

CITY OF PORTLAND, MAINE
Standing Committee on Sustainability and Transportation
Councilor Spencer Thibodeau (D2), Chair
Councilor Belinda Ray (D1)
Councilor Jill Duson (D3)

Agenda
September 18, 2019
5:00 PM
Council Chambers

1. Review and approve minutes from July 17, 2019

a. Minutes from July 17

2. Sustainability Program Updates

a. Sustainability Updates

3. Presentation and Discussion

Public comment may be taken

a. Climate Resilience Overlay

b. Straw Ordinance

4. Other Business

CITY OF PORTLAND, MAINE

Standing Committee on Sustainability and Transportation

Councilor Spencer Thibodeau (D2), Chair

Councilor Belinda Ray (D1)

Councilor Jill Duson (At large)

Draft Minutes July 17, 2019

Members Present: Councilor Thibodeau, Councilor Ray

Staff Present: Troy Moon, Ashley Krulik, Bill Needelman

Meeting was called to order at 5:30 PM. Councilor Ray moves to approve the minutes from June 19, 2019. Councilor Thibodeau, seconded. All those in favor of approving 2-0.

Sustainability Program Updates

Troy Moon reviewed the items on the Sustainability Program Update memo.

Councilor Ray:

- Will YardScaping workshop be advertised? Mr. Moon - yes, on the website, social media, and a press release.
- Pesticide Ordinance - point of sale messaging? Mr. Moon - working with CCSWCD and PMAC members are placing brochures in retail stores.

Councilor Thibodeau:

- Solar - will the inventory be completed this summer? Mr. Moon - yes, that is the expectation
- Any update on the Global PArtners issue in South Portland? Mr. Moon - they are currently issuing test kits to begin air quality tests.

Proposed Changes to Navigation Channel in the Area of Back Cove

Bill Needelman presented:

- This is a communication and not asking for any vote at this time. This will be brought before the congressional delegation.
- Take existing navigation channel to Back Cove and shrink its footprint and decrease its depth to 20 feet while retaining access to recreational and commercial vessels.
- Purpose is to expand the marina and mooring area
- 4 comments from City:
 - Supportive of changes with caveats:
 - Expanded mooring area should have public access
 - Commercial and recreational access to back cove should be maintained
 - Opportunities for future projects should be available

Councilor Ray:

- What is the current depth? Mr. Needelman - 32 feet. Main shipping channel in Fore River is 35. Historically ships used to load freight in Back Cove. With the establishment of the highway, that has been abandoned.
- Is the 20 feet measure at high or low tide? Mr. Needelman - Low tide.
- Who uses the channel today? Mr. Needelman - Lobstermen, recreational vessels, limited number of moorings.
- Why is Maine Yacht Center asking for this change? Mr. Needelman - By decreasing the depth, it decreases the set back from 90 feet to 60 feet within the water for navigation.
- Who manages the mooring system? Mr. Needelman - The mooring system is managed by Harbormaster, but it is expected that Maine Yacht Center will apply for moorings.
- Will it be any more difficult to navigate a vessel through channel? Mr. Dobbins - no. There will be no moorings in the channel.
- How will the moorings work in the existing section? Mr. Dobbins - no changes.
- Based on the City's caveats, including the future opportunities, how do we ensure that doesn't get constrained? Mr. Needelman - permits are issued on annual basis, so infrastructure could be created by moving moorings.

Tom Dobbins - Chair of Portland Harbor Commission

- Decreased depth opens up activity for many uses
- There used to be an oil terminal that drew in small tankers
- There currently is not enough activity for the Army Corps of Engineers to maintain 32 foot channel
- Maine Yacht Services would go from 90 to 60 foot setback

Councilor Thibodeau

- How many additional moorings? Mr. Dobbins - depends on the size of the vessel.
- Who will control yellow space? Mr. Dobbins - the Harbormaster issues permits, owner must maintain mooring.
- How does payment work? Mr. Dobbins - Harbor Commission bills owner for mooring permit annually. Works with owner to determine appropriate mooring. Payment goes to the Harbor Commission. Owner cannot rent out mooring.

Twain Brayden - Maine Yacht Center (MYC)

- No physical change to area - the channel has already silted in to 20 feet over the years.
- The sponsorship to the Maine Congressional Delegation is through the Harbor Commission.
- This change would allow for more local control of the channel.
- MYC has been working on this for many months.
- MYC is interested in the area to the east (swing bridge) because they are hoping to apply for grant to create wave abatement in the future.
- MYC is interested in the area between the swing bridges for an anchorage

Amendment to Chapter 12 of City Code, Garbage, Waste and Junk, re: banning plastic straws

Proposed amendments:

- Prohibition on Distribution:
 - Strike 12.b. - banning straws from beaches and parks is problematic for enforcement
 - Add in stirrers and splash sticks
 - 12.c. - move straw alternatives to Definitions section
 - After ban is implemented, it would be good to have an ask first policy for alternative straws to further reduce waste
- Effective Date:
 - Phased approach - private sector businesses first, on-demand only. Referenced CA law only, which only applies to full service restaurants. “As of (6 months after amendment is passed by City Council), a food provider cannot supply a plastic straw, stirrer or splash stick unless asked for. As of January 2021, all plastic straws, stirrers, and splash sticks will be banned. Alternative options will be provided if asked for.”
- Definitions:
 - Need to make the requirements of a beverage provider that is also a food provider clear (a beverage provider is allowed to sell packages of straws)
 - “On request” and “ask first” definition - is self-service the equivalent of asking? Customer should have to ask for a straw, store should not provide a container of them near the drinks.
 - Add stirrer and splash stick definitions
- Send appropriate parties notice of vote for September meeting.
- Prepare educational component to alert residents and businesses about the ban
 - Partner with Portland Downtown or Chamber of Commerce for rollout
 - Develop budget for educational efforts
- School Department would like to maintain exemption - working on reducing plastic by offering individual tableware and straws rather than wrapping together. Concerned about increased spills without the use of straws. Concerned about the additional cost to offer alternative straw options.
 - Explore implementing “ask first” policy
 - Look to other communities to see how they have handled schools
 - Flag school exemption and get Councilor Duson’s opinion.

Public Comment

- Chrissy Adamowicz, NRCM -
 - Portland Public School, *Food Fuels Learning* group is focused on reducing waste
 - Offered Rowe Elementary a grant to switch from plastic silverware to real silverware - could use this group as a test case to see how these changes can be rolled out

- NRCM is working on a recycling reform policy initiative to address some recycling issues
- Melissa Gates, Northeast Regional Manager for Surfrider Foundation
 - For beaches and parks - how about adding signage around not using straws?
 - Sent email with stirrer and splash stick definitions
 - Phased approach would allow Council to pass it quicker, but make sure that language doesn't require businesses using alternative straws to offer plastic straws
 - Schools around the country are leading straw ban regulations
 - Ocean Friendly Restaurants program - gathering data starting this weekend
 - Created a logo for Maine
 - Donate unneeded plastic straws to hospitals
 - Black plastic lids can't be recycled but white lids can

Future Agenda Items:

- Boyd Street Garden
- Review producer responsibility resolution
- Municipal building solar assessment
- Resident parking issues - petition process, guest pass revision
- Don't block the box - traffic issues

Golf Cart Ordinance:

- Did not see changes reflected that were discussed by the Committee
- Add in correct language

Motion was made by Councilor Ray to adjourn the meeting at 6:52 pm. Motion was seconded by Councilor Thibodeau. All in favor: 2-0.

Sustainability Updates

September 2019

Climate Action Planning

City staff, One Climate Future street team members, and citizen volunteers have been continuing to conduct extensive outreach to Portland and South Portland community members to educate residents on the OCF initiative and collect responses to survey #1. Events include:

- Ashley presented a Lunch N Learn talk at the Council on International Educational Exchange (CIEE)
- Street team members canvassed at Willardfest, the Bug Light Movie Series, the Deering Oaks Farmers Market, and at area libraries
- *One Climate Future* volunteers have hosted events at One Congress Square and Vajra Vidya Portland
- Ashley and OCF volunteers tabled at Portland Greenfest in Monument Square and will be tabling at the We Are Portland event this Saturday
- Portland Sustainability Office hosted a volunteer coffee hour to reconnect with volunteers and support future efforts
- Troy spoke to the participants of Climate Ride New England -- cyclist riding from Bar Harbor the Boston to raise funds and awareness for climate related causes
- Troy spoke to the Maine Island Coalition about the City's pesticide ordinance.

Developing new posters to exhibit and fact sheets utilizing data from the greenhouse gas inventory. Posters will be mounted and laminated to sit on easels at libraries, schools, businesses, etc. and will have questions for the public to respond to and engage with.

Created and sent a *One Climate Future* email newsletter to 759 contacts to keep them updated on OCF news, updates, and events. The goal is to send this newsletter on a weekly basis to keep people informed and engaged.

Survey #1 closed at the end of July. We received 657 responses. Highlights include:

The overall **top 3 areas** respondents feel should be addressed in the plan are:

- Climate change (72%)
- Air quality (48%)
- Water quality (46%)

Top 5 climate hazard concerns:

- Sea Level Rise
- Intense Storms
- Ocean Acidification
- Extreme Heat
- Flooding

69% of respondents are very concerned that climate change will affect them personally.

79% of respondents are very concerned that climate change will affect the cities of Portland and South Portland.

Most common actions respondents are taking:

- Switching to LED lightbulbs
- Use multi-use trails
- Recycling + composting

Least common actions respondents are taking:

- Installing solar panels
- Belong to a neighborhood organization
- Drive an electric car
- Bring a reusable cup to the coffee shop

Survey #2 launched at the beginning of August. This survey is focused on getting a better understanding of the barriers to actions against the impacts of climate change that residents are facing. As of the beginning of this week, we've received 139 responses. This survey will be in-market until the end of October.

Received an initial draft of the Vulnerability Assessment report and provided feedback for the consultants to incorporate.

Energy Benchmarking

Planning a fall workshop single-occupant building owners to train them on the process and how to use Portfolio Manager.

Solar

The Ocean Avenue Solar Array produced its first gigawatt hour of electricity.

The contractor working on the Ocean Avenue Landfill cap has completed their work to add material and grade the surface well in advance of the December 31 deadline.

Staff is exploring options for procuring solar energy through an RFP process that would take advantage of the newly enacted Distributed Generation Tariff.

Air Quality Testing

The City and Maine DEP are collaborating to install an environmental sensor in the West End in the next few weeks. Staff from both agencies are coordinating to select the best location.

Pesticide Ordinance

The PMAC Waiver Committee heard a request from Cushing Island Conservation Corporation to perform cut stem application of glyphosate to suppress invasive plants in areas that are not accessible to mowers and to inhibit regrowth of invasive in cleared areas. The waiver committee ruled one in favor and one against granting the waiver leading to its denial. The applicant appealed and the City Manager's designee, Lena Geraghty, agreed to a one year

waiver that allowed the CICC to continue implementation of their established land management plan to promote the growth of native plants and habitats.

Created *Pesticide Use* SeeClickFix category for all pesticide use complaints to be submitted to and to keep an inventory of all complaints. Category launched at the beginning of September and no complaints have been submitted yet.

Hosted Nancy Olmstead, State of Maine Invasive Plant Biologist, to give a talk to us and neighboring Pesticide Management Advisory Committees on invasive plant management.

Cumberland County Soil and Water Conservation District hosted YardScaping Workshop at Longfellow Elementary School on September 5th.

Proposed Plastic Straw Ordinance

Mailed postcards to 746 Portland food and beverage providers alerting them to the upcoming vote on a proposed ban on plastic straws, stirrers, and splash sticks in Portland.

Outreach and Events

See *Climate Action Planning* update for *One Climate Future* outreach events.

We continue regular social media posts. Follow us on Facebook and Instagram at @sustainableportlandme We invite people to participate in One Climate Future by visiting the webpage at www.oneclimatefuture.org



CITY OF PORTLAND
Sustainability Office
Troy Moon
Sustainability Coordinator

To: Councilor Thibodeau and members of the Sustainability and Transportation Committee
From: Troy Moon, Sustainability Coordinator
Re: Coastal Resilience Overlay
Date: September 13, 2019

The City of Portland has long recognized that parts of the city face a threat from rising sea levels caused by global climate change. The City Council directed staff to complete greenhouse gas inventories in 2001 and 2005 in order to understand how Portland's emissions contribute to climate change and to begin thinking about mitigation measures. In 2007, the Mayor's Sustainable Portland Task Force appointed by Mayor James Cohen and co-chaired by City Councilors Jill Duson and Nathan Smith pointed out:

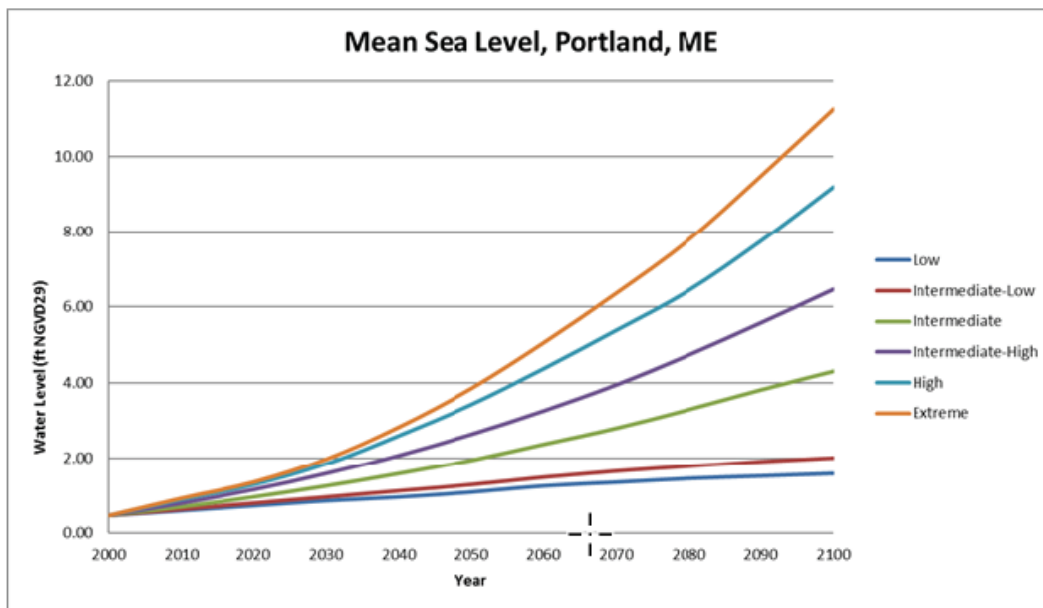
Projections suggest that climate change will result in flooding, infrastructure damage, stresses on already stressed fisheries, and a host of other impacts that we have only started to understand. Given that there are hundreds (or thousands) of Portland homes, parks, roads, and commercial properties that are barely elevated above current flood plain elevations, even modest sea level changes may well be catastrophic. (Final Report of the Mayor's Sustainable Portland Task Force, p.4)

Since that time, the City has participated in several projects to identify hazards created by sea level rise including collaborations with the Urban Land Institute, the Department of Homeland Security, and the Portland Society for Architecture. All have emphasized that low-lying parts of the City of Portland face increased flooding due to rising seas. In 2017, the City conducted Bayside Adapts, a neighborhood-scale resilience project focused on the most vulnerable neighborhood in the City. As part of the project, the City commissioned Woodard and Curran and their consulting partner, RPS ASA to evaluate the impacts of sea level rise on Portland and to recommend planning thresholds. ¹

As part of their work, they modeled potential sea level rise scenarios based on data published by the National Oceanic and Atmospheric Administration (NOAA) in 2017. As shown, there is uncertainty about the level of sea level rise as shown in the graph below:

¹ Copies of the documents referenced here are available on the Sustainability Office website:
<http://www.portlandmaine.gov/2387/Climate-Action>

Figure 4-1: Predicted MSL elevations from 2000 to 2100 for Portland, Maine



Note: The predicted elevations in Figure 4-1 are in feet and relative to NGVD29 for all RSL rise scenarios.

The low and intermediate-low scenarios shown assume aggressive global action to curb carbon emissions. The higher scenarios assume slower adoption of climate mitigation measures and begin to account for sea level rise contributions from melting ice in the Arctic and Antarctic. These scenarios capture growing alarm in the scientific community about the pace and extent of climate change in general and sea level rise specifically.

Based on this, the consulting team suggested that the City of Portland commit to manage sea level rise based on the Intermediate scenario, which suggests 1.5 feet of sea level rise by 2050 and 3.8 feet of sea level rise by 2100. Given the level of uncertainty and growing cause for concern that the pace of sea level rise is accelerating, they suggest that the City should prepare to manage sea level rise of 3.4 feet by 205 and 8.8 feet of sea level rise by 2100.

Year 2050		Year 2100	
	Rise in Sea Level		Rise in Sea Level
Commit to Manage	1.5 ft.	Commit to Manage	3.8 ft.
Prepare to Manage	3.4 ft.	Prepare to Manage	8.8 ft.
		Be Aware of	10.8 ft

Bayside Adapts, recommended planning thresholds for the extent of sea level rise in Portland, (Woodard and Curran, September, 2017)

As you know, the City of Portland and the City of South Portland are collaborating to develop a joint climate action and adaption plan for both cities. The final report, due next June, will outline steps to mitigate the future impacts of climate change by reducing community wide greenhouse gas emissions 80% by 2050 as directed by the City Council. It will also describe steps the cities need to adapt to the impacts of climate change that we already anticipate. As demonstrated by the work done to date, Portland will face a serious threat from sea level rise.

For this reason, the Sustainability Office has been pleased to collaborate with our colleagues in the Department of Planning and Urban Development in proposing the Coastal Resilience Overlay District. This overlay would incentivize property owners and developers who wish to build in parts of the City that face increasing threat from flooding to make their buildings resilient to flooding. It would also require them to mitigate impacts of climate change by reducing their buildings carbon emissions by using energy efficiently and managing storm water effectively. We look forward to collaborating with them as well as the Planning Board and City Council to refine this concept.

Memorandum

Planning and Urban Development Department

Planning Division



To: Chair Thibodeau, Members of the Sustainability & Transportation Committee
From: Christine Grimando, Acting Director, Planning and Urban Development
Christian Roadman, Planner
Date: September 13, 2019
Re: Draft Coastal Resilience Overlay Zone
Meeting: September 18, 2019

Introduction

The City of Portland seeks to facilitate, with a zoning overlay, responsible and forward-thinking development in areas most likely to be impacted by rising sea levels and increased storm surges. While there is a range of predictions of climate change impacts, the probability of increased inundation and subsequent property damage is well documented. New buildings and renovations to existing buildings should be designed in anticipation of these threats to ensure minimal health, safety, and economic impacts from disruptive climatic events. Such design improves resilience at the site level, and its collective impact increases resilience for the city.

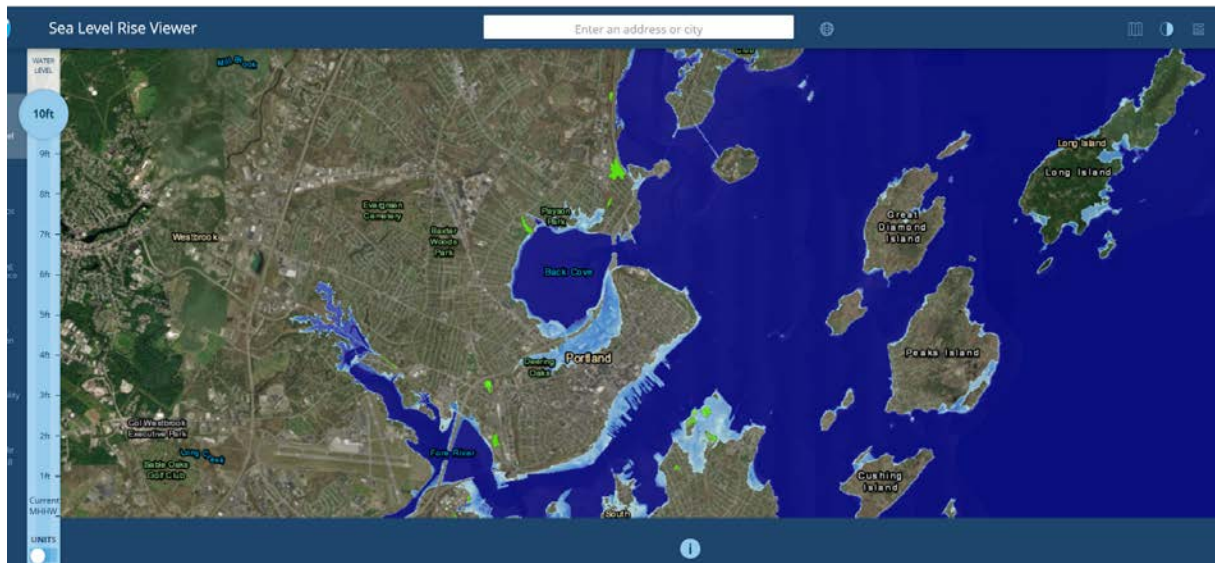
Resilience strategies generally aim to ensure that:

- critical systems are protected from weather events
- areas at risk of flooding prevent and/or recover quickly from inundation
- incompatible, vulnerable, and hazardous uses are not placed in such areas

The City of Portland's proposed Coastal Resilience Overlay (CRO) (**attachment 1**) allows for additional building height in the Overlay if it satisfies threshold resilience-related requirements. Planning staff presented, in coordination with the City's Sustainability Office, a draft ordinance to the Planning Board on September 10. Feedback and public comment from that discussion is discussed below.

Background

Numerous resources highlight the vulnerabilities of coastal Portland to rising sea levels and extreme weather events. The *Municipal Climate Action Plan* of 2008 noted the imperative of reducing greenhouse gas emissions in order to minimize impacts on the local and global environments, stating that "even modest sea level changes may well be catastrophic." The Casco Bay Estuary Partnership's *Casco Bay Climate Change Vulnerability Report* (2017) highlighted risks of primary concern, including: "rising seas make waterfront facilities like piers and other commercial and recreational access points inoperable, or require expensive repairs and investment to maintain functionality, affecting marine industries and quality of life. [Visualization tools from the National Oceanic and Atmospheric Administration](#) (NOAA) show significant impacts to the Bayside neighborhood, Eastern, Central and Western Waterfronts and other coastal areas.



An online tool highlights Portland's vulnerability to sea level rise (image: NOAA)

Currently, the City of Portland is working with the City of South Portland on the [One Climate Future](#) project to develop a joint climate action and adaptation plan. The proposed CRO compliments this effort by empowering individual property owners and developers to pursue resilience measures on private property, independent of but compatible with anticipated City investments. Portland Sustainability Coordinator Troy Moon provided a memorandum to the Planning Board in support of the overlay initiative ([attachment 2](#)).

Proposal Overview

The CRO introduces flexibility for developers seeking increased resilience, by converting height restrictions in feet to a maximum number of stories. Generally, this is intended to allow for the increase in height of lower floors (thereby protecting them from the impacts of flooding) and to encourage thoughtful placement of building mechanicals without negatively impacting uses and floors above. As proposed, the draft ordinance limits a ground-level story to 18 ft. in height and any other story to 12.5 ft.

In order to qualify for the additional height that the CRO allows, proposed buildings must be at least 50% within the boundaries of the overlay, demonstrate that the extra height is used specifically to introduce resilience measures, and meet certain minimum sustainable development practices.

Planning and Sustainability staff are collaborating with the Department of Public Works to establish an appropriate overlay zone boundary. City production of the boundary line will facilitate consistent and precise application for site plans, surveys, and development review. The working draft boundary is based on NOAA models ([link above](#)) assuming a water level rise of ten feet. The potential of storm surge (especially in extreme weather events) in addition to sea level rise supports a conservative boundary layer to ensure and maximize community well-being despite risk uncertainty.

Decision Points

As currently drafted, the proposed zoning overlay interacts with every floor of a proposed building. This is intended to allow maximum flexibility in achieving resilience goals within the building. The proposed ordinance could feasibly address only these areas through a maximum height increase that takes into

account sea level rise combined with increased storm surge, but the feet to stories conversion method offers the advantage of increased certainty regarding total maximum stories.

The draft ordinance requires the suitability and resiliency of proposed buildings be demonstrated by the applicant, and specifically mandates that HVAC and electrical equipment be located where they will remain functional and undamaged by future water inundation. It also includes a requirement marrying resilience efforts with sustainable design – that flat roofs must include a minimum green roof percentage.

Regardless of the specific mechanisms chosen, it is important to remember that the proposed overlay encompasses a range of neighborhoods with a variety of topographies and would apply to many scales of potential development. If policymakers desire widespread utilization of CRO incentives, sufficient flexibility should be built in to accommodate existing and potential uses within the overlay zone.

Staff anticipate a need to reevaluate the overlay boundary periodically in future years, as conditions and sea level rise modeling methods change. Appropriate frequency of future updates after an Overlay is adopted are an ongoing point of consideration. Any update would be subject to Planning Board and City Council review and discussion as needed.

Comprehensive Plan

Three of the six themes comprising the vision statement in [Portland's Plan 2030](#) are directly implicated in climate change and resilience planning: the City should be sustainable, secure, and equitable. This underscores the importance of adequately preparing for climate change in Portland and the appropriateness of encouraging private resilience initiatives through City measures. From the Comprehensive Plan:

Sustainable: “we will balance our historic fabric, sound infrastructure, and the best of new technology and design for the future”; “we will recognize our responsibility as a global citizen and that climate change will have significant impacts on our city by prioritizing a transition to a low-carbon economy and adapting to those climate changes we can no longer mitigate.”

Secure: “we will prepare for emergencies and ready for a changing climate.”

Equity: “we will incorporate the needs of all our residents in planning for our future.”



Coastal resilience planning aligns with several City of Portland policy goals (image: Portland's Plan 2030)

Planning Board Discussion and Public Comment

The Planning Board held a workshop on the draft CRO during its September 10 meeting. Planning Board members particularly wrestled with the question of whether the proposed overlay zone should function as an incentive (as currently drafted) or include certain additional resilience requirements in areas of anticipated inundation. Several members of the public commented in favor of a resilience requirement instead of a resilience incentive.

Staff favor the proposed incentive-based approach for several reasons. Resilience planning is a relatively young field, so employing an incentive-based approach rather than a set of comprehensive requirements is a way to more gradually initiate a new regulatory model. Recognizing that the construction and insurance industries, as well as other levels of government, have not developed a holistic approach to cost, benefit, and consequence with regard to changing climate conditions, the proposed approach encourages individuals to make responsible decisions but is mindful of competing urgencies (such as the affordable housing shortage) that could be adversely affected by additional strict regulation. Staff also anticipate that any initial CRO will be reviewed and revised to improve its efficacy and reflect broader societal and climatic developments.

Another topic raised at the Planning Board meeting was the proposed ordinance's interaction with other regulatory layers. A variety of height overlays, restrictions, and density bonuses are already in place within the City. Additionally, planning for resilience can work against pedestrian-friendly, human scaled design (by encouraging elevation of active uses away from ground level). Implications for ADA access in the designs were raised, as well. Staff welcome Committee insight and discussion regarding these issues, and will continue to examine potential interactions and consequences between the proposed CRO and existing land use regulations.

Providing alternatives to the green roof requirement (pervious pavers, rain gardens, for example) that would offer flexible, lower cost options, was also raised at the public comment period, specifically in regard to how these requirements impact affordable housing project costs.

The draft CRO before the Committee is the same version presented to the Planning Board, without modifications or additions. Following the discussion and feedback of the Sustainability & Transportation Committee, staff will synthesize comments from both bodies into a revised draft overlay.

Next Steps

The proposed Coastal Resilience Overlay is presented collaboratively by the Planning Department and Sustainability Office. Sustainability and Transportation Committee feedback and discussion will inform an updated draft CRO, which will then be presented to the Planning Board at an additional workshop and public hearing. Synthesis of Planning Board feedback and this Committee's feedback will be incorporated with a recommendation to the City Council.

Attachments

1. Coastal Resilience Overlay Zone Draft 9-6-2019
2. Sustainability Office CRO Memo

DIVISION 32. Coastal Resilience Overlay District

Section 14-490. Coastal Resilience Overlay District

- (a) *Applicability*: This Coastal Resilience Overlay (CRO) provides standards for development in areas likely to be affected by sea level rise and storm surge. As documented in several studies, including the *2017 Casco Bay Climate Change Vulnerability Report* (Casco Bay Estuary Partnership,) *Bayside Adapts* (City of Portland,) and the *Sea Level Rise Vulnerability Assessment* (Greater Portland Council of Governments,) the areas in this overlay are likely to see increased flooding that will affect base building elevations over the effective lifespan of buildings constructed today. Applications for new buildings in the CRO are eligible to calculate permitted height using the alternative height calculation method below, provided they meet all applicable requirements.
- (b) *Boundaries*: [Note: City of Portland staff are in the process of drafting a map layer of the proposed Coastal Resilience Overlay. The layer is based on National Oceanic and Atmospheric Administration data assuming a combined 10 feet estimated impact of sea level rise and frequent storm surge and will follow the boundary shown here while allowing for integration with the City's GIS system: <https://coast.noaa.gov/slr/#/layer/slr/10/-7821746.552156862/5414942.297810043/12/satellite/none/0.8/2050/interHigh/midAccretion.>]
- (c) *Height Calculations in the CRO*: To allow design for future changes in water levels, buildings with a minimum of 50% of their footprint within the CRO and meeting the CRO requirements under Section 4 are eligible to measure the height of their building(s) in stories rather than feet. Permitted height regulations shall be converted to stories as follows:

Maximum Permitted Height	Equivalent Maximum Stories
≤18	1
19-24	2
25-34	3
35-44	4
45-54	5
55-64	6
65	7

The height of stories is limited to a maximum of 18' on the ground level and a maximum of 12.5' on each other floor.

- (d) *Requirements*: In order to calculate height according to the provisions of the CRO, applicants shall demonstrate that the proposal is utilizing the additional height allowance to plan for expected increases in sea level and storm surge through resilient and energy efficient building design. The application shall document how the building design is suitable to the site conditions and proposed use. Applications that calculate building height according to (c), above, shall meet the following minimum standards:
- Demonstrate how the building design incorporates adaptation measures to future sea level rise and storm surges through such design elements as:
 - elevation of first floor above highest adjacent grade

Date of Draft: September 6, 2019

- (b) building design that allows for future modification of the ground elevation
 - (c) incorporation of flood resistant materials
 - (d) incorporation of impact resistant roof and window designs
2. Locate and design electrical and HVAC equipment to be functional and undamaged by future water inundation
 3. Reduce potential stormwater impact on area flooding by providing a green roof on no less than 50% of all buildings with flat roofs, with documentation of resulting water quality and quantity treatment improvements, in addition to complying with all other stormwater management requirements. The 50% area calculation shall not include areas occupied by rooftop appurtenances.
- (e) In the event of conflict with Flood Plain Management standards, Flood Plain Management standards prevail.



CITY OF PORTLAND
Sustainability Office
Troy Moon
Sustainability Coordinator

To: Chair Dundon and Members of the Portland Planning Board
From: Troy Moon, Sustainability Coordinator
Re: Coastal Resilience Overlay
Date: September 9, 2019

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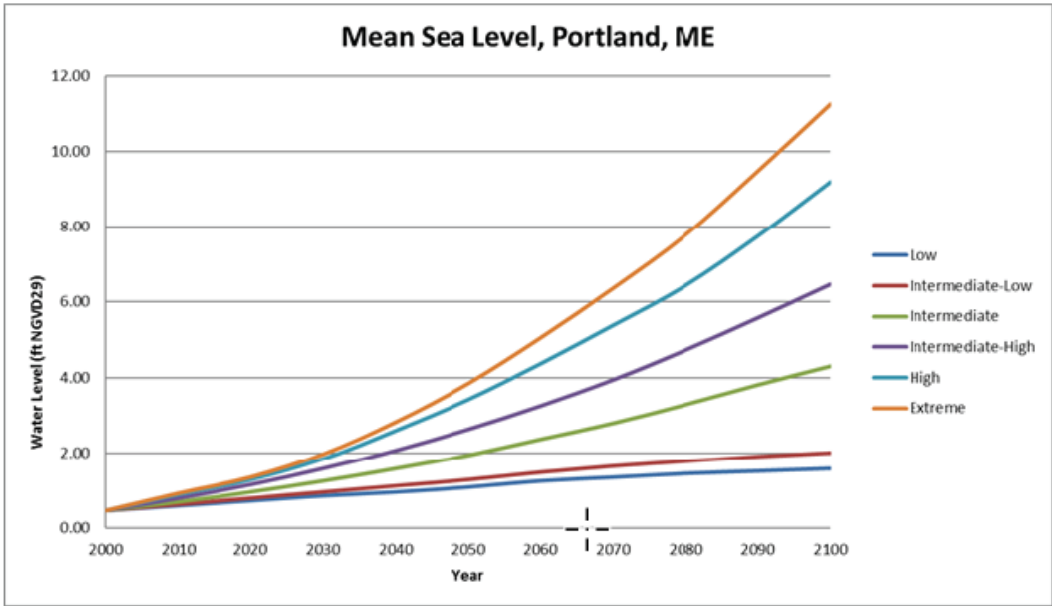
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Prepare to Manage	3.4 ft.	Prepare to Manage	8.8 ft.
		Be Aware of	10.8 ft

Bayside Adapts, recommended planning thresholds for the extent of sea level rise in Portland. (Woodard and Curran. September. 2017)

As you know, the City of Portland and the City of South Portland are collaborating to develop a joint climate action and adaption plan for both cities. The final report, due next

June, will outline steps to mitigate the future impacts of climate change by reducing community wide greenhouse gas emissions 80% by 2050 as directed by the City Council. It will also describe steps the cities need to adapt to the impacts of climate change that we already anticipate. As demonstrated by the work done to date, Portland will face a serious threat from sea level rise.

For this reason, the Sustainability Office has been pleased to collaborate with our colleagues in the Department of Planning and Urban Development in proposing the Coastal Resilience Overlay District. This overlay would incentivize property owners and developers who wish to build in parts of the City that face increasing threat from flooding to make their buildings resilient to flooding. It would also require them to mitigate impacts of climate change by reducing their buildings carbon emissions by using energy efficiently and managing storm water effectively. We look forward to collaborating with them as well as the Planning Board and City Council to refine this concept.

DIVISION 32. Coastal Resilience Overlay District

Section 14-490. Coastal Resilience Overlay District

- (a) *Applicability*: This Coastal Resilience Overlay (CRO) provides standards for development in areas likely to be affected by sea level rise and storm surge. As documented in several studies, including the *2017 Casco Bay Climate Change Vulnerability Report* (Casco Bay Estuary Partnership,) *Bayside Adapts* (City of Portland,) and the *Sea Level Rise Vulnerability Assessment* (Greater Portland Council of Governments,) the areas in this overlay are likely to see increased flooding that will affect base building elevations over the effective lifespan of buildings constructed today. Applications for new buildings in the CRO are eligible to calculate permitted height using the alternative height calculation method below, provided they meet all applicable requirements.
- (b) *Boundaries*: [Note: City of Portland staff are in the process of drafting a map layer of the proposed Coastal Resilience Overlay. The layer is based on National Oceanic and Atmospheric Administration data assuming a combined 10 feet estimated impact of sea level rise and frequent storm surge and will follow the boundary shown here while allowing for integration with the City's GIS system: <https://coast.noaa.gov/slr/#/layer/slr/10/-7821746.552156862/5414942.297810043/12/satellite/none/0.8/2050/interHigh/midAccretion.>]
- (c) *Height Calculations in the CRO*: To allow design for future changes in water levels, buildings with a minimum of 50% of their footprint within the CRO and meeting the CRO requirements under Section 4 are eligible to measure the height of their building(s) in stories rather than feet. Permitted height regulations shall be converted to stories as follows:

Maximum Permitted Height	Equivalent Maximum Stories
≤18	1
19-24	2
25-34	3
35-44	4
45-54	5
55-64	6
65	7

The height of stories is limited to a maximum of 18' on the ground level and a maximum of 12.5' on each other floor.

- (d) *Requirements*: In order to calculate height according to the provisions of the CRO, applicants shall demonstrate that the proposal is utilizing the additional height allowance to plan for expected increases in sea level and storm surge through resilient and energy efficient building design. The application shall document how the building design is suitable to the site conditions and proposed use. Applications that calculate building height according to (c), above, shall meet the following minimum standards:
1. Demonstrate how the building design incorporates adaptation measures to future sea level rise and storm surges through such design elements as:
 - (a) elevation of first floor above highest adjacent grade

Date of Draft: September 6, 2019

- (b) building design that allows for future modification of the ground elevation
 - (c) incorporation of flood resistant materials
 - (d) incorporation of impact resistant roof and window designs
2. Locate and design electrical and HVAC equipment to be functional and undamaged by future water inundation
 3. Reduce potential stormwater impact on area flooding by providing a green roof on no less than 50% of all buildings with flat roofs, with documentation of resulting water quality and quantity treatment improvements, in addition to complying with all other stormwater management requirements. The 50% area calculation shall not include areas occupied by rooftop appurtenances.
- (e) In the event of conflict with Flood Plain Management standards, Flood Plain Management standards prevail.

On September 18, 2019, the Sustainability and Transportation Committee will be taking up a proposed amendment to ban plastic straws, stirrers, and splash sticks in the City of Portland.

The proposal would utilize a phased approach. Effective April 1, 2020, food and beverage providers would be able to provide plastic beverage straws, stirrers, and splash sticks upon customer request. Beginning on January 1, 2021, distribution of plastic beverage straws, stirrers, and splash sticks would be prohibited. Food and beverage providers would be able to provide alternatives to plastic beverage straws, stirrers, and splash sticks only upon customer request. The proposed ordinance would allow for distribution of plastic beverage straws for individuals with disabilities. You can view the draft at: <http://www.portlandmaine.gov/586/Sustainability-Transportation-Committee>

The meeting will be held at Portland City Hall in City Council Chambers at 5:30 PM on September 18, 2019. Public comment will be taken. You may submit written comments to Ashley Krulik, Sustainability Associate at akrulik@portlandmaine.gov.



CITY OF PORTLAND
SUSTAINABILITY OFFICE
389 CONGRESS ST,
PORTLAND ME 04101

Presorted
First Class
US Postage
Paid
Portland, ME
Permit #6

TO: COMFORTABLE WATERS, LLC
THREE OF STRONG SPIRITS
35 DIAMOND ST
PORTLAND, ME 04101



Art. I. In General, § 12-1--12-15
Art. II. Garbage and Solid Waste Removal/Recycling, §§ 12-16--12-45
Art. III. Health Nuisances, §§ 12-46--12-60
Art. IV. Public and Private Dumps, §§ 12-61--12-74
Art. V. Junked Motor Vehicles, §§ 12-75--12-99
Art. VI. Solid Waste Disposal, §§ 12-100--12-119
Art. VII. Rendering Wastes, §§ 12-120--12-205
Div. 1. Generally, §§ 12-120--12-149
Div. 2. Waste Transportation Licenses, §§ 12-150--12-199
Div. 3. Construction and Operation of Rendering Facilities, §§ 12-200--12-209
Art. VIII. Polystyrene and Plastic, §§ 12-210--12-229
Div. Polystyrene §§ 12-211--12-218
Div. Plastic §§ 12-219--12-229
Art. IX. Waste Reduction, §§ 12-230--12-237
Art. X. Abandoned Bicycles, §§ 12-238--12-241

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ARTICLE VIII. POLYSTYRENE AND PLASTIC

DIVISION 1. POLYSTYRENE

Sec. 12-210. Findings; purposes.

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DIVISION 2. PLASTIC

Sec. 12-219. Findings; purposes.

The City Council hereby finds as follows:

(a) The City of Portland is committed to environmental leadership; and

(b) The City Council desires to conserve resources and reduce greenhouse gas emissions, waste, litter, and pollution; and

(c) Discarded plastic beverage straws, stirrers, and splash sticks threaten wildlife and degrade and litter the beaches and water off Maine's coast, including areas within the City; and

(d) Reducing the distribution of plastic beverage straws, stirrers, and splash sticks provided to customers decreases the amount of plastic that may end up in our environment through litter, windblown debris, and overflowing trash cans; and

(e) The City finds there are reasonable, environmentally friendly alternatives to plastic beverage straws, stirrers, and splash sticks; and

(f) The City Council has determined that it is in the best interest of the residents of the City to promote the public health, safety, and general welfare by enacting procedures and prohibitions regarding the distribution of plastic beverage straws, stirrers, and splash sticks to reduce waste.

Sec. 12-220. Definitions.

As used in this Ordinance, the following words, terms, and phrases, including their respective derivatives have the following meanings:

Beverage means any liquid, including any slurry, frozen, semi-frozen, or other forms of liquids, intended for drinking.

Beverage Provider means any business, organization, entity, group, or individual located within the City that offers beverages to the public for consumption.

Food Provider means any person located within the City that is a retailer of prepared food or beverages for public consumption including, but not limited to, any store, supermarket, delicatessen, restaurant, shop, caterer or mobile food vendor.

On Request means any person located within the City seeking a beverage straw, stirrer, or splash stick must ask food and beverage providers for the items and not be able to access them on their own.

Non-Plastic Alternatives to Plastic Beverage Straws includes those made from paper, sugar cane, bamboo, pasta, metal, etc.

Non-Plastic Alternatives to Plastic Stirrers and Splash Sticks includes those made from paper, sugar cane, bamboo, pasta, metal, etc.

Person means an individual, business, event promoter, trust, firm, joint stock company, corporation, nonprofit, including a government corporation, partnership, or association.

Plastic Beverage Straw means a tube made predominantly of plastic derived from either petroleum or a biologically based polymer, such as corn or other plant sources, for transferring a beverage from its container to the mouth of the drinker.

Plastic Beverage Stirrer means a device made predominantly or in part of plastic derived from either petroleum or a biologically based polymer, such as corn or other plant sources that is designed solely to mix liquids that are intended for internal human consumption and are contained in a single-serving container.

Plastic Beverage Splash Stick means a device made predominantly or in part of plastic derived from either petroleum or a biologically based polymer, such as corn or other plant sources that is designed to prevent heat and/or liquid from escaping a lidded cup.

Plastic Beverage Straw, Stirrer, and Splash Stick definitions include compostable and biodegradable petroleum or biologically based polymer straws, stirrers, and splash sticks but do not include straws, stirrers, or splash sticks that are made from non-plastic materials, such as paper, sugar cane, bamboo, pasta, metal, etc.

Special Event Permittee means a person who has obtained a Special Event Permit from the City pursuant to Section 32-702 of the City Code.

Sec. 12-222. Prohibition on Distribution, Sale or Use of Plastic Beverage Straws, Stirrers, and Splash Sticks.

(a) Plastic beverage straws, stirrers, and splash sticks shall not be sold, or distributed within the City of Portland except as expressly permitted under Section 12-223 below.

(b) Nothing in this section precludes a food provider, beverage provider, special event permittee, or any person from using, providing, distributing, or selling non-plastic

alternatives to plastic beverage straws, stirrers, or splash sticks available to customers on request.

Sec. 12-223. Exceptions

(a) Exceptions. The prohibition outlined in this ordinance shall not apply to:

1. Pre-packaged drinks sold at commercial establishments;
2. Bulk packages of plastic straws sold by food or beverage providers;
3. Use by medical or dental facilities;
4. Use by the school district;
5. Use during a locally declared emergency; or
6. Use on request by individuals with a disability or other impairment requiring use of plastic straw.

Sec. 12-224. Violations and Enforcement.

(a) The City Manager or designee(s) shall have the primary responsibility for enforcement of this ordinance. If the City Manager or designee(s) determines that a violation of this ordinance has occurred, they shall issue a written warning notice to the person in violation notifying that person that a violation has occurred. Subsequent violations of the ordinance shall be subject to the penalties set forth below.

(b) Violations of this ordinance shall be punishable by fines as follows:

1. A fine not exceeding \$100 for the first violation in a one-year period;
2. A fine not exceeding \$200 for the second and each subsequent violation in a one-year period.

Sec. 12-225. Severability.

Should any provision of this ordinance be declared by a court of competent jurisdiction to be invalid, the same shall not affect the validity of the ordinance as a whole,

or any part thereof, other than the part declared to be invalid.

Sec. 12-226. Effective Date

The provisions of this ordinance shall become effective utilizing a phased approach. As of April 1, 2020, a food provider may only supply a plastic beverage straw, stirrer, or splash stick on request. As of January 1, 2021, distribution or provision of plastic beverage straws, stirrers, and splash sticks is prohibited. Non-plastic alternatives to plastic beverage straws, stirrers and splash sticks may be provided on request.

Draft Portland Straw Ordinance Educational Strategy

Goal: Discourage use of plastic straws in Portland, Maine leading up to straw ban.

Target audiences:

- Portland food + beverage providers
- Portland residents

Straw Ordinance Overview:

- Plastic straws to only be provided upon request - May 1, 2020 - December 31, 2020
- Plastic straws banned + alternative straws to be provided upon request - January 1, 2010

Communication Strategy:

Audience: Portland food + beverage providers:

- Postcard mailing to food and beverage providers with ordinance details (\$450)
- Email/Newsletter to Chamber of Commerce and Restaurant Association lists of food and beverage providers with new ordinance details (\$0)
- #nostrawforme stickers for restaurant doors/windows (\$200)
- #nostrawforme coasters (\$250)

Audience: Portland residents

- City alert (\$0)
- Social media posts (\$0)
- Sustainability Office webpage (\$0)

Audience: Portland residents + food/beverage suppliers

- Public event (\$500)
 - Donate unused plastic straws to local hospital
 - Earth Day Food truck event

Brand Elements

Hashtag: #nostrawforME

Logo:



Website Placement:

PORTLAND ME

PAY & APPLY GOVERNMENT SERVICES BUSINESS COMMUNITY

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Select Language

Home > Government > Departments > Sustainability Office

Sustainability Office

Streetlight installations as of June 7, 2019. Throughout the summer we will be replacing or retrofitting decorative fixtures.

The Sustainability Office undertakes initiatives designed to make Portland a vibrant, environmentally friendly community now and into the future. We collaborate with all departments to increase the efficiency of City operations and seek innovative approaches to improve municipal services. We partner with community organizations, citizens, and businesses working to conserve energy, reduce waste, and preserve our natural resources. We promote actions that will make Portland resilient in the face of a changing climate.

CONTACT US

Sustainability Office

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Check us out on social media:
[Facebook](#) or [Instagram](#)

ONLINE PAYMENTS

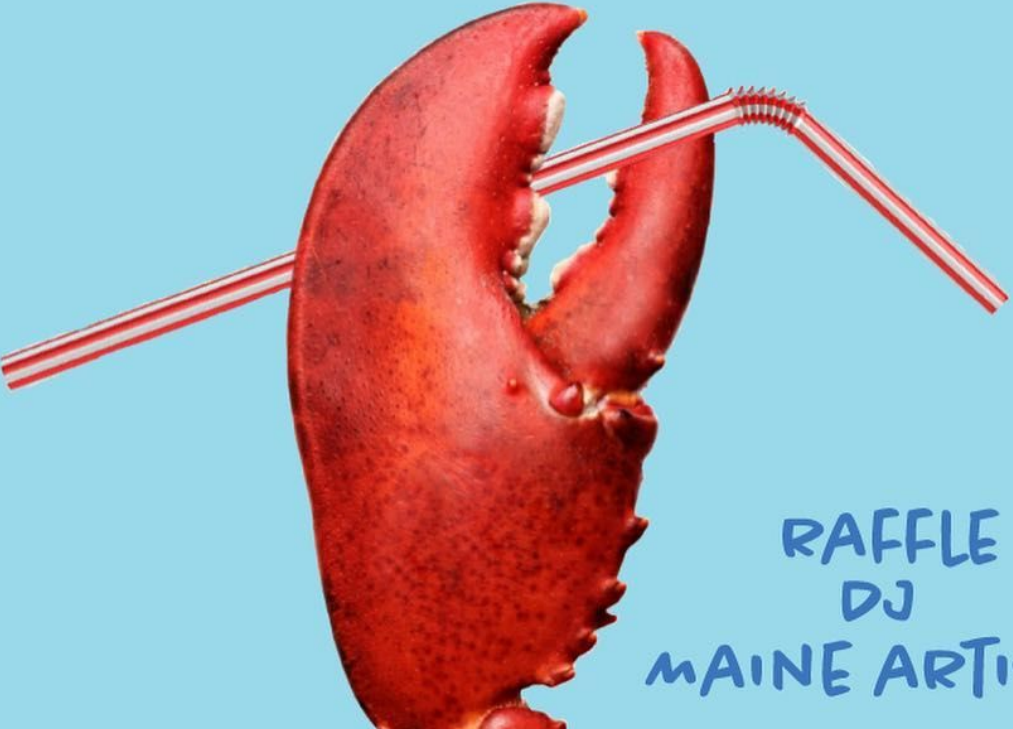
STAY CONNECTED

NEWS

A circular logo with a light blue background. In the center is a red cartoon lobster with a smiling face, holding a red straw with green leaves in its pincers. The text '@SUFFIDERMAINE' is written in blue along the top curve of the circle. The text 'No straw for ME!' is written in white along the bottom curve, with 'ME!' in red.

Event Signage:

"No Straw for ME"
SURFRIDER MAINE'S
#NOSTRAWFORME KICK OFF PARTY
MAY 24TH 6:00 PM
MAINE CRAFT DISTILLERY
123 WASHINGTON AVE, PORTLAND, ME



RAFFLE
DJ
MAINE ARTISTS

Ordinance Flyer:



PLASTIC STRAWS SUCK



#NoStrawforME



**STRAWS CANNOT BE RECYCLED
EFFECTIVELY**

100,000

**ESTIMATED STRAWS USED
DAILY IN PORTLAND, ME
ALONE***



CREATING SUSTAINABILITY IN OUR CITY

PLASTIC DOESN'T BIODEGRADE, IT PHOTODEGRADES INTO SMALLER AND SMALLER PIECES, WHICH GET INGESTED BY MARINE AND LAND ANIMALS, AND INTO OUR FOOD CHAIN.



STRAWS ARE OFTEN LITTERED, OR CAUGHT BY THE WIND, AND WASHED INTO STORM DRAINS THAT EMPTY INTO STREAMS, BAYS, AND OTHER WATERWAYS, AND OTHERWISE END UP IN OUR OCEAN AND BEACHES

PLASTIC STRAWS AND STIRRERS ARE CITED AS ONE OF THE TOP TEN CONTRIBUTORS TO MARINE DEBRIS POLLUTION*

*ACCORDING TO 2018 INTERNATIONAL COASTAL CLEANUP REPORT



ALMOST ALL
BEVERAGES
CAN BE
CONSUMED
WITHOUT
STRAWS



CONSIDER
ALTERNATIVE
OPTIONS TO
PLASTIC
STRAWS



CONSIDER THE
IMPORTANCE OF
MARINE HEALTH TO
MAINE'S ECONOMY
AND WELL BEING

HELP US BAN STRAWS IN MAINE
AND LEARN MORE!

MAINE.SURFRIDER.ORG

Budget:

Design: \$500

Postcard mailing: \$450

Printing (flyer, stickers, coasters): \$900

Public event: \$500

TOTAL: \$2350