

KATE SNYDER (MAYOR)
BELINDA S. RAY (1)
SPENCER THIBODEAU (2)
TAE Y. CHONG (3)
ANDREW J. ZARRO (4)

MARK N. DION (5)
APRIL FOURNIER (A/L)
PIOUS ALI (A/L)
NICHOLAS M. MAVODONES, JR. (A/L)

REMOTE CITY COUNCIL MEETING - FEBRUARY 22, 2021

The Portland City Council will hold a City Council Meeting remotely using Zoom. The Honorable Kate Snyder, Mayor, will preside.

ZOOM INFORMATION:

The Portland City Council will hold a meeting on Wednesday, February 22, 2021 at 5:30 PM. This meeting will take place remotely using Zoom. Virtual meetings are allowed using emergency legislation approved by LD 2167; 1 M.R.S. §403- A, that authorizes cities and towns to conduct meetings online.

Allow your computer to install the free Zoom app to get the best meeting experience. If you are not able to attend live, a recording will be uploaded to portlandmaine.gov/livestream the next day. For public comment, you will need to use the "raise your hand" feature. To raise your hand via the telephone, please hit *9. You will be un-muted by the host when it is time for public comment.

Please click the link below to join the webinar:

<https://us02web.zoom.us/j/88385312427?pwd=aGUzQ1NQZzVUNm5xUEExQNmgzdVhJdz09>

Passcode: 515332

Or iPhone one-tap :

US: +13017158592,,88385312427#,,,,*515332# or +13126266799,,88385312427#,,,,*515332#

Or Telephone:

Dial(for higher quality, dial a number based on your current location):

US: +1 301 715 8592 or +1 312 626 6799 or +1 929 205 6099 or +1 253 215 8782 or +1 346 248 7799 or +1 669 900 6833

Webinar ID: 883 8531 2427

Passcode: 515332

International numbers available: <https://us02web.zoom.us/j/88385312427?pwd=aGUzQ1NQZzVUNm5xUEExQNmgzdVhJdz09>

PLEDGE OF ALLEGIANCE:

ROLL CALL:

ANNOUNCEMENTS:

APPROVAL OF MINUTES OF PREVIOUS MEETING:

Approval of the Draft February 1, 2021 City Council Meeting Minutes

LICENSES:

Order 167-20/21 Granting Municipal Officers' Approval of Belleflower Brewing Company, LLC dba Belleflower Brewing Company. Application for a Brewery with Outdoor Dining on Private Property and Combined Entertainment at 66 Cove Street - Sponsored by Jon P. Jennings, City Manager

Granting Municipal Officers' Approval of Belleflower Brewing Company, LLC dba Belleflower Brewing Company. Application for a Brewery with Outdoor Dining on Private Property and Combined Entertainment at 66 Cove Street.

Application was filed on 1/21/2021. New City applications.

Five affirmative votes are required for passage after public comment.

COMMUNICATIONS:

Com 26-20/21 Presentation of the Racial Equity Steering Committee's Interim Report - Sponsored by Councilor Pious Ali and Lelia DeAndrade, Co-Chairs

At the January 4, 2021 Council meeting, the City Council amended Resolve 1 to grant the Racial Equity Steering Committee an additional three months to complete its work.

The Council requested that an interim report on the Committee's work be presented to the Council at its second meeting in February 2021.

As a communication this item requires no public comment or formal Council action.

UNFINISHED BUSINESS:

Reconsideration of Order 126B-20/21 Designating Munjoy Hill Historic District and Amending the Map of Historic Districts - Sponsored by the Planning Board, Brandon Mazer, Chair

On February 1, 2021, the City Council considered Order 126-20/21 designating an area of Munjoy Hill as a local Historic District and six structures outside the proposed district as individual local landmarks. The Council voted to bifurcate the original Order 126-20/21, separating the landmark and historic district designations, then amended (by removing 21 Sheridan Street from consideration) the landmark designation portion of the item and approved the designation of 101-107 Congress, 7 Lafayette, 8-12 Montreal, 51 Monument, and 28 Waterville as individual landmarks. The City Council voted 4-5 (Fournier, Mavodones, Ali, Zarro, Chong) not to approve the designation of a Munjoy Hill Historic District.

Councilor Zarro, who voted in the majority, has requested that the historic district designation, here numbered Order 126B-20/21, be reconsidered pursuant to Rule 19 of the Council Rules of Procedure.

Five affirmative votes are required to reconsider this item.

If reconsideration is approved, Councilor Zarro has requested that this item be postponed to April 5, 2021 to allow for additional research and discussion.

Order 163-20/21 Amendment to Portland City Code, Chapter 14 Re: Self-Storage Conditional Use in B-3 Downtown Business Zone - Sponsored by the Portland Planning Board, Brandon Mazer, Chair

At a public hearing on December 15 2020, the Planning Board unanimously found (5-0; 2 recused) that the proposed zoning text amendment (self-storage as a conditional use) is consistent with the Comprehensive Plan for the City of Portland.

NewHeight Redfern LLC seeks a text amendment to the B-3 Downtown Business Zone. The proposed text amendment would add self-storage as a conditional use to the B-3 zone.

The applicant seeks to pursue a large, mixed use development on the Mercy Hospital campus, including congregate care and intermediate care facilities. The adaptive reuse of the existing buildings includes the proposal to incorporate a self-storage use. While the B-3 downtown business zone allows high density multifamily housing, it does not permit intermediate care facilities or self-storage.

This item must be read on two separate days. It received its first reading on February 1, 2021. Five affirmative votes are required for passage after public comment.

Order 164-20/21 Amendment to Zoning Map Re: R-6 to B-3 at 148 State Street - Sponsored by the Portland Planning Board, Brandon Mazer, Chair

At a public hearing on December 15 2020, the Planning Board unanimously found (5-0; 2 recused) that proposed zoning map amendment (from R-6 to B-3) is consistent with the Comprehensive Plan for the City of Portland.

This is a companion order to the Order above. NewHeight Redfern LLC seeks a zoning map amendment to facilitate development at 102, 120, and 148 State Street. The zoning map amendment would rezone twelve parcels from R-6 to B-3 zone.

This item must be read on two separate days. It received its first reading on February 1, 2021. Five affirmative votes are required for passage after public comment.

Order 165-20/21 Amendment to Downtown Height Overlay Map Re: 148 State Street - Sponsored by the Portland Planning Board, Brandon Mazer, Chair

At a public hearing on December 15 2020, the Planning Board unanimously found (5-0; 2 recused) that proposed amendments to the Downtown Height Overlay map is consistent with the Comprehensive Plan for the City of Portland.

This is a companion order with the orders above. NewHeight Redfern LLC seeks an amendment to the Downtown Height Overlay Map. The Downtown Height Map would add twelve B-3 parcels and designate heights for those parcels.

This item must be read on two separate days. It received its first reading on February 1, 2021. Five affirmative votes are required for passage after public comment.

Order 166-20/21 Adopting the Council Rules of Procedure for 2021 - Sponsored by the Ad Hoc Rules Committee, Councilor Spencer Thibodeau, Chair

This amendment reflects changes discussed by the Ad Hoc Rules Committee at their January 22, 2021 meeting.

This amendment includes the following changes:

- Moving (i) City Council meetings to 5PM and (ii) the annual, inaugural meeting of the Council from 12:00 PM to 5:30 PM (possibly joining the Council and School Committee inaugurations);
- Allowing Councilors to sponsor Proclamations that are not considered "standing" (i.e. occurring annually, etc.);
- Allows the presiding officer of Council meetings to call the question when it is under debate;
- Limits Councilors' remarks to five minutes during the deliberation of any item or amendment, with the opportunity to request five additional minutes;
- Provides certainty to Council agenda items by setting the public comment period of the Council meeting from 6:00 PM - 7:00 PM at each Council meeting, while also giving the Council the ability to reopen the public comment period after considering agenda items.

At its final meeting on February 8, 2021, the Ad Hoc Rules committee voted to revise the meeting time of the December Inaugural Meeting to 6:00 p.m., and that amendment to the rules is in the back up material. The Rules were otherwise approved as originally proposed.

This item must be read on two separate days. It received its first reading on February 1, 2021. Five affirmative votes are required for passage after public comment.

ORDERS:

Order 168-20/21 Granting a Park Encroachment License at 46 Western Promenade - Sponsored by Jon P. Jennings, City Manager

On November 5, 2020, the Parks Commission voted 5-0 (Butcher abstaining) to approve the license with the addition of language defining "maintenance" for approval by the City Council. On December 9, 2020, the Land Bank Commission voted unanimously (9-0) to recommend the park encroachment license for approval by the City Council.

The residential property at 46 Western Promenade is bounded on the east by a small portion of Western Promenade Park. For many decades, there have been numerous park encroachments originating from 46 Western Promenade, including a driveway.

This license would allow only the driveway and anything necessary to maintain the driveway to remain in place and to be maintained at the expense of the owners of 46 Western Promenade. In return, the City will receive \$20,000 in payment for park improvements in Western Promenade Park. An enclosed memo describes the process by which that amount was determined by staff.

Seven (7) affirmative votes are required for passage after public comment, pursuant to Portland City Code Section 2-43(c)(1).

Order 169-20/21 Accepting the 2020 Land Bank Commission Annual Report - Sponsored by Jon P. Jennings, City Manager

The Portland Land Bank Commission is required by City Ordinance to submit an annual report that details the commission's activity over the past year, its yearly budget, and a registry of conservation properties.

Five affirmative votes are required for passage after public comment.

**Order 170-20/21 Amending the Portland Tax Increment Financing Policy -
Sponsored by the Housing & Economic Development Committee, Councilor
Spencer Thibodeau, Chair**

The Housing and Economic Development Committee met on January 19, 2021 and voted unanimously (4-0) to recommend approval of these proposed changes by the City Council.

In 2017, the City Council amended the City's Tax Increment Financing (TIF) Policy to allow the maximum average percentage of 75% of captured revenue to be returned to a developer of an affordable housing project. The change was implemented to support projects competing for Low Income Housing Tax Credits (LIHTC). The tax credit application process, administered by MaineHousing, includes a scoring matrix that awards up to 4 points for projects receiving property tax relief. Points are awarded on a tiered approach based on the percentage and length of property tax relief. The LIHTC application process is very competitive. The City's willingness to provide tax increment financing is one way the City can support projects competing for this resource. It was assumed that only projects competing for LIHTC would request this level of TIF financing. The city is now seeing projects not eligible for LIHTC, requesting City assistance through an Affordable Housing TIF. As a result, staff is proposing several changes to the terms for credit enhancement agreements.

Proposed changes are highlighted here and are included in the attached red-lined version of the TIF policy.

(1) Add a definition of affordable, that matches the definition used in other city programs, such as Inclusionary Zoning, as noted below;

Affordable means that the percentage of income a household is charged in rent and other housing expenses including utilities, or must pay in monthly mortgage payments (including real estate taxes, mortgage insurance, condominium/HOA fees, insurance and utilities), does not exceed 30% of a household's gross income, or other amount established in city regulations that does not vary significantly from this amount.

(2) Require the term of the TIF to match the length of affordability of the project.

(3) Other minor clarifying revisions, for example updating the name of the City Department responsible for providing annual TIF reports.

Five affirmative votes are required for passage after public comment.

Order 171-20/21 Accepting and Appropriating Two Donations Totaling \$85,000 to the Dougherty Field Skatepark Expansion Project - Sponsored by Jon P. Jennings, City Manager

This order accepts and appropriates two donations totaling \$85,000 to the Dougherty Field Skatepark Expansion project.

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

Order 172-20/21 Accepting and appropriating a \$20,000 Donation from the Portland Parks Conservancy for the Portland Youth Corps - Sponsored by Jon P. Jennings, City Manager

This item accepts and appropriates a \$20,000 donation from the Portland Parks Conservancy for the Portland Youth Corps, a collaborative program of the Parks, Recreation and Facilities Department (PRF) , the Portland Parks Conservancy (PPC), and Maine Audubon.

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

Order 173-20/21 Accepting and Appropriating a \$20,000 Donation for Improvements at East End Beach - Sponsored by Jon P. Jennings, City Manager

This item accepts and appropriates a \$20,000 donation from the Friends of the Eastern Promenade for a series of improvements to expand public access for small boat launching (kayak, canoe, stand up paddleboard) at East End Beach.

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

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

ZOOM INFORMATION:

The Portland City Council will hold a meeting on Monday, February 1, 2021 at 5:30 PM. This meeting will take place remotely using Zoom. Virtual meetings are allowed using emergency legislation approved by LD 2167; 1 M.R.S. §403A, that authorizes cities and towns to conduct meetings online.

Allow your computer to install the free Zoom app to get the best meeting experience. If you are not able to attend live, a recording will be uploaded to portlandmaine.gov/livestream the next day. For public comment, you will need to use the "raise your hand" feature. To raise your hand via the telephone, please hit *9. You will be unmuted by the host when it is time for public comment.

Please click the link below to join the webinar:

<https://us02web.zoom.us/j/89247930118?pwd=aG1VRzl0R3BleThMd3pxTXl4L1lFUT09>

Passcode: 454677

Or iPhone one-tap :

US: +19292056099,,89247930118#,,, *454677# or
+13017158592,,89247930118#,,, *454677#

Or Telephone:

Dial(for higher quality, dial a number based on your current location):

US: +1 929 205 6099 or +1 301 715 8592 or +1 312 626 6799 or +1 669 900 6833 or
+1 253 215 8782 or +1 346 248 7799

Webinar ID: 892 4793 0118

Passcode: 454677

International numbers available: <https://us02web.zoom.us/j/89247930118?pwd=aG1VRzl0R3BleThMd3pxTXl4L1lFUT09>

PLEDGE OF ALLEGIANCE:

ROLL CALL:

Mayor Snyder called the meeting to order at 5:34 P.M. (All Councilors Present).

ANNOUNCEMENTS:

Councilor Thibodeau announced that Rules and Report Committee will be meeting on Thursday February 4, 2021 at 5:30 P.M.

APPROVAL OF MINUTES OF PREVIOUS MEETING:

Approval of the draft City Council January 20, 2021 meeting minutes

Motion was made by Councilor Ali and seconded by Councilor Ray to approve the minutes of the January 20, 2021 City Council meeting. Passage 9-0.

PROCLAMATIONS:

Proc 8-20/21 In Recognition of Black History Month - Sponsored by Kate Snyder, Mayor

Proc 9-20/21 Condemning LGBTQ Hate Crimes and Affirming Protection from Discrimination for LGBTQ Residents - Sponsored by Kate Snyder, Mayor

COMMUNICATIONS:

Com 24-20/21 A communication regarding the City of Portland's intent to intervene in PUC Docket 2011-00138: Central Maine Power Company Request for Approval of Non-Transmission Alternative (NTA) Pilot Projects for the Mid-Coast and Portland Areas - Sponsored by Jon P. Jennings, City Manager

As a communication this requires no public comment or City Council action.

Com 25-20/21 A communication on the renaming of City Hall's Room 24 in honor of Clifford "Kippy" Richardson - Sponsored by Jon P. Jennings, City Manager

As a communication this requires no public comment or City Council action.

UNFINISHED BUSINESS:

Order 153-20/21 Approving "Modification Two" of the Agreement between the Maine Department of Transportation and the City of Portland Re: Congress Street Traffic Lights - Sponsored by Jon P. Jennings, City Manager

Motion was made by Councilor Ray and seconded by Councilor Ali for passage. Passage 9-0.

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

Order 159A-20/21 Traffic Schedule Amendment Re: No Parking West Side of Linden Street - Sponsored by Jon P. Jennings, City Manager

Motion was made by Councilor Thibodeau and seconded by Councilor Ali for passage as an emergency. Passage 9-0.

Order 160-20/21 Traffic Schedule Amendment Re: No Parking on the West Side of Cottage Street - Sponsored by Jon P. Jennings, City Manager

Motion was made by Councilor Ray and seconded by Councilor Thibodeau for passage as an emergency. Passage 9-0.

ORDERS:

Order 161-20/21 Approving a Net Energy Billing Agreement between the Central Maine Power Company and the City of Portland - Sponsored by Jon P. Jennings, City Manager

Motion was made by Councilor Thibodeau and seconded by Councilor Ray for passage. Passage 9-0.

Order 162-20/21 Approving a Live Streaming Agreement between Live Barn Inc. and the City of Portland for the Troubh Ice Arena - Sponsored by Jon P. Jennings, City Manager

Motion was made by Councilor Mavodones and seconded by Councilor Zarro for passage. Passage 7-2 (Fournier, Zarro).

Order 126-20/21 Designating Munjoy Hill Historic District and Amending the Map of Historic Districts - Sponsored by the Planning Board, Brandon Mazer, Chair

Motion was made by Councilor Ray and seconded by Councilor Mavodones to bifurcate the designation of the Munjoy Hill Historic District from the Designation of individual Landmarks (Amendment 1 located in the back up materials), for passage. Passage 9-0.

Motion was made by Councilor Ray and seconded by Councilor Mavodones to amend the Designation of Individual Landmarks on Munjoy Hill by removing 21 Sheridan Street. (Amendment by staff located in the back up materials), for passage. Passage 9-0.

Motion was made by Councilor Ray and seconded by Councilor Mavodones to amend Order 126 by adding the Individual Historic Landmarks (Amendment 2 located in the back up materials) for passage. Passage 9-0.

Motion was made by Councilor Ray and seconded by Councilor Mavodones to approve the designation of the Munjoy Hill Historic District (Amendment 1 located in the back up materials), for passage. Motion failed 4-5 (Fournier, Mavodones, Ali, Zarro, Chong).

AMENDMENTS:

Order 163-20/21 Amendment to Portland City Code, Chapter 14 Re: Self-Storage Conditional Use in B-3 Downtown Business Zone - Sponsored by the Portland Planning Board, Brandon Mazer, Chair

This is a first reading.

Order 164-20/21 Amendment to Zoning Map Re: R-6 to B-3 at 148 State Street - Sponsored by the Portland Planning Board, Brandon Mazer, Chair

This is a first reading.

Order 165-20/21 Amendment to Downtown Height Overlay Map Re: 148 State Street - Sponsored by the Portland Planning Board, Brandon Mazer, Chair

This is a first reading.

Order 166-20/21 Adopting the Council Rules of Procedure for 2021 - Sponsored by the Ad Hoc Rules Committee, Councilor Spencer Thibodeau, Chair

This is a first reading.

Motion was made by Councilor Ray and seconded by Councilor Thibodeau to adjourn.
Passage 9-0, at 10:58 P.M.

A TRUE RECORD

Katherine Jones, City Clerk

EXECUTIVE SESSION:

MEMORANDUM
City Council Agenda Item

FROM:

DATE: January 25, 2021

SUBJECT: Order 167-20/21 Granting Municipal Officers' Approval of Belleflower Brewing Company, LLC dba Belleflower Brewing Company. Application for a Brewery with Outdoor Dining on Private Property and Combined Entertainment at 66 Cove 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

Granting Municipal Officers' Approval of Belleflower Brewing Company, LLC dba Belleflower Brewing Company. Application for a Brewery with Outdoor Dining on Private Property and Combined Entertainment at 66 Cove Street.

Application was filed on 1/21/2021. New City applications.

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. Belleflower Brewing.docx
2. 20210208084148017

Prepared by:

Date: 1/25/2021

KATHLEEN M SNYDER (MAYOR)
BELINDA S. RAY (1)
SPENCER R. THIBODEAU (2)
TAE Y. CHONG (3)
ANDREW J. ZARRO (4)

**CITY OF
PORTLAND**
IN THE CITY COUNCIL

MARK N. DION (5)
APRIL FOURNIER (A/L)
PIOUS ALI (A/L)
NICHOLAS M. MAVODONES, JR (A/L)

ORDER
GRANTING MUNICIPAL OFFICERS'
APPROVAL OF:

**Belleflower Brewing Company, LLC dba Belleflower Brewing Company. Application for a
Brewery with Outdoor Dining on Private Property and Combined Entertainment at 66
Cove Street.**

Dear Mayor Snyder and City Council Members-

Belleflower Brewing Company intends to operate a production brewery, sell retail packaged beer, operate a taproom with on premise consumption of beer, cider, and wine, and sell pre-packaged snacks.

The production brewery will operate 6am-12am daily, with rotating hours and shifts. It will be operated by the owners of Belleflower or their trained and assigned staff.

We will sell retail packaged beer from our brewery following all COVID-19 restrictions.

Our taproom will operate according to all COVID-19 restrictions and we intend to serve beer, wine and cider. We will not produce the wine or cider on site, but will purchase that from a licensed wholesaler. Wine and cider will be offered as an amenity to those with gluten intolerance. We will also offer pre-packaged non-alcoholic drinks such as soda, sparkling water, tea, and juice. The taproom will also feature pre-recorded music and occasionally live music featuring local music artists.

Our pre-packaged snacks will be from local vendors where possible and will evolve through seasonality and product availability. An example menu would be: Tortilla chips and salsa, or a packaged cheese board with crackers.

We also intend to invite food trucks to serve our customers from our parking lot.

Warm regards-

Nicholas Bonadies
Belleflower Brewing Company

Nicholas was arrested in August of 2008. He was removing a disused and non-functional bike from a fence to rehabilitate and donate it to the organization Bikes not Bombs in Boston. Nicholas was put on pre-trial probation by the Judge and subsequently the charges were dropped with no trial or finding in the case.

Zachary was arrested in March of 2009 for driving under the influence in West Lafayette, IN. Charges were never filed and Zach was not convicted of any crimes. Zach has not been arrested since.

**CITY OF PORTLAND****Permitting and Inspections Department****Application for Brewery, Winery and Distillery On Premise Consumption License***License expiration date concurrent with that of State of Maine Dept. of Liquor Licensing & Enforcement License.*

Business Information			
Business Name (d/b/a):	Belleflower Brewing Company	Phone:	6173659536
Location Address:	66 Cove Street, Portland, ME 04101		Zip:
If new, what was formerly at this location:			
Mailing Address:	66 Cove Street, Portland, ME 04101		Zip:
Contact Person:	Nicholas Bonadies	Phone:	6173659536
Contact Person Email:	nick@belleflowerbrewing.com		
Manager of Establishment:	Nicholas Bonadies	Date of Birth:	04/03/1984
		Phone:	6173659536
Owner of Premises (Landlord):	Sleepy Hollow Development, INC		
Address of Premises Owner:	PO BOX 2198, Windham, ME		Zip: 04062

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	
Belleflower Brewing Company, LLC		66 Cove Street, Portland, ME	
		Zip: 04101	
Contact Person:	Nicholas Bonadies	Phone:	6173659536
Principal Officers	Title	Date of Birth	Residence Address
Nicholas Bonadies	Co-owner	4/3/1984	12 Samuel Rd, Portland, ME 04103
Zachary Page	Co-owner	5/23/1987	49 Broadway, Portland, ME 04103

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

bl@portlandmaine.gov • www.portlandmaine.gov



CITY OF PORTLAND
Permitting and Inspections Department

Type of Establishment:	Brewery
Hours & days of operation:	M-W 12-8pm, Th-Sat 12-9pm, Sun 12-5pm

QUESTIONS	Y/N
Will food be made, served, and/or sold on the premise by this establishment?	☒ Y ☐ N
If yes, please submit a City of Portland Food Service Establishment license application.	
Is the establishment less than 300 feet from a school, dormitory, church or parish house, or similar establishment?	☒ Y ☐ N
If yes, give the distance:	
Will you have entertainment on the premises? (If yes, a Supplemental Application for Dancing & Entertainment is required.)	☒ Y ☐ N
Will you permit dancing on the premises?	☒ Y ☐ N
Will you permit dancing after 1:00 a.m.?	☒ Y ☐ N
Will you have outside dining? (If yes, an Outdoor Dining Application is required)	☒ Y ☐ 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)?	☒ Y ☐ N
If yes, please list: # of pinball machines: _____ # of amusements: _____ # of pool tables: _____	
What is your targeted opening date?	ASAP
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):	
Have any of the applicants, including the corporation (if applicable), ever held a business license with the City of Portland?	☒ Y ☐ N
If Yes, please list business name(s) and location(s):	
Is any principal officer under the age of 21?	☒ Y ☐ N
Have applicant, partners, associates, or corporate officers ever been arrested, indicted, or convicted for any violation of law?	☒ Y ☐ N
If Yes, please explain: See attachment	

I Nicholas Bonadies 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  Title Co-owner Date 1/14/21

For more information about Liquor Licenses, see Portland City Code Chapter 15 at www.portlandmaine.gov and M.R.S.A. Title 28-A at www.maine.gov.

389 Congress Street, Room 307 • Portland, Maine 04101 • 207-874-8557
bl@portlandmaine.gov • www.portlandmaine.gov



SEALS AND SIGNATURES

LEGEND

**2007-2008 CMU to remain
New Partition**

NEW PARTITION

T1 = Table 3 results

T1 = Table 1, 2 seats.
T2 = Table 11 seats.
$$F_{\text{stat}} = \frac{\text{Enter } 1 / \text{Enter } 2}{\text{Enter } 3 / \text{Enter } 4}$$

THE JOURNAL OF THE

SHEET NOTES

1. 430,000 BTU GAS-FIRED BURNER FOR THE EQUIPMENT
2. COORDINATE OUTDOOR SEATING

GENERAL NOTES

1. ELECTRICAL SWITCHING AND LAYOUT BY OTHERS
2. COORDINATE FINAL ACCESS PANEL LOCATIONS WITH
3. GC COORDINATE FINAL LIGHTING LAYOUT WITH ELECTRICAL CONTRACTOR
4. GC COORDINATE FINAL SUPPLY AND RETURN DRILL LAYOUT WITH MECHANICAL CONTRACTOR
5. EXTENT OF DEMO SUBMITTED UNDER FAST TRACK DEMO PERMIT BLDG213-00441
6. COORDINATE TRENDING WITH



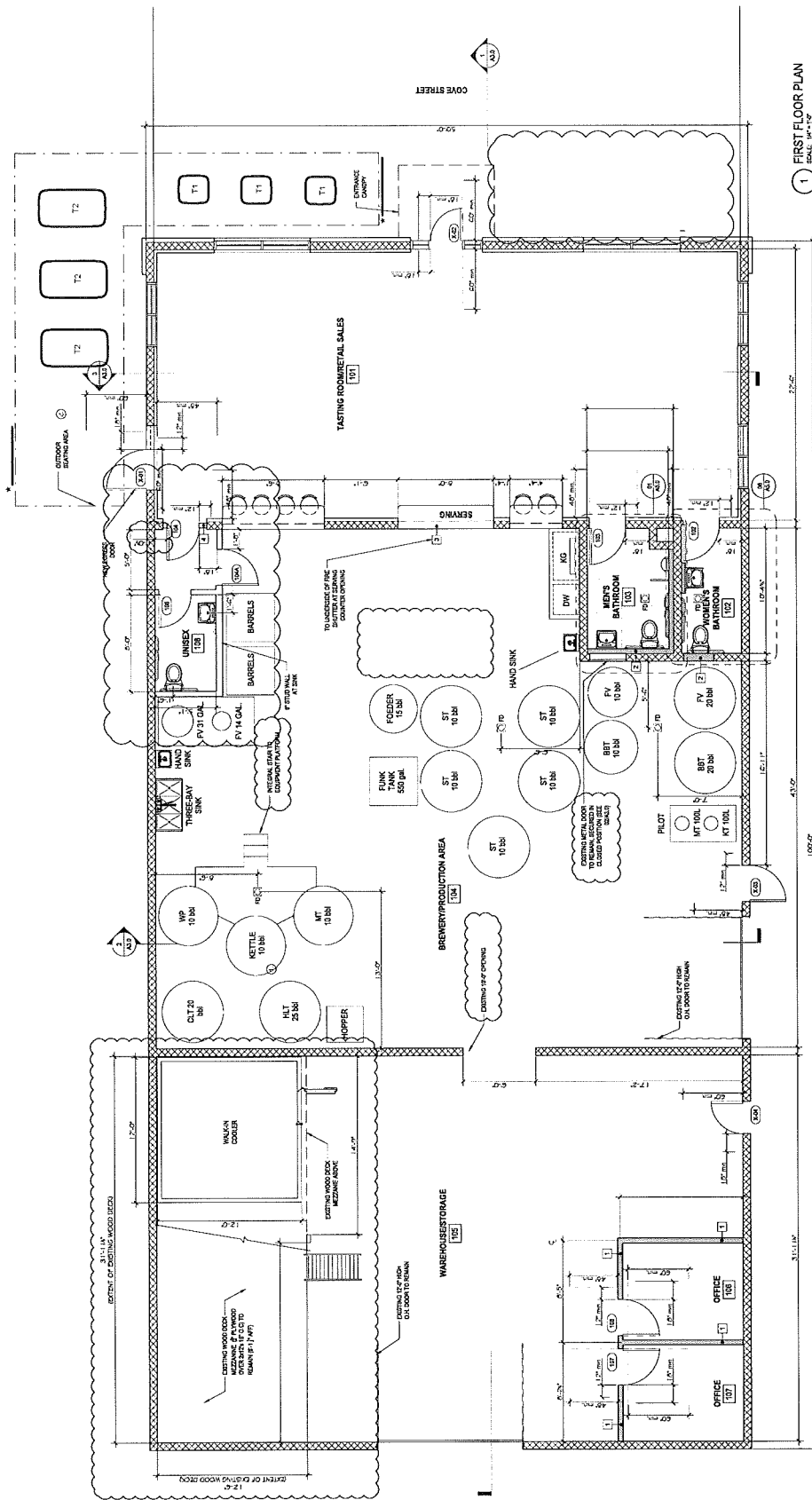
PROJECT NORTH

[illegible]

375

1 FIRST FLOOR PLAN
SCALE: 1/4" = 1'-0"

A1.0





CITY OF PORTLAND
Permitting and Inspections Department

Application for an Entertainment License

☐ Indoor Entertainment \$500.00	☐ Outdoor Entertainment \$700.00	☒ Combined Entertainment \$800.00
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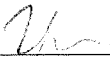
Business Information			
Business Name (d/b/a):	Belleflower Brewing Company	Phone:	6173659536
Location Address:	66 Cove Street, Portland, ME 04101		Zip:
Owner Name:	Belleflower Brewing Company, LLC	Phone:	6173659536
Owner Email:	nick@belleflowerbrewing.com		
Contact Person responsible for Entertainment:	Nicholas Bonadies	Phone:	6173659536
Contact Person Email:	nick@belleflowerbrewing.com		
Manager of Establishment:	Nicholas Bonadies	Phone:	6173659536
Manager Email:	nick@belleflowerbrewing.com		

About Your Establishment

Describe in detail the type and nature of the business and proposed entertainment:

The business is a brewery with an attached taproom. The entertainment will consist of live music and pre-recorded music.

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.

Signature  Title Co-owner Date 1/14/21

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

1 FIRST FLOOR PLAN
SCALE: 1/4" = 1'-0"

Sound Mitigation Plan - Belleflower Brewing Company

Purpose: To minimize the impact of our outdoor entertainment on the surrounding neighborhoods while promoting local musical acts to our patrons and the community. A small area located on the south/southwest side of the building, against the wall will be leveled to accommodate the musicians. Most acts will be one or two performers only. Speakers will be located just in front of the musicians about 6' from the wall facing southwest. The sound system will include a small powered mixing station and 2 portable speakers on stands. Max peak output of 800 watts with a 200 watts RMS. Master volume controls with independent level controls and equalization are included. The speakers would be 10" woofers and a piezo tweeter with 200 watts RMS. No subwoofer will be included.

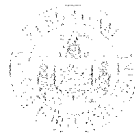
Sound levels will be monitored using an SPL meter and levels will not exceed 85db at 8' from the main speakers.

This building is located in an industrial area with a variety of mixed uses. Most businesses are closed in the evening when we are most likely to have entertainment. Residential homes are quite far away from this location and will not be impacted at all by the outdoor entertainment we will be providing. The direction of the music will actually be facing 295 and Back Bay.

City of Portland

Sound Mitigation Review

Date: 2/4/2021							
Business	Bellefleur Brewing Co						
Applicant	Nicholas Bonadies						
	DESCRIPTION	yes	no				
	Sound system appropriate for the size venue		Yes				
	Performance space located in an appropriate location		Yes				
	Performance space facing in an appropriate direction to control sound		Yes				
	Surrounding surfaces appropriate to control sound		yes				
	Additional sound absorbing features						
	additional notes						
	Approved		Yes				
	DIRECT ALL INQUIRIES TO:						
	Kevin Schneck						
	(207) 756-8433						
	kschneck@portlandmaine.gov						



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

License accompanies a City of Portland Food Service Establishment or Food Service Establishment with Liquor License

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

Business Information			
Business Name (d/b/a):	Belleflower Brewing Company	Phone:	6173659536
Location Address:	66 Cove Street, Portland ME	Zip:	04101
Mailing Address:	66 Cove Street, Portland ME	Zip:	
Contact Person:	Nicholas Bonadies	Phone:	6173659536
Contact Person Email:	nick@belleflowerbrewing.com		
Manager of Establishment:	Nicholas Bonadies Date of Birth: 4/3/1984	Phone:	6173659536
Owner of Premises (Landlord):	Sleepy Hollow Development INC		
Address of Premises Owner:	PO BOX 2198, Windham, ME	Zip:	04062

Owner Information

Corporate Name		Corporate Mailing Address	
Belleflower Brewing Company, LLC		66 Cove Street, Portland, ME Zip: 04101	
Contact Person:	Nicholas Bonadies	Phone:	6173659536
Principal Officers			
Title	Date of Birth	Residence Address	
Nicholas Bonadies	Co-owner	4/3/1984	12 Samuel Rd, Portland, ME 04103
Zachary Page	Co-owner	5/23/1987	49 Broadway, Portland, ME 04103

389 Congress Street, Room 307 • Portland, Maine 04101 • 207-874-8557
bl@portlandmaine.gov • www.portlandmaine.gov



CITY OF PORTLAND
Permitting and Inspections Department

Class of License:	Class III and Class IV
Type of food served:	Pre-packaged snacks
Please circle all that will be served:	☒ Beer ☒ Wine ☐ Liquor
Hours & days of operation:	M-W 12-8pm Th-Sat 12-9pm Sun 12-5pm
Number of Tables	6
Number of Chairs	24

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 Co-owner Date 1/14/21

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: _____	_____



DETAILS AND SIGNATURES

LEGEND

**CMU to remain
New Partition**

Table 2 (cont.)

1990, 2003b)

2 = Table, 6 seats.

SHEET NOTES

- 450,000 BTU GAS-FIRED BURNER
FOR THE EQUIPMENT
COORDINATE OUTDOOR SEATING
AREA WITH SITE PLAN AS D

GENERAL NOTES

- ELECTRICAL SWITCHING AND LAYOUT BY OTHERS
COORDINATE FINAL ACCESS PANEL LOCATIONS WITH MECHANICAL
GC COORDINATE FINAL LIGHTING LAYOUT WITH ELECTRICAL CONTRACTOR
GC COORDINATE FINAL SUPPLY AND RETURN GRILLE LAYOUT WITH MECHANICAL CONTRACTOR
CONTENT OF DCMO SUBMITTED UNDER FAST TRACK DEMO PROJECT (BIDDING/ADDITIONAL COORDINATE TRENCHING WITH



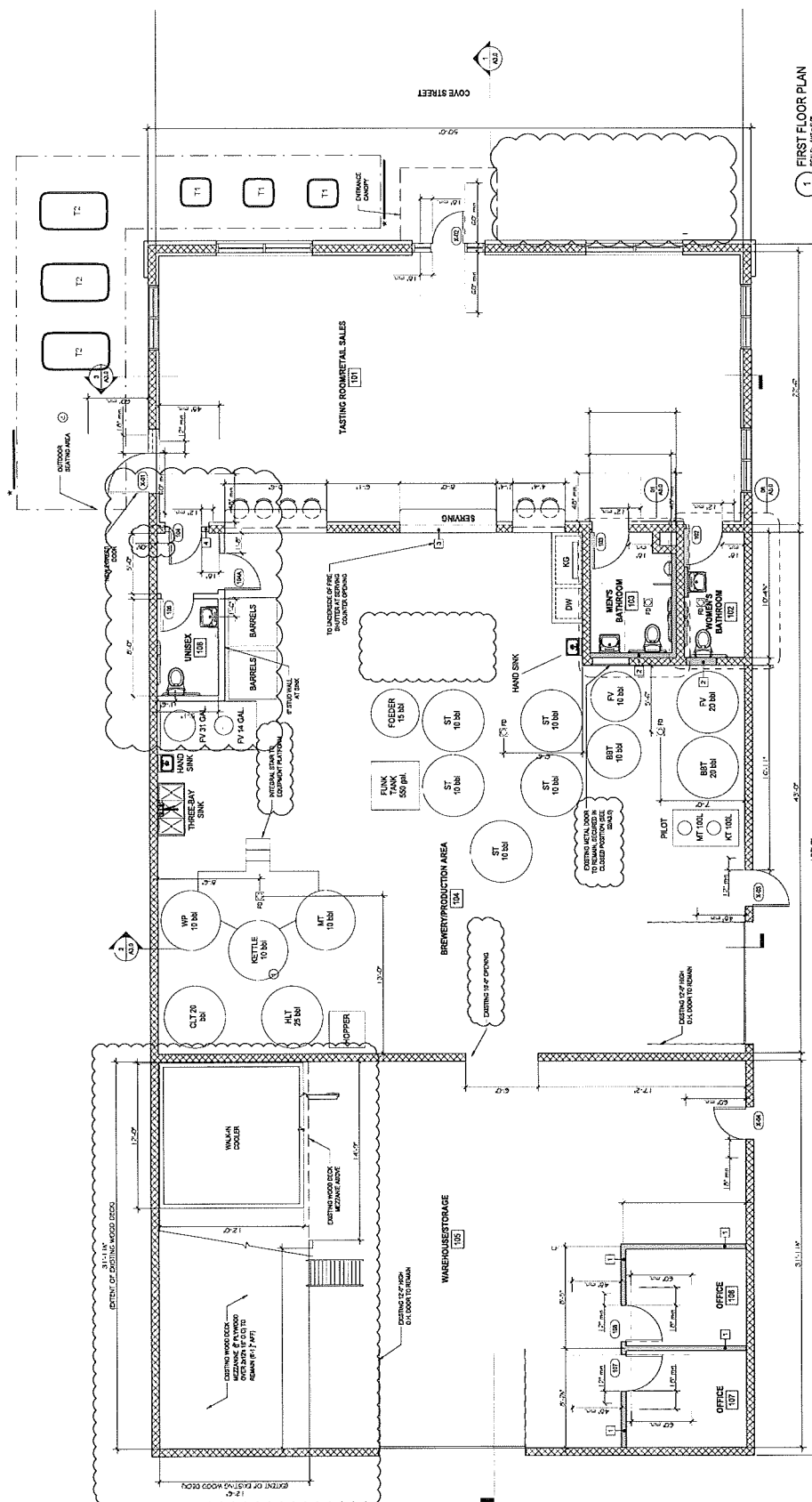
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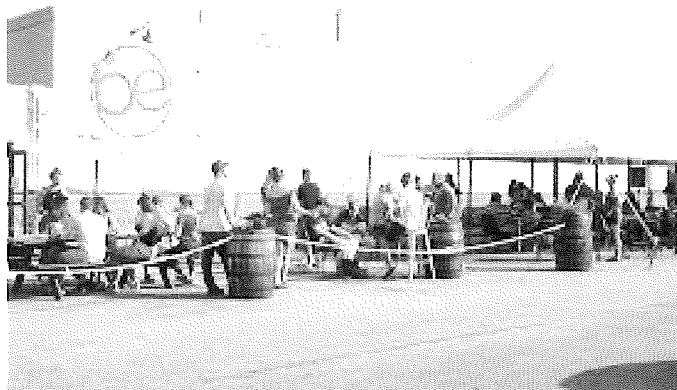
[illegible]

MH 6769

1 FIRST FLOOR PLAN
SCALE: 1/4" = 1'-0"

A1.0





A rope barrier similar to the one pictured above will border the outdoor seating area outlined in the attached floor plan.



Belleflower Brewing Company Food Menu

Mi Niña Tortilla Chips w/Sabra Salsa OR Guacamole - \$8

Rustic Bakery Crackers w/Cabot Vermont Sharp Cheddar - \$8

Cheese and Charcuterie board by The Cheese Shop of Portland (serves 2) - \$20

Non-Alcoholic Beverages

Maine Root Soda (12oz bottle) - \$3

Pure Leaf Tea(12oz bottle) - \$3

Empyrean Cold Brew Coffee (12oz can) - \$3



Jessica Hanscombe <jhanscombe@portlandmaine.gov>

Re: Belleflower Brewing Company

cstacey <cstacey@portlandmaine.gov>

Tue, Jan 26, 2021 at 2:52 PM

To: Zoning <zoning@portlandmaine.gov>

Cc: Jessica Hanscombe <jhanscombe@portlandmaine.gov>

Hi Jess,

Per Table 6-E of the Chapter 14 Land Use Ordinance, a brewery (low impact industrial) is a permitted use in the I-Lb zone. A tasting room and retail are permitted as accessory uses to the brewery.

Per Sec 6.6.2.I of Chapter 14, tasting rooms in industrial zones are limited as follows: 1) Service of food is limited to that which does not constitute a full-course meal; and 2) No more than 10% of the beverage menu may be produced or manufactured off-site.

Special events are limited to 28 hours per week.

I am signing off on all of these for zoning in Energov.

Let me know if you need anything else,
Chris

On Monday, January 25, 2021 at 9:20:50 AM UTC-5 Jessica Hanscombe wrote:

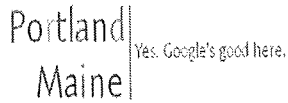
Good Morning

Please see the attached licenses for Belleflower Brewing. They have applied for:

- Brewery Manufacturing License
- FSE no Prep (Beer takeout)
- Brewery On Premise
- Combined Entertainment
- Outdoor Dining on Private Property

This will got to council on 2/17/2021. Please advise. Jess

Jessica Blais Hanscombe
Acting Director of Permitting and Inspections
Licensing and Housing Safety Manager
City of Portland
389 Congress Street Room 307
Portland, Maine 04101
207-874-8783
jhans...@portlandmaine.gov



Jessica Hanscombe <jhanscombe@portlandmaine.gov>

Re: Belleflower Brewing Company

Glen McGary <glenm@portlandmaine.gov>
To: Jessica Hanscombe <jhanscombe@portlandmaine.gov>
Cc: Kevin Schneck <kschneck@portlandmaine.gov>

Mon, Jan 25, 2021 at 9:21 AM

PD approved

On Mon, Jan 25, 2021 at 9:10 AM Jessica Hanscombe <jhanscombe@portlandmaine.gov> wrote:
Good Morning

Please see the attached for a combined Entertainment license. Please advise. Jess

Jessica Blais Hanscombe
Acting Director of Permitting and Inspections
Licensing and Housing Safety Manager
City of Portland
389 Congress Street Room 307
Portland, Maine 04101
207-874-8783
jhanscombe@portlandmaine.gov

--
Lieutenant Glen McGary
Portland Police Department
109 Middle Street
Portland, Maine 04101
Office (207) 756-8294
Fax (207) 874-8580



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 04103

Transaction Response #: MIQ99E598219

Criminal History Record

Introduction

This criminal history record was produced in response to the following request (Produced on 2021-01-25) :

Inquiries Name(s) ZACHARY PAGE (1987-05-23)

NO MATCH WAS FOUND FOR YOUR REQUEST.



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 04103

Transaction Response #: MIQ99E598220

Criminal History Record

Introduction

This criminal history record was produced in response to the following request (Produced on 2021-01-25) :

Inquiries Name(s) **NICHOLAS BONADIES (1984-04-03)**

NO MATCH WAS FOUND FOR YOUR REQUEST.



CITY OF PORTLAND
Permitting and Inspections Department

January 25, 2021

Belleflower Brewing Company, LLC
66 Cove Street
Portland, Maine 04101

**Re: Belleflower Brewing Company, LLC dba Belleflower Brewing Company.
Application for a Brewery with Outdoor Dining on Private Property and Combined
Entertainment at 66 Cove Street.**

Dear Nicholas Bonadies

This letter shall serve as a reminder of the public hearing before the Portland City Council on **Monday February 22, 2021 at 5:30 p.m.**, for the review of application for a Brewery with Outdoor Dining on Private Property and Combined Entertainment at 66 Cove Street. The meeting will take place virtually. The link can be found on the Meeting Agenda which will be posted on the City Website on February 19, 2021.

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 Housing Safety Manager

Legal Advertisement

Notice of Public Hearing City of Portland

A Public Hearing will be held on February 22, 2021 at 5:30 P.M., virtually Belleflower Brewing Company, LLC dba Belleflower Brewing Company. Application for a Brewery with Outdoor Dining on Private Property and Combined Entertainment at 66 Cove Street. Sponsored by Jon P. Jennings, City Manager.

MEMORANDUM
City Council Agenda Item

FROM:

DATE: February 16, 2021

SUBJECT: Com 26-20/21 Presentation of the Racial Equity Steering Committee's Interim Report - Sponsored by Councilor Pious Ali and Lelia DeAndrade, Co-Chairs

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

At the January 4, 2021 Council meeting, the City Council amended Resolve 1 to grant the Racial Equity Steering Committee an additional three months to complete its work.

The Council requested that an interim report on the Committee's work be presented to the Council at its second meeting in February 2021.

As a communication this item requires no public comment or formal Council action.

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. RESC Interim Report (1)
2. RESC interim one-pager

Prepared by:

Date: 2/16/2021

**Portland Racial Equity Steering Committee
Interim Report
Presented to Portland's City Council on Monday, February 22nd, 2021**

Background

The Racial Equity Steering committee (RESC) was formed to address the charges outlined in Resolve #1, passed by City Council in July, 2020. The charges are as follows:

BE IT FURTHER RESOLVED, that the Racial Equity Steering committee will be charged with: reviewing the City's approach to public safety, including but not limited to:

1. an examination of the ever expanding role we, as a City, have asked the police to play in our community — ranging from responding to noise complaints, traffic violations, and violent crime to conducting wellness checks and responding to behavioral health calls and drug overdoses — and whether we have provided them with the appropriate resources to accomplish this work;
2. the way in which the City interacts with area agencies, organizations, and non-profits in the name of public safety and how these partnerships can best work to enhance public safety in the City; and
3. recommending changes, as necessary, to various policies, structures, and procedures related to public safety that may disproportionately impact Black people and other persons of color with the specific aim of improving community relations, establishing mutual trust and respect, and rooting out and ending system racism

After an application and selection, a full committee was formed, a facilitator (Dr. Samaa Abdurraqib) and researcher (Dr. Marcelle Medford) were hired, and the committee began convening in October 2020. The committee has been meeting for 1.5 hours every week, taking breaks during the holidays. The RESC has hosted two “in-person” public comment sessions and has opened up a written public comment option in order to make the process more accessible to a wider array of people. The RESC was originally tasked with completing their work by January 22nd, 2021, but the group has requested and was granted an extension to complete their work by April 1st, 2021. This interim report captures the work that the RESC has completed thus far and the work the committee has yet to complete.

What Has Been Accomplished

CHARGE #1

The committee began by examining Charge #1¹, asking the question “Is the role of the Portland Police Department (PPD) too broad?” The committee was in unanimous agreement that the PPD's role was too broad, specifically citing incidents relating to mental health crises, substance

¹ Charge #1: “an examination of the ever expanding role we, as a City, have asked the police to play in our community — ranging from responding to noise complaints, traffic violations, and violent crime to conducting wellness checks and responding to behavioral health calls and drug overdoses — and whether we have provided them with the appropriate resources to accomplish this work”

use-related incidents, and incidents related to homelessness as areas that could benefit from an alternate response.

In order to relieve the ever-growing burden placed on the PPD, the RESC recommends that the City fund an organization or a project within an organization that would take on the role of responding to non-violent incidents within communities related to homelessness, substance use, and mental health. The RESC recommends adapting a model of response similar to the CAHOOTS model ([Crisis Assistance Helping Out On The Streets](#)). This crisis response model originated in Eugene, Oregon, and has been adopted in Portland, Oregon as well as Denver, Colorado². The researcher hired to work with the RESC identified similar crisis response models operating or being developed in San Francisco, California, Indio, California, and Rochester, New York. [See Appendices A and B]

The committee believes strongly that this crisis response team must exist separately from the PPD and that the employees of the program not be City employees. The committee recommends that this program be housed within a community-based organization that already provides social services to marginalized communities dealing with homelessness, mental health crisis, and/or issues related to substance use. Housing this project within a community-based organization ensures that the staff will have a solid understanding of the social service networks available within Portland. The committee sees this type of crisis response as being therapeutic rather than punitive, which is another reason the recommends that this program exists separate from the PPD. When discussing the need for this alternative response to non-violent crises, the committee members brought their knowledge, understanding, and experiences of the traumatic effects of having law enforcement respond to incidents related to substance use, mental health, and homelessness.

The committee identified a deeply entrenched lack of trust of law enforcement by marginalized communities, particularly Black, Brown, and homeless communities. The committee acknowledged that this lack of trust stems from a long history of over-policing directed at and experienced by those communities, along with historical and present trauma associated with encounters with law enforcement. Committee members are not unanimous in their sense that trust between the PPD and Portland's marginalized communities can be established, but the full committee agrees that attention needs to be paid towards police oversight and accountability, as well as regular and in-depth anti-racist and/or anti-bias training for law enforcement, other City staff, and City Councilmembers.

The committee believes that a process with more public involvement and transparent oversight is needed in order to keep officers who have complaints leveled against them accountable for their actions. The committee recognized the work of the Police Citizen Review Subcommittee PCRS, but was unanimous in their lack of confidence in the PCRS due to the policies that structure the committee's work. The RESC recommends that the PCRS be dissolved, and that a more equitable and accountable oversight committee be formed in its place. RESC recommends an oversight committee that welcomes all community participants, regardless of their experiences with law enforcement, the criminal justice system, or their employment. The committee is firm

² Denver has created a program called Supported Team Assisted Response (STAR): <https://denverite.com/2020/06/08/a-long-planned-program-to-remove-police-from-some-911-calls-launched-as-denvers-streets-erupted-in-police-brutality-protests/>

in their belief that the current disqualifications attached to the PCRS stigmatize and punish people who have been arrested and/or who have been incarcerated. One committee member in particular, who openly speaks about their incarceration, named the overt inconsistencies about being permitted to serve on the RESC, but not being permitted to serve on the PCRS. The researcher hired for the RESC work, Dr. Medford, is currently researching other police accountability models that might achieve the level of, openness, transparency and accountability the committee and Portland community members want to see.

The committee also believes that a combination of racial equity assessment and anti-bias training is needed to begin to ensure that law enforcement, City staff, and City Council are engaging with Black and Brown people in equitable ways. The committee feels strongly that anti-bias trainings lose their efficacy when they are not performed regularly and when they are not partnered with an assessment of procedures and policies that may contain overt and/or covert racial biases. At the time of this interim report, the RESC is preparing to recommend that the PPD and all City offices/departments undergo a racial equity assessment performed by an organization such as the Government Alliance on Race and Equity ([GARE](#)). This assessment should be performed regularly, with the level of frequency established by the organization completing the assessment. The PPD, all City staff, and City Council should also undergo extensive anti-bias and racial equity training facilitated by a consulting firm such as the [Mid Atlantic Equity Consortium](#), which is the firm currently facilitating racial equity training with the Portland Public Schools.

CHARGE #2

The committee has also addressed Charge #2³. Prior to putting forward and discussing proposals for Charge #2, the committee felt it would serve them to develop a working definition of “public safety” – one that looked at safety in a broad context and took racial and ethnic identity into account. The RESC has defined public safety as the following:

- A. Protecting the wellbeing of people of all races & ethnicities, communities, and organizations.
- B. Safeguarding people from crimes, disaster, and other potential dangers and threats, and reducing fear.
- C. Ensuring that all people get a fair and equitable chance to lead a high quality of life that is not predicted by race.

As the committee began working on Charge #2, committee members returned to a point several members had brought up at the beginning of the process – completing a plan racial equity is not a goal that can be achieved by a committee over the course of a few months. Racial justice and racial equity work need regular attention and constant tending.

To address the ongoing work towards racial equity, the committee recommends the formation of two new entities: a Department of Racial Equity and a Permanent Board on Racial Equity. [See Appendices C and D, respectively]

The Department of Racial Equity would employ a Director or Commissioner of Racial Equity as ~~a permanent position within the City Manager’s office~~. This position would be supported by at

³ Charge #2: “reviewing...the way in which the City interacts with area agencies, organizations, and non-profits in the name of public safety and how these partnerships can best work to enhance public safety in the City”

least two staff positions, also housed within the Department. This newly established department would liaise with the City's permanent Racial Equity Board, community members, and internal departments to analyze city policies, programs, and practices with the goal to eradicate any structural or institutional racism within the city government structure.

This department would do the following: 1) collect and compile racial demographics from the GA office and all Health and Human Services departments for applications, denials, and approvals; 2) analyze data, policies and practices, with the objective of eliminating race-based disparities; 3) hear complaints and mediate conflicts between clients and departments; and 4) publish an annual report that captures racial demographics, findings, and analysis. Prior to publishing this annual report, the Director of the department will work with the permanent Board on Racial Equity to create relevant recommendations that will accompany the report.

The permanent Board on Racial Equity will be a community-based, volunteer board, with one seat reserved for the director of the Department of Racial Equity. The Board will review the findings and the analysis produced by the Department, and will provide feedback and recommendations prior to the publication of the Department's annual report. The permanent Board must include a representative from a service provider that serves the following: people experiencing homelessness, substance use, mental health disruptions, and/or domestic violence; immigrants, refugees, and/or asylum seekers; youth; and currently or formerly incarcerated people. The Board must also include organizations or individuals with expertise with systemic racism and racial disparities. In addition to the previously mentioned categories of expertise, the Board must include a certain number people with lived experiences in the above-mentioned categories and a certain number people who self-identify as Black, Indigenous, or a Person of Color (BIPOC). The committee members have not made a final decision about the specific number of impacted and BIPOC identified people that should serve on the board. The committee will come to a decision in the next few weeks and this information will be updated in the committee's final report.

The committee also recommends that City Council develop and implement [The Framework for an Equitable Covid-19 Homelessness Response](#) to address current and future public health crises, including:

- a. Unsheltered People
- b. Shelters
- c. Housing
- d. Diversion and Prevention; and
- e. Strengthening the system for the future.

To Be Done

The RESC has four proposals from committee members to consider before the group is finished with the three charges put forth in the resolve. Summaries of those proposals are listed below. Two of the remaining proposals the committee will be discussing will have fiscal notes attached to them. The committee hopes that City Council will take these proposals into account during upcoming budget discussions.

- The aforementioned proposal regarding a racial equity assessment and racial equity/anti-bias training for the Portland Police Department, all City staff, and City Councilmembers.
- A proposal to reserve 10% of all City contracts for socially and economically disadvantaged minority-owned businesses. [See Appendix E]
- A proposal to review all current Criminal Trespass Orders (CTOs) from shelters, public places, and private properties in order to ascertain whether or not the issuance of CTOs has a disparate impact on historically racially marginalized communities and/or people struggling with substance use or mental health diagnoses. After this review is complete, the proposal recommends a review of the policies surrounding the issuance of CTOs and recommends withdrawing CTOs all together and offering social services and shelter instead.
- A proposal that addresses a variety of recommendations, including, but not limited to: establishing a City of Portland Human Rights Commission, a resource sharing hub for Portland-based non-profits and public institutions, a partnership between the City of Portland and the regional Chamber of Commerce to establish and promote hiring pledges that would benefit BIPOC workers, and renaming a select number of Portland street to better reflect Portland's BIPOC population.

While the RESC has not addressed Charge #3 of the resolve⁴, the committee has acknowledged that the depth of review required to address and correct any covert and/or overt racism within City policies, structures, and procedures related to public safety would require consistent and ongoing work that lies outside of the capacity of the ad hoc Racial Equity Steering Committee. While discussing the recommendations to create the Department of Racial Equity and the Permanent Racial Equity Board, several committee members mentioned tasking these future entities with the work outlined in Charge #3. The committee has yet to return to this discussion, but it is likely that the group will be in consensus about asking these future entities to take up this work.

The RESC will continue to meet until April 1st, 2021. A full report will be submitted to City Council for review by Monday, April 12th, 2021.

⁴ Charge #3: "recommending changes, as necessary, to various policies, structures, and procedures related to public safety that may disproportionately impact Black people and other persons of color with the specific aim of improving community relations, establishing mutual trust and respect, and rooting out and ending systemic racism"

APPENDIX A

RESEARCH MEMO

DATE: NOVEMBER 30, 2020

TO: PORTLAND RACIAL EQUITY STEERING COMMITTEE

FROM: MARCELLE MEDFORD, RESEARCHER

SUBJECT: REVALUATING THE ROLE OF POLICE & STRATEGIES FOR RESPONDING TO PUBLIC HEALTH

Cities around the country are addressing the police's expanding role in community life by trying to remove police from calls that involve (1) psychiatric crisis, (2) substance abuse, (3) issues involving housing instability, (4) domestic violence, and (5) youth behavioral issues. There are a range of CR (Community Responder)^[1] programs working to intervene on the level of police involvement with under resourced populations. All of the programs are designed to de-escalate potential instances of police violence and avert incarceration.

Whereas some programs have health professionals and social workers take the lead in responding to non-emergency calls, other programs aim to pair specially trained officers with behavioral clinicians. The latter strategy may resemble Portland's Behavior Health Response Program (BHRP)^[2].

In the sampling of cities provided below, I briefly describe existing strategies that cities use to address who responds to public health related calls:

- Eugene, Oregon developed the program called CAHOOTS^[3] (Crisis Assistance Helping Out On The Streets), a mobile response team of EMTs and mental health professional that are dispatched by 911. They coordinate with law enforcement. Other cities that have adopted this program include:
 - Portland, Oregon and Denver, Colorado have launched pilot programs based on CAHOOTS^[4].
- San Francisco is also developing a street response team "mobile units will include a paramedic, a psychologist or social worker and a peer support specialist, someone with lived experience in addiction and recovery". These teams will take over police calls that report of mentally disturbed persons.
- Indio, California has a program called QOL^[5] (Quality of Life), which is a specialized outreach program that assists individuals who are experiencing homelessness. They host two permanent officers within their organization.
- Rochester, New York, has FACIT (Family Crisis Intervention Team)—a team of trained social service professionals and mediators—responds to calls related to domestic disputes, youth behavioral challenges, landlord-tenant problems, death notifications, and child abuse. FACIT was originally housed within the Rochester Police Department; however, following the killing of Daniel Prude—a 41-year-old Black man who died of asphyxiation after police restrained him during a mental health wellness check—the city announced plans to transfer FACIT out of the police department. FACIT will now be housed within the Rochester Department of Recreation and Youth Services' newly created Crisis Intervention Services

Unit, a civilian office established to strengthen and coordinate non-law enforcement responses to public safety needs ^[1].

^[1] The Community Responder Model: How Cities Can Send the Right Responder to Every 911 Call

By Amos Irwin and Betsy Pearl. October 28, 2020

<https://www.americanprogress.org/issues/criminal-justice/reports/2020/10/28/492492/community-responder-model/>

^[2] <https://portlandmaine.gov/1150/Behavioral-Health-Response-Program>

^[3] <https://whitebirdclinic.org/cahoots/>

^[4] Cities Aim To Remove Police From Most Psychiatric, Substance Abuse Calls

<https://www.npr.org/2020/10/15/923885799/cities-aim-to-remove-police-from-most-psychiatric-substance-abuse-calls>

^[5] https://www.indio.org/your_government/police/ipd/field_service/quality_of_life_team.htm

Other Resources:

A Guidebook to reimagining America's Crisis Response Systems: A Decision Making Framework for Responding to Vulnerable Populations in Crisis.

https://www.abtassociates.com/files/Projects/PDFs/2020/reimagining-crisis-response_20200911-final.pdf

Innovative Solutions to address the mental health crisis Shifting away from police as first responders. By Stuart M. Butler and Nehath Sheriff. November 23, 2020

<https://www.brookings.edu/research/innovative-solutions-to-address-the-mental-health-crisis-shifting-away-from-police-as-first-responders/>

Responding to individuals in behavioral health crisis via co-responder models: The Roles of Cities, Counties, Law Enforcement, and Providers. By Ashley Krider & Regina Huerter, Policy Research, Inc. Kirby Gaherty & Andrew Moore, National League of Cities January 2020

<https://www.nlc.org/wp-content/uploads/2020/10/RespondingtoBHCrisisviaCRModels.pdf>

Beyond Policing: Investing in Offices of Neighborhood Safety. By Betsy Pearl. October 15, 2020

<https://www.americanprogress.org/issues/criminal-justice/reports/2020/10/15/491545/beyond-policing-investing-offices-neighborhood-safety/>

Progressive Criminal Justice Ballot Initiatives Won Big in the 2020 Election. By Sarah Figgatt November 19, 2020

<https://www.americanprogress.org/issues/criminal-justice/news/2020/11/19/493026/progressive-criminal-justice-ballot-initiatives-won-big-2020-election/>

APPENDIX B

DATE: FEBRUARY 03, 2021

TO: PORTLAND RACIAL EQUITY STEERING COMMITTEE

FROM: MARCELLE MEDFORD, RESEARCHER

SUBJECT: PRELIMINARY INQUIRY ABOUT CAHOOTS MODEL

The CAHOOTS model in Eugene, Oregon warrants further examination in considering the police's role in the city's public safety. The committee has requested I research the following three questions: (1) Does the CAHOOTS program have a language accessibility plan? How do they serve people who primarily use languages other than English?; (2) Who manages the staffing and hiring process? The parent organization or the city?; (3) In what ways is the program beholden to the city, since they are a funding source?

Findings: Through email correspondence with Arlo Silver, CAHOOTS Office Manager, via White Bird Clinic's General Inquiry Contact Form^[1]

CAHOOTS uses an interpreter service (called Certified Languages International^[2]) if the responding team encounters a client that does not speak English. They have over 200 languages on their list.

CAHOOTS manages all of their hiring internally, though hires have to pass a more stringent background check than other White Bird Clinic hires, due to their access to police radios and information. (For additional details see attached contract between White Bird and City of Eugene)

CAHOOTS is funded by the city. They are limited in the scope of calls they can respond to based on a few factors: They have a Medical Director that oversees their Medics' scope of practice, and all of their QMHAs (Crisis Workers) are required to participate in supervision with a Clinical Supervisor (QMHP). They have an agreement with Public Safety and Dispatch in both Eugene and Springfield around which calls they send them on, both alone and with Police backup. This is largely due to safety and liability factors. (For additional details see attached contract between White Bird and City of Eugene)

Additional Findings:

Please see attached the Personal Services Contract between City of Eugene, Oregon and White Bird Clinic (Contractor) for CAHOOTS Services. Details on staffing and limitations imposed by the city are on pages 5-7 of the contract, and provided below.

See the following sections: [10] "Subcontracting," [11] "Assignment," [12] "Independent Contractor," [15] "Cooperative Planning Requirements" [16] "Staffing Restrictions," [17] "Use of Equipment."

Selections from Contract [Full Contract Attached]:

10. Subcontracting. Contractor was selected for its special knowledge, skills and expertise, and shall not subcontract the Services, in whole or in part, without City's prior written approval, which may be withheld for any reason. Contractor shall require any approved subcontractor to agree, as to the portion subcontracted, to comply with all obligations of Contractor specified in the Contract. Notwithstanding City's approval of a subcontractor, Contractor shall remain obligated for full performance of the Contract and City shall incur no obligation to any subcontractor. Contractor shall indemnify, defend and hold City harmless from all claims of subcontractors.

11. Assignment. Contractor shall not assign the Contract, in whole or in part, or any right or obligation hereunder, without City's prior written approval, which approval shall not be subject to a reasonableness standard. If Contractor is a corporation or partnership, a change in ownership of Contractor resulting from a voluntary transfer of stock or partnership interests, or a transfer upon death or disability of any owner, shall not constitute an assignment unless the transferor is one of the key personnel specified in Section 2.2 of this Agreement.

12. Independent Contractor. Whether Contractor is a corporation, partnership, other legal entity or an individual, Contractor is an independent Contractor. If Contractor is an individual, Contractor's duties will be performed with the understanding that Contractor is a self employed person, has special expertise as to the Services which Contractor is to perform and is customarily engaged in the independent performance of the same or similar Services for others. The manner in which the Services are performed shall be controlled by Contractor; however, the nature of the Services and the results to be achieved shall be specified by City.

Contractor is not to be deemed an employee or agent of City and has no authority to make any binding commitments or obligations on behalf of City except to the extent expressly provided herein.

15. Cooperative Planning Requirements. Contractor recognizes that planning within the City and other state and local agencies is essential to the success of a coordinated service delivery system. Contractor agrees to attend and participate in a reasonable number of meetings and planning efforts initiated by City, and to provide non-confidential data already in Contractor's possession which may be required by City and is reasonably necessary to achieve compliance with City programmatic goals. Contractor agrees to maintain open and responsive working relations with the Eugene Police Department (EPD).

16. Staffing Restrictions.

16.1 Contractor represents that it has employees who have experience and training to provide the services described herein, and in the attached Exhibit B, in a reasonable and responsible manner. City relies upon this representation in entering into this contract. Contractor agrees to provide the employees necessary to provide the services under this contract and to ensure such employees obtain any training provided by the City. Prior to any employee of Contractor providing the services, Contractor shall disclose in writing to City the employee's qualifications and experience to perform these services. All such employees of Contractor shall be subject to the provision of service protocols and the rules of conduct specified in the attached Exhibit B. Contractor shall facilitate a background check of prospective CAHOOTS employees by using a background application provided by the City of Eugene. Contractor shall also inform prospective employees that their full name, date of birth, driver's license number, and other information needed in the security form, will be submitted to the police department for a clearance check prior to employment. The security clearance is required prior to using the police radio or operating a City vehicle. All CAHOOTS personnel will be trained to operate the police radio. The prospective employee shall sign a waiver allowing the background check to be performed by EPD. An authorized White Bird employee shall also sign the waiver from as witness to the signing by the prospective employee. White bird may first make a copy for their records and then send the original form to the Contract Manager at EPD. The Contract Manager has 21 days, not including holidays or weekends, to perform the require background check.

16.2 During the provision of patrol, crisis intervention and transportation services under this contract, the City provided vans shall be staffed by at least two persons per van. At least one person shall be currently certified as an Emergency Medical Technician, First Responder, Registered Nurse, or Licensed Health Care Practitioner, and at least one person shall be commissioned by the City as a Transportation Officer to perform functions under ORS 430.399. The person commissioned by City as the Transportation Officer shall make the final decision regarding transportation of any person to a non-emergency medical care provider or to an alcohol, drug or mental health treatment facility.

16.3 Except for a trainee observer actively involved in a program leading to employment by Contractor, no person shall ride in the van except for employees of the Contractor, City or Lane County, who are in the course of providing services under this contract and persons being transported to a treatment facility. At no time shall more than three persons employed by, or under training with Contractor, ride in the van. City reserves the right to reject any employee of Contractor and/or its trainee observer from riding in the van or participating in Contractor's provision of services under this contract, on the basis of the individual's driving record or criminal history record.

17. Use of Equipment.

17.1 City agrees to provide Contractor with two (2) modified passenger vans and portable radios for use during the duration of this contract. Equipment shall be provided in good working order, and Contractor agrees to return the vans, radios and any other equipment the City agrees to provide Contractor for program use, in good working order and general condition at the completion of the contract. City shall provide necessary fuel, maintenance and repairs of equipment, except Contractor shall bear any costs of any equipment repair necessary due to deliberate, - repetitive or grossly negligent acts by Contractor's employees. City shall provide ongoing maintenance for the equipment according to the standard maintenance schedule. Contractor shall maintain the vans so that it is free of all hazards to inebriated occupants. All vehicle backing requires the use of a spotter to avoid vehicle damage.

17.2 White Bird will provide a secure area for the police radios, which will be approved by the EPD Contract Manager. All CAHOOTS personnel will keep their radios on and at a volume to hear the dispatcher. If a call dictates a quiet environment, one radio must be kept on and at a volume so that CAHOOTS personnel can hear dispatch. If they have only one radio, it must be kept on and at a volume so they can hear dispatch. If a radio does not work properly, the Contractor will make immediate arrangements to have the radio fixed by City of Eugene technicians. The Contractor will notify, by email, when a radio or vehicle is out of service for maintenance. They will include the item number so the Contract Manager can log a history of maintenance

Sources and Additional Resources

1. Whitebird Clinic's General Inquiry Contact Form: <https://hipaa.jotform.com/203625245190147>
2. Certified Languages International: <https://certifiedlanguages.com/>

APPENDIX C

Director of the Department of Racial Equity

Proposal: To create a new Department of Racial Equity for the City of Portland, Maine that will be led by the Director of the Department of Racial Equity.

We propose that the goals of this position will be to work with the City's permanent Racial Equity Commission, the community, and internal departments to analyze city policies, programs and practices with the goal to "eradicate any structural or institutional racism" within the city government structure and to work with the city's police department to review all policies and to reimagine the definition of "community safety,"

We believe this office should work to reimagine and reinvent and reform the systems that have traditionally inhibited the progress of Black and Brown and Indigenous people. We also suggest that the Director consider how other factors such as gender, sexual orientation and disability fit into the discussion and recommendations for reform as well.

APPENDIX D

City of Portland Racial Equity Steering Committee

DRAFT PERMANENT COMMISSION RECOMMENDATION

January 15, 2021

Background

One of the primary charges of the Racial equity Steering committee is to examine systems and make recommendations that address and respond to systemic racism. The Racial Equity Steering Committee wants to highlight that systemic racism has historical, complicated and intersecting roots in Portland, as it does in Maine and the rest of the United States. As such, the Racial Equity Steering Committee recognizes that addressing and responding to systemic racism requires on-going, long term efforts. This work must address current practices as well as review and analyze emerging ones. We therefore recommend the following:

The Portland City Council should establish a permanent Commission on Racial Equity. This commission should be charged with continuing the work outlined in Resolution 1-20/21. More specifically, the Commission will focus on public safety and racial disparities, and their work will include but will not be limited to:

- Identifying and addressing racial disparities in access to public safety related services
- Developing and overseeing systems for collecting and resolving citizen complaints
- Developing and overseeing systems to improve to the ways in which public safety related information is made available to BIPOC and other marginalized people.

Commission Composition

The Permanent Commission on Racial Equity will be composed of x members. The committee must include:

- nonprofit organizations providing services to:
 - people experiencing:
 - homelessness
 - substance use disorders
 - mental health disorders
 - domestic violence
 - immigrants/refugees/asylum seekers
 - youth
 - currently and formerly incarcerated people
- Organizations or individuals with expertise in systemic racism and racial disparities

In addition, the commission must include

- No fewer than x people with lived experiences in the above-mentioned categories
- No fewer than x people who self- identify as BIPOC.

Note that these roles are not mutually exclusive. Members of the commission may have multiple roles (ex. a BIPOC person who has lived experience with substance use disorders and works with youth).

APPENDIX E

Proposal to reserve 10% of all city contracts for social and economically disadvantage minority owned businesses.

Any contract around 5 million and above should require a minority subcontractor before a contract can be awarded.

City workforce should reflect the population it serves. City should require 15% of its employees to be historically disadvantaged minorities.

City of Portland shall promote this program to social and economically disadvantaged communities

The city will collect data on this program and report it to the city council on annual bases

The city covers the down payment for historically racial disadvantaged residents of Portland who have housing choice voucher and qualify to purchase home

- City pay 3.5% down payment for section 8 qualifiers
- Required 10 years residence in the property
- Take secondary lien on the property in case of foreclosure
- Limit participation to 10 qualifying families a year
- Asked for the PMI to be waive by the mortgage company

Housing Choice Voucher

- Shelter Plus for individuals who have experienced homelessness
- Bridging rental assistant program (BRAP) for people who are struggling with mental illness
- Step Voucher two year housing voucher for formerly unhoused population
- Project based section 8 program (building specific)
- Section 8 voucher

Waiting list is from three years to ten years (section 8 and project based section 8)

Housing Choice Voucher priority

- Long term homeless
- Disable
- Veteran

Section 8 Homeownership program requirement:

- Family qualify for home ownership program
- Housing is eligible for purchase under the voucher
- Family completed first time home ownership training
- Family satisfied the minimum income and work requirement
- Family have not defaulted on mortgage securing debt to purchase home

TABLE 2: The chart below illustrates the direct federal assistance in helping Maine families as of 2018.

FEDERAL RENTAL ASSISTANCE	FAMILIES ASSISTED
House Choice Voucher	11,700
Section 8 Project Based	7,800
USDA Rental Assistance	5,900
Public Housing	3,800
Supportive Disable and Elderly	900

Source: Center on Budget and Policy Priority, 2018

Background

The Racial Equity Steering Committee (RESC) began convening in October 2020. The committee has been meeting for 1.5 hours every week, taking breaks during the holidays. The RESC has hosted two “in-person” public comment sessions and has opened up a written public comment option in order to make the process more accessible to a wider array of people. The RESC was originally tasked with completing their work by January 22nd, 2021, but the group has requested and was granted an extension to complete their work by April 1st, 2021.

Completed

- A recommendation for the City of Portland to adopt a crisis response model similar to the CAHOOTS model, originated in Eugene, Oregon. The committee strongly recommends that this crisis response model be housed in an organization that is already providing social services to marginalized and impacted members of Portland’s community. This response model may work in collaboration with the Portland Police Department (PPD) on certain calls, but it should not be housed within the PPD or receive funding from the PPD.
- A recommendation for the PPD, all City of Portland staff, and all City Council members to undergo a racial equity audit and to engage in racial equity or anti-bias trainings annually. Outside firms, like the Government Alliance on Racial Equity (GARE) and the Mid Atlantic Equity Consortium, should be engaged for this work.
- A recommendation to dissolve the Police Citizen Review Subcommittee in its current iteration and to create a committee that: is transparent; provides true accountability; and is open to all members of Portland’s community, regardless of their experiences with the criminal justice system.
- A recommendation to form a Department of Racial Equity, housed within City government, and a Permanent Racial Equity Board, separate from City government and staffed by community-based volunteers. These entities will continue the work that was assigned to the RESC, particularly the work related to evaluating City policies for covert and/or overt racism and bias.
- A recommendation that City Council develop and implement [The Framework for an Equitable Covid-19 Homelessness Response](#) to address current and future public health crises.

To Be Completed

- A proposal to reserve 10% of all City contracts for socially and economically disadvantaged minority-owned businesses.

- A proposal to review all current Criminal Trespass Orders (CTOs) from shelters, public places, and private properties in order to ascertain whether or not the issuance of CTOs has a disparate impact on historically racially marginalized communities and/or people struggling with substance use or mental health diagnoses. After this review is complete, the proposal recommends a review of the policies surrounding the issuance of CTOs and recommends withdrawing CTOs all together and offering social services and shelter instead.
- A proposal that addresses a variety of recommendations, including, but not limited to: establishing a City of Portland Human Rights Commission, a resource sharing hub for Portland-based non-profits and public institutions, a partnership between the City of Portland and the regional Chamber of Commerce to establish and promote hiring pledges that would benefit BIPOC workers, and renaming a select number of Portland street to better reflect Portland's BIPOC population.

MEMORANDUM
City Council Agenda Item

FROM: Christine Grimando

DATE: February 12, 2021

SUBJECT: Reconsideration of Order 126B-20/21 Designating Munjoy Hill Historic District and Amending the Map of Historic Districts - Sponsored by the Planning Board, Brandon Mazer, Chair

SPONSOR: Brandon Mazer, Chair, Portland Planning Board
(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 2/22/2021

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

PRESENTATION:

Staff will be available to answer questions.

I. SUMMARY

Councilor Zarro, who voted in the majority on February 1, 2021 not to approve the designation of a proposed Munjoy Hill Historic District, is requesting that the decision be reconsidered pursuant to Rule 19 of the Council Rules of Procedure. If reconsideration is approved, Councilor Zarro is requesting that the proposal return to the Council on April 5, 2021 for a decision, which will allow for additional research to aid the Council in its deliberations.

II. AGENDA DESCRIPTION

On February 1, 2021, the City Council considered Order 126-20/21 designating an area of Munjoy Hill as a local Historic District and six structures outside the proposed district as individual local landmarks. The Council voted to bifurcate the original Order 126-20/21, separating the landmark and historic district designations, then amended (by removing 21 Sheridan Street from consideration) the landmark designation portion of the item and approved the designation of 101-107 Congress, 7 Lafayette, 8-12 Montreal, 51 Monument, and 28 Waterville as individual landmarks. The City Council voted 4-5 (Fournier, Mavodones, Ali, Zarro, Chong) not to approve the designation of a Munjoy Hill Historic District.

Councilor Zarro, who voted in the majority, has requested that the historic district designation, here numbered Order 126B-20/21, be reconsidered pursuant to Rule 19 of the Council Rules of Procedure.

Five affirmative votes are required to reconsider this item.

If reconsideration is approved, Councilor Zarro has requested that this item be postponed to April 5, 2021 to allow for additional research and discussion.

III. BACKGROUND

Formal consideration of a historic district on Munjoy Hill is the final component of a multi-pronged planning

initiative that began in late 2017 at the direction of the Council. In response to concerns about an increase in demolitions on the Hill and the scale or character of a number of new developments, the Council put in place a temporary moratorium on new development and instructed Planning staff to develop a recommendation for new and/or modified planning tools to more effectively guide development on Munjoy Hill. In 2018, when the Planning & Urban Development Department presented its slate of recommendations, exploration of a historic district for a portion of the Hill was among the planning tools staff recommended, along with the a Munjoy Hill Neighborhood Conservation Overlay District, and revisions to the R-6 design standards. A historic district proposal was not brought forward simultaneously due to the need for additional documentation and analysis before any specific proposal could be made, as required under Portland's preservation ordinance.

IV. INTENDED RESULT AND/OR COUNCIL GOAL ADDRESSED

Designation of a historic district on Munjoy Hill is intended to ensure the long-term preservation of the building stock that contributes significantly to the neighborhood's unique sense of place and unique history.

V. FINANCIAL IMPACT

No additional staffing is required for the proposed designation.

VI. STAFF ANALYSIS AND BACKGROUND

The attached report includes a full discussion of the specifics of the designation proposal, criteria for designation, deliberations by the Planning Board, the range of public comment received, and supporting documentation. Prepared in anticipation of the Feb. 1st public hearing, it includes discussion of the already approved landmark designations, as well as the district nomination. At previous Council workshops and public hearing, a longer list of attachments containing supplemental information was included, but only the attachments most pertinent to the nomination are included for February 22nd. Past materials can be accessed in previous agenda packets and updated supplemental materials will be provided for April.

VII. RECOMMENDATION

The Planning Board voted 4-3 to recommend designation of a portion of the Munjoy Hill neighborhood as a local historic district upon a unanimous recommendation of the Historic Preservation Board.

VIII. LIST ATTACHMENTS

1. 1. Reconsideration Order 126B-FY 21
2. 2. 11-9-2020 Council Report
3. 3. 1-27-2021 Supplemental Mem
4. 4. 11-13-2020 Supplemental Memo
5. 5. Map of Munjoy Hill
6. 6. Munjoy Hill Historic Context Statement
7. 7. List of Properties with Classifications
8. 8. Historic Preservation Ordinance Designation Criteria

Prepared by:

Christine Grimando

Date: 2/12/2021

Order 126-20/21

Motion to postpone to February 1, 2021: 9-0 on 11/16/2020

Motion to bifurcate the order into one with the historic district only and one with historic landmarks only: 9-0 on 2/1/2021

Passage of Order 126B-20/21, Historic District only: failed 4-5 (Fournier, Mavodones, Ali, Zarro, Chong) on 2/1/2021

Motion to Reconsider:

KATE SNYDER (MAYOR)
BELINDA S. RAY (1)
SPENCER R. THIBODEAU (2)
TAE Y. CHONG (3)
ANDREW ZARRO (4)

**CITY OF PORTLAND
IN THE CITY COUNCIL**

MARK DION (5)
APRIL D. FOURNIER(A/L)
PIOUS ALI (A/L)
NICHOLAS M. MAVODONES, JR (A/L)

**ORDER DESIGNATING AREA OF MUNJOY HILL AS A HISTORIC DISTRICT
AND AMENDING THE MAP OF HISTORIC DISTRICTS WITH LANDMARKS
AND HISTORIC LANDSCAPE DISTRICTS**

WHEREAS, the City Council is authorized pursuant to Portland City Code Chapter 14, Section 622 to designate a defined area in the City as a historic district; and

WHEREAS, the Historic Preservation Board and Planning Board have both recommended the designation of the Munjoy Hill Historic District; and

WHEREAS, the designation of the Munjoy Hill Historic District will fulfill a stated goal of the Comprehensive Plan to protect the City's historic resources through ongoing identification and designation of eligible landmarks and districts; and

WHEREAS, the designation of the Munjoy Hill Historic District does not conflict with other stated goals of the Comprehensive Plan and the Plan identifies historic preservation as integral to Portland's economic development strategy, its sustainability goals and to a multidimensional housing strategy; and

WHEREAS, the designation will formally recognize the unique history of Munjoy Hill which developed originally as a working-class neighborhood in direct response to key events and developments in the city's history and was home to generations of immigrants in the City of Portland; and

WHEREAS, the vernacular nineteenth and early twentieth century historic structures and the modest-scale, dense development pattern of Munjoy Hill create an identifiable visual character that is appreciated by residents and visitors to the City; and

WHEREAS, the designation will prevent the demolition of identified contributing structures within the Munjoy Hill district; avoid the incremental loss of character that can occur through inappropriate building alterations and additions over time; and encourage new infill development that is compatible with the neighborhood's historic character; and

WHEREAS, the designation will stabilize and enhance the Munjoy Hill neighborhood over time for the benefit of Portland residents and visitors alike;

NOW THEREFORE BE IT HEREBY ORDERED that, pursuant to Chapter 14, Section 622, the Portland City Council hereby designates the area shown on the attached map, as the Munjoy Hill Historic District; and

BE IT FURTHER ORDERED, that the map of Historic Districts with Landmarks and Historic Landscape Districts is hereby amended to include the Munjoy Hill Historic District as set forth on the attached map.



**PLANNING BOARD REPORT
to the CITY
COUNCIL
PORTLAND, MAINE**

Recommendation to Designate
Munjoy Hill Historic District and Six Individual Landmarks

Submitted to: Mayor Snyder and members of the Council
From: Chair Brandon Mazer & Planning Board
1st Reading: November 9, 2020
Public Hearing: November 16, 2020

Prepared by: Christine Grimando, Planning & Urban
Development Director
Deborah Andrews, Historic Preservation Program Mngr.
Date: October 22, 2020

I. INTRODUCTION

On August 11, 2020, the Planning Board voted (4-3) to recommend to the City Council designation of a portion of the Munjoy Hill neighborhood as a local historic district subject to the provisions of Portland's historic preservation ordinance (Article IX of the Land Use Code) and as delineated in the map below (see also ATTACHMENT 1). The Planning Board's final deliberations and vote followed two workshops and a March 10, 2020 public hearing. Final deliberations were delayed until August due to an interruption to the Covid-19 pandemic's interruption of the Planning Board's schedule.

Proposed Munjoy Hill Historic District and Individual Landmark Designations
Per Historic Preservation Board Recommendation



The Planning Board's consideration of the proposed Munjoy Hill Historic District was upon the unanimous recommendation of the Historic Preservation Board, which concluded its own five-month detailed review process in November 2019. The Historic Preservation Board also voted unanimously to recommend individual landmark designation for six Munjoy Hill historic structures located outside the boundaries of the contiguous historic district. Landmark designation was recommended for 101-107 Congress, 7 Lafayette, 8-12 Montreal, 51 Monument, 21 Sheridan (but since recommended for removal, see p. 6, Noticing issue), and 28 Waterville. The Planning Board did not take up the proposed landmark designations as part of its review, as recommendations for individual designations are forwarded directly by the Historic Preservation Board to the Council under the provisions of the preservation ordinance.

The Council is reviewing both the proposed historic district designation as well the landmark designations. In reviewing the proposed Munjoy Hill Historic District and individual landmark designations, the Council will be considering whether the proposed district and individual structures meet the criteria for designation included in Portland's historic preservation ordinance. The Council will also consider the relationship of the proposed designation to other goals included in the City's comprehensive plan, *Portland's Plan 2030*.

As required under Sec. 14-617 of the historic preservation ordinance, these designation recommendations are accompanied by the following supporting documents and material:

- Map of the proposed district boundary. Map includes classification of every property within the district based on its preservation status, of either Landmark, Contributing, Non-Contributing (ATTACHMENT 1).
- Historic Context Statement describing the development history of Munjoy Hill, the architectural and cultural significance of the neighborhood in the context of the history of Portland, and the prevailing visual character and predominant architectural styles found in the district (ATTACHMENT 2).
- List of every property, 427 in all, within the proposed district with its classification. (ATTACHMENT 3).
- Historic Resources Inventory which includes a detailed entry for every structure within the proposed district. Each inventory form includes the building's date of construction and assigned classification, an architectural description and a summary of alterations since it was photographed in 1924. Also included are current and 1924 (where available) photos of the subject structure. Sample inventory forms are enclosed as ATTACHMENT 4. The full inventory is available on the Planning & Urban Development Department's website: <https://www.portlandmaine.gov/2451/Munjoy-Hill-Historic-District>
- Historic Resources Inventory forms for the six proposed individual landmarks, with same level of information (ATTACHMENT 5).

II. SIGNIFICANCE OF MUNJOY HILL NEIGHBORHOOD, INTENT OF HISTORIC DESIGNATION

The Munjoy Hill neighborhood is significant and unique among neighborhoods on the peninsula for its direct association with four key developments in the city's history: the establishment of the Atlantic & St. Lawrence Railroad and Portland Company in 1850, when founders of the two entities laid out some of Munjoy Hill's first streets to house workers; the Great Fire of 1866, when widespread displacement from other areas of the city led to a rapid build-out of the as-yet largely undeveloped neighborhood; the significant influx of immigrants to the City at the turn of the 20th century, which prompted the construction of triple-deckers and apartment buildings on remaining open lots; and, finally, the laying out of the ambitious Eastern

Promenade, which led to the construction of large, high-style homes facing the Prom. The visual character of Munjoy Hill as we know it today can be traced back to these four important developments in Portland's history and the residential construction they prompted.

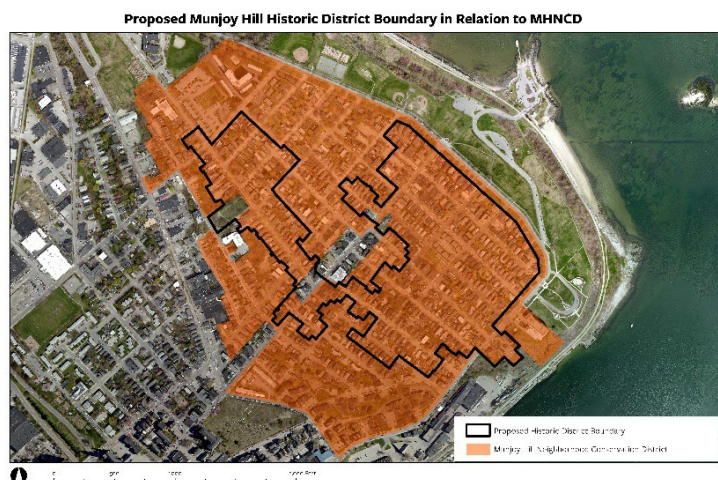
With the exception of the homes that were built along the Eastern Promenade, Munjoy Hill originally developed as a largely working-class neighborhood and the most densely populated and both ethnically and racially diverse on the Portland peninsula. Munjoy Hill's modest-scale, vernacular, closely-spaced buildings are tangible evidence of its unique history that has distinguished the Hill over time. The historic structures that remain today contribute significantly to the neighborhood's identifiable visual character.

The intent behind the proposed Munjoy Hill historic district and landmark designations is to provide a tool to effectively steward the historic building fabric and visual character of Munjoy Hill over time. Portland's historic preservation ordinance provides a comprehensive mechanism to manage change in areas of historic, architectural and/or cultural significance through demolition review, review of alterations and additions to existing historic structures, and design review of new construction. Portland's historic preservation ordinance has been in place since 1990 and its regulations currently apply in eleven Council-designated historic districts within the City.

III. SCOPE OF PROPOSED HISTORIC DISTRICT

The area proposed for historic district designation is comprised of those blocks within the larger Munjoy Hill neighborhood that constitute the greatest concentration of historic structures representative of the 75-year period during which most of the neighborhood was developed (1850-1925) and which contribute to the identifiable visual character of Munjoy Hill. Additionally, the majority of buildings within this area exhibit the level of historic integrity to merit preservation. These were the deciding factors in delineating the boundaries of the proposed district.

The proposed district is comprised of 427 parcels within the larger Munjoy Hill neighborhood, representing approximately 49% of the Hill's building stock. Most of the properties are located within the R-6 residential zone, however the proposed district includes ten buildings within the neighborhood's B1 or B1b business zones. (Two of the ten buildings are previously-designated Landmarks.) Eighty-eight percent of the parcels (376) within the proposed district are classified as "contributing"; twelve percent (51 parcels) are classified as "noncontributing". See map showing the boundaries of the proposed historic district in relation to the overall area of Munjoy Hill's R-6 zone. (The Munjoy Hill Neighborhood Conservation Overlay District coincides with the boundaries of Munjoy Hill's R-6 zone.)



IV. PROPOSED INDIVIDUAL LANDMARK DESIGNATIONS

The six structures recommended for individual landmark designation are located outside the boundaries of the proposed contiguous district. The district boundary does not include them because most of the buildings in their immediate vicinity would not meet designation requirements, especially with regard to the retention of historic integrity. While separated from the contiguous district, these buildings share many of the same characteristics that define the district and are in well-preserved condition. They are recommended for designation based on architectural and/or historical significance. Two of the six proposed landmarks were proposed from the outset by staff. These include the boyhood home of John Ford at 21 Sheridan and the architecturally notable commercial block at 101-107 Congress Street. The other four residential structures at 7 Lafayette, 8-12 Montreal, 51 Monument and 28 Waterville were nominated by their current owners. All are well-preserved 19th century residential buildings typical of the neighborhood. Descriptions of the six structures are provided in ATTACHMENT 5.

V. BACKGROUND

Consideration of a potential Munjoy Hill Historic District is the final component of a multi-pronged planning initiative that began in late 2017 in response to residents' concerns about the scale and character of recent development as well as a concern over the rate and quantity of demolitions. In December 2017, the City Council approved a 180-day moratorium on demolition within the R-6 zone of Munjoy Hill while staff developed proposals for interim and long-term changes to the Land Use Code to better manage development outcomes.

When Planning staff returned to the Council in June 2018, staff recommended a number of new and revised planning tools for Munjoy Hill. These included the creation of a "Munjoy Hill Neighborhood Conservation Overlay District" to implement new dimensional, design, and performance standards related to new construction and demolitions within the R-6 zone on Munjoy Hill. At that time, staff indicated, after discussion with the Council, that they would initiate a process related to possible historic designations on Munjoy Hill as soon as the zoning and moratorium process was concluded. Portland's historic preservation ordinance requires that detailed documentation and analysis be conducted in order to delineate district boundaries, evaluate individual buildings within the district and make the case for designation, necessitating this initiative be carried out on a different schedule than the initial amendments.

VI. PRELIMINARY DOCUMENTATION AND ANALYSIS

A detailed survey and analysis of Munjoy Hill's building stock got underway in late summer of 2018 with assistance from project interns and a preservation consultant. From this work, a draft district boundary was delineated, building classifications (landmark, contributing, non-contributing) were assigned, and a building inventory was prepared that includes a building description as well as current and historic views of every structure within the proposed district boundary and every proposed landmark outside the contiguous district. Finally, a report on Munjoy Hill's history, architectural and cultural significance and visual character was prepared for consideration by the Historic Preservation Board, Planning Board and Council as well as property owners and area residents. A number of informational meetings were held in the neighborhood during this preliminary documentation period. Once complete, Staff presented its draft historic district proposal to the neighborhood on April 30, 2019. The April 30 presentation was followed by additional

neighborhood meetings to answer questions and invite feedback. The proposal was formally introduced to the Historic Preservation Board on July 10th.

VII. DISTRICT BOUNDARY DELINEATION

Early on in the documentation/analysis phase, staff retained the services of Scott Hanson of Sutherland Conservation & Consulting to assess Munjoy Hill's building stock and provide an independent recommendation regarding appropriate and defensible district boundaries consistent with best practices in the preservation field. Mr. Hanson reviewed existing information from previous "windshield" surveys of the neighborhood, historical research and preliminary assessments of individual buildings provided by Greater Portland Landmarks. Mr. Hanson also made his own assessment of the current condition of buildings and made note of perceptible changes in the development pattern. The boundary recommended by Mr. Hanson encompasses structures representative of the key periods of development activity that have shaped Munjoy Hill's current character. Those include:

- 1850's development associated with the establishment of the Atlantic & St. Lawrence Railroad and Portland Company
- residential development prompted by the Great Fire of 1866
- 19th century block settled by African American residents
- late 19th and early 20th century development associated with influx of European Immigrants
- late 19th and early 20th century residential development along the Eastern Promenade

In terms of the size and scope of the proposed district, from the outset of this initiative, the project consultant took an intentionally conservative approach to defining the limits of the district, focusing on those blocks within the larger neighborhood that are: a) representative of the major periods of development that have shaped the current character of the Hill; and b) clearly retain most of their historic character. There are a number of properties that meet a) and b) but are not in the proposed district boundary, because any area under consideration for historic district designation must not only meet the test of architectural, historical and/or cultural significance, but also contain within its boundary a clear majority of structures that retain sufficient integrity to warrant preservation. Areas or blocks that exhibit a significant number of extensively altered buildings or where the historic development pattern is broken or inconsistent are generally not included within a district boundary.

Another factor that contributed to the conservative approach taken in delineating the district boundary was consideration of the need to balance a number of municipal goals as they apply to the Munjoy Hill neighborhood, including the goal of increased housing production. Staff recognized that other land use tools were effective in their own right and better suited for other areas of Munjoy Hill where the historic building fabric is more fragmented.

The final proposed boundary is largely consistent with Mr. Hanson's recommendation, but reflects some adjustments recommended by staff based on additional analysis, as well as feedback from the public and Historic Preservation Board during the Board's review process (described below).

VIII. PUBLIC PROCESS

The planning and review process to date has included extensive public outreach. This outreach began in early 2018 when the Planning staff held a series of meetings on Munjoy Hill to hear concerns of area residents and discuss new or revised land use tools that might better manage development on the Hill. The potential for designating one or two areas within the Hill as historic districts was discussed early on in that process and was presented to the neighborhood as one of the recommendations that would be made to the City Council in June 2018 staff held additional meetings in the neighborhood to describe the history and significance of Munjoy Hill, explain what areas were being evaluated for designation and the rationale for creating a historic district on the Hill. Additional informational meetings focused on what it means to own property in a historic district, what regulations apply, by what standards projects are reviewed and the review process itself. All of this outreach was done before the Historic Preservation Board and Planning Board began their formal reviews and continued throughout. The Historic Preservation Board held four workshops, all of which included the opportunity for public comment, as well as a public hearing. Similarly, public comment was taken at both of the Planning Board's preliminary workshops in addition to the public hearing. Written public testimony was extensive throughout the review process.

See ATTACHMENT 11 for a compilation of written public comment received since the Planning Board's March 10 2020 public hearing. For public comment received prior to the March 10 hearing, see <https://www.portlandmaine.gov/2451/Munjoy-Hill-Historic-District>

Noticing Issues

It was brought to staff's attention shortly before the Historic Preservation Board's public hearing that notices sent to affected property owners during the Historic Preservation Board's review process did not specifically highlight the proposed landmark designation for individual properties outside the contiguous district. (They were shown on the map included with notices, but specific mention wasn't made in the notice itself.) Shortly before the public hearing, the owner of a condominium unit at 21 Sheridan (John Ford's boyhood home) objected to designation on the basis of inadequate notice and the lack of opportunity to express opposition to the building's designation earlier in the review process. As staff had not yet had an opportunity to confirm the status of noticing at the time of the hearing, the Historic Preservation Board moved forward in recommending landmark designation for 21 Sheridan based on their finding that the building met the ordinance's designation criteria. Later, when staff confirmed the noticing error, staff indicated to the property owner that the omission would be flagged for the City Council with the recommendation for the removal of this property from the list of individual landmark designations.

Another noticing question arose during the Planning Board review. Due to a change in ownership of 59 Moody Street, the new owners did not receive early notices regarding their property's inclusion in the proposed historic district. This was due to the fact that it takes about six months for changes in ownership to be reflected in the Assessor's records, upon which mailing lists are based. The owners, who objected to designation, did receive notice in advance of the Planning Board's hearing in March, however, and again in August. The noticing issue in this case was not one that was anticipated, but the applicant has since received multiple notices and multiple opportunities to engage in the review process, and has contributed public comment over the course of the Planning Board's review. The Planning Board, aware of the error that initially

followed the change in property ownership, did not recommend removing the property from the district proposal.

IX. REVIEW PROCESS FOR HISTORIC DISTRICT DESIGNATION

The historic preservation ordinance outlines a three-step review process for historic district designations: a district proposal is considered first by the Historic Preservation Board, which typically conducts the most detailed review of the proposal. During this phase, draft boundaries and assigned building classifications are carefully reviewed and public comment is taken. Upon completion of its preliminary review, the Historic Preservation Board makes a formal recommendation to the Planning Board. The Planning Board, in turn, reviews the recommendation and forwards its own recommendation to the City Council. Final authority to designate a historic district rests with the Council. Unlike the Historic Preservation Board, the Planning Board and Council consider whether the district meets criteria for designation as well as the effect of such designation on other aspects of the comprehensive plan (Sec. 14-610 (d)). See ATTACHMENT 6.

X. HISTORIC PRESERVATION BOARD REVIEW

The Historic Preservation Board held four workshops on the historic district proposal, including an introductory session on July 10, 2019 and three working sessions on September 4th, October 2nd and November 6th. Two site walks were also held to familiarize Board members with the neighborhood's building stock, evaluate proposed district boundaries and review the preservation classification assigned to each building within the proposed district.

A substantial amount of the Board's preliminary review was spent on the proposed district boundary. Some boundary adjustments were made over the course of the review, based on staff input, public input, and Board deliberation. The original classification of a few properties within the district changed as well.

Individual Designations

Individual landmark designations were also considered during the Historic Preservation Board's review. Except for two particularly significant structures identified during the preliminary architectural survey, staff did not recommend individual designation for structures outside the proposed district boundaries. As noted above, emphasis was on providing protection for the area with the greatest concentration of historic structures that retained their historic integrity. The two buildings staff identified for landmark designation were John Ford's boyhood home at 21 Sheridan Street and the Munjoy Block at 101-107 Congress Street.

During the Historic Preservation Board's review process, four additional structures (include 7 Lafayette, 8-12 Montreal, 51 Monument and 28 Waterville) were proposed for individual designation by their respective owner. Given the fact that the nominated buildings 1) are well-preserved historic residential structures located beyond the boundary of the proposed contiguous district; 2) represent the same period of significance as the district; 3) are consistent with the building types and styles exhibited in the district; and 4) the owners of these historic properties wish to see them preserved into the future, the Board found individual designation to be appropriate. Criterion #6 under the Minimum Criteria for Designation provides a mechanism to individually designate this type of structure.

Ordinance Designation Criteria

In considering the designation of individual buildings as local landmarks and/or the designation of a contiguous area as a historic district, the Historic Preservation Board must find that the proposed landmark or district meets at least one of the six minimum criteria for designation outlined in the historic preservation ordinance (Article IX of the Land Use Code, Sec. 14. 610 a. and ATTACHMENT 6). In the case of Munjoy Hill, Criterion #1 was found to be most applicable:

1. *Its value as a significant example of the cultural, historic, architectural, archeological or related aspect of the heritage of the City of Portland, State of Maine, New England region, or the United States;*

In the case of a nominated historic district, the Board must also find that the district meets the criterion for district designations as described in Sec. 14-610 b.

(b) In the case of a nominated historic district, the historic preservation board shall also determine whether a substantial number of the properties, sites, structures or objects have a high degree of cultural, historic, architectural or archeological significance and integrity, many of which may qualify as landmarks, and which may also have within its boundaries other properties, sites, structures or objects which, while not of such cultural, historic, architectural or archeological significance to qualify as landmarks, nevertheless contribute to the overall visual characteristics of the significant properties, sites, structures or objects located within it.

Separate from the above criteria, which address the question of *significance*, the Board must also find that the nominated landmark and/or district exhibits sufficient *integrity* to warrant the building's or district's preservation (Sec. 14-611).

Any area, structure or object that meets the criteria in section 14-610 must also have sufficient integrity of location, design, condition, materials and workmanship to make it worthy of preservation or restoration.

Although many of the buildings within the proposed district exhibit some level of alteration, most of the alterations are superficial and reversible in nature and do not fundamentally undermine the historic character of the building.

With respect to the nominated individual landmarks, Criterion #1 (see above), Criterion #3 (in the case of John Ford's home at 21 Sheridan) and Criterion #6 under Sec. 14-610 a. are applicable:

3. *Its identification with a person or persons who significantly contributed to the cultural, historic, architectural, archeological or related aspect of the development of the City of Portland, State of Maine, New England region, or the United States.*
6. *Its representation of a significant cultural, historic, architectural, archeological or related theme expressed through distinctive areas, sites, structures or objects that may or may not be contiguous.*

Ordinance Designation criteria are excerpted in ATTACHMENT 6.

Recommendations of the Historic Preservation Board

On November 20, 2019, following a five-month review process, the Historic Preservation Board voted unanimously to recommend to the Planning Board and Council designation of a Munjoy Hill Historic District as delineated on the map (ATTACHMENT 1). The Board's recommendation was based on findings that the proposed Munjoy Hill Historic District meets the requirements for designation under Sec. 14-610 a.1 and b and Sec. 14-611.

The Board also voted unanimously that the following structures meet the preservation ordinance's criteria for individual designation (landmarks) as follows:

101-107 Congress (Munjoy Block) meets Criteria #1 and #6 under Sec. 14-610 (a), also Sec. 14-611.

7 Lafayette (Henry Rowe House) meets Criterion #6, also Sec. 14-611

8-12 Montreal (James B. Newell House) meets Criterion #6, also Sec. 14-611

51 Monument meets Criterion #6, also Sec. 14-611

21 Sheridan (John Ford boyhood home) meets Criterion #3 and #6, also Sec. 14-611

28 Waterville meets Criterion #6, also Sec. 14-611

XII. PLANNING BOARD REVIEW

Upon receipt of the Historic Preservation Board's recommendation, the Planning Board held two preliminary workshops on the proposed historic district designation. Workshop topics included:

- Role of the Planning Board in the review of historic district nominations
- Context of designation initiative—what prompted this evaluation?
- Requirements of historic preservation ordinance in considering a potential historic district
- Summary of documentation and preliminary analysis, including detailed architectural survey, research and documentation of Munjoy Hill's development history, identification of the area's "period of significance", etc.
- Delineation of district boundary--factors considered, input from consultant
- Summary of Historic Preservation Board review process
- Explanation of historic preservation ordinance's designation criteria
- Findings of the Historic Preservation Board and basis for district recommendation
- Analysis of proposed designation in relation to other Comprehensive Plan goals, including Housing and Sustainability
- Relationship of proposed historic district designation to existing MHNCD measures
- Construction and demolition trends on Munjoy Hill. Data was provided for the period between adoption of R-6 zoning amendments in 2015 and the start of the Munjoy Hill moratorium and also from passage of the MHNCD to present.
- Reports, studies and articles consulted regarding the impact of historic districts on housing, property values, taxes, maintenance costs, etc.
- Comparison of existing MHNCD regulations and historic preservation ordinance
- Interaction of the MHNCD regulations and the proposed new district
- Interaction of historic preservation regulations with other code and life safety regulations
- Clarification regarding determination of a historic district's "period of significance".
- Availability of state and federal historic tax credits for the rehabilitation of income-producing properties

- Time implications for historic preservation review--in relation to building permit and site plan review
- Process for revisiting or amending historic districts once established
- Effect of site plan ordinance's "100-foot rule" on buildings outside the proposed district boundary
- Effect of historic district designation on opportunity to add additional dwelling units to existing contributing properties
- Impact of designation on existing tools for incentivizing affordable housing
- Effect of historic district designation on tax rate.
- Effect of historic designation on achieving sustainability goals
- Reiteration of purpose/intent of designating portion of Munjoy Hill as a historic district
- Case studies of recent new construction within existing historic districts
- The relationship of historic district designation to other goals of the City's comprehensive plan.

For a detailed discussion on each of these topics, staff reports and powerpoint presentations, see:
<https://www.portlandmaine.gov/2451/Munjoy-Hill-Historic-District>

XIII. RELATIONSHIP OF HISTORIC DISTRICT DESIGNATION TO COMPREHENSIVE PLAN GOALS

In addition to confirming that the historic district proposal is in conformance with the historic preservation ordinance's designation Criteria, the Planning Board and Council are charged with considering the proposed designation as it relates to the stated goals of the comprehensive plan, *Portland's Plan 2030*. Consideration shall include not only the Plan's historic preservation goals, but also other City goals applicable.

As described below, the proposed designation's relationship to the comprehensive plan was addressed in reports and staff presentations throughout the Planning Board's review process and focused in particular on the Comp Plan's sustainability and housing goals. During workshops, staff presented available data, studies from other communities and articles that address these questions, especially with respect to the effect of historic district designation on housing prices and rents, the potential for neighborhood gentrification and/or stabilization, etc. Staff also consulted with Tax Assessor Chris Huff regarding historic designation's effect on assessed value (who confirmed designation does not affect assessed value).

In addition to a written analysis prepared by Historic Preservation staff, a dedicated analysis on comprehensive plan consistency was included (see ATTACHMENT 7), which noted that:

"From the first pages of Portland's Plan 2030, and consistently throughout the document, historic preservation is acknowledged as central to the City's vision, including not only existing local designations but potential future designations. It is also acknowledged as integral to Portland's economic development strategy, its sustainability goals, and to a multidimensional housing strategy."

XIV. RESPONSES TO KEY QUESTIONS RAISED DURING PLANNING BOARD WORKSHOPS

While numerous questions were addressed during the Planning Board's review, following are some of the key questions raised by members of the Board, together with staff's response.

- *How do the current MHNCD regulations compare to Historic Preservation regulations?*

The regulations currently in place under the Munjoy Hill Neighborhood Conservation Overlay District (MHNCD) govern new construction and demolition. The MHNCD contains dimensional and design standards which revise maximum building heights, address rooftop appurtenances, regulate parking placement and its effect on front facades and regulate roof forms. The MHNCD retains the R-6 maximum height of 45 feet, but only for multi-family housing (otherwise 35 feet), and only with inclusion of an onsite workforce housing unit, in addition to any Inclusionary Zoning requirements. It also includes a demolition delay provision.

The demolition requirements in the MHNCD include a 12-month stay of demolition for structures determined to be “preferably preserved”. The delay period can be reduced if the applicant elects to have their new construction proposal reviewed by the Historic Preservation Board. If the design is approved, the stay is lifted and the “preferably preserved” building can be demolished and replaced. Alternatively, the applicant can wait and move forward with demolition after the 12-month stay. The premise of the demolition delay is that the delay will encourage parties to explore alternatives to demolition. The Alternative Design standards were amended to allow for additional design flexibility when social or environmental public benefits are proposed as part of the project, including the provision of sustainable design, affordable housing units or green technology.

Historic District designation includes regulations and review standards that govern not only demolition and new construction, but also alterations and additions to historic structures. A key premise behind historic preservation measures is not only that new construction be reviewed for compatibility, but that the existing historic buildings warrant stewardship. The intent is not to *prevent* changes but rather to provide a mechanism to *manage* change so that the historic character of the buildings and the neighborhood as a whole is maintained and enhanced over

time. Under the historic preservation ordinance, alterations or additions that are not readily visible from a public way are not subject to review. Alterations to “noncontributing” structures are governed by a more lenient set of review standards and noncontributing structures may be demolished as-of-right. New buildings are subject to new construction standards which address broad areas of compatibility (scale and form; composition of facades; relationship to the street; consideration of surrounding context).

With respect to demolition, landmark or contributing structures cannot be demolished unless 1) the applicant can meet the ordinance’s economic hardship test which requires demonstration of “no reasonable use of the structure”; or 2) the Historic Preservation Board, upon request of an applicant, amends or rescinds the original landmark or contributing classification. Since the ordinance went into effect in 1990, a number of buildings in historic districts have had their classification changed. Proposals for *partial* demolition, for example demolition of a rear ell, is typically reviewed as an alteration.

- *How would the MHNCD regulations interact with the Historic Preservation ordinance regulations in the proposed historic district?*

When the MHNCD was written, it anticipated the possibility of a future historic district designation, and the two both work together. Below is an overview of how the standards interact:

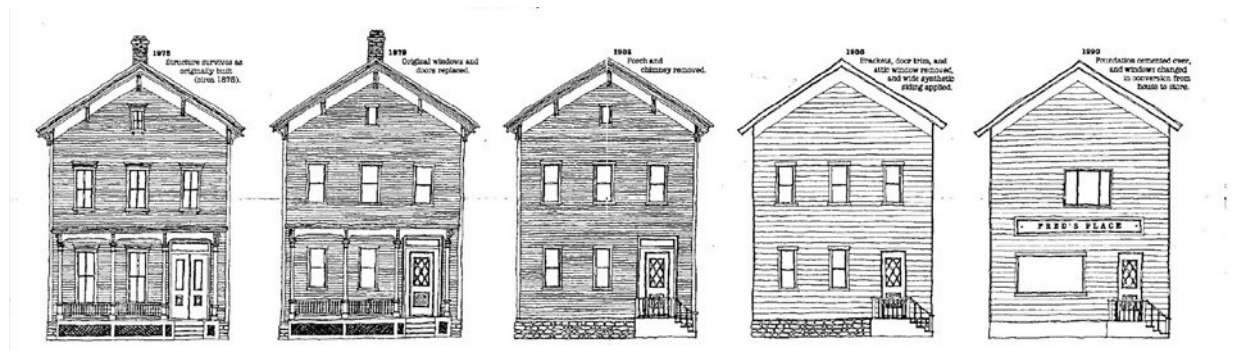
- Within the proposed district, the demolition delay provisions of the MHNCD would not apply. Demolition would be governed by the historic preservation ordinance. Buildings classified as noncontributing could be demolished as of right with no review.
- For proposed new construction within the district, the dimensional standards included in

the underlying MHNCD would still apply, but the R-6 design standards would be superseded by the historic preservation ordinance.

- Under Sec. 14-526 5.b of the site plan ordinance, a project located within 100 feet of the historic district boundary or an individually designated landmark which is subject to site plan review would require advisory review by Historic Preservation.

- *Given existing regulatory measures, why is designation of a Munjoy Hill historic district warranted?*

Some have suggested that with the MHNCD regulations in place, there is no need for historic district designation—essentially, that preserving neighborhood character can be accomplished through zoning and design standards. The existing MHNCD regulations, while appropriate and effective for portions of the Hill where the historic building fabric is more eclectic and/or fragmented, do not ensure that the 19th and early 20th century buildings that make up the neighborhood's identifiable historic character will be. Under the MHNCD demolition is delayed, but not prohibited and there is no review of alterations or additions to historic properties. Far less obvious, but of equal impact, are incremental alterations that gradually rob a building of its architectural character and appeal that would be in a district's review purview but not the MHNCD. The image below, from a 1990 study *Vulnerable Vermont* that documented historic buildings in selected Vermont towns over a fifteen-year period, illustrates a common trend.



As was illustrated through a number of project case studies at the February 11 Planning Board workshop designation does not eliminate the possibility of creating new housing in a historic district, building to the maximum height allowed by zoning, increasing the number of units within existing structures, adding dormers and/or additions, introducing solar panels, building a clearly contemporary new structure, or any number of other changes to existing conditions, but it does put in place a mechanism to review such changes to ensure that the overall historic character of the neighborhood is preserved and enhanced over time.

As noted elsewhere in this report, historic district designation has been proposed for a portion of Munjoy Hill, not the entire neighborhood, whereas the MHNCD applies to all of Munjoy Hill that is in the R-6 zone.

Similarly, the question was also asked whether if a historic district is created, the MHNCD was still warranted, or whether too many regulatory layers would be in place at the end of this process. Staff recommended that the question of the MHNCD be taken sequentially, and brought back before the Board following the Council's decision on the district, in the event of any changes to that proposal or its boundaries, and in order to give the MHNCD adequate time and consideration. Staff anticipates discussion

of potential removal, but also of the possibility of amendments that would remove some of the regulatory overlap between it and a district.

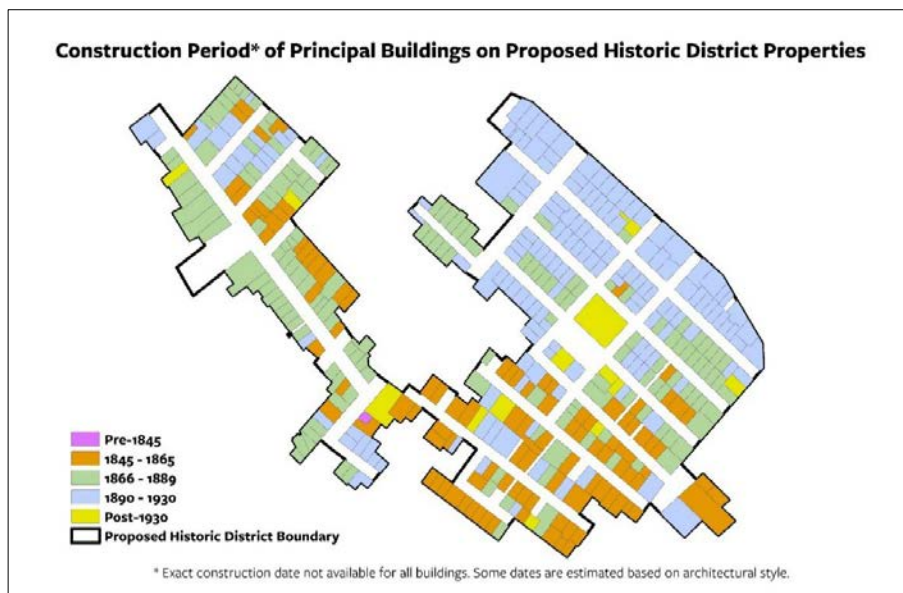
- *How is a district's "period of significance" determined and why has the period 1850-1925 been selected as the proposed district's period of significance?*

A historic district's "period of significance" is identified by researching the buildings that populate a given area and determining the time frame within which the vast majority of extant buildings were constructed. In some districts, like Stroudwater or the Old Port, the period is relatively short because most of the extant buildings were constructed during a very finite period. The Congress Street Historic District, on the other hand, includes buildings from virtually every era of Portland's history. In the case of Munjoy Hill, the neighborhood was largely developed between 1850 and 1925 to house middle-class and working-class residents and was spurred by a series of specific events and demographic trends. Until 1845, Munjoy Hill was largely undeveloped, but the establishment of the Atlantic & St. Lawrence Railroad and the Portland Company led to the first significant residential development on the south slope of the Hill. The founders of the railroad and Portland Company laid out several streets and many of the residents of these streets and others on Munjoy Hill worked for one of these two entities.

While the Great Fire of 1866 barely reached the Hill, it greatly influenced the development of the neighborhood, as 10,000 Portland residents were made homeless by the fire. Large areas of Munjoy Hill that had previously been open fields were subdivided and built upon. Given the number of buildings constructed shortly after the Fire, the architectural character of the Hill is shaped in large part by the architectural styles that were popular during this particular period—the Italianate and Second Empire styles.

The next major impetus for development on the Hill was the influx of immigrants from southern and central Europe in the late nineteenth and early twentieth century. Triple deckers and apartment buildings were constructed in the areas not developed until this time period, such as Morning and Vesper streets. It was during this same period (1890-1920) that the larger, grander residential houses on the Eastern Promenade were built.

By 1925, the street pattern and predominant building styles that make up much of the Hill was in place. Though there are buildings that represent other development periods, their numbers are relatively insignificant and not in sufficient concentration to warrant inclusion in the period of significance.



- *Would it be possible to designate individual structures or create smaller districts in lieu of the current proposal?*

Although it might be technically possible to limit historic designation on Munjoy Hill to a collection of individually-designated landmark structures, this approach was not pursued for a variety of reasons. First and foremost, Munjoy Hill derives its significance as a neighborhood, whose building fabric reflects not only key development periods in Portland's history but also a rich social/cultural history with strong associations to major Portland industries and events. Munjoy Hill is not noteworthy for individual structures that stand out as architectural or historical landmarks, but rather for its overall building fabric, scale, density, consistent pattern of development, and architectural/visual character. On Munjoy Hill, as in most historic districts, the "whole is greater than the sum of its parts" and therefore designation of a contiguous area was considered the appropriate approach. Making such a large quantity of individual designations would have also been procedurally very different as a designation process, as well, and landmarks would have been subject to even more review under the ordinance than as contributing buildings in a district.

XV. PLANNING BOARD DELIBERATIONS AND RECOMMENDATION

Planning Board deliberations were wide ranging and exhaustive. During deliberations, a number of concerns and questions were raised including whether the preservation ordinance's minimum criteria for designation had been met and whether designation might serve as a barrier to achieving other goals of the Comprehensive Plan. These questions are summarized below.

Some members disagreed with the Historic Preservation Board's finding that the following designation criterion (Sec. 14-610. b) had been met:

b) In the case of a nominated historic district, the historic preservation board shall also determine whether a substantial number of the properties, sites, structures or objects have a high degree of cultural, historic, architectural or archeological significance and integrity, many of which may qualify as landmarks, and which may also have within its boundaries other properties, sites, structures or objects which, while not of such cultural, historic, architectural or archeological significance to qualify as landmarks,

nevertheless contribute to the overall visual characteristics of the significant properties, sites, structures or objects located within it.

Based on the fact that only a small percentage of structures within the proposed district had been assigned the classification of “landmark”, some questioned whether this test had been met.

There were also concerns about the proposed district’s identified “period of significance”, which was identified as the 75-year period between 1850 and 1925. Some members felt the district should represent a more discrete period of development, and that it was an unjustifiably long period. One member also found the boundary to be “gerrymandered.”

With respect to the proposed designation’s effect on other aspects of the Comprehensive Plan, one member argued that designation would constitute “exclusionary zoning during the city’s biggest period of growth”, that historic designation was a “regressive rather than progressive tool” and would adversely affect housing production. Another member noted “historic preservation has been used historically as a tool of exclusion” and absent the availability of a social impact study, there was insufficient data to argue one way or the other as to whether this had been the case in Portland. Others expressed concern as to whether historic district designation would inhibit the City’s ability to achieve its goals of sustainability, connectivity, housing equity and in particular racial equity. A question was also raised about the extent to which adequate outreach had been made to communities of color or to renters and whether their views had informed the proposal. A preference to review the MHNCD concurrently instead of sequentially also influenced the decision to not recommend for at least one member.

Ultimately Mr. Chann, Mr. Dundon and Chair Mazer expressed the view that designation of a historic district was the wrong planning tool for Munjoy Hill and voted not to recommend it for adoption.

The four other members of the Board (Dunfey, Silk, Smith and Stanley) expressed support for the designation. They found that the proposed district meets the preservation ordinance’s criteria for designation and noted that the district as proposed, specifically the delineation of its boundary, had been based on detailed documentation, analysis and review by staff, a preservation consultant and the Historic Preservation Board. They noted that having walked the proposed district, the area exhibits a distinct “sense of place”, and that historic district designation will allow for change over time while preserving this unique character. Several of the members expressed particular enthusiasm for the fact that designation would celebrate the history of what had historically been a working-class neighborhood within the city and that it was an important part of Portland’s history to recognize

In response to concerns expressed by opponents about historic designation’s potential to unduly limit opportunities for new development, one member pointed out that only a portion of Munjoy Hill was proposed for designation, which should help balance this concern.

With respect to the potential effect of designation on other goals of the Comprehensive Plan, all Board members acknowledged that this was a challenging question to assess. As one member explained, it is impossible to predict conclusively what effect historic district designation will have on achieving other

Comprehensive Plan goals. Supporting members noted that the relationship between preservation and other land use goals, such as sustainability and maintaining a diverse mix of housing options, had in fact been addressed in the supplementary information, data and studies provided by staff during the workshops and in the Comp Plan analyses provided. With respect to the issue of affordable housing, one member noted that designation did not solve our affordable housing needs, but that the designation would not be the origin of rising home prices in this neighborhood, and that many factors are at play in affecting housing markets. Also mentioned was the fact that historic designation does not preclude the development of other policies or incentives to encourage affordable housing. Another member offered that by protecting modest-scale, vernacular residential structures like those that populate the Hill, it might limit some speculative development to the good of the existing housing stock that may still be relatively affordable. Those supporting designation also pointed out that creating a historic district would not inhibit the ability to increase density in that units could be added within existing structures, additions could be constructed and accessory structures could be converted or built for housing. Each of the Board members engaged the topic of housing affordability and its relationship to this proposal with varying conclusions. Ultimately, those voting in favor found the benefits of designation and supporting documentation compelling enough to recommend the district to the City Council for adoption. As one member noted, while there will likely be costs associated with historic designation, those costs are reasonable ones when one balances the benefits to the City over time in preserving Munjoy Hill's sense of place.

Planning Board Recommendation

Following deliberations and on the basis of the November 20, 2019 recommendation of the Historic Preservation Board; documentation and analysis prepared by staff and consultants; information included in staff reports for the 12/10/19, 2/11/20 and 3/10/20 meetings; and public comment, the Planning Board voted 4-3 (Dunfey, Silk, Smith and Stanley in favor; Chann, Dundon and Mazer opposed) to recommend to the City Council that the proposed Munjoy Hill Historic District be designated a local historic district subject to the provisions of Article IX of the Land Use Code.

ATTACHMENTS

1. Map of proposed Munjoy Hill Historic District
2. Historic Context Statement
3. List of properties within proposed district, with assigned classification
4. Descriptions of properties proposed for individual landmark designation
5. Sample building descriptions from Munjoy Hill Historic Resources Inventory
6. Excerpted designation criteria from historic preservation ordinance (Article IX, Sec. 14-610 a. and b., and Sec. 14-611.
7. 2/7/2020 Comprehensive Plan Analysis from Christine Grimando, Director, Department of Planning & Urban Development
8. Sample of Articles Consulted
9. Case Studies of recent approved residential development project within existing historic districts
10. Flyer: *Frequently Asked Questions about Portland's Historic Preservation Program*
11. Public Comment - rec'd since Planning Board's 3/10/20 public hearing

Memorandum

Department of Planning & Urban Development



To: Mayor Snyder and Members of the City Council
From: Christine Grimando, Director, Planning & Urban Development
Date: January 27, 2021
Mtg Date: February 1, 2021
RE: Munjoy Hill Historic District

INTRODUCTION

Following the Monday, January 11th City Council workshop, below is information in response to workshop questions and requests for information, in addition to the full designation report and previously supplied supporting materials. Many of the topics raised at the workshop, relating to housing costs, housing creation, the review process and other policy goals have been addressed in the previously posted materials for the workshops and public hearing, in particular the Council Report (1st link in the Feb. 1 Munjoy Hill agenda items), the 11-13-2020 supplemental memo (3rd link in the Feb. 1 Munjoy Hill agenda items), and the Comprehensive Plan Analysis (Attachment 7).

The following is primarily new information provided in response to questions from the January workshop. Planning staff hopes that this information, in addition to the extensive materials provided in the full meeting materials, will be helpful in informing the Council's decision on this multi-year initiative at the February 1st public hearing.

LOT DIMENSIONS, TOTAL AREA, DENSITY

Following the workshop, Planning did a fresh analysis of the question of the total area for the proposed district, and found the total area of Munjoy Hill, not including the Eastern Promenade or the East End School, is 162 acres, and the total area proposed for the new district is approximately 64 acres. Munjoy Hill boundaries are Washington Avenue, Mountfort Street, Fore Street, and Eastern Promenade.

Average lot size in the proposed historic district is approx. 4,370 square feet, and the average for the remainder of the R-6 zone on Munjoy Hill is 5,470 sf. Most lot sizes are quite a bit smaller than this, as the average includes uncharacteristically large parcels such as Munjoy South, Preomendate Towers, and the Island View apartment sites, which are considerably larger than most of the lot sizes in the neighborhood. There are less than 10 parcels without buildings on them in the proposed district.

Several factors influence how much housing may be built on any one lot, including the dimensional requirements for each zone, and a historic district would not change those dimensional standards or restrict multi-family development. The overall size of parcels is one factor in how many housing units can be built on a parcel, as is the minimum lot size, and the total density permitted (other dimensional requirements, such as setbacks, and things like stormwater/drainage considerations, among others, can also influence total buildout) on a given lot. In or out of a historic district, currently vacant parcels could potentially accommodate new housing, parcels that are currently built upon but could add additional buildings, new additions could be added to existing buildings, existing buildings could be repurposed (from single family to a two-family or multi-family building, for instance), or existing lots in some cases will have enough total land area to create a new lot for development.

The R-6 is the predominant residential zone on the peninsula (see R-6 inset map), and the min. lot size is intentionally small, 2,000 sf, in recognition of Portland's oldest residential neighborhoods having been comprised of very small lots and a dense development pattern, and to continue to allow small lots to be developed for housing. The min. lot size in the R-6 zone is the smallest of Portland's R1 – R-6 zones, in contrast to the comparatively more restrictive 6,000 sf in the R-5, and 10,000 sf in the R-2, for example (most of the City's B- zones are mixed use zones that permit higher residential densities than the Residential zones).

In addition to lot size, how much land area (725 sf in the R-6) is required to create a new dwelling is also an important factor in determining how much housing can be created on a lot, referred to as the maximum density. Maximum density is arrived at by taking the minimum lot size and dividing it by the min. lot area per dwelling unit. The inset dimensional table shows some sample densities by lot size in the R-6 zone. These maximum densities do not include ADUs (2 per lot).

R-6 Maximum Permitted Residential Density	
Lot size	Max. dwellings (725 sf/dwelling)
2,000 sf	2
3,000 sf	4
5,000 sf	6
10,000 sf	13

Munjoy Hill has long included a mixture of single family and multi-family buildings, and existing conditions on the Hill continue to embody this pattern. Many of the homes on Munjoy Hill that were originally single family homes already contain more than one housing unit, and could potentially hold additional units. The average existing residential density for parcels in the proposed district is approximately 2.7 dwellings/parcel, and represents an averaging of everything from single family homes to sizable apartment and condo buildings.

HOUSING CREATION 2015 - 2020

In response to Council's workshop request, additional housing data for historic districts is below for 2015 – 2020, including affordable units and Inclusionary Zoning contributions. Affordable housing can either take the form of affordable housing proposals from organizations and developers such as but not limited to Avesta and Portland Housing Authority (including mixed market rate and affordable housing developments), or it can take the form of predominantly market rate developments that are required by the City's regulations to provide a portion of affordable/workforce housing units, and the below totals derive from a combination of both.

Residential Units Creation in Historic Districts and Landmarks, 2015 - 2020			
	Units	Affordable Units	IZ Contribution
APPROVED OR UNDER CONSTRUCT.	267	95	\$403,398
COMPLETED BETWEEN 2015 - 11/2020	536	104	\$556,500
TOTAL UNITS CREATED/APPROVED	803	199	\$959,898

Inclusionary Zoning (Ensuring Workforce Housing, sec. 18.2.3 of the Land Use Code) requires inclusion of affordable units on projects of 10 dwelling units or more, contributions to the City’s Housing Trust, or a combination of the two. The Munjoy Hill Neighborhood Conservation Overlay also requires all multi-family developments (3+ dwellings) to include one on-site workforce housing unit. Projects that are wholly or largely affordable generally are larger in size, economies of scale and potential funding sources favoring larger projects. Munjoy Hill has seen relatively small developments in recent years, consistent with the pattern of lot sizes in the neighborhood, many not hitting the 10+ dwelling units Inclusionary threshold. There are several recently approved projects, not yet built, such as 130 Morning Street (9 dwelling units, 1 workforce unit, as required by the overlay), and 57 St. Lawrence (16 dwelling units, 2 workforce units and Housing Trust contribution, as required by Inclusionary requirements and overlay) that include affordable housing units. A notable affordable housing development at 65 Munjoy Street (8 units affordable), on a portion of the former City-owned Adams School site. The remainder of the former Adams School site was developed as affordable housing and a playground at 48 Moody Street in 2011 (at 16 dwelling units, a project that was far below even the relatively restrictive/lower density standards in place in 2011).



Map of R-6 Zone

DEMOLITION

The number of demolitions that occurred on Munjoy Hill in the R-6 zone over an approximately 2 year period between 2015 and 2017 was 11. This was in contrast to 5 in all the other areas of the R-6 zone in the same period. Since adoption of the Conservation Overlay on Munjoy Hill, which includes demolition delay requirements (for part of this time, as the proposed new district has been officially in review, there have also been historic district protections for a portion of the Hill) there have been a total of three applications for demolition.

Outside of historic designations, demolition delay (Demolition review, sec. 8.7.5 of the Land Use Code) is the most common deterrent to demolitions. Though the details of how this tool is implemented varies by community, the goal is not demolition prohibition, but to require a pause to allow consideration of alternatives to demolition, and to deter demolitions as a default course of action for development. Portland’s demolition delay is for buildings that meet criteria for “preferably preserved” – buildings that don’t meet this criteria may proceed with demolition – and is for a period of up to 12 months. However, the period of delay can be shortened if the property owners received approval from the Historic Preservation Board for the design of the replacement structure.

Amendments to the R-6 zone in 2015 and to the overlay for a portion of the R-6 in 2017 resulted in a number of changes, such as minimum lot size, lot coverage, density, setbacks, locations for parking on a lot, but left the maximum height of 45 feet. However, there was a change to the maximum height which made it so that in order to qualify for this maximum, a building had to be 3+ units, and also had to include an on-site workforce affordable housing unit (in addition to any Inclusionary Zoning requirements for larger projects). Single and two-family buildings have a maximum height of 35 feet. Though not a demolition prohibition, the dual height standard acts as a deterrent to demolitions that don't bring a minimum amount of new housing, and also acknowledges that though Munjoy Hill historically has had a range of sizes and types of buildings, those that were 3-4 stories accommodated multi-family buildings rather than large single family buildings.

SUSTAINABILITY

Consistency with [Portland's Plan 2030](#) is addressed in Attachment 7, and speaks to preservation goals, as well as how the Plan seeks to balance multiple policy goals. Specific mentions of the environmental advantages of preservation are included below by the respective section and in the inset. Portland's Plan 2030 can also be accessed via the City website: <http://www.portlandmaine.gov/DocumentCenter/View/18271/Portlands-Plan-2030>

Vision Statement

Sustainable:

- Portland has been built and rebuilt to endure; we will balance our historic fabric, sound infrastructure, and the best of new technology and design for the future. p. 6



ENVIRONMENTAL BENEFITS OF HISTORIC PRESERVATION

Recent research by the National Trust for Historic Preservation found that the re-use or rehabilitation of existing buildings offers significant environmental benefits over new construction. According to their report, *The Greenest Building*, each year approximately 1 billion square feet of buildings are demolished and replaced nationwide, resulting in significant environmental impacts associated with demolition and waste disposal, the production of new raw materials, and new construction. The study found that reusing an existing building can result in 4 to 46% less environmental impact than new construction, depending on the type of building, location, and level of energy efficiency. Even when new construction is designed for optimal energy efficiency, it can take 10 to 80 years for a new building to offset the negative environmental implications of its construction.

Portland's Plan 2030, p. 28

Environment Policy Guide

- Encourage landowners and developers to incorporate sustainable design, materials, and practices in rehabilitation of historic resources and in new construction. *p. 22*

Historic Resources Policy Guide

- Promote historic preservation as a key economic, sustainability, and community development strategy. *p. 27*
- Accommodate multiple objectives, such as improved accessibility, improved energy efficiency, or climate change adaption, in alterations to historic structures while adhering to preservation objectives. *p. 29*
- Assess new construction techniques, products, and materials for compatibility with historic structures, and develop policies and guidelines for their use in historic rehabilitation projects. *p. 29*

Housing Policy Guide

- Encourage energy efficiency in new construction and rehabilitation of Portland's housing stock. *p. 52*
- Encourage rehabilitation of existing historic buildings and materials. *p. 52*

A question about the impact of the Green New Deal referendum results on historic districts was asked at the previous workshop. The resulting changes to Chapter 6 of the City Code applies to projects that are funded by the City (through TIFs, HOME loans, Community Development Block Grants, for example) for \$50,000 or more, and requires certain third party energy standards to be met, and for buildings that are also 5,000 sf or greater, rooftop solar requirements. Many properties in the Historic District won't hit the \$50,000 city funding, or 5,000 sf size threshold, but for those that do, they're required to meet these standards, unless it is determined that the required alterations would compromise the historic character of the building. This standard is an existing one (sec. 6-170 of the Land Use Code) that precedes the referendum, and includes other exceptions and exemptions, except that the referendum included the addition to the ordinance that the Historic Preservation Board would be responsible for determining what constituted compromise of character. Projects that demonstrate they are eligible for exceptions still must comply with these standards to the greatest extent possible.

In regards to integration of solar panels, these as well as heat pumps and all manner of HVAC equipment are permitted on historic properties, but are subject to design review in regard to their ultimate placement. As requested, attached is a powerpoint presentation (Attachment 9a), previously presented to the Council's Transportation & Sustainability Committee on April 17, 2019, showing approved placement of solar panels and heat pumps in historic districts.

ADDITIONAL ARTICLES ON DIVERSITY AND SUSTAINABILITY IN PRESERVATION

In previous references to articles consulted about the impacts of Historic Preservation, staff included articles that represented a range of findings on the impact to housing – including articles that found a correlation between preservation and housing costs and those that did not – in recognition of the range of conclusions on this topic. This is due to the many variables that influence housing markets by city, by

region, and by year. A list of sample articles referenced in the course of the designation process is included in Attachment 8 and a smaller sample of articles are included as PDF attachments, as well.

There has also been a significant amount written on shifts in the field of preservation to recognize different kinds of neighborhoods and sites and histories than were previously considered worth preserving. These include neighborhoods that are newly valued for their vernacular architecture (not architect-designed, usually modest structures, and representative of particular regional styles), such as Munjoy Hill, as well as districts and sites that are important to a place's cultural heritage. A Munjoy Hill designation would also be representative of the latter. Historic Preservation, in research and in practice, is a dynamic field that is actively engaged in expanding and interrogating what is collectively deemed worthy of preservation, how we preserve and celebrate these places, and for who.

A sample of additional references that further speak to the diversity and sustainability implications of preservation are below.

- ***The Greenest Building, Quantifying the Environmental of Building Reuse***, on the topic of the environmental benefits of the reuse of existing buildings, also cited in Portland's Plan 2030: <https://forum.savingplaces.org/viewdocument/the-greenest-building-quantifying>
The link is to a study website, with options for the executive summary as well as the full, quantitative report on the value of building reuse.
- ***Sustainable Stewardship: Historic Preservation's Essential Role in Fighting Climate Change***. Related to the above, a talk given by the 2007 President of the National Trust for Historic Preservation: <https://forum.savingplaces.org/HigherLogic/System/DownloadDocumentFile.ashx?DocumentFileKey=ecb753bc-9701-69e2-4a85-7db13bbe223e&forceDialog=0>
- ***Why Historic Preservation Districts Are Crucial to Cities***, on the important role of historic districts in providing mid-rise housing density and conveying community history: <https://www.bloomberg.com/news/articles/2016-02-10/historic-preservation-districts-are-key-to-great-cities#:~:text=They%20also%20serve%20as%20living,all%20its%20complexity%20and%20diversity>
- ***Historic Housing for All: Historic Preservation as the New Inclusionary Zoning***, provides helpful summaries of studies that have not found an increase of the total housing cost burden in historic districts relative to the rest of New York City, finding no statistically significant relationship between designation and rent burden: <http://lawreview.vermontlaw.edu/wp-content/uploads/2017/05/07-Tisher.pdf>
- ***Preserving African American Places: Growing Preservation's Potential as a Path for Equity***. The National Trust for Historic Preservation launched a study in 2018 on connections between preservation, affordability, and the risk of displacement in historically African American neighborhoods. This study is one of the results of that effort. The article highlights the value

of recognizing the places and cultural assets that speak to a City's African American life and activism, acknowledges that equitable housing strategies necessitate multiple tools, and includes background on discriminatory 20th c. housing and urban renewal policies:

<https://forum.savingplaces.org/HigherLogic/System/DownloadDocumentFile.ashx?DocumentFileKey=b79b56d5-bbe8-028b-ca9b-157753bdefa2&forceDialog=0>

- ***Historic Preservation: Essential to the Economy and Quality of Life in San Antonio***, provides analysis of San Antonio's racial distribution in historic districts, and finds a larger percentage of San Antonio's non-white population lives in historic districts than in the city overall (San Antonio is not suggested as an analog to Portland, but it provides a useful examination and case study of historic districts housing a diverse cross section of the city's residents):
https://www.placeeconomics.com/wp-content/uploads/2016/08/ohp_2015_report_final.pdf
- ***Historic Preservation and the Diversity Deficit in Heritage Conservation***. Recent preservation efforts by the National Park Service includes an emphasis on heritage conservation: <https://www.nps.gov/crmjournal/summer2004/article3.html>
- **LGBTQ America**. There's a decades-long history of advocacy for preservation of LGBTQ historic sites, and an important part of a broader civil rights and cultural movement for visibility and recognition across the United States. The National Park Service has a publication on LGBTQ heritage preservation: <https://www.nps.gov/subjects/lgbtqheritage/upload/lgbtqtheme-preservation.pdf>. The National Trust for Historic Preservation has a rich website (<https://savingplaces.org/lgbt-history#.YBGlbmRKjh8>) devoted to this topic, as do a number of individual cities. NYC's LGBT Historic Sites Project has an excellent website (as well as social media presence): <https://www.nyclgbtsites.org/>
- ***Issues in Preservation Policy: Preservation and Social Inclusion***. Columbia University has an online reader that offers a rich collection of articles on the topic of preservation and exclusion, including pieces examining exclusionary aspects of the field, and ways it has become/ways it can become a tool for greater equity and racial and economic inclusion: <https://www.arch.columbia.edu/books/reader/503-preservation-and-social-inclusion#reader-anchor-2>

Memorandum
Department of Planning & Urban Development



To: Mayor Snyder and Members of the City Council
From: Christine Grimando, Director, Planning & Urban Development
Date: November 13, 2020
Mtg Date: November 16, 2020
RE: Munjoy Hill Historic District response to questions

Introduction

Following the Monday, November 9, 2020 City Council workshop, and in anticipation of the November 16th public hearing on the proposed Munjoy Hill Historic District, below are responses to questions and comments made earlier this week. A full report of the process and issues explored throughout the entire designation review, as well as a summary of the Planning Board's recommendations, is included in the Council's packet of supporting materials.

Equity

The Planning Board deliberated the potential equity impacts of a district, especially in regard to housing costs and housing creation, as well as extending that discussion to the relationship of housing density to supporting transit connections. A district would bring some additional application costs, and demolition would be intentionally limited, which would be a new constraint (Munjoy Hill currently has a demolition delay in place, but it does not prohibit demolition) to housing development. But there isn't decisive evidence it would result in a spike in housing costs, and it would not freeze new housing creation within, upon, or around existing buildings, particularly because the density and other dimensional standards (small minimum lot size, relatively small setbacks) of the R-6 allow for this. I've included an email I sent to the City Manager on the role of equity in the Historic District review process as Attachment 12, and have expanded on those topics below.

Housing Creation

Designation does not lower the maximum density permitted in the R-6 zone or freeze existing properties at their current densities. The designation of a portion of Munjoy Hill would intentionally make demolition difficult and rare for contributing properties, and therefore would limit new replacement construction. New construction will often result in the replacement of smaller structures with larger ones, and so a district does introduce a new constraint on maximizing housing creation in exchange for retaining a share of the historic building stock on Munjoy Hill.

However, a historic district designation would not halt new housing creation. As a historic district in the relatively dense R-6 zone, there would still be numerous paths to new housing creation besides the demolition of existing buildings: conversion of existing structures to allow greater residential density (from single family to multi-family, for instance, or more housing units within an existing multi-family); conversion of secondary structures such as garages; additions to existing buildings; construction of new buildings on non-contributing parcels or on available lot area on contributing properties; and as of December 1, up to two Accessory Dwelling Units will be possible per lot.

In the previous 5 years, 536 housing units were created in historic districts or in local and national landmark buildings; an additional 295 are approved and not yet completed.

More housing creation would still be possible within a Munjoy Hill Historic District than in any other residential zone in the city. For instance, an R-6 zone parcel of 2,900 sf would permit four dwelling units (not considering ADUs), where the same sized parcel the R-1, R-2, R-3, R-4 and R-5 would permit none (under certain circumstances previously created non-conforming lots could possibly be approved for one). Larger lot sizes would expand the possibilities in all of these zones, but the density allowances are still considerably smaller, favor single family houses, and not all of these zones allow multi-family (3+ dwelling units/building) to be created. It's also worth noting that many of the homes on Munjoy Hill that were originally single family homes already contain more than one housing unit, as creating density within the existing building stock is not a new practice in this neighborhood.

Proposed Munjoy Hill Historic District and Individual Landmark Designations
Per Historic Preservation Board Recommendation



Included in the Agenda packet materials are examples of residential projects reviewed and approved by the Historic Preservation Board (Attachment 9) showing new market-rate housing, affordable housing, mixed housing and mixed-use developments, many substantially larger than the surrounding development (in footprint, height and/or overall scale).



Examples of new construction in historic districts

Housing Costs

Isolating the effect on home values of historic designation is challenging because of the many variables go into determining property values. The City Tax Assessor, Chris Huff, confirms that designation itself does not change assessed property values (Attachment 13). Implementation of districts in the United States varies from place to place, regulations vary, densities and housing policies vary, as well as trends in housing markets. A sampling of average 2-bedroom apartment rents on the peninsula and predominantly in the R-6 zone, find a range of rents that cannot be attributed to historic district designation (data from 2017):

Parkside (approximately half in a Historic District): \$1,374

West End (largely in a Historic District): \$1,408

Bayside: \$1,346

Munjoy Hill: \$1,482

The City Tax Assessor also notes that the characteristics of properties in districts (such as building design) may already be effecting property values in ways not captured in the analysis that goes into assessing property values in or out of a district. Trends in market conditions in certain neighborhoods, particularly on the peninsula, may already be experiencing increases in property values and greater levels of development, also making capturing the relationship between designation and rising property values challenging. Munjoy Hill has also seen steeper rises in housing prices and higher overall home than the established historic district of the West End. He also mentions that there would be an opportunity to study the impact of designation on home values upon adoption of a new district, by studying pre- and post- designation values while controlling for these many other considerations.

Construction Costs

As with questions of housing costs, it's difficult to capture the precise impact of a designation on costs. There are application fees for historic preservation applications (from \$65 to \$750) and the scale of projects range from a new porch to a new apartment building – there is not a steady increment of difference across these different projects. Review may result in different materials or designs than would otherwise have been the case (the design review by Planning Board for non-historic district properties sometimes does, as well). Designation does not mandate one solution, one design, one set of materials. Ordinary maintenance, replacement-in-kind of existing building features, alterations that are not visible from a public way, paint, and landscaping are not subject to historic preservation review. Guidance on consistency with design standards will vary by district, and in this case structures on Munjoy Hill are mostly fairly modest vernacular buildings (not a lot of ornamental architectural detail, or materials like slate or copper or other more costly elements) and review would not put requirements on them to be more ornate or use more expensive materials than is consistent with the simpler architectural styles found there.

Additional Review Time

Most applications requiring historic preservation review require other reviews and approvals, such as site plan review and/or building permit review, and those occur concurrently. For instance, for renovations that only require building permits, a single building permit application is submitted which is forwarded to plan reviewers in Building Inspections, Fire/Life Safety staff (if applicable) and Historic Preservation and each contributes their input to the single building permit application.

There are categories of review that requires Historic Preservation Board review but not Planning Board review – certain scales of additions, for instance. But for larger projects located within historic districts that require site plan review a concurrent review process is also followed. Planning & Urban Development strives to schedule Planning Board and Historic Preservation Board review on parallel schedules as much as possible, both in the interest of the time and to enhance communication between the two review bodies.

In sum, there is an extra layer of review for applications in historic districts, and some applications will need to factor in the additional time of applying for a certificate of appropriateness, but the majority of these are concurrent with other parts of the application process, and in some cases this is a substitute of one review authority for another (Historic Preservation Board for Planning Board for design review) rather than an additional element.

Availability of Tax Credits/Funding Sources

State and federal historic tax credits are available for the rehabilitation of income-producing properties, including apartment buildings or owner-occupied buildings that also contain rental units. The creation of a district itself does not qualify the district for tax credits, but upon designation, Historic Preservation staff would apply for National Park Service certification of the district in order for the tax credits to become an option in the district. The City previously sought and received NPS certification for the Congress Street Historic District and also for an expanded Portland Waterfront Historic District. Upon certification, individual property owners would then be eligible to apply.

Tax Credit projects are more helpful on larger projects, as qualifying investments begin at \$50,000, but nevertheless since the 1970's it has helped offset rehabilitation costs for many projects. **From 1978-2007, a total of 82 designated historic properties in Portland were rehabilitated using Historic Tax Credits. More than half (47) were residential projects. Since 2008, a total of 38 designated historic properties in Portland have been rehabilitated using Historic Tax Credits (summary sheet included as Attachment 14). Twenty two of the projects were residential projects.**

Affordable Housing Tax Credits, while not a City incentive, would be available for new projects as well as for rehab of existing historic structures for affordable housing. The Affordable Housing Tax Credit has often been combined with the Historic Tax Credit. Avesta Housing and CHOM have used both credits in combination in a number of their projects in the West End Historic District and Deering Street Historic District.

Studies, Findings

As mentioned above, isolating a clear answer on the effect of property values and rents is difficult to do, in part because of the many variables that influence housing markets region by region, city by city. Staff read and compiled many articles that evaluated or expressed strong opinions on the negative impacts or positive benefits of preservation. For every article or study read that showed a correlation between designations

and increased housing costs there were others that indicated that the designation alone was not the deciding factor in housing costs. A list of sample articles referenced in the course of the designation process is included in Attachment 8. Several articles are included as PDF attachments, as well, including a Forbes article (<https://www.forbes.com/sites/reginacole/2018/08/20/your-house-is-in-a-historic-district-does-that-raise-or-lower-its-value/?sh=542b242d7c8c>) that finds that historic district properties increased in value significantly more than non-designated properties, and a CityLab article (<https://www.bloomberg.com/news/articles/2017-06-11/how-historic-preservation-supports-affordability>) that finds that neighborhoods with older, smaller buildings and mixed-age blocks tend to provide more units of affordable rental housing than new construction (CityLab articles have covered a range of strong opinions on the role of historic districts in the contemporary city, from having no place and being a barrier to being affordability to being crucial elements to affordable and walkable neighborhoods). A study from NYU's Furman Center finds that the benefits and costs of districts differ by neighborhood in NYC, boosting them relatively more where development options are low, and less so, or even reducing values, where the potential for new development is high, but that evidence shows they raise property values in immediately adjacent to districts. Attachments to both articles (executive summary only for one) referenced in the City Tax Assessor's memo are included. The attached articles are not intended to summarize one opinion or be exhaustive, but to offer a small sample of the numerous articles available on this topic.

Though not a tax credit, but a source of additional financial support, Munjoy Hill is a CDBG-eligible neighborhood and property owners meeting applicable income requirements would be eligible for CDBG grants or loans. Property owners who may not meet the income requirements themselves, but whose tenants do, would also be eligible. CDBG grants have assisted with a number of residential rehabilitation projects in the West End Historic District and the Deering Street Historic District.

Munjoy Hill Neighborhood Conservation Overlay District

There's an overlay for the entire R-6 zone on Munjoy Hill, and the district when adopted would be nested within this (orange area

on inset map is the overlay, black boundary is proposed district).

When the overlay was implemented it anticipated the possibility of a historic district, and they don't conflict. The overlay has demolition delay provisions that won't apply to a district, because the district has stronger demolition protections. However, for non-contributing structures within a district, these could actually be demolished more easily than in the overlay because the designation has already decided

their historic significance or lack of (there are 52 non-contributing parcels). The district gives greater predictability for property owners in this regard. There are some design standards built into the overlay that would still be applicable in the district.

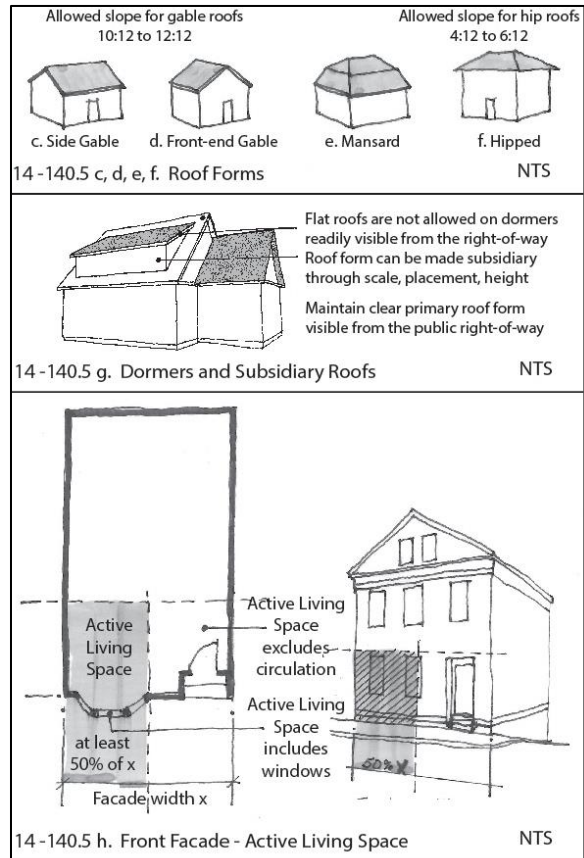


Conservation Overlay with Inset Historic District Boundary

As with most other districts, a project located within 100 feet of the historic district boundary or an individually designated landmark which is subject to site plan review would require advisory, non-binding historic review that may be done by staff.

Several members of the Planning Board expressed a wish to revisit the overlay in light of a new district, expressing concern that both in combination perhaps too complex or included too many regulatory layers for one area. Staff recommended these be taken up in sequence rather than simultaneously, and to that end, Planning will bring the overlay back to the Planning Board with ideas for changes to the overlay when the historic district process concludes. Possibilities for changes include repealing the overlay altogether; creating sharper distinctions between the two so that no property is subject to both district and overlay requirements; eliminating the 100 foot rule.

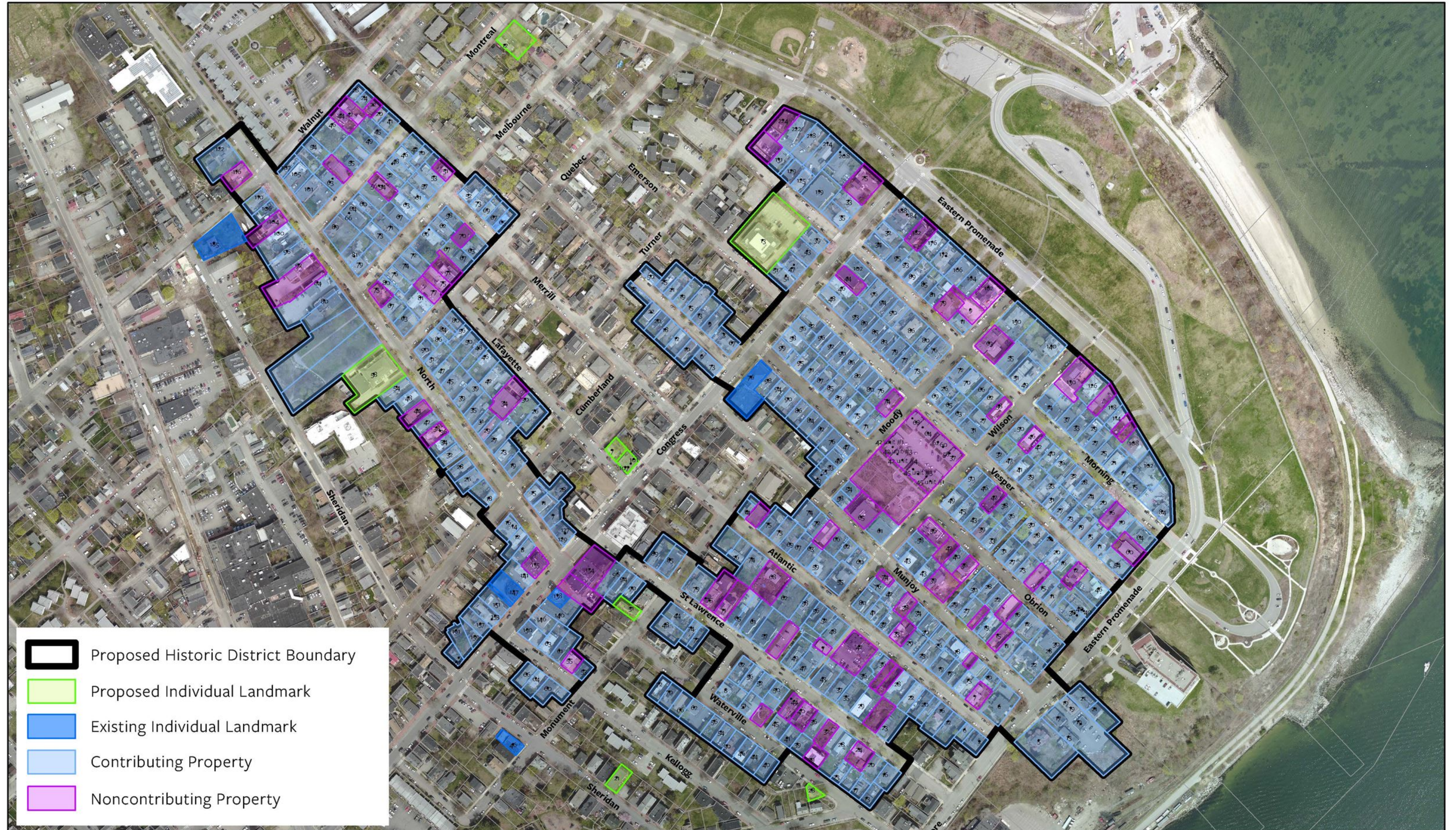
The maximum height in the R-6 has long been 45 feet, but the overlay permits the max height only for multifamily buildings, and only when a workforce dwelling unit is included onsite (in addition to Inclusionary Zoning requirements), to incentivize both density and mixed market rate/affordable housing projects – beyond design and demolition restrictions, this is one of the key policy elements of the overlay that warrants consideration of how to retain or extent or modify going forward.



Sample Overlay Design Standards

Proposed Munjoy Hill Historic District and Individual Landmark Designations

Per Historic Preservation Board Recommendation



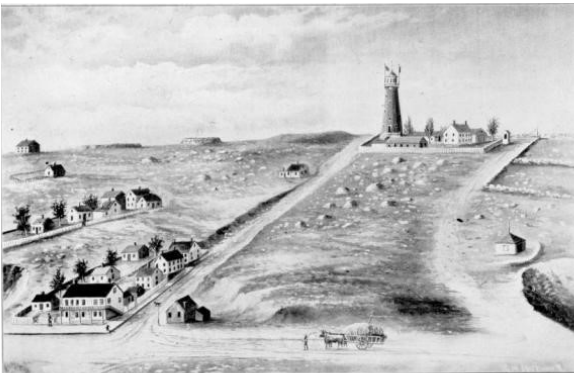
0 250 500 1,000 Feet

Munjoy Hill Architectural Development & Context Statement

April 2019



Development History: 1786-1866



Munjoy Hill in the Forties by Charles Goodhue
Collections of the Maine Historical Society, MMN 4144



Munjoy Hill in 1826 as drawn by Lemuel Moody
Collections of the Maine Historical Society, MMN 100727



Munjoy Hill in 1851 from the H.F. Walling *Map of Cumberland County*.

Munjoy Hill rises 161 feet above Casco Bay on the eastern end of the Portland peninsula. The Hill's namesake George Munjoy (c1626-1680) settled near present day Mountfort and Fore Streets in 1659. He fled Portland after an Indian attack in 1676 and never returned.

The center of activity on Munjoy Hill for many years was the Portland Observatory (1807) which served as a signal communications tower for merchant vessels. Adjacent to the Observatory was a bowling alley and the house of its founder and operator Lemuel Moody.

Although Munjoy Hill came to be the city's most densely populated and ethnically diverse neighborhood, it was one of the last neighborhoods on the peninsula to be developed. Its primary functions from the city's founding in the 1630s until the 1840s were as an occasional gathering place and a pasture for cows. Throughout the mid-18th century a group called the Munjoy Proprietors erected a system of stone walls on the hill, with a gate near the present-day intersection of Washington Avenue and Congress Street. The Munjoy Proprietors sold "cow rights" to locals for pasturing their cattle.

The cow pastures were also the site of large open-air events. The fields between the Observatory and Eastern Cemetery were popular for 4th of July celebrations, circuses, and militia musters.

Early structures on the hill in addition to the Observatory included a hospital for small pox victims, a gun house, and Fort Sumner. The fort was built in 1794 off North Street to protect the city from attacks from the west and Back Cove.

In 1796 Tukey's Bridge was built, connecting the peninsula to the mainland. Washington Avenue was laid out to connect the city to the bridge in anticipation of a residential building boom that didn't immediately materialize.

Instead, groups of structures were scattered across the hill, first near the gate to Munjoy Hill,

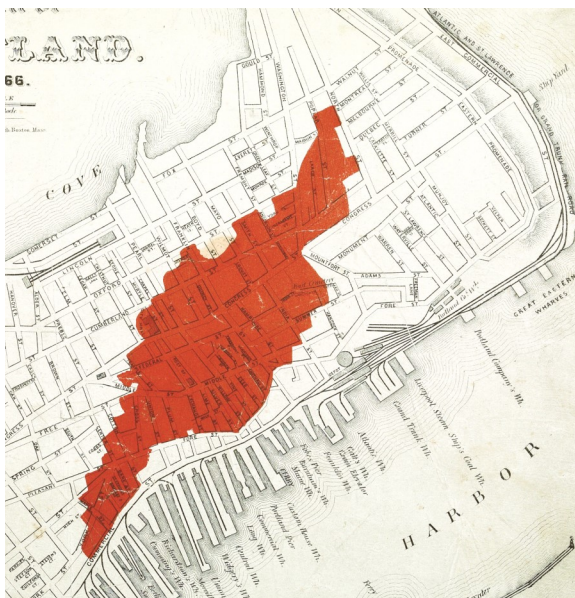
Development History: 1786-1866



Munjoy Hill in 1857 from the H.F. Walling *Map of Cumberland County*.



Congress Street on Munjoy Hill after the Fire of 1866
Greater Portland Landmarks



Extent of the Great Fire of 1866
Greater Portland Landmarks

then along Cumberland Avenue, Congress and Lafayette Streets.

As the Hill's population increased, in 1836 City officials bought up land along the shoreline, despite public outcry at the waste of public money. Much of this area is now the Eastern Promenade.

While the Eastern Promenade was preserved for future public use, on the opposite side of Munjoy Hill tons of gravel were removed to fill in Back Cove. Moses Gould, owner of 18 acres on the Hill, formed the Back Cove Land Co. to fill and develop the mud flats in what is now Bayside.

Expansion on the waterfront was precipitated by the founding by John A. Poor of the Atlantic and St. Lawrence Railroad. Chartered in 1845 and opened in 1853, the railroad connected Portland to Montreal, Quebec. Poor also helped found the Portland Company on Fore Street in 1847 to build locomotives for his new railroad. The upsurge in activity along Fore and India Streets in the 1840s and 1850s led to a residential boom on the Hill, attracting workers from the Portland Company and railroad. Many of these homes were built in the Greek Revival Style that predominated during this period.

On the western side of the Hill, the area between Washington Avenue and North Street developed a unsavory reputation in the early 19th century. In 1849 a riot broke out in a bawdy house. During the riots one man was killed and a dance hall was destroyed by fire. This area would be mostly destroyed in a few decades by a catastrophic fire with significant impact on the entire city.

The Great Fire of July 4th and 5th, 1866 spread from Commercial Street to North Street. It destroyed 1,500 buildings and left over 10,000 people homeless. The field below the Observatory was turned into a makeshift tent-city by the Army, then replaced by wooden dormitories until permanent housing could be built.

Several early homes on the east side of North Street survived the fire including the Benjamin Noble House (1856) at 65 North Street and the double house of Eliphalet Clark and Moses Gould at 79 North Street (c1847).

Development History: 1866-1917



Munjoy Hill from a *Bird's-Eye Map of Portland* Published by J. J. Stoner in 1876



The index of a map prepared by the city Tax Assessor 1882-1884 depicts the extent of development on Munjoy Hill.

Following the Great Fire, the city's need for housing drove development on Munjoy Hill. This development was largely middle-class homes, with a few high style residences in the Italianate and Second Empire styles. A few years earlier in 1863 the city's horse drawn street car line had reached Munjoy Hill helping to make the hillside areas attractive for development after the fire. Residential development spread out from existing residential areas eastward toward the Promenade on Turner, Quebec, Melbourne and Montreal Streets, which had been subdivided 1857 and 1858.

In 1874 the Deering family heirs subdivided their land along Congress, Sheridan and Kellogg Streets. A few years later in 1879 the family subdivided additional land along the east side of Munjoy Street and the north side of Congress Street from Howard Street to the Eastern Promenade.

By the 1880s, Munjoy, Atlantic and St. Lawrence Streets were largely built out. These long streets extended between Fore to Congress and were interconnected by short streets like Sherbrooke Street or small lanes like Gilbert's Lane. To the east, a pond initially blocked the extension of several streets westward to Congress Street. The pond was located in the area generally occupied in the 20th century by the Adams School (*image bottom left*). Within the next ten years the area would be drained and developed. One block within this formerly wet area would become one of four car barns for the Portland Railroad Co. after the street car line expanded its route on the Hill from Congress Street, down Morning Street to the Eastern Prom. It then wended its way back to Congress Street along Beckett, Wilson, and Atlantic Streets. The company's street cars lines were all electrified by 1896.

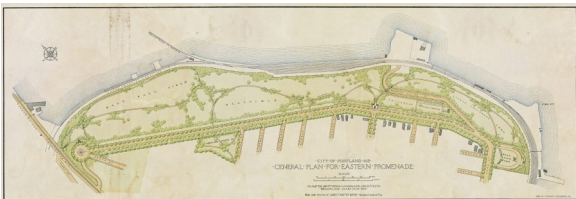
Development History: 1866-1917



Portland Railroad Company's car barn on Beckett Street.



Munjoy Hill Reservoir c1920.
Portland Water District, MMN 82239



Olmsted Brothers design for Eastern Promenade.



J.J. Nissen House, 286 Eastern Promenade in 1924.

In 1889 the Munjoy Hill reservoir was built at the corner of North and Walnut Streets by the Portland Water Company. The reservoir was built to better serve customers in the East End and had a capacity of 20,000,000 gallons. The reservoir burst a few years later in 1893, killing four people and destroying four homes off Walnut Street. The reservoir remained in operation until 1970 as a water supply; today the site is a parking lot above a large underground reservoir.

In the last decade of the 19th century, wealthy local families began to appreciate the Eastern Promenade's sweeping views and began erecting grand homes opposite the City-owned green space. The residential development followed efforts begun by the city in 1878 to improve the publically owned green space. In 1890 the City acquired Fort Allen to extend the city's park space. The park and perimeter roadway became key elements in the park and boulevard system envisioned by Mayor James Phinney Baxter and the Olmsted brothers landscape firm in 1905.

Twenty-one of the thirty-three single family homes on the Eastern Promenade were built between 1888-1912 in the Queen Anne and Colonial Revival styles. Samuel D. Plummer, a Portland real estate dealer, built his Queen Anne house at 140 Eastern Promenade in 1898. The Griffin Brothers, prominent fruit dealers on Portland's waterfront, built large homes on the Promenade. Lindsay B. Griffin first built a house at 182 Eastern Prom in 1897, then built a new Colonial Revival House at 188 Eastern Prom in 1908. His brother John built a similar home at 150 Eastern Prom in 1910. One of the prominent Colonial Revival homes on the northern end of the Promenade was the 1913 residence of John. J Nissen, founder of Nissen Bakery at 59 Washington Avenue.

Development History: 1866-1917



Samuel D. Plummer House, built 1898 at 140 Eastern Promenade.



Triple deckers on Munjoy Hill.



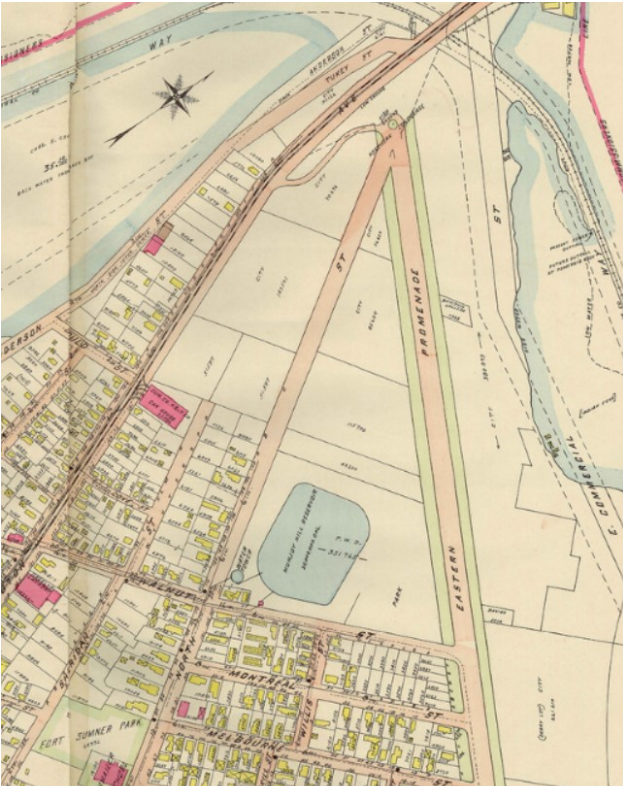
Triple deckers on Munjoy Hill.

Between 1895 and 1917 “triple deckers” or “flat houses” were built in large numbers on Munjoy Hill. They are particularly prevalent on Morning, Vesper and Beckett Streets, as well as Sheridan and Kellogg Streets. The land on Morning, Vesper and Beckett Streets was owned by the Deering and Fessenden families and was some of the last vacant land to be laid out on Munjoy Hill. The triple-deckers and the few apartment buildings built during this period were multi-family residential building types that housed the Hill’s increasing immigrant population from Italy and Northern and Eastern Europe.

Portland was a busy maritime port in the early 20th century and served as an immigrant port of entry. Portland’s primarily English population was joined by groups from Ireland, Canada, Portugal, Scandinavia, Italy, Eastern Europe, and Greece. Munjoy Hill’s close proximity to the downtown made it attractive to many immigrant families. Immigrant families settled on the Hill and often built neighborhood businesses like the Capozza brothers barber shop or Paul Blumenthal’s grocery store.

By World War I, most of the neighborhood’s residential lots were filled, however land to the west along North Street and the Eastern Promenade remained vacant.

Development History: 1917 – Present



Map of the northern end of Munjoy Hill depicting vacant land.
Richards Standard Atlas of the City of Portland, 1914.



View of the Munjoy Hill Reservoir and the Jack school beyond.
Portland Water District, MMN 94455.



View of Portland House in the distance.

By the late 1920s, although most of the neighborhood's residential lots had been developed, some lots remained vacant, particularly along North Street and the Eastern Promenade. During the 20th century infill development and construction of new institutional and educational buildings slowly filled the remaining land.

In 1929 the Jewish Home for the Aged was designed by architect Herbert Rhodes and built at 158 North Street.

Jack Junior High School was built on North Street near the Munjoy Hill Reservoir on land gifted to the city by the Portland Water District in 1943 for seventh and eighth grade students in the Munjoy Hill neighborhood. The school was later used as an elementary school. The building was closed in 2001 and replaced by the East End Community School built on the same site in 2006.

In 1947 the housing development at 304 Eastern Promenade was built on the site of homes destroyed in the reservoir flood. The development includes seven buildings on a 1.7-acre lot with parking along the perimeter of the development.

A few years later in 1950 at the corner of Eastern Promenade and Quebec Street, six multi-unit buildings were constructed on a one-acre lot. Like the other mid-twentieth century housing project on the Eastern Promenade, it is a low scale development and does not follow the traditional street pattern.

Today, the Munjoy Hill skyline is dominated by two large-scale residential buildings. The Portland House, overlooking the Fore River at 45 Eastern Promenade, was built in 1969 as an apartment building and today houses over 100 residential condominiums.

Promenade East, purportedly the first high rise condominium building in Maine, was built in 1975. The building is fourteen stories high and accommodates 80-units. Its interior has a unique layout with two floors sharing a single hallway.



Henry Homer House, 81 Congress Street (c1829) in 1924.



7 Lafayette Street (1849 - 1852) in a 1924 image.



7 Lafayette Street (1849—1852) in 2018.

Architectural styles of the Hill's residences provide useful clues to the development and history of the neighborhood. While few buildings from the Hill's early settlement remain, there are many buildings from the three major periods of construction: early subdivisions for housing for workers along the expanding waterfront (1847-1866), Post Fire development (1866-1890s) and housing for Portland's expanding immigrant population (1890s -1930). Research conducted by Greater Portland Landmarks in the early 1980s provided dates for many of the homes on Munjoy Hill.

A number of buildings on Munjoy Hill exhibit the characteristics of more than one style, either because they are transitional between stylistic periods or due to later additions. Some buildings, altered by the replacement of exterior siding and the removal of exterior features display no particular architectural style.

Early Settlement (1785-1845)

The few buildings that remain from the early settlement on Munjoy Hill are wood-framed, three-bay, side gable capes and are generally located near the crest of the hill. The Henry Homer House (c1829) at 81 Congress Street is a one-and-a-half story three bay cape that has been altered by a side addition. A slightly later example is the dwelling at 7 Lafayette Street (1849-1852).

Another altered example of an early house is located at 62 Munjoy Street. The first floor was a five-bay cape built c1790 in the Federal period. The cape was likely moved and a second floor added c1857 by builder William Hoit.

Early Subdivisions (1845-1866)

Two early subdivisions of land, one off North Street and the other off Fore Street include good examples of the Greek Revival style. These homes typically feature a strong post and lintel door surround. While most homes in this style on Munjoy Hill are wood framed, there are several brick Greek Revival homes in the neighborhood. The brick dwellings usually feature stone lintels over their windows.



Moses Gould and Eliphalet Clark at 79-81 North Street (1847).



Joseph Flower House at 87 St. Lawrence Street (c1852).

One of the best examples of a brick Greek Revival is the Robert Dresser House (1850-1851) at 2 Atlantic Street. The two-story building has stone lintels above the windows and a recessed entry door with sidelights. Another early example is the double house of Moses Gould and Eliphalet Clark at 79-81 North Street (1847). Like the Dresser House, the Gould-Clark House has recessed entries. The entry at 81 North Street retains its entry sidelight design. Altered by Italianate entry hoods, the Greek Revival style is evident in the building's strong gable-end pediments, the recessed brick window bays, and the stone lintels and sills at each window.

Additional brick dwellings are located at 16 Atlantic Street (1852-1853), 55 Atlantic Street (1855), 62 Waterville Street (1855) and 66 Waterville Street (1855-1857). A late example of a brick Greek Revival dwelling is the Gabriel Mark House at 74 St. Lawrence Street built in 1872.

St. Lawrence, Atlantic and Waterville Streets contain a high percentage of Greek Revival frame residences. There are thirteen examples of the Greek Revival style built between 1845 and 1855 on Atlantic Street. Nineteen Greek Revival frame dwellings built between 1847 and 1860 are located on St. Lawrence Street and nine built between 1846 and 1867 are located on Waterville Street.

The neighborhood contains examples of both gable front Greek Revival homes and side gable dwellings. Gable front dwellings are usually 2 1/2 stories, while one and two story examples of side gable dwellings are also present.

One of the most prevalent builders on Munjoy Hill in this period was William Hoit. Research indicates he was responsible for the construction of at least ten wood frame homes on Munjoy Hill in the 1850s. Most of these were Greek Revival homes, although two examples of his construction in the Italianate style are extant at 86 and 104 Congress Street.



Ellen Moody York House, 140 Congress Street in 1924.



A Gothic Revival dwelling on North Street in 1924.



Tall narrow paired windows like these at 80 North Street are typical of the Italianate Style.

Another early 19th century architectural style is the Gothic Revival. There are few examples of the Gothic Revival style on Munjoy Hill. 140 Congress Street is the former home of Ellen Moody York, the granddaughter of Lemuel Moody and proprietress of the Portland Observatory until 1925. Her dwelling once featured ornate decorated vergeboards and drop mold window trim that characterized the Gothic Revival style. Many of the dwelling's details were lost when the dwelling was altered by the addition of a church sanctuary in the mid-20th century.

A second example of the style is located at the rear of 21 North Street. Less decorative than 140 Congress Street, the North Street dwelling features decorative verge board, steeply pitched gable wall dormers, and a projecting two story entry bay with a similarly steep gable roof and decorative verge boards.

Post-Fire Development (1866-1890s)

Most of the extant homes built in the aftermath of the Great Fire of 1866 were constructed in the Italianate and Second Empire styles that predominated during that period. Often similar in form to the gable fronted Greek Revivals homes, the typical Italianate house has more elaborate decoration and machine-made details. The details, such as brackets, were more readily available and affordable than earlier hand carved details due to new machinery technology.

Characteristic features of the Italianate style include tall paired windows, arched window openings, decorative door hoods, brackets below the roofline and bay windows.

The Italianate style predominates on Munjoy Hill. Projecting bays and door hoods are common features on both vernacular dwellings as well as more elaborately detailed homes on the Hill. The Italianate style is also found on commercial and civic buildings like the Shailer School (1880-1881) on North Street.

Architecture



Bay windows on gable front home are a typical feature on the Hill.



The Ann Freeman House on Congress Street is an early example of the Italianate Style. It is a designated local landmark.



While most Italianates style homes have a side hall plan, the Hill also has several examples of an L-plan house with a side entrance like this one at 56 St. Lawrence Street built c1860.

Brick examples of the style include the two-bay, two-story Ann Freeman House (1857) at 147 Congress Street and the three-story double house at 96 St. Lawrence Street. Both examples have hip roofs that formerly were capped by cupolas.

Early examples of the gable end form are the Benjamin Noble House at 63 North Street (1856) and the Jason H Davis House at 23 O'Brien Street (1866-7).

The three bay, one-and-a-half story Cushing House at 83 Munjoy Street (1878) is an unusual example of the Italianate style on Munjoy Hill. Unlike most of its neighbors, the dwelling is set far back on its lot and has an unusual central projecting entry tower form.

A third plan type is the L-shape plan. An example of the L-plan form with side entry, usually off a porch, is the Samuel Libby House at 30 Lafayette Street (late 1870s). Like many dwellings with this form, the Libby House has a narrow gable front form with a projecting bay window on the street façade.

Two of the most prevalent builders on Munjoy Hill in this period were William H. and John Weeks. Research indicates the Weeks family built several Italianate wood-frame houses on Vesper and O'Brien Streets in the last decades of the 19th century.



The Alfred Roberts House (1876) at 80 Quebec Street.



The Second Empire at 60 Kellogg Street retains its historic slate roof, window hoods, and corner boards.



39 and 45 North Street on Munjoy Hill in 1924

The Second Empire style shares many of the Italianate style's characteristics and was popular during the same time period. What distinguishes the Second Empire style, however, is its mansard roof form. It is another predominate style on Munjoy Hill.

Several good examples of small scale, one-and-a-half-story Second Empire dwellings are located on the Hill. The Alfred Roberts House (1876) at 80 Quebec Street and the John C. Main House (1876) at 52 Melbourne Street each have detailed woodwork over the dormers and elaborate brackets supporting the entry hood. The Mains House has a two-bay side hall plan, while the Roberts House has an unusual back hall plan and features bull's eye rosettes as a decorative exterior detail. Like the Mains and Roberts Houses, the Second Empire at 60 Kellogg Street has elaborate dormer and cornice details. It retains its historic slate roof, window hoods, and corner boards.

The late 19th century brought larger scale dwellings to the neighborhood, particularly on North, Congress and Merrill Streets. Larger two-and-a-half-story examples of the Second Empire style are present at 32, 39, 45, 96 North Street. The V.B. Fuller House (1884) at 45 North Street retains its double entry doors, bracketed entry hood, two-story projecting bays with narrow windows, cornice brackets, and dentil molding. The A.L.R. Huston House (1886) at 39 North Street retains its historic carriage house.



Swag detail on entry porch gable at 129 Morning Street.



William N. Taylor House (1895) at 64 Eastern Promenade.



Samuel D. Plummer House (1898) at 140 Eastern Promenade.

Housing a Growing Population (1890s-1930)

The extant homes built on Munjoy Hill at the turn of the century are constructed in the diverse styles that predominated during that period. The two most prevalent styles are Queen Anne and Colonial Revival.

While homes from this era located on the Eastern Promenade are often elaborate and large scale, on interior streets the Queen Anne and Colonial Revival style tend to be smaller scale and follow the same development pattern as earlier homes. Many Queen Anne homes are gable front with a side hall plan, like earlier Greek Revival, Italianate, and Second Empire style homes on the Hill. Only the stylistic details have changed. Similarly, Colonial Revival homes may also have a gable front or may have a hip roof.

The Queen Anne style features a variety of distinctive patterns of decorative detailing. Spindlework with delicate porch details and lace-like brackets is one common type of Queen Anne architectural embellishment found on Munjoy Hill. Another is the Free Classic, with classical columns and decorative details borrowed in part from the early 19th-century Federal period of architecture.

Towers are prominent feature in Queen Anne dwellings and towers are present on the R. Cutler Libby House (1895) at 34 Congress Street, the William N. Taylor House (1895) at 64 Eastern Promenade, the Robert D. Libby House (1901) at 84 Eastern Promenade, and the Samuel D. Plummer House (1898) at 140 Eastern Promenade.

The John E. Farr House (1893) at 39 Congress Street is a good example of a gable front Queen Anne dwelling. The gable front projects beyond the front wall and encompasses the two story projecting window. Typical of the Queen Anne style, the dwelling features a Palladian window, multiple window sizes and styles, panel work, patterned shingles, spindlework, dentil moldings, and gable ornament in the entry portico. A unique feature of the house is the different decorative pattern of the lintels on the first and second floor window trim.



Colonial Revival house at 188 Eastern Promenade.



Colonial Revival house at 150 Eastern Promenade.



Colonial Revival apartment house at 164 Eastern Promenade.

The Colonial Revival style on Munjoy Hill is represented in a wide range of residential building types: large-scale single-family homes, small-scale single-family homes, and on triple decker buildings.

Two excellent examples of the Colonial Revival style are the John W. Griffin House (1910) at 150 Eastern Promenade and the Lindsay B. Griffin House at 188 Eastern Promenade (1908). Both dwellings have a hipped roof with a barrel roof dormer, but one has a full width porch and the other has a central portico. Both have a symmetrical façade and entry door with flanking sidelights that is typical of the Colonial Revival style.

Enoch Richards (1854-1944) was one of the most prolific builders on Munjoy Hill. He built at least sixteen houses on the Eastern Promenade and Beckett, Vesper, and Moody Streets. He built single-family homes, two-units and triple decker apartment buildings in both the Queen Anne and Colonial Revival Styles.

The Colonial Revival Enoch C. Richards Apartment House (1903-1904) at 164 Eastern Promenade features a distinctive element Richards used on many of his buildings--large brackets to support an deep overhanging roofline. This detail is also present on his former home at 162 Eastern Promenade, his triple decker building at 45 Quebec Street and four triple decker buildings at 88-96 Vesper Street.

While most buildings from this turn-of-the-century period of construction are Queen Anne or Colonial Revival, there are other styles present on Munjoy Hill as well, including Folk Victorian, the Shingle Style and Beaux Arts Style.

Folk Victorian architecture has simple detailing inspired by Italianate and Queen Anne Styles. The small home at 100 North Street (1873) has a simple gable roof form, a jig saw cut balustrade, and brackets window hoods typical of the Folk Victorian style.



The Emma Fuller House (1892 at 50 Morning Street.



The Emerson School under construction in 1898, above. Collections of the Maine Historical Society, MMN 20355. The Emerson School today, below.



The Emma Fuller House (1892) at 50 Morning Street is a Queen Anne dwelling that exhibits some characteristics of the Shingle Style, including its strip of three windows in the front gable end, shingled pent roof, and shingle clad brackets supporting the projecting gable end.

The Henry F. Merrill House (1898) at 5 Eastern Promenade was designed by John C. Stevens and John H. Stevens. Colonial Revival in style, it also has elements found in the Shingle Style, including the recessed shingle window in the gable bay, the Palladian window, and the shingled exterior siding that unifies the irregular form of the house. Its porch with Ionic columns and decorative cornice detailing are typical Colonial Revival details.

Although not a dwelling, the Emerson School at 13 Emerson Street is an example of the Beaux Arts Style. Built 1897-1898, it was designed by Frederick Thompson in the Beaux Arts Style as an elementary school serving the Munjoy Hill neighborhood.

The Munjoy Hill neighborhood includes many triple decker apartment buildings. The triple decker is a residential building type that provided a greater number of units than early examples of multi-family housing on Munjoy Hill. It proved to be a critically important housing type to provide for Portland's growing population at the turn of the century. The building form is generally three stories high with one family unit on each floor, usually with a rear porch.

One street largely defined by its row of triple-deckers is Vesper Street. The land on Vesper Street wasn't developed until the late 1880s after being owned for many years by the Deering family. Enoch Richards, a prolific builder on Munjoy Hill, built five triple-deckers on the west side of Vesper Street 1896-1899.



An Italianate Triple Decker Building at 101 North Street



An example of the shingle bay form of triple decker buildings.



This apartment building on Morning Street has a similar form and features to a triple decker building, but has a single building entrance.

One of the most ornate triple-deckers on Munjoy Hill is located at 101 North Street. It was built in 1887 by Moses Gould, a prominent real estate developer who lived at 79 North Street. A similar triple-decker, but somewhat altered, is located at 98 Cumberland Avenue, near the Hill's only four-decker at 106 Cumberland Avenue and a brick triple-decker at 102 Cumberland Avenue.

The triple decker at 82 Beckett Street is a good example of a shingled bay style with a bracketed cornice and Italianate details. Particularly striking is its unusual curved brackets at the entry door. It was built in 1891 by Charles W. Cushing, a carpenter who lived at 87 Munjoy Street.

The Colonial Revival triple-decker at 129 Morning Street has a curved three-story bay, unusual on Munjoy Hill where most bays are segmented. The dwelling was built in 1908 for Edward L. Dame, who also owned the more traditional triple-decker next door at 125 Morning Street.

The triple decker is a more dense form of housing than early examples of multi-family housing that was built on Munjoy Hill. It was critical to house Portland's growing population at the turn of the century. In addition, the development of multi-family apartment buildings allowed for greater density in the neighborhood and accommodation for lower middle class residents. One example of a large apartment block is the building at 119 Morning Street, built circa 1926 for the Albert family and formerly known as the "Cleevesland".

The brick apartment building at 55-57 Morning Street, formerly known as the "Raymond Apartments" is an example of a housing type built to accommodate a greater number of units than the multi-family residences and triple deckers on Munjoy Hill. It was built c1912 for Samuel D Plummer and owned for many years by his family. Samuel D Plummer (1858-1917) was a real estate dealer who lived in a Queen Anne house at 140 Eastern Prom in 1898 on land he bought from the Deering heirs in 1897. He later built two apartment buildings at the rear of his house on Morning Street on the remainder of the land he purchased from the Deering family.

Visual Character of the Hill



Munjoy Hill is largely a neighborhood of wood framed dwellings.



Gables, bay windows, and raised stoops are common.



On many blocks, narrow lots contribute to a consistent streetscape.

Although Munjoy Hill exhibits a variety of architectural styles and residential building types, including single-family, multi-family, triple decker and the occasional apartment building, there are a number of shared building characteristics that serve to unify much of the neighborhood and give it its own identifiable visual character.

First and foremost, the neighborhood is distinguished by its dense development pattern. Buildings occupy narrow, deep lots and are closely spaced. With few exceptions, mostly on the Eastern Promenade, buildings are of modest scale, ranging from 1 ½ to 3 stories. Most dwellings are wood-frame construction with clapboard exteriors; the occasional brick building breaks this predominate material palette. Buildings generally have small footprints, with their narrow, usually gable, end facing the street. Most houses are two or three bays wide, often with a projecting one- or two-story front bay. Projecting front entry vestibules are also common.

Most houses sit above a high brick foundation, with a raised stoop and flight of exterior stairs leading to the main entry. Entries are typically located on the street façade and are generally shifted to one side, although there are examples of primary entrances on the side elevation. Most buildings are set back a short distance from the sidewalk, allowing for a shallow front yard. Driveways, where they exist, occupy much of the width of the lot's side yard.

Just as the scale of houses on Munjoy Hill is generally modest, so too is the architecture. Most of the houses, with the exception of those facing the Eastern Promenade, are vernacular expressions of the various architectural styles popular at the time of their construction. The very large number of Italianate buildings throughout the neighborhood, with their tall vertical expression, gable end facing the street, bracketed entry hood, and projecting bays, lends a certain consistency to the blocks.

Visual Character of the Hill



Unique porch details can differentiate a typical gable front dwelling from its neighbors.



Vernacular dwellings often feature a few character defining details, like a entry hood or tall narrow windows, that help identify these dwellings as Italianate.



Streetscapes like this on North Street, depict the typical rhythm created by vertically orientated facades .

Color photography by Greater Portland Landmarks

Certainly, there are some blocks within the neighborhood (Moody Street, for example) that do not follow this typical development pattern. There are also houses that do not exhibit the common building characteristics described above. These are, however, exceptions rather than the rule on Munjoy Hill. That is why later developments such as MacArthur Gardens, which features several separate-but-related brick buildings set back from the street within a campus-like setting, do not feel sufficiently integrated with the neighborhood.

Munjoy Hill is often described as “friendly” and “approachable”. While there are no doubt many factors that contribute to this reputation, the neighborhood’s distinct visual character is key among them.

List of Properties within the Proposed Munjoy Hill Historic District

Property Address	Classification
2 Atlantic Street	Contributing
6 Atlantic Street	Contributing
7 Atlantic Street	Non Contributing
12 Atlantic Street	Contributing
13 Atlantic Street	Contributing
16 Atlantic Street	Contributing
17 Atlantic Street	Contributing
18-20 Atlantic Street	Contributing
19 Atlantic Street	Contributing
22 Atlantic Street	Contributing
23 Atlantic Street	Contributing
28 Atlantic Street	Contributing
29 Atlantic Street	Contributing
34-26 Atlantic Street	Contributing
33 Atlantic Street	Non Contributing
37 Atlantic Street	Contributing
41 Atlantic Street	Contributing
42 Atlantic Street	Non Contributing
48 Atlantic Street	Contributing
52 Atlantic Street	Contributing
55 Atlantic Street	Contributing
58 Atlantic Street	Contributing
62 Atlantic Street	Contributing
63 Atlantic Street	Contributing
67 Atlantic Street	Contributing
68 Atlantic Street	Non Contributing
69 Atlantic Street	Contributing
73 Atlantic Street	Contributing
74 Atlantic Street	Contributing
75 Atlantic Street	Contributing
76 Atlantic Street	Contributing
71 Beckett Street	Contributing
75 Beckett Street	Contributing
76 Beckett Street	Contributing
81 Beckett Street	Contributing

82 Beckett Street	Contributing
83 Beckett Street	Contributing
84 Beckett Street	Contributing
85 Beckett Street	Contributing
86 Beckett Street	Contributing
87 Beckett Street	Contributing
88 Beckett Street	Contributing
91 Beckett Street	Contributing
94 Beckett Street	Contributing
95 Beckett Street	Contributing
98 Beckett Street	Contributing
99 Beckett Street	Contributing
25 Congress Street	Non Contributing
32 Congress Street	Contributing
33 Congress Street	Contributing
34 Congress Street	Contributing
35 Congress Street	Contributing
39 Congress Street	Contributing
43 Congress Street	Contributing
44 Congress Street	Non Contributing
45-47 Congress Street	Contributing
46 Congress Street	Contributing
48 Congress Street	Contributing
51-53 Congress Street	Contributing
52 Congress Street	Contributing
56 Congress Street	Contributing
58 Congress Street	Contributing
67 Congress Street	Contributing
73 Congress Street	Contributing
76 Congress Street	Previously Designated Landmark
103 Congress Street	Individually Designated Landmark
127-129 Congress Street	Contributing
134 Congress Street	Non Contributing
135 Congress Street	Non Contributing
138 Congress Street	Previously Designated Landmark
140 Congress Street	Contributing (House at Rear)
	Non Contributing (Church)

141 Congress Street	Contributing
146 Congress Street	Contributing
147 Congress Street	Previously Designated Landmark
150 Congress Street	Contributing
151-153 Congress Street	Contributing
155 Congress Street	Contributing
157 Congress Street	Contributing
159 Congress Street	Contributing
161 Congress Street	Contributing
165-167 Congress Street	Contributing
5 Eastern Prom	Contributing
6 Eastern Prom	Contributing
13 Rear Eastern Prom	Contributing
17 Eastern Prom	Contributing
19 Eastern Prom	Contributing
21 Eastern Prom	Contributing
22 Eastern Prom	Contributing
28-30 Eastern Prom	Contributing
38-40 Eastern Prom	Contributing
46 Eastern Prom	Contributing
54 Eastern Prom	Contributing
60 Eastern Prom	Non Contributing
64 Eastern Prom	Contributing
84 Eastern Prom	Contributing
102 Eastern Prom	Contributing
108 Eastern Prom	Contributing
114 Eastern Prom	Contributing
118 Eastern Prom	Contributing
126 Eastern Prom	Contributing
130 Eastern Prom	Non Contributing
140 Eastern Prom	Contributing
150 Eastern Prom	Contributing
158-162 Eastern Prom	Non Contributing
164 Eastern Prom	Contributing
166-168 Eastern Prom	Contributing
172-174 Eastern Prom	Contributing
176 Eastern Prom	Contributing

182 Eastern Prom	Non Contributing
188 Eastern Prom	Contributing
208 Eastern Prom	Contributing
214 Eastern Prom	Contributing
218 Eastern Prom	Contributing
222 Eastern Prom	Contributing
13 Emerson Street	Landmark
7 Gilbert Lane	Non Contributing
9 Howard Street	Contributing
10 Howard Street	Contributing
12 Howard Street	Contributing
13 Howard Street	Contributing
15 Howard Street	Contributing
18 Howard Street	Contributing
19 Howard Street	Contributing
20 Howard Street	Contributing
21 Howard Street	Contributing
22 Howard Street	Contributing
25 Howard Street	Contributing
51-53 Kellogg Street	Contributing
55-57 Kellogg Street	Non Contributing
60 Kellogg Street	Contributing
61 Kellogg Street	Contributing
63 Kellogg Street	Contributing
64 Kellogg Street	Contributing
66 Kellogg Street	Contributing
7 Lafayette Street	Individually Designated Landmark
26 Lafayette Street	Contributing
30 Lafayette Street	Contributing
34 Lafayette Street	Non Contributing
42 Lafayette Street	Contributing
46 Lafayette Street	Contributing
48 Lafayette Street	Contributing
50 Lafayette Street	Contributing
56 Lafayette Street	Contributing
51 Melbourne Street	Non Contributing
52 Melbourne Street	Contributing

53 Melbourne Street	Contributing
57 Melbourne Street	Contributing
58 Melbourne Street	Contributing
61 Melbourne Street	Contributing
62 Melbourne Street	Contributing
63 Melbourne Street	Contributing
64 Melbourne Street	Contributing
67 Melbourne Street	Contributing
71 Melbourne Street	Contributing
72 Melbourne Street	Contributing
73 Melbourne Street	Contributing
74 Melbourne Street	Contributing
76 Melbourne Street	Contributing
80 Melbourne Street	Contributing
65 Merrill Street	Contributing
67 Merrill Street	Contributing
69 Merrill Street	Contributing
73 Merrill Street	Contributing
8-12 Montreal Street	Individually Designated Landmark
41 Montreal Street	Contributing
42 Montreal Street	Contributing
45 Montreal Street	Contributing
46 Montreal Street	Contributing
48 Montreal Street	Contributing
49 Montreal Street	Contributing
52 Montreal Street	Contributing
54 Montreal Street	Non Contributing
55 Montreal Street	Contributing
60 Montreal Street	Contributing
63 Montreal Street	Contributing
64 Montreal Street	Contributing
44 Monument Street	Contributing
48 Monument Street	Contributing
51 Monument Street	Individually Designated Landmark
9 Moody Street	Non Contributing
53-55 and 57-59 Moody Street	Contributing
52-54 and 56-58 Moody Street	Contributing

10 Morning Street	Contributing
11-13 Morning Street	Contributing
16 Morning Street	Non Contributing
17 Morning Street	Contributing
19-21 Morning Street	Contributing
20 Morning Street	Contributing
24 Morning Street	Contributing
25 Morning Street	Contributing
27 Morning Street	Contributing
28 Morning Street	Contributing
29 Morning Street	Contributing
32 Morning Street	Contributing
33 Morning Street	Contributing
36 Morning Street	Contributing
37 Morning Street	Contributing
40 Morning Street	Contributing
42 Morning Street	Contributing
46-48 Morning Street	Non Contributing
40-51 Morning Street	Contributing
50 Morning Street	Contributing
55 Morning Street	Contributing
58 Morning Street	Non Contributing
62 Morning Street	Contributing
63-65 Morning Street	Contributing (Original Structure) Non Contributing (Addition)
64-66 Morning Street	Contributing
68-70 Morning Street	Contributing
72 Morning Street	Contributing
76 Morning Street	Contributing
79 Morning Street	Non Contributing
80 Morning Street	Contributing
81 Morning Street	Contributing
85 Morning Street	Contributing
86 Morning Street	Contributing
89 Morning Street	Contributing
90 Morning Street	Contributing
93 Morning Street	Contributing

94 Morning Street	Contributing
95 Morning Street	Contributing
96 Morning Street	Contributing
102 Morning Street	Contributing
119 Morning Street	Contributing
125 Morning Street	Contributing
129 Morning Street	Contributing
131 Morning Street	Contributing
10 Munjoy Street	Contributing
11 Munjoy Street	Contributing
14 Munjoy Street	Contributing
15 Munjoy Street	Non Contributing
18-20 Munjoy Street	Contributing
19 Munjoy Street	Contributing
26 Munjoy Street	Contributing
27 Munjoy Street	Contributing
29 Munjoy Street	Contributing
30 Munjoy Street	Contributing
34 Munjoy Street	Non Contributing
38 Munjoy Street	Non Contributing
39 Munjoy Street	Non Contributing
42 Munjoy Street	Contributing
43 Munjoy Street	Contributing
60 Munjoy Street	Contributing
62 Munjoy Street	Contributing
66 Munjoy Street	Contributing
72 Munjoy Street	Non Contributing
76 Munjoy Street	Contributing
7 North Street	Contributing
9 North Street/28 Cumberland Ave.	Contributing
11 North Street	Contributing
12 North Street	Contributing
15 North Street	Contributing
14-16 North Street	Contributing
18 North Street	Contributing
19 North Street	Contributing
23 North Street	Contributing

24-26 North Street	Contributing
27 North Street	Contributing
28 North Street	Contributing
29 North Street	Contributing
31 North Street	Contributing
32 North Street	Contributing
34 North Street	Contributing
35 North Street	Contributing
36 North Street	Non Contributing
39 North Street	Contributing
42 North Street	Contributing
44 North Street	Non Contributing
45 North Street	Contributing
47 North Street	Contributing
48 North Street	Contributing
51 North Street	Contributing
54 North Street	Contributing
56-60 North Street	Landmark
63 North Street	Contributing
67 North Street	Contributing
73 North Street	Non Contributing
79 North Street	Contributing
80 North Street	Contributing
84 North Street	Contributing
89 North Street	Contributing
92 North Street	Non Contributing
96 North Street	Contributing
100 North Street	Contributing
101 North Street	Contributing
103 North Street	Contributing
104 North Street	Non Contributing
105 North Street	Contributing
106 North Street	Contributing
107 North Street	Contributing
110 North Street	Contributing
116 North Street	Non Contributing
122 North Street	Contributing

11 O'Brion Street	Contributing
12 O'Brion Street	Contributing
15 O'Brion Street	Contributing (Garage on Adjoining Lot Non Contributing)
16 O'Brion Street	Contributing
22 O'Brion Street	Contributing
27 O'Brion Street	Contributing
28 O'Brion Street	Contributing
30 O'Brion Street	contributing
31 O'Brion Street	Contributing (Outbuilding Non Contributing)
33 O'Brion Street	Contributing
36 O'Brion Street	Non Contributing
39 O'Brion Street	Contributing
40 O'Brion Street	contributing
42 O'Brion Street	Non Contributing
43 O'Brion Street	Contributing
45 O'Brion Street	Contributing
49 O'Brion Street	Contributing
65-67 Quebec Street	Contributing
71 Quebec Street	Non Contributing
75 Quebec Street	Non Contributing
77 Quebec Street	Non Contributing
80 Quebec Street	Contributing
81 Quebec Street	Contributing
84 Quebec Street	Contributing
86 Quebec Street	Contributing
90 Quebec Street	Contributing
8 Sherbrooke Street	Contributing
21 Sheridan Street	Landmark
46 Sheridan Street	Previously Designated Landmark
16 St. Lawrence Street	Contributing
20 St. Lawrence Street	Contributing
23 St. Lawrence Street	Contributing
24 St. Lawrence Street	Contributing
28 St. Lawrence Street	Contributing
29 St. Lawrence Street	Contributing

35 St. Lawrence Street	Contributing
36 St. Lawrence Street	Contributing
37 St. Lawrence Street	Contributing
40 St. Lawrence Street	Non Contributing
43 St. Lawrence Street	Contributing
46 St. Lawrence Street	Non Contributing
47 St. Lawrence Street	Contributing
49 St. Lawrence Street	Contributing
50 St. Lawrence Street	Contributing
52 St. Lawrence Street	Contributing
56 St. Lawrence Street	Contributing
57 St. Lawrence Street	Contributing
61 St. Lawrence Street	Contributing
62 St. Lawrence Street	Contributing
65 St. Lawrence Street	Contributing
71 St. Lawrence Street	Non Contributing
72 St. Lawrence Street	Contributing
74 St. Lawrence Street	Contributing
75-77 St. Lawrence Street	Non Contributing
83 St. Lawrence Street	Contributing
87 St. Lawrence Street	Contributing
91 St. Lawrence Street	Contributing
94-96 St. Lawrence Street	Contributing
50 Turner Street	Contributing
52 Turner Street	Contributing
11 Vesper Street	Contributing
12 Vesper Street	Non Contributing
15 Vesper Street	Contributing
16 Vesper Street	Contributing
19 Vesper Street	Contributing
20 Vesper Street	Contributing
22 Vesper Street	Contributing
23 Vesper Street	Contributing
27 Vesper Street	Contributing
28 Vesper Street	Contributing
31 Vesper Street	Contributing
30-32 Vesper Street	Contributing

33 Vesper Street	Contributing
36 Vesper Street	Contributing
38 Vesper Street	Contributing
39 Vesper Street	Contributing
41 Vesper Street	Contributing
42 Vesper Street	Non Contributing
46 Vesper Street	Contributing
47 Vesper Street	Contributing
50 Vesper Street	Contributing
73 Vesper Street	Contributing
74 Vesper Street	Non Contributing
76 Vesper Street	Contributing
77 Vesper Street	Contributing
79 Vesper Street	Contributing
80 Vesper Street	Contributing
82 Vesper Street	Contributing
83 Vesper Street	Contributing
85 Vesper Street	Contributing
86 Vesper Street	Contributing
89 Vesper Street	Contributing
90 Vesper Street	Contributing
92 Vesper Street	Contributing
93 Vesper Street	Contributing
96 Vesper Street	Contributing
42 Walnut Street	Non Contributing
44 Walnut Street	Non Contributing
46 Walnut Street	Contributing
54 Walnut Street	Contributing
17 Waterville Street	Contributing
23-25 Waterville Street	Contributing
28 Waterville Street	Individually Designated Landmark
29 Waterville Street	Non Contributing
39 Waterville Street	Contributing
40 Waterville Street	Contributing
41 Waterville Street	Contributing
44 Waterville Street	Contributing
45 Waterville Street	Contributing

46 Waterville Street	Contributing
50 Waterville Street	Contributing
51 Waterville Street	Contributing
54 Waterville Street	Contributing
56 Waterville Street	Contributing
62 Waterville Street	Contributing
65 Waterville Street	Contributing
66 Waterville Street	Contributing
70 Waterville Street	Contributing
72 Waterville Street	Contributing
73 Waterville Street	Contributing
10 Willis Street	Contributing
20 Willis Street	Contributing
22 Willis Street	Non Contributing
24 Willis Street	Contributing
26 Willis Street	Contributing
14-16 Wilson Street	Contributing
27 Wilson Street	Contributing
29 Wilson Street	Contributing
32 Wilson Street	Contributing
56 Wilson Street	Non Contributing
58 Wilson Street	Contributing
61-65 Wilson Street	Contributing
74 Wilson Street	Non Contributing
76 Wilson Street	Contributing
80 Wilson Street	Contributing

approval by the council.

- (o) To provide comment, as appropriate, to the planning board and/or city council on matters pertaining to historic preservation in Portland.
 - (p) To confer recognition upon the owners of landmarks or properties, sites, structures or objects within districts by means of certificates, plaques or markers.
 - (q) To assist the planning board in the development of a preservation component in the comprehensive plan of the City of Portland.
 - (r) To periodically review this Code and to make recommendations to the planning board concerning any amendments appropriate for the protection and continued use of landmarks or properties, sites, structures or objects within districts.
 - (s) To annually report to the council with respect to the following matters:
 - 1. Survey work in progress or completed;
 - 2. The number of projects reviewed (by type);
 - 3. How many certificates of each type were issued.
- (Ord. No. 235-90, 2-26-90; Ord. No. 165-08/09, 3-16-09)

DIVISION 3. CATEGORIES AND CRITERIA FOR DESIGNATION

Sec. 14-610. Minimum criteria for designation.

(a) The historic preservation board shall limit its consideration to the following criteria in making a determination on a proposed nomination of an area, site, structure or object for designation by ordinance as a landmark or district:

- 1. Its value as a significant example of the cultural, historic, architectural, archeological or related aspect of the heritage of the City of Portland, State of Maine, New England region, or the United States;

2. Its location as a site of a significant historic or prehistoric event or activity which may have taken place within or which involved the use of any existing structure on the property;
3. Its identification with a person or persons who significantly contributed to the cultural, historic, architectural, archeological or related aspect of the development of the City of Portland, State of Maine, New England region, or the United States;
4. Its exemplification of a significant architectural type, style or design distinguished by innovation, rarity, uniqueness or overall quality of design, detail, materials or craftsmanship;
5. Its identification as the work of an architect, designer, engineer or builder whose individual work is significant in the history or development of the City of Portland, the State of Maine, the New England region, or the United States; or
6. Its representation of a significant cultural, historic, architectural, archeological or related theme expressed through distinctive areas, sites, structures or objects that may or may not be contiguous.

(b) In the case of a nominated historic district, the historic preservation board shall also determine whether a substantial number of the properties, sites, structures or objects have a high degree of cultural, historic, architectural or archeological significance and integrity, many of which may qualify as landmarks, and which may also have within its boundaries other properties, sites, structures or objects which, while not of such cultural, historic, architectural or archeological significance to qualify as landmarks, nevertheless contribute to the overall visual characteristics of the significant properties, sites, structures or objects located within it.

(c) In the case of a nominated historic landscape district, the historic preservation board shall also consider its significance as a geologic, natural or man-made landscape feature associated with the development, heritage or culture of the City of Portland, State of Maine, New England region, or the United States.

(d) The planning board and council shall apply the criteria of subsections (a), (b) and (c) but shall also consider the effect of such designation on other aspects of the comprehensive plan of the city.

(Ord. No. 235-90, 2-26-90)

Sec. 14-611. Integrity of landmarks and historic districts.

Any area, structure or object that meets the criteria in section 14-610 must also have sufficient integrity of location, design, condition, materials and workmanship to make it worthy of preservation or restoration.

(Ord. No. 235-90, 2-26-90)

Sec. 14-612. Designation of historic landscape districts.

An historic landscape district may be nominated and considered for designation only if the entire area of the district is owned by a unit of federal, state or local government, or any combination of such ownership.

(Ord. No. 235-90, 2-26-90; Ord. No. 220-93, § 2, 5-17-93)

Sec. 14-613. Reserved.

DIVISION 4. NOMINATION, CONSIDERATION AND DESIGNATION

Sec. 14-614. Procedure.

The provisions of this division shall govern the nomination, consideration and designation of landmarks and districts.

(Ord. No. 235-90, 2-26-90)

Sec. 14-615. Initiation of nomination.

(a) Nomination of an area, site, structure or object for consideration of designation as a landmark, historic district or historic landscape district shall be submitted to the department, on a form provided by the department, by the following:

1. Any two (2) members of the historic preservation board on their own initiative, by written notice to the department; or
2. By written petition of any owner, in the case of a

boundaries of the proposed district have given written consent to the extension.

(c) Failure to comply with any time limit in the nomination and designation process as provided in divisions 3 or 4 shall not affect the validity of any designation nor the interim protection provided by division 5.

(Ord. No. 235-90, 2-26-90)

Sec. 14-629. Reserved.

DIVISION 5. INTERIM PROTECTION FOR NOMINATIONS

Sec. 14-630. Nominated landmarks and districts.

(a) From the time of nomination until the historic preservation board acts upon such nomination, a site, structure, object or area nominated but not yet designated as a landmark or district shall be subject to all of the provisions of divisions 8 and 10 governing demolition and minimum maintenance, to the same extent as if designated. Upon final action of the historic preservation board recommending designation, the site, structure, object or area nominated shall be subject to all of the protection of this article until a final decision on designation by the council becomes effective. If the council rejects designation or fails to designate a property, that property shall no longer be subject to the provisions of divisions 8 and 10 of this article.

(b) Alteration or new construction commenced pursuant to a building permit issued prior to nomination shall not require a certificate of appropriateness, unless such permit has expired, been canceled or revoked. No project for which any application is pending, and which has received substantive review by the planning board prior to nomination, shall be affected by nomination. Substantive review, as used in this paragraph, shall include workshop review of any completed application under articles IV or V of this chapter.

(Ord. No. 235-90, 2-26-90; Ord. No. 220-93, § 4, 5-17-93; Ord. No. 165-08/09, 3-16-09)

Sec. 14-631. National Register of Historic Places.

(a) Every property, landmark or district listed in the National Register of Historic Places prior to adoption of this

KATE SNYDER (MAYOR)
BELINDA S. RAY (1)
SPENCER R. THIBODEAU (2)
TAE Y. CHONG (3)
ANDREW ZARRO (4)

**CITY OF PORTLAND
IN THE CITY COUNCIL**

MARK DION (5)
APRIL D. FOURNIER(A/L)
PIOUS ALI (A/L)
NICHOLAS M. MAVODONES, JR (A/L)

**AMENDMENT TO PORTLAND CITY CODE CHAPTER 14
RE: SELF STORAGE IN B-3 ZONE**

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

*That Chapter 14, Article 6 - Uses, Table 6-C, is hereby
amended to read as follows, on the following page:*

TABLE 6-C (CONT.): PERMITTED AND CONDITIONAL USES IN MIXED USE ZONES

	B-1/B-1b	B-2/B-2b/B-2c	B-3/B-3b/B-3c ¹¹	B-4	B-5/B-5b	B-6	B-7	Use Standards
Small-scale marijuana caregiver		●	●	●			●	6.4.10
Theaters and performance halls		●	●	●	●	●	●	
Veterinary services		●		●			●	
Communication studios		●	●	●	●	●	●	
Dairies		● ⁷		●				
High-tech manufacturing							○	6.5.6(D)
Intermodal transportation facilities					●	●	●	
Laboratory and research facilities		○		●		○	●	6.5.6(E)
Low-impact industrial (<10,000 SF)		● ⁸	○	●	●	●	● ⁸	6.5.6(E)
Low-impact industrial (>10,000 SF)		● ⁸		●	○			
Marijuana testing facilities				●				
Marijuana manufacturing facilities				●				6.4.10
Marijuana cultivation facilities (<7,000 SF plant canopy)				●				
Printing and publishing		○ ⁹	●	●	●	●	○	
Repair services		●	●	●	●	●	●	
Studios for artists and craftspeople	● ²	●	●	●	●	●	●	
Tow lots				●				6.4.17
Warehousing, storage, and distribution		○ ¹⁰	○ ¹⁰	●	● ¹⁰	○ ^{10, 14}	○ ^{10, 14}	6.5.6(E)
Marine uses					●	●		6.4.11
Correctional pre-release facilities				●				6.4.7
Off-street parking			●/○ ¹²		●	○	○	6.5.6(H)
Parks and open spaces	●	●	●	●	●	●	●	
Solar energy system (minor)	●	●	●	●	●	●	●	
Solar energy system (major)				○				6.4.16
Utility substations	●	●	○	●	●	●	○	6.5.6(L)
Wind energy system (minor)		○	○	○	○	○	○	6.4.18

¹ Permitted if permitted in the adjacent or nearest residential zone. In other cases, permitted if located above first floor commercial, or on first floor where a minimum depth of 25 ft. along the principal frontage is maintained for commercial use.

² Permitted on the ground floor only in the B-1b zone.

³ Permitted in the B-2 and B-3 zones only.

⁴ Permitted as a conditional use in the B-2 only. Expansion of auto service stations in existence as of 11/15/99 permitted as a conditional use in the B-2b and B-2c zones.

⁵ Not permitted in the B-2c and B-3c zones.

⁶ Permitted in the B-2 zone. Conditional in the B-2b and B-2c.

⁷ Permitted only if an expansion of an existing dairy.

⁸ Permitted with a retail component only. Low-impact industrial uses greater than 10,000 SF are permitted in the B-2 only.

⁹ Printing and publishing of 10,000 SF or less, or expansion of printing and publishing establishments greater than 10,000 SF in existence as of 4/4/88, shall be treated as a conditional use.

¹⁰ Permitted in the B-2/B-2b/B-2c as a conditional use if 10,000 SF or less. Self-storage permitted in the B-4 zone. Self-storage permitted as a conditional use in the B-5 zone (on-peninsula locations only) in buildings existing as of 12/16/15. Self-storage permitted as a conditional use in the B-3 zone in buildings existing as of 1/1/1995, the area of the building dedicated to self-storage shall not exceed 30% of the total building area and may not be located directly adjacent to or facing a public right-of-way. Self-storage not permitted in the B-2/B-2b/B-2c, B-6, and B-7 zones.

¹¹ See PAD Overlay for additional use regulations.

¹² Structured parking shall be permitted. Surface parking shall be treated as a conditional use.

¹³ Hotels shall be limited to no more than 150 rooms.

¹⁴ Wholesale is allowed as conditional use, providing the wholesale operation is associated with an onsite retail establishment and occupies less than 15,000 SF.



PLANNING BOARD REPORT TO CITY COUNCIL PORTLAND, MAINE

144-148 State Street
Zoning Map and Text Amendments
ZN-001163-2020
NewHeight Redfern, LLC, Applicant

Submitted to: Mayor Snyder & the City Council
From: Chair Mazer & the Portland Planning Board
Council Reading Dates: Feb. 1 and Feb. 17, 2020

Prepared by: Caitlin Cameron
Date: January 15, 2021



Figure 1: Proposed Map Amendment Area

I. INTRODUCTION AND PROJECT SUMMARY

On December 15, 2020 the Planning Board voted 5-0 (Silk and Stanley recused) to recommend to the City Council adoption of zoning map (**attachment 1 and 2**) and text amendments (**attachment 3**) to facilitate the development of properties at 148, 120, and 102 State Street, currently occupied by the Mercy Hospital campus and the Morrison House in the West End neighborhood. The proposed zoning map amendment would change the existing R-6 zone to a B-3 zone. In addition, proposed amendments include:

- Amendment to the Downtown Height Overlay Map to create an 85' height allowance on the State Street frontage in the B-3 zone on this site and a 35' and 45' height limit on the Winter Street frontage in the B-3 zone on this site
- Text amendment to add self-storage as a conditional use to the B-3 zone

The objective for these amendments is to allow for the adaptive reuse of the existing Mercy hospital building and redevelopment of the site in order to allow a broader range of uses including commercial, higher density residential, and to accommodate the existing non-conforming height and dimensional standards for the hospital building as well as to allow for future new construction on the sites. Unlike the existing R-6 zone, which is intended for high density residential uses and does not permit commercial uses, the B-3 Neighborhood Business Zone would allow a mix of permitted uses such as residential, office, grocery, medical clinic, restaurant, and retail.

Initially, this application requested adding Congregate Care and Intermediate Care as permitted uses to the B-3 zone. These requests were rescinded due to recent action by Council to adopt these text amendments as part of a separate application.

The proposed text amendments to the B-3 would impact the zone in its entirety and not only a future project on the applicant's site. Accordingly, the Planning Board considered the changes from the perspective of whether the Self-Storage use is appropriate for the B-3 zone overall.

a. Current Land Uses and Zoning

The proposed project is comprised of two parcels, Chart 45, Block C, Lot 7 (120 State Street) and Chart 45, Block C, Lot 6 (148 State Street), encompassed by State, Spring, and Winter streets. The site is currently occupied by the existing 1943 Mercy Hospital complex which includes, multiple building additions added throughout the years, an emergency room, surface parking, and a loading dock area. Mercy has operated a hospital and emergency room on the subject site for approximately seven decades and is proposed to continue operations on site through 2022. The Morrison House, which fronts onto State Street, hosts hospital administrative offices. A large area of surface parking to accommodate the existing uses occupies these blocks, interrupting the historic fabric.

In addition to the applicant's property, the immediate vicinity includes State Street a wide, historic street with wide sidewalks and established street trees lined with a variety of building types. Building types range from historic mansions converted to uses including a funeral home, Portland Club, offices, and retail. Two historic landmark church complexes with garden spaces are across the street and include community centers, day care, and places of assembly. The context becomes residential with a variety of scales and eras of buildings after the church properties. Spring Street has an intact historic fabric as does the southwest side of Winter Street. The character of Spring and Winter streets is predominantly small-scale residential, with some exceptions. Most of these properties are protected by historic districts (see section below).

Nearby Pine and Congress streets are zoned with mixed-use B-1 and B-3 zones, respectively. Congress Street, Portland's main thoroughfare, extends through a mixed-use area, and is lined with

a blend of medium- and high-density residential and commercial buildings with active ground floors. Building heights range between two to eight stories. The majority of the West End neighborhood is zoned R-6. Some of these existing structures, especially the hospital and churches, are legally non-conforming when it comes to the uses, height, and dimensional standards of the R-6 zone.

b. Historic Resources

The area under review is within the West End Historic District and is adjacent to the Congress Street Historic District. In addition, many of the properties within the area are designated historic landmarks or contributing structures (see figure below). This means the majority of the parcels being rezoned would unlikely be dramatically redeveloped or demolished because of historic protections, though certain additions and repurposing of existing structures could still occur. If alterations, additions, or new construction were contemplated, the Historic Preservation Board would have review authority. State Street includes several landmarked buildings that will likely remain largely unchanged in outward appearance.

The extent of the proposed B-3 rezoning stops short of Spring Street where all properties are historic structures and residential in use (except for the Portland Fire Museum). It was determined based on the existing, historic fabric and uses that B-3 was not appropriate for those parcels.

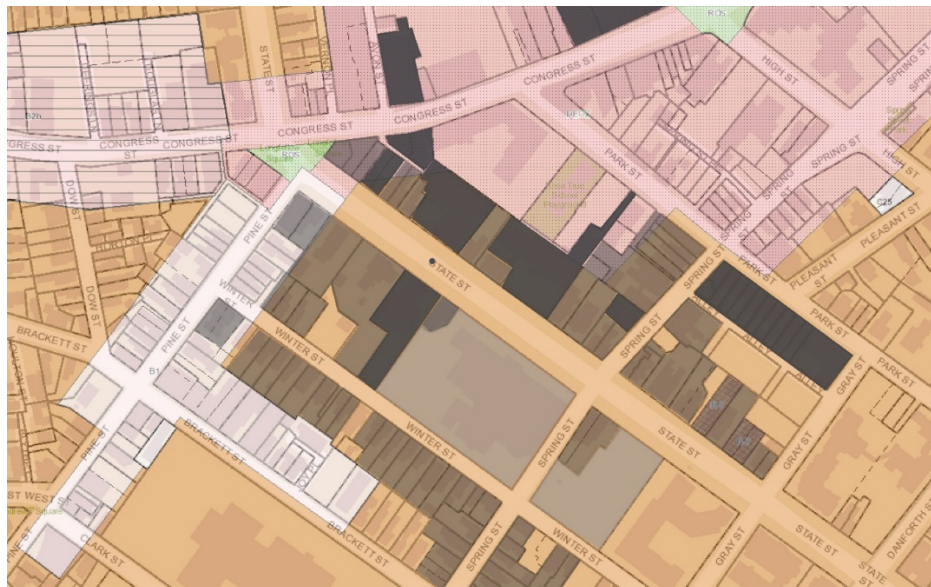


Figure 2: Historic Resources (Landmarks - dark grey, Contributing - light grey)

II. ZONING MAP AMENDMENT PROPOSAL

NewHeight Redfern, LLC proposes a zoning map amendment to rezone the applicant's properties located at 148, 120, and 102 State Street, from a R-6 zone to a B-3 zone. This would result in an increase in density and would permit a broader range of uses within the proposed rezoning area, which would better reflect the existing character and scale of the block and allowing for additional development of commercial and residential uses than could be provided under existing conditions. Additionally, the B-3 dimensional standards would bring the existing Mercy Hospital building into conformance. The applicant's submittal describes the zoning alternatives contemplated and the rationale for requesting the B-3 zone in this location. In addition, the Downtown Height Overlay Map would be modified to regulate the height of these parcels via an 85 foot maximum facing State Street and a 35 and 45 foot maximum along the smaller-scale, historic residential fabric of Winter Street.

In addition to the applicant's parcels, staff recommended that the Planning Board consider extending the B-3 zone across State Street to include properties on the north side of the street currently in the R-6 zone, to connect to the existing B-3 zone mapped on a portion of the block along Congress and Park streets. The B-3 zone would then encompass existing properties that are also legally non-conforming to R-6 in scale, dimensional standards and/or use, meaning the B-3 zoning would better reflect the on-the-ground conditions of these few parcels and create a contiguous B-3 zone. B-3 is also a zone that exists across a contiguous area of Portland's downtown, rather than in isolated pockets or nodes, and this extension would be consistent with the current application and purpose of the zone. The proposal would limit the extent of the B-3 on Winter Street to only the applicant's proposal to keep to a minimum the use and scale impacts on the residential street.

Though staff finds that the mapping of the B-3 zone for the applicant's property would support redevelopment of this important area, and also allow for the redevelopment of existing, nonconforming aspects of the property, staff recognizes that the B-3 introduces a new range of scale and uses on the Winter Street side of the proposal. Though the current pattern of the Mercy property on the Winter Street side has long not been of the same pattern as the residential facing side. The Historic Preservation Board review that will be required, as well as the 35 and 45 foot height limits that staff is recommending, will help guide contextually sensitive redevelopment on Winter Street.

B-3 is more intensive than the existing zoning both dimensionally and in terms of permitted uses. Although the applicant's indication of what uses are planned there in a future development includes only residential uses on Winter Street, there exists the possibility of some non-residential uses being introduced. Consideration of Winter Street impacts was thus a central consideration in the staff's review of this proposal.

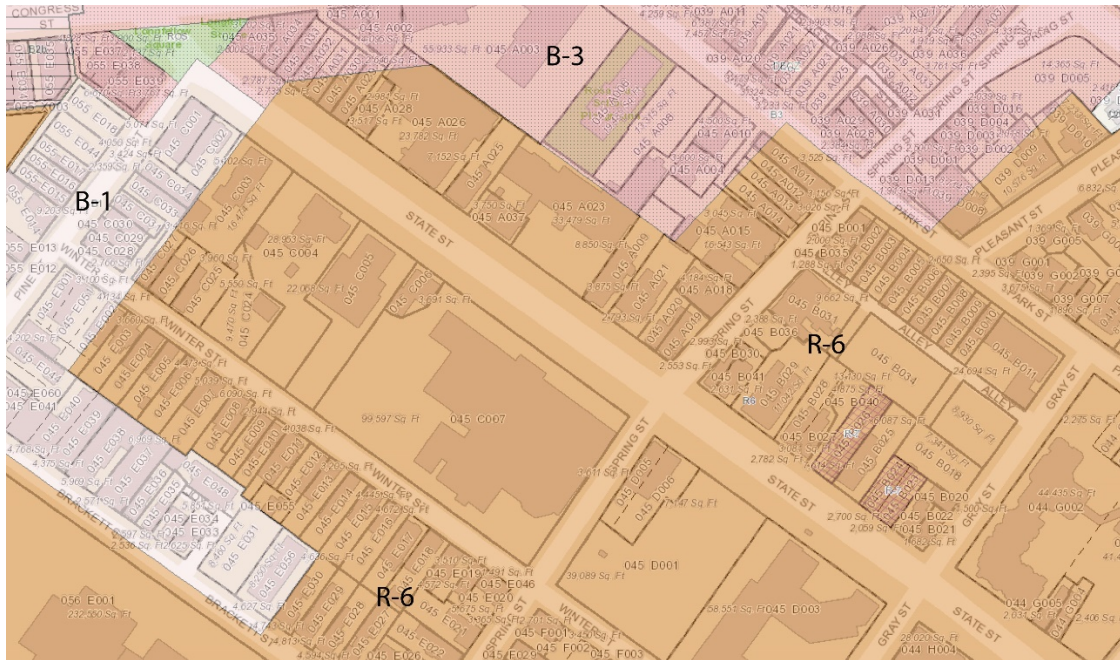


Figure 3 Existing Zoning

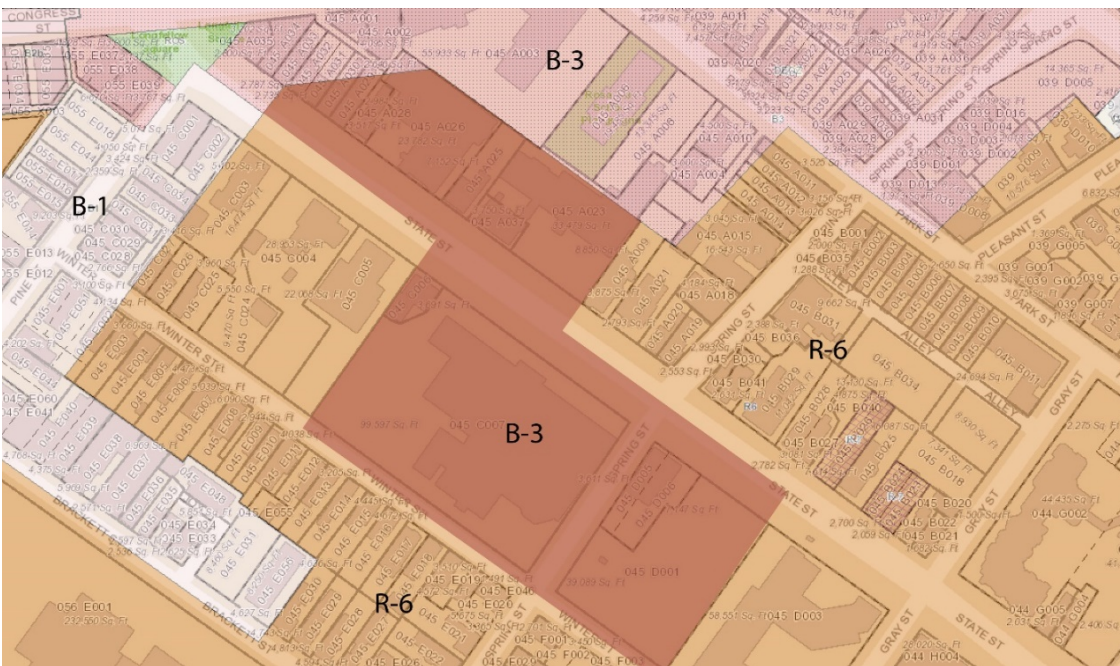


Figure 4: Map Amendment (R-6 to B-3 on State and Winter streets)

Maximum building heights in the B-3 zone are regulated by the Downtown Height Overlay Map and vary between 45 feet up to 210 feet. In addition, eligible projects located in the B-3 zone may receive a height bonus up to an additional 25 feet with the provision of affordable housing. To maintain an appropriate height along Winter Street staff proposed a 35 foot height maximum for a portion of Winter Street from the northwest property boundary line to Spring Street to extend to a depth of 65 feet into the parcel from the property line and a 45 foot height maximum for the portion of Winter

Street east of Spring Street to extend to a depth of 30 feet into the parcel from the property line so as to maintain the same dimensional standards consistently throughout the new proposed buildings. The Downtown Height Overlay Map does not currently have a 35 foot height category and would be newly added as part of this proposal.

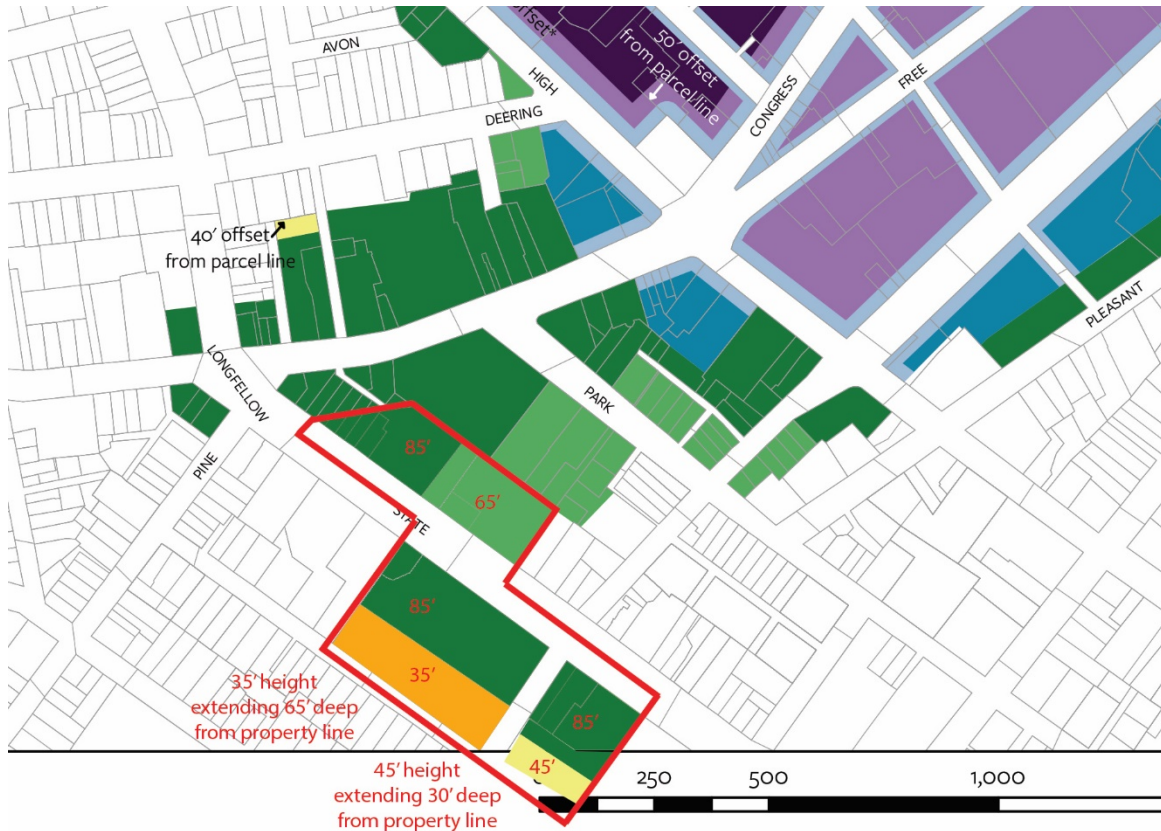


Figure 5: Downtown Height Overlay Proposed Heights

III. ZONING TEXT AMENDMENT PROPOSAL

The applicant proposes to amend Land Use Code Section 14-6. Use Standards. The proposed text amendment to the B-3 includes the following:

Conditional uses

Sec. 14-6 Table 6-C PERMITTED AND CONDITIONAL USES IN MIXED-USE ZONES

Modify use *Warehousing, storage, and distribution* – add conditional use in the B-3 zone with footnote 10

¹⁰ Self-storage permitted as a conditional use in the B-3 zone in buildings existing as of 1/1/1995; the area of the building dedicated to self-storage shall not exceed 30% of the total building area and may not be located directly adjacent to or facing a public right-of-way.

Below is how the new conditional use and footnote #10 will appear in the Land Use Code (also included as Attachment 3).

TABLE 6-C (CONT.): PERMITTED AND CONDITIONAL USES IN MIXED USE ZONES

	B-1/B-1b	B-2/B-2c	B-3/B-3c ¹	B-4	B-5/B-5b	B-6	B-7	Use Standards
Small-scale marijuana caregiver		●	●	●			●	6.4.10
Theaters and performance halls		●	●	●	●	●	●	
Veterinary services		●		●			●	
Communication studios		●	●	●	●	●	●	
Dairies		● ⁷		●				
High-tech manufacturing							●	6.5.6(D)
Intermodal transportation facilities					●	●	●	
Laboratory and research facilities		●		●		●	●	6.5.6(E)
Low-impact industrial (<10,000 SF)		● ⁸	●	●	●	●	● ⁹	6.5.6(E)
Low-impact industrial (>10,000 SF)		● ⁸		●	●			
Marijuana testing facilities				●				
Marijuana manufacturing facilities				●				6.4.10
Marijuana cultivation facilities (<7,000 SF plant canopy)				●				
Printing and publishing		● ⁹	●	●	●	●	●	
Repair services		●	●	●	●	●	●	
Studios for artists and craftspeople	● ²	●	●	●	●	●	●	
Tow lots				●				6.4.17
Warehousing, storage, and distribution		● ¹⁰	● ¹⁰	●	● ¹⁰	● ^{10, 14}	● ^{10, 14}	6.5.6(E)
Marine uses					●	●		6.4.11
Correctional pre-release facilities				●				6.4.7
Off-street parking			●/● ¹²		●	●	●	6.5.6(H)
Parks and open spaces	●	●	●	●	●	●	●	
Solar energy system (minor)	●	●	●	●	●	●	●	
Solar energy system (major)				●				6.4.16
Utility substations	●	●	●	●	●	●	●	6.5.6(L)
Wind energy system (minor)		●	●	●	●	●	●	6.4.18

¹ Permitted if permitted in the adjacent or nearest residential zone. In other cases, permitted if located above first floor commercial, or on first floor where a minimum depth of 25 ft. along the principal frontage is maintained for commercial use.

² Permitted on the ground floor only in the B-1b zone.

³ Permitted in the B-2 and B-3 zones only.

⁴ Permitted as a conditional use in the B-2 only. Expansion of auto service stations in existence as of 11/15/99 permitted as a conditional use in the B-2b and B-2c zones.

⁵ Not permitted in the B-2c and B-3c zones.

⁶ Permitted in the B-2 zone. Conditional in the B-2b and B-2c.

⁷ Permitted only if an expansion of an existing dairy.

⁸ Permitted with a retail component only. Low-impact industrial uses greater than 10,000 SF are permitted in the B-2 only.

⁹ Printing and publishing of 10,000 SF or less, or expansion of printing and publishing establishments greater than 10,000 SF in existence as of 4/4/88, shall be treated as a conditional use.

¹⁰ Permitted in the B-2/B-2b/B-2c as a conditional use if 10,000 SF or less. Self-storage permitted in the B-4 zone. Self-storage permitted as a conditional use in the B-5 zone (on-peninsula locations only) in buildings existing as of 12/16/15. Self-storage permitted as a conditional use in the B-3 zone in buildings existing as of 1/1/1995; the area of the building dedicated to self-storage shall not exceed 30% of the total building area and may not be located directly adjacent to or facing a public right-of-way. Self-storage not permitted in the B-2/B-2b/B-2c, B-6, and B-7 zones.

¹¹ See PAD Overlay for additional use regulations.

¹² Structured parking shall be permitted. Surface parking shall be treated as a conditional use.

¹³ Hotels shall be limited to no more than 150 rooms.

¹⁴ Wholesale is allowed as conditional use, providing the wholesale operation is associated with an on-site retail establishment and occupies less than 15,000 SF.

CITY OF PORTLAND LAND USE CODE L 6.5

At the second Planning Board Workshop (held on November 17, 2020), several of the Planning Board members provided comments concerning the proposed self-storage facility and questioned whether this use could happen on a broad scale and inappropriate locations. In response to this concern, staff recommended three conditions associated with self-storage as a conditional use in the B-3 zone, including incorporating a square footage cap on self-storage limiting the area of the proposed use to no more than 30 percent of the total building area. The intent of these conditions is to regulate the potential negative traffic and building design impacts of a self-storage use in a downtown, active zone. Staff believe it would be appropriate to allow self-storage in the case of existing buildings where the new use is secondary and set away from the public right-of-way so that more active uses may be placed at the street interface, and the Planning Board ultimately agreed, recommending incorporation of the 30% cap into footnote 10.

IV. ZONING POLICY ANALYSIS

City staff conducted a comprehensive analysis of potential zoning designations, including a comparison of purposes, permitted uses, and dimensional requirements under the existing R-6 zoning and proposed B-3 zone. Staff also analyzed the appropriateness of mapping an R-7 zone along Winter Street. The analysis found that the R-7 dimensional standards allow maximum building heights of 50 feet with no stepback requirements and is the only residential zone eligible to receive a height bonus up to an additional 25 feet under the affordable housing provisions. Therefore, a building providing 75 percent of its total units as low-income units may theoretically construct a building with a maximum height of up to 75 feet without a stepback. At the board's second workshop, the R-7 was effectively eliminated as an option due to scale concerns and the more intensive dimensional standards associated with the affordable housing bonus. However, there was considerable support for the B-3 zoning designation on the site and surrounding area, as such, the B-3 zone was advertised.

B-3 Downtown Business Zone

The purpose statement for the B-3 zone includes the following language relevant to the proposal:

- (2) Enhance and promote the orderly expansion of retail and service businesses downtown, satisfying the related needs of the city's resident, working and visitor populations;*
- (3) Encourage increased housing opportunity downtown for a diverse residential population;*
- (4) 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;*

Planning staff assert that B-3 is an appropriate district here due to the areas walkability and access to public transit, existing non-residential character and scale of the proposed rezoning area, the adjacency to State Street a major thoroughfare identified as a priority corridor in the City's Comprehensive Plan, and the flexibility in terms of curating and controlling the maximum heights that the Downtown Height Overlay Map allows. The zoning dimensional requirements are permissive in the B-3 zone – in most cases the requirements are intended to create dense, taller buildings that fill the site and maintain a street wall line.

Text Amendments

Self-Storage – Storage uses have the potential of being incompatible with the dense, historic downtown areas of the peninsula when developed as new construction. The mass, form, and footprint of self-storage can be expansive, low-density, and lacking active, engaged building exteriors. In addition, self-storage can have extensive parking and loading needs that may conflict with the built pattern of dense downtown areas. However, this proposal is to allow self-storage as a conditional use and only in the circumstances of adaptive reuse of buildings existing as of 1/1/1995, limiting the extent of this change, and potentially offering a valuable service for those in

need of in-town storage. The proposed text language further limits the self-storage use from occupying street frontage thus addressing concerns about a use that might create inactive frontage.

Staff support the inclusion of self-storage as a conditional use in existing buildings. Staff added an additional condition that limits the floor area to 30% of the total building area. Each conditional use must be approved in a public hearing either by the Zoning Board of Appeals or Planning Board and includes review of criteria to limit negative impacts on the surrounding neighborhood.

V. COMPREHENSIVE PLAN ANALYSIS

Portland's Plan 2030

The map and text amendments align with the Comprehensive Plan vision statements and goals through the ability for adaptive reuse of existing and historic structures in an urban infill neighborhood, provide the opportunity for a complete neighborhood by allowing a mixture of uses within a dense, residential neighborhood and increasing the services provided within a walking and transit radius. In addition, the map amendments would allow for an increase in residential density with the potential of providing more housing.

The text and map amendments also better facilitate the ability to provide a diversity of housing types and at varying affordability. The historic, walkable character of the neighborhood is maintained with the existing historic protections and the reuse of existing historic structures.

Vision Statements

- **Equity:** We will be a state and national leader in achieving a more equitable city.
- **Equity:** We will incorporate the needs of all our residents in planning for our future.
- **Sustainable:** Portland has been built and rebuilt to endure; we will balance our historic fabric, sound infrastructure, and the best of new technology and design for the future.
- **Sustainable:** Portland will grow in order to sustain our community, infrastructure, and economy.
- **Sustainable:** Growth should respect and seek to preserve our spectacular natural resources.
- **Secure:** We will be committed to accessible housing and healthy food for all our residents.
- **Authentic:** The uniqueness and integrity of our neighborhoods will be maintained and enhanced.

Environment

- Adopt sustainable land use and transportation policies that support connectivity, walkable neighborhoods, and multi-modal transportation.
 - Continue to develop land use policies which support complete neighborhoods.
 - Encourage landowners and developers to incorporate sustainable design, materials, and practices in rehabilitation of historic resources and in new construction.

An Enduring City – Historic Preservation

- Stabilize and enhance historic areas of the city by ensuring quality investment in existing structures and compatible infill development.
- Ensure an appropriate balance of continuity and change as Portland grows and evolves.
 - Encourage investments in historic structures
 - Foster partnerships
 - Balance multiple objectives

A Livable City: Housing

- Increase, preserve, and modify the overall supply of housing city-wide to meet the needs, preferences and financial capabilities of all Portland residents.
- Encourage additional contextually appropriate housing density in and proximate to neighborhood centers, concentrations of services, and transit nodes and corridors as a means of supporting complete neighborhoods.
- Pursue policies to enable people who work in Portland to have the option to live in Portland.
- Encourage quality, sustainable design in new housing development.
 - Remove housing barriers
 - Leverage underused properties
 - Support age-friendly housing options
 - Adapt affordable housing

An Accessible City – Transportation

- Promote multi-modal accessibility, enabling residents and visitors of all ages and abilities to participate fully in the social and economic life of the community.

Future Land Use

- Complete Neighborhoods
- Reinforce the Center

VI. PLANNING BOARD RECOMMENDATION

The Planning Board considered the proposed zoning map and text amendments at a hearing on December 15, 2020. After deliberation, and on the basis of staff reports, public testimony, and review of applicable policies, the Planning Board voted unanimously (5-0) (Silk and Stanley recused) to find that the following zoning map and text amendments are consistent with the Comprehensive Plan and recommended adoption to the City Council:

1. Zoning map amendment for the area of land that includes 173, 171, 169, 165, 159, 153, 148, 143, 134, 120, 116/118, and 102 State Street from an R-6 Residential zone to a B-3 Downtown Business zone.
2. Amendment to the Downtown Height Overlay Map for the area of land that includes 144-148 State Street and surrounding lots.
3. Text amendment to Chapter 14 Sec. 14-6 Table 6-C to include to add self-storage as a conditional use to the B-3 zone with the following criteria and as presented in Attachment 3:

¹⁰ Self-storage permitted as a conditional use in the B-3 zone in buildings existing as of 1/1/1995; the area of the building dedicated to self-storage shall not exceed 30% of the total building area and may not be located directly adjacent to or facing a public right-of-way.

ATTACHMENTS

A. CITY COUNCIL REPORT ATTACHMENTS

1. Zone Map amendment – R-6 to B-3
2. Downtown Height Overlay Map amendment
3. Proposed Text Amendments: Chapter 14 Sec. 14-6 Table 6-C PERMITTED AND CONDITIONAL USES IN MIXED-USE ZONES

TABLE 6-C (CONT.): PERMITTED AND CONDITIONAL USES IN MIXED USE ZONES

	B-1/B-1b	B-2/B-2b/B-2c	B-3/B-3b/B-3c ¹¹	B-4	B-5/B-5b	B-6	B-7	Use Standards
Small-scale marijuana caregiver		●	●	●			●	6.4.10
Theaters and performance halls		●	●	●	●	●	●	
Veterinary services		●		●			●	
Communication studios		●	●	●	●	●	●	
Dairies		● ⁷		●				
High-tech manufacturing							○	6.5.6(D)
Intermodal transportation facilities					●	●	●	
Laboratory and research facilities		○		●		○	●	6.5.6(E)
Low-impact industrial (<10,000 SF)		● ⁸	○	●	●	●	● ⁸	6.5.6(E)
Low-impact industrial (>10,000 SF)		● ⁸		●	○			
Marijuana testing facilities				●				
Marijuana manufacturing facilities				●				6.4.10
Marijuana cultivation facilities (<7,000 SF plant canopy)				●				
Printing and publishing		○ ⁹	●	●	●	●	○	
Repair services		●	●	●	●	●	●	
Studios for artists and craftspeople	● ²	●	●	●	●	●	●	
Tow lots				●				6.4.17
Warehousing, storage, and distribution		○ ¹⁰	○ ¹⁰	●	● ¹⁰	○ ^{10, 14}	○ ^{10, 14}	6.5.6(E)
Marine uses					●	●		6.4.11
Correctional pre-release facilities				●				6.4.7
Off-street parking			●/○ ¹²		●	○	○	6.5.6(H)
Parks and open spaces	●	●	●	●	●	●	●	
Solar energy system (minor)	●	●	●	●	●	●	●	
Solar energy system (major)				○				6.4.16
Utility substations	●	●	○	●	●	●	○	6.5.6(L)
Wind energy system (minor)		○	○	○	○	○	○	6.4.18

¹ Permitted if permitted in the adjacent or nearest residential zone. In other cases, permitted if located above first floor commercial, or on first floor where a minimum depth of 25 ft. along the principal frontage is maintained for commercial use.

² Permitted on the ground floor only in the B-1b zone.

³ Permitted in the B-2 and B-3 zones only.

⁴ Permitted as a conditional use in the B-2 only. Expansion of auto service stations in existence as of 11/15/99 permitted as a conditional use in the B-2b and B-2c zones.

⁵ Not permitted in the B-2c and B-3c zones.

⁶ Permitted in the B-2 zone. Conditional in the B-2b and B-2c.

⁷ Permitted only if an expansion of an existing dairy.

⁸ Permitted with a retail component only. Low-impact industrial uses greater than 10,000 SF are permitted in the B-2 only.

⁹ Printing and publishing of 10,000 SF or less, or expansion of printing and publishing establishments greater than 10,000 SF in existence as of 4/4/88, shall be treated as a conditional use.

¹⁰ Permitted in the B-2/B-2b/B-2c as a conditional use if 10,000 SF or less. Self-storage permitted in the B-4 zone. Self-storage permitted as a conditional use in the B-5 zone (on-peninsula locations only) in buildings existing as of 12/16/15. Self-storage permitted as a conditional use in the B-3 zone in buildings existing as of 1/1/1995, the area of the building dedicated to self-storage shall not exceed 30% of the total building area and may not be located directly adjacent to or facing a public right-of-way. Self-storage not permitted in the B-2/B-2b/B-2c, B-6, and B-7 zones.

¹¹ See PAD Overlay for additional use regulations.

¹² Structured parking shall be permitted. Surface parking shall be treated as a conditional use.

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¹⁴ Wholesale is allowed as conditional use, providing the wholesale operation is associated with an onsite retail establishment and occupies less than 15,000 SF.

KATE SNYDER (MAYOR)
BELINDA S. RAY (1)
SPENCER R. THIBODEAU (2)
TAE Y. CHONG (3)
ANDREW ZARRO (4)

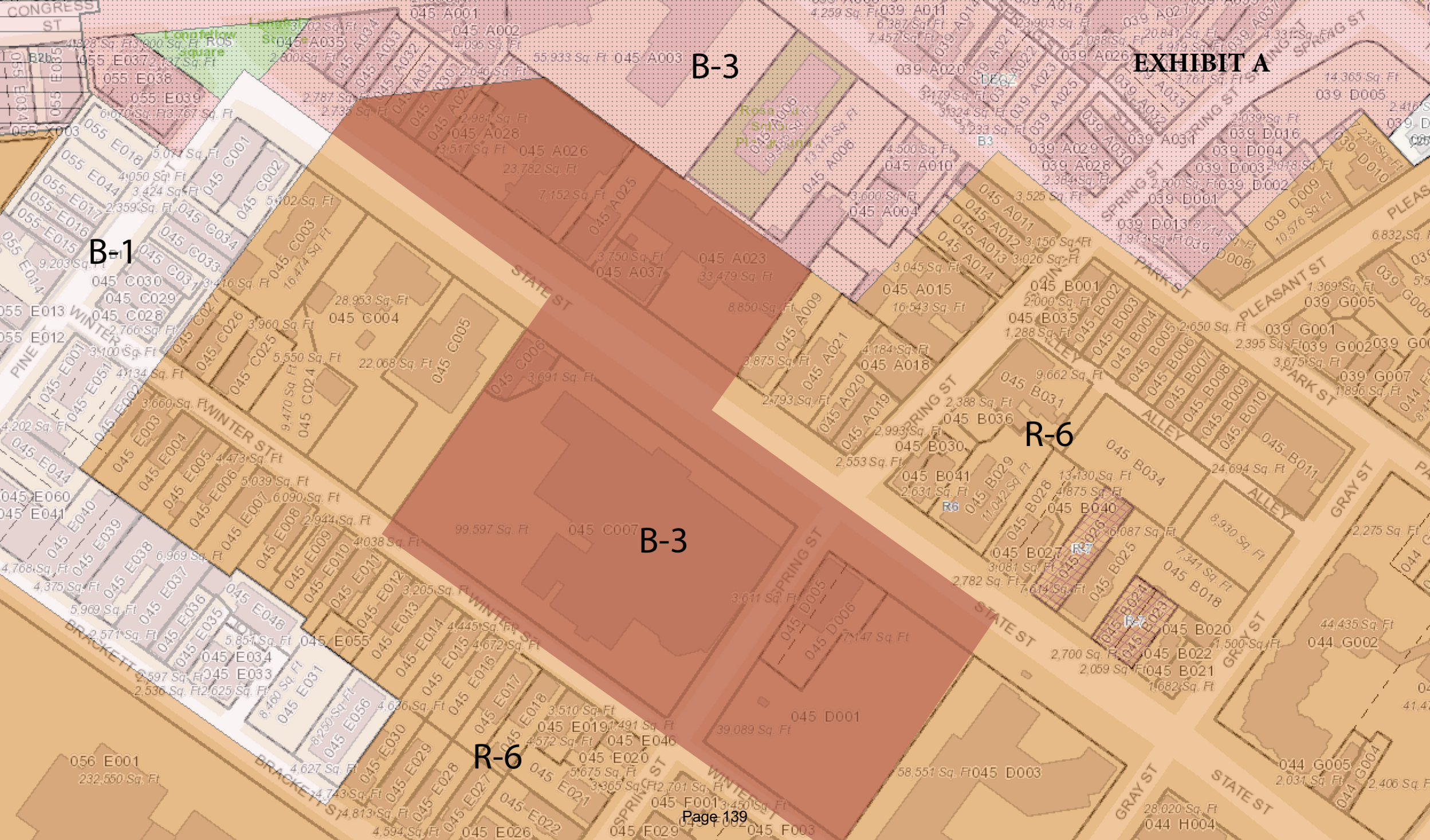
**CITY OF PORTLAND
IN THE CITY COUNCIL**

MARK DION (5)
APRIL D. FOURNIER(A/L)
PIOUS ALI (A/L)
NICHOLAS M. MAVODONES, JR (A/L)

**AMENDMENT TO ZONING MAP
RE: R-6 TO B-3 IN THE VICINITY OF 148 STATE STREET**

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

That the Zoning Map of the City of Portland, dated December 2000, as amended and on file in the Department of Planning and Urban Development, and incorporated by reference into the Zoning Ordinance by §14-49, be and hereby is amended by adopting the following map change amendment and specifically rezoning property in an R-6 Zone to a B-3 Zone in the vicinity of 148 State Street, as shown in the dark area in the map attached hereto as Exhibit A.



B-3

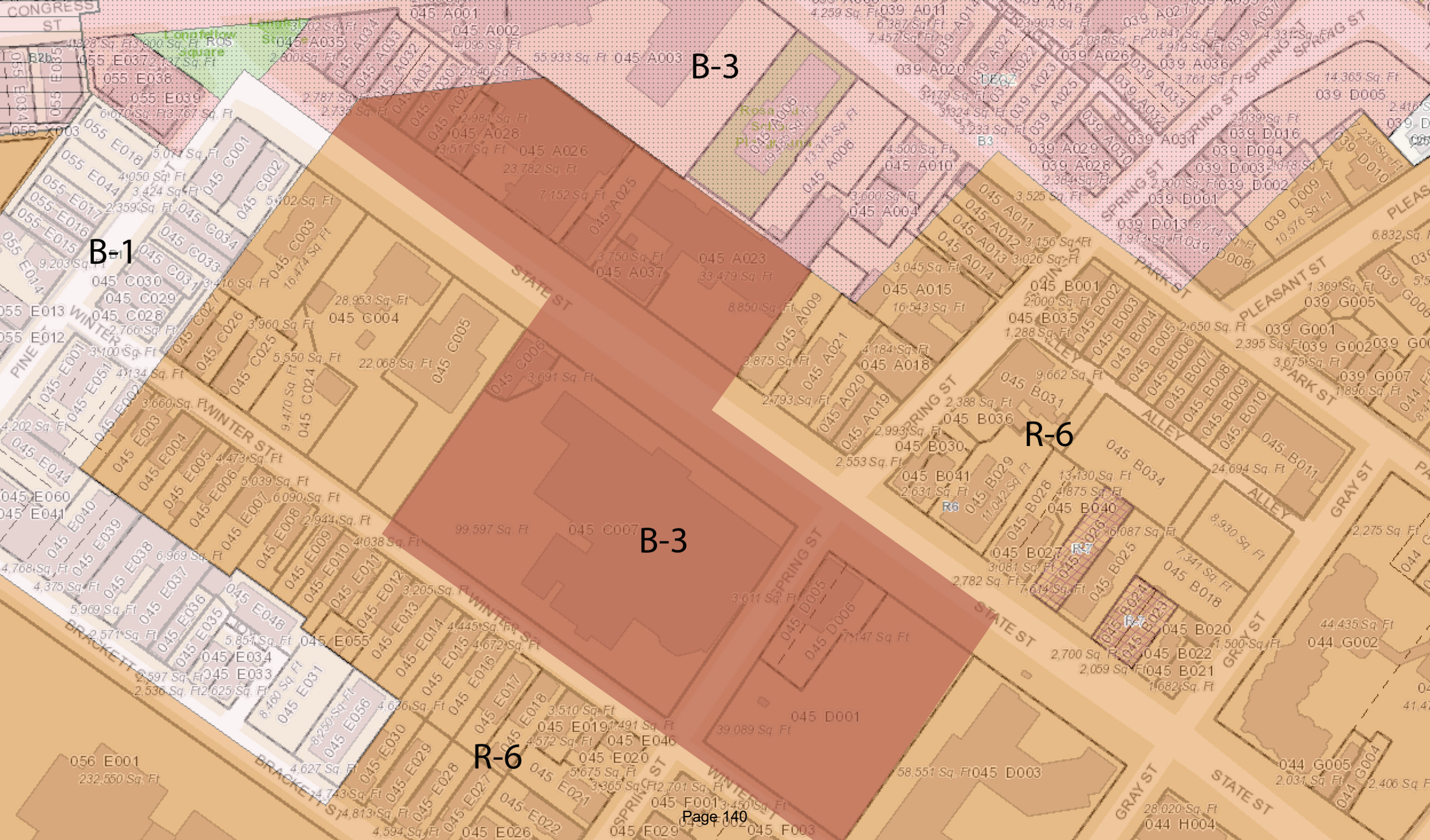
EXHIBIT A

B-1

B-3

R-6

R-6



B-3

B-1

B-3

R-6

R-6

KATE SNYDER (MAYOR)
BELINDA S. RAY (1)
SPENCER R. THIBODEAU (2)
TAE Y. CHONG (3)
ANDREW ZARRO (4)

**CITY OF PORTLAND
IN THE CITY COUNCIL**

MARK DION (5)
APRIL D. FOURNIER(A/L)
PIOUS ALI (A/L)
NICHOLAS M. MAVODONES, JR (A/L)

AMENDMENT TO DOWNTOWN HEIGHT OVERLAY MAP RE: 148 STATE STREET

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

That the Downtown Height Overlay Map of the City of Portland as amended and on file in the Department of Planning and Urban Development, and incorporated by reference into Chapter 14, Land Use, of the Portland City Code, be and hereby is amended by adopting the following Height Overlay Map amendment, to assign height dimensional standards to parcels added to the B-3 zone.





MEMORANDUM
City Council Agenda Item

FROM:

DATE: February 4, 2021

SUBJECT: Order 166-20/21 Adopting the Council Rules of Procedure for 2021 - Sponsored by the Ad Hoc Rules Committee, Councilor Spencer Thibodeau, Chair

SPONSOR: The Ad Hoc Rules Committee, Councilor Spencer Thibodeau, Chair
(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 2/1/2021

Final Action 2/22/2021

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 amendment reflects changes discussed by the Ad Hoc Rules Committee at their January 22, 2021 meeting.

This amendment includes the following changes:

- Moving (i) City Council meetings to 5PM and (ii) the annual, inaugural meeting of the Council from 12:00 PM to 5:30 PM (possibly joining the Council and School Committee inaugurations);
- Allowing Councilors to sponsor Proclamations that are not considered "standing" (i.e. occurring annually, etc.);
- Allows the presiding officer of Council meetings to call the question when it is under debate;
- Limits Councilors' remarks to five minutes during the deliberation of any item or amendment, with the opportunity to request five additional minutes;
- Provides certainty to Council agenda items by setting the public comment period of the Council meeting from 6:00 PM - 7:00 PM at each Council meeting, while also giving the Council the ability to reopen the public comment period after considering agenda items.

At its final meeting on February 8, 2021, the Ad Hoc Rules committee voted to revise the meeting time of the December Inaugural Meeting to 6:00 p.m., and that amendment to the rules is in the back up material. The Rules were otherwise approved as originally proposed.

This item must be read on two separate days. It received its first reading on February 1, 2021. 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 Adopting 2021 City Council Rules of Procedure 2.1.2021
2. Amendment to Order 166 Adopting 2021 City Council Rules of Procedure 2.22.2021
3. (Rules Committee Edits 1.24.2021) Council Rules of Procedure for 2020-2021

Prepared by:

Date: 2/4/2021

KATE SNYDER (MAYOR)
BELINDA S. RAY (1)
SPENCER R. THIBODEAU (2)
TAE Y. CHONG (3)
ANDREW ZARRO (4)

**CITY OF PORTLAND
IN THE CITY COUNCIL**

MARK DION (5)
APRIL D. FOURNIER(A/L)
PIOUS ALI (A/L)
NICHOLAS M. MAVODONES, JR (A/L)

**ORDER ADOPTING THE COUNCIL RULES OF PROCEDURE
FOR 2021**

ORDERED, that the City Council of the City of Portland, Maine, in the City Council assembled, does hereby adopt the Rules and Orders of the City Council, as amended and attached hereto, as the Rules of Procedure of the City Council.

RULES OF PROCEDURE OF THE CITY COUNCIL

As Amended ~~December 7, 2020~~February __, 2021

Rule 1. Regular Meetings and Council Workshop Sessions

- A. The regular meetings of the Council shall be held in the room known as the City Council Chamber or such other room as deemed appropriate in City Hall in one session at 5:~~00~~³⁰ p.m. on the first and third Mondays of each calendar month. When said Monday is a holiday or an election day, the regular meeting shall be held on the following Wednesday, at the same time and place. The date or the time of any regular meeting may be changed by an order passed at a previous meeting of the Council or by warrant for a special meeting called in lieu of a regular meeting; provided however, that said change in date will still provide for two regular meetings in one month. Unless otherwise changed by an order passed at a preceding meeting or by the calling of a special meeting at a different time or place, for like purposes, the Council shall also regularly meet at ~~12:00 noon~~^{5:30 PM} on the first Monday of December of each year for the purpose of the inauguration of Portland City Council, the swearing in of Councilors-elect, filling Council committees, adopting rules and orders, and transacting such other business as it may deem appropriate. The public hearing of any item shall not commence after 10:00 p.m. of the day of said regular meeting unless five (5) members consent to such consideration. The Council deliberation and action on any item shall not commence after 10:00 p.m. of the day of said regular meeting unless five (5) members consent to such consideration.
- B. With proper notice, workshop sessions of the City Council may be called by five (5) members of the City Council, the Mayor or the City Manager, as the case may be, for obtaining legal, administrative or policy guidance or for

the presentation of information by the City Manager, the City Clerk or Corporation Counsel or their staff. The City Council shall not take votes in workshop sessions; however, the Council may be polled at the workshop to obtain an unofficial sense of the position of the Council on an issue being discussed at the workshop. To the maximum extent possible, materials for such sessions shall be provided to the City Council at least two (2) business days prior to the scheduled workshop. All such workshop sessions shall be open to the public, in accordance with 1 M.R.S. §400 et seq. ("FOAA").

Rule 2. Quorum; Adjourned Meetings

A majority of the members shall constitute a quorum for the transaction of business, but a smaller number may adjourn from time to time. At least twenty-four (24) hours' notice of the time and place of holding such adjourned meeting shall be given to all members who are not present at the meeting from which adjournment is taken.

Rule 3. Enactments

The Council shall act only by ordinance, order, or resolve. Final passage of or amendments to any item shall require five (5) affirmative votes except where a greater number is required by Charter or Ordinance. All ordinances, orders, and resolves, except orders and resolves making an appropriation of money, shall be confined to one subject, which shall be clearly expressed in the title. The appropriation order or resolve shall be confined to the subject of appropriations only.

Rule 4. Ordinance; Style

All ordinances passed by the Council shall be termed "amendments to the Portland City Code" and the enacting style shall be: "Be it ordained by the City Council of the City of Portland, Maine, in City Council assembled."

Rule 5. Order and Resolve; Style

In all votes of command, the form of expression shall be "ordered"; and of opinions, principles, facts or purposes, the form shall be "resolved".

Rule 6. Readings

The reading of any ordinance, order, or resolve shall be by title of the ordinance, order or resolve only, if no member objects.

Rule 7. Reading on Two Separate Days; Waiver

No ordinance, no appropriation resolve, and no order authorizing the expenditure of \$50,000.00 or more shall be passed until it has been read on two separate days, except when the requirement of reading on two separate days has been dispensed with by a vote of seven (7) of the members.

Rule 8. Yeas and Nays Taken; When

The yeas and nays shall be taken upon the passage of all ordinances and orders authorizing the expenditure of money in the amount of \$50,000.00 or more and entered upon the record of the proceedings of the Council by the Clerk. The yeas and nays shall be taken on the passage of an order or resolve when called for by any member.

Rule 9. Ordinances; Effective When

No ordinance shall take effect until thirty (30) days after its passage by the Council, except in the case of emergency ordinances.

Rule 10. Order, Resolve; Effective When

No order or resolve shall take effect until ten (10) days after its passage, except in the case of emergency orders and resolves.

Rule 11. Emergency Ordinances, Orders and Resolves

The Council may, by vote of seven (7) of its members, pass emergency ordinances, orders, or resolves to take effect at the time indicated therein, but such emergency ordinances, orders or resolves shall contain a section in which the emergency is set forth and defined, provided, however, that the declaration of such emergency by the Council shall be conclusive.

Rule 12. Item for Meetings; Filed When

No ordinance, order, resolve, or other document shall be in order for action at any regular meeting of the Council unless such ordinance, order, resolve, or other document shall appear on the Council Agenda.

Items for the Agenda should to the maximum extent possible be received in the office of the City Manager on or before close of the work day ten (10) days prior to the scheduled Council meeting.

Each item for the Agenda shall be submitted with an electronic agenda request form. The form shall have a separate fiscal impact statement memo attached if the impact of the item is \$50,000 or more in a given fiscal year. This memo shall include details and information describing the fiscal impact including, but not limited to, projected costs, revenues or savings over a three (3) year period and/or any potential impacts on the City tax levy.

Rule 13. Sponsorship.

Items listed on the Council agenda shall be sponsored as follows:

A. The Mayor shall sponsor any proclamations or resolutions; provided, however, that any Councilor may request

the opportunity to sponsor a proclamation that is not deemed "standing" hereunder; and

B. The City Manager, City Clerk, Corporation Counsel, the Planning Board, or up to three (3) members of the Council shall sponsor any orders or other items.

C. For purposes of this Section, "standing" proclamations shall include, but not be limited to mean annual holidays, existing anniversaries of prominent events, or proclamations or resolutions that have come before the Council at least two (2) times in the last five (5) years.

Rule 14. Presiding Officer to Chair Meetings

The Presiding Officer shall take the chair at the time appointed for the meeting, call the members to order, cause the roll to be called, and, a quorum being present, cause the minutes of the preceding meeting to be read and proceed to business.

Rule 15. Preserve Order Decide All Questions of Order

The Presiding Officer shall preserve decorum and order, may speak to points of order in preference to other members, and shall decide all questions of order subject to an appeal to the Council by motion regularly seconded, and no other business shall be in order until the question on appeal is decided.

Rule 16. Declare Votes; Cause Return of Votes

The Presiding Officer shall declare all votes, but if any member doubts a vote, the Presiding Officer shall cause a return of the members voting in the affirmative and in the negative; without debate.

Rule 17. Debate; Rules of

When a question is under debate, the Presiding Officer shall receive no motion but to adjourn, or for the previous question, or to lay on the table, or to postpone to a date certain, or to refer to a committee or some administrative official, or to amend, or to postpone indefinitely, or to call the question; which several motions shall have precedence in the order in which they stand arranged.

Rule 18. Motion to Adjourn; Lay on Table

The Presiding Officer shall consider a motion to adjourn as always in order except on immediate repetition; and that motion and the motion to lay on the table, or to take from the table, shall be decided without debate.

Rule 19. Reconsideration

When a vote is passed, it shall be in order for any member who voted in the majority, or in the negative on a tie vote to move a reconsideration thereof, at the time, or the next stated meeting, but not afterwards, and when a motion of reconsideration is decided, that vote shall not be reconsidered. No motion to reconsider a vote passed at a previous meeting shall be in order for consideration at the next stated meeting unless an item to that effect is contained in the agenda for such next stated meeting or unless seven (7) of the members consent to such reconsideration.

A citizen petition, or zone change petition, once presented to and finally acted upon by the Council shall not again be received by the Council in the same or substantially the same form for a period of one (1) year next succeeding the Council's final action on the original petition. A member voting with the majority on the original petition, however, shall be privileged to reintroduce such a petition in accordance with the requirements of this rule.

A liquor license or special entertainment permit, or an amendment proposed by the licensee to an existing license or permit that has been denied by the Council shall not be received

by the Council in the same or substantially the same form for one (1) year from the date of such action unless a shorter period is required by state law.

All other items, once presented to and finally acted upon by the Council, shall not again be offered or received by the Council in the same or substantially the same form within a given Council year (i.e. December - December).

Rule 20. Failure to Pass for Lack of Required Votes

When an item fails to finally pass for lack of the required five (5), or seven (7) affirmative votes, as applicable, and is not otherwise disposed of, the item shall appear on the Agenda as unfinished business at the next succeeding meeting.

Rule 21. Motion for Previous Question

Upon the motion for the previous question being made and seconded, the Presiding Officer shall put the question in the following form: "Shall the main question be now put?". And all debate upon the main question shall be suspended until the motion for the previous question shall be decided. After the adoption of said motion for the previous question by a majority vote, the sense of the Council shall be forthwith taken upon all pending amendments and then upon the main question. Neither is it susceptible of amendment. All questions of order arising incidentally thereon must be decided without discussion whether appeal be had from the Presiding Officer or not.

Rule 22. Manner of Speaking

When a member is about to speak at a Council meeting, he or she shall rise in his or her place, if physically able to do so, and respectfully address the Presiding Officer, confine himself or herself to the question under debate, and avoid personalities.

Rule 23. Length of Statements by Members

During the deliberation on any item and associated amendments, each member shall limit his or her remarks and/or questions, but not including responses to his or her questions, to a total of ~~ten-five~~ (510) minutes. In the event that an item is divided or amended, each member shall be entitled to an additional five (5) minutes of remarks and/or questions. For purposes of clarity, this shall not apply to Councilor questions posed to staff or others prior to the "public comment" portion of any item.

Rule 24. Not to Interrupt

No member speaking shall be interrupted by another, but by a call to order by the Presiding Officer, a point of order by any member or to correct a mistake.

Rule 25. Breach of Rules and Orders

When any member shall be guilty of a breach of any of the rules or orders of the Council, that member may, on motion, be required to make satisfaction therefor, and shall not be allowed to vote, or speak, except by way of excuse, until he or she has done so.

Rule 26. Member Excused From Voting; When

Every member present when a question is put shall vote unless the member is precluded from participation therein because of interest or the appearance of interest or unless she or he is otherwise prohibited by law from participation.

(a) Any member abstaining on grounds of interest or the appearance of interest must do so at the commencement of deliberations on the item under discussion and shall not participate in said deliberations or vote on such item.

(b) Any member abstaining as permitted hereunder shall clearly state such intent, the reason for such abstention and

the legal or factual basis therefor prior to the commencement of deliberation on such item.

Rule 27. Motion to be Reduced to Writing; When

Any motion shall be reduced to writing if the Presiding Officer shall so direct.

Rule 28. Division of a Question

Any member may move that a question be divided.

Rule 29. Motion for Referral

Any member can make a motion for referral of any item to a Committee or administrative official. A motion for referral to a Committee or administrative official, until it is decided, shall preclude all amendments of the main question.

Rule 30. Priority of Business

All questions relating to priority of business to be acted upon shall be decided without debate.

Rule 31. Suspension of Rules; Amendment or Repeal

The rules shall not be dispensed with or suspended unless two-thirds as of those present and voting consent thereto; provided, however, that when these rules expressly require a vote larger than said two-thirds such rules shall not be suspended except by an equal or greater vote. No rule of procedure shall be amended or repealed without notice, in writing, being given at the preceding meeting.

Rule 32. Procedure for Addressing Council

Any person wishing to address the Council will be given an opportunity to do so in accordance with the following procedure:

1. No public comment shall be permitted on the following agenda items: informational reports or communications from boards and commissions, staff or other organizations or

entities; and administrative action implementing prior action of the Council where that prior action had permitted public comment.

2. On items other than those set forth in 1. above, public comment shall be permitted only once prior to final Council action. Except as specifically decided by the Council, such public comment shall occur at the advertised public hearing or at the second reading of such item by the Council, where the item requires a second reading on a separate date.

3. Persons wishing to address the Council on an item which appears on the agenda, and upon which public comment is permitted under 1. and 2. above, shall wait until the Clerk announces the consideration of such item, at which time they may address the Council on that particular item. However, once the Council has begun its deliberations on an item, no person shall be permitted to address the Council on such item.

4. Persons wishing to address the Council on an item not appearing on the Council agenda shall only do so at the 6:00 p.m. public comment period reserved on the Council agenda for non-agenda items. Such public comment period shall not extend beyond 7:00 p.m.; provided, however, that upon a vote of a majority of the Council, the public comment period may be reopened at the end of end of the Council's consideration of all other agenda items, excepting adjournment. Notwithstanding the foregoing, the public comment period reserved on the Council agenda for non-agenda items shall not be reopened after 11 p.m.

5. Any person wishing to address the Council shall signify such desire and, when recognized by the Presiding Officer, such person shall give his or her name and address, and/or organization or individual represented, if any, designate the subject matter on which he or she desires to address the Council, respectfully address only the Presiding Officer, and avoid personalities.

6. When any person or entity is being honored or recognized by the Council, applause shall be permitted. In all

other matters, persons present at Council meetings shall not interrupt, nor applaud or otherwise express approval or disapproval of any statements made or actions taken at such meeting.

7. Any and all signs shall not be permitted in the Council Chambers.

8. Persons addressing the Council on an item prior to start of deliberation on such item by the Council shall be permitted to speak only once on an item, and shall limit their remarks on each item to three (3) minutes. From time to time, the Presiding Officer may grant an extension of this three (3) minute requirement. Such persons shall also confine their remarks to the merits of the pending item. No members of the public shall comment on more than three (3) items, excluding any comment provided pursuant to number 4 above, at any Council meeting unless the Rules of the Council are suspended to allow for comment on each such additional item.

9. The Presiding Officer ~~may~~shall limit or cut off any commentary that is not germane or that is scurrilous, abusive, or not in accord with good order and decorum.

10. Any person who shall continue to violate these rules, after warning by the Presiding Officer, may be ejected for the remainder of the meeting then in progress.

Rule 33. Parliamentary Proceedings

In all cases where the parliamentary proceedings are not determined by the foregoing rules, "Robert's Rules of Order" (Newly Revised, 11th Edition) shall be taken as authority to decide the course of the proceedings.

A list of debatable and non-debatable motions is hereby incorporated for reference in Appendix A, attached hereto.

Rule 34. Council Committees

At the commencement of the municipal year members shall be appointed to the following standing Committees, each Committee, except the Economic Development & Housing Committee and the Legislative & Nominating Committee, which shall have four (4) members, to consist of three (3) members of the Council:

1. Housing & Economic Development ~~& Housing~~ Committee;
2. Finance Committee;
3. Health and Human Services and Public Safety Committee;
4. Legislative & Nominating Committee; and
5. Sustainability & Transportation Committee.

A majority of the members of the above standing Committees shall constitute a quorum for the transaction of business.

Rule 356. Council Committees; How Chosen

The members of the Council to serve on the above Committees shall be appointed by the Mayor. The Council may override one or more of such appointments by a vote of at least six (6) members.

Rule 36. Council Committees; Public Comment

The public will be given an opportunity to comment on any item under consideration by the below-named standing Council Committees prior to a final Committee action on that item. Any person addressing the Committee on an item shall be permitted to speak only once on an item, shall give his or her name and address, and/or organization or individual represented, if any, and shall limit their remarks on each item to three (3) minutes. From time to time, the Presiding Officer of a Committee may extend this period of time pursuant to Rule 31(8). These

requirements for public comment shall apply to the following Committees:

1. Housing & Economic Development ~~& Housing~~ Committee;
2. Finance Committee;
3. Health and Human Services and Public Safety Committee;
4. Legislative & Nominating Committee; and
5. Sustainability and Transportation Committee.

Nothing herein shall prevent or prohibit any other Committee from accepting public comment if said Committee determines that it wishes to do so.

Notwithstanding the foregoing, no public comment shall be required on the following items: informational reports or communications from boards and commissions, staff or other organizations or entities; and administrative action implementing prior Committee action where that prior action had permitted public comment.

Rule 37. Smoking at Meetings

No person shall smoke in the Council Chamber or at any public meeting in the Portland City Hall. Any person continuing to smoke after warning by the Presiding Officer shall be ejected for the remainder of the meeting then in progress.

Rule 38. Confidentiality

No Councilor shall intentionally disclose or discuss information known to be confidential to or with any person not otherwise authorized or privileged to receive that information, including representatives of the media. For the purpose of this rule, "information known to be confidential" includes information in any form that has been designated, to the knowledge of the Councilor, as confidential by an employee or

agent of the City of Portland, and that is within one or more of the exceptions to the definition of "public record" in the State's Freedom of Access law.

Confidential information includes statements made by individuals participating in executive sessions and includes any documents prepared specifically for an executive session, unless otherwise designated by the City Council in cases where the Council has the exclusive right to waive confidentiality.

Any Councilor who, following a due process hearing, is found to have violated this rule may be disciplined by reprimand.

**AMENDMENT TO ORDER 166-20/21
PREPARED BY CORPORATION COUNSEL
FOR THE AD HOC RULES COMMITTEE
RE: FINAL COMMITTEE REVISIONS APPROVED FEBRUARY 8, 2021**

ORDERED, that the City Council of the City of Portland, Maine, in the City Council assembled, does hereby adopt the Rules and Orders of the City Council, as amended and attached hereto, as the Rules of Procedure of the City Council.

RULES OF PROCEDURE OF THE CITY COUNCIL

As Amended February 22, 2021

Rule 1. Regular Meetings and Council Workshop Sessions

- A. The regular meetings of the Council shall be held in the room known as the City Council Chamber or such other room as deemed appropriate in City Hall in one session at 5:00 p.m. on the first and third Mondays of each calendar month. When said Monday is a holiday or an election day, the regular meeting shall be held on the following Wednesday, at the same time and place. The date or the time of any regular meeting may be changed by an order passed at a previous meeting of the Council or by warrant for a special meeting called in lieu of a regular meeting; provided however, that said change in date will still provide for two regular meetings in one month. Unless otherwise changed by an order passed at a preceding meeting or by the calling of a special meeting at a different time or place, for like purposes, the Council shall also regularly meet at ~~5:30~~6:00 PM on the first Monday of December of each year for the purpose of the inauguration of Portland City Council, the swearing in of Councilors-elect, filling Council committees, adopting rules and orders, and transacting such other business as it may deem appropriate. The public hearing of any item shall not commence after 10:00 p.m. of the day of said regular meeting unless five (5) members consent to such consideration. The Council deliberation and action on any item shall not commence after 10:00 p.m. of the day of said regular meeting unless five (5) members consent to such consideration.

...

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As Amended ~~December 7, 2020~~February __, 2021

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- B. With proper notice, workshop sessions of the City Council may be called by five (5) members of the City Council, the Mayor or the City Manager, as the case may be, for obtaining legal, administrative or policy guidance or for the presentation of information by the City Manager, the City Clerk or Corporation Counsel or their staff. The City Council shall not take votes in workshop sessions; however, the Council may be polled at the workshop to obtain an unofficial sense of the position of the Council on an issue being discussed at the workshop. To the maximum extent possible, materials for such sessions shall be provided to the City Council at least two (2) business days prior to the scheduled workshop. All such workshop sessions shall be open to the public, in accordance with 1 M.R.S. §400 et seq. ("FOAA").

Rule 2. Quorum; Adjourned Meetings

A majority of the members shall constitute a quorum for the transaction of business, but a smaller number may adjourn from time to time. At least twenty-four (24) hours' notice of the time and place of holding such adjourned meeting shall be given to all members who are not present at the meeting from which adjournment is taken.

Rule 3. Enactments

The Council shall act only by ordinance, order, or resolve. Final passage of or amendments to any item shall require five (5) affirmative votes except where a greater number is required by Charter or Ordinance. All ordinances, orders, and resolves, except orders and resolves making an appropriation of money, shall be confined to one subject, which shall be clearly expressed in the title. The appropriation order or resolve shall be confined to the subject of appropriations only.

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shall be: "Be it ordained by the City Council of the City of Portland, Maine, in City Council assembled."

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6. When any person or entity is being honored or recognized by the Council, applause shall be permitted. In all other matters, persons present at Council meetings shall not interrupt, nor applaud or otherwise express approval or disapproval of any statements made or actions taken at such meeting.

7. Any and all signs shall not be permitted in the Council Chambers.

8. Persons addressing the Council on an item prior to start of deliberation on such item by the Council shall be permitted to speak only once on an item, and shall limit their remarks on each item to three (3) minutes. From time to time, the Presiding Officer may grant an extension of this three (3) minute requirement. Such persons shall also confine their remarks to the merits of the pending item. No members of the public shall comment on more than three (3) items, excluding any comment provided pursuant to number 4 above, at any Council meeting unless the Rules of the Council are suspended to allow for comment on each such additional item.

9. The Presiding Officer ~~may~~shall limit or cut off any commentary that is not germane or that is scurrilous, abusive, or not in accord with good order and decorum.

10. Any person who shall continue to violate these rules, after warning by the Presiding Officer, may be ejected for the remainder of the meeting then in progress.

Rule 33. Parliamentary Proceedings

In all cases where the parliamentary proceedings are not determined by the foregoing rules, "Robert's Rules of Order"

(Newly Revised, 11th Edition) shall be taken as authority to decide the course of the proceedings.

A list of debatable and non-debatable motions is hereby incorporated for reference in Appendix A, attached hereto.

Rule 34. Council Committees

At the commencement of the municipal year members shall be appointed to the following standing Committees, each Committee, except the Economic Development & Housing Committee and the Legislative & Nominating Committee, which shall have four (4) members, to consist of three (3) members of the Council:

1. Housing & Economic Development ~~& Housing~~ Committee;
2. Finance Committee;
3. Health and Human Services and Public Safety Committee;
4. Legislative & Nominating Committee; and
5. Sustainability & Transportation Committee.

A majority of the members of the above standing Committees shall constitute a quorum for the transaction of business.

Rule 35. Council Committees; How Chosen

The members of the Council to serve on the above Committees shall be appointed by the Mayor. The Council may override one or more of such appointments by a vote of at least six (6) members.

Rule 36. Council Committees; Public Comment

The public will be given an opportunity to comment on any item under consideration by the below-named standing Council Committees prior to a final Committee action on that item. Any

person addressing the Committee on an item shall be permitted to speak only once on an item, shall give his or her name and address, and/or organization or individual represented, if any, and shall limit their remarks on each item to three (3) minutes. From time to time, the Presiding Officer of a Committee may extend this period of time pursuant to Rule 31(8). These requirements for public comment shall apply to the following Committees:

1. Economic Development & Housing Committee;
2. Finance Committee;
3. Health and Human Services and Public Safety Committee;
4. Legislative & Nominating Committee; and
5. Sustainability and Transportation Committee.

Nothing herein shall prevent or prohibit any other Committee from accepting public comment if said Committee determines that it wishes to do so.

Notwithstanding the foregoing, no public comment shall be required on the following items: informational reports or communications from boards and commissions, staff or other organizations or entities; and administrative action implementing prior Committee action where that prior action had permitted public comment.

Rule 37. Smoking at Meetings

No person shall smoke in the Council Chamber or at any public meeting in the Portland City Hall. Any person continuing to smoke after warning by the Presiding Officer shall be ejected for the remainder of the meeting then in progress.

Rule 38. Confidentiality

No Councilor shall intentionally disclose or discuss information known to be confidential to or with any person not

otherwise authorized or privileged to receive that information, including representatives of the media. For the purpose of this rule, "information known to be confidential" includes information in any form that has been designated, to the knowledge of the Councilor, as confidential by an employee or agent of the City of Portland, and that is within one or more of the exceptions to the definition of "public record" in the State's Freedom of Access law.

Confidential information includes statements made by individuals participating in executive sessions and includes any documents prepared specifically for an executive session, unless otherwise designated by the City Council in cases where the Council has the exclusive right to waive confidentiality.

Any Councilor who, following a due process hearing, is found to have violated this rule may be disciplined by reprimand.

KATE SNYDER (MAYOR)
BELINDA S. RAY (1)
SPENCER R. THIBODEAU (2)
TAE Y. CHONG (3)
ANDREW ZARRO (4)

CITY OF PORTLAND
IN THE CITY COUNCIL

MARK DION (5)
APRIL D. FOURNIER(A/L)
PIOUS ALI (A/L)
NICHOLAS M. MAVODONES, JR (A/L)

**ORDER GRANTING A PARK ENCROACHMENT LICENSE AT
46 WESTERN PROMENADE**

ORDERED, that a park encroachment license at 46 Western Promenade is hereby amended in substantially the form attached hereto; and

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

To: Portland City Council

From: Tom and Carol Zack



Re: Encroachment License

Date: 17 December 2020

Dear City Council Members:

We are seeking your approval for an encroachment license to allow future owners of 46 Western Promenade to use a driveway to the left of the house that is partially on city land.

The driveway was created before we purchased the property in 1979. We speculate that perhaps the owner who built the driveway did not know the exact boundary at the time. But in fact, there was not enough property there to build a driveway without encroaching on city land.

The agreement was approved by both the Parks and Recreations Commission (November meeting) and the Land Bank Commission (December meeting). Both votes were unanimous with only Andrew Butcher abstaining because he did not have time to review the documents before the Land Bank meeting.

The major elements of this agreement are as follows:

1. Envelope of the Encroachment: The amount of park land required is approximately 442 SF. It is a "trapezoidal shaped" parcel consisting of ~279 SF of driveway and 163 SF of flower bed/retaining wall.
2. Compensation: The owner of 46 Western Promenade will make a one-time up-front payment of \$20,000 for the license.
3. Term: The term of the license is 20 years from the date of signing the agreement.
4. At the 20-year mark, the city has the right to terminate the agreement or renew it.

In reaching this agreement we believe that it is a win-win for both parties. The city receives \$20,000 in advance to possibly help fund park projects on the West End. The city will incur no expenses through the license period as the owner of 46 Western Promenade must maintain the driveway and insure it. As well, the city keeps ownership of the land and can either terminate or renew the license after the 20-year period.

We hope the council sees the merits of this proposal and can approve it.



CITY OF PORTLAND
Parks, Recreation & Facilities Department
Ethan Hipple, Director

TO: Mayor Kate Snyder and Portland City Council
FROM: Ethan Hipple, Director of Parks, Recreation & Facilities
SUBJECT: Proposed License for Park Encroachment at 46 Western Prom
DATE: 12/17/2020

To Mayor Snyder and Portland City Councilors,

The attached proposal to grant a license for a park encroachment at 46 Western Prom Boulevard requires approval by City Council.

The property at 46 Western Prom is bounded on the east by a small portion of Western Prom Park. For many decades, there have been numerous park encroachments originating from 46 Western Prom: a hot tub, shed, and a driveway. As part of the proposed solution, the hot tub and shed would be permanently removed from park property.

The driveway would remain and the proposed license agreement would allow for that. In return, the City would receive \$20,000 for nearby park improvements.

The proposed license and terms have been reviewed and recommended by both the Parks Commission and Land Bank Commission. The Parks Commission voted 9 in favor, no opposed on 11/5/20 to recommend approval of this license. The Land Bank voted 5 in favor, 1 abstention on 12/9/20 to recommend approval of the license.

Parks, Recreation and Facilities staff are also supportive of this proposed solution. Corporation Counsel has drafted the proposed license agreement and the property owner is agreeable to the terms. The final step before execution of the license is approval by City Council.

Sincerely,
Ethan Hipple

Ethan Hipple
Director, Parks, Recreation and Facilities Department
212 Canco Rd, Suite A
Portland, Maine 04103
207-808-5400
ehipple@portlandmaine.gov

**CITY OF PORTLAND, MAINE
ENCROACHMENT LICENSE**

THIS LICENSE AGREEMENT (“License”) is made this ____ day of _____, 2020, by and between the **CITY OF PORTLAND**, a body politic and corporate located in the County of Cumberland, State of Maine (hereinafter referred to as the “City”), and **Thomas A. Zack** and **Carol S. Zack**, owners of real property located at _____, Portland, Maine (the “Property”) with a mailing address of 84 Eastern Promenade, Portland, Maine 04101 (hereinafter referred to together as the “Licensee”).

RECITALS

WHEREAS, Licensee is the owner of the Property, which is more particularly described in the legal description attached as Exhibit A, hereto; and

WHEREAS, Licensee maintains certain improvements consisting of a paved parking area, flower bed, and retaining wall (the “Encroachment”) which encroaches into/over real property owned by the City, as depicted on the plan attached hereto as Exhibit B and incorporated herein by reference (the “Plan”); and

WHEREAS, the area occupied by said Encroachment is referred to herein as the “Licensed Area”; and

WHEREAS, the City will, in consideration of the payment of \$20,000, the receipt whereof the City acknowledges, allow the Encroachment to encroach into the Licensed Area under the terms and conditions set forth in this License unless sooner terminated as outlined herein.

NOW, THEREFORE, the City and Licensee do mutually agree as follows:

1. Licensee is hereby permitted to maintain, repair and replace the Encroachment within the Licensed Area and to use areas adjacent thereto for workers, materials and machinery necessary to maintain the Encroachment over the Licensed Area as shown on the Plan.
3. Term: The term of this License is twenty (20) years, beginning as of January 1, 2021 and continuing through December 31, 2041, unless sooner terminated as provided herein. Upon the expiration of the Term, this License shall no longer be of any force or effect and Licensee, its successors or assigns, shall cease any use or occupancy of the licensed area except as otherwise authorized by the City.
4. Fees: The fee for this License is Twenty Thousand Dollars (\$20,000.00), which shall be payable in full upon execution hereof.
5. Maintenance: Licensee shall be responsible for the proper maintenance of the Encroachment. In the event of damage to the Encroachment and/or the Licensed Area,

Licensee shall promptly repair/restore the same. Prior to such repair/restoration, Licensee shall obtain all necessary permits and approvals and notify the City (in writing and by telephone) at least forty-eight hours before it plans to conduct such repair or restoration. Licensee shall coordinate with City staff on the closure, if needed, of any City streets in the vicinity of the property in order to conduct such repair/restoration.

6. Street Access: Street access to the Premises is limited to the existing curb cut on Western Promenade and Licensee's abutting property.
7. Compliance with laws: Licensee agrees to comply with all applicable laws and regulations in its operations hereunder, including but not limited to all applicable federal, state and local environmental law and regulations, including without limitation all laws and regulations governing hazardous substances. Licensee further understands and agrees that it must obtain at its own cost any permits and licenses required for its use of the Premises.

Licensee further agrees to provide to the City, immediately upon receipt, copies of any correspondence, Notice, Pleading, Citation, Indictment, Complaint, Order, Decree or other document from any source asserting or alleging a circumstance or condition which requires, or may require, a clean-up, removal, remedial action, or other response by or on the part of Licensee under environmental laws, or which seek civil, criminal or punitive penalties from Licensee for an alleged violation of environmental laws.

8. Removal of Unauthorized Encroachments: Removal of Encroachments: As a condition of this License, Licensee agrees to remove, within 3 months after this License is fully executed, all their personal property located on the real property of the City which is not covered by this License, including, but not limited to, Licensee's shed.
9. Indemnification. To the fullest extent permitted by law, Licensee shall defend, indemnify and hold City, its officers, agents and employees, harmless at all times from any claims, liability, losses, costs, expenses (including, without limitation, reasonable attorney's fees) fines, damages or judgments, just or unjust, that arise out of or result from the activities hereunder (collectively, "Claims"), said Claims to include, without limitation, claims for personal injury, death, or property damage, including injury or damage to City employees or property, whether caused by the acts or omissions of the Licensee, the Licensee's guests, City, its agents, officers or employees, and including claims based upon violation of any environmental law or regulation governing hazardous substances. Licensee's obligations under this paragraph shall survive the termination of this License.
10. Release. Licensee hereby releases City and its officers, agents and personnel (collectively, the "Releasees") from any and all claims, liabilities, damages, losses, costs, fees and expenses arising out of or resulting, directly or indirectly, from Licensee's use of the Licensed Area, including, without limitation, injuries, losses and damages for bodily injury (including disability or death) and property damage, regardless of cause, including any and all claims, damages and liabilities that arise out of or result from any actions or omissions, including negligence, on the part of any of the Releasees. Licensee promises not to sue any of the Releasees with respect to any such claims or liabilities. This waiver and release is intended to be as broad as the law allows and shall survive termination of this agreement.

11. Insurance. Prior to the execution of this Agreement, Licensee 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 City as 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, the Licensee shall name 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 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, the Licensee shall furnish and City and thereafter maintain certificates evidencing all such coverages, which certificates shall guarantee thirty (30) days; notice to City of termination of insurance from the insurance provider or agent. Licensee shall also provide a copy of any endorsement naming City as additional insured. A certificate that merely has a box checked under "Addl Insr,;" or the like, or that merely states that and 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, Licensee shall provide City with a complete copy of any of the above-referenced policies. Licensee shall be responsible for any and all deductibles and/or self-insured retentions. Licensee shall also require its contractors using the Licensed Area to provide City with certificates evidencing the coverages set forth above. City's acceptance or lack of acceptance of Licensee's Certificate of Insurance or other evidence of insurance shall not be construed as a waiver of the Licensee's obligation to obtain and maintain such insurance as required by this agreement.

All insurance policies hereunder shall be primary to any insurance, or self-insurance, maintained by the City. Policies and certificates evidencing such policies shall be delivered to the City. The City shall be provided with no less than thirty (30) days' prior notice of cancellation or non-renewal.

12. Termination: The City of Portland may revoke this license prior to the expiration of the Term, upon an uncured Event of Revocation (as defined below). The City may revoke this License six (6) months after written notice to Licensee that an Event of Revocation has occurred and identifying such Event of Revocation, provided that such Event of Revocation is not cured within six (6) months after Licensee's receipt of such notice, except as set forth in subsection (d) below. "Event of Revocation" shall mean: (a) Licensee's non-compliance with any of the material terms of this Agreement; (b) the Encroachment fails to be maintained substantially in accordance with the Plan or any amendments thereto; (c) the Encroachment as shown on the Plan is destroyed, removed or otherwise thereafter ceases to exist on Licensee's property and construction to rebuild the Encroachment has not begun within twelve (12) months of said destruction or removal, or (d) failure to maintain insurance as required under Section 11 above, and such failure is not remedied within thirty (30) days after written notice thereof from the City to Licensee.

13. License: This instrument is a License and no provision hereof shall be construed as conveying an easement or other estate in land.
14. Assignment: This License may not be transferred or assigned except together with the conveyance of the Licensees' property. Licensee and Licensees' successors and/or assigns shall provide notification to the City at least 30 days prior to any such transfer. Any deed conveying the Licensee's Property shall contain the following language:

"Grantee, by acceptance and recording of this deed acknowledges receipt of the City of Portland Maine License Agreement with Thomas A. Zack and Carol S. Zack dated _____, 2020 and recorded in the Cumberland County Registry of Deeds in Book _____, Page _____ (the "License") and further acknowledges the City's rights including, but not limited to its rights of termination and obligation of Grantee to remove improvements, all as more fully expressed in the License."

Any Grantee/Assignee of this License shall submit proof of insurance as required under Paragraph 11 to the City within 30 days of the closing on the transfer of Licensee's Property . Failure to submit proof of insurance as required herein will result in the immediate termination of this License.

15. Amendment: This License shall be amended only in writing executed by the parties.

The parties have hereunto executed this License, in the case of the City, through its duly authorized representative, as of the day and date first above written.

CITY OF PORTLAND, MAINE

By: _____
Jon P. Jennings,
City Manager

STATE OF MAINE
County of Cumberland

_____, 220_

Personally appeared before me the above-named Jon P. Jennings, City Manager of the City of Portland as aforesaid, and acknowledged the foregoing instrument is his free act and deed in his said capacity and the free act and deed of the City of Portland.

Notary Public/Attorney-At-Law

Typed or Printed Name: _____

Commission Expires: _____

Thomas A. Zack

Carol S. Zack

STATE OF MAINE
County of Cumberland

_____, 220_

Personally appeared before me the above-named Thomas A. Zack and Carol S. Zack, and acknowledged the foregoing instrument is their free act and deed.

Notary Public/Attorney-At-Law

Typed or Printed Name:

Commission Expires:

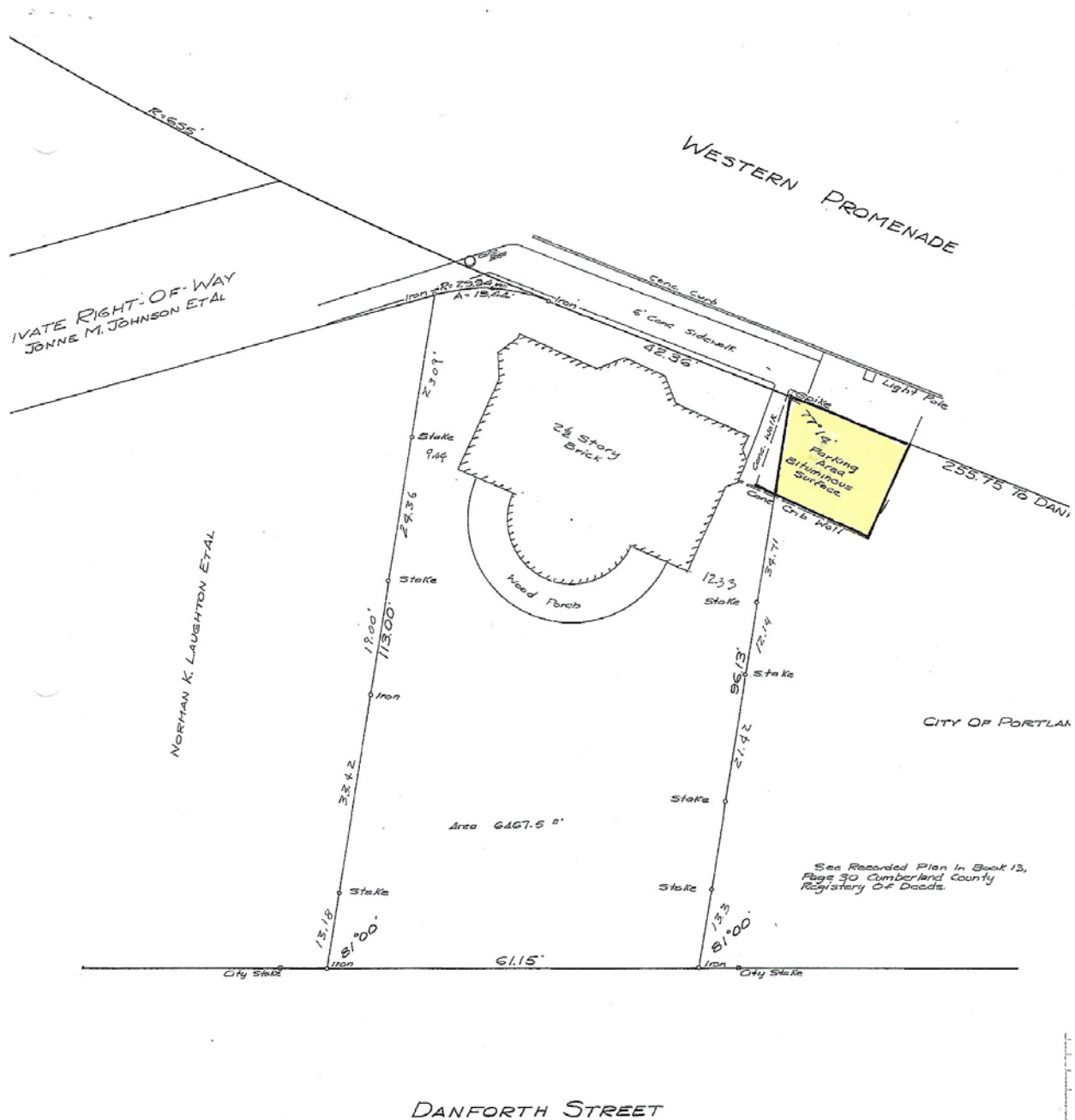


EXHIBIT A.

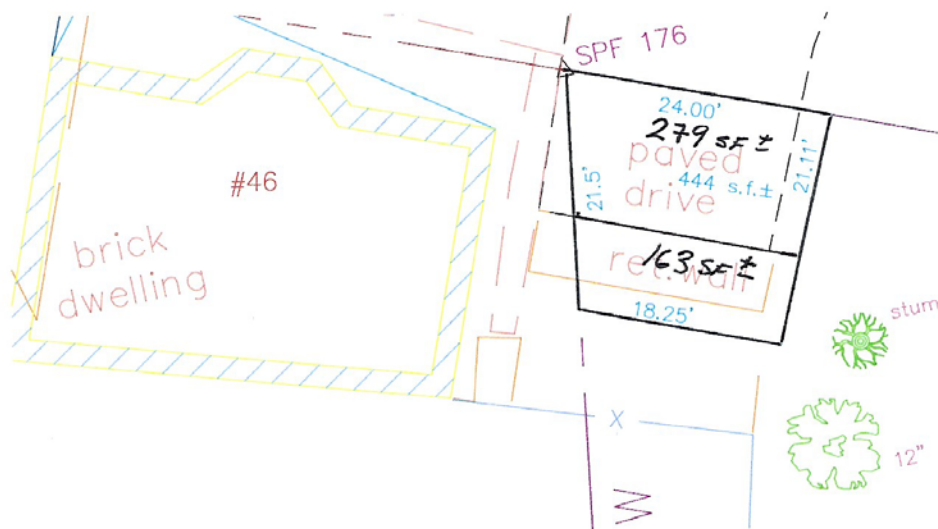


EXHIBIT B





Dena Libner <dlibner@portlandmaine.gov>

Fwd: Encroachment Agreement at 46 Western Prom - A Little About Us

1 message

Jon Jennings <jpj@portlandmaine.gov>

Fri, Feb 12, 2021 at 11:34 AM

To: Dena Libner <dlibner@portlandmaine.gov>, Ethan Hipple <ehipple@portlandmaine.gov>

For the backup.

----- Forwarded message -----

From: **Nick Mavodones** <nmm@portlandmaine.gov>

Date: Fri, Feb 12, 2021 at 9:44 AM

Subject: Fwd: Encroachment Agreement at 46 Western Prom - A Little About Us

To: Jon Jennings <jpj@portlandmaine.gov>

FYI -

----- Forwarded message -----

From: **Thomas Zack** <t.zack@lancoproperties.com>

Date: Fri, Feb 12, 2021 at 9:02 AM

Subject: Encroachment Agreement at 46 Western Prom - A Little About Us

To: nmm@portlandmaine.gov <nmm@portlandmaine.gov>

Cc: czackatnefi@gmail.com <czackatnefi@gmail.com>

Dear Councilor Mavodones,

Hello! Please allow us to tell you a little about ourselves as we ask for your assistance with our parking encroachment issue due for review at the upcoming city council meeting on Feb. 22.

Tom and I have been married for almost 49 years and met while at the University of Maine at Orono. I am from Jonesport, ME and Tom hails from Danvers, MA. We recently downsized from our home of 40 years, 46 Western Promenade, to the Eastern Prom. I began my career in Psychiatry at Maine Med where I worked on P-6 and then in the ER for 12 yrs. After graduate school at UNE which I attended with our former Portland mayor, Mike Brennan, I gravitated to private practice at New England Family Institute. My specialty areas were couples counseling, teenagers and their parents, and working with trauma victims.

My husband founded a robotics company in Westbrook on Thomas Drive which is still up and running to this day, and when he retired from that in 2011, he sold it to his employees.

We had four children who attended the Children's Nursery School, a cooperative nursery school at Williston-West Church where I was active. From there they moved on to Reiche School where we fundraised to build a new playground, then it was on to King Middle, and then Portland High. I was active in the PTO and booster clubs during their school years. Tom enjoyed coaching Little League and Home Plate, our younger daughter's softball team. Our oldest daughter has been the French teacher at King Middle School for almost 20 years.

Our home at 46 Western Prom is currently under contract and understandably the new buyers would like the parking issue to be resolved. When we purchased the house in 1979, I was 28 years old with a new baby and must admit I did not realize that our driveway which was already there was mostly on city property. We maintained the property through the years including reinforcing the retaining wall which supported a garden in front of the driveway. In 2013 we upgraded the driveway and garden area again (Anne Pringle told us how nice it looked by the way!) and worked with the city for purchase of this property, but unfortunately for us, the controversy with the Westin hotel and adjacent park property developed at that time and the city stepped back from allowing the purchasing of any "park" properties.

When the city did an extensive land survey of the Western Prom in 2013, we learned that the property line containing the driveway literally started six feet from our home. Whoever built the driveway probably did not know this at the time. But interestingly, because of its close proximity to the residence, the driveway looks like it belongs there. For the same reason, it might be impractical to utilize this park land for recreational purposes.

We are excited about the Western Promenade Master Plan, and it was interesting to see how removal of the chain link fence around the Western Cemetery (which my husband helped facilitate by the way) increased the foot traffic and lowered the level of crime there. And how fun has it been for 40 years to watch the thousands of joggers and walkers go by our house, occasionally do it ourselves, or slide down Cassidy Hill in the winter with our grandchildren, or play ball up in the field!

We hope that you will approve our proposed encroachment license in good faith so that we may sell our home and the future owners of [46 Western Promenade](#) may continue to use a driveway beside the house that is partially on city land. The proposed agreement of \$20,000 from us to the city for the encroachment license for 20 years was previously approved by both the Parks and Receptions Commission and the Land Bank Commission. I appreciate all the time and effort each one of you puts into your work for our beautiful city by the sea and her people, and I thank you for your time and consideration for our situation.

Sincerely,

Carol Zack

LANCO Properties LLC

[2101 Atlantic Street Unit 514](#) | [84 Eastern Promenade #2](#)

Melbourne Beach, FL 32951 | Portland, ME 04101

Tom Zack, Owner / Manager

t.zack@lancoproperties.com

FL: 321.877.6610

ME: 207.838.1610

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Nicholas M. Mavodones, Jr.
Councilor At-Large
[City of Portland](#)
[389 Congress Street](#)
[Portland, Maine 04101](#)
nmm@portlandmaine.gov
207.874.8689

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Jon P. Jennings
City Manager
[City of Portland](#)
[389 Congress Street](#)
[Portland, ME 04101](#)
(207) 874-8689 Office
jpj@portlandmaine.gov
www.portlandmaine.gov



CITY OF PORTLAND
Parks, Recreation & Facilities Department
Ethan Hipple, Director

TO: Mayor Kate Snyder and Portland City Council
FROM: Ethan Hipple, Director of Parks, Recreation & Facilities
SUBJECT: Proposed Fee Backup Pertaining to Potential License for Park Encroachment at 46 Western Prom
DATE: 2/15/21

To Mayor Snyder and Portland City Councilors,

This memo serves to clarify how the proposed license fee amount (\$20,000) was calculated for the proposed park encroachment license at 46 Western Prom.

During the initial Parks Commission review of this item, there was much discussion about the amount of the fee for the license. The original proposal from the abutting property owner (Thomas Zack) was \$1,200 total for a 20 year license. This number was based on an earlier 2013 draft of the license that was never enacted. Parks Commissioners asked whether a higher amount could be negotiated, and staff set out to look at other available information to find a comparable market rate.

Given that the park encroachment had existed for 40 years, and the City had not received any license fee or other form of restitution for the encroachment during that time, the intent was to set a fee that would result in a benefit to the taxpayers through tangible improvements to the rest of the park.

The following information was provided to help inform Mr Zack and the Parks Commission as they worked on coming to agreement on the proposed license fee.

- The abutting property owner (Mr Zack) provided information from a real estate professional who had conducted a 2020 comparables analysis on the value for the proposed 442 sq. ft. license area. That proposed value was \$4,308.
- Staff conducted a brief search for other parking spots for sale in the neighborhood to help in determining a fair license fee (sale of the City property was never considered). A parking space was found publicly listed for sale at One Joy Place for \$30,000.
- A space in a city parking garage would cost \$130/month at current rates. $\$130 \times 12 \text{ months} \times 20 \text{ years} = \$31,200$

Given that this was a revocable 20 year license, and not a sale, the figure of \$20,000 was proposed by Mr Zack and the Parks Commission voted to support that as an acceptable license fee. The Land Bank then also voted to approve the license with the \$20,000 fee.

The City Council is of course entitled to increase or decrease that proposed fee, or deny the license all together. Denying the proposed license would result in an unlicensed park encroachment. In that case, the City would take action to have the encroachment removed at the encroacher's expense.

Sincerely,
Ethan Hipple

Ethan Hipple

Director, Parks, Recreation and Facilities Department
212 Canco Rd, Suite A
Portland, Maine 04103
207-808-5400
ehipple@portlandmaine.gov

KATE SNYDER (MAYOR)
BELINDA S. RAY (1)
SPENCER R. THIBODEAU (2)
TAE Y. CHONG (3)
ANDREW ZARRO (4)

CITY OF PORTLAND
IN THE CITY COUNCIL

MARK DION (5)
APRIL D. FOURNIER(A/L)
PIOUS ALI (A/L)
NICHOLAS M. MAVODONES, JR (A/L)

ORDER ACCEPTING THE 2020 LAND BANK COMMISSION ANNUAL REPORT

ORDERED, that the 2020 Land Bank Commission Annual Report is hereby approved and accepted.

Portland Land Bank Commission 2020 Annual Report



December 2020

Acknowledgment

The Land Bank Commission is pleased to present its annual report to the City Manager and City Council whose collective wisdom and vision recognized a “need to balance development within the municipality with conservation of open space important for wildlife, ecological, environmental, scenic or outdoor recreation values” by creating an entity to ensure conservation and preservation of limited open space. Special thanks and appreciation to the staff support from Mike Murray, Liz Deletetsky, Allison Carroll, Michael Goldman, Ethan Hipple, Greg Mitchell and Doug Roncarati.

Overview

Under The City of Portland, Maine Code of Ordinances, Article III-A, the Land Bank Commission is charged with the responsibility of submitting an annual report to the City Manager and making recommendations for preserving open space to the City Council. This annual report provides a summary of the work the Commission completed in the last year.

The Land Bank Commission receives funding to assist with achieving the goals of the Commission and to acquire property for open space conservation purposes. One half of 1% of the City's annual Capital Improvement Budget is set aside for the acquisition of property recommended to the City Council for Land Bank status and for remedial work on existing Land Bank holdings. The Commission has other methods to acquire or protect open space property which include personal property donations, direct purchases, easements, land trades, grants and developer agreements.

Commission Members (2020):

Pat Bailey, Chair, At Large
Simon Rucker, Secretary, District 1
Steve Morgenstein, V. Chair, At Large
Kara Wooldrik, At Large
Jon Kachmar, At Large
Andrew Butcher, Treasurer, District 2
Jennifer Fox, At Large
Mayor Kate Snyder (City Council Representative)
Vacant

Non Voting Members

Portland Trails Representative (vacant)
Maine Audubon Society Representative (vacant)

Staff Support:

Allison Carroll, Executive Assistant (outgoing)
Liz Deletetsky, City of Portland - Forestry Division
Michael Goldman, Associate Corporation Counsel
Ethan Hipple, Deputy Director, Parks, Recreation and Facilities Department (outgoing)
Greg Mitchell, City Economic Development Director
Mike Murray, Director of Cemeteries and Project Management
Doug Roncarati, Stormwater Program Coordinator
Tom Jewell, Outside Counsel, Jewell & Bulger, P.A.

Introduction

This document, including the attached Exhibits, is the Annual Report and Updated Registry of Open Spaces as set forth in Section 2-42 (g), Article III-A of the City of Portland, Code of Ordinances created by the City Council in 1999 which established the Portland Land Bank Commission with the following stated purposes:

1. Act as an advocate for the acquisition and conservation of open space within the city;
2. Cooperate with other agencies and parties on wetlands mitigation projects;
3. Recommend on a priority basis the acquisition of various interests in real estate in order to effectuate the goal of this article;
4. Accept gifts and funds from both private and public sources and disburse such funds for the purposes hereunder;
5. Act as a liaison to other public and private nonprofit agencies involved in planning, acquiring, disposing, and managing land within the municipality; and
6. Recommend an annual budget to the city manager and city council to carry out its purpose.

The Commission shall annually file a report consisting of two parts, required by City Code provisions; the Registry of Open Space and an operating budget.

The Registry of Open Space shall list all open space of types in Code Section 2-43 (a), publicly or privately owned, located within the city or abutting the city as potential buffer areas, for the purpose of providing information pertinent to property utilization, protection, development or use of such open space. The Registry must show all property interests then currently held by the city, including a description of the use of those interests and all acquisitions, improvements or dispositions of all property interests held by the city at any time during each filing.

The types of land and interests specified in Section 2-43 (a) are the following:

- Ocean, harbor, river, stream or pond frontage and adjoining back lands;
- Fresh or saltwater marshes, estuaries, flood plains and adjoining uplands;
- Islands;
- Land for future passive public outdoor recreational use, including hiking, trails, bicycle paths, green belts and high elevations with a view;
- Aquifers, aquifer recharge areas and other ecologically fragile or significant property;
- Properties with unique historical or geological characteristics or otherwise important to the community's cultural welfare;
- Woods or forest land;
- Farmland or wildlife habitat;
- Open spaces which help shape the settlement pattern of the community by promoting the neighborhood concept and discouraging sprawl;

- Vacant parcels of land, vacant buildings and properties or buildings and properties in significant disrepair which may be reclaimed for the purpose of establishing natural areas for conservation and open space land; or
- Conservation or trail easements and other similar interests in land.

A map of Land Bank Holdings is attached as Exhibit D. To view a full-sized map of Land Bank holdings click [here](#).

The Operating Budget for all expenses and projects of the Commission is required to be submitted to the City Manager and City Council by Code Section 2-41 (h) (9). That Section of the Code specifies that the budget “shall include a separate budget for expenditures from the Land Bank fund, which expenditures will be limited to the purposes for which the fund is dedicated.”

Compliant with the stated requirements in Code, the Land Bank Commission Annual Report for 2020 contains the Registry and operating budget for the calendar year 2020.

2020 Accomplishments

- **Nason’s Brook Parcel.** The parcel, CBL 261 E008001 was conveyed to the City of Portland on May 19, 2016 through foreclosure. This undeveloped property is an excellent example of a small riparian urban parcel that could help improve the health of the stream. Nason's Brook is a small urban watershed (approx. 3 miles long, 723 AC) originating in Westbrook to the west of the Maine Turnpike near Exit 47. It provides water runoff for heavily developed industrial and commercial areas, older residential neighborhoods, and some of the last remaining agricultural land off Westbrook Street in Westbrook. In April 2020 this parcel was put into the Land Bank.
- **Oat Nuts Park.** The Land Bank Commission closed on an addition to Oatnuts Park, an existing Land Bank property, in January of 2020. The parcel is located at 0 Talbot Street (CBL 393-A-33 to 37, 393-B-3-4-33-34) and is adds to the protected land in the park, which was originally composed of 772 20’x50’ lots which were given away in 1902 by the Liberty Pure Food Company. There is the potential for the acquisition of a few lots for Oatnuts Park going into 2021.
- **Rand Road.** In October, the Land Bank Commission obtained approval from the City Council to acquire an approximately 27.38 acre parcel of open space land on Rand Road. The property lies near the western boundary of the City of Portland in a large, undeveloped area comprised of forests, streams and wetlands around the headwaters of the Fore River . Existing conservation lands about the property on the east (Fore River Sanctuary) and west. The Stroudwater River is to the south beyond outer Congress Street; the Stroudwater River empties into the Fore River lies to the southeast; to the east, over an active railroad corridor, lies Capisic Pond. The Rand Road property lies at the heart of a 136-acre block as listed by the Beginning with Habitat program and is an area of inland

waterfowl and wading bird habitat . Due to the varied land cover, topography and soil type, this is an area of regional flow for species moving to adapt to climate change areas, as this is an area of concentrated flow where movements will accumulate or be channeled. There currently exists a network of trails both on the parcels and connected to a larger trail network to the Fore River Sanctuary and Capisic Pond.

- **Trail improvements and maintenance.** Work included trail maintenance and bridge construction at Paths Open Space, Evergreen Woods, Canco Woods and Baxter Pines. Work was completed by a combination of City staff, Portland Trails staff, volunteers, and Youth Corps groups (Student Conservation Association, Maine Conservation Corps. Funded by the LBC, significant efforts were undertaken by Portland Trails and the Maine Conservation Corps at Canco Woods to widen and harden trails to make them more accessible to those with disabilities. Also, the LBC provided funding for work at Capisic Pond Park that included a resurfacing of the Capisic Pond Park Trail The Portland Opportunity Crew (day employment program for panhandlers) also conducted cleanup efforts at Baxter Woods, Canco Woods, Baxter Pines, Evergreen Woods, University Park, Virginia Woods, Presumpscot River Preserve and Riverton Trolley Park.
- **New projects.** The LBC continues to advance new conservation projects based on guidance from the Land Protection Criteria Scorecard. New potentials include:
 - Riverton Trolley Park Addition. This parcel (CBL 325 C001 to 007) would constitute a 0.9-acre addition to the park. This undeveloped tract of land is heavily forested and acts as a wildlife habitat and drainage buffer between the Presumpscot River and the existing residential and commercial development along Riverside Street. Acquiring this property would enlarge Riverton Trolley Park and is within a 10-minute walk of residential neighborhoods including the Portland Housing Authority facilities at Riverton Park.
 - 1831 Washington Avenue. A potential project (parcel 371 A004) of approximately ten acres of forested wetlands between Washington and Auburn Avenues in North Deering.
 - Forest Avenue/Riverton School This is the rear portion of parcel 299 D051001 (1642 Forest Ave), an essentially land-locked lot next to the Riverton School & Community Center. The wooded area provides a buffer between the school and adjacent neighborhood and drains towards the wetlands forming the headwaters of Capisic Brook behind the school (“Riverton Preserve”).
 - Verizon Pines. The LBC continues to work on this property located on Davis Farm Road referred to as Verizon Pines that has been on the priority parcel list of the Land Bank for several years. The Verizon Pines parcel is notable due to the old growth white pine on the site, which was significant enough that it was identified on a Statewide search for potential conservation properties as part of the

State's Critical Areas program in the 1970's. This was one of only 11 parcels in the State identified for the old growth pine (site 241 on the Critical Area Program map). As part of that inventory, the site was incorrectly identified as being in neighboring Town of Falmouth, as it is adjacent to the municipal boundary. The ownership of this land has changed several times since being added to the Land Bank's list of priority properties and the LBC is currently pursuing a conservation easement with the current owners.

- Oramel/Coolidge/Davenport Avenues. A 1.366 AC parcel composed of 14 lots (349-D-6 to D19) located at the headwaters of Dole Brook that includes wetlands and stream channel. This parcel is contiguous with existing Land Bank parcels providing passive recreational open space opportunities and protection of this fragile urban watershed, which flows to the Presumpscot River at the Riverside Golf Course. The owner has approached the City and Land Bank Commission about selling the parcel.
- **Land Bank Property Signs.** Properties were sited for installation of signs in spring 2020 (PATHS, Presumpscot Preserve, Canco Woods, Oat Nuts Park, Evergreen Cemetery) with a second round sited for later in 2020 (Virginia Woods, Pine Grove Park, University Park). The wayfinding signs for the properties have been manufactured and will be installed in the spring of 2021.
- **One Climate Future Change.** In November, 2020 the Portland City Council adopted the One Climate Future Plan. The Climate Resilience strategies focus on strengthening the ability of our communities, economies, infrastructure, and ecosystems to respond to climate hazards such as sea level rise, more extreme storms, and warming temperatures. They include approaches for incorporating climate data and resilience metrics into our planning processes. Goals outlined in this plan include integrating resilience standards and targets into Portland land use code to minimize flood risk and promote resilient buildings and neighborhoods citywide. The Land Bank Commission has established a matrix scorecard to evaluate every parcel that we consider to be put into the land bank. Listed on the Land Bank matrix are the priorities developed in the One Future Climate Plan:
 - Preserving and expanding productive green space and green infrastructure systems on both public and private land to capture and retain stormwater and to mitigate heat;
 - Preserving and increasing open space for food production, including community gardens, urban agriculture, food forests, and other forms; and
 - Maintaining and enhancing stream and shore buffers and protection of critical ecosystems

Program Budget and Project Initiatives for 2020

Per Chapter 2 of the City Code, an annual appropriation of .5% of the total annual capital improvement program is to be deposited into the Land Bank Fund. The Statement of Financial Position in this report does not include amounts from the 2018, 2019 or 2020 CIP as the bonding has not been authorized and the funds have not been appropriated via the City Council. However, for planning purposes an additional balance of \$171,000 from these fiscal years should be considered available if a purchase in excess of funds on hand is required.

Available funding as of December 31, 2020 for the planned work activity by the Land Bank Commission is approximately \$382,550, as indicated in the 2021 Land Bank Commission Budget:

2021 Land Bank Commission Budget

Statement of Financial Position

Balance City Report @Jan 4 2021	\$382,550
2018, 2019, 2020 Landbank Allocations (estimated)	\$171,000
Estimated Balance	\$553,550
Restricted Gifts	\$ 2,500
Total 2021	\$556,050

2021 Anticipated Expenditures

Property Acquisition	\$200,000
Acquisition related Costs	\$ 25,000
Land Maintenance	\$ 20,000
Signage	\$ 5,000
Administrative Expenses	\$ 3,000
Total 2021 Anticipated Expenditures	\$253,000
Percentage of Available Funds for 2021 expenditures	39%

Land Bank Commission Project Initiatives 2021

- *Complete the acquisition of parcels in Redlon Park.* The Land Bank Commission is currently working on acquiring additional parcels within Redlon Woods. Redlon Woods consists of several acres of open space surrounded by Brighton Avenue, Stevens Avenue, Capisic Street and Bancroft Street. The Land Bank Commission has been working on conservation of Redlon Woods since 2000 and it was one of the project examples that led to the formation of the Land Bank Commission. A map of the Redlon Woods project is attached as Exhibit E.
- *Complete the acquisitions of parcels in Oatnuts Park.* The Land Bank Commission has commissioned an appraisal on an addition to Oatnuts Park, a Land Bank property. There is the potential for the acquisition of a few lots for Oatnuts Park going into 2021.
- *Review and assess Tax Acquired Parcels Committee List.* The Land Bank Commission will annually review and assess the TAPC list for TAPC properties suitable for Land Bank protection and provide our recommendations to city staff.
- *Trail improvements, wayfinding and maintenance on Land Bank parcels.* Land Bank signage will be installed at PATHS Open Space, Presumpscot River Preserve, Canco Woods, Oat Nuts Park, and Evergreen Cemetery in Spring of 2020. Trail improvement projects are planned for Evergreen Woods, Canco Woods and PATHS.
- *Priority List.* The Land Bank Commission has set a 2021 goal to review all of the parcels currently on our Priority List and rank them according to our new Land Protection Criteria Scorecard.
- *Green Space Gathering.* Following the cancellation of the 2020 Green Space Gathering, the Land Bank hopes to again work with the Parks Commission to assist with developing the agenda and logistics with the annual Green Space Gathering that focuses on open space advocates.
- *Continue to field proposals to the Land Bank Commission from community members.* We receive requests from the public to consider parcels of land to be put into the Land Bank. We evaluate each of these according to the Land Protection Criteria Scorecard.

Exhibit A – Description of Current Land Bank Registry Existing Holdings (Open Space)

E-1 Natick Street. This parcel is contiguous with the northern end of the Interurban Line parcel (HP- 19) which, like its counterpart, runs along the western side of the railroad line. The land provides a wooded buffer between the railroad line and adjacent residential development and includes a trail that is heavily used by local residents. A network of wetlands and a stream are also located on the property.

E-2 Pineloch Drive. Situated next to Oatnuts Park, this parcel follows a sewer right-of-way and brook, which are flanked on both sides by mixed woodlands. The Portland Water District conveyed this property to the City in 2001. The trail through Oatnuts Park emerges into the cleared right-of-way and follows it for several hundred feet before reentering the woods and continuing on towards the Presumpscot River Preserve.

E-3 City RPZ Land on Starbird Lane. This large parcel is located next to the Fore River Sanctuary, at the confluence of Capisic Brook and the Fore River, and consists of a mix of marshland, wet meadow, and woodland. It serves as valuable habitat for migratory waterfowl and other species of wildlife. Forming its southern border, the railroad line affords excellent views of the marsh.

E-4 City RPZ Land on Rand Road. This parcel, along with the Union Water-Power land (HCP-14) is located off Rand Road just to the west of the Fore River Sanctuary. The property is predominantly wooded, with the exception of the CMP right-of-way that runs the length of the parcel. It forms a significant drainage area with many hills and gullies collecting and guiding stormwater toward the Fore River. Consequently, numerous streams and wetlands are located throughout the parcel. The blend of softwoods and hardwoods, shrubs, and ground cover provide abundant habitat for wildlife, including deer. Together these parcels serve as an important wildlife corridor for the Fore River, even though it is bounded to the west by the Maine Turnpike. Several footpaths wind through the woods and along the right-of-way, connecting to Portland Trails' Fore River Sanctuary trail system. This includes a trail along the remains of the historic Cumberland and Oxford Canal. ***NB: As of December 2020 this acquisition by the LBC has been approved by the City Council. See description of Rand Road project above.***

E-5 Hobart Street Area. Situated off Hobart Street these parcels provide public access to and afford spectacular views of the Fore River. It also links with Portland Trails' Fore River Trail on the other side of Hobart Street. Portland Water District maintains a pump station and outfall at the site.

E-6 Pine Grove Park. Pine Grove Park, as the name implies, is an 8-acre parcel on Ray Street that is mostly covered with mature white pine. Several paths wind through the park bringing attention to interesting ledge outcrops.

E-7 Blueberry Road Parcel. Located along the Stroudwater River at the end of Blueberry Road, this one-acre parcel includes a section of the proposed Stroudwater River Corridor (HCP-15) nearest the Maine Turnpike. This City-owned property provides direct access to the river and Stroudwater Trail. The Portland Water District has a pump station on part of the property. The land is currently afforded some protection by virtue of being in the Resource Open Space Zone (ROS) and the Shoreland Overlay Zone.

E-8 Conservation Area at Evergreen Cemetery. This area at the rear of Evergreen Cemetery just beyond the ponds is a pleasant and inviting refuge of undeveloped woodland, undulating ground and rock outcroppings in the city. It consists primarily of two landscapes. One is a high central area of exposed bedrock vegetated with small trees. The other is lower, more level and somewhat poorly drained woodland with larger trees and an open plain of ground. The tree cover is mixed deciduous and evergreen consisting largely of White and Red Oak species, White Pine and Hemlock, with some Birch and Red Maple. The area is approximately 30 acres in size. It contains a number of existing trails. This area, in conjunction with the rest of the cemetery, provides an excellent habitat for a variety of bird species. For this reason Evergreen Cemetery is a favorite spot for birding enthusiasts. In addition, joggers, walkers, cross-country skiers, and dog owners use the area.

E-9 City-Owned Parcels in Oatnuts Park. Oatnuts Park is an approximately 23-acre undeveloped wooded area located off of Summit Street in the North Deering neighborhood. Oatnuts Park is contiguous with the Presumpscot River Preserve. It includes a gated entrance on Summit Street and existing trails providing access to the Presumpscot River Preserve and to nearby residential streets.

E-10 Presumpscot River Preserve. The 48-acre Presumpscot River Preserve, located in the North Deering neighborhood, is one of the river's largest areas of undeveloped riparian land. It abuts land owned by Portland Trails, the Town of Falmouth and other private landowners who keep their land wild. The parcel is heavily wooded and many of the steep slopes that traverse the landscape are overgrown and difficult to access. The property includes over 3100 feet of river-frontage, providing direct access to the beauty and peacefulness of the river. The preserve is crossed by a cascading stream and several stream pools. It provides Portland residents with unequalled opportunities within the city for nature study, fishing, and picnicking. Further, with the removal of the Smelt Hill Dam in 2003, alewives have returned to the lower Presumpscot River for their annual migratory run. They draw a variety of other wildlife to the river including cormorants and osprey, which congregate at Presumpscot Falls looking for an easy meal. The City is cooperatively managing the preserve in conjunction with Portland Trails. There are several wonderful trails that provide direct access to the river within the preserve and beyond its borders.

E-11 Sheridan Street Property. This property forms one of the few areas of open space on the bay side of the Eastern Promenade. The land drops precipitously from the western side of North Street to the eastern side of Sheridan Street, making most of it unsuitable for development. It

offers accessible open space between Sheridan Street and North Street, and good views of Back Cove and points west. It links via footpaths to the grounds of the East End School.

E-12 PATHS Wooded Area. Located behind the Portland Arts and Technology High School (PATHS), this land is comprised of a few lightly wooded areas, but is mostly open and includes both scrub-shrub wetlands and granite outcroppings. Over the past ten years the School has used the land as a training ground for students. The PATHS property and North Deering/Riverton Parcels (E-19) serve as the headwaters of Dole Brook, a stream that runs west through Riverside Golf Course to connect with the Presumpscot River. Preservation of these wetlands, fields and woodland buffers is critical to protecting water quality within Dole Brook Watershed.

E-13 Virginia Street Parcels. These City-owned, tax-acquired parcels adjacent to Maine Ave and Ray Street are contiguous with the Ocean Ave Open Space (E-14) and part of the Ocean Avenue Recreation Area. This undeveloped land features a mix of shrubs, trees, wetlands and streams. Several trails running through this property connect it to the larger Portland Trails network. The property's proximity to extensive residential neighborhoods creates an exceptional opportunity for recreation, education, and conservation activities.

E-14 Ocean Avenue Open Space. This property is the area formerly used as a landfill on outer Ocean Avenue near the intersection with Presumpscot Avenue. The 60+ acre site includes the capped landfill, Quarry Run Dog Park, and adjacent woodlands and wetland areas, which provide a mix of habitat for a variety of wildlife species including turkeys, deer and fox and song birds, especially migrating sparrows. In fact, the site is so popular with "birders" that is known as the "Dragon Fields" due to its proximity to the former Dragon Cement quarry. The landfill rises approximately 50-70 feet above the gravel drive at the highest point, affording good views in all directions, including Casco Bay to the south and east. These properties, in combination with the Virginia Street Parcels (E-13) and other nearby City-owned tax-acquired parcels make up the Ocean Avenue Recreation Area. The Commission has been working to protect additional trails and wildlife habitat, mainly wetland areas, contiguous with these existing holdings.

E-15 Maggie Lane Lot. This triangular lot off Maggie Lane, in combination with a trail easement on private property, was acquired in 2008 to provide trail access and linkage along the Riverton Rail Trail. Portland Trails constructed a trail head and boardwalk to connect with the trail network.

E-16 Beverly Street Lots – North. The Beverly Street Lots - North link with southern counterpart and the Natick Street Property along the west side of the Riverton Rail Trail. These lots were acquired to protect the Dole Brook stream corridor, provide access to the trail and to preserve a wooded buffer between the trail and adjacent properties.

E-17 Beverly Street Lots – South. The Beverly Street Lots - South, link with their northern counterpart and the Natick Street Property along the west side of the Riverton Rail Trail. These

lots were acquired to protect wetlands associated with Dole Brook, provide access to the trail and to preserve a wooded buffer between the trail and adjacent properties.

E-18 Goodridge Avenue Lots. These wooded lots behind the intersection of Goodridge Avenue and Eleanor Street were acquired in conjunction with the Maggie Lane Lot and a trail easement to provide trail access and linkage along the Riverton Rail Trail. Portland Trails completed the new section of trail in 2010.

E-19 North Deering / Riverton Parcels. This large group of parcels is located north and west of the PATHS Wooded Area (E-12), just across the tracks from the Riverton Rail Trail. These wooded parcels provide connectivity to the Portland Trails network, provide significant wildlife habitat and preserve wetlands and stream buffers essential to maintaining the health of Dole Brook.

E-20 Castine Pines. This attractive grove of pine trees at the intersection of Forest Avenue and Castine Avenue was acquired as conservation land in 2008 through a land swap with a local developer planning to build additional housing on the street.

E-21 Ocean Ave Rec Area-Pine Grove Ave Lots. These lots near Copley Woods Circle were purchased to fill in gaps at the southern edge of the Ocean Avenue Recreation Area. This acquisition preserves trail connectivity and wooded wetlands in this area. Additional lots near Stepping Stone Lane were also included in this transaction.

E-22 Ocean Ave Rec Area-Belfast St Lots. These lots near Maine Avenue and Ray Street were donated to the Land Bank as conservation land to fill in gaps at the north-western edge of the Ocean Avenue Recreation Area. This acquisition preserves trail connectivity and wooded wetlands in this area.

E-23 Ocean Ave Rec Area-Marlborough Rd/Trapelo St Lots. These lots near Copley Woods Circle were purchased to fill in gaps at the southern edge of the Ocean Avenue Recreation Area. This acquisition preserves trail connectivity and wooded wetlands in this area.

E-24 Dole Brook Driving Range Property. This property across the street from Riverside Golf Course was once used as a driving range. The land is mostly wooded with the exception of a clearing for the former driving range and slopes towards a ravine that carries Dole Brook on its way to the Presumpscot River. Dole Brook has been identified as an impaired stream by the Maine Department of Environmental Protection, because it does not meet its designated water quality classification due to the impacts of urban stormwater runoff. State and Federal regulations under the Clean Water Act require the City to restore water quality in the brook. This property was placed in the Land Bank to protect the stream corridor, prevent further water quality degradation and potentially provide for passive recreational activities, such as trails or a low-impact driving range.

E-25 Canco Woods. The Canco Woods property was protected in 2012 through a collaborative

partnership between neighborhood residents, the Trust for Public Land, Portland Trails, the Land Bank Commission and the former land owner, Union Water- Power Company. This very popular 13-acre wooded area features wetlands, streams and trails. The City also has a sewer right-of-way through a portion of the property. Canco Woods is owned by the City and is subject to a conservation easement held by Portland Trails.

E-26 University Park. A popular spot for off-leash dog walking, University Park can be accessed from either Yale Street off Allen Avenue or from the east at Harvard Street. The property is bisected by the Harvard Street Path.

E-27 Wooded Area North of Riverside Golf Course. This wooded area is part of Riverside Golf Course and is bordered by the Presumpscot River and Interstate 95.

E-28 Land Along Canco Road. This parcel connects to the larger Canco Woods to the south (E-25) and contains the road frontage of The Woods at Canco retirement home.

E-29 to E-62 – See Exhibit B

E-63 Redlon Woods. This wooded area, located in the Rosemont neighborhood, features an interesting mix of woodlands, wetlands and ledge outcroppings, as well as some popular informal walking and mountain biking trails. The desire to protect this open space was the impetus behind the creation of the Land Bank Commission in 1999. Long-term protection of Redlon Woods has involved and will continue to require collaboration between the Land Bank Commission, City, neighboring property owners, local NGOs and other open space preservation advocates

E-__ Rand Road. See project description on Page 4 of this report.

Exhibit B – Specific Properties (Portland Parks) Dedicated as Land Bank Property Interests

E-29 Back Cove Park and Trail
E-30 Barrow's Park/Baxter Sundial
E-31 Stone Street - Bayside Park & Playground
E-32 Baxter Pines
E-33 Baxter Woods
E-34 Bell Buoy Park
E-35 Belmeade Park
E-36 Capisic Pond Park
E-37 Clark Street Park
E-38 Congress Square Park
E-39 Deering Oaks Park
E-40 Dougherty Field
E-41 Eastern Prom, East End Beach, Fort Allen Park
E-42 Fessenden Park
E-43 Fort Gorges
E-44 Fort Sumner Park
E-45 Fox Field/Kennedy Park
E-46 Harbor View Park/Tate-Tyng Park
E-47 Heseltine Park
E-48 Lincoln Park
E-49 Lobsterman Park
E-50 Longfellow Square
E-51 Monument Square
E-52 Munjoy Playground
E-53 Payson Park
E-54 Peppermint Park

E-55 Pleasant Street Playground

E-56 Post Office Park

E-57 Riverside Golf Course

E-58 Riverton Park

E-59 Stroudwater Park

E-60 Taylor Street Playground

E-61 Tommy's Park

E-62 Western Promenade

E-63 Redlon Woods

Exhibit C - Current Land Bank Commission High Priority Parcels

HCP-1 Glickman, GDI

HCP-9 Brackett St Lots at Indian Trail, Peaks

HCP-11 Riverton Trolley Park Parcels

HCP-12 Verizon/Fairpoint Pines

HCP-13 Redlon Road Parcels

HCP-15 Stroudwater River Corridor

HP-3 ACE Griffin's Cove, Cliff Island

HP-4 Kensington St Parcel

HP-6 RPZ 1601-1660 Congress Street

HP-7 Waynflete School Property

HP-9 MTA Land Holm Ave

HP-10 PTC Land Holm Ave

HP-11 410 Auburn St

HP-12 1831 Washington Ave

HP-13 Rocky Hill

HP-15 Land West of Murray St

HP-19 Inter-urban Line

HP-21 Fore River Corridor on Yellowbird Ln

HP-24 Salem St Parcels

MEMORANDUM
City Council Agenda Item

FROM: Mary Davis, Division Director

DATE: February 1, 2021

SUBJECT: Order 170-20/21 Amending the Portland Tax Increment Financing Policy -
Sponsored by the Housing & Economic Development Committee, Councilor
Spencer Thibodeau, Chair

SPONSOR: Housing and Economic Development Committee, Councilor Spencer Thibodeau,
Chair

(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 2/22/2021

Final Action 2/22/2021

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

PRESENTATION: Mary Davis will be available for a brief presentation and questions.

I. SUMMARY

Amendments to the City of Portland's Tax Increment Financing Policy are presented for discussion, public hearing and City Council approval.

II. AGENDA DESCRIPTION

The Housing and Economic Development Committee met on January 19, 2021 and voted unanimously (4-0) to recommend approval of these proposed changes by the City Council.

In 2017, the City Council amended the City's Tax Increment Financing (TIF) Policy to allow the maximum average percentage of 75% of captured revenue to be returned to a developer of an affordable housing project. The change was implemented to support projects competing for Low Income Housing Tax Credits (LIHTC). The tax credit application process, administered by MaineHousing, includes a scoring matrix that awards up to 4 points for projects receiving property tax relief. Points are awarded on a tiered approach based on the percentage and length of property tax relief. The LIHTC application process is very competitive. The City's willingness to provide tax increment financing is one way the City can support projects competing for this resource. It was assumed that only projects competing for LIHTC would request this level of TIF financing. The city is now seeing projects not eligible for LIHTC, requesting City assistance through an Affordable Housing TIF. As a result, staff is proposing several changes to the terms for credit enhancement agreements.

Proposed changes are highlighted here and are included in the attached red-lined version of the TIF policy.

(1) Add a definition of affordable, that matches the definition used in other city programs, such as Inclusionary Zoning, as noted below;

Affordable means that the percentage of income a household is charged in rent and other housing expenses including utilities, or must pay in monthly mortgage payments (including real estate taxes, mortgage insurance, condominium/HOA fees, insurance and utilities), does not exceed 30% of a household's gross income, or other amount established in city regulations that does not vary significantly from this amount.

(2) Require the term of the TIF to match the length of affordability of the project.

(3) Other minor clarifying revisions, for example updating the name of the City Department responsible for providing annual TIF reports.

Five affirmative votes are required for passage after public comment.

III. BACKGROUND

In 2017, the City Council amended the City's Tax Increment Financing (TIF) Policy to allow the maximum average percentage of 75% of captured revenue to be returned to a developer of an affordable housing project. The change was implemented to support projects competing for Low Income Housing Tax Credits (LIHTC). The tax credit application process, administered by MaineHousing, includes a scoring matrix that awards up to 4 points for projects receiving property tax relief. Points are awarded on a tiered approach based on the percentage and length of property tax relief. The LIHTC application process is very competitive. The City's willingness to provide tax increment financing is one way the City can support projects competing for this resource. It was assumed that only projects competing for LIHTC would request this level of TIF financing. The city is now seeing projects not eligible for LIHTC, requesting City assistance through an Affordable Housing TIF. As a result, staff is proposing several changes to the terms for credit enhancement agreements.

The proposed changes were first reviewed by the 2020 Housing Committee on October 14, 2020. On a vote of 3-0, the Housing Committee agreed to forward the proposals to the Economic Development Committee along with a comparison of the HUD area median income and Portland median income and a recommendation that this comparison of income become a part of the analysis for all future affordable housing tax increment financing applications. As part of the committee discussion, the current members of the Housing Committee considered a recommendation to the 2021 City Council to evaluate the use of Portland median income as the income metric for city funding resources.

The Housing and Economic Development Committee reviewed the proposal at their January 19, 2021 meeting and voted 4-0 to recommend the changes.

IV. INTENDED RESULT AND/OR COUNCIL GOAL ADDRESSED

City Council approved of the amended Tax Increment Financing Policy.

V. FINANCIAL IMPACT

There is no fiscal impact in amending the TIF Policy guidelines.

VI. STAFF ANALYSIS AND BACKGROUND

The proposed addition of the definition of affordable brings consistency to City affordable housing policy. The proposed definition is used in other City programs, such as Inclusionary Zoning.

The proposed requirement for the term of any tax increment financing district to match the length of affordability of the project reinforces the City's affordable housing policy to ensure that housing created with City resources remain affordable for as long as possible.

VII. RECOMMENDATION

Staff is requesting City Council approval of the proposed amendments to the City of Portland's Tax Increment Financing Policy.

VIII. LIST ATTACHMENTS

1. Order Amending the Tax Increment Financing Policy 2.22.2021
2. TIF Policy Draft for City Council 02.22.2021

Prepared by:

Mary Davis, Division Director

Date: 2/1/2021

KATE SNYDER (MAYOR)
BELINDA S. RAY (1)
SPENCER R. THIBODEAU (2)
TAE Y. CHONG (3)
ANDREW ZARRO (4)

**CITY OF PORTLAND
IN THE CITY COUNCIL**

MARK DION (5)
APRIL D. FOURNIER(A/L)
PIOUS ALI (A/L)
NICHOLAS M. MAVODONES, JR (A/L)

**ORDER AMENDING THE
PORTLAND TAX INCREMENT FINANCING POLICY**

ORDERED, that the attached amended Portland Tax Increment Financing Policy is hereby approved, substantially in 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 document and any other related documents necessary or convenient to carry out the intent of said document.

PORTLAND TIF POLICY

~~November 20, 2017~~ February 22, 2021

I. INTRODUCTION

Tax Increment Financing (TIF) is an economic development program authorized under state law to support municipal projects. The TIF program allows municipalities to provide financial assistance to local economic development projects and programs – from infrastructure, municipal economic development programs and staff, to business expansions - by using new property taxes that result from new commercial or residential investment associated with the corresponding increase in property value.

Portland TIF Policy supports investment in municipal economic development programs, infrastructure investment (which is generally through the establishment of area wide or neighborhood TIF districts) and individual project site specific TIF districts to support either infrastructure or individual private project financing needs.

The City is committed to invest in infrastructure located within the public rights-of-way that encourage economic development. Use of TIF investment to invest in infrastructure recognizes the savings which occurs through the TIF Program tax sheltering benefits.

“Infrastructure” is defined, but not limited to: traffic upgrades, public parking facilities, roadway improvements, lighting, sidewalks, water and sewer utilities, storm water management improvements and placing above ground overhead electric and telecommunications lines underground.

II. STATE TIF LIMITATION

There are acreage and value caps limitations for municipalities to establish TIF along with term limits. Term limits include bonds which may be issued for a maximum of 20 years (anticipation notes for three years). TIF districts may be designated for a maximum of 30 years.

III. PURPOSE

The primary purposes of the TIF Policy include:

- A. To support Portland Economic Development and Housing Plans and Policies;
- B. To stimulate expansion of the City’s commercial and industrial tax base;
- C. To stimulate new affordable and market rate housing investment;
- D. To retain and create quality employment;
- E. To support Portland’s Capital Improvement Plan; and,
- F. To establish standards upon which the City Council will authorize TIF.

IV. GENERAL PRINCIPLES

The three primary general principles for the City Council to establish TIF districts include:

A. Investment

Minimum Real Property Investment. A minimum of \$1 million in new taxable investment property value for commercial and industrial development and \$500,000 for affordable housing development is needed to qualify for a TIF. This is the minimum amount which makes practical sense to consider use of the TIF program due to the amount of new municipal property tax revenue generated from new private investment.

B. Jobs Associated with Commercial and Industrial Development

Applicants for TIF participation will be required to provide a plan outlining the number and quality of jobs retained or created associated with each TIF district. While there is not a specific formula for the numbers of jobs associated with the amount of TIF financial assistance, the number and quality of the jobs will be taken into consideration for each TIF district. It is recognized that housing projects do not create many permanent jobs.

C. Maximize Tax Sheltering Benefits

A municipality's total equalized assessed value is used to calculate General Purpose Aid to Education (subsidy), State Revenue Sharing (subsidy) and County taxes (expense). When a municipality's equalized assessed value increases, State Aid for Education decreases, municipal revenue sharing decreases, and the municipality pays a greater portion of County taxes. TIF allows municipalities to "shelter" new value resulting from private investment from the calculation of its State subsidies (education and revenue sharing) and County taxes. In other words, specific municipal shelter benefits, for the term of the TIF, include:

- 1) No reduction in State aid for education,
- 2) No reduction in municipal revenue sharing and
- 3) No increase in County taxes.

Annually, the Council Committee with jurisdiction over housing and community development and City Council will evaluate available TIF district capacity related to State acreage and value limitations to determine whether existing TIF districts need amending and/or new TIF district establishment. Scheduled public infrastructure investments included in the City's Capital Improvement Plan will inform decisions about adjustments to existing TIF districts or establishment of new TIF districts.

V. APPROACH, POLICY, and TERM REQUIREMENTS

Must meet or exceed the below requirements.

A. Approach

There are three approaches to consider establishing TIF districts. They include:

- 1) ***Municipal Economic Development Programs funded directly through a pay-as-you-go approach.***

Examples of municipal economic development programs include paying for economic development staff, annual funding to Creative Portland for city marketing/branding, and other TIF law allowable activities.

- 2) ***Area wide TIF districts financed by City Bond/Debt Issuance***

Issuance of municipal general obligation bonds or limited obligation bonds is a mechanism that may be used to fund a TIF district program. Allowable uses are spelled out in state TIF law. Generally, municipalities will issue debt to cover the cost of infrastructure investment.

- 3) ***Individual Site Specific TIF districts utilizing Credit Enhancement Agreements (CEAs)***

A CEA is a contract between a municipality and developer to assist an individual development project by using a percentage or all of the tax revenue generated by the investment to pay certain authorized project costs which could include site specific infrastructure or private individual project financing needs. Allowable project costs are spelled out in state TIF law.

B. Policy for the Three Approaches

1. **Policy for Municipal Economic Development Programs.**

Requires annual review and City Council financial appropriations.

2. **Policy for Area wide TIF District Locations (for City Bond/Debt Issuance)**

- a) Area wide TIF will be established for infrastructure investment which has applications beyond one individual project.
- b) City TIF emphasis will be placed upon the following general “Priority Revitalization Areas” to support commercial development, housing development, redevelopment, or to support buildings in need to redevelopment, address blight or historic preservation:

- o Affordable housing projects off peninsula;
- o Riverside Street commercial and industrial zoned areas;
- o Forest Avenue corridor from I-295 to Woodfords Corner;
- o Washington Avenue corridor from Congress Street to I-295;
- o Portland Technology Park ;
- o Areas in which future significant wastewater and/or stormwater infrastructure investments are planned;
- o West Commercial Street vacant property;
- o Libbytown;
- o St. Johns Street Valley;
- o Other areas based upon scheduled public infrastructure investment included in the City's Capital Improvement Plan.

The above list of general priority revitalization areas serve as guides to establish specific boundaries for TIF districts at time of district establishment.

- c) Market Rate Housing. Market rate rental housing projects must be located in priority revitalization areas to stimulate housing investment for the purpose of attracting 24/7 pedestrian activity. Pursuant to State Law, TIF for condominium projects are not allowed.
- d) Affordable Housing. Affordable Housing TIF (AHTIF) may be designated on an area wide or site specific basis.

The relevant City Council Committee will complete an annual assessment of housing needs and priorities. This assessment will include a determination regarding designation of an area wide AHTIF. Site specific AHTIF requests submitted by developers will be considered on a case-by-case basis. Area wide or site specific AHTIF designations must address an identified community need.

State law requires that at least 25% of the district area must be suitable for residential use, development must be primarily residential, and at least 1/3 of the units must be for households at or below 120% of area median income which allows for individual mixed income projects or area wide affordable housing TIF districts.

Allowable uses of AHTIF revenues are defined by State law.

- e) City preference is to invest in area wide public infrastructure TIF districts versus establishing individual private site specific TIF districts.
- f) Area wide TIF districts also should seek to maximize the benefit of downtown and transit oriented development (TOD) districts which are exempt from State TIF law for acreage and value limitations.
- g) Terms for area wide TIF districts will be considered for up to 100% of new tax revenue and upwards of thirty (30) years, the maximum allowed by State law, due to the long-term need to invest in neighborhood infrastructure.

NOTE 1: As of this Amended TIF Policy date, there are two existing area wide TIF Districts, i.e., Bayside and Waterfront TIF Districts.

NOTE 2: As of this Amended TIF Policy date, there also exists two Transit Oriented Development (TOD) District, namely the Thompson Point TOD TIF District and the Downtown TOD TIF District to support new or expanded transit services and improved transit connections between the Portland Transportation Center, Jetport and Downtown.

3. Policy for Individual Site Specific TIF Districts Utilizing Credit Enhancement Agreements (CEAs)

- a) CEAs for individual site specific TIF districts will be considered for investment in infrastructure or project financing need and cannot be applied to any agreed upon public infrastructure improvements associated with a City Council approved conditional rezone agreement. Additional provisions related to CEAs include:

- i) City Green Building Code

Compliance with the City's Green Building Code is required when TIF assistance is provided to individual private project CEAs.

- ii) Affordable Housing

Affordable Housing TIF (AHTIF) may be designated on an area wide or site specific basis. Developments are encouraged to promote economic diversity.

The City Council Committee will complete an annual assessment of housing needs and priorities. This assessment will include a determination regarding designation of an area wide AHTIF. Site specific

AHTIF requests submitted by developers will be considered on a case-by-case basis. Area wide or site specific AHTIF designations must address an identified community need.

State law requires that at least 25% of the district area must be suitable for residential use, development must be primarily residential, and at least 1/3 of the units must be for households at or below 120% of area median income which allows for individual mixed income projects or area wide AHTIF districts.

Affordable means that the percentage of income a household is charged in rent and other housing expenses including utilities, or must pay in monthly mortgage payments (including real estate taxes, mortgage insurance, condominium/HOA fees, insurance and utilities), does not exceed 30% of a household's gross income, or other amount established in city regulations that does not vary significantly from this amount. These restrictions must remain in place for the full term of the AHTIF district.

Allowable uses of AHTIF revenues are defined by State law.

(iii) State Prevailing Wage Requirement

Any firms employed in the construction phase of a TIF-assisted project must compensate all employees the current wage rates and fringe benefits as required under applicable state prevailing wage law under 26 M.R.S.A. §1306, or Portland City Ordinance Ch. 33, §33-1 to 33-12, whichever is greater.

City staff shall provide to the relevant City Council Committee an annual update on:

- a) the impact of this prevailing wage requirements on CEAs;
- b) feasibility of construction firms to pay prevailing wages and benefits; and
- c) compliance with this section.

(iv) Equal Employment Opportunities and Nondiscrimination

The developer and its contractors employed in the construction phase of a TIF-assisted 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.

b) Applicants for CEA participation must demonstrate and pay the following:

i) Financial Necessity.

The applicant must demonstrate the City's participation is financially necessary in order for the project to proceed.

ii) Financial Capacity.

The applicant must demonstrate financial capacity to support their project.

iii) Fees

A financial underwriting analysis will be conducted by a third party on all projects requesting CEA participation. Applicants for CEA assistance will be responsible for reimbursing the City for all project third party legal and financial underwriting costs.

C. Terms for CEA Projects

1) Maximum Percentages.

A maximum average percentage of 65% for the entire term associated with individual project CEAs. Notwithstanding the previous sentence, the maximum average percentage for the entire term associated with individual project CEAs for affordable housing shall be 75%. For the purposes of this policy, the term affordable housing shall be defined as in "V. Approach, Policy, and Term Requirements" Section B(32)(a)(ii) (Affordable Housing) of the Portland TIF Policy.

2) Maximum Number of Years.

Up to twenty (20) years to match individual private sector commercial financing terms; for Affordable Housing projects, up to thirty (30) years (affordability must be maintained for the full term of the TIF). The term of a TIF may start upon agreed trigger event, such as an increased assessed value. This would be included in a CEA on that negotiated triggering event.

3) Use of Maine Services for CEA Projects Encouraged.

VI. TIF APPLICATION AND ADMINISTRATION PROCESS

A. Application Information and Contact.

The Housing and Economic Development Department ~~and the Housing and Community Development Division (for affordable housing projects)~~ handle all TIF inquires and processes requests for TIF. An applicant must submit a letter or application to ~~either the Housing and~~ Economic Development Department ~~for commercial projects or the Housing and Community Development Division for affordable housing projects~~ outlining the proposed project, including TIF project financial information, a plan outlining both the number of permanent and construction jobs associated with the proposed project, housing affordability, as well as a demonstrated ability to meet the requirements under Section B(3)(a) of this policy.

B. Approval Process.

There is a two step approval process which includes obtaining a recommendation from the City Council Committee and City Council approval. Two meetings (or readings) by the City Council are needed. The City Council vote on the TIF occurs at the second meeting.

C. Post-Construction Report to City Council.

The Housing and Economic Development Department ~~and the Housing and Community Development Division~~ shall provide a post-construction report to the City Council Committee and City Council regarding each TIF-assisted project which shall include, but not be limited to, an analysis of the adherence to Section (V)(B)(3)(a) of this policy.

D. Annual Report to City Council.

The Housing and Economic Development Department ~~and the Housing and Community Development Division~~ shall provide annual reports to the City Council Committee and City Council regarding TIF district activity.

MEMORANDUM
City Council Agenda Item

FROM: Allison Carroll

DATE: January 20, 2021

SUBJECT: Order 171-20/21 Accepting and Appropriating Two Donations Totaling \$85,000 to the Dougherty Field Skatepark Expansion Project - 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: Yes (If no why not?)

PRESENTATION: Ethan Hipple will be at the Council meeting to answer any questions.

I. SUMMARY

The Parks, Recreation and Facilities Department is requesting Council approval to accept two donations totaling \$85,000 to the Dougherty Field Skatepark Expansion project.

II. AGENDA DESCRIPTION

This order accepts and appropriates two donations totaling \$85,000 to the Dougherty Field Skatepark Expansion project.

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

III. BACKGROUND

The first two donations are regarding the Skatepark Expansion project that will expand the existing skatepark at Dougherty Field from roughly 8,000 sq ft to roughly 14,000+ sq ft. This project will promote safe use of the park with more room for beginners, young children, and families who love to use the park. It will also provide increased space and variety for a diverse range of teens and young adults engaged in healthy outdoor recreation. This project was proposed as a public-private partnership project in 2017 that would combine a mix of public CIP funding and private fundraising. Our Department challenged the skate community to raise \$100,000 for the project in 2017. Since that time, small donations have been coming in from an online fundraising campaign and several grass-roots fundraisers at the park. Those small events led to two larger foundation grants that put the group over the \$100,000 fundraising goal as of December 2020.

IV. INTENDED RESULT AND/OR COUNCIL GOAL ADDRESSED

The Council to approve two donations, \$50,000 from the Cabin Foundation (12/10/20) and \$35,000 from the Ollie Foundation, managed through Maine Community Foundation (12/23/20) for the Dougherty Field Skatepark Expansion project.

V. FINANCIAL IMPACT

The current total raised for the project is \$103,000. CIP funding is still pending. Donations requiring Council approval:

- \$50,000 from the Cabin Foundation (12/10/20)
- \$35,000 from the Ollie Foundation, managed through Maine Community Foundation (12/23/20)

VI. STAFF ANALYSIS AND BACKGROUND

Staff believes that these donations will contribute to a project that will promote safe use of the park with more room for beginners, young children, and families who love to use the park. It will also provide increased space and variety for a diverse range of teens and young adults engaged in healthy outdoor recreation.

VII. RECOMMENDATION

We request the acceptance of these donations to proceed with the Dougherty Field Skatepark Expansion project.

VIII. LIST ATTACHMENTS

1. Order re Donations to Dougherty Skatepark Expansion Project 2.22.2021
2. 22214 Q20710_Page_2-3cropped

Prepared by:

Allison Carroll

Date: 1/20/2021

KATE SNYDER (MAYOR)
BELINDA S. RAY (1)
SPENCER R. THIBODEAU (2)
TAE Y. CHONG (3)
ANDREW ZARRO (4)

CITY OF PORTLAND
IN THE CITY COUNCIL

MARK DION (5)
APRIL D. FOURNIER(A/L)
PIOUS ALI (A/L)
NICHOLAS M. MAVODONES, JR (A/L)

**ORDER ACCEPTING AND APPROPRIATING TWO DONATIONS TOTALING
\$85,000 TO THE DOUGHERTY FIELD SKATEPARK EXPANSION PROJECT**

ORDERED, that two donations of up to Eighty-Five Thousand Dollars (\$85,000) are hereby
accepted and appropriated for the Dougherty Field Skatepark Expansion project.



MEMORANDUM
City Council Agenda Item

FROM: Samara Ray

DATE: January 21, 2021

SUBJECT: Order 172-20/21 Accepting and appropriating a \$20,000 Donation from the Portland Parks Conservancy for the Portland Youth Corps - 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: Yes (If no why not?)

PRESENTATION: Ethan Hipple will be at the Council meeting to answer any questions.

I. SUMMARY

The Parks, Recreation and Facilities Department is requesting Council approval to accept a \$20,000 donation from the Portland Parks Conservancy for the Portland Youth Corps, a collaborative program of the Parks, Recreation and Facilities Department (PRF), the Portland Parks Conservancy (PPC), and Maine Audubon.

II. AGENDA DESCRIPTION

This item accepts and appropriates a \$20,000 donation from the Portland Parks Conservancy for the Portland Youth Corps, a collaborative program of the Parks, Recreation and Facilities Department (PRF) , the Portland Parks Conservancy (PPC), and Maine Audubon.

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

III. BACKGROUND

The program aims to provide job training and service opportunities for underserved youth through a summer work program in Portland's parks and open spaces. An AmeriCorps intern will develop and lead the program under the direction of PRF staff. Outreach to schools, youth organizations, immigrant communities, and other groups will result in the recruitment of a diverse range of Portland youth to provide valuable service in our parks, while receiving environmental education, job training, leadership development, and a stipend. The direct program expenses are 100% funded through grants and private fundraising, which is being led by the Portland Parks Conservancy. The City is providing overall oversight of the program and in-kind support in the form of staff time.

IV. INTENDED RESULT AND/OR COUNCIL GOAL ADDRESSED

The Council to approve the \$20,000 donation from the Portland Parks Conservancy for the Portland Youth Corps.

V. FINANCIAL IMPACT

Donations requiring council approval:

- \$20,000 from the Portland Parks Conservancy for the Portland Youth Corps (12/28/2020)

VI. STAFF ANALYSIS AND BACKGROUND

Staff believed that this donation will contribute to the program goals of providing job training and service opportunities for underserved youth through a summer work program in Portland's parks and open spaces.

VII. RECOMMENDATION

We request the acceptance of these donations to assist in the funding for the Portland Youth Corps.

VIII. LIST ATTACHMENTS

1. Order re \$20,000 Donation for the Portland Youth Corps 2.22.2021

Prepared by:

Samara Ray

Date: 1/21/2021

KATE SNYDER (MAYOR)
BELINDA S. RAY (1)
SPENCER R. THIBODEAU (2)
TAE Y. CHONG (3)
ANDREW ZARRO (4)

CITY OF PORTLAND
IN THE CITY COUNCIL

MARK DION (5)
APRIL D. FOURNIER(A/L)
PIOUS ALI (A/L)
NICHOLAS M. MAVODONES, JR (A/L)

**ORDER ACCEPTING AND APPROPRIATING A \$20,000 DONATION FROM THE
PORTLAND PARKS CONSERVANCY FOR THE PORTLAND YOUTH CORPS**

ORDERED, that a donation of \$20,000 from the Portland Parks Conservancy for the Portland Youth Corps, a collaborative program of the Parks, Recreation and Facilities Department, the Portland Parks Conservancy, and Maine Audubon.

MEMORANDUM
City Council Agenda Item

FROM: Samara Ray
DATE: January 21, 2021
SUBJECT: Order 173-20/21 Accepting and Appropriating a \$20,000 Donation for Improvements at East End Beach - 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: Yes (If no why not?)

PRESENTATION: Ethan Hipple will be at the Council meeting to answer any questions.

I. SUMMARY

The Parks, Recreation and Facilities Department is requesting Council approval to accept a \$20,000 donation from the Friends of the Eastern Promenade for improvements to public access for small boat launching (kayak, canoe, stand up paddleboard) at East End Beach.

II. AGENDA DESCRIPTION

This item accepts and appropriates a \$20,000 donation from the Friends of the Eastern Promenade for a series of improvements to expand public access for small boat launching (kayak, canoe, stand up paddleboard) at East End Beach.

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

III. BACKGROUND

Working with the Friends of the Eastern Promenade and our waterfront users, a series of improvements have been proposed in order to improve public access for small boat launching (kayak, canoe, stand up paddleboard) at East End Beach. The improvements consist of a rebuilt stone staircase to access the North Beach (the beach closest to the Wastewater Treatment Plant) as well as kayak drag rails in order to help facilitate moving boats up and down the slope. The improvements will be open and accessible to the general public.

IV. INTENDED RESULT AND/OR COUNCIL GOAL ADDRESSED

The Council to approve a \$20,000 donation from the Friends of the Eastern Promenade (1/19/21) for improvements to public access for small boat launching (kayak, canoe, stand up paddleboard) at East End Beach.

V. FINANCIAL IMPACT

Donations requiring Council approval:

- \$20,000 from the Friends of Eastern Prom (1/19/21)

VI. STAFF ANALYSIS AND BACKGROUND

Staff believes these improvements will enhance public accessibility in this area.

VII. RECOMMENDATION

We request the acceptance of these donations for improvements to public access for small boat launching (kayak, canoe, stand up paddleboard) at East End Beach.

VIII. LIST ATTACHMENTS

1. Order re \$20,000 Donation for East End Beach 2.22.2021

Prepared by:

Samara Ray

Date: 1/21/2021

KATE SNYDER (MAYOR)
BELINDA S. RAY (1)
SPENCER R. THIBODEAU (2)
TAE Y. CHONG (3)
ANDREW ZARRO (4)

CITY OF PORTLAND
IN THE CITY COUNCIL

MARK DION (5)
APRIL D. FOURNIER(A/L)
PIOUS ALI (A/L)
NICHOLAS M. MAVODONES, JR (A/L)

**ORDER ACCEPTING AND APPROPRIATING A \$20,000 DONATION FROM THE
FRIENDS OF THE EASTERN PROMENADE
FOR IMPROVEMENTS AT EAST END BEACH**

ORDERED, that a donation of \$20,000 from the Friends of the Eastern Promenade is hereby accepted and appropriated for a series of improvements to expand public access for small boat launching at East End Beach.