

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 (POSTPONED FROM APRIL 5)

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

ZOOM INFORMATION:

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.

You are invited to a Zoom webinar.

When: Apr 12, 2021 05:00 PM Eastern Time (US and Canada)

Topic: Remote City Council Meeting

Please click the link below to join the webinar:

<https://us02web.zoom.us/j/89035148804?pwd=SWhpeljE1OTB5QmJzcjU5Mk1EMDd3UT09>

Passcode: 186728

Or One tap mobile :

US: +13126266799,,89035148804#,,,*,186728# or +19292056099,,89035148804#,,,*,186728#

Or Telephone:

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

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

Webinar ID: 890 3514 8804

Passcode: 186728

International numbers available: <https://us02web.zoom.us/j/89035148804?pwd=SWhpeljE1OTB5QmJzcjU5Mk1EMDd3UT09>

PLEDGE OF ALLEGIANCE:

ROLL CALL:

ANNOUNCEMENTS:

RECOGNITIONS:

SPECIAL MEETING:

APPROVAL OF MINUTES OF PREVIOUS MEETING:

Approval of the Draft March 15, 2021 City Council Meeting Minutes

PROCLAMATIONS:

Proc 10-20/21 In Recognition of National Library Worker's Day - Sponsored by Kate Snyder, Mayor

APPOINTMENTS:

Order 193-20/21 Appointing and Setting Salary of Jessica B. Hanscombe as Director of the Department of Permitting & Inspections - Sponsored by Jon P. Jennings, City Manager

The City Council is asked to approve the appointment of Jessica B. Hanscombe to the position of Director of Permitting & Inspections for the City of Portland's Permitting & Inspections Department at the annual salary rate of \$112,983.

Staff is requesting emergency passage in order to fill the position immediately. Seven affirmative votes are required for passage after public comment.

CONSENT ITEMS:

Order 194-20/21 Declaring July 29 to August 1 and August 5 to 8, 2021 the Maine Outdoor Film Festival - Sponsored by Jon P. Jennings, City Manager

The Maine Outdoor Film Festival celebrates Maine's broad array of beautiful places, recreational opportunities and creative people. 2021 marks its 10th year with over 100 screenings, including one in every county in the State of Maine.

This order declares 7:00 p.m. to 11:00 p.m. from July 29 to August 1 and August 5 to August 8, 2021 the Maine Outdoor Film Festival, to be held on the Eastern Promenade Park on the land between the softball fields and tennis courts.

**Order 195-20/21 Declaring Sundays on the Boulevard Festival Days in 2021 -
Sponsored by Jon P. Jennings, City Manager**

The City's Parks, Recreation and Facilities Management Department request permission to close Baxter Boulevard to vehicular traffic each Sunday from May 2, 2021 to October 10, 2021 (with no "Sundays on the Boulevard" on October 3, 2021 due to Maine Marathon). The boulevard will be closed from 9:00 a.m. to 4:00 p.m. on those days. The boulevard is closed from the west entrance of Payson Park to Bates Avenue.

On some days there may be programmed events taking place, including: music, bicycle demos, yoga and paddle board demos.

**Order 196-20/21 Granting a City Easement to Central Maine Power at the
Portland Ocean Terminal - Sponsored by Jon P. Jennings, City Manager**

Traffic and pedestrian management at the entrance of Casco Bay Road from Commercial Street is being expanded to accommodate better traffic and pedestrian flow. In order to expand the entrance, Casco Bay Lines will demolish the "Finger Building" portion of the Portland Ocean Terminal (POT), which is City property and the utility building that houses electrical, water, gas, and some telecommunications utilities.

As a result of the demolition, all of those utilities will need to be relocated into the side of the warehouse building at the POT. This easement to Central Maine Power is required in order to relocate and upgrade the electrical utilities for both the POT and Casco Bay Lines. The Casco Bay Lines expansion project is currently under construction.

Order 197-20/21 Approving a Five-Year Lease with the General Services Administration Re: Transportation Security Administration Office Space at the Portland International Jetport - Sponsored by Jon P. Jennings, City Manager

The Transportation Security Administration's (TSA) current lease for office and support space at the Portland International Jetport will expire on April 30, 2021. The General Services Administration (GSA) on the TSA's behalf has offered a new replacement lease for this space that commences on May 1, 2021 and continues for a period of five (5) years, with three (3) years firm.

The basic terms of the lease are consistent with the prior lease but provide for an increase in rent and the ability to relocate TSA to similar space if needed to meet Jetport development needs within the lease term. The lease terms are as follows:

1. **Term:** 5 years (with 3 years firm)
2. **Area:** The lease premises include 8,215 square feet of office space on the second level of the Jetport's terminal building and 15 parking spaces in the short-term section of the parking garage.
3. **Rate:** The rate is \$43.15 per square foot annually. This equates to a total annual payment of \$354,455. This rate is comparable to the airport terminal rate currently being paid by the airlines under the Jetport's airline signatory lease agreement previously approved by the City Council. Additionally, this lease allows for a Consumer Price Index (CPI) adjustment to the \$7.38 per square foot operating cost portion of the lease beginning in the second year of the lease.
4. **Relocation:** If it becomes necessary in the ordinary development of the Jetport, the Jetport may require the relocation of the lease premises to other similar space in the terminal on 180 days prior written notice. The TSA would be responsible for all costs for the relocation. The lease rate will remain the same as that for the original leased premises.

Order 198-20/21 Amending Order 281-18/19 by Changing the Developer Name in the Credit Enhancement Agreement for the 66 State Street Affordable Housing Development District - Sponsored by Jon P. Jennings, City Manager

This item amends Order 281-18/19 by changing the name of the developer in the Credit Enhancement Agreement (CEA) for the 66 State Street Affordable Housing Tax Increment Financing District from Phoenix at Danforth, LP to DC 66 State LLC.

On July 15, 2019, the Council authorized the City Manager to enter into a Credit Enhancement Agreement with the developer of the new building, Phoenix at Danforth, LP. While the developer remains the same, their legal name has changed. In order to proceed with the CEA, the original order must be amended to reflect the current legal name of the developer.

The Housing & Economic Development Committee met on March 16, 2021 and voted 3-0 to recommend approval of the name change to the City Council.

Order 199-20/21 Approving a United States Environmental Protection Agency Brownfields Revolving Loan Fund Grant Application - Sponsored by Jon P. Jennings, City Manager

This Order seeks the City Council's authorization to apply for up to \$500,000 in a U.S. Environmental Protection Agency (USEPA) Supplemental Brownfields Revolving Loan Fund (RLF) grant, with the expectation that the funds will become available October 1, 2021. These funds will supplement the City's Brownfields RLF which was recapitalized in 2018 with a \$500,000 USEPA grant, allowing the provision of greater assistance for remediation and cleanup of Brownfields sites in Portland for redevelopment.

Order 200-20/21 Approving Transfer of Funds Under 15 M.R.S. §§5824(3) and 5826(6) Re: Jason Boston - Sponsored by Jon P. Jennings, City Manager

This order authorizes the City Council to approve the transfer of \$7,838.00 in forfeited assets from the State of Maine to the City of Portland from the case of the State of Maine v. Jason Boston.

Order 201-20/21 Approving Transfer of Funds Under 15 M.R.S. §§5824(3) and 5826(6) Re: Timothy Edward Hansen – Sponsored by Jon P. Jennings, City Manager

This order authorizes the City Council to approve the transfer of \$1,322.00 in forfeited assets from the State of Maine to the City of Portland from the case of the State of Maine v. Timothy Edward Hansen.

Order 202-20/21 Approving Transfer of Funds Under 15 M.R.S. §§5824(3) and 5826(6) Re: Amanda Benwell – Sponsored by Jon P. Jennings, City Manager

This order authorizes the City Council to approve the transfer of \$1,332.00 and one 9mm Taurus PTIII Serial #TKT73691 in forfeited assets from the State of Maine to the City of Portland from the case of the State of Maine v. Amanda Benwell.

Five affirmative votes are required for passage of the Consent Calendar following public comment.

LICENSES:

Order 203-20/21 Granting Municipal Officers' Approval of Crispy Gai LLC dba Crispy Gai. Application for a Class I FSE with Outdoor Dining on Public Property at 90 Exchange Street - Sponsored by Jon P. Jennings, City Manager

This order grants municipal officers' Approval of Crispy Gai LLC dba Crispy Gai's application for a Class I FSE with outdoor dining on public property at 90 Exchange Street.

Application was filed on 3/15/2021. New City and State applications. Location was previously Eaux Restaurant.

Five affirmative votes are required for passage after public comment.

Order 204-20/21 Granting Municipal Officers' Approval of One City Wine Academy Inc dba Citrus. Application for a Class I FSE with Indoor Entertainment and Outdoor Dining on Private Property at 1 City Center - Sponsored by Jon P. Jennings, City Manager

This order grants municipal officers' approval of One City Wine Academy Inc dba Citrus. Application for a Class I FSE with Indoor Entertainment and Outdoor Dining on Private Property at 1 City Center.

The application was filed on 3/15/2021. New City and State applications. Location was previously MJ's Wine Bar.

Five affirmative votes are required for passage after public comment.

RESOLUTIONS:

Resolve 7-20/21 Requesting a Report on the Impacts of Historic Districts in the City of Portland - Sponsored by Kate Snyder, Mayor

Eleven historic districts have been established in Portland. Inside district boundaries, property owners have worked with the Historic Preservation Office in the Department of Planning and Urban Development over the years to maintain historic standards. In order to understand the impacts of the effects on the residents and the city created by the historic districts, an in-depth analysis would guide future actions by both the City's Planning staff and the City Council. This Resolution requests that the City Manager have this report written.

Five affirmative votes are required for passage after public comment.

Resolve 8-20/21 Adopting the Fiscal Year 2022 Annual Action Plan including appropriations For the Community Development Block Grant Program, HOME Program, and Emergency Solutions Grant Program and Approving a Substantial Amendment to the 2016-2020 Housing and Urban Development Consolidate Plan and 2019-2020 Annual Action Plan and Certifications Pertaining Thereto - Sponsored by Jon P. Jennings, City Manager

The 2021/2022 Housing and Community Development Program Annual Action Plan reports to the U.S Department of Housing and Urban Development (HUD) a total estimated budget of \$5,031,875:

- Community Development Block Grant (“CDBG”) Entitlement Funds (\$1,902,454);
- Downtown TIF funding (\$120,000);
- Cotton St proceeds (\$20,000);
- HOME Program Grant, Program Income and Recapture (\$1,202,666);
- Lead Safe Housing Program Income (\$147,923);
- Local Housing Trust Fund (\$1,455,975);
- Emergency Solutions Grant (“ESG”) funds (\$164,857)

In addition, a substantial amendment to the 2016-2020 Consolidated Plan and the 2019-2020 Annual Action Plan will re-program \$524,669 in CDBG Cares Act funds (CDBG-CV3) and program \$1,004,425 in ESG Cares Act funds (ESG-CV2).

The CDBG Annual Allocation Committee reviewed all applications and made funding recommendations to the City Manager, who whose recommendations are enclosed and include recommendations for CDBG-CV3 and ESG-CV2 funding. The Housing & Economic Development Committee reviewed the Housing Program Budget at their meeting on February 2, 2021 and voted unanimously (4-0) to recommend City Council approval of the budget.

Revisions to the HomePort Program Guidelines are submitted as a communication item and will be included in the Annual Action Plan filed with the U.S. Department of Housing and Urban Development. Additional information can be found in the staff memo (enclosed).

The City’s public participation process requires two public hearings to consider the City’s Housing and Community Development Program proposal. The hearings allow the public to comment on the City’s Consolidated Annual Action Plan. Public hearings for FY22 are set for April 5 and April 26.

At the second public hearing on April 26, five affirmative votes are required for passage after public comment.

UNFINISHED BUSINESS:

Order 189-20/21 Accepting and Appropriating Federal Aviation Administration Coronavirus Response and Relief Supplemental Appropriations Act (CRRSAA) Grants for the Portland International Jetport - Sponsored by Jon P. Jennings, City Manager

This order seeks to accept and appropriate a total of \$4,721,763 in funds from the Federal Aviation Administration (FAA) to aid the Portland International Jetport in preventing, preparing for, and responding to the COVID-19 pandemic.

The Coronavirus Response and Relief Supplemental Appropriations Act (CRRSAA, Public Law 116-260), signed into law by the President on December 27, 2020, included nearly \$2 billion in funds to be awarded as relief to eligible U.S. airports and eligible concessions at those airports to prevent, prepare for, and respond to the COVID-19 Pandemic. Eligible airports includes the Portland International Jetport, as a primary commercial service airport with more than 10,000 annual passenger boardings.

The Federal Aviation Administration is now issuing grants to eligible airports like the Jetport, in amounts based on the airport's number of annual boardings. The Portland International Jetport is being allocated two CRRSAA Grants: one totaling \$4,488,586 (for costs related to operations, personnel, cleaning, sanitization, janitorial services, and debt service payments), and the other in the amount of \$233,177 (for airport concessions rent relief).

This item must be read on two separate days. It received its first reading on March 15, 2021. Five affirmative votes are required for passage after public comment.

Order 190-20/21 Approving the Three-Party Agreement between Portland, the Portland Area Comprehensive Transportation System and the Maine Department of Transportation Re: Elm Street Paving Project - Sponsored by Jon P. Jennings, City Manager

An agreement between the City of Portland, the Portland Area Comprehensive Transportation System (PACTS), and the Maine Department of Transportation (MaineDOT) is required to allow for improvements and paving along Elm Street (from Congress Street to Marginal Way).

This three-party agreement will allow the City to move forward with this project, with PACTS providing 50% of the estimated project costs. The City match will be funded through a Fiscal Year 2022 Capital Investment Plan account.

This item must be read on two separate days. It received its first reading on March 15, 2021. Five affirmative votes are required for passage after public comment.

Order 191-20/21 Amendment to City Code Sec. 5.2 (Zoning Map Amendment) and to C-61 Conditional Zone Agreement Re: 32 Thomas Street - Sponsored by the Portland Planning Board, Brandon Mazer, Chair

On January 26, 2021, the Planning Board voted unanimously (7-0) to issue a positive recommendation for the proposed amendments to the Conditional Zone Amendment.

32 Thomas Street, LLC is proposing to update some of the contextual provisions, as well as substantive changes, of the Original Conditional Zone Agreement (CZA-57) for property at 32 Thomas Street in order to more accurately reflect the current status of the property, to permit the proposed programmatic changes to the site, and to facilitate the adaptive reuse of the building, which continues to be governed by a conditional zoning agreement. The subject property, 32 Thomas Street, is in the West End and is located in an area of the City generally zoned R-4 Residential. The existing building complex located on the parcel was formerly used as the Williston-West Church. At the request of a prior owner, and because of the unique nature of the parcel and the historic buildings located on it, the City of Portland altered the zoning for this parcel under the terms of a conditional zoning agreement dated July 13, 2012. Since that date, some, but not all of the improvements contemplated and authorized by the original CZA have been completed, and 32 Thomas Street, LLC seeks to amend the CZA to allow additional dwelling units at the subject property in the future.

This item must be read on two separate days. It received its first reading on March 15, 2021. Five affirmative votes are required for passage after public comment.

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, requested that the historic district designation, here numbered Order 126B-20/21, be reconsidered pursuant to Rule 19 of the Council Rules of Procedure and that motion was approved by a vote of 5-4 ((Fournier, Mavodones, Ali, Chong) on February 22, 2021.

On February 22, 2021, Councilor Zarro also requested that this item be postponed to this meeting to allow for additional research and discussion.

At the request of Councilor Ali, an amendment removing 122 North Street has been added to the back-up material.

Five affirmative votes are required for passage. Public comment is not required.

ORDERS:

Order 205-20/21 Receiving and Referring to the Finance Committee the Portland Board of Public Education's Fiscal Year 2022 Budget Estimate and Setting a Public Hearing Thereon - Sponsored by Jon P. Jennings, City Manager

Under this order the City Council receives the Portland Board of Public Education's proposed Fiscal Year 2022 budget and refers it to the Finance Committee for review and recommendations. The Portland Board of Public Education will take a final vote on the budget at its April 26, 2021 meeting.

The first reading and public hearing of the Fiscal Year 2022 school budget will be held on Monday, May 3, 2021, during the City Council's remote Zoom meeting, with information to come in the May 3, 2021 City Council agenda.

The second reading, public hearing and City Council action on the school budget will take place Monday, May 10, 2021, during the City Council's remote Zoom meeting, with information to come in the May 10, 2021 City Council agenda.

Five affirmative votes are required for passage after public comment.

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

EXECUTIVE SESSION:

MEMORANDUM
City Council Agenda Item

FROM:

DATE: March 19, 2021

SUBJECT: Order 193-20/21 Appointing and Setting Salary of Jessica B. Hanscombe as Director of the Department of Permitting & Inspections - 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

The City Council is asked to approve the appointment of Jessica B. Hanscombe to the position of Director of Permitting & Inspections for the City of Portland's Permitting & Inspections Department at the annual salary rate of \$112,983.

Staff is requesting emergency passage in order to fill the position immediately. Seven 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. Appointing Jessica Handscombe Director of Permitting 4.5.2021
2. Resume - Director 2021

Prepared by:

Date: 3/19/2021

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 APPOINTING AND SETTING SALARY OF
JESSICA B. HANSCOMBE AS
DIRECTOR OF THE DEPARTMENT OF PERMITTING AND INSPECTIONS**

ORDERED, that Jessica B. Hanscombe is hereby appointed as Director of the Department of Permitting and Inspections at a salary of \$112,983; and

BE IT FURTHER ORDERED, that this appointment is enacted as an Emergency, pursuant to Article II, Section 11 of the Portland City Charter, in order to make it effective immediately and allow Jessica B. Hanscombe to begin work immediately.

Jessica Blais Hanscombe

Employment History

City of Portland August 2016-Present Acting Director of Permitting and Inspections

✓ Supervisor

- Supervisor of daily operations in the Permitting and Inspections Department
- Update and implement Policy for the Department

✓ Permitting and Inspections Administrative Experience

- Knowledge and application of local ordinances
- Knowledge and application of State Laws
- Working with city staff regarding regulations
- Attendance at City Council and Committee Meetings
- Budget Preparation
- Implementation of new ordinances

Licensing and Housing Safety Manager

✓ Supervisor

- Supervisor of daily operations in the Licensing and Housing Safety Division, overseeing work of 9 employees
- Provide training to office staff on updated laws and procedures

✓ Business License Administrative Experience

- Administering the Business License program for over 1500 active licenses
- Working with new business owners, including meeting with the owners to explain requirements •
- Preparing agenda items and background materials for City Council Meetings in Civic Clerk •
- Attendance at City Council Meetings to answer questions regarding Licensing
- Post public meeting and legal notices in accordance with City and State laws
- Attendance at Committee Meetings

✓ Housing Safety Administrative Experience

- Administering the Housing Rental program, including both Long Term Rental Registration and Short Term Registration for over 5000 active registrations
- Administering the Inspection request program for over 4500 properties

City of South Portland May 2011 to August 2016 Deputy City Clerk

- ✓ Business License Administrator
- ✓ Election Administrator
- ✓ Registrar of Voters
- ✓ Supervisor for staff

City of Lewiston May 1998-May 2011 Assistant City Clerk

- ✓ Business License Administrator
- ✓ Election Administrator
- ✓ Registrar of Voters

Certifications, Commissions and Honors

- Code Enforcement Officer-State of Maine
- Building Official-City of Portland
- Certified Municipal Clerk (CMC) –International Institute of Municipal Clerks
- Certified Clerk of Maine (CCM) – State of Maine Lifetime Certification
- State of Maine Deputy City Clerk of the Year – 2014
- Notary Public – State of Maine commission 11/2000-Present
- Dedimus Justice – State of Maine, Governor’s appointment 1/2012-Present

Professional Memberships

- Maine Town & City Clerks’ Association (MTCCA)
- New England Municipal Town & City Clerks’ Association (NEACTC)
- National Association of Parliamentarians Member
- Past Member of the Maine Town & City Clerks’ Association Vital Records Committee •
- Past member of the Cumberland County Municipal Clerks’ Association.
- Past Peer Instructor for the Maine Town & Clerks’ Association teaching three full day workshops to colleagues- New Clerks, Licensing and Vital Records
- Past Elected Vice President of New England Municipal Clerks Institute Class of 2015 •
- Past committee member on the MTCCA Scholarship Committee
- Past President, Secretary, and Treasurer of the Androscoggin/Kennebec Counties City and Town Clerks’ Association
- Past Member and Secretary of the Lewiston Municipal Employee Association
- Past Member and elected Secretary of the Maine State Employees Association, City of Lewiston Bargaining Unit

Education History

- New England Municipal Clerks’ Academy- Plymouth State College, Plymouth, New Hampshire •
- Southern Maine Community College Leadership Academy, South Portland, Maine • New England Municipal Clerks’ Institute – Plymouth State College, Plymouth, New Hampshire • Numerous workshops and training sessions sponsored by the Maine Municipal Association and State Agencies on a variety Municipal Clerk related topics
- American International College, Springfield, Massachusetts
 - Major: Elementary Education
- Lewiston High School, Lewiston, Maine

MEMORANDUM
City Council Agenda Item

FROM: Clare Norton

DATE: February 19, 2021

SUBJECT: Order 194-20/21 Declaring July 29 to August 1 and August 5 to 8, 2021 the Maine Outdoor Film Festival - 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 3/15/2021

Final Action 3/15/2021

Can action be taken at a later date: No Time sensitive event planning.

PRESENTATION: Public Assembly Facilities Director Andrew J Downs and Public Assembly Facilities Booking Coordinator Clare M Norton will be available to answer any questions.

I. SUMMARY

Order declaring the Maine Outdoor Film Festival on the Eastern Prom as a festival on July 29th – August 1st and August 5th – 8th 2021

II. AGENDA DESCRIPTION

The Maine Outdoor Film Festival celebrates Maine's broad array of beautiful places, recreational opportunities and creative people. 2021 marks its 10th year with over 100 screenings, including one in every county in the State of Maine.

This order declares 7:00 p.m. to 11:00 p.m. from July 29 to August 1 and August 5 to August 8, 2021 the Maine Outdoor Film Festival, to be held on the Eastern Promenade Park on the land between the softball fields and tennis courts.

III. BACKGROUND

2021 marks the 10th year of the Maine Outdoor Film Festival. The festival has held over 100 screenings, including one in every county in the State of Maine.

In 2020 Maine Outdoor Film Festival partnered with the Friends of the Eastern Prom to bring their festival to Portland, working with the City of Portland to ensure that the event was able to take place in a safe manner during the ongoing COVID 19 pandemic.

This year the Maine Outdoor Film Festival will be hosting the event independently from any Friends groups.

IV. INTENDED RESULT AND/OR COUNCIL GOAL ADDRESSED

For the council to pass the order declaring the Maine Outdoor Film Festival on the Eastern Prom as a Festival.

V. FINANCIAL IMPACT

The City will receive \$2460.00 in permitting fees from the organizers.

VI. STAFF ANALYSIS AND BACKGROUND

The Public Assembly Facilities Division has worked with the event organizers on various events in our public parks and in our public buildings and we are confident in their ability to host the festival.

VII. RECOMMENDATION

It is recommended that this order be declared.

VIII. LIST ATTACHMENTS

1. Order Declaring Maine Outdoor Film Festival 4.5.2021
2. 2021 Application
3. MOFF Map
4. Hipple Memo for Maine Outdoor Film Festival

Prepared by:

Clare Norton

Date: 2/19/2021

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

**CITY OF PORTLAND
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MARK DION (5)
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NICHOLAS M. MAVODONES, JR (A/L)

**ORDER DECLARING JULY 29 TO AUGUST 1
AND AUGUST 5 TO AUGUST 8, 2021
THE MAINE OUTDOOR FILM FESTIVAL**

ORDERED, that July 29 to August 1 and August 5 to August 8, 2021 is hereby declared to be the Maine Outdoor Film Festival, sponsored by the Maine Outdoor Film Festival, LLC; and

BE IT FURTHER ORDERED, that the Maine Outdoor Film Festival area shall be the land between the softball fields and the tennis courts in Eastern Promenade Park and the adjoining street; and

BE IT FURTHER ORDERED, that the Eastern Promenade may be posted No Parking on Festival days; and

BE IT FURTHER ORDERED, that vehicles in violation of the “no parking” signs in the Festival Area shall be towed at owner’s expense; and

BE IT FURTHER ORDERED, that the Maine Outdoor Film Festival shall charge a fee of \$15.00 per person to attend the Festival; and

BE IT FURTHER ORDERED, that the Maine Outdoor Film Festival, LLC Festival Area shall be closed to licensed street vendors as provided in §19-17 and §19-22 of the Portland City Code; and

BE IT FURTHER ORDERED, that the City Manager is authorized to issue a revocable permit to Maine Outdoor Film Festival, LLC under §§25-26—25-28 of the Portland City Code to conduct said Festival, subject to the direction and control of the City Manager and to the following specific conditions:

1. Maine Outdoor Film Festival, LLC shall defend, indemnify and hold harmless the City of Portland, its officers and employees, from and against all claims arising out of or resulting from the Festival and/or use of City streets and property for said Festival, and shall procure and maintain public liability insurance in the minimum amount of \$400,000 per occurrence for personal or bodily injury, death or property damage and covering the obligation of indemnification hereunder. Maine Outdoor Film Festival, LLC shall provide the

City with a certificate showing evidence of such insurance and showing the City as an additional insured on said insurance;

2. No alcoholic beverages may be sold on the streets or public property during the Festival within the Festival Area;

3. Maine Outdoor Film Festival, LLC shall comply with all Public Assembly Facilities Division Conditions for use of grounds, and requirements for food service, vending sales, tent and stage installations and other items specified in that permit shall be adhered to, but the Public Assembly Facilities Division fees for the use of the park are waived;

4. Maine Outdoor Film Festival, LLC shall have sole authority over participating vendors at the Festival and may charge a fee to vendors for the opportunity to vend at the Maine Outdoor Film Festival;

5. Public Assembly Facilities Division concert license conditions shall be complied with and any and all amplified music and public announcements shall be maintained at a reasonable noise level (under 85 decibels) and be configured by the event organizer to focus volume away from residential housing and neighboring business, limiting any impact in the area by the sound level;

BE IT FURTHER ORDERED, that the City Manager is authorized to waive fees and to issue such other temporary licenses, including licenses for food service establishments, as may be required by the Portland City Code, provided that all other applicable Code requirements for the operation of the Festival have been met.

CITY OF PORTLAND, PUBLIC ASSEMBLY FACILITIES DIVISION
PUBLIC PARK & SPACE APPLICATION (5 pages)
 212 Canco Rd. • Suite A • Portland • ME • 04103 • (207) 808-5435
 Clare Norton clare@portlandmaine.gov



APPLICATION FEE \$25.00

PAYMENT MUST BE MADE WHEN SUBMITTING APPLICATION

(This is a transferrable/non-refundable fee. If your event is permitted, the \$25.00 will be credited toward your permit fee.)

For uses of city property, there are typically: 1) fees charged for use of the area, 2) a security deposit required, and 3) insurance required. There may be fees due and applications required from other City Departments.

TODAY'S DATE		9/8/20		ORGANIZATION NAME		Maine Outdoor Film Festival	
ADDRESS (Street/City/State/Zip)		123 Free St suite 200 Portland, ME 04103					
CONTACT NAME(S)		Nick Callanan		TITLE(S)		Director	
PHONE	207 672 3344		PHONE			PHONE	
EMAIL	nick@nombrella.com		EMAIL			EMAIL	

PARK AREA / PUBLIC SPACE REQUESTED		Eastern Prom (EP), the strip of park between softball and tennis courts	
EVENT DAY(S) & DATE(S)		7/29 to 8/1 AND 8/5 to 8/8	RAIN DAY(S) & DATE(S) (50% added fee)
OVERALL EVENT START & END TIME (When setup will begin until cleanup is expected to be complete.)		7p to 11p	EVENT START & END TIME
			8p to 10p

EVENT NAME		EXPECTED ATTENDANCE	
The Maine Outdoor Film Festival		100/screening	
DESCRIPTION OF EVENT: Please be specific regarding area of public space/park and describe EVENT in detail. Please include a detailed MAP of the proposed EVENT AREA, proposed ROUTE (road race) &/or proposed STREET CLOSURE (parade, march, rally, etc.), as these will need to be approved by City Departments. Please create these MAPS using Google Earth Pro. Should street closures be approved, organizers will need to notify businesses and residents on those streets, in advance of closure. Please provide a link(s) to social media site(s) being used to publicize the event. A film festival with outdoor screenings that begin at dark in Portland's parks. Building on 2020 success, attendees will bring their own camp chair and brown bag lunch. MAPS forthcoming.			
IS THERE A REGISTRATION FEE/PLEDGES COLLECTED FOR THIS EVENT?		Please check: ☒ FEE ☐ PLEDGES	
IF YES FOR FEES, HOW MUCH?		FEE	\$15
		STUDENT FEE	\$ same

WHAT WILL BE THE ANTICIPATED NEED FOR PARKING AND WHAT IS YOUR PARKING PLAN? Limited parking need (less than 30 cars) should be accommodated by on-street or park lots.

PLEASE CHECK OFF AND ANSWER:

PLEASE SEE ATTACHED FEE SCHEDULE / DEPT. INFORMATION IF YOU ANSWER YES

	X-YES	X-NO	X-NOT SURE

	Yes	No	Not Sure
* Are you setting up a canopy(s) ? (10'x10' size or smaller) How many?			X
* Do you wish to set up a tent(s) and/or stage(s) ? A canopy/tent or stage larger than 10'x10' needs a Temporary Tent or Stage Permit issued by Building Inspections. For permit application, please go to: http://portlandmaine.gov/DocumentCenter/Home/View/2317 or contact the Permitting and Inspections Department at buildinginspections@portlandmaine.gov or 874-8703 for more information. PLEASE apply at least 2-weeks before your event. Tent/Stage Size(s): Exact Location(s) of Tent/Stage Placement Requested: *** In order to drive tent stakes into the ground, DIG SAFE must be contacted: 888-344-7233. ***		X	
* Will you be setting up tables and/or chairs ? How many tables: chairs:			X
* Are other items or equipment being placed on City property? (i.e. Moon Bounce, Dunk Tank, Radio Station Van, Helium Tank, etc.) Please List:		X	
* Will there be refreshments at the event? Do you wish to sell food ? If so, you will need approval from PAFD and possibly a Temporary Food Service License from Business Licensing Office. PLEASE provide them at least 2 weeks advance notice (874-8557). List food and drink / Food Trucks, etc.: PLEASE NOTE: A Temporary Food Service License is NOT needed when: 1. Food Vendors have a current City of Portland Food License 2. Just pre-packaged refreshments, or food & drink items are purchased or donated from a licensed establishment 3. Bottled water / water is served A TFSL is needed when food vendors are not licensed or when food is being prepared and cooked at the event.		X	
* Do you wish to sell non-food items (like T-shirts, crafts, cd's, etc.)? If so, please apply for a Street Goods Vendor License(s) at the Business Licensing Office (874-8557) – 2 week notice. List items you wish to sell:			X
* Are you setting up a PA (sound) system ? Are you planning on having Amplified Music ? Band? DJ? Boom Box? If so, your event may require a concert license. PAFD will advise upon review of your application. Amplified speech (i.e. Press Conference) does not require the license, however, a Sound Security Deposit may be required. There are time restrictions for amplified music/speech in Downtown Parks & Squares: limited to 11:45am – 1:15pm and 1 hour between 5pm – 8pm.	X Speakers for film		
* Will your event require electricity ? Electricity is available at Deering Oaks Park, Monument Square, Congress Square, Tommy's Park, Post Office Park, Payson Park, Preble Street Grass Area, Eastern Prom, Fort Allen Park, and Lincoln Park. A \$40 activation fee is required.	X		
* Are you planning on bringing a Grill for a Barbecue ? Grilling is subject to weather conditions and possibly Fire Dept. review.		X	
* Will the event require reserved parking spaces / parking meters ? How many? "No Parking" signs may be purchased at the PAFD Office, 212 Canco Rd.		X	
* Will your event need safety vests, signs, barricades and/or cones ? Please list what you would like to borrow/rent: Limited safety vests, cones & barricades may be borrowed/rented from PAFD Office. Traffic signs may be borrowed/rented from Public Works if needed (874-8493).		X	
* Will your event require street closures ? (Please be specific under "Description of Event") Will your event affect METRO BUS ROUTES ? (If service is affected, organizer needs to work directly with METRO for endorsement / feedback). Please check with Glenn Fenton, METRO: 517-3029 (gffenton@qpmetro.com) to discuss.		X	
* Will your event require Police assistance ? An event such as a road race, march or parade in the street, would typically require police assistance. To reserve & hire an Officer(s) to be on site at your event, please call Sgt. Nevins (874-8554) or Police Shift Command (874-8855/8556) well in advance to arrange.		X	
* Will your event require Fire/EMS assistance ? (For a large walk/race, it may be required.) To hire or inquire about hiring city Fire/EMS staff to be on site, please email fireprevention@portlandmaine.gov well in advance of the event. For general questions, you may also call 874-8400.		X	
* Will your event require Parking Control assistance ? To hire a Parking Control Officer(s) to be on site at your event, please call 874-8910 well in advance to arrange.		X	
Fees for Police, Fire/EMS or Parking Control Staff will be invoiced by those individual departments & should be paid to them directly.			
* Will your event require porta-restroom rental(s) or need existing porta-restrooms cleaned? (Some of the parks already have porta-restrooms. Event participants may use these, but a \$25 fee is assessed for events where attendance is 150 or more.) Porta-restrooms may be rented from any of the local companies. Units currently on site are through Associated Septic.	X		
* Do you wish to have a banner over the street to advertise your event? (Banners hung over Congress St. or Baxter Blvd). Banner inquiries directed to PAFD: 808-5400 x0.	X		

INSURANCE CERTIFICATE INFORMATION

*	Will your event require liability Insurance? (Commercial liability insurance is required for a walkathon, race, festival, press conference, concert, etc. Product liability insurance is also required if the event has been approved for serving food.)		X But we have it!
♦ If you answered YES, you shall procure and maintain occurrence-based Commercial General Liability and Product Liability Insurance, when required, in an amount not less than Four Hundred Thousand Dollars (\$400,000.00) per occurrence for bodily injury, death and property damage. You shall name the City of Portland as an additional insured or shall obtain a general liability extension endorsement, 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. The terms of this permit and the insurance coverage shall not be deemed a waiver of any defenses, immunities or limitations of liability or damages available to the CITY under the Maine Tort Claims Act, other Maine statutory law, judicial precedent, common law, or any other defenses, immunities or limitations of liability available to the City. You shall also be responsible for any and all deductibles and/or self-insured retentions. ♦ Both the Certificate of Insurance and Additional Insured Endorsement shall be sent to clare@portlandmaine.gov and must state that the policy is endorsed to name the City of Portland as an additional insured pursuant to the date of the event (and rain date).			

PUBLIC ASSEMBLY FACILITIES DIVISION POLICIES

EVENT REVIEW
The PAFD Office holds a monthly meeting where proposed events are discussed and reviewed by City Departments. For some events, organizers will be asked to present before the committee. Some potential factors may necessitate your event receive City Council approval.
ELECTRICITY
All cords in the public way must be covered by rugs, mats or orange cones to avoid public hazard. If weather is inclement (drizzle, rain, snow, etc.) we require that you not use electricity, unless all connections and equipment are covered and protected from the elements. If a generator is used, please take all necessary measures to ensure safe operation. Bring a fire extinguisher, set generator up away from activities (and combustibles), store fuel source away from the generator and keep children away from the generator.
BARBECUES - GAS GRILLS ONLY
Only GAS GRILLS are allowed in parks/public spaces – i.e. No Charcoal Grills or open burning. Barbecuing must first be approved by PAFD Office and is subject to weather conditions, and possible further review by the Fire Dept. Grills must be set up away from children's activities. You are required to have a fire extinguisher with in the grilling area.
PORTA-RESTROOMS / BATHROOM FACILITIES
Porta-Restrooms are required for large events and events where refreshments are being served. Some of Portland's parks already have portable restrooms from Associate Septic on site (*Preble Street Grass Area at the Preble Street Parking Lot – across from Hannaford's, *Entrance to Dyer's Flat – beside Payson Park, *Deering Oaks Park – Playground + Ravine, *East End Beach - Winter & Early Spring: Just EEB.) If over 150 people are expected to attend the event, a \$25 user fee is required (paid to PAFD). If extra units are rented by organizer, then no additional user fee is assessed. Porta-restrooms are cleaned M, W, & F. If you would like to guarantee that they are cleaned just prior to your event, then you need to call the porta-restroom company (Associated Septic / Royal Flush, 207-799-1980, M-F) to request and pay for a cleaning. If renting units, organizer has the option of renting from Associated Septic / Royal Flush, or from other local companies.
TRASH
All groups must abide by our Carry In/ Carry Out Policy. Please bring extra trash bags and/or trash receptacles and remove all trash. Do not use existing trash barrels or the metal liners inside. You will need to haul all of your trash out of the park/public space or forfeit the security deposit(s). Please recycle whenever possible, (please do not use Styrofoam - it is NOT recyclable). The area will be checked following your event; if park is clean and conditions for use adhered to, your security deposit will be returned to you. Thank you in advance!
MARKING OF GROUNDS
Please DO NOT mark city property in any permanent way. DO NOT use SPRAY PAINT or SPRAY CHALK. DO NOT STAPLE or NAIL anything to trees. Children's Art Chalk can be used on hardscape areas with permission from PAFD Office. Tape may also be used. If markings remain for more than a few rain storms, event organizers are responsible for removing them. If city staff or contractors need to remove the markings, event organizers are responsible for the cost of staff time and materials. You may also place signs on stakes in the grass areas bordering trails/race routes (when applicable). Please remove all signage immediately following the event.
USE OF CANDLES
It is preferred that LED lighted candles or glow sticks are used. If flammable candles are used, please make sure all candles have drip protectors to prevent wax from dripping on hardscape surfaces, which may cause permanent stains/damage. Please make sure all candles are extinguished before being thrown away. Please collect all spent candles so there is no trash left behind. Please take safety precautions: bring a fire extinguisher, gallon of water, etc. in case of fire. Any damage (dripped wax absorbed into hardscape causing stains, etc.) will result in a forfeiture of your security deposit.

ADA COMPLIANCE

Event organizer must comply with the Americans with Disabilities Act (ADA) and the Maine Human Rights Act (MHRA), including maintaining the permitted use area and all public rights-of-way accessible during the entirety of the permitted event. In the event the permitted area is rendered inaccessible to disabled persons, and/or by request of PAFD staff, the organizer shall act immediately to provide accessibility. All requests to provide interpretive services shall be the responsibility of the organizer to provide and pay for such services. The organizer shall defend, indemnify, and hold the City harmless from any and all liability and damages resulting from alleged violations of the ADA and/or MHRA.

PARKING ON GRASS AREAS / SIDEWALKS / ILLEGALLY PARKED VEHICLES

Vehicles are prohibited from parking on grass areas/sidewalks/park streets (unless specifically approved by city staff). \$20 will be deducted from your security deposit for each vehicle parked on grass/sidewalk areas or vehicles parked illegally. **Any tire ruts/damage to the grass areas will result in a forfeiture of your security deposit.**

RESERVED PARKING

To reserve parking for your event, please contact the PAFD Office (808-5400 x0). Staff will review your request and can issue you "No Parking" signs (\$25 each*). You will need to label signs and tape them to meters or signposts **AT LEAST 24 HOURS PRIOR TO YOUR EVENT.** (NOTE: If event is on a Sunday or Monday, NP Signs may need to be posted on the preceding Friday by Noon.) Please do not cover up coin slots on meters. If the reserved parking area has no actual parking meters, you may need to tape signs to sign posts, utility poles, trees, or orange cones (placed on the sidewalk beside the street). The PAFD Office has cones it can rent to you (see fee schedule below) if needed. To ensure you can have vehicles (illegally parked at signs you've posted) towed, please complete and fax/email/hand deliver to city departments a "No Parking Authorization Form," which you can get from staff when you pick up NP signs. Please make sure signs are removed once the event is complete. ***Under certain conditions, the reserved parking fee may be reduced. Upon review of your application, PAFD will advise if your event qualifies for a reduction. If paying a reduced rate, towing may not be enforceable. PAFD will advise regarding these parameters as well.**

ALCOHOL / SMOKE-FREE ZONES

By city ordinance, smoking a cigar, cigarette, pipe, electronic cigarette, electronic cigar, electronic pipe, or other similar product that relies on vaporization or aerosolization, is prohibited at and within 20 feet of the following outdoor recreation and event areas: downtown squares and plazas, trails, parks, playgrounds, beaches, and athletic facilities. Consumption of alcohol is prohibited in public spaces unless specifically approved by City Council. Please inform all participants / attendees.

AMPLIFIED SOUND POLICY

Outdoor events with amplified sound may require an Entertainment License from the PAFD Office. If the Police Dept./City Staff receive noise complaints, they will respond accordingly. Please set the PA System up with speakers facing away from businesses/residences to lessen impact. Please keep volume levels low out of consideration for nearby residents and businesses. The Permittee (organizer) shall not allow the sound emanating from the event to exceed an A-weighted 85 decibels / C-weighted 95 decibels. One verbal warning shall be issued if the sound has been found to have exceeded those limits. The warning may be given to the sound board operator or the organizer/organizer's designee. If the decibel limit is found to have been exceeded a second time during the same event, the entertainment license (or permission to use a bullhorn/PA system) shall be immediately suspended, the PA system / amplification / bullhorn turned off, and the sound security deposit forfeited.

CANCELLATION POLICY

Event must be cancelled with PAFD prior to event date in order to be eligible for a refund. If cancelled within 2 weeks of scheduled event date, a \$75 cancellation fee may be charged.

NOTIFICATION

Please keep a copy of your event permit on site at all times. City staff may require proof of permit. If there are members of the public in the reserved space upon arrival, please present the permit as proof of reservation & approved usage. If you need assistance, please contact the Police Department at (207) 874-8574. Please ask Portland newspapers to run an article alerting the public to the event. You may put up temporary A-frame signs to alert the public to your event or place signage on orange cones, etc. Signs are to be up **DAY OF EVENT ONLY.** Please remove all signage immediately following the event. Please call Portland Police Dept. (874-8574) on the day of your event to remind them it is taking place. Please notify any nearby businesses, including restaurants that may have tables out for dining, to alert them to your event.

STREET CLOSURE NOTIFICATION

Should event involve a Street Closure, lasting longer than an hour, PAFD Office requires organizers to give advanced notification to area businesses, residents and bus companies (in the form of a "Street Closure Sign Off Sheet"). If event impacts METRO Buses, organizer (in advance) must discuss detour plans with METRO.

REVOCABLE PERMIT

- ♦ The City reserves the unconditional right to control or cancel events to protect and/or prohibit damage to public property.
- ♦ The City reserves the unconditional right to revoke or revise an issued permit.
- ♦ Police or City Staff on site may use their discretion to revise conditions of use.

I HAVE READ AND UNDERSTAND ALL OF THE ABOVE POLICIES

TYPE INITIALS



DATE

9/8/20

ASSUMPTION OF RISK & LIABILITY

Users of the area agree to accept the grounds in an "as is" condition and shall be responsible for all risk and liability in using the park/public space area for the said event. By returning this form (should permission be granted to use city property), the above parties agree to indemnify, defend, and hold harmless the City of Portland, its employees and agents, from and against all claims arising out of activities during said event.

I have read the Assumption of Risk & Liability Agreement

TYPE INITIALS

DATE

9/8/20

PLEASE INITIAL & DATE HIGH-LIGHTED YELLOW BOXES ABOVE.

FEE SCHEDULE – UPDATED JULY 1, 2019

Fees are tiered and assigned based on the level of demand placed on City resources and impact on City infrastructure.

Simple Event (no registration fee): \$75/hour

Electricity (activation/de-activation) Fee: \$40/flat

Event with registration or pledges & attendance 25 - 300: \$125/hr

Porta Restroom User Fee (if attendance is 150+): \$25

Event with registration or pledges & attendance 301+: \$225/hr

Entertainment License: \$50

Film/Photo Shoot: \$150/day

Barricades: \$5/ea. Rental Fee + \$25/ea. Security Deposit

Public Space/Park Security Deposit: \$100 - \$1000

Bike Racks: \$10/ea. Rental Fee + \$25/ea. Security Deposit

Sound Security Deposit: \$100 - \$1,000

Flashing Lights: \$10/ea. Rental Fee + \$40/ea. Security Deposit

Impact/Street Closure Fee (variable based on impact): \$100-\$500

Cones: \$2/ea. Rental Fee + \$15/ea. Security Deposit

Staff Fee (on site event support): \$37/hour

Safety Vests: \$15/ea. Security Deposit

Administrative Fee (event coordination support): \$40/hour or more

Keys: \$50/ea. Security Deposit

"No Parking" Signs: \$25 each

Equipment Delivery Fee: \$100 or more

Cancellation Fee: \$75

Fortification Fee: TBD

PLEASE MAKE CHECKS PAYABLE TO "CITY OF PORTLAND".

Please make out separate checks for security deposit and permit fees.

TOTAL AMOUNT(S) DUE TO PUBLIC ASSEMBLY FACILITIES DIVISION (Please make all security deposit checks out separately)

Permit Fee for use of area:	\$	Entertainment License Fee:	\$
Number of Hours of Use: Approx.		Equipment Rental Fee:	\$
Staff Fee (on site event support):	\$	Public Space / Park / Sound Security Deposit:	\$
Admin. Fee (event coordination support):	\$	Borrowed / Rented Equipment Deposit:	\$
Electricity Fee (activation/de-activation):	\$	Additional Fees:	\$
Impact/Street Closure Fee (variable based on impact):	\$	(Porta-Restroom User Fee, "No Parking" Signs, etc.)	

FOR OFFICE USE ONLY**DATE APPLICATION RECEIVED:**

APPLICATION FEE:	\$ 25.00	PERMIT FEE:	\$	SECURITY DEPOSIT:	\$	INSURANCE NEEDED?	Y / N
DATE RECEIVED:		DATE RECEIVED:		DATE RECEIVED:		DATE RECEIVED:	

PAYMENT TYPE

VISA / MC NUMBER:		CHECK NUMBER:		CHECK AMOUNT:	\$	CASH AMOUNT:	\$
CREDIT CARD AMOUNT:	\$	CREDIT CARD EXP. DATE:		CHECK NUMBER:		CHECK AMOUNT:	\$

PLEASE NOTE: A \$3.00 or 2.65% SERVICE FEE (whichever is greater) WILL BE ADDED TO ALL CREDIT CARD TRANSACTIONS.

PLEASE RETURN FORM (WORD DOC) AT LEAST 30 DAYS IN ADVANCE TO:

♦ Public Assembly Facilities Div. ~ 212 Canco Rd. ~ Portland ~ ME ~ 04103 EMAIL PREFERRED: clare@portlandmaine.gov

Screen —

Eastern Promenade

Melbourne St

Montreal St



CITY OF PORTLAND
Parks, Recreation & Facilities Department
Ethan Hipple, Director

CITY OF PORTLAND
Parks, Recreation & Facilities Department
Andy Downs, Public Assembly Facilities Director

To: Jon Jennings, City Manager
From: Ethan Hipple, Director of Parks, Recreation & Facilities Management
Date: January 26th 2021
Re: Council Agenda item - Maine Outdoor Film Festival on the Eastern Prom

I am requesting that the following order be placed on the next City Council agenda March 15st, 2021:

Order declaring the Maine Outdoor Film Festival on the Eastern Prom as a festival on July 29th - August 1st and August 5th-8th 2021

The Maine Outdoor Film Festival (MOFF) celebrates Maine's broad array of beautiful places, recreational opportunities and creative people. With 2021 marking its 10th year, the MOFF has hosted over 100 screenings of their films, including one in every county in the State of Maine.

MOFF benefits Teens to Trails, a Maine based non profit that connects highschool students to life changing outdoor experiences.

In 2020 MOFF partnered with the Friends of Eastern Prom to bring their festival to Portland, working with the City of Portland to ensure that their event was able to take place safely during the COVID 19 pandemic. MOFF is hoping to build a long term partnership with the City of Portland to host a world class multi day destination arts, conservation and recreation event here in Portland.

The festival zone for the film series will be the land between the softball fields & tennis courts on the Eastern Prom.

The Maine Outdoor Film Festival will consist of a movie. Attendees will pay a fee of \$15.00 to attend. Attendees will bring their own chairs and blankets to sit on. There will be a small table for guests to check in and pick up a program. Food & beverages will not be provided, guests will be welcome to carry in their own food and non-alcoholic beverages.

The order should include the following items:



CITY OF PORTLAND
Parks, Recreation & Facilities Department
Ethan Hipple, Director

CITY OF PORTLAND
Parks, Recreation & Facilities Department
Andy Downs, Public Assembly Facilities Director

Maine Outdoor Film Festival is authorized from 7:00 to 11:00 PM July 29th – August 1st and August 5th – August 8th 2021. Attendance will be limited to 150 per showing or less to coincide with the Governor of the State of Maine’s Executive Order regarding gathering size in outdoor public settings.

The festival area will be closed to street vendors pursuant to section 19-17 of the Portland City Code and is reserved for the use of the festival organizers for the purpose of hosting their film festival, subject to the direction and control of the City Manager.

The City Manager is authorized to issue a revocable permit under section 25-27 of the Municipal Code to the Maine Outdoor Film Festival for the use of the above-described area for said festival subject to the following conditions:

MOFF shall indemnify the City and hold it harmless for and against all claims arising out of the activities during said festival, and shall take out and maintain public liability insurance coverage in the amount of at least \$400,000.00 per occurrence for personal or bodily injury, death or property damage for said purpose. This insurance certificate will also list the City of Portland as an additional insured in regards to the Maine Outdoor Film Festival activities and the City be endorsed on the policy;

Maine Outdoor Film Festival Organizers shall have sole authority over participating vendors at the events and may charge a fee to vendors for the opportunity to vend at the Maine Outdoor Film Festival;

Conditions for use of the grounds, specified in a permit issued from Public Assembly Facilities Division, shall be adhered to;

Under no circumstances may alcoholic beverages be consumed or sold on the streets or park areas of said area during said festival;

Any and all amplifies music / public announcements shall be maintained at a reasonable level (under A weighted 85dBs / C weighted 95 dBs) and be configured by the event organizer to focus volume away from residential housing, limiting any sound impacts to neighbors nearby, a single event license is required and will be issued;



CITY OF PORTLAND

Parks, Recreation & Facilities Department

Ethan Hipple, Director

The City Manager is also authorized to issue such other temporary licenses, including licenses for food service establishments, as may be required by the Portland City Code, provided that all other applicable requirements of said Code have been met regarding the operation of said Festival / Event.

CITY OF PORTLAND

Parks, Recreation & Facilities Department

Andy Downs, Public Assembly Facilities Director

Document prepared by Clare Norton, PAFD Booking Coordinator

MEMORANDUM
City Council Agenda Item

FROM: Clare Norton

DATE: March 22, 2021

SUBJECT: Order 195-20/21 Declaring Sundays on the Boulevard Festival Days in 2021 -
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 4/26/2021 **Final Action 4/26/2021**

Can action be taken at a later date: No The first Sunday on the Boulevard is scheduled for May 2nd.

PRESENTATION: Andrew J Downs, Director of Public Assembly Facilities will be available to answer any questions.

I. SUMMARY

Order declaring "Sundays on the Boulevard" from May 2nd thru October 10th 2021.

II. AGENDA DESCRIPTION

The City's Parks, Recreation and Facilities Management Department request permission to close Baxter Boulevard to vehicular traffic each Sunday from May 2, 2021 to October 10, 2021 (with no "Sundays on the Boulevard" on October 3, 2021 due to Maine Marathon). The boulevard will be closed from 9:00 a.m. to 4:00 p.m. on those days. The boulevard is closed from the west entrance of Payson Park to Bates Avenue.

On some days there may be programmed events taking place, including: music, bicycle demos, yoga and paddle board demos.

III. BACKGROUND

Since 2014, Portland City Council has approved the closing of Baxter Boulevard from Vannah Ave to Catafalque Drive to vehicular traffic on Sundays from 9 am to 4 pm in order to facilitate "Sundays on the Boulevard".

In order to continue this recreational opportunity to the public while making accommodations for the ongoing sewage treatment construction, the "Sundays on the Boulevard" committee is requesting the footprint of the event be altered, such that the Baxter Boulevard closure would now run from the West entrance of Payson Park to Bates Avenue and include the roadways surrounding the grass triangle within the park.

IV. INTENDED RESULT AND/OR COUNCIL GOAL ADDRESSED

For the City Council to pass the order declaring "Sundays on the Boulevard" as a festival.

V. FINANCIAL IMPACT

There will be no financial impact.

VI. STAFF ANALYSIS AND BACKGROUND

City staff are confident that we can host another successful season of "Sundays on the Boulevard".

VII. RECOMMENDATION

It is recommended that this order be declared.

VIII. LIST ATTACHMENTS

1. Sundays on the Boulevard Festival Days 2021 4.5.2021
2. SundaysontheBoulevardMap
3. SOTB c 2021 Memo V1

Prepared by:

Clare Norton

Date: 3/22/2021

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 DECLARING SUNDAYS ON THE BOULEVARD
FESTIVAL DAYS IN 2021**

ORDERED, that Sundays from May 2, 2021 to October 10, 2021, except October 3, 2021 (unless the Maine Marathon is cancelled) are hereby declared to be Sundays on the Boulevard Festival Days; and

BE IT FURTHER ORDERED, that the Sundays on the Boulevard Festival Days area shall be Baxter Boulevard from Bates Avenue to west entrance to Payson Park; and

BE IT FURTHER ORDERED, that Baxter Boulevard from Bates Avenue to Payson Park, west entrance, and the Payson Park east entrance road from the tip of the grass triangle to Baxter Boulevard shall be closed to traffic from 9:00 a.m. to 4:00 p.m. on every Sunday from May 2, 2021 to October 10, 2021 except October 3, 2021 (unless the Maine Marathon is cancelled); and

BE IT FURTHER ORDERED, that vehicles in violation of the “no parking” signs in the Festival Area shall be towed at owner’s expense; and

BE IT FURTHER ORDERED, that the Sundays on the Boulevard Festival Days area shall be closed to licensed street vendors as provided in §19-17 of the City Code; and

BE IT FURTHER ORDERED, that the City Manager is authorized to issue a revocable permit under §25-27 of the City Code to the Sundays on the Boulevard Committee, subject to the direction and control of the City Manager and to the following specific conditions:

1. No alcoholic beverages may be sold on the streets or public property during the Festival within the Festival area; and
2. Assistance from City Departments will be in kind; and

BE IT FURTHER ORDERED, that the City Manager is authorized to issue such other temporary licenses, including licenses for food service establishments, as may be

required by the City Code, provided that all other applicable Code requirements for the operation of the Festival have been met.

ays on the Boulevard Map

n Park / Back Cove Trail



TO: Jon Jennings, City Manager
FROM: Ethan Hipple, Director of Parks, Recreation & Facilities Management
DATE: March 30, 2021
RE: **Council Agenda Item – Sundays on the Boulevard**

I am requesting that the following order be placed on the next City Council agenda:

Order declaring “Sundays on the Boulevard” as a weekly festival event and declaring Baxter Boulevard be closed to traffic every Sunday, May 2 – October 10, 2021*, 9am – 4pm - from Vannah Avenue to the east entrance of Payson Park (May 2 - May 30) and from the west entrance of Payson Park to Bates Avenue (June 6 - October 10) in order to allow the public to use those portions of the street as recreational space.

***There would be no “Sundays on the Boulevard” on October 3 if the Maine Marathon were to take place on its regularly scheduled date.**

Since 2014, Portland City Council has approved the closing of Baxter Boulevard from Vannah Avenue to Catafalque Drive (the east entrance to Payson Park) to vehicular traffic on Sundays (9am-4pm) in order to facilitate “Sundays on the Boulevard”.

The “Sundays on the Boulevard” committee would like to continue the tradition of offering this recreational opportunity to the public and requests permission to close the boulevard on Sundays, from May 2 – October 10, 2021, with a time frame of 9am – 4pm.

This year, however, the entire section of roadway the festival has historically utilized will be off-limits to the public beginning June 1, due to the ongoing sewage treatment construction taking place around Back Cove. Therefore, the “Sundays on the Boulevard” committee is requesting the footprint of the event be altered, such that the Baxter Boulevard closure would run from the west entrance of Payson Park to Bates Avenue and include the roadways surrounding the grass triangle within Payson Park (west & east entrances) as part of the closure, beginning Sunday, June 6 .

These road closures would take place each Sunday from May 2 – October 10, 2021 with a time frame of 9am – 4pm. (However, there would potentially be no “Sundays on the Boulevard” on October 3, as the Maine Marathon is regularly held on Baxter Boulevard that day.)

On some of these Sundays, there may be programmed events scheduled (music, bicycle demos, yoga class, etc.), although that is unlikely this year, given precautions being taken in accordance with state & federal health guidelines.

(continued)

To facilitate these closures, city staff will erect barricades across Baxter Boulevard:

- May 2 - May 30: outside of the crosswalks at Vannah Avenue and Catafalque Drive and at both ends of the west entrance to Payson Park, and
- June 6 - October 10: at Bates Avenue (I-295 on & off ramps) and just west of the crosswalk at the park's west entrance roadway. Staff will also place barricades across Catafalque Drive at the top of the grass triangle (just south of the Little League parking lot) and across the driveway of the Seaside Healthcare facility that accesses Baxter Boulevard. Seaside has an alternate driveway off of Front Street that they will utilize, and they are supportive of the Sunday Boulevard closures.

For "Sundays on the Boulevard," streets listed below will be closed to vehicular traffic on Sundays (May 2 – May 30, 2021), 9am - 4pm:

Baxter Boulevard (from Vannah Avenue to Catafalque Drive)

Payson Park, entrance road (from tip of grass triangle down to Baxter Boulevard);

Sundays (June 6 - October 10, 2021 – minus Oct. 3), 9am – 4pm:

Baxter Boulevard (from Payson Park, boulevard west entrance to Bates Avenue)

Payson Park, west & east entrance roads (from tip of grass triangle down to Baxter Boulevard).

The City Manager is authorized to issue a revocable permit under Section 25-27 of the Municipal Code to the Sundays on the Boulevard Committee for the use of the above-described area for said Festival subject to the following conditions:

- Under no circumstances may alcoholic beverages be consumed or sold on the streets or park areas of said area during said festival;
- Assistance from City Departments will be in-kind.

The City Manager is also authorized to issue such other temporary licenses, including licenses for food service establishments, as may be required by the Portland City Code, provided that all other applicable requirements of said Code have been met regarding the operation of said Festival/Event.

Document prepared by Clare Norton

MEMORANDUM
City Council Agenda Item

FROM: Greg Mitchell, Director

DATE: March 12, 2021

SUBJECT: Order 196-20/21 Granting a City Easement to Central Maine Power at the Portland Ocean Terminal - 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 4/5/2021

Final Action 4/5/2021

Can action be taken at a later date: No No, the Easement must be approved prior to CMP moving forward with construction. The Casco Bay Lines expansion project is currently under construction, and CMP will not move forward with electrical utility construction until the easement is approved.

PRESENTATION: Greg Mitchell/3 Minutes

I. SUMMARY

A CMP easement is needed in order to rebuild and improve electrical connections following changes in the power supply requirements at both the Portland Ocean Terminal and Casco Bay Lines, and in connection with right sizing the incoming power for both facilities.

II. AGENDA DESCRIPTION

Traffic and pedestrian management at the entrance of Casco Bay Road from Commercial Street is being expanded to accommodate better traffic and pedestrian flow. In order to expand the entrance, Casco Bay Lines will demolish the "Finger Building" portion of the Portland Ocean Terminal (POT), which is City property and the utility building that houses electrical, water, gas, and some telecommunications utilities.

As a result of the demolition, all of those utilities will need to be relocated into the side of the warehouse building at the POT. This easement to Central Maine Power is required in order to relocate and upgrade the electrical utilities for both the POT and Casco Bay Lines. The Casco Bay Lines expansion project is currently under construction.

III. BACKGROUND

Central Maine Power requires this easement from their pole to their transformers, which will be located on City property. Electrical upgrades at the POT are being completed in coordination with the Casco Bay Lines expansion project that is currently under construction. Casco Bay Lines is demolishing the City of Portland's utility building in order to expand its facility. All the utilities that are currently located in this building (including electrical utilities) are being rerouted into the Portland Ocean Terminal building (the Maine State Pier warehouse building). Underground power lines must be rerouted and a new transformer must be relocated and set in order for the utility building demolition to proceed. At the same time, Casco Bay Lines will be setting a new transformer that will be used for charging their new hybrid ferry. Both transformers will be located on City property, next to each other, near the head of the Compass Park Pier.

IV. INTENDED RESULT AND/OR COUNCIL GOAL ADDRESSED

Better traffic and pedestrian flow at the entrance of busy Casco Bay Road will improve residents' and visitors' experience of the ferry service, and schooner tours. Public access to the water will also be improved. Also, the new charging station powered by the new transformer, will be used to charge the batteries for Casco Bay Lines new hybrid ferry, therefore reducing the use of fossil fuel, in addition to promoting the City's and State's "Green" agenda.

V. FINANCIAL IMPACT

The cost of this work is being paid for by Casco Bay Lines.

VI. STAFF ANALYSIS AND BACKGROUND

Taking advantage of site work that will be part of Casco Bay Lines Phase II project allows for better pedestrian and vehicular flows as well as opening up the front of the Portland Ocean Terminal, which reduces the fence line (105 Secure Area).

VII. RECOMMENDATION

Corporation Counsel approves this Easement as to form.

VIII. LIST ATTACHMENTS

1. Order Granting a Portland Ocean Terminal Easement to Central Maine Power 4.5.2021
2. CMP Easement Language
3. CMP Easement Exhibit

Prepared by:

Greg Mitchell, Director

Date: 3/12/2021

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 GRANTING A PORTLAND OCEAN TERMINAL EASEMENT
TO CENTRAL MAINE POWER**

ORDERED, that the attached easement at the Portland Ocean Terminal from the City of Portland to Central Maine Power is hereby granted in substantially the form attached hereto; and

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

WO# 103007190675
Form 1199, Rev. 02/20

Easement
Underground Line

City of Portland, a Maine Municipality with a mailing address of 389 Congress St, Portland, ME, 04101 (Grantor(s)), for consideration given, grants to **CENTRAL MAINE POWER COMPANY**, a Maine Corporation with an office at 83 Edison Drive, Augusta, Maine 04336, and no telephone company, and their respective successors and assigns (collectively Grantees), without covenant, the right and easement in common with others, to erect, bury, maintain, rebuild, respace, patrol, operate, and remove and do all other actions involving electric and communication distribution equipment and facilities, consisting of wires and cables, together with all necessary fixtures and appurtenances under a portion of the surface of the land of the Grantor(s) in the City/Town of Portland, Cumberland County, Maine. The said equipment and facilities are attached to a line commencing at Pole/Pad Man hole 5, Casco Bay Ferry Line aka Maine State Pier, Portland. This easement affects land conveyed to the Grantor(s) in a deed from State of Maine, dated February 02, 1982, and recorded in the Cumberland County Registry of Deeds in Book 4916 Page 26. This easement is an easement in gross and is not for the sole purpose of serving the Grantor(s) or Grantor's land. The rights granted herein include the right to keep the surface of ground above its underground cables and other electrical equipment free from structures, improvements and growth which, in the judgment of the Grantees, may interfere with the proper operation or maintenance of said underground cables; and the right to enter upon the land of the Grantor(s) for any and all of the foregoing purposes.

Grantee shall promptly remove all waste, tools, and all material and equipment after each permitted entry upon the Grantor's property pursuant to this easement.

The rights herein granted are subject to any leases, easements, rights, restrictions, and/or mortgages of record, insofar as the same are now in force and applicable.

WITNESS the hand(s) and seal(s) of Grantor(s) duly authorized representatives on _____, ____.

Signed, Sealed and Delivered in the presence of: _____

City of Portland

Jon P. Jennings, City Manager

State of Maine

County of Cumberland

The above-named Jon P. Jennings, City Manager of the City of Portland, personally appeared before me this ____ day of _____, 2021 and acknowledged the foregoing instrument to be his free act and deed in his said capacity and the free act and deed of said City of Portland.

Notary Public/Attorney
Printed Name:
My Commission Expires:

MEMORANDUM
City Council Agenda Item

FROM: Paul Bradbury, Jetport Director

DATE: March 16, 2021

SUBJECT: Order 197-20/21 Approving a Five-Year Lease with the General Services Administration Re: Transportation Security Administration Office Space at the Portland International Jetport - 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 4/5/2021

Final Action 4/5/2021

Can action be taken at a later date: Yes , but if action is not taken at the April 5th meeting it would need to be taken at the following Council meeting on April 26, 2021 in order to meet the current lease expiration date of April 30, 2021.

PRESENTATION: Paul Bradbury, Airport Director, will introduce this item as needed and answer any Council questions on the proposed TSA/GSA replacement lease at the Portland International Jetport.

I. SUMMARY

The Portland International Jetport is requesting approval to enter a new replacement lease with the General Services Administration for office and support space in the terminal building for exclusive use by the Transportation Security Administration.

II. AGENDA DESCRIPTION

The Transportation Security Administration's (TSA) current lease for office and support space at the Portland International Jetport will expire on April 30, 2021. The General Services Administration (GSA) on the TSA's behalf has offered a new replacement lease for this space that commences on May 1, 2021 and continues for a period of five (5) years, with three (3) years firm.

The basic terms of the lease are consistent with the prior lease but provide for an increase in rent and the ability to relocate TSA to similar space if needed to meet Jetport development needs within the lease term. The lease terms are as follows:

1. **Term:** 5 years (with 3 years firm)
2. **Area:** The lease premises include 8,215 square feet of office space on the second level of the Jetport's terminal building and 15 parking spaces in the short-term section of the parking garage.
3. **Rate:** The rate is \$43.15 per square foot annually. This equates to a total annual payment of \$354,455. This rate is comparable to the airport terminal rate currently being paid by the airlines under the Jetport's airline signatory lease agreement previously approved by the City Council. Additionally, this lease allows for a Consumer Price Index (CPI) adjustment to the \$7.38 per square foot operating cost portion of the lease beginning in the second year of the lease.
4. **Relocation:** If it becomes necessary in the ordinary development of the Jetport, the Jetport may require the relocation of the lease premises to other similar space in the terminal on 180 days prior written notice. The TSA would be responsible for all costs for the relocation. The lease rate will remain the same as that for the

original leased premises.

III. BACKGROUND

All leases issued by the City of Portland that do not contain a termination for convenience clause must have City Council approval. The General Services Administration has requested a replacement lease with a term of five (5) years, and will not accept a lease containing a termination for convenience clause.

This will allow the TSA to continue to operate from their current administrative offices and support space at the Portland International Jetport. This space currently has no other immediate use and this function is the highest and best use at the current time. There is a recognition that with increased passenger volumes this space will be needed for additional passenger concessions and lounge space in the future. The proposed lease allows for TSA to be relocated to other similar space on 180 days written notice.

IV. INTENDED RESULT AND/OR COUNCIL GOAL ADDRESSED

The TSA requires office and support space in the terminal in order to fulfill its airline passenger security screening mandate. Although not obligated to provide this office and support space, the Jetport recognizes the many benefits this office and support space provides the TSA in efficiently meeting its mandate for passenger screening.

Approval of this lease extension allows the Jetport to provide the administrative space requested by the TSA to perform its security functions at the Jetport in the most efficient manner. Efficient passenger screening at the Jetport is critical to Jetport operations and helps the Jetport to provide an award winning passenger experience and maintain its convenient and robust connection to the national air transportation system.

The Jetport plays an important role in supporting the City Council's economic development goals by providing an efficient and convenient air transportation connection for the region's business and leisure travelers.

V. FINANCIAL IMPACT

The proposed lease provides a rate of \$43.15 per square foot annually. At this rate the 8,215 square feet of leased premises will provide an annual payment of \$354,455. This rate is a fair market rate, comparable to the airport terminal rate paid by the airlines under the Jetport's airline signatory lease agreement previously approved by the City Council. This lease also allows for a CPI adjustment to the \$7.38 per square foot operating cost portion of the lease beginning in the second year of the lease.

The proposed lease provides operational benefits for passenger screening while generating additional revenue for the Jetport.

VI. STAFF ANALYSIS AND BACKGROUND

Administrative and staff support space in the Jetport terminal provides operational efficiency and convenience for the TSA. This lease provides fair market value for the leased area and is currently the highest and best use of the space. As passenger volumes increase, this lease allows for the relocation of this office space and the development of new concessions and lounge space for passengers if needed within the five year lease term.

VII. RECOMMENDATION

Since this lease supports the efficient screening of passengers, is currently the highest and best use of the space, and provides a fair market rate comparable to the Jetport's airline leases; I recommend and fully support the City Council's approval of this item.

VIII. LIST ATTACHMENTS

1. GSA-TSA Airport Lease 4.5.2021
2. TSA PORTLAND INTL JETPORT_Succeeding Lease FINAL_Eff 01MAY21

Prepared by:

Paul Bradbury, Jetport Director

Date: 3/16/2021

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 APPROVING A FIVE-YEAR LEASE WITH
THE GENERAL SERVICES ADMINISTRATION
RE: TRANSPORTATION SECURITY ADMINISTRATION
OFFICE SPACE AT THE PORTLAND INTERNATIONAL JETPORT**

ORDERED, that the Five (5) Year Lease, in substantially the form attached hereto, with the United States General Services Administration for office and administrative space at the Portland International Jetport for the Transportation Security Administration is hereby approved; and

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

LEASE NO. GS-01P-LME00514

On-Airport Lease
GSA TEMPLATE L201D (OCT 2020)

A. This Lease is made and entered into between

City of Portland d.b.a. Portland International Jetport

(Lessor), whose principal place of business is 1001 Westbrook Street Suite 20, Portland, ME 04102-1938, and whose interest in the Property described herein is that of Fee Owner, and

The United States of America

(Government), acting by and through the designated representative of the General Services Administration (GSA), upon the terms and conditions set forth herein.

B. Witnesseth: The parties hereto, for the consideration hereinafter mentioned, covenant and agree as follows:

Lessor hereby leases to the Government the Premises described herein, being all or a portion of the Property located at

**1001 Westbrook Street
Portland, ME 04102-1938**

and more fully described in Section 1 and Exhibit A, together with rights to the use of parking and other areas as set forth herein, to be used for such purposes as determined by GSA.

C. LEASE TERM

To Have and To Hold the said Premises with its appurtenances for the term beginning upon **May 1, 2021**, and continuing for a period of

5 Years, 3 Years Firm,

subject to termination and renewal rights as may be hereinafter set forth.

In Witness Whereof, the parties to this Lease evidence their agreement to all terms and conditions set forth herein by their signatures below, to be effective as of the date of delivery of the fully executed Lease to the Lessor.

FOR THE LESSOR:

Name: _____
Title: _____
Entity: _____
Date: _____

FOR THE GOVERNMENT:

Name: _____
Title: Lease Contracting Officer
General Services Administration, Public Buildings Service
Date: _____

WITNESSED FOR THE LESSOR BY:

Name: _____
Title: _____
Date: _____

The information collection requirements contained in this Solicitation/Contract, that are not required by the regulation, have been approved by the Office of Management and Budget pursuant to the Paperwork Reduction Act and assigned the OMB Control No. 3090-0163.

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SECTION 1 THE PREMISES, RENT, AND OTHER TERMS

1.01 THE PREMISES (SEP 2015)

The Premises are described as follows:

- A. Office and Related Space: **8,215** rentable square feet (RSF), yielding **8,215** ANSI/BOMA Office Area (ABOA) square feet (SF) of office and related Space located on the **2nd** floor and known as Suite(s) **2425 and 2427**, of the Building, as depicted on the floor plan(s) attached hereto as Exhibit **A**.
- B. Common Area Factor: The Common Area Factor (CAF) is established as **0** percent. This factor, which represents the conversion from ABOA to rentable square feet, rounded to the nearest whole percentage, shall be used for purposes of rental adjustments in accordance with the Payment Clause of the General Clauses.

1.02 EXPRESS APPURTENANT RIGHTS (SEP 2013)

The Government shall have the non-exclusive right to the use of Appurtenant Areas and shall have the right to post Rules and Regulations Governing Conduct on Federal Property, Title 41, CFR, Part 102-74, Subpart C within such areas. The Government will coordinate with Lessor to ensure signage is consistent with Lessor's standards. Appurtenant to the Premises and included in the Lease are rights to use the following:

- A. Parking: **15** parking spaces as depicted on the plan attached hereto as Exhibit **B**, reserved for the exclusive use of the Government, of which **15** shall be structured/inside parking spaces and **0** shall be surface/outside parking spaces. In addition, the Lessor shall provide such additional parking spaces as required by the applicable code of the local government entity having jurisdiction over the Property.
- B. Antennas, Satellite Dishes and Related Transmission Devices: (1) Space located on the roof of the Building sufficient in size for the installation and placement of telecommunications equipment, (2) the right to access the roof of the Building, and (3) use of all Building areas (e.g., chases, plenums, etc.) necessary for the use, operation, and maintenance of such telecommunications equipment at all times during the term of this Lease.

1.03 RENT AND OTHER CONSIDERATION (ON-AIRPORT) (OCT 2020)

- A. The Government shall pay the Lessor annual rent payable monthly in arrears at the following rates:

	Years 1 - 5	
	Annual Rent	Annual Rate / RSF
Shell Rental Rate	\$285,717.70	\$34.78
Operating Costs	\$60,626.70	\$7.38
Routine Cleaning & Disinfecting Services	\$8,111.00	\$0.99
Full-Service Rate	\$354,455.40	\$43.15

- B. Parking shall be provided at a rate of **\$0** per parking space per month (structured/inside), and **\$0** per parking space per month (surface/outside).
- C. Rent is subject to adjustment based upon a mutual measurement of the Space upon acceptance, not to exceed **8,215** ABOA SF, based upon the methodology outlined under the "Payment" clause of GSA Form 3517.
- D. Rent shall be paid to Lessor by electronic funds transfer (EFT) in accordance with the provisions of the General Clauses. Rent shall be payable using the EFT information contained in the System for Award Management (SAM). In the event the EFT information changes, the Lessor shall be responsible for providing the updated information to SAM. Failure by the Lessor to maintain an active registration in SAM may result in delay of rental payments until such time as the SAM registration is activated. This registration service is free of charge.
- E. The Lessor shall provide to the Government, in exchange for the payment of rental and other specified consideration, the following:
- The leasehold interest in the Property described herein in the paragraph entitled "The Premises,"
 - Performance or satisfaction of all other obligations set forth in this Lease; and,
 - All services, utilities, and maintenance required for the proper operation of the Property, the Building, and the Premises in accordance with the terms of the Lease, including, but not limited to, all inspections, modifications, repairs, replacements, and improvements required to be made thereto to meet the requirements of this Lease.
4. The Lessor shall provide routine cleaning and disinfecting services, as outlined under Section 5.01 of the paragraph entitled "Routine Cleaning and Disinfecting Services (On-Airport)", as a rate of **\$0.99** per rentable square foot. The Government reserves the right to issue notice to unilaterally cancel the routine cleaning and disinfecting at any time during the Lease term and, in such a case, the rental rate will be reduced by this amount. This reduction shall occur after the Government gives 30 calendar days notice to the Lessor and shall continue in effect until the Lease expires or is terminated.

1.04 TERMINATION RIGHTS (ON-AIRPORT) (SEP 2013)

A. The Government may terminate this Lease, in whole or in part, at any time during the term of this lease with **180** days' prior written notice to the Lessor if (i) regularly scheduled commercial air services cease, (ii) the airport opts to replace TSA screeners with private contractors, (iii) the checkpoint supported by the leased Space is closed, or (iv) the Government reduces its presence at the airport due to a reduction in enplanements. The effective date of the termination shall be the day following the expiration of the required notice period or the termination date set forth in the notice, whichever is later. No rental shall accrue after the effective date of termination.

1.05 RENEWAL RIGHTS (OCT 2016)

INTENTIONALLY DELETED

1.06 DOCUMENTS INCORPORATED IN THE LEASE (ON-AIRPORT) (OCT 2020)

The following documents are attached to and made part of the Lease:

DOCUMENT NAME	EXHIBIT
Floor Plan	A
Parking Plan	B
GSA Form 3517B General Clauses	C
FSL Level II Security Requirements	D
Fire Life Safety Form 12000	E

1.07 OPERATING COST BASE (OCT 2016)

The parties agree, for the purpose of applying the paragraph titled "Operating Costs Adjustment," that the Lessor's base rate for operating costs shall be **\$ 7.38** per RSF.

1.08 LESSOR'S UNIQUE ENTITY IDENTIFIER (OCT 2020)

Lessor's Unique Entity Identifier (currently Dun & Bradstreet DUNS Number): **156061707**.

SECTION 2 GENERAL TERMS, CONDITIONS, AND STANDARDS

2.01 DEFINITIONS AND GENERAL TERMS (OCT 2016)

Unless otherwise specifically noted, all terms and conditions set forth in this Lease shall be interpreted by reference to the following definitions, standards, and formulas:

- A. Appurtenant Areas. Appurtenant Areas are defined as those areas and facilities on the Property that are not located within the Premises, but for which rights are expressly granted under this Lease, or for which rights to use are reasonably necessary or reasonably anticipated with respect to the Government's enjoyment of the Premises and express appurtenant rights.
- B. Broker. If GSA awarded this Lease using a contract real estate broker, Broker shall refer to GSA's broker.
- C. Building. Building(s) situated on the Property in which the Premises are located.
- D. Commission Credit. If GSA awarded this Lease using a Broker, and the Broker agreed to forego a percentage of its commission to which it is entitled in connection with the award of this Lease, the amount of this credit is referred to as the "Commission Credit."
- E. Common Area Factor. The "Common Area Factor" (CAF) is a conversion factor determined by the Building owner and applied by the owner to the ABOA SF to determine the RSF for the leased Space. The CAF is expressed as a percentage of the difference between the amount of rentable SF and ABOA SF, divided by the ABOA SF. For example, 11,500 RSF and 10,000 ABOA SF will have a CAF of 15% [(11,500 RSF-10,000 ABOA SF)/10,000 ABOA SF]. For the purposes of this Lease, the CAF shall be determined in accordance with the applicable ANSI/BOMA standard for the type of space to which the CAF shall apply.
- F. Contract. Contract shall mean this Lease.
- G. Contractor. Contractor shall mean Lessor.
- H. Days. All references to "day" or "days" in this Lease shall mean calendar days, unless specified otherwise.
- I. FAR. All references to the FAR shall be understood to mean the Federal Acquisition Regulation, codified at 48 CFR Chapter 1.
- J. Firm Term/Non-Firm Term. The Firm Term is that part of the Lease term that is not subject to termination rights. The Non-Firm Term is that part of the Lease term following the end of the Firm Term.
- K. GSAR. All references to the GSAR shall be understood to mean the GSA supplement to the FAR, codified at 48 CFR Chapter 5.
- L. Lease Term Commencement Date. The date on which the Lease term commences.
- M. Lease Award Date. The date the LCO executes the Lease and mails or otherwise furnishes written notification of the executed Lease to the successful Offeror (date on which the parties' obligations under the Lease begin).
- N. Premises. The Premises are defined as the total Office Area or other type of Space, together with all associated common areas, described in Section 1 of this Lease, and delineated by plan in the attached exhibit. Parking and other areas to which the Government has rights under this Lease are not included in the Premises.
- O. Property. The Property is defined as the land and Buildings in which the Premises are located, including all Appurtenant Areas (e.g., parking areas) to which the Government is granted rights.
- P. Rentable Space or Rentable Square Feet (RSF). Rentable Space is the area for which a tenant is charged rent. It is determined by the Building owner and may vary by city or by building within the same city. The Rentable Space may include a share of Building support/common areas such as elevator lobbies, Building corridors, and floor service areas. Floor service areas typically include restrooms, janitor rooms, telephone closets, electrical closets, and mechanical rooms. The Rentable Space does not include vertical building penetrations and their enclosing walls, such as stairs, elevator shafts, and vertical ducts. Rentable Square Feet is calculated using the following formula for each type of Space (e.g., office, warehouse, etc.) included in the Premises: $ABOA\ SF\ of\ Space \times (1 + CAF) = RSF$.
- Q. Space. The Space shall refer to that part of the Premises to which the Government has exclusive use, such as Office Area, or other type of Space. Parking areas to which the Government has rights under this Lease are not included in the Space.
- R. Office Area. For the purposes of this Lease, Space shall be measured in accordance with the standard (Z65.1-1996) provided by American National Standards Institute/Building Owners and Managers Association (ANSI/BOMA) for Office Area, which means "the area where a tenant normally houses personnel and/or furniture, for which a measurement is to be computed." References to ABOA mean ANSI/BOMA Office Area.
- S. Working Days. Working Days shall mean weekdays, excluding Saturdays and Sundays and Federal holidays.

2.02 AUTHORIZED REPRESENTATIVES (OCT 2016)

Signatories to this Lease shall have full authority to bind their respective principals regarding all matters relating to this Lease. No other persons shall be understood to have any authority to bind their respective principals, except to the extent that such authority may be explicitly delegated by notice to the other party, or to the extent that such authority is transferred by succession of interest. The Government shall have the right to substitute its Lease Contracting Officer (LCO) by notice, without an express delegation by the prior LCO.

2.03 WAIVER OF RESTORATION (OCT 2018)

Lessor shall have no right to require the Government to restore the Premises upon expiration or earlier termination (full or partial) of the Lease, and waives all claims against the Government for waste, damages, or restoration arising from or related to (a) the Government's normal and customary use of the Premises during the term of the Lease (including any extensions thereof), as well as (b) any initial or subsequent alteration to the Premises regardless of whether such alterations are performed by the Lessor or by the Government. At its sole option, the Government may abandon property in the Space following expiration or earlier termination (full or partial) of the Lease, in which case the property will become the property of the Lessor and the Government will be relieved of any liability in connection therewith.

2.04 OPERATING COSTS ADJUSTMENT (JUN 2012)

A. Beginning with the second year of the Lease and each year thereafter, the Government shall pay annual incremental adjusted rent for changes in costs for cleaning services, supplies, materials, maintenance, trash removal, landscaping, water, sewer charges, heating, electricity, and certain administrative expenses attributable to occupancy.

B. The amount of adjustment will be determined by multiplying the base rate by the annual percent of change in the Cost of Living Index. The percent change will be computed by comparing the index figure published for the month prior to the Lease Term Commencement Date with the index figure published for the month prior which begins each successive 12-month period. For example, a Lease which commences in June of 2005 would use the index published for May of 2005, and that figure would be compared with the index published for May of 2006, May of 2007, and so on, to determine the percent change. The Cost of Living Index will be measured by the Department of Labor revised Consumer Price Index for Urban Wage Earners and Clerical Workers (CPI-W), U.S. city average, all items, (1982 to 1984 = 100) published by the Bureau of Labor Statistics. Payment will be made with the monthly installment of fixed rent. Rental adjustments will be effective on the anniversary date of the Lease; however, payment of the adjusted rental rate will become due on the first workday of the second month following the publication of the Cost of Living Index for the month prior to the commencement of each 12-month period.

C. In the event of any decreases in the Cost of Living Index occurring during the term of the occupancy under the Lease, the rental amount will be reduced accordingly. The amount of such reductions will be determined in the same manner as increases in rent provided under this paragraph.

D. If the Government exercises an option to extend the Lease term at the same rate as that of the original term, the option price will be based on the adjustment during the original term. Annual adjustments will continue.

2.05 RELOCATION RIGHTS (JUN 2012)

If Lessor determines, in its reasonable discretion, that relocating the Premises is necessary for the orderly development of the Airport, Lessor may require the relocation of Premises to other space at the Airport which, in the reasonable judgment of Lessor, is similar and suitable for the purposes for which this Lease is entered as such purposes are set forth herein. Should such relocation be necessary, the Lessor shall provide the Government a minimum of **180** days prior written notice. The Government shall be responsible for all costs for such relocation, including all costs for moving furniture, office equipment, telephone and data lines, and any other costs associated with replicating necessary operational features provided in the space originally leased. The Airport shall provide such relocated Premises at the same rental rate as the original Premises, unless the new Premises are in an area for which the Airport charges tenants a lower rate, in which event the parties shall negotiate a reduction in the rental rate.

2.06 RECITALS FOR TRANSPORTATION SECURITY ADMINISTRATION (ON-AIRPORT) (JUN 2012)

A. The Transportation Security Administration (TSA) is required, pursuant to 49 U.S.C. 40101—The Aviation and Transportation Security Act (ATSA), to oversee security measures at the Portland International Jetport.

B. TSA is responsible for airline passenger and baggage screening services at the Airport.

C. The U.S. General Services Administration (GSA), on behalf of TSA, leases certain facilities on the Airport premises for administrative offices and/or break rooms in support of airport passenger and baggage screening services by the TSA.

D. Space for TSA to screen passengers and baggage is expressly excluded from this Lease.

2.07 ACCEPTANCE OF SPACE AND CERTIFICATE OF OCCUPANCY (ON-AIRPORT) (MAY 2015)

A. The Lessor shall provide floor plans for the Space and a valid Certificate of Occupancy (C of O), issued by the local jurisdiction, for the intended use of the Government. If the local jurisdiction does not issue C of O's or if the C of O is not available, the Lessor may satisfy this condition by providing a report prepared by a licensed fire protection engineer that verifies that the Space complies with all applicable local fire protection and life safety codes and ordinances and all fire protection and life safety-related requirements of this Lease.

B. Neither the Government's acceptance of the Premises for occupancy or acceptance of related appurtenances, nor the Government's occupancy of the Premises, shall be construed as a waiver of any requirement or right of the Government under this lease, or as otherwise prejudicing the Government with respect to any such requirement or right, or as an acceptance of any latent defect or condition.

2.08 ALTERATIONS PRIOR TO ACCEPTANCE (JUN 2012)

The Government's rights stated under the General Clause "Alterations" also apply to initial build-out of the Premises.

2.09 SYSTEM FOR AWARD MANAGEMENT (MAR 2020)

The Offeror must have an active registration in the System for Award Management (SAM), via the Internet at, <https://www.sam.gov/SAM/> prior to the Lease Award Date. Registration must be for purposes of "All Awards" and include completion of all required representations and certifications within SAM. Registration must be active throughout the life of the Lease. To remain active, the Offeror/Lessor is required to update or renew its registration annually. The Government will not process rent payments to Lessors without an active registration in SAM. No change of ownership of the leased Premises will be recognized by the Government until the new owner registers in SAM.

2.10 SECURITY UPGRADES DUE TO IMMEDIATE THREAT (APR 2011)

The Government reserves the right, at its own expense and with its own personnel, to heighten security in the Building under Lease during heightened security conditions due to emergencies such as terrorist attacks, natural disaster, and civil unrest.

SECTION 3 CONSTRUCTION STANDARDS AND SHELL COMPONENTS

3.01 BUILDING SHELL REQUIREMENTS (ON-AIRPORT) (SEP 2013)

A. The Building Shell shall be designed, constructed, and maintained in accordance with the standards set forth herein and completed prior to acceptance of Space. For pricing, fulfillment of all requirements not specifically designated as operating costs or other rent components as indicated shall be deemed included in the Shell Rent.

B. Base structure and Building enclosure components shall be complete. All common areas accessible by the Government, such as lobbies, fire egress corridors and stairwells, elevators, garages, and service areas, shall be complete. Restrooms shall be complete and operational. All newly installed Building shell components, including but not limited to, heating, ventilation, and air conditioning (HVAC), electrical, ceilings, sprinklers, etc., shall be furnished, installed, and coordinated with TIs. Circulation corridors are provided as part of the base Building only on multi-tenanted floors where the corridor is common to more than one tenant. On single tenant floors, only the fire egress corridor(s) necessary to meet code is provided as part of the shell.

3.02 MEANS OF EGRESS (MAY 2015)

A. Prior to occupancy, the Premises and any parking garage areas shall meet or will be upgraded to meet, either the applicable egress requirements in the National Fire Protection Association, Life Safety Code (NFPA 101), or the International Code Council, International Building Code (IBC), each current as of the Lease Award Date, or use an alternative approach or method that achieves an equivalent level of safety deemed acceptable by the Government.

B. The Space shall have unrestricted access to a minimum of two remote exits on each floor of Government occupancy.

C. Interlocking or scissor stairs located on the floor(s) where Space is located shall only count as one exit stair.

D. A fire escape located on the floor(s) where Space is located shall not be counted as an approved exit stair.

E. Doors shall not be locked in the direction of egress unless equipped with special locking hardware in accordance with requirements of NFPA 101 or the IBC.

3.03 AUTOMATIC FIRE SPRINKLER SYSTEM (SEP 2013)

A. Any portion of the Space located below-grade, including parking garage areas, and all areas in a Building referred to as "hazardous areas" (defined in National Fire Protection Association (NFPA) 101) that are located within the entire Building (including non-Government areas) shall be protected by an automatic fire sprinkler system or an equivalent level of safety.

B. For Buildings in which any portion of the Space is on or above the sixth floor, then, at a minimum, the Building up to and including the highest floor of Government occupancy shall be protected by an automatic fire sprinkler system or an equivalent level of safety.

C. For Buildings in which any portion of the Space is on or above the sixth floor, and lease of the Space will result, either individually or in combination with other Government Leases in the Building, in the Government leasing 35,000 or more ANSI/BOMA Office Area SF of Space in the Building, then the entire Building shall be protected throughout by an automatic fire sprinkler system or an equivalent level of safety.

D. Automatic fire sprinkler system(s) shall be installed in accordance with the requirements of NFPA 13, Standard for the Installation of Sprinkler Systems that was in effect on the actual date of installation.

E. Automatic fire sprinkler system(s) shall be maintained in accordance with the requirements of NFPA 25, Standard for the Inspection, Testing, and Maintenance of Water-based Fire Protection Systems (current as of the Lease Award Date).

F. "Equivalent level of safety" means an alternative design or system (which may include automatic fire sprinkler systems), based upon fire protection engineering analysis, which achieves a level of safety equal to or greater than that provided by automatic fire sprinkler systems.

3.04 FIRE ALARM SYSTEM (SEP 2013)

A. A Building-wide fire alarm system shall be installed in the entire Building in which any portion of the Space is located on the 3rd floor or higher.

B. The fire alarm system shall be installed in accordance with the requirements of NFPA 72, National Fire Alarm and Signaling Code that was in effect on the actual date of installation.

C. The fire alarm system shall be maintained in accordance with the requirements of NFPA 72, National Fire Alarm and Signaling Code (current as of the Lease Award Date).

D. The fire alarm system shall transmit all fire alarm signals to the local fire department via any of the following means: directly to the local fire department, to the (911) public communications center, to a central station, to a remote supervising station, or to a proprietary supervising station.

E. If the Building's fire alarm control unit is over 25 years old as of the Lease Award Date, Lessor shall install a new fire alarm system in accordance with the requirements of NFPA 72, National Fire Alarm and Signaling Code (current as of the Lease Award Date), prior to Government acceptance and occupancy of the Space.

3.05 ENERGY INDEPENDENCE AND SECURITY ACT (DEC 2011)

INTENTIONALLY DELETED

3.06 ACCESSIBILITY (FEB 2007)

The Building, leased Space, and areas serving the leased Space shall be accessible to persons with disabilities in accordance with the Architectural Barriers Act Accessibility Standard (ABAAS), Appendices C and D to 36 CFR Part 1191 (ABA Chapters 1 and 2, and Chapters 3 through 10). To the extent the standard referenced in the preceding sentence conflicts with local accessibility requirements, the more stringent shall apply.

3.07 MECHANICAL, ELECTRICAL, PLUMBING: GENERAL (APR 2011)

The Lessor shall provide and operate all Building equipment and systems in accordance with applicable technical publications, manuals, and standard procedures. Mains, lines, and meters for utilities shall be provided by the Lessor. Exposed ducts, piping, and conduits are not permitted in office Space.

3.08 RESTROOMS (ON-AIRPORT) (JUN 2012)

Government employees shall always have access to all public restroom facilities for men and women in the Airport terminal without additional payment.

3.09 HEATING, VENTILATION, AND AIR CONDITIONING (ON-AIRPORT) (APR 2011)

A. Temperatures shall conform to local commercial equivalent temperature levels and operating practices to maximize tenant satisfaction. These temperatures shall be maintained throughout the leased Premises and service areas, regardless of outside temperatures, during the hours of operation specified in this Lease. The Lessor shall perform any necessary systems start-up required to meet the commercially equivalent temperature levels prior to the first hour of each day's operation. At all times, humidity shall be maintained below 60 percent relative humidity.

B. The Lessor shall conduct HVAC system balancing after all HVAC system alterations during the term of the Lease and shall make a reasonable attempt to schedule major construction outside of office hours.

C. Normal HVAC systems maintenance shall not disrupt tenant operations.

3.10 TELECOMMUNICATIONS: LOCAL EXCHANGE ACCESS (ON-AIRPORT) (SEP 2013)

A. The Government may elect to contract its own telecommunications (voice, data, video, Internet, or other emerging technologies) service in the Space. The Government may contract with one or more parties to have inside wiring (or other transmission medium) and telecommunications equipment installed.

B. The Lessor shall allow the Government's designated telecommunications providers access to utilize existing Building wiring to connect its services to the Government's Space. If the existing Building wiring is insufficient to handle the transmission requirements of the Government's designated telecommunications providers, the Lessor shall provide access from the point of entry into the Building to the Government's floor Space, subject to any inherent limitations in the pathway involved.

C. The Lessor shall allow the Government's designated telecommunications providers to affix telecommunications antennas (high frequency, mobile, microwave, satellite, or other emerging technologies), subject to weight and wind load conditions, to roof, parapet, or Building envelope as required.

SECTION 4 UTILITIES, SERVICES, AND OBLIGATIONS DURING THE LEASE TERM

4.01 SERVICES, UTILITIES, AND MAINTENANCE (ON-AIRPORT) (OCT 2020)

The Lessor is responsible for providing all utilities necessary for base building and tenant operations and all associated costs are included as a part of the established rental rates. The Lessor shall follow routine cleaning and disinfecting requirements in Section 5.01. The following services, utilities, and maintenance shall be provided by the Lessor as part of the rental consideration (check all that apply):

☒ HEAT	☒ TRASH REMOVAL	☒ ELEVATOR SERVICE	☒ INITIAL & REPLACEMENT LAMPS, TUBES & BALLASTS	☐ OTHER (Specify below) _____
☒ ELECTRICITY	☒ CHILLED DRINKING WATER	☒ WINDOW WASHING	☒ PAINTING FREQUENCY	
☒ POWER (Special Equip.)	☒ AIR CONDITIONING	Frequency <u>2x/Year</u>	Space <u>Every 3 Years</u>	
☒ WATER (Hot & Cold)	☒ RESTROOM SUPPLIES	☒ CARPET CLEANING		
☒ SNOW REMOVAL	☒ JANITORIAL SERV. & SUPP.	Frequency <u>1x/Year</u>		

The Lessor shall have an onsite building superintendent or a locally designated representative available to promptly respond to deficiencies, and immediately address all emergency situations.

4.02 PROVISION OF SERVICES, ACCESS, AND NORMAL HOURS FOR AIRPORT OCCUPANCIES (SEP 2013)

The Government shall always have access to the Premises and its Appurtenant Areas without additional payment, including the use, during other than normal hours, of necessary services and utilities such as elevators, restrooms, lights, and electric power. Cleaning shall be performed after tenant working hours unless daytime cleaning is specified as a special requirement elsewhere in this Lease. Janitorial Services shall not be required on weekends or Federal holidays. Services, maintenance, and utilities shall be provided from **7 AM to 5 PM**,

4.03 MAINTENANCE AND TESTING OF SYSTEMS (SEP 2013)

A. The Lessor is responsible for the total maintenance and repair of the leased Premises. Such maintenance and repairs include the site and private access roads. All equipment and systems shall be maintained to provide reliable, energy efficient service without unusual interruption, disturbing noises, exposure to fire or safety hazards, uncomfortable drafts, excessive air velocities, or unusual emissions of dirt. The Lessor's maintenance responsibility includes initial supply and replacement of all supplies, materials, and equipment necessary for such maintenance. Maintenance, testing, and inspection of appropriate equipment and systems shall be done in accordance with current applicable codes, and inspection certificates shall be displayed as appropriate. Copies of all records in this regard shall be forwarded to the Government's designated representative.

B. At the Lessor's expense, the Government reserves the right to require documentation of proper operations, inspection, testing, and maintenance of fire protection systems, such as, but not limited to, fire alarm, fire sprinkler, standpipes, fire pump, emergency lighting, illuminated exit signs, emergency generator, prior to occupancy to ensure proper operation. These tests shall be witnessed by the Government's designated representative.

4.04 RECYCLING (ON-AIRPORT) (JUN 2012)

Where state or local law, code, or ordinance requires recycling programs (including mercury-containing lamps) for the Space to be provided pursuant to this Lease, the Lessor shall comply with such state and local law, code, or ordinance in accordance with GSA Form 3517, General Clauses, 552.270-8, *Compliance with Applicable Law*. During the lease term, the Lessor agrees, upon request, to provide the Government with additional information concerning recycling programs maintained in the Building and in the Leased Space.

4.05 RANDOLPH-SHEPPARD COMPLIANCE (SEP 2013)

During the term of the Lease, the Lessor may not establish vending facilities within the leased Space that will compete with any Randolph-Sheppard vending facilities.

4.06 SAFEGUARDING AND DISSEMINATION OF CONTROLLED UNCLASSIFIED INFORMATION (CUI) BUILDING INFORMATION (FEB 2020)

This clause applies to all recipients of CUI building information (which falls within the CUI Physical Security category), including offerors, bidders, awardees, contractors, subcontractors, lessors, suppliers, and manufacturers.

Marking CUI. Contractors must submit any contractor-generated documents that contain building information to GSA for review and identification of any CUI building information that may be included. In addition, any documents GSA identifies as containing CUI building information must be marked in accordance with the Order and the Marking Controlled Unclassified Information Handbook (the current version may be found at <https://www.archives.gov/files/cui/20161206-cui-marking-handbook-v1-1.pdf>) before the original or any copies are disseminated to any other parties. If CUI content is identified, the CO may direct the contractor, as specified elsewhere in this contract, to imprint or affix CUI document markings (CUI) to the original documents and all copies, before any dissemination, or authorized GSA employees may mark the documents.

1. Authorized recipients.

- a. Building information designated as CUI must be protected with access strictly controlled and limited to those individuals having a Lawful Government Purpose to access such information, as defined in 32 C.F.R. § 2002.4(bb). Those with such a Lawful Government Purpose may include Federal, state, and local government entities, and non-governmental entities engaged in the conduct of business on behalf of or with GSA. Non-governmental entities may include architects, engineers, consultants, contractors, subcontractors, suppliers, utilities, and others submitting an offer or bid to GSA, or performing work under a GSA contract or subcontract. Recipient contractors must be registered as "active" in the System for Award Management (SAM) database at www.sam.gov, and have a Lawful Government Purpose to access such information. If a subcontractor is not registered in the SAM database and has a Lawful Government Purpose to possess CUI building information in furtherance of the contract, the subcontractor must provide to the contractor its DUNS number or its tax ID number and a copy of its business license. The contractor must keep this information related to the subcontractor for the duration of the contract and subcontract.
 - b. All GSA personnel and contractors must be provided CUI building information when needed for the performance of official Federal, state, and local government functions, such as for code compliance reviews and the issuance of building permits. Public safety entities such as fire and utility departments may have a Lawful Government Purpose to access CUI building information on a case-by-case basis. This clause must not prevent or encumber the necessary dissemination of CUI building information to public safety entities.
2. Dissemination of CUI building information:
- a. By electronic transmission. Electronic transmission of CUI information outside of the GSA network must use session encryption (or alternatively, file encryption) consistent with National Institute of Standards and Technology (NIST) SP 800-171. Encryption must be through an approved NIST algorithm with a valid certification, such as Advanced Encryption Standard or Triple Data Encryption Standard, in accordance with Federal Information Processing Standards Publication 140-2, Security Requirements for Cryptographic Modules, as required by GSA policy.
 - b. By nonelectronic form or on portable electronic data storage devices. Portable electronic data storage devices include CDs, DVDs, and USB drives. Nonelectronic forms of CUI building information include paper documents, photographs, and film, among other formats.
 - i. By mail. Contractors must only use methods of shipping that provide services for monitoring receipt such as track and confirm, proof of delivery, signature confirmation, or return receipt.
 - ii. In person. Contractors must provide CUI building information only to authorized recipients with a Lawful Government Purpose to access such information. Further information on authorized recipients is found in section 1 of this clause.
3. Record keeping. Contractors must maintain a list of all entities to which CUI is disseminated, in accordance with sections 2 and 3 of this clause. This list must include, at a minimum:
- a. The name of the state, Federal, or local government entity, utility, or firm to which CUI has been disseminated.
 - b. The name of the individual at the entity or firm who is responsible for protecting the CUI building information, with access strictly controlled and limited to those individuals having a Lawful Government Purpose to access such information.
 - c. Contact information for the named individual; and
 - d. A description of the CUI building information provided.

Once "as built" drawings are submitted, the contractor must collect all lists maintained in accordance with this clause, including those maintained by any subcontractors and suppliers, and submit them to the CO. For Federal buildings, final payment may be withheld until the lists are received.

4. Safeguarding CUI documents. CUI building information (both electronic and paper formats) must be stored within controlled environments that prevent unauthorized access. GSA contractors and subcontractors must not take CUI building information outside of GSA or their own facilities or network, except as necessary for the performance of that contract. Access to the information must be limited to those with a Lawful Government Purpose for access.
5. Destroying CUI building information. When no longer needed, CUI building information must either be returned to the CO or destroyed in accordance with guidelines in NIST Special Publication 800-88, Guidelines for Media Sanitization.
6. Notice of disposal. The contractor must notify the CO that all CUI building information has been returned or destroyed by the contractor and its subcontractors or suppliers in accordance with paragraphs 4 and 5 of this clause, except for the contractor's record copy. This notice must be submitted to the CO at the completion of the contract to receive final payment. For leases, this notice must be submitted to the CO at the completion of the lease term.
7. CUI security incidents. All improper disclosures or receipt of CUI building information must be immediately reported to the CO and the GSA Incident Response Team Center at gsa-ir@gsa.gov. If the contract provides for progress payments, the CO may withhold approval of progress payments until the contractor provides a corrective action plan explaining how the contractor will prevent future improper disclosures of CUI building information. Progress payments may also be withheld for failure to comply with any provision in this clause until the contractor provides a corrective action plan explaining how the contractor will rectify any noncompliance and comply with the clause in the future.
8. Subcontracts. The contractor and subcontractors must insert the substance of this clause in all subcontracts.

4.07 INDOOR AIR QUALITY (OCT 2019)

A. The Lessor shall control airborne contaminants at the source and/or operate the Space in such a manner that indoor air quality action limits identified in the PBS Desk Guide for Indoor Air Quality Management (Companion to GSA Order PBS 1000.8), OSHA regulatory limits, and generally accepted consensus standards are not exceeded.

B. The Lessor shall avoid the use of products containing toxic, hazardous, carcinogenic, flammable, or corrosive ingredients as determined from the product label or manufacturer's safety data sheet. The Lessor shall use available odor-free or low odor products when applying paints, glues, lubricants, and similar wet products. When such equivalent products are not available, lessor shall use the alternate products outside normal working hours. Except in an emergency, the Lessor shall provide at least 72 hours advance notice to the Government before applying chemicals or products with noticeable odors in occupied Spaces and shall adequately ventilate those Spaces during and after application.

C. The Lessor shall serve as first responder to any occupant complaints about indoor air quality (IAQ). The Lessor shall promptly investigate such complaints and implement the necessary controls to address each complaint. Investigations shall include testing as needed, to ascertain the source and severity of the complaint.

D. The Government reserves the right to conduct independent IAQ assessments and detailed studies in Space that it occupies, as well as in space serving the Space (e.g., common use areas, mechanical rooms, HVAC systems, etc.). The Lessor shall assist the Government in its assessments and detailed studies by:

1. Making available information on Building operations and Lessor activities.
2. Providing access to Space for assessment and testing, if required; and
3. Implementing corrective measures required by the LCO. The Lessor shall take corrective action to correct any tests or measurements that do not meet GSA policy action limits in the PBS Desk Guide for Indoor Air Quality Management (Companion to GSA Order PBS 1000.8), OSHA regulatory limits and generally accepted consensus standards.

E. The Lessor shall provide to the Government safety data sheets (SDS) upon request for the following products prior to their use during the term of the Lease: adhesives, caulking, sealants, insulating materials, fireproofing or firestopping materials, paints, carpets, floor, and wall patching or leveling materials, lubricants, clear finish for wood surfaces, janitorial cleaning products, pesticides, rodenticides, and herbicides. The Government reserves the right to review such products used by the Lessor within the Space, common building areas, ventilation systems and zones serving the Space, and the area above suspended ceilings and engineering space in the same ventilation zone as the Space.

F. The Lessor shall use high efficiency (HEPA) filtration vacuums for cleaning and minimum MERV 10 rated ventilation system filtrations whenever feasible.

G. The Lessor is encouraged to comply with best practices outlined in Appendix D- Indoor Air Quality in GSA Leased Facilities (Best Practices) within the PBS Desk Guide for Indoor Air Quality Management (Companion to GSA Order PBS 1000.8).

4.08 HAZARDOUS MATERIALS (ON-AIRPORT) (OCT 2018)

The leased Space shall be free of hazardous materials, hazardous substances, and hazardous wastes, as defined by and according to applicable Federal, state, and local environmental regulations including, but not limited to, the following:

A. The leased Space shall be free of all asbestos containing materials, except undamaged asbestos flooring in the Space or undamaged boiler or pipe insulation outside the Space, in which case an asbestos management program conforming to EPA guidance shall be implemented.

B. The Lessor shall provide Space to the Government that is free from ongoing water leaks or moisture infiltration. The Space and ventilation zones serving the Space shall also be free of visible mold or actionable airborne mold.

1. Actionable mold is either visible mold or airborne mold of types and concentrations in excess of that found in the local outdoor air or non-problematic control areas elsewhere in the same building, whichever is lower. The Lessor shall safely remediate all actionable mold in accordance with sub-paragraph B.2 below

2. The Lessor shall be responsible for conducting the remediation in accordance with the relevant provisions of the document entitled "Mold Remediation in Schools and Commercial Buildings" (EPA 402-K-01-001, September 2008), published by EPA, as same may be amended or revised from time to time, and any other applicable Federal, state, or local laws, regulatory standards, and guidelines.

3. The Lessor acknowledges and agrees that the Government shall have a reasonable opportunity to inspect the leased Space after conclusion of the remediation. If the results of the Government's inspection indicate that the remediation does not comply with the plan or any other applicable Federal, state, or local laws, regulatory standards, or guidelines, the Lessor, at its sole cost, expense, and risk, shall immediately take all further actions necessary to bring the remediation into compliance.

4. If the Lessor fails to exercise due diligence, or is otherwise unable to remediate the actionable mold, the Government may implement a corrective action program and deduct its costs from the rent.

4.09 OCCUPANT EMERGENCY PLANS (OCT 2020)

The Lessor is required to cooperate, participate, and comply with the development and implementation of the Government's Occupant Emergency Plan (OEP) and a supplemental Shelter-in Place (SIP) Plan. Periodically, the Government may request that the Lessor assist in reviewing and revising its OEP and SIP. The Plan, among other things, will include evacuation procedures and an annual emergency evacuation drill, emergency shutdown of air intake procedures, and emergency notification procedures for the Lessor's Building engineer or manager, Building security, local emergency personnel, and Government agency personnel.

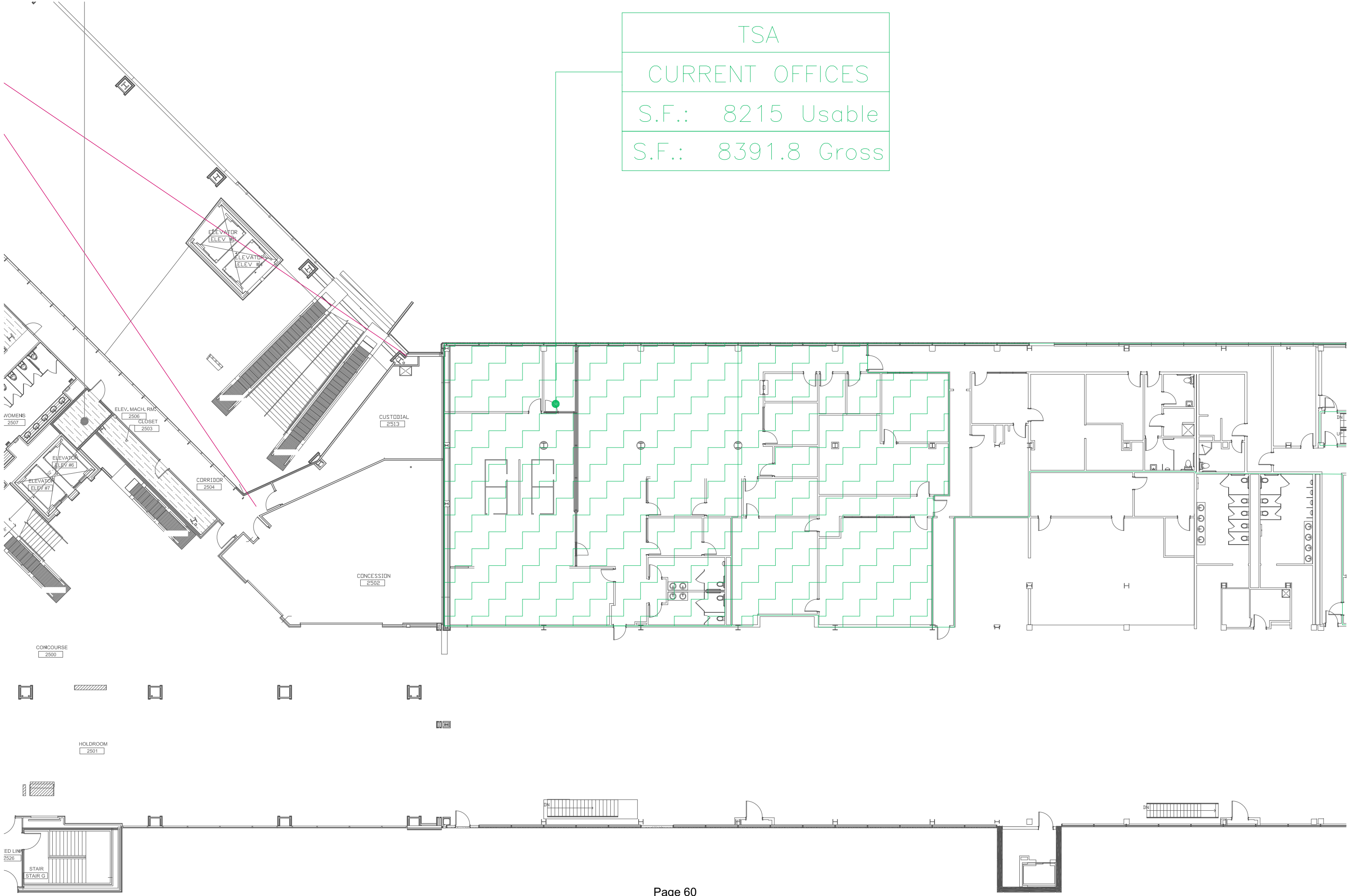
SECTION 5 ADDITIONAL TERMS AND CONDITIONS

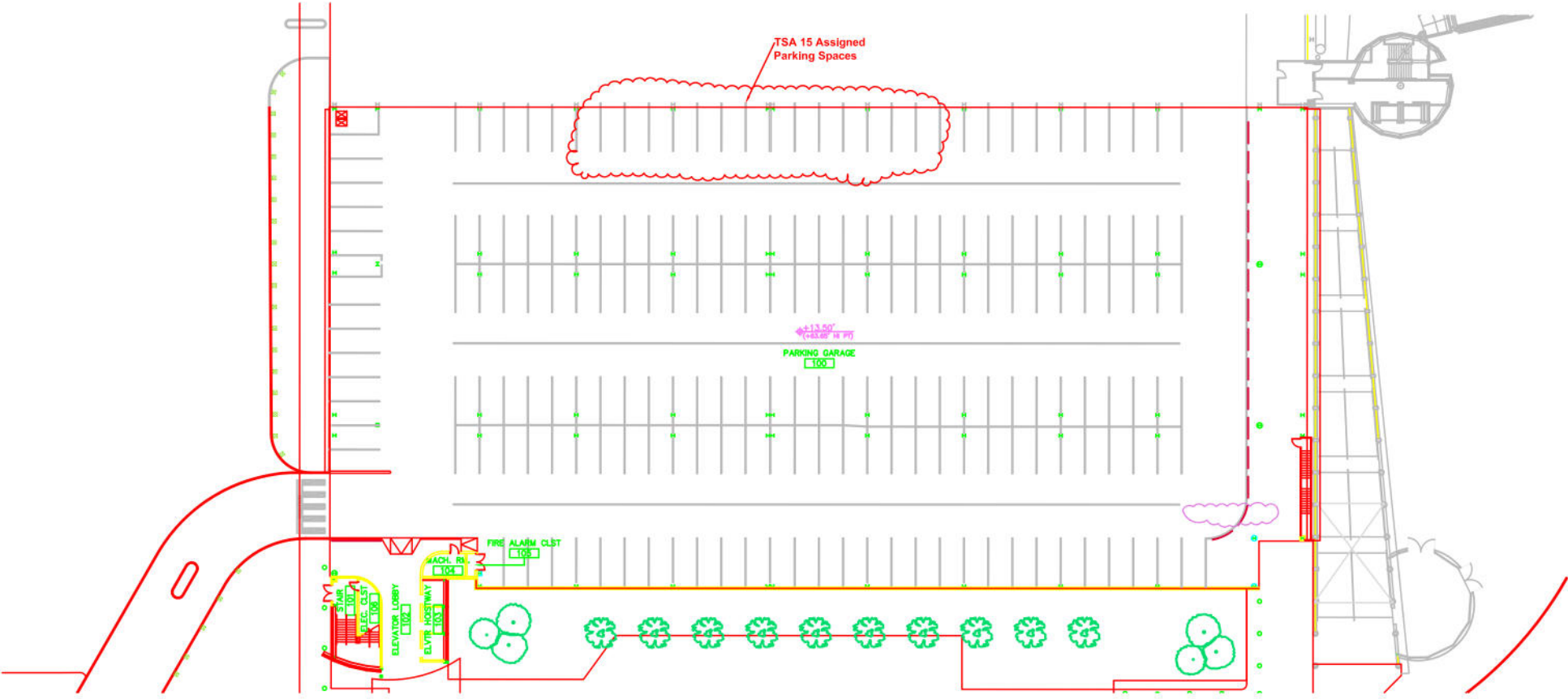
5.01 ROUTINE CLEANING AND DISINFECTING SERVICES (ON-AIRPORT) (OCT 2020)

The Lessor shall wipe down daily all solid, high contact surfaces in Building common areas (defined here as those areas used or accessed by the Government's employees and visitors), and within the leased Space, using a disinfectant from the EPA-registered list of products identified as effective against Novel Coronavirus SARS-CoV-2 ([HTTPS://WWW.EPA.GOV/PESTICIDE-REGISTRATION/LIST-N-DISINFECTANTS-USE-AGAINST-SARS-COV-2](https://www.epa.gov/pesticide-registration/list-n-disinfectants-use-against-sars-cov-2)), or other products containing the same active ingredient(s) at the same or greater concentration than those on the list. Cleaning staff shall use products in accordance with directions provided by the manufacturer. Cleaning staff shall wear disposable gloves (e.g., latex, nitrile, etc.), facemasks, and any additional personal protective equipment (PPE) as recommended by the cleaning and disinfectant product manufacturers. Disinfection application and products should be chosen so as to not damage interior finishes or furnishings.

Examples of solid, high contact surfaces in Building common and high traffic areas include, but are not limited to, handrails, doorknobs, key card scan pads, light switches, countertops, tabletops, water faucets and handles, elevator buttons, sinks, toilets and control handles, restroom stall handles, toilet paper and other paper dispensers, door handles and push plates, water cooler and drinking fountain controls. It does not include agency owned equipment such as desks, telephones, computers, keyboards, docking stations, computer power supplies, and computer mouse, personal fans and heaters, desk lighting, etc. Disinfected surfaces should be allowed to air dry.

The Government reserves the right to issue notice to unilaterally cancel this routine cleaning and disinfecting at any time during the Lease term and, in such a case, the rental rate will be reduced by the amount specified for "Routine Cleaning and Disinfecting Services" under lease clause "Rent and Other Consideration." This reduction shall occur after the Government gives 30 calendar days notice to the Lessor and shall continue in effect until the Lease expires or is terminated.





GENERAL CLAUSES
(Acquisition of Leasehold Interests in Real Property)

CATEGORY	CLAUSE NO.	48 CFR REF.	CLAUSE TITLE
GENERAL	1		SUBLETTING AND ASSIGNMENT
	2	552.270-11	SUCCESSORS BOUND
	3	552.270-23	SUBORDINATION, NON-DISTURBANCE AND ATTORNMEN
	4	552.270-24	STATEMENT OF LEASE
	5	552.270-25	SUBSTITUTION OF TENANT AGENCY
	6	552.270-26	NO WAIVER
	7		INTEGRATED AGREEMENT
	8	552.270-28	MUTUALITY OF OBLIGATION
PERFORMANCE	9		DELIVERY AND CONDITION
	10		DEFAULT BY LESSOR
	11	552.270-19	PROGRESSIVE OCCUPANCY
	12		MAINTENANCE OF THE PROPERTY, RIGHT TO INSPECT
	13		FIRE AND CASUALTY DAMAGE
	14		COMPLIANCE WITH APPLICABLE LAW
	15	552.270-12	ALTERATIONS
	16		ACCEPTANCE OF SPACE AND CERTIFICATE OF OCCUPANCY
PAYMENT	17	52.204-7	SYSTEM FOR AWARD MANAGEMENT
	18	52.204-13	SYSTEM FOR AWARD MANAGEMENT MAINTENANCE
	19	552.270-31	PROMPT PAYMENT
	20	52.232-23	ASSIGNMENT OF CLAIMS
	21		PAYMENT
	22	52.232-33	PAYMENT BY ELECTRONIC FUNDS TRANSFER—SYSTEM FOR AWARD MANAGEMENT
STANDARDS OF CONDUCT	23	52.203-13	CONTRACTOR CODE OF BUSINESS ETHICS AND CONDUCT
	24	552.270-32	COVENANT AGAINST CONTINGENT FEES
	25	52-203-7	ANTI-KICKBACK PROCEDURES
	26	52-223-6	DRUG-FREE WORKPLACE
	27	52.203-14	DISPLAY OF HOTLINE POSTER(S)
ADJUSTMENTS	28	552.270-30	PRICE ADJUSTMENT FOR ILLEGAL OR IMPROPER ACTIVITY
	29	52.215-10	PRICE REDUCTION FOR DEFECTIVE COST OR PRICING DATA
	30	552.270-13	PROPOSALS FOR ADJUSTMENT
	31		CHANGES
AUDITS	32	552.215-70	EXAMINATION OF RECORDS BY GSA
	33	52.215-2	AUDIT AND RECORDS—NEGOTIATION

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DISPUTES	34	52.233-1	DISPUTES
LABOR STANDARDS	35	52.222-26	EQUAL OPPORTUNITY
	36	52.222-21	PROHIBITION OF SEGREGATED FACILITIES
	37	52.219-28	POST-AWARD SMALL BUSINESS PROGRAM REREPRESENTATION
	38	52.222-35	EQUAL OPPORTUNITY FOR VETERANS
	39	52.222-36	EQUAL OPPORTUNITY FOR WORKERS WITH DISABILITIES
	40	52.222-37	EMPLOYMENT REPORTS ON VETERANS
SUBCONTRACTING	41	52.209-6	PROTECTING THE GOVERNMENT'S INTEREST WHEN SUBCONTRACTING WITH CONTRACTORS DEBARRED, SUSPENDED, OR PROPOSED FOR DEBARMENT
	42	52.215-12	SUBCONTRACTOR CERTIFIED COST OR PRICING DATA
	43	52.219-8	UTILIZATION OF SMALL BUSINESS CONCERNS
	44	52.219-9	SMALL BUSINESS SUBCONTRACTING PLAN
	45	52.219-16	LIQUIDATED DAMAGES—SUBCONTRACTING PLAN
	46	52.204-10	REPORTING EXECUTIVE COMPENSATION AND FIRST- TIER SUBCONTRACT AWARDS
OTHER	47	52.204-25	PROHIBITION ON CONTRACTING FOR CERTAIN TELECOMMUNICATIONS AND VIDEO SURVEILLANCE SERVICES OR EQUIPMENT
	48	552.204-70	REPRESENTATION REGARDING CERTAIN TELECOMMUNICATIONS AND VIDEO SURVEILLANCE SERVICES OR EQUIPMENT
	49	52.204-19	INCORPORATION BY REFERENCE OF REPRESENTATIONS AND CERTIFICATIONS

The information collection requirements contained in this solicitation/contract that are not required by regulation have been approved by the Office of Management and Budget (OMB) pursuant to the Paperwork Reduction Act and assigned the OMB Control No. 3090-0163.

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GENERAL CLAUSES
(Acquisition of Leasehold Interests in Real Property)

1. SUBLETTING AND ASSIGNMENT (JAN 2011)

The Government may sublet any part of the premises but shall not be relieved from any obligations under this lease by reason of any such subletting. The Government may at any time assign this lease, and be relieved from all obligations to Lessor under this lease excepting only unpaid rent and other liabilities, if any, that have accrued to the date of said assignment. Any subletting or assignment shall be subject to prior written consent of Lessor, which shall not be unreasonably withheld.

2. 552.270-11 SUCCESSORS BOUND (SEP 1999)

This lease shall bind, and inure to the benefit of, the parties and their respective heirs, executors, administrators, successors, and assigns.

3. 552.270-23 SUBORDINATION, NON-DISTURBANCE AND ATTORNMENT (SEP 1999)

(a) Lessor warrants that it holds such title to or other interest in the premises and other property as is necessary to the Government's access to the premises and full use and enjoyment thereof in accordance with the provisions of this lease. Government agrees, in consideration of the warranties and conditions set forth in this clause, that this lease is subject and subordinate to any and all recorded mortgages, deeds of trust and other liens now or hereafter existing or imposed upon the premises, and to any renewal, modification or extension thereof. It is the intention of the parties that this provision shall be self-operative and that no further instrument shall be required to effect the present or subsequent subordination of this lease. Government agrees, however, within twenty (20) business days next following the Contracting Officer's receipt of a written demand, to execute such instruments as Lessor may reasonably request to evidence further the subordination of this lease to any existing or future mortgage, deed of trust or other security interest pertaining to the premises, and to any water, sewer or access easement necessary or desirable to serve the premises or adjoining property owned in whole or in part by Lessor if such easement does not interfere with the full enjoyment of any right granted the Government under this lease.

(b) No such subordination, to either existing or future mortgages, deeds of trust or other lien or security instrument shall operate to affect adversely any right of the Government under this lease so long as the Government is not in default under this lease. Lessor will include in any future mortgage, deed of trust or other security instrument to which this lease becomes subordinate, or in a separate non-disturbance agreement, a provision to the foregoing effect. Lessor warrants that the holders of all notes or other obligations secured by existing mortgages, deeds of trust or other security instruments have consented to the provisions of this clause, and agrees to provide true copies of all such consents to the Contracting Officer promptly upon demand.

(c) In the event of any sale of the premises or any portion thereof by foreclosure of the lien of any such mortgage, deed of trust or other security instrument, or the giving of a deed in lieu of foreclosure, the Government will be deemed to have attorned to any purchaser, purchasers, transferee or transferees of the premises or any portion thereof and its or their successors and assigns, and any such purchasers and transferees will be deemed to have assumed all obligations of the Lessor under this lease, so as to establish direct privity of estate and contract between Government and such purchasers or transferees, with the same force, effect and relative priority in time and right as if the lease had initially been entered into between such purchasers or transferees and the Government; provided, further, that the Contracting Officer and such purchasers or transferees shall, with reasonable promptness following any such sale or deed delivery in lieu of foreclosure, execute all such revisions to this lease, or other writings, as shall be necessary to document the foregoing relationship.

(d) None of the foregoing provisions may be deemed or construed to imply a waiver of the Government's rights as a sovereign.

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4. 552.270-24 STATEMENT OF LEASE (SEP 1999)

(a) The Contracting Officer will, within thirty (30) days next following the Contracting Officer's receipt of a joint written request from Lessor and a prospective lender or purchaser of the building, execute and deliver to Lessor a letter stating that the same is issued subject to the conditions stated in this clause and, if such is the case, that (1) the lease is in full force and effect; (2) the date to which the rent and other charges have been paid in advance, if any; and (3) whether any notice of default has been issued.

(b) Letters issued pursuant to this clause are subject to the following conditions:

(1) That they are based solely upon a reasonably diligent review of the Contracting Officer's lease file as of the date of issuance;

(2) That the Government shall not be held liable because of any defect in or condition of the premises or building;

(3) That the Contracting Officer does not warrant or represent that the premises or building comply with applicable Federal, State and local law; and

(4) That the Lessor, and each prospective lender and purchaser are deemed to have constructive notice of such facts as would be ascertainable by reasonable pre-purchase and pre-commitment inspection of the Premises and Building and by inquiry to appropriate Federal, State and local Government officials.

5. 552.270-25 SUBSTITUTION OF TENANT AGENCY (SEP 1999)

The Government may, at any time and from time to time, substitute any Government agency or agencies for the Government agency or agencies, if any, named in the lease.

6. 552.270-26 NO WAIVER (SEP 1999)

No failure by either party to insist upon the strict performance of any provision of this lease or to exercise any right or remedy consequent upon a breach thereof, and no acceptance of full or partial rent or other performance by either party during the continuance of any such breach shall constitute a waiver of any such breach of such provision.

7. INTEGRATED AGREEMENT (JUN 2012)

This Lease, upon execution, contains the entire agreement of the parties and no prior written or oral agreement, express or implied, shall be admissible to contradict the provisions of the Lease. Except as expressly attached to and made a part of the Lease, neither the Request for Lease Proposals nor any pre-award communications by either party shall be incorporated in the Lease.

8. 552.270-28 MUTUALITY OF OBLIGATION (SEP 1999)

The obligations and covenants of the Lessor, and the Government's obligation to pay rent and other Government obligations and covenants, arising under or related to this Lease, are interdependent. The Government may, upon issuance of and delivery to Lessor of a final decision asserting a claim against Lessor, set off such claim, in whole or in part, as against any payment or payments then or thereafter due the Lessor under this lease. No setoff pursuant to this clause shall constitute a breach by the Government of this lease.

9. DELIVERY AND CONDITION (JAN 2011)

(a) Unless the Government elects to have the space occupied in increments, the space must be delivered ready for occupancy as a complete unit.

(b) The Government may elect to accept the Space notwithstanding the Lessor's failure to deliver the Space substantially complete; if the Government so elects, it may reduce the rent payments.

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10. DEFAULT BY LESSOR (APR 2012)

(a) The following conditions shall constitute default by the Lessor, and shall give rise to the following rights and remedies for the Government:

(1) Prior to Acceptance of the Premises. Failure by the Lessor to diligently perform all obligations required for Acceptance of the Space within the times specified, without excuse, shall constitute a default by the Lessor. Subject to provision of notice of default to the Lessor, and provision of a reasonable opportunity for the Lessor to cure its default, the Government may terminate the Lease on account of the Lessor's default.

(2) After Acceptance of the Premises. Failure by the Lessor to perform any service, to provide any item, or satisfy any requirement of this Lease, without excuse, shall constitute a default by the Lessor. Subject to provision of notice of default to the Lessor, and provision of a reasonable opportunity for the Lessor to cure its default, the Government may perform the service, provide the item, or obtain satisfaction of the requirement by its own employees or contractors. If the Government elects to take such action, the Government may deduct from rental payments its costs incurred in connection with taking the action. Alternatively, the Government may reduce the rent by an amount reasonably calculated to approximate the cost or value of the service not performed, item not provided, or requirement not satisfied, such reduction effective as of the date of the commencement of the default condition.

(3) Grounds for Termination. The Government may terminate the Lease if:

(i) The Lessor's default persists notwithstanding provision of notice and reasonable opportunity to cure by the Government, or

(ii) The Lessor fails to take such actions as are necessary to prevent the recurrence of default conditions,

and such conditions (i) or (ii) substantially impair the safe and healthful occupancy of the Premises, or render the Space unusable for its intended purposes.

(4) Excuse. Failure by the Lessor to timely deliver the Space or perform any service, provide any item, or satisfy any requirement of this Lease shall not be excused if its failure in performance arises from:

(i) Circumstances within the Lessor's control;

(ii) Circumstances about which the Lessor had actual or constructive knowledge prior to the Lease Award Date that could reasonably be expected to affect the Lessor's capability to perform, regardless of the Government's knowledge of such matters;

(iii) The condition of the Property;

(iv) The acts or omissions of the Lessor, its employees, agents or contractors; or

(v) The Lessor's inability to obtain sufficient financial resources to perform its obligations.

(5) The rights and remedies specified in this clause are in addition to any and all remedies to which the Government may be entitled as a matter of law.

11. 552.270-19 PROGRESSIVE OCCUPANCY (SEP 1999)

The Government shall have the right to elect to occupy the space in partial increments prior to the substantial completion of the entire leased premises, and the Lessor agrees to schedule its work so as to deliver the space incrementally as elected by the Government. The Government shall pay rent commencing with the first business day following substantial completion of the entire leased premise unless the Government has elected to occupy the leased premises incrementally. In case of incremental occupancy, the Government shall pay rent pro rata upon the first

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business day following substantial completion of each incremental unit. Rental payments shall become due on the first workday of the month following the month in which an increment of space is substantially complete, except that should an increment of space be substantially completed after the fifteenth day of the month, the payment due date will be the first workday of the second month following the month in which it was substantially complete. The commencement date of the firm lease term will be a composite determined from all rent commencement dates.

12. MAINTENANCE OF THE PROPERTY, RIGHT TO INSPECT (APR 2015)

The Lessor shall maintain the Property, including the building, building systems, and all equipment, fixtures, and appurtenances furnished by the Lessor under this Lease, in good repair and tenantable condition so that they are suitable in appearance and capable of supplying such heat, air conditioning, light, ventilation, safety systems, access and other things to the premises, without reasonably preventable or recurring disruption, as is required for the Government's access to, occupancy, possession, use and enjoyment of the premises as provided in this lease. For the purpose of so maintaining the premises, the Lessor may at reasonable times enter the premises with the approval of the authorized Government representative in charge. Upon request of the Lease Contracting Officer (LCO), the Lessor shall provide written documentation that building systems have been properly maintained, tested, and are operational within manufacturer's warranted operating standards. The Lessor shall maintain the Premises in a safe and healthful condition according to applicable OSHA standards and all other requirements of this Lease, including standards governing indoor air quality, existence of mold and other biological hazards, presence of hazardous materials, etc. The Government shall have the right, at any time after the Lease Award Date and during the term of the Lease, to inspect all areas of the Property to which access is necessary for the purpose of determining the Lessor's compliance with this clause.

13. FIRE AND CASUALTY DAMAGE (JUN 2016)

If the building in which the Premises are located is totally destroyed or damaged by fire or other casualty, this Lease shall immediately terminate. If the building in which the Premises are located are only partially destroyed or damaged, so as to render the Premises untenable, or not usable for their intended purpose, the Lessor shall have the option to elect to repair and restore the Premises or terminate the Lease. The Lessor shall be permitted a reasonable amount of time, not to exceed **270 days** from the event of destruction or damage, to repair or restore the Premises, provided that the Lessor submits to the Government a reasonable schedule for repair of the Premises within **60 days** of the event of destruction or damage. If the Lessor fails to timely submit a reasonable schedule for completing the work, the Government may elect to terminate the Lease effective as of the date of the event of destruction or damage. If the Lessor elects to repair or restore the Premises, but fails to repair or restore the Premises within **270 days** from the event of destruction or damage, or fails to diligently pursue such repairs or restoration so as to render timely completion commercially impracticable, the Government may terminate the Lease effective as of the date of the destruction or damage. During the time that the Premises are unoccupied, rent shall be abated. Termination of the Lease by either party under this clause shall not give rise to liability for either party.

Nothing in this lease shall be construed as relieving Lessor from liability for damage to, or destruction of, property of the United States of America caused by the willful or negligent act or omission of Lessor.

14. COMPLIANCE WITH APPLICABLE LAW (JAN 2011)

Lessor shall comply with all Federal, state and local laws applicable to its ownership and leasing of the Property, including, without limitation, laws applicable to the construction, ownership, alteration or operation of all buildings, structures, and facilities located thereon, and obtain all necessary permits, licenses and similar items at its own expense. The Government will comply with all Federal, State and local laws applicable to and enforceable against it as a tenant under this lease, provided that nothing in this Lease shall be construed as a waiver of the sovereign immunity of the Government. This Lease shall be governed by Federal law.

15. 552.270-12 ALTERATIONS (SEP 1999)

The Government shall have the right during the existence of this lease to make alterations, attach fixtures, and erect structures or signs in or upon the premises hereby leased, which fixtures, additions or structures so placed in, on, upon, or attached to the said premises shall be and remain the property of the Government and may be removed or otherwise disposed of by the Government. If the lease contemplates that the Government is the sole occupant of the building, for

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purposes of this clause, the leased premises include the land on which the building is sited and the building itself. Otherwise, the Government shall have the right to tie into or make any physical connection with any structure located on the property as is reasonably necessary for appropriate utilization of the leased space.

16. ACCEPTANCE OF SPACE AND CERTIFICATE OF OCCUPANCY (APR 2015)

(a) Ten (10) working days prior to the completion of the Space, the Lessor shall issue written notice to the Government to schedule the inspection of the Space for acceptance. The Government shall accept the Space only if the construction of building shell and TIs conforming to this Lease and the approved DIDs is substantially complete, and a Certificate of Occupancy has been issued as set forth below.

(b) The Space shall be considered substantially complete only if the Space may be used for its intended purpose and completion of remaining work will not unreasonably interfere with the Government's enjoyment of the Space. Acceptance shall be final and binding upon the Government with respect to conformance of the completed TIs to the approved DIDs, with the exception of items identified on a punchlist generated as a result of the inspection, concealed conditions, latent defects, or fraud, but shall not relieve the Lessor of any other Lease requirements.

(c) The Lessor shall provide a valid Certificate of Occupancy, issued by the local jurisdiction, for the intended use of the Government. If the local jurisdiction does not issue Certificates of Occupancy or if the Certificate of Occupancy is not available, the Lessor may satisfy this condition by providing a report prepared by a licensed fire protection engineer that indicates that the Space and Building are compliant with all applicable local codes and ordinances and all fire protection and life safety-related requirements of this Lease to ensure an acceptable level of safety is provided. Under such circumstances, the Government shall only accept the Space without a Certificate of Occupancy if a licensed fire protection engineer determines that the offered space is compliant with all applicable local codes and ordinances and fire protection and life safety-related requirements of this Lease.

17. 52.204-7 SYSTEM FOR AWARD MANAGEMENT (OCT 2018)

This clause is incorporated by reference.

18. 52.204-13 SYSTEM FOR AWARD MANAGEMENT MAINTENANCE (OCT 2018)

This clause is incorporated by reference.

19. 552.270-31 PROMPT PAYMENT (JUN 2011)

The Government will make payments under the terms and conditions specified in this clause. Payment shall be considered as being made on the day a check is dated or an electronic funds transfer is made. All days referred to in this clause are calendar days, unless otherwise specified.

(a) *Payment due date—*

(1) *Rental payments.* Rent shall be paid monthly in arrears and will be due on the first workday of each month, and only as provided for by the lease.

(i) When the date for commencement of rent falls on the 15th day of the month or earlier, the initial monthly rental payment under this contract shall become due on the first workday of the month following the month in which the commencement of the rent is effective.

(ii) When the date for commencement of rent falls after the 15th day of the month, the initial monthly rental payment under this contract shall become due on the first workday of the second month following the month in which the commencement of the rent is effective.

(2) *Other payments.* The due date for making payments other than rent shall be the later of the following two events:

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(i) The 30th day after the designated billing office has received a proper invoice from the Contractor.

(ii) The 30th day after Government acceptance of the work or service. However, if the designated billing office fails to annotate the invoice with the actual date of receipt, the invoice payment due date shall be deemed to be the 30th day after the Contractor's invoice is dated, provided a proper invoice is received and there is no disagreement over quantity, quality, or Contractor compliance with contract requirements.

(b) *Invoice and inspection requirements for payments other than rent.*

(1) The Contractor shall prepare and submit an invoice to the designated billing office after completion of the work. A proper invoice shall include the following items:

(i) Name and address of the Contractor.

(ii) Invoice date.

(iii) Lease number.

(iv) Government's order number or other authorization.

(v) Description, price, and quantity of work or services delivered.

(vi) Name and address of Contractor official to whom payment is to be sent (must be the same as that in the remittance address in the lease or the order).

(vii) Name (where practicable), title, phone number, and mailing address of person to be notified in the event of a defective invoice.

(2) The Government will inspect and determine the acceptability of the work performed or services delivered within seven days after the receipt of a proper invoice or notification of completion of the work or services unless a different period is specified at the time the order is placed. If actual acceptance occurs later, for the purpose of determining the payment due date and calculation of interest, acceptance will be deemed to occur on the last day of the seven day inspection period. If the work or service is rejected for failure to conform to the technical requirements of the contract, the seven days will be counted beginning with receipt of a new invoice or notification. In either case, the Contractor is not entitled to any payment or interest unless actual acceptance by the Government occurs.

(c) *Interest Penalty.*

(1) An interest penalty shall be paid automatically by the Government, without request from the Contractor, if payment is not made by the due date.

(2) The interest penalty shall be at the rate established by the Secretary of the Treasury under Section 12 of the Contract Disputes Act of 1978 (41 U.S.C. 611) that is in effect on the day after the due date. This rate is referred to as the "Renegotiation Board Interest Rate," and it is published in the **Federal Register** semiannually on or about January 1 and July 1. The interest penalty shall accrue daily on the payment amount approved by the Government and be compounded in 30-day increments inclusive from the first day after the due date through the payment date.

(3) Interest penalties will not continue to accrue after the filing of a claim for such penalties under the clause at 52.233-1, Disputes, or for more than one year. Interest penalties of less than \$1.00 need not be paid.

(4) Interest penalties are not required on payment delays due to disagreement between the Government and Contractor over the payment amount or other issues involving contract compliance or on amounts temporarily withheld or retained in accordance with the terms of the contract. Claims involving disputes, and any interest that may be payable, will be resolved in accordance with the clause at 52.233-1, Disputes.

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(d) *Overpayments.* If the Lessor becomes aware of a duplicate payment or that the Government has otherwise overpaid on a payment, the Contractor shall—

(1) Return the overpayment amount to the payment office cited in the contract along with a description of the overpayment including the—

(i) Circumstances of the overpayment (e.g., duplicate payment, erroneous payment, liquidation errors, date(s) of overpayment);

(ii) Affected lease number; (iii) Affected lease line item or sub-line item, if applicable; and

(iii) Lessor point of contact.

(2) Provide a copy of the remittance and supporting documentation to the Contracting Officer.

20. 52.232-23 ASSIGNMENT OF CLAIMS (MAY 2014)

(Applicable to leases over the micro-purchase threshold.)

(a) The Contractor, under the Assignment of Claims Act, as amended, [31 U.S.C. 3727](#), [41 U.S.C. 6305](#) (hereafter referred to as “the Act”), may assign its rights to be paid amounts due or to become due as a result of the performance of this contract to a bank, trust company, or other financing institution, including any Federal lending agency. The assignee under such an assignment may thereafter further assign or reassign its right under the original assignment to any type of financing institution described in the preceding sentence.

(b) Any assignment or reassignment authorized under the Act and this clause shall cover all unpaid amounts payable under this contract, and shall not be made to more than one party, except that an assignment or reassignment may be made to one party as agent or trustee for two or more parties participating in the financing of this contract.

(c) The Contractor shall not furnish or disclose to any assignee under this contract any classified document (including this contract) or information related to work under this contract until the Contracting Officer authorizes such action in writing.

21. PAYMENT (MAY 2011)

(a) When space is offered and accepted, the amount of American National Standards Institute/Building Owners and Managers Association Office Area (ABOA) square footage delivered will be confirmed by:

(1) The Government’s measurement of plans submitted by the successful Offeror as approved by the Government, and an inspection of the space to verify that the delivered space is in conformance with such plans or

(2) A mutual on-site measurement of the space, if the Contracting Officer determines that it is necessary.

(b) Payment will not be made for space which is in excess of the amount of ABOA square footage stated in the lease.

(c) If it is determined that the amount of ABOA square footage actually delivered is less than the amount agreed to in the lease, the lease will be modified to reflect the amount of ABOA space delivered and the annual rental will be adjusted as follows:

ABOA square feet not delivered multiplied by one plus the common area factor (CAF), multiplied by the rate per rentable square foot (RSF). That is: $(1+CAF) \times \text{Rate per RSF} = \text{Reduction in Annual Rent}$

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22. 52.232-33 PAYMENT BY ELECTRONIC FUNDS TRANSFER—SYSTEM FOR AWARD MANAGEMENT (OCT 2018)

This clause is incorporated by reference.

23. 52.203-13 CONTRACTOR CODE OF BUSINESS ETHICS AND CONDUCT (OCT 2015)

(Applicable to leases over \$5.5 million total contract value and performance period is 120 days or more.)

This clause is incorporated by reference.

24. 552.270-32 COVENANT AGAINST CONTINGENT FEES (JUN 2011)

(Applicable to leases over the Simplified Lease Acquisition Threshold.)

(a) The Contractor warrants that no person or agency has been employed or retained to solicit or obtain this contract upon an agreement or understanding for a contingent fee, except a bona fide employee or agency. For breach or violation of this warranty, the Government shall have the right to annul this contract without liability or, in its discretion, to deduct from the contract price or consideration, or otherwise recover the full amount of the contingent fee.

(b) *Bona fide agency*, as used in this clause, means an established commercial or selling agency (including licensed real estate agents or brokers), maintained by a Contractor for the purpose of securing business, that neither exerts nor proposes to exert improper influence to solicit or obtain Government contracts nor holds itself out as being able to obtain any Government contract or contracts through improper influence.

(1) *Bona fide employee*, as used in this clause, means a person, employed by a Contractor and subject to the Contractor's supervision and control as to time, place, and manner of performance, who neither exerts nor proposes to exert improper influence to solicit or obtain Government contracts nor holds out as being able to obtain any Government contract or contracts through improper influence.

(2) *Contingent fee*, as used in this clause, means any commission, percentage, brokerage, or other fee that is contingent upon the success that a person or concern has in securing a Government contract.

(3) *Improper influence*, as used in this clause, means any influence that induces or tends to induce a Government employee or officer to give consideration or to act regarding a Government contract on any basis other than the merits of the matter.

25. 52.203-7 ANTI-KICKBACK PROCEDURES (MAY 2014)

(Applicable to leases over the Simplified Lease Acquisition Threshold.)

This clause is incorporated by reference.

26. 52.223-6 DRUG-FREE WORKPLACE (MAY 2001)

(Applicable to leases over the Simplified Lease Acquisition Threshold, as well as to leases of any value awarded to an individual.)

This clause is incorporated by reference.

27. 52.203-14 DISPLAY OF HOTLINE POSTER(S) (OCT 2015)

(Applicable to leases over \$5.5 Million total contract value and performance period is 120 days or more.)

(a) Definition.

"United States," as used in this clause, means the 50 States, the District of Columbia, and outlying areas.

(b) Display of fraud hotline poster(s). Except as provided in paragraph (c)—

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- (1) During contract performance in the United States, the Contractor shall prominently display in common work areas within business segments performing work under this contract and at contract work sites—
 - (i) Any agency fraud hotline poster or Department of Homeland Security (DHS) fraud hotline poster identified in paragraph (b)(3) of this clause; and
 - (ii) Any DHS fraud hotline poster subsequently identified by the Contracting Officer.
- (2) Additionally, if the Contractor maintains a company website as a method of providing information to employees, the Contractor shall display an electronic version of the poster(s) at the website.
- (3) Any required posters may be obtained as follows:

Poster(s)	Obtain from
GSA Office of Inspector General "FRAUDNET HOTLINE	Contracting Officer

(Contracting Officer shall insert—

- (i) Appropriate agency name(s) and/or title of applicable Department of Homeland Security fraud hotline poster); and
- (ii) The website(s) or other contact information for obtaining the poster(s).)

(c) If the Contractor has implemented a business ethics and conduct awareness program, including a reporting mechanism, such as a hotline poster, then the Contractor need not display any agency fraud hotline posters as required in paragraph (b) of this clause, other than any required DHS posters.

(d) Subcontracts. The Contractor shall include the substance of this clause, including this paragraph (d), in all subcontracts that exceed \$5.5 million, except when the subcontract—

- (1) Is for the acquisition of a commercial item; or
- (2) Is performed entirely outside the United States.

28. 552.270-30 PRICE ADJUSTMENT FOR ILLEGAL OR IMPROPER ACTIVITY (JUN 2011)
 (Applicable to leases over the Simplified Lease Acquisition Threshold.)

(a) If the head of the contracting activity (HCA) or his or her designee determines that there was a violation of subsection 27(a) of the Office of Federal Procurement Policy Act, as amended (41 U.S.C. 423), as implemented in the Federal Acquisition Regulation, the Government, at its election, may—

- (1) Reduce the monthly rental under this lease by five percent of the amount of the rental for each month of the remaining term of the lease, including any option periods, and recover five percent of the rental already paid;
- (2) Reduce payments for alterations not included in monthly rental payments by five percent of the amount of the alterations agreement; or
- (3) Reduce the payments for violations by a Lessor's subcontractor by an amount not to exceed the amount of profit or fee reflected in the subcontract at the time the subcontract was placed.

(b) Prior to making a determination as set forth above, the HCA or designee shall provide to the Lessor a written notice of the action being considered and the basis thereof. The Lessor shall have a period determined by the

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agency head or designee, but not less than 30 calendar days after receipt of such notice, to submit in person, in writing, or through a representative, information and argument in opposition to the proposed reduction. The agency head or designee may, upon good cause shown, determine to deduct less than the above amounts from payments.

(c) The rights and remedies of the Government specified herein are not exclusive, and are in addition to any other rights and remedies provided by law or under this lease.

29. 52.215-10 PRICE REDUCTION FOR DEFECTIVE COST OR PRICING DATA (AUG 2011)

(Applicable when cost or pricing data are required for work or services over \$750,000.)
This clause is incorporated by reference.

30. 552.270-13 PROPOSALS FOR ADJUSTMENT (OCT 2016)

This clause is incorporated by reference.

31. CHANGES (MAR 2013)

(a) The LCO may at any time, by written order, direct changes to the Tenant Improvements within the Space, Building Security Requirements, or the services required under the Lease.

(b) If any such change causes an increase or decrease in Lessor's costs or time required for performance of its obligations under this Lease, whether or not changed by the order, the Lessor shall be entitled to an amendment to the Lease providing for one or more of the following:

- (1) An adjustment of the delivery date;
- (2) An equitable adjustment in the rental rate;
- (3) A lump sum equitable adjustment; or
- (4) A change to the operating cost base, if applicable.

(c) The Lessor shall assert its right to an amendment under this clause within 30 days from the date of receipt of the change order and shall submit a proposal for adjustment. Failure to agree to any adjustment shall be a dispute under the Disputes clause. However, the pendency of an adjustment or existence of a dispute shall not excuse the Lessor from proceeding with the change as directed.

(d) Absent a written change order from the LCO, or from a Government official to whom the LCO has explicitly and in writing delegated the authority to direct changes, the Government shall not be liable to Lessor under this clause.

32. 552.215-70 EXAMINATION OF RECORDS BY GSA (JUL 2016)

This clause is incorporated by reference.

33. 52.215-2 AUDIT AND RECORDS—NEGOTIATION (OCT 2010)

(Applicable to leases over the Simplified Lease Acquisition Threshold.)
This clause is incorporated by reference.

34. 52.233-1 DISPUTES (MAY 2014)

This clause is incorporated by reference.

35. 52.222-26 EQUAL OPPORTUNITY (SEP 2016)

This clause is incorporated by reference.

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36. 52.222-21 PROHIBITION OF SEGREGATED FACILITIES (APR 2015)

This clause is incorporated by reference.

37. 52.219-28 POST-AWARD SMALL BUSINESS PROGRAM REREPRESENTATION (JUL 2013)

(Applicable to leases exceeding the micro-purchase threshold.)

This clause is incorporated by reference.

38. 52.222-35 EQUAL OPPORTUNITY FOR VETERANS (OCT 2015)

(Applicable to leases \$150,000 or more, total contract value.)

(a) Definitions. As used in this clause—

“Active duty wartime or campaign badge veteran,” “Armed Forces service medal veteran,” “disabled veteran,” “protected veteran,” “qualified disabled veteran,” and “recently separated veteran” have the meanings given at FAR [22.1301](#).

(b) Equal opportunity clause. The Contractor shall abide by the requirements of the equal opportunity clause at 41 CFR 60-300.5(a), as of March 24, 2014. This clause prohibits discrimination against qualified protected veterans, and requires affirmative action by the Contractor to employ and advance in employment qualified protected veterans.

(c) Subcontracts. The Contractor shall insert the terms of this clause in subcontracts of \$150,000 or more unless exempted by rules, regulations, or orders of the Secretary of Labor. The Contractor shall act as specified by the Director, Office of Federal Contract Compliance Programs, to enforce the terms, including action for noncompliance. Such necessary changes in language may be made as shall be appropriate to identify properly the parties and their undertakings.

39. 52.222-36 EQUAL OPPORTUNITY FOR WORKERS WITH DISABILITIES (JUL 2014)

(Applicable to leases over \$15,000 total contract value.)

(a) *Equal opportunity clause.* The Contractor shall abide by the requirements of the equal opportunity clause at 41 CFR 60-741.5(a), as of March 24, 2014. This clause prohibits discrimination against qualified individuals on the basis of disability, and requires affirmative action by the Contractor to employ and advance in employment qualified individuals with disabilities.

(b) *Subcontracts.* The Contractor shall include the terms of this clause in every subcontract or purchase order in excess of \$15,000 unless exempted by rules, regulations, or orders of the Secretary, so that such provisions will be binding upon each subcontractor or vendor. The Contractor shall act as specified by the Director, Office of Federal Contract Compliance Programs of the U.S. Department of Labor, to enforce the terms, including action for noncompliance. Such necessary changes in language may be made as shall be appropriate to identify properly the parties and their undertakings.

40. 52.222-37 EMPLOYMENT REPORTS ON VETERANS (FEB 2016)

(Applicable to leases \$150,000 or more, total contract value.)

This clause is incorporated by reference.

41. 52.209-6 PROTECTING THE GOVERNMENT’S INTEREST WHEN SUBCONTRACTING WITH CONTRACTORS DEBARRED, SUSPENDED, OR PROPOSED FOR DEBARMENT (OCT 2015)

(Applicable to

leases over \$35,000 total contract value.)

This clause is incorporated by reference.

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42. 52.215-12 SUBCONTRACTOR CERTIFIED COST OR PRICING DATA (OCT 2010)

(Applicable if over \$750,000 total contract value.)

This clause is incorporated by reference.

43. 52.219-8 UTILIZATION OF SMALL BUSINESS CONCERNS (OCT 2018)

(Applicable to leases over the Simplified Lease Acquisition Threshold.)

This clause is incorporated by reference.

44. 52.219-9 SMALL BUSINESS SUBCONTRACTING PLAN (AUG 2018) ALTERNATE III (JAN 2017)

(Applicable to leases over \$700,000 total contract value.)

This clause is incorporated by reference.

45. 52.219-16 LIQUIDATED DAMAGES—SUBCONTRACTING PLAN (JAN 1999)

(Applicable to leases over \$700,000 total contract value.)

This clause is incorporated by reference.

46. 52.204-10 REPORTING EXECUTIVE COMPENSATION AND FIRST-TIER SUBCONTRACT AWARDS (OCT 2018)

(Applicable if over \$30,000 total contract value.)

This clause is incorporated by reference.

47. 52.204-25 PROHIBITION ON CONTRACTING FOR CERTAIN TELECOMMUNICATIONS AND VIDEO SURVEILLANCE SERVICES OR EQUIPMENT (AUG 2019)

(a) Definitions. As used in this clause—

“Covered foreign country” means The People's Republic of China.

“Covered telecommunications equipment or services” means –

(1) Telecommunications equipment produced by Huawei Technologies Company or ZTE Corporation (or any subsidiary or affiliate of such entities);

(2) For the purpose of public safety, security of Government facilities, physical security surveillance of critical infrastructure, and other national security purposes, video surveillance and telecommunications equipment produced by Hytera Communications Corporation, Hangzhou Hikvision Digital Technology Company, or Dahua Technology Company (or any subsidiary or affiliate of such entities);

(3) Telecommunications or video surveillance services provided by such entities or using such equipment; or

(4) Telecommunications or video surveillance equipment or services produced or provided by an entity that the Secretary of Defense, in consultation with the Director of National Intelligence or the Director of the Federal Bureau of Investigation, reasonably believes to be an entity owned or controlled by, or otherwise connected to, the government of a covered foreign country.

“Critical technology” means-

(1) Defense articles or defense services included on the United States Munitions List set forth in the International Traffic in Arms Regulations under subchapter M of chapter I of title 22, Code of Federal Regulations;

(2) Items included on the Commerce Control List set forth in Supplement No. 1 to part 774 of the Export Administration Regulations under subchapter C of chapter VII of title 15, Code of Federal Regulations, and controlled—

(i) Pursuant to multilateral regimes, including for reasons relating to national security, chemical and biological weapons proliferation, nuclear nonproliferation, or missile technology; or

(ii) For reasons relating to regional stability or surreptitious listening;

(3) Specially designed and prepared nuclear equipment, parts and components, materials, software, and technology covered by part 810 of title 10, Code of Federal Regulations (relating to assistance to foreign atomic energy activities);

(4) Nuclear facilities, equipment, and material covered by part 110 of title 10, Code of Federal Regulations (relating to export and import of nuclear equipment and material);

(5) Select agents and toxins covered by part 331 of title 7, Code of Federal Regulations, part 121 of title 9 of such Code, or part 73 of title 42 of such Code; or

(6) Emerging and foundational technologies controlled pursuant to section 1758 of the Export Control Reform Act of 2018 (50 U.S.C. 4817).

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“Substantial or essential component” means any component necessary for the proper function or performance of a piece of equipment, system, or service.

(b) **Prohibition.** Section 889(a)(1)(A) of the John S. McCain National Defense Authorization Act for Fiscal Year 2019 (Pub. L. 115-232) prohibits the head of an executive agency on or after August 13, 2019, from procuring or obtaining or extending or renewing a contract to procure or obtain, any equipment, system, or service that uses covered telecommunications equipment or services as a substantial or essential component of any system, or as critical technology as part of any system. The Contractor is prohibited from providing to the Government any equipment, system, or service that uses covered telecommunications equipment or services as a substantial or essential component of any system, or as critical technology as part of any system, unless an exception at paragraph (c) of this clause applies or the covered telecommunication equipment or services are covered by a waiver described in Federal Acquisition Regulation 4.2104.

(c) **Exceptions.** This clause does not prohibit contractors from providing-

(1) A service that connects to the facilities of a third-party, such as backhaul, roaming, or interconnection arrangements; or

(2) Telecommunications equipment that cannot route or redirect user data traffic or permit visibility into any user data or packets that such equipment transmits or otherwise handles.

(d) **Reporting requirement.**

(1) In the event the Contractor identifies covered telecommunications equipment or services used as a substantial or essential component of any system, or as critical technology as part of any system, during contract performance, or the Contractor is notified of such by a subcontractor at any tier or by any other source, the Contractor shall report the information in paragraph (d)(2) of this clause to the Contracting Officer, unless elsewhere in this contract are established procedures for reporting the information; in the case of the Department of Defense, the Contractor shall report to the website at <https://dibnet.dod.mil>. For indefinite delivery contracts, the Contractor shall report to the Contracting Officer for the indefinite delivery contract and the Contracting Officer(s) for any affected order or, in the case of the Department of Defense, identify both the indefinite delivery contract and any affected orders in the report provided at <https://dibnet.dod.mil>.

(2) The Contractor shall report the following information pursuant to paragraph (d)(1) of this clause

(i) Within one business day from the date of such identification or notification: the contract number; the order number(s), if applicable; supplier name; supplier unique entity identifier (if known); supplier Commercial and Government Entity (CAGE) code (if known); brand; model number (original equipment manufacturer number, manufacturer part number, or wholesaler number); item description; and any readily available information about mitigation actions undertaken or recommended.

(ii) Within 10 business days of submitting the information in paragraph (d)(2)(i) of this clause: any further available information about mitigation actions undertaken or recommended. In addition, the Contractor shall describe the efforts it undertook to prevent use or submission of covered telecommunications equipment or services, and any additional efforts that will be incorporated to prevent future use or submission of covered telecommunications equipment or services.

(e) **Subcontracts.** The Contractor shall insert the substance of this clause, including this paragraph (e), in all subcontracts and other contractual instruments, including subcontracts for the acquisition of commercial items.

48. 552.204-70 REPRESENTATION REGARDING CERTAIN TELECOMMUNICATIONS AND VIDEO SURVEILLANCE SERVICES OR EQUIPMENT (AUG 2019)

(a) **Definitions.** As used in this clause-

“Covered telecommunications equipment or services”, “Critical technology”, and “Substantial or essential component” have the meanings provided in FAR 52.204-25, Prohibition on Contracting for Certain Telecommunications and Video Surveillance Services or Equipment.

(b) **Prohibition.** Section 889(a)(1)(A) of the John S. McCain National Defense Authorization Act for Fiscal Year 2019 (Pub. L. 115-232) prohibits the head of an executive agency on or after August 13, 2019, from procuring or obtaining, or extending or renewing a contract to procure or obtain, any equipment, system, or service that uses covered telecommunications equipment or services as a substantial or essential component of any system, or as critical technology as part of any system. Contractors are not prohibited from providing-

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(1) A service that connects to the facilities of a third-party, such as backhaul, roaming, or interconnection arrangements; or

(2) Telecommunications equipment that cannot route or redirect user data traffic or permit visibility into any user data or packets that such equipment transmits or otherwise handles.

(c) **Representation.** The Offeror or Contractor represents that it [] will or [] will not [Contractor to complete and submit to the Contracting Officer] provide covered telecommunications equipment or services to the Government in the performance of any contract, subcontract, order, or other contractual instrument resulting from this contract. This representation shall be provided as part of the proposal and resubmitted on an annual basis from the date of award.

(d) **Disclosures.** If the Offeror or Contractor has responded affirmatively to the representation in paragraph (c) of this clause, the Offeror or Contractor shall provide the following additional information to the Contracting Officer--

(1) All covered telecommunications equipment and services offered or provided (include brand; model number, such as original equipment manufacturer (OEM) number, manufacturer part number, or wholesaler number; and item description, as applicable);

(2) Explanation of the proposed use of covered telecommunications equipment and services and any factors relevant to determining if such use would be permissible under the prohibition in paragraph (b) of this provision;

(3) For services, the entity providing the covered telecommunications services (include entity name, unique entity identifier, and Commercial and Government Entity (CAGE) code, if known); and

(4) For equipment, the entity that produced the covered telecommunications equipment (include entity name, unique entity identifier, CAGE code, and whether the entity was the OEM or a distributor, if known).

49. 52.204-19 INCORPORATION BY REFERENCE OF REPRESENTATIONS AND CERTIFICATIONS (DEC 2014).

This clause is incorporated by reference.

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SECURITY REQUIREMENTS - FACILITY SECURITY LEVEL II

THESE PARAGRAPHS CONTAIN ADDITIONAL SECURITY REQUIREMENTS, AND, UNLESS INDICATED OTHERWISE, ARE TO BE PRICED AS PART OF THE BUILDING SPECIFIC AMORTIZED CAPITAL (BSAC). WHERE THEY ARE IN CONFLICT WITH ANY OTHER REQUIREMENTS ON THIS LEASE, THE STRICTEST SHALL APPLY.

DEFINITIONS:

CRITICAL AREAS - The areas that house systems that if damaged or compromised could have significant adverse consequences for the facility, operation of the facility, or mission of the agency or its occupants and visitors. These areas may also be referred to as "limited access areas," "restricted areas," or "exclusionary zones." Critical areas do not necessarily have to be within Government-controlled space (e.g., generators, air handlers, electrical feeds which could be located outside Government-controlled space).

SENSITIVE AREAS – Sensitive areas include vaults, SCIFs, evidence rooms, war rooms, and sensitive documents areas. Sensitive areas are primarily housed within Government-controlled space.

FACILITY ENTRANCES, LOBBY, COMMON AREAS, NON-PUBLIC, AND UTILITY AREAS.

FACILITY ENTRANCES AND LOBBY

EMPLOYEE ACCESS CONTROL AT ENTRANCES (SHELL)

The Lessor shall provide key or electronic access control for the entrance to this building. All Government employees, under this lease, shall be allowed access to the leased space (including after-hours access).

COMMON AREAS, NON-PUBLIC, AND UTILITY AREAS.

PUBLIC RESTROOM ACCESS (SHELL)

The Government reserves the right to control access to public restrooms located within the Space.

SECURING CRITICAL AREAS (SHELL)

The Lessor shall secure areas designated as Critical Areas to restrict access:

- A. Keyed locks, keycards, or similar security measures shall strictly control access to mechanical areas. Additional controls for access to keys, keycards, and key codes shall be strictly maintained. The Lessor shall develop and maintain accurate HVAC diagrams and HVAC system labeling within mechanical areas.

- B. Roofs with HVAC systems shall also be secured. Fencing or other barriers may be required to restrict access from adjacent roofs based on a Government Building Security Assessment. Roof access shall be strictly controlled through keyed locks, keycards, or similar measures. Fire and life safety egress shall be carefully reviewed when restricting roof access.
- C. At a minimum, Lessor shall secure building common areas including sprinkler rooms, electrical closets, telecommunications rooms.

VISITOR ACCESS CONTROL (SHELL)

Entrances are open to the public during business hours. After hours, visitor entrances are secured, and have a means to verify the identity of persons requesting access prior to allowing entry into the Space.

INTERIOR (GOVERNMENT SPACE)

DESIGNATED ENTRANCES (SHELL)

The Government shall have a designated main entrance.

IDENTITY VERIFICATION (SHELL)

The Government reserves the right to verify the identity of persons requesting access to the Space prior to allowing entry.

FORMAL KEY CONTROL PROGRAM (SHELL)

The Government reserves the right to implement a formal key control program. The Lessor shall have a means of allowing the electronic disabling of lost or stolen access media, if electronic media is used.

SITES AND EXTERIOR OF THE BUILDING

SIGNAGE

POSTING OF SIGNAGE IDENTIFYING THE SPACE AS GOVERNMENTAL (SHELL)

The Lessor shall not post sign(s) or otherwise identify the facility and parking areas as a Government, or specific Government tenant, occupied facility, including during construction, without written Government approval.

POSTING OF REGULATORY SIGNAGE (SHELL)

The Government may post or request the Lessor to post regulatory, statutory, sensitive areas and site specific signage.

LANDSCAPING

LANDSCAPING REQUIREMENTS (SHELL)

Lessor shall maintain landscaping (trees, bushes, hedges, land contour, etc.) around the facility. Landscaping shall be neatly trimmed in order to minimize the opportunity for concealment of individuals and packages/containers. Landscaping shall not obstruct the views of security guards and CCTV cameras, or interfere with lighting or IDS equipment.

CRIME PREVENTION THROUGH ENVIRONMENTAL DESIGN (SHELL)

The Lessor shall separate from public access, restricted areas as designated by the Government, through the application of Crime Prevention Through Environmental Design (CPTED) principles by using trees, hedges, berms, or a combination of these or similar features, and by fences, walls, gates and other barriers, where feasible and acceptable to the Government.

HAZMAT STORAGE

If there is HAZMAT storage, Lessor shall locate it in a restricted area or storage container away from loading docks, entrances, and uncontrolled parking.

PLACEMENT OF RECEPTACLES, CONTAINERS, AND MAILBOXES

Trash receptacles, containers, mailboxes, vending machines, or other fixtures and/or features that could conceal packages, brief cases, or other portable containers shall be located 10 feet away from building.

SECURITY SYSTEMS

CLOSED CIRCUIT TELEVISION SYSTEM (CCTV)

LESSOR PROVIDED DESIGN, INSTALLATION, AND MAINTENANCE

The lessor shall design, install, and maintain a Closed Circuit Television (CCTV) system as described in this section. The CCTV system will support the entry control system (at entrances and exits to the space), with time lapse video recording, that will allow Government employees to view and communicate remotely with visitors before allowing access to the Space. As determined by the Government the CCTV system shall provide unobstructed coverage of designated pedestrian entrances and exits. Technical review of the proposed system shall be coordinated with the Government security representative, at the direction of the Contracting Officer, prior to installation. CCTV system testing and acceptance shall be conducted by the Government prior to occupancy. The CCTV system shall comply with the Architectural Barriers Act, section F230.0. The Government will centrally monitor the CCTV system. Government specifications are available from the Lease Contracting Officer. CCTV system components which fail or require maintenance or which fail during testing should be serviced in accordance with the Security System Maintenance Criteria listed below.

Security System Maintenance Criteria: The Lessor, in consultation and coordination with a security provider, either internal or external, as determined by the Lease Contracting Officer, and the Government security representative, shall implement a preventive maintenance program for all security systems the

Lessor has installed. Any critical component that becomes inoperable must be replaced or repaired by the Lessor within 5 business days. Critical components are those required to provide security (IDS, CCTV, access control, etc.) for a perimeter access point or critical area. "Replacement" may include implementing other temporary measures in instances where the replacement or repair is not achievable within the specified time frame (e.g. a temporary barrier to replace an inoperable pop-up vehicle barrier, etc.). Failure by the Lessor to provide sufficient replacement measures within the timeframe identified above may result in the Government's providing guard service, the cost of which must be reimbursed by the Lessor.

GOVERNMENT PROVIDED PRODUCT, INSTALLATION, AND MAINTENANCE

The Government shall provide and install an entry control system, with time lapse video recording, that will allow Government employees to view and communicate remotely with visitors before allowing access. This Closed Circuit Television (CCTV) system shall provide the Government with unobstructed coverage, as determined by the Government, of designated pedestrian entrances and exits. The Lessor shall permit twenty-four hour CCTV coverage and recording, provided and operated by the Government. The Government will centrally monitor the CCTV surveillance. Government specifications are available from the Contracting Officer. The Lessor shall post necessary regulatory, statutory, and/or site specific signage, as determined by the Government.

The Lessor, at the notice to proceed stage of the procurement, shall advise the Government of the appropriate time to install the equipment during the construction of the Space. The Lessor shall facilitate the installation by allowing access to electrical panels and other areas of the building as necessary.

INTRUSION DETECTION SYSTEM (IDS)

LESSOR PROVIDED DESIGN, INSTALLATION, AND MAINTENANCE

The Lessor shall design, install, and maintain an Intrusion Detection System (IDS) as described in this section. The Government requires an IDS, which will cover perimeter entry and exit doors, and operable ground-floor windows. Basic Security-in-Depth IDS components include: magnetic door switch(s), alarm system keypad, passive infrared sensor(s) (PIR), an alarm panel (to designated monitoring center) and appropriate communication method i.e. telephone and/or Internet connection, glass-break detector, magnetic window switches or shock sensors. Technical review of the proposed system shall be coordinated with the Government security representative, at the direction of the Lease Contracting Officer, prior to installation. System testing and acceptance shall be conducted by the Government prior to occupancy.

Basic Security-in-Depth IDS shall be connected to and monitored at a central station operated by the Department of Homeland Security Megacenter. Emergency notification lists shall be coordinated with the monitoring station to include all applicable Government and lessor points of contact. Monitoring shall be designed to facilitate a real-time detection of an incident, and to coordinate an active response to an incident. The Lessor must complete the Megacenter Alarm Requirements (MAR) application process specified by the Government to meet the monitoring requirements for a functional IDS. Components which fail or require maintenance or which fail during testing shall be serviced in accordance with the Security System Maintenance Criteria listed below..

Security System Maintenance Criteria: The Lessor, in consultation and coordination with a security provider, either internal or external, as determined by the Lease Contracting Officer, and the Government security representative, shall implement a preventive maintenance program for all security systems the Lessor has installed. Any critical component that becomes inoperable must be replaced or repaired by the Lessor within 5 business days. Critical components are those required to provide security (IDS, CCTV, access control, etc.) for a perimeter access point or critical area. "Replacement" may include implementing other temporary measures in instances where the replacement or repair is not achievable within the specified time frame (e.g. a temporary barrier to replace an inoperable pop-up vehicle barrier, etc.). Failure by the Lessor to provide sufficient replacement measures within the timeframe identified above may result in the Government's providing guard service, the cost of which must be reimbursed by the Lessor.

GOVERNMENT PROVIDED SCOPE AND PRODUCT, INSTALLATION, AND MAINTENANCE The Lessor shall permit installation of a perimeter Intrusion Detection System (IDS) to be operated by the Government. The Government shall provide and install an IDS on perimeter entry and exit doors, and operable ground-floor windows. Basic Security-in-Depth IDS— include: magnetic door switch(s), alarm system keypad, passive infrared sensor(s) (PIR), an alarm panel (to designated monitoring center) and appropriate communication method i.e. telephone and/or Internet connection, glass-break detector, magnetic window switches or shock sensors.

Basic Security-in-Depth IDS shall be connected and monitored at a central station. Emergency notification lists shall be coordinated with the monitoring station to include all applicable Government and Lessor points of contact. Monitoring shall be designed to facilitate a real-time detection of an incident, and to coordinate an active response to an incident.

The Lessor, at the notice to proceed stage of the procurement, shall advise the Government of the appropriate time to install the equipment during the construction of the Space. The Lessor shall facilitate the installation by allowing access to electrical panels and other areas of the building, as necessary.

DURESS ALARM

LESSOR PROVIDED DESIGN, INSTALLATION, AND MAINTENANCE

The Lessor shall design, install, and maintain a duress alarm system as described. Technical review shall be coordinated with the Government security representative, at the direction of the Contracting Officer, prior to installation. System testing and acceptance shall be conducted by the Government prior to occupancy. This system shall comply with the Architectural Barriers Act, section F230.0.

The Lessor in consultation and coordination with the security provider and Government shall conduct security system performance testing annually. Testing must be based on established, consistent agency-specific protocols, documented and furnished to the Contracting Officer. Components which fail or require maintenance or which fail during testing should be serviced in accordance with the Security System Maintenance Criteria listed below.

Security System Maintenance Criteria: The Lessor in consultation and coordination with a security provider, either internal or external, as determined by the Lease Contracting Officer, and the Government

security representative shall implement a preventive maintenance program for all security systems they have installed. Any critical component that becomes inoperable must be replaced or repaired within 5 business days. Critical components are those required to provide security (IDS, CCTV, access control, etc.) for a perimeter access point or critical area. "Replacement" may include implementing other temporary measures in instances where the replacement or repair is not achievable within the specified time frame (e.g. a temporary barrier to replace an inoperable pop-up vehicle barrier, etc.). Failure by the Lessor to provide sufficient replacement measures within the timeframe identified above may result in the Government's providing guard service, the cost of which must be reimbursed by the Lessor.

GOVERNMENT PROVIDED SCOPE, PRODUCT, INSTALLATION, AND MAINTENANCE

The Lessor shall permit installation of a duress alarm system to be provided and operated by the Government. The Government, in coordination with a security provider, either internal or external, as determined by the Contracting Officer, shall document and implement duress procedures for emergency situations.

The Lessor, at the notice to proceed stage of the procurement, shall advise the Government of the appropriate time to install the equipment during the construction of the Space and shall facilitate the installation, including access to electrical panels and other areas of the building, as necessary.

STRUCTURE

WINDOWS

No countermeasures are required for baseline standard.

OPERATIONS AND ADMINISTRATION

LESSOR TO WORK WITH FACILITY SECURITY COMMITTEE (FSC) (SHELL)

The Lessor shall cooperate and work with the buildings Facility Security Committee (FSC) throughout the term of the lease.

ACCESS TO BUILDING INFORMATION (SHELL)

Building Information—including mechanical, electrical, vertical transport, fire and life safety, security system plans and schematics, computer automation systems, and emergency operations procedures—shall be strictly controlled. Such information shall be released to authorized personnel only, approved by the Government, by the development of an access list and controlled copy numbering. The Contracting Officer may direct that the names and locations of -Government tenants not be disclosed in any publicly accessed document or record. If that is the case, the Government may request that such information not be posted in the building directory.

Lessor shall have emergency plans and associated documents readily available in the event of an emergency.

CYBERSECURITY (SHELL)

- A. Lessors are prohibited from connecting any portion of their building and access control systems (BACS) to any federally-owned or operated IT network. BACS include systems providing fire and life safety control, physical access control, building power and energy control, electronic surveillance, and automated HVAC, elevator, or building monitoring and control services (including IP addressable devices, application servers, or network switches).
- B. In the event of a cybersecurity incident related to BACS, the Lessor shall initially assess the cyber incident, identify the impacts and risks to the Building and its occupants, and follow their organization's cyber and IT procedures and protocols related to containing and handling a cybersecurity incident. In addition, the Lessor shall immediately inform the Lease Contracting Officer's (LCO's) designated representative, i.e., the Lease Administration Manager (LAM), about cybersecurity incidents that impact a federal tenant's safety, security, or proper functioning.
- C. Lessors are encouraged to put into place the following cyber protection measures in order to safeguard facilities and occupants:
 - 1. Engineer and install BACS to comply with the Department of Homeland Security Industrial Control Systems Computer Emergency Response Team (DHS ICS-CERT) cyber security guidance and recommendations (<https://ics-cert.us-cert.gov/Recommended-Practices>).
 - 2. Refer to the National Institute of Standards and Technology Cyber Security Framework (NIST-CSF) (<https://www.nist.gov/cyberframework>) and cybersecurity guidance in the DHS Commercial Facilities Sector-Specific Plan (<https://www.dhs.gov/publication/nipp-ssp-commercial-facilities-2015>) for best practices to manage cyber risks.
 - 3. Encourage vendors of BACS to secure these devices and software through the following:
 - a. Develop and Institute a proper Configuration Management Plan for the BACS devices and applications, so that the system can be supported.
 - b. Safeguard sensitive data and/or login credentials through the use of strong encryption on devices and applications. This means using NIST- approved encryption algorithms, secure protocols (i.e., Transport Layer Security (TLS) 1.1, TLS 1.2, TLS 1.3) and Federal Information Processing Standard (FIPS) 140-2 validated modules.
 - c. Disable unnecessary services in order to protect the system from unnecessary access and a potential exposure point by a malicious attacker. Examples include File Transfer Protocol-FTP (a protocol used for transferring files to a remote location) and Telnet (allowing a user to issue commands remotely). Additionally, use of protocols that transmit data in the clear (such as default ZigBee) should be avoided, in favor of protocols that are encrypted.
 - d. Close unnecessary open ports to secure against unprivileged access.
 - e. Monitor and free web applications and supporting servers of common vulnerabilities in web applications, such as those identified by the (Open Web Application Security Project (OWASP) Top 10 Project (https://www.owasp.org/index.php/Category:OWASP_Top_Ten_Project)).

- f. Enforce Least Privilege, where proper permissions are enforced on a device or application so that a malicious attacker cannot gain access to all data. Enforcing Least Privilege will only allow users to access data they are allowed to see. Additional information can be found at <https://www.beyondtrust.com/blog/what-is-least-privilege/>
- g. Protect against Insufficient User Access Auditing, where device or application does not have a mechanism to log/track activity by user. Enforce changing of factory default Username and Password to prevent unauthorized entry into the BACS system.
- h. Use updated antivirus software subscription at all times. Kaspersky-branded products or services, prohibited from use by the Federal Government, are not to be utilized.
- i. Conduct antivirus and spyware scans on a regular basis. Patching for workstations and server Operating System (OS), as well as vulnerability patching should follow standard industry best practices for software development life cycle (SDLC).
- j. Discontinue the use of end of life (EOL) systems and use only applications/systems that are supported by the manufacturer.
- k. Operating Systems must be supported by the vendor for security updates (e.g., do not use Windows Server 2003).
- l. Proposed standard installation, operation, maintenance, updates, and/or patching of software shall not alter the configuration settings from the approved United States Government Configuration Baseline (USGCB) or tenant agency guidance (if applicable).
- m. Disallow the use of commercially-provided circuits to manage building systems and install building systems on a protected network, safeguarded by the enterprise firewalls in place. Workstations or servers running building monitor and control systems are not connected and visible on the public internet.
- n. Systems should have proper system configuration hardening and align with Center for Internet Security ([CIS](https://www.cisecurity.org/cis-benchmarks/)) benchmarks or other industry recognized benchmarks. Additional information can be found at <https://www.cisecurity.org/cis-benchmarks/>.

PRELEASE

FIRE PROTECTION AND LIFE SAFETY EVALUATION FOR AN OFFICE BUILDING

The prelease form contains two parts that must be completed depending on which floor the proposed offered space is located within a building. Part A must be completed when an offered space is located below the 6th floor of a building. Part A shall be completed by the Offeror or their authorized representative. Part B must be completed when an offered space is located on or above the 6th floor of a building. Part B shall be completed by a professional engineer. The Fundamental Code Requirements apply to Part A and Part B.

Fundamental Code Requirements

- a. The offered building shall be evaluated for compliance with the most recent edition of the building and fire code adopted by the jurisdiction in which the building is located; with the exception that the technical egress requirements of the building shall be evaluated based on the egress requirements of the most recent edition of the National Fire Protection Association (NFPA) 101, *Life Safety Code*. (Note: a building with a Certificate of Occupancy indicating that a building fully complies with the International Building Code shall be deemed to comply with this requirement.) All areas that do not meet the above stated criteria shall be identified as to the extent that they do comply.
- b. A fire escape located on the floor(s) where the offered space is located shall not be counted as an approved exit stair.
- c. An interlocking or scissor stair located on the floor(s) where the offered space is located shall only count as one exit stair.
- d. The number of floors used to determine when Part A or Part B is applicable is based on counting the number of floors starting from the street floor.

RELEASE FIRE PROTECTION AND LIFE SAFETY EVALUATION FOR AN OFFICE BUILDING

PART A

The Offeror or their representative shall complete Part A. Part A consists of a series of short answer and yes/no/not applicable questions related to general building information and fire protection and life safety systems. Upon completion of Part A, the Offeror must sign and date the "Offeror's Statement". Part A is applicable to offered space located below the 6th floor of the building.

I. BUILDING ADDRESS

Building Name: **Portland International Jetport**
 Building Address: **1001 Westbrook Street**
 City: **Portland**
 State: **Maine**
 9-Digit Zip Code: **04102**

II. GENERAL BUILDING INFORMATION

a. Identify each floor on which space is offered and the square footage of space on each floor offered to Government:

Floor	2					
Sq. Ft. Per Floor	8215					

b. Identify the total number of floors in the building starting at the street floor: 3

c. Identify the total number of floors in the building below the street floor: 1

d. Identify which floor(s) in the building permit reentry from the exit stair enclosure to the interior of the building: Floors 1, & 2

III. OTHER USES IN BUILDING (Check All That Apply)

☐ Restaurants	☐ Laboratories	☐ Storage	☐ Retail	☐ Parking Garage	☐ Other (list)
X		X	X		

IV. AUTOMATIC FIRE SPRINKLER SYSTEM

Please Check YES, NO, or N/A to the following questions:	YES	NO	N/A
a. Is an automatic fire sprinkler system installed throughout the building?		X	
b. If automatic fire sprinklers are installed within the building, is the automatic fire sprinkler system maintained in accordance with the applicable local codes or NFPA 25, <i>Standard for the Inspection, Testing, and Maintenance of Water-Based Fire Protection Systems</i> ?	X		

V. FIRE ALARM SYSTEM

Please Check YES, NO, N/A to the following questions:	YES	NO	N/A
a. Is a fire alarm system installed in the building?	X		
b. Is an emergency voice/alarm communication system installed in the building?	X		
c. If a fire alarm system is installed in the building, are audible devices (e.g., horns, bells, speakers, etc.) installed on the floor in which the offered space is located in the building?	X		
d. If a fire alarm system is installed in the building, are strobe devices installed on the floor in which the offered space is located in the building?	X		
e. If a fire alarm system is installed in the building, is the fire alarm system over 25 years old?		X	
f. If a fire alarm system is installed in the building, does the operation of the fire alarm system automatically notify the local fire department via any of the following means: directly to the local fire department, to the (911) public communications center, to a central station, to a remote supervising station, or to a proprietary supervising station?	X		
g. If a fire alarm system is installed in the building, is the fire alarm system maintained in accordance with the applicable local codes or NFPA 72, <i>National Fire Alarm and Signaling Code</i> ?	X		

RELEASE FIRE PROTECTION AND LIFE SAFETY EVALUATION FOR AN OFFICE BUILDING

VI. EXIT SIGNS & EMERGENCY LIGHTING

Please Check YES, NO, or N/A to the following questions:	YES	NO	N/A
a. Are exit signs installed in the paths of egress travel to the exit stairs or exits?	X		
b. Is emergency lighting installed in the paths of egress travel to the exit stairs or exits?	X		
c. If an emergency lighting system is installed in the building, is the emergency lighting system arranged to provide illumination automatically in the event of any interruption of the building's normal lighting system?	X		

VII. ELEVATORS

Please Check YES, NO, or N/A to the following questions:	YES	NO	N/A
Are elevators installed in the building?	X		
If elevators are installed in the building, are the elevator cars equipped with a telephone or another two-way communication system?	X		
If elevators are installed in the building, are the elevators recalled by smoke detectors located in the elevator lobbies and elevator machine rooms?	X		

VIII. ADDITIONAL INFORMATION

OFFEROR'S STATEMENT

I hereby attest that the above information is complete and accurate to the best of my knowledge.

Signature:  Date: 2-10-21

Printed Name: Charles Norton

Title: Deputy Director Engineering & Facilities

Name of Firm: Portland International Jetport

MEMORANDUM
City Council Agenda Item

FROM: Mary Davis, Division Director

DATE: March 22, 2021

SUBJECT: Order 198-20/21 Amending Order 281-18/19 by Changing the Developer Name in the Credit Enhancement Agreement for the 66 State Street Affordable Housing Development District - Sponsored by Jon P. Jennings, City Manager

SPONSOR: Councilor Spencer Thibodeau, Chair of the Housing and Economic Development Department

(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 4/26/2021

Final Action 4/26/2021

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

PRESENTATION: (List the presenter(s), type and length of presentation) Mary Davis is available for questions.

I. SUMMARY

The request is to consent to amend the name of the Developer in the Credit Enhancement Agreement (CEA) for the 66 State Street Affordable Housing Tax Increment Financing District from Phoenix at Danforth, LP to DC 66 State LLC.

II. AGENDA DESCRIPTION

This item amends Order 281-18/19 by changing the name of the developer in the Credit Enhancement Agreement (CEA) for the 66 State Street Affordable Housing Tax Increment Financing District from Phoenix at Danforth, LP to DC 66 State LLC.

On July 15, 2019, the Council authorized the City Manager to enter into a Credit Enhancement Agreement with the developer of the new building, Phoenix at Danforth, LP. While the developer remains the same, their legal name has changed. In order to proceed with the CEA, the original order must be amended to reflect the current legal name of the developer.

The Housing & Economic Development Committee met on March 16, 2021 and voted 3-0 to recommend approval of the name change to the City Council.

III. BACKGROUND

In July of 2019 the City Council voted to approve the designation of an Affordable Housing Tax Increment Financing District entitled The 66 State Street Affordable Housing Tax Increment Financing District. A companion order authorized the City Manager to enter into a Credit Enhancement Agreement with Phoenix at Danforth, LP. (Order 280-18/19 and Order 281-18/19).

IV. INTENDED RESULT AND/OR COUNCIL GOAL ADDRESSED

To amend the name of the developer in the Credit Enhancement Agreement related to the 66 State Street Affordable Housing Tax Increment Financing District.

V. FINANCIAL IMPACT

The amendment would not alter the financial terms outlined in the District Program and Credit Enhancement Agreement for the 66 State Street Affordable Housing Tax Increment Financing District.

VI. STAFF ANALYSIS AND BACKGROUND

Staff reviewed the request and determined that the requested amendment is appropriate under the terms of the City Council approved District Development Program and Credit Enhancement Agreement.

VII. RECOMMENDATION

The Housing and Economic Development Committee met on March 16, 2021 and voted 3-0, to recommend that the City Council approve the request to amend the name of the developer from Phoenix at Danforth LP to DC 66 State LLC in the Credit Enhancement Agreement for the 66 State Street Affordable Housing Tax Increment Financing District.

VIII. LIST ATTACHMENTS

1. 66 State Street Amendment to Order 281-FY19 CEA to DC 66 State LLC 4.5.2021
2. State Street CEA

Prepared by:

Mary Davis, Division Director

Date: 3/22/2021

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 ORDER 181-18/19
BY CHANGING THE DEVELOPER NAME
IN THE CREDIT ENHANCEMENT
AGREEMENT FOR THE 66 STATE STREET
AFFORDABLE HOUSING DEVELOPMENT DISTRICT**

ORDERED, that the City Council hereby amends Order 281-18/19 by changing the developer name in the Credit Enhancement Agreement for the 66 State Street Affordable Housing Development District, originally Phoenix at Danforth, LP, to DC 66 State LLC, 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 documents and any other related documents necessary or convenient to carry out the intent of said documents.

CREDIT ENHANCEMENT AGREEMENT

This Credit Enhancement Agreement, dated as of September 20, 2019, between the City of Portland, Maine, a municipal body corporate and politic and a political subdivision of the State of Maine (the “City”), and ~~Phoenix at Danforth, LP~~ DC 66 State LLC, a Maine limited ~~partnership~~ liability company (the “Developer”).

WITNESSETH THAT

WHEREAS, the City designated the 66 State Street Affordable Housing Development Tax Increment Financing District (the “District”) pursuant to Chapter 206, subchapter 3 of Title 30-A of the Maine Revised Statutes, as amended, by vote of the City Council at a meeting held on July 15, 2019 and pursuant to the same City Council Meeting action adopted a development program and financial plan for the District (the “Development Program”), and

WHEREAS, the Director of the Maine State Housing Authority has this date reviewed and approved the District and the Development Program, and

WHEREAS, the Development Program contemplates the execution and delivery of a credit enhancement agreement between the City and the Developer and the City approved the execution and delivery of a credit enhancement agreement as described in the Development Program pursuant to such City Council Meeting approval and a resolution of the Municipal Officers, adopted July 15, 2019 by vote of the City Council and the City and the Developer desire and intend that this Credit Enhancement Agreement be and constitute the Credit Enhancement Agreement contemplated by and described in the Development Program;

NOW, THEREFORE, in consideration of the foregoing and in consideration of the mutual promises and covenants set forth herein, the parties hereby agree as follows:

ARTICLE I: DEFINITIONS

Section 1.1. Definitions. The terms defined in this Article I shall, for all purposes of this Agreement, have the meanings herein specified, unless the context clearly requires otherwise:

“Affordable Housing Development Program Fund” means the Affordable Housing Development Program Fund described in Article III of the Development Program and established and maintained pursuant to Article II hereof.

“Agreement” means this Credit Enhancement Agreement between the City and the Developer.

“Captured Assessed Value” means the amount, stated as percentages or stated sums, of the Increased Assessed Value that is utilized from year to year to finance the Capital Program and Public Improvements described in the Development Program; the Captured Assessed Value of the District shall be 75% of the Increased Assessed Value.

“City” means the City of Portland, Maine, a municipality duly organized and existing under the laws of the State of Maine, its successors and assigns.

“Current Assessed Value” means the assessed value of the District certified by the municipal assessor as of April 1st of each year that the District remains in effect.

“Developer” means ~~Phoenix at Danforth, LP~~DC 66 State LLC, its successors and assigns.

“Development Program” means the Development Program for the District as adopted by the City at a meeting of the City Council held on July 15, 2019.

“District” means the 66 State Street Affordable Housing Development Tax Increment Financing District designated by the City pursuant to Chapter 206, subchapter 3 of Title 30-A of the Maine Revised Statutes, as amended, by vote of its City Council at a meeting held on July 15, 2019.

“Financial Plan” means the financial plan described in Article III of the Development Program.

“Fiscal Year” means July 1 to June 30 each year or such other fiscal year as the City may establish.

“Increased Assessed Value” means the valuation amount by which the Current Assessed Value of the District exceeds the Original Assessed Value of the District. If the Current Assessed Value is equal to or less than the Original Assessed Value, there is no Increased Assessed Value.

“Original Assessed Value” means the assessed value of the District as of March 31, 2019, which amount was zero Dollars (\$0.00).

“Project” means the design, planning, development, acquisition, construction, financing and installation of the Development Program as described in Section 2.03 of said Development Program.

“Project Costs” means any expenditures or monetary obligations incurred or expected to be incurred that are authorized by section 5249 of title 30-A of the Maine Revised Statutes and included in the Development Program.

“Project Cost Account” means the Developer’s Project Cost Account described in Article III of the Development Program and established and maintained pursuant to Article II of this Agreement.

“Property Taxes” means any and all ad valorem property taxes levied, charged or assessed against real estate in the District by the City or on its behalf.

“Qualified Investments” means any and all securities, obligations or accounts in which municipalities may invest their funds under applicable Maine law.

“Tax Increment” means all Property Taxes assessed by the City, in excess of any state, county or special district tax, upon the Increased Assessed Value of all property in the District.

“Tax Increment Revenues (Developer’s Share)” means that percentage of the Tax Increment with respect to real estate now or hereafter located in the District retained pursuant to the terms of the Development Program to pay Project Costs of the Capital Program, and which amount is to be deposited each year during the term of this Agreement in the Developer’s Project Cost Account to fund payments to the Developer due pursuant to this Agreement. The Tax Increment Revenues (Developer’s Share) is seventy-five percent (75%). The Tax Increment Revenues (Developer’s Share) will be calculated each year as more particularly described herein and in Exhibit A of the Development Program and will be based on the Increased Assessed Value of the District which percentage or amount shall be captured and retained to pay to the Developer the costs of the Capital Program described in the Development Program.

"Tax Shift" means the sum of the following amounts as calculated under the Tax Shift Formulas, as hereafter defined: (a) the difference between (i) the county tax payable by the City if the Captured Assessed Value that under the then existing Tax Shift Formulas is not included in the actual calculation of County Tax were included in the City's valuation in calculating the county tax, and (ii) the county tax payable by the City to the extent that the Captured Assessed Value is excluded from the City's valuation in calculating the county tax; plus (b) the difference between (i) the State aid to education that would be received by the City if the Captured Assessed Value that under the then existing Tax Shift Formulas is not included in the actual calculation of State aid to education were included in the City's valuation in calculating State aid to education, and (ii) the State aid to education that received by the City to the extent that the Captured Assessed Value is excluded from the City's valuation in calculating such amounts of State aid to education; plus (c) the difference between (i) the State revenue sharing that would be received by the City if the Captured Assessed Value that under the then existing Tax Shift Formulas is not included in the actual calculation of State revenue sharing were included in the City's valuation in calculating the amount of State revenue sharing, and (ii) the State revenue sharing received each year to the extent that the Captured Assessed Value is excluded in the City's valuation in calculating such amounts of revenue sharing. Examples of the calculation of the estimated Tax Shifts based on the current Tax Shift Formulas are attached as Exhibit F to the Development Program.

"Tax Shift Formulas" means the formulas utilized by the State of Maine in calculating (a) the county tax payable in accordance with 30-A M.R.S.A. § 706 and 36 M.R.S.A. §§ 305(1), 381, as amended, and any successor provisions; (b) the municipal revenue sharing distribution of the Local Government Fund in accordance with 30-A M.R.S.A. §5681, as amended, and any successor provision, provided, however, that distribution of the Disproportionate Tax Burden Fund (the Revenue II fund), if any, shall not be taken into consideration in such calculation since taxes assessed on captured value within a tax increment financing district are included in the amounts of the property assessed in determining allocations of such Disproportionate Tax Burden Fund; and (c) State aid to education, including aid for total operating costs, total program cost allocation (taking into account the maximum local share or circuit breaker) and total debt service cost allocation (taking into account the maximum local share or circuit breaker), but not taking into account any hold harmless or hardship cushion that results in additional State aid to education to the prior year's level even through the calculation would have resulted in a reduction, all as computed in accordance with Maine Department of Education Form ED 261 or any successor form.

"Tax Payment Date" means the date(s) on which Property Taxes levied by the City are due and payable from owners of property located within the City.

Section 1.2. Interpretation and Construction. In this Agreement, unless the context otherwise requires:

(a) The terms "hereby," "hereof," "hereto," "herein," "hereunder" and any similar terms, as used in this Agreement, refer to this Agreement, and the term "hereafter" means after, and the term "heretofore" means before the date of delivery of this Agreement.

(b) Words importing a particular gender mean and include correlative words of every other gender and words importing the singular number mean and include the plural number and vice versa.

(c) Words importing persons mean and include firms, associations, partnerships (including limited partnerships), limited liability companies, trusts, corporations and other legal entities, including public or governmental bodies, as well as any natural persons.

(d) Any headings preceding the texts of the several Articles and Sections of this Agreement, and any table of contents or marginal notes appended to copies hereof, shall be solely for convenience of reference and shall not affect its meaning, construction or effect.

(e) All notices to be given hereunder shall be given in writing and, unless a certain number of days is specified, within a reasonable time. All approvals, consents and acceptances required to be given or made by any signatory hereto shall not be withheld unreasonably.

(f) If any clause, provision, Article or Section of this Agreement shall be ruled invalid by any court of competent jurisdiction, the invalidity of such clause, provision, Article or Section shall not affect any of the remaining provisions hereof.

ARTICLE II: DEVELOPER'S PROJECT COST ACCOUNT OF THE AFFORDABLE HOUSING DEVELOPMENT PROGRAM FUND AND FUNDING REQUIREMENTS

Section 2.1. Creation of Developer's Project Cost Account of the Affordable Housing Development Program Fund. The City hereby confirms the creation and establishment of (a) the 66 State Street Affordable Housing Development District Affordable Housing Development Program Fund (the "Affordable Housing Development Program Fund"); and (b) a segregated fund in the name of the City designated as the "66 State Street Affordable Housing Development District Developer's Project Cost Account of the Affordable Housing Development Program Fund" (the "Developer's Project Cost Account") pursuant to, and in accordance with the terms and conditions of the Development Program. The Affordable Housing Development Program Fund shall consist solely of the Developer's Project Cost Account as described in the Development Program.

Section 2.2. Deposits into Developer's Project Cost Account of the Affordable Housing Development Program Fund. The City shall deposit into the Developer's Project Cost Account contemporaneously with each payment of Property Tax by owners of property in District during the term of the District an amount equal to that portion thereof constituting the Tax Increment Revenues (Developer's Share) for the period or year to which the payment relates and shall allocate the amount so deposited to fund fully and pay the payments due to Developer under Article III of this Agreement.

Section 2.3. Use of Monies in Developer's Project Cost Account of the Affordable Housing Development Program Fund. Monies deposited in the Developer's Project Cost Account shall be used and applied exclusively to fund the City's payment obligation described in Article III hereof.

Section 2.4. Monies Held in Trust. All monies required to be deposited with or paid into the Developer's Project Cost Account to fund payments of the Developer under the provisions hereof and the provisions of the Development Program, shall be held by the City in trust, for the benefit of the Developer.

Section 2.5. Investments. The monies in the Developer's Project Cost Account shall be invested and reinvested in Qualified Investments as determined by the City. The City shall have discretion regarding the investment of such monies, provided such monies are invested in Qualified Investments. As and when any amounts thus invested may be needed for disbursements, the City shall cause a sufficient amount of such investments to be sold or otherwise converted into cash to the credit of such account. The City shall have the sole and exclusive right to designate the investments to be sold and to otherwise direct the sale or conversion to cash of investments made with monies in the Developer's Project Cost Account.

Section 2.6. Liens. The City shall not hypothecate or grant or create any liens, security interests, encumbrances, or other interests of any nature whatsoever, with respect to the Developer's Project Cost Account or any funds therein, other than the interest granted to the Developer hereunder in and to the amounts on deposit therein.

ARTICLE III: PAYMENT OBLIGATIONS

Section 3.1. Credit Enhancement Payments. (a) The term of this Agreement shall be for the period beginning on the effective date of the approval of the District by the Director of the Maine State Housing Authority, being September 20, 2019 and continuing for thirty (30) years as described below. Subject to the conditions set forth below, the City agrees to pay to the Developer within 30 days of the end of each fiscal year (ends June 30 each year) this Agreement is in effect payments equal to the Tax Increment Revenues (Developer's Share) beginning with the designation and approval of the District by the Director of the Maine State Housing Authority, that being the City Tax Year beginning April 1, 2020 and ending March 31, 2021, which is Fiscal Year beginning July 1, 2020 and ending June 30, 202120 (TY20/FY21) and continuing for 30 years thereafter with each Fiscal Year of the City through and including June 30, 2050 (TY49/FY50). The City shall make all such payments of the Tax Increment Revenues (Developer's Share) to the Developer, its successors and assigns according to Exhibit A of the Development Program, based upon the corresponding fiscal year's projected allocation percentage for each payment. The Developer's share will be 100% of the captured revenue (based on 75% of the value captured) as indicated on Exhibit A. The obligation of the City to make such payments shall be a limited obligation payable solely from that portion of the Tax Increment Revenues (Developer's Share) payable to the Developer hereunder, whether or not actually deposited into the Developer's Project Cost Account, and shall not constitute a general debt or obligation on the part of the City or a general obligation or charge against or pledge of the faith and credit or taxing power of the City, the State of Maine or any political subdivision thereof.

(b) If, with respect to any Tax Payment Date, the owner or owners of property in the District fail(s) to pay any portion of the Property Taxes assessed by the City, because of a valuation dispute or otherwise, the Property Taxes actually paid with respect to such Tax Payment Date shall first be applied to taxes due on account of the Original Assessed Value and second shall constitute Tax Increment Revenues.

(c) Annually, Developer will provide operating cash flow statements as back-up documentation of Projects Costs for its TIF payments, which documentation will be kept confidential by the City.

Section 3.2. Prior to receiving the first payment under this Agreement:

(a) Developer shall provide evidence reasonably satisfactory to the City of the Company's ability to complete the Project in accordance with State law. Reasonably satisfactory evidence shall include the Company's having closed on the financing for the Project.

(b) On a bi-weekly basis during the course of construction of the Project, Developer must provide documentation in a form reasonably satisfactory to the City demonstrating that all firms employed in the construction phase of the Project have compensated their employees, at all relevant times, the current wage rates and fringe benefits as required under applicable state prevailing wage law, 26 M.R.S. §1306, or the City's minimum wage requirements set forth in Chapter 33, Sections 1 - 12 of the Portland City Code, whichever is greater. The City will provide the Developer with information that the

Developer must include in all bid materials that the Developer provides to prospective contractors who may bid on the project to ensure that the wage requirements set forth in this section are met.

(c) Developer must provide evidence reasonably satisfactory to the City demonstrating that the Project was designed, constructed and rehabilitated in accordance with City's Green Building Code set forth in the Chapter 6, Article VII, of the Portland City Code.

Section 3.3. Failure to Make Payment. In the event the City should fail to, or be unable to, make any of the payments required under Section 3.1 hereof, the item or installment so unpaid shall continue from year-to-year, as a limited obligation of the City, under the terms and conditions hereinafter set forth, until the amount unpaid shall have been fully paid and the City agrees to pay the same with interest thereon at the rate equal to the interest rate per annum payable by owners of property in the City on Property Taxes that are not paid when due, but only from Tax Increment Revenues (Developer's Share) paid to the City by the Developer from time to time, and any earnings thereon, whether or not deposited into the Developer's Project Cost Account of the Affordable Housing Development Program Fund. Payments shall be applied first against accrued interest and then against principal. The Developer shall have the right to initiate and maintain an action to specifically enforce the City's obligations hereunder, including without limitation, the City's obligation to deposit all Tax Increment Revenues (Developer's Share) to the Developer's Project Cost Account and its obligation to make payments to the Developer.

Section 3.4. Manner of Payments. The payments provided for in this Article III shall be paid in immediately available funds directly to the Developer in the manner provided hereinabove for its own use and benefit, for qualified Project Costs.

Section 3.5. Obligations Unconditional. The obligations of the City to make the payments described in this Agreement in accordance with the terms hereof shall be absolute and unconditional irrespective of any defense or any rights of setoff, recoupment or counterclaim it might otherwise have against the Developer. The City shall not suspend or discontinue any such payment or terminate this Agreement for any cause, including without limitation, any acts or circumstances that may constitute failure of consideration or frustration of purpose or any damage to or destruction of the Project or any change in the tax or other laws of the United States, the State of Maine or any political subdivision of either thereof.

Section 3.6. Limited Obligation. The City's obligations of payment hereunder shall be limited obligations of the City payable solely from monies on deposit in the Developer's Project Cost Account and Affordable Housing Development Program Fund, and any earnings thereon, pledged therefor under this Agreement. The City's obligations hereunder shall not constitute a general debt or a general obligation or charge against or pledge of the faith and credit or taxing power of the City, the State of Maine, or of any municipality or political subdivision thereof, but shall be payable solely from that portion of the Tax Increment Revenues (Developer's Share) payable to the Developer hereunder, and any earnings thereon, whether or not actually deposited into the Developer's Project Cost Account. This Agreement shall not directly or indirectly or contingently obligate the City, the State of Maine, or any other municipality or political subdivision to levy or to pledge any form of taxation or to levy or to make any appropriation for their payment, excepting the City's obligation to levy Property Taxes upon the property in the District and the pledge of the Tax Increment Revenues (Developer's Share), and earnings thereon, established under this Agreement.

Section 3.7. Nondiscrimination. The Developer and its contractors employed in the construction phase the Project shall adhere to a policy of non-discrimination in all employment actions, practices, policies, procedures, phases, and conditions of employment. All

employment-related decisions (including but not limited to hiring, discharge, transfers, promotions, discipline, training, job opportunities, and wage and salary levels) will be made without discrimination based on an individual's race or color, religion, age, sex (including pregnancy), sexual orientation, gender identity or expression, ancestry or national origin, physical or mental disability, veteran status, genetic information, previous assertion of a claim or right under Maine's Workers' Compensation Act, previous actions taken protected under Maine's Whistleblowers' Protection Act, or any other protected group status as defined by applicable law. Provisions in applicable laws providing for bona fide occupational qualifications, business necessity, or age limitations will be adhered to by the developer and its contractors where appropriate. This policy shall not be construed to prohibit any employment action or policy which is required by federal law, rule or executive order.

ARTICLE IV: PLEDGE AND SECURITY INTEREST

Section 4.1. Pledge of Developer's Project Cost Account. In consideration of this Agreement and other valuable consideration and for the purpose of securing payment of the amounts provided for hereunder to the Developer by the City, according to the terms and conditions contained herein, and in order to secure the performance and observance of all of the City's covenants and agreements contained herein, the City does hereby grant a security interest in and pledge to the Developer the Developer's Project Cost Account and the Affordable Housing Development Program Fund to the extent of Developer's Rights under this Agreement to receive funds from the Developer's Project Cost Account and all sums of money and other securities and investments now or hereafter therein.

Section 4.2. Perfection of Interest. The City authorizes the Developer to file and, if necessary, shall cooperate with the Developer in causing appropriate financing statements and continuation statements naming the Developer as pledgee of all amounts from time to time on deposit in the Developer's Project Cost Account and the Affordable Housing Development Program Fund to be duly filed and recorded in the appropriate state offices as required by and permitted under the provisions of the Maine Uniform Commercial Code or other similar law as adopted in the State of Maine and any other applicable jurisdiction, as from time to time amended, in order to perfect and maintain the security interests created hereunder. To the extent deemed necessary by the Developer, the City will at such time and from time to time as requested by Developer establish the Developer's Project Cost Account as a segregated fund under the control of an escrow agent, trustee or other fiduciary so as to perfect Developer's interest therein.

Section 4.3. Further Instruments. The City shall, upon the reasonable request of the Developer, from time to time execute and deliver such further instruments and take such further action as may be reasonable and as may be required to carry out the provisions of this Agreement; provided, however, that no such instruments or actions shall pledge the credit of the City.

Section 4.4. No Disposition of Developer's Project Cost Account. Except as permitted hereunder, the City shall not sell, lease, pledge, grant a security interest in, assign or otherwise dispose, encumber or hypothecate any interest in the Developer's Project Cost Account and the Affordable Housing Development Program Fund and will promptly pay or cause to be discharged or make adequate provision to discharge any lien, charge or encumbrance on any part hereof not permitted hereby.

Section 4.5. Access to Books and Records. All books, records and documents in the possession of the City relating to the District, the Development Program, this Agreement and the monies, revenues and receipts on deposit or required to be deposited into the Developer's Project Cost Account shall at all reasonable times be open to inspection by the Developer, its agents, lenders, designees and employees.

ARTICLE V: DEFAULTS AND REMEDIES

Section 5.1. Events of Default. Each of the following events shall constitute and be referred to in this Agreement as an “Event of Default:”

(a) any failure by the City to pay any amounts due to Developer when the same shall become due and payable;

(b) any failure by the City to make deposits into the Affordable Housing Development Program Fund or the Developer’s Project Cost Account as and when due;

(c) any failure by the City or the Developer to observe and perform in all material respects any covenant, condition, agreement or provision contained herein on the part of the City or the Developer to be observed or performed, provided, however, that failure of Developer or any other owner of property in the District to pay Property Taxes when due shall not constitute an event of default hereunder; or

(d) if a decree or order of a court or agency or supervisory authority having jurisdiction in the premises of the appointment of a conservator or receiver or liquidator of, any insolvency, readjustment of debt, marshalling of assets and liabilities or similar proceedings, or for the winding up or liquidation of the City’s affairs shall have been entered against the City or the City shall have consented to the appointment of a conservator or receiver or liquidator in any such proceedings of or relating to the City or of or relating to all or substantially all of its property, including without limitation, the filing of a voluntary petition in bankruptcy by the City or the failure by the City to have a petition in bankruptcy dismissed within a period of ninety (90) consecutive days following its filing or in the event an order for release has been entered under the Bankruptcy Code with respect to the City.

Section 5.2. Remedies on Default. Whenever any Event of Default referred to in Section 6.1 hereof shall have occurred and be continuing, the non-defaulting party may take any one or more of the following remedial steps: (a) the non-defaulting party may take whatever action at law or at equity as may appear necessary or desirable to collect any amount then due and thereafter to become due, to specifically enforce the performance or observance of any obligations, agreements or covenants of the non-defaulting party under this Agreement and any documents, instruments and agreements contemplated hereby or to enforce any rights or remedies available hereunder; and (b) the Developer shall also have the right to exercise any rights and remedies available to a secured party under the laws of the State of Maine.

Section 5.3. Remedies Cumulative. No remedy herein conferred upon or reserved to any party is intended to be exclusive of any other available remedy or remedies but each and every such remedy shall be cumulative and shall be in addition to every other remedy given under this Agreement or now or hereafter existing at law, in equity or by statute. Delay or omission to insist upon the strict performance of any of the covenants and agreements herein set forth or to exercise any rights or remedies upon the occurrence of an Event of Default shall not impair any relinquishment for the future of the rights to insist upon and to enforce, from time to time and as often as may be deemed expedient, by injunction or other appropriate legal or equitable remedy, strict compliance by the City with all of the covenants and conditions hereof, or of the rights to exercise any such rights or remedies, if such Event of Default be continued or repeated.

Section 5.4. Agreement to Pay Attorneys' Fees and Expenses. Notwithstanding the application of any other provision hereof, in the event any party should default under any of the provisions of this Agreement and the non-defaulting party shall require and employ attorneys or incur other expenses or costs for the collection of payments due or to become due or for the enforcement of performance or observance of any obligation or agreement on the part of the City or the Developer herein contained, the defaulting party shall, on demand thereof pay to the non-defaulting party the reasonable ~~attorneys~~attorney's fees, costs and expenses so incurred by the non-defaulting party.

Section 5.5. Disputes. The parties agree that in the event of any dispute or disagreement hereunder the City shall continue to make payment of all amounts due hereunder in the manner and at the times specified herein until final resolution of such dispute, whether by mutual agreement or final decision of a court, arbitrator or other dispute resolution mechanism. The City hereby waives any right to withhold, suspend or setoff payments during the pendency of any such dispute, this waiver being limited and expressly intended to affect only those rights necessarily related to or arising directly under the terms of this Agreement.

ARTICLE VI: EFFECTIVE DATE, TERM AND TERMINATION

Section 6.1. Effective Date and Term. This Agreement shall become effective upon its execution and delivery by the parties hereto and shall remain in full force from the date hereof for the entire term of this Agreement and shall expire upon the payment of all amounts due to the Developer hereunder and the performance of all obligations on the part of the City and the Developer hereunder.

Section 6.2. Cancellation and Expiration of Term. At the termination or other expiration of this Agreement and following full payment of all amounts due and owing to the Developer hereunder or provision for payment thereof and of all other fees and charges having been made in accordance with the provisions to this Agreement, the City and the Developer shall each execute and deliver such documents and take or cause to be taken such actions as may be necessary to evidence the termination of this Agreement.

ARTICLE VII: ASSIGNMENT AND PLEDGE OF DEVELOPER'S INTEREST

Section 7.1. Consent to Pledge and/or Assignment. The City hereby acknowledges that it is the intent of the Developer to pledge and assign and to grant security interests in and to this Agreement and the amounts payable to Developer hereunder and Developer's right, title and interest in, to and under this Agreement as collateral for financing for the Project, although no obligation is hereby imposed on the Developer to make such assignment or pledge or to grant such security interests. Recognizing this intention, the City does hereby consent and agree to the grant of such security interests and to the pledge and assignment of all the Developer's right, title and interest in, to and under this Agreement and in and to the payments to be made to Developer hereunder, to third parties as collateral or security for indebtedness and other obligations or otherwise, on one or more occasions during the term hereof.

Section 7.2. Pledge, Assignment or Security Interest. The City hereby consents to the pledge, assignment or granting of a security interest by the Developer (or the pledge and assignment by any one Developer) of its right, title and interest in, to and under this Agreement. The City agrees to execute and deliver any assignments, pledge agreements, consents or other confirmations required by the prospective secured party, pledgee or assignee, including without limitation, recognition of the secured party, pledgee or assignee as the holder of all right, title and interest herein and as the payee of amounts due and payable hereunder and any and all such other documentation as shall confirm to such secured party, pledgee or assignee the position of such secured party, assignee or pledgee and the irrevocable and binding nature of

this Agreement and provide to the secured party, pledgee or assignee such rights and/or remedies as it may deem necessary for the establishing, perfection and protection of its interest herein.

Section 7.3. Assignment. Except as provided in this Article VII, the Developer shall not have the right to transfer and assign to any person or entity all or any portion of its rights in, to and under this Agreement; provided however, that any transfer of the real property within the District shall carry with it the benefit of this Agreement so long as (i) the portion of the rental units within the District which are required to be affordable under the Declaration of Covenants, Conditions and Restrictions executed by the Developer and the City remain affordable after such transfer; (ii) the prospective owner establishes to the reasonable satisfaction of the City that the financial benefits provided by this Agreement are still necessary to maintain the viability of the Project and (iii) the City Council approves the transfer. Without limiting the generality of the foregoing, if the two buildings in the District are held by distinct entities affiliated with Developer, then this Agreement may be partially assigned to each of such entities.

ARTICLE VIII: MISCELLANEOUS

Section 8.1. Successors. The covenants, stipulations, promises and agreements set forth herein shall bind and inure to the benefit of the respective successors and assigns of the parties hereto.

Section 8.2. Severability. In case any one or more of the provisions of this Agreement shall, for any reason, be held to be illegal or invalid, such illegality or invalidity shall not affect any other provision of this Agreement and this Agreement shall be construed and enforced as if such illegal or invalid provision had not been contained herein.

Section 8.3. No Personal Liability of Officials of the City. No covenant, stipulation, obligation or agreement of the City contained herein shall be deemed to be a covenant, stipulation or obligation of any present or future elected or appointed official, officer, agent, servant or employee of the City in his individual capacity and neither the members of the City Council of the City nor any official, officer, employee or agent of the City shall be liable personally with respect to this Agreement or be subject to any personal liability or accountability by reason hereof.

Section 8.4. Counterparts. This Agreement may be executed in any number of counterparts, each of which, when so executed and delivered, shall be an original, but such counterparts shall together constitute but one and the same Agreement.

Section 8.5. Governing Law. The laws of the State of Maine shall govern the construction and enforcement of this Agreement.

Section 8.6. Notices. All notices, certificates, requests, requisitions or other communications by the City or the Developer pursuant to this Agreement shall be in writing and shall be sufficiently given and shall be deemed given when hand delivered or mailed by first class mail, postage prepaid, addressed as follows:

If to the City: City Manager
 City Portland
 389 Congress Street
 Portland, Maine 04101

If to the Developer: ~~Phoenix at Danforth, LP~~ DC 66 State LLC
 c/o Developers Collaborative
 100 Commercial Street, Suite 414

Any of the parties may, by notice given to the other, designate any further or different addresses to which subsequent notices, certificates, requests or other communications shall be sent hereunder.

Section 8.7. Amendments. This Agreement may be amended only with the concurring written consent of the parties hereto.

Section 8.8. Net Agreement. This Agreement shall be deemed and construed to be a “net agreement,” and the City shall pay absolutely net during the term hereof all payments required hereunder, free of any deductions, and without any abatement, deductions or setoffs.

Section 8.9. Benefit of Assignees or Pledges. The City agrees that this Agreement is executed in part to induce secured parties, assignees or pledges to provide financing for the Project and accordingly all covenants and agreements on the part of the City as to the amounts payable hereunder are hereby declared to be for the benefit of any such secured parties, assignee or pledgee from time to time of the Developer’s right, title and interest herein.

Section 8.10. MaineHousing Rules and Requirements. The Developer and the City shall comply with any rules adopted by the Maine State Housing Authority and with any conditions of approval imposed by the Maine State Housing Authority following designation of the District. The City shall report annually to the Director of the Maine State Housing Authority regarding the status of the District, including the following matters as required by law: (a) certify that the public purpose of the District is being met; (b) account for any sales of property within the District; and (c) certify that rental units within the District remain affordable. The parties shall comply with the rule provisions for recovery of public revenue if conditions for approval of the District are not maintained for the duration of the District, as provided by rules adopted by the Maine State Housing Authority in accordance with applicable law. The Developer agrees to provide all information as required by the City to satisfy its reporting obligations.

Section 8.11. Affordability Covenants. The Developer and the City shall, in order to assure the continued affordability of the rental units as required by the Development Program, Maine State Housing Authority and applicable laws, regulations and ordinances, execute a declaration which is substantially in the same form as the “Declaration of Covenants, Conditions and Restrictions” which is attached to the Development Program as Exhibit I.

Section 8.12 Valuation Agreement. The Development Program makes certain assumptions and estimates regarding valuation, depreciation of assets, tax rates, estimated amounts of the Increased Assessed Value and the Tax Increment, estimated amounts of the Tax Increment Revenues (Developer’s Share), estimated development costs and other estimates. The City and the Developer hereby covenant and agree that the assumptions, estimates, analysis and results set forth in the Development Program shall in no way (a) prejudice the rights of any party to be used, in any way, by any party in either presenting evidence or making argument in any dispute which may arise with respect to Developer’s property for purposes of ad valorem property taxation or any tax abatement proceeding or (b) modify or change in any way the terms of this Agreement even if the actual results differ substantially from the estimates, assumptions or analysis.

Section 8.13. Integration. This Agreement completely and fully supersedes all other prior or contemporaneous understandings or agreements, both written and oral, between the City and the Developer relating to the specific subject matter of this Agreement and the transactions contemplated hereby.

IN WITNESS WHEREOF, the City and the Developer have caused this [Credit Enhancement Agreement](#) to be executed in their respective names and their respective seals to be hereunto affixed and attested by the duly authorized officers, all as of the date first above written.

WITNESS

CITY OF PORTLAND

By: _____
Jon P. Jennings, Its City Manager

_____, LP

[signatures continue on next page]

IN WITNESS WHEREOF, the City and the Developer have caused this Credit Enhancement Agreement to be executed in their respective names and their respective seals to be hereunto affixed and attested by the duly authorized officers, all as of the date first above written.

DC 66 STATE LLC

BY: _____, DC
Bunkers LLC, its Managing Member
~~Its General Partner~~

By: _____
Kevin Bunker, ~~Manager~~ its Member

G:\Shared drives\PUD - HCD\Housing\Affordable Housing TIF\2019 Requests\Developers Collaborative 66 State Street\Draft TIF Documents\02 66 State Street CEA 05.29.19 Draft from MD lp rdlns.DOCX

[C:\OneDrive\Documents\CT\DC Predevelopment LLC \(20981\)\State Street \(326\)\TIF\02 66 State Street CEA 3_9_21.DOCX](#)

MEMORANDUM
City Council Agenda Item

FROM: Greg Mitchell, Director

DATE: March 24, 2021

SUBJECT: Order 199-20/21 Approving a United States Environmental Protection Agency Brownfields Revolving Loan Fund Grant Application - 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 4/5/2021

Final Action 4/5/2021

Can action be taken at a later date: No The City received Notice on March 19, 2021, of the opportunity to apply for additional USEPA Brownfield Grant funds, with a deadline of April 19, 2021 to apply.

PRESENTATION: None anticipated.

I. SUMMARY

The Housing and Economic Development Department is seeking authorization to apply for up to \$500,000 in grant funds from the U.S. Environmental Protection Agency (USEPA) for supplemental Brownfields cleanup funds to recapitalize the City's Brownfields Revolving Loan Fund (RLF).

II. AGENDA DESCRIPTION

This Order seeks the City Council's authorization to apply for up to \$500,000 in a U.S. Environmental Protection Agency (USEPA) Supplemental Brownfields Revolving Loan Fund (RLF) grant, with the expectation that the funds will become available October 1, 2021. These funds will supplement the City's Brownfields RLF which was recapitalized in 2018 with a \$500,000 USEPA grant, allowing the provision of greater assistance for remediation and cleanup of Brownfields sites in Portland for redevelopment.

III. BACKGROUND

On behalf of the City, the Economic Development Department applied to USEPA back in December 2015 for \$800,000 in grant funds to recapitalize its Brownfields RLF. The USEPA awarded the grant in 2016 and all of the funds were subsequently approved by the Portland Development Corporation (PDC) for awards to the Children's Museum and Theatre of Maine (\$170,000 grant), Thompson's Point (\$350,000 loan), and Children's Odyssey School (\$180,000 grant), with the remaining \$100,000 being used for environmental and underwriting contractors, legal costs, travel, and other program expenses.

An application was submitted in 2017 for supplemental funds to recapitalize the program and was again successful with a grant of \$500,000 from the USEPA. Some of these funds were approved by the PDC and already deployed for cleanup at Portland Housing Authority's (PHA) 58 Boyd Street affordable housing development (\$125,000 grant), and another to the PHA for their Front Street affordable housing redevelopment project (\$125,000 grant). Just \$250,000 remains in loan funds.

As all of the City's Brownfields RLF funds have been utilized or are expected to be committed this year, the

City was invited by USEPA to again apply for supplemental funds.

IV. INTENDED RESULT AND/OR COUNCIL GOAL ADDRESSED

Should the application to USEPA be successful, with the City Council's subsequent approval to accept and appropriate the funds, the funds will be awarded as loans and sub-grants for the remediation and cleanup of contaminated properties in Portland with plans for redevelopment. The City will use the funds initially to hire a Qualified Environmental Professional(s) to assist staff in reaching out to property owners with contaminated properties and determining eligibility of Brownfields cleanup sites. This is the first step in ultimately providing more loans (to for-profits) and grants (to non-profits) for the continued cleanup of Brownfields sites in Portland.

V. FINANCIAL IMPACT

There will be no direct financial impact on the City, and a positive financial impact will be contaminated sites being remediated, redeveloped, and put back on the tax rolls providing revenue for the City and new jobs.

VI. STAFF ANALYSIS AND BACKGROUND

There are brownfields sites throughout the Portland peninsula and elsewhere in the City. The benefit to having available Brownfields funds is to help mitigate the additional cost of redeveloping contaminated sites. Clean sites will yield redevelopment and new revenue for the City as well as jobs. Up to \$500,000 in additional Brownfields cleanup funds will have a substantial impact on remediating/cleaning up more contaminated properties in Portland and redeveloping them.

VII. RECOMMENDATION

Housing and Economic Development Department staff recommend that the City Council authorize applying to the USEPA for a grant of up to \$500,000 in USEPA Brownfields Revolving Loan Funds.

VIII. LIST ATTACHMENTS

1. Order Approving a Brownfields Revolving Loan Fund Grant Application to the U.S. EPA 4.5.2021
2. USEPA Notice of 3-19-2021 for App Due 4-19-2021

Prepared by:

Greg Mitchell, Director

Date: 3/24/2021

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 APPROVING A UNITED STATES ENVIRONMENTAL PROTECTION
AGENCY BROWNFIELDS REVOLVING LOAN FUND GRANT APPLICATION**

ORDERED, that an application for an amount up to \$500,000 in a U.S. Environmental Protection Agency Brownfields Fund Grant is hereby approved in substantially the form attached hereto; and

BE IT FURTHER ORDERED, that the City Manager or his or her designee is hereby authorized to execute the Grant Agreement in substantially the form attached hereto and whatever other documents are necessary to effect the intent and purpose of this order.

**Fiscal Year 2021
Process and Considerations for Supplemental Funding
for Brownfields Revolving Loan Fund Grants**

Limited funds may be available to supplement existing Brownfields Revolving Loan Fund (RLF) Cooperative Agreement Recipients (CARs or recipients) that have made loan(s) and/or subgrant(s) and substantially depleted their pool of grant funds. Eligible recipients of RLF supplemental funding are limited to current CARs awarded under CERCLA Section 104(k) and those originally awarded under CERCLA Section 104(d) that have transitioned a grant(s) to Section 104(k) as provided in Section 104(k)(3)(D). RLF CARs applying for supplemental funding must address the considerations identified in Part III, below. EPA reserves the right to reject all requests and make no awards.

I. Background

Section 104(k) of the Small Business Liability Relief and Brownfields Revitalization Act (Pub. L. No. 107-118) (Brownfields Law) includes a provision for the U.S. Environmental Protection Agency (EPA) to, among other things:

- award grants to eligible entities to be used to capitalize RLFs and provide subawards for brownfields cleanup; and
- make an additional grant to RLF CARs for any year after the year for which the initial grant is made (noncompetitive RLF supplemental funding).

II. Process

Notification of Supplemental Funding Availability

- A Federal Register Notice informing RLF CARs of the general availability of RLF supplemental funding was published March 19, 2021. Eligible CARs will be notified of the availability of RLF supplemental funding for Fiscal Year 2021 by EPA Regional RLF program staff. In addition, information regarding the availability of RLF supplemental funding has been posted on the EPA Brownfield Program's website at <https://www.epa.gov/brownfields/solicitations-brownfield-grants>.

Requests for Supplemental Funding

- Fiscal Year (FY) 2021 RLF supplemental funding decisions will be based upon specified considerations defined in Part III below. The requester of supplemental funding must be the CAR of an open RLF grant. Submittals should note the dollar amount requested for each type of funding available. Due to high demand and limited resources, supplemental funding awards are generally between \$200,000 and \$500,000, in total.
- To be eligible for supplemental funding, CARs must demonstrate that they have significantly depleted funds (both EPA grant funding and any available program income) and that they have a clear plan for quickly utilizing the additional requested funds. Program income refers to the funds generated or earned by all open and closed RLF grants, including principal repayments, interest earned on outstanding loan principal, interest earned on accounts holding RLF program income, loan fees and loan-related charges received from borrowers, and other income generated from RLF operations. CARs must also demonstrate that they have made at least one loan or subgrant prior to applying for this supplemental funding.

- For FY 2021, EPA defines “significantly depleted funds” for most CARs as the balance of uncommitted, available funding totaling 25% or less of the total amount of RLF funds awarded under all open and closed grants and cannot exceed \$600,000, with the following exception. Exception: RLF CARs that have only received one RLF grant of \$1 million dollars or less and that also have never received supplemental funding, may have an uncommitted balance of up to \$300,000. For calculation of the uncommitted balance, see Part III, below. For the purposes of this requirement, committed funds refers to funding designated for loans or subgrants that have been approved through the applicant’s decision process (e.g., board or committee); unreimbursed costs for a cleanup that is completed or underway; and, estimated costs for personnel, travel, contracts, or other programmatic costs necessary to maintain the RLF.
- A request for supplemental funding must be in the form of a letter addressed to your Regional Brownfields Contact with a copy to Nicole Wireman, U.S. EPA Headquarters, at wireman.nicole@epa.gov.
- The letter must include the information identified in Part III, below.

Regional Input on Requests

- EPA Regions will review request letters from RLF CARs. The Regions will screen the request for eligibility and submit an evaluation of the request to the EPA Office of Brownfields and Land Revitalization as it relates to the considerations in Part III below.

Deadlines

- Request letters must be postmarked or submitted via email to your Regional Brownfields Contact by **April 19, 2021**. If an RLF CAR is not able to submit their request by this deadline, they may have opportunities to apply for supplemental funding in a future year, subject to funding availability.

Selection/Award

- Upon selection by the Assistant Administrator of the Office of Land and Emergency Management (OLEM), award of supplemental funds will be made by the Regional Administrator, or other delegated regional award official.
- Upon selection to receive an award of supplemental funds, RLF CARs will be required to work with EPA Regions to amend existing cooperative agreements, workplans, and follow applicable award procedures.

III. Considerations

In addition to the depletion of funds, supplemental funding requests will be evaluated on the quality and extent to which the CAR’s RLF program reflects the following considerations:

- 1) The number of imminent and potential projects in the RLF program pipeline, demonstrating the program’s ability to make loans and subgrants for cleanups that can be started and completed, as well as quickly lead to redevelopment;
- 2) Community benefits from past and potential loan(s) and/or subgrant(s); and
- 3) The ability to administer, preserve, and revolve the capitalization funding in the RLF grant.

Note that a 20% cost share is required for the entire RLF grant award, which includes the original grant plus all supplemental funds.

EPA encourages innovative approaches to maximizing revolving and leveraging with other funds, including use of grant funds as a loan loss guarantee, combining with other government or private sector lending resources.

EPA may also consider relevant information from other sources including information from EPA files and/or from other federal or non-federal grantors to verify or supplement information provided by the applicant.

IV. Content of Supplemental Request

CARs requesting supplemental funding must provide sufficient information to demonstrate the eligibility for supplemental funding and to allow for evaluation of the considerations above. The request must, therefore, include the following information.

1. **A demonstration of the significant depletion of funds.** To demonstrate the CAR's eligibility for supplemental funding, the request shall include:

- A. Number of completed loans and/or subgrants

- Consider using the following table:

Subrecipient	Loan/Subgrant	Award Amount	Award Date	Repayment Period Length	Interest Rate	For Loans, Has Repayment Begun

- B. Amount of available funding and current commitments

- Total amount of RLF funds awarded under all open and closed grants.
- Total amount of program income generated under all open and closed grants.
- Amount of unspent grant funding from all open RLF grants¹.
- Amount of available or unspent accrued program income from all open and closed grants.
- Amount of current commitments to loans, subgrants, and programmatic costs (do not include the expenses that have already been drawn from grant funding).

- C. The total amount of uncommitted funds based on the following formula

$$\text{Uncommitted Funding} = \text{Unspent Grant Funding*} + \text{Unspent Program Income (PI)} - \text{Committed Funds.}$$

¹ Total Grant Funding includes monetary cost share.

* Please consult with the appropriate Region for the amount of unspent grant funds reported in the EPA's Financial Management System. Unspent grant funding includes any unspent monetary cost share.

D. A list of projects and associated costs that demonstrate the current funding commitments, associated leveraging, and anticipated outcomes

The list should account for your total committed funds amount listed above and include, at minimum, the following information: project name, location, form of commitment (loan, subgrant, or combination of the two), the dollar amount, project status (current status and projected timeline for completion of project), the amounts and sources of associated leveraged funding and whether the funding is firm (secured), proposed cleanup actions, and other anticipated outcomes (including anticipated reuse of property, the estimated number of cleanup and redevelopment jobs that will be created, and other anticipated outcomes that have a direct benefit to the community). Table 1 below provides examples of the level of information required for this demonstration.

2. **A list of imminent and potential projects in your pipeline that are most likely to use the requested funding to demonstrate the likelihood that the supplemental funding will be used expeditiously, lead to preservation of the fund, promote reuse of sites, and provide community benefits.** Include, at minimum, the following information: project name, location, form of anticipated commitment (loan, subgrant, or other), the estimated dollar amount, project status and projected timeline for completion of project, the amounts and sources of leveraged funding and whether the funding is firm (secured), proposed cleanup actions, and other anticipated outcomes (including anticipated reuse of property, the estimated number of cleanup and redevelopment jobs that will be created, and other anticipated outcomes that have a direct benefit to the community). Table 2 below provides examples of the level of information required for this demonstration.
3. **A summary of major RLF accomplishments for projects where 100% of the associated RLF funding has been expended to further demonstrate the CAR's ability to award and manage loans/subgrants, preserve the fund, successfully promote reuse of sites, and provide community benefits.** The summary shall include, at minimum, the number of loans and number of subgrants made, total amount of program income, number of ongoing cleanups, number of cleanups completed, and the significant outcomes to date (including leveraged cleanup and redevelopment funding, cleanup and redevelopment jobs created, number of properties reused and other outcomes that have a direct benefit to the community). [Note: Your regional lead will confirm that appropriate accomplishments are reported in ACRES.]
4. **A discussion of the management of the RLF to demonstrate the CAR's ability to (1) comply with the requirements of the current grant(s) workplan(s), the administrative and programmatic terms and conditions of the grant, and, if applicable, closeout agreement requirements for closed grants; (2) meet the 20% cost-share requirement; (3) implement prudent lending practices; and (4) sustain and revolve the RLF.** Include, at a minimum, information regarding the timeliness of submission of required reports and work products (including Quarterly Performance Reports and ACRES data), completion of critical work plan tasks, the CAR's RLF loan review and approval process, meeting the 20% cost-share requirement, and other information that further supports this demonstration.

Table 1
Sample Format and Examples for Committed Funds
(supplement as appropriate using additional rows or text)

Project Name	Location	Form of commitment (Loan, Subgrant, or Other); Estimated Amount (\$)	Status/Timeline	Firm Leveraging Commitments and Estimated Leveraging	Proposed Cleanup and Anticipated Reuse and Outcomes
E.g., Site A	City of Wherever, State	\$300,000 Loan	Executed RLF loan, cleanup underway and anticipated to be complete by end of summer 2021, redevelopment spring of 2022.	Firm: \$300,000 of private funding escrowed by private party for cleanup. County Parks and Rec has approved plan and committed to upkeep and maintenance of complex. Potential: Up to \$500,000 from national sports organization.	Cleanup of former landfill, expected reuse as a sports complex, creating 1 full time and 3 part-time jobs.
E.g., Site B	Unincorporated County of Anyplace, State	\$200,000 Subgrant	Approval from City Council; Subgrant to be executed in Fall 2021 & cleanup in Spring 2022.	Firm: \$500,000 for cleanup and redevelopment from local health organization. Potential: HUD Funding for affordable housing	Cleanup of abandoned hospital, affordable housing, 2 full-time jobs and the ability for aging residents to remain within neighborhood.
Programmatic Costs for Sites A & B and management of RLF	Not Applicable	\$10,000 Personnel \$10,000 Environmental Professional Contract \$10,000 Fund Manager Agreement	Internal set-aside for personnel, contract and MOA with fund manager. To be expended during cleanup of sites A & B and on an ongoing basis for management of program income.		Successful implementation of RLF, Preservation of the RLF funds
Total Committed Funds		\$530,000			

Table 2
Sample Format and Examples for Potential Projects
(supplement as appropriate using additional rows or text)

Project Name	Location	Form of commitment (Loan, Subgrant, or Other); Estimated Amount (\$)	Status/Timeline	Firm Leveraging Commitments and Estimated Leveraging	Proposed Cleanup and Anticipated Reuse and Outcomes
E.g., Site D	City/Town, State	\$500,000 Loan	Developer has completed cleanup planning and is preparing RLF application. Anticipated schedule starting from date of supplemental award (12 months total): Application Submittal, Approval and Processing (3 months); Cleanup (1 month); Redevelopment Complete within 8 months.	Firm: \$1,000,000 from developer	Cleanup of a former foundry will make way for a new Nursing Home allowing elderly to remain within their community. Proposed project will create 30 jobs for both skilled and unskilled workers.
E.g., Site E	City/Town, State	\$100,000 Subgrant	Local non-profit submitted a preliminary application. Final Anticipated schedule starting from date of supplemental award: Application submittal (4 th Quarter FY21); approval, processing and cleanup (1 st Quarter, FY22); Cleanup (2nd Quarter, FY22); Redevelopment Complete (by end of FY22.	Potential: up to \$200,000 from State DOT	Cleanup of a former railroad that will be redeveloped into a new bike path and greenspace to improve the quality of life for community residents.
Programmatic Costs for Sites D & E and management of RLF	City/Town, State	\$5,000 Personnel \$5,000 Environmental Professional Contract \$5,000 Fund Manager Agreement	Internal set-aside for estimated personnel, environmental contract and MOA with fund manager. To be expended during cleanup of sites D & E and on an ongoing basis for management of program income.	Additional Personnel Costs from City	Compliance with Award Conditions and Revolve of Funds
Total for Potential Projects		\$615,000			

MEMORANDUM
City Council Agenda Item

FROM: Jill Domingos
DATE: March 19, 2021
SUBJECT: Order 200-20/21 Approving Transfer of Funds Under 15 M.R.S. §§5824(3) and 5826(6) Re: Jason Boston - Sponsored by Jon P. Jennings, City Manager
SPONSOR: Jon P. Jennings
(If sponsored by a Council committee, include the date the committee met and the results of the vote.)

COUNCIL MEETING DATE ACTION IS REQUESTED:

1st Reading

Final Action

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

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

I. SUMMARY

The State requires Council approval of the transfer of forfeited cash to the Portland Police Department. (See attached approval form)

II. AGENDA DESCRIPTION

This order authorizes the City Council to approve the transfer of \$7,838.00 in forfeited assets from the State of Maine to the City of Portland from the case of the State of Maine v. Jason Boston.

III. BACKGROUND

The State Forfeiture Statute, 15 M.R.S.A. § 5824 (3) and § 5826(6), requires that before any forfeitable item may be transferred to a State agency, County or municipality, the legislative body of that entity must publicly vote to accept the item.

IV. INTENDED RESULT AND/OR COUNCIL GOAL ADDRESSED

Funds may be transferred to the Portland Police Department for deposit in the drug investigations account

V. FINANCIAL IMPACT

The money is used to offset the costs of drug investigations, such as drug analysis, drug purchases, covert surveillance, surveillance equipment, drug training and protective gear, such as body armor.

VI. STAFF ANALYSIS AND BACKGROUND

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

VII. RECOMMENDATION

VIII. LIST ATTACHMENTS

1. Boston, Jason forfeiture 4.5.2021
2. Boston_Asset Forf

Prepared by:

Jill Domingos
Date: 3/19/2021

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 APPROVING TRANSFER OF FUNDS
UNDER
15 M.R.S. §§ 5824(3) and 5826(6)
RE: JASON BOSTON**

ORDERED, that the City Council hereby accepts \$7,838.00 in forfeited assets in the case of State of Maine vs. Jason Boston from the State of Maine to the City of Portland, pursuant to 15 M.R.S. § 5824(3) and § 5826(6) and as provided in the attached “Approval of Transfer.”

STATE OF MAINE
Cumberland, SS

UNIFIED CRIMINAL DOCKET
Criminal Action
Docket No. CR-20-2381

State of Maine

v.

Jason Boston ,
Defendant

And

\$7,838.00 U.S. CURRENCY
Defendant In Rem

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City of Portland
Approval of Transfer
15 M.R.S. §5824(3)
and §5826(6)

NOW COMES the City of Portland, Maine, by and through its legislative body, the City Council, and does hereby grant approval pursuant to Section 5824(3) and Section 5826(6) of Title 15 of the Maine Revised Statutes, to the transfer of any portion of the above captioned Defendant *In Rem*, namely \$7,838.00 U.S. Currency, on grounds that the City of Portland Police Department did make a substantial contribution to the investigation of this or a related criminal case.

WHEREFORE, the Portland City Council does hereby approve of the transfer of the portion of the Defendant *In Rem*, namely \$7,838.00, to the City of Portland, Maine pursuant to 15 M.R.S. §5824(3) and §5826(6) on April 5, 2021.

Dated: _____

Mayor
(Impress Legislative Body Seal Here)

AARON M. FREY
ATTORNEY GENERAL



STATE OF MAINE
OFFICE OF THE ATTORNEY GENERAL
6 STATE HOUSE STATION
AUGUSTA, MAINE 04333-0006

TEL: (207) 626-8800
TTY USERS CALL MAINE RELAY 711

REGIONAL OFFICES
84 HARLOW ST. 2ND FLOOR
BANGOR, MAINE 04401
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FAX: (207) 941-3075

125 PRESUMPSCOT ST., SUITE 26
PORTLAND, MAINE 04103
TEL: (207) 822-0260
FAX: (207) 822-0259

14 ACCESS HIGHWAY, STE. 1
CARIBOU, MAINE 04736
TEL: (207) 496-3792
FAX: (207) 496-3291

October 28, 2020

Portland Police Department
Chief Frank Clark
109 Middle Street
Portland, ME 04101

RE: State of Maine vs. Jason Boston
Cumberland County Unified Criminal Court Doc. No. CR-20-2381
Criminal Forfeiture
Required Vote of Municipal Officers/Approval of Transfer of Forfeiture Assets

Dear Chief Clark:

Enclosed please find a draft Approval form for submission to the municipal officers.

Please inform the municipal officers that:

A. 15 M.R.S.A. §5824(3) requires that, before any forfeitable item may be transferred to a State Agency, County or Municipality, the municipal legislative body must publicly vote to accept the item(s) **if subsequently ordered forfeited by the Court;**

B. Under Rules issued by the Department of the Attorney General, a public vote must be made on each forfeiture "approval" and a "continuing resolution" of approval cannot be accepted;

C. As with all forfeitures, an approval of a transfer by the municipal legislative body does not guarantee either that the Defendant(s) *In Rem* will in fact be forfeited or, if forfeited, that the Court will order the item(s) transferred to the approving Department, Agency, County or Municipality. The municipal legislative body's approval only signifies that, if the Defendant(s) *In Rem* are in fact ordered forfeited and, if the Attorney General and the Court agree to a transfer of all or part of the Defendant(s) *In Rem* to a Department, Agency, County or Municipality based upon the "*substantial contribution*" of that Department, Agency, County or Municipality, then that entity is in fact, willing to accept the Defendant(s) *In Rem* or portions thereof. In order to streamline what is otherwise a cumbersome forfeiture process, it is our practice to seek State, county or municipal approval in anticipation of the final order of forfeiture. However, final

forfeiture is not guaranteed and both the municipal legislative body and the law enforcement agency involved are **cautioned** that they **should not encumber** funds or property until a Final Order granting them lawful title to the property is delivered to them;

D. Under the provisions of the Forfeiture Statute, if the municipal legislative body fails to approve a transfer in a timely manner, any forfeited items shall be transferred to the State of Maine General Fund.

Assuming your municipal legislative body does grant its approval, kindly see to it that the accompanying form is signed by the appropriate person and is "embossed" with the seal of the municipality. Then, please return the **original** to me for filing, and retain a copy for your records.

My sincere thanks for your attention to this matter. Should you have any questions, please do not hesitate to contact me.

Sincerely,

A handwritten signature in cursive script that reads "Penny Kenney for". The signature is written in dark ink and is positioned above the typed name of the signatory.

Johanna Gauvreau
Assistant Attorney General
CRIMINAL DIVISION

Enclosure

STATE OF MAINE
Cumberland, ss

UNIFIED CRIMINAL COURT
Docket No. CR-20-2381

State of Maine	}	
	}	
v.	}	City of Portland
	}	Approval of Transfer
	}	15 M.R.S. §5824(3) and §5826
Jason Boston,	}	
Defendant;	}	
	}	
And	}	
	}	
\$7,838.00 U.S. Currency	}	
Defendant(s) In Rem	}	

NOW COMES the City of Portland, Maine, by and through its legislative body, the City Council, and does hereby grant approval pursuant to Section 5824(3) and §5826(6) of Title 15 of the Maine Revised Statutes, to the transfer of any portion of the above captioned Defendant *In Rem* namely \$7,838.00 U.S. Currency, on grounds that the City of Portland Police Department did make a substantial contribution to the investigation of this or a related criminal case.

WHEREFORE, the Portland City Council does hereby approve of the transfer of the Defendant(s) *In Rem* to the City of Portland, Maine pursuant to 15 M.R.S. § 5824(3) and §5826(6) as approved on _____ 2020.

Mayor

(Impress municipal legislative body seal here)

MEMORANDUM
City Council Agenda Item

FROM: Jill Domingos
DATE: March 19, 2021
SUBJECT: Order 201-20/21 Approving Transfer of Funds Under 15 M.R.S. §§5824(3) and 5826(6) Re: Timothy Edward Hansen – Sponsored by Jon P. Jennings, City Manager
SPONSOR: Jon P. Jennings
(If sponsored by a Council committee, include the date the committee met and the results of the vote.)

COUNCIL MEETING DATE ACTION IS REQUESTED:

1st Reading

Final Action

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

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

I. SUMMARY

The State requires Council approval of the transfer of forfeited cash to the Portland Police Department. (See attached approval form)

II. AGENDA DESCRIPTION

This order authorizes the City Council to approve the transfer of \$1,322.00 in forfeited assets from the State of Maine to the City of Portland from the case of the State of Maine v. Timothy Edward Hansen.

III. BACKGROUND

The State Forfeiture Statute, 15 M.R.S.A. § 5824 (3) and § 5826(6), requires that before any forfeitable item may be transferred to a State agency, County or municipality, the legislative body of that entity must publicly vote to accept the item.

IV. INTENDED RESULT AND/OR COUNCIL GOAL ADDRESSED

Funds may be transferred to the Portland Police Department for deposit in the drug investigations account

V. FINANCIAL IMPACT

The money is used to offset the costs of drug investigations, such as drug analysis, drug purchases, covert surveillance, surveillance equipment, drug training and protective gear, such as body armor.

VI. STAFF ANALYSIS AND BACKGROUND

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

VII. RECOMMENDATION

VIII. LIST ATTACHMENTS

1. Hansen, Timothy Edward forfeiture 4.5.2021
2. Hansen_Asset Forf

Prepared by:

Jill Domingos
Date: 3/19/2021

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 APPROVING TRANSFER OF FUNDS
UNDER
15 M.R.S. §§ 5824(3) and 5826(6)
RE: TIMOTHY EDWARD HANSEN**

ORDERED, that the City Council hereby accepts \$1,322.00 in forfeited assets in the case of State of Maine vs. Timothy Edward Hansen from the State of Maine to the City of Portland, pursuant to 15 M.R.S. § 5824(3) and § 5826(6) and as provided in the attached “Approval of Transfer.”

STATE OF MAINE
Cumberland, SS

UNIFIED CRIMINAL DOCKET
Criminal Action
Docket No. CR-20-2006

State of Maine

v.

Timothy Edward Hansen,
Defendant

And

\$1,322.00 U.S. CURRENCY
Defendant In Rem

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City of Portland
Approval of Transfer
15 M.R.S. §5824(3)
and §5826(6)

NOW COMES the City of Portland, Maine, by and through its legislative body, the City Council, and does hereby grant approval pursuant to Section 5824(3) and Section 5826(6) of Title 15 of the Maine Revised Statutes, to the transfer of any portion of the above captioned Defendant *In Rem*, namely \$1,322.00 U.S. Currency, on grounds that the City of Portland Police Department did make a substantial contribution to the investigation of this or a related criminal case.

WHEREFORE, the Portland City Council does hereby approve of the transfer of the portion of the Defendant *In Rem*, namely \$1,322.00, to the City of Portland, Maine pursuant to 15 M.R.S. §5824(3) and §5826(6) on April 5, 2021.

Dated: _____

Mayor
(Impress Legislative Body Seal Here)

AARON M. FREY
ATTORNEY GENERAL



STATE OF MAINE
OFFICE OF THE ATTORNEY GENERAL
6 STATE HOUSE STATION
AUGUSTA, MAINE 04333-0006

November 4, 2020

REGIONAL OFFICES
84 HARLOW ST. 2ND FLOOR
BANGOR, MAINE 04401
TEL: (207) 941-3070
FAX: (207) 941-3075

125 PRESUMPSHOT ST., SUITE 26
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FAX: (207) 496-3291

TEL: (207) 626-8800
TTY USERS CALL MAINE RELAY 711

Portland Police Department
Chief Frank Clark
109 Middle Street
Portland, ME 04101

RE: State of Maine vs. Timothy Edward Hansen
Cumberland County Unified Criminal Court Doc. No. CR-20-2006
Criminal Forfeiture
Required Vote of Municipal Officers/Approval of Transfer of Forfeiture Assets

Dear Chief Clark:

Enclosed please find a draft Approval form for submission to the municipal officers.

Please inform the municipal officers that:

A. 15 M.R.S.A. §5824(3) requires that, before any forfeitable item may be transferred to a State Agency, County or Municipality, the municipal legislative body must publicly vote to accept the item(s) **if subsequently ordered forfeited by the Court;**

B. Under Rules issued by the Department of the Attorney General, a public vote must be made on each forfeiture "approval" and a "continuing resolution" of approval cannot be accepted;

C. As with all forfeitures, an approval of a transfer by the municipal legislative body does not guarantee either that the Defendant(s) *In Rem* will in fact be forfeited or, if forfeited, that the Court will order the item(s) transferred to the approving Department, Agency, County or Municipality. The municipal legislative body's approval only signifies that, if the Defendant(s) *In Rem* are in fact ordered forfeited and, if the Attorney General and the Court agree to a transfer of all or part of the Defendant(s) *In Rem* to a Department, Agency, County or Municipality based upon the "*substantial contribution*" of that Department, Agency, County or Municipality, then that entity is in fact, willing to accept the Defendant(s) *In Rem* or portions thereof. In order to streamline what is otherwise a cumbersome forfeiture process, it is our practice to seek State, county or municipal approval in anticipation of the final order of forfeiture. However, final

forfeiture is not guaranteed and both the municipal legislative body and the law enforcement agency involved are **cautioned** that they **should not encumber** funds or property until a Final Order granting them lawful title to the property is delivered to them;

D. Under the provisions of the Forfeiture Statute, if the municipal legislative body fails to approve a transfer in a timely manner, any forfeited items shall be transferred to the State of Maine General Fund.

Assuming your municipal legislative body does grant its approval, kindly see to it that the accompanying form is signed by the appropriate person and is "embossed" with the seal of the municipality. Then, please return the **original** to me for filing, and retain a copy for your records.

My sincere thanks for your attention to this matter. Should you have any questions, please do not hesitate to contact me.

Sincerely,

A handwritten signature in cursive script, appearing to read "Johanna Gauvreau for".

Johanna Gauvreau
Assistant Attorney General
CRIMINAL DIVISION

Enclosure

STATE OF MAINE
Cumberland, ss

UNIFIED CRIMINAL COURT
Docket No. CR-20-2006

State of Maine	}	
	}	City of Portland
v.	}	Approval of Transfer
	}	15 M.R.S. §5824(3) and §5826
Timothy Edward Hansen,	}	
Defendant;	}	
	}	
And	}	
	}	
\$1,322.00 U.S. Currency	}	
Defendant(s) In Rem	}	

NOW COMES the City of Portland, Maine, by and through its legislative body, the City Council, and does hereby grant approval pursuant to Section 5824(3) and §5826(6) of Title 15 of the Maine Revised Statutes, to the transfer of any portion of the above captioned Defendant *In Rem* namely \$1,322.00 U.S. Currency, on grounds that the City of Portland Police Department did make a substantial contribution to the investigation of this or a related criminal case.

WHEREFORE, the Portland City Council does hereby approve of the transfer of the Defendant(s) *In Rem* to the City of Portland, Maine pursuant to 15 M.R.S. § 5824(3) and §5826(6) as approved on _____2020.

Mayor

(Impress municipal legislative body seal here)

MEMORANDUM
City Council Agenda Item

FROM: Jill Domingos
DATE: March 19, 2021
SUBJECT: Order 202-20/21 Approving Transfer of Funds Under 15 M.R.S. §§5824(3) and 5826(6) Re: Amanda Benwell – Sponsored by Jon P. Jennings, City Manager
SPONSOR: Jon P. Jennings
(If sponsored by a Council committee, include the date the committee met and the results of the vote.)

COUNCIL MEETING DATE ACTION IS REQUESTED:

1st Reading

Final Action

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

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

I. SUMMARY

The State requires Council approval of the transfer of forfeited cash to the Portland Police Department. (See attached approval form)

II. AGENDA DESCRIPTION

This order authorizes the City Council to approve the transfer of \$1,332.00 and one 9mm Taurus PTIII Serial #TKT73691 in forfeited assets from the State of Maine to the City of Portland from the case of the State of Maine v. Amanda Benwell.

Five affirmative votes are required for passage of the Consent Calendar following public comment.

III. BACKGROUND

The State Forfeiture Statute, 15 M.R.S.A. § 5824 (3) and § 5826(6), requires that before any forfeitable item may be transferred to a State agency, County or municipality, the legislative body of that entity must publicly vote to accept the item.

IV. INTENDED RESULT AND/OR COUNCIL GOAL ADDRESSED

Funds may be transferred to the Portland Police Department for deposit in the drug investigations account.

V. FINANCIAL IMPACT

The money is used to offset the costs of drug investigations, such as drug analysis, drug purchases, covert surveillance, surveillance equipment, drug training and protective gear, such as body armor.

VI. STAFF ANALYSIS AND BACKGROUND

VII. RECOMMENDATION

VIII. LIST ATTACHMENTS

1. Benwell, Amanda forfeiture 4.5.2021

2. Benwell _Asset Forf

Prepared by:

Jill Domingos

Date: 3/19/2021

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 APPROVING TRANSFER OF FUNDS
UNDER
15 M.R.S. §§ 5824(3) and 5826(6)
RE: AMANDA BENWELL**

ORDERED, that the City Council hereby accepts \$1,332.00 and One 9mm Taurus PTIII Serial #TKT73691 in forfeited assets in the case of State of Maine vs. Amanda Benwell from the State of Maine to the City of Portland, pursuant to 15 M.R.S. § 5824(3) and § 5826(6) and as provided in the attached “Approval of Transfer.”

STATE OF MAINE
Cumberland, SS

UNIFIED CRIMINAL DOCKET
Criminal Action
Docket No. CR-18-2575

State of Maine

v.

Amanda Benwell,
Defendant

And

\$1,332.00 U.S. CURRENCY
Defendant In Rem #1,

One 9mm Taurus PTIII
Serial #TKT73691
Defendant In Rem #2

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City of Portland
Approval of Transfer
15 M.R.S. §5824(3)
and §5826(6)

NOW COMES the City of Portland, Maine, by and through its legislative body, the City Council, and does hereby grant approval pursuant to Section 5824(3) and Section 5826(6) of Title 15 of the Maine Revised Statutes, to the transfer of any portion of the above captioned Defendants *In Rem*, namely \$1,332.00 U.S. Currency and One 9mm Taurus PTIII Serial #TKT73691, on grounds that the City of Portland Police Department did make a substantial contribution to the investigation of this or a related criminal case.

WHEREFORE, the Portland City Council does hereby approve of the transfer of the portion of the Defendants *In Rem*, namely \$1,332.00 and One 9mm Taurus PTIII Serial #TKT73691, to the City of Portland, Maine pursuant to 15 M.R.S. §5824(3) and §5826(6) on April 5, 2021.

Dated: _____

Mayor
(Impress Legislative Body Seal Here)

AARON M. FREY
ATTORNEY GENERAL



STATE OF MAINE
OFFICE OF THE ATTORNEY GENERAL
6 STATE HOUSE STATION
AUGUSTA, MAINE 04333-0006
February 8, 2021

REGIONAL OFFICES
84 HARLOW ST. 2ND FLOOR
BANGOR, MAINE 04401
TEL: (207) 941-3070
FAX: (207) 941-3075

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CARIBOU, MAINE 04736
TEL: (207) 496-3792
FAX: (207) 496-3291

TEL: (207) 626-8800
TTY USERS CALL MAINE RELAY 711

Portland Police Department
Chief Frank Clark
109 Middle Street
Portland, ME 04101

RE: State of Maine vs. Amanda Benwell
Cumberland County Unified Criminal Court Doc. No. CR-18-2575
Criminal Forfeiture
Required Vote of Municipal Officers/Approval of Transfer of Forfeiture Assets

Dear Chief Clark:

Enclosed please find a draft Approval form for submission to the municipal officers.

Please inform the municipal officers that:

A. 15 M.R.S.A. §5824(3) requires that, before any forfeitable item may be transferred to a State Agency, County or Municipality, the municipal legislative body must publicly vote to accept the item(s) **if subsequently ordered forfeited by the Court**;

B. Under Rules issued by the Department of the Attorney General, a public vote must be made on each forfeiture "approval" and a "continuing resolution" of approval cannot be accepted;

C. As with all forfeitures, an approval of a transfer by the municipal legislative body does not guarantee either that the Defendant(s) *In Rem* will in fact be forfeited or, if forfeited, that the Court will order the item(s) transferred to the approving Department, Agency, County or Municipality. The municipal legislative body's approval only signifies that, if the Defendant(s) *In Rem* are in fact ordered forfeited and, if the Attorney General and the Court agree to a transfer of all or part of the Defendant(s) *In Rem* to a Department, Agency, County or Municipality based upon the "*substantial contribution*" of that Department, Agency, County or Municipality, then that entity is in fact, willing to accept the Defendant(s) *In Rem* or portions thereof. In order to streamline what is otherwise a cumbersome forfeiture process, it is our practice to seek State, county or municipal approval in anticipation of the final order of forfeiture. However, final

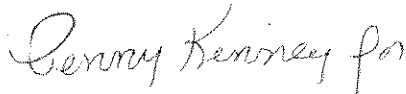
forfeiture is not guaranteed and both the municipal legislative body and the law enforcement agency involved are **cautioned** that they **should not encumber** funds or property until a Final Order granting them lawful title to the property is delivered to them;

D. Under the provisions of the Forfeiture Statute, if the municipal legislative body fails to approve a transfer in a timely manner, any forfeited items shall be transferred to the State of Maine General Fund.

Assuming your municipal legislative body does grant its approval, kindly see to it that the accompanying form is signed by the appropriate person and is "embossed" with the seal of the municipality. Then, please return the **original** to me for filing, and retain a copy for your records.

My sincere thanks for your attention to this matter. Should you have any questions, please do not hesitate to contact me.

Sincerely,

A handwritten signature in cursive script that reads "Jenny Kenney for".

Johanna Gauvreau
Assistant Attorney General
CRIMINAL DIVISION

Enclosure

STATE OF MAINE
Cumberland, ss

UNIFIED CRIMINAL COURT
Docket No. CR-18-2575

State of Maine	}	
	}	
v.	}	City of Portland
	}	Approval of Transfer
	}	15 M.R.S. §5824(3) and §5826
Amanda Benwell,	}	
Defendant;	}	
	}	
And	}	
	}	
\$1,332.00 U.S. Currency	}	
Defendant(s) In Rem #1	}	
	}	
One 9mm Taurus PTIII,	}	
Serial # TKT73691	}	
Defendant(s) In Rem #2	}	

NOW COMES the City of Portland, Maine, by and through its legislative body, the City Council, and does hereby grant approval pursuant to Section 5824(3) and §5826(6) of Title 15 of the Maine Revised Statutes, to the transfer of any portion of the above captioned Defendant *In Rem* #1 and #2 namely \$1,332.00 U.S. Currency and one 9mm Taurus PTIII, on grounds that the City of Portland Police Department did make a substantial contribution to the investigation of this or a related criminal case.

WHEREFORE, the Portland City Council does hereby approve of the transfer of the Defendant(s) *In Rem* #1 and #2 to the City of Portland, Maine pursuant to 15 M.R.S. § 5824(3) and §5826(6) as approved on _____ 2021.

Mayor

(Impress municipal legislative body seal here)

MEMORANDUM
City Council Agenda Item

FROM:

DATE: March 16, 2021

SUBJECT: Order 203-20/21 Granting Municipal Officers' Approval of Crispy Gai LLC dba Crispy Gai. Application for a Class I FSE with Outdoor Dining on Public Property at 90 Exchange 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

This order grants municipal officers' Approval of Crispy Gai LLC dba Crispy Gai's application for a Class I FSE with outdoor dining on public property at 90 Exchange Street.

Application was filed on 3/15/2021. New City and State applications. Location was previously Eaux Restaurant.

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. Crispy Gai
2. 20210319122349897

Prepared by:

Date: 3/16/2021

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:

**Crispy Gai LLC dba Crispy Gai. Application for a Class I FSE with Outdoor Dining on
Public Property at 90 Exchange Street.**

Crispy Gai

Dear Mayor Snyder and members of the City Council,

Our names are Jordan Rubin (owner of Mr. Tuna) and Cyle Reynolds. Together we own Crispy Gai, a Thai-inspired fried chicken concept. We are writing to inform you that Crispy Gai is applying for a liquor license for our newly leased space at 90 Exchange street.

Together, we bring over 30 combined years in the restaurant industry and additionally have hired an experienced management team to bring our vision for Crispy Gai at 90 Exchange Street to fruition. We see a need for a vibrant, casual restaurant in the heart of the Old Port which will cater to office workers, locals and tourists alike. We hope to add tropical-inspired cocktails, local beer and an eclectic wine selection to enhance the unique dining experience we intend to provide. Please feel free to contact us directly with any questions.

Thank you for your consideration,

Jordan Rubin & Cyle Reynolds
crispygaiportland@gmail.com
207-535-7935



CITY OF PORTLAND

Permitting and Inspections Department

Application for Food Service Establishment with Alcoholic Beverages License

Business Information	
Business Name (d/b/a):	Crispy Gai Phone: 413 636 9688
Location Address:	90 Exchange st. Zip: 04101
If new, what was formerly at this location:	Eaux Restaurant
Mailing Address:	90 Exchange st Zip: 04101
Contact Person:	Jordan Rubin Phone: 413 636 9688
Contact Person Email:	Crispy Gai Portland@gmail.com
Manager of Establishment:	Sasha Brouillard Date of Birth: 10/2/89 Phone: 207 664 3331
Owner of Premises (Landlord):	Stephan Bamberger
Address of Premises Owner:	45 page st. Brunswick, ME Zip: 04011

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

Name of Owner(s)	Date of Birth	Residence Address
Jordan Rubin	4-25-83	29 Evans St. So Portland
Cyle Reynolds	4-5-90	88 Granite St. Portland

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

Corporate Name		Corporate Mailing Address	
Crispy Gai LLC		29 Evans St. So. Portland Zip: 04106	
Contact Person:	Jordan Rubin	Phone:	413 636 9688
Principal Officers	Title	Date of Birth	Residence Address
Jordan Rubin	Owner	4/25/83	29 Evans St. So. Portland
Cyle Reynolds	Owner	4/5/90	88 Granite St. Portland
Class of Liquor License:		Class A Restaurant Class 1	

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 food served:	Thai / Fried Chicken	
Please circle all that will be served:	Beer (X) Wine (X) Liquor (X)	
Projected percentage of sales:	Generated from Food: 70%	Generated from Alcohol: 30%
Hours & days of operation:	Sun - Sat 11 - 10 pm	
QUESTIONS		
Will full-course meals, only capable of consumption with the use of tableware, be served the entire time the establishment is open?	Y/N (X)N	
If No, please explain:		
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 Entertainment is required.)	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)	(X)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?	5/15	
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?	(X)Y/N	
If Yes, please list business name(s) and location(s):		
Mr. Tuna 28 Monument Sq. Portland		
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:		

I, Jordan Rubin 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 [Signature] Title Owner Date 2/3/2021

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bl@portlandmaine.gov • www.portlandmaine.gov



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

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

☐ Legal Advertisement Deposit \$100.00
☒ Outdoor Dining on Public Property \$84.00 plus \$2.00 per Square foot \$2.00 X <u>107.25</u> SF = <u>214.50</u>
☐ Outdoor Dining on Public Property in a City Park \$84.00 plus \$6.30 per Square foot \$6.30 X _____ SF = _____

Business Information	
Business Name (d/b/a):	Crispy Gai Phone: 413 636 9688
Location Address:	90 Exchange St. Portland Zip: 04101
Mailing Address:	90 Exchange St Zip: 04101
Contact Person:	Jordan Rubin Phone: 413 636 9688
Contact Person Email:	Crispy Gai Portland@gmail.com
Manager of Establishment:	~~David~~ Sasha Brouillard Date of Birth: 10.21.89 Phone: 207 664 3331
Owner of Premises (Landlord):	Stephan Bamburger
Address of Premises Owner:	45 Page St. Brunswick, ME Zip: 04011

Owner Information

Corporate Name		Corporate Mailing Address	
Crispy Gai LLC.		29 Evans St. So. Portland Zip: 04106	
Contact Person:	Jordan Rubin	Phone:	413 636 9688
Principal Officers	Title	Date of Birth	Residence Address
Jordan Rubin	Owner	4.25.83	29 Evans St So. Portland
Cyle Reynolds	Owner	4.5.90	88 Granite St Portland

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 bi@portlandmaine.gov • www.portlandmaine.gov

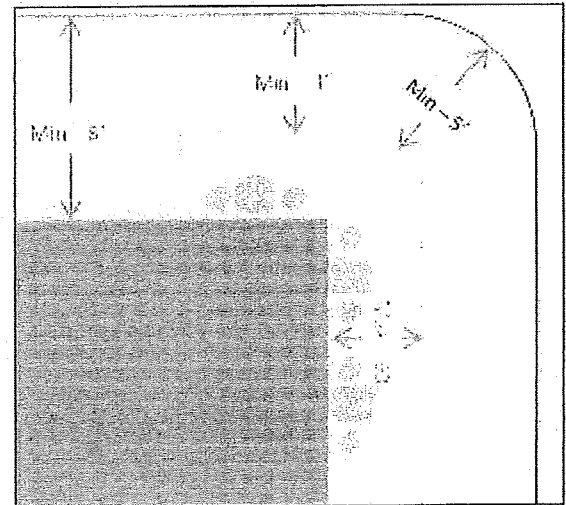


CITY OF PORTLAND
Permitting and Inspections Department

Class of License:	Class A restaurant	Thai / Fried Chicken
Type of food served:		
Please circle all that will be served:	Beer Wine Liquor	
Hours & days of operation:	Sun - Sat 11-10 pm	
Number of Tables	4	
Number of Chairs	8	

Design and Construction

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

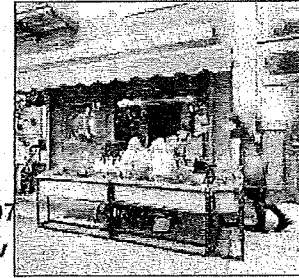
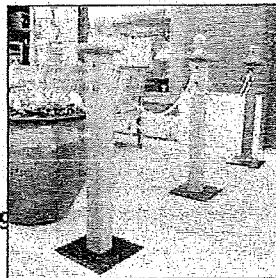


- Outdoor dining area shall not exceed 60% of the sidewalk width.
- A continuous, unobstructed sidewalk passage of 4 feet from the outer boundary of the seating area to the curb must be maintained. If the passage is not straight due to existing obstacles, then additional width may be required. Any changes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

Barriers

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

Example barrier types that meet regulation



Barriers

- Shall not include commercial signage.

Maintenance and Operations

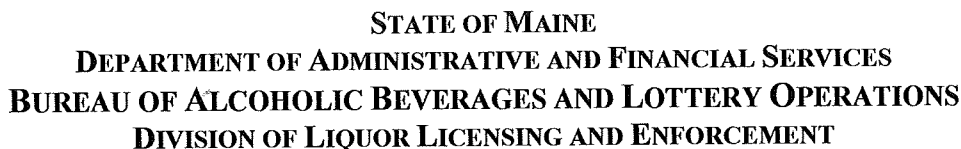
- The permit holder is responsible for keeping the outdoor seating area clean.
- No food shall be prepared in the designated outdoor dining area.
- All outdoor dining components shall be removed before snowfall and while any snow or ice exists within four feet of the outdoor dining area. The City will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



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

Signature [Signature] Title Owner Date 3/7/2021

Date Received: _____ Assigned to CEO: _____



All Questions Must Be Answered Completely. Please print legibly.

Division Use Only	
License No:	
Class:	By:
Deposit Date:	
Amt. Deposited:	
Payment Type:	
OK with SOS: Yes ☐ No ☐	

1. New license or renewal of existing license? ☒ New Expected Start date: 5/15/2021
☐ Renewal Expiration Date: _____

Food: 0 Beer, Wine or Spirits: 0 Guest Rooms: 0

☒ Malt Liquor (beer) ☒ Wine ☒ Spirits

4. Indicate the type of license applying for: (choose only one)

☒ Restaurant (Class I, II, III, IV)	☐ Class A Restaurant/Lounge (Class XI)	☐ Class A Lounge (Class X)
☐ Hotel (Class I, II, III, IV)	☐ Hotel – Food Optional (Class I-A)	☐ Bed & Breakfast (Class V)
☐ Golf Course (included optional licenses, please check if apply) (Class I, II, III, IV)	☐ Auxiliary	☐ Mobile Cart
☐ Tavern (Class IV)	☐ Other: _____	
☐ Qualified Caterer	☐ Self-Sponsored Events (Qualified Caterers Only)	

Refer to Section V for the License Fee Schedule on page 9

5. Business records are located at the following address:

~~222 Main St~~ 90 Exchange St. Portland, ME 04101

6. Is the licensee/applicant(s) citizens of the United States?

☒ Yes ☐ No

7. Is the licensee/applicant(s) a resident of the State of Maine?

☒ Yes ☐ No

NOTE: Applicants that are not citizens of the United States are required to file for the license as a business entity.

8. Is licensee/applicant(s) a business entity like a corporation or limited liability company?

☒ Yes ☐ No If **Yes**, complete Section VII at the end of this application

9. For a licensee/applicant who is a business entity as noted in Section I, does any officer, director, member, manager, shareholder or partner have in any way an interest, directly or indirectly, in their capacity in any other business entity which is a holder of a wholesaler license granted by the State of Maine?

☒ Yes ☐ No

☐ Not applicable – licensee/applicant(s) is a sole proprietor

10. Is the licensee or applicant for a license receiving, directly or indirectly, any money, credit, thing of value, endorsement of commercial paper, guarantee of credit or financial assistance of any sort from any person or entity within or without the State, if the person or entity is engaged, directly or indirectly, in the manufacture, distribution, wholesale sale, storage or transportation of liquor.

☐ Yes ☒ No

If yes, please provide details: _____

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

If yes, please list license number, business name, and complete physical location address: (attach additional pages as needed using the same format)

Name of Business	License Number	Complete Physical Address
Mr. Tuna	~~res 2019/11/660~~	28 Monument St
	res 2019/11/660	Portland, ME 04101

12. List name, date of birth, place of birth for all applicants including any manager(s) employed by the licensee/applicant. Provide maiden name, if married. (attach additional pages as needed using the same format)

Full Name	DOB	Place of Birth
Jordan Rubin	4-25-83	Springfield, MA
Cyle Reynolds	4-5-90	Danbury, CT
Sasha Brouillard	10-21-89	Blue Hill, ME

Residence address on all the above for previous 5 years

Name	Jordan Rubin	Address:	29 Evans St, 35 Bellaire Rd So. Portland
Name	Cyle Reynolds	Address:	88 Granite St. Portland, ME 04106
Name	Sasha Brouillard	Address:	23 Maple St. South Portland
Name		Address:	04106

13. Will any law enforcement officer directly benefit financially from this license, if issued?

☐ Yes ☒ No

If Yes, provide name of law enforcement officer and department where employed:

14. Has the licensee/applicant(s) ever been convicted of any violation of the liquor laws in Maine or any State of the United States? ☐ Yes ☒ No

If Yes, please provide the following information and attach additional pages as needed using the same format.

Name: _____ Date of Conviction: _____

Offense: _____ Location: _____

Disposition: _____

15. Has the licensee/applicant(s) ever been convicted of any violation of any law, other than minor traffic violations, in Maine or any State of the United States? ☐ Yes ☒ No

If Yes, please provide the following information and attach additional pages as needed using the same format.

Name: _____ Date of Conviction: _____

Offense: _____ Location: _____

Disposition: _____

16. Has the licensee/applicant(s) formerly held a Maine liquor license? ☒ Yes ☐ No

17. Does the licensee/applicant(s) own the premises? ☐ Yes ☒ No

If No, please provide the name and address of the owner:

Stephan Bamberger 45 Page St. Brunswick, ME
04011

18. If you are applying for a liquor license for a Hotel or Bed & Breakfast, please provide the number of guest rooms available: _____

19. Please describe in detail the area(s) within the premises to be licensed. This description is in addition to the diagram in Section VI. (Use additional pages as needed)

Small dining room with full bar - 8 seats
and table seating for 25.

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

Name: Portland High School

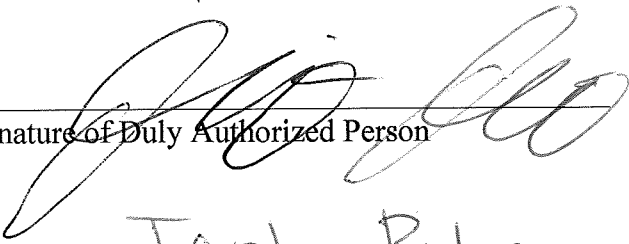
Distance: .2 Miles

Section II: Signature of Applicant(s)

By signing this application, the licensee/applicant understands that false statements made on this application are punishable by law. Knowingly supplying false information on this application is a Class D Offense under Maine's Criminal Code, punishable by confinement of up to one year, or by monetary fine of up to \$2,000 or by both.

Please sign and date in blue ink.

Dated: 2/3/2021 2/3/2021


Signature of Duly Authorized Person

Jordan Rubin
Printed Name Duly Authorized Person

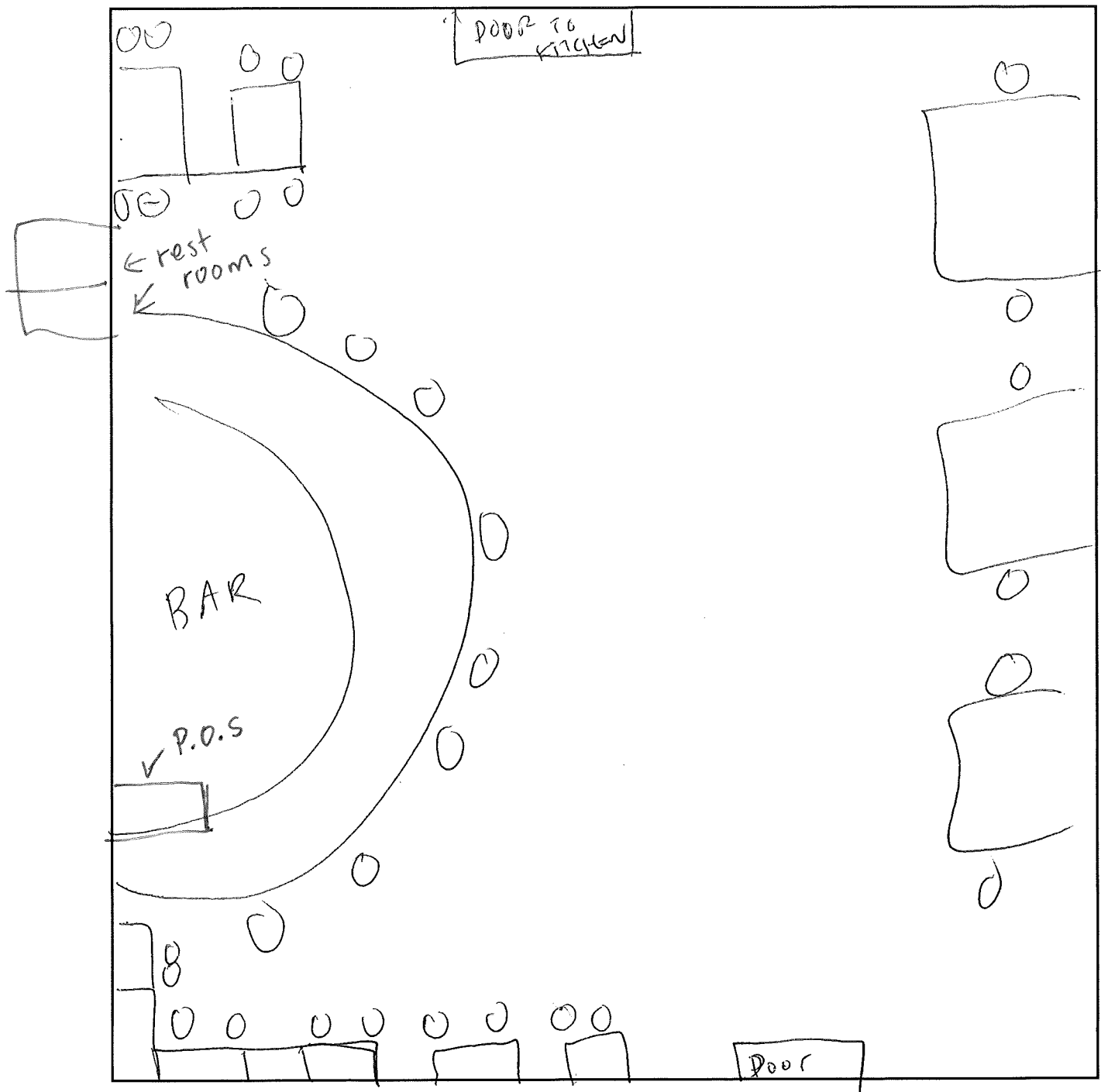
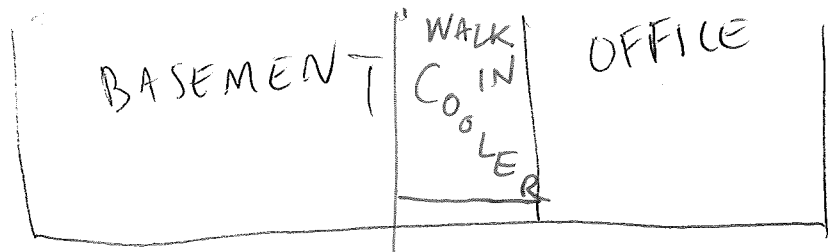
Signature of Duly Authorized Person

Printed Name of Duly Authorized Person

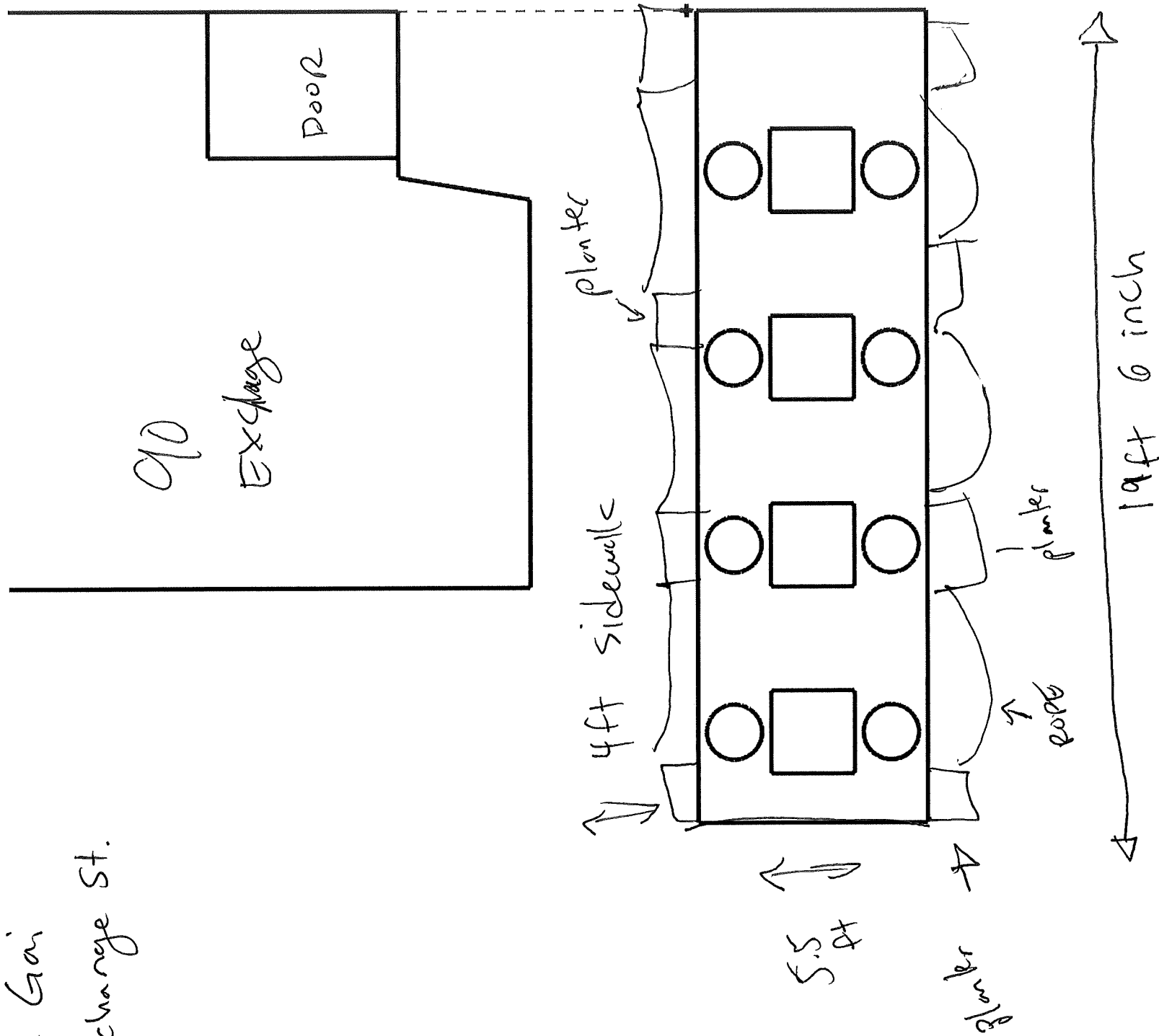
Section VI Premises Floor Plan

In an effort to clearly define your license premise and the areas that consumption and storage of liquor authorized by your license type is allowed, the Bureau requires all applications to include a diagram of the premise to be licensed.

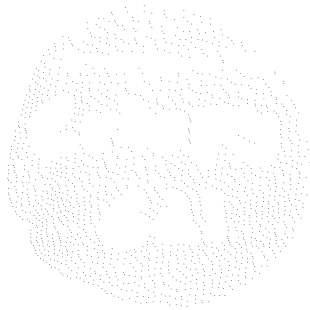
Diagrams should be submitted on this form and should be as accurate as possible. Be sure to label the following areas: entrances, office area, coolers, storage areas, display cases, shelves, restroom, point of sale area, area for on-premise consumption, dining rooms, event/function rooms, lounges, outside area/decks or any other areas on the premise that you are requesting approval. Attached an additional page as needed to fully describe the premise.



Crispy Gai
90 Exchange St.



Barriers.
Planters
w/ropes



CHICKEN

Bucket (four or eight piece) 12/22
thighs and drums Thai pepper brined, fried extra crispy and seasoned with our hat yai spice blend

Crispy Waterfall Salad 15
Crispy fried chicken, shallot, lemongrass, mint, cilantro, toasted rice powder, nam jim jaew, and a side of sticky rice

Classic Wings (six or twelve) 9/16
Extra crispy wings hat yai style with fried shallots

Gaeng Pèt Wings (six or twelve) 9/16
Red curry wings with makrut lime leaf

Sichuan Wings (six or twelve) 9/16
Numbing spice Thai-Chinese hot wings

Bangkok Hot Wings (six or twelve) 9/16
Extra crispy wings dipped in our "Bangkok Hot Sauce," seasoned with fermented bird eye chili salt

SANDWICHES

Bangkok Hot Sandwich 10
Extra crispy thigh dipped in our "Bangkok Hot Sauce," seasoned with fermented bird eye chili salt, and turmeric pickles on a Martin's sesame seed potato bun

Spicy Sandwich 10
Extra crispy thigh with karaage mayo, and turmeric pickles on a Martin's sesame seed potato bun

Classic Sandwich 10
Extra crispy thigh seasoned with our hat yai spice blend, kewpie mayo, and iceberg on a Martin's sesame seed potato bun.

SIDES

Cabbage Salad 7
Fried shallot, peanut, bird eye chili, red onion, mint, cilantro, and purple perilla

Som Tum 9
Green papaya, heirloom cherry tomato, peanuts, long bean, toasted dried shrimp, and tamarind palm sugar dressing

Kuncheiying Fried Rice 11
Fried rice with Chinese sausage, Chinese celery, garlic, cilantro, and thin soy

Sticky Rice 3
Traditional northern Thai side, great for taming the heat of a spicy dish or sauce!

SAUCES

Nam Jim Kai 2
Sweet and sour chili sauce

Nam Jim Khao Man Gai 2
Hainanese dripping sauce, umami, ginger

Karaage Mayo 2
Spicy mayo traditionally served with fried chicken

Nam Jim Jaew 2
Isaan style dipping sauce. Spicy, sour, umami

Chili Crisp 2
Crispy fried chili in oil

SWEETS

Pandan Ice Cream Sandwich 6
Pandan sugar cookies, rainbow sprinkles, and coconut ice cream by Ilma Lopez of Chaval

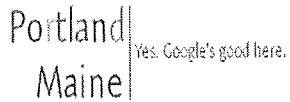
Lemongrass Rice Crispy 6
Crispy treat made with fruity pebbles and lemongrass

DRINKS

Thai Tea Tallboy 3
Sweet Thai tea, goes great with something spicy

Guava Limeade 6
Sweet, tart and refreshing

Mango Sticky Rice 6
Mango, coconut and sticky rice horchata



Jessica Hanscombe <jhanscombe@portlandmaine.gov>

Re: Crispy Gai

Dan Hondo <danh@portlandmaine.gov>

Tue, Mar 16, 2021 at 12:09 PM

To: Jessica Hanscombe <jhanscombe@portlandmaine.gov>

No no issues on PD side.

On Tue, Mar 16, 2021 at 10:05 AM Jessica Hanscombe <jhanscombe@portlandmaine.gov> wrote:

Good Morning

Please see the attached application for Crispy Gai for a Class I FSE with Outdoor Dining on Public Property. This will go before council on 4/5. 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

--
Lt. Dan Hondo
Portland Maine Police Dept.
Patrol Team B3/B4
(207)874-8513



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

JESSICA HANSCOMBE
389 CONGRESS ST
PORTLAND, ME 04101

Transaction Response #: MIQ99E653053

Criminal History Record

Introduction

This criminal history record was produced in response to the following request (Produced on 2021-03-16) :

Inquiries Name(s) JORDAN RUBIN (1983-04-25)

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 04101

Transaction Response #: MIQ99E653049

Criminal History Record

Introduction

This criminal history record was produced in response to the following request (Produced on 2021-03-16) :

Inquiries Name(s) CYLE REYNOLDS (1990-04-05)

NO MATCH WAS FOUND FOR YOUR REQUEST.



CITY OF PORTLAND
Permitting and Inspections Department

March 16, 2021

Crispy Gai LLC
29 Evans Street
South Portland ME 04106

Re: Crispy Gai LLC dba Crispy Gai. Application for a Class I FSE with Outdoor Dining on Public Property at 90 Exchange Street.

Dear Jordan Rubin

This letter shall serve as a reminder of the public hearing before the Portland City Council on **Monday April 5, 2021 at 5:00 p.m.**, for the review of application for a Class I FSE with Outdoor Dining on Public Property at 90 Exchange 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 April 5, 2021 at 5:00 P.M., virtually Crispy Gai LLC dba Crispy Gai. Application for a Class I FSE with Outdoor Dining on Public Property at 90 Exchange Street. Sponsored by Jon P. Jennings, City Manager.

MEMORANDUM
City Council Agenda Item

FROM:

DATE: March 16, 2021

SUBJECT: Order 204-20/21 Granting Municipal Officers' Approval of One City Wine Academy Inc dba Citrus. Application for a Class I FSE with Indoor Entertainment and Outdoor Dining on Private Property at 1 City Center - 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

This order grants municipal officers' approval of One City Wine Academy Inc dba Citrus. Application for a Class I FSE with Indoor Entertainment and Outdoor Dining on Private Property at 1 City Center.

The application was filed on 3/15/2021. New City and State applications. Location was previously MJ's Wine Bar.

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. Citrus
2. 20210330125748067

Prepared by:

Date: 3/16/2021

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:

**One City Wine Academy Inc dba Citrus. Application for a Class I FSE with Indoor
Entertainment and Outdoor Dining on Private Property at 1 City Center.**

Feb 23rd, 2021

Dear City Council,

I have spent my most of my adult life working the bars and restaurants that support Portland Maine. In 2013 I opened MJ's Wine Bar to promote professionalism and education around the subject of wine and wine Service. I feel we have done that. In 2015 I opened Lincolns because I thought that we needed a place downtown where people could get a drink and simply pay for what they were getting without the trendy fanfair. I feel we have done that. Today I am writing to you to propose the addition of Citrus to the Downtown Portland Hospitality Scene.

In the last year so much of downtown nightlife and it's popular venues have been eaten by the Covid-19 pandemic. As this pandemic lifts, I am creating a cocktail bar and dance club that will allow the people of Portland to convene, dance and connect in an environment that is safe, clean and not catering to the lowest common denominator. The epicurean scene here in Portland has been ranked #1 in the nation more than once recently yet after a \$230 dinner for two, where do you and your date go afterwards to dance? No where. Right now, there is not a place that would be a good fit for that clientele at that price point. Citrus is a breath of fresh air away from dive bars, brew pubs and dark prohibition cocktail bars. Citrus will serve fresh, familiar drinks, in fair portion sizes in an open air environment. Then, starting at 9pm we will offer DJ entertainment for dancing until 1am all the while offering the same menu and items.

Right now people are dying to get out, move around and connect with each other. When the state deems that it is permissible to be in proximity again, we hope that Citrus can be a meeting place for locals to reconnect and for restaurants to have a place to send their guests after dinner. I am excited to bring this to Portland and welcome any suggestions from the City Council to help make this the best fit for Portland that is possible. Thank you!

Mark Ohlson



CITY OF PORTLAND

Permitting and Inspections Department

Application for Food Service Establishment with Alcoholic Beverages License

Business Information	
Business Name (d/b/a):	Citrus Phone:
Location Address:	1 City Center, Portland, ME 04101 Zip:
If new, what was formerly at this location:	MJ'S Wine Bar
Mailing Address:	Same Zip:
Contact Person:	MARK OHLSON Phone: 207 653 6278
Contact Person Email:	markohlson@yahoo.com
Manager of Establishment:	not yet hired Date of Birth: Phone:
Owner of Premises (Landlord):	One City Center Associates
Address of Premises Owner:	1 City Center, Portland, ME 04101 Zip:

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	
One City Wine Academy Inc		1 City Center, Portland, ME 04101 Zip:	
Contact Person:	MARK OHLSON	Phone:	207 653 6278
Principal Officers	Title	Date of Birth	Residence Address
MARK OHLSON	owner	6/15/1979	41 Alder Lane, Scarborough, ME 04074
Class of Liquor License:		Class I Fse (Class A)	

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 food served:	Mediterranean	
Please circle all that will be served:	Beer	Wine
Projected percentage of sales:	Generated from Food: 75% @ 12%	Generated from Alcohol: 600k @ 28%
Hours & days of operation:	Weds - Saturday 5pm - 1am Sunday 12 - 8pm	

QUESTIONS

Will full-course meals, only capable of consumption with the use of tableware, be served the entire time the establishment is open?

Y/N
☒ Y

If No, please explain:

Is the establishment less than 300 feet from a school, dormitory, church or parish house, or similar establishment?

Y/N
☒ N

If yes, give the distance:

Will you have entertainment on the premises? (If yes, a Supplemental Application for Entertainment is required.)

Y/N
☒ N

Will you permit dancing after 1:00 a.m.?

Y/N
☒ N

Will you have outside dining? (If yes, an Outdoor Dining Application is required)

Y/N
☒ 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
☒ N

If yes, please list: # of pinball machines: _____ # of amusements: _____ # of pool tables: _____

What is your targeted opening date? MAY 10

Does the Issuance of this license directly or indirectly benefit any City employee(s)?

Y/N
☒ 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
☒ N

If Yes, please list business name(s) and location(s):

MJ's Wine Bar -> Some ownership, just a concept change. Lincoln, 36 Market

Is any principal officer under the age of 21?

Y/N
☒ N

Have applicant, partners, associates, or corporate officers ever been arrested, indicted, or convicted for any violation of law?

Y/N
☒ N

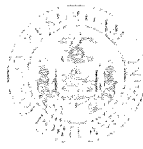
If Yes, please explain:

I MARK OLSON 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 [Signature] Title Owner Date 2/18/20



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):	One City Wine Academy, d/b/a Citrus	Phone:	
Location Address:	1 City Center, Portland, ME	Zip:	04101
Mailing Address:	Same	Zip:	
Contact Person:	MARK OHLSON	Phone:	207 653 6278
Contact Person Email:	markohlson@yahoo.com		
Manager of Establishment:	not yet hired	Date of Birth:	Phone:
Owner of Premises (Landlord):	One City Center Associates Inc.		
Address of Premises Owner:	Managed by Diego Mgmt, One City Center Portland, ME		Zip: 04101

Owner Information

Corporate Name		Corporate Mailing Address	
One City Wine Academy		1 City Center, Portland, ME Zip: 04101	
Contact Person:	MARK OHLSON	Phone:	207 653 6278

Principal Officers	Title	Date of Birth	Residence Address
MARK OHLSON	100% owner	6/15/79	4 Alden Lane, Scarborough, ME



CITY OF PORTLAND
Permitting and Inspections Department

Class of License:	Class 1 Restaurant
Type of food served:	Mediterranean, Cheese Plates
Please circle all that will be served:	Beer ☒ Wine ☒ Liquor ☒
Hours & days of operation:	Weds - Saturday 5pm - 1am Sunday 12:00 - 8pm
Number of Tables	
Number of Chairs	

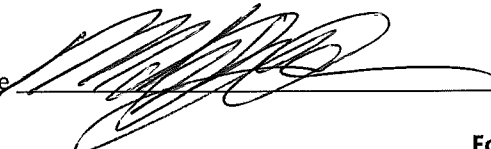
Design and Construction

- 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 Owner Date 2/23/21

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: _____ / _____	_____



CITY OF PORTLAND
Permitting and Inspections Department

Application for an Entertainment License

☒ Indoor Entertainment \$500.00	☐ Outdoor Entertainment \$700.00	☐ Combined Entertainment \$800.00

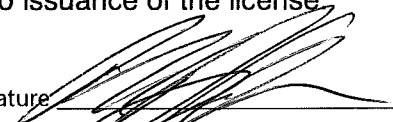
Business Information			
Business Name (d/b/a):	One City Wine Academy dba Citrus	Phone:	
Location Address:	1 City Center	Zip:	
Owner Name:	MARK OHLSON	Phone:	207 653 6278
Owner Email:	Mark Ohlson@yahoo.com		
Contact Person responsible for Entertainment:	MARK OHLSON	Phone:	207 653 6278
Contact Person Email:	Mark Ohlson@yahoo.com		
Manager of Establishment:	not yet hired	Phone:	
Manager Email:	n/a		

About Your Establishment

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

Citrus is a Citrus based Cocktail Bar with DJ entertainment
Thurs - Sun. Bright, Fresh Food & Drink at One City Center.

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 Owner Date 2/23/21

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



Jack Murray Engineer/Producer/System Designer

Odds Are Productions LLC
Ocean Sound & Lighting
Portland, ME

Citrus

1 City Center
Portland, ME 04101

March 12, 2021

Dear Mark,

Thanks so much for taking the time to reach out about a sound mitigation plan. It appears as though you've come up with a solid plan to combat any potential complaints.

Highlights from our talks include:

- An official handbook of rules for any staff to reference during a shift containing music.
- Minimize speaker spill outside on your patio by utilizing proper placement and keeping volume levels reasonable.
- Documenting consistent sound decibel readings from pre-determined locations every hour during the operation of music. These readings will be 60-second dBA weighted average. (Taking a reading before the music begins will help determine a baseline to compare during performances)
- A signed agreement on file for every group/artist affirming they know the rules contained within the official handbook.
- If a Portland police office arrives on location to do a decibel reading, you will cooperate in all respects and be ready to provide this policy/procedure document, the band's signed agreements, and decibel reading log without hesitation.

I believe the plan you've laid out to me and will subsequently provide to the city will satisfy their criteria to show you are taking a proactive approach and not a reactive approach after complaints may arise.

Take care,

Jack

Live Music Decibel Reading Log 2020

Max reading of 60 decibels between the hours of 7am and 10pm.

Max reading of 55 decibels between the hours of 10pm and 7am.

Max increase of 7 decibels from pre-performance reading (12:00pm) and hourly readings

Date: _____

Band: _____

Hour	Actual Time of Reading	Reading #1 at Property Line	Reading #1 at Franklin Field	Within Compliance? Y or N	Reading #2 at Property Line (if needed)	Reading #2 at Franklin Field (if needed)	Readings performed by: (Initials)
12:00 PM							
1:00 PM							
2:00 PM							
3:00 PM							
4:00 PM							

Nelson
Rarities,
Inc.

Federal St

Absolute
Health
Chiropractic
and Massage

Bank of
America

Dunkin'

Decibel Reading Location

HIFI Donuts

Sur Lie

Arabica
Coffee

Law Mmc

H&E Pa

Live Music Policies and Procedures

Citrus hosts DJ'd music every evening from 9pm-1am year round. The DJ is set up inside on our house sound system.

Before any music performance begins, Citrus personnel will take a baseline sound reading at the closest property border, in this case on Free St. This reading will be 60-second dBA weighted average. These readings will be recorded in the Event Decibel Reading Log.

During live music performances, Citrus management will complete hourly decibel readings at that same location. They will record these readings in the log that resides in the Manager On Duty binder. If the levels are more than 7 decibels above the baseline reading between 7am – 10pm or more than 2 decibels above the baseline reading after 10pm, they will request that the artist lower their levels and then do a second reading to ensure they are within compliance.

Each time a new artist performs they will be required to read and sign an agreement that they understand and will follow the city's guidelines and Citrus' policies and procedures regarding volume. Other artists who may perform at special events will also be required to read and sign this agreement.

If a Portland police officer arrives at the club to do a decibel reading, Citrus will cooperate in all respects and be ready to provide this policy/procedure document, the artist's signed agreements, and decibel reading log without hesitation.

City of Portland

Sound Mitigation Review

Date: 3/30/2021

Business Citrus

Applicant Mark Ohlson

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



STATE OF MAINE
DEPARTMENT OF ADMINISTRATIVE AND FINANCIAL SERVICES
BUREAU OF ALCOHOLIC BEVERAGES AND LOTTERY OPERATIONS
DIVISION OF LIQUOR LICENSING AND ENFORCEMENT

Application for an On-Premises License

All Questions Must Be Answered Completely. Please print legibly.

Division Use Only	
License No:	
Class:	By:
Deposit Date:	
Amt. Deposited:	
Payment Type:	
OK with SOS: Yes ☐ No ☐	

Section I: Licensee/Applicant(s) Information; Type of License and Status

Legal Business Entity Applicant Name (corporation, LLC):	Business Name (D/B/A):
One City Wine Academy Inc.	MJ's Wine Bar / Citrus
Individual or Sole Proprietor Applicant Name(s):	Physical Location:
Mark P Ohlson	1 City Center
Individual or Sole Proprietor Applicant Name(s):	Mailing address, if different:
Mailing address, if different from DBA address:	Email Address:
	brightfreshfun@gmail.com
Telephone # Fax #:	Business Telephone # Fax #:
207 653 6278	
Federal Tax Identification Number:	Maine Seller Certificate # or Sales Tax #:
46-2641600	1163867
Retail Beverage Alcohol Dealers Permit:	Website address:

1. New license or renewal of existing license? ☒ New Expected Start date: May 1, 2021
- ☐ Renewal Expiration Date: _____

2. The dollar amount of gross income for the licensure period that will end on the expiration date above:

Food: closed due to covid Beer, Wine or Spirits: closed due to covid Guest Rooms: 0

3. Please indicate the type of alcoholic beverage to be sold: (check all that apply)

☒ Malt Liquor (beer) ☒ Wine ☒ Spirits

4. Indicate the type of license applying for: (choose only one)

☒ Restaurant (Class I, II, III, IV)	☐ Class A Restaurant/Lounge (Class XI)	☐ Class A Lounge (Class X)
☐ Hotel (Class I, II, III, IV)	☐ Hotel – Food Optional (Class I-A)	☐ Bed & Breakfast (Class V)
☐ Golf Course (included optional licenses, please check if apply) (Class I, II, III, IV)	☐ Auxiliary	☐ Mobile Cart
☐ Tavern (Class IV)	☐ Other: _____	
☐ Qualified Caterer	☐ Self-Sponsored Events (Qualified Caterers Only)	

Refer to Section V for the License Fee Schedule on page 9

5. Business records are located at the following address:

1 City Center, Portland, Maine or 4 Alden Lane, Scarborough, Maine.

6. Is the licensee/applicant(s) citizens of the United States? ☒ Yes ☐ No

7. Is the licensee/applicant(s) a resident of the State of Maine? ☒ Yes ☐ No

NOTE: Applicants that are not citizens of the United States are required to file for the license as a business entity.

8. Is licensee/applicant(s) a business entity like a corporation or limited liability company?

☒ Yes ☐ No If Yes, complete Section VII at the end of this application

9. For a licensee/applicant who is a business entity as noted in Section I, does any officer, director, member, manager, shareholder or partner have in any way an interest, directly or indirectly, in their capacity in any other business entity which is a holder of a wholesaler license granted by the State of Maine?

☐ Yes ☒ No

☐ Not applicable – licensee/applicant(s) is a sole proprietor

10. Is the licensee or applicant for a license receiving, directly or indirectly, any money, credit, thing of value, endorsement of commercial paper, guarantee of credit or financial assistance of any sort from any person or entity within or without the State, if the person or entity is engaged, directly or indirectly, in the manufacture, distribution, wholesale sale, storage or transportation of liquor.

☐ Yes ☒ No

If yes, please provide details: _____

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

If yes, please list license number, business name, and complete physical location address: (attach additional pages as needed using the same format)

Name of Business	License Number	Complete Physical Address
Once City Wine Academy DBA MJ's	7979	1 City Center, Portland, Maine
Drinkwater, Ohlson and Briggs, DBA Lincolns		36 Market St, Portland, Maine

12. List name, date of birth, place of birth for all applicants including any manager(s) employed by the licensee/applicant. Provide maiden name, if married. (attach additional pages as needed using the same format)

Full Name	DOB	Place of Birth
Mark P Ohlson	06/15/1979	Berlin, Vermont

Residence address on all the above for previous 5 years

Name	Address:
Mark P Ohlson	4 Alden Lane, Scarborough, ME
Name	Address:

Name	Address:

Name	Address:

13. Will any law enforcement officer directly benefit financially from this license, if issued?

☐ Yes ☒ No

If Yes, provide name of law enforcement officer and department where employed:

14. Has the licensee/applicant(s) ever been convicted of any violation of the liquor laws in Maine or any State of the United States? ☐ Yes ☒ No

If Yes, please provide the following information and attach additional pages as needed using the same format.

Name: _____ Date of Conviction: _____

Offense: _____ Location: _____

Disposition: _____

15. Has the licensee/applicant(s) ever been convicted of any violation of any law, other than minor traffic violations, in Maine or any State of the United States? ☐ Yes ☒ No

If Yes, please provide the following information and attach additional pages as needed using the same format.

Name: _____ Date of Conviction: _____

Offense: _____ Location: _____

Disposition: _____

16. Has the licensee/applicant(s) formerly held a Maine liquor license? ☒ Yes ☐ No

17. Does the licensee/applicant(s) own the premises? ☐ Yes ☒ No

If No, please provide the name and address of the owner:

One City Center Associates, managed by Dirigo Property Mgmt.

18. If you are applying for a liquor license for a Hotel or Bed & Breakfast, please provide the number of guest rooms available: N/A

19. Please describe in detail the area(s) within the premises to be licensed. This description is in addition to the diagram in Section VI. (Use additional pages as needed)

Previously MJ's Wine Bar, this is 1400 sq ft on the south east side of One City Center adjacent to Dunki

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

Name: Unitarian Universalist Church on Congress St. at Union S

Distance: 650Ft around a corner.

Section II: Signature of Applicant(s)

By signing this application, the licensee/applicant understands that false statements made on this application are punishable by law. Knowingly supplying false information on this application is a Class D Offense under Maine's Criminal Code, punishable by confinement of up to one year, or by monetary fine of up to \$2,000 or by both.

Please sign and date in blue ink.

Dated: _____

Signature of Duly Authorized Person

Signature of Duly Authorized Person

Printed Name Duly Authorized Person

Printed Name of Duly Authorized Person

Section III: For use by Municipal Officers and County Commissioners only

The undersigned hereby certifies that we have complied with the process outlined in 28-A M.R.S. §653 and approve this on-premises liquor license application.

Dated: _____

Who is approving this application? ☐ Municipal Officers of _____

☐ County Commissioners of _____ County

- ☐ **Please Note:** The Municipal Officers or County Commissioners must confirm that the records of Local Option Votes have been verified that allows this type of establishment to be licensed by the Bureau for the type of alcohol to be sold for the appropriate days of the week. Please check this box to indicate this verification was completed.

Signature of Officials	Printed Name and Title

**This Application will Expire 60 Days from the date of
Municipal or County Approval unless submitted to the Bureau**

Included below is the section of Maine's liquor laws regarding the approval process by the municipalities or the county commissioners. This is provided as a courtesy only and may not reflect the law in effect at the time of application. Please see <http://www.mainelegislature.org/legis/statutes/28-A/title28-Asec653.html>

§653. Hearings; bureau review; appeal

1. Hearings. The municipal officers or, in the case of unincorporated places, the county commissioners of the county in which the unincorporated place is located, may hold a public hearing for the consideration of applications for new on-premises licenses and applications for transfer of location of existing on-premises licenses. The municipal officers or county commissioners may hold a public hearing for the consideration of requests for renewal of licenses, except that when an applicant has held a license for the prior 5 years and a complaint has not been filed against the applicant within that time, the applicant may request a waiver of the hearing.

A. The bureau shall prepare and supply application forms.

B. The municipal officers or the county commissioners, as the case may be, shall provide public notice of any hearing held under this section by causing a notice, at the applicant's prepaid expense, stating the name and place of hearing, to appear on at least 3 consecutive days before the date of hearing in a daily newspaper having general circulation in the municipality where the premises are located or one week before the date of the hearing in a weekly newspaper having general circulation in the municipality where the premises are located.

C. If the municipal officers or the county commissioners, as the case may be, fail to take final action on an application for a new on-premises license or transfer of the location of an existing on-premises license within 60 days of the filing of an application, the application is deemed approved and ready for action by the bureau. For purposes of this paragraph, the date of filing of the application is the date the application is received by the municipal officers or county commissioners. This paragraph applies to all applications pending before municipal officers or county commissioners as of the effective date of this paragraph as well as all applications filed on or after the effective date of this paragraph. This paragraph applies to an existing on-premises license that has been extended pending renewal. The municipal officers or the county commissioners shall take final action on an on-premises license that has been extended pending renewal within 120 days of the filing of the application.

D. If an application is approved by the municipal officers or the county commissioners but the bureau finds, after inspection of the premises and the records of the applicant, that the applicant does not qualify for the class of license applied for, the bureau shall notify the applicant of that fact in writing. The bureau shall give the applicant 30 days to file an amended application for the appropriate class of license, accompanied by any additional license fee, with the municipal officers or county commissioners, as the case may be. If the applicant fails to file an amended application within 30 days, the original application must be denied by the bureau. The bureau shall notify the applicant in writing of its decision to deny the application including the reasons for the denial and the rights of appeal of the applicant.

2. Findings. In granting or denying an application, the municipal officers or the county commissioners shall indicate the reasons for their decision and provide a copy to the applicant. A license may be denied on one or more of the following grounds:

A. Conviction of the applicant of any Class A, Class B or Class C crime;

B. Noncompliance of the licensed premises or its use with any local zoning ordinance or other land use ordinance not directly related to liquor control;

C. Conditions of record such as waste disposal violations, health or safety violations or repeated parking or traffic violations on or in the vicinity of the licensed premises and caused by persons patronizing or employed by the licensed premises or other such conditions caused by persons patronizing or employed by the licensed premises that unreasonably disturb, interfere with or affect the ability of persons or businesses residing or located in the vicinity of the licensed premises to use their property in a reasonable manner;

D. Repeated incidents of record of breaches of the peace, disorderly conduct, vandalism or other violations of law on or in the vicinity of the licensed premises and caused by persons patronizing or employed by the licensed premises;

D-1. Failure to obtain, or comply with the provisions of, a permit for music, dancing or entertainment required by a municipality or, in the case of an unincorporated place, the county commissioners;

E. A violation of any provision of this Title;

F. A determination by the municipal officers or county commissioners that the purpose of the application is to circumvent the provisions of section 601; and

G. After September 1, 2010, server training, in a program certified by the bureau and required by local ordinance, has not been completed by individuals who serve alcoholic beverages.

3. Appeal to bureau. Any applicant aggrieved by the decision of the municipal officers or county commissioners under this section may appeal to the bureau within 15 days of the receipt of the written decision of the municipal officers or county commissioners. The bureau shall hold a public hearing in the city, town or unincorporated place where the premises are situated. In acting on such an appeal, the bureau may consider all licensure requirements and findings referred to in subsection 2.

A. Repealed

B. If the decision appealed from is an application denial, the bureau may issue the license only if it finds by clear and convincing evidence that the decision was without justifiable cause.

4. Repealed

5. Appeal to District Court. Any person or governmental entity aggrieved by a bureau decision under this section may appeal the decision to the District Court within 30 days of receipt of the written decision of the bureau.

An applicant who files an appeal or who has an appeal pending shall pay the annual license fee the applicant would otherwise pay. Upon resolution of the appeal, if an applicant's license renewal is denied, the bureau shall refund the applicant the prorated amount of the unused license fee.

Section IV: Terms and Conditions of Licensure as an Establishment that sells liquor for on-premises consumption in Maine

- The licensee/applicant(s) agrees to be bound by and comply with the laws, rules and instructions promulgated by the Bureau.
- The licensee/applicant(s) agrees to maintain accurate records related to an on-premise license as required by the law, rules and instructions promulgated or issued by the Bureau if a license is issued as a result of this application.
 - The licensee/applicant(s) authorizes the Bureau to obtain and examine all books, records and tax returns pertaining to the business, for which this liquor license is requested, and also any books, records and returns during the year in which any liquor license is in effect.
- Any change in the licensee's/applicant's licensed premises as defined in this application must be approved by the Bureau in advance.
- All new applicants must apply to the Alcohol and Tobacco Tax and Trade Bureau (TTB) for its Retail Beverage Alcohol Dealers permit. See the TTB's website at <https://www.ttb.gov/nrc/retail-beverage-alcohol-dealers> for more information.

Section V: Fee Schedule

Filing fee required. In addition to the license fees listed below, a filing fee of \$10.00 must be included with all applications.

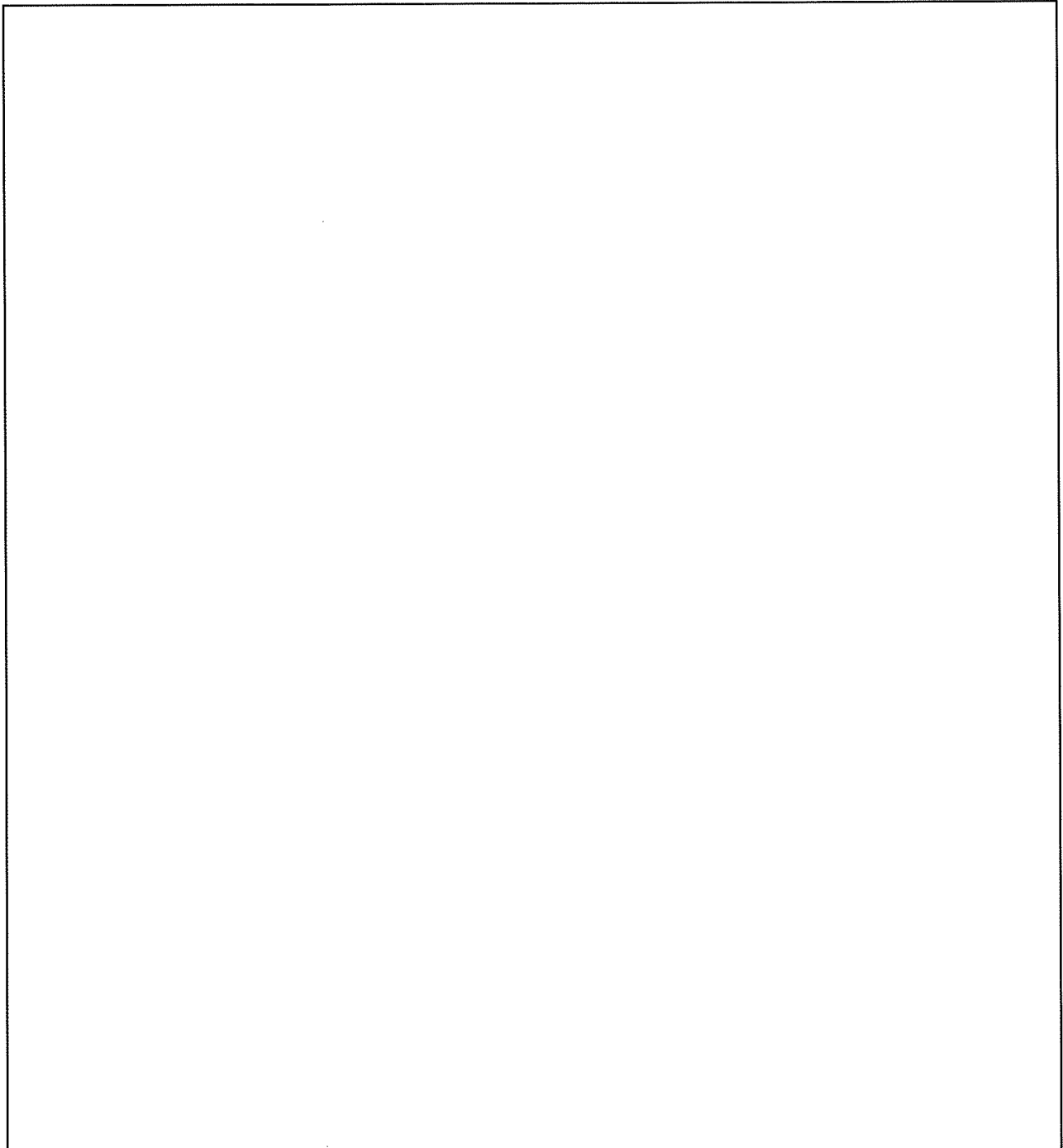
Please note: For Licensees/Applicants in unorganized territories in Maine, the \$10.00 filing fee must be paid directly to County Treasurer. All applications received by the Bureau from licensees/applicants in unorganized territories must submit proof of payment was made to the County Treasurer together with the application.

Class of License	Type of liquor/Establishments included	Fee
Class I	For the sale of liquor (malt liquor, wine and spirits) This class includes: Airlines; Civic Auditoriums; Class A Restaurants; Clubs with catering privileges; Dining Cars; Golf Courses; Hotels; Indoor Ice-Skating Clubs; Indoor Tennis Clubs; Vessels; Qualified Caterers	\$ 900.00
Class I-A	For the sale of liquor (malt liquor, wine and spirits) This class includes only hotels that do not serve three meals a day.	\$1,100.00
Class II	For the Sale of Spirits Only This class includes: Airlines; Civic Auditoriums; Class A Restaurants; Clubs with catering privileges; Dining Cars; Golf Courses; Hotels; Indoor Ice-Skating Clubs; Indoor Tennis Clubs; and Vessels.	\$ 550.00
Class III	For the Sale of Wine Only This class includes: Airlines; Civic Auditoriums; Class A Restaurants; Clubs with catering privileges; Dining Cars; Golf Courses; Hotels; Indoor Ice-Skating Clubs; Indoor Tennis Clubs; Restaurants; Vessels; Pool Halls; and Bed and Breakfasts.	\$ 220.00
Class IV	For the Sale of Malt Liquor Only This class includes: Airlines; Civic Auditoriums; Class A Restaurants; Clubs with catering privileges; Dining Cars; Golf Courses; Hotels; Indoor Ice-Skating Clubs; Indoor Tennis Clubs; Restaurants; Taverns; Pool Halls; and Bed and Breakfasts.	\$ 220.00
Class III and IV	For the Sale of Malt Liquor and Wine Only This class includes: Airlines; Civic Auditoriums; Class A Restaurants; Clubs with catering privileges; Dining Cars; Golf Courses; Hotels; Indoor Ice-Skating Clubs; Indoor Tennis Clubs; Restaurants; Vessels; Pool Halls; and Bed and Breakfasts.	\$ 440.00
Class V	For the sale of liquor (malt liquor, wine and spirits) This class includes only a Club without catering privileges.	\$ 495.00
Class X	For the sale of liquor (malt liquor, wine and spirits) This class includes only a Class A Lounge	\$2,200.00
Class XI	For the sale of liquor (malt liquor, wine and spirits) This class includes only a Restaurant Lounge	\$1,500.00

Section VI Premises Floor Plan

In an effort to clearly define your license premise and the areas that consumption and storage of liquor authorized by your license type is allowed, the Bureau requires all applications to include a diagram of the premise to be licensed.

Diagrams should be submitted on this form and should be as accurate as possible. Be sure to label the following areas: entrances, office area, coolers, storage areas, display cases, shelves, restroom, point of sale area, area for on-premise consumption, dining rooms, event/function rooms, lounges, outside area/decks or any other areas on the premise that you are requesting approval. Attached an additional page as needed to fully describe the premise.



Section VII: Required Additional Information for a Licensee/Applicant for an On-Premises Liquor License Who are Legal Business Entities

Questions 1 to 4 of this part of the application must match information in Section I of the application above and match the information on file with the Maine Secretary of State's office. If you have questions regarding your legal entity name or DBA, please call the Secretary of State's office at (207) 624-7752.

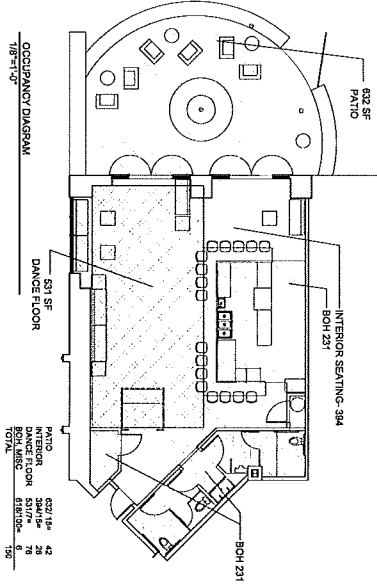
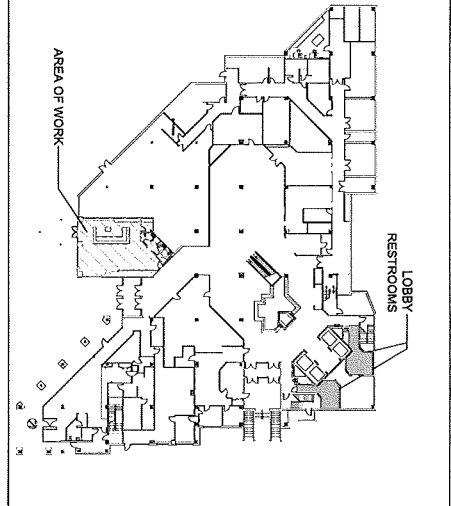
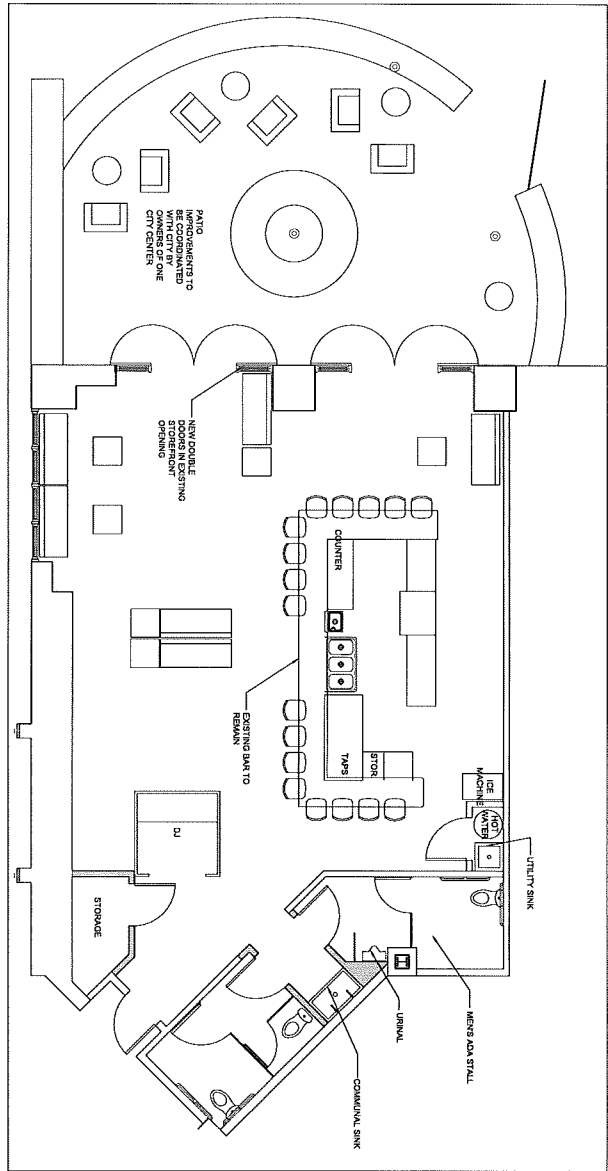
All Questions Must Be Answered Completely. Please print legibly.

1. Exact legal name: One Clty Wine Academy Inc.
2. Doing Business As, if any: MJ's Wine Bar / Citrus
3. Date of filing with Secretary of State: April 2013 State in which you are formed: Maine
4. If not a Maine business entity, date on which you were authorized to transact business in the State of Maine:

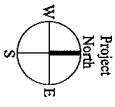
5. List the name and addresses for previous 5 years, birth dates, titles of officers, directors, managers, members or partners and the percentage ownership any person listed: (attached additional pages as needed)

Name	Address (5 Years)	Date of Birth	Title	Percentage of Ownership
Mark P Ohlson	4 Alden Lane, Scarborough, ME	06/15/1979	Owner	100%

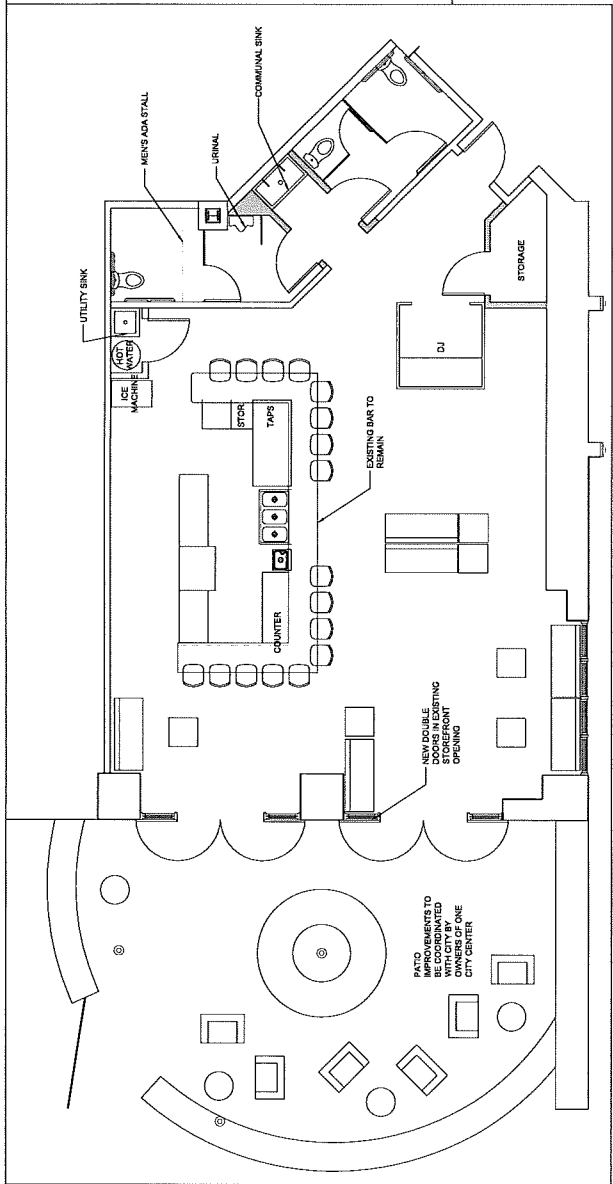
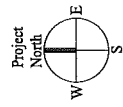
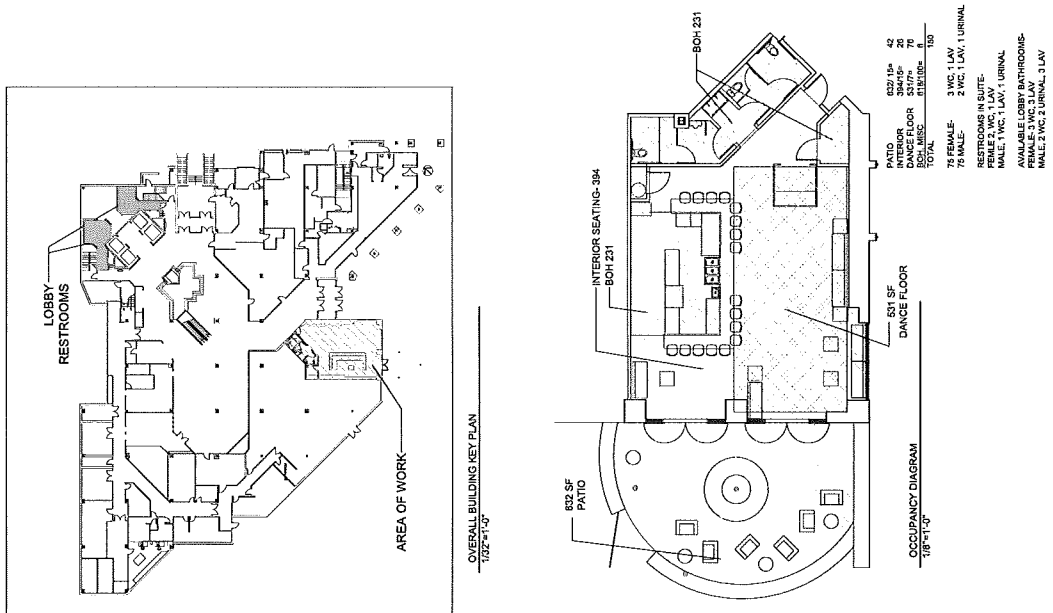
(Ownership in non-publicly traded companies must add up to 100%.)



75 FEMALE- 3 WC, 1 LAV
75 MALE- 2 WC, 1 LAV, 1 URINAL
RESTROOMS IN SUITE
TABLE 2, WC, 1 LAV
TABLE 1, WC, 1 LAV, 1 URINAL
AMULULE LOBBY BATHROOMS
TABLE 2, WC, 2 URINAL, 3 LAV



A1.01	Date: DEC. 22, 2020 Scale: AS NOTED Project: CITRUS	Revisions:	Project: CITRUS ONCE CITY CENTER PORTLAND, MAINE	Architect: ARCHETYPE architects 48 Union Wharf Portland, Maine 04101 (207) 772-6022 Fax (207) 772-4056	Consulting Engineer:	Prepared For: MARK OHLSON	



Citrus Menu

Salads

Cucumber Salad -8

Creamy soy dressing, sesame crunch.

Deviled Eggs - 8

A little spicy, but also creamy.

Cheese and Toast

All of these items come with toast points

Herbed Chèvre -10

Sweet tomato and onion jam,
Gremolata,

Buratta -12

Arugula, orange segments,
Basil pesto, crushed pistachios

Mushroom Toast - 10

Lemon Marscapone, Shiitakes

Whipped Eggplant -11

Pickled Shallot, Feta, chives
Roasted red pepper drizzle

Free Snacks

Not meant to be filling, just a little something for your taste buds.

Spicy Cajun Devil Nuts

(It's like a peanut, that's coated with a cracker shell and has spicy flavorings on it.)

Mini Vanilla Ice Cream Sandwiches

One per customer, please and thank you. Enjoy the nostalgia.

Sparkling Wine

By the Glass

Rapaneau	Champagne	\$18
Ya!	Cava	\$10
Vini	Lambrusco	\$11
Beatrice	Prosecco	\$12

By the Bottle

Pol Roger
Dom Perignon
Roederer Cristal
Grower champagne x2
Franc Fiz
Prosecco
Juves y Champs

Albert Bichot Rose

Cocktail Sorbets

Watermelon, Lemon mint,
Honeydew Melon or Blueberry,

Two Scoops, in a glass of either:

Cuvee Beatrice Prosecco.

A shot of Leblon Pisco

Actual 16oz Pints of Beer

100% in the can, just like you like it.

Frau Kolsh- cleanest beer in the world that still has integrity.

Allagash Saison - Our hometown hero's take on the Belgian wheat classic.

Preble Raspberry Sour - Tart and bright this sour stands out as a Portland classic.

Lone Pine Brewery - Portland Pale Ale. It's a standard weight pale ale from here.

Thirsty Botanist -Something hoppy for the hop heads. Very bright and juicy.

Rising tide Ishmael - A hopped version of a rich copper ale.

Murphy's Irish Stout - As black as night but still dry, light and quenching.

Mast Landing - Gunners Daughter Stout- Dark, heavy, fairly rich milk stout. Notes of chocolate.

Wine by the glass

White

Domaine	White Burgundy	Macon, FR	13
Blondeau	Sauvignon Blanc	Sancerre, FR	15
Ferrari Carano	Chardonnay	Sonoma, CA	12
Evolucio	Dry Furmint	Tokaj, Hungary	9
	Reisling	Saar-Mosel, Germany	12

Rose

Bieler Pere et fils,	Rhone Valley, FR	9

Red

Vincent Bachelet	Pinot Noir	Burgundy, FR	14
Jason Stephens	Cabernet Sauvignon	Santa Clara, CA	12
Bruni	Sangiovese	Chianti, Italy	10
Ondarre	Tempranillo	Rioja, Spain	12

Tonics

House made & bottled \$6

Lemon, Thyme, Hibiscus and Agave

Raspberry Lime Rickey

Orange, Beet, Carrot, Ginger

Earl Grey, almond milk, lemon

Cold brew with milk and sugar. (Or black)



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

JESSICA HANSCOMBE
389 CONGRESS ST
PORTLAND, ME 04101

Transaction Response #: MIQ99E653046

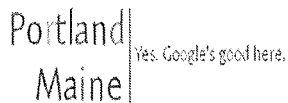
Criminal History Record

Introduction

This criminal history record was produced in response to the following request (Produced on 2021-03-16) :

Inquiries Name(s) MARK OHLSON (1979-06-15)

NO MATCH WAS FOUND FOR YOUR REQUEST.



Jessica Hanscombe <jhanscombe@portlandmaine.gov>

Re: Citrus**Glen McGary** <glenm@portlandmaine.gov>

Tue, Mar 16, 2021 at 11:18 AM

To: Jessica Hanscombe <jhanscombe@portlandmaine.gov>

Cc: Benjamin Pearson <bnp@portlandmaine.gov>, Chris Beaumont <cbeaumont@portlandmaine.gov>, Dan Hondo <danh@portlandmaine.gov>, Eric Cobb <ecobb@portlandmaine.gov>, Fire Prevention <fireprevention@portlandmaine.gov>, James Sweatt <jjs@portlandmaine.gov>, Jason Grant <jgrant@portlandmaine.gov>, Kathryn Barnes <kbarnes@portlandmaine.gov>, Kevin Schneck <kschneck@portlandmaine.gov>, Laurie Carlson <lac@portlandmaine.gov>, Stephen Marcotte <smarcotte@portlandmaine.gov>, Tom Williams <tw@portlandmaine.gov>, Treasury Division <treasury@portlandmaine.gov>

PPD approved

On Tue, Mar 16, 2021 at 10:18 AM Jessica Hanscombe <jhanscombe@portlandmaine.gov> wrote:

Good Morning

Please see the attached for a Class I with Outdoor Dining and Indoor Entertainment. This will go to council on 4/5. Please advise. Jessica

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



CITY OF PORTLAND
Permitting and Inspections Department

March 16, 2021

One City Wine Academy Inc
1 City Center
Portland ME 04101

Re: One City Wine Academy Inc dba Citrus. Application for a Class I FSE with Indoor Entertainment and Outdoor Dining on Private Property at 1 City Center.

Dear Mark Ohlson

This letter shall serve as a reminder of the public hearing before the Portland City Council on **Monday April 5, 2021 at 5:00 p.m.**, for the review of application for a Class I FSE with Indoor Entertainment and Outdoor Dining on Private Property at 1 City Center. 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 April 5, 2021 at 5:00 P.M., One City Wine Academy Inc dba Citrus. Application for a Class I FSE with Indoor Entertainment and Outdoor Dining on Private Property at 1 City Center. Sponsored by Jon P. Jennings, City Manager.

MEMORANDUM
City Council Agenda Item

FROM:

DATE: February 12, 2021

SUBJECT: Resolve 7-20/21 Requesting a Report on the Impacts of Historic Districts in the City of Portland - Sponsored by Kate Snyder, Mayor

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

Eleven historic districts have been established in Portland. Inside district boundaries, property owners have worked with the Historic Preservation Office in the Department of Planning and Urban Development over the years to maintain historic standards. In order to understand the impacts of the effects on the residents and the city created by the historic districts, an in-depth analysis would guide future actions by both the City's Planning staff and the City Council. This Resolution requests that the City Manager have this report written.

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. Resolve Supporting a Report on the Impacts of Historic Districts 4.5.2021

Prepared by:

Date: 2/12/2021

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)

**RESOLUTION REQUESTING A REPORT ON THE IMPACTS OF HISTORIC
DISTRICTS IN THE CITY OF PORTLAND**

WHEREAS, the City Council of Portland, Maine, has approved and established a total of eleven (11) historic districts over the years, including for Congress Street, Deering Street, Evergreen Cemetery, Fort McKinley on Great Diamond Island, House Island, How Houses, India Street, the Old Port, Portland Company, Stroudwater and the West End; and

WHEREAS, during the years in which these neighborhoods and island areas have had historic district zoning in place, property owners have worked with the Historic Preservation Office in the Department of Planning and Urban Development to maintain historic standards; and

WHEREAS, given this long history, it would be possible to collect data in such matters as employment, property values, cultural heritage tourism, environmental issues, downtown revitalization, and equity and inclusion for both the areas in these historic districts and the areas outside them; and

WHEREAS, in order to understand ramifications of the effects on the residents and the city created by the historic districts, an in-depth analysis would guide future actions by both the City's Planning staff and the City Council; and

WHEREAS, the City Council is considering the establishment of a twelfth Historic District on Munjoy Hill in 2021:

NOW, THEREFORE, BE IT RESOLVED, that I, Mayor Kate Snyder, and the Portland City Council hereby support the City Manager's commissioning of a report that would delineate the impacts of the historic districts located within the City of Portland; and

BE IT FURTHER RESOLVED, that the Mayor and the Portland City Council, among other things, seek to specifically learn more about the following impacts:

- Job creation and income generated by historic rehabilitation activity or other preservation efforts in Portland's historic districts;

- The economic impact of cultural heritage tourism and incremental impact relative to other forms of tourism in Portland;
- Demonstrated effect of historic districts on property values and rent within those districts as compared to non-historic districts;
- The role of historic preservation and downtown commercial district revitalization in Portland, Maine;
- The contribution of historic preservation to broader sustainable development, Smart Growth, energy conservation, and environmentally-sensitive or green community planning in Portland, Maine; and
- The social & Racial Impacts of Historic Preservation including, but not limited to, the opportunities in Portland's historic districts as it is related to the development of low and moderate income housing compared with other, non-historic district parts of the City.

MEMORANDUM
City Council Agenda Item

FROM: Kelley Walsh
Housing and Community Development Division

DATE: March 5, 2021

SUBJECT: Resolve 8-20/21 Adopting the Fiscal Year 2022 Annual Action Plan including appropriations For the Community Development Block Grant Program, HOME Program, and Emergency Solutions Grant Program and Approving a Substantial Amendment to the 2016-2020 Housing and Urban Development Consolidate Plan and 2019-2020 Annual Action Plan and Certifications Pertaining Thereto - 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 4/5/2021

Final Action 4/26/2021

Can action be taken at a later date: No No. A public notice indicating the day/time of the public hearing is required and was published.

PRESENTATION:

The Chair of the CDBG Annual Allocation Committee will present the Allocation Committee's recommendations. The City Manager will present his recommendations. HCD staff are available for questions.

I. SUMMARY

This Resolution Adopts the Fiscal Year 2022 HUD Annual Action Plan and appropriates funds to the identified programs utilizing CBDG, HOME, ESG, and other local sources, along with approving a substantial amendment to the 2016-2020 Consolidated Plan and the 2019-2020 Annual Action Plan outlining the use of the funds received from the U.S. Department of Housing and Urban Development through the CARES Act.

II. AGENDA DESCRIPTION

The 2021/2022 Housing and Community Development Program Annual Action Plan reports to the U.S Department of Housing and Urban Development (HUD) a total estimated budget of \$5,031,875:

- Community Development Block Grant ("CDBG") Entitlement Funds (\$1,902,454);
- Downtown TIF funding (\$120,000);
- Cotton St proceeds (\$20,000);
- HOME Program Grant, Program Income and Recapture (\$1,202,666);

- Lead Safe Housing Program Income (\$147,923);
- Local Housing Trust Fund (\$1,455,975);
- Emergency Solutions Grant (“ESG”) funds (\$164,857)

In addition, a substantial amendment to the 2016-2020 Consolidated Plan and the 2019-2020 Annual Action Plan will re-program \$524,669 in CDBG Cares Act funds (CDBG-CV3) and program \$1,004,425 in ESG Cares Act funds (ESG-CV2).

The CDBG Annual Allocation Committee reviewed all applications and made funding recommendations to the City Manager, whose recommendations are enclosed and include recommendations for CDBG-CV3 and ESG-CV2 funding. The Housing & Economic Development Committee reviewed the Housing Program Budget at their meeting on February 2, 2021 and voted unanimously (4-0) to recommend City Council approval of the budget.

Revisions to the HomePort Program Guidelines are submitted as a communication item and will be included in the Annual Action Plan filed with the U.S. Department of Housing and Urban Development. Additional information can be found in the staff memo (enclosed).

The City’s public participation process requires two public hearings to consider the City’s Housing and Community Development Program proposal. The hearings allow the public to comment on the City’s Consolidated Annual Action Plan. Public hearings for FY22 are set for April 5 and April 26.

At the second public hearing on April 26, five affirmative votes are required for passage after public comment.

III. BACKGROUND

For additional detail, reference is made to the attachments included in the backup materials.

IV. INTENDED RESULT AND/OR COUNCIL GOAL ADDRESSED

Council approval of 2021-2022 Annual Action Plan outlining the allocations for the programming of Community Development Block Grant Program, HOME Program, and Emergency Solutions Grant Program received from the U.S. Department of Housing and Urban Development and approval of a substantial amendment for CDBG-CV3 and ESG-CV2 funding

V. FINANCIAL IMPACT

Funding for these activities will be provided through grants from the U.S. Department of Housing and Urban Development.

VI. STAFF ANALYSIS AND BACKGROUND

For additional detail, reference is made to the attachments included in the backup materials.

VII. RECOMMENDATION

Staff recommends that the City Council vote to approve the 2021-2022 Annual Action Plan.

VIII. LIST ATTACHMENTS

1. Resolution FY 2022 CDBG Allocation & CARES Act 4.5.2022 w ex
2. Memo to Council budget 21-22
3. Memo budget and cap calculations 2021-2022

4. Allocation Committee Letter to City Manager
5. Allocation Committee Scoring Recommendations
6. City Manager Recommendation Letter 2021
7. Council Memo CDBGCV3 and ESGCV2
8. History of CDBG Attachment to Council Memo 19-20
9. Housing Program Budget Memo 03.05.2021
10. ESG 21-22 Budget and Narrative
11. Communication Item HomePort Program Changes.docx
12. CDBG Backup 1

Prepared by:

Kelley Walsh
Housing and Community Development Division
Date: 3/5/2021

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

**CITY OF PORTLAND
IN THE CITY COUNCIL**

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

**RESOLUTION ADOPTING THE FISCAL YEAR 2022 ANNUAL ACTION PLAN
INCLUDING APPROPRIATIONS FOR COMMUNITY DEVELOPMENT BLOCK
GRANT PROGRAM, HOME PROGRAM, AND EMERGENCY SOLUTIONS GRANT
PROGRAM AND APPROVING A SUBSTANTIAL AMENDMENT TO THE 2016-2020
CONSOLIDATED PLAN AND 2019-2020 ANNUAL ACTION PLAN AND
CERTIFICATIONS PERTAINING THERETO**

WHEREAS, the City of Portland, Maine has determined that there are pressing community and neighborhood needs for further federal assistance for housing and community development activities; and

WHEREAS, annual activities for the Consolidated Housing and Community Development Annual Action Plan have been recommended; and

WHEREAS, the City of Portland is anticipating an allocation from the United States Department of Housing and Urban Development (HUD) of \$1,920,454 of Community Development Block Grant (“CDBG”) Entitlement Funds for the program year 2021-2022 under Title I of the Housing and Community Development Act of 1974 (Public Law 93-383) as amended from time to time; \$20,000 in Cotton Street Proceeds, which is subject to the same regulations as the entitlement funds; \$120,000 in TIF funds; a HOME Program Grant allocation of \$991,679, HOME Program income of \$82,000, and HOME Recaptured Funds of \$128,987; Lead Safe Housing Program Income of \$147,923; local Housing Trust Funds of \$1,455,975; and \$164,857 of Emergency Shelter Grant funds; and

WHEREAS, CARES Act activities for Community Development Block Grant funding and Emergency Solutions Grant have been recommended; and

WHEREAS, the City of Portland has received an allocation from the United States Department of Housing and Urban Development (HUD) of \$524,669 of Community Development Block Grant (“CDBG-CV3”) CARES Act Funds and \$1,004,425 of Emergency Solutions Grant (ESG-CV2) CARES Act Funds; and

WHEREAS, the City Council of the City of Portland, Maine, desires to utilize these funds to support housing and community development activities:

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of Portland, Maine, hereby adopts the FY 2021-2022 Consolidated Housing and Community Development Annual Action Plan, including the sums of \$1,920,454 for the

Community Development Block Grant Program; \$20,000 in Cotton Street Proceeds; \$120,000 in TIF funds; \$1,202,666 in HOME Program funding, \$147,923 in Lead Safe Housing Program Income, \$1,455,975 in local Housing Trust Funds and \$164,857 for the Emergency Shelter Grant Program. These funds are hereby appropriated for the purposes approved in the attached Plan and budgets; and

BE IT FURTHER RESOLVED, that the City Council of the City of Portland, Maine, hereby adopts the substantial amendment to the FY 2019-2020 Consolidated Housing and Community Development Annual Action Plan including the sums of \$524,669 for the CARES Act Community Development Block Grant Program and \$1,004,425 for the CARES Act Emergency Shelter Grant Program; and

BE IT FURTHER RESOLVED, that the City of Portland, Maine, possesses legal authority to apply for the above-referenced Community Development Block Grant Program Funds, HOME Program funds and Emergency Shelter Grant Program funds for the Program Year 2021-2022, as well as the Community Development Block Grant CARES Act Funding and Emergency Solutions Grant CARES Act funding for Program Year 2019-2020; and

BE IT FURTHER RESOLVED, that the City Manager or his designee be authorized to:

- 1) Apply for, accept and expend the Community Development Block Grant Entitlement Funds of \$1,920,454, \$120,000 in TIF funding, \$20,000 in Cotton Street proceeds, \$991,679 of HOME Program funds, \$82,000 of HOME program income, \$128,987 of HOME recaptured funds; \$147,923 in Lead Safe Housing program income, \$1,455,975 in local Housing Trust Funds, and \$164,857 of Emergency Shelter Grant funds;
- 2) Accept and expend the CARES Act Community Development Block Grant Funds of \$524,669, and CARES Act Emergency Shelter Grant Funds of \$1,004,425;
- 2) Officially represent the City of Portland, Maine in connection with the application, including the execution of contracts on behalf of the City; and
- 3) Act as the certifying officer for HUD environmental documents related to these grants and to execute said documents and any other related documents necessary or convenient to carry out the intent of said grants; and

BE IT FURTHER RESOLVED, that the City of Portland, Maine certifies that it will comply with all of the attached assurances and provide such additional information as may be required by the U.S. Department of Housing and Urban Development; and

BE IT FURTHER RESOLVED, that the foregoing FY 2021-2022 Housing and Community Development Annual Action Plan funds and the FY 2019-2020 Annual Action Plan CARES Act funding are hereby appropriated pursuant to the Budget attached hereto.

Administration and Planning					Priority Impact/ Goal	Guiding Principles	Capacity to Deliver	Partner/ Collabor	Point Deductions	Total	Committee Recommendation	City Manager Recommendation	Council Allocation
Type	Priority	Organization	Program/ Project	Request	33 pts	30 pts	25 pts	12 pts					
1 AP	All	Planning & Urban Dev Dept.	CDBG Admin and Planning	\$404,356							\$404,356	\$404,356	
Total Admin & Planning Available				\$391,727						Subtotal:	\$404,356	\$404,356	# \$0

	Type	Priority	Organization	Program/ Project	Request	33 pts	30 pts	25 pts	12 pts	Point Deductions					
7	CON	HA	Youth and Family Outreach	337 Cumberland Ave	\$220,000.00	32.75	29.00	22.50	11.63	0.00	95.88	\$220,000	\$220,000		
10	ED	EO	Coastal Enterprise Inc.	Portland Microenterprise Assistance Program (PMAP)	\$48,000.00	30.25	26.63	22.88	11.00	0.00	90.75	\$48,000	\$48,000		
9	ED	EO	COP - Housing & Economic Development	Business Assistance Program (BAP)	\$205,000.00	30.88	26.13	22.38	10.75	-0.25	89.88	\$205,000	\$205,000		
5	CON	NI	Boys and Girls Club of Southern Maine	Kitchen Remodel	\$80,000.00	28.25	29.38	23.63	8.75	-1.25	88.75	\$80,000	\$80,000		
3	CON	NI	COP - Parks, Recreation and Facilities	Community Gardens Equity Project	\$98,763.00	26.38	29.13	22.75	8.75	-0.75	86.25	\$98,763	\$98,763		
6	CON	NI	Port Resources	Group Home Heat Pump Project	\$26,000.00	28.14	28.29	21.00	8.57	0.00	86.00	\$26,000	\$26,000		
8	CON	HA	Alpha One	Critical Access Ramp Program	\$42,000.00	31.13	27.25	21.50	0.00	-0.25	79.63	\$42,000	\$42,000		
2	CON	NI	COP - Department of Public Works	Washington Ave Sidewalk Accessibility Improvements	\$300,000.00	30.125	23.125	18.13	7.25	-0.25	78.38	\$177,123	\$267,123 *		
4	CON	NI	Maine Irish Heritage Center	State Street Fence Restoration	\$20,000.00	20.88	19.63	18.88	8.63	0.00	68.00	\$0			
			Estimated Total Development, Econ Dev. & Construction Requests		\$1,039,763										
			Estimated Total HUD Allocated Development Funds Available		\$896,886				Subtotal:			\$896,886			
			Estimated Total Funds Available to City Manager and Council (HUD Funds + TIF)		\$986,886			Subtotal:					\$986,886	\$0	
			* TIF Funding = \$90,000;												

CDBG Recommendations 2021-2022																
Social Service							Priority Impact/ Goal	Guiding Principles	Capacity to Deliver	Partner/ Collaboration	Point Deductions	Total	Committee Recommendation	City Manager Recommendation		Council Allocation
	Type	Priority	Organization	Program/ Project	Request	33 pts	30 pts	25 pts	12 pts		Total					
11	SS	NI	Police Department	Community Policing (set aside)	\$150,000							\$150,000	\$150,000			
18	SS	ANGHP	Preble Street	Florence House	\$27,000.00	32.25	29.00	23.75	11.88	0.00	96.88	\$27,000	\$27,000			
20	SS	ANGHP	Preble Street	Food Programs	\$55,000.00	31.75	28.88	23.50	12.00	0.00	96.13	\$55,000	\$55,000	**		
21	SS	ANGHP	Wayside	Direct Service Program	\$34,000.00	31.13	28.63	24.13	11.75	0.00	95.63	\$34,000	\$34,000			
15	SS	ANGHP	Hope Acts	Asylum Seeker Assistance Program	\$34,617.00	31.88	28.63	23.25	11.75	-0.25	95.25	\$34,617	\$34,617			
17	SS	ANGHP	COP - Oxford Street Shelter	Long Term Stayers Initiative	\$59,772.00	32.13	28.75	22.88	11.50	0.00	95.25	\$59,772	\$59,772			
25	SS	EO	Catherine Morrill Day Nursery	Portland CDBG Childcare Voucher Collaborative	\$80,808.00	31.38	28.50	22.75	11.88	0.00	94.50	\$80,808	\$80,808			
19	SS	ANGHP	Preble Street	Joe Kreisler Teen Shelter	\$27,000.00	32.00	27.38	23.13	11.63	0.00	94.13	\$27,000	\$27,000			
12	SS	ANGHP	Milestone	HOME Team	\$120,000.00	31.88	27.13	22.88	11.88	-0.50	93.25	\$120,000	\$120,000			
22	SS	ANGHP	Furniture Friends	Basic Needs Expansion	\$25,000.00	29.88	28.63	22.88	12.00	-0.50	92.875	\$25,000	\$25,000			
24	SS	EO	Catholic Charities	Immigrant Legal Services	\$101,608.00	29.75	28.38	23.13	11.63	0.00	92.875	\$26,280.00	\$101,280	*		
13	SS	ANGHP	COP- Public Health Division	Mobile Medical Outreach	\$75,000.00	31.13	27.88	20.75	11.00	-1.25	89.50		\$75,000	**		
14	SS	ANGHP	Amistad & Portland Downtown	Peer Outreach Worker (POW) Program	\$80,000.00	31.00	27.25	20.63	11.13	-2.00	88.00		\$80,000	**		
16	SS	ANGHP	Greater Family Promise	Homelessness Prevention	\$40,000.00	27.25	28.25	21.50	11.75	-1.75	87.00		\$40,000	**		
23	SS	EO	Portland Fire Department	Diversity Recruitment Initiative	\$19,000.00	22.25	22.50	16.88	6.88	-0.25	68.250					
				Total Social Service	\$928,805											
				Total Estimated HUD allocated social service funds available	\$639,477							\$639,477				
				Total estimated funds available to the City Manager HUD +Cotton Street +CDBG-CV3	\$910,094								\$910,094			
				* Cotton Street funding; no CDBG funds allocated												
				**CDBG-CV3 Funding												

TOTAL REMAINING CDBG-CV FUNDING \$524,669

All funds must be used to prevent, prepare for, and respond to COVID 19 and are subject to Duplication of Benefits rule. Funds are not subject

	ACTIVITY	BENEFICIARIES/ACTIVITY DESCRIPTION	STAFF
CONSTRUCTION/DEVELOPMENT	Public Facilities <i>Other Public Improvements: Bathrooms</i>	Beneficiaries: Residents of the neighborhood, homeless individuals, individuals visiting the area. Pilot program to install permanent bathroom facilities in income eligible neighborhoods	\$150,000
PUBLIC SERVICES	Public Health Mobile Medical Program	Beneficiaries: Homeless individuals Providing medical care to homeless individuals at OSS	\$75,000
	Amistad Peer Outreach	Beneficiaries: Homeless individuals Determining needs and connecting to care	\$80,000
	Greater Portland Family Promise	Beneficiaries: Homeless asylum seekers (families) Providing temporary housing and work to get them into permanent housing	\$40,000
	Preble Street Food Programs	Beneficiaries: Homeless individuals Provide 3 meals a day	\$55,000
	Day Space for Homeless Individuals	RFP Process administered by HCD Staff	\$124,669
TOTAL			\$524,669

Total ESG-CV round 2 Funds : \$1,004,425

All funds must be used to prevent, prepare for, and respond to COVID 19 and are subject to Duplication of Benefits rule. Funds are not subject to the consultation and citizen participation requirements that otherwise apply to the Community Development Block Grant, however each recipient must publish how its allocation has and will be used, at a minimum, on the Internet at the appropriate Government web site or through other electronic media

	ACTIVITY	ACTIVITY EXAMPLES	STAFF FUNDING RECOMMENDATION
Emergency Shelter Shelter Operations and Essential Services	Shelter Services and Operations	Beneficiaries: Unhoused asylum seekers. Additional staff costs, Additional PPE and cleaning costs, operation and cost of temporary, socially distance housing for asylum seekers.	\$200,000
	Shelter Services and Operations Day Space	Beneficiaries: Homeless Individuals Operational costs of running a day space for meals Costs: RFP Process	\$113,247
	Prevention and Diversion Program	Beneficiaries: Individuals at risk of entering the Shelter coordinator, housing retention specialists, general client supplies Program	\$563,178
Street Outreach Essential Services	22 Park Ave	Beneficiaries: Unsheltered homeless individuals for staff Funding	\$128,000

TOTAL

\$1,004,425

2021-2022 HOUSING PROGRAM BUDGET

03.05.2021

Total HUD HOME Entitlement Allocation	991,679
Portland Program Portion	508,731
Portland Admin Portion	99,168
County Program Portion	383,780

Recommended by HEDC (4-0) 02.02.2021
Approved by Council TBD
HUD Allocation Date: 02.25.2021

REVENUES- Housing Programs

2021-22 HOME Consortium Admin (10% of allocation)
2021-22 HOME Consortium Programming
2020-21 HOME Estimated Program Income
2020-21 HOME Estimated Program Income Recaptured Funds
2020-21 HOME Estimated Program Income and Recapture Deduction for County
2020-2021 Housing Trust Fund
2020-21 Lead Safe Housing Program Income**

REVENUE TOTALS (Portland)

HOME	LEAD Safe Housing Program Income**	Housing Trust Fund	TOTAL BUDGET
99,168			99,168
508,731			508,731
82,000			82,000
128,987			128,987
-65,408			-65,408
		1,455,975	1,455,975
	147,923		147,923
753,478	147,923	1,455,975	2,357,376

** Includes previous unallocated program income FY20 + program income estimate FY21

2021-22 HOUSING Budget by Activity (Portland)

Administration 243021QQ01 (includes 10% of PI)
Tenant-Based Rental Assistance 443021QT01
Affordable Housing Development 243021QA00
CHDO 243021QA00
Lead Safe Housing 243019PLL1 (PLL036)

EXPENDITURE TOTALS (Portland)

HOME	LEAD Safe Housing Program Income**	Housing Trust Fund	TOTAL BUDGET
107,368			107,368
136,392			136,392
424,929		1,455,975	1,880,904
84,789			84,789
0	147,923		147,923
753,478	147,923	1,455,975	2,357,376

2021-22 HOME Consortium COUNTY - approved by MOC on 03.03.2021

County HOME Program budget provided for reference only; adjusted for final HUD Allocation 02.25.2021

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

REVENUES- Housing Programs

2021-22 HOME Consortium Non-Portland Programming
2020-21 HOME County Program Income and Recapture

HOME
County
383,780
65,408
449,188

2021-22 HOUSING Budget by Activity

Affordable Housing Development 243021QC00
CHDO 243021QC00

HOME
County
385,224
63,963
449,188

Proposed 2021-2022 Budget for ESG

Emergency Solutions Grant 2014-2022

rev. 02.25.2021

Program	ESG Budgeted Funding Amount by Fiscal Year								
	FY 13-14	FY 14-15	FY 15-16	FY 16-17	FY 17-18	FY 18-19	FY 19-20	FY 20-21	FY 21-22
Operations: Homeless Health	\$28,993	\$35,391	\$0	\$0	\$0	\$0	\$0	\$0	\$0
Essential Services: Family Shelter	\$21,853	\$26,675	\$28,327	\$28,327	\$28,327	\$27,000	\$52,064	\$52,065	\$82,477
Homeless Prevention: Family Shelter	\$21,853	\$26,675	\$52,369	\$52,369	\$52,395	\$51,200	\$27,865	\$30,412	\$0
Homeless Prevention: Oxford Street	\$8,972	\$10,952	\$13,800	\$13,244	\$13,262	\$12,950	\$13,815	\$16,363	\$16,363
Rapid Rehousing: Oxford Street	\$35,888	\$43,807	\$55,200	\$55,200	\$55,200	\$54,200	\$55,064	\$55,064	\$55,064
Administration and HMIS	\$5,600	\$6,836	\$12,138	\$12,092	\$12,096	\$11,781	\$12,065	\$12,479	\$10,953
<i>Total (Actual)</i>	\$123,159	\$150,336	\$161,834	\$161,232	\$161,280	\$157,131	\$160,873	\$166,383	\$164,857
<i>Admin/HMIS cap</i>	\$9,237	\$11,275	\$12,138	\$12,092	\$12,096.00	\$12,096	\$12,065	\$12,479	\$12,364

Explanation

Operations: Homeless Health	This program is no longer administered by the City of Portland
Essential Services: Family Shelter	Funds pay for staff who provide housing assistance by seeking affordable units, applying for eligible subsidies and accessing transitional housing opportunities and follow-up case management services by assisting with budgets, tenant/ landlord negotiations, and connecting to area resources. There is a need in Portland to expand the essential services with the high number of families arriving. The budget is adjusted to cover 1 FTE, this will allow the case manager to work with 5-10 families (17-34 individuals). The Family Shelter has seen an increase in asylum seekers from the Southern border. Some of the reported issues from landlords that jeopardize housing retention are: improper food storage; pest issues; heating issues; and cleanliness. The Family Shelter will utilize essential funding to cover .25 of a life skills aide to assist with education.
Homeless Prevention: Oxford Street Shelter	Funds pay for staff who assist in preventing individuals from becoming homeless and providing necessary case management and referrals.
Rapid Rehousing: Oxford Street Shelter	Funds pay for staff who assist persons who have become homeless by quickly moving them into permanent housing and providing the necessary case management and referrals the individual needs.
Administration and HMIS	Funding will pay for the Administration and grant reporting requirements.
Budget Changes:	ESG allocations were released on 2/25/2021; PY21-22 sees a decrease of \$1,526 from prior year funding. For PY21-22 the Family Shelter budget has been adjusted to decrease the amount of funding for Homeless Prevention, and increase funding for Essential Services. The Family Shelter has experienced a decreased need in homeless prevention due to COVID19 and the eviction moratorium, while simultaneously seeing an increase in asylum seekers from the southern boarder accessing services. The increase in essential services for the Family Shelter will focus on addressing life skills for the increasing asylum seeker, such as proper food storage, pest issues, proper heating methods, and cleanliness.

NOTE:

City Council will take public comment on this budget



Memorandum

Housing and Economic Development Department Housing and Community Development Program

To: Mayor Snyder and the Portland City Council
Cc: Jon P. Jennings, City Manager
 Gregory Mitchell, Housing and Economic Development Director
 Mary Davis, Housing and Community Development Director
From: Kelley Walsh, HCD Program Manager
Date: March 5, 2021
Re: HUD's Consolidated Annual Action Plan 2021-2022

The Consolidated Annual Action Plan includes budgets for the Community Development Block Grant, HOME Program and the Emergency Solutions Grant. The total amount of funding the City of Portland is expected to allocate for the Consolidated Annual Action Plan is \$5,039,511, which includes allocations from the Department of Housing and Urban Development, program income, and our local funding sources, detailed below:

1. CDBG	\$ 1,920,454	HUD Allocation 2021-2021
	\$ 7,636	CDBG Housing Program income for Administration
	\$ 0	CDBG Program Income
	\$ 120,000*	TIF Funds for Development Activities (\$90,000) and Administration (\$30,000)
	\$ 20,000*	Cotton Street Proceeds for Social Service Activities
	\$ 0	CDBG Reprogrammed Funds
	<u>\$ 2,068,090</u>	Total Expected CDBG funds to Allocate for 2021-2022

CDBG Funds by Category for HUD Budget(does not include TIF & Cotton St proceeds)*

\$ 391,727	Administration and Planning
\$ 639,477	Social Services
<u>\$ 896,886</u>	Development Activity
<u>\$1,928,090</u>	

Attachments: (1a) CDBG recommendation letter from the City Manager; (1b) Staff Memo to City Manager, (1c) Recommendation Letter from the CDBG Allocation Committee; and (1d) Spreadsheet summarizing the recommendations of the Allocation Committee and City Manager; (1e) Overview of Portland's CDBG program

2. HOME	\$ 991,679	HUD Allocation 2021-2022
	\$ 82,000	Estimated HOME Program Income 2021-2022
	<u>\$ 128,987</u>	Estimated HOME Recaptured Funds 2021-2022
	<u>\$ 1,202,666</u>	Total Estimated HOME funds to Allocate for 2021-2022

Other Housing Funding

LEAD	\$ 147,923	Lead Safe Housing Program Income Funds
Trust	<u>\$ 1,455,975</u>	Local Housing Trust Funds
	<u>\$ 1,603,898</u>	

Attached you will find a Memo to the Mayor and City Council from Mary Davis explaining the Housing Budget (2 Housing Budget).

3. Emergency Solutions Grant:	
\$164,857	HUD Allocation 2021-2022

Attached you will find the proposed Emergency Solutions Grant budget (3 ESG Budget).

Memorandum

Housing and Economic Development Department Housing and Community Development Program



To: City Council
Cc: Jon Jennings, City Manager
Gregory Mitchell, Housing and Economic Development Director
Mary Davis, Housing and Community Development Director
From: Kelley Walsh, HCD Program Manager
Date: March 5, 2021
Subject: **2021-2022 CDBG Budget and Cap Calculations**

In past years, the CDBG budget submitted as part of the HCD Annual Action Plan matched the local CDBG budget presented on the allocation summary sheet. Starting in 2018, the budget differs due to the replacement of program income with TIF funds and Cotton Street proceeds. Staff would like to take the opportunity to address how these changes impact the overall CDBG budget and cap calculations.

CDBG budget and cap calculations: Each year staff calculate the HUD mandated funding caps for the following CDBG funding categories; Planning and Admin, Development Activities, and Social Services. The budget for our local CDBG program is created once the HUD mandated funding caps have been determined. The CDBG budget combines the CDBG entitlement funds with program income, reprogramed funds, and available local funds. These local resources are not included in the cap calculations nor are they required to be included in the HUD CDBG budget.

In past years, the CDBG program received program income from a parcel of land known as the Cotton Street garage. Following the HUD cap calculations, 20% of the program income went to Planning and Admin, 33% went to Social Services, and 47% went to Development Activities. In 2017 the City sold the Cotton Street parcel. In order to make up the loss of program income funds for each category, the City Council allocated \$120,000 of TIF revenue to be used for Planning and Administration (\$30,000) and for TIF-eligible public infrastructure projects (\$90,000). In addition, the City Council allocated \$20,000 from the Cotton Street proceeds to be used for social service activities.

The budget submitted to HUD in the HCD Annual Action Plan excludes local funding for the purposes of HUD mandated cap calculations. The TIF and Cotton Street funds are excluded from the HUD CDBG budget. The difference in the two budgets will be shown on the HUD's Consolidated Annual Action Plan 2021-2022 memo to the City Council.

CITY OF PORTLAND
Housing and Economic Development Department
Housing and Community Development Division

March 5, 2021

Jon P. Jennings, City
Manager City Hall
389 Congress Street
Portland, Maine 04101

Dear Mr. Jennings,

We are pleased to submit the CDBG Annual Allocation Committee's recommended budget allocations for the Community Development Block Grant (CDBG).

The U.S. HUD has released the 2021-2022 CDBG allocations. As in past years, the need for CDBG funding exceeds the amount of funds available. We received nine (9) Development Activities applications and fifteen (15) Social Service applications, along with an Administration and Planning application, for a total of \$2,372,924 in funding requests. Development Activities requests totaled \$1,039,763 with \$896,886 in funding, and \$928,805 in Social Service requests with \$639,477 in funding. The total funds requested for 2021-2022 was \$2,372,924 resulting in a gap of \$444,834. The City of Portland allocation, funding requests, and differences are represented in the table below.

CDBG	ALLOCATION	REQUEST	DIFFERENCE
	Year 47	Year 47	Year 47
	FY 21-22	FY 21-22	FY 21-22
Planning and Administration	\$391,727	\$404,356	\$-12,629
Social Service	\$639,477	\$928,805	\$-289,328
Development Activities	\$896,886	\$1,039,763	\$-142,877
TOTAL	\$1,928,090	\$2,372,924	\$-444,834

The Committee was faced with difficult choices in this year's recommendation process. In making the final recommendation, the Committee focused on scoring criteria and information provided in each application to be fair to all applicants. The Committee was also acutely aware that the Covid-19 pandemic has deeply affected both the community at large and the service providers themselves, many of whom have had to significantly adjust their programs to maintain safe environments for their staff, volunteers and clients. While not specifically addressed as part of the scoring criteria, the effects of the pandemic on the applicants, the services they provide and the development projects that they intend to

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undertake were factors in The Committee's deliberations.

This letter includes a description of this year's process, how the applications were reviewed and scored, and our recommendations for funding.

APPLICATION PROCESS AND REVIEW

The Allocation Committee Review and Funding Methods

The mandatory applicant's meeting was held remotely on November 11 at 5:30pm via Zoom. CDBG Applications were made available on November 12, 2020 and submissions were due Friday, December 11, 2020 by 4:00pm.

The Committee met seven (7) times between January 6, 2021 and February 24, 2021 to discuss Administration and Planning, Development Activities, and Social Service applications. The Committee members read each application individually prior to meeting and discussing as a group. When questions about the applications arose, staff documented the questions and forwarded them to the applicant to respond, and applicant responses were then shared with the Committee and reviewed. Allocation Committee members then scored each application individually, using the scoring matrix structured in accordance with the priorities established by the City Council.

After all the scores were received from Allocation Committee members, staff organized the applications by score from the highest to the lowest within each application category. The City Council has directed the Committee to recommend full funding based on the request of each applicant; therefore, each applicant was awarded full funding in descending order, by total score, until the anticipated funding was exhausted.

Funding Caps

The funding caps remain the same from the previous year and were set by the City Council at \$150,000 for Social Service applicants and \$250,000 for Development activities. Administration and Planning funding is limited to 20% of the entire CDBG budget. The City Council's 85% Rule for Development Activities specifies that a maximum of 85% of the Development Activity funding can go to fund City applicants, with a minimum 15% reserved for outside organizations. In addition to the 85% rule a public infrastructure set aside of up to 60% of the City's maximum 85% request was introduced last year and remains in effect. The City Council's 45% Rule for Social Services specifies that a maximum of 45% of the Social Service funding can go to fund City applications, and a minimum of 55% must go to outside requests.

RECOMMENDATIONS

Administration and Planning Funding

The Committee reviews information regarding Administration and Planning but does not score the application competitively. Administration funding is essential for operating the CDBG program and reporting to HUD. The Planning & Urban Development Department submitted a budget of \$404,356 with the understanding that Administration and Planning funding is limited to 20% of the entire CDBG budget. This year, the 20% cap is \$391,727.

Development Activities Funding

The Committee received nine (9) Development Activity applications requesting \$1,039,763 which includes both construction activities and economic development initiatives. For 2021-2022 \$896,886 is available for Development Activity funding. The following table lists in descending scoring point order the applicant organization, program, funding request, and committee recommendation.

Organization	Program	Request	Points	Committee Recommendation
Youth and Family Outreach	337 Cumberland Ave	\$220,000	95.88	\$220,000
Coastal Enterprise Inc.	Portland Microenterprise Assistance Program	\$48,000	90.75	\$48,000
COP Housing and Economic Development Dept.	Business Assistance Program	\$205,000	89.88	\$205,000
Boys and Girls Club of Southern Maine	Kitchen Remodel	\$80,000	88.75	\$80,000
COP Parks, Recreation and Facilities	Community Garden Equity Project	\$98,763	86.25	\$98,763
Port Resources	Group Home Heat Pump Project	\$26,000	86.00	\$26,000
Alpha One	Critical Access Ramp Program	\$42,000	79.63	\$42,000
COP Department of Public Works	Washington Ave Sidewalk Accessibility Improvements	\$300,000	78.38	\$177,123

Social Service Funding

The Committee received fifteen (15) Social Service applications, including a \$150,000 request from Community Policing, which will be funded through a set-aside. A total of \$928,805 in Social Service requests were received with \$639,477 in available funding. The following table lists in descending scoring point order the applicant organization, program, funding request, and committee recommendation.

Organization	Program	Request	Points	Committee Recommendation
COP -PPD	Community Policing	\$150,000	Set aside	\$150,000
Preble Street	Florence House	\$27,000	96.88	\$27,000
Preble Street	Food Programs	\$55,000	96.13	\$55,000
Wayside Foods	Direct Service Program	\$34,000	95.63	\$34,000
Hope Acts	Asylum Seeker Assistance Program	\$34,617	95.25	\$34,617
COP Oxford Street Shelter	Long Term Stayers Initiative	\$59,772	95.25	\$59,772
Catherine Morrill Day Nursery	Portland CDBG Childcare Voucher Collaborative	\$80,808	94.50	\$80,808
Preble Street	Joe Kreisler Teen Shelter	\$27,000	94.13	\$27,000
Milestone	HOME Team	\$120,000	93.25	\$120,000
Furniture Friends	Basic Necessities Expansion	\$25,000	92.875	\$25,000
Catholic Charities and Immigrant Legal Services Advocacy Project	Immigrant Legal Services	\$101,608	92.875	\$26,280

The CDBG Allocation Committee found it challenging to prioritize which projects would

have the greatest impact. The committee was focused on understanding the needs of the community, though many applications contained strong anecdotal evidence of immediate needs, the committee tried to reward applications addressing specific performance/outcome data, social and societal trends, complementary vs. competing or duplicative programs, and the demand for services from different constituencies in the City.

In particular, the Committee was interested in fostering partnerships between organizations to maximize the impact and efficiency of their programs. The Committee observed that partnerships and cooperation reduce duplicative services and can make the most of the limited funding available. In addition, the committee believes organizations working together are more likely to launch successful, effective, and sustainable programs.

ADDITIONAL CONSIDERATIONS

The Committee believes that the Development applications recommended for funding represent a favorable balance of priorities, including increasing available housing, fostering environmental sustainability, eliminating blight, increasing access, and creating opportunities for economic development.

In terms of the Social Services recommendations, we believe the scores reflect a balanced approach to addressing the range of community needs reflected by the applications. However, we want to call attention to three (3) applications scoring just below those that received the Committee's recommendation for full funding. These applications are separated by just over half a point and are all highly valued by the Committee members as important to the City's overall social service resources. As with the Development applications, we recommend and welcome City Manager and City Council consideration for distributing funding from higher scoring, higher funding requested projects or accessing discretionary or Program Income to fund (or partially fund) worthwhile applications such as City of Portland Public Health Division Mobile Medical Outreach, Amistad & Portland Downtown Peer Outreach Worker Program, or Greater Family Promise Homeless Prevention. Such consideration could further extend the reach and impact of the valuable financial resources and diversity of the organizations receiving support.

The Committee respects that the City Manager and City Council may have different priorities from those reflected in the Committee's allocation recommendations, and that both have flexibility that is not afforded by the structure of the Committee's scoring system. We look forward to learning of your and the City Council's conclusions regarding CDBG allocations.

SUMMARY

All projects that requested funding would be beneficial to our City, however due to limited dollars, not all were recommended for funding through this program. This is a competitive process; each applicant competed against all other applicants in their respective Development and Social Services categories. The projects not recommended for funding scored lower in each of the evaluation categories, and therefore in total points. A spreadsheet is attached which provides all scores for each application.

As always, the Committee will continue to look for ways to improve the efficiency,

effectiveness and transparency of the program. We welcome comments, suggestions, and feedback both from the Council and the public.

We thank you for your commitment to this program and hope you are satisfied with the results. We are especially grateful for our appointments to the Annual Allocation Committee, providing us with the opportunity to participate in this program, and offer our recommendations for your consideration. We look forward to seeing you on March 24th and hearing your response.

Sincerely,

The CDBG Annual Allocation Committee for Program Year 2021-2022

Brad Hanscom, Chair
D. Kelley Young
Edward Loro
Lawson Condrey
Leslie Clauge

Lucinda Pyne, Vice Chair
Samuel Martin
Stephan Houdlett

Attachments: CDBG Allocation Committee Funding Recommendations 2021-2022 (spreadsheet)

Administration and Planning					Priority Impact/ Goal	Guiding Principles	Capacity to Deliver	Partner/ Collabor	Point Deductions	Total	Committee Recommendation	City Manager Recommendation	Council Allocation
Type	Priority	Organization	Program/ Project	Request	33 pts	30 pts	25 pts	12 pts					
1	AP	All	Planning & Urban Dev Dept.	CDBG Admin and Planning	\$404,356						\$404,356		
Total Admin & Planning Available				\$391,727						Subtotal:	\$404,356	\$0	\$0

	Type	Priority	Organization	Program/ Project	Request	33 pts	30 pts	25 pts	12 pts	Point Deductions					
7	CON	HA	Youth and Family Outreach	337 Cumberland Ave	\$220,000.00	32.75	29.00	22.50	11.63	0.00	95.88	\$220,000			
10	ED	EO	Coastal Enterprise Inc.	Portland Microenterprise Assistance Program (PMAP)	\$48,000.00	30.25	26.63	22.88	11.00	0.00	90.75	\$48,000			
9	ED	EO	COP - Housing & Economic Development	Business Assistance Program (BAP)	\$205,000.00	30.88	26.13	22.38	10.75	-0.25	89.88	\$205,000			
5	CON	NI	Boys and Girls Club of Southern Maine	Kitchen Remodel	\$80,000.00	28.25	29.38	23.63	8.75	-1.25	88.75	\$80,000			
3	CON	NI	COP - Parks, Recreation and Facilities	Community Gardens Equity Project	\$98,763.00	26.38	29.13	22.75	8.75	-0.75	86.25	\$98,763			
6	CON	NI	Port Resources	Group Home Heat Pump Project	\$26,000.00	28.14	28.29	21.00	8.57	0.00	86.00	\$26,000			
8	CON	HA	Alpha One	Critical Access Ramp Program	\$42,000.00	31.13	27.25	21.50	0.00	-0.25	79.63	\$42,000			
2	CON	NI	COP - Department of Public Works	Washington Ave Sidewalk Accessibility Improvements	\$300,000.00	30.125	23.125	18.13	7.25	-0.25	78.38	\$177,123			
4	CON	NI	Maine Irish Heritage Center	State Street Fence Restoration	\$20,000.00	20.88	19.63	18.88	8.63	0.00	68.00	\$0			
			Estimated Total Development, Econ Dev. & Construction Requests		\$1,039,763										
			Estimated Total HUD Allocated Development Funds Available		\$896,886				Subtotal:			\$896,886			
			Estimated Total Funds Available to City Manager and Council (HUD Funds + TIF) * TIF Funding = \$90,000;		\$986,886			Subtotal:					\$0	\$0	

CDBG Recommendations 2021-2022

Social Service						Priority Impact/ Goal	Guiding Principles	Capacity to Deliver	Partner/ Collaboration	Point Deductions	Total	Committee Recommendation	City Manager Recommendation	Council Allocation
	Type	Priority	Organization	Program/ Project	Request	33 pts	30 pts	25 pts	12 pts		Total			
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18	SS	ANGHP	Preble Street	Florence House	\$27,000.00	32.25	29.00	23.75	11.88	0.00	96.88	\$27,000		
20	SS	ANGHP	Preble Street	Food Programs	\$55,000.00	31.75	28.88	23.50	12.00	0.00	96.13	\$55,000		
21	SS	ANGHP	Wayside	Direct Service Program	\$34,000.00	31.13	28.63	24.13	11.75	0.00	95.63	\$34,000		
15	SS	ANGHP	Hope Acts	Asylum Seeker Assistance Program	\$34,617.00	31.88	28.63	23.25	11.75	-0.25	95.25	\$34,617		
17	SS	ANGHP	COP - Oxford Street Shelter	Long Term Stayers Initiative	\$59,772.00	32.13	28.75	22.88	11.50	0.00	95.25	\$59,772		
25	SS	EO	Catherine Morrill Day Nursery	Portland CDBG Childcare Voucher Collaborative	\$80,808.00	31.38	28.50	22.75	11.88	0.00	94.50	\$80,808		
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12	SS	ANGHP	Milestone	HOME Team	\$120,000.00	31.88	27.13	22.88	11.88	-0.50	93.25	\$120,000		
22	SS	ANGHP	Furniture Friends	Basic Needs Expansion	\$25,000.00	29.88	28.63	22.88	12.00	-0.50	92.875	\$25,000		
24	SS	EO	Catholic Charities	Immigrant Legal Services	\$101,608.00	29.75	28.38	23.13	11.63	0.00	92.875	\$26,280.00		
13	SS	ANGHP	COP- Public Health Division	Mobile Medical Outreach	\$75,000.00	31.13	27.88	20.75	11.00	-1.25	89.50			
14	SS	ANGHP	Amistad & Portland Downtown	Peer Outreach Worker (POW) Program	\$80,000.00	31.00	27.25	20.63	11.13	-2.00	88.00			
16	SS	ANGHP	Greater Family Promise	Homelessness Prevention	\$40,000.00	27.25	28.25	21.50	11.75	-1.75	87.00			
23	SS	EO	Portland Fire Department	Diversity Recruitment Initiative	\$19,000.00	22.25	22.50	16.88	6.88	-0.25	68.250			

				<i>Total Social Service</i>	\$928,805									
				<i>Total Estimated HUD allocated social service funds available</i>	\$639,477							\$639,477		
				<i>Total estimated funds available to the City Manager HUD +Cotton Street</i>	\$659,477								\$0	
				<i>* Cotton Street funding; no CDBG funds allocated</i>										



CITY OF PORTLAND
Executive Department
Jon P. Jennings, City Manager

March 29, 2021

Members of the Portland City Council:

I am pleased to submit to you my recommendations for the Community Development Block Grant (CDBG) Program for the fiscal year beginning July 1, 2021 to June 30, 2022.

I would like to commend the CDBG Allocation Committee on their hard work and dedication to the City's Community Development Program. I have reviewed the Allocation Committee's recommendations and acknowledge the difficult scoring decisions that were made by the Committee. I reviewed all of the applications and carefully considered the Allocation Committee's recommendations before forming my recommendations [*City Manager's Recommendations A1*]. As you will see from my recommendations, I have made changes to the Allocation Committee's recommendations that I feel align with the current goals and needs of the City.

The needs of the City have been drastically impacted by the Coronavirus pandemic, creating many unique challenges for our community. Creativity and collaboration are key to addressing these needs. A coordinated, collaborative approach with community partners will not only meet the needs of our community, but also support a broader network of social supports for individuals in need of assistance. I believe my recommendations will allow our community to achieve this goal.

The City of Portland, as a result of the federal Coronavirus Aid, Relief and Economic Security Act (CARES Act), received supplemental Community Development Block Grant funding (known as CDBG-CV3) in the amount of \$634,669. In October, the City Council approved the allocation of \$100,000 for the Winter Sustainability Grant Program, and \$524,699 for rental assistance. Shortly after, the State of Maine launched a statewide rental assistance program. In order to limit confusion for Portland residents, MaineHousing indicated they would prefer the City not engage in a local rental assistance program as Portland residents would be eligible to access the statewide program. With the state rental assistance resources available, I am recommending the previously allocated \$524,699 be re-programmed into the FY22 CDBG Allocation.

1) *Social Services*. This year we had a wide array of competitive social service applications. As in past years, there are more deserving applicants than funds available. What makes this year unique is the City has additional CDBG resources available to address the impacts of COVID-19. In addition to the annual allocation for social service, I am also recommending CDBG-CV3 funding be re-programmed to fund most of the remaining applicants not funded through the annual CDBG allocation and which meet the CDBG-CV requirement to prevent, prepare for, and respond to COVID 19.

I feel strongly that programs serving the growing homeless population provide a vital resource to the most vulnerable members of our community, and are key to decreasing and containing the spread of COVID-19, in what are historically congregate settings. I am recommending that CDBG-CV3 funding be used to fund the Amistad Peer Outreach Program, Public Health Mobile Medical Outreach Program, Greater Portland Family Promise Homeless Prevention, and the Preble Street Food Program. All four of these programs are by nature designed to prevent, prepare for, or respond to the current pandemic, thus are eligible to receive CDBG-CV

funding. Funding the Preble Street Food Program with CV funding frees up \$55,000 from the annual CDBG allocation. In addition, there is \$20,000 available from the proceeds of the sale of the Cotton Street Lot. It is my recommendation that the City Council allocate the \$20,000 in Cotton Street proceeds, and the remaining \$55,000 in CDBG funds, to Catholic Charities Immigrant Legal Services program, allowing the program to be almost fully funded. With these recommendations, fourteen (14) of the fifteen (15) applications would receive funding, a historic opportunity for the City's CDBG program.

Without CDBG funding, it is likely a majority of these programs will not be able to operate, creating additional gaps in service, and an increased strain on an already limited system. An estimated 9,320 individuals and 48 families will be served through these programs. From medical care to food security, these programs will address the critical needs exasperated by the Coronavirus pandemic through a collaborative process and network of providers. The network of social service agencies in Portland has faced extreme challenges through the pandemic, from adapting programs to adhere to social distancing, to protecting staff members and clients, all while continuing to operate with a minimal disruption to services. The resiliency and dedication these agencies have displayed is commendable. The impact these programs will have in our community is immeasurable. The City is in a unique position to support these agencies and the great work they do within our community.

- 2) *Development Activities.* These funds play a critical role in the physical infrastructure and the economic development of our city. This year, in addition to the annual \$90,000 in TIF funding, I am also recommending \$150,000 of CDBG-CV3 funding be allocated towards public facilities.

TIF funding has very specific allowable uses. I am recommending that the \$90,000 in Downtown TIF funding be applied to the DPW Washington Ave Sidewalk Accessibility Improvement project. Without the additional allocation of TIF funding this project would not be able to proceed. This project not only enhances pedestrian safety, but also provides additional space for area businesses, many minority owned, to have expanded opportunities for outdoor dining and sales.

I am recommending CDBG-CV3 funding be applied towards a public bathroom pilot program, initiated by Parks, Recreation and Facilities and the Department of Public Works. This funding will assist in addressing a largely unmet need caused by the Coronavirus pandemic.

- 3) *Administration and Planning.* The Planning and Urban Development Department is required to submit a non-competitive application to the Allocation Committee. The Planning and Urban Development Department submitted a request of \$404,356 with the understanding that no more than the HUD imposed administration cap of 20% could be recommended for funding. These funds are used to both administer the program as well as fund long range planning work for through the Planning department. The staff have adjusted their budget to \$395,196 to meet the estimated FY21-22 cap; therefore, I am recommending full funding to administer the program.

In addition to the Community Development Block Grant recommendations, I would also like to present recommendations for the Emergency Solutions Grant Program. As previously stated, creativity and collaboration are key to addressing the vast needs in our community, particularly the members of our community who are experiencing housing insecurity.

As a result of the Coronavirus Aid, Relief, and Economic Security Act (CARES Act), the City received supplemental Emergency Solutions Grant funding (known as ESG-CV2) in the amount of \$1,004,425. ESG-CV funding must be used to prevent, prepare for, and respond to the COVID-19 pandemic. In addition to meeting the CV requirements, ESG funding is restricted to five eligible program components including; street outreach, emergency shelter, homelessness prevention, rapid rehousing, and administration.

The Health and Human Services Department and Housing and Community Development Division worked to identify gaps in services, areas in need, and viable solutions to aid in addressing these issues. One of the most prominent needs has been a day space to provide meals and shelter for those experiencing homelessness. My recommendations include funding for several food programs. These programs are currently operating through a mobile distribution model,

forcing individuals to eat outside on the streets. While social distancing and maintaining CDC guidelines is of the utmost importance, we believe this can be done while providing a humane and safe space for individuals to access meals. I propose that the remaining CDBG-CV3 funding, in combination with ESG-CV2 funding, be distributed through a competitive application process to provide and operate a day space for homeless individuals.

To aid in street outreach I am recommending funding for Spurwinks's Behavioral Health Outreach Worker program based at 22 Park Ave. The behavioral health outreach workers serve as case management, street outreach, and triage specialists for support services. This program will provide triage and case management services in Portland shelters and housing accessed by Long Term Stayers, with the primary focus on the unsheltered homeless population. Twenty-two Park Ave will serve as an ultra-low barrier-housing program designed to stably house a small group of people who have historically faced difficulties with housing security and retention. The program will also provide outreach in Deering Oaks Park to address some of the issues that emerged in 2020 due to the coronavirus pandemic. The program will assist people outside and gathering in the surrounding area, with a goal of bringing Long Term Stayers into housing and ensuring their success.

To aid in homeless prevention and housing stabilization services, the Health and Human Services Department has designed a Prevention and Diversion program, modeled after the Pine Street Inn Front Door Triage Program in Boston, MA. This program would be located on the peninsula with other social services offices and staff would have the ability to connect with individuals before they enter emergency shelter and homelessness. Staff will have the ability to seek alternate resources, connect with property owners to mediate evictions, and enroll individuals in prevention case management services. The program will operate seven (7) days a week, providing Portland residents access to homeless prevention services every day of the week.

Lastly, I am recommending additional funding be allocated towards Shelter Operations and Essential Services for the Family Shelter. This funding will address a portion of the additional costs arising from cleaning and maintaining social distancing requirements while ensuring families experiencing homelessness continue to be able to access safe and secure shelter. The Family Shelter continues to see a steady flow of families in need of shelter; this additional funding will ensure services continue to be provided.

These funding recommendations will follow the regulatory requirements set forth by HUD, while also helping to address the critical needs and gaps in services in our community. I want to take this opportunity to thank the staff in the Housing and Community Development Division and the Health and Human Services Department for thinking strategically and presenting creative funding solutions that will have a tremendous impact in our community. These recommendations represent a collaborative approach between City Departments and local social service agencies to address the needs in our community and provide an opportunity to implement effective change and support.

I thank you for the opportunity to share my recommendations. I hope you accept my recommendations and join me in commending all of the good work being done in our city.

Sincerely,



Jon P. Jennings
City Manager

389 Congress Street • Portland, Maine 04101 • 207-874-8300
info@portlandmaine.gov www.portlandmaine.gov

Administration and Planning					Priority Impact/ Goal	Guiding Principles	Capacity to Deliver	Partner/ Collabor	Point Deductions	Total	Committee Recommendation	City Manager Recommendation	Council Allocation
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Total Admin & Planning Available				\$391,727						Subtotal:	\$404,356	\$404,356	# \$0

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8	CON	HA	Alpha One	Critical Access Ramp Program	\$42,000.00		31.13	27.25	21.50	0.00	-0.25	79.63		\$42,000	\$42,000	
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4	CON	NI	Maine Irish Heritage Center	State Street Fence Restoration	\$20,000.00		20.88	19.63	18.88	8.63	0.00	68.00		\$0		
			Estimated Total Development, Econ Dev. & Construction Requests		\$1,039,763											
			Estimated Total HUD Allocated Development Funds Available		\$896,886				Subtotal:				\$896,886			
		Estimated Total Funds Available to City Manager and Council (HUD Funds + TIF)			\$986,886			Subtotal:						\$986,886		\$0
			* TIF Funding = \$90,000;													

CDBG Recommendations 2021-2022																
Social Service							Priority Impact/ Goal	Guiding Principles	Capacity to Deliver	Partner/ Collaboration	Point Deductions	Total	Committee Recommendation	City Manager Recommendation		Council Allocation
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21	SS	ANGHP	Wayside	Direct Service Program	\$34,000.00	31.13	28.63	24.13	11.75	0.00	95.63	\$34,000	\$34,000			
15	SS	ANGHP	Hope Acts	Asylum Seeker Assistance Program	\$34,617.00	31.88	28.63	23.25	11.75	-0.25	95.25	\$34,617	\$34,617			
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24	SS	EO	Catholic Charities	Immigrant Legal Services	\$101,608.00	29.75	28.38	23.13	11.63	0.00	92.875	\$26,280.00	\$101,280	*		
13	SS	ANGHP	COP- Public Health Division	Mobile Medical Outreach	\$75,000.00	31.13	27.88	20.75	11.00	-1.25	89.50		\$75,000	**		
14	SS	ANGHP	Amistad & Portland Downtown	Peer Outreach Worker (POW) Program	\$80,000.00	31.00	27.25	20.63	11.13	-2.00	88.00		\$80,000	**		
16	SS	ANGHP	Greater Portland Family Promise	Homelessness Prevention	\$40,000.00	27.25	28.25	21.50	11.75	-1.75	87.00		\$40,000	**		
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				Total Social Service	\$928,805											
				Total Estimated HUD allocated social service funds available	\$639,477							\$639,477				
				Total estimated funds available to the City Manager HUD +Cotton Street +CDBG-CV3	\$910,094								\$910,094			
				* Cotton Street funding; no CDBG funds allocated												
				**CDBG-CV3 Funding												

MEMORANDUM
City Council Agenda Item

FROM: Amanda Methot, Housing and Community Development Division
Compliance Officer

DATE: March 24, 2021

SUBJECT: Community Development Block Grant CV3 and
Emergency Solutions Grant CV2 CARES Act Funding

I. SUMMARY

This Substantial Amendment to the 2016-2020 Consolidated Plan and the 2019-2020 Annual Action Plan outlines the use of funds received from the U.S. Department of Housing and Urban Development through the CARES Act by re-programming \$524,669 of CDBG – CV3 funding originally allocated to rental assistance and allocating \$1,004,425 of ESG-CV2 funding.

II. DESCRIPTION

As a result of the federal Coronavirus Aid, Relief and Economic Security Act (CARES Act Public Law 116-136), the City of Portland received supplemental Community Development Block Grant funding (known as CDBG-CV3) in the amount of \$634,669 and Emergency Solutions Grant funding (known as ESG-CV2) in the amount of \$1,004,425. The City Council approved the allocation of \$524,669 from the CDBG-CV3 funding for rental assistance in October 2020. Shortly after, the State of Maine launched a statewide rental assistance program. Working in tandem with MaineHousing, the City delayed the launch of its local program so that Portland residents could access the state program and the state-wide program could be launched with minimal confusion. With the federal government allocating \$200 million for rental assistance, which MaineHousing will administer, the \$524,669 local funding can be reallocated. The City Manager's funding recommendations for re-programming of these funds are summarized below and in more detail in the spreadsheet included in the agenda backup.

CDBG-CV3 \$524,669

Public Facilities (Public Bathrooms) \$150,000

Mobile Medical Program \$75,000

Amistad Peer Outreach \$80,000

Greater Portland Family Promise \$40,000

Preble Street Food Programs \$55,000

Day Space for Homeless Individuals \$124,669

ESG-CV2 \$1,004,425

Shelter Services and Operations \$200,000

Prevention and Diversion Program \$563,178

22 Park Avenue \$128,000

Day Space for Homeless Individuals \$113,247

These funds must be used to mitigate the impacts of COVID-19. In order to access the funds, the City must submit to the U.S. Department of Housing and Urban Development a Substantial Amendment to the 2016-2020 Consolidated Plan and 2019-2020 Annual Action Plan outlining the use of the funds.

III. BACKGROUND

In addition to providing supplemental funding through the CDBG Program, the CARES Act also provided several temporary waivers and regulatory alternatives to assist communities with expediting the use of the funds to prevent, prepare for and respond to the coronavirus. The City is required by the CARES Act to ensure funding is not used to pay costs if another source of financial assistance is available to pay that cost. Funding recommendations are noted in more detail in the attached funding tables.

IV. INTENDED RESULT AND/OR COUNCIL GOAL ADDRESSED

Council approval of the Substantial Amendment to the 2016-2020 Consolidated Plan and the 2019-2020 Annual Action Plan outlining the allocations for the reprogramming of supplemental Community Development Block Grant Program (CDBG-CV3) and Emergency Solutions Grant Program (ESG-CV2) received from the U.S. Department of Housing and Urban Development.

V. FINANCIAL IMPACT

Funding for these activities will be provided by a grant from the U.S. Department of Housing and Urban Development.

VI. STAFF ANALYSIS AND BACKGROUND

The CDBG-CV3 and ESG-CV2 funding recommendations were developed with assistance from staff in the Housing and Economic Development Department and the Health and Human Service Department. See the funding tables attached.

VII. RECOMMENDATION

Staff recommends that the City Council vote to approve the Substantial Amendment to the 2016-2020 Consolidated Plan and 2019-2020 Annual Action Plan.

VIII. LIST ATTACHMENTS

1. CDBG-CV3 Reprogrammed Funding Table
2. ESG-CV2 Funding Table

Prepared by: Amanda Methot

Date: March 24, 2021

TOTAL REMAINING CDBG-CV FUNDING \$524,669

All funds must be used to prevent, prepare for, and respond to COVID 19 and are subject to Duplication of Benefits rule. Funds are not subject

	ACTIVITY	BENEFICIARIES/ACTIVITY DESCRIPTION	STAFF
CONSTRUCTION/DEVELOPMENT	Public Facilities <i>Other Public Improvements: Bathrooms</i>	Beneficiaries: Residents of the neighborhood, homeless individuals, individuals visiting the area. Pilot program to install permanent bathroom facilities in income eligible neighborhoods	\$150,000
PUBLIC SERVICES	Public Health Mobile Medical Program	Beneficiaries: Homeless individuals Providing medical care to homeless individuals at OSS	\$75,000
	Amistad Peer Outreach	Beneficiaries: Homeless individuals Determining needs and connecting to care	\$80,000
	Greater Portland Family Promise	Beneficiaries: Homeless asylum seekers (families) Providing temporary housing and work to get them into permanent housing	\$40,000
	Preble Street Food Programs	Beneficiaries: Homeless individuals Provide 3 meals a day	\$55,000
	Day Space for Homeless Individuals	RFP Process administered by HCD Staff	\$124,669
TOTAL			\$524,669

Total ESG-CV round 2 Funds : \$1,004,425

All funds must be used to prevent, prepare for, and respond to COVID 19 and are subject to Duplication of Benefits rule. Funds are not subject to the consultation and citizen participation requirements that otherwise apply to the Community Development Block Grant, however each recipient must publish how its allocation has and will be used, at a minimum, on the Internet at the appropriate Government web site or through other electronic media

	ACTIVITY	ACTIVITY EXAMPLES	STAFF FUNDING RECOMMENDATION
Emergency Shelter Shelter Operations and Essential Services	Shelter Services and Operations	Beneficiaries: Unhoused asylum seekers. Additional staff costs, Additional PPE and cleaning costs, operation and cost of temporary, socially distance housing for asylum seekers.	\$200,000
	Shelter Services and Operations Day Space	Beneficiaries: Homeless Individuals Operational costs of running a day space for meals	\$113,247
		Costs: RFP Process	
Homeless Prevention stabilization services	Prevention and Diversion Program	Beneficiaries: Individuals at risk of entering the Shelter coordinator, housing retention specialists, general client supplies	\$563,178
Street Outreach Essential Services	22 Park Ave	Beneficiaries: Unsheltered homeless individuals for staff	\$128,000

TOTAL

\$1,004,425

An Overview of Portland's Community Development Block Grant Program

The City of Portland, Maine is an Entitlement Community for the Community Development Block Grant (CDBG) from the federal Department of Housing and Urban Development.

The goal of the CDBG program is to develop viable communities by promoting integrated approaches that provide decent housing, a suitable living environment, and expanded economic opportunities for low and moderate income persons.

The program achieves this goal through the development of partnerships among all levels of government and the private sector, including for-profit and non-profit organizations.

CDBG: Overview

- CDBG is important tools for helping local governments tackle serious challenges facing their communities.
- The CDBG program works to ensure decent affordable housing, to provide services to the most vulnerable in our communities, and to create jobs through the expansion and retention of businesses.
- HUD provides grants on a formula basis to 1180 cities and counties throughout the country.
- Grantees carry out a wide range of community development activities directed toward revitalizing neighborhoods, economic development, creating suitable living environments, providing decent housing, and improving community facilities and services.

CDBG: Goals or National Objectives

1. Benefit low and moderate income persons
2. Prevent or eliminate slum or blighted areas
3. Address an urgent or emergency community need

CDBG: Eligible Activities, including but not limited to:

- Planning and Administration
- Social Services
- Economic Development, Job creation
- Affordable Housing
- Public Infrastructure Improvements: Streets, Sidewalks, Parks, Gardens, Trees, Sewers, etc
- Public Facilities: Neighborhood centers, non-profit centers, and school building conversions for eligible purposes; Rehabilitation of residential and non-residential buildings, energy renovations; Historic Preservation

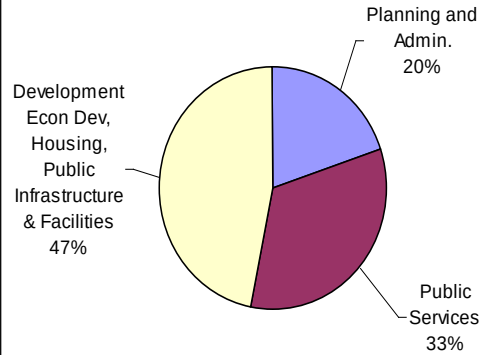
Funding Categories

20% Planning and Administration

33% Social Services

47% Development Activities:

- Economic Development
- Housing
- Public Infrastructure
- Public Facilities



Local Priorities

GOALS

- **Neighborhood Investment and Infrastructure- *Create strong, safe, accessible and vibrant neighborhoods***- Invest in infrastructure to improve neighborhood assets and build strong, safe, accessible and vibrant neighborhoods. Improve accessibility through ADA compliance. Build sidewalks and trails to improve connectivity, increase the use of bicycles as a mode of transportation, and redevelop streetscapes to create shared streets for cars, bikes, and pedestrians that integrate with the fabric of the neighborhood. Support programs that increase safety in neighborhoods for residents and visitors.
- **Housing Availability-*Increase housing availability and affordability***- Increase housing availability and affordability to all Portland residents regardless of income, race, ethnicity, and family size. Encourage housing development by removing barriers to traditional urban housing types while ensuring the inclusion of workforce housing in significant development projects.
- **Economic Opportunity- *Create economic opportunities to transition people out of poverty***- Invest in Portland businesses to enable them to expand to create jobs. Invest in persons wanting to create microenterprises. Engage job seekers in a continuum of services to increase their professional capacity, financial stability, and ability to maintain employment. Focus on difficult to employ populations including homeless, new Americans and single parent head of households. Combine resources and build partnerships between public and private entities to provide opportunities to transition Portland residents out of poverty to sustainable employment and financial stability.
- **Address the Needs of the Growing Homeless Population- *Prevent and reduce homelessness*** - Prevent individuals and families from becoming homeless and entering into the shelter system. Rapidly rehouse those who enter the shelter system. Provide necessary resources to assist vulnerable population's transition out of homelessness, including housing opportunities for chronically homeless or long-term stayers at homeless shelters.

GUIDING PRINCIPLES

- **Consistency.** All projects and programs will be reviewed with respect to the Consolidated Plan and other HUD requirements; City goals, priority impact initiatives, etc.
- **Measurable Community Impact.** Programs and projects will be evaluated based on how well they create a significant and measurable community impact.
- **Location.** Programs and projects should focus on targeted locations within the eligible neighborhoods, for example: neighborhood commerce districts, proximity to new affordable housing development, and identified troubled areas in the neighborhood.
- **Diversity and Inclusiveness.** Programs and projects shall address diversity and be inclusive in order to engage differences and create a culture of belonging.
- **Priority to Lower Incomes.** Priority will be given to projects and programs that serve the lowest income persons.
- **Leveraged Funding.** CDBG cannot be the only source of funding for a program or project; leveraging other funds is essential.
- **Sustainability.** Programs and projects must demonstrate positive impacts on the environment, financially feasible, supportive to the community, and/or energy efficient in approach.

History of the CDBG Program and Priorities

Beginning in 2006 the CDBG program has undergone significant review. In 2006 the City Council created the Housing and Community Development (HCD) Task Force. This Task Force created Ten Recommendations, which were adopted by Council in October 2007. Recommendations included the creation of a Priority Task Force and an ongoing Annual Allocation Committee. The Priority Task Force conducted an in-depth community process that resulted in a new goal, priority impact areas, and guiding principles for the program, which the Council adopted in October 2008. Phased implementation of these Recommendations has occurred over the next two years, being fully implemented in 2010. Further adjustments of the program were made for the 2011 program year.

For Program Year 2008 the following steps were implemented:

Council Order 70-7/08 (HCD Task Force Ten Point Plan)

- Creation of the CDBG Priority Task Force
- Creation of the CDBG Annual Allocation Committee
- Projects are to be completed within two years of being funded

For Program Year 2009 the following steps were implemented:

Council Order 70-7/08 (HCD Task Force Ten Point Plan)

- CDBG Application process should comply with the city's purchasing ordinance

Council Order 91-08/09 (CDBG Priority Task Force Recommendations)

- Application and scoring reflect the goal of building strong, self sustaining neighborhoods by having applications address the priority impact areas and guiding principles.

For Program Year 2010 all recommendations from the HCD Task Force and CDBG Priority Task Force were implemented, including:

Council Order 91-08/09 (CDBG Priority Task Force Recommendations)

- \$20,000 minimum request.
- Small grants available to social services for capacity building with a maximum request of \$7,500 and available to small businesses micro-enterprises for technical assistance with a maximum request of \$7,500.
- Social service basic needs set aside for up to 10% of the HUD allocated CDBG grant.
- Social service multi-year initiatives requests guidelines defined and encouraged.

Additional Changes Implemented

- Economic development job creation request guidelines defined.
- The administration and planning request would be presented to and reviewed by the committee, but would not be voted upon in a competitive environment.

Council expressed concern over the final implementation and requested staff and the Allocation Committee to make recommendations for further improvement. After review by the Community Development Committee, Council reviewed and approved the following changes for Program Year 2011, including:

Council Order 46-10/11 (Staff memo based on recommendation from CDC, and CDCG AC)

- Eliminate the Basic Needs Set-Aside, Social Service Capacity Building and Small Business Start up Grants.
- Lower Minimum Grant award to \$10,000
- Set Maximum Grant awards: \$150,000 for social services, \$250,000 for development activities.
- Create a maximum cumulative award for City applications per funding category: 45% of the social service cap and 85% of the development activities amount.
- Create a set-aside/cap for economic development job creation of \$100,000 within the development activities amount.
- Priority focus areas for current program year per funding category: Work and Shop as a priority impact area focus for social services, and Libbytown CT 20.02 for development activities location focus.
- Create a formal appeals process

2012 Minor adjustments

- Based on pressure and direction from HUD we will be paying our grantees based on a cost per unit of service. Each applicant has provided a cost per unit of service. Funded applicants will be submitting funding requisitions and be paid based on the number of units provided and persons served. This does not apply to construction projects.
- Staff will be administering bonus and penalty points on the applications.
- Priority for Social Service applications is child care. Priorities for Development Activities are job creation and projects located in Libbytown or Census Tract 20.02.

2012 Priority Task Force focused priorities even further:

- To create Sustainable Workforce Development Program(s) that move Portland residents out of poverty into sustained employment and financial stability.
 - 1) Invest in businesses with Portland locations to enable them to expand and create jobs, as eligible by HUD regulations.
 - 2) Provide a continuum of services to increase a Program Participant's professional capacity, financial stability, and ability to maintain employment, through: career advancement services, financial stability and job retention support services.
- Place Program Participant's in newly created sustainable Portland-based jobs.

2013 Working Group determined how to implement the Priorities of the 2012 Task Force:

- Invest 1) in businesses to create net new jobs or 2) to create microenterprise businesses (businesses with less than 5 employees where the owner is LMI Portland)
- Fill 66% of the net new jobs with low to moderate income (LMI) Portland residents.
- Priority will be given to applicants that will hire or serve more LMI Portland residents, homeless persons, New Americans, or single-parent head of households will be given preference.
- Set aside \$400,000 (\$300,000 in Development Funds and \$100,000 in Social Service Funds) for the new Workforce Development Initiative now renamed the Employment Development Program.
- Fund at least two applicants
- Funding requests can be for two years
- Tracking of jobs will be for two years after job creation or microenterprise creation
- Success will be evaluated based on return on investment (CDBG investment vs. increase of income of new employees/ business owners)
- The first round of funding will begin in 2014.

2014

- Bonus points were awarded to child care and Basic Needs applications. The committee reviewed all applications and determined if they should receive the additional bonus points.
- Created a new Request for Proposals seeking a lead agency for the Employment Development Funds in the amount of \$400,000.

2015

- No Bonus Points
- New "Construction only" application
- Targeted Guiding Principles for Development, Economic Development and Construction applications.

2016

- Created New Needs-Goals and Priorities for 2016-2020 Con Plan
- Created Target Neighborhood Investment- Bayside Neighborhood
- No limit on “Public Infrastructure applications”

2017

- Bayside Neighborhood remains Target Neighborhood for Investment

2018

- Updated “Neighborhood Investment and Infrastructure” and “Addressing the Needs of the Growing Homeless Population” on the 2016-2020 Needs-Goals-Priorities Chart

Resources

2006 Shapiro, Boxer-Macomber Memo

2007 HCD Task Force Ten Point Plan, [Council Order 70-7/08](#)

2007 HCD Task Force Report

2009 CDBG Priority Task Force Priorities, [Council Order 91-08/09](#)

2012 CDBG Priority Task Force Recommendations, [Council Order 53-12/13](#)

2013 CDBG Working Group Recommendations, [Council Order 8-13/14](#)

2016 5 Year Consolidated Plan, New Needs-Goals-Priorities, [Council Order 197-15/16](#)

2017 Revisions to the Needs Goals and Priorities Chart, [Council Order 24-17/18](#)

CITY OF PORTLAND
Housing and Economic Development Department
Housing and Community Development Division

TO: Kate Snyder, Mayor
Members of the City Council

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

DATE: March 5, 2021

SUBJECT: 2021-2022 Housing Program Budget

SUMMARY OF ISSUE

Review and recommendation to the City Council of the 2021-2022 Housing Program Budget.

REASON FOR SUBMISSION

The Housing and Economic Development Committee recommends the Housing Program Budget to the City Council for final approval.

HOME Program: The Home Investments Partnerships Program (HOME) was established by Congress in 1992. Since 1992, the City of Portland and the Cumberland County HOME Consortium have received almost \$23 million dollars in HOME funding. In 2009 the City became the lead entity in the Cumberland County HOME Consortium (CCHC). The Consortium is a partnership of the communities in Cumberland County that administers HOME Program funds in Cumberland County. The creation of the consortium expanded the financial resources for affordable housing activities in the region. The City retains independent operation of its HOME program. Because the City serves as the “Lead Entity” and City staff administers the County portion of the funding, all administrative funds are retained by the City. The County’s Municipal Oversight Committee controls the allocation of the County’s portion of the HOME funds.

When the Consortium was formed in 2009, it included a “hold harmless” clause to ensure that the City, as an existing HOME grantee, would continue to receive funding equal to its allocation prior to the formation of the consortium. The “hold harmless” formula was based on a comparison ratio to the HOME funding for the Lewiston/Auburn (L/A) Consortium. The formula identified Portland’s “hold harmless” amount at 118% of the HOME allocation for the L/A Consortium. The Cumberland County HOME Agreement did allow for adjustments to be made if the current level of funding to the L/A HOME Consortium varied from historic levels. Over the years the L/A allocation has decreased which has resulted in the Portland “hold harmless” amount to decrease. As a result, by agreement with the other members of the CCHC, the annual allocation is divided with 57% of the allocation, after the administrative set-aside, to the City and 43% of the allocation to the County.

As a point of reference, if the City were a stand-alone grantee, the estimated HOME allocation for Portland (using a HUD HOME Allocation estimated calculation) would be approximately \$567,149. Of that amount 10% would be set aside for administrative costs (\$56,715) leaving \$510,434 for program funding. Under the current consortium agreement, the city receives the administrative set-aside (\$105,304) along with approximately \$540,209

in program funds. Participation in the HOME consortium benefits Portland as well as the county as a whole.

HUD announced FY 2021-2022 funding allocations on February 25, 2021. The HUD HOME allocation for FY 2022 is **\$991,679** which is a decrease of \$61,360 for the FY 2021 allocation. \$383,780 is reserved for County projects. The budget proposal was developed after a historical review of HOME funding allocations, previous year's budget allocations, program expenditures and program income (loan repayments) received. Currently, the City's HOME Program is divided into three funding categories:

1. Administration
2. Tenant Based Rental Assistance (TBRA)
3. Affordable Housing Development [including the required Community Housing Development Organization (CHDO) set-aside mandated by HUD]

HOME Program Budget	FY 2020-2021 Budgeted (entitlement + program income)	FY 2021-2022 Budget proposal (entitlement + program income)
Administration	\$112,607	\$107,368
Tenant Based Rental Assistance	\$143,571	\$136,392
Affordable Housing Development includes CHDO requirement	\$514,250	\$509,718

LEAD SAFE HOUSING (Program Income): Lead Safe Housing Program Income is generated through repayment of loans given under prior Lead Safe Housing Grants. These funds can only be used for lead safe housing eligible activities. The City also has a new Lead Hazard Reduction Grant that will provide \$2,038,041 in funding for lead paint remediation and \$503,655 in funding to assist with code and life safety improvements

Lead Safe Housing Program Income	FY 2020-2021 Budgeted	FY 2020-2021 Budget Proposal
	\$197,871	\$147,923*

*\$87,923 unencumbered balance from FY20 + \$60,000 FY21 estimated balance

HOUSING TRUST FUND: Revenue for the Housing Trust Fund is generated from fees triggered by the City's Housing Preservation and Replacement Ordinance, fee-in-lieu contributions from the Inclusionary Zoning Ordinance and Hotel Inclusionary Zoning fee. Including the current balance of the Housing Trust Fund in the Housing Program Budget gives budget authority for the use of the funds. There are no projects or activities currently identified for these funds. The amount budgeted is the maximum that might be expended in FY22. However, staff continues to recommend a minimum balance in the Trust, so the *effective budget would be \$955,975* (\$1,455,975 less \$500,000.) If additional funds are allocated to the Trust based on current discussions, this number might be adjusted based on the outcome.

Housing Trust Fund (HTF) Budget	FY 2020-2021 Budgeted	FY 2021-2022 Budget Proposal
	\$979,031	\$1,455,975

STAFF ANALYSIS AND RECOMMENDATION – The Housing Program Budget is being presented to the full City Council for two Public Hearings, as part of the overall HCD budget. The final budget allocations and Annual Action Plan are submitted to HUD 45 days in advance of the start of the fiscal year (May 15 for the fiscal year beginning July 1, 2021).

At this time staff is requesting City Council approval of the FY 21/22 Housing Program Budget as outlined above and summarized in the attached spreadsheet.

FY 21/22 Housing Program Budget - Attached

2021-2022 HOUSING PROGRAM BUDGET

03.05.2021

Total HUD HOME Entitlement Allocation	991,679
Portland Program Portion	508,731
Portland Admin Portion	99,168
County Program Portion	383,780

Recommended by HEDC (4-0) 02.02.2021
Approved by Council TBD
HUD Allocation Date: 02.25.2021

REVENUES- Housing Programs

2021-22 HOME Consortium Admin (10% of allocation)
2021-22 HOME Consortium Programming
2020-21 HOME Estimated Program Income
2020-21 HOME Estimated Program Income Recaptured Funds
2020-21 HOME Estimated Program Income and Recapture Deduction for County
2020-2021 Housing Trust Fund
2020-21 Lead Safe Housing Program Income**

REVENUE TOTALS (Portland)

HOME	LEAD Safe Housing Program Income**	Housing Trust Fund	TOTAL BUDGET
99,168			99,168
508,731			508,731
82,000			82,000
128,987			128,987
-65,408			-65,408
		1,455,975	1,455,975
	147,923		147,923
753,478	147,923	1,455,975	2,357,376

** Includes previous unallocated program income FY20 + program income estimate FY21

2021-22 HOUSING Budget by Activity (Portland)

Administration 243021QQ01 (includes 10% of PI)
Tenant-Based Rental Assistance 443021QT01
Affordable Housing Development 243021QA00
CHDO 243021QA00
Lead Safe Housing 243019PLL1 (PLL036)

EXPENDITURE TOTALS (Portland)

HOME	LEAD Safe Housing Program Income**	Housing Trust Fund	TOTAL BUDGET
107,368			107,368
136,392			136,392
424,929		1,455,975	1,880,904
84,789			84,789
0	147,923		147,923
753,478	147,923	1,455,975	2,357,376

2021-22 HOME Consortium COUNTY - approved by MOC on 03.03.2021

County HOME Program budget provided for reference only; adjusted for final HUD Allocation 02.25.2021

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

REVENUES- Housing Programs

2021-22 HOME Consortium Non-Portland Programming
2020-21 HOME County Program Income and Recapture

HOME County
383,780
65,408
449,188

2021-22 HOUSING Budget by Activity

Affordable Housing Development 243021QC00
CHDO 243021QC00

HOME County
385,224
63,963
449,188

Proposed 2021-2022 Budget for ESG

Emergency Solutions Grant 2014-2022

rev. 02.25.2021

Program	ESG Budgeted Funding Amount by Fiscal Year								
	FY 13-14	FY 14-15	FY 15-16	FY 16-17	FY 17-18	FY 18-19	FY 19-20	FY 20-21	FY 21-22
Operations: Homeless Health	\$28,993	\$35,391	\$0	\$0	\$0	\$0	\$0	\$0	\$0
Essential Services: Family Shelter	\$21,853	\$26,675	\$28,327	\$28,327	\$28,327	\$27,000	\$52,064	\$52,065	\$82,477
Homeless Prevention: Family Shelter	\$21,853	\$26,675	\$52,369	\$52,369	\$52,395	\$51,200	\$27,865	\$30,412	\$0
Homeless Prevention: Oxford Street	\$8,972	\$10,952	\$13,800	\$13,244	\$13,262	\$12,950	\$13,815	\$16,363	\$16,363
Rapid Rehousing: Oxford Street	\$35,888	\$43,807	\$55,200	\$55,200	\$55,200	\$54,200	\$55,064	\$55,064	\$55,064
Administration and HMIS	\$5,600	\$6,836	\$12,138	\$12,092	\$12,096	\$11,781	\$12,065	\$12,479	\$10,953
<i>Total (Actual)</i>	\$123,159	\$150,336	\$161,834	\$161,232	\$161,280	\$157,131	\$160,873	\$166,383	\$164,857
<i>Admin/HMIS cap</i>	\$9,237	\$11,275	\$12,138	\$12,092	\$12,096.00	\$12,096	\$12,065	\$12,479	\$12,364

Explanation

Operations: Homeless Health	This program is no longer administered by the City of Portland
Essential Services: Family Shelter	Funds pay for staff who provide housing assistance by seeking affordable units, applying for eligible subsidies and accessing transitional housing opportunities and follow-up case management services by assisting with budgets, tenant/ landlord negotiations, and connecting to area resources. There is a need in Portland to expand the essential services with the high number of families arriving. The budget is adjusted to cover 1 FTE, this will allow the case manager to work with 5-10 families (17-34 individuals). The Family Shelter has seen an increase in asylum seekers from the Southern border. Some of the reported issues from landlords that jeopardize housing retention are: improper food storage; pest issues; heating issues; and cleanliness. The Family Shelter will utilize essential funding to cover .25 of a life skills aide to assist with education.
Homeless Prevention: Oxford Street Shelter	Funds pay for staff who assist in preventing individuals from becoming homeless and providing necessary case management and referrals.
Rapid Rehousing: Oxford Street Shelter	Funds pay for staff who assist persons who have become homeless by quickly moving them into permanent housing and providing the necessary case management and referrals the individual needs.
Administration and HMIS	Funding will pay for the Administration and grant reporting requirements.
Budget Changes:	ESG allocations were released on 2/25/2021; PY21-22 sees a decrease of \$1,526 from prior year funding. For PY21-22 the Family Shelter budget has been adjusted to decrease the amount of funding for Homeless Prevention, and increase funding for Essential Services. The Family Shelter has experienced a decreased need in homeless prevention due to COVID19 and the eviction moratorium, while simultaneously seeing an increase in asylum seekers from the southern boarder accessing services. The increase in essential services for the Family Shelter will focus on addressing life skills for the increasing asylum seeker, such as proper food storage, pest issues, proper heating methods, and cleanliness.

NOTE:

City Council will take public comment on this budget

City of Portland, Emergency Solutions Grants (ESG) Program

The ESG program provides funding to: (1) engage homeless individuals and families living on the street; (2) improve the number and quality of emergency shelters for homeless individuals and families; (3) help operate these shelters; (4) provide essential services to shelter residents, (5) rapidly rehouse homeless individuals and families, and (6) prevent families/individuals from becoming homeless. Eligible recipients generally consist of states, metropolitan cities, urban counties, and territories, as defined in 24 CFR 576.2. Each recipient must consult with the local Continuum(s) of Care operating within the jurisdiction in determining how to allocate ESG funds.

ESG Essential:

Chestnut Street Family Shelter: Funds pay for staff who provides housing assistance by seeking affordable units, applying for eligible subsidies and accessing transitional housing opportunities and follow-up case management services by assisting with budgets, tenant/ landlord negotiations, and connecting to area resources. There is a need in Portland to expand the essential services with the high number of families arriving. The budget is adjusted to cover 1 FTE, this will allow the case manager to work with 5-10 families (17-34 individuals).

The Family Shelter has seen an increase in asylum seekers from the southern border. Some of the reported issues from landlords that jeopardize housing retention are: improper food storage; pest issues; heating issues; and cleanliness. The Family Shelter will utilize essential funding to cover .25 if a life skills aide to assist with education.

ESG Preventative:

Oxford Street Shelter: Funds pay for staff who assist in preventing individuals from becoming homeless and providing necessary case management and referrals.

Rapid Re-housing:

Oxford Street Shelter: Funds pay for staff who assist persons who have become homeless by quickly moving them into permanent housing and providing the necessary case management and referrals the individual needs.

Proposal for EGS Essential and Preventative grants:

ESG allocations were released on 2/25/2021; PY21-22 sees a decrease of \$1,526 from prior year funding. The City of Portland Family Shelter has successfully operated the ESG Prevention Grant for many years. This year due to Covid-19 and other reasons, staff has seen a reduced need for the prevention grant due to a moratorium on evictions. The other rationale is the population we are serving, which are predominately asylum seekers from the southern border. Some of the reported issues when our families are housed are: improper food storage; bug issues; heating issues; and cleanliness. The Family Shelter is proposing that we change our prevention grant to focus on life skills while residing at the Family Shelter



CITY OF PORTLAND
Housing and Economic Development Department
Housing and Community Development Divisions

TO:	Mayor Kate Snyder Members of the City Council
FROM:	Mary Davis, Division Director Housing and Community Development Division
DATE:	March 12, 2021
SUBJECT:	COMMUNICATION ITEM: Revisions to HomePort Program Guidelines

I. BACKGROUND

When the City began receiving HUD HOME Program funding in 1992, one of the programs offered was a first-time home buyer program called the HomePort Program. The program provided down payment, closing costs and repair assistance for eligible households purchasing a single family home or condominium unit in the City of Portland. The HomePort Program was extended throughout Cumberland County when the Cumberland County HOME Consortium was created in 2009. In FY 2015, the program was discontinued for several reasons, including a continued reduction of HOME funding received each year. In addition, the rising home costs throughout Portland and Cumberland County combined with HOME Program regulations on allowable purchase price made it difficult for applicants to find housing that fit the program parameters. Lastly, the City expanded programming to include Tenant Based Rental Assistance and chose to focus more funding on the construction of new affordable housing. The HomePort Program had a repayment structure which included repayment of the original investment made by the City plus a share of any net equity in the property at the time of sale. These terms were in place until the borrower sold the home or no longer occupied the property as their primary residence.

In 2019 the City was contacted by a family who purchased a home in Portland in 1998 through the HomePort Program. As an elderly, disabled couple living on a fixed income, they were hoping to sell their home and purchase another more accessible home in Portland. The family was seeking a waiver of the recapture provisions so that they could afford to purchase a new home in Portland.

HCD staff sought guidance from the HUD field office to determine whether the City would be able to provide the waiver. After a review of the HomePort Program information, the field office sought guidance from HUD headquarters in Washington D.C. Even though the HOME program has been monitored by HUD field office staff many times since 1992, HUD headquarters determined that the City's HomePort program guidelines were not in compliance with HOME regulations.

“The City of Portland’s recapture provision is not compliant with the HOME requirements at 24 CFR 92.254(a) (5)(ii). Specifically, it did not establish a HOME period of affordability (POA) and it included noncompliance with principal residency as a trigger of the recapture provisions. The City must correct them and submit revised provisions to the HUD field office for review and approval. This will give them an opportunity to address the “shared appreciation” question they originally posed.”

The City was required to present amended program guidelines for HUD review and approval. HCD staff had many conversations with HUD staff and responded several times with additional revisions as requested by HUD. The pandemic slowed things down and distracted HUD for a while but staff recently received approval from HUD to move forward with revised program guidelines.

The original shared appreciation provisions were such that in the event the borrower sold their property, no longer used the property as their primary residence, refinanced the loan, or wanted to prepay the note in full, they had to repay the principal amount of the City loan plus a percentage of the net gain/equity in the property, regardless of how long they lived in the property as their primary residence. This was one of the areas of non-compliance with HUD regulations. HOME regulations set a minimum 10 year affordability period when the HOME investment is between \$15,000 and \$40,000. A HOME entitlement jurisdiction can impose a longer affordability period but must document the longer time frame in its agreement with the borrower. This was the other area of non-compliance with HOME regulations.

The modified loan terms would be:

1. If the home is sold or transferred after the affordability period which is ten (10) years from the date of the mortgage, the homeowner will pay the original amount borrowed from the City only.
2. If the home is sold or transferred within the affordability period, and the proceeds from sale cover the original loan amount as well as homeowners equity, the homeowner will pay the City the original loan amount plus a share of the net gain, with no more than 30% of the net gain to the City.
3. If the home is sold or transferred within the affordability period, and the proceeds from the sale do not cover the amount of the original loan amount, the city receives a prorated share of the net proceeds as payment in full.
4. If the homeowner retains ownership and continues to reside in the property for 30 years, the City loan would be forgiven.

HUD approved these changes retroactive to May 1, 2019.

II. FINANCIAL IMPACT

The HomePort portfolio contains 65 City of Portland loans. The total principal amount receivable on all City of Portland HomePort loans is \$1,775,357. Since May 1, 2019, nine HomePort loans have been paid off. The total principal repaid on those loans was \$247,433

with an additional \$113,912 as the City's portion of the shared appreciation. Under the revised program terms, the shared appreciation will be returned to these nine HomePort borrowers. Notices of the program provisions along with a loan modification agreement will be mailed to all HomePort borrowers with active loans in the city's portfolio.

When a HOME loan is repaid, the repayment is considered program income and is required to be used in accordance with all HOME program regulations. Program income is incorporated in the housing program budget each year.

III. STAFF ANALYSIS

HCD Staff has been working with HUD since 2019 to create guidelines that will meet the HUD requirements and remain beneficial to the City's HOME Program, as well as the low income home owners the program serves. The balance between HUD, the City, and Homeport recipients proved to be difficult and involved multiple revisions.

HCD Staff presented many options to HUD staff and the guidelines referenced above were the only option that received the HUD stamp of approval. Overall these guidelines create a balance between federal and local interests. The City will continue to receive back the initial HomePort investment when a homeowner sells their home. In addition, if a homeowner chooses to sell their home in a "hot" market within ten years after purchasing, the City will benefit from that market increase as well. For homeowners who have made the home their long term residence, they will repay the original investment provided by the City of Portland and will receive the benefit of their long term commitment to their home.

IV. COUNCIL ACTION REQUIRED

This is presented as a communication item. A presentation on these changes was made to the Housing and Economic Development Committee on March 2, 2021. The City Manager has been updated on these discussions with HUD as they have occurred and is in support of the changes to the program guidelines. The revised guidelines will be included as part of the 2021-2022 Annual Action Plan that is being reviewed by the City Council on April 5th and 26th and submitted to HUD in May.



Dena Libner <dlibner@portlandmaine.gov>

Fwd: CDBG Recommendations

1 message

Jon Jennings <jpj@portlandmaine.gov>
 To: Dena Libner <dlibner@portlandmaine.gov>

Mon, Apr 12, 2021 at 8:10 AM

For back up.

----- Forwarded message -----

From: **Jim Hall** <mtjimhall@gmail.com>

Date: Sun, Apr 11, 2021 at 11:40 PM

Subject: CDBG Recommendations

To: Kate Snyder <ksnyder@portlandmaine.gov>, Nicholas Mavodones <nmm@portlandmaine.gov>, Pious Ail <pali@portlandmaine.gov>, April Fournier <afournier@portlandmaine.gov>, Belinda Ray <bsr@portlandmaine.gov>, Spencer Thibodeau <sthobodeau@portlandmaine.gov>, Tae Chong <tchong@portlandmaine.gov>, Andrew Zarro <azarro@portlandmaine.gov>, Mark Dion <mdion@portlandmaine.gov>

CC: Jon Jennings <jpj@portlandmaine.gov>, City Clerk <cityclerk@portlandmaine.gov>

Dear Councilors,
 (CC City Manager)

Re: CDBG Recommendations

First I have to say I'm impressed by the manager's ability to juggle various funding sources (here and in the delayed budget proposal). Being able to recommend funding nearly all CDBG applicants in this penultimate step is amazing.

Some of the special provisions appear to be attempts to replace services that Preble Street abandoned when they decided to move the former resource center toward competing with the municipality for a general adult shelter population. It's probably better for the city to manage these directly anyway, but I do have some concerns.

Emergency public bathrooms will be helpful, and I'm glad there's an opportunity to temporarily utilize covid grants. But I believe this is an amenity Portland should *generally* commit to providing on the peninsula (i.e. beyond just patching the increased visibility of public elimination that recently migrated a bit from Bayside to Parkside), largely to support our lifeblood tourism economy. I do hope that determination of bathroom location eventually participates in more of a public process. Both last summer and just recently, port-o-potties suddenly "appeared" without notice or comment, then had to be moved after blocked residents / businesses spoke up. Perhaps more importantly, this pilot program *must* be managed in a place and a manner that proves it will be worthy of permanence and expansion. Such a potentially valuable program will fail if it does not proactively manage disruptive behaviors or refuse.

I'm somewhat concerned about the proposed day space / indoor meal facility. Both are certainly needed – AND they should be provided where people sleep. The definition section of the current licensing proposal under consideration at the HSSPS committee limits governance only to "overnight" shelters. But providers have pushed for a waiver option to split shelter operations between different day and night locations. That's precisely the opposite of best practice. We've seen how terrible outcomes are when vulnerable and sometimes unstable people are forced to trek through the neighborhood to connect to basic needs. I could get behind an emergency stopgap with an explicit sunset, but not a new permanent type of ungoverned shelter use. And I guess I have to add: especially not in Bayside. And especially not run by any operator that has proven unable to manage the negative externalities associated with congregating their clients into the neighborhood (Hint: this happened at 5 Portland St).

I'm always glad to learn of real solutions for that population which has been difficult to shelter or house for whatever reason. The term "*ultra*-low-barrier" does give me slight pause, as I've seen what kind of negative impacts merely "low-barrier" services on Preble Street caused. Seeing Spurwink Behavioral Health Outreach associated with this housing program eases much of that concern though.

It's only slightly annoying to read that outreach will be focused on Deering Oaks, when we've been reporting these problems in Bayside for years and years. The persistent silence for one neighborhood and immediate help for another is frustrating. There was a similar effusive response from the provider staffing the temporary shelter in the USM neighborhood, after decades of stonewalling Bayside. But if it takes a more "visible" park encampment to get results... so be it.

The location of the Prevention and Diversion program has been revealed in a memo from DHHS to the HSSPS committee to be on Forest between Congress & Cumberland. Although this technically falls within the Bayside Neighborhood, where we need direct action that allows us to start healing from "service cluster" abuse – it also overlaps the Downtown District, and perhaps more closely resembles that business district character. I do feel this could be a viable on-peninsula location for coordinated intake and triage, but only with strong monitoring and protection of the encapsulating community. Perhaps the additional city amenities that business fees can afford to fund in the downtown will help (especially given the service cutbacks in the proposed budget, such as the loss of a Community Policing resource). The one phrase I question in this section: "providing Portland residents access to homeless prevention services". Data shows that 2/3 of service seekers self-report no ties to Portland. We need to be clear that Portland provides a regional service, even if this particular document is about federal funds which we allocate to that purpose rather than any others.

I'm not against any of these proposals – but taken in sum, it feels like Bayside is still the default dumping ground for high-impact services. I don't see much movement toward neighborhood equity. And I don't see the kind of careful attention that would actually be required to allow any of these programs succeed here. Given more explicit discussion of how to mitigate the unique challenges of siting more services here, I would more heartily support these programs.

Thanks,
Jim Hall
Cedar St.

--

Jon P. Jennings
City Manager
[City of Portland](#)
[389 Congress Street](#)
[Portland, ME 04101](#)
(207) 874-8689 Office
jpj@portlandmaine.gov
www.portlandmaine.gov

MEMORANDUM
City Council Agenda Item

FROM: Paul Bradbury, Jetport Director

DATE: March 16, 2021

SUBJECT: Order 189-20/21 Accepting and Appropriating Federal Aviation Administration Coronavirus Response and Relief Supplemental Appropriations Act (CRRSAA) Grants for the Portland International Jetport - 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

PRESENTATION: Paul Bradbury, Airport Director, will introduce as needed, and answer any Council questions on this item.

I. SUMMARY

The Portland International Jetport requests approval to accept two Federal Aviation Administration CRRSAA grants, one in the amount of \$4,488,586 and the other in the amount of \$233,177; and naming the Airport Director as the City's official representative for these grants.

II. AGENDA DESCRIPTION

This order seeks to accept and appropriate a total of \$4,721,763 in funds from the Federal Aviation Administration (FAA) to aid the Portland International Jetport in preventing, preparing for, and responding to the COVID-19 pandemic.

The Coronavirus Response and Relief Supplemental Appropriations Act (CRRSAA, Public Law 116-260), signed into law by the President on December 27, 2020, included nearly \$2 billion in funds to be awarded as relief to eligible U.S. airports and eligible concessions at those airports to prevent, prepare for, and respond to the COVID-19 Pandemic. Eligible airports includes the Portland International Jetport, as a primary commercial service airport with more than 10,000 annual passenger boardings.

The Federal Aviation Administration is now issuing grants to eligible airports like the Jetport, in amounts based on the airport's number of annual boardings. The Portland International Jetport is being allocated two CRRSAA Grants: one totaling \$4,488,586 (for costs related to operations, personnel, cleaning, sanitization, janitorial services, and debt service payments), and the other in the amount of \$233,177 (for airport concessions rent relief).

This item must be read on two separate days. It received its first reading on March 15, 2021. Five affirmative votes are required for passage after public comment.

III. BACKGROUND

Aviation nationwide has seen a dramatic reduction in passenger volumes due to the pandemic. Passenger

boardings at the Jetport dropped from 1,094,000 in 2019 to 397,242 in 2020, a 63.7% year over year decrease. In an effort to support airports and airlines nationwide Congress passed earlier aviation relief as part of the CARES Act. The Coronavirus Response and Relief Supplemental Appropriations Act (CRRSAA) is providing a second round of relief with the goal of keeping the nation's primary commercial service airports operational through September 30th of this year.

IV. INTENDED RESULT AND/OR COUNCIL GOAL ADDRESSED

Acceptance of these grants from the FAA will provide short term fiscal relief to the Jetport and its concession partners to overcome pandemic related revenues losses. These grants will keep the Jetport operational and ready to support the travel needs of the region once pandemic related travel restrictions are lifted.

V. FINANCIAL IMPACT

The Portland International Jetport is projected to have an FY21 operational deficit of \$8.3 million. This shortfall has been covered through the previously accepted CARES Act grant. Based on current forecasts for recovery we are projecting FY22 will have a deficit of approximately \$4.5 million, which can be covered through the acceptance of this \$4,488,586 CRRSAA grant.

VI. STAFF ANALYSIS AND BACKGROUND

Approval of these grants provides continued short term fiscal relief to the Portland International Jetport as it maintains essential operations and continues to recover from the pandemic related nationwide drop in air travel passenger volumes.

VII. RECOMMENDATION

Staff recommends the City Council accept and appropriate this critical CRRSAA grant relief funding to maintain operations and staffing at the Portland International Jetport.

VIII. LIST ATTACHMENTS

1. FAA Coronavirus Response, Relief Suppl. Apr. Grant 3.15.2021

Prepared by:

Paul Bradbury, Jetport Director

Date: 3/16/2021

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
FEDERAL AVIATION ADMINISTRATION
CORONAVIRUS RESPONSE AND RELIEF SUPPLEMENTAL
APPROPRIATION GRANT
FOR THE PORTLAND INTERNATIONAL JETPORT**

ORDERED, that Coronavirus Response and Relief Supplemental Appropriations Act grant funding of approximately \$4,721,763 dollars from the Federal Aviation Administration (FAA) is hereby accepted by the Portland International Jetport (Jetport) for costs related to operations, personnel, cleaning, sanitization, janitorial services, debt service payments, and airport concessions rent relief; and

BE IT FURTHER ORDERED, that the grant funding for said purposes is hereby appropriated; and

BE IT FURTHER ORDERED, that the City Council hereby authorizes the Director of the Jetport to be the official representative for this FAA grant, as required by the FAA, and to execute grant documents and any other related documents necessary or convenient to carry out the intent of said documents.

MEMORANDUM
City Council Agenda Item

FROM: Melissa Graffam
Lauren Anderson

DATE: March 16, 2021

SUBJECT: Order 190-20/21 Approving the Three-Party Agreement between Portland, the Portland Area Comprehensive Transportation System and the Maine Department of Transportation Re: Elm Street Paving 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 This agreement must be approved by City Council and signed by the City Manager prior to the project going out to bid. Historically with an earlier bid date bid pricing will be improved.

PRESENTATION:

I. SUMMARY

City Council is being asked to approve the attached Portland Area Comprehensive Transportation System (PACTS) Municipal Partnership Agreement and authorize the City Manager to sign the agreement, which would allow the City to move ahead with its plans to improve and pave Elm Street between Congress Street and Marginal Way, approximately 0.45 miles. The agreement obligates the City and PACTS to split the project costs at a 50/50 split.

II. AGENDA DESCRIPTION

An agreement between the City of Portland, the Portland Area Comprehensive Transportation System (PACTS), and the Maine Department of Transportation (MaineDOT) is required to allow for improvements and paving along Elm Street (from Congress Street to Marginal Way).

This three-party agreement will allow the City to move forward with this project, with PACTS providing 50% of the estimated project costs. The City match will be funded through a Fiscal Year 2022 Capital Investment Plan account.

This item must be read on two separate days. It received its first reading on March 15, 2021. Five affirmative votes are required for passage after public comment.

III. BACKGROUND

The Elm Street paving project is part of MaineDOT's 2021 work plan. The scope of the MPI project work includes a 2" mill and fill, curb work, sidewalk work, ADA ramp reconstruction, and re-striping after final paving. We are anticipating the project to go out to bid in 2021 with construction following after. This project is classified as a pavement preservation project and is part of the MPI Program. The City will be responsible for 50% of the paving cost

and 100% of any overages to the original estimate.

IV. INTENDED RESULT AND/OR COUNCIL GOAL ADDRESSED

The Elm Street Improvements project will improve the pavement surface and ride quality on a regionally important minor arterial. The project will improve sidewalk and ADA ramps for a better and safer pedestrian experience. PACTS will pay for 50% of the project costs

V. FINANCIAL IMPACT

The City is obligated to pay 50% of the estimated paving cost, or \$234,394.00 and 100% of any overages due to added scope in the project area. The total City cost of this project, estimated to be \$234,394.00, would be paid from a FY22 CIP account established for this project, which is currently pending approval by City Council. Please see the attached fiscal impact note for additional information. CDBG funding has also been allocated for sidewalk work along this street.

VI. STAFF ANALYSIS AND BACKGROUND

This is a Minor Arterial in the City of Portland with a high AADT, is a major connector from downtown to off-peninsula, and has a large public transit presence. Elm Street was ranked with a poor to fair PCI (depending on location) when it was last evaluated in 2019. Without this project, the road will continue to deteriorate. A public meeting is scheduled to discuss project intentions in mid-March 2021.

VII. RECOMMENDATION

The Department of Public Works recommends approving and signing the subject agreement to allow the City to improve Elm Street from Marginal Way to Congress Street in 2021.

VIII. LIST ATTACHMENTS

1. Three-party MDOT, PACTS and Portland re Elm Street 3.15.2021
2. PACTS Muni Agreement - Elm Street
3. Elm St - Project Location Map
4. Elm Street - Fiscal Impact Note
5. Elm St Striping - Public Meeting Presentation

Prepared by:

Melissa Graffam

Lauren Anderson

Date: 3/16/2021

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 APPROVING THE THREE-PARTY AGREEMENT BETWEEN PORTLAND,
THE PORTLAND AREA COMPREHENSIVE TRANSPORTATION SYSTEM
AND THE MAINE DEPARTMENT OF TRANSPORTATION
RE: ELM STREET**

ORDERED, that the three-party Municipal Partnership Initiative Program Agreement between the Maine Department of Transportation, the Portland Area Comprehensive Transportation System and the City of Portland for Elm Street Improvements, with Maine work identification number (WIN) 025007, is hereby approved in substantially the form attached hereto; and

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



MaineDOT use only

TEDOCS #: _____

CTM #: _____

CSN #: _____

PROGRAM: Bureau of Planning

State of Maine
DEPARTMENT OF TRANSPORTATION
Portland Area Comprehensive Transportation System
Municipal Partnership Initiative Agreement
 Proposed Improvements to Elm Street
 (Payable to Municipality)

MaineDOT Use Only

Project Location: PortlandEstimated Project Amount: \$468,788.00State WIN: 025007.00MPO Share: \$234,394.00PACTS ID#: PACTSMunicipal Share: \$234,394.00Municipality Id#: VC1000073472

Agreement Begin Date: _____

Agreement End Date: _____

This Cooperative Agreement (the “Agreement”) is entered into by and between the Maine Department of Transportation (MaineDOT), an agency of state government, the **City of Portland (the “Municipality”)**, a municipality in the State of Maine, and the **Portland Area Comprehensive Transportation System (PACTS)**, the designated Metropolitan Planning Organization for the Portland Urbanized Area, and **Greater Portland Council of Governments (GPCOG)**, a fiduciary agent for PACTS. (MaineDOT, the Municipality, PACTS, and GPCOG) are collectively referred to as the “Parties”).

RECITALS

- A.** MaineDOT, through its partnership with Maine’s Metropolitan Planning Organizations (MPOs), is charged with managing and dispersing state and federal funds to support capital improvement projects programmed by the MPOs. PACTS is MaineDOT’s MPO partner for the Portland Urbanized Area.
- B.** PACTS has created and administers a Municipal Partnership Initiative program (the “PACTS MPI Program”), the purpose of which is to participate in the funding of approved collector and/or arterial roadway projects (the “MPI Project(s)”) with the intention of restoring substandard State and State Aid highways to MaineDOT and PACTS minimum standards.

- C. MPI Projects are administered by the municipality in which the project is being constructed. PACTS' participation in an MPI Project is accomplished through its acceptance of the Project into the PACTS MPI Program, and the contribution of state funds allocated to PACTS and disbursed by MaineDOT to the administering municipality on PACTS' behalf (the "PACTS Share"). MPI Project costs not paid by the PACTS Share are paid by the administering municipality.
- D. The work that is the subject of this Agreement consists of a mill and fill, new pavement markings for vehicle, parking, and a shared bike lane, sidewalk and curb improvements to meet ADA requirements and improve pedestrian safety on Elm Street, beginning at Congress Street and extending northwest 0.44 of a mile to Marginal Way (the "Project"), and is generally outlined in **Appendix A**, made a part herewith.
- E. PACTS has selected the Project for inclusion in the 2021-2022-2023 MaineDOT Work Plan, using state capital improvement funding allocated by MaineDOT.
- F. The Municipality has approved the Project and supports the decision by MaineDOT and PACTS to program the Project, and is prepared to administer and fund the Project in accordance with the terms of this Agreement.
- G. The Parties have a mutual interest in ensuring that the Project is delivered on a reasonable schedule and within the programmed budget, using a process that maximizes communication and cooperation between the Parties.
- H. This Agreement is intended to cover the roles and responsibilities of the Parties through full Project development and construction, and to establish the financial obligations of each Party.

AGREEMENT

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

1. Appendices:

The following appendices are hereby incorporated into this Agreement:

- ☒ Appendix A - PACTS Letter to MaineDOT Outlining Scope and Cost of MPI Project
- ☐ Check if no appendices attached

2. Project Cost Sharing and Payment Schedule:

a. Financial Obligations:

i. Total Project Costs.

- 1. PACTS and the Municipality agree to share in all costs associated with all phases of the Project through construction (the "Total Project Costs") in accordance with the allocations outlined below (the "Party Shares") unless otherwise negotiated by mutual agreement of the Parties.

- a. **PACTS Share** (provided through PACTS' state allocation and disbursed by MaineDOT) - 50% of eligible Project costs, up to a maximum of \$234,394.00.
 - b. **Municipal Share** (provided through the Municipality's obligation of funds) - 50% of eligible Project costs, plus 100% of any and all remaining Project Costs once the PACTS Share has been exhausted (the "Overage").
2. The estimated Total Project Costs are \$468,788.00 (the "Estimated Total Project Costs") and are allocated in the table below. If the Estimated Total Project Costs are adjusted to reflect updated costs, the Municipality will consult with PACTS before such adjustments are approved and implemented.

Total Project Costs	PACTS Share (State MPO Funds) 50% (Max. \$234,394.00)	Municipality's Share 50% + Overage	Estimated Total Cost
Estimated Total Project Costs: <u>\$ 468,788.00</u>			
Estimated Allocated Shares	\$234,394.00	\$234,394.00 +\$0.00	\$468,788.00
Total Party Share of Estimated Total Project Costs	\$234,394.00	\$234,394.00	\$468,788.00

- b. **Payment Schedule:** The Municipality shall be the sole administrator of the Project contract(s) and shall pay up front all Project costs, subject to cost sharing by the Municipality and PACTS as specified above.
- i. The Municipality may begin invoicing PACTS for the PACTS Share of eligible Project costs upon 1/3 Project completion. Invoices shall be submitted no more than monthly with a maximum number of invoice submittals not to exceed five (5) invoices for the total Project.
 - ii. The Municipality shall submit to PACTS for reimbursement detailed invoice(s) documenting actual amounts incurred for Project related costs, together with evidence of such invoices having been paid by the Municipality, and identifying PACTS' share of each invoice submitted.
 - iii. Each invoice shall include the Municipality's certification that all amounts claimed are correct, and not previously claimed.
 - iv. PACTS shall review each such invoice and, upon approval, shall forward each invoice to MaineDOT for payment to the Municipality out of PACTS'

allocated state MPO funds. MaineDOT shall reimburse the Municipality accordingly within thirty (30) days of its receipt of such approved invoice(s) in an aggregate amount not to exceed the total PACTS Share.

3. **Project Milestones:** The Municipality agrees to share information about the Project with PACTS and MaineDOT at the following milestones, as appropriate:

- Project kickoff/initial team meeting/formal public contact;
- Horizontal/Vertical Alignment Complete (HVAC);
- Preliminary public meeting;
- Preliminary Design Report (PDR) complete;
- Formal public meeting(s);
- Plan Impacts Complete (PIC);
- Peer reviews;
- Plans, Specifications and Estimate (PS&E) complete;
- Changes in the Project schedule or engineer's estimate of costs.

4. **Project Design, Construction Plans and Specifications:**

- a. The Municipality shall prepare, or cause to be prepared, all plans, specifications, engineer's estimates and contract documents for the Project within the scope of work identified above, using a standard project development process to ensure adherence to federal and state regulations (the "Preliminary Project Development Materials").
- b. The Municipality shall retain a Professional Engineer licensed in the State of Maine to oversee all Project activities (the "Project Engineer").
- c. The Project must be designed by a Professional Engineer licensed in the State of Maine (the "Design Engineer") and in compliance with MaineDOT's design standards (the "Design Standards").
 - i. The Design Engineer shall provide certification to the Parties that, in his/her professional opinion, the Project will provide a smooth ride and not reduce the safety, mobility or structural quality of the affected State and/or State Aid Highway.
 - ii. All design documents must be stamped and signed by the Design Engineer in accordance with the provisions of this Section.
- d. MaineDOT reserves the right to review and comment on all plans and specifications with the focus on ensuring that the Project will achieve the anticipated benefits and will not degrade safety.
- e. The Municipality, through its Project Engineer, shall obtain written approval from MaineDOT for any exceptions to the "Design Standards". Submitted documentation shall compare the proposed design to the existing conditions for each proposed exception. Any and all exceptions shall be listed on the cover sheet accompanying the Project plans and submitted to MaineDOT, accompanied by a request for acceptance

of the Project's design exceptions. All such requests must include the signature and professional stamp of the Professional Engineer responsible for the design of the Project.

- f. In developing the Project, the Municipality shall ensure that the following elements are satisfied:
 - i. The Project improvements must have a minimum useful life of ten (10) years;
 - ii. The safety of the corridor and the life of the resulting structural and design elements shall be equal to or better than the existing conditions and design;
 - iii. The structures, roadways and design features affected by the Project work shall, at a minimum, be of equal dimensions to the existing features or structures and shall be of improved quality in terms of materials and utility;
 - iv. The Project shall not introduce any unanticipated safety hazards to the traveling public;
 - v. The Project shall retain the same level or an improved level of mobility of travel within the corridor;
 - vi. The Project shall not in any manner decrease the life expectancy of the affected component(s) of Maine's transportation system;
 - vii. The Project shall meet the most recent Americans with Disabilities Act of 1990 (ADA) design requirements;
 - viii. Traffic control and the safety of pedestrians, bicyclists and the traveling public shall be provided for at all times.
- g. The Municipality shall coordinate with affected utilities to identify existing utility locations and/or any utility relocation impacts that may be created by the development of the Project.
- h. It is expected that the Project can be constructed within the existing right-of-way limits. If that is not the case, the Municipality must provide MaineDOT with a detailed explanation of the property rights required for the Project and shall acquire any such property rights in accordance with all applicable state and federal laws. The PACTS Share may only be applied to costs associated with the acquisition of property rights required for the implementation of the Project.
- i. The Municipality shall perform all necessary federal, state and local permitting activities required in connection with the Project.
- j. Project construction must commence within twelve (12) months and must be certified as complete within twenty-four (24) months of the date of execution of this Agreement. If this timeline is not met, and the Municipality cannot show that it has made a good faith effort to meet this timeline, PACTS retains the right to withdraw any unpaid

portion of the PACTS Share and reallocate its remaining funding to other eligible projects in its service area.

- k. Upon completion of Project construction, the Municipality shall provide certification to MaineDOT from the Project Engineer stating that the Project is complete and has been constructed in accordance with the plans and specifications.

5. Public Involvement:

The Municipality shall be responsible for implementing and leading any and all required public involvement processes and activities, including those required by Maine's Sensible Transportation Policy Act, and any necessary media coordination associated with the any phases of the Project covered by this Agreement.

6. Changes to Project Scope:

The Municipality will consult with MaineDOT and PACTS before implementing any adjustments to the Project scope.

7. Termination:

- a. In the event the Municipality decides to terminate the Project for any reason prior to the award of a contract to construct the Project and that termination under this clause is not directed by MaineDOT and PACTS, the Municipality shall be responsible for covering all Project costs incurred up to the time of termination.
- b. This Agreement may be terminated at any time by mutual written agreement of all Parties.
- c. In no event, shall any such action taken under this subsection be deemed a breach of contract, nor shall it represent any individual Party's waiver of claims for breach of contract or its right to any other remedy it may have pursuant to this Agreement, or at law or in equity.
- d. In the event of Project termination, all provisions of this Agreement shall become null and void except for the financial obligations set forth herein, as well as those provisions to this Agreement that by their very nature are intended to survive.

8. Miscellaneous Provisions:

- a. Quality of Work. PACTS reserves the right to require the Municipality to refund all reimbursements made and to repay PACTS fully for all Projects costs incurred if the work is found to be unsatisfactory.
- b. Reprogramming of Remaining PACTS Funds. Any state MPO funds allocated to the Project that remain unspent following payment of the final invoice and reconciliation of the Project shall be made available to PACTS for reprogramming once the Project is closed out.

- c. Indemnification. To the extent permitted by law, the Municipality and PACTS shall each individually indemnify, defend and hold harmless MaineDOT, its officers, agents and employees from all claims, suits or liabilities arising from the indemnifying Party's own negligent or wrongful acts, errors or omissions or by that Party's officials, employees, agents, consultants or contractors. Nothing herein shall waive any defense immunity or limitation of liability that may be available under the Maine Tort Claims Act (14 M.R.S. Section 8101 et seq.) or any other privileges or immunities provided by law. This provision shall survive the termination or expiration of the Project.
- d. Assumption of Responsibility. The Municipality hereby assumes responsibility for all damage to public or private property of any kind resulting from any act, omission, neglect or misconduct of the Municipality, its employees, agents or representatives, and shall ensure that its contractor(s) assume the same responsibility for all damage to public or private property of any kind resulting from any act, omission, neglect or misconduct of its own employees, agents or representatives. This assumption of responsibility shall also include damage to vehicles passing through the Project limits.
- e. Obligation of State Funds. Notwithstanding anything herein to the contrary, the Municipality and PACTS acknowledge and agree that, although the execution of this Agreement by MaineDOT manifests its intent to honor its terms and to seek funding to fulfill any obligations arising hereunder, by law any such obligations are subject to available budgetary appropriations by the Maine Legislature and, therefore, this Agreement does not create any obligation on behalf of MaineDOT in excess of such appropriations.
- f. Performance. The Parties will avoid hindering each other's performance; fulfill all obligations diligently; and cooperate in achievement of the intent of this Agreement.
- g. Obligation of Municipal Funds. The Municipality represents that it has received all necessary approvals or authorizations by its governing authorities to approve the Project and enter into this Agreement, and that it has obligated the necessary funds to satisfy its Municipal Share of the Project Costs set out herein.
- h. State of Maine's Rights of Set-Off. MaineDOT shall have all of its common law, equitable and statutory rights of set-off. These rights shall include, but not be limited to, the State of Maine's option to withhold for the purposes of set-off monies due the Municipality under a specific project contract up to any amounts due and owed to MaineDOT with regard to this Agreement, and any other agreement/contract with any State of Maine department or agency, including any agreement/contract for a term commencing prior to the term of this Agreement, plus any amounts due and owed to the State of Maine for any reason including without limitation, tax delinquencies, fee delinquencies or monetary penalties relative thereto. MaineDOT shall exercise its set-off rights in accordance with normal State practices including, in cases of set-off pursuant to an audit, the finalization of such audit by MaineDOT, its representatives, or the State Controller.
- i. Assignment. No assignment of this agreement is contemplated, and in no event, shall any assignment be made without the express written permission of the Parties.

- j. Independent Capacity. The Municipality and PACTS, their respective employees, agents, representatives, consultants and contractors shall not act as officers, employees or agents of MaineDOT.
- k. Governing Law. This Agreement shall be construed under the laws of the State of Maine. Additionally, all activities under this Agreement shall be performed in accordance with applicable federal laws and regulations, including without limitation Title 23 in the U.S. Code (USC) for statutory law, Title 23 in the Code of Federal Regulations (CFR) for administrative law, and Title 2 CFR, Part 200, "Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards."
- l. Binding Effect. The Parties shall be bound by the terms of this Agreement. This provision shall apply to the Agreement's executors, their successors, administrators and legal representatives.
- m. Notice. Any communications, requests or notices required or appropriate to be given under this Agreement shall be in writing and mailed via U.S. Mail, Certified or Registered, Return Receipt Requested or sent via a recognized commercial carrier such as, but not limited to Federal Express, that requires a return receipt delivered to the sending party. Alternatively, communication may be sent via email and shall satisfy the delivery requirements of this section through express acknowledgement of receipt by the receiving party. Said communications, requests or notices shall be sent to the other party as follows:

MaineDOT: Maine Department of Transportation
 16 State House Station
 Augusta, ME 04333-0016
 Attn.: Darryl Belz, PE, MPO Engineer
 Email: darryl.belz@maine.gov

Municipality: City of Portland
 212 Canco Road Suite B
 Portland, ME 04103
 Attn.: Lauren Anderson, PE, Senior Engineer
 Email: landersen@portlandmaine.gov

PACTS: Portland Area Comprehensive Transportation System
 970 Baxter Boulevard, Suite 201
 Portland, ME 04103
 Attn.: Elizabeth Roberts, PE, Transportation Engineer
 Email: eroberts@gpcog.org

Each Party agrees to promptly notify all other Parties of any changes to the above referenced contact information.

DS
ER

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

DocuSigned by:

Kristina Egan

EF67A54B0DDE4EB...

Date 2/10/2021

Kristina Egan, Executive Director *
Greater Portland Council of Governments and
For Portland Area Comprehensive Transportation System
Duly authorized

Date _____

Jon Jennings, City Manager *
Municipality of Portland
Duly authorized

Date _____

Jennifer Brickett, Director, Bureau of Planning *
Maine Department of Transportation
Duly authorized

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

PACTS

Portland Area Comprehensive Transportation System



Darryl Belz, P.E.
Safety/MPO Engineer
Bureau of Planning
Maine Department of Transportation
16 State House Station
Child Street
Augusta, Maine 04433-0016

December 3, 2020

PACTS 2021 Municipal Partnership Initiative Project: Portland, Elm Street Reconstruction Project

Darryl,

The following is a request to develop a Municipal Partnership Initiative (MPI) agreement for the above project for the 2021 PACTS MPI program.

On September 1st, 2020 the PACTS Executive Committee approved programming \$234,393.95 of PACTS' CY2021 state funding allocation for the following project:

Portland, Elm Street Reconstruction Project

Elm Street rehabilitation from Marginal Way to Congress Street, including sidewalk and pedestrian facilities improvements.

The Route Log Miles start at 0.00 and end at 0.44 along Elm Street for a total project length of 0.44 miles.

The scope consists of mill and fill, new pavement markings for vehicle, parking, and a shared bike lane. Sidewalk and curb improvements to meet ADA requirements and improve pedestrian safety. The total cost estimate is \$468,787.90.

Construction complete year is scheduled to be 2021.

The funding is 50% state/50% local with a cap of \$234,393 for the state share.

PACTS is requesting a WIN for the project and a three-party agreement to follow.

The municipal contact is Lauren Andersen. She is aware of contract documents needed such as, a scope of work, unit prices and complete specifications. These documents will be similar or the same as a MaineDOT "Book Project", including a set of plans as necessary to be outlined in the pending agreement.

Thank you for your attention to this matter. If you have any questions, please call.

The Metropolitan Planning Organization for the Portland Urbanized Area

970 Baxter Blvd • Portland, Maine 04103

Telephone: (207) 774-9891 • Fax: (207) 774-7149 • www.pactsplan.org

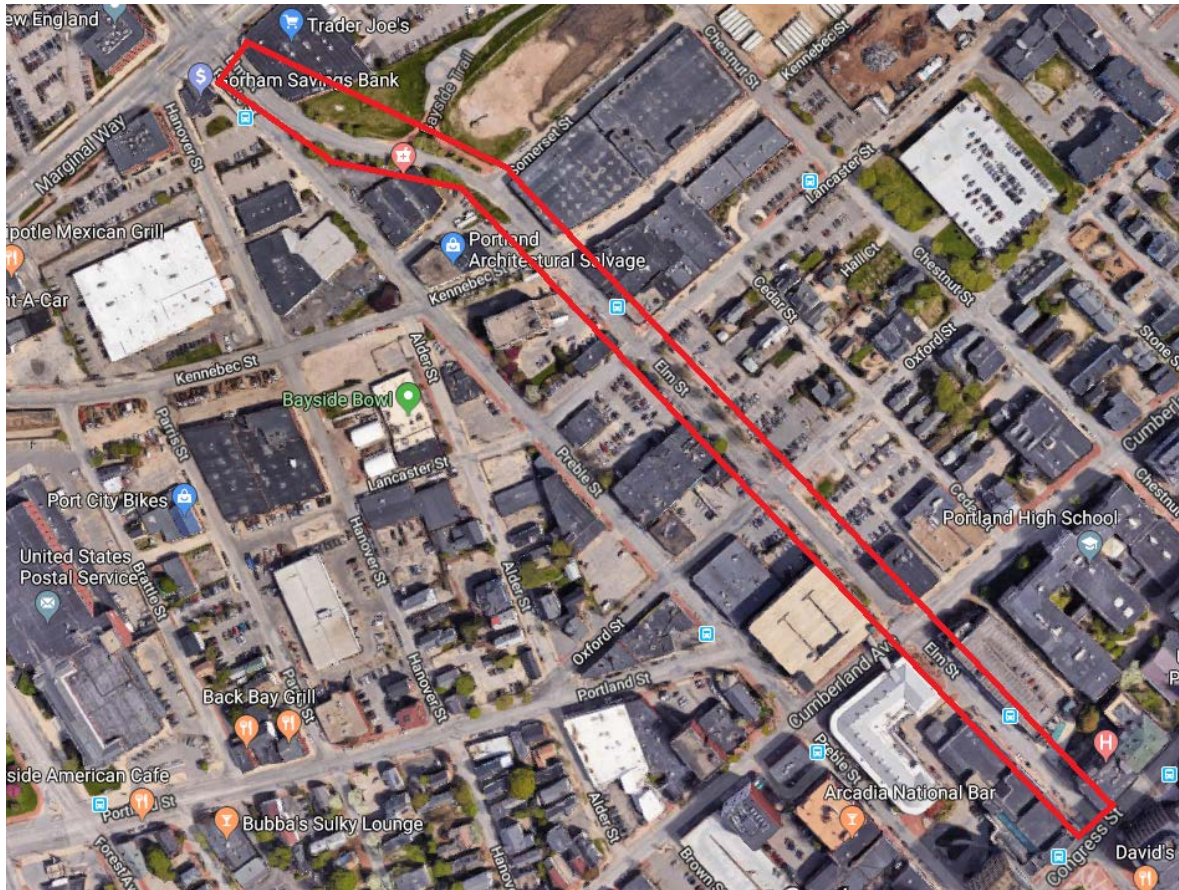
Sincerely,

A handwritten signature in blue ink, appearing to read "Chris Chop". The signature is fluid and cursive, with a large initial "C" and a stylized "H".

Chris Chop
PACTS

cc: Lauren Andersen, City of Portland
Harold Spetla, GPCOG

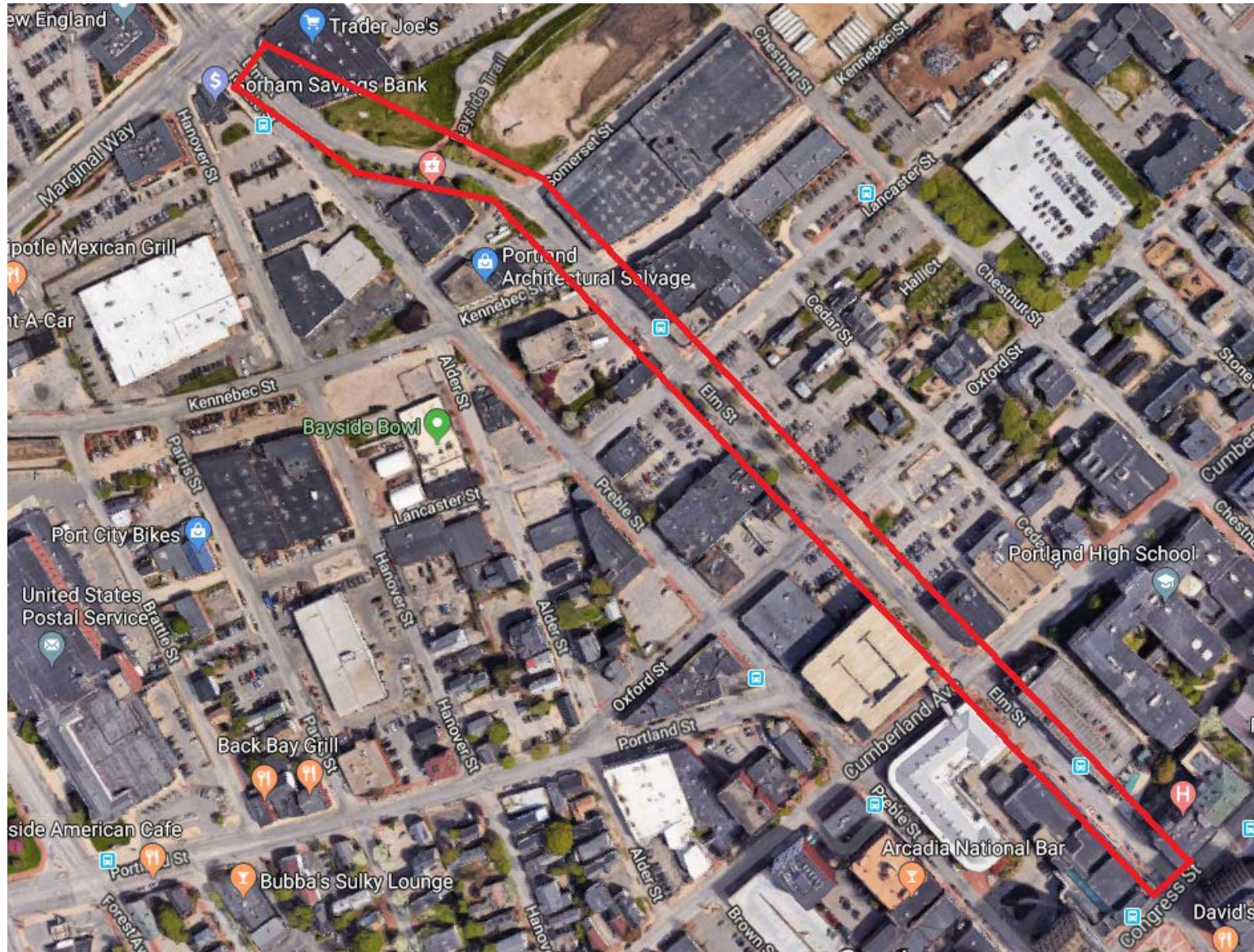
Elm Street Improvements - PACTS MPI
Location Map:



FISCAL IMPACT NOTE New Program Cost Data:	Year 1		Year 2		Year 3	
	City Rate	City / Sch Combined Rate	City Rate	City / Sch Combined Rate	City Rate	City / Sch Combined Rate
<u>Example:</u> ADD: NEW ITEM ANNUAL EXPENDITURES LESS: TOTAL NEW ITEM ANNUAL REVENUES =NEW ITEM NET TAX RATE IMPACT PROJECTION		\$0 \$0 \$0	\$17,580 \$17,580	\$17,580 \$17,580	\$17,580 \$17,580	\$17,580 \$17,580
New Program Impact to the Mil Rate	\$0.0000	\$0.0000	\$0.0022	\$0.0022	\$0.0022	\$0.0022
New Program % Impact on Mil Rate	0.0000%	0.0000%	0.0196%	0.0196%	0.0196%	0.0099%
Mil Rate Including New Program	\$11.3400	\$22.4800	\$11.3422	\$22.4822	\$11.3422	\$22.4822

Notes: The CIP impact will begin in 2022 and remain for the 20 year life of the bond.

Elm Street Improvements



Project Information

Elm Street - Congress Street to Marginal Way

► SCOPE:

- Mill and pave to improve surface quality
- Sidewalk and ramp improvements to meet ADA requirements and improve pedestrian access
 - Sidewalk improvements between Kennebec and Somerset, Lancaster and Oxford, and Oxford and the parking garage
- Striping - proposing new striping pattern to incorporate a bike lane to incorporate multi-modal travel
 - Based on Bayside Master Plan

► FUNDING:

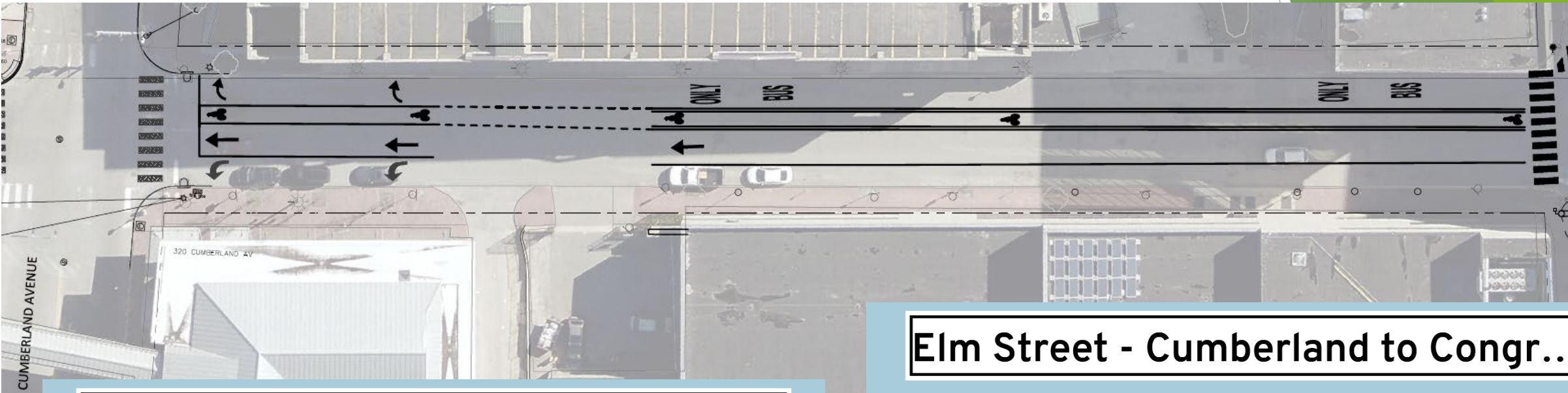
- Portland Area Comprehensive Transportation System (PACTS) Municipal Partnership Initiative (MPI) Paving Project (50/50 split with PACTS)
- Portion of sidewalk work paid through CDBG funds
- FY 22 CIP Account designated for this project (Pending Council Approval)

Striping Overview

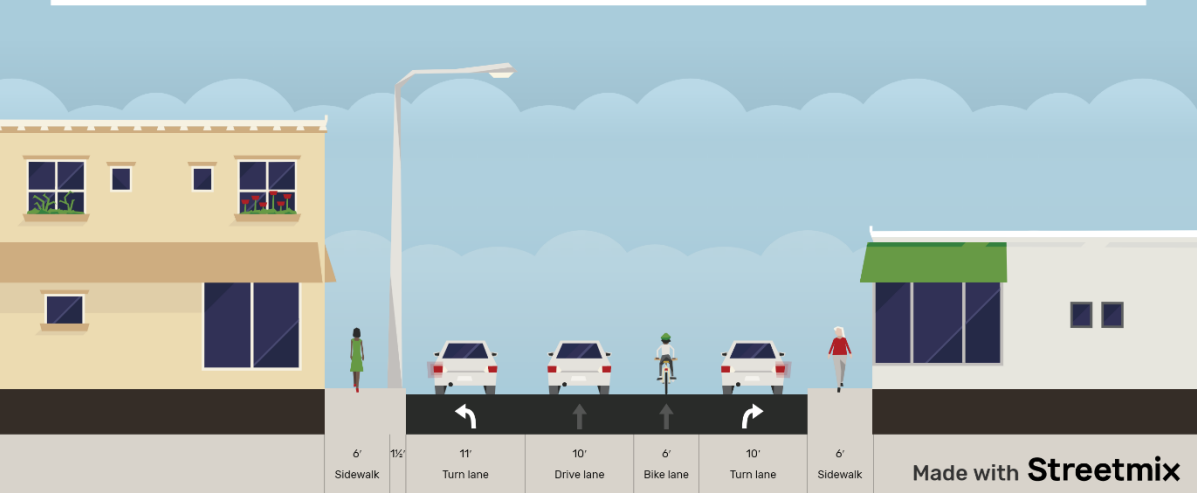
Elm Street - Congress Street to Marginal Way

- ▶ Incorporate designated bike lane for the entire corridor
 - ▶ 6' bike lane
 - ▶ Majority of corridor has buffers - only exception is Somerset to Marginal Way
- ▶ One driving lane throughout corridor with exceptions at Cumberland Avenue and Marginal way
 - ▶ Similar to Preble Street configuration
 - ▶ Traffic study as part of Bayside Master Plan
 - ▶ Busier intersections (Cumberland & Marginal Way) will have multiple lanes to allow for turning actions and reduce queuing
- ▶ Parking will be maintained throughout corridor - net parking change is zero
 - ▶ 4 spaces will be lost at the Cumberland Ave intersection
 - ▶ 4 spaces will be added between Somerset and Kennebec

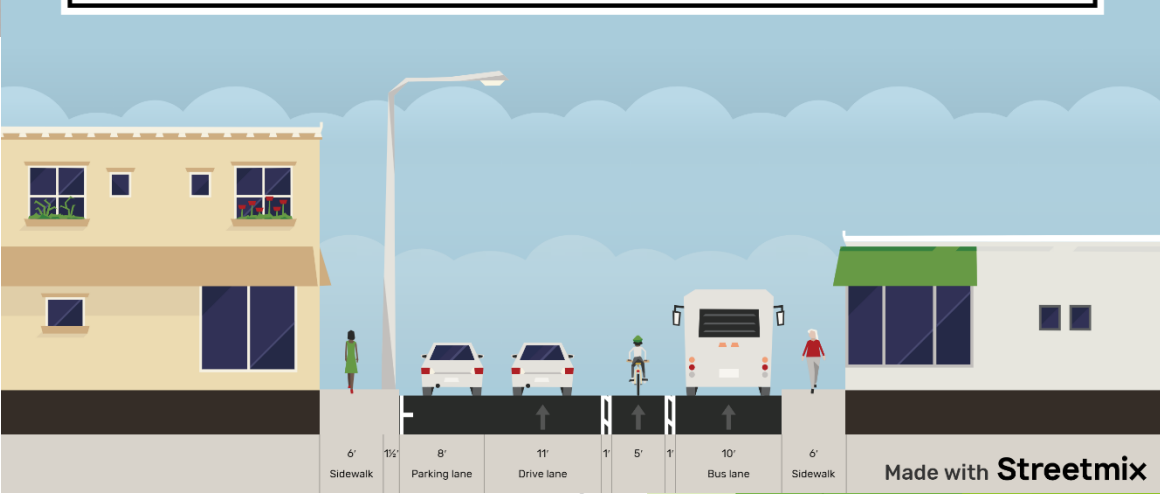
Congress to Cumberland



Elm Street - Cumberland Intersecti...



Elm Street - Cumberland to Congr...

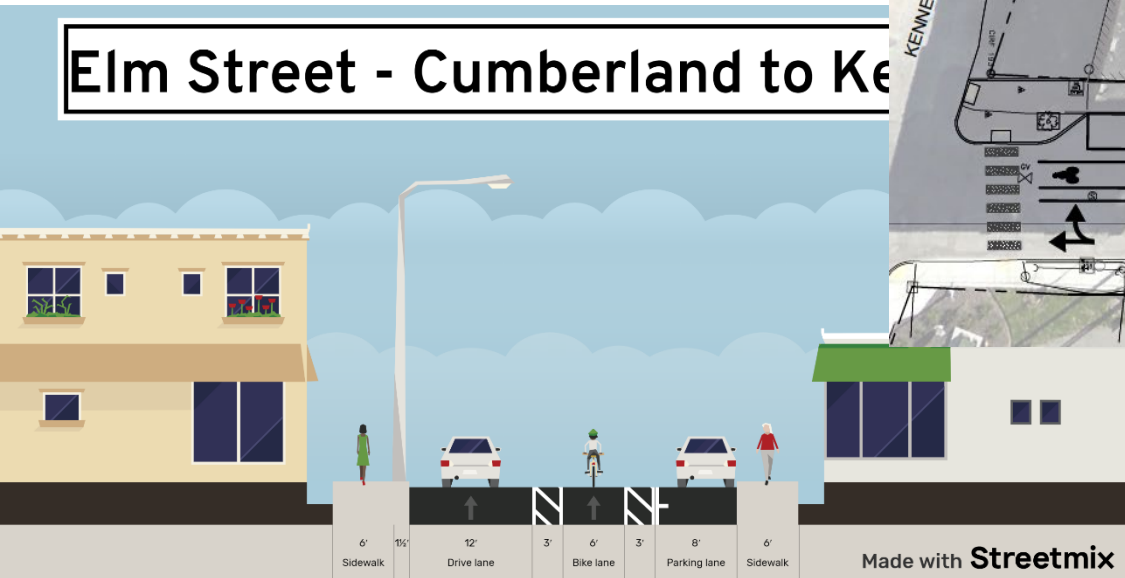
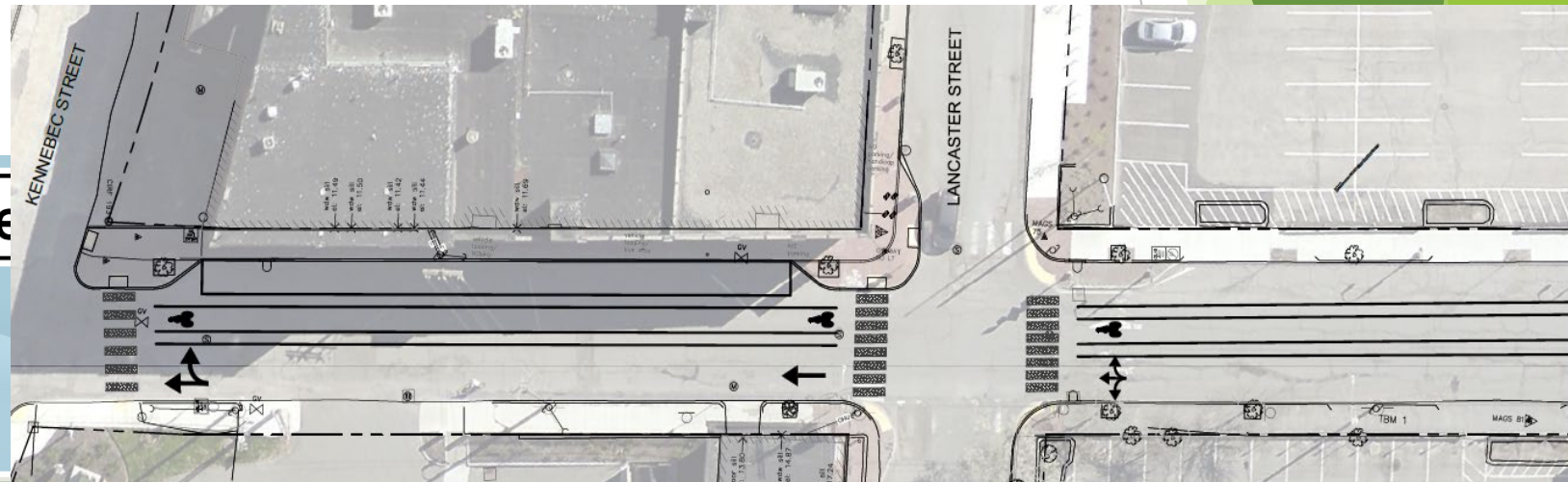


Note: Lane widths shown are preliminary design and exact width may change during final design; lane widths may vary slightly throughout the corridor based on exact street width

Cumberland to Kennebec

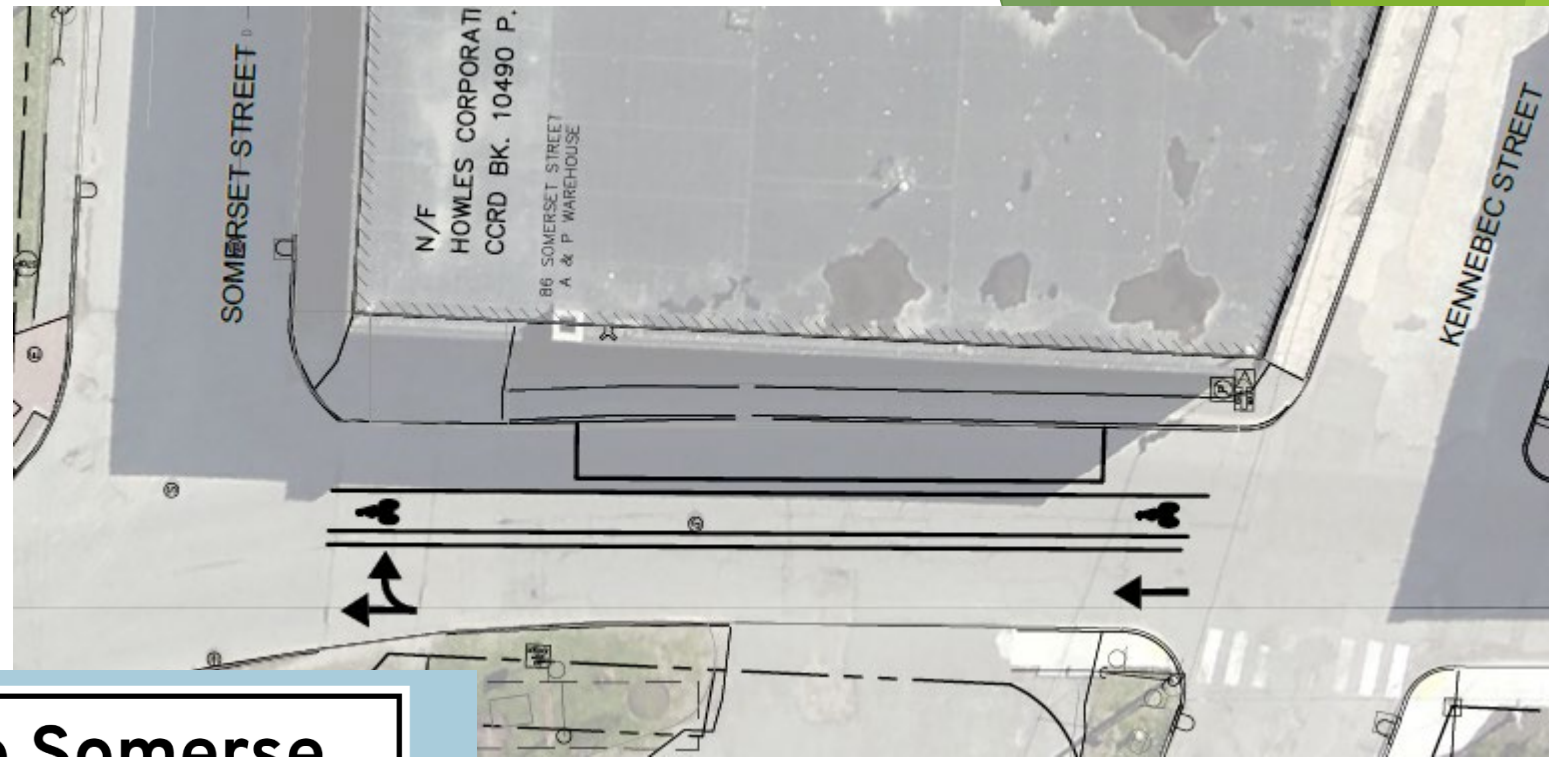


Elm Street - Cumberland to K

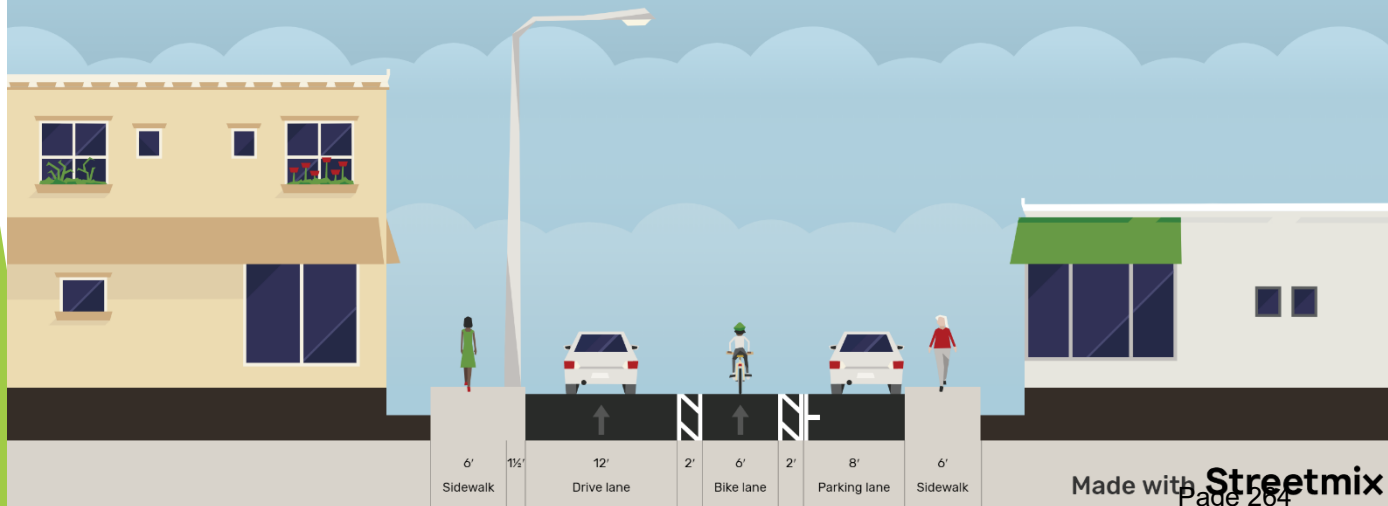


Note: Lane widths shown are preliminary design and exact width may change during final design; lane widths may vary slightly throughout the corridor based on exact street width

Kennebec to Somerset



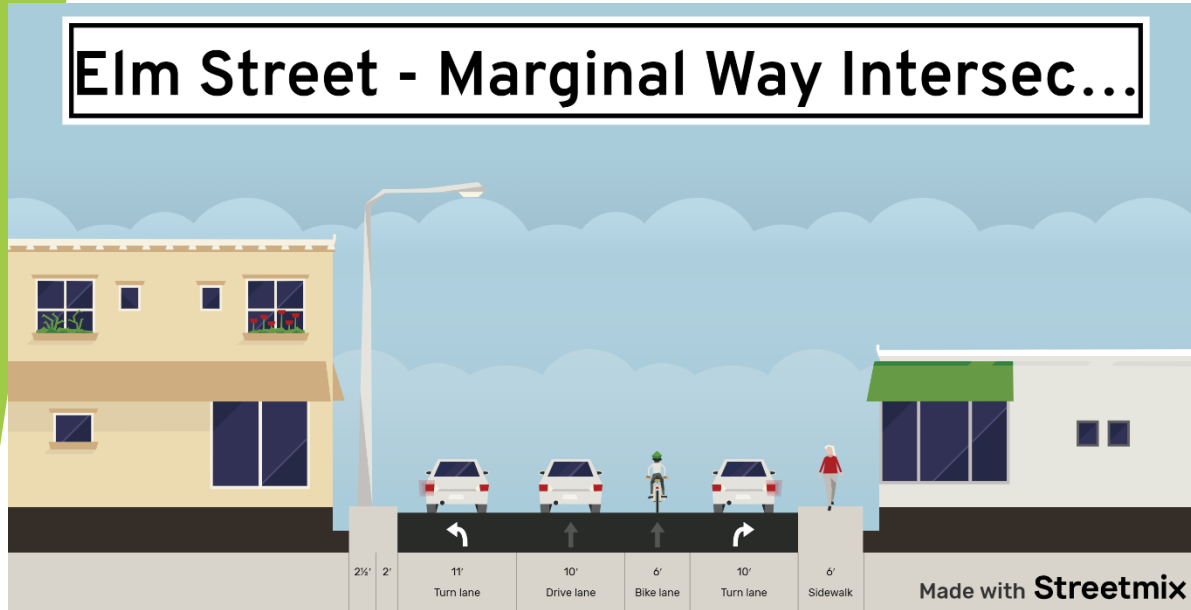
Elm Street - Kennebec to Somerse...



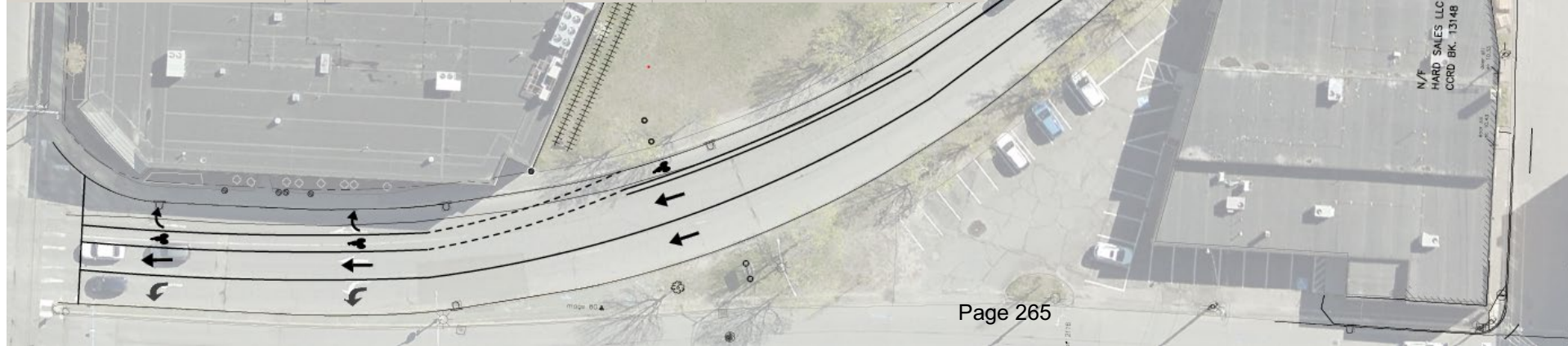
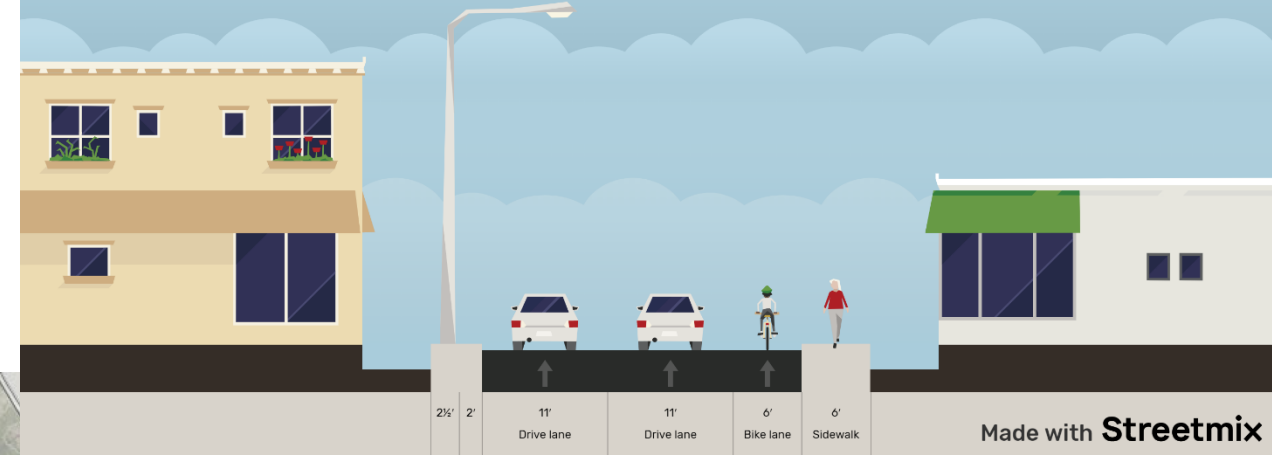
Note: Lane widths shown are preliminary design and exact width may change during final design; lane widths may vary slightly throughout the corridor based on exact street width

Somerset to Marginal Way

Elm Street - Marginal Way Intersec...



Elm Street - Somerset to Marginal ...



Note: Lane widths shown are preliminary design and exact width may change during final design; lane widths may vary slightly throughout the corridor based on exact street width

Questions/Comments?

MEMORANDUM
City Council Agenda Item

FROM: Christine Grimando

DATE: March 16, 2021

SUBJECT: Order 191-20/21 Amendment to City Code Sec. 5.2 (Zoning Map Amendment) and to C-61 Conditional Zone Agreement Re: 32 Thomas Street - Sponsored by the Portland 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

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

PRESENTATION: Brandon Mazer, Planning Board Chair, 5 minutes

I. SUMMARY

On January 26, 2021, the Planning Board unanimously recommended the adoption of the proposed amendments to the conditional zone agreement (CZA-57) in order to more accurately reflect the current status of the property, to permit the proposed programmatic changes to the site, and to facilitate the adaptive reuse of the building, which continues to be governed by a conditional zoning agreement.

II. AGENDA DESCRIPTION

On January 26, 2021, the Planning Board voted unanimously (7-0) to issue a positive recommendation for the proposed amendments to the Conditional Zone Amendment.

32 Thomas Street, LLC is proposing to update some of the contextual provisions, as well as substantive changes, of the Original Conditional Zone Agreement (CZA-57) for property at 32 Thomas Street in order to more accurately reflect the current status of the property, to permit the proposed programmatic changes to the site, and to facilitate the adaptive reuse of the building, which continues to be governed by a conditional zoning agreement. The subject property, 32 Thomas Street, is in the West End and is located in an area of the City generally zoned R-4 Residential. The existing building complex located on the parcel was formerly used as the Williston-West Church. At the request of a prior owner, and because of the unique nature of the parcel and the historic buildings located on it, the City of Portland altered the zoning for this parcel under the terms of a conditional zoning agreement dated July 13, 2012. Since that date, some, but not all of the improvements contemplated and authorized by the original CZA have been completed, and 32 Thomas Street, LLC seeks to amend the CZA to allow additional dwelling units at the subject property in the future.

This item must be read on two separate days. It received its first reading on March 15, 2021. Five affirmative votes are required for passage after public comment.

III. BACKGROUND

When the Williston-West Church merged with Immanuel Baptist Church in 2011, the property was sold and the adaptive reuse of the former church and Parish Hall was proposed. The reuse involved creating

approximately 2,500 square feet of office space, a use that was not allowed in the R-4 zone. Other uses proposed at the time included an accessory unit on the first floor of the Parish Hall, a family residence and possibly one other dwelling on the second and third floors of the Parish Hall, and rehabilitation and use of the Williston West Church sanctuary as a residential space. In order to allow the proposed uses within the 2012 redevelopment plan, the City Council approved the Original CZA, which outlined the permitted uses, dimensional standards, and performance requirements for the redevelopment of the site. According to the applicant, the work on the residential portion of the project was started, but the Conditional Zoning Agreement was the subject of a legal challenge, partially related to whether the commercial uses authorized under the agreement were consistent with the City's previous Comprehensive Plan. In the end, the CZA was upheld and is still in effect today. However, the adaptive reuse project stalled and the site was sold at auction in 2019, at this time the ownership of the subject property was transferred to the Applicant. Although the Applicant's development plan for the site is largely consistent with the provisions of the Original CZA, the Applicant does propose some deviations from the prior owner's proposals – many of which will more closely align with the underlying R-4 zoning.

IV. INTENDED RESULT AND/OR COUNCIL GOAL ADDRESSED

The Applicant is proposing to update some of the provisions of the original CZA in order to more accurately reflect the current status of the property and to permit the proposed programmatic changes to the site and to facilitate the adaptive reuse of the property by replacing the commercial use with six additional residential units.

Portland's Plan 2030 identifies a vision statement, policy goals for the City, and principles of future land use, several of which support the proposed amendments. The proposal supports housing goals of encouraging housing growth throughout the city, as well as providing new opportunities for smaller units that serve as family housing.

V. FINANCIAL IMPACT

There will be no negative anticipated financial impact to the City through these amendments to an existing conditional zone agreement request. The proposed amendments will allow current uses at the subject property to operate as permitted uses and allows the property owners to renovate and reinvest in uses in an existing historic building.

VI. STAFF ANALYSIS AND BACKGROUND

The underlying R-4 zone creates limitations with respect to density and setbacks that would make the adaptive reuse project infeasible. The R-4 zone requires 3,000 square feet of land for the first three dwelling units, and then 6,000 square feet of land for each additional unit thereafter. This density requirement would limit development on this site to four residential units in the event of a new construction project; currently there are five units housed within the existing structures, facilitated by the CZA – thus, in order for the project as-built to remain in conformance with zoning standards, zoning relief is required via a CZA. Future expansion of the number of dwelling units at the site, as per the applicant's business plans, would not be possible under the terms of the current CZA and would be reviewed by the Planning Board under a future Major Site Plan application.

VII. RECOMMENDATION

The Planning Board voted unanimously (7-0) to find the proposed amendment to the original CZA-57 for the property located at 32 Thomas Street to be consistent with the Comprehensive Plan and R-4 Residential Zone for the City of Portland and recommends to the City Council adoption of the amendment for 32 Thomas Street.

VIII. LIST ATTACHMENTS

1. 32 Thomas Street Amendment to Conditional Zone Agreement 3.15.2021
2. 32 Thomas St City Council Report
3. A. Cover Letter Email
4. B. Amended and Restated Conditional Zone Agreement_Final (2) Clean
5. C. 32 Thomas Street_Zoning Application_9.23.2020
6. D. Map and Text Amendment Checklist
7. E. Deed
8. Plan 1. Vicinity Map
9. Plan 2. Recording Plat
10. 11-17 Clifford Street - 1924 Portland Tax Assessor Record
11. Clifford St Apartment Building - now condos
12. 01-02-2021 Atlantic - Anbinder article re Gentrification's Roots - NIMBY Homeowners
13. 32 Thomas Street - Floor Plans including New Basement Parking
14. Original 2012 CZA for Williston-West Church including attachments-exhibits
15. PC1. Charles Remmel 11-6-2020
16. PC2. Anne Pringle 3-31-2021
17. PC3 Charles Remmel 1-23-2021
18. PC4 George Rheault 1-26-2021
19. PC5 George Rheault 1-26-2021
20. PC6 George Rheault 1-26-2021
21. PC7 George Rheault 4-5-2021
22. PC8 George Rheault 4-5-2021

Prepared by:

Christine Grimando

Date: 3/16/2021

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)

**AMENDMENT TO CITY CODE CHAPTER 14
SEC. 5.2 (ZONING MAP AMENDMENT)
AND TO C-61 CONDITIONAL ZONE AGREEMENT
RE: 32 THOMAS STREET**

ORDERED, that the zoning map and text of the City of Portland, dated December 2000 as amended and on file in the Department of Planning & Development, and incorporated by reference into the Zoning Ordinance by Chapter 14, Sec. 5.2 of the Portland City Code, is hereby amended to reflect a conditional rezoning as detailed below.

**AMENDED AND RESTATED
CONDITIONAL ZONE AGREEMENT
RE: 32 THOMAS STREET**

THIS AMENDED AND RESTATED CONDITIONAL ZONE AGREEMENT is made this _____ day of _____, 2021 by 32 Thomas Street, LLC, a Maine limited liability company, having an address of _____, Portland, Maine (“Developer”), and its successors and assigns. This Amended and Restated Conditional Zone Agreement (“Agreement”) amends and replaces in its entirety an existing Conditional Zone Agreement dated July 13, 2012, and recorded in the Cumberland County Registry of Deeds, Book 29784, Page 123 (the “Original CZA”).

WITNESSETH

WHEREAS, the Developer owns real property located at 32 Thomas Street, consisting of the parcel shown on the City’s Tax Map 62, Block E, Lot 5, being more particularly described in a deed recorded in Cumberland County Registry of Deeds in Book 29217, Page 171 (collectively the “Property”); and

WHEREAS, the existing building complex located on the Property was formerly used as the Williston-West Church; and

WHEREAS, the building complex located on the Property is comprised of two principal portions, the former sanctuary and the former parish house; and

WHEREAS, the Property, located within the West End Historic District, is currently zoned R-4 Residential; and

WHEREAS, the building complex is listed in the National Register of Historic Places, the sanctuary is a designated local landmark as defined by Article 17 of the Portland City Code and the Parish house is a contributing structure within the West End Historic District under Article 17; and

WHEREAS, the former sanctuary and the former parish hall are important large-scale non-residential historic structures that were designed by noted architects Francis Fassett and John Calvin Stevens respectively; and

WHEREAS, the building complex significantly contributes to the architectural fabric of the neighborhood and distinctive sense of place that defines Portland and therefore requires special consideration with regard to its rehabilitation and preservation; and

WHEREAS, historically appropriate and neighborhood compatible adaptive re-use of historic religious structures is often challenging, and reasonable use flexibility may enable economically viable rehabilitation and productive use of such buildings for their long-term preservation; and

WHEREAS, the Property is currently improved with 5 residential units in the former parish hall, and Developer proposes to create up to an additional 6 units in the building complex and make other improvements and modifications as contemplated in this Agreement; and

WHEREAS to create this additional number of units the current R-4 zoning requirement of 3,000 square feet of land area per dwelling unit needs to be modified pursuant to and using this Agreement to 1,500 square feet per dwelling unit; and

WHEREAS, the Portland City Council previously re-zoned the Property pursuant to the “Original CZA” or C-61 by Order 214-11/12 approved on June 18, 2012; and

WHEREAS, the underlying R-4 zoning and the Original CZA have dimensional requirements that the existing building complex does not meet, but is lawfully nonconforming, and may require additional setback modifications to accommodate minor exterior modifications; and

WHEREAS, the Developer has requested a rezoning in the form of an Amended and Restated Conditional Zone Agreement for the Property in order to permit the proposed residential development of the Property which will facilitate funding the comprehensive rehabilitation and long-term maintenance of the historic structures; and

WHEREAS, the Planning Board, after notice and hearing and due deliberation thereon, recommend the rezoning of the Property as aforesaid, subject, however, to certain conditions contained in this Agreement; and

WHEREAS, the City, by and through the Portland City Council, pursuant to 30-A M.R.S.A. § 4352(8) and §§5.3-4 of the Code, after notice, hearing and due deliberation thereon, has determined that because of the unique and historical nature of the Property, the proposed development:

- Contributes a desirable, unique type of housing to the peninsula stock;
- Promotes sustainability by allowing for rehabilitation of an existing historic building to provide new housing development consistent with the medium and high density urban residential development pattern typically found on the peninsula;
- Makes improvements to below-grade infrastructure, including parking, to accommodate new growth;
- Accommodates well-designed density, which is integral to healthy, walkable city neighborhoods; and therefore it is necessary and appropriate to impose, by agreement, the conditions and restrictions set forth herein, in order to insure that said rezoning is consistent with the City's comprehensive land use plan; and

WHEREAS, the Portland City Council has on _____, 2021 approved this Agreement in its entirety, by City Council Order ____-20/21, a true copy of which is attached hereto as an attachment 1 (the "Order");

NOW, THEREFORE, in consideration of the rezoning, the Developer covenants and agrees as follows:

1. Pursuant to the Order, the City shall amend the Zoning Map of the City of Portland, Dated September, 2000 (as amended from time to time and on file in the Department of Planning and Urban Development, and incorporated by reference into the Zoning Ordinance by §1.2 of the Code) by adopting the map change amendment shown below to zone the Property conditional R-4, subject to the conditions contained below.

If this Agreement is not recorded within sixty (60) days after the effective date of the City Council's approval of the Order, then the conditional rezoning shall become null and void and the zoning of the Property shall revert to the underlying R-4 zone, but shall remain subject to and with the benefit of the Original CZA.

2. Permitted uses:

a. All uses allowed in the R-4 Zone, as adjusted, modified or limited herein.

- b. Modifications and limitations: The existing land area requirement of 3,000 square feet per dwelling unit shall be reduced for the Property to a minimum of
 - i. One thousand five hundred (1,500) square feet of land area per dwelling unit;
 - ii. On-site parking shall be required as specified in Article 19 (off-street parking) of the Land Use Code, for the combined uses of the site;
 - iii. The project shall be subject to Article 14 (site plan) of the Land Use Code for site plan review and approval and the following additional standards:
 - 1. Any addition or exterior alterations such as façade materials, building form, and roof pitch shall be designed to be compatible with the architectural style of the existing structures;
 - 2. The scale and surface area of parking, driveways, car lifts, mechanical car parking systems, or car parking structures, and paved areas shall be arranged and landscaped to be compatible in size and scale with the neighboring properties in the area and where feasible to properly screen vehicles from adjacent properties and streets; and
 - 3. Pre-existing dimensions of the structure existing as of January 1, 1984 shall be considered conforming. Existing setbacks may be further reduced by up to three (3) feet, or 50%, whichever is less, to accommodate minor exterior modifications.
 - iv. Use of the former sanctuary as a community hall as set forth in § Table 6-A of the Code is prohibited;
 - v. No part of the Property shall be used as a bed and breakfast, hotel, treatment facility, congregate care facility, office, or commercial or business enterprise, excepting a home occupation as currently permitted in §Table 6-A.

3. Any increase in the volume or footprint of either the parish house or the sanctuary shall be prohibited, except as necessary to accommodate any improvements, such as ramps or stairs, required in order for the Property to comply with the American With Disabilities Act, Maine Human Rights Act, or similar laws, ordinances or regulations governing access for the disabled.

4. The provisions of this Agreement are intended to replace and/or supersede the associated provisions of the underlying R-4 zone and the Original CZA. As stated above, to the extent not otherwise altered or limited herein, the zoning requirements for the R-4 zone shall otherwise apply to the Property.

5. Under no circumstances shall the Developer be permitted to convert the residential dwellings as may be allowed by this Agreement to an institutional or business use.

6. This AGREEMENT may also be enforced pursuant to the land use enforcement provisions of state law including, but not limited to, 30-A M.R.S.A §4452 and the Portland City Code.

7. The above stated restrictions, provisions, and conditions are an essential part of the rezoning, shall run with the Property, shall bind and benefit the Developer, any entity affiliated with the Developer that takes title to the Property, its or their successors and assigns, and any party in possession or occupancy of said Property or any part thereof, and shall inure to the benefit of and be enforceable by the City of Portland, by and through its duly authorized representatives. The Developer shall file a counterpart original of this Agreement in the Cumberland County Registry of Deeds.

8. If any of the restrictions, provisions, conditions, or portions thereof set forth herein is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed as a separate, distinct, and independent provision and such determination shall not affect the validity of the remaining portions hereof.

9. Except as expressly modified herein, the Property shall be governed by and comply with the provisions of the Portland City Code, including but not limited to, the maintenance requirements of historic structures set forth in section Article 17 of the Code, and any applicable amendments thereto or replacement thereof.

WITNESS: _____

32 THOMAS STREET, LLC

BY:

STATE OF MAINE
CUMBERLAND, ss.

_____, 2021

2

Personally appeared before me the above-named _____, in his/her capacity as _____ of 32 THOMAS STREET, LLC, and acknowledged the foregoing instrument to be his/her free act and deed in his/her said capacity and the free act and deed of said corporation.

Before me,

Notary Public/Attorney at Law



PLANNING BOARD REPORT TO CITY COUNCIL PORTLAND, MAINE

Conditional Zoning Agreement
32 Thomas Street
ZN-0001309-2020
32 Thomas Street LLC, Applicant

Submitted to: Mayor Snyder & City Council From: Chair Mazer and the Portland Planning Board Council Reading Dates: March 15, 2021 and April 5, 2021	Prepared by: Shukria Wiar Date: February 26, 2021

I. INTRODUCTION

On January 26, 2021, the Planning Board unanimously recommended (7-0) the adoption of the proposed amendments to the conditional zone agreement (CZA-57) in order to more accurately reflect the current status of the property, to permit the proposed programmatic changes to the site, and to facilitate the adaptive reuse of the building, which continues to be governed by a conditional zoning agreement.

32 Thomas Street in the West End is located in an area of the City generally zoned R-4. The existing building complex located on the parcel was formerly used as the Williston-West Church. At the request of a prior owner, and because of the unique nature of the parcel and the historic buildings located on it, the City of Portland altered the zoning for this parcel under the terms of a conditional zoning agreement dated July 13, 2012 (the "Original CZA"). Since that date, some, but not all of the improvements contemplated and authorized by the Original CZA have been completed.

In 2019, ownership of the subject property was transferred to the Applicant. Although the Applicant's development plan for the site is largely consistent with the provisions of the Original CZA, the Applicant does propose some deviations from the prior owner's proposals – many of which will more closely align with the underlying R-4 zoning. In order to facilitate its development of the site, the applicant initially proposed that the City dissolve the Original CZA in order to allow the dimensional and use standards governing the parcel to return to the underlying R-4 zone, with text amendments to the R-4 zone that would allow the proposed programmatic changes at the site, including reducing the R-4 lot area per dwelling unit requirements for sites

meeting specific criteria. The Board held a workshop on October 6, 2020 and a public hearing on January 26, 2021.

Figure 1: 32 Thomas Street – Subject Property



Currently, and consistent with the Original CZA, the subject property includes five residential condominium units and two commercial condominium units housed within the parish house and the sanctuary. The pending application proposes to reconfigure the interior floor area of the structures to remove the commercial spaces approved in the Original CZA and add six more dwelling units, yielding a total of eleven units.

If approved, the site would continue to be identified on the City's zoning map as CZA-57, and the Original CZA approved by the City in 2012 would be amended and superseded by a new agreement substantially in the same form as the draft attached to this report.

II. PROJECT DATA

Current Zoning:	Conditional Zone Agreement
Proposed Zoning:	New Conditional Zone Agreement (boundaries to remain as-is)
Current Uses:	Residential and Commercial (six units + 2 commercial spaces)
Proposed Uses:	Residential (11 units)
Parcel Area:	17,798 square feet
Area to be Rezoned:	17,798 square feet

III. BACKGROUND AND EXISTING CONDITIONS

a. History of the Site and Buildings

The Williston West Church was designed by Francis Fassett, Portland's leading architect in the 1870s, in the High Victorian Gothic Style. The building's form is defined by the large three-story bell tower and it originally had a slate roof which was replaced with asphalt shingles in 1957. Some of the stained-glass windows were created by well-known artists. The Parish Hall was added by John Calvin Stevens in 1905 and included a wing to connect to the church. Its architecture harmonizes with the church, and the Parish Hall is notable for the stained-glass windows on the upper floors. It also has historic interest as the meeting place of the Young People's Society of Christian Endeavor (a national organization that led to the Sunday School movement) which started there in 1881.

b. Existing Conditions

The building complex comprises two existing buildings (church and Parish Hall) that are linked via a connecting structure, and a courtyard area is located between the connector and Thomas Street. The site is 17,798 square feet in area and is located at the corner of Thomas Street and Carroll Street on the periphery of the underlying R-4 Residential zone, with the R-6 zone located immediately to the north and east.

Figure 3: Existing Conditions



Figure 2: Site in 1902



The Church and Parish Hall (the latter designed by John Calvin Stevens in 1905) are located within the West End Historic District and are both listed on the National Register of Historic Places, recognizing both the architectural and historical significance of the buildings. Additionally, both structures are landmarked by the City of Portland under its historic preservation ordinance.

The aerial photograph in Figure 4 illustrates that the existing buildings are very close to the lot boundaries. The parking lot to the west of the church is owned by the abutter and serves the adjacent condominiums.

c. Previously Approved Development

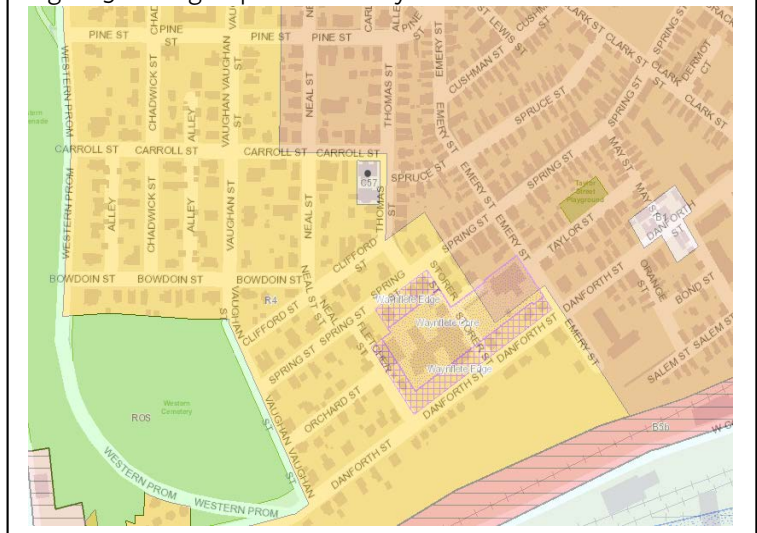
The original church building was constructed in 1888 and the Parish Hall in 1914. When the Williston-West Church merged with Immanuel Baptist Church in 2011, the property was sold and the adaptive reuse of the former church and Parish Hall was proposed. The reuse involved creating approximately 2,500 square feet of office space, a use that was not allowed in the R-4 zone. Other uses proposed at the time included an accessory unit on the first floor of the Parish Hall, a family residence and possibly one other dwelling on the second and third floors of the Parish Hall, and rehabilitation and use of the Williston West Church sanctuary as a residential space.

Figure 4: Subject Property



In order to allow the proposed uses within the 2012 redevelopment plan, the City Council approved the Original CZA, which outlined the permitted uses, dimensional standards, and performance requirements for the redevelopment of the site. According to the applicant, the work on the residential portion of the project was started, but the Conditional Zoning Agreement was the subject of a legal challenge, partially related to whether the commercial uses authorized under the agreement were consistent with the City's previous Comprehensive Plan. In the end, the CZA was upheld and is still in effect today. However, the adaptive reuse project stalled and the site was sold at auction in 2019.

Figure 5: Zoning Map of the Vicinity



IV. ANALYSIS OF PROPOSED CZA AMENDMENT

The applicant proposes to amend and reinstate the Original CZA to allow for the conversion of interior floor area into six additional dwelling units, yielding a total of eleven units. In order to permit higher residential densities via reduction in the minimum lot area per dwelling unit requirement from 3,000 square feet of lot area per dwelling unit to 1,500 square feet per dwelling unit. Below is a relevant excerpt from the proposed CZA; refer to [Attachment B](#) for the complete proposed language.

....

WHEREAS, the Property is currently improved with 5 residential units in the former parish hall, and Developer proposes to create up to an additional 6 units in the building complex and make other improvements and modifications as contemplated in this Agreement; and

WHEREAS to create this additional number of units the current R-4 zoning requirement of 3,000 square feet of land area per dwelling unit needs to be modified pursuant to and using this Agreement to 1,500 square feet per dwelling unit; and

....

WHEREAS, the City, by and through the Portland City Council, pursuant to 30-A M.R.S.A. § 4352(8) and §§ 14-60 to 14-62 of the Code, after notice, hearing and due deliberation thereon, has determined that because of the unique and historical nature of the Property, the proposed development:

- *Contributes a desirable, unique type of housing to the peninsula stock;*

- Promotes sustainability by allowing for rehabilitation of an existing historic building to provide new housing development consistent with the medium and high density urban residential development pattern typically found on the peninsula;
- Makes improvements to below-grade infrastructure, including parking, to accommodate new growth;
- Accommodates well-designed density, which is integral to healthy, walkable city neighborhoods; and therefore it is necessary and appropriate to impose, by agreement, the conditions and restrictions set forth herein, in order to insure that said rezoning is consistent with the City's comprehensive land use plan; and

....

According to the applicant, the underlying R-4 zone creates limitations with respect to density and setbacks that would make the adaptive reuse project infeasible. The R-4 zone requires 3,000 square feet of land for the first three dwelling units, and then 6,000 square feet of land for each additional unit thereafter. This density requirement would limit development on this site to four residential units in the event of a new construction project; currently there are five units housed within the existing structures, facilitated by the CZA – thus, in order for the project as-built to remain in conformance with zoning standards, zoning relief is required, whether via a CZA or via a text amendment. Future expansion of the number of dwelling units at the site, as per the applicant's business plans, would not be possible under the terms of the current CZA. Should the CZA amendment be approved by the City Council, the applicant is proposing to add six additional residential units to yield a total of eleven units, and this would be reviewed by the Planning Board under a future Major Site Plan application.

V. ZONING ANALYSIS

The applicant is requesting this conditional rezoning primarily to allow the higher density of residential units to be introduced into the existing building. Consideration of the request for conditional rezoning is guided by State Statute (Title 30-A Section 4352) which requires that all conditional or contract zoning must:

30-A M.R.S.A. section 4352(8): A municipal zoning ordinance may provide for any form of zoning consistent with this chapter, subject to the following provisions . . . A zoning ordinance may include provisions for conditional or contract zoning. All rezoning under this subsection must:

- A. Be consistent with the growth management program adopted under this chapter;
- B. Establish rezoned areas that are consistent with the existing and permitted uses within the original zones; and
- C. Only include conditions and restrictions that relate to the physical development or operation of the property. The municipal reviewing authority shall conduct a public hearing before any property is rezoned under this subsection. Notice of this hearing must be posted in the municipal office at least 13 days before the public hearing. Notice must also be published at least 2 times in a newspaper having general circulation in the municipality. The date of the first publication must be at least 7 days before the hearing. Notice must also be sent to the owner or owners of the property to be rezoned and to the owners of all property abutting the property to be rezoned at the owners' last known addresses. Notice also must be sent to a public drinking water supplier if the area to be rezoned is within its source water protection area. This notice must contain a copy of the proposed conditions and restrictions with a map indicating the property to be rezoned.

The City's Associate Corporation Counsel, Jennifer Thompson, has reviewed and approved the draft language of the proposed Conditional Zone Agreement. Ms. Thompson states that the proposed CZA meets the standards of the City's Code. In addition, the amendment to the CZA must accord with the City's ordinance regarding conditional rezoning as stated below:

5.3.1 Authority and purpose Pursuant to 30-A M.R.S. § 4352(8), conditional or contract zoning is hereby authorized for rezoning of property where, for reasons such as the unusual nature or unique location of the development proposed, the City Council finds it necessary or appropriate to impose, by agreement with the property owner or otherwise, certain conditions or restrictions in order to ensure that the rezoning is consistent with the City's

Comprehensive Plan. Conditional or contract zoning shall be limited to where a rezoning is requested by the owner of the property to be rezoned. The conditional or contract zoning must be consistent with the Comprehensive Plan, and rezoned areas must be consistent with the existing and permitted uses within the original zone. Nothing in this section shall authorize either an agreement to change or retain a zone or a rezoning which is inconsistent with the City's Comprehensive Plan.

5.3.4 Conditions and restrictions Conditions and restrictions imposed under the authority of this section shall relate only to the physical development and operation of the property and may include, by way of example:

- A. Limitations on the number and types of uses permitted.*
- B. Restrictions on the scale and density of development.*
- C. Specifications for the design and layout of buildings and other improvements.*
- D. Schedules for commencement and completion of construction.*
- E. Performance guarantees securing completion and maintenance of improvements, and guarantees against defects.*
- F. Preservation of open space and buffers, and protection of natural areas and historic sites.*
- G. Contributions toward the provision of municipal services required by the development.*
- H. Provisions for enforcement and remedies for breach of any condition or restriction.*

Additionally, staff have reviewed the land uses proposed in the amendment and find that they are consistent and in harmony with existing and permitted uses in the R-4 zone. The R-4 zone is mapped within the West End neighborhood of the city and is bound by the Western Prom ROS zone to the west, the R-6 zone that extends along Bramhall Street to the north, additional R-6 along Neal Street and Vaughn Street to the east, and the B-5b zone that extends along West Commercial Street to the south. R-4 includes a number of development controls intended to limit residential conversions and to control the form of development to limit impacts to neighborhood character by regulating floor to ceiling heights, fire escapes, and other aspects of the building envelope. Specifically, the R-4 currently contains a number of residential condominiums and rentals similar to those proposed by the Applicant, therefore with the proposed higher density the proposal is consistent with the purpose statement.

According to the applicant, the existing R-4 zone creates limitations with respect to density and setbacks that would make the adaptive reuse project infeasible. The R-4 zone requires 3,000 square feet of land for the first three dwelling units, and then 6,000 square feet of land for each additional unit thereafter. This density requirement would limit development on this site to four residential units in the event of a new construction project; currently there are five units housed within the existing structures, facilitated by the CZA. The applicant is proposing to add six additional residential units to yield a total of eleven units.

VI. CONSISTENCY WITH THE COMPREHENSIVE PLAN

As part of the review of the proposed CZA amendment, the applicant was required to demonstrate, and the Planning Board was required to find, that the proposal is consistent with the City's Comprehensive Plan and with existing and permitted uses in the underlying R-4 zone. The applicant has submitted a Comprehensive Plan analysis ([Attachment A](#)). Staff have identified the following goals and policies which are relevant to the proposed text amendment and finds the proposal in conformance with both the housing, historic preservation, and sustainability goals of the Comprehensive Plan, as well as the future land use vision set forth within the Plan. As stated, the purpose of the R-4 Zone is:



To preserve the unique character of the Western Promenade area of the city by controlling residential conversions and by allowing the continued mix of single-family, two-family, and low-rise multifamily dwellings and other compatible development at medium densities.

The central vision of Portland's Plan 2030 is represented by the Venn diagram demonstrating the integral interrelation of the community's core belief that Portland is equitable, sustainable, connected, dynamic, authentic and secure. The vision conveys the message of the City's need to balance many competing interests to assure the advance of the vision as a unified concept. In this instance, that the City's goals for increasing and modifying the overall housing supply in a walkable, urban neighborhood must be balanced with the desire to ensure an appropriate balance of continuity and change as Portland grows and evolves.

Housing: A Livable City

State Goals:

- To encourage and promote affordable decent, housing opportunities for all Maine citizens

Local Goals:

- Increase, preserve, and modify the overall supply of housing City-wide to meet the needs, preferences and financial capabilities of all Portland households.
- 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.

Goals from Future Strategies:

3. Remove Housing Barriers

- Evaluate whether current zoning allows for new development consistent with historic patterns of form, density and/or use, as well as whether it allows for priority growth areas.
- Identify priority growth areas.
- Allow for a range of housing models in City codes, whether small units, co-housing, or others that may suit changing needs and demographics.

4. Promote Sustainability

- Encourage rehabilitation of existing historic buildings and materials.

An Enduring City

State Goals:

- To preserve the State's historic and archaeological resources.

Local Goals:

- 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.

The Board found the proposed CZA amendment to be consistent with the above goals of the Comprehensive Plan.

VII. PUBLIC COMMENT

The application was noticed to 100 neighbors and interested parties. Although the prior proposal to amend the broadly applicable R-4 zone did receive a fair amount of public comment, staff did not receive any written public comment on revised proposal in advance of the Planning Board hearing. It is noteworthy that, after hearing neighborhood concerns about the initial text amendment proposal, this Applicant worked cooperatively with the neighborhood group on the details of this new proposal. It appears that the proposed language reflects an overall site development plan that satisfies the concerns articulated by interested parties. Staff did receive a phone call from Anne Pringle, President of the Western Promenade Neighborhoods Association, and from resident Charles Rimmel to express their support for the project. After the Planning Board workshop, the applicant met with the abutting neighbors in regard to the R-4 zone text amendment. The neighborhood expressed that they did not support the change. Though the text amendment was intended to be specific to this property by criteria intended to limit the

universe of applicable parcels, the neighbors felt that it could have implications for other properties in the R-4 zone as well. Neighbors in attendance supported the alternative of a new or amended CZA in lieu of an R-4 text amendment. As an amendment and reinstatement of an existing CZA, it was determined that this application did not require a neighborhood meeting. Public comment made at the January 26, 2021 Planning Board hearing public included one in support of the amendment focusing on the benefits of the CZA as it relates to facilitating the adaptive reuse of the structures while preserving historic elements, along with questions about the review of the application under the previous code rather than the current, newly adopted code, and general concerns about neighborhood outreach by applicants and the City for land use applications.

VIII. PLANNING BOARD RECOMMENDATION TO THE CITY COUNCIL

The Planning Board voted unanimously (7-0) to find the proposed amendment to the original CZA-57 for the property located at 32 Thomas Street to be consistent with the Comprehensive Plan and R-4 Residential Zone for the City of Portland and recommends to the City Council adoption of the amendment for 32 Thomas Street:

1. That, because of the unusual nature and unique location of the proposed development and its minimal impact on and compatibility with the surrounding community, it is necessary and appropriate to recommend the rezoning of the Property as outlined in the proposed Conditional Zone Agreement;
2. That the proposed Conditional Zone Agreement for the reuse and rehabilitation of 32 Thomas Street as described in this Report is consistent with the Comprehensive Plan of the City of Portland;
3. That the proposed Conditional Zone Agreement for the reuse and rehabilitation of 32 Thomas Street as described in this Report is consistent with existing and permitted uses in the R-4 Zone;
4. That the proposed Conditional Zone Agreement for 32 Thomas Street is in compliance with the standards of Article 5.3-4 Conditions and Restrictions of Conditional or Contract Zoning; and
5. That the Planning Board therefore recommends the approval of the Conditional Zone Agreement for 32 Thomas Street to the City Council.

The Planning Board's positive recommendation is based on a finding that the agreement achieves the comprehensive plan objectives related to encouragement of housing production, of historic preservation, and of adaptive reuse of historic structures. The proposed additional residential units result in minimal alterations to the character-defining features of the two church structures. The revised agreement has addressed staff's concerns. In addition, the applicant has worked and addressed the concerns raised by members of the West End neighborhood.

IX. ATTACHMENTS

PUBLIC COMMENTS

PC 1. Charles Rimmel 11.06.2020

APPLICANT'S SUBMITTAL

- A. Cover Letter Email
- B. Amended and Restated Conditional Zone Agreement
- C. 32 Thomas Street Zoning Application_9.23.2020
- D. Map and Text Amendment Checklist
- E. Deed

PLANS

Plan 1 Vicinity Map

Plan 2 Recording Plat



Shukria Wiar <shukriaw@portlandmaine.gov>

Williston West Amended and Restated CZA

Erin Cooperrider <erin@newheightgroup.com>

Mon, Dec 7, 2020 at 9:37 AM

To: Shukria Wiar <shukriaw@portlandmaine.gov>

Cc: James Rather <jrather@portlandmaine.gov>, Christine Grimando <cdg@portlandmaine.gov>

Hi Shukria:

After further conversations with the neighborhood and Portland Landmarks, we have agreed to pursue the original application to amend and restate the Conditional Zone Agreement that is currently in place for Williston West. Christine and I have discussed the reasons for this approach, and determined that the meeting we previously requested is not necessary.

Attached is a draft of an Amended and Restated CZA that meets our needs and is acceptable to the WPNA for your review. We look forward to advancing this application.

Best Regards,

Erin Cooperrider
NewHeight Group
erin@newheightgroup.com
207.720.0181

Verdante at Lincoln Park. 29 homes. 22 plans. Endless Possibilities. verdantecondos.com

NewHeight Group. Development for Today's Lifestyles. newheightgroup.com

**Amended and Restated Conditional Zone Agreement_Final.docx**

25K

AMENDED AND RESTATED
CONDITIONAL ZONE AGREEMENT

RE:
WILLISTON-WEST CHURCH

THIS AMENDED AND RESTATED CONDITIONAL ZONE AGREEMENT is made this ____ day of _____, 2020 by 32 Thomas Street, LLC, a Maine limited liability company, having an address of _____, Portland, Maine (“Developer”), and its successors and assigns. This Amended and Restated Conditional Zone Agreement (“Agreement”) amends and replaces in its entirety an existing Conditional Zone Agreement dated July 13, 2012, and recorded in the Cumberland County Registry of Deeds, Book 29784, Page 123 (the “Original CZA”).

WITNESSETH

WHEREAS, the Developer owns real property located at 32 Thomas Street, consisting of the parcel shown on the City’s Tax Map 62, Block E, Lot 5, being more particularly described in a deed recorded in Cumberland County Registry of Deeds in Book 29217, Page 171 (collectively the “Property”); and

WHEREAS, the existing building complex located on the Property was formerly used as the Williston-West Church; and

WHEREAS, the building complex located on the Property is comprised of two principal portions, the former sanctuary and the former parish house; and

WHEREAS, the Property, located within the West End Historic District, is currently zoned R-4 Residential; and

WHEREAS, the building complex is listed in the National Register of Historic Places, the sanctuary is a designated local landmark as defined by Article ~~17A~~ of the Portland City Code and the Parish house is a contributing structure within the West End Historic District under Article ~~17A~~; and

WHEREAS, the former sanctuary and the former parish hall are important large-scale non-residential historic structures that were designed by noted architects Francis Fassett and John Calvin Stevens respectively; and

WHEREAS, the building complex significantly contributes to the architectural fabric of the neighborhood and distinctive sense of place that defines Portland and therefore requires special consideration with regard to its rehabilitation and preservation; and

WHEREAS, historically appropriate and neighborhood compatible adaptive re-use of historic religious structures is often challenging, and reasonable use flexibility may enable

economically viable rehabilitation and productive use of such buildings for their long-term preservation; and

WHEREAS, the Property is currently improved with 5 residential units in the former parish hall, and Developer proposes to create up to an additional 6 units in the building complex and make other improvements and modifications as contemplated in this Agreement; and

WHEREAS to create this additional number of units the current R-4 zoning requirement of 3,000 square feet of land area per dwelling unit needs to be modified pursuant to and using this Agreement to 1,500 square feet per dwelling unit; and

WHEREAS, the Portland City Council previously re-zoned the Property pursuant to the “Original CZA”; and

WHEREAS, the underlying R-4 zoning and the Original CZA have dimensional requirements that the existing building complex does not meet, but is lawfully nonconforming, and may require additional setback modifications to accommodate minor exterior modifications; and

WHEREAS, the Developer has requested a rezoning in the form of an Amended and Restated Conditional Zone Agreement for the Property in order to permit the proposed residential development of the Property which will facilitate funding the comprehensive rehabilitation and long-term maintenance of the historic structures; and

WHEREAS, the Planning Board, after notice and hearing and due deliberation thereon, recommend the rezoning of the Property as aforesaid, subject, however, to certain conditions contained in this Agreement; and

WHEREAS, the City, by and through the Portland City Council, pursuant to 30-A M.R.S.A. § 4352(8) and §§ ~~14-60 to 14-62~~ 5.3-4 of the Code, after notice, hearing and due deliberation thereon, has determined that because of the unique and historical nature of the Property, the proposed development:

- Contributes a desirable, unique type of housing to the peninsula stock;
- Promotes sustainability by allowing for rehabilitation of an existing historic building to provide new housing development consistent with the medium and high density urban residential development pattern typically found on the peninsula;
- Makes improvements to below-grade infrastructure, including parking, to accommodate new growth;
- Accommodates well-designed density, which is integral to healthy, walkable city neighborhoods; and therefore

it is necessary and appropriate to impose, by agreement, the conditions and restrictions set forth herein, in order to insure that said rezoning is consistent with the City’s comprehensive land use plan; and

WHEREAS, the Portland City Council has on _____, 2020 approved this Agreement in its entirety, by City Council Order No. _____, a true copy of which is attached hereto as an Attachment 1 (the "Order");

NOW, THEREFORE, in consideration of the rezoning, the Developer covenants and agrees as follows:

1. Pursuant to the Order, the City shall amend the Zoning Map of the City of Portland, Dated September, 2000 (as amended from time to time and on file in the Department of Planning and Urban Development, and incorporated by reference into the Zoning Ordinance by § ~~14-49-1.2~~ of the Code) by adopting the map change amendment shown below to zone the Property conditional R-4, subject to the conditions contained below.

If this Agreement is not recorded within sixty (60) days after the effective date of the City Council's approval of the Order, then the conditional rezoning shall become null and void and the zoning of the Property shall revert to the underlying R-4 zone, but shall remain subject to and with the benefit of the Original CZA.

2. Permitted uses:

- a. All uses allowed in the R-4 Zone, as adjusted, modified or limited herein.
- b. Modifications and limitations: The existing land area requirement of 3,000 square feet per dwelling unit shall be reduced for the Property to a minimum of
 - i. One thousand five hundred (1,500) square feet of land area per dwelling unit;
 - ii. On-site parking shall be required as specified in Article 19 (off-street parking) of the Land Use Code, for the combined uses of the site;
 - iii. The project shall be subject to Article 14 (site plan) of the Land Use Code for site plan review and approval and the following additional standards:
 1. Any addition or exterior alterations such as façade materials, building form, and roof pitch shall be designed to be compatible with the architectural style of the existing structures;
 2. The scale and surface area of parking, driveways, car lifts, mechanical car parking systems, or car parking structures, and paved areas shall be arranged and landscaped to be compatible in size and scale with the neighboring properties in the area and where feasible to properly screen vehicles from adjacent properties and streets; and
3. Pre-existing dimensions of the structure existing as of January 1, 1984

shall be considered conforming. Existing setbacks may be further reduced by up to three (3) feet, or 50%, whichever is less, to accommodate minor exterior modifications.

- iv. Use of the former sanctuary as a community hall as set forth in Section ~~14-103(b)(2)(a)~~, Table 6-A of the Code is prohibited;
- v. No part of the Property shall be used as a bed and breakfast, hotel, treatment facility, congregate care facility, office, or commercial or business enterprise, excepting a home occupation as currently permitted in ~~§14-102(b)(4)~~ Table 6-A.

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3. Any increase in the volume or footprint of either the parish house or the sanctuary shall be prohibited, except as necessary to accommodate any improvements, such as ramps or stairs, required in order for the Property to comply with the American With Disabilities Act, Maine Human Rights Act, or similar laws, ordinances or regulations governing access for the disabled.

4. The provisions of this Agreement are intended to replace and/or supersede the associated provisions of the underlying R-4 zone and the Original CZA. As stated above, to the extent not otherwise altered or limited herein, the zoning requirements for the R-4 zone shall otherwise apply to the Property.

5. Under no circumstances shall the Developer be permitted to convert the residential dwellings as may be allowed by this Agreement to an institutional or business use.

6. This AGREEMENT may also be enforced pursuant to the land use enforcement provisions of state law including, but not limited to, 30-A M.R.S.A §4452 and the Portland City Code.

7. The above stated restrictions, provisions, and conditions are an essential part of the rezoning, shall run with the Property, shall bind and benefit the Developer, any entity affiliated with the Developer that takes title to the Property, its or their successors and assigns, and any party in possession or occupancy of said Property or any part thereof, and shall inure to the benefit of and be enforceable by the City of Portland, by and through its duly authorized representatives. The Developer shall file a counterpart original of this Agreement in the Cumberland County Registry of Deeds.

8. If any of the restrictions, provisions, conditions, or portions thereof set forth herein is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed as a separate, distinct, and independent provision and such determination shall not affect the validity of the remaining portions hereof.

9. Except as expressly modified herein, the Property shall be governed by and comply with the provisions of the Portland City Code, including but not limited to, the maintenance requirements of historic structures set forth in section Article 17 of the Code, and any applicable amendments thereto or replacement thereof.

[Signature to Follow on Next Page]

WITNESS: _____

32 THOMAS STREET, LLC

By:

STATE OF MAINE
CUMBERLAND, ss

Personally appeared before me the above-named _____ in
his/her capacity as _____ of 32 Thomas Street, LLC, and acknowledged the
foregoing instrument to be his/her free act and deed in his/her said capacity and the free act and
deed of said corporation.

Before me,

Notary Public/Attorney-at-Law

September 22, 2020

Planning and Urban Development Department
Planning Division
City of Portland, Maine
389 Congress Street, 4th Floor
Portland, ME 04101

Subject: Map and Text Amendment Application
26 - 32 Thomas Street ("Williston-West Church")

To Whom it May Concern:

West End, LLC, which owns the membership interests in 32 Thomas Street, LLC, owner of 26 - 32 Thomas Street, is seeking map and text amendments to enable an adaptive reuse of the property.

The project site is comprised of eight parcels, Chart 062, Block E00, Lot 5001 (26 Thomas St Unit 1), Chart 062, Block E00, Lot 5002 (26 Thomas St Unit 2), Chart 062, Block E00, Lot 5003 (26 Thomas St Unit 3), Chart 062, Block E00, Lot 5004 (26 Thomas St Unit 4), Chart 062, Block E00, Lot 5005 (26 Thomas St Unit 5), Chart 062, Block E00, Lot 5006 (26 Thomas St Unit 6), Chart 062, Block E00, Lot 5007 (26 Thomas St Unit 7), and the Williston-West Church. The lot(s) that constitute 26 - 32 Thomas Street are currently improved with the historic Williston West Church a/k/a West-End Church sanctuary, and the historic parish house containing five residential condominium units and two commercial condominium units.

The parish house and the sanctuary are connected by a modern addition. Five residential units are built and currently occupied, while the commercial condominium in the parish house and the sanctuary sit empty.

The proposed map and text amendments would make the adaptive reuse project financially feasible by allowing for the construction of additional residential density, while returning the property to the R-4 zone, making it more compatible with the surrounding neighborhood. In addition, the proposed text amendments draw from existing language regarding alterations in other residential zones in Portland. Our thinking here is that this approach may help the City to unify its policy on adaptive reuse across several zones.

The property is currently subject to a Conditional Zoning Agreement which includes commercial space. We are seeking to dissolve the Conditional Zoning Agreement and return the property to the R-4 zone, subject to approval of the proposed text amendments.

September 22, 2020

Planning and Urban Development Department
Map and Text Amendment Application for Williston-West Church
Page 2

1. Text amendments to the R-4 zone to allow for adaptive reuse of buildings in non-residential use as of 1984, as is currently permitted in the R-3 and R-5 zones; and
2. Dissolution of Conditional Zone Agreement C57, which was required due to the nonconforming uses proposed in the previous plan, and return of the property to the R-4 zone.

We look forward to further discussing the project and this request for map and text amendments both with staff and the Planning Board.

Sincerely,

A handwritten signature in black ink, appearing to be 'Shawn Lyden', with a long horizontal line extending to the right.

Shawn Lyden
Principal, West End LLC

CITY OF PORTLAND
Planning & Urban Development Department

MAP AND TEXT AMENDMENT SUBMISSION CHECKLIST	
* Please submit each document <u>and</u> drawing as a separate PDF file * Please submit all drawings in a <u>24 x 36 sheet size</u> * Please confirm each item by electronically checking the boxes to the left for each document/drawing	
GENERAL APPLICATION DOCUMENTS	
☒	Project Description Cover Letter with detailed project description
☒	Consistency with Comprehensive Plan Analysis of the consistency of the zone change request with the goals, policies and land use plan of Portland's Comprehensive Plan.
☒	Proposed Text Amendment Provide proposed language for text amendment(s) and cite the relevant sections to be revised in the Land Use code.
☒	Completed Checklist – Map and Text Amendment Application (this document)
☒	Right, Title and Interest Deeds, leases, or purchase and sales agreements
PLANS	
☒	Vicinity Map
☒	Proposed Map Amendment (please use the Portland zoning map as a reference)
☒	Site Plan (if applicable) On a separate sheet, please provide a site plan of the property showing existing and proposed improvements, including such features as buildings, parking, driveways, walkways, landscape and property boundaries.

Zoning Amendments

32 Thomas Street (“Williston-West”)

Overview

Our team is proposing to an adjustment to the current zoning to allow for adaptive reuse of the property located at 26 - 32 Thomas Street. While the previous redevelopment plan for this site included commercial space, the current proposal seeks to rezone the project for an entirely residential use. Toward that end, we are seeking two amendments to the City’s zoning code:

1. Text amendments to the R-4 zone to allow for adaptive reuse of buildings in non-residential use as of 1984, as is currently permitted in the R-3 and R-5 zones; and
2. Repeal of Conditional Zone Agreement C57, which was required because of the nonconforming uses proposed in the previous plan.

While the immediate purpose for these amendments is to allow for the completion of the long-delayed adaptive reuse for this historic property, the amendments have other benefits as well:

- They bring consistency across similar residential zoning districts to allow for adaptive reuse of former churches, schools, and similar buildings;
- They eliminate a conditional zoning agreement, creating more consistent rules across properties in the same zoning district; and
- They bring the proposed reuse of 32 Thomas Street in line with the residential character of the R-4 zone.

Further information about the previous redevelopment effort on this site, this proposal, alternatives considered, and its consistency with City plans are below. We look forward to working with City staff, the Planning Board, and the City Council on these changes.

Previous Proposal

The original church building was constructed in 1888 and the Parish Hall in 1914. The site is an individually-designated landmark property and is also on the National Register of Historic places. After the Williston-West Church merged with Immanuel Baptist in 2011, the property was sold. The new owners proposed an adaptive reuse of the former church and Parish Hall. This reuse involved creating approximately 2,500 square feet of office space as well as residences and a possible community space.

In order to allow this redevelopment plan to go forward, the City Council approved a Conditional Zoning Agreement (C57) that outlined the permitted uses, dimensional standards, and performance requirements for the redevelopment of the site. While work commenced on

[illegible]

Current Proposal

Given the primarily residential nature of our development proposal, we have explored zoning options that are in keeping with City plans, the current ReCode Portland effort, and other local concerns and interests. We want to create an economically feasible project that fits in with the surrounding neighborhood as much as possible.

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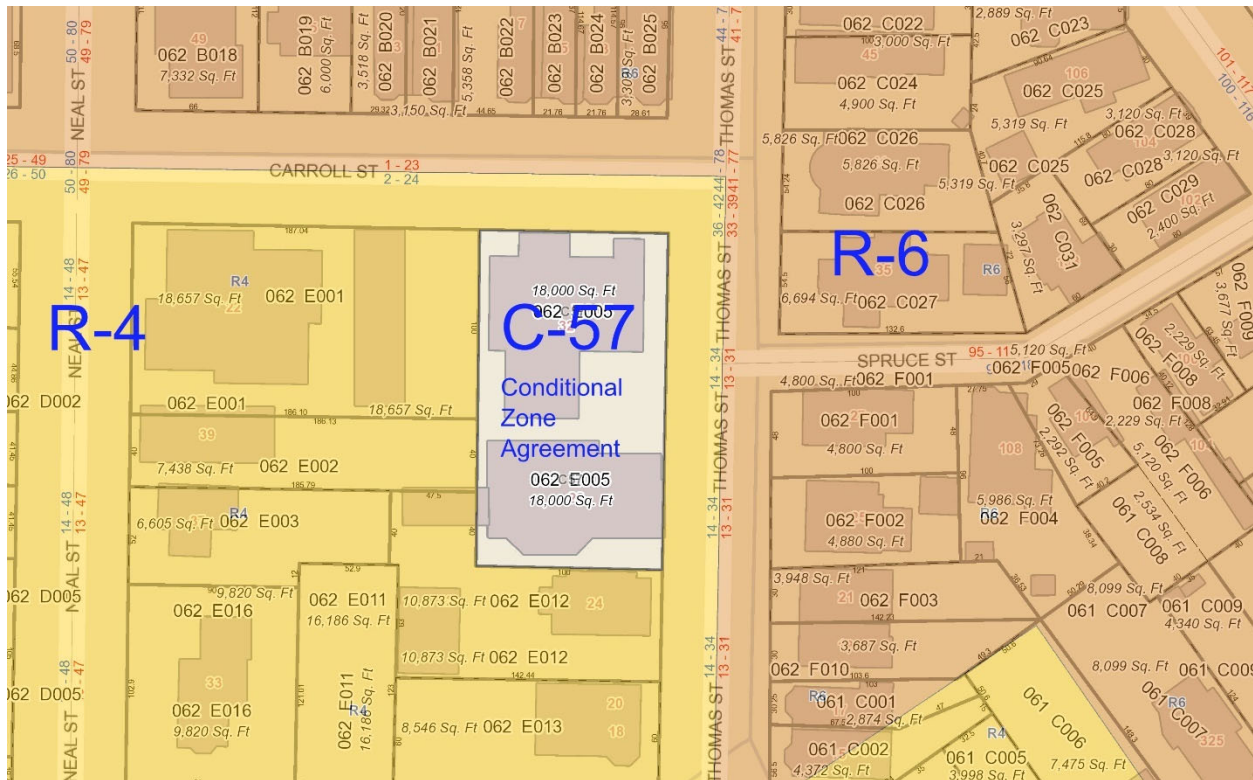


Figure 2: Existing Zoning around 32 Thomas Street

Limitation of the Existing R-4 Base Zone

The purpose of the existing R-4 zone is:

“To preserve the unique character of the Western Promenade area of the city by controlling residential conversions and by allowing the continued mix of single-family, two-family, and low-rise multifamily dwellings and other compatible development at medium densities.”

We consider this site to be “compatible development,” as redevelopment would be residential and would allow for preservation and restoration of an existing historic structure. However, the language of the R-4 zone would not, by itself, permit this redevelopment.

Commercial uses on the site under our plan would be limited to home occupations and other uses permitted in the R-4 zone. However, there are other limits in the base zone that would make our project infeasible. Most importantly, the R-4 zone requires 3,000 square feet of land for each of the first three dwelling units, and then 6,000 square feet of land for each additional unit. Those requirements would limit redevelopment of this site to four units, less than the five already on the site.

The existing zone also creates limitations with respect to setbacks. While we don’t plan to significantly modify the exterior of the buildings, we may need to make some minor changes to

accommodate modern building codes or other factors. Much of the existing building is dimensionally nonconforming, making modifications very challenging.

Alternatives Considered

We explored several zoning options before setting on our proposed approach, focusing on three possibilities:

- *Amend the Existing C57 Conditional Zoning Agreement:* This approach has some appeal as being based on the existing zoning for the site. In fact, this was our original proposal earlier this year. After further consideration, however, we determined that this approach is not the best way to move forward. From the City's perspective, it retained a conditional zoning agreement while staff, the Planning Board, and the City Council are looking to simplify the zoning code and reduce site specific zoning allowances. From our perspective, this approach did not give us the flexibility we need in designing an economically viable reuse of the site. From the neighborhood's perspective, while this approach might seem to provide the most certainty, the reality is that the bulk of the restoration work required in the C57 agreement is already complete. There is a risk that tying the site to a specific redevelopment proposal would result in additional delays in project completion.
- *Propose a Map Amendment to R-6:* This approach would provide our team with the density and dimensional standards needed to complete redevelopment of the site. It would potentially be consistent with City goals to keep contiguous zoning districts, as the R-6 zone is right across the street. However, this approach is opposed by some in the neighborhood who are concerned about moving properties from R-4 to R-6. For this reason, we sought another approach.
- *Add Existing Language regarding Adaptive Reuse to the R-4 zone:* For some time, in Section 14-118 (3), the R-5 zone has allowed for adaptive reuse of structures that were in non-residential use as of January 1, 1984 into three or more dwelling units as a conditional use. The planning objective in this language is presumably to permit economically viable use of these structures, consistent with the residential character of the zone. This section was adapted for the R-3 zone in Section 14-88 (3) in 2018, with some adjustments to the language to acknowledge the differences between the R-5 and R-3 zones. This R-3 amendment permitted adaptive reuse of the former Reed School site.

We believe this final option is the best approach, and can replace the existing C-57 Conditional Zoning Agreement. This approach works for our team, as it gives us the ability to redevelop the site in an economically feasible way. It works for the City in that it takes an existing zoning tool – designed to accomplish goals outlined in City plans with respect to reuse of existing historic structures as well as housing production goals- and simply adapts it for use in an additional

zone. Finally, it works for the neighborhood, as it allows for existing permitted uses while also restoring historic structures.

Proposed Language

The specific amendments to the R-4 zone we are proposing are as follows:

Adding a new section 14-103 (a):

"14-103 (a)

4. Alteration of a structure existing and not in residential use as of January 1, 1984, to three (3) or more dwelling units, provided that:

a. If there has been previous alteration of part of the structure for residential use after January 1, 1984, it was consistent with zoning in effect at the time altered;

b. No open outside stairways or fire escapes above the ground floor shall be constructed or have been constructed in the immediately preceding five (5) years;

c. A lower level dwelling unit shall have a minimum of one-half of its floor-to-ceiling height above the average adjoining ground level;

d. One thousand five hundred (1,500) square feet of land area per dwelling unit shall be required;

e. On-site parking shall be required as specified in division 20 (off-street parking) of this article, for the combined uses of the site;

f. The project shall be subject to article V (site plan) of this chapter for site plan review and approval and the following additional standards:

1. Any addition or exterior alterations such as facade materials, building form, and roof pitch shall be designed to be compatible with the architectural style of the structure;

2. The scale and surface area of parking, driveways, and paved areas shall be arranged and landscaped to be compatible in size and scale with neighboring properties in the area and to properly screen vehicles from adjacent properties and streets.

3. Pre-existing dimensions of the structure existing as of January 1, 1984 shall be considered conforming. Existing setbacks

may be further reduced by up to three (3) feet, or 50%, whichever is less, to accommodate minor exterior modifications."

In addition, we propose amending 14.105 (b) to allow for this new section:

"14.105. (b) Minimum lot area per dwelling unit: Three thousand (3,000) square feet, except as provided for ~~a multiplex~~ elsewhere this section. This requirement may be reduced by up to twenty (20) percent for a special needs independent living unit."

The proposed language in 14-103(a) is very similar to the language in the R-5 and R-3 zones, but contains three slightly different elements:

1. It clarifies that a partial alteration of a non-residential building to residential uses does not eliminate the ability to utilize this section. This language is advisable because the Williston-West site has been partially converted to five residential units.
2. It uses a different lot area minimum per dwelling unit. While the R-3 and R-5 zones use 3,000 square feet per unit, the minimum proposed would be 1,500 square feet of lot area per unit. This reflects the generally higher densities in the area, and the economics of redevelopment on the Peninsula.
3. It reduces setback requirements for existing buildings, and further allows for minor reductions in setback requirements to allow for changes such as those that might be required to meet current building code. While such an allowance is not as important in the R-3 and R-5 zones, where there is more space on most sites, it is essential in an urban site where the existing building is already very close to existing lot lines.

The proposed language still requires that the project be reviewed as a conditional use, in order to ensure that these standards are met.

The change to 14.105 (b) simply replaces the term "a multiplex" with the term "elsewhere in this section." While currently the only time lot area per dwelling unit varies from the district's base is in the case of multiplexes, adding 14-103(a) would create a second variation.

Alternatively, the phrase "or in 14-103(a)" could be added after "multiplex."

Applicability Elsewhere in the R-4 Zone

As a general text amendment, this would apply to any properties in the R-4 zone. While this is slightly more expansive than a conditional zoning agreement, we believe this opens up opportunities for other non-residential structures in the zone to be converted to residential uses with certainty. This change would therefore encourage non-conforming uses to come into conformance with the primarily residential nature of the R-4 zone.

One concern raised by neighbors is whether this amendment would encourage division of larger apartments into smaller spaces, by increasing the number of units that can be built on a

site. However, as this language only applies to buildings in non-residential use prior to 1984, it does not apply in many cases in the zone. We are not aware of any such buildings where a partial conversion to residential space has occurred since 1984, which are the only properties where there may be some risk of units being divided into smaller spaces.

Consistency with City Plans

These proposed amendments are consistent with City plans. In particular, they will help accomplish three long-stated City goals:

- Additional housing production;
- Adaptive reuse of historic buildings; and
- Streamlining and clarifying of City land use code.

In particular, these changes are consistent with the city's Comprehensive Plan. At the core of that plan is housing production. The Plan calls for production of a variety of housing types and locations, with a specific, but achievable, goal of reaching a population of 72,000 by 2027. That target will require production of 2,557 housing units, or almost 300 per year. While this project by itself will not accomplish this goal, it will help in achieving that level of housing production.

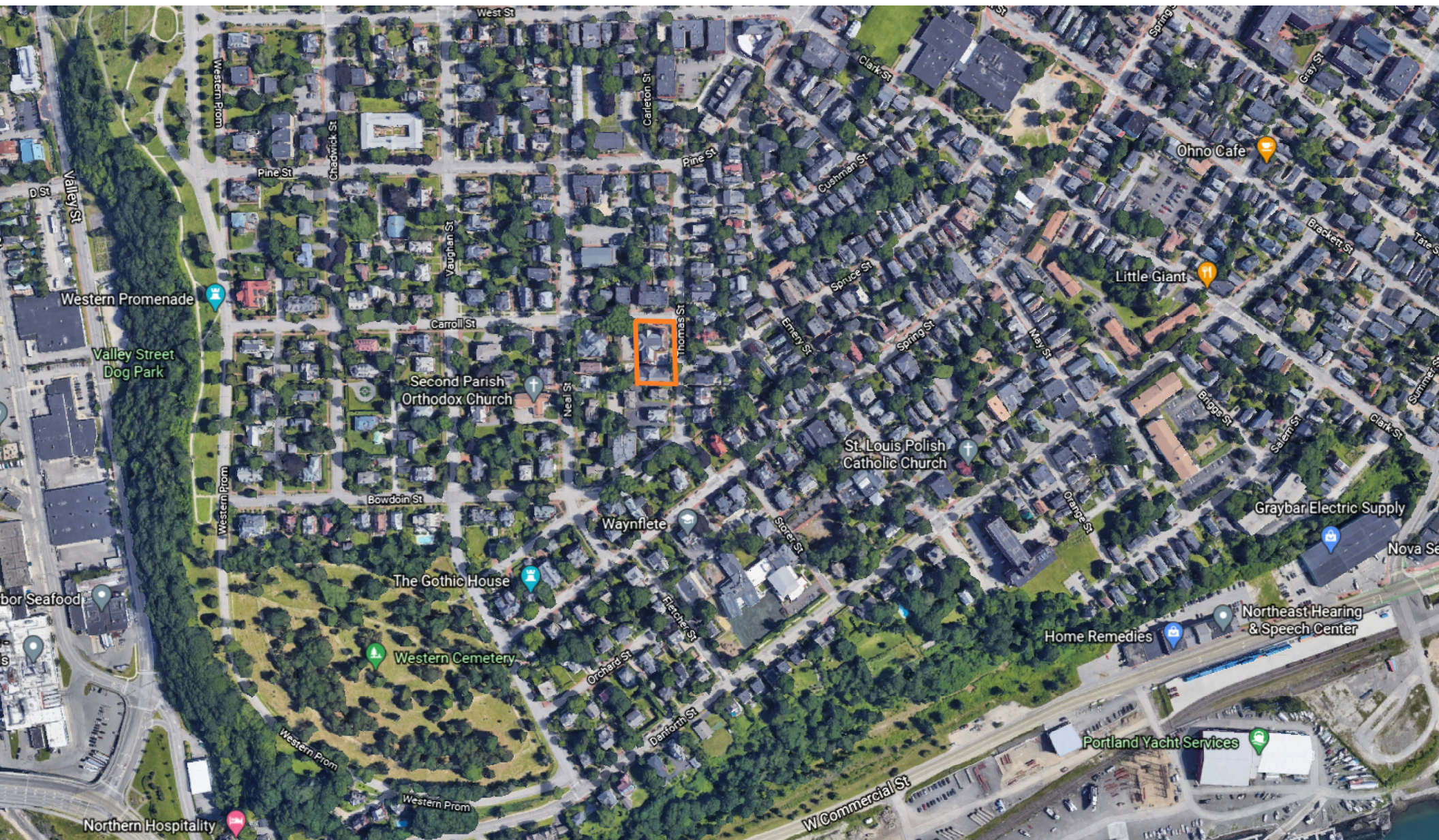


Portland's Plan also calls for adaptive reuse of historic structures, calling for the City to "[s]tabilize and enhance historic areas of the city by ensuring quality investment in existing structures and compatible infill development." This proposed adaptive reuse will allow for such a quality investment in an existing historic structure in a way that does not require public subsidy.

Conclusion

Our team is excited to continue the work that began in 2011 to preserve the former Williston-West Church and Parish Hall. By adopting these zoning amendments, the City will allow for adaptive reuse of this site consistent with City policies, while also cleaning up and simplifying City land use code. We look forward to discussing these changes with staff, the Planning Board and the City Council.

Vicinity Map



WARRANTY DEED
Maine Statutory Short Form

KNOW ALL BY THESE PRESENTS, that **WILLISTON-WEST CHURCH, a/k/a Williston-West United Church of Christ, successor in interest to Williston Church**, a Maine non-profit corporation having a place of business at Portland, County of Cumberland, and State of Maine, for consideration paid, grants to **32 THOMAS STREET, LLC**, a Maine limited liability with a place of business in Portland, County of Cumberland and State of Maine, whose mailing address is 477 Congress Street, Suite 601, Portland, Maine 04101, with **WARRANTY COVENANTS**, the land, together with any improvements thereon, located in the City of Portland, County of Cumberland and State of Maine, and more particularly described in Exhibit "A" attached hereto and made a part hereof.

IN WITNESS WHEREOF, said WILLISTON-WEST CHURCH has caused this instrument to be signed and sealed by Patrick Costin, its duly-authorized Chairman of the Board of Trustees this 19TH day of December, 2011.

WITNESS:

WILLISTON-WEST CHURCH,
a/k/a Williston-West United Church of
Christ, successor in interest to Williston
Church

By: Patrick Costin
Its: Chairman of Board of Trustees

STATE OF MAINE
COUNTY OF CUMBERLAND

December 19, 2011

Personally appeared before me the above-named Patrick Costin, Chairman of the Board of Trustees, and acknowledged the foregoing to be his free act and deed in said capacity and the free act and deed of said church.

Notary Public/Attorney at Law

Peter L. Murray
Printed Name

**EXHIBIT A
TO
WARRANTY DEED**

Two certain lots or parcels of land, together with any improvements thereon, situated in the City of Portland, County of Cumberland and State of Maine and further described as follows:

PARCEL 1: A certain parcel of land located in said Portland bounded as follows. Beginning at the corner made by the intersection of the Westerly side of Thomas Street unto the Southerly side of Carroll Street; thence Southerly by said Westerly side of Thomas Street one hundred and five (105) feet to a point; thence Westerly on a line parallel with said Southerly side of Carroll Street one hundred (100) feet to a point; thence Northerly on a line parallel with said Westerly side of Thomas Street one hundred and five (105) feet to said Carroll Street; thence Easterly by said Carroll Street to the point begun at. Being the same premises described in two certain agreements between Abby A. Steele and John H. True. Being the premises described in a deed from Abby A. Steele to Williston Church dated April 13, 1886 and recorded in the Cumberland County Registry of Deeds in Book 525, Page 221.

PARCEL 2: Property located in said Portland, being the premises described in a deed from Edward P. Chase to Williston Church dated September 9, 1897 and recorded in the Cumberland County Registry of Deeds in Book 652, Page 460.

Also hereby conveying all of the Grantor's right, title and interest in and to the fee underlying all public or private rights-of-way, easements, streets and alleys over, contiguous, benefitting or appurtenant to the premises.

The above described property is conveyed subject to an Easement from Williston Church to Central Maine Power and New England Telephone and Telegraph dated November 11, 1970 and recorded in said Registry of Deeds in Book 3157, Page 51.

By acceptance of this deed, Grantee agrees, for itself and its successors and assigns, that should the Grantee, its successors or assigns, at any time desire to demolish or alter the building on the property conveyed herein as to result in material damage to or removal of the stained glass windows, pipe organ and church bell, the Grantor shall have the right to remove and repossess the affected stained glass windows, pipe organ and church bell, without charge, but at its own expense, for preservation, recycling and/or re-use by Grantor, its successors and assigns, at Grantor's other location or elsewhere; provided, however, that Grantor, its successors or assigns, shall at its own expense reasonably restore any portion of the property disturbed by such removal activities.

Meaning and intending to describe the same property as described in a deed from Abby Steele to Williston Church, dated April 13, 1886 and recorded in said Registry of Deeds in Book 525, Page 221 and in a deed from Edward Chase to Williston Church, dated September 9, 1897 and recorded in said Registry of Deeds in Book 652, Page 460.

The above-described premises were surveyed by Northeast Civil Solutions as shown on a "Boundary Survey of 26 Thomas Street, Portland, Maine" dated December 13, 2011, and the Grantor conveys all right, title and interest in and to the metes and bounds description as follows:

A certain lot or parcel of land, together with any improvements thereon, located on the southerly side of Carroll Street and on the westerly side of Thomas Street, in the City of Portland, County of Cumberland, State of Maine, being more particularly bounded and described as follows:

BEGINNING at a #5 rebar w/cap stamped "NCS, INC PLS 1314" at the intersection of the southerly right-of-way line of Carroll Street and the westerly right-of-way line of Thomas Street. Said rebar being shown on a plan entitled "Boundary Survey of 26 Thomas Street, Portland, Maine" by Northeast Civil Solutions, dated December 13, 2011;

THENCE S 17°46'20" W along the westerly right-of-way line of said Thomas Street 180.00' to a #5 rebar w/cap stamped "NCS, INC PLS 1314". Said rebar being the northeasterly corner of land now or formerly of McKee Associates LLC as recorded in a deed recorded in the Cumberland County Registry of Deeds in Book 15262, Page 140;

THENCE N 72°58'37" W along the northerly line of land now or formerly of said McKee Associates LLC, 100.00' to a #5 rebar w/cap stamped "NCS, INC PLS 1314";

THENCE N 17°46'20" E along the easterly line of said McKee Associates LLC, land now or formerly of Sidney Tripp as recorded in a deed recorded in said Registry of Deeds in Book 15671, Page 307 and land now or formerly of McLellan School Houses Condominiums 180.00' to a #5 rebar w/cap stamped "NCS, INC PLS 1314". Said rebar being on the southerly right-of-way line of Carroll Street;

THENCE S 72°58'37" E along the southerly right-of-way line of said Carroll Street 100.00' to the POINT OF BEGINNING.

The above described parcel contains 17,998 square feet, more or less.

The basis of bearing for the above described parcel is Magnetic 1980.

S:\SANG01\Williston West Church\Deed.doc

Received
Recorded Register of Deeds
Dec 20, 2011 02:21:24P
Cumberland County
Pamela E. Lovley

Site Plan

ZONING, BULK & SPACE REQUIREMENTS:

- REFERENCE CONDITIONAL ZONING AGREEMENT RECORDED IN CUMBERLAND COUNTY REGISTRY OF DEEDS AT BOOK 29784 PAGE 123 AND R4 ZONING REQUIREMENTS.
2. PERMITTED USES:
- A. ALL USES IN THE R-4 ZONE.
- B. PROFESSIONAL OFFICES, INCLUDING COMPUTER SOFTWARE PROGRAMING AND MARKETING AND EXCLUSIVE PERSONAL SERVICES, RETAIL SERVICES AND VETERINARIANS SUBJECT TO THE FOLLOWING LIMITATIONS:
- i. PROFESSIONAL OFFICES SHALL BE LOCATED ON THE FIRST FLOOR OF THE PARISH HOUSE AND SHALL OCCUPY NO MORE THAN 2,800 SF OF FLOOR AREA.
 - ii. THE TOTAL NUMBER OF EMPLOYEES WORKING IN THE PROFESSIONAL OFFICES SHALL NOT EXCEED FOURTEEN (14) NON-RESIDENT EMPLOYEES REGULARLY SCHEDULED TO OCCUPY THE PREMISES AT ANY ONE TIME.
 - iii. THE BUSINESS SHALL BE OPERATED BY A SINGLE TENANT OFFICE OR USE OWNED BY OR AFFILIATED WITH THE OWNER OF THE BUILDING COMPLEX.
 - iv. THE OFFICE USE SHALL NOT GENERATE FREQUENT DAILY VISITATION BY CLIENTS, CUSTOMERS, OR THE GENERAL PUBLIC.
 - v. THE OWNER OF THE BUSINESS SHALL SECURE AND PROVIDE TO ITS EMPLOYEES ONE (1) OFF STREET PARKING SPACE FOR EACH EMPLOYEE WHO COMMUTES TO THE OFFICE BY HIS OR HER AUTOMOBILE.
3. THIS PROJECT INCLUDES THE EXISTING PARISH HOUSE ON THE PARISH HOUSE LOT THAT OCCUPIES APPROXIMATELY 2,500 SF OF FLOOR AREA. THE UNDERLYING DIMENSIONAL REQUIREMENTS FOR THE UNDERLYING R4 ZONE APPLY BUT FOR THE FOLLOWING MODIFICATIONS AS SET FORTH BY THE CONDITIONAL ZONING AGREEMENT. THESE INDIVIDUAL REQUIREMENTS ARE LISTED BELOW ALONG WITH THE ESTABLISHED COMPLIANCE TO THOSE REQUIREMENTS.
- A. MINIMUM LOT SIZE FOR PLACES OF ASSEMBLY AND PROFESSIONAL OFFICE USES: 77,500 SF. THE PARISH HOUSE LOT MEASURES 5,988 SF AND IS DOCUMENTED AS SUCH ON THE BOUNDARY SURVEY BY NORTHEAST OFFICE SOUTHERN DEVELOPMENT DECEMBER 13, 2011.
 - B. MINIMUM YARD DIMENSIONS:
 - i. FRONT YARD: 3 FEET. THE EXISTING FRONT YARD OF THE PARISH HOUSE IS 4'-0". THE SANCTUARY IS 6'-10" AT THOMAS STREET AND 6'-9" AT CARROLL ST.
 - ii. REAR YARD: 3 FEET. THE EXISTING STRUCTURE OF SANCTUARY IS 2'-9" AND AT THE EXISTING STRUCTURE AT THE REAR OF THE PARISH HOUSE IS 3'-9".
 - iii. SIDE YARD: 4 FEET. THE EXISTING SIDE OF THE EXISTING PARISH HOUSE STRUCTURE AT THE SIDE YARD IS 5'-0".
 - iv. SIDE YARD ON SIDE STREETS: 8 FEET.
 - C. MAXIMUM LOT COVERAGE: 90%. THE EXISTING FOOTPRINT OF THE STRUCTURES ON THE PARISH HOUSE IS APPROXIMATELY 1,700 SF. THE LOT COVERAGE OF 67%.
 - D. MAXIMUM STRUCTURE HEIGHT (SANCTUARY): 37 FEET. THE EXISTING HEIGHT OF THE SANCTUARY IS APPROXIMATELY 37 FEET.
 - E. MAXIMUM STRUCTURE HEIGHT (PARISH HOUSE): 47 FEET. THE EXISTING HEIGHT OF THE PARISH HOUSE IS APPROXIMATELY 47 FEET.
 - F. MAXIMUM STRUCTURE HEIGHT (BELL TOWER): 70 FEET. THE EXISTING HEIGHT OF THE BELL TOWER IS APPROXIMATELY 70 FEET.
 - G. MAXIMUM FLOOR AREA OF A PLACE OF ASSEMBLY: 6,000SF. THIS PROJECT DOES NOT INCLUDE ANY PROVISION OR CONSIDERATION FOR THE USE OF THE SANCTUARY AS A COMMUNITY HALL AT THIS TIME.
- H. RESIDENTIAL DWELLINGS WITHIN THE EXISTING STRUCTURES SHALL BE COVERED BY THE EXISTING ZONING OF SECTION 103A(2) OF THE UNDERLYING ZONE. DENSITY CALCULATIONS FOR RESIDENTIAL USE SHALL BE BASED ON THE LOT SIZE OF THE PARCEL WITHOUT LAND AREA DEDUCTIONS FOR OTHER NON-RESIDENTIAL USES ON THE PARISH HOUSE PROJECT. THE EXISTING PARISH HOUSE IS A 100% LOT COVERED PARISH STRUCTURE OF THE PARISH HOUSE. THE R-4 ZONE REQUIRES A MINIMUM LOT AREA OF 3,000SF PER UNIT AND A MINIMUM FLOOR AREA OF 7000SF PER UNIT. THE PROPOSAL OF 5 UNITS REQUIRES 15,000SF OF LAND AREA. THE EXISTING LAND AREA OF THE PARISH HOUSE IS 7,199 SF. THE SMALLER OF THE 5 PROPOSED UNITS IS APPROXIMATELY 1,100 SF.
- I. THE CONDITIONAL ZONING AGREEMENT PROHIBITS THE INCREASE IN VOLUME OR NUMBER OF EITHER PARISH HOUSE OR SANCTUARY. THE PROJECT SHALL NOT INCLUDE THE RENOVATION OF THE EXISTING PORTICO CONNECTOR BETWEEN THE PARISH HOUSE AND THE TRANSEPT OF THE SANCTUARY AS THE MAIN ENTRANCE TO THE RESIDENTIAL USE IN THE PARISH HOUSE. THE PROJECT SHALL NOT INCLUDE THE FOOTPRINT OR THE VOLUME OF THE PRIMARY STRUCTURES ON THE PROPERTY.
- J. THE CONDITIONAL ZONING AGREEMENT INCLUDES A REHABILITATIONS SCHEDULE. THAT WORK HAS COMMENCED AND IS UNDERWAY AS NOTED. THIS PROJECT DOES NOT INTEND TO OBTAIN A REHABILITATION CERTIFICATE OF COMPLETION UNTIL THE REHAB PROJECT IS UNTO ALL OF THE WORK ON THE REHABILITATION SCHEDULE HAS BEEN COMPLETED. THE 4 ON-SITE PARKING SPACES ARE DEDICATED FOR USE BY THE OCCUPANTS OF THE PARISH HOUSE.
5. EXISTING OVERHEAD UTILITY SERVICES SHALL BE REMOVED. NEW UTILITY SERVICES SHALL BE INSTALLED UNDERGROUND.
6. PRECISE CONSTRUCTION SHALL MEET HISTORIC PRESERVATION AND SITE PLAN CONSTRUCTION APPROVALS OF CITY OF PORTLAND TECHNICAL STANDARDS, WHERE APPLICABLE.

UNIT SQUARE FOOTAGE TABLE:

UNIT #	DESCRIPTION	SQUARE FOOTAGE (SF)
1	GROUND FLOOR CARETAKERS	1,115
2	OVERLOOKING THOMAS STREET	2,161
3	CENTER OF BUILDING	1,768
4	SOUTHWEST CORNER	1,627
5	REAR NORTHWEST CORNER	1,507

WAIVER:

ON THE BASIS OF THE APPLICATION, PLANS, REPORTS AND OTHER INFORMATION SUBMITTED BY THE APPLICANT, FINDINGS AND RECOMMENDATIONS, CONTAINED IN THE PLANNING BOARD REPORT FOR APPLICATION ON DECEMBER 8, 2015 FOR APPLICATION #2015-131 (26-32 THOMAS STREET) RELEVANT TO PORTLAND'S TECHNICAL AND DESIGN STANDARDS AND OTHER POLICIES, THE PLANNING BOARD HAS NOW PRESENTED AT THE PLANNING BOARD HEARING THE PLANNING BOARD VOTE 6-0 TO DENY THE TECHNICAL MANUAL STANDARD SECTION 1.4, PARKING LOT AND PARKING SPACE DESIGN, WHICH REQUIRES A DRIVE ALLEYS OF 24 FEET WIDTH FOR 90 DEGREE PARKING, TO ALLOW A PARKING AISLE OF 21 FEET AS SUPPORTED BY THE TRAFFIC ENGINEERING REVIEWER.

CONDITIONS OF APPROVAL

ON THE BASIS OF THE APPLICATION, PLANS, REPORTS AND OTHER INFORMATION SUBMITTED BY THE APPLICANT, FINDINGS AND RECOMMENDATIONS CONTAINED IN THE PLANNING BOARD REPORT FOR THE PUBLIC HEARING ON DECEMBER 8, 2015 FOR APPLICATION #2015-131 (26-32 THOMAS STREET) RELEVANT TO THE SUBDIVISION REGULATIONS, AND THE TESTIMONY PRESENTED AT THE PLANNING BOARD HEARING, THE PLANNING BOARD VOTED 6-0 TO FIND THAT THE PLAN IS IN CONFORMANCE WITH THE SUBDIVISION STANDARDS OF THE LAND USE CODE AND TO APPROVE THE APPLICATION, SUBJECT TO THE FOLLOWING CONDITION OF APPROVAL:

1. THE APPLICANT SHALL FINALIZE THE SUBDIVISION PLAT TO ADDRESS PLANNING BOARD AND STAFF COMMENTS, AND TO CONFIRM THAT THE 4 ON-SITE PARKING SPACES ARE FOR THE USE OF THE OCCUPANTS OF THE PROPOSED RESIDENTIAL UNITS ONLY; THE FINAL PLAT TO BE SUBMITTED FOR REVIEW AND APPROVAL BY CORPORATION COUNSEL, DEPARTMENT OF PUBLIC WORKS, AND THE PLANNING AUTHORITY PRIOR TO SIGNATURE BY THE PLANNING BOARD.

APPROVED BY CITY OF PORTLAND PLANNING BOARD

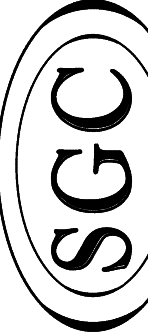
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PRELIMINARY
NOT FOR CONSTRUCTION

REVISIONS:

SGC ENGINEERING, LLC

- Civil Design & Survey Engineering
- Environmental & Regulatory Permitting
- Electrical Power Systems Engineering



SERVING OUR CLIENTS IN THE U.S.A. & CANADA

RD OWNER:
MAJELLA GLOBAL TECHNOLOGY
DEVELOPMENT
1200 MIDDLE STREET
PORTLAND, MAINE

RECORDING PLAT
WILLISTON CHURCH
26 THOMAS STREET
PORTLAND, MAINE

TITLE:

SHEET

1

Page 303

CITY OF PORTLAND
Planning & Urban Development Department

MAP AND TEXT AMENDMENT SUBMISSION CHECKLIST	
* Please submit each document <u>and</u> drawing as a separate PDF file * Please submit all drawings in a <u>24 x 36 sheet size</u> * Please confirm each item by electronically checking the boxes to the left for each document/drawing	
GENERAL APPLICATION DOCUMENTS	
☒	Project Description Cover Letter with detailed project description
☒	Consistency with Comprehensive Plan Analysis of the consistency of the zone change request with the goals, policies and land use plan of Portland's Comprehensive Plan.
☒	Proposed Text Amendment Provide proposed language for text amendment(s) and cite the relevant sections to be revised in the Land Use code.
☒	Completed Checklist – Map and Text Amendment Application (this document)
☒	Right, Title and Interest Deeds, leases, or purchase and sales agreements
PLANS	
☒	Vicinity Map
☒	Proposed Map Amendment (please use the Portland zoning map as a reference)
☒	Site Plan (if applicable) On a separate sheet, please provide a site plan of the property showing existing and proposed improvements, including such features as buildings, parking, driveways, walkways, landscape and property boundaries.

WARRANTY DEED
Maine Statutory Short Form

KNOW ALL BY THESE PRESENTS, that **WILLISTON-WEST CHURCH, a/k/a Williston-West United Church of Christ, successor in interest to Williston Church**, a Maine non-profit corporation having a place of business at Portland, County of Cumberland, and State of Maine, for consideration paid, grants to **32 THOMAS STREET, LLC**, a Maine limited liability with a place of business in Portland, County of Cumberland and State of Maine, whose mailing address is 477 Congress Street, Suite 601, Portland, Maine 04101, with **WARRANTY COVENANTS**, the land, together with any improvements thereon, located in the City of Portland, County of Cumberland and State of Maine, and more particularly described in Exhibit "A" attached hereto and made a part hereof.

IN WITNESS WHEREOF, said WILLISTON-WEST CHURCH has caused this instrument to be signed and sealed by Patrick Costin, its duly-authorized Chairman of the Board of Trustees this 19TH day of December, 2011.

WITNESS:

WILLISTON-WEST CHURCH,
a/k/a Williston-West United Church of
Christ, successor in interest to Williston
Church

By: Patrick Costin
Its: Chairman of Board of Trustees

STATE OF MAINE
COUNTY OF CUMBERLAND

December 19, 2011

Personally appeared before me the above-named Patrick Costin, Chairman of the Board of Trustees, and acknowledged the foregoing to be his free act and deed in said capacity and the free act and deed of said church.

Notary Public/Attorney at Law

Peter L. Murray
Printed Name

MAINE REAL ESTATE TAX PAID

**EXHIBIT A
TO
WARRANTY DEED**

Two certain lots or parcels of land, together with any improvements thereon, situated in the City of Portland, County of Cumberland and State of Maine and further described as follows:

PARCEL 1: A certain parcel of land located in said Portland bounded as follows. Beginning at the corner made by the intersection of the Westerly side of Thomas Street unto the Southerly side of Carroll Street; thence Southerly by said Westerly side of Thomas Street one hundred and five (105) feet to a point; thence Westerly on a line parallel with said Southerly side of Carroll Street one hundred (100) feet to a point; thence Northerly on a line parallel with said Westerly side of Thomas Street one hundred and five (105) feet to said Carroll Street; thence Easterly by said Carroll Street to the point begun at. Being the same premises described in two certain agreements between Abby A. Steele and John H. True. Being the premises described in a deed from Abby A. Steele to Williston Church dated April 13, 1886 and recorded in the Cumberland County Registry of Deeds in Book 525, Page 221.

PARCEL 2: Property located in said Portland, being the premises described in a deed from Edward P. Chase to Williston Church dated September 9, 1897 and recorded in the Cumberland County Registry of Deeds in Book 652, Page 460.

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BEGINNING at a #5 rebar w/cap stamped "NCS, INC PLS 1314" at the intersection of the southerly right-of-way line of Carroll Street and the westerly right-of-way line of Thomas Street. Said rebar being shown on a plan entitled "Boundary Survey of 26 Thomas Street, Portland, Maine" by Northeast Civil Solutions, dated December 13, 2011;

THENCE S 17°46'20" W along the westerly right-of-way line of said Thomas Street 180.00' to a #5 rebar w/cap stamped "NCS, INC PLS 1314". Said rebar being the northeasterly corner of land now or formerly of McKee Associates LLC as recorded in a deed recorded in the Cumberland County Registry of Deeds in Book 15262, Page 140;

THENCE N 72°58'37" W along the northerly line of land now or formerly of said McKee Associates LLC, 100.00' to a #5 rebar w/cap stamped "NCS, INC PLS 1314";

THENCE N 17°46'20" E along the easterly line of said McKee Associates LLC, land now or formerly of Sidney Tripp as recorded in a deed recorded in said Registry of Deeds in Book 15671, Page 307 and land now or formerly of McLellan School Houses Condominiums 180.00' to a #5 rebar w/cap stamped "NCS, INC PLS 1314". Said rebar being on the southerly right-of-way line of Carroll Street;

THENCE S 72°58'37" E along the southerly right-of-way line of said Carroll Street 100.00' to the POINT OF BEGINNING.

The above described parcel contains 17,998 square feet, more or less.

The basis of bearing for the above described parcel is Magnetic 1980.

S:\SANG01\Williston West Church\Deed.doc

Received
Recorded Register of Deeds
Dec 20, 2011 02:21:24P
Cumberland County
Pamela E. Lovley

**REAUTHORIZATION OF
AMENDMENT TO CITY CODE
SEC. 14-49 (ZONING TEXT AMENDMENT)
RE: Conditional Zoning Agreement
Williston-West Church**

ORDERED, that the zoning text of the City of Portland, dated December 2000 as amended and on file in the Department of Planning & Development, and incorporated by reference into the Zoning Ordinance by Sec. 14-49 of the Portland City Code, is hereby amended to reflect a conditional rezoning as detailed below.

**AMENDED CONDITIONAL ZONE AGREEMENT
RE: WILLISTON-WEST CHURCH**

AGREEMENT (the “Agreement”) made this ____ day of _____, 2020 by 32 Thomas Street, LLC, a Maine limited liability company having a mailing address _____, Maine ____ (“Developer”), and its successors and assigns.

W I T N E S S E T H

WHEREAS, the Developer owns real property located at 32 Thomas Street, consisting of the parcel shown on the City’s Tax Map 62, Block E, Lot 5, being more particularly described in a deed recorded in Cumberland County Registry of Deeds in Book 29217, Page 171 (collectively the “Property”); and

WHEREAS, the existing building complex located on the Property was formerly used as the Williston-West Church; and

WHEREAS, on June 18, 2012, the City of Portland (hereinafter “City”) granted a conditional rezoning agreement (the “Original CZA”), which Original CZA was recorded in the Cumberland County Registry of Deeds on July 26, 2012 in Book 29784, Page 123; and

WHEREAS, prior to the Original CZA, the Property was zoned R-4 Residential; and

WHEREAS, the properties on the opposite sides of Thomas and Carroll Streets, directly across from the Property, are zoned R-6 Residential; and

WHEREAS, the building complex located on the Property is comprised of two principal portions, the sanctuary and the parish house; and

WHEREAS, the building complex is listed in the National Register of Historic Places, the sanctuary is a designated local landmark as defined by Article IX of the Portland City Code and the parish house is a contributing structure within the West End Historic District under Article IX; and

PROPOSED DRAFT

WHEREAS, the sanctuary and the parish hall are important, unique, large-scale, non-residential historic structures that were designed by noted architects Francis Fassett and John Calvin Stevens, respectively; and

WHEREAS, the building complex significantly contributes to the architectural fabric of the neighborhood and distinctive sense of place that defines Portland and therefore requires special consideration with regard to its rehabilitation and preservation; and

WHEREAS, the standards of review for alterations of historic structures set forth in Portland City Land Use Code (the “Code”) §14-650 include the following: (a) Every reasonable effort shall be made to provide a compatible use for a property which requires minimal alteration to the character-defining features of the structure, object or site and its environment or to use a property for its originally intended purpose; and (b) The distinguishing original qualities or character of a structure, object or site and its environment shall not be destroyed. The removal or alteration of any historic material or distinctive architectural features should be avoided when possible;

WHEREAS, prior to the Original CZA, the building complex located on the Property was falling into a state of disrepair; and

WHEREAS, pursuant to the Original CZA, the Developer has invested significant time and resources into restoring the building located on the Property, including without limitation rehabilitation of the parish house and the development of five (5) residential condominium units therein; and

WHEREAS, the Original CZA allowed for use of a portion of the first floor of the parish house for office use, which uses, particularly in the R-4 zone, have been limited; and

WHEREAS, the Original CZA provided for the Developer to maintain the sanctuary and to use the building as a community hall for limited community uses; and

WHEREAS, historically appropriate and neighborhood compatible adaptive re-use of historic religious structures is often challenging, and reasonable use flexibility may enable economically viable rehabilitation and productive use of such buildings for their long term preservation; and

WHEREAS, development of the Project in accordance with the Original CZA, and specifically of the maintenance of the sanctuary for use as a community hall for limited community uses has not proved to be economically viable; and

WHEREAS, the Developer proposes and intends to develop the portion of the parish house that was intended to be developed for office use under the Original CZA into two (2) additional residential units, as illustrated in Exhibit A-1, A-2 and A-3 attached hereto; and

PROPOSED DRAFT

WHEREAS, the Developer proposes and intends to develop the sanctuary into four (4) additional residential units, as illustrated in Exhibits A-1, A-2 and A-3 attached hereto; and

WHEREAS, the Developer proposes and intends to install underground parking to accommodate the additional residential units as illustrated in Exhibit B attached hereto; and

WHEREAS, the Developer has requested an amendment to the Original CZA to allow for development of six (6) additional residential units as described above, which requires a reduction of the permitted level of density within the R-4; and

WHEREAS, the proposed addition of six (6) additional residential units provide the necessary economic value for the feasibility of the productive use of the building complex and the associated rehabilitation investments; and

WHEREAS, the additional six (6) residential units cannot be accommodated under dimensional requirements of the R-4 zone; and

WHEREAS, the Developer has completed the schedule of rehabilitation improvements to the building complex to address immediate needs to ensure the soundness and integrity of the building envelope and structural elements in accordance with the Original CZA; and

WHEREAS, the Developer intends to continue to maintain the historic character of the structures and Property and intends to perform additional improvements to the building complex to prolong its useful life and preserve the historic character, all with the goal of extending the useful life of the building complex for a time period approaching fifty (50) years or longer; and

WHEREAS, the Developer has requested a rezoning of the Property in order to permit the proposed development of the Property, which will facilitate funding the long-term maintenance of the historic structures; and

WHEREAS, the proposed uses of the Property are consistent with and more conforming to the existing and permitted uses in the neighborhood than were allowed under the Original CZA; and

WHEREAS, the Original CZA provides for the Property to be subject to the R-4 dimensional requirements, except to the extent that the existing building complex does not meet, but is lawfully nonconforming with the same; and

WHEREAS, since entering into the Original CZA, the Developer has determined that the provides for the Property to be subject to, except to the extent that the existing building complex does not meet the rear yard setback requirements as amended by the Original CZA; and

PROPOSED DRAFT

WHEREAS, the Planning Board, after notice and hearing and due deliberation thereon, recommended the rezoning of the Property as aforesaid, subject, however, to certain conditions contained in this Agreement; and

WHEREAS, the City, by and through the Portland City Council, pursuant to 30-A M.R.S.A. § 4352(8) and §§ 14-60 to 14-62 of the Code, after notice, hearing and due deliberation thereon, has determined that because of the unique and historical nature of the Property, the proposed development:

- Contributes a desirable, unique type of housing to the peninsula stock;
- Promotes sustainability by allowing for rehabilitation of an existing historic building to provide new housing development consistent with the medium and high density urban residential development pattern typically found on the peninsula;
- Makes improvements to below-grade infrastructure, including parking, to accommodate new growth;
- Accommodates well-designed density, which is integral to healthy, walkable city neighborhoods; and therefore

it is necessary and appropriate to impose, by agreement, the conditions and restrictions set forth herein, in order to insure that said rezoning is consistent with the City's comprehensive land use plan; and

WHEREAS, the City Council of the City authorized the execution of the Original CZA on June 18, 2012 by City Council Order No. 214-11/12 and reauthorized the execution of this Agreement on _____ by way of this Order, a true copy of which is attached hereto as Exhibit ____; and

WHEREAS, the Developer has agreed to enter into this Agreement, with its concomitant terms and conditions, which shall hereinafter bind the Developer, its successors or assigns;

NOW, THEREFORE, in consideration of the rezoning of the Property, the Developer contracts to be bound by the following terms and conditions:

1. Pursuant to the Order, the Property shall remain within a Conditional Rezone C-57, subject to the conditions contained below. If this Agreement is not recorded within sixty (60) days after the effective date of the City Council's approval of the Order, then the reauthorization of the conditional rezoning shall become null and void and the zoning of the Property shall revert to the Original CZA.
2. Permitted uses:
 - a. All uses allowed in the R-4 zone.
 - b. Alteration of an existing structure to accommodate one (1) or more dwelling units, subject to the requirements of 14-103(a)(2), which are modified as follows:

14-103(a)(2)(f): 2,000 square feet of land area per dwelling unit shall be required.

3. The underlying dimensional requirements of the R-4 zone shall apply and are modified as follows:

b. Minimum Yard Dimensions:

1. Front yard: 3 feet.
2. Rear Yard: 1 foot.
3. Side Yard: 4 feet.
4. Side Yard on Side Streets: 8 feet.

c. Maximum Lot Coverage: 90%.

d. Maximum Structure Height (Sanctuary): 37 feet.

e. Maximum Structure Height (Parish House): 46 feet.

f. Maximum Structure Height (Bell Tower): 70 feet.

g. Residential dwellings within the existing structures shall be governed by the provisions of Section 14-103(a)(2) of the underlying R-4 zone, except that 1,500 square feet of land area per dwelling unit shall be required.

h. Minimum lot area per dwelling unit: one thousand five hundred (1,500) square feet.

5. Any increase in the volume or footprint of either the parish house or the sanctuary shall be prohibited.

6. Developer shall develop the Property in accordance with the plans attached hereto and in keeping with the standards of Article IX, Historic Preservation, of the Portland City Code and as shall be reviewed and approved by the Historic Preservation Board or staff under the terms of the Portland City Code.

8. The provisions of this Agreement are intended to replace and/or supersede the associated provisions of the Original CZA. As stated above, to the extent not otherwise altered herein, the zoning requirements for the R-4 zone shall otherwise apply to the Property.

9. For a period of five (5) years from _____, Developer shall submit an annual report to the Planning Authority which shall include the number of employees working at the premises, the location and number of secured off street parking spaces, and other items pertaining to compliance with provisions of this Agreement as required by the Planning Authority. Thereafter, to the extent the Planning Authority requires additional information/report(s) the Developer shall provide the Authority with any such additional information/report(s).

10. In the event of a breach by the Developer or its successors or assigns of the provisions contained herein (whether the Zoning Administrator, the Zoning Board of Appeals or a Court determines such breach), the Planning Board, after notice and hearing, may review the circumstances of the breach and recommend to the City Council that this Agreement be amended or be rescinded and determine that such rescission should result in the termination of this Agreement and a reversion of the Property to the R-4 zone requirements in place before the execution of this Agreement.

11. This Agreement may also be enforced pursuant to the land use enforcement provisions of state law including, but not limited to, 30-A MRSA § 4452 and the Portland City Code.

12. The above stated restrictions, provisions, and conditions are an essential part of the rezoning, shall run with the Property, shall bind and benefit the Developer, any entity affiliated with the Developer that takes title to the Property, its successors and assigns, and any party in possession or occupancy of said Property or any part thereof, and shall inure to the benefit of and be enforceable by the City of Portland, by and through its duly authorized representatives. The Developer shall file a counterpart original of this Agreement in the Cumberland County Registry of Deeds.

13. The Planning Authority shall be notified of any potential and/or pending sale of the Property (which most likely will be evidenced by a Purchase & Sales Agreement or its equivalent), and prior to closing the sale of the Property shall meet with the buyer and verify that he/she/it has read, understood and agrees to be bound by the terms, conditions, limitations and provisions of this Agreement, and said buyer shall so state in a signed affidavit to be kept on file with the Planning Authority.

14. If any of the restrictions, provisions, conditions, or portions thereof set forth herein is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed as a separate, distinct, and independent provision and such determination shall not affect the validity of the remaining portions hereof.

15. Except as expressly modified herein, the development shall be governed by and comply with the provisions of the Portland City Code, including but not limited to, the maintenance requirements for historic structures set forth in section 14-690 of the Code, and any applicable amendments thereto or replacement thereof.

[Signatures to Follow on Next Page]

WITNESS: _____

32 THOMAS STREET, LLC

BY:

STATE OF MAINE
CUMBERLAND, ss.

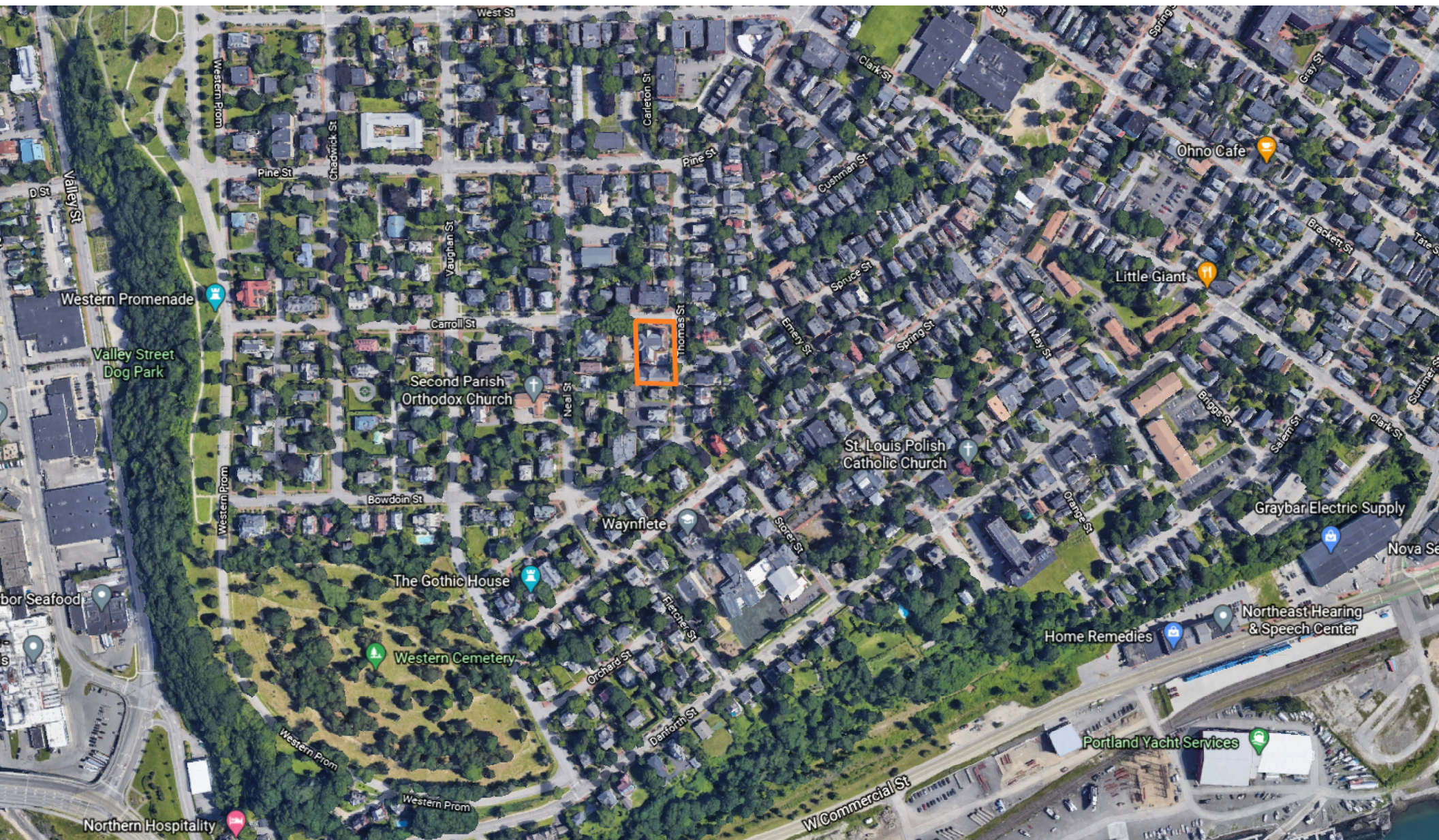
_____, 2020

Personally appeared before me the above-named _____, in his capacity as _____ of 32 THOMAS STREET, LLC, and acknowledged the foregoing instrument to be his/her free act and deed in his/her said capacity and the free act and deed of said corporation.

Before me,

Notary Public/Attorney at Law

Vicinity Map



1924 Portland Tax Records: 11-17 Clifford Street, Portland, 1924

Assessment 19

Name Brown, J. B. & Sons
 Owner Brown, J. B. & Sons
 Street Clifford No. 11-17
 Block 62 E Lot 11 V
 Use of Bldg. Dwelling Name
 Tenants and Rooms 2 Tenants 42 Rooms
 Rentals \$360 Per month Water Rates
 Age 10+
 Condition of Repair Good

Class
 Bungalow
 Single House
 Two family
 Three family
 Apartment
 Store Building
 Office
 Factory
 Storage
 Stables
 Garage, private
 Garage, public
 Theatre
 Club House
 Cottage

Exterior
 Clapboards
 Siding
 Shingles
 Stucco
 Paper
 Tapestry Brick
 Com. Brick
 Galv. Iron
 Stone
 Terra Cotta
 Concrete

Plumbing
 Common
 Individual
 Open
 Set tubs
 Finish
 Plain
 Hardwood
 Halls
 Wood
 Terrazzo
 Marble
 Roof - Roofing
 Shingle
 Slate
 Gravel
 Prepared
 Asbestos
 Flat
 Hip
 Gable
 Dormers

Foundation
 Brick
 Stone
 Concrete
 Pile

Basement
 Full
 Cement Floor
 Waterproof

Construction
 Frame
 Brick
 Tile
 Blocks
 Stucco
 Re-Concrete
 Mill
 Steel Frame

Heating
 Stove
 Furnace
 Hot Water
 Steam

Light
 Oil
 Gas
 Electric

Floor
 Common
 Hardwood
 Re-Concrete
 Concrete Slab
 Waterproof

Ceiling
 Plaster
 Metal
 Panelled
 Rough

Miscellaneous
 Elevator
 Sprinkler
 Fire Escape
 Refrigerator
 Vacuum Cleaner
 Safes and Vaults
 Telephone Equip.

Ground Area 5068 Height 43
 Cubic Feet 217924 Unit 18 cts
 Utility Dep.
 Dep. 25 Per cent.
 Sound Value, \$ 29420

Land 1453 Corner Interior Alley
 Front Depth = ft.
 COMPUTATION
 $9251 \times 100 \times 40 = 3700$
 $5280 \times 46.6 \times 20 = 492$
4192

Area	Multiplier	Coefficient
Year	Unit	Coefficient
19		4192

Surveyed by W. H. F. S. W. W. W.
 MAY 24 1924
 (Remarks on other Side)



Remarks about Buildings

Plans attached.

Remarks about Land

Remarks about Personal Property

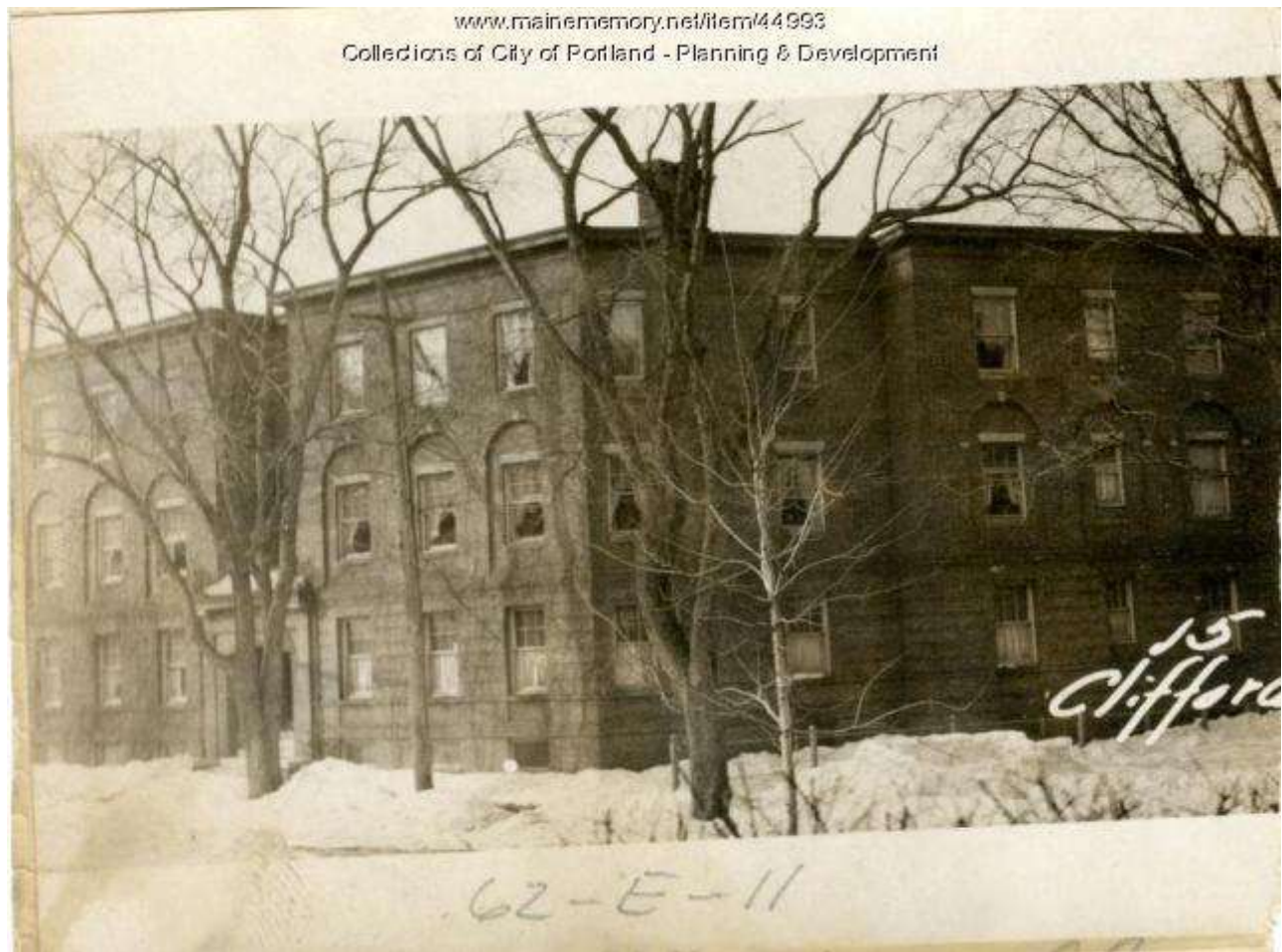
CITY OF PORTLAND, MAINE
 ASSESSORS DEPARTMENT

CHART	BLOCK
3	Building Volumes Checked
4	Building Values Placed
5	Building Values Extended
6	Land Only Questionnaire Made
7	Land Values Placed
8	Land Values Extended
9	Compared With 1923
10	Personal Property Added

1924 Portland Tax Records: 11-17 Clifford Street, Portland, 1924



Owner: J.B. Brown & Sons
Address: 11-17 Clifford Street, West End, Portland, Maine
Use: Apartments
Local Code: Block 62E Lot 11 Book 14 Page 1
MMN item number: 36988
Architect: John Calvin Stevens



<https://www.theatlantic.com/ideas/archive/2021/01/anti-growth-alliance-fueled-urban-gentrification/617525/>

IDEAS

The Pandemic Disproved Urban Progressives' Theory About Gentrification

The “gentrification-industrial complex” isn’t who anti-growth progressives think it is.

JANUARY 2, 2021

Jacob Anbinder

Ph.D. candidate in history at Harvard University

From California to the Northeast, a funny thing has happened recently in America’s most expensive metropolitan areas: Rents have gone down. Ever since remote workers began fleeing urban cores at the start of the coronavirus pandemic—whether to the Hamptons or their parents’ basements—urban housing markets have been flooded with empty apartments. As a result, the prices that rental units command in certain large cities have dropped dramatically, to the tune of 18 percent in Boston, 19 percent in Seattle, and nearly 25 percent in San Francisco, according to a November survey by the firm Apartment List.

The cause of the drop should hardly be surprising. The pandemic has radically decreased demand for big-city living while also increasing the quantity of available apartments. Yet this basic fact, plain for all to see, flies in the face of much received wisdom about the factors that cause urban

<https://www.theatlantic.com/ideas/archive/2021/01/anti-growth-alliance-fueled-urban-gentrification/617525/>

housing prices to go up or down. Among some leftists and liberals alike, as well as the politicians who court them, the idea that developers of pricey apartments and condo buildings are to blame for high housing prices has long been an article of faith. In this telling, new luxury housing is the reason that former working- and middle-class neighborhoods in their cities have become fancy enclaves. (“You know exactly what a gentrification building looks like,” read a recent viral tweet.) Fighting the construction of such housing would not only reverse the trend of unaffordability, but from the perspective of politicians and activists would also demonstrate support for working-class residents in the process. Since the spring, the pandemic has prompted a steady flow of stories about how urban life will change forever.

But COVID-19’s most lasting impact on cities might be in helping put to rest this most persistent of myths about the relationship between housing supply, the cost of living, and that four-letter word of urban politics: *gentrification*. Not only is it a simplistic analysis that absolves nearly anyone who isn’t a developer of responsibility for the problem, but in portraying new housing as the proximate cause of gentrification, it exacerbates the very housing crisis it seeks to solve.

Choose any major city in America with a high cost of living, and you’ll find that the suspicion of new housing is pervasive in local politics. On a sunny day in early September 2020, for example, Scott Stringer, New York City’s comptroller, stood at a lectern in a park in Upper Manhattan and launched his campaign for mayor. As an elected official of 27 years, he has telegraphed his desire to hold the city’s highest post for some time. But Stringer’s speech was notable for the way in which he positioned his campaign: not as the safe mainstream choice, as one might assume for a politician with his credentials, but as a revolution of the people against the powerful. Nowhere was this framing clearer than in his description of how he would change the trajectory of real-estate development in the city. A Stringer administration, he said, would mean “no more giving away the store to developers” and “an end to the gentrification-industrial complex.”

<https://www.theatlantic.com/ideas/archive/2021/01/anti-growth-alliance-fueled-urban-gentrification/617525/>

The New York mayoral race will be one of 2021's most prominent elections, which makes Stringer's campaign an interesting case study of some key trends happening within the progressive movement in cities. For one, it is evidence that politicians in deep-blue urban areas sense an unmet demand for the sort of unabashedly left-wing politics whose revival at the federal level began with Bernie Sanders's unexpectedly strong primary challenge to Hillary Clinton in 2016. More importantly, however, it shows that left-wing candidates in local elections believe that they must take a strong stand against gentrification as a way of demonstrating their progressive bona fides. Stringer is not alone in this regard. One of his opponents, the Brooklyn borough president Eric Adams, made headlines last January for suggesting that gentrifiers should "go back to Iowa," while another candidate, City Councilor Carlos Menchaca, decried "the wealthy developers who rezone our neighborhoods" in his campaign's launch video. In Boston, which will also hold a mayoral election this year, City Councilor Michelle Wu has sought to distinguish herself on the question of housing growth as well. As chair of the city council's planning committee, Wu has called for more community oversight of the city's Zoning Board of Appeal and for the elimination of the Boston Planning and Development Agency, both of which she has characterized as out of touch and overly permissive in granting exemptions from the city's zoning laws under the current mayor, Marty Walsh.

Gentrification is a notoriously slippery term, and the popular appeal of any attempt to address it depends largely on how one defines it. By focusing on supposedly unrestrained growth as its root cause, new progressive campaigns have revived a decades-old political coalition of renters, homeowners, and other interest groups whose origins lie in a different era of these cities' histories. This unusually broad and largely inadvertent partnership was influential in bringing an end to the era of urban renewal, and it has the potential to be a potent force in urban politics for years to come. Yet this anti-growth partnership presumes that the interests of the landed and the landless are aligned—that a policy of more tightly regulated development can both generate wealth for those who own property and redistribute it to those who don't. In the 21st century, when halting the rise

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of rents and property values in many large cities has taken a global pandemic, the logic that undergirds this movement deserves a critical look.

Skepticism about growth has been a powerful force in urban politics for more than half a century. Around 1960, groups across several American cities began questioning the political economy that seemed to produce constant development and redevelopment projects, which the sociologists John Logan and Harvey Molotch memorably characterized as a “growth machine.” Then, as today, the slow-growthers and no-growthers were an idiosyncratic bunch. Conservationists, worried about the effect of metropolitan expansion on scenic rural areas, organized for new laws protecting “open space” and establishing environmental-review procedures for major development projects. Architectural preservationists, who preferred ornate older buildings to modernist designs and saw their work as integral to keeping urban living appealing, worked to designate some of American cities’ first historic districts. Homeowner groups mobilized against highways, commercial establishments, multi-family apartment buildings, and other nuisances that they perceived as threats to their property values and “neighborhood character.” And left-wing organizations constituting what the activist Harry Boyte later called the “backyard revolution”—a movement that emphasized small-scale community organizing and other place-based advocacy as a means of effecting social justice—participated as well, calling for processes that would allow vulnerable groups, such as tenants, to veto new projects they did not feel were in their best interest.

Observers of what came to be known as a growth revolt noted the way that its participants seemed to defy traditional partisan alignments and, through local development, battles were helping to create, inadvertently or otherwise, a new national growth policy. “Clearly the new mood is not based on any particular political ideology,” wrote Fred P. Bosselman, a prominent land-use attorney, in the journal *Planning* in 1973. “At a local zoning hearing you might find on one side an elderly dowager who’s voted straight Republican since McKinley and her granddaughter from a commune where they live on nuts and berries. Both are seeking to stop new

<https://www.theatlantic.com/ideas/archive/2021/01/anti-growth-alliance-fueled-urban-gentrification/617525/>

development.” The unusual politics of growth arose out of a particular set of circumstances that existed in cities at the time. The immediate postwar years were an era of tremendous physical and social instability in major urban areas. In older cities in the northern half of the U.S., some entire communities seemed to be packing up and leaving for the suburbs or the Sun Belt, where new neighborhoods sprang up virtually overnight. Thanks in part to generous federal initiatives, pro-growth state and local politicians in expanding and shrinking cities alike competed for tax dollars by building major infrastructure and redevelopment projects. Neighborhoods of color frequently bore the brunt of these schemes, prompting James Baldwin’s famous observation that “urban renewal means Negro removal.”

Whether in stagnant northern cities or in the booming Sun Belt, a wide array of groups thus had ample reason to oppose urban development. Throughout the 1970s and ’80s, through the implementation of height limits, density restrictions, design review boards, mandatory community input, and other veto points in the development process, they achieved more victories than many of the initial participants thought possible. The broad-based nature of the anti-growth coalition was key to its success. Nature enthusiasts, architectural historians, homeowners, and rock-ribbed socialists all found it advantageous to portray developers as a shadowy, parasitic force in metropolitan politics. Politicians, for their part, were more than willing to position themselves as defenders of this broad array of neighborhood groups and their values. But the composition of the coalition also limited the scope of its activism. In particular, the centrality of homeowners within the anti-growth alliance meant that maintaining the stability of property values would always guide the direction of the movement overall. In the 1960s and ’70s, when renting in cities was relatively affordable and owning a house was often not especially profitable, this dynamic posed no obvious problem. Environmentalists believed that they could seek to save their conservation areas, preservationists their historic districts, leftists their tenant protections, and homeowners their exclusive neighborhoods, all apparently without harming one another’s interests.

These now-half-century-old arguments have had remarkable staying power well into a different era of urban history, one in which gentrification, rather

<https://www.theatlantic.com/ideas/archive/2021/01/anti-growth-alliance-fueled-urban-gentrification/617525/>

than renewal, is the hot-button issue. Despite this shift, many still insist that neighborhood change remains inextricably linked to development. As Stringer's reference to a "gentrification-industrial complex" indicates, critics have come to portray high-end shopping and glassy condos not as lagging indicators of local demographic change but as the *causes* thereof. The battle lines are drawn in the form of fights over discrete construction projects. Every politician wants to be seen as the second coming of Jane Jacobs, taking to the streets to block the bulldozers and save the soul of the neighborhood.

But if gentrification is defined as a demographic transition toward wealthier, whiter residents, this approach makes for a poor policy response. This is because the forces that drive this kind of neighborhood change do not come from the construction of specific apartment buildings or retail complexes, no matter how many granite countertops or artisanal coffee shops they might contain. Instead, they result from a degree of demand for inner-city living that would have shocked the slow-growthers of the 1960s—demand that, for the most part, has been channeled not into new condos but into homes built before the first wave of anti-development activism. When white-collar firms began to re-concentrate downtown in the 1980s and '90s, their workers, soon priced out of elite neighborhoods, bought old homes in marginal areas and modified them to their liking. The people they displaced crowded into poorer quarters of the city, or moved to lower-end suburbs, or, often, left for more affordable parts of the country altogether.

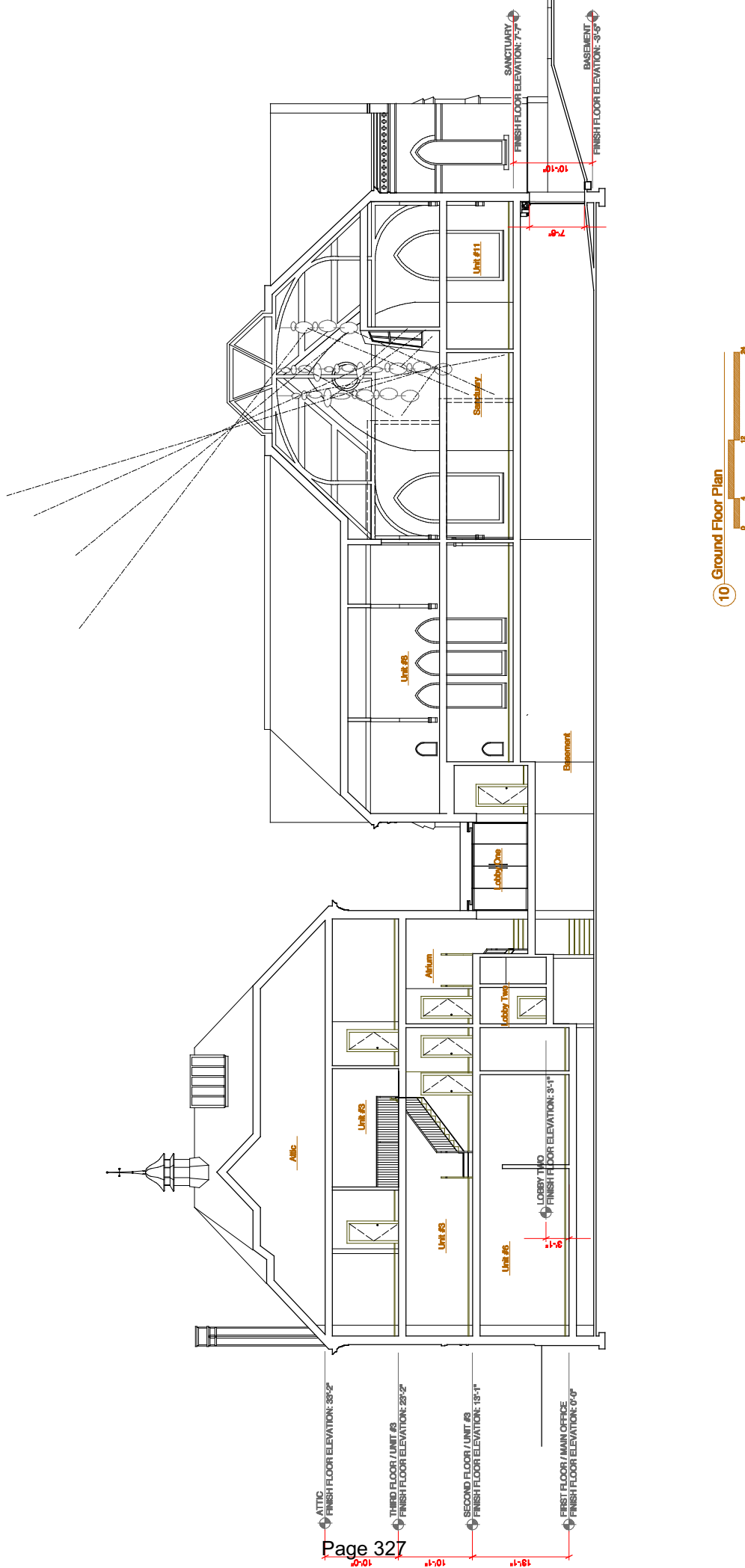
This process still predominates in coastal cities today as competition for housing has continued to push outward from the urban core. Thirty or 40 years ago, a lawyer or financier in New York who could not afford a rowhouse on the Upper West Side might have instead bought a home in Park Slope, displacing a few tenants to Prospect Heights. A decade or two later, a new generation of white-collar workers priced out of Park Slope moved to Prospect Heights, and renters left for Bedford-Stuyvesant or Bushwick. Today, the Bushwick property market is hot, and someone working a minimum-wage job might look for housing in Queens, or New Jersey, or Houston. The telltale sign of a neighborhood in transition isn't a yoga studio or a high-rise apartment building. It is an old rowhouse,

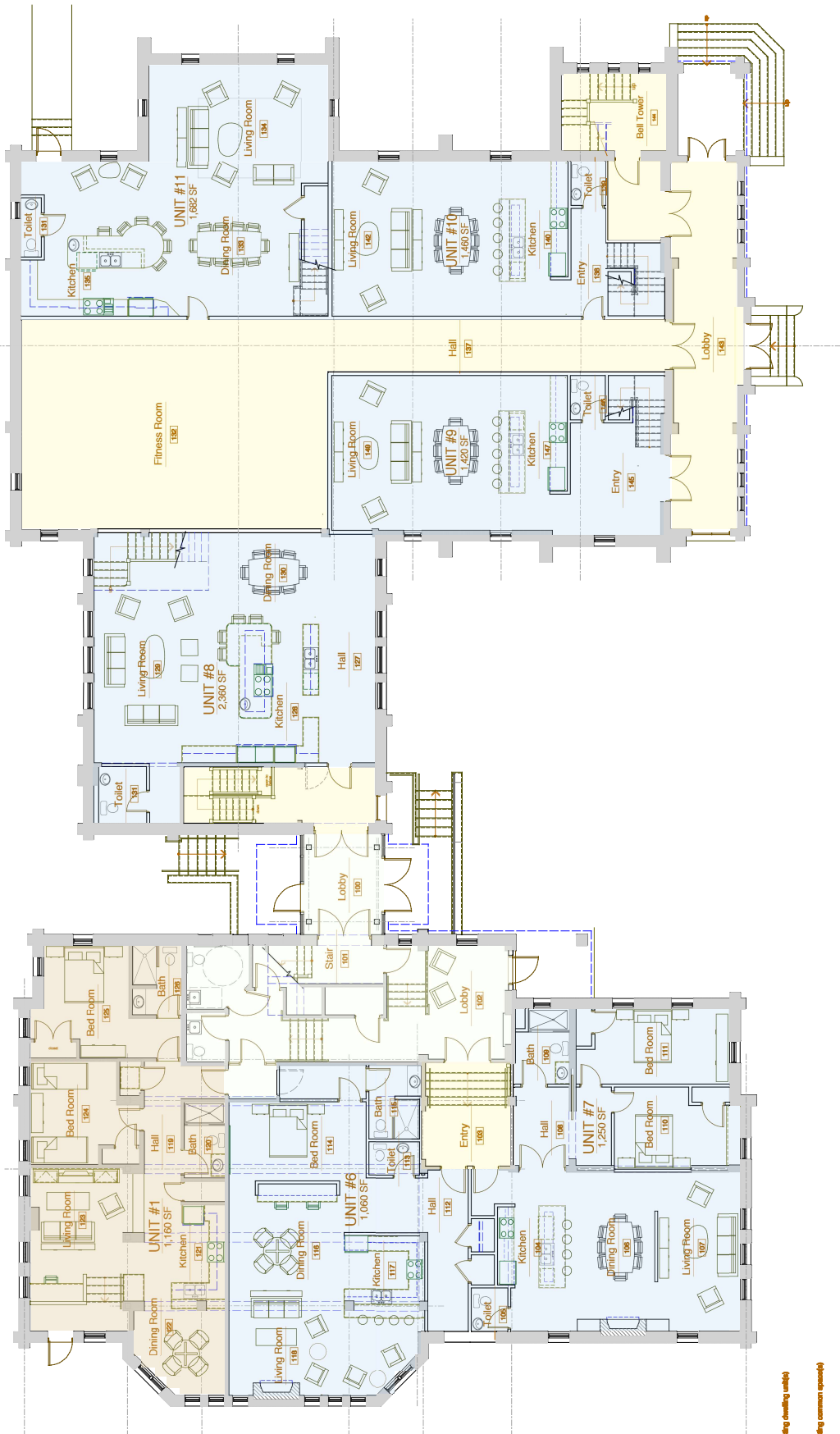
<https://www.theatlantic.com/ideas/archive/2021/01/anti-growth-alliance-fueled-urban-gentrification/617525/>

meticulously renovated and painted in the avant-garde yet inoffensive shade that Amanda Kolson Hurley memorably called “flip-house gray.”

The homeowner-friendly slow-growth activism that marked American cities in the late twentieth century is thus best understood not as the predecessor of today’s anti-gentrification politics but as the progenitor of the gentrification crisis itself. In wealthy coastal cities today, one need not develop skyscrapers or shopping malls to be a speculator in urban property. With widespread housing scarcity, simply owning a modest home in Berkeley or Brooklyn will suffice. In the 21st century, the division between the haves and the have-nots is no longer a matter of which side of the bulldozer one finds oneself on. Instead, it is a question of whether one belongs to the class that pays higher and higher rents with each passing year—or to the class that extracts them.

JACOB ANBINDER is a Ph.D. candidate in history at Harvard University, where he is writing a dissertation on urban growth and its role in making the modern Democratic Party. His writing has been published in *The Wall Street Journal*, *U.S. News & World Report*, *The Week*, and *Democracy: A Journal of Ideas*.





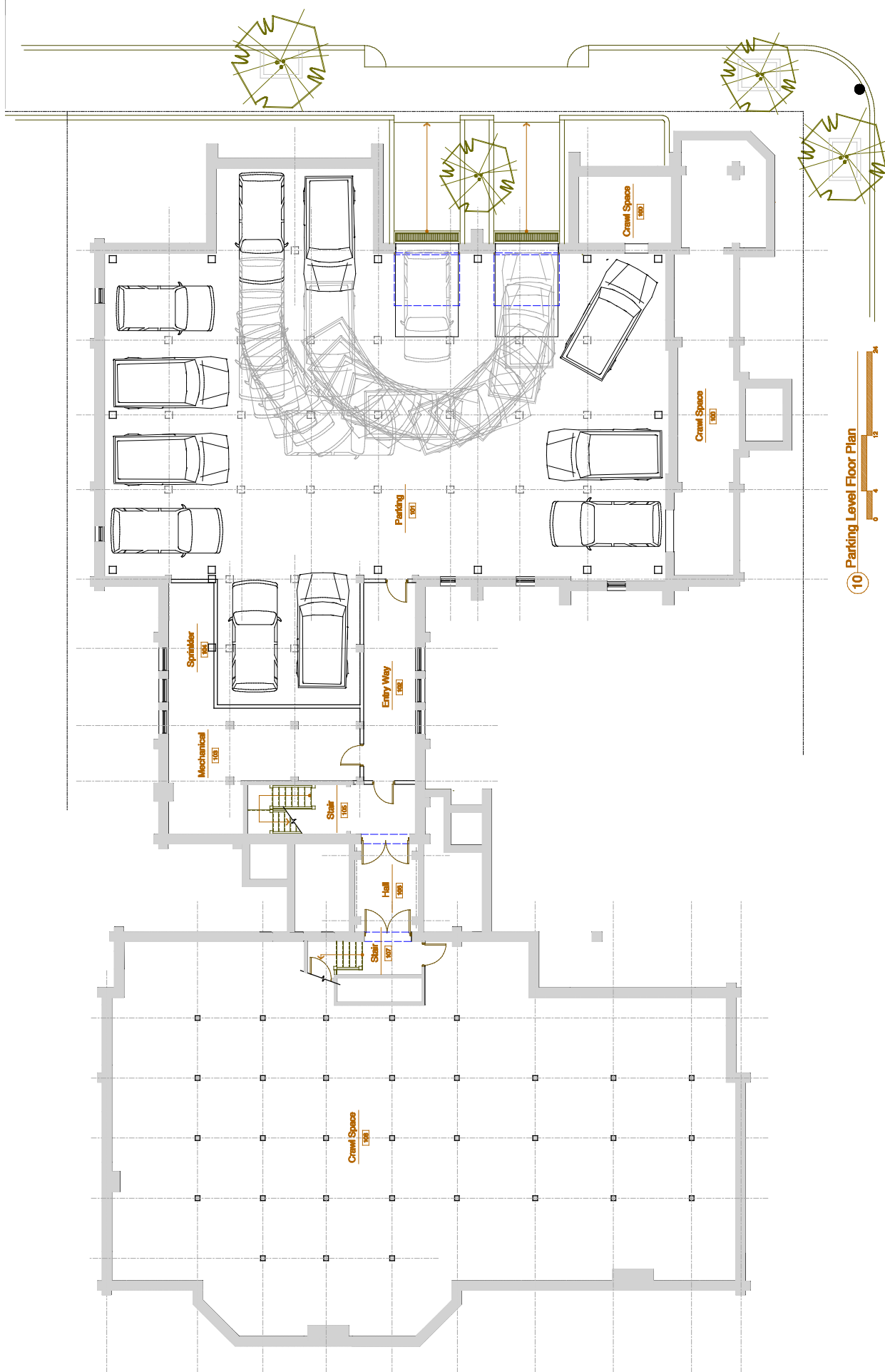
- Existing dwelling units
- Existing common spaces
- Proposed dwelling units
- Proposed common spaces

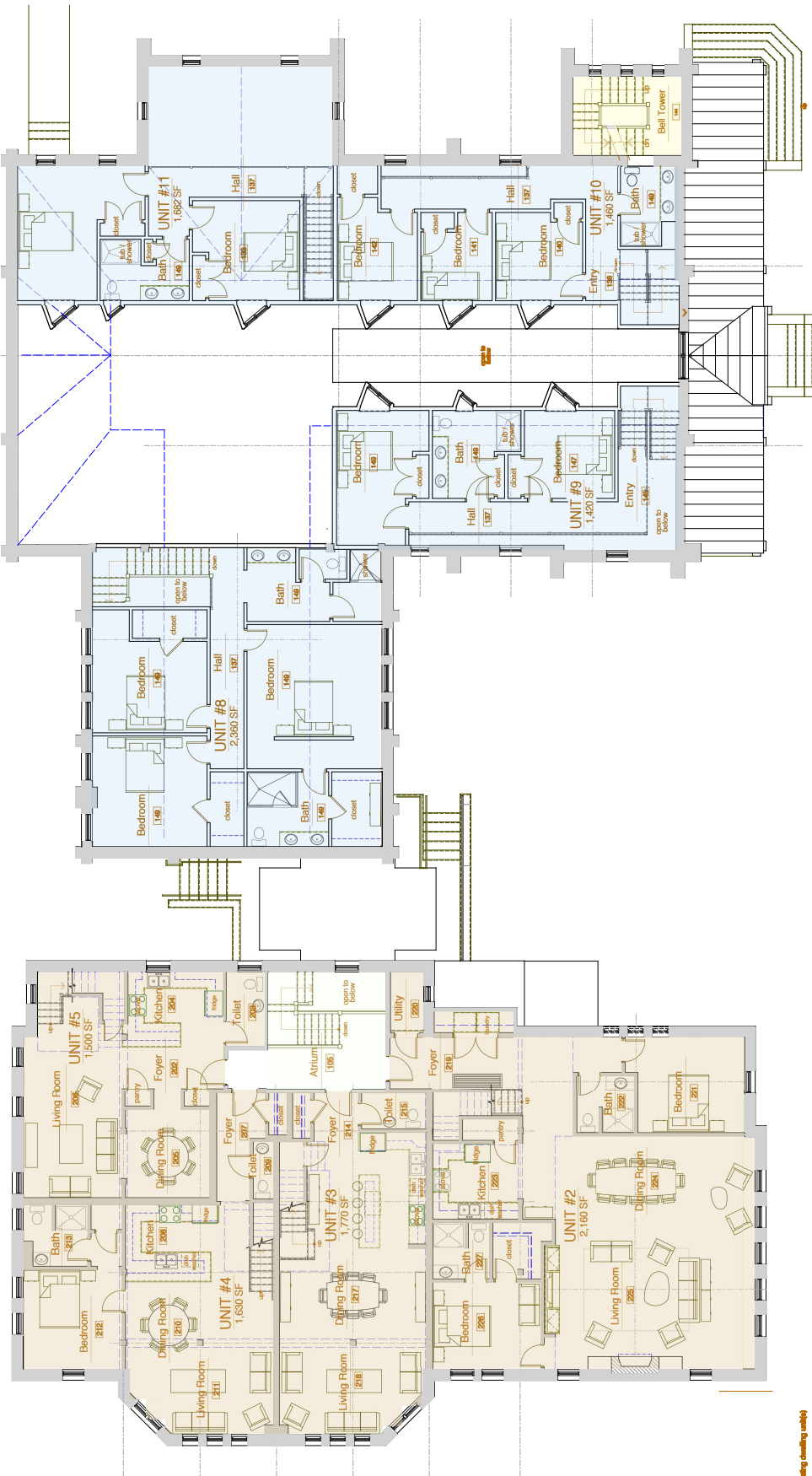
10 Ground Floor Plan

GARRISON
CONSULTING
41 Edgewood Ave
Portland, Maine 04103
Telephone: 207-453-0700
e-mail: maine@mainecapital.com

**Williston West
Maine Capital**
1000 Main Street
Portland, Maine

date January 7, 2020
note See Graphic Scale
project # 2015-013
drawing title Schematic Floor Plan A101





10 Second Floor Plan

- Existing dwelling units
- Existing common spaces
- Proposed dwelling units
- Proposed common spaces

GARRISON
CONSULTING
41 Edmond Ave.
Portland, Maine 04103
Telephone 207 453 0700
e-mail: maine@arrisonconsulting.com

Williston West
Maine Capital
1000 Main Street
Portland, Maine

date: January 7, 2020
scale: See Graphic Scale
project #: 2015-013
drawing title: Schematic Floor Plan A102

Recorded July 26, 2012 at 2:46 p.m.
Book 29784, Page 123

CONDITIONAL ZONE AGREEMENT

RE:

WILLISTON-WEST CHURCH

AGREEMENT made this 13th day of July, 2012 by 32 Thomas Street, LLC, 477 Congress St., Suite 601, Portland, Maine ("Developer"), and its successors and assigns.

WITNESSETH

WHEREAS, the Developer owns real property located at 32 Thomas Street, consisting of the parcel shown on the City's Tax Map 62, Block E, Lot 5, being more particularly described in a deed recorded in Cumberland County Registry of Deeds in Book 29217, Page 171 (collectively the "Property"); and

WHEREAS, the existing building complex located on the Property was formerly used as the Williston-West Church; and

WHEREAS, the Property, located within the West End Historic District, is currently zoned R-4 Residential; and

WHEREAS, the properties on the opposite sides of Thomas and Carroll Streets, directly across from the Property, are zoned R-6 Residential; and

WHEREAS, the building complex located on the Property is comprised of two principal portions, the sanctuary and the parish house; and

WHEREAS, the building complex is listed in the National Register of Historic Places, the sanctuary is a designated local landmark as defined by Article IX of the Portland City Code and the parish house is a contributing structure within the West End Historic District under Article IX; and

WHEREAS, the sanctuary and the parish hall are important, unique, large-scale, non-residential historic structures that were designed by noted architects Francis Fassett and John Calvin Stevens respectively; and

WHEREAS, the building complex significantly contributes to the architectural fabric of the neighborhood and distinctive sense of place that defines Portland and therefore requires special consideration with regard to its rehabilitation and preservation; and

WHEREAS, the standards of review for alterations of historic structures set forth in Portland City Land Use Code (the "Code") §14-650 include the following: (a) Every reasonable effort shall be made to provide a compatible use for a property which requires minimal alteration to the character-defining features of the structure, object or site and its environment or to use a property for its originally intended purpose; and (b) The distinguishing original qualities or character of a structure, object or site and its environment shall not be destroyed. The removal or

alteration of any historic material or distinctive architectural features should be avoided when possible.

WHEREAS, the building complex located on the Property is falling into a state of disrepair; and

WHEREAS, historically appropriate and neighborhood compatible adaptive re-use of historic religious structures is often challenging, and reasonable use flexibility may enable economically viable rehabilitation and productive use of such buildings for their long term preservation; and

WHEREAS, the City's comprehensive plan includes the following stated goals: to preserve Portland's architectural and historic heritage; to promote an economic climate which increases job opportunities and overall economic well-being; and to preserve and enhance the quality and vitality of neighborhoods within and adjacent to the Downtown; and

WHEREAS, offices in residential zones, particularly in the R-4 zone, have been limited and any allowance of an office use in the R-4 zone should only be considered for large, unique, and historically significant structures which have not previously been in residential use, and must be carefully considered and controlled to achieve an appropriate balance between policies supporting neighborhood preservation and policies supporting economic development and preservation of the City's architectural and historic heritage; and

WHEREAS, the Developer proposes and intends to rehabilitate the parish house to provide for a family residence on the second and third floors, and a caretaker residence and office space on the first floor, as illustrated in Exhibit A attached hereto; and

WHEREAS, the Developer proposes and intends to rehabilitate, preserve and maintain the sanctuary and to use the building as a community hall for limited community uses; and

WHEREAS, the Developer intends to maintain the historic character of the structures and Property and will commit to a rehabilitation schedule of improvements to the building complex to address immediate needs to ensure the soundness and integrity of the building envelope and structural elements, and intends to perform additional improvements to the building complex to prolong its useful life and preserve the historic character, all with the goal of extending the useful life of the building complex for a time period approaching fifty (50) years or longer; and

WHEREAS, the existing zoning is R-4 which has dimensional requirements that the existing building complex does not meet, but is lawfully nonconforming; and

WHEREAS, the proposed use of the building complex by the owner/Developer includes an office component that is a necessary economic value and program element for the feasibility of the productive use of the building complex and the associated rehabilitation investments; and

WHEREAS, the Developer has requested a rezoning of the Property in order to permit the proposed development of the Property which will facilitate funding the comprehensive rehabilitation and long-term maintenance of the historic structures; and

WHEREAS, the proposed uses of the Property are consistent with the existing and permitted uses in the neighborhood, which include a mix of residential, commercial and institutional uses; and

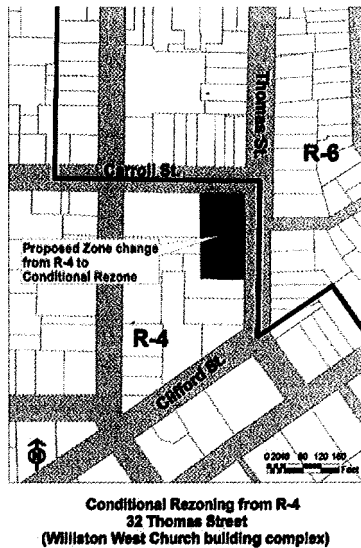
WHEREAS, the Planning Board, after notice and hearing and due deliberation thereon, recommended the rezoning of the Property as aforesaid, subject, however, to certain conditions contained in this AGREEMENT; and

WHEREAS, the Portland City Council, pursuant to 30-A M.R.S.A. § 4352(8) and §§ 14-60 to 14-62 of the Code, after notice, hearing and due deliberation thereon, has determined that because of the unusual nature and unique location of the proposed development, and its minimal impact on and compatibility with the surrounding community, it is necessary and appropriate to recommend the rezoning of the Property as aforesaid, with the following conditions and restrictions set forth in this AGREEMENT; and

WHEREAS, the Portland City Council has on June 18, 2012 approved this Agreement in its entirety, by City Council Order No. 214-11/12, a true copy of which is attached hereto as Attachment 1 (the "Order");

NOW, THEREFORE, in consideration of the rezoning, the Developer covenants and agrees as follows:

1. Pursuant to the Order, the City shall amend the Zoning Map of the City of Portland, dated September, 2000 (as amended from time to time and on file in the Department of Planning and Urban Development, and incorporated by reference into the Zoning Ordinance by § 14-49 of the Code) by adopting the map change amendment shown below to zone the property conditional R-4, subject to the conditions contained below.



If this Agreement is not recorded within sixty (60) days after the effective date of the City Council's approval of the Order, then the conditional rezoning shall become null and void and the zoning of the Property shall revert to the pre-existing R-4 zone.

2. Permitted uses:

- a. All uses allowed in the R-4 zone.
- b. Professional offices, including computer software programming and marketing, and excluding personal services, retail services and veterinarians, subject to the following limitations:
 - (1) Professional offices shall be located on the first floor of the parish house and shall occupy no more than 2,800 square feet of floor area.
 - (2) The total number of individuals working in the professional offices shall not exceed fourteen (14) non-resident employees regularly scheduled to occupy the premises at any one time.
 - (3) The business utilizing the office space shall be a single tenant office user owned by or affiliated with the owner of the building complex.
 - (4) The office use shall not generate frequent daily visitation by clients, customers, or the general public.
 - (5) The owner or operator of the business shall secure and provide to its employees one (1) off street parking space for each employee who commutes to the office by his or her automobile.

3. Use of the sanctuary as a community hall shall be reviewed as a conditional use by the Planning Board, which may place limitations on the use of the sanctuary as a community hall, in addition to the requirements for community halls set forth in section 14-103(b)(2)(e). Said limitations may include, but are not limited to the following:

- a. Occupancy load;
- b. Hours and days of operation;
- c. Record keeping and reporting;
- d. Number of organizations that may be entitled to regular use of the community hall at any one time;
- e. Noise level as the property line; and
- f. Service of alcohol.

4. The underlying dimensional requirements of the R-4 zone shall apply and are modified as follows:

- a. Minimum Lot Size for place of assembly and professional office uses combined: 17,500 square feet.
- b. Minimum Yard Dimensions:
 - 1. Front yard: 3 feet.
 - 2. Rear Yard: 3 feet.
 - 3. Side Yard: 4 feet
 - 4. Side Yard on Side Streets: 8 feet.
- c. Maximum Lot Coverage: 90%.
- d. Maximum Structure Height (Sanctuary): 37 feet.
- e. Maximum Structure Height (Parish House): 46 feet.
- f. Maximum Structure Height (Bell Tower): 70 feet.
- g. Maximum Floor Area for Places of Assembly: 6,000 sq. ft.
- h. Residential dwellings within the existing structures shall be governed by the provisions of Section 14-103(a)(2) of the underlying R-4 zone. Density calculations for residential use shall be based on the lot size of the parcel without land area deductions for other non-residential uses on the site.

5. Any increase in the volume or footprint of either the parish house or the sanctuary shall be prohibited.

6. Subject to receiving all necessary regulatory approvals, the Developer shall rehabilitate the Property in accordance with the Rehabilitation Schedule and related elevation drawings A-1 through A-8, attached hereto as Exhibit B, in keeping with the standards of Article IX, Historic Preservation, of the Portland City Code and as shall be reviewed and approved by the Historic Preservation Board or staff under the terms of this Article. Rehabilitation shall commence within six (6) months of [date of enactment] and shall be completed within twenty-four (24) months of [date of enactment]. Any rehabilitation improvements required by this

AGREEMENT not completed before the issuance of the certificate of occupancy for the office use shall be secured by a performance guarantee in the form of an escrow account, letter of credit, or equivalent surety approved by the Corporation Counsel of the City of Portland, in an amount equal to the estimated cost of completion of such improvements. Such performance guarantee shall be reduced by the City upon completion of improvement phases, but shall not be reduced to less than the estimated cost of any incomplete required improvements. In the event that the owner/developer fails to execute the required improvements by the time specified herein, unless granted an extension in writing from the Planning Authority of the time to complete for good cause and not to exceed an additional twelve (12) months, then the City of Portland or its designee shall have the right to utilize the proceeds of the performance guarantee to hire a competent contractor to complete such improvements. In such event, the Planning Authority shall have the right to review and approve the work scope consistency with the required improvements of Exhibit B, the specifications and methods of such work items, and contractor qualifications.

7. If any required approval, including the City Council's approval of this AGREEMENT, has been appealed or becomes the subject of litigation, then the required performance time frames contained in this AGREEMENT shall be measured from the final disposition of any such appeal or litigation. Failure, however, to commence the rehabilitation improvements or post the performance guarantee within the timeframes stipulated in this paragraph and/or paragraph 13 shall result in the reversion of the subject property to the underlying R-4 zone and this AGREEMENT shall be null and void.

8. The provisions of this AGREEMENT are intended to replace and/or supersede the associated provisions of the underlying R-4 zone. As stated above, to the extent not otherwise altered herein, the zoning requirements for the R-4 zone shall otherwise apply to the Property.

9. For a period of five (5) years from [date of enactment], Developer shall submit an annual report to the Planning Authority which shall include the number of employees working at the premises, the location and number of secured off street parking spaces, and other items pertaining to compliance with provisions of this AGREEMENT as required by the Planning Authority. Thereafter, to the extent the Planning Authority requires additional information/report(s) the Developer shall provide the Authority with any such additional information/report(s).

10. The Developer shall replace and/or repair the sidewalk and all other public property surrounding the entire Property if said sidewalk or other public property is damaged as a result of construction on the Property including, but not limited to, construction of the residential and office uses described in this AGREEMENT.

11. Under no circumstances shall the Developer be permitted to convert any residential property in the R-4 zone to an institutional use.

1240. In the event of a breach by the Developer or its successors or assigns of the provisions contained herein (whether the Zoning Administrator, the Zoning Board of Appeals or a Court determines such breach), the Planning Board, after notice and hearing, may review the

circumstances of the breach and recommend to the City Council that this AGREEMENT be amended or be rescinded and determine that such rescission should result in the termination of this AGREEMENT and a reversion of the Property to the R-4 zone requirements in place before the execution of this AGREEMENT.

1344. This AGREEMENT may also be enforced pursuant to the land use enforcement provisions of state law including, but not limited to, 30-A MRSA § 4452 and the Portland City Code.

1412. The above stated restrictions, provisions, and conditions are an essential part of the rezoning, shall run with the Property, shall bind and benefit the Developer, any entity affiliated with the Developer that takes title to the Property, its successors and assigns, and any party in possession or occupancy of said Property or any part thereof, and shall inure to the benefit of and be enforceable by the City of Portland, by and through its duly authorized representatives. The Developer shall file a counterpart original of this Agreement in the Cumberland County Registry of Deeds.

1543. The Planning Authority shall be notified of any potential and/or pending sale of the Property (which most likely will be evidenced by a Purchase & Sales Agreement or its equivalent), and prior to closing the sale of the Property shall meet with the buyer and verify that he/she/it has read, understood and agrees to be bound by the terms, conditions, limitations and provisions of this AGREEMENT, and said buyer shall so state in a signed affidavit to be kept on file with the Planning Authority.

1644. If any of the restrictions, provisions, conditions, or portions thereof set forth herein is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed as a separate, distinct, and independent

provision and such determination shall not affect the validity of the remaining portions hereof.

1715. Except as expressly modified herein, the development shall be governed by and comply with the provisions of the Portland City Code, including but not limited to, the maintenance requirements for historic structures set forth in section 14-690 of the Code, and any applicable amendments thereto or replacement thereof.

[Signatures to Follow on Next Page]

WITNESS:



32 THOMAS STREET, LLC

BY:

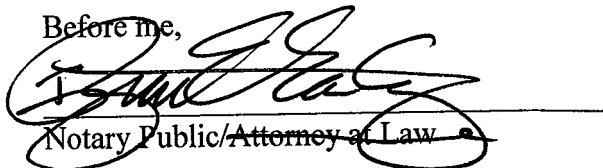


STATE OF MAINE
CUMBERLAND, ss.

July 13, 2012

Personally appeared before me the above-named Sebastian Gerard James, in
his/her capacity as Director of 32 THOMAS STREET, LLC, and
acknowledged the foregoing instrument to be his/her free act and deed in his/her said
capacity and the free act and deed of said corporation.

Before me,

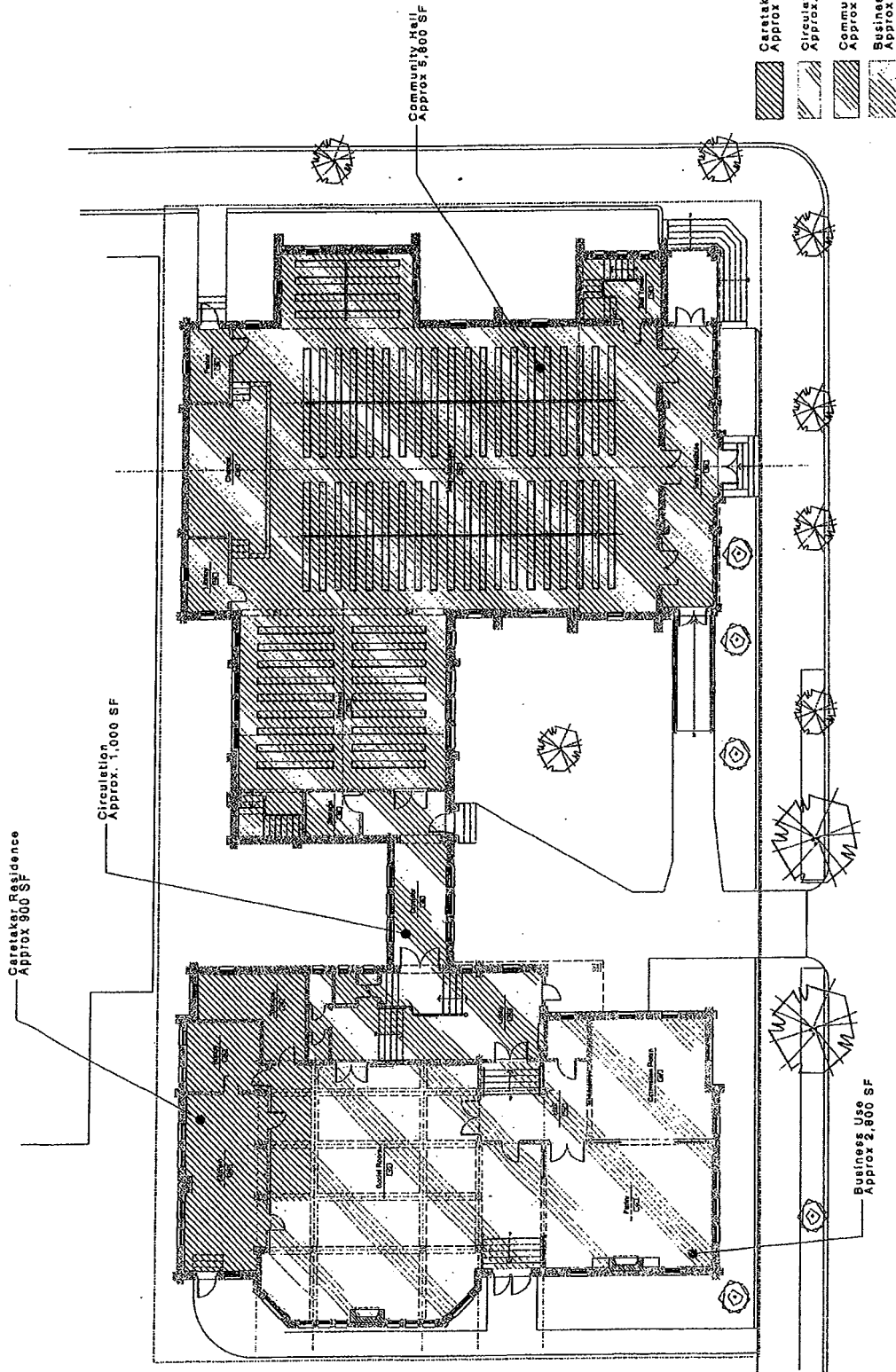


Notary Public/Attorney at Law

RUTH E. EARLEY

My Commission Expires September 9, 2012

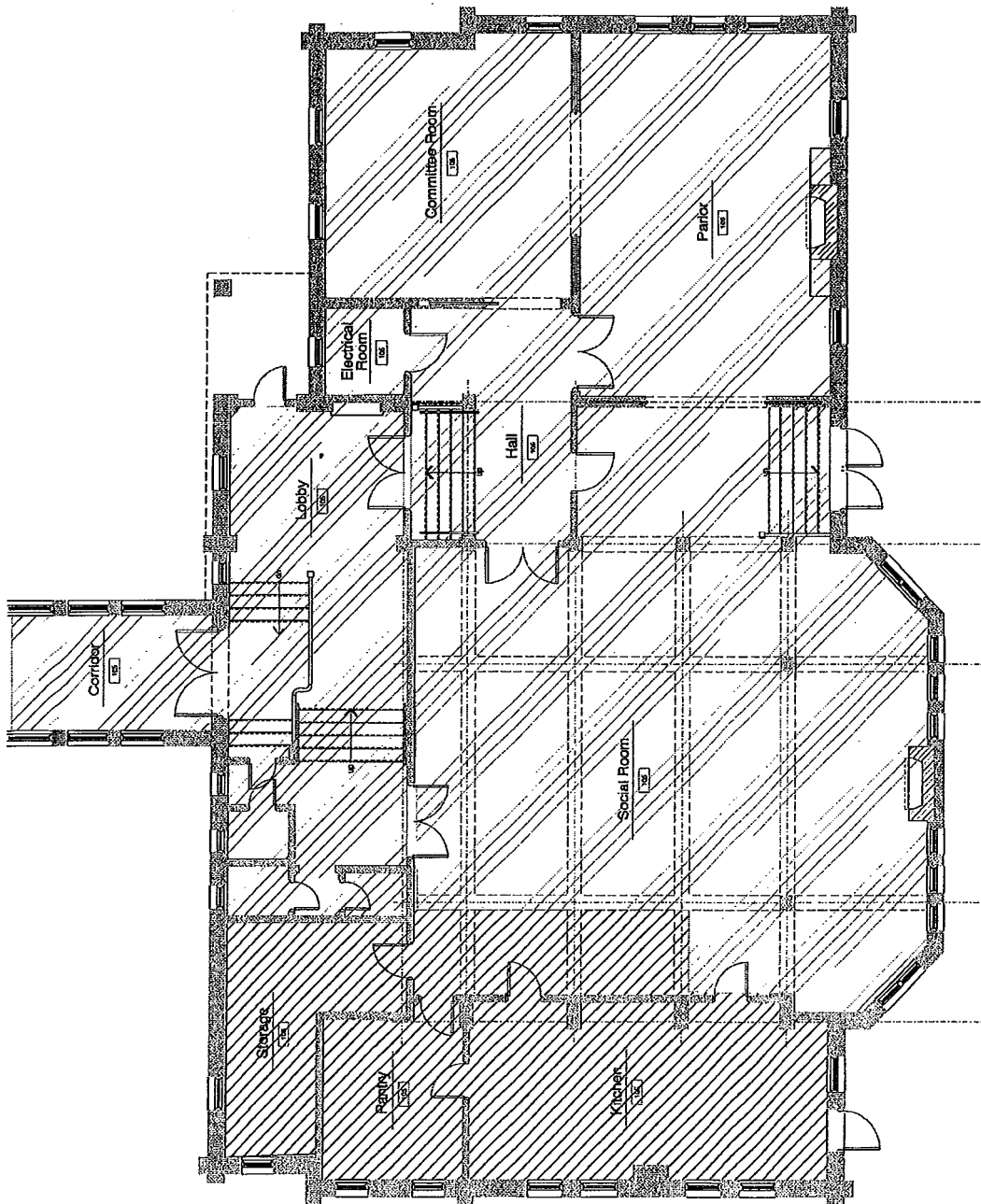
EXHIBIT A
FLOOR PLANS



GARRISON
CONSULTANTS
ARCHITECTS
PLANNERS
ENGINEERS
LANDSCAPE ARCHITECTS

Williston West LLC
32 Thomas Street LLC
32 Thomas Street
Williston, VT 05491

DATE: February 12, 2012
SCALE: 1/8" = 1'-0"
PROJECT: 2011-018
DRAWING: Ground Floor Plan
A101

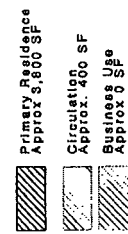


 Caretaker Residence
Approx. 900 SF
 Circulation
Approx. 800 SF
 Business Use
Approx. 2,800 SF

CARRISON
 ARCHITECTS
 4141 Highway 101
 Suite 100
 San Diego, CA 92108
 Phone: 619.435.1234
 Fax: 619.435.1235
 Email: info@carrisonarchitects.com

Williston West
 32 Thomas Street LLC
 Portland, Maine

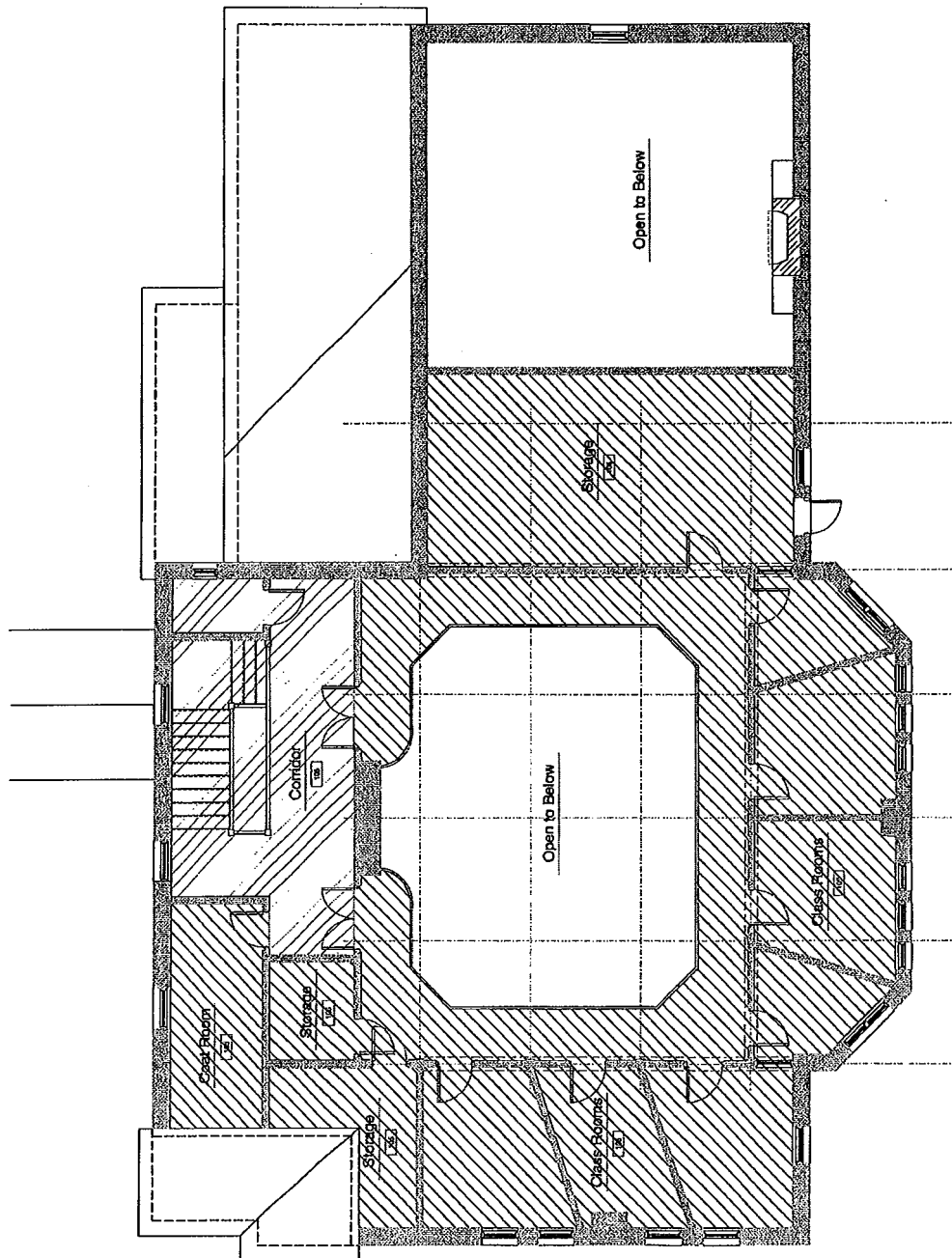
Date: February 15, 2012
 Scale: 1/4" = 1'-0"
 Project: 2011-018
 Parish House Ground
 Floor Plan
 A102



GARRISON
CONSULTING

41 edgewood ave
portland, maine 04103
telephone 207 450 0760
e-mail: mds@earthlink.net

date: February 10, 2012
 scale: 1/4" = 1'-0"
 project #: 2011-018
 Parish House Second Floor Plan
 drawing title: A103



Primary Residence
Approx 1,800 SF

Circulation
Approx. 500 SF

Business Use
Approx 0 SF

DATE February 16, 2012
SCALE 1/4" = 1'-0"
PROJECT / 2011-018
Parish House Third Floor Plan
Drawing Title

Williston West
32 Thomas Street LLC
32 Thomas Street
Portland, Maine

GARRISON
CONSTRUCTION
11 Adams Street
Portland, Maine 04103
Telephone: 207-452-0780
e-mail: info@garrisonconstruction.com

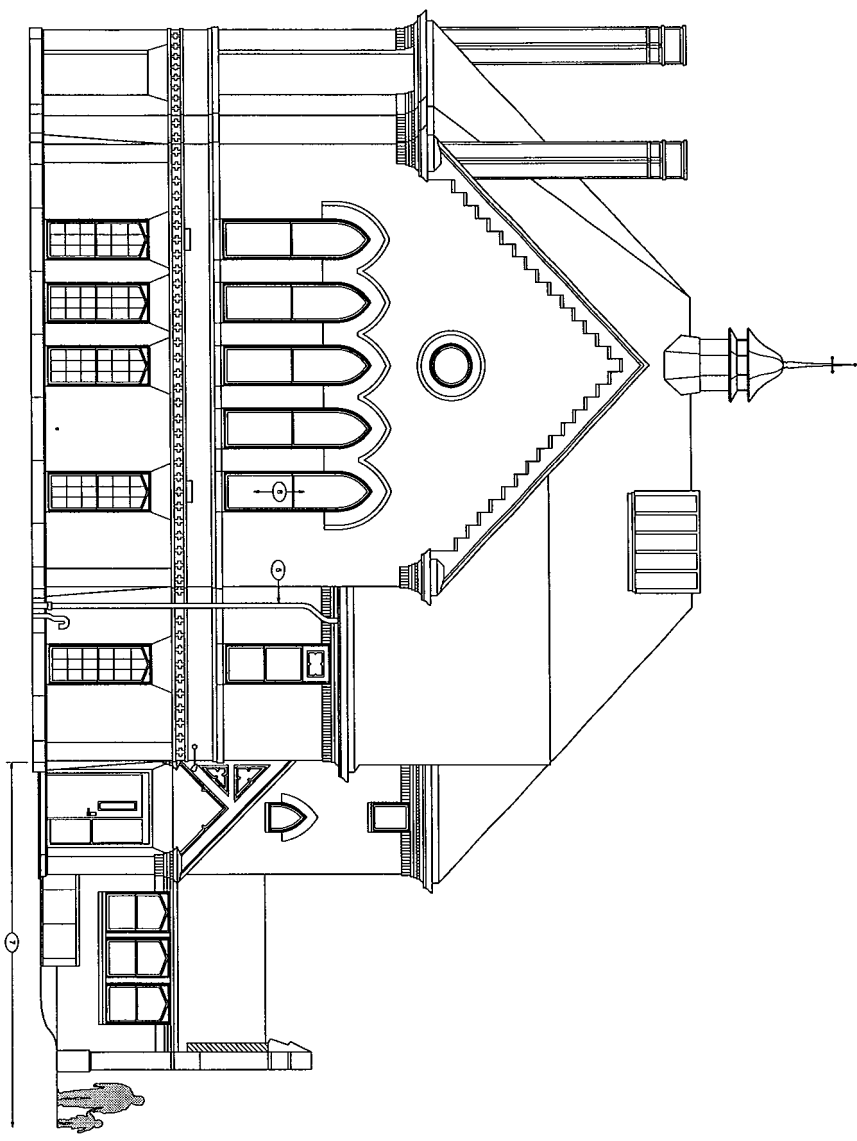
EXHIBIT B**32 THOMAS STREET
REHABILITATION SCHEDULE**

The following schedule outlines the rehabilitation projects that will be performed at 32 Thomas Street upon approval of Conditional Rezoning of the property, in order to address the immediate needs of the Property to ensure the soundness and integrity of the building envelope and structural elements. Said rehabilitation projects will be designed and constructed to meet the City of Portland's Historic Preservation Ordinance Standards and the Secretary of the Interior's Standards for the Treatment of Historic Properties, and shall be reviewed and approved by the Historic Preservation Board or staff.

Performance of the following rehabilitation projects shall commence within six (6) months of [date of enactment] and shall be completed within twenty-four (24) months of [date of enactment]. Any rehabilitation improvements required by the Conditional Zone Agreement not completed before the issuance of the certificate of occupancy for the office use shall be secured by a performance guarantee in the form of an escrow account, letter of credit, or equivalent surety approved by the Corporation Counsel of the City of Portland, in an amount equal to the estimated cost of completion of such improvements.

1. Replace entire roof system at the sanctuary in accordance with the attached proposal from *The Heritage Co.* Replace all metal flashings, gutters and downspouts to original historic appearance. Original metal trim pieces are at the end of their useful life and should be replicated. Replace membrane at flat roof section.
2. Perform structural repair at all three floor levels of the bell tower including new wood framing and restoration of damaged brick bearing pockets.
3. Perform masonry repairs at the sanctuary as identified on the attached elevation drawings. Said repairs include the damaged area at the southwest corner and other areas of severely damaged or deteriorated masonry.
4. Repair and /or replace approximately 20 bricks at the parish house as identified on the attached elevation drawings.
5. Repair or replace all leaking or missing downspouts on the Parish Hall. The replaced downspouts shall be reviewed by the City's Historic Preservation Manager.
6. Install temporary storm protection window over stained glass window at the parish house that does not currently have storm protection, as identified on the attached elevation drawings.
7. Re-grade the courtyard to create positive drainage away from the building.
8. Reset, repair or repoint granite steps as identified on the attached elevation drawings A-5 and A-6 and reset section of collapsed brick landing at bottom of Carroll Street entrance as identified on the attached elevation drawing A-6.

- PRIORITY ONE TREATMENTS**
- 1. REPAIR CRACKS IN ROOF SYSTEM AT SANCTUARY INCLUDING METAL FLASHINGS, SHINGLES, GUTTERS, DOWNSPOUTS AND MEMBRANE.
 - 2. REPAIR CRACKS IN ROOF SYSTEM AT PARISH HOUSE INCLUDING METAL FLASHINGS, SHINGLES, GUTTERS, DOWNSPOUTS AND MEMBRANE.
 - 3. REPAIR CRACKS IN ROOF SYSTEM AT RECTORY INCLUDING METAL FLASHINGS, SHINGLES, GUTTERS, DOWNSPOUTS AND MEMBRANE.
 - 4. REPAIR CRACKS IN ROOF SYSTEM AT RECTORY INCLUDING METAL FLASHINGS, SHINGLES, GUTTERS, DOWNSPOUTS AND MEMBRANE.
 - 5. REPAIR CRACKS IN ROOF SYSTEM AT RECTORY INCLUDING METAL FLASHINGS, SHINGLES, GUTTERS, DOWNSPOUTS AND MEMBRANE.
 - 6. REPAIR CRACKS IN ROOF SYSTEM AT RECTORY INCLUDING METAL FLASHINGS, SHINGLES, GUTTERS, DOWNSPOUTS AND MEMBRANE.
 - 7. REPAIR CRACKS IN ROOF SYSTEM AT RECTORY INCLUDING METAL FLASHINGS, SHINGLES, GUTTERS, DOWNSPOUTS AND MEMBRANE.
 - 8. REPAIR CRACKS IN ROOF SYSTEM AT RECTORY INCLUDING METAL FLASHINGS, SHINGLES, GUTTERS, DOWNSPOUTS AND MEMBRANE.
 - 9. REPAIR CRACKS IN ROOF SYSTEM AT RECTORY INCLUDING METAL FLASHINGS, SHINGLES, GUTTERS, DOWNSPOUTS AND MEMBRANE.
 - 10. REPAIR CRACKS IN ROOF SYSTEM AT RECTORY INCLUDING METAL FLASHINGS, SHINGLES, GUTTERS, DOWNSPOUTS AND MEMBRANE.

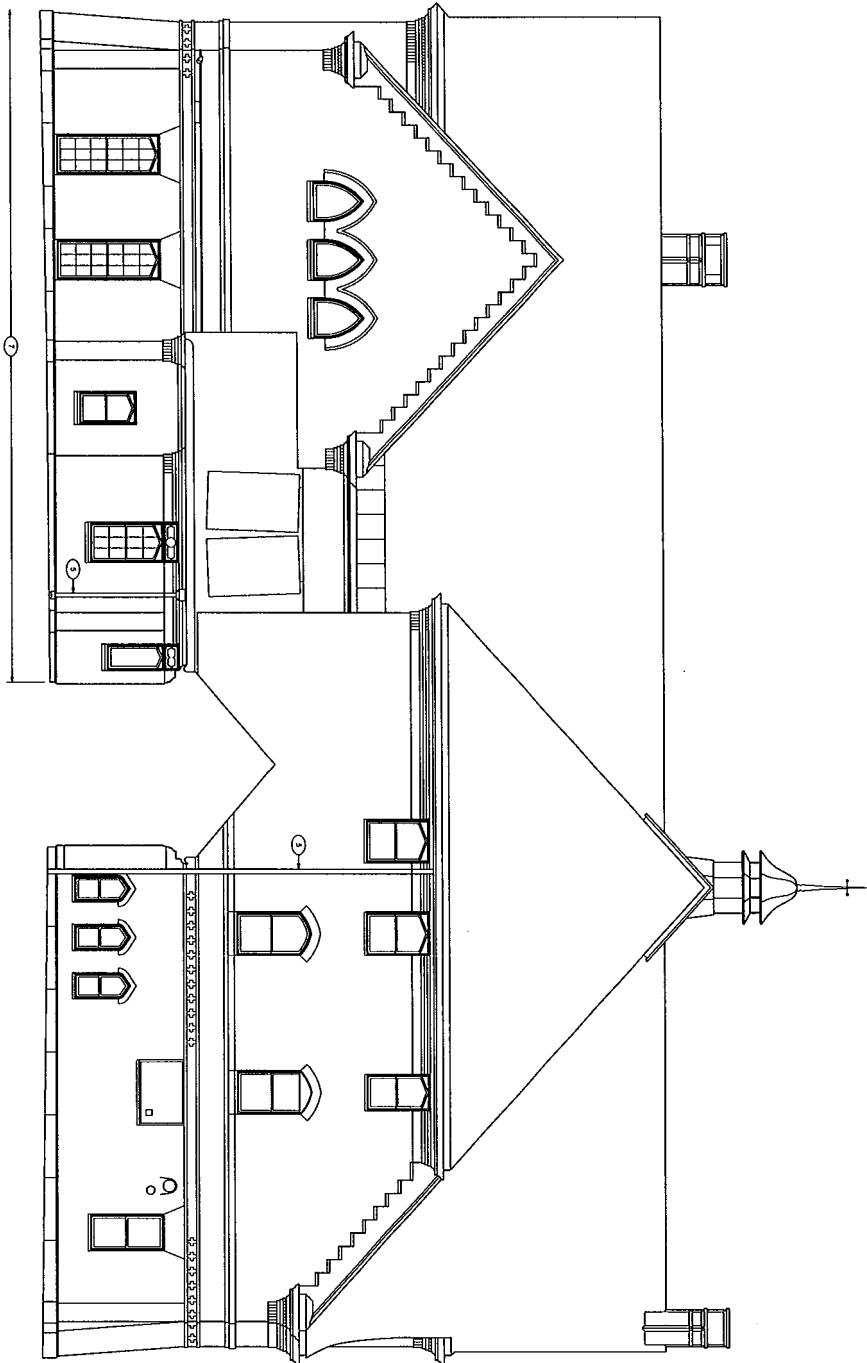


1
A-1
1/4" = 1'-0"
PARISH HOUSE - EAST ELEVATION

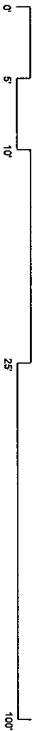
0' 5' 10' 25' 100'

tlh-architects, llc 28 DAUGHTRY STREET PORTLAND, MAINE 04101 TEL: 207.781.4888 FAX: 207.781.4888		Exterior Conditions Assessment & Treatment Plan 32 Thomas Street, LLC 32 Thomas Street Portland, Maine	Date: 7 May 2012 Scale: As Shown Revision:	Title: Parish House East Elevation Sheet No.: A-1

- PRIORITY ONE TREATMENTS
1. REMOVE ENTIRE ROOF SYSTEM INCLUDING METAL FLASHINGS, GUTTERS, DOWNSPUTS AND REPAIRS.
 2. PERFORM STRUCTURAL REPAIR AT THE INTERIOR OF ALL THREE FLOOR LEVELS OF THE BELL TOWER INCLUDING REINFORCED CONCRETE AND MASONRY REPAIR.
 3. REPAIR OR REPLACE DAMAGED BRICK AND TOWER IN RESTORATION BRICK.
 4. REPAIR OR REPLACE LEAKING OR MISSING DOWNSPUTS AT THE PARISH HALL WITH TEMPORARY DOWNSPUTS AS REQUIRED BY CITY HISTORIC PRESERVATION MANAGER.
 5. INSTALL TEMPORARY STORM PROTECTION AT PARISH HOUSE AND PARISH HOUSE THAT DOES NOT CURRENTLY HAVE STORM PROTECTION.
 6. REPAIR THE GUTTERING TO CREATE POSITIVE DRAINAGE AWAY FROM THE BUILDING.
 7. RESET, REPAIR OR REPAIR BRICK STAIRS AND RESET SECTION OF COLLAPSED BRICK LANDING AT BOTTOM OF CARROLL ST. ENTRANCE.



1 PARISH HOUSE - NORTH ELEVATION
1/8" = 1'-0"



th-architects, llc
28 DAVENANT STREET
PORTLAND, MAINE 04101
TEL: 207.771.1882
FAX: 207.771.1883

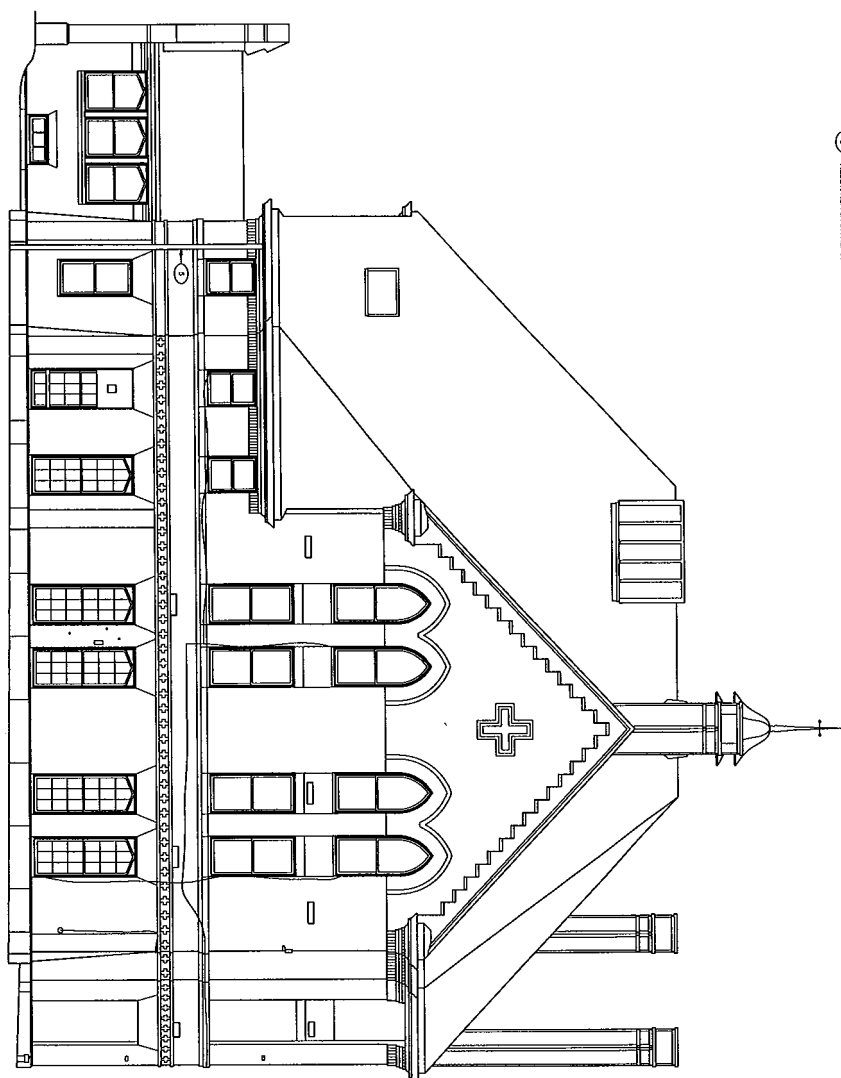
Exterior Conditions Assessment & Treatment Plan
32 Thomas Street, LLC
32 Thomas Street
Portland, Maine

Date: 7 May 2012
Scale: As Shown
Revision:

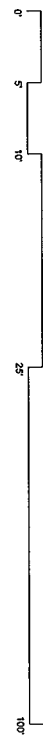
Title:
Parish House
North Elevation

Sheet No: A-2

- PRIORITY ONE TREATMENTS**
- 1. REPLACE ENTIRE ROOF SYSTEM AT SANCTUARY INCLUDING METAL FLASHINGS, SHINGLES, GUTTERS, DOWNPOUTS AND MEASUREMENT.
 - 2. PERFORM STRUCTURAL REPAIRS AT THE ANTERIOR OF ALL THREE FLOOR LEVELS OF THE BELL TOWER INCLUDING NEW WOOD FRAMING AND MASONRY REPAIR.
 - 3. PERFORM MASONRY REPAIRS AT THE SANCTUARY INCLUDING THE REPAIR OF APPROX. 80 SQUARE FEET OF DAMAGED MASONRY AT SOUTHWEST CORNER.
 - 4. REMOVE SEVERELY DAMAGED BRICK AND TOOTH INFESTATION BRICK.
 - 5. REPAIR OR REPLACE LEAKING OR MISSING DOWNPOUTS AT THE PARISH HALL WITH TEMPORARY DOWNPOUTS AS ADVISED BY CITY HISTORIC PRESERVATION MANAGER.
 - 6. INSTALL TEMPORARY STORM PROTECTION AT WINDOWS, STAINED GLASS WINDOWS AT PARISH HOUSE THAT DOES NOT CURRENTLY HAVE STORM PROTECTION.
 - 7. RE-GRAB THE CONCRETE TO CREATE POSITIVE DRAINAGE AWAY FROM THE BUILDING.
 - 8. REPAIR OR REPLACE GRANITE STEPS AND RESET SECTION OF POLYMER BRICK LANDING AT BOTTOM OF CANNOLL ST. ENTRANCE.



1
A-3
1/4" = 1'-0"
PARISH HOUSE - WEST ELEVATION



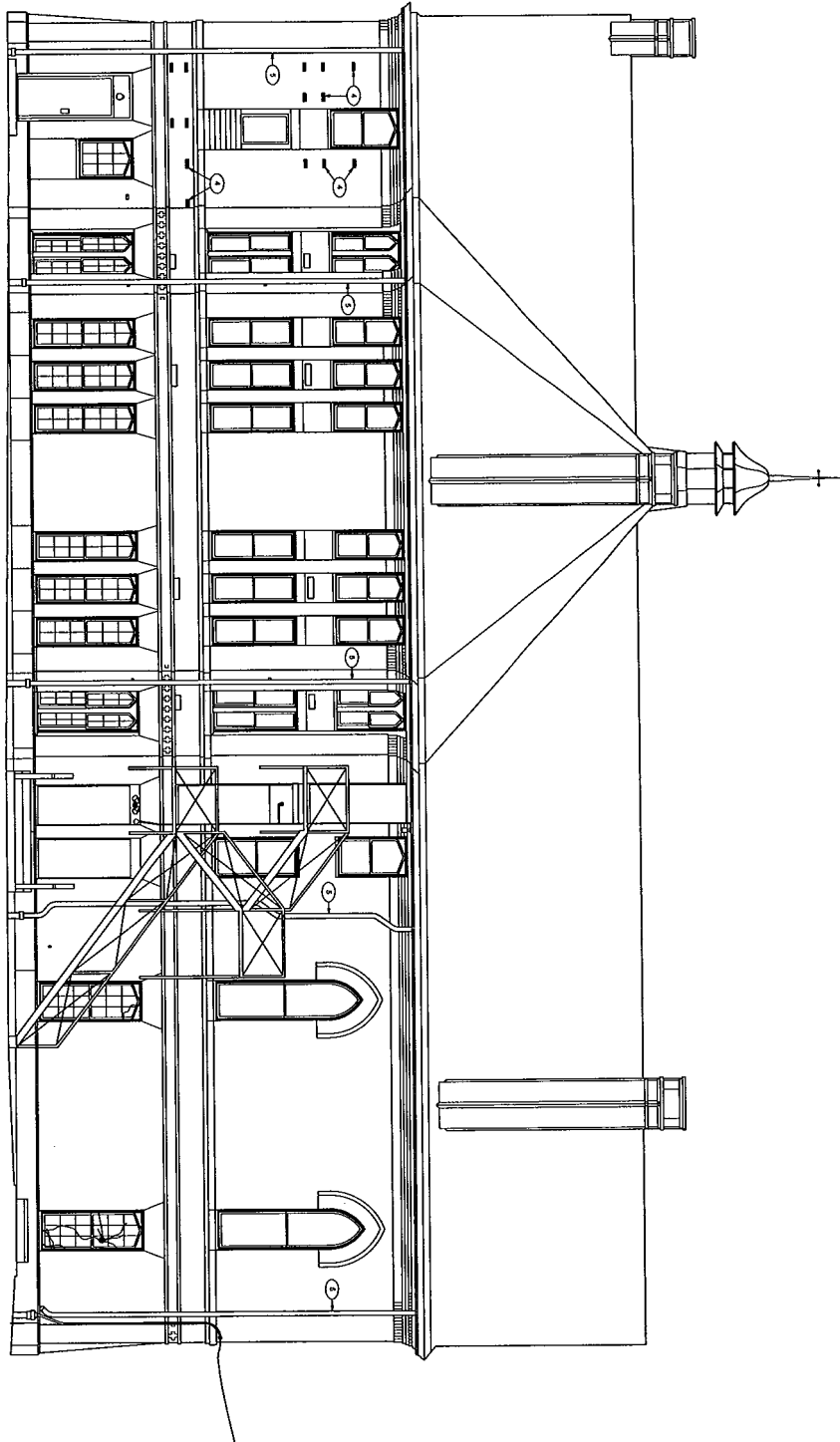
tl-architects, llc
28 DOWNEY STREET
PORTLAND, ME 04101
TEL: 207.771.0868
FAX: 207.771.0869

Exterior Conditions Assessment & Treatment Plan
32 Thomas Street, LLC
32 Thomas Street
Portland, Maine

Date: 7 May 2012
Drawn by: J. Brown
Reviewed:

Title:
Parish House
West Elevation
Sheet No: **A-3**

- PRIORITY ONE TREATMENTS**
- 1. REPLACE ENTIRE ROOF SYSTEM AT SANCTUARY INCLUDING METAL FLASHINGS, SHIMULETS, GUTTERS, DOWNSPOUTS AND HANGING.
 - 2. REPAIR SANCTUARY ROOF AT THE INTERIOR OF ALL THREE FLOOR LEVELS OF THE BELL TOWER INCLUDING NEW WOOD FRAMING AND MASSIVE REPAIR.
 - 3. REPAIR SANCTUARY REPAIR AT THE SANCTUARY INCLUDING THE REPAIR OF APPROX. 60 SQUARE FEET OF DAMAGED MASONRY AT SOUTHWEST CORNER.
 - 4. REPAIR STORIES V DAMAGED BRICK AND TONN IN RESTORATION BRICK.
 - 5. REPAIR ON PORCHES LANDING ON REPAIRS DOWNPOUTS AT THE PARISH HALL WITH TEMPORARY DOWNPOUTS AS REQUIRED BY CITY HISTORIC PRESERVATION MANAGER.
 - 6. REPAIR SANCTUARY STORM PROTECTION AT SANCTUARY, STAINED GLASS WINDOW AT PARISH HOUSE THAT DOES NOT CURRENTLY HAVE STORM PROTECTION.
 - 7. REPAIR SANCTUARY STORM PROTECTION TO PREVENT FURTHER DAMAGE FROM THE STORM.
 - 8. REPAIR SANCTUARY STORM PROTECTION AND REPAIR SECTION OF COLLAPSED BRICK LANDING AT BOTTOM OF CATHOLIC ST. ENTRANCE.



1
A-4
1/4" = 1'-0"
PARISH HOUSE - SOUTH ELEVATION

0' 5' 10' 25' 100'

Exterior Conditions Assessment & Treatment Plan
32 Thomas Street, LLC
32 Thomas Street
Portland, Maine

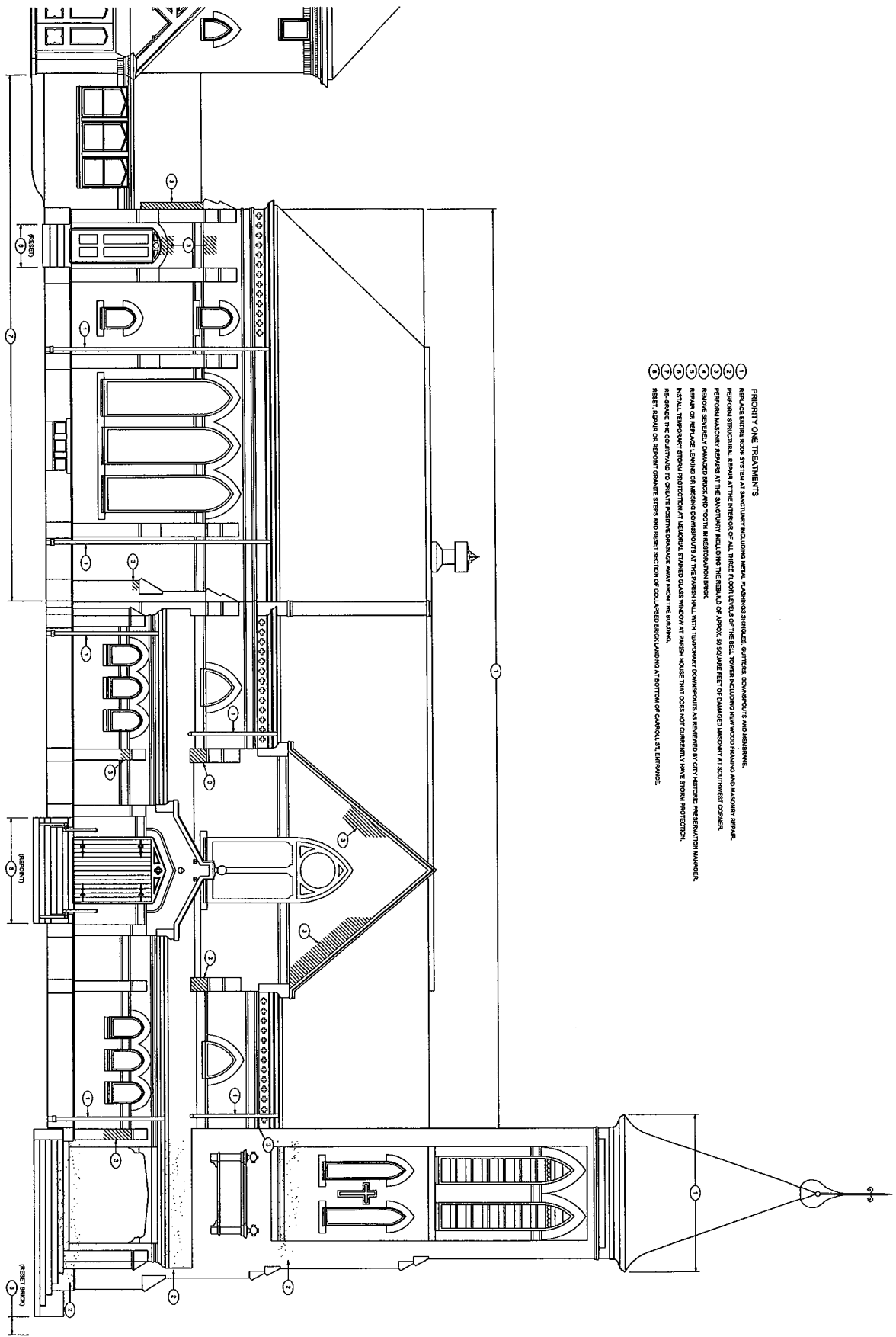
th-architects, llc
28 DANFORTH STREET
PORTLAND, ME 04101
TEL: 207.781.4888
FAX: 207.781.4889

TITLE:
Parish House
South Elevation
SHEET NO.:
A-4

DATE: 7 May 2012
SCALE: AS SHOWN
REVISIONS:

1 SANCTUARY - EAST ELEVATION
K-5 1/4" = 1'-0"

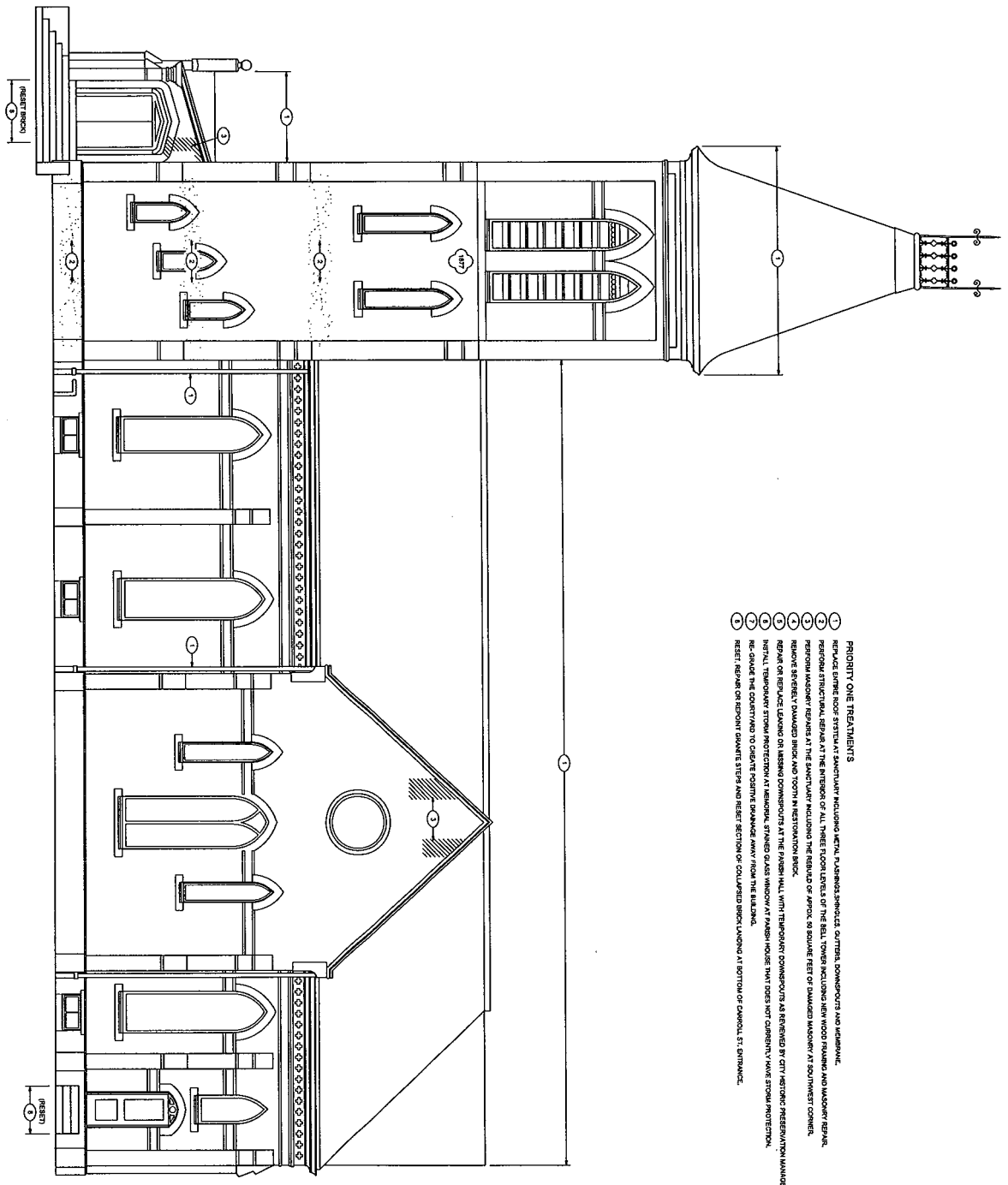
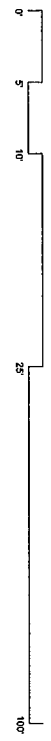
0' 5' 10' 25' 100'



- PRIORITY ONE TREATMENTS**
- 1. REPAIR ENTIRE ROOF SYSTEM AT SANCTUARY INCLUDING METAL FLASHINGS, GUTTERS, DOWNSPUTS AND MEMBRANE.
 - 2. REPAIR STRUCTURAL GROUND AT THE INTERIOR OF ALL THREE FLOOR LEVELS OF THE BELL TOWER INCLUDING NEW WOOD FRAMING AND MAJOR REPAIR.
 - 3. REPAIR MASONRY GROUND AT THE SANCTUARY INCLUDING THE REMOVAL OF APPROX. 50 SQUARE FEET OF DAMAGED MASONRY AT SOUTHWEST CORNER.
 - 4. REPAIR SEVERELY DAMAGED BRICK AND TONN IN RESTORATION BRICK.
 - 5. REPAIR OR RE-APPLY LEADING OR LEADING COMPOUNDS AT THE PAVILION HALL WITH TEMPORARY DOWNSPUTS AS REQUIRED BY CITY HISTORIC PRESERVATION MANAGER.
 - 6. INSTALL TEMPORARY STORM PROTECTION AT SANCTUARY, STAINED GLASS WINDOW AT PAVILION HOUSE THAT DOES NOT CURRENTLY HAVE STORM PROTECTION.
 - 7. REPAIR THE CORPORA TO CRACKS EXISTING DAMAGED AWAY FROM THE BUILDING.
 - 8. REPAIR OR REPAIR DAMAGED STAIRS AND REPAIR SECTION OF COLLAPSED BRICK LANDING AT BOTTOM OF CATHOLIC ST. ENTRANCE.

Title: Sanctuary East Elevation Sheet No: A-5	Date: 7 May 2012 Scale: As Shown Revisions:	Exterior Conditions Assessment & Treatment Plan 32 Thomas Street, LLC 32 Thomas Street Portland, Maine	tl architects, llc 28 DAVENPORT STREET PORTLAND, MAINE 04107 TEL: 207.781.1462 FAX: 207.781.1460

1 SANCTUARY - NORTH ELEVATION
1/4" = 1'-0"

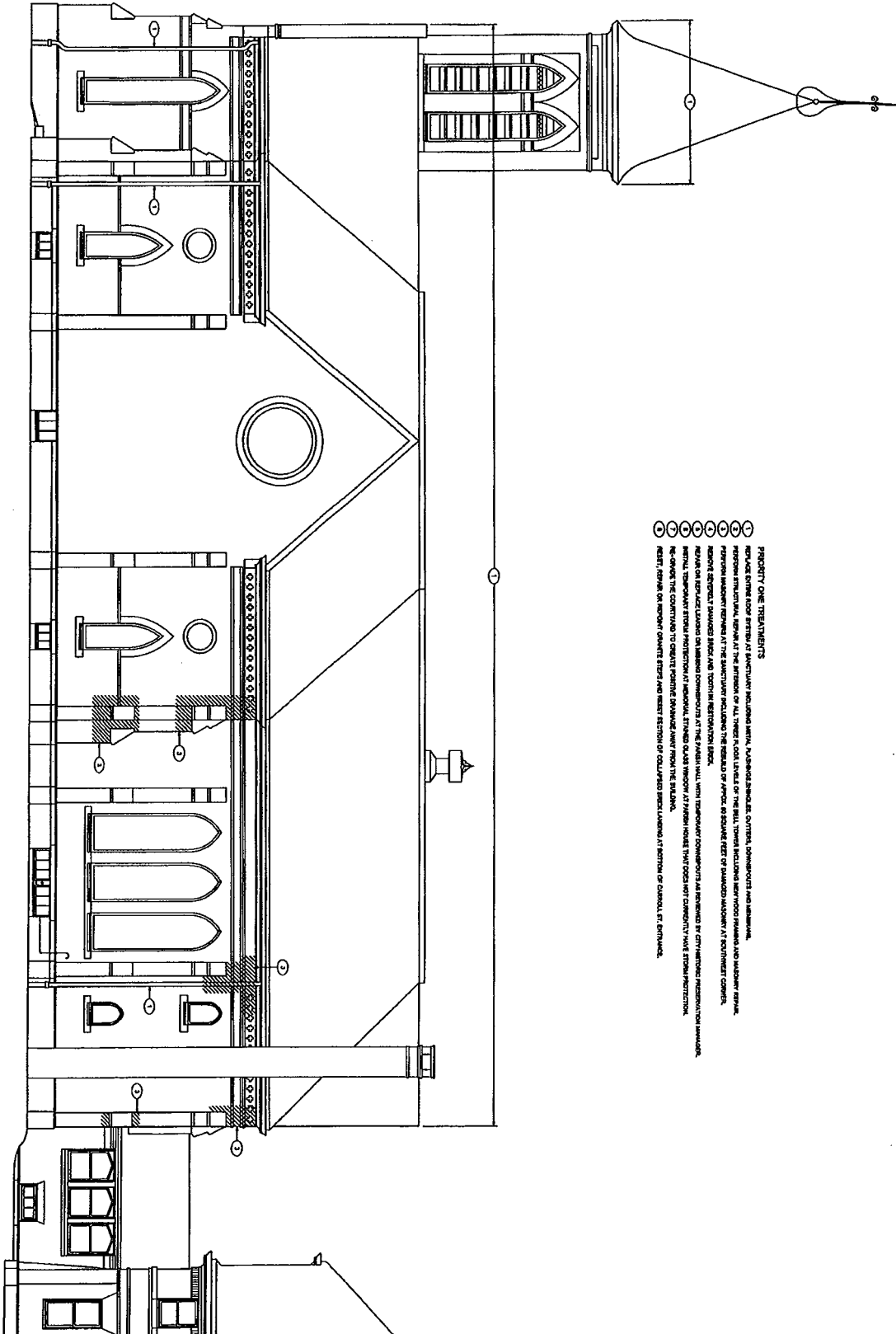


- PRIORITY ONE TREATMENTS**
- ① REPLACE ENTIRE ROOF STRUCTURE AT SANCTUARY INCLUDING MEANS FLASHINGS, SHINGLES, GUTTERS, DOWNSPOUTS AND PARAPETS.
 - ② REPAIR STRUCTURAL REPAIRS AT THE INTERIOR OF ALL THREE FLOOR LEVELS OF THE BELL TOWER INCLUDING NEW WOOD FLOORING AND MASONRY REPAIR.
 - ③ REPAIR MASONRY REPAIRS AT THE SANCTUARY INCLUDING THE REPAIR OF APPROX. 30 SQUARE FEET OF DAMAGED MASONRY AT SOUTHWEST CORNER.
 - ④ REMOVE SEVERELY DAMAGED BRICK AND TOOTH IN RESTORATION BRICK.
 - ⑤ REPAIR OR REPLACE LEAKING OR MISSING DOWNSPOUTS AT THE PARISH HALL WITH TEMPORARY DOWNSPOUTS AS RECOMMENDED BY CITY HISTORIC PRESERVATION MANAGER.
 - ⑥ INSTALL TEMPORARY STORM PROTECTION AT MASONRY STAINED GLASS WINDOW AT PARISH HOUSE THAT DOES NOT CURRENTLY HAVE STORM PROTECTION.
 - ⑦ RE-GRAD THE COURTYARD TO DRAINAGE POSITIVE DRAINAGE AWAY FROM THE BUILDING.
 - ⑧ RESET / REPAIR OR REMOVE SWANET STEPS AND RESET SECTION OF COLLATERAL BRICK LANDING AT BOTTOM OF CATHOLIC ST. ENTRANCE.

Title: Sanctuary North Elevation Sheet No.: A-6	Date: 7 May 2012 Scale: As Shown Revisions:	Exterior Conditions Assessment & Treatment Plan 32 Thomas Street, LLC 32 Thomas Street Portland, Maine	th-architects, llc 28 DAWGORTH STREET PORTLAND, MAINE 04101 TEL: 207.776.6862 FAX: 207.776.6868

1
A-7
SANCTUARY - WEST ELEVATION
1/4" = 1'-0"

0 5 10 25 100'



- PRIORITY ONE TREATMENTS**
- ① REPLACE EXISTING ROOF SYSTEM AT SANCTUARY INCLUDING GUTTER, DOWNSPOUTS AND FLASHING.
 - ② REPAIR EXISTING ROOF SYSTEM AT THE PERIMETER OF ALL THREE ROOF LEVELS OF THE BELL TOWER INCLUDING ROOF FLASHING AND FLASHING REPAIR.
 - ③ REPAIR EXISTING ROOF SYSTEM AT THE SANCTUARY INCLUDING THE RESULTS OF JOINTS IN SQUARE FEET OF DAMAGED FLASHING AT SOUTHWEST CORNER.
 - ④ REPAIR EXISTING DAMAGED BRICK AND TYPHIN IN RESTROOMS AREA.
 - ⑤ REPAIR OR REPLACE EXISTING DAMAGED ROOF SYSTEM AT THE MAIN WALL WITH TEMPORARY DOWNSPOUTS AS REQUIRED BY CITY HISTORIC PRESERVATION BOARD.
 - ⑥ REPAIR EXISTING ROOF SYSTEM AT MAIN WALL WITH TEMPORARY DOWNSPOUTS AS REQUIRED BY CITY HISTORIC PRESERVATION BOARD.
 - ⑦ REPAIR EXISTING ROOF SYSTEM AT MAIN WALL WITH TEMPORARY DOWNSPOUTS AS REQUIRED BY CITY HISTORIC PRESERVATION BOARD.
 - ⑧ REPAIR EXISTING ROOF SYSTEM AT MAIN WALL WITH TEMPORARY DOWNSPOUTS AS REQUIRED BY CITY HISTORIC PRESERVATION BOARD.
 - ⑨ REPAIR EXISTING ROOF SYSTEM AT MAIN WALL WITH TEMPORARY DOWNSPOUTS AS REQUIRED BY CITY HISTORIC PRESERVATION BOARD.
 - ⑩ REPAIR EXISTING ROOF SYSTEM AT MAIN WALL WITH TEMPORARY DOWNSPOUTS AS REQUIRED BY CITY HISTORIC PRESERVATION BOARD.

Exterior Conditions Assessment & Treatment Plan
32 Thomas Street, LLC
32 Thomas Street
Portland, Maine

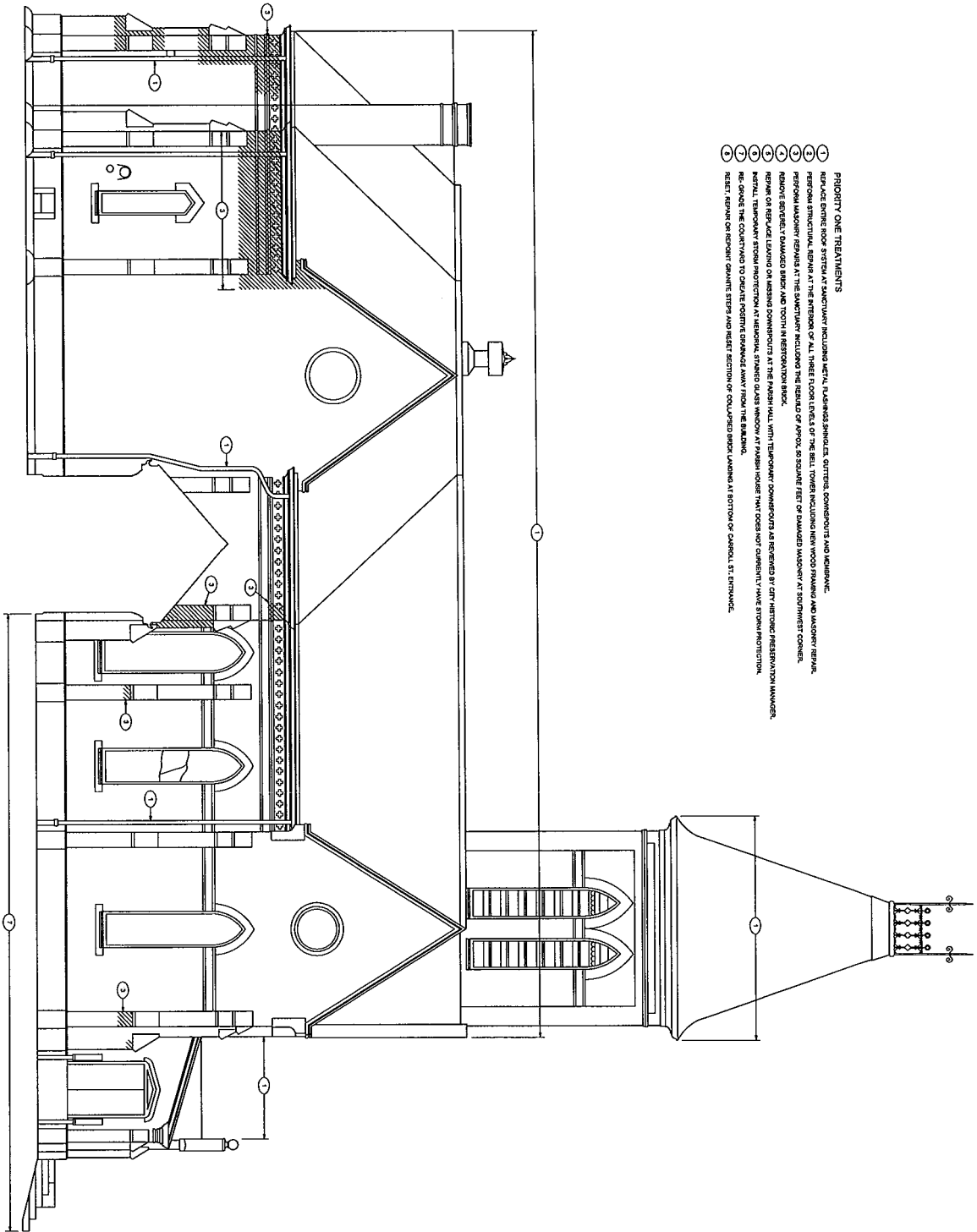
THC
Sanctuary
West Elevation
Sheet No. A-7

Date: 7 May 2012
Scale: As Shown
Revision:

thachickadee, llc
32 SANCTUARY STREET
PORTLAND, MAINE 04103
TEL: 207.275.1885
FAX: 207.275.1886

1 SANCTUARY - SOUTH ELEVATION
1/4" = 1'-0"

0 5 10 25 100'



- PRIORITY ONE TREATMENTS**
- 1. REPLACE DRIVE ROOF SYSTEM AT SANCTUARY INCLUDING METAL, DAMAGED SPINDLES, GUTTERS, DOWNSPUTS AND MEMBRANE.
 - 2. PERSONAL MAINTENANCE, REPAIR AT THE INTERIOR OF ALL THREE FLOOR LEVELS OF THE BELL TOWER INCLUDING NEW FLOOR FINISHES AND MASONRY REPAIR.
 - 3. PERSONAL MAINTENANCE, REPAIR AT THE INTERIOR OF ALL THREE FLOOR LEVELS OF THE BELL TOWER INCLUDING NEW FLOOR FINISHES AND MASONRY REPAIR.
 - 4. REMOVE SEVERELY DAMAGED BRICK AND TOOTH IN RESTORATION BRICK.
 - 5. REPAIR OR REPLACE LEAKING OR MISSING DOWNSPUTS AT THE PARISH HALL WITH TEMPORARY DOWNSPUTS AS RECOMMENDED BY CITY HISTORIC PRESERVATION MANAGER.
 - 6. METAL, TEMPORARY STEEL PROTECTION AT MEMORIAL STAINED GLASS WINDOW AT PARISH HOUSE THAT DOES NOT CURRENTLY HAVE STEEL PROTECTION.
 - 7. REPAIR OR REPLACE STEEL PROTECTION AT MEMORIAL STAINED GLASS WINDOW AT PARISH HOUSE THAT DOES NOT CURRENTLY HAVE STEEL PROTECTION.
 - 8. REPAIR OR REPLACE STEEL PROTECTION AT MEMORIAL STAINED GLASS WINDOW AT PARISH HOUSE THAT DOES NOT CURRENTLY HAVE STEEL PROTECTION.
 - 9. REPAIR OR REPLACE STEEL PROTECTION AT MEMORIAL STAINED GLASS WINDOW AT PARISH HOUSE THAT DOES NOT CURRENTLY HAVE STEEL PROTECTION.
 - 10. REPAIR OR REPLACE STEEL PROTECTION AT MEMORIAL STAINED GLASS WINDOW AT PARISH HOUSE THAT DOES NOT CURRENTLY HAVE STEEL PROTECTION.

Title:
Sanctuary
South Elevation
Sheet No.:
A-8

Date: 7 May 2012
Scale: As Shown
Revision:

Exterior Conditions Assessment & Treatment Plan
32 Thomas Street, LLC
32 Thomas Street
Portland, Maine

th-architects, llc
28 DAVENPORT STREET
PORTLAND, MAINE 04103
TEL: 207.261.1888
FAX: 207.261.1889



P.O. Box 71
E. Waterboro, ME. 04030
247-5372 Fax 247-4256

*Architectural Copper Work and Cornicing
Historically Correct Restorations
Slate and Clay Tile Roofing*

April 27, 2012

Leddy Houser Associates
Attn: Paul Leddy
429 Preble Street
South Portland, Maine 04106

Dear Mr. Leddy:

Please accept the following updated estimate for the complete, historically accurate slate and copper roof restoration work on the upper main roof of the Williston Church on Thomas Street in Portland, Maine.

Scaffolding—\$22,526.00

-Erect scaffolding in accordance to OSHA standards up to the gutter line around the perimeter of the main church roof. Install the necessary safety features to protect pedestrians and the property.

Demolition—\$40,008.00

-Remove and dispose of the existing asphalt shingle roof materials and flashing components from the pitched roofs. Re-nail all roof decking using 8d nails. Install an ice and water shield membrane to the lower three feet of the main roof, in all valleys, and around all other roof protrusions such as the steeple sidewalls, chimney and the vent pipe. Install a #30 roofing paper to all other exposed roof decks.

Main Roof Gutter—\$25,854.00

-Install a custom fabricated 16-oz. copper gutter system exactly matching the size and configuration of the original gutter at all main roof fascia. The gutter shall have a 1/4" x 1" copper bar installed into its face with 1/8" x 1" copper bar hangers bolted to the face bar with brass bolts every 18" for strength.

-If the existing gutters are eliminated and a cornice flashing is to be installed similar to your drawing, the cost will be \$20,016.00 instead of the \$25,854.00 for the gutter.

Conductor Pipes for Main Roof Gutters—\$9,600.00

-Install custom fit 16-oz. copper conductor pipes at the original pipe locations to lead the water from the main roof gutters to the ground. If 3" round corrugated galvanized steel conductor pipes are to be used instead of copper please deduct \$3,735.00 from the total. If galvanized steel pipes are used, they should be primed inside and outside and two coats of paint applied to the outside.

"Four Generations Of Experience"



P.O. Box 71
E. Waterboro, ME. 04030
247-5372 Fax 247-4256

*Architectural Copper Work and Cornicing
Historically Correct Restorations
Slate and Clay Tile Roofing*

Valley Flashings—\$6,667.00

-Install continuous 16-oz. copper flashings in all main roof valleys fabricated from 18" stock. If 24" stock is to be used, please add \$1,030.00.

Slating---\$108,110.00

-Install Premium 1/4" thick North Country Black Slate to the roof using 1 1/2" copper slating nails. The valleys will be slated using an open profile. If a mixed Vermont Grey/Green and Vermont Semi Weathering Green Slate will be used instead of the North Country Black Slate, please deduct \$7,000.00.

Cornice Flashings for Raised Parapets---\$12,561.00

-3 of the gables have raised parapet walls above the roof deck. Fabricate and install 16-oz. copper step flashings interwoven with the installation of the slate along each of the parapet walls. Install custom fabricated 16-oz. copper flashings to the tops of the parapets. The new copper parapet caps will exactly match the size and configuration of the original caps.

Cornice Flashings for the Gables that are not Raised---\$3,990.00

-2 of the gables have metal cornice flashings running up the gable rakes. Install custom fabricated 16-oz. copper flashings to gable rakes. The new copper cornice flashings will exactly match the size and configuration of the original flashings.

Chimney Flashings---\$1,391.00

-Install 16-oz. copper base flashings interwoven with the installation of the slate around the west elevation chimney. Install 16-oz. copper counter flashings symmetrically placed into 1" deep reglets symmetrically cut into mortar joints around three sides of the chimney. Repoint the reglets with a compatible mortar.

Plumbing Vent Pipe Flashing---\$490.00

-Install a 16-oz. copper base flashing around the plumbing vent pipe interwoven with the installation of the slate. Install a high hat counter flashing over the pipe.

Steeple Base Flashings---\$3,218.00

-Install 16-oz. copper base flashings interwoven with the installation of the slate around the base of the steeple. Install 16-oz. copper counter flashings symmetrically placed into 1" deep reglets symmetrically cut into mortar joints above the step flashings. Repoint the reglets with a compatible mortar.

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E. Waterboro, ME. 04030
247-5372 Fax 247-4256

*Architectural Copper Work and Cornicing
Historically Correct Restorations
Slate and Clay Tile Roofing*

Hip and Ridge Flashings---\$4,650.00

-Install continuous copper flashings mechanically fastened with brass screws and washers on all hip and ridge lines.

Cornice Flashings at Perimeter of EPDM Roof---\$2,343.00

-Custom fabrication and installation of a copper cornice flashing around the perimeter of the EPDM roof at the top of the building.

Front Vestibule Roof, Gutter and Conductor Pipes---\$21,191.00

-Erect scaffolding in accordance to OSHA standards up to the gutter line at the front vestibule. Install the necessary safety features to protect pedestrians and the property---\$2,659.00.

-Remove and dispose of the existing roof materials and flashing components from the vestibule roof. Re-nail all roof decking using 8d nails. Install an ice and water shield membrane to the roof deck. Install a rosin sized paper over the membrane---\$2,632.00.

-Install a custom fabricated 16-oz. copper gutter system exactly matching the size and configuration of the original gutter across the front fascia of the front vestibule. The gutter shall have a 1/4" x 1" copper bar installed into its face with 1/8" x 1" copper bar hangers bolted to the face bar with brass bolts every 18" for strength---\$4,650.00.

-Install custom fit 16-oz. copper conductor pipes at the original pipe locations to lead the water from the gutters to the ground---\$800.00. If 3" round corrugated galvanized steel conductor pipes are to be used instead of copper please deduct \$312.00 from the total.

-Install a symmetrically placed, double locked standing seam 16-oz. copper roof to the vestibule roof. Install all related flashings---\$10,450.00.

If you have any questions, please feel free to call.

Sincerely,

Victor A. Wright

"Four Generations Of Experience"



April 24, 2012

Leddy/Hauser Assoc.
72 Ocean Street
Suite 104
South Portland, Me. 04106

Attn:

Project Name: 32 Thomas Street (approx. 1,700 sq. ft.)
Location: Portland, Me.

- Remove and dispose of the existing epdm and fiberboard.
- Supply and install 1/2" HD polyiso insulation.
- Supply and install a fully adhered .060 E.P.D.M. of system.
- Flash all vertical transitions and penetrations.
- Supply a 15 year labor 20 year material warranty.
- This estimate/proposal will become a contract once executed by both parties.

TOTAL LABOR MATERIALS: \$16,800.00
(Sales tax included if applicable)

Customer
Approval:

Date:

Tecta America:

Date:

Alternates: Supply and install a Bileco S-20 roof hatch at the existing penetration. **ADD \$1,475.00**

For white .060 PVC membrane **ADD \$2,100.00**

ATTACHMENT 1

PORTLAND CITY COUNCIL ORDER 214-11/12

JUNE 18, 2012

A TRUE COPY
ATTEST: Katherine L. Jones City Clerk
Katherine L. Jones, City Clerk
Portland, Maine
DATE 4/28/2012

Order 214-11/12

Given first reading on 6/4/12

Passage as amended: 6-3 (Coyne, Anton, Leeman) 6-18-12

MICHAEL F. BRENNAN (MAYOR)
KEVIN J. DONOGHUE (1)
DAVID A. MARSHALL (2)
EDWARD J. SUSLOVIC (3)
CHERYL A. LEEMAN (4)

CITY OF PORTLAND
IN THE CITY COUNCIL

JOHN R. COYNE (5)
JOHN M. ANTON (A/L)
JILL C. DUSON (A/L)
NICHOLAS M. MAVODONES (A/L)

AMENDMENT TO CITY CODE
SEC. 14-49 (ZONING TEXT AND MAP AMENDMENT)
RE: Conditional Zoning Agreement
Williston-West Church

ORDERED, that the zoning map and text of the City of Portland, dated December 2000 as amended and on file in the Department of Planning & Development, and incorporated by reference into the Zoning Ordinance by Sec. 14-49 of the Portland City Code, is hereby amended to reflect a conditional rezoning as detailed below.

CONDITIONAL ZONE AGREEMENT
RE:
WILLISTON-WEST CHURCH

AGREEMENT made this 13th day of July, 2012 by 32 Thomas Street, LLC, 477 Congress St., Suite 601, Portland, Maine ("Developer"), and its successors and assigns.

W I T N E S S E T H

WHEREAS, the Developer owns real property located at 32 Thomas Street, consisting of the parcel shown on the City's Tax Map 62, Block E, Lot 5, being more particularly described in a deed recorded in Cumberland County Registry of Deeds in Book 29217, Page 171 (collectively the "Property"); and

WHEREAS, the existing building complex located on the Property was formerly used as the Williston-West Church; and

WHEREAS, the Property, located within the West End Historic District, is currently zoned R-4 Residential; and

WHEREAS, the properties on the opposite sides of Thomas and Carroll Streets, directly across from the Property, are zoned R-6 Residential; and

WHEREAS, the building complex located on the Property is comprised of two principal portions, the sanctuary and the parish house; and

WHEREAS, the building complex is listed in the National Register of Historic Places, the sanctuary is a designated local landmark as defined by Article IX of the

Portland City Code and the parish house is a contributing structure within the West End Historic District under Article IX; and

WHEREAS, the sanctuary and the parish hall are important, unique; large-scale, non-residential historic structures that were designed by noted architects Francis Fassett and John Calvin Stevens respectively; and

WHEREAS, the building complex significantly contributes to the architectural fabric of the neighborhood and distinctive sense of place that defines Portland and therefore requires special consideration with regard to its rehabilitation and preservation; and

WHEREAS, the standards of review for alterations of historic structures set forth in Portland City Land Use Code (the "Code") §14-650 include the following: (a) Every reasonable effort shall be made to provide a compatible use for a property which requires minimal alteration to the character-defining features of the structure, object or site and its environment or to use a property for its originally intended purpose; and (b) The distinguishing original qualities or character of a structure, object or site and its environment shall not be destroyed. The removal or alteration of any historic material or distinctive architectural features should be avoided when possible.

WHEREAS, the building complex located on the Property is falling into a state of disrepair; and

WHEREAS, historically appropriate and neighborhood compatible adaptive re-use of historic religious structures is often challenging, and reasonable use flexibility may enable economically viable rehabilitation and productive use of such buildings for their long term preservation; and

WHEREAS, the City's comprehensive plan includes the following stated goals: to preserve Portland's architectural and historic heritage; to promote an economic climate which increases job opportunities and overall economic well-being; and to preserve and enhance the quality and vitality of neighborhoods within and adjacent to the Downtown; and

WHEREAS, offices in residential zones, particularly in the R-4 zone, have been limited and any allowance of an office use in the R-4 zone should only be considered for large, unique, and historically significant structures which have not previously been in residential use, and must be carefully considered and controlled to achieve an appropriate balance between policies supporting neighborhood preservation and policies supporting economic development and preservation of the City's architectural and historic heritage; and

WHEREAS, the Developer proposes and intends to rehabilitate the parish house to provide for a family residence on the second and third floors, and a caretaker residence and office space on the first floor, as illustrated in Exhibit A attached hereto; and

WHEREAS, the Developer proposes and intends to rehabilitate, preserve and maintain the sanctuary and to use the building as a community hall for limited community uses; and

WHEREAS, the Developer intends to maintain the historic character of the structures and Property and will commit to a rehabilitation schedule of improvements to the building complex to address immediate needs to ensure the soundness and integrity of the building envelope and structural elements, and intends to perform additional improvements to the building complex to prolong its useful life and preserve the historic character, all with the goal of extending the useful life of the building complex for a time period approaching fifty (50) years or longer; and

WHEREAS, the existing zoning is R-4 which has dimensional requirements that the existing building complex does not meet, but is lawfully nonconforming; and

WHEREAS, the proposed use of the building complex by the owner/Developer includes an office component that is a necessary economic value and program element for the feasibility of the productive use of the building complex and the associated rehabilitation investments; and

WHEREAS, the Developer has requested a rezoning of the Property in order to permit the proposed development of the Property which will facilitate funding the comprehensive rehabilitation and long-term maintenance of the historic structures; and

WHEREAS, the proposed uses of the Property are consistent with the existing and permitted uses in the neighborhood, which include a mix of residential, commercial and institutional uses; and

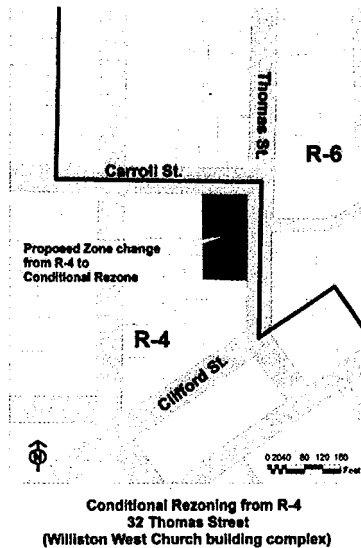
WHEREAS, the Planning Board, after notice and hearing and due deliberation thereon, recommended the rezoning of the Property as aforesaid, subject, however, to certain conditions contained in this AGREEMENT; and

WHEREAS, the Portland City Council, pursuant to 30-A M.R.S.A. § 4352(8) and §§ 14-60 to 14-62 of the Code, after notice, hearing and due deliberation thereon, has determined that because of the unusual nature and unique location of the proposed development, and its minimal impact on and compatibility with the surrounding community, it is necessary and appropriate to recommend the rezoning of the Property as aforesaid, with the following conditions and restrictions set forth in this AGREEMENT; and

WHEREAS, the Portland City Council has on June 18, 2012 approved this Agreement in its entirety, by City Council Order No. 214-11/12, a true copy of which is attached hereto as Attachment 1 (the "Order");

NOW, THEREFORE, in consideration of the rezoning, the Developer covenants and agrees as follows:

1. Pursuant to the Order, the City shall amend the Zoning Map of the City of Portland, dated September, 2000 (as amended from time to time and on file in the Department of Planning and Urban Development, and incorporated by reference into the Zoning Ordinance by § 14-49 of the Code) by adopting the map change amendment shown below to zone the property conditional R-4, subject to the conditions contained below.



If this Agreement is not recorded within sixty (60) days after the effective date of the City Council's approval of the Order, then the conditional rezoning shall become null and void and the zoning of the Property shall revert to the pre-existing R-4 zone.

2. Permitted uses:

- a. All uses allowed in the R-4 zone.
- b. Professional offices, including computer software programming and marketing, and excluding personal services, retail services and veterinarians, subject to the following limitations:
 - (1) Professional offices shall be located on the first floor of the parish house and shall occupy no more than 2,800 square feet of floor area.
 - (2) The total number of individuals working in the professional offices shall not exceed fourteen (14) non-resident employees regularly scheduled to occupy the premises at any one time.

- (3) The business utilizing the office space shall be a single tenant office user owned by or affiliated with the owner of the building complex.
- (4) The office use shall not generate frequent daily visitation by clients, customers, or the general public.
- (5) The owner or operator of the business shall secure and provide to its employees one (1) off street parking space for each employee who commutes to the office by his or her automobile.

3. Use of the sanctuary as a community hall shall be reviewed as a conditional use by the Planning Board, which may place limitations on the use of the sanctuary as a community hall, in addition to the requirements for community halls set forth in section 14-103(b)(2)(e). Said limitations may include, but are not limited to the following:

- a. Occupancy load;
- b. Hours and days of operation;
- c. Record keeping and reporting;
- d. Number of organizations that may be entitled to regular use of the community hall at any one time;
- e. Noise level as the property line; and
- f. Service of alcohol.

4. The underlying dimensional requirements of the R-4 zone shall apply and are modified as follows:

- a. Minimum Lot Size for place of assembly and professional office uses combined: 17,500 square feet.
- b. Minimum Yard Dimensions:
 1. Front yard: 3 feet.
 2. Rear Yard: 3 feet.
 3. Side Yard: 4 feet
 4. Side Yard on Side Streets: 8 feet.
- c. Maximum Lot Coverage: 90%.
- d. Maximum Structure Height (Sanctuary): 37 feet.
- e. Maximum Structure Height (Parish House): 46 feet.
- f. Maximum Structure Height (Bell Tower): 70 feet.
- g. Maximum Floor Area for Places of Assembly: 6,000 sq. ft.

- h. Residential dwellings within the existing structures shall be governed by the provisions of Section 14-103(a)(2) of the underlying R-4 zone. Density calculations for residential use shall be based on the lot size of the parcel without land area deductions for other non-residential uses on the site.

5. Any increase in the volume or footprint of either the parish house or the sanctuary shall be prohibited.

6. Subject to receiving all necessary regulatory approvals, the Developer shall rehabilitate the Property in accordance with the Rehabilitation Schedule and related elevation drawings A-1 through A-8, attached hereto as Exhibit B, in keeping with the standards of Article IX, Historic Preservation, of the Portland City Code and as shall be reviewed and approved by the Historic Preservation Board or staff under the terms of this Article. Rehabilitation shall commence within six (6) months of [date of enactment] and shall be completed within twenty-four (24) months of [date of enactment]. Any rehabilitation improvements required by this AGREEMENT not completed before the issuance of the certificate of occupancy for the office use shall be secured by a performance guarantee in the form of an escrow account, letter of credit, or equivalent surety approved by the Corporation Counsel of the City of Portland, in an amount equal to the estimated cost of completion of such improvements. Such performance guarantee shall be reduced by the City upon completion of improvement phases, but shall not be reduced to less than the estimated cost of any incomplete required improvements. In the event that the owner/developer fails to execute the required improvements by the time specified herein, unless granted an extension in writing from the Planning Authority of the time to complete for good cause and not to exceed an additional twelve (12) months, then the City of Portland or its designee shall have the right to utilize the proceeds of the performance guarantee to hire a competent contractor to complete such improvements. In such event, the Planning Authority shall have the right to review and approve the work scope consistency with the required improvements of Exhibit B, the specifications and methods of such work items, and contractor qualifications.

7. If any required approval, including the City Council's approval of this AGREEMENT, has been appealed or becomes the subject of litigation, then the required performance time frames contained in this AGREEMENT shall be measured from the final disposition of any such appeal or litigation. Failure, however, to commence the rehabilitation improvements or post the performance guarantee within the timeframes stipulated in this paragraph and/or paragraph 13 shall result in the reversion of the subject property to the underlying R-4 zone and this AGREEMENT shall be null and void.

8. The provisions of this AGREEMENT are intended to replace and/or supersede the associated provisions of the underlying R-4 zone. As stated above, to the extent not otherwise altered herein, the zoning requirements for the R-4 zone shall otherwise apply to the Property.

9. For a period of five (5) years from [date of enactment], Developer shall submit an annual report to the Planning Authority which shall include the number of employees working at the premises, the location and number of secured off street parking spaces, and other items pertaining to compliance with provisions of this AGREEMENT as required by the Planning Authority. Thereafter, to the extent the Planning Authority requires additional information/report(s) the Developer shall provide the Authority with any such additional information/report(s).

10. The Developer shall replace and/or repair the sidewalk and all other public property surrounding the entire Property if said sidewalk or other public property is damaged as a result of construction on the Property including, but not limited to, construction of the residential and office uses described in this AGREEMENT.

11. Under no circumstances shall the Developer be permitted to convert any residential property in the R-4 zone to an institutional use.

1240. In the event of a breach by the Developer or its successors or assigns of the provisions contained herein (whether the Zoning Administrator, the Zoning Board of Appeals or a Court determines such breach), the Planning Board, after notice and hearing, may review the circumstances of the breach and recommend to the City Council that this AGREEMENT be amended or be rescinded and determine that such rescission should result in the termination of this AGREEMENT and a reversion of the Property to the R-4 zone requirements in place before the execution of this AGREEMENT.

1344. This AGREEMENT may also be enforced pursuant to the land use enforcement provisions of state law including, but not limited to, 30-A MRSA § 4452 and the Portland City Code.

1442. The above stated restrictions, provisions, and conditions are an essential part of the rezoning, shall run with the Property, shall bind and benefit the Developer, any entity affiliated with the Developer that takes title to the Property, its successors and assigns, and any party in possession or occupancy of said Property or any part thereof, and shall inure to the benefit of and be enforceable by the City of Portland, by and through its duly authorized representatives. The Developer shall file a counterpart original of this Agreement in the Cumberland County Registry of Deeds.

1543. The Planning Authority shall be notified of any potential and/or pending sale of the Property (which most likely will be evidenced by a Purchase & Sales Agreement or its equivalent), and prior to closing the sale of the Property shall meet with the buyer and verify that he/she/it has read, understood and agrees to be bound by the terms, conditions, limitations and provisions of this AGREEMENT, and said buyer shall so state in a signed affidavit to be kept on file with the Planning Authority.

1644. If any of the restrictions, provisions, conditions, or portions thereof set forth herein is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed as a separate, distinct, and independent

provision and such determination shall not affect the validity of the remaining portions hereof.

1745. Except as expressly modified herein, the development shall be governed by and comply with the provisions of the Portland City Code, including but not limited to, the maintenance requirements for historic structures set forth in section 14-690 of the Code, and any applicable amendments thereto or replacement thereof.

WITNESS: _____

32 THOMAS STREET, LLC

BY:

STATE OF MAINE
CUMBERLAND, ss.

_____, 2012

Personally appeared before me the above-named _____, in his/her capacity as _____ of 32 THOMAS STREET, LLC, and acknowledged the foregoing instrument to be his/her free act and deed in his/her said capacity and the free act and deed of said corporation.

Before me,

Brandon Mazer, Chair, PPB
c/o Christine Grimando, Director
Portland City Hall
389 Congress Street
Portland, Maine, 04101

Re: Williston West Site and Residential Re-use

Dear Chairman Mazer

I listened to the workshop discussion and public comment concerning Williston West, and I felt it is necessary to provide some further history and perspective about the West End. I would request that you provide this submission to the other members of the PB. The thoughts and reflections I express here arise from living in the West End for 51 years, and being actively engaged in the politics and civic issues that touch upon this area of Portland. In that regard, perhaps they represent my idiosyncratic views, but I thought the information might be of some help as the Planning Board and the City address issues in the area, including the Williston project. (To avoid any confusion about Williston, I am supportive of the move to make appropriate revisions/changes to the existing CZA to eliminate the business office use and to allow expanded residential re-use of this site, and support in the main the current concept plan of the current applicant. However I do not favor adding amendments to an entire zone for a single project. Amending a zone for the benefit of a single project is, in effect, a CZA by other means, with broader possible downsides.)

Truncated History of the Western Prom From The Late 1960's

The period of the late 60's and early 70's was a period of intense social reexamination. This included, primarily among a younger generation, approaches to different lifestyles—everything from communes, to more rural relocations, particularly in Maine to rural area and communities surrounding Portland. However for some of us, we wanted to make our stand in urban living, close to the city's life and center. To this end, our family bought and restored a house on Thomas Street, mostly with our own labor, while both working full-time jobs. At that time, even the more architecturally interesting homes in the West End were very inexpensive, as demand for this type of housing was minimal. To understand this fact and what that meant, in 1969-1970, Portland was at a low point in its seeming collapse, except for the off-peninsula areas. Perhaps the last place to which any one wanted to move was the peninsula, whose housing stock was deteriorated and moving in the wrong direction, and adjoined a downtown which itself was in serious decline. (We were able to obtain low-interest Model Cities loans for renovations, because the West End, including the Western Prom, was considered a blighted urban area.)

As it happens, we were not alone, and a number of younger families with children began to see the possibilities of the Western Prom area and bought into the area. However, from my perspective, the City administration at that moment in time did not appreciate what was happening. Its focus was to discount the area as a residential area, and to foster and promote conversions of the housing to medical offices and uses adjunct to Maine Medical. Thus ensued a nearly ten year battle between the residents of the area and the City, during which the Western Prom Neighborhood Association was formed, contesting the City's limited vision. (This may help explain why allowing a business office use in the R-4 as part of a contract zone was such a flash point for the neighborhood.)

At this later point in time, things had started to change in terms of attitudes toward urban possibilities generally in the American culture. Here is where the Western Prom area played an important role for Portland's urban revitalization. Because of its location and housing stock, it presented and crystalized the unique opportunities of peninsula residential living, and was a catalyst over the next nearly two decades for what is now the resurgent demand for residential living on the peninsula. (It was to take nearly 15-20 years before interest in the East End development to mushroom.) The attitude and understanding of the West End's value, as well as other peninsula areas, also grew and expanded in the City administration.

Planning tends to focus on the here and now. If one takes a longer view, is the current interest in the peninsula and Portland in general to continue at its current intensity? Maybe the Covid decimation of the bars and restaurants and urban businesses will change Portland's trajectory. Maybe Portland is at an apex. I hope not. That said, the continuation of protections for the West End R-4 area and its housing stock could in the future once again be vital and more centrally important.

I don't know the answers to these questions, but I do believe one needs to be careful and not casual about this area, its history, its zoning, and its importance for Portland to the concept of urban living alongside the downtown. I can provide witness, from my personal experience, that assertions that it has always been an area solely of privilege and exclusion are simply incomplete and historically inaccurate.

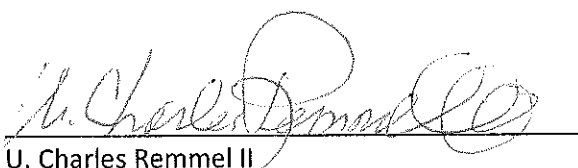
R-4 verses R-6

The discussion about the R-4 boundary lines and perhaps moving the Williston site into the R-6, was not well considered. In my judgment, it was looking at the boundary lines from entirely the wrong perspective and vantage point. The proper question is why aren't both sides of Thomas Street in the R-4, because both sides are almost exclusively residential homes and consistent with the housing stock, purposes, and residential uses in the R-4? Why is the dividing line in the middle of the street? The same could be said of Carroll and Neal Street (out to West Street).. The attention should be on where the R-4 should be expanded and properly redrawn to make certain that areas not now in the R-4, but consistent with its uses and goals, are included. The mistake is the current location of the R-6 line.

To return to the theme of the prior discussion, the Western Prom area is a unique asset. Thought needs to be given to its enhancement.

Density Consideration

I am not oblivious to the problem of density, and affordable housing. It is very challenging to increase each of these on the peninsula, which is now among the most, if not the most, expensive real estate in Maine. The Western Prom area is a beneficiary and a victim of high real estate values. Because of pricing, it is not now an entry point for beginning families with children as it was in 1969-1970. Because of its valuations, and current use, it is an unlikely candidate to resolve the density and affordable housing concerns, no matter what enthusiasm one might bring to the housing issues of Portland. Each section of Portland is unique and has its own issues and possibilities. As to the West End in and around the R-4, it has been a success story over the last 50 years, and its uses and advantages to the overall City should be recognized, and the area not be forced into becoming something else through misplaced zoning initiatives.

A handwritten signature in dark ink, appearing to read "U. Charles Remmel II", is written over a horizontal line.

U. Charles Remmel II

41 Thomas Street

Portland, Maine

cremmel@krz.com

March 31, 2021

Portland City Council

City of Portland

389 Congress Street

Portland, ME 04101

Re: 32 Thomas Street

Dear Mayor Snyder and Members of the Council:

I am writing to express the support of the Western Prom Neighborhood Association (WPNA) for the proposed Amended and Restated Conditional Zone Agreement for 32 Thomas Street. As has been our position from the very beginning, we are eager to see this historic property preserved and repurposed in a way that complements our unique historic neighborhood and is consistent with the City's Comprehensive Plan. We believe that this proposed action is an important step in that direction.

As noted in the staff report, we have been very pleased that representatives of the owners reached out from the very beginning to explore options with WPNA. As you know, this is not required by City process, but is a proactive step that can assure that legitimate neighborhood concerns are understood and, hopefully, addressed to avoid contention in the public process.

In this vein, I have kept immediate abutters aware of the discussions with the owners' representatives and have also sent an email update out to the 400+ individuals on our WPNA emails list, seeking questions or feedback. I am not aware of any neighborhood opposition to this proposal.

The WPNA urges you to approve this proposal as presented. Thank you for your consideration of our position.

Very truly yours,

(s) Anne B. Pringle

President

Charles Remmel <cremmel@krz.com>

Jan 23, 2021, 4:19:47 PM (3 days ago)



to planningboard@portlandmaine.gov, Erin Cooperrider, Anne Pringle

With respect to above proposal to revise the CZA for the former Williston West Church property at 32 Thomas Street, my spouse and I have our residence at 41 Thomas Street and also own a 3 unit apartment at 35 Thomas Street. We have followed the development of the language to replace the substantive terms of the existing CZA with new terms. We are supportive of those changes as currently drafted, and believe this will permit the logical development of the property for residential purposes.

We are opposed to the initial suggestion of amending the entire R-4 zone just for this single project, which we understand is no longer the path being pursued by the premises owner.

U. Charles Remmel II

Kelly, Remmel & Zimmerman

George Rheault <george.rheault@gmail.com>

10:12 AM (3 hours ago)



to planningboard@portlandmaine.gov, jmy, jdealaman, Christine Grimando, kkraft

The Planning Board is making a terrible mistake in once again caving in to the most affluent homeowners in the city and reinforcing once again our exclusionary and absurd zoning policies.

The R-4 is a product of political machinations going all the way back to Portland's original 1926 zoning ordinance (which ironically was quite a bit more liberal than the current R-4 district).

I feel compelled to add a significant anti-dote to the self-serving letter put into the record by Charles Remmel (41 Thomas Street) so that people understand there is a lot more contested history here than Mr. Remmel lets on.

Attachment Source:

<https://www.theatlantic.com/ideas/archive/2021/01/anti-growth-alliance-fueled-urban-gentrification/617525>

<https://www.theatlantic.com/ideas/archive/2021/01/anti-growth-alliance-fueled-urban-gentrification/617525/>

IDEAS

The Pandemic Disproved Urban Progressives' Theory About Gentrification

The “gentrification-industrial complex” isn’t who anti-growth progressives think it is.

JANUARY 2, 2021

Jacob Anbinder

Ph.D. candidate in history at Harvard University

From California to the Northeast, a funny thing has happened recently in America’s most expensive metropolitan areas: Rents have gone down. Ever since remote workers began fleeing urban cores at the start of the coronavirus pandemic—whether to the Hamptons or their parents’ basements—urban housing markets have been flooded with empty apartments. As a result, the prices that rental units command in certain large cities have dropped dramatically, to the tune of 18 percent in Boston, 19 percent in Seattle, and nearly 25 percent in San Francisco, according to a November survey by the firm Apartment List.

The cause of the drop should hardly be surprising. The pandemic has radically decreased demand for big-city living while also increasing the quantity of available apartments. Yet this basic fact, plain for all to see, flies in the face of much received wisdom about the factors that cause urban

<https://www.theatlantic.com/ideas/archive/2021/01/anti-growth-alliance-fueled-urban-gentrification/617525/>

housing prices to go up or down. Among some leftists and liberals alike, as well as the politicians who court them, the idea that developers of pricey apartments and condo buildings are to blame for high housing prices has long been an article of faith. In this telling, new luxury housing is the reason that former working- and middle-class neighborhoods in their cities have become fancy enclaves. (“You know exactly what a gentrification building looks like,” read a recent viral tweet.) Fighting the construction of such housing would not only reverse the trend of unaffordability, but from the perspective of politicians and activists would also demonstrate support for working-class residents in the process. Since the spring, the pandemic has prompted a steady flow of stories about how urban life will change forever.

But COVID-19’s most lasting impact on cities might be in helping put to rest this most persistent of myths about the relationship between housing supply, the cost of living, and that four-letter word of urban politics: *gentrification*. Not only is it a simplistic analysis that absolves nearly anyone who isn’t a developer of responsibility for the problem, but in portraying new housing as the proximate cause of gentrification, it exacerbates the very housing crisis it seeks to solve.

Choose any major city in America with a high cost of living, and you’ll find that the suspicion of new housing is pervasive in local politics. On a sunny day in early September 2020, for example, Scott Stringer, New York City’s comptroller, stood at a lectern in a park in Upper Manhattan and launched his campaign for mayor. As an elected official of 27 years, he has telegraphed his desire to hold the city’s highest post for some time. But Stringer’s speech was notable for the way in which he positioned his campaign: not as the safe mainstream choice, as one might assume for a politician with his credentials, but as a revolution of the people against the powerful. Nowhere was this framing clearer than in his description of how he would change the trajectory of real-estate development in the city. A Stringer administration, he said, would mean “no more giving away the store to developers” and “an end to the gentrification-industrial complex.”

<https://www.theatlantic.com/ideas/archive/2021/01/anti-growth-alliance-fueled-urban-gentrification/617525/>

The New York mayoral race will be one of 2021's most prominent elections, which makes Stringer's campaign an interesting case study of some key trends happening within the progressive movement in cities. For one, it is evidence that politicians in deep-blue urban areas sense an unmet demand for the sort of unabashedly left-wing politics whose revival at the federal level began with Bernie Sanders's unexpectedly strong primary challenge to Hillary Clinton in 2016. More importantly, however, it shows that left-wing candidates in local elections believe that they must take a strong stand against gentrification as a way of demonstrating their progressive bona fides. Stringer is not alone in this regard. One of his opponents, the Brooklyn borough president Eric Adams, made headlines last January for suggesting that gentrifiers should "go back to Iowa," while another candidate, City Councilor Carlos Menchaca, decried "the wealthy developers who rezone our neighborhoods" in his campaign's launch video. In Boston, which will also hold a mayoral election this year, City Councilor Michelle Wu has sought to distinguish herself on the question of housing growth as well. As chair of the city council's planning committee, Wu has called for more community oversight of the city's Zoning Board of Appeal and for the elimination of the Boston Planning and Development Agency, both of which she has characterized as out of touch and overly permissive in granting exemptions from the city's zoning laws under the current mayor, Marty Walsh.

Gentrification is a notoriously slippery term, and the popular appeal of any attempt to address it depends largely on how one defines it. By focusing on supposedly unrestrained growth as its root cause, new progressive campaigns have revived a decades-old political coalition of renters, homeowners, and other interest groups whose origins lie in a different era of these cities' histories. This unusually broad and largely inadvertent partnership was influential in bringing an end to the era of urban renewal, and it has the potential to be a potent force in urban politics for years to come. Yet this anti-growth partnership presumes that the interests of the landed and the landless are aligned—that a policy of more tightly regulated development can both generate wealth for those who own property and redistribute it to those who don't. In the 21st century, when halting the rise

<https://www.theatlantic.com/ideas/archive/2021/01/anti-growth-alliance-fueled-urban-gentrification/617525/>

of rents and property values in many large cities has taken a global pandemic, the logic that undergirds this movement deserves a critical look.

Skepticism about growth has been a powerful force in urban politics for more than half a century. Around 1960, groups across several American cities began questioning the political economy that seemed to produce constant development and redevelopment projects, which the sociologists John Logan and Harvey Molotch memorably characterized as a “growth machine.” Then, as today, the slow-growthers and no-growthers were an idiosyncratic bunch. Conservationists, worried about the effect of metropolitan expansion on scenic rural areas, organized for new laws protecting “open space” and establishing environmental-review procedures for major development projects. Architectural preservationists, who preferred ornate older buildings to modernist designs and saw their work as integral to keeping urban living appealing, worked to designate some of American cities’ first historic districts. Homeowner groups mobilized against highways, commercial establishments, multi-family apartment buildings, and other nuisances that they perceived as threats to their property values and “neighborhood character.” And left-wing organizations constituting what the activist Harry Boyte later called the “backyard revolution”—a movement that emphasized small-scale community organizing and other place-based advocacy as a means of effecting social justice—participated as well, calling for processes that would allow vulnerable groups, such as tenants, to veto new projects they did not feel were in their best interest.

Observers of what came to be known as a growth revolt noted the way that its participants seemed to defy traditional partisan alignments and, through local development, battles were helping to create, inadvertently or otherwise, a new national growth policy. “Clearly the new mood is not based on any particular political ideology,” wrote Fred P. Bosselman, a prominent land-use attorney, in the journal *Planning* in 1973. “At a local zoning hearing you might find on one side an elderly dowager who’s voted straight Republican since McKinley and her granddaughter from a commune where they live on nuts and berries. Both are seeking to stop new

<https://www.theatlantic.com/ideas/archive/2021/01/anti-growth-alliance-fueled-urban-gentrification/617525/>

development.” The unusual politics of growth arose out of a particular set of circumstances that existed in cities at the time. The immediate postwar years were an era of tremendous physical and social instability in major urban areas. In older cities in the northern half of the U.S., some entire communities seemed to be packing up and leaving for the suburbs or the Sun Belt, where new neighborhoods sprang up virtually overnight. Thanks in part to generous federal initiatives, pro-growth state and local politicians in expanding and shrinking cities alike competed for tax dollars by building major infrastructure and redevelopment projects. Neighborhoods of color frequently bore the brunt of these schemes, prompting James Baldwin’s famous observation that “urban renewal means Negro removal.”

Whether in stagnant northern cities or in the booming Sun Belt, a wide array of groups thus had ample reason to oppose urban development. Throughout the 1970s and ’80s, through the implementation of height limits, density restrictions, design review boards, mandatory community input, and other veto points in the development process, they achieved more victories than many of the initial participants thought possible. The broad-based nature of the anti-growth coalition was key to its success. Nature enthusiasts, architectural historians, homeowners, and rock-ribbed socialists all found it advantageous to portray developers as a shadowy, parasitic force in metropolitan politics. Politicians, for their part, were more than willing to position themselves as defenders of this broad array of neighborhood groups and their values. But the composition of the coalition also limited the scope of its activism. In particular, the centrality of homeowners within the anti-growth alliance meant that maintaining the stability of property values would always guide the direction of the movement overall. In the 1960s and ’70s, when renting in cities was relatively affordable and owning a house was often not especially profitable, this dynamic posed no obvious problem. Environmentalists believed that they could seek to save their conservation areas, preservationists their historic districts, leftists their tenant protections, and homeowners their exclusive neighborhoods, all apparently without harming one another’s interests.

These now-half-century-old arguments have had remarkable staying power well into a different era of urban history, one in which gentrification, rather

<https://www.theatlantic.com/ideas/archive/2021/01/anti-growth-alliance-fueled-urban-gentrification/617525/>

than renewal, is the hot-button issue. Despite this shift, many still insist that neighborhood change remains inextricably linked to development. As Stringer's reference to a "gentrification-industrial complex" indicates, critics have come to portray high-end shopping and glassy condos not as lagging indicators of local demographic change but as the *causes* thereof. The battle lines are drawn in the form of fights over discrete construction projects. Every politician wants to be seen as the second coming of Jane Jacobs, taking to the streets to block the bulldozers and save the soul of the neighborhood.

But if gentrification is defined as a demographic transition toward wealthier, whiter residents, this approach makes for a poor policy response. This is because the forces that drive this kind of neighborhood change do not come from the construction of specific apartment buildings or retail complexes, no matter how many granite countertops or artisanal coffee shops they might contain. Instead, they result from a degree of demand for inner-city living that would have shocked the slow-growthers of the 1960s—demand that, for the most part, has been channeled not into new condos but into homes built before the first wave of anti-development activism. When white-collar firms began to re-concentrate downtown in the 1980s and '90s, their workers, soon priced out of elite neighborhoods, bought old homes in marginal areas and modified them to their liking. The people they displaced crowded into poorer quarters of the city, or moved to lower-end suburbs, or, often, left for more affordable parts of the country altogether.

This process still predominates in coastal cities today as competition for housing has continued to push outward from the urban core. Thirty or 40 years ago, a lawyer or financier in New York who could not afford a rowhouse on the Upper West Side might have instead bought a home in Park Slope, displacing a few tenants to Prospect Heights. A decade or two later, a new generation of white-collar workers priced out of Park Slope moved to Prospect Heights, and renters left for Bedford-Stuyvesant or Bushwick. Today, the Bushwick property market is hot, and someone working a minimum-wage job might look for housing in Queens, or New Jersey, or Houston. The telltale sign of a neighborhood in transition isn't a yoga studio or a high-rise apartment building. It is an old rowhouse,

<https://www.theatlantic.com/ideas/archive/2021/01/anti-growth-alliance-fueled-urban-gentrification/617525/>

meticulously renovated and painted in the avant-garde yet inoffensive shade that Amanda Kolson Hurley memorably called “flip-house gray.”

The homeowner-friendly slow-growth activism that marked American cities in the late twentieth century is thus best understood not as the predecessor of today’s anti-gentrification politics but as the progenitor of the gentrification crisis itself. In wealthy coastal cities today, one need not develop skyscrapers or shopping malls to be a speculator in urban property. With widespread housing scarcity, simply owning a modest home in Berkeley or Brooklyn will suffice. In the 21st century, the division between the haves and the have-nots is no longer a matter of which side of the bulldozer one finds oneself on. Instead, it is a question of whether one belongs to the class that pays higher and higher rents with each passing year—or to the class that extracts them.

JACOB ANBINDER is a Ph.D. candidate in history at Harvard University, where he is writing a dissertation on urban growth and its role in making the modern Democratic Party. His writing has been published in *The Wall Street Journal*, *U.S. News & World Report*, *The Week*, and *Democracy: A Journal of Ideas*.

George Rheault <george.rheault@gmail.com>

10:46 AM (2 hours ago)



to planningboard@portlandmaine.gov, jmy, jdealaman, Christine Grimando, kkraft

The Planning Board has a big problem when it pretends that the artificial R-4 zoning designation is some kind of legitimate planning tool (use of police power) rather than seeing it for what it is: as a SEGREGATIONIST-CLASSIST APARTMENT BAN MEANT TO EXCLUDE PEOPLE OF DIVERSE INCOMES AND BACKGROUNDS FROM A NEIGHBORHOOD.

When J.B.Brown & Sons (forever tainted by their profiteering off the slavery-created molasses trade) and John Calvin Stevens (anti-immigrant bigot) believed they could profit from apartment development, they had no second thoughts about it (See attachments).

The problem is/was it is legally difficult to ensure "the right kind of people" live in the apartments that get built, especially during times of economic decline/distress.

One way is to convert them into condos so they hopefully get owned by "the right kind of people" (already accomplished here in the case of the attached apartments).

The other way is to simply zone out the possibility for new apartments or mixed-use projects which permanently excludes "the unwanted." Viola! Problem solved!

1924 Portland Tax Records: 11-17 Clifford Street, Portland, 1924

L 5830 #1 with Hays

138009 33466

Paad, _____aine

Assessment 19 _____

Name *Burns J B & Sons*

Owner _____

Street *Clifford* No. *11-17*

Block *C 2 F* Lot *11 V*

Use of Bldg. *Dwelling* Name _____

Tenants and Rooms. *1 Ten* *43 Rooms*

Rentals *\$ 360 Per mo + water Rates*

Age *10+*

Condition of Repair *Good* # *15*

Class
Bungalow
Single House
Two family
Three family
Apartment
Store Building
Office
Factory
Storage
Stables
Garage, private
Garage, public
Theatre
Club House
Cottage

Foundation
☒ Brick
☒ Stone
☒ Concrete
☒ Pile

Basement
☒ Full
☒ Cement Floor
Waterproof

Construction
☒ Frame
☒ Brick
☒ Tile
☒ Blocks
Re-Concrete
Mill
Steel Frame

Exterior
Clapboards
Siding
Shingles
Stucco
Paper
Tapestry Brick
☒ Conn. Brick
Galv. Iron
Stone
Terra Cotta
Concrete

Hanging
Stove
Furnace
Hot Water
Steam

Light
☒ Oil
☒ Gas
☒ Electric

Floor
☒ Common
☒ Hardwood
☒ Re-Concrete
Concrete Slab
Waterproof

Ceiling
☒ Plaster
Metal
Panelled
Rough

Plumbing
Common
Individual
☒ Open
☒ Set tubs

Finish
☒ Plain
☒ Hardwood

Halls
Wood
Terrazzo
Marble

Roof — Roofing
☒ Shingle
☒ Slate
☒ Gravel
☒ Prepared Asbestos
☒ Flat
☒ Hip
☒ Gable
Dormers

Windows
☒ Plain Glass
☒ Wire Glass
Shutters

Miscellaneous
Elevator
Sprinkler
Fire Escape
Refrigerator
Vacuum Cleaner
Safes and Vaults
Telephone Equip.

Ground Area _____ Height *43*

Cubic Feet *217924* Unit *18* cts.

Utility Dep. _____

Dep. *25* Per cent.

Sound Value, \$ *29420*

Land *14536* Corner _____ Interior _____ Alley _____

Front _____ Depth _____ = _____ ft.

COMPUTATION

9,251 X 100 X 40 = 3700
5280 X 46.6 X 20 = 492
4192

Area	Multiplier	Coefficient
Year	Unit	Coefficient
19		

Land Value *4192*

62-E-11

Surveyed by *W. A. D. Smith*

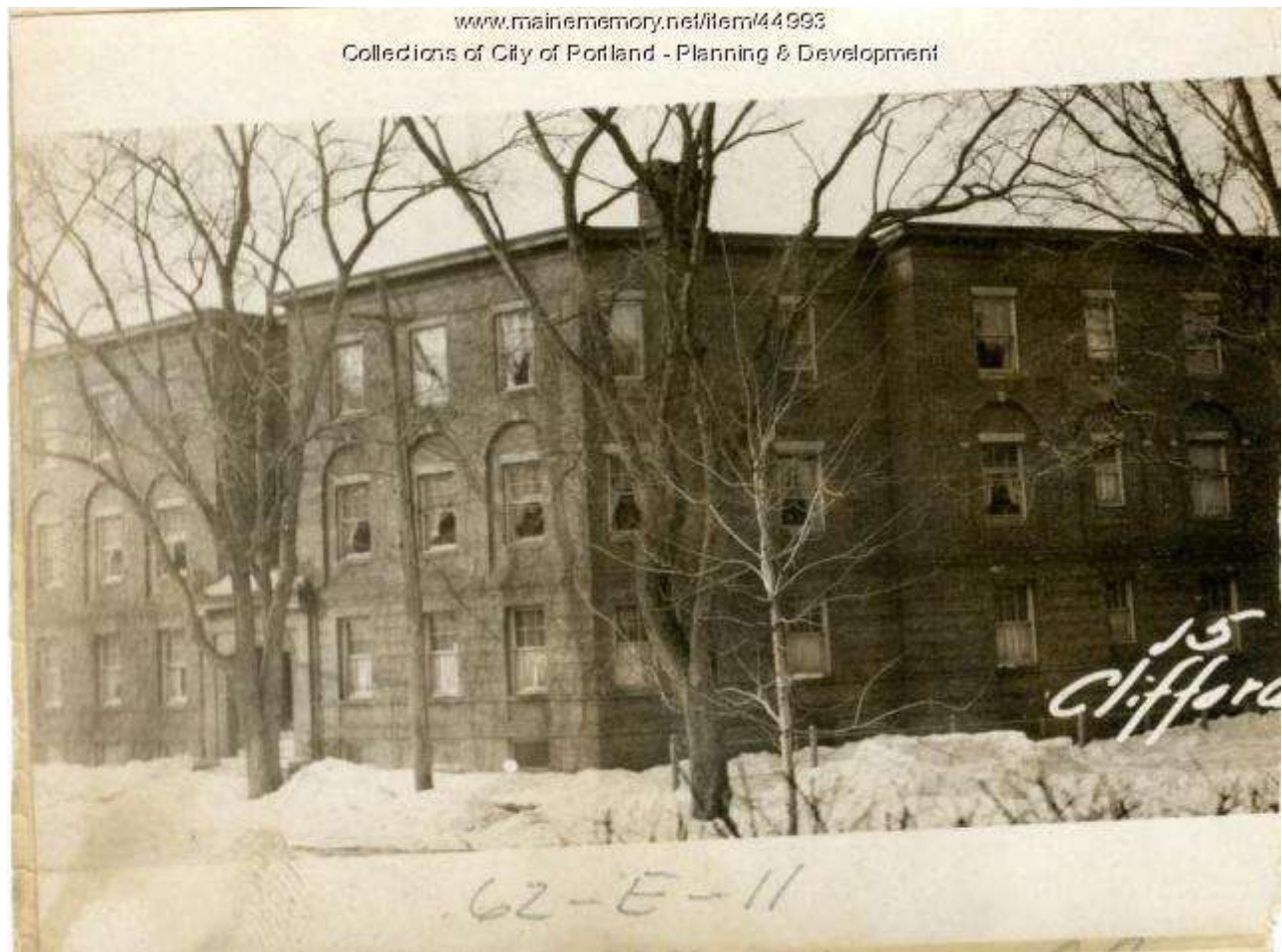
MAY 24 1924
(Remarks on other Side)

Remarks about Buildings		
	Plans attached.	
Remarks about Land		
		
Remarks about Personal Property		
CITY OF FCR LAND, MA. ASSESSORS DEPARTMENT		
CHART	BLOCK	
3	Building Volumes Checked	7 100
4	Building Values Placed	
5	Building Values Extended	
6	Land Only Questionnaire Made	
7	Land Values Placed	
8	Land Values Extended	
9	Compared With 1928	
10	Personal Property Added	

1924 Portland Tax Records: 11-17 Clifford Street, Portland, 1924



Owner: J.B. Brown & Sons
Address: 11-17 Clifford Street, West End, Portland, Maine
Use: Apartments
Local Code: Block 62E Lot 11 Book 14 Page 1
MMN item number: 36988
Architect: John Calvin Stevens



George Rheault <george.rheault@gmail.com>

10:42 AM (2 hours ago)



to planningboard@portlandmaine.gov, jmy, jdealaman, Christine Grimando, kkraft

I think it is important to make sure the 2012 lawsuit involving the Williston West church conversion gets a clear entry in the record here. [See attachment]

I often wonder what was so freaking out the privileged plaintiffs in that lawsuit (names listed below as well as in the attachment)?

I suspect the fear was that someday Portland would finally come to its senses and allow perfectly fine housing like the apartment building at 197 Pine Street (see attached photo below) to be allowed again in the sacred precinct of the Western Promenade R-4 zone.

FYI - 197 Pine Street was carved out of a mansion lot and inoffensively (in my view) sited into the neighborhood just before Portland introduced zoning in 1926 to make such things impossible to do (no doubt the horror of 197 Pine Street was an impetus for the creation of the 1926 zoning).

List of 2012 Plaintiffs Suing Williston West Developer

Charles and Kathy Remmel - 41 Thomas Street (single-family) + 35 Thomas St (three-family)

Orlando E. and Judy Delogu - 22 Carroll St (condo unit)

John and Betty Gundersdorf - 58 Thomas Street (single-family)

Samuel and Judith D'Amico - 17 Thomas Street (single-family)

Jerry W. West and Diane Worthington - 27 Thomas St (single-family)

Judith Mansing - 22 Carroll St (condo unit)

Sid Tripp - 39 Neal Street (three-family)



West End group sues to stop church rezoning

 pressherald.com/2012/07/25/west-end-group-sues-to-stop-church-rezone_2012-07-25/

By Randy Billings

July 25, 2012

PORTLAND — A dozen West End residents are suing the city and an Australian businessman over a controversial rezoning of the historic Williston-West Church at 32 Thomas St.

The lawsuit, filed July 17 in Cumberland County Superior Court, stems from a City Council decision to enter into a conditional rezoning agreement with Frank Monsour, who is establishing a U.S. headquarters for his start-up company Majella Global Technologies. Monsour plans to renovate the 135-year-old West End church into a residence, community hall and office space.

Additional Photos



The Williston-West Church on Thomas Street in Portland's West End. John Patriquin / Staff Photographer

The rezoning agreement allowed for the creation of office space for 14 employees, provided Monsour's 32 Thomas Street LLC agrees to a restoration schedule for the church, which was designed by Francis Fassett and built in 1877. The church is on the National Register of Historic Places.

The lawsuit contends that the June 18 rezoning, which was strongly opposed by the Western Promenade Neighborhood Association, does not conform to the city's Comprehensive Plan and violates state and local conditional rezoning laws.

The plaintiffs argue the agreement amounts to illegal spot zoning, according to Orlando Delogu, an attorney who lives at 22 Carol St., which abuts the church.

Delogu, who is representing himself in the case, said the city's Comprehensive Plan aims to preserve historic neighborhoods and focus development of offices in the downtown area.

The council's and Planning Board's determination that rezoning does conform to the plan is "a short-coming of reasoning," he said.

"The larger mandates of the (Comprehensive) Plan, in our view, have not been adhered to," he said. "There is no need to rezone for commercial office uses an area that sits at the geographic center of a historic residential neighborhood."

The remaining 11 plaintiffs are represented by Bruce A. McGlaufflin of Petrucelli, Martin & Haddow.

The Planning Board voted 5-2 to recommend the rezone to the City Council, which voted in favor 6-3, with Councilors John Anton, Cheryl Leeman and John Coyne opposed.

Danielle West-Chuhla, the city attorney assigned to the case, said the rezoning was legal.

"I'm confident the court will uphold the City Council's decision," she said.

Mary Costigan, the attorney representing Monsour's 32 Thomas Street LLC, agreed. She said a similar case in Saco was recently decided by the state Law Court. That case involved a resident challenging a contract zone that reduced the minimum lot size for a development in Saco. The court ultimately sided with the city.

A timeline for the West End residents' lawsuit is still being worked out between the parties.

Delogu and his 11 neighbors – Charles and Kathy Remmel, Judy Delogu, John and Betty Gundersdorf, Samuel and Judith D'Amico, Jerry W. West and Diane Worthington, Judith Mansing and Sid Tripp – are also confident about their chances in court.

"Those of us that are challenging are not out in left field or naysayers or people who can't get along with our community," Delogu said. "We think the city made some errors."

© 2021

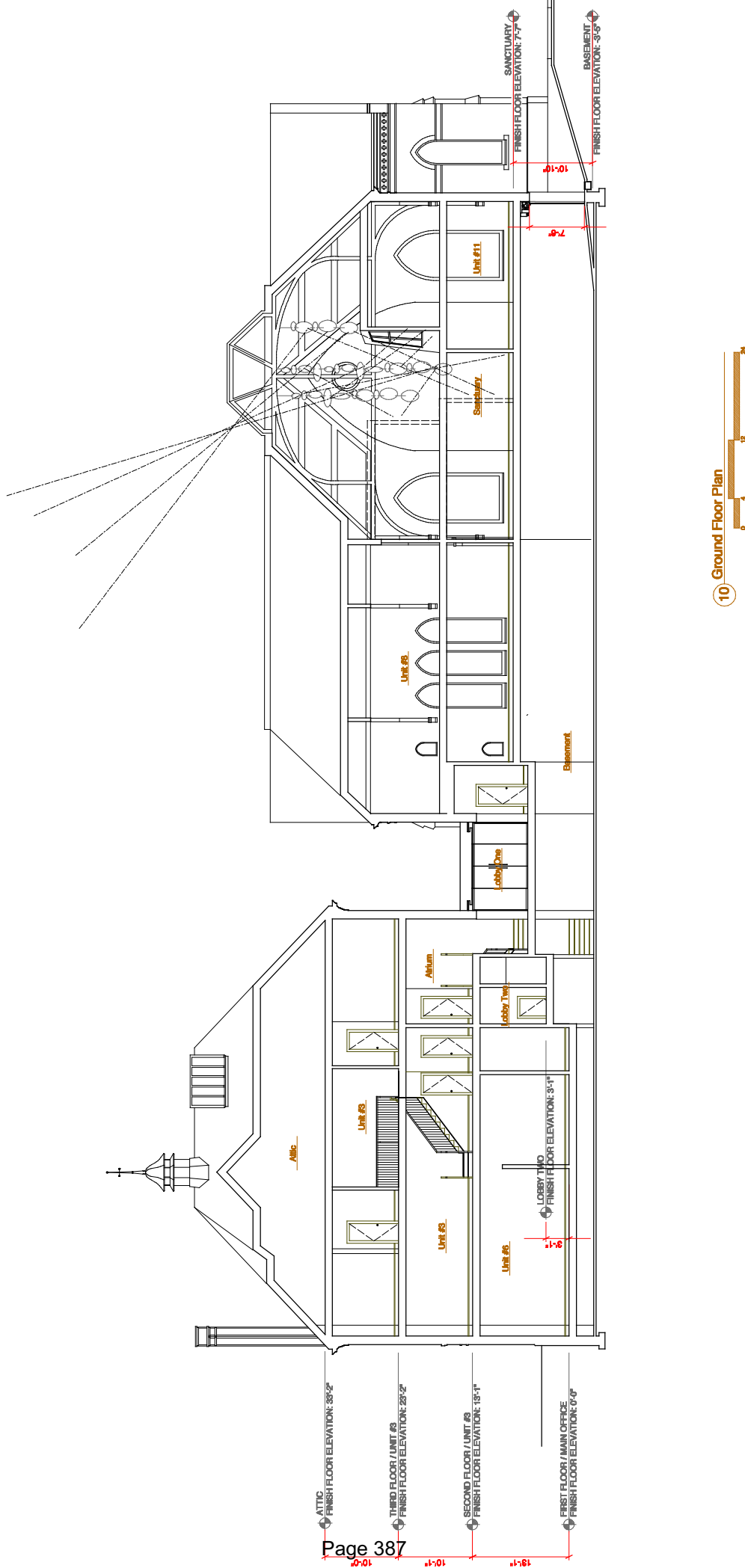
George Rheault <george.rheault@gmail.com>

9:31 AM (1 hour ago)

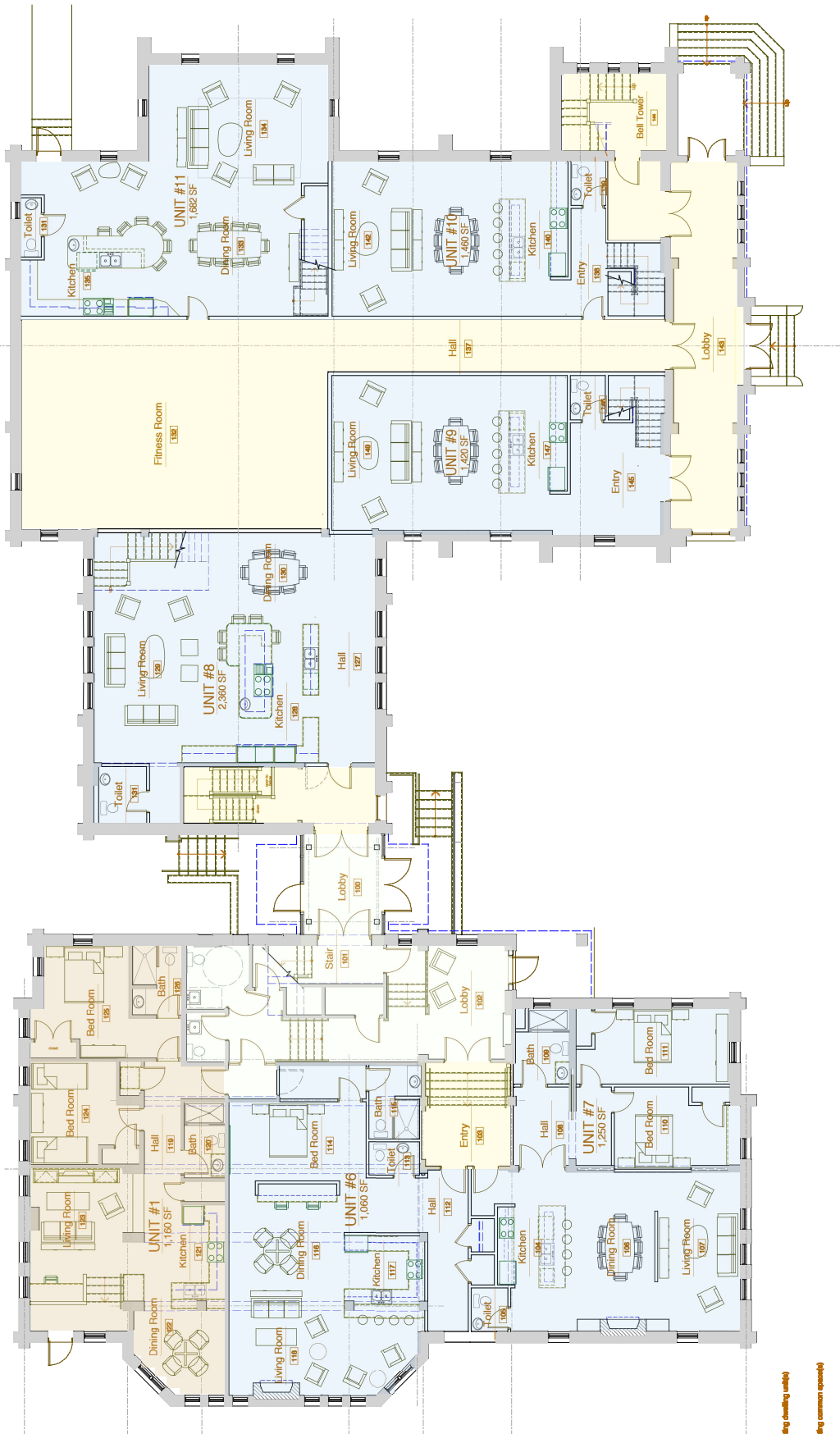


to Kate Snyder, Nicholas Mavodones, Pious Ali, April Fournier, Mark Dion, Andrew Zarro, Tae Chong, Spencer Thibodeau, Councilor Belinda Ray, Christine Grimando, Planning Board

If you are going to perpetuate racist and segregationist exclusionary land-use policy, at least be honest with the public about what you are doing.



10 Ground Floor Plan



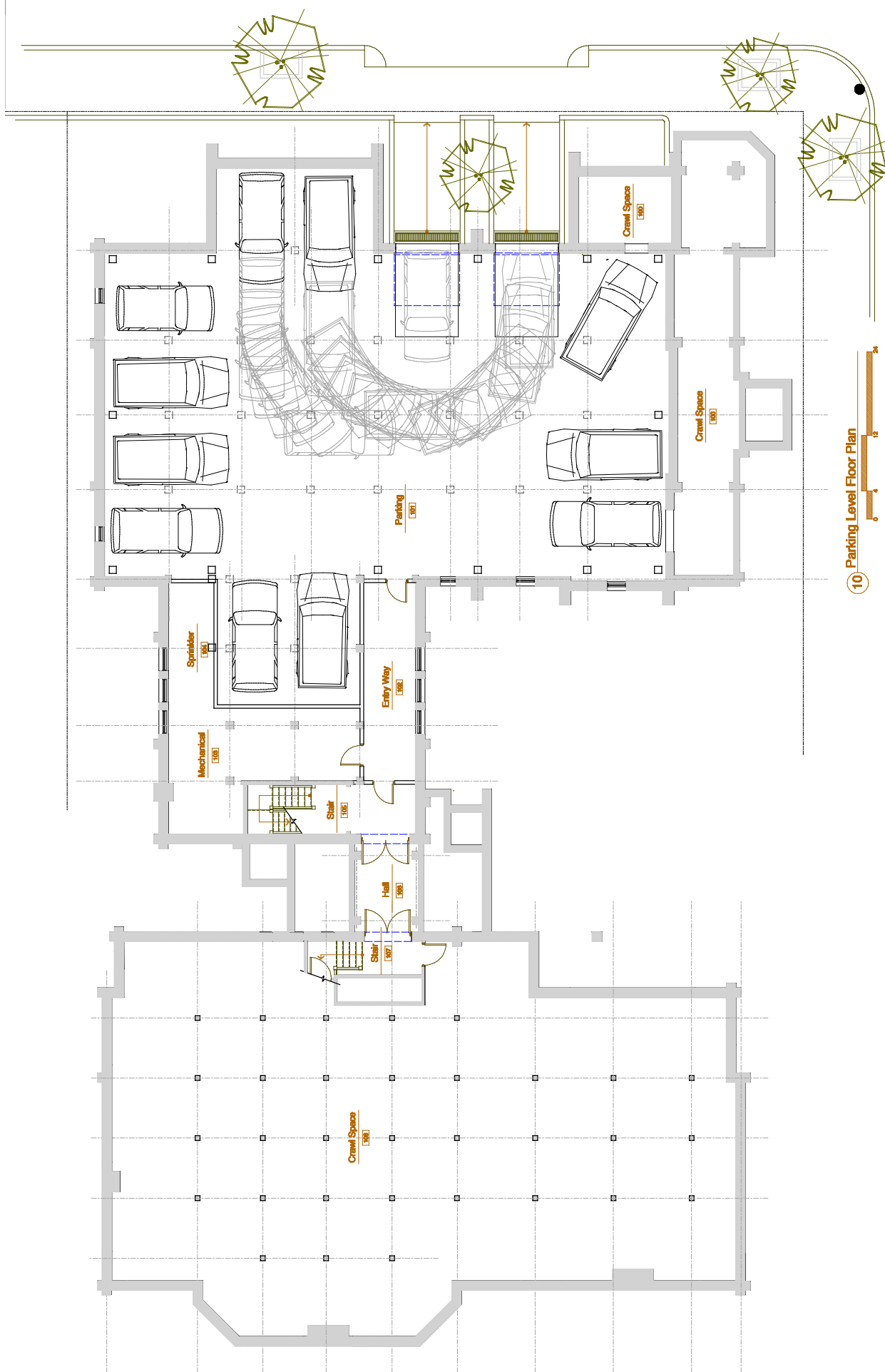
- Existing dwelling units
- Existing common spaces
- Proposed dwelling units
- Proposed common spaces

10 Ground Floor Plan

GARRISON
CONSULTING
41 Edgewood Ave
Portland, Maine 04103
Telephone 207 453 0700
e-mail: maine@mainecapital.com

Williston West
Maine Capital
1000 Main Street
Portland, Maine

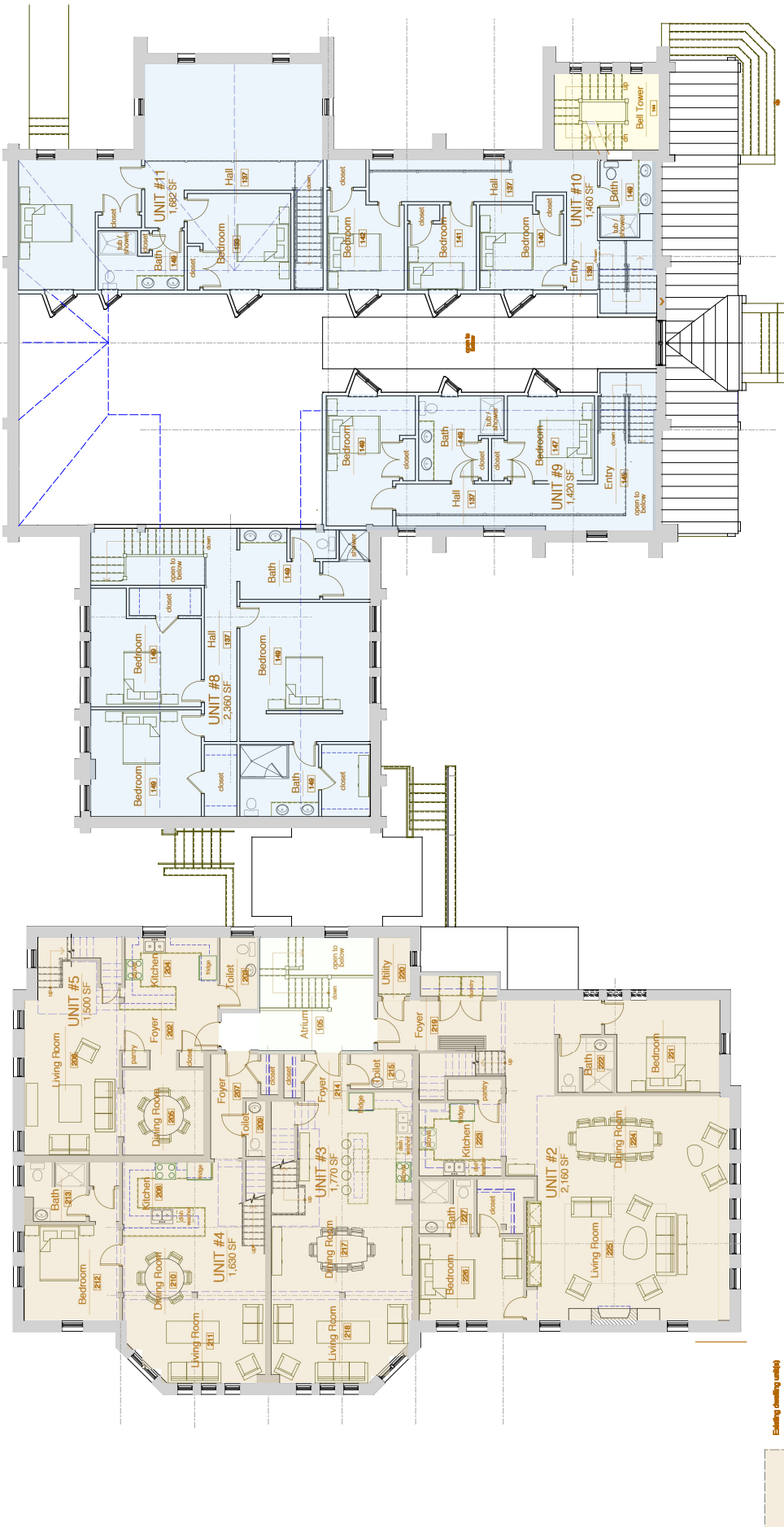
date January 7, 2020
scale See Graphic Scale
project # 2015-013
drawing title Schematic Floor Plan A101



date February 10, 2020
 scale See Graphic Scale
 project # 2019-015
 drawing title Parking Level Plan A100

**Williston West
Maine Capital**
 32 Thessie Street
 Portland, Maine

**GARRISON
CONSULTING**
 41 Edgemoor Ave
 Portland, ME 04103
 Tel: 207.761.1100
 e-mail: info@garrisonc.com



George Rheault <george.rheault@gmail.com>

9:35 AM (1 hour ago)



to Kate Snyder, Nicholas Mavodones, Pious Ali, April Fournier, Mark Dion, Andrew Zarro, Tae Chong, Spencer Thibodeau, Councilor Belinda Ray, Christine Grimando, Planning Board

The new CZA before you this evening is a fundamentally different agreement than what was proposed in 2011 and approved by the City Council in 2012.

If you are going to perpetuate racist and segregationist exclusionary land-use policy, at least be honest with the public about what you are doing.

Recorded July 26, 2012 at 2:46 p.m.
Book 29784, Page 123

CONDITIONAL ZONE AGREEMENT

RE:

WILLISTON-WEST CHURCH

AGREEMENT made this 13th day of July, 2012 by 32 Thomas Street, LLC, 477 Congress St., Suite 601, Portland, Maine ("Developer"), and its successors and assigns.

WITNESSETH

WHEREAS, the Developer owns real property located at 32 Thomas Street, consisting of the parcel shown on the City's Tax Map 62, Block E, Lot 5, being more particularly described in a deed recorded in Cumberland County Registry of Deeds in Book 29217, Page 171 (collectively the "Property"); and

WHEREAS, the existing building complex located on the Property was formerly used as the Williston-West Church; and

WHEREAS, the Property, located within the West End Historic District, is currently zoned R-4 Residential; and

WHEREAS, the properties on the opposite sides of Thomas and Carroll Streets, directly across from the Property, are zoned R-6 Residential; and

WHEREAS, the building complex located on the Property is comprised of two principal portions, the sanctuary and the parish house; and

WHEREAS, the building complex is listed in the National Register of Historic Places, the sanctuary is a designated local landmark as defined by Article IX of the Portland City Code and the parish house is a contributing structure within the West End Historic District under Article IX; and

WHEREAS, the sanctuary and the parish hall are important, unique, large-scale, non-residential historic structures that were designed by noted architects Francis Fassett and John Calvin Stevens respectively; and

WHEREAS, the building complex significantly contributes to the architectural fabric of the neighborhood and distinctive sense of place that defines Portland and therefore requires special consideration with regard to its rehabilitation and preservation; and

WHEREAS, the standards of review for alterations of historic structures set forth in Portland City Land Use Code (the "Code") §14-650 include the following: (a) Every reasonable effort shall be made to provide a compatible use for a property which requires minimal alteration to the character-defining features of the structure, object or site and its environment or to use a property for its originally intended purpose; and (b) The distinguishing original qualities or character of a structure, object or site and its environment shall not be destroyed. The removal or

alteration of any historic material or distinctive architectural features should be avoided when possible.

WHEREAS, the building complex located on the Property is falling into a state of disrepair; and

WHEREAS, historically appropriate and neighborhood compatible adaptive re-use of historic religious structures is often challenging, and reasonable use flexibility may enable economically viable rehabilitation and productive use of such buildings for their long term preservation; and

WHEREAS, the City's comprehensive plan includes the following stated goals: to preserve Portland's architectural and historic heritage; to promote an economic climate which increases job opportunities and overall economic well-being; and to preserve and enhance the quality and vitality of neighborhoods within and adjacent to the Downtown; and

WHEREAS, offices in residential zones, particularly in the R-4 zone, have been limited and any allowance of an office use in the R-4 zone should only be considered for large, unique, and historically significant structures which have not previously been in residential use, and must be carefully considered and controlled to achieve an appropriate balance between policies supporting neighborhood preservation and policies supporting economic development and preservation of the City's architectural and historic heritage; and

WHEREAS, the Developer proposes and intends to rehabilitate the parish house to provide for a family residence on the second and third floors, and a caretaker residence and office space on the first floor, as illustrated in Exhibit A attached hereto; and

WHEREAS, the Developer proposes and intends to rehabilitate, preserve and maintain the sanctuary and to use the building as a community hall for limited community uses; and

WHEREAS, the Developer intends to maintain the historic character of the structures and Property and will commit to a rehabilitation schedule of improvements to the building complex to address immediate needs to ensure the soundness and integrity of the building envelope and structural elements, and intends to perform additional improvements to the building complex to prolong its useful life and preserve the historic character, all with the goal of extending the useful life of the building complex for a time period approaching fifty (50) years or longer; and

WHEREAS, the existing zoning is R-4 which has dimensional requirements that the existing building complex does not meet, but is lawfully nonconforming; and

WHEREAS, the proposed use of the building complex by the owner/Developer includes an office component that is a necessary economic value and program element for the feasibility of the productive use of the building complex and the associated rehabilitation investments; and

WHEREAS, the Developer has requested a rezoning of the Property in order to permit the proposed development of the Property which will facilitate funding the comprehensive rehabilitation and long-term maintenance of the historic structures; and

WHEREAS, the proposed uses of the Property are consistent with the existing and permitted uses in the neighborhood, which include a mix of residential, commercial and institutional uses; and

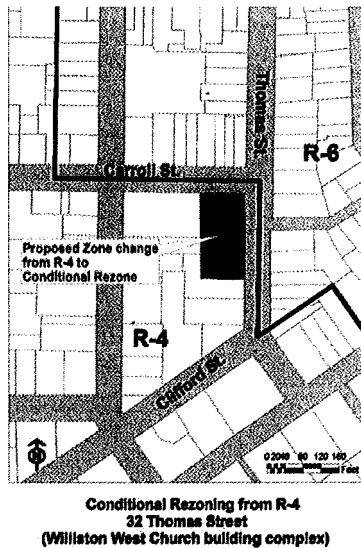
WHEREAS, the Planning Board, after notice and hearing and due deliberation thereon, recommended the rezoning of the Property as aforesaid, subject, however, to certain conditions contained in this AGREEMENT; and

WHEREAS, the Portland City Council, pursuant to 30-A M.R.S.A. § 4352(8) and §§ 14-60 to 14-62 of the Code, after notice, hearing and due deliberation thereon, has determined that because of the unusual nature and unique location of the proposed development, and its minimal impact on and compatibility with the surrounding community, it is necessary and appropriate to recommend the rezoning of the Property as aforesaid, with the following conditions and restrictions set forth in this AGREEMENT; and

WHEREAS, the Portland City Council has on June 18, 2012 approved this Agreement in its entirety, by City Council Order No. 214-11/12, a true copy of which is attached hereto as Attachment 1 (the "Order");

NOW, THEREFORE, in consideration of the rezoning, the Developer covenants and agrees as follows:

1. Pursuant to the Order, the City shall amend the Zoning Map of the City of Portland, dated September, 2000 (as amended from time to time and on file in the Department of Planning and Urban Development, and incorporated by reference into the Zoning Ordinance by § 14-49 of the Code) by adopting the map change amendment shown below to zone the property conditional R-4, subject to the conditions contained below.



If this Agreement is not recorded within sixty (60) days after the effective date of the City Council's approval of the Order, then the conditional rezoning shall become null and void and the zoning of the Property shall revert to the pre-existing R-4 zone.

2. Permitted uses:

- a. All uses allowed in the R-4 zone.
- b. Professional offices, including computer software programming and marketing, and excluding personal services, retail services and veterinarians, subject to the following limitations:
 - (1) Professional offices shall be located on the first floor of the parish house and shall occupy no more than 2,800 square feet of floor area.
 - (2) The total number of individuals working in the professional offices shall not exceed fourteen (14) non-resident employees regularly scheduled to occupy the premises at any one time.
 - (3) The business utilizing the office space shall be a single tenant office user owned by or affiliated with the owner of the building complex.
 - (4) The office use shall not generate frequent daily visitation by clients, customers, or the general public.
 - (5) The owner or operator of the business shall secure and provide to its employees one (1) off street parking space for each employee who commutes to the office by his or her automobile.

3. Use of the sanctuary as a community hall shall be reviewed as a conditional use by the Planning Board, which may place limitations on the use of the sanctuary as a community hall, in addition to the requirements for community halls set forth in section 14-103(b)(2)(e). Said limitations may include, but are not limited to the following:

- a. Occupancy load;
- b. Hours and days of operation;
- c. Record keeping and reporting;
- d. Number of organizations that may be entitled to regular use of the community hall at any one time;
- e. Noise level as the property line; and
- f. Service of alcohol.

4. The underlying dimensional requirements of the R-4 zone shall apply and are modified as follows:

- a. Minimum Lot Size for place of assembly and professional office uses combined: 17,500 square feet.
- b. Minimum Yard Dimensions:
 - 1. Front yard: 3 feet.
 - 2. Rear Yard: 3 feet.
 - 3. Side Yard: 4 feet
 - 4. Side Yard on Side Streets: 8 feet.
- c. Maximum Lot Coverage: 90%.
- d. Maximum Structure Height (Sanctuary): 37 feet.
- e. Maximum Structure Height (Parish House): 46 feet.
- f. Maximum Structure Height (Bell Tower): 70 feet.
- g. Maximum Floor Area for Places of Assembly: 6,000 sq. ft.
- h. Residential dwellings within the existing structures shall be governed by the provisions of Section 14-103(a)(2) of the underlying R-4 zone. Density calculations for residential use shall be based on the lot size of the parcel without land area deductions for other non-residential uses on the site.

5. Any increase in the volume or footprint of either the parish house or the sanctuary shall be prohibited.

6. Subject to receiving all necessary regulatory approvals, the Developer shall rehabilitate the Property in accordance with the Rehabilitation Schedule and related elevation drawings A-1 through A-8, attached hereto as Exhibit B, in keeping with the standards of Article IX, Historic Preservation, of the Portland City Code and as shall be reviewed and approved by the Historic Preservation Board or staff under the terms of this Article. Rehabilitation shall commence within six (6) months of [date of enactment] and shall be completed within twenty-four (24) months of [date of enactment]. Any rehabilitation improvements required by this

AGREEMENT not completed before the issuance of the certificate of occupancy for the office use shall be secured by a performance guarantee in the form of an escrow account, letter of credit, or equivalent surety approved by the Corporation Counsel of the City of Portland, in an amount equal to the estimated cost of completion of such improvements. Such performance guarantee shall be reduced by the City upon completion of improvement phases, but shall not be reduced to less than the estimated cost of any incomplete required improvements. In the event that the owner/developer fails to execute the required improvements by the time specified herein, unless granted an extension in writing from the Planning Authority of the time to complete for good cause and not to exceed an additional twelve (12) months, then the City of Portland or its designee shall have the right to utilize the proceeds of the performance guarantee to hire a competent contractor to complete such improvements. In such event, the Planning Authority shall have the right to review and approve the work scope consistency with the required improvements of Exhibit B, the specifications and methods of such work items, and contractor qualifications.

7. If any required approval, including the City Council's approval of this AGREEMENT, has been appealed or becomes the subject of litigation, then the required performance time frames contained in this AGREEMENT shall be measured from the final disposition of any such appeal or litigation. Failure, however, to commence the rehabilitation improvements or post the performance guarantee within the timeframes stipulated in this paragraph and/or paragraph 13 shall result in the reversion of the subject property to the underlying R-4 zone and this AGREEMENT shall be null and void.

8. The provisions of this AGREEMENT are intended to replace and/or supersede the associated provisions of the underlying R-4 zone. As stated above, to the extent not otherwise altered herein, the zoning requirements for the R-4 zone shall otherwise apply to the Property.

9. For a period of five (5) years from [date of enactment], Developer shall submit an annual report to the Planning Authority which shall include the number of employees working at the premises, the location and number of secured off street parking spaces, and other items pertaining to compliance with provisions of this AGREEMENT as required by the Planning Authority. Thereafter, to the extent the Planning Authority requires additional information/report(s) the Developer shall provide the Authority with any such additional information/report(s).

10. The Developer shall replace and/or repair the sidewalk and all other public property surrounding the entire Property if said sidewalk or other public property is damaged as a result of construction on the Property including, but not limited to, construction of the residential and office uses described in this AGREEMENT.

11. Under no circumstances shall the Developer be permitted to convert any residential property in the R-4 zone to an institutional use.

1240. In the event of a breach by the Developer or its successors or assigns of the provisions contained herein (whether the Zoning Administrator, the Zoning Board of Appeals or a Court determines such breach), the Planning Board, after notice and hearing, may review the

circumstances of the breach and recommend to the City Council that this AGREEMENT be amended or be rescinded and determine that such rescission should result in the termination of this AGREEMENT and a reversion of the Property to the R-4 zone requirements in place before the execution of this AGREEMENT.

1344. This AGREEMENT may also be enforced pursuant to the land use enforcement provisions of state law including, but not limited to, 30-A MRSA § 4452 and the Portland City Code.

1412. The above stated restrictions, provisions, and conditions are an essential part of the rezoning, shall run with the Property, shall bind and benefit the Developer, any entity affiliated with the Developer that takes title to the Property, its successors and assigns, and any party in possession or occupancy of said Property or any part thereof, and shall inure to the benefit of and be enforceable by the City of Portland, by and through its duly authorized representatives. The Developer shall file a counterpart original of this Agreement in the Cumberland County Registry of Deeds.

1543. The Planning Authority shall be notified of any potential and/or pending sale of the Property (which most likely will be evidenced by a Purchase & Sales Agreement or its equivalent), and prior to closing the sale of the Property shall meet with the buyer and verify that he/she/it has read, understood and agrees to be bound by the terms, conditions, limitations and provisions of this AGREEMENT, and said buyer shall so state in a signed affidavit to be kept on file with the Planning Authority.

1644. If any of the restrictions, provisions, conditions, or portions thereof set forth herein is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed as a separate, distinct, and independent

provision and such determination shall not affect the validity of the remaining portions hereof.

1715. Except as expressly modified herein, the development shall be governed by and comply with the provisions of the Portland City Code, including but not limited to, the maintenance requirements for historic structures set forth in section 14-690 of the Code, and any applicable amendments thereto or replacement thereof.

[Signatures to Follow on Next Page]

WITNESS:



32 THOMAS STREET, LLC

BY:

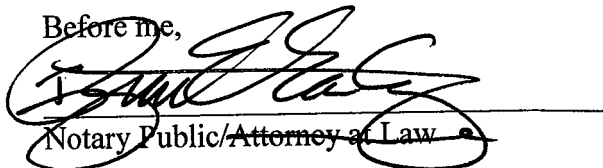


STATE OF MAINE
CUMBERLAND, ss.

July 13, 2012

Personally appeared before me the above-named Sebastian Gerard James, in his/her capacity as Director of 32 THOMAS STREET, LLC, and acknowledged the foregoing instrument to be his/her free act and deed in his/her said capacity and the free act and deed of said corporation.

Before me,



Notary Public/Attorney at Law

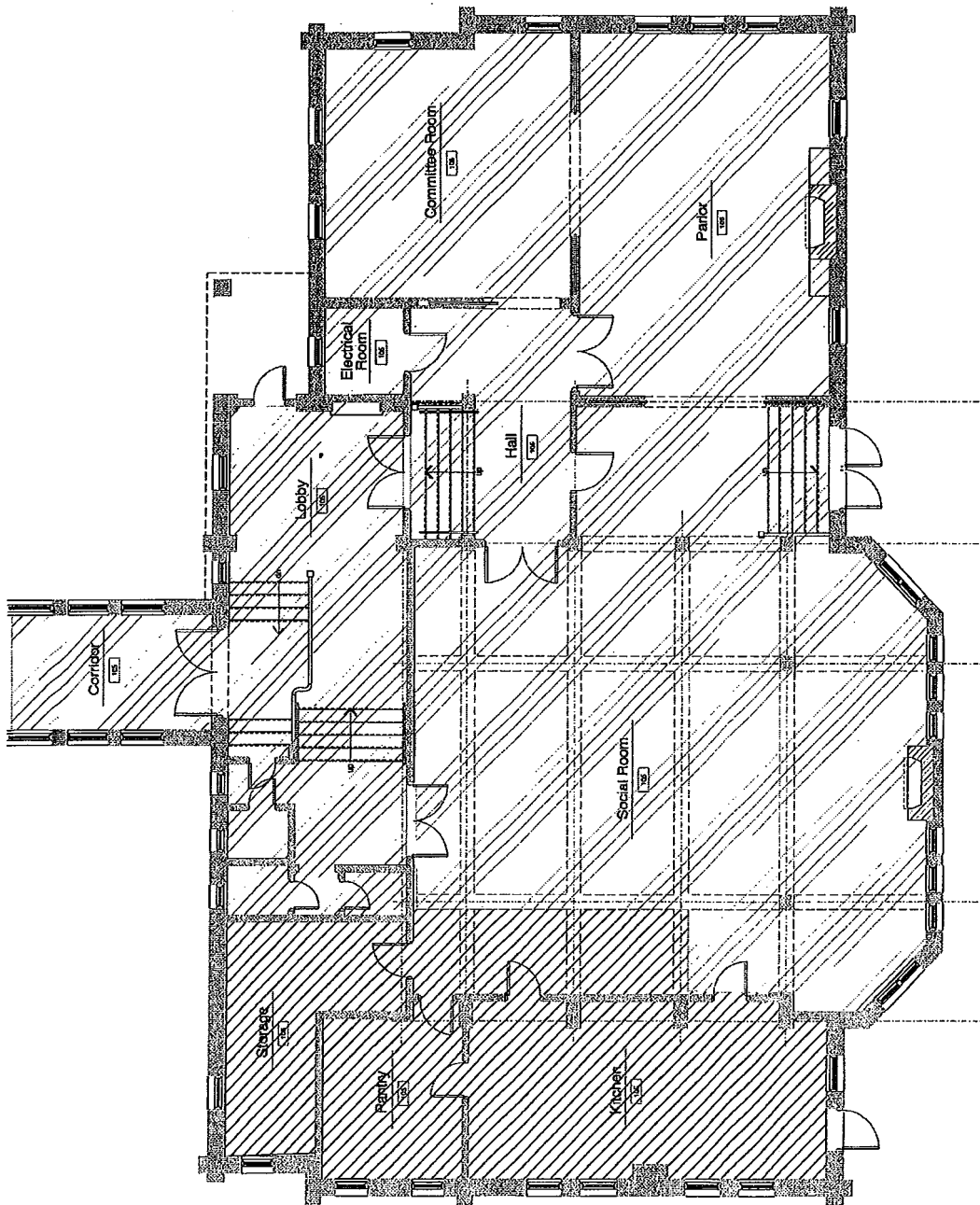
RUTH E. EARLEY

My Commission Expires September 9, 2012

EXHIBIT A
FLOOR PLANS



date February 18, 2012
 name 178" x 1'-0"
 project # 2011-018
 drawing title Ground Floor Plan A101



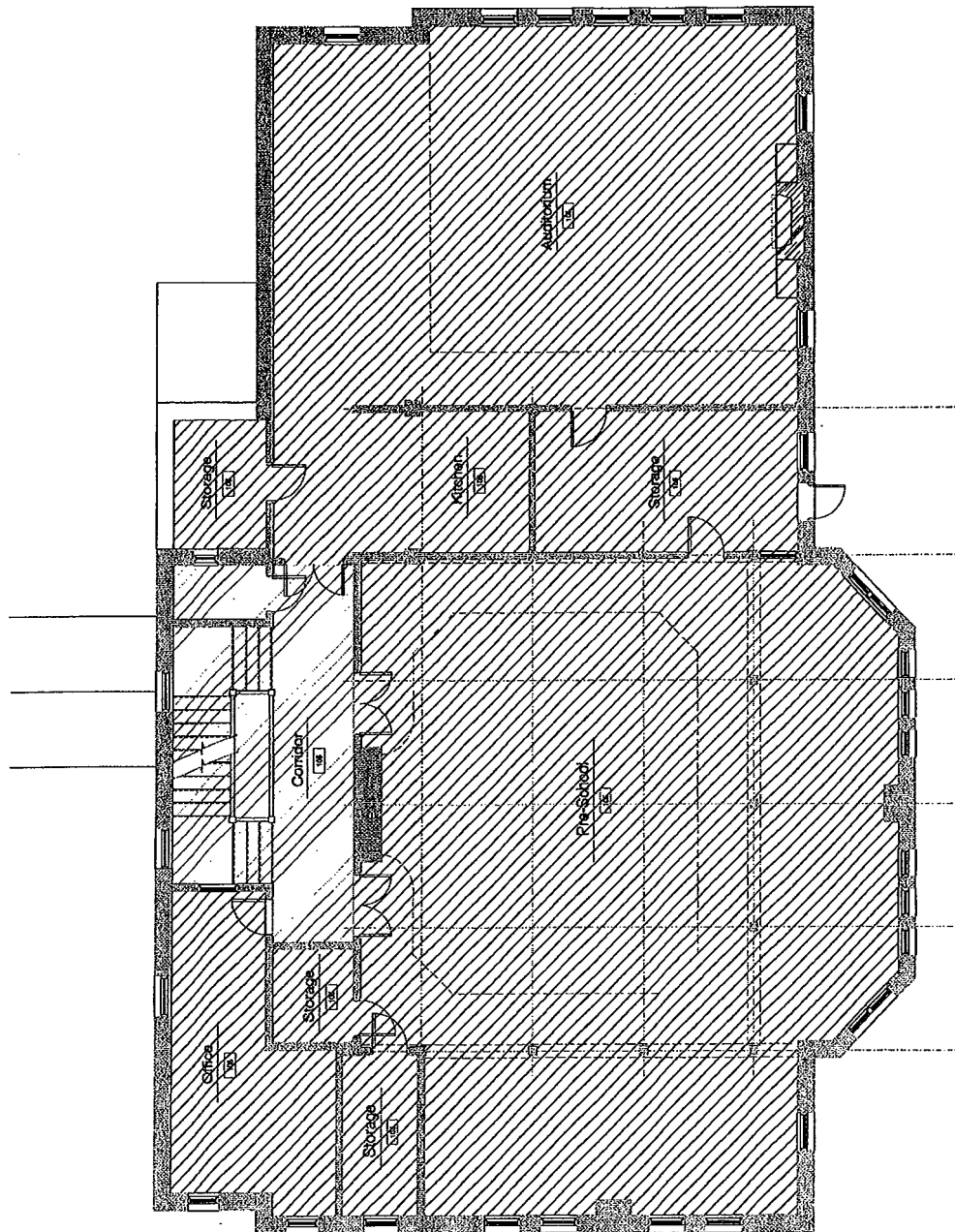
Caretaker Residence
 Approx. 900 SF
 Circulation
 Approx. 800 SF
 Business Use
 Approx. 2,800 SF



Carrison Construction
 4414 Highway 100
 Suite 100
 Raleigh, NC 27603
 Phone: 919.488.1234
 Fax: 919.488.1235
 Email: info@carrisonconstruction.com

Williston West
 32 Thomas Street LLC
 Williston, VT

Date: February 15, 2012
 Scale: 1/4" = 1'-0"
 Project: 2011-018
 Parish House Ground Floor Plan
 A102

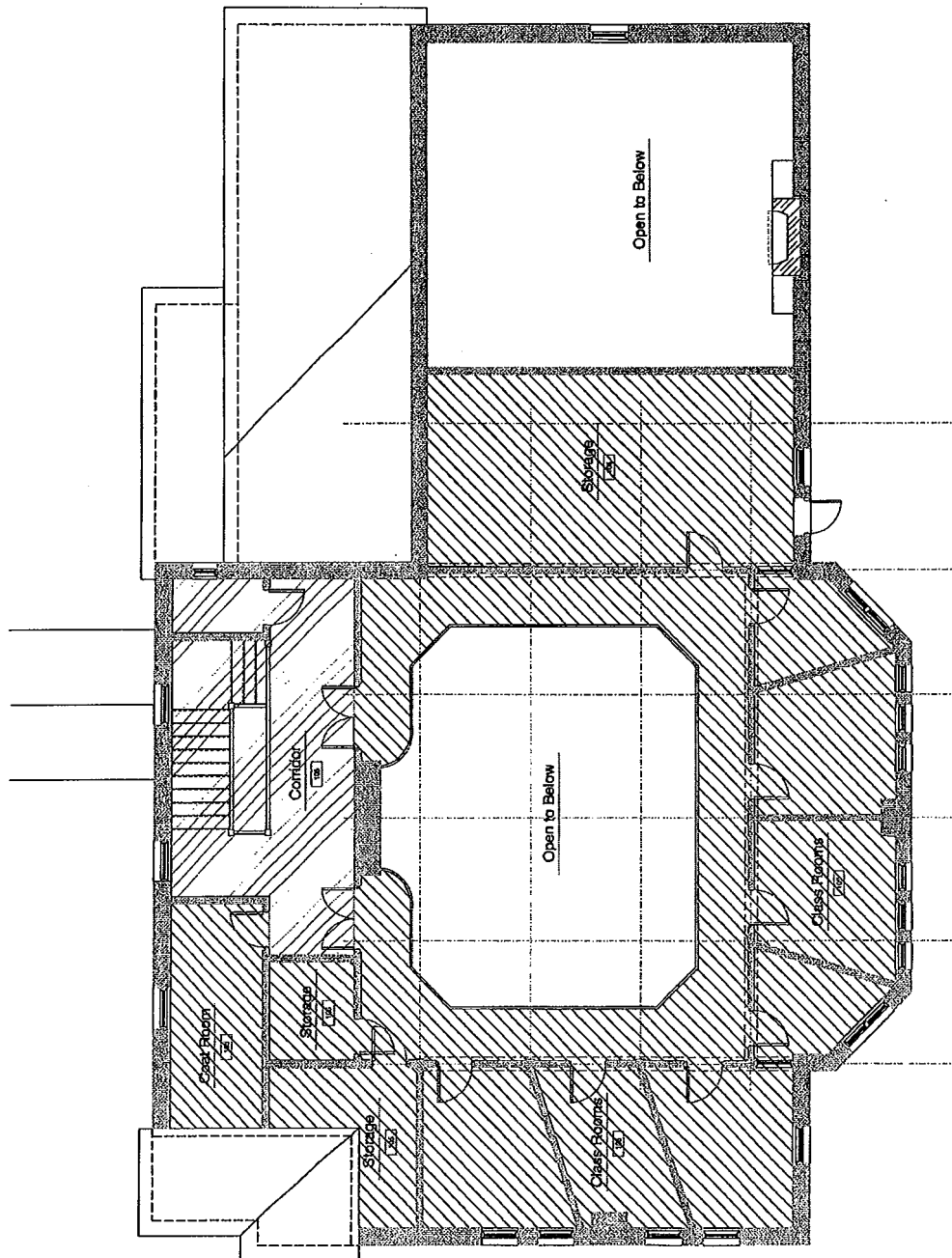


Primary Residence
 Approx 8,800 SF
 Circulation
 Approx. 400 SF
 Business Use
 Approx 0 SF

GARRISON
 CONSULTANTS
 4111 14th Street, NW
 Washington, DC 20004
 Phone: 202-462-1200
 Email: info@garrisonconsultants.com

Williston West
 32 Thomas Street LLC
 32 Thomas Street
 Fairport, NY 14455

Date: February 16, 2012
 Scale: 1/4" = 1'-0"
 Project #: 2011-018
 Parish House Second
 Floor Plan
 Drawing Title: Floor Plan
 A103



Primary Residence
Approx 1,800 SF

Circulation
Approx. 500 SF

Business Use
Approx 0 SF

GARRISON
CONSTRUCTION
11 Adams Street
Portland, Maine 04103
Tel: 207.625.0720
www.garrisonconstruction.com

Williston West
32 Thomas Street LLC
32 Thomas Street
Portland, Maine

DATE February 16, 2012
SCALE 1/8" = 1'-0"
PROJECT / 2011-018
Parish House Third Floor Plan
DRAWING TITLE

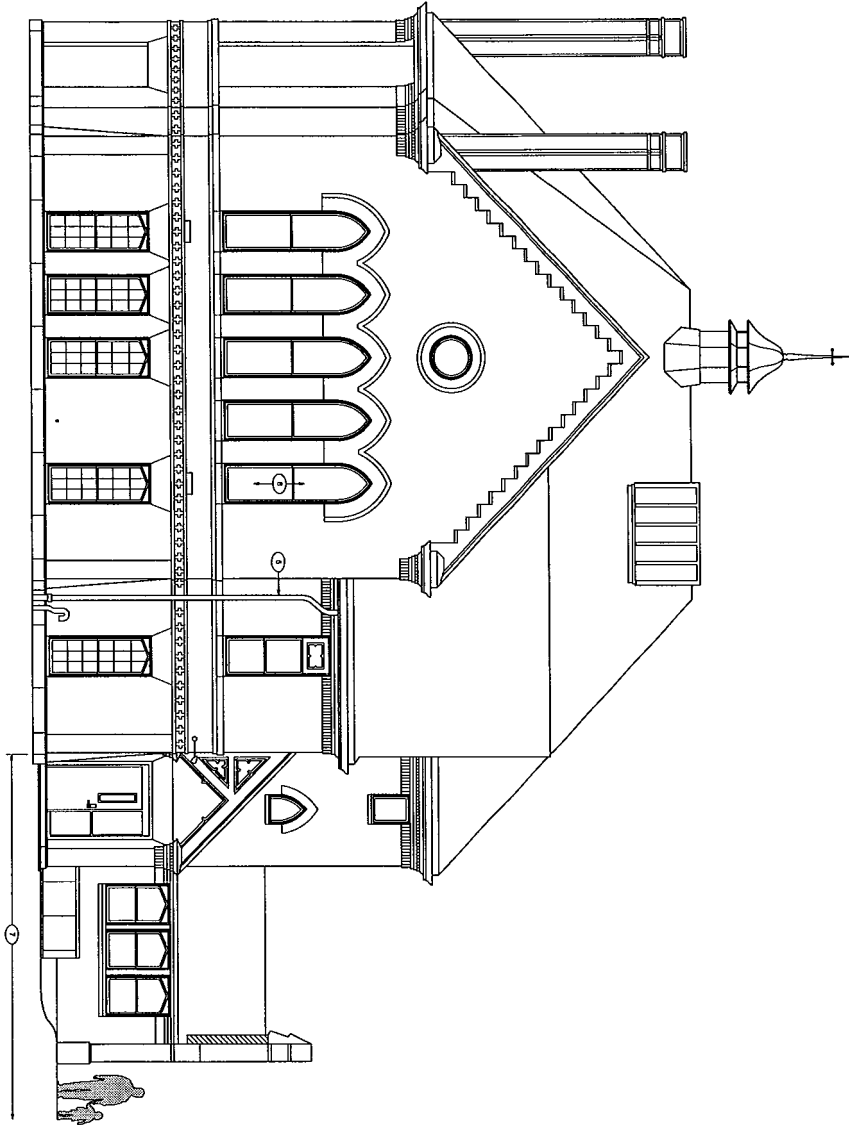
EXHIBIT B**32 THOMAS STREET
REHABILITATION SCHEDULE**

The following schedule outlines the rehabilitation projects that will be performed at 32 Thomas Street upon approval of Conditional Rezoning of the property, in order to address the immediate needs of the Property to ensure the soundness and integrity of the building envelope and structural elements. Said rehabilitation projects will be designed and constructed to meet the City of Portland's Historic Preservation Ordinance Standards and the Secretary of the Interior's Standards for the Treatment of Historic Properties, and shall be reviewed and approved by the Historic Preservation Board or staff.

Performance of the following rehabilitation projects shall commence within six (6) months of [date of enactment] and shall be completed within twenty-four (24) months of [date of enactment]. Any rehabilitation improvements required by the Conditional Zone Agreement not completed before the issuance of the certificate of occupancy for the office use shall be secured by a performance guarantee in the form of an escrow account, letter of credit, or equivalent surety approved by the Corporation Counsel of the City of Portland, in an amount equal to the estimated cost of completion of such improvements.

1. Replace entire roof system at the sanctuary in accordance with the attached proposal from *The Heritage Co.* Replace all metal flashings, gutters and downspouts to original historic appearance. Original metal trim pieces are at the end of their useful life and should be replicated. Replace membrane at flat roof section.
2. Perform structural repair at all three floor levels of the bell tower including new wood framing and restoration of damaged brick bearing pockets.
3. Perform masonry repairs at the sanctuary as identified on the attached elevation drawings. Said repairs include the damaged area at the southwest corner and other areas of severely damaged or deteriorated masonry.
4. Repair and /or replace approximately 20 bricks at the parish house as identified on the attached elevation drawings.
5. Repair or replace all leaking or missing downspouts on the Parish Hall. The replaced downspouts shall be reviewed by the City's Historic Preservation Manager.
6. Install temporary storm protection window over stained glass window at the parish house that does not currently have storm protection, as identified on the attached elevation drawings.
7. Re-grade the courtyard to create positive drainage away from the building.
8. Reset, repair or repoint granite steps as identified on the attached elevation drawings A-5 and A-6 and reset section of collapsed brick landing at bottom of Carroll Street entrance as identified on the attached elevation drawing A-6.

- PRIORITY ONE TREATMENTS**
1. REPAIR CRACKS IN ROOF SYSTEM AT SANCTUARY INCLUDING METAL FLASHINGS, SHINGLES, GUTTERS, DOWNSPOUTS AND MEMBRANE.
 2. REPAIR CRACKS IN ROOF SYSTEM AT PARISH HOUSE INCLUDING METAL FLASHINGS, SHINGLES, GUTTERS, DOWNSPOUTS AND MEMBRANE.
 3. REPAIR CRACKS IN ROOF SYSTEM AT TOWER INCLUDING METAL FLASHINGS, SHINGLES, GUTTERS, DOWNSPOUTS AND MEMBRANE.
 4. REPAIR CRACKS IN ROOF SYSTEM AT CHANCEL INCLUDING METAL FLASHINGS, SHINGLES, GUTTERS, DOWNSPOUTS AND MEMBRANE.
 5. REPAIR CRACKS IN ROOF SYSTEM AT NAVE INCLUDING METAL FLASHINGS, SHINGLES, GUTTERS, DOWNSPOUTS AND MEMBRANE.
 6. REPAIR CRACKS IN ROOF SYSTEM AT TRANSEPT INCLUDING METAL FLASHINGS, SHINGLES, GUTTERS, DOWNSPOUTS AND MEMBRANE.
 7. REPAIR CRACKS IN ROOF SYSTEM AT PORCH INCLUDING METAL FLASHINGS, SHINGLES, GUTTERS, DOWNSPOUTS AND MEMBRANE.
 8. REPAIR CRACKS IN ROOF SYSTEM AT REAR PORCH INCLUDING METAL FLASHINGS, SHINGLES, GUTTERS, DOWNSPOUTS AND MEMBRANE.
 9. REPAIR CRACKS IN ROOF SYSTEM AT FRONT PORCH INCLUDING METAL FLASHINGS, SHINGLES, GUTTERS, DOWNSPOUTS AND MEMBRANE.
 10. REPAIR CRACKS IN ROOF SYSTEM AT SIDE PORCH INCLUDING METAL FLASHINGS, SHINGLES, GUTTERS, DOWNSPOUTS AND MEMBRANE.
 11. REPAIR CRACKS IN ROOF SYSTEM AT REAR PORCH INCLUDING METAL FLASHINGS, SHINGLES, GUTTERS, DOWNSPOUTS AND MEMBRANE.
 12. REPAIR CRACKS IN ROOF SYSTEM AT FRONT PORCH INCLUDING METAL FLASHINGS, SHINGLES, GUTTERS, DOWNSPOUTS AND MEMBRANE.
 13. REPAIR CRACKS IN ROOF SYSTEM AT SIDE PORCH INCLUDING METAL FLASHINGS, SHINGLES, GUTTERS, DOWNSPOUTS AND MEMBRANE.
 14. REPAIR CRACKS IN ROOF SYSTEM AT REAR PORCH INCLUDING METAL FLASHINGS, SHINGLES, GUTTERS, DOWNSPOUTS AND MEMBRANE.
 15. REPAIR CRACKS IN ROOF SYSTEM AT FRONT PORCH INCLUDING METAL FLASHINGS, SHINGLES, GUTTERS, DOWNSPOUTS AND MEMBRANE.
 16. REPAIR CRACKS IN ROOF SYSTEM AT SIDE PORCH INCLUDING METAL FLASHINGS, SHINGLES, GUTTERS, DOWNSPOUTS AND MEMBRANE.
 17. REPAIR CRACKS IN ROOF SYSTEM AT REAR PORCH INCLUDING METAL FLASHINGS, SHINGLES, GUTTERS, DOWNSPOUTS AND MEMBRANE.
 18. REPAIR CRACKS IN ROOF SYSTEM AT FRONT PORCH INCLUDING METAL FLASHINGS, SHINGLES, GUTTERS, DOWNSPOUTS AND MEMBRANE.
 19. REPAIR CRACKS IN ROOF SYSTEM AT SIDE PORCH INCLUDING METAL FLASHINGS, SHINGLES, GUTTERS, DOWNSPOUTS AND MEMBRANE.
 20. REPAIR CRACKS IN ROOF SYSTEM AT REAR PORCH INCLUDING METAL FLASHINGS, SHINGLES, GUTTERS, DOWNSPOUTS AND MEMBRANE.



1
A-1
1/4" = 1'-0"
PARISH HOUSE - EAST ELEVATION

0 5 10 25 100'

tl-architects, llc
78 DAVENPORT STREET
PORTLAND, MAINE 04101
TEL: 207.781.8888
FAX: 207.781.8888

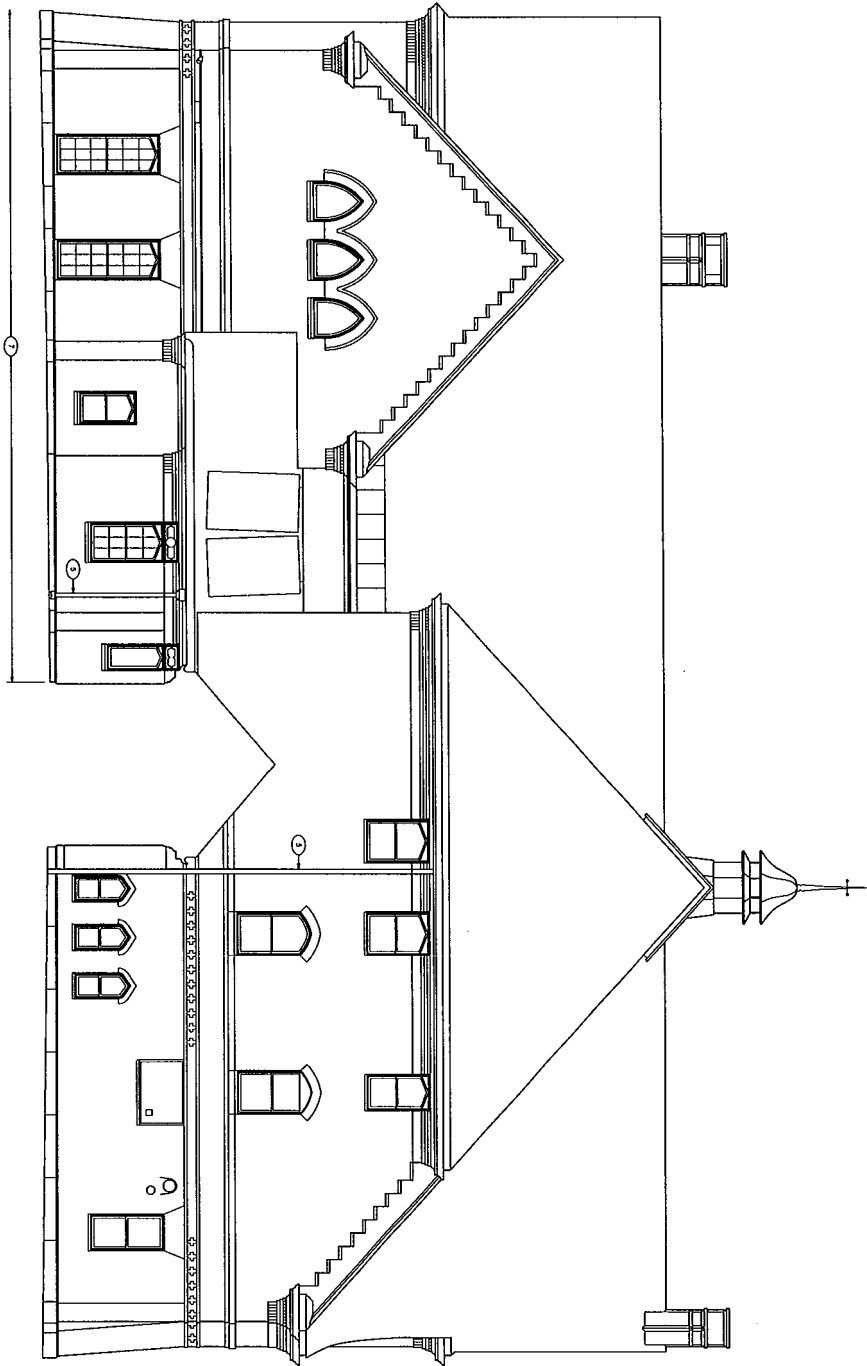
Exterior Conditions Assessment & Treatment Plan
32 Thomas Street, LLC
32 Thomas Street
Portland, Maine

Date: 7 May 2012
Scale: As Shown
Revision:

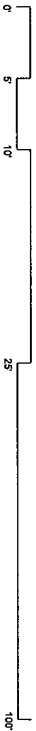
Title:
Parish House
East Elevation

Sheet No.:
A-1

- PRIORITY ONE TREATMENTS
1. REPAIR CRACKS IN EXTERIOR WALLS INCLUDING METAL FLASHINGS, SPALLS, GUTTERS, DOWNSPUTS AND MISALIGNMENT.
 2. PERFORM STRUCTURAL REPAIR AT THE INTERIOR OF ALL UPPER FLOOR LEVELS OF THE BELL TOWER INCLUDING DECK FLOOR FRAMING AND MASONRY REPAIR.
 3. REPAIR CRACKS IN EXTERIOR WALLS INCLUDING METAL FLASHINGS, SPALLS, GUTTERS, DOWNSPUTS AND MISALIGNMENT.
 4. REMOVE SEVERELY DAMAGED BRICK AND TOWN IN RESTORATION BRICK.
 5. REPAIR OR REPLACE LEAKING OR MISSING DOWNSPUTS AT THE PARISH HALL WITH TEMPORARY DOWNSPUTS AS REQUIRED BY CITY HISTORIC PRESERVATION MANAGER.
 6. INSTALL TEMPORARY STORM PROTECTION AT PARISH HALL STAINED GLASS WINDOW AT PARISH HOUSE THAT DOES NOT CURRENTLY HAVE STORM PROTECTION.
 7. REPAIR THE GUTTERING TO PREVENT FURTHER DAMAGE TO THE BUILDING.
 8. RESET, REPAIR OR REPAIR BRICK STEPS AND RESET SECTION OF COLLAPSED BRICK LANDING AT BOTTOM OF CARROLL ST. ENTRANCE.



1 PARISH HOUSE - NORTH ELEVATION
1/8" = 1'-0"



th-architects, llc
28 DAVENPORT STREET
PORTLAND, MAINE 04101
TEL: 207.771.1000
FAX: 207.771.1000

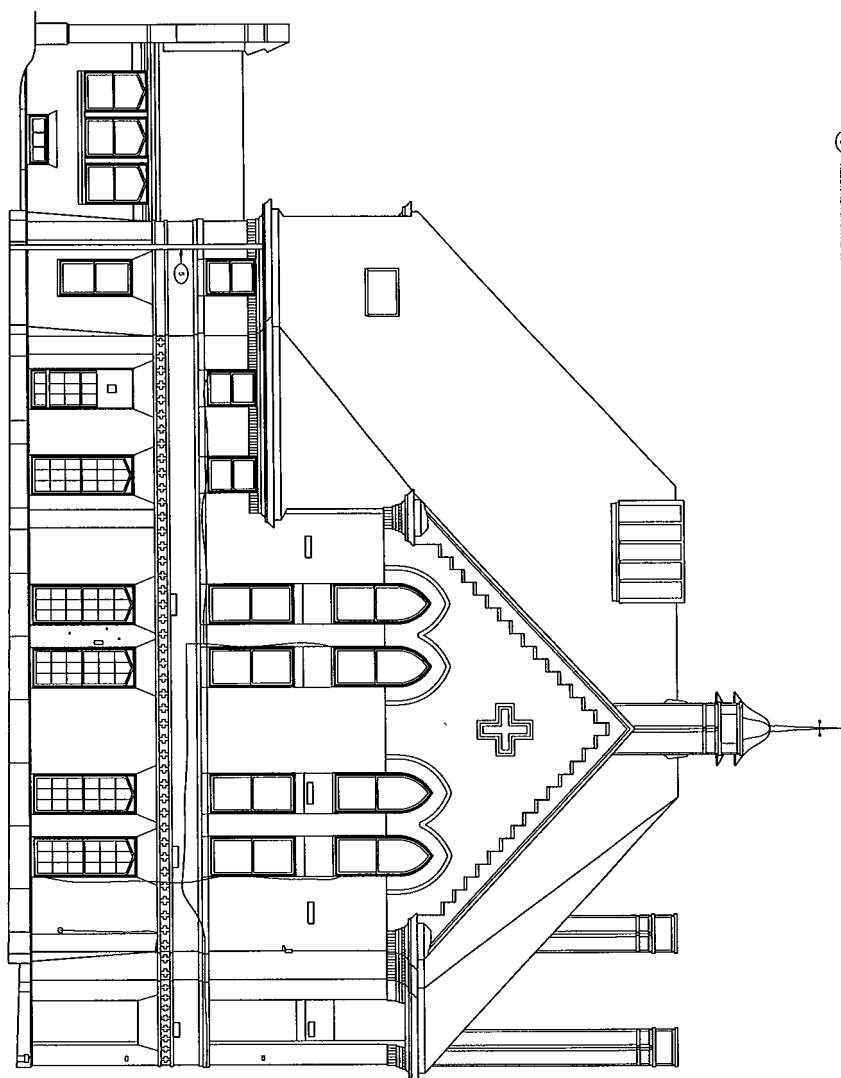
Exterior Conditions Assessment & Treatment Plan
32 Thomas Street, LLC
32 Thomas Street
Portland, Maine

Date: 7 May 2012
Scale: As Shown
Revision:

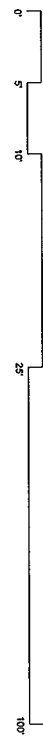
Title:
Parish House
North Elevation

Sheet No: A-2

- PRIORITY ONE TREATMENTS**
- ① REPLACE ENTIRE ROOF SYSTEM AT SANCTUARY INCLUDING METAL FLASHINGS, SHOULDS, GUTTERS, DOWNSPOUTS AND MEASUREMENT.
 - ② PERSON STRUCTURAL REPAIRS AT THE ANTERIOR OF ALL THREE FLOOR LEVELS OF THE BELL TOWER INCLUDING NEW WOOD FRAMING AND MASONRY REPAIR.
 - ③ PERSON MASONRY REPAIRS AT THE SANCTUARY INCLUDING THE REPAIR OF APPROX. 80 SQUARE FEET OF DAMAGED MASONRY AT SOUTHWEST CORNER.
 - ④ REMOVE SEVERELY DAMAGED BRICK AND TOOTH INFESTATION BRICK.
 - ⑤ REPAIR OR REPLACE LEAKING OR MISSING DOWNSPOUTS AT THE PARISH HALL WITH TEMPORARY DOWNSPOUTS AS ADVISED BY CITY HISTORIC PRESERVATION MANAGER.
 - ⑥ INSTALL TEMPORARY STORM PROTECTION AT WINDOW, STAINED GLASS WINDOW AT PARISH HOUSE THAT DOES NOT CURRENTLY HAVE STORM PROTECTION.
 - ⑦ RE-CLAMP THE CONCRETE TO CREATE POSITIVE DRAINAGE AWAY FROM THE BUILDING.
 - ⑧ RESET, REPAIR OR REPAIR GRANITE STEPS AND RESET SECTION OF POLYMER BRICK LANDING AT BOTTOM OF CARROLL ST. ENTRANCE.



1
A-3
1/4" = 1'-0"
PARISH HOUSE - WEST ELEVATION



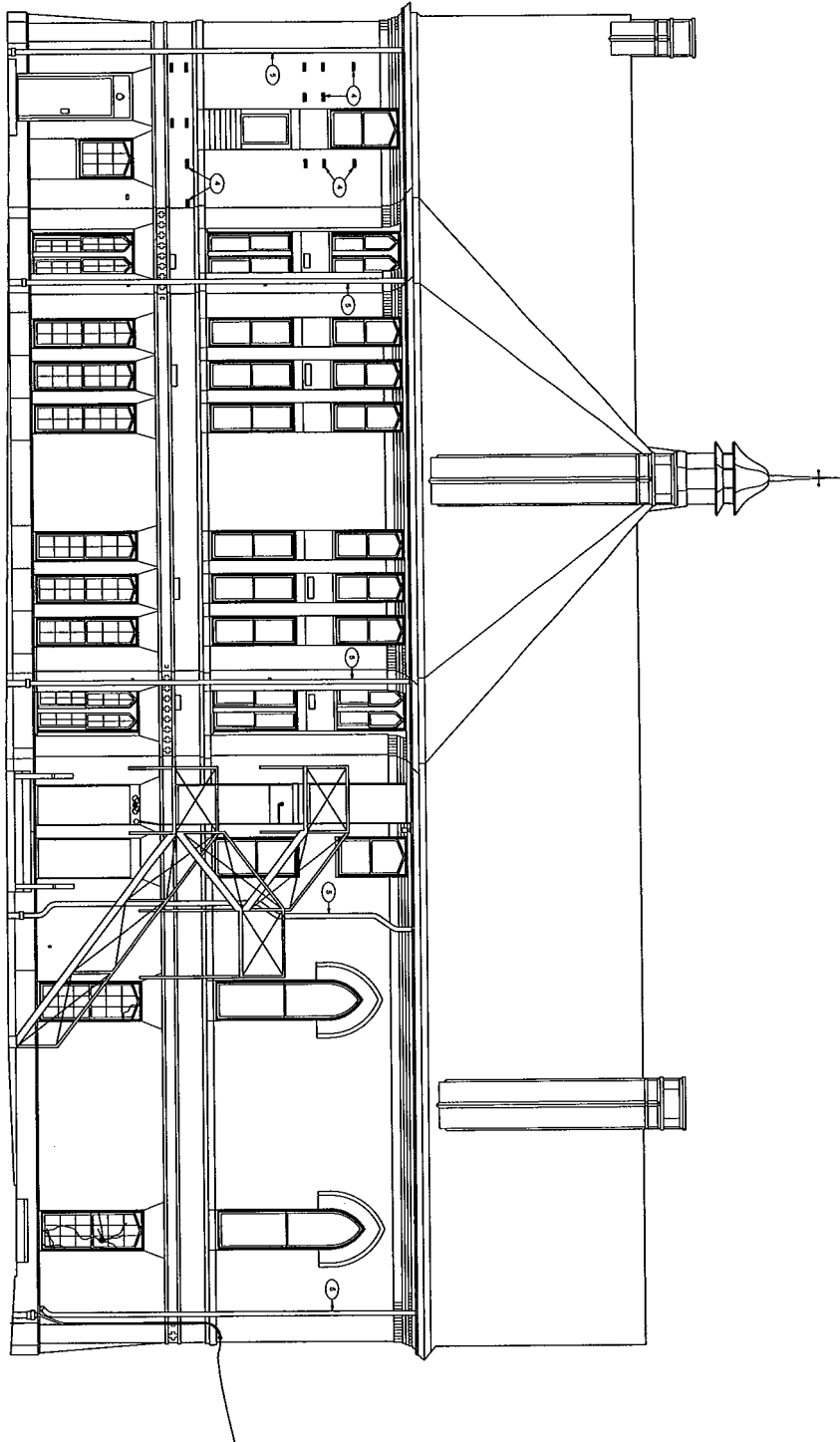
tl-architects, llc
28 DOWNEY STREET
PORTLAND, ME 04101
TEL: 207.774.1848
FAX: 207.774.1899

Exterior Conditions Assessment & Treatment Plan
32 Thomas Street, LLC
32 Thomas Street
Portland, Maine

Date: 7 May 2012
Drawn by: J. Brown
Reviewed:

Title:
Parish House
West Elevation
Sheet No: **A-3**

- PRIORITY ONE TREATMENTS**
- 1. REPLACE ENTIRE ROOF SYSTEM AT SANCTUARY INCLUDING METAL FLASHINGS, SHINGLES, GUTTERS, DOWNSPOUTS AND HANGING.
 - 2. REPAIR SANCTUARY ROOF AT THE INTERIOR OF ALL THREE FLOOR LEVELS OF THE BELL TOWER INCLUDING NEW WOOD FRAMING AND MASSIVE REPAIR.
 - 3. REPAIR SANCTUARY REPAIR AT THE SANCTUARY INCLUDING THE REPAIR OF APPROX. 60 SQUARE FEET OF DAMAGED MASONRY AT SOUTHWEST CORNER.
 - 4. REPAIR STONES & DAMAGED BRICK AND TOOTH IN RESTORATION BRICK.
 - 5. REPAIR ON PORCHES LANDING ON REPAIRING DOWNPOUTS AT THE PARISH HALL WITH TEMPORARY DOWNPOUTS AS REQUIRED BY CITY HISTORIC PRESERVATION MANAGER.
 - 6. REPAIR SANCTUARY STORM PROTECTION AT SANCTUARY, STAINED GLASS WINDOW AT PARISH HOUSE THAT DOES NOT CURRENTLY HAVE STORM PROTECTION.
 - 7. REPAIR SANCTUARY STORM PROTECTION TO PREVENT FURTHER DAMAGE FROM THE STORM.
 - 8. REPAIR SANCTUARY STORM PROTECTION AND REPAIR SECTION OF COLLAPSED BRICK LANDING AT BOTTOM OF CATHOLIC ST. ENTRANCE.



1
A-4
1/4" = 1'-0"
PARISH HOUSE - SOUTH ELEVATION

0' 5' 10' 25' 100'

Exterior Conditions Assessment & Treatment Plan
32 Thomas Street, LLC
32 Thomas Street
Portland, Maine

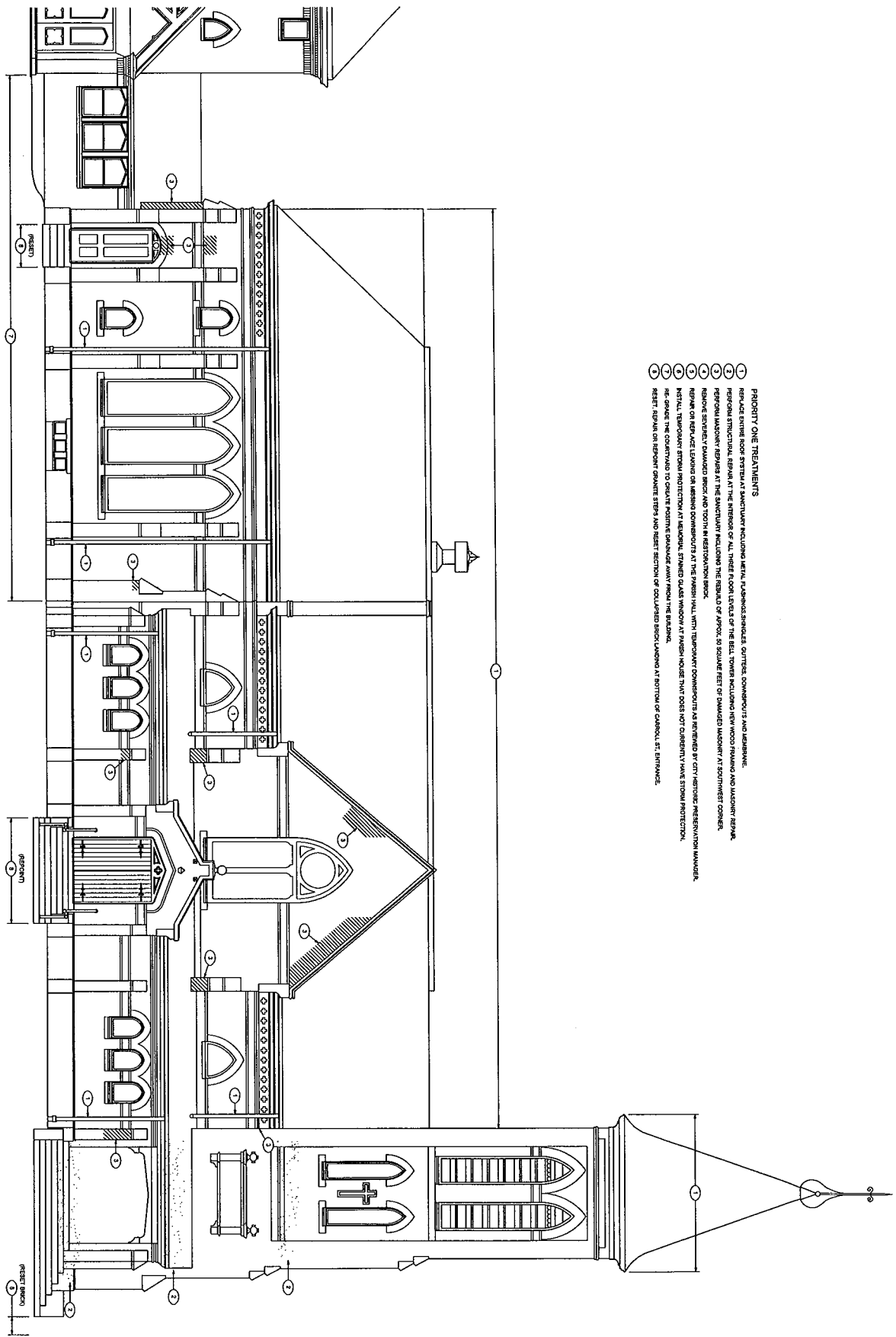
th-architects, llc
28 DANFORTH STREET
PORTLAND, MAINE 04101
TEL: 207.771.1888
FAX: 207.771.1889

TITLE:
Parish House
South Elevation
SHEET NO.:
A-4

DATE: 7 May 2012
SCALE: As Shown
REVISIONS:

1 SANCTUARY - EAST ELEVATION
K-5 1/4" = 1'-0"

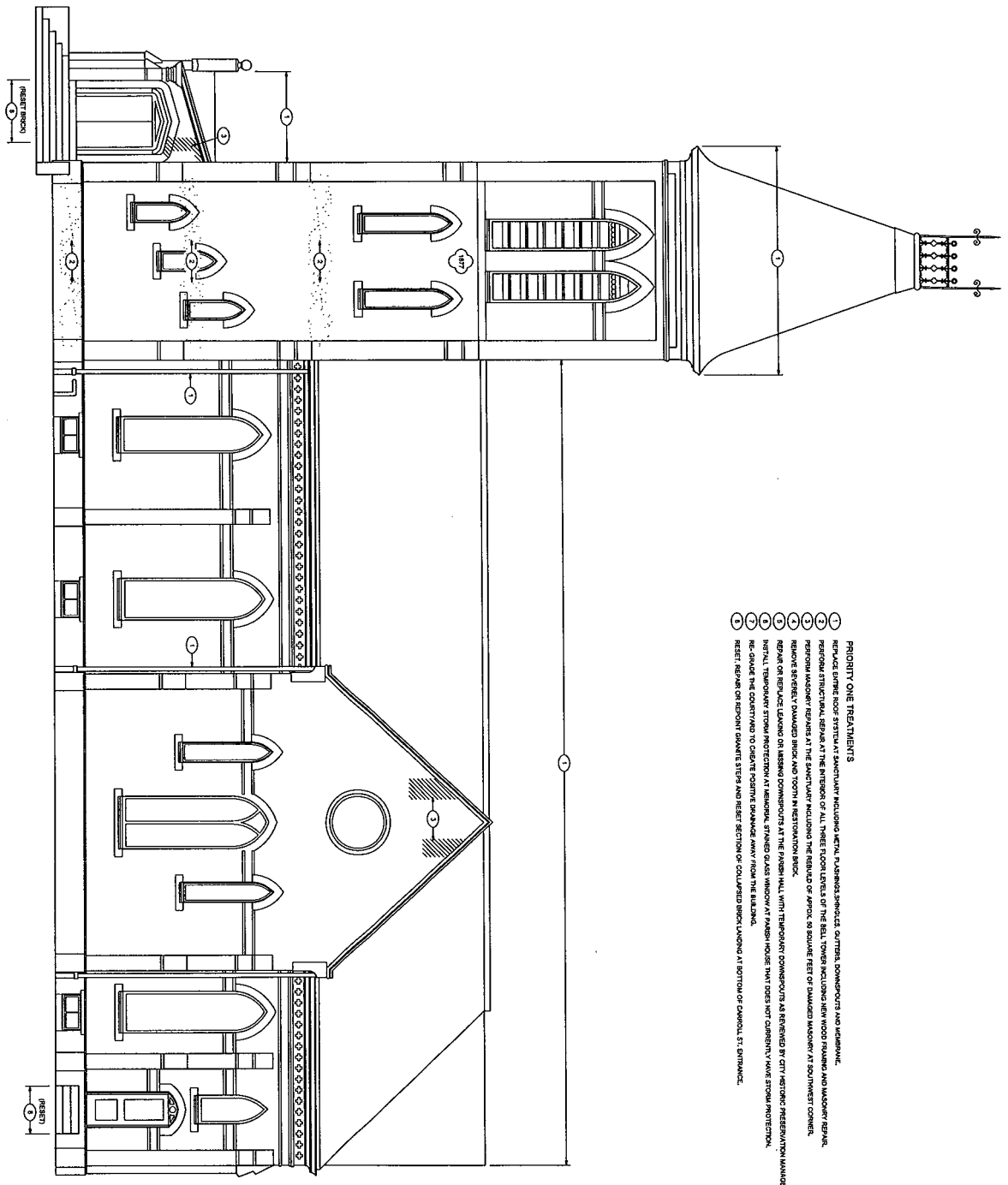
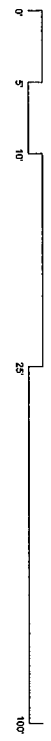
0' 5' 10' 25' 100'



- PRIORITY ONE TREATMENTS**
- 1. REPAIR ENTIRE ROOF SYSTEM AT SANCTUARY INCLUDING METAL FLASHINGS, SHINGLES, GUTTERS, DOWNPOUTS AND MEMBRANE.
 - 2. REPAIR STRUCTURAL, REPAIR AT THE INTERIOR OF ALL THREE FLOOR LEVELS OF THE BELL TOWER INCLUDING NEW WOOD FRAMING AND MAJOR REPAIR.
 - 3. REPAIR MAJORITY REPAIR AT THE SANCTUARY INCLUDING THE REMOVAL OF APPROX. 50 SQUARE FEET OF DAMAGED MASONRY AT SOUTHWEST CORNER.
 - 4. REPAIR SEVERELY DAMAGED BRICK AND TONTO IN RESTORATION BRICK.
 - 5. REPAIR OR RE-APPLY LEADING OR LEADING COMPOUNDS AT THE PAVILION HALL WITH TEMPORARY DOWNPOUTS AS REQUIRED BY CITY HISTORIC PRESERVATION MANAGER.
 - 6. INSTALL TEMPORARY STORM PROTECTION AT MAJOR, STAINED GLASS WINDOW AT PAVILION HOUSE THAT DOES NOT CURRENTLY HAVE STORM PROTECTION.
 - 7. REPAIR THE CORPORA TO CLIMATE EXISTING DAMAGED AREA FROM THE BUILDING.
 - 8. REPAIR REPAIR ON REPAIR DAMAGED STAIRS AND REPAIR SECTION OF COLLAPSED BRICK LANDING AT BOTTOM OF CLOAKING ST. ENTRANCE.

Title: Sanctuary East Elevation Sheet No: A-5	Date: 7 May 2012 Scale: As Shown Revisions:	Exterior Conditions Assessment & Treatment Plan 32 Thomas Street, LLC 32 Thomas Street Portland, Maine	tl architects, llc 28 DAVENPORT STREET PORTLAND, MAINE 04107 TEL: 207.781.1462 FAX: 207.781.1460

1 SANCTUARY - NORTH ELEVATION
1/4" = 1'-0"

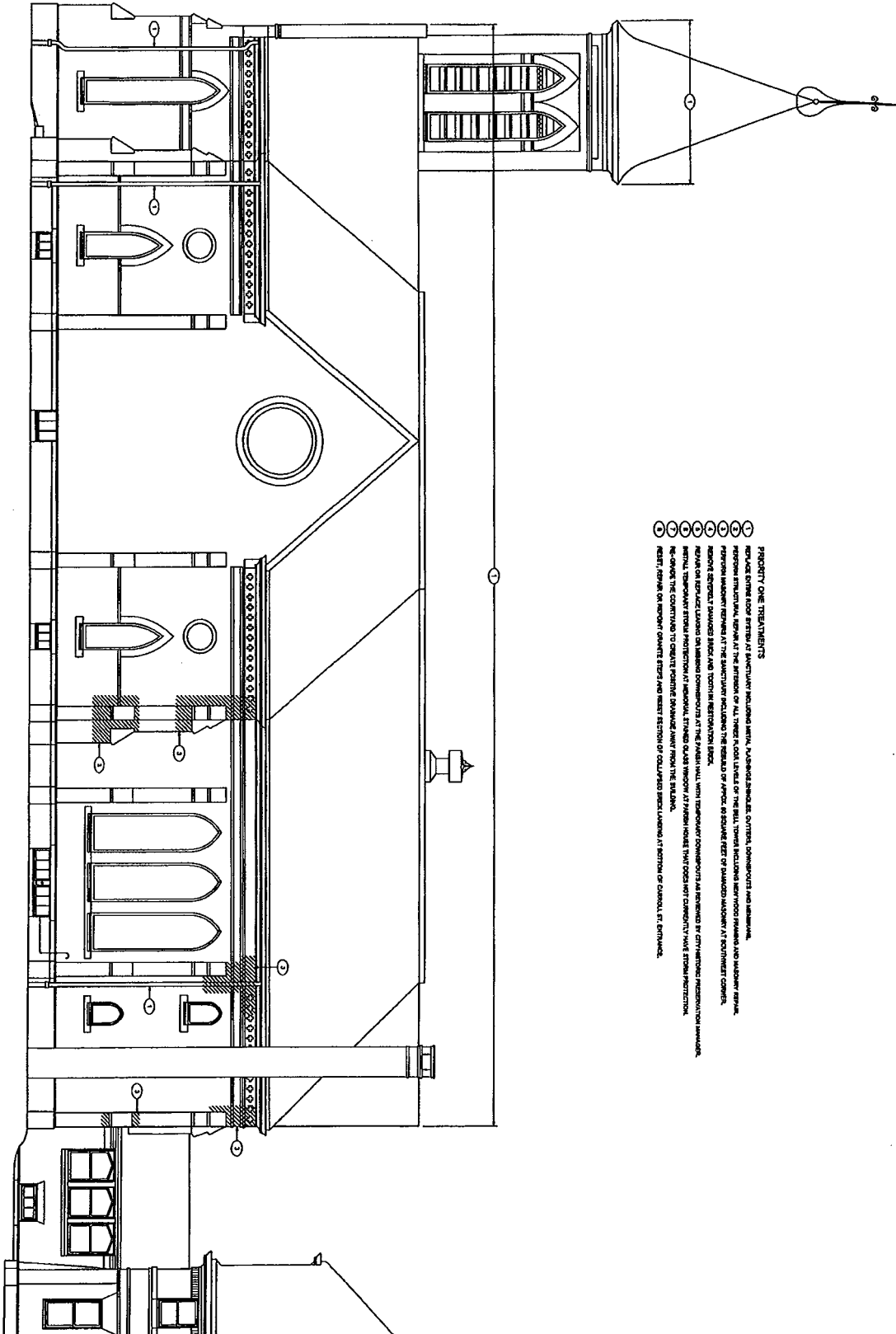


- PRIORITY ONE TREATMENTS**
- ① REPLACE ENTIRE ROOF STRUCTURE AT SANCTUARY INCLUDING MEANS FLASHINGS, SHEDS, GUTTERS, DOWNSPOUTS AND MEMBRANE.
 - ② REPAIR STRUCTURAL REPAIRS AT THE INTERIOR OF ALL THREE FLOOR LEVELS OF THE BELL TOWER INCLUDING NEW WOOD FLOORING AND MASONRY REPAIR.
 - ③ REPAIR MASONRY REPAIRS AT THE SANCTUARY INCLUDING THE REPAIR OF APPROX. 30 SQUARE FEET OF DAMAGED MASONRY AT SOUTHWEST CORNER.
 - ④ REMOVE SEVERELY DAMAGED BRICK AND TOOTH IN RESTORATION BRICK.
 - ⑤ REPAIR OR REPLACE LEAKING OR MISSING DOWNSPOUTS AT THE PARISH HALL WITH TEMPORARY DOWNSPOUTS AS RECOMMENDED BY CITY HISTORIC PRESERVATION MANAGER.
 - ⑥ INSTALL TEMPORARY STORM PROTECTION AT MINOR, STAINED GLASS WINDOW AT PARISH HOUSE THAT DOES NOT CURRENTLY HAVE STORM PROTECTION.
 - ⑦ RE-GRAD THE COURTYARD TO CREATE POSITIVE DRAINAGE AWAY FROM THE BUILDING.
 - ⑧ RESET / REPAIR OR REMOVE SWANEE STEPS AND RESET SECTION OF COLLATERAL BRICK LANDING AT BOTTOM OF CATHOLIC ST. ENTRANCE.

th-architects, llc 28 DAVENPORT STREET PORTLAND, MAINE 04101 TEL: 207.776.6862 FAX: 207.776.6868	Exterior Conditions Assessment & Treatment Plan 32 Thomas Street, LLC 32 Thomas Street Portland, Maine	Title: Sanctuary North Elevation Sheet No: A-6	Date: 7 May 2012 Scale: As Shown Revisions:

1
A-7
SANCTUARY - WEST ELEVATION
1/4" = 1'-0"

0 5 10 25 100'



- PRIORITY ONE TREATMENTS**
- ① REPLACE ENTIRE ROOF SYSTEM AT SANCTUARY INCLUDING GUTTERS, DOWNSPUTS AND FLASHING.
 - ② REPAIR STUCCO, REPAIR AT THE INTERIOR OF ALL THREE FLOOR LEVELS OF THE BELL TOWER INCLUDING REPAIRS TO FLOORING AND MASONRY REPAIR.
 - ③ REPAIR MASONRY REPAIRS AT THE SANCTUARY INCLUDING THE REPAIRS TO THE SQUARE FEET OF DAMAGED MASONRY AT SOUTHWEST CORNER.
 - ④ REPAIR STUCCO DAMAGED BRICK AND TOWER IN RESTROOMS AREA.
 - ⑤ REPAIR OR REPLACE LANDING ON LANDING DOWNPOUTS AT THE MAIN WALL WITH TEMPORARY DOWNPOUTS AS REQUIRED BY CITY HISTORIC PRESERVATION BOARD.
 - ⑥ REPAIR TEMPORARY STUCCO PROTECTION AT MAIN WALL STUCCO GLASS WINDOW AT MAIN HOUSE THAT DOES NOT CURRENTLY HAVE STUCCO PROTECTION.
 - ⑦ RE-OWN THE CONTIGUOUS TO CREATE POSITIVE DRAINAGE AWAY FROM THE BUILDING.
 - ⑧ REPAIR, REPAIR OR REPLACE GROUND STUCCO AND REPAIR SECTION OF COLLAPSED BRICK LANDING AT BOTTOM OF CATHOLIC ST. ENTRANCE.

Exterior Conditions Assessment & Treatment Plan
32 Thomas Street, LLC
32 Thomas Street
Portland, Maine

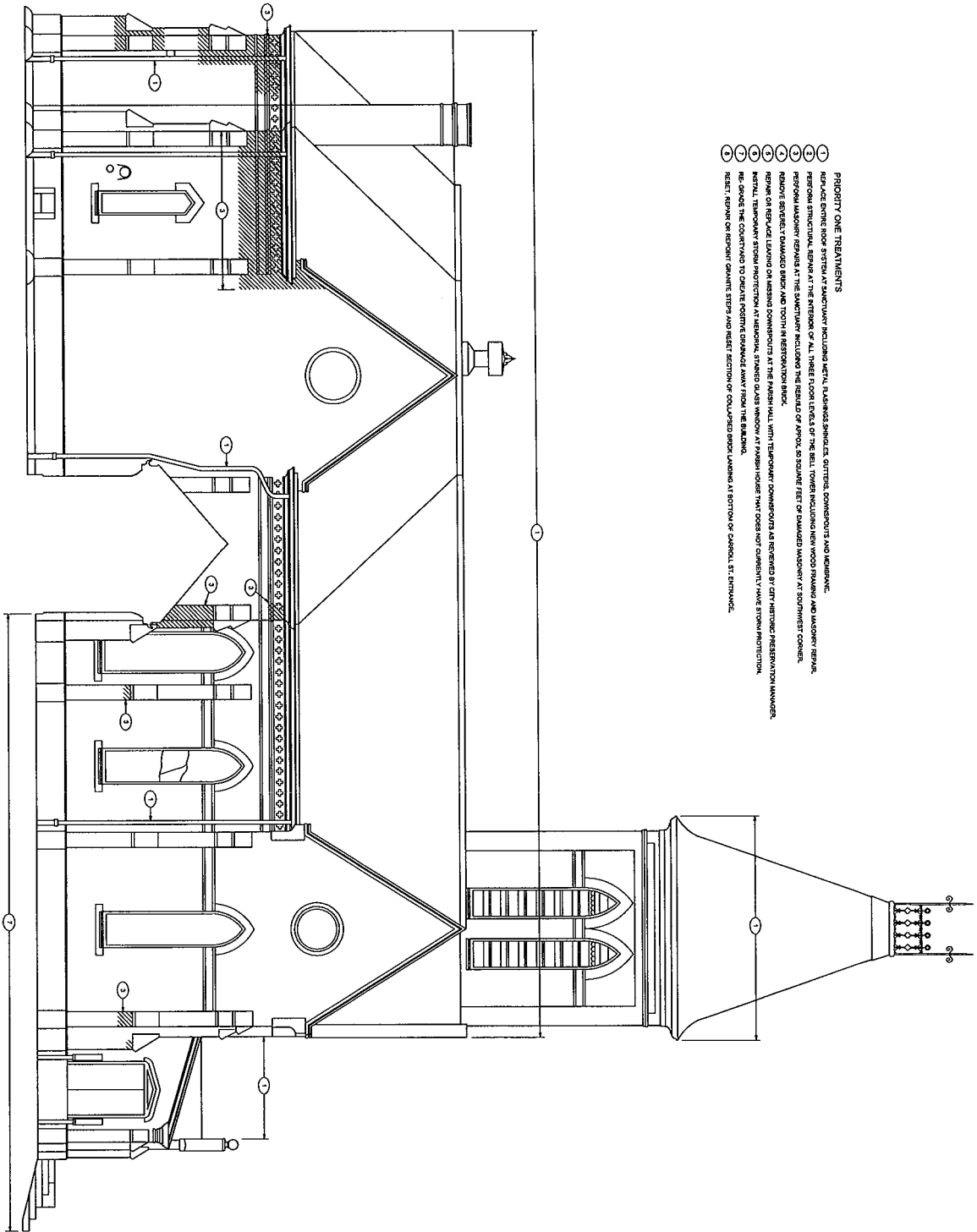
dt-architect, llc
30 BANGOR STREET
PORTLAND, ME 04103
TEL: 503.775.1885
FAX: 503.775.1886

THC
Sanctuary
West Elevation
Sheet No: A-7

DATE: 7 May 2012
DRAWN: AS SHOWN
REVISION:

1 SANCTUARY - SOUTH ELEVATION
1/4" = 1'-0"

0 5 10 25 100'



- PRIORITY ONE TREATMENTS**
- 1. REPLACE DRIVE ROOF SYSTEM AT SANCTUARY INCLUDING METAL, DAMAGED SPINDLES, GUTTERS, DOWNSPUTS AND MEMBRANE.
 - 2. PERSONAL MAINTENANCE, REPAIR AT THE INTERIOR OF ALL THREE FLOOR LEVELS OF THE BELL TOWER INCLUDING NEW FLOOR FINISHES AND MASONRY REPAIR.
 - 3. PERSONAL MAINTENANCE, REPAIR AT THE INTERIOR OF ALL THREE FLOOR LEVELS OF THE BELL TOWER INCLUDING NEW FLOOR FINISHES AND MASONRY REPAIR.
 - 4. REMOVE SEVERELY DAMAGED BRICK AND TOOTH IN RESTORATION BRICK.
 - 5. REPAIR OR REPLACE LEAKING OR MISSING DOWNSPUTS AT THE PARISH HALL WITH TEMPORARY DOWNSPUTS AS REQUIRED BY CITY HISTORIC PRESERVATION DEPARTMENT.
 - 6. METAL, TEMPORARY STEEL PROTECTION AT PARISH HALL, STAINED GLASS WINDOW AT PARISH HOUSE THAT DOES NOT CURRENTLY HAVE STEEL PROTECTION.
 - 7. REPAIR THE COURTYARD TO CREATE POSITIVE DRAINAGE AWAY FROM THE BUILDING.
 - 8. REPAIR OR REPLACE DOWNSPUTS AND REPAIR SECTION OF COLLAPSED BRICK LANDING AT BOTTOM OF CATHOLIC ST. ENTRANCE.

Exterior Conditions Assessment & Treatment Plan

32 Thomas Street, LLC

32 Thomas Street
Portland, Maine

th-architects, llc
28 DAVENPORT STREET
PORTLAND, MAINE 04103
TEL: 207.271.1888
FAX: 207.271.1888

Title:
Sanctuary
South Elevation
Sheet No.:
A-8

Date: 7 May 2012
Scale: As Shown
Revision:



P.O. Box 71
E. Waterboro, ME. 04030
247-5372 Fax 247-4256

*Architectural Copper Work and Cornicing
Historically Correct Restorations
Slate and Clay Tile Roofing*

April 27, 2012

Leddy Houser Associates
Attn: Paul Leddy
429 Preble Street
South Portland, Maine 04106

Dear Mr. Leddy:

Please accept the following updated estimate for the complete, historically accurate slate and copper roof restoration work on the upper main roof of the Williston Church on Thomas Street in Portland, Maine.

Scaffolding---\$22,526.00

-Erect scaffolding in accordance to OSHA standards up to the gutter line around the perimeter of the main church roof. Install the necessary safety features to protect pedestrians and the property.

Demolition---\$40,008.00

-Remove and dispose of the existing asphalt shingle roof materials and flashing components from the pitched roofs. Re-nail all roof decking using 8d nails. Install an ice and water shield membrane to the lower three feet of the main roof, in all valleys, and around all other roof protrusions such as the steeple sidewalls, chimney and the vent pipe. Install a #30 roofing paper to all other exposed roof decks.

Main Roof Gutter---\$25,854.00

-Install a custom fabricated 16-oz. copper gutter system exactly matching the size and configuration of the original gutter at all main roof fascia. The gutter shall have a 1/4" x 1" copper bar installed into its face with 1/8" x 1" copper bar hangers bolted to the face bar with brass bolts every 18" for strength.

-If the existing gutters are eliminated and a cornice flashing is to be installed similar to your drawing, the cost will be \$20,016.00 instead of the \$25,854.00 for the gutter.

Conductor Pipes for Main Roof Gutters---\$9,600.00

-Install custom fit 16-oz. copper conductor pipes at the original pipe locations to lead the water from the main roof gutters to the ground. If 3" round corrugated galvanized steel conductor pipes are to be used instead of copper please deduct \$3,735.00 from the total. If galvanized steel pipes are used, they should be primed inside and outside and two coats of paint applied to the outside.

"Four Generations Of Experience"



P.O. Box 71
E. Waterboro, ME. 04030
247-5372 Fax 247-4256

*Architectural Copper Work and Cornicing
Historically Correct Restorations
Slate and Clay Tile Roofing*

Valley Flashings—\$6,667.00

-Install continuous 16-oz. copper flashings in all main roof valleys fabricated from 18" stock. If 24" stock is to be used, please add \$1,030.00.

Slating---\$108,110.00

-Install Premium 3/4" thick North Country Black Slate to the roof using 1 1/2" copper slating nails. The valleys will be slated using an open profile. If a mixed Vermont Grey/Green and Vermont Semi Weathering Green Slate will be used instead of the North Country Black Slate, please deduct \$7,000.00.

Cornice Flashings for Raised Parapets---\$12,561.00

-3 of the gables have raised parapet walls above the roof deck. Fabricate and install 16-oz. copper step flashings interwoven with the installation of the slate along each of the parapet walls. Install custom fabricated 16-oz. copper flashings to the tops of the parapets. The new copper parapet caps will exactly match the size and configuration of the original caps.

Cornice Flashings for the Gables that are not Raised---\$3,990.00

-2 of the gables have metal cornice flashings running up the gable rakes. Install custom fabricated 16-oz. copper flashings to gable rakes. The new copper cornice flashings will exactly match the size and configuration of the original flashings.

Chimney Flashings---\$1,391.00

-Install 16-oz. copper base flashings interwoven with the installation of the slate around the west elevation chimney. Install 16-oz. copper counter flashings symmetrically placed into 1" deep reglets symmetrically cut into mortar joints around three sides of the chimney. Repoint the reglets with a compatible mortar.

Plumbing Vent Pipe Flashing---\$490.00

-Install a 16-oz. copper base flashing around the plumbing vent pipe interwoven with the installation of the slate. Install a high hat counter flashing over the pipe.

Steeple Base Flashings---\$3,218.00

-Install 16-oz. copper base flashings interwoven with the installation of the slate around the base of the steeple. Install 16-oz. copper counter flashings symmetrically placed into 1" deep reglets symmetrically cut into mortar joints above the step flashings. Repoint the reglets with a compatible mortar.

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P.O. Box 71
E. Waterboro, ME. 04030
247-5372 Fax 247-4256

*Architectural Copper Work and Cornicing
Historically Correct Restorations
Slate and Clay Tile Roofing*

Hip and Ridge Flashings---\$4,650.00

-Install continuous copper flashings mechanically fastened with brass screws and washers on all hip and ridge lines.

Cornice Flashings at Perimeter of EPDM Roof---\$2,343.00

-Custom fabrication and installation of a copper cornice flashing around the perimeter of the EPDM roof at the top of the building.

Front Vestibule Roof, Gutter and Conductor Pipes---\$21,191.00

-Erect scaffolding in accordance to OSHA standards up to the gutter line at the front vestibule. Install the necessary safety features to protect pedestrians and the property---\$2,659.00.

-Remove and dispose of the existing roof materials and flashing components from the vestibule roof. Re-nail all roof decking using 8d nails. Install an ice and water shield membrane to the roof deck. Install a rosin sized paper over the membrane---\$2,632.00.

-Install a custom fabricated 16-oz. copper gutter system exactly matching the size and configuration of the original gutter across the front fascia of the front vestibule. The gutter shall have a 1/4" x 1" copper bar installed into its face with 1/8" x 1" copper bar hangers bolted to the face bar with brass bolts every 18" for strength---\$4,650.00.

-Install custom fit 16-oz. copper conductor pipes at the original pipe locations to lead the water from the gutters to the ground---\$800.00. If 3" round corrugated galvanized steel conductor pipes are to be used instead of copper please deduct \$312.00 from the total.

-Install a symmetrically placed, double locked standing seam 16-oz. copper roof to the vestibule roof. Install all related flashings---\$10,450.00.

If you have any questions, please feel free to call.

Sincerely,

Victor A. Wright

"Four Generations Of Experience"



April 24, 2012

Leddy/Hauser Assoc.
72 Ocean Street
Suite 104
South Portland, Me. 04106

Attn:

Project Name: 32 Thomas Street (approx. 1,700 sq. ft.)
Location: Portland, Me.

- Remove and dispose of the existing epdm and fiberboard.
- Supply and install 1/2" HD polyiso insulation.
- Supply and install a fully adhered .060 E.P.D.M. of system.
- Flash all vertical transitions and penetrations.
- Supply a 15 year labor 20 year material warranty.
- This estimate/proposal will become a contract once executed by both parties.

TOTAL LABOR MATERIALS: \$16,800.00
(Sales tax included if applicable)

Customer
Approval:

Date:

Tecta America:

Date:

Alternates: Supply and install a Bileco S-20 roof hatch at the existing penetration. **ADD \$1,475.00**

For white .060 PVC membrane **ADD \$2,100.00**

ATTACHMENT 1

PORTLAND CITY COUNCIL ORDER 214-11/12

JUNE 18, 2012

A TRUE COPY
ATTEST: Katherine L. Jones City Clerk
Katherine L. Jones, City Clerk
Portland, Maine
DATE 4/28/2012

Order 214-11/12

Given first reading on 6/4/12

Passage as amended: 6-3 (Coyne, Anton, Leeman) 6-18-12

MICHAEL F. BRENNAN (MAYOR)
KEVIN J. DONOGHUE (1)
DAVID A. MARSHALL (2)
EDWARD J. SUSLOVIC (3)
CHERYL A. LEEMAN (4)

CITY OF PORTLAND
IN THE CITY COUNCIL

JOHN R. COYNE (5)
JOHN M. ANTON (A/L)
JILL C. DUSON (A/L)
NICHOLAS M. MAVODONES (A/L)

AMENDMENT TO CITY CODE
SEC. 14-49 (ZONING TEXT AND MAP AMENDMENT)
RE: Conditional Zoning Agreement
Williston-West Church

ORDERED, that the zoning map and text of the City of Portland, dated December 2000 as amended and on file in the Department of Planning & Development, and incorporated by reference into the Zoning Ordinance by Sec. 14-49 of the Portland City Code, is hereby amended to reflect a conditional rezoning as detailed below.

CONDITIONAL ZONE AGREEMENT
RE:
WILLISTON-WEST CHURCH

AGREEMENT made this 13th day of July, 2012 by 32 Thomas Street, LLC, 477 Congress St., Suite 601, Portland, Maine ("Developer"), and its successors and assigns.

W I T N E S S E T H

WHEREAS, the Developer owns real property located at 32 Thomas Street, consisting of the parcel shown on the City's Tax Map 62, Block E, Lot 5, being more particularly described in a deed recorded in Cumberland County Registry of Deeds in Book 29217, Page 171 (collectively the "Property"); and

WHEREAS, the existing building complex located on the Property was formerly used as the Williston-West Church; and

WHEREAS, the Property, located within the West End Historic District, is currently zoned R-4 Residential; and

WHEREAS, the properties on the opposite sides of Thomas and Carroll Streets, directly across from the Property, are zoned R-6 Residential; and

WHEREAS, the building complex located on the Property is comprised of two principal portions, the sanctuary and the parish house; and

WHEREAS, the building complex is listed in the National Register of Historic Places, the sanctuary is a designated local landmark as defined by Article IX of the

Portland City Code and the parish house is a contributing structure within the West End Historic District under Article IX; and

WHEREAS, the sanctuary and the parish hall are important, unique; large-scale, non-residential historic structures that were designed by noted architects Francis Fassett and John Calvin Stevens respectively; and

WHEREAS, the building complex significantly contributes to the architectural fabric of the neighborhood and distinctive sense of place that defines Portland and therefore requires special consideration with regard to its rehabilitation and preservation; and

WHEREAS, the standards of review for alterations of historic structures set forth in Portland City Land Use Code (the "Code") §14-650 include the following: (a) Every reasonable effort shall be made to provide a compatible use for a property which requires minimal alteration to the character-defining features of the structure, object or site and its environment or to use a property for its originally intended purpose; and (b) The distinguishing original qualities or character of a structure, object or site and its environment shall not be destroyed. The removal or alteration of any historic material or distinctive architectural features should be avoided when possible.

WHEREAS, the building complex located on the Property is falling into a state of disrepair; and

WHEREAS, historically appropriate and neighborhood compatible adaptive re-use of historic religious structures is often challenging, and reasonable use flexibility may enable economically viable rehabilitation and productive use of such buildings for their long term preservation; and

WHEREAS, the City's comprehensive plan includes the following stated goals: to preserve Portland's architectural and historic heritage; to promote an economic climate which increases job opportunities and overall economic well-being; and to preserve and enhance the quality and vitality of neighborhoods within and adjacent to the Downtown; and

WHEREAS, offices in residential zones, particularly in the R-4 zone, have been limited and any allowance of an office use in the R-4 zone should only be considered for large, unique, and historically significant structures which have not previously been in residential use, and must be carefully considered and controlled to achieve an appropriate balance between policies supporting neighborhood preservation and policies supporting economic development and preservation of the City's architectural and historic heritage; and

WHEREAS, the Developer proposes and intends to rehabilitate the parish house to provide for a family residence on the second and third floors, and a caretaker residence and office space on the first floor, as illustrated in Exhibit A attached hereto; and

WHEREAS, the Developer proposes and intends to rehabilitate, preserve and maintain the sanctuary and to use the building as a community hall for limited community uses; and

WHEREAS, the Developer intends to maintain the historic character of the structures and Property and will commit to a rehabilitation schedule of improvements to the building complex to address immediate needs to ensure the soundness and integrity of the building envelope and structural elements, and intends to perform additional improvements to the building complex to prolong its useful life and preserve the historic character, all with the goal of extending the useful life of the building complex for a time period approaching fifty (50) years or longer; and

WHEREAS, the existing zoning is R-4 which has dimensional requirements that the existing building complex does not meet, but is lawfully nonconforming; and

WHEREAS, the proposed use of the building complex by the owner/Developer includes an office component that is a necessary economic value and program element for the feasibility of the productive use of the building complex and the associated rehabilitation investments; and

WHEREAS, the Developer has requested a rezoning of the Property in order to permit the proposed development of the Property which will facilitate funding the comprehensive rehabilitation and long-term maintenance of the historic structures; and

WHEREAS, the proposed uses of the Property are consistent with the existing and permitted uses in the neighborhood, which include a mix of residential, commercial and institutional uses; and

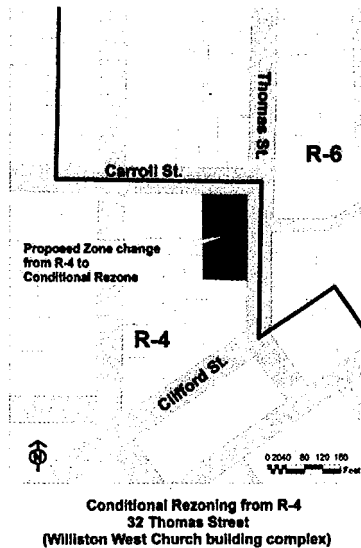
WHEREAS, the Planning Board, after notice and hearing and due deliberation thereon, recommended the rezoning of the Property as aforesaid, subject, however, to certain conditions contained in this AGREEMENT; and

WHEREAS, the Portland City Council, pursuant to 30-A M.R.S.A. § 4352(8) and §§ 14-60 to 14-62 of the Code, after notice, hearing and due deliberation thereon, has determined that because of the unusual nature and unique location of the proposed development, and its minimal impact on and compatibility with the surrounding community, it is necessary and appropriate to recommend the rezoning of the Property as aforesaid, with the following conditions and restrictions set forth in this AGREEMENT; and

WHEREAS, the Portland City Council has on June 18, 2012 approved this Agreement in its entirety, by City Council Order No. 214-11/12, a true copy of which is attached hereto as Attachment 1 (the "Order");

NOW, THEREFORE, in consideration of the rezoning, the Developer covenants and agrees as follows:

1. Pursuant to the Order, the City shall amend the Zoning Map of the City of Portland, dated September, 2000 (as amended from time to time and on file in the Department of Planning and Urban Development, and incorporated by reference into the Zoning Ordinance by § 14-49 of the Code) by adopting the map change amendment shown below to zone the property conditional R-4, subject to the conditions contained below.



If this Agreement is not recorded within sixty (60) days after the effective date of the City Council's approval of the Order, then the conditional rezoning shall become null and void and the zoning of the Property shall revert to the pre-existing R-4 zone.

2. Permitted uses:

- a. All uses allowed in the R-4 zone.
- b. Professional offices, including computer software programming and marketing, and excluding personal services, retail services and veterinarians, subject to the following limitations:
 - (1) Professional offices shall be located on the first floor of the parish house and shall occupy no more than 2,800 square feet of floor area.
 - (2) The total number of individuals working in the professional offices shall not exceed fourteen (14) non-resident employees regularly scheduled to occupy the premises at any one time.

- (3) The business utilizing the office space shall be a single tenant office user owned by or affiliated with the owner of the building complex.
- (4) The office use shall not generate frequent daily visitation by clients, customers, or the general public.
- (5) The owner or operator of the business shall secure and provide to its employees one (1) off street parking space for each employee who commutes to the office by his or her automobile.

3. Use of the sanctuary as a community hall shall be reviewed as a conditional use by the Planning Board, which may place limitations on the use of the sanctuary as a community hall, in addition to the requirements for community halls set forth in section 14-103(b)(2)(e). Said limitations may include, but are not limited to the following:

- a. Occupancy load;
- b. Hours and days of operation;
- c. Record keeping and reporting;
- d. Number of organizations that may be entitled to regular use of the community hall at any one time;
- e. Noise level as the property line; and
- f. Service of alcohol.

4. The underlying dimensional requirements of the R-4 zone shall apply and are modified as follows:

- a. Minimum Lot Size for place of assembly and professional office uses combined: 17,500 square feet.
- b. Minimum Yard Dimensions:
 1. Front yard: 3 feet.
 2. Rear Yard: 3 feet.
 3. Side Yard: 4 feet
 4. Side Yard on Side Streets: 8 feet.
- c. Maximum Lot Coverage: 90%.
- d. Maximum Structure Height (Sanctuary): 37 feet.
- e. Maximum Structure Height (Parish House): 46 feet.
- f. Maximum Structure Height (Bell Tower): 70 feet.
- g. Maximum Floor Area for Places of Assembly: 6,000 sq. ft.

- h. Residential dwellings within the existing structures shall be governed by the provisions of Section 14-103(a)(2) of the underlying R-4 zone. Density calculations for residential use shall be based on the lot size of the parcel without land area deductions for other non-residential uses on the site.

5. Any increase in the volume or footprint of either the parish house or the sanctuary shall be prohibited.

6. Subject to receiving all necessary regulatory approvals, the Developer shall rehabilitate the Property in accordance with the Rehabilitation Schedule and related elevation drawings A-1 through A-8, attached hereto as Exhibit B, in keeping with the standards of Article IX, Historic Preservation, of the Portland City Code and as shall be reviewed and approved by the Historic Preservation Board or staff under the terms of this Article. Rehabilitation shall commence within six (6) months of [date of enactment] and shall be completed within twenty-four (24) months of [date of enactment]. Any rehabilitation improvements required by this AGREEMENT not completed before the issuance of the certificate of occupancy for the office use shall be secured by a performance guarantee in the form of an escrow account, letter of credit, or equivalent surety approved by the Corporation Counsel of the City of Portland, in an amount equal to the estimated cost of completion of such improvements. Such performance guarantee shall be reduced by the City upon completion of improvement phases, but shall not be reduced to less than the estimated cost of any incomplete required improvements. In the event that the owner/developer fails to execute the required improvements by the time specified herein, unless granted an extension in writing from the Planning Authority of the time to complete for good cause and not to exceed an additional twelve (12) months, then the City of Portland or its designee shall have the right to utilize the proceeds of the performance guarantee to hire a competent contractor to complete such improvements. In such event, the Planning Authority shall have the right to review and approve the work scope consistency with the required improvements of Exhibit B, the specifications and methods of such work items, and contractor qualifications.

7. If any required approval, including the City Council's approval of this AGREEMENT, has been appealed or becomes the subject of litigation, then the required performance time frames contained in this AGREEMENT shall be measured from the final disposition of any such appeal or litigation. Failure, however, to commence the rehabilitation improvements or post the performance guarantee within the timeframes stipulated in this paragraph and/or paragraph 13 shall result in the reversion of the subject property to the underlying R-4 zone and this AGREEMENT shall be null and void.

8. The provisions of this AGREEMENT are intended to replace and/or supersede the associated provisions of the underlying R-4 zone. As stated above, to the extent not otherwise altered herein, the zoning requirements for the R-4 zone shall otherwise apply to the Property.

9. For a period of five (5) years from [date of enactment], Developer shall submit an annual report to the Planning Authority which shall include the number of employees working at the premises, the location and number of secured off street parking spaces, and other items pertaining to compliance with provisions of this AGREEMENT as required by the Planning Authority. Thereafter, to the extent the Planning Authority requires additional information/report(s) the Developer shall provide the Authority with any such additional information/report(s).

10. The Developer shall replace and/or repair the sidewalk and all other public property surrounding the entire Property if said sidewalk or other public property is damaged as a result of construction on the Property including, but not limited to, construction of the residential and office uses described in this AGREEMENT.

11. Under no circumstances shall the Developer be permitted to convert any residential property in the R-4 zone to an institutional use.

1240. In the event of a breach by the Developer or its successors or assigns of the provisions contained herein (whether the Zoning Administrator, the Zoning Board of Appeals or a Court determines such breach), the Planning Board, after notice and hearing, may review the circumstances of the breach and recommend to the City Council that this AGREEMENT be amended or be rescinded and determine that such rescission should result in the termination of this AGREEMENT and a reversion of the Property to the R-4 zone requirements in place before the execution of this AGREEMENT.

1344. This AGREEMENT may also be enforced pursuant to the land use enforcement provisions of state law including, but not limited to, 30-A MRSA § 4452 and the Portland City Code.

1442. The above stated restrictions, provisions, and conditions are an essential part of the rezoning, shall run with the Property, shall bind and benefit the Developer, any entity affiliated with the Developer that takes title to the Property, its successors and assigns, and any party in possession or occupancy of said Property or any part thereof, and shall inure to the benefit of and be enforceable by the City of Portland, by and through its duly authorized representatives. The Developer shall file a counterpart original of this Agreement in the Cumberland County Registry of Deeds.

1543. The Planning Authority shall be notified of any potential and/or pending sale of the Property (which most likely will be evidenced by a Purchase & Sales Agreement or its equivalent), and prior to closing the sale of the Property shall meet with the buyer and verify that he/she/it has read, understood and agrees to be bound by the terms, conditions, limitations and provisions of this AGREEMENT, and said buyer shall so state in a signed affidavit to be kept on file with the Planning Authority.

1644. If any of the restrictions, provisions, conditions, or portions thereof set forth herein is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed as a separate, distinct, and independent

provision and such determination shall not affect the validity of the remaining portions hereof.

1745. Except as expressly modified herein, the development shall be governed by and comply with the provisions of the Portland City Code, including but not limited to, the maintenance requirements for historic structures set forth in section 14-690 of the Code, and any applicable amendments thereto or replacement thereof.

WITNESS: _____

32 THOMAS STREET, LLC

BY:

STATE OF MAINE
CUMBERLAND, ss.

_____, 2012

Personally appeared before me the above-named _____, in his/her capacity as _____ of 32 THOMAS STREET, LLC, and acknowledged the foregoing instrument to be his/her free act and deed in his/her said capacity and the free act and deed of said corporation.

Before me,

MEMORANDUM
City Council Agenda Item

FROM: Christine Grimando

DATE: February 24, 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

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, requested that the historic district designation, here numbered Order 126B-20/21, be reconsidered pursuant to Rule 19 of the Council Rules of Procedure and that motion was approved by a vote of 5-4 ((Fournier, Mavodones, Ali, Chong) on February 22, 2021.

On February 22, 2021, Councilor Zarro also requested that this item be postponed to this meeting to allow for additional research and discussion.

At the request of Councilor Ali, an amendment removing 122 North Street has been added to the back-up material.

Five affirmative votes are required for passage. Public comment is not required.

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. Ali Amendment 1 to Order 126B-2021
3. 3. Ali Amendment 1 Map of Proposed Munjoy Hill Historic District
4. 4. City Council Memo MH 4-9-21
5. 5. Supplemental Memo (4-5-21)
6. 6. Memo re Historic District Nomination
7. 7. Map of Proposed Munjoy Hill Historic District (4-5-2021 with corrections)
8. 8. Council Report (11-9-2020)
9. 9. Supplemental Memo (1-27-2021)
10. 10. Supplemental Memo (11-13-2020)
11. 11. Munjoy Hill Historic Context Statement
12. 12. List of Properties with Classifications
13. 13. Historic Preservation Ordinance Designation Criteria

14. Public Comment - Carle Henry 3-28-2021
15. Public Comment - Anne Manganello 4-1-2021
16. Public Comment - Barbara Vestal 3-31-2021
17. Public Comment - Berry Manter 2-22-2021
18. Public Comment - Carle Henry 2-12-2021
19. Public Comment - Carle Henry 4-1-2021
20. Public Comment - Carol Connor 4-1-2021
21. Public Comment - Debby Murray 4-1-2021
22. Public Comment - Diane Davison 4-2-2021
23. Public Comment - George Rheault 2-1-2021
24. Public Comment - George Rheault 2-12-2021
25. Public Comment - Jean Russo 2-22-2021
26. Public Comment - Joey Brunelle 3-18-2021
27. Public Comment - Julius Ciembroniewicz 2-2-2021
28. Public Comment - Julius Ciembroniewicz 4-2-2021
29. Public Comment - Karen Snyder 4-2-2021
30. Public Comment - Lindsay Steven Mann 3-30-2021
31. Public Comment - Maggie Wolf 3-31-2021
32. Public Comment - Mildred Bachrach 3-30-2021
33. Public Comment - Nancy Brain 2-22-2021
34. Public Comment - Pamela Day 4-2-2021
35. Public Comment - Paul Flaxman 3-29-2021
36. Public Comment - Peter Murray 4-1-2021
37. Public Comment - Robin Whitten 3-31-2021
38. Public Comment - Sally Oldham 4-1-2021
39. Public Comment - Susan Ross 2-25-2021
40. Public Comment - Tess Armstrong 2-1-2021
41. Public Comment - Vana Carmona 4-1-2021
42. Public Comment - Carle Henry 4-2-2021
43. Public Comment - James Hambly 4-3-2021
44. PC 1
45. Public Comment - Hansen, Sarah Greater Portland Landmarks re Legal Requirements for Historic Districts
46. Public Comment - Sarah Hansen 4-5-2021
47. MHHD 2
48. MHHD 1
49. GR 2
50. GR 1
51. MHHD 3
52. MHHD 4

Prepared by:

Christine Grimando

Date: 2/24/2021

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.

AMENDMENT 1 TO ORDER 126B-20/21
RE: THE DESIGNATION OF THE MUNJOY HILL HISTORIC DISTRICT
OMITTING 122 NORTH STREET
PREPARED BY CORPORATION COUNSEL FOR COUNCILOR ALI

ORDER DESIGNATING AREA OF MUNJOY HILL AS A HISTORIC DISTRICT
AND AMENDING THE MAP OF HISTORIC DISTRICTS

WHEREAS, the City Council is authorized pursuant to Portland City Code Chapter 14, Section 622 to designate individual properties as landmarks and 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

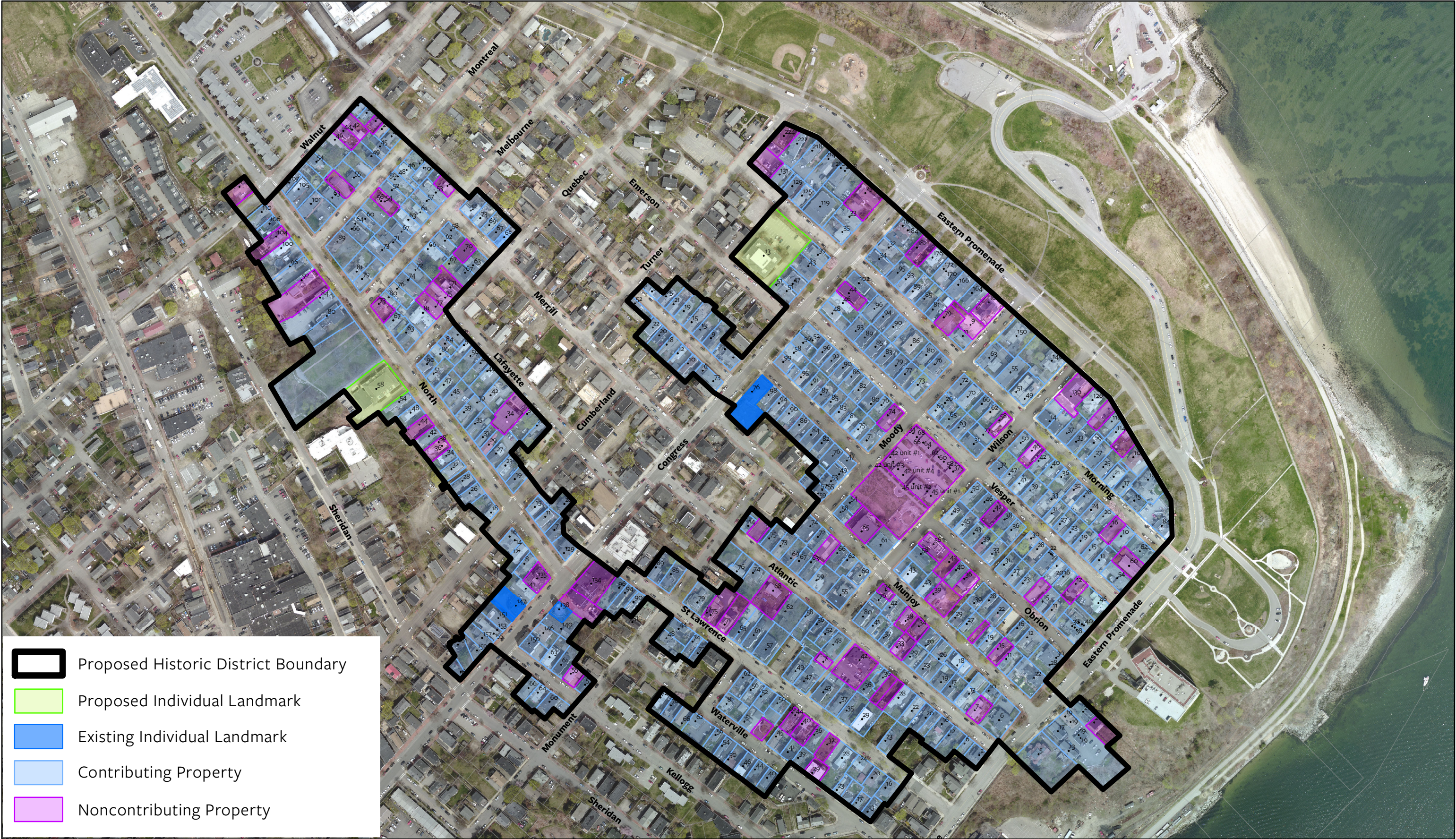
character that can occur through inappropriate building alterations and additions over time; and encourage new infill development that is compatible with the neighborhood's historic character; and

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, except that the northern border of the boundary shall reflect the removal of the individual property at 122 North Street, 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.

Proposed Munjoy Hill Historic District*



*Map updated 4/5/2021 to remove individual landmarks previously voted on and to correct classification of 34 Munjoy and 21 Eastern Promenade (Rear), and amended to remove 122 North Street from the District



CITY OF PORTLAND
Planning & Urban Development
Christine Grimando, AICP, Director

To: Mayor Snyder and members of the Council

From: Christine Grimando, Director of Planning and Urban Development
Deb Andrews, Historic Preservation Program Manager

Date: April 9, 2021

Re: District Amendments

As the Council considers requests to remove or reclassify buildings in the proposed Munjoy Hill Historic District, staff has prepared a memo on the implications of significant changes, as well as the distinction between the proposed amendment to remove 122 North Street and removing or reclassifying buildings within the core of the district.

In the case of 122 North Street, the building and its immediate neighbor at 116 North are separated from the core of the North Street portion of the district by Walnut Street. Although the building clearly meets the criteria for designation (116 North does not and as the building at the outer edge of the boundary, could also be removed without detriment to the district if the contributing building at 122 North were removed), its surrounding context does not and construction currently underway immediately adjacent to the property is further altering its context. That factor, together with the building's location beyond Walnut Street, provide a sound basis for removing the building from the proposed district.

Removing or reclassifying buildings within the core of the proposed district raises different issues and potential ramifications than a relatively slight change to the district boundary. Portland is recognized by the Secretary of the Interior as a "Certified Local Government" (CLG), signifying that its preservation ordinance—which includes

provisions and standards governing historic district designations-- meets national requirements and criteria and reflects best practices in the field of preservation. Removing a building from the interior of the district would create a “donut hole” which is specifically not allowed under National Register standards. The CLG guidelines recommend following National Register criteria when designating a local historic district, which was done in this case. Maintaining CLG status is important to sustaining the City’s historic preservation program for a number of reasons, not the least of which is the fact that Portland is eligible for federal funding for a wide range of preservation activities. Since gaining CLG status in 2004, Portland has received dozens of grants for preservation projects and also to support staffing.

Similarly, changing the status of a building from “contributing” to “noncontributing” based on factors or criteria other than those included in the ordinance would be inconsistent with CLG guidelines. However, there is a mechanism for a property owner to request reconsideration of their building’s classification after a district is established – the ordinance includes a provision and a process for such requests, and would avoid making decisions on individual properties that are not based on the City’s ordinance criteria.

The most specific risk of having a local historic district that does not meet CLG guidelines and requirements is that it may not be able to be certified by the National Park Service as a “certified historic district”, and that as a result, property owners will not be able to apply for historic tax credits. Local designation of a district—even in a CLG community—is not enough to become a certified historic district for the purposes of historic tax credits. In order to be eligible, the district has to meet National Register criteria. In developing the historic district proposal now before the Council for consideration, care was taken to meet those criteria, ensuring that access to historic tax credits will be possible.

In sum, the City’s status within the CLG program, loss of associated grant funding, and loss of eligibility for historic tax credits are all potential negative ramifications of amendments that would remove buildings located within the interior of the boundaries of the proposed historic district. Staff recommends that the Council’s decision on the district consider it as a unified entity that contains a wide variety of properties, as is consistent with both Portland’s ordinance and national criteria.



CITY OF PORTLAND

Planning & Urban Development Christine Grimando, AICP, Director

To: Mayor Snyder and Members of the City Council

From: Christine Grimando, Director of Planning and Urban Development
Deb Andrews, Historic Preservation Program Manager

Date: March 18, 2021

Re: Historic District additional information for April 5th

Below are responses to City Council member questions regarding the Munjoy Hill Historic District that have been received since the January public hearing. It opens with questions asked by Councilor Zarro, and concludes with additional questions sent by Council Fournier.

What data do we have from Portland that shows a Historic District does not increase cost of living for renters or property owners?

A 2018 study on Portland rents provides information on average two bedroom rents in neighborhoods with historic districts (West End: \$1,408, Parkside: \$1,374, Downtown: \$1,273) compared to those not with historic districts (Oakdale: \$1,327, Valley Street: \$1,240, Bayside: \$1,346, Deering Center \$1,242, East End: \$1,482), and those averages do not indicate that historic districts are the decisive factor, among the many factors that influence housing costs, in Portland's rents. Similarly, data gathered between 2000 and 2019 consistently shows Munjoy Hill home sale prices as higher than those in the West End. In sum, what information we have does not show a positive correlation between designation and housing costs. There are no automatically added costs associated with owning property in a historic district. For example, there are no requirements for regular maintenance (as in "time to paint your house") or for property owners to make improvements to their property. Tax assessments do not change with a historic district designation.

Walk us through the examples in Portland where affordable housing developments have been built and maintained since development.

There are numerous affordable housing projects in existing districts, including several that were developed years ago and which have been recently rehabbed under the review standards of the historic preservation ordinance.



Affordable housing projects under construction on Deering & Cumberland



Rendering of Proposed Family Housing project at Spring/Winter

Affordable housing projects involving adaptive reuse of a historic structure include the Butler School, Longfellow Commons, the building complex at the corner of State/Deering, Lafayette Apartments, Congress Square Hotel, and the former St. Dominic's Girls School. For each of the above projects, tax credits were used in the initial rehab and again for their recent refurbishment. In several cases, affordable housing tax credits were combined with historic tax credits. Recent new construction affordable housing projects include Avesta's 17 Carleton Street project, two Community Housing of Maine (CHOM) projects at High/Danforth, Avesta's Oak Street Lofts, Avesta's Cumberland/Deering project, 66 State Street (not yet built), and the Motherhouse on Stevens Avenue. The Historic Preservation Board is currently reviewing two affordable housing proposals for Winter Street.

Of the neighborhood meetings that were held, how many attendees were there? Of those numbers, what percentage of the potential district did they represent?

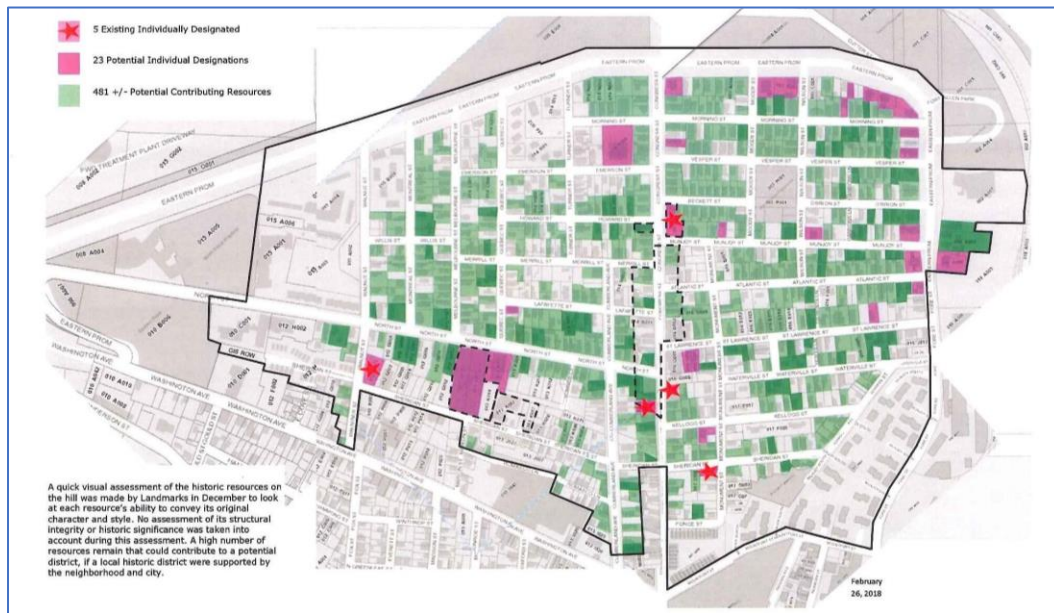
A total of six informational meetings were held outside the formal review sessions conducted by the Historic Preservation Board, Planning Board and Council. Early on in the process, meetings were held at East End School and St. Lawrence Arts to introduce the concept of historic district designation to neighborhood residents, explain why a historic district was being considered for Munjoy Hill, describe what it means to own property in a historic district, and invite input from neighborhood residents. These informational sessions were held on February 24, 2018, May 17, 2018 and November 15, 2018. An estimated 60-90 individuals attended each event. In addition to these City-sponsored sessions, staff attended the Munjoy Hill Neighborhood Organization's quarterly meeting on October 25, 2018 to discuss the initiative. Once a draft proposal had been developed, staff hosted another neighborhood meeting on April 30, 2019 to review the proposal and again invite public comment. Sign-in sheets for the April 30th meeting indicate an attendance of approximately 104 individuals. In addition to meetings held within the neighborhood, a general informational session on what it means to own property in a historic district was held in Merrill Rehearsal Hall on June 13, 2019. Invitations were sent to all affected Munjoy Hill property owners as well as all property owners within existing historic districts. Approximately 80 individuals attended the session.



A total of 11 official public meetings were held on the proposal over a 14-month period, including 8 workshops and 3 public hearings. Notices were sent to affected property owners, and the meetings were advertised in newspapers and on the City’s website in advance of all workshops and public hearings. All meetings were open to the public, and aside from the need for individuals to identify their address during public comment periods during the workshops and public hearings, the respective neighborhoods of attendees weren’t tracked.

Can you further explain how the geographic map of the district was drawn?

The first step in delineating district boundaries was to conduct a “reconnaissance-level” survey of the entire Munjoy Hill neighborhood to identify areas of the Hill that retained significant concentrations of historic buildings and where a majority of the historic buildings exhibited a sufficient level of integrity to warrant preservation. Shown below is a map generated by this preliminary survey. No draft boundaries had been established at this time.



Preliminary map based on reconnaissance-level survey. Map identifies potential landmarks and contributing buildings based on level of integrity; no boundaries identified at this point.

The survey confirmed what was found through historical research: that the Hill was largely built out during the period of 1850 to 1925. Key factors or events that spurred the Hill's development included:

- establishment of the Atlantic & St. Lawrence Railroad and Portland Company around 1850, which prompted the laying out of the first streets on the Hill for employee housing.
- the Great Fire of 1866, which caused widespread displacement and prompted significant development on the Hill.
- settlement of African American residents in the neighborhood, several of whom relocated from the India Street area, from the mid-19th century onward
- influx of European immigrants to the neighborhood in the late 19th and early 20th century, prompting construction of multi-family housing such as apartment buildings and triple deckers
- improvements to the Eastern Promenade in the last decade of the 19th century, which attracted high-end residential development across the street.

Preliminary district boundaries were drawn based on the survey findings and historical research, discussion with Greater Portland Landmarks, and National Park Service guidelines for delineating boundaries of historic districts. The Planning & Urban Development Department also sought an independent professional assessment of appropriate and defensible historic district boundaries. Preservation consultant Scott Hanson of Sutherland Conservation and Consulting was retained to recommend a district boundary and to describe the basis upon which the boundary was drawn (rationale for the delineation will be included in the April 5th meeting materials). Mr. Hanson was instructed to be conservative in his recommendation and include only those areas with the strongest concentrations of buildings from Munjoy Hill's identified period of significance (1850-1925) and exhibiting the required level of integrity for designation. Mr. Hanson's recommendation closely aligned early staff assessments. During the course of the Historic Preservation Board's review, some adjustments and refinements were made to the boundaries based on feedback from two site walks conducted by the Historic Preservation Board and requests from area property owners to consider areas for expansion. Three areas beyond the original proposed boundary were evaluated by staff and presented to the Historic Preservation Board for consideration in public workshops. The areas included a portion of Montreal, Atlantic and Emerson Streets. For Montreal and Atlantic Streets, the Historic Preservation Board supported a modest expansion of the district and for Emerson, the Board found that expansion was not warranted.

It was understood from the outset of the initiative that any historic district designation should be reserved for the portion of Munjoy Hill that warranted the higher level of protection and stewardship afforded by the historic preservation ordinance, and that the Munjoy Hill Neighborhood Conservation Overlay District (MHNCO) was a sufficient tool for other portions of the Hill.

Can you explain community concerns around the breaks in the contiguous district? 63 Vesper, 65 Vesper, 69 Vesper, 15 Morning, 34 Munjoy (on map noted as contributing, on backup materials noted as non-contributing).

Staff has reviewed the map of the proposed district and has confirmed there are no breaks in the contiguous district boundaries (a small cluster of noncontributing buildings within a district does not constitute a break in the district). Regarding 63, 65 and 69 Vesper Street, the building descriptions were inadvertently omitted from the Munjoy Hill Building Inventory that originally accompanied the designation, but these descriptions have since been added. The district boundary map has shown these buildings as contributing structures throughout the process. Regarding 15 Morning Street, the Inventory form identifies this building as 11-13 Morning Street, based on tax map identification, but the street address was at some point changed to officially be 15 Morning Street. Finally, 34 Munjoy was incorrectly colored as contributing on the map (it was constructed in 1993 and is not eligible), and the version with the correct status will be posted for the April 5th meeting.

Though an entirely contiguous district is far and away the most common, consistent, and justifiable way to implement a district, it is not strictly required by the City's Land Use Code. (Sec. 17.4.1.A.6: *Its representation of a significant cultural, historic, architectural, archaeological, or related theme expressed through distinctive areas, sites, structures, or objects that may or may not be contiguous*). The National Park Service has provided helpful guidance on when this exception to standard practice is acceptable: *A historic district may contain discontinuous elements only under the following circumstances:*

- *When visual continuity is not a factor of historic significance, when resources are geographically separate, and when the intervening space lacks significance: for example, a cemetery located outside a rural village may be part of a discontinuous district.*
- *When cultural resources are interconnected by natural features that are excluded from the National Register listing: for example, the sections of a canal system separated by natural, navigable waterways.*
- *When a portion of a district has been separated by intervening development or highway construction and when the separated portion has sufficient significance and integrity to meet the National Register Criteria. (<https://www.nps.gov/subjects/nationalregister/upload/Boundaries-Completed.pdf>)*

To address equity concerns, how can we create a fund for non-cosmetic external home improvements (those that would require historic district approval) for property owners who are economically disadvantaged but would still be impacted by the guidelines of the historic district?

There are a number of programs in communities across the US to help offset costs of historic property renovations and repair. Below is a sample of staff's findings to-date. Some of these options, related to tax abatements and relief from fees, have fiscal implications that would need to be further explored before recommending them for adoption. Some examples include regulatory flexibility or incentives, some of which Portland already grants (parking, generous ADU standards, flexibility for nonconforming buildings, for instance), and as part of ReCode Phase II staff evaluate the Code for additional ways to provide zoning flexibility for historic structures, as well.

- Boulder, CO waives 30% of taxes associated with construction materials purchased for exterior renovation of landmark designated buildings, and also grants exceptions to buildings in historic

districts for setbacks, porch dimensions, solar installations, and a number of other zoning standards.

- San Antonio, TX offers a freeze of tax assessment for an extended period to incentivize substantial rehabilitation of historic properties.
- Galveston, TX offers tax exemptions for properties in new districts and new landmarks, as well as for substantial rehabilitation of historic properties.
- Sacramento, CA offers density bonuses for adaptive reuse of historic properties, as well as parking exemptions.
- Manitou Springs, CO provides a rebate of 100% of the City's share of property tax levied as a result of historic building improvements, up to five years following increased valuation, and also refunds a portion of application and other City fees.
- Jacksonville, FL has a historic preservation trust fund to help applicants complete repairs and renovations in the downtown.
- Philadelphia, PA offers a number of zoning exemptions or areas of zoning flexibility to encourage retention of historic buildings, such as a parking waiver and flexibility for ADU creation.
- York, Maine has a tax reimbursement program for certain historic property maintenance costs, and a program to reimburse property owners for up to 10% of the cost of rehabilitation and repairs of historic properties.
- The Windham & Windsor Housing Trust in Vermont provides funding/grants to homeowners and owners of rental property for home improvements and repairs. The program is not particular to historic districts.
- St. Joseph, Missouri established Save Our Heritage grant program with funds from casino taxes, for a total annual grant pool of \$150,000. Applicants are required to match the grant, and the funds are provided as reimbursements for repairs.
- Miami-Dade County offers 10-year abatement on a portion of a tax increase that results from a historic property being rehabbed.

What would you have done differently to engage more BIPOC in the proposed district? Perhaps identify specific interest groups or stakeholders for additional meetings where staff could address their particular concerns or interests.

Though Planning went directly to the neighborhood to discuss the proposed district, and strove to have a robust and transparent process throughout, there was not specific outreach to BIPOC stakeholders. Staff scheduled numerous meetings in the neighborhood (and out of the neighborhood) that went well beyond the required public process throughout the various stages of the designation in order to reach as many people as possible about the initiative. However, we are always thinking about ways to reach more of the community, how to improve on public processes, and how to best match types of outreach to different initiatives. Methods for reaching more of the community, including more BIPOC stakeholders in particular, could include: offering translation and interpretation services for some of the materials and meetings; distribution of flyers to raise greater awareness of meetings and of the initiative beyond those who received mailed notices; greater use of social media; and, outreach to civic, business, and educational organizations with strong BIPOC constituencies. Planning makes use of some or all of these (among other engagement tools in our planning toolbox) at times, and would expand our efforts in the event of future designations.

As we consider historic preservation on Munjoy Hill and in the future, what are some ways we can seek out and amplify the cultural heritage and stories of BIPOC specifically?

The Historic Context Statement that accompanies the district designation describes the role of immigrants and African Americans in the development of the neighborhood and their impact on the neighborhood. As well, their contribution was discussed at different presentations on the proposed historic district. That said, in the context of the total information gathered and presented in the course of this initiative, mention of the role of BIPOC was brief. Staff is revising the Historic Context Statement to expand on this aspect of the neighborhood's history and significance, and this expanded Context Statement will be included in the Council's April 5 meeting materials. If the district is designated, the document will be available on the City's website along with other information about the historic district. Beyond this document, there are a number of ways to highlight the area's cultural heritage going forward, including walking tours, interpretive panels installed throughout the neighborhood, mobile apps, marker programs, among others. The Black History Trail marker program could potentially be expanded to recognize the African American settlement in the neighborhood. Preparing materials in support of the district has illuminated different narratives about Munjoy Hill's history, and staff is engaged in discussions about how to better tell these stories going forward. Greater Portland Landmarks as a private non-profit organization is already engaged in presenting some of this history on their website, in presentations, and in (eventually resumed) walking tours. With FEMA funding, Planning staff is currently partnering with Landmarks to prepare a published walking tour of the neighborhood and will reach out to them as an excellent community partner on related initiatives, as well.

How can we implement a racial impact statement at the start of every historic district proposal moving forward?

Regarding implementation of racial impact statements, New York currently includes socioeconomic assessments for major developments or zone changes (1,000+ dwelling units and/or min. acreage requirements). It includes analysis of both direct and indirect residential displacement, the latter being measured by evidence a proposal will introduce a new, or accelerate an existing, socioeconomic trend. New York City is also currently considering a new racial disparity report requirement for certain zoning changes and changes of use over certain sizes (a minimum of 4 adjacent blocks, and/or other minimum size requirements), but it's not currently a requirement. Racial impact statements for local land use decisions are still rare (as opposed to states that incorporate such statements for new legislation, often focused on new criminal justice legislation, of which there are more examples). Measuring gentrification impacts by individual projects is challenging, as local land use policies, whether zoning, historic districts, or Inclusionary Zoning, are never the sole driver of housing markets, and their effects are imbedded in regional and national trends. With this in mind, creation of a racial impact statement would need to establish what it can measure accurately and consistently, with clear thresholds for what scale of policy change would trigger the requirement, defined data sources, and a replicable process for staff, applicants, Boards, and the City Council. Depending on how it would be implemented, it's worth noting that it could have impacts to staffing needs or the total time required for the full review process.

If the City were to implement racial impact statement requirements, Planning would not recommend attaching a racial impact statement to new historic designation proposals in isolation, lacking any evidence that historic districts bring racially disparate impacts. As of now, there isn't more cause to apply it to districts than to other policies the Council implements – zoning map changes, housing policies, where to permit hotels, etc. However, if the City Council wishes to pursue racial impact

statements for historic districts alone, Planning would recommend this be made on the basis of data that supports the need for this requirement. Planning has begun development of a scope for a Historic District Impact Study, and that scope will include an analysis of the impact of districts on housing costs, and any racial disparities in those impacts – the results of this study could form a sound basis for whether and how to require this exclusively for historic districts.

Is it possible to do a better Yes/No survey to residents within the proposed district? (in multiple languages) -- maybe through the See Click Fix app for ease?

It is possible to create a Y/N survey (though limiting an on-line survey to residents of the district would be a more complicated project than an open survey), and surveys can be excellent tools, but this topic particularly benefited from forums that allowed for asking questions and deliberations. Staff intentionally held numerous meetings for public input on this topic that were accompanied by details about the proposal, information about criteria for districts, how districts work and what designation means, that ultimately informed public input, both in favor and opposed. Like zoning changes, creation of a new district doesn't require a certain percentage of resident approval; this does not mean that resident opinion about the change doesn't matter to the process, but that ultimately hearing the substance of the public's questions and concerns seemed like the more fitting emphasis for public outreach than a binary Y/N for this particular project.

The following are responses to questions provided by Councilor Fournier.

Is there an expiration for a demolition moratorium? How is that renewed? Is there any way to make changes before renewal?

Currently, there are two things (though neither is technically a moratorium) stopping or delaying demolitions on Munjoy Hill right now. The first is the Munjoy Hill Neighborhood Conservation Overlay District (MHNCO), which has a demolition delay of one year for buildings determined to be "preferably preserved". It's possible to demo a preferably preserved building sooner than one year, if the Historic Preservation Board approved a replacement design before the year expired. Within the area considered for a historic district, there are currently interim protections in place, as if there was a district, and this extends to demolitions. This is intended to be a relatively brief and finite period so that property owners don't have an indefinite amount of uncertainty (the pandemic has stretched that schedule out considerably in this case). The interim historic district protections – which extend beyond demolitions, to project review, go away when a district is either implemented and the protections are no longer interim, or the Council decides to not implement it. Changes can't be made to the extent of interim protections, but the Council could ultimately vote to adopt something different from what the Historic Preservation and Planning Boards have recommended (different boundaries, for instance).

For the historic overlay, is that something that has an expiration? How is that renewed? Is there any way to make changes before renewal?

The MHNCO is adopted zoning and does not expire. Like any part of the City's Code, it can be amended. If a Munjoy Hill Historic District were to be created, the Planning Board has requested that the overlay be brought back to them for discussion and possible amendment or removal. Any change the Planning Board would recommend would be forwarded to the Council for their decision.

If citizens/councilors wanted to propose another historic district for Munjoy Hill but with different lines drawn, what does that look like? Could there be two Munjoy Hill historic districts?

The Council could potentially amend the boundaries if the result was similar to what has been recommended – if the Council decided it should end a street short of where the boundaries currently end, for instance, it wouldn't require re-doing the proposal. However, new boundaries that encompassed a substantially new area, with new properties, would bring about a fresh process, starting with the required documentation (every proposal has a context statement, and an inventory of individual properties to inform which are considered contributing in the district. Ones not considered contributing don't have demolition restrictions). A substantially different area would go back to the Historic Preservation Board for review, then to Planning Board, then to City Council.

It would be unusual, and there'd need to be a basis for each as distinct and separate, but in theory there could be two districts (above discussion of contiguity within a single district may speak to this question, as well).

How many projects do we have coming up this year (that we know of) that impact Munjoy Hill as far as those that come through the Planning Board?

There aren't currently many Munjoy Hill applications being reviewed. We recently had a pre-application meeting (no application yet filed) for a new residential project on a vacant lot on Atlantic Street. We've also had a couple of recent applications to demo new buildings in the Overlay, which indicate some intention for new development in the future.

Are there any other methods for stabilization that we could enact that are outside of a historic district designation?

If the question of stabilization is in regard to the prevalence of demolitions, demo delay ordinances (currently in place for Munjoy Hill), which slow/potentially deter demolitions, and the demolition restrictions that are part of a historic district, are the two primary tools.

MEMORANDUM

TO: Portland City Council
FROM: Jen Thompson, Assoc. Corp. Counsel
DATE: April 2, 2021
RE: Munjoy Hill Historic District Nomination/Designation

In anticipation of the Council's reconsideration of the Munjoy Hill Historic District nomination, this memo will briefly outline the existing framework governing the Council's review of any proposed historic district nomination.

As you know, the City's authority to designate historic districts and historic landmarks within the City and to place restrictions on the use of properties subject to a designation, is based on and bound by the City's Historic Preservation Ordinance. That ordinance appears in Article 17 of the Land Use Code.

Most relevant to the Council's review of the pending nomination, Sections 17.4.1 & 17.4.2 outline the criteria that must be considered when deciding whether to designate an "area, site, structure, or object" as an historic district or landmark. Those sections provide, in relevant part:

17.4.1 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, archaeological, 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, archaeological, 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.

6. Its representation of a significant cultural, historic, architectural, archaeological, 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 there is an interrelationship of resources within it which creates an identifiable entity, even if composed of a wide variety of resources. A district must convey a visual sense of the overall historic environment or be a grouping of historically or functionally related properties. A historic district can comprise both individually distinctive historic resources and historic resources that may lack individual distinction but which contribute to the significance and visual character of the district as a whole.

...¹

D. The Planning Board and City Council shall apply the criteria of (A), (B), and (C) above as well as historic preservation goals included in the Comprehensive Plan, but shall also consider the effect of such designation on other aspects of the Comprehensive Plan of the City.

17.4.2 Integrity of landmarks and historic districts.

Any area, structure, or object that meets the criteria in Section 17.4.1 must also have sufficient integrity of location, design, condition, materials, and workmanship to make it worthy of preservation or restoration.

Id. (emphasis added).

Under this language, and unlike other action taken by the Council when it enacts ordinances with broad applicability, the Council's review of a historic district nomination must be consistent with the scope of the review and the criteria enumerated in the HP ordinance. Therefore, when the Council makes its final decision, it will be important for it to articulate whether and how the district meets the minimum criteria outlined in 17.4.1(A) & (B) as well as "the effect of such designation on other aspects of the Comprehensive Plan of the City" and the "integrity" of the area comprising the district.

I understand that, in addition to the criteria for historic designations currently outlined in the ordinance, the Council has also discussed and proposed commissioning a review of the

¹ (Subsection C relates to historic landscape districts and so is not relevant here. It is therefore omitted.)

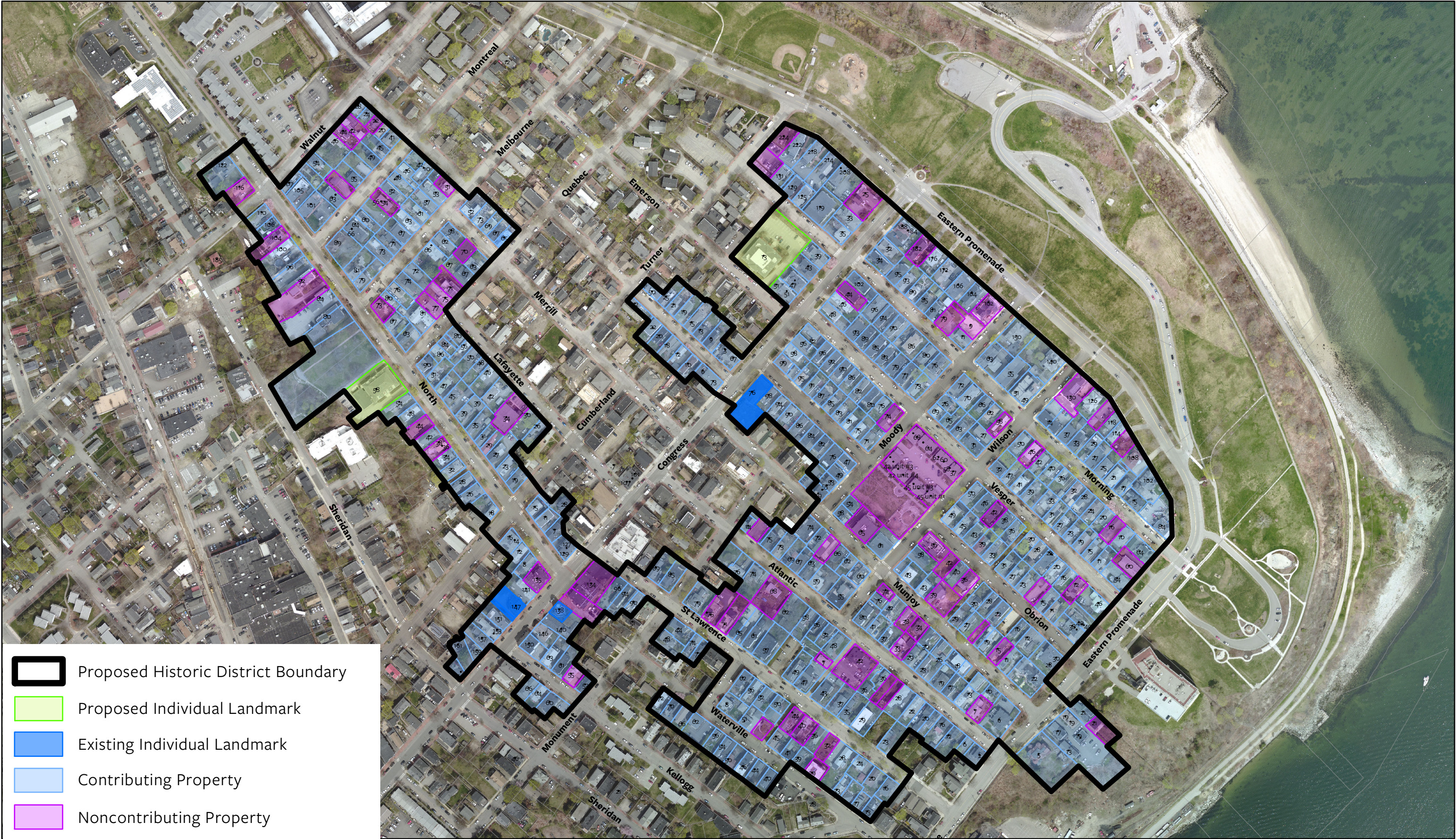
economic impacts of historic preservation designations city-wide. It is, however, important to note that currently, neither completion of an economic impact study nor any ultimate determination as to the economic impacts of a particular designation, are included in the standard for determining historic significance under Section 17.4.1(A)&(B). In the event the Council is considering tying its future action on the pending nomination to the economic impact of the designation, that decision would need to be grounded in the language of Section 17.4.1(D) and the inquiry required by that section into whether the nominated district satisfies the *“historic preservation goals included in the Comprehensive Plan,”* and *“the effect of such designation on other aspects of the Comprehensive Plan of the City.”*

When outlining the purpose and scope of commissioning an audit of the HP Program, the Council should comprehensively articulate which areas for study will be most helpful to the Council in reviewing more broadly the economic impacts of historic designations on individual properties, neighborhoods, and communities to help guide future policy direction. That will allow the City Manager and City staff to commission a study that satisfies the Council’s objectives.

Finally, with respect to timing and further postponement of a final decision on the pending nomination: the interim protections that accompany historic landmark and historic district nominations place restrictions on the exercise of property rights. For that reason, the HP ordinance contains relatively short deadlines for final resolution of nominations by the Council in the form either of a confirmation or a rejection of the nomination. Though the Council has appropriately extended its consideration and action on this particular nomination beyond the usual deadlines pursuant to the authority outlined in the City’s Emergency Proclamation, care should still be taken in extending final action much longer.

I hope this is helpful. If the Council has any questions or concerns, Councilors are invited to reach out to me individually in advance of the Council meeting or I will plan to attend the Council meeting and am happy to answer questions then.

Proposed Munjoy Hill Historic District*





**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.

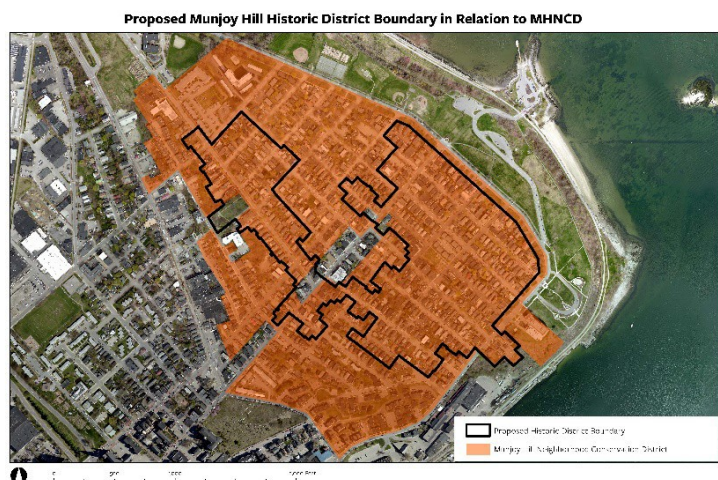
With the exception of the homes that were built along the Eastern Promenade, Munjoy Hill originally developed as a largely working-class neighborhood and the most densely populated and both ethnically and racially diverse on the Portland peninsula. Munjoy Hill's modest-scale, vernacular, closely-spaced 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:

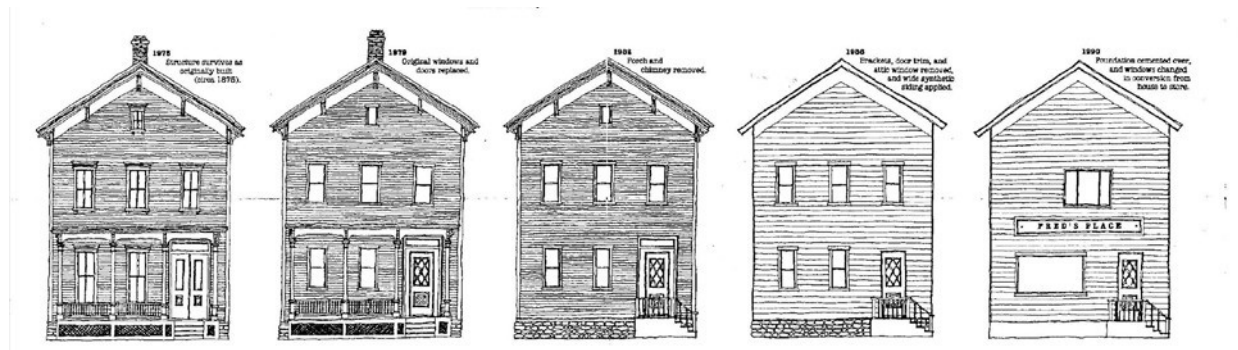
- Within the proposed district, the demolition delay provisions of the MHNCD would not apply. Demolition would be governed by the historic preservation ordinance. Buildings classified as noncontributing could be demolished as of right with no review.
- For proposed new construction within the district,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

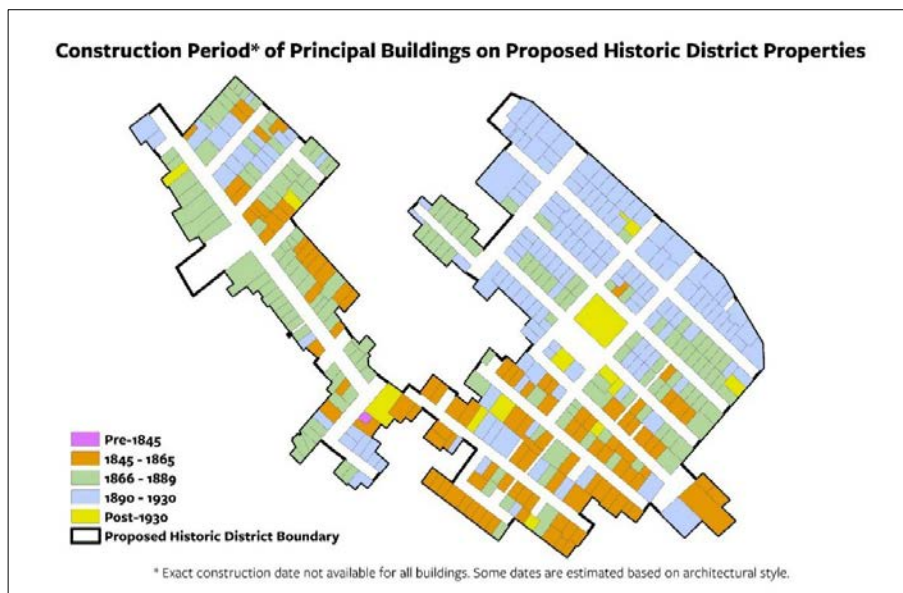
- *How is a district's "period of significance" determined and why has the period 1850-1925 been selected as the proposed district's period of significance?*

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 that 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 values 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.

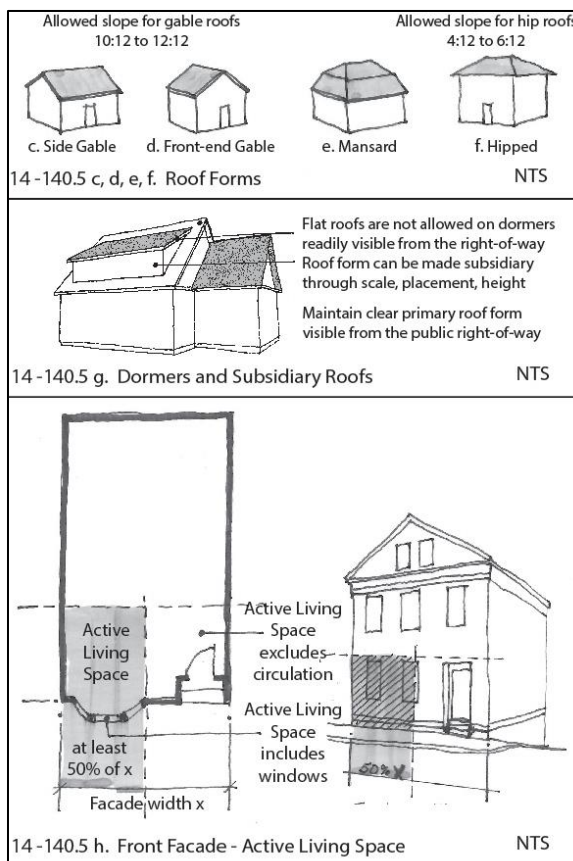


Conservation Overlay with Inset Historic District Boundary

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

Munjoy Hill Architectural Development & Context Statement

April 2021





Mid 19th Century residences associated with the industrialization of the Eastern Waterfront in the 1840s and 1850s.



Post Great Fire of 1866 residential development .



Triple-deckers and multi-family units that developed in the early 20th century to accommodate a growing population fueled in part by immigration to Portland.

The Munjoy Hill neighborhood is significant and unique among neighborhoods on the Portland peninsula for its direct association with four key developments in the city's history: the establishment of the Atlantic & St. Lawrence Railroad and the 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 built along the Eastern Promenade, Munjoy Hill developed as a largely working-class neighborhood, becoming the most densely populated and both ethnically and racially diverse neighborhood on the peninsula. Portland's busy waterfront in the early 20th century was also an immigrant port of entry. The largely English population of the city was joined by groups from Ireland, Canada, Portugal, Greece, Scandinavia, Italy, Turkey, Eastern Europe, and the Caribbean. Munjoy Hill's close proximity to the downtown and waterfront made it attractive to immigrant families, who often rented in the neighborhood before being able to become property owners.

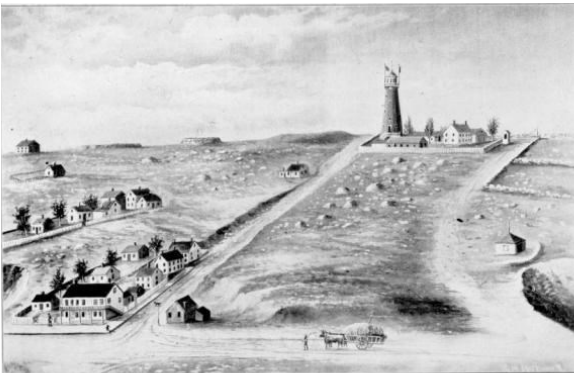
Introduction



Munjoy Hill and the Eastern Promenade. *Photo by Corey Templeton*

The diversity of Munjoy Hill's residents, combined with its very dense pattern of development, created a strong social fabric and neighborhood identity unlike any other in the city. The historic structures that remain today are tangible evidence of this social and development history and contribute significantly to the neighborhood's unique sense of place.

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.

Development History: 1786-1866



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



48 Lafayette was home to Francis E. Heuston and his family when he died at sea upon the sinking of the *PS Portland* in 1898.



Many Greek Revival style houses were built on the southern side of the Hill in the late 1840s and 1850s to accommodate workers in industries on the Eastern Waterfront. This Greek Revival dwelling at 56 Waterville Street was built in 1853 by house carpenter John Fitts.

Then Cumberland Avenue, Congress and Lafayette Streets were laid out.

The area around Lafayette Street, and later Merrill Street was largely an area built up by African American families that formerly lived in the India Street neighborhood. Many like George Bush at 23 Lafayette Street (1845) were seaman or worked on Portland's waterfront. This tradition continued into the later half of the 19th century. Several Munjoy Hill residents including Francis E. Heuston, resident of 48 Lafayette Street and Second Steward on the *PS Portland*, were part of 63 crew members lost when that steamship sank in 1898 on its way back to Portland from Boston.

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.

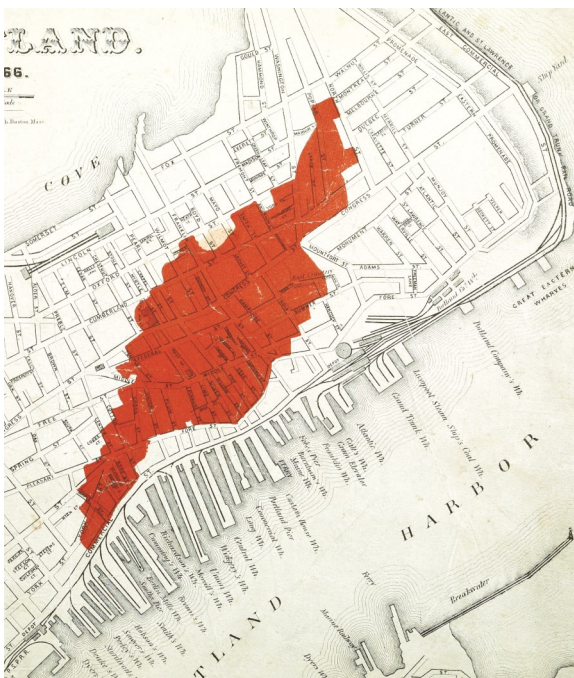
Development History: 1786-1866



83 St. Lawrence Street was built by local carpenter and developer William Hoit in 1845.



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



Extent of the Great Fire of 1866
Greater Portland Landmarks

Some shareholders in the railroad and Portland Co. bought land on the southern side of Munjoy Hill to subdivide into house lots. Houses on Waterville, St. Lawrence, and Atlantic Streets were part of that land development.

A number of homes were built by local house builders and sold to new residents. One of the most prolific builders in this period was William Hoit. Most of Hoit's buildings were built in the Greek Revival Style, including his own house built in 1845 at 83 St. Lawrence Street.

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). Gould (1815-1893) lived in the dwelling, but Clark lived off -peninsula in Deering for many years. The two men bought most of the land to the north of Congress Street and laid out a development that they hoped would become a neighborhood for well-to-do Portlanders residents. Moses Gould was a friend and business partner on occasion with John A. Poor and a proponent of industry along Portland's shore line.

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

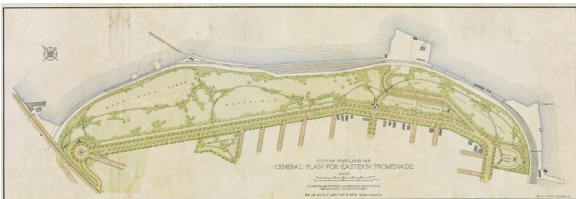


Portland Railroad Company's car barn on Beckett Street.



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.

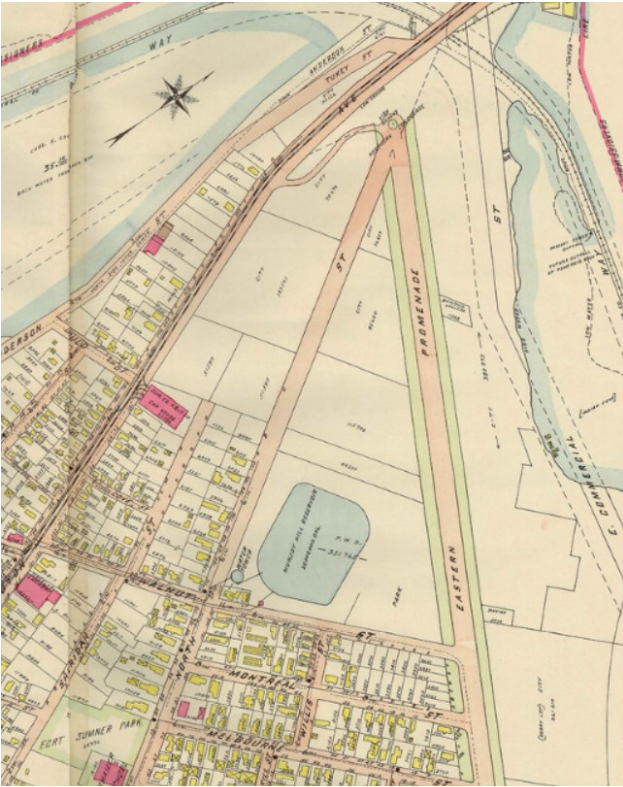
Between 1895 and 1917 “triple deckers” or “flat houses” were built in large numbers on Munjoy Hill. They are particularly prevalent on Morning, Vesper and Beckett Streets, as well as Sheridan and Kellogg Streets. The land on Morning, Vesper and Beckett Streets was owned by the Deering and Fessenden families 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, Paul Blumenthal’s grocery store, or Wolf Russman Store on Munjoy Street.

Wolf Russman’s store and Apartment Building was built in 1915 at 74-76 Munjoy Street. Russman (1863-1950) was a Russian/Jewish immigrant who came to the US in 1893. He worked at first as a fruit peddler. He married in 1911 to his wife Sarah Meyers, a widow with a young son. His grocery, like several scattered across the Hill, was a neighborhood center in the first half of the 20th century.

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.



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



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



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

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.

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.

Architecture



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.

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 .

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.

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.

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.

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.

Architecture



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,



Colonial Revival house at 188 Eastern Promenade.



Colonial Revival house at 150 Eastern Promenade.



Colonial Revival apartment house at 164 Eastern Promenade.

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.

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



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.



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 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



A typical example of a triple decker on Munjoy Hill. This three-unit at 31 Kellogg Street was built in 1894 and was the boyhood home of Gov. Joe Brennan. Around 1927 John J Brennan, a longshoreman and native of Connemara, County Galway, Ireland, moved to 31 Kellogg Street. He and his wife Catherine raised eight children, including their son Joseph Edward Brennan (b.1934). Joe E. Brennan served as the Maine's Governor 1979-1987 and was the first Irish-American elected as governor.



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

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.

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



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



55-57 Morning Street in 1924.

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

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

entry hood, and projecting bays, lends a certain consistency to the blocks.

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
33 Atlantic Street	Non Contributing
34-36 Atlantic Street	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
21 Rear Eastern Prom	Non 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
11 Moody Street	Contributing
26 Moody Street	Contributing
34 Moody Street (see 58-68 Vesper Street)	Non Contributing
47 Moody Street	Contributing
49 Moody Street	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
58-68 Vesper Street	Non Contributing
63 Vesper Street	Contributing
65 Vesper Street	Contributing
69 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



Jennifer Munson <jmy@portlandmaine.gov>

Councilor Questions, Staff Answers, Public Rebuttal: Please add to the Packet for the April 5 City Council Meeting

Carle Henry <cdhenry3@yahoo.com>

Sun, Mar 28, 2021 at 8:20 AM

To: City Council <council@portlandmaine.gov>, Jennifer Munson <jmy@portlandmaine.gov>

Cc: Josh Baston <jlbgecko@yahoo.com>, Laura Shen <lauraelizabethshen@gmail.com>, "Lauren M. Ashwell" <lashwell@gmail.com>, Anne Manganello <aemanganello@gmail.com>, Markos Miller <markossmiller@hotmail.com>, Tim Wells <welmaurya@gmail.com>, Lori Rounds <lori.j.rounds@gmail.com>, Kate Howe <katejhowe@gmail.com>, Liv Chase <livchase@yahoo.com>, Travis Agaman <index207@gmail.com>, Jeremy Rutkiewicz <jeremyrutkiewicz@gmail.com>, Nick Murray <nick@masomurray.com>, Caitlin Lebel <caitlin.lebel@gmail.com>, Jeff Ham <jham@maine.rr.com>

Good Morning Councilors,

Please find attached the formal rebuttal from citizens opposed to the proposed Munjoy Hill Historic District. The people cc'd above are a subset of those who contributed to the response & the overall effort to reject the proposed MHHD. Some, for fear of retribution from the City or neighbors, requested to not be included as getting any credit for their contribution.

The attached has left the Councilors Questions & Staff Responses untouched. We simply added a rebuttal in **BLUE** following each of the questions and answers. We hope you find the Rebuttal fact based, informative and compelling. A second file is attached, as it is referenced in the rebuttal.

And, of course, we hope you will all vote 'no' on April 5th.

Thank you for reading, in advance.

Carle Henry

2 attachments



Properties sold without notification.pdf
2719K



Rebuttal final.pdf
466K

Public Synopsis

195 Congress Street 3, Portland, ME 04101

List Number: 1414868

County: Cumberland

Association Fee: \$150/ Monthly

List Price: \$465,000

Status: Closed

Property Type: Residential

Seasonal: No

General Information

Property Sub-Type: Condominium

Rooms: 6

Bedrooms: 3 Baths:2/1

Style: Multi-Level

Year Built: 1889

Surveyed: Unknown

Fireplaces: 1

Water Information

Water Frontage: No

SqFt Finished Above Grade 1,578

+/-:

SqFt Finished Below 0

Grade +/- :

SqFt Finished Total +/-: 1,578

SqFt Source: Public Records

Leased Land: No

Lot Size Acres +/-: 0

Source of Acreage: Public Records

Zoning: B1

Tax/Deed/Community Information

Book/Page/Deed: 29624/046/

Map/Block/Lot: 13/ 22/ 7

Full Tax Amount/Year: \$4,734.29/ 2018

Tax ID: PTLD-000013-000000-M022003



Interior Information

Room Name	Length	Width	Level	Room Features	Room Name	Length	Width	Level	Room Features
Bedroom 1					Master				Separate Shower, Gas Fireplace, Walk-in
Dining Room				Built-Ins	Bedroom				Closet
Kitchen					Office				Built-Ins
Living Room				Built-Ins					

Appliances Included: Dishwasher; Disposal; Dryer; Gas Range; Refrigerator; Washer

Property Features

Site:	Sidewalks	Construction:	Wood Frame
Driveway:	Paved	Basement Info:	Full; Unfinished
Parking:	1 - 4 Spaces; On Site; Reserved	Foundation:	Brick/Mortar; Stone
Location:	Business District; Intown; Neighborhood	Materials:	
Roads:	Paved; Public	Exterior:	Vinyl Siding
Electric:	Circuit Breakers	Roof:	Flat; Membrane
Gas:	Natural - On Site	Heat System:	Forced Air; Hot Water
Sewer:	Public Sewer	Heat Fuel:	Gas Natural
Water:	Public	Water Heater:	Gas
Basement Entry:	Bulkhead; Interior	Cooling:	A/C Units
		Floors:	Tile; Wood
		Vehicle Storage:	Off Street Parking
		Amenities:	1st Floor Master Bedroom w/Bath; Deck; Storage; Walk-in Closets

Remarks

Remarks: With this relaxing, light filled 2+ bedroom condo, you get it all. Back cove & ocean views; large deck & shared garden patio; open concept kitchen & full dining room; built-ins & laundry room; 10 foot ceilings & fireplace. Homegrown Herb + Tea & LB Kitchen (and Oxbow and Izakaya Minato!) Tons of space with two bedrooms plus a full office and two and a half bathrooms as well! Great on-peninsula location with two parking spaces & huge storage space. Well cared for building & low condo fees. It's all here for you: an easy choice.

LO: Gardner Real Estate Group

Sold Information

Sold Terms/Other:

Closed Date: 08/01/2019

Closed Price: \$450,000

Prepared by Tom Landry on Thursday, March 12, 2020 3:06 PM.

The information on MLS listings has been assembled from various sources of varying degrees of reliability. Any information that is critical to your buying decision should be independently verified. All dimensions are approximate and not guaranteed. Copyright Maine Listings © 2020 and FBS.

MAINE
Listings



Public Synopsis

77 Congress Street 3, Portland, ME 04101

List Number: **1403565**

Status: **Closed**

Neighborhood: **The Hill Yard**
 Association: **Condominium Association**
 County: **Cumberland**
 Property Type: **Residential**

Association Fee: **\$380/ Monthly**
 Seasonal: **No**
 Entrance Fee: **\$760**

List Price: **\$550,000**

General Information

Property Sub-Type: **Condominium**
 # Rooms: **5**
 # Bedrooms: **2** Baths: **1/0**
 Style: **Multi-Level**
 Year Built: **1900**
 Surveyed: **Yes**
 # Fireplaces: **0**

Water Information

Water Frontage: **No**
 Water Body: **Casco Bay**
 Water View: **Yes**
 Water Body Type: **Bay; Ocean**

SqFt Finished Above Grade +/-: **1,190**
 SqFt Finished Below Grade +/-: **0**
 SqFt Finished Total +/-: **1,190**
 SqFt Source: **Builder**
 Leased Land: **No**
 Lot Size Acres +/-: **0**
 Source of Acreage: **Public Records**
 Zoning: **R-6**

Tax/Deed/Community Information

Book/Page/Deed: **34896/042/**
 Map/Block/Lot: **014/ F/ 019**
 Full Tax Amount/Year: **\$0/ 2018**
 Tax ID: **77congressUnit3**



Interior Information

Room Name	Length	Width	Level	Room Features
Bedroom 2			Third	Closet
Bedroom 1			Third	
Living Room			Third	
Kitchen			Third	Eat-in Kitchen, Island

Appliances Included: **Dishwasher; Disposal; Gas Range; Microwave; Refrigerator**

Property Features

Site: **Level; Sidewalks**
 Driveway: **Common**
 Parking: **On Site; Other Parking**
 Location: **Intown; Near Country Club; Near Public Beach; Near Shopping; Near Town; Near Turnpike/Interstate; Neighborhood**
 Restrictions: **Other Restrictions**
 Roads: **Public**
 Transportation: **Major Road Access; Near Airport; Public Transport Access**
 Electric: **Circuit Breakers**
 Gas: **Natural - On Site**
 Sewer: **Public Sewer**
 Water: **Public**
 Basement: **Bulkhead; Interior**
 Entry:

Construction: **Wood Frame**
 Basement: **Bulkhead; Full; Unfinished**
 Info:
 Exterior: **Fiber Cement**
 Roof: **Pitched; Shingle**
 Heat: **Heat Pump; Radiant**
 System:
 Heat Fuel: **Electric**
 Water: **Electric**
 Heater:
 Cooling: **Heat Pump**
 Floors: **Carpet; Tile; Wood**
 Vehicle: **Other Vehicle Storage**
 Storage:
 Amenities: **Deck; Laundry - 1st Floor; Laundry - Hookup; Pantry; Porch; Shower; Storage**
 View: **Scenic**

Remarks

Remarks: Welcome to "The Flats" at the Hill Yard - a new, intimate condo community on Munjoy Hill centered around a common courtyard providing sunlight, greenery and a quiet escape from city life. This 3rd floor single-level unit features a unique loft-like feel, with a large sunny open layout, eat-in kitchen, 2 bedrooms and a generous bathroom with tiled shower and radiant flooring. The bright kitchen is outfitted with a large granite topped kitchen island that can seat 6! Enjoy ocean breezes and outdoor eating on your private roof-top deck. In-unit laundry, extra closets, and basement storage make life easy! The Hill Yard condos all have been completely updated from the outside-in with a high-quality, soup-to-nuts renovation including a fully insulated exterior, thermopane Jeld-Wen windows, and brand-new heating systems and AC.

LO: Vitalius Real Estate Group, LLC

Sold Information

Sold Terms/Other:

Closed Date: **08/16/2019**

Closed Price: **\$550,000**

Prepared by Tom Landry on Thursday, March 12, 2020 3:06 PM.

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MAINE
Listings



Public Synopsis

77 Congress Street 2, Portland, ME 04101

List Number: **1402757**

Status: **Closed**

Neighborhood: **The Hill Yard**
 Association: **Condominium Association**
 County: **Cumberland**
 Property Type: **Residential**

Association Fee: **\$380/ Monthly**
 Seasonal: **No**
 Entrance Fee: **\$760**

List Price: **\$675,000**

Directions: From Downtown Portland, take Congress street up to the East End. 77 Congress will be on your left after Merrill St.

General Information

Property Sub-Type: **Condominium**
 # Rooms: **5**
 # Bedrooms: **2** Baths: **2/0**
 Style: **Multi-Level**
 Year Built: **1900**
 Surveyed: **Yes**
 # Fireplaces: **0**

Water Information

Water Frontage: **No**

SqFt Finished Above Grade +/-: **1,379**
 SqFt Finished Below Grade +/-: **0**
 SqFt Finished Total +/-: **1,379**
 SqFt Source: **Builder**
 Leased Land: **No**
 Lot Size Acres +/-: **0**
 Source of Acreage: **Public Records**
 Zoning: **R-6**
 Tax/Deed/Community Information
 Book/Page/Deed: **34896/042/**
 Map/Block/Lot: **014/ F/ 019**
 Full Tax Amount/Year: **\$0/ 2018**
 Tax ID: **77CongressUnit2**

Interior Information

Room Name	Length	Width	Level	Room Features	Room Name	Length	Width	Level	Room Features
Bedroom 1			Second		Master Bedroom			Second	Double Vanities, Full Bath, Soaking Tub, Separate Shower, Suite, Walk-in Closet, Closet
Den			Second	Closet					
Living Room			Second						
Kitchen			Second	Eat-in Kitchen, Island					

Appliances Included: **Dishwasher; Disposal; Gas Range; Microwave; Refrigerator**

Property Features

Site:	Level; Sidewalks	Construction:	Wood Frame
Driveway:	Common	Basement:	Bulkhead; Full; Unfinished
Parking:	1 - 4 Spaces; On Site; Reserved	Info:	
Location:	Intown; Near Country Club; Near Public Beach; Near Shopping; Near Town; Near Turnpike/Interstate; Neighborhood	Exterior:	Fiber Cement
Restrictions:	Other Restrictions	Roof:	Pitched; Shingle
Roads:	Public	Heat:	Baseboard; Heat Pump; Hot Water
Transportation:	Major Road Access; Near Airport; Public Transport Access	System:	
Electric:	Circuit Breakers	Heat Fuel:	Electric
Gas:	Natural - On Site	Water:	Electric
Sewer:	Public Sewer	Heater:	
Water:	Public	Cooling:	Heat Pump
Basement:	Interior	Floors:	Carpet; Tile; Wood
Entry:		Vehicle:	2 Car; Off Street Parking
		Storage:	
		Amenities:	Bathtub; Deck; Laundry - Hookup; Master Bedroom w/Bath; One-Floor Living; Porch; Shower; Storage; Walk-in Closets

Remarks

Remarks: Only TWO UNITS REMAIN at The Hill Yard - a new, intimate condo community on Munjoy Hill centered around a common courtyard providing sunlight, greenery and a quiet escape from city life. This spacious single-level unit features high ceilings and period touches including original moldings, decorative fireplace surround and hardwood floors. The flexible, open layout doesn't skimp on space with two bedrooms PLUS a den/office. Enjoy views down towards the water from the kitchen which includes a large honed granite-topped island, custom cabinetry, and Bosch appliances. The private master suite features a glass enclosed shower and separate soaking tub. A cozy, private deck brings the outdoors in. Condo includes two off-street parking spots and basement storage space. The Hill Yard condos all have been completely updated from the outside-in with a high-quality, soup-to-nuts renovation including a fully insulated exterior, thermopane Jeld-Wen windows, and brand-new heating systems and AC

LO: Vitalius Real Estate Group, LLC

Sold Information

marshall@mpappraisalme.com

Sold Terms/Other:

Prepared by Tom Landry on Thursday, March 12, 2020 3:06 PM.

Closed Date: **09/12/2019**

Closed Price: **\$655,000**

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Public Synopsis

77 Congress Street 1, Portland, ME 04101

List Number: **1402758**

Status: **Closed**

Neighborhood: **The Hill Yard**
 Association: **Condominium Association**
 County: **Cumberland**
 Property Type: **Residential**

Association Fee: **\$380/ Monthly**
 Seasonal: **No**
 Entrance Fee: **\$760**

List Price: **\$660,000**

Directions: Take Congress Street east toward Casco Bay, Hill Yard is located at 77-79 Congress Street just two blocks before the Eastern Promenade.

General Information

Property Sub-Type: **Condominium**
 # Rooms: **5**
 # Bedrooms: **2** Baths: **2/0**
 Style: **Multi-Level**
 Year Built: **1900**
 Surveyed: **Yes**
 # Fireplaces: **0**

Water Information

Water Frontage: **No**

SqFt Finished Above Grade +/-: **1,471**
 SqFt Finished Below Grade +/-: **0**
 SqFt Finished Total +/-: **1,471**
 SqFt Source: **Builder**
 Leased Land: **No**
 Lot Size Acres +/-: **0**
 Source of Acreage: **Public Records**
 Zoning: **R-6**

Tax/Deed/Community Information

Book/Page/Deed: **34896/042/**
 Map/Block/Lot: **014/ F/ 019**
 Full Tax Amount/Year: **\$11,760/ 2018**
 Tax ID: **77CongressUnit1**

Interior Information

Room Name	Length	Width	Level	Room Features	Room Name	Length	Width	Level	Room Features
Bedroom 1			First		Master Bedroom			First	Soaking Tub, Separate Shower, Suite, Walk-in Closet, Closet, Double Vanities, Full Bath
Den			First	Closet					
Living Room			First						
Kitchen			First	Eat-in Kitchen, Island					

Appliances Included: **Dishwasher; Disposal; Gas Range; Microwave; Refrigerator**

Property Features

Site:	Level; Sidewalks	Construction:	Wood Frame
Driveway:	Common	Basement:	Bulkhead; Full; Unfinished
Parking:	1 - 4 Spaces; On Site; Reserved	Info:	
Location:	Intown; Near Country Club; Near Public Beach; Near Shopping; Near Town; Near Turnpike/Interstate; Neighborhood	Exterior:	Fiber Cement
Restrictions:	Other Restrictions	Roof:	Pitched; Shingle
Roads:	Public	Heat:	Baseboard; Heat Pump; Hot Water
Transportation:	Major Road Access; Near Airport; Public Transport Access	System:	
Electric:	Circuit Breakers	Heat Fuel:	Electric
Gas:	Natural - On Site	Water:	Electric
Sewer:	Public Sewer	Heater:	
Water:	Public	Cooling:	Heat Pump
Basement:	Interior	Floors:	Carpet; Tile; Wood
Entry:		Vehicle:	2 Car; Off Street Parking
		Storage:	
		Amenities:	Bathtub; Deck; Laundry - Hookup; Master Bedroom w/Bath; One-Floor Living; Porch; Shower; Storage; Walk-in Closets

Remarks

Remarks: Only ONE CONDO LEFT at The Hill Yard - a new, intimate condo community on Munjoy Hill centered around a common courtyard providing sunlight, greenery and a quiet escape from city life. This spacious single-level unit features high ceilings and period touches including original moldings, decorative fireplace surround and hardwood floors. The flexible, open layout doesn't skimp on space with two bedrooms PLUS a den/office. Enjoy views down towards the water from the kitchen which includes a large honed granite-topped island, custom cabinetry, and Bosch appliances. The private master suite features a glass enclosed shower and separate soaking tub. A cozy, private deck brings the outdoors in. Condo includes two off-street parking spots and basement storage space. The Hill Yard condos all have been completely updated from the outside-in with a high-quality, soup-to-nuts renovation including a fully insulated exterior, thermopane Jeld-Wen windows, and brand-new heating systems and AC

LO: Vitalius Real Estate Group, LLC

Sold Information

Sold Terms/Other:

Closed Date: **12/03/2019**

Closed Price: **\$640,000**

Prepared by Tom Landry on Thursday, March 12, 2020 3:06 PM.

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Public Synopsis

79 Congress Street 2, Portland, ME 04101

List Number: **1402890**

Status: **Closed**

Neighborhood: **The Hill Yard**
 Association: **Condominium Association**
 County: **Cumberland**
 Property Type: **Residential**

Association Fee: **\$295/ Monthly**
 Seasonal: **No**
 Entrance Fee: **\$590**

List Price: **\$425,000**

General Information

Property Sub-Type: **Condominium**
 # Rooms: **4**
 # Bedrooms: **1** Baths: **1/0**
 Style: **Townhouse**
 Year Built: **1900**
 Surveyed: **Yes**
 # Fireplaces: **0**
Water Information
 Water Frontage: **No**

SqFt Finished Above Grade +/-: **869**
 SqFt Finished Below Grade +/-: **0**
 SqFt Finished Total +/-: **869**
 SqFt Source: **Builder**
 Leased Land: **No**
 Lot Size Acres +/-: **0**
 Source of Acreage: **Public Records**
 Zoning: **R-6**
Tax/Deed/Community Information
 Book/Page/Deed: **33973/017/**
 Map/Block/Lot: **14/ F/ 19**
 Full Tax Amount/Year: **\$0/ 2018**
 Tax ID: **79CongressUnit2**



Interior Information

Room Name	Length	Width	Level	Room Features
Bedroom 1			Second	Closet
Bonus Room			Third	
Kitchen			First	Eat-in Kitchen
Living Room			First	
Appliances Included: Dishwasher; Disposal; Gas Range; Microwave; Refrigerator				
Property Features				

Utilities On: **No**
 Site: **Level; Sidewalks; Well Landscaped**
 Driveway: **Common**
 Parking: **1 - 4 Spaces; On Site; Reserved**
 Location: **Intown; Near Public Beach; Near Shopping; Near Town; Near Turnpike/Interstate; Neighborhood**
 Restrictions: **Other Restrictions**
 Roads: **Paved; Public**
 Transportation: **Major Road Access; Public Transport Access**
 Electric: **Circuit Breakers**
 Gas: **Natural - On Site**
 Sewer: **Public Sewer**
 Water: **Public**
 Basement: **Interior**
 Entry:

Construction: **Wood Frame**
 Basement: **Full; Unfinished**
 Info:
 Exterior: **Fiber Cement; Wood Siding**
 Roof: **Pitched; Shingle**
 Heat System: **Heat Pump; Radiant**
 Heat Fuel: **Electric**
 Water: **Electric**
 Heater:
 Cooling: **Heat Pump**
 Floors: **Carpet; Tile; Wood**
 Vehicle: **1 Car; Off Street Parking**
 Storage:
 Amenities: **Fence; Laundry - 2nd Floor; Laundry - Hookup; Porch; Shower; Storage**

Remarks

Remarks: Welcome to the Hill Yard - a new condo community in the heart of Munjoy Hill! This urban townhouse breaks the mold of a traditional 1-bedroom with four private floors of living space: an open layout kitchen/living/dining room on the 1st floor; a bright master bedroom and large bathroom with double marble vanities on the 2nd floor; a bonus room with sunny skylight on the 3rd for guests, office, media, or exercise; the basement is storage deluxe for the city dweller with toys - skis, bikes, kayaks, seasonal gear, luggage, etc. Your dedicated parking space is right outside the private back entrance, giving the feeling of a single family home. The shared courtyard is your front lawn for relaxation or entertaining. Live just two blocks from the Eastern Promenade - the most beautiful oceanfront park in New England.

LO: Vitalius Real Estate Group, LLC

Sold Information

Sold Terms/Other:

Closed Date: **05/15/2019**

Closed Price: **\$418,000**

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MAINE
Listings



5 Cumberland Avenue 3, Portland, ME 04101List Number: **1404775**Status: **Closed**

Neighborhood

Association:

County:

Property Type:

Public Synopsis**Munjoy Hill**Association Fee: **\$207/ Monthly**Seasonal: **No**Entrance Fee: **\$414****Cumberland Residential**List Price: **\$389,000**

Directions: Washington Ave to Cumberland Ave (top of Munjoy Hill)

General InformationProperty Sub-Type: **Condominium**# Rooms: **3**# Bedrooms: **2** Baths: **1/0**Style: **Contemporary; Multi-Level**Color: **Gray**Year Built: **2018**Surveyed: **Yes**# Fireplaces: **1**Property Condition: **New Construction**Water InformationWater Frontage: **No**SqFt Finished Above **795**

Grade +/-:

SqFt Finished Below **0**

Grade +/- :

SqFt Finished Total **795**

+/-:

SqFt Source: **Builder**Leased Land: **No**Lot Size Acres +/-: **0.12**Source of Acreage: **Public Records**Zoning: **R6**Bank Owned REO: **No**Tax/Deed/Community InformationBook/Page/Deed: **33264/225/**Map/Block/Lot: **14/ 14/c/ 17**Full Tax **\$0/ 2018**

Amount/Year:

Tax ID: **5CumberlandAvePortland04101**Interior InformationAppliances Included: **Dishwasher; Disposal; Gas Range; Refrigerator**Property FeaturesSite: **Level; Open; Sidewalks; Well Landscaped**Driveway: **Paved**Parking: **1 - 4 Spaces; On Site; Reserved**Location: **Intown; Near Country Club; Near Golf Course; Near Public Beach; Near Railroad; Near Shopping; Near Town; Near Turnpike/Interstate; Neighborhood; Other Location**Recreational: **Nearby; Public**

Water:

Roads: **Paved; Public**Transportation: **Major Road Access; Near Airport; Public Transport Access; Rail Available**Electric: **Circuit Breakers**Gas: **Natural - On Site**Sewer: **Public Sewer**Water: **Public**Basement: **Interior**

Entry:

2 Detached **No**

Houses on 1

Lot:

Construction: **Wood Frame**Basement: **Full; Unfinished**

Info:

Foundation: **Poured Concrete**

Materials:

Exterior: **Clapboard; Composition; Vinyl Siding**Roof: **Flat; Membrane**Heat System: **Heat Pump; Multi-Zones**Heat Fuel: **Electric**Water Heater: **Electric; Heat Pump**Cooling: **Heat Pump**Floors: **Carpet; Composition; Tile**Vehicle: **No Vehicle Storage**

Storage:

Amenities: **1st Floor Bedroom; 1st Floor Master Bedroom w/Bath; Deck; Laundry - Hookup; One-Floor Living; Porch; Shower**Remarks

Remarks: ONLY 2 UNITS LEFT. Move In Now! These new construction, state-of-the-art condos are the perfect blend of form & function. Clean, modern, open design w/ abundant light, large windows, french doors, balconies, expansive private decks, ample storage, in-unit laundry, high ceilings & more. Efficient, green & low maintenance choices ensure low condo fees for many years to come and true stress-free enjoyment. Assoc. is pet-friendly (no restrictions), allows for shorter term rental (30 days) & the low condo due includes many ownership expenses. A short walk to Eastern Prom. & East End boutiques & restaurants this is a quiet location in one of the states most desirable neighborhoods. Bathed in natural light this unit offers high ceilings, 2 beds, a custom bath, connected living/dining/kit. area, an expansive westerly facing deck, super efficient heat & ac, bio-fireplace, 1 car parking & stress/worry free living for years to come. Join us for an Open House this Sunday 2/24 @ 1-2:30.

LO: Benchmark Real EstateSold Information

Sold Terms/Other:

Closed Date: **05/08/2019**Closed Price: **\$389,000**

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45 Eastern Promenade 7K, Portland, ME 04101List Number: **1439695**Status: **Closed**

Neighborhood

Association:

County:

Property Type:

Public Synopsis**Portland****House****Cumberland****Residential**Association Fee: **\$687.23/ Monthly**Seasonal: **No**Entrance Fee: **\$100**List Price: **\$525,000**

Directions: Eastern Promenade to #45 The Portland House

General InformationProperty Sub-Type: **Condominium**# Rooms: **5**# Bedrooms: **2** Baths: **2/0**Style: **High Rise**Year Built: **1969**Surveyed: **Unknown**# Fireplaces: **0**Water InformationWater Frontage: **No**Water Body: **Casco Bay**Water View: **Yes**Water Body Type: **Bay; Harbor; Ocean**SqFt Finished **1,210**

Above Grade +/-:

SqFt Finished **0**

Below Grade +/- :

SqFt Finished **1,210**

Total +/-:

SqFt Source: **Public Records**Leased Land: **No**

Lot Size Acres

+/-:

Source of **Public Records**

Acreage:

Zoning: **RES**Tax/Deed/Community InformationBook/Page/Deed: **26572/249/ All**Map/Block/Lot: **2/ A/ 7**Full Tax **\$5,682.98/ 2020**

Amount/Year:

Tax ID: **45EasternPromenadePortland04101**Interior Information

<u>Room Name</u>	<u>Length</u>	<u>Width</u>	<u>Level</u>	<u>Room Features</u>	<u>Room Name</u>	<u>Length</u>	<u>Width</u>	<u>Level</u>	<u>Room Features</u>
Bedroom 1			First	Built-Ins,Closet	Master Bedroom			First	Closet,Full Bath
Kitchen			First						
Dining Room			First						
Living Room			First	Built-Ins					
Appliances Included: Dishwasher; Electric Range; Microwave; Refrigerator									

Property Features

Site: **Open; Sidewalks; Well Landscaped**

Driveway: **Common**

Parking: **1 - 4 Spaces; Off Site; On Site**

Location: **Abuts Conservations; Near Country Club; Near Golf Course; Near Public Beach; Near Shopping; Near Town; Near Turnpike/Interstate; Neighborhood**

Restrictions: **Other Restrictions**

Recreational: **Nearby**

Water:

Roads: **Paved; Public**

Transportation: **Deep Water Access; Major Road Access; Near Airport; Public Transport Access; Rail Available**

Electric: **Circuit Breakers**

Gas: **Natural - On Site**

Sewer: **Public Sewer**

Water: **Public**

Equipment: **Cable; Internet Access Available**

Basement: **Interior; Walk-Out**

Entry:

Construction: **Masonry**

Basement: **Full**

Info:

Foundation: **Poured Concrete**

Materials:

Exterior: **Brick**

Roof: **Membrane**

Heat: **Baseboard; Forced Air; Hot Water; Multi-Zones**

System:

Heat Fuel: **Gas Natural**

Water: **Other Water Heater**

Heater:

Cooling: **None**

Floors: **Laminate; Wood**

Vehicle: **1 Car; Attached; Direct Entry to Living; Heated**

Storage:

Amenities: **1st Floor Master Bedroom w/Bath; Bathtub; Deck; Elevator Passenger; One-Floor Living; Other Amenities; Shower; Storage**

Accessibilitiy: **Level Entry**

Amenities:

View: **Scenic**

Remarks

Remarks: Spacious 7th floor condo in the Portland House offers sweeping views of Casco Bay and the harbor! Close to Portland, The Old Port, world class dining, and shopping. This incredible property is arguably in the best location on the Portland peninsula. Fort Allen Park is right next door with easy access to the walking trails. Friendly 24 hour staff and well run association with secured entry into the building. Convenient, comfortable living!

LO: Keller Williams RealtySold Information

Sold Terms/Other:

Closed Date: **12/19/2019**Closed Price: **\$555,500**

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Public Synopsis

45 Eastern Promenade 2H, Portland, ME 04101

List Number: **1416317**

Status: **Closed**

Neighborhood

Association:

County:

Property Type:

**The Portland House
Cumberland
Residential**

Association Fee: **\$947/ Monthly**

Seasonal: **No**

Entrance Fee: **\$100**

List Price: **\$425,000**

Directions: Franklin St. exit to left on Fore St. til it becomes Eastern Prom. At top of the hill, see The Portland House in right. Park on the street and ask doorman to let you into the unit.

General Information

Property Sub-Type: **Condominium**

Rooms: **6**

Bedrooms: **3** Baths: **3/0**

Style: **High Rise**

Color: **Concrete**

Year Built: **1969**

Surveyed: **Unknown**

Fireplaces: **0**

Water Information

Water Frontage: **No**

Water Body: **Casco Bay**

Water View: **Yes**

Water Body Type: **Bay; Ocean**

SqFt Finished Above Grade +/-: **1,640**

SqFt Finished Below Grade +/-: **0**

SqFt Finished Total +/-: **1,640**

SqFt Source: **Public Records**

Leased Land: **No**

Lot Size Acres +/-: **0**

Source of Acreage: **Public Records**

Zoning: **R6**

Bank Owned REO: **No**

Tax/Deed/Community Information

Book/Page/Deed: **13716/114/ All**

Map/Block/Lot: **G11SW/ / 007**

Full Tax Amount/Year: **\$7,085/ 2019**

Tax ID: **002 A007H02**

Interior Information

Appliances Included: **Dishwasher; Electric Range; Microwave; Refrigerator; Other Appliances: Shared laundry area across hall**

Property Features

Utilities On: **Yes**

Site: **Level; Open; Other Site; Sidewalks; Well Landscaped**

Driveway: **Common; Paved**

Parking: **1 - 4 Spaces; On Site**

Location: **Abuts Conservations; Intown; Near Country Club; Near Public Beach; Near Railroad; Near Shopping; Near Turnpike/Interstate; Suburban**

Restrictions: **Other Restrictions**

Recreational: **Nearby; Oceanfront**

Water:

Roads: **Public**

Transportation: **Near Airport**

Electric: **Circuit Breakers**

Gas: **Natural - At Street**

Sewer: **Public Sewer**

Water: **Public**

Equipment: **Cable; Internet Access Available**

Basement: **Interior**

Entry:

2 Detached **No**

Houses on 1

Lot:

Construction: **Masonry**

Basement: **Full; Other**

Info:

Foundation: **Poured Concrete**

Materials:

Exterior: **Brick**

Roof: **Other**

Heat: **Other**

System:

Heat Fuel: **Gas Natural**

Water: **Off Heating System**

Heater:

Cooling: **None**

Floors: **Carpet; Tile; Vinyl**

Vehicle: **1 Car**

Storage:

Amenities: **1st Floor Master Bedroom w/Bath; Elevator Passenger; Laundry - Coin; Master Bedroom w/Bath; One-Floor Living; Other Amenities; Storage; Walk-in Closets**

Accessibility: **Other Accessibilities; Roll-in Shower**

Amenities:

View: **Scenic**

Remarks

Remarks: Freshly painted & new carpets in this 2-3 bedroom 1640 sf unit on second level with views of Casco Bay! The Portland House is located at the top of The Eastern Prom which offers all the conveniences of this beautiful city. Dues include heat, hot water, basic cable, 1 covered parking spot and a storage space. Elevators make it easy to come home.

LO: Keller Williams Realty

Sold Information

Sold Terms/Other:

Closed Date: **07/19/2019**

Closed Price: **\$415,000**

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Public Synopsis

236 Eastern Promenade B-3, Portland, ME 04101

List Number: 1430684

Status: Closed

Neighborhood

Association:

County:

Property Type:

Promenade
Place
Cumberland
Residential

Association Fee: \$240.98/ Monthly

Seasonal: No

List Price: \$399,000

Directions: Congress Street to left on Eastern Promenade. Property on corner of Turner and Eastern Prom.



General Information

Property Sub-Type: Condominium

Rooms: 4

Bedrooms: 2 Baths: 1/0

Style: Contemporary

Color: Seaside Gray

Year Built: 1960

Surveyed: Unknown

Fireplaces: 0

Water Information

Water Frontage: No

Water Body: Casco Bay

Water View: Yes

Water Body Type: Bay

SqFt Finished 610

Above Grade +/-:

SqFt Finished 0

Below Grade +/-:

SqFt Finished Total 610

+/-:

SqFt Source: Public Records

Leased Land: No

Lot Size Acres +/-: 0

Source of Acreage: Public Records

Zoning: Residential

Bank Owned REO: No

Tax/Deed/Community Information

Book/Page/Deed: 31822/92/ All

Map/Block/Lot: 14/ 1/ 13

Full Tax \$5,923.48/ 2019

Amount/Year:

Tax ID: 236easternpromenadeB3portland

Interior Information

Room Name	Length	Width	Level	Room Features	Room Name	Length	Width	Level	Room Features
Bedroom 1			Second	Closet	Master Bedroom			Second	Closet
Great Room			Second						
Kitchen			Second						
Laundry Room			Second	Built-Ins					
Dining Room			Second	Dining Area					
Appliances Included: Dishwasher; Dryer; Gas Range; Refrigerator; Washer									

Property Features

Utilities On: Yes	2 Detached Houses on 1 Lot: No
Site: Corner Lot; Sidewalks; Well Landscaped	Construction: Wood Frame
Driveway: Common; Paved	Basement Info: Full; Unfinished
Parking: 1 - 4 Spaces; On Site; Other Parking; Paved	Foundation Materials: Poured Concrete
Location: Intown; Near Public Beach; Near Shopping; Near Town	Exterior: Clapboard
Restrictions: Other Restrictions	Roof: Shingle
Recreational: Oceanfront	Heat System: Hot Water
Water: Paved; Public	Heat Fuel: Gas Natural
Roads: Major Road Access; Near Airport	Water Heater: Off Heating System
Transportation: Circuit Breakers	Cooling: A/C Units
Electric: Natural - On Site	Floors: Tile; Wood
Gas: Public Sewer	Vehicle Storage: 1 Car
Sewer: Public	Amenities: Bathtub; Laundry - 2nd Floor
Water: Public	View: Scenic
Equipment: Air Radon Mitigation System; Cable; Internet Access Available	
Basement Entry: Exterior Only; Walk-Out	

Remarks

Remarks: Enjoy Eastern Promenade unobstructed views of Casco Bay and the islands from this very special 2 bedroom condo with private balcony. Efficient use of space with open living room/kitchen/great room for today's casual lifestyle. Beautiful sunrise views with south east exposure with easy access to vibrant Munjoy Hill, theater, restaurants, shopping, galleries, boating, parks and beach! Healthy lifestyle where you can walk to all amenities including public tennis courts, playground, basketball hoops, and pickle ball courts. Located 15 minutes from airport and 5 minutes walk to Ferry Terminal. 1-car off street parking is a plus!

LO: Legacy Properties Sotheby's International Realty

Sold Information

Sold Terms/Other:

Closed Date: 12/02/2019

Closed Price: \$375,000

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Public Synopsis

340 Eastern Promenade 144, Portland, ME 04101

List Number: **1409252**

County: **Cumberland**

Association Fee: **\$384.18/ Monthly**

List Price: **\$367,700**

Status: **Closed**

Property Type: **Residential**

Seasonal: **No**

Directions: Eastern Promenade to Walnut Street to Promenade Towers - Park in upper lot.

General Information

Property Sub-Type: **Condominium**

Rooms: **5**

Bedrooms: **2** Baths: **1/1**

Style: **High Rise**

Year Built: **1975**

Surveyed: **Yes**

Fireplaces: **0**

Water Information

Water Frontage: **No**

Water Body: **Casco Bay & Back Cove**

Water View: **Yes**

Water Body Type: **Bay**

SqFt Finished Above Grade **1,317**

+/-:

SqFt Finished Below **0**

Grade +/- :

SqFt Finished Total +/-: **1,317**

SqFt Source: **Public Records**

Leased Land: **No**

Lot Size Acres +/-: **0**

Source of Acreage: **Public Records**

Zoning: **R-6**

Tax/Deed/Community Information

Book/Page/Deed: **15845/271/**

Map/Block/Lot: **015/ / 2026**

Full Tax Amount/Year: **\$3,822/ 2018**

Tax ID: **PTLD-000015-000000-A002026**



Interior Information

<u>Room Name</u>	<u>Length</u>	<u>Width</u>	<u>Level</u>	<u>Room Features</u>
Living Room			Second	
Dining Room			Second	
Kitchen			Second	
Bedroom 1			Third	
Bedroom 2			Third	
Laundry Room			Third	
Appliances Included: Dishwasher; Disposal; Dryer; Electric Range; Refrigerator; Washer				

Property Features

Utilities On: Yes	Construction: Masonry; Steel Frame
Site: Corner Lot; Sidewalks; Well Landscaped	Basement: None
Driveway: Common; Paved	Info:
Parking: 1 - 4 Spaces	Foundation: Poured Concrete
Location: Abuts Conservations; Intown; Near Country Club; Near Golf Course; Near Public Beach; Near Shopping; Near Town; Near Turnpike/Interstate; Neighborhood	Materials:
Restrictions: No Dogs Allowed	Exterior: Brick
Recreational: Beach Rights; Nearby; Public	Roof: Membrane
Water:	Heat System: Baseboard; Multi-Zones
Roads: Association; Paved; Public	Heat Fuel: Electric
Transportation: Public Transport Access	Water Heater: Electric
Electric: Circuit Breakers	Cooling: Central Air
Gas: No Gas	Floors: Carpet; Tile
Sewer: Public Sewer	Vehicle: 1 Car; Carport; Off Street Parking
Water: Public	Storage:
Basement: Not Applicable	Amenities: Elevator Passenger; Laundry - 1st Floor; Other Amenities; Pool-In Ground; Shower; Storage
Entry:	View: Mountain(s); Scenic

Remarks

Remarks: Gorgeous views from every room of this 4th floor unit! See Back Cove, Casco Bay, the ships channel, New Hampshire mountains. Open floor plan. Large living room and dining, generous bedroom space with large closets, utility and laundry room, pool, covered parking, strong association. Steps away for the Eastern Prom, walking trails, close to I-295 DON'T MISS THIS ONE!

LO: Keller Williams Realty

Sold Information

jessica@mainelandconsultants.com

Sold Terms/Other:

Prepared by Tom Landry on Thursday, March 12, 2020 3:06 PM.

Closed Date: **07/10/2019**

Closed Price: **\$367,700**

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MAINE
Listings



Public Synopsis

340 Eastern Promenade 143, Portland, ME 04101

List Number: **1428947**

County: **Cumberland**

Association Fee: **\$384.18/ Monthly**

List Price: **\$385,000**

Status: **Closed**

Property Type: **Residential**

Seasonal: **No**

Directions: Eastern Promenade to Walnut Street to Promenade Towers - Park in upper lot.

General Information

Property Sub-Type: **Condominium**

SqFt Finished Above **1,317**

Rooms: **5**

Grade +/-:

Bedrooms: **2 Baths:1/1**

SqFt Finished Below **0**

Style: **High Rise**

Grade +/- :

Year Built: **1975**

SqFt Finished Total +/-: **1,317**

Surveyed: **Yes**

SqFt Source: **Public Records**

Fireplaces: **0**

Leased Land: **No**

Water Information

Water Frontage: **No**

Lot Size Acres +/-: **0**

Water Body: **Casco Bay & Back Cove**

Source of Acreage: **Public Records**

Water View: **Yes**

Zoning: **R-6**

Water Body Type: **Bay; Cove**

Tax/Deed/Community Information

Book/Page/Deed: **33163/245/ All**

Map/Block/Lot: **15/ / 2030**

Full Tax Amount/Year: **\$3,992/ 2018**

Tax ID: **PTLD-000015-000000-A002030**



Interior Information

Room Name	Length	Width	Level	Room Features	Room Name	Length	Width	Level	Room Features
Bedroom 1			Third	Closet	Master Bedroom			Third	Closet
Laundry Room			Third						
Living Room			Second						
Dining Room			Second						
Kitchen			Second						

Appliances Included: **Dishwasher; Dryer; Electric Range; Microwave; Refrigerator; Washer**

Property Features

Utilities On: Yes	Construction: Masonry; Steel Frame
Site: Sidewalks; Well Landscaped	Basement Info: Slab
Driveway: Common; Paved	Foundation: Poured Concrete
Parking: 1 - 4 Spaces; On Site; Paved	Materials:
Location: Near Shopping; Near Town; Near Turnpike/Interstate	Exterior: Brick; Concrete
Restrictions: No Dogs Allowed	Roof: Membrane
Recreational Water: Beach Rights; Nearby; Public	Heat System: Baseboard; Multi-Zones
Roads: Association; Paved	Heat Fuel: Electric
Transportation: Public Transport Access	Water Heater: Electric
Electric: Circuit Breakers	Cooling: Central Air
Gas: No Gas	Floors: Tile; Wood
Sewer: Public Sewer	Vehicle Storage: Carport; Off Street Parking
Water: Public	Amenities: Bathtub; Elevator Passenger; Other Amenities; Pool-In Ground; Shower; Storage
Equipment: Internet Access Available	Accessibility: Elevator/Chair Lift
Basement Entry: Not Applicable	Amenities: Elevator/Chair Lift
	View: Scenic

Remarks

Remarks: Gorgeous views from every room of this 4th floor unit! See Back Cove, Casco Bay, the ships channel, and even New Hampshire mountains. Enjoy the beautiful views from the dining room while gathering around the table with family and friends. Take in the magic of warm, colorful harbor view sunsets while relaxing right from the couch, as the sun glows over the Bay. This outstanding bright and airy condo offers endless natural light. Open floor plan with large living room and dining, generous bedroom space with large closets. Utility room, laundry room, pool, covered parking, and strong association. Steps away for the Eastern Prom, walking trails, close to I-295, and downtown Portland restaurants and shopping. YOU DON'T WANT TO MISS THIS ONE!

LO: Keller Williams Realty

Sold Information

Sold Terms/Other:

Closed Date: **09/13/2019**

Closed Price: **\$378,000**

Prepared by Tom Landry on Thursday, March 12, 2020 3:06 PM.

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Public Synopsis

340 Eastern Promenade 153, Portland, ME 04101

List Number: **1410803**

Status: **Closed**

County: **Cumberland**

Property Type: **Residential**

Association Fee: **\$380/ Monthly**

Seasonal: **No**

Entrance Fee: **\$150**

List Price: **\$370,000**

Directions: Eastern Promenade to Walnut St to Promenade East Towers. Park in upper lot

General Information

Property Sub-Type: **Condominium**

Rooms: **5**

Bedrooms: **2** Baths: **2/0**

Style: **High Rise; Multi-Level**

Color: **Gray**

Year Built: **1975**

Surveyed: **Yes**

Fireplaces: **0**

Water Information

Water Frontage: **No**

Water Body: **Casco Bay, Back Cove**

Water View: **Yes**

Water Body Type: **Ocean**

SqFt Finished Above Grade **1,317**
+/-:

SqFt Finished Below **0**

Grade +/- :

SqFt Finished Total +/-: **1,317**

SqFt Source: **Public Records**

Leased Land: **No**

Lot Size Acres +/-: **0**

Source of Acreage: **Public Records**

Zoning: **R-6**

Bank Owned REO: **No**

Tax/Deed/Community Information

Book/Page/Deed: **31614/33/ All**

Map/Block/Lot: **015/ 20/ 34**

Full Tax Amount/Year: **\$4,206/ 2018**

Tax ID: **PTLD-000015-000000-A002034**



Interior Information

Appliances Included: **Dishwasher; Disposal; Dryer; Refrigerator; Washer**

Property Features

Site: **Corner Lot; Sidewalks; Well Landscaped**

Driveway: **Common; Paved**

Parking: **1 - 4 Spaces**

Location: **Near Country Club; Near Golf Course; Near Public Beach;**

Near Shopping; Near Town; Near Turnpike/Interstate

Restrictions: **No Dogs Allowed**

Recreational: **Nearby; Public**

Water: **Association; Paved; Public**

Roads: **Association; Paved; Public**

Transportation: **Major Road Access; Public Transport Access**

Electric: **Circuit Breakers**

Gas: **No Gas**

Sewer: **Public Sewer**

Water: **Public**

Basement: **Interior; Walk-Out**

Entry:

2 Detached **No**

Houses on 1

Lot:

Construction: **Masonry; Steel Frame**

Basement Info: **Finished; Unfinished; Walkout Access**

Foundation: **Poured Concrete**

Materials:

Exterior: **Brick; Stucco**

Roof: **Membrane**

Heat System: **Baseboard; Multi-Zones**

Heat Fuel: **Electric**

Water Heater: **Electric; Tank**

Cooling: **Central Air**

Floors: **Carpet; Vinyl; Wood**

Vehicle Storage: **1 Car; Carport; Detached; Off Street Parking**

Amenities: **Elevator Passenger; Laundry - 1st Floor; Master Bedroom w/Bath; Pool-In Ground; Shower; Storage**

View: **Mountain(s); Scenic**

Remarks

Remarks: Dramatic views of Casco Bay, the islands, Munjoy Hill, and the downtown await you from the top level of this elegant high-rise with a big-city feel to it. This tri-level Condominium offers 1,300 sq.ft. of sunny living space and includes a master bedroom suite, wood floors in the main living space, and newer windows and kitchen appliances. Loaded with amenities, Promenade East offers covered parking, a swimming pool, a game/common room, professional management, and the best views in Portland right outside your door. Walk to Munjoy Hill's many fine restaurants, the parks and trails of the Eastern Promenade, antique shops, brewpubs and Portland's downtown and Old Port areas. Easy access to Route 295. Don't miss out on this rare opportunity to live in one of Portland's iconic buildings!

LO: Bean Group

Sold Information

stonecoastapr@gmail.com

Sold Terms/Other:

Prepared by Tom Landry on Thursday, March 12, 2020 3:06 PM.

Closed Date: **06/03/2019**

Closed Price: **\$370,000**

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MAINE
Listings



Public Synopsis

340 Eastern Promenade 258, Portland, ME 04101

List Number: 1422742

County:

Cumberland

Association Fee: \$578.46/ Monthly

List Price: \$675,000

Status: Closed

Property Type: Residential

Seasonal: No

Directions: Eastern Promenade at the corner of Eastern Prom and Walnut Street.

General Information

Property Sub-Type: Condominium

Rooms: 5

Bedrooms: 3 Baths: 2/0

Style: High Rise

Year Built: 1975

Surveyed: Unknown

Fireplaces: 0

Water Information

Water Frontage: No

SqFt Finished Above 1,919

Grade +/-:

SqFt Finished Below 0

Grade +/- :

SqFt Finished Total +/-: 1,919

SqFt Source: Public Records

Leased Land: No

Lot Size Acres +/-: 0

Source of Acreage: Public Records

Zoning: R6

Bank Owned REO: No

Tax/Deed/Community Information

Book/Page/Deed: 29558/283/ All

Map/Block/Lot: 15/ A/ 004

Full Tax Amount/Year: \$5,991/ 2018

Tax ID: PTLD-000015-000000-A002080



Interior Information

Room Name	Length	Width	Level	Room Features	Room Name	Length	Width	Level	Room Features
Living Room			First		Master Bedroom			Second	
Dining Room			First						
Kitchen			First						
Bedroom 1			Second						
Bedroom 2			Upper						
Appliances Included: Dishwasher; Dryer; Electric Range; Refrigerator; Washer									

Property Features

Site:	Open; Rolling/Sloping; Sidewalks; Well Landscaped	2 Detached	No
Driveway:	Common; Paved	Houses on 1	
Parking:	1 - 4 Spaces; Reserved	Lot:	
Location:	Abuts Conservations; Intown; Near Golf Course; Near Public Beach; Near Shopping; Neighborhood	Construction:	Masonry; Steel Frame
Restrictions:	No Dogs Allowed; Other Restrictions	Basement	None
Roads:	Paved; Public	Info:	
Transportation:	Major Road Access; Near Airport; Public Transport Access	Foundation	Poured Concrete
Electric:	Circuit Breakers	Materials:	
Gas:	No Gas	Exterior:	Brick; Concrete
Sewer:	Public Sewer	Roof:	Flat
Water:	Public	Heat	Baseboard
Basement	Not Applicable	System:	
Entry:		Heat Fuel:	Electric
		Water	Electric
		Heater:	
		Cooling:	Central Air
		Floors:	Carpet; Laminate; Tile
		Vehicle	1 Car; Off Street Parking; Under
		Storage:	
		Amenities:	Bathtub; Clubhouse; Elevator Passenger; Fire System; Laundry - Hookup; Master Bedroom w/Bath; Other Amenities; Pool-In Ground; Shower; Storage; Walk-in Closets
		View:	Mountain(s); Scenic
		Remarks	

Remarks: Breathtaking City /Back Cove Sunset Mt Washington views from this Penthouse unit balcony. Sunrise Casco Bay bedroom views awaits a discriminating buyer. This 3 bedroom unit boasts an open floor plan, custom kitchen, updated baths, heated pool, gym, covered parking and walkability to all that Munjoy Hill has to offer. Parks, restaurants and cultural activities are at your finger tips. Come see how easy living can be in Maine's premiere city.

LO: RE/MAX Shoreline

Sold Information

ttitheri@maine.rr.com

Sold Terms/Other:

Prepared by Tom Landry on Thursday, March 12, 2020 3:06 PM.

Closed Date: 09/27/2019

Closed Price: \$657,500

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MAINE
Listings



Public Synopsis

45 Eastern Promenade 3A, Portland, ME 04101

List Number: **1433807**

Status: **Closed**

Neighborhood

Association:

County:

Property Type:

Portland House

Condominium

Cumberland

Residential

Association Fee: **\$419/ Monthly**

Seasonal: **No**

Entrance Fee: **\$100**

List Price: **\$357,000**

Directions: Franklin Street to Fore Street east, continue on Eastern Promenade to #45.

General Information

Property Sub-Type: **Condominium**

Rooms: **2**

Bedrooms: **1** Baths: **1/0**

Style: **High Rise**

Year Built: **1969**

Surveyed: **No**

Road Frontage +/-: **200**

Fireplaces: **0**

Water Information

Water Frontage: **No**

Water Body: **Casco Bay**

Water Body Type: **Harbor; Ocean**

SqFt Finished **718**

Above Grade +/-:

SqFt Finished **0**

Below Grade +/-:

SqFt Finished **718**

Total +/-:

SqFt Source: **Public Records**

Leased Land: **No**

Lot Size Acres **0**

+/-:

Source of **Other**

Acreage:

Zoning: **RES**

Tax/Deed/Community Information

Book/Page/Deed: **34948/126/**

Map/Block/Lot: **G11SW/N/A/ / 0**

Full Tax **\$4,116/ 2019**

Amount/Year:

Tax ID: **45EasternPromenade3APortland04101**



Interior Information

Appliances Included: **Dishwasher; Disposal; Electric Range; Microwave; Refrigerator**

Property Features

Site: **Sidewalks; Well Landscaped**
 Driveway: **Common; Paved**
 Parking: **1 - 4 Spaces; On Site; Reserved**
 Location: **Intown; Near Country Club; Near Golf Course; Near Public Beach; Near Railroad; Near Shopping; Near Town; Near Turnpike/Interstate; Neighborhood**
 Restrictions: **Pet Weight Limit**
 Recreational: **Beach Rights**
 Water:
 Roads: **Association**
 Transportation: **Near Airport; Public Transport Access; Rail Available**
 Electric: **Circuit Breakers**
 Gas: **Unknown**
 Sewer: **Public Sewer**
 Water: **Public**
 Equipment: **Cable; Generator; Internet Access Available**
 Basement: **Not Applicable**
 Entry:

Construction: **Masonry; Steel Frame**
 Basement: **Brick/Mortar**
 Info:
 Foundation: **Poured Concrete**
 Materials:
 Exterior: **Brick**
 Roof: **Membrane**
 Heat: **Baseboard; Hot Water**
 System:
 Heat Fuel: **Gas Natural**
 Water: **Off Heating System**
 Heater:
 Cooling: **None**
 Floors: **Concrete; Tile**
 Vehicle: **Other Vehicle Storage**
 Storage:
 Amenities: **1st Floor Bedroom; 1st Floor Master Bedroom w/Bath; Elevator Freight; Elevator Passenger; Fire System; Laundry - 1st Floor; Laundry - Coin; One-Floor Living; Patio; Security System; Storage**
 Accessibility: **32 - 36 Inch Doors; Level Entry**
 Amenities:
 View: **Scenic**

Remarks

Remarks: Bordering Fort Allen Park and the Eastern Promenade, this 3rd floor property at the Portland House offers incomparable and unobstructed views of Casco Bay. Plus, it's an easy walk to the beach, to Portland Trails or the Old Port. This very unique condominium has been completely remodeled to create a modern open living space - and it is immaculate. Everything is upscale including new tile floors and up-to-date appliances. Truly a ready to move-in, turn-key gem. The monthly HOA fee includes onsite property management, attended security, heat and hot water, basic cable service, parking and trash/recycling collection. With patio landscaping and beautiful gardens, enjoy a fresh sea breeze and the ever-changing scenery on Casco Bay.

LO: Coldwell Banker Residential Brokerage

Sold Information

dan@danandersonrealestate.com

Sold Terms/Other:

Prepared by Tom Landry on Thursday, March 12, 2020 3:06 PM.

Closed Date: **11/25/2019**

Closed Price: **\$357,000**

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MAINE
Listings



45 Eastern Promenade 4 G-F, Portland, ME 04101List Number: **1418576**Status: **Closed**

Neighborhood

Association:

County:

Property Type:

Public Synopsis**Portland****House****Cumberland****Residential**Association Fee: **\$970.89/ Monthly**Seasonal: **No**Entrance Fee: **\$100**List Price: **\$739,000**

Directions: Eastern Promenade to 45 Eastern Prom

General InformationProperty Sub-Type: **Condominium**# Rooms: **7**# Bedrooms: **2** Baths: **2/0**Style: **High Rise**Color: **Brick/tan**Year Built: **1969**Surveyed: **Unknown**# Fireplaces: **0**SqFt Finished **1,730**

Above Grade +/-:

SqFt Finished **0**

Below Grade +/-:

SqFt Finished **1,730**

Total +/-:

SqFt Source: **Public Records**Leased Land: **No**

Lot Size Acres

+/-:

Source of **Public Records**

Acreage:

Zoning: **R6**Water InformationWater Frontage: **No**Water Body: **Casco Bay**Water View: **Yes**Water Body Type: **Harbor; Ocean**Tax/Deed/Community InformationBook/Page/Deed: **22359/46/**Map/Block/Lot: **2/ A/ 007**Full Tax **\$8,963/ 2019**

Amount/Year:

Tax ID: **45EasternPromenadeUnitG4&F4Portland04101**Interior Information

<u>Room Name</u>	<u>Length</u>	<u>Width</u>	<u>Level</u>	<u>Room Features</u>	<u>Room Name</u>	<u>Length</u>	<u>Width</u>	<u>Level</u>	<u>Room Features</u>
Kitchen			First		Master Bedroom			First	
Dining Room			First		Office			First	
Den			First						
Living Room			First						
Bedroom 1			First						
Appliances Included: Dishwasher; Disposal; Electric Range; Microwave; Refrigerator									

Property Features

Site:	Open; Other Site; Sidewalks; Well Landscaped	Construction:	Masonry
Driveway:	Common	Basement:	Full
Parking:	1 - 4 Spaces	Info:	
Location:	Abuts Conservations; Intown; Near Country Club; Near Golf Course; Near Public Beach; Near Shopping; Near Town; Near Turnpike/Interstate; Neighborhood	Foundation:	Poured Concrete
Restrictions:	Other Restrictions	Materials:	
Recreational:	Nearby	Exterior:	Brick
Water:		Roof:	Membrane
Roads:	Public	Heat:	Baseboard; Forced Air; Hot Water; Multi-Zones
Transportation:	Deep Water Access; Major Road Access; Near Airport; Public Transport Access; Rail Available	System:	
Electric:	Circuit Breakers	Heat Fuel:	Gas Natural
Gas:	Natural - On Site	Water:	Other Water Heater
Sewer:	Public Sewer	Heater:	
Water:	Public	Cooling:	A/C Units
Equipment:	Cable; Internet Access Available	Floors:	Tile; Wood
Basement:	Interior; Walk-Out	Vehicle:	2 Car; Auto Door Opener; Direct Entry to Living; Heated
Entry:		Storage:	
		Amenities:	1st Floor Bedroom; Deck; Elevator Passenger; Fire System; One-Floor Living; Other Amenities; Shower; Storage; Walk-in Closets
		Accessibility:	Level Entry
		Amenities:	
		View:	Scenic

Remarks

Remarks: 'Million dollar views' from your extensive double balcony allows you to watch all of the activity in Portland Harbor as well as views of Portland Head Light and stunning sunsets. The hand crafted kitchen and family room has abundant space for entertaining and overlooks Portland Harbor and the city skyline. This home also offers additional living room as well as a study/office, both bedrooms are large and have abundant closets. With rare two indoor heated parking spaces, storage and staffed entry all at what is arguably the best location on the Portland peninsula abutting Fort Allen Park and Portland Trails. HOA includes heat, cable TV, internet, water & sewer.

LO: Keller Williams RealtySold Informationalex@danandersonrealestate.com

Sold Terms/Other:

Prepared by Tom Landry on Thursday, March 12, 2020 3:06 PM.

Closed Date: **08/29/2019**Closed Price: **\$720,000**

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Public Synopsis

45 Eastern Promenade 8C, Portland, ME 04101

List Number: **1425310**

Status: **Closed**

Neighborhood

Association:

County:

Property Type:

Portland House

Condo Assn.

Cumberland

Residential

Association Fee: **\$602/ Monthly**

Seasonal: **No**

Entrance Fee: **\$100**

List Price: **\$440,000**

Directions: Franklin Street East to Fore St. Left on Fore Street to Eastern Promenade to #45.

General Information

Property Sub-Type: **Condominium**

Rooms: **4**

Bedrooms: **2** Baths: **2/0**

Style: **High Rise**

Year Built: **1969**

Surveyed: **Unknown**

Fireplaces: **0**

Water Information

Water Frontage: **No**

SqFt Finished **1,054**

Above Grade +/-:

SqFt Finished **0**

Below Grade +/-:

SqFt Finished Total **1,054**

+/-:

SqFt Source: **Public Records**

Leased Land: **No**

Lot Size Acres +/-:

Source of Acreage: **Public Records**

Zoning: **R6**

Tax/Deed/Community Information

Book/Page/Deed: **33892/267/ All**

Map/Block/Lot: **075/ / 0**

Full Tax **\$6,162/ 19-20**

Amount/Year:

Tax ID: **45easternpromenadeportlandmaine**



Interior Information

Room Name	Length	Width	Level	Room Features	Room Name	Length	Width	Level	Room Features
Living Room			First		Master Bedroom			First	
Bedroom 1			First	Closet, Full Bath					Closet, Full Bath
Kitchen			First						

Appliances Included: **Dishwasher; Disposal; Electric Range; Microwave; Refrigerator**

Property Features

Site: **Sidewalks; Well Landscaped**

Driveway: **Common**

Parking: **1 - 4 Spaces**

Location: **Historic District; Intown; Near Golf Course; Near Public Beach; Near Railroad; Near Shopping; Near Turnpike/Interstate; Neighborhood**

Restrictions: **Pet Weight Limit**

Roads: **Paved**

Transportation: **Near Airport; Public Transport Access**

Electric: **Circuit Breakers**

Gas: **Natural - On Site**

Sewer: **Public Sewer**

Water: **Public**

Basement: **Not Applicable**

Entry:

Construction: **Masonry**

Basement Info: **None**

Foundation Materials: **Poured Concrete**

Exterior: **Brick; Concrete**

Roof: **Membrane**

Heat System: **Baseboard; Forced Air; Hot Water**

Heat Fuel: **Gas Natural**

Water Heater: **Off Heating System**

Cooling: **None**

Floors: **Carpet; Concrete**

Vehicle Storage: **1 Car**

Amenities: **Elevator Freight; Elevator Passenger; Patio**

Accessibility Amenities: **32 - 36 Inch Doors**

Remarks

Remarks: Overlooking Fort Allen Park and Casco Bay, the view from this 8th floor location is incomparable. Plus, it's an easy walk to the beach, to Portland Trails or the Old Port. This unique 2-bedroom, 2 bath unit is truly one of a kind. The monthly HOA fee includes on-site facility and property management, front door attended security, heat and hot water, basic cable service, covered and heated parking, trash/recycling collection and an exercise room. With excellent landscaping and beautiful patio gardens enjoy all the conveniences of the Portland House.

LO: Coldwell Banker Residential Brokerage

Sold Information

carrie.oceanside@outlook.com

Sold Terms/Other:

Prepared by Tom Landry on Thursday, March 12, 2020 3:06 PM.

Closed Date: **09/27/2019**

Closed Price: **\$410,000**

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MAINE
Listings



Public Synopsis

84 Eastern Promenade 3, Portland, ME 04101

List Number: **1413009**

Status: **Closed**

Neighborhood

Association:

County:

Property Type:

Munjoy Hill /

Victorian Terrace

Cumberland

Residential

Association Fee: **\$345/ Monthly**

Seasonal: **No**

List Price: **\$925,000**

Directions: On the Eastern Promenade, on the corner of Morning Street right across from Ft Allen Park.

General Information

Property Sub-Type: **Condominium**

Rooms: **5**

Bedrooms: **2** Baths: **2/0**

Style: **Victorian**

Color: **Moss**

Year Built: **1868**

Surveyed: **Yes**

Fireplaces: **0**

Water Information

Water Frontage: **No**

Water Body: **Casco Bay**

Water View: **Yes**

Water Body Type: **Ocean**

SqFt Finished Above Grade **1,250**

+/-:

SqFt Finished Below **0**

Grade +/- :

SqFt Finished Total +/-: **1,250**

SqFt Source: **Measured (ANSI)**

Leased Land: **No**

Lot Size Acres +/-: **0.2**

Source of Acreage: **Public Records**

Zoning: **R-6**

Tax/Deed/Community Information

Book/Page/Deed: **28981/137/**

Map/Block/Lot: **3/ C/ 10**

Full Tax Amount/Year: **\$0/ TBD**

Tax ID: **PTLD-000003-000000-**

C010001



Interior Information

Room Name	Length	Width	Level	Room Features	Room Name	Length	Width	Level	Room Features
Living Room			First		Master Bedroom			First	Balcony/Deck, Closet, Full Bath, Suite
Dining Room			First	Dining Area, Skylight					
Kitchen			First	Island					
Bedroom 1			First	Closet					

Appliances Included: **Dishwasher; Gas Range; Microwave; Refrigerator; Other Appliances: Jenn-Aire**

Property Features

Utilities On:	Yes	Construction:	Wood Frame
Site:	Corner Lot; Level; Open; Sidewalks; Well Landscaped	Basement:	Finished; Full; Unfinished
Driveway:	Common; Paved	Info:	
Parking:	1 - 4 Spaces; On Site; Paved; Reserved	Foundation:	Brick/Mortar; Stone
Location:	Near Public Beach; Near Town; Neighborhood	Materials:	
Restrictions:	Other Restrictions	Exterior:	Clapboard; Wood Siding
Recreational Water:	Nearby; Oceanfront	Roof:	Pitched; Shingle
Roads:	Paved; Public	Heat:	Baseboard; Hot Water
Transportation:	Public Transport Access	System:	
Electric:	Circuit Breakers	Heat Fuel:	Gas Natural
Gas:	Natural - On Site	Water:	Gas
Sewer:	Public Sewer	Heater:	
Water:	Public	Cooling:	A/C Units
Equipment:	Cable	Floors:	Carpet; Tile; Wood
Basement Entry:	Bulkhead; Interior	Vehicle:	Off Street Parking
		Storage:	
		Amenities:	Attic; Bathtub; Deck; Fire System; Laundry - Hookup; Master Bedroom w/Bath; One-Floor Living; Shower; Sprinkler; Storage
		Accessibility:	36 - 48 Inch Halls
		Amenities:	
		View:	Scenic

Remarks

Remarks: You are at the most exciting and coveted location in Portland; Victorian Terrace Condominium on the Prom. This top floor unit includes the magical widows walk, offering commanding protected views of Casco Bay, three lighthouses and all of the amazing water activity that you can take in! This unit has a large master suite with new modern bath, guest bedroom and new second full bath. New modern kitchen, with Jenn-Aire Appliances and new flooring throughout. Beautifully landscaped grounds include 2 car reserved parking for each unit. This is truly one of the most inspirational locations in Portland with ever changing harbor views and being located across the street from historic Ft. Allen Park. 'Welcome to The Peaks Suite'!

LO: Gardner Real Estate Group

Sold Information

ben@mainelandconsultants.com

Sold Terms/Other:

Prepared by Tom Landry on Thursday, March 12, 2020 3:06 PM.

Closed Date: **08/30/2019**

Closed Price: **\$860,000**

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Public Synopsis

23 Emerson Street 2, Portland, ME 04101

List Number: **1424582**

Status: **Closed**

County: **Cumberland**

Property Type: **Residential**

Association Fee: **\$275/ Monthly**

Seasonal: **No**

Entrance Fee: **\$0**

List Price: **\$689,900**

Directions: Eastern Promenade to Turner, left onto Emerson (one way), building on left #23. Floor # 2

General Information

Property Sub-Type: **Condominium**

Rooms: **7**

Bedrooms: **3** Baths: **2/0**

Style: **Multi-Level**

Year Built: **1890**

Surveyed: **Unknown**

Fireplaces: **1**

Water Information

Water Frontage: **No**

SqFt Finished Above **1,548**

Grade +/-:

SqFt Finished Below **0**

Grade +/- :

SqFt Finished Total +/-: **1,548**

SqFt Source: **Public Records**

Leased Land: **No**

Lot Size Acres +/-: **0.15**

Source of Acreage: **Public Records**

Zoning: **Res**

Bank Owned REO: **No**

Tax/Deed/Community Information

Book/Page/Deed: **34209/275/ All**

Map/Block/Lot: **14/ K/ 6**

Full Tax Amount/Year: **\$9,846/ 2018**

Tax ID: **PTLD-000014-000000-K006002**



Interior Information

Appliances Included: **Dishwasher; Disposal; Gas Range; Microwave; Refrigerator**

Property Features

Site: **Level; Sidewalks**

Driveway: **Paved**

Parking: **On Site**

Location: **Intown**

Roads: **Public**

Electric: **Circuit Breakers**

Gas: **Natural - On Site**

Sewer: **Public Sewer**

Water: **Public**

Basement Entry: **Walk-Out**

2 Detached Houses on 1

Lot:

Construction:

Basement Info:

Foundation Materials:

Exterior:

Roof:

Heat System:

Heat Fuel:

Water Heater:

Cooling:

Floors:

Vehicle Storage:

Amenities:

No

Wood Frame

Full; Sump Pump; Unfinished; Walkout Access

Brick/Mortar; Poured Concrete; Slab

Vertical Siding

Shingle

Baseboard; Hot Water; Multi-Zones

Gas Natural

Gas; Off Heating System

A/C Units

Tile; Wood

Off Street Parking

Deck; Laundry - Hookup; Sprinkler

Remarks

Remarks: Stunning, modern and chic 3 bedroom, 2 bath flat in prime East End location with a peek of the water from a private wrap around deck. Beautiful open concept kitchen, dining and living area with gas fireplace. This second floor unit boasts all newer systems, high efficiency gas heating system, hardwood floors throughout, high ceilings, and custom bathrooms. Spacious master suite with heated floors in bath and a deep soaking tub. Sleek shiplap walls. In unit laundry room. Deeded off street parking! Large storage unit in basement. Whole building and system renovation recently completed.

LO: Regency Realty Group

Sold Information

RRENO@Maine.RR.com

Sold Terms/Other:

Prepared by Tom Landry on Thursday, March 12, 2020 3:06 PM.

Closed Date: **09/04/2019**

Closed Price: **\$682,000**

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MAINE
Listings



Public Synopsis

23 Emerson Street 3, Portland, ME 04101

List Number: **1435253**

Status: **Closed**

County: **Cumberland**

Property Type: **Residential**

Association Fee: **\$275/ Monthly**

Seasonal: **No**

Entrance Fee: **\$0**

List Price: **\$849,900**

Directions: Eastern Prom to Turner Street, left onto Emerson (one way), 23 Emerson on left



General Information

Property Sub-Type: **Condominium**

Rooms: **7**

Bedrooms: **3** Baths: **2/0**

Style: **Multi-Level**

Year Built: **1890**

Surveyed: **Unknown**

Fireplaces: **1**

Water Information

Water Frontage: **No**

Water Body: **Atlantic Ocean**

Water View: **Yes**

Water Body Type: **Ocean**

SqFt Finished Above Grade +/-: **1,548**

SqFt Finished Below Grade +/-: **0**

SqFt Finished Total +/-: **1,548**

SqFt Source: **Public Records**

Leased Land: **No**

Lot Size Acres +/-: **0**

Source of Acreage: **Public Records**

Zoning: **Res**

Bank Owned REO: **No**

Tax/Deed/Community Information

Book/Page/Deed: **33649/022/ All**

Map/Block/Lot: **14/ K/ 6**

Full Tax Amount/Year: **\$11,923/ 2018**

Tax ID: **PTLD-000014-000000-**

K006003

Interior Information

Appliances Included: **Dishwasher; Disposal; Dryer; Gas Range; Microwave; Refrigerator; Washer**

Property Features

Site: **Level; Sidewalks; Well Landscaped**

Driveway: **Paved**

Parking: **1 - 4 Spaces; Paved**

Location: **Neighborhood**

Roads: **Public**

Electric: **Circuit Breakers**

Gas: **Natural - On Site**

Sewer: **Public Sewer**

Water: **Public**

Equipment: **Air Radon Mitigation System**

Basement Entry: **Exterior Only; Walk-Out**

2 Detached Houses on 1 **No**

Lot:

Construction: **Wood Frame**

Basement Info: **Full**

Foundation Materials: **Brick/Mortar; Stone**

Exterior: **Vinyl Siding**

Roof: **Membrane; Shingle**

Heat System: **Baseboard; Direct Vent Furnace; Hot Water;**

Multi-Zones

Heat Fuel: **Gas Natural**

Water Heater: **Off Heating System**

Cooling: **None**

Floors: **Tile; Wood**

Vehicle Storage: **1 Car; Detached**

Amenities: **Deck; Sprinkler; Storage; Walk-in Closets**

Remarks

Remarks: A bright & sunny penthouse unit on the East End that you will not want to miss! This lovely open concept 3 bedroom, 2 bath condo comes with a private garage bay & water views! Recently renovated with maple hardwood floors throughout & 9' ceilings. Cherry kitchen cabinets and granite counters adorn the open kitchen area. Living area has gas fireplace & access to private wrap around deck. The master suite includes a soaking tub, separate custom tile shower and heated floors. This third floor condo even has ample attic space w 7'+/- ceilings for more expansion possibilities that could include another private deck with even more sweeping water views! (subject to city approval). Large storage room in basement

LO: Locations Real Estate Group LLC

Sold Information

lori@mainelandconsultants.com

Sold Terms/Other:

Prepared by Tom Landry on Thursday, March 12, 2020 3:06 PM.

Closed Date: **11/14/2019**

Closed Price: **\$835,000**

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MAINE
Listings



Public Synopsis

30 Merrill Street 2, Portland, ME 04101

List Number: **1405248**

Status: **Closed**

Directions: Congress St to Merrill St (top of Munjoy Hill)

County: **Cumberland**
Property Type: **Residential**

Association Fee: **\$156/ Monthly**
Seasonal: **No**

List Price: **\$349,000**

General Information

Property Sub-Type: **Condominium**

Rooms: **2**

Bedrooms: **1** Baths: **1/0**

Style: **Contemporary; Multi-Level**

Color: **Gray**

Year Built: **2017**

Surveyed: **Unknown**

Fireplaces: **1**

Property Condition: **New Construction**

Water Information

Water Frontage: **No**

Water View: **No**

SqFt Finished Above Grade **728**

+/-:

SqFt Finished Below **0**

Grade +/- :

SqFt Finished Total +/-: **728**

SqFt Source: **Other**

Other Source of Square **Architect**

Footage:

Leased Land: **No**

Lot Size Acres +/-: **0.11**

Source of Acreage: **Public Records**

Zoning: **R6**

Tax/Deed/Community Information

Book/Page/Deed: **34616/129/**

Map/Block/Lot: **14/ C/ 14**

Full Tax Amount/Year: **\$5,728/ 2018**

Tax ID: **PTLD-000014-000000-C014002**



Interior Information

Room Name Length Width Level Room Features

Room Name	Length	Width	Level	Room Features
Bedroom 1			First	
Dining Room			First	
Kitchen			First	Eat-in Kitchen, Pantry
Living Room			First	
Laundry Room			First	

Appliances Included: **Dishwasher; Disposal; Electric Range; Refrigerator**

Property Features

Utilities On: **Yes**
Site: **Level; Open; Sidewalks; Well Landscaped**
Driveway: **Common; Paved**
Parking: **1 - 4 Spaces; On Site; Paved; Reserved**
Location: **Intown; Near Country Club; Near Golf Course; Near Public Beach; Near Railroad; Near Shopping; Near Town; Near Turnpike/Interstate; Neighborhood**
Restrictions: **Other Restrictions**
Recreational: **Nearby**
Water: **Paved; Public**
Roads: **Major Road Access; Near Airport; Public Transport Access; Rail Available**
Electric: **Circuit Breakers**
Gas: **No Gas**
Sewer: **Public Sewer**
Water: **Public**
Equipment: **Cable; Internet Access Available**
Basement: **Interior**
Entry:

Construction: **Wood Frame**
Basement: **Full; Unfinished**
Info: **Poured Concrete**
Foundation: **Composition; Metal Clad**
Materials: **Flat; Membrane**
Exterior: **Heat Pump; Radiant**
Roof: **Electric**
Heat: **Electric**
System: **Central Air**
Heat Fuel: **Composition; Other; Tile**
Water: **1 Car; Off Street Parking**
Heater: **1st Floor Bedroom; Fence; Fire System; Laundry - 1st Floor; Laundry - Hookup; One-Floor Living; Other Amenities; Pantry; Porch; Security System; Shower; Sprinkler; Storage Scenic**
Cooling: **Central Air**
Floors: **Composition; Other; Tile**
Vehicle: **1 Car; Off Street Parking**
Storage: **1st Floor Bedroom; Fence; Fire System; Laundry - 1st Floor; Laundry - Hookup; One-Floor Living; Other Amenities; Pantry; Porch; Security System; Shower; Sprinkler; Storage Scenic**
Amenities: **1st Floor Bedroom; Fence; Fire System; Laundry - 1st Floor; Laundry - Hookup; One-Floor Living; Other Amenities; Pantry; Porch; Security System; Shower; Sprinkler; Storage Scenic**
View: **Scenic**

Remarks

Remarks: This near new and state of the art condo is functionally & aesthetically amazing. Clean, modern, open-flow design w/ abundant light, large windows, French doors, balconies, in-unit laundry... Efficient/Green/Low maintenance choices ensure all you have to do is enjoy. Unit 2 offers: 1st floor, single level living, 1bedroom, 1bath, with high ceilings, a water view balcony, generous living/dining/kitchen area, bio-ethanol fireplace, lots of storage, dedicated off-street parking, pets ok... Add in a location that really can't be beat (Portland's ultra desirable and trendy East End), super low condo fees, low/low cost of ownership and glimpses of water and you have a condo that won't last long.

LO: Benchmark Real Estate

Sold Information

Sold Terms/Other:

Closed Date: **11/14/2019**

Closed Price: **\$335,000**

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MAINE
Listings



Public Synopsis

30 Merrill Street 1, Portland, ME 04101

List Number: **1412343**

Status: **Closed**

Neighborhood

Association:

County:

Property Type:

30 Lofts

**Cumberland
Residential**

Association Fee: **\$156/ Monthly**

Seasonal: **No**

List Price: **\$349,900**

Directions: Congress Street to Merrill Street

General Information

Property Sub-Type: **Condominium**

Rooms: **3**

Bedrooms: **1** Baths: **1/0**

Style: **Contemporary; Garden**

Color: **Gray**

Year Built: **2017**

Surveyed: **Unknown**

Fireplaces: **1**

Water Information

Water Frontage: **No**

SqFt Finished Above Grade **712**

+/-:

SqFt Finished Below Grade +/- **0**

:

SqFt Finished Total +/-: **712**

SqFt Source: **Public Records**

Leased Land: **No**

Lot Size Acres +/-: **0.11**

Source of Acreage: **Public Records**

Zoning: **R-6**

Bank Owned REO: **No**

Tax/Deed/Community Information

Book/Page/Deed: **34392/151/ All**

Map/Block/Lot: **14/ C/ 14**

Full Tax Amount/Year: **\$5,724/ 2019**

Tax ID: **PTLD-000014-000000-C014001**



Interior Information

Appliances Included: **Dishwasher; Dryer; Gas Range; Refrigerator; Washer; Other Appliances: Hood**

Property Features

Site: **Level; Sidewalks**
 Driveway: **Common; Paved**
 Parking: **5 - 10 Spaces; On Site; Paved**
 Location: **Intown; Near Country Club; Near Golf Course; Near Public Beach; Near Railroad; Near Shopping; Neighborhood**
 Restrictions: **Other Restrictions**
 Recreational: **Nearby**
 Water:
 Roads: **Paved; Public**
 Transportation: **Major Road Access; Public Transport Access**
 Electric: **Circuit Breakers**
 Gas: **Natural - On Site**
 Sewer: **Public Sewer**
 Water: **Public**
 Equipment: **Cable; Internet Access Available**
 Basement: **Interior**
 Entry:

2 Detached Houses on **No**
 1 Lot:
 Construction: **Wood Frame**
 Basement Info: **Full; Unfinished**
 Foundation Materials: **Poured Concrete**
 Exterior: **Composition; Metal Clad**
 Roof: **Membrane**
 Heat System: **Heat Pump; Radiant**
 Heat Fuel: **Electric**
 Water Heater: **Electric**
 Cooling: **Central Air**
 Floors: **Composition; Other; Tile**
 Vehicle Storage: **No Vehicle Storage**
 Amenities: **1st Floor Bedroom; Laundry - 1st Floor; One-Floor Living; Storage**

Remarks

Remarks: Wonderful opportunity to live in a newly constructed condo on the bustling East End of Portland's peninsula. Convenient single level living offers a sleek, open-concept backdrop. The southerly exposure captures year-round natural sunlight and the bio-ethanol fireplace adds a touch of seasonal ambiance. The BR has been enhanced with a handsome, customized California Closet. Plantation shutters have been installed in LR and BR. Additional amenities include radiant heat in Bath, sliding barn-style door, stackable washer & dryer, efficient systems and quartz countertops. Low monthly fee. 10.5 x 15.5 storage area. Enjoy neighborhood shops and restaurants, walk to Eastern Prom or stroll to the Old Port. Unit comes with one off-street parking space.

LO: Town & Shore Real Estate

Sold Information

rastrong@propertyval.com

Sold Terms/Other:

Prepared by Tom Landry on Thursday, March 12, 2020 3:06 PM.

Closed Date: **06/28/2019**

Closed Price: **\$349,900**

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MAINE
Listings



Public Synopsis

58 Moody Street 2, Portland, ME 04101

List Number: **1411387**

County: **Cumberland**

Association Fee: **\$152.5/ Monthly**

List Price: **\$395,000**

Status: **Closed**

Property Type: **Residential**

Seasonal: **Unknown**

Directions: Congress Street to Munjoy Street, Left onto Moody Street. Condo is on the corner of Moody and Munjoy.

General Information

Property Sub-Type: **Condominium**

Rooms: **5**

Bedrooms: **2** Baths: **1/0**

Style: **Row-End; Townhouse**

Year Built: **1912**

Surveyed: **Unknown**

Fireplaces: **0**

Water Information

Water Frontage: **No**

SqFt Finished Above **955**

Grade +/-:

SqFt Finished Below **0**

Grade +/- :

SqFt Finished Total +/-: **955**

SqFt Source: **Public Records**

Leased Land: **No**

Lot Size Acres +/-: **0**

Source of Acreage: **Public Records**

Zoning: **R6**

Tax/Deed/Community Information

Book/Page/Deed: **30816/244/**

Map/Block/Lot: **003/ M/ 003**

Full Tax Amount/Year: **\$5,568/ 2018**

Tax ID: **PTLD-000003-000000-M003002**



Interior Information

Room Name	Length	Width	Level	Room Features
Living Room			First	
Kitchen			First	Eat-in Kitchen
Bedroom 1			Second	
Bedroom 2			Second	

Appliances Included: **Dishwasher; Dryer; Electric Range; Microwave; Refrigerator; Washer**

Property Features

Site: **Corner Lot; Level; Sidewalks**

Driveway: **Concrete; Other**

Parking: **1 - 4 Spaces**

Location: **Intown; Near Country Club; Near Golf Course; Near Public Beach; Near Railroad; Near Shopping; Near Turnpike/Interstate; Neighborhood**

Restrictions: **Other Restrictions**

Roads: **Paved; Public**

Electric: **Circuit Breakers**

Gas: **Natural - At Street**

Sewer: **Public Sewer**

Water: **Public**

Basement: **Interior**

Entry:

Construction:

Basement Info: **Wood Frame**

Foundation: **Full; Unfinished**

Materials: **Stone**

Exterior:

Roof:

Heat System:

Heat Fuel:

Water Heater:

Cooling:

Floors:

Vehicle Storage: **Other**

Amenities:

Flat; Membrane

Forced Air

Oil

Tank

None

Vinyl; Wood

1 Car; Off Street Parking

Bathtub; Deck; Fence; Laundry - 1st Floor; Patio;

Shower; Storage

Remarks

Remarks: Are you ready to enjoy townhouse living on Munjoy Hill!? This sunny, charming, 2-bedroom end unit condo has a beautifully updated eat-in kitchen with stainless steel appliances. The private fenced-in courtyard off the kitchen can also be used as an off-street parking space – you choose! Two bedrooms and a full bathroom with clawfoot tub complete the second floor. Other row homes on the block have built roof decks, workout rooms in the full unfinished basement and more. The townhouse has very low monthly dues, abuts a lovely public park and is only three blocks from the Eastern Promenade and many other East End delights.

LO: Vitalius Real Estate Group, LLC

Sold Information

heidi@mainelandconsultants.com

Sold Terms/Other:

Prepared by Tom Landry on Thursday, March 12, 2020 3:06 PM.

Closed Date: **06/14/2019**

Closed Price: **\$395,000**

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MAINE
Listings



Public Synopsis

59 Moody Street 59, Portland, ME 04101

List Number: 1411098

Status: Closed

Neighborhood: 57-59 Moody Street
Association: Condominium Assoc.
County: Cumberland
Property Type: Residential

Association Fee: \$253/ Monthly
Seasonal: No

List Price: \$689,900

Directions: At the corner of Moody & Munjoy in the East End.



General Information

Property Sub-Type: Condominium
Rooms: 6
Bedrooms: 2
Baths: 2/1
Style: Duplex; Townhouse
Color: Sage
Year Built: 1912
Surveyed: Unknown
Fireplaces: 1

SqFt Finished Above: 1,401
Grade +/-:
SqFt Finished Below: 0
Grade +/-:
SqFt Finished Total +/-: 1,401
SqFt Source: Public Records
Leased Land: No
Lot Size Acres +/-: 0.08
Source of Acreage: Public Records
Zoning: R-6

Water Information

Water Frontage: No
Water Body: Casco Bay
Water View: Yes
Water Body Type: Ocean

Tax/Deed/Community Information

Book/Page/Deed: 29869/036/ All
Map/Block/Lot: 003/ / 15-19
Full Tax Amount/Year: \$8,050/ 2018
Tax ID: PTLD-000003-000000-L015059

Interior Information

Room Name	Length	Width	Level	Room Features	Room Name	Length	Width	Level	Room Features
Living Room			First		Master			Second	Separate Shower, Suite, Closet, Double
Kitchen			First	Eat-in Kitchen, Island	Bedroom				Vanities, Full Bath, Laundry/Laundry Hook-up
Dining Room			First	Built-Ins, Dining Area	Mud				Built-Ins, Closet
Den			First	Built-Ins, Gas Fireplace	Room				
Bedroom 1			Second						

Appliances Included: Dishwasher; Gas Range; Refrigerator

Property Features

Utilities On: Yes
Site: Corner Lot; Level; Sidewalks
Driveway: Paved
Parking: 1 - 4 Spaces; On Site
Location: Intown; Near Public Beach; Near Shopping; Near Turnpike/Interstate; Neighborhood
Restrictions: Other Restrictions
Recreational: Nearby; Public; Waterfront Deep
Water:
Roads: Public
Transportation: Major Road Access; Near Airport; Public Transport Access
Electric: Circuit Breakers
Gas: Natural - On Site
Sewer: Public Sewer
Water: Public
Basement: Interior; Walk-Out
Entry:

Construction: Wood Frame
Basement: Full; Unfinished; Walkout Access
Info:
Foundation: Brick/Mortar; Stone
Materials:
Exterior: Shingle Siding; Wood Siding
Roof: Flat; Membrane
Heat System: Baseboard; Direct Vent Heater; Heat Pump; Hot Water; Multi-Zones; Radiant
Heat Fuel: Electric; Gas Natural
Water Heater: Gas; Off Heating System; Tank
Cooling: Heat Pump
Floors: Carpet; Tile; Wood
Vehicle: 2 Car; Off Street Parking
Storage:
Amenities: Bathtub; Deck; Fence; Laundry - 2nd Floor; Master Bedroom w/Bath; Patio; Shower; Storage
View: Scenic

Remarks

Remarks: In the heart of Portland's East End, this two-bedroom, two-and-a-half bath Townhome has panoramic views from its full-sized, private roof deck! The gourmet kitchen extends into the dining space with custom bench seating and built-ins. The kitchen/dining room naturally flows into the formal living room at the front of the home, and the cozy den with fireplace at the rear of the home. Upstairs, the spa-like master bedroom has lots of closets, radiant heat, en suite bath and laundry. The second bedroom and full bath is great for guests. In addition to the amazing rooftop, there's more outdoor space in a small deck and fenced patio off the kitchen for grilling. Mudroom with built-ins, full basement for storage, two designated off-street parking spaces. All just minutes to Portland's finest restaurants, shopping, marinas and walking trails along Casco Bay. Open House Cancelled 4/28

LO: Bean Group

Sold Information

marshall@mpappraisalme.com

Sold Terms/Other:

Prepared by Tom Landry on Thursday, March 12, 2020 3:06 PM.

Closed Date: 06/06/2019

Closed Price: \$689,900

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MAINE
Listings



Public Synopsis

125 Morning Street 5, Portland, ME 04101

List Number: **1416450**

County: **Cumberland**

Association Fee: **\$350/ Monthly**

List Price: **\$400,000**

Status: **Closed**

Property Type: **Residential**

Seasonal: **No**

Directions: From Congress St. building is on the right. Take walk way on right side of building to back steps for unit #5.

General Information

Property Sub-Type: **Condominium**

SqFt Finished Above **780**

Rooms: **4**

Grade +/-:

Bedrooms: **2 Baths:1/1**

SqFt Finished Below **0**

Style: **Multi-Level**

Grade +/- :

Year Built: **1915**

SqFt Finished Total +/-: **780**

Surveyed: **Unknown**

SqFt Source: **Public Records**

Fireplaces: **0**

Leased Land: **No**

Water Information

Water Frontage: **No**

Lot Size Acres +/-: **0.06**

Water Body: **Casco Bay**

Source of Acreage: **Public Records**

Water View: **Yes**

Zoning: **R6**

Water Body Type: **Bay**

Tax/Deed/Community Information

Book/Page/Deed: **33845/223/**

Map/Block/Lot: **014/N// / 18**

Full Tax Amount/Year: **\$5,953/ 2018**

Tax ID: **PTLD-000014-000000-N018005**



Interior Information

Property Features

Site: **Sidewalks; Well Landscaped**

Construction: **Wood Frame**

Driveway: **No Driveway**

Basement Info: **Full; Walkout Access**

Location: **Intown; Near Public Beach**

Exterior: **Other**

Recreational Water: **Nearby**

Roof: **Other**

Roads: **Paved; Public**

Heat System: **Baseboard; Hot Water**

Electric: **Circuit Breakers**

Heat Fuel: **Gas Natural**

Gas: **Natural - On Site**

Water Heater: **Off Heating System**

Sewer: **Public Sewer**

Cooling: **None**

Water: **Public**

Floors: **Carpet; Tile; Wood**

Basement Entry: **Walk-Out**

Vehicle Storage: **No Vehicle Storage; Off Street Parking**

Remarks

Remarks: Seasonal water views of the bay and the Eastern Prom playground from the kitchen, dining room, and deck. A short walk to the beach and favorite restaurants and coffee shops. All the best that Portland has to offer. Excellent personal storage and workspace in the basement. One off-street parking space in adjacent lot included in HOA fee.

LO: Bean Group

Sold Information

Sold Terms/Other:

Closed Date: **07/24/2019**

Closed Price: **\$410,000**

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Public Synopsis

125 Morning Street 6, Portland, ME 04101

List Number: **1419587**

Status: **Closed**

Neighborhood

Association:

County:

Property Type:

Morning on the

Promenade

Cumberland

Residential

Association Fee: **\$386/ Monthly**

Seasonal: **No**

List Price: **\$1,189,000**

General Information

Property Sub-Type: **Condominium**

Rooms: **7**

Bedrooms: **2** Baths: **2/1**

Style: **Other Style**

Year Built: **1915**

Surveyed: **Yes**

Fireplaces: **1**

Water Information

Water Frontage: **No**

Water Body: **Casco Bay**

Water View: **Yes**

Water Body Type: **Bay; Ocean**

SqFt Finished Above **2,020**

Grade +/-:

SqFt Finished Below **0**

Grade +/- :

SqFt Finished Total +/-: **2,020**

SqFt Source: **Public Records**

Leased Land: **No**

Lot Size Acres +/-: **0**

Source of Acreage: **Public Records**

Zoning: **R6**

Tax/Deed/Community Information

Book/Page/Deed: **32027/228/**

Map/Block/Lot: **14/ N/ 018006**

Full Tax Amount/Year: **\$10,091/ 2018**

Tax ID: **PTLD-000014-000000-N018006**



Interior Information

Room Name	Length	Width	Level	Room Features	Room Name	Length	Width	Level	Room Features
Kitchen			Upper	Eat-in Kitchen, Island, Pantry, Skylight	Master			Upper	Laundry/Laundry Hook-up, Walk-in
Dining Room			Upper	Built-Ins, Dining Area, Skylight	Bedroom				Closet, Balcony/Deck, Full Bath
Living Room			Upper	Gas Fireplace					
Bedroom 1			Upper	Walk-in Closet					

Appliances Included: **Cooktop; Dishwasher; Microwave; Refrigerator; Wall Oven**

Property Features

Utilities On: **Yes**
 Site: **Level; Sidewalks; Well Landscaped**
 Driveway: **Common; Paved**
 Parking: **1 - 4 Spaces**
 Location: **Intown; Near Shopping; Neighborhood**
 Restrictions: **Pet Weight Limit**
 Recreational: **Common; Nearby; Oceanfront**
 Water: **Paved; Public**
 Roads: **Deep Water Access; Major Road Access; Near Airport; Public Transport Access; Rail Available**
 Transportation: **Circuit Breakers**
 Electric: **Natural - On Site**
 Gas: **Public Sewer**
 Sewer: **Public**
 Water: **Exterior Only; Walk-Out**
 Basement Entry:

Construction: **Wood Frame**
 Basement: **Full; Unfinished; Walkout Access**
 Info: **Vinyl Siding**
 Exterior: **Membrane; Shingle**
 Roof: **Baseboard; Heat Pump; Hot Water**
 Heat System: **Gas Natural**
 Heat Fuel: **Off Heating System; Separate Booster**
 Water Heater: **Heat Pump**
 Cooling: **Tile; Wood**
 Floors: **Off Street Parking**
 Vehicle Storage: **Deck; Elevator Passenger; Fire System; Laundry - 1st Floor; Master Bedroom w/Bath; Pantry; Patio; Storage; Walk-in Closets**
 Amenities: **Elevator/Chair Lift**
 Accessibility Amenities: **Scenic**
 View:

Remarks

Remarks: A rare and precious find - an East End Penthouse Condo with dramatic and protected water views, a private deck overlooking Casco Bay and the Eastern Prom park, a private elevator that opens into either your living room or bedroom wing, reserved parking, ample storage, and absolutely stunning designer appointment. Entertain in a beautiful gourmet kitchen with large walk-in pantry and open dining area, or stroll out your door to Portland's - and the country's - award-winning restaurants. Lounge by the fireplace in a family room with panoramic ocean views, and enjoy glorious sunsets from your deck. Only 6 units in this completely refurbished Condo with heat and hot water included in HOA fee. Enjoy peaceful living on a quiet, charming street in the heart of the most sought after and vibrant area in Portland ~ the perfect place to call home.

LO: Legacy Properties Sotheby's International Realty

Sold Information

Sold Terms/Other:

Closed Date: **09/20/2019**

Closed Price: **\$1,050,000**

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MAINE
Listings



Public Synopsis

49 Morning Street 2, Portland, ME 04101

List Number: **1439515**

County: **Cumberland**

Association Fee: **\$300/ Monthly**

List Price: **\$425,000**

Status: **Closed**

Property Type: **Residential**

Seasonal: **No**

Directions: Morning Street on the corner of Wilson.

General Information

Property Sub-Type: **Condominium**

Rooms: **7**

Bedrooms: **3 Baths:1/0**

Style: **Victorian**

Color: **Beige**

Year Built: **1900**

Surveyed: **No**

Fireplaces: **1**

Water Information

Water Frontage: **No**

Water Body: **Casco Bay**

Water View: **Yes**

Water Body Type: **Bay**

SqFt Finished Above **1,557**

Grade +/-:

SqFt Finished Below **0**

Grade +/- :

SqFt Finished Total +/-: **1,557**

SqFt Source: **Public Records**

Leased Land: **No**

Lot Size Acres +/-: **0**

Source of Acreage: **Public Records**

Zoning: **R-6**

Tax/Deed/Community Information

Book/Page/Deed: **30568/142/**

Map/Block/Lot: **3/ B/ 4-6**

Full Tax Amount/Year: **\$4,394/ 2019**

Tax ID: **PTLD-000003-000000-B004006**



Interior Information

Room Name	Length	Width	Level	Room Features
Kitchen			First	Pantry
Dining Room			First	Built-Ins
Family Room			First	Built-Ins
Living Room			First	
Bedroom 1			First	
Bedroom 2			First	
Bedroom 3			First	

Appliances Included: **Dishwasher; Dryer; Electric Range; Microwave; Refrigerator; Washer; Other; Other Appliances: Pantry Refrigerator**

Property Features

Site:	Corner Lot	Construction:	Wood Frame
Driveway:	No Driveway	Basement Info:	Brick/Mortar; Full; Unfinished
Parking:	No Parking; Off Site	Exterior:	Vinyl Siding
Location:	Intown; Neighborhood	Roof:	Membrane; Tar/Gravel
Restrictions:	Other Restrictions	Heat System:	Baseboard; Hot Water
Roads:	Public	Heat Fuel:	Gas Natural
Transportation:	Major Road Access; Near Airport; Public Transport Access	Water Heater:	Gas
Electric:	Circuit Breakers	Cooling:	None
Gas:	Natural - On Site	Floors:	Wood
Sewer:	Public Sewer	Vehicle Storage:	No Vehicle Storage
Water:	Public	Amenities:	Deck; Pantry; Storage
Equipment:	Air Radon Mitigation System		
Basement	Interior; Walk-Out		
Entry:			

Remarks

Remarks: An abundance of light and space graces this happy 3 bedroom, 1 bath condo. Prime East End location, a block away from the Eastern Promenade. Enjoy Casco Bay views from your back deck and many of the rooms. Gleaming hardwood floors throughout, kitchen with a butler's pantry, and spacious living, family, and dining rooms. Period features include built-ins, decorative fireplace, and a claw foot tub. Ample off-street parking on wide streets. In unit washer/dryer. Generous storage space in the basement. This is a smart option for buyers who want to be in this desirable location, need the space, look for charm, and want to build equity with their own updates. Open House Saturday (Nov 23rd) 11AM-1PM

LO: Maine Home Connection

Sold Information

Sold Terms/Other:

Closed Date: **12/13/2019**

Closed Price: **\$432,000**

Prepared by Tom Landry on Thursday, March 12, 2020 3:06 PM.

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Public Synopsis

72 Munjoy Street 3, Portland, ME 04101

List Number: **1418955**

Status: **Closed**

Neighborhood

Association:

County:

Property Type:

72 Munjoy Street

Association

Cumberland

Residential

Association Fee: **\$258/ Monthly**

Seasonal: **No**

List Price: **\$665,000**

Directions: From Congress Street toward ocean, right onto Munjoy St. #72 on the right just past Moody St.

General Information

Property Sub-Type: **Condominium**

Rooms: **6**

Bedrooms: **2** Baths: **2/0**

Style: **Contemporary; Multi-Level**

Color: **White**

Year Built: **2016**

Surveyed: **Yes**

Fireplaces: **1**

Water Information

Water Frontage: **No**

SqFt Finished Above **1,600**

Grade +/-:

SqFt Finished Below **0**

Grade +/- :

SqFt Finished Total +/-: **1,600**

SqFt Source: **Public Records**

Leased Land:

Lot Size Acres +/-:

Source of Acreage: **Public Records**

Zoning: **R-6**

Tax/Deed/Community Information

Book/Page/Deed: **33446/170/**

Map/Block/Lot: **16/ B/ 8**

Full Tax Amount/Year: **\$8,976.26/ 2019**

Tax ID: **PTLD-000016-000000-**

B008003

School District: **Portland Public Schools**



Interior Information

Room Name	Length	Width	Level	Room Features	Room Name	Length	Width	Level	Room Features
Kitchen			Third	Eat-in Kitchen, Island	Master			Third	Double Vanities, Full Bath, Walk-in Closet
Living Room			Third	Gas Fireplace	Bedroom				
Dining Room			Third	Dining Area					
Den			Third						
Bedroom 1			Third	Closet					

Appliances Included: **Dishwasher; Disposal; Dryer; Gas Range; Microwave; Refrigerator; Washer**

Property Features

Site: **Level; Sidewalks; Well Landscaped**
 Driveway: **Common; Paved**
 Parking: **On Site; Other Parking**
 Location: **Intown; Near Public Beach; Near Shopping; Near Town; Neighborhood**
 Restrictions: **No Restrictions**
 Roads: **Paved; Public**
 Transportation: **Public Transport Access**
 Electric: **Circuit Breakers**
 Gas: **Natural - On Site; Underground**
 Sewer: **Public Sewer**
 Water: **Public**
 Basement: **Not Applicable**
 Entry:

Construction: **Wood Frame**
 Basement: **Slab**
 Info:
 Foundation: **Poured Concrete; Slab**
 Materials:
 Exterior: **Clapboard; Composition; Other; Vinyl Siding**
 Roof: **Membrane; Rolled/Hot Mop**
 Heat System: **Heat Pump; Multi-Zones**
 Heat Fuel: **Electric; Gas Natural**
 Water Heater: **Electric**
 Cooling: **Heat Pump**
 Floors: **Tile; Wood**
 Vehicle: **1 Car; Off Street Parking**
 Storage:
 Amenities: **Deck; Fire System; Laundry - Hookup; Master Bedroom w/Bath; Shower; Walk-in Closets**

Remarks

Remarks: OPEN HOUSE SAT 6/15 11a - 1p. A beautiful turn-key condo in the heart of Munjoy Hill. This open concept 2 bedroom, 2 full bath home includes a 1-car garage with storage! Modern amenities offered: heat pumps for heating and A/C, Bosch stainless steel appliances, black granite countertops, gas fireplace, in-unit washer/dryer, and radiant heat in the master bath. Located close to all the East End neighborhood has to offer - theatre, restaurants, waterfront trails and more!

LO: Portside Real Estate Group

Sold Information

Sold Terms/Other:

Closed Date: **07/12/2019**

Closed Price: **\$685,000**

Prepared by Tom Landry on Thursday, March 12, 2020 3:06 PM.

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75 Quebec Street 2, Portland, ME 04101List Number: **1423902**Status: **Closed**

Neighborhood

Association:

County:

Property Type:

Public Synopsis**Munjoy Hill**Association Fee: **\$168/ Monthly**Seasonal: **No**Entrance Fee: **\$336**List Price: **\$250,000**General InformationProperty Sub-Type: **Condominium**# Rooms: **3**# Bedrooms: **1** Baths: **1/0**Style: **Multi-Level; New Englander**Year Built: **1880**Surveyed: **Yes**# Fireplaces: **0**Water InformationWater Frontage: **No**SqFt Finished Above **488**

Grade +/-:

SqFt Finished Below **0**

Grade +/- :

SqFt Finished Total +/-: **488**SqFt Source: **Builder**Leased Land: **No**Lot Size Acres +/-: **0.08**Source of Acreage: **Public Records**Zoning: **R6**Tax/Deed/Community InformationBook/Page/Deed: **34565/135/**Map/Block/Lot: **14/ M/ 15**Full Tax Amount/Year: **\$0/ 2018**Tax ID: **PTLD-000014-000000-M015001**Interior InformationAppliances Included: **Disposal; Electric Range; Microwave; Refrigerator**Property Features

Site: **Level; Sidewalks**
 Driveway: **Common; Paved**
 Parking: **Other Parking**
 Location: **Intown; Near Country Club; Near Golf Course; Near Public Beach; Near Shopping; Near Turnpike/Interstate; Neighborhood**

Restrictions: **Other Restrictions**Roads: **Public**Electric: **Circuit Breakers**Gas: **Natural - At Street**Sewer: **Public Sewer**Water: **Public**Basement: **Interior**

Entry:

Construction: **Wood Frame**Basement: **Full; Unfinished**

Info:

Exterior: **Vinyl Siding**Roof: **Pitched; Shingle; Tar/Gravel**Heat: **Heat Pump**

System:

Heat Fuel: **Electric**Water: **Electric; Heat Pump**

Heater:

Cooling: **Heat Pump**Floors: **Tile; Wood**Vehicle: **Other Vehicle Storage**

Storage:

Amenities: **1st Floor Bedroom; Bathtub; Fire System; Laundry - Hookup; One-Floor Living; Porch; Storage**Remarks

Remarks: Welcome to 75 Quebec Street on Munjoy Hill! A brand new condo association on a quiet leafy street with a shared private backyard, and spacious deeded storage in the basement. This 1BR/1BA unit has a spacious kitchen, oak hardwood floors, stainless appliances, and a marble vanity and laundry hook-ups in the bathroom. The building has been completely remodeled with new plumbing, heat pump heating/cooling, roof, siding, electrical and much more in. Low condo dues and a safe, fully sprinkled low maintenance building.

LO: Vitalius Real Estate Group, LLCSold InformationRRENO@Maine.RR.com

Sold Terms/Other:

Prepared by Tom Landry on Thursday, March 12, 2020 3:06 PM.

Closed Date: **12/10/2019**Closed Price: **\$236,750**

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Public Synopsis

75 Quebec Street 1, Portland, ME 04101

List Number: **1423887**

Status: **Closed**

Neighborhood

Association:

County:

Property Type:

Munjoy Hill

Cumberland

Residential

Association Fee: **\$188/ Monthly**

Seasonal: **No**

Entrance Fee: **\$376**

List Price: **\$340,000**

Directions: Congress Street towards Munjoy Hill. Left onto North Street, then right onto Quebec Street. Condo will be on your left.



General Information

Property Sub-Type: **Condominium**

Rooms: **4**

Bedrooms: **2** Baths: **1/0**

Style: **Multi-Level; New Englander**

Year Built: **1880**

Surveyed: **Yes**

Fireplaces: **0**

Water Information

Water Frontage: **No**

SqFt Finished Above **705**

Grade +/-:

SqFt Finished Below **0**

Grade +/- :

SqFt Finished Total +/-: **705**

SqFt Source: **Builder**

Leased Land: **No**

Lot Size Acres +/-: **0.08**

Source of Acreage: **Public Records**

Zoning: **R6**

Tax/Deed/Community Information

Book/Page/Deed: **34565/135/**

Map/Block/Lot: **14/ M/ 15**

Full Tax Amount/Year: **\$0/ 2018**

Tax ID: **PTLD-000014-000000-M015001**

Interior Information

Appliances Included: **Dishwasher; Disposal; Electric Range; Microwave; Refrigerator**

Property Features

Site: **Level; Sidewalks**
 Driveway: **Common; Paved**
 Parking: **1 - 4 Spaces; On Site; Paved; Reserved**
 Location: **Intown; Near Country Club; Near Golf Course; Near Public Beach; Near Shopping; Near Turnpike/Interstate; Neighborhood**
 Restrictions: **Other Restrictions**
 Roads: **Public**
 Electric: **Circuit Breakers**
 Gas: **Natural - At Street**
 Sewer: **Public Sewer**
 Water: **Public**
 Basement: **Interior**
 Entry:

Construction: **Wood Frame**
 Basement: **Full; Unfinished**
 Info:
 Exterior: **Vinyl Siding**
 Roof: **Pitched; Shingle; Tar/Gravel**
 Heat: **Heat Pump**
 System:
 Heat Fuel: **Electric**
 Water: **Electric; Heat Pump**
 Heater:
 Cooling: **Heat Pump**
 Floors: **Tile; Wood**
 Vehicle: **1 Car; Off Street Parking**
 Storage:
 Amenities: **1st Floor Bedroom; Fire System; Laundry - Hookup; One-Floor Living; Porch; Storage**

Remarks

Remarks: Welcome to 75 Quebec Street on Munjoy Hill! A brand new condo association on a quiet leafy street with a shared private backyard, off-street parking, and spacious deeded storage in the basement. This 2BR unit has a spacious eat-in kitchen, oak hardwood floors, stainless appliances, and a marble vanity and laundry hook-ups in the bathroom. The building has been completely remodeled with new plumbing, heat pump heating/cooling, roof, siding, electrical and much more in. Low condo dues and a safe, fully sprinkled low maintenance building.

LO: Vitalius Real Estate Group, LLC

Sold Information

heidi@mainelandconsultants.com

Sold Terms/Other:

Prepared by Tom Landry on Thursday, March 12, 2020 3:06 PM.

Closed Date: **10/17/2019**

Closed Price: **\$336,000**

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MAINE
Listings



Public Synopsis

81 Quebec Street 5, Portland, ME 04101

List Number: **1408889**

Status: **Closed**

Neighborhood

Association:

County:

Property Type:

Hill Top Condo

Association

Cumberland

Residential

Association Fee: **\$191.5/ Monthly**

Seasonal: **No**

Entrance Fee: **\$0**

List Price: **\$319,000**

Directions: Go North on Cumberland Ave or Congress Street and take a left onto North Street and a Right onto Quebec Street. # 81 is on the left.

General Information

Property Sub-Type: **Condominium**

Rooms: **4**

Bedrooms: **1** Baths: **1/0**

Style: **New Englander**

Color: **blue**

Year Built: **1880**

Surveyed: **Yes**

Fireplaces: **1**

Water Information

Water Frontage: **No**

SqFt Finished Above Grade **840**

+/-:

SqFt Finished Below **0**

Grade +/- :

SqFt Finished Total +/-: **840**

SqFt Source: **Other**

Other Source of Square **prior listing sheet**

Footage:

Leased Land: **No**

Lot Size Acres +/-: **0**

Source of Acreage: **Public Records**

Zoning: **R-6**

Bank Owned REO: **No**

Tax/Deed/Community Information

Book/Page/Deed: **31246/119/ All**

Map/Block/Lot: **14/ m/ 17**

Full Tax Amount/Year: **\$2,410/ 2018**

Tax ID: **PTLD-000014-000000-M017005**



Interior Information

Room Name	Length	Width	Level	Room Features	Room Name	Length	Width	Level	Room Features
Dining Room			First	Cathedral Ceiling, Gas Fireplace	Office			Second	Cathedral Ceiling
Living Room			First						
Kitchen			First						
Bedroom 1			Second	Cathedral Ceiling, Skylight					
Appliances Included: Dryer; Gas Range; Refrigerator; Washer									

Property Features

Utilities On: Yes	2 Detached Houses on 1 No
Site: Level; Sidewalks; Well Landscaped	Lot:
Driveway: Paved	Construction: Wood Frame
Parking: 1 - 4 Spaces; On Site	Basement Info: Bulkhead; Full; Unfinished
Location: Intown; Near Shopping; Neighborhood	Foundation Materials: Brick/Mortar; Poured Concrete
Restrictions: 1 Pet	Exterior: Clapboard; Wood Siding
Roads: Public	Roof: Shingle
Transportation: Major Road Access; Near Airport; Public Transport Access	Heat System: Direct Vent Heater; Stove
Electric: Circuit Breakers	Heat Fuel: Gas Natural
Gas: Natural - On Site	Water Heater: Gas
Sewer: Public Sewer	Cooling: None
Water: Public	Floors: Carpet; Tile; Wood
Basement: Bulkhead	Vehicle Storage: Off Street Parking
Entry:	Amenities: Laundry - 2nd Floor; Laundry - Hookup; Porch; Storage

Remarks

Remarks: This is the Condo you have been waiting for! A sun-filled unit with cathedral ceilings gives this unit a large and bright feel. The open dining/living room is great for entertaining and has a cozy gas stove for those chilly winter months. The upstairs loft features a large bedroom with a separate space good for an office or guests. The laundry is conveniently located in the upstairs bathroom. There is parking for one car, storage in the basement, extremely affordable heating, and a pet-friendly association. All this plus it is located in one of the most desirable areas of Portland, Munjoy Hill. You can walk to the promenade to watch the boats in Casco Bay and enjoy the many local restaurants. You will love the small 5-unit association and the intimate approach to Condo living.

LO: Bean Group

Sold Information

theresafoster@roadrunner.com

Sold Terms/Other:

Prepared by Tom Landry on Thursday, March 12, 2020 3:06 PM.

Closed Date: **05/17/2019**

Closed Price: **\$319,000**

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MAINE
Listings



81 Quebec Street 2, Portland, ME 04101List Number: **1425022**Status: **Closed**

Neighborhood

Association:

County:

Property Type:

Public Synopsis**Munjoy hill** Association Fee: **\$236.5/ Monthly**Seasonal: **No**List Price: **\$328,900****Cumberland
Residential**

Directions: Congress to North to Quebec

General InformationProperty Sub-Type: **Condominium**# Rooms: **5**# Bedrooms: **2** Baths: **1/0**Style: **Greek-Revival**Color: **grey**Year Built: **1987**Surveyed: **Unknown**# Fireplaces: **0**Water InformationWater Frontage: **No**SqFt Finished Above **820**

Grade +/-:

SqFt Finished Below **0**

Grade +/- :

SqFt Finished Total +/-: **820**SqFt Source: **Public Records**Leased Land: **No**Lot Size Acres +/-: **0.17**Source of Acreage: **Public Records**Zoning: **res**Tax/Deed/Community InformationBook/Page/Deed: **16741/213/**Map/Block/Lot: **14/ M/ 17**Full Tax Amount/Year: **\$2,988/ 2018**Tax ID: **PTLD-000014-000000-
M017002**Interior InformationRoom Name Length Width Level Room Features

Bedroom 1 First

Bedroom 2 First

Kitchen Laundry/Laundry Hook-up

Living Room First Built-Ins

Dining Room Built-Ins

Appliances Included: **Dishwasher; Dryer; Gas Range; Microwave; Refrigerator; Washer**Property FeaturesSite: **Level; Sidewalks**Driveway: **Common; Paved**Parking: **1 - 4 Spaces; On Site; Paved; Reserved**Location: **Intown; Near Shopping; Near Town; Near Turnpike/Interstate; Neighborhood**Roads: **Association**Electric: **Circuit Breakers**Gas: **Natural - At Street; Natural - On Site**Sewer: **Public Sewer**Water: **Public**Equipment: **Air Radon Mitigation System; Internet Access Available**Basement: **Bulkhead**

Entry:

Construction: **Wood Frame**Basement: **Bulkhead; Full; Unfinished; Walkout Access**

Info:

Foundation: **Brick/Mortar**

Materials:

Exterior: **Clapboard; Wood Siding**Roof: **Pitched; Shingle**Heat System: **Direct Vent Heater; Multi-Zones**Heat Fuel: **Gas Natural**Water Heater: **Gas**Cooling: **None**Floors: **Other; Wood**Vehicle: **1 Car; Off Street Parking**

Storage:

Amenities: **1st Floor Bedroom; Bathtub; Fence; Laundry - 1st Floor; One-Floor Living; Shower; Storage**Remarks**Remarks:** This addition was added in 1987 and was built to replicate the original structure built at the turn of the century. Open living room/dining combo with built in bookcases and. high ceilings throughout. Private yard and parking in back of the property. Great walkable location!**LO:** Townsend Real EstateSold Informationtheresafoster@roadrunner.com

Sold Terms/Other:

Prepared by Tom Landry on Thursday, March 12, 2020 3:06 PM.

Closed Date: **08/21/2019**Closed Price: **\$342,800**The information on MLS listings has been assembled from various sources of varying degrees of reliability. Any information that is critical to your buying decision should be independently verified. All dimensions are approximate and not guaranteed. Copyright Maine Listings © 2020 and [FBS](#).**MAINE**
Listings

Public Synopsis

204 Sheridan Street 21, Portland, ME 04101

List Number: 1424831

Status: Closed

Neighborhood

Association:

County:

Property Type:

Munjoy Heights

Cumberland

Residential

Association Fee: \$400/ Monthly

Seasonal: No

List Price: \$795,000

Directions: Washington Avenue to Walnut Street to left onto Munjoy Heights.

General Information

Property Sub-Type: Condominium

Rooms: 7

Bedrooms: 3 Baths: 3/0

Style: Townhouse

Color: Beige

Year Built: 2015

Surveyed: Yes

Fireplaces: 0

Water Information

Water Frontage: No

SqFt Finished Above 2,255

Grade +/-:

SqFt Finished Below 0

Grade +/- :

SqFt Finished Total +/-: 2,255

SqFt Source: Public Records

Leased Land: No

Lot Size Acres +/-: 0

Source of Acreage: Public Records

Zoning: Residential

Bank Owned REO: No

Tax/Deed/Community Information

Book/Page/Deed: 32397/305/ All

Map/Block/Lot: 12/ H/ 1

Full Tax Amount/Year: \$11,343/ 2019

Tax ID: PTLD-000012-000000-H001021



Interior Information

Appliances Included: Dishwasher; Disposal; Dryer; Gas Range; Microwave; Refrigerator; Washer

Property Features

Utilities On: Yes
 Site: Open; Well Landscaped
 Driveway: Common; Paved
 Parking: On Site; Paved
 Location: Intown; Near Shopping; Near Turnpike/Interstate; Subdivision
 Restrictions: Other Restrictions
 Recreational: Nearby; Public
 Water:
 Roads: Association; Dead End; Paved; Private
 Transportation: Major Road Access; Near Airport; Public Transport Access
 Electric: Circuit Breakers
 Gas: Natural - On Site
 Sewer: Public Sewer
 Water: Public
 Equipment: Cable; Internet Access Available
 Basement Entry: Not Applicable

2 Detached Houses on 1 No
 Lot:
 Construction: Wood Frame
 Basement Info: Daylight; Finished; Full
 Foundation Materials: Poured Concrete
 Exterior: Composition
 Roof: Flat; Membrane
 Heat System: Heat Pump
 Heat Fuel: Gas Natural
 Water Heater: Gas
 Cooling: Heat Pump
 Floors: Tile; Wood
 Vehicle Storage: 1 Car
 Amenities: Bathtub; Deck; Master Bedroom w/Bath; Pantry
 View: Scenic

Remarks

Remarks: Munjoy Heights. Broad expanse of southerly views of the city skyline and Back Cove. Stunning contemporary design by Redfern Properties and constructed by Wright-Ryan. Open living and dining areas with access to deck. Kitchen with center island, large pantry and adjacent work station. 3 bedrooms, 3 baths, lower level den for added living space and storage. Private roof-top deck offers great outdoor living space and an opportunity for container gardening. Numerous built-ins and excellent storage. Garage plus on-site parking for 2nd car.

LO: Town & Shore Real Estate

Sold Information

Sold Terms/Other:

Closed Date: 08/07/2019

Closed Price: \$800,000

Prepared by Tom Landry on Thursday, March 12, 2020 3:06 PM.

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MAINE
Listings



218 Sheridan Street 25, Portland, ME 04101

List Number: 1421890

Status: Closed

Neighborhood

Association:

County:

Property Type:

Munjoy

Heights

Cumberland

Residential

Public Synopsis

Association Fee: \$400/ Monthly

Seasonal: No

List Price: \$845,000

Directions: Washington Ave to Walnut Street to Sheridan Street.

General Information

Property Sub-Type: Condominium

Rooms: 7

Bedrooms: 3 Baths: 2/1

Style: Townhouse

Color: Khaki

Year Built: 2015

Surveyed: Unknown

Fireplaces: 0

Water Information

Water Frontage: No

Water Body: Back Cove

Water View: Yes

Water Body Type: Cove

SqFt Finished Above 2,134

Grade +/-:

SqFt Finished Below 0

Grade +/-:

SqFt Finished Total +/-: 2,134

SqFt Source: Public Records

Leased Land: No

Lot Size Acres +/-: 0

Source of Acreage: Public Records

Zoning: R6

Bank Owned REO: No

Tax/Deed/Community Information

Book/Page/Deed: 32487/190/

Map/Block/Lot: 12/ H/ 1

Full Tax Amount/Year: \$10,988/ 2018

Tax ID: PTLD-000012-000000-H001025



Interior Information

Appliances Included: Dishwasher; Disposal; Gas Range; Microwave; Refrigerator

Fixtures Exclusions: dining room chandelier & pot rack

Property Features

Utilities On: Yes

Site: Cul-De-Sac; Open; Rolling/Sloping; Sidewalks; Well Landscaped

Driveway: Paved

Parking: 1 - 4 Spaces; On Site; Paved

Location: Abuts Conservations; Intown; Near Country Club; Near Golf Course; Near Public Beach; Near Shopping; Near Turnpike/Interstate

Restrictions: Other Restrictions

Recreational: Nearby

Water:

Roads: Association; Paved; Private

Transportation: Major Road Access; Near Airport; Public Transport Access; Rail Available

Electric: Circuit Breakers

Gas: Natural - On Site

Sewer: Public Sewer

Water: Public

Basement: Not Applicable

Entry:

2 Detached No

Houses on 1

Lot:

Construction: Steel Frame

Basement: None; Slab

Info:

Foundation: Slab

Materials:

Exterior: Composition

Roof: Flat; Membrane

Heat: Heat Pump; Multi-Zones

System:

Heat Fuel: Electric

Water: Gas

Heater:

Cooling: A/C Units; Central Air; Heat Pump

Floors: Carpet; Tile; Wood

Vehicle: 1 Car; Attached; Auto Door Opener; Direct Entry to Living

Storage:

Amenities: 1st Floor Bedroom; Deck; Laundry - Hookup; Master Bedroom w/Bath; Other Amenities; Pantry; Patio; Security System; Shower; Sprinkler; Storage; Walk-in Closets

View: Mountain(s); Scenic

Remarks

Remarks: Your Modern Life Deserves Modern Living. Located on Portland's coveted and uber trendy East End with commanding 180 degree view of Portland's skyline, Back Cove, and western mountains, this townhome offers the stress-free condo living in space that feels more like a home. This South facing end unit is located in the ideal spot for amazing full day sun and breathtaking evening sunsets. The interior is open, clean, and appealing with simple lines and understated luxury. At a generous 2,134sf, with 3 bedrooms, 2.5 baths, a great bonus family room, decks, an attached 1 car garage, and more, this is the perfect down-size, up-size, or right-size. Add in super efficient heat, central air and many custom upgrades for a uniquely appealing home. Pets are welcome, low condo fee, and professionally managed association. Priced below market to ensue an immediate sale so don't hesitate. Offers due 7/3 @ 3PM.

LO: Benchmark Real Estate

Sold Information

bhart@maine.rr.com

Sold Terms/Other:

Prepared by Tom Landry on Thursday, March 12, 2020 3:06 PM.

Closed Date: 08/27/2019

Closed Price: \$860,000

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MAINE
Listings



Public Synopsis

220 Sheridan Street 26, Portland, ME 04101

List Number: **1429448**

Status: **Closed**

Neighborhood

Association:

County:

Property Type:

Munjoy

Heights

Cumberland

Residential

Association Fee: **\$400/ Monthly**

Seasonal:

No

List Price: **\$895,000**

Directions: Washington Avenue to Walnut Street. Left on Sheridan to townhouse on left,

General Information

Property Sub-Type: **Condominium**

Rooms: **7**

Bedrooms: **3 Baths:2/1**

Style: **Contemporary**

Year Built: **2015**

Surveyed: **Unknown**

Fireplaces: **0**

Water Information

Water Frontage: **No**

SqFt Finished **2,101**

Above Grade +/-:

SqFt Finished **0**

Below Grade +/- :

SqFt Finished **2,101**

Total +/-:

SqFt Source: **Public Records**

Leased Land: **No**

Lot Size Acres **0**

+/-:

Source of **Public Records**

Acreage:

Zoning: **Residential**

Bank Owned **No**

REO:

Tax/Deed/Community Information

Book/Page/Deed: **32359/339/ All**

Map/Block/Lot: **12/ H/ 1**

Full Tax **\$10,691/ 2019**

Amount/Year:

Tax ID: **220SheridanStreetPortlandMaine04101**



Interior Information

Appliances Included: **Dishwasher; Disposal; Dryer; Gas Range; Microwave; Refrigerator; Washer**

Property Features

Utilities On: **Yes**
 Site: **Rolling/Sloping; Well Landscaped**
 Driveway: **Paved**
 Parking: **1 - 4 Spaces; On Site; Paved**
 Location: **Intown; Near Shopping; Near Turnpike/Interstate; Neighborhood**
 Restrictions: **Other Restrictions**
 Recreational: **Nearby; Oceanfront; Public**
 Water:
 Roads: **Paved; Public**
 Electric: **Circuit Breakers**
 Gas: **Natural - On Site**
 Sewer: **Public Sewer**
 Water: **Public**
 Equipment: **Internet Access Available**
 Basement Entry: **Not Applicable**

2 Detached Houses **No**
 on 1 Lot:
 Construction: **Steel Frame**
 Basement Info: **None; Slab**
 Foundation: **Poured Concrete; Slab**
 Materials:
 Exterior: **Composition**
 Roof: **Flat; Membrane**
 Heat System: **Heat Pump; Multi-Zones**
 Heat Fuel: **Gas Natural**
 Water Heater: **Gas**
 Cooling: **A/C Units; Central Air; Heat Pump**
 Floors: **Carpet; Tile; Wood**
 Vehicle Storage: **1 Car; Direct Entry to Living; Heated**
 Amenities: **Deck; Master Bedroom w/Bath; Pantry; Security System; Walk-in Closets**
 View: **Scenic**

Remarks

Remarks: Located in a coveted East End neighborhood, this exceptional three-bedroom, two-and-a-half bath townhouse boasts sophisticated design elements and stunning views. Superb updates have been completed throughout, with custom lighting, flooring, window treatments and built-in storage. Enjoy views of Back Cove, beautiful sunsets and sparkling City lights from the main-floor balcony. Relish the ocean breezes and sunshine on the large, private roof deck. Amenities include a one-car garage, media room, central cooling and energy-efficiency, providing comfortable living and a great lifestyle!

LO: Town & Shore Real Estate

Sold Information

Sold Terms/Other:

Closed Date: **09/20/2019**

Closed Price: **\$895,000**

Prepared by Tom Landry on Thursday, March 12, 2020 3:06 PM.

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52 Cumberland Avenue, Portland, ME 04101List Number: **1403801**Status: **Closed**

Neighborhood

Association:

County:

Property Type:

Public Synopsis**Munjoy Hill Seasonal: No**List Price: **\$575,000**

Directions: 295 to Exit 7 (Franklin Arterial), take Franklin to Cumberland Avenue, turn left, continue up Cumberland towards the top of Munjoy Hill. Home is on the right just past Sheridan Street turnoff.

General InformationProperty Sub-Type: **Single Family Residence**# Rooms: **7**# Bedrooms: **4** Baths: **2/0**Style: **New Englander**Color: **Blue**Year Built: **1865**Surveyed: **No**Road Frontage +/-: **30**# Fireplaces: **0**Water InformationWater Frontage: **No**SqFt Finished Above **1,928**

Grade +/-:

SqFt Finished Below **0**

Grade +/- :

SqFt Finished Total +/-: **1,928**SqFt Source: **Public Records**Leased Land: **No**Lot Size Acres +/-: **0.06**Source of Acreage: **Public Records**Zoning: **R6**Tax/Deed/Community InformationBook/Page/Deed: **21637/1/**Map/Block/Lot: **13/ L/ 5**Full Tax Amount/Year: **\$4,746/ 2018**Tax ID: **PTLD-000013-000000-L005001**Interior InformationAppliances Included: **Dryer; Electric Range; Refrigerator; Washer**Property Features

Utilities On: **Yes**
 Site: **Sidewalks; Well Landscaped**
 Driveway: **Paved**
 Parking: **1 - 4 Spaces**
 Location: **Interior Lot; Intown; Neighborhood**
 Roads: **Paved; Public**
 Transportation: **Public Transport Access**
 Electric: **Circuit Breakers**
 Gas: **Natural - At Street**
 Sewer: **Public Sewer**
 Water: **Public**
 Basement Entry: **Bulkhead**

Construction: **Wood Frame**
 Basement Info: **Brick/Mortar; Bulkhead; Full; Unfinished**
 Foundation: **Brick/Mortar; Stone**
 Materials:
 Exterior: **Clapboard**
 Roof: **Composition; Shingle**
 Heat System: **Hot Water; Radiator**
 Heat Fuel: **Gas Natural**
 Water Heater: **Off Heating System**
 Cooling: **None**
 Floors: **Vinyl; Wood**
 Vehicle Storage: **No Vehicle Storage**
 Amenities: **1st Floor Bedroom; Attic; Bathtub; Laundry - 1st Floor; Shower**

Remarks

Remarks: Looking for single family living on the hill? Come see this freestanding New Englander in the heart of Munjoy Hill. This home has solid bones and still has many of the original architectural details intact (ceiling medallions, paneled doors, glass knobs, high ceilings, hardwood floors - Douglas fir, birch), parking for two cars, peek ocean view from second floor (seasonal), and an oasis of a perennial garden as your backyard. Bring your VISION to this truly remarkable New England gem!

LO: Bean GroupSold Informationmikej@maine.rr.com

Sold Terms/Other:

Prepared by Tom Landry on Thursday, March 12, 2020 3:06 PM.

Closed Date: **09/04/2019**Closed Price: **\$500,000**

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Public Synopsis

176 Eastern Promenade, Portland, ME 04101

List Number: 1414424

Status: Closed

Neighborhood

Association:

County:

Property Type:

Eastern Promenade Seasonal: No

/ East End

Cumberland

Residential

List Price: \$1,795,000

Directions: Congress Street to Eastern Promenade

General Information

Property Sub-Type: Single Family Residence

Rooms: 9

Bedrooms: 4 Baths: 3/0

Style: Victorian

Color: Yellow Bisque

Year Built: 1900

Surveyed: Yes

Fireplaces: 1

Water Information

Water Frontage: No

Water Body: Casco Bay

Water View: Yes

Water Body Type: Bay; Ocean

SqFt Finished Above 2,893

Grade +/-:

SqFt Finished Below 0

Grade +/- :

SqFt Finished Total +/-: 2,893

SqFt Source: Seller

Leased Land: No

Lot Size Acres +/-: 0.1

Source of Acreage: Public Records

Zoning: R6

Bank Owned REO: No

Tax/Deed/Community Information

Book/Page/Deed: 25432/143/ All

Map/Block/Lot: 3/ A/ 3

Full Tax Amount/Year: \$11,973/ 2018

Tax ID: PTLD-000003-000000-A003001

Interior Information

Appliances Included: Dishwasher; Dryer; Gas Range; Refrigerator; Washer; Other Appliances: Refrigerator/Freezer in basement

Property Features

Utilities On: Yes

Site: Open; Rolling/Sloping; Sidewalks; Well Landscaped

Driveway: Paved

Parking: 1 - 4 Spaces; On Site; Paved

Location: Intown; Near Country Club; Near Golf Course; Near Public Beach; Near Railroad; Near Shopping; Near Town; Near Turnpike/Interstate; Neighborhood

Restrictions: No Restrictions

Recreational: Nearby; Public

Water:

Roads: Paved; Public

Transportation: Major Road Access; Near Airport; Public Transport Access; Rail Available

Electric: Circuit Breakers

Gas: Natural - At Street

Sewer: Public Sewer

Water: Public

Basement: Bulkhead; Interior

Entry:

2 Detached No

Houses on 1

Lot:

Construction: Wood Frame

Basement: Bulkhead; Full; Unfinished

Info:

Foundation: Brick/Mortar; Stone

Materials:

Exterior: Clapboard

Roof: Shingle

Heat: Baseboard; Heat Pump; Hot Water; Multi-Zones; Radiator

System:

Heat Fuel: Electric; Gas Natural

Water: Off Heating System

Heater:

Cooling: Heat Pump

Floors: Tile; Wood

Vehicle: Off Street Parking

Storage:

Amenities: 1st Floor Bedroom; Bathtub; Deck; Laundry - 2nd Floor; Laundry - Hookup; Master Bedroom w/Bath; One-Floor Living; Other Amenities; Pantry; Patio; Porch; Security System; Shower; Storage; Walk-in Closets

View:

Fields; Scenic

Remarks

Remarks: Enjoy unobstructed and protected ocean views from this rare Eastern Promenade single family. Meticulously maintained and comprehensively updated, this home offers a truly turn-key and uniquely stress-free living experience. At a 'right-sized' almost 2,900sf, 4 bedrooms, 3 baths and two stunning decks, this is Portland living at its very best. See custom property address website for comprehensive details, contact listing team to arrange a private tour.

LO: Benchmark Real Estate

Sold Information

Sold Terms/Other:

Closed Date: 07/30/2019

Closed Price: \$1,750,000

Prepared by Tom Landry on Thursday, March 12, 2020 3:06 PM.

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10 Howard Street, Portland, ME 04101List Number: **1406245**Status: **Closed**

Neighborhood

Association:

County:

Property Type:

Public Synopsis**Munjoy Hill** Seasonal: **No**List Price: **\$1,092,000****Cumberland****Residential**

Directions: Congress towards the Atlantic Ocean- turn on to Howard St- House is the first on the left-- pull into parking- GPS: 10 Howard St Portland ME

General InformationProperty Sub-Type: **Single Family Residence**# Rooms: **12**# Bedrooms: **4** Baths: **3/1**Style: **Mansard**Color: **Kahki**Year Built: **1884**Surveyed: **No**# Fireplaces: **0**Water InformationWater Frontage: **No**Water Body: **The Atlantic Ocean**Water View: **Yes**Water Body Type: **Ocean**SqFt Finished Above **3,100**

Grade +/-:

SqFt Finished Below **0**

Grade +/- :

SqFt Finished Total +/-: **3,100**SqFt Source: **Other**Other Source of Square **previous disclosures**

Footage:

Leased Land: **No**Lot Size Acres +/-: **0.07**Source of Acreage: **Public Records**Zoning: **Res**Tax/Deed/Community InformationBook/Page/Deed: **34206/041/ All**Map/Block/Lot: **14/ F/ 16**Full Tax Amount/Year: **\$8,695.26/ 18-19**Tax ID: **10HowardStreetPortland04101**Interior Information

Room Name	Length	Width	Level	Room Features	Room Name	Length	Width	Level	Room Features
Bedroom 2	12	18	Second	Cathedral Ceiling	Master Bedroom	12	18	First	
Bedroom 1	10	13	Second		Office	7	8	Second	
Bedroom 3	13	15	Second						
Dining Room	12	13	First	Dining Area					
Living Room	14	15	First						
Kitchen	11	16	First	Eat-in Kitchen					
Laundry Room	6	6	Second						

Appliances Included: **Dishwasher; Disposal; Gas Range; Refrigerator**Property FeaturesUtilities On: **No**Site: **Level; Open; Sidewalks; Well Landscaped**Driveway: **Common; Paved**Parking: **1 - 4 Spaces; On Site; Paved**Location: **Intown; Near Country Club; Near Shopping; Neighborhood**Restrictions: **No Restrictions**Recreational: **Nearby**

Water:

Roads: **Paved; Public**Transportation: **Major Road Access; Near Airport; Public Transport****Access; Rail Available**Electric: **Circuit Breakers**Gas: **Natural - On Site**Sewer: **Public Sewer**Water: **Public**Basement: **Interior**

Entry:

Construction: **Wood Frame**Basement: **Full; Unfinished**

Info:

Foundation: **Brick/Mortar; Stone**

Materials:

Exterior: **Vinyl Siding**Roof: **Shingle**Heat: **Forced Air; Hot Water; Multi-Zones**

System:

Heat Fuel: **Gas Natural**Water: **Off Heating System; Separate Booster**

Heater:

Cooling: **None**Floors: **Tile; Wood**Vehicle: **3 Car; Off Street Parking**

Storage:

Amenities: **1st Floor Bedroom; Attic; Bathtub; Deck; Fence; Fire System; Laundry - 2nd Floor; Laundry - Hookup; Master Bedroom w/Bath; Other Amenities; Pantry; Patio; Porch; Sprinkler; Storage; Walk-in Closets**View: **Scenic**Remarks

Remarks: Large estate worthy home with a location that will be the envy of the East Coast for a generation or more. Modern, Minimalist, Super-efficient, Fully-updated Single Family. 1st & 2nd fl master suites, 4br, 3.5 spa-worthy baths and deeded private parking. Steps from all that the Eastern Prom offers - enjoy internationally known food and acclaimed local brews right around the corner. See Live Virtual Tour at <https://www.youtube.com/watch?v=mRsys4J18Hg&feature=youtu.be>

LO: Maine Realty LLCSold Informationmarshall@mpappraisalme.com

Sold Terms/Other:

Prepared by Tom Landry on Thursday, March 12, 2020 3:06 PM.

Closed Date: **08/28/2019**Closed Price: **\$995,000**

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Public Synopsis

9 Howard Street, Portland, ME 04101

List Number: **1407058**

Status: **Closed**

Neighborhood

Association:

County:

Property Type:

Munjoy Hill

/East End

Cumberland

Residential

Seasonal: **No**

List Price: **\$895,000**

Directions: From the Eastern Prom, to Congress St to right onto Howard St.



General Information

Property Sub-Type: **Single Family Residence**

Rooms: **10**

Bedrooms: **5 Baths:2/0**

Style: **Greek-Revival**

Year Built: **1875**

Surveyed: **Unknown**

Fireplaces: **0**

Water Information

Water Frontage: **No**

Water Body: **Casco Bay**

Water View: **Yes**

Water Body Type: **Ocean**

SqFt Finished Above **2,495**

Grade +/-:

SqFt Finished Below **0**

Grade +/- :

SqFt Finished Total +/-: **2,495**

SqFt Source: **Public Records**

Leased Land: **No**

Lot Size Acres +/-: **0.1**

Source of Acreage: **Public Records**

Zoning: **R6**

Tax/Deed/Community Information

Book/Page/Deed: **14286/24/**

Map/Block/Lot: **14/ J/ 17**

Full Tax Amount/Year: **\$6,220/ 2018**

Tax ID: **PTLD-000014-000000-J017001**

Interior Information

Room Name Length Width Level Room Features

Living Room			First	
Kitchen			First	
Bedroom 1			First	
Bedroom 2			First	
Living Room			Second	
Kitchen			Second	
Dining Room			Second	
Bedroom 3			Third	
Bedroom 4			Third	
Bonus Room			Third	Cathedral Ceiling, Skylight

Appliances Included: **Dryer; Electric Range; Gas Range; Refrigerator; Washer**

Property Features

Utilities On: **Yes**
 Site: **Level; Open; Sidewalks; Well Landscaped**
 Driveway: **Gravel**
 Parking: **1 - 4 Spaces; On Site**
 Location: **Intown; Near Public Beach; Near Shopping; Near Town; Neighborhood**
 Restrictions: **No Restrictions**
 Recreational: **Nearby**
 Water: **Paved; Public**
 Roads: **Public Transport Access**
 Transportation: **Circuit Breakers**
 Electric: **Natural - On Site**
 Gas: **Public Sewer**
 Sewer: **Public**
 Water: **Cable**
 Equipment: **Interior; Walk-Out**
 Basement Entry:

Construction: **Wood Frame**
 Basement Info: **Unfinished**
 Foundation: **Brick/Mortar; Stone**
 Materials: **Clapboard; Wood Siding**
 Exterior: **Pitched; Shingle**
 Roof: **Steam**
 Heat System: **Oil**
 Heat Fuel: **Gas; On Demand**
 Water Heater: **None**
 Cooling: **Tile; Wood**
 Floors: **Off Street Parking**
 Vehicle: **1st Floor Bedroom; Deck; Fence; Laundry - 1st Floor; Laundry - 2nd Floor; Porch**
 Storage: **Scenic**
 Amenities: **View:**

Remarks

Remarks: At the top of coveted Munjoy Hill sits a beautifully maintained Circa 1875, two unit with tons of charm and views of Casco Bay. This property offers to live like a single family with an awesome income producing rental below! You'll find a wonderfully appointed 1st floor 2 bedroom unit with two bay windows, a generous size private deck, parking, and great tenants! The second and third floor spacious owners unit boasts a private entry, gorgeous wood floors throughout, large living and dining rooms, eat in kitchen and full bath....all with an abundance of natural light. The third level has a striking cathedral ceiling in the master bedroom along with built-ins and a skylight, cute second bedroom and large bonus room bedroom which offers flex space and a private deck to view Casco Bay views. Be part of the hip and cool East End with just steps to restaurants, Eastern Prom and public beach! Also see listing #1404112

LO: Gardner Real Estate Group

Sold Information

jessica@mainelandconsultants.com

Sold Terms/Other:

Prepared by Tom Landry on Thursday, March 12, 2020 3:06 PM.

Closed Date: **09/06/2019**

Closed Price: **\$795,000**

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Public Synopsis

30 Monument Street, Portland, ME 04101

List Number: 1403611

Status: Closed

Neighborhood

Association:

County:

Property Type:

East

End/Munjoy Hill

Cumberland

Residential

Seasonal: No

List Price: \$1,495,000

Directions: Congress or Eastern Promenade to Saint Lawrence St to Monument St



General

Information

Property Sub-

Single Family Residence

Type:

Rooms:

6

Bedrooms:

3 Baths:3/1

Style:

Contemporary; Multi-Level; Other Style

Color:

Sky Gray

Year Built:

2015

Surveyed:

Unknown

Fireplaces:

1

Water Information

Water Frontage:

No

Water Body:

Casco Bay

Water View:

Yes

Water Body Type:

Ocean

SqFt Finished Above

2,572

Grade +/-:

SqFt Finished Below

0

Grade +/- :

SqFt Finished Total +/-:

2,572

SqFt Source:

Public Records

Leased Land:

No

Lot Size Acres +/-:

0.05

Source of Acreage:

Public Records

Zoning:

R6

Bank Owned REO:

No

Tax/Deed/Community Information

Book/Page/Deed:

31827/321/ All

Map/Block/Lot:

16/ E/ 10

Full Tax Amount/Year:

\$10,221/ 2018

Tax ID:

30Monument
StreetPortland16E10

Interior Information

Room Name	Length	Width	Level	Room Features	Room Name	Length	Width	Level	Room Features
Bedroom 1			Upper	Built-Ins,Closet,Vaulted Ceiling	Master			Upper	Closet,Double Vanities,Full Bath,Built-Ins
Bedroom 2			First	Closet	Bedroom				
Family Room			Basement						
Dining Room			Second	Dining Area					
Kitchen			Second	Eat-in Kitchen,Island,Pantry					
Living Room			Second	Gas Fireplace					
Appliances Included: Dishwasher; Gas Range; Refrigerator									

Property Features

Utilities On:	Yes	2 Detached	No
Site:	Level; Sidewalks; Well Landscaped	Houses on 1	
Driveway:	Other	Lot:	
Parking:	1 - 4 Spaces; On Site; Paved	Construction:	Wood Frame
Location:	Intown; Near Country Club; Near Golf Course; Near Shopping; Neighborhood	Basement	Finished; Full
Restrictions:	No Restrictions	Info:	
Recreational	Nearby	Foundation	Poured Concrete
Water:		Materials:	
Roads:	Paved; Public	Exterior:	Clapboard; Composition; Concrete; Other; Vertical Siding
Transportation:	Major Road Access; Near Airport; Public Transport Access; Rail Available	Roof:	Membrane; Metal
Electric:	Circuit Breakers	Heat	Heat Pump; Radiant; Space Heater
Gas:	Natural - On Site	System:	
Sewer:	Public Sewer	Heat Fuel:	Electric; Gas Natural
Water:	Public	Water	Gas
Basement	Walk-Out	Heater:	
Entry:		Cooling:	Central Air
		Floors:	Concrete; Tile; Wood
		Vehicle	1 Car; Attached; Direct Entry to Living; Heated; Off Street
		Storage:	Parking; Under
		Amenities:	1st Floor Bedroom; Bathtub; Deck; Elevator Passenger; Fence; Laundry - Hookup; Master Bedroom w/Bath; Other Amenities; Pantry; Patio; Porch; Storage; Walk-in Closets
		View:	Scenic

Remarks

Remarks: Dubbed the 'House of Rock' by Curbed Magazine this is one of Portland's most memorable and remarkable homes. Come enjoy the very best of modern living in a near net zero home that compliments its surroundings yet stands alone. Attention has been paid to every detail, every refinement in a home that is curated and comfortable in the same magical moment. 3 bedrooms, 3.5 baths, elevator, garage.... The Location - ideal. The views - awe-inspiring. The experience - enchanting. The opportunity - once in a lifetime.

LO: Benchmark Real Estate

Sold Information

Sold Terms/Other:

Closed Date: 06/12/2019

Closed Price: \$1,395,000

Prepared by Tom Landry on Thursday, March 12, 2020 3:06 PM.

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Public Synopsis

16 Morning Street, Portland, ME 04101

List Number: **1401819**

County: **Cumberland**

Seasonal: **No**

List Price: **\$1,350,000**

Status: **Closed**

Property Type: **Residential**

Directions: Right onto Morning Street from Congress Street.

General Information

Property Sub-Type: **Single Family Residence**

Rooms: **7**

Bedrooms: **3** Baths: **2/1**

Style: **Colonial; Contemporary**

Color: **Gray**

Year Built: **2018**

Surveyed: **Yes**

Fireplaces: **1**

Water Information

Water Frontage: **No**

Water Body: **Casco Bay**

Water View: **Yes**

Water Body Type: **Ocean**

SqFt Finished Above Grade +/-: **2,179**

SqFt Finished Below Grade +/-: **0**

SqFt Finished Total +/-: **2,179**

SqFt Source: **Seller**

Leased Land: **No**

Lot Size Acres +/-: **0.07**

Source of Acreage: **Public Records**

Zoning: **R6**

Tax/Deed/Community Information

Book/Page/Deed: **19297/311/**

Map/Block/Lot: **3/ F/ 10**

Full Tax Amount/Year: **\$8,584/ 2019**

Tax ID: **PTLD-000003-000000-**

F010001



Interior Information

Room Name	Length	Width	Level	Room Features	Room Name	Length	Width	Level	Room Features
Kitchen			First	Eat-in Kitchen, Island, Pantry	Office			First	
Living Room			First	Gas Fireplace	Master Bedroom			Second	Full Bath, Walk-in Closet
Bedroom 1			Second	Closet					
Bedroom 2			Second	Closet					
Laundry Room			Second						

Appliances Included: **Dishwasher; Disposal; Gas Range; Microwave; Refrigerator**

Property Features

Site:	Level; Sidewalks; Well Landscaped	Construction:	Wood Frame
Driveway:	Concrete	Basement Info:	Full; Unfinished
Parking:	1 - 4 Spaces	Foundation:	Block; Other; Poured Concrete
Location:	Intown; Near Public Beach; Neighborhood	Materials:	
Recreational Water:	Nearby; Public	Exterior:	Vinyl Siding
Roads:	Paved; Public	Roof:	Shingle
Transportation:	Public Transport Access	Heat System:	Baseboard; Heat Pump; Radiant
Electric:	Circuit Breakers	Heat Fuel:	Gas Natural
Gas:	Natural - At Street	Water Heater:	Gas
Sewer:	Public Sewer	Cooling:	Heat Pump
Water:	Public	Floors:	Tile; Wood
Basement Entry:	Interior	Vehicle Storage:	1 Car; Attached; Auto Door Opener; Direct Entry to Living
		Amenities:	Laundry - 2nd Floor; Pantry; Porch; Walk-in Closets
		View:	Scenic

Remarks

Remarks: Rare NEW construction SINGLE FAMILY on Munjoy Hill with water views and oversized garage! Designer finishes, toasty radiant heat, gorgeous kitchen with custom cabinets, Chef's gas range with pot filler, plus so much more. Enjoy views of Casco Bay from the master bedroom suite featuring a master bath with custom shower and heated floor. Designed with careful consideration to detail including a stamped concrete driveway. Stone's throw from the Eastern Promenade and all neighborhood amenities.

LO: Portside Real Estate Group

Sold Information

Sold Terms/Other:

Closed Date: **05/06/2019**

Closed Price: **\$1,200,000**

Prepared by Tom Landry on Thursday, March 12, 2020 3:06 PM.

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MAINE
Listings



Public Synopsis

96 North Street, Portland, ME 04101

List Number: 1404980

Status: Closed

Directions: Eastern Promenade to North Street. #96 is on the right just across from Montreal Street.

County: Cumberland

Property Type: Residential

Seasonal: No

List Price: \$1,295,000



General Information

Property Sub-Type: Single Family Residence

Rooms: 15

Bedrooms: 5 Baths: 3/0

Style: Mansard

Color: Olive Green

Year Built: 1889

Surveyed: Unknown

Road Frontage +/-: 50

Fireplaces: 0

Water Information

Water Frontage: No

SqFt Finished Above Grade +/-: 3,613

SqFt Finished Below Grade +/-: 400

SqFt Finished Total +/-: 4,013

SqFt Source: Public Records

Leased Land: No

Lot Size Acres +/-: 0.17

Source of Acreage: Public Records

Zoning: R6

Bank Owned REO: No

Tax/Deed/Community Information

Book/Page/Deed: 23669/001/ All

Map/Block/Lot: 12/ Q/ 007

Full Tax Amount/Year: \$8,431/ 18-19

Tax ID: 96NorthStreetPortlandMaine04101

Interior Information

Room Name	Length	Width	Level	Room Features	Room Name	Length	Width	Level	Room Features
Living Room			First		Mud Room			First	
Living Room			Second		Office			Third	
Dining Room			First						
Dining Room			Second						
Kitchen			First						
Kitchen			Second						
Bedroom 1			First						
Bedroom 2			First						
Bedroom 3			Second						
Bedroom 4			Third						
Bedroom 5			Third						
Family Room			Second						
Laundry Room			First						
Laundry Room			Second						
Den			Third						

Appliances Included: Dishwasher; Disposal; Dryer; Electric Range; Washer

Property Features

Utilities On:	Yes	2 Detached Houses on 1 Lot:	No
Site:	Level; Sidewalks	Construction:	Wood Frame
Driveway:	Paved	Basement:	Finished; Full
Parking:	5 - 10 Spaces	Info:	
Location:	Intown; Near Public Beach; Near Shopping; Neighborhood	Foundation:	Poured Concrete
Recreational:	Nearby; Oceanfront; Public	Materials:	
Water:		Exterior:	Aluminum Siding; Wood Siding
Roads:	Paved; Public	Roof:	Shingle; Slate
Transportation:	Major Road Access; Near Airport; Public Transport Access	Heat System:	Heat Pump; Hot Water; Multi-Zones; Radiator
Electric:	Circuit Breakers	Heat Fuel:	Electric; Oil
Gas:	Natural - At Street	Water:	Electric; Off Heating System
Sewer:	Public Sewer	Heater:	
Water:	Public	Cooling:	Heat Pump
Equipment:	Cable; Internet Access Available	Floors:	Tile; Vinyl; Wood
Basement Entry:	Interior	Vehicle:	Attached; Auto Door Opener; Direct Entry to Living
		Storage:	
		Amenities:	1st Floor Bedroom; Deck; Fence; In-Law Apartment; Laundry - 1st Floor; Laundry - 2nd Floor; Pantry; Security System; Storage
		View:	Scenic

Remarks

Remarks: This fabulous property is located in Portland's coveted East End neighborhood. Lovingly maintained and carefully updated throughout, this home will charm you! Among its numerous amenities you will find 10' ceilings, gleaming hardwood floors, custom built-ins, generous living spaces, great light and tons of character. Currently used as a 2 unit this property offers an ideal owner's unit (2nd and 3rd floor) and a fabulous 1st floor unit. If a spacious single-family home is what you are looking for; this property could easily suit you as well. Private decks, amazing city and sunset views, attached garage and a great yard ... all just a short stroll to the Eastern Promenade, East End beach, and awesome restaurants! See MLS #1404982

LO: Town & Shore Real Estate

Sold Information

clgritty@aol.com

Closed Date: 12/30/2019

Sold Terms/Other:
Prepared by Tom Landry on Thursday, March 12, 2020 3:06 PM.

Closed Price: **\$1,135,000**

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Public Synopsis

32 Turner Street, Portland, ME 04101

List Number: 1435144

County: Cumberland

Seasonal: No

List Price: \$1,400,000

Status: Closed

Property Type: Residential

General InformationProperty Sub-Type: **Single Family Residence**# Rooms: **10**# Bedrooms: **5** Baths: **4/2**Style: **Contemporary; Multi-Level**Color: **Green**Year Built: **1889**Surveyed: **No**# Fireplaces: **3**Water InformationWater Frontage: **No**Water Body: **Ocean**Water Body Type: **Harbor; Ocean**SqFt Finished Above **3,189**

Grade +/-:

SqFt Finished Below **0**

Grade +/- :

SqFt Finished Total +/-: **3,189**SqFt Source: **Public Records**Leased Land: **No**Lot Size Acres +/-: **0.07**Source of Acreage: **Public Records**Zoning: **R6**Tax/Deed/Community InformationBook/Page/Deed: **34696/091/ All**Map/Block/Lot: **14/ K/ 2**Full Tax Amount/Year: **\$10,806/ 2019**Tax ID: **PTLD-000014-000000-K002001**

Interior Information

Property Features

Site: **Level; Open; Sidewalks; Well Landscaped**Driveway: **Paved**Parking: **1 - 4 Spaces; On Site; Paved**Location: **Near Public Beach; Near Shopping; Near Town; Near Turnpike/Interstate; Neighborhood**Restrictions: **No Restrictions**Recreational: **Nearby; Public**Water: **Paved; Public**Transportation: **Major Road Access; Near Airport; Public Transport Access**Electric: **Circuit Breakers**Gas: **Natural - At Street**Sewer: **Public Sewer**Water: **Public**Basement: **Bulkhead; Interior**

Entry:

2 Detached **No**

Houses on 1

Lot:

Construction: **Wood Frame**Basement: **Full; Unfinished**

Info:

Foundation: **Poured Concrete**

Materials:

Exterior: **Clapboard; Composition; Fiber Cement; Vinyl Siding**Roof: **Flat; Pitched; Shingle**Heat: **Direct Vent Heater; Heat Pump; Multi-Zones; Radiant**

System:

Heat Fuel: **Electric; Gas Natural**Water: **On Demand; Tankless**

Heater:

Cooling: **Heat Pump**Floors: **Carpet; Tile; Wood**Vehicle: **1 Car; Auto Door Opener; Detached; Off Street Parking**

Storage:

Amenities: **1st Floor Bedroom; 1st Floor Master Bedroom w/Bath; Bathtub; Deck; Fence; Laundry - 1st Floor; Laundry - 2nd Floor; Master Bedroom w/Bath; One-Floor Living; Out Building; Pantry; Porch; Shower; Storage; Walk-in Closets Scenic**

View:

Remarks

Remarks: This stunning, custom home sits on Munjoy Hill in Portland's East End tucked on a quiet street a block from the Eastern Promenade, sweet neighborhood shops and popular local restaurants. The entire interior has been remodeled to the highest standards. The owner's unit has 3BR, an office, and 3.5 baths. Enjoy two spacious living areas, a tasteful master suite w/ radiant heat in the bathroom and THREE DECKS, including the rooftop with expansive Casco Bay views. Guests or tenants live in style in the ~1,000 SF open concept 1st floor apartment w/ gourmet kitchen, fireplace, spa-like bath, laundry room and private entrance. The 1-car detached garage doubles as a "party barn" with a side barn door opening that opens out onto the fenced-in courtyard. The versatile layout and legal 2 unit status offers many ways for buyers to use the property: as a single family residence with separate guest quarters, a luxury 2-unit investment property, or convert the entire building to a single family home

LO: Vitalius Real Estate Group, LLC

Sold Information

wchapman@kw.com

Sold Terms/Other:

Prepared by Tom Landry on Thursday, March 12, 2020 3:06 PM.

Closed Date: **11/04/2019**Closed Price: **\$1,295,000**

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MAINE
Listings

Public Synopsis

39 Vesper Street, Portland, ME 04101

List Number: 1437248

Status: Closed

Neighborhood

Association:

County:

Property Type:

Munjoy Hill /

East End

Cumberland

Residential

Seasonal: No

List Price: \$815,000

Directions: Congress St to right onto Eastern Promenade to right onto Vesper.



General Information

Property Sub-Type: Single Family Residence

Rooms: 10

Bedrooms: 4 Baths: 2/1

Style: New Englander

Color: Moss

Year Built: 1869

Surveyed: Unknown

Fireplaces: 1

Water Information

Water Frontage: No

SqFt Finished Above Grade 2,316

+/-:

SqFt Finished Below 0

Grade +/- :

SqFt Finished Total +/-: 2,316

SqFt Source: Public Records

Leased Land: No

Lot Size Acres +/-: 0.09

Source of Acreage: Public Records

Zoning: R6

Tax/Deed/Community Information

Book/Page/Deed: 31246/288/

Map/Block/Lot: 3/ f/ 15

Full Tax Amount/Year: \$6,987/ 2018

Tax ID: PTLD-000003-000000-F015001

Interior Information

Room Name	Length	Width	Level	Room Features	Room Name	Length	Width	Level	Room Features
Kitchen			First	Breakfast Nook	Master Bedroom			Second	Full Bath
Dining Room			First		Bedroom 6			Second	
Living Room			First						
Family Room			First						
Bedroom 1			Second						
Bedroom 4			Second						
Den			First	Gas Fireplace					
Bedroom 2				Closet					
Bedroom 3				Walk-in Closet					
Bedroom 5				Skylight					
Appliances Included: Dishwasher; Dryer; Gas Range; Refrigerator; Washer									

Property Features

Utilities On: Yes	Construction: Wood Frame
Site: Level; Sidewalks; Well Landscaped	Basement: Partial; Unfinished; Walkout Access
Driveway: Gravel	Info:
Parking: 1 - 4 Spaces; On Site	Foundation: Brick/Mortar; Granite
Location: Intown; Near Public Beach; Near Shopping; Neighborhood	Materials:
Roads: Paved; Public	Exterior: Clapboard; Wood Siding
Electric: Circuit Breakers	Roof: Pitched; Shingle
Gas: Natural - On Site	Heat System: Hot Water; Multi-Zones
Sewer: Public Sewer	Heat Fuel: Gas Natural
Water: Public	Water Heater: Off Heating System; Tank
Basement Entry: Interior	Cooling: None
	Floors: Carpet; Tile; Vinyl; Wood
	Vehicle: 1 Car; Attached
	Storage:
	Amenities: Bathtub; Deck; Laundry - Hookup; Master Bedroom w/Bath; Patio; Porch; Walk-in Closets

Remarks

Remarks: Rare opportunity on the East End - only 1 block from the Eastern Prom. Lovely historic home with 4 generous sized bedrooms, 2.5 baths (one with a clawfoot tub), formal dining and living rooms plus den with a gas fireplace! Large kitchen with granite counters and bonus area. The home boasts many period details - even a claw foot tub! Efficient heating system, gorgeous hardwood floors and a garage along with a lovely yard, perfect for garden gatherings.

LO: Gardner Real Estate Group

Sold Information

tfarnham@maine.rr.com

Sold Terms/Other:

Prepared by Tom Landry on Thursday, March 12, 2020 3:06 PM.

Closed Date: 12/17/2019

Closed Price: \$755,400

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MAINE
Listings



Public Synopsis

81 Beckett Street, Portland, ME 04101

List Number: **1431314**

Status: **Closed**

Directions: Congress St. to Beckett St. Property on left.

County: **Cumberland**

Property Type: **Multi-Family**

Seasonal: **No**

List Price:

\$734,000



General Information

Style: **Multi-Level**
Color: **green**
Year Built: **1880**
Surveyed: **No**

Water Information

Water Frontage: **No**

SqFt Finished Above Grade **2,582**

+/-:

SqFt Finished Below **0**

Grade +/- :

SqFt Finished Total +/-: **2,582**

SqFt Source: **Public Records**

Leased Land: **No**

Lot Size Acres +/-: **0.07**

Source of Acreage: **Public Records**

Zoning: **R-6**

Tax/Deed/Community Information

Book/Page/Deed: **35223/334/**

Map/Block/Lot: **3/ G-18/ G018001**

Full Tax Amount/Year: **\$6,886/ 2018**

Tax ID: **PTLD-000003-000000-G018001**

Property Features

Utilities On: **Yes**
Site: **Level; Sidewalks**
Driveway: **Paved**
Parking: **1 - 4 Spaces; On Site; Paved**
Location: **Interior Lot; Near Public Beach; Near Shopping; Near Town; Neighborhood**
Restrictions: **No Restrictions**
Roads: **Paved; Public**
Electric: **Circuit Breakers; On Site**
Gas: **Natural - On Site**
Sewer: **Public Sewer**
Water: **Public**
Equipment: **Cable**
Basement: **Bulkhead; Interior**
Entry:

Construction: **Wood Frame**
Basement Info: **Brick/Mortar; Full; Unfinished; Walkout Access**
Foundation: **Brick/Mortar; Stone**
Materials:
Exterior: **Vinyl Siding**
Roof: **Shingle**
Heat System: **Forced; Hot Water; Radiator**
Heat Fuel: **Oil**
Water Heater: **Off Heating System; Tank; Tankless**
Cooling: **None**
Floors: **Laminate; Tile; Wood**
Vehicle Storage: **2 Car; No Vehicle Storage; Off Street Parking**
Amenities: **1st Floor Bedroom; Clubhouse; Fence; In-Law Apartment; Laundry - Hookup**

Remarks

Remarks: Opportunity on Munjoy Hill to owner occupy or invest in this 2 unit home just a few streets from the Eastern Promenade where you can delight in sweeping water views of Portland's neighboring islands and harbor. The 1st floor is ready to occupy with a stylish new kitchen. The sunny 2nd floor unit awaits your finishing touches. Incredible investment opportunity to make cosmetic upgrades to the 3 bedrooms on the 3rd floor to use for Airbnb or combine with the 2nd floor for a total of 5 bedrooms!! Space for an additional full bath on the 3rd floor awaits. Upgrades include new roof, gleaming floors many newly plastered walls and the 3rd floor is fully wired to combine with either floor or segregate as desired.

LO: Keller Williams Realty

Sold Information

theresafoster@roadrunner.com

Sold Terms/Other:

Prepared by Tom Landry on Thursday, March 12, 2020 3:06 PM.

Closed Date: **10/28/2019**

Closed Price: **\$680,000**

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MAINE
Listings



Public Synopsis

171 Congress Street, Portland, ME 04101

List Number: **1408554**

Status: **Closed**

Neighborhood

Association:

County:

Property Type:

MUNJOY

HILL

Cumberland

Multi-Family

Seasonal: **No**

List Price:

\$659,900

Directions: MUNJOY HILL - ON THE CORNER OF CONGRESS AND SHERIDAN.

General Information

Style: **Multi-Level**

Color: **White**

Year Built: **1898**

Surveyed: **No**

Water Information

Water Frontage: **No**

Water Body: **Casco Bay**

Water Body Type: **Bay**

SqFt Finished Above Grade **4,506**

+/-:

SqFt Finished Below **0**

Grade +/- :

SqFt Finished Total +/-: **4,506**

SqFt Source: **Public Records**

Leased Land: **No**

Lot Size Acres +/-: **0.05**

Source of Acreage: **Public Records**

Zoning: **R-6**

Tax/Deed/Community Information

Book/Page/Deed: **29538/227/ All**

Map/Block/Lot: **13/ M/ 29**

Full Tax Amount/Year: **\$6,070/ 2018**

Tax ID: **PTLD-000013-000000-M029001**



Property Features

Utilities On:

Yes

Site:

Corner Lot; Rolling/Sloping; Sidewalks

Driveway:

No Driveway

Parking:

Off Site

Location:

Intown; Near Public Beach; Near Shopping;

Neighborhood

Restrictions:

No Cats Allowed; No Dogs Allowed

Recreational

Beach Rights; Nearby; Public

Water:

Roads:

Paved; Public

Transportation:

Major Road Access; Public Transport Access

Electric:

Circuit Breakers

Gas:

Natural - On Site

Sewer:

Public Sewer

Water:

Public

Equipment:

Cable

Basement Entry:

Interior

Construction: **Wood Frame**

Basement

Brick/Mortar; Full; Unfinished

Info:

Foundation

Brick/Mortar; Stone

Materials:

Exterior:

Vinyl Siding

Roof:

Pitched; Shingle

Heat

Hot Water; Multi-Zones; Radiator

System:

Heat Fuel:

Gas Natural

Water

Gas

Heater:

Cooling:

None

Floors:

Tile; Vinyl; Wood

Vehicle

No Vehicle Storage

Storage:

Amenities:

1st Floor Bedroom; Attic; Bathtub; Laundry - Coin; One-Floor

Living; Other Amenities; Pantry; Shower; Storage

View:

Scenic

Remarks

Remarks: MUNJOY HILL - CLASSIC EAST END 3 UNIT WITH LONG TERM TENANTS AND SEPARATE UTILITIES. SUNNY AND SPACIOUS WITH LR, DR, KITCHEN AND 3 BR'S. GREAT WATER SHOTS FROM A COUPLE OF ANGLES. PRESERVED FEATURES: 3 SETS OF BAY WINDOWS PER FLOOR, WOOD FLOORS, POCKET DOORS AND BUILT-INS. UPDATES INCLUDE: ROOF, REPLACEMENT WINDOWS, LEAD REMEDIATION, SEWER LINE, FIRE DOORS, FRONT PORCH. USE YOUR IMAGINATION IN THE 4TH FLOOR - FULL HEIGHT ATTIC. COMBINE 3RD & 4TH FLOORS FOR A HUGE APARTMENT WITH FAB WATERFRONT AND CITY VIEWS. WALKABLE TO EVERYTHING - ENJOY THE UNMATCHED BEAUTY OF MUNJOY HILL!

LO: Bay Realty Associates, Inc.

Sold Information

emcfadden7@yahoo.com

Sold Terms/Other:

Prepared by Tom Landry on Thursday, March 12, 2020 3:06 PM.

Closed Date: **05/30/2019**

Closed Price: **\$650,000**

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MAINE
Listings



Public Synopsis

102 Cumberland Avenue, Portland, ME 04101

List Number: 1430830

County:

Cumberland

Seasonal: No

List Price:

\$689,900

Status: Closed

Property Type: Multi-Family

General Information

Style: **Multi-Level**
 Color: **Brick**
 Year Built: **1900**
 Surveyed: **No**
 Road Frontage +/-: **50**

Water Information

Water Frontage: **No**
 Water View: **No**

SqFt Finished Above Grade +/-: **4,374**
 SqFt Finished Below Grade +/-: **0**
 SqFt Finished Total +/-: **4,374**
 SqFt Source: **Public Records**
 Leased Land: **No**
 Lot Size Acres +/-: **0.05**
 Source of Acreage: **Public Records**
 Zoning: **B-1**

Tax/Deed/Community Information

Book/Page/Deed: **35166/014/ All**
 Map/Block/Lot: **13/ M/ 4**
 Full Tax Amount/Year: **\$8,302/ 2018**
 Tax ID: **PTLD-000013-000000-M004001**



Property Features

Utilities On: **Yes**
 Site: **Level; Sidewalks**
 Driveway: **Other; Paved**
 Parking: **Other Parking; 1 - 4 Spaces**
 Location: **Interior Lot; Intown**
 Restrictions: **No Restrictions**
 Roads: **Paved; Public**
 Transportation: **Major Road Access; Public Transport Access**
 Electric: **Circuit Breakers; On Site**
 Gas: **Natural - On Site**
 Sewer: **Public Sewer**
 Water: **Public**
 Equipment: **Cable**
 Basement Entry: **Interior**

Construction: **Masonry**
 Basement Info: **Brick/Mortar; Full; Unfinished**
 Foundation: **Brick/Mortar; Stone**
 Materials:
 Exterior: **Brick**
 Roof: **Tar/Gravel**
 Heat System: **Direct Vent Heater; Forced; Hot Water**
 Heat Fuel: **Gas Natural; Oil**
 Water Heater: **Gas; On Demand; Tankless**
 Cooling: **None**
 Floors: **Tile; Wood**
 Vehicle Storage: **No Vehicle Storage**
 Amenities: **1st Floor Bedroom; Bathtub; Laundry - Coin; One-Floor Living; Storage**

Remarks

Remarks: Great opportunity to own an income producing property in sought-after Munjoy Hill. Solid Brick building, Hardwood floors, (3) 4 bedroom units, off street parking and laundry in basement. OPEN HOUSE Wednesday 8/28 12-1PM. NO showings until the open house. Fully occupied 24 hour notice required

LO: Green Tree Realty, LLC

Sold Information

joe@atlanticappraisals.biz

Sold Terms/Other:

Prepared by Tom Landry on Thursday, March 12, 2020 3:06 PM.

Closed Date: **10/31/2019**

Closed Price: **\$675,000**

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MAINE
Listings



Public Synopsis

98 Cumberland Avenue, Portland, ME 04101

List Number: **1418135**

County: **Cumberland**

Seasonal: **No**

List Price:

\$499,500

Status: **Closed**

Property Type: **Multi-Family**

Directions: Washington Avenue to Cumberland Avenue, head up hill to #98 on the right. Blue building.

General Information

Style: **Multi-Level; Victorian**

Color: **Blue**

Year Built: **1892**

Surveyed: **Unknown**

Road Frontage +/-: **33**

Water Information

Water Frontage: **No**

SqFt Finished Above Grade +/-: **3,204**

SqFt Finished Below Grade +/-: **0**

SqFt Finished Total +/-: **3,204**

SqFt Source: **Public Records**

Leased Land: **No**

Lot Size Acres +/-: **0.08**

Source of Acreage: **Public Records**

Zoning: **R6**

Tax/Deed/Community Information

Book/Page/Deed: **14952/129/ All**

Map/Block/Lot: **13/ M/ 5**

Full Tax Amount/Year: **\$6,852/ 2018**

Tax ID: **PTLD-000013-000000-**

M005001



Property Features

Utilities On: **Yes**
 Site: **Open; Rolling/Sloping; Sidewalks**
 Driveway: **Gravel**
 Parking: **1 - 4 Spaces**
 Location: **Intown**
 Restrictions: **No Restrictions**
 Roads: **Paved; Public**
 Transportation: **Public Transport Access**
 Electric: **Circuit Breakers**
 Gas: **Natural - On Site**
 Sewer: **Public Sewer**
 Water: **Public**
 Equipment: **Cable; Internet Access Available**
 Basement Entry: **Bulkhead; Interior**

Construction: **Wood Frame**
 Basement Info: **Full; Unfinished**
 Foundation: **Brick/Mortar; Stone**
 Materials: **Shingle Siding**
 Exterior: **Membrane**
 Roof: **Forced; Hot Water; Steam**
 Heat System: **Gas Natural; Oil**
 Heat Fuel: **Gas**
 Water Heater: **None**
 Cooling: **Carpet; Vinyl; Wood**
 Floors: **Off Street Parking**
 Vehicle Storage: **1st Floor Bedroom; Laundry - Hookup; One-Floor Living**
 Amenities:

Remarks

Remarks: Large triple decker three family dwelling in premier Portland location. This classic apartment building features large two/three-bedroom units with many original features including woodwork and some hardwood floors. Spacious apartments with nice views from the upper levels. All apartments offer separate heating, hot water, and electrical systems. Third floor unit is more modern and open concept. Private driveway and parking area. Building is in a highly desirable neighborhood within walking distance to restaurants on Munjoy Hill as well as the thriving Washington Avenue corridor, Bayside Breweries and distilleries, Rosemont Market and The Eastern Promenade.

LO: Town & Shore Real Estate

Sold Information

hashiken1@msn.com

Sold Terms/Other:

Prepared by Tom Landry on Thursday, March 12, 2020 3:06 PM.

Closed Date: **07/26/2019**

Closed Price: **\$525,000**

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MAINE
Listings



Public Synopsis

54-56 Montreal Street, Portland, ME 04101

List Number: 1436998

County:

Cumberland

Seasonal: No

List Price:

\$475,000

Status: Closed

Property Type:

Multi-Family

General Information

Style: Duplex; Ranch
Color: tan
Year Built: 1989
Surveyed: Unknown

Water Information

Water Frontage: No

SqFt Finished Above 1,968
Grade +/-:
SqFt Finished Below 0
Grade +/- :
SqFt Finished Total +/-: 1,968
SqFt Source: Public Records
Leased Land: No
Lot Size Acres +/-: 0.08
Source of Acreage: Public Records
Zoning: R6
Tax/Deed/Community Information
Book/Page/Deed: 25592/051/ All
Map/Block/Lot: 15/ F/ 8
Full Tax Amount/Year: \$5,573/ 2018
Tax ID: PTLD-000015-000000-F008001



Property Features

Utilities On: Yes
Site: Level; Open; Sidewalks
Driveway: Paved
Parking: 1 - 4 Spaces; On Site
Location: Near Shopping; Near Town; Near Turnpike/Interstate; Neighborhood
Restrictions: No Restrictions
Roads: Paved; Public
Electric: Circuit Breakers
Gas: Natural - At Street
Sewer: Public Sewer
Water: Public
Basement: Not Applicable
Entry:

Construction: Wood Frame
Basement Info: None; Slab
Foundation Materials: Slab
Exterior: Vinyl Siding
Roof: Pitched; Shingle
Heat System: Baseboard; Forced; Hot Water; Multi-Zones
Heat Fuel: Gas Natural
Water Heater: Gas; Tankless
Cooling: None
Floors: Carpet; Laminate
Vehicle Storage: No Vehicle Storage; Off Street Parking
Amenities: Bathtub; Deck; Fence; Laundry - 2nd Floor; Shower

Remarks

Remarks: Munjoy Hill duplex with parking and a large yard! This building is as straight forward as it gets – built in 1989, you won't find any of the problematic elements that generally come with owning a 100 year old building. The modern 2-story, 2 bedroom layouts make for an ideal rental property or first home. Historically serving as agency housing, the units will be delivered vacant and the property perfectly poised for your cosmetic upgrades.

LO: Vitalius Real Estate Group, LLC

Sold Information

Sold Terms/Other:

Closed Date: 11/21/2019

Closed Price: \$475,000

Prepared by Tom Landry on Thursday, March 12, 2020 3:06 PM.

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Public Synopsis

27 Morning Street, Portland, ME 04101

List Number: **1423970**

County:

Cumberland

Seasonal: **No**

List Price:

\$1,595,000

Status: **Closed**

Property Type:

Multi-Family

General Information

Style: **Other Style**
Color: **Blue**
Year Built: **1915**
Surveyed: **Unknown**

Water Information

Water Frontage: **No**
Water Body: **Casco Bay**
Water View: **Yes**
Water Body Type: **Bay**

SqFt Finished Above: **6,254**
Grade +/-:
SqFt Finished Below: **0**
Grade +/-:
SqFt Finished Total +/-: **6,254**
SqFt Source: **Public Records**
Leased Land: **No**
Lot Size Acres +/-: **0.05**
Source of Acreage: **Public Records**
Zoning: **R-6**

Tax/Deed/Community Information

Book/Page/Deed: **37892/043/**
Map/Block/Lot: **3/ C/ 16**
Full Tax Amount/Year: **\$9,066/ 2018**
Tax ID: **PTLD-000003-000000-C016001**



Property Features

Utilities On: **Yes**
Site: **Level; Sidewalks**
Driveway: **Paved**
Location: **Near Country Club; Near Shopping; Neighborhood**
Recreational Water: **Nearby**
Roads: **Paved; Public**
Electric: **Circuit Breakers**
Gas: **Natural - On Site**
Sewer: **Public Sewer**
Water: **Public**
Equipment: **Cable**
Basement Entry: **Bulkhead**

Construction: **Wood Frame**
Basement Info: **Full; Unfinished**
Exterior: **Vinyl Siding**
Roof: **Membrane**
Heat System: **Steam**
Heat Fuel: **Gas Natural**
Water Heater: **Gas**
Cooling: **None**
Floors: **Vinyl; Wood**
Vehicle Storage: **Off Street Parking**
Amenities: **1st Floor Bedroom; Bathtub; Laundry - Coin**

Remarks

Remarks: Nice 6 unit located on Munjoy Hill's nicest street! Offering (3) 1 Bedrooms and (3) 2 Bedroom units w/ parking, private decks and amazing water views of the Islands and the Eastern Promenade! Yearly gross income: \$135,600 w/ separate electric, newer natural gas boilers and rubber roof . This building is an excellent candidate for a 1031 exchange, Air BnB or take the whole top floor and rent (4) units out.. Why buy a condo when you can have this income producing property!

LO: F.O. Bailey Real Estate

Sold Information

BSOLARI@MAINE.RR.COM

Sold Terms/Other:

Prepared by Tom Landry on Thursday, March 12, 2020 3:06 PM.

Closed Date: **07/11/2019**

Closed Price: **\$1,425,000**

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MAINE
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Public Synopsis

110 North Street, Portland, ME 04101

List Number: **1424338**

County: **Cumberland**

Seasonal: **No**

List Price:

\$695,000

Status: **Closed**

Property Type: **Multi-Family**

Directions: Congress to East End, left onto North Street, house is on corner of North and Walnut.

General Information

Style: **Victorian**
Year Built: **1889**
Surveyed: **Yes**

Water Information

Water Frontage: **No**

SqFt Finished Above **2,504**
Grade +/-:
SqFt Finished Below **0**
Grade +/- :
SqFt Finished Total +/-: **2,504**
Leased Land: **No**
Lot Size Acres +/-: **0.08**
Source of Acreage: **Public Records**
Zoning: **R6**

Tax/Deed/Community Information

Book/Page/Deed: **28677/298/**
Map/Block/Lot: **12/ Q/ 2**
Full Tax Amount/Year: **\$6,714/ 2019**
Tax ID: **110NorthStreetPortland04101**



Property Features

Utilities On: **Yes**
Site: **Corner Lot; Pasture/Field; Sidewalks; Well Landscaped**
Driveway: **Paved**
Parking: **5 - 10 Spaces**
Location: **Historic District; Intown; Near Shopping; Neighborhood**
Roads: **Paved; Public**
Electric: **Circuit Breakers**
Gas: **Natural - At Street**
Sewer: **Public Sewer**
Water: **Public**
Basement Entry: **Exterior Only**

Construction: **Wood Frame**
Basement: **Dirt Floor; Full; Unfinished**
Info:
Foundation: **Brick/Mortar; Stone**
Materials:
Exterior: **Clapboard; Vinyl Siding**
Roof: **Shingle**
Heat: **Baseboard; Forced; Hot Air; Hot Water**
System:
Heat Fuel: **Electric; Gas Natural**
Water: **Off Heating System**
Heater:
Cooling: **None**
Floors: **Laminate; Wood**
Vehicle: **Off Street Parking**
Storage:
Amenities: **1st Floor Bedroom; Bathtub; Deck; Laundry - 1st Floor; Laundry - 2nd Floor; Pantry; Walk-in Closets**

Remarks

Remarks: Well maintained three-level, 2 unit home on the East End featuring dynamic views of Portland's city skyline! Each unit has its own laundry and deck, with views of the Back Cove. The 1st floor unit features an eat-in kitchen with electric range, refrigerator & pantry, plus a LR, 2 bedrooms laundry and FHA. The 2nd unit is located on floors 2 & 3. It offers a bright eat-in kitchen with gas range, refrigerator, dishwasher and laundry. It features a living room and large bedroom with wood floors & walk-in closet. The 3rd floor boasts a second bedroom with new wood floors, skylight and full bath.

LO: RE/MAX By The Bay

Sold Information

BMARTIN@MAINE.RR.COM

Sold Terms/Other:

Prepared by Tom Landry on Thursday, March 12, 2020 3:06 PM.

Closed Date: **10/17/2019**

Closed Price: **\$675,000**

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MAINE
Listings



Public Synopsis

67 Quebec Street, Portland, ME 04101

List Number: **1404353**

Status: **Closed**

Neighborhood

Association:

County:

Property Type:

Munjoy Hill Seasonal: **No**

Cumberland

Multi-Family

List Price:

\$749,900

Directions: Congress St to North St to Quebec St

General Information

Style: **Duplex; Victorian**

Year Built: **1880**

Surveyed: **Unknown**

Road Frontage +/-: **50**

Water Information

Water Frontage: **No**

SqFt Finished Above Grade **3,129**

+/-:

SqFt Finished Below **0**

Grade +/-:

SqFt Finished Total +/-: **3,129**

SqFt Source: **Seller**

Leased Land: **No**

Lot Size Acres +/-: **0.12**

Source of Acreage: **Public Records**

Zoning: **R6**

Tax/Deed/Community Information

Book/Page/Deed: **33864/183/ All**

Map/Block/Lot: **14/ M/ 13**

Full Tax Amount/Year: **\$7,560/ 2018**

Tax ID: **PTLD-000014-000000-M013001**



Property Features

Utilities On: **Yes**

Site: **Level; Open; Sidewalks; Well Landscaped**

Driveway: **Paved**

Parking: **1 - 4 Spaces; On Site; Paved**

Location: **Intown; Near Country Club; Near Golf Course; Near Public**

Beach; Near Shopping; Near Turnpike/Interstate

Restrictions: **No Restrictions**

Recreational: **Nearby**

Water: **Paved; Public**

Roads: **Major Road Access; Near Airport; Public Transport Access**

Electric: **Circuit Breakers**

Gas: **Natural - On Site**

Sewer: **Public Sewer**

Water: **Public**

Basement: **Bulkhead; Interior**

Entry:

Construction: **Wood Frame**

Basement: **Bulkhead; Full; Unfinished**

Info:

Foundation: **Brick/Mortar; Stone**

Materials:

Exterior: **Vinyl Siding**

Roof: **Shingle**

Heat: **Baseboard; Heat Pump; Radiator; Steam**

System:

Heat Fuel: **Electric; Gas Natural**

Water: **Gas; Tank**

Heater:

Cooling: **Heat Pump**

Floors: **Tile; Wood**

Vehicle: **Off Street Parking**

Storage:

Amenities: **1st Floor Bedroom; Fence; Laundry - Hookup; Master Bedroom w/Bath; One-Floor Living; Other Amenities; Porch; Sprinkler; Storage**

Remarks

Remarks: A 'Slice of New England Heaven' atop Munjoy Hill. Built in 1880, the current owner meticulously restored this grand home to its former glory and beyond. Call it a spectacular single family with an in-law apartment or a truly remarkable two family with a generous owners unit and rental - you choose. The spiral staircase, original trim, retained ceiling medallions and period built-ins will enchant. The modern updates from kitchens, baths, windows, wiring, heat and ac will provide peace of mind. The property boasts 3,000+ square feet. Unit 1) 3 bedroom, 2 baths on second & third floor. Unit 2) 1 bed, 1 bath all on the first floor. This is the perfect condo alternative - live in either unit and rent the other. Have a renter or family member occupy the property as you travel or head south. As an alternative conversion to a single family or condos would be easy. Add 4 parking spaces, a private and peaceful yard and you have a remarkable home in one of the most desirable locations in Maine.

LO: Benchmark Real Estate

Sold Information

RRENO@Maine.RR.com

Sold Terms/Other:

Prepared by Tom Landry on Thursday, March 12, 2020 3:06 PM.

Closed Date: **07/12/2019**

Closed Price: **\$749,900**

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MAINE
Listings



Public Synopsis

70 Quebec Street, Portland, ME 04101

List Number: **1437217**

Status: **Closed**

County: **Cumberland**

Property Type: **Multi-Family**

Seasonal: **No**

List Price:

\$599,000

General Information

Style: **Colonial; New Englander**
Color: **tan**
Year Built: **1880**
Surveyed: **Unknown**

Water Information

Water Frontage: **No**

SqFt Finished Above Grade **2,560**
+/-:
SqFt Finished Below **0**
Grade +/- :
SqFt Finished Total +/-: **2,560**
SqFt Source: **Public Records**
Leased Land: **No**
Lot Size Acres +/-: **0.08**
Source of Acreage: **Public Records**
Zoning: **R6**

Tax/Deed/Community Information

Book/Page/Deed: **25245/272/ All**
Map/Block/Lot: **14/ C/ 2**
Full Tax Amount/Year: **\$7,074/ 2018**
Tax ID: **PTLD-000014-000000-C002001**



Property Features

Utilities On: **Yes**
Site: **Level; Open; Sidewalks**
Driveway: **Paved**
Parking: **1 - 4 Spaces; On Site; Paved**
Location: **Near Shopping; Near Town; Near Turnpike/Interstate**
Restrictions: **No Restrictions**
Roads: **Paved; Public**
Electric: **Circuit Breakers**
Gas: **Natural - At Street**
Sewer: **Public Sewer**
Water: **Public**
Basement Entry: **Interior**

Construction: **Wood Frame**
Basement Info: **Brick/Mortar; Full; Unfinished**
Foundation: **Brick/Mortar; Poured Concrete; Stone**
Materials:
Exterior: **Vinyl Siding**
Roof: **Pitched; Shingle**
Heat System: **Baseboard; Forced; Hot Water; Multi-Zones**
Heat Fuel: **Gas Natural**
Water Heater: **Gas; Tank**
Cooling: **None**
Floors: **Carpet; Laminate; Wood**
Vehicle Storage: **No Vehicle Storage; Off Street Parking**
Amenities: **1st Floor Bedroom; Bathtub; Fence; Laundry - Hookup; Shower; Storage**

Remarks

Remarks: 3-unit multi-family with a coveted Munjoy Hill address. The interior shows evidence of extensive modernizing, including sheet rocked walls, windows, lots of updated electrical, high efficiency gas boiler, and parking. The result is loads of potential for cosmetic updates in the units themselves without all the 'old house' stuff that accompanies most Portland properties in this price range. The first floor consists of a studio and 1-bedroom apartment. The entire second floor is a 3-bedroom, 2 bath apartment (something not often seen in multis). Walkable to all that this wonderful East End location offers, come get your piece of the Hill!

LO: Vitalius Real Estate Group, LLC

Sold Information

rkempton@maine.rr.com

Sold Terms/Other:

Prepared by Tom Landry on Thursday, March 12, 2020 3:06 PM.

Closed Date: **12/19/2019**

Closed Price: **\$600,000**

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MAINE
Listings



24 Saint Lawrence Street, Portland, ME 04101List Number: **1424396**Status: **Closed**

Neighborhood

Association:

County:

Property Type:

Public Synopsis**Munjoy Hill** Seasonal: **No**

List Price:

\$1,250,000

Directions: Congress St to St Lawrence

General InformationStyle: **Colonial**Color: **Sage**Year Built: **1860**Surveyed: **Yes**Water InformationWater Frontage: **No**Water Body: **Casco Bay**Water View: **Yes**Water Body Type: **Bay; Ocean**SqFt Finished Above **2,880**

Grade +/-:

SqFt Finished Below **0**

Grade +/- :

SqFt Finished Total +/-: **2,880**SqFt Source: **Public Records**Leased Land: **No**Lot Size Acres +/-: **0.11**Source of Acreage: **Public Records**Zoning: **R6**Tax/Deed/Community InformationBook/Page/Deed: **25609/269/ All**Map/Block/Lot: **16/ J/ 6**Full Tax Amount/Year: **\$6,841/ 2018**Tax ID: **PTLD-000016-000000-J006001****Property Features**Utilities On: **Yes**Site: **Level; Open; Sidewalks; Well Landscaped**Driveway: **Paved**Parking: **1 - 4 Spaces; On Site; Paved**Location: **Intown; Near Country Club; Near Golf Course; Near Public****Beach; Near Shopping; Near Turnpike/Interstate**Recreational: **Nearby; Public**Water: **Paved; Public**Roads: **Paved; Public**Transportation: **Major Road Access; Near Airport; Public Transport Access;****Rail Available**Electric: **Circuit Breakers**Gas: **Natural - On Site**Sewer: **Private Sewer**Water: **Public**Basement: **Interior**

Entry:

Construction: **Wood Frame**Basement: **Full; Unfinished**

Info:

Foundation: **Brick/Mortar**

Materials:

Exterior: **Vinyl Siding; Wood Siding**Roof: **Shingle**Heat: **Forced; Hot Water**

System:

Heat Fuel: **Gas Natural**Water: **Electric**

Heater:

Cooling: **None**Floors: **Wood**Vehicle: **1 Car; Detached; Off Street Parking**

Storage:

Amenities: **1st Floor Bedroom; Bathtub; Deck; Fence; Laundry - Hookup; One-Floor Living; Other Amenities; Porch; Shower; Storage**View: **Scenic**

Remarks

Remarks:**LO:** Benchmark Real Estate**Sold Information**

Sold Terms/Other:

Closed Date: **07/12/2019**Closed Price: **\$1,200,000**

Prepared by Tom Landry on Thursday, March 12, 2020 3:06 PM.

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Public Synopsis

57 Turner Street, Portland, ME 04101

List Number: 1414427

Status: Closed

Neighborhood

Association:

County:

Property Type:

East

End/Munjoy Hill

Cumberland

Multi-Family

Seasonal: No

List Price:

\$599,000

Directions: Congress St East to Munjoy Hill to Howard St turn on too Turner.

General Information

Style: **New Englander; Other Style**
Color: **Pale Yellow**
Year Built: **1865**
Surveyed: **Unknown**

Water Information

Water Frontage: **No**
Water Body: **Casco Bay**
Water View: **Yes**
Water Body Type: **Bay; Ocean**

SqFt Finished Above Grade +/-: **1,332**
SqFt Finished Below Grade +/-: **0**
SqFt Finished Total +/-: **1,332**
SqFt Source: **Public Records**
Leased Land: **No**
Lot Size Acres +/-: **0.07**
Source of Acreage: **Public Records**
Zoning: **R6**

Tax/Deed/Community Information

Book/Page/Deed: **28918/076/ All**
Map/Block/Lot: **14/ E/ 17**
Full Tax Amount/Year: **\$4,826/ 2018**
Tax ID: **PTLD-000014-000000-E017001**



Property Features

Utilities On: **No**
Site: **Level; Open; Sidewalks; Well Landscaped**
Driveway: **Paved**
Parking: **1 - 4 Spaces; On Site; Paved; Reserved**
Location: **Intown; Near Country Club; Near Golf Course; Near Public Beach; Near Railroad; Near Shopping; Near Town; Near Turnpike/Interstate**
Recreational Water: **Nearby**
Roads: **Paved; Public**
Transportation: **Major Road Access; Near Airport; Public Transport Access; Rail Available**
Electric: **Circuit Breakers**
Gas: **Natural - On Site**
Sewer: **Public Sewer**
Water: **Public**
Basement: **Bulkhead**
Entry:

Construction: **Wood Frame**
Basement Info: **Full; Unfinished**
Foundation: **Brick/Mortar; Stone**
Materials: **Vinyl Siding**
Exterior: **Shingle**
Roof: **Direct Vent Heater**
Heat System: **Gas Natural**
Heat Fuel: **Gas; Tankless**
Water Heater: **None**
Cooling: **Tile; Wood**
Floors: **2 Car; Detached; Off Street Parking**
Vehicle Storage: **1st Floor Bedroom; Bathtub; Laundry - Hookup; One-Floor Living; Other Amenities; Pantry; Patio; Storage**
Amenities: **Scenic**
View:

Remarks

Remarks: Sun-filled 2-family in the heart of Portland's coveted East End. Ideal for those looking for a worry free 'smaller' multi-family, single family alternative or someone looking for a single family. Built in 1865 as a single family so conversion back is easy. The current property is a well maintained and comprehensively updated multi-family. 1st floor - 2 bedrooms, traditional bath with claw-foot tub, kitchen and living room. 2nd floor - 1 bedroom, modern bath with concrete counter and double vessel sink, open kitchen/living area. RARE 2 car garage (Only 1% of the homes on the East End have a garage, so this is a BIG deal folks...) and a perfect private yard/patio area. Lot allows for expansion and upper levels could have great views. Enjoy the best of in-town living from this ideal multi! Open showings, no appointment needed, Thursday 5/16 thru Sunday 5/19 from 12:00-1:00 and Monday 5/20 and Tuesday 5/21 from 4:00 PM-5:00 PM.

LO: Benchmark Real Estate

Sold Information

Sold Terms/Other:

Closed Date: **07/17/2019**

Closed Price: **\$620,000**

Prepared by Tom Landry on Thursday, March 12, 2020 3:06 PM.

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MAINE
Listings



Public Synopsis

86 Vesper Street, Portland, ME 04101

List Number: **1412930**

Status: **Closed**

Neighborhood

Association:

County:

Property Type:

East

End/Munjoy Hill

Cumberland

Multi-Family

Seasonal: **No**

List Price:

\$695,000

Directions: Congress St or Eastern Promenade to Vesper

General Information

Style: **Multi-Level**

Year Built: **1883**

Surveyed: **Unknown**

Water Information

Water Frontage: **No**

SqFt Finished Above **2,916**

Grade +/-:

SqFt Finished Below **0**

Grade +/- :

SqFt Finished Total +/-: **2,916**

SqFt Source: **Public Records**

Leased Land:

Lot Size Acres +/-: **0.07**

Source of Acreage: **Public Records**

Zoning: **R-6**

Tax/Deed/Community Information

Book/Page/Deed: **28817/281/**

Map/Block/Lot: **3/ G/ 8**

Full Tax Amount/Year: **\$7,425/ 2018**

Tax ID: **PTLD-000003-000000-G008001**



Property Features

Utilities On: **Yes**

Site: **Level; Open; Sidewalks**

Driveway: **No Driveway**

Parking: **No Parking**

Location: **Historic District; Intown; Near Country Club; Near Golf**

Course; Near Public Beach; Near Shopping; Near

Turnpike/Interstate; Neighborhood

Restrictions: **No Restrictions**

Recreational: **Nearby**

Water:

Roads: **Paved; Public**

Transportation: **Major Road Access; Near Airport; Public Transport Access;**

Rail Spur/Siding

Electric: **Circuit Breakers**

Gas: **Natural - On Site**

Sewer: **Public Sewer**

Water: **Public**

Basement: **Bulkhead; Interior**

Entry:

Construction: **Wood Frame**

Basement: **Bulkhead; Full; Unfinished**

Info:

Foundation: **Brick/Mortar**

Materials:

Exterior: **Vinyl Siding**

Roof: **Shingle**

Heat System: **Baseboard; Hot Water; Multi-Zones**

Heat Fuel: **Gas Natural**

Water: **Gas; Rented; Tank**

Heater:

Cooling: **None**

Floors: **Vinyl; Wood**

Vehicle: **No Vehicle Storage**

Storage:

Amenities: **1st Floor Bedroom; Attic; Laundry - Hookup; One-Floor Living; Other Amenities; Porch; Storage**

Remarks

Remarks: The Ideal Location. The Ideal Multi-family. The Ideal Opportunity. Set on quiet Vesper Street in Portland's uber desirable East End this three unit is the perfect single family / condo alternative or quality investment. 2 - 2 bedroom units. 1 - 1 bedroom unit. All separate utilities. Efficient natural gas heat and separate natural gas hot water. Low maintenance exterior with replacement windows and many other updates. Driveway install has been approved by the city and quotes are coming in under \$10k.

LO: Benchmark Real Estate

Sold Information

Sold Terms/Other:

Closed Date: **05/31/2019**

Closed Price: **\$731,000**

Prepared by Tom Landry on Thursday, March 12, 2020 3:06 PM.

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MAINE
Listings



What data do we have from Portland that shows a Historic District does not increase cost of living for renters or property owners?

City Response:

A 2018 study on Portland rents provides information on average two bedroom rents in neighborhoods with historic districts (West End: \$1,408, Parkside: \$1,374, Downtown: \$1,273) compared to those not with historic districts (Oakdale: \$1,327, Valley Street: \$1,240, Bayside: \$1,346, Deering Center \$1,242, East End: \$1,482), and those averages do not indicate that historic districts are the decisive factor, among the many factors that influence housing costs, in Portland's rents. Similarly, data gathered between 2000 and 2019 consistently shows Munjoy Hill home sale prices as higher than those in the West End. In sum, what information we have does not show a positive correlation between designation and housing costs. There are no automatically added costs associated with owning property in a historic district. For example, there are no requirements for regular maintenance (as in "time to paint your house") or for property owners to make improvements to their property. Tax assessments do not change with a historic district designation.

Rebuttal:

Per Deb Andrews during the Nov 23 City Council workshop, the answer is simply **"No"** to an equivalent question asked by Councilor Ali at the :44 min mark. The question was 'have you conducted any study on the impacts of HD on gentrification & rents?'

Further, Christine Grimando stated at the same meeting, when asked by Councilor Chong about the impact of HD on valuations and taxes, ***"we have not done a full study of this beyond evaluating some data trend, speaking with the tax assessor and compiling as much as we could....I cannot swear this is no connection between designation and property values."*** (:29 min is the time stamp) If you listen to CG's entire few minute response, she responds to impacts of Landmarks (not the question) or if "spikes occur" (also not the question)

As it relates to the above response, phrases like "what info we have does not show" or 'averages do not indicate' underscores that relevant or conclusive data is not available in the City. Staff is cherry picking "related, partial data" points in an attempt to cobble together a compelling pov that supports their advocacy for a 12th district.

As Councilor Chong said during the Feb 22 City Council meeting at 37:23, he encouraged others to do their own research. He had using the US Census data where he found the relevant data to do an economic analysis, where he found data to make his decision that supported his decision against the HD.

Owners on the hill, especially younger owners, point out that 'replacing in kind' is often cost prohibitive, which can add significant expense to an owner. While Staff likes to present 'in kind' replacements are acceptable as some kind of concession, the reality is 'in kind' can be far more expensive than other alternatives, including period-looking, more energy efficient materials that are less expensive.

Finally, Councilor Zarro stated during the Feb 22 meeting, a full impact study was never done. Let's hope the April 5th meeting will include the approval for a full impact study of the existing

11 HDs before any other district is added to our community. The City failed to produce a report after multiple requests for years to do so.

Failing processes should not be rewarded by the approval of a 12th district that will negatively impact the constituents.

Walk us through the examples in Portland where affordable housing developments have been built and maintained since development.

City Response:

There are numerous affordable housing projects in existing districts, including several that were developed years ago and which have been recently rehabbed under the review standards of the historic preservation ordinance. 2 Affordable housing projects involving adaptive reuse of a historic structure include the Butler School, Longfellow Commons, the building complex at the corner of State/Deering, Lafayette Apartments, Congress Square Hotel, and the former St. Dominic's Girls School. For each of the above projects, tax credits were used in the initial rehab and again for their recent refurbishment. In several cases, affordable housing tax credits were combined with historic tax credits. Recent new construction affordable housing projects include Avesta's 17 Carleton Street project, two Community Housing of Maine (CHOM) projects at High/Danforth, Avesta's Oak Street Lofts, Avesta's Cumberland/Deering project, 66 State Street (not yet built), and the Motherhouse on Stevens Avenue. The Historic Preservation Board is currently reviewing two affordable housing proposals for Winter Street.

Rebuttal:

City's response ignores 3 very important facts.

1. Munjoy Hill has no stock equivalent to those cited in City's response. We have no hotels, schools or large complexes on the Hill that can be converted. Note: tax credits do not apply to single-family homes.
2. The State of Maine Historic Preservation Coordinator, Mike Johnson, provided the actual tax credits awards in Portland in the past 12 years. None have ever been awarded on the Hill, even small projects require a home owner to invest \$50,000 - \$250,000 in a project to potentially qualify, 40% of all applications in Portland over the past 12 years failed & most awards of tax credits are given to large developments that are not relevant to Munjoy Hill. **See Attachment A** for details from the state.
 - a. Please also reference a building owner, Nick Henderson, who went on the record at an HPB meeting on September 16, 2019 re the many issues and challenges with one who receives historic tax credits. Time stamp is 3:05:40.
3. Avesta & two other leading affordable housing providers stated 'an HD on Munjoy Hill would close the door on any further development there' because expense is already high for that area but working with the HPB would add additional time and expense.

Of the neighborhood meetings that were held, how many attendees were there? Of those numbers, what percentage of the potential district did they represent?

City Response:

A total of six informational meetings were held outside the formal review sessions conducted by the Historic Preservation Board, Planning Board and Council. Early on in the process, meetings were held at East End School and St. Lawrence Arts to introduce the concept of historic district designation to neighborhood residents, explain why a historic district was being considered for Munjoy Hill, describe what it means to own property in a historic district, and invite input from neighborhood residents. These informational sessions were held on February 24, 2018, May 17, 2018 and November 15, 2018. An estimated 60-90 individuals attended each event. In addition to these City-sponsored sessions, staff attended the Munjoy Hill Neighborhood Organization's quarterly meeting on October 25, 2018 to discuss the initiative. Once a draft proposal had been developed, staff hosted another neighborhood meeting on April 30, 2019 to review the proposal and again invite public comment. Sign-in sheets for the April 30th meeting indicate an attendance of approximately 104 individuals. In addition to meetings held within the neighborhood, a general informational session on what it means to own property in a historic district was held in Merrill Rehearsal Hall on June 13, 2019. Invitations were sent to all affected Munjoy Hill property owners as well as all property owners within existing historic districts. Approximately 80 individuals attended the session. A total of 11 official public meetings were held on the proposal over a 14-month period, including 8 workshops and 3 public hearings. Notices were sent to affected property owners, and the meetings were advertised in newspapers and on the City's website in advance of all workshops and public hearings. All meetings were open to the public, and aside from the need for individuals to identify their address during public comment periods during the workshops and public hearings, the respective neighborhoods of attendees weren't tracked.

Rebuttal:

The silent opposition issue has been addressed. In the past 4 weeks, over 200 signatures have been gathered from Hill residents who oppose the district. That # represents about 10% of the proposed district area where City meetings have represented approximately 3.75% of the residents. Signatures are from all ages & races. Those opposed include owners and renters. Some residents changed their position from supporting the HD to opposing it due to the experience working with the HPB and staff (since July of 2019 when the district regulations were imposed.)

1. From USPS records, the Hill has approximately 4200 addresses on the hill. Since the district is 49% of the hill, let's assume the population is approx. 2000 in the district. With an average of 75 people attending events (based upon the Staff response above), the % of people in the district who attended events equal about 3.75%.
 - a. With such low attendance at each of the 6 events, why did the City continue to host events for few people, especially when the same people attend every session? In other words, the City knew they were not reaching an adequate number of the citizenry but it continued to talk with the same audience over and over with no attempt to reach tenants, POC, etc.
2. It is an untrue statement provided by Staff that *"Invitations were sent to all affected Munjoy Hill property owners...."*

- a. Staff was put on notice in the fall of 2019 by a homeowner (Thomas Abbott) on Sheridan Street that notification was not provided. [Cite: HPB workshop on Nov 20, 2019 at 27:40 time stamp.] Instead of taking action to remedy the situation, the City did nothing.
 - i. The homeowner used this error by the City to successfully remove its nomination as a possible landmark.
 - b. In Jan of 2020, another citizen (Laura Shen) came forward to Staff about the lack of notice. Staff confirmed the issue on the record in chambers later that year. Only when challenged publicly, did Staff go on the record admitting to the failure
 - c. The lack of proper notice occurred over a year. In just 6 months of that year, new home sales indicate that 49 households changed in the area, that were required to receive notice. **See other attached document to view the properties that did not receive proper notice from the City.**
-

Can you further explain how the geographic map of the district was drawn?

City Response:

The first step in delineating district boundaries was to conduct a “reconnaissance-level” survey of the entire Munjoy Hill neighborhood to identify areas of the Hill that retained significant concentrations of historic buildings and where a majority of the historic buildings exhibited a sufficient level of integrity to warrant preservation. Shown below is a map generated by this preliminary survey. No draft boundaries had been established at this time.

The survey confirmed what was found through historical research: that the Hill was largely built out during the period of 1850 to 1925. Key factors or events that spurred the Hill’s development included:

- establishment of the Atlantic & St. Lawrence Railroad and Portland Company around 1850, which prompted the laying out of the first streets on the Hill for employee housing.
- the Great Fire of 1866, which caused widespread displacement and prompted significant development on the Hill.
- settlement of African American residents in the neighborhood, several of whom relocated from the India Street area, from the mid-19th century onward
- influx of European immigrants to the neighborhood in the late 19th and early 20th century, prompting construction of multi-family housing such as apartment buildings and triple deckers
- improvements to the Eastern Promenade in the last decade of the 19th century, which attracted high-end residential development across the street.

Preliminary district boundaries were drawn based on the survey findings and historical research, discussion with Greater Portland Landmarks, and National Park Service guidelines for delineating boundaries of historic districts. The Planning & Urban Development Department also sought an independent professional assessment of appropriate and defensible historic district boundaries. Preservation consultant Scott Hanson of Sutherland Conservation and Consulting

was retained to recommend a district boundary and to describe the basis upon which the boundary was drawn (rationale for the delineation will be included in the April 5th meeting materials). Mr. Hanson was instructed to be conservative in his recommendation and include only those areas with the strongest concentrations of buildings from Munjoy Hill's identified period of significance (1850-1925) and exhibiting the required level of integrity for designation. Mr. Hanson's recommendation closely aligned early staff assessments. During the course of the Historic Preservation Board's review, some adjustments and refinements were made to the boundaries based on feedback from two site walks conducted by the Historic Preservation Board and requests from area property owners to consider areas for expansion. Three areas beyond the original proposed boundary were evaluated by staff and presented to the Historic Preservation Board for consideration in public workshops. The areas included a portion of Montreal, Atlantic and Emerson Streets. For Montreal and Atlantic Streets, the Historic Preservation Board supported a modest expansion of the district and for Emerson, the Board found that expansion was not warranted. It was understood from the outset of the initiative that any historic district designation should be reserved for the portion of Munjoy Hill that warranted the higher level of protection and stewardship afforded by the historic preservation ordinance, and that the Munjoy Hill Neighborhood Conservation Overlay District (MHNCOD) was a sufficient tool for other portions of the Hill.

Rebuttal:

As stated above in the formal response, "some adjustments and refinements were made based on....requests from area property owners to consider areas of expansion."

The current ordinance is drafted to make it very easy for anyone to create a district & to add to a district. See the HPB workshop on Oct 2, 2019 at the 3hr 30 min mark, where an unqualified member of the public simply takes over an HPB meeting to suggest expansion. A second person does the same thing at the 3 hour 35 min mark. Each suggests property owned by others. Is this proper governance? This ordinance must be redrafted to offer a balanced approach to the public.

Meanwhile, there is NO opportunity for the public to remove themselves or to suggest a reduction in the district. Staff claims the ordinance makes it possible to remove a district. While technically true, it is fundamentally impossible in practical terms. For example, gaining support from two HPB members to sponsor an HD removal faces the same result as an addict asking a dealer to stop selling.

Keep in mind that the Planning Board requested more than once for a smaller district proposal be presented. However, Staff declined saying 49% was the smallest district possible. The Planning Board invited the idea of possibly two smaller districts that were not cohesive.

Can you explain community concerns around the breaks in the contiguous district? 63 Vesper, 65 Vesper, 69 Vesper, 15 Morning, 34 Munjoy (on map noted as contributing, on backup materials noted as non-contributing).

City Response:

Staff has reviewed the map of the proposed district and has confirmed there are no breaks in the contiguous district boundaries (a small cluster of noncontributing buildings within a district does not constitute a break in the district). Regarding 63, 65 and 69 Vesper Street, the building

descriptions were inadvertently omitted from the Munjoy Hill Building Inventory that originally accompanied the designation, but these descriptions have since been added. The district boundary map has shown these buildings as contributing structures throughout the process. Regarding 15 Morning Street, the Inventory form identifies this building as 11-13 Morning Street, based on tax map identification, but the street address was at some point changed to officially be 15 Morning Street. Finally, 34 Munjoy was incorrectly colored as contributing on the map (it was constructed in 1993 and is not eligible), and the version with the correct status will be posted for the April 5th meeting. Though an entirely contiguous district is far and away the most common, consistent, and justifiable way to implement a district, it is not strictly required by the City's Land Use Code. (Sec. 17.4.1.A.6: Its representation of a significant cultural, historic, architectural, archaeological, or related theme expressed through distinctive areas, sites, structures, or objects that may or may not be contiguous). The National Park Service has provided helpful guidance on when this exception to standard practice is acceptable:

A historic district may contain discontinuous elements only under the following circumstances:

- When visual continuity is not a factor of historic significance, when resources are geographically separate, and when the intervening space lacks significance: for example, a cemetery located outside a rural village may be part of a discontinuous district.
- When cultural resources are interconnected by natural features that are excluded from the National Register listing: for example, the sections of a canal system separated by natural, navigable waterways.
- When a portion of a district has been separated by intervening development or highway construction and when the separated portion has sufficient significance and integrity to meet the National Register Criteria.

(<https://www.nps.gov/subjects/nationalregister/upload/BoundariesCompleted.pdf>)

Rebuttal: If not for private citizens auditing the work, these issues would not have been discovered. When combined with notification issues that affected over 49 addresses (also identified by citizens) in the district, **it is recommended that a complete audit of the work product is conducted to ensure no additional errors have been made before the HD is codified.**

Note: it is a reflection of the elitist nature of the Historic Staff and Board that these issues have been 100% ignored until picked up by a sitting councilor.

To address equity concerns, how can we create a fund for non-cosmetic external home improvements (those that would require historic district approval) for property owners who are economically disadvantaged but would still be impacted by the guidelines of the historic district?

City Response:

There are a number of programs in communities across the US to help offset costs of historic property renovations and repair. Below is a sample of staff's findings to-date. Some of these options, related to tax abatements and relief from fees, have fiscal implications that would need to be further explored before recommending them for adoption. Some examples include regulatory flexibility or incentives, some of which Portland already grants (parking, generous ADU standards, flexibility for nonconforming buildings, for instance), and as part of ReCode Phase II staff evaluate the Code for additional ways to provide zoning flexibility for historic structures, as well.

- Boulder, CO waives 30% of taxes associated with construction materials purchased for exterior renovation of landmark designated buildings, and also grants exceptions to buildings in historic districts for setbacks, porch dimensions, solar installations, and a number of other zoning standards.
- San Antonio, TX offers a freeze of tax assessment for an extended period to incentivize substantial rehabilitation of historic properties.
- Galveston, TX offers tax exemptions for properties in new districts and new landmarks, as well as for substantial rehabilitation of historic properties.
- Sacramento, CA offers density bonuses for adaptive reuse of historic properties, as well as parking exemptions.
- Manitou Springs, CO provides a rebate of 100% of the City's share of property tax levied as a result of historic building improvements, up to five years following increased valuation, and also refunds a portion of application and other City fees.
- Jacksonville, FL has a historic preservation trust fund to help applicants complete repairs and renovations in the downtown.
- Philadelphia, PA offers a number of zoning exemptions or areas of zoning flexibility to encourage retention of historic buildings, such as a parking waiver and flexibility for ADU creation.
- York, Maine has a tax reimbursement program for certain historic property maintenance costs, and a program to reimburse property owners for up to 10% of the cost of rehabilitation and repairs of historic properties.
- The Windham & Windsor Housing Trust in Vermont provides funding/grants to homeowners and owners of rental property for home improvements and repairs. The program is not particular to historic districts.
- St. Joseph, Missouri established Save Our Heritage grant program with funds from casino taxes, for a total annual grant pool of \$150,000. Applicants are required to match the grant, and the funds are provided as reimbursements for repairs.
- Miami-Dade County offers 10-year abatement on a portion of a tax increase that results from a historic property being rehabbed.

Rebuttal:

This is a case of would of, could of, should of. After having the public raise similar concerns for 3 years, the City has made no progress on this issue. Citing programs that exist in other cities shows it is possible. However, the inaction of the City proves the lack of sincere interest in moving in this direction for years.

As a city in financial pain, it is correct to state that introducing a program like those cited does have 'financial implications.' Any approval process to justify a new fund will take time and should be in place long before another HD is added to the City.

We wish Councilor Zarro luck in his pursuits because a fund is needed. However, approving a 12th district without a fund in place is irresponsible. Staff's response shows other cities have done it: we should have by now since we've had 30 years of districts in place.

What would you have done differently to engage more BIPOC in the proposed district?

City Response:

Perhaps identify specific interest groups or stakeholders for additional meetings where staff could address their particular concerns or interests. Though Planning went directly to the neighborhood to discuss the proposed district, and strove to have a robust and transparent process throughout, there was not specific outreach to BIPOC stakeholders. Staff scheduled numerous meetings in the neighborhood (and out of the neighborhood) that went well beyond the required public process throughout the various stages of the designation in order to reach as many people as possible about the initiative. However, we are always thinking about ways to reach more of the community, how to improve on public processes, and how to best match types of outreach to different initiatives. Methods for reaching more of the community, including more BIPOC stakeholders in particular, could include: offering translation and interpretation services for some of the materials and meetings; distribution of flyers to raise greater awareness of meetings and of the initiative beyond those who received mailed notices; greater use of social media; and, outreach to civic, business, and educational organizations with strong BIPOC constituencies. Planning makes use of some or all of these (among other engagement tools in our planning toolbox) at times, and would expand our efforts in the event of future designations.

Rebuttal:

The opposition did engage interpretation services and did translate documents for the public to gauge the level of public support for a 12th HD on the Hill. 5-6 different languages were reflected in unbiased documents on the pros and cons of an HD, along with a survey. This was a simple step to take to ensure proper representation of POC and Renters, since attendance at City sponsored events were attended poorly and primarily by one, older demographic. Results of the survey can be found in **Attachment B. Note: the number of participants was greater than any City sponsored meeting & the respondents did include many tenants and POC.**

Finally, the then-sitting Planning Director committed publicly to sponsoring a similar survey in 2018 but the City never followed through. Similarly, the MHNO voted unanimously in July of 2019 to not poll or survey its paying members or any resident of the Hill. Any appearance that the City meeting attendance/commentary or that the MHNO speaks for the neighborhood is absolutely false.

As we consider historic preservation on Munjoy Hill and in the future, what are some ways we can seek out and amplify the cultural heritage and stories of BIPOC specifically?

City Response:

The Historic Context Statement that accompanies the district designation describes the role of immigrants and African Americans in the development of the neighborhood and their impact on the neighborhood. As well, their contribution was discussed at different presentations on the proposed historic district. That said, in the context of the total information gathered and presented in the course of this initiative, mention of the role of BIPOC was brief. Staff is revising the Historic Context Statement to expand on this aspect of the neighborhood's history and significance, and this expanded Context Statement will be included in the Council's April 5 meeting materials. If the district is designated, the document will be available on the City's website along with other information about the historic district. Beyond this document, there

are a number of ways to highlight the area's cultural heritage going forward, including walking tours, interpretive panels installed throughout the neighborhood, mobile apps, marker programs, among others. The Black History Trail marker program could potentially be expanded to recognize the African American settlement in the neighborhood. Preparing materials in support of the district has illuminated different and narratives about Munjoy Hill's history, and staff is engaged in discussions about how to better tell these stories going forward. Greater Portland Landmarks as a private non-profit organization is already engaged in presenting some of this history on their website, in presentations, and in (eventually resumed) walking tours. With FEMA funding, Planning staff is currently partnering with Landmarks to prepare a published walking tour of the neighborhood and will reach out to them as an excellent community partner on related initiatives, as well.

Rebuttal:

Good news that the Context statement will be rewritten. It is long overdue. None of the related ideas (walking tours, panels, markers) are in place, despite calls from the public to do so. These tactics/approaches are what is needed to celebrate the history. Managing facades of homes has nothing to do with celebrating the richness of the people who were here: it just recognizes some buildings where some people lived during some time.

Opponents of the HD have raised many of these recommendations, having approached the City, GPL and the MHNO since 2018. No group was interested in any solution, except an HD as recommended by a small group of citizens. It is convenient (at best) that these ideas are now being forwarded as viable from the very party that was disinterested until now. Again, the current Preservation ordinance and resources must be redefined/reorganized before any additional districts are allowed in our City.

How can we implement a racial impact statement at the start of every historic district proposal moving forward?

City Response:

Regarding implementation of racial impact statements, New York currently includes socioeconomic assessments for major developments or zone changes (1,000+ dwelling units and/or min. acreage requirements). It includes analysis of both direct and indirect residential displacement, the latter being measured by evidence a proposal will introduce a new, or accelerate an existing, socioeconomic trend. New York City is also currently considering a new racial disparity report requirement for certain zoning changes and changes of use over certain sizes (a minimum of 4 adjacent blocks, and/or other minimum size requirements), but it's not currently a requirement. Racial impact statements for local land use decisions are still rare (as opposed to states that incorporate such statements for new legislation, often focused on new criminal justice legislation, of which there are more examples). Measuring gentrification impacts by individual projects is challenging, as local land use policies, whether zoning, historic districts, or Inclusionary Zoning, are never the sole driver of housing markets, and their effects are imbedded in regional and national trends. With this in mind, creation of a racial impact statement would need to establish what it can measure accurately and consistently, with clear thresholds for what scale of policy change would trigger the requirement, defined data sources, and a replicable process for staff, applicants, Boards, and the City Council. Depending on how it

would be implemented, it's worth noting that it could have impacts to staffing needs or the total time required for the full review process. If the City were to implement racial impact statement requirements, Planning would not recommend attaching a racial impact statement to new historic designation proposals in isolation, lacking any evidence that historic districts bring racially disparate impacts. As of now, there isn't more cause to apply it to districts than to other policies the Council implements – zoning map changes, housing policies, where to permit hotels, etc. However, if the City Council wishes to pursue racial impact statements for historic districts alone, Planning would recommend this be made on the basis of data that supports the need for this requirement. Planning has begun development of a scope for a Historic District Impact Study, and that scope will include an analysis of the impact of districts on housing costs, and any racial disparities in those impacts – the results of this study could form a sound basis for whether and how to require this exclusively for historic districts.

Rebuttal:

External expertise is recommended to determine how (not if) racial impact statements can be supported. Our current staff is unqualified to address this important topic. Fellow Mainers like Rachel Talbot Ross and others may be a resource.

Again, many articles and recommendations for similar programs/approaches have been submitted and ignored by the City until challenged formally by the City Council. This underscores the need to redefine current preservation efforts before another potentially harmful district is put into place.

No new district should be put into place without some of these recommendations in place.

Is it possible to do a better Yes/No survey to residents within the proposed district? (in multiple languages) -- maybe through the See Click Fix app for ease?

City Response:

It is possible to create a Y/N survey (though limiting an on-line survey to residents of the district would be a more complicated project than an open survey), and surveys can be excellent tools, but this topic particularly benefited from forums that allowed for asking questions and deliberations. Staff intentionally held numerous meetings for public input on this topic that were accompanied by details about the proposal, information about criteria for districts, how districts work and what designation means, that ultimately informed public input, both in favor and opposed. Like zoning changes, creation of a new district doesn't require a certain percentage of resident approval; this does not mean that resident opinion about the change doesn't matter to the process, but that ultimately hearing the substance of the public's questions and concerns seemed like the more fitting emphasis for public outreach than a binary Y/N for this particular project.

Rebuttal:

The answer is simple: YES. The public meetings have been acknowledged by staff (and on the record) as falling short by not attracting POC and tenants. Based on an earlier staff response, the numbers attending public forums were very low. Those attending meetings were mostly retired residents, hardly a reflection of the hill population.

Granted, this decision should not be made based upon a ‘popularity contest’ and should be decided by experts. However, Council Dion and others have cited the numbers of letters for and against so the opposition has taken steps to canvas the neighborhood, which has produced a list of hundreds of residents opposed to this recommendation (#s far greater than those reported by proponents.)

Related, the City committed to conducting a survey in 2018 but never did. This would have been an important tool for the City to gauge the true level of support by its citizenry. A survey, along with other tools, could have been used in addition to in-person meetings but, despite suggestions by the public to do so, the City ignored any recommendation and continued to host meetings where small numbers (of the same people) attended.

See **Attachment B** for results of a blind survey that was made available via USPS to every household on the Hill. Note: provided results are from respondents IN THE PROPOSED DISTRICT in 2019 (before the district was further expanded!) It was conducted in 6 languages.

The following are responses to questions provided by Councilor Fournier.

Is there an expiration for a demolition moratorium? How is that renewed? Is there any way to make changes before renewal?

City Response:

Currently, there are two things (though neither is technically a moratorium) stopping or delaying demolitions on Munjoy Hill right now. The first is the Munjoy Hill Neighborhood Conservation Overlay District (MHN COD), which has a demolition delay of one year for buildings determined to be “preferably preserved”. It’s possible to demo a preferably preserved building sooner than one year, if the Historic Preservation Board approved a replacement design before the year expired. Within the area considered for a historic district, there are currently interim protections in place, as if there was a district, and this extends to demolitions. This is intended to be a relatively brief and finite period so that property owners don’t have an indefinite amount of uncertainty (the pandemic has stretched that schedule out considerably in this case). The interim historic district protections – which extend beyond demolitions, to project review, go away when a district is either implemented and the protections are no longer interim, or the Council decides to not implement it. Changes can’t be made to the extent of interim protections, but the Council could ultimately vote to adopt something different from what the Historic Preservation and Planning Boards have recommended (different boundaries, for instance).

Rebuttal:

First, the net result of the MHN COD is Munjoy Hill has less than ½ of the demolitions when compared to any other Portland neighborhood, per Staff. Second, if the HD is approved, 51 buildings will lose all protections and can be knocked down as a ‘matter of right.’

One of our most walkable and accessible neighborhoods has changed from a vibrant, developing neighborhood to a stagnant one since the MHN COD and the HD. Is this what the City Council wants during a housing crisis?

Has the HPB ever approved a demo before the 1-year waiting period expired? While it may be possible, is it ever done?

This response presents a lot of hypotheticals (if council does not implement, council adopts something different, etc.) In the history of the 11 HDs in this city, has this ever occurred? As stated by Deb Andrews in a recent City Council meeting, the only change to a district occurred in 1997 as a result of the national historic organization.

For the historic overlay, is that something that has an expiration? How is that renewed? Is there any way to make changes before renewal?

City Response:

The MHN COD is adopted zoning and does not expire. Like any part of the City's Code, it can be amended. If a Munjoy Hill Historic District were to be created, the Planning Board has requested that the overlay be brought back to them for discussion and possible amendment or removal. Any change the Planning Board would recommend would be forwarded to the Council for their decision.

Rebuttal:

When originally proposed at the East End School in 2018, the MHN COD was not presented as a permanent zoning measure. Since its introduction in 2018, HD proponents and opponents have formally submitted complaints about its 'terms' and have supplied recommendations for its modification.

The MHN COD was designed as a temporary measure until the Design Manual could be updated as well as changes to the R-6 and Recode. Now we have the Green New Deal (GND) requirements at 25% IZ which will uniformly slow new housing supply. If the HD is enacted, the PB felt the tool of the MHN COD needed to be re-examined to see if it was necessary as a supplement to the HD to at least allow for more development outside the HD area. The Planning Board had wanted to look at the issues on Munjoy Hill as one large issue including zoning, design, historic, and recode issues, but the HD was put at the front of the line.

[Recommendation is to reject the current HD proposal for Munjoy Hill with a request for immediate action to be taken by the Planning Board to review R6 Design Standards & the MHN COD.](#)

If citizens/councilors wanted to propose another historic district for Munjoy Hill but with different lines drawn, what does that look like? Could there be two Munjoy Hill historic districts?

City Response:

The Council could potentially amend the boundaries if the result was similar to what has been recommended – if the Council decided it should end a street short of where the boundaries currently end, for instance, it wouldn't require re-doing the proposal. However, new boundaries that encompassed a substantially new area, with new properties, would bring about a fresh process, starting with the required documentation (every proposal has a context statement, and an inventory of individual properties to inform which are considered contributing in the district.

Ones not considered contributing don't have demolition restrictions). A substantially different area would go back to the Historic Preservation Board for review, then to Planning Board, then to City Council. It would be unusual, and there'd need to be a basis for each as distinct and separate, but in theory there could be two districts (above discussion of contiguity within a single district may speak to this question, as well).

Rebuttal:

As mentioned earlier, the PB did invite smaller and non-contiguous district proposals. Staff refused.

How many projects do we have coming up this year (that we know of) that impact Munjoy Hill as far as those that come through the Planning Board?

City Response:

There aren't currently many Munjoy Hill applications being reviewed. We recently had a pre-application meeting (no application yet filed) for a new residential project on a vacant lot on Atlantic Street. We've also had a couple of recent applications to demo new buildings in the Overlay, which indicate some intention for new development in the future.

Rebuttal:

The staff answer is very misleading. What types of projects make up the 'many' that are being reviewed? How many affordable housing projects? How many multi unit, new housing projects? Or are the 'many' projects people who are replacing their front steps (which recently took 4-5 months with the HPB?)

Council members, it is a sorry situation when you need to be skeptical about staff responses. However, when Staff acts as advocates, you must seek details. From the permitting office in the City, you will find there are very few projects on the Hill about new development when compared to other Portland neighborhoods.

Are there any other methods for stabilization that we could enact that are outside of a historic district designation?

City Response:

If the question of stabilization is in regard to the prevalence of demolitions, demo delay ordinances (currently in place for Munjoy Hill), which slow/potentially deter demolitions, and the demolition restrictions that are part of a historic district, are the two primary tools.

Rebuttal:

The meaning of "stabilization" is unclear, however constraining the built supply and limiting the intended impact of the R-6 changes in 2015 through constant amendments for this neighborhood do little to "stabilize" pricing and only serve to drive up rents, land costs, and for sale prices. Stabilization would imply rents and sale prices would be in line with the rest of Portland and that can only come from increased supply and more density, which the HD will inhibit as well as the overlay zone and now the Green New Deal.

In their response, Staff conveniently interprets an open-ended question to a narrow question regarding demolitions. Unfortunately, Staff omits their earlier reported stats on the significant decline of demos on the hill (3 permit requests in 3 years.) Munjoy Hill has less than ½ the demos of other neighborhoods so using this question to promote a false narrative is shameful.

There have already been changes to the R-6 for this neighborhood from Councilor Ray requiring an affordable unit to get a height bonus in addition to the overlay and demo ordinance. As stated earlier, **the City Council should not approve the 12th district but should direct the Planning Board to immediately begin evaluating the R6 Design Standards and the MHNCHOD to address the root concerns of the City and its residents.**

Portland Historic Tax Credit Summary 2009-2020

Summary

Citywide, 55 Projects Started the Process since 2009

- 38 Projects were Approved to receive tax credits
- 4 of the 55 are Pending/In Process
- 0 building in District 1 have applied since 2009
- 238 Housing Units Created (mostly from 6 projects) in 11 years

Of the 38 Completed/Approved Projects,

<u>#</u>	<u>Use Prior to Rehab</u>	<u>Use After Rehab</u>
6	Residential	Residential
3	Retail/Office	Retail/Office
3	Vacant	Mixed Use, Restaurant, Hotel
2	Residential/Office	Residential/Office
2	Affordable Housing	Affordable Housing
2	Apartments	Apartments
1	Residential/Commercial	Residential/Commercial
1	Residential/Retail	Residential/Retail
1	Offices	Office/Residential
1	Vacant Residential	Residential
1	Vacant School	Rental Apartments
1	Vacant Funrl Home	Inn
1	Vacant MD's Office	Rental Housing
1	Vacant / Office	Hotel, Offices
1	Vacant Convent	Residential Apartments
1	USM Classroom & Offices	Affordable Housing
1	College Classrooms	Commercial Offices
1	Hotel/Apartments/Functions	Hotels/Functions
1	Mixed Use/Convent	Mixed and Residential Apartments
1	Industry/office	Housing
1	Self Storage	Office/Retail
1	Industry/office	Housing
1	Licensed Lodging	Licensed Lodging
1	Community Aid/Rehab	Lodging
1	Communications Exchange	Communications Exchange
1	Mixed Use Business	Mixed Use Business

Project Name	Town	County	NPS or MHPC Approved Historic Preservation Certification Applications	Use Prior to Rehabilitation
6 City Center*	Portland	Cumberland	Part 1 (5/10/18) Part 2 (5/10/18) Part 3 (7/12/18)	retail/office
30 Exchange Street*	Portland	Cumberland	Part 1 (8/11/16) Part 2 (8/11/16) Part 3 (1/6/17)	Office/retail
96 Federal Street	Portland	Cumberland	Part 1 (1/11/17) Part 2 (1/24/17) Part 3 (5/21/18)	residential
130-132 Pleasant Street	Portland	Cumberland	Part 1 (10/19/2010) Part 2 (6/10/2011) Part 3 (4/16/13)	Residential
395 Fore Street*	Portland	Cumberland	Part 1 (7/12/18) Part 2 (7/12/18) Part 3 (9/3/19)	Residential commercial
399 Fore Street*	Portland	Cumberland	Part 1 (7/12/18) Part 2 (7/12/18)	
660 Congress Street (George S. Hunt Building)	Portland	Cumberland	Part 1 (5/2/13) Part 2 (5/29/13) Part 3 (3/25/16)	Vacant
68 High Street (Children's Hospital of Maine)**	Portland	Cumberland	Part 1 (3/31/10) Part 2 (9/1/11) Part 3 (2/6/13)	USM class
Akers Building (Chadwick and Duran Block)	Portland	Cumberland	Part 1 (2/8/11) Part 2 (2/25/11) Part 3 (07/19/11)	Office and
Akers Building (Chadwick and Duran Block)*	Portland	Cumberland	Part 1 (2/27/13) Part 2 (2/27/13) Part 3 (4/9/13)	Office and
Augustus Schlotterbeck House*	Portland	Cumberland	Part 1 (12/1/09) Part 2 (2/1/10) Part 3 (3/30/16)	Apartments
Baxter-Davis Building (aka: Milliken, Tomlinson Co. Bldg; Porteous Warehouse)	Portland	Cumberland	Part 1 (1/9/15) Part 2 (6/25/15) Part 3 (3/16/16)	Residential

Baxter Library	Portland	Cumberland	Part 1 (10/22/09) Part 2 (11/9/09) Part 3 (11/9/10)	College cla
Butler School, 77 Pine St.	Portland	Cumberland	Part 1 (10/21/14) Part 2 (3/11/15) Part 3 (3/16/16)	affordable l
Charles B. Clarke House (223 Western Promenade)	Portland	Cumberland	Part 1 (10/21/13) Part 2 (4/3/14) Part 3 (3/25/15)	Residential
Chestnut Street Church	Portland	Cumberland	Part 1 (N/A; NR listed) Part 2 (1/8/09) Part 3 (9/30/09)	Vacant
Clapp Memorial Building, 443 Congress Street	Portland	Cumberland	Part 1 (6/16/15) Part 2 (4/21/16) Part 3 (5/1/18)	offices
Clarence Hale House, 765 Congress St.	Portland	Cumberland	Part 1 (9/4/18) Part 2 (9/19/18)	vacant resic
Congress & Preble Project 10-20 Preble St.	Portland	Cumberland	Part 1 (pending)	
Congress & Preble Project Preble House Bldg., 481 Congress St.	Portland	Cumberland	Part 1 (pending)	
Congress & Preble Project B.F. Keith Theater, 22 Preble St.	Portland	Cumberland	Part 1 (pending)	
Congress & Preble Project Chapman Bldg., 475-477 Congress St.	Portland	Cumberland	Part 1 (pending)	
Court Square Building, 85 Market St.	Portland	Cumberland	Part 1 (6/2/15) Part 2 (6/2/15) Part 3 (7/28/15)	residential :
Eastland Park Hotel	Portland	Cumberland	Part 1 (6/30/11) Part 2 (3/7/12) Part 3 (6/4/14)	Hotel/apart

Edmund Phinney House, 191 Pine Street	Portland	Cumberland	Part 1 (6/27/12) Part 2 (8/1/12) Part 3 (11/8/13)	Apartments
Engine Co. Number Nine	Portland	Cumberland	Part 1 (1/26/10) Part 2 (04/09/10) Part 3 (3/27/12)	Offices
Fairpoint Comm. Building, 45 Forest Ave.	Portland	Cumberland	Part 1 (1/25/11) Part 2 (1/19/12) Part 3 (1/14/13)	Communications
Fidelity Trust Company Building, 465 Congress St.	Portland	Cumberland	Part 1 (12/2/19) Part 2, Ph. 1 (4/23/20)	bank/office
Fort McKinley Double Barracks	Portland	Cumberland	Part 1 (8/23/07 & 1/9/14) Part 2 (5/15/08) Part 3 (10/7/15)	Vacant
General Francis Fessenden House, 73 Deering St.	Portland	Cumberland	Part 1 (7/16/19) Part 2 (10/3/19)	vacant office residential use
George S. Payson House, 30 Mellen St.	Portland	Cumberland	Part 1 (4/24/19) Part 2 (6/3/20)	housing
Grand Trunk Office Building, 1-9 India Street	Portland	Cumberland	Part 1 (12/31/15) Part 2 (5/19/16) Part 3 (5/23/17)	Vacant office
Henry M. Payson House, 218 State St.	Portland	Cumberland	Part 1 (10/21/14) Part 2 (3/12/15) Part 3 (3/16/16)	Affordable housing
Jose Block, 80 Exchange St.	Portland	Cumberland	Part 1 (12/18/17) Part 2 (1/4/18) Part 3 (4/1/19)	retail/restaurant
Jessie D. Wilson House, 25 Bramhall St.	Portland	Cumberland	Part 1 (9/4/09) Part 2 (11/17/14) Part 3 (11/24/14)	Vacant doctor's office
Mellen E. Bolster House, 749 Congress St.	Portland	Cumberland	Part 1 (12/21/15) Part 2 (9/1/16) Part 3 (12/18/17)	Vacant funeral home
Nathan Clifford School	Portland	Cumberland	Part 1 (12/23/13) Part 2 (1/24/14) Part 3 (5/14/15)	vacant school
Payson-Winslow Block, 48 Deering St.*	Portland	Cumberland	Part 1 (10/25/11) Part 2 (10/25/11) Part 3 (10/21/13)	office & residential

Portland City Hospital, Loring House	Portland	Cumberland	Part 1 (N/A; NR listed) Part 2 (7/23/15) Part 3 (3/17/17)	residential
Press Herald Building	Portland	Cumberland	Part 1 (7/23/12) Part 2 (12/5/13) Part 3 (8/5/15)	Vacant/offi
Rosa True School (Park Street School)	Portland	Cumberland	Part 1 (7/23/15) Part 2 (7/23/15) Part 3 (10/5/16)	residential
Rufus Tibbetts House, 804 Congress St.	Portland	Cumberland	Part 1 (8/26/14) Part 2 (10/24/14) Part 3 (9/21/15)	residential
Safford House*	Portland	Cumberland	Part 1 (10/23/09) Part 2 (10/23/09) Part 3 (05/11/11)	Mixed use
Sagamore Village	Portland	Cumberland	Part 1 (10/2/18)	
Samuel T. Pickard House	Portland	Cumberland	Part 1 (9/29/09) Part 2 (10/15/09) Part 3 (2/4/10)	Licensed lo
Schlotterbeck & Foss Building	Portland	Cumberland	Part 1 (8/20/15) Part 2 (1/15/16) Part 3 (3/30/17)	industry / o
Shwartz Building, 600-604 Congress St.	Portland	Cumberland	Part 1 (7/7/10) Part 2 (8/30/10)	Mixed use residential
St. Joseph's Academy and Convent**, 605 Stevens Avenue (AKA Sisters of Mercy Motherhouse),	Portland	Cumberland	Part 1 (12/1/06) Part 2 (6/30/16) Part 3 (1/31/19)	vacant conv
Catherine McAuley High School, 631 Stevens Avenue	Portland	Cumberland	Part 1 (7/30/20) Part 2 (10/9/20)	vacant scho
St. Dominic's School**, 66 State Street	Portland	Cumberland	Part 1 (10/10/19) Part 2 (06/11/20)	community center
Thomas B. Reed School, 26 Homestead Ave.	Portland	Cumberland	Part 1 (11/28/17) Part 2 - Ph. 1 (12/27/17) Ph. 2 - (12/12/18)	vacant scho
Thompson Block, 121 Middle Street	Portland	Cumberland	Part 1 (N/A; NR listed) Part 2 - Ph. 1 (3/11/19)	offices

Tracy-Causer Block, 505 Fore St.*	Portland	Cumberland	Part 1 (N/A; NR listed) Part 2 (5/7/18)	vacant 1st fl and 3rd floor
Twitchell-Champlin Co. Building	Portland	Cumberland	Part 1 (11/30/10) Part 2 - Ph. 1 (1/28/11) Part 2 - Ph. 2 (11/28/11) Part 3 - Ph. 1 (11/28/11) Part 3 - Ph. 2 (1/12/16)	Self storage studio

Attachment B

Results from Hill Survey conducted in the summer of 2019. Mailings went to every household on the Hill, per the USPS. Total respondents were 134 (note: not all answered every question)

Note: The survey was conducted prior to two expansions of the proposed district.

Summary is:

Re the proposed boundaries (at the time – was expanded 2x post survey)

- 33.6% - no buildings should be included
- 21.2% - less buildings should be included
 - 54.8% against
- 27.4% - more buildings should be included
- 17.7% - it's about right
 - 45.1% thought it was ok or should be enlarged

If you support the district?

- 48.2% Do NOT
- 43.8% Did
- 8% were undecided

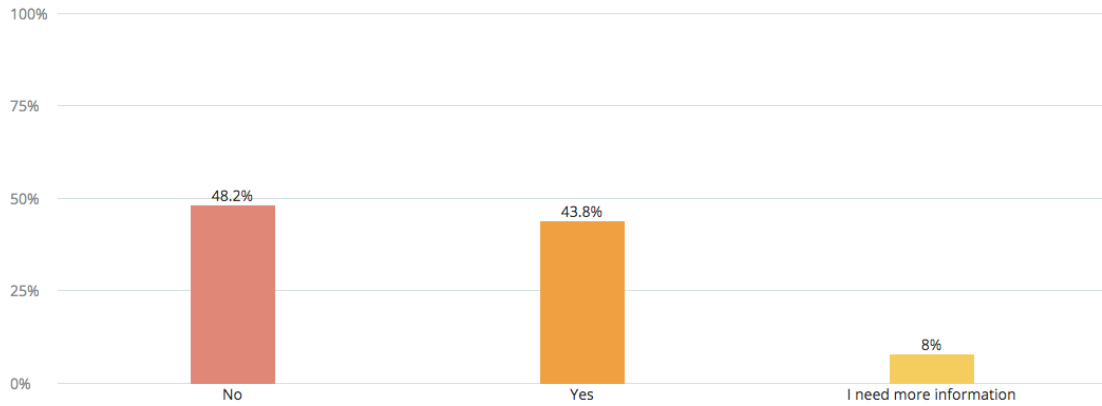
Who responded?

- 40% homeowners
- 30% renters
- 22.1% own or rent property within the district
- 7.9% other

Languages Supported?

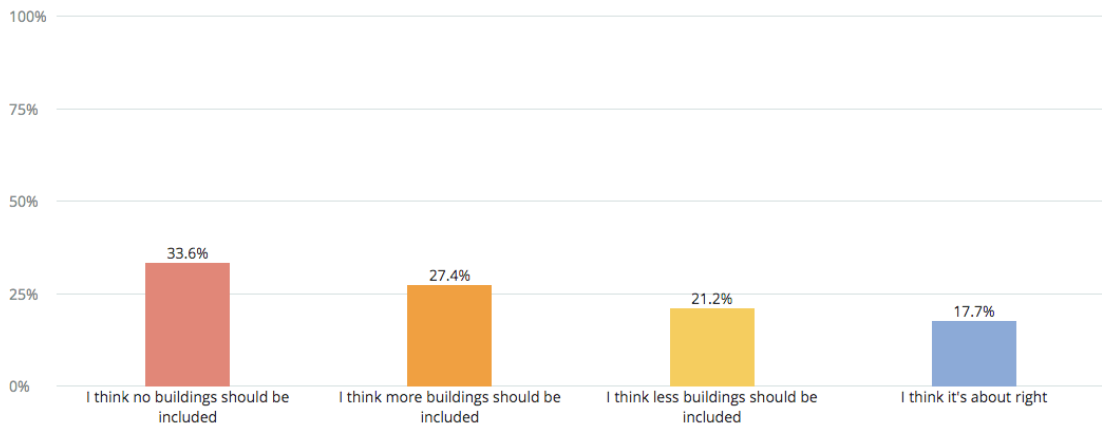
- English
- French
- Somali
- Spanish
- Russian
- Arabic

Based upon what you know, do you support the designation of a 12th historic district in Portland on Munjoy Hill?



No	48.2%	54 responses
Yes	43.8%	49 responses
I need more information	8.0%	9 responses
Total		112 responses

After reviewing the City's proposed Historic district boundaries, what do you think of the recommendation?



I think no buildings should be included	33.6%	38 responses
I think more buildings should be included	27.4%	31 responses
I think less buildings should be included	21.2%	24 responses
I think it's about right	17.7%	20 responses
Total		113 responses

4/1/2021

Re: Munjoy Hill Historic District - 289 Signatures Against Are Attached - jmy@portlandmaine.gov - City of Portland Mail

Anne Manganello <aemanganello@gmail.com>

to Carle, City, Jon, me, Laura, Lauren, Markos, Tim, Lori, Josh, Kate, Liv, Travis, Jeremy, Nick, Daniel, Caitlin, Jeff

Hi Carle,

Well done. I just scrolled through the signatures. I was amazed at how many people we met who did not get a chance to go to the meetings and workshops for whatever reason and had not had an opportunity to have their voices heard and how many more that live on the Hill that we did not get a chance to meet and get their input. I also remember fondly our conversations with Hill residences on Saturday and Sunday mornings and afternoons on the Promenade, their sincere desire to know the facts, their many questions, hesitations and all wanting the right outcome for the Hill. I remember conversations with many young families and singles, renting and some fortunate enough to own and their concerns about being out priced by the increasing cost of rent and upkeep for their homes. I recall many of them had recently moved from other states both near and far and one young man I met yesterday on St Lawrence Street was taking his dog for their first walk around the Promenade, having just moved in the day before. Exciting! What a lovely time to move to Munjoy Hill as the promise of spring and summer unfolds. It was a thoroughly enjoyable, positive and enlightening experience.

Anne

From: **Barbara Vestal** <vestal@chesterandvestal.com>
 Date: Wed, Mar 31, 2021 at 3:21 PM
 Subject: Disinformation campaign, not a binary choice
 To: Kate Snyder <ksnyder@portlandmaine.gov>, <mdion@portlandmaine.gov>, Andrew Zarro <azarro@portlandmaine.gov>, Belinda Ray <bsr@portlandmaine.gov>, <sthibodeau@portlandmaine.gov>
 Cc: Deb Andrews <DGA@portlandmaine.gov>, Christine Grimando <CDG@portlandmaine.gov>

Hello Mayor Snyder and Councilors Dion, Zarro, Thibodeau and Ray,

Thank you for your continuing support for designation of a historic district on Munjoy Hill. It is important to protect the unique architectural character of the neighborhood and to honor its history of settlement by diverse groups of largely working class individuals.

During the last couple of months a handful of people (who opted not to identify themselves) distributed leaflets on Munjoy Hill in a disinformation campaign aimed at collecting signatures in opposition to the proposed historic district. They raised unjustified alarms and misrepresented the supposed position of supporters of historic district designation. If any signatures were collected, they should be viewed with skepticism because they are a product of inaccurate information.

The opposition leaflets falsely feature a claim that passage of the historic district will make 51 structures lose protection from demolition. They seem to be referring to those structures that would be designated as non-contributing. (They conveniently ignore the fact that 85% of the structures in the new district will be gaining actual protection against demolition, not just a one year demolition delay, which is the maximum protection afforded to "preferably preserved" structures by the existing overlay zone.)

It is important to remember that about half of non-contributing structures are so designated because they are too new to be part of the character-defining historic fabric. But they are hardly realistic candidates for demolition--like the new Avesta housing, 65 Munjoy limited equity condominium units, and recently constructed infill residences.

Some other structures, which are more than 50 years old and are slated to be deemed nonconforming due to the extent of alteration, may actually be candidates for demolition if the owner so chooses. **But opponents ignore the fact that those 51 structures now have virtually no protection under the Munjoy Hill Conservation Overlay District.** If an owner applies for a demolition permit, Christine Grimando makes a determination of whether the structure is "preferably preserved". If she decides it is "not preferably preserved" a demolition permit can issue.

It is highly likely that any structure that would be non-contributing under the proposed historic preservation ordinance would also be deemed "not preferably preserved" by Ms. Grimando under the existing overlay district. Passage of the historic district designation would merely establish earlier in the process that demolition for this small group of structures would not be prohibited. The outcome, allowing an owner to opt to demolish a "noncontributing" or a "not preferably preserved" structure, isn't significantly different. It is false to imply that meaningful protection against demolition of structures that are slated to be classified as noncontributing structures exists now, and it is deceptive to ignore the 85% of the structures that will gain meaningful protection with a historic district designation.

The leaflets imply that historic preservation advocates mistakenly believe that it will cure all land use issues. To the contrary, we see historic district designation as one more tool in the necessary array of tools to preserve the uniqueness of the neighborhood and to keep the neighborhood diverse and livable, this one focused on the historic fabric. Neighborhood residents in favor of protecting our historic heritage are also actively involved in monitoring Recode efforts, in following the design guidelines rewrite, in tracking individual projects, and in reviewing similar land use initiatives to manage future growth.

Historic district designation will in fact bring some additional protections against "big box condos." If a structure in the district is demolished, what is built in its place (or built on vacant land) will need to comply with historic preservation standards for new construction. They emphasize compatibility and respect for the context. These same standards have worked well on the West End for over 30 years. But zoning changes could also make major improvements.

It is not a binary choice. We don't have to choose between historic preservation protections and zoning reforms. Both make sense. All of these land use tools have contributions to make and do not have to be traded off against each other. The City Council recognized this in March 2018 when it lifted the 6 month moratorium on demolitions on Munjoy Hill by adopting limited zoning amendments, enacting the Munjoy Hill Conservation Overlay Zone AND directing the Historic Preservation Program to evaluate how a historic district designation would most appropriately be used on Munjoy Hill. After the requisite very detailed analysis, the unanimous recommendation of the Historic Preservation Board to designate 49% of the Hill as a historic district is what is before you. It is part of an integrated response that has been in process for over 3 years. It would be beneficial to get this historic district designation in place so the policy focus can move on to implementation of other aspects of Plan 2030 through Recode 2 and related initiatives. Thank you for all of your efforts.

Regards,
Barbara Vestal

Berry Manter <berrymanter@yahoo.com>

Feb 22, 2021, 3:05:50 PM (3 days ago)



to ksnyder@portlandmaine.gov, Pious Ali, tchong@portlandmaine.gov, mdion@portlandmaine.gov, April Fournier, Azarro@portlandmaine.gov, Nicholas Mavodones, Belinda Ray, Spencer Thibodeau, Planning and Urban Development

To Mayor Snyder and Council Members,

I attended the February 1st and final city council meeting on the Munjoy Hill Historic District and took notes. I was disappointed by council rejection of this well reasoned and carefully laid out district designation. Council reasons of rejection given centered around “it seems mostly about aesthetics”, “it doesn’t address the needs of our black and brown community”, and “I need more information, an economic impact assessment”.

I am grateful to learn that the Munjoy Hill Historic District will assess reconsideration of this new district. I’d like to add my thoughts to the concerns expressed above.

First — who I am:

I am a 30 year Munjoy Hill resident, my family history on the hill dates back to the 1800’s. I am a property owner of a 160 year old Victorian, purchased when the hill was the “bad” Portland neighborhood. I’ve put whatever money I could, well beyond my means, into its preservation with the next century in mind. I’ve voluntarily preserved its original historic integrity. Without preservation this building faces certain demolition when my tenancy ends. I am white, female, and my tax returns for my entire working life would place me on the “lower income” spectrum.

The ecology and logic of older buildings

Consider the long range environmental impact, which is tied into economic impact. To embrace a limited focus that the sole feature of a Munjoy Hill Historic District which will preserve century old dwellings is primarily about aesthetics defies their proven durability of design and durability, as well as the significant negative environmental impact of condemning them to landfill. This limited view supports replacing them with less durable structures that must stand 80 years *before their environmental debt reaches zero*.

The old timbers that frame these buildings are “old growth forest” wood, a quality of wood essentially unavailable in today’s market. I’ve seen long neglected and abandoned buildings on the hill restored to viable homes, and the recipients of awards. Part of our “green movement” is facing the hidden costs as well as costs of unexamined “progress”.

Embracing diversity

Its understandably timely to tear down icons of America’s racist society. And, this feels deeply right. Across the planet more progressive minds strive to evolve towards embracing our diversity, valuing the unique contributions and attributes all cultures and races, add to world collective wisdom. Portland’s expanding diversity, including our first generation asylum seekers and immigrants, form shining cultural jewels within this small city.

I support council members in their quests to develop opportunity for minorities. I voted for you and share support in this timely issue. Let’s never fail to honor the deep complexity of all Portland citizen’s early stories, as well as our shared new and future story.

Embracing the nourishing value of aesthetics

The concept of aesthetics was tossed out with derogatory tone, as if talking about ephemeral fashion. To mock aesthetics, one mocks beauty, mocks the imprint of cultures we have lived amongst, cultures that have formed this city since its first settlers arrived. While these were europeans by and large, many were escaping persecution, economic devastation, starvation, and seeking opportunity. To mock a culture you mock their art, their craftsmanship, their architecture, their cultural riches — all remnant witness to creating *this* city where all of us have chosen to live. Without beauty, subjective as it may be, there is nothing.

Without beauty “progress” is just an insatiable hunger.

Progress is honoring each other, integrating our shared truths, our pasts, respecting our unique beauty beyond darker history, beyond differences— because our uniqueness and differences are often our shared strengths. To not protect each other’s history and culture, regardless of origin, is to mirror our oppressors.

The real side of NO MHHD

What the rejection of a Munjoy Hill Historic District means in real time for Munjoy Hill is that unprotected middle-class housing is “worth more dead than alive” (I quote Stacey Mitchell here, Hill resident and advocate for the MHHD). It means tear downs and upscale generic condos will continue to flourish and replace older stock housing — middle-class housing that still offers working class rental units, houses young families. It means economically struggling Portlanders, the disadvantaged, and

even the average Portlander will never again call Munjoy Hill home without bureaucratic interventions. And, what prevents this same intervention to meet diversity needs *with* the MHHD?

While economic impact of expensive condos may mean an increase in evaluated property taxes, it also means an increase in occasionally habited vacation homes, it means a decrease in year round citizens that form *real community*. Its happening now.

It is from these concerns this HD inquiry was born.

You've perhaps assured us you're awaiting a "better plan", even ask your constituents for input on what this "better plan" might look like. Meanwhile, old buildings come down, new shiny ones go up. You've been successfully duped, as we were regretfully duped over half a century ago by the promises of Urban Renewal, a familiar promise of trading in the old and outdated for new. Back then we lost irreplaceable craftsmanship, culture and beauty as grand old structures tumbled to rubble.

With high end condo development now rampant across the peninsula how much is enough and how do we balance this?

When Spencer Thibodeau cites how the Historic District on the West End not only does *not* repress affordable housing, but "makes for *far better* affordable housing", his experiences underscore value in preservation that benefits all.

What now?

To those of you who voted "no" on the Munjoy Hill Historic District, let me ask this. Tell me, that when your family, your friends come to Portland, to your home town, what do you show them? Where do you walk? And, eat? Do you drive them out to the Mall and gloat how our city's chain restaurants and stores duplicate those of your guest's cities? Do you stroll amongst the recently erected iron barred terraced, cement and fiber board new condos?

Should you be a tourist in Boston, New Orleans, Savannah, Newport, Philadelphia, Portsmouth, Williamsburg, Santa Fe, San Francisco—you will seek out those city's preserved districts that reflect their past, tell their story of the decades and centuries that came before and made them a worthy destination. Preservation holds positive economic return, fills the mammoth hotels under construction.

Portland is such a worthy destination. Its a worthy privilege to call home because of our past, because of you, you who will guide it through this time of your service into the future.

This Munjoy Hill Historic District warrants your reconsideration. Portland can honor and benefit its past and its future, and the diverse ethnicities that have called it home.

Sincerely & respectfully,

Berry Manter
46 Eastern Promenade
Portland

Post Hill HD vote 1 view

Subscribe ☐

Carle Henry <cdhenry3@yahoo.com>

Feb 12, 2021, 7:04:38 AM (7 days ago)



to City Council, Jon Jennings, Planning Board

Good Day Councilors, Mayor & City Manager,

Re Munjoy Hill and its growing pains, I'd like to offer a path forward for your to consider and to promote with the Hill residents. It's time to move forward from this topic and allow the Planning Board & the City Council capacity to work on more pressing matters.

1. Self Designation: Direct the Planning Staff to make necessary materials available and to lay out the process. GPL could also help in this endeavor. Self designation is not difficult and the City could play a role in being part of the solution/path forward, especially for those who are legitimately concerned about preserving their own home.
2. Redefine Preservation Ordinance: Direct Planning Staff to redefine the Preservation Charter and related ordinance to reduce its focus on building facades and to expand its focus on Culture & Heritage. Make it clear that Preservation is not a Zoning tool.
3. Direct the Planning Board to reevaluate the Munjoy Hill Conservation Overlay. At the heart of the proponents' advocacy was a need to modify current zoning practices. The MHCOD has been in place since 2018 & the Planning Board has stated on the record that it needs to be reviewed and possibly revised. The overlay district was never intended to be permanent. Support the Planning Board's request to review and finally address the recorded concerns.
4. Request GPL to assist in identifying new ways of celebrating Portland's rich history. Perhaps we need a 'freedom trail' type of solution where memorials and specific sites can be celebrated. This approach would also be more equitable and would support tourism.

Now that the 3+ year project is behind us, I hope the Council and the Mayor will take a positive step forward by providing the above alternatives. As a person who was opposed to the district & a preservationist of an 1849 home on the hill, I have already reached out to GPL & the District 1 councilor to offer my energies toward helping the neighborhood forge forward together.

Thank you,

Carle Henry



Jennifer Munson <jmy@portlandmaine.gov>

Munjoy Hill Historic District - 289 Signatures Against Are Attached

Carle Henry <cdhenry3@yahoo.com>

Thu, Apr 1, 2021 at 11:14 AM

To: City Council <council@portlandmaine.gov>, Jon Jennings <jpj@portlandmaine.gov>, Jennifer Munson <jmy@portlandmaine.gov>

Cc: Laura Shen <lauraelizabethshen@gmail.com>, "Lauren M. Ashwell" <lashwell@gmail.com>, Anne Manganello <aemanganello@gmail.com>, Markos Miller <markossmiller@hotmail.com>, Tim Wells <welmaurya@gmail.com>, Lori Rounds <lori.j.rounds@gmail.com>, Josh Baston <jlbgecko@yahoo.com>, Kate Howe <katejhowe@gmail.com>, Liv Chase <livchase@yahoo.com>, Travis Agaman <index207@gmail.com>, Jeremy Rutkiewicz <jeremyrutkiewicz@gmail.com>, Nick Murray <nick@masomurray.com>, Daniel Haley <danielthaleyjr@gmail.com>, Caitlin Lebel <caitlin.lebel@gmail.com>, Jeff Ham <jham@maine.rr.com>

Hello Councilors,

During the past 4 weeks, when door-to-door canvassing is not possible due to Covid, nearly 300 signatures were easily gathered to show the opposition to the proposed Historic District. See attachments. The signatures are from all ages, races and from Tenants, Single Family Owners, and Multi Unit Owners.

95% of the signatures are from the Hill. Local businesses promoted signatures (Portland Coop, Donnatelli's, Hilltop Superette) too.

City organizations like YIMBYPortland are opposed. BLACKPower spoke against the proliferation of districts in October of 2020 as well.

As our City leaders and decision makers, the evidence is clear that

1. Our Historic Ordinance requires a rewrite - nothing new should be passed under this flawed ordinance. Currently it is nearly impossible to remove/reduce a district.
2. The Hill challenges are zoning matters, not preservation
3. No formal study of HD impacts in Portland has been done in 30 years
4. The recent staff submission to Councilors questions are inconclusive and unconvincing, and are not from an external, objective company....just more cherry-picked responses to try and appease / distract
5. Current districts are coming forward seeking relief from the overly burdensome ordinance, HPB and its staff
6. Portland city residents and businesses are getting involved and want changes to HD regulations and ordinances

The Council must act now to redirect the Preservation efforts, address zoning challenges and make our City more prosperous. Enabling out dated, systemically harmful policies to the citizenry must end. Stop 'gambling' as Councilor Dion said Feb 1 with our livelihood and the future of our City, just vote no.

We look forward to Monday night and are optimistic that the MHHD will be voted down with a stronger majority than in February now that you have tangible evidence that your constituents do NOT want it & now that the City has provided no relevant data to prove support their HD position.

Thank you for your consideration and your service,

This letter is from a subset of hill residents. (copied above)

PS Jennifer, please add to the packet for the April 5th City Council meeting

23 attachments



hd 1.pdf
201K



hd 2.pdf
310K



hd 3.pdf
360K

hd 4.pdf

 179K **hd 5.pdf**
210K **hd 6.pdf**
191K **hd 7.pdf**
211K **hd 8.pdf**
227K **hd 9.pdf**
252K **hd 10.pdf**
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166K **hd 19.pdf**
159K **hd 20.pdf**
166K **hd 21.pdf**
248K **hd 22.pdf**
203K **hd 23.pdf**
210K

Please Sign-up To Oppose HISTORIC DISTRICT ON MOUNTAIN

- ① Rebecca Scott
- ② Graham Martin
- ③ ~~Carte Hay~~
- ④ Melissa Emmons
- ⑤ Christopher Lora
- ⑥ Brian B
- ⑦ Tony G
- ⑧ ~~Laura Shen~~ I
- ⑨ DAN T. HALEY JR
- ⑩ Connie Haley
- ⑪ Maeleigh Dao
- ⑫ Lauren Ashwell
- ⑬ Travis J. Aggar
- ⑭ ~~Sanjo Peter~~
- ⑮ Lori Rounds
- ⑯ Alisha Burnham
- ⑰ Clarice Fortier
- ⑱ ~~XXXXXXXXXXXX~~

Please Sign To OPPOSE THE HISTORIC DISTRICT ON MUNJOY HILL

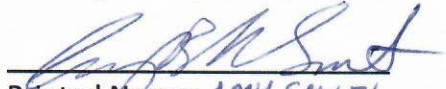
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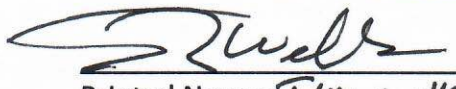
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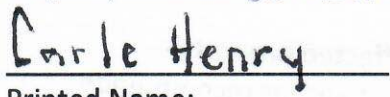
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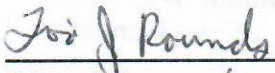
Elizabeth Miller	46 Waterville St. #3
William Brown	71 Clairmont Court Portland
Robert McPartlan	59 CONTINENTAL DR
DAVID BODY	46 WATERVILLE ST PORTLAND
Evay A. Carroll	5 Everett St.
Kurt Lauenstein	176 Eastern Prom
Sherry Dickstein	~~85~~ 176 Eastern Prom
Johanna Henry	50 St. Lawrence St Portland
Brianna St Peter	37 Kellogg St. Portland
Ivy H. Alan	13 Emerson street
Cindy Donatelli	109 Congress St.
McKenzie Langford	27 North St., Portland
Brooke ~~Carter~~ Carter	27 North St. Portland, ME
Lauren Ashwell	8 Emerson St Portland
Travis Agaman	3 Emerson St. Portland
Jon Rounds	47 MONUMENT ST, PORTLAND
Raymond Alberto	60 Emerson St. apt 4 Portland, ME
BRENDT CORCORAN	75 CONGRESS ST
Alan Leggett	8 North St

Thank you very much,

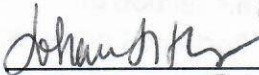

Printed Name: AMY SMITH
Property Address: 19 KELLOGG ST #3

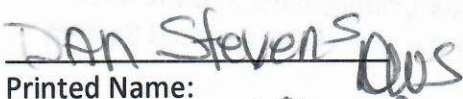

Printed Name: Tim wells
Property Address: 33 MONTREAL

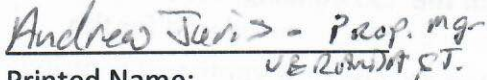

Printed Name:
Property Address: 50 Saint Lawrence St.

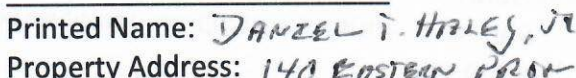

Printed Name: LORI J. ROUNDS
Property Address: 47 MONUMENT ST.


Printed Name: Timothy Mayo
Property Address: 47 Monument St.

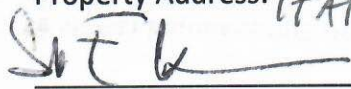

Printed Name: Johanna Henry
Property Address: 50 St. Lawrence St


Printed Name:
Property Address: 64 E. POOM

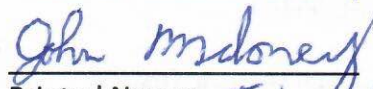

Printed Name: Andrew Jarvis - Prop. mgr
Property Address: 13-21 Eastern Promenade, Portland
62 Waterville St
102-104 morning st

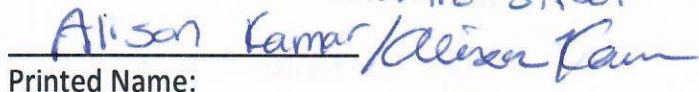

Printed Name: DANZEL I. HAYES, JR
Property Address: 140 EASTERN PROM
YOUNG ST 60 EASTERN PROM
Camp 1746

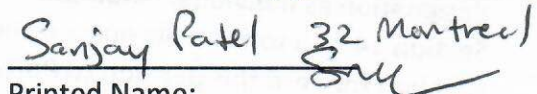

Printed Name: MARKUS MILLER
Property Address: 17 ATLANTIC ST

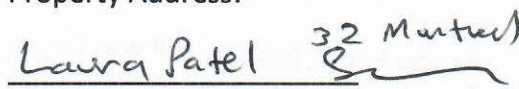

Printed Name: SARAH CUSHMAN
91 BECKETT ST., 2ND FL

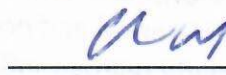

Printed Name:
Property Address: 73 ATLANTIC ST.

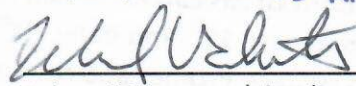

Printed Name: John Mahoney
Property Address: 73 ATLANTIC STREET

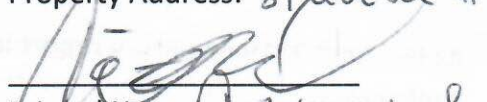

Printed Name:
Property Address: 73 ATLANTIC ST.

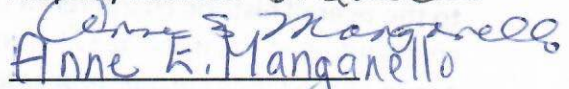

Printed Name:
Property Address:

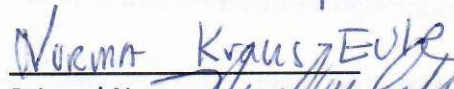

Printed Name:
Property Address:

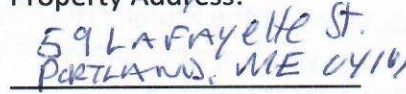

Printed Name: CHRISTY GELFAND
Property Address: 33 ATLANTIC ST


Printed Name: Michael Valentine
Property Address: 81 QUEBEC #4


Printed Name: Curtin White
Property Address: 81 QUEBEC ST #1


Printed Name:
Property Address: 84 QUEBEC STREET


Printed Name: Norma Kraus
Property Address:


Printed Name:
59 LAFAYETTE ST.
PORTLAND, ME 04101

Name: Josh Baston
Address: 42 Munjoy st

Name: _____
Address: _____

Name: Bonnie Collier
Address: 42 Munjoy street

Name: _____
Address: _____

Name: Hamilton Wood
Address: 63 Revere St.

Name: _____
Address: _____

Name: Robert Ellis
Address: 150 Woolaw Ave

Name: _____
Address: _____

Name: Joseph Maisonneuve
Address: 46 Torrey Street

Name: _____
Address: _____

Name: Caleb O'Connell
Address: 83 Capisic St.

Name: _____
Address: _____

Name: _____
Address: _____

Name: _____
Address: _____

Name: _____
Address: _____

Name: _____
Address: _____

Name: _____
Address: _____

Name: _____
Address: _____

Name: Brunell Wilbur
Address: 158 North St
APT 120

Name: 158 North
Address: _____

Name: Samie Lipich
116
Address: 158 North St

Name: _____
Address: _____

Name: Carol Ross
Address: 158 North St

Name: _____
Address: _____

Name: ROD
Address: 50 Lafayette St
Portland

Name: _____
Address: _____

Name: Vanessa Brinson
Address: 50 Lafayette St

Name: _____
Address: _____

Name: Nick Bastard
Address: 50 Lafayette St

Name: _____
Address: _____

Name: Louis Diseno Sr
Address: Portland

Name: _____
Address: _____

Name: Joey Bonnelle
Address: 61 Kellogg St

Name: _____
Address: _____

Name: Christian Henry
Address: 50 Hawthorne St

Name: _____
Address: _____

Name: Ed Gillis

Address: 24 MONTREAL

Name: [Signature]

Address: 33 MONTREAL

Name: Ron GAN

Address: 202 WASHINGTON

Name: LIZ TRICE

Address: 297 Brackett Street

Name: [Signature]

Address: 89 WEST STREET

Name: _____

Address: _____

Name: _____

Address: _____

Name: _____

Address: _____

Name: _____

Address: _____

Name: MARLA Gillis

Address: 24 MONTREAL

Name: [Signature]

Address: 57 MONTREAL

Name: Tom McGovern

Address: 24 Willis Street

Name: Zack Barawatz

Address: 22 Huntress Street

Name: _____

Address: _____

Name: _____

Address: _____

Name: _____

Address: _____

Name: _____

Address: _____

Name: _____

Address: _____

Name: Laura Shen

Address: 59 Moody St

Name: Will Sitten

Address: 59 Moody St

Name: Julia Elliott (renter)

Address: 48 Morning St

Name: Charlotte Ryan (renter)

Address: 16 Morning St.

Name: Oscar Pena (renter)

Address: 16 Morning St

Name: Dylan Jones (renter)

Address: 130 Eastern Prom

Name: Brooke Chornyak (renter)

Address: 130 Eastern Prom

Name: Matthew Gumaiche (renter)

Address: 25 Congress St

Name: Hannah Young (renter)

Address: 25 Congress St

Name: Nicole Hoyt

Address: 33 Lafayette St

Name: Lara Hoyt

Address: 33 Lafayette St.

Name: Joe Powers

Address: 162 Congress St.

Name: Ellie Allen

Address: 162 Congress St

Name: Gail Kesich

Address: 85 Munjoy St.

Name: Greg Kesich

Address: 85 Munjoy St

Name: WILLIAM UMBER

Address: 41 WATERVILLE ST

Name: _____

Address: _____

Name: _____

Address: _____

Name: Rick Hall
Address: 51 Morning St Apt 2

Name: Heather Hansen
Address: 19 Montreal St Apt 2

Name: Aaron Waldron
Address: 19 Montreal St Apt 2

Name: Grace Jandro
Address: 3 Grant St.

Name: Andrew Benchesne
Address: 3 Cumberland Ave #1

Name: Bryce Erwin
Address: 3 Cumberland Ave #1

Name: Richard Seiois
Address: 71 Melbourne St

Name: Kyle Jordan
Address: 86 Congress St. Port

Name: Brad Jliathan
Address: 51 1st St

Name: Ken Courtney
Address: 52 Cumberland Ave.

Name: Elizabeth Baker-Pitre
Address: 17 Baynton St. Apt 3

Name: Jonathan Baker
Address: 119 Morning St. #6

Name: Lindsay Mumford
Address: 297 Congress St

Name: _____
Address: _____

Name: _____
Address: _____

Name: _____
Address: _____

Name: _____
Address: _____

Name: Casper Dillit
Address: 20 Melbourne

Name: Lily Magoss

Address: 67 North St.
Portland ME 04101

Name: Holly McKinney

Address: 157 North St
Portland ME 04101

Name: [Redacted]

Address: _____

Name: RD Thayer

Address: 346 E. P. Apt 116

Name: MARY HOWELL

Address: 14 MARRIOTT ST

Name: Brie McInnis

Address: 310 Eastern Prom
Portland, ME

Name: Chelsea Cook

Address: 130 Park Ave Portland
04101 ME

Name: Sarah Jeneau

Address: 34 Wellstone Dr.
04103 ME

Name: Dana Hart

Address: 34 Wellstone Dr
04103

Name: _____

Address: _____

Name: Heidi Love

Address: 59 ATLANTIC ST #1

Name: Steve Parkman

Address: 261 Western Prom
Portland

Name: Kelly Rich

Address: 49 William St Portland,
ME

Name: John Mowat

Address: 49 William St Portland, ME

Name: Eliza King

Address: 9 Bonasco Ln.
Portland, ME

Name: Tian Driggs

Address: 169 St John St Portland, ME

Name: Maria Campbell
MARIA CAMPBELL

Address: _____

Name: Paul Szathmari

Address: 110 North St

Name: Nick Moray
Address: 40 St Lawrence
04101

Name: Caron Murray
Address: 40 St Lawrence St
04101

Name: Paul Harris
Address: 48 Congress St
04101

Name: Alex J Flinn
Address: 48 Emerson St
04101

Name: Mackenzie Burke
Address: 223 Bennett St.

Name: Edward Hurley
Address: 72 Morning St

Name: CAROL McCracken
Address: 158 North St-

Name: JAMES LOBLEY
Address: 48 EMERSON St 3

Name: So Peter Donatelli
Address: 111 Congress St.

Liana Donatelli
44 Pine Ledge Dr.

Name: Sam Anderson
Address: 34 Congress St, 04101

Name: Elena Schmidt
Address: 99 Atlantic St 04101

Name: Don Ogier
Address: 168 North St. 04101

Name: Bob Vachon
Address: 90 ATLANTIC ST

Name: MICHAEL METEVIER
Address: 51 QUEBEC ST
PORTLAND 04101

Name: Mike Hutchinson
Address: 236 E. Promenade #5
Portland 04101

Name: Anna Donatelli
Address: 111 Congress St

Name: Erangelista Donatelli
Address: 109 Congress St

Name: Faustino Donatelli
Address: 109 Congress St

Tom Johnson
391 Sherwood St

Name: Miky Namsky

Address: 64 Melbourne St.
Apt 3 Portland ME

Name: K. Maudace Dan

Address: 218 E. Promenade
Portland

Name: Patricia

Address: 218 E. Promenade, Portland

Name: Lynne Paniciu

Address: 49 Moody

Name: James Badger

Address: 44 Melbourne

Name: Banton Heilhoff

Address: 54 North St

Name: Tara Mullen

Address: 54 North St

Name: Sophie Garbus

Address: 54 North St

Name: Innes Jeff

Address: 17 Glenwood

Name: Dan Lesko

Address: 19 Montreal St. Apt. 3
Portland ME

Name: Casey Rogers

Address: 19 Montreal St. Apt 3,
Portland

Name: Laurie Pierce

Address: 37 FOREST PARK #4
Portland 04101

Name: A. Shaikh

Address: 537 Congress St.

Name: Abby Astin

Address: 442 Cumberland Ave Portland
04101

Name: Greg Brown

Address: 33 Howard St.

Name: ANNE BURCHER

Address: 33 HOWARD ST.

Name: Louise Abreu

Address: 37 Wilson Portland

Name: Sergio Abreu

Address: 37 Wilson Portland

Name: Susan J. Lane
Address: 49 Felicia Lane
Portland, ME 04103

Name: Debra Lynn
Address: 16 Hollis Road
Portland, ME

Name: PAULA CLUNEY
Address: 119 Morning St

Name: Julia Clark
Address: 55 Morning St

Name: Hanna Atwood
Address: 49 Osborn St

Name: Matt Halperin
Address: 77 Congress St.

Name: Patricia Dodd
Address: 45 Turner St

Name: Paul D. Casale
Address: 45 Waterville St

Name: Lisa Lemley
Address: 35 Congress St.

Name: Margaret Silsby
Address: 45 Congress St Apt 2

Name: Suzanne Dodson
Address: 78 Rosemont Av.

Name: W. DODSON
Address: 78 Rosemont Av.

Name: Barbara Bonds
Address: 119 Morning St

Name: Chandra Oppenheim
Address: 114 Eastern Prom.

Name: Steven Abbott
Address: 79 Congress St

Name: Camie Sinalley
Address: 34 Congress St.

Name: Barbara Russo
Address: 45 Eastern Promenade

Name: Elizabeth Farnam
Address: 23 Fox St.

Property Address:

Andrew Ray

Printed Name: Andrew Ray

Property Address: 70 Quebec St.

Ed Gillis

Printed Name: Ed Gillis

Property Address: 24 Montreal St

Mark Rankin

Printed Name: Mark Rankin

Property Address: 24 Montreal St

Kevin Carter

Printed Name:

Property Address: 37 Montreal

Beat Heller

Printed Name:

Property Address: 65 St Lawrence St

Elizabeth Miller

Printed Name:

Property Address: 46 Waterville St. #3

CAROL McCracken

Printed Name:

Property Address: 158 North St.

DAVID BODY

Printed Name:

Property Address:

46 WATERVILLE ST

Printed Name:

Property Address: PORTLAND ME

Chris

Printed Name: CHRISTOPHER SPINATO

Property Address: 35 NORTH ST.

Julia Elliott

Printed Name:

48 Morning street

Das

Property Address:

SAMRATI Singh

Printed Name: 33 Montreal St

Property Address:

MARY HAN WELLS

Printed Name: 33 Montreal St

Property Address:

ANN ARCHIBUD HOWE

Printed Name:

Property Address: 76 Monument St.

Laura Stern

Printed Name: Laura Stern

Property Address: 59 Moody St.

Maggie Bassow

Printed Name: Maggie Bassow

Property Address:

44 QUEBEC ST. #1 PORTLAND ME

Printed Name:

Property Address:

Kathleen Kramer

Printed Name: Kathleen Kramer

Property Address: 81 Quebec St. #2
PORTLAND ME

Will Sifton

Printed Name: Will Sifton

Property Address: 59 Moody St

Ellen Berube

Printed Name: Ellen Berube

Property Address: 52 congress st.

Sylas Hatch

Printed Name: Sylas Hatch

Property Address: 52 Congress street

Josh Kelton

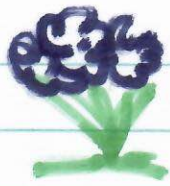
Printed Name:

Josh Kelton
57 Moody street

Name: <u>Jenna Keys</u>	Name: _____
Address: <u>43 St. Lawrence St</u>	Address: _____
Name: <u>Erin Zobitz</u>	Name: _____
Address: <u>179 Congress St. 2</u>	Address: _____
Name: <u>SONATHAN PERKINS</u>	Name: _____
Address: <u>179 CONGRESS #2</u>	Address: _____
Name: <u>CARA BIONDE</u>	Name: _____
Address: <u>157 CONGRESS ST.</u>	Address: _____
Name: <u>BEN BAZLEY</u>	Name: _____
Address: <u>60 EMERSON ST</u>	Address: _____
Name: <u>MARY STANTON</u>	Name: _____
Address: <u>12 Kellogg St. #2</u>	Address: _____
Name: <u>Laura Sodano</u>	Name: _____
Address: <u>171 Congress St</u>	Address: _____
Name: <u>Rose Hufner</u>	Name: _____
Address: <u>171 Cumberland Ave</u>	Address: _____
Name: _____	Name: _____
Address: _____	Address: _____

	<u>Name</u>	<u>Address</u>
41	Sam Whitmore	
42	Grace Cipman	
43	Gabriel Taylor	
44	Frances Savage	
45	Dustin White	
46	S. Del. ~~White~~	
47	Monahy Decord	
48	John Shea	
49	Amy J. Hartzell	
50	Gianna Tuttle	
51	Maeline Tuttle	
52	Calvin Hartzell	
53	Jercan Smith	
54	~~Benjamin~~ Cameron Myers	Howard St Portland
55	W. M. Bean	
56		
57		
58		
59		
60		

Happy spring!



Please Sign to Oppose Munipy Hill Historic District
Thank you, Neighbors - ~~Keep the Signatures~~
coming!!!

	NAME	ADDRESS
①	Timothy Mayo T870	47 Hammond St
②	NIKITA Tibbetts	47 Moody St
③	Susan Baker Kaplan	18 Crescent Ave GDI
④	Wendy Cherubini	33 May St Ptk
⑤	Henry Ametti	29 Kellogg 04101
⑥	Sage Tucci	43 Saint Lawrence St.
⑦	Vil Wagon	43 St. Lawrence St.
⑧	Lucius Swanson	85 morning st #
⑨	Kara Collins ~~Barney~~	57 St. Lawrence St.
⑩	Sdeil Hambel	57 St. Lawrence St.
⑪	Bethney Dunham	18 Hengarden St.
⑫	Benjamin ~~SAP~~	9 American street
⑬	Kelly Harvitt	76 Wilson street
⑭	Graham Martin	16 Walnut Street #6
⑮	Ashlee Gordin	29 Kaler Rd
⑯	Patty Allen	417 moody St.
⑰	Pat Buckleup	158 North St.
⑱	Josh Marshall	75 Sheridan St.
⑳		

Name: [Signature]

Address: 47 Lafayette St #1
Dorland, ME

Name: [Signature]

Address: 47 Lafayette St #2
Dorland ME

Name: [Signature]

Address: 47 Lafayette St #2

Name: [Signature]

Address: 47 Lafayette St #1

Name: [Signature]

Address: 47 Lafayette St #3

Name: [Signature]

Address: 47 Lafayette #3

Name: [Signature]

Address: 39 Lafayette St.

Name: [Signature]

Address: 158 North St

Name: [Signature]

Address: 29 Walsville St

Name: [Signature]

Address: 126 North St
Dorland, ME 04101

Name: [Signature]

Address: 158 North St. #124

Name: _____

Address: _____

Name: _____

Address: _____

Name: _____

Address: _____

Name: _____

Address: _____

Name: _____

Address: _____

Name: _____

Address: _____

Name: _____

Address: _____

Name: PETER ROSHAR
Address: 126 NORTH ST 04101

Name: _____
Address: _____

Name: Andrew Ray
Address: 96 Quebec St

Name: _____
Address: _____

Name: SHEA WATSON
Address: 126 NORTH ST.

Name: _____
Address: _____

Name: _____
Address: _____

Name: _____
Address: _____

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Address: _____

Name: Mary Beiter
Address: 39 Lafayette St

Name: Norman Eule
Address: 59 Lafayette St

Name: _____

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Name: _____

Address: _____

Name: _____

Address: _____

Name: _____

Address: _____

Name: Dan Gille *Dan*

Address: 135 Sheridan
#306

Name: Alison Fulmer
135 Sheridan 306
Address: Alison Fulmer

Name: Sarah Helming
Address: 60 Wellwood Rd.
Portland, Me.

Name: _____

Address: _____

Name: _____

Address: _____

Name: _____

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Name: _____

Address: _____

Thank you very much!

Glen Hayase

Printed Name:

Property Address:

Linda Horn

Printed Name:

Property Address: Northse

Paul Ortiz

Printed Name:

Property Address: Portland, ME

Portland, ME

Printed Name:

Property Address:

Sebastian Zivotic

Printed Name:

Property Address: name

name

Printed Name:

Property Address:

Patricia Gervate

Printed Name:

Property Address:

Printed Name:

Property Address:

Printed Name:

Property Address:

Printed Name:

Property Address:

~~Samuel~~ Johnson

Printed Name:

Property Address: King's Hill

LOU NAPOLEAN

Printed Name:

Property Address: PORTLAND

Alan Rogers

Printed Name:

Property Address:

Eugene R Bowden

Printed Name:

Property Address:

Randel Phillips Jr.

Printed Name:

Property Address:

Printed Name:

Property Address:

Printed Name:

Property Address:

Printed Name:

Property Address:

Printed Name:

Property Address:

Printed Name:

Property Address:

Name: Susan Peck
Address: 75 Quebec St
Unit 1 Portland, Me
Name: Paul Flaxman 04101

Name: _____
Address: _____
Name: _____

Address: 7 Atlantic Unit 2

Address: _____

Name: Peter Rosberg
Address: 126 North St 04101

Name: _____
Address: _____

Name: 199 Jude
Address: 86 Congress St 04101

Name: _____
Address: _____

Name: Maggy Poisson
Address: 106 Congress St. 04101

Name: _____
Address: _____

Name: John Zuckesen
Address: 130 Eastern Promenade #1

Name: _____
Address: _____

Name: Kathi Erickson
Address: 130 E. Prom. #1

Name: _____
Address: _____

Name: Peter Johnson
Address: 50 Washington Ave

Name: _____
Address: _____

Name: _____
Address: _____

Name: _____
Address: _____

Sign To Oppose THE 12th Historic District

- 56
- 57
- 58
- 59
- 60
- 61
- 62
- 63
- 64
- 65
- 66
- 67
- 68
- 69
- 70
- 71
- 72
- 73
- 74
- 75

~~JED DZ~~ ~~July~~ 6 EASTON PROMENADE
Michael Dancy ~~July~~ 19 Easton Promenade
Markus Kamp ~~July~~ 102 Washington Ave.
Jessica Newton ~~July~~ 128 Grant St #3

Name: Jennie McLaughlin
Address: 89 Congress St. #1

Name: Heather Blesch
Address: 89 Congress St. #1

Name: Caitlin Lebel
Address: 81 Quebec St #1
owner

Name: Kathleen Kramer
Address: 81 Quebec St, #2

Name: Rachel Redfern
Address: 81 Quebec St #5

Name: KYLE M. BROWN
Address: 81 QUEBEC ST #5

Name: Michelle Vashuk
Address: 81 Quebec St #4

Name: Elizabeth Vashuk
Address: 81 Quebec St #4

Name: John Masury
Address: 81 Quebec #1

Name: _____
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Name: _____

Address: _____

Name: _____

Address: _____

Carol Connor <balsamique@live.com>

Apr 1, 2021, 9:44:15 PM (yesterday)



to ksnyder@portlandmaine.gov, mdion@portlandmaine.gov, azarro@portlandmaine.gov, bsr@portlandmaine.gov, sthibodeau@portlandmaine.gov, planningboard@portlandmaine.gov

Dear Mayor and council members,

I appreciate your interest and support of the proposed Munjoy Hill Historic District and look forward to the April 5th Council Meeting. I am thankful that you, Councilor Zarro, had the interest and curiosity to request further information and revisit the vote. I fully support the Historic District designation and respectfully ask you for your continued support and vote.

Regards,

Carol M. Connor

12 Montreal St. Portland, ME 04101

[207 232 2265](tel:2072322265)

Debby Murray <debbym@zwi.net>

Apr 1, 2021, 11:18:32 AM (yesterday)



to Belinda Ray, ksnyder@portlandmaine.gov, sthibodeau@portlandmaine.gov, mdion@portlandmaine.gov, azarro@portlandmaine.gov, planning@portlandmaine.gov, Deb Andrews, cdg, planningboard@portlandmaine.gov

Hello, again, councilors!

I send my sincere thanks for your past support of the historic district on Munjoy Hill. I am hopeful that we have a positive outcome on Monday night at the City Council meeting, which we will if you continue to support the district.

Moving forward to other issues must be paramount; this one has long been in the pipeline. I prefer to think that is because it is such a good idea for Munjoy Hill.

Thank you for your support and all the hard work you do.

Debby Murray

104 North St.
Portland ME 04101

From: **Diane Davison** <dmdavison5@gmail.com>

Date: Fri, Apr 2, 2021 at 11:22 AM

Subject: Historic District

To: Kate Snyder <ksnyder@portlandmaine.gov>, Belinda Ray <BSR@portlandmaine.gov>, Spencer Thibodeau <sthibodeau@portlandmaine.gov>, <azarro@portlandmaine.gov>, <mdion@portlandmaine.gov>

Cc: <planning@portlandmaine.gov>, Planning Board <planningboard@portlandmaine.gov>, Deb Andrews <dga@portlandmaine.gov>, Christine Grimando <cdg@portlandmaine.gov>

Mayor Snyder and Councilors.

I am most grateful for, and applaud your wisdom and integrity in preserving the history of Munjoy Hill!

I've previously shared ALL the critical reasons why this is so important for our city - so no repeating here. :-)

I also support "Resolve 720/21 Requesting a Report on the Impacts of Historic Districts in the City of Portland".

Thank you for your service!

~Diane

George Rheault <george.rheault@gmail.com>

Feb 1, 2021, 4:33:50 PM (2 days ago)



to Kate Snyder, Pious Ali, Nicholas Mavodones, April Fournier, Mark Dion, Andrew Zarro, Tae Chong, Spencer Thibodeau, Councilor Belinda Ray, planningboard@portlandmaine.gov

At various times during the review process, the HP staff and the HPB, the Planning Board and even certain members of the City Council have thrown out the notion that the entire exercise behind this effort has been about celebrating the history of marginalized communities.

If that is the case, then why has not Evadora D. Richey and her family been captured in this work?

Her former house at 84 Congress Street was the only Munjoy Hill property listed in the famous "Green Book" that has received a lot of attention due to its recent appropriation by Hollywood. Her "tourist home" where African-Americans were welcomed was listed in the 1939 edition and again in the 1940 edition. Then it disappears since she was sadly losing the property due to foreclosure during this time period. Her step-children also sold (summer 1948) the two properties that Ms. Richey inherited from her husband, Walter Richey, after his death in 1933: 19 Merrill St and the house behind it, 19.5 Merrill (the front house has since been demolished).

Why wasn't Ms. Richey's Munjoy Hill story explored and the real estate connected to her considered for historic protections?

Attachments: 1939 Green Book excerpts

1924 Tax Assessor Listings for Richey family:

[82-84 Congress Street, Portland, 1924 - Maine Memory Network](#)

[19 Merrill Street, Portland, 1924 - Maine Memory Network](#)

[19 Merrill Street, Portland, 1924 - Maine Memory Network](#)

Grappling with Preservation's Dark Side: The Santa Fe Experience

Subscribe ☐

0 views

**George Rheault**

<george.rheault@gmail.co... Feb 12, 2021, 3:48:50 PM (7 days ago)



to Kate Snyder, April Fournier, Nicholas Mavodones, Pious Ali, Mark Dion, Andrew Zarro, Tae Chong, Spencer Thibodeau, Councilor Belinda Ray, planningboard@portlandmaine.gov, Deb Andrews, Christine Grimando, Robert Wiener

One of the most thoughtful popular outlets for discussing urbanism and how our built environment shapes us perfectly timed a podcast episode that shines light on the Munjoy Hill historic district debate which just concluded.

I urge you to read the online version or listen to it directly.

[Stuccoed in Time - 99% Invisible \(99percentinvisible.org\)](#)

It is very sad that Sante Fe's recent acknowledgements that historic preservation is a big driver of gentrification and high real estate prices (and thus displacement and diminishing diversity) were all but ignored by our planning staff. Shame on them for ignoring pieces of the analysis that did not fit their preferred narrative.

You should all read this book if you want to understand more deeply the Sante Fe story.

[The Myth of Santa Fe | University of New Mexico Press \(unm.edu\)](#)

Jean Russo <russo@maine.rr.com>

Feb 22, 2021, 1:35:09 PM (3 days ago)



to ksnnyder@portlandmaine.gov, pali@portlandmaine.gov, tchong@portlandmaine.gov, mdion@portlandmaine.gov, afournier@portlandmaine.gov, Azarro@portlandmaine.gov, nmm@portlandmaine.gov, bsr@portlandmaine.gov, sthibodeau@portlandmaine.gov, planningboard@portlandmaine.gov, Julie Larry

For those of you who don't remember this – I can say I saw it come down and be replaced by a cheap shopping center...a very sad day for Portland!



From: Jean Russo [mailto:ru...@maine.rr.com]

Sent: Monday, February 22, 2021 12:56 PM

To: 'ksn...@portlandmaine.gov' <ksn...@portlandmaine.gov>; 'pa...@portlandmaine.gov' <pa...@portlandmaine.gov>; 'tch...@portlandmaine.gov' <tch...@portlandmaine.gov>; 'md...@portlandmaine.gov' <md...@portlandmaine.gov>; 'afou...@portlandmaine.gov' <afou...@portlandmaine.gov>; 'Aza...@portlandmaine.gov' <Aza...@portlandmaine.gov>; 'n...@portlandmaine.gov' <n...@portlandmaine.gov>; 'b...@portlandmaine.gov' <b...@portlandmaine.gov>; 'sth...@portlandmaine.gov' <sth...@portlandmaine.gov>; 'planni...@portlandmaine.gov' <planni...@portlandmaine.gov>

Cc: 'Julie Larry' <in...@portlandlandmarks.org>

Subject: RE: Munjoy Hill Historic District

Thank you for taking the time to reconsider your vote on the Munjoy Hill District. This is one of those milestone votes in history that is so important to the future of this beautiful city. Once these old buildings are torn down, there is no bringing them back. Remember Union Station and the reason we have historic districts...

Please vote in favor of keeping this part of our city historic. There are many other areas in Portland where developers can build without restriction.

Jean Russo

Portland, Maine

From: Jean Russo [<mailto:ru...@maine.rr.com>]

Sent: Thursday, January 07, 2021 12:30 PM

To: 'ksn...@portlandmaine.gov' <ksn...@portlandmaine.gov>; 'pa...@portlandmaine.gov' <pa...@portlandmaine.gov>; 'tch...@portlandmaine.gov' <tch...@portlandmaine.gov>; 'md...@portlandmaine.gov' <md...@portlandmaine.gov>; 'afou...@portlandmaine.gov' <afou...@portlandmaine.gov>; 'Aza...@portlandmaine.gov' <Aza...@portlandmaine.gov>; 'n...@portlandmaine.gov' <n...@portlandmaine.gov>; 'b...@portlandmaine.gov' <b...@portlandmaine.gov>; 'sthb...@portlandmaine.gov' <sthb...@portlandmaine.gov>; 'planni...@portlandmaine.gov' <planni...@portlandmaine.gov>

Subject: Munjoy Hill Historic District

I sent my thoughts previously, but am sending them again so that the new council members will have a copy:

Mayor Snyder and Portland City Council Members:

I am writing in support of the proposed Munjoy Hill Historic District. I am a Portland native – born on India Street before it was fashionable to live in what we called “Little Italy” in the 1950’s. I am also a Portland Realtor who has sold real estate in Portland for the past 35 years and I currently own and operate a small real estate company in Portland. I’ve seen a lot of changes in the past 35 years – some good and some not so good.

In the 60’s, I watched as Union Station was torn down to make way for a cheaply built shopping center. Even at a young age, I knew that destroying that beautiful brick and stone historic building was not right. What makes Portland so special and attractive to everyone is the charm that we have been able to retain over the past half century. When I walk around India Street and Munjoy Hill now, I am dismayed at not only the amount of development with zero set-back on the property lines, but also at some of the architecture which sticks out like a sore thumb – some of these buildings look like a container box turned on its side! How is that allowed in such a historic neighborhood? That design should never be allowed on the peninsula (or anywhere for that matter!).

Out of state developers have discovered Portland and are cramming several units on a single lot to get the most cash from it. They reap the profits and then leave Portland with no regard as to how their buildings are destroying those neighborhoods. They are not creating affordable apartments and their “market rate” apartments at \$1800 per month or more are not affordable to most people who were born and raised here. Many of these condos or apartments are not even occupied most of the year. This takes even more housing out of the market. Let’s pass these restrictions in the historic district to

discourage not only over-building on the peninsula but to also retain the character of these old buildings that make Portland the great "City by the Sea".

Thanks for the hard (and often thankless) work you all do for the City.

Stay well -

Jean Russo, Owner

Harborcity Realty

Portland

From: **Joey Brunelle** <joey.brunelle@gmail.com>

Date: Thu, Mar 18, 2021 at 2:23 PM

Subject: Historic Preservation Board

To: <azarro@portlandmaine.gov>, <pali@portlandmaine.gov>, <tchong@portlandmaine.gov>, <ksnyder@portlandmaine.gov>, Belinda Ray <bsr@portlandmaine.gov>, <mdion@portlandmaine.gov>, Spencer Thibodeau <sthibodeau@portlandmaine.gov>, <nmm@portlandmaine.gov>, <afournier@portlandmaine.gov>

Councilors & Mayor Snyder,

As we imminently reconsider the Munjoy Hill Historic District on April 5, I would like to encourage you to watch a meeting of the Historic Preservation Board, if you have not already.

I must admit, I hadn't before. But when I did, I was shocked by what I saw - and believe me, I had low expectations as it was.

I'll give you a brief overview, but please - don't take my word for it. [Watch the most recent meeting and decide for yourself](#). I think any reasonable human being would be stunned to see just how capricious, unreasonable and disrespectful this board actually is.

Example: In this most recent meeting, the Historic Board discussed the proposed CHOM/PHA affordable housing project on Winter Street, a brand new building on the former Mercy Hospital campus. The board generally agreed that the proposed plan did not yet meet their standards for "blending into the character of the existing neighborhood," and would like to see more revisions.

But they did not take a vote... this was just a "workshop." This is how they exert their power: applicants are made to come in for "workshops," and only get workshops (month after month) until the board is satisfied with the plans.

Some examples of the "suggestions" given to CHOM/PHA for this affordable housing development:

- One board member objected to the "excessive verticality" of columns used on the building facade, calling it too "staccato, like a machine gun rhythm"
- There was broad agreement that A/C units placed on the roof should be hidden from view, perhaps by opaque fencing.
- The Chair Penny Pollard said she wanted to "heavy up the base treatment" by perhaps using brick instead of siding (a suggestion then echoed by other board members). She also said she wanted to recess the uppermost floor and use a "more recessive color treatment" of paint for that floor to create "a more varied appearance."
- Multiple board members wanted to see the fourth floor set back from the main facade, to provide more "variety of appearance" even at the expense of decreasing living space.
- One board member objected to exterior ADA ramps (initially on aesthetic grounds), and suggested that they be placed inside the building. The developer said they could explore this, but that it would reduce living space.
- The Chair requested to see a rendering of the back facade of the building, because in her words "this was the rare building where the rear facade is visible as well as the front."

Throughout the discussion, there was no consideration of the fact that this is an *affordable housing development* and that many of these changes would increase costs and/or decrease living space. The debate was entirely about aesthetic - specifically the aesthetics found appealing by this board.

This was just a workshop, so no decisions were made. The applicant will be coming back to the Board with more revisions before the Board votes to approve the project.

Example: In their early March meeting, they were presented with a proposal from an older gentleman from Houlton who represented the Maine chapter of the Masons. Five years ago his order discovered that the grave marker of their founder in Eastern Cemetery was destroyed and missing, and they set about raising money to build a replica.

He had been in front of the board before - he had already made a concession to use marble instead of granite, as the original marker had been marble, despite marble being twice the cost and with half the lifespan. But in this meeting City Staff announced that they had discovered some shattered pieces of the former grave marker around the site, and that changed everything.

The Historic Board then decided that, with some broken and worn fragments of the original marker having been found, they would not immediately approve the proposal for a *replica*. The shards of the original stone must be used, if at all possible! They ordered the nice man from Houlton to now engage a professional conservator to determine whether it was possible to reconstruct or restore the original marker with those pieces, and come back to the board again some time in the future with different options, and the Board would tell him which are acceptable.

In this discussion, no one expressed thanks to this gentleman which was offering to restore a piece of Portland history with his own money. He had practically begged the Board to approve the proposal that night, so that he could put a fundraising call in the Masons next newsletter. But they tabled his request and dismissed him with a brusque arrogance.

Julius Ciembroniewicz <jciem@portlandmaine.gov>

Feb 2, 2021, 8:53:38 AM (yesterday)

☐ ☐ ☐

to Kate Snyder, Belinda Ray, Spencer Thibodeau, Christine Grimando, dga@portlandmaine.gov, mdion@portlandmaine.gov, April Fournier, azarro@portlandmaine.gov, Pious Ali, planningboard@portlandmaine.gov, nmm@portlandmaine.gov, tchong@portlandmaine.gov, Jon Jennings

Mayor Kate, Councilor Ray, Councilor Thibodeau, Councilor Dion and Staff: Thank you for listening, and thank you for hearing the residents of Munjoy Hill. And thank you for tirelessly working on the historic district proposal for well over 2 years. To say that our existing residents love and care about our middle class Munjoy Hill community is an understatement.

Let there be no mistake, the demolition moratorium and the Munjoy Hill historic district proposal were our resident cries to you, the City, for help. Help to preserve our middle class. Help to preserve a portion of the Hill in a historic district. The district proposal had nothing to do with aesthetics, and everything to do with retaining what remains for affordable housing and preserving the integrity of our middle class community. We are people who retain an interest in the past; creating a new that blended with the old. You understood that and thank you for having the courage to speak up for what is right. The resulting vote to reject a historic district for a portion of the Hill is a very sad day for Portland's middle class and the future of the City, but you were, and are, leaders. The same goes for the Planning Board and staff, and everyone who spent countless hours reviewing and then approving the historic district. Thank you.

Councilor Zarro, Councilor Fournier, Councilor Ali, Councilor Chung and Councilor Mavadones: It is not my position to speculate your motives for not listening to and not protecting the middle class residents of Munjoy Hill. However, we all learned in 2020 that inaction is indeed action, and it has consequences. Fortunately, on the national level, in 2020 our leaders and our black communities held hands and took action. For that I am very grateful.

Here, on the local level, your inexcusable inaction (choosing to do nothing) and lack of leadership will have swift negative consequences for Munjoy Hill. There are literally lines of out-of-staters interested in scooping up our Munjoy Hill properties. Those properties are worth more to them (and the local architects) demolished. With your mandate last night, they will now quickly raze those properties and construct luxury seasonal accommodations outside the price range of most Maine residents. Ten years from now, as a direct consequence of your actions on 2/1/21, Munjoy Hill won't resemble anything New England-like, and will likely be an elitist colony of mostly seasonal residents with some interesting nouveaux architecture (architecture without regard for place or history): and the Hill will be woefully void of any socioeconomic diversity and affordable housing.

There is an important, applicable quote here. It's from a book called ***Blue Highways*** (a book authored by Native American, William Least Heat-Moon, which chronicles his journey into America). The quote is: ***"A man who makes peace with the new by destroying the old is not to be honored."*** This should require no explanation.

As for Munjoy Hill's existing middle class, now, because of the City Council's inaction, many of us will probably cash out. As many told you last night (and for the last two years), we live here on Munjoy Hill for the people, not the luxury accommodations that we were trying to slow. That said, now knowing that the City doesn't care about preserving a middle class community on the Hill, many of us will likely pack up our wagons, leave Munjoy Hill, and go find middle class neighbors and affordable housing elsewhere. The first place we will look is Portland's existing historic districts.

Julius Ciembroniewicz, Esq.
55 Morning Street
Munjoy Hill

Julius Ciembroniewicz <jciem@gmail.com>

11:34 AM (2 hours ago)



to Kate Snyder, Belinda Ray, Spencer Thibodeau, Deb Andrews, mdion@portlandmaine.gov, azarro@portlandmaine.gov, nmm@portlandmaine.gov, cdg, planningboard@portlandmaine.gov, planning@portlandmaine.gov

Mayor Kate, Councilor Ray, Councilor Thibodeau, Councilor Dion and Councilor Zarro:

Thank you for your tireless efforts on the historic district proposal. The issue has been going on for more than 2 years, in which time Portland's Planning Board approved it, Portland Landmark's approved it and Portland's Munjoy Hill Neighborhood endorsed it.

The Munjoy Hill historic district proposal (which only covers 1/2 of MH) will help preserve our City's middle class. Help to preserve a portion of the Hill in a historic district. Help to preserve affordable housing. Help to preserve the integrity of our middle class community. Help to prevent existing middle class multi-units from being demolished for single family luxury seasonal residences. The people who live here (your constituents) want this proposal.

We are people who retain an interest in the past; creating a new that blended with the old. This is an important issue to the residents in our community; it would be unfair to treat the residents of Munjoy Hill differently than the other 11 historic districts in the City. Plus, preserving a portion of the middle class history on Munjoy Hill is good for the future of the City.

I hope that you will continue to support the proposed Munjoy Hill Historic District at the April 5th meeting of the City Council.

Respectfully,

Julius Ciembroniewicz
55 Morning Street
Munjoy Hill

From: Karen Snyder <karsny@yahoo.com>

To: Belinda Ray <bsr@portlandmaine.gov>; Spencer Thibodeau <sthibodeau@portlandmaine.gov>; Kate Snyder <ksnyder@portlandmaine.gov>; Andrew Zarro <azarro@portlandmaine.gov>; Mark Dion <mdion@portlandmaine.gov>

Sent: Tuesday, March 16, 2021, 12:24:54 PM EDT

Subject: 2 Additional Points: Support In 1 Slide and How Munjoy Hill is Marketed

Dear Councilor Ray, Councilor Thibodeau, Mayor Snyder, Councilor Zarro, and Councilor Dion,

Thank you for your past support in the proposed Munjoy Hill Historic District.

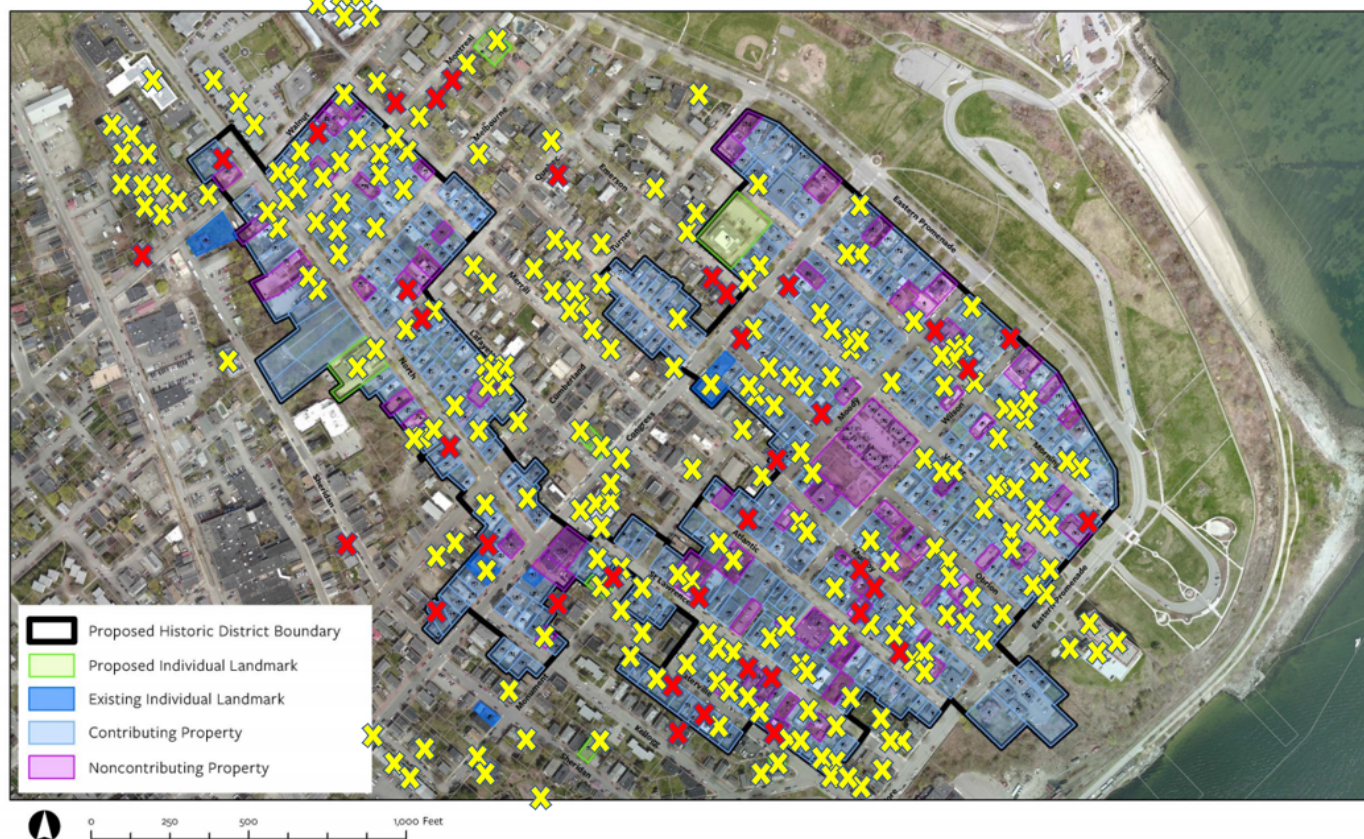
I would like to call to your attention two additional points besides the economic impact analysis that will be provided by the City in order to continue to support the proposed Munjoy Hill Historic District.

Point 1: The continued and unwavering support for property owners and tenants for the proposed Munjoy Hill Historic District summed up in 1 chart.

- This is obviously an unofficial map but the information was gathered from the City agenda packets from the last 6 city meetings regarding the proposed Historic District and mapped by property for the property owner and/or tenant and summarized into 1 slide below.

Proposed Munjoy Hill Historic District and Individual Landmark Designations

Per Historic Preservation Board Recommendation



On-Munjoy Hill by Property: **Support**=229 (85.7%) **Opposed**=38 (14.3%) Source: City Public Meetings Agenda Packet from: 11/19/2019;02/01/2020;03/10/2020; 08/11/2020;11/09/2020;11/16/2020;01/11/2021;02/01/2021

Off-Munjoy Hill by Person: **Support**= 130 (83%), **Opposed** = 26 (17%) Data As of: 03/02/2021

Note: Included in these statistics were tenants identified who wrote in: 38 tenants were in support and 3 tenants were opposed.

Point 2: I would like to call to your attention to how property is currently being marketed on the Hill.

Imagine the real estate marketing ads if the historic district does not pass and there are virtually no constraints on demolition. The only protection at that point will just be the possibility of a 1-year demolition delay only if

Planning Director, Christine Grimando, decides a building is "preferably preserved" under the Munjoy Hill Conservation Overlay Zone.

Below are just some of the current real estate advertisement and the rest of the ads are attached.

1) 24 Montreal St = Outside the proposed Historic District

[24 Montreal Street, Portland, ME 04101 is For Sale | Benchmark Real Estate \(benchmarkrealestate.com\)](#)

24 Montreal Street

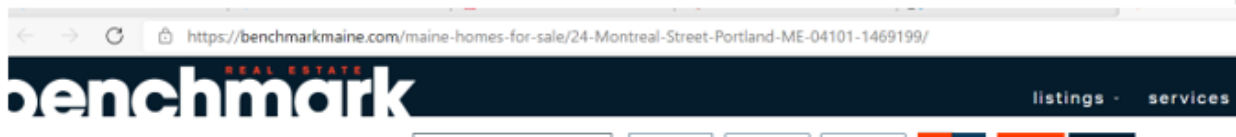
PORTLAND

3 BR | 2 BA | 6 rooms | 1,618 sq.ft. | 0.08 acres

\$700,000

property type	Single Family Residence
class	Residential
style	New Englander
year built	1890
listing office	Benchmark Real Estate
selling office	Legacy Properties Sotheby's International Realty

A remarkable home on a remarkable lot in a lovely location; just off Portland's Eastern Promenade. Steeped in pride of ownership this rare single family has been transformed by the hands of a true master. From foundation and framing, plumbing and heating, electrical and insulation and everything in between this home is more than turn-key and better than new. This is the perfect down-sizer, the perfect right-sizer and the ideal condo alternative all situated in one of the most desirable locations in Maine and beyond. We all know Munjoy Hill (East End) has become the most coveted neighborhood in Portland but this section is the best of the best. The streets are quieter, the homes more on-scale, the lots larger, the walkability to the prom, the top of the hill and all that happening on inner Washington Ave is brisk and even a bit bucolic. Buy separately or with adjacent parcel for a combined .16 acres and the rare opportunity to expand, add a garage, build a separate structure or pursue a more ambitious redevelopment of up to 9 units. Separate lot listed for \$445K. Your stress-free oasis or re-development opportunity in our wonderful city awaits.



2) 57-59 St. Lawrence St. = Inside the proposed Historic District

[57-59 St. Lawrence St, Portland, ME 04101](#) | [MLS# 1469499](#) | [Redfin](#)

57-59 St. Lawrence St, Portland, ME 04101

\$1,950,000

Price

13

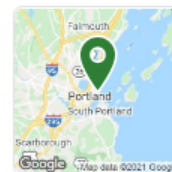
Beds

7

Baths

9,600

Sq Ft



Buy + Sell = Save

When you buy & sell with Redfin, we cut our listing fee to 1%—half what other agents charge. [Explore](#)



Imagine the possibilities this property offers. **Overall potential for up to 16 new units, some with water views.** One of the larger parcels remaining on Munjoy Hill. Existing 7 unit with good income and is a good renovation project for much stronger income. Large lot can accommodate an additional 7 units subject to city approval.

3) 28 Montreal St. = Outside the proposed Historic District

[28 Montreal Street, Portland, ME 04101 is For Sale | Benchmark Real Estate \(benchmark](#)

28 Montreal Street

PORTLAND

0.08 acres

\$445,000

property type	Land
class	Land
listing office	Benchmark Real Estate
selling office	Legacy Properties Sotheby's International Realty

Just off from the Portland's coveted Eastern Promenade this lot is level, open and ready for redevelopment. Priced competitively to ensure a quick sale this is a rare offering and a chance to build vs buy. Drawn to modern architecture? Want to build a home that is net zero? Want to bring your dreams to this field? Lets face it there are many, many homes in this area that are selling for \$5-6-700K that should be but can't be torn down. Since they can't be demo'ed you're forced to renovate and compromise on design, layout, efficiency and much more. With full city utilities at the street and a design/build team poised and ready to help this is building simplified. Desirable R6 Zoning offers design flexibility, limited setbacks, generous footprint and the ability to build up to 4 units and at a commanding 45' height (promising stunning views). Come with your ideas, come with your aspirations but don't wait.

general / land

County

Cumberland

benchmark REAL ESTATE

listings -

I hope we have your continued support in the proposed Munjoy Hill Historic District.

Regards,
Karen Snyder
Waterville Street

Attachment: MunjoyHill_ForSale_20210316.pdf

From: **Lindsay Steven Mann** <lindsaymann@gmail.com>
Date: Tue, Mar 30, 2021 at 9:02 PM
Subject: Amendment to Historic District
To: <ksnyder@portlandmaine.gov>, Belinda Ray <bsr@portlandmaine.gov>, <sthibodeau@portlandmaine.gov>, <tchong@portlandmaine.gov>, <azarro@portlandmaine.gov>, <mdion@portlandmaine.gov>, <afournier@portlandmaine.gov>, <pali@portlandmaine.gov>, <nmm@portlandmaine.gov>
CC: Deb Andrews <dga@portlandmaine.gov>

Dear Council Members,

My name is Lindsay Mann, I am the owner of 122 North Street. My many comments are in the record, but my request is this: please remove our house from the potential Historic District before you.

We fully understand and appreciate the desire for the district. We also appreciate opponents' concerns. My wife and I have participated in countless meetings regarding the district. We have put in the time and effort to understand the issues. But, we would be **the only contributing building on the block**, and surrounded by massive modern buildings. Unfortunately, the historical context for our home on this block has already been erased. Our circumstance is uniquely unfair and requires reconsideration.

Under the advice of Deb Andrews, **we ask that there be an amendment to remove our house from the Munjoy Hill Historic District as it is currently drawn.**

Ms. Andrews has stated to me that Walnut Street would be "a rational place to draw the boundary line" of the district on North Street. Hopefully she will be able to address our concerns, but I am more than willing to answer your specific questions.

Thank you for your careful consideration of this topic. We sincerely hope that Munjoy Hill and this city that we love are able to grow thoughtfully, progressively, and without further dismantling the charm that brought us here in the first place.

Lindsay Mann
[122 North Street](#)

From: **Maggy W** <mawnola@gmail.com>
Date: Wed, Mar 31, 2021 at 1:01 PM
Subject: Misleading Petition regarding Munjoy Hill historic district
To: Andrew Zarro <azarro@portlandmaine.gov>, Belinda Ray
<bsr@portlandmaine.gov>, Kate Snyder <ksnyder@portlandmaine.gov>, Spencer
Thibodeau <sthibodeau@portlandmaine.gov>, Pious Ali <pali@portlandmaine.gov>,
<nmm@portlandmaine.gov>, <tchong@portlandmaine.gov>,
<mdion@portlandmaine.gov>, <afournier@portlandmaine.gov>

Dear members of the City Council,

A short while ago, as we were bringing in our recycle bins, a neighbor and I were accosted by another resident of Munjoy Hill who was carrying a clipboard with a petition. I have also seen this petition at the Hilltop Superette and other spots on the hill. She asked my neighbor and me how we felt about 49 non-contributing houses that could be torn down more easily under the historic district than under the Conservation Overlay, and, if we were against tear-downs, would we sign her petition. I politely explained to her how this was misleading and that these non-contributing buildings had no protection under the Conservation Overlay either and that her petition was making false claims. This claim that houses are more easily demolished under the historic district than under the Overlay has been a consistent claim from the principal opposition to the Historic District. They have used this argument in their petitions and in the flyers they have distributed and posted around the neighborhood. They have also made this claim numerous times in meetings and on NextDoor.com. This disinformation campaign has largely been the work of a couple of individuals, but it is likely that they have persuaded some people to sign their petitions based on this false information.

I understand the council has many important topics on your plate, but I did want to bring this to your attention.

As long as I am writing to you again, let me urge you one more time to support the Historic District. Once buildings are torn down, they are gone forever. Please consider for a moment who is living in the most at-risk buildings now and ask yourselves where those people will go. Munjoy Hill has long had a diverse population which is now rapidly vanishing along with the buildings that tell the story of the working class in Portland.

Thank you for your time,
Maggy Wolf
28 Saint Lawrence St, Apt 2

April 1, 2021

Christine Grimando
Planning Director
City of Portland
389 Congress Street
Portland Maine 04101

Cc: City Council, Mayor Snyder, and Portland City Manager Jennings

Dear Ms. Grimando

We, the undersigned, owners & renters within the current West End Historic District, write pursuant to the City of Portland Land Use Ordinance Section 14-615 to petition the review and removal of the West End Historic District. As outlined in the ordinance, one of us is an owner of a Landmark at 261 Western Promenade, so the threshold requirement is met to initiate a comprehensive review, starting the process to remove the district from the neighborhood (14-615(2))

In addition, we request the following:

1. The HP City Ordinance should be redrafted. It grants far too much power to the City's Historic Staff and the Historic Preservation Board.
2. Accelerate the process by bypassing the HPB and by immediately tasking the Planning Board with redefining the ordinance and evaluating the request for removal
 - a. If not, objectivity cannot be guaranteed because the very people responsible for implementing and executing upon the current flawed ordinance (the HPB).
 - b. As when a new district is recommended & regulations are imposed until the City Council votes in the affirmative, we would like the current regulations to be suspended across the district until such time that the City Council votes.

As learned by monitoring the 3+ year Munjoy Hill Historic District debate, we support the need for a comprehensive study to be completed on the impacts of the various HDs on values, rents, owners, POC, etc. 30 years of Historic Districts in Portland with no formal evaluation is poor City management. As many of us have personally experienced, the added expense to maintain our buildings in an HD are substantial. Some of us have spent over \$100,000 in added expenses, have found the Historic Staff to be unreasonable and have had very negative experiences with the HPB. **A special thanks to Councilors Fournier, Zarro, Chong, Ali and Mavadones for holding positions that seek data & for recognizing that our City's current Preservation policies are outdated and are oppressive to diversity and prosperity.**

While canvassing the neighborhood for only 2 brief hours, here is a sample of comments from the public regarding their experiences with the Historic Staff and HPB.

- "It has gone too far"

- “Because of the HPB, I’ve received quotes for work totaling about \$135,000 for work that I cannot afford but for work where reasonable alternatives exist. I’ll keep my house looking good but I’ll use today’s materials, not the pasts.”
- “The HPB made me spend thousands of \$\$ on sashes that the previous owners removed and that no one could see from the street. Each one cost \$3500.00”
- “Scared that icicles would fall and seriously hurt people walking by my house, I requested to ask for permission to add a gutter to the front of my home. The HPB denied my request. Now, my family is scared every winter that someone will get hurt and we’ll be sued.”
- “They made me remove a railing on a 2nd floor and replace it with only a 3’ high one. Now, our deck is completely unsafe.”
- “I’d be fine if they wanted to guide me on what windows to use so that everything ‘fits in’ but they have way too much power.”
- “The HPB is inconsistent and sometimes irrational. As a business owner, I wanted to add an awning to only be used when it rains. My request was denied because the building (which was a gas station in past) was too significant.”
- “Deb and Rob appear nice but they scare and intimidate my family.”
- “Unfortunately, once you get into the tourist industry, the City makes it all about upkeep and not about making our neighborhood livable for the residents.”
- “I cannot afford in-kind materials and the HPB is not flexible. My building is rotting because of them.”
- “Our City Councilor does not care.”
- “I’m hesitant to sign a letter to city in opposition because I’ve already made changes to my house without HPB approval because I could not afford their recommendations and I do not want to bring attention to my family.

As a long term resident I would urge the Council to walk the West End. Many many houses have continued to deteriorate because their owners can’t afford the repairs to HDB standards or the constant maintenance it requires.

I look forward to your response, pursuant to the Ordinance. Specifically, please outline next steps and advise about 14-615(b): We respectfully request the waiver of any fee.

Thank you.

Mildred Bachrach

West End

Thank you very much!

Steve Durham

Printed Name: 261 Western
Property Address: Promenade

Printed Name:
Property Address:

Printed Name:
Property Address:

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Property Address:

Name: Kevin Dawling
Address: 174 Denforth St.

Name: _____

Address: _____

Name: Kai Marley
Address: 47 Deering St

Name: _____

Address: _____

Name: Shelby McDonald
Address: 183 Brackett #210

Name: _____

Address: _____

Name: Joan Hartzman
Address: 160 STATE #426

Name: _____

Address: _____

Name: Chris Walters
Address: 53 Thomas St

Name: _____

Address: _____

Name: Andrea Gaines
Address: 185 Clark Street

Name: _____

Address: _____

Name: Mildred Bachrach
Address: 211 Brackett Street

Name: _____

Address: _____

Name: Zsazsac 1246
Address: 100 state #221

Name: _____

Address: _____

Name: JOHN Gole
Address: 100 STATE STREET

Name: _____

Address: _____

Thank you very much!

Trinity Bachrach
Trinity Bachrach

Printed Name: Trinity Bachrach
Property Address: 213 Brackett St.

Malachi Whitten
Printed Name: Malachi Whitten
Property Address: 213 Brackett St.

Alfred P. Bachrach
Printed Name: Alfred P. Bachrach
Property Address:

211 Brackett St.

Printed Name:
Property Address:

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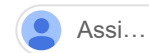
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Reconsideration of the Munjoy Hill Historic District



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Nancy Brain <nrbjcw@me.com>

Feb 22, 2021, 2:48:01 PM (3 days ago)



to ksnyder@portlandmaine.gov, afournier@portlandmaine.gov, bsr@portlandmaine.gov, mdion@portlandmaine.gov, nmm@portlandmaine.gov, pali@portlandmaine.gov, planningboard@portlandmaine.gov, sthibodeau@portlandmaine.gov, Azarro@portlandmaine.gov, tchong@portlandmaine.gov

Please know how pleased I am that you are reconsidering the Munjoy Hill Historic District. I was stunned and disturbed when the district was voted down. I have been involved in this process - studying the issues, reading the arguments for and against, attending meetings, and writing numerous letters of support - for over 2 years. I understand that approximately 80% of the people living in the neighborhood support the historic district designation. How could it possibly have been voted down?

I have lived in Portland for over 25 years and on Munjoy Hill for over 3 years. I love the city and I love the neighborhood. A big part of the city's appeal is its livability, its history, and its diversity.

I walk the streets of the East End almost everyday, and it breaks my heart that much of character of the neighborhood is in serious jeopardy of being torn down to be replaced by modern, oftentimes sterile, high-end apartment buildings.

My grandparents were immigrants who moved to Cleveland in the early 1900's where they became part of a community of immigrants from their country of origin. These people became family for each other, supported and cared for each other, and were proud to be new Americans. To this day, when I return to Cleveland, we always visit that neighborhood which still exists. We identify the houses where my family and their friends lived. We reminisce about walking to the corner store (Popavich's) to buy penny candy or walking to the local school where we played on the play ground and heard our parents tell stories about when they played on that same playground.

I did not grow up on Munjoy Hill, but it certainly is a neighborhood with the same kind of history. Why would we ever want to destroy it? Instead, let's work to keep it a diverse neighborhood that reflects its own rich history.

I'll conclude with one brief example. The Abyssinian meeting house, the Maine Jewish Museum, the East End cemetery, and the Observatory are all in this neighborhood, in close proximity to each other. Talk about history, diversity, and richness all in one neighborhood. Let's honor and care for this part of our city, not destroy it.

Thank you for taking the time to read my heartfelt statement, and thank you for reconsidering your vote.

Nancy Brain

From: **Pamela Day** <pday2304@gmail.com>
Date: Fri, Mar 26, 2021 at 2:29 PM
Subject: Support for Munjoy Hill Historic District
To: Belinda Ray <bsr@portlandmaine.gov>, Kate Snyder <Ksnyder@portlandmaine.gov>, <sthibodeau@portlandmaine.gov>, <zarro@portlandmaine.gov>

Dear Mayor Snyder and City Councillors Dion, Ray, Thibodeau, and Zarro,

Thank you for your past support of the proposed Munjoy Hill Historic District. As we have noted in previous emails, this action will go far in preserving the culturally diverse and friendly fabric of this important and historic Portland neighborhood. The protections of a historic district will allow many current working and middle class families to remain here, providing more affordable housing than would be gained by the construction of new and expensive development.

We urge you to continue to support the proposed Munjoy Hill Historic District at the April 5th City Council Meeting.

Pamela Day & Michael Petit

25 Waterville Street
Portland 04101
[207-461-1461](tel:207-461-1461)

Paul Flaxman <pflax24@hotmail.com>
to planningboard@portlandmaine.gov

Mar 29, 2021, 6:40:44 PM (3 days ago)



Dear Planning Board and City Council - thank you for your efforts.

I am writing to encourage you to vote AGAINST making portions of Munjoy Hill a historic district. Proponents of the district seem to believe it will be a panacea to cure all ills; that is, it will stabilize rent, stabilize home prices, prevent knockdowns, prevent gentrification, preserve diversity, stop big box condos, and so on. The reality is that the jury is out on the impact of Historic Districts across the country and it is unclear if any of those goals will be met.

The city already has in place both zoning laws and an overlay that provide sufficient control *without* completely hamstringing the homeowner. New or additional zoning is required if the goal is to manage development on the hill, but not Historic Preservation expressing their opinion about what should and should not happen to a home. In short, I believe the potential Historic District is about control over private property.

I'd like to provide you with a summary of my experiences as a homeowner on the hill. My wife and I bought 7 Atlantic Street in 2017. The circa 1845 building was in very tough shape and 2 of the 3 contractors we interviewed recommending knocking it down. Instead, we gutted and renovated 7 Atlantic Street in 2018/2019. My wife calls it "an old lady with a hat" because we put a viewing room on top. She loves the house and so do I. We put everything we have into it - heart and soul - in one of the most difficult projects of our lives.

And we had to modify our plans due to the historic overlay. They preferred several changes to roof lines that we accommodated. We're very proud of it and our neighbors have repeatedly stopped us to say how happy they are that we saved it.

In the fall of 2019 I went to Historic Preservation at city hall because their map of the Historic District was unclear to me. I knew we were in the district but thought we were non-contributing (the map colors seemed to suggest we were a contributing property). When I told the head of Historic Preservation that my home was #7 Atlantic Street, she said: "I hate what you did with that house." Hate? Really? It was so upsetting that I think of it often and am shaking while I type this. I am still upset at this callous and opinionated approach. Hate. I tried to have a discussion with this official but the smug and quick responses to my every discussion point has only infuriated me further - it was a terrible experience. I think this might be a nice person, but not one that should be commenting on property owners' plans. Hate.

Our property is a perfect example of what may happen to homes on the hill if the district is voted in:

- It would not make sense to buy the house, at top dollar, if all you could do was put dormers in (as preferred by HP). We would not have done this project if that were the case.
- And so instead it leaves it as a great candidate for a knockdown. I'm sure it would have qualified (lots of engineering was involved in keeping it standing).

Please take a look at 7 Atlantic Street. Would you prefer the current design with architecture as a living and changing thing, or would you prefer it to be knocked down and something else built in it's place. That is the choice that you are making. And please tell me if our home fills you with "hate."

Best regards,

Paul Flaxman
7 Atlantic Street

From: **Peter Murray** <pmurray@zwi.net>
 Date: Thu, Apr 1, 2021 at 4:01 PM
 Subject: Munjoy Hill Historic District
 To: Kate Snyder <ksnyder@portlandmaine.gov>, Mark Dion <mdion@portlandmaine.gov>, Andrew Zarro <azarro@portlandmaine.gov>, Ray Belinda <bsr@portlandmaine.gov>, Thibodeau Spencer <sthibodeau@portlandmaine.gov>
 Cc: Murray Peter L. <pmurray@zwi.net>, Andrews Deborah <DGA@portlandmaine.gov>, Grimando Christine <CDG@portlandmaine.gov>

Dear Mayor Snyder and Councilors Dion, Ray, Thibodeau and Zarro -

We very much appreciate your interest in the proposed Munjoy Hill Historic District and hope that we will be able to count on your support for the District next Monday, April 5.

You have all been made aware (over and over again) of the many reasons that now is the time to go forward and create the District to protect the historic character of the Munjoy Hill neighborhood, maintain the stock of affordable housing there, and stabilize property values from rampant speculation.

Recently intensified opposition to the District appears to be driven not by homeowners and renters, but by a coalition of real estate condominium developers who want to continue to exploit the amenity of the Hill by tearing down existing housing and replacing it with oversize lucre condo blocks.

Earlier you were presented with a map showing the overwhelming support for the District on all parts of the Hill. This map was compiled from actual submittals (letters, e-mail, and statements at meetings or hearings) plus signatures on a detailed and petition circulated among homeowners and renters. In most cases, the persons recorded stated their reasons for supporting the District either orally or in writing. Based on the results of recent hearings and meetings, it is submitted that this is an accurate reflection of the widespread actual support for the District in the relevant neighborhoods.

Yesterday, at the last minute, it appears that Mr. Carle Henry, a bitter opponent of the District from the beginning, has sent you a number of names and signatures on various forms and simple sheets as evidence of opposition to the District. However there is no indication of how these signatures were obtained, what was told the signatories, or why they thought that they opposed the District. It is submitted that this does not represent a credible representation of community sentiment, or anything other than a last ditch effort by the developers to throw sand in front of the Council's orderly vote on the establishment of the District.

By the same token, the last ditch effort of the same group (Op Ed in this morning's Press Herald) to get the District put aside in favor of the recode of the zoning, is a classic "red herring." Regardless of the outcome of the recoding, Portland needs the District for the many reasons already expressed.

We hope that the time that has elapsed since you voted to reconsider the last negative vote on the District has enabled you all to obtain such additional information as would be helpful for you to reach a considered judgment on this important and positive measure to protect, maintain and improve the amenity of life in Portland, Maine for all its residents.

Based on the recommendations of the Planning Board and the Historic Preservation Board, for the reasons stated by the many residents and organizations supporting the designation, and with the strong and genuine support of the great bulk of the residents and property owners of Munjoy Hill, please adopt the Munjoy Hill Historic District at next Monday's Council meeting!

Thank you.

Sincerely,

Peter L. Murray
104 North Street
Portland, ME 04101
pmurray@zwi.net

Robin Whitten <robin@audiofilemagazine.com>

Mar 31, 2021, 2:40:21 PM (yesterday)



to Belinda Ray, Kate Snyder, sthibodeau@portlandmaine.gov, mdion@portlandmaine.gov, azarro@portlandmaine.gov, planning@portlandmaine.gov, dga@portlandmaine.gov, Christine Grimando, Planning Board

Greetings Portland City Councilors,

Thank you for support in the previous meetings on the proposed Munjoy Hill Historic District.

I am a 40+year resident and home owner of Munjoy Hill. The proposed district is a consistent part of the overall planning policies and plans of the city of Portland. The proposed Munjoy Hill Historic District will join 11 existing historic districts in Portland to continue to help make a livable and growing city for all residents and businesses. It is endorsed and recommended by the City staff and the Planning Board.

I hope you will continue to support the proposed Munjoy Hill Historic District at the April 5th City Council Meeting. Thank you.

Respectfully,
Robin Whitten

23 Saint Lawrence Street
Portland Maine 04101

April 1, 2021

Dear Mark,

I want to thank you for your vote in February to designate 5 new Landmark buildings as well as the Munjoy Hill Historic District. I am pleased that the Council will again be considering the establishment of an historic district on Munjoy Hill at Monday's Council meeting. I appreciate your support for Portland's long standing historic preservation program. We are very fortunate to live in a city that is vibrant and energizing yet that retains a sense of its historic past and historic character.

The Munjoy Hill Historic District, covering just less than half of the Hill, will provide a mechanism to manage change over time for a portion of the Hill while maintaining a sense of place in this early immigrant neighborhood whose residents were so important to Portland's businesses and economy. I have already sent you Greater Portland Landmarks "hidden" stories of former (and current) Hill residents outlining their contributions to our community.

I appreciate greatly the extensive effort that has gone into developing these designation proposals and the thoughtful consideration given to residents' viewpoints throughout the review period.

I'm aware that for a number of years many residents of the Hill valued highly the character of their neighborhood yet thought there was no need for historic designations to ensure that this character is not eroded and eventually transformed. The development boom in Portland, taken together with zoning changes of the past few years, however, have changed this dynamic significantly, putting buildings and areas at risk of substantial erosion and change.

I am heartened by the overwhelming support voiced by the public at the Historic and Planning boards and before the Council to preserve and evolve the buildings within the proposed historic designation area so Munjoy Hill can continue to meet the needs of its residents and also add to the vibrancy of this great city through maintaining existing relatively affordable housing units as well as its historic streetscapes and character.

I urge you to vote again in favor of the historic district designation on Monday.

I have read also the Resolve 7-20/21 Requesting a Report on the Impacts of Historic Districts in the City of Portland. I believe such a report would be very helpful to the City and the Council in addressing a number of questions raised in the course of reviewing the Munjoy Hill Historic District. I would urge you to support this resolution.

Mark, thank you so much for your responsiveness and your service to our City.

Most sincerely,
Sally Oldham
118 Congress Street
Munjoy Hill

susan ross <susanpross@yahoo.com>

Feb 25, 2021, 12:18:51 PM (yesterday)



to ksnyder@portlandmaine.gov, pali@portlandmaine.gov, tchong@portlandmaine.gov, mdion@portlandmaine.gov, afournier@portlandmaine.gov, Azarro@portlandmaine.gov, nmm@portlandmaine.gov, bsr@portlandmaine.gov, sthibodeau@portlandmaine.gov, planningboard@portlandmaine.gov

Greetings,

I am in the process of relocating from Montclair, New Jersey to a condo I purchased last year at 77 Congress Street. I've been following with interest the discussions about creating a historic district in Munjoy Hill and was disappointed with the outcome of the recent vote. I am hoping the next meeting will bring about a different outcome.

I have lived for forty years in a town of almost 40,000 people that has been plagued by over-development for the past ten years. Most of the people on our town council are developers so it has been hard to control the teardowns and new construction of oversized dwellings that are out of sync with the varied architecture of the town. Our Historic Preservation Committee has worked hard to rein in some of the more outlandish projects but it is difficult and often discouraging work. We have several historic districts where new development is robust and the facades of new structures are more in line with existing homes and commercial properties. One of the most upsetting outcomes of our over-development has been the construction of generic architecture in five to seven-story mixed-use buildings. Our main street has lost much of its character and we now have constant traffic and parking problems.

I have only been here for one year, but it's hard to miss the rapid growth in this tiny neighborhood. Instead of viewing historic preservation as taking away the rights of people, I would recommend looking at it as a way to continue growth without deconstructing the very elements that have made Munjoy Hill such a desirable place to live. I've read that the east side does not have the architectural importance of the west side and I would argue that it still has historic importance which should be preserved.

We must also be mindful of the impact in this neighborhood from the Fore Street Development, which is going to affect traffic that is both pedestrian and vehicular. I am not opposed to further development, but let's not relinquish our history and buildings. Once the character is gone - there is no getting it back.

Sincerely,
Susan Ross
77 Congress Street
#1
Portland, ME

Tess Armstrong <tessarmstrong@hotmail.com>

Feb 1, 2021, 4:56:11 PM (2 days ago)



to pali@portlandmaine.gov, tchong@portlandmaine.gov, mdion@portlandmaine.gov, afournier@portlandmaine.gov, Azarro@portlandmaine.gov, nmm@portlandmaine.gov, bsr@portlandmaine.gov, sthibodeau@portlandmaine.gov, planningboard@portlandmaine.gov, ksnyder@Portlandmaine.gov

Mayor Snyder and City Councilors,

I urge you to support the proposed Munjoy Hill Historic District. The district will protect those properties that reflect the unique history of the hill and its residents for the last 180 years, including immigrants from Eastern and Western Europe, Scandinavia, Africa, and the Caribbean. The district will also support sustainability and affordable housing goals established in the City's 2017 comprehensive plan.

Hundreds of units of affordable housing, as well as new market rate units, have been built in Portland's existing historic districts in the last five years. Portland's historic districts provide access to federal and state Historic Tax Credits, significant funding for challenging housing projects. Reusing and improving our existing building stock will also significantly help meet our goals to cut carbon emissions, reducing the need for the manufacture and transportation of new building materials - as well as reducing the amount of building demolition materials that enter our waste stream.

Please vote to support the district. Thank you.

Tess Armstrong

151 Congress Street

From: Vana Carmona <vanacarmona@gmail.com>

Subject: Munjoy Hill Historic District

Date: April 1, 2021 at 12:09:05 PM EDT

To: Belinda Ray <bsr@portlandmaine.gov>, Kate Snyder <ksnyder@portlandmaine.gov>, Spencer Thibodeau <sthibodeau@portlandmaine.gov>, mdion@portlandmaine.gov, azarro@portlandmaine.gov

Cc: planningboard@portlandmaine.gov, Deb Andrews <dga@portlandmaine.gov>, cdg@portlandmaine.gov

I live at 105 North St on Munjoy Hill. Our building would be a contributing structure to the long hoped-for Munjoy Hill Historic District. Not only is it architecturally appropriate but it is also associated with a number of people and families who helped make the Hill what it is, starting back in the 19th century.

After having grown up here and left for various school and work opportunities, I moved back to my hometown 11 years ago and came directly to the Hill. I had always considered it one of the most interesting and beautiful neighborhoods in Portland.

But since then, I have seen a huge uptick in demolitions and the building of enormous multi-million dollar condos, all at the expensive of the character of this area as well as that of the working class people who have always made the Hill their home.

Today, I woke up to yet another concerted effort to undermine the proposed Historic District. The article in the Press Herald is misleading. What we need is a Historical District. This will help maintain the older homes and the affordability of this area and keep it from becoming an expensive seasonal resident for wealthy out-of-staters.

Yes, the group calling themselves the YIMBY has done so much to undermine the desires of the majority of people who live up here. If you look at the polls and surveys, you will see that most residents want the Historic District.

I am very pleased that you are seriously looking at the creative of the Historic District again. I can only hope that you have done more research to see what I, along with most of us here, have known for so long.

Please vote YES for the Munjoy Hill Historic District.

Thank you.

Vana Carmona
105 North St. Apt 1
Portland, ME 04101
207 420 6962



>

Re: today's article in PPH re HDs

1 message

Mon, Apr 5, 2021 at 8:48 AM

On Mon, Apr 5, 2021 at 8:46 AM Jon Jennings <jjp@portlandmaine.gov> wrote:

Please add to the back up.

----- Forwarded message -----

From: **Carle Henry** <cdhenry3@yahoo.com>

Date: Fri, Apr 2, 2021 at 11:02 AM

Subject: today's article in PPH re HDs

To: City Council <council@portlandmaine.gov>

CC: Jon Jennings <jjp@portlandmaine.gov>

Council,

Today's PPH article re the West End highlights some very important issues and gives great insight to how the City reacts, as it relates to Equity. As a privileged white guy who has gone through a lot of D&I training, I got to tell you, with no disrespect, some appear to need a wake up call.

Beyond the obvious complaints in the article about extra cost of maintenance the known problems with the HPB (which some of you dismiss), the article highlights something as troubling; **the Elitist and Dismissive response from some and by prominent organizations like GPL.**

It is alarming to read the reaction from Spencer, the Mayor, GPL and the West End Neighborhood organization. All of the challenges home owners face are REAL and have been reported to you during public comment a number of times. Your 'shock' shows your privilege. Your claim that you were unaware of issues facing your constituents either reflects your arrogance, a lie or your inability to read submitted comments or listen to live public comment.

Attached are the pasted comments from the public about the article. I encourage you to read them. Most cite specific issues with the direction of this City as it relates to Preservation, Equity, Expense.

My point is: **How do any of you expect to truly address inequity and to help our city become more inclusive if you so quickly dismiss the real, documented challenges of the residents?** You all know the Historic Ordinance is

poorly written and locks districts in for life. You all know the HPB inconsistently applies their edicts to residents without consequence. You all know the City has provided no data on the impacts of HDs on our economy, BIPOC, etc. after 30 years of districts. But, many of you will still vote for the MHHD without blinking a privileged eye. **Concerns for those struggling in districts today, those unable to afford living in a district, those less advantaged are simply ignored.**

Your dismissive nature will produce only one class of people who can afford the additional costs.....thus pushing the less fortunate out. But many of you will convince yourselves that staff's pseudo-data and bias responses to any challenge are good enough for you. Or, in the case of Councilor Dion, you'll opt to side step the entire concern despite your own cited issues with fairness to home owners by voting yes in hopes to win favor for your upcoming shelter battle.

Based on the posted comments, there is a reckoning coming on these systemic issues. Please treat these challenges with respect. It's 2021 - - stop the systemically harmful practices now....update the ordinance etc. before causing any more damage and building a city for the affluent only.

Again, with respect but with a good dose of frustration due to your unabashed prejudices, wake up to what this ordinance & the HPB is doing to our city. Many have told you that momentum is building to not tolerate these practices and behavior (e.g., BLACK Power discussed this in Oct, etc.)....what has just occurred in the West End is an example of the unaddressed frustrations bubbling up. Step in and step up to intervene please. **Put a moratorium on all HD activities for now. Engage your committee on Racial Inequity.** The Council has the power & the tools to stop the HD proliferation & to update the ordinance to create a more prosperous City for future Preservation efforts.

Thank you,

Carle Henry

--

Jon P. Jennings
City Manager
[City of Portland](#)
[389 Congress Street](#)
[Portland, ME 04101](#)
(207) 874-8689 Office
jpj@portlandmaine.gov
www.portlandmaine.gov

4/5/2021

Re: Please support the Munjoy Hill Historic District! - jmy@portlandmaine.gov - City of Portland Mail

James Hambly <jphambly@hotmail.com>

to ksnyder@portlandmaine.gov, pali@portlandmaine.gov, tchong@portlandmaine.gov, mdion@portlandmaine.gov, afournier@portlandmaine.gov, Azarro@portlandmaine.gov, nmm@portlandmaine.gov

Mayor Snyder and City Councilors,

Thank you for again considering the Munjoy Hill Historic District.

We would again like to express both our support for the Munjoy Hill Historic District and express our thanks for the efforts of everyone involved to bring the designation to reality.

The Munjoy Hill neighborhood has a look and feel we both love and enjoy every day. Dramatic changes to some of the properties over the last few years have, in our opinion, been detrimental to that look and feel. Change does need to take place and, going forward, we look forward to the Historic Preservation Department having guidance over that change.

We hope that there will not be any further delays implementing the historic district.

Thank you.

Please vote to support the proposed Munjoy Hill Historic District and the designation of the six proposed individual landmarks. Thank you!

James Hambly and Jenny Dignan

61 Monument St.

Apt 4

Portland, ME 04101



Dena Libner <dlibner@portlandmaine.gov>

Fwd: couple final considerations for Councilor Zarro

2 messages

Jon Jennings <jpj@portlandmaine.gov>

Mon, Apr 5, 2021 at 2:23 PM

To: Christine Grimando <cdg@portlandmaine.gov>, Dena Libner <dlibner@portlandmaine.gov>

----- Forwarded message -----

From: **Nick Mavodones** <nmm@portlandmaine.gov>

Date: Mon, Apr 5, 2021 at 1:28 PM

Subject: Fwd: couple final considerations for Councilor Zarro

To: Danielle West-Chuhta <dwest@portlandmaine.gov>, Jon Jennings <jpj@portlandmaine.gov>

----- Forwarded message -----

From: **Carle Henry** <cdhenry3@yahoo.com>

Date: Mon, Apr 5, 2021 at 12:40 PM

Subject: couple final considerations for Councilor Zarro

To: Andrew Zarro <azarro@portlandmaine.gov>

CC: Pious Ali <pali@portlandmaine.gov>, Tae Chong <tchong@portlandmaine.gov>, nmm@portlandmaine.gov <nmm@portlandmaine.gov>, April Fournier <afournier@portlandmaine.gov>

Councilor Zarro,

After hearing more this morning about your situation from others, there are two points to share:

1. Due to your personal concerns re your business, this is grounds for you to recuse yourself from voting on this measure tonight.

30-A MRSA Section 2605.

<http://legislature.maine.gov/statutes/30-A/title30-Asec2605.html>

Subsections 1 and 6 are relevant.

You should be aware of this if you want this option. **You can claim either subsection 1 or subsection 6 (avoidance of appearance of conflict of interest), to recuse yourself from this vote.** You could say that you didn't feel this pressure until after your initial vote, but you have since. *You would want to discuss with Corporation Counsel ahead of the meeting.*

2. If you do not pursue, here are additional points on equity that support your second 'no' vote tonight re the MHHD.

- The family on Sheridan Street was able to remove their home because proper notice was not provided AND they were able to privately fund attorneys to have the City take action. Other home owners are not in a position financially to do the same (e.g, Laura Shen)

-122 North Street is up for removal from the Council tonight, even though there was not a notice issue. This Contributing building owner has the financial means (and the possible political connections as brother-in-law to Congresswoman Pingree' daughter) to make this happen.

How does the City justify these actions when the common person cannot? How will equity be addressed for all residents when these situations continue to happen for those more privileged? There are over a dozen residents on the Hill that would like their house removed so far. Please amend so we can be treated the same as 122 North Street. Once a HD is designated it is nearly impossible to remove. (See HPB ordinance). This also should be amended before a yes vote tonight.

3. With nearly 300 signatures for a no vote and more being collected now, and fueled by signature efforts at Hilltop Superette, Donatelli's, The Portland Food Co-Op, The Paul Malia Post 161 American Legion. As for your business, do NOT be concerned. With your 'no' vote, you'll gain more customers.

These businesses were happy to support the oppositions efforts because of concerns on Equity, Economic Stability and due to the lack of support from the City to address the white privilege HPB and its policies that are one sided and are in a much need for change to fit in with today's issues.

If you do vote, please vote 'no' again tonight Councilor. If you need to recuse, so be it.

Thank you,

Carle Henry

--

Nick Mavodones City Council At-Large [389 Congress Street Portland ME 04101](#) (207) 874-8685
nmm@portlandmaine.gov Sent from Gmail Mobile

--

Jon P. Jennings
City Manager
[City of Portland](#)
389 Congress Street
[Portland, ME 04101](#)
(207) 874-8689 Office
jpj@portlandmaine.gov
www.portlandmaine.gov

Dena Libner <dlibner@portlandmaine.gov>
To: Jon Jennings <jpj@portlandmaine.gov>
Cc: Christine Grimando <cdg@portlandmaine.gov>

Mon, Apr 5, 2021 at 2:31 PM

Thanks, uploading/republishing now.

Dena Libner
Chief of Staff
Executive Department
389 Congress Street
Portland, ME 04101
E: dlibner@portlandmaine.gov
P: 207.756.8288

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www.portlandmaine.gov

[Quoted text hidden]



Nancy English <nle@portlandmaine.gov>

Fwd: Proposed Property Removal from Munjoy Hill HD

1 message

Dena Libner <dlibner@portlandmaine.gov>
To: Nancy English <nle@portlandmaine.gov>

Mon, Apr 5, 2021 at 3:52 PM

Nancy, I am in transit and was hoping you could help include this as background to Order 126B and republish. If you're unable I'll try to do so before the meeting.

Thanks,
Dena

Sent from my iPhone. Please excuse typos!

Begin forwarded message:

From: Jon Jennings <jpj@portlandmaine.gov>
Date: April 5, 2021 at 3:45:30 PM EDT
To: Christine Grimando <cdg@portlandmaine.gov>, Dena Libner <dlibner@portlandmaine.gov>
Subject: Fwd: Proposed Property Removal from Munjoy Hill HD

----- Forwarded message -----

From: Nick Mavodones <nmm@portlandmaine.gov>
Date: Mon, Apr 5, 2021 at 3:42 PM
Subject: Fwd: Proposed Property Removal from Munjoy Hill HD
To: Danielle West-Chuhta <dwest@portlandmaine.gov>, Jon Jennings <jpj@portlandmaine.gov>

----- Forwarded message -----

From: Sarah Hansen <shansen@portlandlandmarks.org>
Date: Mon, Apr 5, 2021 at 3:05 PM
Subject: Proposed Property Removal from Munjoy Hill HD
To: pali@portlandmaine.gov <pali@portlandmaine.gov>
CC: Kate Snyder (ksnyder@portlandmaine.gov) <ksnyder@portlandmaine.gov>, azarro@portlandmaine.gov <azarro@portlandmaine.gov>, bsr@portlandmaine.gov <bsr@portlandmaine.gov>, Spencer Thibodeau <sthibodeau@portlandmaine.gov>, Mark Dion <mdion@portlandmaine.gov>, council@portlandmaine.gov <council@portlandmaine.gov>

Dear Councilor Ali,

All of us at Landmarks are deeply concerned after learning you plan to offer 8 separate amendments to the Munjoy Hill Historic District reconsideration vote this evening, asking to remove 8 separate parcels from the district boundaries. I am writing to make you aware that removing parcels from within the boundaries of the proposed historic district has serious implications:

- Once a community like Portland decides to establish a local historic district, by ordinance *it must* follow the federal standards and guidelines created by the U.S. Secretary of the Interior for Certified Local Governments (CLGs) and the National Register of Historic Places.
- Through the CLG Program the City of Portland is eligible for and receives funding to support the program each year. This currently helps cover the cost of staff and specific projects.
- The federal guidelines for determining historic district boundaries state that boundaries may be based on geography, integrity and the significance of the resource, but they CAN NOT be based on political boundaries or ownership.
 - o For example, ending the norther boundary of the proposed district at Walnut Street, rather than extending a few parcels north of the intersection, would likely meet the standards.
 - o There is already a provision in the current ordinance that provides a mechanism for property owners to request reclassification.
- These federal guidelines also state that “donut holes” CAN NOT be cut in the district to intentionally exclude properties. Our local ordinance is structured this way so that districts can be certified by the National Parks Service, and properties within the boundaries can be eligible for state and federal historic tax credits.

In summary, these amendments:

- Violate federal guidelines the City of Portland is required to follow as well as the city ordinance
- Jeopardize federal funding currently used to administer the historic preservation program
- Exclude all properties in the historic district from being eligible for both federal and state tax incentives

I hope you will reconsider your plan and decide not to offer additional amendments to the historic district vote this evening.

I am available to answer any questions or talk further prior to this evening's meeting.

Sarah

Sarah Hansen

Executive Director

Greater Portland Landmarks

[93 High Street, Portland, ME 04101](#)

4/5/2021

City of Portland Mail - Fwd: Proposed Property Removal from Munjoy Hill HD

207.774.5561 | shansen@portlandlandmarks.org

portlandlandmarks.org

Find us on [Facebook](#) and [Instagram](#)



--

Nick Mavodones City Council At-Large [389 Congress Street Portland ME 04101](#) (207) 874-8685
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--

Jon P. Jennings
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jpj@portlandmaine.gov
www.portlandmaine.gov

From: **Sarah Hansen** <shansen@portlandlandmarks.org>

Date: Mon, Apr 5, 2021 at 3:05 PM

Subject: Proposed Property Removal from Munjoy Hill HD

To: pali@portlandmaine.gov <pali@portlandmaine.gov>

CC: Kate Snyder (ksnyder@portlandmaine.gov)

<ksnyder@portlandmaine.gov>, azarro@portlandmaine.gov <azarro@portlandmaine.gov>, bsr@portlandmaine.gov <bsr@portlandmaine.gov>, Spencer Thibodeau <sthibodeau@portlandmaine.gov>, Mark Dion

<mdion@portlandmaine.gov>, council@portlandmaine.gov <council@portlandmaine.gov>

Dear Councilor Ali,

All of us at Landmarks are deeply concerned after learning you plan to offer 8 separate amendments to the Munjoy Hill Historic District reconsideration vote this evening, asking to remove 8 separate parcels from the district boundaries. I am writing to make you aware that removing parcels from within the boundaries of the proposed historic district has serious implications:

- Once a community like Portland decides to establish a local historic district, by ordinance *it must* follow the federal standards and guidelines created by the U.S. Secretary of the Interior for Certified Local Governments (CLGs) and the National Register of Historic Places.
- Through the CLG Program the City of Portland is eligible for and receives funding to support the program each year. This currently helps cover the cost of staff and specific projects.
- The federal guidelines for determining historic district boundaries state that boundaries may be based on geography, integrity and the significance of the resource, but they CAN NOT be based on political boundaries or ownership.
 - o For example, ending the norther boundary of the proposed district at Walnut Street, rather than extending a few parcels north of the intersection, would likely meet the standards.
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In summary, these amendments:

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I hope you will reconsider your plan and decide not to offer additional amendments to the historic district vote this evening.

I am available to answer any questions or talk further prior to this evening’s meeting.

Sarah

Sarah Hansen

Executive Director

Greater Portland Landmarks

[93 High Street, Portland, ME 04101](https://www.portlandlandmarks.org)

207.774.5561 | shansen@portlandlandmarks.org

[portlandlandmarks.org](https://www.portlandlandmarks.org)



Dena Libner <dlibner@portlandmaine.gov>

Fwd: Historic Proposal Recusal

1 message

Jon Jennings <jpj@portlandmaine.gov>
To: Dena Libner <dlibner@portlandmaine.gov>

Mon, Apr 12, 2021 at 10:56 AM

----- Forwarded message -----

From: **Nick Mavodones** <nmm@portlandmaine.gov>
Date: Mon, Apr 12, 2021 at 10:54 AM
Subject: Fwd: Historic Proposal Recusal
To: Danielle West-Chuhta <dwest@portlandmaine.gov>, Jon Jennings <jpj@portlandmaine.gov>

----- Forwarded message -----

From: **Travis Agaman** <index207@gmail.com>
Date: Mon, Apr 12, 2021 at 10:53 AM
Subject: Historic Proposal Recusal
To: <council@portlandmaine.gov>

City Council of Portland,

I'm sure you are all being inundated with comments and opinions regarding the upcoming re-vote (not sure why that was needed) over the proposed Munjoy Hill historic overlay.

Since this topic is still lingering additional information is coming out about conflicts of interest regarding historic districts. The constituents of Portland really should not have to inform City Councilors that conflicts of interest are a **bad thing** and should be condemned. That said, why is one of the City Council who is voting to force a historic district onto people currently employed by a company that profits from historic renovations?

Right here on the "About" page of O'Brien Wood & Iron is councilor Belinda Ray: <http://www.obrienwoodandiron.com/about>

Can't be more clear about it than that. The people of Portland are not here to fill the wallets of city councilors and their friends who force expensive historic preservation on them. Belinda Ray should recuse herself from ALL further votes regarding historic preservation, historic districts, etc.... The rest of the city council and the office of the mayor should be urging her to do the same.

Thank you for your time,
Travis Agaman
8 Emerson Street

--

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Dena Libner <dlibner@portlandmaine.gov>

Fwd: Inquiry about Council conflicts of interest

1 message

Jon Jennings <jpj@portlandmaine.gov>
To: Dena Libner <dlibner@portlandmaine.gov>

Mon, Apr 12, 2021 at 10:05 AM

----- Forwarded message -----

From: **Nick Mavodones** <nmm@portlandmaine.gov>
Date: Sun, Apr 11, 2021 at 8:49 PM
Subject: Fwd: Inquiry about Council conflicts of interest
To: Jon Jennings <jpj@portlandmaine.gov>

----- Forwarded message -----

From: **Joey Brunelle** <joey.brunelle@gmail.com>
Date: Sun, Apr 11, 2021 at 8:46 PM
Subject: Inquiry about Council conflicts of interest
To: Danielle West West-Chuhta <dwchuhta@portlandmaine.gov>, Belinda Ray <bsr@portlandmaine.gov>, <pali@portlandmaine.gov>, <mdion@portlandmaine.gov>, <nmm@portlandmaine.gov>, <tchong@portlandmaine.gov>, <azarro@portlandmaine.gov>, <afournier@portlandmaine.gov>, <ksnyder@portlandmaine.gov>, Spencer Thibodeau <sthibodeau@portlandmaine.gov>
CC: Randy W. Billings <rbillings@pressherald.com>, Nick Schroeder <nschroeder@bangordailynews.com>, <colin@portlandphoenix.me>, <mkelley@theforecaster.net>, <desk@newscentermaine.com>, <wmtw@wmtw.com>

Corporation Counsel, Councilors, Mayor, members of the press) -

I am writing to inquire about the rules regarding conflicts of interest on the Portland City Council. Specifically, it appears that a member of the council has a key role in a company that could reasonably benefit from the passage of the Munjoy Hill Historic District, which is going before the City Council for a final vote tomorrow, Monday.

I do not intend for this to be a personal attack on an individual, so I will try my best to articulate the facts that I'm aware of in an objective, dispassionate fashion, and I would ask for Corporation Counsel's professional opinion in this matter. Thank you.

(All bold/emphasis in the following information is my own.)

- Councilor Belinda Ray is listed on the website of O'Brien Wood & Iron as the "Administration & Accounting Manager," in the top row of employees with Owner and the Project Manager. Her work is described on the website this way:

*"In 2013, Belinda began working with building companies, first as a bookkeeper before transitioning into **strategic planning and business management**. Belinda is the Administration & Accounting Manager at O'Brien Wood & Iron, handling the company's Human Resources, Financial Accounts, and **Business Planning**. She also serves on the City Council in Portland."* [source]

- On its website, O'Brien Wood & Iron describes itself this way: "O'Brien Wood & Iron LLC is a full-service building company based in Portland, ME, with a focus on modern and efficient building, remodeling, and **historic restoration**." [source: in the footer of every page on [their website](#)]
- On that page, they describe themselves like this: "Our personal areas of interest and expertise range from **historic preservation** and residential carpentry to traditional boatbuilding, Passive House standards, and high-end home design & construction."

- They list six primary services, each of which has its own page in the site navigation: Millwork, Residential, Commercial, General Contracting, **Historic Restoration**, and Design [source: the header navigation on every page on [their website](#)]
- O'Brien Wood & Iron has a branch of the company called O'Brien Hardwoods & Specialty Lumber, with the same business phone number. [source] This company sells lumber materials to "woodworkers, artists, contractors, and hobbyists." [source]
- O'Brien Wood & Iron is listed on the vendor directory of MainePreservation.org (a statewide advocacy organization founded in 1970 to promote historic preservation) with this description: "O'Brien Wood & Iron LLC is a full-service building company owned and operated by artist, designer, and builder Mat O'Brien. Mat has 15+ years of experience working in the building trades and holds a Bachelors of Fine Arts from MassArt. Mat brings his artistic eye to every project, and particularly enjoys bringing new life to old spaces while respecting their architectural history." [source]
- The founder and owner of the company, Mat O'Brien, is described on the DecorMaine blog this way: "In 2002, as a recent graduate of MassArt, Mat began painting and **restoring homes** from the 1700s and 1800s. It went well enough for him to open O'Brien Wood & Iron in 2008. Nearly twenty years since his start in **restoration**, his operation is a full-service design, build, and remodeling company, providing millwork, design, the sale of domestic and exotic hardwood, and custom residential and commercial builds. True to his beginnings, Mat enjoys **projects steeped in history**, taking the associated challenges in stride alongside his team. "Old buildings are notoriously challenging," Mat explains. "Our primary focus in **restoration-based projects** is 'getting it right' for years to come —using long-lasting materials, implementing modern energy codes, and trying to work within the building envelope all while ensuring **historic accuracy**."" [source]
- O'Brien Wood & Iron has worked on historic properties in Portland in recent times. For example, they list [15-17 Sherman Street](#) on their blog as a project they "took the reins" on in 2017: "We have taken the reins on restoring this fire damaged building in Parkside on the Portland peninsula. There were calls for complete teardown but the Owner/Architect and I believe this building should be saved. Too many Portland buildings have been razed to create space for high end condo units. We feel it is better to use what we have. Stay tuned for more updates on this property restoration!" [source]
- In 2019, O'Brien Wood & Iron was listed as the "contractor" on a project at [30 O'Brien Street](#) on Munjoy Hill (the name of the street is just a coincidence). [source: document attached] This property is listed as a contributing structure in the inventory of historic buildings on Munjoy Hill that was conducted by planning and historic preservation staff. [source: document attached]

Given this information, it seems to me to be extremely likely that O'Brien Wood & Iron and O'Brien Specialty Hardwoods have a financial interest in the expansion of historic districts in the City of Portland, as they specialize in historic restoration, widely advertise these services, and have done historic restoration work in Portland for many years, including within the proposed Munjoy Hill historic zone. From the available information, it appears that Councilor Ray is a high-level employee/executive of this company, with some degree of decision-making power or a role in business development and strategy.

Corporation Counsel's professional opinion about this matter would be much appreciated. Thank you.

- Joey

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Nick Mavodones City Council At-Large 389 Congress Street Portland ME 04101 (207) 874-8685
nmm@portlandmaine.gov Sent from Gmail Mobile

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2 attachments



Historic District Inventory Listing - 30 OBrion Street.pdf

387K



CHN-20190923_PermitAuthorization.pdf

6026K



Dena Libner <dlibner@portlandmaine.gov>

Fwd: Public Comment Munjoy Hill Historic District: 30 O'Brion Street - Reclassify as Non-Contributing

1 message

Jon Jennings <jpj@portlandmaine.gov>
To: Dena Libner <dlibner@portlandmaine.gov>

Mon, Apr 12, 2021 at 10:06 AM

----- Forwarded message -----

From: **Nick Mavodones** <nmm@portlandmaine.gov>
Date: Sun, Apr 11, 2021 at 6:14 PM
Subject: Fwd: Public Comment Munjoy Hill Historic District: [30 O'Brion Street](#) - Reclassify as Non-Contributing
To: Jon Jennings <jpj@portlandmaine.gov>

----- Forwarded message -----

From: **George Rheault** <george.rheault@gmail.com>
Date: Sun, Apr 11, 2021 at 5:46 PM
Subject: Public Comment Munjoy Hill Historic District: [30 O'Brion Street](#) - Reclassify as Non-Contributing
To: Kate Snyder <ksnyder@portlandmaine.gov>, Nicholas Mavodones <nmm@portlandmaine.gov>, Pious Ali <pali@portlandmaine.gov>, April Fournier <afournier@portlandmaine.gov>, Mark Dion <mdion@portlandmaine.gov>, Andrew Zarro <Azarro@portlandmaine.gov>, Tae Chong <tchong@portlandmaine.gov>, Spencer Thibodeau <sthibodeau@portlandmaine.gov>, Councilor Belinda Ray <bsr@portlandmaine.gov>, Christine Grimando <cdg@portlandmaine.gov>, Deb Andrews <dga@portlandmaine.gov>, Danielle West-Chuhta <dwchuhta@portlandmaine.gov>, Kevin Kraft <kkraft@portlandmaine.gov>
CC: Randy W. Billings <rbillings@pressherald.com>, Colin Ellis <colin@portlandphoenix.me>, Nick Schroeder <nSchroeder@bangordailynews.com>, Michael Kelley <mkelley@theforecaster.net>

In the event that the City Council approves the Munjoy Hill Historic District tomorrow evening, it is very important that the [30 O'Brion Street](#) property be REMOVED from the district or at the very least be re-classified as NON-CONTRIBUTING on the proposed historic district map.

For reasons that mystify me, the Planning Dept on October 1, 2019 gave an administrative authorization to the owner of [30 O'Brion Street](#) to proceed with a VERY substantial renovation of the structure.

The renovation request was dated September 23, 2019, so the authorization appears to have been fast-tracked (one week turn-around for a planning approval is pretty fast for Portland!). See attached - the application cover letter and related plans showing extent of work including major addition.

This authorization SHOULD have been sent to the Historic Preservation Board for review and approval since the "interim" historic preservation protections for the proposed Munjoy Hill historic district had already kicked in (other applicants in a similar situation were required to go through an HPB review while the interim protections were in effect). Why wasn't the HPB or the Planning Board made aware of this renovation while both bodies were analyzing the proposed historic district? And of course the City Council also appears to have not been told despite the fact that the City itself (planning and permitting/inspections at least) were all actively overseeing the project during the time period in which the historic district was being reviewed and debated at all levels.

Please compare the attached photos (taken yesterday) of the NEW version of [30 O'Brion Street](#) with the 2018 Historic District Building Inventory listing for that address. The new house is now unrecognizable with respect to the qualities (including historic integrity) that convinced the HPB to list it as a "contributing" structure in the proposed historic district.

Curiously, the architectural renderings list O'Brien Wood & Iron LCC as the contractor for this project - Belinda Ray's employer. I do not know for sure that this contractor did indeed do the work (plans can change), but it is very concerning since Belinda Ray appears to have a major management role in that company and thus she would have had a direct

financial interest (either as employee or principal) in a large renovation project completely skirting the interim historic district protection rules that seemingly should have been applied to this applicant and their project.

Belinda Ray bio: [About — O'Brien Wood & Iron LLC \(obrienwoodandiron.com\)](#)

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5 attachments



30 O'Brien Street - Newly Renovated 2020-2021.JPG
1683K



30 O'Brien Street - Side View - Newly Renovated 2020-2021.JPG
2303K



Historic District Inventory Listing - 30 O'Brien Street.pdf
387K



CHN-20190923-CoverLetter.pdf
358K



CHN-20190923_PermitAuthorization.pdf
6026K



Dena Libner <dlibner@portlandmaine.gov>

Fwd: Public Comment Munjoy Hill Historic District: 35 North Street - Re-classify as NON-CONTRIBUTING

1 message

Jon Jennings <jpj@portlandmaine.gov>
To: Dena Libner <dlibner@portlandmaine.gov>

Mon, Apr 12, 2021 at 10:06 AM

----- Forwarded message -----

From: **Nick Mavodones** <nmm@portlandmaine.gov>
Date: Sun, Apr 11, 2021 at 6:14 PM
Subject: Fwd: Public Comment Munjoy Hill Historic District: [35 North Street](#) - Re-classify as NON-CONTRIBUTING
To: Jon Jennings <jpj@portlandmaine.gov>

----- Forwarded message -----

From: **George Rheault** <george.rheault@gmail.com>
Date: Sun, Apr 11, 2021 at 5:46 PM
Subject: Public Comment Munjoy Hill Historic District: [35 North Street](#) - Re-classify as NON-CONTRIBUTING
To: Kate Snyder <ksnyder@portlandmaine.gov>, Nicholas Mavodones <nmm@portlandmaine.gov>, Pious Ali <pali@portlandmaine.gov>, April Fournier <afournier@portlandmaine.gov>, Mark Dion <mdion@portlandmaine.gov>, Andrew Zarro <Azarro@portlandmaine.gov>, Tae Chong <tchong@portlandmaine.gov>, Spencer Thibodeau <sthibodeau@portlandmaine.gov>, Councilor Belinda Ray <bsr@portlandmaine.gov>, Christine Grimando <cdg@portlandmaine.gov>, Deb Andrews <dga@portlandmaine.gov>, Kevin Kraft <kkraft@portlandmaine.gov>, Danielle West-Chuhta <dwchuhta@portlandmaine.gov>
CC: Randy W. Billings <rbillings@pressherald.com>, Colin Ellis <colin@portlandphoenix.me>, Nick Schroeder <nSchroeder@bangordailynews.com>, Michael Kelley <mkelley@theforecaster.net>

[35 North Street](#) appears to have undergone a very substantial addition since its original evaluation as part of the 2018 Historic Building Inventory prepared for the proposed Munjoy Hill Historic District (currently being debated by the City Council and poised for an up or down vote tomorrow evening).

As a result, this property MUST be reclassified from "contributing" to "NON-CONTRIBUTING" and either removed altogether from the historic district or at the very least reflected as "non-contributing" on the proposed historic district map since its historic integrity has been substantially, and likely irrevocably, altered from when the HPB was analyzing it for inclusion in the Munjoy Hill historic district.

Since City officials (planning and permitting/inspections) were intimately aware of this work, much of it having taken place during 2019 and part of 2020, it is VERY odd that the property's classification has never been updated at any point during the proposed historic district's tortuous path from Historic Preservation Board to Planning Board to City Council.

I include a photo of the structure (taken yesterday) so you can compare it to its specific 2018 inventory listing description (also attached).

Certain specifics relating to the property's recent renovations, including the attached 2020 building permit, can be found at the city's permitting and inspections public portal: [Permitting & Inspections Department | Portland, ME](#) ([portlandmaine.gov](#))

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[nmm@portlandmaine.gov](#) Sent from Gmail Mobile

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3 attachments

35 North Street - Newly Renovated 2019-2020.JPG
2530K



Historic District Inventory Listing - 35 North Street.pdf
437K



35 North Street - City Building Permit Issued January 2020.pdf
85K



Dena Libner <dlibner@portlandmaine.gov>

Fwd:

1 message

Jon Jennings <jpj@portlandmaine.gov>
To: Dena Libner <dlibner@portlandmaine.gov>

Mon, Apr 12, 2021 at 10:05 AM

----- Forwarded message -----

From: **Nick Mavodones** <nmm@portlandmaine.gov>
Date: Sun, Apr 11, 2021 at 9:17 PM
Subject: Fwd:
To: Danielle West-Chuhta <dwest@portlandmaine.gov>, Jon Jennings <jpj@portlandmaine.gov>

----- Forwarded message -----

From: **Daniel T. Haley Jr.** <danielthaleyjr@gmail.com>
Date: Sun, Apr 11, 2021 at 9:08 PM
Subject:
To: Council <council@portlandmaine.gov>

Good Morning, I Just wanted you see how preservation can be accomplished without any additional regulation or expense to the City or the homeowner.

My wife and I have lovingly cared for this Victorian gem for over 25 years. I was raised around the corner and the Promenade was the play ground of my youth and now provides comfort and peace in my older years. No changes are necessary, it has been the best neighborhood through all of its evolutions and will continue to be so.

I have heard that the current homeowners of the former Brennerman home were allowed to opt out of the district designation. I would request that my home not be included as well. Thanks again for your consideration and all you do.

Dan Haley

140 Eastern Promenade

**100_0164.JPG**

Dan

--

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Dena Libner <dlibner@portlandmaine.gov>

Fwd: MHHD - the last few weeks

4 messages

Jon Jennings <jpj@portlandmaine.gov>
To: Dena Libner <dlibner@portlandmaine.gov>

Mon, Apr 12, 2021 at 10:07 AM

----- Forwarded message -----

From: **Kate Snyder** <ksnyder@portlandmaine.gov>
Date: Mon, Apr 12, 2021 at 9:56 AM
Subject: Fwd: MHHD - the last few weeks
To: Danielle West-Chuhta <dwchuhta@portlandmaine.gov>, Jon Jennings <jpj@portlandmaine.gov>

Forwarding for you to see language re: class action lawsuit included.

----- Forwarded message -----

From: **Carle Henry** <cdhenry3@yahoo.com>
Date: Mon, Apr 12, 2021 at 9:54 AM
Subject: MHHD - the last few weeks
To: Kate Snyder <ksnyder@portlandmaine.gov>

Mayor,

A lot has happened since the reset button was pushed by Councilor Zarro re the proposed MHHD.

While we expected the headline would be the new data produced by Staff to councilors questions, it was not. Staff cobbled together and cherry picked some data but not much changed in that regard. But, there have been some very surprising events that have occurred

1. More errors with Staff's district map and other materials have surfaced & have been reported. How many more errors are there?
2. Designations from the study in 2018 are now outdated, putting contributing status (and burdens) on home owners when their homes are non contributing as a result of remodeling work since July of 2019 (when HD regs went into place)
3. Criteria used to make designations of buildings has been analyzed and found to be inconsistent. For example, in the case of [43 O'Brion Street](#), that building is Contributing because an owner could reverse all the work that has been done since 1924. Isn't that removing history to fit an arbitrary standard from one single year? If 1924 is the standard (for whatever reason) and all the attributes are gone, why put this burden on an owner who will, in turn, raise his rents?
4. We have owners coming forward asking to be removed from the district. Amendments are being created and will be presented
5. We have owners waiting more than 60 days to have a response about being reclassified, with no acknowledgement from staff
6. 300 residents of Munjoy Hill signed a petition to stop the HD
7. Portland Coop, Donnatelli's and the Hilltop Superette all posted information to gather signatures
8. The epicenter of HDs (the West End) has petitioned to have their district removed
9. The Context Statement was rewritten for consideration. It was done hastily & poorly and does not change the fact that it was never in place for this proposal.....
10. And, now we have an investigation of possible corruption/conflict of interest of the sponsoring Councilor

Enveloping this entire process is a problematic City Ordinance that provides unfettered power to the city and no realistic way to ever remove a district. No additional districts should be put into place until this ordinance is rewritten, with the help of the Steering Committee for Racial Equity.

Mayor, you've been clear about your personal position on this matter. However, it's time to look beyond your own convictions of how you can justify the proposal and look at the broader situation. The City is opening itself up to a class action lawsuit and many years of continued investment to address, when there are far greater and more important challenges to address.

As Mayor, please use the pulpit you have to take the higher ground. Speak your love of preservation which everyone shares but ultimately vote 'no' now because the reasoning to oppose is sound and is good governance.

Thank you again,

Carle Henry

--

Kate Merchant Snyder, Mayor
Portland, Maine
Office: 207-874-8941

Notice: Under Maine law, documents - including e-mails - in the possession of public officials or city employees about government business may be classified as public records. There are very few exceptions. As a result, please be advised that what is written in an e-mail could be released to the public and/or the media if requested.

--

Jon P. Jennings
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Dena Libner <dlibner@portlandmaine.gov>
To: Jon Jennings <jpj@portlandmaine.gov>

Mon, Apr 12, 2021 at 11:31 AM

Do you want this included in the backup? It went only to the mayor.

Dena Libner
Chief of Staff
Executive Department
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E: dlibner@portlandmaine.gov
P: 207.756.8288

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[Quoted text hidden]

Jon Jennings <jpj@portlandmaine.gov>
To: Dena Libner <dlibner@portlandmaine.gov>

Mon, Apr 12, 2021 at 11:37 AM

He sent to all councilors. Please add

[Quoted text hidden]

Dena Libner <dlibner@portlandmaine.gov>
To: Jon Jennings <jpj@portlandmaine.gov>

Mon, Apr 12, 2021 at 11:38 AM

Done.

Dena Libner
Chief of Staff
Executive Department
389 Congress Street
Portland, ME 04101
E: dlibner@portlandmaine.gov
P: 207.756.8288

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MEMORANDUM
City Council Agenda Item

FROM:

DATE: March 18, 2021

SUBJECT: Order 205-20/21 Receiving and Referring to the Finance Committee the Portland Board of Public Education's Fiscal Year 2022 Budget Estimate and Setting a Public Hearing Thereon - 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

Under this order the City Council receives the Portland Board of Public Education's proposed Fiscal Year 2022 budget and refers it to the Finance Committee for review and recommendations. The Portland Board of Public Education will take a final vote on the budget at its April 26, 2021 meeting.

The first reading and public hearing of the Fiscal Year 2022 school budget will be held on Monday, May 3, 2021, during the City Council's remote Zoom meeting, with information to come in the May 3, 2021 City Council agenda.

The second reading, public hearing and City Council action on the school budget will take place Monday, May 10, 2021, during the City Council's remote Zoom meeting, with information to come in the May 10, 2021 City Council agenda.

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. B. Receiving and Referring the School Budget 4.5.2021
2. FINAL FY 22 Superintendent's Budget Presentation rev._March 16_2021
3. FY2022 Superintendent's Budget-1

Prepared by:

Date: 3/18/2021

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

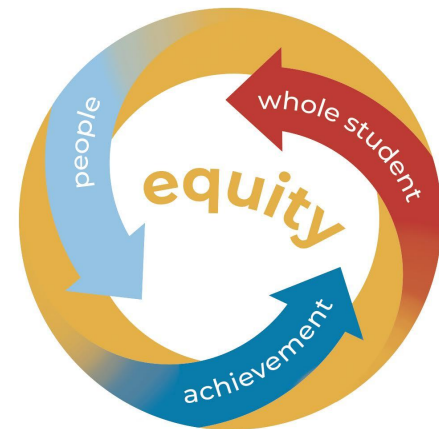
**CITY OF PORTLAND
IN THE CITY COUNCIL**

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

**ORDER RECEIVING AND REFERRING TO THE FINANCE COMMITTEE
THE PORTLAND BOARD OF PUBLIC EDUCATION'S
FISCAL YEAR 2022 BUDGET ESTIMATE
AND SETTING A PUBLIC HEARING THEREON**

ORDERED, that the Budget Estimate of the Portland Board of Public Education for Fiscal Year 2022 is hereby received and referred to the Finance Committee for review; and

BE IT FURTHER ORDERED, that the Public Hearing on the Fiscal Year 2022 School Budget shall be held by the City Council on May 3 2021, at 5:00 p.m., or as soon as possible after said time, during its remote Zoom meeting, with information to come in the May 3, 2021 City Council agenda.

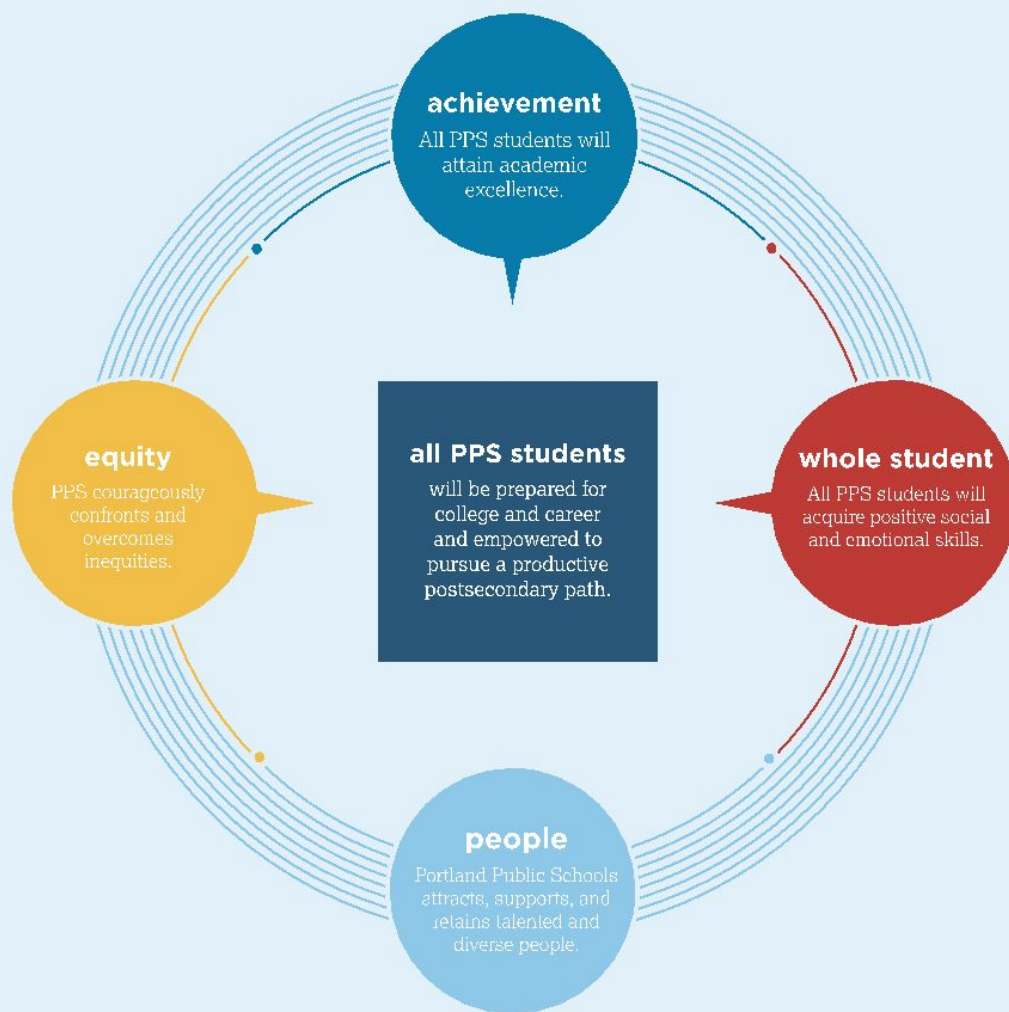


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FY 2022 Superintendent's Budget Presentation

March 16, 2021

FY22 Budget Focus: Advancing Equity

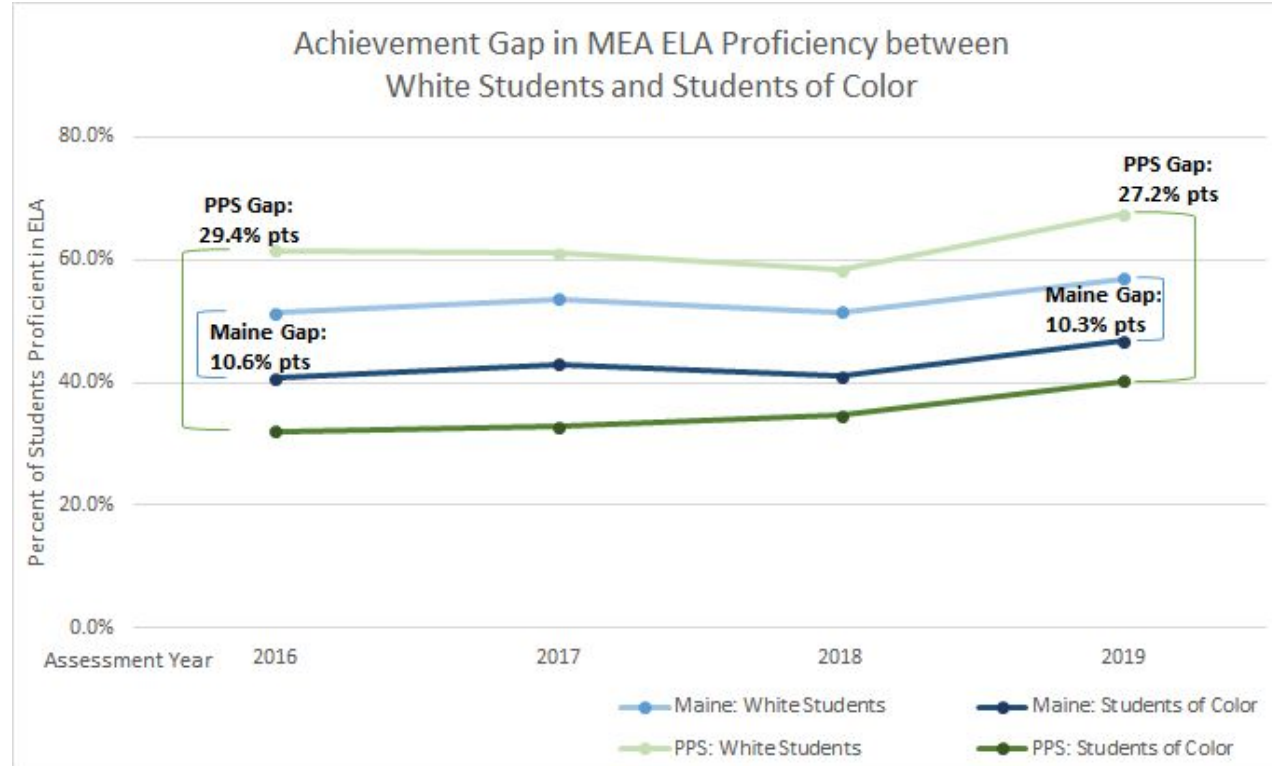


State Comparisons

Academic Achievement Gap by Race: English Language Arts

Net Change in the ELA Achievement Gap by Race between spring 2016 and spring 2019:

- **Statewide** - decrease of 0.3 percentage points
- **PPS** - decrease of 2.2 percentage points

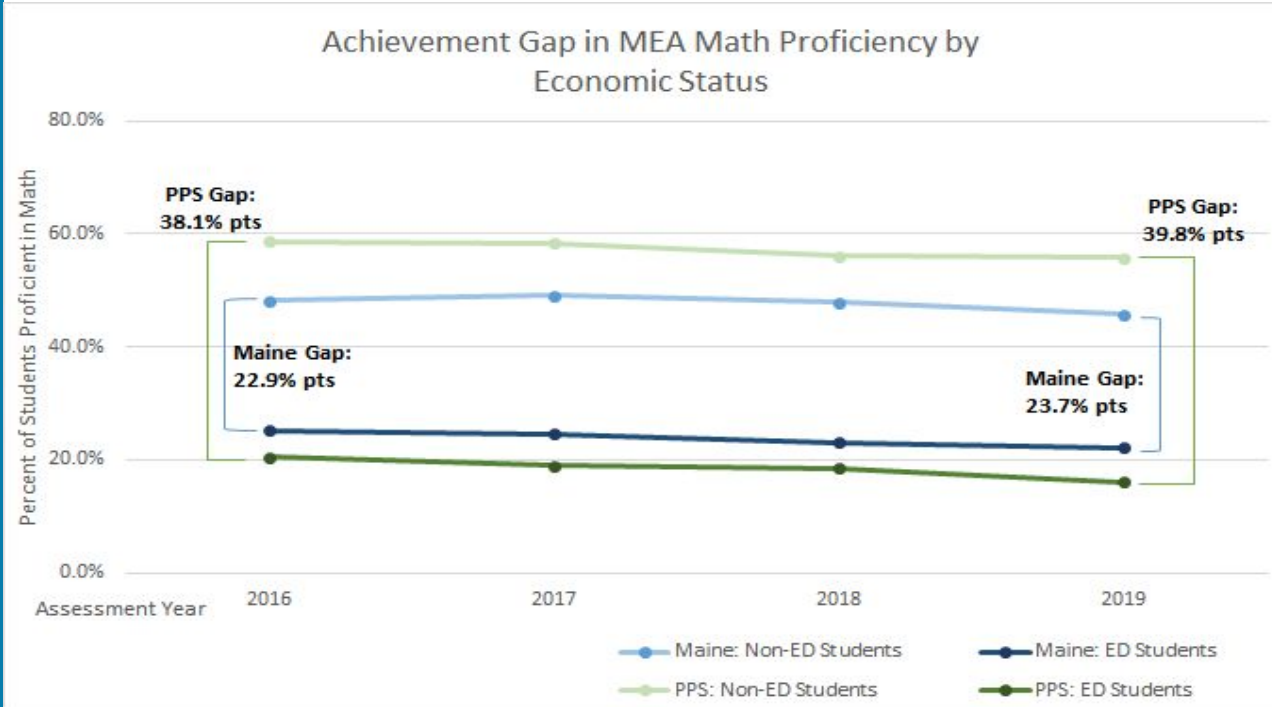


State Comparisons

Academic Achievement Gap by Economic Status: Math

Net Change in the Math Achievement Gap by Economic Status between spring 2016 and spring 2019:

- **Statewide** - increase of 0.8 percentage points
- **PPS** - increase of 1.7 percentage points



District Attendance Data: 2020-21

By Race

Race/Ethnicity	Jan 2020	Jan 2021
	Percent Chronically Absent	Percent Chronically Absent
Hispanic/Latino	23.99%	37.63%
American Indian/Native American	34.38%	28.57%
Asian	18.00%	20.81%
Black/African American	12.80%	29.62%
White	14.22%	17.32%
Two or More Races	20.52%	34.16%



EQUITY

PPS is vigilant in supporting each and every student's particular path to achieving high standards, rooting out systemic or ongoing inequities.

Metric: 50% reduction in academic achievement and opportunity gaps.



Advancing the Portland Promise in PPS Budget Over Time...

2018

None -
Comprehensive
Plan under
development

2019-20

Began investments in
key areas:

- Whole student supports (FY 19)
- Core Instruction
- Pre-Kindergarten
- Behavioral Health Continuum

2021

Continued PK expansion

Shifted some costs to CARES funding (\$1.3 M in custodial)

Made some program reductions (Elem. Spanish, Athletics, Central curriculum supports) to achieve no tax increase

Delayed other investments to confront COVID Challenge

FY22 Budget: Goals

1. Advance the Portland Promise Equity Goal
2. Maintain current programs and service levels
3. Leverage Federal COVID relief funds to supplement local budget capacity and accelerate recovery efforts



FY22 Budget: Organizing Priority Themes

- ▶ Advancing equity in PPS
- ▶ Integrating innovations from COVID
- ▶ Recovering and accelerating learning post COVID



FY22 Proposed Budget



FY22 Budget Overview

FY22 Budget

\$125.8M

**Last Year:
\$119.9M**

**Increase Over
FY21 Approved
Budget
5.0%**

**Last Year:
2.1%**

**School Tax
Rate Increase**

6.29%

**Last Year:
0%**

FY22 Budget Overview

	FY '20 Actual	FY '21 Approved July 14	FY '22 Proposed	\$ +(-)	% +(-)
Revenue					
Property Tax Levy	\$93,345,139	\$94,338,744	\$101,332,420	\$6,993,676	7.4%
State EPS Subsidy	\$14,251,970	\$15,223,289	\$14,364,498	-\$858,791	-5.6%
All Other	\$8,778,479	\$10,300,644	\$10,118,842	-\$181,802	-1.8%
Total	\$116,375,588	\$119,862,677	\$125,815,760	\$5,953,083	5.0%
Expenses					
Salaries & Benefits (inc. temp)	\$91,906,131	\$94,536,531	\$99,708,470	\$5,171,939	5.5%
All Other	\$23,744,004	\$25,326,146	\$26,107,290	\$781,144	3.1%
Total	\$115,650,135	\$119,862,677	\$125,815,760	\$5,953,083	5.0%

FY22 Budget Overview: City Rate Computation

	FY'21 Approved	FY'22 Proposed	\$ +(-)	% +(-)
Property Tax Levy	\$94,338,744	\$101,332,420	\$6,993,676	7.4%
Property Tax Valuation	\$8,070,000,000	\$8,155,000,000	\$85,000,000	1.1%
School Tax Rate	\$11.69	\$12.43	\$0.74	6.3%

The increase in property tax valuation alone increases revenue by approximately \$1M with no increase to the tax rate.

Thereafter, each percentage increase in the tax rate yields approximately \$953,000 in property tax revenue and represents ~\$.12 tax rate increase.

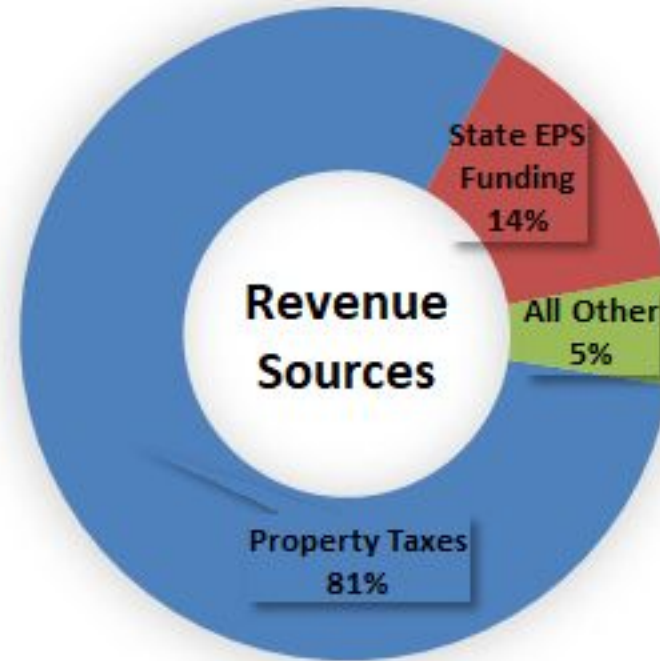


FY22 Budget Overview: Taxpayer Impact

- The FY22 Superintendent's Proposed Budget adds **\$.74** to the School Portion of the Tax Rate for a Total School Tax Rate of **\$12.43**.
- For a home valued at **\$250,000**, this represents an annual increase in property taxes of about **\$183.94**.



FY22 Budget: Revenue

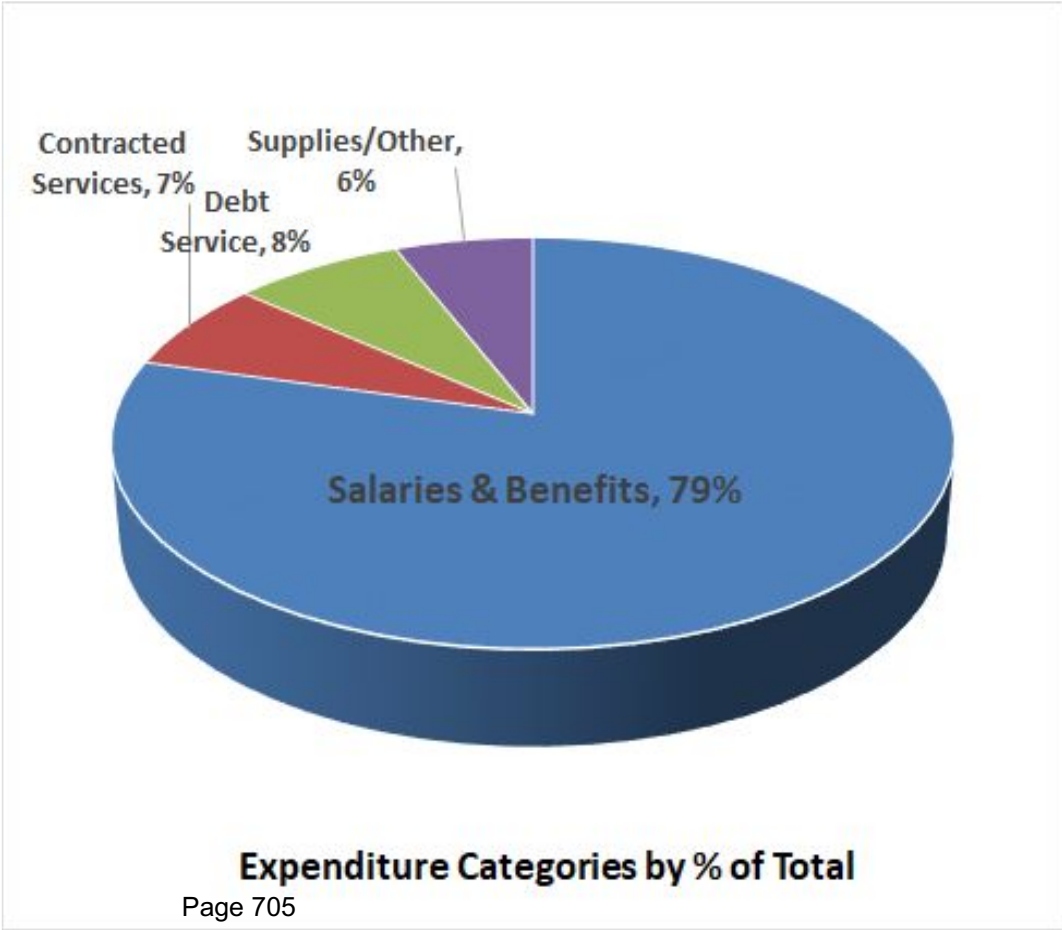


FY22 Revenue Budget

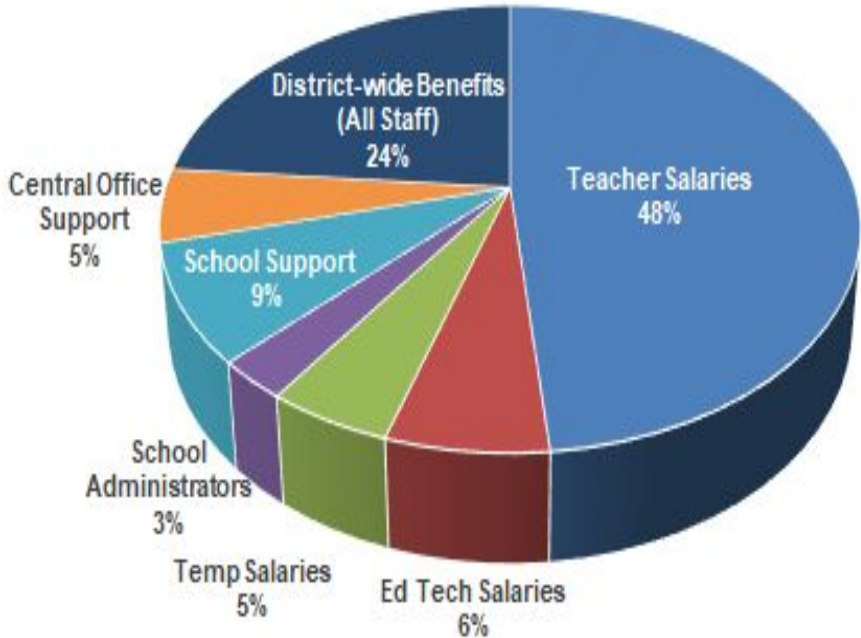
	FY20 Actual	FY21 Approved	FY22 Proposed	\$ +(-)	% +(-)
Property Tax Levy	\$93,345,138	\$94,338,744	\$101,332,420	\$6,993,676	7.4%
State EPS Subsidy*	\$17,811,896	\$18,676,771	\$17,729,338	-\$947,433	-5.1%
<i>All Other</i>					
Federal Revenue	\$3,475,498	\$4,060,325	\$4,082,506	\$22,181	.5%
Local Non-Tax Revenue	\$938,440	\$1,026,377	\$993,866	-\$32,511	-3.2%
Other State Revenue (Non-EPS)	\$804,615	\$931,127	\$907,630	-\$23,497	-2.5%
Use of Fund Balance	\$0	\$829,333	\$770,000	-\$59,333	-7.2%
Total	\$116,375,587	\$119,862,677	\$125,815,760	\$5,953,083	5.0%

**Includes State-Approved Debt Service Reimbursement*

FY22
Expenditure
Budget:
Expenditure
Categories



FY22
Expenditure
Budget:
Salary and
Benefits
Expenditures



FY22 Expenditure Budget

	FY '20 Actual	FY '21 Approved	FY '22 Proposed	\$ +(-)	% +(-)
Regular Salaries	\$65,954,066	\$67,529,023	\$71,262,140	\$3,733,117	5.5%
Temporary Salaries	\$4,575,298	\$4,781,794	\$4,888,605	\$106,811	2.2%
Benefits	\$21,376,767	\$22,225,714	\$23,557,725	\$1,332,011	6.0%
Total Salaries & Benefits	\$91,906,131	\$94,536,531	\$99,708,470	\$5,171,939	5.5%
Contractual Services	\$7,745,615	\$8,995,732	\$8,892,111	-\$103,621	-1.2%
Utilities	\$1,854,633	\$2,279,760	\$2,147,562	-\$132,198	-5.8%
Supplies & Other	\$6,263,982	\$5,627,210	\$5,512,539	-\$114,671	-2.0%
Debt Service	\$7,879,775	\$8,423,444	\$9,555,078	\$1,131,634	13.4%
Total Non-Salary	\$23,744,005	\$25,326,146	\$26,107,290	\$781,144	3.1%
Grand Total	\$115,650,136	\$119,862,677	\$125,815,760	\$5,953,083	5.0%

FY22 Expenditure Budget: Non Salary Expense Drivers

Debt Service	\$1,131,634
Other:	
Utilities - Natural Gas (-\$118K) & Electricity (-\$14K)	-\$132,198
Repair & Maintenance Services	-\$137,704
HVAC Maintenance	\$77,811
Property & Liability Insurance	\$81,795
Expired Computer Leases	-\$193,600
Capital Equipment (Food Service & IT Device Replacement)	-\$114,275
Special Ed Tuition & Contracted Services	\$65,380
All Other: Subtotal	-\$352,791
Total	\$778,843



Budget Themes

New investments
in the proposed
budget



FY22 Budget: Organizing Priority Themes

- ▶ Advancing equity in PPS
- ▶ Integrating innovations from COVID
- ▶ Recovering and accelerating learning post COVID



FY22 Budget: Total Proposed Investments in Budget By Theme

Advancing Equity	\$2,416,955
Integrating Innovations from COVID	\$216,879
Responding and Recovering	\$274,778
Grand Total	\$2,908,612



Budget Priority Advancing Equity



Budget Priority #1: Advancing Equity

- ▶ Continuing the PreK Promise by increasing seats and reducing barriers;
- ▶ Implementing elements of the Lau Plan to support students who are English Language Learners;
- ▶ Continuing to prioritize core instruction for equity and rigor:
 - Wabanaki and Africana Studies
 - Continuation of Math and *Literacy equity work*
 - *Implementation of the STEM Plan*
 - *Development of a formative assessment strategy*
- ▶ Accelerating staff diversity & inclusion efforts:
 - Compensating identity-based work
 - Recruiting and supporting BIPOC educators
 - Career pathways



Budget Priority #1: Advancing Equity

- ▶ Operationalizing structures to enable the district to recognize and redress harassment, sexual harassment and discrimination (ombudsman and school liaisons)
- ▶ Making key investments to support students with disabilities:
 - Autism continuum
 - Functional Life Skills program staffing for increased caseloads
- ▶ Supporting and Institutionalizing the district's equity work:
 - DEI Director on general fund



FY22 Budget: Advancing Equity in PPS

Pre-K Promise Program Expansion	\$220,535
LAU Plan Implementation for ELL	\$1,031,624
Key Curriculum	\$103,808
Diversity Hiring and Support	\$399,647
Harassment Policy Implementation	\$121,808
Special Ed Program Support	\$419,325
Diversity, Equity and Inclusion Work	\$120,208
Total	\$2,416,955



Pre-K Promise Expansion

FTE Additions	9.0 FTE	\$459,335
Non-FTE Additions	Supplies, Contractual	\$62,000
Revenue Offset	32 students x \$9,400	(\$300,800)
Reduced Costs	n/a	\$0
Total Budget Impact		\$220,535 or \$0.03 on tax rate

Position	Location	Total Cost (Salary & Benefits)
2.0 Teachers	Lyseth and Partner	\$130,008
2.0 Ed Techs	Lyseth and Partner	\$89,725
2.0 Bus Drivers	Transportation	\$102,295
3.0 Bus Assistants (4 positions @ 0.75 FTE each)	Transportation	\$137,307
	Total	\$459,335

LAU Plan

FTE Additions	15.5 FTE	\$1,031,624
Non-FTE Additions	n/a	\$0
Reduced Costs	n/a	\$0
Total Budget Impact		\$1,031,624 or \$0.13 on the tax rate

Position	Location	Total Cost (Salary & Benefits)
8.5 ELL Teachers	East End (2.0), Lyseth (1.0), Presumpscot (0.5), Reiche (2.0), Rowe (1.0), Talbot (1.0), Deering (0.5), Portland (0.5)	\$552,533
3.5 PreK ELL Teachers	East End (0.5), Lyseth (1.0), Rowe (1.0), Talbot (1.0)	\$227,514
1.0 Dual ID Special Ed/ELL Teacher	District	\$109,209
1.0 SLIFE Literacy Teacher	Deering High School	\$65,004
0.5 SLIFE Social Worker	Deering High School	\$32,502
1.0 SLIFE Ed Tech	Deering High School	\$44,863
	Total	\$1,031,624

FY22 Budget: Core Content

FTE Additions	1.2 FTE	\$103,808
Non-FTE Additions	n/a	\$0
Reduced Costs	n/a	\$0
Total Budget Impact		\$103,808 or \$0.01 on the tax rate

Position	Location	Total Cost (Salary & Benefits)
1.0 HS Math Coach	Academics	\$84,003
0.2 Social Studies Teacher Leader	Academics	\$19,805
	Total	\$103,808



FY22 Budget: Diversity Hiring and Support

FTE Additions	1.0 FTE	\$100,008
Non-FTE Additions	Stipends/Temp Course Reimbursement Dues/Training Pay Level Upgrade Extended Work Year	\$92,812 \$59,520 \$13,700 \$87,072 \$46,535
Total Budget Impact		\$399,647 or \$0.05 on the tax rate

Position	Location	Total Cost (Salary & Benefits)
1.0 BIPOC Career Pathways Coordinator	Human Resources	\$100,008
	Total	\$100,008



FY22
Budget:
Harassment
Policy
Implementatio
n

FTE Additions	1.0 FTE	\$91,801
Non-FTE Additions	Stipends	\$30,007
Reduced Costs	n/a	\$0
Total Budget Impact		\$121,808 or \$0.01 on the tax rate



FY22

Budget:

Special Education: ASD Continuum and HS FLS

Position	Location	Total Cost (Salary & Benefits)
1.0 Special Ed Teacher	Ocean Ave	\$65,004
3.0 Ed Techs	Ocean Ave	\$134,588
1.0 Special Ed Teacher	Lincoln Middle School	\$65,004
1.0 Ed Tech	Lincoln Middle School	\$44,863
	Total	\$309,458

Position	Location	Total Cost (Salary & Benefits)
1.0 Special Ed Teacher	Deering High School	\$65,004
1.0 Ed Tech	Deering High School	\$44,863
	Total	\$109,867

FY22 Budget: Diversity Equity and Inclusion

FTE Additions	1.0 FTE	\$120,208
Non-FTE Additions	n/a	\$0
Reduced Costs	n/a	\$0
Total Budget Impact		\$120,208 or \$0.01 on the tax rate



Budget Priority:

Integrating Innovations



Budget Priority #2: Integrating Innovations

- ▶ Expanding and institutionalizing outdoor learning
- ▶ Supporting the integration of new technology based learning modalities and structures
- ▶ *Continuing the in-school substitute structure*
- ▶ *Retaining some level of “remote academy”*



FY22 Budget: Integrating Innovations

Technology integration and support	\$123,400
Outdoor Learning	\$93,479
Total	\$216,879



FY22 Budget: Integrating Innovations

FTE Additions	2.0 FTE	\$216,879
Non-FTE Additions	n/a	\$0
Reduced Costs	n/a	\$0
Total Budget Impact		\$216,879 or \$0.03 on the tax rate

Position	Location	Total Cost (Salary & Benefits)
1.0 Tech Integration Coordinator	Academics	\$123,400
1.0 Teacher Leader - Outdoor Learning	Academics	\$93,479
	Total	\$216,879



Budget Priority

Recovery and Acceleration



Recovery and Acceleration

- ▶ Investing in physical and mental health (nursing and social work)
- ▶ Creating support structures to accelerate learning for all students



FY '22 Budget: Recovery and Acceleration

Physical and Mental Health (Nursing and Social Work investments)	\$274,778

*Support for those students unable to return on-site learning



FY22 Budget: Physical and Mental Health

FTE Additions	3.7 FTE	\$274,778
Non-FTE Additions	n/a	\$0
Reduced Costs	n/a	\$0
Total Budget Impact		\$274,778 or \$0.03 on the tax rate

Position	Location	Total Cost (Salary & Benefits)
0.5 Social Worker	Casco Bay High School	\$36,343
0.2 Social Worker	Presumpscot	\$15,247
0.8 Social Worker	Talbot	\$76,188
0.5 Social Worker	East End	\$32,502
1.0 Social Worker	Lyseth	\$65,004
0.5 Social Worker	Reiche	\$32,502
0.2 Nurse	Lyseth	\$16,992
	Total	\$274,778



FY22 Budget: Total Proposed Investments in Budget By Theme

Advancing Equity	\$2,416,955
Integrating Innovations from COVID	\$216,879
Responding and Recovering	\$274,778
Grand Total	\$2,908,612



Leveraging Federal Funding



Federal Funding Impact Beyond FY21

	Budget	FY22	FY23	Available
ESSERF I	\$650,000			\$650,000
Continuation of current custodian budget		-\$650,000	\$0	-\$650,000
ESSERF I Totals	\$650,000	-\$650,000	\$0	\$0
ESSERF II	\$7,966,404			\$7,966,404
Continuation of current custodian budget		-\$650,000	-\$1,350,000	-\$2,000,000
Additional Expenditures Earmarked for Federal Funding		-\$4,962,684	TBD	-\$4,962,684
ESSERF II Totals	\$7,966,404	-\$5,612,684	-\$1,350,000	\$1,003,720
Both Federal Grants	\$8,616,404	-\$6,262,684	-\$1,350,000	\$1,003,720

Items Removed from FY22 Baseline Budget Earmarked for Federal Funding

Items removed from Baseline Budget	
Hazard Pay & Benefits	\$167,625
Central Office Debt & other CO operating expenditures	\$250,000
Summer School	\$136,960
	\$554,585

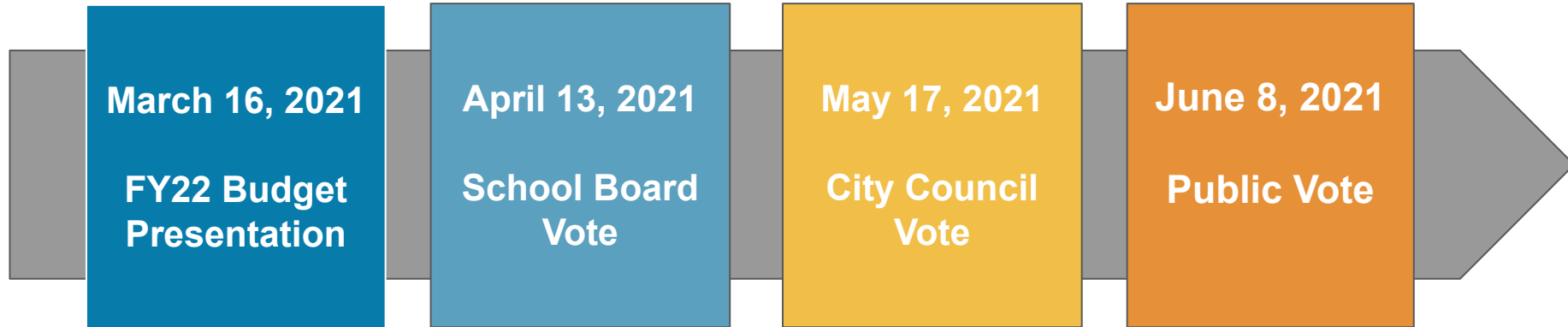


One-time Expenditure Items Earmarked for Federal Funding

Advancing Equity in PPS		
Advancing Integration of Key Curriculum:	Line totals	Subtotals
Academics - Curriculum	\$586,361	
Academics - Assessment	\$33,000	
Academics - Other	\$57,660	
Special Ed Program Support	\$161,082	
LAU Plan Implementation for ELL	\$49,500	
Accelerating Staff Diversity & Inclusion Efforts	\$27,000	\$914,603
Responding and Recovering		
Summer School	\$2,250,000	\$2,250,000
Integrating Innovations from COVID		
Dedicated Subs (estimate)	\$300,000	
Communications and Resource Development	\$96,709	
Technology integration and support	\$846,787	\$1,243,496
Total of One-time expenditures		\$4,408,099

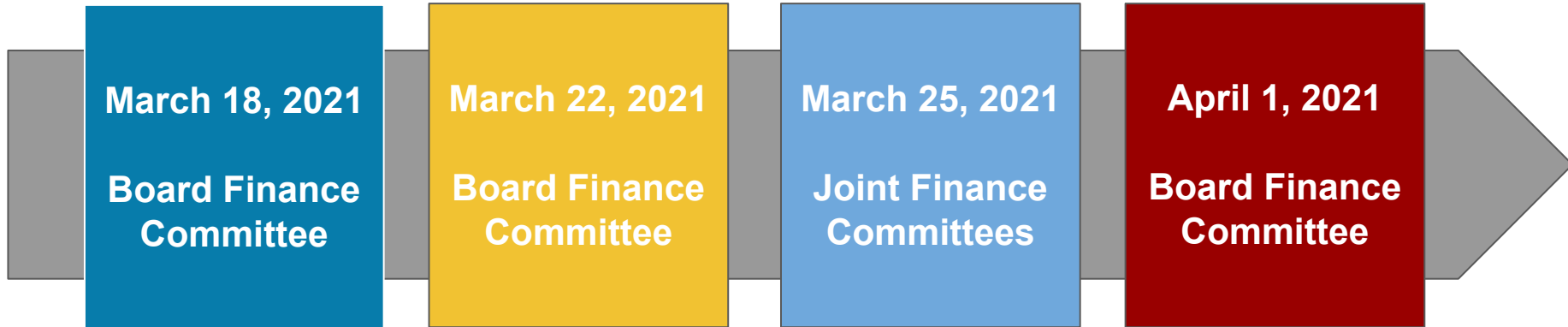


Portland Public Schools FY22 Budget Timeline - Key Dates



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Portland Public Schools FY22 Budget Timeline - Upcoming Dates



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Questions





FY2022 Superintendent's Recommended Budget

March 16, 2021



Portland Public Schools FY2022 Budget Timeline

All meetings will be conducted remotely, with zoom links accessible via [BoardDocs](#) unless otherwise noted.

Tuesday, March 16, 2021

School Board Meeting
Superintendent Presents Recommended
FY22 Budget
6:00 PM

Thursday, March 18, 2021

School Finance Committee Budget Review
6:00 PM

Monday, March 22, 2021

School Finance Committee Budget Review
Public Hearing
6:00 PM

Thursday, March 25, 2021

Joint Finance Committee Meeting
Budget Review
5:00 PM

Thursday, April 1, 2021

School Finance Committee Budget Review
Vote to Recommend to Board
6:00 PM

Tuesday, April 6, 2021

School Board 1st Reading of Recommended
FY22 Budget and Public Hearing;
School Board Budget Workshop
6:00 PM

Thursday, April 8, 2021

Joint Finance Committee Meeting
Budget Review
5:00 PM

Tuesday, April 13, 2021

School Board Vote to Recommend FY22
(Special Meeting)
School Budget to City Council
6:00 PM



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Monday, April 26, 2021

School Board Presents Recommended FY22
Budget to City Council
Time TBD

Thursday, April 29, 2021

City Finance Committee
Review of Referred Board Budget and Vote
to Recommend to City Council
Time TBD

Monday, May 3, 2021

City Council 1st Reading of FY22 Budget
Public Hearing
Time TBD

Monday, May 17, 2021

City Council 2nd Reading
Vote on School Budget for Referendum
Time TBD

Tuesday, June 8, 2021

Public Referendum on FY22 School
Budget



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March 16, 2021

Members of the Board of Public Education,

A year to the date from when the Coronavirus pandemic changed the face of our schools, city and world, I bring you the FY22 Portland Public Schools Superintendent's proposed budget. This year's budget theme is "Advancing Equity." It accelerates our commitment to putting equity at the center of our Portland Promise. Indeed, to represent this, our Portland Promise graphic has been revised to reflect this evolution in our commitments.

The Coronavirus pandemic has made indisputable the long-standing disparities that exist between different groups of students in our schools. While we relish our diversity and see it as a strength, we have failed to recognize that the disparities in opportunities for our students who are learning English, who have disabilities or are economically disadvantaged, belie the sincerity of that commitment.

This past year it became evident that government institutions – including our school system – have failed to realize their potential for creating a more inclusive, just and equitable world. This proposed FY22 budget, which assumes a return to full in-person learning this fall, takes steps to redress this pattern by targeting resources to the students to whom we owe the largest educational debt: those who are learning English, have disabilities or are alienated in our schools.

My FY21 budget proposal attempted to advance many of these same priorities. Shortly after that proposal, as you will recall, we pulled many of them back in response to the uncertainty posed by the pandemic. Our initial proposal called for an increase in the tax rate of 3%. We ultimately adopted a budget that did not increase taxes.

Prior to last year's hiatus, we had made strides toward realizing the Portland Promise. In FY19, we established that student access to challenging core content required strong uniform support orchestrated centrally by skilled and dedicated academic leaders; we also strengthened our support for our students' social-emotional development and their ability to have a meaningful relationship with a caring adult.

In FY20, we expanded on those commitments as the Board vowed to expand access to pre-kindergarten over the next four years. We also created a behavioral health continuum across our elementary, middle and most of our high schools.

Over the past few Board and Board committee meetings, we have presented the key investments that are needed to realize our equity goal of rooting out ongoing inequities in our system. The proposed budget includes \$2.9 million in investments directly linked to this work. Specifically, my budget calls for:

- Continuing to expand the district's pre-kindergarten program with two additional classrooms as part of the district's five-year pre-K expansion plan (included in the baseline budget), as well as providing transportation by adding two dedicated bus routes and increasing supervision on other bus routes, for a total of \$220,535.
- Sustaining and deepening core instruction by scaling up curriculum and professional development by supporting high school mathematics instruction and resourcing the development of Wabanaki and Africana studies curriculum, at a cost of \$103,808.
- Investing in the district's Lau plan by ensuring that our schools have the necessary ELL teachers in K-12 to enable us to establish collaboration structures to allow mainstream teachers to effectively meet the needs of their students who are English language learners within the mainstream classroom setting, while preserving the level of intensive English language learning supports that these students need; establishing a support structure for students with limited and interrupted formal educational experiences; and supporting the needs of students who are dually identified as having disabilities while also learning English as a second language, for a total of \$1,031,624.
- Establishing special education services for students with autism spectrum disorder in our middle schools and adding a classroom for students with ASD at the elementary level in response to growing numbers, for a total of \$309,458.
- Enhancing high school functional life skills services by adding a teacher and educational technician at Deering High School to support the increase in students in this program, for a total cost of \$109,867.
- Providing the resources to effectively implement the School Board's new Harassment, Sexual Harassment and Discrimination policy, at a cost of \$121,808.
- Affirming our commitment to developing our staff capacity to become an anti-racist institution by shifting the cost of our director of diversity, equity and inclusion from philanthropic grants to the district's budget, at a cost of \$120,208.
- Strengthening our hiring and support for a diverse workforce by funding a position in our Human Resources department to operationalize recruitment and affinity groups for educators of color, compensating our diverse staff appropriately for linguistic and identity-based work they perform and creating pathways to career development for our diverse staff, at a cost of \$399,647.

My proposed budget also recognizes that the pandemic has had a significant impact on the physical and mental health of our students. As part of recovering from the pandemic, the budget proposes to increase our nurse (.2 FTE) and social work staffing (3.5 FTE), for a total cost of \$274,778.

Finally, the budget reflects a commitment to incorporating innovation and new learning from the pandemic. Specifically, the proposed budget includes funding to support a position to lead the ongoing professional development and support needed to integrate our new investments in technology, for a cost of \$123,400. It also expands and extends this year's outdoor learning initiative into the future, at a cost of \$93,479.

This year's proposed budget calls for a 6.3% increase in the school portion of the tax rate. This reflects a 5% increase in expenditures resulting in a \$125.8 million budget, up \$5.9 million over last year's approved budget. More than half of the increase – \$3 million – maintains current programs and services and covers increased costs for salaries, benefits and debt service.

It requires an increased investment of \$6.99 million from local taxpayers. This results from a reduction in State Essential Program and Services of \$947,434, a 5.1% decrease from last year's State allocation to the district. This is largely due to the increase in the City of Portland's valuation as assessed by the State of Maine. We are grateful that Governor Mills' proposed budget continues to increase the percentage of school funding born by the State. Without that commitment, which reduced the State mill rate, we would have seen a much larger decrease in State funding for education in Portland.

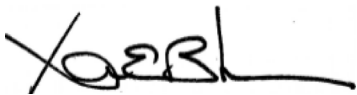
The district is fortunate to have significant federal Coronavirus-related funding. Most of the district's remaining federal funding current allocation of nearly \$6 million is being directed primarily to support one-time investments in materials, professional development and infrastructure. Some eligible costs have been shifted from the district's budget to federal funding. Additionally, the remainder of this funding – nearly \$2.5 million – is being reserved for summer programs and expanded learning to accelerate recovery from the challenges of this year.

We expect to receive additional funding from the most recent pandemic relief package approved last week. These funds are intended to support many of the same expenditures into FY23 and FY24. They are welcome and necessary as we work to steward those resources strategically into the coming budget years.

In the midst of this challenging year, there have been many bright spots. I have been humbled by the resilience and perseverance of our faculty and staff, our students and their families. They have shown incredible commitment to learning, grace through trials and a strong desire to overcome the challenges. I also have been blessed to grow professionally and personally with the School Board as we deepened our understanding of and commitment to becoming anti-racists leaders. These experiences serve as the impetus for this equity-centered budget proposal. I look forward to discussing it with you in the coming weeks.

A complete [budget timeline](#) can be found at this link on the district's website.

Sincerely,

A handwritten signature in black ink, appearing to read 'X Botana', with a long horizontal line extending to the right.

Xavier Botana, Superintendent



PORTLAND PUBLIC SCHOOLS

prepared & empowered

Vision

All learners will be fully prepared and succeed in a diverse and ever-changing world.

Mission

The Portland Public Schools are responsible for ensuring a challenging, relevant, and joyful education that empowers every learner to make a difference in the world. We build relationships among families, educators, and the community to promote the healthy development and academic achievement of every learner.

Goals

Goal 1 – Achievement - All PPS students will be prepared for college and career and empowered to pursue a productive postsecondary path.

Goal 2 – Whole Student - All PPS students will develop the skills, habits, and mindsets they need to engage in and contribute to our diverse city and ever-changing world.

Goal 3 – Equity - PPS is vigilant in supporting each and every student's particular path to achieving high standards, rooting out systemic or ongoing inequities.

Goal 4 – People - PPS attracts, supports and retains talented and diverse people who use their strengths to achieve our shared goals.

**Portland Public Schools
FY2022 Superintendent's Recommended Budget**

March 16, 2021

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**Portland Public Schools
FY2022 Summary Revenue Budget
General, Adult Ed, and Food Services Funds
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	FY20 Actual	FY21 Approved	FY22 Supt Recommended	\$ +/- v FY21	% +/- v FY21
Local Revenue (non-tax)					
General	\$ 470,344	\$ 420,500	\$ 420,500		
Adult Ed	116,374	190,000	179,849		
Food Services	351,721	415,877	393,517		
Total Local Revenue	938,440	1,026,377	993,866	\$ (32,511)	-3.2%
State Revenue					
EPS	14,251,970	15,223,289	14,364,498		
Debt Service Reimb	3,559,926	3,453,482	3,364,840		
Other	228,379	269,500	262,747		
Adult Ed	526,687	609,742	592,998		
Food Services	49,549	51,885	51,885		
Total State Revenue	18,616,511	19,607,898	18,636,968	(970,930)	-5.0%
Federal Revenue					
General	477,545	1,125,000	1,140,900		
Food Services	2,997,952	2,935,325	2,941,606		
Total Federal Revenue	3,475,498	4,060,325	4,082,506	22,181	0.5%
Total Non-tax Revenue	\$ 23,030,449	\$ 24,694,600	\$ 23,713,340	\$ (981,260)	-4.0%
Use of Fund Balance					
General	-	500,000	500,000		
Food Services	-	310,000	250,000		
Adult Education	-	19,333	20,000		
	-	829,333	770,000		
Property Taxes					
General Education	91,502,259	92,551,184	99,332,772		
Adult Education	1,718,445	1,717,219	1,793,743		
Food Services	124,435	70,341	205,905		
Total Property Tax	93,345,139	94,338,744	101,332,420	6,993,676	7.4%
Total Revenue	\$ 116,375,588	\$ 119,862,677	\$ 125,815,760	\$ 5,953,083	5.0%

**Portland Public Schools
FY2022 Detail Revenue Budget
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	FY20 Actual	FY21 Approved	FY22 Supt Recommended	\$ +/- v FY21	% +/- v FY21
GENERAL FUND					
LOCAL REVENUE					
REQUIRED LOCAL SHARE (tax levy)	\$ 70,510,825	\$ 74,271,401	\$ 77,010,122	\$ 2,738,721	3.7%
LOCAL ONLY DEBT SERVICE (tax levy)	577,882	392,289	385,252	(7,037)	-1.8%
ADDITIONAL LOCAL FUNDS (tax levy)	20,413,552	17,887,494	21,937,398	4,049,904	22.6%
TUITION PUBLIC K-8	142,796	140,000	140,000	-	0.0%
TUITION PUBLIC 9-12	102,871	100,000	100,000	-	0.0%
SUMMER SCH TUITION 9-12	9,540	10,000	10,000	-	0.0%
TRANSPORT - OTHER ORG	75,035	90,000	90,000	-	0.0%
INTEREST ON INVESTMENTS	3,000	3,000	3,000	-	0.0%
ADMISSIONS 9-12	8,040	15,000	15,000	-	0.0%
BUILDING RENTALS	45,083	52,000	52,000	-	0.0%
MISC LOCAL REVENUE	1,896	10,000	10,000	-	0.0%
SPED REVENUE/OTHER LOC GOV	80,064	-	-	-	0.0%
MISC SALES & REFUNDS	20	500	500	-	0.0%
PROCEEDS FROM DISPOSAL OF BUSES	2,000	-	-	-	0.0%
TOTAL LOCAL	91,972,603	92,971,684	99,753,272	6,781,588	7.3%
STATE REVENUE					
STATE SHARE EPS (State Subsidy)	14,251,970	15,223,289	14,364,498	(858,791)	-5.6%
STATE REIMB. DEBT SERVICE	3,559,926	3,453,482	3,364,840	(88,642)	-2.6%
STATE AGENCY CLIENT	192,475	220,000	220,000	-	0.0%
NAT'L BOARD - SALARY SUPLMNT	35,904	49,500	42,747	(6,753)	-13.6%
TOTAL STATE	18,040,275	18,946,271	17,992,085	(954,186)	-5.0%
FEDERAL REVENUE					
MAINECARE MEDICAID REIMB	428,198	1,670,000	1,690,900	20,900	1.3%
SEED WITHHOLDING	-	(700,000)	(700,000)	-	0.0%
FEDERAL IMPACT AID	49,347	55,000	50,000	(5,000)	-9.1%
INDIRECT COST RECOVERY	-	100,000	100,000	-	0.0%
TOTAL FEDERAL	477,545	1,125,000	1,140,900	15,900	1.4%
TOTAL GENERAL FUND	110,490,424	113,042,955	118,886,257	5,843,302	5.2%
USE OF FUND BALANCE	-	500,000	500,000	-	0.0%
TOTAL GENERAL FUND REVENUE & FUND BALANCE	\$ 110,490,424	\$ 113,542,955	\$ 119,386,257	\$ 5,843,302	5.1%
ADULT EDUCATION					
AE LOCAL REVENUE					
LOCAL FUNDS (tax levy)	\$ 1,718,445	\$ 1,717,219	\$ 1,793,743	\$ 76,524	4.5%
TUITION-INDIV-ENRICHMT	58,316	130,000	119,849	(10,151)	-7.8%
TUITION-INDIV-VOC	29,561	40,000	40,000	-	0.0%
TUITION-OTHER-ACADEMIC	28,498	20,000	20,000	-	0.0%
FUND TRANSFERS	-	-	-	-	0.0%
TOTAL LOCAL	1,834,819	1,907,219	1,973,592	66,373	3.5%
AE STATE REVENUE					
STATE SUBSIDY	526,687	609,742	592,998	(16,744)	-2.7%
TOTAL STATE	526,687	609,742	592,998	(16,744)	-2.7%
USE OF FUND BALANCE	-	19,333	20,000	667	3.5%
TOTAL ADULT EDUCATION REVENUE	\$ 2,361,506	\$ 2,536,294	\$ 2,586,590	\$ 50,296	2.0%

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	FY20 Actual	FY21 Approved	FY22 Supt Recommended	\$ +/(-) v FY21	% +/- v FY21
FOOD SERVICE					
FS LOCAL REVENUE					
LOCAL FUNDS (tax levy)	\$ 124,435	\$ 70,341	\$ 205,905	\$ 135,564	192.7%
DAILY SALES - LUNCH	229,823	292,063	274,517	(17,546)	-6.0%
DAILY SALES NON REIM	78,259	104,814	100,000	(4,814)	-4.6%
SPECIAL FUNCTIONS	35,505	10,000	10,000	-	0.0%
BUILDING RENTALS	6,000	6,000	6,000	-	0.0%
MISC REFUNDS	2,134	3,000	3,000	-	0.0%
TOTAL LOCAL	476,156	486,218	599,422	113,204	23.3%
FS STATE REVENUE					
STATE REIMBURSEMENT	49,549	51,885	51,885	-	0.0%
TOTAL STATE	49,549	51,885	51,885	-	0.0%
FS FEDERAL REVENUE					
AFTER SCHL SNACK	3,388	3,760	1,920	(1,840)	-48.9%
SUMMER FOOD PROG	456,237	154,662	100,000	(54,662)	-35.3%
PERFORMNC-BASED LUNCH	25,175	38,247	38,247	-	0.0%
REIMB LUNCH - REGULAR	122,279	185,770	191,233	5,463	2.9%
REIMB LUNCH - REDUCED	45,778	61,496	63,553	2,057	3.3%
REIMB LUNCH - FREE	812,908	1,251,259	1,287,703	36,444	2.9%
REIMB BREAKFAST	501,786	762,368	784,339	21,971	2.9%
PAYMTS IN LIEU OF COMM	182,566	198,063	202,161	4,098	2.1%
FRESH FRUITS AND VEGGIES	50,813	79,700	72,450	(7,250)	-9.1%
CHILD/ADULT CARE FOOD PRGM	124,600	200,000	200,000	-	0.0%
TRANSFER FROM GENERAL FUND	672,394	-	-	-	0.0%
PROCEEDS FM PROPERTY DISPOSAL	27	-	-	-	0.0%
TOTAL FEDERAL	2,997,952	2,935,325	2,941,606	6,281	0.2%
USE OF FUND BALANCE	-	310,000	250,000	(60,000)	-19.4%
TOTAL FOOD SERVICE REVENUE	\$ 3,523,658	\$ 3,783,428	\$ 3,842,913	\$ 59,485	1.6%
TOTAL REVENUE AND OTHER FUNDING SOURCES					
	\$ 116,375,588	\$ 119,862,677	\$ 125,815,760	\$ 5,953,083	5.0%

Portland Public Schools
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	FY20 Actual	FY21 Approved	FY22 Supt Recommended	\$ +/- v FY21	% +/- v FY21
Wages					
Regular	\$ 65,954,066	\$ 67,529,023	\$ 71,262,140		
Temp/Sub/Tutor/OT	2,256,048	2,326,876	2,326,225		
Add pay/Stipends	2,319,250	2,454,918	2,562,380		
<i>Total Wages</i>	70,529,364	72,310,817	76,150,745	\$ 3,839,928	5.3%
Benefits					
Health	15,473,475	16,000,018	17,067,858		
Retirement	3,512,180	3,620,217	3,675,096		
All other	2,391,111	2,605,479	2,814,771		
<i>Total Benefits</i>	21,376,767	22,225,714	23,557,725	1,332,011	6.0%
Contracted Services					
Professional & Tech. Svcs	1,475,344	1,581,429	1,532,067		
Employee Training/Dev	348,774	532,868	523,220		
SPED Contracted Svcs	464,391	483,228	513,458		
Student Transportation	185,366	345,000	345,000		
Tuition	748,799	933,566	980,676		
Legal Services	150,212	150,000	150,000		
Water & Sewer	131,090	177,590	197,230		
Repair & Maintenance	2,576,923	2,836,343	2,794,566		
Rentals	322,805	378,230	381,130		
Loans/Leases	244,334	239,600	46,000		
Liability Insurance	436,532	521,924	603,719		
Other Services	661,046	815,954	825,045		
<i>Total Contracted Services</i>	7,745,615	8,995,732	8,892,111	(103,621)	-1.2%
Supplies					
Education Supplies	1,000,531	1,132,315	1,128,035		
Tech Related Supplies	72,533	146,770	142,080		
General Supplies	626,855	698,883	699,684		
Custodial Supplies	281,375	240,475	240,475		
Software Licenses	423,926	548,555	585,995		
Utilities	1,854,633	2,279,760	2,147,562		
Gasoline	58,523	127,082	127,082		
Food/Non-food supplies	1,368,593	1,695,360	1,695,360		
<i>Total Supplies</i>	5,686,971	6,869,200	6,766,273	(102,927)	-1.5%
Other Costs					
Field Trip Transportation	264,705	347,111	334,921		
Miscellaneous	1,925,938	374,709	357,232		
Capital	241,002	315,950	201,675		
<i>Total Other Costs</i>	2,431,644	1,037,770	893,828	(143,942)	-13.9%
Debt Service					
Bond DS	7,879,775	8,423,444	9,555,078	1,131,634	13.4%
Total Expenditures	\$ 115,650,135	\$ 119,862,677	\$ 125,815,760	\$ 5,953,083	5.0%

Portland Public Schools
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Superintendent's Recommended Budget
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	FY20 Actual	FY21 Approved	FY22 Supt Recommended	\$ +/(-) v FY21	% +/- v FY21
SALARIES & BENEFITS					
<i>Regular Salaries</i>					
PROFESSIONAL SALARY	\$ 44,270,984	\$ 45,977,764	\$ 48,341,267	\$ 2,363,503	5.1%
INSTRUCTIONAL AIDE/ASST	5,617,192	5,952,091	6,326,005	373,914	6.3%
ADMINISTRATOR/ REG SUPPORT	16,065,889	15,599,168	16,594,868	995,700	6.4%
Total Regular Salaries	65,954,066	67,529,023	71,262,140	3,733,117	5.5%
<i>Temporary Salaries</i>					
TEMPORARY SALARY	837,446	1,013,630	1,011,528	(2,102)	-0.2%
TUTOR	30,529	46,703	48,104	1,401	3.0%
SUBSTITUTE	1,120,363	1,116,043	1,116,043	-	0.0%
TEACHER ADDITIONAL PAY	69,095	114,799	106,291	(8,508)	-7.4%
AIDE/ASST OVERTIME	277	-	-	-	0.0%
REGULAR SUPPORT OVERTIME	267,433	150,500	150,550	50	0.0%
STIPEND/DIFFERENTIAL	1,558,884	1,675,399	1,791,369	115,970	6.9%
STIPEND-RETIREMENT SICK	677,863	640,000	640,000	-	0.0%
STIPEND/OTHER	13,408	24,720	24,720	-	0.0%
Total Temporary Salaries	4,575,298	4,781,794	4,888,605	106,811	2.2%
Total Salaries	70,529,364	72,310,817	76,150,745	3,839,928	5.3%
<i>Benefits</i>					
HEALTH INSURANCE	15,473,475	16,000,018	17,067,858	1,067,840	6.7%
MEDICARE	970,082	1,049,136	1,107,959	58,823	5.6%
RETIREMENT	3,512,180	3,620,217	3,675,096	54,879	1.5%
TUITION REIMBURSEMENT	225,064	210,000	269,520	59,520	28.3%
WORKER'S COMP	509,058	599,865	599,865	-	0.0%
ALL OTHER	686,907	746,478	837,427	90,949	12.2%
Total Benefits	21,376,767	22,225,714	23,557,725	1,332,011	6.0%
TOTAL SALARIES & BENEFITS	91,906,131	94,536,531	99,708,470	5,171,939	5.5%
CONTRACTED SERVICES					
PURCHASED PROF & TECH SVC	1,400,344	1,441,429	1,392,067	(49,362)	-3.4%
CONTRACTUAL PRE-K	75,000	140,000	140,000	-	0.0%
EMPLOYEE TRAIN & DEV SVCS	348,774	532,868	523,220	(9,648)	-1.8%
OTHER PROFESIONNAL SVCS	10,636	15,000	17,000	2,000	13.3%
SECURITY	104,239	161,067	161,067	-	0.0%
ALARMS	4,050	4,325	4,325	-	0.0%
ARCHITECT/ENGINEER - NSA	22,682	20,000	20,000	-	0.0%
ADULT ED CONTRACTED SVCS	230	6,000	6,000	-	0.0%
SPEC ED CONTRACTED SVCS	464,391	483,228	513,458	30,230	6.3%

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LEGAL SERVICES	150,212	150,000	150,000	-	0.0%
WATER	41,302	50,740	55,624	4,884	9.6%
SEWER	89,788	126,850	141,606	14,756	11.6%
REPAIR AND MAINT SVCS	1,059,913	1,217,466	1,079,762	(137,704)	-11.3%
HVAC MAINTENANCE	534,024	517,703	595,514	77,811	15.0%
MOWING/PLOWING/FIELDMAINT	566,297	610,766	610,766	-	0.0%
ASBESTOS/MOLD SVCS	15,379	20,000	20,000	-	0.0%
VEHICLE & EQUIPMT REPAIR	25,979	26,000	31,000	5,000	19.2%
WASTE DISPOSAL SERVICES	106,366	101,126	114,242	13,116	13.0%
RECYCLING SERVICES	111,676	122,040	122,040	-	0.0%
HAZ WASTE DISPOSAL SVCS	-	8,000	8,000	-	0.0%
PEST MGMT SERVICES	16,157	17,850	17,850	-	0.0%
FIRE EXTINGUISHER MAINT SVCS	10,162	10,000	10,000	-	0.0%
RENTALS	322,805	378,230	381,130	2,900	0.8%
COMPUTER LEASE	238,533	239,600	46,000	(193,600)	-80.8%
LEASES-NOT DOE APPROVED	5,800	-	-	-	0.0%
OTHER PURCHASED SERVICES	953	1,450	1,360	(90)	-6.2%
STUDENT TRANSPORT SVCS	-	250	250	-	0.0%
STUDENT TRANS PURCH-PRIV	181,499	315,000	315,000	-	0.0%
STUDENT TRANS/PRIV-SPED OOD	309	15,000	15,000	-	0.0%
STUDENT TRANS/PRIV-HOMELESS	3,558	15,000	15,000	-	0.0%
INSURANCE-GEN LIABILITY	436,532	521,924	603,719	81,795	15.7%
POSTAGE	60,756	75,763	71,279	(4,484)	-5.9%
PHONE	173,369	146,652	158,052	11,400	7.8%
INTERNET CONNECTIVITY	51,576	52,426	52,426	-	0.0%
EBOOKS & ONLINE SUBSCRPTNS	32,811	31,219	37,634	6,415	20.5%
ADVERTISING	4,524	16,000	15,750	(250)	-1.6%
ADULT ED ADVERTISING	15,395	25,000	25,000	-	0.0%
PRINTING/BINDING	27,150	52,252	57,743	5,491	10.5%
PHOTOCOPYING	136,809	157,800	157,800	-	0.0%
TUITION TO IN-STATE SAU	125,940	110,550	122,510	11,960	10.8%
TUITION TO PRIVATE SOURCE	607,594	808,016	843,166	35,150	4.4%
TUITION TO POST-SECONDARY	15,265	15,000	15,000	-	0.0%
STAFF TRAVEL	146,840	235,942	224,551	(11,391)	-4.8%
ADULT ED TRAVEL-STATE MTG	-	200	200	-	0.0%
TOTAL CONTRACTED SERVICES	7,745,615	8,995,732	8,892,111	(103,621)	-1.2%
SUPPLIES					
GENERAL SUPPLIES	626,855	698,883	699,684	801	0.1%
CUSTODIAL SUPPLIES	281,375	240,475	240,475	-	0.0%
INSTRUCTIONAL SUPPLIES	604,542	658,556	677,483	18,927	2.9%
NATURAL GAS	910,323	1,062,000	943,800	(118,200)	-11.1%
ELECTRICITY	891,162	1,131,060	1,117,062	(13,998)	-1.2%
BOTTLED GAS	9,632	19,700	19,700	-	0.0%

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OIL	43,516	67,000	67,000	-	0.0%
GASOLINE	58,523	127,082	127,082	-	0.0%
FOOD	1,244,557	1,549,283	1,549,283	-	0.0%
NON-FOOD SUPPLIES	124,036	146,077	146,077	-	0.0%
BOOKS/PERIODICALS	394,892	467,014	445,657	(21,357)	-4.6%
TECH-RELATED SUPPLIES	72,533	146,770	142,080	(4,690)	-3.2%
SOFTWARE LICENSES	423,926	548,555	585,995	37,440	6.8%
AUDIOVISUAL SUPPLIES	1,097	6,745	4,895	(1,850)	-27.4%
TOTAL SUPPLIES	5,686,971	6,869,200	6,766,273	(102,927)	-1.5%
MISCELLANEOUS					
DUES AND FEES	137,283	171,584	181,230	9,646	5.6%
BANK FEES	639	3,000	2,000	(1,000)	-33.3%
MAINE STATE BILLING FEES	31,555	68,452	68,452	-	0.0%
SCHOOL BOARD CONF FEES	-	2,000	2,000	-	0.0%
BAD DEBT	5,466	-	-	-	0.0%
FIELD TRIP TRANSPORTATION	264,705	347,111	334,921	(12,190)	-3.5%
MISC EXPENDITURES	1,364	8,673	7,550	(1,123)	-12.9%
OTHER ITEMS	9,030	96,000	96,000	-	0.0%
FUND TRANSFERS OUT	1,740,602	25,000	-	(25,000)	-100.0%
TOTAL MISCELLANEOUS	2,190,642	721,820	692,153	(29,667)	-4.1%
CAPITAL EQUIPMENT					
EQUIPMENT > \$10,000	67,381	109,000	64,000	(45,000)	-41.3%
EQUIPMENT < \$10,000	-	11,000	10,000	(1,000)	-9.1%
TECH-RELATED EQUIP < \$10,000	82,621	195,950	127,675	(68,275)	-34.8%
STUDENT TRANS. VEHICLES	91,000	-	-	-	0.0%
TOTAL CAPITAL EQUIPMENT	241,002	315,950	201,675	(114,275)	-36.2%
DEBT SERVICE					
DEBT SERVICE - OTHER	7,834,449	8,382,169	9,200,132	817,963	9.8%
DEBT SERVICE - BUSES	31,343	30,039	21,388	(8,651)	-28.8%
DEBT SERVICE - TECHNOLOGY	13,983	11,236	8,558	(2,678)	-23.8%
BOND ISSUANCE	-	-	325,000	325,000	100.0%
TOTAL DEBT SERVICE	7,879,775	8,423,444	9,555,078	1,131,634	13.4%
TOTAL EXPENDITURES	\$ 115,650,135	\$ 119,862,677	\$ 125,815,760	\$ 5,953,083	5.0%

Portland Public Schools
Superintendent's Recommended Budget
FY2022 Expenditures by State Budget Categories
March 16, 2021

State Budget Category	FY20 Actual	FY21 Approved	FY22 Supt Recommended	\$ +/- v FY21	% +/- v FY21
1. Regular Instruction	\$ 45,734,596	\$ 47,816,535	\$ 49,012,977	\$ 1,196,442	2.5%
2. Special Ed. Instruction	17,215,740	18,240,094	19,480,692	1,240,598	6.8%
3. CTE (Voc.) Instruction	3,169,812	3,224,162	3,242,859	18,697	0.6%
4. Other Instruction	2,018,971	2,322,625	2,232,342	(90,283)	-3.9%
5. Student & Staff Support	10,035,285	10,548,935	12,049,369	1,500,434	14.2%
6. System Administration	3,804,809	4,238,092	4,739,437	501,345	11.8%
7. School Administration	5,691,923	5,736,533	5,928,915	192,382	3.4%
8. Transportation & Buses	3,000,509	3,349,809	3,633,282	283,473	8.5%
9. Facilities Maintenance	12,096,272	11,549,622	12,463,403	913,781	7.9%
10. Debt Service	6,194,685	6,016,698	6,041,774	25,076	0.4%
11. All Other Expenditures	1,076,146	499,850	561,207	61,357	12.3%
Total General Fund	\$ 110,038,749	\$ 113,542,955	\$ 119,386,257	\$ 5,843,302	5.1%
Adult Education	2,336,891	2,536,294	2,586,590	50,296	2.0%
Food Service	3,274,496	3,783,428	3,842,913	59,485	1.6%
Total	\$ 115,650,135	\$ 119,862,677	\$ 125,815,760	\$ 5,953,083	5.0%

Portland Public Schools
Superintendent's Recommended Budget
FY2022 Cost Center Summary - Expenditure
March 16, 2021

Cost Center		FY20 Actual	FY21 Approved	FY22 Recommended	\$ +/-	% +/-
Elem.	Cliff Island	\$ 128,062	\$ 135,255	\$ 141,541	\$ 6,286	4.6%
	East End	4,730,969	5,014,739	5,324,931	310,192	6.2%
	Longfellow	3,100,783	3,090,465	3,248,970	158,505	5.1%
	Lyseth	4,648,336	5,321,251	6,035,814	714,563	13.4% *
	Ocean Avenue	4,951,704	5,218,617	5,257,099	38,482	0.7%
	Peaks Island	842,214	941,283	970,931	29,648	3.1%
	Presumpscot	2,767,226	2,806,896	3,145,044	338,148	12.0%
	Reiche	4,525,935	4,511,077	4,936,701	425,624	9.4%
	Rowe	4,866,320	4,699,697	4,931,925	232,228	4.9%
	Talbot	5,994,915	6,090,931	6,130,002	39,071	0.6%
	King	6,010,584	6,413,835	6,663,921	250,086	3.9%
Middle	Lincoln	5,830,827	6,093,379	6,349,780	256,401	4.2%
	Moore	6,301,055	6,625,893	7,380,582	754,689	11.4%
	Portland	9,409,634	9,818,382	10,026,303	207,921	2.1%
High	Deering	9,856,111	10,109,435	10,542,337	432,902	4.3%
	Casco Bay	3,334,007	3,574,834	3,654,109	79,275	2.2%
	PATHS	3,169,812	3,224,162	3,242,859	18,697	0.6%
	Special Education	2,406,593	2,597,163	2,755,297	158,134	6.1% **
Other	Summer School	32,170	17,187	-	(17,187)	-100.0%
	Breathe Program	1,879,077	1,918,033	420,003	(1,498,030)	-78.1% ***
	Communications Office	284,695	270,750	298,281	27,531	10.2%
	School Board	205,207	394,886	403,812	8,926	2.3%
	Superintendent	632,974	639,264	636,344	(2,920)	-0.5%
	Assistant Superintendent	224,029	257,139	391,540	134,401	52.3%
	Finance	1,734,606	1,224,952	1,269,106	44,154	3.6%
	Debt Service	6,194,685	6,016,698	6,041,774	25,076	0.4%
	Human Resources	1,037,282	951,986	1,268,770	316,784	33.3%
	District-wide benefits	643,105	769,865	769,865	-	0.0%
	Facilities Department	6,033,640	5,322,768	5,894,929	572,161	10.7% ****
	IT Department	1,660,892	1,863,868	1,830,621	(33,247)	-1.8%
	MultiLingual/District ELL Prgms	1,575,825	1,600,263	2,756,558	1,156,295	72.3% *****
	Department of Academics	1,723,175	1,781,162	2,221,787	440,625	24.7%
	District-wide PreK	182,735	647,931	548,513	(99,418)	-15.3% ***
	Transportation Services	3,119,566	3,578,909	3,896,208	317,299	8.9%
Total General Fund		\$ 110,038,749	\$ 113,542,955	\$ 119,386,257	\$ 5,843,302	5.1%
Adult Education		2,336,891	2,536,294	2,586,590	50,296	2.0%
Food Service		3,274,496	3,783,428	3,842,913	59,485	1.6%
Total		\$ 115,650,135	\$ 119,862,677	\$ 125,815,760	\$ 5,953,083	5.0%

*Includes \$1,284,121 in debt service for Lyseth school improvements

**The majority of this budget is located in school cost centers

***FTEs previously budgeted centrally in Central Breathe and PreK Cost Center now budgeted in schools

****Includes an increase of \$592,051 in debt service categorized in the Facilities cost center per state requirements.

*****Increase includes entire proposed ELL programs investment of \$1,031,625.

**Portland Public Schools
Superintendent's Recommended Budget
FY2022 Tax Rate Computation
March 16, 2021**

	General Fund		Food Service		Adult Ed		TOTAL
Total Expenditures	\$	119,386,257	\$	3,842,913	\$	2,586,590	\$ 125,815,760
Less: General Revenue		(1,824,147)		(3,387,008)		(772,847)	(5,984,002)
State EPS		(14,364,498)					(14,364,498)
State reimbursed Debt Svc		(3,364,840)					(3,364,840)
Use of Fund Balance per Policy DA		(500,000)		(250,000)		(20,000)	(770,000)
Tax Levy	\$	99,332,772	\$	205,905	\$	1,793,743	\$ 101,332,420
<i>Valuation</i>		8,155,000,000					
Tax Rate:							
FY22	\$	12.18	\$	0.03	\$	0.22	\$ 12.43
FY21	\$	11.47	\$	0.01	\$	0.21	\$ 11.69
<i>\$ Increase</i>	\$	0.712	\$	0.017	\$	0.007	\$ 0.736
<i>% Increase</i>		6.21%		189.67%		3.37%	6.29%

**Portland Public Schools
Superintendent's Recommended Budget
FY22 Comparative Tax Levy Summary
March 16, 2021**

	FY20	FY21	FY22	\$ +/-	% +/-
<i>Food Service</i>					
Expenditures	\$ 3,772,269	\$ 3,783,428	\$ 3,842,913	\$ 59,485	1.6%
Revenue	(3,647,824)	(3,713,087)	(3,637,008)	76,079	-2.0%
Tax Levy	124,445	70,341	205,905	135,564	192.7%
<i>Adult Ed</i>					
Expenditures	2,432,506	2,536,294	2,586,590	50,296	2.0%
Revenue	(714,071)	(819,075)	(792,847)	26,228	-3.2%
Tax Levy	1,718,435	1,717,219	1,793,743	76,524	4.5%
<i>General Fund</i>					
Expenditures	111,184,495	113,542,955	119,386,257	5,843,302	5.1%
Revenue	(19,682,237)	(20,991,771)	(20,053,485)	938,286	-4.5%
Tax Levy	91,502,258	92,551,184	99,332,772	6,781,588	7.3%
<i>Total</i>					
Expenditures	117,389,270	119,862,677	125,815,760	5,953,083	5.0%
Revenue	(24,044,132)	(25,523,933)	(24,483,340)	1,040,593	-4.1%
Tax Levy	\$ 93,345,138	\$ 94,338,744	\$ 101,332,420	\$ 6,993,676	7.4%

Portland Public Schools
Superintendent's Recommended Budget
FY21 to FY22 Comparative Staffing--Locally Funded
March 16, 2021

Location	<u>Student Enrollment</u>		<u>Teachers (PEA)</u>		<u>Ed Techs</u>		<u>Principals (PAA)</u>		<u>Support Staff (BASE)^</u>		<u>Admin & Support (Non-union)</u>		<u>Total</u>		Diff.
	10/1/2019	10/1/2020	FY21	FY22	FY21	FY22	FY21	FY22	FY21	FY22	FY21	FY22	FY21	FY22	
Cliff Island Elementary	5	3	1.40	1.40	-	-	-	-	0.25	0.25	-	-	1.65	1.65	-
East End Community	419	423	38.18	44.68	16.79	18.29	2.00	2.00	6.00	4.00	0.18	0.18	63.14	69.15	6.01
Longfellow Elementary	327	295	27.86	27.86	4.09	4.09	1.50	1.50	1.50	4.00	0.18	0.18	35.12	37.62	2.50
Lyseth Elementary	511	496	38.79	42.99	8.00	10.00	2.00	2.00	2.00	2.00	0.18	0.18	50.97	57.17	6.20
Ocean Avenue Elem.	341	336	39.28	39.28	23.29	24.79	2.00	2.00	6.00	3.00	0.18	0.18	70.74	69.24	-1.50
Peaks Island Elem.	40	33	6.90	6.80	2.00	2.00			2.50	2.50	0.18	0.18	11.58	11.48	-0.10
Presumpscot Elem.	271	247	24.53	27.53	5.00	5.50	1.00	1.00	3.00	3.00	0.18	0.18	33.71	37.21	3.50
Reiche Elementary	446	394	39.15	43.35	8.30	10.15			2.00	3.75	0.18	0.33	49.63	57.58	7.95
Rowe Elementary	426	437	38.54	43.54	15.93	17.72	2.00	2.00	2.00	2.50	0.18	0.18	58.65	65.93	7.28
Talbot Elementary	438	384	45.38	48.18	24.00	24.00	2.00	2.00	2.00	2.75	0.18	0.18	73.56	77.11	3.55
King Middle School	476	479	52.17	53.34	9.80	9.80	2.00	2.00	7.25	7.25	0.50	0.50	71.72	72.89	1.17
Lincoln Middle School	502	467	50.42	51.89	7.00	9.00	2.00	2.00	8.50	8.00	0.19	0.19	68.11	71.08	2.97
Moore Middle School	486	484	50.04	56.70	16.00	20.50	2.00	2.00	8.50	8.00	0.19	0.19	76.73	87.39	10.66
Casco Bay High	389	394	32.74	33.14	1.20	1.20	1.00	1.00	2.00	2.00	-	-	36.94	37.34	0.40
Deering High School	798	735	72.59	75.50	15.03	20.96	4.00	4.00	12.75	12.75	3.20	3.20	107.57	116.41	8.84
Portland High School	873	888	67.98	69.48	14.60	13.60	4.00	4.00	13.00	13.00	3.20	3.20	102.78	103.28	0.50
PATHS	-	-	20.00	20.00	5.00	5.00	1.00	1.00	8.50	8.50	0.20	0.20	34.70	34.70	-
Breathe Program*	-	-	17.50	3.50	10.00	-	-	-	1.00	1.00	-	-	28.50	4.50	-24.00
Special Services	-	-	5.70	5.70	2.70	2.70	1.00	1.00	1.00	1.00	5.18	5.18	15.57	15.57	-
Superintendent Office	-	-	-	-	-	-	-	-	-	-	3.00	3.00	3.00	3.00	-
Asst Supt/School Mgmt	-	-	-	-	-	-	-	-	-	-	2.00	3.00	2.00	3.00	1.00
Asst Supt/Academics	-	-	5.40	6.60	-	-	-	-	-	-	3.70	5.70	9.10	12.30	3.20
District-wide PreK**	-	-	3.00	-	3.00	-	-	-	-	-	1.50	1.50	7.50	1.50	-6.00
Multilingual/Lang Dev.	-	-	3.97	4.70	-	-	-	-	2.00	2.00	13.25	13.55	19.22	20.25	1.03
Communications Office	-	-	-	-	-	-	-	-	0.60	0.60	1.50	1.80	2.10	2.40	0.30
Finance	-	-	-	-	-	-	-	-	1.00	1.00	8.00	8.00	9.00	9.00	-
Human Resources	-	-	-	-	-	-	-	-	-	-	7.00	8.00	7.00	8.00	1.00
Information Technology	-	-	-	-	-	-	-	-	5.00	5.00	6.00	6.00	11.00	11.00	-
Facilities	-	-	-	-	-	-	-	-	7.65	7.65	3.00	3.00	10.65	10.65	-
Transportation	-	-	-	-	-	-	-	-	35.87	40.25	2.92	3.32	38.79	43.57	4.78
Adult Ed	-	-	8.93	9.03	-	-	2.00	2.00	6.63	6.63	2.00	2.00	19.56	19.66	0.10
Food Service	-	-	-	-	-	-	-	-	34.94	34.94	1.00	1.00	35.94	35.94	-
Total	6748	6495	690.45	715.19	191.71	199.28	31.50	31.50	183.44	187.31	69.10	74.25	1,166.20	1,207.52	
Change		-253		24.74		7.57		0.00		3.87		5.15		41.32	

*Most Breathe staff budgeted centrally in FY21 now reflected in school-based costs centers.

**Partner site & expansion classroom staffing previously reflected in district-wide now reflected at Reiche, where students are rostered. Proposed partner expansion reflected at Talbot.

^All changes to BASE staff in elementary schools represents differences in which custodial staff (20 FTEs) were shifted to CARES funding in FY21 versus the budget due to grant stipulations.

**Portland Public Schools
FY2021 Staffing Changes During Fiscal Year--Locally Funded
Superintendent's Recommended Budget
March 16, 2021**

FY21 Budgeted Positions at Beginning of the Year	1,166.20

Approved during FY21:

Nurse	0.20	Lyseth	Teacher
Communications Coordinator	0.30	Communications	Non-Union
Adult Ed Literacy Teacher	0.10	Adult Ed	Teacher
Teaching Strategist	0.50	King Middle School	Teacher
Teaching Strategist	0.50	Lincon Middle School	Teacher
Teaching Strategist	0.50	Moore Middle School	Teacher
World Language Teacher	(0.50)	King Middle School	Teacher
School Secretary	(0.50)	Lincon Middle School	BASE
School Secretary	(0.50)	Moore Middle School	BASE
* Custodian (net FTE adj, cost neutral)	0.50	Custodians	BASE
** Classroom Teacher (FY21 budget error)	(1.00)	Ocean Ave	Teacher
Misc. adjustments (net)	0.02	Misc.	Misc.
	0.12		

FY21 Current Staffing	1,166.32

Notes

* *In the FY21 budget, 20.5 custodial FTEs were budgeted to shift to CARES funding. Ultimately, the position mix identified for grant funding only allowed to 20.0 FTEs to be shifted. The total cost of those 20 positions was the same as the originally identified 20.5 positions.*

** *The # of FTEs for Ocean Ave. classroom teachers was inadvertently overbudgeted in FY21. This does not reflect a reduction in a current teacher position.*

**Portland Public Schools
FY2022 Staffing Changes Proposed--Locally Funded
Superintendent's Recommended Budget
March 16, 2021**

FY21 Current Staffing 1,166.32

Proposed in FY22:

Investments	Pre-K Teacher	1.00	Lyseth	Teacher
	Pre-K Teacher	1.00	Partner Site	Teacher
	Pre-K Ed Tech	1.00	Lyseth	Ed Tech
	Pre-K Ed Tech	1.00	Partner Site	Ed Tech
	Bus Drivers (Pre-K Transportation)	2.00	Transportation	BASE
	Bus Aides (Pre-K Transportation)	3.00	Transportation	BASE
	Special Ed ASD Teacher	1.00	Ocean Ave	Teacher
	Special Ed ASD Ed Techs	3.00	Ocean Ave	Ed Tech
	Special Ed ASD Teacher	1.00	Lincoln Middle School	Teacher
	Special Ed ASD Ed Tech	1.00	Lincoln Middle School	Ed Tech
	Special Ed Functional Life Skills Teacher	1.00	Deering High School	Teacher
	Special Ed Functional Life Skills Ed Tech	1.00	Deering High School	Ed Tech
	Dual ID Special Ed/ELL Teacher	1.00	District	Teacher
	ELL Teacher (0.5 Pre-K)	2.50	East End	Teacher
	ELL Teacher (1.0 Pre-K)	2.00	Lyseth	Teacher
	ELL Teacher	0.50	Presumpscot	Teacher
	ELL Teacher	2.00	Reiche	Teacher
	ELL Teacher (1.0 Pre-K)	2.00	Rowe	Teacher
	ELL Teacher (1.0 Pre-K)	2.00	Talbot	Teacher
	ELL Teacher	0.50	Deering High School	Teacher
	ELL Teacher	0.50	Portland High School	Teacher
	ELL SLIFE Literacy Teacher	1.00	Deering High School	Teacher
	ELL SLIFE Ed Tech	1.00	Deering High School	Ed Tech
	ELL SLIFE Social Worker	0.50	Deering High School	Teacher
	Social Worker	0.50	East End	Teacher
	Social Worker	1.00	Lyseth	Teacher
	Social Worker	0.20	Presumpscot	Teacher
	Social Worker	0.50	Reiche	Teacher
	Social Worker	0.80	Talbot	Teacher
	Social Worker	0.50	Casco Bay High School	Teacher
	High School Math Coach	1.00	District/Academics	Teacher
	Social Studies Teacher Leader	0.20	District/Academics	Teacher
	Outdoor Learning Teacher Leader	1.00	District/Academics	Teacher
	Technology Integration Coordinator	1.00	Academics	Non-Union
	Director of Diversity, Equity & Inclusion	1.00	Academics	Non-Union
	BIPOC Career Pathways Coordinator	1.00	Human Resources	Non-Union
	Ombudsperson	1.00	Asst Superintendent	Non-Union
Reductions	Professional Learning Teacher Leader	(1.00)	Academics	Teacher
		41.20		

FY22 Proposed Staffing 1,207.52

FY21 Authorized Positions (Budget) 1,166.20

FTE Change 41.32

Portland Public Schools
Certified October 1st Attending Enrollment~

Cost Center		Oct 2015 (FY16)	Oct 2016 (FY17)	Oct 2017 (FY18)	Oct 2018 (FY19)	Oct 2019 (FY20)	Oct 2020 (FY21)	Oct 2021 Proj 1 (FY22)*	Oct 2021 Proj 2 (FY22)*
ELEMENTARY SCHOOLS									
010	Cliff Island	4	5	2	2	5	3	3	5
030	East End	405	400	416	384	419	423	420	420
040	Rowe	395	425	403	435	426	437	458	459
050	Longfellow	337	315	334	334	327	295	282	304
060	Lyseth	504	471	491	515	511	496	488	516
065	Ocean Ave	416	405	381	357	341	336	339	371
070	Peaks Island	40	38	37	39	40	33	36	38
080	Presumpscot	268	252	248	246	271	247	237	272
090	Reiche	427	434	437	436	446	394	392	468
100	Talbot	468	457	442	437	438	384	376	415
	PK exp							32	32
	Total Elementary	3,264	3,202	3,191	3,185	3,224	3,048	3,063	3,300
MIDDLE SCHOOLS									
110	King	517	517	519	497	476	479	476	504
120	Lincoln	485	499	513	528	502	467	457	492
130	Moore	480	501	444	453	486	484	528	564
	Total Middle School	1,482	1,517	1,476	1,478	1,464	1,430	1,461	1,560
HIGH SCHOOLS									
310	Portland	793	734	756	741	873	888	881	901
340	Deering	901	908	913	906	798	735	657	676
340	Casco Bay	389	378	386	385	389	394	393	396
	Total High School	2,083	2,020	2,055	2,032	2,060	2,017	1,931	1,973
TOTAL SCHOOL ENROLLMENT		6,829	6,739	6,722	6,695	6,748	6,495	6,455	6,833
Change		-158	-90	-17	-27	53	-253	-40	338
Percent change		-2.3%	-1.3%	-0.3%	-0.4%	0.8%	-3.7%	-0.6%	5.2%
Subsidy (EPS) counts		6,789	6,740	6,695	6,672	6,730	6,471	6,431	6,809

* Projection 1 is based on current year enrollment, which has been significantly impacted by the pandemic. Projection 2 assumes a return to pre-pandemic enrollment trends.

Notes:

Counts reflect attending enrollment as certified by the Maine Department of Ed. except for FY22, which are projections only.

Only Portland resident PATHS students are included above, and are counted at their home school.

~ Data provided by Maine Dept of Education at <https://www.maine.gov/doe/data-reporting/reporting/warehouse/enrollment>

Investment Narratives

Investment	Curriculum Support	
Sponsor	Melea Nalli, Assistant Superintendent of Teaching & Learning	
FTE Additions	1.2 FTE	\$103,808
Non-FTE Additions	n/a	\$0
Reduced Costs	n/a	\$0
Total Budget Impact		\$103,808 or \$0.01 on the tax rate

FTE Detail

Position	Location	Total Cost (Salary & Benefits)
1.0 HS Math Coach	Academics	\$84,003
0.2 Social Studies Teacher Leader	Academics	\$19,805
	Total	\$103,808

Narrative:

1.0 HS Math Coach

For the last 5 years, Math has been the focus of our instructional priorities within the Portland Promise. We have invested significantly in math coaching at the elementary and middle school level because we believe that embedded professional development is what best supports teachers, resulting in the most sustainable transformation to instructional practice and the greatest coherence across the system. We began the math transformation work with a “vertical team” of representatives in PK-12 and drafted a vision. Meanwhile, we ensured that every elementary and middle school had a math coach, and provided each coach with professional development and their own coaching to support teachers in aligning instruction to our vision. We also adopted a consistent problem-based math curriculum that aligns to our district vision. Coaches have been supporting the implementation of that curriculum while still focusing broadly on the key practice changes that align with our vision.

This year, students entering 9th grade will have benefited from this laser-like focus on math. Students will have had teachers who had a math coach for 4 years, as well as an engaging, accessible, and aligned curriculum--Illustrative Mathematics--for 3 years. We are ready to align our instruction PK-12 to a vision of math that is joyful, believes that all students can achieve at high levels, values students' thinking, and fosters discourse and language development within the math classroom. This HS math coach will support 3 schools, roughly 30 math teachers, special educators, and EL teachers that support math, and ensure that all students in Portland have access to high quality math instruction. This coach will be able to pull in an understanding

of the work at the elementary and middle school levels to ensure coherence in the math experience at the high school level. They will also be able to collaborate with middle and elementary coaches on what students are missing at the high school level in order to refine the work at the younger grades. They will provide coaching and support meaningful collaboration across high school math departments.

.2 Social Studies Teacher Leader

Fiona Hopper is our part-time Social Studies Teacher Leader, and is currently leading a process involving over 30 educators and countless community members to develop a Wabanaki Studies curriculum that is viewed as a model for the State of Maine. This curriculum, supported and vetted by tribal leaders, scholars, and parents, will benefit all students in Portland in grades Pre-K through 12. Ms. Hopper, along with the educators that she is leading and coordinating, is also developing a scope and sequence for Social Studies that will align the content and approach to Social Studies across the curriculum to be culturally responsive, decolonized, and also ensure that students, regardless of which school they attend, will learn both broad knowledge needed to succeed in the world, as well as the depth of knowledge needed to think critically about such important topics as power, economics, and natural resources.

Next year, Ms. Hopper will continue this work and with the additional time afforded by this increase in FTE, will take on coordinating and leading the development of an Africana Studies curriculum for PK-12. Students, educators and the community have been calling on Portland to expand its social studies curriculum to deeply embed African and African American Studies for years. We have great urgency to continue the momentum that was started this year and to move into deeper curriculum development work next year. This additional .2 FTE will afford Hopper the time needed to write and coordinate, along with educators, community members, and scholars in this field, a comprehensive curriculum for students at every age in Portland.

Investment	Enable Collaboration and Specialized ELL Instruction (Lau Plan)	
Sponsor	Melea Nalli, Assistant Superintendent of Teaching & Learning	
FTE Additions	15.5 FTE	\$1,031,624
Non-FTE Additions	n/a	\$0
Reduced Costs	n/a	\$0
Total Budget Impact		\$1,031,624 or \$0.13 on the tax rate

FTE Detail

Position	Location	Total Cost (Salary & Benefits)
8.5 ELL Teachers	East End (2.0), Lyseth (1.0), Presumpscot (0.5), Reiche (2.0), Rowe (1.0), Talbot (1.0), Deering (0.5), Portland (0.5)	\$552,532
3.5 PreK ELL Teachers	East End (0.5), Lyseth (1.0), Rowe (1.0), Talbot (1.0)	\$227,514
1.0 Dual ID Special Ed/ELL Teacher	District	\$109,209
1.0 SLIFE Literacy Teacher	Deering High School	\$65,004
0.5 SLIFE Social Worker	Deering High School	\$32,502
1.0 SLIFE Ed Tech	Deering High School	\$44,863
	Total	\$1,031,624

Narrative:

ELL Teacher Roles

Background & Current State

One year ago we revised the district Lau Plan and explained the moral and legal obligation that we have to serve our English Learners (ELs). In order to operationalize this commitment, we recognize the importance and value of collaboration among general educators and EL teachers and must keep in mind the requirement of providing direct specialized language instruction to ELs. Currently, we are underserving our English Learners who must receive direct instruction from an ESOL (English for Speakers of Other Languages) endorsed teacher.

Students with more basic knowledge of English must receive more intensive instruction. Students close to proficiency must receive less intensive direct English instruction. All ELs will learn best when their classroom teacher has the tools and mindset to collaborate with EL

teachers to maximize academic content instruction and English language development. This investment takes into consideration the need for smaller class ratios at the elementary level, the balance of direct instruction and teacher co-planning and co-teaching and the recommended pedagogy of English development. This request was brought forward last year and remained unfunded. We are bringing it forward again. The needs remain an urgent priority, especially in the context of our Equity goal.

Process to Get to This Level of Service

For the past four years we have been monitoring closely the number of ELs and EL staff at each school and across the district throughout the school year. We have looked at the complexity of ELs including their date of arrival, native language literacy, McKinney-Vento status, Long Term EL status, social-emotional needs, dual identified (Special Education/EL) status and other key factors that must be considered in delivering EL services to students. Based on that analysis, as well as February 2020 guidance from the MDOE regarding required frequency of direct English instruction and each school's proposal for meeting the needs of their EL population, the Department of Language Development has landed on current recommendation of staffing.

Five-Year Goal

The long-term goal of this investment is to maximize our general educators' expertise in working with English Learners. Collaboration and ESOL certification for educators are two key ways to develop our teaching staff. Though the benefits are predominantly for our English Learners, all academic language learners will be the beneficiaries of this investment in core instruction.

Portland Promise Goal

Collaboration among EL teachers and general educators will help us achieve the Equity and Achievement goals of our Portland Promise. This investment is designed to meet the needs of our current students and to help us build momentum as an organization in transformative core instructional practices.

This Investment Allows us to:

- Meet the needs of our current English Learners as described in the revised PPS Lau Plan
- Be in compliance with MDOE expectations for EL instruction
- Professionally develop classroom teachers and equip them with the tools and mindset to effectively meet the needs of English Learners

SLIFE Roles

Over the last five years, Portland has received an increasing number of students who are at the beginning of their English language journey, more of whom have experienced limited or interrupted education. In order to meet the needs of Students with Limited or Interrupted Formal Education (SLIFE) at the secondary level, we will provide English language development, heritage language support, foundational literacy/numeracy instruction and social-emotional support using a Mutually Adaptive Learning Program (MALP). This approach and staffing is based on research and best practice. It calls for the following:

- A full-time EL teacher / Reading teacher who can work directly with secondary students *on reading instruction* and co-plan with EL teachers / Literacy and Math coaches *to scaffold instruction or modify curriculum*. Students would receive direct services from this teacher while Individual Language Plans are kept by the Language Acquisition Committee and implemented by school staff in conjunction with this itinerant teacher.
- A full-time Language Acquisition Ed Tech (or Support Contractors in multiple languages) to help students with the transition to American schools and to provide language support in primary language. Currently there is a need for Portuguese and Spanish speakers. This may change depending on the countries of origin of our students.
- A part-time social worker to help students with the social emotional support needs associated with various ACES common among immigrants arriving in the U.S. with limited or interrupted education

Dual Identified Role

With close to 260 students identified to receive English Learner and Special Education services across the district, and many more students referred to Response to Intervention programming regularly and at a disproportionate rate, this population is characterized by complex identification and programming. This role would be filled by a full-time dual-certified special education teacher who is ESOL endorsed (or EL teacher with an SE background). This person would also have an early literacy background/emergent reading for older students, along with skills and experience in diagnostic, standardized and formative assessments. Part of this role includes the creation of systems, documenting them, and working with building administrators, special educators, and EL teachers to develop them in school personnel in order to ensure that students get the language development/ special education services and academic support they need from the adult professionals. This resource is most needed in self-contained special education district-programs (FLS, FA, Breathe, Beach, Gov. Baxter School, SLIFE).

When an EL student is being considered for special education, whether informally or through the referral process, the person in this position will be involved in planning and assessing the RTI, evaluations, and other data collected. They will guide the team in thinking about how to consider language needs when determining special education eligibility, to ensure that students are identified only when appropriate.

Investment	ACAA Harassment Policy Implementation	
Sponsor	Aaron Townsend, Assistant Superintendent	
FTE Additions	1.0 FTE	\$91,801
Non-FTE Additions	Stipends	\$30,007
Reduced Costs	n/a	\$0
Total Budget Impact		\$121,808 or \$0.01 on the tax rate

FTE Detail

Position	Location	Total Cost (Salary & Benefits)
1.0 Ombudsperson	Administration	\$91,801
	Total	\$91,801

Background and Current State

The Portland Board of Education approved modifications to Policy ACAA (Harassment, Sexual Harassment and Discrimination) this past Fall after a year-long process of review and community engagement. The policy has far reaching implications for how the district receives and investigates allegations. In order to operationalize it effectively, this budget investment provides the staffing needed to oversee and manage this process. It includes a staff role reporting to the Assistant Superintendent for School Management and stipends for school liaisons at each secondary school in the district.

Last summer, a large number of students and former students came forward through a series of social media posts alleging multiple violations of this policy. This event highlighted the fact that some students/former students did not know how to make those claims visible at the school or had previously come forward with concerns within their school but perceived that nothing changed as a result.

This highlights an opportunity for us to create a system to make it easier for students and others to raise concerns about PPS to a central resource, who can then ensure that complaints are addressed in a fair and consistent manner, and with clear communication.

Investment	Portland Pre-Kindergarten Promise	
Sponsor	Melea Nalli, Assistant Superintendent of Teaching & Learning	
FTE Additions	9.0 FTE	\$459,335
Non-FTE Additions	Supplies, Contractual	\$62,000
Revenue Offset	32 students x \$9,400	(\$300,800)
Reduced Costs	n/a	\$0
Total Budget Impact		\$220,535 or \$0.03 on tax rate

FTE Detail

Position	Location	Total Cost (Salary & Benefits)
2.0 Teachers	Lyseth and Partner	\$130,008
2.0 Ed Techs	Lyseth and Partner	\$89,725
2.0 Bus Drivers	Transportation	\$102,295
3.0 Bus Assistants (4 positions @ 0.75 FTE each)	Transportation	\$137,307
	Total	\$459,335

Narrative:

This year's proposed investment in the Pre-Kindergarten Promise provides staffing for two additional Pre-K classrooms and expands transportation to Pre-K students, addressing one of the key barriers families face in accessing Pre-K.

Portland's public Pre-K program was established in 2010 with a grant from the Cohen Foundation and was folded into the district budget in 2011. As of today, the district runs twelve classrooms (with an additional mixed Pre-K/K class at Peaks Island Elementary School), serving a total capacity of approximately 195 students. Including the class at Peaks, nine classrooms are located in elementary schools, one is housed at Portland Arts and Technology High School, and three are located in community partnership sites.

In 2016, we partnered with Starting Strong in a year-long process that helped us understand the need in our community in terms of the number and location of Pre-K seats, and the barriers families face when trying to take advantage of this opportunity.

The barriers include the need for an extended day, transportation, and flexible enrollment. In FY20, the Board of Education committed to increasing by seven the number of pre-kindergarten classrooms in the district. In the summer of 2019, we hired a Pre-K director to lead the expansion efforts, provide oversight of the program, and enhance communication and collaboration with building leaders and community partners.

This year's budget includes the scheduled expansion of two classrooms (bringing total classrooms to 14 plus Peaks). Staffing requested includes two teachers and two ed techs. The cost of classroom expansion is largely offset by the increase in state EPS funding we receive by enrolling an additional 32 Pre-K students in the district. The state allows districts who are expanding Pre-K classrooms to count those Pre-K seats toward subsidy for the year in which the expansion will occur (normally EPS is based on the enrollment count of the year prior, not anticipated future enrollment). That means that our EPS subsidy for FY22 includes funding (at about \$9,400/student) for the 32 new students we intend to enroll in our expansion classrooms.

Transportation is especially important for those families who live in neighborhoods in which there is no Pre-K classroom in their neighborhood elementary school. We also believe that many families do not even engage in our PPS Pre-K lottery process due to lack of transportation. In our FY22 budget we propose providing transportation services to Pre-K students. This will require a staffing investment of 5.0 FTEs at a cost of about \$240K. This will allow us to add two pre-kindergarten dedicated routes and ensure that all of our buses transporting pre-kindergarten students have a monitor on board.

Investment	Special Ed: Extend the Continuum of Service for Students with Autism	
Sponsor	Melea Nalli, Assistant Superintendent of Teaching & Learning	
FTE Additions	6.0 FTE	\$309,458
Non-FTE Additions	n/a	\$0
Reduced Costs	n/a	\$0
Total Budget Impact		\$309,458 or \$0.04 on the tax rate

FTE Detail

Position	Location	Total Cost (Salary & Benefits)
1.0 Special Ed Teacher	Ocean Ave	\$65,004
3.0 Ed Techs	Ocean Ave	\$134,588
1.0 Special Ed Teacher	Lincoln Middle School	\$65,004
1.0 Ed Tech	Lincoln Middle School	\$44,863
	Total	\$309,458

Narrative:

Middle School BEACH Program (1 teacher, 1 ed tech)

The District has had the BEACH Autism Spectrum Disorder (ASD) elementary program for many years, and recently added a high school program as well. However, there has never been a counterpart program at the middle school level. While some students in the BEACH elementary program are able to gain skills and strategies to successfully transition to their neighborhood school prior to leaving 5th grade, others continue to require BEACH supports in middle school and beyond. Middle school students who do not receive these supports are currently served either in programs that do not have the full capacity to address their needs, such as Functional Life Skills or Breathe, or in some cases require placement at special purpose schools outside of the district. This happens at a cost that can go up to \$83,000 a year per student. Even though we now have a high school level program, it can be difficult to bring students back to our schools once they have been placed out of the district. Therefore, we propose to establish a middle school BEACH program to serve a projected 10-12 students next year. This will allow students to access the BEACH continuum for as much of their time in PPS

as needed. This program will be staffed by one teacher and three ed techs, with the other two ed tech FTEs being reassigned from existing middle school positions.

Elementary BEACH Program (1 teacher, 3 ed techs)

There are 8-10 students who are entering PPS in the fall from preschool who are projected to require the BEACH program, and the two existing program classrooms are already projected to be at the maximum capacity of eight students each. As with the middle school program, students that we cannot serve in the BEACH program may end up in other district programs not totally designed to meet their needs, or with a high-cost out of district placement. Therefore, we propose establishing a third elementary BEACH program to serve these students.

The FY2021 budget impact for these increases would be \$309,458 for 2 FTE teachers and 4 FTE educational technicians.

Investment	Special Ed: Functional Life Skills	
Sponsor	Melea Nalli, Assistant Superintendent of Teaching & Learning	
FTE Additions	2.0 FTE	\$109,867
Non-FTE Additions	n/a	\$0
Reduced Costs	n/a	\$0
Total Budget Impact		\$109,867 or \$0.01 on the tax rate

FTE Detail

Position	Location	Total Cost (Salary & Benefits)
1.0 Special Ed Teacher	Deering High School	\$65,004
1.0 Ed Tech	Deering High School	\$44,863
	Total	\$109,867

Narrative:

High School Functional Life Skills and Functional Academics Programs (1 teacher, 1 ed tech)

In January 2021, the Maine DOE directed school districts that effective immediately, students with IEPs are eligible for services until they turn 22, or graduate from high school. Previously, the rule had been that students had been eligible until the end of the year in which they turned 20 (or graduated from high school). For the vast majority of students with IEPs, this change will likely have no effect, as they will still graduate by age 19 or 20. But for the small group of students with the highest needs, the IEP teams will now likely determine that their transition plan should continue until age 22. This year, almost all of the students who would have aged out, except for this new rule, attend the Functional Life Skills (FLS) and Functional Academics (FA) programs at Deering High School . There are eight total students in these two programs that we now anticipate staying past this year, who would not have done so under the old eligibility rules.

Therefore, we propose adding another special education teacher and ed tech to Deering High School, allowing the district to reorganize these two programs and serve the oldest students separately. Without this change, we will end up with a range of students from ages 14-21 in the same classrooms, and will put the FLS class above its maximum capacity. Given the differences that could exist in these students physically, as well as in terms of their academic and functional needs, it is in their best interests to have another class for the oldest students.

Investment	Diversity Hiring and Support	
Sponsor	Barbara Stoddard, Executive Director, Human Resources* Grace Valenzuela, Executive Director, Communications and Community Partnerships	
FTE Additions	1.0 FTE	\$100,008*
Non-FTE Additions	Stipends/Temp Course Reimbursement Fees/Training Pay Level Upgrade Extended Work Year	\$92,812* \$59,520* \$13,700* \$87,072 \$46,535
Total Budget Impact		Combined impact of \$399,647 or \$.05 on the tax rate

FTE Detail:

Position	Location	Total Cost (Salary & Benefits)
1.0 Director of BIPOC Career Pathways & Leadership Development	Human Resources	\$100,008
	Total	\$100,008*

Narrative:

The FY22 Diversity Hiring & Support budget is a research-based proposal to respond to the needs of our Black, Indigenous and People of Color (BIPOC) students and staff, and to implement three out of five strategies named in the Portland Promise People goal.¹

The budget funds efforts to increase the diversity of our staff and is grounded in research showing that there are cognitive, social and emotional benefits for all students who interact with classmates and educators from different backgrounds, cultures, and orientations to the world. Studies show that the impact of teachers of color is especially significant for students of color who have higher test scores, fewer unexcused absences, are less likely to be chronically absent, and are more likely to graduate high school and to succeed in college when they've had teachers of color who serve as role models and support connections to school and to learning. Current PPS demographics indicate that our student body is almost 50% students of color, yet our overall staff and our educators are only 11% and 6% BIPOC, respectively. Our schools

¹ 1. Articulating our **core values** and unique PPS identity to attract new talent and strengthen organizational culture, 2. Build **career pathways** that motivate and retain our talented and diverse people, and 3. Build and implement a **diversity recruitment** strategy.

need to be representative of everyone and we need our teaching staff to reflect the diversity of our school community.

Additionally, from an organizational perspective, research shows that more diverse organizations perform better on key organizational metrics like recruiting and employee satisfaction; ethnically/racially diverse organizations are 35% more likely to outperform their peers. To achieve these gains as an organization, we need to focus on our organizational culture, specifically, inclusion and belonging. Creating strong inclusive cultures in the district is the lever to our diversity work and is the key to staff retention. We learned about the need for inclusive and equitable practices in a recent study of PPS BIPOC educators. We learned that a deep disconnect is experienced by our BIPOC staff who think our focus on equity is intended for students alone, and not our staff. The *Educators of Color* report highlighted that without a focus on inclusion and belonging, without attention to our internal staff culture and the workplace environment where we want highly qualified and diverse talent to stay, without addressing the structural and cultural barriers that exist for BIPOC staff, we won't be able to achieve the goals set out in the Portland Promise.

For all of these reasons we need to have the work grounded in a dedicated leadership role. This 1.0 FTE role will focus on growth & retention of BIPOC staff, will be involved in our recruiting efforts, work as part of our educator mentoring team, and will support the diverse needs of BIPOC staff ranging from organizing affinity groups to helping navigate the certification process (\$100,008).

Creating intentional pathways to accelerate our current BIPOC staff into teacher and leadership roles in the district includes allowances for additional coursework to attain the necessary Maine DOE certification (\$59,520). Funds for fees and training are also budgeted for professional development, and the cost associated with testing and other teacher preparation work, as well as licensing for Educators Rising, a high school-based grow-your-own teacher program (\$13,700).

Other related diversity hiring and support costs include stipends and additional pay for staff who are engaged in the hiring process, career pathways through mentoring, instructional support and teaching, and for those who will lead new formalized affinity groups for our diverse staff. Finally, funds are being dedicated for staff who are engaged in linguistic and identity-based work that is being recognized, elevated and expanded due to the importance and impact of this work on our most marginalized students and families (\$92,812).

One of the things that the pandemic has magnified is the essential work that Parent Community Specialists do in serving multilingual families in Portland Public Schools. They ensure that families can access critical information that the district provides to them in a language that they speak, read, or write. They also act as culture brokers to bridge the cultural differences that can so easily lead to misunderstanding. They are trusted allies and important lifelines to families. As such, Parent Community Specialists feel obligated to respond even beyond work hours, particularly since many families work second or third shifts. Parent Community Specialists do their work above and beyond, despite being among the lowest paid employees in the district,

because they understand that education is an equalizer and that educational justice is embedded in the work they do every day.

To meet the demands of the job and to professionalize the role, we propose a 12-month work year (\$46,535) and an upgrade in their salary level (a total cost of \$87,072). A new job description that matches the actual work they already do is being developed. The additional four weeks would help us catch up with translations of documents such as policies, guidelines, and school handbooks, as well as provide educational workshops and orientation sessions for parents.

Investment	Director of Diversity, Equity and Inclusion	
Sponsor	Melea Nalli, Assistant Superintendent of Teaching & Learning	
FTE Additions	1.0 FTE	\$120,208
Non-FTE Additions	n/a	\$0
Reduced Costs	n/a	\$0
Total Budget Impact		\$120,208 or \$0.01 on the tax rate

FTE Detail

Position	Location	Total Cost (Salary & Benefits)
1.0 Director of Diversity, Equity and Inclusion	Academics	\$120,208
	Total	\$120,208

Narrative:

This proposed investment related to the Equity Goal of the Portland Promise seeks to move the position of Director of Diversity, Equity and Inclusion into the local operating budget. It has been fully grant-funded since its inception.

This position was established in 2017 as a cross district role initially funded by a grant from the J.T.Gorman foundation following the adoption of the Portland Promise. Over the last several years the position has been funded through a second J.T. Gorman Foundation grant, the Barr Foundation and Title IX funds (related to professional development). As the focus on equity has grown and expanded in the district so have the responsibilities of the position.

The Director of DEI advances equity related work and consults with all departments and schools to help hold us all accountable for bringing an equity lens to all that we do. Examples of the current responsibilities include: building system-wide equity literacy via Equity Leaders Cohort; designing and distributing resources that are responsive to equity related needs (e.g. n-word guidance); improving school and district climate through equity focused audits and action planning; supporting school and district staff with response to issues and current events; training new employees on foundational equity literacy via new employee orientation; ensuring alignment with equity related PPS policies including Transgender and Gender Expansive Students policy, Harassment, Discrimination and Sexual Harassment Policy and district Equity Policy (in draft); collaboration with Human Resources to ensure equitable hiring practices.

The Director of DEI is an essential role for advancing the equity goal in the district. Local and national foundations have enabled the district to launch the role and prove its worth. It is time to embed it in the local budget.

Investment	Integrating Innovations	
Sponsor	Melea Nalli, Assistant Superintendent of Teaching & Learning	
FTE Additions	2.0 FTE	\$216,879
Non-FTE Additions	n/a	\$0
Reduced Costs	n/a	\$0
Total Budget Impact		\$216,879 or \$0.03 on the tax rate

FTE Detail

Position	Location	Total Cost (Salary & Benefits)
1.0 Tech Integration Coordinator	Academics	\$123,400
1.0 Teacher Leader - Outdoor Learning	Academics	\$93,479
	Total	\$216,879

Narrative:

Outdoor Learning Coordinator (OLC): This Fall, Portland Public Schools sought to take teaching and learning outside. The intention behind this effort was to create safe, outdoor classroom sites on all our campuses for teachers and students to work together. It accomplished that goal--getting outside, but outdoor learning is so much more than just getting outside. The long term intention of the district is to continue nurturing, supporting and deepening these efforts long after Covid 19 dissipates. An OLC is needed to shepherd this work. PPS has built a great deal of momentum, locally and nationally, this position will allow the work to continue and grow. The OLC will help further the mission of outdoor learning, as well as, provide a hub where core curriculum, Equity, and SEL goals intersect with this type of learning to assist in fulfilling the vision of the Portland Promise. Please see this [job description](#) to see the roles and responsibilities of this position.

Tech Integration Coordinator: This fall, Portland Public Schools experienced an unprecedented leap in teachers integrating technology into their classrooms. Suddenly, all teachers, except for the very tech-savvy, were utilizing technology in ways that they never had before. There was a very steep learning curve. Some elementary teachers in Remote Academy, a new program that opened in September to meet the request for remote learning, needed tutorials on how to cut and paste or open a browser. Pre-K teachers learned how to engage 4-year-olds and their families remotely. Teachers in middle school and high school suddenly needed to lead remote and asynchronous classes with little training or support, except informally from their colleagues or through tutorials on youtube.

The learning, however, is not over. With a tech integration coordinator, we can capitalize on this moment, further our capacity and bring the district into the 21st Century. Without it, we will fall back to the tech-savvy, and not move forward into common and consistent practices. We believe a Tech Integration Coordinator is needed in order to codify what we learned, integrate the technology with our district's instructional vision, and provide intensive and ongoing professional development that teachers need to be able to use technology consistently.

Innovate K-12, a national consulting firm conducted an organizational review of the district's data and technology staffing and benchmarked it against national standards for technology support. Based on their assessment, the district should add 3 positions to support technology integration. This proposed investment is the first step in working toward that standard.

Investment	Pandemic Recovery - Physical and Mental Health	
Sponsor	Melea Nalli, Assistant Superintendent of Teaching & Learning	
FTE Additions	3.7 FTE	\$274,778
Non-FTE Additions	n/a	\$0
Reduced Costs	n/a	\$0
Total Budget Impact		\$274,778 or \$0.03 on the tax rate

FTE Detail

Position Addition	Location	Total Cost (Salary & Benefits)
0.5 Social Worker	Casco Bay High School The 0.5FTE social work position that was assigned to Casco Bay High School is being increased to 1.0 FTE to come into better alignment with the recommended ratios and to meet increased special education and mental health needs of students.	\$36,343
0.2 Social Worker	Presumpscot The 0.2 FTE social work addition is currently funded by Title I. It is included in the local budget this year because it is likely this will not be able to be funded by Title I this year given the ranking and distribution formula and the resulting funds that the school is entitled to. This move guarantees the school will maintain a full time social worker, which they currently have.	\$15,247
0.8 Social Worker	Talbot The 0.8 FTE social work addition is being included in the local budget, from Title I. It is included in the local budget this year because it is likely this will not be able to be funded by Title I this year given the ranking and distribution formula and the resulting funds that the school is entitled to. This move guarantees the school will maintain the three full-time social workers they currently have.	\$76,188

1.0 Social Worker	Lyseth The 1.0 FTE social work addition is being included for Lyseth Elementary School (currently 478:1) given the extremely high ratio of students to social worker.	\$65,004
0.5 Social Worker	Reiche Currently, Reiche has 1.0 social worker. The school has a high number of students experiencing homelessness, recently having experienced homelessness or at increased risk for experiencing homelessness. The 0.5 FTE social work addition is being included to support these students.	\$32,502
0.5 Social Worker	East End Currently, Reiche has 1.0 social worker for the school (and 1.0 Breathe Social Worker). The school has a high number of students experiencing homelessness, recently having experienced homelessness or at increased risk for experiencing homelessness. The 0.5 FTE social work addition is being included to support these students.	\$32,502
0.2 Nurse	Lyseth	\$16,992
	Total	\$274,778

Narrative:

Ratio Based Additions (CBHS and Lyseth)

School social workers are licensed professionals who consult and collaborate with students, families, colleagues, and community resources in areas that impact student learning. The primary role of the school social worker is to identify and assess needs through behavior assessment, counseling, and case management services and make appropriate referrals to community-based supports for assistance. It has become increasingly critical that we embrace and embed social and emotional support in our schools in an effort to reduce barriers to learning for our most vulnerable students.

It is recommended that school social work services are provided at a ratio of one school social worker to each school building serving up to 250 general education students, or a ratio of 1:250 students. When a school social worker is providing services to students with intensive needs, a lower ratio, such as 1:50, is suggested ([recommended ratios](#)).

While many of our schools do not meet (or come close to meeting) the recommended ratios, we are prioritizing two schools that are especially far from best practice national norms. CBHS has a slightly higher ratio of social worker to students as compared to the other high schools and does not have a 0.5 dedicated Breathe social worker like the other two high schools have. Their combined mental health supports need to be increased and this add means that they will have a full time social worker on site and available to students. We are also recommending an additional social worker for Lyseth, which is our largest elementary school and the furthest from the recommended ratios.

[Student: Mental Health Supports Ratios](#)

Moving Title I Social Work Costs into Local (Presumpscot and Talbot)

Presumpscot and Talbot have portions of their social work funded out of Title I. Given the nature of the rank and distribution formula and its application to these schools, we are concerned that we may not be able to fund these positions out of Title I this year and so this move is intended to ensure these positions stay full time for the future.

Increasing Social Work Support for Schools Serving High McKinney Vento Populations

East End Community School and Reiche receive the highest number of students experiencing homelessness, being at risk for homelessness, or having recently experienced homelessness. These 0.5 adds would provide much needed additional social work support for these schools serving these

Nurse Addition: A 0.2 FTE reflects a commitment to meet student health needs during the pandemic and beyond, while also increasing Lyseth School's nursing staff to a 1.0 FTE consistent with nursing staff at other schools throughout our district (with the exception of Cliff and Peaks Island Elementary Schools). Additions of 0.3 FTE at Lyseth, 0.4 at Peaks, and 0.1 at Presumpscot were approved as part of the FY21 budget process, and those increases have also been retained in the FY22 budget.