the need for \$1.4 million in repairs to 14 wharves within three years, with an additional \$1.8 million needed over the next 20 years. Over the last 18 years, these costs have grown considerably and the Task Force II Report estimates should be considered woefully inadequate. Working pier space and commercial berthing are the foundational resources promoting water-dependent industries. Piling replacement, deck repair, structural repair, seawall maintenance, and berthing improvements are constant necessities in any marine environment. See Dredging below.

Local Match for Ocean Gateway Project

The voters of the State of Maine approved an allocation of roughly \$15 million for the construction of a marine passenger facility, requiring a local match of nearly \$1 million.

Street Studies and Improvements (Remedy Traffic Congestion)

For more than the last 10 years, the Portland Waterfront has experienced a historic development cycle that continues to this day. To keep pace with development and to retain and grow marine industry, significant transportation improvements will be required to accommodate the increased traffic. With particular emphasis on Commercial Street, Franklin Street, and the India Street neighborhood, street system improvements are and will continue to be studied and improved.

Pedestrian Circulation and Multi-modal Transportation, Improvements

With the growth of tourism, cruise ships, and non-marine development, waterfront industries increasingly share roadway capacity with, pedestrians, bicycles, tour vehicles, and non-marine delivery trucks. To both accommodate these new users and protect existing marine industries, the City will need to invest in pedestrian infrastructure, bicycle infrastructure (lanes, racks and stations,) public transit, and other multi-modal transportation improvements to promote a safe and functional transportation network. Multi-modal investments provide the additional opportunity to

remove single occupancy vehicles from the network, reducing traffic, and to promote public access to the water.

New Publicly Owned Pier

Located between the Portland Ocean Terminal and Ocean Gateway, a new deep-water pier will offer expanded berthing supporting cruise ship, home porting, tug boat, and transient berthing for current and future marine transportation industries.

Multimodal Surface and Structured Parking

Existing and future waterfront industries and developments require shared parking resources to promote continued growth and opportunities for transportation choice.

Economic Development Staffing, and prorated salaries of the City Manager, Finance Director, Planning and Urban Development Director, and Planning Staff

Fund a portion of the cost of City economic development staff involved in supporting waterfront business development activities and administration of the Original Development Program and this Amended Development Program, and prorated salaries of the City Manager, Finance Director, Planning and Urban Development Director, and Planning staff.

Utilities Infrastructure (for Commercial Development)

The design, upgrades, and construction of utility infrastructure including, but not limited to, lighting, water, stormwater and sewer systems, telecommunication, and electrical distribution upgrades to support commercial development.

Credit Enhancement Agreements

The City Council may approve credit enhancement agreements within the WGA (as depicted on Attachment #4) within the remaining term of the Amended Development Program to support important private sector projects in compliance with adopted City TIF Policy and where the City Council determines that the public benefits associated with individual projects meet or exceed the current or net present value of the project's share of the TIF proceeds for activities consistent with State law. City Council approved City TIF Policy limits the commercial Credit Enhancement Agreements to not exceed 65% of the incremental taxes up to a 20-year term; for Affordable Housing TIF District, the TIF Policy limits Credit Enhancement Agreements to not exceed 75% of the incremental taxes up to a 30-year term.

In and Out of District Use of Funds

Workforce Training Funds

Marine Industries are increasingly challenged to find qualified workers to fill open positions and to capitalize on opportunities for growth. TIF funding can help expand the pool of applicants for current and future employment while improving employment options.

Economic Development Programs and Events

Job fairs, technology conferences, industry open houses, and other such events to market and promote the waterfront and its industries.

Environmental Improvement Projects

Waterfront industries, such as fisheries and tourism benefit from water quality improvement studies and projects. Likewise, sea level rise and other climate change related stresses on industries will increasingly require studies and infrastructure improvements to adapt to changing conditions and promote resiliency.

Professional Services Costs

Waterfront TIF funds may be used to support consulting and professional services needed for special projects and to conduct the everyday ongoing work implementing the development program.

Dredging

Urban harbors require periodic dredging to retain access to and utility of commercial berthing. Typically located on state-owned submerged lands controlled by a submerged lands lease, berthing is the foundation resource supporting water-dependent employment and development. Un-dredged pier edges continually lose their value to marine industry through natural sedimentation and urban storm water runoff. The costs of dredging these public lands are prohibitive, with costs escalating due to contamination resulting from legacy industries, combined sewer overflows, and street runoff. With the support of the Maine Department of Transportation and the Portland Harbor Commission, the City of Portland has worked for the last several years to quantify volumes, sediment contamination, and sediment disposal options. TIF funding will promote dredging of public and private berthing and provide local match for additional state and federal funds.

See CAD Cell Development discussion below.

Dredged Sediment Disposal Costs and CAD Cell Development

The City is working with State and local partners to construct a Contained Aquatic Disposal (CAD) cell in Portland Harbor to address the needs of pier dredging for both

public and private piers utilized to support commercial and marine industry development. Typical urban sediments are not suitable for open water disposal, necessitating creation of a local disposal option. On-land disposal is prohibitively expensive. A CAD cell location has been identified and TIF funding will provide local match to state and federal funds needed for final design and construction of the CAD cell.

C. Sub-District Development Program

The twenty (20) year Sub-District Development Program supports the redevelopment of the Cumberland Cold Storage 100,000± square foot building into a Class A office building. A twenty (20) year Credit Enhancement Agreement with the property owner and developer assists with project costs.

D. The Development District Property

The City Council created the WGA Ordinance (see Attachments #2, #3, and #3A) whereby any property within the geographic area, delineated on the attached map (see Revised Attachment #4), that increased in value by an amount greater than \$400,000 over a two-year period would be considered for inclusion in a TIF application subject to the City Council approval.

NOTE: ~~This~~ Amendment #3 also ~~proposes to amend~~ed the WGA Ordinance to expand the geographic area and rename the Ordinance the “Waterfront Development Growth Area Ordinance”, as noted on Attachment #3(A).

1. Original Development District Property

Five such properties were given a TIF District designation by the City Council in 2002 as part of the Original Development Program.

MAP	BLOCK	LOT
019	A	008
029	K	001
029	S	001
030	D	001
041	A	005

2. Sub-District Property

~~2.~~

Properties 041-A-016 (0.17 acres) and 041-A-17-18 (1.38 acres) are the Sub-District for the purposes of establishing the original assessed value and allocating tax increment pursuant to the Credit Enhancement Agreement with the Developer.

The TIF Districts will apply to only new value generated within the Districts and will not affect the current property tax base.

3. Three Added TIF District Properties of March 2018

MAP	BLOCK	LOT
019	A	014001
031	K	003001
031	K	103001

4. Added TIF District Properties of September 2018

Additional Parcels ~~to be~~ added are shown revised map 9(C), 9(D) – spreadsheet showing parcels, square footages, and Original Assessed Values, and Attachment 9(E) – tax maps.

5. Added TIF District Properties of May 2019.

Proposed additional parcels to be added are shown on revised map 9(C), 9(F) – spreadsheet showing parcels, square footages, and Original Assessed Values, and Attachment 9(G) – tax maps.

E. Municipal Use of TIF Revenues

The City of Portland seeks authorization to utilize the revenues generated from this Amended Development Program that are created in the WGA in support of the economic development activities called for in described in this Amended Development Program, and specifically, the activities outlined in Section II-A and B of this application.

F. Operational Components

1. Public Facilities

See Section IIA of this application.

2. Uses of Private Property

Subject to the approval of the City Council, the City will consider entering into credit enhancement agreements to support private projects located in the Waterfront Central Zone which meet the criteria set forth in this TIF District Program.

3. Plans for relocation of persons displaced by development activities.

No displacement or relocation costs are expected related to this TIF District.

4. Transportation Improvements

See Section IIA of this application.

5. Environmental Controls

This Amended Development Program proposes improvements that will comply with all federal, state and local rules and regulations and applicable land use requirements.

6. Plan of Operation

During the life of this Amended District, the City of Portland, City Council, or their designee, will be responsible for the administration of the Districts.

III. Original Development Program Physical Description

- A. Total acreage of the municipality: 12,386 (taxable acres)
- B. Total acreage of five Original TIF Districts: 3.4 acres
- C. Percent of line B of line A (line B divided by line A cannot exceed 2%): 0.03%
- D. Total acreage of all existing and Original TIF Districts in the municipality: 77.6 acres
- E. Percent line D of line A (cannot exceed 5%): 0.63%
- F. Not less than 25%, by area, of the real property within a development district shall meet at least one of the following criteria:
 - 1. Blighted acres N/A. Line F1 divided by line B = _____.
 - 2. Acreage in need of rehabilitation, redevelopment or conservation N/A. Line F2 divided by line B = _____.
 - 3. Acreage suitable for commercial siting = 3.4. Line F3 divided by line B = 100%.
- G. Enclosed municipal maps:
 - 1. Area map showing site location of the five Original TIF Districts in relation to geographic location of municipality (Attachment #6).
 - 2. Site map showing tax map locations and the five Original TIF Districts (Attachments #7A through 7E).

III-A. Sub-District Physical Description

- A. Total acreage of the municipality: 12,386 (taxable acres)

- B. Total acreage proposed for Sub-District: 1.55
- C. Percent of line B of line A (line B divided by line A cannot exceed 2%): 0.01%
- D. Total acreage of all existing and proposed TIF Districts in the municipality: 189.92
- E. Percent line D of line A (cannot exceed 5%): 1.53%
- F. Not less than 25%, by area, of the real property within a development district shall meet at least one of the following criteria:
 - 1. Blighted acres N/A. Line F1 divided by line B = _____.
 - 2. Acreage in need of rehabilitation, redevelopment or conservation N/A. Line F2 divided by line B = _____.
 - 3. Acreage suitable for commercial siting = _____. Line F3 divided by line B = 100%.

III-B. Added TIF District Properties of March 2018 Physical Description

The total acreage of the three Added TIF District Properties of March 2018 is 1.675 acres. Exhibit 16 contains financial and statistical information relating to this Amendment required as a prerequisite to designation of the Amended District by the City and approval by MDECD.

Enclosed municipal maps:

- 1. Area map showing site location of the Sub-District, and the three Added TIF District Properties of March 2018, in relation to geographic location of municipality (Attachment #8)
- 2. Tax maps showing locations of the three Added TIF District Properties of March 2018 (Attachment #9).

III-C. Added TIF District Properties of September 2018 Physical Description

The total acreage of the added September 2018 TIF District Properties is estimated at 77 acres. Exhibit 16 contains financial and statistical information relating to this Amendment required as a prerequisite to designation of the Amended District by the City and approval by MDECD.

Enclosed municipal maps:

- 1. Area map showing site location of the Added September 2018 TIF District Properties, in relation to geographic location of municipality (Attachment

#9(C)). See also Attachment #9(D) listing the Added September 2018 TIF District parcels, square footage for each, and OAV for each.

2. Tax maps showing locations of the added September 2018 TIF District Properties (Attachment #9(E)).

III-D. Added TIF District Properties of May 2019 Physical Description

The total acreage of the added May 2019 TIF District Properties is estimated 13.43 acres. Exhibit 16 contains financial and statistical information relating to this Amendment required as a prerequisite to designation of the Amended District by the City and approval by MDECD.

Enclosed municipal maps:

1. Area map showing site location of the added May 2019 TIF District Properties, in relation to geographic location of municipality (revised Attachment #9(C)). See also Attachment #9(F) listing the added May 2019 TIF District parcels, square footage for each, and OAV for each.
2. Tax maps showing locations of the added May 2019 TIF District Properties (Attachment #9(G)).

IV. Original Development Program Financial Plan

A. Costs and Sources of Revenues

The five Original TIF Districts comprise an area of approximately 3.4 acres of taxable real and personal property with an original assessed value of \$6,716,410 as of March 31, 2001. The development within the Original TIF Districts is estimated to add an additional \$26,221,692 of new assessed value to the City over the 30 years.

The Original Development Program and this Amended Development Program provides for the new tax revenues generated by the increase in assessed value of the Original TIF Districts to be captured and designated as TIF Revenues. The City will apply the portion of retained revenues to the economic development activities described in the Amended Development Program, with the understanding that the City Council will, on an annual basis, determine which specific projects to undertake that have been outlined in the Amended Development Program.

The City of Portland reserves the right to amend this Financial Plan, subject to DECD approval, to undertake a different activity that is allowable under the Amended Development Program.

Attachment #10 details the projections and proposed TIF revenue allocation based upon the anticipated assessed value increases within the Amended TIF District. Attachment #10 is a

projection based upon best available information and is included for demonstration purposes only. No assurances are provided as to the results reflected therein.

B. Development Program Account

The Original Development Program and this Amended Development Program requires establishment of a Development Program Account pledged to, and charged with, the payment of the project costs in the manner outlined in 30-A M.R.S.A. §5254 (3)(A)(2).

The Waterfront TIF Development Program Account is established consisting of a project cost account (“Project Cost Account”) pledged to, and charged with, payment of project costs. The Project Cost Account shall consist of a City Cost Subaccount (the “City Cost Subaccount”) pledged to, and charged with, payment to the City for the cost of approved economic development expenses and Developer Cost Subaccount (the “Developer Cost Subaccount”) pledged to, and charged with, payment by the City under any credit enhancement agreement.

C. Financing Plan

The developments within the described Original TIF Districts will add approximately \$26.2 million of new taxable value in the City of Portland over 30 years. TIF revenues will be allocated as described on Attachment #10 to finance the costs of this Amended Development Program. Actual payments to the Project Cost Account will be adjusted based upon the applicable annual percentage retained and the actual annual assessed value within the Districts.

IV-A. Sub-District Financial Plan

A. Cost and Sources of Revenue

The one TIF Sub-District comprises an area of 1.55 acres of taxable real property with an original assessed value of \$950,900 as of March 31, 2010. The development within the sub-district is estimated to add an additional \$12,000,000 of new assessed value to the City.

This Amended Development Program provides for the new tax revenues generated by the increase in assessed value of the Sub-District to be captured and designated as TIF Revenues. The City will apply the portion of retained revenues to a credit enhancement agreement with the Developer and the balance of retained revenues to the economic development activities described in this Amended Development Program, with the understanding that the City Council will, on an annual basis, determine which specific projects to undertake that have been outlined in the Amended Development Program.

The City of Portland reserves the right to amend this Financial Plan, subject to DECD approval, to undertake a different activity with its allocable share of retained revenues that is allowable under the Amended Development Program.

Attachment #11 details the projections and TIF revenue allocation schedule based upon the anticipated assessed value increases within the Sub-District. Attachment #11 is a projection based upon best available information and is included for demonstration purposes only. No assurances are provided as to the results reflected therein.

B. Development Program Account

This Amended Development Program requires establishment of a Development Program Account pledged to, and charged with, the payment of the project costs in the manner outlined in 30-A M.R.S.A. §5254 (3)(A)(2).

The Cumberland Cold Storage TIF Development Program Account is established consisting of a project cost account (“Project Cost Account”) pledged to, and charged with, payment of project costs. The Project Cost Account shall consist of a City Cost Subaccount (the “City Cost Subaccount”) pledged to, and charged with, payment to the City for the cost of approved economic development expenses and a Developer Cost Subaccount (the “Developer Cost Subaccount”) pledged to, and charged with, payment by the City under the credit enhancement agreement to be entered into with the Developer.

C. Financing Plan

The developments within the Sub-District will add approximately \$12 million of new taxable value in the City of Portland. TIF revenues will be allocated as described on Attachment #11 to finance the costs of this Amended Development Program and to fund the City’s payment obligations to the Developer pursuant to the credit enhancement agreement to be entered into with the Developer. Actual payments to the Project Cost Account will be adjusted based upon the applicable annual percentage retained and the actual annual assessed value within the Districts.

IV-B Added TIF District Properties of March 2018 Financial Plan

A. Costs and Sources of Revenues

The three Added TIF District Properties of March 2018 comprise an area of approximately 1.675 acres of taxable real property with an original assessed value of \$616,430 as of March 31, 2017. The development within the three Added TIF District Properties of March 2018 is estimated to add an additional \$20.7 Million of new assessed value to the City over the remainder of the term through June 30, 2032.

The Original Development Program and this Amended Development Program provides for the new tax revenues generated by the increase in assessed value of the Original TIF Districts to be captured and designated as TIF Revenues. The City will apply the portion of retained revenues to the economic development activities described in the Amended Development Program, with

the understanding that the City Council will, on an annual basis, determine which specific projects to undertake that have been outlined in the Amended Development Program.

The City of Portland reserves the right to amend this Financial Plan, subject to DECD approval, to undertake a different activity that is allowable under the Amended Development Program.

Attachment #12 details the projections and proposed TIF revenue allocation based upon the anticipated assessed value increases within the three Added TIF District Properties of March 2018. Attachment #12 is a projection based upon best available information and is included for demonstration purposes only. No assurances are provided as to the results reflected therein.

B. Development Program Account

The Original Development Program and this Amended Development Program requires establishment of a Development Program Account pledged to, and charged with, the payment of the project costs in the manner outlined in 30-A M.R.S.A. §5254 (3)(A)(2).

The Waterfront TIF Development Program Account is established consisting of a project cost account (“Project Cost Account”) pledged to, and charged with, payment of project costs. The Project Cost Account shall consist of a City Cost Subaccount (the “City Cost Subaccount”) pledged to, and charged with, payment to the City for the cost of approved economic development expenses and Developer Cost Subaccount (the “Developer Cost Subaccount”) pledged to, and charged with, payment by the City under any credit enhancement agreement.

C. Financing Plan

The developments within the three Added TIF District Properties of March 2018 will add approximately \$20.7 Million of new taxable value in the City of Portland over the remainder of the term through June 30, 2032. TIF revenues will be allocated as described on Attachment #12 to finance the costs of this Amended Development Program. Actual payments to the Project Cost Account will be adjusted based upon the applicable annual percentage retained and the actual annual assessed value within the Districts.

IV-C Added TIF District Properties of September 2018 Financial Plan

A. Costs and Sources of Revenues

The Added TIF District Properties of September 2018 comprise an area of approximately 77 acres of taxable and tax exempt (State and City-owned) real property with an original assessed value of \$20,076,870 as of March 31, 2018. The development within the Added TIF District Properties of September 2018 is estimated to add an additional \$300 Million of new assessed value to the City over the remainder of the term through June 30, 2032.

The Original Development Program and this Amended Development Program provide for the new tax revenues generated by the increase in assessed value of the Original TIF and Amended Districts to be captured and designated as TIF Revenues. The City will apply the portion of retained revenues to the economic development activities described in the Amended Development Program, with the understanding that the City Council will, on an annual basis, determine which specific projects to undertake that have been outlined in the Amended Development Program.

The City of Portland reserves the right to amend this Financial Plan, subject to DECD approval, to undertake a different activity that is allowable under the Amended Development Program.

Attachment #12(A) details the projections and proposed TIF revenue allocation based upon the anticipated assessed value increases within the Added TIF District Properties of September 2018. Attachment #12(A) is a projection based upon best available information and is included for demonstration purposes only. No assurances are provided as to the results reflected therein.

B. Development Program Account

The Original Development Program and this Amended Development Program requires establishment of a Development Program Account pledged to, and charged with, the payment of the project costs in the manner outlined in 30-A M.R.S.A. §5254 (3)(A)(2), including a Development Sinking Fund.

The Waterfront TIF Development Program Account is established consisting of a project cost account (“Project Cost Account”) pledged to, and charged with, payment of project costs. The Project Cost Account shall consist of a City Cost Subaccount (the “City Cost Subaccount”) pledged to, and charged with, payment to the City for the cost of approved economic development expenses, including bond indebtedness, and Developer Cost Subaccount (the “Developer Cost Subaccount”) pledged to, and charged with, payment by the City under any credit enhancement agreement.

C. Financing Plan

The developments within the Added TIF District Properties of September 2018 will add approximately \$300 Million of new taxable value in the City of Portland over the remainder of the term through June 30, 2032. TIF revenues will be allocated as described on Attachment #12(A) to finance the costs of this Amended Development Program. Actual payments to the Project Cost Account will be adjusted based upon the applicable annual percentage retained and the actual annual assessed value within the Districts.

IV-D Added TIF District Properties of May 2019 Financial Plan

A. Costs and Sources of Revenues

The added TIF District Properties of May 2019 comprise an area of approximately 13.43 acres of taxable real property with an original assessed value of \$5,938,400 as of March 31, 2019. The development within the added TIF District Properties of May 2019 is estimated to add an additional \$41.5 Million of new assessed value to the City over the remainder of the term through June 30, 2032.

The Original Development Program and this Amended Development Program provide for the new tax revenues generated by the increase in assessed value of the Original TIF and Amended Districts to be captured and designated as TIF Revenues. The City will apply the portion of retained revenues to the economic development activities described in the Amended Development Program, with the understanding that the City Council will, on an annual basis, determine which specific projects to undertake that have been outlined in the Amended Development Program.

The City of Portland reserves the right to amend this Financial Plan, subject to DECD approval, to undertake different activities that are allowable under the Amended Development Program.

Attachment #12(A) details the projections and proposed TIF revenue allocation based upon the anticipated assessed value increases within the added TIF District Properties of May 2019. Attachment #12(A) is a projection based upon best available information and is included for demonstration purposes only. No assurances are provided as to the results reflected therein.

B. Development Program Account

The Original Development Program and this Amended Development Program requires establishment of a Development Program Account pledged to, and charged with, the payment of the project costs in the manner outlined in 30-A M.R.S.A. §5254 (3)(A)(2), including a Development Sinking Fund.

The Waterfront TIF Development Program Account is established consisting of a project cost account ("Project Cost Account") pledged to, and charged with, payment of project costs. The Project Cost Account shall consist of a City Cost Subaccount (the "City Cost Subaccount") pledged to, and charged with, payment to the City for the cost of approved economic development expenses, including bond indebtedness, and Developer Cost Subaccount (the "Developer Cost Subaccount") pledged to, and charged with, payment by the City under any credit enhancement agreement.

C. Financing Plan

The developments within the added TIF District Properties of May 2019 will add approximately \$41.5 Million of new taxable value in the City of Portland over the remainder of the term through June 30, 2032. TIF revenues will be allocated as described on Attachment #12(A) to finance the costs of this Amended Development Program. Actual payments to the

Project Cost Account will be adjusted based upon the applicable annual percentage retained and the actual annual assessed value within the Districts.

The City reserves the option to fund the project costs through public indebtedness. If City utilizes debt service to cover the cost of public infrastructure, it will establish a sinking fund account.

V. Original TIF Districts Financial Data

- A. Total 2001 value of equalized property in the municipality: \$3,873,900,000.
- B. Original assessed value of all properties in all existing and proposed Original TIF districts:

Existing	\$20,961,460
Proposed	\$6,716,410
Total	\$27,677,870

Line B divided by line A = 0.71% (cannot exceed 5%).

- C. Estimate of increased assessed value by year after implementation of the Original Development Program: See Attachment #10
- D. Percentage of increased assessed value to be applied to the Original Development Program fund: See Attachment #10
- E. Estimated annual tax increment: \$400,113 (Average)
- F. Total average annual value of development program fund: \$400,113 (Average)
- G. Annual principal and interest payment of bonded indebtedness: N/A
- H. Financial assumptions and safeguards: Under the Original Development Program, the City of Portland only sought to implement its own Waterfront Economic Redevelopment Program and is under no obligation to repay any bonds that would involve a pledge of the City's full faith and credit. The City's participation in this development program is voluntary and notwithstanding any approvals from the appropriate state entity, can revoke its desire to implement the plan.
- I. Statement of impact of TIF on taxing jurisdictions within the county: See Attachment #13.

V-A. Sub-District Financial Data

- A. Total 2010 value of property in the municipality: \$8,196,900,000.

B. Original assessed value of all properties in all existing TIF Districts and proposed sub-district:

Existing	\$305,455,220
Proposed	<u>\$950,900</u>
Total	\$306,406,120

Line B divided by line A = 3.73% (cannot exceed 5%).

C. Estimate of increased assessed value by year after implementation of the development program: See Attachment #11

D. Percentage of increased assessed value to be applied to the development program fund: See Attachment #11

E. Estimated annual tax increment: \$143,503 (Average)

F. Total average annual value of development program fund: \$143,503 (Average)

G. Annual principal and interest payment of bonded indebtedness: N/A

H. Financial assumptions and safeguards: The City of Portland seeks to implement its own Waterfront Economic Redevelopment Program and to fund its payment obligations to the Developer under the credit enhancement agreement with the Developer and is under no obligation to repay any bonds that would involve a pledge of the City's full faith and credit. The City's participation in this development program is voluntary and notwithstanding any approvals from the appropriate state entity, can revoke its desire to implement the plan.

I. Statement of impact of TIF on taxing jurisdictions within the county: See Attachment #14.

V-B. Added TIF District Properties of March 2018 Financial Data

A. Total 2018 value of taxable property in the municipality: \$9,049,500,000.

B. Original assessed value of all properties in all existing and proposed Amended TIF districts:

Existing	\$1,106,422,670
Proposed	<u>\$616,430</u>
Sub-Total	\$1,107,059,100
Less Exempt	<u>-\$973,107,320</u>
Total	\$133,951,780

Line B divided by line A = 1.48% (cannot exceed 5%).

C. Estimate of increased assessed value by year after implementation of the three Added TIF District Properties of 2018: See Attachment #12.

- D. Percentage of increased assessed value to be applied to the three Added TIF District Properties of 2018 Development Program fund: See Attachment #12
- E. Estimated annual tax increment: \$491,204 (Average)
- F. Total average annual value of development program fund: \$491,204 (Average)
- G. Annual principal and interest payment of bonded indebtedness: N/A
- H. Financial assumptions and safeguards: Under the Original Development Program, the City of Portland only sought to implement its own Waterfront Economic Redevelopment Program and is under no obligation to repay any bonds that would involve a pledge of the City's full faith and credit. The City's participation in this development program is voluntary and notwithstanding any approvals from the appropriate state entity, can revoke its desire to implement the plan.
- II. Statement of impact of TIF on taxing jurisdictions within the county: See Attachment #15.

V-C. Added TIF District Properties of September 2018 Financial Data

- A. Total 2018 value of taxable property in the municipality: \$9,049,500,000.
- B. Original assessed value of all properties in all existing and proposed Amended TIF districts:

Existing	\$1,107,059,100
Proposed	\$20,076,870
Sub-Total	\$1,127,135,970
Less Exempt	<u>-\$973,107,320</u>
Total	\$154,028,650

Line B divided by line A = 1.7% (cannot exceed 5%).
- C. Estimate of increased assessed value by year after implementation of the Added TIF District Properties of September 2018: See Attachment #12(A).
- D. Percentage of increased assessed value to be applied to the Added TIF District Properties of September 2018 Development Program fund: 100%
- E. Estimated annual tax increment: \$7,282,000 (Average)
- F. Total average annual value of development program fund: \$7,282,000 (Average)

- G. Annual principal and interest payment of bonded indebtedness: \$200,000
- H. Financial assumptions and safeguards: Under the Original Development Program, the City of Portland only sought to implement its own Waterfront Economic Redevelopment Program and is under no obligation to repay any bonds that would involve a pledge of the City's full faith and credit. The City's participation in this development program is voluntary and notwithstanding any approvals from the appropriate state entity, can revoke its desire to implement the plan.
- III. Statement of impact of TIF on taxing jurisdictions within the county: See Attachment #15(A).

V-D. Added TIF District Properties of May 2019 Financial Data

- A. Total 2018 value of taxable property in the municipality: \$9,049,500,000.
- B. Original assessed value of all properties in all existing and proposed Amended TIF districts:
- | | |
|--------------------|------------------------|
| <u>Existing</u> | <u>\$1,127,135,970</u> |
| <u>Proposed</u> | <u>\$5,938,400</u> |
| <u>Sub-Total</u> | <u>\$1,133,074,370</u> |
| <u>Less Exempt</u> | <u>-\$973,107,320</u> |
| <u>Total</u> | <u>\$159,967,050</u> |
- Line B divided by line A = 1.76% (cannot exceed 5%).
- C. Estimate of increased assessed value by year after implementation of the Added TIF District Properties of May 2019: See Revised Attachment #12(A).
- D. Percentage of increased assessed value to be applied to the Added TIF District Properties of May 2019 Development Program fund: 100%
- E. Estimated annual tax increment: \$6,745,331 (Average)
- F. Total average annual value of development program fund: \$6,745,331 (Average)
- G. Annual principal and interest payment of bonded indebtedness: The City reserves the option to fund the project costs through public indebtedness.
- H. Financial assumptions and safeguards: Under the Original Development Program, the City of Portland only sought to implement its own Waterfront Economic Redevelopment Program and is under no obligation to repay any bonds that would involve a pledge of the City's full faith and credit. The City's participation in this development program is

voluntary and notwithstanding any approvals from the appropriate state entity, can revoke its desire to implement the plan.

IV. Statement of impact of TIF on taxing jurisdictions within the county: See Revised Attachment #15(A).

VI. Original Development Program Tax Shifts (See Attachment #13)

A. Average Annual Amount:

General Purpose Aid to Education Tax Shift: \$137,700

Municipal Revenue Sharing Tax Shift: \$17,004

County Tax Shift: \$7,855

Total Average Annual Savings: \$162,560

VI-A Sub-District Tax Shifts (See Attachment #14)

General Purpose Aid to Education Tax Shift: \$49,822

Municipal Revenue Sharing Tax Shift: \$6,183

County Tax Shift: \$2,856

Total Average Annual Savings: \$58,860

VI-B. Added TIF District Properties of March 2018 Tax Shifts (See Attachment #15)

A. Average Annual Amount:

General Purpose Aid to Education Tax Shift: \$122,721

Municipal Revenue Sharing Tax Shift: \$11,772

County Tax Shift: \$10,522

Total Average Annual Savings: \$145,015

VI-C. Added TIF District Properties of September 2018 Tax Shifts (See Attachment #15(A))

A. Average Annual Amount:

General Purpose Aid to Education Tax Shift: \$2,341,121

Municipal Revenue Sharing Tax Shift: \$160,724

County Tax Shift: \$150,869

Total Average Annual Savings: \$2,652,714

VI-D. Added TIF District Properties of May 2019 Tax Shifts (See Revised Attachment #15(A))

A. Average Annual Amount:

General Purpose Aid to Education Tax Shift: \$2,219,656

Municipal Revenue Sharing Tax Shift: \$151,658

County Tax Shift: \$143,078

Total Average Annual Savings: \$2,514,393

VII. Amended Development Program Municipal Approvals

A. Public Hearing Notice

The City of Portland did give proper Notice of Public Hearing in accordance with the requirements of 30-A M.R.S.A. §5226. The notice was published on ~~October 3, 2018~~ _____, 2019 in a newspaper of general circulation (see Attachment #17).

B. Public Hearing

A Public Hearing at which the proposed Amended Development Program for adoption was held on ~~October 15, 2018~~ _____, 2019 in the Portland City Council Chambers. A copy of the minutes of that meeting is included as Attachment #18.

C. Authorizing Votes

An attested copy of the resolution of the Portland City Council amending the Waterfront Redevelopment Program is included as Attachment #19.

City of Portland

Waterfront Economic Redevelopment Program

Application for FY02 and FY10 Amended Waterfront Tax Increment Financing Development

**AMENDED AND RESTATED PER CITY COUNCIL APPROVAL
ON JUNE 7, 2010**

**AMENDED AND RESTATED PER CITY COUNCIL APPROVAL ON
MARCH 6, 2018**

**AMENDED AND RESTATED PER CITY COUNCIL APPROVAL ON
OCTOBER 15, 2018.**

**AMENDED AND RESTATED PER CITY COUNCIL APPROVAL ON
_____, 2019**

Prepared by:

**The City of Portland Economic Development Department
March 13, 2002/Amended and Restated as of June 7, 2010; Amended and Restated March 6,
2018; Amended and Restated October 15, 2018; Amended and Restated _____, 2019**

I. Introduction

The Portland City Council on March 18, 2002, designated five properties as tax increment financing districts (the “Original TIF Districts”) as more specifically described below and adopted the Waterfront Tax Increment Financial Development District Program (the “Original Development Program”). The Original TIF District program was designed for the City to capture 100% of the tax increment for specified allowable uses.

Amendment #1: On June 7, 2010, the Portland City Council approved the Amended and Restated the Original Development Program (“Amended Development Program”), which was approved by the Maine Department of Economic Development and Community Development (“MDECD”) on June 28, 2010, as follows:

- Extend the term by twenty (20) years;
- Reduce the number of TIF investment options;
- Authorize the use of Credit Enhancement Agreements within the Waterfront Central Zone; and
- Establish a Sub-District (the “Sub-District”) within the District and to authorize a Credit Enhancement Agreement with the Developer with respect to the Sub-District in furtherance of the Cumberland Cold Storage (Merrill’s Wharf) Project.

Amendment #2: On March 6, 2018, the Portland City Council further amended the Original TIF Districts to add three properties with the following Chart, Lot, and Block (CBL) numbers (“Added TIF District Properties of 2018”):

- 019-A-014001;
- 031-K-003001; and,
- 031-K-103001.

The three additional properties include two projects under construction as follows:

WEX Headquarters (019-A-014001)

Union Wharf Mixed Use Development (031-K-003001 and 031-K103001)

MDECD approved Amendment #2 on May 29, 2018.

Amendment #3 – Additional Parcels Added – September 2018 – Approved by the City Council October 15, 2018, and approved by MDECD April 5, 2019.

Additional Parcels include those listed in Section II(D)(4).

In addition, this Amendment increased City TIF revenue investment options, as well as increased the geographic area by amending and renaming the WREZ to the “Waterfront Development Growth Area Ordinance” (WGA). See amendments to the WREZ, now WGA, as noted on Attachment #3(A) and approved by the City Council on October 15, 2018.

Amendment #4: Proposed Amendment 4 would add additional properties designated by the City Assessor as follows:

- 060 A001 on West Commercial Street;
- 038 G001 at Commercial and Center Streets;
- 030 D005 on Commercial Street;
- 019 B022 and 019 B004 on Fore and India Streets.

History:

The history of the City of Portland is inextricably tied to the waterfront. From tourism to shipbuilding to national defense, the waterfront has been a vital part of the social and economic fabric of Portland. Always, Portland has worked to recognize the unique needs of the harbor, to protect its authentic marine heritage and to provide public access. The product of this commitment comes from the work of a Mayoral Taskforce report entitled “Investing in Our Working Waterfront – Final Report of the Mayor’s Waterfront Task Force on Economic Development”, dated October 2000 (herein referred to as the “Task Force II Report”). An excerpt from its Executive Summary is included here, and the full Report is attached to this application labeled as Attachment #1.

“Portland is a waterfront city. Its harbor is one of the deepest on the East Coast and served as the staging area for the Atlantic Fleet during World War II. Today, it accommodates the largest petroleum trans-shipment operation on the East Coast. The inner harbor is very limited in geography; it is only about two miles in length from Bath Iron Works to Merrill’s Marine Terminal. The wharves that serve the needs of water-dependent businesses are both publicly and privately owned. Over the course of its long history, the Portland waterfront has served as a center of commerce, shipbuilding, cargo and passenger transport, fishing and defense. It has also supported a range of mixed uses, the character of which has changed over time as the City of Portland and its waterfront have evolved.

Portland has a 30-year history of commitment to its working waterfront. The City began planning the future of its waterfront in the early 1970’s, culminating in 1982 with multi-faceted development strategies, including zoning amendments, construction of public facilities, and policies to address berthing and public access. Despite these initiatives, the emergence of the Old Port as a vital retail center and tourist attraction threatened to drive traditional industries from their waterfront locations. A citizen-initiated referendum in 1987 passed by a 2-1 margin, clearly demonstrating the public’s commitment to a working waterfront, and significant limitations were placed on development of the water side of Commercial Street.

Before the development moratorium expired in 1992, the City asked waterfront interests to review the zoning and recommend any changes that might provide more flexibility in renting space, while protecting water-dependent and marine-related uses (The Waterfront Alliance Report, 1992). While some may argue otherwise, the existing zoning structure, based on the 1992 Report, strikes a reasonable balance between preserving the "working waterfront" and allowing property owners necessary flexibility in managing their assets. Since the 1980's, Portland and the State of Maine have invested significant public dollars in supporting traditional waterfront activities such as ship repair, commercial fishing, and cargo transfer. At the same time, some private property owners have, for a variety of reasons, lacked the revenues to maintain their piers, resulting in a serious infrastructure problem, which threatens the viability of certain piers as elements of the waterfront economy.

Despite investments in publicly owned waterfront facilities, the City has done little to assist private owners of waterfront property, the uses of which have been limited by public policy, as noted above. This report is the result of a charge issued by then-Mayor Tom Kane to "focus on economic support for the waterfront...and to make the working waterfront work." It is the second of a three-phase process for defining the City's vision for its waterfront."

The Task Force II Report was presented to the City Council and the public, and the Council voted to incorporate it into the Comprehensive Plan on June 4, 2001.

The Task Force II Report identified the unique needs of the waterfront from both an infrastructure and a business development perspective, and several recommendations were made. In order to turn these recommendations into waterfront economic development opportunities, a program to create a funding mechanism through Tax Increment Financing ("TIF") Districts was put in place.

Since the adoption of Waterfront Task Force II report, the City has systematically conducted area specific planning and re-zoning processes for the three waterfront sub-areas identified in the 1992 Waterfront Alliance Report: Eastern Waterfront, Central Waterfront, and Western Waterfront. These processes have resulted in an updated framework of regulation that reflects the industries, infrastructures, water depths, and ownership patterns on the Portland Waterfront. Current regulations continue to prioritize and protect water dependent uses while allowing reasonable flexibility to promote investment. While new zoning promotes waterfront investment, barriers remain. Deferred pier maintenance, shifting industry needs, dredging needs, traffic congestion, and parking shortages continue to challenge public and private piers and the industries that depend on them.

II. Development Program

A. Amended Development Program

With the incorporation of the Task Force II Report into the Portland Comprehensive Plan in 2000, with these policies recently reinforced with the redrafted Portland 2030 Plan, the City Council formally recognizes the unique business development needs of the waterfront. Since a

funding mechanism was required to implement the recommendations of the Report, the City began crafting what ultimately became the Waterfront Capital Improvement and Economic Redevelopment Zone (“WREZ”) Ordinance (see Attachment #2 as passed June 4, 2001, Attachment #3 as amended December 1, 2008; and Attachment 3(A) as amended October 15, 2018 and renamed “Waterfront Development Growth Area Ordinance” [WGA, as referred to from now on within this document]) whereby any property within the WGA geographic area, delineated on the attached map (see Revised Attachment #4), that increased in value by an amount greater than \$400,000 over a two-year period would be subject to inclusion in a TIF application.

By adopting the WGA Ordinance, the City Council recognized that the non-marine commercial development that has occurred in the Old Port and the surrounding area has benefited through the years from the authenticity of the working waterfront. Said another way, Portland’s downtown became a desirable destination for tourists, retailers, restaurants and high-end office users in part because of the vibrant business of those that depend upon the water for their living. Portland blends a vibrant mix of fishing vessels, vessel repair, chandlery, cargo operations and the like with lawyers, bankers, technology entrepreneurs and tourists. Given that non-marine uses place strains on the working waterfront, and that a revenue stream was required to maintain and improve the economic vibrancy of the area, the City Council acted to nurture this symbiotic relationship by directing the incremental revenues of the new commercial development back to the working waterfront. The result of that action was the adoption of the WGA Ordinance.

The WGA Ordinance is intended to be in effect for several years. As such, the designation of the five Original TIF Districts described in the Original Development Program were the first in what the City hoped to be a multiple year program where several additional TIF Districts will be created. The common theme underlying the Original Development Program, this Amended Development Program, and future TIF applications is the implementation of the Task Force II Report findings. As such, the projects described in the Original Development Program and this Amended Development Program are intended to be greater in scope than the five Original TIF Districts could support by themselves.

Amendments to the Development Program include:

Amendment #1: On June 7, 2010, the Portland City Council approved the Amended and Restated the Original Development Program (“Amended Development Program”), which was approved by the Maine Department of Economic Development and Community Development (“MDECD”) on June 28, 2010, as follows:

1. Extend the term by twenty (20) years;
2. Reduce the number of TIF investment options;
3. Authorize the use of Credit Enhancement Agreements within the Waterfront Central Zone; and
4. Establish a Sub-District (the “Sub-District”) within the District and to authorize a Credit Enhancement Agreement with the Developer with respect to the Sub-District in furtherance of the Cumberland Cold Storage (Merrill’s Wharf) Project.

Amendment #2 – Three Added Parcels Approved by City Council March 16, 2018, and approved by MDECD May 29, 2018.

The Original Development Program and the three Added TIF District Properties of March 2018 (CBLs 019-A-014001, 031-K003001, and 031-K-103001) serve as the model for future amendments to the Original Development Program, as amended, as properties become eligible through the WGA Ordinance.

Amendment #3 – Additional Parcels Added – September 2018 – Approved by the City Council October 15, 2018, and approved by MDECD April 5, 2019.

Additional Parcels added include those listed in Section II(D)(4).

In addition, this Amendment increased City TIF revenue investment options, as well as increased the geographic area by amending and renaming the WREZ to the “Waterfront Development Growth Area Ordinance” (WGA). See amendments to the WREZ, now WGA, as noted on Attachment #3(A) and approved by the City Council on October 15, 2018.

The activities to be funded through the Original Development Program and this Amended Development Program will be specifically determined on an annual basis upon recommendation by the City Manager for action by the City Council. Therefore, the City of Portland seeks authorization to fund all the activities described in this Amended Development Program so that each year the City Council could prioritize which specific activities to fund.

Amendment #4: Proposed Amendment 4 would add additional properties listed in Section II(D)(5).

B. The Projects

The projects to be undertaken are derived from the recommendations of the Task Force II Report which are:

1. Encourage private and public waterfront investments;
2. Provide support to maintain a working waterfront;
3. Support a clean, working harbor.

Generally, the activities to be undertaken and the approximate cost associated with each activity are described in Table 1 below.

TABLE 1

Note 1: All citations refer to Title 30-A, Chapter 206, Section 5225

Project	Statutory Citation	Estimated Cost
In District: Capital Infrastructure Design and Investments, including financing costs, for example:		
Pier and Wharf Structural Repair	(1)(A)(1)(2)(3)(7)	\$15,000,000
Local Match for Ocean Gateway Project	(1)(A)(2)	\$1,000,000
Street Studies and Improvements (Remedy Traffic Congestion)	(1)(A)(1)(2)(3)(7)	\$20,000,000
Pedestrian and Multi-Modal Circulation and Amenity Improvements	(1)(A)(1)(2)(3)(7)	\$2,000,000
New Publicly Owned Pier	(1)(A)(1)(2)(3)(7)	\$3,000,000
Multi-Modal Surface and Structured Parking	(1)(A)(1)(2)(3)(7)	\$10,000,000
Utilities Infrastructure (for Commercial Development)	(1)(A)(1)(2)(3)(7)	\$15,000,000
Credit Enhancement Agreements	(1)(A)	\$4,000,000
		Per Each Individual CEA Project
In and out of District:		
(a) Funding the Economic Development Department, including prorated salaries of City Manager, Finance, and Planning Urban Development Director and Planning staff;	(1)(A)(5) and (C)(1)	\$50,000 Annually effective 7/1/2010 for 22 years, or \$1,100,000 total.
(b) Workforce training funds. Costs of services and equipment to provide skills development and training, including scholarships to in-state educational institutions or to online learning entities when in-state options are not available, for jobs created or retained, of value to marine industry;	(1)(C)(4)	\$750,000
(c) Costs of funding economic development programs or events;	(1)(C)(1)	\$250,000
(d) Costs of funding environmental improvements projects for commercial use, including sea level adaptation studies and infrastructure improvements;	(1)(C)(2)	\$5,000,000
(e) Professional services costs.	(1)(A)(4); 1(C)(1)	\$1,000,000
(f) Dredging of commercial vessel berthing; and,	(1)(A)(1)(2)(7)	\$5,000,000
(g) Dredge sediment disposal and CAD Cell development.	(1)(A) and (1)(C)(2)	<u>\$5,000,000</u>
Total Estimate of TIF Revenue Expenditure over 30-year term:		\$88,100,000 – excluding any future CEA Projects

The City recognizes that the full scope of the needs of the Waterfront Economic Redevelopment Program is beyond the funds anticipated to be generated through this Amended Development Program. Since the Original Development Program, this Amended Development Program will serve as the template for future TIF District applications, however, the City again seeks authorization for the full “menu” of economic development activities described above. This is necessary to maintain flexibility and adaptability as the needs of the waterfront are prioritized throughout the life of this Amended Development Program.

In District Use of Funds

Pier and Wharf Structural Repair

The waterfront infrastructure needs are considerable. The Task Force II Report estimated the need for \$1.4 million in repairs to 14 wharves within three years, with an additional \$1.8 million needed over the next 20 years. Over the last 18 years, these costs have grown considerably and the Task Force II Report estimates should be considered woefully inadequate. Working pier space and commercial berthing are the foundational resources promoting water-dependent industries. Piling replacement, deck repair, structural repair, seawall maintenance, and berthing improvements are constant necessities in any marine environment. See Dredging below.

Local Match for Ocean Gateway Project

The voters of the State of Maine approved an allocation of roughly \$15 million for the construction of a marine passenger facility, requiring a local match of nearly \$1 million.

Street Studies and Improvements (Remedy Traffic Congestion)

For more than the last 10 years, the Portland Waterfront has experienced a historic development cycle that continues to this day. To keep pace with development and to retain and grow marine industry, significant transportation improvements will be required to accommodate the increased traffic. With particular emphasis on Commercial Street, Franklin Street, and the India Street neighborhood, street system improvements are and will continue to be studied and improved.

Pedestrian Circulation and Multi-modal Transportation, Improvements

With the growth of tourism, cruise ships, and non-marine development, waterfront industries increasingly share roadway capacity with, pedestrians, bicycles, tour vehicles, and non-marine delivery trucks. To both accommodate these new users and protect existing marine industries, the City will need to invest in pedestrian infrastructure, bicycle infrastructure (lanes, racks and stations,) public transit, and other multi-modal transportation improvements to promote a safe and functional transportation network. Multi-modal investments provide the additional opportunity to

remove single occupancy vehicles from the network, reducing traffic, and to promote public access to the water.

New Publicly Owned Pier

Located between the Portland Ocean Terminal and Ocean Gateway, a new deep-water pier will offer expanded berthing supporting cruise ship, home porting, tug boat, and transient berthing for current and future marine transportation industries.

Multimodal Surface and Structured Parking

Existing and future waterfront industries and developments require shared parking resources to promote continued growth and opportunities for transportation choice.

Economic Development Staffing, and prorated salaries of the City Manager, Finance Director, Planning and Urban Development Director, and Planning Staff

Fund a portion of the cost of City economic development staff involved in supporting waterfront business development activities and administration of the Original Development Program and this Amended Development Program, and prorated salaries of the City Manager, Finance Director, Planning and Urban Development Director, and Planning staff.

Utilities Infrastructure (for Commercial Development)

The design, upgrades, and construction of utility infrastructure including, but not limited to, lighting, water, stormwater and sewer systems, telecommunication, and electrical distribution upgrades to support commercial development.

Credit Enhancement Agreements

The City Council may approve credit enhancement agreements within the WGA (as depicted on Attachment #4) within the remaining term of the Amended Development Program to support important private sector projects in compliance with adopted City TIF Policy and where the City Council determines that the public benefits associated with individual projects meet or exceed the current or net present value of the project's share of the TIF proceeds for activities consistent with State law. City Council approved City TIF Policy limits the commercial Credit Enhancement Agreements to not exceed 65% of the incremental taxes up to a 20-year term; for Affordable Housing TIF District, the TIF Policy limits Credit Enhancement Agreements to not exceed 75% of the incremental taxes up to a 30-year term.

In and Out of District Use of Funds

Workforce Training Funds

Marine Industries are increasingly challenged to find qualified workers to fill open positions and to capitalize on opportunities for growth. TIF funding can help expand the pool of applicants for current and future employment while improving employment options.

Economic Development Programs and Events

Job fairs, technology conferences, industry open houses, and other such events to market and promote the waterfront and its industries.

Environmental Improvement Projects

Waterfront industries, such as fisheries and tourism benefit from water quality improvement studies and projects. Likewise, sea level rise and other climate change related stresses on industries will increasingly require studies and infrastructure improvements to adapt to changing conditions and promote resiliency.

Professional Services Costs

Waterfront TIF funds may be used to support consulting and professional services needed for special projects and to conduct the everyday ongoing work implementing the development program.

Dredging

Urban harbors require periodic dredging to retain access to and utility of commercial berthing. Typically located on state-owned submerged lands controlled by a submerged lands lease, berthing is the foundation resource supporting water-dependent employment and development. Un-dredged pier edges continually lose their value to marine industry through natural sedimentation and urban storm water runoff. The costs of dredging these public lands are prohibitive, with costs escalating due to contamination resulting from legacy industries, combined sewer overflows, and street runoff. With the support of the Maine Department of Transportation and the Portland Harbor Commission, the City of Portland has worked for the last several years to quantify volumes, sediment contamination, and sediment disposal options. TIF funding will promote dredging of public and private berthing and provide local match for additional state and federal funds.

See CAD Cell Development discussion below.

Dredged Sediment Disposal Costs and CAD Cell Development

The City is working with State and local partners to construct a Contained Aquatic Disposal (CAD) cell in Portland Harbor to address the needs of pier dredging for both public and private piers utilized to support commercial and marine industry development. Typical urban sediments are not suitable for open water disposal, necessitating creation of a local disposal option. On-land disposal is prohibitively expensive. A CAD cell location has been identified and TIF funding will provide local match to state and federal funds needed for final design and construction of the CAD cell.

C. Sub-District Development Program

The twenty (20) year Sub-District Development Program supports the redevelopment of the Cumberland Cold Storage 100,000± square foot building into a Class A office building. A twenty (20) year Credit Enhancement Agreement with the property owner and developer assists with project costs.

D. The Development District Property

The City Council created the WGA Ordinance (see Attachments #2, #3, and #3A) whereby any property within the geographic area, delineated on the attached map (see Revised Attachment #4), that increased in value by an amount greater than \$400,000 over a two-year period would be considered for inclusion in a TIF application subject to the City Council approval.

NOTE: Amendment #3 also amended the WGA Ordinance to expand the geographic area and rename the Ordinance the “Waterfront Development Growth Area Ordinance”, as noted on Attachment #3(A).

1. Original Development District Property

Five such properties were given a TIF District designation by the City Council in 2002 as part of the Original Development Program.

MAP	BLOCK	LOT
019	A	008
029	K	001
029	S	001
030	D	001
041	A	005

2. Sub-District Property

Properties 041-A-016 (0.17 acres) and 041-A-17-18 (1.38 acres) are the Sub-District for the purposes of establishing the original assessed value and allocating tax increment pursuant to the Credit Enhancement Agreement with the Developer.

The TIF Districts will apply to only new value generated within the Districts and will not affect the current property tax base.

3. Three Added TIF District Properties of March 2018

MAP	BLOCK	LOT
019	A	014001
031	K	003001
031	K	103001

4. Added TIF District Properties of September 2018

Additional Parcels added are shown revised map 9(C), 9(D) – spreadsheet showing parcels, square footages, and Original Assessed Values, and Attachment 9(E) – tax maps.

5. Added TIF District Properties of May 2019.

Proposed additional parcels to be added are shown on revised map 9(C), 9(F) – spreadsheet showing parcels, square footages, and Original Assessed Values, and Attachment 9(G) – tax maps.

E. Municipal Use of TIF Revenues

The City of Portland seeks authorization to utilize the revenues generated from this Amended Development Program that are created in the WGA in support of the economic development activities called for in described in this Amended Development Program, and specifically, the activities outlined in Section II-A and B of this application.

F. Operational Components

1. Public Facilities

See Section IIA of this application.

2. Uses of Private Property

Subject to the approval of the City Council, the City will consider entering into credit enhancement agreements to support private projects located in the Waterfront Central Zone which meet the criteria set forth in this TIF District Program.

3. Plans for relocation of persons displaced by development activities.

No displacement or relocation costs are expected related to this TIF District.

4. Transportation Improvements

See Section IIA of this application.

5. Environmental Controls

This Amended Development Program proposes improvements that will comply with all federal, state and local rules and regulations and applicable land use requirements.

6. Plan of Operation

During the life of this Amended District, the City of Portland, City Council, or their designee, will be responsible for the administration of the Districts.

III. Original Development Program Physical Description

A. Total acreage of the municipality: 12,386 (taxable acres)

B. Total acreage of five Original TIF Districts: 3.4 acres

C. Percent of line B of line A (line B divided by line A cannot exceed 2%): 0.03%

D. Total acreage of all existing and Original TIF Districts in the municipality: 77.6 acres

E. Percent line D of line A (cannot exceed 5%): 0.63%

F. Not less than 25%, by area, of the real property within a development district shall meet at least one of the following criteria:

1. Blighted acres N/A. Line F1 divided by line B = _____.

2. Acreage in need of rehabilitation, redevelopment or conservation N/A. Line F2 divided by line B = _____.

3. Acreage suitable for commercial siting = 3.4. Line F3 divided by line B = 100%.

G. Enclosed municipal maps:

1. Area map showing site location of the five Original TIF Districts in relation to geographic location of municipality (Attachment #6).

2. Site map showing tax map locations and the five Original TIF Districts (Attachments #7A through 7E).

III-A. Sub-District Physical Description

- A. Total acreage of the municipality: 12,386 (taxable acres)
- B. Total acreage proposed for Sub-District: 1.55
- C. Percent of line B of line A (line B divided by line A cannot exceed 2%): 0.01%
- D. Total acreage of all existing and proposed TIF Districts in the municipality: 189.92
- E. Percent line D of line A (cannot exceed 5%): 1.53%
- F. Not less than 25%, by area, of the real property within a development district shall meet at least one of the following criteria:
 - 1. Blighted acres N/A. Line F1 divided by line B = _____.
 - 2. Acreage in need of rehabilitation, redevelopment or conservation N/A. Line F2 divided by line B = _____.
 - 3. Acreage suitable for commercial siting = _____. Line F3 divided by line B = 100%.

III-B. Added TIF District Properties of March 2018 Physical Description

The total acreage of the three Added TIF District Properties of March 2018 is 1.675 acres. Exhibit 16 contains financial and statistical information relating to this Amendment required as a prerequisite to designation of the Amended District by the City and approval by MDECD.

Enclosed municipal maps:

- 1. Area map showing site location of the Sub-District, and the three Added TIF District Properties of March 2018, in relation to geographic location of municipality (Attachment #8)
- 2. Tax maps showing locations of the three Added TIF District Properties of March 2018 (Attachment #9).

III-C. Added TIF District Properties of September 2018 Physical Description

The total acreage of the added September 2018 TIF District Properties is estimated at 77 acres. Exhibit 16 contains financial and statistical information relating to this Amendment required as a prerequisite to designation of the Amended District by the City and approval by MDECD.

Enclosed municipal maps:

1. Area map showing site location of the Added September 2018 TIF District Properties, in relation to geographic location of municipality (Attachment #9(C)). See also Attachment #9(D) listing the Added September 2018 TIF District parcels, square footage for each, and OAV for each.
2. Tax maps showing locations of the added September 2018 TIF District Properties (Attachment #9(E)).

III-D. Added TIF District Properties of May 2019 Physical Description

The total acreage of the added May 2019 TIF District Properties is estimated 13.43 acres. Exhibit 16 contains financial and statistical information relating to this Amendment required as a prerequisite to designation of the Amended District by the City and approval by MDECD.

Enclosed municipal maps:

1. Area map showing site location of the added May 2019 TIF District Properties, in relation to geographic location of municipality (revised Attachment #9(C)). See also Attachment #9(F) listing the added May 2019 TIF District parcels, square footage for each, and OAV for each.
2. Tax maps showing locations of the added May 2019 TIF District Properties (Attachment #9(G)).

IV. Original Development Program Financial Plan

A. *Costs and Sources of Revenues*

The five Original TIF Districts comprise an area of approximately 3.4 acres of taxable real and personal property with an original assessed value of \$6,716,410 as of March 31, 2001. The development within the Original TIF Districts is estimated to add an additional \$26,221,692 of new assessed value to the City over the 30 years.

The Original Development Program and this Amended Development Program provides for the new tax revenues generated by the increase in assessed value of the Original TIF Districts to be captured and designated as TIF Revenues. The City will apply the portion of retained revenues to the economic development activities described in the Amended Development Program, with the understanding that the City Council will, on an annual basis, determine which specific projects to undertake that have been outlined in the Amended Development Program.

The City of Portland reserves the right to amend this Financial Plan, subject to DECD approval, to undertake a different activity that is allowable under the Amended Development Program.

Attachment #10 details the projections and proposed TIF revenue allocation based upon the anticipated assessed value increases within the Amended TIF District. Attachment #10 is a projection based upon best available information and is included for demonstration purposes only. No assurances are provided as to the results reflected therein.

B. Development Program Account

The Original Development Program and this Amended Development Program requires establishment of a Development Program Account pledged to, and charged with, the payment of the project costs in the manner outlined in 30-A M.R.S.A. §5254 (3)(A)(2).

The Waterfront TIF Development Program Account is established consisting of a project cost account (“Project Cost Account”) pledged to, and charged with, payment of project costs. The Project Cost Account shall consist of a City Cost Subaccount (the “City Cost Subaccount”) pledged to, and charged with, payment to the City for the cost of approved economic development expenses and Developer Cost Subaccount (the “Developer Cost Subaccount”) pledged to, and charged with, payment by the City under any credit enhancement agreement.

C. Financing Plan

The developments within the described Original TIF Districts will add approximately \$26.2 million of new taxable value in the City of Portland over 30 years. TIF revenues will be allocated as described on Attachment #10 to finance the costs of this Amended Development Program. Actual payments to the Project Cost Account will be adjusted based upon the applicable annual percentage retained and the actual annual assessed value within the Districts.

IV-A. Sub-District Financial Plan

A. Cost and Sources of Revenue

The one TIF Sub-District comprises an area of 1.55 acres of taxable real property with an original assessed value of \$950,900 as of March 31, 2010. The development within the sub-district is estimated to add an additional \$12,000,000 of new assessed value to the City.

This Amended Development Program provides for the new tax revenues generated by the increase in assessed value of the Sub-District to be captured and designated as TIF Revenues. The City will apply the portion of retained revenues to a credit enhancement agreement with the Developer and the balance of retained revenues to the economic development activities described in this Amended Development Program, with the understanding that the City Council will, on an annual basis, determine which specific projects to undertake that have been outlined in the Amended Development Program.

The City of Portland reserves the right to amend this Financial Plan, subject to DECD approval, to undertake a different activity with its allocable share of retained revenues that is allowable under the Amended Development Program.

Attachment #11 details the projections and TIF revenue allocation schedule based upon the anticipated assessed value increases within the Sub-District. Attachment #11 is a projection based upon best available information and is included for demonstration purposes only. No assurances are provided as to the results reflected therein.

B. Development Program Account

This Amended Development Program requires establishment of a Development Program Account pledged to, and charged with, the payment of the project costs in the manner outlined in 30-A M.R.S.A. §5254 (3)(A)(2).

The Cumberland Cold Storage TIF Development Program Account is established consisting of a project cost account (“Project Cost Account”) pledged to, and charged with, payment of project costs. The Project Cost Account shall consist of a City Cost Subaccount (the “City Cost Subaccount”) pledged to, and charged with, payment to the City for the cost of approved economic development expenses and a Developer Cost Subaccount (the “Developer Cost Subaccount”) pledged to, and charged with, payment by the City under the credit enhancement agreement to be entered into with the Developer.

C. Financing Plan

The developments within the Sub-District will add approximately \$12 million of new taxable value in the City of Portland. TIF revenues will be allocated as described on Attachment #11 to finance the costs of this Amended Development Program and to fund the City’s payment obligations to the Developer pursuant to the credit enhancement agreement to be entered into with the Developer. Actual payments to the Project Cost Account will be adjusted based upon the applicable annual percentage retained and the actual annual assessed value within the Districts.

IV-B Added TIF District Properties of March 2018 Financial Plan

A. Costs and Sources of Revenues

The three Added TIF District Properties of March 2018 comprise an area of approximately 1.675 acres of taxable real property with an original assessed value of \$616,430 as of March 31, 2017. The development within the three Added TIF District Properties of March 2018 is estimated to add an additional \$20.7 Million of new assessed value to the City over the remainder of the term through June 30, 2032.

The Original Development Program and this Amended Development Program provides for the new tax revenues generated by the increase in assessed value of the Original TIF Districts to be captured and designated as TIF Revenues. The City will apply the portion of retained revenues to the economic development activities described in the Amended Development Program, with the understanding that the City Council will, on an annual basis, determine which specific projects to undertake that have been outlined in the Amended Development Program.

The City of Portland reserves the right to amend this Financial Plan, subject to DECD approval, to undertake a different activity that is allowable under the Amended Development Program.

Attachment #12 details the projections and proposed TIF revenue allocation based upon the anticipated assessed value increases within the three Added TIF District Properties of March 2018. Attachment #12 is a projection based upon best available information and is included for demonstration purposes only. No assurances are provided as to the results reflected therein.

B. *Development Program Account*

The Original Development Program and this Amended Development Program requires establishment of a Development Program Account pledged to, and charged with, the payment of the project costs in the manner outlined in 30-A M.R.S.A. §5254 (3)(A)(2).

The Waterfront TIF Development Program Account is established consisting of a project cost account (“Project Cost Account”) pledged to, and charged with, payment of project costs. The Project Cost Account shall consist of a City Cost Subaccount (the “City Cost Subaccount”) pledged to, and charged with, payment to the City for the cost of approved economic development expenses and Developer Cost Subaccount (the “Developer Cost Subaccount”) pledged to, and charged with, payment by the City under any credit enhancement agreement.

C. *Financing Plan*

The developments within the three Added TIF District Properties of March 2018 will add approximately \$20.7 Million of new taxable value in the City of Portland over the remainder of the term through June 30, 2032. TIF revenues will be allocated as described on Attachment #12 to finance the costs of this Amended Development Program. Actual payments to the Project Cost Account will be adjusted based upon the applicable annual percentage retained and the actual annual assessed value within the Districts.

IV-C Added TIF District Properties of September 2018 Financial Plan

A. *Costs and Sources of Revenues*

The Added TIF District Properties of September 2018 comprise an area of approximately 77 acres of taxable and tax exempt (State and City-owned) real property with an original assessed value of \$20,076,870 as of March 31, 2018. The development within the Added TIF District Properties of September 2018 is estimated to add an additional \$300 Million of new assessed value to the City over the remainder of the term through June 30, 2032.

The Original Development Program and this Amended Development Program provide for the new tax revenues generated by the increase in assessed value of the Original TIF and Amended Districts to be captured and designated as TIF Revenues. The City will apply the portion of retained revenues to the economic development activities described in the Amended Development Program, with the understanding that the City Council will, on an annual basis,

determine which specific projects to undertake that have been outlined in the Amended Development Program.

The City of Portland reserves the right to amend this Financial Plan, subject to DECD approval, to undertake a different activity that is allowable under the Amended Development Program.

Attachment #12(A) details the projections and proposed TIF revenue allocation based upon the anticipated assessed value increases within the Added TIF District Properties of September 2018. Attachment #12(A) is a projection based upon best available information and is included for demonstration purposes only. No assurances are provided as to the results reflected therein.

B. *Development Program Account*

The Original Development Program and this Amended Development Program requires establishment of a Development Program Account pledged to, and charged with, the payment of the project costs in the manner outlined in 30-A M.R.S.A. §5254 (3)(A)(2), including a Development Sinking Fund.

The Waterfront TIF Development Program Account is established consisting of a project cost account (“Project Cost Account”) pledged to, and charged with, payment of project costs. The Project Cost Account shall consist of a City Cost Subaccount (the “City Cost Subaccount”) pledged to, and charged with, payment to the City for the cost of approved economic development expenses, including bond indebtedness, and Developer Cost Subaccount (the “Developer Cost Subaccount”) pledged to, and charged with, payment by the City under any credit enhancement agreement.

C. *Financing Plan*

The developments within the Added TIF District Properties of September 2018 will add approximately \$300 Million of new taxable value in the City of Portland over the remainder of the term through June 30, 2032. TIF revenues will be allocated as described on Attachment #12(A) to finance the costs of this Amended Development Program. Actual payments to the Project Cost Account will be adjusted based upon the applicable annual percentage retained and the actual annual assessed value within the Districts.

IV-D Added TIF District Properties of May 2019 Financial Plan

A. *Costs and Sources of Revenues*

The added TIF District Properties of May 2019 comprise an area of approximately 13.43 acres of taxable real property with an original assessed value of \$5,938,400 as of March 31, 2019. The development within the added TIF District Properties of May 2019 is estimated to add an additional \$41.5 Million of new assessed value to the City over the remainder of the term through June 30, 2032.

The Original Development Program and this Amended Development Program provide for the new tax revenues generated by the increase in assessed value of the Original TIF and Amended Districts to be captured and designated as TIF Revenues. The City will apply the portion of retained revenues to the economic development activities described in the Amended Development Program, with the understanding that the City Council will, on an annual basis, determine which specific projects to undertake that have been outlined in the Amended Development Program.

The City of Portland reserves the right to amend this Financial Plan, subject to DECD approval, to undertake different activities that are allowable under the Amended Development Program.

Attachment #12(A) details the projections and proposed TIF revenue allocation based upon the anticipated assessed value increases within the added TIF District Properties of May 2019. Attachment #12(A) is a projection based upon best available information and is included for demonstration purposes only. No assurances are provided as to the results reflected therein.

B. Development Program Account

The Original Development Program and this Amended Development Program requires establishment of a Development Program Account pledged to, and charged with, the payment of the project costs in the manner outlined in 30-A M.R.S.A. §5254 (3)(A)(2), including a Development Sinking Fund.

The Waterfront TIF Development Program Account is established consisting of a project cost account (“Project Cost Account”) pledged to, and charged with, payment of project costs. The Project Cost Account shall consist of a City Cost Subaccount (the “City Cost Subaccount”) pledged to, and charged with, payment to the City for the cost of approved economic development expenses, including bond indebtedness, and Developer Cost Subaccount (the “Developer Cost Subaccount”) pledged to, and charged with, payment by the City under any credit enhancement agreement.

C. Financing Plan

The developments within the added TIF District Properties of May 2019 will add approximately \$41.5 Million of new taxable value in the City of Portland over the remainder of the term through June 30, 2032. TIF revenues will be allocated as described on Attachment #12(A) to finance the costs of this Amended Development Program. Actual payments to the Project Cost Account will be adjusted based upon the applicable annual percentage retained and the actual annual assessed value within the Districts.

The City reserves the option to fund the project costs through public indebtedness. If City utilizes debt service to cover the cost of public infrastructure, it will establish a sinking fund account.

V. Original TIF Districts Financial Data

- A. Total 2001 value of equalized property in the municipality: \$3,873,900,000.
- B. Original assessed value of all properties in all existing and proposed Original TIF districts:
- | | |
|----------|--------------|
| Existing | \$20,961,460 |
| Proposed | \$6,716,410 |
| Total | \$27,677,870 |
- Line B divided by line A = 0.71% (cannot exceed 5%).
- C. Estimate of increased assessed value by year after implementation of the Original Development Program: See Attachment #10
- D. Percentage of increased assessed value to be applied to the Original Development Program fund: See Attachment #10
- E. Estimated annual tax increment: \$400,113 (Average)
- F. Total average annual value of development program fund: \$400,113 (Average)
- G. Annual principal and interest payment of bonded indebtedness: N/A
- H. Financial assumptions and safeguards: Under the Original Development Program, the City of Portland only sought to implement its own Waterfront Economic Redevelopment Program and is under no obligation to repay any bonds that would involve a pledge of the City's full faith and credit. The City's participation in this development program is voluntary and notwithstanding any approvals from the appropriate state entity, can revoke its desire to implement the plan.
- I. Statement of impact of TIF on taxing jurisdictions within the county: See Attachment #13.

V-A. Sub-District Financial Data

- A. Total 2010 value of property in the municipality: \$8,196,900,000.
- B. Original assessed value of all properties in all existing TIF Districts and proposed sub-district:
- | | |
|-----------------|------------------|
| Existing | \$305,455,220 |
| <u>Proposed</u> | <u>\$950,900</u> |
| Total | \$306,406,120 |
- Line B divided by line A = 3.73% (cannot exceed 5%).
- C. Estimate of increased assessed value by year after implementation of the development program: See Attachment #11

- D. Percentage of increased assessed value to be applied to the development program fund: See Attachment #11
- E. Estimated annual tax increment: \$143,503 (Average)
- F. Total average annual value of development program fund: \$143,503 (Average)
- G. Annual principal and interest payment of bonded indebtedness: N/A
- H. Financial assumptions and safeguards: The City of Portland seeks to implement its own Waterfront Economic Redevelopment Program and to fund its payment obligations to the Developer under the credit enhancement agreement with the Developer and is under no obligation to repay any bonds that would involve a pledge of the City's full faith and credit. The City's participation in this development program is voluntary and notwithstanding any approvals from the appropriate state entity, can revoke its desire to implement the plan.
- I. Statement of impact of TIF on taxing jurisdictions within the county: See Attachment #14.

V-B. Added TIF District Properties of March 2018 Financial Data

- A. Total 2018 value of taxable property in the municipality: \$9,049,500,000.
- B. Original assessed value of all properties in all existing and proposed Amended TIF districts:

Existing	\$1,106,422,670
Proposed	<u>\$616,430</u>
Sub-Total	\$1,107,059,100
Less Exempt	<u>-\$973,107,320</u>
Total	\$133,951,780

Line B divided by line A = 1.48% (cannot exceed 5%).

- C. Estimate of increased assessed value by year after implementation of the three Added TIF District Properties of 2018: See Attachment #12.
- D. Percentage of increased assessed value to be applied to the three Added TIF District Properties of 2018 Development Program fund: See Attachment #12
- E. Estimated annual tax increment: \$491,204 (Average)
- F. Total average annual value of development program fund: \$491,204 (Average)
- G. Annual principal and interest payment of bonded indebtedness: N/A

- H. Financial assumptions and safeguards: Under the Original Development Program, the City of Portland only sought to implement its own Waterfront Economic Redevelopment Program and is under no obligation to repay any bonds that would involve a pledge of the City's full faith and credit. The City's participation in this development program is voluntary and notwithstanding any approvals from the appropriate state entity, can revoke its desire to implement the plan.
- II. Statement of impact of TIF on taxing jurisdictions within the county: See Attachment #15.

V-C. Added TIF District Properties of September 2018 Financial Data

- A. Total 2018 value of taxable property in the municipality: \$9,049,500,000.
- B. Original assessed value of all properties in all existing and proposed Amended TIF districts:

Existing	\$1,107,059,100
Proposed	\$20,076,870
Sub-Total	\$1,127,135,970
Less Exempt	<u>-\$973,107,320</u>
Total	\$154,028,650

Line B divided by line A = 1.7% (cannot exceed 5%).

- C. Estimate of increased assessed value by year after implementation of the Added TIF District Properties of September 2018: See Attachment #12(A).
- D. Percentage of increased assessed value to be applied to the Added TIF District Properties of September 2018 Development Program fund: 100%
- E. Estimated annual tax increment: \$7,282,000 (Average)
- F. Total average annual value of development program fund: \$7,282,000 (Average)
- G. Annual principal and interest payment of bonded indebtedness: \$200,000
- H. Financial assumptions and safeguards: Under the Original Development Program, the City of Portland only sought to implement its own Waterfront Economic Redevelopment Program and is under no obligation to repay any bonds that would involve a pledge of the City's full faith and credit. The City's participation in this development program is voluntary and notwithstanding any approvals from the appropriate state entity, can revoke its desire to implement the plan.
- III. Statement of impact of TIF on taxing jurisdictions within the county: See Attachment #15(A).

V-D. Added TIF District Properties of May 2019 Financial Data

- A. Total 2018 value of taxable property in the municipality: \$9,049,500,000.
- B. Original assessed value of all properties in all existing and proposed Amended TIF districts:

Existing	\$1,127,135,970
Proposed	\$5,938,400
Sub-Total	\$1,133,074,370
Less Exempt	<u>-\$973,107,320</u>
Total	\$159,967,050

Line B divided by line A = 1.76% (cannot exceed 5%).

- C. Estimate of increased assessed value by year after implementation of the Added TIF District Properties of May 2019: See Revised Attachment #12(A).
- D. Percentage of increased assessed value to be applied to the Added TIF District Properties of May 2019 Development Program fund: 100%
- E. Estimated annual tax increment: \$6,745,331 (Average)
- F. Total average annual value of development program fund: \$6,745,331 (Average)
- G. Annual principal and interest payment of bonded indebtedness: The City reserves the option to fund the project costs through public indebtedness.
- H. Financial assumptions and safeguards: Under the Original Development Program, the City of Portland only sought to implement its own Waterfront Economic Redevelopment Program and is under no obligation to repay any bonds that would involve a pledge of the City's full faith and credit. The City's participation in this development program is voluntary and notwithstanding any approvals from the appropriate state entity, can revoke its desire to implement the plan.
- I. Statement of impact of TIF on taxing jurisdictions within the county: See Revised Attachment #15(A).

VI. Original Development Program Tax Shifts (See Attachment #13)

- A. *Average Annual Amount:*

General Purpose Aid to Education Tax Shift: \$137,700

Municipal Revenue Sharing Tax Shift: \$17,004

County Tax Shift: \$7,855

Total Average Annual Savings: \$162,560

VI-A Sub-District Tax Shifts (See Attachment #14)

General Purpose Aid to Education Tax Shift: \$49,822

Municipal Revenue Sharing Tax Shift: \$6,183

County Tax Shift: \$2,856

Total Average Annual Savings: \$58,860

VI-B. Added TIF District Properties of March 2018 Tax Shifts (See Attachment #15)

A. Average Annual Amount:

General Purpose Aid to Education Tax Shift: \$122,721

Municipal Revenue Sharing Tax Shift: \$11,772

County Tax Shift: \$10,522

Total Average Annual Savings: \$145,015

VI-C. Added TIF District Properties of September 2018 Tax Shifts (See Attachment #15(A))

A. Average Annual Amount:

General Purpose Aid to Education Tax Shift: \$2,341,121

Municipal Revenue Sharing Tax Shift: \$160,724

County Tax Shift: \$150,869

Total Average Annual Savings: \$2,652,714

VI-D. Added TIF District Properties of May 2019 Tax Shifts (See Revised Attachment #15(A))

A. Average Annual Amount:

General Purpose Aid to Education Tax Shift: \$2,219,656

Municipal Revenue Sharing Tax Shift: \$151,658

County Tax Shift: \$143,078

Total Average Annual Savings: \$2,514,393

VII. Amended Development Program Municipal Approvals

A. *Public Hearing Notice*

The City of Portland did give proper Notice of Public Hearing in accordance with the requirements of 30-A M.R.S.A. §5226. The notice was published on _____, 2019 in a newspaper of general circulation (see Attachment #17).

B. *Public Hearing*

A Public Hearing at which the proposed Amended Development Program for adoption was held on _____, 2019 in the Portland City Council Chambers. A copy of the minutes of that meeting is included as Attachment #18.

C. *Authorizing Votes*

An attested copy of the resolution of the Portland City Council amending the Waterfront Redevelopment Program is included as Attachment #19.

MEMORANDUM
City Council Agenda Item

FROM:

DATE: June 5, 2019

SUBJECT: Order 267-18/19 Amendment to City Code Re: Waterfront Development Growth Area Ordinance Map - Sponsored by the Economic Development Committee - Councilor Justin Costa, Chair.

SPONSOR:

(If sponsored by a Council committee, include the date the committee met and the results of the vote.)

COUNCIL MEETING DATE ACTION IS REQUESTED:

1st Reading

Final Action

Can action be taken at a later date: No (If no why not?)

PRESENTATION: (List the presenter(s), type and length of presentation)

I. SUMMARY

II. AGENDA DESCRIPTION

This is a companion order to Order 266 above.

This item must be read on two separate days. It was given a first reading on June 3, 2019. Five affirmative votes are required for passage after public comment.

III. BACKGROUND

IV. INTENDED RESULT AND/OR COUNCIL GOAL ADDRESSED

V. FINANCIAL IMPACT

VI. STAFF ANALYSIS AND BACKGROUND

Staff Analysis and Background that will not appear in the Agenda Description.

VII. RECOMMENDATION

VIII. LIST ATTACHMENTS

1. Ch. 8 Waterfront Development Growth Area Map Amendment 6.3.2019

Prepared by:

Date: 6/5/2019

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

**CITY OF PORTLAND
IN THE CITY COUNCIL**

KIMBERLY COOK (5)
JILL C. DUSON (A/L)
PIOUS ALI (A/L)
NICHOLAS M. MAVODONES, JR (A/L)

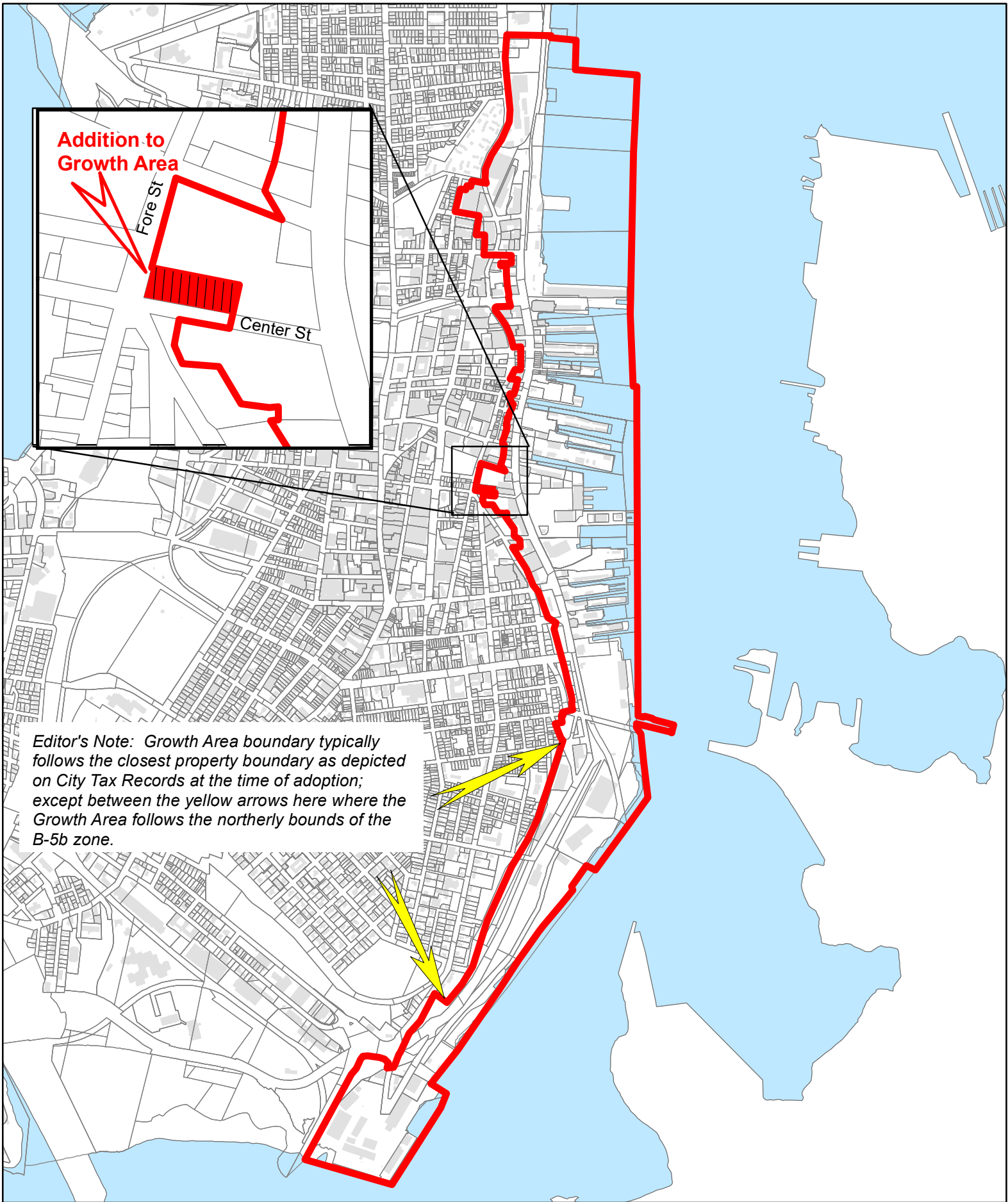
**AMENDMENT TO PORTLAND CITY CODE
CHAPTER 14 AND CHAPTER 8
Re: WATERFRONT DEVELOPMENT GROWTH AREA**

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

That Chapter 8, Section 8-3 is hereby amended as follows:

Sec. 8-3. Creation of the Waterfront Development Growth Area

The Waterfront Development Growth Area (WDGA) is hereby created and shown on the map below, titled the Portland Waterfront Development Growth Area, which is incorporated as a component of this ordinance, as may be amended from time to time.



**Addition to
Growth Area**

Fore St

Center St

Editor's Note: Growth Area boundary typically follows the closest property boundary as depicted on City Tax Records at the time of adoption; except between the yellow arrows here where the Growth Area follows the northerly bounds of the B-5b zone.



Portland Waterfront Development Growth Area

2,000 1,000 0 2,000 Feet

**Waterfront Development
Growth Area**

Map produced by the City of Portland Economic Development Department. Intended as an exhibit to the City ordinance expanding and replacing the Waterfront Redevelopment Economic Zone. October 2018, Amended June 2019



MEMORANDUM
City Council Agenda Item

FROM:

DATE: June 5, 2019

SUBJECT: Order 268-18/19 Traffic Schedule Amendment Re: Sections of Thames Street -
Sponsored by Jon P. Jennings, City Manager.

SPONSOR:

(If sponsored by a Council committee, include the date the committee met and the results of the vote.)

COUNCIL MEETING DATE ACTION IS REQUESTED:

1st Reading

Final Action

Can action be taken at a later date: No (If no why not?)

PRESENTATION: (List the presenter(s), type and length of presentation)

I. SUMMARY

The installation of four (4) two-hour parking meters at Thames Street will provide much needed turnover parking for the new retail businesses on the block.

II. AGENDA DESCRIPTION

The developer of the AC Hotel and nearby properties has requested that four parking spaces in front of the new retail spaces at 20 Thames Street be converted to two-hour metered spaces, which this amendment does. The installation of four (4), two-hour parking meters at Thames Street will provide much needed turnover parking for the new retail businesses on the block.

This item must be read on two separate days. It was given a first reading on June 3, 2019. Staff is requesting that this order be passed as an emergency. Seven affirmative votes are required for passage as an emergency following public comment.

III. BACKGROUND

Since 2008, while the development at the corner of Thames and Hancock Streets was on hold, ten (10), on-street spaces on the westerly side of Hancock Street between Fore & Thames and sixteen (16) on-street parking spaces on the north side of Thames Street between India and Hancock Street were signed two-hour parking (rather than metered), so that people with an Island Resident permit could use them on a temporary year-to-year basis until the Council should decide to regulate the spaces differently. In 2018, the two-hour signed parking on Thames Street and Hancock Street was changed to one-hour signed parking. The AC Hotel is now built on a portion of that lot, along with a 28-unit, residential condominium with retail space on the ground floor and plans to build two other buildings on the remaining lots on the block. The developer of the properties has requested that four (4) of the time-limited spaces in front of the new retail spaces at 20 Thames Street be converted to four (4), two-hour metered spaces, leaving twelve (12) one-hour spaces on Thames Street in the Island Resident parking zone. Order 260-18/19 on this agenda extends the Island Resident parking zone of those remaining parking spaces for another year.

To help compensate for the loss of the four (4), time-limit parking spaces on Thames Street, Order 260-18/19 also designates forty-two (42) existing two-hour parking spaces on the north side of Marginal Way (along the

highway) between the Park & Ride Lot and Cove Street in the Island Residential Zone, to provide additional parking opportunities for Islanders with residential parking stickers, on a temporary year to year basis.

IV. INTENDED RESULT AND/OR COUNCIL GOAL ADDRESSED

Approve the installation of four (4), two-hour meters at 20 Thames St.

V. FINANCIAL IMPACT

Aprox. \$8,000 in additional meter revenue.

VI. STAFF ANALYSIS AND BACKGROUND

Staff has determined that the on street parking will benefit Island residents, and one hour turnover time limited parking and 4 two-hour meters parking will benefit the businesses.

VII. RECOMMENDATION

The Parking Division recommends passage.

VIII. LIST ATTACHMENTS

1. Thames Street Parking Change - Traffic Schedule Amendment 6.3.2019

Prepared by:

Date: 6/5/2019

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

**CITY OF PORTLAND
IN THE CITY COUNCIL**

KIMBERLY COOK (5)
JILL C. DUSON (A/L)
PIOUS ALI (A/L)
NICHOLAS M. MAVODONES, JR (A/L)

**TRAFFIC SCHEDULE AMENDMENT
RE: SECTIONS OF THAMES STREET**

ORDERED, that the City of Portland's Traffic Schedule be and hereby is amended as follows:

By Adding under Thames Street from a point 135' southwest of Hancock Street to a point 155' northeast of India Street:

Northwest Side

- ☐ **Schedule XXI – 2-Hour Parking from 9:00 AM to 6:00 PM**

By Deleting under Thames Street from a point 135' southwest of Hancock Street to a point 155' northeast of India Street:

Northwest Side

- ☐ **Schedule XVII – 1-Hour Parking 8:00 AM to 6:00 PM** (Current parking schedule according to approved AC Hotel site plan)

MEMORANDUM
City Council Agenda Item

FROM: Bruce Hyman

DATE: June 3, 2019

SUBJECT: **Order 277-18/19 Adopting the Bayside Transportation Master Plan - Sponsored by the Sustainability and Transportation Committee, Councilor Spencer Thibodeau, Chair.**

SPONSOR: Jon Jennings, City Manager
(If sponsored by a Council committee, include the date the committee met and the results of the vote.)

COUNCIL MEETING DATE ACTION IS REQUESTED:

1st Reading 6/17/2019

Final Action 6/17/2019

Can action be taken at a later date: Yes Yes

PRESENTATION: Bruce Hyman, 15 minutes, PPT

I. SUMMARY

Adoption of the Bayside Transportation Master Plan pursuant to the plan adoption process in Portland's Plan 2030.

II. AGENDA DESCRIPTION

The Sustainability and Transportation Committee met in March and April 2018 and took up the Bayside Transportation Plan. The Committee voted 3-0 for forward this item to the City Council with a recommendation for passage.

This order adopts the Bayside Transportation Master Plan pursuant to the plan adoption process in Portland's Plan 2030.

The City conducted the multimodal and land use Bayside Transportation Master Plan, funded by the Portland Area Comprehensive Transportation System, to integrate and lay the groundwork for various public planning-project initiatives and private development activities in the fast-changing Bayside and East Bayside neighborhoods.

Five affirmative votes are required for passage after public comment.

III. BACKGROUND

The Bayside area has been a major focus for redevelopment plans on the Portland peninsula, and planning efforts have been part of reshaping this area over the past two decades - beginning with A New Vision for Bayside in 2000, continuing through implementation of the Bayside Trail, the Chestnut Street Extension, and the re extension of Somerset Street, and with potential future changes to Franklin Street. Land uses in Bayside can be described as mixed use, and current dominant uses include regional scale retail (grocery), a gym, banking, automotive services, regional scale medical offices, and mid-rise residential. Land use form is a mix of more urban-style but also some recent more suburban-style development.

Recommendations for Focus Areas not included in Section II (above) include:

Pearl Street. Pearl Street is recommended to be extended the one block from Somerset Street to Marginal Way to enhance north-south connectivity on the peninsula from Marginal Way to Commercial Street.

Lancaster and Kennebec Streets. Various options for reconfiguring both streets are presented including as traditional city streets (travelways with curb and sidewalk) or as shared streets for some sections in response to potential development opportunities. City staff also suggest that portions of Kennebec Street be considered to become pedestrian only/a pedestrian mall given its unique characteristics and development potential. This 4 type of conversion has been successful in communities across the country to create vibrant redevelopment areas.

A robust public outreach engagement process with residents, property owners and businesses was conducted that included three well-attended public workshops, an Open House and an interactive project website. Close coordination with the MaineDOT and METRO was also maintained through-out the process. This process and its outcomes are documented in Chapter 6.

For each of the 6 focus areas, the public outreach and consultant-staff discussions generated a series of Issues-Opportunities and Goals were identified. From these, a set of multimodal/complete streets-oriented Alternatives were generated and analyzed and evaluated based on how well they met the Goals.

IV. INTENDED RESULT AND/OR COUNCIL GOAL ADDRESSED

As a council-adopted Master Plan, additional consideration/weight will be given to its recommendations as private development occurs and as the city pursues federal and state transportation funds for implementation.

V. FINANCIAL IMPACT

Adoption of the Plan does not obligate the City to any particular action on or implementation of its recommendations. Adoption by the Council increases the likelihood that some of its recommendations may be implemented by the private sector as part of development projects that may occur. Adoption also improves funding opportunities for state and federal transportation funds whereby the City would pay for 20% to 25% local match.

VI. STAFF ANALYSIS AND BACKGROUND

The Plan will improve the overall safety (for all users), circulation, accessibility and mobility for all users of the transportation network in and to the Bayside and East Bayside neighborhoods. It will also improve the economic development context for both neighborhoods.

VII. RECOMMENDATION

Staff recommends the Plan as a Council adopted Master Plan.

VIII. LIST ATTACHMENTS

1. BaysideTransportMP_DraftFinalReport-November2018
2. AgendaReqMemo_BaysideTMPlan_Jun17-2019Rev
3. Adopting the Bayside Transportation Master Plan 6.17.2019

Prepared by:

Bruce Hyman

Date: 6/3/2019

prepared for:

PACTS and City of Portland

DRAFT

BAYSIDE TRANSPORTATION MASTER PLAN

November 2018

TABLE OF CONTENTS

1.0 INTRODUCTION	1
1.1 STUDY/FOCUS AREA	1
1.2 OTHER STUDIES AND PROJECTS	3
2.0 DEFINE EXISTING AND PLANED LAND USE CONTEXT	4
2.1 EXISTING LAND USE CONTEXT	4
2.2 EXISTING TRANSPORTATION CONTEXT	13
2.3 PLANNED TRANSPORTATION CONTEXT	27
3.0 IDENTIFY ISSUES AND OPPORTUNITIES	29
3.1 TRANSPORTATION STREET ISSUES AND OPPORTUNITIES	29
3.2 PEDESTRIAN/BICYCLE ISSUES AND OPPORTUNITIES	30
3.3 TRANSIT ISSUES AND OPPORTUNITIES	31
3.4 LAND USE ISSUES AND OPPORTUNITIES	32
4.0 DESCRIBE FUTURE OBJECTIVE AND PURPOSE AND NEED	37
5.0 ALTERNATIVE DEVELOPMENT AND RECOMMENDATIONS	38
5.1 MARGINAL WAY FOCUS AREA	38
5.2 PREBLE AND ELM STREETS FOCUS AREA	48
5.3 PORTLAND AND OXFORD STREETS FOCUS AREA	57
5.4 PEARL STREET FOCUS AREA	64

5.5 LANCASTER AND KENNEBEC STREETS FOCUS AREA	64
5.6 EAST BAYSIDE FOCUS AREA	69
5.7 WASHINGTON AVENUE FOCUS AREA	74
5.8 GENERAL PEDESTRIAN AND BICYCLE RECOMMENDATIONS	77
5.9 GENERAL TRANSIT RECOMMENDATIONS	80
6.0 PUBLIC OUTREACH PROCESS	84
6.1 APPROACH	84
6.2 CREATING AWARENESS	84
6.3 PUBLIC FEEDBACK OPPORTUNITIES	84
6.4 OTHER KEY STAKEHOLDER OUTREACH	86

LIST OF FIGURES (Page 1 of 3)

1.0 INTRODUCTION	
Figure 1-1: Portland Complete Streets Project Process	1
Figure 1-2: Key Focus Area Map	2
Figure 1-3: Existing Projects Map	3
2.0 DEFINE EXISTING AND PLANED LAND USE CONTEXT	
Figure 2-1: Existing Study Area Zoning (Source: City of Portland)	4
Figure 2-2: Bayside Height Overlay Map	8
Figure 2-3: Existing Study Area Land Uses (Source: City of Portland)	10
Figure 2-4: Figure Ground Illustration	11
Figure 2-5: A New Vision for Bayside Adopted 2000 (Source: City of Portland)	12
Figure 2-6: Designated MaineDOT Functional Classification of Streets in the Bayside Area	13
Figure 2-7: One-Way Streets	13
Figure 2-8: Study Area Average Annual Daily Traffic Volumes	14
Figure 2-9: AM/PM Existing Level of Service Summary	14
Figure 2-10: Study Area Existing Speed Limits	15
Figure 2-11: Study Area High Crash Locations	15
Figure 2-12: 2012-2014 Bicycle Crash Locations	16
Figure 2-13: 2012-2014 Pedestrian Crash Locations	17
Figure 2-14: Pedestrian and Bicycle Facilities	18
Figure 2-15: Southwest Quadrant	19
Figure 2-16: Southeast Quadrant	19
Figure 2-17: Northwest Quadrant	20
Figure 2-18: Northeast Quadrant	20
Figure 2-19: Existing METRO bus routes serving the Bayside neighborhood	21
Figure 2-20: Ridership at stops in Bayside	22
Figure 2-21: Issue and Opportunities at the Bus Stops in Bayside	23
Figure 2-22: Existing conditions at a far-side stop, located at Franklin Towers on Cumberland Avenue	24
Figure 2-23: Existing conditions at a near-side stop, located at 255 Cumberland Avenue	24
Figure 2-24: Existing conditions at a mid-side stop, located at 161 Marginal Way, formerly the Human Services building	24
Figure 2-25: Illustrations of the far-side (top), near-side (middle), and mid-block (bottom) bus stop placements.	25
Figure 2-26: Bus stop placement in relation to land use and development	25
Figure 2-27: Stopped bus on Washington Avenue blocks the crosswalk	25
Figure 2-28: Bus stop configuration	26
Figure 2-29: An existing bus stop	26
Figure 2-30: Summary of Transit System Recommendations from the Peninsula Transit Study	27

LIST OF FIGURES (Page 2 of 3)

5.0 ALTERNATIVE DEVELOPMENT AND RECOMMENDATIONS		
Figure 5-1: Marginal Way Focus Areas	38	
Figure 5-2: Marginal Way Plowman Street to Cove Street	39	
Figure 5-3: Marginal Way AAA-Auto Looking West	39	
Figure 5-4: Marginal Way West of Gorham Savings Bank	40	
Figure 5-5: Marginal Way / Franklin Street	41	
Figure 5-6: Marginal Way/Chestnut Street Intersection	42	
Figure 5-7: Marginal Way/Preble Street/Elm Street Intersection	43	
Figure 5-8: Marginal Way/Forest Avenue/Kennebec Street Intersection	44	
Figure 5-9: 2035 Peak Hour Traffic Volumes	45	
Figure 5-10: Recommended Stop Relocations along Marginal Way	47	
Figure 5-11: One-way Preble Street at Resource Center - South	49	
Figure 5-12a: Long-Term Recommendation. One-Way Elm St. Near Lancaster St. - North	50	
Figure 5-12b: Short-Term Recommendations. One-way Elm St. Near Lancaster St. - North	50	
Figure 5-13: Section 1 of 3 – Preble and Elm Street - Long Term	51	
Figure 5-14: Section 2 of 3 – Preble and Elm Street - Long Term	52	
Figure 5-15: Section 3 of 3 – Preble and Elm Street - Long Term	53	
Figure 5-16: Relocation of Preble Street Extension stops closer to Marginal Way	55	
		Figure 5-17:A curb extensionon Route39/CentreStreet in Boston
		55
		Figure 5-18: Relocation and removal of bus stops on Preble Street
		55
		Figure 5-18: Relocation and removal of bus stops on Preble Street
		55
		Figure 5-19: Multiple uses and functions along Elm Street at METRO Pulse
		56
		Figure 5-20: Portland Street at DPW Building
		58
		Figure 5-21: Oxford Street Two-way Concept: Elm Street to Alder Street
		58
		Figure 5-22: Portland Street/Forest Avenue/Park Avenue Modification
		59
		Figure 5-23: Oxford Street Two-way Plan 1 of 2: Phase1, Elm Street to Alder Street
		60
		Figure 5-24: Oxford Street Two-Way Plan 2 of 2: Phase 2 Field Test Configuration, Elm Street to Pearl Street
		61
		Figure 5-25: Portland Street/Forest Avenue/Park Avenue 2035 Peak Hour Traffic
		62
		Figure 5-26: Bus turning radius for EZ Ride shuttle service in Cambridge, MA
		62
		Figure 5-27: Relocation of Portand St and Forest Ave stop in between Post Office driveways
		63
		Figure 5-28: Proposed intersection design for Portland St and Forest Avenue
		63
		Figure 5-29: Bus stop relocation and consolidation on Park Ave and Forest Avenew
		63
		Figure 5-30: Pearl St between Somerset St and Oxford Street
		64
		Figure 5-31: Lancaster Street East Elm Street - Looking East
		65
		Figure 5-32: Lancaster Street (Hanover Street to Preble Street)
		66
		Figure 5-33: Kennebec Street East of Chestnut Street - Looking East
		67

LIST OF FIGURES (Page 3 of 3)

Figure 5-34: Fox Street at Fox Field - Looking East	69
Figure 5-35: Fox Street East of Anderson Street - Looking East	70
Figure 5-36: Cove Street at Independent Electrical - Looking South	71
Figure 5-37: Diamond Street at Fastenal - Looking South	72
Figure 5-38: Fox Street before driveway improvements	73
Figure 5-39: Fox Street after driveway improvements	73
Figure 5-40: Washington Avenue between Fox Street/Walnut Street and Cumberland Avenue	74
Figure 5-41: Washington Avenue/Fox Street/Walnut Street. Source: Planning and Urban Development	75
Figure 5-42: Washington Avenue/Cumberland Street Intersection. Source: Planning and Urban Development	75
Figure 5-43: Public Space Opportunities	79
Figure 5-44: Proposed Alternative Bus Stop Relocations and Eliminations on Route 8	80
Figure 5-45: Proposed routing alternatives for Route 2 and Route 4 on Portland Street, Preble Street, and Elm Street	81
Figure 5-46: Short-term transit recommendations for stop relocations	82
Figure 5-47: Existing bus stop in Bayside to the left and bus stop with proper signage and amenities in Boston to the right	82
Figure 5-48: Example of cycle track behind a bus stop from MassDOT Separated Lane Planning and Design Guide	82

PAGE INTENTIONALLY LEFT BLANK

BAYSIDE TRANSPORTATION MASTER PLAN

SECTION ONE – INTRODUCTION

1.0 INTRODUCTION

The Bayside area has been a major focus for redevelopment plans on the Portland peninsula, and planning efforts have been part of reshaping this area over the past two decades - beginning with *A New Vision for Bayside in 2000*, continuing through implementation of the Bayside Trail, the Chestnut Street Extension, and the re-extension of Somerset Street, and with potential future changes to Franklin Street. Land uses in Bayside can be described as mixed-use, and current dominant uses include regional scale retail (grocery), a gym, banking, automotive services, regional scale medical offices, and mid-rise residential. The City’s Public Works offices and yards are also located in the study area, but are poised for future private redevelopment.

The study area (**Figure 1-2**) also includes residential neighborhoods. Two such distinct areas are the neighborhoods to the north of and along Cumberland Avenue, and along and to the west of Washington Avenue.

The **Bayside Transportation Master Plan** is designed to be an integrated multi-modal and land use initiative, examining pedestrian, bicycle, vehicular and transit access; connectivity; land use; and urban form, guided by the City’s and MaineDOT’s Complete Streets Policy (**Figure 1-1**).

Portland Complete Street Project Development Process

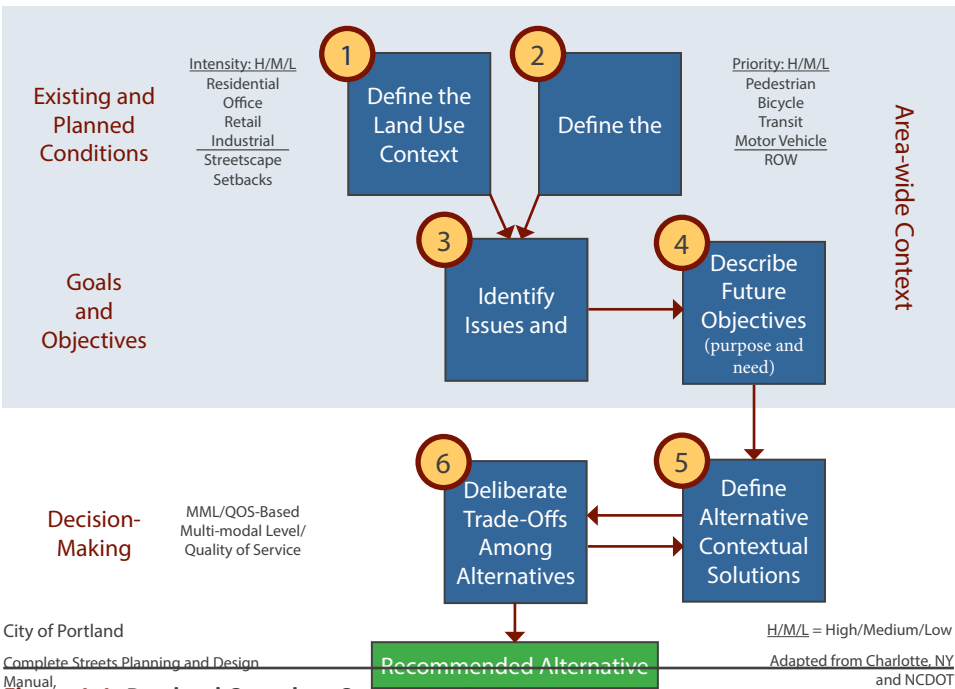


Figure 1-1: Portland Complete Streets Project Process

The Bayside Neighborhood within Portland has become one of the most dynamic areas of the City with a variety of near- and long-term activities that prompted the City and PACTS to pursue a master plan to inform transportation initiatives. With so much change happening, a comprehensive review is desirable to ensure a sustainable transportation system is planned and supports land use and economic development goals.

In many respects, the area has not been reviewed recently in a comprehensive fashion, and thus lacks an updated vision where the transportation system can serve existing and future demands and needs of all users—and meet the City’s Complete Streets Policy. A comprehensive system is also important from a development and MaineDOT review perspective, particularly for the streets that interface with I-295.

Private development in the area is significant, and in many respects, the planning review process would benefit greatly from an adopted transportation master plan. An adopted plan would allow the City to better partner with private developers to implement the vision. The City is in the process of designing a Stormwater Storage Conduit within Marginal Way. This facility will address stormwater needs, but given its location, the City intends, as practicable, to leverage its construction to implement street improvements.

1.1 STUDY AREA/FOCUS AREA

The Master Plan area is a large and diverse area bounded by I-295 to the north, Washington Avenue to the east, Cumberland Avenue to the south, and Forest Avenue to the west (see **Figure 1-2** on the following page). The Master Plan will provide an overall comprehensive transportation vision for the Bayside Neighborhood, in addition to providing more detailed recommendations for the following Focus Areas:

1. Oxford Street/Portland Street – The City has generally identified a need for multi-modal and streetscape improvements to Portland Street between Forest Avenue and Preble Street (including Oxford Street between Alder Street and Preble Street). An issue that needs to be addressed is the lack of east-west connectivity within Bayside between Franklin Street and Alder Street. Oxford Street will be assessed for the potential benefits of a conversion to two-way for all, or a portion of its length, from Alder Street to Pearl Street.

2. Pearl Street Extension – The City has been envisioning the extension of Pearl Street to Marginal Way, and thus creating a full cross-peninsula north-south street. The recently approved Midtown project is incorporating a street/driveway to the Bayside Trail that can potentially be adapted for a full connection to Marginal Way in the future. The key issue for this task is understanding what alignment is required to intersect Marginal Way, and potential property impacts, and how this new connection interacts with traffic signals at Franklin Street (existing) and Chestnut Street (near-term).

3. Lancaster Street – Lancaster Street in the Bayside Neighborhood may prove beneficial from a re-connected street grid and connectivity perspective. Key options to be reviewed include:

- provide a pedestrian connection across Franklin Street;
- provide a two-way roadway through Whole Foods; and
- the roadway configuration between Elm Street and Brattle Street.

4. Preble and Elm Streets – Similar to other streets in the City and in the Bayside Neighborhood, the study will investigate Preble and Elm Streets’ configuration, connectivity, integration with Marginal Way, Somerset Street, and the Midtown project, and improving bicycle and pedestrian facilities.

5. Marginal Way – Approximately 10 years ago, the City established a vision for Marginal Way and incrementally is being implemented. Given changes in the area and within the City, this study will review the principles of the Marginal Way Master Plan, and extend the Plan to the Portland Water District treatment plant. The Plan needs to address the inconsistent roadway configuration, safety deficiencies, poor access management, incomplete bicycle and pedestrian facilities, and streetscape needs.

6. Transit Access and Service – For the Bayside Neighborhood to be truly multi-modal, a healthy transit system is necessary. Mixed-use development with a significant residential housing component will trigger the need to provide transportation options for residents. For many of the current and future residents, car ownership is not an assumed choice, and having quality transit transportation options will be important for the success for developments, and transportation balance.



Figure 1-2: Key Focus Area Map

1.2 OTHER STUDIES AND PROJECTS

The intent of the Master Plan is generally to integrate prior planning and development initiatives with future assumptions. This will include City projects and development activity where site plans have been approved. **Figure 1-3** notes projects or initiatives that were considered in the plan. Details on the Transportation and Land Use context elements are discussed in Section 2.

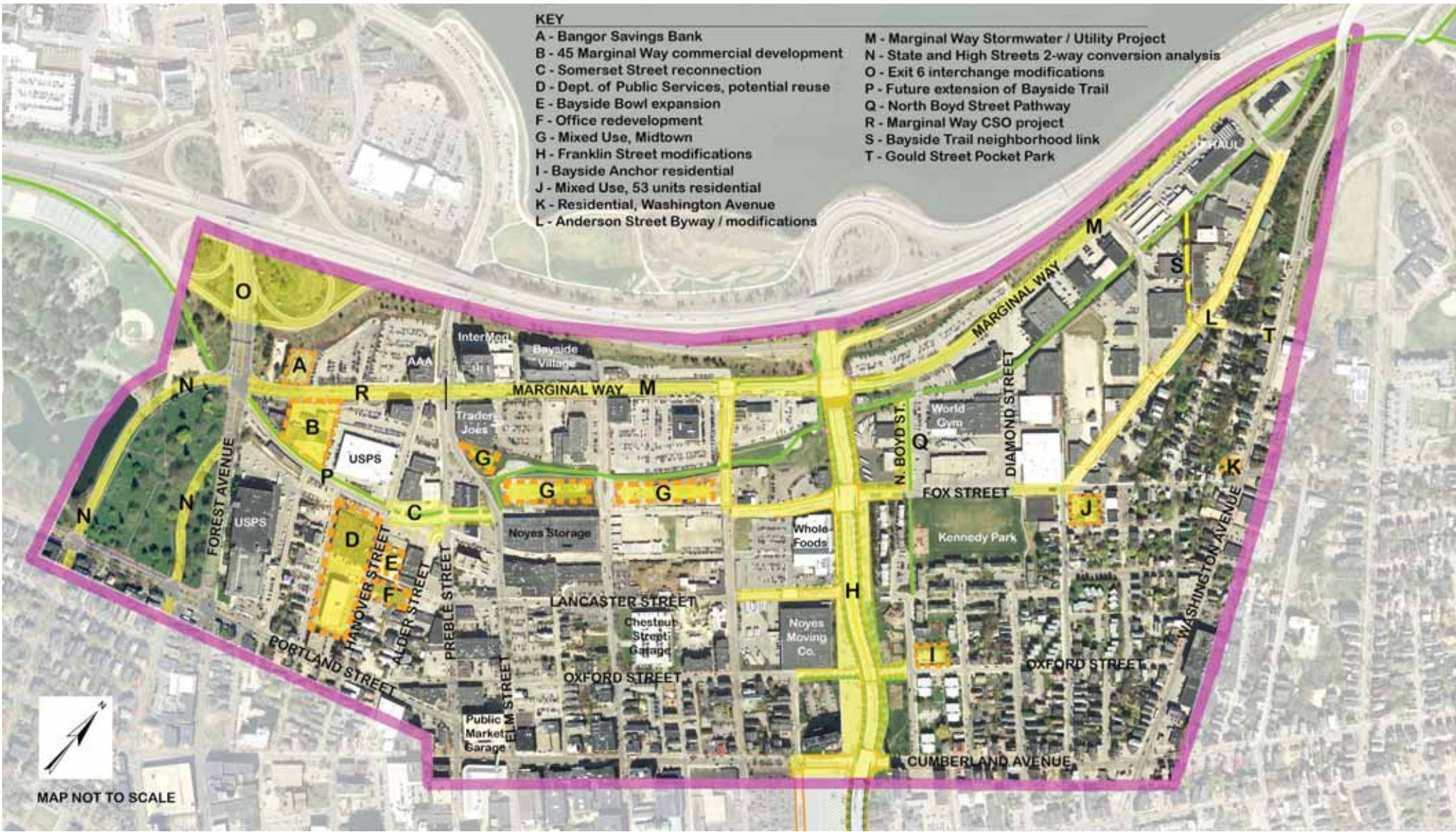


Figure 1-3: Existing Projects Map

2.0 DEFINE EXISTING AND PLANNED LAND USE CONTEXT

2.1 Existing Land Use Context

2.1.1 Introduction

Developing a baseline understanding of the existing land use / urban design context allows for an informed multi-modal street design process using Complete Streets principles. By reviewing streets, land use, and urban form simultaneously, concerns and opportunities regarding the future of the city are considered holistically rather than in isolation. Ultimately, this approach should result in places where policy, zoning, economic development, urban character, and mobility are aligned to either guide neighborhoods through change or stabilize the character of established neighborhoods.

There are often demands working at cross-purposes in regards to the form, function, and character of a neighborhood. As planners and designers, every contingency cannot be anticipated, however, it is possible to strive to remain aware of the large and small forces influencing urban life, and embrace bottom up and top down efforts to make the city a better place to live.

2.1.2 Zoning and Design Standards

The 250-acre +/- study area includes ten different zoning districts as shown on **Figure 2-1**. In general, these zones reflect the underlying existing uses. This is not an uncommon pattern for used based zoning. The one exception is the B7 Zone, which was created to implement The New Vision for Bayside adopted in 2000. While there are always existing uses and urban design characteristics that do not reflect the intent of zone, the B7 Zone has guided development meeting the goals for the area. There has been a lag time for vacant and underutilized in achieving the B7 vision. This lag time, however, should be considered positive, because the City is guiding growth with zoning and design standards, creating streets and buildings that reflect the long-term vision of the community.

It should be noted that in a streets-based approach to urban design — where the street is the framework for economic development, defining / supporting land uses, creating a sense of proportional scale with the “outdoor room” — zoning in the study area is not always the same on both sides of the street. The study area includes a range of locations where a zone is the same on both sides

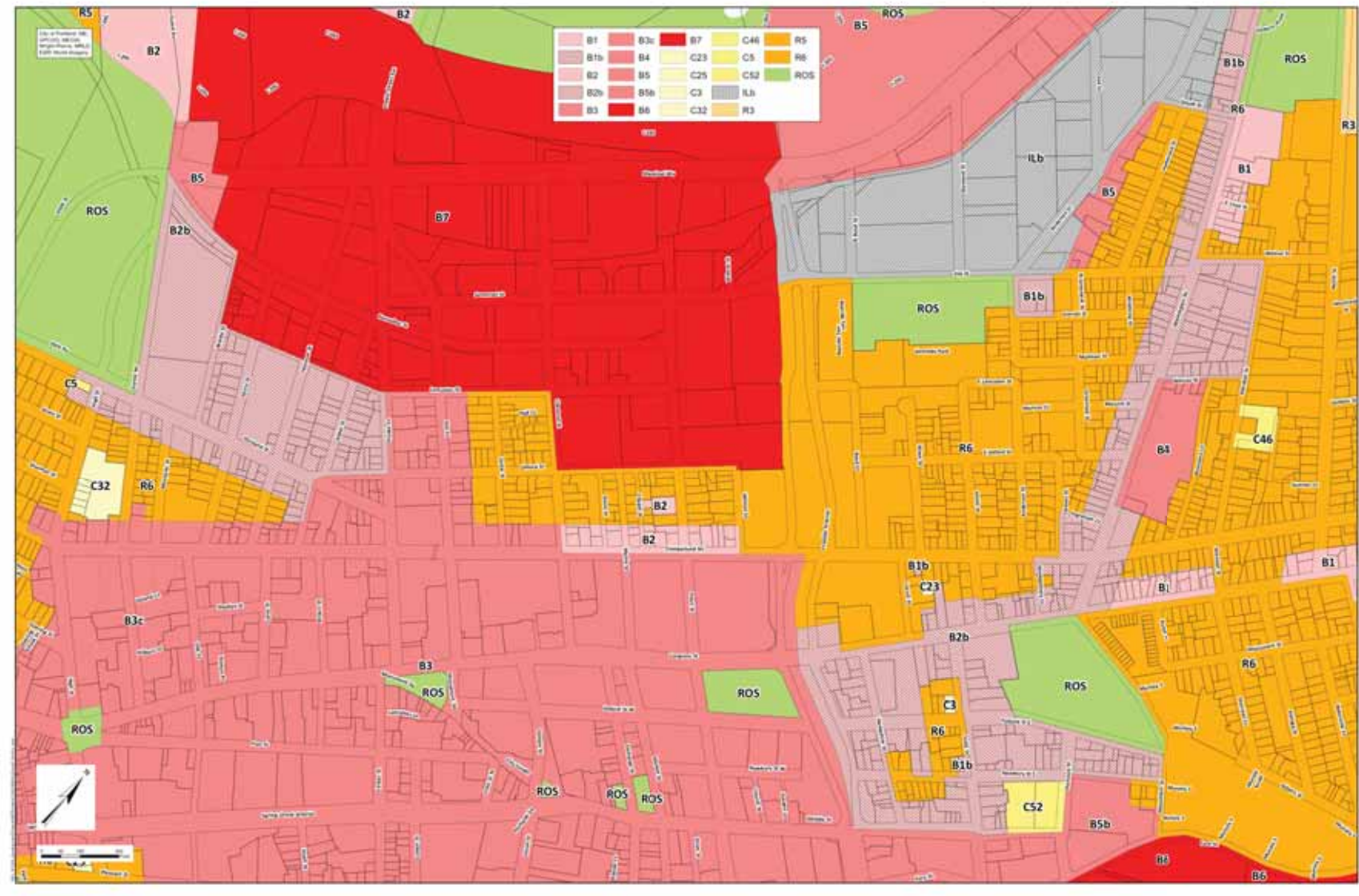


Figure 2-1: Existing Study Area Zoning (Source: City of Portland)

of the street — even if only for a lot deep — such as Portland Street between Forest Avenue and Alder Street. In other cases, the centerline of the street is the edge between two zones, such as Lancaster Street and Oxford Street between Chestnut Street and Wilmot Street.

However, as noted in Section 14-50 Zone Boundaries, when uncertain, the City has a standard policy of establishing zone lines at the centerline of streets.

When considering urban design in relation to a Complete Streets and Form Based Codes approach, this policy may lead to streets that are incomplete and formless due to the non-mirrored nature of the outdoor room and allowable uses. This does not mean that a vibrant street cannot be achieved, but the policy, in general may be at cross-purposes to a holistic approach to planning and design. Clearly there are exceptions to this philosophy, such as the portion of

Forest Avenue where the civic presence and scale of the Post Office frames the open space of Deering Oaks Park on the opposite side of the street.

Following is summary of the study area zoning and key design standards. Note that the intent of this summary is to convey the general desired character of each zone and the Zoning Ordinance includes more specific standards than detailed here.

B1b Neighborhood Business Zone – Washington Avenue

Purpose

- The purpose of the B1b neighborhood business zone is to provide limited areas for the location of small-scale commercial establishments intended to serve a local market. As a result, uses shall be complementary, quiet, and generally do not disturb the comfort and enjoyment of the adjoining neighborhood environment. Uses shall be designed for the pedestrian scale and will provide convenient access for nearby residents and workers to walk to purchase goods and services. Buildings and uses shall be designed with attractive storefronts or similar features, with windows and doors convenient to a public sidewalk. Building additions are encouraged but not required to meet the maximum setbacks of 14- 165(c)(3). This zone shall encourage mixed-use buildings, such as commercial first floor with residential uses above, or combined retail/office uses in a multi-story structure. The zone also provides the opportunity for mixed-use and high-residential density in on-peninsula locations.
- Suitable locations for this zone may include street intersections and arterial streets with existing or proposed traditional neighborhood retail and service uses.

Key Street Relationship/Urban Design Standards

See **Table 2-1** at the end of this section for a general summary of dimensional standards for the districts in the Study Area.

- There shall be no off street parking in the front yard between the street line and the required maximum setback line.

B2 Community Business Zone – Cumberland Avenue frontage between Wilmot Street and Chestnut Street

Purpose

- To provide appropriate locations for the development and operation of community centers offering a mixture of commercial uses, housing, and services serving the adjoining neighborhoods and the larger community.
- The variety, sites and intensity of the permitted commercial uses in the B-2 zone are intended to be greater than those permitted in the B-1 neighborhood business zone.
- The B-2 zone will provide a broad range of goods and services and general businesses with a mixture of large and small buildings, such as grocery stores, shops, and services located in major shopping centers, and along arterial streets. Such establishments should be readily accessible by automobile, pedestrians, and bicycles. Development in the B-2 zone should relate to the surrounding neighborhoods by design, orientation, and circulation patterns.

Key Street Relationship/Urban Design Standards

See **Table 2-1** at the end of this section for a general summary of dimensional standards for the districts in the Study Area.

- Drive-throughs associated with a permitted use in the B-2 zone provided that such do not include drive-throughs on any lot adjacent to any residential use or zone. For purposes of this section only, “adjacent to” shall include uses across a street if within 100 feet of the subject lot boundary.
- Building and site design – The exterior design of the structures, including architectural style, facade materials, roof pitch, building form, established setbacks and height, shall be of a commercial, rather than industrial character.
- A building will be determined to have an active street frontage upon meeting the following guidelines to the greatest extent practicable as determined by the Planning Board or Planning Authority – the primary building façade shall be within ten feet of the front street line; there shall be no parking on the lot within 35 feet of the front street line; no more than 25% of the first floor primary façade shall consist of access to garages, service entrances, storage or mechanicals, and the remaining minimum 75% shall have an average depth of a minimum of 20 feet for residential or commercial uses; all primary ground floor entries to multi-family buildings must orient to street, not to interior blocks or parking lots.

B2b Community Business Zone – Forest Avenue to Preble Street and Lancaster Street to Cumberland Avenue

Purpose

- The B-2b zone is intended to provide neighborhood and community retail, and business and service establishments that are oriented to and built close to the street. The B-2b zone is appropriate in areas where a more compact urban development pattern exists, such as on-peninsula or in areas off-peninsula where a neighborhood compatible commercial district is established which exhibits a pedestrian scale and character. Such locations may include the peninsula and other arterials and intersections with an existing urban or neighborhood oriented building pattern.

Key Street Relationship/Urban Design Standards

See **Table 2-1** at the end of this section for a general summary of dimensional standards for the districts in the Study Area. In general, refer to standards summarized above for the B2 Zone.

B3 Downtown Business Zone – Lancaster Street to Cumberland Avenue and Elm Street to Preble Street

Purpose

- Maintain and enhance the role of the downtown, as the business and commercial center of the region;
- Enhance and promote the orderly expansion of retail and service businesses downtown, satisfying the related needs of the city’s residents, and working and visitor populations;
- Encourage increased housing opportunity downtown for a diverse residential population;
- Enhance the pedestrian environment through the encouragement of intensive mixed-use activities, through the enhancement and maintenance of public and private open space, and through the enlivenment and increased attractiveness of the street environment;
- Encourage excellence in urban design;
- Preserve and capitalize on the unique character and historic fabric of the downtown through the encouragement of reuse of significant existing structures;
- Provide opportunity for an enhanced presence and integration of the arts and cultural activities downtown;

BAYSIDE TRANSPORTATION MASTER PLAN

SECTION TWO – DEFINE EXISTING AND PLANNED CONTEXT

- Reinforce the role of the downtown as a meeting place for community residents and visitors alike from all walks of life, and all socio-economic groups;
- Provide adequate parking and transportation facilities, which promote accessibility, enhance and encourage development opportunity, and enhance and protect the pedestrian environment;
- Provide for the relocation of residents who are displaced by development.

Key Street Relationship/Urban Design Standards

See **Table 2-1** at the end of this section for a general summary of dimensional standards for the districts in the Study Area.

- All development as defined in article V, all building and site alterations, and all provision of landscaping or other pedestrian amenities shall be consistent with the Downtown Urban Design Guidelines.

B4 Commercial Corridor Zone – *Nissen Building and adjacent warehouse/food spaces along eastern side of Washington Avenue*

Purpose

- To provide appropriate locations in the city for the development and operation of businesses catering primarily to highway-oriented trade along major arterials. (Uses which have market areas which are primarily dependent on the regional highway network or serve a regional or larger market); or
- To provide appropriate locations for large-scale commercial uses and commercial uses that require larger land areas to accommodate their operations.

Note: This zone, in general, applies to the Nissen Building on Washington Avenue.

B5 Urban Commercial Mixed Use – *Marginal Way east of Franklin Street and the east side of the Marginal Way/Forest Avenue intersection*

Purpose

- The purpose of the B-5 and B-5b zones is to provide zones in areas of the peninsula near the central business district where a mixture of uses, including marine, industrial, commercial, and residential, is encouraged. Larger, underdeveloped lots characterize the B-5 and B-5b zones with potential for denser, clustered, urban mixed-use development, and more efficient reuse of existing land and buildings.
- It is anticipated that such denser, mixed uses would rely on a shared infrastructure system, including service alleys, parking lots, public transportation facilities, stormwater management, and driveways.

Key Street Relationship/Urban Design Standards

See **Table 2-1** at the end of this section for a general summary of dimensional standards for the districts in the Study Area.

B7 Urban Commercial Mixed Use – *Marginal Way to Lancaster Street and Franklin Street to Brattle Street*

Purpose

- The purpose of the B-7 mixed development district zone is to establish a zoning district for urban areas in which the city has adopted master plans for redevelopment. Certain districts, including but not limited to Bayside, lie at the perimeter of the established downtown and contain significant redevelopment opportunities. The B-7 zone encourages these districts to acquire a distinctly urban form through dense development featuring a mix of uses such as housing, retail, offices, research and development, and artisan studios, emphasizing a quality pedestrian experience, promoting public transit, and demonstrating exemplary urban design. Utilization of transportation, other than the automobile, is strongly encouraged. The zone promotes a wide range of uses in high quality structures and public open spaces to achieve twenty-four (24) hour urban vitality, and shared parking infrastructure.
- The following regulatory framework is intended to promote the mixed-use development pattern envisioned on Portland’s peninsula. District-specific design standards and overlay maps can be found at the city planning and

development office.

- Specific Mixed Use Urban Zone Design Principles and Standards were adopted in 2008, in addition to the standards noted below from the Zoning Ordinance. The introduction to the Design Principles and Standards includes the following purpose statement:
- The B-7 Design Principles and Standards are intended to guide Bayside neighborhood residents, developers, designers, City officials and staff, and others in the creation of a vibrant, aesthetic and sustainable neighborhood which is dense, mixed-use, and pedestrian-friendly. The B-7 Design Standards support excellence in urban and architectural design which contributes to a strong sense of place, encourages 24-hour activity, promotes multi-modal transportation, provides public spaces, and protects scenic views.

The B-7 Design Standards meet the following goals:

- Support and reinforce the goals of A New Vision for Bayside;
- Accentuate Bayside as a gateway to the city by highlighting major corridors and corners;
- Preserve the neighborhood building scale that is typical of the small blocks of Portland; and
- Extend the existing street grid and create mid-block permeability, in order to provide opportunities for multi-modal access, service alleys, public spaces, view corridors, and access to light and air. Design pedestrian-oriented streets with significant landscaping.
- Preserve view corridors toward Back Cove and the White Mountains, as well as views looking toward the spine of the Portland peninsula, as shown in the Bayside Height Map;
- Create dense, mixed-use, multi-modal development that is adjacent to infrastructure, highways, jobs, and educational opportunities;
- Create spaces of various scales that are attractive to creative industries, such as art, architecture, design, film, media, music, performing arts, and publishing and software design; and
- Allow building heights that create space for a critical mass of people needed to make a new urban neighborhood successful. Ensure that development is human in scale at the pedestrian level; and

- Encourage architecture, which expresses the aesthetic of the time in which it was built, that respects local urban design patterns, and compatible with adjacent traditional residential neighborhoods. The Portland Peninsula has been Maine’s most urban area for several centuries and new architectural styles and materials are often introduced here. It is expected that this will continue to be the case as sites in the B-7 Zone are redeveloped.
- Incorporate “green” design, smart growth policies, and sustainable technology into the urban design, site plan design, and architectural designs of the Bayside neighborhood; and
- Create a variety of mixed-use commercial opportunities that serve the neighborhood, city and region. Ensure that commercial development, which is regional in scale, is compatible in design and massing to the adjacent traditional residential neighborhoods; and
- Provide a hierarchy of green spaces on public and private land with parks, playgrounds, plazas and trails. Ensure that the streetscape design enhances the pedestrian experience;
- Use authentic building materials and construction methods that are of the highest quality and appropriate to an urban environment and expected to last at least 50 years; and
- Adaptively reuse existing buildings.

One of the key planning principles for the B7 Zone is Access and Circulation. This street-based approach is integral to realizing the Complete Streets/ multi-modal potential for Bayside. There are specific standards for the Access and Circulation, including:

- Streets and alleys;
- Street connectivity;
- Mid-block permeability sidewalks and crosswalks Green Streets
- Multi-modality;
- Continuity of street level uses, traffic-calming, streetscape, design encroachments; and lighting.

Key Street Relationship/Urban Design Standards

It should be a clear goal of the B7 standards to reduce the amount of surface parking in Bayside. The following standard seems arbitrary and blurs the line between grandfathering and setting forth strong policy to guide growth.

Project-by-project redevelopment is the best opportunity to create a walkable urban environment while increasing the tax base. If surface parking is associated as a highest and best use, the economics of developing in Bayside will maintain a suburban typology for years to come.

- Surface parking existing as of March 9, 2005, and in continuous existence thereafter, including the reorganization of parking spaces and maneuvering aisles. This section shall apply to surface parking accessory to a principle use and a parking lot as a principle use. Existing surface parking that does not comply with the standards of sec. 14- 299 (f) may continue, provided that any modifications to the site layout, development constituting a site plan, or building renovations exceeding a value of thirty (30) percent of the assessed value of the building on file at the City of Portland Assessor’s Office, shall require the parking to be upgraded to meet the standards of sec. 14-299 (f) to the extent practicable.

Again, the following standard exacerbates suburban type property values in what is envisioned as a high value urban location.

- Surface parking created after March 9, 2005, provided that the spaces and newly created maneuvering aisles are thirty-five (35) feet or greater from a street and further that the standards below (a to c) are also met. This section shall apply to surface parking accessory to a principal use or a parking lot as principle use. The thirty-five (35) foot setback need not apply in the case of a property in which eighty (80%) of the property frontage has a building within ten (10) feet of the property frontage and or a driveway located perpendicular to the site. The parking area shall meet the standards of sec. 14- 299 (f).

The following standards are clearer in the intent to promote structured and on-street parking while maximizing the value of parcels with development potential:

- The first floor of any parking structure shall contain one or more permitted uses (not conditional uses) found in §14-295 along all primary street frontages (excluding frontage dedicated to entrances, lobbies, and stair towers). Such first floor space shall be provided with a minimum of nine (9) foot floor-to-ceiling clearance height and a minimum twenty-five (25) foot depth (measured from the exterior building wall); or
- The parking structures shall be set back at least thirty-five (35) feet from the

primary street right-of-way. The land located between the parking structure and the street right-of-way may not be occupied by surface parking, and shall be designated for future use development. Such land between the garage and the street shall not by lease or other prohibition be encumbered against future development. The land shall be provided with all stubbed utilities and other provisions needed to accommodate further development; or

- The parking structures shall be designed with a façade (to a height of the first two floors) that enhances the pedestrian experience as described in the City of Portland B-7 Bayside design standards.
- Buildings in the bayside gateway urban height district a greater than one-hundred twenty-five (125) feet but no more than one-hundred sixty-five (165) feet in height with conditions.

See **Figure 2-2** for Bayside Height Overlap Map on the following page.

- Portions of such buildings higher than one hundred twenty-five (125) feet shall be stepped back at upper levels to provide light and air to adjacent streets, trails, and open spaces, with a ratio of no less than at least to the extent that the ratio of building height to width of adjacent streets, trails and open spaces is equivalent to 1.5 to 1;
- Such buildings provide publicly accessible and usable open space, meeting the B-7 urban design standards, of at least ten (10) percent of the building lot area; and
- If located on lots including or adjacent to planned or proposed street or pedestrian way connections, land dedication to such street or connection shall be credited toward the ten (10) percent open space requirement. Buildings over one hundred and twenty-five (125) feet in height that are being reviewed as separate phases of a Master Development plan shall be entitled to meet the ten (10%) percent open space requirement of Section 14-296(a)(5)(c) in aggregate for all such buildings over one hundred and twenty-five (125) feet in height, provided that the open space shall not fall below ten (10%) percent at any built phase or combination of built phases; and
- Such development shall comply with all other zoning requirement and B-7 urban design standards as required by this article.

BAYSIDE TRANSPORTATION MASTER PLAN

SECTION TWO – DEFINE EXISTING AND PLANNED CONTEXT

- Lots having frontage on streets in which the curve of the street frontage precludes a rectangular shaped building along the street line, for purposes of calculating the setback, the average setback of the building from the street line may be used, but in no All buildings shall have a minimum of one (1) public pedestrian entrance facing the street frontage of the lot. Such building entrances shall meet the average setback along the length of the building edge and not exceed an average setback of fifteen (15) feet nor shall the maximum setback exceed twenty (20) feet. The increased setback shall not be used for surface parking, vehicular loading or vehicular circulation. Such building entrances shall also be reviewed under the B-7 bayside design standards.

ILb Industrial Zone – Bayside Trail South to Fox Street and East to Anderson Street

Purpose

- The I-L zone is located adjacent to residential neighborhoods, business uses, and other industrial uses where the low intensity nature of the uses, as well as their strict performance standards, will ensure the compatibility of the uses with other adjacent industrial and non-industrial uses.
- Performance standards for uses in the I-L zone are designed to maintain compatibility between low-impact industrial uses and neighboring non-industrial and industrial uses. Performance standards include full enclosure of uses and requirements for buffers and screening from adjacent properties.

Note: This is the only zone in the study area that prohibits residential uses. In addition, retail is only allowed as an accessory use.



Figure 2-2: Bayside Height Overlay Map

ROS Recreation and Open Space Zone – Fox Street Field

Purpose

- To preserve and protect open space as a limited and valuable resource;
- To permit the reasonable use of open space, while simultaneously pre-serving and protecting its inherent open space characteristics to assure its continued availability for public use as scenic, recreation, and conservation or natural resource area, and for the containment and structuring of urban development;
- To coordinate with and carry out federal, state, regional, and city recreation and open space plans;
- To provide a suitable location for large-scale regional sports and athletic facilities; and
- To develop an open space system throughout the downtown, which pro-vides the highest quality parks, plazas, and pedestrian environment.

R6 Residential Zone: Lancaster/Oxford to non-frontage Cumberland Avenue parcels east to Franklin Street – Franklin Street to non-frontage Washington Avenue parcels and Oxford Street to Cumberland Avenue

Purpose

- To set aside areas on the peninsula for housing characterized primarily by multifamily dwellings at a high density providing a wide range of housing for differing types of households; and to conserve the existing housing stock and residential character of neighborhoods by controlling the scale and external impacts of professional offices, and other nonresidential uses.
- In cases of qualifying small, vacant, underutilized lots located in the urban residential and business zone, to encourage new housing development consistent with the compact lot development pattern typically found on the peninsula.

Key Street Relationship/Urban Design Standards

See **Table 2-1** for a general summary of dimensional standards for the districts in the Study Area.

- Each unit shall be provided with at least two (2) trees meeting the city’s ar-boricultural specifications and which are clearly visible from the street line and are located so as to visually widen the narrow dimension or proportion of the unit.

Note: There are provisions for Small Residential Lot Development, providing more flexibility for infill redevelopment.

DISTRICT	Minimum Lot Size	Structure Height	Minimum Street Frontage	Minimum Lot Width	Minimum Front Yard Setback	Maximum Front Yard Setback	Minimum Rear Yard Setback	Side Yard Setback	Maximum Impervious
B1b	None	45-50-ft	20-ft	None	None	10-ft	10-ft	None	90%
B2	None	45-ft	20-ft	None	None	10-ft	None	None	80%
B2B	(in general, reference B2 Standards)								
B3	None	35-ft (max 65-150-ft)	15-ft	None (street wall build-to-line 5-ft)	NA	NA	NA	NA	100%
B4	(note–this district is limited to the Nissen Building))								
B5	None	35-ft (with provisions for lower build-ings along Anderson)	None	None	None	10-ft	None	None	100%
B7	None	125-165-ft	None	NA	75% within 10-ft	NA	NA	NA	100%
Ilb	None	35-75-ft	60-ft	NA	None	10-ft street setback	None - 25-ft when abutting residential	None - 25-ft when abutting residential	100%
ROS	NA	NA	NA	NA	NA	NA	NA	NA	NA
R6	4,500 SF	45’ max	40-ft	40-ft	10-ft	NA	20-ft	10-15-ft	Open Space Ratio: 20%

Table 2-1: District Dimensional Standards

- Each unit shall have the long side of the unit parallel to the street line where the required street frontage is met.

BAYSIDE TRANSPORTATION MASTER PLAN

SECTION TWO – DEFINE EXISTING AND PLANNED CONTEXT

2.1.3 Mix and Intensity of Land Uses

As noted on **Figure 2-3**, there is a wide-range of uses in the study area. In general, residential neighborhoods with smaller parcels are on the slopes to the south downhill and along Cumberland Ave, and to the east downhill and along Washington Ave, with the highest concentration of residential uses in the East Bayside R6 Zone. The East Bayside typical residential building type is the single family home, often divided into two or more dwelling units. These low-rise/ small lot neighborhoods, with buildings set close to the street, are a desired form and pattern of use, in contrast to Franklin Towers and Kennedy Park.

It is interesting to compare density of housing types. Franklin Towers has 198 dwelling units as compared to Kennedy Park – with a much larger footprint – and only 174 dwelling units. In either case, it is not the number of units that is the issue, but the form, scale, extent of open space, and relationship to traditional grid street networks, that is worthy of consideration. Franklin Towers is too urban for Bayside and Kennedy Park is too suburban for Bayside. Franklin Towers is too intense of a land use, and Kennedy Park lacks intensity.

In reviewing the land use map by parcel, it is important to note that a use such as Governmental requires further consideration. In additional analysis of parcels coded Governmental, there are uses including the post office, Department of Public Works site, Bayside Trail, Franklin Towers, vacant land, pump stations, playfields along Fox Street, and Kennedy Park.

Another example of a land use code worthy of consideration is Retail & Personal Service. The two lots comprising Whole Foods reveal an interesting relationship between use, building form, and parking. Whole Foods is shown as spanning two parcels, with the parking lot coded Retail & Personal Service ,comprising a larger land area than the building. This ratio of parking to building square footage is not uncommon for a suburban typology. This is the wrong typology for this location. Not the wrong use.

Washington Avenue is probably the most mixed-use neighborhood in the study area. In recent years there has been investment in a number of properties, new construction, and redevelopment of buildings both large and small. The Nissen Building is almost the length of two city blocks, but has very low vacancy rates. The many small businesses fronting Washington Avenue benefit from both the high-density residential neighborhoods surrounding the area, as well as the higher traffic volumes. On more than one occasion, it has been noted that Washington Avenue—terminating with 295 off- and on-ramps, is a prototype for the potential redevelopment of Franklin Street.

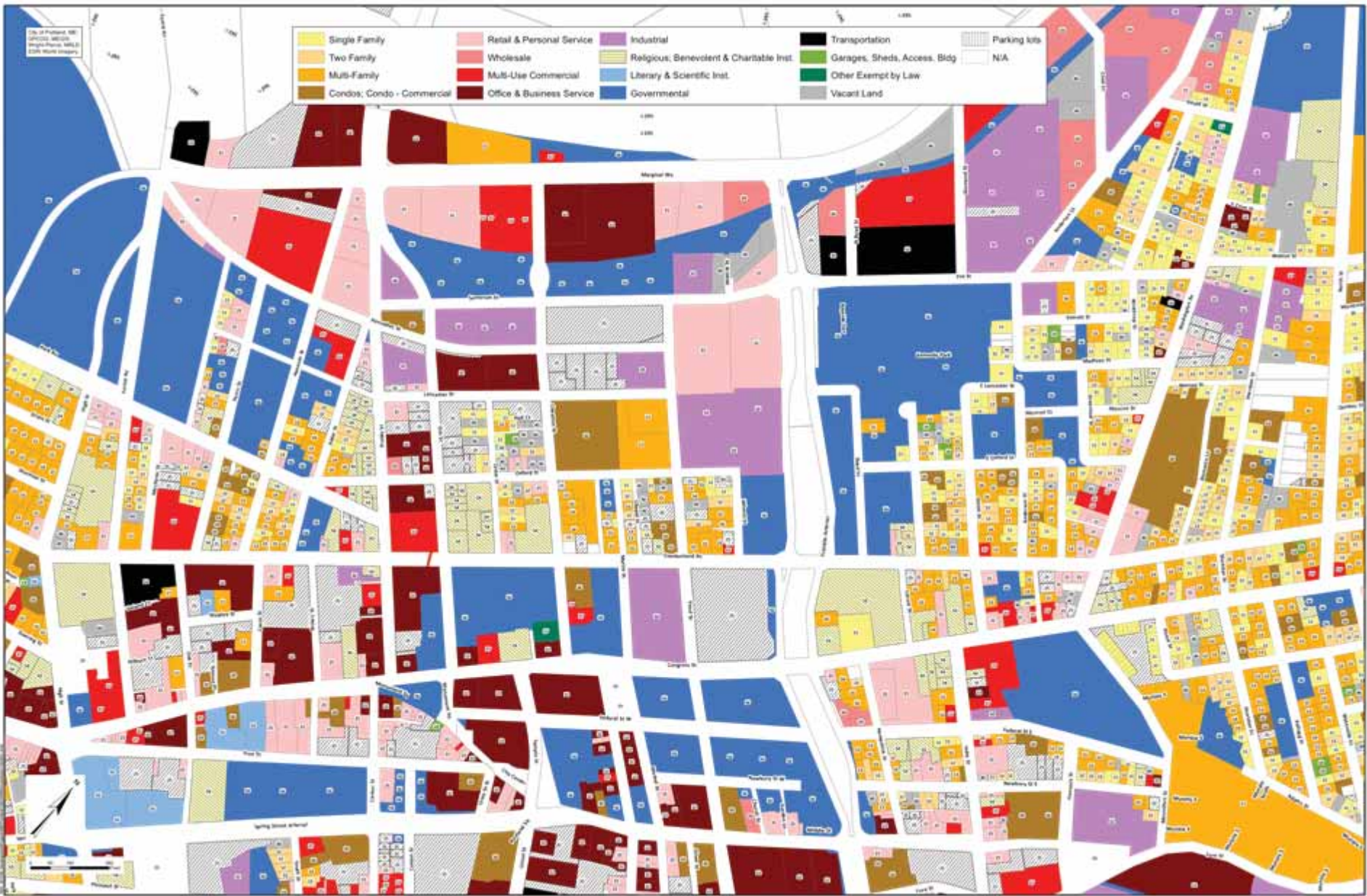


Figure 2-3: Existing Study Area Land Uses (Source: City of Portland)

2.1.5 A New Vision for Bayside

In 2000, the City adopted a New Vision for Bayside. This comprehensive document for Bayside as illustrated in **Figure 2-5**, provided the City with a blueprint for revitalizing Bayside. The 2000 study area did not include East Bayside, which is part of the Bayside Transportation Master Plan. There have been other studies for East Bayside, but a formal master plan process has not been adopted. Franklin Street has been studied extensively, with the most recent plan adopted in July 2015.

East Bayside has seen economic development, particularly along Fox, Diamond, and Anderson Streets, at a parcel-by-parcel, organic scale. Many users have located in East Bayside because of the affordable rents, and large building footprints. Renters and homeowners are finding affordable options to such neighborhoods as Munjoy Hill or the West End. Besides one new construction residential development on Anderson Street with fewer than ten units, East Bayside has seen the redevelopment of existing buildings. Anderson Street was redesigned and is under construction to accommodate the new growth and better serve pedestrians. The East Bayside Lofts at the corner of Anderson and Fox will add another 53 new units to the area, greatly increasing pedestrian activity.

As noted previously, the 80 +/- acre B7 Zone was established to enable the Vision for Bayside. The Vision was adopted in 2000 and the zoning, policy, and standards were not adopted until 2008. However, the standards are in place, and projects have been developed, particularly along Marginal Way between Franklin and Elm Street, testing the vision and the standards.

Since the adoption of the Vision in 2000, which noted the potential for 940 dwelling units, approximately 359 new housing units have been built (with approximately half of these units in the expanded study area east of Franklin Street):

- Pearl Place: 114 Units
- Bayside Village: 100 Units
- Unity Village: 33 Units
- Chestnut Street Lofts: 37 Units
- 409 Cumberland: 57 Units
- Thomas Heights: 18 Units Committed
- East Bayside Lofts: 53 Units
- Midtown: 400 Units Permitted
- Bayside Anchor: 42 Units Permitted



Figure 2-4: Figure Ground Illustration

2.1.4 The Figure Ground City

Figure 2-4 is a figure/ground analysis of the study area and the surrounding neighborhoods. In general, the larger footprints are in areas with minimal topography as these uses require large flat floor plates. In the study area, there is a direct correlation between the size of the building footprint and the steepness of the terrain. The steeper the terrain, the smaller the building footprint.

Furthermore, the smaller the building footprint, the greater the likelihood that the primary land use is residential.

Figure 2-4 also reveals that the typical block in the study area runs between 300 and 500 feet, with the ideal urban block being 250 to 400 feet in terms of the length a pedestrian is comfortable walking, as well as allowing for cost-effective and efficient building footprints—regardless of use.

BAYSIDE TRANSPORTATION MASTER PLAN

SECTION TWO – DEFINE EXISTING AND PLANNED CONTEXT

Between the completed projects and the projects in development, the total count for new housing units is 854 +/- . This number is in keeping with the housing goals for A New Vision for Bayside. And with the Portland Housing Authority’s conceptual plans to create more dense developments in East Bayside, such as Bayside Anchor, as well as additional redevelopment parcels throughout Bayside, housing, which is in high demand in Portland and key to the success of a neighborhood, could become one of prominent future land uses in Bayside and East Bayside.

Bayside: A Series of Neighborhoods

The 2000 Bayside Plan incorporates a narrative of five overlapping districts suggesting a future scenario of possible neighborhood character and development growth.

The residential neighborhoods between Cumberland and Lancaster were envisioned as Bayside Heights in the 2000 Vision, “with over 500 new and rehabbed home units.” Clearly this has not happened, but the potential for revitalization still exists and the vision is still relevant. The area bounded by Franklin, Fox, and Pearl Streets was to become an 8-acre high-tech neighborhood, like a mini-Kendall Square. This area is the Whole Foods and scrap yards. Again the potential still exists. What was envisioned as Franklin Square has been in part realized at the intersection of Marginal Way and Preble St Extension, with a mix of banking, retail, and other professional offices. Bayside Ave (Marginal Way) is the Vision’s district that has been most realized. Kennebec Crossing—the heart of Bayside—has been partially realized in terms of the Bayside Trail and the strategic extension of Chestnut St to Marginal Way. The realization of Midtown will greatly benefit the formation of Kennebec Crossing as a neighborhood anchoring and guiding future growth. The final envisioned neighborhood is Government Center. The Post Office will remain a highly visible civic building anchoring the western edge of the neighborhood. Long-term plans are to relocate Public Works, allowing for anticipated significant mixed-uses opportunities. While the State of Maine relocates, the Dept. of Human Services from Marginal Way, social service agencies, will likely continue to have a presence in Bayside.

It is interesting to note—according to City GIS analysis—that growth for the 250-acre study area between 2000 and 2010 has been 0% or negative, except for an area west from Alder St to Forest Ave, which has seen a 0.1% to 0.3% growth (with the national average at 0.63% over the same time period.)

Since the adoption of the Vision, which noted the potential for 230,000 SF of new commercial uses, approximately 300,000 SF has been developed.

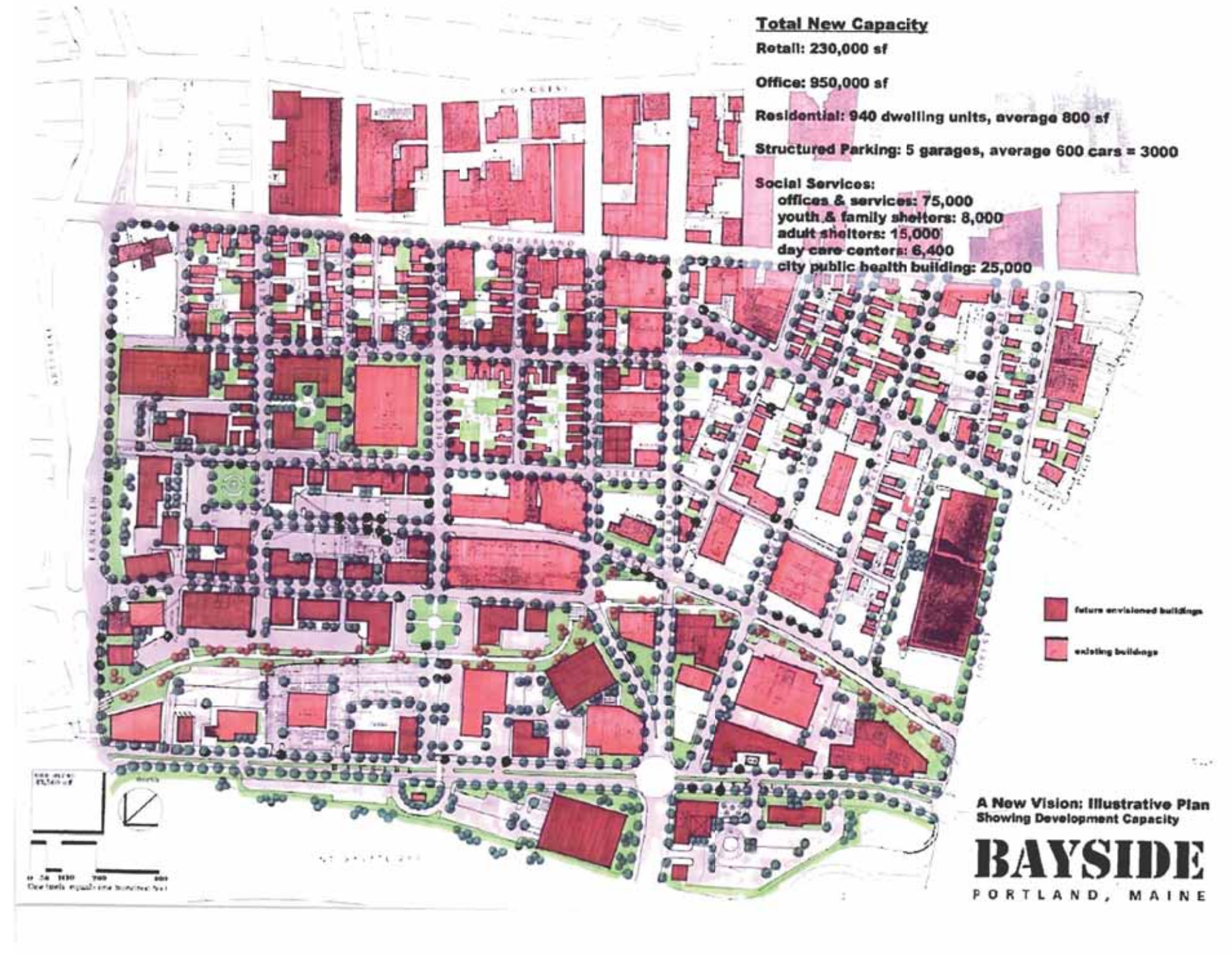


Figure 2-5: A New Vision for Bayside Adopted 2000 (Source: City of Portland)

2.2 Existing Transportation Context

2.2.1 Street Classification and Function

Figure 2-6 notes the designated MaineDOT functional classification of streets in the Bayside area. Most streets within the study area are classified as local roads. Local roads provide access to adjacent land and provide service to travel over relatively short distances as compared to the higher classified streets.

Franklin Street, Marginal Way, Washington Avenue, Elm Street, Preble Street, High Street, State Street, and Cumberland Avenue between Franklin Street and Washington Avenue are classified as Minor Arterials. The definition of a Minor Arterial refers to a series of continuous routes that should be expected to provide for relatively high overall mobility, with minimum interference to through movement; these roads interconnect with, and augment the urban principal

arterial system. They distribute travel to geographic areas smaller than those of higher systems.

Forest Avenue south of High Street; Portland Street; Oxford Street between Portland Street and Elm Street, and Cumberland Avenue west of Franklin Street, are classified as Major Urban Collectors. Urban Collectors provide both land access and traffic circulation within urban residential neighborhoods, and commercial and industrial areas.

Most streets within the study area function as local streets with the exception of the following:

- **Franklin Street** – Provides direct access from I-295 to Commercial Street, downtown destinations, and the waterfront.
- **Forest Avenue** – Provides direct access to the downtown from I-295 and points west.

- **Preble Street and Elm Street** – Provides direct access to the downtown from off-peninsula northwesterly neighborhoods.
- **Cumberland Avenue** – Provides east/west peninsula connectivity between Deering Avenue and North Street.
- **Marginal Way** – Provides an east/west circulation function and connectivity with I-295, and between Forest Avenue, Preble Street, and East Bayside.

In addition to the general classification of streets, one-way restrictions impact area accessibility and circulation. **Figure 2-7** notes the existing one-way streets in the study area. Additionally, discontinuance of streets limit circulation and accessibility. Example streets include Oxford Street, Lancaster Street, and Pearl Street.

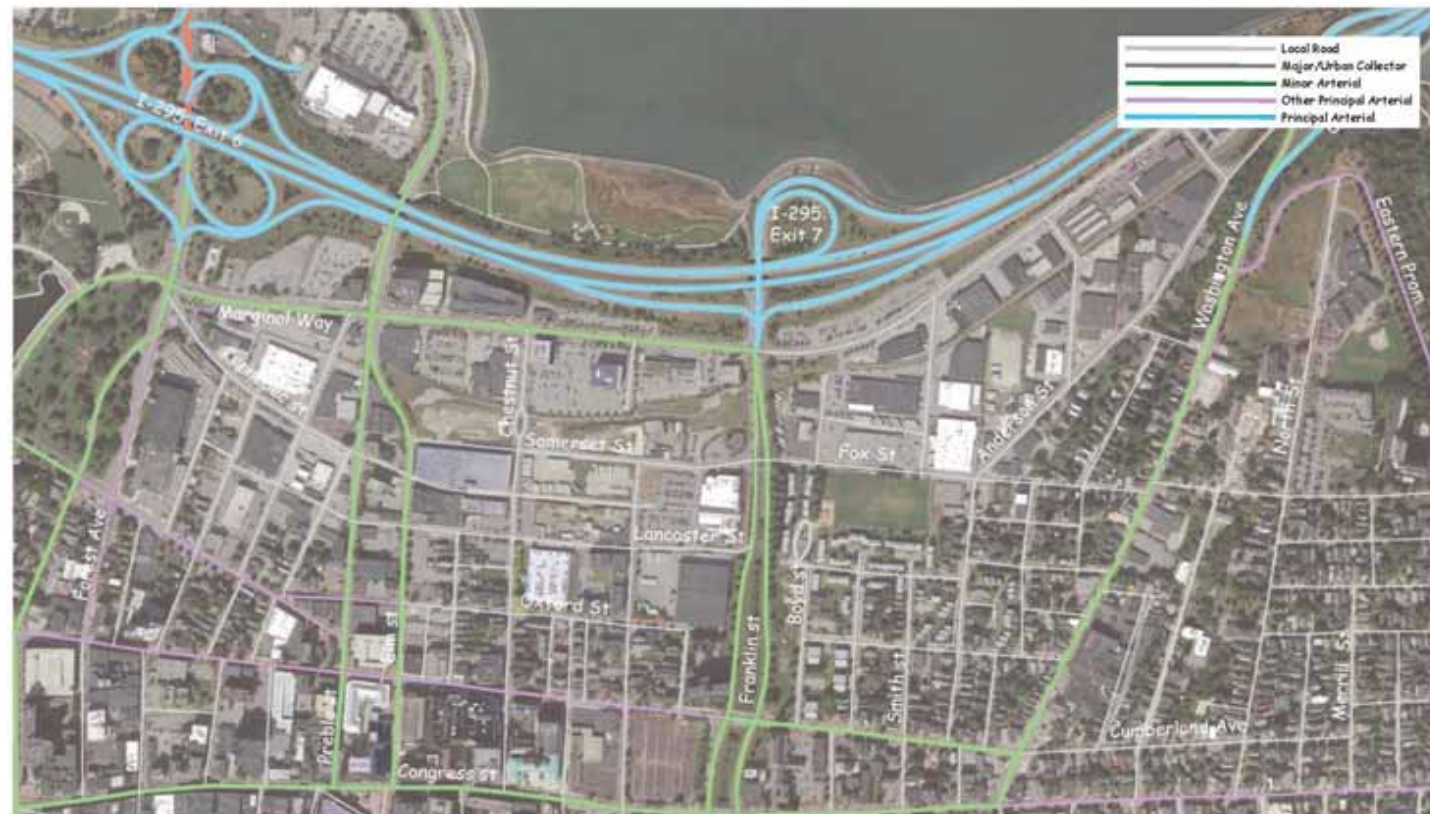


Figure 2-6: Designated MaineDOT Functional Classification of Streets in the Bayside Area (Source: MaineDOT)

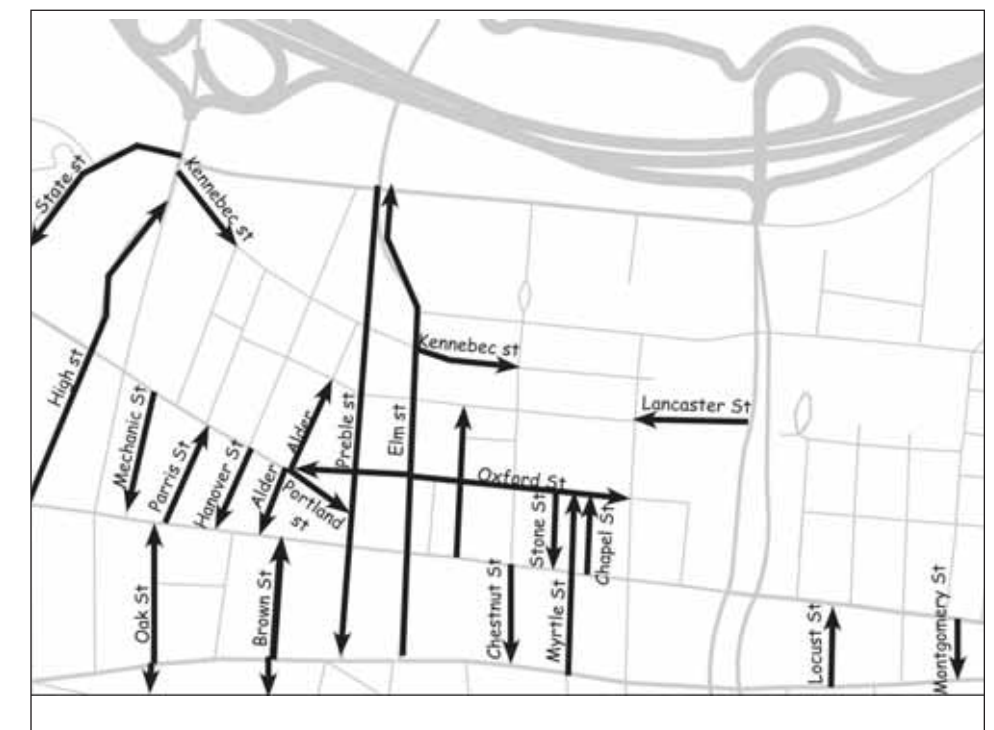


Figure 2-7: One-Way Streets

BAYSIDE TRANSPORTATION MASTER PLAN

SECTION TWO – DEFINE EXISTING AND PLANNED CONTEXT

2.2.2 Daily and Hourly Traffic Volumes

Existing traffic volume data were assembled from available sources. To complement the existing data, weekday morning and afternoon intersection turning movement counts were conducted at a number of locations within the study area. In most cases, the highest traffic volumes occur during the PM peak hour commuter time period (4:30-5:30PM). The turning movement volumes provide key information that is used to determine traffic control requirements (e.g. signalization, etc.), level of service analysis, and intersection operations.

Traffic count data collected revealed a high concentration of pedestrians in various locations throughout the study area during peak hours including near the Preble Street Resource Center, Oxford Street Homeless Shelter, as well as on Congress Street between Preble and Elm Streets.

Bicycles in the study area were also prevalent. There are very few marked bike lanes in the study area, but the low speeds and reasonable grades lend themselves to users.

Average Annual Daily Traffic Volumes (AADT) were obtained from MaineDOT and are depicted on **Figure 2-8**. Main corridors in the study area see the highest daily traffic volume. These roads range from approximately 9,000 – 25,000 vehicles per day and include State and High Streets, Forest Avenue, Marginal Way, Preble Street Extension, Franklin Street, and Washington Avenue. Moderate traffic volumes exist on Cumberland Avenue and Somerset Street, ranging from approximately 6,000 to 8,500 vehicles per day.



Figure 2-8: Study Area Average Annual Daily Traffic Volumes (Source: MaineDOT)

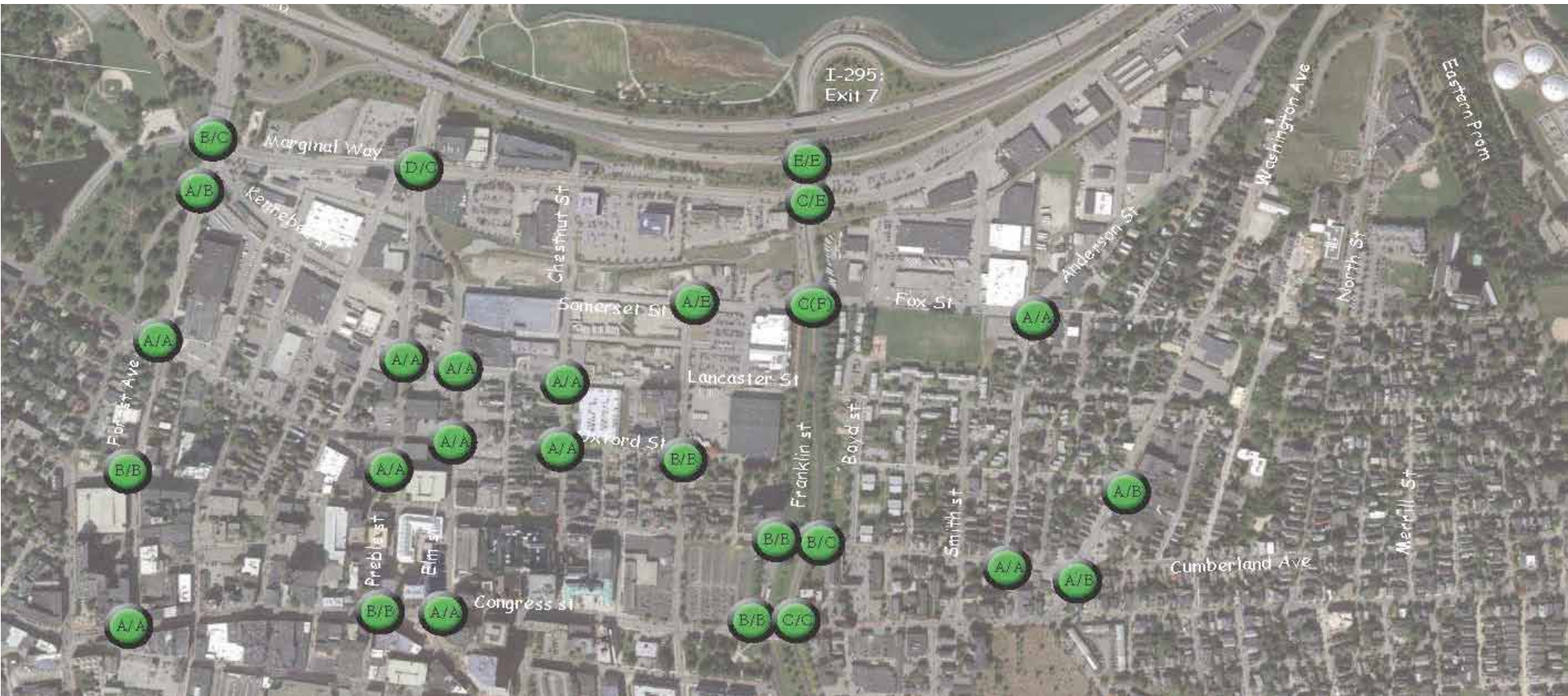


Figure 2-9: AM/PM Existing Level of Service Summary. (Source: MaineDOT and City of Portland)

2.2.3 Level of Service

An understanding of existing traffic operations was derived from a combination of existing studies and analyses performed from new turning movement volumes collected. A summary of the overall intersection results is located on **Figure 2-9**. There are several intersection movements within those intersections with failing levels of service within the study area – most notably on side streets of two-way STOP controlled intersections. Additionally, while Franklin Street analyses indicate the north end corridor is at capacity, proposed modifications along Franklin Street forecast improved flow, as well as provided improved alignment, pedestrian and bicycle accommodations, and connections, among other modifications. These proposed modifications, as well as others, will be discussed further in Section 5 of this report.

2.2.4 Posted Travel Speeds

Figure 2-10 (on the following page) depicts speed limits in the study area and are consistent with other speed limits throughout the City. The highest speed limits (35 mph) are located on Franklin Street, Marginal Way, and Preble Street Extension. Park Avenue and many of the I-295 ramps have speed limits of 30 mph. The remainder of the local roads have 25 mph speed limits, and loop ramps from I-295 are posted at 20 mph. Travel time studies were performed on Franklin Street showing average speeds below the posted 35 mph. Some speeding on Washington Avenue and downhill on Elm Street was observed in the field.



Figure 2-10: Study Area Existing Speed Limits (Source: T.Y. Lin International)

2.2.5 Safety

There are 10 high crash intersections and five (5) high crash segments in the project study area. A High Crash Location is defined as an intersection or roadway segment that has eight (8) or more crashes, and a Critical Rate Factor of 1.0 or more over a three-year period. These locations are highlighted on **Figure 2-11** and summarized in **Table 2-2**.

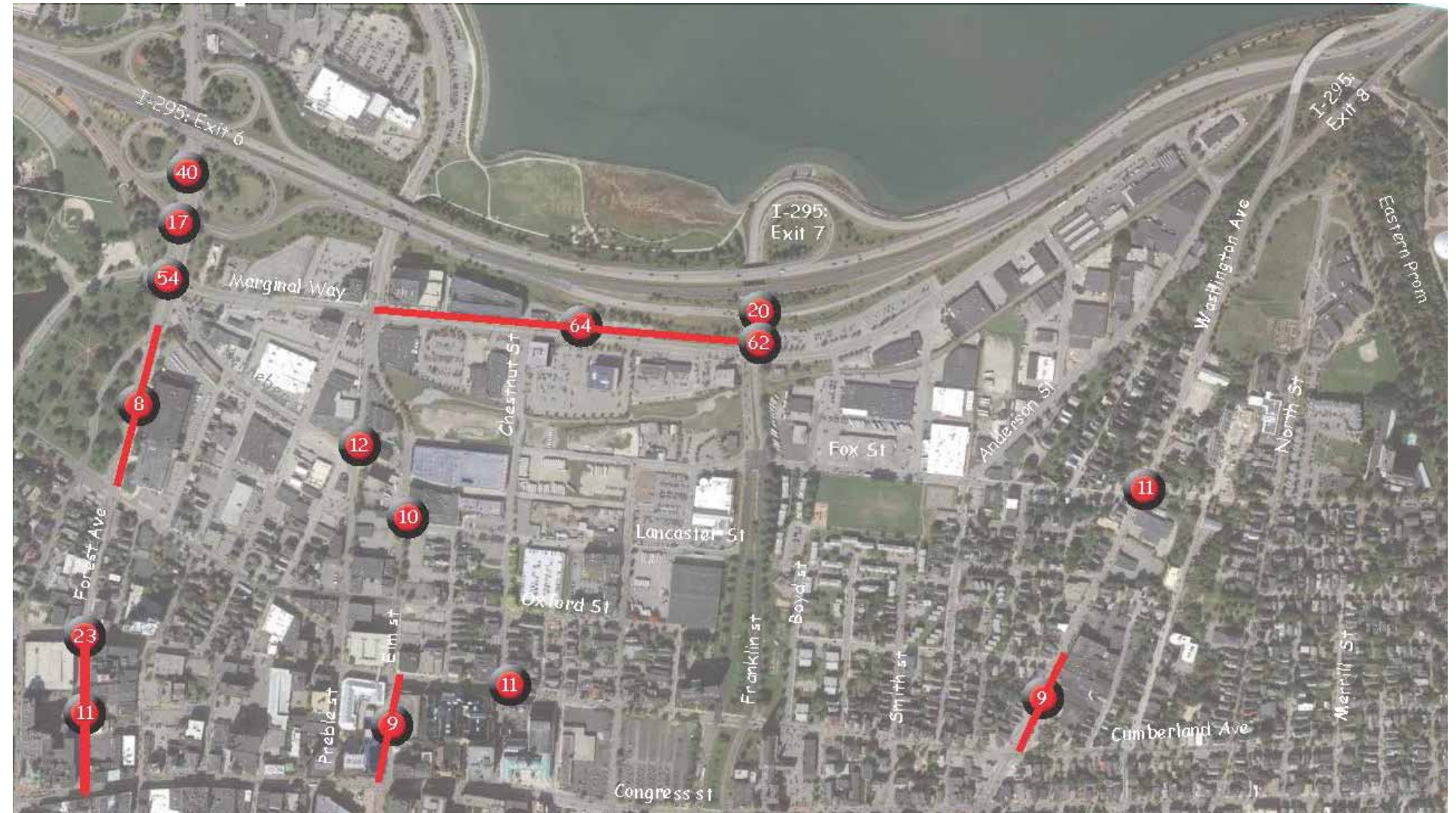


Figure 2-11: Study Area High Crash Locations (Source: MaineDOT)

BAYSIDE TRANSPORTATION MASTER PLAN

SECTION TWO – DEFINE EXISTING AND PLANNED CONTEXT

Intersection/Segment	No. of Crashes	Crash Rate Factor*	Percent Injury
Intersection of I-295 Exit 7 NB Off-Ramp onto Franklin Street SB	20	1.20	20%
Intersection of Franklin Street and Marginal Way	62	1.52	29.0%
Intersection of Kennebec Street and Preble Street	12	4.57	25.0%
Intersection of Chestnut Street and Cumberland Avenue	11	3.17	36.4%
Intersection of Elm Street and Lancaster Street	10	4.57	25.0%
Segment of Forest Avenue between Cumberland Avenue and Congress Street	11	2.27	9.1%
Segment of Marginal Way between Preble Street/Elm Street and Franklin Street	64	3.33	39.1%
Segment of Elm Street between Cumberland Avenue and Congress Street	9	3.35	22.2%
Intersection of I-295 Exit 6 NB Off-Ramp onto Forest Avenue SB	17	3.46	17.6%
Intersection of Fox Street/Walnut Street and Washington Avenue	11	2.38	27.3%
Segment of Washington Avenue between East Oxford Street and Cumberland Avenue	9	1.78	14.3%
Intersection of Forest Avenue, Kennebec Street, Marginal Way, and State Street	54	1.43	25.9%
Intersection of I-295 Exit 6 NB Off-Ramp onto Forest Avenue NB	40	8.17	30.0%
Intersection of Cumberland Avenue and Forest Avenue	23	1.27	43.5%
Segment of Forest Avenue between High Street and Park Avenue/Portland Street	8	1.29	50.0%

Table 2-2: 2012-2014 Summary of High Crash Intersections and Segments (Source: MaineDOT)

Many intersections have distinctive crash patterns. The most common type of collision were rear-end collisions at the end of I-295 off-ramps (on Franklin Street and Forest Avenue), motorists running stop signs, improper lane changes, and rear-end collisions/failure to yield at traffic signals.

**The Critical Rate Factor is a comparison of the safety of the location compared with other similar locations in the state. For example a CRF or 1.50 defines a crash rate 50% higher than locations with comparable characteristics.*

There were 31 bicycle crashes in the study area (see Figure 2-12). Aside from bicyclists making illegal movements (darting into traffic, traveling the wrong way on one-way streets, running red lights, etc.) crash patterns throughout the study area included:

- Bicyclists hit by turning vehicles;
- Bicyclists in crosswalks being hit by vehicles;
- Bicyclists hit by opening car doors (“Dooring”); and
- Bicyclists in driveways hit by vehicles.

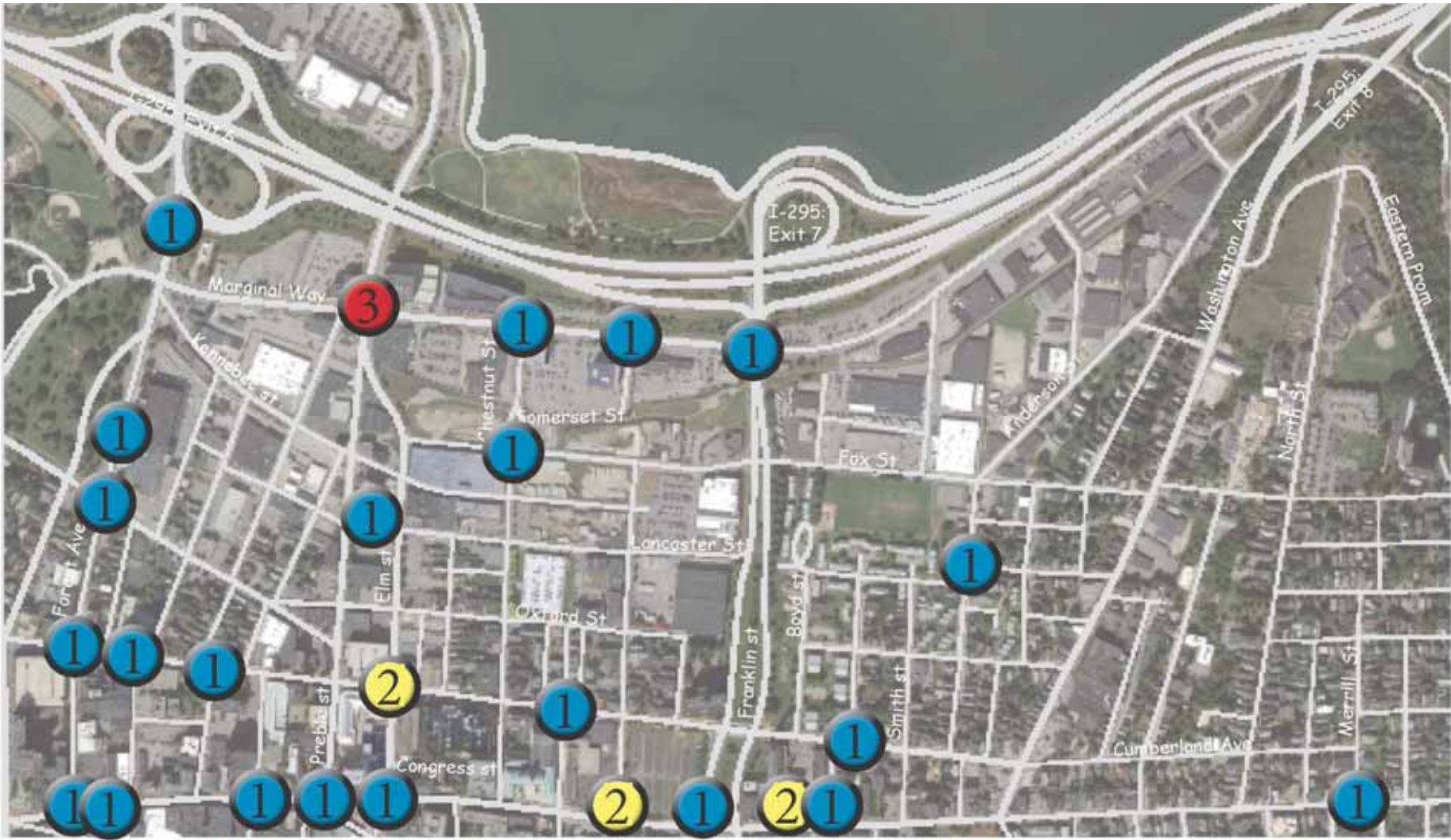


Figure 2-12: 2012-2014 Bicycle Crash Locations (Source: MaineDOT)

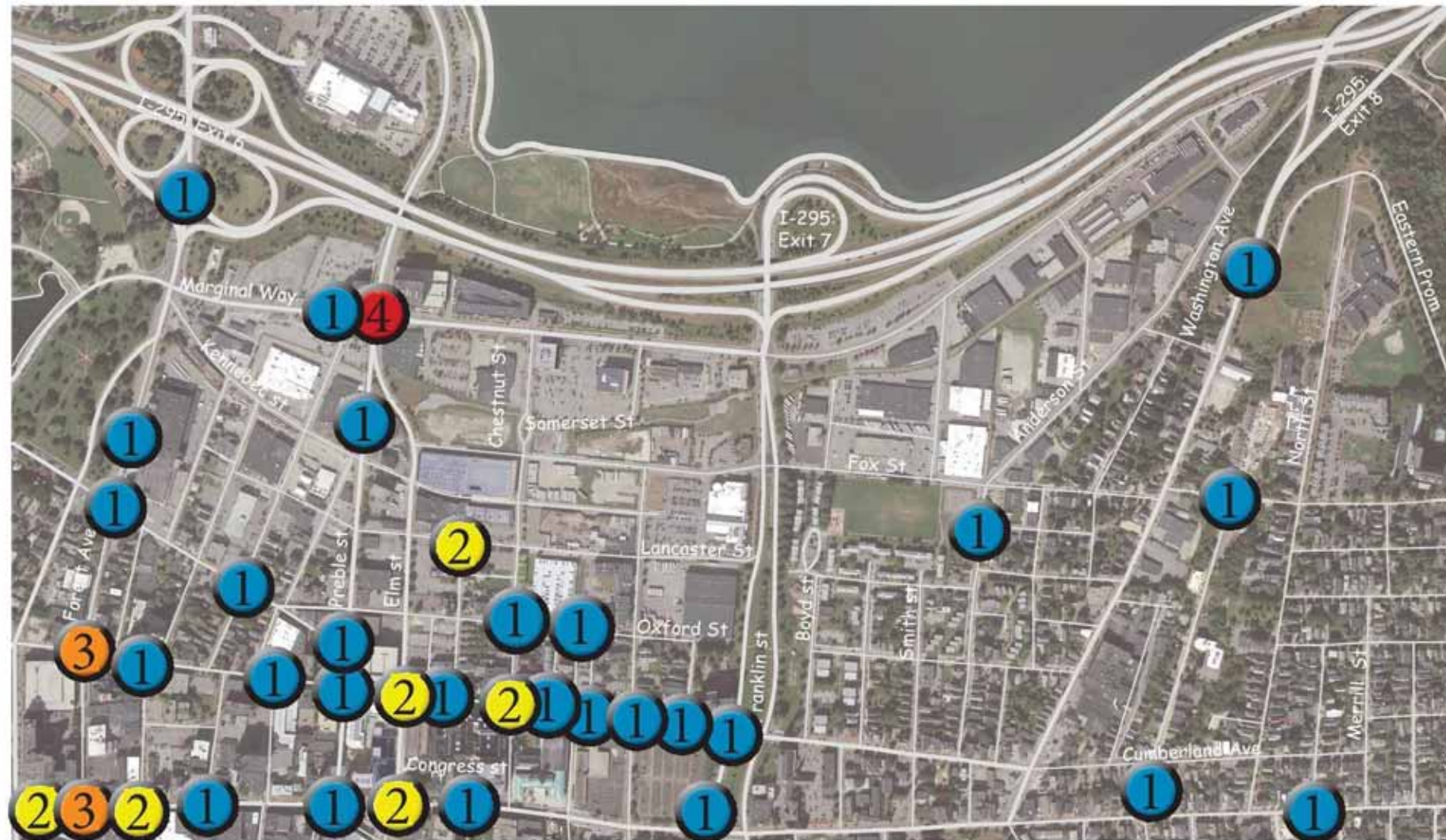


Figure 2-13: 2012-2014 Pedestrian Crash Locations (Source: MaineDOT)

There were 49 pedestrian crashes in the study area (see **Figure 2-13**). A large number of the crashes were on Cumberland Avenue between Franklin Street and Forest Avenue. Aside from pedestrians darting out into traffic, or walking against the walk signal, many pedestrians were hit by vehicles not yielding to pedestrians in crosswalks—often vehicles turning right who didn’t see them or at locations with two through lanes, where one vehicle stopped and the second vehicle did not.

2.2.6 On-Street Parking

A brief summary of parking on major streets follows:

- Portland Street has meters between Alder Street and Oxford Street, otherwise 15 minute to 2 hour limits. New striping allows for a back-in parking for the one-way block from Alder Street to Preble Street.
- Cumberland Avenue parking time limits range from 15 minutes to 2 hours.
- Oxford Street has parking from Elm Street to Wilmot Street. All time limits are one hour.
- Lancaster Street parking is limited by parking lots and wide driveways. Alder Street to Preble Street has a one-hour limit.
- Kennebec Street has several sections of all day and unrestricted parking; no parking is allowed from Preble Street to Elm Street.
- Somerset Street allows for parking from Elm Street to Pearl Street only.
- Fox Street parking varies between one and two hours from Diamond Street to Washington Avenue; no parking is allowed from Franklin Street to Boyd Street.
- Marginal Way provides on-street parking along the majority of the corridor. Towards the westerly end, parking is most often in the form of bump out parking sections varying from 15 minutes to 2 hours. Towards the easterly end, on-street parking is longer term wide truck parking to accommodate the high volume of large trucks by the U-Haul. There is additional parking off street in many of the local businesses including a parking garage at Intermed.
- Forest Avenue parking varies from 1 to 2 hours, and short-term parking in front of the post office on both sides of Forest Avenue.
- Minor streets vary with short-term parking, often unrestricted. Most streets have a street cleaning schedule.

BAYSIDE TRANSPORTATION MASTER PLAN

SECTION TWO – DEFINE EXISTING AND PLANNED CONTEXT

2.2.7 Pedestrian and Bicycle Facilities/Streetscape

Existing bicycle and pedestrian facilities were inventoried and assessed as part of this study. For this assessment, the study area was divided into four quadrants. Data sources for **Figure 2-14** include GIS source information provided by the City of Portland, GPCOG, MEGIS, ESRI World Imagery, in addition to field work.



Figure 2-14: Pedestrian and Bicycle Facilities (Source: GIS source information provided by the City of Portland, GPCOG, MEGIS, ESRI World Imagery, in addition to field work)

South West Quadrant is the area from Deering Oaks to Franklin St, and from Portland St and Cumberland Avenue, to Kennebec St. This quadrant includes landmarks such as the Post Office, Department of Public Works (DPW) buildings, Bayside Bowl, Preble Street Resource Center, and many other social services facilities; the Chestnut Street parking garage, Franklin Towers, Pearl Place apartments (Avesta), Noyes & Sons moving specialists, and Whole Foods Market. The streets in this area are mostly residential streets with 30- to 50-foot rights-of-way. Several streets are one-way and most have on-street parking and sidewalks on both sides. As shown in **Figure 2-15**, there are many missing sidewalks and many of the existing sidewalks do not meet ADA requirements and are in need of repair or replacement. Parts of Lancaster Street and Kennebec Street are missing sidewalks. This area has well-marked crosswalks, although there is inconsistency in the painting symbol. Some crosswalks are solid white two-line style, and some are block style markings, which are more visible and the current City standard. It was noted that crosswalks were nonexistent in many locations on the more heavily traveled intersections (e.g., Preble and Lancaster, Chestnut and Lancaster, and Chestnut and Kennebec). Refer to the existing conditions base map for sidewalk and crosswalk locations. Bike lanes exist in the form of 5-foot wide bike lanes on State St, High St, and all of Portland St.



Figure 2-15: Southwest Quadrant (Source: GIS source information provided by the City of Portland, GPCOG, MEGIS, ESRI World Imagery, in addition to field work)

South East Quadrant is the area from Franklin Street to Washington Avenue, and from Cumberland Avenue to Fox and Anderson Streets. This area includes landmarks such as Bayside Terrace neighborhood, Kennedy Park, numerous residential homes, and retail and restaurant businesses of Washington Avenue. The streets in this area are generally residential type streets with 50-foot rights-of-way. Cumberland Avenue and Washington Avenue appear to have 66-foot rights-of-way. Anderson Street has a 60-foot right-of-way. Most of the streets have on-street parking and sidewalks on both sides. As shown in **Figure 2-16**, this area has numerous sidewalks, although many sidewalks do not meet ADA requirements and are in need of repair or replacement. With the exception of Cumberland Avenue and Washington Avenue, the streets in this area do not have crosswalks.

The new Boyd Street Trail connects Boyd Street to North Boyd Street. A connection along North Boyd Street has been designed and is planned for under construction from Fox Street to the Bayside Trail in 2016. Additionally, there is a shared-use path on the northern end of Washington Avenue and the Tukey Street Ramp, with a connection to the Bayside Trail, and a connection to Tukeys Bridge and the Back Cove Trail.



Figure 2-16: Southeast Quadrant (Source: GIS source information provided by the City of Portland, GPCOG, MEGIS, ESRI World Imagery, in addition to field work)

BAYSIDE TRANSPORTATION MASTER PLAN

SECTION TWO – DEFINE EXISTING AND PLANNED CONTEXT

Northwest Quadrant is generally the area bound by Franklin Street to Forest Avenue, I-295 to Kennebec Street, and includes the approved Midtown mixed-use development, the proposed retail at 195 Kennebec Street, approved Bangor Savings Bank at 20 Marginal Way, AAA, InterMed, Bayside Village apartments, Trader Joes, Walgreens, Planet Fitness, Planet Dog, and the Bayside Trail, with two (2) large pedestrian plazas. This area has seen the most recent new development and proposed re-development. Pedestrian facilities are improving with each new construction project, but there are still many missing links in the sidewalk system.

As seen on **Figure 2-17** bikeways in this area include the Bayside Trail, the proposed extension of the Bayside Trail along Somerset Street and Kennebec Street, and bike lanes on both sides of Marginal Way. No other bicycle facilities exist in this quadrant.

Northeast Quadrant is generally the location of light industrial and commercial businesses of Bayside and includes U-Haul, Wesco Standard Electric, Empire Beauty School, Play it Again Sports, Portland Mattress Makers, World Gym, VIP Bus Service, Green Building Supply, DSI Door Services, Rockingham Electrical, Independent Electric Supplier, and numerous other businesses. The majority of the buildings are one-story, flat-roofed warehouse structures. Long, unbroken driveway access and parking lots dominate this area.

As depicted on **Figure 2-18**, sidewalks in this area are very minimal and include a 14-foot wide sidewalk along the U Haul frontage on Marginal Way from Plowman Street to Cove Street; along the east side of Anderson Street to Gould Street; a new sidewalk proposed on the west side of Anderson Street; a new sidewalk segment along Coffee by Design; a new sidewalk on the west side of Fox Street from Anderson Street to Franklin Street; a short segment on the south side of Marginal Way from Franklin Street to North Boyd Street, and a sidewalk on the north side of Marginal Way along the park and ride lot edge that ends before Franklin Street.

Bikeways in this area include the Bayside Trail shared-use path which serves as the main bicycle and pedestrian facility in this area. Additionally, there are 6-foot wide (minimum) bike lanes on both sides of Marginal Way from Plowman Street to Forest Avenue. The Tukey Street ramp has recently constructed a shared-use path on the west side that connects the Back Cove Trail on Tukeys Bridge to the Bayside Trail. A connection along North Boyd Street has been designed and waiting for construction from Fox Street to the Bayside Trail.

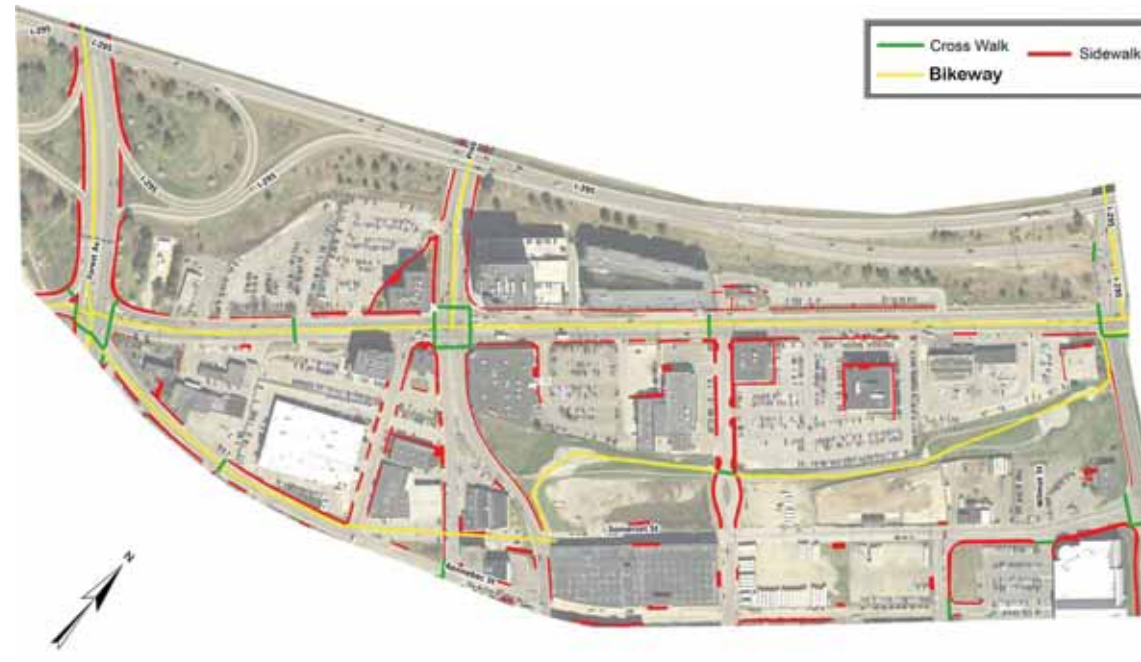


Figure 2-17: Northwest Quadrant (Source: GIS source information provided by the City of Portland, GPCOG, MEGIS, ESRI World Imagery, in addition to field work)

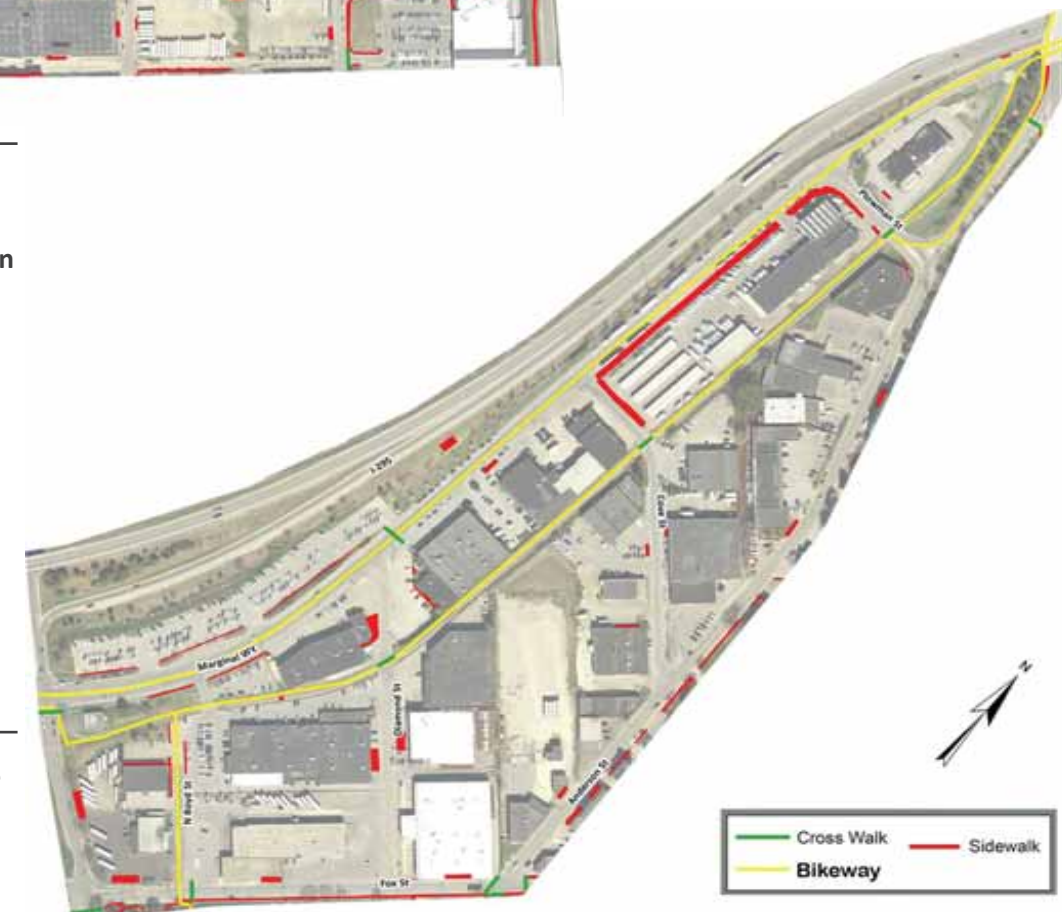


Figure 2-18: Northeast Quadrant (Source: GIS source information provided by the City of Portland, GPCOG, MEGIS, ESRI World Imagery, in addition to field work)



Figure 2-19: Existing METRO bus routes serving the Bayside neighborhood. Complete route information can be found at <http://gpmetrobus.net/>.

2.2.8 Transit Service

METRO Service Overview

METRO is the primary provider of transit service to the Bayside neighborhood. METRO provides fixed-route bus service in the City of Portland, and neighboring communities of Falmouth and South Portland. Funding for the service comes from municipalities within its service area, as well as state and federal transit funds, and revenue from farebox collection. It operates seven bus routes (Routes 1, 2, 4, 5, 7, 8 and 9 (formerly Routes 3 and 6)), and serves multiple transit hubs in the city—METRO PULSE on Elm Street, Congress Street, Portland Transportation Center, and the Casco Bay Ferry Terminal. METRO maintains 32 buses and has an annual average ridership of almost 1.5 million passenger trips¹. The existing fare collection system accepts cash (no change is provided)

and paper tickets/passes only; no mobile ticketing or smartcard system is currently in place. Unlimited daily and calendar monthly passes are available, in addition to ten-ride tickets. Tickets and passes can be purchased by mail, or in person at METRO Pulse, METRO Office (on Valley Street), some retailers, and other locations within the service area. On-board free transfer tickets are also available.

Paratransit service for seniors and persons with disabilities, complementing the fixed-route service and required by the Americans with Disabilities Act (ADA), is provided by Regional Transportation Program, Inc. (RTP).

Service Characteristics

The Bayside neighborhood is primarily served by METRO Route 8—the “Peninsula Loop”, and therefore will be the main focus of this study. It is

described in more detail below. Routes 7 and 9 skirt the northeastern edge of Bayside on Washington Avenue, while Routes 2 and 4 skirt the western edge of Bayside on Forest Avenue. Route 8 directly connects to all METRO routes or runs in close proximity to other routes to enable transfers to be made within a short walking distance, as shown in **Figure 2-19**.

- **Route 7** provides connections to Falmouth via Route 1, and terminates at METRO PULSE on Elm Street between Cumberland Avenue and Congress Street. Route 7 connects to Route 8 on Preble Street at Cumberland Avenue.
- **Route 9** is a circulator route with Route 9A operating clockwise, and Route 9B operating counter-clockwise, servicing Congress Street and northwest Portland via Washington Avenue/Auburn Street. There is no direct connection to Route 8, but a transfer can be made within walking distance.
- **Route 2** operates between Pride’s Corner in Westbrook and Congress Street via Route 302/Forest Avenue, connecting to Route 8 at Monument Square.
- **Route 4** operates between Westbrook and Congress Street via Route 25/Brighton Avenue, and also connects to Route 8 at Monument Square.
- **Route 1** to PTC operates between Eastern Promenade and Fore River parkway, overlapping with Route 8 along Congress Street with a connection at Monument Square.
- **Route 5** operates between the Maine Mall at Foden Road, and Congress Street, and connects to Route 8 at METRO Pulse on Elm Street.

Route 8 connects Bayside with the Casco Bay Terminal, Maine Medical Center, and Monument Square. The route is circuitous, operating on most streets in one direction only, and could be essentially viewed as two loop routes that overlap on Congress Street. The route has evolved to provide front door service to a number of key origin and destinations. Route 8 provides an important connection to public housing at Franklin Towers, shopping at multiple grocery stores (Hannaford, Whole Foods, and Trader Joes) and private student housing on Marginal Way. This route also serves a number of human services facilities including shelters and drop-in centers on Preble Street, whose clientele may be transit dependent (i.e. they have no access to private transportation and therefore rely heavily on transit), and a very high percentage of the mobility-impaired population (Peninsula Transit Study).² The needs of this ridership profile make

¹ <http://gpmetrobus.net/images/stories/food/METRO—Portland-background.jpg>

² Portland Peninsula Transit Study, Peninsula Transit Committee, December 2008

BAYSIDE TRANSPORTATION MASTER PLAN

SECTION TWO – DEFINE EXISTING AND PLANNED CONTEXT

it difficult to alter the route to improve efficiency of operations because some door-to-door service would be reduced. In addition, since paratransit service is operated by RTP, METRO must balance the demands of riders looking for quick and direct connections to/from Bayside, and a transit dependent community, who rely heavily on service proximity that enables them to take the fixed route service, rather than the more expensive paratransit that requires advance reservations. The background on this issue has been well documented in the Peninsula Transit Study.

While the existing route provides access to many destinations, circuitous routing can be confusing and frustrating for riders getting off and on at the same stop for their return trip, instead of at a stop across the street, or in the opposite direction for a return trip. This also adds additional travel time for riders. In fact, 10 percent of survey respondents in the Peninsula Transit Study mentioned that they were discouraged from taking transit because maps and schedules were complicated. Multiple turns along the route add more delay and conflict with other road users, ultimately adding to METRO’s operating cost.

Service operates seven days per week, with Sunday service added in August 2015. However, start and end points change throughout the week, and may be confusing for new riders:

- Service begins at Casco Bay Terminal on weekdays and Sundays, but Maine Medical Center on Saturdays.
- On weekdays, the second to last trip ends at Franklin Towers, but the last trip ends at Congress Street and Forest Avenue.
- On Saturdays, service ends at Franklin Towers, and on Sundays it ends at Maine Medical Center.

A summary of the service characteristics of Route 8 is provided in **Table 2-3**. As noted in the Peninsula Transit Study, service ends too early in the day to provide adequate service for employees who work later shifts at the grocery store, or residents that need to grocery shop after work on weekdays. Feedback from METRO indicates that schedules do not have any built-in layover time between trips. As a result, if service starts to run late, there is no opportunity for bus operators to get back on schedule, unless future trips are shorter than scheduled. This tight scheduling greatly impacts service reliability and on-time performance, which is currently around 70 percent, according to METRO. If additional service is added to assist in service recovery, this leads to passenger crowding (directly or indirectly linked to schedule delays); the bus and bus operator are pulled from another route; bus operators are on standby in the event of delays

and/or breakdowns; or bus operators are hired on overtime to assist. These factors have impacts on transit service operations, and associated operating cost for the transit agency.

	Weekday	Saturday	Sunday
Span of Service	6:40 a.m. – 6:15 p.m.	7:50 a.m. – 6:15 p.m.	9:10 a.m. – 4:50 p.m.
Frequency (all day)	30 minutes	60 minutes	60 minutes

Table 2-3: Route 8 Service Characteristics (Source: METRO)

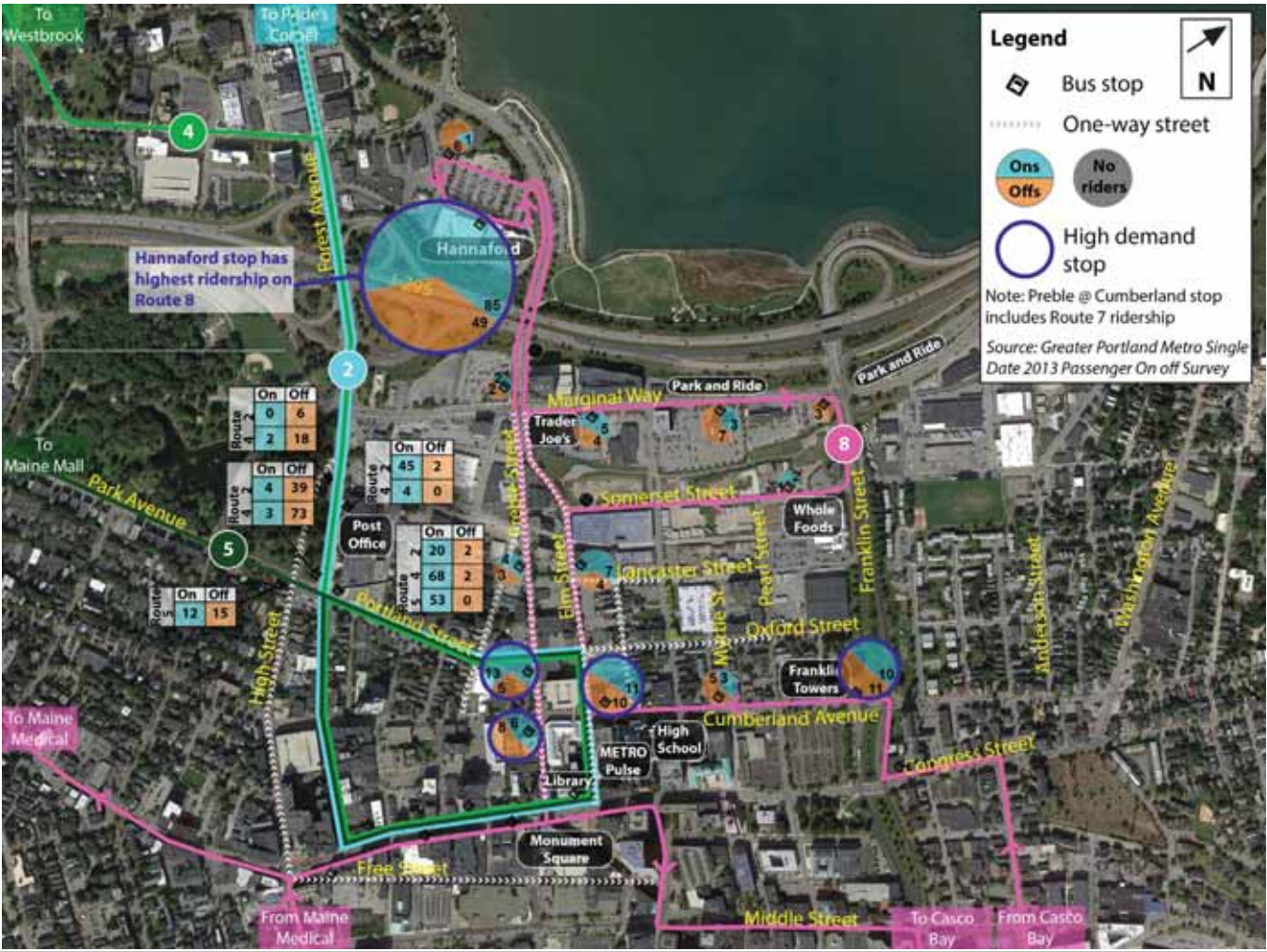


Figure 2-20: Ridership at stops in Bayside

The ridership data shows that the route is heavily relied upon for access to the Hannaford grocery store, Franklin Towers, and trip origins/destinations near the intersections of Elm Street and Preble Street with Cumberland Avenue. These stops may also be used as connection points to other routes such as Route 2, Route 4, and Route 5. Low ridership at stops between Somerset Street and Marginal Way may illustrate the need for better bus stop access in these areas, or a lack of destinations for bus riders of Route 8.

During the summer of 2015, Automatic Passenger Counters (APCs) were installed on METRO buses. These APCs will provide more detailed and accurate ridership data at the stop level for boardings and alightings, in the future. A more detailed analysis of Route 8 usage could provide further insight into ways to potentially make the route more efficient.

Bus Stops

A transit rider is a pedestrian at the start and end of trips, increasing the need to focus on the path of travel to and from bus stops, in the context of the complete streets approach to roadway design. The majority of bus stops in the Bayside study area do not meet the general METRO or industry design standards for bus stop design. Existing bus stops are identified by a single, small, yellow bus stop sign, and often do not have proper landing areas, rider amenities, or sufficient bus stop length. These features are needed to allow buses to pull in and out of the stop, and have both bus doors open close to the sidewalk; proximity to curb ramps and crosswalks is important to facilitate rider access.

A very prominent issue at many stops in the study area is the lack of regulatory signage that prohibits parking in the bus stop. At stops where there is a no parking sign defining the rear of the bus stop, the length is often insufficient to enable a bus to properly access the stop if a car is parked too close. Allowing parking and loading in bus stops is a major impediment to an accessible and efficient bus service. Common conditions at existing bus stops in the Bayside area are illustrated in **Figure 2-21** and described below.

Bus Stop Features

METRO does not currently have specific guidelines on bus stop design, although it has a desire to establish them in the near future. In the meantime, some suggested bus stop design guidance has been provided by the Greater Portland Council of Governments (GPCOG), as part of the Regional Bus Sign and Shelter Study Report and Implementation Guide, completed in 2013. Furthermore, planned improvements along Congress Street will serve as a model for bus

route priority and bus stop design. Generally, METRO is moving toward the following standards:

- **High use bus stops**—large shelter with seating, trash receptacle, bicycle parking, and electronic real time bus arrival information.
- **Standard bus stops**—Sign for METRO, potentially a bench, trash receptacle and bicycle hoops.

As the transit agency intends to upgrade to 40-foot buses, bus stop lengths should be appropriately provided to meet adjacent site conditions. METRO

generally spaces bus stops 1/8 to a 1/4 of a mile apart for urban areas like Bayside.

Bus stops along Route 8, within the study area, lack the general standards for METRO bus stop design that provide for the safety and comfort of riders. Industry standards and ADA requirements for bus stop design generally include:

- Minimum five foot wide by eight foot deep clear landing area with less than two percent cross slope at the front door zone;



Figure 2-21: Issue and Opportunities at the Bus Stops in Bayside

BAYSIDE TRANSPORTATION MASTER PLAN

SECTION TWO – DEFINE EXISTING AND PLANNED CONTEXT

- Level and clear area, at least four foot deep, in the rear door zone;
- ADA compliant path of travel (four foot wide path with less than two percent cross slope) between the landing area and bus stop amenities (i.e. shelters/benches);
- Shelters and benches positioned outside of the landing area and rear door zone, and with appropriate clearances from other sidewalk and street elements;
- Bus stops should be connected to a sidewalk and crosswalks with curb ramps, and located at least five feet clear of an abutting crosswalk;
- Bus stop signs should be oriented perpendicular or at an angle to the curb for visibility by both drivers and pedestrians, positioned so the bottom of the sign is seven feet from the ground, and have a reflective finish for visibility during dark or low light conditions; and
- Bus stop lengths should be appropriate for the maximum bus length operating on the route, the stop location relative to the intersection (near-side, far-side or mid-block) and whether it is located adjacent to parking, within a bus bay or at a curb extension. Adjacent sidewalk conditions relative to the landing area and clear zone should also be considered.

Providing continuity in bus stop design and placement can create a more recognizable bus route, making the service easier for riders to use.

In addition to bus stop design, placement of bus stops is also important for overall quality of service. Stops should avoid conflicts with driveways and street features (trees, benches, store signs, utility posts, etc.). Spacing between stops should balance ridership demand with service efficiency. For example, frequent bus stop placement serves more origins and destinations, but impedes route efficiency and could reduce ridership due to long travel times.

Bus Stop Placement

Bus stops can be placed in one of three locations in relation to an intersection, as seen in **Figure 2-25** (on the following page).

- **Far-side (Figure 2-22)** – Bus stops located after an intersection are the safest for pedestrians, as they are typically crossing behind the bus. These stops also require the least amount of curb space, reducing their effect on on-street parking. Far-side stops at signalized intersections have the added benefit of making it easier for the bus to re-enter the general traffic flow,

helping to maintain travel times, and reducing conflicts with right turning vehicles. The stop on Cumberland Avenue at Franklin Towers is considered a far-side stop.

- **Near-side (Figure 2-23)** – Bus stops located before an intersection avoid double stopping at the signal and at the bus stop, improving route efficiency. This also improves safety as the bus drivers have full view of the intersection. However, they can require almost as much curb space as mid-block stops and crosswalks are typically ahead of the stop, giving bus drivers limited, and sometimes no visibility of pedestrians crossing in front of the bus. The stop at 225 Cumberland is located nearside of the intersection of Cumberland Avenue and Pearl Street.
- **Mid-block (Figure 2-24)** – Bus stops located mid-block, between two intersections, require the greatest amount of curb space and therefore have the greatest impact on on-street parking. However, they have reduced conflicts with vehicular traffic compared to stops at an intersection, and can provide more direct connections to large trip generators located midblock. Providing crosswalks at mid-block stops is particularly important as pedestrians are inclined to cross the street where they exit a bus, regardless of crosswalk protection. A mid-block stop is located at the Marginal Way and Human Services Building.



Figure 2-22: Existing conditions at a far-side stop, located at Franklin Towers on Cumberland Ave

The majority of bus stops in Bayside are located at the near-side of intersections or mid-block.



Figure 2-23: Existing conditions at a near-side stop, located at 255 Cumberland Avenue



Figure 2-24: Existing conditions at a mid-side stop, located at 161 Marginal Way, formerly the Human Services building

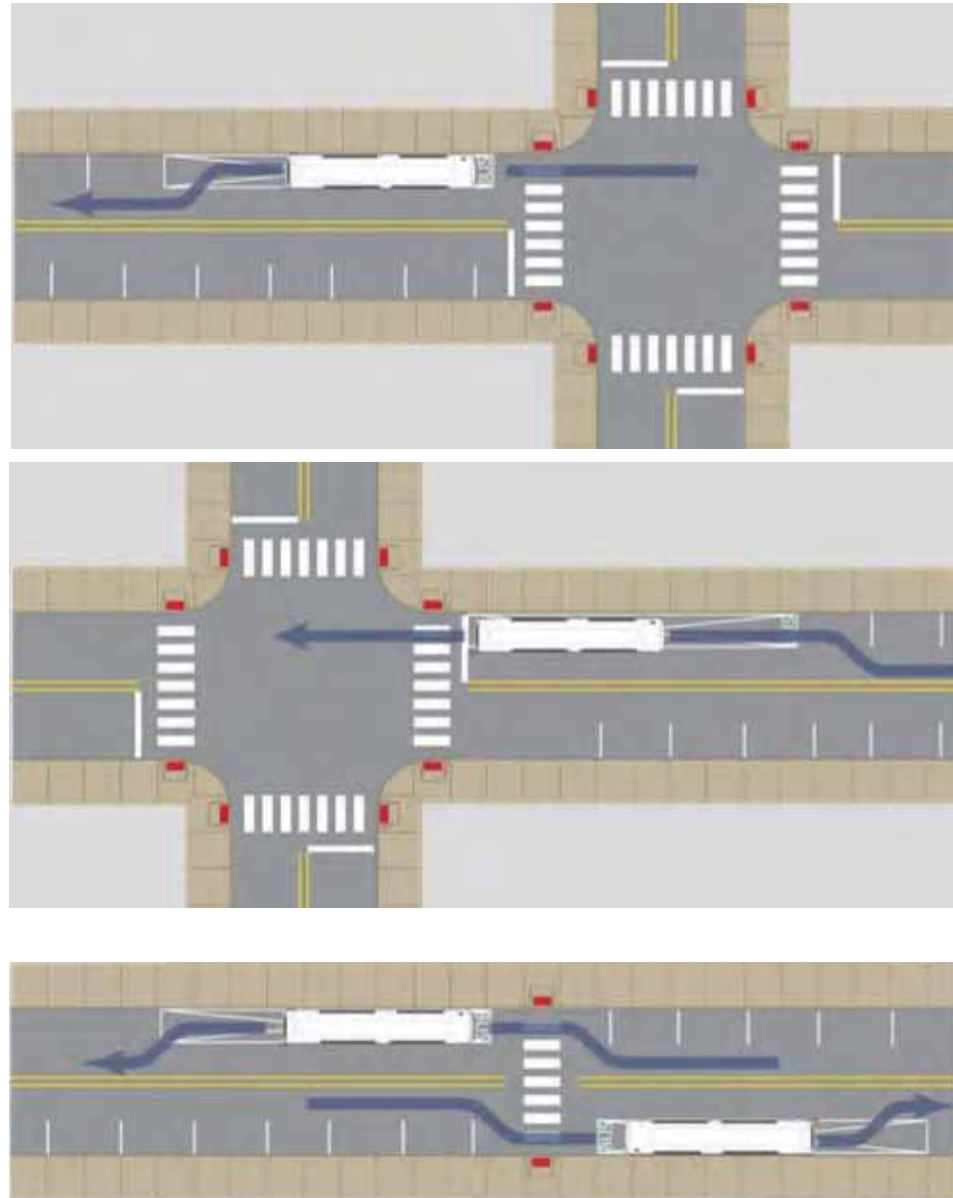


Figure 2-25: Illustrations of the far-side (top), near-side (middle), and mid-block (bottom) bus stop placements. (Source: SEPTA Bus Stop Design Guidelines)

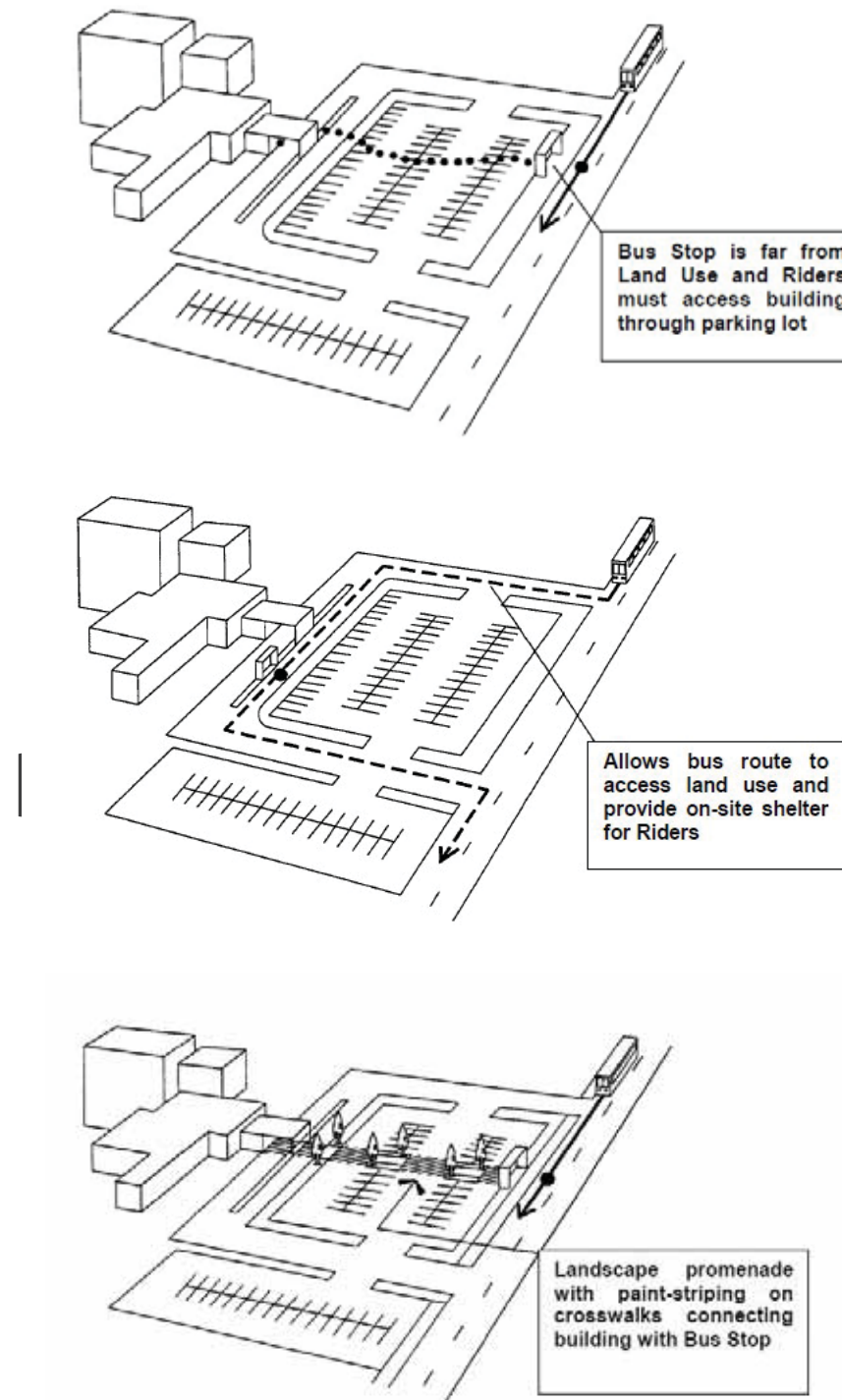


Figure 2-26: Bus stop placement in relation to land use and development. (Source: TCRP Report 19 Guidelines for the Location and Design of Bus Stops)

Bus stop placement should also be considered in relation to land use and development. The placement of a bus stop affects riders' ability to access a building, as seen in **Figure 2-26**. An example found in Bayside is the stop at 161 Marginal Way (**Figure 2-21**), where the bus stop provides a clear path of travel through the parking lot to the building behind it.

Bus Stop Configuration

Bus stop design also entails the space within the bus stop itself. Existing buses are 30 or 35 feet long, while many bus stops are only 30-40 feet long, and therefore do not provide any room for maneuverability in and out of the stop. Many bus stops lengths are not clearly defined in the Bayside study area. Where bus stop lengths are clearly defined by a yellow bus stop sign at the front of the stop, and a parking sign at the rear of the bus stop, the distance between signs is often insufficient. Without adequate length, buses may encroach upon crosswalks, such as on Washington Avenue in **Figure 2-27**.

Designing bus routes with bus stop pairs can make a bus route easier to use. Riders typically expect to find the stop on their return trip to be located across the street from where they got off the bus. Along Route 8, within Bayside, only Preble Street at AAA and Preble Street and Marginal Way, appear to be paired stops. The prominence of one-way streets and loop routing configuration makes stop pairs difficult to achieve on this particular bus route.



Figure 2-27: Stopped bus on Washington Avenue blocks the crosswalk

BAYSIDE TRANSPORTATION MASTER PLAN

SECTION TWO – DEFINE EXISTING AND PLANNED CONTEXT

Curbside | Roadside |
Shoulder

Bus Bay | Turnout |
Cut Out | Pullout

Curb Extension | Bus Bulb |
Bus Nub

Source: SEPTA Bus Stop Design
Guidelines



Figure 2-28: Bus stop configuration (Source: SEPTA Bus Stop Design Guidelines)

Examples of bus stop configurations at curbside locations, bus bays, and curb extensions are shown in **Figure 2-28**.

Sidewalk Connectivity

Overall, the Bayside area is served by a sidewalk network that links many of the neighborhoods and bus stops, and the downtown core, along Congress Street. Most sidewalks in the study area are at least eight feet wide, and as wide as 10-11 feet on Cumberland Avenue. However, streets with inadequate or narrow

sidewalks include Somerset Street and Marginal Way, which service the existing Route 8.

Improvements to the following existing conditions should be considered, to improve transit access:

- At the Marginal Way and Franklin Street and Preble Street and AAA stops, there is a continuous grass strip without a landing area connecting to the adjacent five foot wide sidewalk. Therefore, riders must traverse the grass area to/from the bus, posing a challenge for the mobility impaired, particularly those utilizing mobility-assisted devices such as wheelchairs.
- Sidewalks on Somerset Street are notably absent near bus stops. A dirt path is evidence of a pedestrian desire line on the north side of Somerset Street near Whole Foods market. The stop is not ADA compliant (see #5 in **Figure 2-21**).

Bus Stop Signage and Amenities

Bus stops along Route 8 in Bayside lack bus stop amenities and are only designated with a small yellow sign that shares a pole with one or more other signs, and/or is positioned low to the ground. The signs could be improved to enhance the bus stops and rider convenience. The following observations were made:

- Signs are sometimes oriented parallel and facing the roadway intentionally or because of damaged poles, providing very poor visibility for pedestrians, bus riders, and bus operators.
- The existing yellow tone could be confused with typical warning signs for roadways making bus stops less apparent, and the surface is non-reflective making them difficult to read in the dark.
- The route numbers are small and hard to read.
- Bus stop signs are missing at several stops:
 - Marginal Way and Franklin Street
 - Somerset Street and Elm Street
 - Preble Street and Marginal Way
 - Somerset Street and Pearl Street

Almost all bus stops along Route 8 in Bayside lack bus stop amenities such as shelters, benches, trash and recycling receptacles, wayfinding, maps and schedule information, and bicycle parking. This may make it difficult for riders unfamiliar with the bus route to find the stops, and the Peninsula Transit Study

further noted that *“For potential riders, the lack of guidance at or near bus stops is a large detriment to their participation”*. Guidance on the provision of benches and shelters is provided in the GPCOG Regional Bus Sign and Shelter



Figure 2-29: An existing bus stop that serves as a good example for Bayside is the Monument Square stop on Congress Street. This bus stop, located within a bus pull out, or bus bay, has sufficient length for buses to pull out of the travel lane and to the curb. Rider amenities include a shelter, bench, and trash receptacle. The sidewalk adjacent to the stop is 25 feet wide and provides a level landing area (five feet wide by eight feet deep area at the front door zone). Crosswalks with curb ramps are provided in close proximity to the stop.

Study Report and Implementation Guide. Monument Square is an example of an existing bus stop that provides a sufficient bus stop area and amenities, as shown in **Figure 2-29**.

Bus Stop Spacing

The distance between bus stop locations is an important consideration for route efficiency. The Route 8 schedule notes that stops are located approximately every quarter mile, or 1,320 feet. In an urban area like Bayside, METRO considers bus stop spacing of 1/8 mile to be more appropriate. Although, with about 15 seconds deceleration/acceleration time per stop, fewer stops with greater spacing can reduce the length of an entire bus trip. The downside of having less stops on a route is that it increases the travel distance to stops, which can create hardships for seniors and persons with disabilities, which is a particular concern for the Bayside area. However, minimizing the distance between stops can help reduce the costs associated with maintaining each bus stop and operating a longer route.

Existing Transit Plans

A number of transit plans relevant to the Bayside Master Plan have been completed in recent years or are currently underway. These are documented below and key points are noted.

The **Peninsula Transit Study**, completed in 2008, proposed several improvements (shown in **Figure 2-30** below) that are now being implemented; notably turning Congress Street into a transit priority corridor, providing the following benefits to METRO services that connect with Route 8 servicing Bayside:

- Reduced bus conflicts with vehicular traffic and crossing pedestrians leading to reduced delay;
- Relocation of bus stops to existing curb extensions;
- Improved pedestrian environment; and
- Enhanced bus stops with shelters.

Within the Bayside neighborhood, the study references the potential for several future bus routing improvements:

- A one-way bus stop pair along Elm Street and Pearl Street;
- Relocation of bus service from Forest Avenue to Preble and Elm Streets with bus lanes;



Figure 2-30: Summary of Transit System Recommendations from the Peninsula Transit Study.

- New bus routes on Franklin Street and Marginal Way; and
- The creation of a trolley route along Elm Street and Preble Street.

The study notes the importance of providing a direct to/from service to Hannaford supermarket, as residents seek convenient access to this destination. A number of strategies are outlined to increase access, including door-to-door service, which, although convenient for some riders, adds to the route’s overall travel time. Serving areas of future development in order to establish transit-oriented travel patterns at the outset of development was also recommended. Requiring developers to contribute towards the costs of additional transit service or providing transportation demand management (TDM) measures could also help establish more transit ridership, as proposed in the Peninsula Transit Study. These recommendations should be evaluated in the context of overall METRO planning.

The transit system improvements proposed in the Peninsula Transit Study related to service branding, coordinated schedules, real-time information, and universal transit passes, are also important improvements to consider for transportation in Bayside. The improvements and recommendations derived from this study can serve as a model for Portland and other cities of similar size.

The Hub Link Study, currently underway, is reviewing proposals to improve connections between Portland’s transportation hubs. Portland is served by airplane, Amtrak, regional bus, rail, and ferry, yet the centers for these modes are dispersed throughout the city. The Hub Link Study is deriving optimum routes and service that best connect the Portland International Jetport, PTC METRO Pulse, and Casco Bay Ferry Terminal. Alternatives along I-295, Congress Street, Commercial Street, and Congress Street and Commercial Street are being evaluated for their connectivity, mobility, economic development, and cost effectiveness.

Future METRO Planning

Many of the transit needs identified in these studies appear to be relevant within the Bayside neighborhood. Although service on Sunday was added to Route 8, service still only operates half hourly on weekdays and hourly on Saturdays. Bus service to major origin and destinations needs to be more frequent. A rationalizing of a circuitous route like Route 8 should be considered to reduce travel times, and improve reliability. The tradeoff will likely be a slightly longer walk to bus stops for some riders. Alternatively, Route 8 could be used as an urban circulator with primary bus service focused along the edges of the study area.

2.3 Planned Transportation Context

2.3.1 Other Planned Project/Studies

The following summarizes the key transportation details for projects and studies that have been adopted, or are under design.

Franklin Street — The Marginal Way intersection is proposed to consist of four travel lanes on the southbound Franklin Street approach; four travel lanes on the northbound Franklin Street approach; three travel lanes on the eastbound Marginal Way approach, and a single right turn lane providing interstate access only on the westbound Marginal Way approach.

Franklin Street between Marginal Way and Somerset Street is proposed to consist of two northbound and southbound travel lanes, left turn lanes separated by a raised median, shared right turn lanes, bike lanes with buffers, and sidewalks on both sides.

The Somerset Street/Fox Street intersection is proposed to remain unchanged from a lane capacity perspective. Crosswalks are proposed on all intersection legs and bike boxes are proposed on Franklin Street. Bicyclists will be accommodated through variable means including bike lanes with buffers and shared lanes.

Franklin Street between Somerset Street and Oxford Street is proposed to consist of two travel lanes in each direction, bike lanes with buffers, and sidewalks on both sides.

The Lancaster Street Intersection is proposed to consist of right turn movements from Franklin Street. A raised median along Franklin Street will prohibit left turn movements.

The Oxford Street intersection is proposed to consist of right turn movements with Franklin Street. A raised median along Franklin Street will prohibit left turn movements. Crosswalks are proposed at the side streets and on the Franklin Street northbound approach. Bicyclists are accommodated through variable means including bike lanes with buffers and cycle tracks.

The Cumberland Avenue intersection is proposed to consist of three travel lanes on Franklin Street approaches (left, thru, thru-right lane), two travel lanes on the Cumberland Avenue approaches (left, thru-right lane). Crosswalks are proposed on all intersection legs and bike boxes are proposed on Franklin Street. Bicycles are accommodated on Franklin Street through means including bike lanes with buffers.

BAYSIDE TRANSPORTATION MASTER PLAN

SECTION TWO – DEFINE EXISTING AND PLANNED CONTEXT

For Transit recommendations, the plan is proposed to establish a shuttle bus operating along Franklin Street between the park-and-ride lot northeast of the intersection of Franklin Street and Marginal Way and the Casco Bay Ferry Terminal south of Commercial Street. The route would operate every twenty minutes in each direction during METRO’s hours of service, making local stops.

State Street and High Street Two-Way Conversion Study—This study consists of evaluating the feasibility of converting State and High Streets to two-way flow. Within the Bayside Study area, State Street and High Street would be converted to two-way streets. As part of the change, Park Avenue would require less travel lanes with expanded on-street parking.

Somerset Street Extension—The City is currently in the design and construction phase for the extension of Somerset Street from Elm Street to Hanover Street. This change will improve accessibility and street connectivity. A concept plan for Somerset Street/Kennebec Street between Hanover Street and Forest Avenue has been developed and the recommendation includes provision of space for the Bayside Trail and maintaining the existing one-way restriction.

Anderson Neighborhood Byway—The City is constructing multi-modal and stormwater infrastructure improvements along Anderson Street from Fox Street to Plowman Street. From a transportation perspective, the project generally consists of providing a sidewalk on the west side of Anderson Street, a sidewalk on Fox Street to Diamond Street, and pedestrian changes at the Anderson Street and Fox Street intersection, and intersections with Cove Street and Gould Street.

Back Cove South Storage Conduit Project—The City is currently developing design plans for the construction of a stormwater storage conduit under Marginal Way between Preble Street and the Portland Water District treatment plant at the east end of Marginal Way. Construction documents are scheduled for completion by the end of 2015 with construction set to begin in 2016. Leveraging this project with implementation of Marginal Way modifications will be determined.

Forest Avenue/I-295 Improvements—The MaineDOT recently constructed safety improvements at this interchange area that includes both bicycle and pedestrian facilities. The modifications are confined to the interchange area.

Marginal Way CSO Project—The City will be designing a sewer and stormwater separation project along Marginal Way between Forest Avenue and Preble

Street. The project is scheduled for completion at the end of 2016.

North Boyd Street Path—Construction of a path on North Boyd Street between Fox Street and the Bayside Trail is proposed. The project also includes construction of a sidewalk (completed) along the north side of Fox Street between Diamond Street and Franklin Street.

Private Development Projects

- **Bangor Savings Bank**—Construction of a bank and office use at the former car wash site at 20 Marginal Way. The project will be reconstructing their street frontage.
- **Bayside Bowl Expansion**—The project has limited transportation changes with some sidewalk modifications and controlling rights for half of Lancaster Street.
- **Relocation of DPW**—Although not scheduled, the City envisions moving operations from Bayside.
- **Century Tire Redevelopment (45 Marginal Way)**—Construction of a retail project with both Marginal Way and Kennebec Street frontage improvements. Kennebec Street improvements consist of a shared-path along their frontage, and an interim cycle-track bicycle facility to Forest Avenue.
- **Midtown Project**—Significant transportation improvements are included with this project including:
 - reconstruct Somerset Street between Pearl Street and Elm Street;
 - install a traffic signal at the Marginal Way/Chestnut Street intersection;
 - create a Four-Way STOP intersection at Somerset Street and Pearl Street; and
 - change the Marginal Way approach to Franklin Street to a left lane, a through lane, and a right lane.
- **89 Anderson Street**—Residential project with frontage improvements only.
- **Bayside Anchor**—Residential project with frontage improvements only.
- **133 Washington Avenue/Avesta Housing Project**—Residential project with frontage and bus stop improvements.

3.0 IDENTIFY ISSUES AND OPPORTUNITIES

The Existing Conditions Analysis identified a number of issues and opportunities within the Bayside Study area that are summarized by the following categories.

3.1 Transportation Street Issues and Opportunities

Marginal Way Focus Area

Issues:

- The Marginal Way/Preble Street/Elm Street intersection is a large intersection with a priority for moving vehicles.
- Marginal Way High Crash Locations include the intersections at Franklin Street, Elm Street/Preble Street, and Forest Avenue/State Street and the roadway segment between Elm Street and Franklin Street.
- Marginal Way lacks a consistent roadway configuration and does not provide continuous bicycle and pedestrian facilities.
- The Marginal Way/Franklin Street intersection does not provide a safe pedestrian crossing from the Park & Ride Lot to either the south side of Marginal Way or across the Exit 7 Ramp.
- On-street large truck parking in East Bayside encroaches into the bike lane.
- The Forest Avenue/Marginal Way/State Street intersection lacks pedestrian crossings at all corners and the Forest Avenue approach at Kennebec Street has an undefined pavement area.
- The Franklin Street intersection has capacity problems.

Opportunities:

- Evaluate reducing the number of vehicle lanes at the Marginal Way/Preble Street/Elm Street intersection to facilitate a consistent street cross-section.
- Implement multi-modal improvements on Marginal Way.
- Improve pedestrian conditions at the Marginal Way/Forest Avenue/Kennebec Street/State Street intersection.
- Add crosswalk on all approaches at Franklin Street.

- Increase width of parking lanes to reduce encroachment into adjacent bicycle lane.

Preble and Elm Streets Focus Area

Issues:

- Lower connectivity and accessibility due to their one-way street configuration.
- Lack of safe bicycle and pedestrian facilities on Elm and Preble Streets between Marginal Way and Congress Street.

Opportunities:

- Create better bicycle and pedestrian travel.
- Reduce excessive vehicle speeding.
- Improve street connectivity and accessibility.
- Provide more parking.

Portland and Oxford Streets Focus Area

Issues:

- Poor and confusing east-west street connectivity/circulation.
- Difficult pedestrian crossings at Forest Avenue/Park Avenue/Portland Street due to long crossings, lack of crosswalks, vehicle turning conflicts.
- Bus/vehicle conflict condition on Portland Street between right-turning vehicles and buses departing curb area.

Opportunities:

- Improve east-west street connectivity/circulation .
- Explore reconfiguring Oxford Street as a two-way street.
- Evaluate a full Oxford Street vehicle connection at Franklin Street.
- Implement multi-modal/streetscape improvements on Portland Street.
- Reconfigure and improve pedestrian crossings at the Forest Avenue/Park Avenue/Portland Street intersection.

Pearl Street Focus Area

Issues:

- Poor north-south street connectivity.
- Traffic concentrates at Somerset Street.
- Lacks bicycle facilities.

Opportunities:

- Implement bike lane improvements.
- Improve north-south connectivity on peninsula: Between Marginal Way and waterfront.

Lancaster and Kennebec Streets Focus Area

Issues:

- Poor east-west street connectivity.
- No pedestrian crossings of Franklin Street near Lancaster Street where demand exists.
- Kennebec Street is not very functional for all modes.
- One-way flow between Elm Street and Chestnut Street and Forest Avenue and Brattle Street limits traffic circulation.

Opportunities:

- Improve east-west street connectivity.
- Connect Lancaster Street to Brattle Street.
- Evaluate a possible pedestrian crossing of Franklin Street at Lancaster Street.
- Retrofit Lancaster Street to be more usable.
- Retrofit Kennebec Street to be more usable.

East Bayside Focus Area

Issues:

- Cove and Diamond Streets lack sidewalks, curbing, and have poor access management conditions.
- On-street large truck parking in East Bayside encroaches into bike lane.
- Fox Street configuration between Anderson Street and Washington Avenue creates a narrow travel way.

- Poor pedestrian and bicycle connectivity at Tukey Street path to Anderson Street.

Opportunities:

- Create street configuration improvement options on key cross-streets to improve bicycle and pedestrian safety and connectivity.
- Reconfigure the Anderson Street/Plowman Street intersection.
- Prohibit parking on Fox Street in certain sections to reduce narrow travel way conditions.

Washington Avenue Focus Area

Issues:

- Poor bicycle and pedestrian safety and connectivity.
- Traffic safety and operations at the Washington Avenue/Fox Street/Walnut Street intersection.
- Safety and functionality at the Washington Avenue/Cumberland Avenue intersection.

Opportunities:

- Increase safety and access onto Washington Avenue at Fox Street/Walnut and at Cumberland Avenue.
- Create options on key cross-streets to improve bicycle and pedestrian safety and connectivity.
- Improve the configuration of the Washington Avenue/Cumberland Avenue intersection for improved pedestrian conditions.

3.2 Pedestrian/Bicycle Issues and Opportunities

Issue:

- Safety of and uncontrolled pedestrian crossings along Elm Street and Preble Street.

Opportunities:

- Install crosswalks at intersections, where needed.
- Install Rectangular Rapid Flashing Beacons at Bayside Trail crossings.
- Install 14’ wide block design crosswalk at Bayside Trail crossings.
- Install “Yield Here” signs and painted Yield Lines for vehicular traffic at Bayside Trail crossing.
- Consider a 4” (for minimal vehicular disruptance) raised tables at Bayside Trail crossings.
- Add bikes lanes on Preble and Elm Streets.
- Modify Preble and Elm to 2-way or reconfigure to one-way.

Issue:

- Safety and difficulty of crossing at the Marginal Way/Preble Street/Elm Street intersection due to large intersection design.

Opportunities

- Redesign intersection, tighten curbs where feasible.
- Remove center medians in all roads to help shorten crossing distances.
- Remove one through-lane on Marginal Way, east of intersection.
- Install bike lanes in all directions across intersection.

Issue:

- Safety and difficulty of crossing at the Forest Avenue/Park Avenue/Portland Street intersection.

Opportunities:

- Install crosswalks at all legs of intersections.
- Redesign intersection, tighten corner curb radii where feasible.
- Remove center median in Marginal Way to help shorten crossing distances.
- Install 14’ wide block design crosswalk at Bayside Trail crossing of Forrest Avenue, when designed.

Issue:

- Undefined bicycle routes in upper Bayside for east and west travel.

Opportunity:

- Install “shared lane markings” signs on Oxford and Lancaster.

Issue:

- Undefined pedestrian crossings of Franklin Street near Lancaster and Oxford Streets.

Opportunities:

- Install vehicular and pedestrian improvements per the Franklin Street Study.
- Install crosswalks per the Franklin Street Study.

Issue:

- Lack of contiguous sidewalk in lower Bayside especially northeast of Franklin Street (see section 2.2.1.6).

Opportunities:

- Install crosswalks at intersections, where needed.
- Redesign intersection, tighten corner curb radii where feasible.

Issue:

- Inconsistent crosswalk markings.

Opportunity:

- Install block design crosswalks in all locations

BAYSIDE TRANSPORTATION MASTER PLAN

SECTION THREE - IDENTIFY ISSUES AND OPPORTUNITIES

Issue:

- Long wait times and cycle lengths at signalized intersections

Opportunity:

- Retime signalized intersections where possible to shorten wait times.

Issue:

- Large driveway openings in lower Bayside northeast of Franklin Street.

Opportunity:

- Reduce driveway widths or eliminate driveways, where feasible.

Issue:

- Lack of designated bicycle facilities on Elm and Preble Streets between Marginal Way and Congress Street.

Opportunities:

- Remove one travel lane on Preble Street and Elm Street.
- Install a bike lane with a buffer on both Preble Street and Elm Street.

Issue:

- Pedestrian and bicycle connectivity between the Tukey Street Path and Anderson Street.

Opportunities:

- Remove vertical granite curb at bottom of Tukey Street path and replace with a 10’ curb ramp.
- Modify intersection of Tukey Street ramp and Anderson Street intersection.

Issue:

- On-street parking by large trucks blocks the bicycle lane on Marginal Way.

Opportunities:

- Install 10’ wide truck parking lanes.
- Install bike lanes with markings, where necessary.

Issue:

- Lack of pocket parks and gathering spaces.

Opportunity:

- Continue to plan and build pedestrian pocket parks to serve as place-making and destinations.

Issue:

- Lack of access to Bayside Trail from adjacent businesses.

Opportunity:

- Improve access to the Bayside Trail by working with property owners to modify or remove fences.

3.3 Transit Issues and Opportunities

Issue:

- Route 8 operates a circuitous route with limited stop pairs and direct service. It traverses many one-way streets, which limits its serviceability in reverse directions. Ridership data shows relatively low ridership along the majority of the route, with the exception of the stop at Hannaford super-market, which accounts for 21% of total boardings.

Opportunity:

- Evaluate the restructuring of Route 8 service to best meet the competing demands and needs of Bayside residents and visitors, and explore alternative routing on Route 8 to improve efficiency of overall operations, including shifting from one-way to two-way streets.

Issue:

- Route 8 lacks frequent service, and does not provide for peak hour service variations or evening service.

Opportunity:

- Determine service needs for frequency and off-peak hours of transit service.

Issue:

- The mobility impaired community relies heavily on Route 8 due to its proximity to social services, grocery stores, and the medical center.

Opportunity:

- Consider needs of mobility impaired community in alterations to, and opportunities to improve, transit service.

Issue:

- Bus stops lack visibility due to poor signage, consistency, as well as accessibility and amenities that create a comfortable and safe experience for riders.

Opportunity:

- Develop bus stop design guidelines to clearly define bus stops, improve operations, improve pedestrian connections, and integrate with other modes of transportation.

Issue:

- Parking and loading within bus stops is very common as parking is not prohibited in many stops, or often not enforced.

Opportunity:

- Refine bus stop regulatory requirements to reduce conflicts with parking.

Issue:

- Buses often encroach on driveway access/egress due to insufficient allocation of curb space.

Opportunity:

- Provide sufficient curb space to allow buses to pull to the curb and not block driveways.

Issue:

- Lack of priority measures for transit traveling through Bayside.

Opportunity:

- Utilize Preble and Elm Streets as bus priority corridor(s) relative to Peninsula Transit Study recommendations. Apply benefits and lessons

learned from Congress Street improvements to transit in Bayside, such as incorporating transit priority measures into existing and new roadway configurations.

Issue:

- As Bayside continues to develop, there is a lack of good north-south connections across Bayside.

Opportunity:

- Explore transit routing opportunities for potential new cross-connections of Franklin Street and Forest Avenue.

Issue:

- Inadequate transit TDM measures to make substantial mode shift to transit and discourage single occupancy vehicle trips.

Opportunity:

- Identify other more innovative transit TDM measures for developers to consider, that continue to support transit, but also improve operations, accessibility and rider amenities.

Issue:

- The Bayside study utilized manual ridership count data from 2013, which is based on limited observations of a typical day.

Opportunity:

- Automated Passenger Counters (APC) installed in the summer of 2015 will provide more detailed stop level boarding and alighting data in the very near future that will enable a better understanding of operations along METRO routes.

3.4 Land Use Issues and Opportunities

General Observations

- Bayside is still an affordable alternative compared to many neighborhoods in Portland in regards to housing and business development.
- The City has a controlling interest of large parcels throughout the study area, and therefore can work with the market to plan for a sustainable future for existing and future residents and business owners.

- “Streets” should be envisioned as a land use in Bayside. There is an opportunity to implement the City’s Complete Street Policy, where land use and mobility are integrated to maximize economic development potential and leverage investments in upgrades to infrastructure.
- Existing underutilized buildings throughout the study area can be redeveloped for new uses, reducing the cost for the private sector and adding to the economic vitality and mix of uses in the area.
- There are numerous opportunities for infill development throughout Bayside – ranging from small lots to large consolidated parcels. The diversity of economic development and revitalization should provide for a healthy mix of new uses.
- Unlike some neighborhoods and buildings in Portland, many of the existing buildings / uses in Bayside are not contributing historic structures, providing more flexibility for adaptive reuse as well as streamlining the permitting process.
- There is a diversity of districts within Bayside, unique parcel sizes, land uses, building massings, and streetscape characteristics. These neighborhoods will ensure variety and vibrancy in Bayside and in turn maintain and create streets of varying character.
- The study area has had 0% to negative population growth between 2000- and 2010. In this time period new housing on Anderson Street, Bayside Village, Pearl Place, and Unity Village have been constructed, however there has still been an overall population decline according to statistics. New housing on Cumberland Avenue such as Chestnut Street Lofts and the Avesta housing at the corner of Cumberland and High Streets are located in ideal transition zones between Bayside and the more established downtown. As of the date of the Master Plan, the Midtown Project is scheduled to break ground.
- While it is always necessary to give a planning project a study area boundary, Bayside consists of many different types of interfaces with surrounding neighborhoods. These interfaces are not hard lines, but flow in the fabric, character, culture, and economy of the City.
- As new development blocks are created, as defined by the street grid, the overall block system can remain relatively consistent throughout Bayside,

even if some of the blocks are comprised of one parcel or multiple parcels.

- The centerline of streets is typically the dividing line between districts. This policy might work at cross-purposes to Complete Street and Form Based Code approaches to mobility planning and urban design where streets and neighborhoods are considered in a holistic manner.
- Many street frontages, particularly in the flat areas of Bayside are lacking streetscape and urban forestry. Well-designed streets will be strategic infrastructure improvements on behalf of the private and public sector, which will in turn incentivize economic development.
- The City adopted the B7 Urban Commercial Mixed Use Zone and related standards in 2008 to supplant the Bayside Vision and other master plans for the area. These standards will guide growth in a positive manner and ensure vibrant public realms.
- While many consider Bayside to be a blank slate, it is comprised of established, emerging, and envisioned trends. The City should continue to foster these positive trends and work with homeowners, property owners, and businesses to make the area as vital as possible.
- The cost for street infrastructure and public realm improvements can be offset by strategically leveraging private-sector investments.

Marginal Way Focus Area

Issue:

- Some intersections along Marginal Way are not pedestrian oriented and framed by buildings, creating gateways to the downtown.
- Land values are still relatively affordable, impacting the need to build structured parking. Surface parking lots, such as at Trader Joes have a greater footprint than the building. Surface parking creates permanent gaps in the form of the city.

Opportunity:

- Promote public/private Investments in on-street and structured parking creating more dense development and an increased tax base. Implement revised B7 Standards in a consistent manner.

BAYSIDE TRANSPORTATION MASTER PLAN

SECTION THREE - IDENTIFY ISSUES AND OPPORTUNITIES

Issue:

- Sea level rise is an issue for parcels in the more flat areas of Bayside. While this does not directly influence land use, the cost of redevelopment of streets and parcels must take into consideration mitigation efforts.

Opportunity:

- Integrate sea level rise mitigation into all planning efforts and site design standards.

Issue:

- While some new development along Marginal Way addresses the street in a pedestrian-oriented manner, there are other developments that are more suburban in nature with parking placed between the building and the street. Current zoning provisions allow buildings to have parking and vehicles circulate between active pedestrian zones.

Opportunity:

- Tighten standards and policies promoting development that adds to urban character, strengthens pedestrian zones, and establishes a denser taxable pattern of development.

Issue:

- Marginal Way is a wide street with unlocked economic development.

Opportunity:

- Incentivize taller buildings (minimum four floors) along Marginal Way. Marginal Way is wide and taller buildings are appropriate for creating an urban scale and maximizing land values. Taller buildings will also require more parking, encouraging the development of structured parking.

Issue:

- Marginal Way east of Franklin Street does not reflect the urban design and economic development goals of the B7 District.

Opportunity:

- Allow Marginal Way to the east of Franklin Street to remain an incubator for different industrial / light manufacturing uses. However, new developments should address the street in a pedestrian-oriented manner.

Issue:

- Some existing development along Marginal Way does not meet the goals and standards of the B7 District.
- Apply existing and new standards consistently in order that site designs and building placements reinforce the pedestrian street experience – regardless if existing context is not pedestrian oriented.

Issue:

- Some Marginal way intersections have a suburban or strip mall appearance.

Opportunity:

- Assess the redevelopment potential and zoning standards of certain parcels in order to maximize the urban condition at key intersections, improve the pedestrian environment, and better define gateways to downtown Portland.

Preble and Elm Streets Focus Area

Issue:

- There are multiple parcels that are currently used for surface parking.

Opportunity:

- Encourage infill development on these parcels and plan for structured parking to absorb the loss of surface parking as well as absorb parking demand created by the new development.

Issue:

- Preble Street is a key gateway corridor to downtown, however the existing placement of buildings and underutilized lots do not maximize the potential of the area nor make a transition from regional access to the downtown.

Opportunity:

- New development and redevelopment should address the street to create a pedestrian-oriented environment and increase land values.. Ensure that new development meets the goals of the B7 District.

Issue:

- Elm Street is a key gateway corridor leaving downtown. New development and redevelopment should address the street to create a pedestrian-oriented environment and increase land values. Ensure that new development meets the goals of the B7 District.

Opportunity:

- New development and redevelopment should address the street to create a pedestrian-oriented environment and increase land values. Ensure that new development meets the goals of the B7 District.

Issue:

- West Bayside includes a concentration of necessary social service agencies. This type of land use is difficult to relocate or disperse. Bayside residents feel overburdened by the concentration.

Opportunity:

- Work with the agencies and neighborhood groups to develop a long-term plan that best integrates / addresses social issues by studying underlying causes, aligning public health and planning policies, and applying best management practices for the delivery of services.

Issue:

- There is the need to introduce more mixed-use development and affordable housing into the area.

Opportunity:

- Continue to target the DPW site and other parcels for mixed-use urban infill.

Issue:

- The limited availability of housing units is a key concern for Portland.

Opportunity:

- Expand both market rate and affordable housing stock by incentivizing mixed-use developments while maintaining existing housing stock. Incentivize developments with more than ten units to trigger Inclusionary Zoning.

Portland and Oxford Streets Focus Area

Issue:

- West Bayside includes a concentration of necessary social service agencies. This type of land use is difficult to relocate or disperse. Bayside residents feel overburdened by the concentration.

Opportunity:

- Work with the agencies and neighborhood groups to develop a long-term plan that best integrates / solves social issues through redevelopment and land use policies.

Issue:

- There is the need to introduce more mixed-use development and affordable housing into the area.

Opportunity:

- Continue to target the DPW site and other parcels for mixed-use urban infill.

Issue:

- The limited availability of housing units is a key concern for Portland.

Opportunity:

- Expand both market rate and affordable housing stock by incentivizing mixed-use developments while maintaining existing housing stock.
- Defined sense of place

Issue:

- West Bayside includes a concentration of necessary social service agencies. This type of land use is difficult to relocate or disperse. Bayside residents feel overburdened by the concentration.

Opportunity:

- Work with the agencies and neighborhood groups to develop a long-term plan that best integrates / addresses social issues by studying underlying causes, aligning public health and planning policies, and applying best management practices for the delivery of services.

Issue:

- There is the need to introduce more mixed-use development and affordable housing into the area.

Opportunity:

- Continue to target the DPW site and other parcels for mixed-use urban infill.

Issue:

- The limited availability of housing units is a key concern for Portland.

Opportunity:

- Expand both market rate and affordable housing stock by incentivizing mixed-use developments while maintaining existing housing stock. Incentivize developments with more than ten units to trigger Inclusionary Zoning.

Issue:

- The DPW site serves an important purpose, however the location is more ideally suited for mixed-use urban infill.

Opportunity:

- Continue to study the DPW site for mixed-use urban infill. This is City controlled land and can leverage potential public / private partnerships.

Issue:

- Is the current zoning in this area promoting the highest and best use for urban lands while meeting the Bayside Vision.

Opportunity:

- Study the possible expansion of the B7 Zone to from Lancaster Street south to Cumberland Street.

Issue:

- The limited availability of housing units is a key concern for Portland.

Opportunity:

- Expand both market rate and affordable housing stock by incentivizing mixed-use developments while maintaining existing housing stock.

Issue:

- Certain uses on Oxford, such as the moving / warehouse facilities are not the highest and best use for an urban setting.

Opportunity:

- Study redeveloping these properties into urban mixed-use sites with an increase taxable footprint.
- Is the structured parking at the corner of Chestnut and Oxford maximized to serve the neighborhood?

Opportunity:

- Study the redevelopment potential of the structured parking facility at Chestnut and Oxford to increase parking capacity as well as create liner buildings to promote economic development and better integrate the parking garage with the context.

Pearl Street Focus Area

Issue:

- Sea level rise is an issue for parcels in the more flat areas of Bayside

Opportunity:

- Integrate sea level rise mitigation into all planning efforts and site design standards.

Issue:

- Housing is an important land use in this area, particularly south of Oxford Street.

Opportunity:

- Maintain and expand both affordable and market rate units through policy initiatives and financial incentives.

Issue:

- Scrap yards and surface parking are impediments to growth.

Opportunity:

BAYSIDE TRANSPORTATION MASTER PLAN

SECTION THREE - IDENTIFY ISSUES AND OPPORTUNITIES

- Continue to work with landowners and businesses regarding long-term plans for the area. Develop area specific master plans to promote mixed-use economic development.

Lancaster and Kennebec Streets Focus Area

Issue:

- Sea level rise is an issue for parcels in the more flat areas of Bayside.

Opportunity:

- Integrate sea level rise mitigation into all planning efforts and site design standards.

Issue:

- The DPW site serves an important purpose, however the location is more ideally suited for mixed-use urban infill.

Opportunity:

- Continue to study redevelopment opportunities for the DPW site. Consider expanding the B7 Zone to include the DPW site. Consider potential public / private partnerships to facilitate appropriate redevelopment.

Issue:

- While the existing street grid creates connectivity, certain parcels in this area might be difficult to develop due to street alignments and the resulting parcel sizes.

Opportunity:

- Study the development potential and mobility implications of closing Kennebec Street between Chestnut and Pearl to allow for more efficient urban redevelopment.

Issue:

- Scrap yards and surface parking are impediments to growth.

Opportunity:

- Continue to work with landowners and businesses regarding long-term plans for the area. Develop area specific master plans to promote mixed-use economic development.

Issue:

- The Bayside Trail is not yet maximized for use.

Opportunity:

- Require strong connectivity to Bayside Trail as redevelopment occurs.

Issue:

- The buildings fronting Kennebec Street between Elm and Chestnut are currently used for low intensity uses.

Opportunity:

- Study adapting the buildings fronting Kennebec between Elm and Chestnut for more intensive urban uses.

East Bayside Focus Area

Issue:

- Sea level rise is an issue for parcels in the more flat areas of Bayside.

Opportunity:

- Integrate sea level rise mitigation into all planning efforts and site design standards.

Issue:

- There are certain Brownfield parcels that are currently used for surface parking, which may not be the optimal use for urban lands.

Opportunity:

- Proceed with the Brownfields Area Wide Planning Study. Work with landowners to leverage grants and investments to remediate Brownfields for mixed uses, not just surface parking or open space.

Issue:

- The Ilb Zone does not allow for residential or retail uses.

Opportunity:

- Study if these limitations are helping incubate, rather than restrict new uses that are transforming the nature of the area.

Issue:

- Certain densities of residential use such as Franklin Towers are too urban for the land area, while residential developments such as Kennedy Park are too suburban in form and density.

Opportunity:

- Coordinate master planning efforts of The Portland Housing Authority properties to ensure optimum density as well reestablishing the urban street grid. The Franklin Street Study, The Bayside Transportation Master Plan, and the forthcoming East Bayside Brownfields Area Wide Planning Study, should also be coordinated with the long-term goals of the PHA to maximize potential of the area. Bayside Anchor is a good precedent for urban infill development in this area.

Issue:

- There is a general lack of recreational facilities in Bayside.

Opportunity:

- Maintain the Fox Street recreation field / facilities.

Issue:

- A lack of housing issues is a critical issue for Portland.

Opportunity:

- Maintain and expand both market rate and affordable housing stock, particularly south of Oxford Street and east of Anderson Street.
- Study the implications of allowing housing in the Industrial District. This is the only District in the study area that does not allow housing. The area is experiencing changes of use, including pedestrian oriented as well as incubator uses. Should housing be allowed on second floor and above if industrial uses are allowed on first floor?

Issue:

- East Bayside is a successful incubator for local businesses. This type of first-wave organic economic development is often displaced by larger development projects and an increase in rents.

Opportunity:

- Study the market, land use, and policy trends to understand how this area is thriving as an incubator zone. Potentially create a new District to protect and encourage the dynamic nature of this area.

Issue:

- Many streets in East Bayside are lacking appropriate pedestrian / complete street facilities.

Opportunity:

- Retrofit streets and intersections (such as the current work on Fox and Anderson) to create a safe and inviting environment.

Washington Avenue Focus Area

Issue:

- Washington Avenue provides direct access from I-295 to the downtown, however it is a mixed-use neighborhood, not a travel corridor such as Franklin Street. Some residents have expressed the concern that Washington Avenue is treated as an on / off ramp to I-295, impacting access to land uses.

Opportunity:

- Washington Avenue is a key gateway neighborhood and street to Portland. New development should reinforce the importance of the area as pedestrian-oriented and visually diverse.

Issue:

- Balance the need for parking and redevelopment along the Washington Avenue corridor, because structured parking will most likely built in this focus area.

Opportunity:

- Inventory surface parking lots in the area and identify potential infill opportunities. Inventory existing parking needs and the impact of build-out scenarios.

Issue:

- A lack of housing issues is a critical issue for Portland.

Opportunity:

- Maintain and expand both market rate and affordable housing stock.

Issue:

- Washington Street is now a destination neighborhood during the day and evenings throughout the week.

Opportunity:

- Develop policies to maintain the dynamic mix of uses along Washington Avenue while maintaining the capacity of the corridor as a connection between I-295 and downtown.
- Continue to encourage redevelopment north along Washington Avenue to I-295.

Issue:

- Pedestrian connectivity between East Bayside and Munjoy Hill can be improved.

Opportunity:

- Work with Portland Trails and other organizations to improve connectivity between Bayside and Munjoy Hill. Continue to make intersection, street, and sidewalk improvements to make Washington Street safer for pedestrians while improving connectivity between neighborhoods.

4.0 DESCRIBE FUTURE OBJECTIVE AND PURPOSE AND NEED

Coupled with significant ongoing development from the success of the **A New Vision for Bayside Plan** (2000), and the subsequent various requests by policy makers to address the growth of all modes of traffic in the neighborhood, it is clear that an updated transportation master plan for the area is needed. There are many ongoing studies or questions as to the potential for changes in the overall network grid of streets—reconnections to Franklin Street by streets long dead ended; a refined Marginal Way Master Plan to support multimodal and redevelopment efforts; two-way flow or one-lane configuration assessed for Elm Street and Preble Street; and, a continuous, two-way corridor along Oxford Street/Portland Street allowing travel from Forest Avenue to Washington Avenue. The City continues to view Bayside’s future needs as a top priority. The purpose of this study is to consolidate all prior plans into a contiguous master transportation plan for the study area. The Purpose and Need for the Bayside neighborhood include the following:

Regional Considerations—Although the study area itself generally consists of local streets, Forest Avenue, Franklin Street, Marginal Way and Washington Avenue provide direct linkages with regional transportation assets, including I-295, Routes 1, 22, 302 and 26. More significantly, development in the Bayside area has resulted in a number of projects with a regional draw, including Trader Joe’s, AAA Northern New England headquarters, Whole Foods, and a 12-story Intermed medical office facility. Between recent developments at Unity Village, Bayside Village, Pearl Place, and that proposed for Midtown, over 1,000 units of housing will likely be added since the first Bayside plan was proposed in 2000. This will add even more regional significance to this area, as it will have a significant new population base and economic development.

A Balanced Transportation System—One of the primary goals of this effort would be to continue the creation of a well-integrated urban street grid, consisting generally of two-way streets providing maximum access to development parcels, both existing and anticipated. The current one-way configuration in Bayside results in significant amounts of local traffic being routed to certain streets and away from others, resulting in an imbalance in flows and creating challenges to future development projects. This discontinuous network results in challenges for motor vehicle, transit, pedestrian, and bicyclists. A balanced transportation system would accommodate the needs of these users, as well as

the local needs of motorists and commercial delivery services bicyclist access.

Economic Development—Bayside is currently an engine of economic growth, with tens of millions of dollars invested in new businesses and housing. However, travel and access to this area can be confusing for those not living nearby, regardless of mode. In addition, many parcels have access through a confusing truncated, or one-way street network, limiting their development potential. The outcome of this study might be to have a robust interconnected travel system for all users, allowing trips from one use to another to be shorter and less confusing than they are now. In addition, it would result in a scale of development compatible with the rest of the City as some of the multi-block parcels would be broken up by a more grid-like street system.

Transportation and Land Use—A major premise of this effort will be to directly connect land use and multimodal transportation access. A successful outcome of the project will be to increase the density and access of through streets, as well as reducing travel distance where one-way circulation and access restrictions are not needed. Potential changes will better serve an area with a myriad of development types and services and will add more diversity in the future. The deliverables of the project will be to provide concept-level designs of streets, interconnections and intersections, as well as major parcel configurations and land use recommendations for remaining open parcels. For one focus area (a portion of the Oxford Street/Portland Street segments), a Preliminary Design Report-level of detail will be prepared. The final product will also be informed by the Somerset Street Reconnection and Franklin Street Feasibility Phase II studies. While much of Bayside is evolving from a largely post-industrial past, areas adjacent to active urban centers will strive to create harmony with these existing facilities.

Environment and Energy—A comprehensive transportation plan for the Bayside area will allow for the continuation of transit-supportive mixed-use urban development, encouraging walking and biking, and reducing the tendency toward sprawl in more rural and suburban areas. Reconnecting the grid of streets and converting one-way streets to two-way streets wherever feasible will increase the location efficiency of Bayside, decreasing energy consumption and pollution by streamlining trips.

Complete Streets—A significant part of this work will be to examine the primary streets in Bayside to determine how they can be made into more Complete Streets—that is, to better serve all users of all ages, modes and abilities. This

is in keeping with the City’s transportation policies, and soon, its updated Technical Manual and Design Manual. Where feasible, the potential for better access of all types should be evaluated. An important aspect of Complete Streets is that they are designed to support the existing and future land use context. A key goal of this planning effort is to integrate land use and mobility in a seamless manner to achieve the desired function and character of each street and neighborhood within Bayside.

Street Elevations/Evacuation Routes—As part of the upcoming Somerset Street and Franklin Street projects, as well as ongoing development work and the City’s commitment to addressing the impacts of climate change, the study will consider potential needs and issues associated with street elevations, particularly in the area bounded by Fox Street, Anderson Street, Marginal Way, Forest Avenue, and Lancaster Streets. As part of this work, discussion on revised evacuation routes may be considered as well. It should be noted that geotechnical explorations will soon begin on Somerset Street, and some will likely occur on Franklin Street, therefore, the study may benefit from additional detailed information.

Carrying Capacity/Development Potential—Since the original Bayside Plan, several hundred thousand square feet of development has occurred in this area, ranging from medical office, to student housing, to grocery and other retail uses. While the scale of development has been and continues to be significant, the type of development is trending more toward housing and less toward office uses than was expected in the original plans. This has resulted in different travel patterns and mode-shares than originally anticipated. Given the types of development now being proposed for the area, it is likely that this change will continue, which in turn will inform all aspects of the street system including street width, parking and intersection design.

The Project Purpose and Need was specifically defined as follows:

The **Bayside Transportation Master Plan** will build on previous studies, recent and anticipated growth, and adopted zoning and standards, integrating mobility, transit, complete streets, and urban design, creating a strategic framework for neighborhood revitalization and leveraged investments.

5.0 ALTERNATIVE DEVELOPMENT AND RECOMMENDATIONS

5.1 Marginal Way Focus Area

5.1.1 Alternative Development

Changes to Marginal Way focus on implementing changes that provide a consistent roadway design—increase safety and balanced multi-modal conditions. A key factor in the evaluation of modifications was coordination with the City’s Marginal Way Stormwater Storage Conduit project located in Marginal Way between Preble St and the Portland Water District treatment plant. That project is scheduled for construction in 2016-2017; recommendations need to fit this timeline from an implementation perspective. Draft plans from that project are provided in the Appendix. A summary of the alternative analysis process for development of improvements along Marginal Way are noted as follows.

Marginal Way (Roadway Segment)

From a capacity perspective, intersections dictate the number of lanes required on Marginal Way and based upon traffic analysis, one travel lane in each direction is sufficient to accommodate future traffic volumes. Given that the roadway segment of Marginal Way is assumed to have one travel lane in each direction, strategies to improve safety deficiencies was a focus. As noted in Section 2, Marginal Way has several High Crash Locations. Investigation of a buffered/protected bicycle lane was performed. This consisted of locating the bicycle facility along the curb, and using on-street parked vehicles and a buffer area as a way to protect cyclists. Based upon maintenance concerns from the MaineDOT, this design component was eliminated from consideration. In addition, recommendations investigated establishing consistent sidewalks and esplanade areas.

Marginal Way/Franklin Street Intersection

Investigation of options for providing improved pedestrian crossing from the northeast corner (Park and Ride Lot) to southeast and northwest corners, and coordinated with the long-term Franklin Street plan was performed. Coordination of the project with MaineDOT indicated concern with providing a

crosswalk accross the I-295 Ramp approach. Accordingly, this crosswalk is not included as part of the recommended plan, but traffic conditions should be monitored following plan implementation to assess whether this crosswalk can be added in the future.

Marginal Way/Chestnut Street Intersection

A traffic signal is being installed as part of the Midtown Traffic Movement Permit and plans take this into account. The existing crosswalk with RRFB and refuge island will be removed and replaced with traditional signalized crosswalks. Crosswalks will be provided on all four legs of the intersection.

Marginal Way/Preble Street/Elm Street Intersection

The key alternative investigated for this intersection was the feasibility of removing one left-turn movement from Preble Street and thus allowing only one eastbound lane on Marginal Way. Refer to Section 5.1.4 for results of the traffic analysis. As indicated, the intersection will still operate acceptably from a level of service perspective, and thus recommendations include this change. Additionally, geometric modifications are included for improved pedestrian safety.



Figure 5-1: Marginal Way Focus Areas

Marginal Way/Forest Avenue/State Street/Kennebec Street

The key alternatives investigated for this intersection included the feasibility of providing an exclusive pedestrian phase and changing the lane assignment on Marginal Way to separate left, through, and right lanes. Given concerns by MaineDOT for changes to the Marginal Way approach, and recent changes at Exit 6 of I-295, improvements focus on the Forest Avenue/Kennebec Street intersection. The modifications improve overall pedestrian facilities for existing and the future Bayside Trail crossing. Refer to Section 5.1.4 for results of the traffic analysis.

5.1.2 Recommended Concept

The recommended concept plan provides a consistent roadway that provides quality conditions for all modes with **Table 5-1** noting how the modifications meet project goals.

Marginal Way

Figures 5-2, 5-3 and **5-4** illustrate the key elements of Marginal Way. Between Plowman Street and Cove Street two 10-foot travel lanes, two 10-foot truck parking lanes and two 6-foot bike lanes are recommended. Near the AAA/ Napa Auto building, Marginal Way is recommended to be comprised of one 11-foot travel lane in each direction, a 12-foot center lane, two 5-foot bike lanes, an 8-foot parking lane on the south side and buffer areas for the bike lanes. Between Preble Street and Forest Avenue, Marginal Way is recommended to be comprised of one 11-foot travel lane in each direction, a 13-foot center lane, two 6.5-foot buffered bike lanes, 8-foot parking lanes on the both sides.

	Goals	Met/How
Proposed Recommendations	Increase safety and functionality for all modes at Preble/Elm, Forest/ Kennebec, and Franklin intersections	Yes — Improvements at each of the noted intersections will improve safety and function.
	Implement Complete Streets improvements for the entire length of Marginal Way with more consistency	Yes — Consistent roadway section with bike lanes, additional cross-walks, and transit improvements are included.
	Create a new Pearl Street connection/ intersection; consider potential for future transit connection on Pearl St	Yes — The plan recommends this connection as part of future redevelopment activities.

Table 5-1: How Marginal Way Improvements Meet Project Goals

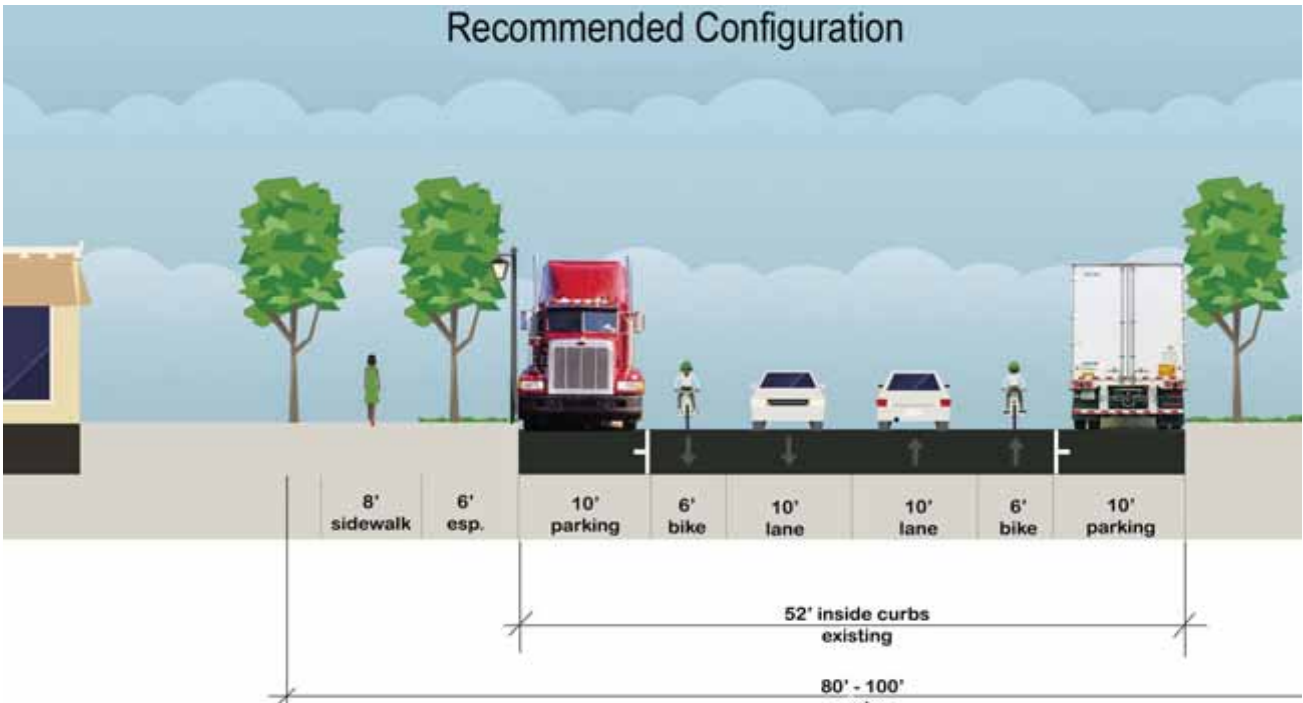


Figure 5-2: Marginal Way Plowman Street to Cove Street

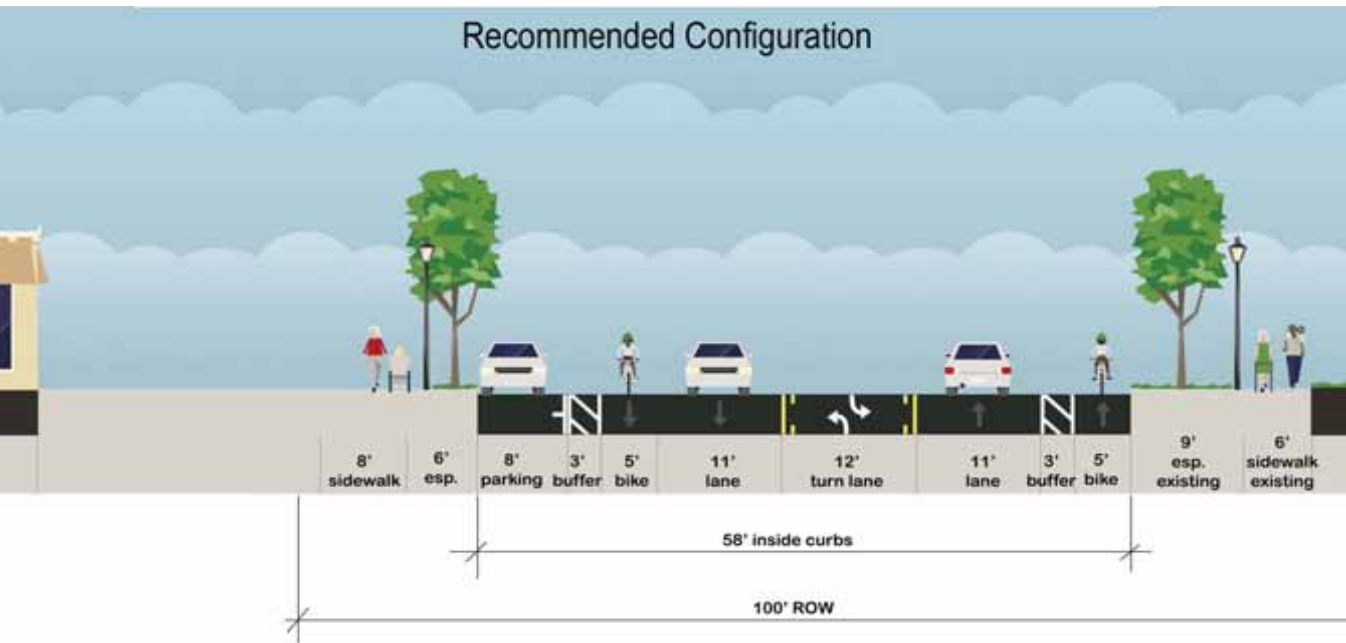


Figure 5-3: Marginal Way AAA-Auto Looking West

BAYSIDE TRANSPORTATION MASTER PLAN

SECTION FIVE – ALTERNATIVE DEVELOPMENT AND RECOMMENDATIONS

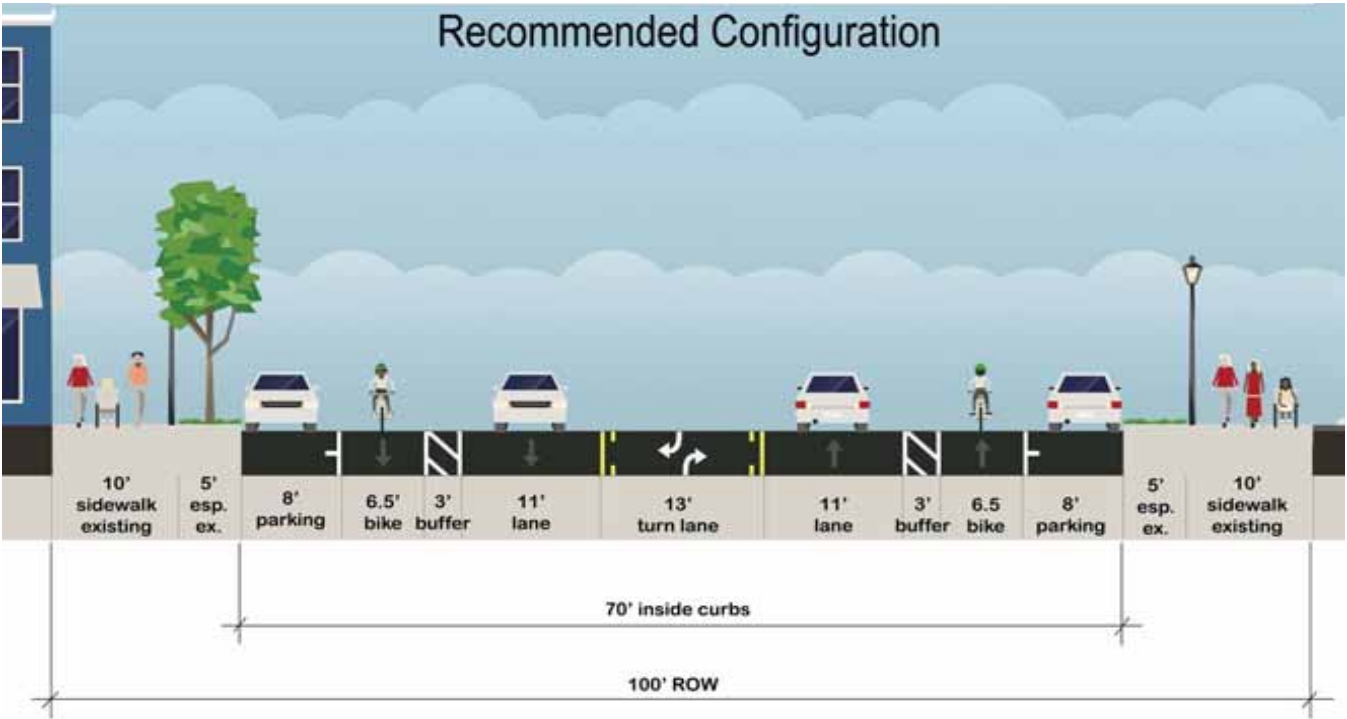


Figure 5-4: Marginal Way West of Gorham Savings Bank

Marginal Way/Franklin Street Intersection

The primary goal of this study intersection is to leverage the modification of Marginal Way with the Underground Stormwater Conduit Project (to be constructed in 2016/2017) to provide interim safety, capacity, and multimodal modifications until longer term changes from the Franklin Street Study can be implemented. Proposed key changes to the intersection are illustrated on **Figure 5-5** and include:

- **Additional Vehicle Capacity**

- *Eastbound Marginal Way Approach*—remove island and change lane configuration to a left lane, a through lane and a right lane (it is currently a shared through/left lane and separate right lane).
- *Westbound Marginal Way Approach*—remove island and change lane configuration to a left lane, a through lane and a right lane (it is currently a shared through/left lane and separate right lane).

- **Pedestrian Modifications**

- Add a pedestrian crosswalk to the easterly Marginal Way intersection leg;
- Add a sidewalk from Park and Ride lot to Franklin Street; add curb ramp on northeast corner; and
- Modify the southerly Bayside Trail crossing (crossing Franklin Street northbound) from a two-stage crossing to a one-stage crossing (crossing can be made during a single WALK pedestrian phase).

- **Additional Modifications**

- Westbound Marginal Way—tighten up the intersection and remove one departure lane.

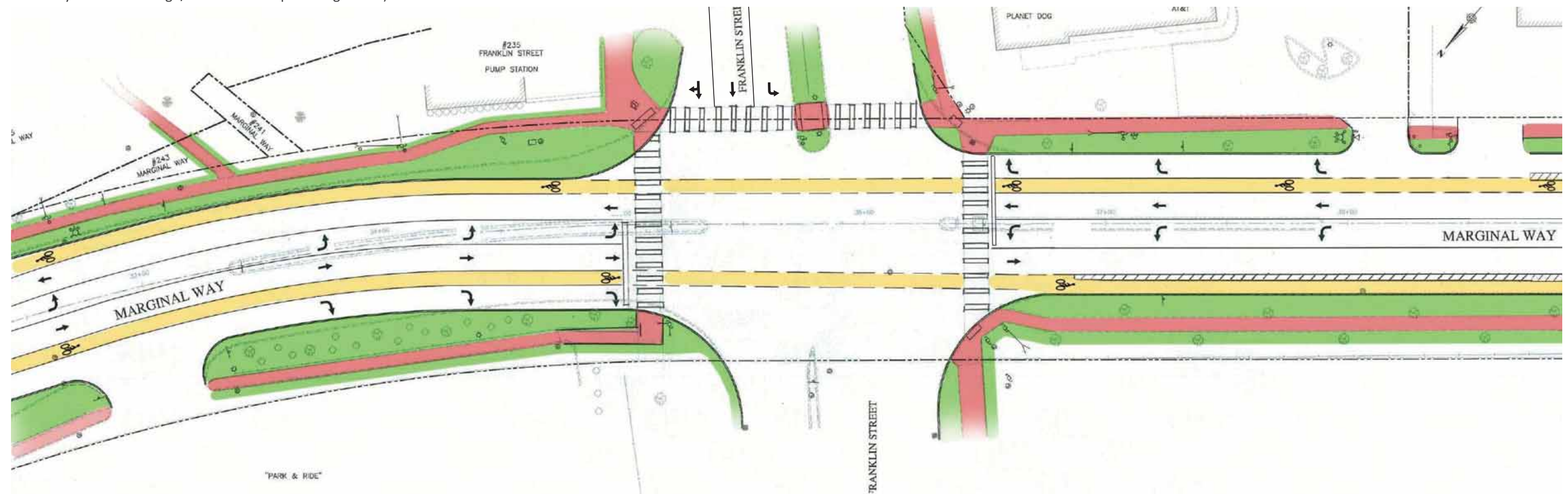


Figure 5-5: Marginal Way / Franklin Street

BAYSIDE TRANSPORTATION MASTER PLAN

SECTION FIVE – ALTERNATIVE DEVELOPMENT AND RECOMMENDATIONS

Marginal Way/Chestnut Street Intersection

To address the goals of the study, the recommendations consist of creating a consistent 3-lane roadway cross-section by eliminating one eastbound travel lane east of the intersection for safety benefits. This change is possible by providing only one left turn lane from Preble Street Extension to eastbound Marginal Way. Having a single left turn lane also allows a more efficient traffic signal with simplified/typical signal phase movements. Additionally, improved pedestrian conditions are recommended in the form of corner modifications that reduce crossing distance. **Figure 5-6** illustrates the modifications.

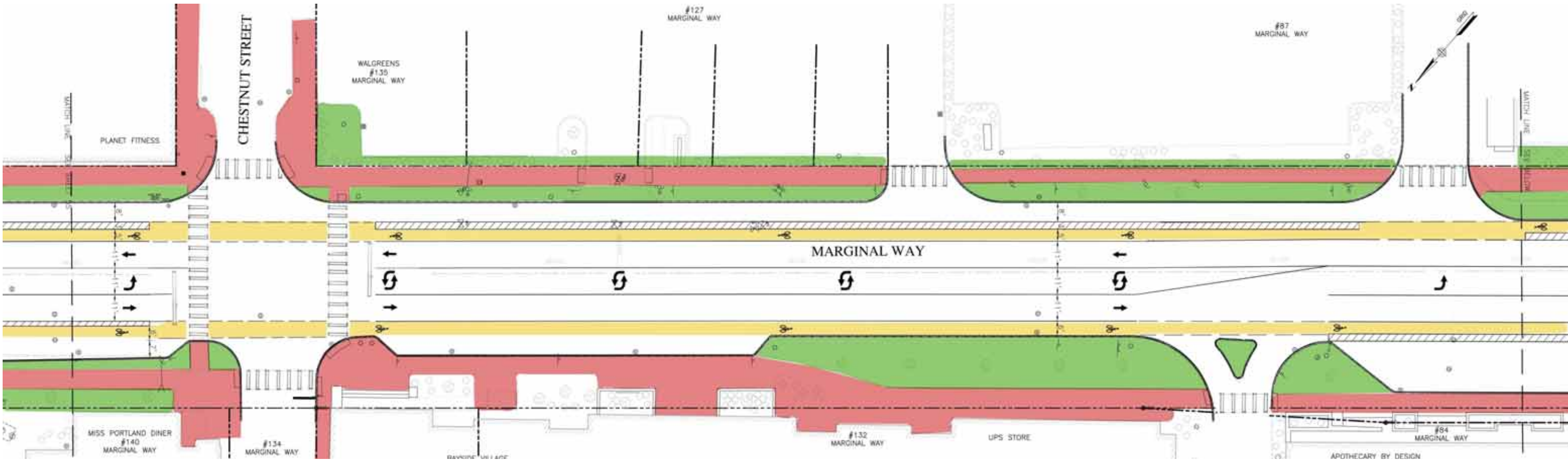


Figure 5-6: Marginal Way/Chestnut Street Intersection

Marginal Way/Preble Street/Elm Street Intersection

To address the goals of the study, recommendations consist of creating a consistent 3-lane roadway cross-section by eliminating one eastbound travel lane east of the intersection for safety benefits. This change is possible by providing only one left turn lane from Preble Street Extension to eastbound Marginal Way. Having a single left turn lane also allows a more efficient traffic signal with simplified/typical signal phase movements. Additionally, improved pedestrian conditions are recommended in the form of corner modifications that reduce crossing distance.

Figure 5-7 illustrates the modifications.

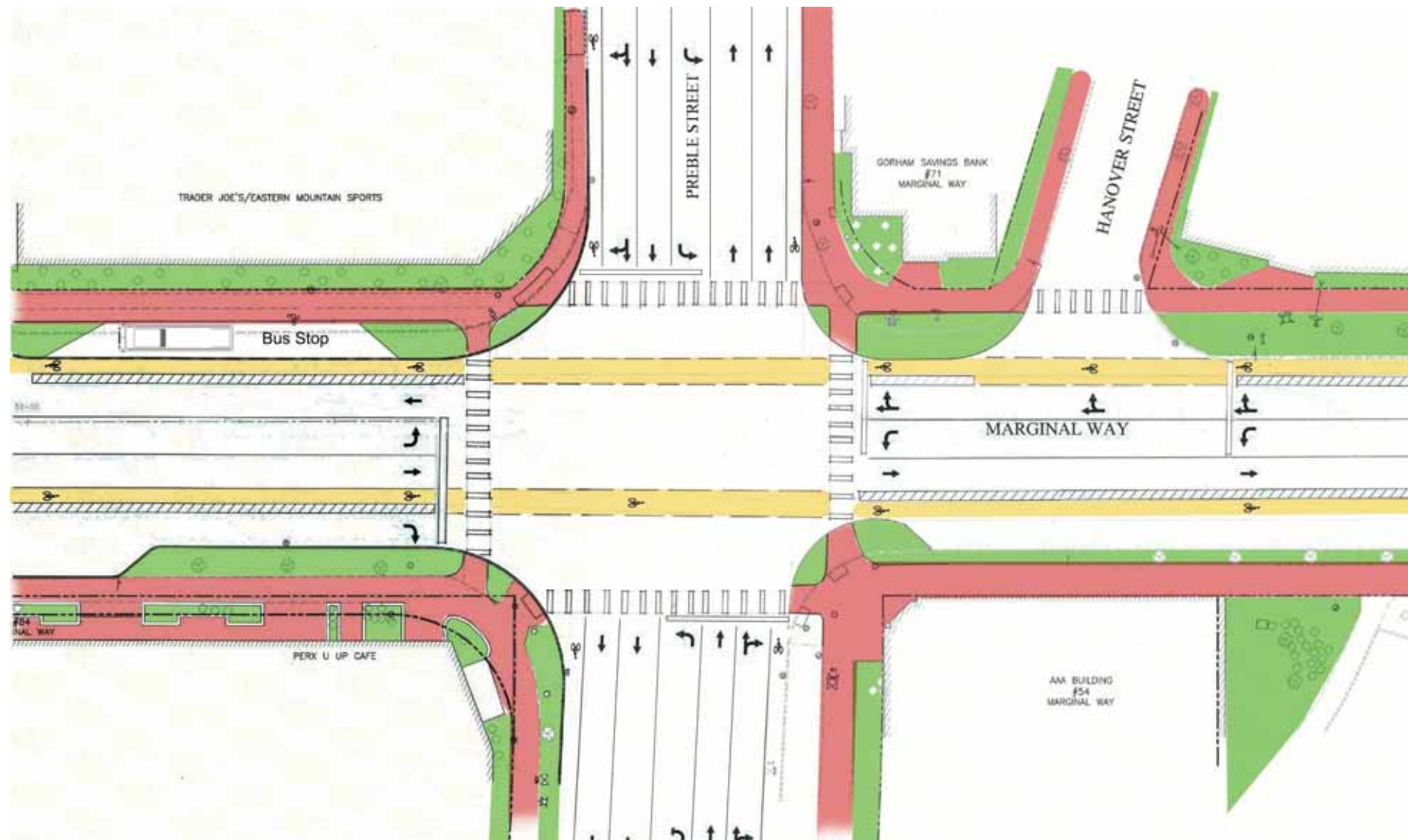


Figure 5-7: Marginal Way/Preble Street/Elm Street Intersection

BAYSIDE TRANSPORTATION MASTER PLAN

SECTION FIVE – ALTERNATIVE DEVELOPMENT AND RECOMMENDATIONS

Marginal Way/Forest Avenue/Kennebec Street Intersection

The primary goal at this study intersection is to provide safer and more direct pedestrian and bicycle movements through the intersection, building upon the recent changes to I-295 Exit 6 by MaineDOT (2015), subsequent study of Forest Avenue in the vicinity of Exit 6/Deering Oaks (2017), and consideration of land use and transportation opportunities along Kennebec Street (ongoing). Proposed key changes to the intersection are illustrated on **Figure 5-8** and include:

- Forest Avenue Southbound—add crosswalk across Forest Avenue;
- Forest Avenue Northbound—formally define one through lane and one shared through/right lane; remove median; move stop bar forward; add bike lane;
- State Street Eastbound—no change;
- Kennebec Street—remove channelized island; tighten radius for Northbound Forest turning traffic (explore necessary radius for design vehicle [fire ladder truck, etc.]);
- Marginal Way Westbound—no change; and
- Pedestrian—Realign existing crosswalks, add new crosswalk across Forest Avenue southbound approach; investigate feasibility of a diagonal crosswalk with exclusive pedestrian phase (see Traffic Modeling Section).

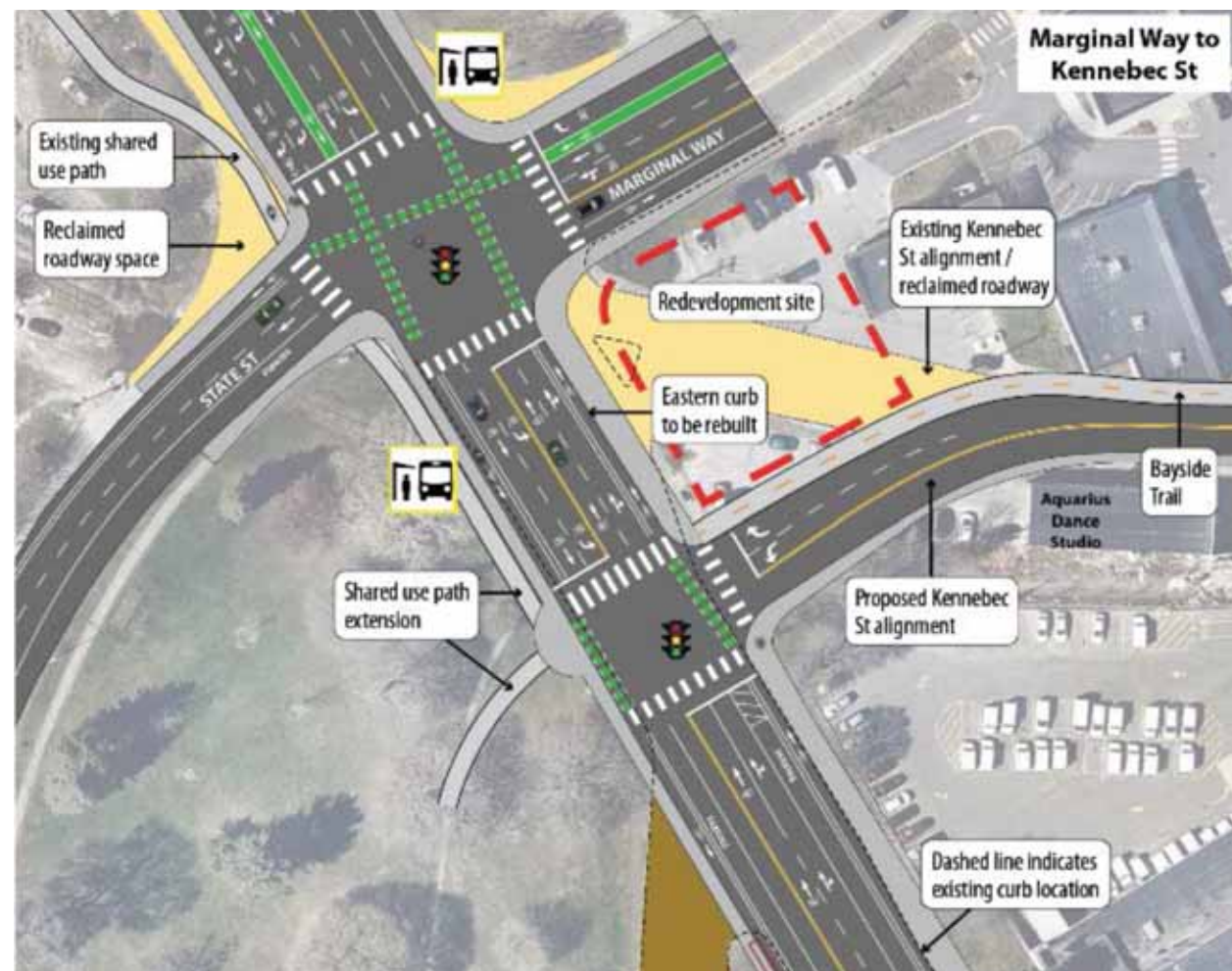


Figure 5-8: Marginal Way/Forest Avenue/Kennebec Street Intersection

5.1.3 Traffic Modeling

SimTraffic analyses at the major signalized intersections were performed to evaluate traffic operating conditions under existing and future traffic volume conditions. 2035 Design Year traffic volumes from the PACTS model was used and are depicted on **Figure 5-9**. A summary at each intersection follows.

Forest Avenue/Marginal Way/Kennebec Street/ State Street

Evaluations performed during the PM peak hour included (see **Table 5-2**):

- **A:** 2014 Existing Conditions;
- **B:** 2035 No-Build Condition—no changes made to the existing layout;
- **C:** 2035 Marginal Way proposed improvements (revised layout to separate left, through and right lanes); and
- **D:** 2035 Marginal Way proposed improvements with an exclusive pedestrian phase for a proposed diagonal crosswalk.

Model Assumptions:

- No vehicular timing changes between the three models—each assumed a 130 second cycle length; and
- Diagonal crosswalk crossing time was conservatively assumed to be 33 seconds in length; this required the overall cycle length to be increased from 130 seconds to 165 seconds.

Conclusion:

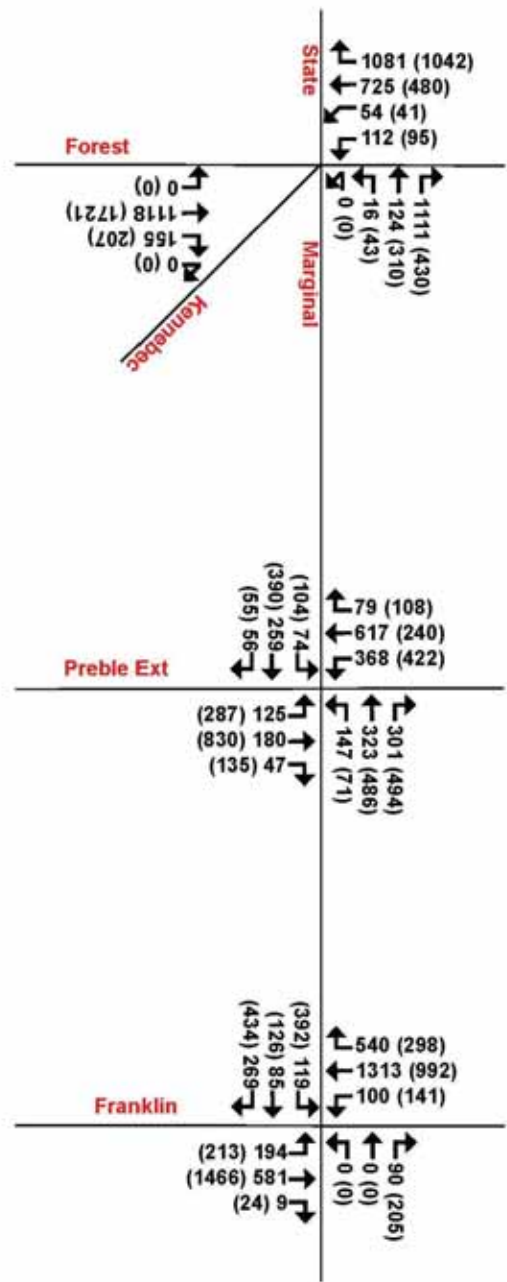
- Delays to NB Forest Avenue occur at the High Street intersection and model conclusions at Kennebec Street are not representative of field conditions;
- Changing the lane assignment on Marginal Way WB from a shared left/through lane, through lane and right lane to separate left, through and right lanes, does not cause significant degradation to the intersection level of service; and
- Creating a diagonal crosswalk and exclusive pedestrian phase reduces the level of service and increases delay at the subject intersection.

Recommendation:

- Forest Avenue Northbound Approach—formally define one through lane and one shared through/right lane; remove median; and move stop bar forward; and
- Kennebec Street—remove channelized island; tighten radius for northbound Forest Avenue turning traffic;
- Pedestrian—realign existing crosswalks, add new crosswalk across the Forest Avenue southbound approach and provide ADA compliant facilities and pedestrian signal equipment;
- Traffic Signal—equipment, phasing and timing will be modified; and
- Bicycling—bike lanes on Forest Avenue from Park Avenue to Marginal Way/State Street.

Scenario	PM Peak Hour LOS	PM Peak Hour Delay Sec
A: 2014 Existing Condition	C	22.6
B: 2035 No Build	C	31.0
C: 2035 Marginal Improvement	C	30.6
D: 2035 Marginal Way Improvements with Exclusive Pedestrian Phase	D	38.0

Table 5-2: Forest Ave/Marginal Way/Kennebec St. Level of Service Summary.



AM PEAK
PM PEAK

Figure 5-9: 2035 Peak Hour Traffic Volumes (Source: TYLI/City of Portland)

BAYSIDE TRANSPORTATION MASTER PLAN

SECTION FIVE – ALTERNATIVE DEVELOPMENT AND RECOMMENDATIONS

Franklin Street/Marginal Way

Evaluations performed during the PM peak hour included (see **Table 5-3**):

- **A:** 2014 Existing Conditions;
- **B:** 2035 No-Build Condition—no changes made to the existing layout. Timing is updated for the future conditions;
- **C:** Marginal Way proposed modifications (including crosswalk) with current crosswalk timings for the Franklin Street NB crossing; and
- **D:** Marginal Way proposed modifications with a one-stage crossing for pedestrians crossing Franklin Street NB.

Model Assumptions:

- Signal timings modeled were optimized;
- Left turns on Marginal Way were modeled as permissive-protected; and
- All crosswalks are assumed to operate concurrently. When the Franklin Street NB crosswalk was modified from a two-stage to a one-stage, the crossing time was increased to 35 seconds; this required an increased cycle length of 15 seconds and an increased Marginal Way green signal phase from 20 seconds to 45 seconds.

Conclusion:

- The increased capacity resulting from modifying the layout on Marginal Way eastbound and westbound approaches from shared left/through and separate right lanes to separate left, through and right lanes decreases the overall delay at the intersection; and
- Modifying the crosswalk across the northbound Franklin Street approach to a one-stage crossing and modifications made by increasing Marginal Way capacity results in an intersection that still operates acceptably and operates better than the No-Build (existing) conditions.

Scenario	PM Peak Hour - LOS	PM Peak Hour - Delay Sec
A: 2014 Existing Condition	E	64.8
B: 2035 No Build	F	96.2
C: 2035 Marginal Improvements (2-stage Pedestrian Crossing)	D	49.4
D: 2035 Marginal Way Improvements (1-stage Pedestrian Crossing)	D	49.7

Table 5-3: Franklin Street/Marginal Way/Level of Service Summary.

Intersection of Marginal Way/Preble Street/Elm Street

Evaluations performed during the AM and PM peak hours included (see **Table 5-4**):

- **A:** 2035 No-Build Condition; and
- **B:** 2035 Build Condition (with a new SB lane configuration of left lane, through lane, and a combined through/right lane).

Model Assumptions:

- Signal timings modeled were optimized;
- Left turns on Marginal Way were modeled as permissive-protected; and
- All crosswalks are assumed to operate concurrently.

Conclusion:

- During the AM peak hour, modifying the Preble Street SB lane configuration improves the overall operation of the intersection. During the PM peak hour, this modification has no effect on overall intersection level of service, although delay does increase slightly.

Scenario	AM Peak Hour - LOS	AM Peak Hour - Delay Sec	PM Peak Hour - LOS	PM Peak Hour - Delay Sec
A: 2035 No Build	C	29.0	D	44.7
B: 2035 Build	B	19.9	D	46.3

Table 5-4: Marginal Way/Elm Street/Preble Street. Level of Service Summary.

5.1.4 – Pedestrian and Bicycle/StreetscapeMarginal Way

- Refer to **Figures 5-2 to 5-4** for specific bicycle lane and sidewalk recommendations;
- Tighten the driveways at Plowman Street and Marginal Way;
- Prohibit U-Haul parking of trucks or trailers on Plowman Street to improve visibility of Bayside Trail users;
- Provide shared lane markings (SLM) on roadway east of Plowman Street;
- Maintain straight-through bike and auto lanes on Marginal Way west though Franklin Street intersection;
- Incorporate the redesign of the Bayside Trail near Planet Dog (City/MaineDOT future project);
- Close excessive curb cuts and prohibit parking within public right-of-way;
- Provide a sidewalk and esplanade as depicted in illustrative cross-sections along the entire south side; and
- Add curb ramp to end of Tukey Street shared use path onto Anderson Street.

Forest Avenue/Marginal Way/Kennebec Street Intersection

- Incorporate crosswalks on all sides of intersection;
- Add enhanced bike lane (green) on Marginal Way to define street pace and right turning traffic;
- Redesign the entrance to Kennebec Street so there is just one curb opening; and
- Consider bollard style lighting on Forest just south of NB entrance ramp to I-295. Vehicle traffic is aggressive and not accustomed to cyclist and pedestrians here.

5.1.5 – Transit

The three bus stops along Marginal Way are recommended for slight adjustments to align with driveways, proposed curb cuts, and pedestrian crossings. As shown in **Figure 5-10**, the Trader Joe’s bus stop is moved to the nearside of the driveway, the former Department of Health and Human Services stop is moved west to the farside of the driveway, and the Franklin Street bus stop is moved further west of the intersection to the far side of the driveway. Moving this stop further from the intersection of Marginal Way and Franklin Street will reduce conflicts with right turning vehicles.

The stop relocations would include providing an ADA-compliant landing area and aligning the stop with the on-street parking lane. The bus stop area should also be clearly defined by providing a bus stop sign at the front and a “no parking sign” at the back. Recommendations would be integrated into the Marginal Way Stormwater Storage Conduit project improvements. Bus stop amenities, such as shelters and benches, should be determined for each stop concurrently with long-term planning for Route 8.

5.1.6 – Land-Use

A redesigned Marginal Way will better support existing, new, and adaptive land uses:

- Apply existing and new standards in order that site designs and building placements reinforce the pedestrian street experience;
- Consider more strongly limiting suburban strip development. Revisit zoning and design standards that allow existing strip style development to be redeveloped in a similar manner;
- The intersection of Elm Street and Marginal Way is a good example of buildings defining the street, although ideally the EMS/Trader Joes building would be four floors and have entrances facing Marginal Way. Proposed improvements will improve pedestrian crossings;
- Incentivize taller buildings (minimum four floors) along Marginal Way. Marginal Way is wide and taller buildings are appropriate for creating scale and increasing land values;
- Allow Marginal Way to the east of Franklin Street to remain an incubator for different industrial/light manufacturing uses. However, new developments should address the street in a pedestrian manner; and

- Study the redevelopment potential of parcels such as Enterprise Rental in order to maximize the urban condition at key intersections, improve the pedestrian environment, and better define the gateway to downtown Portland.



Figure 5-10: Recommended Stop Relocations along Marginal Way

5.2 Preble and Elm Streets Focus Area

5.2.1 – Alternatives Development

The issues with the Preble and Elm Streets corridor include low connectivity and accessibility due to the existing two-lane, one-way street configuration and the lack of bicycle and pedestrian facilities. The goal of this focus area is to create better bicycle and pedestrian travel, reinforce speed limits through the streets design, improve connectivity, and increase the on-street parking supply.

Three different alternatives were assessed relative to these goals and included:

- No-Build (leave the current one-way, two-lane configuration);
- Two-way configuration on Preble and Elm Streets; and
- One-way, one-lane configurations.

Table 5-5 summarizes alternative proposal cons. While the existing configuration has no net cost, it does not meet the goals for this focus area. Because of this, this alternative was eliminated from consideration and used only for future comparisons of traffic operations.

The two-way configuration was estimated to operate acceptably while expected to slow excessive vehicular speeds and allow for improved circulation and accessibility for local businesses, buses, and general traffic. While it does not allow for bike lanes (unless on-street parking is removed), this configuration would likely reduce wrong way bicycle movements. Drawbacks to this configuration include a reduction in parking; the highest number of conflict points due to turning movements at intersections, and the higher implementation cost.

The one-way, one-lane configuration was also shown to operate at acceptable levels of service and is expected to reduce the incidence of excessive speeding. While it does not address potential wrong-way bike movements, it does allow for on-road buffered bicycle lanes, increases pedestrian safety (pedestrians only cross one lane of traffic), and allows for new bus layout options. It offers no improvement to circulation and does not allow vehicles the opportunity to pass slower moving or turning vehicles; and, like the two-way configuration it increases the difficulty for vehicles to exit the Elm Street parking garage (an evaluation of the Elm Street garage was performed and modeling indicates acceptable levels of service will be provided). This option does, however, reduce the number of conflict points (turns at intersections) including one of the most common types of crashes in the corridor—improper lane change movements and allows for existing parking to be maintained (although possibly moved) and in some areas increased. There is a relatively low cost associated with

implementing this configuration.

Because of the relatively low cost, the one-lane configuration option has the greatest benefits versus cost for all types of users, and accordingly is the recommended alternative. It is recommended that, as further development continues in Bayside, the two-way configuration be reconsidered for implementation.

	Pros	Cons
Existing Configuration	Cost: Lowest cost option Vehicular Movements: Few turn prohibitions Vehicular Collision Conflict Points: Relatively small number of possible conflict points Accessibility and Circulation: Ability to pass slow moving or turning vehicles due to two-lane configuration	Bicycle: • No on road bicycle accommodations • Does not correct wrong-way bicycle movements Pedestrian: No change in pedestrian safety Accessibility and Circulation: Poor traffic access and circulation Parking: No change Transit: No change in bus circulation
Two-Way Configuration	Bicycle: Eliminates wrong-way movements Accessibility and Circulation: • Allows traffic to circulate without one-way street constraints • May reduce the incidence of speeding when compared to current one-way two-lane configuration Transit: Improves service to METRO Pulse and bus circulation	Cost: High cost to implement Bicycle: No on road bicycle accommodations unless on-street parking is removed Pedestrian: Some improvement in pedestrian safety due to elimination of dual threat for crossing two one-way travel lanes Vehicular Movements: Turn prohibitions may be necessary at Congress St Vehicular Collision Conflict Points: Highest number and severity of possible conflict points Accessibility and Circulation: • No ability to pass slow moving or turning vehicles • Difficult to exit the Elm Street parking garage Parking: Reduction in parking
One-way, One-lane Configuration	Cost: Relatively inexpensive cost to implement Bicycle: On road buffered bicycle lanes Pedestrian: Increase in pedestrian safety due to less travel lanes to cross new bus layout options Accessibility and Circulation: No reduction in capacity at Marginal Way, Cumberland, and Congress Streets Vehicular Movements: Few turn prohibitions Vehicular Collision Conflict Points: Smallest number of possible conflict points Parking: Maintain and possibly increase on-street parking Transit: Elm Street improved at Pulse	Bicycle: Does not correct wrong way bicycle movements Accessibility and Circulation: • No improvement • No ability to pass slow moving or turning vehicles • Reduction in overall corridor capacity • Difficult to exit the Elm Street parking garage Transit: No change in bus circulation

Table 5-5: Preble/Elm Streets/Alternative Pros/Cons Comparison

5.2.2 – Recommended Concept

Under the recommended one-lane configuration, two lanes will continue to be provided departing the Marginal Way intersection traveling southerly on Preble Street. One of the travel lanes will transition to a left-turn lane turning onto Somerset Street (the City is expected to be constructing this roadway segment between Preble and Elm Streets). Special advisory signing is suggested for the change from a through lane to a left lane. Approach lane capacity reductions are not proposed on Cumberland Avenue at Preble and Elm Streets. The lane configurations are recommended to change to a left lane and a shared through/right lane versus two general purpose lanes on both Preble and Elm Streets. Intersection level of service is projected to be acceptable. No changes to approach lanes are proposed for Preble Street at Congress Street and Elm Street at Marginal Way. Refer to the following section for level of service results. **Table 5-6** notes how the proposed concept meets project goals.

In general, Preble Street has a wider roadway width than Elm Street with 37 feet of curb-to-curb width. The recommendation includes 8-foot parking lanes next to the curb on both sides, a 12-foot travel lane, and a 6-foot bike lane with a 3-foot buffer separating cyclists from parked vehicles. **Figure 5-11** depicts this concept.

Elm Street has a narrower roadway width of 32 feet curb-to-curb width on average. The long term recommendation includes an 8-foot parking lane on the easterly side, a 13-foot travel lane and a 5-foot bike lane buffered by 3 feet of striping on both the travel lane and parking lane sides. **Figure 5-12a** depicts this concept. The short-term recommendation is to maintain two travel lanes but add Shared Lane Markings and a parking lane line adjacent to the on-street parking. **Figure 5-12b** depicts this concept.

Figures 5-13 through 5-15 illustrate the layout of the recommended plan.

	Goals	Met/How
Proposed Recommendations	Create better bicycle and pedestrian travel	Yes — Bike lanes added and less travel lanes to cross for pedestrians.
	Reduce speeding	Yes — Reduced speeds are possible with less travel lanes.
	Improve connectivity	No
	Provide more parking	Yes — Approximately 46 new spaces created.

Table 5-6: How Preble/Elm Streets Modifications Meet Project Goals

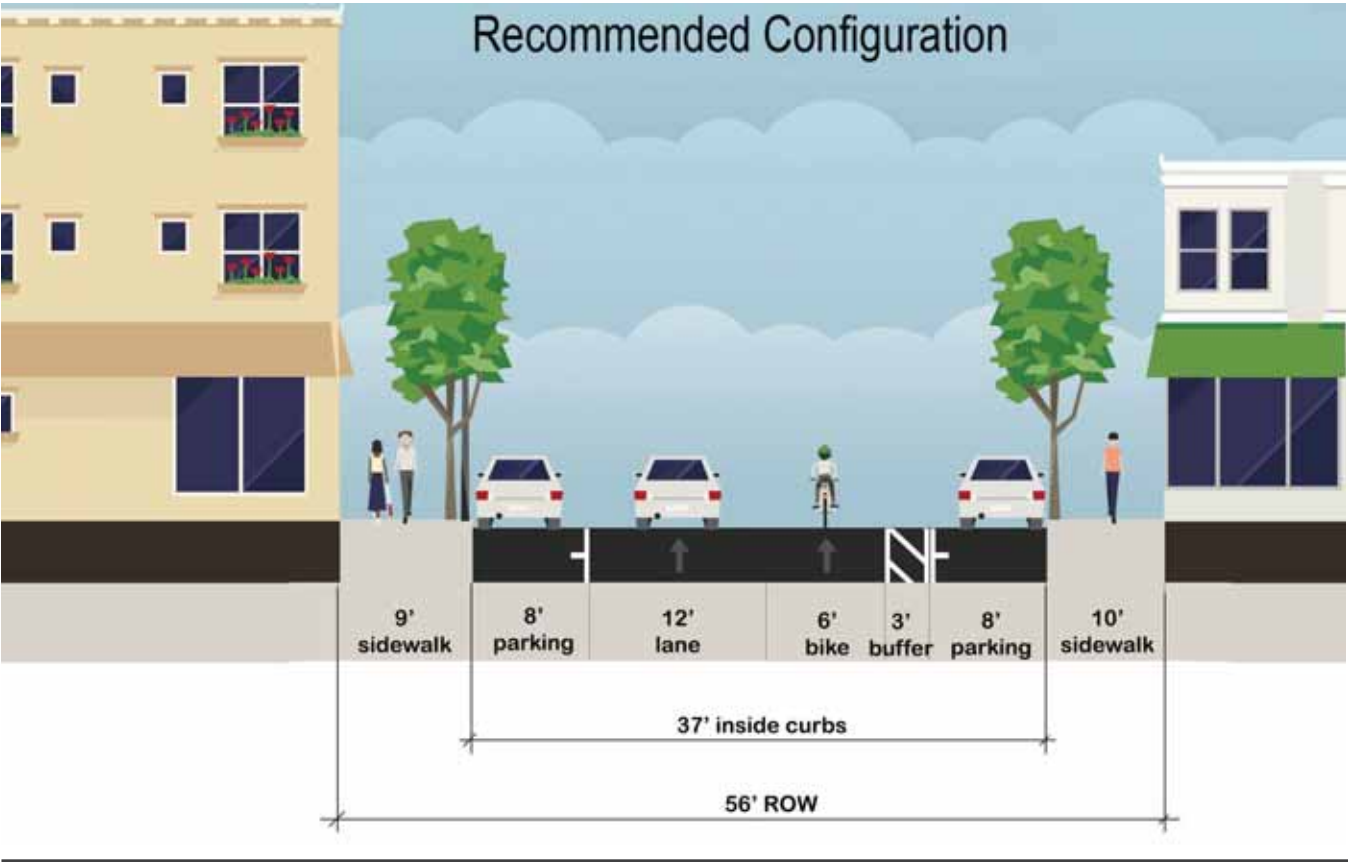


Figure 5-11: One-way Preble Street at Resource Center - South

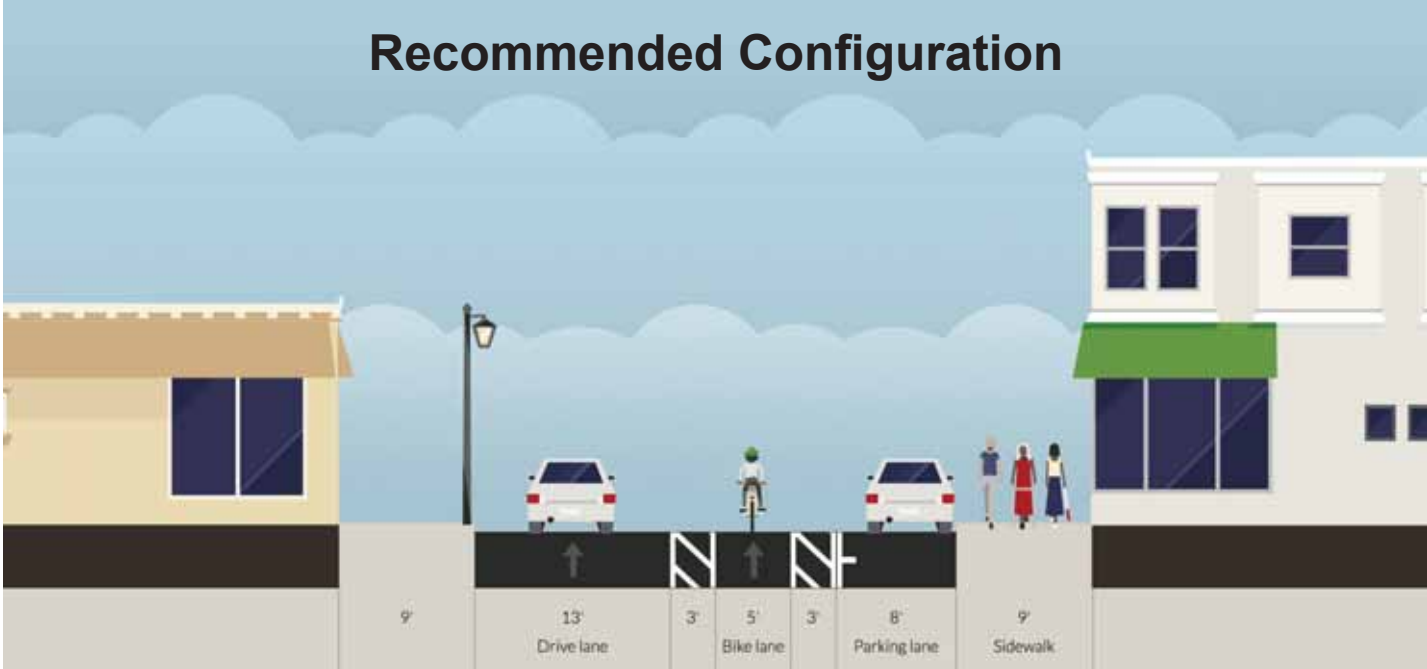


Figure 5-12a: Long-Term Recommendation. One-way Elm Street Near Lancaster Street - North



Figure 5-12b: Short -Term Recommendations. One-way Elm Street Near Lancaster Street - North

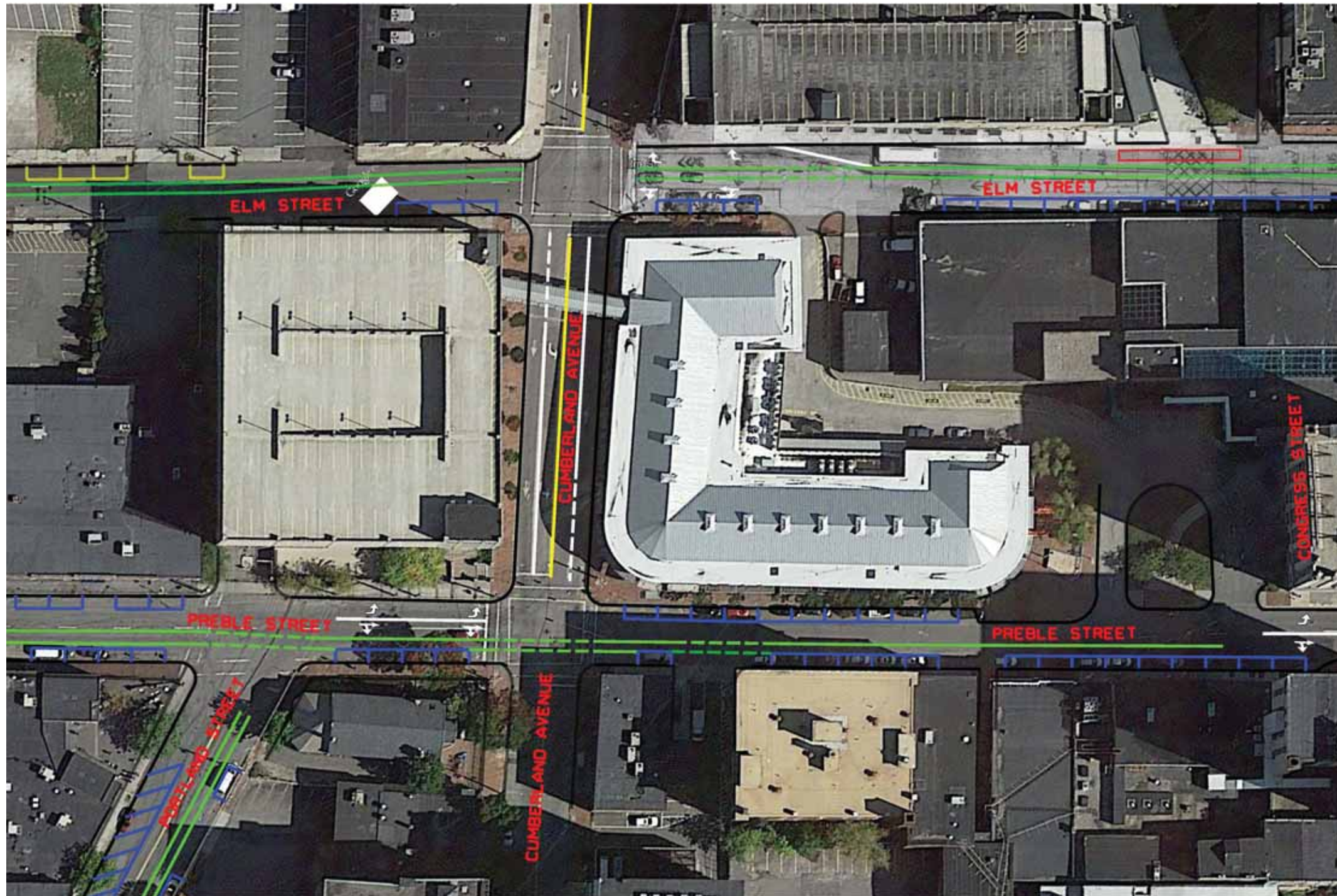


Figure 5-13: Section 1 of 3 – Preble and Elm Street - Long Term

BAYSIDE TRANSPORTATION MASTER PLAN

SECTION FIVE – ALTERNATIVE DEVELOPMENT AND RECOMMENDATIONS

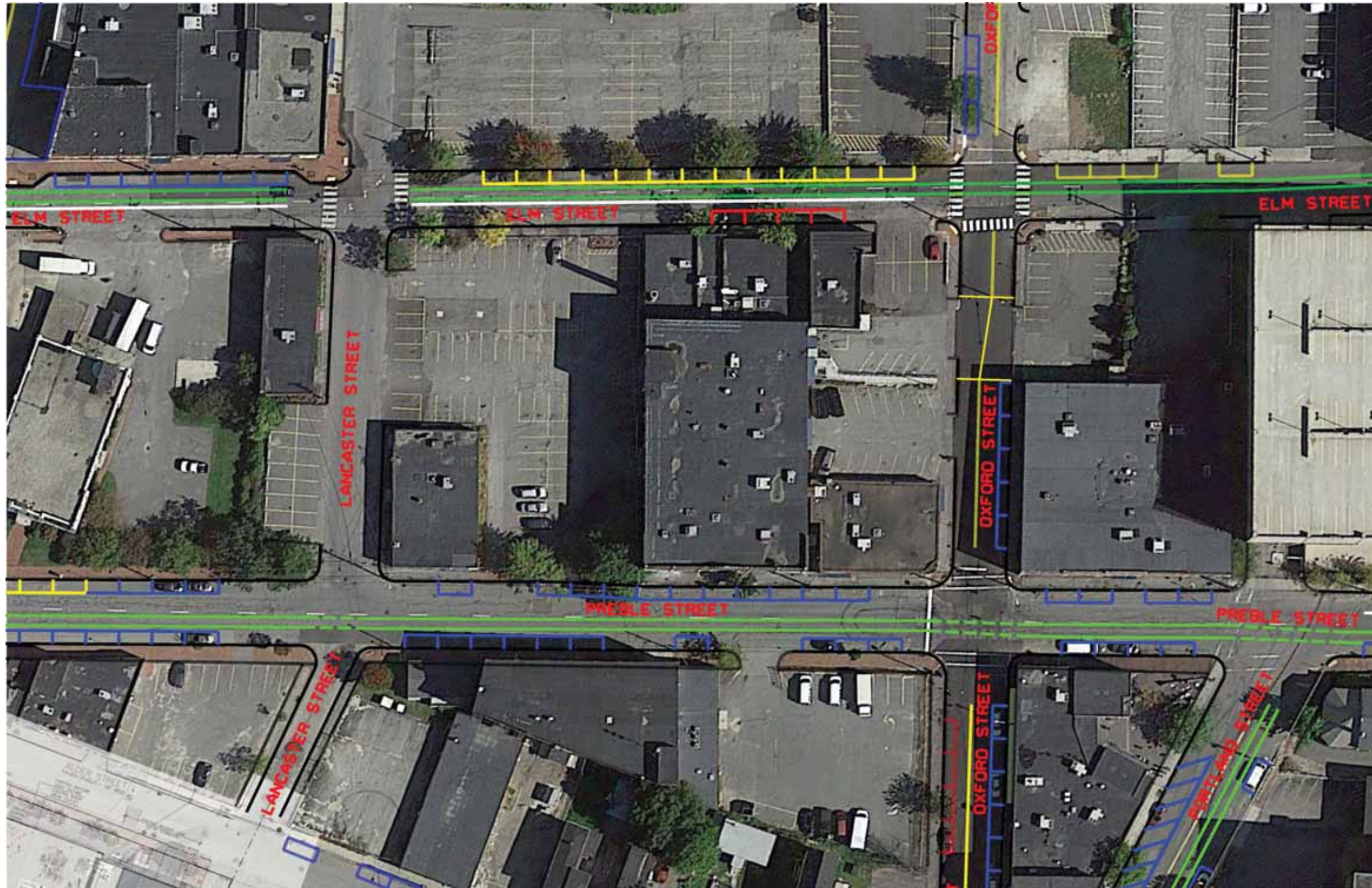


Figure 5-14: Section 2 of 3 – Preble and Elm Street - Long Term

ON STREET PARKING
IMPLEMENTATION
SHALL BE ASSESSED IN
THE FUTURE

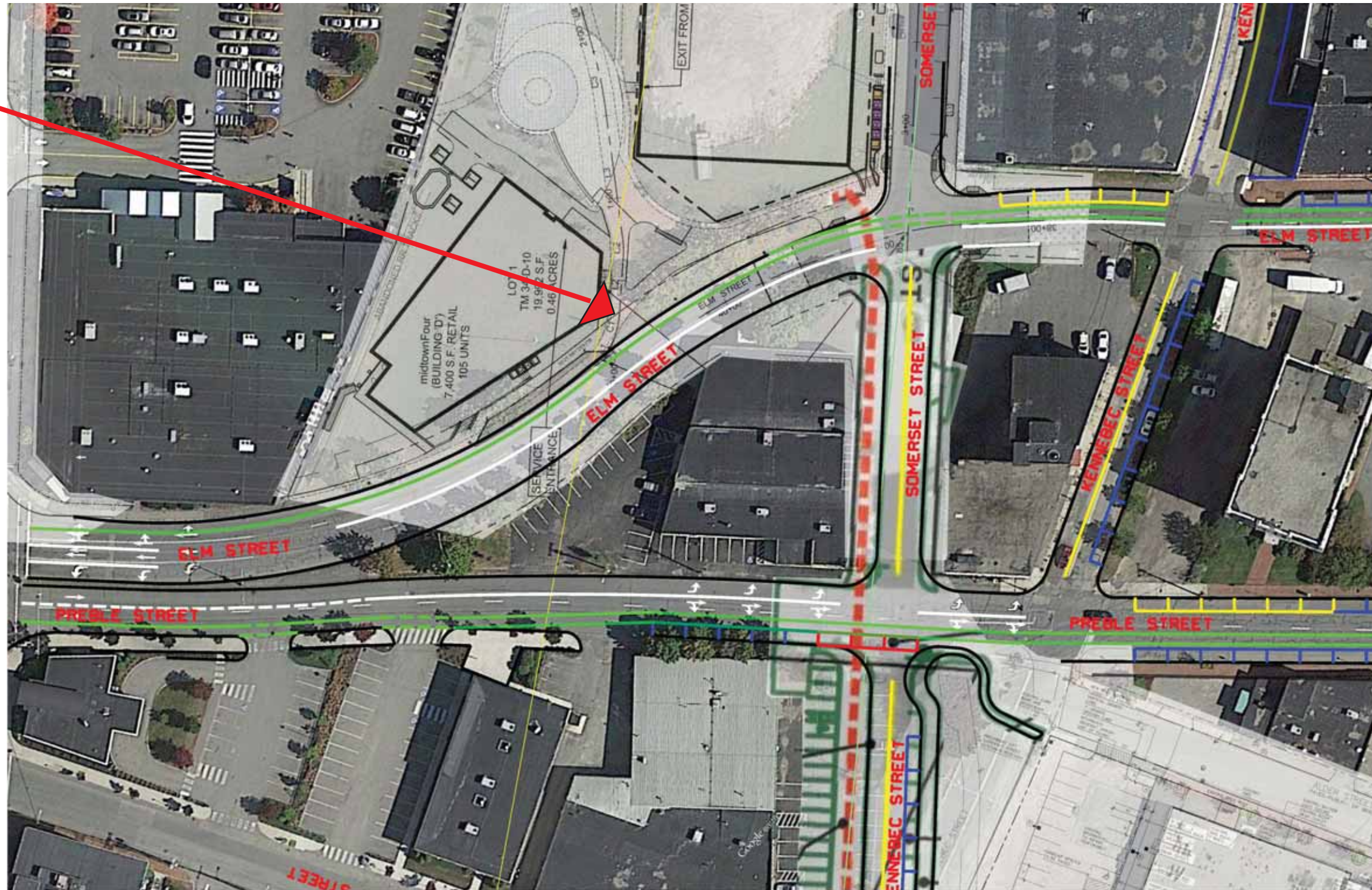


Figure 5-15: Section 3 of 3 – Preble and Elm Street - Long Term

BAYSIDE TRANSPORTATION MASTER PLAN

SECTION FIVE – ALTERNATIVE DEVELOPMENT AND RECOMMENDATIONS

5.2.3 – Traffic Modeling

An evaluation of traffic operating conditions was performed to determine if the noted modifications would produce acceptable traffic flow. In order to evaluate operations, both streets from Marginal Way to Congress Street were modeled and simulated in Synchro/SimTraffic. The volumes used were forecasted to the 2035 design year using the PACTS model. The corridor was modeled for both the 2035 No-Build and proposed 2035 Build scenarios during the AM and PM peak hours. Intersection signal timings were optimized. From the results of the analysis provided below, the one-lane scenario outlined in the previous figures operates acceptably through 2035.

Tables 5-7 and 5-8 presents the results of the analysis.

	INTERSECTION OF PREBLE STREET AND: AM PEAK (PM PEAK)									
	LANCASTER STREET - LOS	LANCASTER STREET - Delay Secs	OXFORD STREET - LOS	OXFORD STREET - Delay Secs	PORTLAND STREET - LOS	PORTLAND STREET - Delay Secs	CUMBERLAND AVENUE - LOS	CUMBERLAND AVENUE - Delay Secs	CONGRESS STREET - LOS	CONGRESS STREET - Delay Secs
2035 NO BUILD	A (A)	1.0 (0.6)	A (A)	0.6 (0.9)	B (A)	11.7 (1.6)	B (B)	13.0 (10.5)	B (A)	10.7 (9.9)
2035 BUILD (One Lane)	A (A)	1.2 (0.6)	A (A)	0.7 (1.0)	B (A)	10.5 (1.5)	B (B)	13.7 (11.3)	B (A)	10.9 (10.4)

Table 5-7: Preble Street Intersection Level of Service Summary

	INTERSECTION OF ELM STREET AND: AM PEAK (PM PEAK)							
	LANCASTER STREET - LOS	LANCASTER STREET - Delay Secs	OXFORD STREET - LOS	OXFORD STREET - Delay Secs	CUMBERLAND AVENUE - LOS	CUMBERLAND AVENUE - Delay Secs	CONGRESS STREET - LOS	CONGRESS STREET - Delay Secs
2035 NO BUILD	A (A)	1.6 (1.3)	A (A)	0.2 (0.5)	B (B)	10.9 (16.6)	A (A)	1.8 (2.8)
2035 BUILD (One Lane)	A (A)	1.6 (2.8)	A (A)	0.2 (0.8)	B (B)	11.0 (19.1)	A (A)	1.7 (3.2)

Table 5-8: Elm Street Intersection Level of Service Summary

5.2.4 – Pedestrian and Bicycle

Preble/Elm Streets

- Refer to **Figures 5-13, 14, 15** for specific bicycle lane and sidewalk recommendations; and
- Connect Bayside Trail across Preble and Elm via the Somerset Street reconstruction with 16-foot wide crosswalk and wide curb ramps. Consider a Rectangular Rapid Flashing Beacon at crossing and review corridor lighting.

5.2.5 – Transit

Several bus stop relocations are proposed along Preble and Elm Streets. The stops on Preble Street Extension are recommended to be relocated closer to the activity centers in Bayside. As displayed in **Figure 5-16**, the southbound Preble Street and AAA stop is moved to the far side of Marginal Way and the northbound Preble and Marginal Way stop is moved from the I-295 overpass south toward Marginal Way. This will help riders more easily reach destinations near the start or end of their trip.



Figure 5-16: Relocation of Preble Street Extension stops closer to Marginal Way

Both stops were relocated to the far side of the intersection with Marginal Way as this improves pedestrian safety by locating pedestrian crossings behind the bus. The relocation may require coordination with adjacent property owners to accommodate the existing ambulance bay at InterMed Offices.

As **Figure 5-16** shows, further south on Preble Street, there are proposed modifications to several bus stop locations:

- The Preble Street and Lancaster Street stop is recommended for removal due to its proximity to the relocated Preble and Marginal Way Stop.
- The Preble Street and Cumberland Avenue bus stop is shifted south towards Congress Street to provide curbside access for buses turning left onto Preble Street. Adding a curb extension so that the bus may stop in a travel lane with passengers waiting a greater distance from adjacent buildings is recommended as adjacent property owners have expressed concern over passengers waiting near buildings. A level ADA compliant landing area as well as a sufficient bus stop length should also be provided to avoid conflicts with parking, loading, and driveways. An example of how a curb extension can improve bus stop operations is shown in **Figure 5-17**.



Figure 5-17:

A curb extension on Route 39/Centre Street in Boston improves bus operations and provides additional space for amenities on a street with narrow sidewalks. This application could be used on Preble Street near Cumberland Avenue.

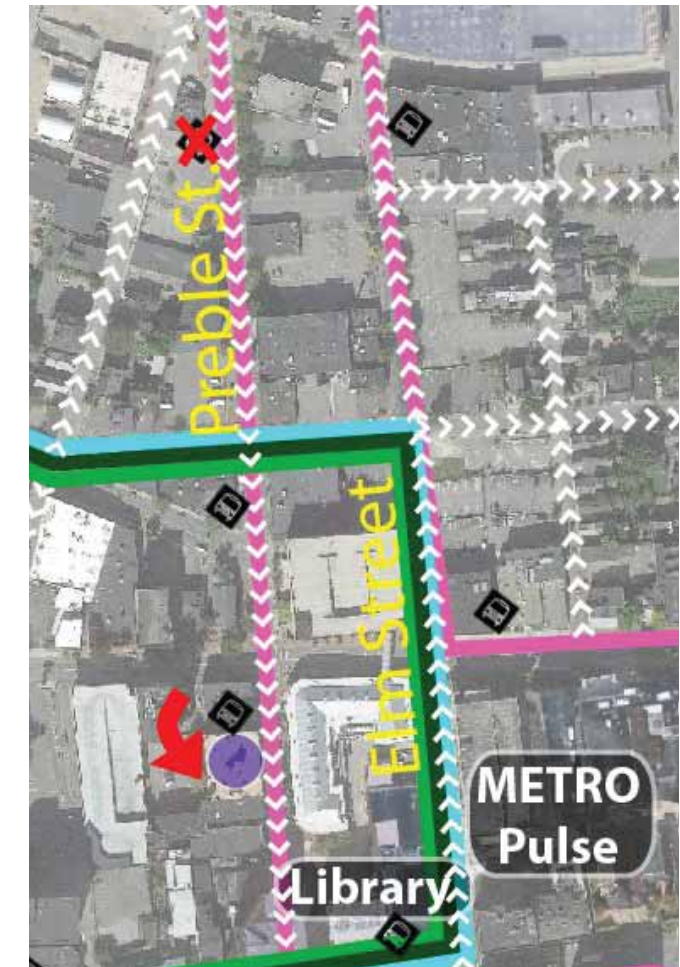


Figure 5-18: Relocation and removal of bus stops on Preble Street

There are no bus stop relocations proposed on Elm Street, also shown in **Figure 5-18**. Providing bus berths at Elm Street and METRO Pulse is recommended to improve bus operations. At least three bus berths should be provided for METRO's four active routes, plus an additional bus berth closer to Congress Street for bus layovers. The placement and design of bus berths should consider the fire lane, parking garage, and driveway access along Elm Street, as there are many uses and functions, as shown in **Figure 5-19**.



Figure 5-19: Multiple uses and functions along Elm Street at METRO Pulse, including a large parking garage, which impacts traffic circulation.

The recommendation to retain Elm Street as a one-way street for the short-term, with the addition of bicycle lanes and designated bus loading areas in front of METRO Pulse, will also benefit transit operations. There are several design options to reduce conflicts among buses, bikes and vehicles:

- Dashed bike lane adjacent to the bus lane;
- Shared bus-bike lane; AND
- Bus stop design with consideration to left turn movements and the extent/radius of curb extensions.

As a long-term alternative, opening Elm Street to two-way traffic between Congress Street and Cumberland Avenue could be considered.

5.2.6 – Land-Use

The Preble/Elm Streets focus area offers numerous adaptive reuse and infill opportunities. This is an area in transition between Marginal Way and the more established urban fabric and streets beginning at Cumberland Avenue:

- Study the build-out potential and mobility implications of Hanover Street between Kennebec Street and Marginal Way;
- Continue to target the DPW site for mixed-use urban infill;
- Inventory surface parking lots in the area and identify potential infill opportunities and triggers requiring structured parking;
- Maintain and expand both market rate and affordable housing stock; and
- Preble Street is a key gateway street to downtown. New development and redevelopment should address the street to create a pedestrian-friendly environment and maximize land values; and
- Elm Street is also a key gateway street leaving downtown. New development and redevelopment should address the street to create a pedestrian-friendly environment and increase land values.

5.3 Portland and Oxford Streets Focus Area

5.3.1 – Alternatives Development

This focus area had two key issues: poor east-west connectivity/circulation and poor pedestrian conditions at the Portland Street/Forest Avenue/Park Avenue intersection. Two alternatives were assessed to address poor east-west connectivity/ circulation and included:

- No-Build (leave the current Oxford Street one-way configuration); and
- Phase 1 - Two-way Oxford Street between Alder Street and Elm Street.
- Phase 2 - Assess two-way Oxford Street between Elm Street and Pearl Street. This Phase to be field tested as a two-way street between Elm and Pearl Streets and include review by Fire Department, DPW, and School Department. The field test is to include a review side of street for parking prohibition and the potential for winter seasonal parking restrictions.

Table 5-9 presents a comparison of the two alternatives. While the existing configuration represents no change and thus no net cost, it does not satisfy the study objective of improving traffic circulation and connectivity. The two-way configuration improves connectivity and circulation. As an example, motorists will be able to travel from Pearl Street, via Oxford and Pearl Streets, to Forest Avenue, thus providing traffic relief to Cumberland Avenue. Loss of on-street parking spaces is a negative outcome of the conversion, but with construction of the Midtown parking garage and directing Pearl Place vehicles to the Lancaster Street parking lot, potential impacts can be lessened.

	Pros	Cons
Existing Configuration	• No net cost • Maximizes parking supply	• Continued poor traffic connectivity
Two-Way Configuration	• Improved east-west connectivity and circulation • Overall travel width expanded for enhanced emergency response and DPW Operations	• Low implementation cost • Loss of parking between Chestnut St and Pearl St (11 of 28 spaces) • Seasonal parking between Elm St and Chestnut St (8 spaces - will be tested to see if any can be retained)

Table 5-9: Oxford Street Alternative Pros/Cons Comparison

5.3.2 – Recommended Concept

The recommended concept plan is comprised of four distinct areas: the Portland Street/Forest Avenue/Park Avenue inter-section; Portland Street; and Oxford Street (Elm Street to Portland Street and Elm Street to Pearl Street). Portland Street is proposed to match the recently implemented reconfiguration with two 10-foot travel lanes, two 5-foot bike lanes, two 2.5-foot buffer areas and two 8-foot parking lanes. Figure 5-20 illustrates the concept for Portland Street.

Oxford Street under a two-way conversion is recommended to consist of two travel lanes with a total width varying be-tween 20 and 24 feet and an 8-foot parking lane on the north side. Figure 5-21 illustrates the roadway configuration of Oxford Street from Elm Street to Alder Street and Figures 5-22, 5-23, and 5-24 illustrate roadway layout plans.

Significant modifications are recommended at the Portland Street/Forest Avenue/Park Avenue intersection (see Figure 5-21) . These include:

- The Portland Street approach is recommended to include a left lane and a shared through/right lane;
- The Post Office corner is to be extened into the intersection and the bus stop will be relocated toward Brattle Street;
- A crosswalk across Park Avenue is to be added; and
- The channelization island on Forest Avenue will be replaced with a urban right turn lane configuration (the Forest Avenue approach capacity will remain the same).

Table 5-10 presents how the concept modifications meet project goals.

	Goals	Met/How
Proposed Recommendations	Improve east-west street connectivity/circulation	Yes — Two-way conversion to Oxford Street.
	Evaluate Oxford St vehicle connection at Franklin St based on circulation changes	No — To be performed by MaineDOT.
	Implement Complete Streets/Streetscape improvements on Portland Street	Yes — Maintaining existing roadway configuration.
	Reconfigure intersection and improve pedestrian crossing at Forest Ave/Park Ave/Portland St	Yes — Pedestrian improvements included.

Table 5-10: How Portland and Oxford Streets Modifications Meet Project Goals

BAYSIDE TRANSPORTATION MASTER PLAN

SECTION FIVE – ALTERNATIVE DEVELOPMENT AND RECOMMENDATIONS

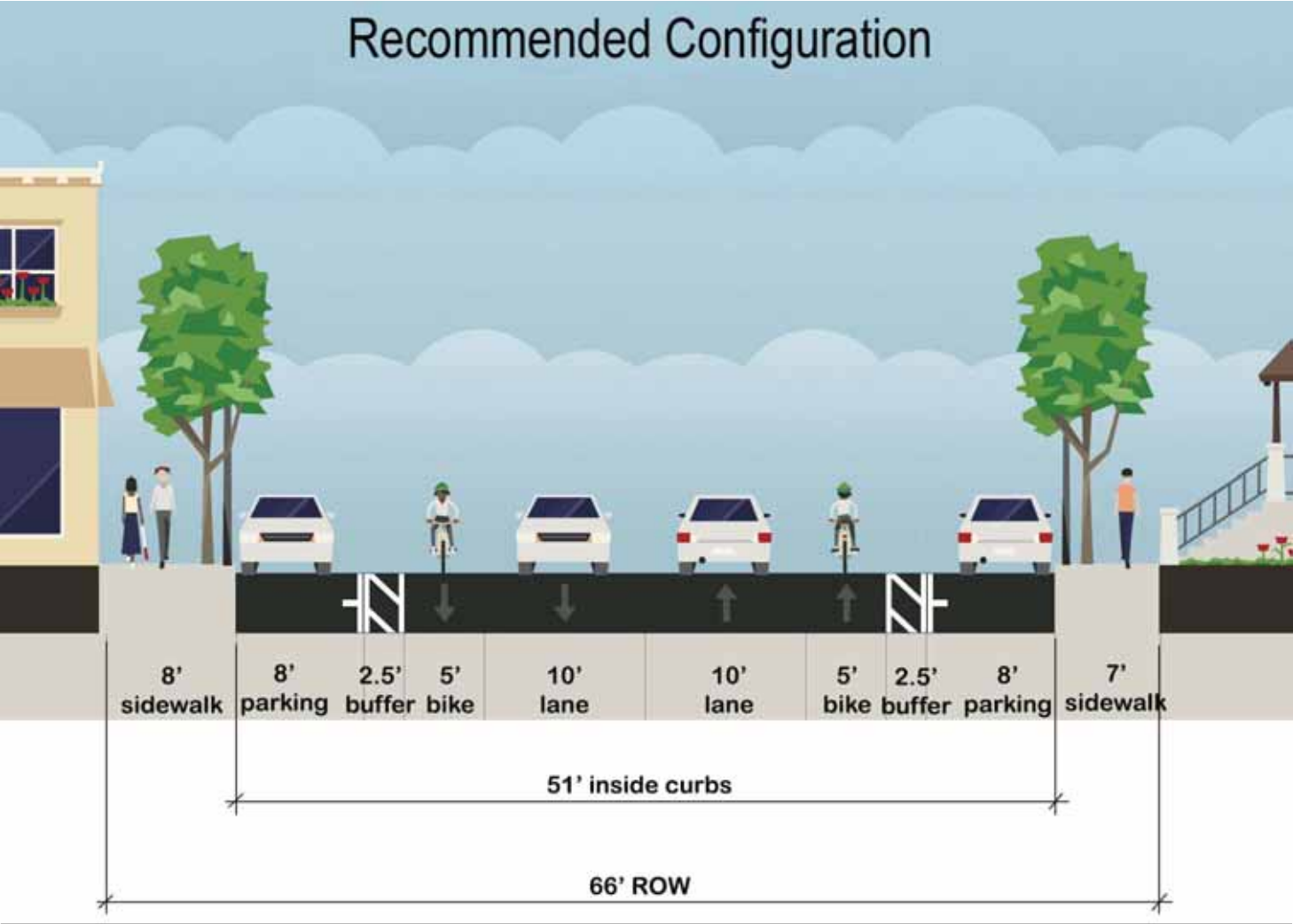


Figure 5-20: Portland Street at DPW Building

For Oxford Street, a two phase approach is recommended. In Phase I, Oxford Street is recommended to be reconfigured to two-way from Elm Street to Alder Street. In Phase II, a pilot operational test for two-way operation of Oxford Street from Elm Street to Pearl Street is recommended. The pilot is to be evaluated based on the adequacy of street width for

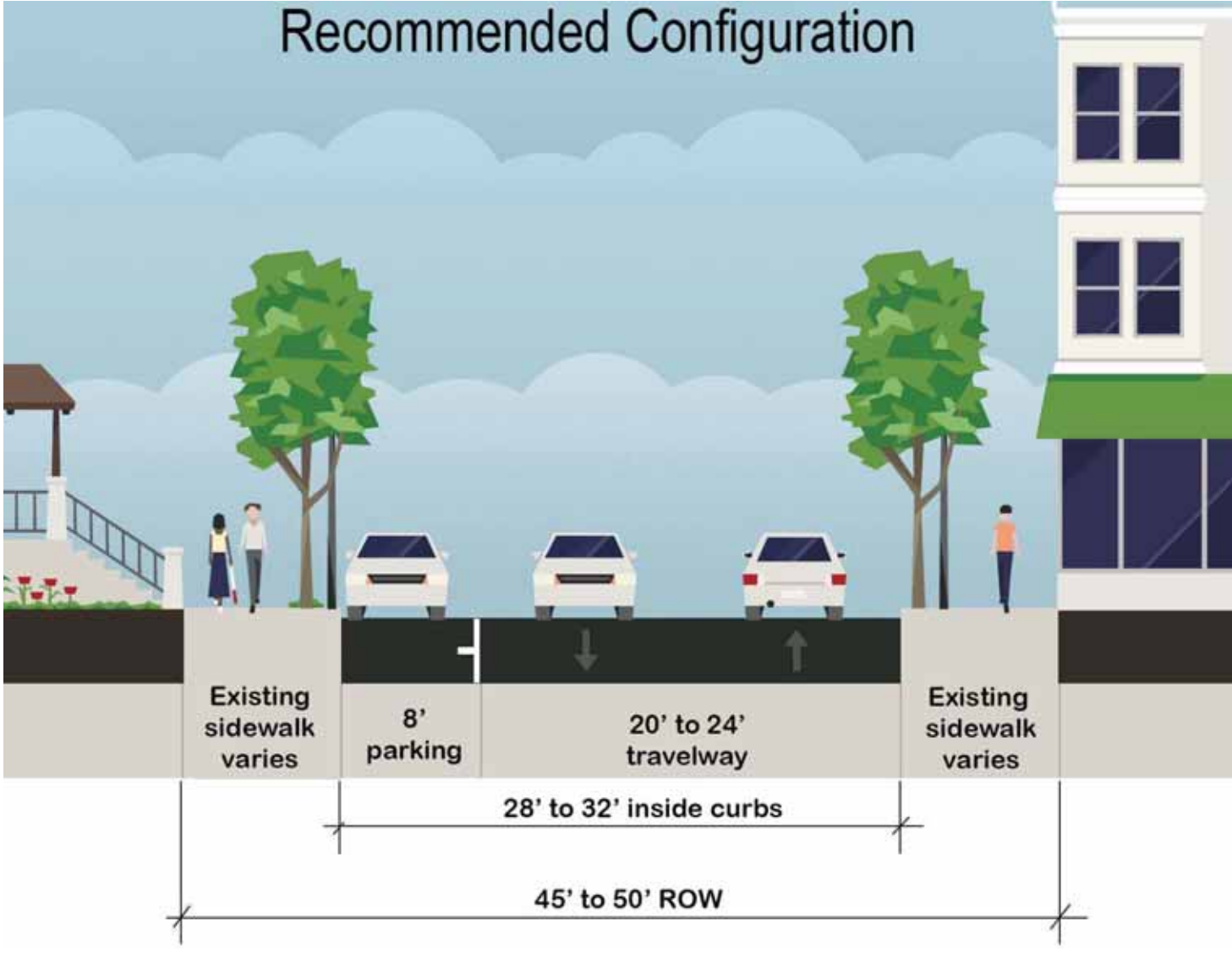


Figure 5-21: Oxford Street Two-way Concept: Elm Street to Alder Street

two-way operation; the benefits of improved circulation and access; the potential for loss of parking should width not be deemed adequate; and the potential for seasonal restrictions of parking to minimize the loss of year-round on-street spaces.

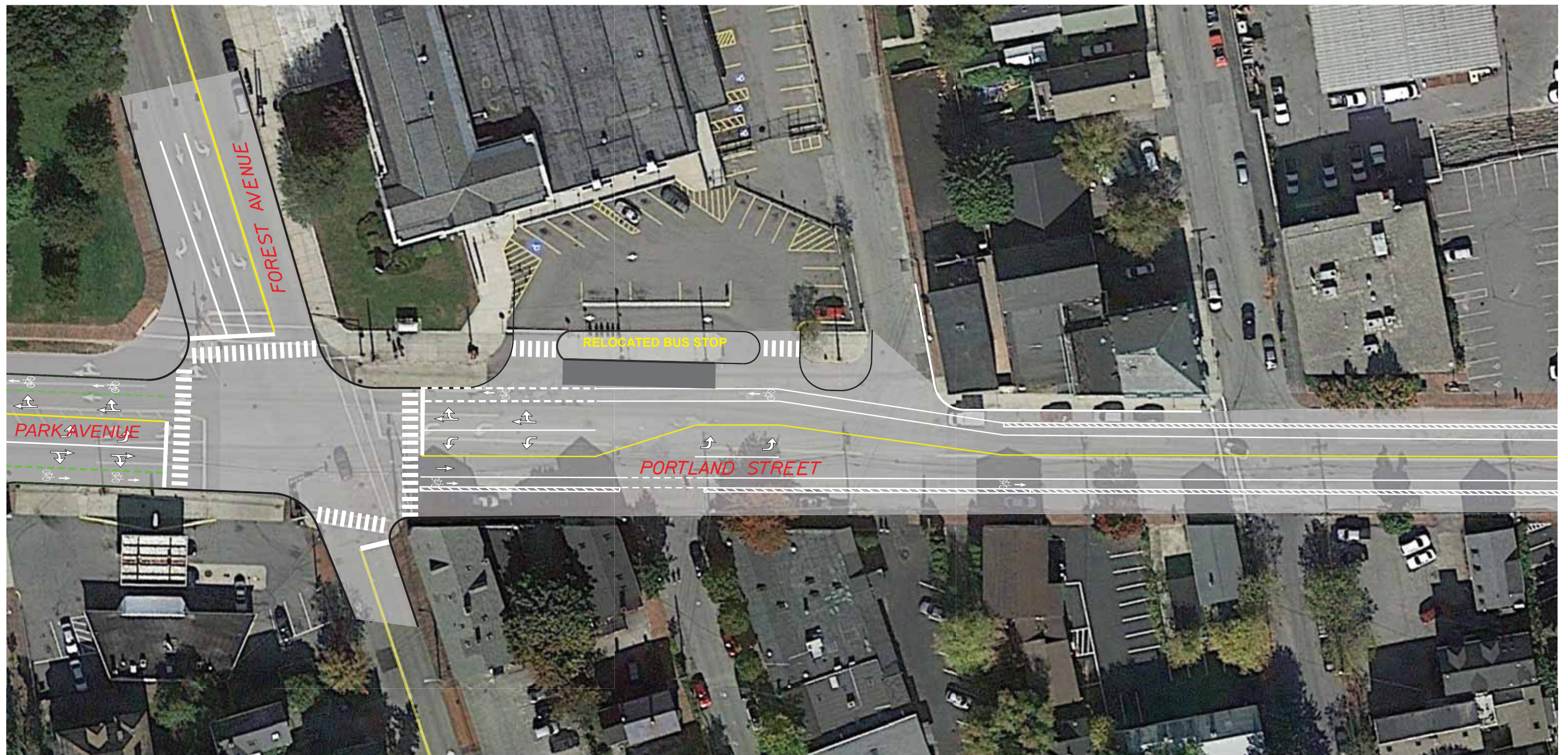


Figure 5-22: Portland Street/Forest Avenue/Park Avenue Modification

BAYSIDE TRANSPORTATION MASTER PLAN

SECTION FIVE – ALTERNATIVE DEVELOPMENT AND RECOMMENDATIONS



Figure 5-23: Oxford Street Two-way Plan 1 of 2: Phase1, Elm Street to Alder Street

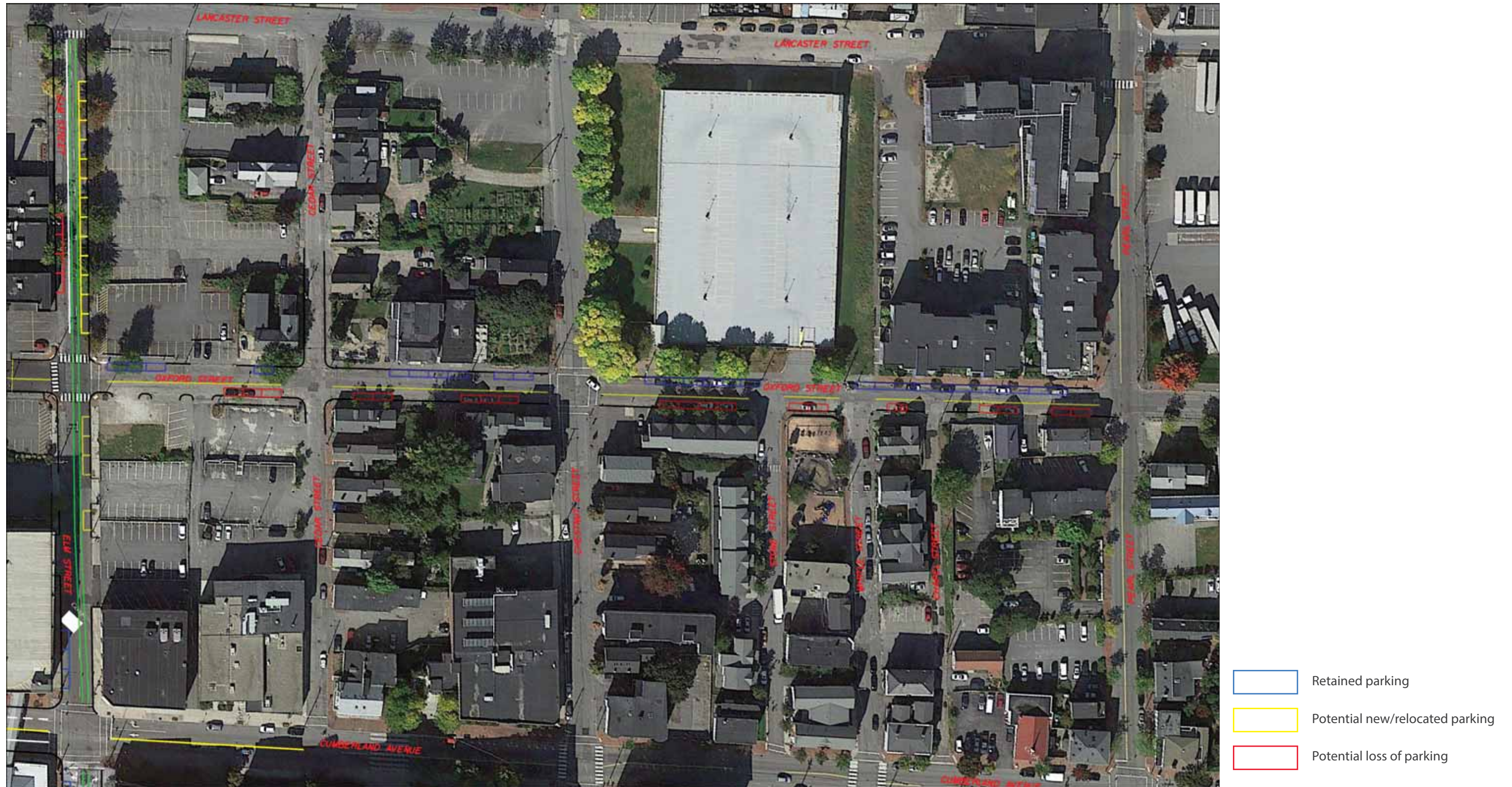


Figure 5-24: Oxford Street Two-Way Plan 2 of 2: Pilot/Test Configuration, Elm Street to Pearl Street

BAYSIDE TRANSPORTATION MASTER PLAN

SECTION FIVE – ALTERNATIVE DEVELOPMENT AND RECOMMENDATIONS

5.3.3 – Traffic Modeling

As part of this study, bike lanes on Forest Avenue from Marginal Way to Portland Avenue/Park Street are recommended. In order for bike lanes to be provided on the Forest Avenue approach to Park Avenue, a separate left lane and a combined through-right lane, as opposed to the current separate left, through and right approach lanes, will be necessary. Analysis also included the reduction of receiving lanes on Park Avenue from two through lanes to one through lane. This helps to transition the current configuration to Park Avenue’s three-lane section to the west of the study area. All analysis timings were optimized and show that, while there is one failing (83.1 sec) movement for the Portland Street westbound through-right lane, the intersection operates acceptably overall. (See Table 5-11)

Scenario	PM Peak Hour - LOS (Delay Sec)
A: 2035 No Build	B (19.9)
B: 2035 Build	D (42.9)

Table 5-11: Portland and Oxford Streets Intersection Level of Service Summary

5.3.4 – Pedestrian and Bicycle /Streetscape

Portland Street

- Refer to **Figure 5-22, 23, and 24** for specific bicycle and pedestrian recommendations;
- Retain the current pavement markings on Portland Street; and
- Install 4-way crosswalk at Hanover Street and Portland Street.

Oxford Street

- Bicycle accommodations are not recommended on Oxford Street;
- Provide benches at Preble Street Resource Center;
- Consider removing two or three parking spaces along the Resource Center frontage to allow for a wider sidewalk with more benches and trash receptacles;
- Improve bus stops with benches, sidewalk lighting, and shade trees;
- Provide additional street trees at regular intervals; and

- Develop a sidewalk replacement and improvement program for Oxford Street. Much of the sidewalk is in need of repair.
- Install crosswalks on all intersection approaches;
- Incorporate the proposed recommendations at Franklin Street in the Franklin Street Study; and
- Install a Rectangular Rapid Flashing Beacon (RRFB) at the Oxford Street and Washington Avenue intersection to assist the Walking School Bus Program for the Kennedy Park route.

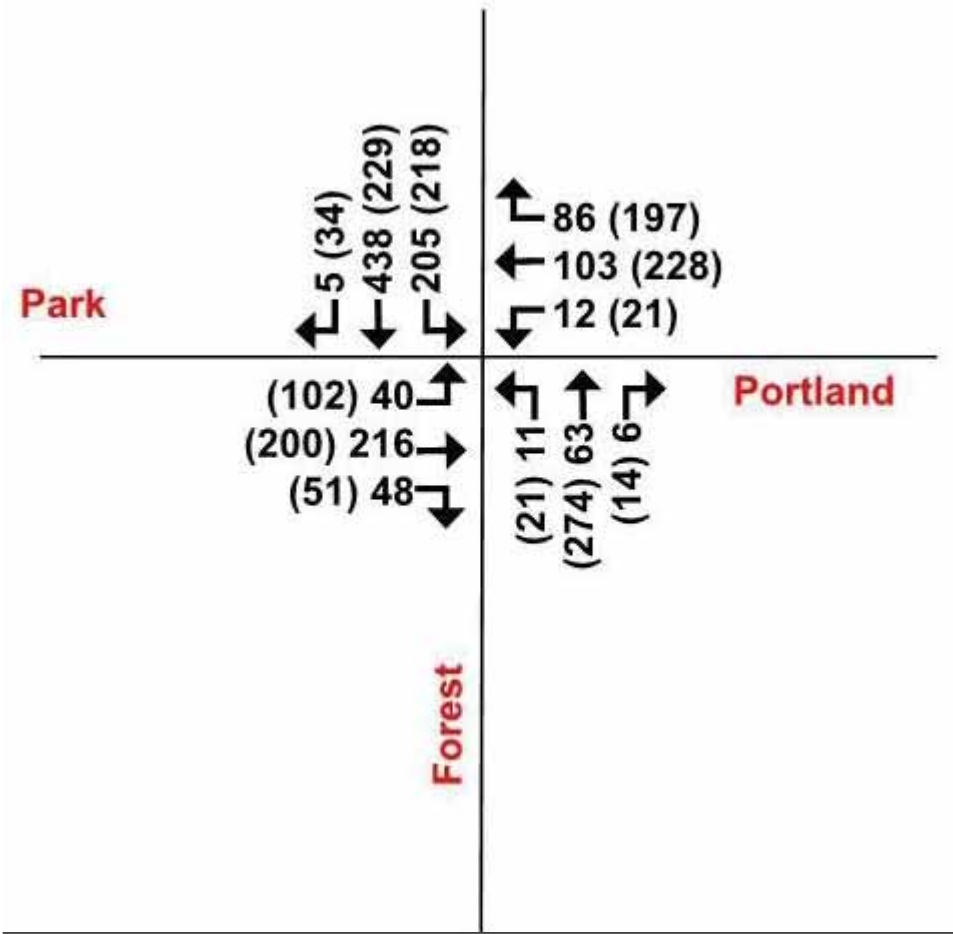


Figure 5-25: Portland Street/Forest Avenue/Park Avenue 2035 Peak Hour Traffic

5.3.5 – Transit

The proposed changes to make Oxford Street two-way also provides transit benefits for METRO routes 2, 4, and 5. These routes travel northbound on Elm Street, making a left turn onto Oxford Street, and connecting to Portland Street. While there are no bus stop relocations recommended for Oxford Street, transit operations should be considered in roadway design. On-street parking and curb extensions must be designed in a manner to allow buses to safely make turns. One design option to consider is to narrow on-street parking from 8-feet to 7-feet, and slightly widen the westbound travel lane on Oxford Street near the intersection with Elm Street to minimize impacts on parking and bus operations. An example of a turning radius for a typical bus is provided in **Figure 5-26**.

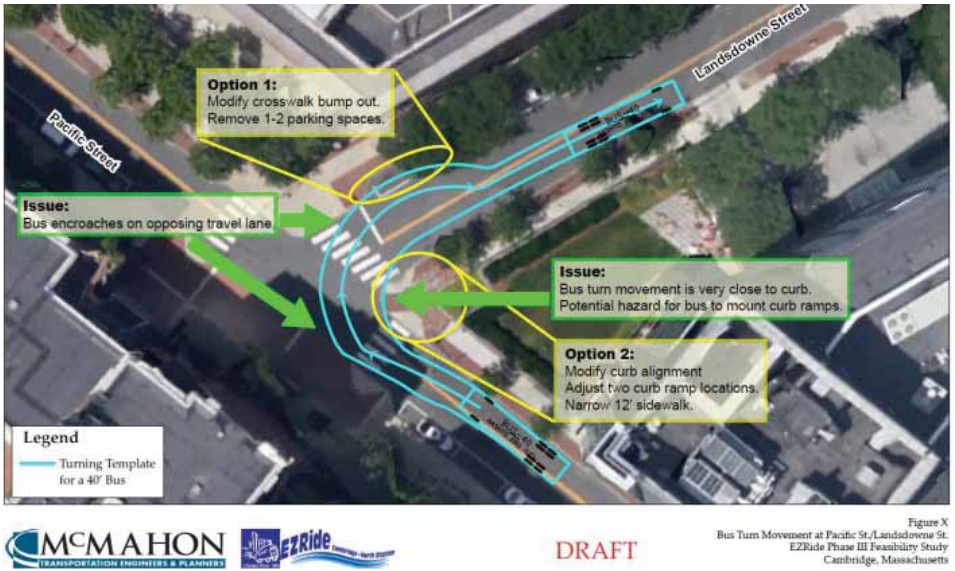


Figure 5-26: Bus turning radius for EZ Ride shuttle service in Cambridge, MA

In conjunction with the proposed improvements on Portland Street and the intersection with Forest Avenue, the bus stop at Portland Street and Forest Avenue is recommended for relocation further from the intersection. This would move the stop east, between the post office parking lot driveways and align it with the proposed conceptual improvements for pedestrian safety. See **Figure 5-27**.

The stop relocation should provide sufficient width for an ADA compliant landing area, and consider driveway openings, curb extensions and bus access/



Figure 5-27: Relocation of Portland St and Forest Ave stop in between Post Office driveways

operation needs. This design would also entail relocating and installing the existing shelter without the bench and providing two bus berthing areas, as two buses regularly queue at the stop. Adjacent intersections and crossings would also be redesigned to maintain sufficient sight lines for vehicles entering and exiting driveways and to maintain circulation at the mailbox drop off, as shown in Figure 5-28.



Figure 5-28: Proposed intersection design for Portland St and Forest Ave

The bus stops located on Forest Avenue, north of the Post Office and south of High Street, would benefit from improved pedestrian connections to facilitate crossing of Forest Avenue. This could be accomplished through an extension of the proposed improvements of the intersection of Marginal Way/Forest Avenue/Kennebec Street. Alternatively, the potential for a signalized crossing or pedestrian warning beacon could be explored at this location.

Finally, two bus stops are proposed for relocation/consolidated further west at the intersection of Portland Street/Park Avenue and Forest Avenue, as shown in Figure 5-29. The inbound bus stops on Park Avenue and Forest Avenue are recommended to be relocated south of Park Avenue on Forest Avenue. The sidewalk width and curbside streetscape south of the Park Avenue and Forest Avenue intersection should be considered as part of the potential stop relocation and bus stop design. Another consideration is that buses would be stopping in the single curbside travel lane.



Figure 5-29: Bus stop relocation and consolidation on Park Ave and Forest Ave

5.3.6 – Land-Use

- Inventory surface parking lots in the area and identify potential infill opportunities and triggers requiring structured parking;
- Continue to analyze the DPW site for mixed-use urban infill;
- Maintain and expand both market rate and affordable housing stock; and
- Study the redevelopment potential of the structured parking facility at Chestnut Street and Oxford Street, and if it can be expanded to increase parking supply; in addition, can the garage be wrapped with mixed-use development?
- Study the possible expansion of the B7 Zone from Lancaster Street to south of Cumberland Avenue.

5.4 Pearl Street Focus Area

5.4.1 – Recommended Concept

Pearl Street issues include having poor north-south connectivity and lack of bike facilities. Accordingly, the following plan looks to add bike lanes and a connection between Marginal Way and Commercial Street. **Figure 5-30** depicts the recommended roadway configuration for Pearl Street between Somerset Street and Cumberland Avenue. The recommendation suggests maintaining on-street parking on the east side of Pearl Street north of Cumberland Avenue, and thus a shared bike/vehicle lane will be required in the northerly direction for a short distance. As illustrated, Pearl Street is recommended to be two 10-foot travel lanes and two 6-foot bike lanes. Extending Pearl Street to Marginal Way is recommended as part of the plan for improved traffic circulation and connectivity. Right-of-way for constructing this roadway is not currently available and therefore implementation will likely be a function of redevelopment plans. The recommendation is to not permit left-turn movements at Marginal Way from Pearl Street, given the proximity of the future connection to Franklin Street.

Table 5-12 notes how modifications meet project goals.

	Goals	Met/How
Proposed Recommendations	Assess Complete Streets	Yes — Bike lanes added
	Improve north-south connectivity on peninsula—I-295 to waterfront	Yes — Extend Pearl Street to Marginal Way as part of redevelopment

Table 5-12: How Pearl Street Modifications meet Project Goals

5.4.2 – Traffic Modeling

A future street connection to Marginal Way was modeled at the intersection of Pearl Street and Marginal Way. Because two intersections on either side of this intersection are signalized, this intersection is anticipated to remain unsignalized. To prevent delays resulting from additional traffic, only three turning movements are permitted at this intersection—EB right from Marginal Way onto Pearl Street, WB left from Marginal Way onto Pearl Street, and a NB right from Pearl Street onto Marginal Way EB. Preliminary modeling at this location showed a future connection would work at this location under proposed conditions and is expected to have connectivity benefits for neighborhood traffic.

5.4.3 – Pedestrian and Bicycle/Streetscape

Pearl Street

- Refer to **Figure 5-30** for specific bicycle lane and sidewalk recommendations;
- Include bike lanes and shared lanes (between Oxford Street and Marginal Way);
- Develop better sidewalks and streetscape as blocks undergo redeveloped between Kennebec Street and Lancaster Street; and
- Provide connection to Marginal Way with 6-foot bike lanes and 9-foot-wide sidewalks with pedestrian-scale street lights and street trees on both sides. Work with property owners for best location and alignment of the connection between Somerset Street and Marginal Way; and
- Give priority to Bayside Trail users at trail crossing. Vehicles are recommended to stop; and
- Provide a 4-way stop at Somerset Street.

5.4.4 – Transit

There are no recommended bus stop relocations on Pearl Street. Modifications to Marginal Way will improve access from Route 8 to Pearl Street, particularly

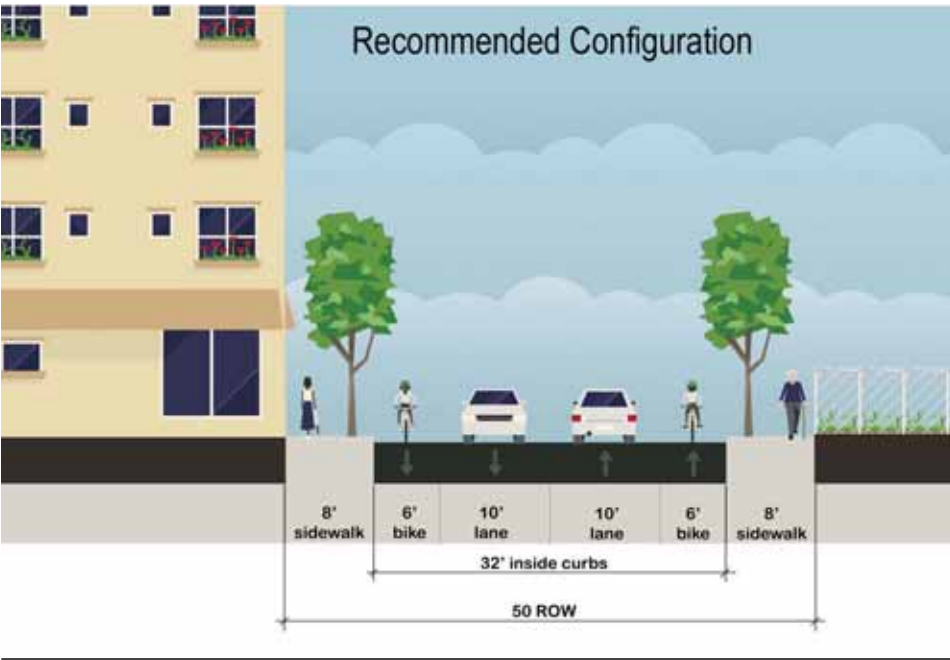


Figure 5-30: Pearl St between Somerset St and Oxford St

through a proposed long term street connection made between Marginal Way and Somerset Street.

5.4.5 – Land-Use

- Maintain and expand both market rate and affordable housing stock, particularly south of Oxford Street;
- Continue to work towards evolution of the scrap yard and vacant sites into high density/mixed-use development; and
- Ensure that new development meets the goals of the B7 Zone.

5.5 Lancaster and Kennebec Streets Focus Area

5.5.1 – Recommended Concept

Lancaster Street

Lancaster Street has poor east-west transportation connectivity and lacks a safe pedestrian crossing at Franklin Street. **Table 5-12** notes how the recommendations meet the Focus Area Goals. The recommendations include two options. Where a 50-ft of right-of-way exists, a typical urban street is suggested with a 20-ft travel way, two 7-ft parking lanes, and 8-ft sidewalks. **See Figure 5-31.**

Driveway modifications will be required including changes to parking lots where vehicles park directly adjacent to streets. For areas where less right-of-way exists (such as, between Preble Street and Hanover Street), a Shared Street concept is recommended (see **Figure 5-32**), where the entire roadway width is available for pedestrians, cyclists, and vehicles.

	Goals	Met/How
Proposed Recommendations	Improve east-west street connectivity	Yes — Recommends either an urban street or shared street throughout Bayside. In addition, recommends a two-way connection between Franklin and Pearl via redevelopment.
	Connect Lancaster Street to Brattle Street	Yes — A typical urban street is suggested with a 20-foot travel way; two 7-foot parking lanes, and 8-foot sidewalks.
	Evaluate possible pedestrian crossing at Franklin Street and Lancaster Street	Yes — It is recommended that MaineDOT evaluate the feasibility of a pedestrian crossing as part of the PDR process.
	Retrofit Lancaster to be more usable	Yes — Either as a typical street with sidewalks, on-street parking, and two travel lanes, or as a shared street in constrained ROW areas

Table 5-13: How Lancaster Street Modifications meet Project Goals

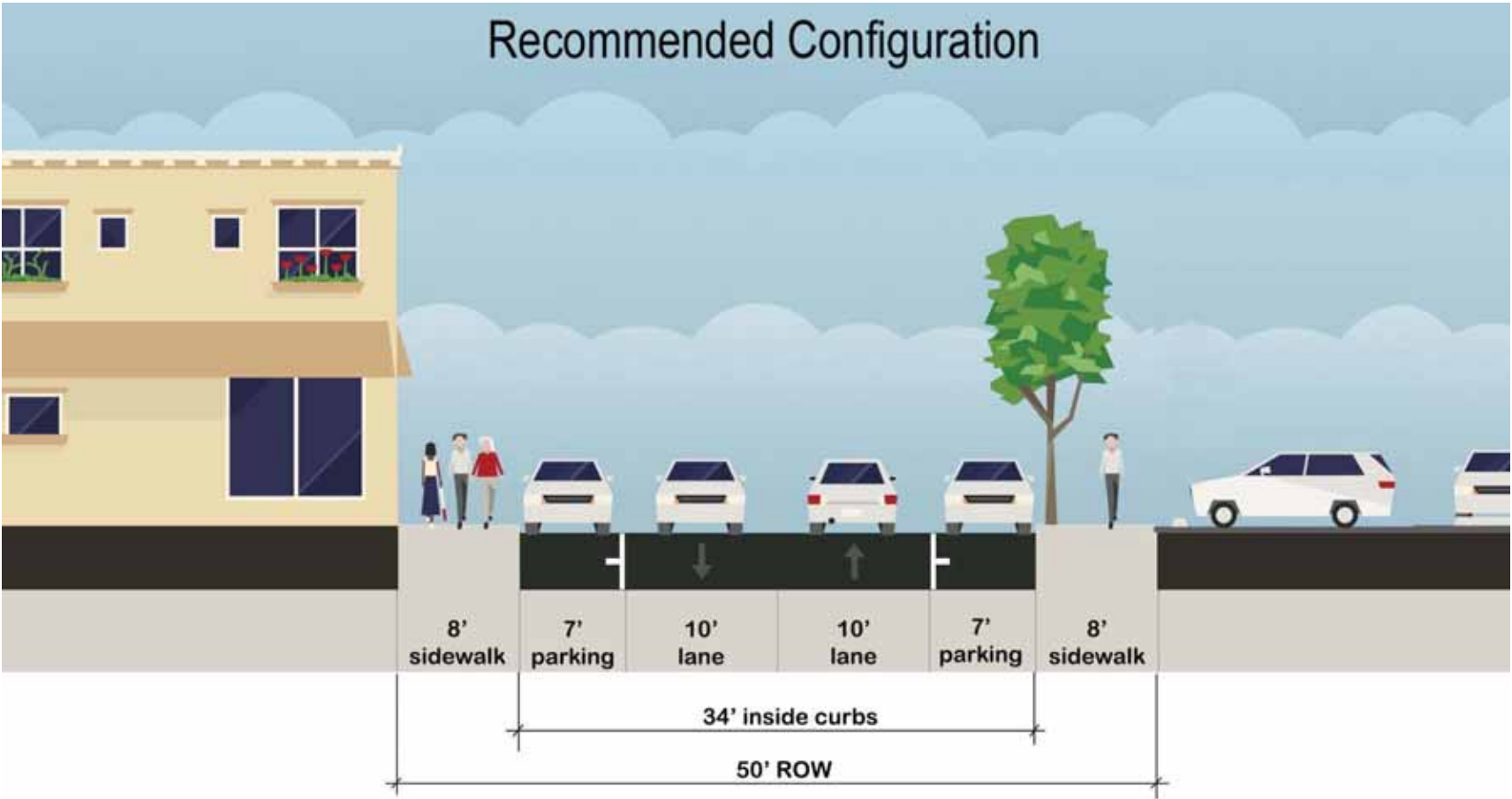


Figure 5-31: Lancaster Street East Elm Street - Looking East



Figure 5-32: Lancaster Street (Hanover Street to Preble Street)

Kennebec Street

Kennebec Street is not well defined and confusing for all modes given its road-way configuration. Between Elm Street and Chestnut Street it is recommended that Kennebec Street be converted to two-way traffic with two travel lanes, a flush sidewalk on the north side and perpendicular on-street parking on the south side of the street. Kennebec Street between Chestnut Street and Pearl Street has a 40-foot right-of-way and thus limits possible roadway options. Two options are suggested. One option consists of a traditional roadway with 20-feet of travel-way width, two 7-foot parking lanes, one 5-foot sidewalk and one 6-foot sidewalk. Given the narrow nature of this option, it is also recommended that a shared street design be considered. **Figure 5-33** illustrates the configuration between Elm Street and Chestnut Street and **Table 5-14** notes how the concept meets project goals.

	Goals	Met/How
Proposed Recommendations	Retrofit Kennebec Street to be more usable	Yes — Recommends conversion of Kennebec Street between Chestnut and Elm to two-way and creation of a shared street between Chestnut and Pearl.

Table 5-14: How Kennebec Street Modifications meet Project Goals

5.5.2 – Pedestrian and Bicycle/Streetscape

Lancaster Street

- Refer to **Figures 31 and 32** for specific sidewalk recommendations;
- Construct sidewalks in areas currently providing direct access/egress to parking lots; and
- Bicycle-specific accommodations are not recommended on Lancaster Street.
- Maintain public pedestrian access on Lancaster Street between Hanover and Parris Streets.
- Develop better sidewalks and streetscape as blocks are developed between Chestnut Street and Pearl Street;
- Provide additional street trees at regular intervals;
- Install crosswalks on all approaches at intersections; and
- Continue to study the provision of a pedestrian crossing of Franklin Street.

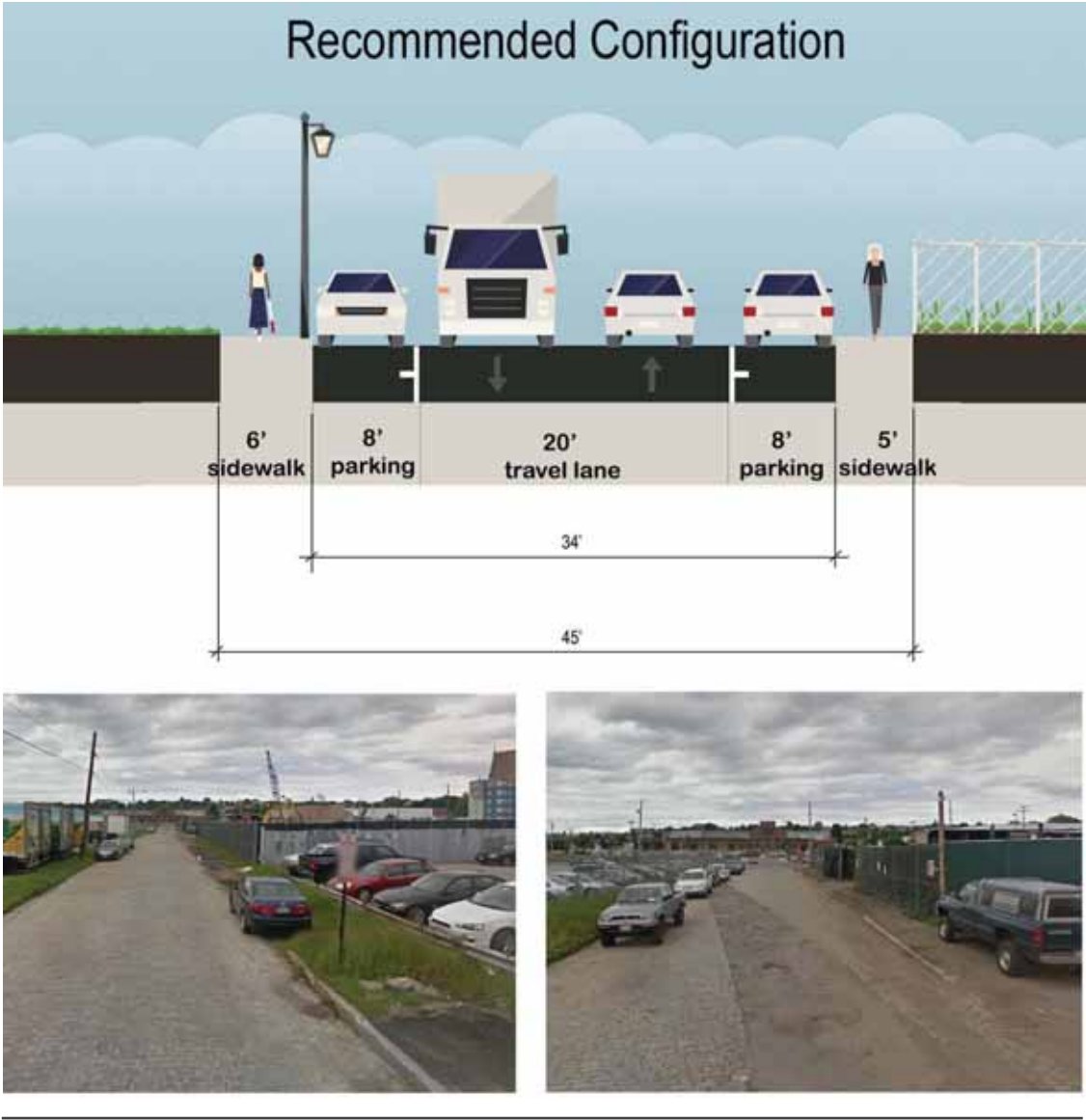


Figure 5-33: Kennebec Street East of Chestnut Street - Looking East

5.5.3 – Transit

The bus stop at Lancaster Street and Elm Street is recommended to remain in place with the curb bumpout. However, curbside uses should be reevaluated to reduce conflicts, such as removing parking meters from the bus stop area.

5.5.4 – Land-Use

- Ensure that new development meets the goals of the B7 Zone;
- Continue to work towards the evolution of the scrap yard and vacant sites into high-density/mixed-use development;
- Maintain strong pedestrian and bicycle connectivity to the Bayside Trail as redevelopment occurs; and
- Study the development potential and mobility implications of closing Kennebec Street between Chestnut Street and Pearl Street to allow for a more efficient urban redevelopment, while allowing for connectivity through Bayside. Will consolidating these parcels encourage development that meets the goals of the B7 Zone?
- Study adapting the buildings fronting Kennebec Street between Elm Street and Chestnut Street to a more intensive urban use.

5.6 East Bayside Focus Area

5.6.1 – Recommended Concept

Fox Street

Fox Street has a roadway configuration between Anderson Street and Washington Avenue where the roadway is not wide enough for two travel lanes and parking on both sides of the street. To mitigate this issue, it is recommended that Fox Street in this section consist of a 24-foot travel way and one 8-foot parking lane on the south side. See Figure 34. Between Anderson Street and Franklin Street, no changes to the existing roadway configuration are recommended. See Figure 35. As illustrated, two 14-foot travel lanes and an 8-foot parking lane on the south side are recommended to remain. Bike lanes were considered, but not recommended given the presence of large trucks and the need for on-street parking.

Cove Street/Diamond Street

Both Cove and Diamond Streets currently are not well defined and have wide open driveways and poorly configured parking lots. The recommended plan for both streets is to provide a 22-foot travel way, two 8-foot parking lanes, and sidewalks on both sides of the street. Shared vehicle/bike accommodations are proposed. Access management and parking lot modifications will be required in conjunction with implementation of recommendations. See Figures 36 and 37.

Anderson Street/Plowman Street

With the near completion of the Anderson Street Neighborhood By-way project, this location lacks direct pedestrian/bike accommodations from the Tukey Street path. It is recommended that a study be performed at the Anderson Street/Plowman Street intersection to evaluate recommendations for providing a direct pedestrian and bicycle connection between the Tukey Street Path and Anderson Street. Table 5-15 notes how the concepts meet project goals.

	Goals	Met/How
Proposed Recommendations	Create Complete Streets on key cross-streets to improve bicycle and pedestrian safety and connectivity	Yes — Recommends urban design on Cove and Diamond Streets
	Reconfigured Anderson Street/Plowman Street intersection	Yes — Recommended for future study

Table 5-15: How East Bayside Improvements meet Project Goals

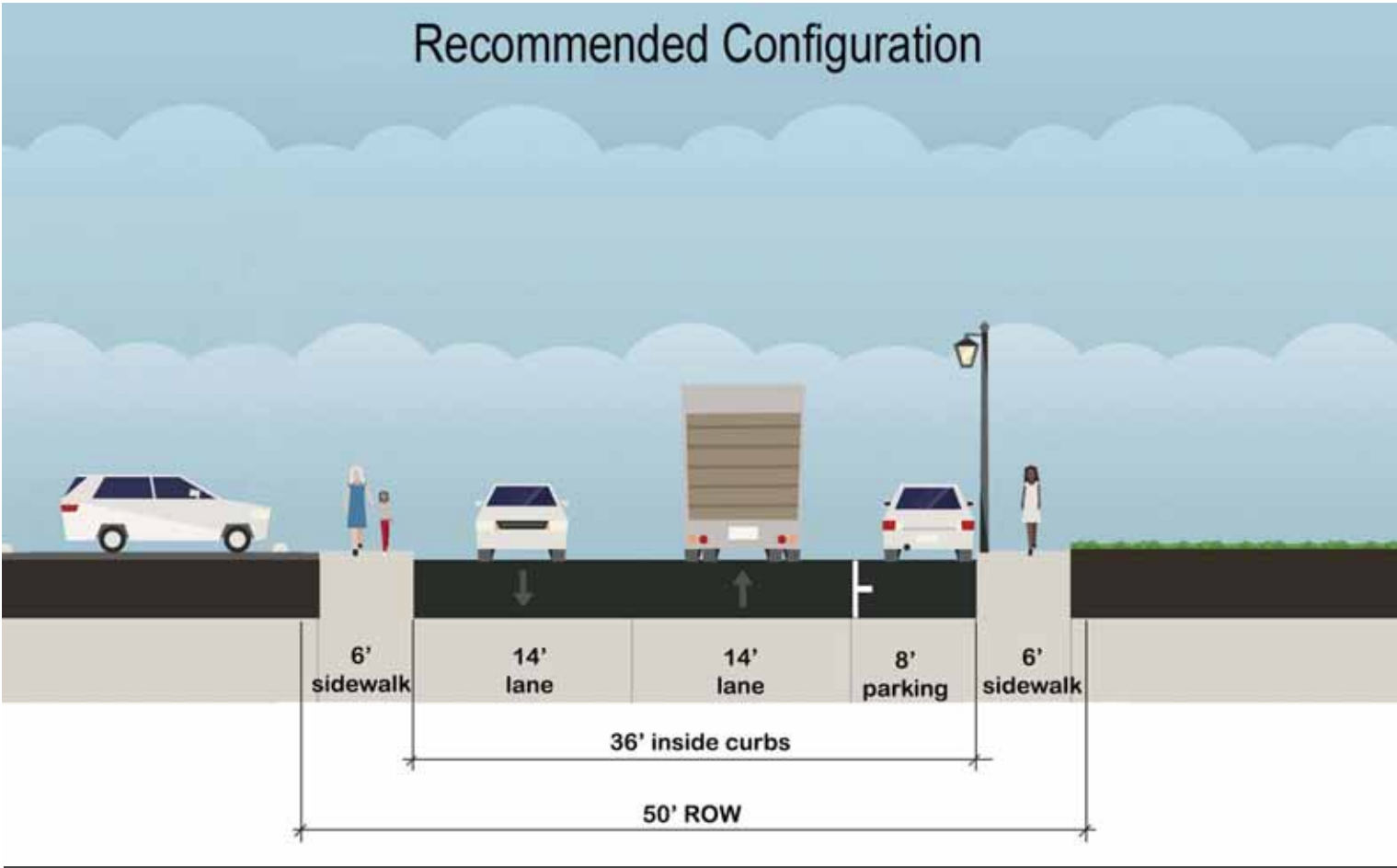


Figure 5-34: Fox Street at Fox Field - Looking East

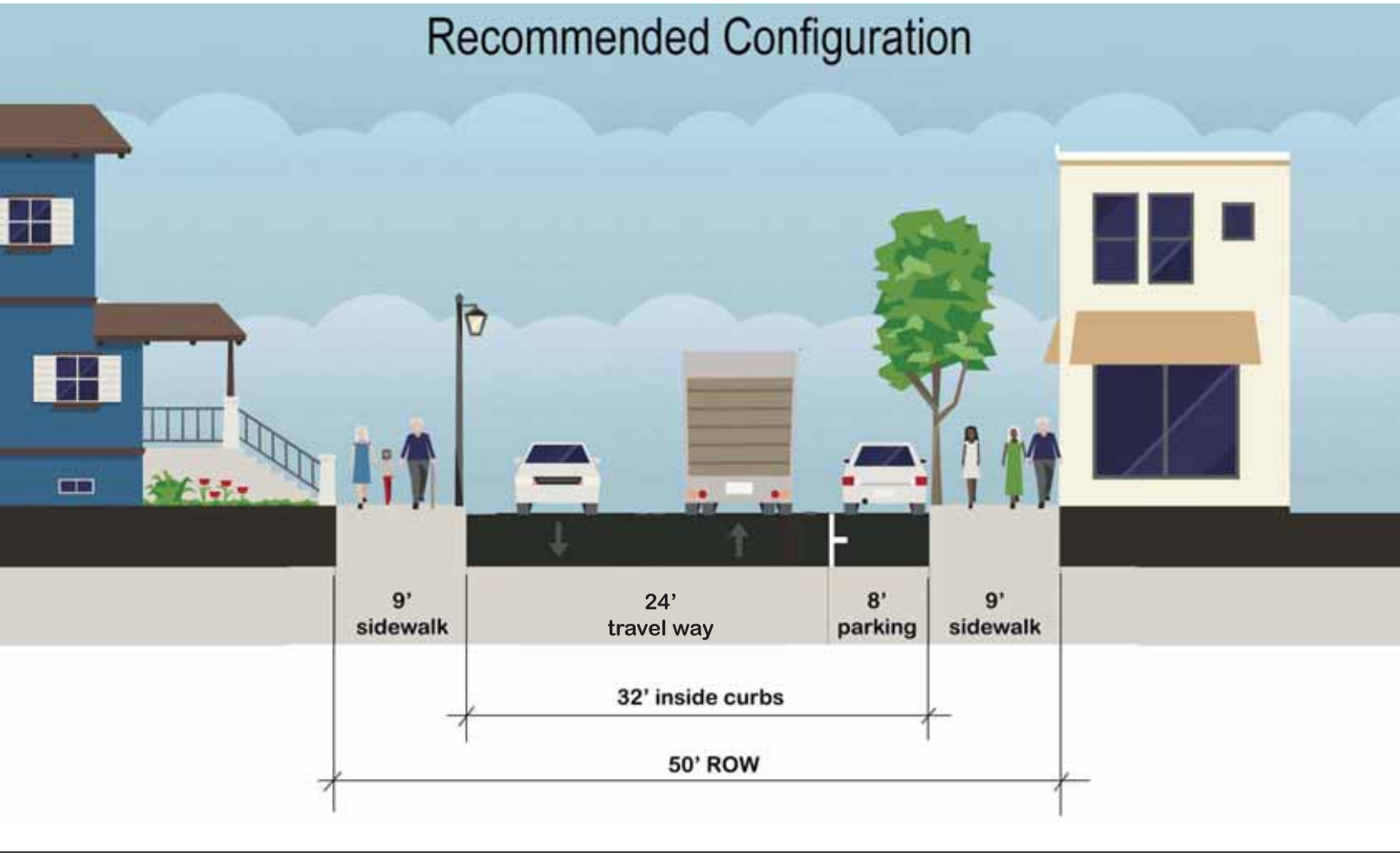


Figure 5-35: Fox Street East of Anderson Street - Looking East

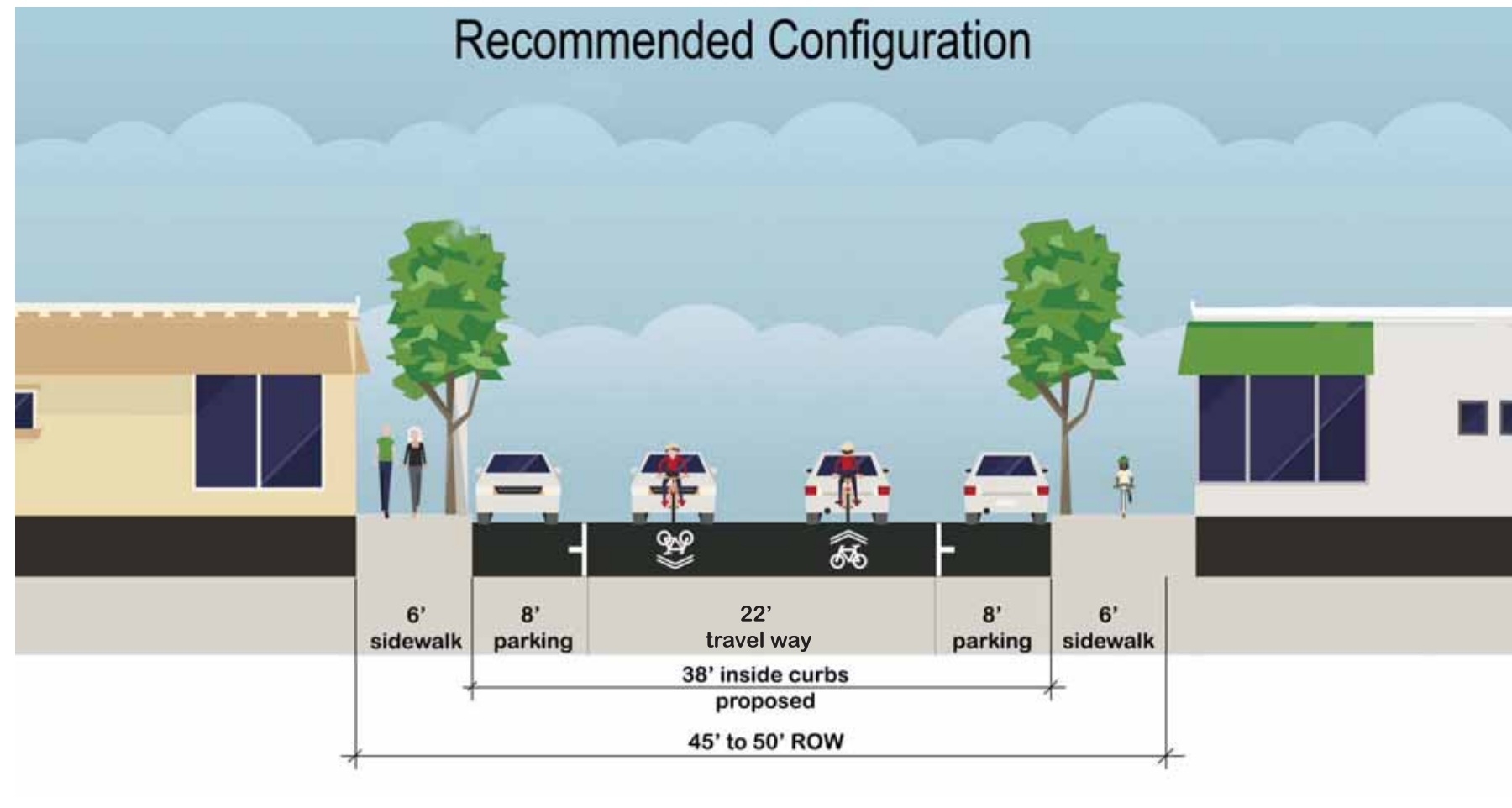


Figure 5-36: Cove Street at Independent Electrical - Looking South

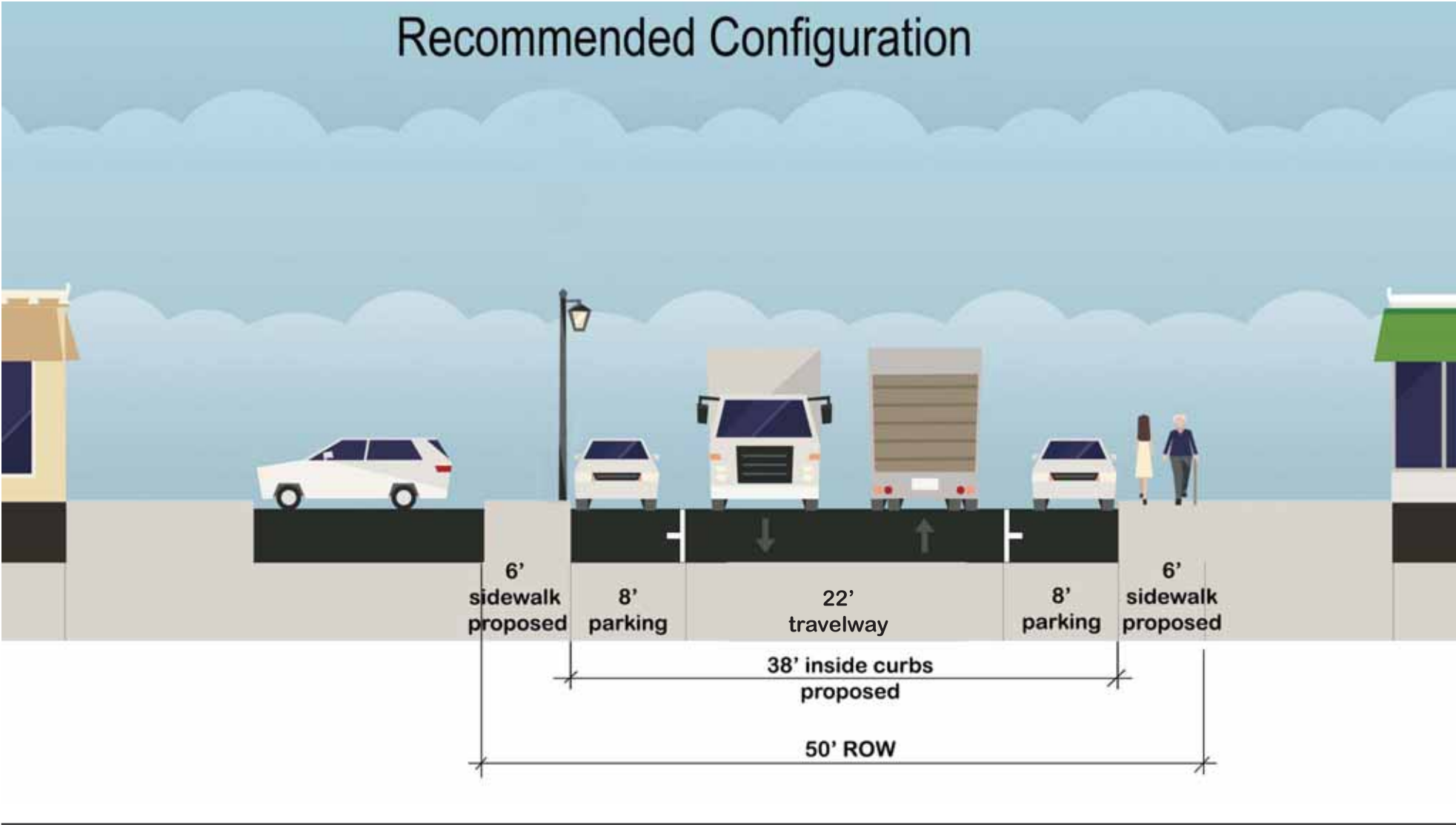


Figure 5-37: Diamond Street at Fastenal - Looking South

5.6.2 – Pedestrian and Bicycle/Streetscape

Bayside Trail

- Continue to work with business owners to provide at least one point of access to the Bayside Trail to allow for more connections north-south; and
- Continue to improve the trail connection behind Aikido of Maine, Urban Farm Fermentory, to Gould Street pocket park, to Washington Avenue. Consider a mid-block crossing on Washington Avenue to allow connection to the Eastern Prom Community Gardens and Eastern Promenade.

Fox Street

- Refer to illustrative cross-sections for specific bicycle lane and sidewalk recommendations.

Diamond and Cove Streets

- Refer to illustrative cross-sections for specific bicycle lane and sidewalk recommendations;
- Provide shared lane markings in travel ways; and
- Modify curb cuts and prohibit parking within public right-of-way. Fewer driveways and narrower driveways will provide for improved pedestrian and motorist safety.
- As a short-term recommendation, provide flush reinforced concrete continuous sidewalks stained (dark red) where these streets currently have head in parking. See **Figures 5-38** and **5-39** for an example implemented on Fox Street. Providing a level, continuous sidewalk not only brings the sidewalk up to the standards of ADA access, but also changes driver behavior. The driver exiting or entering the driveway is more aware that they are crossing a sidewalk, will proceed more slowly, and is more likely to stop. Tip down curbs instead of sweeping radii also cause slower turning movements.
- A longer term recommendation is to eliminate the unmanaged parking and excessive curb cuts, eliminate head-in parking and construct these streets with continuous raised sidewalks, parallel parking, street trees, and other urban design features. The existing configuration creates a gap in the street-scape and discourages pedestrians from travel between businesses on the same street.



Figure 5-38: Fox Street before driveway improvements



Figure 5-39: Fox Street after driveway improvements

5.6.3 – Transit

There are no bus route or bus stop changes recommended for the East Bayside neighborhood. Routing is recommended to continue on Washington Avenue, Cumberland Avenue, and Congress Street. Changes to bus stop routing are not recommended based on the character of the surrounding neighborhood. While residential development is relatively dense, the area is lacking in other high-demand origin and destinations for transit. Narrow streets, steep slopes, and residential and industrial land uses are not compatible with transit routing through the neighborhood. East Bayside would be better served by improving the pedestrian environment for better access to existing bus stops and routes.

5.6.4 – Land-Use

- Maintain and expand both market rate and affordable housing stock, particularly south of Oxford Street and east of Anderson Street; and
- Coordinate master planning efforts of Portland Housing Authority properties to ensure appropriate density as well reestablishing the urban street grid. The Franklin Street Study, the Bayside Transportation Master Plan, and the forthcoming East Bayside Brownfields Area Wide Planning Study, should also be coordinated with the long-term goals of the PHA to realize the goal of the increased housing; and
- Maintain the Fox Street recreation field/facilities; and
- Study the implications of modifications to the allowed uses in the Industrial Zone in the East Bayside Brownfields Study.

5.7 Washington Avenue Focus Area

5.7.1 – Recommended Concept

The recommended plan for Washington Avenue consists of maintaining the current roadway configuration (see **Figure 5-40**). Two 13-foot travel lanes in and two 8-foot parking lanes are recommended.

At the Fox Street/Walnut Street intersection, modifications to increase pedestrian safety are recommended including providing ADA compliant ramps with curb extensions and installation of a Rectangular Rapid Flash Beacon (RRFB) System. Under current traffic volumes a traffic signal is not warranted. Continued monitoring of conditions should occur and traffic signals should be considered in the future. **See Figure 5-41.**

At the Cumberland Avenue intersection, recommendations include single lanes be provided on all approaches with the exception of the outbound Cumberland Avenue approach. It is recommended that the Washington Avenue driveway to Buffalo Wild Wings Restaurant, and the Otto’s take-out driveways be closed. Additionally, the Otto’s take-out driveway on Cumberland Avenue, and the 7-Eleven Driveway on Washington Avenue nearest Cumberland Avenue, be narrowed. Changes to crosswalk locations and provision of ADA compliant ramps with corner geometry changes to shorten crossing distances are recommended. Replacement of the existing signal systems at Cumberland Avenue and Congress Street to a mast-arm supported system are recommended. See **Figure 5-42**. **Table 5-16** notes how modifications meet project goals.

	Goals	Met/How
Proposed Recommendations	Create Complete Streets on key cross-streets to improve bicy- cle and pedestrian safety and connectivity	Partially — Installation of new crosswalks at all side street intersections and upgrading the existing Oxford Street crossing is recommended
	Increase safety and access at Fox/Walnut	Partially — Pedestrian enhancements are proposed
	Increase safety and functionality for all modes at Cumberland	Yes — Intersection improvements including defining travel lanes, closing driveways, and providing shorter and ADA compliant crosswalks

Table 5-16: How Washington Avenue Modifications meet Project Goals

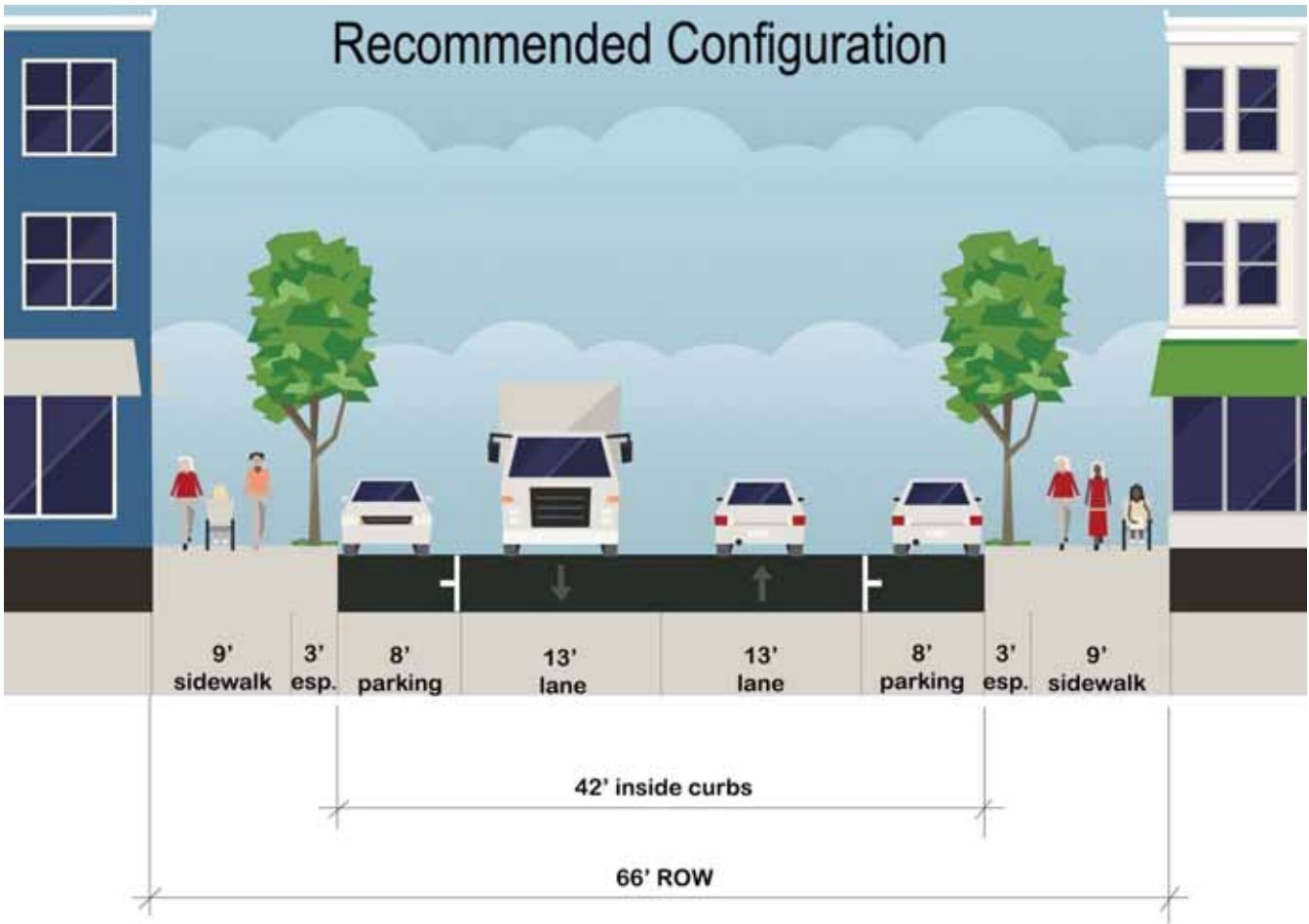


Figure 5-40: Washington Avenue between Fox Street/Walnut Street and Cumberland Avenue



Figure 5-41: Washington Avenue/Fox Street/Walnut Street. Source: Planning and Urban Development

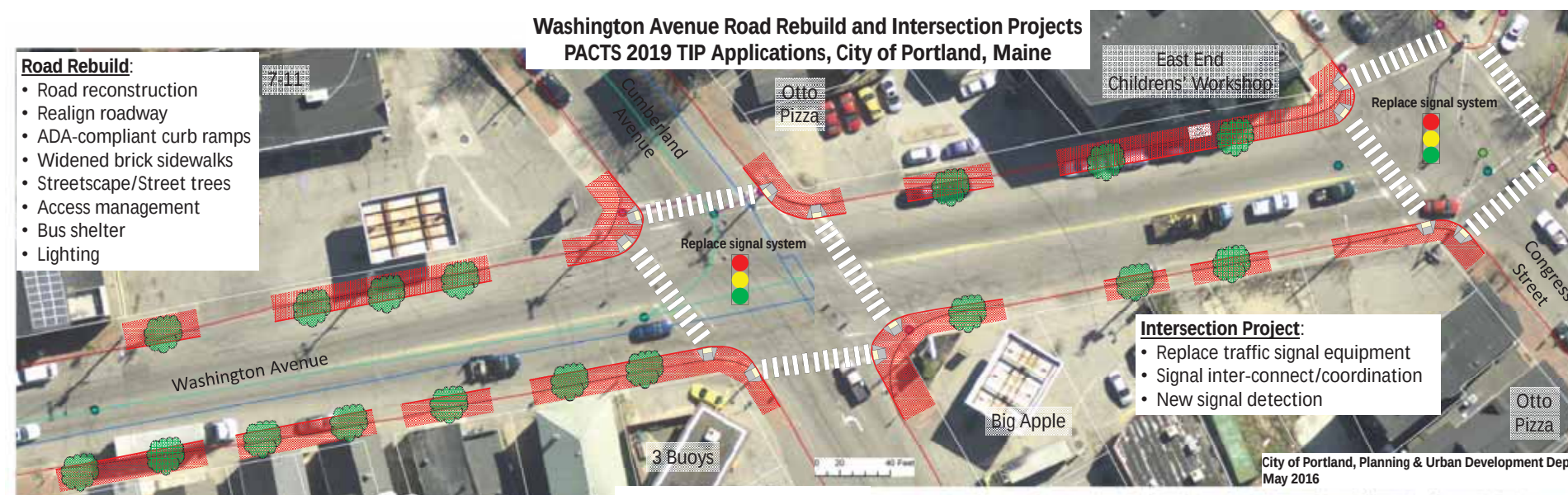


Figure 5-42: Washington Avenue/Cumberland Street Intersection. Source: Planning and Urban Development

5.7.2 – Traffic Modeling

The Congress Street and Cumberland Avenue intersections were modeled in the 2035 future condition under the proposed layout. The operational change to this intersection simulated is to limit the ability of vehicles traveling southbound making a right hand turn onto Cumberland Avenue Westbound from getting around through and left turning cars to make this movement. With this change the intersection continued to operate acceptably.

5.7.3 – Pedestrian and Bicycle/Streetscape

Washington Avenue has a 42-foot curb-to-curb configuration with 8-foot parallel parking on both sides and 13-foot travel lanes. This configuration is not wide enough to allow for a dedicated bike lane. Recommendations for Washington Avenue include:

- Repave the entire roadway from the Eastern Prom intersection to Congress Street;
- Install shared lane roadway symbols and signage;
- Install curb extensions at the intersections of Fox Street and Walnut Street with Rectangular Rapid Flashing Beacon (RRFB) at the crosswalks;
- Install curb extensions at the Monroe Street and Oxford Street crosswalks; Consider installing RRFBs;
- Provide consistent sidewalk plowing and sanding/salting for Oxford Street and Washington Avenue;
- Install crosswalks at all street intersections including at the Gould Street Pocket Park;
- Provide pedestrian amenities, e.g., benches, shelters, shade trees at all bus stop locations; and
- Remove the guardrail at the top of Gould Street and continue the construction of a pocket park in this location, which is also a bus stop.

5.7.4 – Transit

METRO Routes 7 and 9 travel on Washington Avenue, providing connections to Falmouth and northwest Portland via Route 1. Specific bus stop relocations and modifications are not proposed for this focus area. Bus stops are adequately spaced apart and provide reasonable crosswalk connections. However, bus stops along this corridor would benefit from bus stop design standards discussed in this report of prohibiting parking in bus stops, reducing interference with driveways, and enhancing pedestrian access to and from the bus stops. The majority of bus stops are located near-side of the intersection and although there are no signalized intersections, the parking impacts of lengthening stops to provide adequate curb space could be reduced if stops were relocated far-side.

5.7.5 – Land-Use

- Maintain and expand both market rate and affordable housing stock;
- Continue to encourage redevelopment north along Washington Avenue to I-295; and
- Develop policies to maintain the dynamic mix of uses along Washington Avenue. Washington Avenue is now a destination neighborhood all day.
- Inventory surface parking lots in the area and identify potential infill opportunities. Inventory existing parking needs and impact of build-out scenarios.
- Washington Avenue is a key gateway neighborhood and street to Portland. New development should reinforce the importance of the area as pedestrian-friendly and visually diverse.
- Continue to work with Portland Trails and other organizations to improve connectivity between Bayside and Munjoy Hill.

5.8 General Pedestrian and Bicycle Recommendations

5.8.1 Sidewalks

The sidewalk materials within the study area consist of brick, concrete, asphalt and wear paths in the grass. The condition of the sidewalks vary from excellent, where they have been recently rebuilt to non-existent. An assessment of the type, width and condition of every sidewalk within the study area was outside the scope of work for this study. An overall review of where sidewalks exist or do not exist, including crosswalks was included in the existing conditions section of this report. General recommendations for sidewalks include:

- Prioritize where sidewalks are needed, in locations where they are currently nonexistent. Some areas where sidewalks are missing it is evident that they are needed by the heavily used wear path in the grass.
- Develop a Sidewalk Replacement and Repair Program for the Bayside Area, which would identify safety issues such as missing bricks or concrete, holes or cracks in the pavement, heaving from tree roots or other, raised/sunken/uneven pavement that creates a tripping hazard, cause water to pond and potentially freeze, or does not comply with ADA guidelines, missing detectable warning strips, and missing vent or manhole covers.
- Continue to request maximum width sidewalk construction during Planning Application Site Plan reviews.
- Where feasible, sidewalks should be provided on both sides of the street. A sidewalk on only one side forces pedestrians to either walk in the street or cross the street twice to get to the side with a sidewalk and back again.

5.8.2 Lighting

This study focuses on all modes of transportation. The streets widths and speeds vary, some streets have or will have bike lanes, some will not, sidewalk widths and roadway offsets vary, and there are different types of neighborhoods. All these factors require different lighting levels, mounting heights, budgetary, and even aesthetic considerations. For this study area, there is no “one size fits all” lighting standard that can be imposed. Lighting should be thought of in more ways than just a technical requirement, or minimal safety needs. Lighting type, placement, and wattage can affect how a street, sidewalk, bike-path or public space is perceived and used by motorists, cyclist and pedestrians.

The City currently has some Municipal Street Lighting Standards in Section 10 of the City of Portland Technical Manual <http://me-portland.civicplus.com/DocumentCenter/Home/View/2344>.

The City has established special street lighting districts in the following areas within this Study Area:

- West Bayside;
- Downtown (includes portions of Cumberland Avenue);
- Old Port; and
- Trails and pathways, including Eastern Promenade Trail, Fore River Trail and Bayside Trail.

Each lighting district is subject to individual street lighting specifications including but not limited to fixture type, pole and base type, pole height to top of fixture, pole spacing and color. Please refer to City plans for the boundaries of Portland’s street lighting districts. For areas of the City outside the special street lighting districts, the general standards under 10.2 shall apply.

This study recommends that more specific lighting studies should be performed for individual roadways or Districts, e.g., Marginal Way from end to end and East Bayside. That street and sidewalk lighting should be part of an overall streetscape design in conjunction with other elements, such as benches, bus stops, and waste receptacles. This approach will reflect the pedestrian-oriented quality of the streets, and can potentially enable the off-street area (sidewalks, plazas, pocket parks) to be more conducive to pedestrian and merchant activities.

The Project for Public Spaces recommends the following ways in which lighting should be evaluated and used:

- **Transit stops**—People feel more secure when bus stops are well-lit. Lighting also draws attention to and encourages use of such amenities.
- **As a traffic-calming device**—The difference between a pedestrian-lit street and a highly illuminated highway or highway off ramp automatically signals drivers that they have entered a new and different zone, and compels them to slow their driving speed.
- **Edges**—The edges of a park or plaza, particularly any interesting gateposts, fences, and specimen trees visible from the adjacent street -should be lit to help define and identify the interior space. Buildings located on the edges of a park can also have seasonal lights, bringing attention to the larger district beyond the park.

- **Entrances**—Careful evening lighting around building entrances, especially in residential building doorways, contributes to the safety of a district even more than indiscriminate use of bright lighting that is not focused on areas of use.
- **Retail displays**—Lighting retail displays, even when stores are closed, not only provides ambient light for the street, but also encourages window-shopping. This tactic can help to increase the number of people on a street, which is a major contributor to security.
- **Architectural details**—Lighting entrances, archways, cornices, columns, and so forth can call attention to the uniqueness of a building, place, or district and bring a sense of drama to the experience of walking at night.
- **Wayfinding Signage**—Well-lit maps, along with directional and informational signage, are essential to providing orientation at night.
- **Focal points**—Lighted sculpture, fountains, bridges, towers, and other major elements in a district, especially those visible to passing pedestrians and vehicles, provide another form of wayfinding.

Additionally and most importantly for this study would be to ensure that roadway intersections, especially the multi-vehicle lane, wide intersections be well lit for safety reasons. Focus should be given to crosswalks and the interaction with bike lanes.

5.8.3 Streetscape

Streetscape elements or amenities include street furniture, trash receptacles, bike racks, planters, street trees and landscaping. New streetscape elements should be compatible in scale, design and style with the surrounding setting, which changes continuously throughout Bayside. New amenities should be compatible with the appearance and scale of adjacent buildings, roadway and public spaces. Curb cuts, driveways and off street parking should be carefully planned to protect the character of the streetscape and/or district. Use indigenous, salt tolerant plants for landscaping, when feasible. Signage is often a forgotten part of the streetscape and can make or break the aesthetics. Directional and informational signs should be identified and then located within the design so they are seen as an integral part of the street scene. Amenities should complement the building facade and streetscape in terms of design character, materials, finishes and color.

The existing street trees in the Bayside study area varies considerably. There are some streets, especially some of the older streets, that have large stately trees. Preble Street, Elm Street and Oxford all have large stately trees that are in healthy condition. Care should be taken to maintain existing healthy trees during roadway or private property construction projects.

- Request that all site plan applications provide a holistic Streetscape Amenities design as part of the application. Bike parking shall be determined according to the type of business and number of employees.
- Provide more access from Bayside Trail to adjacent businesses.
- Install emergency call boxes in isolated areas, streets, trails, etc.
- Allow for outdoor sidewalk chalk boards and seating within the public ROW as long as it does not create a safety hazard.

5.8.4 Public Space Opportunities

- Determine a permanent site Bayside Community Garden. Currently it is on a private site.
- Assess the opportunity for a Phoenix Square Park once the Somerset Street connection is made.
- Consider the real need for vehicular traffic on Kennebec between Preble and Elm. Consider possible use as a pedestrian space and extension of Phoenix Square.

Public Space Opportunities are illustrated on **Figure 5-43**.

BAYSIDE TRANSPORTATION MASTER PLAN

SECTION FIVE – ALTERNATIVE DEVELOPMENT AND RECOMMENDATIONS



Figure 5-43: Public Space Opportunities

5.9 General Transit Recommendations

Several transit related alternatives were developed for consideration in the context of the Bayside Transportation Master Plan. These concepts ranged from bus stop relocations to potential route modifications. Each of the alternatives, as well as those recommended further evaluation, are summarized below.

5.9.1 Route 8 Reconfiguration

1. **Stop Relocations**—The alternative bus stop relocations and eliminations considered are displayed in Figure 5-44.
2. **Operational Adjustments**—To improve operation of Route 8, it is recommended to build in bus layover time into the schedule. This will improve accuracy of expected bus time arrivals and improve route travel time predictability.
3. **Route Reconfiguration**—As a long-term recommendation, Route 8 should be evaluated within the context of the larger transportation system, with attention to the needs of East Bayside as development grows. The importance of a one-seat ride for Route 8 riders should also remain a priority.

Figure 5-46 at the end of this section summarizes the short-term transit recommendations for stop relocations. Details for these relocations and removals were provided in section 5.

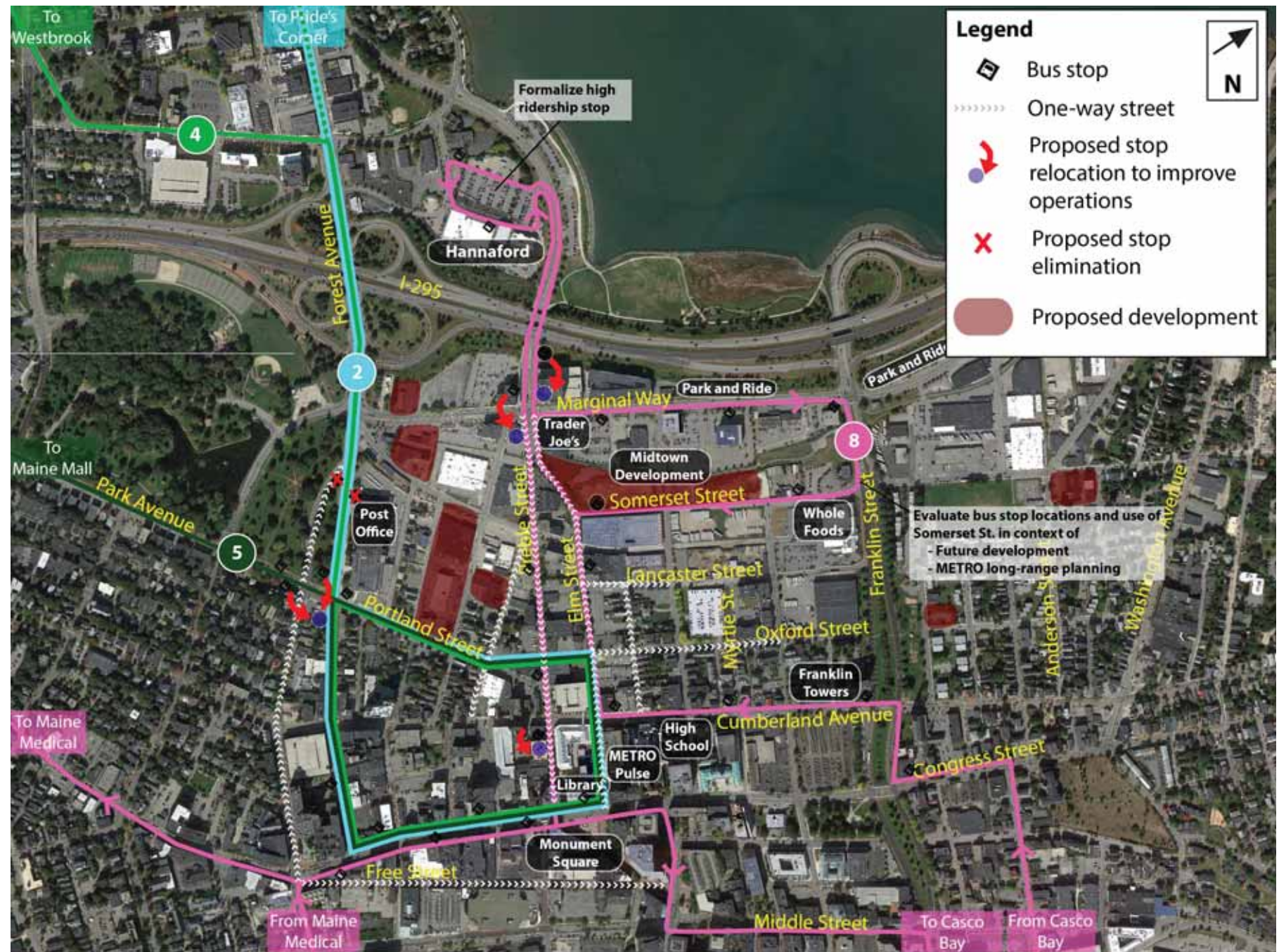


Figure 5-44: Proposed Alternative Bus Stop Relocations and Eliminations on Route 8

5.9.2 Two-way Preble and Elm Streets

1. **Two-way Preble and Elm**—Two-way Preble and Elm Streets will improve service to METRO Pulse as well as bus circulation throughout Bayside. With two-way streets, a bus-only street or “bus mall” could be considered.
2. **Preble Extension as Transit Priority Corridor**—Preble Extension was considered as a transit priority corridor for Routes 2, 4, and 8, as noted in the Peninsula Transit Study. Currently, Routes 2 and 4 run down Forest Avenue, make a loop around Congress Street, Elm Street, and Portland Street, and run back up Forest Avenue. Alternate routing was considered, which would re-route Route 2 and/or Route 4 from Forest Avenue to Preble Extension, as seen in **Figure 5-45**. The following steps are recommended:
 - **Short term:** It is recommended to keep Route 8 service on Preble Extension, and Route 2 and Route 4 service on Forest Avenue. With Preble Extension only serving a single route, it is not justified as a transit priority corridor in the context of other goals in the more immediate future.
 - **Mid-term:** Re-visit the potential of shifting Route 4 to Preble Extension within the context of METRO’s overall planning for transit routes. Route 2 is likely to remain on Forest Avenue given high ridership demand along this corridor.
 - **Long-term:** While a transit priority lane has advantages, use of Forest Avenue rather than Preble Extension must be considered in the larger context of transit planning, City of Portland goals, and neighborhood needs.

Alternative routing for routes 2 and 4 from Forest Street left onto Portland and right onto Preble was also considered, but it not recommended. This recommendation did not move forward because of the need to service high rider demand stops on Forest Street, the direct connection to Congress Street the current routing provides, and other project goals for Portland and Oxford Street.

5.9.3 Park and Ride

Potential free Park and Ride on Marginal Way with transit connection via Pearl Street: As development in Bayside grows, consideration should be given to pursuing more transit connections between the Bayside neighborhood and downtown Portland. A connection from Marginal Way to Portland Street would help encourage more activity and bus travel in the area. Considerations for pursuing

a park and ride with transit connections is the challenging topography between the Bayside neighborhood as it slopes up towards Congress Street.

5.9.4 Design Guidelines

- **Management of curb space:** Attention should be given to provide bus stop areas with appropriate lengths (ideally 80 feet). Curbs adjacent to bus stops should be absent of on-street parking and driveways, which can lead to vehicular conflicts with the bus.

- **Crosswalk location:** Crosswalks should be located to the rear of bus stops. Far-side stops (see Transit Service Section 2.2.1.9) enable this condition, as crosswalks are located at the intersection behind the bus stop. A crosswalk behind a bus stop is safer for pedestrians as they will be walking behind a bus as it moves forward, rather than trying to cross in front of the bus.
- **Accessibility:** Accessible stops require a 5x8 level landing area and curb ramps to crosswalks. Crossings that lack curb ramps, have very steep slopes, or lack proper landing areas, do not meet ADA requirements, and limit the accessibility of bus stops, especially for seniors and persons with disabilities.

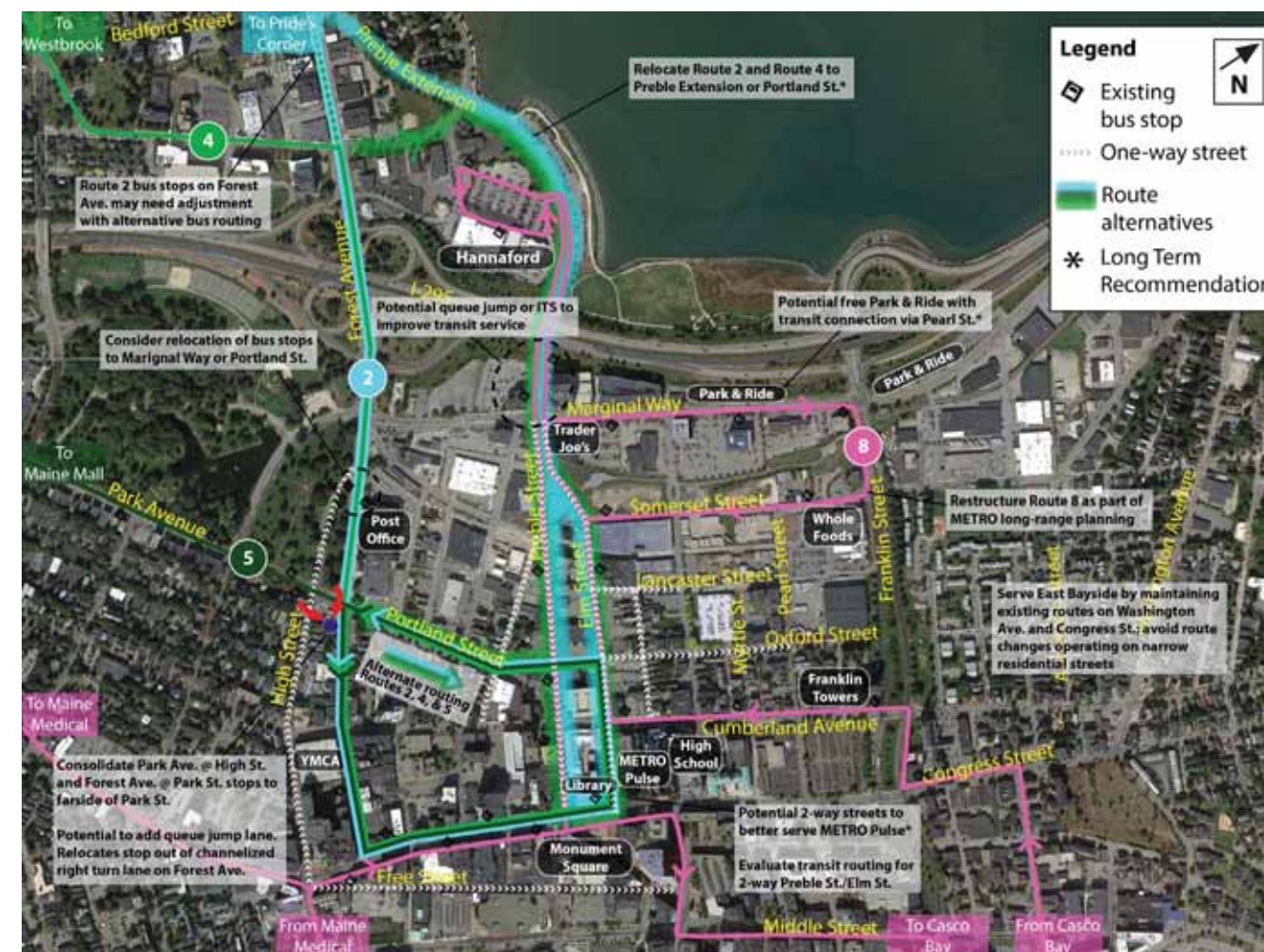


Figure 5-45: Proposed routing alternatives for Route 2 and Route 4 on Portland Street, Preble Street, and Elm Street

BAYSIDE TRANSPORTATION MASTER PLAN

SECTION FIVE – ALTERNATIVE DEVELOPMENT AND RECOMMENDATIONS

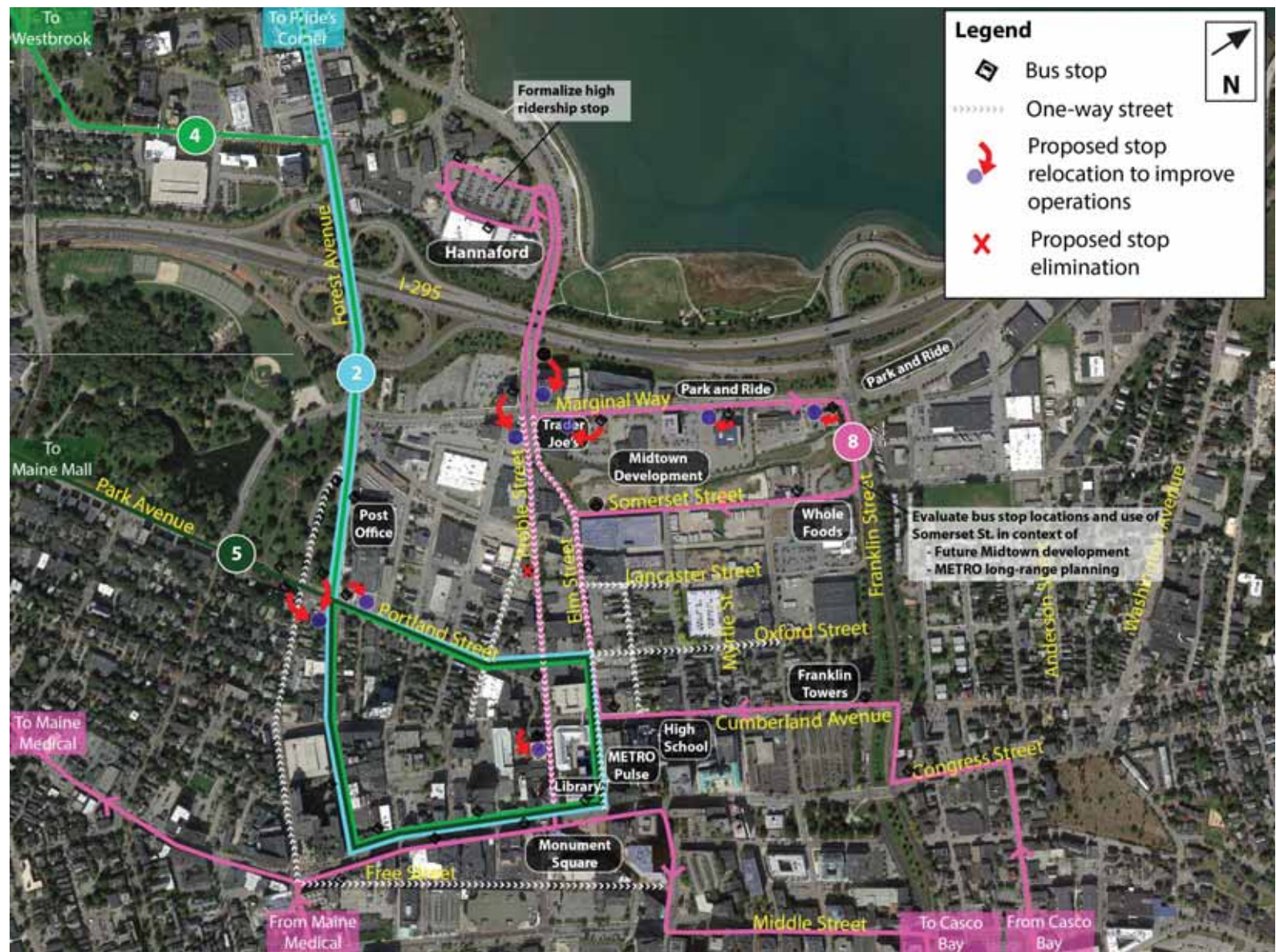


Figure 5-46: Short-term transit recommendations for stop relocations

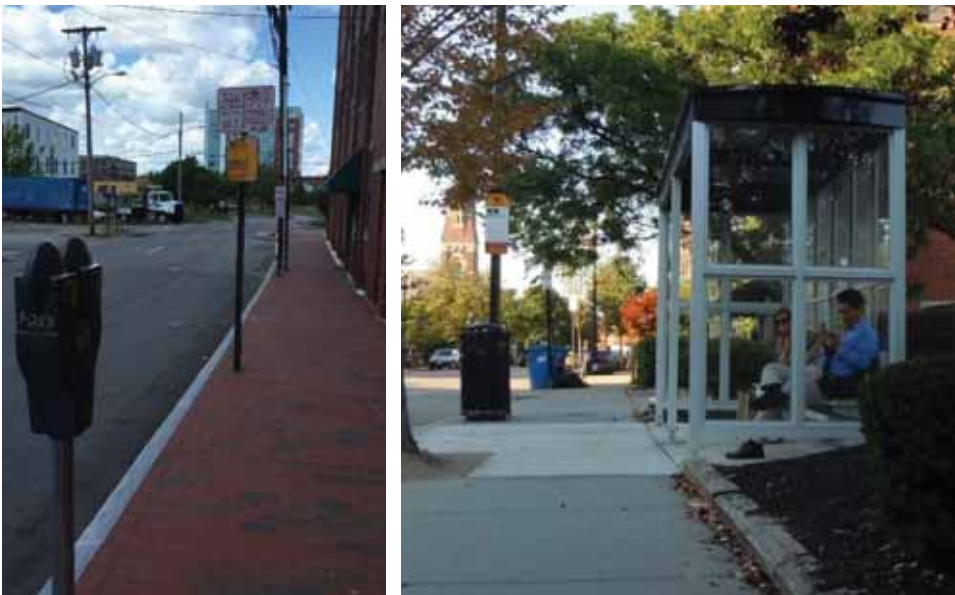


Figure 5-47: Existing bus stop in Bayside to the left and bus stop with proper signage and amenities in Boston to the right



Figure 5-48: Example of cycle track behind a bus stop from MassDOT Separated Lane Planning and Design Guide

- **Bus stop amenities:** Where appropriate, bus stops should provide amenities such as a shelter, bench, trash/recycling receptacle, and route schedule. All bus stops should provide a front bus stop sign that is oriented to the curb to maximize visibility. An example of how bus stops could be enhanced with more amenities is shown in **Figure 5-47**
- **Bicycle lanes and bus stops:** Appropriate pavement marking treatment and signage should be provided where buses and bicycle lanes are in conflict. Although bus drivers may be able to re-enter traffic more easily when stopped in the travel lane, consideration needs to be given to the turns permitted in the lane and the direction of travel of the bus, the impact on overall traffic operations, and roadway space for overtaking a stopped bus.

Figure 5-48 is an example of cycle track behind a bus stop from MassDOT Separated Bike Lane Planning & Design Guide.

To avoid conflicts between bikes and buses, bike lanes should be dashed where they are adjacent to or fall within a bus lane, a shared bike-bus lane can be provided, or separated cycle tracks can be wrapped around the back of a bus stop.

The recommended stop relocations in the Bayside neighborhood, as shown in **Figure 5-46**, seek to re-orient the bus stops to better conform to these types of guidelines, improving safety and efficiency. Moving forward it is recommended that PACTS, METRO, and the City of Portland work together to pursue developing bus stop design guidelines for future transit improvements in the METRO system, Bayside, and greater Portland.

5.9.5 Potential funding strategies

In conjunction with sidewalk improvements pursued for key corridors, considerations should be given to identifying sidewalk improvements that improve access to METRO bus stops. Improvements should be made in coordination with METRO and consistent with ADA Standards for Transportation Facilities.

Federal regulations under the Moving Ahead for Progress in the 21st Century (MAP-21) increases the emphasis on maintaining transit assets in a State of Good Repair. A new federal transportation bill was passed on December 4, 2015, Fixing America’s Surface Transportation Act (FAST ACT), increasing funding for transportation programs for the next five years. METRO could partner with the City of Portland to implement transit enhancements, now known as “associated transit improvements” under MAP-21. These transit improvements include streetscape improvements on public rights-of-way, bicycle accommodations at stations such as METRO Pulse, and improved accessibility in compliance

with the Americans with Disabilities Act (ADA). Pedestrian and bicycle improvements within a one-half mile of a transit stop (including bus stops) have a de facto functional relationship to public transportation. (Federal Register, volume 76, 161, August 19, 2011)¹. The U.S. Department of Transportation launched the Safer People, Safer Streets Initiative in 2014 strengthening this option. In other words, the pedestrian and bicycle improvements the Bayside Transportation Master Plan seeks to advance could be pursued through alternative funding mechanisms if the improvements could increase use of public transportation. The Greater Portland Council of Governments has secured funding to work with PACTS transit providers to do this.

Throughout the Bayside Transportation Master Plan process, a wide range of stakeholders collaborated to reach the recommendations in this report (see Section 6.1). Ongoing collaboration between City of Portland, as the primary owner of roadways in the study area, and METRO as the transit provider, is essential for the successful implementation of roadway improvements that benefit all modes of transportation. A continued partnership approach among PACTS, City of Portland, METRO, and private development allows limited funding to be pooled for more timely results.

¹ <http://www.gpo.gov/fdsys/pkg/FR-2011-08-19/pdf/2011-21273.pdf>

6.0 PUBLIC OUTREACH PROCESS

6.1 Approach

To reach a rapidly evolving neighborhood that includes residential, retail and commercial interests, the team developed a broad-based and accessible public outreach program that provided multiple opportunities and venues for input. The overall vision and direction for this neighborhood had already been identified; the 2000 vision of Bayside as a sustainable, mixed-use, transit-oriented neighborhood remains the model for which this study provides a framework.

The most significant challenge from a public outreach perspective was to find a way to clearly communicate the multitude of locations, choices and issues that would be addressed as part of the study. Knowing that providing too much information would guarantee scattered and incomplete feedback, the team directed comments toward the city-identified focus areas (Marginal Way, Portland and Oxford Streets, Lancaster and Kennebec Streets, Pearl Street, and Preble and Elm Streets), as well as Transit Access and key locations in East Bayside/ Washington Avenue. The team also included an opportunity for specific feedback on public space, since changes in transportation use would create new opportunities for this important component.

6.2 Creating Awareness

The first step in a successful public outreach program is simply making sure that those people who would be affected by any changes are aware of the process—and have a convenient and easy way to learn and comment. The primary method of identifying such people is geographical—those that live, work, run businesses, or own property in the study area. Elected officials, adjacent neighbors, and those who are involved in projects close by are also target audiences, as well as such critical partners as related state agencies, and transportation providers. Awareness was generated for the Bayside Study via the following processes:

Traditional Media—Working with the City of Portland, a press release was developed prior to each public workshop, covering the reason for the study, identified focus areas, and an overview of the public comment opportunities. For the second and third workshop, this press release was updated to include an overview of the feedback received to date. Follow-up with key reporters took place in an effort to generate coverage prior to the workshop. The Forecaster was reliable in its coverage; see link to sample article

on final workshop: <http://www.theforecaster.net/portland-bayside-transportation-plan-nears-completion/>. The Press Herald was less so, but did run an article prior to the first workshop: <http://www.pressherald.com/2015/09/14/portland-to-consider-bikes-and-pedestrians-in-transportation-forums/>.

Social Media/Partnerships—Rather than create a special Facebook page for this short-lived study, the team worked with key partners to post updates on their pages regarding workshops and feedback opportunities. The East Bayside Neighborhood Organization, the Bayside Neighborhood Association, and the Bicycle Coalition of Maine, were all very helpful in posting timely information on meetings and other outreach opportunities.

Email Outreach—Morris Communications has compiled a large (450 +/-) email list of individuals who are interested in transportation issues and studies in Greater Portland. Email flyers for all three workshops and the open house were sent out at least three times per event. As opposed to people feeling “email fatigue,” many people expressed appreciation for ongoing updates. In addition, the City contributed to outreach by including workshops and the open house as part of its email alert system. A one-page Question and Answer (Q&A) sheet was created to use both as a handout by City staff, and as part of the emails.

6.3 Public Feedback Opportunities

As noted above, the team provided multiple opportunities for feedback. The below summarizes the categories of information presented at each venue and the general feedback received. Workshops generated between 30 and 45 individuals at each session. Presentations and all public input are available at <http://shscs.engagingplans.org/documents>.

Public Workshop #1 - September 15, 2015—The purpose of this workshop was to familiarize everyone with the purpose of the study—essentially of making Bayside easier and safer for all modes to move around—as well as highlight the focus areas within the study area. The meeting agenda covered existing conditions within the focus areas and asked the public for general feedback on opportunities for improvement throughout the study area.

AGENDA

Welcome and Team Introductions

- Study Background, Process and Schedule
- Public Feedback Opportunities
- Draft Purpose and Need Statement
- Existing Conditions/Issues and Opportunities
 - ◊ Marginal Way
 - ◊ Pearl Street
 - ◊ Portland and Oxford Streets
 - ◊ Reconnected Lancaster Street
 - ◊ Configuration of Preble and Elm Streets
 - ◊ Transit Access and Service
- Next Steps
- Workshop

Feedback: Comments were extensive, from minor suggestions on street names to “big ideas” for significant changes at intersections and one-way/two-way combinations. Participants were very interested in making the neighborhoods safer and easier to navigate, as well as adding public space. Comments from this workshop are at <http://shscs.engagingplans.org/document/3a-what-we-heard-sept-15-bayside-workshop>.



Figure 6-1: Help Fulfill Bayside Vision PublicWorkshopFlyer–September15, 2015



Figure 6-2: See New Transportation Ideas
for Bayside Flyer – October 29, 2015

Public Workshop #2 - October 29, 2015—For this second workshop, the team looked at feedback from the first meeting and the portlandstudies.org feedback and incorporated the suggestions into a series of early recommendations for each focus area. This allowed the team and City staff to hear more detailed feedback around the various choices. Making Oxford Street, Preble Street, and Elm Street two-way drew major consideration. Adapting Lancaster and Kennebec Streets as shared streets was also proposed. The treatment of Marginal Way and Forest Avenue intersections in particular drew much discussion.

AGENDA

Welcome and Team Introductions

- Study Background, Process and Schedule
- Public Feedback Opportunities
- Draft Purpose and Need Statement
- Existing Conditions/Issues and Opportunities
 - Marginal Way
 - Configuration of Preble and Elm Streets
 - Reconnected Lancaster Street
 - Kennebec Street
 - East Bayside
 - Transit Access and Service
- Next Steps
- Workshop

Feedback: Many comments were generated. There was no clear consensus on making Preble and Elm Streets two-way; comments reflected pros and cons of both solutions. There was significant support, though not unanimous, for making Oxford Street two-way, as well as for adding a full vehicle connection at the Oxford Street/Franklin Street intersection. Interest in better linking the Bayside Trail at Franklin Street was also strong. Based on feedback from the first meeting, a station on Public Space (staffed by Portland Trails) was added to help identify new locations that could be added as the neighborhood developed. Full comments are at <http://shscs.engagingplans.org/document/2a-what-we-heard-october-bayside-meetings>.

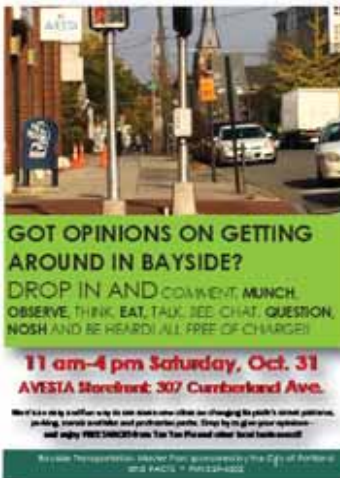


Figure 6-3: Got Opinions on Getting AroundBaysideFlyer–October31,2015

Public Open House – October 31, 2015—The team experimented with a new feedback opportunity for this study. In an effort to draw participants who would not ordinarily attend a meeting or go online to comment, an informal open house was staged on a Saturday, partnering with Avesta in their sidewalk-adjacent conference room on Cumberland Avenue in one of the more active parts of the study area. Food and coffee was served, and displays and stations were the same as at Public Workshop #2, but participation was on a drop-in basis, so no presentation was made. Participation was fairly low, with about 20 individuals attending over a 5-hour period. About half were new faces; the others were people who had been unable to make the October 29th workshop. Everyone was very appreciative of the convenience. Comments gathered are incorporated

into the October 29th workshop feedback. While perhaps not the most efficient use of time on a per-person basis, this concept would be very effective in a study area that had a central area with more foot traffic, and/or if it could be up and running for a week or so. It provides a good opportunity for informal conversation and the chance to talk with people outside of the usual sphere of influence, and so remains a good tool for a serious public outreach process.

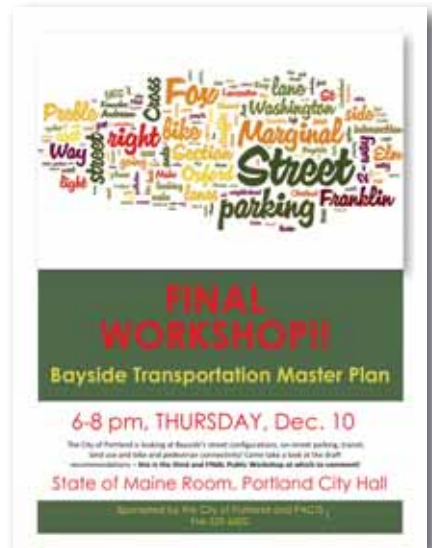


Figure 6-4: FINAL WORKSHOP! Flyer – December 10, 2015

Public Meeting #3 – December 10, 2015—This last workshop presented final recommendations, with an emphasis on lower cost and immediate changes that could be incorporated into the study sooner rather than later. Longer term, more expensive options were included where appropriate. Because of the detail involved in these plans, the presentation lasted longer than at other meetings; about 40 minutes was still made available for written comments. In general, draft recommendations included Oxford Street moving to two-way, Preble and Elm Streets staying one-way with an added bike lane and buffer, and modified intersections at Marginal Way and Franklin Street, Marginal Way and Preble Street/Elm Street, and Marginal Way and Forest Avenue.

BAYSIDE TRANSPORTATION MASTER PLAN

SECTION SIX – PUBLIC OUTREACH PROCESS

AGENDA

Presentation

Welcome and Team Introductions

- Study Background, Process and Schedule
- Public Feedback Opportunities
- Draft Purpose and Need Statement
- Existing Conditions/Issues and Opportunities
 - Configuration of Preble and Elm Streets
 - Pearl Street Future Connection
 - Portland and Oxford Streets
 - Forest Avenue/Park Avenue/Portland Street
 - Lancaster Street
 - Kennebec Street
 - East Bayside
 - Washington Avenue
 - Marginal Way
 - Transit: Long-term Considerations
- Next Steps
- Workshop

Feedback: In general, recommendations were met with support and positive feedback, with specific suggestions on details like intersection geometry at Plowman Street, access out of the Elm Street Parking Garage, adjustments to the Forest Avenue intersection, and suggestions for adding crosswalks on Oxford Street. Parking concerns about the two-way change on Oxford Street were also reiterated. The oral comments made during the meeting and the written workshop comments can be found at <http://shscs.engagingplans.org/document/1a-what-we-heard-december-bayside-workshop>.

Website – www.portlandstudies.org:



Figure 6-5: PortlandStudies Transportation Website

This interactive web platform was used to post study information (meeting alerts, meeting PowerPoints and meeting comments), along with posing specific questions about study issues.

Opportunities to answer these question ran from the end of September through the end of October and comments were viewable online during that time. The four questions posted were:

1. Should Preble and Elm Streets be two-way?
2. What's most important for Oxford Street?
3. What short-term improvements are needed for Marginal Way, and
4. How could we connect PHA properties to the larger neighborhood.

There were 14 individuals who answered these questions; the format encourages longer, more thoughtful answers with an attribution. This group generally wanted two-way streets instead of one-way; was very interested and specific in comments on safety and pedestrian/bike needs, and also included comments from the Chamber (Chris O'Neil) and property owner Brent Noyes. See details at <http://shscs.engagingplans.org/document/1b-what-was-posted-portlandstudiesorg>.

6.4 Other Key Stakeholder Outreach

Other key stakeholders were also part of the outreach process in smaller meetings during the study process:

MaineDOT

As a major stakeholder, the team and City staff sent materials to MaineDOT for review and feedback prior to each public meeting, as well as meeting with staff at key points. MaineDOT staff also attended each of the three workshops and participated in terms of listening and providing the DOT viewpoint to the public as needed. This contributed to a smooth study process with no surprises for any of the team members.

METRO

City staff and Metro Manager Greg Jordan met on August 5th to identify existing conditions and issues/opportunities. In addition, there were periodic exchanges of transit data by email and an intensive work session on November 23rd attended by the consultant team, City staff, and Metro staff.

Affected Businesses and Organizations

Outreach to property owners (Brent Noyes and Peter Quesada), and the Postmaster General, was part of the process in order to identify issues about changes in bus stops and potential improvements. A follow-up communication was sent to the Postmaster General to allow them to comment on changes proposed in front of the Portland Street entrance.

MEMORANDUM
City Council Agenda Item

DISTRIBUTE TO: City Manager, Mayor, Sonia Bean, Nancy English, Danielle West-Chuhta, Deivy Periana,

FROM: Bruce Hyman, Transportation Program Manager

DATE: June 3, 2019

SUBJECT: Council Review of Bayside Transportation Master Plan

SPONSOR: Jon Jennings, City Manager

COUNCIL MEETING DATE ACTION IS REQUESTED:

1st reading_____ **Final Action** June 17, 2019_____

Can action be taken at a later date: X Yes No (If no why not?)

PRESENTATION:

Bruce Hyman, 15 minutes, PPT

I. ONE SENTENCE SUMMARY

Adoption of the Bayside Transportation Master Plan pursuant to the plan adoption process in Portland's Plan 2030.

II. AGENDA DESCRIPTION

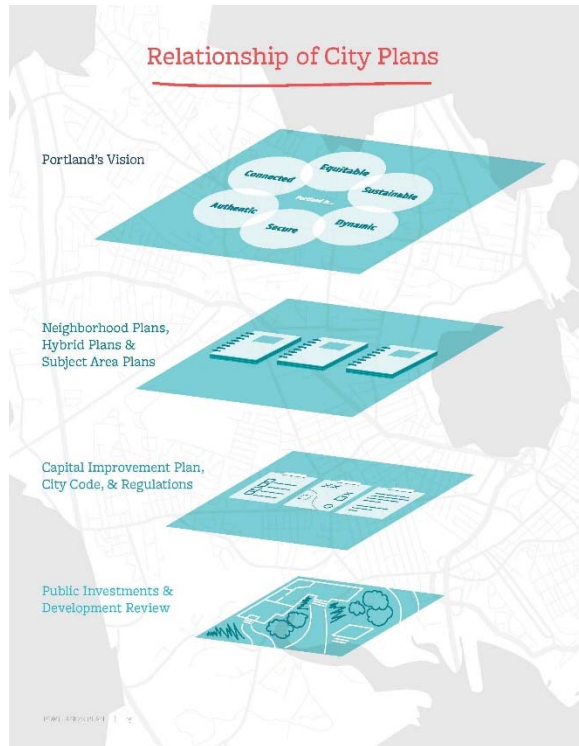
Introduction

The City conducted the PACTS-funded multimodal and land use Bayside Transportation Master Plan to integrate and lay the groundwork for many various public planning-project initiatives and private development activities in the fast-changing Bayside and East Bayside neighborhoods.

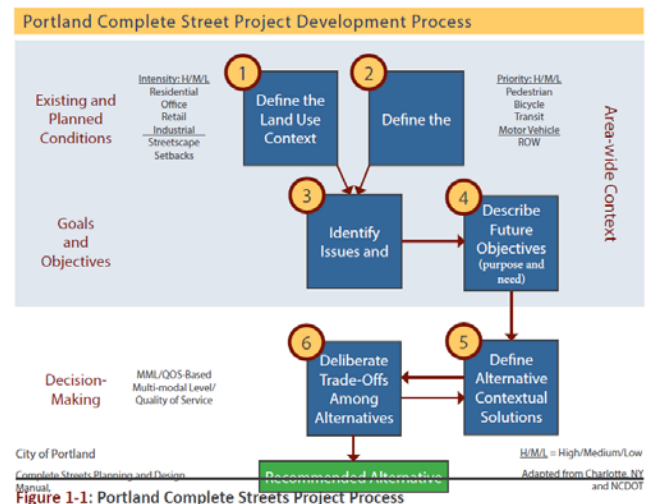
The Plan and its recommendations are organized around 6 primary and 2 additional 'Focus Areas':

- Marginal Way
- Preble and Elm Streets
- Portland and Oxford Streets
- Pearl Street
- Lancaster and Kennebec Streets
- Public Transit
- East Bayside (additional area)
- Washington Avenue, on-peninsula (additional area).

The Bayside Transportation Master Plan was designed to be an integrated multi-modal and land use initiative, examining pedestrian, bicycle, vehicular and transit access; connectivity; land use; and urban form, guided by the City's and MaineDOT's Complete Streets Policy. As an adopted Master Plan it would fall within the hierarchy of planning documents for the City.



Portland's Plan 2030



Complete Streets Design Process

Principal Recommendations by Key Focus Area:

Recommendations for each focus area were made based on the technical analysis and goals evaluation. The principal recommendations for each focus area are summarized below. Common themes for each focus area are seeking complete streets solutions including an improved streetscape/sidewalks and pedestrian crossings. Select recommendations are as follows:

- **Marginal Way.** To more safely and efficiently serve a more urban development context, Marginal Way is recommended to become a more consistent 3-lane roadway from Forest Avenue to Franklin Street with one lane in each direction, two-way center turn lane/left turn lanes at intersections, buffered bike lanes and on-street parking. Intersections are recommended to be reconfigured to serve this configuration including at Preble/Elm Streets (including removal of the double left turn lane on Preble Street Extension), Chestnut Street (including a traffic signal) and at Franklin Street. At Franklin Street, full movement of traffic for westbound Marginal Way is recommended to be preserved.
- **Preble and Elm Streets.** In anticipation of the Somerset Street re-connection between Elm and Hanover Streets, Preble Street is proposed to be reconfigured from Marginal Way to Congress Street for generally one travel lane and a bike lane with turn lanes at

intersections where needed. Elm Street is recommended to remain two travel lanes with shared lane bikeway markings. Both streets are recommended to remain one-way.

- Portland and Oxford Streets. Portland Street is recommended to be reconfigured at the Forest Avenue intersection to better serve pedestrians and transit users. Oxford Street is recommended to become two-way from Elm Street to Alder Street/Portland Street to improve street connectivity within the neighborhood. A test of a two-way Oxford Street from Elm to Pearl Streets is suggested.
- Public Transit. Many bus stops are recommended to be relocated and formalized by removal of on-street parking to allow buses access to the curb to better serve riders. Bus stop locations should be reassessed in light of the likely re-thinking of the current one-way loop Route 8 peninsula circulator; implementation is slated for the Fall 2020.

Additionally, recommendations were highlighted for two additional areas:

- East Bayside. Many East Bayside streets are recommended to be upgraded to traditional city streets with curb and sidewalks where they are currently missing as the area transitions. Fox Street, which is seeing increasing traffic volumes, is recommended to have on-street parking on one side only from Anderson Street to Washington Avenue.
- Washington Avenue (on-peninsula). In anticipation of reconstruction of much of the street and its continued redevelopment/revitalization, Washington Avenue is recommended to have a much higher quality streetscape/sidewalks and better pedestrian access along and across Washington Avenue.

III. BACKGROUND

The Bayside area has been a major focus for redevelopment plans on the Portland peninsula, and planning efforts have been part of reshaping this area over the past two decades - beginning with A New Vision for Bayside in 2000, continuing through implementation of the Bayside Trail, the Chestnut Street Extension, and the re-extension of Somerset Street, and with potential future changes to Franklin Street. Land uses in Bayside can be described as mixed-use, and current dominant uses include regional scale retail (grocery), a gym, banking, automotive services, regional scale medical offices, and mid-rise residential. Land use form is a mix of more urban-style but also some recent more suburban-style development.

Recommendations for Focus Areas not included in Section II (above) include:

- Pearl Street. Pearl Street is recommended to be extended the one block from Somerset Street to Marginal Way to enhance north-south connectivity on the peninsula from Marginal Way to Commercial Street.
- Lancaster and Kennebec Streets. Various options for reconfiguring both streets are presented including as traditional city streets (travelways with curb and sidewalk) or as shared streets for some sections in response to potential development opportunities. City staff also suggest that portions of Kennebec Street be considered to become pedestrian only/a pedestrian mall given its unique characteristics and development potential. This

type of conversion has been successful in communities across the country to create vibrant redevelopment areas.

A robust public outreach-engagement process with residents, property owners and businesses was conducted that included three well-attended public workshops, an Open House and an interactive project website. Close coordination with the MaineDOT and METRO was also maintained through-out the process. This process and its outcomes are documented in Chapter 6.

For each of the 6 focus areas, the public outreach and consultant-staff discussions generated a series of Issues-Opportunities and Goals were identified. From these, a set of multimodal/complete streets-oriented Alternatives were generated and analyzed and evaluated based on how well they met the Goals.

IV. INTENDED RESULT AND/OR COUNCIL GOAL ADDRESSED

As a council-adopted Master Plan, additional consideration/weight will be given to its recommendations as private development occurs and as the city pursues federal and state transportation funds for implementation.

V. FINANCIAL IMPACT

Adoption of the Plan does not obligate the City to any particular action on or implementation of its recommendations. Adoption by the Council increases the likelihood that some of its recommendations may be implemented by the private sector as part of development projects that may occur. Adoption also improves funding opportunities for state and federal transportation funds whereby the City would pay for 20% to 25% local match.

VI. STAFF ANALYSIS AND BACKGROUND THAT WILL NOT APPEAR IN THE AGENDA DESCRIPTION

The Plan will improve the overall safety (for all users), circulation, accessibility and mobility for all users of the transportation network in and to the Bayside and East Bayside neighborhoods. It will also improve the economic development context for both neighborhoods.

VII. RECOMMENDATION

Staff recommends the Plan as a Council adopted Master Plan.

VIII. LIST ATTACHMENTS

DRAFT Bayside Transportation Master Plan

PLEASE REMEMBER THAT BACKUP ITEMS HAVE TO BE SINGLE SIDED.

Prepared by: Bruce Hyman

Date: June 3, 2019

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

CITY OF PORTLAND
IN THE CITY COUNCIL

KIMBERLY COOK (5)
JILL C. DUSON (A/L)
PIOUS ALI (A/L)
NICHOLAS M. MAVODONES, JR (A/L)

ORDER ADOPTING THE BAYSIDE TRANSPORTION MASTER PLAN

ORDERED, that the City of Portland's Bayside Transportation Master Plan, substantially in the form attached hereto, is hereby adopted.

MEMORANDUM
City Council Agenda Item

FROM: Bruce Hyman
DATE: June 3, 2019
SUBJECT: **Order 278-18/19 Accepting Easement Deed from Nancy E. Hurst Re: Dunkin Donuts at 325 St. John Street - Sponsored by Jon P. Jennings, City Manager.**
SPONSOR: Jon Jennings, City Manager
(If sponsored by a Council committee, include the date the committee met and the results of the vote.)

COUNCIL MEETING DATE ACTION IS REQUESTED:

1st Reading 6/17/2019

Final Action 6/17/2019

Can action be taken at a later date: Yes Yes

PRESENTATION: None

I. SUMMARY

Acceptance of Easement at 325 St. John Street for bus stop and future bus shelter.

II. AGENDA DESCRIPTION

A new Dunkin Donuts is to be constructed at 325 St. John Street (formerly Lang's Express restaurant). As part of the site plan approval process, the applicant is required to provide an easement for the future construction and installation of a bus shelter (by others).

Five affirmative votes are required for passage after public comment.

III. BACKGROUND

METRO seeks to provide more bus transit facilities to serve to serve the comfort and convenience of its existing riders and to attract future riders. Bus shelters are one of the key facilities that are being provided by METRO and other regional transit providers. As part of it site plan review requirements, the applicant is required to construct an ADAcompliant and accessible bus stop and provide an easement for an 8'x14' area that will serve a future bus shelter. While the City will hold the easement, part of the packet includes an Installation and Maintenance Agreement.

IV. INTENDED RESULT AND/OR COUNCIL GOAL ADDRESSED

Providing more facilities that address the comfort and convenience of bus transit riders will attract more riders and contribute to a more sustainable transportation system in Portland.

V. FINANCIAL IMPACT

There are no direct operating or maintenance costs assumed by the City; METRO assumes ongoing responsibility for the installation and maintenance of the bus shelter.

VI. STAFF ANALYSIS AND BACKGROUND

Bus shelters are a key strategy to serve existing riders and to attract more future riders.

VII. RECOMMENDATION

Staff recommends acceptance of the bus shelter easement at 325 St. John Street.

VIII. LIST ATTACHMENTS

1. Accepting bus shelter easement 325 St. John 6.17.2019
2. AgendaReqMemo_DDBusShelterEasement_Jun17-2019
3. 325StJohnSt_BusShelterEasement_June2019

Prepared by:

Bruce Hyman

Date: 6/3/2019

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

CITY OF PORTLAND
IN THE CITY COUNCIL

KIMBERLY COOK (5)
JILL C. DUSON (A/L)
PIOUS ALI (A/L)
NICHOLAS M. MAVODONES, JR (A/L)

ORDER ACCEPTING EASEMENT DEED FROM NANCY E. HURST
RE: DUNKIN DONUTS AT 325 ST. JOHN STREET

ORDERED, that the attached easement from Nancy E. Hurst is hereby approved in substantially the form attached hereto; and

BE IT FURTHER ORDERED, that the City Council hereby authorizes the City Manager or his or her designee to record said documents in the Cumberland County Registry of Deeds.

MEMORANDUM
City Council Agenda Item

DISTRIBUTE TO: City Manager, Mayor, Sonia Bean, Nancy English, Danielle West-Chuhta,
Deivy Periana,

FROM: Bruce Hyman, Transportation Program Manager

DATE: June 3, 2019

SUBJECT: Acceptance of Easement for Bus Shelter, 325 St. John Street, Portland, ME

SPONSOR: Jon Jennings, City Manager

COUNCIL MEETING DATE ACTION IS REQUESTED:

1st reading_____ **Final Action** June 17, 2019 _____

Can action be taken at a later date: X Yes No (If no why not?)

PRESENTATION:

None.

I. ONE SENTENCE SUMMARY

Acceptance of Easement at 325 St. John Street for bus stop and future bus shelter.

II. AGENDA DESCRIPTION (This is all that will be included in the agenda.)

A new Dunkin Donuts is to be constructed at 325 St. John Street (formerly Lang's Express restaurant). As part of the site plan approval process, the applicant is required to provide an easement for the future construction and installation of a bus shelter (by others). The applicant is constructing an ADA-accessible and -compliant bus stop as part of its site plan requirements. The City will hold the easement; METRO's responsibilities for the bus shelter are spelled out in an Installation and Maintenance Agreement.

III. BACKGROUND

METRO seeks to provide more bus transit facilities to serve to serve the comfort and convenience of its existing riders and to attract future riders. Bus shelters are one of the key facilities that are being provided by METRO and other regional transit providers.

As part of its site plan review requirements, the applicant is required to construct an ADA-compliant and accessible bus stop and provide an easement for an 8'x14' area that will serve a future bus shelter. While the City will hold the easement, part of the packet includes an Installation and Maintenance Agreement.

IV. INTENDED RESULT AND/OR COUNCIL GOAL ADDRESSED

Providing more facilities that address the comfort and convenience of bus transit riders will attract more riders and contribute to a more sustainable transportation system in Portland.

V. FINANCIAL IMPACT

There are no direct operating or maintenance costs assumed by the City; METRO assumes on-going responsibility for the installation and maintenance of the bus shelter.

VI. STAFF ANALYSIS AND BACKGROUND THAT WILL NOT APPEAR IN THE AGENDA DESCRIPTION

Bus shelters are a key strategy to serve existing riders and to attract more future riders.

VII. RECOMMENDATION

Staff recommends acceptance of the bus shelter easement at 325 St. John Street.

VIII. LIST ATTACHMENTS

1. Approved Site Plan, 325 St. John Street
2. Bus Shelter Easement Cover Letter
3. Bus Shelter Easement Agreement
4. Bus Shelter Installation and Maintenance Agreement
5. Dunkin Donuts Approval Letter

PLEASE REMEMBER THAT BACKUP ITEMS HAVE TO BE SINGLE SIDED.

Prepared by: Bruce Hyman

Date: June 3, 2019

2. Bus Shelter Easement Cover Letter

Weiss DeRice PA
Attorneys at Law
872 Washington Street
PO Box 662
Bath, ME 04530



T: 207.442.0000
F: 207.442.0003
www.legacy-llc.com
drw@legacy-llc.com

David R. Weiss

April 9, 2019

Ms. Jean Fraser
Planning & Urban Development Dept.
City of Portland
389 Congress Street
Portland, ME 04101

Re: New Dunkin Donuts
Project No. PL000047-2018
325 St. John Street

Dear Ms. Fraser:

Enclosed please find, with respect to the above referenced project, executed versions of both the Bus Shelter Easement Agreement and the Bus Shelter Installation and Maintenance Agreement. Ms. Hurst assumes you will see to the application of the signatures from both METRO and the City Manager, and then also record the Easement in the Cumberland County Registry of Deeds. We would simply ask that a copy of the fully executed version of the Installation and Maintenance Agreement, as well as a recorded version of the Easement, be returned to me following the Easement recording. If you have any questions, please give me a call or send an email.

Sincerely,
WEISS DeRICE PA

A handwritten signature in black ink, appearing to read "David R. Weiss".

David R. Weiss

DRW:ms
Enclosures
cc: (via email)
Scott E. Braley, PE, CPESC
Chris Jesson, Dunkin Brands

3. Bus Shelter Easement Agreement

BUS SHELTER EASEMENT AGREEMENT

THIS BUS SHELTER EASEMENT AGREEMENT (this "Agreement") is made this 9TH day of April, 2019, by and between **NANCY E. HURST** with a mailing address of 1876 Harpswell Neck Road, Harpswell, Maine, " (Grantor)" and the **CITY OF PORTLAND**, a Maine municipal corporation with a place of business in Portland, Maine and a mailing address of 389 Congress Street, Portland, Maine 04101 (the "City").

RECITALS

WHEREAS, pursuant to a certain warranty deed dated March 27, 1992 and recorded in the Cumberland County Registry of Deeds in Book 9982, Page 346, the Grantor is the owner of that certain real property situated in Portland, Cumberland County, Maine, and located at or near 305-319 St. John Street in Portland, Maine (the "Property"), said real property being more particularly described in said deed; and

WHEREAS, the City desires to have a bus transit shelter, along with a concrete pad foundation and related facilities and accessories (e.g., bench, trash receptacle) ("Shelter") constructed by the Greater Portland Transit District, a regional transit district and body politic and corporate, having its principal place of business at 114 Valley Street in Portland, Maine, or its designee ("METRO") on a portion of the Property for the benefit of the public; and

WHEREAS, METRO will construct the Shelter on a certain lot or parcel of land more particularly described below;

NOW THEREFORE, for valuable consideration, the receipt of which is hereby acknowledged, and in further consideration of the mutual covenants and terms, conditions, and restrictions hereinafter set forth, the Grantor hereby gives, grants, bargains, and conveys unto the City, its successors and assigns, in perpetuity, an easement for the purposes of constructing and maintaining the Shelter, and an easement for members of the public to wait, board, and disembark buses at the Shelter in and over that portion of the Property generally depicted in Exhibit A, attached hereto, and more particularly described in Exhibit B, attached hereto (the "Easement Area").

The terms, conditions, and restrictions of this Easement Agreement are as follows:

1. At the City's election and upon mutual agreement of the City and Grantor, the Easement Area may be relocated to another place within the boundaries of the Property; provided, however, that the City shall prepare and record amendments to Exhibit A and Exhibit B that, respectively, generally depict and more particularly describe the relocated Easement Area.
2. The City or its designee shall have the right but not the obligation to erect and maintain a Shelter over, under, and within the Easement Area. Members of the public may wait, board, and disembark buses at the Shelter.
3. In the event that the City or its designee constructs a Shelter in the Easement Area, the City or its designee shall have the right to maintain, operate, alter, repair, rebuild, inspect, patrol, remove, and replace the Shelter and other associated fixtures, equipment, and appurtenances

thereto over, under, and within the Easement Area and to use adjacent land at times of and for the purposes appurtenant to said repair or maintenance, together with the right to cut and remove trees, obstructions, bushes, shrubs, roots, and earth, and to do any other work necessary for the purposes of installing, maintaining, operating, repairing, and replacing the Shelter and for the purposes of maintaining, as the City or its designee deems necessary, visibility and safety along the existing sidewalk that abuts the Easement Area. No building or other structure shall be erected within the Easement Area contrary to any statute, law, ordinance, or safety regulation or policy or inconsistent with the City's rights granted herein. Grantor reserves the right to enter and use the Easement Area for such purposes as are not inconsistent with and do not materially interfere with the use thereof by the City.

4. The City or its designee shall be and remain responsible for any and all expenditures of labor and materials or other costs or expenses incurred in the construction, repair, maintenance, and replacement of the Shelter within the Easement Area.
5. The City or its designee shall be responsible for any and all labor or other costs or expenses that result from any and all future repair, relocation, or dismantling of the Shelter within the Easement Area.
6. The City agrees, to the extent allowed by Maine law, to hold Grantor and Grantor's officers, agents, employees and tenants harmless from any and all liability arising out of the installation and maintenance of the Shelter on the Easement Area to the extent such liability is attributable to bodily injury, sickness, disease, or death, or to injury to or destruction of tangible property, including the loss of use therefrom, and is caused by any negligent act or omission of the City and not caused by the negligence of Grantor or its officers, agents, employees or tenants; provided, however, that nothing herein is intended to, nor shall it be deemed to, waive, amend or otherwise modify any claim of immunity, any defense or any limitation of liability available to the City under the Maine Tort Claims Act, 14 M.R.S.A. § 8101 et seq., or other applicable law.
7. The Grantor shall not be responsible for the cleanliness of the Shelter or the Easement Area, including without limitation the removal of trash from trash receptacles and litter from the Easement Area.
8. This Agreement shall not divest the Grantor or its tenants of any rights or interests in their Property not herein mentioned.
9. All notices given under this Agreement must be in writing and must be given by U.S. certified mail (written receipt) addressed to the parties at the addresses first set forth above. Notices shall be deemed delivered three (3) days from the date sent if addressed as set forth herein. Either party may notify the other of a change of address, which will only be effective by written notice. As necessary, day to day communication may occur between the Grantor and METRO concerning the administration of this Agreement.

11. This Agreement shall be binding upon the Grantor and the City and their respective successors, tenants, and assigns.

TO HAVE AND HOLD the rights, privileges, and easement herein granted to the City, its successors and assigns forever. The covenants agreed to and the terms, conditions, and restrictions imposed herein shall be binding upon the Grantor, its agents, tenants, successors and assigns and shall continue as a servitude running with the land.

AND the Grantor covenants that it is vested of the premises in fee, that the same are free from encumbrances except as stated herein, and has the right to convey the easement herein granted.

IN WITNESS WHEREOF, the parties have set their hands and seals, the last party to sign being authorized to complete the day and year first written above, and which day and year shall be the effective date of this Agreement.

WITNESS:

GRANTOR: _____

Daniel R. Sten

Nancy E. Hurst
Print Name: Nancy E. Hurst

STATE OF MAINE
COUNTY OF CUMBERLAND

April 9, 2019

Then personally appeared the above-named Nancy E. Hurst, ("Grantor"), and acknowledged the foregoing instrument to be her free act and deed.

Cordana J. Dingley
Notary Public/Attorney at Law

Print Name: _____
My Commission Expires: _____

Cordana J. Dingley
Maine Notary Public
My commission expires 8/24/22

WITNESS:

CITY OF PORTLAND

By: _____

Jon P. Jennings

Its: City Manager

STATE OF MAINE

COUNTY OF CUMBERLAND

_____, 2019

Then personally appeared the above-named Jon P. Jennings, City Manager of the City of Portland, and acknowledged the foregoing instrument to be his free act and deed and the free act and deed of said City of Portland.

Notary Public/Attorney-at-Law

Print Name: _____

My Commission Expires: _____

EXHIBIT A
DEPICTION OF THE PROPERTY

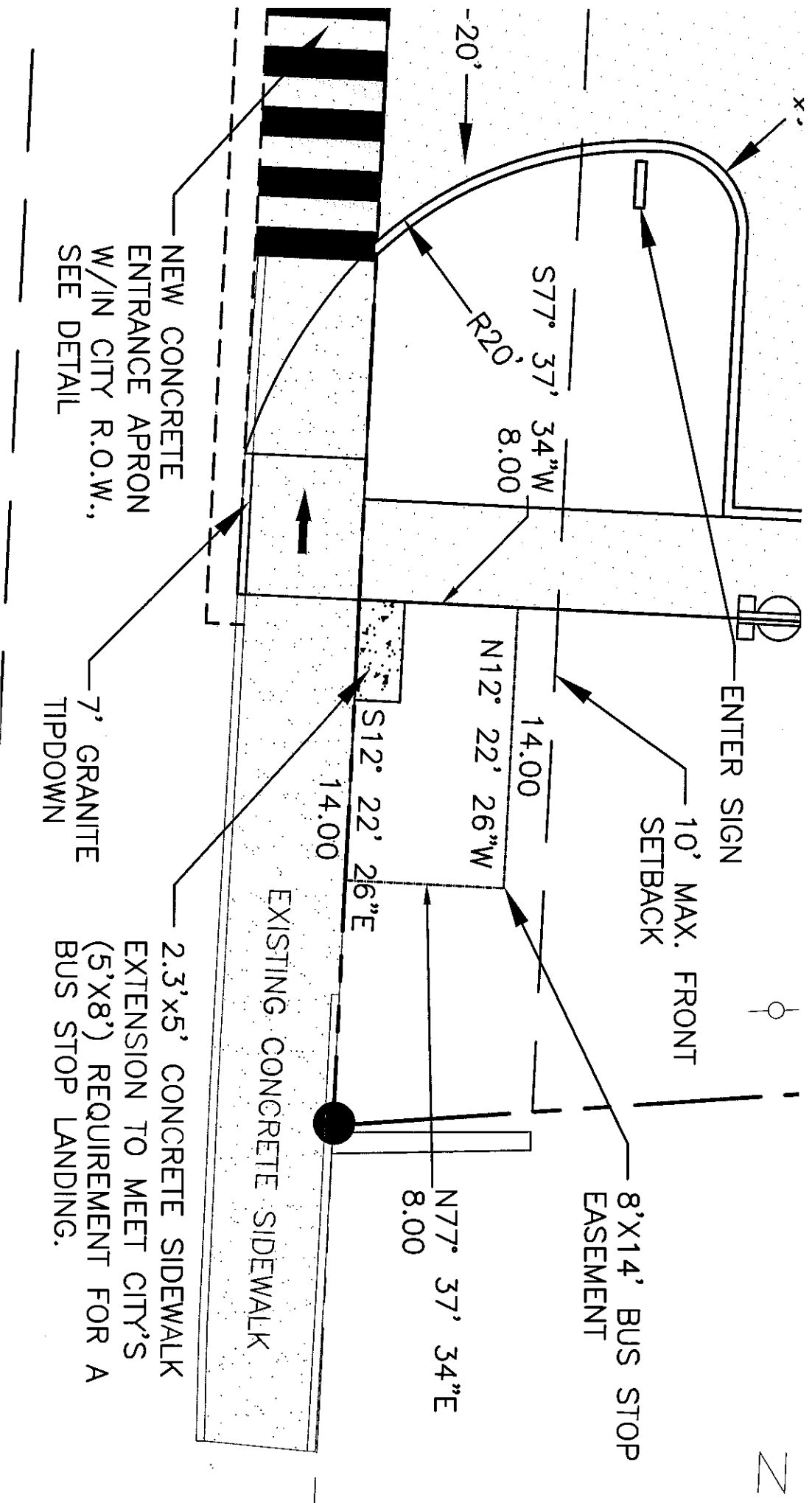


EXHIBIT B

LEGAL DESCRIPTION OF THE PROPERTY

A bus shelter easement on certain land in the City of Portland, County of Cumberland and State of Maine

An 8 foot X 14 foot easement situated on land located on the easterly side of St. John Street in the City of Portland, County of Cumberland and State of Maine, more particularly described as follows:

BEGINNING at a pin on the assumed easterly sideline of St. John Street, which pin marks the southwest corner of the lot or parcel of land described in the Warranty Deed of Wayne R. Hurst to Nancy E. Hurst dated March 27, 1992 recorded in the Cumberland County Registry of Deeds, Book 9982, Page 346;

THENCE N 12° 22' 26" W a distance of approximately ten feet to a point marking the southwest corner of the easement area and its POINT OF BEGINNING;

THENCE S 12° 22' 26" E, along the assumed easterly sideline of St. John Street, a distance of 14.0 feet to a point;

THENCE N 77° 37' 34" W a distance of 8.0 feet to a point;

THENCE N 12° 22' 26" W a distance of 14.0 feet to a point;

THENCE S 77° 37' 34" E a distance of 8.0 feet to the Point of Beginning.

For source of title, reference may be had to the Warranty Deed of Wayne R. Hurst to Nancy E. Hurst dated March 27, 1992 recorded in the Cumberland County Registry of Deeds, Book 9982, Page 346.

4. Bus Shelter Installation and Maintenance Agreement

BUS SHELTER INSTALLATION AND MAINTENANCE AGREEMENT

THIS BUS SHELTER INSTALLATION AND MAINTENANCE AGREEMENT (the "Agreement") is made this 9th day of April, 2019, by and between the CITY OF PORTLAND, a body politic and corporate located at 389 Congress Street, Portland, Maine ("CITY"), NANCY E. HURST with a mailing address of 1876 Harpswell Neck Road, Harpswell, Maine ("OWNER"), and GREATER PORTLAND TRANSIT DISTRICT, a regional transit district and body politic and corporate pursuant to Maine law, having its principal place of business at 114 Valley Street, Portland, Maine ("METRO") (collectively, the "Parties").

RECITALS

WHEREAS, pursuant an Easement Agreement dated April 9, 2019 and recorded in Book _____, Page _____ of the Cumberland County Registry of Deeds, OWNER has granted CITY a perpetual easement for the construction, installation, operation, and maintenance of a bus transit shelter, a concrete pad foundation, and related accessories (e.g., bench, trash receptacle, advertising materials) inside or adjacent to the bus transit shelter (collectively, the "Shelter") on a portion of the property owned by OWNER located at or near 305-319 St. John Street in Portland, Maine (the "Easement Area"); and

WHEREAS, METRO has agreed to construct, install, and operate the Shelter and perform monitoring, maintenance, and cleaning responsibilities for the Shelter and the Easement Area.

NOW, THEREFORE, in consideration of the mutual promises made by each party to the other, the parties covenant and agree as follows:

1. OWNER shall be responsible for monitoring the Shelter and the Easement Area, and reporting any needed cleaning or maintenance activities to METRO.
2. METRO shall be responsible for construction, installation, maintenance, cleaning, and repair of the Shelter and the Easement Area, including, without limitation, the following:
 - a. Installation of the Shelter, including construction of a concrete pad foundation, installation of the bus transit shelter, and installation of any related accessories such as a bench or trash receptacle;
 - b. Cleaning and maintenance of the Shelter on a regular basis, as needed, and in response to OWNER requests;
 - c. Timely removal of litter and other debris from the Shelter and Easement Area as needed and in response to OWNER requests;
 - d. Graffiti removal as needed;
 - e. Removal of snow and ice from inside the Shelter and removal of snow banks that may form on the street in front of the Shelter;
 - f. Maintaining access between the Shelter and the bus stop; and
 - g. Removal and replacement of the Shelter, if needed.

METRO will comply with all applicable local, state and federal laws related to the construction, installation, maintenance, cleaning, repair, and operation of the Shelter and the Easement Area.

3. To the fullest extent permitted by law, METRO shall defend, indemnify, and hold harmless CITY and OWNER, their officers, agents, and employees, from and against all claims, damages, losses, and expenses including, but not limited to, the costs of defense and attorneys' fees arising out of or resulting from the performance of this Agreement or any third party's use of the Shelter to the extent that any such claim, damage, loss, or expense (1) is for bodily injury, sickness, disease, or death, or injury to or destruction of tangible property, and (2) is caused by a negligent act or omission of METRO or anyone for whose negligent act or omission METRO is liable; provided, however, that nothing herein is intended to, nor shall it be deemed to, waive, amend, or otherwise modify any claim of immunity, any defense, or any limitation of liability available to METRO under the Maine Tort Claims Act, 14 M.R.S.A. § 8101 *et seq.*, or other applicable law, against a party alleging to have suffered such personal injury or property damage or asserting a claim for wrongful death. Such obligation of indemnification shall not be construed to negate or abridge any other obligation of indemnification benefitting the CITY which otherwise exists. METRO's obligations under this paragraph shall survive termination of this Agreement.
4. Except as set forth in paragraph 3 and when the Shelter is to be replaced as needed in accordance with paragraph 2, the parties' obligations under this Agreement shall terminate upon removal of the Shelter from the Easement Area. OWNER's obligations under this Agreement shall terminate upon sale, transfer, or other assignment of OWNER's fee simple interest in the property burdened by the Easement Area. In the event of such a sale, transfer, or other assignment, CITY's and METRO's obligations under this Agreement shall continue in full force.
5. CITY shall have the right to terminate this Agreement at any time on thirty (30) days' prior written notice to METRO and OWNER.
6. OWNER shall notify CITY and METRO in writing of any sale, transfer or other assignment of its interest in the property burdened by the Easement Area.
7. This Agreement and the Easement Agreement represent the entire and integrated agreement between the Parties and supersedes and replaces all terms and conditions of any prior agreements, arrangements, negotiations, or representations. This Agreement may not be modified except in writing executed by the parties hereto.

IN WITNESS WHEREOF, the Parties hereto have caused this Bus Shelter and Installation Agreement to be signed by their duly authorized representatives on the day and year first above written.

CITY OF PORTLAND

By: _____
Jon P. Jennings
Its City Manager

OWNER: _____

Nancy L. Hurst
Print Name: _____

GREATER PORTLAND TRANSIT DISTRICT | METRO

By:

Greg Jordan

Its General Manager

5. Dunkin Donuts Approval Letter

Sean Dundon, Chair
Brandon Mazer, Vice Chair
David Eaton
David Silk
Austin Smith
Maggie Stanley
Lisa Whited

December 4, 2018

Dunkin' Brands, Inc
attn. Robert Mahoney
130 Royall Street
Canton, MA 02021

Plymouth Engineering, Inc.
Attn. Jon H Whitten, Jr P.E.
PO Box 46
Plymouth, ME 04969

Project Name: New Dunkin' Donuts Restaurant with drive-through
Project ID: Project # PLO00047-2018 (Site Plan) and CU-000172-2018 (Conditional Use)
Address: 325 St John Street, Portland CBL: 065 Co04001
Applicant: Dunkin' Brands, Inc. (Robert Mahoney)
Planner: Jean Fraser

Dear Sirs:

On November 27, 2018, the Planning Board considered Level III Site Plan, Traffic Movement Permit, and Conditional Use applications for a new Dunkin Donuts restaurant comprising a new 2,277 sq ft building with drive-through and 24 parking spaces. The Planning Board reviewed the proposal for conformance with the standards of the Site Plan, Traffic Movement Permit and Conditional Use. The Planning Board voted unanimously 6-0 (Whited absent) to approve the applications with the following waivers and conditions as presented below:

A. WAIVERS

On the basis of the application, plans, reports and other information submitted by the applicant, findings and recommendations, contained in the Planning Board Report for the public hearing on November 27, 2018 for application # PLO00047-2018 (Site Plan) (new Dunkin Donut restaurant at 325 St John Street) relevant to Portland's Technical and Design Standards, the B2 Design Guidelines and Standards and other regulations, and the testimony presented at the Planning Board hearing:

1. Parking aisle Widths: The Planning Board voted unanimously 6-0 (Whited absent) that based upon the consulting Traffic Engineer's review (Attachment 4), that extraordinary conditions exist or undue hardship may result from strict compliance with the Technical Manual Section 1.14 *Parking Lot and Parking Space Design*. The Planning Board waives the *Technical Manual* standard (Technical Manual Section 1.14) to allow the parking lot aisle

widths as shown on the site plan 11.16.2018, as supported by the Traffic Engineering reviewer.

2. Driveway Separation

The Planning Board voted unanimously 6-o (Whited absent) that based upon the consulting Traffic Engineer's review (Attachment 4), that extraordinary conditions exist or undue hardship may result from strict compliance with the Technical Manual Section 1.7.1.7 *Location and spacing of driveways*. The Planning Board waives Technical Design Standard Section 1.7.1.7 *Location and spacing of driveways* to allow the proposed driveways (each one-way) to be located as shown on the site plan 11.16.2018 as supported by the Traffic Engineering reviewer.

3. Sidewalk materials

The Planning Board voted unanimously 6-o (Whited absent) that based upon the City Engineer's review (Attachment 5), that extraordinary conditions exist or undue hardship may result from strict compliance with the Technical Manual Section 1.8.2 *Sidewalk Construction and Materials* in respect of the sidewalk along St John Street. The Planning Board waives the *Technical Manual* standard (Technical Manual Section 1.8.2) to allow concrete material for the sidewalk along the site frontage on St John Street, as the retention of the existing concrete sidewalk meets the waiver criteria set out in the Technical Manual *Appendices 15.1*.

B. CONDITIONAL USE

On the basis of the application, plans, reports and other information submitted by the applicant, findings and recommendations contained in the Planning Board Report for the public hearing on November 27, 2018 for application CU-000172-2018 (Conditional Use) (new Dunkin Donut restaurant at 325 St John Street), relevant to Portland's Conditional Use Standards and other regulations, and the testimony presented at the Planning Board hearing:

The Planning Board voted unanimously 6-o (Whited absent) that the proposed conditional use for a drive-through associated with the new Dunkin Donuts restaurant at 325 St John Street in the B2 zone does meet the standards of § 14-474 and the standards of §14-183 for the B2 zone.

Prior to Applying for a Building Permit

1. That the applicant shall submit a revised site plan to incorporate strategies for enhancing pedestrian safety at the crosswalk from Valley Street into the site/across the drive through lanes, for review and approval by the Planning Authority. These strategies may consist of signing, pavement markings, or creating a raised crosswalk.

Prior to the Issuance of a Certificate of Occupancy

2. That any speakers, intercom systems, audible signals, computer prompts, or other noises generated by the drive-through services or fixtures shall not exceed 55 dB or

shall be undetectable above the ambient noise level as measured by a noise meter at the property line, whichever is greater.

C. TRAFFIC MOVEMENT PERMIT

The Planning Board voted unanimously 6-o (Whited absent) that based upon the City of Portland's Delegated Review Authority, the Planning Board approves the Traffic Movement Permit application, as submitted, subject to the following conditions:

1. That the applicant shall modify the configuration of St. John Street from a four-lane roadway to a three-lane section with a center turn lane and bicycle lanes. This change is intended to mitigate crash patterns (St. John Street is a High Crash Location) associated with turning movements entering and exiting driveways. The applicant shall be responsible for implementation/construction of all aspects of the improvement plan.

Prior to Applying for a Building Permit

2. That the applicant shall finalize the submitted concept improvement plan (for the modifications outlined in i above) and submit final construction/design plans, specifications and construction management plan for review and approval by the Planning Authority.

Prior to the Issuance of a Certificate of Occupancy

3. That the implementation of the approved improvement plan, for the required modifications in St John Street, shall be completed prior to the issuance of a certificate of occupancy for the project.

D. DEVELOPMENT REVIEW

On the basis of the application, plans, reports and other information submitted by the applicant; findings and recommendations contained in Planning Board Report for the public hearing on November 27, 2018 for application # PLO00047-2018 (Site Plan) (new Dunkin Donut restaurant at 325 St John Street) relevant to the site plan regulations; and the testimony presented at the Planning Board hearing; the Planning Board voted unanimously 6-o (Whited absent) that the plan is in conformance with the site plan standards of the land use code, subject to the following conditions of approval:

Prior to Applying for a Building Permit

1. That the applicant shall revise the building design to clarify the following details for review and approval by the Planning Authority:
 - a. The treatment of the rear elevation (facing Valley Street) to integrate the walk-in cooler and add visual interest to this part of the building which faces Valley Street;
 - b. The HVAC/Mechanical proposals to show that they meet site plan standards; and

- c. The visible transmittance of the windows along the St John Street frontage, as they are required to be transparent (with a visible transmittance (VT) of .7 or greater).
2. That the applicant shall submit revised civil plans to address the utility, bicycle parking and ROW comments of the Peer Engineer dated 11.20.2018 and the Transportation Program Manager dated 11.27.2018, for review and approval by the Planning Authority.
3. That the applicant shall submit a revised Landscape Plan, for review and approval by the City Arborist and the Planning Authority, to address the City Arborist comments dated 11.20.2018 and improve the appearance of the dumpster enclosure either through upgraded materials or landscape screening.
4. That the applicant shall submit, for review and approval by the Planning Authority, a revised lighting plan (both building mounted and site lighting) and associated photometric plan, to meet the Technical Standards, including the provision of adequate lighting levels in the vicinity of the St John Street building entrance and along the pedestrian walkway from Valley Street.

Prior to Issuance of a Building Permit

5. That the applicant shall submit a copy of the ability to serve (water supply and wastewater) letters, and address the Peer Engineer comments of 11.20.2018.
6. That the applicant shall submit a detailed construction management plan (CMP) for work that will impact both St. John Street and Valley Street, for review and approval by the Planning Authority; the CMP should avoid closure of the St John Street sidewalk and address the comments of the Traffic Engineering Reviewer dated November 16, 2018.
7. That the final stormwater maintenance agreement shall be submitted for review and approval by the Planning Authority and then recorded, with a copy to the Planning Authority and the Department of Public Works.
8. That the applicant shall submit the easement or other legal documentation for public access over the bus landing area where it is not in the ROW.

Prior to the Issuance of a Certificate of Occupancy

9. That separate permits are also required for all new signs, including those on the building, and for HVAC systems, which require submission of dBA levels to confirm compliance with the maximum sound limits of the ordinance.

Standard Conditions of Approval

Please Note: The following standard conditions of approval and requirements apply to all approved site plans:

1. Develop Site According to Plan The site shall be developed and maintained as depicted on the site plan and in the written submission of the applicant. Modification of any approved site plan or alteration of a parcel which was the subject of site plan approval after May 20, 1974, shall require the prior approval of a revised site plan by the Planning Board or Planning Authority pursuant to the terms of Chapter 14, Land Use, of the Portland City Code.
2. Separate Building Permits Are Required This approval does not constitute approval of building plans, which must be reviewed and approved by the City of Portland's Permitting and Inspections Department.
3. Site Plan Expiration The site plan approval will be deemed to have expired unless work has commenced within one (1) year of the approval or within a time period up to three (3) years from the approval date as agreed upon in writing by the City and the applicant. Requests to extend approvals must be received before the one (1) year expiration date.
4. Performance Guarantee and Inspection Fees A performance guarantee covering the site improvements, inspection fee payment of 2.0% of the guarantee amount and four (4) final sets of plans must be submitted to and approved by the Planning and Urban Development Department and Public Works Department prior to the release of a building permit, street opening permit or certificate of occupancy for site plans. If you need to make any modifications to the approved plans, you must submit a revised site plan application for staff review and approval.
5. Defect Guarantee A defect guarantee, consisting of 10% of the performance guarantee, must be posted before the performance guarantee will be released.
6. Preconstruction Meeting Prior to the release of a building permit or site construction, a pre-construction meeting shall be held at the project site. This meeting will be held with the contractor, Development Review Coordinator, Public Works representative and owner to review the construction schedule and critical aspects of the site work. At that time, the Development Review Coordinator will confirm that the contractor is working from the approved site plan. The site/building contractor shall provide three (3) copies of a detailed construction schedule to the attending City representatives. It shall be the contractor's responsibility to arrange a mutually agreeable time for the pre-construction meeting.
7. Construction Management Plans The applicant, contractor and subcontractors are required to conform to the approved Construction Management Plan, and all conditions contained within the project's approval, for the entire duration of the project. Any amendments to the approved Construction Management Plan shall be reviewed and approved by the Department of Public Works prior to the execution. The Planning Authority and the Department of Public Works have the right to seek revisions to an approved Construction Management Plan. The applicant shall coordinate the project's construction schedule with the timing of nearby construction activities to avoid cumulative impacts on a neighborhood and prevent unsafe vehicle and pedestrian movements.

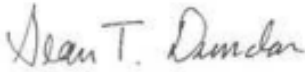
Accordingly, nearby construction activities could involve a delay in the commencement of construction.

8. Department of Public Works Permits If work or obstructions will occur within the public right-of-way, such as utilities, curb, sidewalk, driveway construction, site deliveries and equipment siting, a Street Opening and/or Occupancy Permit (s) is required for your site. Please contact the Department of Public Works Permit Clerk at 874-8300, ext. 8828. (Only excavators licensed by the City of Portland are eligible.)
9. As-Built Final Plans Final sets of as-built plans shall be submitted digitally to the Planning and Urban Development Department, on a CD or DVD, in AutoCAD format (*.dwg), release AutoCAD 2005 or greater.

The Development Review Coordinator must be notified five (5) working days prior to the date required for final site inspection. The Development Review Coordinator can be reached at the Planning and Urban Development Department at 874-8632. All site plan requirements must be completed and approved by the Development Review Coordinator prior to issuance of a Certificate of Occupancy. Please schedule any property closing with these requirements in mind.

If there are any questions, please contact Jean Fraser at (207) 874- 8728.

Sincerely,



Sean Dundon, Chair
Portland Planning Board

Attachments:

1. Peer Engineer comments dated 11.20.2018
2. Transportation Program Manager comments dated 11.27.2018
3. City Arborist comments dated 11.20.2018
4. Planning Board Report
5. Portland City Code: Chapter 32
6. Performance Guarantee Packet

MEMORANDUM
City Council Agenda Item

FROM: Greg Mitchell, Director

DATE: May 21, 2019

SUBJECT: **Order 279-18/19 Amending the Downtown Transit Oriented Development and Omnibus Tax Increment Financing District Re: 66 State Street Affordable Housing - Sponsored by the Economic Development Committee, Councilor Justin Costa, Chair.**

SPONSOR: Economic Development Committee, Councilor Justin Costa, Chair;
meeting held on May 21, 2019, and the vote was 3-0.

(If sponsored by a Council committee, include the date the committee met and the results of the vote.)

COUNCIL MEETING DATE ACTION IS REQUESTED:

1st Reading 6/17/2019

Final Action 7/15/2019

Can action be taken at a later date: No (If no why not?) This TIF Amendment has been advertised in the *Press Herald* for public hearing and final action on July 15, 2019

PRESENTATION: Greg Mitchell/5 Minutes

I. SUMMARY

The proposed amendment to the Downtown TOD TIF District removes Assessor Parcel 44-H-1, 66 State Street, from the District in order for that parcel to be a freestanding Affordable Housing TIF District.

II. AGENDA DESCRIPTION

The Economic Development Committee met on May 21, 2019 and voted 3-0 to forward this item to the City Council with a recommendation for passage.

The City has received an application for an Affordable Housing (AH) Tax Increment Financing (TIF) District utilizing Assessor Parcel 44-H-1, 66 State Street, for this District.

The Parcel is located in the Downtown Transit Oriented Development (TOD) TIF District, and therefore, needs to be removed from that District. This order amends that district to do that.

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

III. BACKGROUND

The Downtown TOD TIF District was originally approved by the Portland City Council on February 9, 2015, and has since had two amendments approved by the City Council and the Maine Department of Economic and Community Development (MDECD). The first amendment removed Assessor Parcel 22-F-1 from the District in order for it to be a freestanding Affordable Housing TIF District. The second amendment increased allowable uses for municipal TIF revenue, as well as increased the annual capture rate from up to 22% to up to 100%.

Proposed Amendment #3 is to remove a Assessor Parcel 44-H-1 at 66 State Street for an affordable housing

project.

Removing Parcel 44-H-1

The City recently received an application for an Affordable Housing (AH) TIF District utilizing Assessor Parcel 44-H-1 for this District, which Parcel is located in the Downtown TOD TIF, and therefore needs to be removed from that District. It is noted that this parcel is located on the outer boundary of the Downtown TOD TIF District. The assessed value of this parcel is \$0 as it is currently tax exempt. The acreage of the parcel is .5087.

Because the value of the parcel is tax exempt, it does not affect the Original Assessed Value of the DT TOD TIF District. The TIF District acreage will decrease from 421.52 acres to 421.01. Therefore, revisions to the District document are minimal for this parcel to be removed.

IV. INTENDED RESULT AND/OR COUNCIL GOAL ADDRESSED

The intended result is for the City Council to vote to amend the Downtown TOD TIF District by removing Assessor Parcel 44-H-1, which would allow for it be a freestanding AH TIF District.

V. FINANCIAL IMPACT

There is no financial impact to the City by removing Assessor Parcel 44-H-1 from the Downtown TOD TIF District.

VI. STAFF ANALYSIS AND BACKGROUND

The DT/TOD TIF District was designed strategically to support the following major objectives:

1. Maintain and Expand Tax Base and Job Growth.

2. Invest TIF Revenue in the following categories:

a. Public Infrastructure.

b. New and Enhanced Transit.

c. City Economic Development Programs, including Creative Portland and City staff salaries.

3. TIF Term and Capture Rates. The TIF District is for thirty (30) years – from FY2016 through and including FY2045 - with TIF capture rates at 12% the first year, 22% years 2 through 4, and up to 100% years 5 through 30.

4. Tax Shelter Benefits. Public benefits associated with TIF district are the “savings” related to the avoided loss of state aid for education and municipal revenue sharing, along with the City being responsible for a higher share of Cumberland County’s budget.

Downtown TOD TIF District Term and Capture Rates

Specific terms include:

TIF Years	TIF Capture Rates	Annual Avg. TIF Rev. Estimate	Avg. Annual Genl Fund Rev. Estimate from IAV	Avg. Annual Genl Fund Rev. Estimate from OAV
1	12%	\$200,000	\$1.3 Million	\$19.9 Million
2-4	22%	\$600,000	\$2.17 Million	\$21 Million
5-30	100%	\$10.4 Million	\$0	\$28.7 Million
Total		\$11.2 Million	\$3.47 Million	\$69.6 Million

Tax Shelter Benefits

Estimates of the specific savings or avoided loss of state aid to education, reductions in municipal revenue sharing or for the City paying a higher share of County taxes include from year 1 at 12%, years 2 to 4 at 22%, and years 5 through 30 at 100%:

TIF Years	Average Annual Savings Estimate
1-30	\$2.825 Million

This amount of “savings” is significant and one of the most important benefits of establishing TIF Districts.

For Portland, tax shelter savings is conservatively estimated at 30%, meaning that for every new tax dollar, Portland saves 30 cents which would otherwise be lost for property tax value not included in a TIF District.

VII. RECOMMENDATION

The Economic Development Committee reviewed this item at its May 21, 2019, meeting and voted 3-0 to recommended to the City Council approval to amend the DT TOD TIF District to remove Assessor Parcel 44-H-1 in order for it be a freestanding AH TIF District.

VIII. LIST ATTACHMENTS

1. Amendment of Downtown Transit Oriented Dev and Omnibus TIF 6.17.2019
2. Map Attachment to CC Memo 5-2019
3. Redlines to City Downtown TOD TIF Amendment 3 for CC Memo
4. Clean City Downtown TOD TIF Amendment 3 for CC Memo

Prepared by:

Greg Mitchell, Director

Date: 5/21/2019

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

**CITY OF PORTLAND
IN THE CITY COUNCIL**

KIMBERLY COOK (5)
JILL C. DUSON (A/L)
PIOUS ALI (A/L)
NICHOLAS M. MAVODONES, JR (A/L)

**ORDER AMENDING
THE DOWNTOWN TRANSIT ORIENTED DEVELOPMENT AND OMNIBUS
TAX INCREMENT FINANCING DISTRICT
RE: 66 STATE STREET AFFORDABLE HOUSING**

WHEREAS, the City of Portland designated the Downtown Transit Oriented Development and Omnibus Tax Increment Financing District and adopted the Development Program for the District by Order 139-14/15 on February 9, 2015, amended by Order 99-17/18 on November 20, 201, and further amended this TIF by Order 78-18/19 on October 15, 2018; and

WHEREAS, the Downtown Transit Oriented Development (DT/TOD) and Omnibus Tax Increment Financing District includes a large single area-wide TIF district of approximately 422 acres, including the majority of the Portland Peninsula, bounded by Washington Avenue to the east, State Street to the west, following the edges of the adjacent Bayside and the Waterfront Capital Improvement TIF District to the north and south; and

WHEREAS, the City desires to amend the Downtown Transit Oriented Development and Omnibus Tax Increment Financing District in order to further the goal of providing affordable housing in the City of Portland by removing Assessor parcel 44-H-1, with slightly more than a half an acre, according to the amended Downtown TIF Development Program, attached hereto as Exhibit A; and

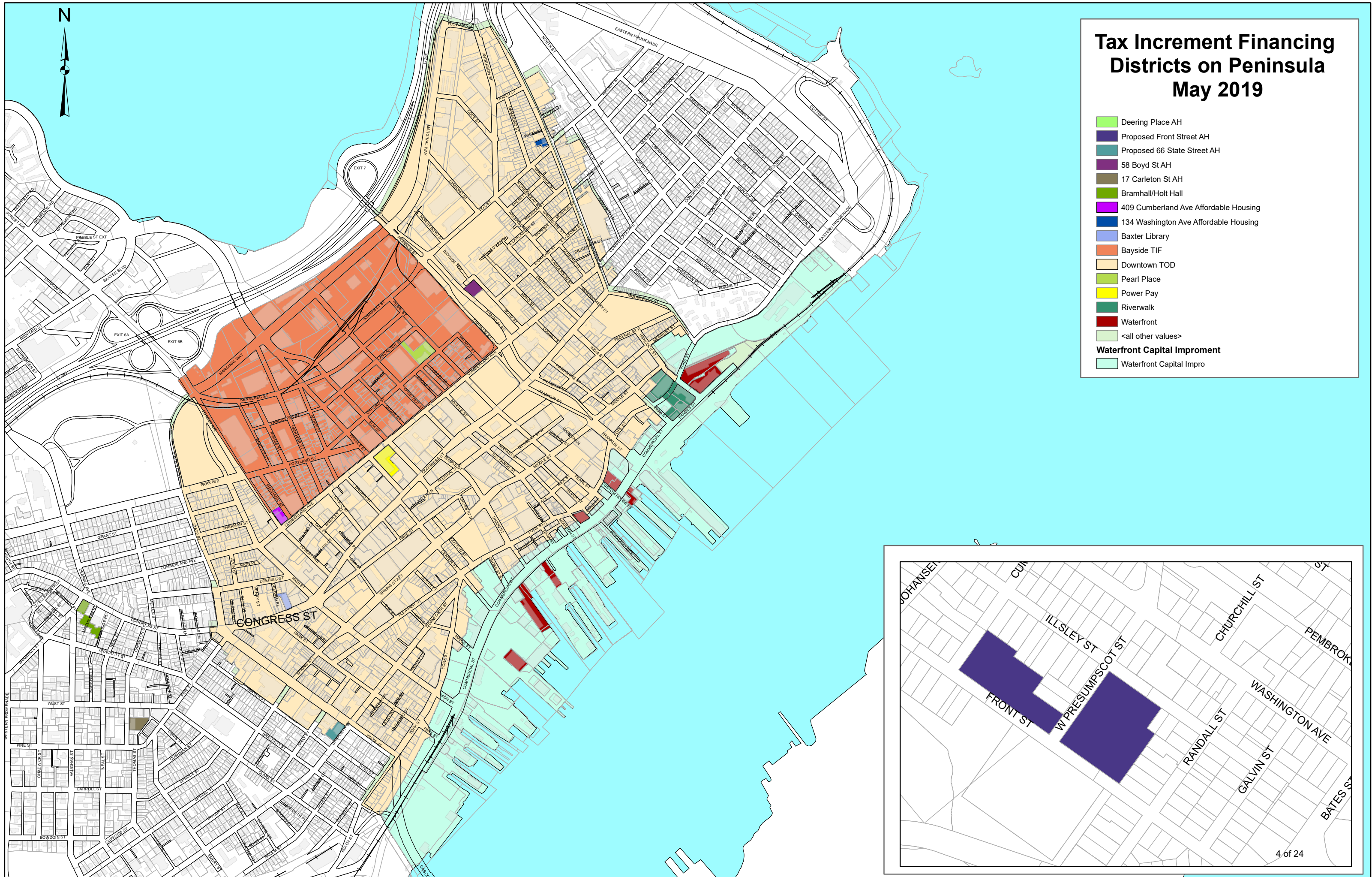
WHEREAS, it is expected that approval will be sought and obtained from the Maine Department of Economic and Community Development for such amendment;

NOW THEREFORE, BE IT HEREBY ORDERED BY THE CITY OF PORTLAND CITY COUNCIL THAT:

Section 1: Pursuant to Chapter 206 of Title 30-A of the Maine Revised Statutes, as amended, the City hereby amends the Downtown Transit Oriented Development and Omnibus Tax Increment Financing District as more particularly set forth in the document presented to the City Council in the form attached hereto as Exhibit A and such amended Development Program is hereby incorporated by reference into this order as the amended Development Program for the District as amended by the Council; and

Section 2: The City Manager be, and hereby is, authorized, empowered and directed to submit the proposed amendment of the District and the proposed amended Development Program for the District to the State of Maine Department of Economic and Community Development for review and approval.

Section 3: The foregoing amendment of the District shall automatically become final and shall take full force and effect upon receipt by the City of approval of the amended Development Program from the State Department of Economic and Community Development, without requiring any further action by the City, the Council or any other party.



I. Introduction – Portland Downtown Transit Oriented Municipal Development and Omnibus Tax Increment Financing District Amendment #32

On February 9, 2015, the City of Portland (the “City”) designated the Portland Downtown Transit Oriented Municipal Development and Omnibus Tax Increment Financing District (the “District”) and adopted this Development Program (the “Development Program”) for the District in an effort to fully realize the visions and goals of the City of Portland Downtown Revitalization Investment Plan (“Downtown Plan”); the Downtown Plan is attached as Exhibit A. The duration of this District will be 30 years beginning July 1, 2015 (Tax Year 4/1/2015; FY2015-16) ending June 30, 2045 (Tax Year 4/1/2044; FY2044-45).

- a. District Amendment #1 Approved by MDECD February 27, 2018: The purpose of this District amendment was to remove the parcel designated by the City Assessor as 22-F-1 at 54 Lancaster – a tax exempt parcel (so no value attributed to the Original Assessed Value) with approximately .48 acres, which will be turned into a free-standing Affordable Housing TIF District. Portland’s amended District remained the same at approximately 422 acres and bounded by Washington Avenue to the east, State Street to the west, following the edges of the adjacent Bayside and Waterfront Capital Improvement TIF Districts to the north and south. The District encompasses the central business district of Portland and the abutting east and west ends of the District. In creating the District, the outlying residential areas of the Eastern and Western Promenades have been purposely excluded.

- ~~b.~~ Proposed District Amendment #2: District Amendment #2 approved by MDECD February 11, 2019: The purpose of this District Amendment was-is to increase the allowable uses for Municipal TIF Revenue and increase the percentage capture from up to 22% to up to 100%, all as more detailed in Section II below.

- ~~b.~~ c. Proposed District Amendment #3: The purpose of District Amendment #3 is to remove the parcel designated by the City Assessor as 44-H-1 at 66 State Street – a tax exempt parcel (so no value attributed to the Original Assessed Value), with approximately .5087 acres, which will be turned into a free-standing Affordable Housing TIF District. Portland’s amended District, with Amendment #3 reduces it from approximately 422 to 421.01 acres. The boundaries remain the same, i.e., bounded by Washington Avenue to the east, State Street to the west, following the edges of the adjacent Bayside and Waterfront Capital Improvement TIF Districts to the north and south. The District encompasses the central business district of Portland and the abutting east and west ends of the District. In creating the District, the outlying residential areas of the Eastern and Western Promenades have been purposely excluded.

The Downtown Plan includes a listing of current projects and categories of future investment. It is recognized that meeting the infrastructure needs of Portland’s downtown

will be a dynamic process that will be updated locally on an annual basis or as needed. Though the specific public projects prioritized and undertaken from year to year will change, with the exception of this District funding up to \$100,000 annually for the Creative Portland Corporation, categories of investment for the purpose of eligible uses of the TIF Revenues will remain consistent. Actual project selections and prioritization for funding will continue to be made on an annual basis during the City budget and Capital Improvements Plan (CIP) process, based on categories contained in Table 1 hereinbelow. The CIP is the document that presents the City's capital needs in the current year and plans for capital needs in future years. As a five year plan that is annually updated, the CIP is a dynamic planning document; the FY2015 to 2019 CIP document is included in the Downtown Plan as an appendice.

II. Development Program Narrative

A. The Development Program as Amended with Amendment #23

The Amended Development Program for the Downtown Transit Oriented Municipal Development and Omnibus TIF District is structured and proposed pursuant to Chapter 206 of Title 30-A of the Maine Revised TIF Statutes, as amended (the "TIF Statute"). The City's designation of the District, combined with the adoption of this Amended Development Program, creates a single municipal TIF district in order to capture the value of the real property improvements made within the District and enable the use of TIF revenues for various municipal and other development projects.

Under this Amended Development Program, the City captured 12% in year one, and 22% in years 2 through 4. This Amended Development Program would now allow for the City to capture up to 100% of the new real property value located in the District for remainder of the term of the District, or through Tax Year April 1, 2044/City Fiscal Year 2044/2045. The City may retain those tax revenues generated by the captured assessed value (the "TIF Revenues") to fund infrastructure improvements and other administrative costs, all as further described in Table 1 hereinbelow. The City reserves the right to capture less than the full 100% in years 5 through 30, depending on the then-current needs of the City with respect to the approved project costs. Any reduction in the captured value percentage shall adjust the amount of assessed value eligible for sheltering with respect to the tax shift benefit correspondingly. Although all TIF Revenues will be retained by the City at this time, the City reserves the right in the future to negotiate and execute commercial credit enhancement agreements pursuant to City Council approved TIF Policy as may be amended from time to time. CEAs would be limited, however, to the balance of District term at that time. Such future credit enhancement agreements would require a public hearing and City Council approval. Should the City enter into a credit enhancement agreement, it will provide the Maine Department of Economic and Community Development a description of the terms and conditions of any agreements, contracts, or other obligations related to the development program.

In designating the District and adopting this Amended Development Program, the City can accomplish the following goals:

- Maintain existing tax revenues;

- Invest in the Downtown public infrastructure;
- Invest in the Creative Portland Corporation annually;
- Invest in new and enhanced transit services;
- Enjoy enhanced future tax revenues generated by new development within the District; and
- Create long-term, stable employment opportunities for area residents because of these TIF investments.

In addition, by creating the District, the City will “shelter” the increase in municipal valuation that development in the District will bring about. This tax shift benefit mitigates the adverse effect that the District’s increased assessed property value has upon the City’s share of state aid to education, municipal revenue sharing, and its county tax assessment. An estimate of the tax shift benefits is shown in Revised Exhibit D-2 attached hereto.

The City’s designation of the District and pursuit of this Amended Development Program constitute a good and valid public purpose pursuant to Chapter 206 of Title 30-A because it represents a substantial contribution to the economic well-being of both the City and the region by providing jobs, contributing to property taxes, and diversifying the region’s economic base.

B. The Projects

Development within the District will provide a revenue source for the City’s economic development projects. The City intends to use TIF Revenues to further its overall plan to attract and retain businesses that want to take advantage of Portland’s business-friendly location, while offering their employees a rich, dynamic, and high quality of life. This includes funding of Creative Portland Corporation, of which the City of Portland is the Corporator, of up to \$100,000 annually, as well as City plans to invest in its public infrastructure in these investment focus areas:

- Sidewalk and Other Pedestrian Enhancements
- Streetscape
- Lighting
- Street Alignment
- Utilities
- Bicycle Improvements
- Public Transit
- Wayfinding
- Multi-modal surface and structured parking
- Work force training
- Professional service costs
- Economic Development Department administrative costs and staff salaries, and prorated salaries of the City Manager, Finance Director, Planning and Urban Development Director, and Planning staff.

The District projects at this time are highlighted in Table 1 below:

TABLE 1

NOTE 1: All Citations refer to Title 30-A, Chapter 206, Section 5225

NOTE 2: While this Amended Development Program lists particular projects, the Amended Development Program shall not serve as an appropriation of TIF Revenues for any of these specific purposes, nor shall it commit the City to completing any particular project. The projects will only be undertaken following proper appropriation through the annual budget process and any other applicable required approvals.

Project	Downtown Revitalization Plan Reference by page no.	Statutory Citation	Estimated Cost
In District: Capital Infrastructure Design and Investments, including Financing Costs, for example: - Multi-modal surface and structured parking - Sidewalk and Other Pedestrian Enhancements - Roadway Realignments/Paving - Crosswalks - Traffic Signals - Intersection Redesigns - Bicycle lanes, racks, and stations Infrastructure - Stormwater Management, including water and sewer upgrades - Telecommunications, lighting, and electrical distribution upgrades; Infrastructure improvements/enhancements - Wayfinding (signage) - Public plaza intersection improvements	19, 47 19, 20, 34,35, 48 19,20,34,35 19, 46 34, 46 19,20,34,35 19, 34,47 19, 33 19, 36 19,23, 35,47 22, 46	(1)(A)(1)(2)(3)(6)(7) (1)(A)(1)(2)(3)(6)(7) (1)(A)(1)(2)(3)(6)(7) (1)(A)(1)(a)(i) (1)(A)(1)(2)(3) (1)(A)(1)(2)(3)(6)(7) (1)(A)(1)(a)(i) (1)(A)(1)(2)(3)(6)(7) (1)(A)(1)(2)(3)(7) (1)(A)(1) (1)(A)(1)(2)(3)(6)(7)	\$150 Million over the life of the District for these Capital Infrastructure Items.
In and out of District: New and Enhanced Transit Services, including operational costs, for example (see Exhibit K – Transit Map): - Creation of high frequency bus service on Congress Street at 15-minute intervals between	17, 20, 21,	(1)(A) and (1)(C)(7)	\$15 Million for Transit in this category.

the Portland Transportation Center (PTC) and Washington Avenue;	20		
- Enhancing Stevens Avenue-Allen Avenue- Congress Street bus service areas;	20	(1)(A)(1)(a) and (1)(C)(7)	
- Corresponding costs for these enhancements, including transit operator salaries; transit vehicle fuel, and transit vehicle parts replacements.	20	(1)(A)(1)(a) and (1)(C)(7)	
- Transit capital costs including transit vehicles and related equipment; bus shelters and other related structures; benches; signs, and other transit-related infrastructure.	17, 20	(1)(A)(1)(a) and (1)(C)(7)	
- Shuttle service to downtown businesses.		(1)(A)(1)(a) and (1)(C)(7)	

In and out of District: City Marketing and Promotion through Creative Portland Corporation (CPC), for example (see Exhibit M Arts District Map within Downtown TOD TIF District): - In District: Center for the Arts, including rental residential space; - In District: capital, financing, real property assembly and professional service costs; - In and out of District: CPC staffing, administrative and marketing expenses; revolving loan or investment fund.	20, 21,47 20, 21,47 20, 21, 47	(1)(C)(1)(2) (1)(C)(1)(2) (1)(C)(1)(2)	Up to \$100K annually; \$3 Million over life of District
In and out of District: - Economic Dev. Dept. administrative costs and staff salaries at 100%, and prorated salaries of City Manager, Finance Director, and Planning Urban Development Director, and Planning staff*; - Professional services costs; - Workforce training funds. Costs of services and equipment to provide skills development and training, including scholarships to in-state educational institutions or to online learning entities when in-state options are not available, for jobs created or retained.	21, Also TIF App. P. 3 See TIF App. P.3 See TIF App. P. 3	(1)(A)(5) and (1)(C)(1) (1)(A)(4);(1)(C)(1) (1)(C)(4)	\$15 Million over life of the District.
In District: Small Public Capital Infrastructure and Equipment, for example (Downtown Plan pp. 6 and 7) - Parking meters - Vehicles for Public Works Dept., and Fire Dept., including ambulances	19 21, 36 to 44	(1)(A)(1)(a) (1)(A)(1)(a)	\$10 Million over life of the District
In District: Relocation of Displaced Persons (TIF Application, p. 6)	(see TIF application, p. 6)	1(A)(6)	Not budgeted/not

			anticipated at time of TIF application
In District: CEAs as Approved by City Council (TIF application p. 2)	(see TIF application p. 2)	(1)(A)(1)(2)(3)(6)(7)	Unknown at time of TIF application
Total Estimate of TIF Revenue Expenditure over 30 year term:			\$193,000,000

*This item is not unique to this TIF District, it is also included in the Bayside TIF District, Waterfront TIF District, and partially included Riverwalk TIF District.

C. Strategic Growth and Development

This Amended Development Program and the Downtown Plan meld various studies and plans for the District into one document, thereby promoting those studies and plans and making investments at the appropriate time. The studies and plans noted in the Downtown Plan represent a series of community initiatives, both completed and underway, or in planning process. The Amended Development Program and Project List ([Table 1](#)) noted hereinabove represents the best thinking of City staff about current opportunities for realizing the City's longstanding, evolving vision for its Downtown.

D. Improvements to the Public Infrastructure

As further set forth in [Table 1 hereinabove](#), the City may use certain TIF Revenues for sidewalk and other pedestrian improvements including crosswalks, roadway realignments/paving, intersection redesigns, traffic signals, bicycle infrastructure, stormwater management improvements (including water and sewer maintenance), communications infrastructure improvements/enhancements, wayfinding, multi-modal surface and structured parking, and public plaza intersection improvements that are directly related and made necessary by development in the District.

E. Operational Components

1. Public Facilities

The City may use a portion of the TIF Revenues to fund certain projects approved within the District, outlined in [Table 1](#) hereinabove.

2. Commercial Improvements Financed through the Development Program

At this time, no commercial improvements will be financed through the Development Program. The City may, in the future, reimburse a percentage of the TIF Revenues from any particular lot within the District to future developers through a credit enhancement agreement. Future credit enhancement agreements are authorized only if the City Council meets and holds a public hearing and votes to authorize, negotiate, and execute the credit enhancement agreement pursuant to City Council approved TIF Policy. Such credit enhancement agreements would be

approved under the City's TIF Policy, as may be amended from time to time, but limited to the balance of the term of this District. Should the City enter into a credit enhancement agreement, it will provide the Maine Department of Economic and Community Development a description of the terms and conditions of any agreements, contracts, or other obligations related to the development program.

3. Relocation of Displaced Persons

It is not anticipated that any persons will be relocated; however, the City has provided that if, in the future, relocation of persons is necessary to accommodate future redevelopment within the District, the one-time relocation costs of such displaced persons can be paid for with TIF Revenues, exclusive of rent.

4. Transportation Improvements

The City may fund road/transportation improvements made necessary by the increased traffic to the District. Please see Table 1 hereinabove for more details.

5. Environmental Controls

The improvements made under this Development Program will meet or exceed all federal, state, and local environmental laws, regulations, and ordinances and will comply with all applicable land use requirements for the City.

6. Plan of Operation

During the term of the District, the City Manager or his designee will be responsible for all administrative matters within the purview of the City concerning the implementation and operation of the District.

III. Physical Description

The 42~~12~~-acre District is bounded by Washington Avenue to the east, State Street to the west, following the edges of the adjacent Bayside and Waterfront Capital Improvement TIF Districts to the north and south. The District encompasses the central business district of Portland and the abutting east and west ends of the District. In creating the District, the outlying residential areas of the Eastern and Western Promenades have been purposely excluded. The District is shown on revised Exhibit C. The statutory threshold limits addressing the conditions for approval mandated by 30-A M.R.S.A. Section 5223(3) are set forth in revised Exhibit E.

IV. Financial Plan

A. Amended Financial Characteristics

The collective original assessed value of the real property in the District is \$968,136,850 as of March 31, 2014 (Tax Year April 1, 2013) remains unchanged. Please see the Assessor's Certificate of the original assessed value attached as revised Exhibit F with the revision not affecting the OAV. The backup for the Certificate removes 44-H-1. It is noted that Downtown TOD/TIF acreage and value calculations are exempt from State TIF law limits.

The City captured 12% in year 1, and 22% in years 2 through 4, of the increased assessed value of the real property located within the District. ~~This~~ Amendment ~~would~~ provided for the City to capture up to 100% for the duration of the 30-year term of the District. Personal property tax value will not be captured within the District. The TIF Revenues so collected will fund and/or contribute to the funding of the approved projects, including each of the projects described on Table 1 hereinabove, which collectively increase the City's ability to stand out in a competitive marketplace as a dynamic municipality in which to grow a business. All assessed real property value captured in the District will be added to the general tax rolls at the end of the District's term. Please note that at any time during the term of the District, the municipality can vote to reduce the captured value percentage and instead deposit the tax revenues into the General Fund so long as the municipality does not receive the tax shift benefit associated with the tax revenues so deposited.

Upon each payment of real property taxes for property located inside the District, the City will deposit into a development program fund (the "Development Program Fund") the entirety of the property tax payments constituting TIF Revenues. The percentage of increased assessed value of real property within the District that will be captured shall be determined annually during the municipal budget process; however, the City may capture up to 100% in Years 5 through 30 of the increased assessed value of real property as captured assessed value. The Development Program Fund is pledged to and charged with the payment of the project costs in the manner and in the order provided in 30-A M.R.S.A. Section 5227(3). The Development Program Fund will consist of a development sinking fund account (the "Sinking Fund Account") to the extent municipal bonded indebtedness is used to pay for projects costs, and a project cost account (the "Project Cost Account"). From the Development Program Fund, the City will deposit the TIF Revenues into the City's Sinking Fund Account and/or the Project Cost Account to be used to fund projects listed in Table 1 hereinabove. If future credit enhancement agreements are approved by the City Council, then a subaccount within the Project Cost Account shall be created for any payments required to be made by the City pursuant to such credit enhancement agreement, dedicated to each credit enhancement agreement.

Estimates of the increased assessed property values of the Amended District, the anticipated TIF Revenues generated by the District, and the estimated tax shifts are shown in Revised Exhibit D-1 and Revised Exhibit D-2.

B. Costs and Sources of Revenues

The current and future developers owning or leasing properties located within the Districted are intended to pay for and/or finance all private improvements located in the District through private sources. Table 1 hereinabove provides estimated costs of the municipal projects costs to be undertaken with TIF Revenues.

C. Indebtedness

The City reserves the option to fund the project costs through public indebtedness.

V. Statutory Requirements and Thresholds

The statutory requirements and thresholds for approval required by Section 5223(3) of the TIF Statute are set forth in revised Exhibit E.

VI. Municipal Approvals

A. Notice of Public Hearing

Attached as Exhibit G hereto is a copy of the Notice of Public Hearing regarding amending the Development Program for the District, published in the *Portland Press Herald*, a newspaper of general circulation in the City, on ~~October 3~~, 20198, a date at least ten (10) days prior to the public hearing. The public hearing on the amended District was held on ~~October 15~~, 20198, in accordance with the requirements of 30-A M.R.S.A. Section 5226(1).

B. Minutes of Public Hearing Held by City Council

Attached as Exhibit H hereto is a certified copy of the minutes of the public hearing held on ~~October 15~~, 20189, at which time this amended District was discussed by the public.

C. Authorizing Votes

Attached as Exhibit I hereto is an attested copy of the City of Portland Order approving this amended District with the results of the vote noted on this Order duly called and held on ~~October 15~~, 20198.

I. Introduction – Portland Downtown Transit Oriented Municipal Development and Omnibus Tax Increment Financing District Amendment #3

On February 9, 2015, the City of Portland (the “City”) designated the Portland Downtown Transit Oriented Municipal Development and Omnibus Tax Increment Financing District (the “District”) and adopted this Development Program (the “Development Program”) for the District in an effort to fully realize the visions and goals of the City of Portland Downtown Revitalization Investment Plan (“Downtown Plan”); the Downtown Plan is attached as Exhibit A. The duration of this District will be 30 years beginning July 1, 2015 (Tax Year 4/1/2015; FY2015-16) ending June 30, 2045 (Tax Year 4/1/2044; FY2044-45).

- a. District Amendment #1 Approved by MDECD February 27, 2018: The purpose of this District amendment was to remove the parcel designated by the City Assessor as 22-F-1 at 54 Lancaster – a tax exempt parcel (so no value attributed to the Original Assessed Value) with approximately .48 acres, which will be turned into a free-standing Affordable Housing TIF District. Portland’s amended District remained the same at approximately 422 acres and bounded by Washington Avenue to the east, State Street to the west, following the edges of the adjacent Bayside and Waterfront Capital Improvement TIF Districts to the north and south. The District encompasses the central business district of Portland and the abutting east and west ends of the District. In creating the District, the outlying residential areas of the Eastern and Western Promenades have been purposely excluded.
- b. District Amendment #2 approved by MDECD February 11, 2019: The purpose of this District Amendment was to increase the allowable uses for Municipal TIF Revenue and increase the percentage capture from up to 22% to up to 100%, all as more detailed in Section II below.
- c. Proposed District Amendment #3: The purpose of District Amendment #3 is to remove the parcel designated by the City Assessor as 44-H-1 at 66 State Street – a tax exempt parcel (so no value attributed to the Original Assessed Value), with approximately .5087 acres, which will be turned into a free-standing Affordable Housing TIF District. Portland’s amended District, with Amendment #3 reduces it from approximately 422 to 421.01 acres. The boundaries remain the same, i.e., bounded by Washington Avenue to the east, State Street to the west, following the edges of the adjacent Bayside and Waterfront Capital Improvement TIF Districts to the north and south. The District encompasses the central business district of Portland and the abutting east and west ends of the District. In creating the District, the outlying residential areas of the Eastern and Western Promenades have been purposely excluded. The Downtown Plan includes a listing of current projects and categories of future investment. It is recognized that meeting the infrastructure needs of Portland’s downtown will be a dynamic process that will be updated locally on an annual basis or as needed. Though the specific public

projects prioritized and undertaken from year to year will change, with the exception of this District funding up to \$100,000 annually for the Creative Portland Corporation, categories of investment for the purpose of eligible uses of the TIF Revenues will remain consistent. Actual project selections and prioritization for funding will continue to be made on an annual basis during the City budget and Capital Improvements Plan (CIP) process, based on categories contained in Table 1 hereinbelow. The CIP is the document that presents the City's capital needs in the current year and plans for capital needs in future years. As a five year plan that is annually updated, the CIP is a dynamic planning document; the FY2015 to 2019 CIP document is included in the Downtown Plan as an appendice.

II. Development Program Narrative

A. The Development Program as Amended with Amendment #3

The Amended Development Program for the Downtown Transit Oriented Municipal Development and Omnibus TIF District is structured and proposed pursuant to Chapter 206 of Title 30-A of the Maine Revised TIF Statutes, as amended (the "TIF Statute"). The City's designation of the District, combined with the adoption of this Amended Development Program, creates a single municipal TIF district in order to capture the value of the real property improvements made within the District and enable the use of TIF revenues for various municipal and other development projects.

Under this Amended Development Program, the City captured 12% in year one, and 22% in years 2 through 4. This Amended Development Program would now allow for the City to capture up to 100% of the new real property value located in the District for remainder of the term of the District, or through Tax Year April 1, 2044/City Fiscal Year 2044/2045. The City may retain those tax revenues generated by the captured assessed value (the "TIF Revenues") to fund infrastructure improvements and other administrative costs, all as further described in Table 1 hereinbelow. The City reserves the right to capture less than the full 100% in years 5 through 30, depending on the then-current needs of the City with respect to the approved project costs. Any reduction in the captured value percentage shall adjust the amount of assessed value eligible for sheltering with respect to the tax shift benefit correspondingly. Although all TIF Revenues will be retained by the City at this time, the City reserves the right in the future to negotiate and execute commercial credit enhancement agreements pursuant to City Council approved TIF Policy as may be amended from time to time. CEAs would be limited, however, to the balance of District term at that time. Such future credit enhancement agreements would require a public hearing and City Council approval. Should the City enter into a credit enhancement agreement, it will provide the Maine Department of Economic and Community Development a description of the terms and conditions of any agreements, contracts, or other obligations related to the development program.

In designating the District and adopting this Amended Development Program, the City can accomplish the following goals:

- Maintain existing tax revenues;
- Invest in the Downtown public infrastructure;
- Invest in the Creative Portland Corporation annually;
- Invest in new and enhanced transit services;
- Enjoy enhanced future tax revenues generated by new development within the District; and
- Create long-term, stable employment opportunities for area residents because of these TIF investments.

In addition, by creating the District, the City will “shelter” the increase in municipal valuation that development in the District will bring about. This tax shift benefit mitigates the adverse effect that the District’s increased assessed property value has upon the City’s share of state aid to education, municipal revenue sharing, and its county tax assessment. An estimate of the tax shift benefits is shown in Revised Exhibit D-2 attached hereto.

The City’s designation of the District and pursuit of this Amended Development Program constitute a good and valid public purpose pursuant to Chapter 206 of Title 30-A because it represents a substantial contribution to the economic well-being of both the City and the region by providing jobs, contributing to property taxes, and diversifying the region’s economic base.

B. The Projects

Development within the District will provide a revenue source for the City’s economic development projects. The City intends to use TIF Revenues to further its overall plan to attract and retain businesses that want to take advantage of Portland’s business-friendly location, while offering their employees a rich, dynamic, and high quality of life. This includes funding of Creative Portland Corporation, of which the City of Portland is the Corporator, of up to \$100,000 annually, as well as City plans to invest in its public infrastructure in these investment focus areas:

- Sidewalk and Other Pedestrian Enhancements
- Streetscape
- Lighting
- Street Alignment
- Utilities
- Bicycle Improvements
- Public Transit
- Wayfinding
- Multi-modal surface and structured parking
- Work force training
- Professional service costs
- Economic Development Department administrative costs and staff salaries, and prorated salaries of the City Manager, Finance Director, Planning and Urban Development Director, and Planning staff.

The District projects at this time are highlighted in Table 1 below:

TABLE 1

NOTE 1: All Citations refer to Title 30-A, Chapter 206, Section 5225

NOTE 2: While this Amended Development Program lists particular projects, the Amended Development Program shall not serve as an appropriation of TIF Revenues for any of these specific purposes, nor shall it commit the City to completing any particular project. The projects will only be undertaken following proper appropriation through the annual budget process and any other applicable required approvals.

Project	Downtown Revitalization Plan Reference by page no.	Statutory Citation	Estimated Cost
In District: Capital Infrastructure Design and Investments, including Financing Costs, for example: - Multi-modal surface and structured parking - Sidewalk and Other Pedestrian Enhancements - Roadway Realignments/Paving - Crosswalks - Traffic Signals - Intersection Redesigns - Bicycle lanes, racks, and stations Infrastructure - Stormwater Management, including water and sewer upgrades - Telecommunications, lighting, and electrical distribution upgrades; Infrastructure improvements/enhancements - Wayfinding (signage) - Public plaza intersection improvements	19, 47 19, 20, 34,35, 48 19,20,34,35 19, 46 34, 46 19,20,34,35 19, 34,47 19, 33 19, 36 19,23, 35,47 22, 46	(1)(A)(1)(2)(3)(6)(7) (1)(A)(1)(2)(3)(6)(7) (1)(A)(1)(2)(3)(6)(7) (1)(A)(1)(a)(i) (1)(A)(1)(2)(3) (1)(A)(1)(2)(3)(6)(7) (1)(A)(1)(a)(i) (1)(A)(1)(2)(3)(6)(7) (1)(A)(1)(2)(3)(7) (1)(A)(1) (1)(A)(1)(2)(3)(6)(7)	\$150 Million over the life of the District for these Capital Infrastructure Items.
In and out of District: New and Enhanced Transit Services, including operational costs, for example (see Exhibit K – Transit Map): - Creation of high frequency bus service on Congress Street at 15-minute intervals between	17, 20, 21,	(1)(A) and (1)(C)(7)	\$15 Million for Transit in this category.

2019 PROPOSED DOWNTOWN/TRANSIT TIF AMENDMENT #3 - REMOVING ASSESSOR LOT 44 H001001

the Portland Transportation Center (PTC) and Washington Avenue; - Enhancing Stevens Avenue- Allen Avenue- Congress Street bus service areas; - Corresponding costs for these enhancements, including transit operator salaries; transit vehicle fuel, and transit vehicle parts replacements. - Transit capital costs including transit vehicles and related equipment; bus shelters and other related structures; benches; signs, and other transit-related infrastructure. - Shuttle service to downtown businesses.	20 20 20 17, 20	(1)(A)(1)(a) and (1)(C)(7) (1)(A)(1)(a) and (1)(C)(7) (1)(A)(1)(a) and (1)(C)(7) (1)(A)(1)(a) and (1)(C)(7)	
In and out of District: City Marketing and Promotion through Creative Portland Corporation (CPC), for example (see Exhibit M Arts District Map within Downtown TOD TIF District): - In District: Center for the Arts, including rental residential space; - In District: capital, financing, real property assembly and professional service costs; - In and out of District: CPC staffing, administrative and marketing expenses; revolving loan or investment fund.	20, 21,47 20, 21,47 20, 21, 47	(1)(C)(1)(2) (1)(C)(1)(2) (1)(C)(1)(2)	Up to \$100K annually; \$3 Million over life of District
In and out of District: - Economic Dev. Dept. administrative costs and staff salaries at 100%, and prorated salaries of City Manager,	21, Also TIF App. P. 3	(1)(A)(5) and (1)(C)(1)	\$15 Million over life of the District.

Finance Director, and Planning Urban Development Director, and Planning staff*; - Professional services costs; - Workforce training funds. Costs of services and equipment to provide skills development and training, including scholarships to in-state educational institutions or to online learning entities when in-state options are not available, for jobs created or retained.	See TIF App. P.3 See TIF App. P. 3	(1)(A)(4);(1)(C)(1) (1)(C)(4)	
In District: Small Public Capital Infrastructure and Equipment, for example (Downtown Plan pp. 6 and 7) - Parking meters - Vehicles for Public Works Dept., and Fire Dept., including ambulances	19 21, 36 to 44	(1)(A)(1)(a) (1)(A)(1)(a)	\$10 Million over life of the District
In District: Relocation of Displaced Persons (TIF Application, p. 6)	(see TIF application, p. 6)	1(A)(6)	Not budgeted/not anticipated at time of TIF application
In District: CEAs as Approved by City Council (TIF application p. 2)	(see TIF application p. 2)	(1)(A)(1)(2)(3)(6)(7)	Unknown at time of TIF application
Total Estimate of TIF Revenue Expenditure over 30 year term:			\$193,000,000

*This item is not unique to this TIF District, it is also included in the Bayside TIF District, Waterfront TIF District, and partially included Riverwalk TIF District.

C. Strategic Growth and Development

This Amended Development Program and the Downtown Plan meld various studies and plans for the District into one document, thereby promoting those studies and plans and making investments at the appropriate time. The studies and plans noted in the Downtown Plan represent a series of community initiatives, both completed and underway, or in planning process. The Amended Development Program and Project List ([Table 1](#)) noted hereinabove represents the best thinking of City staff about current opportunities for realizing the City's longstanding, evolving vision for its Downtown.

D. Improvements to the Public Infrastructure

As further set forth in Table 1 hereinabove, the City may use certain TIF Revenues for sidewalk and other pedestrian improvements including crosswalks, roadway realignments/paving, intersection redesigns, traffic signals, bicycle infrastructure, stormwater management improvements (including water and sewer maintenance), communications infrastructure improvements/enhancements, wayfinding, multi-modal surface and structured parking, and public plaza intersection improvements that are directly related and made necessary by development in the District.

E. Operational Components

1. Public Facilities

The City may use a portion of the TIF Revenues to fund certain projects approved within the District, outlined in Table 1 hereinabove.

2. Commercial Improvements Financed through the Development Program

At this time, no commercial improvements will be financed through the Development Program. The City may, in the future, reimburse a percentage of the TIF Revenues from any particular lot within the District to future developers through a credit enhancement agreement. Future credit enhancement agreements are authorized only if the City Council meets and holds a public hearing and votes to authorize, negotiate, and execute the credit enhancement agreement pursuant to City Council approved TIF Policy. Such credit enhancement agreements would be approved under the City's TIF Policy, as may be amended from time to time, but limited to the balance of the term of this District. Should the City enter into a credit enhancement agreement, it will provide the Maine Department of Economic and Community Development a description of the terms and conditions of any agreements, contracts, or other obligations related to the development program.

3. Relocation of Displaced Persons

It is not anticipated that any persons will be relocated; however, the City has provided that if, in the future, relocation of persons is necessary to accommodate future redevelopment within the District, the one-time relocation costs of such displaced persons can be paid for with TIF Revenues, exclusive of rent.

4. Transportation Improvements

The City may fund road/transportation improvements made necessary by the increased traffic to the District. Please see Table 1 hereinabove for more details.

5. Environmental Controls

The improvements made under this Development Program will meet or exceed all federal, state, and local environmental laws, regulations, and ordinances and will comply with all applicable land use requirements for the City.

6. Plan of Operation

During the term of the District, the City Manager or his designee will be responsible for all administrative matters within the purview of the City concerning the implementation and operation of the District.

III. Physical Description

The 421-acre District is bounded by Washington Avenue to the east, State Street to the west, following the edges of the adjacent Bayside and Waterfront Capital Improvement TIF Districts to the north and south. The District encompasses the central business district of Portland and the abutting east and west ends of the District. In creating the District, the outlying residential areas of the Eastern and Western Promenades have been purposely excluded. The District is shown on revised Exhibit C. The statutory threshold limits addressing the conditions for approval mandated by 30-A M.R.S.A. Section 5223(3) are set forth in revised Exhibit E.

IV. Financial Plan

A. Amended Financial Characteristics

The collective original assessed value of the real property in the District is \$968,136,850 as of March 31, 2014 (Tax Year April 1, 2013) remains unchanged. Please see the Assessor's Certificate of the original assessed value attached as revised Exhibit F with the revision not affecting the OAV. The backup for the Certificate removes 44-H-1. It is noted that Downtown TOD/TIF acreage and value calculations are exempt from State TIF law limits.

The City captured 12% in year 1, and 22% in years 2 through 4, of the increased assessed value of the real property located within the District. Amendment 2 provided for the City to capture up to 100% for the duration of the 30-year term of the District. Personal property tax value will not be captured within the District. The TIF Revenues so collected will fund and/or contribute to the funding of the approved projects, including each of the projects described on Table 1 hereinabove, which collectively increase the City's ability to stand out in a competitive marketplace as a dynamic municipality in which to grow a business. All assessed real property value captured in the District will be added to the general tax rolls at the end of the District's term. Please note that at any time during the term of the District, the municipality can vote to reduce the captured value percentage and instead deposit the tax revenues into the General Fund so long as the municipality does not receive the tax shift benefit associated with the tax revenues so deposited.

Upon each payment of real property taxes for property located inside the District, the City will deposit into a development program fund (the "Development Program Fund") the entirety of the property tax payments constituting TIF Revenues. The percentage of increased assessed value of real property within the District that will be captured shall be determined annually during the municipal budget process; however, the City may capture up to 100% in Years 5 through 30 of the increased assessed value of real property as captured assessed value. The Development Program Fund is pledged to and charged with the payment of the project costs

in the manner and in the order provided in 30-A M.R.S.A. Section 5227(3). The Development Program Fund will consist of a development sinking fund account (the “Sinking Fund Account”) to the extent municipal bonded indebtedness is used to pay for projects costs, and a project cost account (the “Project Cost Account”). From the Development Program Fund, the City will deposit the TIF Revenues into the City’s Sinking Fund Account and/or the Project Cost Account to be used to fund projects listed in Table 1 hereinabove. If future credit enhancement agreements are approved by the City Council, then a subaccount within the Project Cost Account shall be created for any payments required to be made by the City pursuant to such credit enhancement agreement, dedicated to each credit enhancement agreement.

Estimates of the increased assessed property values of the Amended District, the anticipated TIF Revenues generated by the District, and the estimated tax shifts are shown in Revised Exhibit D-1 and Revised Exhibit D-2.

B. Costs and Sources of Revenues

The current and future developers owning or leasing properties located within the Districted are intended to pay for and/or finance all private improvements located in the District through private sources. Table 1 hereinabove provides estimated costs of the municipal projects costs to be undertaken with TIF Revenues.

C. Indebtedness

The City reserves the option to fund the project costs through public indebtedness.

V. Statutory Requirements and Thresholds

The statutory requirements and thresholds for approval required by Section 5223(3) of the TIF Statute are set forth in revised Exhibit E.

VI. Municipal Approvals

A. Notice of Public Hearing

Attached as Exhibit G hereto is a copy of the Notice of Public Hearing regarding amending the Development Program for the District, published in the *Portland Press Herald*, a newspaper of general circulation in the City, on , 2019, a date at least ten (10) days prior to the public hearing. The public hearing on the amended District was held on _____, 2019, in accordance with the requirements of 30-A M.R.S.A. Section 5226(1).

B. Minutes of Public Hearing Held by City Council

Attached as Exhibit H hereto is a certified copy of the minutes of the public hearing held on _____, 2019, at which time this amended District was discussed by the public.

C. Authorizing Votes

Attached as Exhibit I hereto is an attested copy of the City of Portland Order approving this amended District with the results of the vote noted on this Order duly called and held on _____, 2019.

MEMORANDUM
City Council Agenda Item

FROM: Mary Davis, Division Director

DATE: May 30, 2019

SUBJECT: **Order 280-18/19 Designating the 66 State Street Affordable Housing Development District and Tax Increment Financing District and Adopting the Municipal Development Program for the District - Sponsored by the Housing Committee, Councilor Jill C. Duson, Chair and the Economic Development Committee, Councilor Justin Costa, Chair.**

SPONSOR: Jill C. Duson, Chair of the Housing Committee
Justin Costa, Chair of the Economic Development Committee

(If sponsored by a Council committee, include the date the committee met and the results of the vote.)

COUNCIL MEETING DATE ACTION IS REQUESTED:

1st Reading 6/17/2019

Final Action 7/15/2019

Can action be taken at a later date: No (If no why not?)

In order for the developer to maximize the projects competitiveness in the Low Income Housing Tax Credit application, the TIF application must be filed with Maine State Housing Authority no later than August 8, 2019. A Notice of Public Hearing must be published 10 days before the date of the hearing on July 15.

PRESENTATION: (List the presenter(s), type and length of presentation)

Mary Davis, Housing and Community Development Division Director will be available for questions.

I. SUMMARY

Developers Collaborative is proposing to create an affordable housing development at 66 State Street that will include a lodging house with 40 rooming units and a new 30 unit rental housing building, all units to be affordable to individuals with incomes not to exceed 60% of the area median income.

II. AGENDA DESCRIPTION

At a joint meeting held on May 21, 2019 both the Housing Committee (2-0, Thibodeau absent) and the Economic Development Committee (3-0, Thibodeau absent) voted to forward this item to the City Council with a recommendation for passage.

Developers Collaborative is proposing to create a women's housing community on a site located at 66 State Street. The project will include two buildings to be owned by Phoenix at Danforth, LP. The existing building will be converted into a lodging house with 40 rooming units affordable to individuals with incomes not exceeding 50% of the area median income. Support services will be provided by Amistad and their community partners.

A second, adjacent building will be a new construction 30-unit rental housing development with 14 studio units and 16 one-bedroom units. The units will be affordable to individuals with income not exceeding 60% of the

area median income.

As described by the developer: *"A Women's Healthy Housing Community....would provide an affordable continuum of housing for women with histories of job loss, domestic violence, homelessness, and substance use and co-occurring disorders. The continuum includes supportive housing that provides peer-led, recovery-oriented single room occupancy (SRO) housing in one building as well as independent, affordable rental housing (efficiencies and one bedrooms) in an adjacent building as women's support and housing needs transition with recovery."*

If approved, the Affordable Housing Tax Increment Financing will be provided through a Credit Enhancement Agreement at 75% of the increased taxable value, currently estimated at a 30-year annual average of \$89,072. The new assessed value is estimated at \$3.75 million; the property currently has a zero net taxable value. Development costs are estimated at \$11.7 million. At full build out the development is projected to pay an annual average of \$118,763 in estimated new taxes of which \$89,072 will be returned to the developer to offset project operating costs and \$29,691 will be general fund revenue.

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

III. BACKGROUND

Approval of this Affordable Housing Tax Increment Financing (AHTIF) District is key to making the application competitive in the Low Income Housing Tax Credit application with MaineHousing. The City Council must (1) Authorizing the creation of the AHTIF district; and (2) approve the Credit Enhancement Agreement.

IV. INTENDED RESULT AND/OR COUNCIL GOAL ADDRESSED

Establish an Affordable Housing Tax Increment Financing District to support the development of 40 rooming units and 30 units of rental housing.

Increase access to rental housing that is safe and affordable and accessible for working and low-income families.

V. FINANCIAL IMPACT

VI. STAFF ANALYSIS AND BACKGROUND

Staff Analysis and Background that will not appear in the Agenda Description.

The Housing and Community Development Division works with an independent consultant who performs third party underwriting reviews of all requests for City funding (local and federal resources), including Affordable Housing Tax Increment Financing requests. Last year the review included both TIF and HOME or HTF investments. Because of the timing issues regarding the TIF application due date at MaineHousing, the TIF request is moving forward at a slightly different pace. The third party analysis shows a positive recommendation for the TIF investment.

Public Benefits: In reviewing this TIF request, staff notes the public benefit associated with the TIF District of 40 rooming units and 30 units of rental housing, all of which will be affordable to households at or below 60% of the area median income. Additionally the TIF will create tax sheltering benefits estimated at an annual

average of \$23,942 or \$718,246 over the life of the district.

VII. RECOMMENDATION

Staff is requesting City Council (1) approve the establishment of the 66 State Street Affordable Housing TIF District, (2) approve a Credit Enhancement Agreement with 66 State Street, LP and (3) authorize the City Manager, or his designee, to sign and submit to MaineHousing for approval, the documents to establish the district, in substantially the same form as enclosed.

VIII. LIST ATTACHMENTS

1. Designating 66 State Street Affordable Housing TIF 6.17.2019
2. Council Packet Attachments 66 State Street TIF

Prepared by:

Mary Davis, Division Director

Date: 5/30/2019

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

CITY OF PORTLAND
IN THE CITY COUNCIL

KIMBERLY COOK (5)
JILL C. DUSON (A/L)
PIOUS ALI (A/L)
NICHOLAS M. MAVODONES, JR (A/L)

**ORDER DESIGNATING THE 66 STATE STREET AFFORDABLE HOUSING
DEVELOPMENT DISTRICT AND
TAX INCREMENT FINANCING DISTRICT AND ADOPTING THE
MUNICIPAL DEVELOPMENT PROGRAM FOR THE DISTRICT**

WHEREAS, the City of Portland is authorized pursuant to Chapter 206 of Title 30-A of the Maine Revised Statutes, as amended, to designate specified areas within the City as an Affordable Housing Development Tax Increment Financing District, and to adopt a Development Program for such District; and

WHEREAS, there is a need for affordable housing in the City of Portland and the surrounding region; and

WHEREAS, Developers Collaborative intends to construct certain improvements within the 66 State Street Affordable Housing Development Tax Increment Financing (“TIF”) District, including 40 rooming units in a lodging house and 30 rental units of affordable housing; and

WHEREAS, the City of Portland will utilize 25% of the tax revenues generated in the District in its General Fund; and

WHEREAS, there is a need to provide continuing affordable housing opportunities for the senior citizens of Portland and the surrounding region; to improve and broaden the tax base of the City of Portland; and to improve the general economy of the City of Portland, the surrounding region and the State of Maine; and

WHEREAS, the 66 State Street Affordable Housing Development TIF District will help improve and broaden the tax base in the City of Portland; and improve the economy of the City of Portland and the State of Maine; and

WHEREAS, there is a need to provide continuing affordable housing opportunities for the citizens of Portland and the surrounding region; to improve and broaden the tax base of the City of Portland; and to improve the general economy of the City of Portland, the surrounding region and the State of Maine; and

WHEREAS, the City has held a public hearing on the question of establishing the District in accordance with the requirements of 30-A M.R.S.A. § 5223, upon at least ten (10) days prior notice published in a newspaper of general circulation within the City; and

WHEREAS, the City desires to designate the 66 State Street Affordable Housing Development and Tax Increment Financing District and adopt a Development Program for such District; and

WHEREAS, the City Council has considered the comments provided at the public hearing, both for and against the designation of the 66 State Street Affordable Housing Development TIF District, if any; and

WHEREAS, it is expected that approval will be sought and obtained from the Maine State Housing Authority, approving the designation of the 66 State Street Affordable Housing Development TIF District and Development Program for the District;

NOW THEREFORE BE IT HEREBY ORDERED BY THE CITY COUNCIL AS FOLLOWS:

That, under and pursuant to the provisions of Title 30-A, Chapter 206, Subchapter 3 of the Maine Revised Statutes as amended, the development program and financial plan entitled “66 State Street Affordable Housing Development District” as presented to this meeting and a copy of which is hereby incorporated herein by reference and as part of the minutes of this meeting, is hereby approved in substantially the form as presented as the Development Program for the District and for the reasons set forth therein, the City, after considering whether the District and the Development Program will contribute to the expansion of affordable housing opportunities within the City and to the betterment of the health, welfare or safety of the inhabitants of the City and whether any detriment to any existing property interest in the City, finds and determines that: designation of the District and pursuit of the Development Program will make a contribution to the expansion of affordable housing opportunities within the City and the betterment of the health, welfare or safety of its inhabitants, constituting good and valid public purposes and any adverse economic effect on or detriment to any existing property interests is outweighed by the contribution made by the District and the Development Program to the availability of affordable housing within the City and to the betterment of the health, welfare and safety of its inhabitants, and the City further makes the other findings and determinations as set forth in said Development Program and the Exhibits thereto; and

BE IT FURTHER ORDERED, that the area of the City of Portland entitled “66 State Street Affordable Housing Development District” as more particularly described in said Development Program is hereby designated as an

affordable housing development district and such designation shall automatically become final and shall take full force and effect upon receipt by the City of approval of the District by the Director of the Maine State Housing Authority, without the requirement of any further action by the City, the Municipal Officers or any party; and

BE IT FURTHER ORDERED, that the percentage of increased assessed value of said District to be retained as captured assessed value in accordance with the Development Program is hereby established as set forth in the Development Program and Financial Plan; and

BE IT FURTHER ORDERED, that the City Manager is hereby authorized and directed, on behalf of the City of Portland, Maine to execute and submit to Director of the Maine State Housing Authority for approval such applications and further documentation as may be necessary or appropriate for final approval and establishment of the “66 State Street Affordable Housing Development District” and its Development Program and Financial Plan pursuant to 30-A M.R.S.A. Chapter 206, Subchapter 3; and the City Manager be, and hereby is, authorized and empowered, at his discretion, from time to time, to make such technical revisions to the Development Program for the District as he or she deems reasonably necessary or convenient in order to facilitate the process for review and approval of the District by the Director of the Maine State Housing Authority, so long as such revisions are not inconsistent with this Order or the basic structure and intent of the Development Program; and

BE IT FURTHER ORDERED, that the City’s Planning and Urban Development Director is authorized to submit annual reports on the status of the “66 State Street Affordable Housing Development District” on behalf of the municipal legislative body; and

BE IT FURTHER ORDERED, that upon approval of the Director of the Maine State Housing Authority, the City Manager is hereby authorized and directed on behalf of the City of Portland to execute and deliver a Credit Enhancement Agreement substantially in the form attached to the Development Program hereby approved, with such changes thereto as deemed appropriate by the City Manager.

APPLICATION ATTACHMENT 7

CITY OF PORTLAND
66 STATE STREET AFFORDABLE HOUSING DEVELOPMENT DISTRICT
DEVELOPMENT PROGRAM
May 31, 2019

TABLE OF CONTENTS

66 State Street Affordable Housing Development District Development Program

Article I. Introduction and Summary of Benefits

Article II. Development Program Narrative and Designation of the District

- Section 2.01 Statement of Means and Objectives
- Section 2.02 Brief Discussion of Financial Plan
- Section 2.03 Project Cost Descriptions
- Section 2.04 Relocation Plan
- Section 2.05 Environmental Controls
- Section 2.06 District Operation
- Section 2.07 Assurance of Compliance
- Section 2.08 Program Duration
- Section 2.09 Approval Considerations and Characteristics of the District
- Section 2.10 Designation of the District

Article III. Financial Plan

- Section 3.01 Cost Estimates for the Development Program
- Section 3.02 Amount of Indebtedness to be Incurred
- Section 3.03 Sources of Anticipated Revenues
- Section 3.04 Estimated Increased Assessed Value; Portion Applied to Development Program
- Section 3.05 Description of Terms and Conditions of Agreements
- Section 3.06 Calculation of Tax Shifts

Article IV. Municipal Approvals

- Section 4.01 Public Hearing
- Section 4.02 Authorizing Votes

Exhibits

- Exhibit A Estimated Allocation of Tax Increment and Estimated Tax Increment Revenues
- Exhibit B Estimated Development Costs
- Exhibit C Property Description and Configuration of the District
- Exhibit D Certificate of Assessor
- Exhibit E Credit Enhancement Agreement
- Exhibit F Tax Shift Computations
- Exhibit G Notice of Public Hearing
- Exhibit H City Council Orders
- Exhibit I Declaration of Covenants, Conditions and Restrictions
- Exhibit J District Narrative

66 State Street Affordable Housing Development District Development Program

Article I. Introduction and Summary of Benefits.

A. Affordable Housing Development District. This Development Program provides for the creation of an Affordable Housing Development District located at 66 State Street in Portland. The area includes approximately 0.5087 acres. By providing for the reinvestment of a portion of the new or incremental tax revenues in the District, the District will provide an impetus for affordable housing development within the District and the development of affordable, livable housing and the containment of the costs of unplanned growth in the City.

B. Benefits of the District.

1. Affordable Housing. This Development Program will provide for the development of affordable housing in the City and the containment of the costs of unplanned growth.

2. No City Bonds or Risks. The District will not involve any borrowings by or the issuance bonds of the City to pay for any of the costs of the Development Program and will not affect existing tax revenues in any way.

3. Additional Tax Revenues. Creation of the District and Development Program will result in additional tax revenues for the City.

4. Shelter of New Tax Base Growth. The captured assessed value of the District will be sheltered from the otherwise negative impacts of new development that result in increased county taxes and loss of State aid to education and revenue sharing when new development occurs without the creation of an Affordable Housing Tax Increment Financing District. The sheltered portion of the tax increment revenues will be used to pay Project Costs.

Article II. Development Program Narrative and Designation of the District.

Section 2.01: Statement of Means and Objectives. The City of Portland (“the City”), like many other Maine municipalities, desires to provide affordable housing in the City and to contain costs of unplanned growth by providing the facilities described in this Development Program.

In order to fulfill these goals, certain property has been proposed as the 66 State Street Affordable Housing Development District (the “District”). The Development Program described herein will serve the purpose of administering the District as an Affordable Housing Development District pursuant to Chapter 206, subchapter 3 of Title 30-A of the Maine Revised Statutes, as amended (the “Development Program”). Upon approval by the City of Portland designating the District and adoption of this Development Program by the City, the designation of the District and adoption of the Development Program will become final immediately, subject only to approval by the Director of the Maine State Housing Authority. The Development Program provides for affordable housing similar in some respects to the economic development incentives called municipal tax increment financing (“TIF”) similar to that adopted by a number of other Maine municipalities including the City. An Affordable Housing Development District involves the creation of a geographically defined district in the City and the “capture” or reinvestment of some of the new increased or “incremental” tax revenues generated on the increased assessed value of property in the District to pay certain costs of the development.

The District is designed to stimulate development of affordable housing in the City by allocating certain tax revenues generated on the increased assessed value in the District to Project Costs, consisting of allowable operating costs per 30-A M.R.S.A. §5249 and described in Section 2.03 hereof by Phoenix at Danforth, LP, its successors and assigns (the “Developer”). Under the Development Program, the City will make portions of the tax increment revenues as set forth in Section 3.04 hereof and under the Credit Enhancement Agreement attached hereto as Exhibit E hereto from the District available to the Developer pursuant to such Credit Enhancement Agreement (the “Credit Enhancement Agreement”). These revenues will be used either to pay or reimburse the Developer for Project Costs per Section 2.03 directly. All additional Project Costs will be the responsibility of the Developer, its successors or assigns. All tax increment revenues following expiration of the term of the Credit Enhancement Agreement will go directly into the City's general fund.

The District will result in significant new tax revenues for the City.

The Development Program thus will provide significant public benefit to the City by providing for the development of affordable housing in the City and for new tax revenues. The means and objectives of the Development Program are to provide: financial assistance towards Project Costs, and the development of affordable housing in the City.

The City, by adopting this Development Program, finds that the Development Program described herein, including the Capital Project, will provide substantial affordable housing in the City, thereby accomplishing an important public purpose.

Section 2.02: Brief Discussion of Financial Plan. The following is a brief summary of the Financial Plan. The Financial Plan is set forth in greater detail in Article III of this Development Program. As described in Section 3.04 hereof and Exhibit A hereof, the property taxes assessed by the City upon the Increased Assessed Value of property in the District (the “Tax Increment”) resulting from the investments by the Developer will be captured or used by the City under the Development Program to pay Project Costs described in Section 2.03 hereof. The development costs and sources and uses of funds associated with the Development Program within the District are described in Article III. The Project Costs and any continuing investment by Developer will be financed by Developer through equity of the Developer, its successors or assigns and the tax increment revenues from the District. As part of the Development Program, the City and Developer will enter into a Credit Enhancement Agreement pursuant to which the City will pay to Developer the percentage of Tax Increment Revenues from the Increased Assessed Value with respect to property in the District, described herein as the Tax Increment Revenues (Developer’s Share) for the term of the District to pay Project Costs related thereto. All tax revenues from the District not payable to Developer under the Credit Enhancement Agreement will be paid to the General Fund of the City. Any tax revenues presently generated on existing property in the District will continue to be paid to the General Fund of the City. The Development Program costs will be paid only from the Tax Increment on assessed value produced by new development in the District occurring after the tax year ending on the March 31st prior to adoption of this Development Program.

Section 2.03: Project Costs Descriptions.

A. Project General Description. The Capital Project at 66 State Street involves the redevelopment of approximately 0.5087 acres, into an affordable housing neighborhood. The objective of the project is that 100% of the units in the District will be affordable housing, meaning a decent, safe and sanitary dwelling, apartment or other living accommodation for a household whose income does not exceed 60% of the median income for the area as defined by the United States Department of Housing and Urban Development. This project consists of an apartment building to be built which will contain 30 units of

rental housing and the redevelopment of the existing building into a lodging house with approximately 40 rooming units. The apartment building will be targeted to households at or below 60% of the area median income. The lodging house will be targeted to individuals with incomes at or below 50% of the area median income. The zoning for the project assures that this number of units and this affordability objective will be met.

The project includes 14 studio units and sixteen one-bedroom units in a newly constructed building and 40 rooming units created in the existing building.

The 66 State Street project is projected to have a total local increased assessed valuation at build out of approximately \$3,750,000 based upon current real estate values and City assessment practices. Based upon the estimated tax rate upon completion, the project will pay approximately a thirty year annual average of \$118,763 in increased property taxes to the Developer at full build out. A portion of this new revenue would be offset by increased county taxes and reduced state revenue sharing and education funding resulting from the increased state valuation, were it not included in a Development District.

“Project Costs” as defined in Title 30-A, Chapter 206, Section 5249 of the Maine Revised Statutes will include operating costs, including but not limited to property management and administration, utilities, routine repairs and maintenance, insurance, real estate taxes and funding of a projects capital reserve account.

B. Need for the Affordable Housing TIF. Over the 30-year TIF, the estimated average annual payment is \$89,072 (as set forth in Exhibit A). Developer’s Share of the Tax Increment Revenue is designated to pay operating costs for the project at 66 State Street. The Tax Increment Revenue described in section 3.04 will help pay for operating costs over a period of thirty (30) years. Without the TIF and these other funding sources the project could not go forward.

The Municipal Affordable Housing Development District law enacted by the Maine Legislature in 2003 creates an opportunity to fill this gap in the project financing through the mechanism of the TIF program. The program operates essentially the same way that the traditional commercial TIF program has with a few exceptions. The Affordable Housing TIF program is administered by the Maine State Housing Authority.

Section 2.04: Relocation Plan. The property is a built lot currently owned DC 66 State LLC, and formerly owned by Catholic Charities of Maine as of April 1, 2018 – a tax exempt organization. No businesses or persons will be displaced as a result of the development activities proposed in the District.

Section 2.05: Environmental Controls. All environmental controls required by law shall apply to development in the District, including any applicable requirements of the City of Portland Zoning Ordinance and all applicable State and Federal environmental laws and regulations.

Section 2.06: District Operation. The day-to-day operations of the District will require no substantial efforts by the City. The Developer, its successor or assigns, will operate the improvements constructed by Developer and pay all maintenance and operational expenses of its facilities. The City, however, will be responsible for maintenance and operation of any part of the District that may become a public road or other public facility

Section 2.07: Assurance of Compliance. The City hereby determines that the District and this Development Program complies with the provisions of 30-A M.R.S.A. § 4349-A (growth management).

The proposed development in the District is consistent with the Comprehensive Plan for the City of Portland which includes the City's Comprehensive Plan, which calls for additional affordable housing in the City.

Section 2.08: Program Duration. The duration of the District will be thirty (30) years after the tax year in which this Development Program was approved by the Director of the Maine State Housing Authority. The first Tax Year of the Development Program begins April 1, 2020 and the last Tax Year of the Development Program begins April 1, 2049.

Section 2.09: Approval Considerations and Characteristics of the District.

A. Statutory Considerations for Approval. Before designating the District and before establishing this Development Program, the City has considered any evidence presented at such public hearing and has considered whether the District and Development Program will contribute to the expansion of affordable housing opportunities within the City and to the betterment of the health, welfare or safety of the inhabitants of the City. The City hereby determines and finds that the District created hereunder and this Development Program will make a contribution to the expansion of affordable housing opportunities within the City and the betterment of the health, welfare or safety of its inhabitants, constituting good and valid public purposes and that any adverse economic effect on or detriment to any existing property interests is outweighed by the contribution made by the District and the Development Program to the availability of affordable housing within the City and to the betterment of the health, welfare and safety of its inhabitants.

B. Statutory Conditions for Approval; Physical Characteristics. The City hereby finds and determines that the District satisfies the conditions imposed under Chapter 206, subchapter 3 of Title 30-A of the Maine Revised Statutes, as amended, as a prerequisite to designation of the District, including those relating to the physical description of the District and to certain financial and statistical information as follows:

(i) All of the land in the District is suitable for residential uses, is zoned for residential uses, and is in need of rehabilitation or redevelopment and therefore at least 25%, by area, of the real property within the District meets at least one of the following statutory criteria: (1) be suitable for residential use; (2) be a blighted area; or (3) be in need of rehabilitation or redevelopment;

(ii) The total area of the District is approximately 0.5087 acres and thus such area represents less than 2% of the total acreage of the City. The total area of the District and the total area of all development districts in the City (which combined total is 684.75 acres) is 5.52%, which includes 3.65% included in two exempt districts, a transit oriented district and a downtown/transit oriented district, of the total acreage of the City and thus does not exceed 5% of the total acreage of the City; the total area of all existing and proposed affordable housing development districts in the City is 0.042% of the total acreage of the City and does not exceed 5% of the total acreage of the City;

(iii) The Original Assessed Value of the District is as set forth in Exhibit D hereto and the Original Assessed Value of all existing and proposed affordable housing development districts within the City is \$1,824,610 and such amount of Original Assessed Value does not exceed 5% of the total value of taxable property within the City as of April 1st preceding the date of the designation of the District.

C. Community Housing Need. The City finds that this Capital Program will meet a community housing need identified in the City's Housing Plan and Comprehensive Plan. The Credit Enhancement Agreement provides a mechanism to ensure the ongoing affordability for a period of at least 30 years for rental units, which mechanism is the Declaration attached hereto as Exhibit I. The District is primarily a residential development on which 100% of the dwelling units will be affordable housing and that may be designed to be compact and walkable and to include internal open space, other common open space and one or more small-scale nonresidential uses of service to the residents of the development. The Developer and the City shall comply with any rules adopted by the Maine State Housing Authority and with any conditions of approval imposed by the Maine State Housing Authority following designation of the District. The City shall report annually to the Director of the Maine State Housing Authority regarding the status of the District, including the following matters as required by law: (a) certify that the public purpose of the District is being met; (b) account for any sales of property within the District; and (c) certify that rental units within the District remain affordable.

Section 2.10: Designation of the District. The City, by adoption of this Development Program, hereby designates the 66 State Street Affordable Housing Development District as an Affordable Housing Development District and as an Affordable Housing Tax Increment Financing District. A plan depicting the District is attached hereto as Exhibit C and the District is further described therein.

Article III. Financial Plan.

Section 3.01: Cost Estimates for the Development Program. The estimated expenses of the Project Costs are set forth in Exhibit B.

Section 3.02: Amount of Indebtedness to be Incurred. The City will not incur any indebtedness in connection with the Development Program. The Development Program will be financed through a combination of funds of the Developer, its successors and assigns, various loans and the Tax Increment of the District.

Section 3.03: Sources of Anticipated Revenues. The source of the revenue to be used to pay the Project Costs of this Development Program is a portion of the Tax Increment on the Increased Assessed Value of the District. Tax Increment means all Property Taxes assessed by the City, in excess of any state, county or special district tax, upon the Increased Assessed Value of all property in the District. Increased Assessed Value means the valuation amount by which the Current Assessed Value of the District exceeds the Original Assessed Value of the District. Current Assessed Value means the assessed value of the District certified by the municipal assessor as of April 1st of each year that the District remains in effect. Property Taxes means any and all ad valorem property taxes levied, charged or assessed against property by the City or on its behalf.

Original Assessed Value means the assessed value of the District as of March 31, 2019; (tax year April 1, 2018, Fiscal Year 2019). Attached hereto as Exhibit D is the anticipated form of certification of Original Assessed Value by the Assessor of the City of Portland in accordance with the requirements of Title 30-A § 5250-A of the Maine Revised Statutes. All Property Tax on the Original Assessed Value shall continue to be deposited in the general fund of the City.

The City will deposit the Tax Increment Revenues (Developer's Share) as described in Section 2.02 and Section 3.04 hereof and in Exhibit A into the Developer's Project Cost Account of the Affordable Housing Development Program Fund and pay such Tax Increment (Developer's Share) to Developer in accordance with the terms of the Credit Enhancement Agreement to be entered between the City and the Developer.

Section 3.04: Estimated Increased Assessed Value; Portion Applied to Development Program. The percentage of the Increased Assessed Value of the District to be retained as Captured Assessed Value in each year is 75%. Such Captured Tax Increment Revenues will be returned to the Developer each year in the manner described below.

The Tax Increment Revenues (Developer's Share) to be paid to the Developer each year during the term of this Development Program will be an amount which shall be captured and retained to reimburse the Developer for Project Costs pursuant to the Credit Enhancement Agreement. The Tax Increment Revenues (Developer's Share) shall be equal to the corresponding fiscal year's projected allocation percentage for each payment according to Exhibit A, but Developer's Share will be the entire amount of the 75% of captured revenue. The percentage determination of the Tax Increment Revenues (Developer's Share) as determined as described above shall apply regardless whether the actual Tax Increment Revenues are more or less than the estimated or projected Tax Increment Revenues set forth in Exhibit A.

"Tax Shift Formulas" mean the formulas utilized by the State of Maine in calculating: (a) the county tax payable in accordance with 30-A M.R.S.A. § 706 and 36 M.R.S.A. §§ 305(1), 381, as amended, and any successor provisions; (b) the municipal revenue sharing distribution of the Local Government Fund in accordance with 30-A M.R.S.A. §5681, as amended, and any successor provision, provided, however, that distribution of the Disproportionate Tax Burden Fund (the Revenue II fund), if any, shall not be taken into consideration in such calculation since taxes assessed on captured value within a tax increment financing district are included in the amounts of the property assessed in determining allocations of such Disproportionate Tax Burden Fund; and (c) State aid to education, including aid for total operating costs, total program cost allocation (taking into account the maximum local share or circuit breaker) and total debt service cost allocation (taking into account the maximum local share or circuit breaker), but not taking into account any hold harmless or hardship cushion that results in additional State aid to education to the prior years level even through the calculation would have resulted in a reduction, all as computed in accordance with Maine Department of Education Form ED 261 or any successor form.

The amount of Tax Increment from the total Increased Assessed Value that is to be paid each year to the Developer under Credit Enhancement Agreement to pay or reimburse Project Costs is hereinafter called the "Tax Increment Revenues (Developer's Share)."

The table attached hereto as Exhibit A also sets forth: (i) the annual estimates of the Increased Assessed Value of the District resulting from implementation of the Development Program; (ii) the estimated annual Tax Increment Revenues per year on the Increased Assessed Value following implementation of the Development Program, stated respectively as (a) a total, and (b) the estimated amount of the Tax Increment Revenues (Developer's Share)

Based on the manner in which Tax Increment Revenues (Developer's Shares) are defined, a share of the incremental property tax revenues derived from the increased valuation will be returned to the Developer to cover the Project Costs as described in Section 2.03 hereof.

To comply with the provisions of the State of Maine, the Credit Enhancement Agreement includes a provision for the recapture of certain amounts relating to any affordable rental housing units that are not maintained as affordable for a period of at least thirty years.

The amount of the Tax Increment Revenues on the Increased Assessed Value of all property in the District for each year during the term of the District to be allocated and paid to the Developer each year pursuant to the Credit Enhancement Agreement shall be equal to the product for each year during the term of the District of (a) the relevant Developers Percentage Allocation of the Tax Increment (Developer Share) for each year as computed as described above, times (b) the actual amount of the Tax Increment for each year. Such percentage allocations shall apply regardless of whether the actual Tax Increment Revenues each year are more or less than the Tax Increment Revenues as estimated or projected in Exhibit A of this Development Program, provided that in no fiscal year will the Developer's Share be less than 75% of the captured revenue through the term of the District.

An Affordable Housing Development Program Fund shall be established by the City consisting of a Project Cost Account. The Project Cost Account shall consist of the Developer's Project Cost Account (the "Developer's Project Cost Account"). The Developer's Project Cost Account will be pledged to and charged with payment of amounts due to Developer under the Credit Enhancement Agreement. Upon receipt of each payment of property tax with respect to property in the District, the City shall deposit into the Developer's Project Cost Account according to the terms of the Credit Enhancement Agreement that portion of each payment constituting the percentage of total actual Tax Increment for such year equal to the Tax Increment Revenues (Developer's Share). The amounts in the Developer's Project Cost Account shall be used and applied solely to fund the payments to Developer under the Credit Enhancement Agreement.

Section 3.05: Description of Terms and Conditions of Agreements. A description of the terms and conditions of the agreements, contracts and obligations to be entered into by the City is set forth in the Credit Enhancement Agreement to be entered into by the City and the Developer which will be substantially in the form attached hereto as Exhibit E. The Credit Enhancement Agreement sets forth the obligations of the City to pay to Developer each year during the term of that Agreement Tax Increment Revenues (Developer's Share) from all Property Tax with respect to all property in the District, as provided in such Credit Enhancement Agreement.

Section 3.06: Calculation of Tax Shifts. In accordance with Maine statutes governing the establishment of affordable housing development districts, Exhibit F identifies the estimated tax shifts which will result during the term of the District from the establishment of the District, using formulas approved by the Director of the Maine State Housing Authority. Exhibit F also contains a summary of the methodology and calculations utilized in calculating such estimated tax shifts.

The 66 State Street project will pay property taxes to the City based upon the local assessed valuation of the project and the City's annual tax rate. Exhibit A shows the estimated property taxes that will be paid by the project over the next 30 years based upon the estimated local assessed valuation and the estimated tax rate of \$23.42/\$1000 for the first year of the District. The amount of property taxes paid by owners of property in the District to City will be the same whether the project is included in a TIF district or not.

If the project is not part of a TIF, some of these new tax revenues will be offset by what are commonly called tax shifts. Since the City's total state valuation will be higher as a result of the project, its share of Cumberland County taxes will increase. The increased valuation and population will change the amount the City receives in State Revenue Sharing. The increased valuation and increased school enrollment will change the amount the City receives in state education aid.

Exhibit F thus shows the estimated amount of these tax shifts compared to what they would be if the new valuation is “sheltered” in a TIF and, therefore, does not get counted in the City’s state valuation that is used in calculating county tax, revenue sharing and state education aid.

The actual extent and amount of the tax shifts can vary from this estimate since they are controlled by factors outside the City’s control such as the rate of increase in the County budget, the amount of state sales and income tax collected, the amount of funding provided by the state for education aid, and the formula used to distribute that aid. So the extent and value of the shifts could be more or less than estimated.

Article IV. Municipal Approvals.

Section 4.01: Public Hearing. Before designating the District, the City legislative body of the City held a public hearing. Notice of the hearing was published on July 4, 2019, a date that was at least 10 days before the hearing, in The Portland Press Herald, a newspaper of general circulation within the City. Attached hereto as Exhibit G is a copy of the Notice of Public Hearing. The Public hearing was held in accordance with the requirements of 30-A M.R.S.A. § 5250 on July 15, 2019. At the public hearing, interested parties were given a reasonable opportunity to present testimony concerning the District and the Development Program.

Section 4.02: Authorizing Votes. Attached as Exhibit H is a copy of the Orders proposed for adoption by the City Council of the City of Portland at a meeting thereof duly called and held on July 15, 2019 designating the District and adopting the Development Plan.

The undersigned, being the City Manager of the City of Portland, certifies that all of the information contained herein is true and correct to the best of my knowledge.

Dated: August _____, 2019

Jon P. Jennings, City Manager, City of Portland

CREDIT ENHANCEMENT AGREEMENT

This Credit Enhancement Agreement, dated as of _____, 2019, between the City of Portland, Maine, a municipal body corporate and politic and a political subdivision of the State of Maine (the “City”), and Phoenix at Danforth, LP, a Maine limited partnership (the “Developer”).

WITNESSETH THAT

WHEREAS, the City designated the 66 State Street Affordable Housing Development Tax Increment Financing District (the “District”) pursuant to Chapter 206, subchapter 3 of Title 30-A of the Maine Revised Statutes, as amended, by vote of the City Council at a meeting held on July 15, 2019 and pursuant to the same City Council Meeting action adopted a development program and financial plan for the District (the “Development Program”), and

WHEREAS, the Director of the Maine State Housing Authority has reviewed and approved the District and the Development Program, and

WHEREAS, the Development Program contemplates the execution and delivery of a credit enhancement agreement between the City and the Developer and the City approved the execution and delivery of a credit enhancement agreement as described in the Development Program pursuant to such City Council Meeting approval and a resolution of the Municipal Officers, adopted July 15, 2019 by vote of the City Council and the City and the Developer desire and intend that this Credit Enhancement Agreement be and constitute the Credit Enhancement Agreement contemplated by and described in the Development Program;

NOW, THEREFORE, in consideration of the foregoing and in consideration of the mutual promises and covenants set forth herein, the parties hereby agree as follows:

ARTICLE I: DEFINITIONS

Section 1.1. Definitions. The terms defined in this Article I shall, for all purposes of this Agreement, have the meanings herein specified, unless the context clearly requires otherwise:

“Affordable Housing Development Program Fund” means the Affordable Housing Development Program Fund described in Article III of the Development Program and established and maintained pursuant to Article II hereof.

“Agreement” means this Credit Enhancement Agreement between the City and the Developer.

“Captured Assessed Value” means the amount, stated as percentages or stated sums, of the Increased Assessed Value that is utilized from year to year to finance the Capital Program and Public Improvements described in the Development Program; the Captured Assessed Value of the District shall be 75% of the Increased Assessed Value.

“City” means the City of Portland, Maine, a municipality duly organized and existing under the laws of the State of Maine, its successors and assigns.

“Current Assessed Value” means the assessed value of the District certified by the municipal assessor as of April 1st of each year that the District remains in effect.

“Developer” means Phoenix at Danforth, LP, its successors and assigns.

“Development Program” means the Development Program for the District as adopted by the City at a meeting of the City Council held on July 15, 2019.

“District” means the 66 State Street Affordable Housing Development Tax Increment Financing District designated by the City pursuant to Chapter 206, subchapter 3 of Title 30-A of the Maine Revised Statutes, as amended, by vote of its City Council at a meeting held on July 15, 2019.

“Financial Plan” means the financial plan described in Article III of the Development Program.

“Fiscal Year” means July 1 to June 30 each year or such other fiscal year as the City may establish.

“Increased Assessed Value” means the valuation amount by which the Current Assessed Value of the District exceeds the Original Assessed Value of the District. If the Current Assessed Value is equal to or less than the Original Assessed Value, there is no Increased Assessed Value.

“Original Assessed Value” means the assessed value of the District as of March 31, 2019, which amount was zero Dollars (\$0.00).

“Project” means the design, planning, development, acquisition, construction, financing and installation of the Development Program as described in Section 2.03 of said Development Program.

“Project Costs” means any expenditures or monetary obligations incurred or expected to be incurred that are authorized by section 5249 of title 30-A of the Maine Revised Statutes and included in the Development Program.

“Project Cost Account” means the Developer’s Project Cost Account described in Article III of the Development Program and established and maintained pursuant to Article II of this Agreement.

“Property Taxes” means any and all ad valorem property taxes levied, charged or assessed against real estate in the District by the City or on its behalf.

“Qualified Investments” means any and all securities, obligations or accounts in which municipalities may invest their funds under applicable Maine law.

“Tax Increment” means all Property Taxes assessed by the City, in excess of any state, county or special district tax, upon the Increased Assessed Value of all property in the District.

“Tax Increment Revenues (Developer’s Share)” means that percentage of the Tax Increment with respect to real estate now or hereafter located in the District retained pursuant to the terms of the Development Program to pay Project Costs of the Capital Program, and which amount is to be deposited each year during the term of this Agreement in the Developer’s Project Cost Account to fund payments to the Developer due pursuant to this Agreement. The Tax Increment Revenues (Developer’s Share) is seventy-five percent (75%). The Tax Increment Revenues (Developer’s Share) will be calculated each year as more particularly described herein and in Exhibit A of the Development Program and will be based on the Increased Assessed Value of the District which percentage or amount shall be captured and retained to pay to the Developer the costs of the Capital Program described in the Development Program.

"Tax Shift" means the sum of the following amounts as calculated under the Tax Shift Formulas, as hereafter defined: (a) the difference between (i) the county tax payable by the City if the Captured Assessed Value that under the then existing Tax Shift Formulas is not included in the actual calculation of County Tax were included in the City's valuation in calculating the county tax, and (ii) the county tax payable by the City to the extent that the Captured Assessed Value is excluded from the City's valuation in calculating the county tax; plus (b) the difference between (i) the State aid to education that would be received by the City if the Captured Assessed Value that under the then existing Tax Shift Formulas is not included in the actual calculation of State aid to education were included in the City's valuation in calculating State aid to education, and (ii) the State aid to education that received by the City to the extent that the Captured Assessed Value is excluded from the City's valuation in calculating such amounts of State aid to education; plus (c) the difference between (i) the State revenue sharing that would be received by the City if the Captured Assessed Value that under the then existing Tax Shift Formulas is not included in the actual calculation of State revenue sharing were included in the City's valuation in calculating the amount of State revenue sharing, and (ii) the State revenue sharing received each year to the extent that the Captured Assessed Value is excluded in the City's valuation in calculating such amounts of revenue sharing. Examples of the calculation of the estimated Tax Shifts based on the current Tax Shift Formulas are attached as Exhibit F to the Development Program.

"Tax Shift Formulas" means the formulas utilized by the State of Maine in calculating (a) the county tax payable in accordance with 30-A M.R.S.A. § 706 and 36 M.R.S.A. §§ 305(1), 381, as amended, and any successor provisions; (b) the municipal revenue sharing distribution of the Local Government Fund in accordance with 30-A M.R.S.A. §5681, as amended, and any successor provision, provided, however, that distribution of the Disproportionate Tax Burden Fund (the Revenue II fund), if any, shall not be taken into consideration in such calculation since taxes assessed on captured value within a tax increment financing district are included in the amounts of the property assessed in determining allocations of such Disproportionate Tax Burden Fund; and (c) State aid to education, including aid for total operating costs, total program cost allocation (taking into account the maximum local share or circuit breaker) and total debt service cost allocation (taking into account the maximum local share or circuit breaker), but not taking into account any hold harmless or hardship cushion that results in additional State aid to education to the prior year's level even through the calculation would have resulted in a reduction, all as computed in accordance with Maine Department of Education Form ED 261 or any successor form.

"Tax Payment Date" means the date(s) on which Property Taxes levied by the City are due and payable from owners of property located within the City.

Section 1.2. Interpretation and Construction. In this Agreement, unless the context otherwise requires:

(a) The terms "hereby," "hereof," "hereto," "herein," "hereunder" and any similar terms, as used in this Agreement, refer to this Agreement, and the term "hereafter" means after, and the term "heretofore" means before the date of delivery of this Agreement.

(b) Words importing a particular gender mean and include correlative words of every other gender and words importing the singular number mean and include the plural number and vice versa.

(c) Words importing persons mean and include firms, associations, partnerships (including limited partnerships), limited liability companies, trusts, corporations and other legal entities, including public or governmental bodies, as well as any natural persons.

(d) Any headings preceding the texts of the several Articles and Sections of this Agreement, and any table of contents or marginal notes appended to copies hereof, shall be solely for convenience of reference and shall not affect its meaning, construction or effect.

(e) All notices to be given hereunder shall be given in writing and, unless a certain number of days is specified, within a reasonable time. All approvals, consents and acceptances required to be given or made by any signatory hereto shall not be withheld unreasonably.

(f) If any clause, provision, Article or Section of this Agreement shall be ruled invalid by any court of competent jurisdiction, the invalidity of such clause, provision, Article or Section shall not affect any of the remaining provisions hereof.

ARTICLE II: DEVELOPER'S PROJECT COST ACCOUNT OF THE AFFORDABLE HOUSING DEVELOPMENT PROGRAM FUND AND FUNDING REQUIREMENTS

Section 2.1. Creation of Developer's Project Cost Account of the Affordable Housing Development Program Fund. The City hereby confirms the creation and establishment of (a) the 66 State Street Affordable Housing Development District Affordable Housing Development Program Fund (the "Affordable Housing Development Program Fund"); and (b) a segregated fund in the name of the City designated as the "66 State Street Affordable Housing Development District Developer's Project Cost Account of the Affordable Housing Development Program Fund" (the "Developer's Project Cost Account") pursuant to, and in accordance with the terms and conditions of the Development Program. The Affordable Housing Development Program Fund shall consist solely of the Developer's Project Cost Account as described in the Development Program.

Section 2.2. Deposits into Developer's Project Cost Account of the Affordable Housing Development Program Fund. The City shall deposit into the Developer's Project Cost Account contemporaneously with each payment of Property Tax by owners of property in District during the term of the District an amount equal to that portion thereof constituting the Tax Increment Revenues (Developer's Share) for the period or year to which the payment relates and shall allocate the amount so deposited to fund fully and pay the payments due to Developer under Article III of this Agreement.

Section 2.3. Use of Monies in Developer's Project Cost Account of the Affordable Housing Development Program Fund. Monies deposited in the Developer's Project Cost Account shall be used and applied exclusively to fund the City's payment obligation described in Article III hereof.

Section 2.4. Monies Held in Trust. All monies required to be deposited with or paid into the Developer's Project Cost Account to fund payments of the Developer under the provisions hereof and the provisions of the Development Program, shall be held by the City in trust, for the benefit of the Developer.

Section 2.5. Investments. The monies in the Developer's Project Cost Account shall be invested and reinvested in Qualified Investments as determined by the City. The City shall have discretion regarding the investment of such monies, provided such monies are invested in Qualified Investments. As and when any amounts thus invested may be needed for disbursements, the City shall cause a sufficient amount of such investments to be sold or otherwise converted into cash to the credit of such account. The City shall have the sole and exclusive right to designate the investments to be sold and to otherwise direct the sale or conversion to cash of investments made with monies in the Developer's Project Cost Account.

Section 2.6. Liens. The City shall not hypothecate or grant or create any liens, security interests, encumbrances, or other interests of any nature whatsoever, with respect to the Developer's Project Cost Account or any funds therein, other than the interest granted to the Developer hereunder in and to the amounts on deposit therein.

ARTICLE III: PAYMENT OBLIGATIONS

Section 3.1. Credit Enhancement Payments. (a) The term of this Agreement shall be for the period beginning on the effective date of the approval of the District by the Director of the Maine State Housing Authority, being _____, 2019 and continuing for thirty (30) years as described below. Subject to the conditions set forth below, the City agrees to pay to the Developer within 30 days of the end of each fiscal year (ends June 30 each year) this Agreement is in effect payments equal to the Tax Increment Revenues (Developer's Share) beginning with the designation and approval of the District by the Director of the Maine State Housing Authority, that being the City Tax Year beginning April 1, 2019 and ending March 31, 2020, which is Fiscal Year beginning July 1, 2019 and ending June 30, 2020 (TY19/FY20) and continuing for 30 years thereafter with each Fiscal Year of the City through and including June 30, 2050 (TY49/FY50). The City shall make all such payments of the Tax Increment Revenues (Developer's Share) to the Developer, its successors and assigns according to Exhibit A of the Development Program, based upon the corresponding fiscal year's projected allocation percentage for each payment. The Developer's share will be 100% of the captured revenue (based on 75% of the value captured) as indicated on Exhibit A. The obligation of the City to make such payments shall be a limited obligation payable solely from that portion of the Tax Increment Revenues (Developer's Share) payable to the Developer hereunder, whether or not actually deposited into the Developer's Project Cost Account, and shall not constitute a general debt or obligation on the part of the City or a general obligation or charge against or pledge of the faith and credit or taxing power of the City, the State of Maine or any political subdivision thereof.

(b) If, with respect to any Tax Payment Date, the owner or owners of property in the District fail(s) to pay any portion of the Property Taxes assessed by the City, because of a valuation dispute or otherwise, the Property Taxes actually paid with respect to such Tax Payment Date shall first be applied to taxes due on account of the Original Assessed Value and second shall constitute Tax Increment Revenues.

(c) Annually, Developer will provide operating cash flow statements as back-up documentation of Projects Costs for its TIF payments, which documentation will be kept confidential by the City.

Section 3.2. Prior to receiving the first payment under this Agreement:

(a) Developer shall provide evidence reasonably satisfactory to the City of the Company's ability to complete the Project in accordance with State law. Reasonably satisfactory evidence shall include the Company's having closed on the financing for the Project.

(b) On a bi-weekly basis during the course of construction of the Project, Developer must provide documentation in a form reasonably satisfactory to the City demonstrating that all firms employed in the construction phase of the Project have compensated their employees, at all relevant times, the current wage rates and fringe benefits as required under applicable state prevailing wage law, 26 M.R.S. §1306, or the City's minimum wage requirements set forth in Chapter 33, Sections 1 - 12 of the Portland City Code, whichever is greater. The City will provide the Developer with information that the Developer must include in all bid materials that the Developer provides to prospective contractors who may bid on the project to ensure that the wage requirements set forth in this section are met.

(c) Developer must provide evidence reasonably satisfactory to the City demonstrating that the Project was designed, constructed and rehabilitated in accordance with City's Green Building Code set forth in the Chapter 6, Article VII, of the Portland City Code.

Section 3.3. Failure to Make Payment. In the event the City should fail to, or be unable to, make any of the payments required under Section 3.1 hereof, the item or installment so unpaid shall continue from year-to-year, as a limited obligation of the City, under the terms and conditions hereinafter set forth, until the amount unpaid shall have been fully paid and the City agrees to pay the same with interest thereon at the rate equal to the interest rate per annum payable by owners of property in the City on Property Taxes that are not paid when due, but only from Tax Increment Revenues (Developer's Share) paid to the City by the Developer from time to time, and any earnings thereon, whether or not deposited into the Developer's Project Cost Account of the Affordable Housing Development Program Fund. Payments shall be applied first against accrued interest and then against principal. The Developer shall have the right to initiate and maintain an action to specifically enforce the City's obligations hereunder, including without limitation, the City's obligation to deposit all Tax Increment Revenues (Developer's Share) to the Developer's Project Cost Account and its obligation to make payments to the Developer.

Section 3.4. Manner of Payments. The payments provided for in this Article III shall be paid in immediately available funds directly to the Developer in the manner provided hereinabove for its own use and benefit, for qualified Project Costs.

Section 3.5. Obligations Unconditional. The obligations of the City to make the payments described in this Agreement in accordance with the terms hereof shall be absolute and unconditional irrespective of any defense or any rights of setoff, recoupment or counterclaim it might otherwise have against the Developer. The City shall not suspend or discontinue any such payment or terminate this Agreement for any cause, including without limitation, any acts or circumstances that may constitute failure of consideration or frustration of purpose or any damage to or destruction of the Project or any change in the tax or other laws of the United States, the State of Maine or any political subdivision of either thereof.

Section 3.6. Limited Obligation. The City's obligations of payment hereunder shall be limited obligations of the City payable solely from monies on deposit in the Developer's Project Cost Account and Affordable Housing Development Program Fund, and any earnings thereon, pledged therefor under this Agreement. The City's obligations hereunder shall not constitute a general debt or a general obligation or charge against or pledge of the faith and credit or taxing power of the City, the State of Maine, or of any municipality or political subdivision thereof, but shall be payable solely from that portion of the Tax Increment Revenues (Developer's Share) payable to the Developer hereunder, and any earnings thereon, whether or not actually deposited into the Developer's Project Cost Account. This Agreement shall not directly or indirectly or contingently obligate the City, the State of Maine, or any other municipality or political subdivision to levy or to pledge any form of taxation or to levy or to make any appropriation for their payment, excepting the City's obligation to levy Property Taxes upon the property in the District and the pledge of the Tax Increment Revenues (Developer's Share), and earnings thereon, established under this Agreement.

Section 3.7. Nondiscrimination. The Developer and its contractors employed in the construction phase the Project shall adhere to a policy of non-discrimination in all employment actions, practices, policies, procedures, phases, and conditions of employment. All employment-related decisions (including but not limited to hiring, discharge, transfers, promotions, discipline, training, job opportunities, and wage and salary levels) will be made without discrimination based on

an individual's race or color, religion, age, sex (including pregnancy), sexual orientation, gender identity or expression, ancestry or national origin, physical or mental disability, veteran status, genetic information, previous assertion of a claim or right under Maine's Workers' Compensation Act, previous actions taken protected under Maine's Whistleblowers' Protection Act, or any other protected group status as defined by applicable law. Provisions in applicable laws providing for bona fide occupational qualifications, business necessity, or age limitations will be adhered to by the developer and its contractors where appropriate. This policy shall not be construed to prohibit any employment action or policy which is required by federal law, rule or executive order.

ARTICLE IV: PLEDGE AND SECURITY INTEREST

Section 4.1. Pledge of Developer's Project Cost Account. In consideration of this Agreement and other valuable consideration and for the purpose of securing payment of the amounts provided for hereunder to the Developer by the City, according to the terms and conditions contained herein, and in order to secure the performance and observance of all of the City's covenants and agreements contained herein, the City does hereby grant a security interest in and pledge to the Developer the Developer's Project Cost Account and the Affordable Housing Development Program Fund to the extent of Developer's Rights under this Agreement to receive funds from the Developer's Project Cost Account and all sums of money and other securities and investments now or hereafter therein.

Section 4.2. Perfection of Interest. The City authorizes the Developer to file and, if necessary, shall cooperate with the Developer in causing appropriate financing statements and continuation statements naming the Developer as pledgee of all amounts from time to time on deposit in the Developer's Project Cost Account and the Affordable Housing Development Program Fund to be duly filed and recorded in the appropriate state offices as required by and permitted under the provisions of the Maine Uniform Commercial Code or other similar law as adopted in the State of Maine and any other applicable jurisdiction, as from time to time amended, in order to perfect and maintain the security interests created hereunder. To the extent deemed necessary by the Developer, the City will at such time and from time to time as requested by Developer establish the Developer's Project Cost Account as a segregated fund under the control of an escrow agent, trustee or other fiduciary so as to perfect Developer's interest therein.

Section 4.3. Further Instruments. The City shall, upon the reasonable request of the Developer, from time to time execute and deliver such further instruments and take such further action as may be reasonable and as may be required to carry out the provisions of this Agreement; provided, however, that no such instruments or actions shall pledge the credit of the City.

Section 4.4. No Disposition of Developer's Project Cost Account. Except as permitted hereunder, the City shall not sell, lease, pledge, grant a security interest in, assign or otherwise dispose, encumber or hypothecate any interest in the Developer's Project Cost Account and the Affordable Housing Development Program Fund and will promptly pay or cause to be discharged or make adequate provision to discharge any lien, charge or encumbrance on any part hereof not permitted hereby.

Section 4.5. Access to Books and Records. All books, records and documents in the possession of the City relating to the District, the Development Program, this Agreement and the monies, revenues and receipts on deposit or required to be deposited into the Developer's Project Cost Account shall at all reasonable times be open to inspection by the Developer, its agents, lenders, designees and employees.

ARTICLE V: DEFAULTS AND REMEDIES

Section 5.1. Events of Default. Each of the following events shall constitute and be referred to in this Agreement as an “Event of Default:”

(a) any failure by the City to pay any amounts due to Developer when the same shall become due and payable;

(b) any failure by the City to make deposits into the Affordable Housing Development Program Fund or the Developer’s Project Cost Account as and when due;

(c) any failure by the City or the Developer to observe and perform in all material respects any covenant, condition, agreement or provision contained herein on the part of the City or the Developer to be observed or performed, provided, however, that failure of Developer or any other owner of property in the District to pay Property Taxes when due shall not constitute an event of default hereunder; or

(d) if a decree or order of a court or agency or supervisory authority having jurisdiction in the premises of the appointment of a conservator or receiver or liquidator of, any insolvency, readjustment of debt, marshalling of assets and liabilities or similar proceedings, or for the winding up or liquidation of the City’s affairs shall have been entered against the City or the City shall have consented to the appointment of a conservator or receiver or liquidator in any such proceedings of or relating to the City or of or relating to all or substantially all of its property, including without limitation, the filing of a voluntary petition in bankruptcy by the City or the failure by the City to have a petition in bankruptcy dismissed within a period of ninety (90) consecutive days following its filing or in the event an order for release has been entered under the Bankruptcy Code with respect to the City.

Section 5.2. Remedies on Default. Whenever any Event of Default referred to in Section 6.1 hereof shall have occurred and be continuing, the non-defaulting party may take any one or more of the following remedial steps: (a) the non-defaulting party may take whatever action at law or at equity as may appear necessary or desirable to collect any amount then due and thereafter to become due, to specifically enforce the performance or observance of any obligations, agreements or covenants of the non-defaulting party under this Agreement and any documents, instruments and agreements contemplated hereby or to enforce any rights or remedies available hereunder; and (b) the Developer shall also have the right to exercise any rights and remedies available to a secured party under the laws of the State of Maine.

Section 5.3. Remedies Cumulative. No remedy herein conferred upon or reserved to any party is intended to be exclusive of any other available remedy or remedies but each and every such remedy shall be cumulative and shall be in addition to every other remedy given under this Agreement or now or hereafter existing at law, in equity or by statute. Delay or omission to insist upon the strict performance of any of the covenants and agreements herein set forth or to exercise any rights or remedies upon the occurrence of an Event of Default shall not impair any relinquishment for the future of the rights to insist upon and to enforce, from time to time and as often as may be deemed expedient, by injunction or other appropriate legal or equitable remedy, strict compliance by the City with all of the covenants and conditions hereof, or of the rights to exercise any such rights or remedies, if such Event of Default be continued or repeated.

Section 5.4. Agreement to Pay Attorneys’ Fees and Expenses. Notwithstanding the application of any other provision hereof, in the event any party should default under any of the provisions of this Agreement and the non-defaulting party shall require and employ attorneys or incur other expenses or costs for the collection of payments due or to become due or for the enforcement of performance or

observance of any obligation or agreement on the part of the City or the Developer herein contained, the defaulting party shall, on demand thereof pay to the non-defaulting party the reasonable attorneys fees, costs and expenses so incurred by the non-defaulting party.

Section 5.5. Disputes. The parties agree that in the event of any dispute or disagreement hereunder the City shall continue to make payment of all amounts due hereunder in the manner and at the times specified herein until final resolution of such dispute, whether by mutual agreement or final decision of a court, arbitrator or other dispute resolution mechanism. The City hereby waives any right to withhold, suspend or setoff payments during the pendency of any such dispute, this waiver being limited and expressly intended to affect only those rights necessarily related to or arising directly under the terms of this Agreement.

ARTICLE VI: EFFECTIVE DATE, TERM AND TERMINATION

Section 6.1. Effective Date and Term. This Agreement shall become effective upon its execution and delivery by the parties hereto and shall remain in full force from the date hereof for the entire term of this Agreement and shall expire upon the payment of all amounts due to the Developer hereunder and the performance of all obligations on the part of the City and the Developer hereunder.

Section 6.2. Cancellation and Expiration of Term. At the termination or other expiration of this Agreement and following full payment of all amounts due and owing to the Developer hereunder or provision for payment thereof and of all other fees and charges having been made in accordance with the provisions to this Agreement, the City and the Developer shall each execute and deliver such documents and take or cause to be taken such actions as may be necessary to evidence the termination of this Agreement.

ARTICLE VII: ASSIGNMENT AND PLEDGE OF DEVELOPER'S INTEREST

Section 7.1. Consent to Pledge and/or Assignment. The City hereby acknowledges that it is the intent of the Developer to pledge and assign and to grant security interests in and to this Agreement and the amounts payable to Developer hereunder and Developer's right, title and interest in, to and under this Agreement as collateral for financing for the Project, although no obligation is hereby imposed on the Developer to make such assignment or pledge or to grant such security interests. Recognizing this intention, the City does hereby consent and agree to the grant of such security interests and to the pledge and assignment of all the Developer's right, title and interest in, to and under this Agreement and in and to the payments to be made to Developer hereunder, to third parties as collateral or security for indebtedness and other obligations or otherwise, on one or more occasions during the term hereof.

Section 7.2. Pledge, Assignment or Security Interest. The City hereby consents to the pledge, assignment or granting of a security interest by the Developer (or the pledge and assignment by any one Developer) of its right, title and interest in, to and under this Agreement. The City agrees to execute and deliver any assignments, pledge agreements, consents or other confirmations required by the prospective secured party, pledgee or assignee, including without limitation, recognition of the secured party, pledgee or assignee as the holder of all right, title and interest herein and as the payee of amounts due and payable hereunder and any and all such other documentation as shall confirm to such secured party, pledgee or assignee the position of such secured party, assignee or pledgee and the irrevocable and binding nature of this Agreement and provide to the secured party, pledgee or assignee such rights and/or remedies as it may deem necessary for the establishing, perfection and protection of its interest herein.

Section 7.3. Assignment. Except as provided in this Article VII, the Developer shall not have the right to transfer and assign to any person or entity all or any portion of its rights in, to and under this Agreement; provided however, that any transfer of the real property within the District shall carry with it the benefit of this Agreement so long as (i) the portion of the rental units within the District which are required to be affordable under the Declaration of Covenants, Conditions and Restrictions executed by the Developer and the City remain affordable after such transfer; (ii) the prospective owner establishes to the reasonable satisfaction of the City that the financial benefits provided by this Agreement are still necessary to maintain the viability of the Project and (iii) the City Council approves the transfer.

ARTICLE VIII: MISCELLANEOUS

Section 8.1. Successors. The covenants, stipulations, promises and agreements set forth herein shall bind and inure to the benefit of the respective successors and assigns of the parties hereto.

Section 8.2. Severability. In case any one or more of the provisions of this Agreement shall, for any reason, be held to be illegal or invalid, such illegality or invalidity shall not affect any other provision of this Agreement and this Agreement shall be construed and enforced as if such illegal or invalid provision had not been contained herein.

Section 8.3. No Personal Liability of Officials of the City. No covenant, stipulation, obligation or agreement of the City contained herein shall be deemed to be a covenant, stipulation or obligation of any present or future elected or appointed official, officer, agent, servant or employee of the City in his individual capacity and neither the members of the City Council of the City nor any official, officer, employee or agent of the City shall be liable personally with respect to this Agreement or be subject to any personal liability or accountability by reason hereof.

Section 8.4. Counterparts. This Agreement may be executed in any number of counterparts, each of which, when so executed and delivered, shall be an original, but such counterparts shall together constitute but one and the same Agreement.

Section 8.5. Governing Law. The laws of the State of Maine shall govern the construction and enforcement of this Agreement.

Section 8.6. Notices. All notices, certificates, requests, requisitions or other communications by the City or the Developer pursuant to this Agreement shall be in writing and shall be sufficiently given and shall be deemed given when hand delivered or mailed by first class mail, postage prepaid, addressed as follows:

If to the City: City Manager
 City Portland
 389 Congress Street
 Portland, Maine 04101

If to the Developer: Phoenix at Danforth, LP
 c/o Developers Collaborative
 100 Commercial Street, Suite 414
 Portland, ME 04101

Any of the parties may, by notice given to the other, designate any further or different addresses to which subsequent notices, certificates, requests or other communications shall be sent hereunder.

Section 8.7. Amendments. This Agreement may be amended only with the concurring written consent of the parties hereto.

Section 8.8. Net Agreement. This Agreement shall be deemed and construed to be a “net agreement,” and the City shall pay absolutely net during the term hereof all payments required hereunder, free of any deductions, and without any abatement, deductions or setoffs.

Section 8.9. Benefit of Assignees or Pledgees. The City agrees that this Agreement is executed in part to induce secured parties, assignees or pledgees to provide financing for the Project and accordingly all covenants and agreements on the part of the City as to the amounts payable hereunder are hereby declared to be for the benefit of any such secured parties, assignee or pledgee from time to time of the Developer’s right, title and interest herein.

Section 8.10. Maine Housing Rules and Requirements. The Developer and the City shall comply with any rules adopted by the Maine State Housing Authority and with any conditions of approval imposed by the Maine State Housing Authority following designation of the District. The City shall report annually to the Director of the Maine State Housing Authority regarding the status of the District, including the following matters as required by law: (a) certify that the public purpose of the District is being met; (b) account for any sales of property within the District; and (c) certify that rental units within the District remain affordable. The parties shall comply with the rule provisions for recovery of public revenue if conditions for approval of the District are not maintained for the duration of the District, as provided by rules adopted by the Maine State Housing Authority in accordance with applicable law. The Developer agrees to provide all information as required by the City to satisfy its reporting obligations.

Section 8.11. Affordability Covenants. The Developer and the City shall, in order to assure the continued affordability of the rental units as required by the Development Program, Maine State Housing Authority and applicable laws, regulations and ordinances, execute a declaration which is substantially in the same form as the “Declaration of Covenants, Conditions and Restrictions” which is attached to the Development Program as Exhibit I.

Section 8.12 Valuation Agreement. The Development Program makes certain assumptions and estimates regarding valuation, depreciation of assets, tax rates, estimated amounts of the Increased Assessed Value and the Tax Increment, estimated amounts of the Tax Increment Revenues (Developer’s Share), estimated development costs and other estimates. The City and the Developer hereby covenant and agree that the assumptions, estimates, analysis and results set forth in the Development Program shall in no way (a) prejudice the rights of any party to be used, in any way, by any party in either presenting evidence or making argument in any dispute which may arise with respect to Developer’s property for purposes of ad valorem property taxation or any tax abatement proceeding or (b) modify or change in any way the terms of this Agreement even if the actual results differ substantially from the estimates, assumptions or analysis.

Section 8.13. Integration. This Agreement completely and fully supersedes all other prior or contemporaneous understandings or agreements, both written and oral, between the City and the Developer relating to the specific subject matter of this Agreement and the transactions contemplated hereby.

IN WITNESS WHEREOF, the City and the Developer have caused this Agreement to be executed in their respective names and their respective seals to be hereunto affixed and attested by the duly authorized officers, all as of the date first above written.

WITNESS

CITY OF PORTLAND

By: _____
Jon P. Jennings, Its City Manager

_____, LP

BY: _____,
Its General Partner

By: _____
Kevin Bunker, Manager

G:\Team Drives\PUD - HCD\Housing\Affordable Housing TIF\2019 Requests\Developers Collaborative 66 State Street\Draft TIF Documents\02
66 State Street CEA 05.29.19 Draft from MD lp rdlns.DOCX

CITY OF PORTLAND
Declaration of Covenants, Conditions and Restrictions for the 66 State Street Affordable
Housing Tax Increment Financing District

This Declaration of Covenants, Conditions and Restrictions (the “Declaration”) is entered into by and between the City of Portland, a public body corporate and politic with its principal place of business at 389 Congress Street, Portland, Maine, 04101 (“City”) and _____, LP, a Maine limited partnership with a mailing address of 100 Commercial Street, Suite 414, Portland, Maine 04101 (“Developer”).

W I T N E S S E T H

WHEREAS, the Developer acknowledges that City is providing Affordable Housing Tax Increment Financing to the Developer (the “AHTIF”) for project operating costs associated with the development of thirty (30) units of affordable rental housing and a forty (40) room lodging house located at 66 State Street, Portland, Maine (the “Development”); and

WHEREAS the Developer acknowledges City’s resulting beneficial interest in the Development, and Developer acknowledges that its ownership and operation of the Development are in furtherance of discharge of the public trust; and

WHEREAS, City has provided the AHTIF to Developer in consideration of the Developer’s agreement to abide by the provisions of this Declaration.

NOW THEREFORE, City and the Developer agree as follows:

1. **Term.** The term of this Declaration shall be for the period beginning on date of the approval of the District by the Director of the Maine State Housing Authority (the “Effective Date”) and continuing for thirty (30) years from the Effective Date of this Declaration (the “Qualified Project Period”).
2. **Enforceability of Covenants.** The covenants and restrictions of Developer set forth herein are intended to be and shall be considered covenants that run with the real estate described in Exhibit A attached hereto and made a part hereof and shall bind all subsequent owners and holders of any interest in said real estate, except to the extent herein provided. The City may

enforce the covenants set forth herein as a contract beneficiary whether or not Developer is or remains indebted to the City. The covenants of Developer set forth herein shall survive a sale, transfer, or other disposition of the Development by Developer, a foreclosure or transfer of title in lieu of foreclosure, or the repayment of the AHTIF, but shall cease to apply to the Development in the event of involuntary noncompliance caused by substantial destruction, seizure, requisition, or change in law or an action of a governmental agency that prevents the City from enforcing the covenants, even though compensated by insurance, provided that the AHTIF is repaid within a reasonable period of time after such involuntary loss or substantial destruction.

3. **Covenants.** Developer hereby covenants and represents to the City as follows:

- a. **Development.** The Development shall consist of a new building with thirty (30) rental units and in the existing building a lodging house with forty (40) rooming units, more particularly described in Exhibit A attached hereto, which after completion of the work will contain a total of thirty (30) units of rental housing, forty (40) rooming units and related amenities. The units in the Development shall be of comparable quality and have comparable amenities. Developer shall not make any change in the nature, size, number or location of the units in the Development and the facilities in the units.
- b. **Use.** The Developer shall rent or make available for rental all of the units in the Development on a continuous and non-transient basis to members of the general public throughout the Qualified Project Period. Developer covenants and agrees that no change of use shall occur without the express written consent of the City.
- c. **Low Income Units.** For a period of thirty (30) years all of the rental units will be occupied by households with incomes at or below sixty percent (60%) of the area median income and all of the rooming units will be occupied by households with incomes at or below 50% of the area median income (collectively referred to as the "Low Income Units").
 - i. Income and area median income shall be as determined in accordance with Section 42 of the Internal Revenue Code of 1986 and associated regulations and guidance, all as may be amended from time to time, ("Section 42") and income limits shall be adjusted for family size.
 - ii. Prior to initial occupancy and at least annually, the Developer shall verify that the income, based on the then current income, of each household occupying a Low Income Unit in the Development does not exceed the Applicable Income Limit (the "Determination").
 - iii. A Low Income Unit occupied by a household, who at the commencement of occupancy, met the Applicable Income Limit shall continue to be treated as occupied by a qualified resident even though the household's income may exceed the Applicable Income Limit, adjusted for family size, at the time of the most recent Determination, if after such Determination, but before the next

Determination, any unit in the Development of comparable size is occupied by a new household whose income does not exceed the Applicable Income Limit.

- iv. After initial occupancy but upon again becoming vacant, a Low Income Unit shall be treated as occupied by a household meeting the Applicable Income Limit until occupied (other than occupancy by another resident for a temporary period not to exceed 31 days), at which time the character of the unit shall be re-determined in light of the new resident's income.

- d. **Rent Restrictions.** For the Qualified Project Period, the Low Income Units shall be rent-restricted. A unit is rent-restricted if the gross monthly rent does not exceed one-twelfth ($1/12^{\text{th}}$) of thirty percent (30%) of the imputed income limitation applicable to the unit. The imputed income limitation is the Applicable Income Limit for the unit, except the adjustment for family size shall be based, not on the actual number of occupants, but by assuming the number of occupants as follows:

- i. For a unit without a separate bedroom, one individual.
- ii. For a unit with one or more separate bedrooms, one and one-half individuals for each separate bedroom.

Gross monthly rent shall not include any payment under Section 8 of the United States Housing Act of 1937 and associated regulations and guidance, all as may be amended from time to time ("Section 8") but shall include any utility allowance, where applicable, taking into account such determinations under Section 8.

- e. **Discrimination Prohibited.** Developer shall not segregate or physically isolate the Low Income Units from each other and from other units in the Development and the Developer shall use its best efforts to proportionately distribute the Low Income Units among each unit size in the Development. Developer shall not refuse to rent a unit in the Development to any applicant because the applicant holds a voucher or a certificate of eligibility under Section 8.
- 4. **Compliance.** Developer agrees to furnish to City such information as City may require in a form acceptable to City, including without limitation certifications and/or verifications of occupancy and resident income, to determine Developer's compliance with the covenants set forth herein. Information deemed acceptable by Maine State Housing Authority shall be acceptable to the City.
 - 5. **Income Certifications/Leases.** Developer shall use residential lease forms acceptable to City and obtain written and signed certifications of residents in a form acceptable to City to determine the qualifications of the residents for occupancy of a Low Income Unit. Such leases or certifications shall contain clauses wherein each resident (a) certifies as to the accuracy of statements made relating to the resident's income, (b) agrees that resident income and other eligibility requirements shall be deemed substantial and material obligations of the tenancy, (c) agrees to comply all requests for information with respect thereto from Developer or City, and (d) agrees that failure to provide accurate information or refusal to comply with a request for

information shall be deemed a violation of a substantial obligation of the tenancy. Developer covenants and agrees to take such action as City deems necessary to comply with the covenants herein or to correct or cure any failure of the Developer to comply with the covenants herein, including, without limitation, the eviction of any tenant in accordance with applicable law. Lease forms which have been approved by Maine State Housing Authority shall be deemed approved by City.

6. **Real Estate Taxes.** Developer agrees that it shall pay all real estate taxes assessed on the Development during its ownership of the Development. Nothing contained in this section shall be deemed a waiver or limitation on Developer's right to seek abatement of property taxes if Developer believes the Development is over-assessed.
7. **Records.** Developer shall maintain and keep current all books, documents, plans and records concerning the Development, including, but not limited to, books and records related to compliance with the covenants contained in this Declaration. Such books, records, documents and plans shall be kept for: (a) a minimum of six (6) years after the expiration of the Qualified Project Period for those books, records, documents and plans pertaining to the rent and occupancy requirements described in Section 3 of this Declaration and the rent roll for all units in the Development; and (b) for a minimum of six (6) years after the end of the fiscal year or calendar year, as applicable, for all other books, records, documents and plans pertaining to the Development. Upon reasonable notice, City may audit and examine these books, records, documents and plans, and may inspect the buildings, grounds, equipment offices of the Development.
8. **Violation.** Developer shall immediately notify the City if Developer anticipates or discovers any noncompliance with any restriction or covenant in this Declaration, including, without limitation, noncompliance with the occupancy restrictions in Section 3 of this Declaration. Developer agrees to take such action as the City deems necessary to prevent noncompliance or to correct or cure any failure to comply with the covenants in this Declaration. In the event the Developer fails to comply with the covenants set forth herein, and fails to cure such non-compliance within any applicable cure period, the City shall be entitled to exercise any of its rights under the documents executed in connection with the AHTIF, maintain an action in law or in equity against the Developer to recover damages incurred by the City from such failure, including, without limitation, reasonable attorneys' fees and costs, and to require the Developer (through injunctive relief or specific performance) to comply with the provisions and covenants set forth herein and to immediately cure any failure to comply with the covenants set forth herein by the Developer.
9. **Indemnification.** Developer shall indemnify and hold City and its agents harmless from and against any and all claims, demands, liability, loss, cost or expense (including, but not limited to reasonable attorney's fees and other costs of litigation) which may be incurred by the City arising out of or in any way related to the Developer's breach of any of its obligations under this Declaration or any action taken by the City to enforce or exercise its rights under this Declaration as a result of such breach, except for claims arising from the gross negligence or willful acts of the City. The obligations under this section shall survive the termination or expiration of this Declaration as necessary to effectuate its provisions.

10. **Modifications.** This Declaration may be amended or modified, in whole or in part, only by written agreement of Developer and the City clearly expressing the intent to modify this Declaration.
11. **Severability.** The validity of any clause, part or provision of this Declaration shall not affect the validity of the remaining portions thereof.
12. **Successors and Assigns.** This Declaration shall be binding upon Developer's respective heirs, personal representatives, executors, administrators, successors and assigns and shall inure to the benefit of and be enforceable by City, its successors, transferees and assigns.
13. **Governing Law.** This Declaration shall be construed in accordance with and governed by the laws of the State of Maine.
14. **Notices.** Any notice or demand required or provided for in this Declaration shall be in writing and shall be deemed to have been sufficiently given for all purposes when hand-delivered or mailed by certified or registered United States mail, postage prepaid, or sent by overnight United States mail or overnight commercial delivery service to the Developer or the City at their respective addresses set forth herein, or at such other address as either of them may from time to time hereafter designate by notice given to the other as herein provided. The City shall endeavor to provide a copy of any notice to Developer simultaneously to the Limited Partners at c/o [ADD NAME OF LIMITED PARTNER] , or such other addresses as may from time to time hereafter be designated by notice given to the City as herein provided.
15. **Intercreditor.** This Declaration is subject to the terms and conditions of the Intercreditor and Subordination Agreement by and among Maine State Housing Authority, the City of Portland, _____, LP, and Developers Collaborative [**construction lender and any other entities providing financing will also be parties**] dated _____, 2019 to be recorded in the Cumberland County Registry of Deeds herewith.

Signature page follows.

IN WITNESS WHEREOF, this Declaration has been duly executed by the Developer and City as of _____, 2019.

CITY OF PORTLAND

Witness

By: _____
Jon P. Jennings
Its City Manager

_____, **LP**
BY: _____, its General Partner

Witness

By: _____
Kevin Bunker, Its Managing Partner

State of Maine
Cumberland, ss.

_____, 2019

Personally appeared the above named Kevin Bunker, Managing Partner of _____, General Partner of _____, LP, and acknowledged the foregoing instrument to be his free act and deed in his said capacity and the free act and deed of said corporation and limited partnership.

Before me,

Notary Public/Attorney-at-Law

(Print or type name)

State of Maine
Cumberland, ss.

_____, 2019

Personally appeared the above named Jon P. Jennings, City Manager to the City of Portland, and acknowledged the foregoing instrument to be his free act and deed in his said capacity and the free act and deed of said City of Portland.

Before me,

Notary Public/Attorney-at-Law

(Print or type name)

EXHIBIT A

66 STATE STREET AFFORDABLE HOUSING MUNICIPAL DEVELOPMENT
AND TAX INCREMENT FINANCING DISTRICT DEVELOPMENT PROGRAM

1. The District is located at 66 State Street in Portland (Tax Map/Lot 44-H-1). The site is approximately 0.5087 acres and includes an existing historic building. A municipal map showing district boundaries and a tax map showing district boundaries is attached.
2. 100% of District acreage is suitable for residential use, and in need of rehabilitation/redevelopment. The District is well-located for housing as it is located in downtown Portland, in close proximity to many businesses and services. The District includes an existing historic building and parking lot and is in need of redevelopment. The District is serviced by municipal sewer and water services and will include only residential use. The District is located in the R6 Zone, with a stated purpose "to set aside areas on the peninsula for housing characterized primarily by multifamily dwellings at a high density providing a wide range of housing for differing types of households; and to conserve the existing housing stock and residential character of neighborhoods by controlling the scale and external impacts of professional offices and other nonresidential uses." Multifamily residential and lodging house is a permitted use in the R6 Zone.
3. District acreage divided by total municipal acreage is not more than 2%. The district is 0.5087 acres out of a total 12,386 acres in Portland, representing 0.004107%.
4. Total acreage of all existing and proposed development districts (affordable housing and DECD districts) in municipality divided by total municipal acreage is not more than 5%. Existing and proposed development districts are 684.75 acres out of a total 12,386 acres in Portland, representing 5.52% (of which 3.65% included in two exempt districts).
5. The original assessed value (OAV) of the District is \$0 (Certificate of OAV is attached). The OAV of \$0 equates to the taxable assessed value of the lot and building known of City tax maps as 44-H-1).
6. The OAV of all existing and proposed affordable housing development districts in the municipality divided by the aggregate taxable property value as of April 1, 2019 is not more than 5%. The aggregate OAV of existing and proposed districts is \$1,824,610, divided by the aggregate taxable property value of \$_____, represents ____%.
7. The Development Program will begin April 1, 2019 and end March 31, 2049. The municipal fiscal year is July 1 to June 30.
8. The Development Program meets an identified housing need in Portland. The proposed 66 State Street redevelopment will add 30 units of affordable family rental

apartments and a lodging house (“Women’s Housing Community”) to the Portland housing stock. Approximately fourteen studio units and sixteen one-bedroom units will all be targeted to households with incomes at or below 60% of area median income (AMI). The lodging house will be targeted to individuals with incomes at or below 50% of area median income (AMI).

9. The District will be a primarily residential development. Residential uses include both housing and uses related to residential uses, such as small-scale nonresidential uses that are intended to provide services primarily to the residents of the district.

10. 100% of the rental housing units (30) in the district will be affordable housing, and will be occupied by households with income not exceeding 60% of AMI. 100% of the lodging house (approximately 40 rooming units) will be affordable housing occupied by households with income not exceeding 50% of AMI.

11. The apartments will be developed with Low Income Housing Tax Credit equity and thus subject to an Extended Use Agreement with MaineHousing, which will be executed at loan closing and a copy recorded at the registry of deeds. The Extended Use Agreement will restrict occupancy of the units in the 66 State Street Apartments to households with income not exceeding 60% of AMI. The length of the affordability period will be 45 years. The lodging house will be subject to an Affordable Housing Agreement with the City of Portland, which will be executed at loan closing and a copy recorded at the registry of deeds. With 100% of the units designated as affordable, the minimum term of affordability is 10 years.

11. When completed, the Women’s Housing Community will be managed by DC Management, an experienced manager of subsidized housing properties with extensive LIHTC training. Amistad and their preferred community partners will provide services to residents of the district.

The total annual cost of operations for the apartments is budgeted at \$214,640. The breakdown by category is as follows: administrative 25.6%; utilities 19.6%; maintenance 28.3%; general expenses 20.3%; and reserves 6.3%. The financing for operating expenses is primarily through tenant rents (92.9%). TIF payments made to reimburse project costs (7.1%) make up the remainder. The project will have Resident Services available via an on site coordinator and will be managed as a smoke free building.

The total annual cost of operations for the lodging house is budgeted at \$181,336. The breakdown by category is as follows: administrative 13.8%; utilities 27.2%; maintenance 24.2%; and general expenses 34.7%. The financing for operating expenses is primarily through tenant rents (91.4%). TIF payments made to reimburse project costs (8.6%) make up the remainder.

12. Table 1. Specific planned uses of tax increment revenues from the district.

Specific improvements or activities to be funded with tax increment revenues	Timing of each planned improvement	Amount (\$) to be funded with tax increment revenues	Amount to be funded by other sources		Location within or outside District?
			Amount	Source	
Apartments Operating Costs (Administrative, Utilities, Maintenance, Insurance, Replacement Reserves)	Ongoing	Estimated \$874,772 (\$24,750 in 2022, increasing 2%/year until March 31, 2049)	Estimated \$12,585,742 (\$169,908 in year one, stabilized in year two at \$339,816 with 2-3% annual increase until March 31, 2049)	Project Rents	Inside
Lodging House Operating Costs (Administrative, Utilities, Maintenance, Insurance)	Ongoing	Estimated \$1,333,844 (\$36,000 in 2021, increasing 2%/year until March 31, 2049)	Estimated \$14,227,813 (\$384, in year one, increasing 2%/year until March 31, 2049)	Project Rents	Inside
City's Use of Funds	N/A	N/A	N/A	N/A	N/A

13. A valuation and revenue table is attached showing estimates of increased assessed values of the district, with 100% of the increased assessed values to be applied as captured assessed values and the resulting tax increments in each year of the program, and a tax shift table is attached showing a calculation of the tax shifts resulting from designation of the affordable housing development district. 75% of the captured assessed values would be allocated to the project owner and 25% of the captured assessed values would be non-captured general fund revenues. A copy of the Credit Enhancement Agreement is attached.

14. No relocation plan is necessary.

15. This project is committed to following all local and state laws and regulations. Locally, we anticipate commencing the planning board approval process in spring 2019. A Phase I environmental study will be conducted and any necessary corrective action will be taken. Any environmental issues will be fully remediated as part of the Project.

16. The Development Program is consistent with Portland's Comprehensive Plan, adopted by the City Council in June 2017, and complies with Maine law limiting growth-related capital investments (30-A M.R.S.A. §4349-A).

17. The District is not in conflict with Portland's municipal charter.

A Women's Healthy Housing Community
66 State Street, Portland, Maine

A Women's Healthy Housing Community located at 66 State Street in Portland would provide an affordable continuum of housing for women with histories of job loss, domestic violence, homelessness, and substance use and co-occurring disorders. The continuum of housing would include supportive housing that provides peer-led, recovery-oriented single room occupancy (SRO) housing in one building as well as independent, affordable rental housing (efficiencies and one bedrooms targeted to households earning 60% or less) in an adjacent building as women's support and housing needs transition with recovery.

Tenants would be referred to the SROs in part from the existing shelter network, as their needs transition toward more permanent options, but also could find the SRO housing through other channels. As their situation stabilizes, the intent is to have the LIHTC housing next door, so, when they are ready for a more independent living situation, that option will be there even as the supportive services are right next door.

The ultimate intent of this program is to create a truly accessible healthy housing resource for women in the City of Portland, by engaging them in a way that requires structure and accountability from the women and from the engaged agencies.

The project aims to complete a continuum of housing options to help women get back on their feet. While this would be a residential project and not a shelter, Amistad and DC will provide the supportive housing component in partnership with shelter staff, with the hope of accepting women into this Women's Healthy Housing Community. Each floor of this building will house live-in peer support specialists who will be available to welcome and provide ongoing peer support to residents. Peers will work together to create progress plans based on the goals and intents of each individual woman. Outside referrals will be made for case management, health care, employment services and other needs through Amistad's preferred community partners including Northern Light Mercy Hospital, Discovery House, Portland Internal Medicine, Through These Doors and the City of Portland. Utilizing current agency programs, Amistad can facilitate rapid induction into MAT programs and primary care, as well as support women accessing services within Mercy ER or at Riverview to avoid discharge into homelessness. The community will also offer various recovery focused groups and meetings for the residents to attend, with a requirement to participate in at least three weekly meetings, all of which will be led by individuals with lived experience.

Residents will also be required to volunteer a minimum of ten hours per week in various capacities, such as supporting the community kitchen or clothes closet, learning valuable skills and giving back to their community. The community kitchen will serve three meals a day and will be open to both women and children in the greater community, as well as the residents.

City of Portland - TIF Model
66 State Street
OAV a/o 3/31/2019: \$0
31-May-19

Dev. Collaboratives 66 State St. Project - 75% Sheltered - 30 years - 75% to Developer Project Account - 25% to City General Fund										
TIF Year	Tax Year- April 1	City Fiscal Year	Increased Assessed Value Real Prop.	% of Value Captured	Captured Valuation	Projected Mill Rate	Total Projected New Taxes Captured	Captured Revenue to Business Project Account	Captured Revenue to Municipal Project Account	City Non- Captured General Fund Revenues
1	2020	2020/2021	\$3,750,000	75.00%	\$2,812,500	23.42	\$65,869	\$65,869	\$0	\$21,956
2	2021	2021/2022	\$3,750,000	75.00%	\$2,812,500	23.89	\$67,186	\$67,186	\$0	\$22,395
3	2022	2022/2023	\$3,750,000	75.00%	\$2,812,500	24.37	\$68,530	\$68,530	\$0	\$22,843
4	2023	2023/2024	\$3,750,000	75.00%	\$2,812,500	24.85	\$69,900	\$69,900	\$0	\$23,300
5	2024	2024/2025	\$3,750,000	75.00%	\$2,812,500	25.35	\$71,298	\$71,298	\$0	\$23,766
6	2025	2025/2026	\$3,750,000	75.00%	\$2,812,500	25.86	\$72,724	\$72,724	\$0	\$24,241
7	2026	2026/2027	\$3,750,000	75.00%	\$2,812,500	26.37	\$74,179	\$74,179	\$0	\$24,726
8	2027	2027/2028	\$3,750,000	75.00%	\$2,812,500	26.90	\$75,662	\$75,662	\$0	\$25,221
9	2028	2028/2029	\$3,750,000	75.00%	\$2,812,500	27.44	\$77,176	\$77,176	\$0	\$25,725
10	2029	2029/2030	\$3,750,000	75.00%	\$2,812,500	27.99	\$78,719	\$78,719	\$0	\$26,240
11	2030	2030/2031	\$3,750,000	75.00%	\$2,812,500	28.55	\$80,294	\$80,294	\$0	\$26,765
12	2031	2031/2032	\$3,750,000	75.00%	\$2,812,500	29.12	\$81,900	\$81,900	\$0	\$27,300
13	2032	2032/2033	\$3,750,000	75.00%	\$2,812,500	29.70	\$83,538	\$83,538	\$0	\$27,846
14	2033	2033/2034	\$3,750,000	75.00%	\$2,812,500	30.30	\$85,208	\$85,208	\$0	\$28,403
15	2034	2034/2035	\$3,750,000	75.00%	\$2,812,500	30.90	\$86,912	\$86,912	\$0	\$28,971
16	2035	2035/2036	\$3,750,000	75.00%	\$2,812,500	31.52	\$88,651	\$88,651	\$0	\$29,550
17	2036	2036/2037	\$3,750,000	75.00%	\$2,812,500	32.15	\$90,424	\$90,424	\$0	\$30,141
18	2037	2037/2038	\$3,750,000	75.00%	\$2,812,500	32.79	\$92,232	\$92,232	\$0	\$30,744
19	2038	2038/2039	\$3,750,000	75.00%	\$2,812,500	33.45	\$94,077	\$94,077	\$0	\$31,359
20	2039	2039/2040	\$3,750,000	75.00%	\$2,812,500	34.12	\$95,958	\$95,958	\$0	\$31,986
21	2040	2040/2041	\$3,750,000	75.00%	\$2,812,500	34.80	\$97,877	\$97,877	\$0	\$32,626
22	2041	2041/2042	\$3,750,000	75.00%	\$2,812,500	35.50	\$99,835	\$99,835	\$0	\$33,278
23	2042	2042/2043	\$3,750,000	75.00%	\$2,812,500	36.21	\$101,832	\$101,832	\$0	\$33,944
24	2043	2043/2044	\$3,750,000	75.00%	\$2,812,500	36.93	\$103,868	\$103,868	\$0	\$34,623
25	2044	2044/2045	\$3,750,000	75.00%	\$2,812,500	37.67	\$105,946	\$105,946	\$0	\$35,315
26	2045	2045/2046	\$3,750,000	75.00%	\$2,812,500	38.42	\$108,065	\$108,065	\$0	\$36,022
27	2046	2046/2047	\$3,750,000	75.00%	\$2,812,500	39.19	\$110,226	\$110,226	\$0	\$36,742
28	2047	2047/2048	\$3,750,000	75.00%	\$2,812,500	39.98	\$112,430	\$112,430	\$0	\$37,477
29	2048	2048/2049	\$3,750,000	75.00%	\$2,812,500	40.77	\$114,679	\$114,679	\$0	\$38,226
30	2049	2049/2050	\$3,750,000	75.00%	\$2,812,500	41.59	\$116,973	\$116,973	\$0	\$38,991
30 Year TIF Total			\$112,500,000		\$84,375,000		\$2,672,169	\$2,672,169	\$0	\$890,723
30-Year Average:							\$89,072	\$89,072		\$29,691

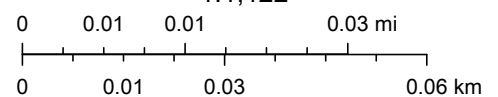
Tax Shifts-Avoided Formula Impacts from Sheltering of Valuation: City of Portland- TIF Model								
Dev. Collaborative 66 State St. Project - 75% Sheltered - 30 years - 75% to Developer Project Account - 25% to City General Fund								
TIF Year	Tax Year- April 1	City Fiscal Year	Total Added Valuation	Sheltered Valuation	Avoided Formula Impacts from Sheltering of Valuation			
					Avoided Loss of State Aid to for Education	Avoided Loss of State Municipal Revenue Sharing	Avoided Increase in County Tax	Total Avoided Impacts
1	2020	2020/2021	\$3,750,000	\$2,812,500	\$0	\$1,645	\$1,553	\$3,198
2	2021	2021/2022	\$3,750,000	\$2,812,500	\$0	\$1,645	\$1,553	\$3,198
3	2022	2022/2023	\$3,750,000	\$2,812,500	\$0	\$1,645	\$1,553	\$3,198
4	2023	2023/2024	\$3,750,000	\$2,812,500	\$7,978	\$1,645	\$1,553	\$11,177
5	2024	2024/2025	\$3,750,000	\$2,812,500	\$15,956	\$1,645	\$1,553	\$19,155
6	2025	2025/2026	\$3,750,000	\$2,812,500	\$23,934	\$1,645	\$1,553	\$27,133
7	2026	2026/2027	\$3,750,000	\$2,812,500	\$23,934	\$1,645	\$1,553	\$27,133
8	2027	2027/2028	\$3,750,000	\$2,812,500	\$23,934	\$1,645	\$1,553	\$27,133
9	2028	2028/2029	\$3,750,000	\$2,812,500	\$23,934	\$1,645	\$1,553	\$27,133
10	2029	2029/2030	\$3,750,000	\$2,812,500	\$23,934	\$1,645	\$1,553	\$27,133
11	2030	2030/2031	\$3,750,000	\$2,812,500	\$23,934	\$1,645	\$1,553	\$27,133
12	2031	2031/2032	\$3,750,000	\$2,812,500	\$23,934	\$1,645	\$1,553	\$27,133
13	2032	2032/2033	\$3,750,000	\$2,812,500	\$23,934	\$1,645	\$1,553	\$27,133
14	2033	2033/2034	\$3,750,000	\$2,812,500	\$23,934	\$1,645	\$1,553	\$27,133
15	2034	2034/2035	\$3,750,000	\$2,812,500	\$23,934	\$1,645	\$1,553	\$27,133
16	2035	2035/2036	\$3,750,000	\$2,812,500	\$23,934	\$1,645	\$1,553	\$27,133
17	2036	2036/2037	\$3,750,000	\$2,812,500	\$23,934	\$1,645	\$1,553	\$27,133
18	2037	2037/2038	\$3,750,000	\$2,812,500	\$23,934	\$1,645	\$1,553	\$27,133
19	2038	2038/2039	\$3,750,000	\$2,812,500	\$23,934	\$1,645	\$1,553	\$27,133
20	2039	2039/2040	\$3,750,000	\$2,812,500	\$23,934	\$1,645	\$1,553	\$27,133
21	2040	2040/2041	\$3,750,000	\$2,812,500	\$23,934	\$1,645	\$1,553	\$27,133
22	2041	2041/2042	\$3,750,000	\$2,812,500	\$23,934	\$1,645	\$1,553	\$27,133
23	2042	2042/2043	\$3,750,000	\$2,812,500	\$23,934	\$1,645	\$1,553	\$27,133
24	2043	2043/2044	\$3,750,000	\$2,812,500	\$23,934	\$1,645	\$1,553	\$27,133
25	2044	2044/2045	\$3,750,000	\$2,812,500	\$23,934	\$1,645	\$1,553	\$27,133
26	2045	2045/2046	\$3,750,000	\$2,812,500	\$23,934	\$1,645	\$1,553	\$27,133
27	2046	2046/2047	\$3,750,000	\$2,812,500	\$23,934	\$1,645	\$1,553	\$27,133
28	2047	2047/2048	\$3,750,000	\$2,812,500	\$23,934	\$1,645	\$1,553	\$27,133
29	2048	2048/2049	\$3,750,000	\$2,812,500	\$23,934	\$1,645	\$1,553	\$27,133
30	2049	2049/2050	\$3,750,000	\$2,812,500	\$23,934	\$1,645	\$1,553	\$27,133
30 Year TIF Total			\$112,500,000	\$84,375,000	\$622,294	\$49,365	\$46,587	\$718,246
30 Year Average			\$3,750,000	\$2,812,500	\$20,743	\$1,645	\$1,553	\$23,942

ArcGIS Web Map

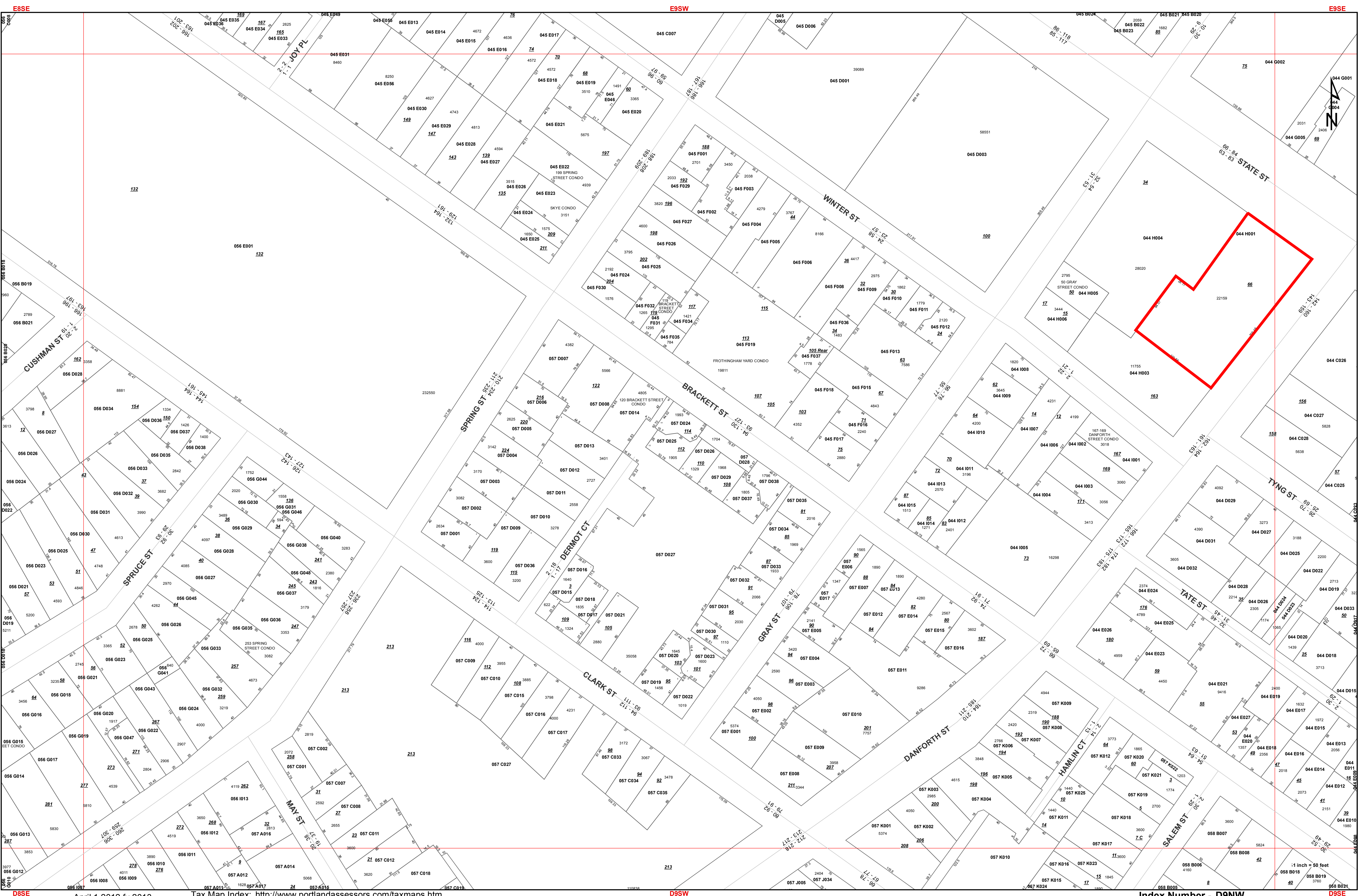


4/18/2019, 12:20:30 PM

1:1,122



City of Portland, DPS



66 State Capital Budget

	Total	Construction Period	Historic Basis	Predevelopment Period
Acquisition	1,200,000	1,200,000		
Hard costs				
Construction & Site Work	2,921,116	2,921,116	2,771,116	
Construction Contingency	292,112	292,112	292,112	
Abatement	-	-	-	
FF&E	40,000	40,000	-	
Soft costs				
Architect/Civil	160,661	160,661	160,661	128,529
Builder's Risk/ Liab./HTC Insurance	35,000	35,000	35,000	10,000
Historic Consultant	30,000	25,000	30,000	20,000
Landscape Architect	15,000	15,000	15,000	15,000
Testing/Special Inspections	12,000	12,000	12,000	
Geotech	7,000	7,000	7,000	
Survey	10,000	10,000	10,000	5,000
Accounting	7,000	10,000	7,000	2,500
CMP/Fairpoint	30,000	30,000	30,000	-
Permitting/Inspections - City	100,000	100,000	100,000	30,000
Legal	50,000	50,000	50,000	25,000
Construction Taxes	30,000	30,000	30,000	15,000
Miscellaneous/Overhead	-	-	-	5,000
Soft Cost Contingency	30,000	30,000	30,000	
Construction Lender Inspections	6,000	6,000	6,000	-
Loan Fees/Closing Costs	50,000	50,000	50,000	
Construction Interest	110,000	110,000	110,000	
Developer Fee		-		
Deferred Developer Fee	616,307	-	616,307	
Total	5,752,196	5,133,889	4,362,196	256,029

non-dev fee QREs 3,745,889
total allowable dev fee 749,178

66 State Sources & Uses

Uses	Permanent	Construction Period
Acquisition	1,200,000	1,200,000
Hard Costs	3,213,228	3,213,228
Soft Costs	556,661	554,661
Financing Costs	166,000	166,000
Developer Fee	616,307	-
Total	5,752,196	5,133,889

Sources		
Federal Historic Tax Credit Equity	555,744	111,149
State Historic Tax Credit Equity	1,180,410	236,082
Cash Equity	492,293	492,293
Construction Loan		4,294,366
Perm Debt	2,643,749	
IZ	480,000	
HTF	400,000	
Total	5,752,196	5,133,889

66 State Operating Income & Expense

Effective Gross Income	Annual
Gross Potential Residential Rental Income	346,320
Less Vacancy & Collection Loss	(17,316)
Amistad Rental Income	55,000
TIF Income	36,000
Effective Gross Income	420,004

Annual Expenses	Annual
Administrative Expenses	
Management Fee	25,200
Legal	2,000
Marketing	-
Subtotal Administrative	27,200
Operating Expenses	
Water/Sewer/Stormwater	15,396
Electric	16,000
Heat/HW	18,000
Subtotal Operating	49,396
Maintenance	
Building Maintenance	20,000
Janitorial	10,400
Supplies/Exterminating	-
Painting/Decorating	-
Grounds	-
Snow Removal	12,000
Trash Removal	1,500
Subtotal Maintenance	43,900
General Expenses	
Property taxes	48,000
Insurance	15,000
Subtotal General	63,000
Total Expenses	183,496

Net Income Calculation	Annual
Net Operating Income	236,508
Debt Service	197,090
Cash Flow	39,418
Expense Ratio	44%

66 State DCFA

Development period								
Year	2020	1 2021	2 2022	3 2023	4 2024	5 2025	6 2026	7 2027
Income & Expenses								
Residential Rental Income		346,320	352,381	358,547	364,822	371,206	377,702	384,312
Residential Vacancy		(17,316)	(17,619)	(17,927)	(18,241)	(18,560)	(18,885)	(19,216)
Commercial Rental Income		55,000	55,963	56,942	57,938	58,952	59,984	61,034
Commercial Vacancy			-	-	-	-	-	-
TIF Income		36,000	37,080	38,192	39,338	40,518	41,734	42,986
Operating Expenses		(183,496)	(189,001)	(194,671)	(200,511)	(206,527)	(212,722)	(219,104)
NOI		236,508	238,803	241,083	243,346	245,590	247,813	250,012
Debt Service								
Fixed		(197,090)	(197,090)	(197,090)	(197,090)	(197,090)	(197,090)	(197,090)
Debt Paydown								
Cash Flow		39,418	41,713	43,993	46,256	48,500	50,723	52,922
Deferred Developer Fee		(39,418)	(41,713)	(43,993)	(46,256)	(48,500)	(50,723)	(52,922)
Developer Fee Balance	(580,590)	(541,172)	(499,459)	(455,466)	(409,210)	(360,710)	(309,987)	(257,065)

8	9	10	11	12	Operating period		15	16	17
					13	14			
2028	2029	2030	2031	2032	2033	2034	2035	2036	2037
391,038	397,881	404,844	411,928	419,137	426,472	433,935	441,529	449,256	457,118
(19,552)	(19,894)	(20,242)	(20,596)	(20,957)	(21,324)	(21,697)	(22,076)	(22,463)	(22,856)
62,102	63,188	64,294	65,419	66,564	67,729	68,914	70,120	71,348	72,596
-	-	-	-	-	-	-	-	-	-
44,275	45,604	46,972	48,381	49,832	51,327	52,867	54,453	56,087	57,769
(225,677)	(232,448)	(239,421)	(246,604)	(254,002)	(261,622)	(269,470)	(277,555)	(285,881)	(294,458)
252,186	254,331	256,447	258,529	260,575	262,583	264,550	266,472	268,346	270,170
(197,090)	(197,090)	(197,090)	(197,090)	(197,090)	(197,090)	(197,090)	(197,090)	(197,090)	(197,090)
55,096	57,242	59,357	61,439	63,485	65,493	67,460	69,382	71,257	73,080
(55,096)	(57,242)	(59,357)	(61,439)	(23,931)	-	-	-	-	-
(201,969)	(144,727)	(85,370)	(23,931)	-	-	-	-	-	-

[illegible]

SOURCES AND USES OF FUNDS

SOURCES OF FUNDS	Permanent	Construction Period	Terms/Comments		
			Rate	Term	Paymnt
Amortizing Debt					
MSHA RLP	2,139,820		5.50%	30	\$117,690
MSHA 15-year			6.00%	15	\$0
<i>Subtotal Amortizing Debt</i>	2,139,820				\$117,690
Soft Debt					
City of Portland	245,912	245,912	-	NPV	
MSHA RLP	1,950,000	975,000	0.0%	30	\$0
MSHA Part E	-	-			
		-			
<i>Subtotal Soft Debt</i>	2,195,912	1,220,912			
Construction Loan		3,350,452			
Total Debt Financing	4,335,732	4,571,364			
City ED Grant		-			
LIHTC Syndication Proceeds	2,064,571	1,238,742			
Deferred Developer Fee		0		Total Fed	2,064,571
Historic Credit Proceeds	-	-	-	Total Hist	-
TOTAL SOURCES	6,400,303	5,810,106			
USES OF FUNDS	Total	Construction Period			
Acquisition/Demo	450,000	450,000			
Construction	4,458,434	4,458,434			
Soft Costs	476,922	476,922			
Financing Fees	171,000	171,000			
Other Soft Costs	63,750	63,750			
Development Fee	500,000	190,000			
Reserves	280,196	-			
TOTAL USES	6,400,302	5,810,106			
DEVELOPMENT CONTINGENCY (GAP)	0	-			

DEVELOPMENT BUDGET AND LOW INCOME HOUSING TAX CREDITS				
Development Budget	Residential	Commercial	Total	4% Basis
ACQUISITION/DEMOLITION		-		
Land	450,000			
Buildings			-	-
Demolition	-		-	-
Subtotal Acquisition/Demo	450,000		450,000	-
CONSTRUCTION			-	
Site Work			-	-
Gen'l Requirements			-	-
Structures	4,053,122		4,053,122	4,053,122
OH & P			-	-
Construction Contingency	405,312		405,312	405,312
Bond			-	-
Abatement			-	-
	-		-	-
Subtotal Construction	4,458,434		4,458,434	4,458,434
SOFT COSTS			-	
Permits & fees	25,000		25,000	25,000
Engineer/Survey	45,000		45,000	45,000
Architect	222,922		222,922	222,922
Real Estate Attorney	45,000		45,000	45,000
Title Insurance & Recording	12,000		12,000	12,000
Accounting/ Cost Certification	7,000		7,000	7,000
Soft Cost Contingency	40,000		40,000	40,000
Utility Allowance	30,000		30,000	30,000
Const. Taxes & Insurance	50,000		50,000	50,000
Subtotal Soft Costs	476,922		476,922	476,922
FINANCING EXPENSES			-	
Constr. Loan Orig. Fee	6,000		6,000	6,000
Construction Legal & Inspection	35,000		35,000	35,000
Construction Interest	125,000		125,000	125,000
Other Financing Expenses	1,000		1,000	
Perm. Loan Orig. Fee	4,000		4,000	-
Subtotal Financing	171,000		171,000	166,000
OTHER SOFT COSTS			-	
Market Study	5,500		5,500	5,500
Property Appraisals	6,000		6,000	6,000
Environmental Report & Testing	15,000		15,000	15,000
Construction Oversight	-		-	-
Historic Consultant	-		-	-
Tax Credit Fees	16,450		16,450	-
FFE	20,000		20,000	20,000
Organizational Legal	800		800	
Subtotal Other	63,750		63,750	46,500
DEVELOPER'S FEES			-	
Developer's Ovhd. & Profit	500,000		500,000	500,000
Consultant			-	-
Subtotal development fees	500,000		500,000	500,000
PROJECT RESERVES			-	
Rent Up & Marketing Reserve	30,000		30,000	-
Operating Reserve	166,165		166,165	-
Replacement Reserve	40,531		40,531	-
Prepaid Taxes & Insurance	43,500		43,500	-
Prepaid Monitoring			-	-
Subtotal Reserves	280,196		280,196	-
TOTAL PROJECT COST	6,400,302		6,400,302	5,647,856
ELIGIBLE BASIS				5,647,856
LESS FEDHOME				-
LIHTC ELIGIBLE BASIS				5,647,856
APPLICABLE FRACTION	100%			less fed HTC
QUALIFIED BASIS		-		5,647,856.03
QUALIFIED CT ADJUSTMENT	130%			7,342,213
CREDIT PERCENTAGE				3.27%
ANNUAL LIHTC ELIGIBLE		-		240,090
				240,090
ANNUAL LIHTC ALLOCATED				240,090
NET PROCEEDS	86.00%	99.99%		2,064,571

30-YEAR PROFORMA OPERATING INCOME AND EXPENSE STATEMENT

	Trend Rate	2021	2022	2023	2024	2025	2026	2027	2028	2029	2030	2031	2032	2033	2034	2035	2036	2037	2038	2039	2040	2041	2042	2043	2044	2045	2046	2047	2048
INCOME																													
Gross Rental Income	(see below)	169,908	339,816	346,612	353,545	360,615	367,828	377,023	386,449	396,110	406,013	416,163	428,648	441,508	454,753	468,396	482,447	496,921	511,828	527,183	542,999	559,289	576,067	593,349	611,150	629,484	648,369	667,820	687,855
Commercial	2.00%	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Vacancy & Collection Loss	5.00%	(8,495)	(16,991)	(17,331)	(17,677)	(18,031)	(18,391)	(18,851)	(19,322)	(19,806)	(20,301)	(20,808)	(21,432)	(22,075)	(22,738)	(23,420)	(24,122)	(24,846)	(25,591)	(26,359)	(27,150)	(27,964)	(28,803)	(29,667)	(30,557)	(31,474)	(32,418)	(33,391)	(34,393)
TIF Income	2.00%	-	24,750	25,245	25,750	26,265	26,790	27,326	27,873	28,430	28,999	29,579	30,170	30,774	31,389	32,017	32,657	33,310	33,976	34,656	35,349	36,056	36,777	37,513	38,263	39,028	39,809	40,605	41,417
EFFECTIVE INCOME		161,413	347,575	354,527	361,617	368,850	376,227	385,498	394,999	404,735	414,711	424,934	437,386	450,206	463,404	476,993	490,982	505,385	520,213	535,480	551,198	567,380	584,041	601,195	618,855	637,038	655,759	675,034	694,879
EXPENSES																													
Administrative	3.00%	38,423	54,890	56,537	58,233	59,980	61,779	63,633	65,542	67,508	69,533	71,619	73,768	75,981	78,260	80,608	83,026	85,517	88,083	90,725	93,447	96,250	99,138	102,112	105,175	108,331	111,581	114,928	118,376
Operating	3.00%	29,400	42,000	43,260	44,558	45,895	47,271	48,690	50,150	51,655	53,204	54,800	56,444	58,138	59,882	61,678	63,529	65,435	67,398	69,420	71,502	73,647	75,857	78,132	80,476	82,891	85,377	87,939	90,577
Maintenance	3.00%	42,525	60,750	62,573	64,450	66,383	68,375	70,426	72,539	74,715	76,956	79,265	81,643	84,092	86,615	89,213	91,890	94,647	97,486	100,410	103,423	106,525	109,721	113,013	116,403	119,895	123,492	127,197	131,013
General	3.00%	30,450	43,500	44,805	46,149	47,534	48,960	50,428	51,941	53,500	55,104	56,758	58,460	60,214	62,021	63,881	65,798	67,772	69,805	71,899	74,056	76,278	78,566	80,923	83,350	85,851	88,427	91,079	93,812
Replacement reserve	3.00%	9,450	13,500	13,905	14,322	14,752	15,194	15,650	16,120	16,603	17,101	17,614	18,143	18,687	19,248	19,825	20,420	21,033	21,664	22,313	22,983	23,672	24,383	25,114	25,867	26,643	27,443	28,266	29,114
TOTAL EXPENSES		150,248	214,640	221,079	227,712	234,543	241,580	248,827	256,292	263,980	271,900	280,057	288,459	297,112	306,026	315,206	324,663	334,403	344,435	354,768	365,411	376,373	387,664	399,294	411,273	423,611	436,319	449,409	462,891
NET OPERATING INCOME		11,164	132,935	133,447	133,905	134,306	134,647	136,671	138,707	140,754	142,811	144,877	148,927	153,094	157,379	161,786	166,319	170,982	175,779	180,712	185,787	191,007	196,377	201,901	207,582	213,427	219,440	225,625	231,988
DEBT SERVICE		58,845	117,690	117,690	117,690	117,690	117,690	117,690	117,690	117,690	117,690	117,690	117,690	117,690	117,690	117,690	117,690	117,690	117,690	117,690	117,690	117,690	117,690	117,690	117,690	117,690	117,690	117,690	117,690
CASH FLOW		(47,681)	15,245	15,757	16,215	16,616	16,957	18,981	21,017	23,064	25,121	27,187	31,237	35,403	39,688	44,096	48,629	53,292	58,089	63,022	68,097	73,317	78,687	84,210	89,892	95,737	101,750	107,935	114,298
Income Escalators	Years																												
	1-5		2.0%																										
	6-10		2.5%																										
	11-15		3.0%																										

Affordability Analysis & Rent Schedule					
Affordable Rents					
Unit Type	HHLD Size	Fed Home	LIHTC Rent	UA	Max. Net Rent
0 BR @ 50%			788	33	\$755
1 BR @ 50%	1.5		845	43	\$802
0 BR @ 60%			946	33	\$913
1 BR @ 60%	1.5		1,014	43	\$971
0BR @ 120%			1,892		
1 BR@ 120%	1.5		2,028		

Rent Schedule					
Unit Type	# Units	Net Rent	Utility Allow.	Gross Rent	Afford. @ % Med. Inc.
0 BR @ 50%		\$755	33	\$788	
1 BR @ 50%		\$802	43	\$845	
0 BR @ 60%	14	\$913	33	\$946	
1 BR @ 60%	16	\$971	43	\$1,014	
0 BR 120%		\$1,250			
1 BR 120%		\$1,600			
	0				
TOTAL	30				
Bedroom Mix	0 BR 14	1 BR 16	2 BR		Total 30
Income Mix		50%AMI	60%AMI	Market	Total
Number		0	30	0	30
Percent		0.0%	100.0%	0.0%	
		0%			

Operating Income & Expense		
Effective Gross Income	Monthly	Annual
Gross Potential Rental Income	28,318	339,816
Less Vacancy & Collection Loss	5.0% (1,416)	(16,991)
TIF Income	2,063	24,750
Commercial		
Effective Gross Income	28,965	347,575

Annual Expenses	Per Unit	Total
ADMINISTRATIVE EXPENSES		
Management Fee	811	24,330
Legal	50	1,500
Audit	183	5,500
Marketing	50	1,500
Site Manager	233	7,000

Resident Services	303	9,100
Broadband Service	32	960
Other	167	5,000
Subtotal Administrative	1,830	54,890
OPERATING EXPENSES		
Water/Sewer	350	10,500
Electric	400	12,000
Heat/HW	650	19,500
Subtotal Operating	1,400	42,000
MAINTENANCE		
Building Maintenance	950	28,500
Janitorial	200	6,000
Supplies/Exterminating	150	4,500
Painting/Decorating	100	3,000
Grounds	225	6,750
Snow Removal	300	9,000
Trash Removal	100	3,000
Subtotal Maintenance	2,025	60,750
GENERAL EXPENSES		
Property taxes	1,100	33,000
Insurance	350	10,500
Management Broadband	-	
Subtotal General	1,450	43,500
REPLACEMENT RESERVE		
Housing	450	13,500
TOTAL RESERVES		13,500
TOTAL EXPENSES PLUS RESERVES	7,155	214,640
Net Income Calculation		Annual
Net Operating Income		132,935
Debt Service		\$117,690
Cash Flow		15,245
Debt Service Coverage		1.13
Cash Flow as % of Expenses		7.1%
Cash Flow PUPA		508

To: Mary Davis
From: Anne Boynton
Re: State Street TIF Underwriting
Date: 5/20/19

Phase I – 30 Apartment Units:

Recommendation: I recommend a TIF of up to 75% for up to 30 years, based on a satisfactory set of operating projections, as needed to maintain a debt service coverage ratio on the “must pay debt” between 1.15 and 1.4.

Comments:

My recommendation is based on a review of both the developer’s presentation of the necessity of a TIF and a review of the reasonableness of developer’s operating projections.

The TIF is necessary for the project to proceed as presented by the developer. In year one, the annual value of the TIF is estimated at \$24,750 and cashflow for the project is estimated at \$15,245, with a debt service coverage of a very thin but adequate 1.13. If the value of the TIF were removed from the operating budget, the cashflow would be -\$9,505. The developer would not be able to secure financing with negative cash flow.

The developer’s projections must also be reviewed to ensure the anticipated income and expense is “reasonable and customary.” The developer’s operating expenses, as projected, are modest and solidly in the range of “reasonable and customary.” Rental income is budgeted based on the maximum allowable rent for 60% LIHTC units using 2018 rent limits rents. 2019 maximum rents are \$30 higher per unit. The magnitude of potential income adjustments, however, are relatively minor in comparison to the value of the TIF.

In this early stage of development, it is reasonable to conclude that a TIF is likely to be needed to move the project forward, while acknowledging that the development costs and operating budget are still quite fluid. Hence I recommend a TIF of up to 75% for up to 30 years, with the terms ultimately determined based on the demonstrated needs of the project when the development budget is set.

Phase II: 40 Bedroom Lodging House:

Recommendation: I recommend a TIF of up to 75% for up to 30 years, based on a satisfactory set of operating projections, as needed to maintain a debt service coverage ratio on the “must pay debt” between 1.15 and 1.4.

Analysis:

The TIF is necessary for the project to proceed as presented by the developer. In year one, the annual value of the TIF is estimated at \$36,000 and cashflow for the project is estimated at \$39,418, with a debt service coverage of 1.20. If the value of the TIF were removed from the operating budget, the cashflow in year one would be 1.02. The developer would not be able to secure financing given such a low debt service coverage ratio.

The developer’s projections must also be reviewed to ensure the anticipated income and expense is “reasonable and customary.” The developer’s operating expenses, as projected, are approximately half

the per unit expense typical for apartment units and are missing some critical items such as contributions to replacement reserves. While single room housing has some operating efficiencies over efficiency and 1 bedroom apartments (fewer individual kitchen appliances, for instance), care needs to be taken to adequately budget for this relatively unusual housing type. The administrative budget for this project is particularly thin, for a housing type where more administrative effort, along with coordination of services, is frequently necessary for success. The operating figures may need to be adjusted upward. Rental income is budgeted at \$721.50 per person which is 76% of the efficiency unit rent.

In this early stage of development, it is reasonable to conclude that a TIF is likely to be needed to move the project forward, while acknowledging that the development costs and operating budget are still quite fluid. Hence I recommend a TIF of up to 75% for up to 30 years, with the terms ultimately determined based on the demonstrated needs of the project when the development budget is set.

MEMORANDUM
City Council Agenda Item

FROM: Mary Davis, Division Director

DATE: May 30, 2019

SUBJECT: **Order 281-18/19 Approving and Authorizing the City Manager to Enter Into the Credit Enhancement Agreement with Phoenix at Danforth, LP - Sponsored by the Housing Committee, Councilor Jill C. Duson, Chair, and the Economic Development Committee, Councilor Justin Costa, Chair.**

SPONSOR: Jill C. Duson, Chair of the Housing Committee
Justin Costa, Chair of the Economic Development Committee

(If sponsored by a Council committee, include the date the committee met and the results of the vote.)

COUNCIL MEETING DATE ACTION IS REQUESTED:

1st Reading **Final Action**

Can action be taken at a later date: No (If no why not?)

PRESENTATION: (List the presenter(s), type and length of presentation)

I. SUMMARY

II. AGENDA DESCRIPTION

At a joint meeting held on May 21, 2019, both the Housing Committee (2-0, Thibodeau absent) and the Economic Development Committee (3-0, Thibodeau absent) voted to forward this item to the City Council with a recommendation for passage.

This is a companion order to Order 280-18/19 above.

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

III. BACKGROUND

IV. INTENDED RESULT AND/OR COUNCIL GOAL ADDRESSED

V. FINANCIAL IMPACT

VI. STAFF ANALYSIS AND BACKGROUND

Staff Analysis and Background that will not appear in the Agenda Description.

VII. RECOMMENDATION

VIII. LIST ATTACHMENTS

1. CEA with Phoenix at Danforth, LP 6.17.2019

Prepared by:

Mary Davis, Division Director

Date: 5/30/2019

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

CITY OF PORTLAND
IN THE CITY COUNCIL

KIMBERLY COOK (5)
JILL C. DUSON (A/L)
PIOUS ALI (A/L)
NICHOLAS M. MAVODONES, JR (A/L)

**ORDER APPROVING AND AUTHORIZING THE CITY MANAGER TO ENTER INTO
THE CREDIT ENHANCEMENT AGREEMENT WITH PHOENIX AT DANFORTH, LP**

ORDERED, that the attached credit enhancement agreement between the City of Portland and Phoenix at Danforth, LP related to the 66 State Street Apartments Affordable Housing Tax Increment Financing District is hereby approved; and

BE IT FURTHER ORDERED, that and the City Manager is authorized to sign the agreement in substantially the form attached hereto and any other related documents that are necessary or convenient to carry out the intent of said agreement.

MEMORANDUM
City Council Agenda Item

FROM: Mary Davis, Division Director

DATE: May 30, 2019

SUBJECT: **Order 282-18/19 Designating Front Street Affordable Housing Development District and Tax Increment Financing District and Adopting the Municipal Development Program for the District - Sponsored by the Housing Committee, Council Jill C. Duson, Chair, and the Economic Development Committee, Chair, Justin Costa.**

SPONSOR: Jill C. Duson, Chair of the Housing Committee
Justin Costa, Chair of the Economic Development Committee

(If sponsored by a Council committee, include the date the committee met and the results of the vote.)

COUNCIL MEETING DATE ACTION IS REQUESTED:

1st Reading

Final Action

Can action be taken at a later date: No (If no why not?)

In order for the developer to maximize the projects competitiveness in the Low Income Housing Tax Credit application, the TIF application must be filed with Maine State Housing Authority no later than August 8. A Notice of Public Hearing must be published 10 days before the date of the hearing on July 15.

PRESENTATION: (List the presenter(s), type and length of presentation)

Mary Davis, Housing and Community Development Division Director will be available for questions.

I. SUMMARY

Portland Housing Authority, through its development entity, Portland Housing Development Corporation, is proposing to re-develop the Front Street public housing into 105 units of new rental housing.

II. AGENDA DESCRIPTION

At a joint meeting held on May 21, 2019, both the Housing Committee (2-0, Thibodeau absent) and the Economic Development Committee (3-0, Thibodeau absent) voted to forward this item to the City Council with a recommendation for passage.

The Portland Housing Authority (PHA), through its development entity, Portland Housing Development Corporation, is proposing to re-develop the public housing located at 37 and 63 Front Street. Currently the property is a 50-unit public housing community built in 1971 to relocate residents of the Bayside neighborhood as part of Portland's Urban Renewal effort and the construction of Franklin Arterial. The current development proposal includes a two phase approach for the demolition of the existing units and new construction of 105 units of rental housing.

In 2018, the PHA received funding allocations from the City of Portland of \$925,000 in Housing Trust Funds, \$510,174 in HOME funding and \$250,000 in CDBG funding. The development approach and financing plan for the development have shifted since last fall. The new Low Income Housing Tax Credit (LIHTC) application allows family projects with large numbers of bedrooms to compete in the 9% LIHTC. The financing plan was revised to submit one 60-unit family project as a 9% LIHTC and one 45-unit project as a

4% LIHTC. With the rise in construction costs in Portland, the developer needed to maximize resources while staying within MaineHousing's cost cap of \$230,000 per unit total development costs.

If approved, the Affordable Housing Tax Increment Financing will be provided through a Credit Enhancement Agreement at 75% of the increased taxable value for 30 years, currently estimated at a 30-year annual average of \$201,897. The new assessed value is estimated at \$8.5 million; the property currently has a zero net taxable value. Development costs are estimated at \$29.2 million. At full build out the development is projected to pay an annual average of \$269,196 in estimated new taxes of which \$201,897 will be returned to the developer to offset project operating costs and \$67,299 will be general fund revenue.

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

III. BACKGROUND

Approval of this Affordable Housing Tax Increment Financing (AHTIF) District is key to making the application competitive in the Low Income Housing Tax Credit application with MaineHousing. The City Council must (1) authorize the creation of the AHTIF district; and (2) approve the Credit Enhancement Agreement.

IV. INTENDED RESULT AND/OR COUNCIL GOAL ADDRESSED

Establish an Affordable Housing Tax Increment Financing District to support the development of 105 units of rental housing.

Increase access to rental housing that is safe and affordable and accessible for working and low-income families.

V. FINANCIAL IMPACT

VI. STAFF ANALYSIS AND BACKGROUND

Staff Analysis and Background that will not appear in the Agenda Description.

The Housing and Community Development Division works with an independent consultant who performs third party underwriting reviews for City funding (local and federal resources), including Affordable Housing Tax Increment Financing requests. The third party analysis shows a positive recommendation for the TIF investment.

Public Benefits: In reviewing this TIF request, staff notes the public benefit associated with the TIF District of 105 units of rental housing, 80% of which will be affordable to households at or below 60% of the area median income. Additionally the TIF will create tax sheltering benefits estimated at an annual average of \$54,267 or \$1,628,015 over the life of the district.

VII. RECOMMENDATION

Staff is requesting City Council (1) approve the establishment of the Front Street Housing Redevelopment Affordable Housing TIF District, (2) approve a Credit Enhancement Agreement with Front Street Housing Redevelopment LP, (3) authorize the City Manager, or his designee, to sign and submit to Maine Housing for approval, the documents to establish the district, in substantially the same form as attached.

VIII. LIST ATTACHMENTS

1. _Front Street TIF Application Council Attachments

Prepared by:

Mary Davis, Division Director

Date: 5/30/2019

APPLICATION ATTACHMENT 7

CITY OF PORTLAND
FRONT STREET HOUSING REDEVELOPMENT
AFFORDABLE HOUSING DEVELOPMENT DISTRICT
DEVELOPMENT PROGRAM

May 31, 2019

TABLE OF CONTENTS

Front Street Housing Redevelopment **Affordable Housing Development District Development Program**

Article I. Introduction and Summary of Benefits

Article II. Development Program Narrative and Designation of the District

- Section 2.01 Statement of Means and Objectives
- Section 2.02 Brief Discussion of Financial Plan
- Section 2.03 Project Cost Descriptions
- Section 2.04 Relocation Plan
- Section 2.05 Environmental Controls
- Section 2.06 District Operation
- Section 2.07 Assurance of Compliance
- Section 2.08 Program Duration
- Section 2.09 Approval Considerations and Characteristics of the District
- Section 2.10 Designation of the District

Article III. Financial Plan

- Section 3.01 Cost Estimates for the Development Program
- Section 3.02 Amount of Indebtedness to be Incurred
- Section 3.03 Sources of Anticipated Revenues
- Section 3.04 Estimated Increased Assessed Value; Portion Applied to Development Program
- Section 3.05 Description of Terms and Conditions of Agreements
- Section 3.06 Calculation of Tax Shifts

Article IV. Municipal Approvals

- Section 4.01 Public Hearing
- Section 4.02 Authorizing Votes

Exhibits

- Exhibit A Estimated Allocation of Tax Increment and Estimated Tax Increment Revenues
- Exhibit B Estimated Development Costs
- Exhibit C Property Description and Configuration of the District
- Exhibit D Certificate of Assessor
- Exhibit E Credit Enhancement Agreement
- Exhibit F Tax Shift Computations
- Exhibit G Notice of Public Hearing
- Exhibit H City Council Orders
- Exhibit I Declaration of Covenants, Conditions and Restrictions
- Exhibit J District Narrative

Front Street Housing Redevelopment
Affordable Housing Development District Development Program

Article I. Introduction and Summary of Benefits.

A. Affordable Housing Development District. This Development Program provides for the creation of an Affordable Housing Development District located at 37 and 63 Front Street in Portland. The area includes approximately 3.94 acres. By providing for the reinvestment of a portion of the new or incremental tax revenues in the District, the District will provide an impetus for affordable housing development within the District and the development of affordable, livable housing and the containment of the costs of unplanned growth in the City.

B. Benefits of the District.

1. Affordable Housing. This Development Program will provide for the development of affordable housing in the City and the containment of the costs of unplanned growth.

2. No City Bonds or Risks. The District will not involve any borrowings by or the issuance bonds of the City to pay for any of the costs of the Development Program and will not affect existing tax revenues in any way.

3. Additional Tax Revenues. Creation of the District and Development Program will result in additional tax revenues for the City.

4. Shelter of New Tax Base Growth. The captured assessed value of the District will be sheltered from the otherwise negative impacts of new development that result in increased county taxes and loss of State aid to education and revenue sharing when new development occurs without the creation of an Affordable Housing Tax Increment Financing District. The sheltered portion of the tax increment revenues will be used to pay Project Costs.

Article II. Development Program Narrative and Designation of the District.

Section 2.01: Statement of Means and Objectives. The City of Portland (“the City”), like many other Maine municipalities, desires to provide affordable housing in the City and to contain costs of unplanned growth by providing the facilities described in this Development Program.

In order to fulfill these goals, certain property has been proposed as the Front Street Housing Redevelopment Affordable Housing Development District (the “District”). The Development Program described herein will serve the purpose of administering the District as an Affordable Housing Development District pursuant to Chapter 206, subchapter 3 of Title 30-A of the Maine Revised Statutes, as amended (the “Development Program”). Upon approval by the City of Portland designating the District and adoption of this Development Program by the City, the designation of the District and adoption of the Development Program will become final immediately, subject only to approval by the Director of the Maine State Housing Authority. The Development Program provides for affordable housing similar in some respects to the economic development incentives called municipal tax increment financing (“TIF”) similar to that adopted by a number of other Maine municipalities including the City. An Affordable Housing Development District involves the creation of a geographically defined district in the City and the “capture” or reinvestment of some of the new increased or “incremental” tax revenues generated on the increased assessed value of property in the District to pay certain costs of the development.

The District is designed to stimulate development of affordable housing in the City by allocating certain tax revenues generated on the increased assessed value in the District to Project Costs, consisting of allowable operating costs per 30-A M.R.S.A. §5249 and described in Section 2.03 hereof by Front Street Housing Redevelopment, LP, its successors and assigns (the “Developer”). Under the Development Program, the City will make portions of the tax increment revenues as set forth in Section 3.04 hereof and under the Credit Enhancement Agreement attached hereto as Exhibit E hereto from the District available to the Developer pursuant to such Credit Enhancement Agreement (the “Credit Enhancement Agreement”). These revenues will be used either to pay or reimburse the Developer for Project Costs per Section 2.03 directly. All additional Project Costs will be the responsibility of the Developer, its successors or assigns. All tax increment revenues following expiration of the term of the Credit Enhancement Agreement will go directly into the City's general fund.

The District will result in significant new tax revenues for the City.

The Development Program thus will provide significant public benefit to the City by providing for the development of affordable housing in the City and for new tax revenues. The means and objectives of the Development Program are to provide: financial assistance towards Project Costs, and the development of affordable housing in the City.

The City, by adopting this Development Program, finds that the Development Program described herein, including the Capital Project, will provide substantial affordable housing in the City, thereby accomplishing an important public purpose.

Section 2.02: Brief Discussion of Financial Plan. The following is a brief summary of the Financial Plan. The Financial Plan is set forth in greater detail in Article III of this Development Program. As described in Section 3.04 hereof and Exhibit A hereof, the property taxes assessed by the City upon the Increased Assessed Value of property in the District (the “Tax Increment”) resulting from the investments by the Developer will be captured or used by the City under the Development Program to pay Project Costs described in Section 2.03 hereof. The development costs and sources and uses of funds associated with the Development Program within the District are described in Article III. The Project Costs and any continuing investment by Developer will be financed by Developer through equity of the Developer, its successors or assigns and the tax increment revenues from the District. As part of the Development Program, the City and Developer will enter into a Credit Enhancement Agreement pursuant to which the City will pay to Developer the percentage of Tax Increment Revenues from the Increased Assessed Value with respect to property in the District, described herein as the Tax Increment Revenues (Developer’s Share) for the term of the District to pay Project Costs related thereto. All tax revenues from the District not payable to Developer under the Credit Enhancement Agreement will be paid to the General Fund of the City. Any tax revenues presently generated on existing property in the District will continue to be paid to the General Fund of the City. The Development Program costs will be paid only from the Tax Increment on assessed value produced by new development in the District occurring after the tax year ending on the March 31st prior to adoption of this Development Program.

Section 2.03: Project Costs Descriptions.

A. Project General Description. The Capital Project at Front Street involves the redevelopment of approximately 3.94 acres, into an affordable housing neighborhood. The objective of the project is that 80% of the units in the District will be affordable housing, meaning a decent, safe and sanitary dwelling, apartment or other living accommodation for a household whose income does not exceed 60% of the median income for the area as defined by the United States Department of Housing and Urban

Development. This project consists of two apartment buildings to be built which will contain a total of 105 units of rental housing with 84 of those units affordable to households at or below 60% of the area median income. The zoning for the project assures that this number of units and this affordability objective will be met.

The Front Street project is projected to have a total local increased assessed valuation at build out of approximately \$8,500,000 based upon current real estate values and City assessment practices. Based upon the estimated tax rate upon completion, the project will pay approximately a thirty year annual average of \$201,897 in increased property taxes to the Developer at full build out. A portion of this new revenue would be offset by increased county taxes and reduced state revenue sharing and education funding resulting from the increased state valuation, were it not included in a Development District.

“Project Costs” as defined in Title 30-A, Chapter 206, Section 5249 of the Maine Revised Statutes will include operating costs, including but not limited to property management and administration, utilities, routine repairs and maintenance, insurance, real estate taxes and funding of a projects capital reserve account.

B. Need for the Affordable Housing TIF. Over the 30-year TIF, the estimated average annual payment is \$201,898 (as set forth in Exhibit A). Developer’s Share of the Tax Increment Revenue is designated to pay operating costs for the project at Front Street. The Tax Increment Revenue described in section 3.04 will help pay for operating costs over a period of thirty (30) years. Without the TIF and these other funding sources the project could not go forward.

The Municipal Affordable Housing Development District law enacted by the Maine Legislature in 2003 creates an opportunity to fill this gap in the project financing through the mechanism of the TIF program. The program operates essentially the same way that the traditional commercial TIF program has with a few exceptions. The Affordable Housing TIF program is administered by the Maine State Housing Authority.

Section 2.04: Relocation Plan. The property is currently a 50-unit public housing community originally built in 1971. Portland Housing Authority has established a relocation plan which includes a Right of Return Policy that ensures that residents will be able to come back to the newly developed Front Street. All moving expenses are paid when residents must move away and when they want to return. Those that do not want to return will receive financial assistance under the Uniform Relocation Act.

Section 2.05: Environmental Controls. All environmental controls required by law shall apply to development in the District, including any applicable requirements of the City of Portland Zoning Ordinance and all applicable State and Federal environmental laws and regulations.

Section 2.06: District Operation. The day-to-day operations of the District will require no substantial efforts by the City. The Developer, its successor or assigns, will operate the improvements constructed by Developer and pay all maintenance and operational expenses of its facilities. The City, however, will be responsible for maintenance and operation of any part of the District that may become a public road or other public facility

Section 2.07: Assurance of Compliance. The City hereby determines that the District and this Development Program complies with the provisions of 30-A M.R.S.A. § 4349-A (growth management). The proposed development in the District is consistent with the Comprehensive Plan for the City of Portland which includes the City’s Comprehensive Plan, which calls for additional affordable housing in the City.

Section 2.08: Program Duration. The duration of the District will be thirty (30) years after the tax year in which this Development Program was approved by the Director of the Maine State Housing Authority. The first Tax Year of the Development Program begins April 1, 2020 and the last Tax Year of the Development Program begins April 1, 2049.

Section 2.09: Approval Considerations and Characteristics of the District.

A. Statutory Considerations for Approval. Before designating the District and before establishing this Development Program, the City has considered any evidence presented at such public hearing and has considered whether the District and Development Program will contribute to the expansion of affordable housing opportunities within the City and to the betterment of the health, welfare or safety of the inhabitants of the City. The City hereby determines and finds that the District created hereunder and this Development Program will make a contribution to the expansion of affordable housing opportunities within the City and the betterment of the health, welfare or safety of its inhabitants, constituting good and valid public purposes and that any adverse economic effect on or detriment to any existing property interests is outweighed by the contribution made by the District and the Development Program to the availability of affordable housing within the City and to the betterment of the health, welfare and safety of its inhabitants.

B. Statutory Conditions for Approval; Physical Characteristics. The City hereby finds and determines that the District satisfies the conditions imposed under Chapter 206, subchapter 3 of Title 30-A of the Maine Revised Statutes, as amended, as a prerequisite to designation of the District, including those relating to the physical description of the District and to certain financial and statistical information as follows:

(i) All of the land in the District is suitable for residential uses, is zoned for residential uses, and is in need of rehabilitation or redevelopment and therefore at least 25%, by area, of the real property within the District meets at least one of the following statutory criteria: (1) be suitable for residential use; (2) be a blighted area; or (3) be in need of rehabilitation or redevelopment;

(ii) The total area of the District is approximately 3.94 acres and thus such area represents less than 2% of the total acreage of the City. The total area of the District and the total area of all development districts in the City (which combined total is 701.393 acres) is 5.66%, which includes 3.65% included in two exempt districts, a transit oriented district and a downtown/transit oriented district, of the total acreage of the City and thus does not exceed 5% of the total acreage of the City; the total area of all existing and proposed affordable housing development districts in the City is 0.07% of the total acreage of the City and does not exceed 5% of the total acreage of the City;

(iii) The Original Assessed Value of the District is as set forth in Exhibit D hereto and the Original Assessed Value of all existing and proposed affordable housing development districts within the City is \$1,824,610 and such amount of Original Assessed Value does not exceed 5% of the total value of taxable property within the City as of April 1st preceding the date of the designation of the District.

C. Community Housing Need. The City finds that this Capital Program will meet a community housing need identified in the City's Housing Plan and Comprehensive Plan. The Credit Enhancement Agreement provides a mechanism to ensure the ongoing affordability for a period of at least 30 years for rental units, which mechanism is the Declaration attached hereto as Exhibit I. The District is primarily a residential development on which 100% of the dwelling units will be affordable housing and that may be

designed to be compact and walkable and to include internal open space, other common open space and one or more small-scale nonresidential uses of service to the residents of the development. The Developer and the City shall comply with any rules adopted by the Maine State Housing Authority and with any conditions of approval imposed by the Maine State Housing Authority following designation of the District. The City shall report annually to the Director of the Maine State Housing Authority regarding the status of the District, including the following matters as required by law: (a) certify that the public purpose of the District is being met; (b) account for any sales of property within the District; and (c) certify that rental units within the District remain affordable.

Section 2.10: Designation of the District. The City, by adoption of this Development Program, hereby designates the Front Street Housing Redevelopment Affordable Housing Development District as an Affordable Housing Development District and as an Affordable Housing Tax Increment Financing District. A plan depicting the District is attached hereto as Exhibit C and the District is further described therein.

Article III. Financial Plan.

Section 3.01: Cost Estimates for the Development Program. The estimated expenses of the Project Costs are set forth in Exhibit B.

Section 3.02: Amount of Indebtedness to be Incurred. The City will not incur any indebtedness in connection with the Development Program. The Development Program will be financed through a combination of funds of the Developer, its successors and assigns, various loans and the Tax Increment of the District.

Section 3.03: Sources of Anticipated Revenues. The source of the revenue to be used to pay the Project Costs of this Development Program is a portion of the Tax Increment on the Increased Assessed Value of the District. Tax Increment means all Property Taxes assessed by the City, in excess of any state, county or special district tax, upon the Increased Assessed Value of all property in the District. Increased Assessed Value means the valuation amount by which the Current Assessed Value of the District exceeds the Original Assessed Value of the District. Current Assessed Value means the assessed value of the District certified by the municipal assessor as of April 1st of each year that the District remains in effect. Property Taxes means any and all ad valorem property taxes levied, charged or assessed against property by the City or on its behalf.

Original Assessed Value means the assessed value of the District as of March 31, 2019; (tax year April 1, 2018, Fiscal Year 2019). Attached hereto as Exhibit D is the anticipated form of certification of Original Assessed Value by the Assessor of the City of Portland in accordance with the requirements of Title 30-A § 5250-A of the Maine Revised Statutes. All Property Tax on the Original Assessed Value shall continue to be deposited in the general fund of the City.

The City will deposit the Tax Increment Revenues (Developer's Share) as described in Section 2.02 and Section 3.04 hereof and in Exhibit A into the Developer's Project Cost Account of the Affordable Housing Development Program Fund and pay such Tax Increment (Developer's Share) to Developer in accordance with the terms of the Credit Enhancement Agreement to be entered between the City and the Developer.

Section 3.04: Estimated Increased Assessed Value; Portion Applied to Development Program. The percentage of the Increased Assessed Value of the District to be retained as Captured Assessed Value in

each year is 75%. Such Captured Tax Increment Revenues will be returned to the Developer each year in the manner described below.

The Tax Increment Revenues (Developer's Share) to be paid to the Developer each year during the term of this Development Program will be an amount which shall be captured and retained to reimburse the Developer for Project Costs pursuant to the Credit Enhancement Agreement. The Tax Increment Revenues (Developer's Share) shall be equal to the corresponding fiscal year's projected allocation percentage for each payment according to Exhibit A, but Developer's Share will be the entire amount of the 75% of captured revenue. The percentage determination of the Tax Increment Revenues (Developer's Share) as determined as described above shall apply regardless whether the actual Tax Increment Revenues are more or less than the estimated or projected Tax Increment Revenues set forth in Exhibit A.

"Tax Shift Formulas" mean the formulas utilized by the State of Maine in calculating: (a) the county tax payable in accordance with 30-A M.R.S.A. § 706 and 36 M.R.S.A. §§ 305(1), 381, as amended, and any successor provisions; (b) the municipal revenue sharing distribution of the Local Government Fund in accordance with 30-A M.R.S.A. §5681, as amended, and any successor provision, provided, however, that distribution of the Disproportionate Tax Burden Fund (the Revenue II fund), if any, shall not be taken into consideration in such calculation since taxes assessed on captured value within a tax increment financing district are included in the amounts of the property assessed in determining allocations of such Disproportionate Tax Burden Fund; and (c) State aid to education, including aid for total operating costs, total program cost allocation (taking into account the maximum local share or circuit breaker) and total debt service cost allocation (taking into account the maximum local share or circuit breaker), but not taking into account any hold harmless or hardship cushion that results in additional State aid to education to the prior years level even through the calculation would have resulted in a reduction, all as computed in accordance with Maine Department of Education Form ED 261 or any successor form.

The amount of Tax Increment from the total Increased Assessed Value that is to be paid each year to the Developer under Credit Enhancement Agreement to pay or reimburse Project Costs is hereinafter called the "Tax Increment Revenues (Developer's Share)."

The table attached hereto as Exhibit A also sets forth: (i) the annual estimates of the Increased Assessed Value of the District resulting from implementation of the Development Program; (ii) the estimated annual Tax Increment Revenues per year on the Increased Assessed Value following implementation of the Development Program, stated respectively as (a) a total, and (b) the estimated amount of the Tax Increment Revenues (Developer's Share)

Based on the manner in which Tax Increment Revenues (Developer's Shares) are defined, a share of the incremental property tax revenues derived from the increased valuation will be returned to the Developer to cover the Project Costs as described in Section 2.03 hereof.

To comply with the provisions of the State of Maine, the Credit Enhancement Agreement includes a provision for the recapture of certain amounts relating to any affordable rental housing units that are not maintained as affordable for a period of at least thirty years.

The amount of the Tax Increment Revenues on the Increased Assessed Value of all property in the District for each year during the term of the District to be allocated and paid to the Developer each year pursuant to the Credit Enhancement Agreement shall be equal to the product for each year during the term of the District of (a) the relevant Developers Percentage Allocation of the Tax Increment (Developer

Share) for each year as computed as described above, times (b) the actual amount of the Tax Increment for each year. Such percentage allocations shall apply regardless of whether the actual Tax Increment Revenues each year are more or less than the Tax Increment Revenues as estimated or projected in Exhibit A of this Development Program, provided that in no fiscal year will the Developer's Share be less than 75% of the captured revenue through the term of the District.

An Affordable Housing Development Program Fund shall be established by the City consisting of a Project Cost Account. The Project Cost Account shall consist of the Developer's Project Cost Account (the "Developer's Project Cost Account"). The Developer's Project Cost Account will be pledged to and charged with payment of amounts due to Developer under the Credit Enhancement Agreement. Upon receipt of each payment of property tax with respect to property in the District, the City shall deposit into the Developer's Project Cost Account according to the terms of the Credit Enhancement Agreement that portion of each payment constituting the percentage of total actual Tax Increment for such year equal to the Tax Increment Revenues (Developer's Share). The amounts in the Developer's Project Cost Account shall be used and applied solely to fund the payments to Developer under the Credit Enhancement Agreement.

Section 3.05: Description of Terms and Conditions of Agreements. A description of the terms and conditions of the agreements, contracts and obligations to be entered into by the City is set forth in the Credit Enhancement Agreement to be entered into by the City and the Developer which will be substantially in the form attached hereto as Exhibit E. The Credit Enhancement Agreement sets forth the obligations of the City to pay to Developer each year during the term of that Agreement Tax Increment Revenues (Developer's Share) from all Property Tax with respect to all property in the District, as provided in such Credit Enhancement Agreement.

Section 3.06: Calculation of Tax Shifts. In accordance with Maine statutes governing the establishment of affordable housing development districts, Exhibit F identifies the estimated tax shifts which will result during the term of the District from the establishment of the District, using formulas approved by the Director of the Maine State Housing Authority. Exhibit F also contains a summary of the methodology and calculations utilized in calculating such estimated tax shifts.

The Front Street project will pay property taxes to the City based upon the local assessed valuation of the project and the City's annual tax rate. Exhibit A shows the estimated property taxes that will be paid by the project over the next 30 years based upon the estimated local assessed valuation and the estimated tax rate of \$23.42/\$1000 for the first year of the District. The amount of property taxes paid by owners of property in the District to City will be the same whether the project is included in a TIF district or not.

If the project is not part of a TIF, some of these new tax revenues will be offset by what are commonly called tax shifts. Since the City's total state valuation will be higher as a result of the project, its share of Cumberland County taxes will increase. The increased valuation and population will change the amount the City receives in State Revenue Sharing. The increased valuation and increased school enrollment will change the amount the City receives in state education aid.

Exhibit F thus shows the estimated amount of these tax shifts compared to what they would be if the new valuation is "sheltered" in a TIF and, therefore, does not get counted in the City's state valuation that is used in calculating county tax, revenue sharing and state education aid.

The actual extent and amount of the tax shifts can vary from this estimate since they are controlled by factors outside the City's control such as the rate of increase in the County budget, the amount of state

sales and income tax collected, the amount of funding provided by the state for education aid, and the formula used to distribute that aid. So the extent and value of the shifts could be more or less than estimated.

Article IV. Municipal Approvals.

Section 4.01: Public Hearing. Before designating the District, the City legislative body of the City held a public hearing. Notice of the hearing was published on July 4, 2019, a date that was at least 10 days before the hearing, in The Portland Press Herald, a newspaper of general circulation within the City. Attached hereto as Exhibit G is a copy of the Notice of Public Hearing. The Public hearing was held in accordance with the requirements of 30-A M.R.S.A. § 5250 on July 15, 2019. At the public hearing, interested parties were given a reasonable opportunity to present testimony concerning the District and the Development Program.

Section 4.02: Authorizing Votes. Attached as Exhibit H is a copy of the Orders proposed for adoption by the City Council of the City of Portland at a meeting thereof duly called and held on July 15, 2019 designating the District and adopting the Development Plan.

The undersigned, being the City Manager of the City of Portland, certifies that all of the information contained herein is true and correct to the best of my knowledge.

Dated: August _____, 2019

Jon P. Jennings, City Manager, City of Portland

CREDIT ENHANCEMENT AGREEMENT

This Credit Enhancement Agreement, dated as of _____, 2019, between the City of Portland, Maine, a municipal body corporate and politic and a political subdivision of the State of Maine (the “City”), and Front Street Housing Redevelopment, LP, a Maine limited partnership (the “Developer”).

WITNESSETH THAT

WHEREAS, the City designated the Front Street Housing Redevelopment Affordable Housing Development Tax Increment Financing District (the “District”) pursuant to Chapter 206, subchapter 3 of Title 30-A of the Maine Revised Statutes, as amended, by vote of the City Council at a meeting held on July 15, 2019 and pursuant to the same City Council Meeting action adopted a development program and financial plan for the District (the “Development Program”), and

WHEREAS, the Director of the Maine State Housing Authority has reviewed and approved the District and the Development Program, and

WHEREAS, the Development Program contemplates the execution and delivery of a credit enhancement agreement between the City and the Developer and the City approved the execution and delivery of a credit enhancement agreement as described in the Development Program pursuant to such City Council Meeting approval and a resolution of the Municipal Officers, adopted July 15, 2019 by vote of the City Council and the City and the Developer desire and intend that this Credit Enhancement Agreement be and constitute the Credit Enhancement Agreement contemplated by and described in the Development Program;

NOW, THEREFORE, in consideration of the foregoing and in consideration of the mutual promises and covenants set forth herein, the parties hereby agree as follows:

ARTICLE I: DEFINITIONS

Section 1.1. Definitions. The terms defined in this Article I shall, for all purposes of this Agreement, have the meanings herein specified, unless the context clearly requires otherwise:

“Affordable Housing Development Program Fund” means the Affordable Housing Development Program Fund described in Article III of the Development Program and established and maintained pursuant to Article II hereof.

“Agreement” means this Credit Enhancement Agreement between the City and the Developer.

“Captured Assessed Value” means the amount, stated as percentages or stated sums, of the Increased Assessed Value that is utilized from year to year to finance the Capital Program and Public Improvements described in the Development Program; the Captured Assessed Value of the District shall be 75% of the Increased Assessed Value.

“City” means the City of Portland, Maine, a municipality duly organized and existing under the laws of the State of Maine, its successors and assigns.

“Current Assessed Value” means the assessed value of the District certified by the municipal assessor as of April 1st of each year that the District remains in effect.

“Developer” means Front Street Housing Redevelopment, LP, its successors and assigns.

“Development Program” means the Development Program for the District as adopted by the City at a meeting of the City Council held on July 15, 2019.

“District” means the Front Street Housing Redevelopment Affordable Housing Development Tax Increment Financing District designated by the City pursuant to Chapter 206, subchapter 3 of Title 30-A of the Maine Revised Statutes, as amended, by vote of its City Council at a meeting held on July 15, 2019.

“Financial Plan” means the financial plan described in Article III of the Development Program.

“Fiscal Year” means July 1 to June 30 each year or such other fiscal year as the City may establish.

“Increased Assessed Value” means the valuation amount by which the Current Assessed Value of the District exceeds the Original Assessed Value of the District. If the Current Assessed Value is equal to or less than the Original Assessed Value, there is no Increased Assessed Value.

“Original Assessed Value” means the assessed value of the District as of March 31, 2019, which amount was zero Dollars (\$0.00).

“Project” means the design, planning, development, acquisition, construction, financing and installation of the Development Program as described in Section 2.03 of said Development Program.

“Project Costs” means any expenditures or monetary obligations incurred or expected to be incurred that are authorized by section 5249 of title 30-A of the Maine Revised Statutes and included in the Development Program.

“Project Cost Account” means the Developer’s Project Cost Account described in Article III of the Development Program and established and maintained pursuant to Article II of this Agreement.

“Property Taxes” means any and all ad valorem property taxes levied, charged or assessed against real estate in the District by the City or on its behalf.

“Qualified Investments” means any and all securities, obligations or accounts in which municipalities may invest their funds under applicable Maine law.

“Tax Increment” means all Property Taxes assessed by the City, in excess of any state, county or special district tax, upon the Increased Assessed Value of all property in the District.

“Tax Increment Revenues (Developer’s Share)” means that percentage of the Tax Increment with respect to real estate now or hereafter located in the District retained pursuant to the terms of the Development Program to pay Project Costs of the Capital Program, and which amount is to be deposited each year during the term of this Agreement in the Developer’s Project Cost Account to fund payments to the Developer due pursuant to this Agreement. The Tax Increment Revenues (Developer’s Share) is seventy-five percent (75%). The Tax Increment Revenues (Developer’s Share) will be calculated each year as more particularly described herein and in Exhibit A of the Development Program and will be based on the Increased Assessed Value of the District which percentage or amount shall be captured and retained to pay to the Developer the costs of the Capital Program described in the Development Program.

"Tax Shift" means the sum of the following amounts as calculated under the Tax Shift Formulas, as hereafter defined: (a) the difference between (i) the county tax payable by the City if the Captured Assessed Value that under the then existing Tax Shift Formulas is not included in the actual calculation of County Tax were included in the City's valuation in calculating the county tax, and (ii) the county tax payable by the City to the extent that the Captured Assessed Value is excluded from the City's valuation in calculating the county tax; plus (b) the difference between (i) the State aid to education that would be received by the City if the Captured Assessed Value that under the then existing Tax Shift Formulas is not included in the actual calculation of State aid to education were included in the City's valuation in calculating State aid to education, and (ii) the State aid to education that received by the City to the extent that the Captured Assessed Value is excluded from the City's valuation in calculating such amounts of State aid to education; plus (c) the difference between (i) the State revenue sharing that would be received by the City if the Captured Assessed Value that under the then existing Tax Shift Formulas is not included in the actual calculation of State revenue sharing were included in the City's valuation in calculating the amount of State revenue sharing, and (ii) the State revenue sharing received each year to the extent that the Captured Assessed Value is excluded in the City's valuation in calculating such amounts of revenue sharing. Examples of the calculation of the estimated Tax Shifts based on the current Tax Shift Formulas are attached as Exhibit F to the Development Program.

"Tax Shift Formulas" means the formulas utilized by the State of Maine in calculating (a) the county tax payable in accordance with 30-A M.R.S.A. § 706 and 36 M.R.S.A. §§ 305(1), 381, as amended, and any successor provisions; (b) the municipal revenue sharing distribution of the Local Government Fund in accordance with 30-A M.R.S.A. §5681, as amended, and any successor provision, provided, however, that distribution of the Disproportionate Tax Burden Fund (the Revenue II fund), if any, shall not be taken into consideration in such calculation since taxes assessed on captured value within a tax increment financing district are included in the amounts of the property assessed in determining allocations of such Disproportionate Tax Burden Fund; and (c) State aid to education, including aid for total operating costs, total program cost allocation (taking into account the maximum local share or circuit breaker) and total debt service cost allocation (taking into account the maximum local share or circuit breaker), but not taking into account any hold harmless or hardship cushion that results in additional State aid to education to the prior year's level even through the calculation would have resulted in a reduction, all as computed in accordance with Maine Department of Education Form ED 261 or any successor form.

"Tax Payment Date" means the date(s) on which Property Taxes levied by the City are due and payable from owners of property located within the City.

Section 1.2. Interpretation and Construction. In this Agreement, unless the context otherwise requires:

(a) The terms "hereby," "hereof," "hereto," "herein," "hereunder" and any similar terms, as used in this Agreement, refer to this Agreement, and the term "hereafter" means after, and the term "heretofore" means before the date of delivery of this Agreement.

(b) Words importing a particular gender mean and include correlative words of every other gender and words importing the singular number mean and include the plural number and vice versa.

(c) Words importing persons mean and include firms, associations, partnerships (including limited partnerships), limited liability companies, trusts, corporations and other legal entities, including public or governmental bodies, as well as any natural persons.

(d) Any headings preceding the texts of the several Articles and Sections of this Agreement, and any table of contents or marginal notes appended to copies hereof, shall be solely for convenience of reference and shall not affect its meaning, construction or effect.

(e) All notices to be given hereunder shall be given in writing and, unless a certain number of days is specified, within a reasonable time. All approvals, consents and acceptances required to be given or made by any signatory hereto shall not be withheld unreasonably.

(f) If any clause, provision, Article or Section of this Agreement shall be ruled invalid by any court of competent jurisdiction, the invalidity of such clause, provision, Article or Section shall not affect any of the remaining provisions hereof.

ARTICLE II: DEVELOPER'S PROJECT COST ACCOUNT OF THE AFFORDABLE HOUSING DEVELOPMENT PROGRAM FUND AND FUNDING REQUIREMENTS

Section 2.1. Creation of Developer's Project Cost Account of the Affordable Housing Development Program Fund. The City hereby confirms the creation and establishment of (a) the Front Street Housing Redevelopment Affordable Housing Development District Affordable Housing Development Program Fund (the "Affordable Housing Development Program Fund"); and (b) a segregated fund in the name of the City designated as the "Front Street Housing Redevelopment Affordable Housing Development District Developer's Project Cost Account of the Affordable Housing Development Program Fund" (the "Developer's Project Cost Account") pursuant to, and in accordance with the terms and conditions of the Development Program. The Affordable Housing Development Program Fund shall consist solely of the Developer's Project Cost Account as described in the Development Program.

Section 2.2. Deposits into Developer's Project Cost Account of the Affordable Housing Development Program Fund. The City shall deposit into the Developer's Project Cost Account contemporaneously with each payment of Property Tax by owners of property in District during the term of the District an amount equal to that portion thereof constituting the Tax Increment Revenues (Developer's Share) for the period or year to which the payment relates and shall allocate the amount so deposited to fund fully and pay the payments due to Developer under Article III of this Agreement.

Section 2.3. Use of Monies in Developer's Project Cost Account of the Affordable Housing Development Program Fund. Monies deposited in the Developer's Project Cost Account shall be used and applied exclusively to fund the City's payment obligation described in Article III hereof.

Section 2.4. Monies Held in Trust. All monies required to be deposited with or paid into the Developer's Project Cost Account to fund payments of the Developer under the provisions hereof and the provisions of the Development Program, shall be held by the City in trust, for the benefit of the Developer.

Section 2.5. Investments. The monies in the Developer's Project Cost Account shall be invested and reinvested in Qualified Investments as determined by the City. The City shall have discretion regarding the investment of such monies, provided such monies are invested in Qualified Investments. As and when any amounts thus invested may be needed for disbursements, the City shall cause a sufficient amount of such investments to be sold or otherwise converted into cash to the credit of such account. The City shall have the sole and exclusive right to designate the investments to be sold and to otherwise direct the sale or conversion to cash of investments made with monies in the Developer's Project Cost Account.

Section 2.6. Liens. The City shall not hypothecate or grant or create any liens, security interests, encumbrances, or other interests of any nature whatsoever, with respect to the Developer's Project Cost Account or any funds therein, other than the interest granted to the Developer hereunder in and to the amounts on deposit therein.

ARTICLE III: PAYMENT OBLIGATIONS

Section 3.1. Credit Enhancement Payments. (a) The term of this Agreement shall be for the period beginning on the effective date of the approval of the District by the Director of the Maine State Housing Authority, being _____, 2019 and continuing for thirty (30) years as described below. Subject to the conditions set forth below, the City agrees to pay to the Developer within 30 days of the end of each fiscal year (ends June 30 each year) this Agreement is in effect payments equal to the Tax Increment Revenues (Developer's Share) beginning with the designation and approval of the District by the Director of the Maine State Housing Authority, that being the City Tax Year beginning April 1, 2019 and ending March 31, 2020, which is Fiscal Year beginning July 1, 2019 and ending June 30, 2020 (TY19/FY20) and continuing for 30 years thereafter with each Fiscal Year of the City through and including June 30, 2050 (TY49/FY50). The City shall make all such payments of the Tax Increment Revenues (Developer's Share) to the Developer, its successors and assigns according to Exhibit A of the Development Program, based upon the corresponding fiscal year's projected allocation percentage for each payment. The Developer's share will be 100% of the captured revenue (based on 75% of the value captured) as indicated on Exhibit A. The obligation of the City to make such payments shall be a limited obligation payable solely from that portion of the Tax Increment Revenues (Developer's Share) payable to the Developer hereunder, whether or not actually deposited into the Developer's Project Cost Account, and shall not constitute a general debt or obligation on the part of the City or a general obligation or charge against or pledge of the faith and credit or taxing power of the City, the State of Maine or any political subdivision thereof.

(b) If, with respect to any Tax Payment Date, the owner or owners of property in the District fail(s) to pay any portion of the Property Taxes assessed by the City, because of a valuation dispute or otherwise, the Property Taxes actually paid with respect to such Tax Payment Date shall first be applied to taxes due on account of the Original Assessed Value and second shall constitute Tax Increment Revenues.

(c) Annually, Developer will provide operating cash flow statements as back-up documentation of Projects Costs for its TIF payments, which documentation will be kept confidential by the City.

Section 3.2. Prior to receiving the first payment under this Agreement:

(a) Developer shall provide evidence reasonably satisfactory to the City of the Company's ability to complete the Project in accordance with State law. Reasonably satisfactory evidence shall include the Company's having closed on the financing for the Project.

(b) On a bi-weekly basis during the course of construction of the Project, Developer must provide documentation in a form reasonably satisfactory to the City demonstrating that all firms employed in the construction phase of the Project have compensated their employees, at all relevant times, the current wage rates and fringe benefits as required under applicable state prevailing wage law, 26 M.R.S. §1306, or the City's minimum wage requirements set forth in Chapter 33, Sections 1 - 12 of the Portland City Code, whichever is greater. The City will provide the Developer with information that the Developer must include in all bid materials that the Developer provides to prospective contractors who may bid on the project to ensure that the wage requirements set forth in this section are met.

(c) Developer must provide evidence reasonably satisfactory to the City demonstrating that the Project was designed, constructed and rehabilitated in accordance with City's Green Building Code set forth in the Chapter 6, Article VII, of the Portland City Code.

Section 3.3. Failure to Make Payment. In the event the City should fail to, or be unable to, make any of the payments required under Section 3.1 hereof, the item or installment so unpaid shall continue from year-to-year, as a limited obligation of the City, under the terms and conditions hereinafter set forth, until the amount unpaid shall have been fully paid and the City agrees to pay the same with interest thereon at the rate equal to the interest rate per annum payable by owners of property in the City on Property Taxes that are not paid when due, but only from Tax Increment Revenues (Developer's Share) paid to the City by the Developer from time to time, and any earnings thereon, whether or not deposited into the Developer's Project Cost Account of the Affordable Housing Development Program Fund. Payments shall be applied first against accrued interest and then against principal. The Developer shall have the right to initiate and maintain an action to specifically enforce the City's obligations hereunder, including without limitation, the City's obligation to deposit all Tax Increment Revenues (Developer's Share) to the Developer's Project Cost Account and its obligation to make payments to the Developer.

Section 3.4. Manner of Payments. The payments provided for in this Article III shall be paid in immediately available funds directly to the Developer in the manner provided hereinabove for its own use and benefit, for qualified Project Costs.

Section 3.5. Obligations Unconditional. The obligations of the City to make the payments described in this Agreement in accordance with the terms hereof shall be absolute and unconditional irrespective of any defense or any rights of setoff, recoupment or counterclaim it might otherwise have against the Developer. The City shall not suspend or discontinue any such payment or terminate this Agreement for any cause, including without limitation, any acts or circumstances that may constitute failure of consideration or frustration of purpose or any damage to or destruction of the Project or any change in the tax or other laws of the United States, the State of Maine or any political subdivision of either thereof.

Section 3.6. Limited Obligation. The City's obligations of payment hereunder shall be limited obligations of the City payable solely from monies on deposit in the Developer's Project Cost Account and Affordable Housing Development Program Fund, and any earnings thereon, pledged therefor under this Agreement. The City's obligations hereunder shall not constitute a general debt or a general obligation or charge against or pledge of the faith and credit or taxing power of the City, the State of Maine, or of any municipality or political subdivision thereof, but shall be payable solely from that portion of the Tax Increment Revenues (Developer's Share) payable to the Developer hereunder, and any earnings thereon, whether or not actually deposited into the Developer's Project Cost Account. This Agreement shall not directly or indirectly or contingently obligate the City, the State of Maine, or any other municipality or political subdivision to levy or to pledge any form of taxation or to levy or to make any appropriation for their payment, excepting the City's obligation to levy Property Taxes upon the property in the District and the pledge of the Tax Increment Revenues (Developer's Share), and earnings thereon, established under this Agreement.

Section 3.7. Nondiscrimination. The Developer and its contractors employed in the construction phase the Project shall adhere to a policy of non-discrimination in all employment actions, practices, policies, procedures, phases, and conditions of employment. All employment-related decisions (including but not limited to hiring, discharge, transfers, promotions, discipline, training, job opportunities, and wage and salary levels) will be made without discrimination based on

an individual's race or color, religion, age, sex (including pregnancy), sexual orientation, gender identity or expression, ancestry or national origin, physical or mental disability, veteran status, genetic information, previous assertion of a claim or right under Maine's Workers' Compensation Act, previous actions taken protected under Maine's Whistleblowers' Protection Act, or any other protected group status as defined by applicable law. Provisions in applicable laws providing for bona fide occupational qualifications, business necessity, or age limitations will be adhered to by the developer and its contractors where appropriate. This policy shall not be construed to prohibit any employment action or policy which is required by federal law, rule or executive order.

ARTICLE IV: PLEDGE AND SECURITY INTEREST

Section 4.1. Pledge of Developer's Project Cost Account. In consideration of this Agreement and other valuable consideration and for the purpose of securing payment of the amounts provided for hereunder to the Developer by the City, according to the terms and conditions contained herein, and in order to secure the performance and observance of all of the City's covenants and agreements contained herein, the City does hereby grant a security interest in and pledge to the Developer the Developer's Project Cost Account and the Affordable Housing Development Program Fund to the extent of Developer's Rights under this Agreement to receive funds from the Developer's Project Cost Account and all sums of money and other securities and investments now or hereafter therein.

Section 4.2. Perfection of Interest. The City authorizes the Developer to file and, if necessary, shall cooperate with the Developer in causing appropriate financing statements and continuation statements naming the Developer as pledgee of all amounts from time to time on deposit in the Developer's Project Cost Account and the Affordable Housing Development Program Fund to be duly filed and recorded in the appropriate state offices as required by and permitted under the provisions of the Maine Uniform Commercial Code or other similar law as adopted in the State of Maine and any other applicable jurisdiction, as from time to time amended, in order to perfect and maintain the security interests created hereunder. To the extent deemed necessary by the Developer, the City will at such time and from time to time as requested by Developer establish the Developer's Project Cost Account as a segregated fund under the control of an escrow agent, trustee or other fiduciary so as to perfect Developer's interest therein.

Section 4.3. Further Instruments. The City shall, upon the reasonable request of the Developer, from time to time execute and deliver such further instruments and take such further action as may be reasonable and as may be required to carry out the provisions of this Agreement; provided, however, that no such instruments or actions shall pledge the credit of the City.

Section 4.4. No Disposition of Developer's Project Cost Account. Except as permitted hereunder, the City shall not sell, lease, pledge, grant a security interest in, assign or otherwise dispose, encumber or hypothecate any interest in the Developer's Project Cost Account and the Affordable Housing Development Program Fund and will promptly pay or cause to be discharged or make adequate provision to discharge any lien, charge or encumbrance on any part hereof not permitted hereby.

Section 4.5. Access to Books and Records. All books, records and documents in the possession of the City relating to the District, the Development Program, this Agreement and the monies, revenues and receipts on deposit or required to be deposited into the Developer's Project Cost Account shall at all reasonable times be open to inspection by the Developer, its agents, lenders, designees and employees.

ARTICLE V: DEFAULTS AND REMEDIES

Section 5.1. Events of Default. Each of the following events shall constitute and be referred to in this Agreement as an “Event of Default:”

(a) any failure by the City to pay any amounts due to Developer when the same shall become due and payable;

(b) any failure by the City to make deposits into the Affordable Housing Development Program Fund or the Developer’s Project Cost Account as and when due;

(c) any failure by the City or the Developer to observe and perform in all material respects any covenant, condition, agreement or provision contained herein on the part of the City or the Developer to be observed or performed, provided, however, that failure of Developer or any other owner of property in the District to pay Property Taxes when due shall not constitute an event of default hereunder; or

(d) if a decree or order of a court or agency or supervisory authority having jurisdiction in the premises of the appointment of a conservator or receiver or liquidator of, any insolvency, readjustment of debt, marshalling of assets and liabilities or similar proceedings, or for the winding up or liquidation of the City’s affairs shall have been entered against the City or the City shall have consented to the appointment of a conservator or receiver or liquidator in any such proceedings of or relating to the City or of or relating to all or substantially all of its property, including without limitation, the filing of a voluntary petition in bankruptcy by the City or the failure by the City to have a petition in bankruptcy dismissed within a period of ninety (90) consecutive days following its filing or in the event an order for release has been entered under the Bankruptcy Code with respect to the City.

Section 5.2. Remedies on Default. Whenever any Event of Default referred to in Section 6.1 hereof shall have occurred and be continuing, the non-defaulting party may take any one or more of the following remedial steps: (a) the non-defaulting party may take whatever action at law or at equity as may appear necessary or desirable to collect any amount then due and thereafter to become due, to specifically enforce the performance or observance of any obligations, agreements or covenants of the non-defaulting party under this Agreement and any documents, instruments and agreements contemplated hereby or to enforce any rights or remedies available hereunder; and (b) the Developer shall also have the right to exercise any rights and remedies available to a secured party under the laws of the State of Maine.

Section 5.3. Remedies Cumulative. No remedy herein conferred upon or reserved to any party is intended to be exclusive of any other available remedy or remedies but each and every such remedy shall be cumulative and shall be in addition to every other remedy given under this Agreement or now or hereafter existing at law, in equity or by statute. Delay or omission to insist upon the strict performance of any of the covenants and agreements herein set forth or to exercise any rights or remedies upon the occurrence of an Event of Default shall not impair any relinquishment for the future of the rights to insist upon and to enforce, from time to time and as often as may be deemed expedient, by injunction or other appropriate legal or equitable remedy, strict compliance by the City with all of the covenants and conditions hereof, or of the rights to exercise any such rights or remedies, if such Event of Default be continued or repeated.

Section 5.4. Agreement to Pay Attorneys’ Fees and Expenses. Notwithstanding the application of any other provision hereof, in the event any party should default under any of the provisions of this Agreement and the non-defaulting party shall require and employ attorneys or incur other expenses or costs for the collection of payments due or to become due or for the enforcement of performance or

observance of any obligation or agreement on the part of the City or the Developer herein contained, the defaulting party shall, on demand thereof pay to the non-defaulting party the reasonable attorneys fees, costs and expenses so incurred by the non-defaulting party.

Section 5.5. Disputes. The parties agree that in the event of any dispute or disagreement hereunder the City shall continue to make payment of all amounts due hereunder in the manner and at the times specified herein until final resolution of such dispute, whether by mutual agreement or final decision of a court, arbitrator or other dispute resolution mechanism. The City hereby waives any right to withhold, suspend or setoff payments during the pendency of any such dispute, this waiver being limited and expressly intended to affect only those rights necessarily related to or arising directly under the terms of this Agreement.

ARTICLE VI: EFFECTIVE DATE, TERM AND TERMINATION

Section 6.1. Effective Date and Term. This Agreement shall become effective upon its execution and delivery by the parties hereto and shall remain in full force from the date hereof for the entire term of this Agreement and shall expire upon the payment of all amounts due to the Developer hereunder and the performance of all obligations on the part of the City and the Developer hereunder.

Section 6.2. Cancellation and Expiration of Term. At the termination or other expiration of this Agreement and following full payment of all amounts due and owing to the Developer hereunder or provision for payment thereof and of all other fees and charges having been made in accordance with the provisions to this Agreement, the City and the Developer shall each execute and deliver such documents and take or cause to be taken such actions as may be necessary to evidence the termination of this Agreement.

ARTICLE VII: ASSIGNMENT AND PLEDGE OF DEVELOPER'S INTEREST

Section 7.1. Consent to Pledge and/or Assignment. The City hereby acknowledges that it is the intent of the Developer to pledge and assign and to grant security interests in and to this Agreement and the amounts payable to Developer hereunder and Developer's right, title and interest in, to and under this Agreement as collateral for financing for the Project, although no obligation is hereby imposed on the Developer to make such assignment or pledge or to grant such security interests. Recognizing this intention, the City does hereby consent and agree to the grant of such security interests and to the pledge and assignment of all the Developer's right, title and interest in, to and under this Agreement and in and to the payments to be made to Developer hereunder, to third parties as collateral or security for indebtedness and other obligations or otherwise, on one or more occasions during the term hereof.

Section 7.2. Pledge, Assignment or Security Interest. The City hereby consents to the pledge, assignment or granting of a security interest by the Developer (or the pledge and assignment by any one Developer) of its right, title and interest in, to and under this Agreement. The City agrees to execute and deliver any assignments, pledge agreements, consents or other confirmations required by the prospective secured party, pledgee or assignee, including without limitation, recognition of the secured party, pledgee or assignee as the holder of all right, title and interest herein and as the payee of amounts due and payable hereunder and any and all such other documentation as shall confirm to such secured party, pledgee or assignee the position of such secured party, assignee or pledgee and the irrevocable and binding nature of this Agreement and provide to the secured party, pledgee or assignee such rights and/or remedies as it may deem necessary for the establishing, perfection and protection of its interest herein.

Section 7.3. Assignment. Except as provided in this Article VII, the Developer shall not have the right to transfer and assign to any person or entity all or any portion of its rights in, to and under this Agreement; provided however, that any transfer of the real property within the District shall carry with it the benefit of this Agreement so long as (i) the portion of the rental units within the District which are required to be affordable under the Declaration of Covenants, Conditions and Restrictions executed by the Developer and the City remain affordable after such transfer; (ii) the prospective owner establishes to the reasonable satisfaction of the City that the financial benefits provided by this Agreement are still necessary to maintain the viability of the Project and (iii) the City Council approves the transfer.

ARTICLE VIII: MISCELLANEOUS

Section 8.1. Successors. The covenants, stipulations, promises and agreements set forth herein shall bind and inure to the benefit of the respective successors and assigns of the parties hereto.

Section 8.2. Severability. In case any one or more of the provisions of this Agreement shall, for any reason, be held to be illegal or invalid, such illegality or invalidity shall not affect any other provision of this Agreement and this Agreement shall be construed and enforced as if such illegal or invalid provision had not been contained herein.

Section 8.3. No Personal Liability of Officials of the City. No covenant, stipulation, obligation or agreement of the City contained herein shall be deemed to be a covenant, stipulation or obligation of any present or future elected or appointed official, officer, agent, servant or employee of the City in his individual capacity and neither the members of the City Council of the City nor any official, officer, employee or agent of the City shall be liable personally with respect to this Agreement or be subject to any personal liability or accountability by reason hereof.

Section 8.4. Counterparts. This Agreement may be executed in any number of counterparts, each of which, when so executed and delivered, shall be an original, but such counterparts shall together constitute but one and the same Agreement.

Section 8.5. Governing Law. The laws of the State of Maine shall govern the construction and enforcement of this Agreement.

Section 8.6. Notices. All notices, certificates, requests, requisitions or other communications by the City or the Developer pursuant to this Agreement shall be in writing and shall be sufficiently given and shall be deemed given when hand delivered or mailed by first class mail, postage prepaid, addressed as follows:

If to the City: City Manager
 City Portland
 389 Congress Street
 Portland, Maine 04101

If to the Developer: Front Street Housing Redevelopment, LP
 c/o Portland Housing Development Corporation
 14 Baxter Boulevard
 Portland, ME 04101

Any of the parties may, by notice given to the other, designate any further or different addresses to which subsequent notices, certificates, requests or other communications shall be sent hereunder.

Section 8.7. Amendments. This Agreement may be amended only with the concurring written consent of the parties hereto.

Section 8.8. Net Agreement. This Agreement shall be deemed and construed to be a “net agreement,” and the City shall pay absolutely net during the term hereof all payments required hereunder, free of any deductions, and without any abatement, deductions or setoffs.

Section 8.9. Benefit of Assignees or Pledgees. The City agrees that this Agreement is executed in part to induce secured parties, assignees or pledgees to provide financing for the Project and accordingly all covenants and agreements on the part of the City as to the amounts payable hereunder are hereby declared to be for the benefit of any such secured parties, assignee or pledgee from time to time of the Developer’s right, title and interest herein.

Section 8.10. Maine Housing Rules and Requirements. The Developer and the City shall comply with any rules adopted by the Maine State Housing Authority and with any conditions of approval imposed by the Maine State Housing Authority following designation of the District. The City shall report annually to the Director of the Maine State Housing Authority regarding the status of the District, including the following matters as required by law: (a) certify that the public purpose of the District is being met; (b) account for any sales of property within the District; and (c) certify that rental units within the District remain affordable. The parties shall comply with the rule provisions for recovery of public revenue if conditions for approval of the District are not maintained for the duration of the District, as provided by rules adopted by the Maine State Housing Authority in accordance with applicable law. The Developer agrees to provide all information as required by the City to satisfy its reporting obligations.

Section 8.11. Affordability Covenants. The Developer and the City shall, in order to assure the continued affordability of the rental units as required by the Development Program, Maine State Housing Authority and applicable laws, regulations and ordinances, execute a declaration which is substantially in the same form as the “Declaration of Covenants, Conditions and Restrictions” which is attached to the Development Program as Exhibit I.

Section 8.12 Valuation Agreement. The Development Program makes certain assumptions and estimates regarding valuation, depreciation of assets, tax rates, estimated amounts of the Increased Assessed Value and the Tax Increment, estimated amounts of the Tax Increment Revenues (Developer’s Share), estimated development costs and other estimates. The City and the Developer hereby covenant and agree that the assumptions, estimates, analysis and results set forth in the Development Program shall in no way (a) prejudice the rights of any party to be used, in any way, by any party in either presenting evidence or making argument in any dispute which may arise with respect to Developer’s property for purposes of ad valorem property taxation or any tax abatement proceeding or (b) modify or change in any way the terms of this Agreement even if the actual results differ substantially from the estimates, assumptions or analysis.

Section 8.13. Integration. This Agreement completely and fully supersedes all other prior or contemporaneous understandings or agreements, both written and oral, between the City and the Developer relating to the specific subject matter of this Agreement and the transactions contemplated hereby.

IN WITNESS WHEREOF, the City and the Developer have caused this Agreement to be executed in their respective names and their respective seals to be hereunto affixed and attested by the duly authorized officers, all as of the date first above written.

WITNESS

CITY OF PORTLAND

By: _____
Jon P. Jennings, Its City Manager

Front Street Housing Redevelopment, LP

BY: _____,
Its General Partner

By: _____
Mark Adelson, President

G:\Team Drives\PUD - HCD\Housing\Affordable Housing TIF\2019 Requests\Portland Housing Front Street\Draft TIF Docs\02 Front Street CEA
05.29.19 Draft from MD lp rdlns.DOCX

CITY OF PORTLAND
Declaration of Covenants, Conditions and Restrictions for the 66 State Street Affordable
Housing Tax Increment Financing District

This Declaration of Covenants, Conditions and Restrictions (the “Declaration”) is entered into by and between the City of Portland, a public body corporate and politic with its principal place of business at 389 Congress Street, Portland, Maine, 04101 (“City”) and Front Street Housing Redevelopment, LP, a Maine limited partnership with a mailing address of 14 Baxter Boulevard, Portland, Maine 04101 (“Developer”).

W I T N E S S E T H

WHEREAS, the Developer acknowledges that City is providing Affordable Housing Tax Increment Financing to the Developer (the “AHTIF”) for project operating costs associated with the development of one hundred and five (105) units of rental housing located at 37 and 63 Front Street, Portland, Maine (the “Development”); and

WHEREAS the Developer acknowledges City’s resulting beneficial interest in the Development, and Developer acknowledges that its ownership and operation of the Development are in furtherance of discharge of the public trust; and

WHEREAS, City has provided the AHTIF to Developer in consideration of the Developer’s agreement to abide by the provisions of this Declaration.

NOW THEREFORE, City and the Developer agree as follows:

1. **Term.** The term of this Declaration shall be for the period beginning on date of the approval of the District by the Director of the Maine State Housing Authority (the “Effective Date”) and continuing for thirty (30) years from the Effective Date of this Declaration (the “Qualified Project Period”).
2. **Enforceability of Covenants.** The covenants and restrictions of Developer set forth herein are intended to be and shall be considered covenants that run with the real estate described in Exhibit A attached hereto and made a part hereof and shall bind all subsequent owners and holders of any interest in said real estate, except to the extent herein provided. The City may

enforce the covenants set forth herein as a contract beneficiary whether or not Developer is or remains indebted to the City. The covenants of Developer set forth herein shall survive a sale, transfer, or other disposition of the Development by Developer, a foreclosure or transfer of title in lieu of foreclosure, or the repayment of the AHTIF, but shall cease to apply to the Development in the event of involuntary noncompliance caused by substantial destruction, seizure, requisition, or change in law or an action of a governmental agency that prevents the City from enforcing the covenants, even though compensated by insurance, provided that the AHTIF is repaid within a reasonable period of time after such involuntary loss or substantial destruction.

3. **Covenants.** Developer hereby covenants and represents to the City as follows:

- a. **Development.** The Development shall consist of two new buildings with a total of one hundred and five (105) units of rental housing, more particularly described in Exhibit A attached hereto. The units in the Development shall be of comparable quality and have comparable amenities. Developer shall not make any change in the nature, size, number or location of the units in the Development and the facilities in the units.
- b. **Use.** The Developer shall rent or make available for rental all of the units in the Development on a continuous and non-transient basis to members of the general public throughout the Qualified Project Period. Developer covenants and agrees that no change of use shall occur without the express written consent of the City.
- c. **Low Income Units.** For a period of thirty (30) years eighty-four (84) of the rental units will be occupied by households with incomes at or below sixty percent (60%) of the area median income (collectively referred to as the “Low Income Units”).
 - i. Income and area median income shall be as determined in accordance with Section 42 of the Internal Revenue Code of 1986 and associated regulations and guidance, all as may be amended from time to time, (“Section 42”) and income limits shall be adjusted for family size.
 - ii. Prior to initial occupancy and at least annually, the Developer shall verify that the income, based on the then current income, of each household occupying a Low Income Unit in the Development does not exceed the Applicable Income Limit (the “Determination”).
 - iii. A Low Income Unit occupied by a household, who at the commencement of occupancy, met the Applicable Income Limit shall continue to be treated as occupied by a qualified resident even though the household’s income may exceed the Applicable Income Limit, adjusted for family size, at the time of the most recent Determination, if after such Determination, but before the next Determination, any unit in the Development of comparable size is occupied by a new household whose income does not exceed the Applicable Income Limit.

- iv. After initial occupancy but upon again becoming vacant, a Low Income Unit shall be treated as occupied by a household meeting the Applicable Income Limit until occupied (other than occupancy by another resident for a temporary period not to exceed 31 days), at which time the character of the unit shall be re-determined in light of the new resident's income.
- d. **Rent Restrictions.** For the Qualified Project Period, the Low Income Units shall be rent-restricted. A unit is rent-restricted if the gross monthly rent does not exceed one-twelfth ($1/12^{\text{th}}$) of thirty percent (30%) of the imputed income limitation applicable to the unit. The imputed income limitation is the Applicable Income Limit for the unit, except the adjustment for family size shall be based, not on the actual number of occupants, but by assuming the number of occupants as follows:
 - i. For a unit without a separate bedroom, one individual.
 - ii. For a unit with one or more separate bedrooms, one and one-half individuals for each separate bedroom.

Gross monthly rent shall not include any payment under Section 8 of the United States Housing Act of 1937 and associated regulations and guidance, all as may be amended from time to time ("Section 8") but shall include any utility allowance, where applicable, taking into account such determinations under Section 8.

- e. **Discrimination Prohibited.** Developer shall not segregate or physically isolate the Low Income Units from each other and from other units in the Development and the Developer shall use its best efforts to proportionately distribute the Low Income Units among each unit size in the Development. Developer shall not refuse to rent a unit in the Development to any applicant because the applicant holds a voucher or a certificate of eligibility under Section 8.
- 4. **Compliance.** Developer agrees to furnish to City such information as City may require in a form acceptable to City, including without limitation certifications and/or verifications of occupancy and resident income, to determine Developer's compliance with the covenants set forth herein. Information deemed acceptable by Maine State Housing Authority shall be acceptable to the City.
 - 5. **Income Certifications/Leases.** Developer shall use residential lease forms acceptable to City and obtain written and signed certifications of residents in a form acceptable to City to determine the qualifications of the residents for occupancy of a Low Income Unit. Such leases or certifications shall contain clauses wherein each resident (a) certifies as to the accuracy of statements made relating to the resident's income, (b) agrees that resident income and other eligibility requirements shall be deemed substantial and material obligations of the tenancy, (c) agrees to comply all requests for information with respect thereto from Developer or City, and (d) agrees that failure to provide accurate information or refusal to comply with a request for information shall be deemed a violation of a substantial obligation of the tenancy. Developer covenants and agrees to take such action as City deems necessary to comply with the covenants herein or to correct or cure any failure of the Developer to comply with the covenants herein,

including, without limitation, the eviction of any tenant in accordance with applicable law. Lease forms which have been approved by Maine State Housing Authority shall be deemed approved by City.

6. **Real Estate Taxes.** Developer agrees that it shall pay all real estate taxes assessed on the Development during its ownership of the Development. Nothing contained in this section shall be deemed a waiver or limitation on Developer's right to seek abatement of property taxes if Developer believes the Development is over-assessed.
7. **Records.** Developer shall maintain and keep current all books, documents, plans and records concerning the Development, including, but not limited to, books and records related to compliance with the covenants contained in this Declaration. Such books, records, documents and plans shall be kept for: (a) a minimum of six (6) years after the expiration of the Qualified Project Period for those books, records, documents and plans pertaining to the rent and occupancy requirements described in Section 3 of this Declaration and the rent roll for all units in the Development; and (b) for a minimum of six (6) years after the end of the fiscal year or calendar year, as applicable, for all other books, records, documents and plans pertaining to the Development. Upon reasonable notice, City may audit and examine these books, records, documents and plans, and may inspect the buildings, grounds, equipment offices of the Development.
8. **Violation.** Developer shall immediately notify the City if Developer anticipates or discovers any noncompliance with any restriction or covenant in this Declaration, including, without limitation, noncompliance with the occupancy restrictions in Section 3 of this Declaration. Developer agrees to take such action as the City deems necessary to prevent noncompliance or to correct or cure any failure to comply with the covenants in this Declaration. In the event the Developer fails to comply with the covenants set forth herein, and fails to cure such non-compliance within any applicable cure period, the City shall be entitled to exercise any of its rights under the documents executed in connection with the AHTIF, maintain an action in law or in equity against the Developer to recover damages incurred by the City from such failure, including, without limitation, reasonable attorneys' fees and costs, and to require the Developer (through injunctive relief or specific performance) to comply with the provisions and covenants set forth herein and to immediately cure any failure to comply with the covenants set forth herein by the Developer.
9. **Indemnification.** Developer shall indemnify and hold City and its agents harmless from and against any and all claims, demands, liability, loss, cost or expense (including, but not limited to reasonable attorney's fees and other costs of litigation) which may be incurred by the City arising out of or in any way related to the Developer's breach of any of its obligations under this Declaration or any action taken by the City to enforce or exercise its rights under this Declaration as a result of such breach, except for claims arising from the gross negligence or willful acts of the City. The obligations under this section shall survive the termination or expiration of this Declaration as necessary to effectuate its provisions.

10. **Modifications.** This Declaration may be amended or modified, in whole or in part, only by written agreement of Developer and the City clearly expressing the intent to modify this Declaration.
11. **Severability.** The validity of any clause, part or provision of this Declaration shall not affect the validity of the remaining portions thereof.
12. **Successors and Assigns.** This Declaration shall be binding upon Developer's respective heirs, personal representatives, executors, administrators, successors and assigns and shall inure to the benefit of and be enforceable by City, its successors, transferees and assigns.
13. **Governing Law.** This Declaration shall be construed in accordance with and governed by the laws of the State of Maine.
14. **Notices.** Any notice or demand required or provided for in this Declaration shall be in writing and shall be deemed to have been sufficiently given for all purposes when hand-delivered or mailed by certified or registered United States mail, postage prepaid, or sent by overnight United States mail or overnight commercial delivery service to the Developer or the City at their respective addresses set forth herein, or at such other address as either of them may from time to time hereafter designate by notice given to the other as herein provided. The City shall endeavor to provide a copy of any notice to Developer simultaneously to the Limited Partners at c/o [ADD NAME OF LIMITED PARTNER] , or such other addresses as may from time to time hereafter be designated by notice given to the City as herein provided.
15. **Intercreditor.** This Declaration is subject to the terms and conditions of the Intercreditor and Subordination Agreement by and among Maine State Housing Authority, the City of Portland, Front Street Housing Redevelopment, LP, and Portland Housing Development Corporation [construction lender and any other entities providing financing will also be parties] dated _____, 2019 to be recorded in the Cumberland County Registry of Deeds herewith.

Signature page follows.

IN WITNESS WHEREOF, this Declaration has been duly executed by the Developer and City as of _____, 2019.

CITY OF PORTLAND

Witness

By: _____
Jon P. Jennings
Its City Manager

**FRONT STREET HOUSING REDEVELOPMENT,
LP**

BY: Portland Housing Development Corporation, its
General Partner

Witness

By: _____
Mark Adelson, Its President

**State of Maine
Cumberland, ss.**

_____, 2019

Personally appeared the above named Mark Adelson, President of Portland Housing Development Corporation, General Partner of Front Street Housing Redevelopment, LP, and acknowledged the foregoing instrument to be his free act and deed in his said capacity and the free act and deed of said corporation and limited partnership.

Before me,

Notary Public/Attorney-at-Law

(Print or type name)

**State of Maine
Cumberland, ss.**

_____, 2019

Personally appeared the above named Jon P. Jennings, City Manager to the City of Portland, and acknowledged the foregoing instrument to be his free act and deed in his said capacity and the free act and deed of said City of Portland.

Before me,

Notary Public/Attorney-at-Law

(Print or type name)

EXHIBIT A



BOARD OF DIRECTORS

Mark B. Adelson, President
Mariar Balow, Vice-President
Kristin Blum, Director
Faith McLean, Director
Christian MilNeil, Director
Shirley Peterson, Director
Robyn Tucker, Director
Thomas Valteau, Director

14 Baxter Boulevard
Portland, ME 04101

Office: 207-773-4753
Fax: 207-761-5886

Application for Tax Increment Financing Front Street Redevelopment

April 17, 2019

Location:

37 Front Street, Portland ME 04103 - Tax Map 166 B1 on map J9SE
63 Front Street, Portland ME 04103 - Tax Map 167 E1 on map J9NW

Summary

Front Street is currently a 50-unit Public Housing community in the East Deering neighborhood of Portland, Maine. The project was built in 1971 to relocate residents of the Bayside neighborhood as part of Portland's Urban Renewal effort and the creation of Franklin Arterial. Over 200 residential structures in Bayside, considered a blighted area, were taken by eminent domain and demolished. A portion of those families were moved to temporary housing at Front Street in Portland's East Deering neighborhood.

48 years later, this "temporary" housing was identified in Portland Housing Authority's 2015 Strategic Vision Plan as the top priority property for re-development due to deterioration of buildings, poor construction quality and structural issues with poor soils. A 2012 Physical Needs Assessment concluded that the buildings are at the end of their useful life, and PHA's Strategic Vision Plan made them a top priority among the 1,000 apartments owned by PHA. A 2016 Obsolescence Study determined that renovations would be costlier than demolition and new construction. Given the age of the property, there is some hazardous materials that will only affect demolition. This will need to be removed as part of the demolition.

PHA is applying to HUD under Section 18 Demolition and Disposition of the Housing Act of 1937 to re-develop the Front Street public housing. This will be the first time public housing will be demolished and redeveloped in Maine. Section 18 allows all residents the right to compensation for temporary relocation and PHA is striving for 100% return of current residents to the re-developed Front Street. Residents will be relocated with Tenant Protection Vouchers in private housing or will be able to move to other public housing owned by PHA. PHA has committed 50 Project-Based Vouchers in Phase 1 for returning residents, mostly with extremely low income. 20 overall units between Phase 1 and Phase 2 will be market rate with a goal of protecting existing Extremely-Low Income (ELI) families while diversifying incomes in the development and neighborhood. The balance of units will be at or below 50% and 60% of Area Median Income.

Below and attached is the affordability targeting table for the Front Street Redevelopment Project. There is a vacancy rate of less than 1% in Portland and rents increased 40% in the last five years according to the landmark report by the Portland Press Herald, *Welcome to Portland: No Vacancy*. The need for more affordable housing that is safe, decent, durable, sustainable, energy efficient and beautiful is clear.

Front Street Targeting			SEE REVISED TARGETING CHART ATTACHED					
PHASE 1			PHASE 2			TOTAL		
Unit Size	Targeting	# Units	Unit Size	Targeting	# Units	IZ units (<100% AMI)		Market units
1BR units	50% AMI	8	1BR units	50% AMI	24	32	32	17
	60% AMI	0		60% AMI	8	8	8	
	Market Rate	10		Market Rate	7	17		
2BR units	50% AMI	9	2BR units	50% AMI	4	13	13	4
	60% AMI	5		60% AMI	0	5	5	
	Market Rate	2		Market Rate	2	4		
3BR units	50% AMI	15	3BR units	50% AMI	0	15	15	
	60% AMI	3		60% AMI	0	3	3	
	Market Rate	0		Market Rate	0	0		
4BR units	50% AMI	4	4BR units	50% AMI	0	4	4	
	60% AMI	0		60% AMI	0	0		
	Market Rate	0		Market Rate	0	0		
5BR units	50% AMI	4	5BR units	50% AMI	0	4	4	
	60% AMI	0		60% AMI	0	0		
	Market Rate	0		Market Rate	0	0		
TOTAL		60	TOTAL		45	105	84	21

Households currently living at Front Street are Extremely-Low Income, (ELI), or Very-Low Income, (VLI). There are currently 49 occupied units. 35 households, (about 71%), have extremely-low incomes. Current households range in size from one-person to ten-persons. Households are predominantly between three- and six-persons. A unique feature of Front Street is its 4- and 5-bedroom units for larger families. PHA has a public housing waiting list with 1,800 families and several of those on the waiting list are looking for 4- and 5-bedroom units.

We are asking for a 75% rebate of taxes for a period of 30 years under an Affordable Housing TIF District to reduce the operations cost burden on the proposed Front Street. Attached as Exhibit A is the TIF Projection Table provided by the Economic Development office at the City of Portland at the 75% captured value.

Physical Description of the District

Front Street redevelopment is a 171,600 square foot (3.94 acre) parcel of land adjacent to Payson Park in Portland's East Deering Neighborhood. The lot includes the following parcels:

- 37 Front Street, Tax Map 166 B1 on map J9SE 100,329SF, 2.3032 ACRES
- 63 Front Street, Tax Map 167 E1 on map J9NW 71,271 SF, 1.6362 ACRES

Municipal Map Showing District Boundaries

See attached Exhibit B

Percentage of acreage suitable for residential use

100% of the acreage is zoned for, and suitable for, residential use.

Percentage of acreage blighted

None of the acreage is blighted.

Percentage in need of rehabilitation/redevelopment

100%

Physical description of district to support above

Front Street is currently a 50-unit Public Housing community in the East Deering neighborhood of Portland, Maine. The project was built in 1971 as part of Portland's Urban Renewal effort and the creation of Franklin Arterial to connect the interstate with the Downtown tourist area of the Portland peninsula. Over 200 residential structures, considered a blighted area, were taken by eminent domain and demolished in Portland's Bayside neighborhood. A portion of those families were moved to temporary housing at Front Street in Portland's East Deering neighborhood.

48 years later, this "temporary" housing was identified in Portland Housing Authority's Strategic Vision Plan of 2015 as the top priority property for re-development due to deterioration of buildings due to poor construction quality and structural issues due to poor soils. A 2012 Physical Needs Assessment concluded that the buildings are at the end of their useful life, and an Obsolescence Study in 2016 determined that renovations would be costlier than demolition and new construction.

PHA is proposing a two-phase approach to not only demolish and re-develop the existing 50 units of housing, but add an additional 55 units of mixed-income family rental housing that will be durable, beautiful and extremely energy efficient.

Zoning designation where district is located

R5 Planned Residential Unit Development (PRUD). This project is eligible for the affordable housing incentives, including density bonuses, in Division 30 of the Zoning Code.

Allowed uses in that zone

- Planned residential unit development (PRUD) consisting of horizontally or vertically attached dwelling units, or a series of such dwelling units.
- Parks, and other active and passive noncommercial recreation spaces;
- Accessory uses customarily incidental and subordinate to the location, function, and operation of principal uses
- Home Occupation

Description of municipal housing need and how it is being met by development

The rental housing crisis in Portland has been well documented by the City Planning and Housing staff. The Portland Press Herald's landmark special project, *Welcome to Portland: No Vacancy*, noted that the majority of Portland's renters cannot afford the median rent in Portland and the new supply of market-rate rental housing is not doing enough to reduce the affordability crisis in the City.

The following is from the Livable City section of the Comprehensive Plan adopted by the City in 2017:

"WHILE PORTLAND HAS WELCOMED much needed new housing construction in recent years, both the lack of sufficient housing supply and the affordability of that housing for a healthy socioeconomic cross-section of the population remain critical challenges."

Also from the 2017 Comprehensive Plan housing section:

*The City has a suite of existing tools and policies that remain important in supporting a more equitable and diverse housing supply. To supplement ongoing efforts in this area, the City Council has established a Housing Committee to recommend new housing policies, promote balanced development, and make recommendations regarding available development tools, **such as tax increment finance zones**, the Affordable Housing Revolving Loan Fund, Community Development Block Grants, HOME Program, and zoning and policy changes. The committee engaged in a robust public process throughout the spring and summer of 2016 not only to identify housing issues, but develop creative solutions. The Committee identified two main, interrelated themes: housing insecurity and lack of sufficient and suitable housing supply.*

Portland's Housing Trust Fund Plan has identified Front Street as a Priority Project.

Number of new rental units to be constructed

105

Number of existing rental units to be rehabilitated

Zero

Number of new single-family homes, including condominiums, to be constructed

Zero

Number of existing single-family homes, including condominiums, to be rehabilitated

Zero

Description of residential and non-residential uses in district and acreage of each

This 3.94 acre parcel will have residential uses and uses that are ancillary (or accessory) to affordable housing such as service providers within the Community buildings. 100% of the uses will be residential or accessory uses to the residential.

Description of accessory uses relating to residential use

In the family housing (60 units – Phase 1) There will be a community center and study center for community meeting, homework sessions, and summer lunch program for kids, shared laundry

facility, interior recycling and trash storage, and bicycle storage..

In the senior housing (45 units – Phase 2) there will also be a smaller community room, shared laundry facility, elevator, interior recycling and trash storage, and bicycle storage.

Number of affordable new rental units in district

Households currently living at Front Street are Extremely-Low Income, (ELI), or Very-Low Income, (VLI). There are currently 49 occupied units; 35 households, (about 71%), have extremely-low incomes. Current households range in size from one-person to ten-persons. Households are predominantly between three- and six-persons. A unique feature of Front Street is its 4- and 5-bedroom units for larger families. PHA has a public housing waiting list with 1,800 families and several of those on the waiting list are looking for 4- and 5-bedroom units.

PHA is applying to HUD under Section 18 Demolition and Disposition of the Housing Act of 1937 to re-develop Front Street public housing. Section 18 allows all residents the right to compensation for temporary relocation and PHA is pledging 100% Right of Return. Residents will be relocated with Tenant Protection Vouchers in private housing or will be able to move to some of the other 1,000 units of public housing owned by PHA in Portland. We are anticipating at least half of the current families will choose to return to the re-developed Front Street. PHA is pledging 50 Project Based Vouchers to the new 105-unit project. These will ensure those returning after relocation will have a subsidized unit. 21 units (20%) will be market rate with a goal of protecting existing ELI families while diversifying incomes in the development and neighborhood. The balance of units will be at or below 50% and 60% of Area Median Income.

Number of affordable single-family owner-occupied homes, including condominiums, in district

There is an adjacent homeownership townhouse development at 35 West Presumpscot Street that PHDC is pursuing that is NOT part of the proposed Affordable Housing TIF District, but will provide more diversity of incomes and unit types in the neighborhood

Total number of housing units in district

There will be a total of 105 housing units in the district.

Description of how housing and facilities in the district will be operated after completion

Front Street apartments will be a mixed-income affordable apartment community for a minimum of 90 years, with use restrictions imposed by Federal HOME funds awarded by the City of Portland as well as other funding sources. The project will be regulated by MaineHousing, the City of Portland, a to-be-determined tax credit equity investment partner, Bath Savings Bank in partner with the Federal Home Loan Bank of Boston, and HUD.

Portland Housing Authority, PHDC's parent company, has considerable property management experience including income verification and tenant eligibility, including Low Income Housing Tax Credit (LIHTC) developments.

Entity responsible for operation

Portland Housing Authority and its developer affiliate Portland Housing Development Corporation will be responsible for the overall quality of operations. Avesta Housing Management will be responsible for the day-to-day operations of the building in the initial 3 years and then will be managed by PHA.

Source of operating funds

Rental income from tenants will be the primary source of operating income allowed under MaineHousing's LIHTC program. Portland Housing Authority has also committed up to 50 Project-Based Section 8 Vouchers that will allow 50 very low-income households to pay only 30% of their monthly income as rent, with HUD contributing the balance. This is a 20-year Housing Assistance Payment contract, renewable for more 20-year terms. The project will also receive a modest amount of income from resident laundry machines and parking for market-rate units.

Description of each improvement, facility, program, or other activity that will be funded in whole or in part with tax increment revenues.

We will be building 105 new mixed income rental units. This proposed TIF District will return 75% of the captured value to the project, reducing operating expenses, allowing the project to carry the necessary debt to finance construction.

All these improvements that are part of the Front Street Re-development will be within the TIF District.

Amount and Source of other funding for the development program

Front Street Re-Development Phase 1 (Family) - Sources and Uses				Front Street Re-Development Phase 2 (Older Adults) - Sources and Uses			
Sources				Sources			
Development Fee Loan	0			Development Fee Loan	0		
MaineHousing Loan	5,837,324			MaineHousing Loan	3,426,373		
Bath AHP Loan	3,400,000			Bath AHP Loan	0		
FHLB Subsidy	500,000			MSHA Subsidy	665,000		
City Housing Trust Funds	555,000			City Housing Trust Funds	370,000		
City HOME Funds	306,104			City HOME Funds	204,070		
Net Syndication	7,230,527	812,500 Credit Allocation		Net Syndication	6,407,359	720,000 Credit Allocation	
MSHA Subsidy	300,000			Seller Note	0		
Total	18,128,955			Total	11,072,802		
Uses				Uses			
Construction	14,347,967	\$188.48 /sf Construction		Construction	7,943,250	\$180.12 /sf Construction	
Soft Costs	1,273,499			Soft Costs	1,124,536		
Finance Costs	609,250			Finance Costs	375,163		
Miscellaneous	269,180			Miscellaneous	217,280		
Acquisition	64,124			Acquisition	64,124		
Reserves	814,936			Reserves	623,449		
Developer Fee	750,000			Developer Fee	725,000		
Total	18,128,955	302,149 Gross TDC / Unit		Total	11,072,802	246,062 Gross TDC / Unit	
		282,926 Adj. TDC / unit				226,407 Adj. TDC / unit	

Timing of each planned improvement

Phase 1 (60 units of family housing that will allow all 50 families from the current Front Street public housing to return to new units) will apply to MaineHousing for LIHTC in September 2019. If awarded, this Phase will likely close on its construction loan in September 2020 and complete construction in September 2021.

Phase 2 will apply to MaineHousing for LIHTC in September 2020. Upon award, and upon completion of Phase 1 the families relocated from the Phase 1 site, as well as all the Phase 2 site families, will be able to move to the newly developed 60-unit Phase 1 community. This will occur in September 2021. Upon moving all these families to their new homes, construction will commence on Phase 2 (45 units of older adult apartments). These apartments will be ready for occupancy in September 2022.

Relocation Plan

See the attached relocation plan approved by the PHA board in 2017. PHA has performed one-on-one interviews with all current Front Street residents. These residents provided PHA with information related to where they want to live, if they want to return to Front Street, if they would like to move to another PHA public housing development in Portland, if they want to ensure their children remain in the same school district while relocated, and what transportation needs they have.

PHA has a Right of Return Policy that ensures that residents will be able to come back to the newly developed Front Street. All moving expenses are paid when residents must move away from Front Street and when they want to come back. Those that do not want to return or want to move out of State, have Uniform Relocation Act limits on relocation financial assistance.

Description of environmental controls to be applied

Phase 1 Environmental Site Assessments (ESA) and Phase 2 ESAs have been completed for the site. Soil testing has determined there was contaminated soil on the site when the City conveyed this site to Portland Housing Authority during the Urban Renewal era in 1971. The site was a former City dump.

Maine DEP has been involved in the assessments and a Voluntary Response Action Program (VRAP) plan is in place. PHA has applied to EPA for a \$500,000 grant to assist in the clean up of the soils.

The City of Portland has completed their environmental assessment and HUD has sent their approval letters to PHA for the use of Federal funds on the site. All environmental reports and other documents are available upon request.



Mary Davis <mpd@portlandmaine.gov>

Re: Front Street TIF

1 message

Jay Waterman <jwaterman@porthouse.org>
To: Mary Davis <mpd@portlandmaine.gov>

Wed, May 1, 2019 at 3:44 PM

Hi Mary,

Sorry for the delay. Here was the process:

1. MaineHousing revised their QAP to allow family projects with large numbers of bedrooms to compete in the 9% LIHTC. This happened in Spring 2019, after we were awarded \$510,174 in HOME and \$925,000 of City HTF funds in the Fall of 2018;
2. We revised our financing plan to submit one 60-unit family project as a 9% LIHTC and one 45-unit senior housing project as a 4% LIHTC. With construction costs rising rapidly in Portland in particular, we need to maximize our resources while still trying to stay within MaineHousing's absolute cost cap of \$230,000 per unit Total Development Cost.
3. This necessitated that we shift the unit mix in each phase. The homeownership shifted from Illsely Street to the Kiley parcel on Presumpscot Street
 - a. West side changed from 60 units to 45 units (with 8 homeownership units added)
 - b. East Side changed from 51 units to 60 units (with 8 homeownership units removed)
 - c. This total went from 111 to 105. A 6 unit difference.
4. Regarding related subsidy for this two-phase project, we would like to allocate a portion of the overall award of HOME and HTF to each project as follows:
 - a. \$306,104 of HOME funds (60%) and \$555,000 of HTF funds (60%) to the 60 unit family project (Phase 1)
 - b. \$204,070 of HOME funds (40%) and \$370,000 of HTF funds (40%) to the 60 unit family project (Phase 2)

Also, I apologize, but our unit mix at Front Street has changed again since I submitted the TIF application. This is based on our need to accommodate 100% Right of Return and any Fair Housing concerns.

I will send you the two new pro forma shortly.

Jay

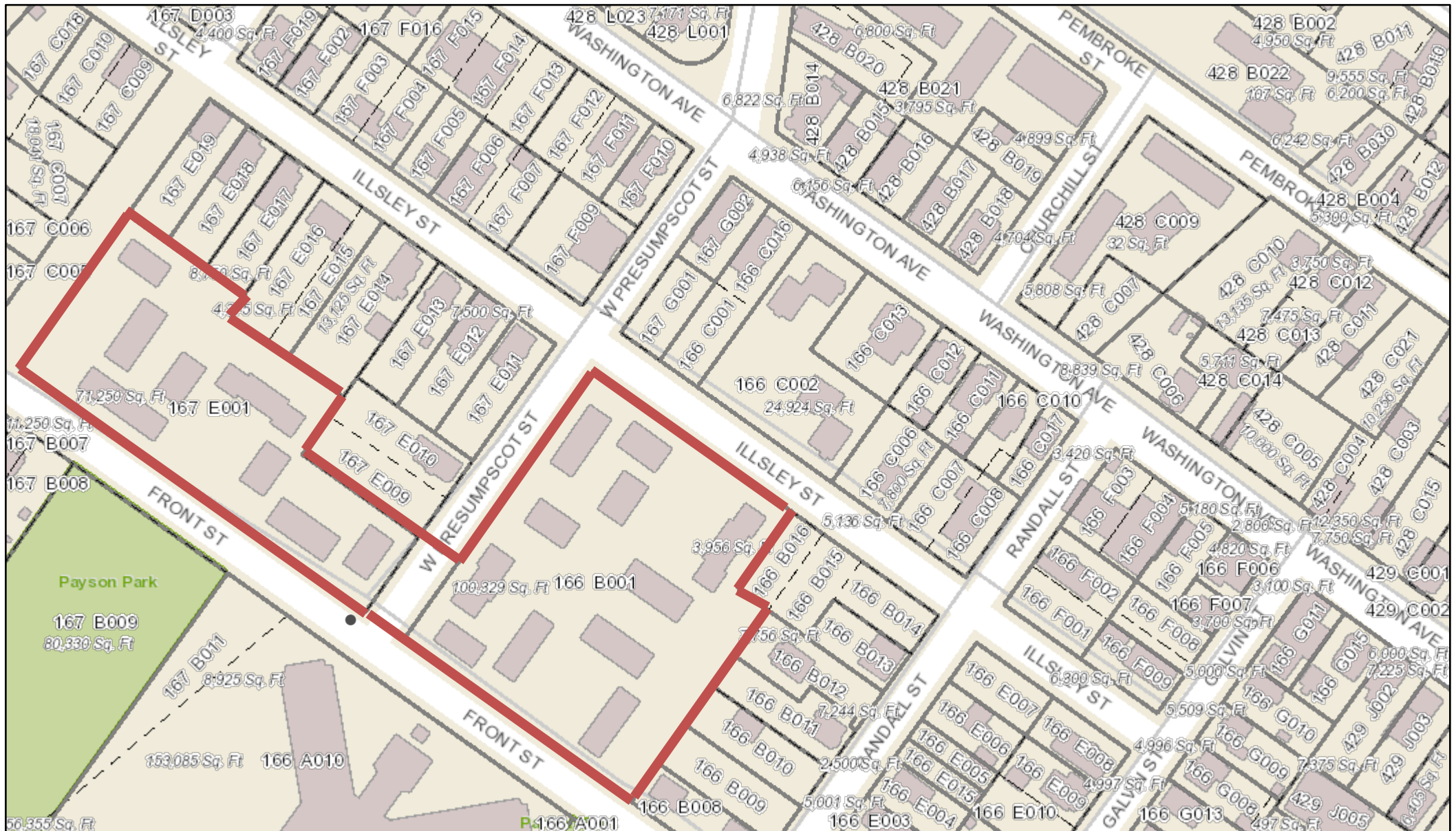
Front Street Targeting

PHASE 1			PHASE 2			TOTAL		
Unit Size	Targeting	# Units	Unit Size	Targeting	# Units		IZ units (<100% AMI)	Market units
0BR units	50% AMI	2	0BR units	50% AMI	0	2	2	
	60% AMI	0		60% AMI	0	0		
	Market Rate	0		Market Rate	0	0		
1BR units	50% AMI	3	1BR units	50% AMI	24	27	27	
	60% AMI	0		60% AMI	8	8	8	
	Market Rate	9		Market Rate	7	16		16
2BR units	50% AMI	5	2BR units	50% AMI	4	9	9	
	60% AMI	4		60% AMI	0	4	4	
	Market Rate	3		Market Rate	2	5		5
3BR units	50% AMI	22	3BR units	50% AMI	0	22	22	
	60% AMI	0		60% AMI	0	0	0	
	Market Rate	0		Market Rate	0	0		
4BR units	50% AMI	10	4BR units	50% AMI	0	10	10	
	60% AMI	0		60% AMI	0	0		
	Market Rate	0		Market Rate	0	0		
5BR units	50% AMI	1	5BR units	50% AMI	0	1	1	
	60% AMI	1		60% AMI	0	1		
	Market Rate	0		Market Rate	0	0		
TOTAL		60	TOTAL		45	105	83	21

City of Portland - TIF Model
 165-B-001, 167-E-001
[OAV a/o 3/31/2019: \\$0](#)
 16-Apr-19

PHA FRONT STREET PROJECT - 75% Sheltered - 30 years - 75% to Developer Project Account - 25% to City General Fund										
TIF Year	Tax Year- April 1	City Fiscal Year	Increased Assessed Value Real Prop.	% of Value Captured	Captured Valuation	Projected Mill Rate	Total Projected New Taxes Captured	Captured Revenue to Business Project Account	Captured Revenue to Municipal Project Account	City Non- Captured General Fund Revenues
1	2020	2020/2021	\$8,500,000	75.00%	\$6,375,000	23.42	\$149,303	\$149,303	\$0	\$49,768
2	2021	2021/2022	\$8,500,000	75.00%	\$6,375,000	23.89	\$152,289	\$152,289	\$0	\$50,763
3	2022	2022/2023	\$8,500,000	75.00%	\$6,375,000	24.37	\$155,334	\$155,334	\$0	\$51,778
4	2023	2023/2024	\$8,500,000	75.00%	\$6,375,000	24.85	\$158,441	\$158,441	\$0	\$52,814
5	2024	2024/2025	\$8,500,000	75.00%	\$6,375,000	25.35	\$161,610	\$161,610	\$0	\$53,870
6	2025	2025/2026	\$8,500,000	75.00%	\$6,375,000	25.86	\$164,842	\$164,842	\$0	\$54,947
7	2026	2026/2027	\$8,500,000	75.00%	\$6,375,000	26.37	\$168,139	\$168,139	\$0	\$56,046
8	2027	2027/2028	\$8,500,000	75.00%	\$6,375,000	26.90	\$171,502	\$171,502	\$0	\$57,167
9	2028	2028/2029	\$8,500,000	75.00%	\$6,375,000	27.44	\$174,932	\$174,932	\$0	\$58,311
10	2029	2029/2030	\$8,500,000	75.00%	\$6,375,000	27.99	\$178,430	\$178,430	\$0	\$59,477
11	2030	2030/2031	\$8,500,000	75.00%	\$6,375,000	28.55	\$181,999	\$181,999	\$0	\$60,666
12	2031	2031/2032	\$8,500,000	75.00%	\$6,375,000	29.12	\$185,639	\$185,639	\$0	\$61,880
13	2032	2032/2033	\$8,500,000	75.00%	\$6,375,000	29.70	\$189,352	\$189,352	\$0	\$63,117
14	2033	2033/2034	\$8,500,000	75.00%	\$6,375,000	30.30	\$193,139	\$193,139	\$0	\$64,380
15	2034	2034/2035	\$8,500,000	75.00%	\$6,375,000	30.90	\$197,001	\$197,001	\$0	\$65,667
16	2035	2035/2036	\$8,500,000	75.00%	\$6,375,000	31.52	\$200,942	\$200,942	\$0	\$66,981
17	2036	2036/2037	\$8,500,000	75.00%	\$6,375,000	32.15	\$204,960	\$204,960	\$0	\$68,320
18	2037	2037/2038	\$8,500,000	75.00%	\$6,375,000	32.79	\$209,060	\$209,060	\$0	\$69,687
19	2038	2038/2039	\$8,500,000	75.00%	\$6,375,000	33.45	\$213,241	\$213,241	\$0	\$71,080
20	2039	2039/2040	\$8,500,000	75.00%	\$6,375,000	34.12	\$217,506	\$217,506	\$0	\$72,502
21	2040	2040/2041	\$8,500,000	75.00%	\$6,375,000	34.80	\$221,856	\$221,856	\$0	\$73,952
22	2041	2041/2042	\$8,500,000	75.00%	\$6,375,000	35.50	\$226,293	\$226,293	\$0	\$75,431
23	2042	2042/2043	\$8,500,000	75.00%	\$6,375,000	36.21	\$230,819	\$230,819	\$0	\$76,940
24	2043	2043/2044	\$8,500,000	75.00%	\$6,375,000	36.93	\$235,435	\$235,435	\$0	\$78,478
25	2044	2044/2045	\$8,500,000	75.00%	\$6,375,000	37.67	\$240,144	\$240,144	\$0	\$80,048
26	2045	2045/2046	\$8,500,000	75.00%	\$6,375,000	38.42	\$244,947	\$244,947	\$0	\$81,649
27	2046	2046/2047	\$8,500,000	75.00%	\$6,375,000	39.19	\$249,846	\$249,846	\$0	\$83,282
28	2047	2047/2048	\$8,500,000	75.00%	\$6,375,000	39.98	\$254,842	\$254,842	\$0	\$84,947
29	2048	2048/2049	\$8,500,000	75.00%	\$6,375,000	40.77	\$259,939	\$259,939	\$0	\$86,646
30	2049	2049/2050	\$8,500,000	75.00%	\$6,375,000	41.59	\$265,138	\$265,138	\$0	\$88,379
30 Year TIF Total			\$255,000,000		\$191,250,000		\$6,056,916	\$6,056,916	\$0	\$2,018,972
30-Year Average:							\$201,897	\$201,897		\$67,299

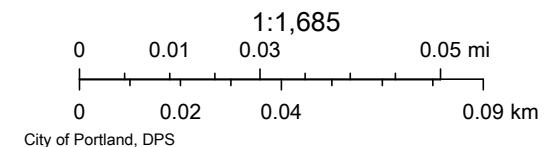
Tax Shifts-Avoided Formula Impacts from Sheltering of Valuation: City of Portland- TIF Model								
PHA FRONT STREET PROJECT - 75% Sheltered - 30 years - 75% to Developer Project Account - 25% to City General Fund								
TIF Year	Tax Year- April 1	City Fiscal Year	Total Added Valuation	Sheltered Valuation	Avoided Formula Impacts from Sheltering of Valuation			
					Avoided Loss of State Aid to for Education	Avoided Loss of State Municipal Revenue Sharing	Avoided Increase in County Tax	Total Avoided Impacts
1	2020	2020/2021	\$8,500,000	\$6,375,000	\$0	\$3,730	\$3,520	\$7,249
2	2021	2021/2022	\$8,500,000	\$6,375,000	\$0	\$3,730	\$3,520	\$7,249
3	2022	2022/2023	\$8,500,000	\$6,375,000	\$0	\$3,730	\$3,520	\$7,249
4	2023	2023/2024	\$8,500,000	\$6,375,000	\$18,084	\$3,730	\$3,520	\$25,333
5	2024	2024/2025	\$8,500,000	\$6,375,000	\$36,168	\$3,730	\$3,520	\$43,417
6	2025	2025/2026	\$8,500,000	\$6,375,000	\$54,251	\$3,730	\$3,520	\$61,501
7	2026	2026/2027	\$8,500,000	\$6,375,000	\$54,251	\$3,730	\$3,520	\$61,501
8	2027	2027/2028	\$8,500,000	\$6,375,000	\$54,251	\$3,730	\$3,520	\$61,501
9	2028	2028/2029	\$8,500,000	\$6,375,000	\$54,251	\$3,730	\$3,520	\$61,501
10	2029	2029/2030	\$8,500,000	\$6,375,000	\$54,251	\$3,730	\$3,520	\$61,501
11	2030	2030/2031	\$8,500,000	\$6,375,000	\$54,251	\$3,730	\$3,520	\$61,501
12	2031	2031/2032	\$8,500,000	\$6,375,000	\$54,251	\$3,730	\$3,520	\$61,501
13	2032	2032/2033	\$8,500,000	\$6,375,000	\$54,251	\$3,730	\$3,520	\$61,501
14	2033	2033/2034	\$8,500,000	\$6,375,000	\$54,251	\$3,730	\$3,520	\$61,501
15	2034	2034/2035	\$8,500,000	\$6,375,000	\$54,251	\$3,730	\$3,520	\$61,501
16	2035	2035/2036	\$8,500,000	\$6,375,000	\$54,251	\$3,730	\$3,520	\$61,501
17	2036	2036/2037	\$8,500,000	\$6,375,000	\$54,251	\$3,730	\$3,520	\$61,501
18	2037	2037/2038	\$8,500,000	\$6,375,000	\$54,251	\$3,730	\$3,520	\$61,501
19	2038	2038/2039	\$8,500,000	\$6,375,000	\$54,251	\$3,730	\$3,520	\$61,501
20	2039	2039/2040	\$8,500,000	\$6,375,000	\$54,251	\$3,730	\$3,520	\$61,501
21	2040	2040/2041	\$8,500,000	\$6,375,000	\$54,251	\$3,730	\$3,520	\$61,501
22	2041	2041/2042	\$8,500,000	\$6,375,000	\$54,251	\$3,730	\$3,520	\$61,501
23	2042	2042/2043	\$8,500,000	\$6,375,000	\$54,251	\$3,730	\$3,520	\$61,501
24	2043	2043/2044	\$8,500,000	\$6,375,000	\$54,251	\$3,730	\$3,520	\$61,501
25	2044	2044/2045	\$8,500,000	\$6,375,000	\$54,251	\$3,730	\$3,520	\$61,501
26	2045	2045/2046	\$8,500,000	\$6,375,000	\$54,251	\$3,730	\$3,520	\$61,501
27	2046	2046/2047	\$8,500,000	\$6,375,000	\$54,251	\$3,730	\$3,520	\$61,501
28	2047	2047/2048	\$8,500,000	\$6,375,000	\$54,251	\$3,730	\$3,520	\$61,501
29	2048	2048/2049	\$8,500,000	\$6,375,000	\$54,251	\$3,730	\$3,520	\$61,501
30	2049	2049/2050	\$8,500,000	\$6,375,000	\$54,251	\$3,730	\$3,520	\$61,501
30 Year TIF Total			\$255,000,000	\$191,250,000	\$1,410,533	\$111,894	\$105,588	\$1,628,015
30 Year Average			\$8,500,000	\$6,375,000	\$47,018	\$3,730	\$3,520	\$54,267

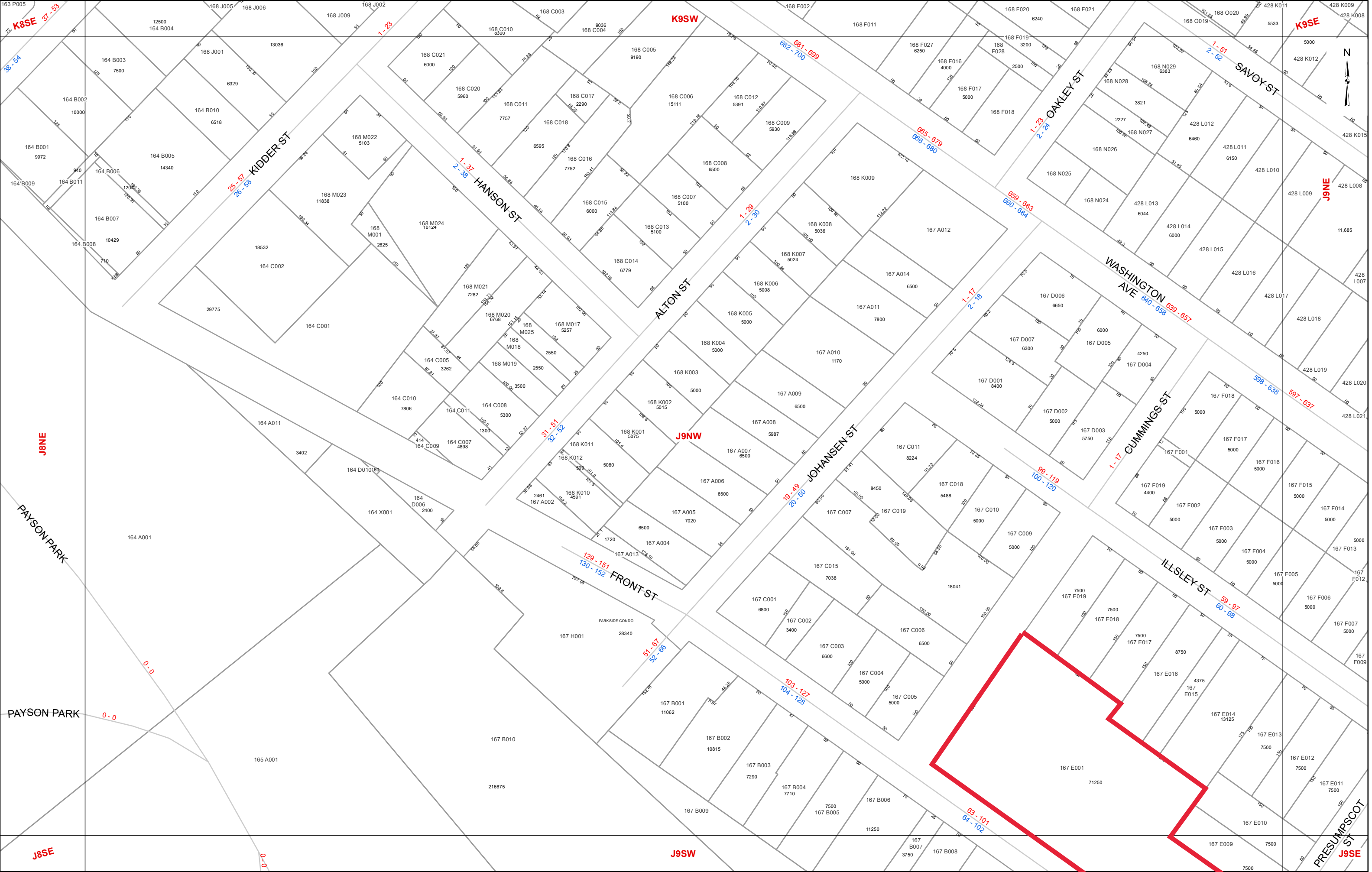


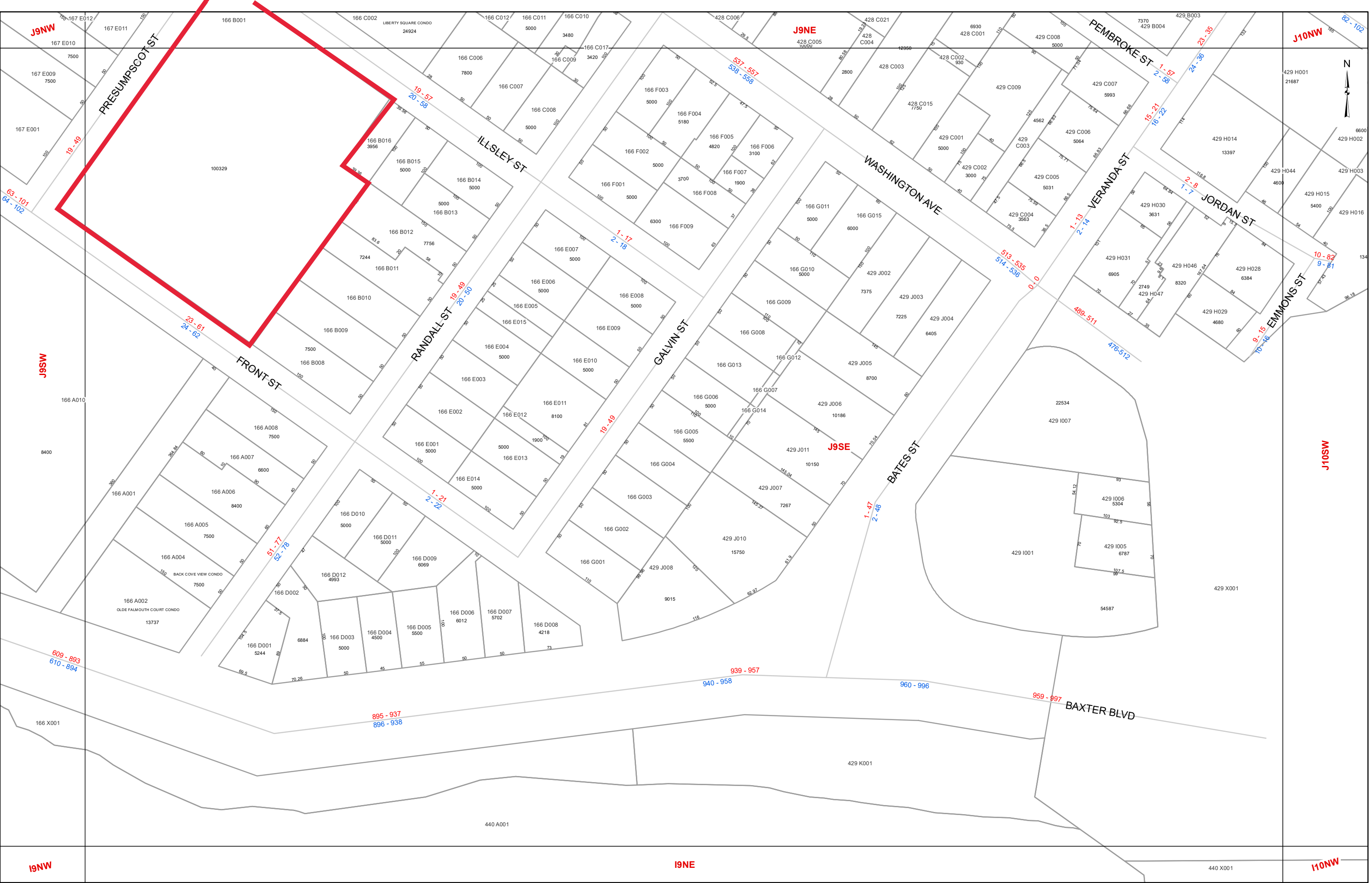
5/13/2019, 10:08:04 AM

— Override 1

Front Street TIF District Map







PROJECT NAME: **Front Street Re-Development Family**
 LOCATION: **Portland ME**

Date: 05/15/19

DEVELOPMENT ASSUMPTIONS					
Total Units		60	Inflation Adjustments	Yr 1-5	Yr. 6-15
# @ 40% AMI	0.0%	0	Rent	2.00%	2.00%
# @ 50% AMI (PBV Low HOME)	66.7%	40	Operating Expense	3.00%	3.00%
# @ 50% AMI (LIHTC)	5.0%	3	Other Income	2.00%	2.00%
# @ 60% AMI (High HOME)	0.0%	0	Debt Coverage Ratio	1.15	
# @ 60% AMI (LIHTC)	8.3%	5	Vacancy	5%	
# @ Market	20.0%	12			
Appraised Market Value	100.0%	14,125,910	Market Value/Unit	\$235,432	

LIHTC Alloc.	812,500
Equity yield	0.89
Synd. %	99.99%
Equity Raise	7,230,527

Historic Credit FED	0
Equity yield	0.95
Synd. %	99.99%
Equity Raise	0

Historic Credit STATE	0
Equity yield	0.88
Synd. %	99.99%
Equity Raise	0

Total Equity:	7,230,527
---------------	-----------

Gross Square Footage	76,000
Construction Cost/Sq ft.	\$181.20

Pro Forma Development Budget				
	Residential	Per Unit	Commercial	Total
Site Improvements	1,177,030	19,617		1,177,030
Construction	11,906,828	198,447		11,906,828
Demolition	0	0		0
Builder Overhead	495,000	8,250		495,000
Builder Profit	0	0		0
Bond Premium	192,700	3,212		192,700
Construction Contingency	5% 688,578	11,476		688,578
Subtotal Construction Costs	14,460,136	241,002	0	14,460,136
Building Permits and Fees	250,480	4,175		250,480
Survey & Engineering	103,900	1,732		103,900
Architectural & Design	745,000	12,417		745,000
Legal	78,000	1,300		78,000
Title & Recording	15,000	250		15,000
Accounting	8,000	133		8,000
Construction Period Tax	6,000	100		6,000
Construction Period Insurance	30,000	500		30,000
Soft Cost Contingency	38,000	633		38,000
Subtotal Soft Costs	1,274,380	21,240	0	1,274,380
Construction Loan Origination Fees	8,500	142		8,500
Construction Loan Interest	572,000	9,533		572,000
Constr Partic. Fee/Perm Loan Fee	122,000	2,033		122,000
Lend Inspec, Const legal, Letter of Credit	28,750	479		28,750
Subtotal Finance Costs	731,250	12,188	0	731,250
Market Survey	5,200	87		5,200
Appraisal	6,000	100		6,000
Environmental Study	13,500	225		13,500
LIHTC Fees/ prepd monitor	113,400	1,890		113,400
Commissioning	47,080	785		47,080
FF&E	84,000	1,400		84,000
Subtotal Miscellaneous	269,180	4,486	0	269,180
Acquisition: Buildings	0	0		0
Acquisition: Land	64,124	1,069		64,124
Acquisition: Legal	0	0		0
Subtotal Acquisition	64,124	1,069	0	64,124
Operating Deficit Escrow	588,000	9,800		588,000
Pre-funded Replacements	125,945	2,099		125,945
Tax & Insurance Escrow	90,059	1,501		90,059
Working Capital / Relocation	0	0		0
GP Contribution	0	0		0
Developer Overhead	500,000	8,333		500,000
Developer Profit	250,000	4,167		250,000
Rent-up & Marketing	50,000	833		50,000
Subtotal Fee and Reserves	1,604,004	26,733	0	1,604,004
Total Project Costs	18,403,074	306,718	0	18,403,074
Total Development Costs (MSHA)	17,211,674	286,861		
Total Development Cost (MSHA) Index		228,496		

Front Street Re-Development - Sources and Uses		
Sources		
Development Fee Loan	0	
Maine Housing Loan	6,111,443	
Bath AHP Loan	3,400,000	
FHLB Subsidy	500,000	
City Housing Trust Funds	555,000	
City HOME Funds	306,104	
Net Syndication	7,230,527	812,500 Credit Allocation
MSHA Subsidy	300,000	
Total	18,403,074	
Uses		
Construction	14,460,136	\$181.20 /sf Construction
Soft Costs	1,274,380	
Finance Costs	731,250	
Miscellaneous	269,180	
Acquisition	64,124	
Reserves	854,004	
Developer Fee	750,000	
Total	18,403,074	306,718 Gross TDC / Unit
		286,861 Adj. TDC / unit
Changes to this pro forma version		
used 4/26/19 new unit mix based on PM input and fair housing		
up to 60 units		
increased construction costs closer to cap to give more cost buffer		
increased AHP Advance rate to 6.5%		
Used assessor values for taxes and TIF		

MAXIMUM DEVELOPER FEE AVAILABLE	2,644,755
ACTUAL DEVELOPER FEE	750,000
% OF MAXIMUM DEVELOPER FEE	28.4%
NET DEVELOPER FEE COLLECTED	750,000
% OF MAXIMUM DEVELOPER FEE	28.4%

FLOW OF FUNDS									
Sources	CLC 10/15/19	1/13/20	During Construction			PLC 12/13/20	2019	2020	Total
			4/12/20	7/11/20	10/9/20				
Beginning Cash	0	0	300,000	0	0	0	0	0	0
Capital Contribution	723,053		723,053	1,807,632		3,615,263	180,763	180,763	7,230,527
Construction Loan	860,949	3,258,629	2,735,576	1,950,997	3,808,629				12,614,780
GP Bridge Loan									0
MaineHousing Subsidy		300,000							300,000
Other AHP Loan	0					0			0
MaineHousing Loan						6,111,443			6,111,443
Conventional First Mortgage									0
Bath AHP Loan						3,400,000			3,400,000
PHDC Loan									0
City Housing Trust Fund	277,500					277,500			555,000
City FedHOME	153,062		0			153,062			306,104
Bath AHP Subsidy	0	500,000							500,000
Development Fee Loan						0			0
TOTAL SOURCES	2,014,554	4,058,629	3,758,629	3,758,629	3,808,629	13,557,258	180,763	180,763	31,017,854
Uses									
Acquisition	64,124								64,124
Construction		3,615,034	3,615,034	3,615,034	3,615,034				14,460,136
Soft Costs	700,000	143,595	143,595	143,595	143,595	0			1,274,380
Financing Costs	731,250					0			731,250
Miscellaneous	269,180					0			269,180
Dev Fee	250,000					138,474	180,763	180,763	750,000
Reserves					50,000	804,004			854,004
TOTAL DEV. COSTS	2,014,554	3,758,629	3,758,629	3,758,629	3,808,629	942,478	180,763	180,763	18,403,074
Repay GP Bridge Loan						0			0
Repay Construction Loan						12,614,780			12,614,780
Other Syndication Costs	0								0
SUBTOTAL OTHER ITEMS	0	0	0	0	0	12,614,780	0	0	12,614,780
TOTAL USES OF FUNDS	2,014,554	3,758,629	3,758,629	3,758,629	3,808,629	13,557,258	180,763	180,763	31,017,854
Ending Cash	0	300,000	0	0	0	0	0	0	0

Total loan \$13MM incl. \$600k City LC

CLC
PLC
8609
Stabilized

PROJECT FINANCING							
Source	Amount	Rate	Term	Lien	Annual D/S		
					Yr. 1-5	Yr. 6-15	Yr. 16-30
Source 1	Other AHP Loan	0	0.00%	30	First	0	0
Source 2	MaineHousing Loan	6,111,443	6.00%	40	First	366,687	366,687
Source 3	Bath AHP Loan	3,400,000	6.50%	30	First	257,884	257,884
Source 4	PHDC Loan	0	0.00%	30		0	0
Source 5	City Housing Trust Fund	555,000	0.00%	30		0	0
Source 6	MaineHousing Subsidy	300,000	0.00%	30		0	0
Source 7	City FedHOME	306,104	0.00%	30	Third	0	0
Source 8	Bath AHP Subsidy	500,000	0.00%	30	Third	0	0
Source 9	Development Fee Loan	0	0.00%		cash flow	0	0
Source 10	Net Syndication	7,230,527	\$0.89				
	Capitalization Gap	0					
	Total	18,403,074					

COLLATERAL COVERAGE		
	Total	Per Unit
Projected Mortgage	6,111,443	101,857
Appraised Market Value	14,125,910	235,432
Loan to Value Ratio	43%	
Market Rent Differential	413,436	574
Subsidy per Low Income Unit		0

[LIHTC rents as of Sept 2018 NOVOCO; PBVs 110% 5/1/2018 FMRs; Mkt rents Per TSG Market Study Jan. 2019 (95% of Mkt used)]

PROPOSED RENT SCHEDULE									
Type	AMI	# Units	Rents from Applicant	Program Max Rents	Gross Rent	Market Rent	Utility Allow.	Total Rent	PBV Overhang
0BR	40% LIHTC	0				\$1,000	0	0	7176
	50% LIHTC PBV	0	788	788	788	\$1,000	0	0	
	50% LIHTC	2	788	788	788	\$1,000	0	18,912	
	60% HOME	0				\$1,000	0	0	
	60% LIHTC	0	946	946	946	\$1,000	0	0	
	Market	0	\$900	\$900	900	\$1,000	0	0	
1BR	40% LIHTC	0				\$1,430	0	0	7992
	50% LIHTC PBV	2	845	845	845	\$1,430	0	20,280	
	50% LIHTC	1	845	845	845	\$1,430	0	10,140	
	60% HOME	0				\$1,430	0	0	
	60% LIHTC	0	1014	1014	1,014	\$1,430	0	0	
	Market	9	\$1,359	\$1,359	1,359	\$1,430	0	146,718	
2BR	40% LIHTC	0				\$1,830	0	0	30,720
	50% HOME	0				\$1,830	0	0	
	50% LIHTC PBV	5	1013	1013	1013	\$1,830	0	60,780	
	50% LIHTC	0	1013	1013	1,013	\$1,830	0	0	
	60% LIHTC	4	1216	1216	1216	\$1,830	0	58,368	
	Market	3	\$1,739	\$1,739	1,739	\$1,830	0	62,586	
3BR	40% LIHTC	0				\$2,025	0	0	198,726
	50% LIHTC	0	1171	1171	1,171	\$2,025	0	0	
	50% LIHTC PBV	22	1171	1171	1171	\$2,025	0	309,144	
	High HOME	0				\$2,025	0	0	
	60% LIHTC	0	1,406	1,406	1,406	\$2,025	0	0	
	Market	0	\$1,924	\$1,924	1,924	\$2,025	0	0	
4BR	50% LIHTC	0	1307	1307	1,307	\$2,220	0	0	96,240
	50% LIHTC PBV	10	1307	1307	1,307	\$2,220	0	156,840	
	60% HOME	0				\$2,220	0	0	
	60% LIHTC	0	1569	1569	1,569	\$2,220	0	0	
	Market	0	\$2,109	\$2,109	2,109	\$2,220	0	0	
5BR	50% LIHTC	0	\$1,442	\$1,442	\$1,442	\$2,465	0	0	10797
	50% LIHTC PBV	1	\$1,442	\$1,442	\$1,442	\$2,465	0	17,304	
	60% HOME	0				\$2,465	0	0	
	60% LIHTC	1	\$1,731	\$1,731	\$1,731	\$2,465	0	20,772	
	Market	0	\$2,342	\$2,342	\$2,342			0	
	Other:							0	
Subtotals		60						881,844	
# PBVs		40						-61,316	
			Vacancy Rate	5%				344,475	
			Other Income	PBV-HAP Diff.				3,000	
			Other Income	Laundry				10,080	
			Other Income	Parking				91,338	
			Other Income	75% TIF				1,269,421	
			Effective Gross Income						

AFFORDABLE MORTGAGE CALCULATION				
Effective Gross Income		1,269,421	10% of Gross Income	\$88,184
Annual Operating Expense		552,784		
Stabilized NOI		716,637		
DSC	1.15	93,474		
\$ Avail for D/S		623,162		
Other DS		366,687		
Balance		256,476		
Affordable Mortgage	6.00%	3,884,489		

BREAKEVEN ANALYSIS:		RENT SENSITIVITY	OCCUPANCY
		Total	Annual
Operating Expense		552,784	Gross Revenues 1,229,319
Debt Service		624,570	
Breakeven Rent		1,635	Breakeven Occupancy 96%

OPERATING EXPENSES		
	Residential Annual	Annual Per Unit
Expense		
Administrative Expenses:		
Management Fees	58,250	971
Management Charges	58,250	971
Marketing Expenses	500	8
Legal Expenses	4,000	67
Auditing Expenses	7,500	125
Other Administrative Expenses	0	0
Administrative Expenses	128,500	2,142
Operating Expenses:		
Janitorial Payroll	0	0
Janitorial Supplies and Equipment	0	0
Janitorial Contractual Services	19,000	317
Natural Gas Heat & HW	35,000	583
Electricity	30,000	500
Water and Sewer	37,000	617
Garbage and Trash Removal	12,000	200
Vehicle and Equipment Expenses	0	0
Other Operating Expenses	0	0
Operating Expenses	133,000	2,217
Maintenance Expenses:		
Grounds Maintenance Payroll	0	0
Grounds Tools and Supplies	0	0
Grounds Contractual Services	14,000	233
Miscellaneous Ground Maintenance	0	0
Tenant Damage Charges - Grounds	0	0
Building Maintenance Payroll	0	0
Building Tools and Supplies	7,500	125
Building Contractual Services	35,000	583
Building Systems Maintenance	40,000	667
Miscellaneous Building Maintenance	500	8
Tenant Damage Charges - Building	0	0
Maintenance Expenses	97,000	1,617
General Expenses:		
Property Taxes	121,784	2,030
Property and Liability Insurance	25,000	417
Tenant Computer Network Expense	2,500	42
Tenant Service Expenses	18,000	300
General Expenses	167,284	2,788
Replacement Reserve Funding	27,000	450
Commercial Expenses (if applicable)	0	0
Total	552,784	9,213
Operating Cost per unit without Replacement Reserve		8,763
Social Service Multi-Use Space portion of rent	0	

0 check versus OPEX;

PROFORMA OPERATING INCOME AND EXPENSE STATEMENT

	0 Months												
	PLC	12/13/20	0 12/31/20	12 12/31/21	24 12/31/22	36 12/31/23	48 12/31/24	60 12/31/25	72 12/31/26	84 12/31/27	96 12/31/28	108 12/31/29	120 12/31/30
Effective Gross Income			0	1,294,809	1,320,706	1,347,120	1,374,062	1,401,543	1,429,574	1,458,166	1,487,329	1,517,075	1,547,417
Less Operating Expense			0	569,368	586,449	604,042	622,163	640,828	660,053	679,855	700,250	721,258	742,896
Net Operating Income			0	725,442	734,257	743,077	751,899	760,715	769,521	778,311	787,079	795,818	804,521
Less RLP Repay			0	366,687	366,687	366,687	366,687	366,687	366,687	366,687	366,687	366,687	366,687
Less Other Repay			0	257,884	257,884	257,884	257,884	257,884	257,884	257,884	257,884	257,884	257,884
Cash Flow			0	100,871	109,687	118,507	127,328	136,145	144,951	153,741	162,508	171,247	179,951
Cash Flow per Unit			#DIV/0!	1,681	1,828	1,975	2,122	2,269	2,416	2,562	2,708	2,854	2,999
Debt Coverage Ratio(RLP)			0.00	1.16	1.18	1.19	1.20	1.22	1.23	1.25	1.26	1.27	1.29
Other AHP Loan		0	0	0	0	0	0	0	0	0	0	0	0
MaineHousing Loan	6,111,443	#NUM!	#NUM!	6,073,588	6,033,398	5,990,729	5,945,429	5,897,334	5,846,273	5,792,063	5,734,509	5,673,406	5,608,534
Principal Balance(RLP)	6,111,443	#NUM!	#NUM!	6,073,588	6,033,398	5,990,729	5,945,429	5,897,334	5,846,273	5,792,063	5,734,509	5,673,406	5,608,534
Operating Reserve Balance	588,000	617,400	617,400	648,270	680,684	714,718	750,454	787,976	827,375	868,744	912,181	957,790	1,005,680

Total Cash Flow
Projected over 12 Yrs
1,790,773

	Yr 15											
		12/31/31	12/31/32	12/31/33	12/31/34	12/31/35	12/31/36	12/31/37	12/31/38	12/31/39	12/31/40	12/31/41
Effective Gross Income		1,578,365	1,609,933	1,642,131	1,674,974	1,708,473	1,742,643	1,777,496	1,813,046	1,849,307	1,886,293	1,924,019
Less Operating Expense		765,182	788,138	811,782	836,136	861,220	887,056	913,668	941,078	969,310	998,390	1,028,341
Net Operating Income		813,183	821,795	830,349	838,838	847,254	855,587	863,828	871,968	879,996	887,903	895,677
Less RLP Repay		366,687	366,687	366,687	366,687	366,687	366,687	366,687	366,687	366,687	366,687	366,687
Less Other Repay		257,884	257,884	257,884	257,884	257,884	257,884	257,884	257,884	257,884	257,884	257,884
Cash Flow		188,613	197,224	205,779	214,268	222,683	231,016	239,257	247,397	255,426	263,333	271,107
Cash Flow per Unit		3,144	3,287	3,430	3,571	3,711	3,850	3,988	4,123	4,257	4,389	4,518
Debt Coverage Ratio(RLP)		1.30	1.32	1.33	1.34	1.36	1.37	1.38	1.40	1.41	1.42	1.43
Other AHP Loan	0	0	0	0	0	0	0	0	0	0	0	0
MaineHousing Loan	5,608,534	5,539,660	5,466,539	5,388,907	5,306,488	5,218,985	5,126,085	5,027,455	4,922,742	4,811,570	4,693,542	4,568,234
Principal Balance(RLP)	5,608,534	5,539,660	5,466,539	5,388,907	5,306,488	5,218,985	5,126,085	5,027,455	4,922,742	4,811,570	4,693,542	4,568,234
Operating Reserve Balance	1,005,680	1,055,964	1,108,762	1,164,200	1,222,410	1,283,530	1,347,707	1,415,092	1,485,847	1,560,139	1,638,146	1,720,053

		12/31/42	12/31/43	12/31/44	12/31/45	12/31/46	12/31/47	12/31/48	12/31/49	12/30/50
Effective Gross Income		1,962,499	2,001,749	2,041,784	2,082,620	2,124,272	2,166,757	2,210,093	2,254,294	2,299,380
Less Operating Expense		1,059,192	1,090,967	1,123,696	1,157,407	1,192,129	1,227,893	1,264,730	1,302,672	1,341,752
Net Operating Income		903,307	910,782	918,088	925,212	932,143	938,864	945,362	951,622	957,628
Less RLP Repay		366,687	366,687	366,687	366,687	366,687	366,687	366,687	366,687	366,687
Less Other Repay		257,884	257,884	257,884	257,884	257,884	257,884	257,884	257,884	257,884
Cash Flow		278,737	286,211	293,517	300,642	307,572	314,294	320,792	327,052	333,058
Cash Flow per Unit		4,646	4,770	4,892	5,011	5,126	5,238	5,347	5,451	5,551
Debt Coverage Ratio(RLP)		1.45	1.46	1.47	1.48	1.49	1.50	1.51	1.52	1.53
Other AHP Loan	0	0	0	0	0	0	0	0	0	0
MaineHousing Loan	4,568,234	4,435,197	4,293,955	4,144,001	3,984,798	3,815,776	3,636,330	3,445,815	3,243,550	3,028,809
Principal Balance(RLP)	4,568,234	4,435,197	4,293,955	4,144,001	3,984,798	3,815,776	3,636,330	3,445,815	3,243,550	3,028,809
Operating Reserve Balance	1,720,053	1,806,056	1,896,359	1,991,177	2,090,736	2,195,272	2,305,036	2,420,288	2,541,302	2,668,367

PROJECT NAME: **Front Street Re-Development for Older Adults**
LOCATION: **Portland ME**

Date: 05/03/19

DEVELOPMENT ASSUMPTIONS					
Total Units		45	Inflation Adjustments	Yr 1-5	Yr. 6-15 Yr. 16-30
# @ 40% AMI	0.0%	0	Rent	2.00%	2.50% 3.00%
# @ 50% AMI (PBV Low HOME)	22.2%	10	Operating Expense	3.00%	3.00% 3.00%
# @ 50% AMI (LIHTC)	40.0%	18	Other Income	2.00%	2.50% 3.00%
# @ 60% AMI (High HOME)	0.0%	0	Debt Coverage Ratio	1.15	
# @ 60% AMI (LIHTC)	17.8%	8	Vacancy	5%	
# @ Market	20.0%	9			
Appraised Market Value	100.0%	4,457,182	Market Value/Unit	\$99,048	

LIHTC Alloc.	720,000
Equity yield	0.89
Synd. %	99.99%
Equity Raise	6,407,359

Historic Credit FED	0
Equity yield	0.95
Synd. %	99.99%
Equity Raise	0

Historic Credit STATE	0
Equity yield	0.88
Synd. %	99.99%
Equity Raise	0

Total Equity:	6,407,359
---------------	-----------

Gross Square Footage	42,000
Construction Cost/Sq ft.	\$180.12

Pro Forma Development Budget					
	Residential	Per Unit	Commercial		Total
Site Improvements	1,000,000	22,222			1,000,000
Construction	5,985,000	133,000			5,985,000
Demolition	0	0			0
Builder Overhead	400,000	8,889			400,000
Builder Profit	130,000	2,889			130,000
Bond Premium	50,000	1,111			50,000
Construction Contingency	5% 378,250	8,406			378,250
Subtotal Construction Costs	7,943,250	176,517	0		7,943,250
Building Permits and Fees	178,236	3,961			178,236
Survey & Engineering	94,300	2,096			94,300
Architectural & Design	695,000	15,444			695,000
Legal	68,000	1,511			68,000
Title & Recording	15,000	333			15,000
Accounting	8,000	178			8,000
Construction Period Tax	6,000	133			6,000
Construction Period Insurance	30,000	667			30,000
Soft Cost Contingency	30,000	667			30,000
Subtotal Soft Costs	1,124,536	24,990	0		1,124,536
Construction Loan Origination Fees	8,500	189			8,500
Construction Loan Interest	269,500	5,989			269,500
Constr. Partic. Fee/Perm Loan Fee	68,413	1,520			68,413
Lend Inspec. Const legal, Letter of Credit	28,750	639			28,750
Subtotal Finance Costs	375,163	8,337	0		375,163
Market Survey	5,200	116			5,200
Appraisal	6,000	133			6,000
Environmental Study	13,500	300			13,500
LIHTC Fees/ prepd monitor	94,500	2,100			94,500
Commissioning	47,080	1,046			47,080
FF&E	51,000	1,133			51,000
Subtotal Miscellaneous	217,280	4,828	0		217,280
Acquisition: Buildings	0	0			0
Acquisition: Land	30,000	667			30,000
Acquisition: Legal	0	0			0
Subtotal Acquisition	30,000	667	0		30,000
Operating Deficit Escrow	300,000	6,667			300,000
Pre-funded Replacements	65,650	1,459			65,650
Tax & Insurance Escrow	67,799	1,507			67,799
Working Capital / Relocation	140,000	3,111			140,000
GP Contribution	0	0			0
Developer Overhead	500,000	11,111			500,000
Developer Profit	225,000	5,000			225,000
Rent-up & Marketing	50,000	1,111			50,000
Subtotal Fee and Reserves	1,348,449	29,966	0		1,348,449
Total Project Costs	11,038,678	245,304	0		11,038,678
Total Development Costs (MSHA)	10,154,178	225,648			
Total Development Cost (MSHA) Index		216,799			

Front Street Re-Development - Sources and Uses			
Sources			
Development Fee Loan	0		
MaineHousing Loan	3,392,249		
Bath AHP Loan	0		
MSHA Subsidy	665,000		
City Housing Trust Funds	370,000		
City HOME Funds	204,070		
Net Syndication	6,407,359	720,000 Credit Allocation	
Seller Note	0		
Total	11,038,678		
Uses			
Construction	7,943,250	\$180.12 /sf Construction	
Soft Costs	1,124,536		
Finance Costs	375,163		
Miscellaneous	217,280		
Acquisition	30,000		
Reserves	623,449		
Developer Fee	725,000		
Total	11,038,678	245,304 Gross TDC / Unit	
		225,648 Adj. TDC / unit	
Changes to this pro forma version			
Max Credit based on max credit per LI unit			
Used assessor values for taxes and TIF			
Split EPC debt of \$64,124 between pH 1 and 2 (\$30k to this one)			

MAXIMUM DEVELOPER FEE AVAILABLE	1,545,552
ACTUAL DEVELOPER FEE	725,000
% OF MAXIMUM DEVELOPER FEE	46.9%
NET DEVELOPER FEE COLLECTED	725,000
% OF MAXIMUM DEVELOPER FEE	46.9%

FLOW OF FUNDS									
Sources	CLC 10/15/19	1/13/20	During Construction			PLC 12/13/20	2019	2020	Total
			4/12/20	7/11/20	10/9/20				
Beginning Cash	0	0	0	0	0	0	224,909	204,330	0
Capital Contribution	640,736		640,736	1,601,840		3,203,680	160,184	160,183	6,407,359
Construction Loan	575,922	1,426,947	1,451,211	490,107	2,141,947				6,086,132
GP Bridge Loan									0
MaineHousing Subsidy		665,000							665,000
Other AHP Loan	0					0			0
MaineHousing Loan						3,392,249			3,392,249
Conventional First Mortgage									0
Bath AHP Loan						0			0
PHDC Loan									0
City Housing Trust Fund	185,000					185,000			370,000
City FedHOME	102,035		0			102,035			204,070
Bath AHP Subsidy	0	0							0
Development Fee Loan						0			0
TOTAL SOURCES	1,503,693	2,091,947	2,091,947	2,091,947	2,141,947	6,882,964	385,093	364,513	17,124,810
Uses									
Acquisition	30,000								30,000
Construction		1,985,813	1,985,813	1,985,813	1,985,813				7,943,250
Soft Costs	700,000	106,134	106,134	106,134	106,134	0			1,124,536
Financing Costs	375,163					0			375,163
Miscellaneous	217,280					0			217,280
Dev Fee	181,250					138,474	180,763	224,513	725,000
Reserves					50,000	433,449			483,449
TOTAL DEV. COSTS	1,503,693	2,091,947	2,091,947	2,091,947	2,141,947	571,923	180,763	224,513	10,898,678
Repay GP Bridge Loan						0			0
Repay Construction Loan						6,086,132			6,086,132
Other Syndication Costs	0								0
SUBTOTAL OTHER ITEMS	0	0	0	0	0	6,086,132	0	0	6,086,132
TOTAL USES OF FUNDS	1,503,693	2,091,947	2,091,947	2,091,947	2,141,947	6,658,055	180,763	224,513	16,984,811
Ending Cash	0	0	0	0	0	224,909	204,330	140,000	140,000

Total loan \$7MM incl. \$600k City LOI

CLC
PLC
8609
Stabilized

PROJECT FINANCING							
Source	Amount	Rate	Term	Lien	Annual D/S		
					Yr. 1-5	Yr. 6-15	Yr. 16-30
Source 1 Other AHP Loan	0	0.00%	30	First	0	0	0
Source 2 MaineHousing Loan	3,392,249	6.00%	40	First	203,535	203,535	203,535
Source 3 Bath AHP Loan	0	5.00%	30	First	0	0	0
Source 4 PHDC Loan	0	0.00%	30		0	0	0
Source 5 City Housing Trust Fund	370,000	0.00%	30		0		
Source 6 MaineHousing Subsidy	665,000	0.00%	30		0		
Source 7 City FedHOME	204,070	0.00%	30		0	0	
Source 8 Bath AHP Subsidy	0	0.00%	30	Third		0	
Source 9 Development Fee Loan	0	0.00%		cash flow	0	0	0
Source 10 Net Syndication	6,407,359	\$0.89					
Capitalization Gap	0						
Total	11,038,678						

COLLATERAL COVERAGE		
	Total	Per Unit
Projected Mortgage	3,392,249	75,383
Appraised Market Value	4,457,182	99,048
Loan to Value Ratio	76%	
Market Rent Differential	118,554	220
Subsidy per Low Income Unit		0

[LIHTC rents as of Sept 2018 NOVOCO; PBVs 110% 5/1/2018 FMRs; Mkt rents Per TSG Market Study Jan. 2019 (95% of Mkt used)]

PROPOSED RENT SCHEDULE								
Type	AMI	# Units	Rents from Applicant	Program Max Rents	Gross Rent	Market Rent	Utility Allow.	Total Rent

1BR	40% LIHTC	0				\$1,150			
	50% LIHTC PBV	8	845	845	845	\$1,359			
	50% LIHTC	16	845	845	845	\$1,359			
	60% HOME	0				\$1,359			
	60% LIHTC	8	1014	1014	1,014	\$1,359			
39	Market	7	\$1,359	\$1,359	1,359	\$1,359			
2BR	40% LIHTC	0				\$1,830			
	50% HOME	0				\$1,830			
	50% LIHTC PBV	2	1013	1013	1013	\$1,830			
	50% LIHTC	2	1013	1013	1,013	\$1,830			
	60% LIHTC	0	1216	1216	1216	\$1,830			
6	Market	2	\$1,739	\$1,739	1,739	\$1,830			
3BR	40% LIHTC	0				\$2,025			
	50% LIHTC	0	1171	1171	1,171	\$2,025			
	50% LIHTC PBV	0	1171	1171	1171	\$2,025			
	High HOME	0				\$2,025			
	60% LIHTC	0	1,406	1,406	1,406	\$2,025			
0	Market	0	\$1,924	\$1,924	1,924	\$2,025			
4BR	50% LIHTC	0	1307	1307	1,307	\$2,220			
	50% LIHTC PBV	0	1307	1307	1,307	\$2,220			
	60% HOME	0				\$2,220			
	60% LIHTC	0	1569	1569	1,569	\$2,220			
0	Market	0	\$2,109	\$2,109	2,109	\$2,220			
5BR	50% LIHTC	0	\$1,442	\$1,442	\$1,442	\$2,465			
	50% LIHTC PBV	0	\$1,442	\$1,442	\$1,442	\$2,465			
	60% HOME	0				\$2,465			
	60% LIHTC	0	\$1,731	\$1,731	\$1,731	\$2,465			
0	Market	0	\$2,342	\$2,342	\$2,342				
Other:									
Subtotals		45						545,166	
# PBVs	10		Vacancy Rate	5%				-29,471	
			Other Income	PBV-HAP Diff.				44,256	
			Other Income	Laundry				2,250	
			Other Income	Parking				10,080	
			Other Income	75% TIF				57,949	
			Effective Gross Income					630,230	

AFFORDABLE MORTGAGE CALCULATION

Effective Gross Income	630,230	10% of Gross Income	\$54,517
Annual Operating Expense	392,209		
Stabilized NOI	238,021		
DSC	31,046	1.15	
\$ Avail for D/S	206,974		
Other DS	203,535		
Balance	3,439		
Affordable Mortgage	6.00%	52,093	

BREAKEVEN ANALYSIS:

RENT SENSITIVITY		OCCUPANCY	
	Total		Annual
Operating Expense	392,209	Gross Revenues	591,672
Debt Service	203,535		
Breakeven Rent	1,103	Breakeven Occupancy	101%

OPERATING EXPENSES

Expense	Residential Annual	Annual Per Unit
PBV Overhang	31,968	
Administrative Expenses:		
Management Fees	33,597	747
Management Charges	33,597	747
Marketing Expenses	500	11
Legal Expenses	4,000	89
Auditing Expenses	7,500	167
Other Administrative Expenses	0	0
Administrative Expenses	79,194	1,760
Operating Expenses:		
Janitorial Payroll	0	0
Janitorial Supplies and Equipment	0	0
Janitorial Contractual Services	17,500	389
Natural Gas Heat & HW	15,000	333
Electricity	37,000	822
Water and Sewer	17,000	378
Garbage and Trash Removal	8,500	189
Vehicle and Equipment Expenses	0	0
Other Operating Expenses	0	0
Operating Expenses	95,000	2,111
Maintenance Expenses:		
Grounds Maintenance Payroll	0	0
Grounds Tools and Supplies	0	0
Grounds Contractual Services	14,000	311
Miscellaneous Ground Maintenance	0	0
Tenant Damage Charges - Grounds	0	0
Building Maintenance Payroll	0	0
Building Tools and Supplies	5,500	122
Building Contractual Services	30,000	667
Building Systems Maintenance	30,000	667
Miscellaneous Building Maintenance	500	11
Tenant Damage Charges - Building	0	0
Maintenance Expenses	80,000	1,778
General Expenses:		
Property Taxes	77,265	1,717
Property and Liability Insurance	25,000	556
Tenant Computer Network Expense	2,500	56
Tenant Service Expenses	13,000	289
General Expenses	117,765	2,617
Replacement Reserve Funding	20,250	450
Commercial Expenses (if applicable)	0	0
Total	392,209	8,716
Operating Cost per unit without Replacement Reserve		8,266
Social Service Multi-Use Space portion of rent	0	

0 check versus OPEX;

PROFORMA OPERATING INCOME AND EXPENSE STATEMENT

0 Months													
	PLC	0 12/13/20	12 12/31/20	24 12/31/21	36 12/31/22	48 12/31/23	60 12/31/24	72 12/31/25	84 12/31/26	96 12/31/27	108 12/31/28	120 12/31/29	120 12/31/30
Effective Gross Income		0	642,834	655,691	668,805	682,181	695,824	713,220	731,051	749,327	768,060	787,262	787,262
Less Operating Expense		0	403,975	416,095	428,577	441,435	454,678	468,318	482,368	496,839	511,744	527,096	527,096
Net Operating Income		0	238,859	239,596	240,227	240,746	241,147	244,902	248,683	252,488	256,316	260,165	260,165
Less RLP Repay		0	203,535	203,535	203,535	203,535	203,535	203,535	203,535	203,535	203,535	203,535	203,535
Less Other Repay		0	0	0	0	0	0	0	0	0	0	0	0
Cash Flow		0	35,324	36,061	36,692	37,211	37,612	41,367	45,148	48,953	52,781	56,630	56,630
Cash Flow per Unit		#DIV/0!	785	801	815	827	836	919	1,003	1,088	1,173	1,258	1,258
Debt Coverage Ratio(RLP)		0.00	1.17	1.18	1.18	1.18	1.18	1.20	1.22	1.24	1.26	1.28	1.28
Other AHP Loan		0	0	0	0	0	0	0	0	0	0	0	0
MaineHousing Loan	3,392,249	#NUM!	3,371,237	3,348,929	3,325,245	3,300,100	3,273,405	3,245,063	3,214,972	3,183,026	3,149,110	3,113,102	3,113,102
Principal Balance(RLP)	3,392,249	#NUM!	3,371,237	3,348,929	3,325,245	3,300,100	3,273,405	3,245,063	3,214,972	3,183,026	3,149,110	3,113,102	3,113,102
Operating Reserve Balance		300,000	315,000	330,750	347,288	364,652	382,884	402,029	422,130	443,237	465,398	488,668	513,102

Total Cash Flow
Projected over 12 Yea
552,664

Yr 15												
		12/31/31	12/31/32	12/31/33	12/31/34	12/31/35	12/31/36	12/31/37	12/31/38	12/31/39	12/31/40	12/31/41
Effective Gross Income		806,943	827,117	847,795	868,989	890,714	917,436	944,959	973,307	1,002,507	1,032,582	1,063,559
Less Operating Expense		542,909	559,196	575,972	593,251	611,049	629,380	648,262	667,710	687,741	708,373	729,624
Net Operating Income		264,034	267,920	271,822	275,738	279,665	288,055	296,697	305,598	314,766	324,209	333,935
Less RLP Repay		203,535	203,535	203,535	203,535	203,535	203,535	203,535	203,535	203,535	203,535	203,535
Less Other Repay		0	0	0	0	0	0	0	0	0	0	0
Cash Flow		60,499	64,385	68,287	72,203	76,130	84,520	93,162	102,063	111,231	120,674	130,400
Cash Flow per Unit		1,344	1,431	1,517	1,605	1,692	1,878	2,070	2,268	2,472	2,682	2,898
Debt Coverage Ratio(RLP)		1.30	1.32	1.34	1.35	1.37	1.42	1.46	1.50	1.55	1.59	1.64
Other AHP Loan	0	0	0	0	0	0	0	0	0	0	0	0
MaineHousing Loan	3,113,102	3,074,872	3,034,285	2,991,195	2,945,446	2,896,877	2,845,311	2,790,565	2,732,443	2,670,735	2,605,222	2,535,667
Principal Balance(RLP)	3,113,102	3,074,872	3,034,285	2,991,195	2,945,446	2,896,877	2,845,311	2,790,565	2,732,443	2,670,735	2,605,222	2,535,667
Operating Reserve Balance	513,102	538,757	565,695	593,979	623,678	654,862	687,605	721,986	758,085	795,989	835,789	877,578

		12/31/42	12/31/43	12/31/44	12/31/45	12/31/46	12/31/47	12/31/48	12/31/49	12/30/50
Effective Gross Income		1,095,466	1,128,330	1,162,180	1,197,045	1,232,957	1,269,945	1,308,044	1,347,285	1,387,704
Less Operating Expense		751,513	774,059	797,280	821,199	845,835	871,210	897,346	924,266	951,994
Net Operating Income		343,953	354,271	364,900	375,847	387,122	398,736	410,698	423,019	435,709
Less RLP Repay		203,535	203,535	203,535	203,535	203,535	203,535	203,535	203,535	203,535
Less Other Repay		0	0	0	0	0	0	0	0	0
Cash Flow		140,418	150,736	161,365	172,312	183,587	195,201	207,163	219,484	232,174
Cash Flow per Unit		3,120	3,350	3,586	3,829	4,080	4,338	4,604	4,877	5,159
Debt Coverage Ratio(RLP)		1.69	1.74	1.79	1.85	1.90	1.96	2.02	2.08	2.14
Other AHP Loan	0	0	0	0	0	0	0	0	0	0
MaineHousing Loan	2,535,667	2,461,823	2,383,425	2,300,191	2,211,823	2,118,005	2,018,400	1,912,652	1,800,381	1,681,186
Principal Balance(RLP)	2,535,667	2,461,823	2,383,425	2,300,191	2,211,823	2,118,005	2,018,400	1,912,652	1,800,381	1,681,186
Operating Reserve Balance	877,578	921,457	967,530	1,015,906	1,066,702	1,120,037	1,176,039	1,234,841	1,296,583	1,361,412

To: Mary Davis
From: Anne Boynton
Re: Front Street TIF Underwriting
Date: 5/20/19

Phase I – 60 units Family Housing:

Recommendation: I recommend a TIF of 75% for 30 years.

Comments:

My recommendation is based on a review of both the developer's presentation of the necessity of a TIF and a review of the reasonableness of developer's operating projections.

The TIF is necessary for the project to proceed as presented by the developer. In year one, the annual value of the TIF is estimated at \$91,338 and cashflow for the project is estimated at \$100,671, with a debt service coverage of a thin but adequate 1.16. If the value of the TIF were removed from the operating budget, the debt service coverage ratio would be 1.01. The developer would not be able to secure financing with such a low debt service coverage ratio.

The developer's projections must also be reviewed to ensure the anticipated income and expense is "reasonable and customary." The developer's operating expenses, as projected, are \$525 per unit higher than the next highest recent applicant to the City, so there may be some room for operating expense savings. However, some of that differential is attributable to the higher per unit real estate taxes which are budgeted based on the information provided by the assessor's office. In addition, these are larger units (57% of units are 3, 4 or 5 bedroom units) housing large families. Higher than average utilities and maintenance is reasonable. Rental income may also have some room to move, as for 48 of the 60 units, the income projections are based on 2018 50% LIHTC rents. However, the magnitude of any potential income and expense adjustments are minor in comparison to the value, and necessity, of the TIF.

In this stage of development, it is reasonable to conclude that a TIF will be needed to move the project forward. Hence I recommend a TIF of 75% for 30 years.

Phase II: 45 units Senior Housing:

Recommendation: I recommend a TIF of 75% for 30 years.

Analysis:

The TIF is necessary for the project to proceed as presented by the developer. In year one, the annual value of the TIF is estimated at \$57,949 and cashflow for the project is estimated at \$35,324, with a debt service coverage of a thin but adequate 1.17. If the value of the TIF were removed from the operating budget, the cashflow in year one would be -\$22,625. The developer would not be able to secure financing given the negative cashflow.

The developer's projections must also be reviewed to ensure the anticipated income and expense is "reasonable and customary." The developer's operating expenses, as projected, are \$262 per unit higher than the next highest recent applicant to the City (which was a senior project of comparable scale) so there may be some room for operating expense savings. Rental income may also have some

room to move, as for 36 of the 45 units, the income projections are based on 2018 50% LIHTC rents. However, the magnitude of any potential income and expense adjustments are minor in comparison to the value, and necessity, of the TIF.

In this stage of development, it is reasonable to conclude that a TIF will be needed to move the project forward. Hence I recommend a TIF of 75% for 30 years.

MEMORANDUM
City Council Agenda Item

FROM: Mary Davis, Division Director

DATE: May 30, 2019

SUBJECT: **Order 283-18/19 Approving and Authorizing the City Manager to Enter into the Credit Enhancement Agreement with Front Street Housing Redevelopment, LP - Sponsored by the Housing Committee, Councilor Jill C. Duson, Chair, and the Economic Development Committee, Councilor Justin Costa, Chair.**

SPONSOR: Jill C. Duson, Chair of the Housing Committee
Justin Costa, Chair of the Economic Development Committee

(If sponsored by a Council committee, include the date the committee met and the results of the vote.)

COUNCIL MEETING DATE ACTION IS REQUESTED:

1st Reading **Final Action**

Can action be taken at a later date: No (If no why not?)

PRESENTATION: (List the presenter(s), type and length of presentation)

I. SUMMARY

II. AGENDA DESCRIPTION

At a joint meeting held on May 21, 2019, both the Housing Committee (2-0, Thibodeau absent) and the Economic Development Committee (3-0, Thibodeau absent) voted to forward this item to the City Council with a recommendation for passage.

This is a companion order to Order 282-18/19 above.

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

III. BACKGROUND

IV. INTENDED RESULT AND/OR COUNCIL GOAL ADDRESSED

V. FINANCIAL IMPACT

VI. STAFF ANALYSIS AND BACKGROUND

Staff Analysis and Background that will not appear in the Agenda Description.

VII. RECOMMENDATION

VIII. LIST ATTACHMENTS

1. CEA with Front Street Housing Redevelopment, LP 6.17.2019

Prepared by:

Mary Davis, Division Director

Date: 5/30/2019

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

**CITY OF PORTLAND
IN THE CITY COUNCIL**

KIMBERLY COOK (5)
JILL C. DUSON (A/L)
PIOUS ALI (A/L)
NICHOLAS M. MAVODONES, JR (A/L)

**ORDER APPROVING AND AUTHORIZING THE CITY MANAGER TO ENTER INTO
THE CREDIT ENHANCEMENT AGREEMENT
WITH FRONT STREET HOUSING REDEVELOPMENT, LP**

ORDERED, that the attached credit enhancement agreement between the City of Portland and Front Street Housing Redevelopment, LP related to the Front Street Affordable Housing Tax Increment Financing District is hereby approved; and

BE IT FURTHER ORDERED, that and the City Manager is authorized to sign the agreement in substantially the form attached hereto and any other related documents that are necessary or convenient to carry out the intent of said agreement.

MEMORANDUM
City Council Agenda Item

FROM:

DATE: June 12, 2019

SUBJECT: Order 284-18/19 Regarding the Portland Community Support Fund -
Sponsored by Jon P. Jennings, City Manager

SPONSOR:

(If sponsored by a Council committee, include the date the committee met and the results of the vote.)

COUNCIL MEETING DATE ACTION IS REQUESTED:

1st Reading

Final Action

Can action be taken at a later date: No

PRESENTATION:

I. SUMMARY

II. AGENDA DESCRIPTION

The Health & Human Services and Public Safety Committee met on June 11, 2019 and provided guidance on this Order, forwarding it to the full Council for consideration.

The Portland Community Support Fund was established as an amendment to the Fiscal Year 2015-2016 Appropriation Resolve, Order 251-14/15. In the Fiscal Year 2020 Appropriation Resolve, the City Council approved \$50,000 funding for this fund. This order sets out eligibility for receiving benefits from the fund and sets July 1, 2019 as the date no new applications will be accepted.

Five affirmative votes are required for passage after public comment.

III. BACKGROUND

IV. INTENDED RESULT AND/OR COUNCIL GOAL ADDRESSED

V. FINANCIAL IMPACT

VI. STAFF ANALYSIS AND BACKGROUND

VII. RECOMMENDATION

VIII. LIST ATTACHMENTS

1. Order Regarding Portland Community Support Fund 6.17.2019
2. Amendment to Order 284 Order Regarding Portland Community Support Fund 6.17.2019

3. 251
4. Amendment 2 for Fiscal Year 2020 Appropriation Resolve 5.20.2019
5. Community Support Fund Materials

Prepared by:

Date: 6/12/2019

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

CITY OF PORTLAND
IN THE CITY COUNCIL

KIMBERLY COOK (5)
JILL C. DUSON (A/L)
PIOUS ALI (A/L)
NICHOLAS M. MAVODONES, JR (A/L)

ORDER REGARDING
THE PORTLAND COMMUNITY SUPPORT FUND

WHEREAS, because the City of Portland has a policy (contained in Chapter 2 of the Portland City Code) to not inquire as to the immigration status of any person when determining eligibility for any of its programs including, but not limited to, General Assistance; and

WHEREAS, when during Fiscal Year 2015, the City was notified by the Maine Department of Health and Human Services (“DHHS”) that it was implementing a new policy and would no longer reimburse the City for the General Assistance payments that the City had made to persons seeking asylum in the United States, the City established the Community Support Fund for this purpose as an amendment to its Fiscal Year 2015-2016 Appropriation Resolve, Order 251-14/15; and

WHEREAS, in Fiscal Year 2015, pursuant to its new policy, DHHS only reimbursed the City for a portion of its General Assistance (“GA”) payments, which required, among other things, the City to essentially fund its program by itself, so it could continue to provide assistance to persons here seeking asylum; and

WHEREAS, in Fiscal Years 2016, 2017, 2018 and 2019, the City Council established the Portland Community Support Fund and appropriated sufficient monies in order to allow the City to provide this assistance to the asylum seekers not covered under the GA program; and

WHEREAS, the City Council in approving the Fiscal Year 2020 budget, approved the continued funding of the aforementioned Portland Community Support Fund; and

WHEREAS, 35 families have recently arrived in Portland from the southern border of the United States, and upon information and belief additional individuals and families are also on their way to Portland, seeking similar assistance and shelter and creating an emergency to which the City plans to respond;

THEREFORE, BE IT ORDERED, that the Portland Community Support Fund appropriated

monies shall continue to be used to implement a program to provide assistance and basic needs (including, but not limited to, food, shelter and prescription medication) to all persons who are not eligible for GA benefits; and

BE IT FURTHER ORDERED, that any person or family whose application to the Portland Community Support Fund is made on or before June 30, 2019, and shows that they have a need for assistance, are therefore eligible to receive support from the Fund; and

BE IT FURTHER ORDERED, that starting on July 1, 2019, no new applications to the Portland Community Support Fund will be accepted or processed by the City; and

BE IT FURTHER ORDERED, that the Portland Community Support Fund shall be administered pursuant to specific rules/guidelines to be consistent with this Order and to be adopted and administered by the City of Portland Department of Health and Human Services; and

BE IT FURTHER ORDERED, that this Order is enacted as an Emergency, pursuant to Article II, Section 11 of the Portland City Charter, in order to make it effective immediately and allow the City and its staff to respond to the aforementioned individuals and families in need.

AMENDMENT TO ORDER 284-18/19
PREPARED BY CORPORATION COUNSEL FOR MAYOR STRIMLING AND COUNCILOR ALI
RE: REMOVING CUT-OFF DATE

...

THEREFORE, BE IT ORDERED, that the Portland Community Support Fund appropriated monies shall continue to be used to implement a program to provide assistance and basic needs (including, but not limited to, food, shelter and prescription medication) to all persons who are not eligible for GA benefits; and

BE IT FURTHER ORDERED, that any person or family whose application to the Portland Community Support Fund is made on or before June 30, 2019, and shows that they have a need for assistance, are therefore eligible to receive support from the Fund; and

BE IT FURTHER ORDERED, that starting on July 1, 2019, ~~no~~all new applications to the Portland Community Support Fund will be accepted or processed by the City; and

BE IT FURTHER ORDERED, that the Portland Community Support Fund shall be administered pursuant to specific rules/guidelines to be consistent with this Order and to be adopted and administered by the City of Portland Department of Health and Human Services; and

BE IT FURTHER ORDERED, that this Order is enacted as an Emergency, pursuant to Article II, Section 11 of the Portland City Charter, in order to make it effective immediately and allow the City and its staff to respond to the aforementioned individuals and families in need.

Order 251-14/15

Amended to reflect new General Assistance state reimbursement of 70% (\$334,112.00):

Passage 9-0

Amended to reflect new State Shelter allocation of \$300,000: Passage 9-0

Amended to add costs of the Overflow Shelter of \$265,217: Passage 9-0

Amended to add one full-time Park Ranger, no net expenditure change: Passage 9-0

Amended to add one half-time Bicycle-Pedestrian Coordinator, \$25,089: Passage 5-4

(Duson, Mavodones, Hinck, Suslovic)

Amended to reduce charges to existing capital projects by \$18,800: Passage 5-4 (Duson, Mavodones, Hinck, Suslovic)

Amended to establish the Portland Community Support Fund, \$2,634,000, providing General Assistance to asylum seekers of \$2,634,000.00 less transition funds budgeted in contingency of \$300,000.00 and to reduce school levy tax by \$1,700,000.00 in anticipated increase State GPA education funding (cost of \$634,000):

Passage 5-4 (Duson, Mavodones, Hinck, Suslovic).

Passage: 5-4 (Duson, Mavodones, Hinck, Suslovic) on 6/25/2015 Effective 7/5/2015

MICHAEL F. BRENNAN (MAYOR)
KEVIN J. DONOGHUE (1)
DAVID A. MARSHALL (2)
EDWARD J. SUSLOVIC (3)
JUSTIN COSTA (4)

CITY OF PORTLAND
IN THE CITY COUNCIL

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

FISCAL YEAR 2015-2016 APPROPRIATION RESOLVE

RESOLVED, that the sum of \$225,036,526 is hereby appropriated for Fiscal Year 2016 for General Municipal purposes; and

BE IT FURTHER RESOLVED, that the sum of \$102,776,657.00 is hereby appropriated for Fiscal Year 2016 for School purposes; and

BE IT FURTHER RESOLVED, that the Assessor of Taxes of the City of Portland be and hereby is directed to assess a tax upon all real estate liable to be taxed therein and to assess the owner of, or such other persons as may be liable by law for, personal property liable to be taxed therein on the first day of April, 2015 and not exempt from taxation, to the aggregate amount of \$81,025,202 for municipal purposes and \$78,073,211 for school purposes for a total tax levy of \$159,098,413 resulting in a tax rate of \$20.63 per \$1,000 of valuation (a 3.1% increase) and in accordance with the provisions of the Statutes of Maine; and

BE IT FURTHER RESOLVED, all taxes assessed as above and committed to the Director of Finance shall be due on September 11, 2015, and payable in two equal installments, the first due on the 11th day of September, 2015, and the second installment due on the 11th day of March, 2016. The delinquency rate of interest shall be seven percent (7%) per annum on all payments received after the respective due dates and the abatement rate of interest shall be three percent (3%) per annum.

**Amendment to Fiscal Year 2015-2016 Appropriation Resolve
Order 251-14/15**

**Prepared by Corporation Counsel for
Councilor Brenerman and Councilor Costa**

**RE: APPROVING THE ESTABLISHMENT OF
THE PORTLAND COMMUNITY SUPPORT FUND**

WHEREAS, the City of Portland has a policy (contained in Chapter 2 of the Portland City Code) to not inquire as to the immigration status of any person when determining eligibility for any of its programs including, but not limited to, General Assistance; and

WHEREAS, during Fiscal Year 2015, the City was notified by the Maine Department of Health and Human Services (“DHHS”) that it was implementing a new policy and would no longer reimburse the City for the General Assistance payments that the City had made to persons seeking asylum in the United States, citing as its authority the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (“PRWORA”); and

WHEREAS, in Fiscal Year 2015, pursuant to its new policy, DHHS only reimbursed the City for a portion of its General Assistance payments, which required, among other things, the City to essentially fund its program by itself, so it could continue to pay General Assistance to persons here seeking asylum; and

WHEREAS, given the recent Maine Superior Court decision and the actions of both the Governor and the Maine Legislature, it is important for the City of Portland to develop a response to assist the approximately nine hundred (900) persons who will be left homeless and without basic necessities on July 1, 2015; and

WHEREAS, in accordance with subsection (d) of section 1621 of Title 8 of the United States Code, through the establishment of the Portland Community Support Fund Program in this Order the City Council means and intends to provide assistance and funding to asylum seekers; and

THEREFORE, BE IT ORDERED, that beginning July 1, 2015, asylum seekers who have received General Assistance from Portland as of June 30, 2015 will be formally assisted from a new local fund entitled the Portland Community Support Fund, which is hereby established by the City Council; and

BE IT FURTHER ORDERED, that no new or additional asylum seekers will be provided General Assistance benefits as of July 1, 2015 from the Portland Community Support Fund; and

BE IT FURTHER ORDERED, that the Portland Community Support Fund shall be used to implement a program to provide assistance and basic necessities (including, but not limited to, food, shelter, and prescription drugs) to asylum seekers who may not qualify under the State of Maine's General Assistance program and/or PRWORA, and that whose application to this program shows them to have a need for assistance; and

BE IT FURTHER ORDERED, that the Portland Community Support Fund which is hereby established shall be a one (1) year program reasonably and affordably hereby funded with a one-time appropriation of \$2,634,000, and shall be funded from the following sources:

- 1) \$2,000,000 from state funding; and
- 2) \$634,000 from funds already budgeted by the City Manager in the proposed City budget; and

BE IT FURTHER ORDERED, that any additional funds awarded to the City (as a result of favorable court decisions or from State of Maine budget allocations) shall be dedicated toward replenishing the City's fund balance; and

BE IT FURTHER ORDERED, that the City may also accept contributions from public and private sources, including government and non-government organizations, private foundations and individuals, in addition to its one-time appropriation, to the Portland Community Support Fund; and

BE IT FURTHER ORDERED, that the Portland Community Support Fund Program shall be administered pursuant to rules/guidelines to be adopted by the City Council and administered by the City of Portland Department of Health and Human Services; and

BE IT FURTHER ORDERED, that a Community Advisory Committee shall be established to develop a systemic response to providing intensive case management, employment opportunity, health care and housing referrals for asylum seekers within the City of Portland; and

Amendment #2 – Increase Funding in the Community Support Fund by \$50,000
PASSED 3-0 BY FINANCE COMMITTEE ON 5/15/19

Background: Because the FY19 Community Support Fund was exhausted so quickly, the City Manager's Recommended budget proposes that the Community Support Fund support individuals who are living in the city as of July 1, 2019 and only cover rental assistance in FY20. We will utilize our other existing community partners who already offer food and other basic necessities to cover those needs. Therefore, this budget recommends reducing the Community Support Fund by \$50,000 and funding it with \$150,000. It is also my recommendation that the Council look to phase out the Community Support Fund over the next two fiscal years as individuals leave the program. This amendment adds back \$50,000 in funding which is estimated to be able to fully serve 32 families.

Fiscal Impact:

- \$50,000 addition to the FY20 budget
- An addition of \$0.01 to the overall mil rate (an 0.1% increase from 2.9%).



City Council Workshop



Community Support Fund & Shelter Overflow

4/29/2019

Community Support Fund

Category	FY2018 Actual	FY2019 Budgeted	FY2019 Actual	FY2019 Projection
Burials	\$ -	\$ 3,345.00	\$ -	\$ 3,345.00
Water/Sewer	\$ -	\$ 94.00	\$ -	\$ 94.00
Electric	\$ 1,335.88	\$ 3,295.00	\$ 3,747.80	\$ 3,697.00
Client Gas	\$ 1,124.73	\$ 430.00	\$ 1,922.68	\$ 1,486.00
Heat	\$ -	\$ 220.00	\$ -	\$ 220.00
Diapers	\$ 253.31	\$ 1,193.00	\$ 779.06	\$ 716.00
Rental/Apt	\$ 88,457.95	\$ 131,177.00	\$ 186,930.64	\$ 202,187.00
Security Deposit	\$ 3,667.00	\$ 4,013.00	\$ 5,166.83	\$ 11,209.00
Medical Services	\$ -	\$ 100.00	\$ 110.75	\$ 266.00
Prescriptions	\$ 10,670.68	\$ 15,854.00	\$ 6,624.32	\$ 9,118.00
Food Vouchers	\$ 44,589.96	\$ 32,637.00	\$ 51,068.19	\$ 62,107.00
Non-Food	\$ 6,797.26	\$ 7,642.00	\$ 7,341.36	\$ 9,124.00

Family Shelter Comparison FY18 & FY19

<i>Family Shelter</i>	FY18	FY19 (as of 4/24/19)
Families from Other Countries	119	121
Families from Other States	27	23
Families from Portland	25	11
Families from ME (outside of Portland)	12	5
Grand Total	183	160

Community Support Fund and State Implications

If the state reverted back to the definition of actively seeking a status change and covered the Gap statewide, it would actually be more cost effective for the State.

EXAMPLE:

2 bedroom in Portland \$1,473 everything included

2 bedroom in municipality A (Craigslist Search found 8 units here averaging) \$800

6 month cost in Portland \$8,858

6 month cost in municipality A \$4,800

While there would be an increased cost to the State covering the 6 month period it would allow clients to find more affordable rents. Once a client applies for Asylum they qualify for 24 months of GA.

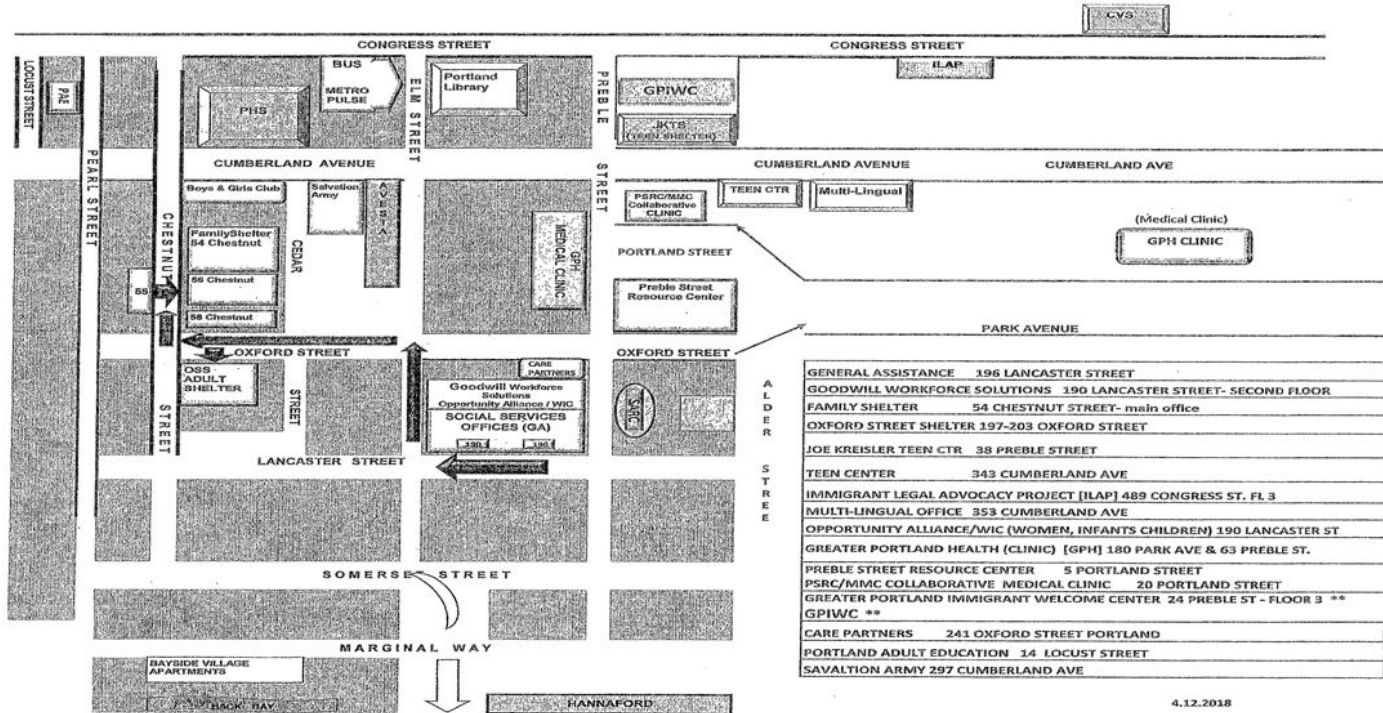
24 months of rent in the same above units

Cost of unit in Portland \$35,352

Cost of unit in Municipality A \$19,200

The initial cost of \$4,800 results in a unit that over the 24 months saves \$16,152

Area Map of Bayside



4.12.2018

Food Pantries

Pantry Name	Hours	When to come	Who can come
Sacred Heart/St. Dominic Food Pantry	Tuesday Open at 8:30am	Once a week	Parkside Residents
Sagamore Food Pantry	Tuesday 10-11 a.m.	Once a week	Open to anyone
Salvation Army Food Pantry	Mon., Wed., and Fri. 1-2:30 p.m.	Once a month	Portland residents
St. Luke's Food Pantry	Thursday 9:30-11 a.m.	Once a month	Open to anyone
Stroudwater Christian Church Food Pantry	Sundays 1-3 p.m.	Once every two weeks	Open to anyone
Wayside Mobile Food Pantry at Harbor Terrace	3rd Friday 1-2 p.m.	Once a month	Harbor Terrace & West End
Wayside Mobile Food Pantry at Riverton	3rd Wednesday 3-4 p.m.	Once a month	Riverton Residents
Wayside Mobile Food Pantry at Front Street	2nd Thursday 10:30 - 11:30 a.m.	Once a month	Neighborhood residents
Wayside Mobile food Pantry at Sagamore	4th Tuesday 10-11 a.m.	Once a month	Sagamore residents
Williston-Immanuel United Church Food Pantry	Thursday - arrive before 10 a.m.	Weekly	Open to anyone
White Memorial Food Pantry	Thursday 8-9:30 a.m.	Once a week	Open to anyone
First Baptist Food Pantry	Wednesday 11:30 a.m. - 12:30 p.m.	Once a week	Open to anyone
Jewish Family Services Food Pantry	Tuesday & Thursday, 9a.m. - 3p.m. Appt. only	Once a month	Portland residents
Preble Street	Thursday 1:30 - 3 p.m.	Once a week	Open to anyone
Project FEED	Monday-Friday 1-3 p.m.	Once every 3 months	Portland & Greater Portland
Root Cellar	Monday-Friday 9 a.m. - 5 p.m.	Emergency Only	Open to Portland Residents only
St. Elizabeth's Non-food Pantry	Tuesdays 9-11:15 a.m.	Weekly	Open to anyone

Community Meals - Wayside

(Meals are open to all who wish to attend unless otherwise noted.)

Mondays:

- LUNCH, 12-1, Woodfords Congregational Church, 202 Woodford Street, Portland
- DINNER, 5-6, Reiche Community School, 166 Brackett Street, Portland (open to Reiche students & their families only)
- DINNER, 5-6, East End Community School, 195 North Street, Portland (open to EECS students & their families only)
- DINNER, 5-6, Sagamore Village Boys & Girls Club, 21 Popham Street, Portland (open to B&G Club students only)
- DINNER, 5-6, Riverton Boys & Girls Club, 55 Riverton Drive, Portland (open to B&G Club students only)

Tuesdays:

- LUNCH, 12-1, Hope.Gate.Way United Methodist Community Center, 185 High Street, Portland
- DINNER, 6-7, Parkside Neighborhood Center, 85 Grant Street, Portland (open to seniors 55+ and families with children only)
- DINNER, 5-6, Salvation Army, 297 Cumberland Ave, Portland (open to seniors 5+ and families with children only)

Wednesdays:

- DINNER, 5-6, My Place Teen Center, 755 Main Street, Westbrook

Thursdays:

- LUNCH, 12-1, Salvation Army Center for Aging, 297 Cumberland Ave, Portland (open to seniors only)
- DINNER, 5:30-6:30, Hope.Gate.Way United Methodist Community Center, 185 High Street, Portland
- DINNER, 5:30-6:30, Deering Center Community Church, 4 Brentwood Street, Portland
- DINNER, 5:30-6:30, St. Peter's Episcopal Church, 678 Washington Ave, Portland

First Sunday of the Month:

- DINNER, 5-6, First Parish Unitarian Universalist Church, 425 Congress St., Portland

Additional Community Meals

Preble Street Soup Kitchen

252 Oxford St., Portland

www.preblestreet.org

Breakfast: 8-9 a.m.

Lunch: 12-1 p.m.

Dinner: 5-6 p.m.

Teen Center

343 Cumberland Ave., Portland

Sunday-Saturday (Open to all
under 21)

Breakfast: 8-9 a.m.

Lunch: 12-1 p.m.

Dinner: 6-7 p.m.

**can also get bagged meals

St. Vincent De Paul South Kitchen

307 Congress St., Portland – East
Bayside

Monday-Friday 12-1 p.m.

Open to all

Sacred Heart/St. Dominic

80 Sherman St., Portland (corner
of Sherman & Mellen St., door on
Sherman St.)

Tuesdays 10-11:30 a.m.

Diapers/Baby Supplies

-Williston Emmanuel Baptist Church

156 High St Portland, Maine (entrance to pantry is on Deering Place off Deering St) 775-2301

Call ahead first. Thursdays 9:30 am, access by lottery, they are closed one Thursday each month

-Cuddle Me Program

<http://cuddlemeprogram.org>

Offer free baby items such as diapers, wipes, formula and baby clothes when available to those income eligible. You must be referred via a church, social service agency or by calling 211 from Maine. You can also inquire/seek assistance by completing an application on their website. Click on the “Get Help” link at the top of their website page or call their main office in Florida at 772-242-8045.

-ABBA (A Women’s Resource Center)

207- 253-5555 1250 Forest Ave., 2nd Floor Portland, ME 04101 Monday-Thursday 10am-4pm

Offers diapers and other parenting supplies. Has 9 different programs including the “Learn and Earn” program where attendees (must have some English proficiency) can attend a variety of classes and earn points which they can redeem for diapers or items at their clothing/supply boutique. Or participants can save up their points and access Baby’s R Us or other locations for supplies and items needed for their child. Interpreters only available for medical screenings not class participation(s).

-St. Elizabeth’s Essentials Pantry at St. Luke’s Cathedral

143 State St Portland, Maine 207-772-5434 Tuesday’s 9:30-11:00 am

-Jewish Family Services Food Bank and Diaper Bank

57 Ashmont St Portland, Maine 207-772-1959

Call ahead to schedule a time for pick up Monday through Friday between 9:15 am-5:15pm



ILAP

CONTACT US

Immigrant Legal Advocacy Project
489 Congress Street, 3rd Floor
PO Box 17917
Portland, ME 04112
Phone – 207.780.1593
Fax – 207.699.2313
Toll Free Helpline – 1.800.497.8505
E-mail – info@ilapmaine.org

PLEASE NOTE: We cannot answer legal questions by email

Portland Office Hours: 9 a.m. – 5 p.m. Monday – Friday

Staff are in meetings each Wednesday until 12 noon, and will meet with clients by appointment in the afternoon. We are also closed on all national holidays, as well as Patriots Day, the day after Thanksgiving, and at noon the day before Christmas.



IMMIGRANT ADVOCACY PROJECT

Churches in Greater Portland

First Baptist Church in Portland (Pastor Mike)
360 Canco Road, Portland, ME 04103 – 773-3123

Payson Park Evangelical Free Church (Evangelical Free)
424 Ocean Avenue, Portland, ME

St Luke's Cathedral
143 State Street, Portland, ME - 772-5434

Chestnut United Methodist Church
185 High Street, Portland, ME – 899-2435

Cathedral of the Immaculate Conception (Pastoral Center)
307 Congress Street, Portland, ME – 773-7746

Sacred Heart Church
80 Sherman Street, Portland, ME – 772-6182

Green Memorial AME Zion Church
46 Sheridan Street, Portland, ME – 772-1409

Stroudwater Baptist Church, Pastor Don Drake
541729 Congress Street, Portland, ME – 773-2211

Woodfords Congregation Church, UCC
202 Woodford Street, - 774-8243

Faith Temple
1914 Congress Street, Portland – 773-6334

Free Methodist Church
140 Congress Street, Portland – 772-1809

St. Vincent de Paul
307 Congress Street, Portland – 772-1113

St. Luke's Cathedral
143 State Street, Portland – 772-5434

Williston-Immanuel United Church
156 High Street, Portland – 775-2301

Allen Avenue Unitarian Universalist Church
524 Allen Ave., Portland – 797-7240

Hope Gateway United Methodist Church
185 High Street, Portland – 899-2435

Thornton Heights United Methodist Church
100 Westbrook Street, South Portland – 774-0487

Discount Prescription Program



Healthcare Resources

MedAccess – Maine Medical Center

Office Information

The Pharmacy of Maine Medical Center

22 Bramhall St.

Portland, ME 04102

Office Phone: 207-662-6665 or 1-877-275-1787

CarePartners – Portland

Office Information

241 Oxford Street

Portland, ME 04101

Office Phone: 207-879-8948

Fax: 207-879-8948



Freecare Application

Patient Financial Services
REQUEST FOR DETERMINATION OF ELIGIBILITY FOR FREE CARE
OR EXTENDED PAYMENT PLAN
Page 1 of 2

MaineHealth

PATIENT NAME		DATE OF BIRTH		SOCIAL SECURITY #	
ADDRESS		CITY		STATE ZIP	
PHONE NUMBER		DATE OF SERVICE / ACCOUNT #			
RESPONSIBLE PARTY	ADDRESS	CITY	STATE	ZIP	SOCIAL SECURITY #
MARITAL STATUS	INSURANCE NAME, IF ANY				
EMPLOYER	OCCUPATION			RATE OF PAY	

Have you been approved for free care at another MaineHealth facility? If so, what facility?

SIZE OF FAMILY: _____			
NAME	DATE OF BIRTH	SOCIAL SECURITY NUMBER	RELATIONSHIP TO PATIENT

Income: (List all income for yourself, spouse and other dependents, from any of the following:)

Monthly		
Wages	☐	\$ _____
Self-Employment	☐	\$ _____
Social Security	☐	\$ _____
Unemployment	☐	\$ _____
Workers Comp	☐	\$ _____
Alimony / Child Support	☐	\$ _____
Pensions	☐	\$ _____
Rental Prop Income	☐	\$ _____
Dividends & Interest	☐	\$ _____
Public Assistance	☐	\$ _____
Lottery Winnings	☐	\$ _____
Other	☐	\$ _____
MONTHLY TOTAL		\$ _____

Continued →

143076 9/16

Freecare Guidelines

by size of family

7/6/2017

Free Medical Care Application | MaineHealth

Free Medical Care Application

Notice

Free Medical Care for Those Unable to Pay - 2017

Maine law requires that free medical care must be given to Maine people with income less than 150% of the federal poverty level. However Maine Medical Center gives free to Maine people at 175% of the poverty level:

Size of Family	150% of Poverty Level	175% of Poverty Level
1	\$18,090	\$21,105
2	\$24,360	\$28,420
3	\$30,630	\$35,735
4	\$36,900	\$43,050
5	\$43,170	\$50,365
6	\$49,440	\$57,680
7	\$55,710	\$64,995
8	\$61,980	\$72,310
For each additional person, add:	\$6,270	\$7,315

To apply for free medical care, please contact us at:

- Maine Medical Center Financial Counseling office at (207) 662-1949
- Patient Financial Services office at (207) 887-5100 during normal business hours (8 AM - 6 PM, Monday through Thursday and 8 AM - 5 PM, Friday)
- Walk-in service at Patient Financial Services office at:
 - 22 Bramhall St., Portland
 - 100 Campus Dr., Scarborough
 - 335 Brighton Ave., Portland
 - (8 AM - 4:30 PM Monday through Friday)

You will be asked if you have insurance of any kind to help pay for your care. You may also be asked to show that insurance or a government program will not pay for your care.

Charges Will Not Exceed Amount Generally Billed to Medicare

<https://mainehealth.org/patients-visitors/billing-insurance/financial-assistance/free-medical-care-application>

1/2

April 29, 2019 Council Workshop Questions

PCFS Questions

PCSF budget: why in some instances the projected line is less than the actual line?

The Actuals were as of the date the presentation was put together (April 24th), the projections were done back in January.

What types of Visas we are seeing? In the PCFS fund CY18 we served 123 cases, 229 individuals, 31 B1s, 81 B2s. (Both are temporary non-immigrant Visas. A B2 is basically a tourist visa and allows the holder to travel to and within the US for a pretty broad range of tourist activities.) 6 F Visas (student) 3 were G Visas (government officials, diplomats, international org employees). 2 J Visas (scholar).

How long individuals stay on PCFS? (See attachments)

What types of services individuals with varying visas qualify for? All Visas that we have currently seen to date qualify for all services provided.

Provide a breakdown of the Administrative cost estimate pre-2015 when we were not checking people's immigration status. Given the quick turn around and the increased amount of work related to immigration we can provide this information in a memo as we would like to give it the attention it needs to be accurate.

How many people were served (in each category)? Basically how many people received rent vs receiving other services?

Diapers 14	Electric 35	Food 118	Gas 9
Medical 1	MedRx 49	NonRx 2	Non Food 113
Rent 94	Security Deposit 5		

City of Portland, Maine
Public Safety / Health & Human Services Committee
July 7, 2015
Meeting Minutes

Agenda Item #3: Update on Implementation of Portland Community Support Fund

Acting City Manager Sauschuck gave a brief overview of the chain of events leading toward Portland's budget gap with regard to general assistance. The City has held several meetings to determine efforts moving forward. Challenges at this point in the update include culling data and determining the definition of "asylum seeker". The current plan aims to provide support for asylum seekers in the system as of June 30th. City Staff are working to develop a complete plan to present to the full council on July 20th. A short discussion was had to clarify that asylum seekers who were not enrolled to receive general assistance before June 30th would not be eligible for assistance through this Portland specific community support fund.

The committee was concerned that the Mayor may be organizing a competing fund. ACM Sauschuck's primary concern was implementing the program and the Council's vote. The group of City staff working on this endeavor has identified issues and is working on gathering data in order to move forward.

Discussion was had on how to donate to this fund – staff responded there is a link online where people can donate. Other ideas included a monthly spreadsheet to see who's donated if they would like that information made public. Councilor Costa thanked staff for their development of this program and intent to create a flexible system with latitude to maximize support. He hopes staff is confident of data and has a good idea of the number of the population this community support fund would serve.

Councilor Duson was concerned that staff have generously interpreted the amendment the council passed and thinks some of the language corporation counsel wrote is clear regarding eligibility. Staff clarified this program is not for new applicants that apply after June 30th and is extended for one year only.



CITY OF PORTLAND
Social Services
Aaron Geyer Acting Director

MEMORANDUM

TO: Health and Human Services and Public Safety Committee

FROM: HHS Staff

DATE: June 10th, 2019

RE: Portland Community Support Fund Policy

The Portland Community Support Program began in the summer of 2015, in response to the elimination of General Assistance (GA) coverage at the state level for individuals whose I-94 and/or Duration of Stay (DS) stamps had expired.

Legislative Background

In June 2015, the Legislature passed legislation (L.D. 369) to maintain GA eligibility for lawfully present immigrants and those who are pursuing a lawful process to apply for immigration relief for up to 24 months of assistance. The new 24 month maximum was the first ever lifetime cap on assistance solely based on immigration status. Governor LePage unsuccessfully attempted to veto L.D. 369 and the legislation became law (Public Law 2015, chapter 324).

November 2015: DHHS proposed a rule that narrowed the scope of the new state law in a way that left out many people who would otherwise qualify for assistance.

While the Portland Community Support Fund program policy has remained constant, the immigration process has changed over time, including changes to the Asylum Interview Scheduling Policy and individuals entering through the Southern Border without paroled status.



CITY OF PORTLAND
Social Services
Aaron Geyer Acting Director

MEMORANDUM

TO: Health and Human Services and Public Safety Committee

FROM: HHS Staff

DATE: June 10th, 2019

RE: Financial information for funding and usage of the CSF

The documents enclosed show the budgeted and actual costs of the program, including total client expenses by category.

City of Portland, ME

06/10/2019 11:30
achouhad

|CITY OF PORTLAND, ME
|YEAR-TO-DATE BUDGET REPORT

|P 1
|glytdbud

FOR 2019✓11

	ORIGINAL APPROP	REVISED BUDGET	YTD ACTUAL	MTD ACTUAL	ENC/REQ	AVAILABLE BUDGET	PCT USED
0100 General Fund							
10044303 348000 Ptld Comm Donation	0	0	-20,640.00	-20,640.00	.00	20,640.00	100.0%
10044303 400110 Ptld Comm Salaries	0	0	.00	.00	.00	.00	.0%
10044303 403022 Ptld Comm Client B	3,345	3,345	.00	.00	.00	3,345.00	.0%
10044303 403035 Ptld Comm Client W	94	94	.00	.00	.00	94.00	.0%
10044303 403036 Ptld Comm Client E	3,295	3,295	3,901.44	153.64	.00	-606.44	118.4%*
10044303 403038 Ptld Comm Client G	430	430	1,922.68	.00	.00	-1,492.68	447.1%*
10044303 403039 Ptld Comm Client H	220	220	.00	.00	.00	220.00	.0%
10044303 403043 Ptld Comm Client D	1,193	1,193	921.40	142.34	.00	271.60	77.2%
10044303 403044 Ptld Comm Client R	131,177	131,177	194,598.14	6,387.50	.00	-63,421.14	148.3%*
10044303 403046 Ptld Comm Client E	0	0	.00	.00	.00	.00	.0%
10044303 403047 Ptld Comm Client R	4,013	4,013	5,166.83	.00	.00	-1,153.83	128.8%*
10044303 403050 Ptld Comm Client M	100	100	110.75	.00	.00	-10.75	110.8%*
10044303 403051 Ptld Comm Client P	15,854	15,854	7,571.01	946.69	.00	8,282.99	47.8%
10044303 403052 Ptld Comm Client F	32,637	32,637	57,661.45	6,593.26	.00	-25,024.45	176.7%*
10044303 403061 Ptld Comm Client N	7,642	7,642	8,943.10	1,601.74	.00	-1,301.10	117.0%*
10044303 403076 Ptld Comm Client T	0	0	.00	.00	.00	.00	.0%
TOTAL REVENUES	0	0	-20,640.00	-20,640.00	.00	20,640.00	
TOTAL EXPENSES	200,000	200,000	280,796.80✓	15,825.17	.00	-80,796.80	
GRAND TOTAL	200,000	200,000	260,156.80	-4,814.83	.00	-60,156.80	130.1%

** END OF REPORT - Generated by Ali Chouhad **

City of Portland, ME

06/10/2019 11:31
achouhad

CITY OF PORTLAND, ME
YEAR-TO-DATE BUDGET REPORT

P 1
glytdbud

FOR 2018✓13

	ORIGINAL APPROP	REVISED BUDGET	YTD ACTUAL	MTD ACTUAL	ENC/REQ	AVAILABLE BUDGET	PCT USED
0100 General Fund							
10044303 348000 Ptld Comm Donation	0	0	.00	.00	.00	.00	.0%
10044303 400110 Ptld Comm Salaries	0	0	.00	.00	.00	.00	.0%
10044303 403022 Ptld Comm Client B	2,550	2,550	.00	.00	.00	2,550.00	.0%
10044303 403035 Ptld Comm Client W	0	0	.00	.00	.00	.00	.0%
10044303 403036 Ptld Comm Client E	3,925	3,925	1,335.88	.00	.00	2,589.12	34.0%
10044303 403038 Ptld Comm Client G	700	700	1,124.73	.00	.00	-424.73	160.7%*
10044303 403039 Ptld Comm Client H	0	0	.00	.00	.00	.00	.0%
10044303 403043 Ptld Comm Client D	575	575	253.31	.00	.00	321.69	44.1%
10044303 403044 Ptld Comm Client R	172,575	172,575	88,457.95	.00	.00	84,117.05	51.3%
10044303 403046 Ptld Comm Client E	1,425	1,425	.00	.00	.00	1,425.00	.0%
10044303 403047 Ptld Comm Client R	0	0	3,667.00	.00	.00	-3,667.00	100.0%*
10044303 403050 Ptld Comm Client M	75	75	.00	.00	.00	75.00	.0%
10044303 403051 Ptld Comm Client P	5,475	5,475	10,670.68	168.20	.00	-5,195.68	194.9%*
10044303 403052 Ptld Comm Client F	53,225	53,225	44,589.96	255.40	.00	8,635.04	83.8%
10044303 403061 Ptld Comm Client N	8,825	8,825	6,797.26	162.63	.00	2,027.74	77.0%
10044303 403076 Ptld Comm Client T	650	650	.00	.00	.00	650.00	.0%
TOTAL EXPENSES	250,000	250,000	156,896.77✓	586.23	.00	93,103.23	
GRAND TOTAL	250,000	250,000	156,896.77	586.23	.00	93,103.23	62.8%

** END OF REPORT - Generated by Ali Chouhad **

City of Portland, ME

06/10/2019 11:52
achouhad

|CITY OF PORTLAND, ME
|YEAR-TO-DATE BUDGET REPORT

|P 1
|glytdbud

FOR 2017 ✓ 13

	ORIGINAL APPROP	REVISED BUDGET	YTD ACTUAL	MTD ACTUAL	ENC/REQ	AVAILABLE BUDGET	PCT USED
0100 General Fund							
10044303 348000 Ptld Comm Donation	0	0	.00	.00	.00	.00	.0%
10044303 400110 Ptld Comm Salaries	0	0	.00	.00	.00	.00	.0%
10044303 403022 Ptld Comm Client B	0	3,380	1,680.00	.00	.00	1,700.00	49.7%*
10044303 403035 Ptld Comm Client W	0	25	30.46	.00	.00	-5.46	121.8%*
10044303 403036 Ptld Comm Client E	0	3,494	4,582.09	.00	.00	-1,088.09	131.1%*
10044303 403038 Ptld Comm Client G	0	688	853.07	.00	.00	-165.07	124.0%*
10044303 403039 Ptld Comm Client H	0	200	.00	.00	.00	200.00	.0%
10044303 403043 Ptld Comm Client D	0	355	1,257.09	72.44	.00	-902.09	354.1%*
10044303 403044 Ptld Comm Client R	0	177,192	152,763.46	.00	.00	24,428.54	86.2%*
10044303 403046 Ptld Comm Client E	0	1,896	474.00	.00	.00	1,422.00	25.0%*
10044303 403047 Ptld Comm Client R	0	2,000	8,110.00	.00	.00	-6,110.00	405.5%*
10044303 403050 Ptld Comm Client M	0	95	72.23	.00	.00	22.77	76.0%*
10044303 403051 Ptld Comm Client P	0	9,543	5,749.09	130.29	.00	3,793.91	60.2%*
10044303 403052 Ptld Comm Client F	0	51,246	71,762.21	2,416.75	.00	-20,516.21	140.0%*
10044303 403061 Ptld Comm Client N	0	8,556	11,056.78	197.45	.00	-2,500.78	129.2%*
10044303 403076 Ptld Comm Client T	0	585	214.70	.00	.00	370.30	36.7%*
TOTAL EXPENSES	0	259,255	258,605.18 ✓	2,816.93	.00	649.82	
GRAND TOTAL	0	259,255	258,605.18	2,816.93	.00	649.82	99.7%

** END OF REPORT - Generated by Ali Chouhad **

PCSF Spending Trend

			FY19	FY18	FY17
Client Expenses	403022	Burials	-		1,680.00
	403034	Client supplies	-		-
	403035	Water	-		30.46
	403036	Electricity	3,901.44	1,335.88	4,582.09
	403038	Gas	1,922.68	1,124.73	853.07
	403039	Heating Fuels	-	-	-
	403043	Diapers	921.40	253.31	1,257.09
	403044	Rent	194,598.14	88,457.95	152,763.46
	403046	Emergency Housing	-		474.00
	403047	Security Deposits	5,166.83	3,667.00	8,110.00
	403050	Medical	110.75		72.23
	403051	Med-RX	7,571.01	10,670.68	5,749.09
	403052	Food	57,661.45	44,589.96	71,762.21
	403061	Non-Food	8,943.10	6,797.26	11,056.78
	403071	Clothing	-		-
	403076	Client Transp.	-		214.70
Client Expenses Total			280,796.80	156,896.77	258,605.18

MEMORANDUM
City Council Agenda Item

FROM: Kristen Dow

DATE: May 23, 2019

SUBJECT: **Order 285-18/19 Amendment to Portland City Code Chapters 4 and 15 Re: Entertainment Sound Ordinance - Sponsored by the Health and Human Services and Public Safety Committee, Councilor Belinda S. Ray, Chair.**

SPONSOR:

(If sponsored by a Council committee, include the date the committee met and the results of the vote.)

COUNCIL MEETING DATE ACTION IS REQUESTED:

1st Reading 6/17/2019

Final Action 7/1/2019

Can action be taken at a later date: Yes Yes.

PRESENTATION: Councilor Belinda Ray will present a first read.

I. SUMMARY

The ordinance would update entertainment licenses, changing the with or without dance distinction to distinguish between indoor and outdoor events with updated limits on existing sound levels (A weighted decibels), including added bass limits (C weighted decibels).

II. AGENDA DESCRIPTION

The Health and Human Services & Public Safety Committee met on May 14, 2019 and voted 3 to 0 to recommend passage to the full Council.

This order would update entertainment licenses, changing the with or without dance distinction to updated indoor and outdoor licensees with limits on sound levels, including bass.

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

III. BACKGROUND

Sound and noise in the City has been a significant concern for both the Health and Human Services & Public Safety Committee and staff. This order is part of a process seeking to address noise concerns in the City. Acentech, the City's sound contractor, used sound monitoring equipment to help inform the this and the Sound Oversight Committee's actions. Steps addressing noise were taken throughout this process; the recommendation this order makes is one component intended to help Portland be a community to visit and to reside.

IV. INTENDED RESULT AND/OR COUNCIL GOAL ADDRESSED

The intended result is to reduce noise complaints. To accomplish this, the order seeks to facilitate compliance on the front end of the event planning process via sound mitigation plans. On the back end, the dBC limit that addresses bass levels, the type of sound which comprises the majority of noise complaints, will facilitate enforcement.

V. FINANCIAL IMPACT

VI. STAFF ANALYSIS AND BACKGROUND

Staff Analysis and Background that will not appear in the Agenda Description.

VII. RECOMMENDATION

Passage of the amendment.

VIII. LIST ATTACHMENTS

1. Sound ordinance - Ch. 15
2. Sound ordinance redline - Ch. 4
3. UPDATED ACENTECH - CITY OF PORTLAND SOUND MONITORING REPORT 2018-01-22
4. CITY OF PORTLAND - SUMMARY OF SOUND MONITORING PROGRAM-1B (1)
5. 2018-03-12 SOUND MEMO
6. Chapter 4 Re Entertainment Sound Ordinance 6.17.2019

Prepared by:

Kristen Dow

Date: 5/23/2019

Sec. 15-12. Fees and expiration dates.

(a) Unless specified elsewhere in this Code, fees for licenses issued pursuant to this Code and the expiration date of each license shall be as follows:

...

Ch. 3, Art. II	Bottle clubs (must obtain FSE and special entertainment if applicable)	\$940.00	June 30
Ch. 3, Art. III	Brewery, Winery and Distillery License (must obtain FSE and/or special entertainment if applicable)	\$525.00	Concurrent with state liquor license

...

Ch. 4, Art. III	Music, dancing and special eEntertainment:		
	Entertainment with dancing	\$529.00	Twelve months or concurrent with state liquor license or with any city license
	Entertainment without dancing	\$295.00	Twelve months or concurrent with state liquor license or with any city license
	After-hours Entertainment	\$595.00	Twelve months Or concurrent with state liquor license or with any city license
	Dance hall	\$147.00	June 30
	Concert hall	\$147.00	June 30
	Single dance with alcohol or with	\$38.00	Per dance

	greater than 100 attendees		
	Single concert with alcohol or with greater than 100 attendees	\$38.00	Per concert
	<u>Single Entertainment Event - Private Property</u>	<u>\$50</u>	<u>Per event</u>
	<u>Single Entertainment Event - Public Property</u>	<u>\$50</u>	<u>Per event</u>
	<u>Indoor Entertainment</u>	<u>\$500</u>	<u>12 months or concurrent with state liquor license or any city license</u>
	<u>Outdoor Entertainment</u>	<u>\$700</u>	<u>12 months or concurrent with state liquor license or any city license</u>
	<u>Combined Entertainment</u>	<u>\$800</u>	<u>12 months or concurrent with state liquor license or any city license</u>
	<u>Expanded Entertainment Addendum</u>	<u>\$100</u>	<u>Per event</u>

Sec. 15-21. Renewal hearings for state liquor licenses, or name changes, ~~or special entertainment licenses~~.

The City License Administrator is authorized to approve the renewal of State liquor licenses, name changes, ~~or special entertainment licenses~~, or any changes in license classification other than a change allowing the sale of spirituous alcohol, without holding a hearing, unless the License Administrator determines that hearing is necessary, or has received a request from a member of the City Council or a City official for a

hearing on a specific application. Hearings shall be held by the City Council.

ARTICLE III. MUSIC, DANCING AND SPECIAL ENTERTAINMENT*

*State law reference(s)--Dances, 8 M.R.S.A. § 161 et seq.; special permit for music, dancing or entertainment, 28 M.R.S.A. § 702.

DIVISION 1. GENERALLY

Sec. 4-41. Purpose.

The purpose of this article is to control the issuance of special permits for ~~entertainment.music, dancing or entertainment in facilities licensed by the state to sell liquor as provided by state law, entertainment in bottle clubs, and permits for after-hours entertainment and to control the operation of dance halls, concert halls, single dances and single concerts.~~

(Code 1968, § 907.1; Ord. No. 231-80, 12-22-80; Ord. No. 34-95, 7-5-95; Ord. No. 165-06/07, 4-4-07)

Sec. 4-42. Definitions.

Terms used in this article shall have their common meanings except that the definitions set forth in chapter 15 and/or in this section shall apply unless the context clearly indicates that a different meaning is intended.

~~After hours entertainment shall mean music, dancing, or entertainment provided between the hours of 1:00 a.m. and 7:00 a.m.~~

~~Concert shall mean the presentation of live or amplified music for the entertainment of a live audience gathered specifically for that entertainment.~~

~~Concert hall shall mean any building, room or hall which is kept or used for concerts open to the public.~~

~~Dance shall mean every dance not held in a private residence; other than a class in which instruction in dancing is given for hire, or any dance held in a school hall under direct supervision of school authorities, or any dance conducted by and exclusively for the benefit of any bona fide charitable organization.~~

~~Dance hall shall mean any building, room, hall, or other public place which is kept or used for public dancing, or which~~

~~for compensation paid directly or indirectly to the owner, manager, or operator thereof, men, women or children are permitted to engage in dancing.~~

Entertainment shall mean and include any event to which the public is invited or allowed to watch, listen to, or participate in; or is conducted for the purposes of holding the attention of, gaining the attention of, or diverting or amusing patrons or guests, including, but not limited to any of the following:

1. Dancing by patrons to live or recorded music;
2. The presentation of music played on sound equipment operated by an agent or contractor of the establishment, commonly known as 'disc jockey' or 'DJ';
3. The playing of background music, except where the background music cannot be heard beyond the limits of the premises on which the music is being played;
4. The presentation of live music whether amplified or unamplified;
5. The presentation of music concerts, or other similar forms of musical entertainment from any source; or
6. Any other live performance, including, but not limited to, presentations by single or multiple performers, such as hypnotists, comedians, dance arts, concerts, dances, live bands, karaoke or other live music.

~~amusement, performance, or exhibition or diversion for patrons or customers of the licensed premises, whether provided by professional entertainers or by full-time or part-time employees of the licensed premises whose incidental duties include activities with an entertainment value.~~

Indoor Entertainment shall mean entertainment that is conducted within a fully enclosed building or structure, including ensuring that all windows and doors remain closed during the time that entertainment is occurring.

Outdoor Entertainment shall mean entertainment that is conducted outside of a fully enclosed building or structure, or is conducted within a building or structure in any manner such that the sound generated by that entertainment is intentionally projected outside of that building or structure.

(Code 1968, § 907.3; Ord. No. 231-80, 12-22-80; Ord. No. 34-95, 7-5-95; Ord. No. 165-06/07, 4-4-07)

Cross reference(s)--Definitions and rules of construction generally, § 1-2.

Sec. 4-43. Reserved.
Sec. 4-44. Reserved.
Sec. 4-45. Reserved.
Sec. 4-46. Reserved.
Sec. 4-47. Reserved.
Sec. 4-48. Reserved.
Sec. 4-49. Reserved.
Sec. 4-50. Reserved.

DIVISION 2. LICENSE*

*Cross reference(s)--Licenses and permits generally, Ch. 15.

Sec. 4-51. Required.

(a) No person ~~licensed by the state to sell liquor to be consumed on the premises, and no bottle club licensed by the city, shall permit on the premises any music except that produced by radio or mechanical device, any dancing, or entertainment of any sort without an entertainment license from the city. The license required by this subsection and state law authorizes entertainment only during the hours when state law permits the sale of alcohol for consumption on the premises.~~ shall conduct, or permit to be conducted on a premises or other location owned or controlled by that person, any entertainment without first obtaining a license as provided in this Article.

(b) Single Event Entertainment License - Private Property. A Single Event Entertainment License - Private Property shall allow the licensee to conduct a single indoor or outdoor entertainment event lasting no more than eight hours in one 24-hour period at the premises for which the license is issued. No more than five Single Event Entertainment Licenses may be issued for events at any one premises in any twelve-month period.

(c) Single Event Entertainment License - Public Property. A Single Event Entertainment License - Public Property shall allow the licensee to conduct a single indoor or outdoor entertainment event lasting no more than eight hours in one 24-hour period on City-owned property. Multiple events by the same party and on the same City-owned property may be combined into one license.

(d) *Indoor Entertainment License.* An Indoor Entertainment License shall allow the licensee to conduct indoor entertainment only at the premises for which the license is issued.

(e) *Outdoor Entertainment License.* An Outdoor Entertainment License shall allow the licensee to conduct outdoor entertainment only at the premises for which the license is issued.

(f) *Combined Entertainment License.* A Combined Entertainment License shall allow the licensee to conduct indoor and/or outdoor entertainment at the premises for which the license is issued.

(g) *Expanded Entertainment Addendum.* An Expanded Entertainment Addendum shall be in addition to any entertainment license and shall allow the licensee to conduct after-hours entertainment and/or to exceed the applicable sound limits. Expanded Entertainment Addendum shall be at the sole discretion of the City Council.

~~After-hours entertainment shall require a separate license as provided in this division subject to the following restrictions and requirements:~~

- ~~(1) Operations under such separate license shall end at 3:00 a.m.~~
- ~~(2) Establishments that have a liquor license shall limit attendance to individuals who are at least 21 years old. Establishments that do not have a liquor license shall limit attendance to individuals who are at least 18 years old.~~
- ~~(3) Any applicant for an after-hours entertainment license shall meet with the police department for review of the security plan and a site visit before the license is brought before the city council.~~
- ~~(4) The license shall allow no more than twenty-four (24) after hour events per calendar year.~~
- ~~(5) In addition to the after-hours license, at least seven (7) days in advance of each event, the license holder shall deliver a written notice to the Permitting and Inspections Department during normal business hours specifying the date upon which the event will be held.~~

~~The Permitting and Inspections Department will forward the notice immediately to the police department, track the number and frequency of events per licensee per calendar month and inform a licensee if an event is not allowed.~~

~~(c) Exceptions: Upon application for a license for a single event, the council may allow after hours entertainment to take place after 3:00 a.m. for a public purpose and may permit individuals under the age of 21 to attend the event, subject to such conditions, if any, that the council imposes to protect the public health, safety and welfare. Any events permitted under this paragraph will not count as one of the twenty-four events per year allowed by section (b)(4) above.~~

~~(d) No person shall conduct, maintain or operate a dance hall or a concert hall, as defined in section 4-42 of this code, without a license.~~

~~(e) No person shall conduct, maintain, or operate a single dance or single concert, as defined in section 4-42 of this code, on private property, where greater than 100 attendees are anticipated, or where alcohol will be consumed, without a license.~~

~~(f) No person shall conduct, maintain, or operate a single dance or single concert, as defined in section 4-42 of this code, on public property without a license from the Parks, Recreation, and Facilities Department.~~

(Code 1968, § 907.2; Ord. No. 231-80, 12-22-80; Ord. No. 34-95, 7-5-95; Substitute Ord. No. 310-A-01, § 1, 8-20-01; Ord. No. 165-06/07, 4-4-07; Ord. No. 250-07/08, 5-19-08; Ord. No. 163-11/12, 5-7-12; Ord. No. 165-15/16, 3-7-2016; Ord. No. 18-17/18, 8-21-2017)

***Editor's Note:** Sections 4-51.5 thru 4-51.7 *Moratorium on issuance of late-night entertainment licenses* expired on October 17, 2006, pursuant to Ord. No. 216-05/06, passed on 6-5-06.

Sec. 4-52. Application.

(a) Application for a license under this division shall, in addition to the requirements of chapter 15, be submitted on forms provided by the City. Applications shall specifically include contain:

- (1) ~~†~~The name and contact information of the owner or person in control of the building and/or premises;
- (2) The name and contact information of the person responsible for the entertainment, who shall be available to respond to inquiries of the City at all times while entertainment is taking place;
- (3) ~~†~~The location of the premises;
- (4) ~~a~~A plan of the premises, giving in detail the dimensions and diagram of space to be used for dancing, seating, dressing rooms, check rooms, toilet rooms, and means of egress entrances, exits, stairways and fire escapes.

Applicants must provide all required information and pay all required fees before a license application will be considered.

(b) Location of Application. Applications for a Single Event Entertainment License - Public Property shall be submitted to the Parks, Recreation, and Facilities Department for approval. All other applications shall be submitted to the Permitting and Inspections Department.

(c) Timing of Application. Applications must be submitted no later than the following:

- (1) For a Single Event Entertainment License - Private Property or Single Event Entertainment License - Public Property, a complete application, including license fee and noise deposit, must be submitted no later than seven business days prior to the licensed event.
- (2) For all other licenses, a complete application, including license fee, sound mitigation plan, and review fee, must be submitted no later than four weeks prior to the City Council Meeting at which the applicant wishes the application to be considered.

(d) Noise Deposits. Applications for a Single Event Entertainment License - Private Property and Single Event Entertainment License - Public Property must include a noise deposit as follows:

- (1) The noise deposit must be paid before a Single Event Entertainment License will be issued.
- (2) The noise deposit shall be calculated based on the reasonably anticipated number of attendees:

<u>Anticipated Attendees</u>	<u>Noise Deposit</u>
<u>Less than 200</u>	<u>\$100</u>
<u>200-500</u>	<u>\$250</u>
<u>500-1,000</u>	<u>\$500</u>
<u>1,000+</u>	<u>\$1,000</u>

(3) The noise deposit shall be double the amount listed above for any licensee who has forfeited a noise deposit within the previous two years.

(4) The noise deposit shall be forfeited automatically, and in the City's sole discretion, if the licensee fails to adequately mitigate any noise impacts of the event after being given notice of the impact by the City and an opportunity to correct.

(5) Forfeiture of the noise deposit shall be in addition to any civil penalties or other remedies provided for in this Code, including the denial of a future license.

(e) Sound Mitigation Plan.

(1) A sound mitigation plan shall be required for the following applications:

(i) All initial applications for an Outdoor Entertainment License;

(ii) All initial applications for a Combined Entertainment License;

(iii) All initial applications for an Indoor Entertainment License if the licensee did not hold an entertainment license for the premises in the previous license year; and

(iv) All renewal applications that are required to go before the City Council for consideration.

(2) A sound mitigation plan shall consist of the following:

(i) The sound mitigation plan must be prepared and certified by a professional sound engineer with appropriate experience and training.

(ii) The sound mitigation plan shall be designed to minimize the impact of entertainment on the surrounding uses, and detail the methods by which the applicant will accomplish those goals.

(iii) The sound mitigation plan shall include, at a minimum, speaker location and direction; sound system details and controls; stage and site layout and direction; any noise cancelling or mitigating measures proposed; and anticipated sound readings at the proposed source of the sound, at a location 8' from the means of egress located nearest to the noise source and/or 8' from any outer wall of the premises (for indoor entertainment), at each property line of the premises (for outdoor entertainment), and at the closest residence.

(iv) The sound mitigation plan shall require an on-site monitor when the number of attendees at an entertainment event is expected to exceed, or does exceed, 250. The on-site monitor shall be equipped with a dedicated SPL meter, and shall be available to respond to any inquiry of a City official during the time that the entertainment is being conducted.

(5) The City and/or its designee will review the sound mitigation plan and will provide written recommendations to the City Council with respect to the proposed sound mitigation plan and license application. The applicant shall pay a sound mitigation review fee, as established by the City Council, to cover the costs of review.

(6) The applicant shall be responsible for the City's cost of reviewing the sound mitigation plan.

(7) Compliance with the sound mitigation plan, as approved by the City Council, shall be a condition of the applicant's license, if granted.

(Code 1968, § 907.4; Ord. No. 231-80, 12-22-80; Ord. No. 34-95, 7-5-95)

Sec. 4-53. Hearings.

(a) A public hearing shall be held prior to issuance of ~~any original license under this division other than a single dance license or a single concert license~~the following:-

(i) All initial applications for an Outdoor Entertainment License;

(ii) All initial applications for a Combined Entertainment License;

(iii) All initial applications for an Indoor Entertainment License if the licensee did not hold an entertainment license for the premises in the previous license year; and

(iv) All renewal applications that are required to go before the City Council for consideration in accordance with subsection (b) below.

(b) At the request of the City Manager or his/her designee, or at the request of any member of the City Council or the Mayor, a public hearing shall be held prior to the issuance of any renewal under this division other than a Single Event Entertainment License - Private Property or Single Event Entertainment License - Public Property.

(Code 1968, § 907.5; Ord. No. 231-80, 12-22-80; Ord. No. 34-95, 7-5-95)

Sec. 4-54. Appeals.

Appeal from the denial, suspension revocation or issuance with a condition or conditions of an entertainment license to a person ~~licensed by the state to sell liquor~~ shall be taken to the municipal board of appeals within thirty (30) days of such denial, suspension or revocation. The municipal board of appeals may grant or reinstate the permit if it finds that the permitted activities would not constitute a detriment to the public health, safety or welfare, or that the denial, suspension or revocation was arbitrary or capricious. If a license is issued with a condition or conditions and the board concludes that the condition or conditions do not protect the public health, safety or welfare or are arbitrary or capricious, the board shall refer the license back to the city council to determine whether the license will issue without the condition or conditions or whether the application will be denied. ~~The denial, suspension revocation or issuance with a condition or conditions of all other licenses or permits required hereunder shall be to the superior court under the provisions of Maine Rules of Civil Procedure 80B.~~

(Code 1968, § 907.6; Ord. No. 231-80, 12-22-80; Ord. No. 34-95, 7-5-95; Ord. No. 186-02/03, 4-7-03)

Sec. 4-55. Duration.

(a) *Granting of Licenses.* Licenses shall be granted, denied, suspended, revoked, or granted with a condition or conditions as necessary to protect the public health, safety and welfare and in accordance with chapter 15, except for the following, but in the case of a special entertainment license, it:

- (1) A Single Event Entertainment License - Public Property shall be granted, denied, suspended, revoked, or granted with conditions at the sole discretion of the Parks, Recreation, and Facilities Department.
- (2) An Expanded Entertainment Addendum shall be granted, denied, suspended, revoked, or granted with conditions at the sole discretion of the city manager.

(b) *Expiration of Licenses.* Licenses shall be valid for one year from the date they are granted, except in the following situations:

- (1) Where the licensee holds a state liquor license or a municipal bottle club license, an Indoor, Outdoor, and/or Combined Entertainment License shall be deemed terminated upon expiration or revocation of the respective state license ~~to sell alcoholic beverages~~ or the municipal bottle club license, as the case may be, prior to the expiration of the one-year period.
- (2) Where the licensee does not hold a state liquor license or a municipal bottle club license, but does hold a food service establishment license, an Indoor, Outdoor, and/or Combined Entertainment License shall be deemed terminated upon expiration or revocation of the food service establishment license prior to the expiration of the one-year period.
- (3) Chapter 15 notwithstanding, the city council may also grant temporary entertainment licenses for a period of less than one (1) year when, in its sole discretion, it determines that one (1) or more trial periods is necessary to evaluate the impact of the entertainment on the peace and quiet of the neighborhood and on the public health, safety and welfare.

(Code 1968, § 907.7; Ord No. 231-80, 12-22-80; Ord. No. 92-95, 10-16-95; Ord. No. 186-02/03, 4-7-03; Ord. No. 165-06/07, 4-4-07)

Sec. 4-56. Reserved.

*Editor's Note: Pursuant to Order 165-06/07, passed on 4-4-07 this section was relocated to section 4-1.

DIVISION 3. STANDARDS FOR ENTERTAINMENT PURSUANT TO A LICENSE

Sec. 4-57. Conditions; sound and noise limitation.

(a) Any other provision of this Code notwithstanding, a licensee shall not allow the licensed activity or any other activities on the licensed premises to generate sound or noise that exceeds either of the following standards without an Expanded Entertainment Addendum:

(1) Eighty-five (85) dBA; and

(2) Ninety-five (95) dBC.

(b) The standards set forth in subsection (a) above shall be measured as follows:

(1) For indoor entertainment, measurements shall be taken ~~ninety-two (92) decibels, A-weighted, averaged over one (1) minute, when measured~~ eight feet (8') from the means of egress located nearest to the noise source and/or 8' from any outer wall of the premises.

(2) For outdoor entertainment, measurements shall be taken from the property line of the premises nearest to the noise source and/or nearest to the complainant's location, if any., ~~or eight feet (8') from the noise source if it is generated outdoors.~~

(c) A licensee shall not allow the licensed activity to be conducted outside of the following times without an Expanded Entertainment Addendum.

(1) Outdoor entertainment, Sunday through Thursday: 8 a.m. to midnight;

(2) Outdoor entertainment, Friday through Saturday: 8 a.m. to 1 a.m. the following day; and

(3) Indoor entertainment: 8 a.m. to 1 a.m. the following day.

~~—The city council may impose conditions for protecting the public health, safety and welfare on any entertainment license it issues.~~

(Ord. No. 34-95, 7-5-95; Ord. No. 186-02/03, 4-7-03; Ord. No. 23-10/11, 9-13-10)

Sec. 4-57.1. Sound oversight committee.

(a) There shall be a sound oversight committee of four (4) members appointed by the city council. One (1) member shall be a city employee nominated by the city manager; one (1) member shall be a police officer nominated by Portland's Downtown District board; and one (1) member shall be an entertainment licensee nominated by the nightlife oversight committee. The police officer shall be the chair of the sound oversight committee and shall be a non-voting member, except that the police officer shall cast the tie-breaking vote in the event of a tie.

(b) The sound oversight committee shall meet with ~~new~~ entertainment license applicants and licensees when ~~the license application is~~ referred to the ~~team committee~~ either by the city council or by the nightlife oversight committee. The sound oversight committee shall make recommendations to the applicant or licensee regarding actions it can take to mitigate noise and shall make any recommendations regarding noise mitigation it deems necessary to the city council for consideration.

(c) ~~Whenever the police receive two (2) or more verified noise complaints from two (2) separate individuals in any seven (7) day period or five (5) or more verified noise complaints in any thirty (30) day period regarding a particular entertainment licensed establishment a licensee exceeds the standards in § 4-57 of this Article,~~ the police department shall notify the licensee to meet with the sound oversight committee within five (5) business days from the date of the written notification, or such other time as is agreed upon by the sound oversight committee, to identify ways in which the noise problems which have been identified can be mitigated. The sound oversight committee shall notify ~~the any~~ complainants with respect to that licensee in the previous twelve months of the date and time of the meeting.

The licensee shall agree to take effective measures to address the noise issues as recommended by the sound oversight committee, which measures shall be memorialized in a written agreement at the conclusion of the meeting with the sound oversight committee and shall be implemented within one (1) week of said meeting unless another date is agreed upon by the sound oversight committee. Failure to implement the plan in a timely fashion or to comply with all recommendations in the plan will result in a recommendation by the sound oversight committee to the city council to place conditions on or revoke the establishment's entertainment license.

If ~~the police receive two (2) or more verified noise complaints from two (2) separate individuals in any seven (7) day period or five (5) or more verified noise complaints in any thirty (30) day period regarding~~ the same licensed establishment on a subsequent occasion again exceeds the standards in § 4-57 of this Article, then the sound oversight committee is under no obligation to meet with the licensee but may make recommendations to the city council licensing authority to place conditions on or revoke the entertainment license.

(d) The sound oversight committee may also meet with liquor license applicants upon referral by the city council or the nightlife oversight committee and may recommend noise mitigation measures to liquor licensees upon referral by the Portland police department or the city council.

(Ord. No. 23-10/11, 9-13-10)

Sec. 4-57.5. Restricted locations.

Notwithstanding any other provision of this article, no new licenses shall be issued in the B-3c zone to drinking establishments and chemical-free night clubs, as defined in section 14-47. For purposes of this section, renewal of an existing license by the party holding the license on the date of enactment shall not be considered a new license. Any transfer of ownership shall be considered a new license.

(Ord. No. 47-97, 8-4-97)

Sec. 4-58. Penalties.

In addition to suspending or revoking a license, the city may prosecute violations in court. A violation of this division Article shall be punished by a fine of five hundred dollars (\$500.00) for a first offense, one thousand dollars (\$1,000.00) for a second

offense and two thousand dollars (\$2,000.00) for a third or subsequent offense regardless of the time between offenses. Each act of violation and every day upon which any such violation shall occur shall constitute a separate offense. In addition to such penalty, the city may enjoin or abate any violation of this division by appropriate action. In addition to such penalty, if the court finds for the city, the city shall recover its costs of suit including reasonable experts' fees, attorneys' fees and investigative costs.

(Ord. No. 34-95, 7-5-95)

Sec. 4-59. Applicability.

This division shall not apply to events held: ~~(a) in a private residence; (ab) in a class in which instruction in music is given for hire; (be) school sponsored events in a school~~ under supervision of school authorities; ~~(c) City sponsored events under the supervision of City authorities; or (d) by and exclusively for the benefit of any bona fide charitable organization.~~

(Ord. No. 34-95, 7-5-95)

Sec. 4-60. Severability.

The provisions of section 1-14 of this Code shall apply to this division.

(Ord. No. 34-95, 7-5-95)

***Editor's Note**-Pursuant to Council Order No. 63, 06/07 passed 10-16-06, the moratorium issued for late-night entertainment expired on November 20, 2006.

Sec. 4-61. Reserved.

Sec. 4-62. Reserved.

Sec. 4-63. Reserved.

Sec. 4-64. Reserved.

Sec. 4-65. Reserved.

Sec. 4-66. Reserved.

Sec. 4-67. Reserved.

Sec. 4-68. Reserved.



January 22, 2018

Kevin Schneck
Department of Parks, Recreation, and Facilities
212 Canco Road
Portland, ME 04103

Phone: 207-756-8433
Email: kschneck@portlandmaine.gov

Subject: City of Portland Baseline Sound Monitoring
Acentech Project No. 629174

Dear Kevin:

For a period of approximately three months spanning August 7th through December 12th, 2017, Acentech measured sound levels at 15 locations throughout the greater Portland, Maine community. This effort was in connection with an initiative in the City of Portland to document existing sound levels. This letter documents the preliminary results of our sound measurements.

SUMMARY

The attached Figure 1a illustrates where the 15 sound monitoring systems were placed throughout the community. The systems at locations 1 through 13 were installed the week of August 7, 2017 and retrieved on November 13th. Locations 14 and 15 in South Portland were installed on September 6th and were retrieved on December 11th. Photographs of each monitoring location are presented in Figure 1b.

The monitors logged A-weighted sound levels continuously at each location. Data statistics such as the maximum and average sound levels were saved in one minute intervals. For this report we have condensed the one minute samples into hourly averages, often called “equivalent sound levels” or L_{eq} . For each location, we have presented the overall hourly L_{eq} versus time for the three-month period of measurement for each monitor. We have identified noteworthy events in the Portland area, listed in Figure 2, in these charts. Further, we have compiled and presented the highest, average, and lowest L_{eq} for each hour of each day of the week to display daily trends.

Based on the measured hourly L_{eq} , we have calculated three summary descriptors for each day, including the average daytime sound level L_{day} , the average nighttime sound level L_{night} , and the average day-night sound level L_{DN} . These metrics summarize the overall levels of noise that the community is exposed to, and are parallel to those used in public health literature describing the effects of noise on people (see for example World Health Organization *Night Noise Guidelines for Europe*¹).

The sound levels we measured during this study are typical of urban and suburban communities. The summary figures contained in this report allow one to observe general trends in the acoustic environment at the 15 monitoring locations. More detailed investigations are possible with the tremendous amount of data that has been gathered in this study. We would be happy to discuss what further analyses may be helpful to you.

¹ http://www.euro.who.int/__data/assets/pdf_file/0017/43316/E92845.pdf

BACKGROUND

Measurement Equipment

Acentech has developed remote monitoring systems that we have deployed in many areas throughout the country for a variety of environmental noise studies. The systems are contained in an electronics enclosure about the size of a desktop computer and are built for outdoor or indoor use. The system hardware consists of a microphone with a windscreen, a data acquisition device, and a computer. The microphones were calibrated in the field upon installation and their calibrations were all verified at the end of the study.

The monitoring systems are typically powered from a standard AC wall plug, and include a cellular modem for remote access and communication. In this study most locations were powered by an outlet inside of a traffic control box or an outlet on a light pole. Locations 1, 6, 14, and 15 used available power provided by the site.

Acoustic Terminology

Our ears perceive sound by variations in pressure carried through a medium (air). Generally speaking, the louder the sound, the greater the variations in the sound pressure level. Sound pressure level (SPL) is measured in decibels (dB). Human hearing ranges from roughly 20 Hz to 20,000 Hz, spanning from very low frequency sounds ("bass") to very high frequency sounds ("treble"), and we respond to sounds differently depending on the frequency content. Some sounds (like rock and hip-hop music) have a great deal of sound energy at low frequencies, while other sounds of nominally "equal loudness" may not. We have focused our analysis on the overall or "broadband" sound pressure level expressed in A-weighted decibels (dBA). This metric weights the frequency content following a standard procedure, roughly approximating the frequency sensitivity of human hearing. This is the metric referenced and regulated in Maine's Site Location Law.

Sound levels (particularly during live music) also vary significantly from instant to instant. We have focused our analysis on three ways of accounting for this variability over time:

1. *Hourly "energy-average" sound levels.* Sometimes called "equivalent sound levels" or L_{eq} , measured over the course of 1 hour (1-hour L_{eq}).
2. *Energy-average sound levels over the course of 1 minute.* We have found this finer resolution to be well-correlated with community response to amplified outdoor music. This also corresponds to Portland's noise ordinance pertaining to amusement venues (1-minute L_{eq}).
3. *Summary descriptors such as L_{day} , L_{night} , and L_{DN} .* L_{day} is the L_{eq} of sound levels measured between 7:00 AM and 10:00 PM; L_{night} is the L_{eq} between 10:00 PM and 7:00 AM. The L_{DN} is the L_{eq} for the entire day, with the levels measured during nighttime hours "penalized" (increased) by 10 dB to account for increased community sensitivity to noise during typical sleeping hours.

For more information pertaining to acoustic terminology used in this report please refer to Appendix A.

RESULTS

Available Data

Each monitoring system saved the following data:

- 1-second overall A-weighted L_{eq} sound level
- 1-minute A-weighted overall and 1/3 octave band spectra of the following quantities
 - Peak, L_{eq} , L_{01} , L_{10} , L_{50} , L_{90} , and L_{99} statistical metrics

This produced a tremendous amount of data across the 15 systems, as each monitor recorded more than 120,000 one-minute segments in a three month period. For this report we have condensed the one-minute overall L_{eq} data into hourly L_{eq} quantities. After you have had a chance to review this summary of the monitoring data we would be happy to discuss with you further analyses that may be helpful.

Data Reduction

This report presents four summary figures for each of the 15 monitoring locations. First, from the one-minute overall A-weighted levels we calculated summary values on an hourly basis. Each hourly period spans every

hour on the hour (i.e. 12:00 AM – 12:59 AM). Each of these hourly periods should contain 60 one-minute L_{eq} data points. Due to a number of reasons (as explained in the individual location summaries below), there were not always 60 samples in each hour. Only when there were 30 or more samples in an hourly period did we evaluate its summary quantities. For each valid hour we compiled the L_{eq} (energy average), and the maximum and minimum one-minute L_{eq} values in that hour. The 1-hour L_{eq} , and the maximum and minimum of the 1-minute L_{eq} of each hour are plotted versus time. For a full three-month period this equates to more than 2,000 hourly data points.

We then took the hourly L_{eq} values and categorized each by day-of-week and hour within each day. For example, we observed the hourly L_{eq} for every Sunday in the hour that spans 12:00 AM to 12:59 PM. There were 14 Sundays in our monitoring period (8/7 through 11/12). We then calculated the highest, mean, and lowest hourly L_{eq} sound levels from these 14 time periods. This was done for each hour of every day of the week. The attached figures present these results in both graphical and tabular form.

Based on the hourly L_{eq} data, we calculated daily summary statistics L_{day} , L_{night} , and L_{DN} as described above. These summaries facilitate comparisons to sound levels measured in other communities, as well as evaluation in light of development criteria promulgated by agencies such as the United States Housing and Urban Development

Summary Figures

For each monitoring location, we have created four figures which summarize the measured data:

- Figures ending in “a” (e.g., 3a, 4a) show the hourly overall A-weighted sound pressure levels versus time sequentially for the entire monitoring interval. Included in these charts are numbered callouts that identify the events listed in Figure 2.
- Figures ending in “b” (e.g., 3b, 4b) show the highest, mean, and lowest of the hourly L_{eq} values for each hour of the week for the period the monitoring system was active. These figures present the typical range of levels that would be expected on each day of the week.
- Figures ending in “c” (e.g., 3c, 4c) summarize the typical sound levels (mean L_{eq}) that would be expected on each day of the week. The data shown in the “c” figures are parallel to the “average hourly L_{eq} ” trace shown in the “b” figures.
- Figures ending in “d” (e.g., 3d, 4d) show each date’s calculated L_{day} , L_{night} , and L_{DN} versus time sequentially for the entire monitoring interval. Included in these charts are numbered callouts that identify the events listed in Figure 2.

Observations at Each Location

Location 1 – Maine State Pier

Figure 3a shows a clear increase in the hourly L_{eq} sound levels during events 1 and 2 when there were outdoor concerts at the Maine State Pier venue. The monitoring system at this location was on the roof of the building adjacent to the ferry terminal. In early September the rooftop flooded due to heavy rain and destroyed the electronic measurement equipment. Therefore, only data from August 7th to September 6th was recorded for this location.

Figure 3b shows a visible day-night (i.e., diurnal) pattern in the sound levels. The outdoor concerts that happened while this monitor was active occurred on either Wednesday or Friday nights, which is apparent in the average and maximum hourly L_{eq} values during these periods of the week.

Location 2 – Wharf and Dana Street

Figure 4a shows some correlation between observed higher hourly L_{eq} values and outdoor music events; however, these typically coincide with Thursday through Saturday evenings when Wharf Street is already busy with its own local restaurant and bar activity. This monitoring system was in an exposed area and was vandalized on two occasions that rendered the microphone data unusable, which is why there are gaps in the data in late August and from October 25th onward.

A clear increase in typical sound levels during weekend evenings (Thursday through Saturday nights) can be seen in Figures 4b and 4c.

Location 3 – Fore and Union Street

This monitoring system recorded for the full three-month period without any issues. It was mounted to a light pole near the corner of Fore and Union street, so there was significant variation in sound levels due to street traffic, readily apparent in Figure 5a.

Figures 5b and 5c show a slight increase in typical sound levels during Friday and Saturday nights. This location is close to the restaurants and bars characterized by the Wharf and Dana monitoring location.

Location 4 – Brown and Free Street

This monitoring system recorded for the full three-month period without any issues. It was mounted to a light pole near the Cross Insurance Center. Loud periods shown in Figure 6a are likely related to events at this venue.

Figures 6b and 6c show that average hourly L_{eq} were fairly steady throughout each weekday. The hourly L_{eq} appears to be elevated during weekend hours.

Location 5 – Congress and High Street

This monitoring system recorded for the full three-month period without any issues. It was mounted to a light pole at the intersection of Congress and High Streets. As seen in Figure 7a, most of the loudest events at this location are likely due to street traffic.

Figures 7b and 7c show that hourly L_{eq} values were fairly steady throughout each weekday, with the highest sound levels occurring during daytime hours.

Location 6 – Thompson Point

This system was offline for about two weeks in the middle of August due to a loss of power. The microphone was mounted on the rooftop of a building overlooking the outdoor concert venue at Thompson Point. We understand that the stage pointed away from this location. The outdoor concert events at this location are still noticeable in the hourly L_{eq} data, displayed in Figure 8a.

Figures 8b and 8c show that hourly L_{eq} values were fairly steady throughout each weekday, with the highest sound levels occurring during daytime hours, likely due to nearby traffic on I-295 and the Portland Jetport.

Location 7 – Congress and Montfort Street

This monitoring system lost power for about a week towards the end of September and early October, as seen from the gap in the data in Figure 9a. It was mounted to a light pole at the intersection of Congress and Montfort Streets. Most of the loudest events at this location are likely due to street traffic.

Figures 9b and 9c show that hourly L_{eq} values were fairly steady throughout each weekday, with the highest sound levels occurring during daytime hours.

Location 8 – Forest and Allen Street

This monitoring system went offline after October 23rd after a hardware crash, as seen in Figure 10a. It was mounted to a telephone pole near a busy intersection. Most of the loudest events at this location are likely due to street traffic.

Figures 10b and 10c show that hourly L_{eq} values were fairly steady throughout each weekday, with the highest sound levels occurring during daytime hours.

Location 9 – Stevens and Brighton Street

This monitoring system experienced what we believe was water intrusion in the microphone during the periods without data, as shown in Figure 11a. It was mounted to a telephone pole near the intersection of Stevens and Brighton Streets. Most of the loudest events at this location are likely due to street traffic.

Figures 11b and 11c show that hourly L_{eq} values were fairly steady throughout each weekday, with the highest sound levels occurring during daytime hours.

Location 10 – Casco Bay Bridge

This monitoring system went offline on a few occasions in the first month of monitoring due to a recurring software crash that was eventually fixed, as seen in Figure 12a. It was mounted to a traffic control box at the intersection of West Commercial and Beach Streets. Most of the loudest events at this location are likely due to street traffic and delivery truck traffic servicing the nearby businesses.

Figures 12b and 12c show that hourly L_{eq} values were fairly steady throughout each weekday, with the highest sound levels occurring during daytime hours. The highest hourly L_{eq} values were reduced during the weekends, which might indicate that the amount of traffic and delivery truck activity was down at these times.

Location 11 – Washington and Presumpscot Street

This monitoring system recorded for the full three-month period without any issues, as shown in Figure 13a. It was mounted to a traffic control box at the intersection of Washington and Presumpscot Streets. Most of the loudest events at this location are likely due to street traffic.

Figures 13b and 13c show that hourly L_{eq} values were fairly steady throughout each weekday, with the highest sound levels occurring during daytime hours. The Saturday and Sunday hours appear to have slightly lower sound levels.

Location 12 – Peak's Island Ferry Terminal

This monitoring system was mounted to a light pole near the Peak's Island ferry terminal. There are significant gaps in the data from this location, as seen in Figure 14a. Shortly after we setup in August the cable to the microphone was cut by a vandal. The data excluded in October and November was most likely corrupted by water intrusion to the microphone. Most of the loudest events at this location are likely due to the ferry activity.

Figures 14b and 14c show hourly L_{eq} values which appear random. The daytime hours appear to be louder, but the diurnal pattern isn't as clear as the other locations where vehicle traffic dominates the sound environment. The lowest hourly L_{eq} values were much lower here than some of the more urban locations.

Location 13 – Allen and Washington Street

As seen in Figure 15a, this monitoring system recorded without any issues until October 13th, when it had to be removed so that a construction crew could replace the concrete sidewalk at this location. The microphone was mounted to telephone pole at the intersection of Allen and Washington Streets. Most of the loudest events at this location are likely due to street traffic.

Figures 15b and 15c show that hourly L_{eq} values were fairly steady throughout each weekday, with the highest sound levels occurring during daytime hours. The Saturday and Sunday hours appear to have slightly lower sound levels.

Location 14 – Mechanic Street Pump House – South Portland

This monitoring system recorded without any issues from September 6th to December 11th. The microphone at this location was mounted to the side of the pump house building, at the end of a quiet street. Most of the loudest events displayed in Figure 16a are likely due to town personnel working in the pump house.

Figures 16b and 16c show hourly L_{eq} values which do not exhibit a clear diurnal pattern. The highest hourly L_{eq} periods appear to occur during weekday mornings.

Location 15 – Portland Street Pier – South Portland

This monitoring system recorded without any issues from September 6th to December 11th. The microphone at this location was mounted to a fence at the end of a dock off of Portland Street in South Portland. Most of the loudest events, as seen in Figure 17a, at this location are likely due to boats and waves.

Figures 17b and 17c show hourly L_{eq} values which exhibit a diurnal pattern. Sound levels during the quietest nighttime hours are fairly low, at about 36 dBA.

Summary L_{DN}

Table I presents the mean L_{DN} , L_{night} , and L_{day} measured at each location.

TABLE I. Mean summary descriptors, A-weighted decibels

<i>Location</i>	<i>L_{DN}</i>	<i>L_{night}</i>	<i>L_{day}</i>
1	68	61	64
2	73	66	64
3	70	63	66
4	65	58	62
5	69	62	67
6	67	59	63
7	68	60	67
8	71	62	69
9	72	63	71
10	73	65	70
11	76	68	73
12	56	48	54
13	71	63	70
14	58	51	53
15	58	49	56

Figure 18 shows the L_{DN} at each location graphically.

NEXT STEPS

We look forward to discussing these preliminary results with you. At that time we can discuss further analyses that may be helpful to the City.

I hope that this letter provides the information you need at this time. Please contact me at 617-499-8012 or at ebrush@acentech.com with any questions or if there is anything else we can do to be of service.

Sincerely,

ACENTECH INCORPORATED



Andrew C. Carballeira
Senior Consultant



Ethan R. Brush
Senior Consultant

Encl: Figures 1 through 18
Appendix A

CC: Alex Odom, Ben Markham (Acentech)
Andy Downs (City of Portland)

Figure 1a: Sound Monitoring Locations



Figure 1b: Sound Monitoring Location Photos



Location 1: Maine State Pier



Location 2: Wharf and Dana



Location 3: Fore and Union



Location 4: Brown and Free



Location 5: Congress and High



Location 6: Thompson Point



Location 7: Congress and Montfort



Location 8: Forest and Allen



Location 9: Stevens and Brighton



Location 10: Casco Bay Bridge



Location 11: Washington and Presumpscot



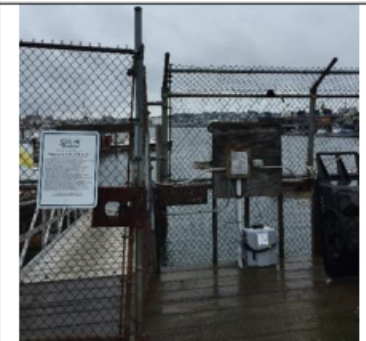
Location 12: Peak's Island Terminal



Location 13: Allen and Washington



Location 14: Mechanic Street
Pump House (South Portland)



Location 15: Portland Street Pier
(South Portland)

Figure 2: Event Times

Event Number	Location/Description	Date
1	Maine State Pier (Outdoor Concert)	8/9/2017
2	Maine State Pier (Outdoor Concert)	8/11/2017
3	Thompson's Point (Outdoor Concert)	8/12/2017
4	Maine State Pier (Outdoor Concert)	8/16/2017
5	Maine State Pier (Outdoor Concert)	9/10/2017
6	Maine State Pier (Outdoor Concert)	9/15/2017
7	Thompson's Point (Outdoor Concert)	9/16/2017
8	Maine State Pier (Outdoor Concert)	9/22/2017
9	Thompson's Point (Outdoor Concert)	9/23/2017
10	Storm Related Power Outage	10/29/2017

Figure 3a: Loc. 1 - Maine State Pier - Hourly Leq Versus Time

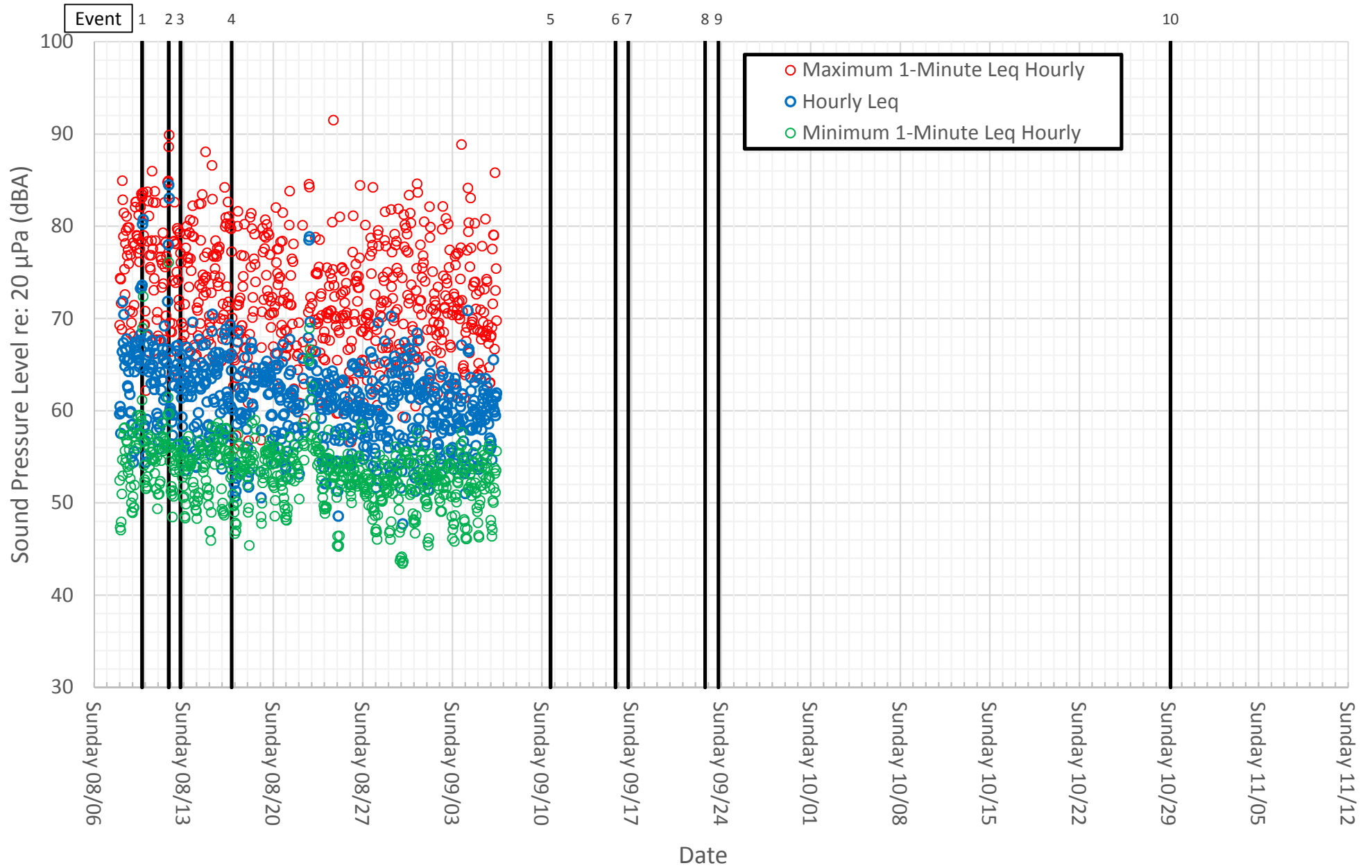


Figure 3b: Loc. 1 - Maine State Pier - Hourly Leq Statistics for Each Day of the Week

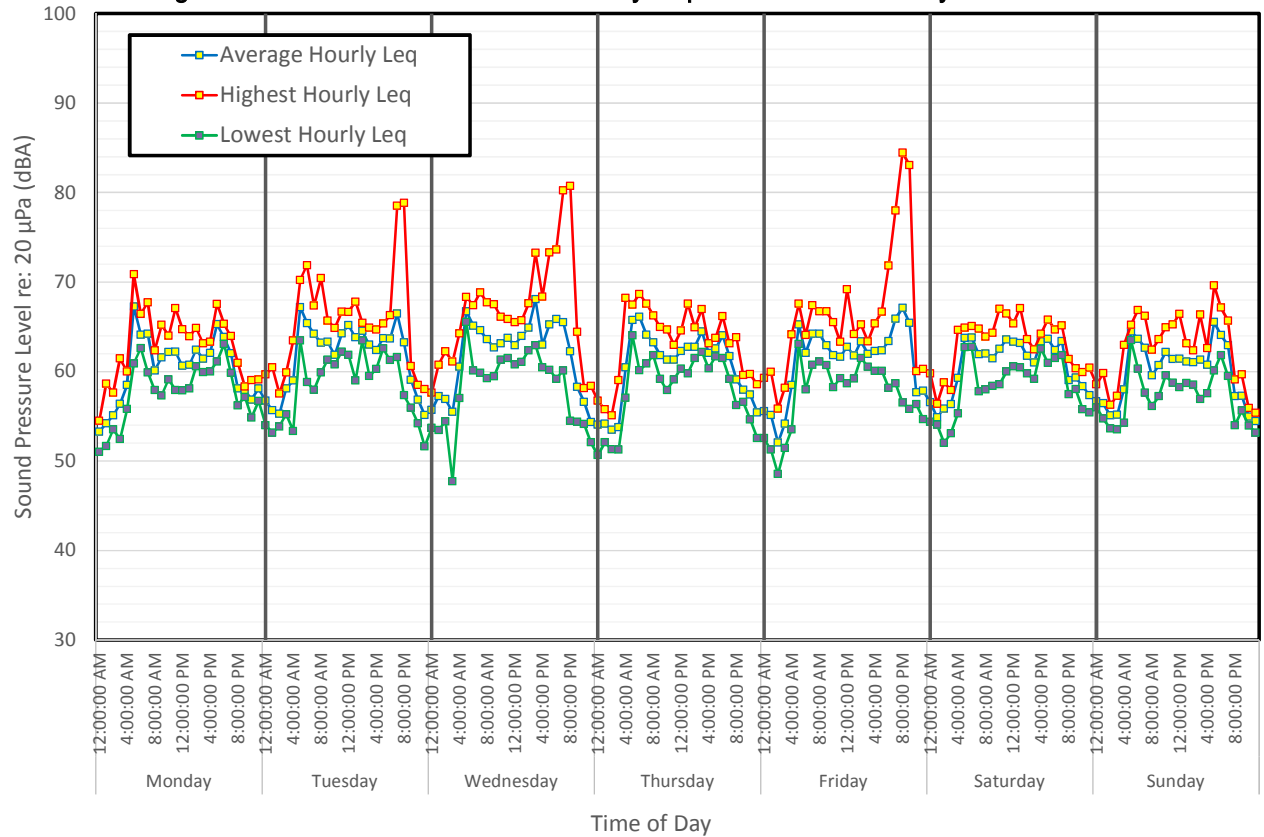


Figure 3c: Loc. 1 - Maine State Pier - Hourly Leq Table for Each Day of the Week

Hour	Average 1-hr Leq (dBA)						
	Weekday						
	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday	Sunday
12:00:00 AM	53	57	56	54	56	57	57
1:00:00 AM	54	56	57	54	55	55	56
2:00:00 AM	55	55	57	53	52	56	55
3:00:00 AM	56	58	55	54	54	56	55
4:00:00 AM	58	59	61	60	58	59	58
5:00:00 AM	67	67	67	66	65	64	64
6:00:00 AM	64	65	65	66	62	64	64
7:00:00 AM	64	64	65	64	64	62	63
8:00:00 AM	60	63	64	63	64	62	60
9:00:00 AM	62	63	63	62	63	61	61
10:00:00 AM	62	62	63	61	62	63	62
11:00:00 AM	62	64	64	61	62	64	61
12:00:00 PM	61	65	63	62	63	63	61
1:00:00 PM	61	64	64	63	62	63	61
2:00:00 PM	62	65	65	63	63	62	61
3:00:00 PM	61	63	68	64	62	61	61
4:00:00 PM	62	62	63	62	62	63	61
5:00:00 PM	65	64	65	63	62	64	66
6:00:00 PM	64	64	66	64	63	62	64
7:00:00 PM	62	66	65	62	66	63	63
8:00:00 PM	58	63	62	59	67	59	57
9:00:00 PM	58	59	58	58	65	59	57
10:00:00 PM	57	57	57	57	58	58	55
11:00:00 PM	58	55	54	55	58	57	54

Figure 3d: Loc. 1 - Maine State Pier - Ld, Ln, Ldn Versus Time

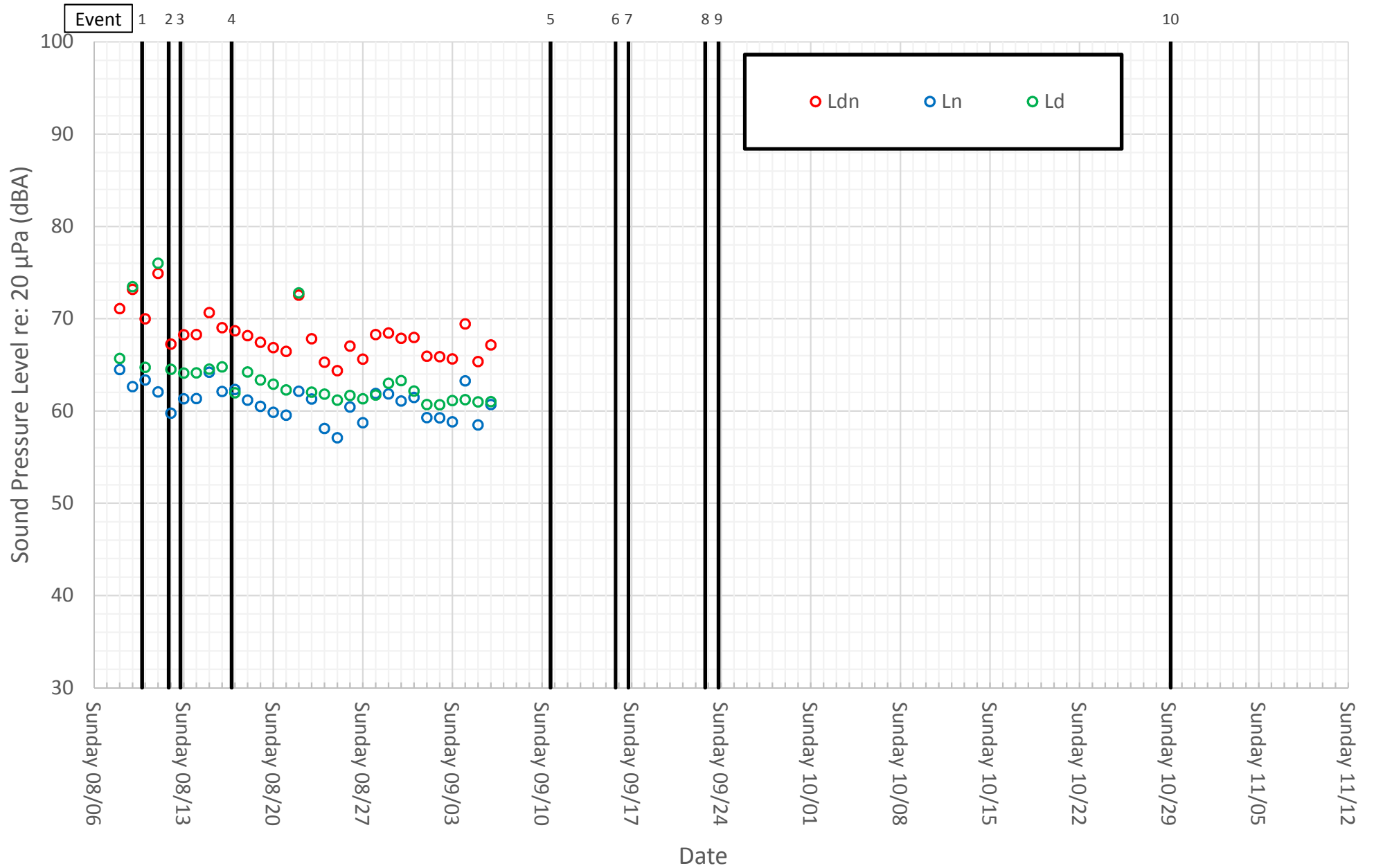


Figure 4a: Loc. 2 - Wharf and Dana - Hourly Leq Versus Time

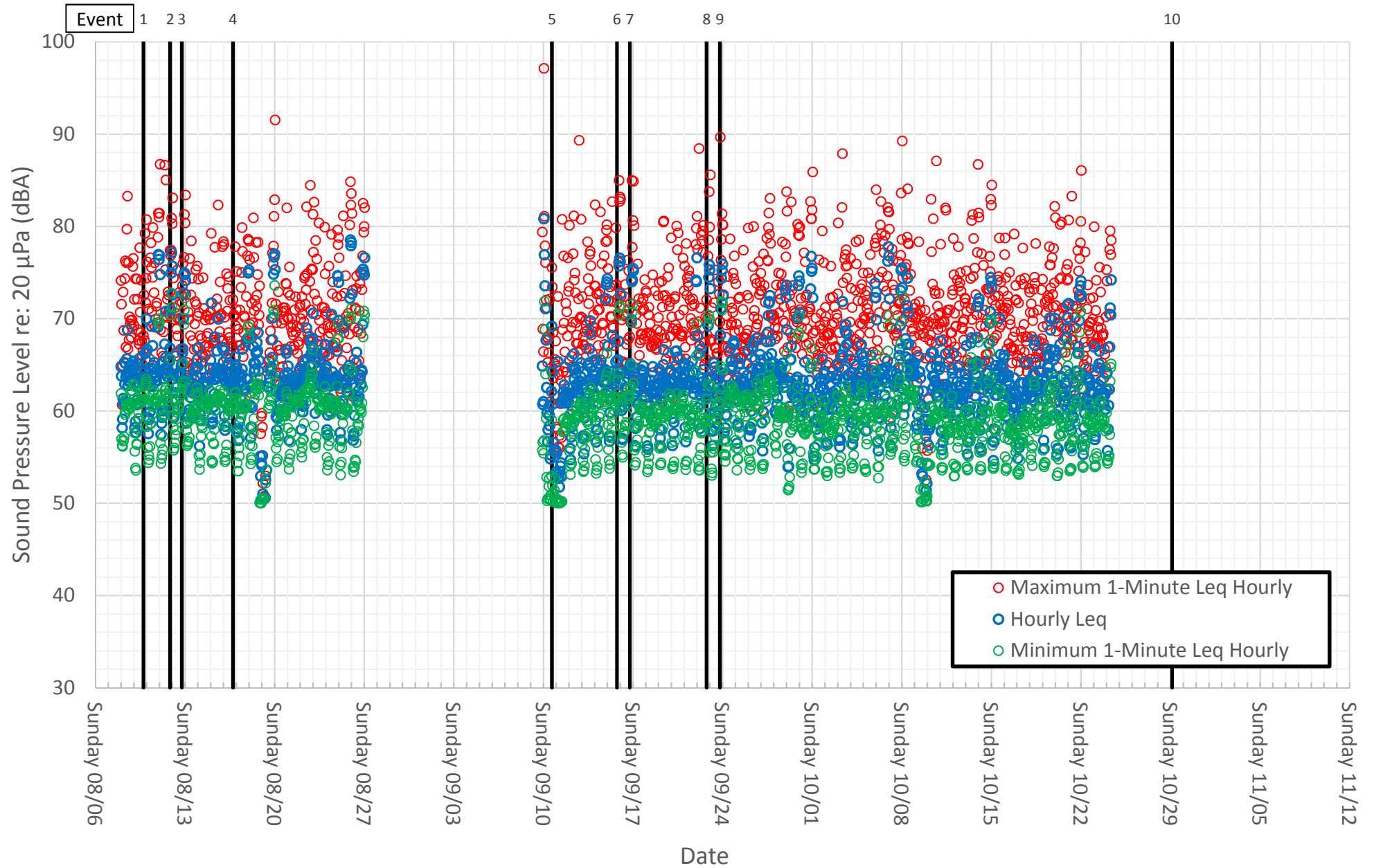


Figure 4b: Loc. 2 - Wharf and Dana - Hourly Leq Statistics for Each Day of the Week

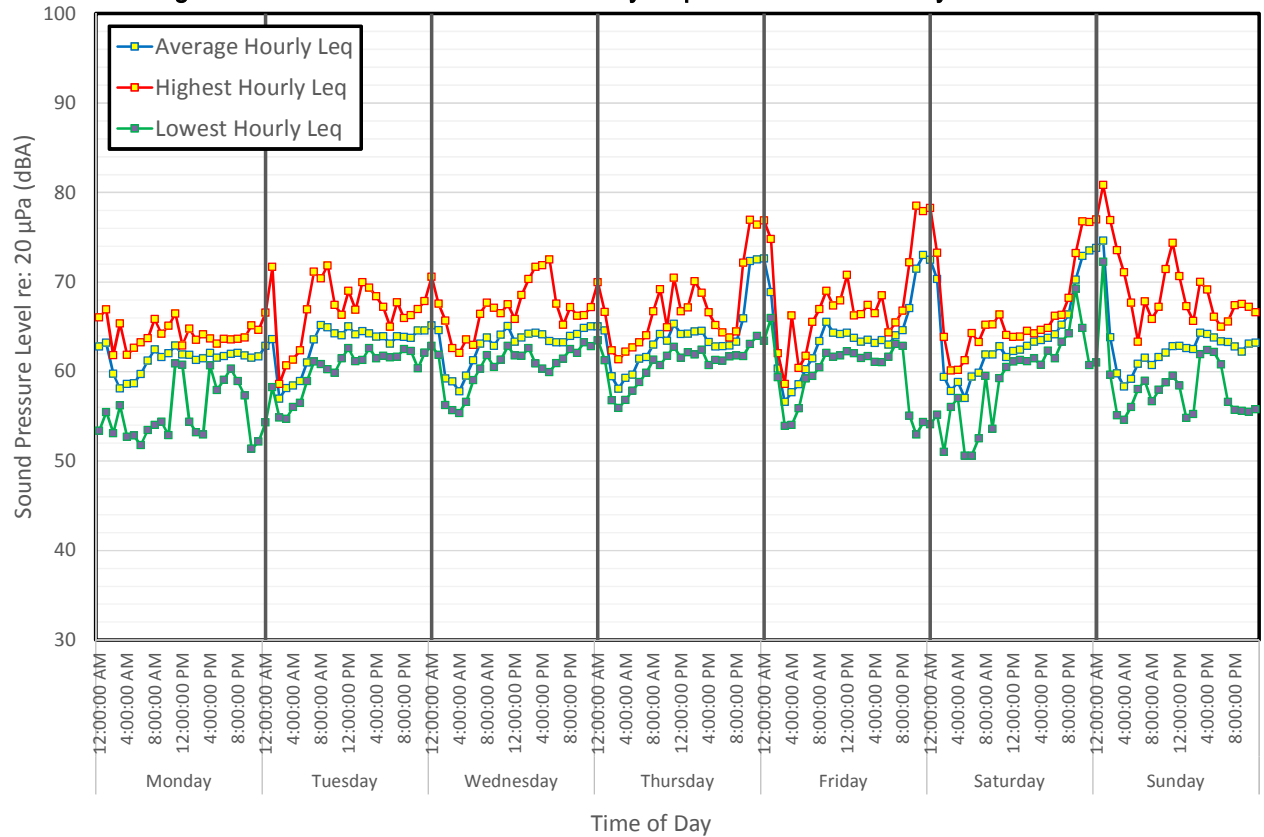


Figure 4c: Loc. 2 - Wharf and Dana - Hourly Leq Table for Each Day of the Week

Hour	Average 1-hr Leq (dBA)						
	Weekday						
	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday	Sunday
12:00:00 AM	63	63	65	65	73	72	74
1:00:00 AM	63	64	65	65	69	70	75
2:00:00 AM	60	57	59	59	60	59	64
3:00:00 AM	58	58	59	58	57	58	60
4:00:00 AM	59	58	58	59	58	59	58
5:00:00 AM	59	59	60	60	59	57	59
6:00:00 AM	60	61	61	61	60	59	61
7:00:00 AM	61	64	63	62	61	60	62
8:00:00 AM	62	65	64	63	63	62	61
9:00:00 AM	62	65	63	64	66	62	62
10:00:00 AM	62	64	64	63	64	63	62
11:00:00 AM	63	64	65	65	64	62	63
12:00:00 PM	62	65	63	64	64	62	63
1:00:00 PM	62	64	64	64	64	62	63
2:00:00 PM	61	65	64	64	63	63	62
3:00:00 PM	61	64	64	65	64	63	64
4:00:00 PM	62	64	64	63	63	63	64
5:00:00 PM	62	64	63	63	63	64	64
6:00:00 PM	62	63	63	63	63	64	63
7:00:00 PM	62	64	63	63	64	65	63
8:00:00 PM	62	64	64	63	65	66	63
9:00:00 PM	62	64	64	66	67	70	62
10:00:00 PM	62	65	65	72	71	73	63
11:00:00 PM	62	65	65	73	73	74	63

Figure 4d: Loc. 2 - Wharf and Dana - Ld, Ln, Ldn Versus Time

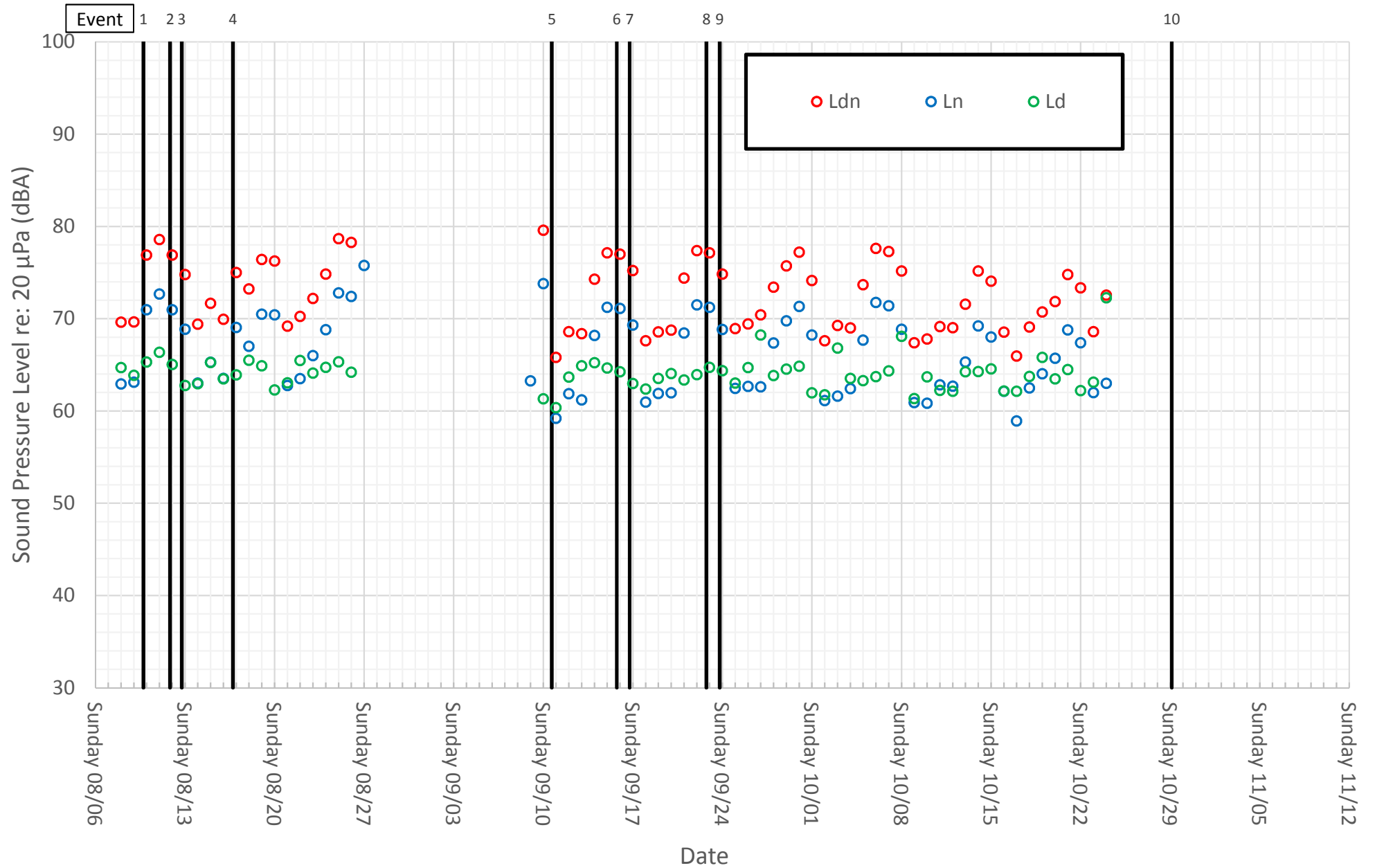


Figure 5a: Loc. 3 - Fore and Union - Hourly Leq Versus Time

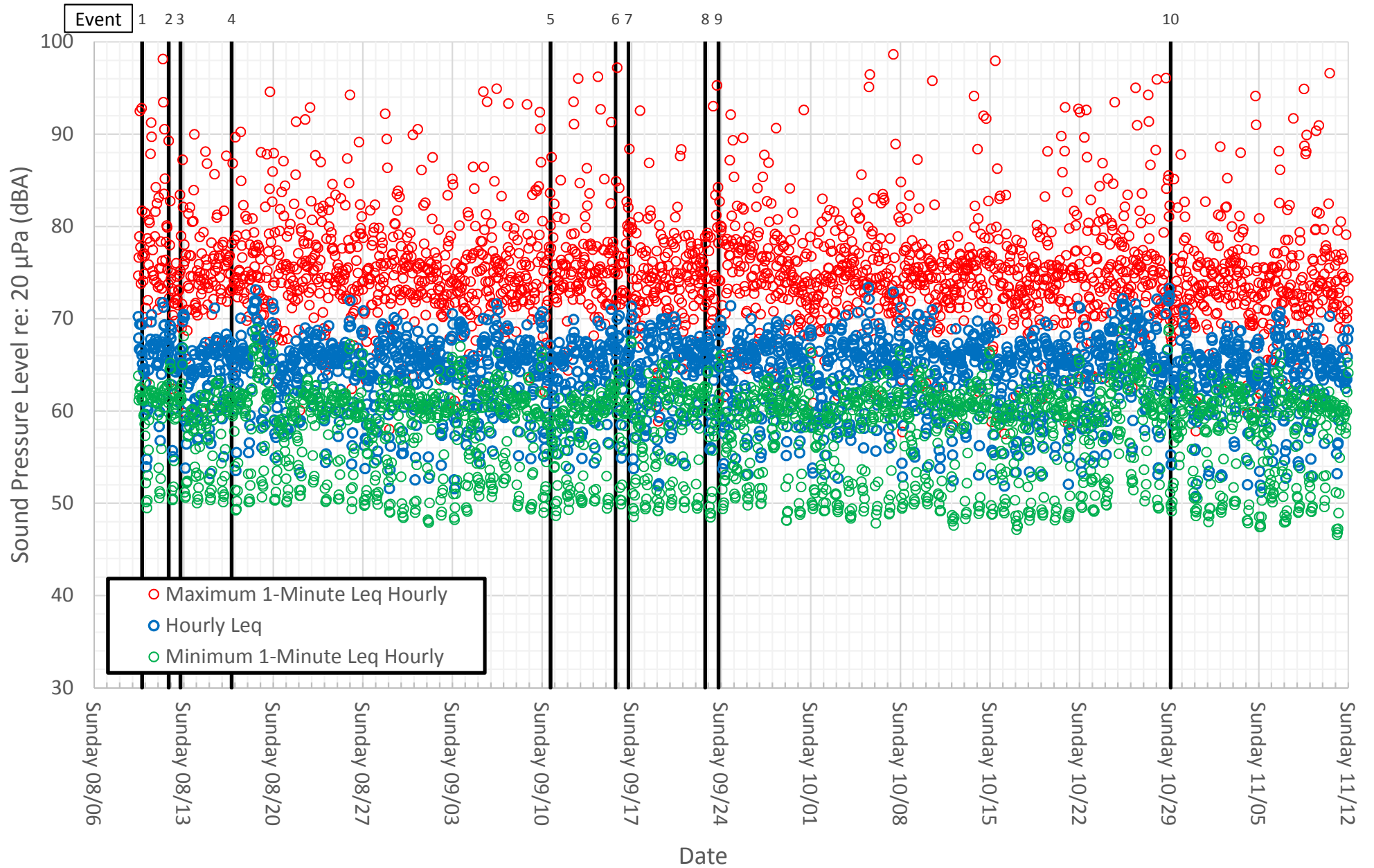


Figure 5b: Loc. 3 - Fore and Union - Hourly Leq Statistics for Each Day of the Week

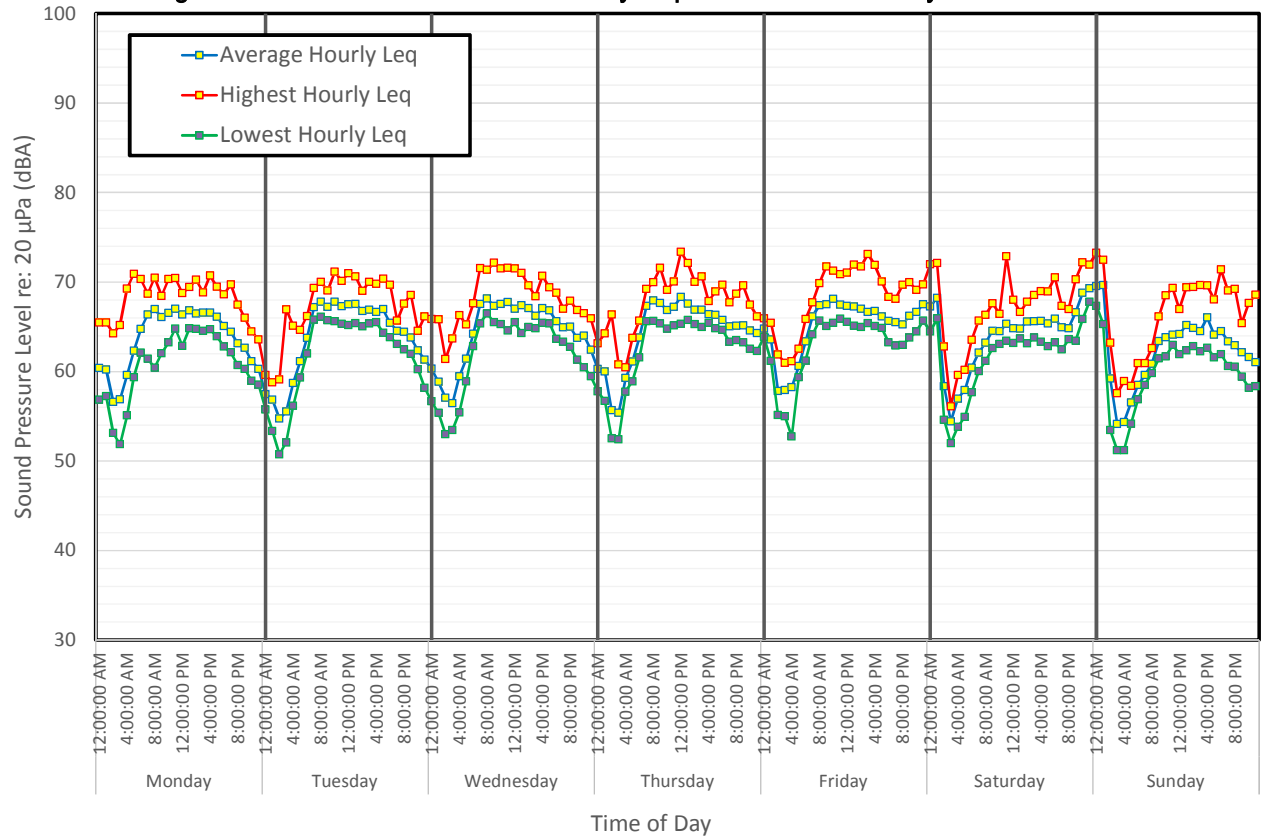


Figure 5c: Loc. 3 - Fore and Union - Hourly Leq Table for Each Day of the Week

Hour	Average 1-hr Leq (dBA)						
	Weekday						
	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday	Sunday
12:00:00 AM	60	57	60	60	65	67	70
1:00:00 AM	60	57	59	60	64	68	70
2:00:00 AM	57	55	57	56	58	58	59
3:00:00 AM	57	56	56	55	58	54	54
4:00:00 AM	60	59	59	59	58	57	54
5:00:00 AM	62	61	61	61	61	58	57
6:00:00 AM	65	64	64	64	63	60	58
7:00:00 AM	66	67	68	67	66	62	60
8:00:00 AM	67	68	68	68	67	63	61
9:00:00 AM	66	67	67	68	67	65	63
10:00:00 AM	67	68	68	67	68	64	64
11:00:00 AM	67	67	68	67	67	65	64
12:00:00 PM	66	68	67	68	67	65	64
1:00:00 PM	67	68	67	68	67	65	65
2:00:00 PM	66	67	67	67	67	66	65
3:00:00 PM	67	67	66	67	67	66	64
4:00:00 PM	67	67	67	66	67	66	66
5:00:00 PM	66	67	67	66	66	65	64
6:00:00 PM	65	65	66	66	66	66	64
7:00:00 PM	64	65	65	65	66	65	63
8:00:00 PM	63	64	65	65	65	65	63
9:00:00 PM	63	64	64	65	66	67	62
10:00:00 PM	61	62	64	65	67	69	62
11:00:00 PM	60	61	62	64	68	69	61

Figure 5d: Loc. 3 - Fore and Union - Ld, Ln, Ldn Versus Time

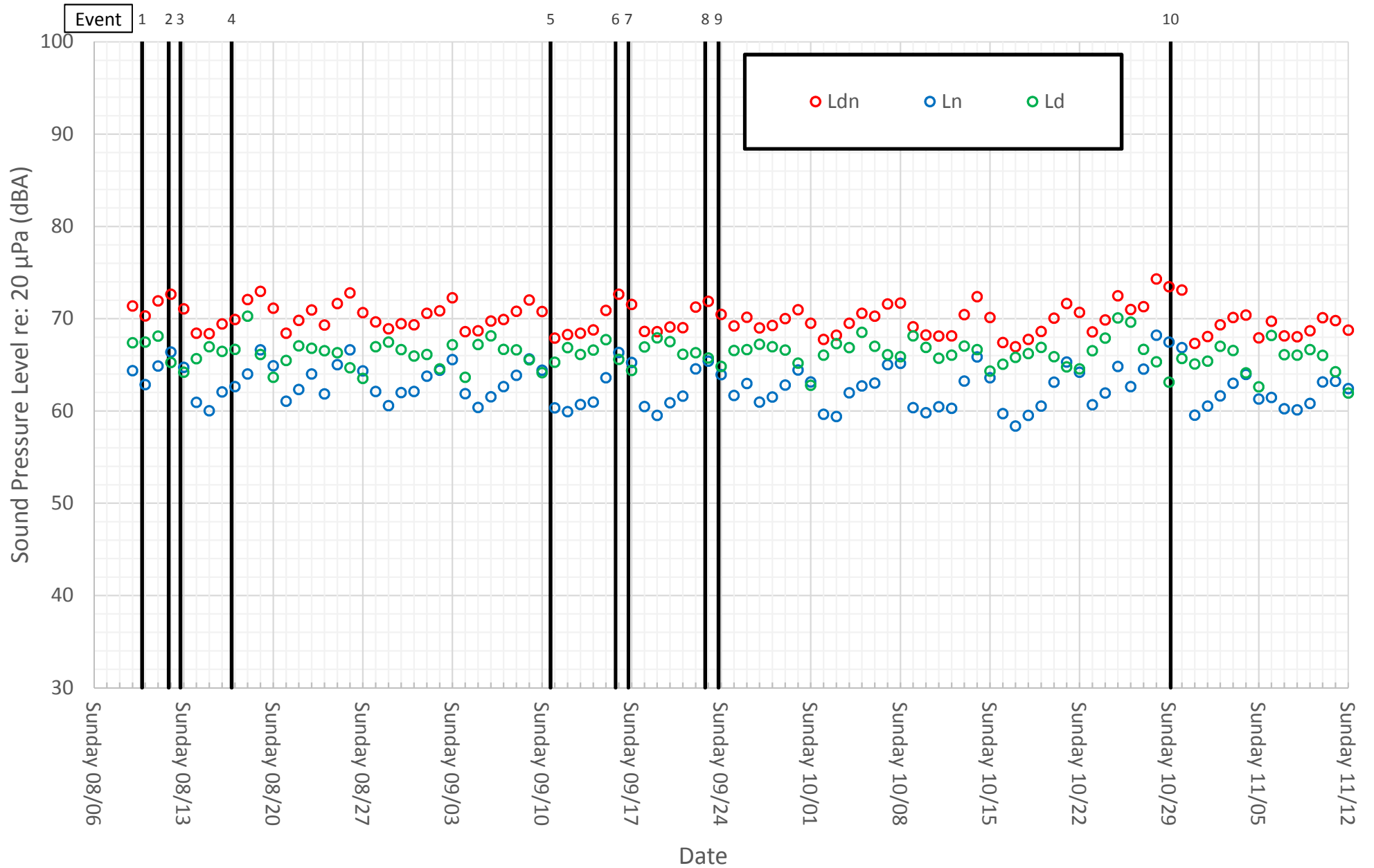


Figure 6a: Loc. 4 - Brown and Free - Hourly Leq Versus Time



Figure 6b: Loc. 4 - Brown and Free - Hourly Leq Statistics for Each Day of the Week

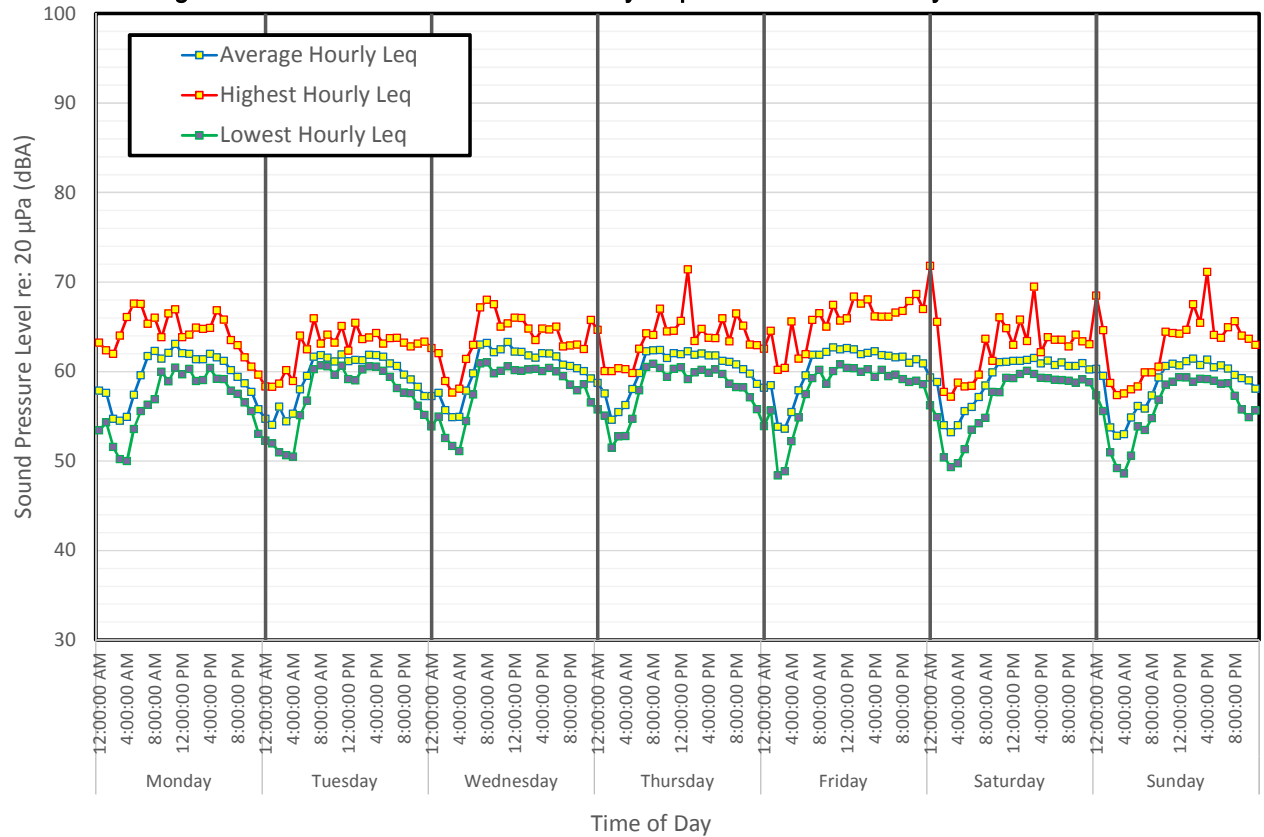


Figure 6c: Loc. 4 - Brown and Free - Hourly Leq Table for Each Day of the Week

Hour	Average 1-hr Leq (dBA)						
	Weekday						
	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday	Sunday
12:00:00 AM	58	55	57	59	58	59	60
1:00:00 AM	58	54	58	58	58	59	59
2:00:00 AM	55	56	56	55	54	54	54
3:00:00 AM	55	54	55	55	54	53	53
4:00:00 AM	55	55	55	56	55	54	53
5:00:00 AM	57	58	58	58	58	56	55
6:00:00 AM	60	59	60	60	60	56	56
7:00:00 AM	62	62	63	62	62	57	56
8:00:00 AM	62	62	63	62	62	58	57
9:00:00 AM	61	62	62	62	62	60	59
10:00:00 AM	62	61	62	61	63	61	61
11:00:00 AM	63	62	63	62	62	61	61
12:00:00 PM	62	61	62	62	63	61	61
1:00:00 PM	62	61	62	62	62	61	61
2:00:00 PM	61	61	62	62	62	61	61
3:00:00 PM	61	62	62	62	62	62	61
4:00:00 PM	62	62	62	62	62	61	61
5:00:00 PM	62	62	62	62	62	61	60
6:00:00 PM	61	61	62	61	62	61	61
7:00:00 PM	60	61	61	61	62	61	60
8:00:00 PM	59	60	61	61	62	61	60
9:00:00 PM	59	59	60	60	61	61	59
10:00:00 PM	58	58	60	60	61	61	59
11:00:00 PM	56	57	59	59	61	60	58

Figure 6d: Loc. 4 - Brown and Free - Ld, Ln, Ldn Versus Time

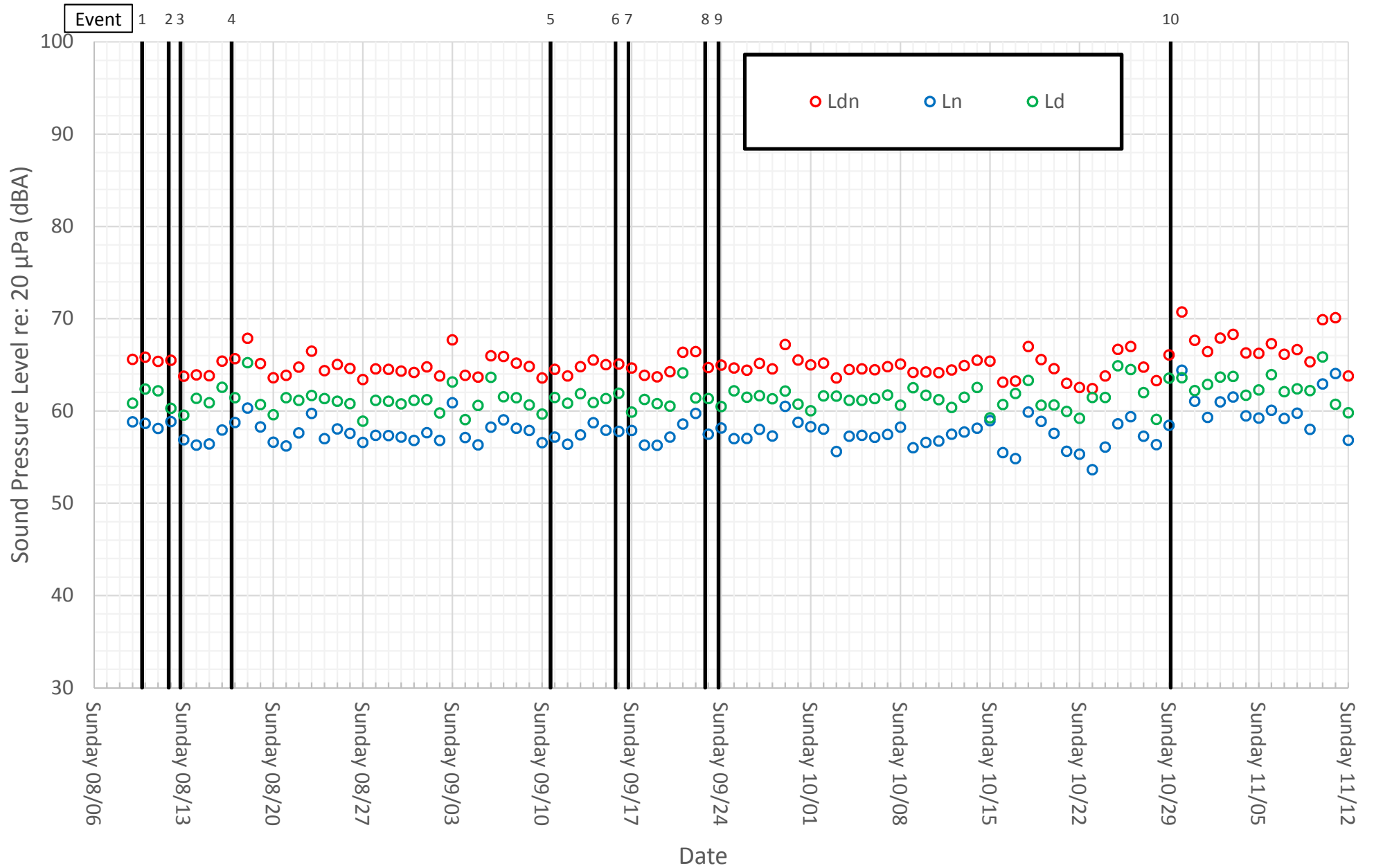


Figure 7a: Loc. 5 - Congress and High - Hourly Leq Versus Time

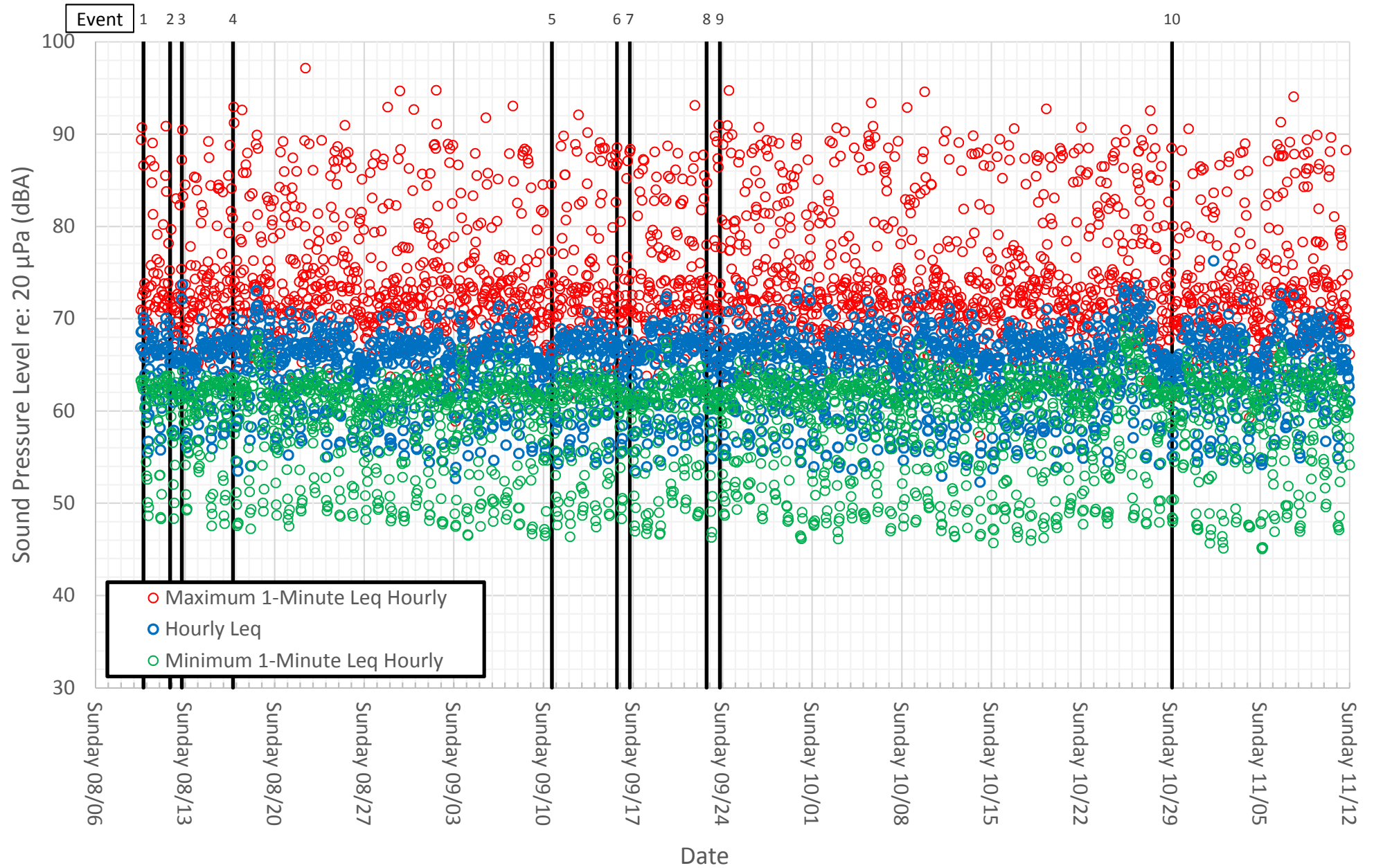


Figure 7b: Loc. 5 - Congress and High - Hourly Leq Statistics for Each Day of the Week

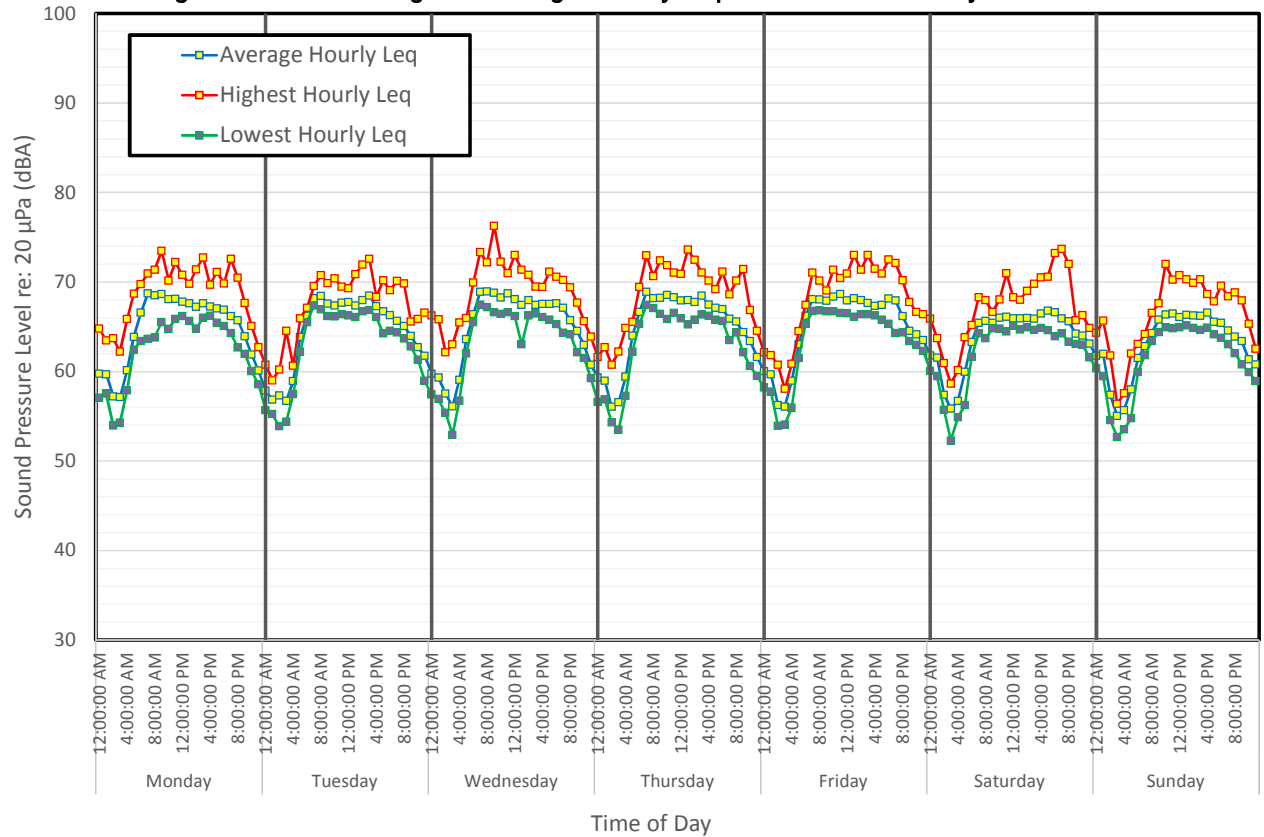


Figure 7c: Loc. 5 - Congress and High - Hourly Leq Table for Each Day of the Week

Hour	Average 1-hr Leq (dBA)						
	Weekday						
	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday	Sunday
12:00:00 AM	60	58	60	59	60	62	62
1:00:00 AM	60	57	59	59	60	62	62
2:00:00 AM	57	57	58	56	56	57	57
3:00:00 AM	57	57	56	57	56	56	55
4:00:00 AM	60	59	59	59	59	57	56
5:00:00 AM	64	64	64	64	63	60	58
6:00:00 AM	67	66	66	67	66	63	61
7:00:00 AM	69	68	69	69	68	65	63
8:00:00 AM	69	68	69	68	68	66	64
9:00:00 AM	69	68	69	68	68	65	66
10:00:00 AM	68	67	68	69	68	66	66
11:00:00 AM	68	68	69	68	69	66	66
12:00:00 PM	68	68	68	68	68	66	66
1:00:00 PM	68	67	67	68	68	66	66
2:00:00 PM	67	68	68	68	68	66	66
3:00:00 PM	68	68	67	68	68	66	66
4:00:00 PM	67	67	68	67	67	66	67
5:00:00 PM	67	67	68	67	67	67	66
6:00:00 PM	67	66	68	67	68	67	65
7:00:00 PM	66	66	67	66	68	66	65
8:00:00 PM	66	65	66	66	66	66	64
9:00:00 PM	64	64	65	64	65	64	63
10:00:00 PM	62	63	63	63	64	64	61
11:00:00 PM	60	62	61	62	64	63	61

Figure 7d: Loc. 5 - Congress and High - Ld, Ln, Ldn Versus Time

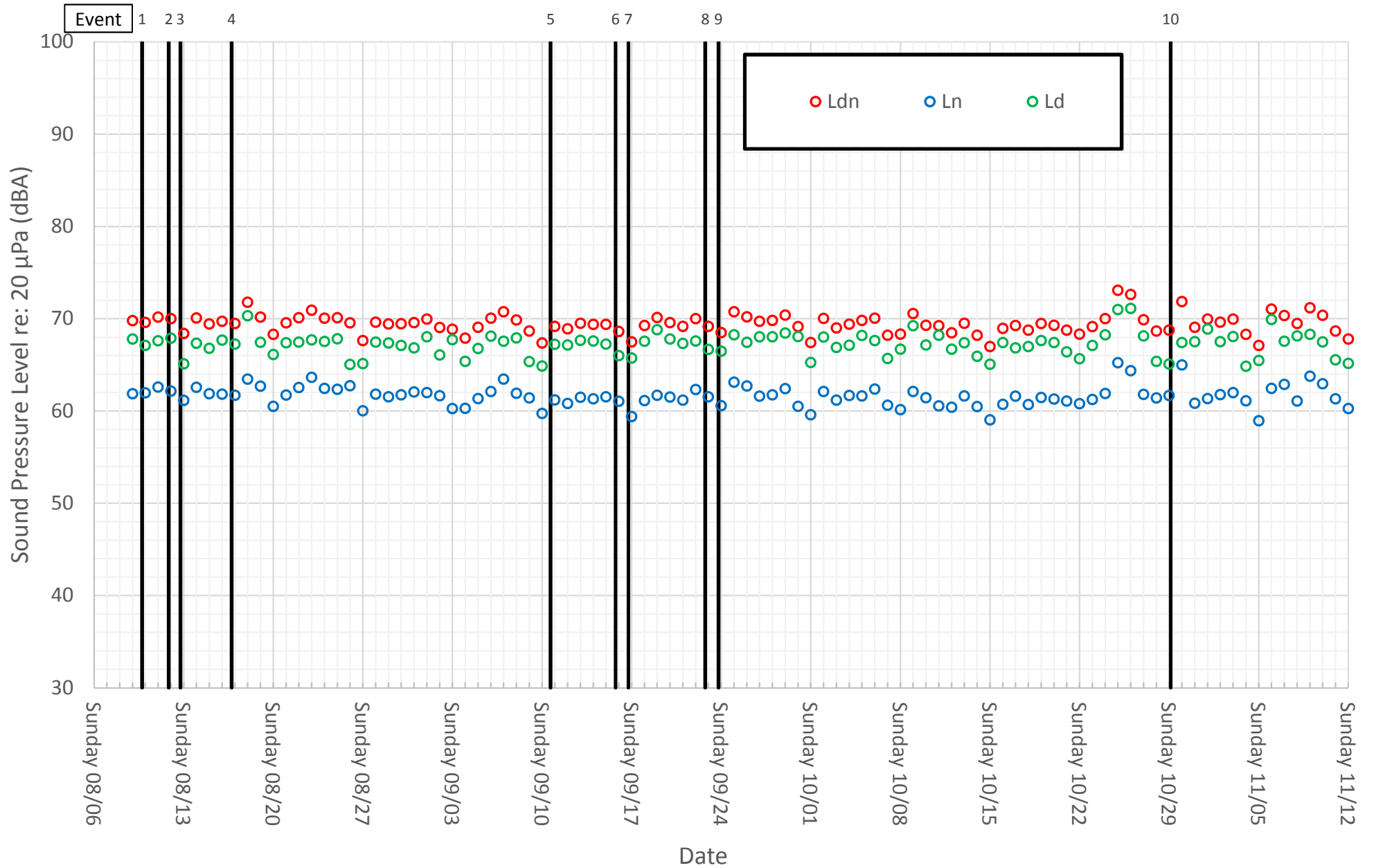


Figure 8a: Loc. 6 - Thompson Point - Hourly Leq Versus Time

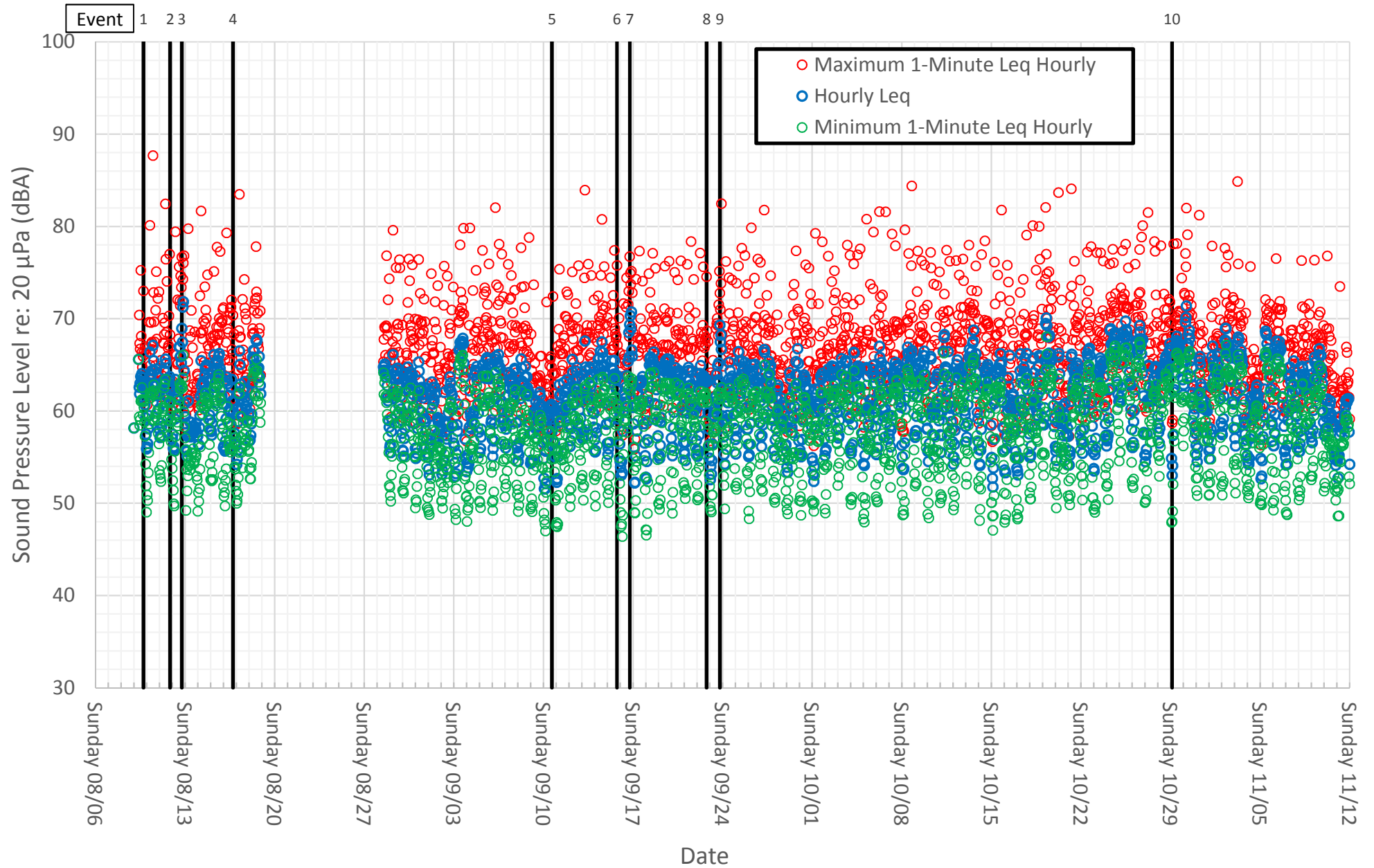


Figure 8b: Loc. 6 - Thompson Point - Hourly Leq Statistics for Each Day of the Week

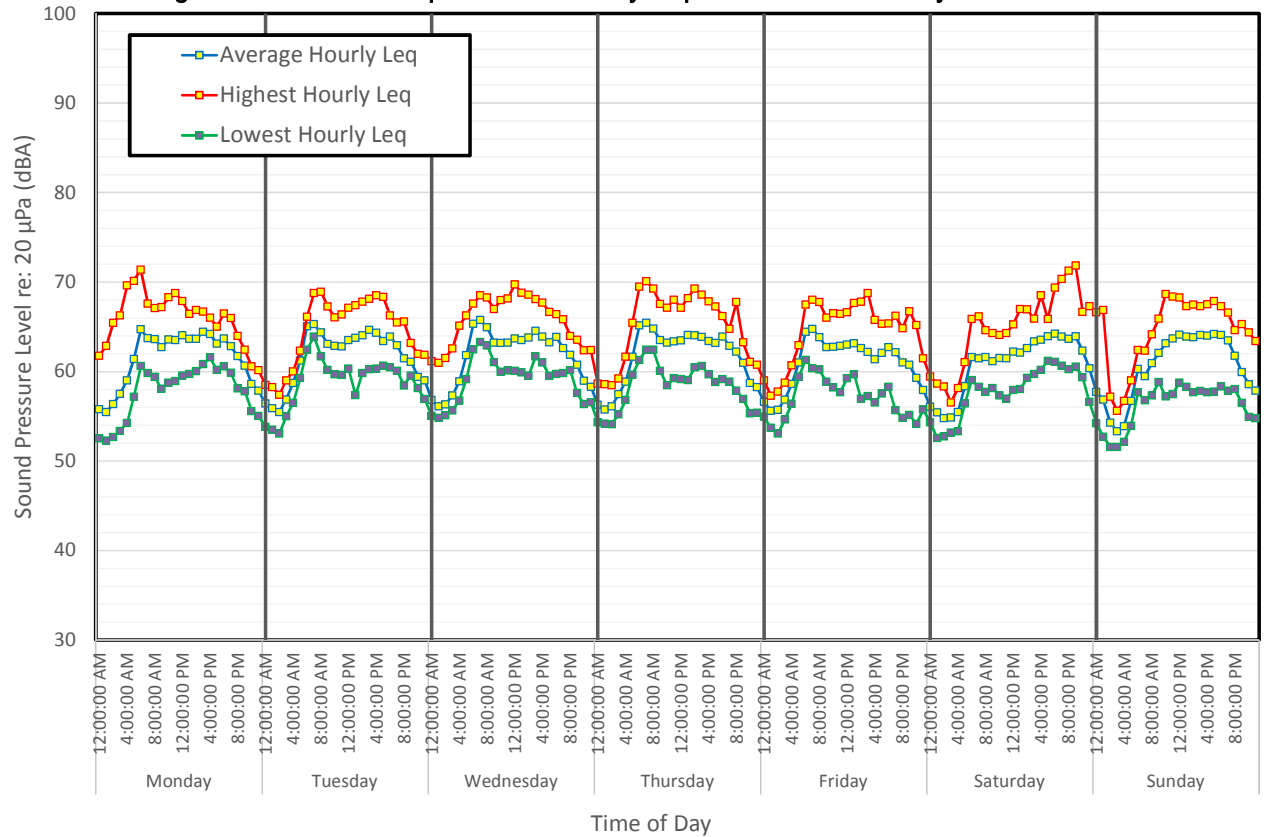


Figure 8c: Loc. 6 - Thompson Point - Hourly Leq Table for Each Day of the Week

Hour	Average 1-hr Leq (dBA)						
	Weekday						
	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday	Sunday
12:00:00 AM	56	56	57	56	57	56	58
1:00:00 AM	55	56	56	56	56	55	57
2:00:00 AM	56	55	56	56	56	55	54
3:00:00 AM	57	57	57	57	57	55	53
4:00:00 AM	59	59	59	59	59	55	54
5:00:00 AM	61	61	62	62	61	58	57
6:00:00 AM	65	65	65	65	64	62	60
7:00:00 AM	64	65	66	65	65	61	59
8:00:00 AM	64	64	65	65	64	62	61
9:00:00 AM	63	63	63	64	63	61	62
10:00:00 AM	64	63	63	63	63	61	63
11:00:00 AM	64	63	63	63	63	61	64
12:00:00 PM	64	63	64	63	63	62	64
1:00:00 PM	64	64	64	64	63	62	64
2:00:00 PM	64	64	64	64	63	63	64
3:00:00 PM	64	65	65	64	62	63	64
4:00:00 PM	64	64	64	63	61	64	64
5:00:00 PM	63	63	63	63	62	64	64
6:00:00 PM	64	64	64	64	63	64	64
7:00:00 PM	63	63	63	63	62	64	63
8:00:00 PM	62	61	62	62	61	64	62
9:00:00 PM	61	61	61	61	61	64	60
10:00:00 PM	59	59	59	59	59	62	59
11:00:00 PM	58	59	58	58	58	60	58

Figure 8d: Loc. 6 - Thompson Point - Ld, Ln, Ldn Versus Time

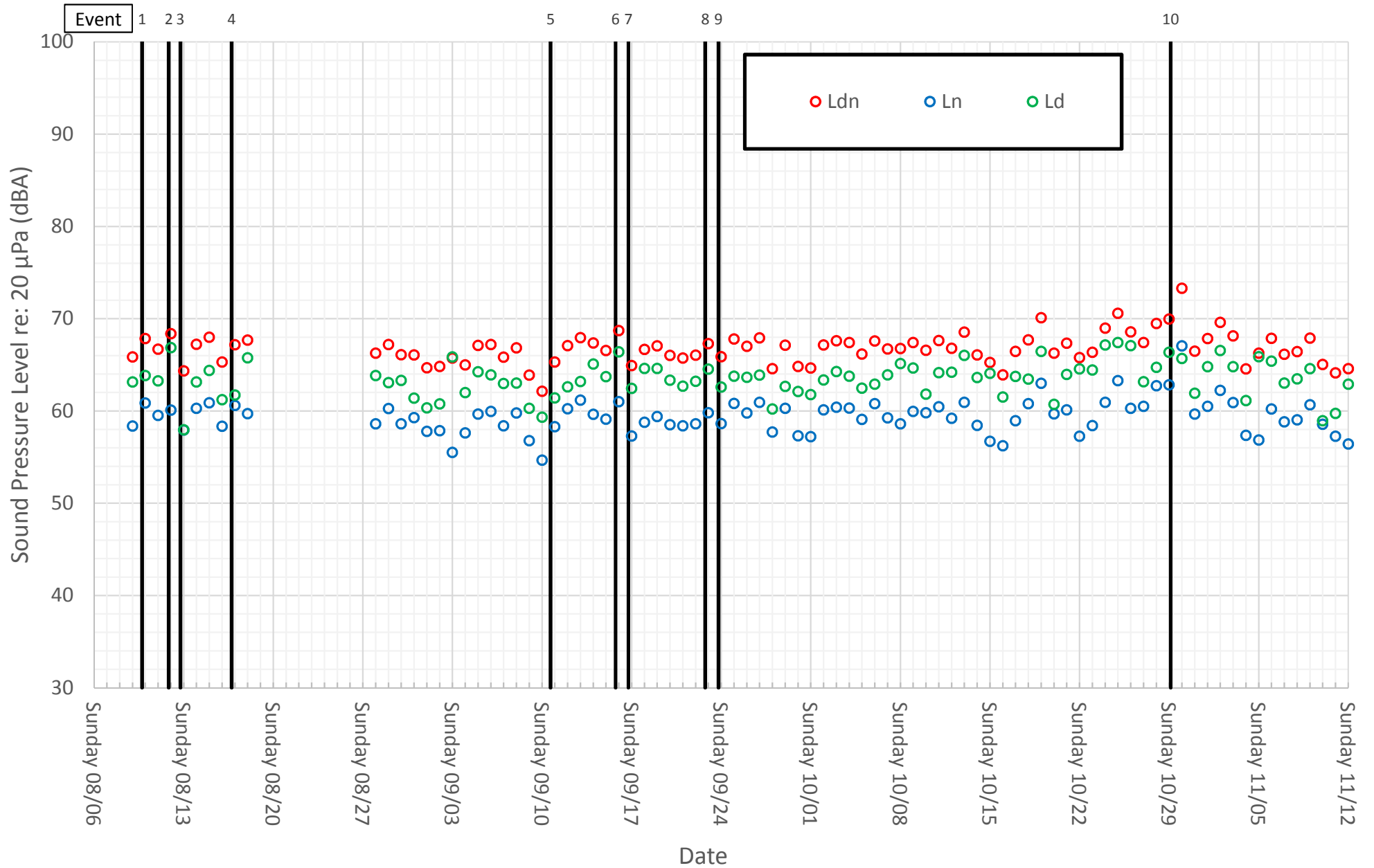


Figure 9a: Loc. 7 - Congress and Montfort - Hourly Leq Versus Time

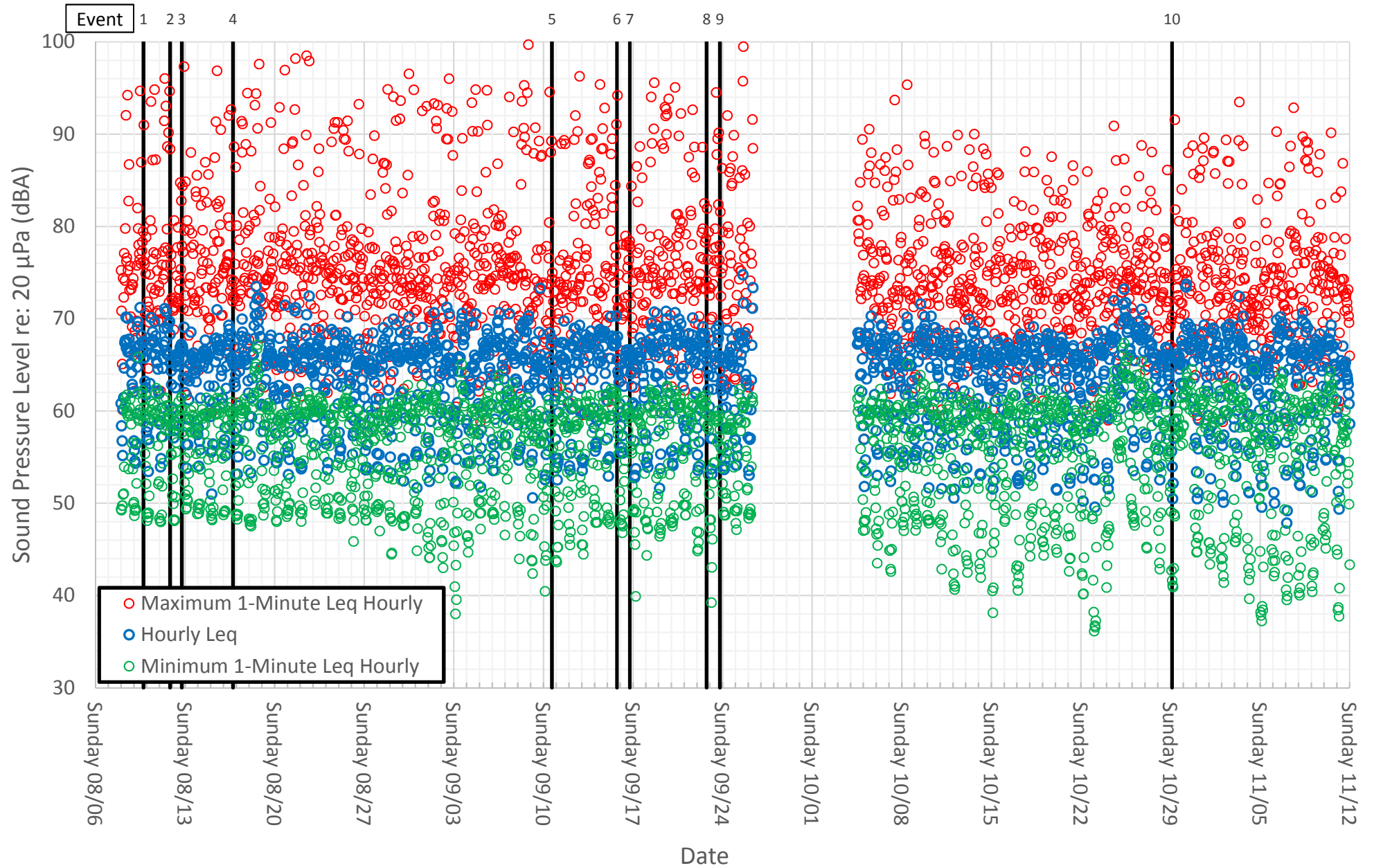


Figure 9b: Loc. 7 - Congress and Montfort - Hourly Leq Statistics for Each Day of the Week

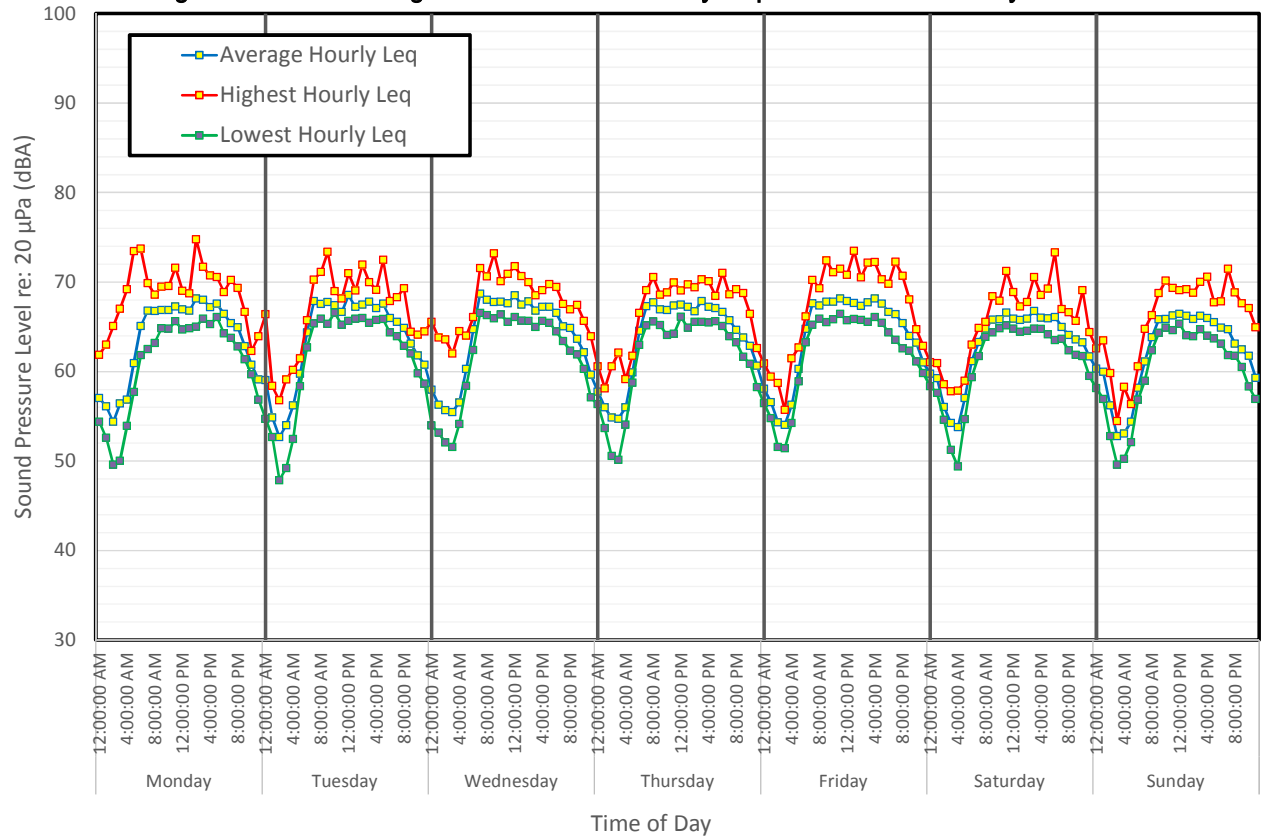


Figure 9c: Loc. 7 - Congress and Montfort - Hourly Leq Table for Each Day of the Week

Hour	Average 1-hr Leq (dBA)						
	Weekday						
	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday	Sunday
12:00:00 AM	57	59	58	58	58	60	60
1:00:00 AM	56	55	56	56	57	59	60
2:00:00 AM	54	53	56	55	54	56	56
3:00:00 AM	56	54	55	55	54	54	53
4:00:00 AM	57	56	57	56	56	54	53
5:00:00 AM	61	60	60	60	60	57	54
6:00:00 AM	65	64	65	65	65	61	58
7:00:00 AM	67	68	69	67	68	63	61
8:00:00 AM	67	68	68	68	67	65	64
9:00:00 AM	67	68	68	67	68	66	66
10:00:00 AM	67	67	68	67	68	66	66
11:00:00 AM	67	67	68	67	68	67	66
12:00:00 PM	67	69	69	67	68	66	66
1:00:00 PM	67	67	67	67	68	66	66
2:00:00 PM	68	67	68	67	67	66	66
3:00:00 PM	68	68	67	68	68	67	66
4:00:00 PM	67	67	67	67	68	66	66
5:00:00 PM	68	68	67	67	68	66	65
6:00:00 PM	66	66	67	67	67	66	65
7:00:00 PM	65	66	65	66	66	65	65
8:00:00 PM	65	65	65	65	65	64	63
9:00:00 PM	63	63	64	64	64	64	62
10:00:00 PM	61	62	62	63	63	63	62
11:00:00 PM	59	61	60	61	61	62	59

Figure 9d: Loc. 7 - Congress and Montfort - Ld, Ln, Ldn Versus Time

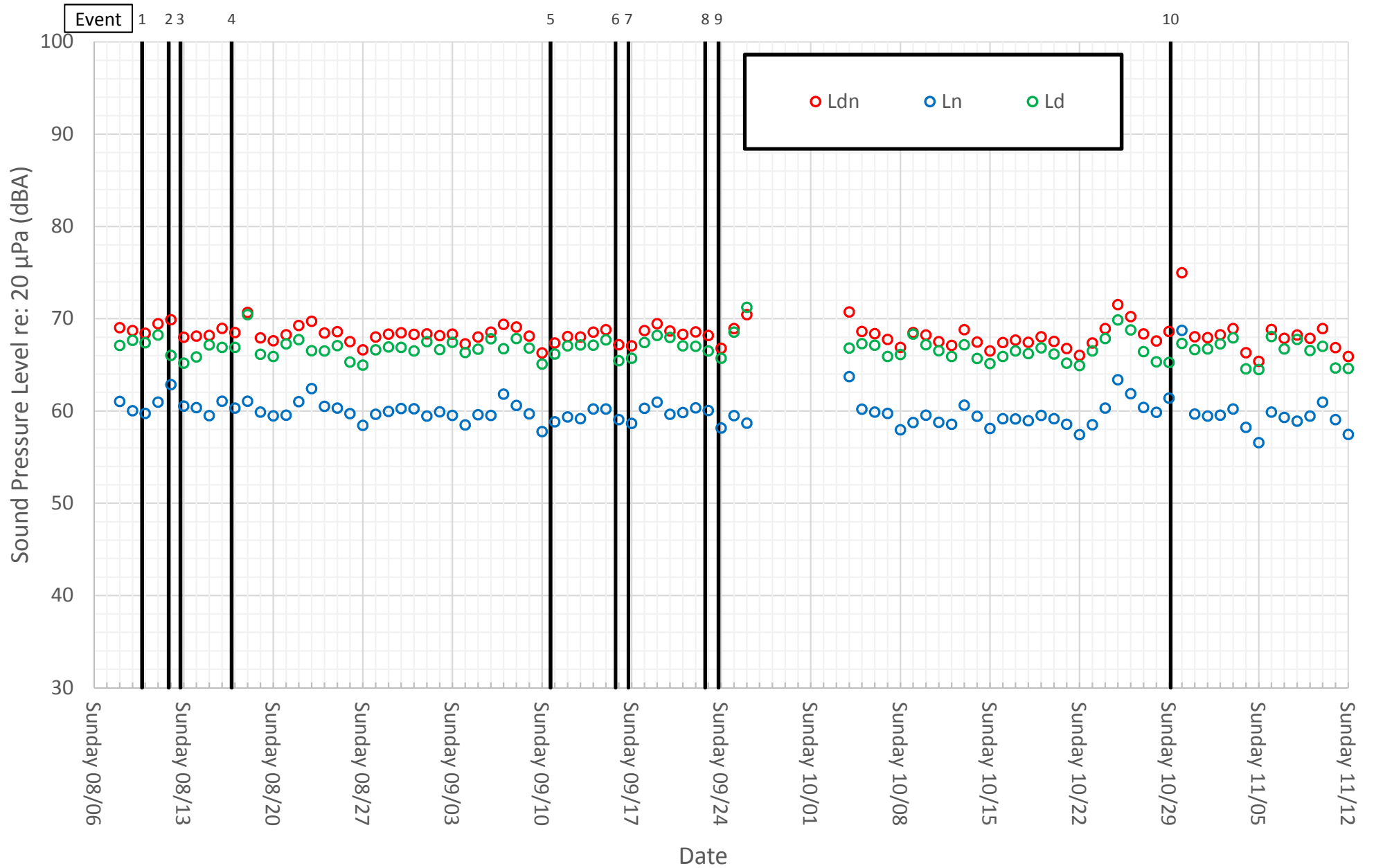


Figure 10a: Loc. 8 - Forest and Allen - Hourly Leq Versus Time

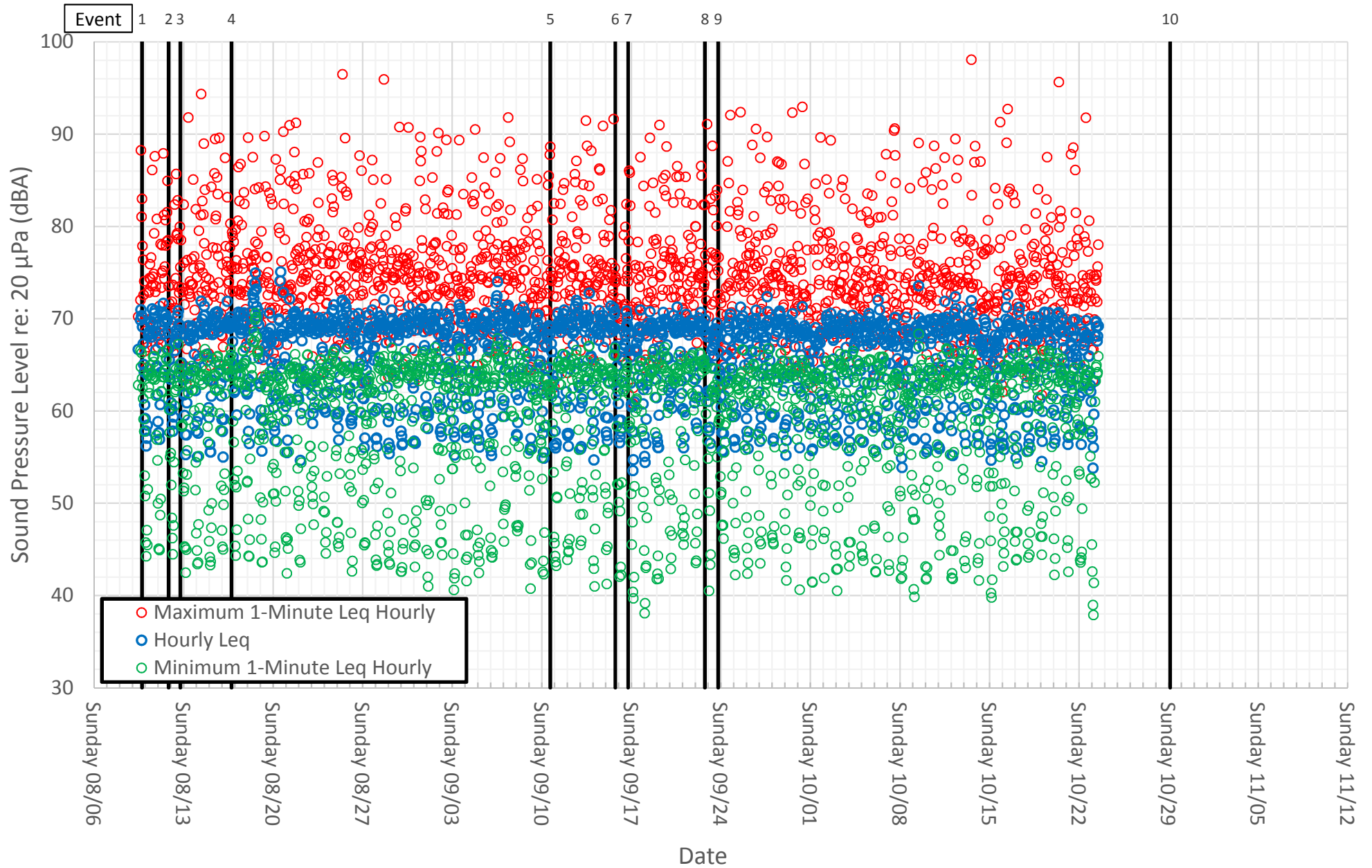


Figure 10b: Loc. 8 - Forest and Allen - Hourly Leq Statistics for Each Day of the Week

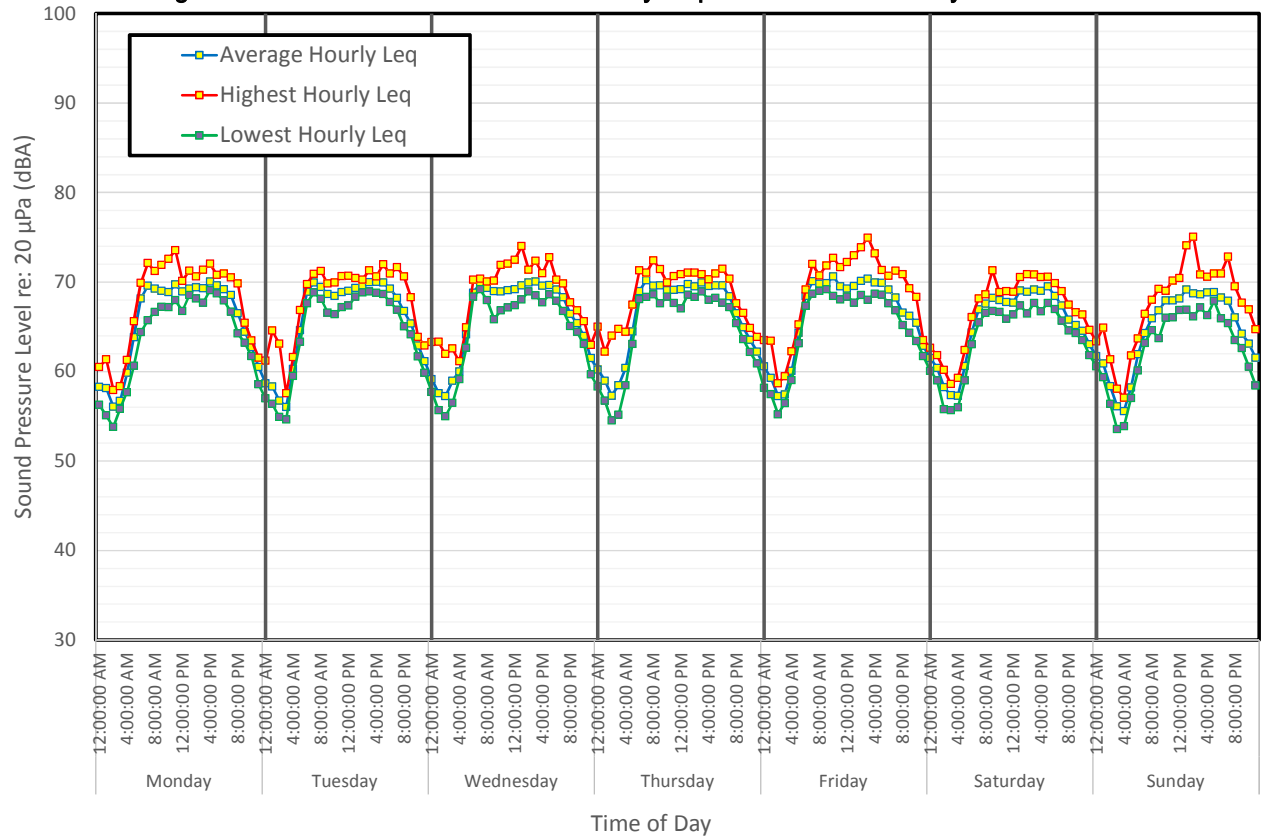


Figure 10c: Loc. 8 - Forest and Allen - Hourly Leq Table for Each Day of the Week

Hour	Average 1-hr Leq (dBA)						
	Weekday						
	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday	Sunday
12:00:00 AM	58	59	59	60	61	61	62
1:00:00 AM	58	58	58	59	59	60	61
2:00:00 AM	56	57	57	57	57	58	58
3:00:00 AM	57	56	59	58	57	57	56
4:00:00 AM	60	60	60	60	60	57	56
5:00:00 AM	64	65	64	64	64	61	58
6:00:00 AM	68	69	69	69	68	64	62
7:00:00 AM	70	70	70	70	70	67	64
8:00:00 AM	69	69	69	70	70	68	66
9:00:00 AM	69	69	69	70	70	68	67
10:00:00 AM	69	68	69	69	71	68	68
11:00:00 AM	70	69	69	69	70	68	68
12:00:00 PM	69	69	69	69	69	68	68
1:00:00 PM	69	69	70	70	70	69	69
2:00:00 PM	69	70	70	70	70	69	69
3:00:00 PM	69	70	70	70	70	69	69
4:00:00 PM	70	70	70	70	70	69	69
5:00:00 PM	70	70	70	70	70	69	69
6:00:00 PM	69	69	69	70	69	68	68
7:00:00 PM	69	68	68	68	68	67	68
8:00:00 PM	66	67	66	67	67	66	66
9:00:00 PM	64	65	65	65	66	65	64
10:00:00 PM	63	63	64	64	65	65	63
11:00:00 PM	60	61	61	62	63	63	62

Figure 10d: Loc. 8 - Forest and Allen - Ld, Ln, Ldn Versus Time

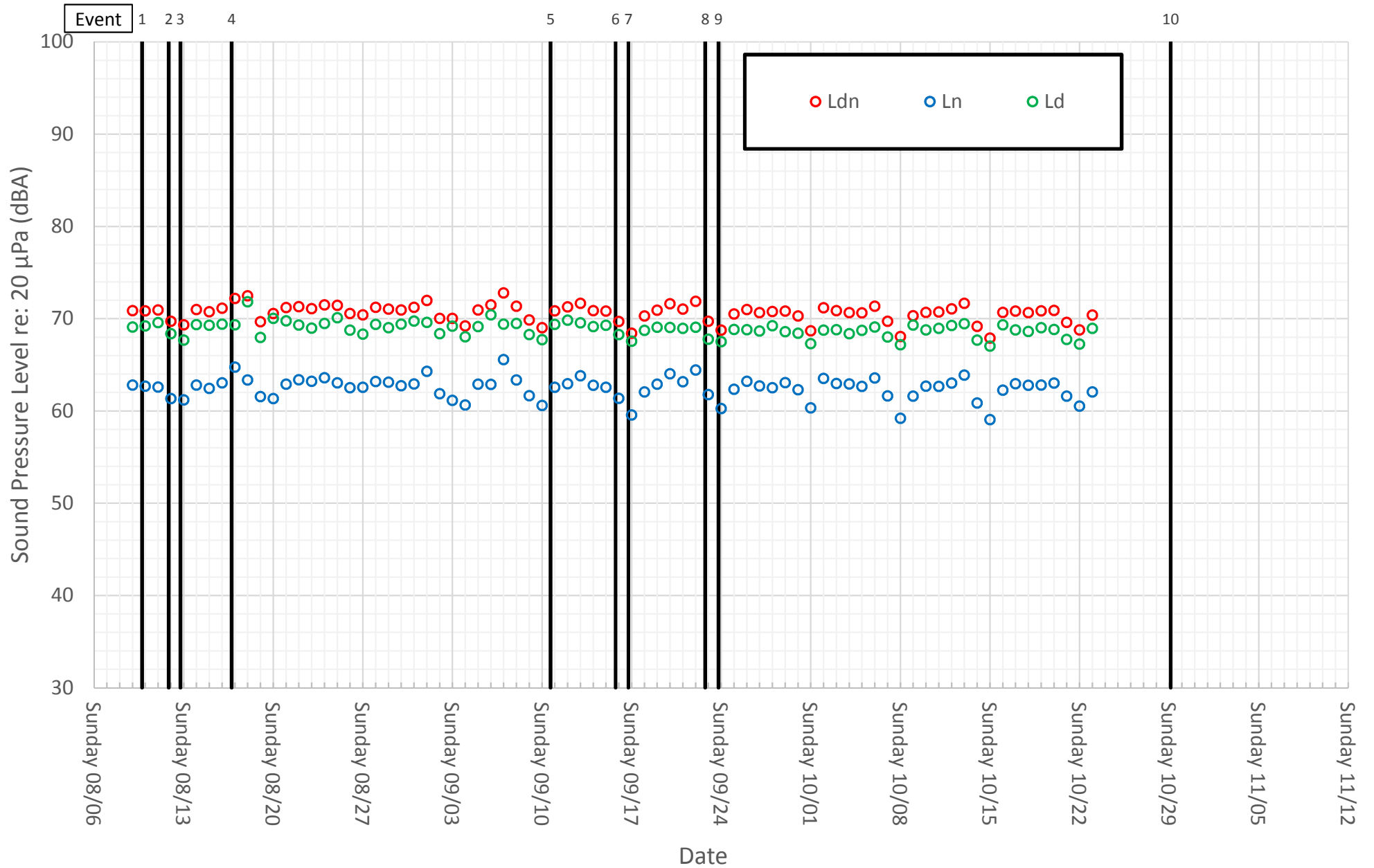


Figure 11a: Loc. 9 - Stevens and Brighton - Hourly Leq Versus Time

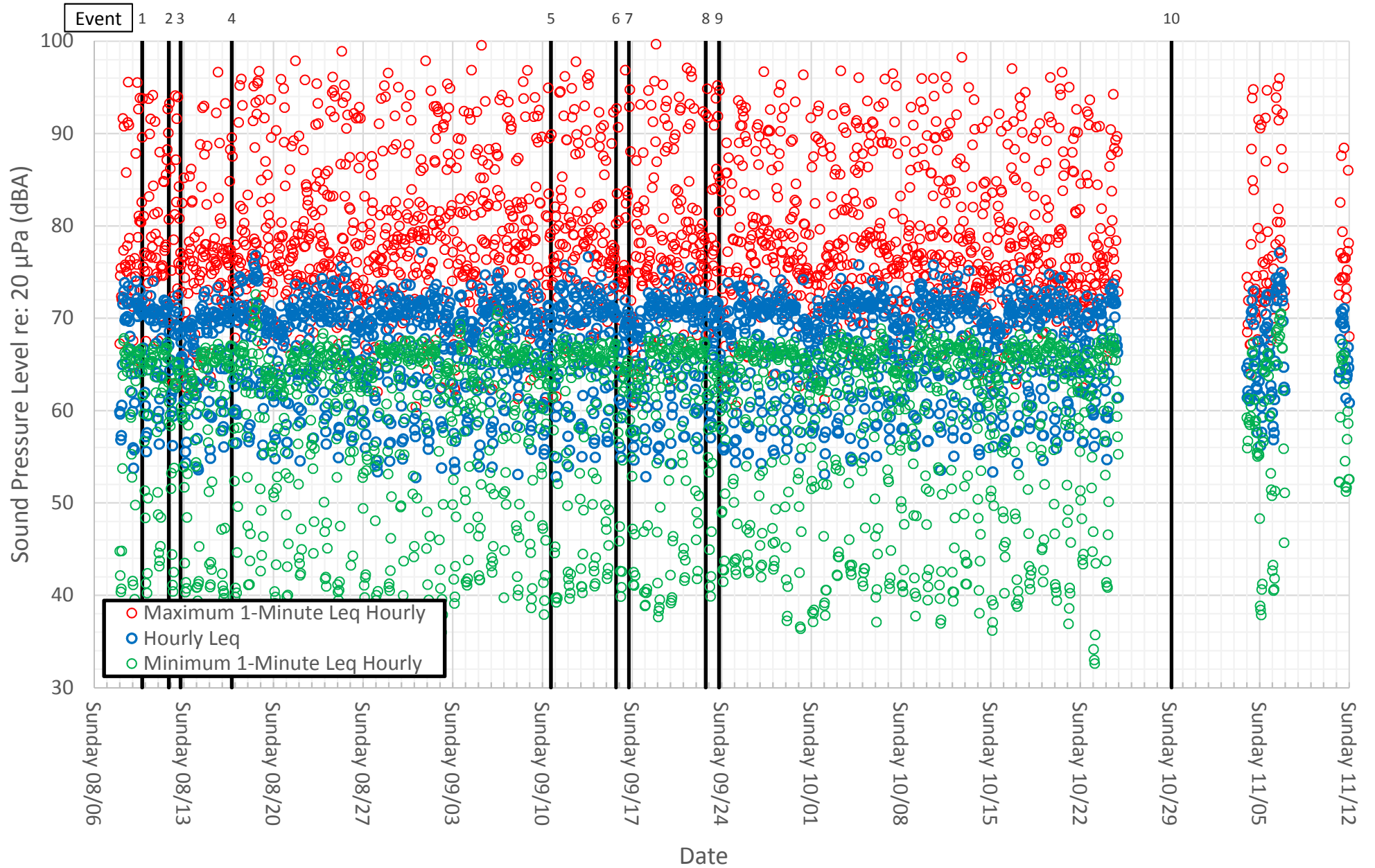


Figure 11b: Loc. 9 - Stevens and Brighton - Hourly Leq Statistics for Each Day of the Week

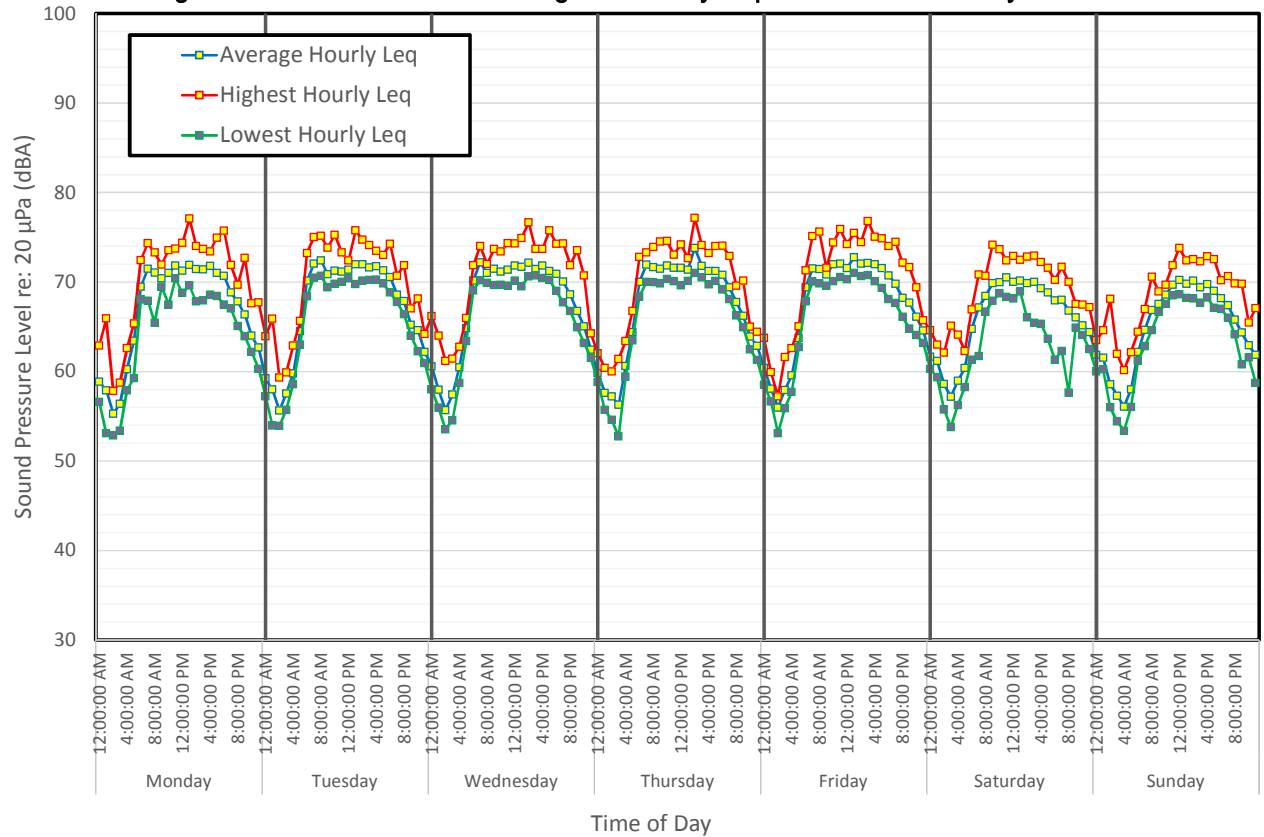


Figure 11c: Loc. 9 - Stevens and Brighton - Hourly Leq Table for Each Day of the Week

Hour	Average 1-hr Leq (dBA)						
	Weekday						
	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday	Sunday
12:00:00 AM	59	59	61	60	60	62	62
1:00:00 AM	58	58	58	58	58	61	62
2:00:00 AM	55	56	56	57	56	59	59
3:00:00 AM	56	58	57	56	58	57	57
4:00:00 AM	60	60	60	61	60	59	56
5:00:00 AM	63	64	65	64	64	60	58
6:00:00 AM	69	70	70	70	69	65	62
7:00:00 AM	71	72	72	72	71	67	65
8:00:00 AM	71	72	71	72	71	68	67
9:00:00 AM	70	71	71	71	71	70	68
10:00:00 AM	71	71	71	72	72	70	69
11:00:00 AM	72	71	71	72	72	71	70
12:00:00 PM	71	71	72	72	72	70	70
1:00:00 PM	72	72	72	71	73	70	70
2:00:00 PM	71	72	72	74	72	70	70
3:00:00 PM	71	72	71	72	72	70	69
4:00:00 PM	72	72	72	71	72	69	70
5:00:00 PM	71	71	71	71	72	69	69
6:00:00 PM	71	71	71	71	71	68	68
7:00:00 PM	69	69	70	69	70	68	67
8:00:00 PM	68	68	69	68	68	67	66
9:00:00 PM	66	65	67	66	68	66	64
10:00:00 PM	64	65	65	64	66	65	63
11:00:00 PM	63	62	62	63	65	64	62

Figure 11d: Loc. 9 - Stevens and Brighton - Ld, Ln, Ldn Versus Time

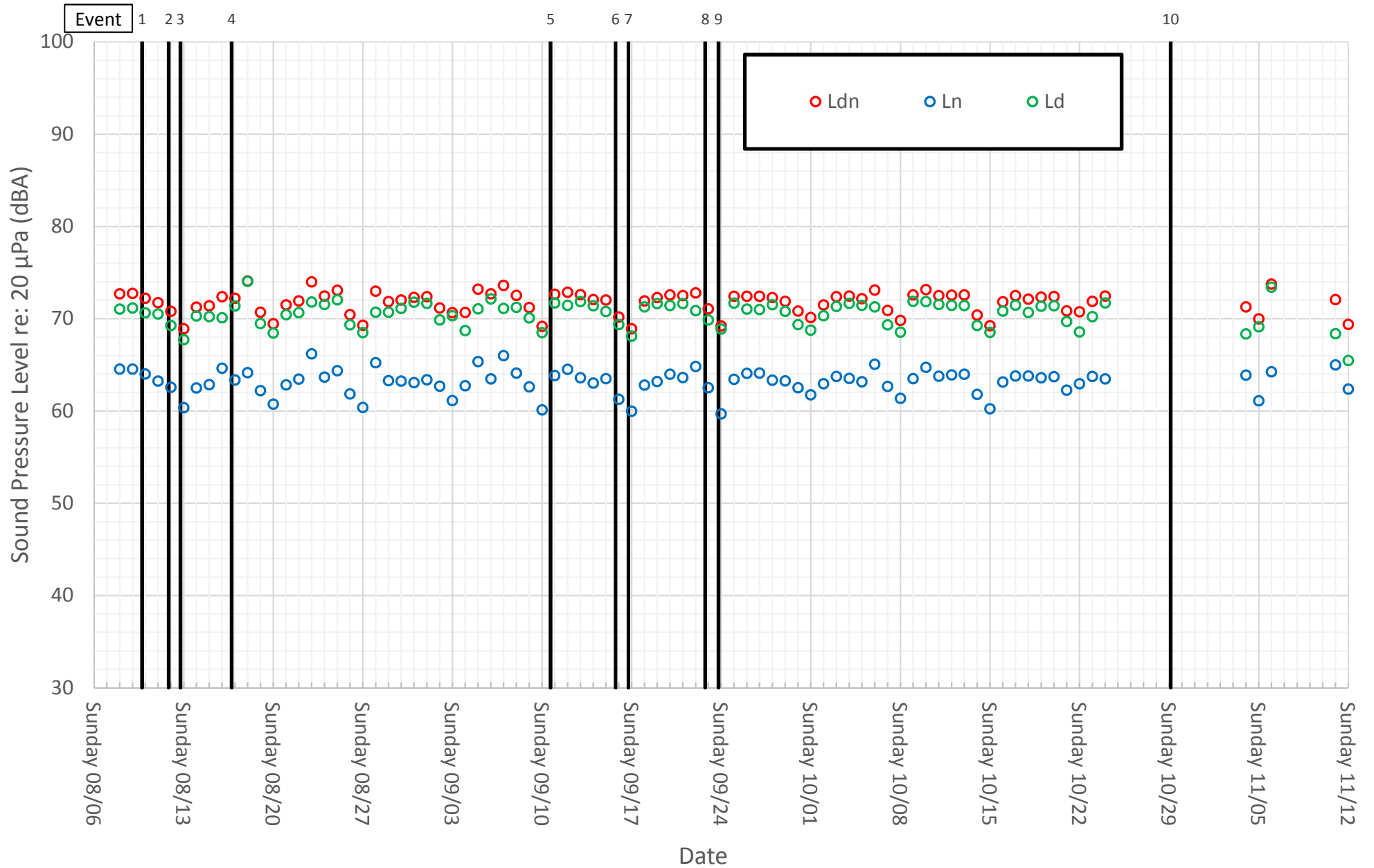


Figure 12a: Loc. 10 - Casco Bay Bridge - Hourly Leq Versus Time

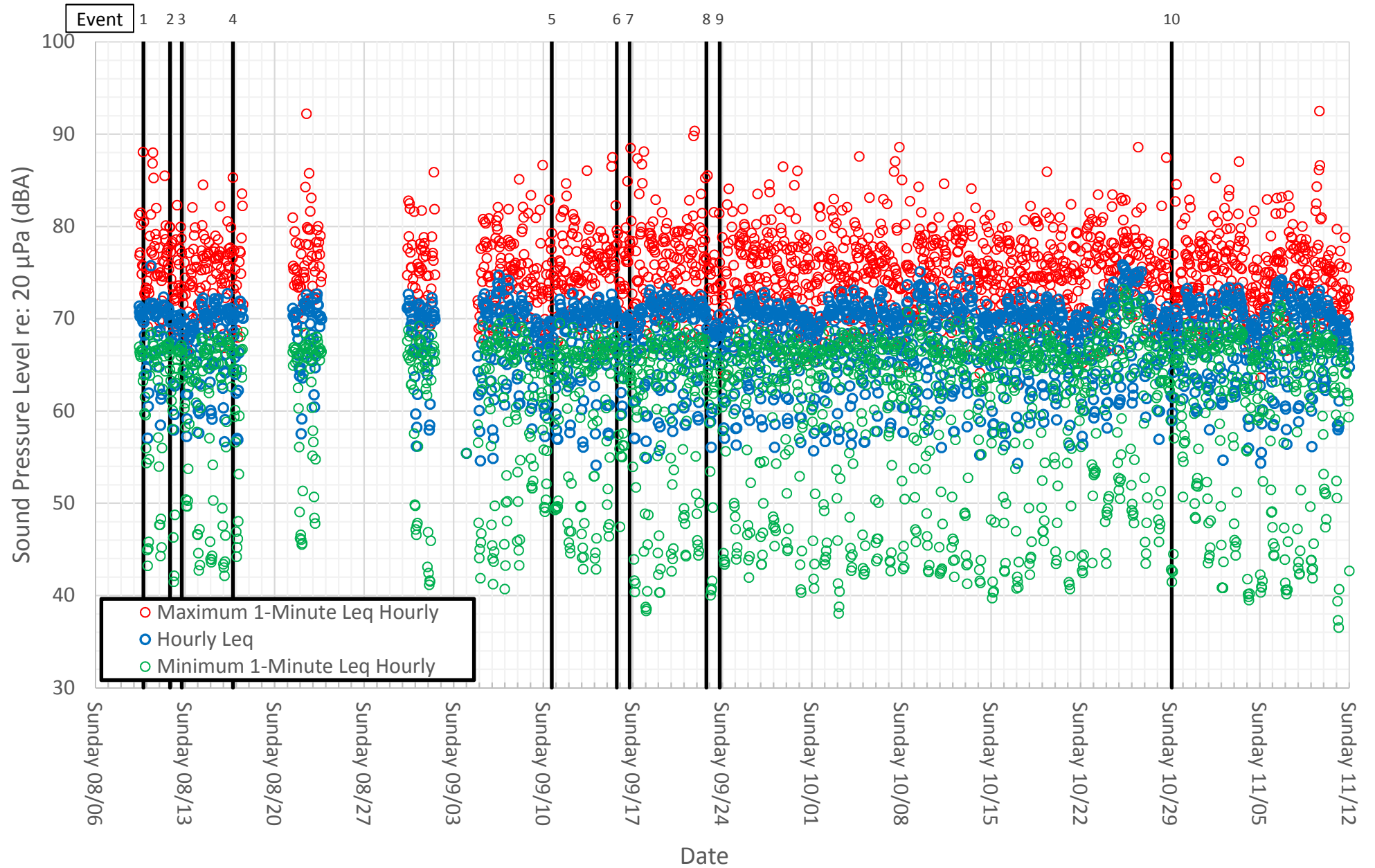


Figure 12b: Loc. 10 - Casco Bay Bridge - Hourly Leq Statistics for Each Day of the Week

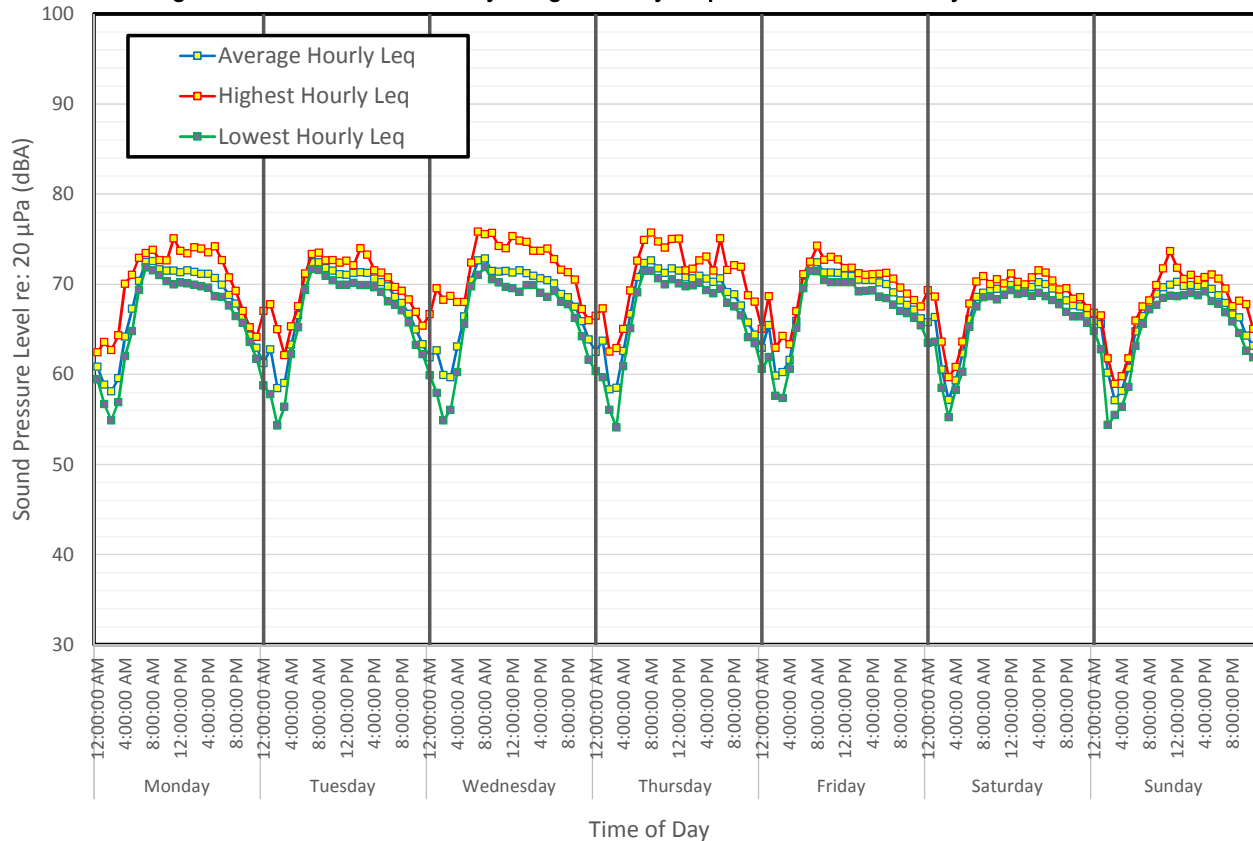


Figure 12c: Loc. 10 - Casco Bay Bridge - Hourly Leq Table for Each Day of the Week

Hour	Average 1-hr Leq (dBA)						
	Weekday						
	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday	Sunday
12:00:00 AM	61	61	62	62	63	66	66
1:00:00 AM	59	63	63	64	65	66	66
2:00:00 AM	58	58	60	58	60	61	60
3:00:00 AM	60	59	60	58	60	57	57
4:00:00 AM	64	63	63	63	62	59	58
5:00:00 AM	67	67	66	67	66	62	61
6:00:00 AM	70	70	70	71	70	66	65
7:00:00 AM	72	72	73	72	72	69	66
8:00:00 AM	73	72	73	73	72	69	68
9:00:00 AM	72	72	71	72	71	69	69
10:00:00 AM	71	71	71	71	71	69	70
11:00:00 AM	71	71	71	72	71	70	70
12:00:00 PM	71	71	71	71	71	70	70
1:00:00 PM	72	71	72	71	71	70	70
2:00:00 PM	71	71	71	71	71	70	70
3:00:00 PM	71	71	71	71	70	70	70
4:00:00 PM	71	71	71	71	70	70	70
5:00:00 PM	71	70	70	70	70	70	69
6:00:00 PM	70	70	70	71	70	70	69
7:00:00 PM	69	69	69	69	69	69	68
8:00:00 PM	68	68	69	69	68	68	67
9:00:00 PM	66	67	67	68	68	68	66
10:00:00 PM	64	65	66	66	67	68	64
11:00:00 PM	63	63	64	64	66	67	63

Figure 12d: Loc. 10 - Casco Bay Bridge - Ld, Ln, Ldn Versus Time

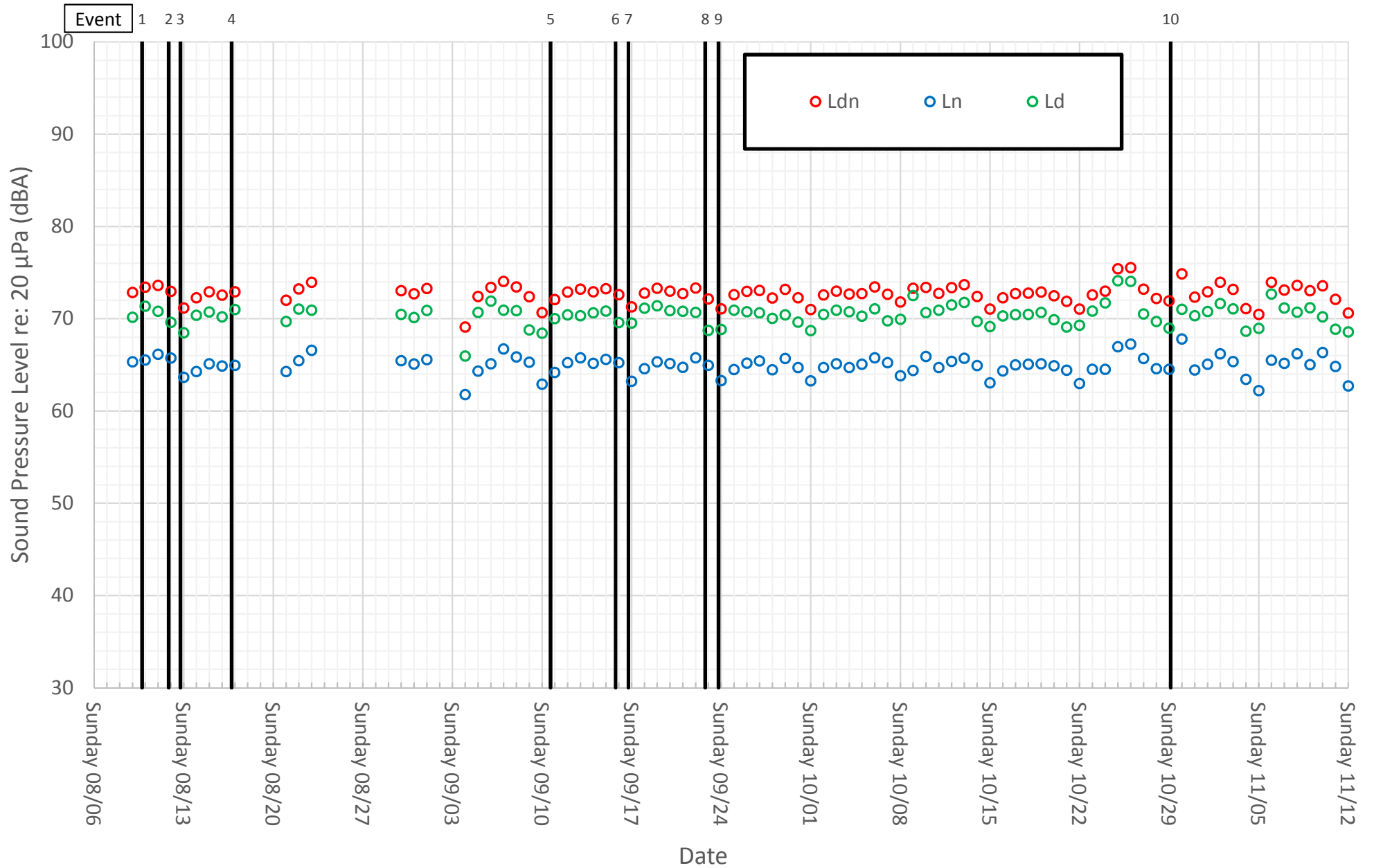


Figure 13a: Loc. 11 - Washington and Presumpscot - Hourly Leq Versus Time

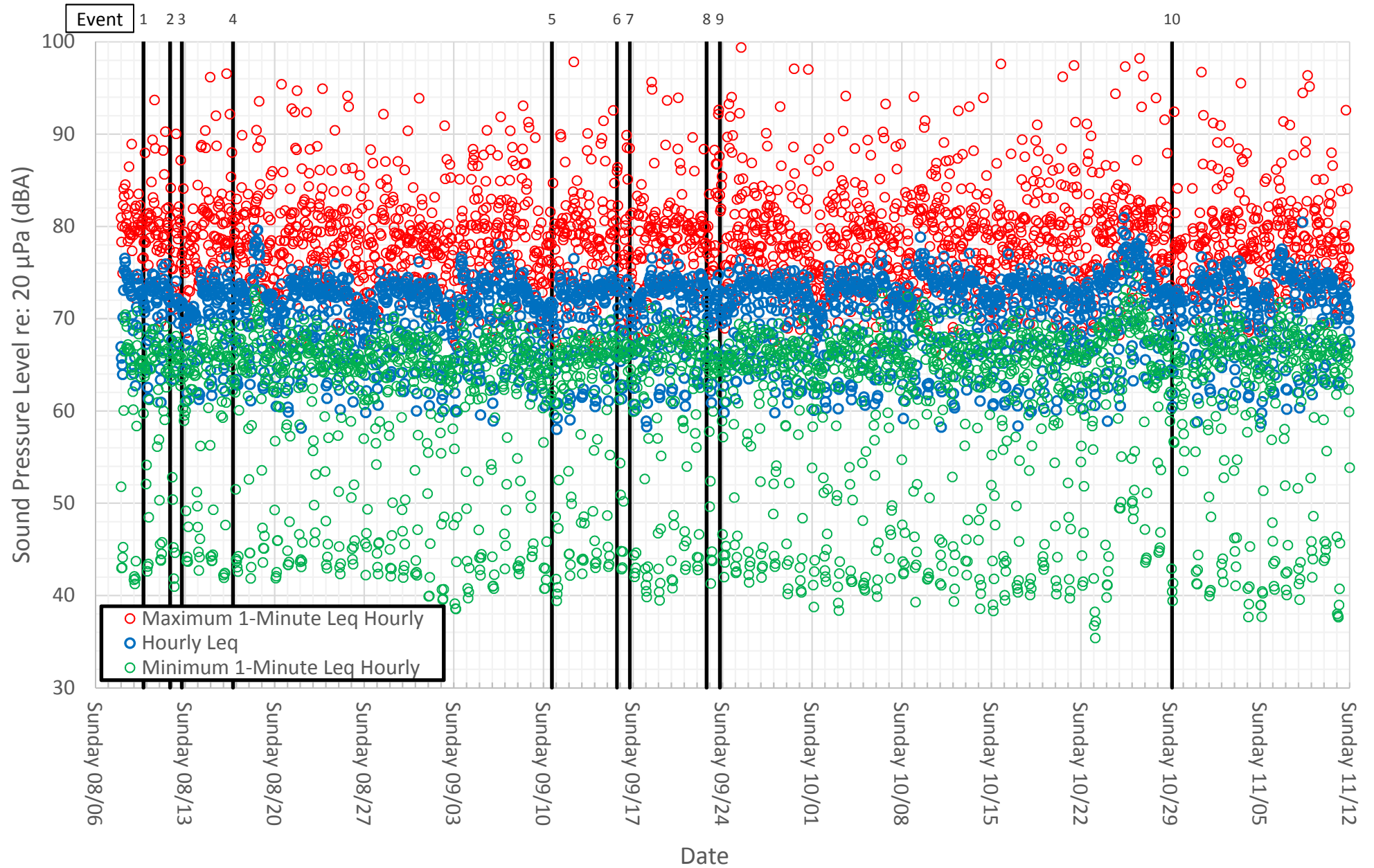


Figure 13b: Loc. 11 - Washington and Presumpscot - Hourly Leq Statistics for Each Day of the Week

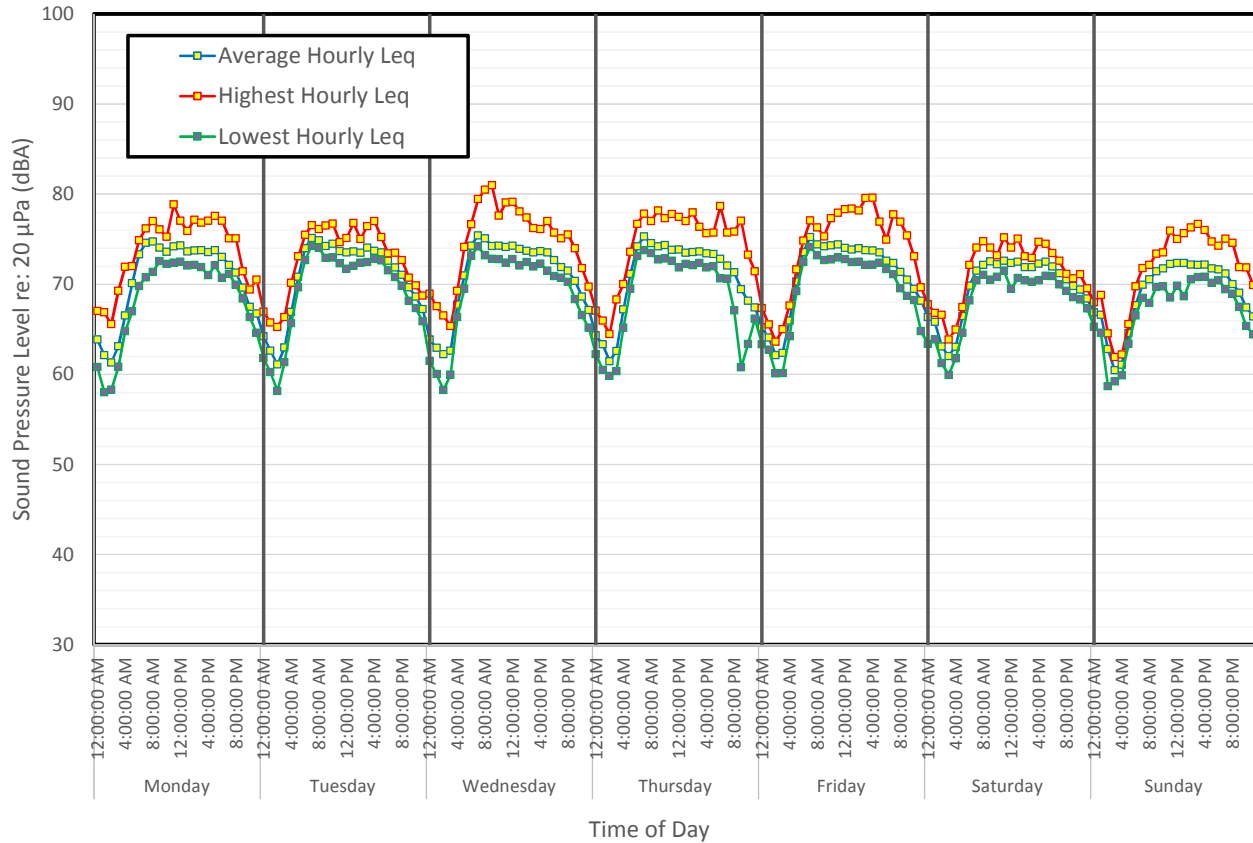


Figure 13c: Loc. 11 - Washington and Presumpscot - Hourly Leq Table for Each Day of the Week

Hour	Average 1-hr Leq (dBA)						
	Weekday						
	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday	Sunday
12:00:00 AM	64	64	64	64	65	66	67
1:00:00 AM	62	63	63	63	64	66	67
2:00:00 AM	61	61	62	61	62	63	63
3:00:00 AM	63	63	63	63	62	62	60
4:00:00 AM	67	67	68	67	66	63	61
5:00:00 AM	70	71	71	71	70	66	65
6:00:00 AM	73	74	74	74	74	70	68
7:00:00 AM	75	75	75	75	75	72	70
8:00:00 AM	75	75	75	75	74	72	71
9:00:00 AM	74	74	74	74	74	73	71
10:00:00 AM	74	74	74	74	74	72	72
11:00:00 AM	74	74	74	74	74	73	72
12:00:00 PM	74	74	74	74	74	72	72
1:00:00 PM	74	74	74	73	74	73	72
2:00:00 PM	74	73	74	74	74	72	72
3:00:00 PM	74	74	74	74	74	72	72
4:00:00 PM	74	74	74	73	74	72	72
5:00:00 PM	74	74	74	73	74	72	72
6:00:00 PM	73	73	73	73	73	72	72
7:00:00 PM	72	72	72	72	72	71	71
8:00:00 PM	71	71	72	71	71	71	70
9:00:00 PM	70	70	70	69	71	70	69
10:00:00 PM	67	69	69	68	69	69	67
11:00:00 PM	67	67	67	67	68	68	66

Figure 13d: Loc. 11 - Washington and Presumpscot - Ld, Ln, Ldn Versus Time

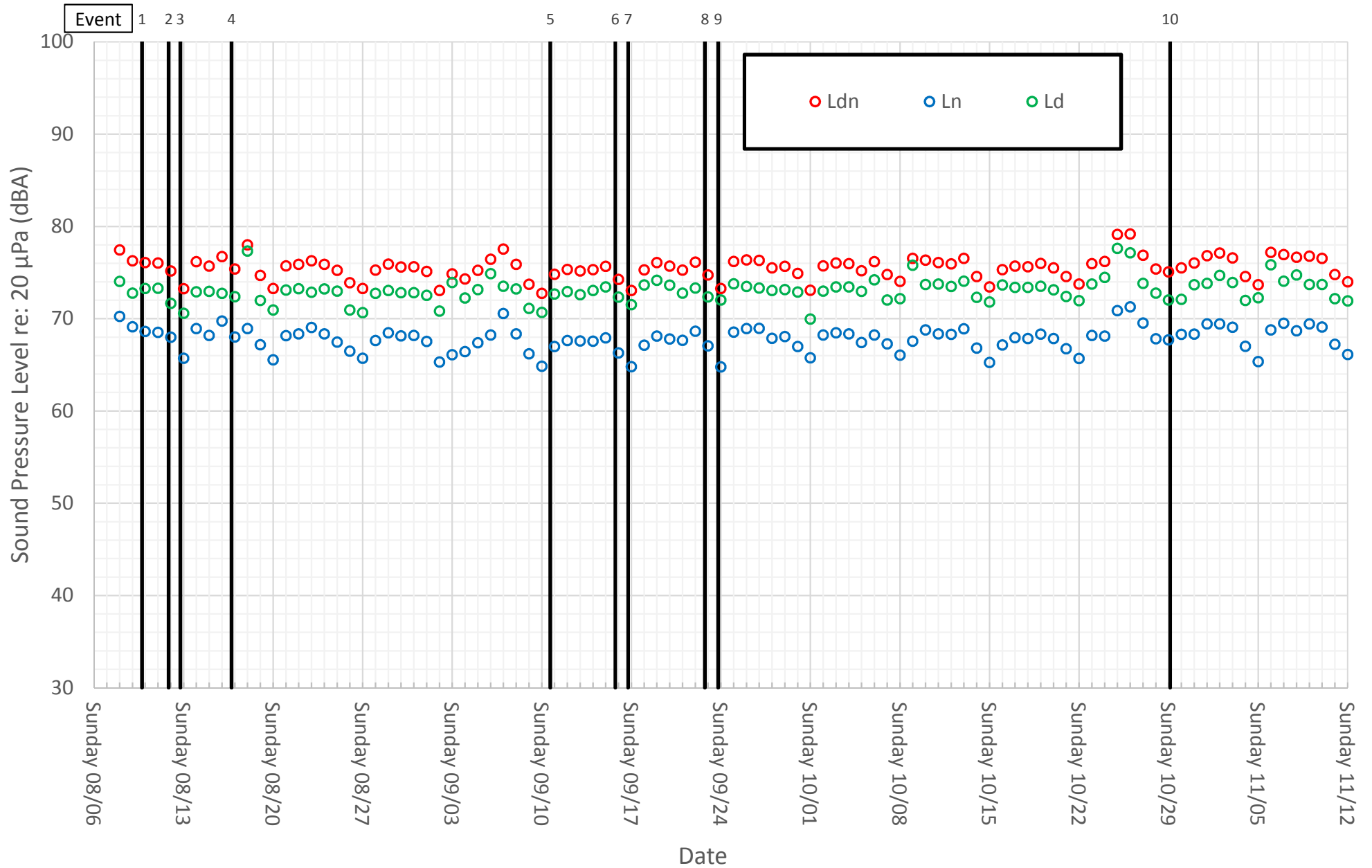


Figure 14a: Loc. 12 - Peak's Island - Hourly Leq Versus Time

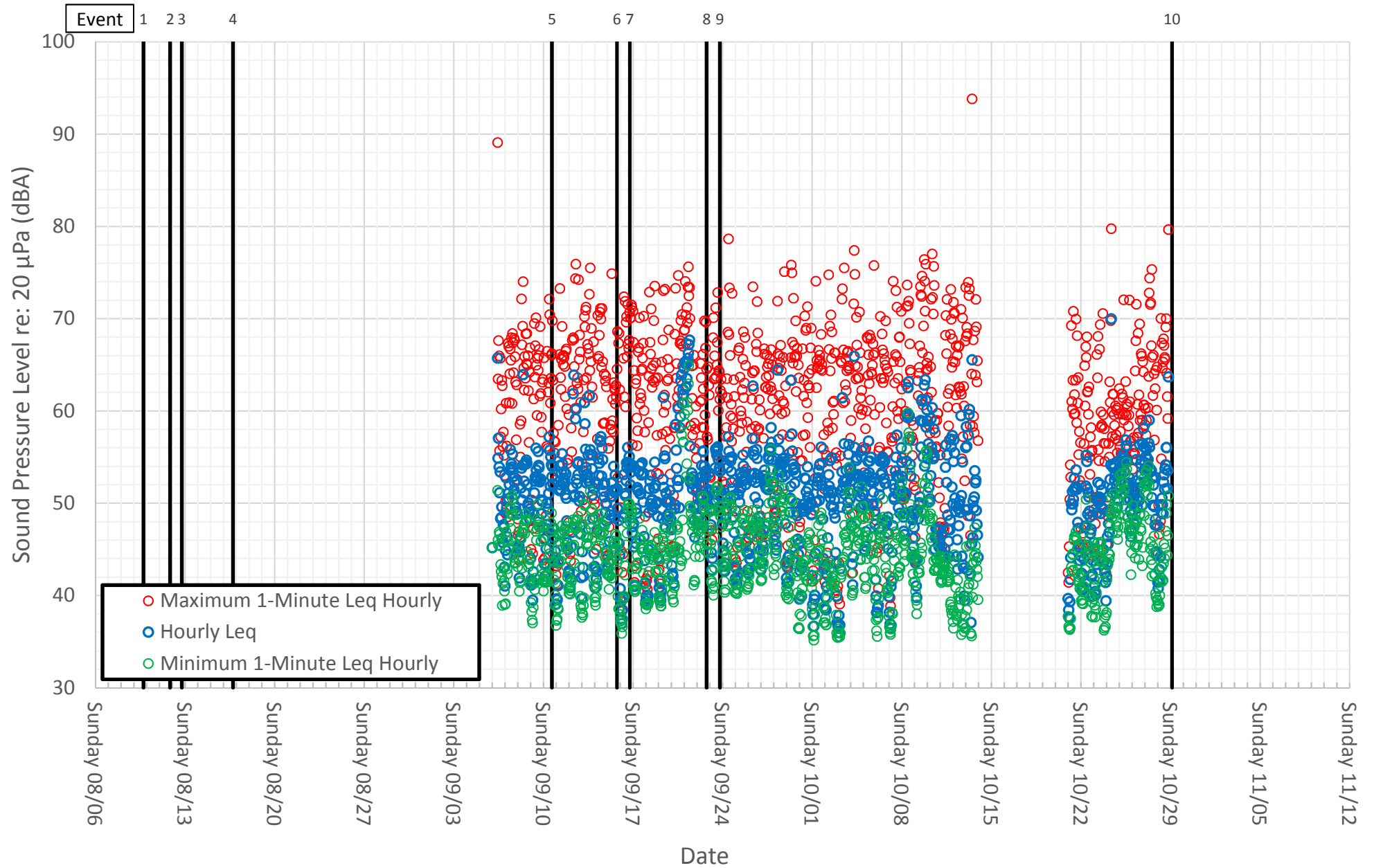


Figure 14b: Loc. 12 - Peak's Island - Hourly Leq Statistics for Each Day of the Week

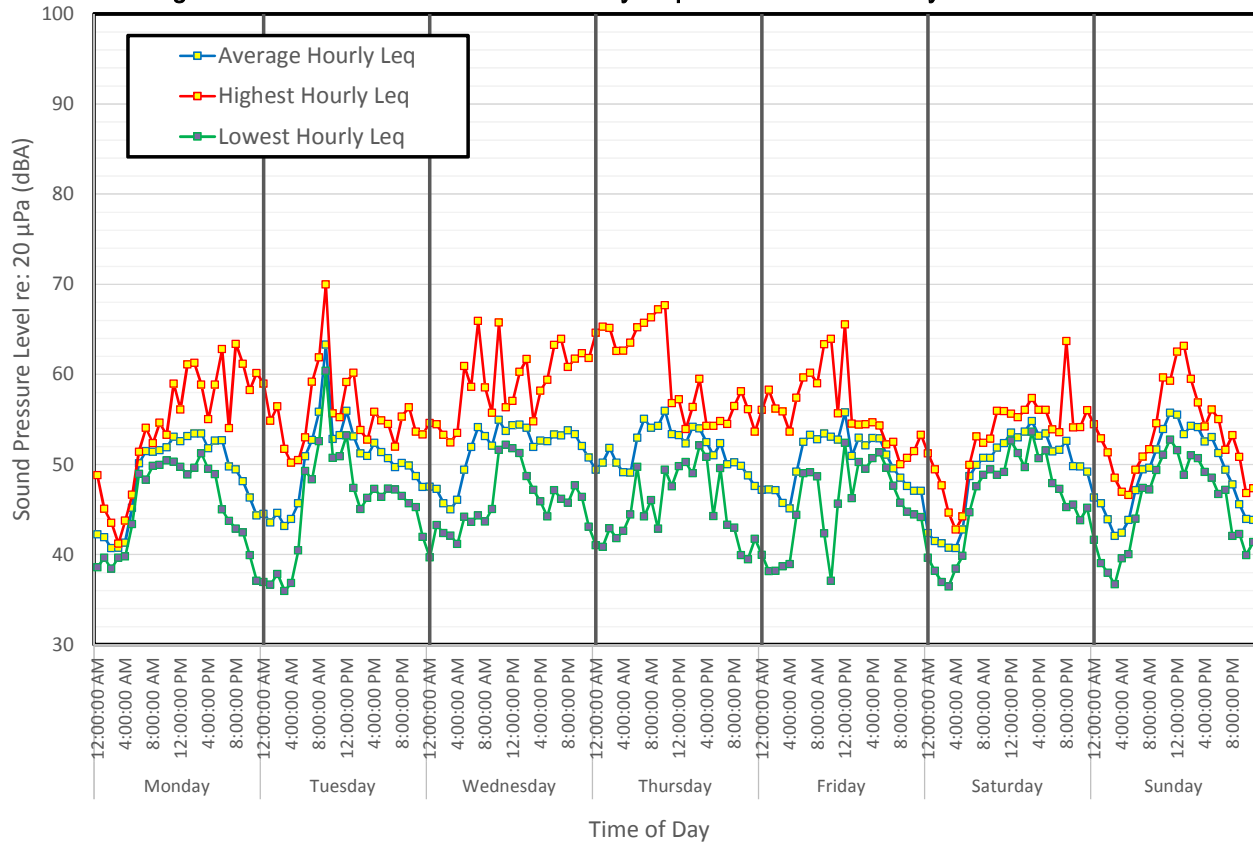


Figure 14c: Loc. 12 - Peak's Island - Hourly Leq Table for Each Day of the Week

Hour	Average 1-hr Leq (dBA)						
	Weekday						
	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday	Sunday
12:00:00 AM	42	44	48	49	47	42	46
1:00:00 AM	42	44	47	50	47	41	46
2:00:00 AM	41	45	46	52	47	41	44
3:00:00 AM	41	43	45	50	46	41	42
4:00:00 AM	41	44	46	49	45	41	42
5:00:00 AM	45	46	49	49	49	43	44
6:00:00 AM	50	51	52	53	52	49	47
7:00:00 AM	51	53	54	55	53	50	49
8:00:00 AM	51	56	53	54	53	51	50
9:00:00 AM	52	63	52	54	53	51	52
10:00:00 AM	52	53	55	56	53	52	54
11:00:00 AM	53	53	54	53	53	52	56
12:00:00 PM	53	56	54	53	56	54	56
1:00:00 PM	53	53	54	52	51	53	53
2:00:00 PM	53	51	54	54	53	54	54
3:00:00 PM	53	51	52	54	52	55	54
4:00:00 PM	52	52	53	52	53	53	53
5:00:00 PM	53	51	53	51	53	53	53
6:00:00 PM	53	51	53	52	51	51	51
7:00:00 PM	50	50	53	50	50	52	49
8:00:00 PM	49	50	54	50	49	53	48
9:00:00 PM	48	50	53	50	48	50	46
10:00:00 PM	46	49	52	49	47	50	44
11:00:00 PM	44	47	51	48	47	49	44

Figure 14d: Loc. 12 - Peak's Island - Ld, Ln, Ldn Versus Time

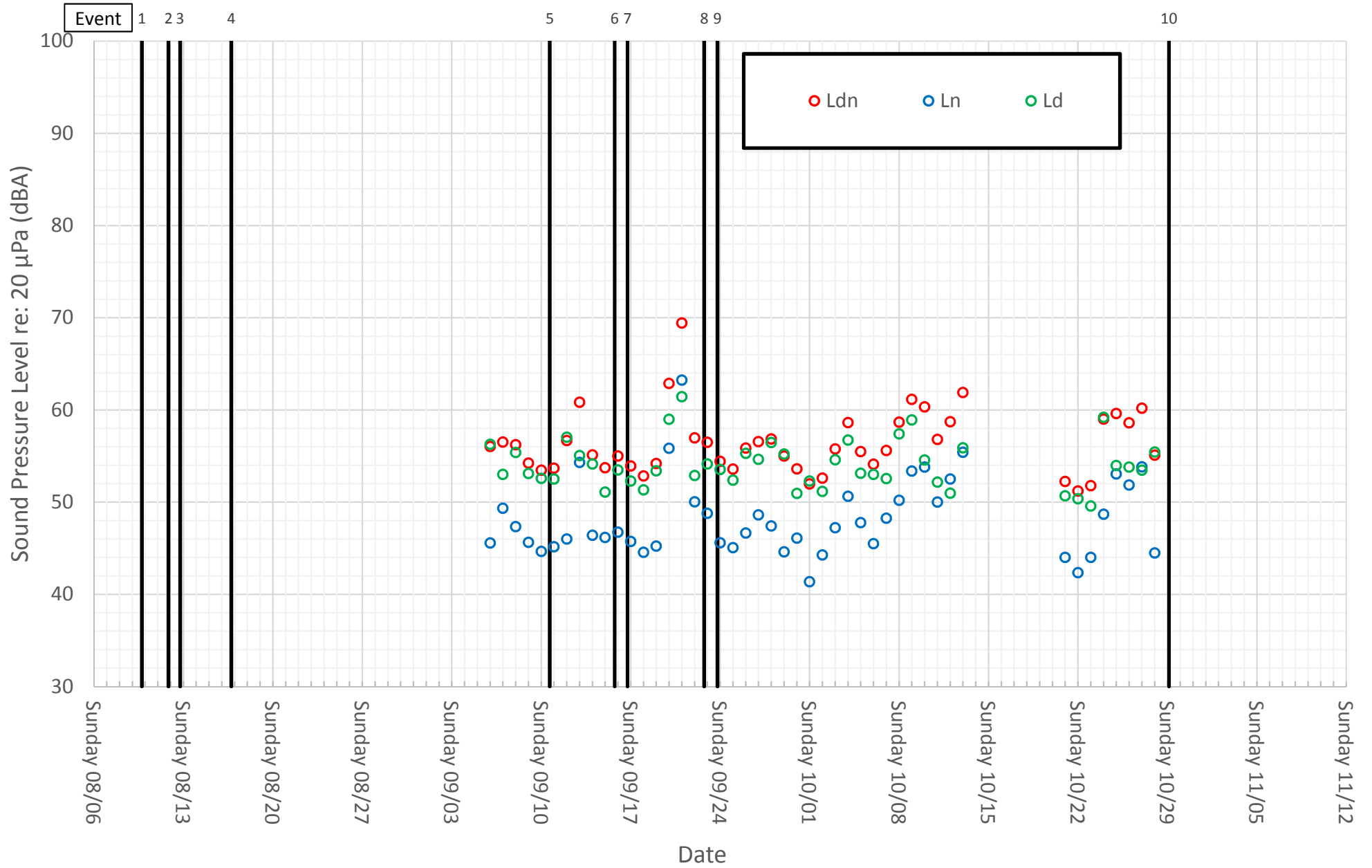


Figure 15a: Loc. 13 - Allen and Washington - Hourly Leq Versus Time

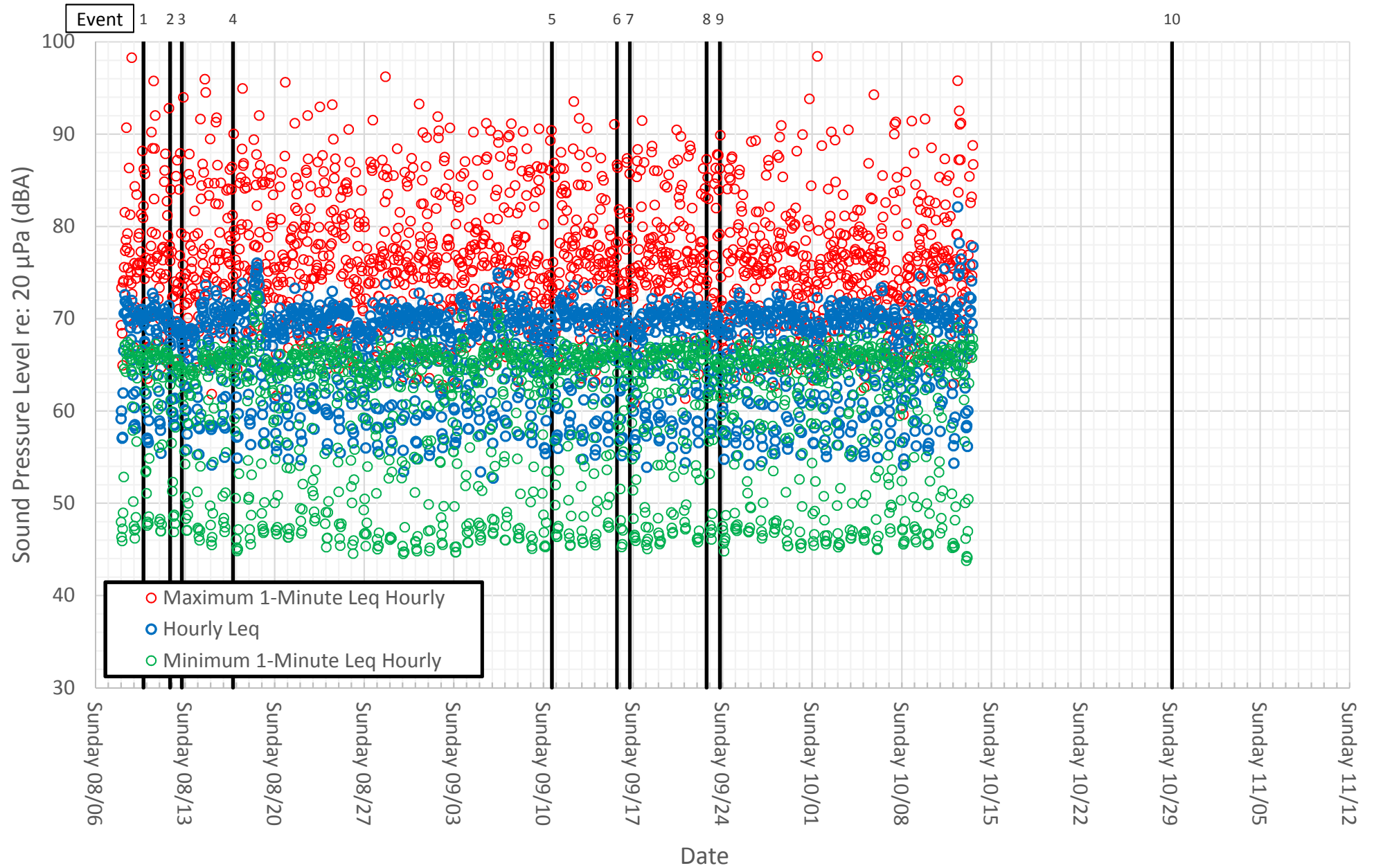


Figure 15b: Loc. 13 - Allen and Washington - Hourly Leq Statistics for Each Day of the Week

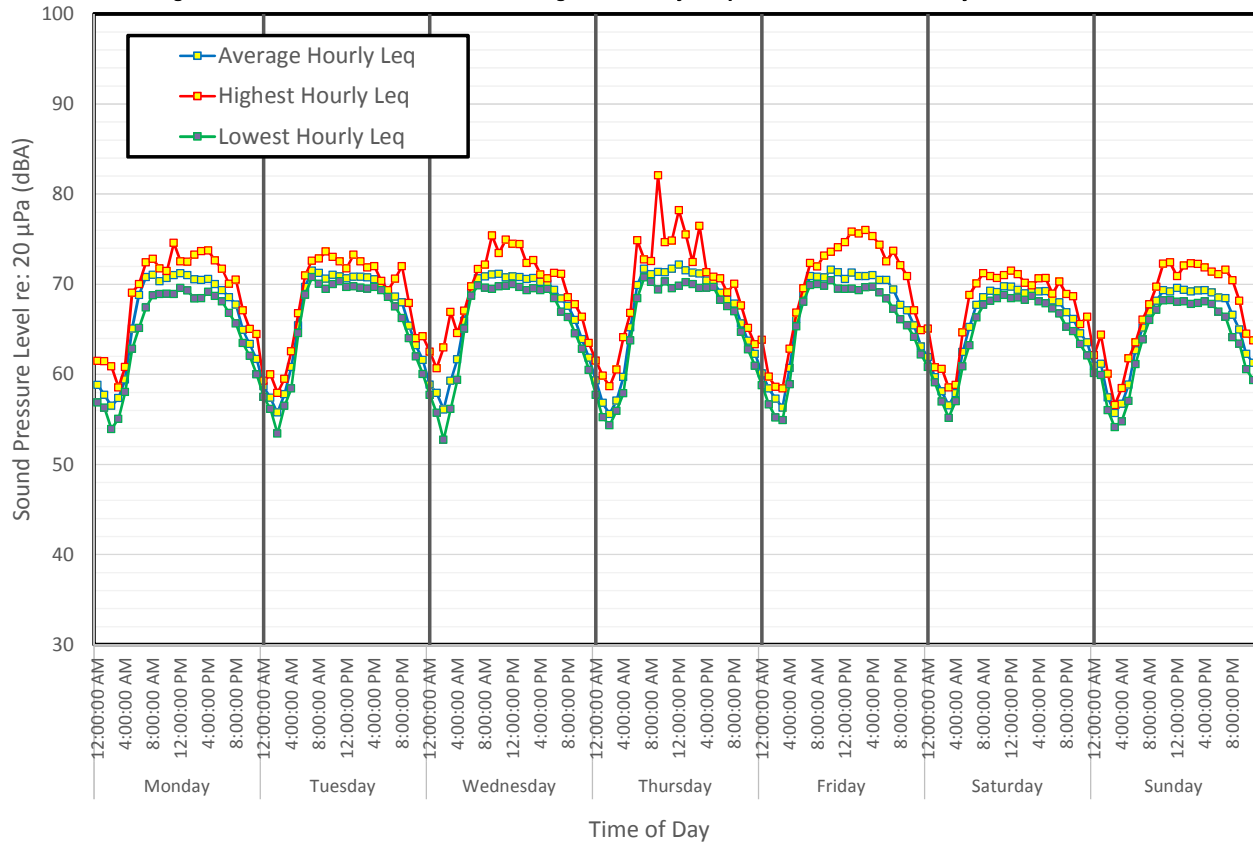


Figure 15c: Loc. 13 - Allen and Washington - Hourly Leq Table for Each Day of the Week

Hour	Average 1-hr Leq (dBA)						
	Weekday						
	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday	Sunday
12:00:00 AM	59	59	59	59	60	62	61
1:00:00 AM	58	57	58	57	58	60	61
2:00:00 AM	56	56	56	56	57	58	57
3:00:00 AM	57	58	59	57	56	57	56
4:00:00 AM	59	61	62	60	61	58	57
5:00:00 AM	65	65	66	65	66	62	59
6:00:00 AM	69	70	69	70	69	65	63
7:00:00 AM	71	71	71	72	71	68	65
8:00:00 AM	71	71	71	71	71	69	67
9:00:00 AM	70	71	71	71	71	69	68
10:00:00 AM	71	71	71	71	72	69	69
11:00:00 AM	71	71	71	72	71	70	69
12:00:00 PM	71	71	71	72	71	70	70
1:00:00 PM	71	71	71	72	71	69	69
2:00:00 PM	71	71	71	71	71	69	69
3:00:00 PM	70	71	71	71	71	69	69
4:00:00 PM	71	71	70	70	71	69	69
5:00:00 PM	70	70	70	70	70	69	69
6:00:00 PM	69	69	69	69	70	68	69
7:00:00 PM	69	69	68	68	69	68	68
8:00:00 PM	68	68	68	68	68	67	67
9:00:00 PM	65	65	66	66	67	66	65
10:00:00 PM	63	63	64	64	65	65	62
11:00:00 PM	62	62	62	62	63	64	61

Figure 15d: Loc. 13 - Allen and Washington - Ld, Ln, Ldn Versus Time

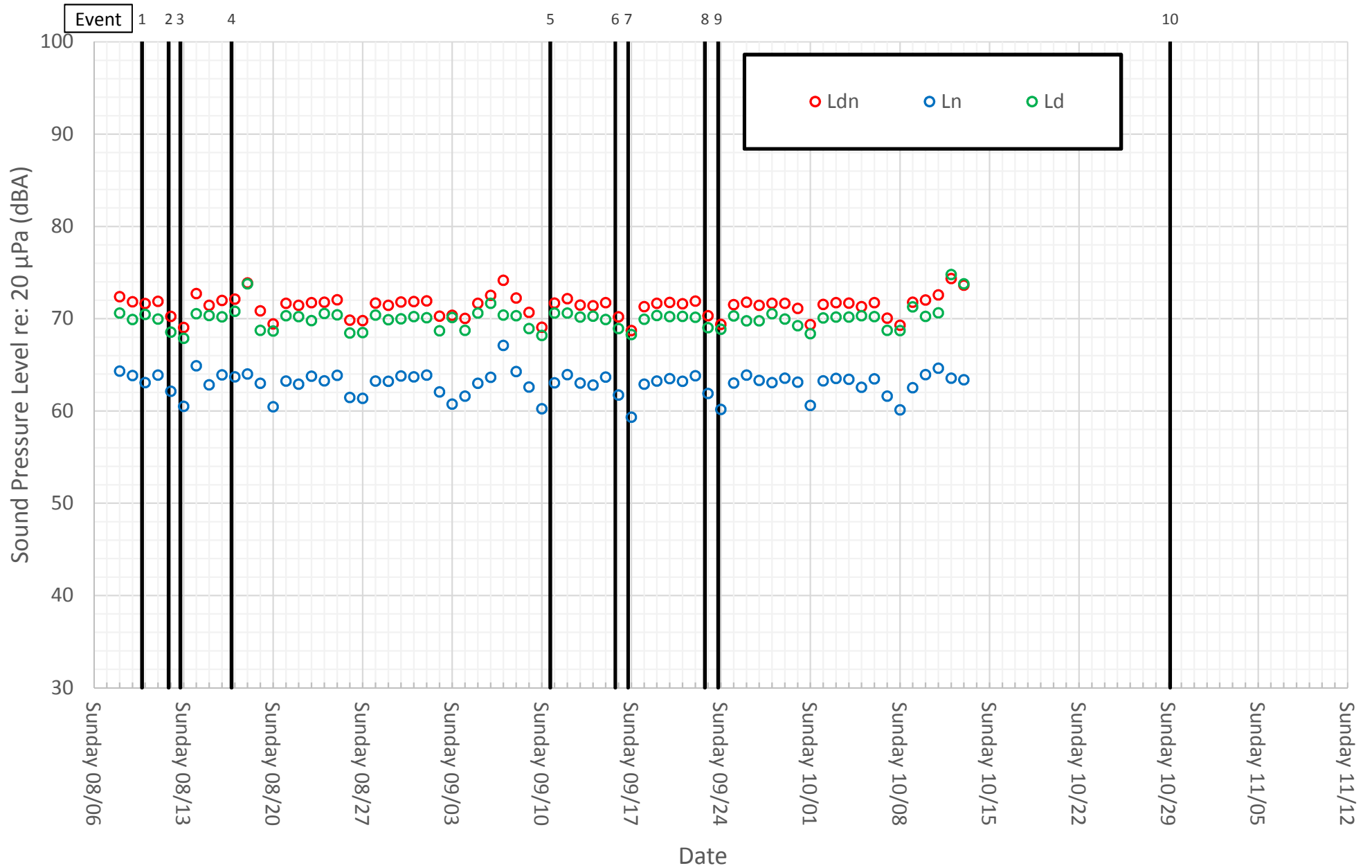


Figure 16a: Loc. 14 - Mechanical Street Pump House - South Portland - Hourly Leq Versus Time

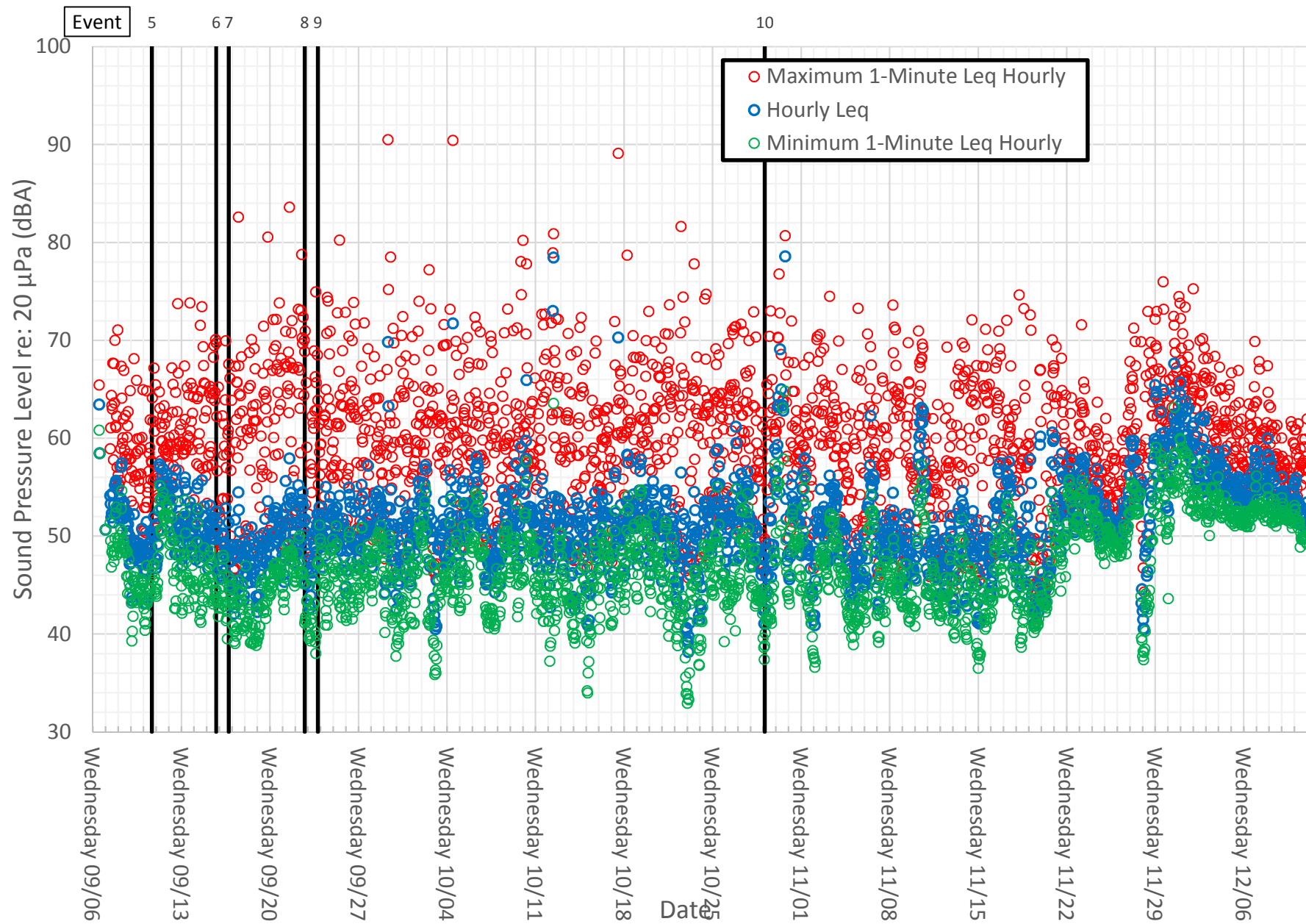


Figure 16b: Loc. 14 - Mechanical Street Pump House - South Portland - Hourly Leq Statistics for Each Day of the Week

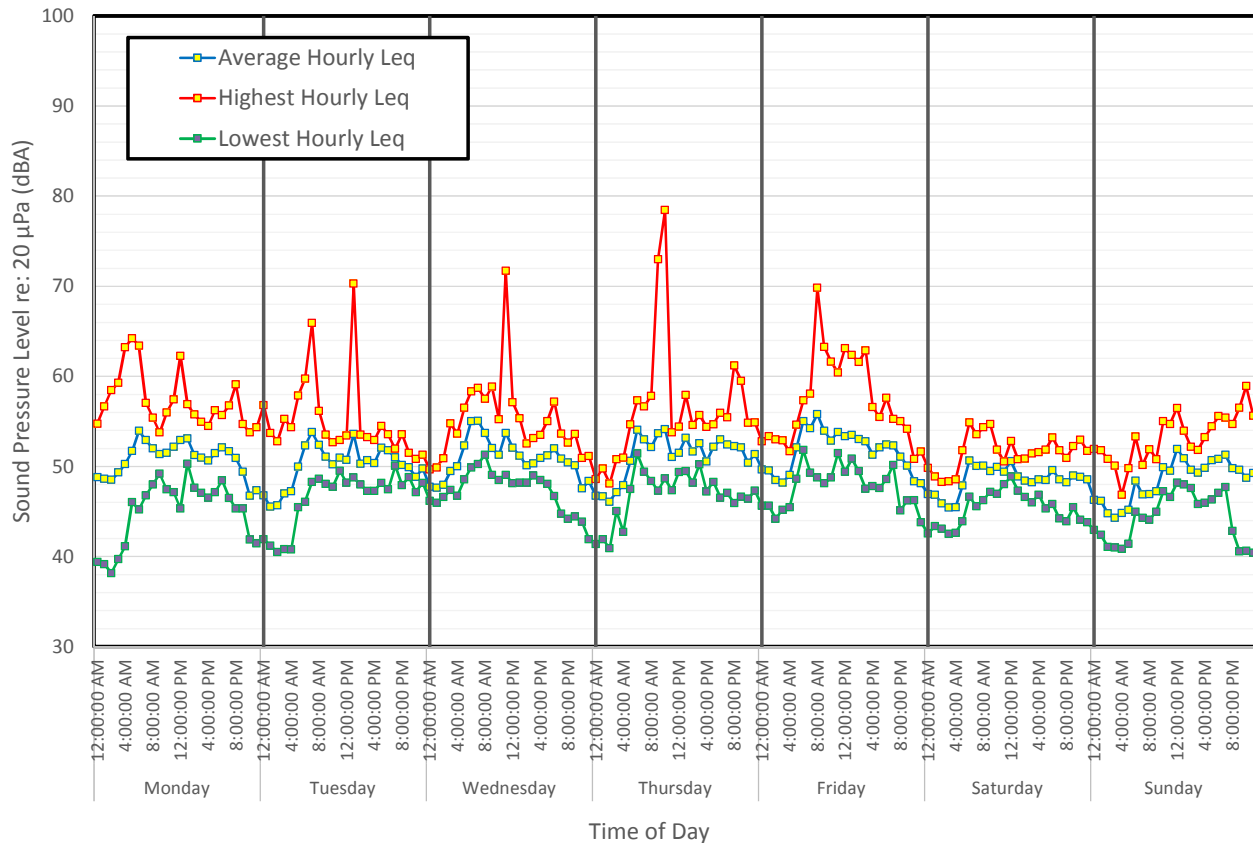


Figure 16c: Loc. 14 - Mechanical Street Pump House - South Portland - Hourly Leq Table for Each Day of the Week

Hour	Average 1-hr Leq (dBA)						
	Weekday						
	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday	Sunday
12:00:00 AM	49	47	48	47	50	47	46
1:00:00 AM	49	46	48	47	50	47	46
2:00:00 AM	49	46	48	46	48	46	45
3:00:00 AM	49	47	49	47	48	45	44
4:00:00 AM	50	47	50	48	49	45	45
5:00:00 AM	52	50	52	51	52	48	45
6:00:00 AM	54	52	55	54	55	51	48
7:00:00 AM	53	54	55	53	54	50	47
8:00:00 AM	52	52	54	52	56	50	47
9:00:00 AM	51	51	52	54	54	49	47
10:00:00 AM	51	50	51	54	53	50	50
11:00:00 AM	52	51	54	51	54	49	50
12:00:00 PM	53	51	52	51	53	51	52
1:00:00 PM	53	54	51	53	53	49	51
2:00:00 PM	51	50	50	52	53	48	50
3:00:00 PM	51	51	50	53	53	48	49
4:00:00 PM	51	50	51	51	51	49	50
5:00:00 PM	51	52	51	52	52	48	51
6:00:00 PM	52	52	52	53	52	50	51
7:00:00 PM	52	51	51	52	52	49	51
8:00:00 PM	51	50	50	52	51	48	50
9:00:00 PM	49	50	50	52	50	49	50
10:00:00 PM	47	49	48	50	48	49	49
11:00:00 PM	47	50	48	51	48	49	49

Figure 16d: Loc. 14 - Mechanical Street Pump House - South Portland - Ld, Ln, Ldn Versus Time

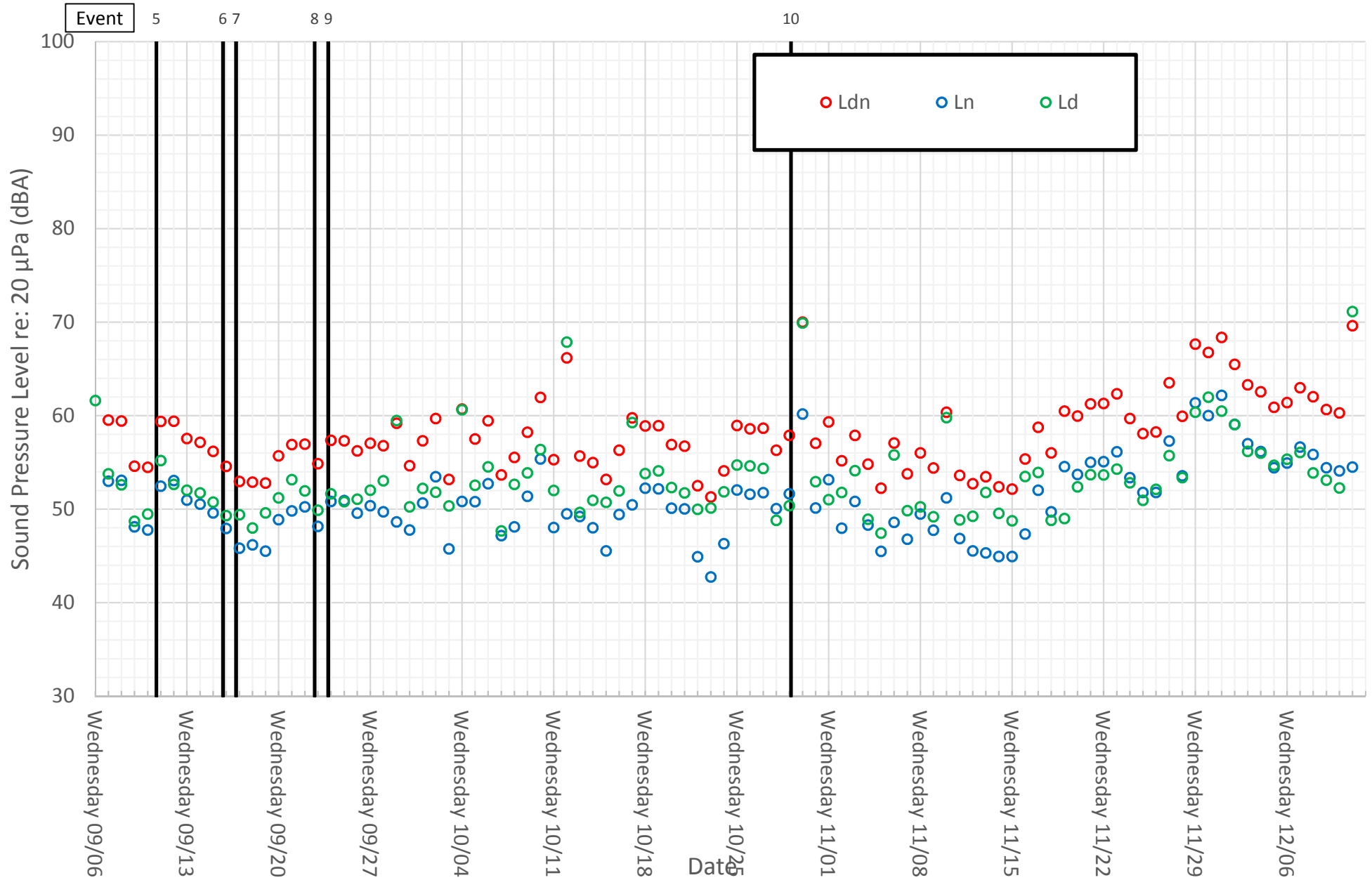


Figure 17a: Loc. 15 - Portland Street Pier - South Portland - Hourly Leq Versus Time

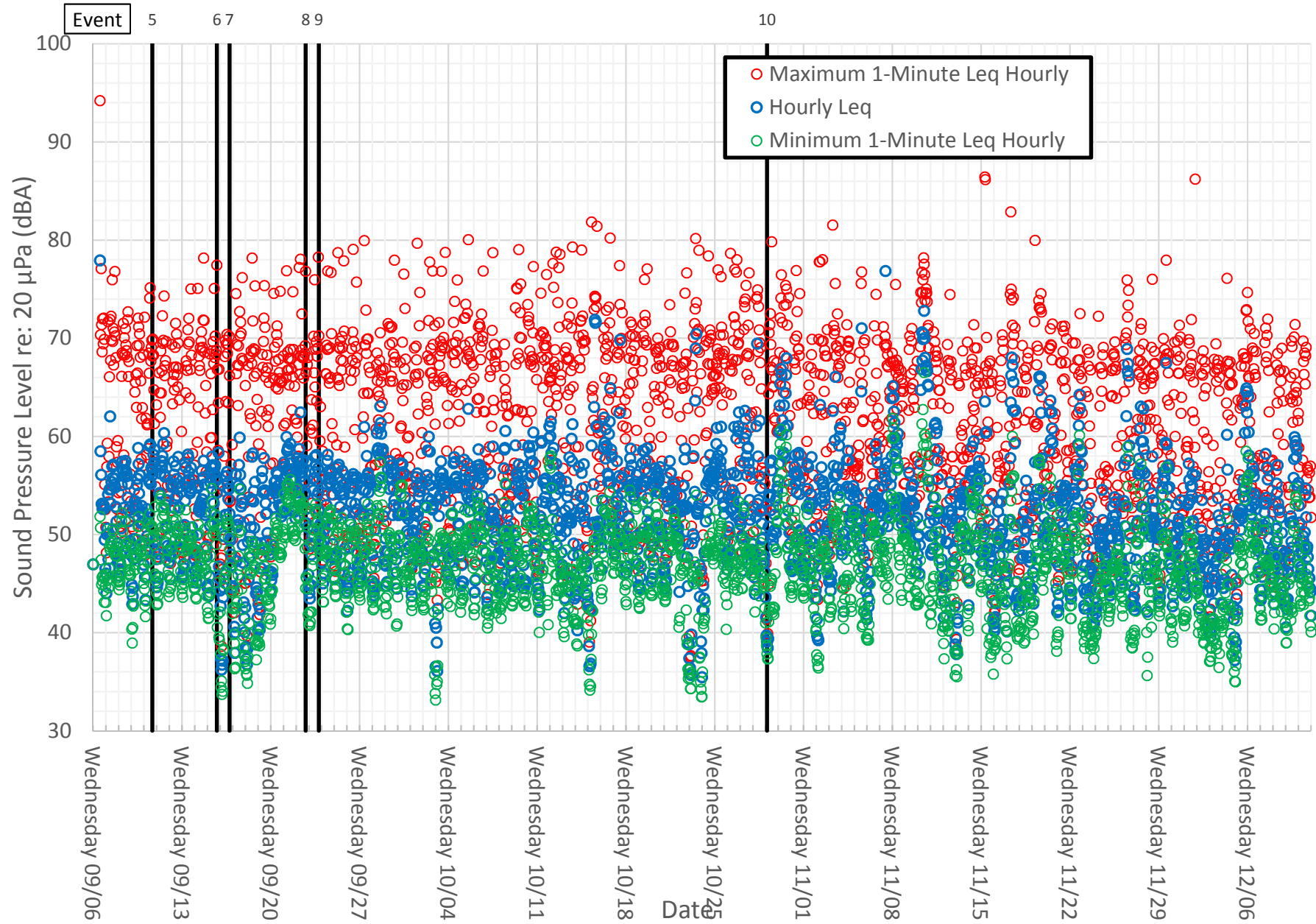


Figure 17b: Loc. 15 - Portland Street Pier - South Portland - Hourly Leq Statistics for Each Day of the Week

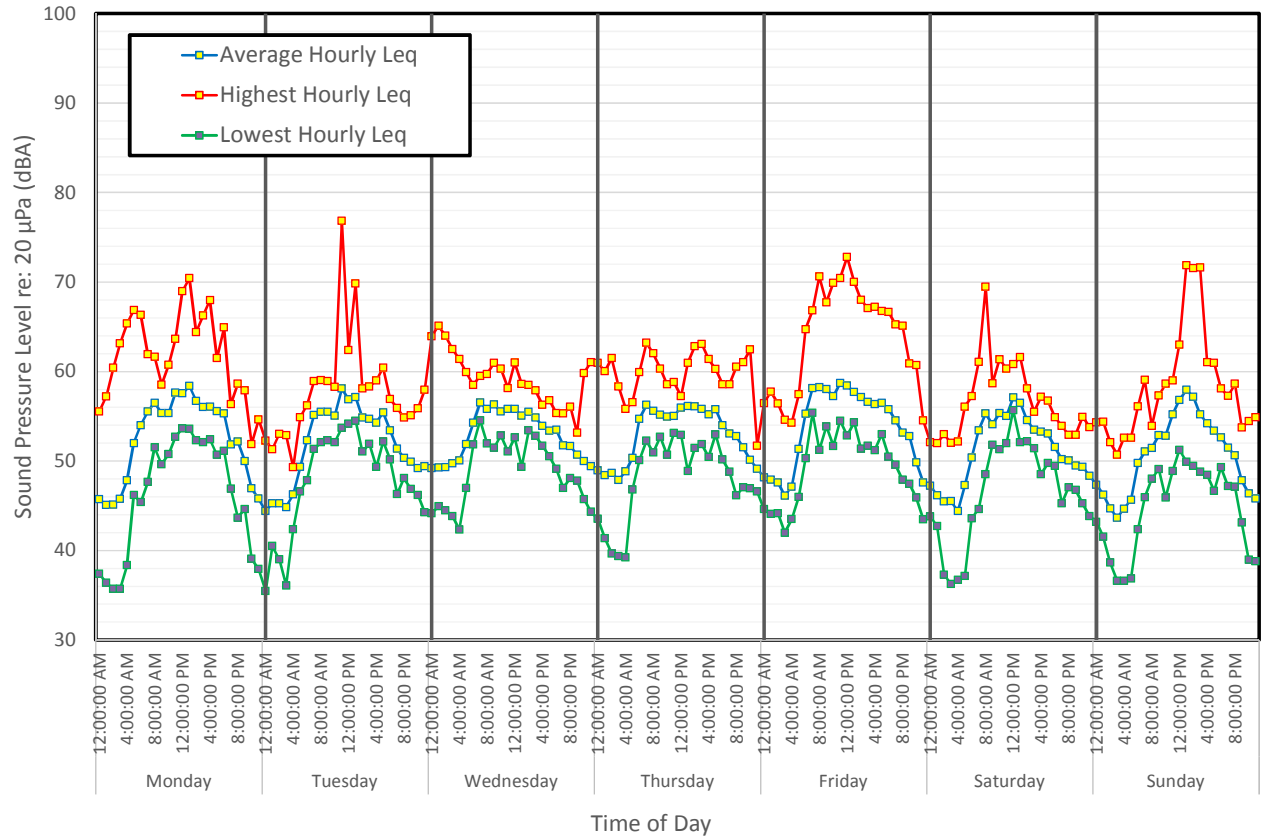


Figure 17c: Loc. 15 - Portland Street Pier - South Portland - Hourly Leq Table for Each Day of the Week

Hour	Average 1-hr Leq (dBA)						
	Weekday						
	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday	Sunday
12:00:00 AM	46	44	49	49	48	47	47
1:00:00 AM	45	45	49	48	48	46	46
2:00:00 AM	45	45	49	49	48	45	45
3:00:00 AM	46	45	50	48	46	46	44
4:00:00 AM	48	46	50	49	47	44	45
5:00:00 AM	52	49	52	50	51	47	46
6:00:00 AM	54	52	54	55	55	50	50
7:00:00 AM	56	55	57	56	58	53	51
8:00:00 AM	57	55	56	56	58	55	51
9:00:00 AM	55	55	56	55	58	54	53
10:00:00 AM	55	55	56	55	57	55	53
11:00:00 AM	58	58	56	55	59	55	55
12:00:00 PM	58	57	56	56	58	57	57
1:00:00 PM	58	57	55	56	58	56	58
2:00:00 PM	57	55	55	56	57	55	57
3:00:00 PM	56	55	55	56	57	53	55
4:00:00 PM	56	54	54	55	56	53	54
5:00:00 PM	56	55	53	56	57	53	53
6:00:00 PM	55	53	53	54	56	52	53
7:00:00 PM	52	51	52	53	55	50	51
8:00:00 PM	52	50	52	53	53	50	51
9:00:00 PM	50	50	51	52	53	49	48
10:00:00 PM	47	49	50	50	50	49	46
11:00:00 PM	46	49	49	49	48	48	46

Figure 17d: Loc. 15 - Portland Street Pier - South Portland - Ld, Ln, Ldn Versus Time

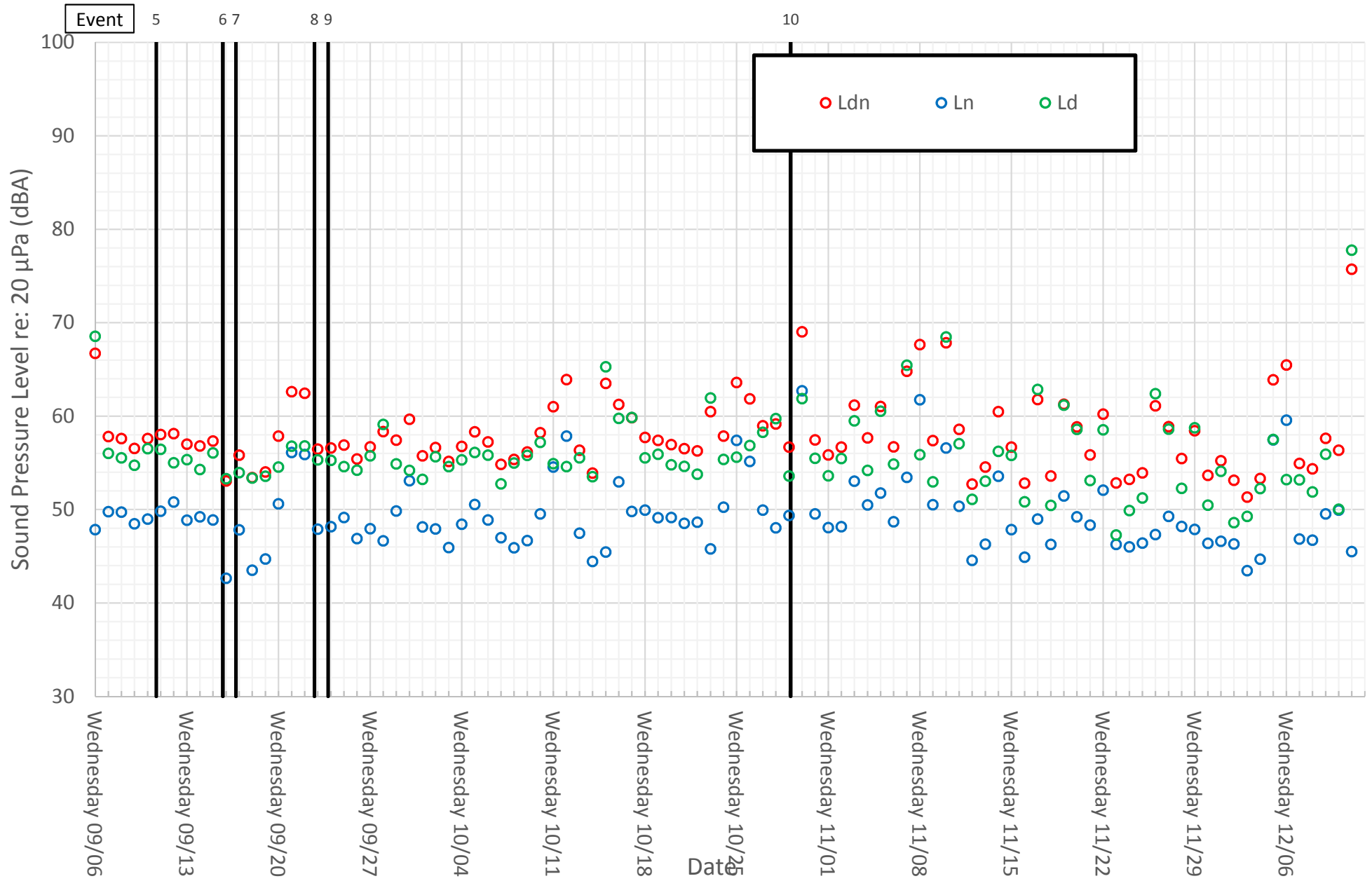
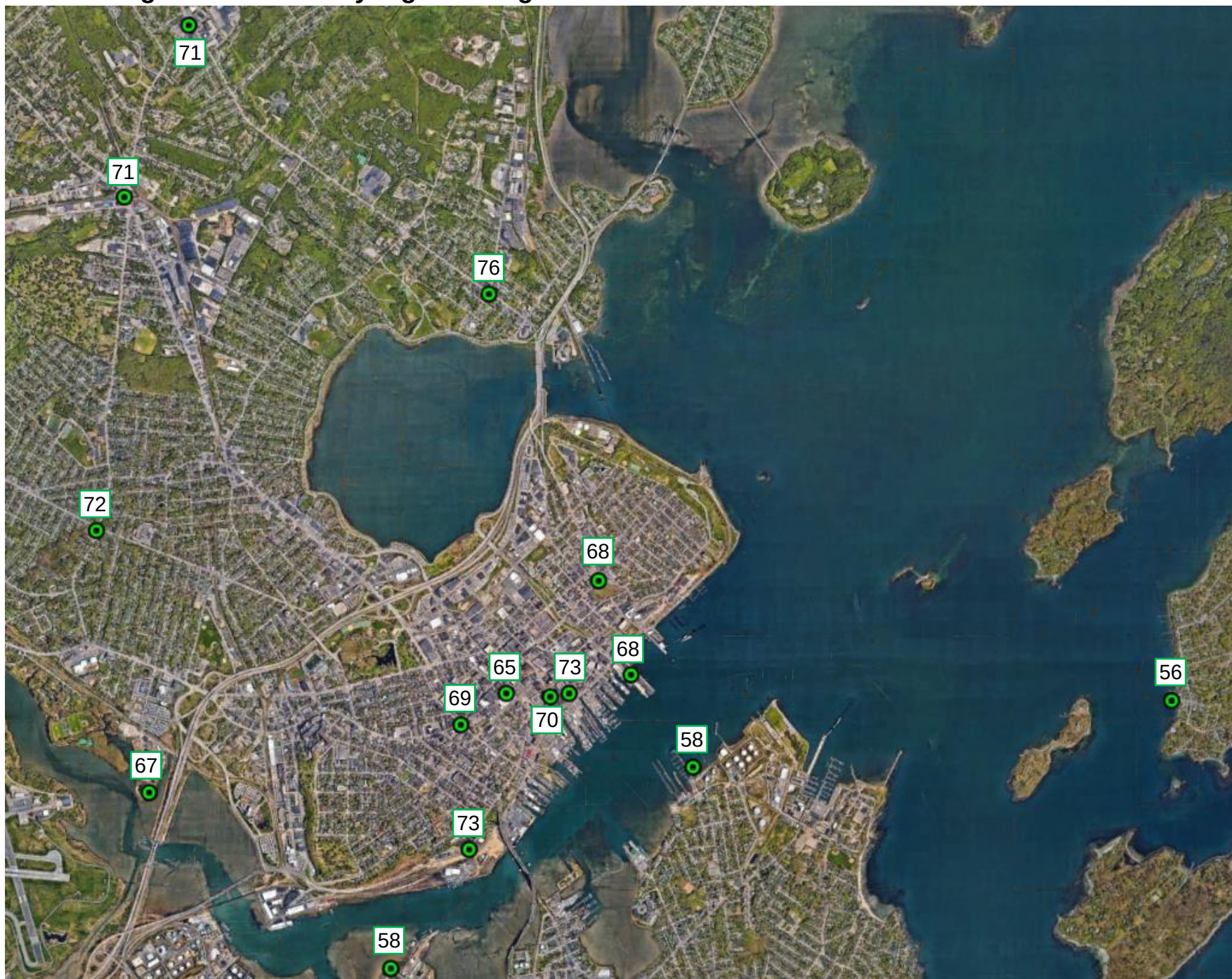


Figure 18: Mean day-night average sound level L_{DN} at each measurement location



APPENDIX A

FUNDAMENTALS OF NOISE

Sounds we hear come from small pressure oscillations, or sound waves, that travel through the air and actuate our hearing mechanism. These airborne pressure oscillations cause the eardrum and small bones of the middle ear to vibrate. These vibrations are transmitted to the fluid-filled cochlea of the inner ear's sensory organ. Sensory hair cells then translate these vibrations into nerve impulses that are transmitted to the brain where they are perceived and interpreted.

Noise is often defined as unwanted sound and the degree of disturbance or annoyance of an intruding noise depends on various factors including the magnitude and nature of the intruding noise, the magnitude of the background or pre-development ambient sound present without the intruding noise, and the nature of the activity of people in the area where the noise is heard. For example, people relaxing at home generally prefer a quiet environment, while factory employees may be accustomed to relatively high noise levels when at work. The following figure describes common A-weighted sound levels as they relate to the range of sound humans encounter in the environment.

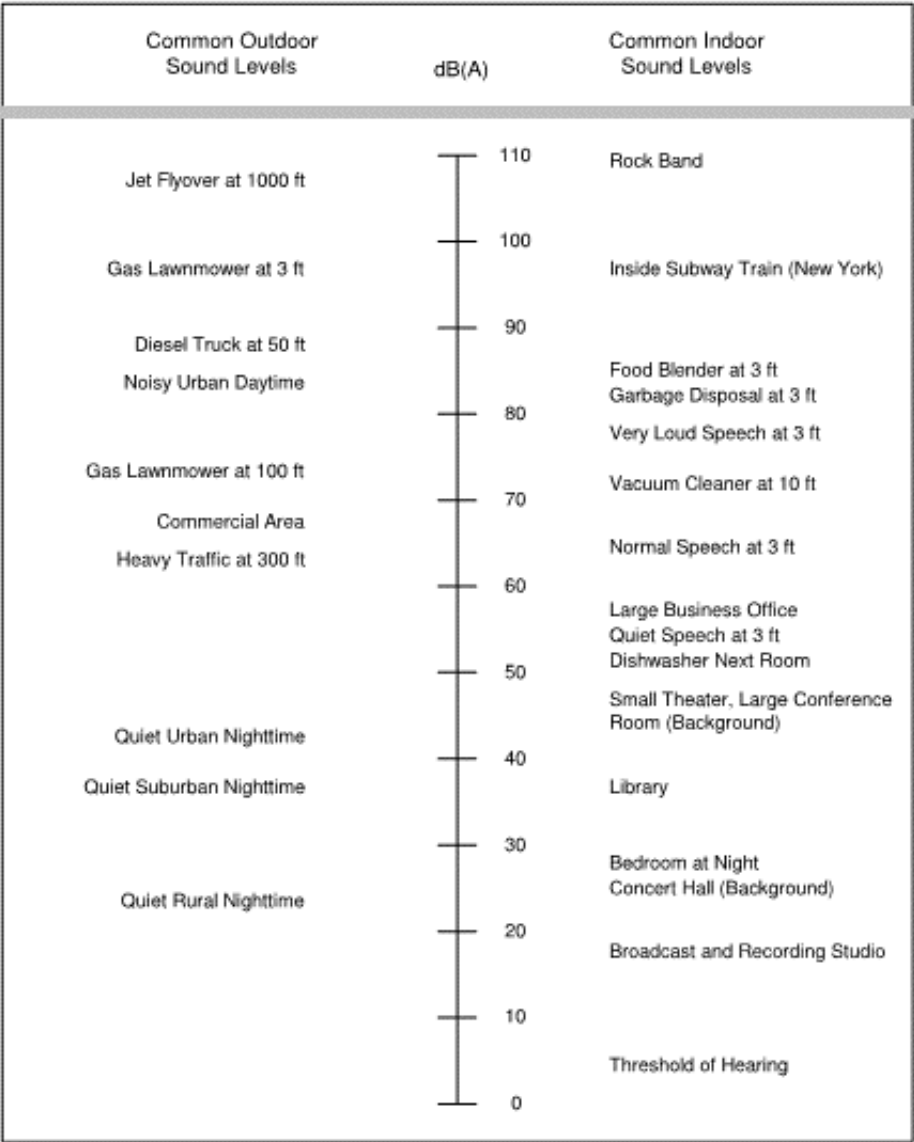


Figure A1: Sound Pressure Levels for Various Sound Sources (dBA)

The magnitude, or loudness, of sound waves (pressure oscillations) is described quantitatively by the terms sound pressure level, sound level, or simply noise level. The magnitude of a sound is measured in decibels, abbreviated dB. The decibel (dB) is a logarithmic unit that is the accepted standard unit for measuring the amplitude of sound because it accounts for these large variations in amplitude and reflects the way people perceive changes in sound amplitude. The faintest sound level that can be heard by a young healthy ear is about 0 dB, a moderate sound level is about 50 dB, and a loud sound level is about 100 dB.

Different sounds may have different frequency content. Frequency content of a sound refers to its tonal quality or pitch. When describing sound and its effect on a human population, A-weighted (dBA) sound levels are typically used to account for the response of the human ear. The term "A-weighted" refers to a filtering of the noise signal to emphasize frequencies in the middle of the audible spectrum and to de-emphasize low and high frequencies in a manner corresponding to the way the human ear perceives sound. This filtering network has been established by the American National Standards Institute (ANSI). The A-weighted noise level has been found to correlate well with peoples' judgments of the noisiness of different sounds and has been used for many years as a measure of community noise.

Figure A1 illustrates sound pressure levels in dBA of various sound sources between 0 dBA (threshold of hearing) and 140 dBA (threshold of pain).

Since noise fluctuates from moment to moment, it is common practice to condense the noise level over a specified period of time into a single number called the Equivalent Noise Level (Leq). The equivalent sound level is the level of a steady-state sound that has the same total (equivalent) energy as the time-varying sound of interest, taken over a specified time period. Thus, the equivalent sound level is a single-valued level that expresses the time-averaged total energy of an entire period. It includes both the high sound level single-event ambient sounds and the relatively steady background sounds. Many surveys have shown that the Leq properly predicts annoyance, and thus this metric is commonly used for noise measurements, prediction, and impact assessment.

ACENTECH

City-Wide Sound Monitoring in Portland



February 13, 2018





Presentation Team



Andy Carballeira, INCE
Senior Consultant, Acoustics





Presentation Outline

1. Rationale for Study
2. Terminology to Describe Sound
3. Codes and Guidelines
4. Measurement Process
5. Presentation of Measured Data
6. Questions?





Why Monitor City Sound?

- Determine typical ambient sound levels
- Understand where it's noisy
- Provide baseline sound data





Terminology to Describe Sound

- Amount – sound pressure level (dB)
- Patterns – daytime level L_d , nighttime level L_n , and day/night average level L_{dn} (dBA)





Sound Pressure Level

- Microphones measure sound pressure (Pa)
- Sound level meters turn this pressure into a pressure level (dB)





Level of Common Sounds

- 10 dBA – normal breathing (at ears)
- 30 dBA – soft whisper at 3'
- 50 dBA – refrigerator in kitchen
- 70 dBA – raised voice conversation at 3'
- 90 dBA – garbage disposal at sink
- 110 dBA – loud shout at 1'
- 130 dBA – air raid siren at 100'





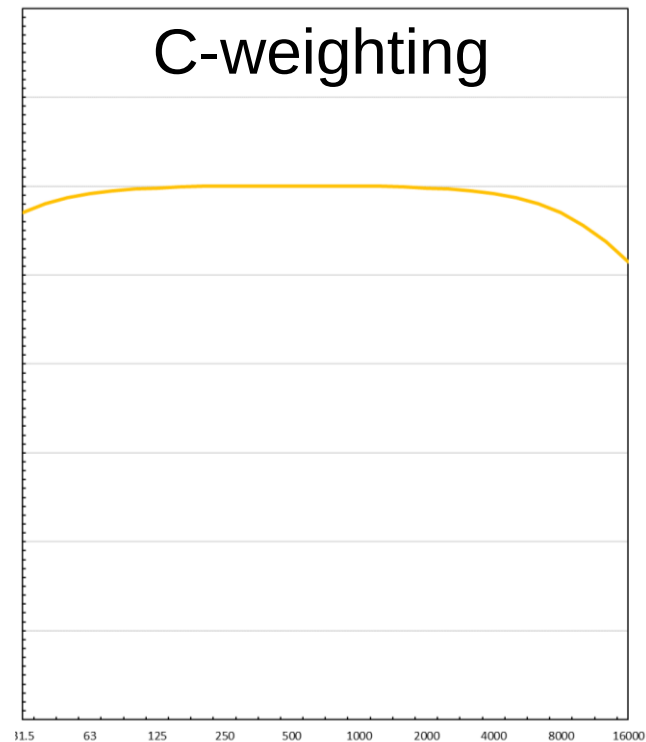
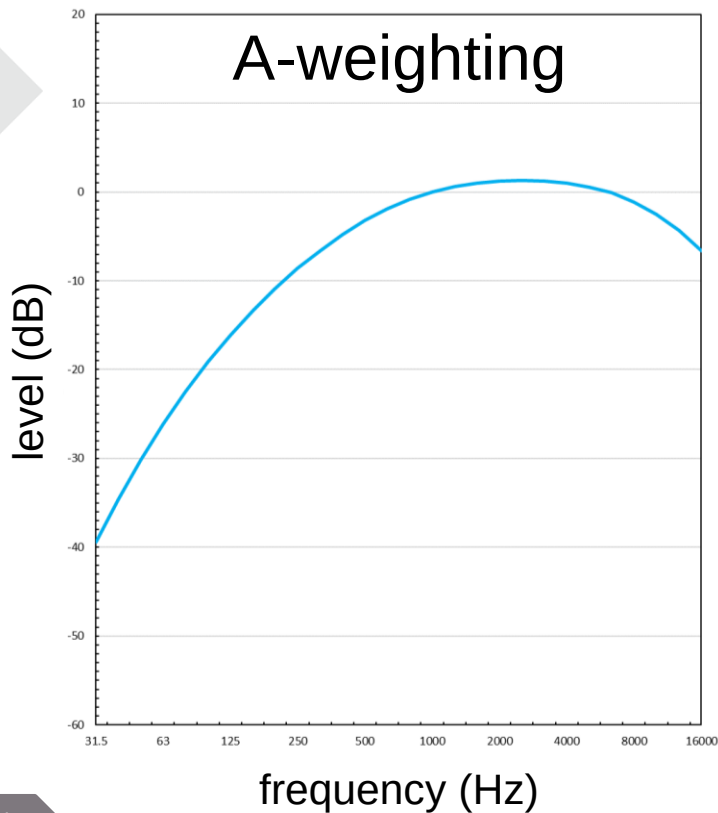
Weighting Filters

- Weighting filters modify the spectrum to approximate human perception
- A-weighting is most appropriate for quiet to moderate loudness levels
- C-weighting is appropriate for moderate to high loudness levels





Weighting Filters





Patterns

- Based on 24-hours of measured data, summary descriptors are calculated.
- L_d and L_n are the average level during day and night hours, with no adjustments.
- L_{dn} is the average daily level, with a “penalty” applied to nighttime hours.
- These summaries correlate well with long-term studies of noise, such as those performed by the World Health Organization.





Codes and Guidelines



Portland Code Summary

- **Amusements (Chapter 4)**

92 dBA, averaged over one minute, when measured 8' from the means of egress located nearest to the noise source (or 8' from the noise source if it is generated outdoors).

- **Land Use (Chapter 14)**

60 dBA (7:00 AM to 10:00 PM), 50 dBA (10:00 PM to 7:00 AM), measured at or beyond the lot line of the source. Use L_{Fmax} for sounds less than 60 seconds, use L_{eq} for steady sounds.

- **Other**

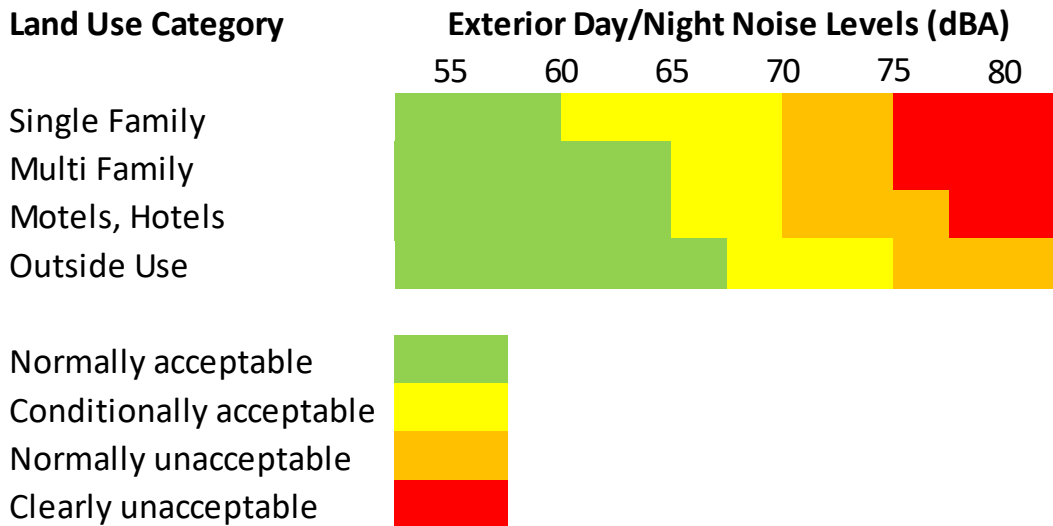
Other codes existing for construction noise, maximum vehicle passby sound level, et cetera. There is also a State code based on existing ambient sound levels





US HUD Development Guidelines

While not a binding regulation, the US HUD site development guidelines provide useful information on community sound levels.



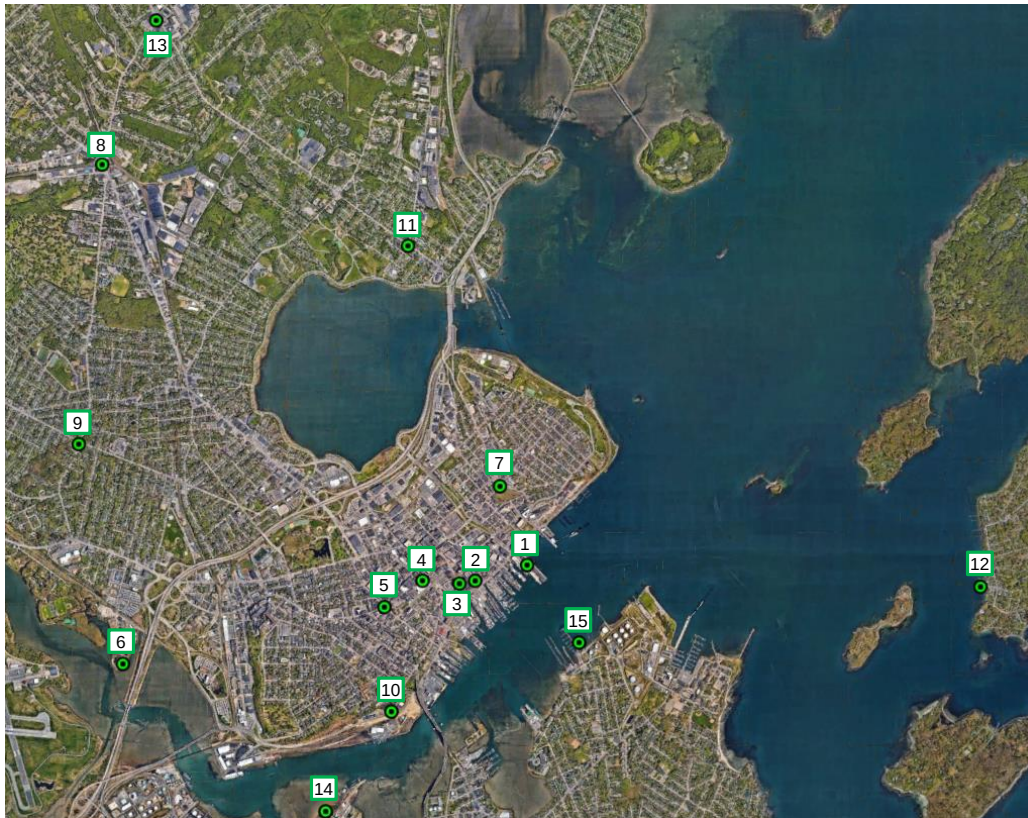


Measurement Process

- Locations
- Equipment



Monitoring Locations



Location

1. Maine State Pier
2. Wharf and Dana
3. Fore and Union
4. Brown and Free
5. Congress and High
6. Thompson Point
7. Congress and Montfort
8. Forest and Allen
9. Stevens and Brighton
10. Casco Bay Bridge
11. Washington and Presumpscot
12. Peak's Island
13. Allen and Washington
14. Mechanic Street Pump House
15. Portland Street Pier





Monitoring Locations 1 – 6



Location 1: Maine State Pier



Location 2: Wharf and Dana



Location 3: Fore and Union



Location 4: Brown and Free



Location 5: Congress and High



Location 6: Thompson Point





Monitoring Locations 7 – 12



Location 7: Congress and Montfort



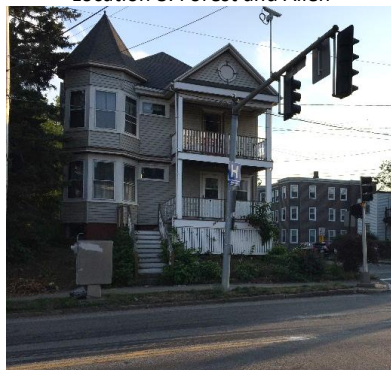
Location 8: Forest and Allen



Location 9: Stevens and Brighton



Location 10: Casco Bay Bridge



Loc. 11: Washington and Presumpscot



Location 12: Peak's Island Terminal





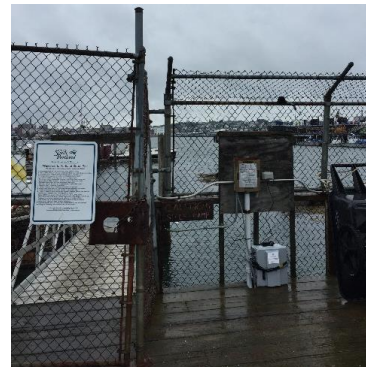
Monitoring Locations 13 – 15



Location 13: Allen and Washington



Location 14: Mechanic Street
Pump House (South Portland)



Location 15: Portland Street Pier
(South Portland)





Measurement Equipment





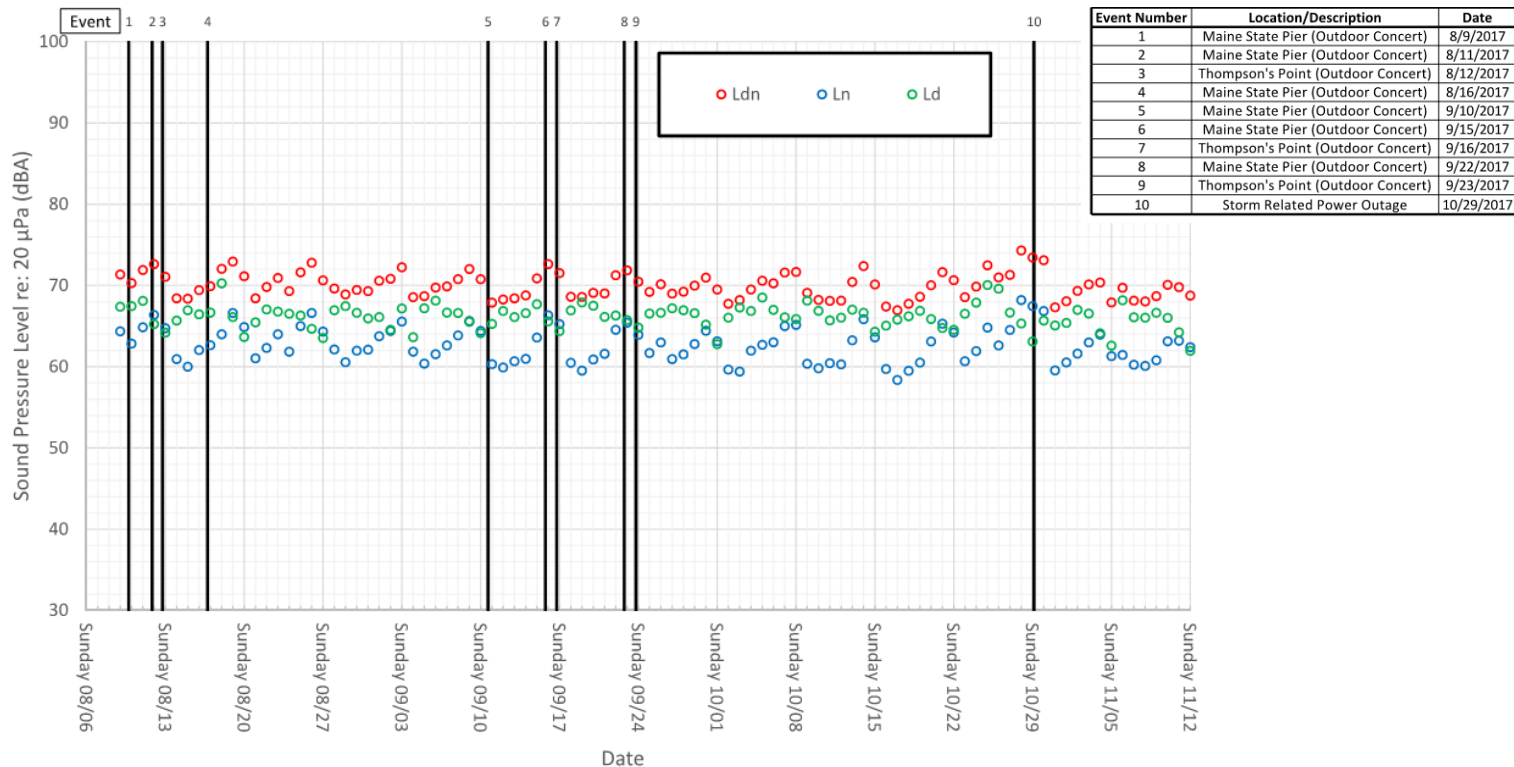
Measured Data

- Continuous daily summaries (L_d , L_n , L_{dn})
- A-weighted daily trends (L_{Aeq})
- C-weighted daily trends (L_{Ceq})
- Day/night average level (L_{dn})



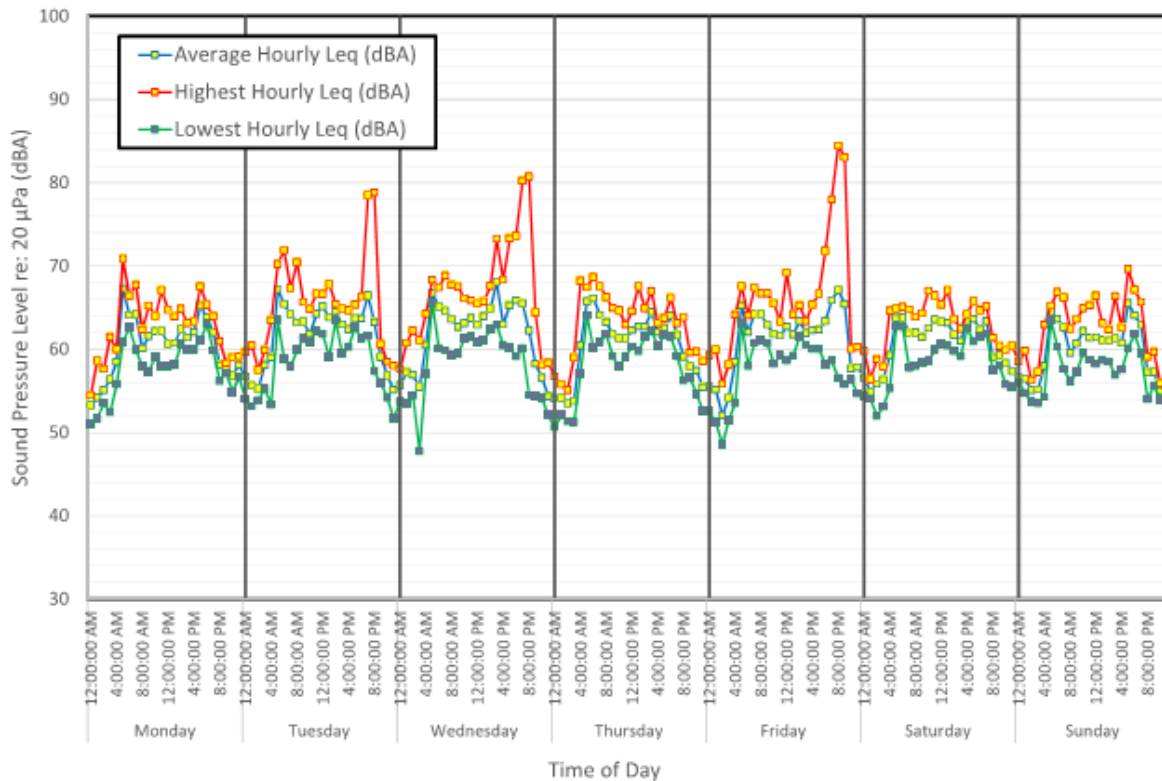


Continuous summary (Location 3)



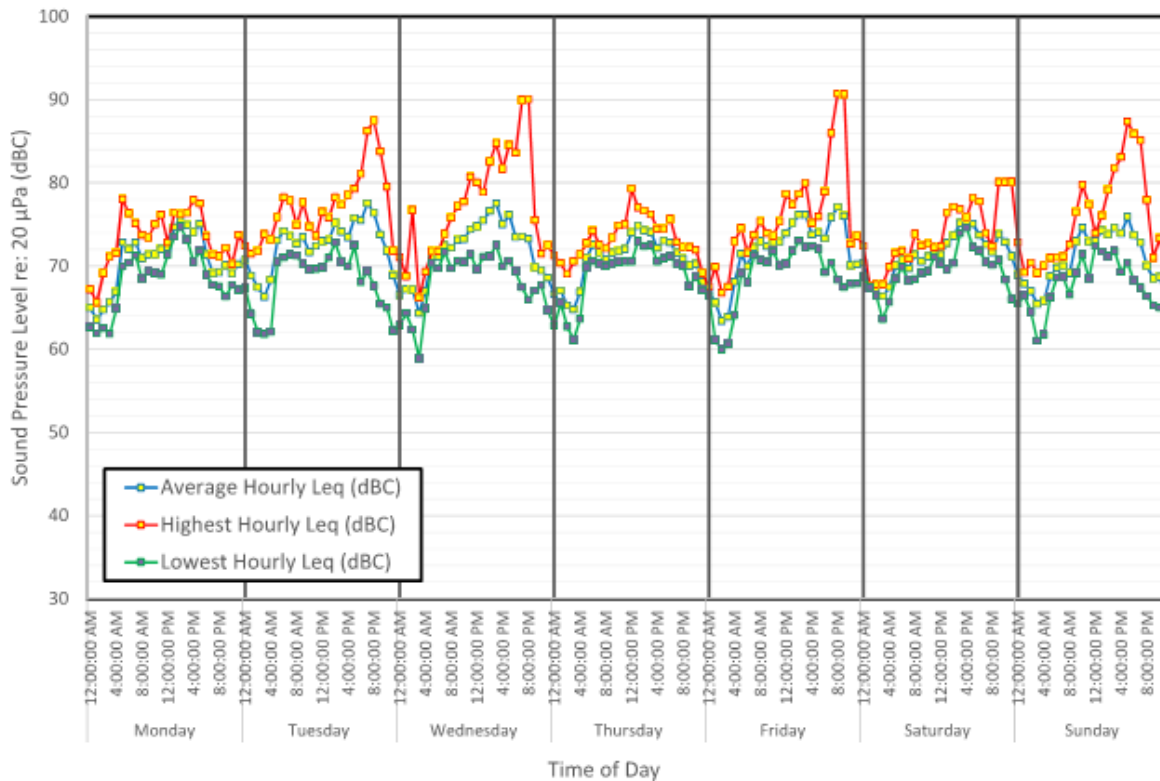


A-weighted trends (Location 1)



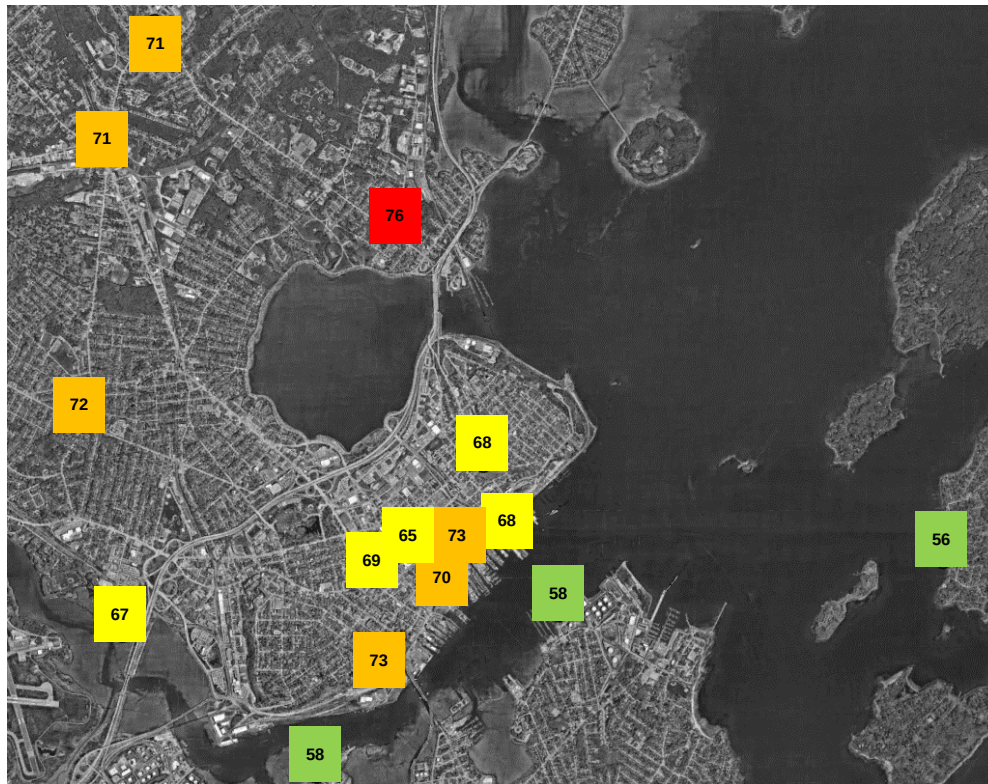


C-weighted trends (Location 1)





L_{DN} at Measurement Locations



Normally acceptable
Conditionally acceptable
Normally unacceptable
Clearly unacceptable

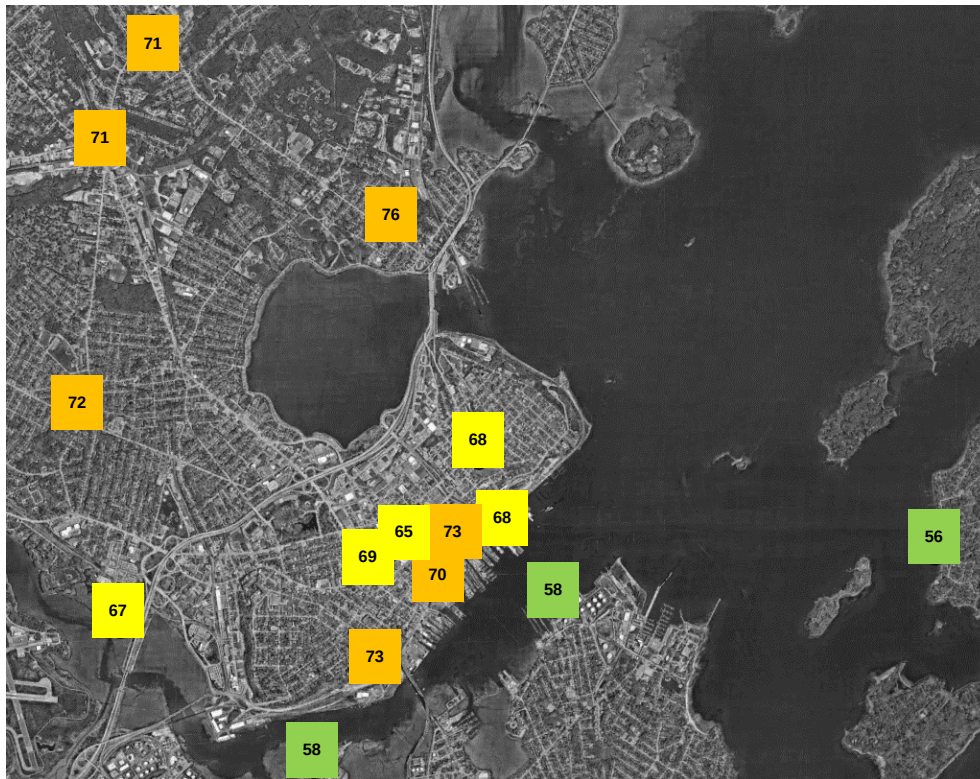


Locations color-coded for single family





L_{DN} at Measurement Locations



Normally acceptable
Conditionally acceptable
Normally unacceptable
Clearly unacceptable



Locations color-coded for motel/hotel





Questions?



Andy Carballeira

acarballeira@acentech.com

617 499 8025



MEMORANDUM

TO: City of Portland Health and Human Services and Public Safety Committee
FROM: Andy Downs, Chief Michael Sauschuck, Jessica Hanscombe, Anne Torregrossa
CC: Jon Jennings, City Manager
DATE: March 15, 2018
RE: Update on Sound Issues

Sound and noise in the City has been a significant concern for both this Committee and staff. We wanted to take an opportunity to update the Committee on steps that have already been taken to address noise concerns in the City, as well as projected goals for addressing noise moving forward.

Steps Taken

Staff has already taken the following steps to help reduce and address noise complaints throughout the City:

- Streamlining the noise complaint process to funnel all complaints through the Police Department. This has allowed a more uniform response to complaints and ensures that proper measurements are taken where appropriate.
- Ensuring that the Sound Oversight Committee reviews all noise complaints, not only those with a high enough reading to trigger an ordinance violation.
- Business Licensing staff is attending the Sound Oversight Committee meetings to answer questions about entertainment licensees and the City's licensing rules.
- The full City Council now receives notification of all entertainment licenses up for renewal to allow a Councilor to request that a particular license be brought back before the Council for review. This has led to the Council review and change one license, as well as changes to a second entertainment license that had been the source of complaints.
- Reducing the number of concerts and the number of back-to-back concerts on public property.
- Installing sound monitoring devices last summer, with phase two of that project planned for this summer.

Additionally, as the summer months approach, staff will be initiating an education campaign regarding outdoor speakers, and the ordinances that limit those speakers. Education will be targeted through NLOC, Sound Oversight Committee, mailings to entertainment license holders, and similar avenues. After that campaign, staff will be stepping up enforcement of existing ordinances (Section 17-17 and Chapter 25) that limit the use of unpermitted outdoor speakers.

Next Steps

There is still much work to be done with the City's sound contractor, Acentech, to digest what their findings might mean for crafting a new and more comprehensive sound ordinance.

Acentech has also sent some documentation (277 pages) on best practices from other municipalities, and staff will also be working to digest those and consider how they might fit into the regulatory scheme in Portland.

In connection with those recommendations, staff anticipates recommending changes to the entertainment licensing structure in Chapter 4 of the City Code. Currently there are approximately 120 entertainment license holders in the City. Some potential thoughts for changes are:

- Reworking available licenses to allow for one class of license for indoor entertainment, and one for outdoor entertainment.
- Subjecting outdoor entertainment to more strict scrutiny, including a requirement to provide a sound mitigation plan to be reviewed by a City representative.
- Alternative funding options for sound mitigation work.

The goal of these changes would be to allow a more thorough review of the sound impacts of any particular venue or event, especially where outdoor amplification will be used, as that seems to generate the most concerns.

Staff looks forward to working with the Committee to create a balance between maintaining the entertainment options that make the City vibrant and addressing the quality of life issues that can come with noise impacts.

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

**CITY OF PORTLAND
IN THE CITY COUNCIL**

KIMBERLY COOK (5)
JILL C. DUSON (A/L)
PIOUS ALI (A/L)
NICHOLAS M. MAVODONES, JR (A/L)

**AMENDMENT TO PORTLAND CITY CODE CHAPTERS 4 AND 15
RE: ENTERTAINMENT SOUND ORDINANCE**

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

1. That Sections 4-41 to 4-59 are hereby amended to read as follows:

Sec. 4-41. Purpose.

~~—The purpose of this article is to control the issuance of special permits for entertainment.music, dancing or entertainment in facilities licensed by the state to sell liquor as provided by state law, entertainment in bottle clubs, and permits for after-hours entertainment and to control the operation of dance halls, concert halls, single dances and single concerts.~~

Sec. 4-42. Definitions.

Terms used in this article shall have their common meanings except that the definitions set forth in chapter 15 and/or in this section shall apply unless the context clearly indicates that a different meaning is intended.

~~—*After-hours entertainment* shall mean music, dancing, or entertainment provided between the hours of 1:00 a.m. and 7:00 a.m.~~

~~—*Concert* shall mean the presentation of live or amplified music for the entertainment of a live audience gathered specifically for that entertainment.~~

~~—*Concert hall* shall mean any building, room or hall which is kept or used for concerts open to the public.~~

~~—*Dance* shall mean every dance not held in a private residence; other than a class in which instruction in dancing is given for hire, or any dance held in a school hall under direct supervision~~

~~of school authorities, or any dance conducted by and exclusively for the benefit of any bona fide charitable organization.~~

~~— Dance hall shall mean any building, room, hall, or other public place which is kept or used for public dancing, or which for compensation paid directly or indirectly to the owner, manager, or operator thereof, men, women or children are permitted to engage in dancing.~~

Entertainment shall mean and include any event to which the public is invited or allowed to watch, listen to, or participate in; or is conducted for the purposes of holding the attention of, gaining the attention of, or diverting or amusing patrons or guests, including, but not limited to any of the following:

1. Dancing by patrons to live or recorded music;
2. The presentation of music played on sound equipment operated by an agent or contractor of the establishment, commonly known as 'disc jockey' or 'DJ';
3. The playing of background music, except where the background music cannot be heard beyond the limits of the premises on which the music is being played;
4. The presentation of live music whether amplified or unamplified;
5. The presentation of music concerts, or other similar forms of musical entertainment from any source; or
6. Any other live performance, including, but not limited to, presentations by single or multiple performers, such as hypnotists, comedians, dance arts, concerts, dances, live bands, karaoke or other live music.

~~amusement, performance, or exhibition or diversion for patrons or customers of the licensed premises, whether provided by professional entertainers or by full-time or part-time employees of the licensed premises whose incidental duties include activities with an entertainment value.~~

Indoor Entertainment shall mean entertainment that is conducted within a fully enclosed building or structure, including ensuring that all windows and doors remain closed during the time that entertainment is occurring.

Outdoor Entertainment shall mean entertainment that is conducted outside of a fully enclosed building or structure, or is conducted within a building or structure in any manner such that the sound generated by that entertainment is intentionally projected outside of that building or structure.

...

DIVISION 2. LICENSE*

Sec. 4-51. Required.

~~(a) No person licensed by the state to sell liquor to be consumed on the premises, and no bottle club licensed by the city, shall permit on the premises any music except that produced by radio or mechanical device, any dancing, or entertainment of any sort without an entertainment license from the city. The license required by this subsection and state law authorizes entertainment only during the hours when state law permits the sale of alcohol for consumption on the premises. shall conduct, or permit to be conducted on a premises or other location owned or controlled by that person, any entertainment without first obtaining a license as provided in this Article.~~

(b) *Single Event Entertainment License - Private Property.* A Single Event Entertainment License - Private Property shall allow the licensee to conduct a single indoor or outdoor entertainment event lasting no more than eight hours in one 24-hour period at the premises for which the license is issued. No more than five Single Event Entertainment Licenses may be issued for events at any one premises in any twelve-month period.

(c) *Single Event Entertainment License - Public Property.* A Single Event Entertainment License - Public Property shall allow the licensee to conduct a single indoor or outdoor entertainment event lasting no more than eight hours in one 24-hour period on City-owned property. Multiple events by the same party and on the same City-owned property may be combined into one license.

(d) *Indoor Entertainment License.* An Indoor Entertainment License shall allow the licensee to conduct indoor entertainment only at the premises for which the license is issued.

(e) *Outdoor Entertainment License.* An Outdoor Entertainment License shall allow the licensee to conduct outdoor entertainment only at the premises for which the license is issued.

(f) Combined Entertainment License. A Combined Entertainment License shall allow the licensee to conduct indoor and/or outdoor entertainment at the premises for which the license is issued.

(g) Expanded Entertainment Addendum. An Expanded Entertainment Addendum shall be in addition to any entertainment license and shall allow the licensee to conduct after-hours entertainment and/or to exceed the applicable sound limits. Expanded Entertainment Addendum shall be at the sole discretion of the City Council.

~~After-hours entertainment shall require a separate license as provided in this division subject to the following restrictions and requirements:~~

- ~~(1) Operations under such separate license shall end at 3:00 a.m.~~
- ~~(2) Establishments that have a liquor license shall limit attendance to individuals who are at least 21 years old. Establishments that do not have a liquor license shall limit attendance to individuals who are at least 18 years old.~~
- ~~(3) Any applicant for an after-hours entertainment license shall meet with the police department for review of the security plan and a site visit before the license is brought before the city council.~~
- ~~(4) The license shall allow no more than twenty-four (24) after hour events per calendar year.~~
- ~~(5) In addition to the after-hours license, at least seven (7) days in advance of each event, the license holder shall deliver a written notice to the Permitting and Inspections Department during normal business hours specifying the date upon which the event will be held. The Permitting and Inspections Department will forward the notice immediately to the police department, track the number and frequency of events per licensee per calendar month and inform a licensee if an event is not allowed.~~
- ~~(c) Exceptions: Upon application for a license for a single event, the council may allow after hours entertainment~~

~~to take place after 3:00 a.m. for a public purpose and may permit individuals under the age of 21 to attend the event, subject to such conditions, if any, that the council imposes to protect the public health, safety and welfare. Any events permitted under this paragraph will not count as one of the twenty-four events per year allowed by section (b) (4) above.~~

~~(d) No person shall conduct, maintain or operate a dance hall or a concert hall, as defined in section 4-42 of this code, without a license.~~

~~(e) No person shall conduct, maintain, or operate a single dance or single concert, as defined in section 4-42 of this code, on private property, where greater than 100 attendees are anticipated, or where alcohol will be consumed, without a license.~~

~~(f) No person shall conduct, maintain, or operate a single dance or single concert, as defined in section 4-42 of this code, on public property without a license from the Parks, Recreation, and Facilities Department.~~

Sec. 4-52. Application.

(a) Application for a license under this division shall, in addition to the requirements of chapter 15, be submitted on forms provided by the City. Applications shall specifically includecontain:

(1) ~~the~~The name and contact information of the owner or person in control of the building and/or premises;

(2) The name and contact information of the person responsible for the entertainment, who shall be available to respond to inquiries of the City at all times while entertainment is taking place;

(3) ~~the~~The location of the premises; and

(4) ~~a~~A plan of the premises, giving in detail the dimensions and diagram of space to be used for dancing, seating, dressing rooms, check rooms, toilet rooms, and means of egress entrances, exits, stairways and fire escapes.

Applicants must provide all required information and pay all required fees before a license application will be considered.

(b) Location of Application. Applications for a Single Event Entertainment License - Public Property shall be submitted to the Parks, Recreation, and Facilities Department for approval. All other applications shall be submitted to the Permitting and Inspections Department.

(c) Timing of Application. Applications must be submitted no later than the following:

(1) For a Single Event Entertainment License - Private Property or Single Event Entertainment License - Public Property, a complete application, including license fee and noise deposit, must be submitted no later than seven business days prior to the licensed event.

(2) For all other licenses, a complete application, including license fee, sound mitigation plan, and review fee, must be submitted no later than four weeks prior to the City Council Meeting at which the applicant wishes the application to be considered.

(d) Noise Deposits. Applications for a Single Event Entertainment License - Private Property and Single Event Entertainment License - Public Property must include a noise deposit as follows:

(1) The noise deposit must be paid before a Single Event Entertainment License will be issued.

(2) The noise deposit shall be calculated based on the reasonably anticipated number of attendees:

<u>Anticipated Attendees</u>	<u>Noise Deposit</u>
<u>Less than 200</u>	<u>\$100</u>
<u>200-500</u>	<u>\$250</u>
<u>500-1,000</u>	<u>\$500</u>
<u>1,000+</u>	<u>\$1,000</u>

(3) The noise deposit shall be double the amount listed above for any licensee who has forfeited a noise deposit within the previous two years.

(4) The noise deposit shall be forfeited automatically, and in the City's sole discretion, if the licensee fails to adequately mitigate any noise impacts of the event after being given notice of the impact by the City and an opportunity to correct.

(5) Forfeiture of the noise deposit shall be in addition to any civil penalties or other remedies provided for in this Code, including the denial of a future license.

(e) *Sound Mitigation Plan.*

(1) A sound mitigation plan shall be required for the following applications:

(i) All initial applications for an Outdoor Entertainment License;

(ii) All initial applications for a Combined Entertainment License;

(iii) All initial applications for an Indoor Entertainment License if the licensee did not hold an entertainment license for the premises in the previous license year; and

(iv) All renewal applications that are required to go before the City Council for consideration.

(2) A sound mitigation plan shall consist of the following:

(i) The sound mitigation plan must be prepared and certified by a professional sound engineer with appropriate experience and training.

(ii) The sound mitigation plan shall be designed to minimize the impact of entertainment on the surrounding uses, and detail the methods by which the applicant will accomplish those goals.

(iii) The sound mitigation plan shall include, at a minimum, speaker location and direction; sound system details and controls; stage and site layout and direction; any noise cancelling or mitigating measures proposed; and anticipated sound readings at the proposed source of the sound, at a location 8' from the means of egress located nearest to the noise source and/or 8' from any outer wall of the premises (for indoor entertainment), at each property line of the premises (for outdoor entertainment), and at the closest residence.

(iv) The sound mitigation plan shall require an on-site monitor when the number of attendees at an entertainment event is expected to exceed, or does exceed, 250. The on-site monitor shall be equipped with a dedicated SPL meter, and shall be available to respond to any inquiry of a City official during the time that the entertainment is being conducted.

(5) The City and/or its designee will review the sound mitigation plan and will provide written recommendations to the City Council with respect to the proposed sound mitigation plan and license application. The applicant shall pay a sound mitigation review fee, as established by the City Council, to cover the costs of review.

(6) The applicant shall be responsible for the City's cost of reviewing the sound mitigation plan.

(7) Compliance with the sound mitigation plan, as approved by the City Council, shall be a condition of the applicant's license, if granted.

Sec. 4-53. Hearings.

(a) A public hearing shall be held prior to issuance of ~~any original license under this division other than a single dance license or a single concert license~~the following:-

- (1) All initial applications for an Outdoor Entertainment License;
- (2) All initial applications for a Combined Entertainment License;
- (3) All initial applications for an Indoor Entertainment License if the licensee did not hold an entertainment license for the premises in the previous license year; and
- (4) All renewal applications that are required to go before the City Council for consideration in accordance with subsection (b) below.

(b) At the request of the City Manager or his/her designee, or at the request of any member of the City Council or the Mayor, a public hearing shall be held prior to the issuance of any renewal

under this division other than a Single Event Entertainment License - Private Property or Single Event Entertainment License - Public Property.

Sec. 4-54. Appeals.

Appeal from the denial, suspension revocation or issuance with a condition or conditions of an entertainment license to a person ~~licensed by the state to sell liquor~~ shall be taken to the municipal board of appeals within thirty (30) days of such denial, suspension or revocation. The municipal board of appeals may grant or reinstate the permit if it finds that the permitted activities would not constitute a detriment to the public health, safety or welfare, or that the denial, suspension or revocation was arbitrary or capricious. If a license is issued with a condition or conditions and the board concludes that the condition or conditions do not protect the public health, safety or welfare or are arbitrary or capricious, the board shall refer the license back to the city council to determine whether the license will issue without the condition or conditions or whether the application will be denied. ~~The denial, suspension revocation or issuance with a condition or conditions of all other licenses or permits required hereunder shall be to the superior court under the provisions of Maine Rules of Civil Procedure 80B.~~

Sec. 4-55. Duration.

~~—(a) Granting of Licenses. Licenses shall be granted, denied, suspended, revoked, or granted with a condition or conditions as necessary to protect the public health, safety and welfare and in accordance with chapter 15, except for the following, but in the case of a special entertainment license, it:~~

- ~~(1) A Single Event Entertainment License - Public Property shall be granted, denied, suspended, revoked, or granted with conditions at the sole discretion of the Parks, Recreation, and Facilities Department.~~
- ~~(2) An Expanded Entertainment Addendum shall be granted, denied, suspended, revoked, or granted with conditions at the sole discretion of the city manager.~~

~~—(b) Expiration of Licenses. Licenses shall be valid for one year from the date they are granted, except in the following situations:~~

~~(1) Where the licensee holds a state liquor license or a municipal bottle club license, an Indoor, Outdoor, and/or Combined Entertainment License shall be deemed terminated upon expiration or revocation of the respective state license to sell alcoholic beverages or the municipal bottle club license, as the case may be, prior to the expiration of the one-year period.~~

~~(2) Where the licensee does not hold a state liquor license or a municipal bottle club license, but does hold a food service establishment license, an Indoor, Outdoor, and/or Combined Entertainment License shall be deemed terminated upon expiration or revocation of the food service establishment license prior to the expiration of the one-year period.~~

(3) Chapter 15 notwithstanding, the city council may also grant temporary entertainment licenses for a period of less than one (1) year when, in its sole discretion, it determines that one (1) or more trial periods is necessary to evaluate the impact of the entertainment on the peace and quiet of the neighborhood and on the public health, safety and welfare.

Sec. 4-56. Reserved.

DIVISION 3. STANDARDS FOR ENTERTAINMENT PURSUANT TO A LICENSE

Sec. 4-57. Conditions; sound and noise limitation.

(a) Any other provision of this Code notwithstanding, a licensee shall not allow the licensed activity or any other activities on the licensed premises to generate sound or noise that exceeds either of the following standards without an Expanded Entertainment Addendum:

(1) Eighty-five (85) dBA; and

(2) Ninety-five (95) dBC.

(b) The standards set forth in subsection (a) above shall be measured as follows:

(1) For indoor entertainment, measurements shall be taken ninety-two (92) decibels, A-weighted, averaged over one (1) minute, when measured eight feet (8') from the

means of egress located nearest to the noise source and/or 8' from any outer wall of the premises.

~~(2) For outdoor entertainment, measurements shall be taken from the property line of the premises nearest to the noise source and/or nearest to the complainant's location, if any., or eight feet (8') from the noise source if it is generated outdoors.~~

(c) A licensee shall not allow the licensed activity to be conducted outside of the following times without an Expanded Entertainment Addendum.

(1) Outdoor entertainment, Sunday through Thursday: 8 a.m. to midnight;

(2) Outdoor entertainment, Friday through Saturday: 8 a.m. to 1 a.m. the following day; and

(3) Indoor entertainment: 8 a.m. to 1 a.m. the following day.

~~—The city council may impose conditions for protecting the public health, safety and welfare on any entertainment license it issues.~~

Sec. 4-57.1. Sound oversight committee.

(a) There shall be a sound oversight committee of four (4) members appointed by the city council. One (1) member shall be a city employee nominated by the city manager; one (1) member shall be a police officer nominated by Portland's Downtown District board; and one (1) member shall be an entertainment licensee nominated by the nightlife oversight committee. The police officer shall be the chair of the sound oversight committee and shall be a non-voting member, except that the police officer shall cast the tie-breaking vote in the event of a tie.

(b) The sound oversight committee shall meet with ~~new entertainment license~~ applicants and licensees when ~~the license application is~~ referred to the ~~team committee~~ either by the city council or by the nightlife oversight committee. The sound oversight committee shall make recommendations to the applicant or licensee regarding actions it can take to mitigate noise and shall make any recommendations regarding noise mitigation it deems necessary to the city council for consideration.

~~— (c) Whenever the police receive two (2) or more verified noise complaints from two (2) separate individuals in any seven (7) day period or five (5) or more verified noise complaints in any thirty (30) day period regarding a particular entertainment licensed establishment~~ a licensee exceeds the standards in § 4-57 of this Article, the police department shall notify the licensee to meet with the sound oversight committee within five (5) business days from the date of the written notification, or such other time as is agreed upon by the sound oversight committee, to identify ways in which the noise problems which have been identified can be mitigated. The sound oversight committee shall notify ~~the~~ any complainants with respect to that licensee in the previous twelve months of the date and time of the meeting.

The licensee shall agree to take effective measures to address the noise issues as recommended by the sound oversight committee, which measures shall be memorialized in a written agreement at the conclusion of the meeting with the sound oversight committee and shall be implemented within one (1) week of said meeting unless another date is agreed upon by the sound oversight committee. Failure to implement the plan in a timely fashion or to comply with all recommendations in the plan will result in a recommendation by the sound oversight committee to the city council to place conditions on or revoke the establishment's entertainment license.

If ~~the police receive two (2) or more verified noise complaints from two (2) separate individuals in any seven (7) day period or five (5) or more verified noise complaints in any thirty (30) day period regarding~~ the same licensed establishment on a subsequent occasion again exceeds the standards in § 4-57 of this Article, then the sound oversight committee is under no obligation to meet with the licensee but may make recommendations to the ~~city council~~ licensing authority to place conditions on or revoke the entertainment license.

(d) The sound oversight committee may also meet with liquor license applicants upon referral by the city council or the nightlife oversight committee and may recommend noise mitigation measures to liquor licensees upon referral by the Portland police department or the city council.

Sec. 4-57.5. Restricted locations.

Notwithstanding any other provision of this article, no new licenses shall be issued in the B-3c zone to drinking

establishments and chemical-free night clubs, as defined in section 14-47. For purposes of this section, renewal of an existing license by the party holding the license on the date of enactment shall not be considered a new license. Any transfer of ownership shall be considered a new license.

(Ord. No. 47-97, 8-4-97)

Sec. 4-58. Penalties.

In addition to suspending or revoking a license, the city may prosecute violations in court. A violation of this ~~division~~ Article shall be punished by a fine of five hundred dollars (\$500.00) for a first offense, one thousand dollars (\$1,000.00) for a second offense and two thousand dollars (\$2,000.00) for a third or subsequent offense regardless of the time between offenses. Each act of violation and every day upon which any such violation shall occur shall constitute a separate offense. In addition to such penalty, the city may enjoin or abate any violation of this division by appropriate action. In addition to such penalty, if the court finds for the city, the city shall recover its costs of suit including reasonable experts' fees, attorneys' fees and investigative costs.

Sec. 4-59. Applicability.

____ This division shall not apply to events held: ~~(a) in a private residence;~~ ~~(ab)~~ (a) in a class in which instruction in music is given for hire; ~~(be)~~ (b) school sponsored events in a school under supervision of school authorities; ~~(c) City sponsored events under the supervision of City authorities;~~ ~~or (d) by and exclusively for the benefit of any bona fide charitable organization.~~

2. That Sections 15-12 and 15-21 are hereby amended to read as follows:

Sec. 15-12. Fees and expiration dates.

(a) Unless specified elsewhere in this Code, fees for licenses issued pursuant to this Code and the expiration date of each license shall be as follows:

...

Ch. 3, Art. II	Bottle clubs (must obtain FSE and special entertainment if applicable)	\$940.00	June 30
-------------------	---	----------	---------

Ch. 3, Art. III	Brewery, Winery and Distillery License (must obtain FSE and/or special entertainment if applicable)	\$525.00	Concurrent with state liquor license
-----------------------	---	----------	--

...

Ch. 4, Art. III	Music, dancing and special e Entertainment:		
	Entertainment with dancing	\$529.00	Twelve months or concurrent with state liquor license or with any city license
	Entertainment without dancing	\$295.00	Twelve months or concurrent with state liquor license or with any city license
	After-hours Entertainment	\$595.00	Twelve months Or concurrent with state liquor license or with any city license
	Dance hall	\$147.00	June 30
	Concert hall	\$147.00	June 30
	Single dance with alcohol or with greater than 100 attendees	\$38.00	Per dance
	Single concert with alcohol or with greater than 100 attendees	\$38.00	Per concert
	<u>Single Entertainment Event - Private Property</u>	<u>\$50</u>	<u>Per event</u>
	<u>Single Entertainment Event - Public Property</u>	<u>\$50</u>	<u>Per event</u>
	<u>Indoor</u>	<u>\$500</u>	<u>12 months or</u>

	<u>Entertainment</u>		<u>concurrent with state liquor license or any city license</u>
	<u>Outdoor Entertainment</u>	<u>\$700</u>	<u>12 months or concurrent with state liquor license or any city license</u>
	<u>Combined Entertainment</u>	<u>\$800</u>	<u>12 months or concurrent with state liquor license or any city license</u>
	<u>Expanded Entertainment Addendum</u>	<u>\$100</u>	<u>Per event</u>

...

Sec. 15-21. Renewal hearings for state liquor licenses, or name changes, ~~or special entertainment licenses~~.

The City License Administrator is authorized to approve the renewal of State liquor licenses, name changes, ~~or special entertainment licenses~~, or any changes in license classification other than a change allowing the sale of spirituous alcohol, without holding a hearing, unless the License Administrator determines that hearing is necessary, or has received a request from a member of the City Council or a City official for a hearing on a specific application. Hearings shall be held by the City Council.

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

**CITY OF PORTLAND
IN THE CITY COUNCIL**

KIMBERLY COOK (5)
JILL C. DUSON (A/L)
PIOUS ALI (A/L)
NICHOLAS M. MAVODONES, JR (A/L)

**AMENDMENT TO PORTLAND CITY CODE CHAPTER 6
Re: ENERGY BENCHMARKING**

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

*1. That Chapter 6, Section 6-209 of the Portland City Code is
hereby amended to read as follows:*

6-209. Benchmarking for Municipal and Covered Properties.

(a) No later than May 1, 2019 and no later than May 1 every year thereafter, the total Energy and Water consumed by each Municipal Property, along with all other descriptive information required by the Benchmarking Tool, shall be entered into the Benchmarking Tool for the previous calendar year.

(b) Owners of Covered Property shall annually input the total Energy and Water consumed by each Covered Property, along with all other descriptive information required by the Benchmarking Tool, into the Benchmarking Tool for the previous calendar year. The Owner shall input this information according to the following schedule:

- (1) A Residential Covered Property no later than one year after the Department has certified that utility service providers have made utility use data readily available in a standardized and secure manner through "green button" or similar programs or standards that offer easy access to usage data as needed to use Energy Star Portfolio Manager, whichever date comes later no later than two (2) years after the effective date of this Ordinance and by every May 1 every year thereafter;
- (2) A-Non-residential Covered Property: : For Non-residential Covered Properties in which any single tenant occupies ninety percent (90%) or more of the property's available floor space, by May 1, 2020. For all other Non-residential Covered Properties, no later than one year after the Department has certified that utility service

providers have made utility use data readily available in a standardized and secure manner through "green button" or similar programs or standards that offer easy access to usage data as needed to use Energy Star Portfolio Manager, whichever date comes later by no later than two (2) years after the effective date of this Ordinance and by every May 1 every year thereafter; and

- (3) A new Covered Property that has not accumulated twelve (12) months of energy and water use data by the first applicable date following occupancy for inputting Energy and Water use into the Benchmarking Tool shall comply with this Ordinance in by May 1 the following year.



CITY OF PORTLAND
Executive Department
Jon P. Jennings, City Manager

To: Councilor Thibodeau and the members of the Sustainability and Transportation Committee
From: Troy Moon, Sustainability Coordinator
Re: Setting a reporting deadline for single occupant buildings to report energy data
Date: April 12, 2019

In November 2016, the Portland City Council adopted the Energy Benchmarking and Disclosure Ordinance that required all buildings in the City of Portland with a floor space of 20,000 square feet or more to calculate their annual energy and water consumption and to report it to the Sustainability Office. The first reporting deadline was set for December 2018. In advance of this deadline, City staff collaborated with local property owners associated with the Portland 2030 District, Efficiency Maine, Central Maine Power, and others in order to test-drive the reporting process so we could better assist other business owners with the reporting process. During our work, we determined that Central Maine Power could not make aggregated whole building energy data available to their customers in a convenient, electronic format. Staff recommended that the City Council adopt an amendment to the ordinance postponing the reporting deadline until the Sustainability Office is able to determine that CMP is able to provide whole building data available to their customers. Council adopted this amendment in December, 2018.

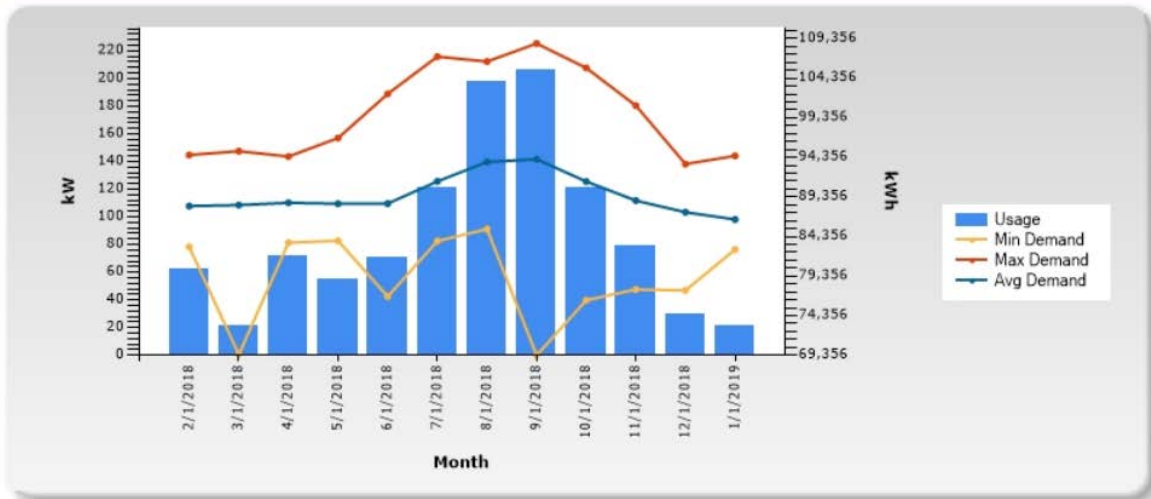
As staff continues to work with Central Maine Power on data access issues we have determined that the owners of buildings with 20,000 square feet or more of floor space that have a single primary tenant currently have access to their energy consumption data in a convenient, electronic format. Recent upgrades to CMP's Energy Manager have made it more visually appealing and easier to use than it was in the past. Customers are able to create a profile and can generate reports about the usage associated with the accounts they control. As an example, the summary below shows the monthly electricity usage of the Trough Ice Arena.

Data Summary

Period Ending	Usage (kWh)	Min Demand (kW)	Max Demand (kW)	Avg Demand (kW)
2/1/2018	80,285.790	78.400	144.800	107.911
3/1/2018	73,006.410	0.600	147.600	108.640
4/1/2018	81,946.780	81.440	143.720	110.292
5/1/2018	78,915.890	82.800	157.120	109.605
6/1/2018	81,624.260	42.560	189.040	109.710
7/1/2018	90,535.280	82.600	215.960	125.743
8/1/2018	104,003.160	91.280	212.400	139.789
9/1/2018	105,445.500	0.000	225.440	141.728
10/1/2018	90,465.750	39.840	207.800	125.647
11/1/2018	83,203.880	47.600	180.560	111.833
12/1/2018	74,581.040	46.920	138.280	103.460
1/1/2019	73,066.200	76.520	144.200	98.207
Total	1,017,079.940	670.560	2,106.920	1,392.567

The data is also available in a graph so customers can recognize trends in energy usage.

Usage and Demand



Energy Manager also shows customers their demand – the amount of electricity they use at any given time. The benchmarking ordinance does not require property owners to report this but they should track it and make efforts to reduce their demand because it plays a large role in determining their energy costs.

Excluding buildings owned by the City of Portland, we have identified 197 buildings subject to the ordinance that appear to have a single primary tenant. These include hotels, warehouses, retail stores, university or private school buildings, buildings owned by other government agencies, and medical buildings. In total, they represent 14,800,000 square feet of building space. Beginning the benchmarking program with this subset of buildings will provide a meaningful amount of data that will help the Sustainability Office understand how commercial buildings use energy. It will also help us to identify buildings that use more energy than similar properties and direct their owners toward resources that can help them make energy efficiency upgrades. This would reduce their costs and their greenhouse gas emissions. We have provided a list of the buildings we believe would be subject to reporting if the Council adopts the amendment.

The proposed amendment sets a reporting deadline for these buildings on May 1, 2020. During the time between adoption of the ordinance and this deadline, the Sustainability Office will notify the affected property owners of the reporting requirement and assist them with technical information about benchmarking and reporting. We have identified partners including the Northeast Energy Efficiency Partnership, EPA Region 1, and the Maine DEP who can assist with the education process by providing the City and property owners with information Portfolio Manager (the reporting platform) and guidance about gathering and analyzing the necessary information. The City webpage already contains extensive information about the benchmarking ordinance and the reporting process:

<http://www.portlandmaine.gov/2389/Energy-Benchmarking>

We will also continue to work with Central Maine Power in an effort to establish to set an aggregation threshold for buildings with multiple occupants and to create a data portal similar the one established by Eversource to support the Cities of Boston and Cambridge. As reported to the Committee last month, CMP has issued an RFP to upgrade their customer service platform and has indicated that the update will allow them to provide aggregate whole building data to their customers.

Attachment: List of affected buildings

Car	NUMBER	LOCATION	BUILDING NAME	AL BUILDING A	OWNER
1	170	ANDERSON ST	CYCLE MANIA	34,164	EAST BAYSIDE STUDIOS LLC
1	138	AUBURN ST	FIRST LUTHERN CHURCH	25,011	FIRST LUTHERAN CHURCH OF
1	850	BAXTER BLVD	SEASIDE PARTNERSHIP	63,574	SEASIDE HEALTHCARE LLC
1	1	BEAN POT CIR		233,075	HERITAGE ACQUISTION CORP
1	29	BEDFORD ST		26,584	UNIVERSITY OF MAINE
1	44	BEDFORD ST	WISHCAMPER CENTER	604,252	UNIVERSITY OF MAINE SYSTEM
1	44	BEDFORD ST	ALBERT BRENNER LIBRARY	-00	UNIVERSITY OF MAINE SYSTEM
1	44	BEDFORD ST	AMBRONSON COMMUNITY CENTER	-00	UNIVERSITY OF MAINE SYSTEM
1	33	BISHOP ST	REICHHOLD PLASMINE	30,381	PLASMINE TECHNOLOGY INC
1	75	BISHOP ST	DOW'S AUTO	22,572	DMR PROPERTIES INC
1	115	BISHOP ST	HAPPY TAILS/ BRACKETT WEST	27,744	BJG LLC
1	2	BLUEBERRY RD	SURBRIDGE YANKEE	55,500	STURBRIDGE YANKEE WORKSHOP INC
1	39	BLUEBERRY RD	RUTH'S REUSABLE RESOURCES	27,513	RUTH'S REUSABLE RESOURCES
1	22	BRAMHALL ST	BEAN WING	1,589,898	MAINE MEDICAL CENTER
1	335	BRIGHTON AVE	UNIT B-1 OF CONDO	28,492	MMC
1	858	BRIGHTON AVE	BREAKWATER SCHOOL	21,288	BREAKWATER SCHOOL
1	1000	BRIGHTON AVE	FOREST CITY CHVRLT	57,432	QV REALTY LLC
1	1150	BRIGHTON AVE	INN AT PORTLAND	50,244	SAI PRASAD LLC
1	1210	BRIGHTON AVE	HAMPTON INN	56,487	PORTLAND HOTELS INC

1	45	BROWN ST	PARKING GARAGE	111,047	477-481 CONGRESS STREET
1	52	CANCO RD	ON TARGET	38,514	CONGDON F GILBERT III ETALS
1	138	CANCO RD	CENTRAL ME POWER	102,641	CENTRAL MAINE POWER CO
1	217	CANCO RD	BIRCHWOOD	77,604	PORTLAND ASSISTED LIVING LLC
1	326	CANCO RD	FIRST BAPTIST CHURCH	28,325	FIRST BAPTIST CHURCH IN
1	60	CASSIDY PT RD	CIANBRO	24,480	CIANBRO CORPORATION
1	92	CASSIDY PT RD	MAINE PORT AUTHORITY	58,220	MAINE PORT AUTHORITY
1	92	CASSIDY PT RD	MERRILLS MARINE	203,300	SPRAGUE OPERATING
1	2	CEDAR ST	SALVATION ARMY	35,985	SALVATION ARMY THE
1	121	CENTER ST	AURA	28,885	TEDLUM ASSOCIATES LLC
1	8	CHESTNUT ST	MASONIC TEMPLE	78,190	MASONIC TRUSTEES OF PORTLAND
1	52	CITY LINE DR	MAINE LOBSTER NOW	20,400	TRANSPORT LEASING CORP
1	1	COLLEGE AVE	LINNELL HALL	78,080	UNIVERSITY OF NEW ENGLAND
1	51	COLLEGE ST	GINN & MCDUGAL HALLS	33,788	UNIVERSITY OF NEW ENGLAND
1	29	COMMERCIAL ST	AUTO EUROPE	45,690	AUTO EUROPE LLC
1	57	COMMERCIAL ST	HILTON GARDEN HOTEL	76,957	OLYMPIA EQUITY INVESTORS V LLC
1	99	COMMERCIAL ST	U S CUSTOMS HOUSE	25,830	UNITED STATES
1	272	CONGRESS ST	N.E. ARMY SUPPLY	31,068	MAINE MEDICAL CENTER
1	307	CONGRESS ST		72,264	ROMAN CATHOLIC BISHOP OF
1	385	CONGRESS ST	PRESS HERALD	76,331	385 CONGRESS LLC

1	390	CONGRESS ST	PRESS HOTEL	75,370	PRESS HOTEL LLC
1	425	CONGRESS ST	MARANDA ADAMS SCHOOL	20,744	FIRST PARISH IN PORTLAND
1	483	CONGRESS ST	LONGFELLOW HOUSE	24,628	MAINE HISTORICAL SOCIETY
1	489	CONGRESS ST	MAINE HISTORICAL SOC	25,169	MHS INC
1	519	CONGRESS ST	MECHANICS HALL	23,142	MAINE CHARITABLE MECHANIC
1	522	CONGRESS ST	MAINE COLLEGE OF ART	146,768	MAINE COLLEGE OF ART
1	540	CONGRESS ST	STORAGE MCA	26,680	MAINE COLLEGE OF ART
1	887	CONGRESS ST		151,776	MAINE MEDICAL CENTER
1	1230	CONGRESS ST	CLARION	91,868	OLYMPIA EQUITY INVESTORS I LP
1	2352	CONGRESS ST	MAINE TURNPIKE	54,648	MAINE TURNPIKE AUTHORITY
1	2445	CONGRESS ST	RACKETT & FITNESS	82,080	APEX FITNESS &
1		CONGRESS ST	NICHOLS	194,830	NICHOLS PORTLAND LLC
1	277	CUMBERLAND AVE	PORTLANDS BOYS CLUB	39,537	PORTLAND BOYS CLUB ASSOC
1	307	CUMBERLAND AVE	AVESTA	25,650	AVESTA HOUSING DEVELOPMENT
1	338	CUMBERLAND AVE	PORTLAND DATA CENTER	52,272	SWEETWATER PARTNERS LLC
1	500	CUMBERLAND AVE	PROP	48,240	AVESTA HOUSING DEVELOPMENT
1	115	DANFORTH ST	SOUTH COMMONS	144,656	HOME FOR AGED WOMEN
1	5	DAVIS FARM RD	VERIZON	83,898	PIZZAGALLI PROPERTIES LLC
1	13	DAVIS FARM RD	VERIZON	58,852	VAN LOAN EUGENE M III &
1	232	DEERING AVE	LAW BUILDING	90,480	UNIVERSITY OF MAINE

1	400	DEERING AVE	TEMPLE BETH EL	20,580	TEMPLE BETH-EL
1	35	DIAMOND ST	ROCKINGHAM ELECTRIC	28,153	ROCKINGHAM ELECTRIC SUPPLY
1	64	EMERY ST		42,779	WAYNFLETE SCHOOL THE
1	56	EVERGREEN DR	IMUCELL	35,896	IMMUCELL CORPORATION
1	96	FALMOUTH ST	GYM	376,942	UNIVERSITY OF MAINE
1	142	FEDERAL ST	NEW COURT HOUSE	157,930	CUMBERLAND COUNTY OF
1	142	FEDERAL ST	CUMBERLAND COUNTY COURTHOUSE	-00	CUMBERLAND COUNTY OF
1	168	FEDERAL ST	FEDERAL COURT BLD	74,851	UNITED STATES
1	127	FORE ST	SHIPYARD BREWERY	82,306	SHIPYARD BREWING COMPANY
1	147	FORE ST	RESIDENCE INN BY MARRIOTT	130,659	APPLE NINE HOSPITALITY
1	158	FORE ST	AC HOTELS BY MARRIOTT	103,898	PORTLAND NORWICH GROUP LLC
1	291	FORE ST	HUB FURNITURE CO	40,756	291 FORE STREET LLC
1	300	FORE ST		46,745	COUNCIL INTERNATIONAL STUDY
1	433	FORE ST	HYATT HOTEL	80,189	COW PLAZA HOTEL LLC
1	468	FORE ST	PORTLAND HARBOR HOTEL	54,376	HARBOR PLAZA ASSOCIATES II
1	25	FOREST AVE	PERFORMING ARTS CNTR	41,910	PORTLAND STAGE COMPANY
1	45	FOREST AVE	N E TELEPHONE	203,827	NORTHERN NEW ENGLAND
1	70	FOREST AVE	YMCA	93,180	YOUNG MENS CHRISTIAN ASSOC OF
1	364	FOREST AVE	OAKHURST DAIRY	96,570	OAKHURST DAIRY
1	524	FOREST AVE	AMERICAN RED CROSS	20,973	AMERICAN NATIONAL RED CROSS

1	880	FOREST AVE	DEERING PAVILLION	135,968	DIOCESAN BUREAU OF HOUSING
1	915	FOREST AVE	CARAVAN BEADS	21,767	BJFC LCC
1	109	FOX ST	MAINE GREEN BUILDING SUPPLY	24,368	FOX STREET REALTY LLC
1	46	FREE ST	HAVARD PILGRIM	33,568	JB BROWN & SONS
1	82	FREE ST	CIVIC CENTER	157,435	CUMBERLAND COUNTY MAINE
1	148	FREE ST	PORTLAND MUSEUM OF ART	72,831	PORTLAND MUSEUM OF ART
1	106	GILMAN ST	SHALOM HOUSE	26,775	SHALOM HOUSE INC
1	82	HANOVER ST	CITY GARAGE	40,768	CITY OF PORTLAND
1	116	HIGH ST	CUMBERLAND CLUB	26,671	CUMBERLAND CLUB
1	156	HIGH ST	CHURCH	31,632	WILLISTON-IMMANUEL UNITED CHURCH
1	157	HIGH ST	WESTIN HOTEL	260,061	RB PORTLAND LLC
1	95	HUTCHINS DR	FEDERAL EXPRESS	34,230	ARROW REALTY
1	102	HUTCHINS DR	MAINE MEDICAL	82,522	JB BROWN & SONS &
1	14	INDUSTRIAL WAY	PORTLAND COLOR	26,427	DAIRY TIMES LLC
1	50	INDUSTRIAL WAY	ALLAGASH BREWING	55,835	50 INDUSTRIAL WAY LLC
1	125	INDUSTRIAL WAY	BOISE CASCADE	100,000	STAG PORTLAND LLC
1	145	JETPORT BLVD	HILTON GARDEN INN	50,138	WIDEWATERS NEW CASTLE
1	90	JOHNSON RD	WHSE/OFFICE FOR TW CABLE	20,346	TRANSPORT LEASING CORP
1	118	JOHNSON RD	TIME WARNER CABLE	42,456	TRANSPORT LEASING CORP
1	71	KENNEBEC ST		186,414	HOWLES CORPORATION

1	65	KENSINGTON ST	MAINE YACHT CENTER	46,984	MAINE YACHT CENTER LLC
1	87	MARGINAL WAY	TRADER JOES	31,097	87 MARGINAL WAY LLC
1	18	MCKINLEY CT	INN AT DIAMOND COVE	46,857	INN AT DIAMOND COVE LLC
1	60	MERRYMEETING DR	FALLBROOK WOODS	27,600	FALLBROOK PROPERTIES LLC
1	20	MILK ST	PORTLAND REGENCY INN	75,561	PORTLAND REGENCY INC
1	56	MILLIKEN ST	BARBER FOODS	206,165	PLYMOUTH 56 MILLIKEN LLC
1	65	MILLIKEN ST	RE-HARVEST INC	45,081	66 MILLIKEN STREET LLC
1	5	MONUMENT SQ	PORTLAND PUBLIC LIBRARY	81,990	CITY OF PORTLAND
1	24	MORRILL ST	MAACO	23,128	24 MORRILL STREET LLC
1	4	MOULTON ST	GENDRON & CO	29,204	ADRIENNE-JANE INCORPORATED
1	158	NORTH ST	BAYVIEW HEIGHTS	53,914	PORTLAND VOA ELDERLY
1	267	OCEAN AVE	CHEVERUS HIGH SCHOOL	104,761	ST IGNATIUS RESIDENCE THE
1	492	OCEAN AVE	PARISH HALL	22,926	ROMAN CATHOLIC BISHOP
1	506	OCEAN AVE	CHANCERY BUILDING	25,254	ROMAN CATHOLIC BISHOP OF
1	587	OCEAN AVE	SPURWINK SCHOOL	21,624	SPURWINK SERVICES
1	620	OCEAN AVE	THE INN AT CEDARS	26,317	JHA ASSISTED LIVING INC
1	630	OCEAN AVE	CEDARS	49,382	CEDARS NURSING CARE
1	640	OCEAN AVE	ATRIUM	87,942	JHA ASSISTED LIVING INC
1	127	OXFORD ST	E W NOYES & SONS	82,662	NOYES EARLE W & SONS
1	340	PARK AVE	LAS QUINTAS	46,632	LQ PORTFOLIO EAST LLC

1	349	PARK AVE	HP HOOD & SONS	50,283	HP HOOD INC
1	134	PARK ST		32,386	ST LUKES PARISH-
1	0	PINE TREE IND PKWY	ALLEN & COLES	47,336	ALCO PARTNERS
1	20	PINE TREE IND PKWY	HALE TRAILER INC	26,668	NORTHWOODS OF PORTLAND LLC
1	106	PINE TREE IND PKWY	WB MASON	52,576	JLTS VIII LLC
1	125	PRESUMPCOT ST	PIZZAGALI	63,471	PORTLAND ROUNDHOUSE
1	340	PRESUMPCOT ST	PACK EDGE	21,262	J & H PROPERTIES LLC
1	419	PRESUMPCOT ST	SEA BREEZE	24,100	P STREET LLC
1	7	RAND RD	EMERY WATERHOUSE	303,156	RAND ROAD HOLDINGS LLC
1	37	RAND RD	LOWES	137,146	CENTRO HERITAGE SPE 4 LLC
1	136	RAY ST	ST JOSEPHS MANOR	66,721	ST JOSEPH'S MANOR
1	150	READ ST	SPC TRANSPORT	59,520	BROWN J B & SONS
1	165	READ ST	AMERICOLD CORP	193,698	AMERICOLD REAL ESTATE LP
1	187	READ ST	BROCKWAY SMITH	167,154	BROCKWAY-SMITH COMPANY
1	217	READ ST	READ ST SELF STORAGE	80,353	READ STREET SELF STORAGE LLC
1	1	RICE ST	ABC SUPPLY CO.	57,724	TRIPLE P INVESTMENTS LLC
1	25	RICE ST	SURFACE CREATIONS OF MAINE	26,908	REDE LLC
1	200	RIVERSIDE IND PKWY	FORM SYSTEMS	26,659	LEFEVRES LLC THE
1	376	RIVERSIDE IND PKWY	UNITIL	65,400	NORTHERN UTILITIES INC
1	414	RIVERSIDE IND PKWY	UNIFIRST CORP	46,500	UNIFIRST CORPORATION TAX

1	423	RIVERSIDE IND PKWY	DOUGLASS BROS	28,408	MITCHELL ROBERT CO INC
1	446	RIVERSIDE IND PKWY	PAUL WHITE TILE CO	46,400	ALBUS BUSINESS GROUP THE
1	500	RIVERSIDE IND PKWY	ENVIROLOGIX	34,400	ENVIROLOGIX INC
1	511	RIVERSIDE IND PKWY	BUILDERS INSULATION	29,120	511 RIVERSIDE LLC
1	524	RIVERSIDE IND PKWY	ENVIROLOGIC	49,450	ENVIROLOGIX INC
1	1	RIVERSIDE ST	MOTEL 6	44,944	G6 HOSPITALITY PROPERTY LLC
1	35	RIVERSIDE ST	VIP	22,110	35 RIVERSIDE LLC
1	81	RIVERSIDE ST	FIRESIDE INN	113,493	LAFAYETTE PORTLAND WEST LLC
1	191	RIVERSIDE ST	BERLIN CITY LEXUS/TOTOTA	64,639	CAR SUM ME RIVER LLC
1	238	RIVERSIDE ST	WICKES LUMBER	59,484	DAVISON/BISSON LLC
1	344	RIVERSIDE ST	KAMCO DIST	50,800	SCAIA JAMES F TRUSTEE
1	375	RIVERSIDE ST	BULL MOOSE HARLEY	26,285	MOOSE LLC
1	563	RIVERSIDE ST	PROTECTION ONE	20,000	SIX G'S COED LLC
1	779	RIVERSIDE ST	HANNAFORD'S	35,802	HANNAFORD BROS CO
1	867	RIVERSIDE ST	YANKEE LANES	30,400	PECOR RAYMOND JR &
1	899	RIVERSIDE ST	REISER BLDG	25,582	SPURWINK SERVICES
1	921	RIVERSIDE ST	TRAMPOLINE PARK	25,000	KOWABUNGA LLC
1	1119	RIVERSIDE ST	VICTORY LANE	32,520	RIVERSIDE STREET
1	2	SOMERSET ST	WHOLE FOODS	55,380	FRANKLIN & SOMERSET PORTLAND
1	88	SPRING ST	HOLIDAY INN	263,806	LAFAYETTE PORTLAND LLC

1	70	ST JOHN ST	BARBER FOODS	146,233	BARBER FOODS LLC
1	75	ST JOHN ST	COZY HARBOR	30,287	WNDK LIMITED LIABILITY CO
1	91	ST JOHN ST	GREATER PORTLAND TRANSIT	62,291	GREATER PORTLAND TRANSIT
1	151	ST JOHN ST	GOULET SUPPLY	31,718	GPP PROPERTIES 1995-1 LLC
1	172	ST JOHN ST	REDLON & JOHNSON SPL	49,708	FACTORS FINANCIAL FRC INC
1	66	STATE ST	ST. DOMENICS SCHOOL	22,200	CATHOLIC CHARITIES MAINE
1	120	STATE ST	MERCY HOSPITAL	237,188	MERCY HOSPITAL
1	152	STATE ST	PORTLAND CLUB	20,902	PORTLAND CLUB THE
1	159	STATE ST	ST LUKES PARISH HOUS	32,385	STATE STREET CONGREGATIONAL
1	671	STEVENS AVE	SCHOOL	39,423	ROMAN CATHOLIC BISHOP OF
1	706	STEVENS AVE	COLLEGE PHARMACY	47,988	UNIVERSITY OF NEW ENGLAND
1	714	STEVENS AVE	HERSEY	162,730	UNIVERSITY OF NEW ENGLAND
1	772	STEVENS AVE	ARMORY	78,396	UNIVERSITY OF NEW ENGLAND
1	16	STORER ST	GYM	73,799	WAYNFLETE SCHOOL THE
1	476	SUMMIT ST	GRACE BAPTIST CHURCH	27,185	GRACE BAPTIST CHURCH
1	476	SUMMIT ST	GRACE BAPTIST CHURCH	27,185	GRACE BAPTIST CHURCH
1	0	THOMPSONS POINT	BRICK SOUTH	32,660	FOREFRONT BRICK SOUTH LLC
1	4	THOMPSONS POINT	BRICK NORTH	34,823	FOREFRONT BRICK NORTH LLC
1	214	VAUGHAN ST	MCGEACHEY HALL	40,746	MAINE MEDICAL CENTER
1	331	VERANDA ST	MARTIN'S POINT	27,540	MARTIN'S POINT HEALTH CARE INC

1	30	WARREN AVE	SALVATION ARMY	41,708	SALVATION ARMY THE
1	267	WARREN AVE	CAPOZZA TILE CO	20,080	CAPOZZA JOSEPH A JR
1	279	WARREN AVE	O'CONNORS MOTOR CO	35,240	HUTCHINS REAL ESTATE LLC
1	400	WARREN AVE	APPLICATOR SALES	45,270	ROBINOV GERALD S &
1	420	WARREN AVE	APPLICATORS SALE	45,368	ROBINOV GERALD S &
1	421	WARREN AVE	SAFELITE AUTO GLASS	26,840	PH WARREN AVE LLC
1	453	WARREN AVE	W W GRAINGER INC	25,500	W W GRAINGER INC
1	508	WARREN AVE	GEORGIA PACIFIC	51,918	ABP ME (PORTLAND) LLC
1	633	WARREN AVE	PINETREE PAPER CO	20,000	PINE TREE PAPER CO INC
1	636	WARREN AVE	HOME DEPOT	116,949	HD DEVELOPMENT OF MARYLAND INC
1	750	WARREN AVE	LOUIS MACK	26,881	ATLANTIC COMMERCIAL
1	765	WARREN AVE	L L BEAN	157,320	WARREN DEVELOPMENT II LLC &
1	513	WARREN AVE REAR	BJ'S WHOLESALE	104,580	BJ/PORTLAND LIMITED PARTNER
1	21	WEST COMMERCIAL ST	PORTLAND RUBBER	36,520	BROWN J B & SONS
1	74	WEST COMMERCIAL ST REAR	NEW YARD LLC	48,784	NEW YARD LLC
1	1021	WESTBROOK ST	NORTHEAST AIRMOTIVE	56,726	NORTHEAST AIRMOTIVE INC
1	1050	WESTBROOK ST	EMBASSY SUITES HOTEL	103,048	KTB HOSPITALITY LLC
1	186	WOODFORD ST	WOODFORD CONGREGATIO	24,600	WOODFORDS CONGREGATIONAL CHURCH